UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS
SECOND SESSION

VOLUME 148—PART 6

MAY 9, 2002 TO MAY 22, 2002
(PAGES 7221 TO 8749)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, SECOND SESSION

SENATE—*Thursday, May 9, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The guest Chaplain, Commissioner John Busby, of the Salvation Army, offered the following prayer:

Almighty God, we thank You for being the refuge and strength of our Nation during these last painful months. We praise You for the comfort You have given during our time of deepest need.

Faithful God, we ask Your blessing upon our Senators. Give them wisdom and compassion as they lead our country. Give them wisdom to see the deep physical and spiritual needs of many Americans. Give them courage to affirm that faith in You gives meaning to human life and that service to humanity is the best work we can do.

We humbly ask You to help the Members of the Senate make this great Nation greater. May we all realize that the prosperity we enjoy in the United States of America has come only by Your grace. Make us worthy stewards of that grace. Help us all to put into action Your greatest commandment to love God with all our heart, mind, strength and our neighbor as ourselves.

This we pray in the name of Jesus who set for us the example of service above self. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODMAN CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will be in a period of morning business until 10:30 a.m., with the time under the control of Senator STABENOW or her designee.

At 10:30 a.m. the Senate will proceed to executive session to consider four judicial nominations. At approximately 11:30 a.m. the Senate will proceed to vote on these nominations.

Following disposition of these nominations, the Senate will resume consideration of the trade bill.

MARY ANNE MOORE CLARKSON GIVES BIRTH

Mr. REID. Madam President, for all of us who work here on a daily basis, we congratulate Mary Anne Moore Clarkson who, last night, had a baby weighing more than 10 pounds. Mary Anne is here every day. We are excited for her and her husband. Some of us know she is Senator BYRD's granddaughter. We are excited for him and the entire family.

MEASURE PLACED ON THE CALENDAR—S. 2485

Mr. REID. Madam President, I understand S. 2485 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. I ask that the bill be read for a second time, and I will then object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2485) entitled the "Andean Trade Promotion and Drug Eradication Act."

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. When the Chair turns to a period for morning business, I ask unanimous consent the Senator from West Virginia, Mr. ROCKEFELLER, be recognized for up to 7 minutes. That will be out of Senator STABENOW's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 10 minutes each and with the time to be under the control of the Senator from Michigan, Ms. STABENOW, or her designee.

Under the previous order, the Senator from West Virginia is recognized.

STEEL

Mr. ROCKEFELLER. Madam President, yesterday the President made very clear what we have all known for a long time in steel country, and that is that he basically does not care whether the American steel industry

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

goes to Japan, Korea, Brazil, Russia, or some other place; that he is willing to see it go as an industry but, much more importantly in terms of my comments, that he is willing to consider perhaps TAA health care benefits for workers who have been destroyed by illegal importing problems. But steelworkers do not count. He specifically, in his statement of administration policy, said: I don't want steelworkers to have any health care retirement—retirement in the sense they do not have any more health benefits. I don't care about them. I want the RECORD to be crystal clear on that.

It is a sad position. It is a terrible day for steel. Somebody is going to get up today, they are going to make a motion, and it is going to be a point of order probably. I don't know when it will happen, who will do it, or how it will happen, but I want my colleagues to be aware of the situation.

Abandoning steelworkers, not allowing them to have health care coverage—we are only talking about 125,000 people as we start the process, none of whom, incidentally, is from the State I represent, the State of West Virginia. But they are just being excluded from the process.

TAA is a wonderful program. We recognize when people are thrown out of work due to imports, they need certain protections. Health care certainly needs to be one of those protections. Unfortunately, TAA does not cover, under its definition, retirees. It only covers active workers, not retirees.

You say retirees, that must be somebody who is in their seventies or eighties, and we should not be doing that here. But it is a very different situation in steel. A retiree in steel might be 35 years old, but the company went chapter 7. That means they turned out the lights, closed the door, pink slips, no health benefits, everything shut down—no bankruptcy problems, just no more existence.

The steelworkers go. They are called retirees, but in fact they are people, younger than average age, but out of health care.

I think it is outrageous. The steelworkers in fact were subjected to import surges which broke American Federal law, the 1974 Trade Act. Other countries did it at will. Our administration has refused to enforce that. So we have dumped steel, which has thrown people out of work. The administration then says: No, steelworkers cannot have health care benefits.

I do not understand how people come to think that way, what their value system is. But it is very clear in steel country that the President of the United States has abandoned the steelworkers of America and that he has abandoned people who have been already thrown out of work and who have no health care benefits, and have children to feed, even as he contemplates reluctantly the idea of doing health care benefits for other eligible active workers.

Let me say this. The President got a lot of credit in steel country for doing something called section 201. It was taking the dumping crisis, the illegal dumping crisis, before the International Trade Commission. He got a lot of credit for that. He pretty much had to do that, I would say—on political grounds, No. 1. But more importantly, the Finance Committee had already voted to do it. The Finance Committee has the same standing legally under the law as does the President, so it was going to happen anyway. So the result would have been the same. The International Trade Commission would have voted unanimously the steel industry was grievously injured by imports and people were hurting badly.

He did that knowing that it would make him somewhat popular in steel country because people were saying: Gee, we just solved the problem. It is not even the beginning of the problem. All that did was buy us time.

We have three steps we have to accomplish. One is we have to do section 201, which buys us time to consider health care costs, which we have to consider if we are going to have consolidation in the steel industry to preserve an American steel industry. It is sort of one of the great basic industries of this country.

We just passed a farm bill yesterday dumping billions and billions of dollars on farms for the hundredth consecutive year. Yet there was no consideration whatsoever for steelworkers. I find that very odd, even as my colleagues make these kinds of judgments.

So, No. 1, he did section 2101. He had to do that. He had no choice politically or procedurally. It just bought us some time. But we have to go on to retirement health care costs. He has washed his hands of that. He says: I want nothing to do with it. He actually writes in the statement of administrative—whatever the word is—practice that he particularly opposes the majority leader's amendment which would include retired steelworkers. He makes that very clear. He wants them cut out of the deal. He wants them excluded.

That is only 125,000 and would probably cost $200 million or $300 million.

I think the farm bill we passed yesterday was $100 billion over 10 years. The proportion in sort of the human dimension of this is rather extraordinary.

The President has also done a lot of tariff exclusions. He has taken a lot of countries out of section 201 that had to pay tariffs because they were illegally dumping steel in the United States and putting our workers out of work. He started to exempt different countries. He has different requirements for that—again, I think in violation of the spirit, if not the letter, of the 1974 Trade Act.

All of us have asked him to stop that. Again, he has washed his hands of steel. He has washed his hands, more importantly, of the steelworkers who can also be called human beings with families—people. It doesn't have to be an industry. They are called human beings. They are Americans. They pay taxes. They do things right. They work in a very dangerous industry. So do farmers. Is a farmer more vulnerable than a steelworker? I do not know. Maybe a farmer is, but not where I come from.

I very much regret this action on his part. Let me conclude by saying this: We now know that the President doesn't have a commitment to steelworkers and to the steel industry. We know he has no regard for how people's lives and entire communities are going to be affected. I have believed that for a long time. Now it is proven. It is clear. He is moving aggressively with the help of some of our colleagues, unfortunately—most of them on the other side but a couple on this side—to simply walk away from steelworkers.

I think that is a kind of betrayal by somebody who claimed to be a friend of the steel industry. The President and the Vice President were in steel country in my part of the world a number of times saying how important steel was to the national defense, how it is basic to Americans, and how they were not going to let them down. When push came to shove, they let them down. They made it very clear.

I want to be incisively precise about that as we start this Thursday so that the people of America understand that.

I don't understand sometimes how people make decisions and what their value systems are, and what kind of fairness is within the fair trade or free trade system. But I do know this: The administration has abandoned any semblance of fairness toward some very decent people in this country called steelworkers.

I thank the Presiding Officer. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I commend my colleague from West Virginia for his diligence and compassionate concern for our steelworkers.

Coming from Michigan, I share his deep disappointment and concern about the administration's position.

I know the Senator from West Virginia has been in the Chamber over and over again speaking up for our steelworkers. I thank him on behalf of the steelworkers in Michigan—those in the Upper Peninsula, those downriver in communities near Detroit, and those who were laid off for several months over the Christmas holidays as a result of the mines having to shut down because of the unfair dumping from other countries. Our steelworkers and mills have been affected.

I can't think of a more passionate advocate, and I am so proud to join with him in his continuing fight. I will be here with him in the Chamber as we do everything possible to make sure we remember the steelworkers, who have been the backbone of building this country, to make sure their health care costs are covered and they are recognized as we look at how we make trade fair in this country.

I thank the Senator.

PRESCRIPTION DRUGS

Ms. STABENOW. Madam President, I want to speak to an issue that relates to health care. I am so honored to join with our colleagues, particularly on this side of the aisle in the Democratic caucus, who continue to work very hard to bring a sense of urgency to the question of health care for our families, to health care insurance, and to affordability for our small businesses and family farmers and the larger business community.

We know today that one of the major costs economically and from a business standpoint—and certainly for families, and particularly for our seniors—is the whole question of being able to provide health care and being able to afford health care for our families.

We also know the major reason we are seeing health care costs rise relates to the uncontrollable increase in prescription drug coverage.

Today, I once again come to the floor to speak about the need for real action now.

I challenge and invite our colleagues on the other side of the aisle and those in the other Chamber who have come forward with principles—the Speaker of the House and those who will be speaking today about a plan—to join with us in something that is real and tangible.

Words are not going to buy prescriptions for seniors. We know there are seniors watching right now who are deciding today whether to pay that utility bill or eat supper tonight or do they do those other things which they need to do in order to have the quality of life we want for our parents and grandparents and older Americans of this country—or do they put all of their money into paying for lifesaving medications? That is not a good choice.

Shame on us for having a situation where seniors have to make that choice. Yet when we come to the floor, we talk about the need for a real Medicare prescription drug benefit. And when we talk about the need to lower prices for all of our families and lower prices for everyone so we have health care available for everyone in this country, we get more words than we get actions.

I am deeply concerned today as we look at what has been proposed by our colleagues on the other side of the Congress, our Republican colleagues in the House have said that they wish to lower the cost of prescription drugs now. Yet at the same time we see old proposals to do minimal kinds of discounts through discount cards and so on—things that are already available which folks want to take political credit for, maybe change the name or maybe put it under Medicare. But it doesn't do anything to actually lower the prices and make prescription drugs more available.

I am very concerned when we come forward with proposals that will, in fact, lower prices that we are not yet seeing the support.

We want that support to be there to be able to use more generic drugs when they are available after the patent has run out—the same drug and the same formulation—and at a lower price.

We want to have the ability to open our borders so we can get the best price of American-made drugs regardless of where they are sold around the world.

In Michigan, simply crossing the bridge to Canada, which is a 5-minute drive, cuts the price in half on American-made drugs. It is not right. We think when we are talking about fair trade we should open the border to the one thing that we don't have fair and open trade on; that is, prescription drugs.

We also know the fastest growing part of the cost of that prescription bottle is advertising costs, and that the top 11 Fortune 500 companies, last year, spent 2½ times more on advertising than research.

I was pleased to join with my colleagues earlier this week in introducing legislation to simply say: If you are doing more advertising than research, taxpayers are not going to subsidize it. We will allow you to deduct the amount of advertising and marketing that you do up to the level that you spend in research. We want more research. We want more innovative drugs. We do not want more market research; we want more medical research. So we propose items to lower costs to help everyone, right now, to lower those prices.

We also come forward saying it is time to update Medicare for today's health care system. When Medicare was set up in 1965, it covered the way health care was provided in 1965. If you went into the hospital, maybe you had a little penicillin, or maybe you had an operation in the hospital, and Medicare covered it.

Medicare is a great American success story. But health care treatments have changed. I have a constituent who showed me a pill he takes once a month that has stopped him from having to have open-heart surgery. It is a great thing: One pill a month. The pill costs $400. I said: I want to take a close look at that pill. I hope it is gold plated. But the reality is, that pill stops expensive open-heart surgery and allows this person to be able to continue living and enjoying a wonderful quality of life with his wife and family.

If he went in for that surgery, Medicare would cover it. They don't cover the pill. So that is what we are talking about. But we need this to be comprehensive.

When our colleagues come forward, and their second principle is guaranteeing all senior citizens prescription drug coverage, we say: Yes, come join with us. Let's make it real. But, unfortunately, when we run the numbers on what is being talked about—and the bill has not been introduced yet, but we have all kinds of information about what appears to be coming. From what we know, let me share with you some of the numbers.

If you are a senior or if you are disabled and you have a $300-a-month prescription drug bill, which is not uncommon, when you get all done with the copays and the premiums and the deductibles that they are talking about, you would end up, out of $3,600 worth of prescriptions, paying, out of pocket, $2,920. So less than 20 percent of your bill would be covered under Medicare.

That is not what we are talking about. That is not comprehensive coverage under Medicare. That is really a hoax. That is a proposal being put forward to guarantee all seniors prescription drug coverage that is words, not actions. Again, words will not pay the bills. Words will not guarantee that seniors get one more prescription covered, that they will get that blood pressure medicine, that they will get that cholesterol medicine, or make sure they have that pill that stops them from having to have that open-heart surgery.

So we come today to this Chamber to say: Yes, guarantee all seniors prescription drug coverage. But the proposal coming forward by the Speaker of the House, and those on the other side of this building, will not do it. Unfortunately, what is being talked about will add insult to injury because they are talking about paying for their less-than-20-percent coverage by another cut to hospitals.

I know the Presiding Officer from New York shares the same concern I have because I know hospitals in New York have been cut, hospitals in Michigan have been cut. My colleague from Florida is in the Chamber. I know he has the same stories—and our leader from Nevada. We know that whether it is rural hospitals or urban hospitals or suburban hospitals, they have had enough cuts under Medicare. It is unbelievable we would be talking about another cut for hospitals while they are proposing this minimal prescription drug benefit.

The other thing I find incredible is that they are talking about a copay of

$50 for home health visits. We already have seen dramatic cuts. We have had over 2,500 home health agencies close across this country because of the excessive cuts in home health care payments since 1997. Many of us have been saying: Enough is enough.

We cannot say that the home health help you need will cost more when we are trying to give a little bit of help with prescription drugs because it is the combination of home health care and prescription drugs that allows people to live at home when they have health care needs. It allows families to take care of mom or dad or grandpa or grandma, to make sure if someone is disabled and needs care at home, that they are not inappropriately placed into a nursing home or out-of-home care. The combination of home health care and affordable prescription medications will help our families care for their loved ones and help people to live in dignity at home.

So I find it incredible that you would have, first of all, a minimal proposal on prescription drugs coming forward, and then it would be coupled with the fact they are talking about cutting hospitals and copays for home health care to pay for it. This is an amazing situation to me.

We need to be strengthening Medicare, not undermining it. Many of the other parts of this proposal would turn Medicare over to private insurance companies. It would basically create a situation where the drug companies or insurance companies may believe they benefit but at the expense of our seniors.

I am going to yield a moment to my colleague from Florida, who I know cares deeply about this subject. I thank him for coming to the floor today to join me, as we rise to say to our Republican colleagues in the House of Representatives: Come join with us. Come join with us to make sure we can, in fact, put the words into action. Words are not enough. We need comprehensive Medicare prescription drug coverage. We need to lower prices now.

I yield time to my colleague from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. I thank the Senator from Michigan for yielding. I want to underscore a number of the remarks the Senator from Michigan made—this issue of health care, home health care, and prescription drugs.

I start my comments by saying, has the Bush administration taken leave of its senses with regard to a number of these proposals? What the Senator from Michigan has just said in relation to copayments for home health care, home health care is something we want to encourage. Home health care is certainly an alternative to being in a nursing home from a cost standpoint. It is certainly a cost incentive as an alternative to being in a hospital. But home health care, if it is the right kind of medical care, is also a lot better quality of life for the patient than having to be in a nursing home or a hospital, if that is the appropriate medical care, because they are surrounded by family in their home.

The Bush administration now wants to propose a new copayment. Therefore, for senior citizens who are having difficulty paying medical bills as it is, because Medicare does not cover everything, now the Bush administration wants, in fact, them to pay more in order to be eligible for home health care? Have they taken leave of their senses?

Take, for example, what the Senator mentioned on prescription drugs. The Bush administration is saying: Oh, we want a prescription drug benefit. Well, certainly all of us do. Why? Because Medicare was set up in 1965 when health care was organized around acute care in hospitals. But 37 years later, health care is a lot different. Thank the Good Lord for the miracles of modern medicine.

So to provide those miracles of modern medicine—otherwise known as prescription drugs—to our senior citizens, we ought to be modernizing Medicare by adding a prescription drug benefit.

The administration says: Yes, we want it. But they are saying, $190 billion over 10 years. That is a drop in the bucket.

The ACTING PRESIDENT pro tempore. Time for morning business has expired.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I may proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, that would be fine. It may necessitate having the vote at 5 after rather than on the hour.

Mr. LEAHY. I have no objection, provided we then still keep the period of time prior to the next vote the same amount of time and the vote will have to slip 5 minutes.

Mr. REID. I say to my friend from Florida, I also got a nod from the minority that that is fine. We will ask that the vote be scheduled for 5 after 11 and that the Senator from Florida be recognized for an additional 5 minutes—I am sorry, 11:35.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. I thank my colleagues. They are very generous with the time. I thank the Chair.

I was talking about prescription drugs and providing a realistic prescription drug benefit by modernizing Medicare. We talked about a level in the last campaign. This was a primary topic of concern. In every television debate I had, this issue came up. The level we were talking about was in the range of $300 to $350 billion for a prescription drug benefit over a 10-year period.

The fact is, the escalating cost of prescription drugs is going to be more than that. Of course, with a budget that now has no surplus—we had about 14 months ago an ample surplus for the next decade—it is going to be very difficult. But we are going to have to face that fact. And don't talk about window dressing of $190 billion over a decade because that is not going to cut it. For example, why don't we step up to the plate on Medicare reimbursement? Look at the doctors and the hospitals that are having difficulty making it because Medicare is not reimbursing on a realistic payment schedule. We are going to have to address that.

I say to my colleague from the great State of Michigan, the fact is, eventually this country is going to have to face the fact of health care reform in a comprehensive way. What are we going to do about 44 million people in this country who don't have health insurance? The fact is, they don't have health insurance, but they get health care. They get it at the most expensive place, at the most expensive time; that is, when they get sick. They end up in the emergency room, which is the most expensive place at the most expensive time because without preventative care, when the sniffles have turned into pneumonia, the consequence is that the costs are so much higher.

Ms. STABENOW. Will my colleague be willing to yield for a moment?

Mr. NELSON of Florida. Certainly.

Ms. STABENOW. He raises such an important point about prevention. That is why I know we care so much about the issue of prescription drugs. By making prescription drugs available on the front end, that is part of that prevention, along with comprehensive care, making sure that people are able to receive the medicine they need before they get deathly sick and need to go into a hospital or need an operation.

My colleague raises such an important point, and it is one of the reasons we are working so hard to make Medicare available with prescription drugs and to also lower the prices for everyone. Part of that prevention is making sure that seniors have access to the medicine they need to prevent more serious injuries and illnesses from happening.

Mr. NELSON of Florida. And comprehensive health care reform has to deal with the 40-plus million who don't have health insurance by creating a system whereby they are covered. That then allows the principle of insurance to work for you because the principle of insurance is that you take the largest possible group to spread the health risk, and when you do that, you bring down the per-unit cost. Thus, any comprehensive plan is going to have to have pooling of larger groups. It is going to have to have consumer choice. It is going to have to have free market competition to get the most efficiency, and it is going to have to have universal coverage.

I thank the Chair for the opportunity to join the debate on prescription drugs.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATIONS OF LEONARD E. DAVIS TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS; ANDREW S. HANEN TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS; SAMUEL H. MAYS, JR. TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE; THOMAS M. ROSE TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:35 having arrived, the Senate will now go into executive session and proceed to the consideration en bloc of Executive Calendar Nos. 811, 812, 813, and 814, which the clerk will report.

The assistant legislative clerk read the nominations of Leonard E. Davis, of Texas, to be U.S. District Judge for the Eastern District of Texas;

Andrew S. Hanen, of Texas, to be U.S. District Judge for the Southern District of Texas;

Samuel H. Mays, Jr., of Tennessee, to be U.S. District Judge for the Western District of Tennessee;

Thomas M. Rose, of Ohio, to be U.S. District Judge for the Southern District of Ohio.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate on the nominations, to be equally divided between the chairman and ranking member of the Judiciary Committee or their designees.

The Senator from Vermont.

Mr. LEAHY. Madam President, today the Senate is considering, as the Chair has reported, four more of President Bush's judicial nominees. We will begin voting on those nominees in about an hour.

I rarely predict the outcome of votes in the Senate. Having been here 28 years, I have had enough chances to be wrong in my predictions, but I will predict, with a degree of certitude, that these will be another four of President Bush's judicial nominees that we will confirm.

These confirmations demonstrate, as has been demonstrated with each of the judges we have confirmed in the past ten months, with the exception of one, that we have taken up nominees in the Senate Judiciary Committee, that they have gone through the committee and, when they have reached the floor, have been confirmed.

Democrats have demonstrated over and over again that we are working with the President on fundamental issues that are important to this country, whether it is our support for the war on terrorism, support for strong and effective law enforcement, or our effort to work collaboratively to lower judicial vacancies.

For a bit of history, when the Democrats took over the full Judiciary Committee in July of last year, there were 110 vacancies. My Republican colleagues had not held any judicial confirmation hearings at all prior to the time we took over, despite the fact that there were a number of pending nominations when they first came into power. Then there were, of course, nominations that President Bush sent to the Senate in May. But as of July, when we took over, the Republican-controlled committee had not held any hearings. Ten minutes after we took over the committee and I became chairman, we announced hearings on a number of the President's nominees.

I mention this to put in perspective that we have tried to move quickly. We inherited 110 vacancies. Interestingly enough, most of the vacancies occurred while the Republicans were in control of the Senate, notwithstanding the fact that former President Clinton had nominated people to fill most of those vacancies. But those nominees were never given a hearing. They were never allowed, under Republican leadership, to go forward.

Last Friday, when the Democratic Senators were out of town on a long planned meeting, President Bush spoke about what he now calls the "judicial vacancy crisis." I was disappointed that the White House speech writers chose a confrontational tone and tried to blame the Democratic Senate majority, which has actually been the majority in the Judiciary Committee for only about 10 months.

The fact is, we inherited 110 judicial vacancies on July 10, 2001. The fact is, the increase in vacancies had not occurred on the watch of the Democratic Senate majority but in the period between January 1995 and July 2001, when the Republican majority on the committee stalled President Clinton's moderate nominees and overall vacancies rose by almost 75 percent—from 63 to 110. That is what we inherited because the other side would not hold hearings. Vacancies on the courts of appeals rose even more. They more than doubled, from 16 to 33.

I don't expect President Bush to know these numbers or to be that involved with them. But his staff does, and when they write his speeches, they ought to do him the favor of being truthful. They ought to know that the Federal judiciary is supposed to be independent and outside of partisan political battles, and they should not have drawn him into one, which makes it even worse.

It is bad enough when Republicans in the Senate threaten and seek to intimidate on this issue, but we are now being threatened with a shutdown of the Senate's business, a shutdown of committee hearings, a refusal to work together on unemployment, trade, and other important matters. It was bad enough when they utilized secret holds and stalling tactics in considering President Clinton's moderate judicial nominees, but now they bemoan the judicial vacancies that were created and take no responsibility for creating these vacancies. They seek to blame others. It is really too bad that the White House now appears to be rejecting all of our efforts—and they have been significant—at reconciliation and problem solving. Instead, the White House has joined the partisan attack.

The fact is, since last July, when we took over the majority, we have been working hard to fill judicial vacancies. We have had more hearings on more judicial nominees and confirmed more judges than our Republican predecessors ever did over any similar period of time. Actually, it is hard to know when there was a similar period in time. The Senate and the Judiciary Committee had to work in the aftermath of the attacks of September 11 and we kept on meeting. We were in this Chamber on September 12. We had the anthrax attacks on the Senate, on Majority Leader DASCHLE and, I hate to say, one on me, as chairman of the Senate Judiciary Committee. The New York Times reported it as the most deadly of all. While working to fill judicial vacancies, we were also approving executive branch nominees—Attorney General Ashcroft and others—and we were considering the Antiterrorism Act.

In my 28 years here, I have never known a time when the Judiciary Committee, or any committee, was hit with so many things that it had to do in such a short period of time and under so much pressure. The Hart Building, housing half of the Senators, was closed down. At times, this building was closed down. Senator DASCHLE and I and our staffs were under actual physical attacks with the anthrax letters. I mention that because this afternoon we are going to hold our 18th hearing for judicial nominees within 10 months—unless, of course, the other side objects to our proceeding.

By the end of today, the Senate will have confirmed 56 new judges, including 9 to the courts of appeals, within the last 10 tumultuous months—an all-time record.

I am sorry that the White House and our Republican colleagues do not acknowledge our achievements but choose, instead, to only criticize. I regret that the White House and our Republican colleagues will not acknowledge that the obstructionism of the Republican Senate majority between 1996 and 2001 is what created what they now term a "vacancy crisis."

When they were engaged in those tactics, some Republicans defended their record then by arguing that 103 vacancies was not a crisis. They actually did that. They said in an op-ed piece that having 103 vacancies was not a crisis. They let it go to 110.

The Democratic majority has cut back those vacancies. We have not only kept up with attrition, we have cut them back. Under a Democratic President, some Republicans said 103 vacancies was not a crisis, but now, with a Republican President, they say that 84 vacancies is a crisis—even as we confirm judges at a record pace.

I have been here with six Presidents—Republican and Democrat. I have never seen a time when any White House has made the issue of the makeup of the Federal judiciary such a partisan issue. I am a lawyer, as is the distinguished Presiding Officer. I have argued cases before Federal courts, both at the district level and at the appellate level.

One thing I have always known when I walked into a Federal court in America is that it is an impartial court, where you are not looked at as a Republican or a Democrat, whether you are rich or poor, whether you are white or black, plaintiff or defendant, or liberal, conservative or moderate. You can always go into a Federal court here and think that you will be treated on the merits of your case. That is why I regret the lack of balance and the bipartisan perspective that was lacking in the President's speech and in the comments of some of my colleagues.

The Senate would do a disservice to the country if we allowed ideological court packing of the left or the right, if we were to put a stamp on Federal courts and say: "He who enters here, if you do not fit the ideological rubber stamp of this court, if you cannot respond and say you fit in a certain mold, according to the speeches of the President's advisers—a very narrow ideological spectrum—forget about it when you come in here." If anybody would take time to read a history book, they would understand that it is the Senate's role to ensure that the judges it confirms meet the standards for impartiality and fairness.

A very popular President, a wartime President, Franklin Delano Roosevelt, a revered President, tried to pack the courts, and the Senate said: no, you cannot do that. Every historian will tell you today: Thank goodness the Senate has stood up to a popular wartime President and said you cannot pack the courts because it would destroy the independence of the Federal judiciary.

I say this because sometimes we sit here and think we have to decide on issues just for today. We have a responsibility in the Senate to decide issues for history's sake and for the good of this country. I want to know that each one of us can go back to our constituents and say that we have preserved an independent judiciary. That does not mean just all one party. I have voted for hundreds upon hundreds of judges who stated that they were Republicans. I have voted for hundreds of judges nominated by Republican Presidents. But I will not allow an ideological shift one way or the other on the courts.

I have voted for judges whom I know have a different personal view on the right-to-life issues than I and who have taken different positions on the death penalty. But I knew they would be fair judges. I will continue to do that. That is our responsibility as Senators to our country, to the judiciary, and to history.

With today's votes, the number of Federal judges confirmed since the change in Senate majority 10 months ago now totals 56. Under Democratic leadership, the Senate has confirmed more judges in 10 months than were confirmed by the Republican-controlled Senate in the 1996 and 1997 sessions combined. We have accomplished in less than 1 year what our predecessors and critics took 2 years to do. It took a staunchly Republican majority 15 months working closely with the Reagan administration to reach this number of confirmations, confirmations we have achieved in just 10 months.

Of course the "anniversary" of the reorganization of the Judiciary Committee after the shift in majority last year is not until July 10, more than 2 months from now. On July 10 last year we inherited 110 judicial vacancies, including 33 on the courts of appeals. Since then, 30 additional vacancies, including 5 on the courts of appeals have arisen. This is an unusually large number. Nonetheless, through hard work and great effort, the Democratic majority in the Senate has proceeded with 17 hearings involving 61 judicial nominees, the committee has voted on 59 nominees, and, today, the Senate is set to hold its 18th hearing involving four more judges and to approve four more new judges—bringing the working total to 56 confirmations in just 10 months.

The number of judicial confirmations over these past 10 months, 56, exceeds the number confirmed in 4 out of 6 full years under recent Republican leadership, during all 12 months of 2000, 1999, 1997, and 1996. And we have confirmed more judges at a faster pace than for all the years of Republican control.

Fifty-six confirmations exceeds the number of confirmations in the first year of the Reagan administration by a Republican Senate majority. It is almost double the number of confirmations in the first year of the Clinton administration by a Democratic Senate majority. And it is more than triple the number of judges confirmed for the George H.W. Bush administration by a Senate of the other party. In fact, with 56 confirmations for President George W. Bush, the Democratic-led Senate has confirmed more judges than were confirmed in 7 of the 8 whole years of the Reagan administration, that Senator HATCH acknowledges as the all-time leader in judicial appointments.

The confirmations of Justice Leonard Davis, Andrew Hanen, Samuel Mays, and Judge Thomas Rose today illustrate the progress being made under Democratic leadership, and the fair and expeditious way in which we have considered nominees. Many of the vacancies that will be filled by today's votes arose during the Clinton administration and are a prime and unfortunate legacy of recent Republican obstructionist practices.

The confirmations of Justice Davis and Mr. Hanen will make the third and fourth district court judgeships we have filled in Texas and the eighth and ninth judgeships we have filled overall in the Fifth Circuit since I became chairman last summer. Included among those confirmations is the first new judge for the Fifth Circuit in 7 years.

On February 5, the Senate confirmed, by a vote of 93 to 0, Judge Philip Martinez of Texas to fill a judicial emergency vacancy on the District Court for the Western District of Texas. On March 18, the Senate confirmed, by a vote of 91 to 0, Robert (Randy) Crane to fill a judicial emergency vacancy on the District Court for the Southern District of Texas. The Senate has confirmed Judge Kurt Engelhardt and Judge Jay Zainey to fill vacancies on the District Court for the Eastern District of Louisiana. The Senate has confirmed Judge Michael Mills to fill a vacancy on the District Court for the Northern District of Mississippi. Despite the unfounded claim of some Republicans that the Senate will not confirm conservative Republicans, these nominees were all confirmed and treated more fairly and expeditiously than many of President Clinton's nominees for the Federal Bench.

Mr. Hanen was nominated to fill the vacancy created by the retirement of Judge Filemon B. Vela in May 2000. I recall just 2 years ago when Ricardo Morado, who served as mayor of San Benito, TX, was nominated to fill this vacancy in the Southern District of Texas and never received a hearing from the Republican-controlled Senate. President Clinton nominated Ricardo Morado on May 11, 2000, and his nomination was returned to President Clinton without any action on December

15, 2000. In filling a judicial emergency vacancy that has been pending for more than 700 days, Mr. Hanen will be the 17th judicial emergency vacancy that we have filled since July and the 10th since the beginning of this session.

With the confirmation of Mr. Hansen, there will no longer be any vacancies on the District Court for the Southern District of Texas, a Court which has faced an extraordinary caseload and has the third highest number of filings of criminal cases in the country. With Judge Crane and Judge Hanen, we have provided much needed help to this court.

It was not long ago when the Senate was under Republican control, that it took 943 days to confirm Judge Hilda Tagle to the United States District Court for the Southern District of Texas. She was first nominated in August 1995, but not confirmed until March 1998. When the final vote came, she was confirmed by unanimous consent and without a single negative vote, after having been stalled for almost 3 years. I recall the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing and was never acted upon, while his nomination languished for over two years. These are district court nominations that could have helped respond to increased filings in the trial courts if acted upon by the Senate over the last several years. In addition to these nominees, the Republican-led Senate failed to provide any hearings on nominees to the Court of Appeals for the Fifth Circuit, which includes Texas, during the entire 6 years of their majority in the Clinton administration.

Many of the vacancies in the Fifth Circuit are longstanding. For example, despite the fact that President Clinton nominated Jorge Rangel, a distinguished Hispanic attorney, to fill a fifth circuit vacancy in July 1997, Mr. Rangel never received a hearing and his nomination was returned to the President without Senate action at the end of 1998. On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill a vacancy on the fifth circuit but that nominee never received a hearing either. When President Bush took office last January, he withdrew the nomination of Enrique Moreno to the fifth circuit.

The surge of vacancies created on the Republicans' watch is being cleaned up under Democratic leadership in the Senate. The Senate received Justice Davis's and Mr. Hanen's nominations the last week in January. Their ABA peer reviews were not received by the committee until late March and early April. Both participated in a confirmation hearing on April 25, were considered and reported by the committee last week and are being considered and confirmed by the Senate today.

Justice Davis has been serving as Chief Justice of the Court of Appeals in Tyler, TX, since 2000 and has extensive experience practicing as a litigator before State and Federal courts. Mr. Hanen has legal experience working as a civil trial attorney and in private practice for over 20 years, and has been a leader in establishing programs to serve the needs of the disadvantaged.

The confirmations of Mr. Mays of Tennessee and Judge Rose of Ohio, will fill two judgeships in the sixth circuit. They will make the fourth and fifth district court judgeships we have filled overall in the sixth circuit since I became chairman last summer, including the three earlier confirmations from Kentucky.

The Sixth Circuit Court of Appeals currently has eight vacancies, many of which are longstanding. Six of those vacancies arose before the Judiciary Committee was permitted to reorganize after the change in majority last summer. None, zero, not one of the Clinton nominees to those vacancies on the sixth circuit received a hearing by the Judiciary Committee under Republican leadership.

One of those seats has been vacant since 1995, the first term of President Clinton. Judge Helene White of the Michigan Court of Appeals was nominated in January 1997 and did not receive a hearing on her nomination during the more than 1,500 days before her nomination was withdrawn by President Bush in March of last year. Kathleen McCree Lewis, a distinguished lawyer from a prestigious Michigan law firm, also did not receive a hearing on her 1999 nomination to the sixth circuit during the years it was pending before it was withdrawn by President Bush in March 2001. Professor Kent Markus, another outstanding nominee to a vacancy on the sixth circuit that arose in 1999, never received a hearing on his nomination before his nomination was returned to President Clinton without action in December 2000.

Some on the other side of the aisle held these seats open for years for another President to fill, instead of proceeding fairly on consensus nominees. Some were unwilling to move forward knowing that retirements and attrition would create four additional seats that would arise naturally for the next President. That is why there are now eight vacancies on the sixth circuit. That is why it is half empty or half full.

Long before some of the recent voices of concern were raised about the vacancies on that court, Democratic Senators in 1997, 1998, 1999, and 2000 implored the Republican majority to give the sixth circuit nominees hearings. Those requests, not just for the sake of the nominees but for the sake of the public's business before the court, were ignored. Numerous articles and editorials urged the Republican leadership to act on those nominations. Fourteen former presidents of the Michigan State Bar pleaded for hearings on those nominations.

The former chief judge of the sixth circuit, Judge Gilbert Merritt, wrote to the Judiciary Committee chairman years ago to ask that the nominees get hearings and that the vacancies be filled. The chief judge noted that, with four vacancies—the four vacancies that arose in the Clinton administration—the sixth circuit "is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court." He predicted:

> By the time the next President is inaugurated, there will be six vacancies on the court of appeals. Almost half of the court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.

Nonetheless, no sixth circuit hearings were held in the last 3 years of the Clinton administration, despite these pleas. Not one. Since the shift in majority the situation has been exacerbated as two additional vacancies have arisen.

With our April 25 hearing on the nomination of Judge Gibbons to the sixth circuit, we held the first hearing on a sixth circuit nomination in almost 5 years. And, with the confirmations of Judge Rose and Mr. Mays, we have now confirmed all the nominees to the district courts in the sixth circuit for whom we have received nominations. I note that the White House has still not sent nominees for the six remaining vacancies that exist on the district courts in the sixth circuit.

As our action today demonstrates, again, we are moving at a fast pace to fill judicial vacancies with nominees who have strong bipartisan support. Partisan critics of these accomplishments ignore the facts. The facts are that we are confirming President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party.

The rate of confirmation in the past 10 months actually exceeds the rates of confirmation in the past three presidencies. For example, in the first 15 months of the Clinton administration, 46 judicial nominees were confirmed, a pace on average of 3.1 per month. In the first 15 months of the first Bush administration, judges were confirmed at a pace of 1.8 judges per month. Even in the first 15 months of the Reagan administration, when a staunchly Republican majority in the Senate was working closely with a Republican President, 54 judges were confirmed, a pace of 3.6 per month. In fewer than 10 months since the shift to a Democratic majority in the Senate, President

George W. Bush's judicial nominees have been confirmed at a rate of 5.6 judges per month, a faster pace than for any of the past three Presidents.

During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year—a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past 10 months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. As of today, we have confirmed 56 judicial nominees in fewer than 10 months. This is more than twice as many confirmations as George W. Bush's father had over a longer period—27 nominees in 15 months—than the period we have been in the majority in the Senate.

The Republican critics typically compare apples to oranges to mischaracterize the achievements of the last 10 months. They complain that we have not done 24 months of work in the 10 months we have been in the majority. Ironically, with today's confirmations, we even meet that unfair standard: Within the last 10 months we have confirmed more judges than were confirmed by the Republican majority in the entire 1996 congressional session and in all of 1997 combined—we have now exceeded their 2-year figure in 10 months.

A fair examination of the rate of confirmation shows that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years. The double standards asserted by Republican critics are just plain wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the district courts and the courts of appeals. Well, the Democratic majority in the Senate has not only been keeping up with attrition but outpacing it, and we have started to move the vacancies numbers in the right direction—down. By contrast, from January 1995 when the Republican majority took over control of the Senate until July 2001, when the new Democratic majority was allowed to reorganize, Federal judicial vacancies rose by almost 75 percent, from 63 to 110. When Members were finally allowed to be assigned to committees on July 10, we began with 110 judicial vacancies.

With today's confirmations of Justice Davis, Mr. Hanen, Judge Rose, and Mr. Mays, we have reduced the overall number of judicial vacancies to 84. Already, in fewer than 10 months in the majority, we more than kept up with attrition and begun to close the judicial vacancies gap that grew so enormous under the Republican majority. Under Democratic leadership, we have reduced the number of district court vacancies by nearly 30 percent and the overall number of judicial vacancies by nearly 25 percent.

Overall, in 10 months, the Senate Judiciary Committee has held 17 hearings involving 61 judicial nominations and is scheduled this afternoon to hold its 18th hearing today involving four more judicial nominees. That is more hearings on judges than the Republican majority held in any year of its control of the Senate—twice as many as they held during some full years. Recall that one-sixth of President Clinton's judicial nominees—more than 50—never got a committee hearing and committee vote from the Republican majority, which perpetuated long-standing vacancies into this year.

Despite the new-found concern from across the aisle about the number of judicial vacancies, no nominations hearings were held while the Republicans controlled the Senate during the first half of last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of district and circuit vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the fist hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the committee was assigned new members.

That initial hearing included two district court nominees and a court of appeal nominee on whom the Republican majority had refused to hold a hearing the year before. Within 2 weeks of the first hearing, we held a second hearing on judicial nominations that included another court of appeals nominee. I did try to schedule some district court nominees for that hearing, but none of the files of the seven district court nominees pending before the committee was complete. Similarly, in the unprecedented hearings we held for judicial nominees during the August recess, we attempted to schedule additional district court nominees but we could not do so if their paperwork was not complete. Had we had cooperation from the Republican majority and the White House in our efforts, we could have held even more hearings for more district court nominees. Nevertheless, including our hearing scheduled for this week, in 10 tumultuous months, the committee will have held 18 hearings involving 65 judicial nominations.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny committee consideraiton of judicial nominees. We are moving away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to hold additional hearings and make additional progress on judicial nominees. In our efforts to address the number of vacancies on the circuit courts we inherited from the Republicans and to respond to what the President, Vice President CHENEY and Senator HATCH now call a vacancy crisis, the committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation. The Senate should not and will not rubber stamp nominees who would undermine the independence and fairness of our Federal courts. It is our responsibility to preserve a fair, impartial and independent judiciary for all Americans, of all races, all religions, whether rich or poor, whether Democrat or Republican.

Some on the other side of the aisle have falsely charged that if a nominee has a record as a conservative Republican, he will not be considered by the committee. That is simply untrue. Take, for example, the nomination of Mr. Mays. Mr. Mays has been involved in more than 50 political campaigns on behalf of Republican candidates for President, Senate, Governor, and local offices. He is a member of the Republican National Lawyers Association. He was a delegate to the Republican National Convention in 2000, and he was on the Executive Committee of the Tennessee Republican Party from 1986 through 1990. Thus, it would be wrong to claim that we will not consider President George W. Bush's nominees with conservative credentials. We have done so repeatedly.

The next time Republican critics are bandying around charges that the Democratic majority has failed to consider conservative judicial nominees, I hope someone will ask those critics about Mr. Mays, or all the Federalist Society members and Republican Party activists this Senate has already confirmed. I certainly do not believe that President Bush has appointed 56 liberal judges and neither does the White House.

The committee continues to try to accommodate Senators from both sides of the aisle. The court of appeals nominees included at hearings so far this year have been at the request of Senators GRASSLEY, LOTT, SPECTER, ENZI, SMITH, and THOMPSON, six Republican Senators who each sought a prompt hearing on a court of appeals nominee who was not among those initially sent to the Senate in May 2001.

The whipsawing by the other side is truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve problems in one circuit, they complain that we are not acting in another. Since these multiple problems arose on their watch while they were in the majority, it is a bit like the arsonist who complains that the local fire department is not responding fast enough to all of his destructive antics.

I imagine that today we will be hearing a refrain about the most controversial of President Bush's nominees who have not yet participated in a hearing. Some of them do not have the necessary home-State Senate support needed to proceed. Some will take a great deal of time and effort for the committee to consider. In spite of all we have done and all we are doing, our partisan critics will act as if we have not held a single hearing on a single judicial nominee. They will not acknowledge their role in creating what they now call a judicial vacancies crisis. They will not apologize for their harsh tactics in the 6½ years that preceded the shift in majority. They will not acknowledge that the Democratic majority has moved faster on more judges than they ever did. They will not acknowledge that we have been working at a record pace to seek to solve the problems they created.

Each of the 56 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the committee. Today's confirmations make the 53rd through 56th judicial nominees to be confirmed since I became chairman last July. I would like to commend the members of the Judiciary Committee and our Majority Leader Senator DASCHLE and Assistant Majority Leader Senator REID for all of their hard work in getting us to this point. The confirmation of the 56th judge in 10 months, especially these last 10 months, in spite of the unfair and personal criticism to which they have each been subjected, is an extraordinary achievement and a real example of Democratic Senators acting in a bipartisan way even when some on the other side have continued to make our efforts toward progress as difficult as possible.

I again invite the President to join with us to fill the remaining judicial vacancies as quickly as possible with qualified, consensus nominees, nominees chosen from the mainstream and not for their ideological orientation, nominees who will be fair and impartial judges and will ensure that an independent judiciary is the people's bulwark against a loss of their freedoms and rights.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am grateful for this opportunity to talk about some of the things that are going on with regard to judges.

I believe that my chairmanship of the Senate Judiciary Committee and the record we established during the Clinton administration have been viciously attacked through the last number of months. There seem to be a number of illusions floating around Capitol Hill relating to this committee's handling of judges during my tenure.

I am here to set the record straight. I am here to help everybody else know what that record is.

The Democrats are in power. They set the pace and agenda for such nomination hearings, and they have a right to do so. I want to shine a candle through five points that never seem to have seen the light of day in past discussions of confirmations.

First, there is a seemingly immortal myth around here that it was the Republicans who created the current vacancy crisis by stalling President Clinton's nominees. That is purely and unmistakably false. The fact is, the number of judicial vacancies decreased by 3 during the 6 years of Republican leadership while I was chairman over what it was when the Democrats controlled.

There were 70 vacancies when I became chairman of the Judiciary Committee in January of 1995 and President Clinton was in office, and there were 67 at the close of the 106th Congress in December 2000 and the end of President Clinton's Presidency. The Republicans did not create or even add to the current vacancy crisis.

Each Member of this Senate is entitled to his or her opinion on what happened, but not to his or her own set of facts. Enron-type accounting should not be employed regardless of which liberal interest group is insisting on it when we are talking about something as serious as our independent judiciary.

Second, there has been considerable sleight of hand when it comes to the true overall record of President Clinton's nominations. I worked well with President Clinton. I did everything in my power to help him with his nominations. One person does not control everything, but I did everything I knew how.

The undisputed fact is that Republicans treated a Democratic President equally as well as they did a Republican. We did not use any litmus tests, regardless of our personal views, whether it was abortion, religion, race, or personal ideology. I am disappointed to note that seems to be precisely what is happening with the Democrat-controlled Senate now.

Let's be honest and look at the facts. During President Clinton's 8 years in office, the Senate confirmed 377 judges, essentially the same as, only 5 fewer than, the all-time confirmation champion, Ronald Reagan, who had 382. President Reagan enjoyed 6 years of his own party controlling the Senate, while President Clinton had only 2. President Clinton had to put up with 6 years of a Republican-controlled Senate.

This proves that the Republicans did not let partisanship get in the way of principle when it came to judicial nominations. True, there were individual instances where a handful of nominees did not move, but it was nothing like the systematic and calculated stalling tactics being employed by this Democratic Senate to stop President Bush's highly qualified nominees.

At this point, I should also add the Clinton nominees we confirmed were no mainstream moderates as some of us have been led to believe. We confirmed nominees—and I am going to mention four—in one circuit; all four were moved up to the Ninth Circuit Court of Appeals. We confirmed Ninth Circuit nominees such as Judge Marcia Berzon, Judge Richard Paez, Judge Margaret Morrow, and Judge Willie Fletcher, and I could go on down the line. These nominees were confirmed with my support as chairman. I can tell you not a single one of these would be characterized, by any measure of the imagination, as nominees with political ideology within the moderate mainstream. I have personal political views almost completely opposite them, but they were confirmed.

I applied no litmus test to them. I reviewed them on their legal capabilities and qualifications to be a judge, and that is all I am asking from the Democrat majority. That is not what is happening. It is clear there is this wholesale, calculated, slow-walking of President Bush's nominees and particularly for the circuit court nominees.

Last year on this very day, May 9, we had 31 vacancies in the circuit courts of appeals. Today there are 29—2 fewer. We are not making a lot of headway on these very important circuit court nominations.

I might add, yes, it took a lengthy period to go through some of these nominees. Sometimes it was because objections were made; sometimes it was because of further investigation that had to occur; sometimes it was just because I had to fight with my own caucus to get them through. But they did get through.

The third point I wish to make is that an illusion has been created out of thin air that the Republicans left an undue number of nominees pending in a committee without votes at the end of the Clinton administration. Again, more Arthur Andersen accountings. Get ready for the truth.

There were 41 such nominees—I repeat, 41—which is 13 fewer than the 54 whom Democrats who controlled the Senate in 1992 left at the end of the first Bush administration. That is 41 under my chairmanship and 54 under the Democrat-controlled Senate in 1992, at the end of the first Bush administration.

My fourth point is, as you can see from this particular chart, I believe President Bush is being treated very unfairly. I will try to point this out.

President Reagan and the first President Bush got all of their first 11 circuit court nominees confirmed. All 11 were confirmed well within one year of their nominations. This is a stark contrast to today: 8 of current President Bush's first 11 nominations are still pending without a hearing, despite being here for a whole year at the end of yesterday. All have their ABA ratings. All are rated either well qualified, the highest rating possible, or qualified, a high rating, and all but one have their home State Senators' support, and that one is a North Carolina nominee for whom Senator EDWARDS has yet to return a blue slip.

I might add that the North Carolina nominee was nominated in the first Bush administration. So he has been pending for over 10 years. John Roberts—who is considered one of the two or three greatest appellate lawyers in this country by everybody who knows intimately what he has done, both Democrats and Republicans—has been sitting here for 1 solid year.

My fifth point, shown in this chart, is that President Clinton had the privilege of seeing 97 of his first judicial nominees confirmed. The average time from nomination to confirmation was 93 days. Such a record was par for the course until the current Senate leadership took over last year. President Reagan got 97 of his first 100 judicial nominations confirmed in an average of 36 days. Again, he had 6 years of a Republican Senate to help him. President H.W. Bush saw 95 of his first 100 confirmed in an average of 78 days, and for most of his tenure he had a Democrat-controlled Senate.

The ground rules obviously have been changed as the extreme interest groups have reportedly instructed my Democratic colleagues. As we sit here today, the Senate has confirmed only 52—only 52—not the 97 President Clinton got, but only 52 of President Bush's first 100 nominees, and the average number of days to confirm these nominees is over 150 and increasing every day.

The reason I mention these five points is that there are some people who read the title of what we are doing today, and they hear what my colleagues have to say, and ignore the fact that, of President Bush's first 11 nominations, only 3 of them have gotten through. Those 11 were made on May 9 of last year. There is no historical justification for blocking President Bush's choices for the Federal judiciary. First, I do not want to accuse my colleagues on the other side of doing that.

Second, there simply is no historic justification for blocking President Bush's first 11 or first 100 judicial nominees. Nor is there any truth to the myth that the vacancies we have today were caused by the Republican Senate. They were caused by retiring judges. In other words, anything conjured up from the past and dressed up as a reason to thwart the requests of President Bush should be dismissed.

Now I want to switch gears a little bit and say something I consider to be personal, even though it has had—and still could have—a lot of bearing on this process. Back before I became chairman of the Judiciary Committee in 1995, I was personally affected by several events that occurred under the auspices of advise and consent. These events included the mistreatment of nominees including Sessions, Bork, Thomas, Ryskamp, Rehnquist, and others. In fact, even Justice Souter was not treated really well when he came before the committee, and the main reason was they thought he might be anti-abortion.

I saw how politics can affect the human spirit both in success and defeat. I saw how baseless allegations can take on a life of their own and how they can take away the life from their victims.

By the time I became chairman, I was determined to change the process that had gotten so vicious. I worked to restore dignity back to the nominations process both in the Committee and the Senate. I championed the cause of President Clinton's Supreme Court nominee Ruth Bader Ginsburg, even though she was criticized by many as a liberal activist and was a former general counsel of the ACLU, nothing that bothered me. I used my influence to quiet her detractors. I helped secure her vote of 96 to 3.

Under my chairmanship, I ended the practice of inviting witnesses to come into hearings to disparage the district court and circuit court nominees. In other words, I would not allow an outside group to come in. And there were plenty of them that wanted to. I dealt with the FBI background issues in private conference with Senators, never mentioning them in public hearings. Now that is a practice I am concerned has not been followed.

It is a matter of great concern because sometimes we do have to delay a hearing. We may have to put off some things because of further investigation, which may turn out be innocuous, or because of some serious charges that were raised, or because of something that has arisen that needs to be discussed. Anytime somebody indicates we have to put off a hearing because of an FBI report—that essentially comes down to telling everybody in the world. At the very least, it makes the public draw the conclusion that there must be something wrong with this nominee. Of course, in most cases there is not.

Now I told interest groups, even the ones with which I agree and whose work I like in other areas, that they were not welcome to come in and smear Clinton nominees. I refused to alter the 200-year tradition of deference to Presidents by shifting the burden onto nominees, and I informed the White House of problems that could, if made public, lead a nominee to a humiliating vote so that the nominee could withdraw rather than face that fate. These are the reasons we were able to confirm 377 Clinton nominees.

Anybody who thinks they were within the mainstream did not look at those nominees. We included some pretty contentious ones, such as the ones I have mentioned earlier in my remarks, and I only mentioned four because they were from the one circuit. I could mention many. If we had applied the same litmus tests as our colleagues are applying to President Bush's judges, very few of President Clinton's nominees would have gotten through.

I worked to get them confirmed. I stuck my neck out for them, and I still believe to this day I did the right thing, even though I am increasingly pessimistic that someone on the other side of the aisle will step up to the plate and reciprocate for any Bush nominees who might be in the same circumstance.

I urge and call upon the Democratic majority to show some leadership and put partisanship and the politics of personal destruction behind. Give fair hearings and confirmations of qualified nominees and keep the judiciary independent, as our forefathers intended. Keep the left-wing interest groups out of the nominations process. Do not let them smear our people.

I will introduce some of the nominees that have been held hostage in the Judiciary Committee this whole year.

John Roberts, who is one of the most qualified and respected appellate lawyers in this country, has argued 37 cases before the Supreme Court. He just won a Supreme Court case 2 weeks ago for environmentalists. That was a historic property rights case. Miguel Estrada, who is a true American success story, arrived in this country from Honduras as a teenager, taught himself English, graduated with high honors from both Columbia and Harvard Law School, and has argued 15 cases before the U.S. Supreme Court—an exceptional Hispanic young man.

Professor Michael McConnell, from my State of Utah, one of the greatest legal minds of our generation, is supported by top liberal legal scholars Laurence Tribe of Harvard, Cass Sunstein of Chicago Law School, and many others. He is widely known to possess all the intelligence, temperament, and personal qualities that can make for an outstanding judge.

Jeffrey Sutton, a top legal advocate who graduated first in his class at the Ohio State College of Law, served as a law clerk to the U.S. Supreme Court.

There they are: John Roberts, Miguel Estrada, Michael McConnell, and Jeffrey Sutton on the top of this chart.

I will go a little bit further. Then there is Deborah Cook at the Sixth Circuit, who has overcome formidable obstacles in her personal life and legal career, including breaking a glass ceiling when she became the first female attorney in her law firm. She has served with distinction on the Ohio State Supreme Court.

Then there is Judge Dennis Shedd. He has a long and admirable record in public service. He was chief of staff of the Senate Judiciary Committee, and he is now a judge on the Federal district court. He already knows his way around the Fourth Circuit Court of Appeals where he has been nominated to serve because he has already been designated by that court to hear over 30 of their cases and write a number of opinions. I should also note that Judge Shedd has the bipartisan support of both home State Senators.

Then there is Priscilla Owen of Texas, who is a litigator with 17 years' experience and currently serving her 7th year as a justice on the Texas Supreme Court. She is only the second woman even to sit on that bench. She has been sitting, as have all these others, for over a year now.

Last but certainly not least, there is Judge Terrence Boyle, a judge with 14 years' experience, who is a thoughtful, fair, and nonpartisan jurist who has been waiting for a hearing for 11 years, ever since the first President Bush nominated him in 1991, and who has been designated to sit with the Fourth Circuit Court during 12 terms and has written more than 20 circuit court opinions. That is how much they have honored him. He was nominated, as I say, over 10 years ago and still has not had a hearing.

These are all superbly qualified, mainstream jurists who are committed to the principle that judges should follow the law and not make it up from the bench. They are also President Bush's selections. They enjoy bipartisan support. They are not ideologues. The Senate Democrats who are blocking them from having hearings should treat these nominees and the President who nominated them with fairness. I do not think the process is fair now and have to speak out.

It is time for this Senate to examine the real situation in the Judiciary Committee rather than to listen to the more inventive ways of spinning. We have lots of work to do. Let us put the statistics judo game behind us and get to work. We have been elected to do a job and let's do it instead of making up excuses for why we are not doing it.

If we look at these eight nominees, John Roberts, unanimously well qualified by the gold standard according to our colleagues on the other side, the American Bar Association; Miguel Estrada, unanimously well qualified by the American Bar Association; Michael McConnell, unanimously well qualified by the American Bar Association; Jeffrey Sutton, a majority qualified, a minority well qualified; Deborah Cook, unanimously qualified; Priscilla Owen, unanimously well qualified; Dennis Shedd, a majority of the ABA committee found him well qualified; Terrence Boyle, unanimously qualified. There is no reason why they should have sat there for 1 solid year.

I think the American people are disappointed; they want the Senate to help, not hinder, President Bush. I urge my friend across the aisle to focus on this situation and step up the pace of hearings and votes and do what is right for the country.

Having said that, I understand there are only four of the six judges pending on the floor that will be voted on today. Unfortunately, one of them who will not be voted on is a judge we recommended from Utah who is truly beloved out there and by many throughout the country. He is one of the finest law professors in the country. He came out of the committee with a vote of only four of our committee voting against him. Whenever members of the committee had judges, I did everything in my power to put them to the head of the line and to get them through. These two judges, Judge Paul Cassell, who is already approved by the committee, has been here for almost a year and will not get a vote today; and Judge Michael McConnell, who some say is probably one of the two or three greatest legal geniuses in the country, is still without a hearing—and I am ranking member.

This is bothering me to a large degree because I do not treat my colleagues on the other side the way they are treating our nominees. I believe it has to change. I will do everything in my power to change it. Should we get back in the majority, I will move to do a lot better job than has ever been done before and, hopefully, we can correct some of the ills that we have all complained about in the past.

We have a 100-person body and it is not easy sometimes to get people through. I have to say, in comparison, we treated President Clinton's nominees fairly. There are some exceptions—I have to admit; there always are—whether the Democrats or Republicans are in control of the committee. Look at the figures and facts. They were treated very fairly.

It is interesting to note how much my colleagues have changed their tune in the last year or so. Moments ago, my colleague criticized our President, President Bush, for using the phrase "judicial vacancy crisis." My colleague called this "confrontational." Yet in June of 1998, the Democrat leader of the Senate said that the "vacancy crisis is the most serious problem." Has the phrase "judicial crisis" taken on a new connotation, or is this simply another example of the shoe being put on the other foot? I don't think we should be tit for tat in this body. Yes, we can always point to some nominees you wish could have gotten through, whether JOE BIDEN was chairman or whether ORRIN HATCH was chairman. I know we both worked very hard to get them through.

I am concerned. I don't think President Bush is being treated fairly. I don't think the courts are being treated fairly. I don't think litigants are being treated fairly when half of a circuit in the Sixth Circuit is without judges. That means the civil cases virtually cannot be heard because they have to go to the criminal cases first, and many of those cannot be heard.

Justice delayed is justice denied. That is happening all over our country. I believe we have to change that.

Madam President, I support the confirmation of Samuel "Hardy" Mays, Jr., to the United States District Court for the Western District of Tennessee.

I have had the pleasure of reviewing Mr. Mays' distinguished career, and I can say without hesitation that he will be an excellent addition to the Federal judiciary.

Mr. Mays graduated in 1961 from Amherst College and attended Yale Law School, where he served on the editorial board of the law journal. After receiving his Juris Doctorate, Mr. Mays began an over-20-year association with the law firm presently known as Baker, Donelson, Bearman & Caldwell. Mr. Mays became a partner in 1979. His law practice ranged from trial work—where he represented clients such as small, family-owned businesses in litigation matters—to banking and health care transactions.

In 1995 Mr. Mays entered government service as Tennessee Governor Sunquist's legal counsel. Here his responsibilities included reviewing all legislation requiring the Governor's approval; reviewing all clemency matters and extraditions; advising the Governor on matters of judicial administration; reviewing and recommending all judicial appointments; and supervising, on behalf of the Governor, all litigation to which the State of Tennessee was a party.

In 1997, recognizing Mr. Mays' hard work and legal talents, Governor Sunquist promoted him to Deputy to the Governor and Chief of Staff. As Chief of Staff, Mr. Mays became, in effect, the Chief Operating Officer of a State with approximately $19 billion in annual revenue. After leaving government service in 2000, he rejoined his old firm of Baker, Donelson.

No description of Mr. Mays' life would be complete without mentioning his active membership on numerous committees and boards, whose purpose is to enrich the lives of the people of Memphis.

Mr. Mays is eminently qualified to be a member of the Federal bench. I comment President Bush for another extraordinary judicial nominee, and I sincerely hope that the Senate will begin to deal with the growing judicial crisis that this Nation is facing.

Madam President, I support the nomination of Andrew Hanen to be U.S. District Judge for the Southern District of Texas.

It should be noted that in 1992 Mr. Hanen was nominated to the same position by the first President Bush, but, regrettably, he was not given a hearing by the Democratic Senate. Still, as was the case 10 years ago, I am confident he will serve with distinction on the Federal district court.

Following graduation from Baylor University School of Law, where he finished first in his class, Mr. Hanen clerked for a year with Chief Justice Joe Greenhill of the Texas Supreme Court. In 1979 Mr. Hanen joined the firm of Andrews & Kurth, handling medical malpractice defense cases, commercial litigation, products liability, and legal malpractice defense cases. In addition, he represented clients in cases in the areas of FELA, ERISA, lender liability, civil rights, and antitrust.

Following his unsuccessful nomination to the Federal bench in 1992, Mr. Hanen, along with two others, opened his own law firm, which is now composed of 17 employees. Mr. Hanen has represented clients in contract, patent litigation, toxic tort, mass tort, and personal injury matters.

Mr. Hanen is a leader in the Houston Volunteer Lawyers Program. While serving as president of the Houston Bar Association, Mr. Hanen has led an effort to raise funds for additional pro bono work. Mr. Hanen has also been active in promoting and instituting pro bono legal services for AIDS and HIV-affected individuals. He volunteers with Habitat for Humanity, ADR programs, and various nonprofit groups.

I am very proud of this nominee and I know he will make a great judge.

Madam President, I support the nomination of Leonard E. Davis to be United States District Judge for the Eastern District of Texas.

I have had the pleasure of reviewing Judge Davis' distinguished legal career, and I have concluded, as did President Bush, that he is a fine jurist who will add a great deal to the Federal bench in Texas.

Upon graduation from Baylor University School of Law, where he finished first in his class, Leonard Davis joined the Tyler, TX, law firm of Potter, Guinn, Minton & Roberts. He became a partner in 1979 and was managing partner from 1983 to 1990.

At the outset of his legal career, Judge Davis concentrated on insurance defense work. He also handled a diverse caseload including cases involving worker's compensation, section 1983, automobile accidents, deceptive trade practices, products liability, and malpractice. Later, as his practice developed, he focused primarily on commercial litigation. In addition, Judge Davis was appointed to defend several indigents in Federal and State criminal cases involving murder, aggravated assault, interstate transportation of stolen cattle, and tax evasion.

Judge Davis served on the Texas State Ethics Advisory Commission from 1983–88 and on the State Judicial Districts Board from 1988–92. Judge Davis was appointed by then-Governor George W. Bush as Chief Justice of the Twelfth Court of Appeals in Tyler, TX, where he has served since 2000.

I have every confidence that Judge Leonard E. Davis will serve with distinction on the Federal district court for the Eastern District of Texas.

Madam President, I rise in support of the confirmation of Judge Thomas Rose to the U.S. District Court for the Southern District of Ohio.

After reviewing Judge Rose's distinguished legal career, I can state without reservation that he is a man of integrity and honesty and will be a welcome addition to an already taxed judiciary.

Judge Rose graduated from Ohio University in 1970 with a Bachelors of Science in Education. He then went on to receive this Juris Doctorate from the University of Cincinnati College of Law in 1973.

After graduating law school, Judge Rose worked as a Greene County Assistant Prosecutor while maintaining a private practice. As a prosecutor, his responsibilities included addressing a wide range of issues from juvenile matters to capital murder cases. During this period, my colleague and good friend, Senator DEWINE, was also a prosecutor for Greene County. Senator DEWINE discovered that one of his superiors had bugged his office. Senator DEWINE took the only honorable action available and resigned in protest. Judge Rose also resigned because he felt the office's integrity had been violated. Clearly, this shows that Judge Rose, who was not involved in this incident in any manner, is a man who will put the interests of justice and fairness above his own personal gain.

Judge Rose is also a man deeply devoted to his community. After leaving the prosecutor's office, he became Chief Juvenile Court Referee for the Greene County Court of Common Pleas. In this position, he was responsible for working with delinquent, neglected and abused children. Currently, he is a Board Member of the Xenia Rotary Club and a member of three local Chambers of Commerce.

Later, under a new Greene County Prosecutor, Judge Rose became Chief Assistant Prosecutor in Charge of the Civil Division. In 1991, he rose to the bench as a Judge for the Greene County Common Pleas Court, General Division. Currently, Judge Rose handles approximately 400 civil and 400 felony criminal cases annually.

Judge Rose's nomination is yet another example of the quality of judicial nominations that President Bush is making. I believe that we should all follow the example set by the President when he said that it is time to provide fair hearings and prompt votes to all nominees, no matter who controls the Senate or the White House. This is what I tried to do when I was chairman, and it is a standard to which we should now aspire.

Mr. EDWARDS. Madam President, I wanted to say just a few words on this subject of judicial nominations.

Not everyone realizes how important the Federal courts are. They are extraordinarily important. Once judges are confirmed by the Senate, they hold lifetime appointments. Although the focus tends to be on the Supreme Court, the reality is that well over 99 percent of all cases never reach that court. These cases are decided by district judges and circuit judges who most Americans have never heard of. The final decisions made by these judges resolve the most fundamental questions about our civil rights and individual rights. Every single day, these judges make decisions that literally make and break people's lives.

So it is critical that we examine nominations to the Federal bench very carefully, particularly when those nominations raise serious questions.

Of course, being deliberate does not mean being dilatory. But Madam President, the truth is that the Senate is confirming large numbers of nominees. As of today, the Senate will have confirmed 56 judges, including 9 to the courts of appeals. That is a faster pace than in the last 6 years of the Clinton administration. In those six years, the number of vacancies in the Federal appeals courts more than doubled, from 16 to 33. Today, that vacancy level is down from 33 to 29.

To sum up, I believe that when it comes to judges, we are doing our job carefully, and we are doing our job well.

Mr. THOMPSON. Madam President, I am very pleased that the Senate is considering the nomination of Samuel Mays, whom everybody in Tennessee knows as "Hardy," to be a U.S. District Judge for the Western District of Tennessee.

I am grateful to Chairman LEAHY and the Judiciary Committee and its staff for moving Mr. Mays's nomination so quickly. The need is quite urgent. The Western District of Tennessee typically has four judges assigned to hear cases in Memphis, along with a fifth who hears cases in Jackson. Only two of those four seats are currently filled with judges hearing cases, and the nomination of one of those two judges to the Court of Appeals is now pending before the Senate. A third seat, the one to which Mr. Mays has been nominated, is vacant. The fourth judge is currently on disability leave. So moving Mr. Mays's nomination so promptly is imperative for litigants with cases pending in the Western District.

Hardy Mays is very well known to the bar of the Western District of Tennessee. He was born and raised in Memphis. He graduated from Amherst College in 1970 and in 1973 from Yale Law School, where he served as an editor of the law journal.

He returned home to Memphis, where he joined the law firm that is today known as Baker, Donelson, Bearman & Caldwell, at which he practiced law for over 20 years, and which was also the firm of our former colleague, Senator Howard Baker, now U.S. Ambassador to Japan. Although Mr. Mays started his practice as a tax and banking lawyer, he soon shifted his focus to litigation. He represented clients before the local, State, and Federal courts in west Tennessee in a wide variety of civil cases. While his practice continued to evolve into one primarily concentrated on banking law issues, Mr. Mays continued to try cases until 1985. During his time as a litigator, Mr. Mays tried over 25 cases to judgment. Many of these cases were in Federal court. His peers recognized his standing at the bar and selected him as a member of the board of directors of the Memphis Bar Association, a position he held from 1985 to 1987.

In 1987, he became managing partner of his firm, a move that forced him to give up litigation. He helped turn the firm into a regional law firm, opening offices in Nashville and Chattanooga. He gave up his position as managing partner of the firm in 1988 and returned to the full-time practice of law. By then, his practice had again evolved into one focused on health law and related practice areas.

In 1995, Mr. Mays joined the administration of Governor Don Sundquist as his legal counsel. Two years later, he became the Governor's chief of staff. In these positions, he served the people of Tennessee ably and tirelessly. He was highly regarded during his tenure with Governor Sundquist.

In 2000, he returned to his former law firm, where he has continued to practice law focused on representing health care providers.

Mr. Mays is highly regarded by the bar for his intellect, legal ability, fairness, and his unfailing good humor. I am confident that he has the ideal temperament to serve in the stressful position of a trial judge. Mr. Mays enjoys broad, bipartisan support. I know the Judiciary Committee has heard from a number of prominent Democrats, including Memphis Mayor Willie Herenton; President Clinton's U.S. Attorney in Memphis, Veronica Coleman-Davis; former Tennessee Governor Ned McWherter; and our former colleague, Senator Harlan Matthews, in support of the nomination of Mr. Mays.

In addition to his record of professional accomplishments, no recitation of Mr. Mays's career would be complete without reference to his extraordinary commitment to his community. While I will not take the time to detail the full scope of his community involvement, including his significant political activities, I do want to focus on one aspect of his involvement with his neighbors: the arts in Memphis would be far poorer without his contributions. He serves or has served as a director of the Memphis Orchestra, Opera Memphis, the Memphis Ballet, the Playhouse on the Square, the Decorative Arts Trust, and the Memphis Brooks Museum, and the Memphis Botanic Garden.

Hardy Mays is an excellent choice to serve as Federal district judge in Memphis. I appreciate the President's decision to nominate him, and I am grateful to the Judiciary Committee for considering his nomination so promptly. I urge my colleagues to support his nomination.

Ms. CANTWELL. Madam President, the Senate and the Judiciary Committee have been under Democratic leadership for 10 months. During that 10 months, Chairman LEAHY and the Judiciary Committee staff have worked overtime to establish a steady process to fill judicial vacancies. In the 10 months, each one of my Democratic colleagues has taken time from their busy schedules to chair multiple nominations hearings.

Hearings on nominees began less than a week after the Senate reorganized, and have continued on a monthly, or twice monthly basis, right up to this afternoon. As you have heard repeatedly today, in 10 months we have confirmed 52 judges, and have 4 more awaiting confirmation today. We have held hearings on 13 Court of Appeals nominees. This afternoon, I will convene a hearing on four additional nominees including one for the Ninth Circuit Court of Appeals. Our record on confirmations is good.

So it has been a continual surprise to me that my colleagues on the other side of the aisle have complained day after day, that the Senate was not confirming judges. This is particularly surprising as those doing the complaining sit beside me week after week as we continue to hold hearings and vote these nominees out of the Committee.

The problem is not that the Senate has not been confirming judges. Any reasonable examination of the record makes clear that the Committee is working hard to confirm more judges than in past years. We have confirmed many strong Republican judges who are impartial, ethical, and who bring to their decision making an open mindedness to the arguments presented. My own experience in reviewing the record of nominees who have come before me makes clear that judges who are qualified, moderate candidates, who are held in high esteem by lawyers in their community, and who have a record of fair-minded decision making will be promptly confirmed.

The problem is that a few controversial nominees have not yet received hearings. President Bush last year nominated individuals to the Circuit Court of Appeals who are among the most conservative the Senate has ever considered. Many of these nominees have long records of decisions and writings that are far outside mainstream thinking. They have records that call into question their commitment to upholding precedent, and to respecting individual rights. When questions like these are raised about a nominee, the Committee must undertake a thorough examination of the nominee, and that takes time.

The Supreme Court hears fewer than 100 cases per year and circuit court judges make the final decisions in hundreds of cases a year that set precedent for thousands of additional cases. Senate confirmation is the only check upon federal judges appointed for life. I take seriously the responsibility to carefully review these nominees and to reflect upon the power they will hold to affect the lives of ordinary Americans in the workplace, the voting booth, and in the privacy of their home.

When the Senate confirms nominees to fill the remaining existing vacancies, as I am confident that it will, 11 of the 13 Circuit Courts will be dominated by conservative jurists. These same courts have increasingly issued rulings that have curtailed the power of Congress to enact laws to protect women from domestic violence, prevent discrimination based on disabilities, and to protect the environment. Rulings have increasingly limited the ability and the opportunity for women to exercise their right to reproductive freedom; limited the opportunity for education and advancement by curtailing programs promoting racial and ethnic diversity in our schools and workplaces; and overturned laws protecting workers. Balance in each of the branches of our government is a key precept of our democracy, and balance in the Federal judiciary is, in my opinion, crucial to ensure that the American public maintains its unquestioned respect for and deference to the rulings of our Federal judiciary.

Americans in huge numbers favor reproductive choice, and the right to work in a safe workplace free from injury and regardless of physical disability. They believe in the need for government to take steps to protect our environment for future generations, and to protect consumers from unfair and deceitful business practices. These are the values that are placed in jeopardy by extreme nominees. It is the responsibility of the Senate and of the members of the Judiciary Committee to ensure that the people we seat on the Federal bench share the same respect for these rights.

The reality is appointments to the judiciary have become more politicized over the past 20 years. If the Senate is truly interested in filling all the outstanding vacancies as quickly as possible, we must work together to find nominees who can help to correct the current imbalance on the courts. We need to see more cooperation and consultation between the White House and the members of the Senate, and a willingness to compromise on nominees who do not present a threat to values and rights that mainstream Americans accept and welcome. We have an amazing pool of talent in our legal community, and it would be a simple matter to nominate more mainstream nominees.

It is my hope that as we continue to work to fill existing vacancies, that it will become more possible to work together to find candidates for nomination who unite, not who seek to divide.

Mr. VOINOVICH. Madam President, today, May 9, 2002, marks one year to the date that I was at the White House when President Bush announced the nominations of Deborah Cook and Jeffrey Sutton for the Sixth Circuit Court of Appeals. However, one year later, no action has been taken on these Ohioans, as well as five other nominees to the Sixth Circuit. In fact, the entire judicial nominee process has been egregiously delayed over this past year.

There are currently over 96 vacancies in the Federal courts, enough that the Chief Justice of the Supreme Court, William Rehnquist, referred to the vacancy crisis is "alarming." It certainly is alarming to note that these vacancies exist despite the fact that President Bush has nominated nearly 100 judges in his first year of office, more judges than any President in history. At the same point in his administration, President Clinton had nominated only 74 judges. In addition, former President Bush had nominated 46 and President Reagan had nominated 59.

Despite this overwhelming number of nominees, as of April 12, 2002, the Senate has only confirmed 42 of President Bush's 98 nominees. More egregious is the fact that only 7 of President Bush's 29 nominees to the circuit courts have been confirmed. No circuit has felt this delay more powerfully than the Sixth.

Since 1998, the number of vacant judgeship months in the Sixth Circuit has increased from 13.7 to 60.9 and is currently the highest in the Nation. The median time from the filing of a notice of appeal to disposition of the case in the Sixth Circuit was 15.3 months in 2001, well above the 10.9 months national average, and second in the Nation only to the Ninth Circuit.

Clearly the Sixth Circuit is in crisis and the reason is the inaction of the Senate Judiciary Committee.

When I talk to Ohio practitioners, I hear many complaints about the overuse of visiting judges throughout the Sixth Circuit. One lawyer told me that one of the visiting judges on his panel was from as far away as the Western District of Louisiana. In fact, the Sixth Circuit has the highest number of visiting judges providing service: 59 visiting judges participated in the disposition of 1,626 cases for the 12-month period ending September 30, 2001.

It is time to put a stop to this logjam of Sixth Circuit nominees and allow our overburdened appeals courts to operate free of partisan wrangling. In particular, it is time to give Justice Deborah Cook and Jeffrey Sutton a hearing, and allow their nominations to be considered by the full Senate.

In all candor, I can not think of two individuals more qualified or better prepared to assume the solemn responsibilities of the Sixth Circuit bench than Deborah Cook and Jeffrey Sutton.

I have had the privilege of knowing Deborah Cook for over 25 years. Throughout, I have found her to be a woman of exceptional character and integrity. Her professional demeanor and thorough knowledge combine to make her truly an excellent candidate for an appointment to the Sixth Circuit. Deborah Cook has served with distinction on Ohio's Supreme Court since her election in 1994 and reelection in 2000. My only regret is that with her confirmation to the Sixth Circuit, we will lose her on the Supreme Court of Ohio.

With a combined 10 years of appellate judicial experience on the Ohio Court of Appeals and the Ohio Supreme Court, Deborah Cook uniquely combines keen intellect, legal scholarship and consistency in her opinions. She is a strong advocate of applying the law without fear or favor and not making policy towards a particular constituency. Deborah Cook is a committed individual and a trusted leader, and it is my pleasure to give her my highest recommendation.

I am also very pleased to speak on behalf of Jeffrey Sutton, a man of unquestioned intelligence and qualifications, with vast experience in commercial, constitutional and appellate litigation. Jeffrey Sutton graduated first in his law school class, followed by two clerkships with the United States Supreme Court, as well as the Second Circuit. As he was the State Solicitor of Ohio when I was Governor, I worked with him extensively when he represented the Governor's office, and in my judgment, he never exhibited any predisposition with regard to an issue. He has contributed so much and his compassion for people and the law is so evident. In my opinion, Jeffrey Sutton is exactly what the federal bench needs: a fresh, objective perspective.

Jeffrey Sutton's qualifications for this judgeship are best evidenced through his experience. He has argued nine cases before the United States Supreme Court, including Hohn v. United States, in which the Court invited Mr. Sutton's participation, and Becker v. Montgomery, in which he represented a prisoner's interests pro bono. He has also argued twelve cases in the Ohio Supreme Court and six cases in the Sixth Circuit. While his participation in controversial cases has, in some instances, led to a clouding of his qualifications and accomplishments, what his detractors fail to mention is how he argued pro bono on behalf of a blind student seeking admission to medical school or how he filed an amicus curiae brief with the Ohio Supreme Court in support of Ohio's Hate Crimes law on behalf of the Anti-Defamation League, the NAACP and the Ohio Human Rights Bar Association. Jeffrey Sutton should not be criticized on assumptions that past legal positions reflect his personal views. Instead, he should be lauded for always zealously advocating his client's interests, no matter the issue. I know Jeff. He is a man of exceptional character and compassion. For these and many other reasons, Jeffrey Sutton will be an unquestioned asset to the Federal Bench.

As you may know, the Sixth Circuit is in desperate need of judicial appointments. Fourteen judicial vacancies now exist, one of which has been vacant since 1995. Furthermore, the Administrative Office of the U.S. Courts has declared five of these vacancies to be judicial emergencies within the U.S. federal court system.

Given the crisis in the Sixth Circuit and the exemplary records of Justice

Cook and Jeffrey Sutton, I respectfully urge the Judiciary Committee to hold hearings on their nominations as soon as possible, and expeditiously move them to the floor of the Senate.

Mr. GRASSLEY. Madam President, I rise today to speak in support of President Bush's judicial nominees. President Bush says that we need to move these nominees swiftly and fairly. He wants our support for his nominees. I agree. The Senate needs to act to fill these vacancies and ensure that the Federal courts are operating at full strength.

Right now, President Bush has sent a number of extremely qualified men and women to the Senate for consideration to the Federal bench. But unfortunately, many of these outstanding individuals are still waiting for a hearing by the Senate Judiciary Committee, I believe 47 nominees are still pending. We need to move these judicial nominations quickly, because they are all good men and women.

I want to talk about a few facts and figures. We've heard a lot of numbers being thrown around by both the Democrats and the Republicans about who delayed who the longest, who denied hearings to whom, and on and on, so we are left in a numbers daze. I get dizzy from all the numbers. But this what I think is the bottom line. When President Bush Sr., left office, he had 54 nominees pending with a Democratic Senate. The vacancy rate was 11.5 percent. When President Clinton left office, he had 41 nominees pending with a Republican Senate. The vacancy rate was 7.9 percent. So the way I see it, Senate Republicans gave the Democratic President a better deal. The other bottom line is that a year, 365 days, after President Bush nominated his first 11 circuit court nominees, only 3 have been confirmed. By contrast, each of the 3 previous Presidents enjoyed a 100 percent confirmation rate on their first 11 circuit nominees, and they were all confirmed within a year. The way I see it, President Bush is getting the short end of the stick with his nominees.

I'd like to talk about some of President Bush's nominees, specifically the 8 nominees of the 11 original circuit court nominees sent up last May who are still pending without action. Today a full year has gone by, 365 days, with only 3 of President Bush's first 11 nominees having seen any action at all. And of those 3, I understand 2 were judges previously nominated by President Clinton. The Senate needs to do better than that. These individuals of exceptional experience, intellect and character deserve to be treated fairly and considered by the Senate promptly.

Let me say a few words about each of these nominees. I know that some of my colleagues may have already given many details about these individuals, but I think that it is important that Americans see what quality individuals President Bush has sent up to the Senate. These individuals have all excelled in their legal careers and I'm sure, if confirmed, they will all make excellent judges.

Judge Terrence Boyle is President Bush's nominee for the Fourth Circuit Court of Appeals. He is currently the Chief Judge of the U.S. District Court for the Eastern District of North Carolina, appointed by President Reagan in 1984. He has served in this post with distinction. He was nominated to the Fourth Circuit in 1991 by President Bush Sr., but he did not receive a hearing from the Democrat-controlled Judiciary Committee.

Justice Deborah Cook is President Bush's nominee to the Sixth Circuit Court of Appeals. After graduation from law school, Justice Cook became the first female attorney hired at the oldest law firm in Akron, OH, and just 5 years later, she was named a partner. She then served on the Ohio Court of Appeals for 4 years, and in 1994 she became a justice on the Ohio Supreme Court. Her pro bono work is laudable: Judge Cook is a founder and trustee of a mentored college scholarship program in Akron, and I understand she and her husband personally fund efforts to help inner-city children go to college.

Miguel Estrada is one of President Bush's nominees to the D.C. Circuit Court of Appeals. He has an incredible story, having immigrated to the United States when he was young without even speaking English, to then graduate with honors from Columbia College and Harvard Law School. He clerked for the Second Circuit and the U.S. Supreme Court, then served as an Assistant U.S. Attorney in the Southern District of New York, where he became Deputy Chief of the Appellate Section in the Office. Mr. Estrada acted as Assistant to the Solicitor General for 5 years in both the Bush and Clinton administrations. If he is confirmed, Mr. Estrada would be the first Hispanic judge on the D.C. Circuit Court of Appeals.

Michael McConnell is President Bush's nominee to the Tenth Circuit Court of Appeals. He graduated from the University of Chicago Law School and then clerked for Judge Skelly Wright on the D.C. Circuit, and Justice William J. Brennan on the U.S. Supreme Court. Professor McConnell was a tenured professor at the University of Chicago Law School for more than a decade before accepting the Presidential Professorship at the University of Utah College of Law in 1997. He has earned the reputation of being one of the top constitutional scholars in the country.

Justice Priscilla Owen is President Bush's nominee to the Fifth Circuit Court of Appeals. Justice Owen spent 17 years as a litigator with a top Houston law firm. Currently, Ms. Owen is serving her 7th year as Associate Justice on the Texas Supreme Court, she is only the second woman ever to sit on that bench. She has great professional credentials, and has demonstrated a strong commitment to her community.

John Roberts is President Bush's other outstanding nominee to the D.C. Circuit Court of Appeals. He is one of the most qualified and respected appellate lawyers in the country. Mr. Roberts has had a distinguished record in private practice, and he has performed a significant amount of pro bono legal service. He also served as Deputy Solicitor General of the United States. Mr. Roberts' background in public office and private office are outstanding.

Judge Dennis Shedd is President Bush's nominee to the Fourth Circuit Court of Appeals. He has a long and admirable record of public service, both in the legislature and in the Federal courts, as well as in private practice and academia. Judge Shedd worked as the Chief Counsel and Staff Director for the Senate Judiciary Committee under then-Chairman STROM THURMOND. He was appointed a district court judge for the District of South Carolina in 1990, where he has served with distinction.

Jeffrey Sutton is President Bush's nominee to the Sixth Circuit Court of Appeals. Mr. Sutton clerked for Justices Scalia and Powell on the U.S. Supreme Court, then spent three distinguished years as Solicitor for the State of Ohio. Since that time, Jeffrey Sutton has worked in private practice and served as an adjunct professor of law at the Ohio State University College of Law.

These eight outstanding nominees are still waiting for a hearing, even though they are some of the most respected judges and lawyers and professors in the country. They have excellent qualifications, are of high moral character, and will serve our country well. They all have ratings of "well qualified" or "qualified" by the American Bar Association, the so-called "gold standard" by the Democrats on the Judiciary Committee. It's clear that the Senate Judiciary Committee needs to do its job and schedule them for a hearing and markup.

It's give these good men and women what they deserve, to be treated with respect. They need a prompt hearing and markup. They have waited too long. The Senate has to act. Like the President said, the American people deserve better.

Mr. FRIST. Madam President, I rise today to thank my colleagues for the confirmation of Samuel Hardwicke Mays, Jr., of Memphis TN, as U.S. District Judge for the Western District of

Tennessee. I am also grateful to President Bush for his nomination of an individual who I know will act with fairness to all in a way which will make all of us proud.

Hardy Mays is a Memphis institution. No one lives life more to the fullest than Hardy whose passion for the arts, a good book, the law and public service is known to all.

As have so many others, I first sought his counsel when I decided to run for the United States Senate. Since then, I have turned to Hardy for advice on a variety of occasions, and I value the thoughtful, balanced approach he can bring to any issue. And I am proud to call him my friend.

More importantly, he is an outstanding lawyer with a keen intellect. He is fair and impartial, and has enormous compassion for his fellow man. Hardy has demonstrated, both in his distinguished legal career with the Baker, Donelson firm in Memphis, and his life in public service as Legal Counsel and Chief of Staff to Governor Don Sundquist, his unique ability to hear all sides of an issue, to work with people from all walks of life, and to find equitable solutions to virtually any challenge. His personal and professional integrity are above reproach, and his even temperament is ideally suited for the federal bench.

Many outstanding Tennesseans have added their support to Hardy's nomination. They most often have mentioned to me his brilliant mind, sense of fair play and lack of personal bias, good wit, and respect for other's views and opinions.

Thomas Jefferson wrote in 1776 that our judges "should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness and attention." Samuel Hardwicke Mays, Jr., certainly fits President Jefferson's description. He will serve our country with distinction, and his talent, experience and energy will be an asset to our Federal judicial system.

I ask unanimous consent after Senator FEINGOLD speaks that Senator HUTCHINSON be permitted to speak for up to 5 minutes.

Mr. LEAHY. Reserving the right to object, does the Senator have the time? How much time is remaining on both sides? I don't want to object, but I know the Republican and Democrat leader have 11:35 for the vote.

The PRESIDING OFFICER. The Senator from Utah has 5 minutes 41 seconds.

Mr. LEAHY. OK.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD: Madam President, today the Senate is going to confirm four more of President Bush's nominees to the Federal bench. While there is no controversy about these particular nominees, there has been much debate here on the floor about the pace of confirmations. And today, because this is the anniversary of President Bush's announcement of his first batch of judicial nominations, we have been told to expect a series of events designed to criticize the majority leader and the chairman of the Judiciary Committee for their conduct of the confirmation process and to pressure them to move this process along faster.

I am pleased to join my colleagues on the floor this morning to make a few points about this.

First, though I am sure the complaints will never stop, on the basis of the numbers alone, it is awfully hard to find fault with the pace of judicial confirmations. Since the Democrats took control of the Senate last June, we have confirmed 52 judges, not including the four whom we will vote on today, which will bring the total to 56. In under a year, that is more judges than were confirmed in four out of the six years of Republican control of the Senate under President Clinton.

Judiciary Committee Chairman PATRICK LEAHY has vowed not to treat President Bush's nominees as badly as our predecessors treated President Clinton's nominees. I believe he is fulfilling that pledge, but frankly, he doesn't have to work all that hard to do that.

For example, our friends on the Republican side are complaining that some of President Bush's nominees from last May 9 have not yet been confirmed. On today's anniversary of those nominations, I'm sure we'll hear a lot about that. So let's just put that in perspective.

Let's assume for the sake of argument that these individuals have actually waited 365 days, a full year. We all know that at this time, that's not really accurate. First, Democrats took control of the Senate in June 2001. Our committee was not organized so that nominations hearings could be held until July 10, 2001. So it's really been only 10 months that we have been in a position to confirm any of the May 9 nominees.

Second, and just as significantly, under this administration, the American Bar Association can't start its review of a nomination until after the nomination is formally announced. During the Clinton administration, as under all previous administrations, Republican and Democrat, dating back to President Eisenhower, the ABA conducted its reviews of nominations before they were sent to the Senate. President Bush's unfortunate decision to change the way the White House handles the ABA review has added 30–60 days to the process as compared to prior years. That has to be factored into any claims. They are the result of the President's own choice of cutting the ABA out of the process.

Assume for the sake of argument that all these nominees have been waiting 365 days to be considered by the Senate. That is still 140 days shy of the 505 days that Richard Lazarra waited between his nomination by President Clinton and his confirmation by the Senate. And Judge Lazarra, now serving on the district court of Florida, didn't wait the longest. No, the period between his nomination and confirmation is only the 15th longest of the Clinton appointed judges. So when nominees of President Bush have been waiting a year, however that is calculated, they won't even crack the top 15 of the Clinton judges who waited the longest to be confirmed.

Actually, the longest wait during the Clinton administration was endured by Judge Richard Paez, now on the Ninth Circuit—1,520 days—over four years. That's in another league altogether from the delay, if you can call it that at this point, on some of President Bush's May 9 nominees. Nine Clinton judges waited more than 2 years before they were confirmed. If all of the May 9 judges still awaiting confirmation are still pending in the committee on May 9, 2003, then maybe we should talk about a delay. I am absolutely certain that will not be the case.

Now so far, I have been talking about judges who were ultimately confirmed. But we all know that not all of President Clinton's nominees were confirmed. Far from it. In fact, 38 judicial nominees never even got a hearing in the last Congress, including 15 court of appeals nominees. Three other nominees received hearings but never made it out of committee. The nominations of eight court of appeals nominees who never got a hearing and one who got a hearing but no committee vote, were pending for more than a year at the end of the 106th Congress. In all, more than half of President Clinton's nominees to the circuit courts in 1999 and 2000 never received a hearing.

Those who are concerned about circuit court vacancies, if they are being honest, must lay the problem directly at the feet of the majority in the Senate during President Clinton's last term. Many of those who are now loudly criticizing Chairman LEAHY refused to recognize the results of the 1996 election and dragged their feet for 4 years on judicial nominations. Some of the vacancies that President Bush is now trying to fill actually date back to 1996 or even 1994.

So what are we to do about this? One alternative is to simply rubber stamp the President's nominees. That is what some would have us do. I, for one, am thankful that that is not the approach of Chairman LEAHY or Majority Leader DASHCLE. We have a solemn constitutional obligation to advise and consent on nominations to these positions on the bench that carry with them a lifetime term. We must closely scrutinize the records of the nominees to these positions. It is our duty as Senators.

That duty is enhanced by the history I have just discussed. If we confirm the President's nominees without close scrutiny, we would simply be rewarding the obstructionism that the President's party engaged in over the last six years by allowing him to fill with his choices seats that his party held open for years, even when qualified nominees were advanced by President Clinton.

The most important part of the scrutiny we must do is to look at the records of these nominees. Many of them are already judges, at the State level or on a lower court. There is nothing wrong with examining their work product; indeed, that is the best indicator of how they will perform in the positions to which they have been nominated.

Some have complained that it is improper for the committee to ask to see copies of the unpublished opinions of judges nominated for the Circuit Court who are currently serving as District judges. I disagree. Let me be clear that we have not, as the Wall Street Journal editorial page recently stated, asked judges to go back and write ruling in cases where they have ruled orally from the bench. That is laughable. No, we simply asked for the judge's work product—the judge's written rulings. Unpublished opinions are binding on the parties in the case. They are the law. They are the judge's decisions. And we who are charged with evaluating the fitness of a sitting judge for a higher court have every right to examine those decisions—before making our decision.

I commend Chairman LEAHY on his work on nominations thus far. Fifty-six confirmations in less than a year as chairman is an admirable record. I am sure he won't keep any nominee waiting for 4 years before getting a confirmation vote. I am sure we won't finish this Congress having held hearings for fewer than half of the President's circuit court nominees. Most of all, I'm sure he will continue to treat this confirmation process with the dignity and respect and care it deserves. The courts, our system of justice, and the American people deserve no less.

I reserve the remainder of our time and yield the floor.

Mr. HATCH. I yield time to the distinguished Senator from Texas.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I have been listening to the debate today. I certainly want to say I have a very good friend who is a nominee for the Fifth Circuit, who was nominated 1 year ago today, Priscilla Owen, who I hope will get a fair hearing because she is one of the most qualified people who has ever been nominated for the Fifth Circuit.

But I want to use my time this morning to give the due accolades to two judges on whom we will vote who are district judges. The circuit court judges are the ones about whom everyone has been talking and about whom people are very concerned. But we have two very qualified district judges who are going to be confirmed today. I want to speak for them.

The first nominee is Andy Hanen. Andy Hanen was nominated in June of 2001 to serve as Federal judge for the Southern District of Texas. He was also nominated for this judgeship 10 years ago by former President Bush. His nomination expired at the end of the congressional session and was not renewed by President Clinton.

Andy is a 1975 cum laude graduate of Denison University in Ohio, where he studied economics and political science. In 1978 he earned his law degree from Baylor University School of Law. He ranked first in his class and was president of the Student Bar Association and a member of the Baylor Law Review.

As a founding partner of the Houston law firm Hanen, Alexander, Johnson & Spalding, he has gained extensive civil trial experience, half of which was in Federal court. He went on to win a number of accolades, including Outstanding Young Lawyer of Texas, awarded by the State bar. He was elected president of the Houston Bar Association in 1998 and is currently a director of the State Bar of Texas. He has distinguished himself throughout his career through civic and volunteer committees. He is an active member of the community and contributes his time to charities such as Habitat for Humanity, Sunshine Kids, and the Red Cross.

The Southern District of Texas is one of those that are in dire need of all the judicial vacancies being filled. I am very pleased to support Andy Hanen.

Leonard Davis has been nominated to serve on the Eastern District of Texas. He is a judge on the Circuit Court of Appeals for Texas, with an outstanding record. He, too, was nominated by former President Bush, but the nomination expired and was not renewed by President Clinton.

He earned a mathematics degree from UT Arlington and a master's degree in management from Texas Christian University. He earned his law degree from Baylor University School of Law, where he graduated first in his class. He went on to practice civil and criminal law for 23 years and handled hundreds of cases in State and Federal courts. He was appointed to his current position as Chief Justice of the 12th Circuit Court of Appeals of the State of Texas by then-President George W. Bush and has enjoyed strong bipartisan support and no opposition to his reelection in November of 2000.

He has served on numerous boards and commissions, including the State Ethics Advisory Commission, the State Bar of Texas's Legal Publications Committee, and the American Heart Association's Board of Directors.

Judge Leonard Davis is a long-time friend of mine. I believe he, too, will serve our country well.

I urge my colleagues to support both of these Texas nominees for district court benches—Andy Hanen and Leonard Davis.

Madam President, I also would like to say one more thing about Judge Priscilla Owen, a justice of the supreme court, and ask that she be considered for her Fifth Circuit nomination.

Every newspaper in Texas endorsed Justice Owen for her reelection bid in 2000 for the Supreme Court of Texas. On February 10 of this year, a Dallas Morning News editorial said:

> Justice Owen's lifelong record is one of accomplishment and integrity.

During her reelection campaign, the Houston Chronicle said, in a September 24, 2000, editorial:

> A conservative, Owen has the proper balance of judicial experience, solid legal scholarship, and real world know-how to continue to be an asset on the high court.

I do hope Justice Owen will receive due consideration for her nomination to the Fifth Circuit, and certainly I hope the Senate will act on these circuit court judge nominees. We have many vacancies that need to be filled. I urge the Senate to take action.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Vermont.

Mr. LEAHY. How much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont has 8 minutes 20 seconds.

Mr. LEAHY. And the Senator from Utah?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEAHY. Madam President, the Senator from Ohio has asked for time to make a statement. I yield that time to him.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, I rise today in support of the confirmation of Judge Thomas M. Rose, whom the President has nominated for the post of U.S. District Judge for the Southern District of Ohio, Western Division. I first met Tom Rose 29 years ago when we were both serving as assistant county prosecuting attorneys in Greene County, OH. I can tell you without reservation that he is a man of great integrity, honor, and intelligence. I do not know a more qualified, more experienced candidate for this judgeship.

Tom, who comes from Laurelville, OH, graduated from Ohio University in 1970, and received his law degree from the University of Cincinnati's College of Law in 1973. Also in 1973, he was appointed as Assistant County Prosecutor in Greene County; he became the first Magistrate in the Greene County Juvenile Court in 1976; and he became the Chief Assistant Prosecutor in charge of the Civil Division in 1978. In 1991, he became the Judge of the Court of Common Pleas in Greene County.

During these last 11 years on the Common Pleas Court bench, Ohio's highest trial court, Judge Rose has presided over a wide range of cases from criminal cases to civil cases to administrative appeals. He has faced a tremendous volume of cases, many of which have been of unprecedented complexity. For example, Judge Rose recently presided over Ohio's first pro se murder case in which the defendant could have received the maximum sentence of death.

In addition, he has heard hundreds of the kinds of civil cases and administrative appeals that dominate a common pleas docket, tax appeals, annexation questions, school districting disputes, and insurance issues. In a particularly complex civil case, Judge Rose ruled on a case of first impression involving an ordinance enacted by a local Ohio city to put impact fees on developers.

In both criminal and civil cases, he has ruled on hundreds of motions to suppress and other constitutional issues, such as search and seizure and Miranda rights.

All of this demonstrates, that without question, Judge Rose is right for this job. His background and the depth of his wide-ranging experience on the bench, the experience that makes him so well qualified for the Ohio district judgeship. I am confident that he will discharge his duties of Federal judge with the fairness, integrity, sound judgment, and energy that the people of Ohio and this Nation deserve. I whole-heartedly support his confirmation, and I encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I truly believe, as I said in the debate, Democrats have been and will continue to be more fair than the Republicans were to President Clinton's judicial nominees. The fact is that more than 50 of President Clinton's nominees never got a vote. Many languished for years before they were returned without even having a hearing. Others waited for years, up to even 4 years to be confirmed.

We are moving through, as we have these last 10 months, in filling vacancies with consensus nominees.

I voted for the vast majority of these nominees. I voted for all but one of these nominees.

They are going to be Republicans. We know they are going to be conservatives. That is fine.

But I am not going to vote for somebody who will put a sign up over the Federal court saying this is no longer an independent court.

If the White House would only work with us instead of working against us, we could end the vacancy crisis by the end of next year.

Many partisans in the other party appear, unfortunately, to have decided to make judges a domestic agenda item on which this administration is intent on winning partisan, political, and ideological victories. Given the closely divided Senate—and the Congress—and the narrow electoral victory of the President, the better course would have been to work together on vacancies that we inherited from the Republican Senate.

Republicans held court of appeals judgeships open for years. Now they see their chance to pack the courts and stack the deck with conservative judicial activists in order to tilt the outcomes on these courts.

The American people do not want—and our justice system does not need—a finger on the scales of justice. It is up to the Senate to maintain the independence of the courts and the balance on them. That means resisting the appointment of ends-oriented and ideologically-driven nominees. Do not be fooled about what the fight over circuit court nominations is about.

Republicans, perhaps brilliantly from a political point of view, but disastrous from the point of view of the independence of the courts, kept vacancies on the Fifth, Sixth, and D.C. Circuits open for the last 5 years. Now they have a President with a list of what he views as "reliable nominees." They are trying to get these ideological nominees through.

This is not a political fight that we in my party have chosen. Indeed, the President's recent fundraising campaign swing through the South and the antagonistic efforts of his political adviser, Karl Rove, make clear that the Republicans have chosen this fight because they think it serves their political advantage.

They are deadly serious about their efforts to gain control of the District of Columbia Circuit, the Sixth, and the Fifth Circuits, and others—even to the point of questioning the religious background of members of the Senate Judiciary Committee, something I have never seen in 28 years in the Senate. It is one of the most reprehensible tactics that I have seen in my time in the Senate. I respect the religious background of every Member. I do not know the background of most; it is none of my business. I would never question the religious background of any nominee.

I resent greatly people on the other side of the aisle questioning my religion or the religion of members of the Senate Judiciary Committee.

This battle is over whether the circuit courts have judges who will follow precedent, respect congressional action, and act to protect individual rights of Americans, or become dominated by ideologically-driven activists.

I will continue to evaluate all of President Bush's nominees fairly, and to work in spite of the obstructionism and unfair criticism coming from the Republican side.

In the weeks and months to come we will be called upon to vote on some very controversial activist nominees. The rights of all Americans are at stake.

We have to ask whether a fair-minded, independent judiciary will survive to protect our fundamental civil liberties and constitutional rights, and whether our children and grandchildren will be able to look to the Federal judiciary for even-handed justice and protection.

That is what hangs in the balance.

I again invite the President and all Republicans to join with us in working to fill the remaining judicial vacancies with qualified, consensus nominees chosen from the mainstream, and not chosen for their ideological orientation—nominees who will be fair and impartial judges, and who will ensure that an independent judiciary will be the bulwark against the loss of our freedoms and rights.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, the American people are right to ask why this unprecedented departure from the past is happening. My colleague just accused me of accusing him of religious discrimination. He has mischaracterized my pleas for civility and fairness.

Some of my Democrat colleagues have made no bones about the fact that they are slowing down the President's nominees because they are imposing, for the first time, an ideological litmus test. This is something I cannot accept.

Many Americans are concerned that the abortion litmus test that some Democrats are imposing on judicial nominees would have the same effect as a religious test. Let me explain how. Most people who are pro-choice hold their position as a matter of ideology. Some even allow their chosen ideology to trump the tenets of their religion. They do so in good conscience no doubt, and I respect that and would not judge them for that.

But the great majority of people who are pro-life come to their positions as a result of their personal religious convictions. We view unborn life as sacred. Many Americans hold this view as a religious tenet, but this view does not affect their ability to interpret the law and precedent, just as skin color does not.

In effect, what is ideology to my Democrat friends is a matter of religious conviction to a large portion of the American people, regardless of their position on abortion. But many rightly fear that a judge with private pro-life views, which often derives from religious conviction, will ever again be confirmed in a Democrat-led Senate.

To impose an abortion litmus test on private views, call it ideological if you want to, is to exclude from our judiciary a large number of people of religious conviction, who are perfectly prepared to follow the law. I fear this is the door this Democrat-led Senate could be opening. If a nominee who was personally pro-life came before the committee and said they could not follow Supreme Court precedent because of their pro-life views, then I would have a problem with that nominee too. But to simply discriminate against them and say that we cannot trust you, despite your assurances to the Senate, to follow precedent, because you hold certain personal view, is pure and simple religious discrimination.

I can understand why people would believe that a religious test is being imposed. They fear as I do that the result would be a federal judiciary that neither looks like America nor speaks to America.

I am afraid that what is now occurring is far beyond the mere tug-of-war politics that unfortunately surrounds Senate judicial confirmation since Robert Bork. Some of my colleagues are out to effect a fundamental change in our constitutional system, as they were reportedly instructed to do by noted liberal law professors at a retreat early last year.

Rather than seeking to determine the judiciousness of a nominee and whether a nominee will be able to rule on the law or the Constitution without personal bias, they want to guarantee that our judges all think in the same way, a way that is much further to the left of mainstream than most Americans.

The legitimacy of our courts, and especially the Supreme Court, comes from much more than black robes and a high bench. It comes from the people's belief that judges and justices will apply a judicial philosophy without regard to personal politics or bias.

So I am protecting the Senator's right to free religion, not disparaging his religion. This is nothing like the often-used and offensive race-card that the Democrats often used.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, I urge my colleagues to vote in favor of each of the four nominees.

I also urge the Senate and the administration to work at keeping the impartiality of the Federal judiciary.

I urge those on the other side of Pennsylvania Avenue to stop making this a political partisan game but to do what is best for the country.

I yield any time remaining that I may have.

Mr. HATCH. I yield whatever time I may have remaining.

VOTE ON NOMINATION OF LEONARD E. DAVIS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Leonard E. Davis, of Texas, to be United States District Judge for the Eastern District of Texas?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Corzine
Helms
Thomas

The nomination was confirmed.

Mr. REID. Madam President, I ask unanimous consent that the three remaining votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President shall be immediately notified of the Senate's action.

VOTE ON NOMINATION OF ANDREW S. HANEN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Andrew S. Hanen, of Texas, to be United States District Judge for the Southern District of Texas.

The yeas and nays have been ordered, and the clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 105 Ex.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Corzine
Helms
Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table and the President shall be immediately notified of the Senate's action.

VOTE ON NOMINATION OF SAMUEL H. MAYS, JR.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Samuel H. Mays, Jr., of Tennessee, to be U.S. District Judge for the Western District of Tennessee. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 106 Ex.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Corzine
Helms
Thomas

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The majority leader has asked me to notify everyone that following this vote we are going to a period of morning business until about 2:30 today. I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. NICKLES. Reserving the right to object, I would like to discuss this for a moment with my friend and colleague.

VOTE ON NOMINATION OF THOMAS M. ROSE

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Thomas M. Rose, of Ohio, to be a United States District Judge for the Southern District of Ohio?

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Corzine
Helms
Jeffords
Landrieu
Thomas

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The majority leader.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I have been in consultation with the distinguished Republican leader. We are continuing to discuss matters pertaining to the trade package currently under consideration on the Senate floor.

In order to accommodate additional discussion, I ask unanimous consent that we proceed in morning business until 2:30, with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

STUDENT LOANS

Mr. DASCHLE. Mr. President, I want to talk briefly this afternoon in morning business about a matter that I know is of great importance to a number of people across the country, an issue that was the subject of some discussion in the health committee just this morning.

Students are borrowing too much, and students are working too much in order to finance rising college costs.

Sixty-four percent of all students borrow Federal student loans to finance a college education today. The typical undergraduate student graduates with about $17,000 in Federal loan debt.

Student debt is skyrocketing. As a result, many students find themselves saddled with unimaginable levels of student loan debt and experience difficulty in repaying their loans. An estimated 39 percent of all student borrowers today graduate with unimaginable student loan debt.

The administration, in late April, proposed to exacerbate the current circumstances in ways that were inexplicable to many of us. They proposed to raise student loan interest rates for consolidated loans by changing the consolidation loan interest rate from a fixed to variable rates. This proposal has come along, as I noted, when millions of students are struggling to pay for college.

According to the Department of Education, the typical borrower now graduates with almost $17,000 in Federal student loan debt, as I noted a moment ago. And more than half of all Pell grant recipients graduate with student loan debt as well. The typical Pell grant recipient who borrows graduates with almost $19,000 in loan debt.

The Office of Management and Budget, on April 25, released a third "Offset Options for the Supplemental" appropriations bill that is currently pending in the House. Many of us were intrigued with the offset option that they chose to use involving student loan consolidation. I will quote from the document. It is under the category "For $1.3 billion for the Pell Grant shortfall, Student loan consolidation proposal." And they stipulate that would raise $1.3 billion. Now I am quoting from the OMB document:

> Changing the interest rate formula from fixed to variable is a good thing as fixed rate consolidation loans: can result in significant Federal costs; have higher average costs to borrowers; needlessly penalize borrows who consolidate their loans when variable interest rates are high; and, can have a destabilizing effect in the guaranteed loan program.

The proposal that the administration made through the OMB would cost the typical student borrower $2,800, and the typical Pell grant recipient, who borrows, $3,100 over the life of their loans.

So in order to raise that $1.3 billion for which they are proposing to offset, in part, the costs of the supplemental, what they want to do is charge the typical borrower an additional $2,800 and the typical Pell grant recipient $3,100 over the life of the loan.

Senator KENNEDY has held a hearing this morning. We were very pleased that the administration appears now to have had a change of heart, for they have announced they are reversing their position. They now recognize that this was a major error and that they will now no longer adhere to that offset as they look to ways in which to find the money to pay for the supplemental.

We are very pleased with the administration's announcement that they will not advocate this additional burden on students, both for student loans as well as Pell grants.

But I must say, I thank the distinguished chair of the HELP Committee for calling this to the attention of our colleagues, for calling it to the attention, really, of the educational community. Because of his stalwart advocacy, and the extraordinary attention that this issue has generated over the last couple of weeks, I am not surprised that the administration has now had a change of heart.

This was not a good idea. And, obviously, they have now come to that conclusion as well.

So it is good news for students. It is good news for education. And it is especially good news for those advocates, as Senator KENNEDY has personified, who have called for this change of heart from the day it was announced.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to preface my question with this observation: Under the leadership of Senator DASCHLE, there were 46 Members of the Senate—under his leadership and Senator REID's, and others—who wrote a letter to the President some 10 days ago, recognizing that if this policy of the administration went ahead, it would be like increasing taxes for the average working family by $3,700. That would be the average increase if they did not consolidate. It could go as high as $10,000.

I am wondering, I did not hear that we ever received a response to that letter requesting the deferral of that action.

As Senator pointed out, I think all of us in this body want to, first, give the assurances to young people in college that we are going to do everything we possibly can to make college affordable.

And this is my question to the leader: Doesn't the leader believe that we have a real responsibility to do everything we possibly can to make sure college is going to be more affordable for working families and for the middle income, and that we are also going to stand to make sure we meet our commitment we made to the American people and to the schoolchildren with regard to the early education bill, that we are going to try to meet our commitment to those students, to the families, to the parents, and to the local communities as well?

I am interested in hearing, as the majority leader of the Senate, how important you think it is that we continue the effort to ensure we are going to make the dreams of our young people attainable—through quality education in K–12, and through higher education—and how strongly the leader is committed to doing that, after thanking the administration for changing their position.

Mr. DASCHLE. Mr. President, no one knows more about the commitment we have made to the students who want to be involved in higher education than the distinguished Senator from Massachusetts. He can probably tell us the very day it was done. But in recent times, we have increased the cap, the availability of resources through both loans as well as the Pell grants to students in order to accommodate their additional costs.

We have recognized that their costs continue to go up. We have recognized how serious the financial problems are that many of these students have experienced. As a result, we have increased the caps. That is why the original OMB decision is so mystifying. Because as we raise the caps, if we raise the cost, then we have not done anything to help the students, so we have made this raise in eligibility for additional assistance virtually meaningless.

I might say, there is a trend here because that is basically what we did with the No Child Left Behind Act as well. We provided more opportunities for students in many respects, but then we underfund by more than $1 billion the resources we should be providing to ensure that act is fully funded.

So there appears to be rhetoric, and then there is the reality. There is the rhetoric, and then there is the resources. The rhetoric is: We want to help all these students. The rhetoric is: We don't want to leave any child behind. The reality is, we do not provide the resources to see that it happens—whether it is an OMB decision on student loans or the decision that the budget implies on the part of the administration to fund the No Child Left Behind Act.

Ms. STABENOW. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Michigan.

Ms. STABENOW. I would like to thank the leader personally on behalf of hundreds of thousands of students and their families in Michigan for his leadership on this issue. And I also thank the Senator from Massachusetts for his leadership.

When I first heard about what the administration was proposing, I was astounded. I received calls from so many students and families in Michigan.

We all know, as you indicated, that Pell grants are important, particularly to lower income students. But so many middle-income families rely on the loan program, and rely on the ability to receive the lowest possible interest rate in order to be able to send their children to college.

I have to say, on a personal note, having had a son go through college and a daughter who is now in college, for myself with loans, I certainly appreciate what families feel.

When we saw the proposal to increase, essentially, the interest rates, it was nothing more than a tax on the ability of young people to be able to go to college and pursue the American dream. And we all certainly have a stake in making sure we do that.

So I thank the majority leader for his leadership. I know that the Senator from Massachusetts, as well, has been vigilant.

It is good news that they have appeared to change their minds, but we certainly know that minds can be changed again. As we go through this process, I know we will all stand together to make sure that this is an area we do not touch. I cannot imagine something more important than making sure the young people, the adults, and families of this country have the opportunity to get the skills they need to be successful in our economy. I am proud to stand with the majority leader in support of this goal.

Mr. DASCHLE. I thank the Senator from Michigan. She has been a tremendous advocate for education ever since the day she was sworn. I am grateful to her for her engagement and her willingness to continue to work with us. She was one of the signatories on the letter the Senator from Massachusetts has referenced. I thank her very much.

She made an interesting point. She said, what the administration has decided could be decided in another direction at some later date, and we might find ourselves in yet another set of circumstances involving the very same problem; that is, the rhetoric versus the reality, the rhetoric versus the resources. We will be going into appropriations. I worry about the rhetoric versus the resources once again. Are we going to be able to ensure that we can provide the commitment to students at all levels, that the resources will be there to match the rhetoric that we hear coming from the administration with regard to their commitment on education? I have my doubts.

We have at least two instances now so far—the student loan issue as well as the no child left behind question—where the rhetoric has far exceeded the results and the reality and the resources. I appreciate her comment in that regard.

Mr. DAYTON. Will the majority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Minnesota.

Mr. DAYTON. I had been traveling around Minnesota a couple years ago while seeking this office, and I was stunned by the increasing number of students who were relying on loans and by the increased amount of money that undergraduates and graduates were building up in debt before they even got their first job in the workplace. It is $25,000 for somebody attending a 4-year public institution in Minnesota; $50,000, even in a couple cases over $100,000, for people who have come out of graduate programs. Have you had that same experience in South Dakota in the last few years?

Mr. DASCHLE. The Senator from Minnesota is exactly right. I don't know what the amount is in South Dakota for the typical student, but the typical student nationally now graduates with about $17,000 in Federal loan debt. My guess is, it is somewhat lower in South Dakota. I have talked to a lot of students who are very concerned about paying off that debt, very concerned about the debt service they have to pay on a regular basis when they graduate. This is something about which they are very concerned. Thirty-nine percent of all student borrowers graduate today with what is termed an unmanageable student loan debt.

There is no question, this is a matter that is of increased concern to students all over the country, especially those in the Upper Midwest such as Minnesota and South Dakota. This is why we were so mystified when they said, we are going to ask students, on top of all the debt they currently have, to pay an additional $2,800 for a typical loan or $3,100 for a Pell grant recipient. I can't imagine how we would want to exacerbate their problems by adding even further cost on to the overwhelming loan debt that many of them already have.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. I wanted the leader to be here because he mentioned it briefly. I wanted to pick up on the fact that we have all joined in the letter sent to the President. I say "joined" because we depend on the Senator from Massachusetts for so many things. I want to see if the leader will agree—and I know he does—the Senator, as we know, has a great pedigree, but there is no one who serves in the Senate—I am not too sure has ever served in the United States—who has been more interested and more concerned about the people who have no one here to represent them.

I made a couple of notes. On seniors, we have had no leader in the Senate such as the senior Senator from Massachusetts, whether it is Medicare, whether it is prescription drugs—you list the issues seniors are interested in, including Social Security—he is always leading the charge in that regard.

If you talk about the poor, bankruptcy, food stamps, he is always out in front, as well as on the minimum wage, Medicaid. And then when you talk about education, of course, his committee has written legislation, not the least of which is the work that was done in leaving no child behind, which is a great piece of legislation. We need to make sure there is money there. The environment, hate crimes, nuclear victims, I am so impressed with the work the Senator from Massachusetts does.

And while people come to us all the time—you certainly more than I, deservedly—about the things we have done, we usually, on many of the issues I have mentioned, take the lead from the Senator from Massachusetts.

Would the Senator agree with me that, in the history of the Senate, there have been very few Ted Kennedys who have been able to do things such as this, and every college student and parent who is paying off a loan I am sure can understand what I am saying. Would the Senator agree?

Mr. DASCHLE. In the history of the Senate, I would say there has only been one TED KENNEDY. But the point is so well taken. For 35 years, this giant of the Senate has done remarkable things, probably has more legislation attributable to his contribution in this body than anybody in recent times. We certainly recognize his many accomplishments. It is not only the level of accomplishment and achievement but the manner in which he accomplishes them that is noteworthy. I appreciate very much his calling attention to this issue as well.

This is another example. This became an issue when the country, through his committee and his leadership, was put on notice about the implications of this $1.3 billion offset. We are very grateful to him for his work in this regard.

Mr. KENNEDY. If the Senator will yield, I am grateful to both of my colleagues for their kind and overly generous remarks. I plan to be here for a while longer.

Let me just carry on and ask the majority leader, the President, with whom we worked on education, was in southern Wisconsin earlier this week talking about the Federal Government having a responsibility. He said: Generally that responsibility is to write a healthy check. We did so in 2002; $22 billion for secondary, elementary education, a 25-percent increase. We have increased money 35 percent for teacher recruitment, teacher retention, and teacher pay.

Does the Senator not find it somewhat perplexing that we see in this chart the Bush proposed increase for 2002 is 3.5 percent? It increased in 2002 as a result of the leadership of the Senators from South Dakota and Nevada and the Democrats. We got it up to 20 percent. The President is taking credit for it out here in the Midwest. And now we have this year 12.8 percent. Do we find that somewhat perplexing when we have the President saying we have our responsibilities to write a healthy check? Well, the check was written and we increased it, but the Bush proposal is at 2.8 percent.

I wanted to mention, in the area which is of such central importance to educational reform, that is, having a quality teacher in every classroom, of all the educational issues, and there are many—afterschool programs, the construction issues, smaller class sizes—having a well-trained teacher in every classroom was key.

The President was out in the Midwest another day talking about all the work they have done, increasing teacher recruitment, retention, and pay, 35 percent. That is represented in this $742 million. We supported every penny of it.

Well, now, look at this fiscal year's proposed budget for the very same function. Zero. Not even the cost of living. Zero. I am just wondering; when the Senator talks about the difference between rhetoric and reality, there must be people in the Senator's own State who have to wonder about that as well. I am just, again, wondering whether it isn't important for us, as we are coming into the debate and national elections in 2002—money doesn't solve everything, but money is a pretty clear indication of a nation's priorities. I know the leader reached his hand out to the Republican leader and we passed a strong bipartisan bill that had reform. I think most of us thought we needed reform and resources.

This is enormously troublesome to me in terms of the K through 12, as the efforts by the administration are to prohibit consolidation. I wonder whether the leader agrees with me that education is a key priority and that we are going to have to watch every aspect of it as we continue through this legislative session so that we are going to meet our responsibilities to families across the country and sharing quality education, K through 12, and even earlier education and college education.

Mr. DASCHLE. Mr. President, I heard someone say the other day: You can't fool all the people all the time, but why not give it a try.

I think that is, in essence, what we find the administration attempting to do when it comes to education—simply assert that they are for it and try to fool all the people all the time. But the Senator from Massachusetts points out the problems with that strategy. You can't fool all the people all the time, when the resources simply don't speak to the reality.

That is exactly the problem the administration continues to face. The resources don't speak to the reality. The resources fall far short of the reality. We can all assert we are for education and that we are not going to leave any child behind. But I can tell you, there are South Dakota children left behind, there are Massachusetts children left behind, and Nevada and Minnesota children are left behind. I think that is the question we are going to continue to face throughout the remainder of the year: Will we leave these children behind because this administration refuses to provide the resources? I hope not.

Today, we got a good indication that, at least in one instance, they have changed their minds. When it comes to students, they will provide the resources that match the initial reality. We have a lot more of these instances in store, but I think we have made the first downpayment in the effort. I thank and applaud the Senator from Massachusetts for doing so.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

JUDICIAL NOMINATIONS

Mr. ALLARD. Mr. President, last week Senator CAMPBELL and I sent a letter to the chairman of the Senate Judiciary Committee expressing our concern about the state of the judicial confirmation process. We shared with the chairman our thoughts on the serious injustice being served on the American people by the committee's failure to provide hearings for the President's judicial nominations.

It is unfortunate that the citizens of the United States must bear the consequences of the Judiciary Committee's delaying tactics. It is unfortunate that the citizens must bear the burden of delayed justice. One year ago, President Bush forwarded his first 11 judicial circuit court nominees to the Judiciary Committee. Every person in this group of nominees received a "qualified" or "well-qualified" rating from the American Bar Association. Now, 365 days later, 8 of the original 11 nominees are yet to receive a hearing. One year later, we are still waiting to have a hearing for 8 of those 11 nominees.

This weekend also marks the 1-year anniversary since the President nominated Tim Tymkovich for the Tenth Circuit Court of Appeals. So, today, 1 year since he was nominated by the President, I stand before you still hoping Mr. Tymkovich will have a hearing, still hoping to fill the 3-year vacancy in the Tenth Circuit, and still hoping that the people of Colorado, Utah, New Mexico, Oklahoma, and Nebraska will no longer be victimized by a vacant bench—a bench paralyzed by a lack of personnel to move quickly through an overwhelming caseload.

So now Mr. Tymkovich, the former solicitor general of Colorado, waits indefinitely for the opportunity to serve his country. He waits indefinitely for his opportunity to help administer the justice that our constitutional Government guarantees. And the people of the United States wait for the Senate to fulfill its constitutional duties.

The events of the past year clearly demonstrate an active effort by the enemies of the United States to destroy the liberties and freedom of our great Nation. The most basic of our country's values and traditions are under attack. Congress has responded by enacting new laws and by providing financial assistance to businesses and families and defense. We acted swiftly to suffocate terrorists and destroy the hateful organizations that work to undermine our society.

Yet the instruments through which justice is served are being denied their chance to serve by ugly, partisan politics. For a year, Mr. Tymkovich's nomination has languished in the committee without action. Today, once again, I urge you to move forward with his confirmation. Mr. Tim Tymkovich is highly qualified and will serve his country with the utmost of patriotism and respect for adherence to constitutional principles. The committee must provide a hearing for the Tenth Circuit seat because the seat has remained vacant entirely too long.

A necessary component of providing justice is an efficient court system—a system equipped with the personnel and resources that enable it to fulfill its role as a pillar of our constitutional system of government.

The current state of judicial nominations is simply unacceptable. It has evolved into a petty game of entrenchment, creating a vacancy crisis that prevents the service of the very justice upon which our great Nation depends. The simple fact remains: Justice cannot be delivered when one of every six judgeships on the appellate level remains vacant. I will repeat that: One out of every six judgeships on the appellate level remains vacant.

It is unfortunate—perhaps even shameful—that the confirmation stalemate continues. How much longer will the American people have to wait? How much longer? Many people across the country are asking this same question and responding by urging the chairman to act quickly and provide hearings for qualified judges. The sentiment is being echoed across the pages of every major newspaper in the Nation and the State of Colorado. They all agree that the Senate must act to fill judicial vacancies and end this vacancy crisis.

Mr. President, I wish to share with you some of the statements made in the editorial pages of these papers. They all recognize that the treatment of certain Bush nominees has established a pattern of political partisanship. I ask that these editorials be printed in the RECORD upon completion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLARD. The first article is by the Denver Post, dated Monday, May 6, 2002. The other article I ask to be printed is an editorial by the Rocky Mountain News from May 8, 2002. Next is an editorial by the Colorado Springs Gazette, dated May 8, 2002. Next is an editorial by the Rocky Mountain News, dated May 9, 2002.

Mr. President, the Denver Post editorial states:

> The U.S. Constitution grants to the president the power to appoint judges with the "advice and consent" of the Senate. There is nothing in that provision that anticipates a process in which a president nominates replacements to the federal bench and the Senate acts as if it has no responsibility to cooperate.

The Post continues in its editorial:

> . . . it is difficult to think of a single reason why [Mr. Tim Tymkovich] has been denied a confirmation hearing and an up-or-down vote in the full Senate. Such a vote is the prescribed solution for cases where there is disagreement between the Senate and the president.

The Post also expresses the frustration that the American people are feeling:

> Unless the Democrat leadership abandons its delay tactics, we think the treatment of judicial nominees ought to be a front-and-center issue in the upcoming elections.
>
> If the Senate won't vote to end the judicial logjam, maybe the citizens should.

The Rocky Mountain News notes that Mr. Tim Tymkovich is not the only Tenth Circuit nominee awaiting a hearing, there are two vacancies, both of whom were appointed 1 year ago. This means the committee is depriving the court of two qualified judges. Unfortunately, it is the people of the United States who suffer, the people who turn to the courts to address their grievances. The committee does not face the daily injustice served on the people, nor does it face the costly court delays caused by an overwhelming docket. The committee does not face the frustration of citizens as they pursue justice in front of an empty bench.

The Rocky Mountain News reveals that the chairman is blaming the President for the delay. According to the chairman, "Controversial nominations take longer." But as the paper points out, there is little controversy regarding the nomination of Tim Tymkovich. Yet he still has not received a hearing.

Outside the city of Denver, newspaper headlines herald the same message, citing the stalemate as "justice delayed" and calling for action. The Colorado Springs Gazette states:

There is a slate of looming vacancies on the federal bench across the country thanks in large part to backlogged nominations, and its risks paralyzing the courts.

The Gazette concludes by adding that swift justice is supposed to be a hallmark of our system; its prospects do not look good while policymakers are making it harder to get before a judge at all.

Mr. Tymkovich is an outstanding choice for the Tenth Circuit Court of Appeals, and he will serve this Nation well, but he must be given the opportunity to do so. In Colorado, his nomination enjoys broad bipartisan support and the support of our State's legal community.

He has also passed the litmus test of the chairman of the Judiciary Committee, Senator LEAHY, and is deemed qualified by the American Bar Association. The committee must move to end the confirmation stalemate and restore the people's faith that our judicial system is, indeed, built to provide all the judicial resources that are needed to provide access to the courts of law.

It must diligently perform its duty to provide hearings so that the vacancies that plague our courts may be filled. The President has asked for the forging of a bipartisan consensus in favor of fair and efficient consideration of all judicial nominations—I do not think that is an unreasonable request—regardless of the pattern of party control of the political branches of Government. I urge the committee to answer this call and move forward with the judicial nomination process and prove to the American people that the committee is, indeed, interested in serving justice.

I thank the Chair. I yield the floor.

EXHIBIT 1

[From the Denver Post, May 6, 2002]

POLITICS AND THE BENCH

There is a fresh reminder of how political the judicial selection process has become. Colorado's two senators, Ben Nighthorse Campbell and Wayne Allard, both Republicans, have written a letter to Senate Judiciary Committee Chairman Patrick Leahy, D–Vermont, pointing out that it was a full year ago that President Bush nominated Denver attorney Timothy Tymkovich to a seat on the 10th Circuit Court of Appeals.

The two senators complained, and we agree, that "the current state of judicial nominations . . . devolved into a petty game of entrenchment" that has created a vacancy crisis.

The recent treatment of a Charles Pickering, a Bush nominee to the Fifth Circuit Court of Appeals, consumed a great deal of the committee's time and established a pattern of political partisanship.

The issue for the committee and the nation is whether such treatment—and ultimate rejection on a straight party-line vote in committee—is a pattern the Democratic leaders of the Senate want to repeat. It will be no bargain for the country if the Senate committee adopts a strategy of simply delaying all Bush judicial nominations.

The U.S. Constitution grants to the president the power to appoint judges with the "advice and consent" of the Senate. There is nothing in that provision that anticipates a process in which a president nominates replacements to the federal bench and the Senate acts as if it has no responsibility to cooperate.

Because Tymkovich is well-known in Colorado, having served as the state's solicitor general, it is difficult to think of a single reason why he has been denied a confirmation hearing and an up-or down vote in the full Senate. Such a vote is the prescribed solution for cases where there is disagreement between the Senate and the president.

Unless the Democratic leadership abandons its delay tactics, we think the treatment of judicial nominees ought to be a front-and-center issue in the upcoming elections.

If the Senate won't vote to end the judicial logjam, maybe the citizens should.

[From the Rocky Mountain News, May 8, 2002]

BUSH NOMINEES TO DENVER-BASED COURT STILL WAITING FOR HEARINGS

(By Robert Gehrke)

WASHINGTON.—A year ago, it looked like smooth sailing for Michael McConnell.

President Bush had made the conservative University of Utah law professor one of his first appeals court nominees, naming him to the 10 Circuit Court of Appeals in Denver. Approval by the Senate Judiciary Committee, then chaired by Sen. Orrin Hatch, R–Utah, seemed certain.

Bush also nominated Colorado attorney Tim Tymkovich to the 10th Circuit.

A year later, Democrats control the Senate, and McConnell, Tymkovich and five other judges Bush nominated last spring are still awaiting a hearing.

Hatch, McConnell's leading backer, has criticized Judiciary Chairman Patrick Leahy, D–Vt., for moving too slow on judicial nominees, and frequently cites McConnell's case as an example.

"They know that Mike McConnell is one of the truly great Constitutional scholars. They know he's on the fast rack to the Supreme Court, so they're going to delay this as long as they can," said Hatch.

Keeping McConnell off the bench, Hatch said, keeps him from compiling the type of judicial experience he would need before moving up to the Supreme Court.

Sens. Wayne Allard and Ben Nighthorse Campbell, both R–Colo., urged Leahy last month to hold a hearing for Tymkovich.

"The current state of judicial nominations is unacceptable," they wrote in a letter to Leahy. "It has devolved into a petty game of entrenchment, creating a vacancy crisis that prevents the service of the very justice upon which our great nation depends."

McConnell and Tymkovich would fill the only two vacancies on the 10th Circuit, which handles appeals from U.S. district courts in Utah, New Mexico, Colorado, Oklahoma and Nebraska. Other circuits have more vacancies.

Leahy spokesman David Carle defended the pace of nominations, saying Democrats confirmed 16 more justices in their first 10 months in control than the Republicans did in their first 10 months in 1995.

Women's groups, gay-rights advocates and church-state separationists have all voiced concerns about McConnell and Tymkovich's records.

McConnell, 46, has represented several groups that have claimed government discrimination because of their religious beliefs. He has argued against a secular government in favor of an arrangement that accepts all religious on an equal footing.

He opposes abortion and co-wrote a law review article challenging the constitutionality of legislation that prohibited protests blocking abortion clinics.

He represented the Boy Scouts of America when they argued they should not be forced to accept homosexual leaders.

As Colorado's solicitor general, Tymkovich defended a state constitutional amendment prohibiting municipalities from adopting ordinances outlawing discrimination against homosexuals.

He also defended a Colorado law prohibiting state financing of abortions in cases of rape or incest.

Adam Shah of the Alliance For Justice, which helped defeat the nomination of Judge Charles Pickering to the Fifth U.S. Circuit of Appeals in New Orleans, said the group has not worked against McConnell or Tymkovich but is examining their records.

"We understand that the president has the right to name nominees that he chooses," Shah said recently. "We are willing to look at the record and their political views and see if they will make good judges . . . and not turn back the clock on civil rights, women's rights and environmental protections."

[From the Colorado Springs Gazette, May 8, 2002]

JUSTICE DELAYED

BLOCKING NOMINEES IS AN OLD POLITICAL GAME—AND IT'S UNDERMINING OUR COURTS

Let's not be naive about how presidential picks, especially for the judiciary, quickly can become political pawns for members of Congress. Holding up a nominee to the bench or to any other office requiring the Senate's advice and consent has become nothing less than a venerated tradition. And it's a bipartisan affair even as each side howls with indignation when the other does it.

Sometimes it's indulged for philosophical reasons—a judicial nominee's stance on abortion or capital punishment, for example. Other times the stonewalling is mundanely political—perhaps some senators want a president to back off of a threatened veto of major legislation. A pending nomination can prove a useful bargaining chip. It all makes for a very old game, and it has been that way almost every time the White House has changed tenants over the years.

But that doesn't make it right. More to the point, the inclination of senators to make judicial appointees cool their heels interferes with the administration of justice. The latest joust between the Senate and the presidency is no exception.

To their credit, Colorado Republican U.S. Sens. Ben Nighthorse Campbell and Wayne Allard have written a letter to the Chairman of the Senate Judiciary Committee, Patrick Leahy, D-Vt., making just that point.

"The current state of judicial nominations is unacceptable. It has devolved into a petty game of entrenchment, creating a vacancy crisis that prevents the service of the very justice upon which our nation depends," they wrote.

Of particular concern to the Colorado delegation is the status of Colorado's former solicitor general, Tim Tymkovich, who was nominated by President Bush in 2001 to fill the Colorado vacancy on the 10th Circuit Court of Appeals. Saturday will mark the one-year anniversary since Tymkovich's nomination was sent to the Judiciary Committee.

It's not as if there are some glaring blemishes on the man's resume. On the contrary, his nomination enjoys the broad support of our state's legal community, and he was deemed qualified when rated by the American Bar Association. and still he remains in limbo.

To reiterate, we're not being naive here. This is an old syndrome that conforms to no political boundaries. Indeed, a couple of years ago, it was Allard who for a time helped delay the nomination of a Clinton administration pick for the 10th Circuit bench.

But the underlying point the Senators make in their letter to Leahy is well taken. Quite simply, there's a slate of looming vacancies on the federal bench across the country thanks in large part to backlogged nominations, and it risks paralyzing the courts.

Whatever reservations members of either party might harbor about any given nominee, and however substantive those concerns may actually be on occasion, at some point they pale next to the need for any judge at all to attend to the logjam in federal courts.

Swift justice is supposed to be a hallmark of our system; its prospects don't look good while the likes of Leahy are making it harder to get before a judge at all.

[From the Rocky Mountain News, May 9, 2002]

GOP MAY PROTEST DELAY ON HEARINGS

COLORADAN IS AMONG BUSH JUDICIAL NOMINEES

(By M.E. Sprengelmeyer)

WASHINGTON.—Republicans might slow action in the U.S. Senate today to protest a yearlong delay in confirming President Bush's judicial nominees, including one from Colorado.

Saturday will be the one-year anniversary of Bush's nomination of Tim Tymkovich to the 10th Circuit Court of Appeals in Denver.

But he's still waiting for a confirmation hearing, as are eight of the first 11 judicial nominees Bush made a year ago today.

Republican Senators will call attention to the issue in a morning press conference, and then they are expected to invoke procedural maneuvers to slow the Senate's work throughout the day.

"It will be a slowdown in order to make their point," said Sean Conway, spokesman for Sen. Wayne Allard, R–Loveland.

Last week, President Bush called the situation a "vacancy crisis," especially in the 12 regional Courts of Appeals, where one in six judgeships remains vacant. The Denver-based 10th Circuit is still waiting for nominees Tymkovich and Michael McConnell of Utah to get hearings.

In response, Senate Judiciary Committee Chairman Sen. Pat Leahy, D–Vermont, pointed out that the Senate had confirmed 52 of Bush's nominees since Democrats took control 10 months ago. He said Bush should share the blame for other delays.

"Controversial nominations take longer, and the President can help by choosing nominees primarily for their ability instead of for their ideology," Leahy said in a release.

Some groups have questioned McConnell's nomination, claiming that the University of Utah professor would weaken the separation of church and state. They also question his views because he once represented the Boy Scouts of America in its bid to exclude homosexuals. McConnell backers say the fears are based on misunderstandings and that he has been endorsed by several Democratic academics.

But there is little controversy over Tymkovich, Colorado's former solicitor general.

Last month, Allard and Sen. Ben Nighthorse Campbell, R–Ignacio, wrote Leahy, demanding that Tymkovich get a hearing.

"It has devolved into a petty game of entrenchment, creating a vacancy crisis that prevents the service of the very justice upon which our nation depends," they wrote.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Chair.

I congratulate Senator ALLARD for an excellent statement. I have a similar story to tell of one of our nominees from the State of Arkansas.

THE PRESIDENT'S COMMITMENT TO EDUCATION

Mr. HUTCHINSON. Mr. President, before I begin discussing the judicial nomination, I wish to respond to the colloquy that took place on the other side of the aisle regarding our President's commitment to education.

I serve on the Education Committee, and I was privileged to serve on the conference committee on the Leave No Child Behind legislation which reauthorized the Elementary and Secondary Education Act and which was signed into law in January. I saw for more than a year the President's and this administration's deep commitment and involvement to reforming and fully funding our education legislation and our commitment to our elementary and secondary education, special education under IDEA, and the bilingual and other programs that were reauthorized in this legislation.

We have incredible leadership in the White House, and that is why this bipartisan legislation passed by over 80 votes in the Senate. It disappoints me and hurts me to hear my colleagues on the other side of the aisle attack this administration and question its commitment to education. We saw in 30 years under Democrat control an education policy that got us nowhere, in which the learning gap between high-achieving and low-achieving students never narrowed, in which test scores, instead of rising, continued to fall.

Now we have a President who has said: Let's try something different; let's put real accountability into education; yes, let's increase funding, with dramatic increases in title I, dramatic increases in IDEA, special education, and dramatic reforms and increases in bilingual education; but let's accompany spending increases with accountability; let's not just spend more, let's spend smarter.

I, for one, stand and applaud the President for his leadership. I can only say as the President's poll numbers soar on leadership in education and Republicans in general score better on education than ever before, that is the only explanation for the misguided attack on the President on the education issue which we just heard today.

JUDICIAL NOMINATIONS

Mr. HUTCHINSON. Mr. President, I wish to speak about the tragic hold up of our circuit court nominees to the Federal bench. It takes only a few numbers to show the dramatic vacancy crisis we are facing in the Federal court system: 10 percent of Federal judgeships are vacant right now, 85; 20 percent of judicial seats at the Federal courts of appeals are vacant. With eight openings, half of the entire Sixth Circuit is now vacant. It is operating at half strength.

The Judiciary Committee has held a hearing on only one of President Bush's seven nominees for the Sixth Circuit, and that hearing was held just a week and a half ago after pending for over 6 months. Two of the Sixth Circuit nominees, Jeffrey Sutton and Deborah Cook, were nominated a year ago today but have not yet had a hearing.

Do they question their ability? The ABA rated both nominees as unanimously qualified, but they have languished for a year.

The numbers simply do not lie: 44 nominations are currently pending before the Judiciary Committee. Unfortunately, 22 of those unconfirmed nominees are for circuit courts, the court of last resort for most cases.

In 1996, the current Judiciary Committee chairman called a vacancy rate of only two-thirds as high as the one we face today a judicial emergency. It is even more so today, and we are doing even less about it.

Of the current 85 vacancies, 37 are considered judicial emergencies by the Administrative Office of the U.S. Courts. This is calculated based on the number of years the judgeship has been open and the size of the court's caseload.

Perhaps the most staggering fact is this: Of the President's first 11 circuit court nominees submitted to the Senate on May 9, 2001, only 3—Mr. President, only 3—have even received hearings by the Senate Judiciary Committee.

This is a crisis by any definition, by any measure, and it is inexcusable.

One of the nominees who has been waiting almost a year is from my home State of Arkansas.

He is a very distinguished, very qualified jurist named Lavenski Smith. This is my friend Lavenski Smith.

It is very easy to talk numbers. Numbers come and go. People come to the Chamber and argue numbers and statistics, but I want to put a face on what we are really talking about.

Judge Smith was nominated for the Eighth Circuit Court of Appeals almost a year ago, on May 22, 2001. I brought this picture of Lavenski Smith in the hopes this might put a human face on at least one of the people we are hurting by these unjust and inexcusable delays. Judge Smith has received broad support from both of his home State Senators, from colleagues on the bench in Arkansas, from colleagues from his days of practicing law. He has received the support of the American Bar Association. He has received the support of the president of the Arkansas NAACP. He has received the support of editorial boards of both the left and the right ends of the political spectrum in the State of Arkansas.

That is broad support. That is support from the left and the right. There is support from every colleague who has ever worked for him. There is support from his colleagues on the Arkansas Supreme Court. There is support from the American Bar Association. There is support across the board.

The NAACP president has written asking for a hearing. Yet Judge Smith's nomination languishes. Why? If he is confirmed, Judge Smith will be the first African-American Arkansan on the Eighth Circuit. I wonder what the ladies and gentlemen of the press would be saying about this nomination were the tables reversed, were Republicans in control and a Democrat nominee, an African American, who would be the first on the Eighth Circuit Court of Appeals, had languished for almost a year without even a hearing.

Ever since this nomination, I have looked forward to the day when I could sit next to Judge Smith in the Senate Judiciary Committee and I could give a glowing introduction of my friend at that hearing. I have been waiting, I have been waiting, and I have been waiting. I have written Senator LEAHY over and over, and I have talked to Senator LEAHY. Others have written and pleaded for a hearing, and yet nothing has happened.

I would like to tell my colleagues about my friend. Lavenski Smith earned both his bachelor's degree and his law degree from the University of Arkansas. Following law school and 3 years working in private practice, Judge Smith served the poorest and the neediest citizens of Arkansas as the staff attorney for Ozark Legal Services. At Ozark Legal Services, he represented abused and neglected children. These were children whose own parents were unwilling or unable to act in their best interest, putting the children in danger. So Judge Smith stepped in.

Judge Smith helped these children. He represented them in our complex legal system and navigated the foster care system for them. He helped find the safest place for these children to grow and to thrive. So he is committed to the needy. He is committed to the poorest, and he has demonstrated that with his life, not just with his rhetoric.

In addition to this public service, Lavenski Smith has volunteered his spare time to charitable endeavors such as raising funds for the School of Hope, a school for handicapped children in his hometown of Hope, Arkansas. After Judge Smith spent years working at Ozark Legal Services, Judge Smith opened the first minority-owned law firm in Springdale, AR, handling primarily civil cases. He then taught business law at John Brown University and took several positions in public service, including working as the regulatory liaison for Governor Mike Huckabee in the Governor's office. He currently serves as a commissioner on our Public Service Commission.

Now I mentioned he has this very broad support, and indeed he has. So let me share some of the statements of support for Judge Lavenski Smith, former Arkansas Supreme Court Justice, who was nominated almost a year ago to the Eighth Circuit Court of Appeals and has not been granted even the courtesy of a hearing before our Judiciary Committee.

Dale Charles, the president of the Arkansas NAACP, President Charles wrote:

> He's a fine person individually and in his time on the Supreme Court he represented himself and the court well. I encourage them to question him and let his record speak for itself. I do not foresee his confirmation being in jeopardy.

This is Dale Charles, president of the Arkansas NAACP. Dale Charles wrote this letter some time back. He wrote more recently on April 8 a specific letter to Chairman LEAHY, and I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> NATIONAL ASSOCIATION FOR THE
> ADVANCEMENT OF COLORED PEOPLE,
> *Little Rock, AR, April 8, 2002.*
>
> Senator PATRICK LEAHY,
> *U.S. Senate, Chairman, Judiciary Committee, Russell Senate Office Building, Washington, DC.*
>
> DEAR CHAIRMAN LEAHY: As the President of the Arkansas State Conference of Branches NAACP, I am writing to express our concern that Attorney Lavenski Smith, who is from Arkansas, has not been given a confirmation hearing. President Bush nominated Mr. Smith approximately a year ago for the Eighth Circuit Court, however, he has not been given a hearing before the Judiciary Committee.
>
> While I understand there are some partisan issues involved, I am asking you as Chairman of the Judiciary Committee to, immediately, schedule a hearing on behalf of the confirmation of Mr. Smith for the Eighth Circuit Court. It is my opinion that Mr. Smith is a fine individual and has served the people of Arkansas well in his capacity as a public official.
>
> For additional information, you may contact me at (501) 227-7231 or by e-mail at dhcharles@prodigy.net.
>
> Sincerely,
>
> DALE CHARLES,
> *President.*

Mr. HUTCHINSON. I would like to share with my colleagues what the President of the Arkansas chapter of the NAACP wrote concerning my friend Lavenski Smith:

> Dear Chairman Leahy, as the President of the Arkansas State Conference Branch of the NAACP, I am writing to express our concern that attorney Lavenski Smith, who is from Arkansas, has not been given a confirmation hearing. President Bush nominated Mr. Smith approximately a year ago for the Eighth Circuit Court of Appeals. However, he has not been given a hearing before the Judiciary Committee. While I understand there are some partisan issues involved—

That is the greatest understatement ever made—

> I am asking you, as chairman of the Judiciary Committee, to immediately schedule a hearing on behalf of the confirmation of Mr. Smith for the Eighth Circuit Court of Appeals. It is my opinion that Mr. Smith is a fine individual and has served the people of Arkansas well in his capacity as a public official. Sincerely, Dale Charles, NAACP.

What kind of support does one have to have to get a hearing? How long does one have to wait to get a hearing?

In June of 2001, the American Bar Association, which has been called the gold standard of qualifications, agreed and made a unanimous qualified determination. Chief Justice of the Arkansas Supreme Court, W.H. "Dub" Arnold, well-respected jurist in the State of Arkansas, wrote on behalf of Lavenski Smith:

> He is a great man. He is very intelligent. He did a great job for us on the Arkansas Supreme Court. I think he'll make a great Federal judge. I think President Bush made the best possible nomination he could have made.

Now, Justice Arnold is a Democrat, but he is a fair-minded Democrat and he is a distinguished jurist and he weighs in and says President Bush made the best possible nomination he could have made.

We put in a call to Judge Smith to let him know I would be making these remarks on his behalf in this Chamber. Judge Smith said: Well, go ahead. I do not think it will make much difference, but go ahead.

I was so crushed that he is so cynical about the process that has already delayed this nomination for a year and not even given him a hearing, that his attitude about pushing hard for it really will not accrue to any results.

Mike Huckabee, Governor of the State of Arkansas stated:

> He just has all the equipment to be an outstanding jurist. I'll be the first to predict that his next stop will be the United States Supreme Court.

Governor Huckabee is a Republican. So we have Dub Arnold, a Democrat, and we have Mike Huckabee, a Republican. We have the NAACP. We have the American Bar Association in June of 2001 saying that a unanimous qualified determination has been made regarding Judge Smith's nomination. Yet he waits. It has now been almost 1 year since he was nominated.

I have thought and thought, why? I understand a nomination that is controversial, a nomination that has severe opposition within the State of Arkansas—perhaps if the letter from the president of the NAACP had been a critical letter or perhaps if his colleagues on the Arkansas Supreme Court had come out publicly and said they question his qualifications, perhaps then there would be some way to understand why there has not even been a hearing for Judge Smith.

So I have thought about why, and the only opposition I can find, I say to my distinguished colleagues and to our Presiding Officer today, to Judge Smith's nomination is found on two Web sites. One is NOW, the National Organization for Women, and the other is NARAL.

Judge Smith, for all of his qualifications, all of his distinguished service, all of his commitment to the poor, needy, and handicapped in our society, has one grave shortcoming: He is pro-life. There are those on the Judiciary Committee who have said: Don't send us a pro-life nominee. They are dead on arrival. That is tragic.

To those who for years have denounced the idea of a litmus test to the Federal bench, that we only look at whether one is qualified or not, no one raised the issue of whether Judge Smith is qualified. Yet the only opposition has been NARAL and the National Organization of Women, and they say he is pro-life; he has a record of being pro-life. How can we possibly consider him for the Eighth Circuit Court of Appeals? That is a litmus test if there ever was one, and they are blatant about it. So we wait. And Judge Smith waits.

Holding up judicial nominees is not just a political game. The confirmation process is not a payback opportunity for perceived wrongs of the past, nor should it be viewed as a chance to throw a roadblock before a new President's administration. The American people are watching the Senate's failure to fulfill its constitutional duty, and they are wondering if we understand what our role is.

Last week, I received a call from a constituent in Arkansas. She had previously written to me asking me why the President's very well-qualified nominee to the Eighth Circuit Court of Appeals, Lavenski Smith, has been waiting for close to a year without the courtesy of a hearing. I responded the way I am sure many Members do, by pointing out the letters I have written supporting Judge Smith's nomination, urging quick attention by the Judiciary Committee. I told her I was working hard to convince the committee to examine his qualifications, as I knew they would find his stellar record more than adequate for the job. I wrote to this lady, my constituent, that Senate procedure required the nominations to be reported out of the Judiciary Committee.

She received my letter and called me last week. She said she had looked through her Constitution and wanted to read to me article II, section 2.2, which states that the President shall appoint justices with the advice and consent of the Senate—not the Judiciary Committee. She wanted to know why the Senate was allowing a partisan hijacking of Senate procedure to prevent fulfillment of our constitutional duty.

I tell this story to illustrate that the vacancy crisis in the judiciary is having affects beyond the administration of justice. Our failure does not just create backlogs that allow dangerous criminals on the street longer, leaves the innocent waiting longer for vindication and slow victims access to justice. When we leave half of the bench of a court of appeals empty and another one only two-thirds full, the American people start to doubt our ability and our will to carry out our constitutional duties.

I know my colleagues on both sides of the aisle share my reverence and respect for the Constitution. I hope we will move forward and confirm, or at a very minimum, have hearings and votes on the 44 nominees still pending, including my very qualified and very dear friend, Lavenski Smith, who would be a very able jurist and judge on the Eighth Circuit Court of Appeals. This will set an important precedent for this circuit court of appeals by serving as the first African American on the Eighth Circuit Court of Appeals.

I ask once again, after nearly a year, for a hearing for my friend and for movement on these very important judicial nominations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there have been a couple of speeches on judges. I will say a few things pertinent to the discussion regarding judges.

There is no better place to start than a few statements made by the Republicans in recent days. In 1999, the Republican leader, Senator LOTT, said:

> I am saying to you, I am trying to help move this thing along, but getting more Federal judges is not what I came here to do.

That is the Republican leader.

The Senator from Pennsylvania, Senator SANTORUM, said on November 11 of 2001:

> The delays are a result of "rank partisanship by Tom Daschle."

But this is what he said on the 18th day of August the year 2000:

> A number of my Republican colleagues are not likely to rush President Clinton's lifetime judicial nominees through the confirmation process when they think there is a chance another party could occupy the White House in January.

My friend, Senator CRAIG of Idaho, said in June of 1996:

> There is a general feeling . . . that no more nominations should move. I think you'll see a progressive shutdown.

Now what he is saying:

> There seems to be a concerted effort to operate very slowly around here.

My friend, ORRIN HATCH, the chairman of the committee, talked about his ideology. He said, when chairman of the committee a couple years ago:

> I led the fight to oppose the confirmation of these two judges because their judicial records indicated they would be activists who would legislate from the bench.

A couple of months ago he said:

> I would like to address some recent attempt to reinvent history by repeating this convenient myth that I, as chairman, blocked President Clinton's nominations on the basis of political ideology.

That is what he said.

Again, my friend, the Republican leader said:

> The reason for the lack of action on the backlog of Clinton nominations was his steadily ringing office phone saying "no more Clinton Federal judges."

Senator LOTT said he received a lot of phone calls saying "No more Clinton judges." So that is what he did.

He said to the Bulletin's Frontrunner, a newspaper:

> Until we get 12 appropriations bills done, there is no way any judge, of any kind, or any stripe, will be confirmed.

Senator HATCH said:

> The claim that there is a vacancy crisis in the Federal courts is simply wrong. Using the Clinton administration's own standard, the Federal Judiciary currently has virtual full employment.

We have established the vacancies in the Federal judiciary created by Republicans. Senator HATCH said don't worry.

Although just a short time ago he said:

> If we don't have the third branch of government staffed, we're all in trouble.

The Republicans say they want hearings. I heard my friend from Arkansas say they want hearings.

These are people President Clinton nominated who never ever got a hearing—not 2 days later, 2 weeks later, 2 months later, 2 years later. They never got a hearing. Fine people. In Illinois, Wenona Whitfield; in Missouri, Leland Shurin; in Pennsylvania, John Bingler; in South Dakota, Bruce Greer; in California, Sue Ellen Myerscough; Texas, Cheryl Wattley; in Texas, Michael Schaffman.

Circuit judges in the Fourth Circuit, James Beaty; Richard Leonard, never got hearings; Annabelle Rodriquez. In the 105th Congress, Helene White, Ohio; Jorge Rangel in Texas; Jeffrey Coleman, North Dakota; James Klein, District of Columbia; Robert Freedberg, Pennsylvania; Cheryl Wattley, Texas; Lynette Norton, Pennsylvania; Robert Raymar, Third Circuit; Legrome Davis, Pennsylvania; Lynne Lasry, California; Barry Goode, California. No hearings.

In the 106th Congress, 33 never get a hearing: H. Alston Johnson, Louisiana; James Duffy, Hawaii; Elana Kagan, District of Columbia; James Wynn, North Carolina; Kathleen McCree-Lewis, Ohio; Enrique Moreno, Texas; James Lyons, Colorado; Kent Markus, Ohio; Robert Cindeich, Pennsylvania; Stephen Orlofsky, New Jersey; Roger Gregory, Virginia; Christine Arguello, Colorado; Elizabeth Gibson, North Carolina; J. Rich Leonard, District of Columbia; Patricia Coan, Colorado; Dolly Gee, California; Steve Bell, Ohio; Rhonda Fields, District of Columbia; S. David Fineman, Pennsylvania; Linda Riegle, Nevada; Ricardo Morado, Texas; Gary Sebelius, Kansas; Ken Simon, Hawaii; David Cercone, Pennsylvania; Harry Litman, Oklahoma; Valerie Couch, Oklahoma; Marion Johnston, California; Steve Achelphol, Nebraska; Richard Anderson, Montana; Stephen Liberman, Pennsylvania; Melvin Hall, Oklahoma.

Before I sit down, they talk about Hispanic nominees. There is a Hispanic nominee they say has not moved quickly enough.

Jorge Rangel, who was nominated in July of 1997, never got anything. Enrique Moreno, Fifth Circuit, nominated in 1999, didn't get anything. Christine Arguello, July of 2000—nothing happened. Ricardo Morado, south Texas—nothing happened. Anabelle Rodriguez—these are just some of the names.

I suggest before the tears run too heavily down the cheeks of my Republican friends, they should go back and read their own statements given by their own Senators, and find out the States where people who were nominated by President Clinton never got a hearing.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. LOTT. Mr. President, parliamentary inquiry, if the Senator will yield: How much time is remaining on this side of the aisle?

The PRESIDING OFFICER. Fourteen minutes.

Mr. LOTT. On each side?

The PRESIDING OFFICER. Yes.

Mr. LOTT. Mr. President, the majority leader took some time at the beginning of this debate. Was that out of leader time?

Mr. REID. It was not out of leader time.

Mr. LOTT. It was not out of leader time?

The PRESIDING OFFICER. It came out of morning business time.

The Senator from Florida.

Mr. NELSON of Florida. I ask, of the remaining 14 minutes, that I have consent to have 5 minutes and the remaining time for my colleague from Minnesota, to be followed by me.

Mr. LOTT. I reserve the right to object, Mr. President. I believe the agreement was we would have it equally divided; we could go back and forth. So after 5 minutes I would like to then have an opportunity to speak out of our time on this side.

Mr. NELSON of Florida. Then, Mr. President, I will yield to the Senator from Minnesota. He has a time problem.

Mr. WELLSTONE. Mr. President, that is very gracious. The Senator from Florida will go now followed by the minority leader and then I will follow the minority leader.

The PRESIDING OFFICER. The Senator from Florida.

THE NEGRO LEAGUES

Mr. NELSON of Florida. Mr. President, last week I learned of the death of three men. They lived apart from each other—one in Florida, one in Virginia, and one in Maryland—but they shared a special past.

All three played in baseball's Negro Leagues. They did not receive million-dollar contracts. They did not get endorsement deals. They just played baseball.

Sadly, these three men were part of a group of about 165 players who never received a pension for their time in the leagues.

The Negro League was founded in 1920 by Andrew "Rube" Foster. With 72 teams and more than 4,000 players, the Negro Leagues lasted until 1960, when its last team folded.

For half a century, most of the Negro League players were denied the opportunity to play in the Majors.

Even though Jackie Robinson broke the color barrier in 1947, it took another decade for Major League Baseball to really become integrated. All the while, baseball had its antitrust exemption to unfairly compete against the Negro Leagues, and systemically discriminated against most Negro League players for many years after 1947.

That is the crux of the argument many of these old-timers have about not getting even a small pension.

Though Baseball Commissioner Bud Selig sought to fix some of the problems of the past when, a few years ago, he awarded an annual $10,000 pension benefit to some of the Negro Leaguers, he left out those who played solely in the Negro Leagues from 1948 to 1960.

Major League Baseball contends they were left out because the sport was integrated during that time. But an accurate reading of history shows it took the Big Leagues many years to integrate following Jackie Robinson's debut. In fact, the Boston Red Sox didn't have a single black on its team until 1959—more than a decade after Robinson's move to the Majors.

The players still seeking a small retirement have been reaching out to Commissioner Selig now for 5 long years now. But their requests have been ignored. I joined them last year in trying to find some resolution to this dispute, but my efforts to meet with Commissioner Selig also have been ignored.

Meantime, these ex-players are getting old. Three of them died late last month—two on the same day.

On April 23, we lost James "Pee Wee" Jenkins, a native of Virginia. Jenkins pitched for the New York Black Cubans.

Just last year, Jenkins threw out the first pitch at Shea stadium, as the 2001 Mets—dressed in Black Cuban uniforms—paid tribute to Jenkins and the rest of his fellow 1947 Negro League World Series champions.

James Cohen, Sr., of Washington DC, also died on April 23. A World War II veteran, he pitched for the Indianapolis Clowns from 1946 to 1952, earning the nickname "Fireball."

In his last year with the Clowns, he played with the great, legendary Hank Aaron. Mr. Cohen went on to be a postal clerk for 35 years. And in 1994, he was honored at the White House by Vice President Al Gore. Mr. Cohen was survived by two sons, seven grandchildren and five great-grandchildren.

Back in Florida, we lost Eugene White, of Jacksonville, on April 26. He was an infielder for the Chicago American Giants and the Kansas City Monarchs. As a retiree, he coached little league. On the playing field, he taught more than baseball.

Rob Stafford, one of Mr. White's former players, recently recalled some of the lessons Mr. White taught the kids.

Said Mr. Stafford:

> He taught me a lesson that I only learned to appreciate as a man—the lesson of tolerance.
>
> He taught to never prejudge, minimalize or marginalize a person. He taught me that every person deserves a chance to participate, to be included. . . .
>
> He is now a star on God's level playing field.

Mr. White, Mr. Jenkins and Mr. Cohen were some of baseball's living legends. But these legends are dying.

And so today, to Mr. Selig and to Major League Baseball, I say this: time is running short for you to do the right thing. Major League Baseball can choose to resolve this issue and, can give these players a small token for their achievements.

I sincerely hope Major League Baseball will.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Florida for his very eloquent statement. Second, I thank the minority leader, Senator LOTT from Mississippi, for his graciousness in letting me proceed. I will try to be brief.

HEALTH INSURANCE ASSISTANCE

Mr. WELLSTONE. Mr. President, last week I said to people in northern

Minnesota—specifically northeast Minnesota on the Iron Range—that I thought we had a real breakthrough. I thought it was part of fast track on trade adjustment authority, including legacy costs, and a 1-year bridge where health care costs would be covered. Through no fault of any of the retirees, a lot of these companies, including LTV, declared bankruptcy and walked away from health care benefits, which is terrifying to people in their older age.

Yesterday, the administration came out with a statement about this trade adjustment assistance package:

> Specifically, the administration opposes the Daschle substitute last-minute addition of health insurance assistance for steel retirees.

There is a nightmare. I say to my colleague from Mississippi that this is an absolute nightmare for people on the range.

The President talked about how concerned he is. But this is just a 1-year bridge to help pay for these retirees' health care costs until we put together a package that deals with the legacy costs for the future.

The President crushed the hopes of people with this position that the White House has now taken.

The President says: Look what I have done for the steel industry. He talks about section 201, but now there are 1,000 exceptions to the kind of trade relief we thought we were going to get through section 201.

In Minnesota, we were concerned about what was happening to the taconite industry. We were talking about the unfair competition from semi-finished slab steel.

Basically, the administration came up with a tariff quota, and it was 7 million tons of slab steel a year, which is what is being dumped right now on the range. It didn't give us any relief whatsoever.

But, most important of all, what is happening now with this statement of position by the administration is they are just walking away from dealing with the legacy costs.

Jerry Fowler, who testified before the HELP committee a couple of weeks ago, president of Local 4108, talked about the pain on the range, and talked about all of these people. Gosh. You talk about what we say we believe in—people who have just worked their heads off all of their lives, taconite workers, helping to produce steel, which is so critical to our national security, and a part of all of our military efforts. People are really proud and are proud of their families. They are proud of the range. Through no fault of their own, 32 steel companies have declared bankruptcy, and then they walk away from these people.

They say they can no longer cover their health care benefits, nor their retiree benefits. Many people are afraid of no longer having prescription drug coverage.

People were really hopeful, and I was able to report last week, and I was proud. I thank Senators ROCKEFELLER, MIKULSKI, STABENOW, LEVIN, and certainly my colleague MARK DAYTON. We worked hard to have iron ore and taconite included.

This was a pragmatic part of the trade adjustment assistance—only a 1-year bridge, but it was a start. It would give people some security, and it was the right thing to do.

The President has talked about his concern for steelworkers. Over and over again, he professed his concern for steelworkers. Then, specifically, the administration opposes the Daschle substitute last-minute addition of health insurance assistance for steel retirees.

We know there is going to be a point of order and a budget challenge on this amendment. I believe what the White House has now done is basically sealed its fate. We are not going to be able to have this bridge. We are not going to be able to have this assistance for people.

I question this fast track for a lot of reasons, but, at the very minimum, when people are out of work through no fault of their own—or people work for an industry that has been besieged with unfair trade—the only thing they are asking for is a bridge to make sure retirees don't lose their benefits.

All of us have worked so hard together—Senator SPECTER and Senator DEWINE—to get this done. Now the administration comes out yesterday and torpedoes the whole thing.

Mr. President, are you for the taconite workers on the Iron Range? Are you for the steelworkers? You say you are.

We will be back on this over and over again. But this is a huge blow for the Iron Range in Minnesota and for me as a Senator from Minnesota trying to do my best to represent people.

Yesterday the President made it very clear that all of his talk about helping the hard-working men and women of the U.S. steel industry is just that—talk. His latest pronouncement is that steelworker retirees don't need the assistance this bill would have provided to help them for 1 year to pay for health insurance they are losing because their company has gone bankrupt.

This is outrageous—these are hard-working, decent, compassionate men and women who have devoted their lives to the steel industry—an industry that is essential to our national security—and now they find themselves without health insurance they were promised in their retirement because their companies have gone bankrupt, they're out in the cold without the resources to pay for health insurance, and the President says, oh, no, they don't need the 1-year lifeline this bill offers.

Frankly, President Bush talks about what he's done for the steel industry and for steel workers. But there is not a lot of substance there.

First, we had a section 201 decision that is looking more and more cosmetic. It may have brought relief to some sections of the steel industry, except that now the administration is entertaining all sorts of exceptions—there are over 1,000 exceptions to the President's section 201 decision and Secretary O'Neill is reported as saying that "a significant portion of them will be favorably decided."

Then there is the fact that the decision did nothing to help Minnesota's Iron Range—nor the iron industry as a whole—deal with import surges of semi-finished slab steel. While the President imposed tariffs on every other product category for which the International Trade Commission had found injury, for steel slab he decided to impose "tariff rate quotas." This brings us virtually no relief. Nearly 7 million tons of steel slab can continue to be dumped on our shores before any tariff is assessed. For folks on the Iron Range, the injury will continue.

Then, the President in his section 201 decision—and subsequently—has totally ducked the serious legacy cost problem that is suffocating the domestic steel industry. In the last 2 years, 32 U.S. steel companies have filed for bankruptcy, and these companies represent nearly 30 percent of our domestic steel making capacity. These failures weren't the fault of the workers at these companies. These failures resulted from unfair and predatory practices of our trading partners over an extended period. Yet despite the moral and economic imperative to do something about this legacy cost problem so that the steel industry, so essential to our national security, can rebuild and revitalize itself, the President has washed his hands of the matter. It is somebody else's problem he says.

And now there is the current bill. Those of us who are serious about this legacy cost problem, and it is a bipartisan group, have introduced S. 2189, the Steel Industry Retiree Benefits Protection Act of 2002, to address the legacy cost question in a comprehensive way. In the meantime, however, recognizing that every day steelworker retirees whose companies are going bankrupt are losing their heath insurance, Senator DASCHLE introduced provisions to provide stop gap assistance—1 year of health insurance to retirees who right now are losing their benefits—to tide folks over while we work on the larger problem.

And that, incredibly, is what President Bush yesterday announced his opposition to. It is now abundantly clear, if there had been any doubt, that this President is not interested in health and well-being of our steelworker families.

In Minnesota, on the Iron Range, there are several thousand retirees who find themselves in desperate need of assistance and this administration is turning its back on them.

Earlier this year, the HELP Committee held hearings on the need for legacy cost legislation both for retirees and for the industry. The testimony was riveting. The need compelling. My good friend, Jerry Fallos, president of Local 4108 of the United Steelworkers of America, testified at those hearings. The stories he had to tell were grim indeed.

As Jerry said, the people of the Iron Range are used to hard times. They have weathered any number of challenges over the years. They are good people, proud, hard working—the best you can find anywhere. They are survivors—and they will get through these difficult times as well. They have given much to their country, and now they need our help.

The good people of the range have responded to their country in its times of needs. Over the years our Nation's economy flourished and our manufacturing industries boomed from the iron ore produced through the labors of steelworkers on the range.

Yesterday, when President Bush announced his opposition to helping these steelworker retirees he said it would cost too much. We think his $800 million estimate is way off, but even if you accept it at face value, it pales in comparison to the billions and billions of dollars of tax giveaways this administration is happy to make available to multinational corporations and the wealthy.

We are talking about $120 billion over 10 years to make the estate tax permanent, and $400 billion over 10 years to make all of the tax cuts permanent. Are these our priorities—$400 billion to multinational corporations and wealthy individuals as opposed to $400 million to help steelworker retirees keep their health insurance for 1 year?

I have asked many times before: Where are our priorities; where are our values? How can we tolerate such choices—tax breaks to help multinationals over health insurance for steelworker retirees?

These families need our help. I urge my colleagues not to turn our backs on these men and women who have served their country so well.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Fourteen minutes.

JUDICIAL NOMINATIONS

Mr. LOTT. Mr. President, I have been wanting to speak about the situation with regard to the President's judicial nominations. I have a number of points I wish to make.

I know there were some discussions about the nominations earlier this morning and even this afternoon. The major point we are trying to make today is that today is the 1-year anniversary of eight of the President's nominations to serve on circuit courts. These minorities, men and women, have not even had the courtesy of a hearing, let alone a vote in the Judiciary Committee.

I have learned over the years that when you are talking about judges and judicial nominations each side will have their statistics about what happened in the Clinton years, what happened in the Reagan years, and what happens right now. But the fact is, these eight nominees have not even had a hearing; they have been pending for a full year.

There are actually 11 nominees who were sent forward in a group—the first nominations of President Bush. Three of those have been confirmed. Two of those, I might add, were recycled, in effect, because they were Democrats, or were selected by Democrats, and they were qualified. The President resubmitted their names. They got through the process. But these eight have not had any further consideration for a full year.

You can argue statistics. But usually Presidents get their circuit nominations confirmed within a year of having them sent forward.

The President sought men and women of great experience and who meet the highest standards of legal training, temperament, and judgment—for all of his nominations, but particularly for this first group of circuit court nominees.

He sought out nominees who respect the powers given to them by the Constitution and who will interpret the law—not make the law. He sought out nominees who have reputations as lawyers of skill, discernment, and high character. He even sought out nominees who had a great deal of experience in arguing cases before the Supreme Court. In this group of eight nominees, they have collectively appeared before the Supreme Court over 60 times. One of the nominees has alone argued before the Supreme Court 30 times. In terms of their education, their experience, and their integrity, this group is unimpeachable and quite remarkable.

Here are these individuals' pictures. I think a picture helps inform our debate, because it takes the debate away from the realm of just statistics or mere names.

Mr. President, when we are talking about judges who have been delayed, we are talking about Miguel Estrada, who was born in Honduras, and has lived the American dream. He has tremendous experience in his profession, including serving as Assistant U.S. Solicitor General under President Clinton, a Supreme Court law clerk, arguing 15 cases before the Supreme Court, and working as a Federal prosecutor. He also graduated magna cum laude from Harvard Law School—not an institution known for turning out conservative lawyers, or judges—but certainly an eminently respected institution as far as quality, high standards, and academic rigor are concerned. Yet Estrada has been denied a fair hearing.

Why? Noone has suggested he is not qualified by education, by experience, or by professional or personal integrity.

Does he have a conservative philosophy? Does he believe in strict construction of the Founder's intent in interpreting the Constitution? Yes. Does that disqualify him? It should not.

I voted for Justice Ginsburg when she came before the Senate. I did not agree with her judicial or legal philosophy. I knew she would rule quite often in ways with which I would not agree. While most justices exercise discretion, you can't always count on how they may rule. But she was qualified by experience, by education, and by personal integrity and demeanor and I voted for her regardless of the fact that her philosophy was contrary to my own.

Unfortunately, I cannot think of any other reason than ideological prejudice for why Miguel Estrada has not had a hearing and an opportunity to be voted on—despite the fact that he was unanimously given the ABA's highest rating, "well qualified" by the American Bar Association which is supposed to be the Democrat's Gold Standard for evaluating nominees judicial qualifications. Yet, Miguel Estrada has not even had a hearing.

Another example, which is clearly one that is hard to understand, is the delay in considering Justice Priscilla Owen, a nominee to the Fifth Circuit Court of Appeals. I have a special feeling in my heart about this circuit because it does include my State of Mississippi. Judge Owen has served on the Texas Supreme Court since 1994. She has been involved in business in the private sector. She is an outstanding graduate of Baylor Law School in Texas.

Again, by education, by experience, and by personal integrity, this is a lady who should have been accorded a hearing and a vote by now in the Judiciary Committee and on the floor of the Senate.

Mr. President, why do we need another pound of flesh concerning the Fifth Circuit Court of Appeals? Is Judge Charles Pickering who has already been voted down in the Judiciary Committee not enough. If we are looking for tit for tat, how about just saying: OK, good, take that, Mr. President, TRENT LOTT, Republicans, we repaid you what you deserved from the past? But how does all of that apply to Priscilla Owen? Why has this lady not been accorded a hearing? Remember, once again, that she has been pending for a full year.

One interesting thing of note, Mr. President, is that two of these nominees, were actually nominated by the first President Bush. So they in a sense have been waiting over 10 years to get a fair hearing and be confirmed to the circuit courts.

John Roberts is one of those two, and has again been nominated to the DC Circuit Court of Appeals. He is one of the Nation's leading appellate lawyers, having argued 36 cases before the U.S. Supreme Court, and serving as a Deputy Solicitor General for our Nation. He also graduated magna cum laude from Harvard. So again, by education, by incredible experience, and by personal integrity, he has stellar qualifications to serve as a circuit court judge. Yet, he too has been denied a fair hearing and an opportunity to be considered by the Senate by the majority of Democrats on the Judiciary Committee.

Mr. President, our Nation's fourth President, James Madison, was certainly correct when he said that the courts exist to "exercise not the will of men, but the judgment of law." This President has gone to great lengths to nominate the kind of men and women who will do that once they are confirmed.

Another nominee who has been delayed for over a year without cause or justification, is Justice Deborah Cook, nominated to the Sixth Circuit Court of Appeals. She has served as a justice on the Ohio Supreme Court since 1994. Before becoming a judge, she was the first woman partner at Akron's oldest law firm. She is a graduate of the University of Akron Law School.

This is the circuit where half of the judicial seats are vacant. There is a long history on why that is, but the fact is that again the nominee is an eminently qualified nominee. And she has been waiting 52 weeks for a hearing even though the ABA voted unanimously that she was qualified.

So what is the problem, Mr. President? There are no allegations of improper conduct. There are no allegations that she is not qualified by experience, by education, or by demeanor, yet she is still waiting on a hearing.

Yet another nominee unjustifiably delayed is Judge Terrence Boyle, a nominee to the Fourth Circuit Court of Appeals. He was unanimously confirmed to be a Federal district judge in 1984.

Mr. President, one of the things that struck me as very interesting about Judge Pickering's treatment by the Democrats was that he has been a sitting federal district court judge since 1990, over 12 years. And now we have a nominee who has been a Federal district judge for almost two decades, who was unanimously confirmed in 1984. The former chairman of the State Democratic Party in North Carolina even supports his nomination. He is a graduate of American University's Law School. This is one of the two nominees, the other being John Roberts, who was first nominated to be a circuit court judge back during the first President Bush's administration. He was younger and well experienced then, and he now has another decade of experience as a Federal district court judge to his credit. And here he is back again, only to be denied a fair hearing by the Democrats.

So, in each and every one of these cases, there is no explanation for the year-long delay in giving President Bush's first group of nominees prompt and fair treatment.

Michael McConnell has been nominated to the Tenth Circuit Court of Appeals and again he is an eminently qualified legal scholar. He is one of the Nation's leading constitutional scholars, the author of legal books, and a prolific contributor to law journals. He has argued 11 cases before the Supreme Court. His reputation for fairness and integrity has generated support from numerous law professors. He is a graduate of the University of Chicago Law School. Again, on what possible grounds is such an extraordinarily qualified individual denied a hearing for over a year?

Judge Dennis Shedd, a nominee to the Fourth Circuit Court of Appeals, was another nominee unanimously confirmed to be a Federal district judge in 1990—yet another sitting Federal district judge, Mr. President. He is strongly supported in his home State by both Senators—Senator FRITZ HOLLINGS and Senator STROM THURMOND—and served in the past as chief counsel to the Senate Judiciary Committee. He is one of ours no less. Yet, he has been waiting unjustifiably for over a year for a fair hearing and a vote.

Mr. President, I believe I have talked about each one of the nominee's personal qualifications to serve on the circuit courts of America. I should note that, back in January, the chairman of the Judiciary Committee indicated there would be a hearing for Justice Priscilla Owen, Michael McConnell, and Miguel Estrada—and that they would have hearings this year. Now, I guess we have 4 more months that have expired, another 4 months in which they have not been given a hearing much less a vote.

I hope they will be given more than the courtesy of a hearing, which seems the minimum they should have. They should have a vote in the Judiciary Committee and then a vote here in the full Senate.

Mr. President, the delay in confirming such well qualified nominees to be judges has had an adverse impact on the judicial system itself. The number of vacancies has gone up over the past year—there are now almost 100 judgeships vacant—while 44 nominations languish in the Senate. As a result, justice is being delayed as the caseload burden increases for almost every current judge in the nation.

I would take a moment to note one curious thing about today's efforts regarding judges. We had six judges on the calendar ready to be voted on; but only four were moved, the other two were not. One of the two nominees has a very close association with Senator HATCH. The other one is the lone circuit judge on the calendar. So, once again, it appears circuit judges are receiving worse treatment by the Judiciary Committee than are the Federal district court nominees.

I realize around here we get to thinking: Well, wait a minute, circuit courts are more involved in the interpretation of the law. Maybe they are more important. But I will tell you what, if you ever practiced a day of law, the ones you see who really are dealing with the law every day are the Federal district judges. I do not understand the big dichotomy here and why the circuit judges are being delayed and treated so unfairly.

I want to point out what is happening in terms of these circuit judges nominated by President Bush as compared to the treatment that was afforded circuit court nominees during President Clinton's first two years in office.

First off, I should note that while President Bush sent his first nominations up on May 9, 2001, a year ago, President Clinton did not send up his first batch of nominations to the Senate until August of his first year in office.

So, there was actually less time to actually get President Clinton's nominees confirmed than there has been to get George Bush's out.

Yet you can see from the chart what is actually happening with Bush's nominees, particularly with respect to the circuit judges. President Clinton, in the 14 months after his first nominee was sent up, got 86 percent of them confirmed by the time Congress adjourned. Ultimately, over the course of the following Congress, Clinton ended up getting almost all of the judges he nominated during his first Congressional term. Again, I am not going to get into great arguments over the exact percentages or numbers, but there is clearly a problem here. While Clinton got 86 percent of his circuit judges by the time his first Congress adjourned, President Bush only has 30 percent so far. And at the current pace the judiciary is considering Bush's nominees, it looks like Bush is not going to break 50 percent by the end of this Congress.

It looks as if we might get two or three more circuit judges by the end of the year, but it surely is moving deliberately slowly. The American people recognize this is a problem for the country. When you have a circuit like the 6th circuit that has a 50-percent vacancy rate, then you begin to wonder, do we have enough judges to cover all the cases, even the truly important ones?

This is a question of law and order, Mr. President, drug cases, terrorist cases.

Justice Rehnquist, the Chief Justice, has decried the vacancy crisis as "alarming." More than 10 percent of Federal judgeships are currently vacant. So this problem for our nation that is very serious, particularly after the terrorist attacks in New York and here in Washington.

I have talked to Senator DASCHLE about it. Senator NICKLES and I, along with Senator HATCH, have talked to Senator LEAHY and Senator REID. I know, having been majority leader, that sometimes these problems are hard to resolve. The Judiciary Committee doesn't always follow instructions even from the elected leaders. But this creates a problem. We have been trying to resist slowing down or blocking meetings or progress on the legislative process because we want to move forward on these important bills. But we have to point out that there is a blatant unfairness here, to the country and to the nominees. I can't help but think of the cliche that justice delayed is justice denied. That is what is happening here.

I know my time is running out. I probably will come back and talk more about this later. I ask for fairness, fairness for these eight circuit judges. We can argue about the others later, the other circuit nominees, other district judges, but after an entire year President Bush's first eight nominees should have a hearing. They should have a vote on the Senate floor. No criticisms have been raised against them other than un-attributed hints that they are conservative, and the current majority in the Senate is looking for some sort of a litmus test or conformance, I guess, based on philosophy and ideology. I don't think that either fair or appropriate. It is not what is called for under the Constitution. I hope that the Senate will ultimately find a way to make progress in this area and give these nominees the opportunity to be fairly considered based upon their temperament, professional and educational qualifications, and their personal integrity.

As President Bush has noted in making the case for getting his nominees confirmed, Federal judges are key to making sure America functions well. Every day they uphold the rights of an individual, they protect the innocent, they punish the guilty. Their rulings are essential to the rule of law in our nation. To discharge their responsibilities the federal courts must have judges."

Because of the number of vacancies in our nation's courts, Americans are being forced to wait for justice, and the burden on federal judges is growing heavier.

Mr. President, one newspaper, the Wichita Eagle, got it exactly right on the judges issue back in March in part I think because it is located in the heart of America when it said: "But just as presidents have an obligation not to nominate the incompetent or unqualified to the federal bench, presidents deserve the broad authority in making their choices for such judicial posts. And the Senate has a responsibility to give those choices every possible consideration and, barring some glaring defect, confirm them quickly. Yet the backstabbing and stalling on judicial confirmations has escalated to the point of obstructing justice. It needs to stop."

This President's nominees are men and women of distinction and great accomplishment. They are solidly within the mainstream of American legal opinion, and they share a principled commitment to follow the law, not legislate it from the bench.

Mr. President, President Bush' nominees should be given fair hearings, voted on, and confirmed by the Senate as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, the people who have been discussing and negotiating the trade matter have asked for a little additional time. In order to accommodate their discussions, I ask unanimous consent that the period for morning business be extended until 3:45.

Mr. LOTT. Mr. President, at this point I would have to object. I don't know that I would want to. I just have not had a chance to discuss this with Senator DASCHLE.

The PRESIDING OFFICER. The Senator from Georgia.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1492 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business expire at 3:45 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

JUDICIAL NOMINATIONS

Mr. BROWNBACK. Mr. President, I rise to speak about the past year's judicial nominations, which is something on which several people have spoken today. I just came from a meeting with the President where he was talking about his frustration in getting judicial nominees considered. He was quite animated and discouraged that we have not been getting more judicial nominees through the system—particularly circuit court judges. That is what he was stating. That is what the meeting was about. He wants to see more happening and more of them occurring, and we need to do so. People have been pretty clear on the information of what technically and specifically has happened.

Since May 9 of last year, we have had 11 judicial nominees for the U.S. circuit courts of appeal. Those eleven were nominated 1 year ago. Since that time, only 3—including 2 Democrats—have been confirmed. Of the remaining 8, not one has even been scheduled for a hearing. We have not held hearings on these individuals. We need to get this done and start to move them forward. It is an issue that is engaging the country, and I think increasingly so, as we move into the fall. We have a number of pieces of legislation that I think, in the post 9–11 environment, will be considered and looked at by the courts and need to be reviewed. We need to have a fully staffed court. Right now we have a 20-percent vacancy on the circuit court; and within some of the circuits, it is even a much larger one.

In the Sixth Circuit there are 16 positions and only half of those are filled.

What is even more troubling is that we have had a long and established tradition of giving the President—regardless of his political affiliation—a good deal of deference on his nominees who might be unfairly targeted as being extremists.

However, as we found out during the Charles Pickering nomination and subsequent hearings, the real extremism is being employed by those people who are artfully using the terms "balance" and "moderation" to set the stage for ending deference to the President and excluding perfectly qualified judges. Judge Pickering was an individual nominated to go on the circuit court. He served on the Federal bench for over 10 years.

This practice does not bode well for the future of this committee when it may have to deal with Supreme Court nominees in the near future. To highlight just how bad it can be, it might be helpful to see how many Supreme Court Justices of the past would fare under the ideological litmus test that is now plainly evident and used on the committee.

Would some of our great Justices of the past survive the litmus test being put forward by the committee now?

John Marshall, the first Chief Justice of the Supreme Court and author of some of the most important legal decisions for this Nation, would likely be rejected today by the Judiciary Committee because his view on interstate commerce in the Gibbons v. Odgen would be seen as too pro-federalism.

Oliver Wendell Holmes, perhaps the greatest Supreme Court justice, would have trouble because he affirmed a state law providing for the sterilization of the mentally ill in Buck v. Bell. Felix Frankfurter, an ACLU member and a "liberal" Roosevelt appointee, would be rejected because he did not believe that the fourth amendment required the exclusion of evidence seized by State police officers without a warrant in the 1961 Mapp v. Ohio case. Nor would his argument in West Virginia Board of Education v. Barnette that the first amendment prohibited schools from requiring students to salute the American flag pass muster with the committee today.

Even Earl Warren, the most liberal chief justice ever and author of Brown v. Board of Education, would have a tough confirmation battle under the committee's new standard. After all, he took the reactionary position of not supporting extension of the first amendment protection to flag burning.

Louis Brandeis, the great liberal craftsman, would no doubt be rejected because he supported federalism against New Deal legislation and voted to strike down legislation in the Schecter case as being beyond the power of Congress.

Byron White, President Kennedy's nominee, whose recent passing was mourned and elegantly eulogized around the Nation, would of course be rejected today because he committed the unpardonable sin of disagreeing with Roe v. Wade.

The question facing the President on this anniversary date is what he can do to move judges to the floor for swift confirmation. Given the extremist tactics of outside interest groups and their influence over committee members, the President could consider compromising on his philosophy of nominating judges, men and women of experience who meet the highest standards of legal training, temperament, and judgement. As history has shown, however, it would mean overlooking the kind of judges who have made our judiciary a model for the world. Unlike some issues, the integrity of the law and the qualifications of judges who will interpret and uphold them cannot be compromised.

I join my colleagues in urging Chairman LEAHY of the Judiciary Committee and Majority Leader DASCHLE in scheduling hearings and floor votes as soon as possible. I believe we have had ample time to make our points. It's now time to act.

I think if we do not act, this is going to continue to fester across the country, and that will embroil us even greater this fall, with the President leading the charge on this issue of why the Senate isn't acting. Why isn't the Senate moving these judges through—particularly circuit court judges? It will be a much more engaged and animated issue this fall, with the President leading the charge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise to speak in morning business on the topic that has been the issue du jour—the question of Federal judges. It is my great honor to serve on the Senate Judiciary Committee. I have witnessed and experienced personally the Clinton administration and their efforts to fill vacancies on the Federal bench, and the first Bush administration—President George W. Bush—and his efforts to fill vacancies on the Federal bench.

I find it extremely interesting that today appears to be the national day for members of the Republican Party to complain about the pace of approval of President Bush's judicial nominees. What I find interesting about that complaint is that, just on its face, it makes no sense because we just approved four more Federal nominees who were brought to us by President Bush, bringing the total to 56.

Now, 56 Federal judges—to put it into historic context—is more than the Republicans, in any similar period of time, approved while President Clinton was in the White House during his entire tenure. In any given year, the Republicans failed to approve as many judges for President Clinton as the Democrats have already approved for President Bush. Today, the total number came to 56.

Now, I understand where the Republicans are coming from on this. They want them all. They want to fill every vacancy with a proposed nominee from President Bush, and they want this to happen immediately. It is more than just rewarding their friends and giving them lifetime appointments to the Federal bench. What is at issue here, even more importantly, is putting people with a certain philosophy on these Federal courts. Of course, their decisions as Federal judges are going to be meaningful to the Nation for generations to come—whether we are talking about rights of privacy or the environment, all of these things decided by judges.

Historically, we think, when we talk about courts and their impact, that we should focus on the Supreme Court. Of course, we should. It is the highest court in the land. But just consider for a moment this statistic: Last year, the Supreme Court of the United States decided approximately 80 cases. The courts of appeal, circuit courts, decided over 57,000 cases.

For most people looking for justice through the Federal court system, the court of appeals for their region is the last stop, the final word. These courts make binding decisions relative to statutes that have been passed by Congress and issues that are important to the American people on a regular basis, on a daily basis.

So when we consider nominees by the Bush White House for lifetime appointments to these important appellate level courts, I hope you can understand that those of us on the Democratic side feel a responsibility to know something about the nominees, and, more importantly, to make certain those nominees come close to meeting several basic standards. One of those standards, of course, is legal skill. We insist on that. I hope that is something that is not debatable. Second is integrity, which is certainly not debatable. Third, and most important, we are looking for people who take a moderate point of view.

There are lawyers who I have met that have extreme positions on the right and the left. The Republicans on the Senate Judiciary Committee sent word to the Clinton White House: Do not send us any left-wing judges because they are going nowhere. True to their word, anyone who looked like they were liberal did not have a chance when it came to the Senate Judiciary Committee in the Clinton years.

Interestingly enough, it appears the Bush White House believes they are not burdened by the same restriction. They are sending nominees for the Senate Judiciary Committee to consider who, frankly, are out of the mainstream, much more extreme in their points of view on the right than anyone ever nominated by President Clinton on the left.

When they send these controversial nominees to us, then we run into a position where it takes longer. We have to delve into their backgrounds, we have to establish their record, we have to answer the criticisms that have been raised within and without the committee about whether this person should be given a lifetime appointment to a critical Federal position.

This morning my colleague on the Senate Judiciary Committee, Senator SCHUMER of New York, held an interesting subcommittee hearing. His hearing related to what he calls the ghost of the nomination process from the Clinton years. I was glad Senator SCHUMER did that because on this day of national complaint by the Republicans, we brought to Washington four Clinton nominees who were not approved by that same Senate Judiciary Committee when Republicans controlled it. We did this so people who are following this debate could get an idea of the nominees rejected by the Republican Senate Judiciary Committee when President Clinton nominated them.

Frankly, as I look at the people who were brought before us, they are amazing in terms of their records and their backgrounds and what they brought to the job.

Let me speak for a moment about the Fifth Circuit which has become a focal point of discussion. Senator LOTT a few minutes ago was talking about the Fifth Circuit which, if I remember, includes the States of Texas, Louisiana, and Mississippi. This circuit has the highest minority population of any Federal circuit in America. The population of African Americans, Hispanics, and Asian Americans is larger in that circuit than any other circuit.

Naturally, when President Clinton was in office, he tried to address this by appointing people to the circuit court who represented the diversity of the circuit in which they would serve. Two of his nominees came before us today.

Jorge Rangel, 54 years of age, is currently an attorney in private practice in Corpus Christi, TX. He was nominated to the U.S. Court of Appeals for the Fifth Circuit by President Clinton in 1997. Mr. Rangel was never granted a hearing by the Republican-controlled Judiciary Committee. Never. He graduated from the University of Houston and Harvard Law School. He went on to a distinguished career of 20 years in private practice with a Corpus Christi law firm where he had a mix of Federal and State work.

In 1983, he was appointed to a judgeship on the Texas State district court, and then was elected to serve for 2 years before returning to private practice. Jorge Rangel has also been very active in legal and community organizations, including time as an officer of the board of governors of the bar association of the Fifth Circuit and the American Board of Trial Advocates. He volunteered for many legal organizations, community organizations, and charitable organizations. He has written no controversial opinions or writings. He was affiliated with no liberal groups and gave no one any reason whatsoever to question his credentials and fitness for the Federal bench.

The American Bar Association took a look at Jorge Rangel and concluded he was "well qualified" to serve as a Federal appellate court judge. Yet, for purely political reasons, Jorge Rangel's nomination was held up more than a year from July 1997 until the end of 1998, a total of 15 months, with no explanation or hint of opposition to him.

Consider that for a minute. When you listen to this man's background, his rating of "well qualified" from the American Bar Association, why in the world would he be held up? It turns out that the two Senators from his home State opposed him, and because they were of opposite political faith with the President of the United States, they made certain he did not get a chance for even a hearing before the committee.

When you watch that happening, and when you listen to his testimony, you have to wonder: Where is the fairness? When you listen to the complaints today, even though the Senate Judiciary Committee under Democrat control has approved 56 nominees, many of whom are Hispanic and racial minorities, and rejected only 1, when you look at this you wonder: Why would we apply a different standard when it comes to Clinton nominees than we do to Bush nominees? That really has created the problem we face.

The simple fact is this: The nominees President Clinton sent to the Senate Judiciary Committee were held to a higher professional, political, and personal standard than the nominees being sent by the Bush White House, and many of them, even when they met those standards, were never given the courtesy of a hearing.

In that same Fifth Circuit was Enrique Moreno, 47 years old, an attorney in private practice in El Paso, a native of Mexico. Mr. Moreno graduated from Harvard University and Harvard Law School. He was nominated by President Clinton in September of 1999 to serve on the Fifth Circuit Court of Appeals. He was give the highest rating by the American Bar Association—"well qualified." He received significant support from community groups. He waited 15 months and, as had Mr. Rangel, he was never even given the courtesy of a hearing before the Senate Judiciary Committee.

Excuse me. When I hear my colleagues on the other side come to this Chamber and complain that we are not moving fast enough in approving the Bush nominees, consider what happened to Mr. Rangel and Mr. Moreno. What happened to them was sad, it was wrong, and it is unforgivable.

I could go through the long list of accomplishments of Mr. Moreno. Trust me, it is a long page of extraordinary accomplishments, and yet, when it came right down to it, Republicans on the Senate Judiciary Committee were determined he would never even receive a hearing, and he did not.

Let me refer to Kent Markus. Kent Markus was before our subcommittee today. He is 46 years old. He was nominated by President Clinton in February 2000 to serve on the U.S. Court of Appeals for the Sixth Circuit. The interesting thing about Mr. Markus is he had the approval of both his home State Senators, two Republicans: Senator MIKE DEWINE and Senator GEORGE VOINOVICH. Despite bipartisan support, despite being qualified by the American Bar Association and his excellent record of achievement and service, he was never, ever given the courtesy of a hearing before the Republican-controlled Senate Judiciary Committee. Finally, at the end of the 106th Congress, his nomination was returned to the White House.

Again, I will make it a matter of my official record in my statement, but trust me, his biography, his resume, are impeccable.

A final nominee I will mention today who testified before us is Bonnie Campbell. She was nominated by President Clinton in 2000 to serve on the U.S. Court of Appeals for the Eighth Circuit. She was supported by both of her Senators, Democrat TOM HARKIN of Iowa and Republican CHUCK GRASSLEY of Iowa. She was given a qualified rating by the American Bar Association. She was given a hearing before the Judiciary Committee a few months after she was nominated and given a chance at her hearing to answer any questions about her work. There were no objections voiced at all during her hearing before the Senate Judiciary Committee. No opposition surfaced in any quarter.

However, despite a noncontroversial, really unremarkable hearing, Ms. Campbell was never scheduled for a committee vote. No explanation was ever given to her. Her nomination languished until the end of the 106th Congress, and despite President Clinton's attempt to renominate her, President Bush did not do the same. Her nomination died.

Consider those four people and what they went through at the hands of the Republican Senate Judiciary Committee and then put that in context of the Republican complaints which we hear today, when we have already, under Democratic control, approved 56 nominees. I think it really makes the case.

Judicial nominees have a right, whether the Judiciary Committee is controlled by Democrats or Republicans, to expect fair and impartial treatment. But, equally, the American people have a right to expect fair and impartial judges.

Now let us get down to the bottom line. The President will find that this Senate Judiciary Committee, under the control of Democrats, will provide more approvals of his judicial nominees than Republican Judiciary Committees have done for Democrat Presidents in the past. I think that is a standard we can live up to. We have already lived up to it.

We are going to treat people fairly. We are going to give them a chance. Does that mean President Bush will get every name he sends before the Judiciary Committee approved? No. That is not going to happen because if the President sends people who, frankly, do not meet the test of moderation, legal skill and integrity, there is going to be, of course, an investigation, as there is with every nominee. There will be hearings in many cases, and some will not survive that.

The message to the President is very clear: As long as he will send us people who are moderate and not too extreme, he will be very successful. He already has 56 judicial nominees approved.

I think the single best thing this White House could take from this all-day debate about judicial nominees is this: If the President decided and said, We are going to take these four nominees—Bonnie Campbell, Jorge Rangel, Enrique Moreno, and Kent Markus—all nominees under the Clinton White House, and we are going to send them to Capitol Hill in a show of bipartisan good faith, I think we could start to make progress. I think we could start having some balance in terms of the people who will be appointed to these critical positions. But if this is going to be confrontation after confrontation, then I am sorry to say it is going to continue almost indefinitely. I hope it does not.

Let me give a list of those who never received a hearing before Congress during the Clinton years, judicial nominees sent to Capitol Hill by President Clinton while there were Republicans in charge of the Senate Judiciary Committee: Wenona Whitfield of Illinois, Leland Shurin of Missouri, Bruce Greer of Florida—none of these received a hearing before the Republican-controlled Senate Judiciary Committee.

Sue Ellen Myerscough of Illinois; Cheryl Wattley of Texas; Michael Schattman of Texas; James Beaty and Rich Leonard of the Fourth Circuit, North Carolina; Annabelle Rodriguez of Texas—none of those received a hearing. Their names were sent to Capitol Hill, to the Republican-controlled Senate Judiciary Committee; no hearings.

Then in the next Congress, there were 10: Helene White of Michigan; Jorge Rangel I mentioned earlier, of Texas; Jeffrey Coleman of Illinois; James Klein of the District of Columbia; Robert Freedberg of Pennsylvania; Cheryl Wattley of Texas; Lynette Norton of Pennsylvania; Robert Raymar for the Third Circuit; Legrome Davis, Pennsylvania; Lynne Lasry of California; Barry Goode of the Ninth Circuit, California—all of those names, judicial nominees, sent to Capitol Hill by President Clinton never even received the courtesy of a hearing before the Republican-controlled Senate Judiciary Committee.

In the 106th Congress, 33 names sent by the President who were not given the courtesy of a hearing: Alston Johnson of Louisiana; James Duffy of Hawaii; Elana Kagan of the D.C. Circuit; James Wynn of North Carolina; Kathleen McCree-Lewis of Michigan; Enrique Moreno of Texas; James Lyons of Colorado; Kent Markus of Ohio; Robert Cindrich of Pennsylvania; Stephen Orlofsky of New Jersey; Robert Gregory of Virginia; Christine Arguello of Colorado; Elizabeth Gibson, North Carolina; Rich Leonard of North Carolina; Patricia Coan of Colorado; Dolly Gee, California; Steve Bell, Ohio; Rhonda Fields, District of Columbia; David Fineman, Pennsylvania; Linda Riegle, Nevada; Ricardo Morado, Texas; Gary Sebelius, Kansas; Ken Simon, Hawaii; David Cercone, Pennsylvania; Harry Litman, Oklahoma; Valerie Couch, Oklahoma; Marion Johnston, California; Steve Achelphol of Nebraska; Richard Anderson of Montana; Stephen Liberman of Pennsylvania; and Melvin Hall of Oklahoma.

These 52 names of judicial nominees I have read were sent to the Republican-controlled Senate Judiciary Committee under President Clinton and they were never even given the opportunity for a public hearing, never given a chance for a vote. I knew some of them personally, and I can say it is a great hardship on a professional like an attorney, where their name is pending before a committee and there is uncertainty about their future.

Some of these went on for literally years. Some of them were never given a hearing, and during that period of uncertainty their family suffered, their law practice suffered, their efforts to be part of public service were never realized. I think that is unfortunate.

That is why we are back to the point I made earlier. President Bush and those working for him and with him in the White House want to break through this situation and want to see more cooperation and want to find more balance, as we do, in terms of the judiciary.

I submit to them the four names of the nominees from the Clinton White House which we considered today, people who came before the Judiciary Committee today. Earlier, the minority leader spoke of a nominee for the D.C. Circuit Court of Appeals who is Hispanic, and I certainly think we need more Hispanic Americans on the bench.

President Bush should have a chance. Jorge Rangel is prepared to serve on the Fifth Circuit. Enrique Moreno is also prepared to serve on the Fifth Circuit. These are Hispanic Americans who should be renominated and given a chance to serve.

At the current time, we have looked at Hispanic nominees and President Bush has sent us five nominees of Hispanic origin. Of those, three have already been confirmed by the Senate under Democratic control. Two are pending: Miguel Estrada in D.C. and Jose Martinez in Florida.

Under President Clinton, Hispanic nominees who were not confirmed by the Republican-controlled Senate Judiciary Committee include: Jorge Rangel of the Fifth Circuit; Enrique Moreno of the Fifth Circuit; Christine Arguello of the Tenth Circuit; Ricardo Morado of Texas; Anabelle Rodriguez, Puerto Rico.

I think that takes us to the point where we have to ask ourselves if our friends on the Republican side really do want to see balance and want to see fair treatment, whether they will give that same fair treatment to people who were summarily rejected when the Republicans controlled the Senate Judiciary Committee. I think we have a chance to be very careful in our selection, but also to meet our national needs and obligations.

Today, incidentally, during the course of a press conference on this subject, we brought in a number of people who have had bad experiences in court to dramatize what is at stake. This debate is not a matter of rewarding an attorney, who has skills, with a new title and an opportunity to serve on the bench. It is also to create an opportunity for public service where people can make decisions that really have an impact on families' lives across America.

Today, Denise Mercado came to see us. She is the mother of three from Fayetteville, NC. She is the legal guardian of her son, Danny, who has cerebral palsy and severe mental retardation. Due to his disabilities, Danny is eligible for Medicaid funding. Jane Perkins is an attorney at the National Health Law Program in Chapel Hill, NC. Jane has represented Denise and many other clients in efforts to compel States to fulfill their legal obligations under Medicaid, to cover children like Danny. Currently, four Federal courts of appeals are considering whether States have sovereign immunity from such lawsuits, as at least one district court has ruled.

So the men and women appointed to these court positions will make decisions which have an impact on families with children with disabilities. That is just part of their responsibility, but it tells us about the gravity and seriousness of this decisionmaking process.

Rose Townsend and Bonnie Sanders are residents of South Camden, NJ. They live in a small neighborhood called Waterfront South. It contains 20 percent of the city's contaminated waste sites. The residents of this neighborhood suffer from a disproportionately high rate of asthma and other respiratory ailments. Last year, these two people joined with other residents to block the placement of a cement processing facility in their neighborhood. In December, the Third Circuit Court of Appeals ruled they could not compel the State to comply with Federal environmental regulations that implement the 1964 Civil Rights Act.

Whether it is a matter of public health, or environmental safety, these judges make critical decisions. These are just some of the people who were impacted by judges put on the Federal courts. These are important decisions. They should be handed out fairly and evenly, with some balance. The Judiciary Committee has met that standard.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I listened with interest to comments of the Senator from Illinois, looking at the whole 8 years of the Clinton administration. It is important to reiterate the only clear way to look at the 8 years of the Clinton administration is to compare them to the 8 years of the Reagan administration. President Reagan got more judges confirmed than any other President, 382. He had a distinct advantage because 6 of the 8 years he was President his party controlled the Senate. President Clinton came in a close second, 377 judges confirmed, 5 fewer, but he was in a disadvantage because his party only controlled the Senate for 2 of his 8 years. It is hard to make the case that President Clinton was treated unfairly by the Republican Congress.

What we want to talk about today is the first 2 years of any President's term—how were they treated at the beginning of their 8 years. Particularly, we focus on the circuit judge nominations.

During the first 2 years of President Clinton's term, when his party controlled the Senate, he got 86 percent of his nominees confirmed for the circuit courts. During the first President Bush's first 2 years, when his party did not control the Senate, he got 95 percent of his circuit court nominees confirmed in his first 2 years. President Reagan, in his first 2 years, got 95 percent, as well, 19 out of 20.

Let's focus on the first 2 years, the beginning of what I certainly hope will be an 8-year period of the Presidency of George W. Bush. George W. Bush has gotten a mere 30 percent of his circuit court nominees confirmed, compared to 86 percent for President Clinton, 95 percent for the first President Bush, and 95 percent for President Reagan.

I call attention, since this is the 1-year anniversary of the first 11 nominations of President George W. Bush to the circuit courts. Only three have been confirmed, eight languish 1 year later without so much as a hearing to get a chance to explain their credentials to the Senate Judiciary Committee and to the larger Senate as well. Eleven distinguished and diverse men and women were nominated by President George W. Bush a year ago today. Only three have been confirmed. Of the remaining eight, none, not a single one, has even been afforded the courtesy of a hearing, not to mention a vote—a hearing by the Judiciary Committee.

Everyone in America is entitled to have their day in court. Even a judge is entitled to have their day in court. Our colleagues on the other side continually assure this side they are pushing fast to consider the President's judicial nominees, but my Republican colleagues and I have seen neither hide nor hair of these nominations in the Judiciary Committee. Frankly, some in the committee are worried about what might have happened to them. Where could they possibly be? A few people may recognize these individuals by sight. After all, none of them have even had a hearing. All most people know is a name attached to the nomination. No one knows what they look like; their whereabouts are a mystery. It is my hope citizens around the world would notify the Judiciary Committee if they spot these missing nominees somewhere out in America so maybe a hearing can be quickly scheduled on their behalf.

We have become accustomed to seeing missing children's pictures on milk cartons around America. We thought it might be appropriate to put the names of some of the nominees on milk cartons, so if any of our people across the country have seen any of them, maybe they could report them to the Judiciary Committee and the missing people could actually be given an opportunity to be heard.

A good first person to put on the milk carton is Miguel Estrada, nominated 365 days ago, this very day last year, to the D.C. Circuit Court. The ABA gave Miguel Estrada a unanimous well qualified. That is very hard to do. It is very tough to even get a partial well-qualified rating from the ABA but to get a unanimous rating of well qualified is truly extraordinary.

Miguel Estrada's life and his career is a great American success story. I am married to one of those immigrants who came to this country and didn't speak a word of English at 8, so I am very familiar with these wonderful stories of coming to America, particularly those who have been thrown into our public schools at an early age, not speaking English and coming to grips with that.

That is exactly what happened to Miguel Estrada. He came from Honduras, emigrated to the United States as a teenager, speaking virtually no English. Yet he graduated phi beta kappa from Columbia in New York and was editor of the Harvard Law Review. Miguel Estrada came to this country, not speaking a word of English, an honor student at Columbia, elected to the Law Review at Harvard, unanimously "well qualified" by the American Bar Association, an inspiration to immigrants all across America and particularly to Hispanic immigrants. He has argued 15 civil and criminal cases before the U.S. Supreme Court. But Americans do not know what he looks like. He has never had a hearing. He has never been able to show up in public and make his case that maybe this immigrant success story, an example to look up to by everyone in America, but particularly our immigrant population who came here and had to deal not only with learning the language but learning a new culture, this hero of the immigrant community has been languishing in the Judiciary Committee for 365 days. There is no indication in sight that he will be given a hearing.

To anyone who may be looking, if you have seen this man, you might want to report it to the Judiciary Committee so he can get a hearing.

Another nominee from a year ago, arguably pending for a decade, John Roberts has been waiting over 10 years for a hearing. He was nominated by the first President Bush over a decade ago to the D.C. Circuit Court and back then was pending for over a year without ever receiving a hearing. The current President Bush renominated Mr. Roberts 365 days ago, a year ago today, to the same court, the D.C. Circuit Court. Again, he has not had a hearing. This outstanding lawyer, again, unanimously rated "well qualified" by the ABA—and it is very tough to get a rating such as that—has actually been waiting for 2 years, 2 years just to get a hearing, an opportunity to tell his story. So we thought maybe he ought to be on the milk carton, too.

This unanimously well-qualified nominee has a long and distinguished career in public service, including serving as principal deputy to the Solicitor General from 1989 to 1993, and associate counsel to President Reagan from 1982 to 1986. The previous nominees had 15 arguments before the U.S. Supreme Court; this nominee has argued 36 cases before the U.S. Supreme Court and 20 cases in the U.S. appeals court across the country.

Has anyone seen John Roberts? Does anyone even know what he looks like? Has he been dropped into a black hole? Another great nominee of a year ago missing in action, not even given a hearing.

Also nominated a year ago today was Jeffrey Sutton. The ABA gave him—a majority—"qualified," and the rest gave him "well qualified." So it was a split rating. The minority gave him "well qualified"; the majority gave him "qualified"—a very good rating.

Mr. Sutton graduated first in his class from Ohio State University College of Law. He has argued nine cases before the U.S. Supreme Court, both as a private attorney and as solicitor for the State of Ohio. He has taught constitutional law at Ohio State for the last 8 years.

Has anyone seen Jeffrey Sutton? Does anybody know what he looks like? He hasn't had an opportunity to be seen in public. Maybe he, too, should be put on a milk carton so somebody could recognize this guy and maybe report to the Senate Judiciary Committee that they have seen him. He really does exist. Maybe he ought to get an opportunity to be heard.

Jeffrey is a nominee for the Sixth Circuit, and I want to dwell on that for just a moment. Kentucky happens to be one of the States in the Sixth Circuit: Michigan, Ohio, Kentucky, and Tennessee. It is 50 percent vacant. That is not because the President has not sent up nominations. There are seven nominations up here. But not a single nominee from the Sixth Circuit has been confirmed. We have a judicial emergency. The Sixth Circuit is dysfunctional, not because the President has not made nominations.

I mentioned Miguel Estrada's success story. Here is a nominee from Michigan who, if confirmed, would become the first Arab American on a circuit court in American history, a nominee from the State of Michigan who, if confirmed, would become the first Arab American on a circuit court in the Nation's history. He has not yet had a hearing.

Jeffrey Sutton has been sitting there for 365 days, also for the Sixth Circuit. He is from the State of Ohio. If anybody sees Jeffrey Sutton, I want you know what he looks like. This is what he looks like. Send his picture in to the Judiciary Committee. Maybe he could at least get a hearing and an opportunity to state his qualifications for the court.

Deborah Cook: She has been a justice on the Ohio Supreme Court for the last 8 years—again, a Sixth Circuit nominee. This is the circuit that is 50 percent vacant—not because the President has not sent up nominations but because they have not been acted upon. Deborah Cook has been sitting there for 365 days. She was nominated a year ago today in the first batch sent up by President Bush.

Prior to her service on the Ohio Supreme Court, she was an appellate court judge for 4 years. She has been unanimously rated "qualified" by the American Bar Association. Has anybody seen Justice Cook? I wanted to make sure we could get a sense of what she looked like. This is a picture of Deborah Cook. If anyone wants to call her qualifications to the attention of the Judiciary Committee, they might take this opportunity to do that.

Terence Boyle is another nominee who arguably has been waiting 10 years for a hearing. He was nominated a decade ago by the first President Bush and waited for over a year without receiving a hearing at that time. He was nominated again 365 days ago, a year ago today, to the Fourth Circuit. The ABA unanimously rated him well qualified, just like Miguel Estrada—unanimously "well qualified." That is as good as it gets. That means the committee of the ABA unanimously found this nomination to be of the highest order.

This nominee currently serves as the chief judge of the U.S. District Court for the Eastern District of North Carolina and has been on that court since 1984 when his nomination to that court was unanimously confirmed by the Senate.

Has anyone seen Judge Boyle? We know he exists. We have seen his name on paper. This is what he looks like. If anybody sees Judge Boyle, they might call the Judiciary Committee and say maybe this unanimously well qualified nominee ought at least to get an opportunity to be heard, a chance to be questioned by the members of the committee, so we can make a determination as to whether or not he deserves a chance to be voted upon.

Michael McConnell—I wish this fellow were related to me, but he is not. In fact, I found out after he was nominated that he is from my hometown. I went to high school in Louisville, KY. I never knew him. I am not related to him or his parents, but I wish I were. What an outstanding nominee.

He was nominated for the Tenth Circuit 365 days ago, a year ago today. Again, the ABA found him, unanimously, "well qualified." Like Miguel Estrada, like several of the other nominees I have mentioned, that is as good as it gets—unanimously well qualified.

Mr. McConnell is a distinguished law professor at the University of Utah College of Law and has served as an Assistant Solicitor at the U.S. Department of Justice. He is widely regarded as an authority on constitutional law, particularly issues involving the first amendment and religious clauses.

Mr. McConnell has received the support of over 300 college law professors, including the noted liberal professors Cass Sunstein and Sanford Levinson. Support for Mr. McConnell is across the ideological spectrum from the people who know him best, law professors around America.

Has anybody seen Michael McConnell? I want you to be able to recognize him. This is his picture. This nominee, unanimously "well qualified" by the ABA, surely could at least be given a hearing before the committee to have an opportunity to state his qualifications and be asked questions.

Justice Priscilla Owen is on the Texas Supreme Court. She was nominated 365 days ago, a year ago today. She has served with distinction on the Texas Supreme Court for the past 8 years. Now she is being nominated for the Fifth Circuit. The ABA has unanimously rated her well qualified.

This is a situation where we have a judicial emergency. A judicial emergency has been declared here. Yet we have a nominee who has been languishing for a year with not even so much as a hearing.

So, this is what Justice Priscilla Owen looks like. She is an attractive, nice looking woman, smart lawyer. If anybody sees her here in the hall, they might direct her down to the Senate Judiciary Committee. Maybe she could ask somebody for a hearing.

Dennis Shedd was nominated 365 days ago—1 year ago today—to the Fourth Circuit Court of Appeals. He served as a sitting Federal judge for the U.S. District Court for South Carolina since 1990. The ABA rated him "well qualified." He taught at the University of South Carolina from 1989 to 1992 and has been chief counsel to the Senate Judiciary Committee right here in the Senate.

I am sure there are people over in the Senate Judiciary Committee who know what Dennis Shedd looks like because he used to run that committee staff. Maybe we don't need to send them a picture of Dennis Shedd. Maybe some of them actually remember him. You would think Dennis Shedd, as a matter of common courtesy, having formally been staff director over at the Judiciary Committee, could at least get a hearing so he could state his qualifications and have a chance to make his case.

The message for today is that it has been a year since the President sent up his first 11 nominations for the circuit courts. Eight of them have dropped into a black hole and have literally disappeared.

That is why we thought it might be a good idea to have a picture of some of them in case it might help in recognizing them and giving them an opportunity for fundamental fairness. We are in the first 2 years of George W. Bush's Presidency—not the last 2 years, not the last year, not the last 6 months. I think we can all concede that toward the end of a President's term, nominations frequently don't move. But there is no precedent—none—for this kind of slow walking and stonewalling in the beginning of a President's term. President Clinton got 86 percent of his circuit court nominees in the first 2 years. His party controlled the Senate. I am, frankly, surprised that it wasn't 100 percent because his party controlled the Senate in the first 4 years of his term. But he got 86 percent.

The first President Bush got 95 percent of his nominees in his first 2 years and his party did not control the Senate.

President Reagan got 95 percent of his circuit court nominees in his first 2 years and his party did control the Senate.

As you can see the pattern here, no matter who has been in the majority of the Senate, and no matter who has been in the White House in the first 2 years, these games have not been played in the past. This is unprecedented. You can throw the statistics around as much as you want, but we are talking about the first 2 years of a President's administration. It has never been done before.

The good news is it is not too late. This is May 9. There is a month left. It is never too late for salvation.

It is my hope that these outstanding nominees missing in action and who have seemingly dropped down a black hole will get an opportunity to be heard as a matter of fundamental fairness.

I had an opportunity, along with others, to meet with the President earlier today on this issue. I heard some suggestions made on the other side of the aisle that this is really all about in effect telling the President who to send up. In other words, Mr. President, send up a certain kind of nominee or you won't get action. I can't speak for the President, but I have the clear impression that this President believes, as all other President's believe, that the business of selecting nominees to the circuit court level and to the Supreme Court level are Presidential prerogatives. I don't think this President is going to operate any differently on that issue than President Clinton or President Carter or President Roosevelt. We all know that Senators have an opportunity to make suggestions on district court nominees. That has not changed. But circuit court nominees and Supreme Court nominees have historically and will be forever the prerogative of the President.

The thought that any of us are going to be able to dictate to this President or any other President who those nominees might be is absurd. It is not going to happen tomorrow. It is not going to happen a month from now. It is not going to happen ever. No President—Republican or Democrat—is going to allow the Senate, no matter which party controls the Senate, to in effect tell him or her who they are going to pick for the circuit courts.

It is time for a fair hearing. And it is time to vote. If the members of the Judiciary Committee want to vote down these nominees, that is certainly their prerogative. They have done that already once this year. But it is time to quit hiding out. It is time to stand up and be counted. It is time to allow these missing people to be seen and heard, and to vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I have spoken to my counterpart, Senator NICKLES. He wishes to speak for 15 minutes. That would go past the time set aside for morning business. I ask unanimous consent that the Senator from Oklahoma be recognized for whatever time is left, plus enough time to make it 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

NOMINATIONS

Mr. NICKLES. Madam President, I rise today to join my colleagues in expressing real disappointment in the fact that we have eight nominees to the U.S. circuit courts of appeals, who were nominated a year ago, who have yet to have a hearing before the Senate Judiciary Committee.

Nineteen of 30 circuit court nominees have yet to have a hearing—19 out of 30. I have stated to my colleagues—and I state this on the floor of the Senate, just as sincerely as possible—we should treat all judicial nominees fairly.

Some people say: Well, we are having a little retribution because you didn't treat people well in President Clinton's last year.

The tradition of the Senate has always been to give a President his or her nominees pretty good access to the Senate for confirmation purposes in the first 2 or 3 years of their Presidency. The tradition of the Senate, also, is to kind of slow it down in a President's last year.

Certainly, if you look at what happened in the last three Presidencies, that is what has happened. Unfortunately, the current President Bush has not had fair treatment for his judicial nominees, especially circuit court nominees, in his first 2 years. That is just a fact.

The chart I have shows that we have only confirmed 9 out of 30. That is 30 percent. There is another nominee who is pending on the calendar. Hopefully, that will be cleared fairly quickly. That would be 10 out of 30. That is one out of three nominated judges confirmed.

If you look at President Clinton's first 2 years, he got 19 out of 22. If you look at President Bush I, he got 22 out of 23. President Reagan got 19 out of 20. So President Reagan and President Bush I got 95 percent of their circuit court nominees confirmed in their first 2 years. President Clinton got 19 out of 22. That is 86 percent.

We should always be confirming those kinds of percentages unless they nominate people who are totally unqualified and are undeserving of the position. But we are not doing that.

Also, if you look at the total numbers, President Reagan got 98 percent of all the judges that he nominated confirmed in his first 2 years. President Bush I got 93 percent of the judges he nominated confirmed in his first 2 years. And President Clinton had more judges confirmed than either of the two by a considerable amount; he had 129 judges confirmed in his first 2 years, which is 90 percent.

For the current President Bush, we have now done 56 percent. We are moving along, at least now, at 60-some odd percent for district court judges. But the big discrepancy is, we are way behind in circuit court appellate judges—way behind—and these individuals are not being treated fairly. They are eminently qualified. And to think that eight were nominated a year ago.

Somebody said: Why are you making such a fuss now? Because enough is enough. Eight of these outstanding, qualified individuals were nominated a year ago today, and they have not had a hearing. Why? Are they not qualified? Well, let me just look at some of their qualifications.

John Roberts was nominated to the DC Circuit Court of Appeals. He has argued 37 cases before the U.S. Supreme Court. Evidently, the private sector thinks he is eminently qualified. He was unanimously rated "well qualified" by the ABA. He is a Harvard Law School graduate, magnum cum laude. He was managing editor of the Harvard Law Review. He was a law clerk to Supreme Court Justice Rehnquist. And he also was the Principal Deputy Solicitor General for the United States from 1989 to 1993.

You will be hard-pressed to find anybody more qualified than John Roberts anywhere in the country to sit on any bench. Yet, he cannot get a hearing, and he was nominated a year ago. I am embarrassed we have not been able to schedule a hearing for John Roberts.

I hope, in the course of this dialog, Senator LEAHY or Senator DASCHLE will join me. I would like to ask the question, why can't we get a hearing for him?

Miguel Estrada is also nominated to the DC Circuit, a partner of the DC firm of Gibson, Dunn & Crutcher. He has argued 15 cases before the U.S. Supreme Court. He was unanimously rated "well qualified" by the ABA. He immigrated to the United States as a teenager from Honduras and, at the time, hardly even spoke English. Yet, he graduated from Harvard Law School magnum cum laude. He was an editor of their Harvard Law Review. He was a law clerk to Justice Kennedy. And he is a former Assistant Solicitor General and Assistant U.S. Attorney. He has been a prosecutor. He worked as a law clerk for a Supreme Court Justice. He argued 15 cases before the Supreme Court. He is eminently qualified. He is Hispanic. And we can't get a hearing?

The District of Columbia Circuit Court of Appeals has four vacancies. A year ago, they were saying they really needed at least three judges. And we can't get a hearing for two of the most qualified people anywhere in the country for these two positions. This is unbelievable.

Priscilla Owen was nominated to the Fifth Circuit Court. She has served on the Texas Supreme Court since 1994. She was unanimously rated "well qualified" by the ABA. She is a Baylor Law School graduate, with honors, and a member of the Baylor Law Review. She had the highest score on her Texas bar exam, and 17 years of prior experience as a commercial litigator.

Just another example. Why is she not entitled to have a hearing? I think when these individuals have hearings, it is going to be obvious they are well-qualified. There will be no reason whatsoever to attack them or to vote no. So people do not want to have a hearing because they know if they have a hearing, they are going to be confirmed.

Terrence Boyle was nominated to the Fourth Circuit. He is presently the chief judge in the U.S. District Court in the Eastern District for North Carolina, and has been since 1997. He was unanimously rated "well qualified" by the ABA. He is a graduate from American University, Washington College of Law. He also served as minority counsel for the House Subcommittee on Housing, Banking, and Currency from 1970 to 1973, and legislative assistant to Senator HELMS.

We usually treat former Senate staffers with a little courtesy. We usually give them a hearing. This is a person who has had a little experience in the Senate working on the Judiciary Committee, in addition to serving as a district court judge from 1984 to 1997. We can't even give him a hearing? I don't think that is right.

Michael McConnell is nominated to the Tenth Circuit Court of Appeals. He is presently a Presidential professor of law at the University of Utah. He was unanimously rated "well qualified" by the ABA. He is a renowned constitutional law expert. He has argued 11 cases before the U.S. Supreme Court. He graduated at the top of his class from the Chicago Law School. He was a law clerk for Justice Brennan, and also served as a prior Assistant Solicitor General. Michael McConnell was nominated a year ago and has yet to even have a hearing.

Deborah Cook is nominated to the Sixth Circuit Court of Appeals. She is presently serving as a justice on the Supreme Court of Ohio, and has since 1994. She was unanimously rated "well qualified" by the ABA. She is an Akron School of Law graduate, and practiced with Akron's oldest law firm. She sat on the Ohio District Court of Appeals from 1991 to 1995. She also chaired the Commission on Public Legal Education, and has also been a member of the Ohio Commission on Dispute Resolution. She is more than qualified.

Jeffrey Sutton is also nominated to the Sixth Circuit Court.

On the Sixth Circuit, there are 8 vacancies out of the 16. One-half of the circuit court of appeals is vacant, desperately needing some assistance.

Mr. Sutton a partner in the law firm of Jones, Day. He is rated well qualified by the ABA minority and qualified by the ABA majority. He graduated first in his class from Ohio University College of Law. He is a former law clerk to Supreme Court Justices Powell and Scalia. He has argued 9 cases and over 50 merits and amicus briefs before the U.S. Supreme Court, and he is a prior State solicitor in the State of Ohio.

Dennis Shedd, nominated to the Fourth Circuit Court, is a U.S. district court judge in South Carolina and has been since 1991. He is rated well qualified by the ABA and had 20 years of private practice and public service prior to becoming a district judge. His law degree is from the University of South Carolina, and he has a master of law degree from Georgetown. He is a former chief counsel and staff director of the Senate Judiciary Committee and counsel to the President pro tempore from 1978 to 1988. He is supported by both of South Carolina's Senators. Again, he is a former staffer.

The Senator from Nevada knows, as I mentioned this before—we used to have a tradition that we would give former staffers an expeditious hearing. But Dennis Shedd was nominated a year ago.

These are eight of the most qualified individuals you will find anywhere in the country for any such position. The fact that they have not had a hearing when they were nominated a year ago brings real disrespect and disrepute on this body. Shame on us. Shame on the Senate. We have only confirmed one-third of the district court of appeals judges nominated by President Bush. Eight people have to wait a year for a hearing? We are making these nominees wait around while their friends and associates are asking: When will you be confirmed? I understand you were nominated. You were nominated a year ago. You haven't even had a hearing.

How disrespectful of the judicial process can we be? I am ashamed of this record. I will state for the record now that I believe at various points we may well be back in the majority. I have been in the Senate—majority, minority, majority, minority. I think we will be back in the majority. I am committed to making sure that all judicial nominees are treated fairly regardless of who is in the White House and regardless of who runs the Senate. I think we owe it to the nominees. I think we owe it to the process. We owe it to the division of power between the executive branch, the judicial branch, and the legislative branch.

The legislative branch is wrecking this balance of power by not staffing and not allowing judicial nominations to be heard, to be voted on, to be confirmed. We have checks and balances. I believe the forefathers would be rolling over if they realized how slowly we were going on certain judges, circuit court appellate judges especially.

With all sincerity, there are ways we can go in this body to get people's attention to make sure these individuals get fair consideration. My hope and desire is to give them fair consideration without exhibiting a pattern of "we will hold this up and hold this up; you will not be able to mark this up; not be able to get a quorum; you will not be able to do business." I hope we don't have to resort to that.

Senator REID is one of my very dear friends, Senator DASCHLE, Senator LEAHY. I urge them, give these people a chance. Give these eight people who were nominated to the appellate level a year ago, give them a hearing, and let's vote. There is no question they are eminently qualified. We should be voting. That is our constitutional responsibility. Let's do it. I will commit we will do it in the future as well.

I hope people will hear these comments made by myself and others and listen to us. Let's work together and treat judicial nominees fairly so we don't have to resort to various types of threats and intimidation and lack of cooperation to make our point to get these individuals consideration on the floor of the Senate.

I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I was waiting to hear from the two leaders. Senator LOTT and Senator DASCHLE have spoken on a number of occasions. Senator DASCHLE is extremely anxious to get on with some substantive legislation in the Senate. The trade bill is pending. We virtually have been waiting all day for some Senators to come up with a proposal.

I have been told by the Republican leader that that answer will come at 4:15 today. I hope that is the case. I would therefore ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be recognized to speak as in morning business for up to 10 minutes, and then the Senator from Arizona, Mr. McCAIN, although I think Senator McCAIN may have been here first.

Mr. McCAIN. I don't wish to speak as in morning business.

Mr. REID. It is my understanding the Senator from Arizona wishes to be recognized for purposes of a unanimous consent request. I ask that he be recognized for up to 5 minutes to make whatever statement he wishes in regard to that unanimous consent request and that, after that time, morning business be concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

JUDICIAL PROCEDURES

Mr. SPECTER. Madam President, I thank the Senator from Nevada for working this out for morning business. I have sought recognition to comment about two matters.

First, I compliment my colleague from Oklahoma for the comments he has made about the need to move ahead with nominees. It would be my hope that from the current disagreement we might work out a permanent protocol to solve the problem which exists when the White House is controlled by one party and the Senate by another party. The delays in taking up judges has been excessive.

This is the 1-year anniversary where some nine circuit judges, well qualified, have not even had hearings. But in all candor, a similar problem existed when President Clinton, a Democrat, was in the White House and we Republicans controlled the Senate.

I have advocated a protocol. Within a certain number of days after a nomination, the hearing would be held; within a certain number of additional days, there would be action by the Judiciary Committee on a vote; and within another specified time, there would be floor action, all of which could be expanded for cause. And an additional provision, not indispensable, is that if there were a strict party-line vote in committee, the matter would automatically go to the floor.

I thank the Chair.

I yield back the remainder of that time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 3529 and S. 2485

Mr. MCCAIN. Mr. President, I intend to propose a unanimous consent request that we take up the Andean Trade Promotion and Drug Eradication Act.

It is vital that we address this issue. ATPA expired on December 4 because Congress had not taken action on the legislation. The House of Representatives passed an extension on November 16, and the Senate has failed to do its work on this issue.

These countries need our help. It is in the United States' national interest not to see these countries degenerate into economic, political and, in the case of Colombia, armed chaos. We need to act on this issue. Why it has been tied to TPA and TAA is something I do not understand.

Perhaps the Trade Promotion Act and the Trade Adjustment Assistant Act are important. I think they are of the highest priority, but the Andean Trade Preferences Act—referred to as ATPA—is of time criticality. It expired. There are tariffs that these countries will have to pay.

These are poor countries. They have unemployment rates of 30, 40, 50 percent. Colombia is degenerating into chaos. Peru is in a situation—if I might quote from the Christian Science Monitor:

> Rebel groups' presence growing near Peru's capital. The Shining Path wants to show that democracy is weak, it can't handle problems with crime and corruption, and the government's inability to improve the country's economy.

Andres Pastrana wrote in the Washington Post on April 15:

> Finally, continued U.S. support for planned Colombia and final Congressional passage of the Andean Trade Preferences Act will strengthen Colombia's economic security. The trade act will have a minuscule impact in the United States but will create tens of thousands of jobs in Colombia and across the Andean region. Enhanced ATPA now being considered in Congress will foster new business investment in Colombia.

These countries are in trouble. If these countries are not allowed to engage in economic development, are not given our assistance, with which we have provided them since 1991—this Trade Preference Act—then we are going to pay a very heavy penalty. We have already had to allocate a billion dollars to Colombia to help them militarily. Situations now are arguably worse than 2 years ago when we first began this matter. Every objective observer will tell you Colombia is in terrible shape. In Peru, people are losing confidence in democracy. In Ecuador—I have read stories about Hezbollah and other terrorist entities locating in these countries.

We don't have the time to waste fooling around with aid to steelworkers, or adjustments to health care, which are directly related to the Trade Promotion Act, not to the Andean Trade Promotion and Drug Eradication Act. I hope we can have some debate and discussion about that.

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3529; further, I ask unanimous consent that the Senate immediately proceed to its consideration, all after the enacting clause be stricken, and the text of S. 2485, the Andean Trade Promotion and Drug Eradication Act, be inserted in lieu thereof. I further ask consent that the bill be read the third time and the Senate proceed to a vote on passage of the bill, with no other intervening action or debate.

Mr. NICKLES. Mr. President, reserving the right to object, I want to clarify the request that my colleague from Arizona made.

The request is we would move immediately to the Andean Trade Preference Act, which is a continuation of the current law going back to 1991 which would assist four countries—the Senator mentioned the four countries: Colombia, Peru, Ecuador and Bolivia, all of which desperately need our help.

The Senator's intention is to continue to assist those countries so we do not have punitive tariffs hit, I believe, by the 15th of this month, next week; is that correct?

Mr. MCCAIN. That is correct.

Mr. NICKLES. Mr. President, I compliment my colleague from Arizona. I hope we can do this and pass an Andean trade bill. I believe the vote on it will be 90-plus votes in favor of it. If we are successful in passing this, then we can continue to wrestle with and hopefully pass trade promotion authority and trade adjustment assistance. Correct me if I am wrong, this in no way would keep us from passing trade promotion and trade adjustment assistance in the future.

Mr. MCCAIN. It would have no impact.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I understand the frustration of the Senator from Arizona. Magnify that 1,000 percent for the majority leader. We have a bill on the floor——

Mr. LOTT. Regular order, Mr. President.

Mr. REID. The underlying vehicle is the Andean trade bill. I think we should move on to the trade bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

CONSTITUTIONAL RESPONSIBILITIES OWED TO THE JUDICIAL BRANCH

Mr. WARNER. Mr. President, Article II, Section 2 of the Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other Officers of the United States. . . ."

The debate before us today involves this clause of the Constitution, and this debate is a very important one. We should put aside partisanship and examine the very roots of our Republic to determine the respective responsibilities of the three branches of our government.

The magnificence of the "Great Experiment," a term used by the skeptics of the work of our founding fathers, is what has enabled our Republic to stand today, after over 200 years, as the longest surviving democratic form of government still in existence.

But, the survival of that "Great Experiment" is dependent upon the continuous fulfillment of the balanced, individual responsibilities of the three branches of our government.

Let's reflect on the historical roots of the "advice and consent" clause.

During the Constitutional Convention, the Framers labored extensively over this clause, deferring a final decision on how to select federal judges for several months.

Some of the Framers argued that the President should have total authority to choose the members of the Judiciary. Others thought that both the House of Representatives and the Senate should be involved in providing "advice and consent."

Ultimately, a compromise plan, put forth by James Madison, won the day—where the President would nominate judges and only the Senate would render "advice and consent."

Such a process is entirely consistent with the system of checks and balances that the Framers carefully placed throughout the Constitution. Presidents select those who should serve on the Judiciary, thereby providing a philosophical composition in the judicial branch. However, the Senate has a "check" on the President because it is the final arbiter with respect to a nominee.

Throughout the debates of the Constitutional Convention, there appears to have been little debate on what factors the Senate should actually use when evaluating presidential nominees. It is likely that this silence was intentional.

The first test case arose with our first President! Soon after the Constitution was ratified it became clear that the Senate did not take its "advice and consent" role as one of simply rubber-stamping judicial nominees. This became evident when the Senate rejected a nomination put forward by our first President and a founding father, President George Washington.

President Washington nominated John Rutledge to serve on the U.S. Supreme Court. And, even though Mr. Rutledge had previously served as a delegate to the Constitutional Convention, the Senate rejected his nomination. It is interesting to note that many of those Senators who voted against the Rutledge nomination were also delegates to the Constitutional Convention.

From the earliest days of our Republic, the nomination process has worked. We must now reconcile and make sure it continues to work.

Based on history, it is clear to me that the Senate's role in the confirmation process is more than just a mere rubber-stamp of a President's nomination; but it is the Senate's Constitutional responsibility to render "advice and consent" after a fair process of evaluating a President's nominee.

This process illustrates well how our three branches of government are interconnected yet independent.

Thomas Jefferson remarked on the independence of our three branches of government by stating, "The leading principle of our Constitution is the independence of the Legislature, Executive, and Judiciary of Each other."

But, I would add that each branch of government must perform its respective responsibilities in a fair and timely manner to ensure that the three branches remain independent.

In my view, we must ask ourselves, is the current Senate posture of the nomination and "advice and consent" process during the early days of the Bush Administration consistent with our country's experience over the last 200 plus years since our Constitution was ratified? That is for each Senator to decide.

Currently, more than 10 percent of Federal judgeships are vacant. And, for the 12 Circuit Court of Appeals, nearly 20 percent of the seats are vacant. Is our federal Judiciary able to fulfill its obligations? That is for each Senator to decide.

In day to day court workloads, judicial vacancies result in each of the active and senior status judges having a greater caseload. This, in turn, often results in a longer time period for cases to be decided.

The ultimate effect is that Americans who have turned to the court system seeking justice in both civil and criminal matters are left waiting for a resolution of their case. And, all too often, justice delayed is justice denied.

Our current Chief Justice of the Supreme Court, Judge William Rehnquist, has expressed his views on this subject several times during both the Clinton and Bush Administrations. Judge Rehnquist recently reiterated remarks he made first in 1997 when he stated, "the President should nominate candidates with reasonable promptness, and the Senate should act within a reasonable time to confirm or reject them. Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote."

I am in complete agreement with the Chief Judge. We must act in a timely fashion to fill judicial vacancies.

Mr. DASCHLE. Mr. President, our friends on the other side of the aisle are right about one thing: it is important to fill vacancies on the Federal bench in a timely manner.

In his remarks last week, President Bush cited Chief Justice Rehnquist's report about the alarming number of vacancies in the federal courts.

He's right. Let me read some of Chief Justice Rehnquist's report: "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice."

Except that's from the report he wrote in 1997.

Democrats, independent-minded observers, and the Chief Justice of the United States Supreme Court have all raised concerns about the judicial vacancy crisis for years.

But our Republican colleagues never seemed to hear those concerns when they ran the Senate. The fact that they now recognize the seriousness of the situation is—I suppose—progress.

It appears, however, that there are some facts on which they are still unclear. I'd like to take a few minutes to set the record straight:

First, the judicial crisis developed when Republicans ran the Senate.

Under Republicans, total court vacancies rose by 75 percent—from 63 at the beginning of 1995 to 110 by the time Democrats took control of the Senate.

Circuit court vacancies more than doubled—from 16 to 33.

As the vacancy rate was skyrocketing, more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000 never received a hearing or a vote.

Second, Democrats have reduced the number of vacancies.

The judicial nominations process has significantly improved under Democratic leadership.

As of this afternoon, in only 10 months, the Democratically controlled Senate has confirmed 56 nominees—more judicial nominees than the Republican-controlled Senate confirmed for President Reagan in his first 12 months in office.

Our 10-month number is also greater than the number of judicial nominations confirmed in four of the 6 years Republicans controlled the Senate during the Clinton administration.

It also exceeds the average number of judicial nominees the Republicans confirmed during the time they controlled the Senate—when, from 1995–2001, confirmations averaged only 38 per year.

But Democrats aren't just improving the numbers, we're improving the nomination process. Under Senator LEAHY's stewardship, the process is now faster, fairer—and more productive.

Senator LEAHY has restored a steady pace to the judicial nominations process by holding regular hearings and giving nominees a vote in committee. Despite the chaos of September 11 and the disruption caused by anthrax, the Judiciary Committee has held 15 hearings involving 48 judicial nominations in the past 10 months, and is planning an additional hearing this week to consider another 7 nominations.

In addition to increasing the total number of hearings, Senator LEAHY is reducing the amount of time it takes to confirm a nomination. The Judiciary Committee has been able to confirm nominations, on average, within

86 days after a nominee was eligible for a hearing. This is more than twice as fast as the confirmation process under the most recent Republican-controlled Senate.

Senator LEAHY has also made the process more fair.

Unlike our Republican colleagues, who would sit on nominations for years—many never receiving a hearing, Senator LEAHY has ensured that President Bush's judicial nominees are treated evenhandedly. Senator LEAHY has also eliminated the practice of secret holds within the judiciary, that were often used to delay and defeat nominees for political reasons.

Third, the confirmation of judges is part of a constitutional obligation we take very seriously.

Democrats have been clear: We will make the process move more fairly, and more quickly—but we will not abdicate our constitutional responsibility to advise and consent.

I believe the President has a right to appoint to his cabinet and administration men and women with whom he is personally and ideologically comfortable.

But Federal judges and Supreme Court justices do not serve at the pleasure of the President. Their term does not end when the President leaves office. These are lifetime positions. Their decisions will have profound consequences for years, possible decades, to come. For that reason, they deserve special scrutiny. The Constitution requires the Senate to evaluate the President's judicial nominees, nominees, offer advice, and grant—or withhold—its consent.

Fourth, I'm concerned that the real issue isn't numbers, but using Judiciary to achieve a political agenda.

Appointing judges that are out of the mainstream is a way that the right-wing can achieve through the judiciary what they can't get through Congress, the President, or any other office represented by those who reflect the will of the people, and need to stand for election before them.

Most Americans simply don't want to see a judiciary that will turn back the clock on decades of progress for civil rights, women's rights, workers rights, and the environment. Most of us don't either.

Senator LOTT and Senator NICKLES both hinted after Judge Pickering's nomination was defeated in committee that they would find ways to retaliate. The irony is: By shutting down the Senate today, they are preventing the Senate from doing the very thing they claim to want.

Right now, their tactics are preventing the Judiciary Committee from holding hearings on 4 of the President's nominees. And last August they wouldn't give us consent to carry pending nominees over the recess—further slowing the process. Amazingly, their judges are falling victim to their own tactics.

There are 77 days left in this Congress—only 46 days if you don't include Mondays and Fridays.

Shutting down the Senate at a time when there are so many major questions facing our nation, and so few working days left in this Congress—is not the way to achieve their stated goal of confirming judges.

When all the facts are thoroughly examined and honest comparisons are made, it is clear that the judicial nominations process has significantly improved under Senator LEAHY's stewardship, and Democratic leadership.

There are real differences between our parties on many issues.

We have shown time and time again, on issue after issue, that we can work through those differences for the good of the nation.

Today, I ask our Republican friends to join with us in helping—and not obstructing—the Senate as we work to meet the needs of the American people, and perform our constitutional obligation regarding federal judges.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Resumed

Mr. LOTT. What is the pending business?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Daschle amendment No. 3386, in the nature of a substitute.

The PRESIDING OFFICER. The Republican leader

AMENDMENT NO. 3399

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3399.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Lott amendment:

Trent Lott, Don Nickles, Phil Gramm, Chuck Grassley, Rick Santorum, Mitch McConnell, Bill Frist, Craig Thomas, Judd Gregg, Frank H. Murkowski, Jon Kyl, Michael D. Crapo, James M. Inhofe, Thad Cochran, Chuck Hagel, Pat Roberts.

Mr. LOTT. Mr. President, the Daschle amendment——

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, our goal this afternoon is to get to a process or an agreement that allows the Senate to deal with the very important issues pending before the Senate: trade promotion authority, the Andean Trade Preservation Act, the GSP, as well as the trade adjustment assistance. These are four very big issues, very important for our country and other countries—in the case of the Andean area—and for the workers of this country.

The way it has been put together, it is very difficult to work through all of these issues and get a result. Serious efforts are underway to see if we can achieve an agreement that produces a result.

We also have to deal with a process issue, how to make that happen. A few moments ago, I filed a first-degree amendment to the Andean Trade Preference Act and filed cloture. I think that is the way to proceed. I think we need a showing of who wants to get trade promotion authority and how we will move this to a conclusion. I want to do that and I know Senator DASCHLE wants to do that, too—find a way to get to conclusion and produce a result.

I was within my rights to seek that recognition and offer that amendment. I did so in good faith with the recognition that if I didn't, some further motion or procedure might have been offered by Senator DASCHLE or Senator REID.

Having said that, Senator REID and Senator NICKLES and others were in the Chamber. They had an agreement on how to proceed, and they felt this was not fair under the understanding that had been worked out. I always try to make sure we play above board and fair with everybody. Senator REID has always been fair with both sides, and he felt this was not the right way to proceed at this point.

After a lot of discussion, I will move to vitiate that action. But I do want to emphasize—and then I presume Senator DASCHLE may announce we would have a period of further discussion as we continue to work on this issue—I do think this is the correct way to proceed. We should not get off the trade legislation and go to any other issue. We are on the verge of beginning to make progress. If we let up, I think the momentum will stop.

I had to explain what happened and why I am doing this. I have heard stories from the past of how Senators have come to the aid of Senators on the other side of the aisle saying, no, this was not the fair way to do it, even if it might have appeared to be fair. We want to always try to do that with each other.

AMENDMENT NO. 3399 WITHDRAWN

Therefore, I ask to vitiate the cloture motion I filed and withdraw the amendment I filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3399) was withdrawn.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I thank the distinguished Republican leader for his understanding and his willingness to act in good faith. I appreciate very much the explanation that he has made. I know it was not his intention and he was not aware of the circumstances that had been agreed to prior to the time he came to the floor. We certainly know how these things work and appreciate his willingness to rescind his actions.

There are a number of Senators who would want to be heard on issues that are important to them. As we continue to await further word about the progress of the discussions and negotiations underway, I see no reason we cannot continue to allow the Senate to proceed as if in morning business.

I ask unanimous consent the Senate proceed as in morning business under the arrangements previously authorized in the Senate for a period not to exceed 90 minutes.

Mr. McCAIN. Reserving the right to object, I will not object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. The majority leader understands the point I was trying to make. Next week at this time, the Andean Trade Preference Act expires and back tariffs will be levied on four impoverished countries, one which is experiencing a revolution. The majority leader does understand the reason for the cloture motion, but I understand there will be an objection if we wanted to move to ATPA, and that is why the Republican leader filed the cloture motion.

I hope the majority leader understands this is an issue that is pressing in time. We need to move forward with it. That may require a cloture motion either by the majority leader or the Republican leader.

I do not object.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask for 2 minutes prior to Senator BYRD.

Mr. DASCHLE. I ask unanimous consent my consent request be amended in that fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, again I ask unanimous consent the Senate be in morning business for 90 minutes and accommodate Senator REID's request for 2 minutes prior to the time Senator BYRD is recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATPA

Mr. DASCHLE. Let me respond briefly to the Senator from Arizona. Nobody wants ATPA passed more than I do. I have attempted in many different ways over the last several weeks to find the right formula to bring this about. I have talked about it, literally, for months. I will work with the Senator from Arizona and others. We are very aware of the May 16 deadline. I am very hopeful we can find a way with which to accommodate that deadline and make sure this job can be done.

We are sensitive to the tremendous economic repercussions that will result if we are not successful. The stakes get higher with each passing hour, which is why I have been frustrated in my effort to move the process along all week.

We spent a lot of time on the farm bill. We spent a lot of time waiting for some sort of negotiation when I think sometimes the best thing to do is just offer amendments. That is what we do in the Senate if there is a disagreement: At some point you offer an amendment, have a vote, and move on to the next amendment.

There are those in the Senate who want the package to be just so, prior to the time they even allow us to move forward on a package.

We will continue to work with those who have been in negotiation. I hope we can resolve this matter soon.

Mr. LOTT. Will the Senator yield?

Mr. DASCHLE. I yield.

Mr. LOTT. We did vitiate the cloture, withdraw the first-degree amendment, but I ask that we consider filing cloture on the underlying amendment, just ATPA.

My cloture and amendment had been both trade promotion and Andean trade. If we file cloture on just the Andean Trade Preservation Act, that would ripen Monday night or Tuesday if we got an agreement, and it would at least guarantee we would be able to get that issue resolved and hopefully sent to the President by Tuesday or Wednesday, thus dealing with this problem that Senator McCAIN addresses. If we don't, we are going to have this deadline that we are facing.

I say this in a bipartisan, nonpartisan spirit. It would be one way to make sure we get a vote on that. We could still get an agreement and vitiate if we had to and get the trade promotion authority and trade assistance also.

I might say that I understand we need to try to make progress. But we have only spent about 12 hours on this bill and really only one serious amendment has been offered.

I know you, Senator DASCHLE, would have liked to have had more amendments offered. Certainly we assume that will occur, perhaps even still. But we have not spent much time on the trade bill itself. I would address the question—urge you to consider, even today, within the next hour, filing cloture on the underlying ATPA. We could still get progress on these other bills without prejudicing this particular provision.

That is the kind of thing I think Senator McCAIN would like to see us do. He is pressing me to file cloture on the underlying Andean Trade Preference Expansion Act. Would you consider that as we proceed this afternoon?

Mr. DASCHLE. Mr. President, we are trying to make the most of what few days we have before the Memorial Day recess. That is an option. We have entertained it in the past. We have talked about it in the past. That would mean, of course, that TAA and TPA would fall if cloture is invoked, and I am not sure we would be able to get to it again prior to the Memorial Day recess, given all the other things we have to do. But that is an option. So we will weigh that carefully and consider what other choices we have, subject to some report from our colleagues. We will continue to negotiate.

Mr. NICKLES. If my colleague will yield, I think Senator LOTT and Senator McCAIN have a good idea. I urge you to seriously consider that. I hope it will not take cloture to pass any of the three bills. I likewise tell the majority leader, I think you will find Members on this side of the aisle—I think the majority leader has complicated his process by trying to put three bills together.

Historically, we have passed Andean trade, passed trade promotion or fast track, and we passed trade adjustment assistance—independently and overwhelmingly, usually with 70-some votes. I believe there are still 70-some votes. The Senate historically has pretty much favored free trade.

I think we would be happy to assist the majority leader to pass all three. We may have some differences, particularly on trade adjustment assistance. Maybe we will have to have a few amendments on each side. We will help you get a time agreement where we can pass all three bills by the Memorial Day recess. Maybe by separating the three bills we can accommodate the Andean countries that are in desperate shape. It would be a shame if we imposed tariffs on those poor countries, a tariff increase that they have not had for 10 years, if we do not get our work done on that bill by next week, by the 15th or 16th.

Likewise, it would be a real mistake if this Senate doesn't pass trade promotion and trade adjustment assistance, however this Senate defines it.

I tell the majority leader, I think if he breaks the three up, we could come up with time agreements and a limitation of amendments to finish all three bills.

Mr. DASCHLE. I thank the Senator from Oklahoma for his generous offer of assistance. I would love nothing more than to get time agreements.

I am told there is opposition to time agreements on both sides on each bill. As we know, given the time it takes to get through a motion to proceed if there is a filibuster, given the time it takes to get through a bill itself, procedurally, if there is a filibuster—each bill will take over a week if you did nothing more than move as expeditiously as you can given our Senate rules.

Instead of doing three sequential filibuster-cloture, filibuster-cloture, filibuster-cloture motions, we thought it might be better to do one and accommodate all the procedural impediments at once.

That may or may not prove to have been the right strategy. But, clearly, we know it will take a long time. If it is the case, we will have to take these bills up sequentially, as I am told is the case right now. Maybe time will prove Senators will reconsider and be willing to move into a time agreement, at least on ATPA.

We will try to vet that and perhaps we can move that. I think we ought to explore that possibility. But a sequential effort on each one of these will take us well into the middle of June, and I am not sure we have that kind of time.

I appreciate the Senator's interest in working with us.

Mr. NICKLES. If the Senator will yield a little further, I will be happy to shop it on our side. I do happen to think there are overwhelming majorities—probably on both sides of the aisle. We passed TPA out of the Finance Committee 18 to 3. Andean trade passed unanimously, I believe, in the Finance Committee. Trade adjustment assistance was considered and, frankly, the trade adjustment assistance that is in this bill never passed committee and some of us object to that. We are willing to have amendments to it. We are willing to find out where the votes are, if that is the way we have to go. Hopefully, some of the negotiations that are taking place today can help solve some of those problems. But we all know we need to move forward on all three pieces of legislation. I urge our colleagues, let's do it.

I do question the wisdom of putting all three together. Historically—I remember Senator BYRD and I having a big debate on line-item veto and I used to say we should have a bill veto. Is it fair to the President of the United States to submit all three bills, each different, and say take it all or leave it all? He loses his Executive power or ability to sign or veto individual pieces of legislation.

I hope we will consider trying to expedite this, come up with time agreements, pass all three bills, and let's see if we can get all three done by the Memorial Day break.

Mr. DASCHLE. If the distinguished Senator from Oklahoma will be prepared to work with us on his side, we will see what prospects there are for doing something like that on one or more of the bills in the Senate in the next day.

I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I think it sounds good to have some cooperation with respect to time. But there is frustration on all sides with respect to this legislation. The issue of trade promotion authority, for example, came to the floor. Then we had to go off, I believe for 12 hours, debating the Agriculture conference report, which took the better part of 2 full days.

We have now, I believe, voted on only one amendment on trade promotion authority. That was the amendment I offered. And that was held over. We couldn't clear it after we had a tabling amendment. That was held over several days in order to clear that.

Senator DAYTON has an amendment. I have two additional amendments. I know other colleagues have amendments to trade promotion authority, but we have not been able to get at that, and my understanding was we had people on the floor on the other side saying they were not going to let us do anything until all of this gets negotiated to some successful conclusion.

I think the way to legislate, I say to the majority leader, would be to allow us to proceed with the amendments. If there are those on the floor who are blocking it, perhaps the Senator from Oklahoma and the Senator from Mississippi, if it is on your side, might help us remove that block and let us get to the amendments and have votes on the amendments.

Trade promotion authority is a reasonably controversial measure. People will have a fair number of amendments, but we have had one so far. It seems to me we ought to get at them and have votes on them.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. LOTT. I will respond to that. I think that is what we should do. That is what I just did; I offered an amendment. But because of concern about the fact we were in morning business, I withdrew it.

I think that is the way to go. Hopefully, maybe we will come to an agreement this afternoon that will allow us to move forward on all three bills. If we do not, then what I urge we do is stay on the trade bill, have amendments, and go forward.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. DASCHLE. Senator BYRD informed me, while he intended to speak as in morning business today, he is going to postpone his speech on Mother's Day until tomorrow. So the floor is open, I notify all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. While the leaders are still on the floor, especially the Republican leader, I want everyone to know that what he did was entirely within his rights. What he did not know when he came on the floor is my counterpart, Senator NICKLES, and I had an agreement. The majority leader had asked I keep us in a quorum call. That is what I intended to do.

What Senator LOTT did was in keeping with the rules of the Senate. What he did following, to vitiate his request, is not in the rules of the Senate. He did that because of the goodness of his heart, and I appreciate that very much. We have to work here, recognizing that no matter in what situation you may find yourself, it may not be one of total understanding at the time you do it. I appreciate very much Senator LOTT withdrawing the cloture motion. I also appreciate his withdrawing the amendment. He did not have to do that. No one could have forced him to do that. We could have gotten into a procedural situation where we would move to table his amendment and things of that nature, but that would not have gotten us to the goal we wanted.

I also express my appreciation to my friend from Oklahoma who expressed to the Republican leader what the arrangement was he and I had.

Of course, I appreciate very much the majority leader working his way through this. I think it will be better for us all that we approach it in this manner.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SANTORUM. Mr. President, I thank Senator BYRD. He came over to me a few minutes ago. He was in line to take the next slot, and I appreciate his willingness to give me the opportunity to speak.

I am here on the anniversary of the President's first nominations to the circuit court to, once again, focus the Senate on what really is a great obstruction of justice that is occurring as a result of the actions within the Judiciary Committee.

We have seen the first 11 nominees the President put up for the circuit court—which is the appellate court in this country at the Federal level, and then you have the Supreme Court, obviously. We have 11 nominees the President put forward. Three were moved. But they were three holdovers from the prior administration. The first original, if you will, Bush nominees have not even had a hearing. If they were eight people who had very little to account for, if they were people who were not considered well qualified, if they were people who had clouds hanging over their nominations, that would be one thing. But not one of them has received anything but well qualified, and the vast majority were well qualified by Senator LEAHY's and the Judiciary Committee's standard, which is the American Bar Association, which is not necessarily friendly to Republican nominees for the court.

We have a situation where we have preeminent jurists and litigators who are being held in committee for a year without a hearing, and without explanation. That is sort of the remarkable thing throughout this entire discussion. There is no explanation as to why any one of these nominees is being held up.

We haven't had any discussion, to my knowledge, on the floor or in the press as to the specific reason any one of these nominees has been held back. There is no cloud that I am aware of. It is simply stopping the President's judicial nominees, and stopping qualified jurists from serving.

These are people who have been nominated, and when you are nominated for a position such as this—the Presiding Officer knows; he was Governor—in State office or Federal office, they have to begin to sort of unwind their affairs. They have to begin the process of setting themselves up, because who knows how quickly they could be considered and moved through the Senate?

In the case of Nebraska, I guess there is one house in which they go through in the process.

We have eight people of impeccable integrity who began that process a year ago. Where are they? They are hanging out there. Their lives are in limbo. That is not fair to them. It is not fair to the people who are not getting justice and not having their cases heard on appeal, or are having long delays in getting the resolution of their cases.

That is not fair either. That impacts the administration of justice, particularly on the civil side, which tends to suffer. We are getting criminal cases through because they are a high priority. But you have people whose lives are almost in limbo because they are not getting the quickest administration of justice that they deserve in our court system.

I want to talk about one particular nominee. He is from Pennsylvania. I will give you sort of the rundown of where we are in Pennsylvania.

We had 11 openings on the district court level in Pennsylvania. We have two circuit nominees—who are Third Circuit nominees—who are sort of Pennsylvanian, assigned to Pennsylvania in this informal agreement we have across the country. One of the nominees for the circuit court—the only nominee so far, because the other circuit vacancy just occurred a few weeks ago—is Judge D. Brookes Smith. Judge Smith is the present judge of the Western District in Pennsylvania. He is a very distinguished jurist. He has been on the court for over 10 years and has served on the Common Pleas Court in Blair County and Altoona. But he is from Altoona. He is from just an impeccable law firm and practiced before he was judge. He has great reputation as a common pleas court judge in Pennsylvania, and now as a district court judge.

Again, he has a flawless reputation. He is a man of highest integrity. He is rated well qualified unanimously by the ABA. Thankfully, we had a hearing on Judge Smith. But that hearing was roughly 3 months ago. Judge Smith continues to be held in committee. Again, if you look at what I said before about your life being held in limbo, here is someone who has already had a hearing and is being held for months without being moved through the process.

Are there serious allegations about any actions Judge Smith has taken while he has been a member of the Western District of Pennsylvania? Are there any decisions out there that have been seriously attacked? The answer is no. There is no "gotcha" case, or line of cases, or opinions Judge Smith has offered that has caused any problems.

The only issue I am aware of with respect to Judge Smith is that he belonged to a rod and gun club in Pennsylvania. We are very proud of our sportsmen activities in Pennsylvania. We are a great hunting and fishing State. He belonged to the Spruce Creek Rod and Gun Club.

Some of you who can think 20-odd years ago and of Spruce Creek, you think of Jimmy Carter. That is where Jimmy Carter used to go. You may remember the incident about the rabbit on the boat. That was in Spruce Creek.

Judge Smith was an avid fisherman and someone who belonged to this club for years, and belonged to it when he was confirmed as a judge in the first Bush administration.

Comments were made that this club did not allow women members. They allow women to go to the club and participate in activities, but they don't allow them to be voting members of the club. When asked about that, Judge Smith said he would try to change that policy.

There is a woman who is a county commissioner who served with him when he was a common pleas judge in Blair County who is a member of NOW, a Democrat, who came out and said she knew of nobody who had done more to help women and to promote women in the legal profession than Judge Smith—he has an impeccable record on women's issues—and the promotion of women within the legal system and the court system.

We had five litigators come to Washington, DC, most of whom were Democrats, and all of them practiced in front of Judge Smith. They went through story after story about how he, unlike, unfortunately, some other members of the bench, treated women with particular dignity and respect and was very accommodating to some of their concerns. One of them happened to be pregnant during the trial. He was very accommodating to her particular needs.

So he has a great record.

What is NOW saying? They opposed Judge Smith because he belonged to a gun club that didn't permit women members. It permitted women on the premises. It permitted women to participate in their activities. But it did not permit them to be members.

Judge Smith during his initial confirmation said he would go back and try to change that. He did. Every time there was a meeting and the bylaws were reviewed, Judge Smith attempted to change it. He tried I think four or five times. When he felt that he could no longer stay in the club because he didn't see any hope that in fact they would change that policy, he left.

I will make the argument against NOW's position—that he stayed there after he had been made aware of that and he should have left right away. Had he left right away, there would have been no chance that the club would have changed. Judge Smith did stay in there to fight to change it.

If you wanted to argue anything, you could argue that Judge Smith should be faulted for not still being in the club trying to change it. By walking away from the club, you could make the argument that he walked away from a fight he shouldn't have walked away from. That is not their argument. The argument is he shouldn't have fought in the first place, he should have just gotten up and left.

That is not how we change things in America. We change things by standing up for principles and fighting for them. And Judge Smith fought for women membership. And now, because he did, he is not qualified to be a Federal appeals court judge?

He has been a judge for over 15 years. They have looked at all his cases. There are no complaints about any of the cases. The reason they oppose him is because he stayed in a gun club too long, fighting for allowing women to become members. That is the great sin. That is the reason why. Although we will have no admission of this, so far, publicly, I am told the reason Judge Smith is still in committee is because of that—a man who has incredible credentials, a man who has been a fighter for women in the legal profession, a man who has fought in the "Old Boys Club" to admit women as members.

We are saying now that he should not be elevated to the third circuit because he fought for women. How remarkable a place this can be sometimes. How remarkable a place this can be. I would suspect that maybe had he quit, they would have come back and argued: See, he quit. He should have stayed and fought. And they would oppose him for that reason.

This is wrong. This is a man of incredible integrity, terrific credentials, great judicial temperament, who is scholarly, gentlemanly, and he is being subjected to being called anti-women. Even though he has staked out, in his judgeship in the Common Pleas in Blair County, in his judgeship in the Western District, and now as one of the President's nominees, that one of his highest priorities has always been the promotion of women in the court, he has been targeted as anti-women.

This is wrong. This is wrong. This is what is going on here. These are the attacks that are leveled at people who want to serve.

His nomination is being held in committee, and has been for months. It is wrong. This is a man who has worked diligently for women. We had lawyer after lawyer after lawyer from the Western District come here, the Women's Bar Association, supporting Judge Smith. We have not heard anybody from the Western District, who has appeared before Judge Smith, who is a woman saying anything negative. It is just the opposite. I received letter after letter in support of Judge Smith.

So you say: Well, that seems unfair. Yes, it is. If you were Judge Smith, imagine how you would be dealing with this. This is a human being. I know we all put these charts up in the Chamber, and we show the numbers—such and such percent get through, and such and such do not—but we are talking about a human being who has dedicated his life to serve, with a particular emphasis on the inclusion of women in the legal profession.

I have to tell you, I come from western Pennsylvania. At times, I have to say that our area of the country has not always been the most progressive when it comes to promoting women to the bench. He has bucked a lot of the "Old Boy" network in doing what he's done for women. And this is what he gets rewarded with, these kinds of outrageous charges which are not based on fact. It is based on the fact that Judge Smith happens to be moderate to conservative.

You see, if you are anywhere right of center here, and if you are looking at the third circuit or you are looking at the sixth circuit or you are looking at any other circuit, you need not apply because we will find some reason—some outrageous, silly reason—that has nothing to do with the incredible track record that you put together through your career; we will find some bogus reason to hold you up and tar you—the politics of personal destruction on decent people who are working hard to make this country better, all for this agenda that no one will talk about. No excuse will be given.

This is one example. I am sure you heard earlier today about others. We have eight people nominated for the circuits that have been sitting out here for a year and, unlike Judge Smith, have not even been given a hearing, have not even been given the decency of presenting their credentials to the committee and saying: Evaluate me based on me, my merits, my record, my temperament, and my ability. The committee has said: No, we are not going to give you the opportunity. The President has selected you, we understand. But we don't even believe you deserve the opportunity to convince us.

Why? That is the question I keep asking. Why? Don't we have to ask ourselves why the chairman of the Judiciary Committee and the committee have decided not to even give these people the opportunity to present themselves to the committee? What are they afraid of?

Let's be very honest about this. If these eight people are that bad, if they are that "out there," if they are that dangerous, if they are that destructive to the judicial system, then it would be in your favor to bring them up here and show how bad they are, how subversive they would be to the laws of the country, how dangerous they would be to the litigants who would come to their court—but nothing.

What are you afraid of? Are you afraid if you put Miguel Estrada up there, and you listen to this articulate, brilliant, competent, well-tempered man, that this charade that you have been putting on will come collapsing down upon you? Is that what you are afraid of? That is a legitimate fear.

But what you are doing to these people, what you are doing to the litigants in this country, what you are doing to the President is wrong, it is unfair, it is unjust. If you have a case against them, present the case. Bring them before the committee. Present the case. If you don't have a case against them, then treat them justly.

These are outstanding men and women who deserve their day in court, who deserve the opportunity to present themselves to the committee and the Senate. They have earned it because they have earned the trust of the President of the United States, who has nominated them for these positions.

What are you afraid of? Or is it something even more sinister than that? I hope not.

It has been a year. It has been a year in the lives of these people that I am sure they will never forget. It has not been a year that has reflected particularly well on the Judiciary Committee or this Senate.

We have an opportunity, on this anniversary, to begin to start anew. We saw, just a few minutes ago, the two leaders have a little bump in the road. When we have bumps in the road here in the Senate—we often do—we always sort of step back and say: OK, for the good of the Senate, for the long-term health of the Senate, can't we put some of these partisan one-upmanships aside and do what is right for the Senate? Because this place will be here, God willing, much longer than we will be. What we do here does set precedent. And the precedent the Senate Judiciary Committee is setting right now is dangerous to this country, because now there will always be this precedent that we will be able to look back to and say: See, they did it. The precedent has been set. When you set a precedent, particularly a precedent that is damaging to the rights of Presidential nominees to be considered, you lower that bar, you harm the entire judicial system in the future.

We have a chance yet, before the end of this session, to fix this.

We have a chance to get a proper, a sufficient number of circuit court nominees approved by the Senate that comports with the historical precedent. It is still possible to do that. It is also possible that we won't do that. That will set a precedent here, a precedent that, unfortunately, once set will be revisited by somebody somewhere down the road. I don't know which party it will be. It may be our party; it may be your party. The point is, it is not good for this institution, and it is horrible for the country.

I understand the partisan advantage. I understand you don't like the philosophy of some of these people the President nominated. I have voted for judges whose philosophy I hated. But the

President won the election. He has the right to nominate good, decent people with whom you disagree on philosophy. He has that right. If they were good, decent people who were qualified and had the proper temperament, I approved them, whether I agreed with their philosophy or not.

That is the role of the Senate. What is going on here may fundamentally change the role of the Senate for the worse. You can't think about the next election or the partisan advantage or even the set of issues we are dealing with today in America. Those sets of issues 40 years from now will be different. The precedent you set now will have a huge impact on those issues. Don't do it. Don't do it. Don't open up a hole in the precedents of the Senate that somewhere down the road will drive a truck over something you may care very deeply about. It is not the right thing to do.

You still have a chance to change it. I pray that you do.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Arizona.

Mr. KYL. Madam President, I compliment the Senator from Pennsylvania for the remarks he has just made, especially in relationship to a judge that means a lot to him, Brooks Smith, who has been nominated by the President to serve on one of our Nation's highest courts. There is no reason, as Senator SANTORUM has said, for this fine individual to be held up. It may be that for purely partisan reasons, someone will try to find a pretext such as the business about the club. I have heard that, too. But I can't believe at the end of the day anybody would actually use that, at least publicly, as a reason to oppose the nomination. There is nothing to it.

When people get so caught up in the politics of it, as the Senator from Pennsylvania has said, they begin to do things that in cool, collected thought maybe they would not ordinarily do. They get carried away and even refuse to consider a judge based upon a pretext such as this. When that kind of precedent is set, it does begin to not only demean this institution but degrade the court system and fundamentally alter the relationship between the Senate and the President and our responsibility of advise and consent to the nominees.

The Senator has made a very good general point; unfortunately, a point well taken with respect to a nominee pending before the committee, Judge Smith.

I want to make the clarifying point that it is not just the Judiciary Committee involved here. The Republican members of the Judiciary Committee, of which I am one, would very much like to move forward on Judge Smith and other nominees.

We were called by the President today to join him at the White House because today is an anniversary of sorts. There are three anniversaries today that mean something to me personally. It is my father's birthday; he is 83 years old today. It is the Attorney General's birthday, John Ashcroft, who is 60 years old today. And, unfortunately, the other reason it has meaning is, as the President reminded us, it has been exactly 1 year since he nominated some very fine individuals to serve on the circuit courts of appeals—1 year and not a single hearing on eight of these nominees, all very fine individuals.

There has been no hearing scheduled, no hearing held, let alone moving the process forward so that they could be confirmed.

I don't know of any reason any of these judges or lawyers nominated to the circuit courts should be held up. As a matter of fact, they have all been rated by the American Bar Association as "qualified" or "well qualified" to serve on the circuit court. That was, according to our Democratic colleagues, the so-called gold standard by which these candidates would be judged. So if it is to apply in these cases, then all of these individuals should be confirmed, and at a minimum, of course, the committee should begin to hold hearings on them.

Why aren't the hearings being held? It could be one of two different reasons. The first has to do with an attempt to change the standard by which we historically have judged judicial nominees.

This morning, the Senator from New York, who chairs a subcommittee of the Judiciary Committee, held a hearing in which he was very clear about his belief that ideology should play a role in the Senate's confirmation of the President's nominees. He expressed a view that nominees of President Clinton were all mainstream or mostly mainstream; whereas President Bush keeps on nominating ideological conservatives, people who, in his view, are out of the mainstream.

The Senator from New York is certainly entitled to his views. He noted, and I agreed, that he and I probably would disagree philosophically on a lot of things. He probably would call himself a liberal Democrat. I would proudly call myself a conservative Republican. We respect each other's rights to believe in what we believe and to pursue those positions. But I don't think either one of us should therefore suggest that we are the best ones to judge what a balance on the court would be. We probably would both want to shade it a little bit toward our particular point of view.

The Senator from New York says he believes it is our job as the Senate to restore balance to the courts. I pointed out that, of course, balance is all in the eye of the beholder; that probably the President of the United States, elected by all of the people of the country, was a better judge of the mood of the country, especially a President who, by the way, has an approval rating of well over 70 percent.

When he ran for President, it was clear that if he won, he would be the person nominating the judges. As a matter of fact, Vice President Gore made a point during his campaign to warn voters that if they elected President Bush, then-Governor Bush, he would be making the nominees to the court. He was right about that. When President Bush was declared the winner, he had every right to make these nominations.

If the people are not well qualified, then the Senate should vote them down. On occasion that has happened, but it is quite rare. As the Senator from Pennsylvania pointed out, the test has been, for most of us over the years, even if you don't like the person ideologically, if that is the President's choice and the individual is otherwise well qualified, then you really ought to vote to confirm.

All of us have done that. I have swallowed hard and voted for people I didn't particularly care for and whose ideology I very definitely didn't care for. I voted for them nonetheless because I couldn't find anything wrong with them. They graduated high from their law schools. They had done a good job in a law practice or on some other bench. Even though I figured they would probably be quite ideologically liberal—and by the way, some have turned out to be ideologically liberal—I felt it was my obligation, since that was the President's choice, and there was no question about qualification, that we should approve them. That I did.

That has been the tradition in this body for a very long time. I don't think it is appropriate for us to try to define what a proper balance of ideology is and to turn down the President's nominee because of that.

I especially think it is wrong not to give them a hearing and find out. These eight nominees to the circuit court the President made exactly a year ago have never had an opportunity to come before the committee and answer any questions about their ideology.

There is a presumption that has not necessarily been backed up by reality or by facts.

I would think that, as the Senator from Pennsylvania said, if there is no reason to be afraid of these judges, then we ought to have a hearing. And if there is, I would think people would want to bring those reasons out to demonstrate why they are not qualified to sit on the bench. But, in fact, there has been no suggestion that there is a reason why any of these eight candidates are not qualified.

In fact, I don't think even most of them could be fairly characterized as somehow ideologically way out of the American mainstream. The other thing that might be offered as an excuse not to hold hearings is—and I have heard this often from my Democratic colleagues—they believe that some of the Clinton nominees for courts were not treated fairly because they were not given hearings. It is true there were a few that, for one reason or another, did not get a hearing. Of course, in the case of those nominated at the end of the last year of the Presidency, there is good reason for that because there is no time to do it. But there were still probably some who could have had a hearing and did not.

A hearing was held this morning by the Senator from New York in which four of those individuals were called to testify. And each one of them made the point that they were disappointed—actually, one had gotten a hearing but had not been confirmed. They all made the point they were disappointed and they didn't think it was fair. Two of them, particularly, I thought, made a very good point that when you get right down to it, it is very unfair for a nominee not to have a hearing. They believe that all nominees should have a hearing. That, of course, applies today as much as it applied to them. If it was wrong for them to be denied a hearing, it is just as wrong for President Bush's nominees to be denied a hearing.

The second reason that sometimes is offered up to me why President Bush's nominees are not being given a hearing or moved forward through the process for confirmation, it seems to me, is based upon a false premise; that is, in effect, saying two wrongs make a right. It is wrong not to give somebody a hearing. Some of President Clinton's nominees were not given a hearing, so we are not going to give President Bush's nominees a hearing. If it is wrong, it is wrong. If it is wrong, it should stop.

I heard one colleague say, but we need to go back and fix the wrong. To my knowledge, there is only one President who has gone back and nominated people his predecessor of another party had nominated who were not confirmed. President Bush has actually gone the extra step and renominated two of the Clinton nominees who have been confirmed already by this body. To my knowledge, President Clinton didn't renominate any of the 40-some—I believe that is the correct number—nominees pending at the end of the Bush 41 administration. President Bush 43 has done that.

So I think it is wrong to say we are not going to have a hearing on these individuals because some other candidates didn't get a hearing and that was wrong. Again, two wrongs don't make a right.

Today, President Bush told us that he called upon the Senate, and specifically the Senate Judiciary Committee, to move forward with these nominees. He told us he thought it was very unfair to the fine people he had nominated that their lives, in effect, are in limbo at the moment because they don't know whether they are going to get a hearing, whether they are going to be confirmed. In the meantime, their law practices are suffering, if they are still in the practice of law. Their reputations are hanging in the balance.

Let me tell you a little bit about a couple of them. Of these eight nominees who have languished before the committee and have not had a hearing, one is John Roberts, a nominee to the DC Circuit Court of Appeals. He is one of the country's leading appellate lawyers. He has argued 36 cases before the Supreme Court. He served as Deputy Solicitor General. He has a great track record. There is nothing wrong with this nominee. He is one of the smartest people and one of the most experienced people we could put on the DC Circuit Court. Nobody denies that. So why hasn't he had a hearing? Why?

You can cite all kinds of statistics about how many Clinton nominees were approved and this and that. But when you get right down to it, there is absolutely no reason this fine man hasn't had a hearing now in a year.

Miguel Estrada has been nominated to the DC Circuit and he has a great story to tell. He would be the first Hispanic ever to serve on the DC Circuit. He has argued 15 cases before the U.S. Supreme Court. By the way, this is a big deal for a lawyer to argue before the Supreme Court. I have had three cases there in my law career, and it is a great honor for a lawyer. When you can say you have argued 15 cases—and I argued 1—and when you can say you argued 36 cases, that is something very few lawyers have ever had the opportunity to do. It shows that you are an extraordinary lawyer. So why isn't Miguel Estrada even getting a hearing? He would be the first Hispanic to serve on this court. He was an Assistant U.S. Solicitor General. He was a Supreme Court law clerk. He has been a Federal prosecutor. No one can say he is not qualified.

In fact, the Bar Association unanimously recognized both of these individuals are well qualified, with their highest rating.

Justice Pricilla Owen, a nominee to the Fifth Circuit, has served on the Texas Supreme Court since 1994. Every newspaper in Texas endorsed her in her last run for reelection. So why isn't Justice Pricilla Owen even receiving a hearing? There is no reason she should not receive a hearing—or at least no fair reason.

I am told Michael McConnell is one of the most intelligent people ever to be nominated to a circuit court. He is nominated to the Tenth Circuit, and he is one of the country's leading constitutional scholars and lawyers. He has an incredible reputation for fairness, as has been illustrated by the support he has received from literally hundreds of Democrat and Republican law professors around the country. He is clearly one of the outstanding jurists in the country. He hasn't even gotten a hearing. Why?

Jeffrey Sutton is another of the country's leading appellate lawyers. He has been nominated to the Sixth Circuit. He graduated from Ohio State Law School and was first in his class. He has argued over 20 cases before the U.S. Supreme Court and State supreme courts, and he served as solicitor of the State of Ohio.

Justice Deborah Cook, a nominee to the Sixth Circuit, has served as a justice on the Ohio Supreme Court since 1994, a State supreme court justice. She was the first woman partner in Akron's oldest law firm. This is another extraordinarily qualified individual. There is no reason for her not to have a hearing. Why hasn't this nominee even had a hearing?

Judge Dennis Shedd has been nominated to the Fourth Circuit. He was unanimously confirmed by the Senate as a Federal district judge in 1990. He is strongly supported by both home State Senators—one a Democrat and the other a Republican. In fact, he is past chief counsel to the Senate Judiciary Committee. He, too, has a great number of friends on both sides of the aisle. He would be a great judge on the circuit court. Why hasn't he even received a hearing? Is there anything wrong with him?

Judge Terrence Boyle, also nominated to the Fourth Circuit, was unanimously confirmed to be a Federal district judge in 1984. He has served all of this time, and I haven't seen anybody come forward with anything that would suggest he is not qualified. As a matter of fact, the State Democratic Party chairman supports Judge Boyle's nomination. He says that he gives everyone a fair trial.

If the former chairman of the Democratic Party in the State can endorse a Republican President's nominee to the circuit court, that is a pretty good thing. You would think partisan consideration could be laid aside. Why hasn't this individual even received a hearing?

It is not too much to ask that, after 365 days, the first step in the confirmation process be taken. A year ago, President Bush said: There are over 100 vacancies on the Federal courts causing backlogs, frustration, and delay of justice.

Today, a year later, he is asking us to begin the process of clearing up this backlog. He has done his part. Chief Justice Rehnquist recently stated that the present judicial vacancy crisis is "alarming," and on behalf of the judiciary, he implored the Senate to grant prompt hearings and have up-or-down votes on these individuals.

I noted that the chairman of the Senate Judiciary Committee, Senator LEAHY, in 1998, at a time when there were 50 vacancies, said that number of vacancies represented a "judicial vacancy crisis." Those were his words. Today, there are 89 vacancies. We are getting close to twice as many. It is a 10-percent vacancy rate. The Judicial Conference of the United States classified 38 of these court vacancies as judicial emergencies.

The President has 18 individuals nominated to fill a seat designated as a judicial emergency. What that means is that litigants cannot get to court. There are delays of 6 and 8 years of people not being able to get to court or have their cases resolved—in the case of some criminal cases. This is unfair to litigants, and it has been said many times that justice delayed is justice denied. There are many situations in which that is true, but that is what is happening as a result of not being able to fill these positions, especially with regard to those denominated as judicial emergencies.

The 12 regional circuit courts of appeals are the last resort, other than the Supreme Court. There are 30 vacancies, which is a 19-percent vacancy rate. Filings in the 12 regional courts of appeals reached an all-time high last year. They have increased 22 percent since 1992, and I could quote from former presidents of the American Bar Association and others who have expressed grave concern about the ability to do justice when these kinds of vacancies exist.

I will read one quotation from one letter:

> I urge you to heed President Bush's call and not as Republicans and Democrats, but as Americans. It's time for the Senate to act for the good of our judicial system.

In the Sixth Circuit Court of Appeals, half of the court is vacant. Of the 16 authorized judges, 8 stand vacant today. At a time when there were only four vacancies on that court, Chief Judge Merritt of that court wrote to the Senate Judiciary Committee and said this:

> The court is hurting badly and will not be able to keep up with its workload. Our court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the Federal courts should not be treated this way. The situation in our court is rapidly deteriorating due to the fact that 25 percent of our judgeships are vacant.

Now it is 50 percent. The caseloads in Federal court can be expected to increase because of the war on terrorism and in my area because of the extraordinary amount of illegal contraband and illegal immigration coming across the border.

It is sad that the Senate cannot bring itself to even hold hearings on people who have now been sitting for a year since their nomination, individuals who by any measure are extraordinarily well qualified, are among the most qualified in the country. There is nothing wrong with them, and yet no hearing.

As of this date, the Senate has confirmed only 9 of the President's 30 circuit court nominees. By contrast, President Clinton had 42 percent of his circuit court nominees confirmed by this same date in his term.

I know we can quote statistics, and that is not really the most important issue. I quote from the Washington Post editorial of November 30 of last year:

> The Judiciary Committee chairman, Democratic Senator Patrick Leahy, has offered no reasonable justification for stalling on these nominations.

The point is, anybody can cite statistics, and most of us are pretty good lawyers and can argue the case, but at the end of the day, there is no reasonable justification for stalling on these nominations. There is no reasonable justification for stalling, unless—I think the Post might have gone on to say—you are trying to get even because of some perceived slight. That is beneath the Senate of the United States of America, and it should not be the motive of anyone, and I cannot believe it would be. This is no reason why these nominees should be denied a hearing.

Lloyd Cutler, who was President's Clinton's White House counsel, and former Congressman Mickey Edwards recently wrote an op-ed in the Washington Post. They said:

> Delay in confirming judges means justice delayed for individuals and businesses, and combined with the bitter nature of some confirmation battles, it may deter many qualified candidates from seeking Federal judgeships.

That is the unfortunate additional result of what is happening here. More and more good candidates are going to say: Why should I put myself and my family through all of this? And that is going to be a real shame.

Historically, Presidents were able to get their nominees, especially their first nominees, confirmed. President Reagan, President Bush 1, and President Clinton all enjoyed a 100-percent confirmation rate on their first 11 circuit court nominees—100 percent. All were confirmed within a year of their nomination. Remember, these eight we are talking about have not even had a hearing within a year.

The broader picture is no different. The history of the last three Presidents' first 100 nominations shows that, one, President Reagan got 97 of his first 100 judicial nominations confirmed in an average of 36 days; President George Herbert Walker Bush saw 95 of his first 100 confirmed in an average of 78 days; and President Clinton saw 97 of his first 100 confirmed in an average of 93 days. But to date, this Senate has confirmed only 52 of President Bush's first 100 nominees, and the average number of days to confirm has exploded to 150.

It is not possible to say that nothing is happening, that nothing is different, that this is no different than in previous administrations, that President Bush's nominees are being treated the same as any others. It is just not true. The statistics belie that.

Madam President, even if you do not want to talk about the statistics, I just ask you to focus on what President Bush focused on today. He said: I nominated 11 good people a year ago today, and only 3 of them have even had the courtesy of a hearing. Would you please go back to your colleagues and implore them to treat these people fairly? He said: It is not for me; it is for the American people. He made that point a couple times. And it is for justice and for the American people. I also think that it is going to say something about the Senate.

The PRESIDING OFFICER. The time controlled by the minority in morning business has expired.

Mr. KYL. Madam President, if we do not move on these nominations, it is going to cause a significant decline in the reputation of the Senate.

The PRESIDING OFFICER. The Senator from Minnesota.

IMPORTS OF FOREIGN LUMBER AND WOOD PRODUCTS

Mr. DAYTON. I thank the Chair.

Madam President, I rise in morning business to discuss an amendment which Senator CRAIG from Idaho and I are going to offer when we resume consideration of the trade bill. I wish to take a few minutes in morning business now to talk about it.

It is an amendment that I believe will complement the intent of TPA. Others may view it differently. It is one Senator CRAIG and I developed out of our shared experiences working with and representing members of our respective States, Idaho and Minnesota, who have lost jobs, farms, and farm income because of trade policies.

I first had the opportunity to work with the Senator from Idaho when Minnesota loggers and small business owners running sawmills were being harmed seriously—some put out of business, some losing their jobs—as the result of imports of foreign lumber and wood products coming into this country and to our State. I found that Senator CRAIG had been working on these problems for years before I arrived.

I actually took his lead. He spearheaded a group of us working on the impact of sugar coming into this country on sugar beet growers in Minnesota and Idaho. I know he is someone who has a deep and abiding commitment to do what is right for the citizens of his

State, as I hope I can demonstrate for the people of Minnesota.

Madam President, you probably had this experience in your State as well. The trade policies of this country which have been in effect over the last couple of decades from one Republican administration to a Democratic administration and now to a Republican administration have relatively consistently encouraged the expansion of trade, the expansion of exports upon which a lot of jobs in Minnesota depend and on which a lot of businesses in Minnesota, large and small, have successfully and profitably expanded markets across this country and the world—grain traders, commodity traders, those who provide that transportation, those who finance the businesses engaged in all of this. There are a lot of winners in Minnesota, a lot of beneficiaries through jobs, through expanding businesses, through rising stock portfolios, who say, hey, more trade is better for us, who frankly cannot even imagine why I am torn on this subject.

I find in the presentations and the discussions about trade authority, there is very seldom a recognition, even an acknowledgment, of the thousands of men and women whose jobs, whose farms, whose businesses, have been lost. And lost is not even the right word; they have really been taken away from them because of the impact of these trade policies.

So recognizing that this legislation, the so-called trade promotion authority, is a high priority for the administration, that was passed by the House of Representatives, that, as the Senator from Oklahoma said earlier, the tradition of the Senate has been to support free trade in anticipation of the probability that final legislation will pass the Senate if we get to that point, I think this amendment is a crucial addition to standing beside and with those men and women in my State anyway, and I think elsewhere across the country, who are being harmed by these policies or who will be in the future.

This amendment says if an agreement comes back that has been negotiated by trade representatives, acting at the behest of the President but not elected by the people of this country—comes back with changes in the trade remedy laws, which change—in most cases weaken—these laws that have been passed by the Congress, signed into law by the President of the United States, for the purpose of protecting those who will be harmed by these trade agreements, by illegal dumping of products—it has certainly been devastating to northeastern Minnesota, to the steelworkers there and across this country—that before those laws and their provisions can be altered or weakened or negotiated away or used as bargaining chips to get some other purpose achieved, the Congress has the authority—it is not required but it has the option—to remove those sections of the bill and put the rest of the agreement through the fast track, so-called, the procedures that will have been enacted into law, but to reserve the prerogative to review these changes, these measures, that are going to affect the kind of protection, the kind of safety net, the kind of assistance that Americans think they can depend on, cannot be taken away, cannot be altered, except by more careful consideration by the Senate and Congress.

The fact that we have 26 Members of the Senate who are cosponsors and are in support of this legislation, 13 Republicans, 13 Democrats, men and women from all different parts of the country with all different perspectives and philosophies, says to me they have had this same experience in their own States with their own constituents, that they too have recognized that these trade policies have very mixed results in their States, and particularly those who are not the beneficiaries, who are going to be the casualties of expanded trade, the increased imports which have been, I think, really tilting our trade policies out of balance in a way that is detrimental to this country.

Last year, the trade imbalance, the deficit in our trade, was $436 billion. We owed other nations $436 billion more from their imports than we received from our exports. In agriculture, well, there is still a positive trade balance, but that positive balance has been reduced. We have seen from NAFTA a flood of imports of food, of automobiles, of other manufactured goods, and our trade imbalance with Mexico has gone from being a slight positive in 1993 to a negative balance in the year 2000. Our trade balance with Canada has gone from being slightly in the negative to seriously in the negative in those 7 years.

Again, I have seen in Minnesota men and women, farmers, workers, business owners, who have lost all of that, lost their hopes, lost their livelihoods, lost their homes, lost their pensions, lost their health care as a result of this. To me, it would be unconscionable to hand that over to an unelected representative of any President, any administration—previous administration, this administration, a future administration—and allow that situation to develop where that agreement would come back and we would be told, take it or leave it, up or down; either make that decision that is going to benefit people but disregard those who are going to be most harmed.

I see the Senator from Nevada has returned, hopefully with some illumination for us. We have taken this opportunity to talk about the amendment.

Mr. REID. If the Senator will yield, the majority leader is on his way.

Mr. DAYTON. I will yield even more so when the majority leader arrives.

I thank the Senator from Idaho for his work on this. I think he has heard more about it from other parties than I have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, we are in morning business, are we not?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. I ask unanimous consent that I be allowed to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE MUST BE BALANCED AND FAIR

Mr. CRAIG. Madam President, I am pleased my colleague from Minnesota, Senator DAYTON, would speak to an amendment he and I have coauthored that has gained some concern in a variety of quarters as to the impact it might have on a trade promotion authority we might be able to pass out of the Senate. I think the Senator from Minnesota has spoken very clearly and articulately about the problems he and I and all States face—the frustration we have with blending domestic markets and international markets.

I certainly am a strong advocate of trade. I always have been. At the same time, I want it to be balanced and I want it to be fair. When there are disadvantages—and we have just seen one that this administration has spoken to in an area that is of great concern to the Senator from Minnesota and myself, and that is in timber, where Canadians had a unique advantage and were dumping in our market, and we finally spoke up, stepped up, put a duty on, and said back off, let us see if we can find an agreement. It is only with the use of the tool of trade remedy that we are now able to get the Canadians to blink and to think about possibly coming to the table to craft a fair and equitable agreement. That is exactly what our amendment would do.

Some would suggest, at least by rhetoric, it is a very damaging amendment to trade promotion authority. What I thought I would do is read a letter that 62 Members of the Senate signed and sent to the President on May 7 of last year, when in fact our trade representatives have been in Doha, Qatar, negotiating new trade agreements and the rest of the world said: You have to put your remedies on the table, you have to negotiate them down or away or we are not going to deal with you.

What we are saying is bring it all to the table, talk about it. We believe that as the legislative branch of Government that crafts public policy, we ought to have a right at some point to be able to speak to it, instead of taking it all or take none of it, which is, of course, what happens under TPA or fast-track authority.

Once a trade agreement is negotiated and if the executive branch of government in some way has negotiated down or altered trade remedy authority, and the package comes to the floor, then the pressure of the world is upon the Senate. Take it all or take none of it. Those are the only two options. Of course, the pressure is to take all of it because it is believed the advantages gained by these trade agreements are so powerful to the American economy—and in many instances they are—that we cannot deny it. Ultimately they pass, even though the administration, Democrat or Republican, may well have negotiated away some of our authority and our ability under the law.

This is what we said to the President May 7:

> We are writing to state our strong opposition to any international trade agreement that would weaken U.S. trade laws, key U.S. trade laws including antidumping law, countervailing duty law. Section 201 and section 301 are critical elements in U.S. trade policy. A wide range of agricultural and industrial sectors have successfully employed these statutes to address trade problems. Unfortunately, experience suggests that many other industries are likely to have occasion to rely upon them in future years. Each of these laws is fully consistent with U.S. obligations under the World Trade Organization and other trade agreements. Moreover, these laws actually promote free trade by countering practices that both distort trade and are condemned by international trading rules. U.S. trade law provides American workers and industries the guarantee that if the United States pursues trade liberalization, it will also protect them against unfair foreign trade practices and allow time for them to address serious import surges. They are part of a political bargain struck with Congress and the American people under which the United States has pursued market opening agreements in the past.

What does the Craig-Dayton/Dayton-Craig amendment do? It guarantees we can speak to that if those kinds of relaxations or changes in the laws come back to the Senate. And we can speak to it without dumping the entire trade agreement.

I don't think we want to do that. Ours is to promote an ever-expanding, freer trading world market. At the same time, we do not want to disadvantage our own economy, destroy our own producers' capability, damage the workhorses of this country, all in pursuit of the idealism or the goal.

We went on to say:

> Congress has made it clear its position on this matter. In draft fast-track consideration considered in 1997, both the House and Senate have included strong provisions directing trade negotiators not to weaken U.S. trade laws. Congress has restated this position in resolutions, letters, and through other matters. Unfortunately, some of our trading partners, many of which maintain serious unfair trade practices, continue to seek to weaken these laws.

Why? They want access to the largest, richest consumer market in the world. They don't want us to force them to be fair, for them to be balanced, and for them to come in in a transparent negotiated environment. That is what we are asking. That is what this amendment requires.

We went on to say:

> This may simply be postponing by those who oppose further market opening. But whatever the motive, the United States should no longer use its trade laws as bargaining chips in trade negotiations nor agree to any provision that weakens or undermines U.S. trade laws.

Now, that is May 7, 2001; 62 Senators signed, Republican and Democrat.

The amendment we bring to the floor, or hope we have the opportunity to bring to the floor, is supported equitably. We have 26 cosponsors, 13 Democrats and 13 Republicans.

What do we do? We simply create a point of order that says if the administration changes trade remedy laws, they, by the current proposal, must notice us that they have done so, and in so doing they have to come back and fully defend it. If they can convince us, then we support it. If they cannot, then a point of order rests against it. Why? Because we are the ones who craft public policy. We will not deny or walk away from our constitutional right to do so. At the same time, we are fully willing to allow our negotiators to engage all of the rest of the trading countries of the world to bring any trade agreement with any proposed changes in it because ultimately it is our job in the Senate under our constitutional form of government to accept or deny that by ratification or by voting it down.

Mr. DAYTON. Will the Senator yield?

Mr. CRAIG. I am happy to yield.

Mr. DAYTON. There have been certain characterizations made about those who are advocates for this amendment. I ask the Senator if he believes these characterizations apply to himself: That those who support the amendment are against trade of almost any kind, that we are against the administration, we want to be obstructionists to the administration's trade policies, and that we are xenophobic, against the rest of the world. Does the Senator consider himself as fitting in any of those categories? I don't consider myself to fit into those categories.

Mr. CRAIG. I don't know how anyone serving the Senate, which is for an expanding economy, for greater revenues, for workers and for producers—and of course we will tax a little of that—would be against trade.

Clearly, the future of our economy is trading in a world market. I have watched my State of Idaho grow from an agrarian economy of agriculture, timber and mining, to a very diverse economy today of electronics, the high-tech industry, and food processing. Almost half of everything an Idaho worker produces has to sell on the world market to be profitable, to allow that person his or her job and to continue the success of that company. That is also true in Minnesota. It is also true everywhere else in the country.

What the Senator is saying and what I am saying is, in the case of Canada and softwood lumber—and they have a distinct advantage and dump in our markets, putting our people out of work—we say, wait a minute, stop; balance this field out a little bit and create fair trade by that kind of balance. That is what our amendment allows—a balancing of the process. What is most important that our amendment allows us, as policymakers, is a right to have a voice in that process. Not the take-it-or-leave-it strategy that doesn't work in the end.

I wanted to vote for NAFTA. I voted against NAFTA. Why? Extraneous environmental, extraneous labor agreements that should not have been part of a trade agreement. It had no choice. There was no flexibility. Take it or leave it.

Instead of working to create a balanced economic environment that would have allowed freer but fair and balanced trade across the Mexican and Canadian border, we did not have that opening. That is an opening we ought to have.

What I do not want to deny, and I think the Senator from Minnesota agrees, I don't want to deny our negotiators from going to the table and being able to negotiate any agreement. They ought to have the full freedom and flexibility to put anything and everything on the table and to bring anything and everything back to us. In the end, under our constitutional form of government, we are the ones who have to make the decision. They are the ones who negotiate. That is the kind of balance that I think is important.

The PRESIDING OFFICER. The Senator from Maryland.

STEEL TRADE POLICY

Ms. MIKULSKI. Madam President, I am very concerned about some actions that were taken yesterday. Guess what. On May 8, the administration issued its statement of administration policy on the trade bill. I was looking forward to that because I thought George Bush was a friend of the American steel industry. I was absolutely shocked to read that policy and find out the administration opposes the provision to provide a safety net for American steel retirees. I was shocked because just a few months ago, President Bush stood up for steel when he issued those temporary steel tariffs, and I thought we could count on him now as we were working our way through the Trade Adjustment Act.

I was taken aback to hear the opposition to the amendment that Senator

ROCKEFELLER and I have, that provides a very modest temporary bridge to help steel retirees keep their health benefits until we can work out a larger compromise.

This statement is terrible. It abandons the steelworkers. It abandons steel retirees. It is just plain wrong. We do need steel and we do need steelworkers. They are suffering at the hands of unfair trade competition, and George Bush's own administration helped us document that. That is what is so breathtaking.

On one hand we have done it, and then on the other hand we said even though steel companies are in bankruptcy because of unfair trade practices, we will not help the steelworker retirees keep their health benefits.

I am fighting for American steel, those steelworkers and those retired steelworkers who, after years of hard work, believed that by working down in the mills they would have security for their families in retirement. Those widows who sent their husband off to the mills every day, like Bethlehem Steel in my own hometown, with pride and love and a lunch bucket thought that they could count on their pension and their health care.

These are the true victims of years of unfair trade practices. Year after year, we debate trade and people say: Well, I am for fair trade. I don't know when trade gets fair. I just never know when trade is going to get fair. I have been a Member of the U.S. Congress for 25 years and I have never seen a trade deal that came out fair yet.

What are the consequences of that? People losing their pensions, people losing their health care, and people losing their jobs—this is unfair trade. People have been injured by these practices and I want to help them.

I heard the stories of my steelworkers and the retirees. I have been to the rallies. I have been to the meetings. I have been down to the union halls. I even held a hearing on this topic. I heard their stories about their fear of losing their health care and their pensions.

I met, at my hearing, Gertrude Misterka. She is a woman my own age, from my own hometown of Baltimore, who is terrified she is going to lose her health care. Her husband Charlie died 5 years ago. He worked at Bethlehem Steel for 35 years. He was loved by his wife, a friend to his fellow steelworkers. He is greatly missed.

The Misterkas thought that after 35 years of working at Bethlehem Steel, they would have a secure future. Charlie thought his wife would be taken care of even after his death. He was a good, kind guy.

Let me tell you about her. She has diabetes, high blood pressure, and asthma. She pays $78 a month for her health care premium. Even with this coverage she pays $100 monthly for her prescriptions.

But let me tell you, because of being a diabetic, because of having complications around diabetes, guess what her prescription drug bill is every year: $6,716.16. You tell me what is going to happen to her if she loses her health insurance.

Oh, yes, let's give somebody a tax credit or a voucher to go into the private market. You tell me how Gertrude, at age 65, with diabetes and all the complications, is going to go shopping. Medicare Choice has already collapsed. HMOs are not of any value to her. Nobody will take her because of her preexisting condition.

Listen, we have to do something to help her and to help all others like her. I promised that I would fight to help her keep her health care. Families who worked hard for America and spent all those years at backbreaking work should be able to count on us.

These costs will only go up as prescription drug costs continue to skyrocket.

I listened to Mrs. Misterka that day, and my heart went out to her and all the women like her. I promised her that I would fight to help current and retired steelworkers and their families—families that need a safety net so they don't lose their healthcare overnight if their companies go under; families who worked hard for America, some for nearly 50 years of back-breaking work in the hot mills and the cold mills; and families that now need our help.

America's steel industry is in crisis. American steel companies are filing for bankruptcy protection—31 since 1997, including 17 in the last year alone.

Steel mills are shutting down. In the last year, at least 40 mills and related facilities have been shut down or idled. The closed mills represent nearly one-fifth of America's steelmaking capacity.

Steelworkers are losing their jobs. Nearly 47,000 steelworkers have lost their jobs since 1998, including about 30,000 in the last year alone. We now have less than half as many steelworkers as we did in 1980. Most of these jobs are gone for good.

The cause of this crisis is well-known. Unfair foreign competition has brought American steel to its knees. Foreign steel companies are subsidized by their governments, and they dump excess steel into America's open market at fire sale prices.

This isn't rhetoric. This is fact.

Last year, the International Trade Commission unanimously found that "a substantial part of the industry is being injured by increased imports" under section 201 of the Trade Act.

As Commerce Secretary Evans said last June:

> For over 50 years, foreign governments have distorted the market through subsidies of their steel industries.

The Russian Government keeps about 1,000 unprofitable steel plants open through subsidies. South Korea has nearly doubled its production capacity since 1990 without the domestic demand to support the increase.

Millions of tons of foreign steel are sold in the United States every year below the cost of production to keep these subsidized foreign mills in business.

America's steel industry is under siege and has been under siege for decades. They've been fighting an uphill battle against competitors that don't play by the rules.

The true cost of foreign steel sold at "bargain" prices is lost American jobs, is broken promises to American workers, and threats to American security.

Why is steel important?

Steel built America, the railroads and bridges that keep our country connected, the cars and trucks and buses and trains that make our Nation move, the buildings where we live and work and shop and worship, and the ships, tanks and weapons that we need during times of war. Yet saving steel is not an exercise in nostalgia.

President Bush said:

> Steel is an important jobs issue, it is also an important national security issue.

I couldn't agree more.

The distinguished ranking member of the Appropriations Committee and of its Defense subcommittee, Senator STEVENS, recently made this point eloquently here on the Senate floor:

> During World War II, he said, 'we produced steel for the world. We produced the steel for the allies. We rebuilt Europe. We built the tanks in the United States, and the planes and the ships that saved the world.' Could we do it again?

That is a serious question.

Bethlehem Steel's Sparrows Point plant near Baltimore recently produced the steel plate to repair the USS *Cole*. It is the only mill in America that still produces the armor plate for Navy ships.

America must never become dependent on foreign suppliers—like Russia and China—for the steel we need to defend our nation and freedom around the world. But we are headed in that direction. Already, the United States is one of the few steel-producing countries that is a net importer of steel.

America imported more than 30 million tons of steel last year.

President Bush took an important first step to help America's steel industry by imposing broad temporary tariffs on imported steel.

I was disappointed that the tariffs are 30 percent or less—phased out over the 3 years they are in effect rather than 40 percent tariffs for 4 years the steel industry and steelworkers sought. I was disappointed that the tariffs don't cover slab steel. But I appreciate the President's action under section 201.

Tariffs are an important step to give America's steel industry a chance to restructure and recover with some protection from the deluge of below-cost foreign steel, but they are not the only step needed to help American steel.

The tariffs help the industry. Now it is time to help the workers and retirees who will lose their healthcare if their companies go under.

The Daschle amendment provided a temporary 1-year extension of health benefits to qualified steel retirees.

The health care extensions for steel retirees are similar to TAA health care benefits for workers who lose their jobs as a result of trade agreements. Workers could have 2 years of health care benefits. Retirees would only have 1 year of benefits.

Just like the temporary tariffs give the companies breathing room to recover, a temporary extension of benefits gives workers and retirees breathing room to find a long-term plan. It gives them time to plan—time that the workers and retirees of LTV didn't have. They lost their benefits overnight.

Supporting producers is in the national interest. The policy of our Government is to support producers when it is in the national interest. National interest means national responsibility. It is important to support farmers to make sure we have the producers to be food-independent.

I am happy to stand up for our farmers whether they are chicken producers on the Eastern Shore or corn growers in the Midwest.

We spend about $19 billion a year on farmers—$656 billion over the past 10 years. This does not include $17 billion in emergency appropriations for our farmers, and it looks like these subsidies are increasing.

Congress passed a $100 billion farm bill. The President said he will sign it. It calls for a $73 billion increase in farm subsidies over the next 6 years.

This farm bill includes a $3 billion subsidy for peanuts, up to $30,000 per farmer for livestock subsidies, and a $3 billion subsidy for cotton.

Since 1996, we have provided over $5 billion for cotton producers—three-quarters of those funds went to just 18,000 farmers. I love cotton. It is the fabric of our lives. But cotton is not more important than steel.

I have supported aid to farmers. So have most of the opponents of steel. I would ask them why. Why do farmers get bail-out after bail-out, yet our steel workers can't get this modest help?

Farmers work hard, but no harder than steelworkers. Farmers provide vital commodities. So do steelworkers. Our Nation must never be dependent on foreign food, and it must never be dependent on foreign steel.

It is not just farmers. Congress gave the airlines $15 billion after September 11 because of a national emergency. That was the right thing to do. Now, we need to stand up for steel.

Make no mistake, this is a national emergency for steel. Standing up for steel is in the national interest just like farmers, just like airlines.

I was moved by the stories of Mrs. Misterka and others at the hearing a few weeks ago as was everyone in the hearing room. I feel very close to these workers and retirees. I grew up down the road from the Beth Steel mill in Baltimore. My dad had a grocery store that he opened extra early so the steelworkers on the morning shift could come in and buy their lunch. The workers at Beth Steel weren't units of production, they were our neighbors. They are our neighbors.

And what did we know about the Bethlehem Steel Plant? It was a union job with good wages and good benefits so our neighbors could go to work, put in an honest day, and get fair pay back to raise their families and pursue the American dream.

We were all proud of our workers at Bethlehem Steel. In World War II and Vietnam they rolled gun barrels, made steel for grenades, provided steel for the shipyards that turned out Liberty ships every 3 weeks. Today, Beth Steel made the steel plates to repair the USS *Cole* after the terrorist bombing damaged the ship.

Most of Beth Steel workers are Beth Steel workers for their entire careers—30, 40, 50 years on the job, every day despite the aches and pains, the bad back, the varicose veins that age steelworkers beyond their years. Their commitment to Beth Steel is a commitment to America doing the work that needs to get done for fair pay and a secure future. The futures that once looked secure are now at risk through no fault of their own. It is time we stand up for steelworkers and help them in their time of need just like they helped America every step of the way.

This is not the end of the story. I will continue to fight for America's steel workers.

Mr. DASCHLE. Mr. President, I thank the Senator from Maryland for accommodating both Senator LOTT and me as we talk about the current circumstances involving the pending legislation.

Let me also say how much I share her point of view. Maybe I am not able to demonstrate the same passion as Senator MIKULSKI has indicated, the strength of feeling that she has about the issue involving her steelworker retirees—but I certainly share her conviction.

TRADE ADJUSTMENT ASSISTANCE AGREEMENT

Mr. DASCHLE. Mr. President, as we have been noting throughout the last several hours, a number of our colleagues have been in discussion and negotiation involving the trade adjustment assistance part of the package that is pending before us. I am very pleased to announce that an agreement has been reached. The agreement is one that involved the administration, Republicans, and Democrats who have been involved in this issue for some time now.

I might just briefly outline it. I will leave to the manager of the bill and the ranking member to discuss the matter in greater detail tomorrow morning.

As I understand it, they intend to lay down the amendment tomorrow. It will be, then, the pending business.

I also encourage Senators to offer amendments tomorrow and Monday. Senator LOTT and I have discussed the schedule. I am prepared to say as a result of this agreement that there will be no votes tomorrow, but I encourage Senators to avail themselves of the opportunity they now have, tonight or tomorrow or Monday, to offer amendments.

We will consider votes for those amendments on Monday night. We have already announced there will be a vote on a judge at 6 o'clock on Monday. We can accommodate additional votes immediately following that vote, should amendments be offered and should we be in a position, then, to dispose of them by Monday afternoon.

But the agreement has a number of components. The trade adjustment assistance for more workers—that will provide at least 65,500 new workers with trade adjustment assistance, according to the reports that I have just been given, unprecedented health care coverage for harmed workers, a 70-percent COBRA subsidy for tax credit for employers and other institutions, and benefits that match the 2-year training period. Workers would receive income assistance for at least 18 months while they were retraining for up to 2 years. Then there also would be wage insurance for older workers as well.

There are a number of components. I will not speak at length about the specifics of the package until the agreement is ready to be presented tomorrow morning. But I hope the final formulation of the language to accommodate this agreement can be prepared so that the amendment will be provided for all colleagues tomorrow, will be offered, and will be part of the pending business as we consider amendments to this, and other amendments.

Senator LOTT and I have agreed that there would be an understanding that as this package is agreed to as it relates to those issues involving TAA, we would entertain it.

There is also an understanding that an amendment that would allow for consideration of assistance for retired steelworkers for health purposes would be entertained. And we will have that debate, and an amendment will be offered. A point of order, of course, will be made against my language. And we understand that. Once that point of order has been made, this compromise package will be offered.

I am appreciative of the work that has gone into reaching this agreement. I am disappointed, obviously, that we couldn't do more. But I am also appreciative of the fact that we have to move on and that Senators who wish to offer other legislation are entitled to do so.

I thank all of my colleagues for the effort that has been made. I hope this will now accelerate our prospects for completing this bill and allowing us to address the deadline that exists for the Andean Trade Preference Act especially.

I yield.

Mr. LOTT. Mr. President, just a couple of clarifications, and a statement of what I believe our understanding is:

First of all, I believe—we talked about this earlier—there still needs to be a point of order made against the package that was filed, and there would be enough votes to sustain that point of order.

Mr. DASCHLE. Mr. President, in response to the Republican leader, it would not be my desire to challenge the point of order.

Mr. LOTT. When the point of order is made, at that point we will move forward with the agreement we have in regard to TAA. Amendments would be in order on the rest of the underlying package, TPA, trade promotion authority, and the Andean Trade Preference Act. Is that the Senator's understanding?

Mr. DASCHLE. Mr. President, the Senator is correct.

Mr. LOTT. We have had an opportunity to quickly review the components of this compromise agreement. It has been a bipartisan effort. The administration has had input. I believe all parties are agreed to support it. There could still be amendments that would be offered, or entertained, as Senator DASCHLE said. But I believe the negotiators are prepared to defend the agreement and oppose amendments that would change that.

I want to state very firmly that it would be my intent to do the same thing. If we don't do that, we begin to pick apart the agreement, and then there is no agreement.

But I believe good work has been done. All parties have made some concessions. I think, though, that it is going to have significant assistance for those who need this transition assistance, and this will set a process up that can get us a bill.

I hope Senator DASCHLE will join me in opposing amendments that could undermine the agreement which we have.

Further, I observe that I am glad we will be having votes on Monday. I think we are going to have to do serious work. I understand Senators have amendments on both sides that will be offered. But we do need to try to finish the bill next week. I think we are going to have to look at how we are guaranteed that is done while Senators have a chance to make their case. That is a delicate balance, as is everything in the Senate. It always takes understanding and cooperation, and we are going to do that.

Senator DASCHLE and I both are going to have to provide leadership with which our entire caucuses won't always agree. But that is how business is done. I think we have done the right thing here. I intend to support this agreement and work on getting this very important legislation completed.

I yield the floor.

Mr. DASCHLE. Mr. President, I wish to make one clarification which Senator LOTT and I have already made. I said this privately, but I want to say for the record that I will oppose an amendment to improve this package or to detract from this package on trade adjustment assistance.

Obviously, we are open to consider amendments on other matters relating to the bill. But on this particular package, the one additional part of the agreement that I stated—and I want to reiterate again—is there is an understanding that Senators would be free to offer amendments having to do with steelworkers. I intend to support that amendment. I have indicated that to Senator LOTT. But that is outside of this agreement. That was part of the understanding we had as this negotiation was completed.

I wanted to make that clarification.

I will say for the record what I said privately to Senator LOTT. That amendment will be part of the overall debate on the bill, and I do intend to support it.

I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I think the majority leader stated or clarified what my questions were.

As I understand it, there is a compromise but the compromise does not include a bridge to help steel retirees. But part of the conversation was that a steel retiree amendment would be in order. I believe we will have the support and votes. Senator ROCKEFELLER and I intend to offer an amendment at an appropriate time.

I also support the majority leader when he said he would not ask for a rollcall vote on the point of order.

As of yesterday, I wanted a rollcall vote, to drag it out, and raise the roof. But then it would be parliamentary tactics.

I think this topic is so serious that for the good of the Nation, and for the way I feel about my steelworkers and those who have been hurt, I don't want to engage in a time-consuming and dilatory practice.

I will not ask for a rollcall vote now that we have an assurance that we will be able to offer our amendment. I thank the leader for his advocacy on that.

I wanted to be clear that I will not ask for a rollcall on the point of order, so that we can get to the compromise and get to the amendments, and maybe get to really helping those people who have been injured by trade.

I have other comments I want to make about steel. I think I will save those for my statement later on about why they are in this crisis, why this is a national security issue, and why it is an economic security issue.

I think we are going to have a framework for proceeding on an amendment. Senator ROCKEFELLER and I will be able to offer that, if not tomorrow, over the next coming days.

I yield the floor.

Mr. LOTT. Mr. President, I don't want to dice and slice there too closely, but I want to clarify that the negotiators and I believe Senator DASCHLE and I are prepared to support the components of this compromise agreement even though not all of it was in the TAA area. Obviously, other amendments may be offered on trade promotion assistance, and we will have an opportunity to offer those. But we will defend the components of the compromise.

Mr. DASCHLE. Mr. President, that is true. I said a moment ago that it is my intention to oppose amendments—with the clarification I made on the steel issue—that would alter this agreement with all of its components. I think Senator LOTT and I are in agreement on that. That is the intention of leadership as amendments are offered.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mr. LOTT. Now, Mr. President, the pending business will be the trade bill?

The PRESIDING OFFICER. The Senator is correct. The pending business is the trade bill.

AMENDMENT NO. 3386

Mr. LOTT. Mr. President, the Daschle amendment No. 3386 exceeds the Finance Committee's allocation of budget authority and outlays for fiscal year 2002 and breaches the revenue floor for fiscal year 2002, fiscal years 2002 through 2006, and fiscal years 2002 through 2011. I raise points of order against this amendment under sections 302(f) and 311(a)(2)(b) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM BILL

Mr. SPECTER. Mr. President, once again, the principal reason I have sought recognition has been to comment on my "no" vote on the farm bill, which was passed yesterday. Even though there are some parts of the farm bill which I liked, I have, on balance, decided to vote "No" because of the excessive cost which favors big corporate farmers and provides unreasonable subsidies to cotton, soybean, wheat, rice and corn.

When I voted for the farm bill in the Senate, the cost was $73.5 billion over current spending for farm programs. However, the conference report came in at $82.8 billion for a total of approximately $190 billion total over 10 years which is, simply stated, far too expensive. The United States no longer enjoys a projected surplus of $5.6 trillion over the next 10 years. In fact, there is a deficit of $130 billion expected by the end of this fiscal year.

Projecting the costs of this farm bill, it may be necessary to invade the Social Security trust fund, probably abandon plans for adequate prescription drugs for senior citizens and encroach on necessary appropriations for many priority items, including defense, education and health care. When I chaired the Appropriations Subcommittee for Labor, Health & Human Services and Education, and now in my capacity as ranking member, I have seen the great need for funding for the National Institutes of Health and other health programs as well as education and worker safety. Without enumerating many other programs, there are obviously high priorities which will be impacted by the costs of this Farm Bill.

I am especially concerned about payments to large corporate farmers. The distinguished ranking member of the Agriculture Committee, Senator LUGAR, has stated that more than $100 billion will go to farm subsidy payments over the next 10 years, with two-thirds of payments going to just 10 percent of the largest farmers who grow primarily corn, soybean, wheat, rice and cotton. This policy will likely encourage further market concentration.

This bill encourages over-production with the resultant consequence of yet lower prices leading to more subsidies. This Bill will further have an adverse impact on international trade by providing expanded and unpredictable levels of support, which increase the likelihood that the United States might breech the farm subsidy limitations it agreed to in the 1994 world trade agreements. Further, the bill's expanded supports have caused our trading partners to question our sincerity on future reductions in farm spending.

There are some portions of the bill which I favor, such as the new national dairy program, expanded Food Stamp Program, including providing food stamps to legal immigrants, and the many positive environmental and conservation measures that are very effective in Pennsylvania. I am pleased to see the new national dairy program, but it falls short of the proper legislation which is embodied in my bill, S. 1157, which would create permanent dairy compacts in the Northeast, as well as the South, Northwest and Inter-Mountain regions. While the dairy provisions will be of help, Congress is missing an opportunity to create a long-term dairy policy through the compacts which would have no cost to the taxpayers.

GUN TRAFFICKING IN AMERICA

Mr. LEVIN. Mr. President, I have spoken previously about the problem of gun trafficking. In June of 2000, the Bureau of Alcohol, Tobacco and Firearms released "Following the Gun: Enforcing Federal Laws Against Firearms Traffickers." This report examined 1,500 ATF gun trafficking investigations documenting that more than 84,000 guns were diverted to the illegal market and were often later used by criminals to commit violent crimes. In addition this report showed that investigations involving gun shows and corrupt gun dealers involved the highest numbers of trafficked guns. However, some good news did come out of this report. At the time of its publication, the report concluded that ATF gun trafficking investigations led to the prosecutions of more than 1,700 defendants. Of these cases, 812 defendants were sentenced in federal court to a total of 7,420 years in prison, with an average sentence of nine years.

Gun trafficking has also been a problem in my home state of Michigan. According to Americans for Gun Safety's analysis of ATF Trace Data from 1996—1999, over 40 percent of the guns traced to crimes committed in Michigan in 1998 and 1999 originated in other states, a much higher rate than the national average. The largest number of out of state suppliers of guns to Michigan during the same period were from Ohio, Kentucky, Georgia and Alabama.

The ATF's report and these statistics demonstrate that criminals are not only gaining access to guns, but are able to smuggle them into the hands of other criminals who use them to commit violent crimes. This kind of activity can be stopped by vigorously enforcing our gun laws, providing law enforcement with more tools to crack down on gun trafficking, corrupt gun dealers and other armed criminals, and by passing sensible gun safety legislation.

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Ms. SNOWE. Mr. President, I rise today in support of the Farm Security and Rural Development Act of 2002. While previous farm bills have provided very little for the State of Maine and the New England region, I am pleased that the conference report before us, while by no means perfect, provides for a more equitable treatment for the farmers in Maine and the Northeast. I have been in touch with the farmers and growers in Maine throughout the development of the 2002 Farm bill, and they, like I, believe the Northeast has been shortchanged in past Farm bills.

The State groups, such as the Maine Potato Board, the Maine Wild Blueberry Commission, the Maine Farm Bureau, the Maine Apple Growers, the Northeast Dairy Coalition, the Directors of the State's Farm Service Agency and Maine Rural Development, and the State Conservationist at the National Resource Conservation Service, believe that this conference report starts us down a path toward regional equity from which I would hope we will not stray in the future development of farm policies.

In addition, on May 6, Commissioner Robert Spear of the Maine Department of Agriculture wrote me similar thoughts, stating that, "I believe it is a good improvement over the so-called Freedom to Farm. The bill strengthens the safety net for all farmers, it more equitably distributes Federal farm dollars and it provides strong incentives to improve stewardship". I would like to submit Commissioner Spears' entire letter for the RECORD.

First and foremost, this past year, I made a pledge to the dairy farmers of Maine that I was committed to see that the safety net they had through the now expired Northeast Interstate Dairy Compact would not be pulled out from under them. This has been my top priority for maintaining a way of life in our rural communities, and I am pleased that the Farm bill provides for a dairy program modeled on our Dairy Compact.

I have stated numerous times on this floor that I would have much preferred that the Northeast Interstate Dairy Compact be reauthorized along with the inclusion of those Northeast States that surround New England that want to join the compact to ensure that people in the region can get fresh, low-priced fluid milk in their grocery stores. In contrast to the provisions contained in the conference report, the beauty of the Northeast Dairy Compact was that it required no Federal funding.

Under the conference report, dairy farmers will get monthly payments over the next 3½ years when the price of fluid milk drops, not yearly as other commodity programs, but monthly checks that come only when prices are low, and at the very time the producers need a better cash flow to keep the farm and their dairy herds going, as the Northeast Dairy Compact provided.

I am very pleased that the dairy funding provided is retroactive to December 1, 2001, as it corresponds with the time when milk prices started to drop in New England and continue to remain low. The dairy farmers in my State will be able to count on approximately $3.2 million in added income from last December through this coming July, when it is predicted that prices may start to climb. These payments may literally save some of our small family farms as the Northeast Compact has done in past years, and I urge the USDA to get these retroactive payments out to the dairy farmers just as soon as possible.

In the future, when the price of fresh fluid milk drops below $16.94 per hundredweight, our dairy farmers will receive 45 percent of the difference of that price and the current price of the fluid milk. This will apply to the first 2.4 million pounds of production of fluid milk or for a dairy herd of around 135–140 cows, a small family farm that has forged a way of life in New England for three and four generations.

Not only has the dairy safety net been an important provision for me, but a substantial increase in funding for voluntary agriculture conservation programs has been a priority as well. Like the environmental groups I have worked with, such as Environmental Defense and the Environmental Working Group, I am disappointed that the conferees did not keep the Senate's higher funding numbers for funding to farmers to promote conservation in each of our States. But, I am pleased that there is still an 80-percent increase overall for conservation funding in this conference report.

The funds going to Maine will at the very least be quadrupled, estimated to be close to $23 million by 2005. This is very important funding for a State that is facing pressures from the environmental impacts of growth and sprawl and pressures to preserve open spaces, and also the need to conserve our water resources, in some cases to restore the habitats of the now endangered Atlantic salmon in eight Downeast rivers, a few which flow through the heart of our Maine Wild Blueberry fields where water is important to both.

The conference report also provides $1.03 billion in mandatory funding for rural development programs. Under the Rural Development Community Water Assistance Grant Program, for instance, Maine will receive $3 million of the $30 million in mandatory funding through 2011 to address drought conditions by making rural areas and small communities eligible for grant funding where there is a significant decline in quantity and quality of water.

This funding is particularly critical when considering that, like many States on the East Coast, Maine has been experiencing an extended period of drought, so the funding that helps residents deal with drought conditions is of great importance. There are, according to the Maine Emergency Management Agency, 1,700 wells that have now gone dry in the State. Total precipitation for 2001 was the driest in 108 years of precipitation monitoring in the State. Precipitation has actually been below average for 22 of the last 24 months, and while we have been helped somewhat by recent snow and rain, NOAA's National Weather Service climate forecasters see limited relief from the drought in the months to come.

Also, the Rural Water and Waste Facility Grants will provide Maine with up to $90 million over 10 years of additional resources to assist small rural communities with their drinking water and wastewater needs. Reauthorization of Rural Development Programs through 2011 will provide Maine with at least $1.5 million over 10 years for regional planning activities and technical assistance to small businesses.

Grants to non-profit organizations will be provided to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for low or moderate income individuals by providing resources to community based organizations to help families with severe drinking water problems.

There are provisions to train rural firefighters and emergency personnel to assist small communities in Maine with homeland security issues, to support the rural business investment program, and $80 million for loan guarantees to provide local TV signals to rural areas.

In regard to the Rural Empowerment Zones, Rural Enterprise Communities, and Champion Communities for Direct and Guaranteed Loans for Essential Community facilities, the city of Lewiston, ME, will now be eligible to take advantage of the benefits of Community Facility Direct and Guaranteed Loan Programs. Lewiston was one of only two communities nationwide specifically named in the Farm Bill Conference Report.

For agricultural research, the conference report expands the Initiative for Future Agriculture and Foods Systems, important to the University of Maine as a real new source of research and development funding. The University has competed successfully for these grants in the past and currently has a $2 million IFAFS grant for looking at small integrated farm systems, along with being cooperators of several other IFAFS grants around the country.

For the promotion of Maine value-added agricultural products around the world, the Market Access Program will be increased to $200 million annually by 2006, which is up from the current funding of $90 million. The MAP has been invaluable in helping to advertise the quality of our Maine potatoes and wild blueberries, helping growers to market their products abroad. Another $20 million is provided to help growers of fruits and vegetables and other specialty crops combat trade barriers. In addition, $200 million is provided to purchase agriculture products for the School Lunch Program, and products listed as eligible for the program are potatoes, blueberries, and cranberries, all grown in the State.

Funding for 15 underserved States, of which Maine is one, is doubled, now set at $20 million annually for fiscal years 2003–2007 for marketing assistance, organic farming, pesticide reduction projects, and conservation assistance to help farmers sustain their working lands.

Somewhat overlooked in the conference report is a newly created title that was included in the Senate-passed bill for energy efficiency and conservation, providing $450 million for research on bio-based fuels, a Federal biofuels purchasing program and efficiency measures that can make renewable energy the cash crop for the 21st Century.

To help decrease the country's reliance on foreign oil imports, a competitive grant program will support development of biorefineries for conversion of biomass into fuels, chemicals and electricity. A biodiesel fuel education program will be funded at $1 million a year. The conference report will also establish a competitive grants program for energy audits and renewable energy development assessments for farmers and rural small businesses.

In addition, $23 million a year from 2003 to 2007 is provided for a loan, loan-guarantee and grant program to help farmers, ranchers and rural small businesses purchase renewable energy systems and make energy efficiency improvements. Also authorized is the continuation of the Commodity Credit Corporation bioenergy program and includes animal byproducts and fat, oils and greases as eligible commodities.

A competitive grant program is established to support development of biorefineries for conversion of biomass into fuels, chemicals and electricity. A biodiesel fuel education program would be funded at $1 million a year.

Of great interest to many small forest landowners in Maine is a provision in the conference report's forestry title for $100 million in obligated funds for the Forest Lands Enhancement Program, which will provide financial and technical assistance to small, private, non-industrial forest landowners for a variety of good management practices.

The conference report also includes critical increases and updates to the nutritional safety net for America's families. The food stamp program fulfills an important need for millions of people nationwide and, thanks to the $6.3 billion in new dollars over the next 10 years for this program that is included in the conference report, countless additional needy families in Maine will be served by this program.

I am certain that I am not alone when I hear complaints from my State about the administrative difficulties and barriers inherent in Federal programs, and the food stamp program is certainly one that has been in need of simplification. The conference report allows States to simplify and reduce their reporting requirements, and allows States to use a common definition of what counts as income similar to other public assistance programs, and are two essential components for streamlining the administrative burden associated with these benefits.

Through the last farm bill established in 1996, which is better known as the Freedom to Farm Act, Congress tried to establish a new system of price and income supports for commodities that would lead to a shift toward a more market-oriented agricultural policy by gradually reducing financial support. Unfortunately, we had no crystal ball to tell us that export markets and farm prices would decline. This precipitous situation had Congress enacting four different supplemental measures from 1998 through 2001 that provided an additional $23 billion in non-disaster related farm income commodity assistance. We simply are not being fiscally responsible by continuing to do commodity farm bills on an ad hoc basis, and the conference report will hopefully prevent the need for ad hoc non-disaster supplementals in the future.

For the 2002 farm bill, I strongly supported the amendment that passed in the Senate farm bill that capped farmers' payment limitations on commodity crops at $275,000 over the House version that had payments capped at $550,000, and I am not pleased that the limitation was raised in conference to $360,000 and the language was weakened on eligibility. I do not represent a State that raises an appreciable amount of commodity crops, so I cannot speak to the funding importance for those in the heartland of the Nation and in the South, but I do know what is important for my State and everywhere I look in this Farm Bill Conference Report in the non-commodity titles, I see funding provisions that will bring opportunities to every corner of the State of Maine.

Specifically, I ask unanimous consent that a letter of support from the Maine Potato Board be printed in the RECORD, that expresses my feelings well about how important the increased funding for conservation, rural development, and the Market Access Program are to Maine. Part of what Don Flannery, executive director said was " . . there are concerns that we all have with the bill but we also believe there are many direct benefits to Maine potato growers and Maine agriculture."

On balance, I would be remiss to the agricultural and conservation communities in Maine to dismiss this bill or to dismiss President Bush's commitment to U.S. agriculture to sign the 2002 farm bill into law. I am casting a yes vote for the rural communities and for the farmers of Maine who are the backbone of the State's economy.

There being no objection, the letters was ordered to be printed in the RECORD, as follows:

MAINE POTATO BOARD,
Presque Isle, ME, May 8, 2002.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: I would like to take the opportunity to express our support for the Farm Security Act of 2002 "Farm Bill". While we understand that there are issues that remain contentious and it does not include some of the programs we had hoped for, the Farms Savings Account to name one, we encourage support of the bill and vote for passage.

As I stated, there are concerns that we all have with the bill, but we also believe there are many direct benefits to Maine potato growers and Maine agriculture. If we are to develop new markets for potatoes and potatoes products, export markets will need to be a major area of development. The increased funding in the Market Access Program is a step in the right direction and potentially will benefit the potato industry in Maine. Another element of the bill that will help develop export markets is the Technical Assistance for Specialty Crops (TASC).

Conservation is an area that is of the greatest concern for all of agriculture, and this bill will provide an increase in funding to help producers in Maine continue to implement sound conservation practices. The Water Conservation Program will aid agriculture in dealing with an ever increasing demand for water to produce quality crops.

The Rural Development Title includes funding under existing programs that will be a benefit to the Maine potato industry and Maine agriculture. To remain competitive in a world market place, we must continue to develop products that meet the consumer's demands. The Value-Added Agriculture Market Development Program will do just that. It will allow Maine producers access to funds to develop value-added agriculture products to meet these demands.

Again, I hope you will support the bill; it will have a positive impact on Maine agriculture. If you should have any questions or if I can provide any additional information, please contact me at 207-769-5061.

Sincerely,

DONALD E. FLANNERY,
Executive Director.

DEPARTMENT OF AGRICULTURE,
FOOD & RURAL RESOURCES,
Augusta, ME, May 6, 2002.

Senator OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR OLYMPIA: I want to thank you for the time and effort you and your staff spend ensuring the Federal programs and laws work for Maine farmers. This has been especially true over the past year as Congress worked on the Farm Bill.

The Farm Security and Rural Investment Act of 2002 has some flaws, primarily the lack of payment caps and the bias toward growers in the south. However the legislation provides many benefits to Maine agriculture.

Whatever disappointment Maine dairy farmers may have over losing the Compact has to be tempered by the provisions establishing the National Dairy Program. Farmers receive a monthly payment of 45 percent of the difference whenever the Class 1 price falls below $16.94. It is retroactive to December 2001. Our calculations show the retroactive clause alone will provide our farmers payments totaling about $3 million.

The bill spends $15 million annually on the Senior Farmers' Market Nutrition Program. Implemented in Maine through our Senior FarmShare it has proven wildly successful with both farmers and seniors. This year, with funds from a combination of sources, including U.S. Department of Agriculture, we are providing nearly $1 million worth of locally grown fresh fruit and vegetables to low-income elderly in Maine.

Another program with direct benefits to Maine is one I know you have worked on in the past, financial assistance for apple producers who have suffered from low market prices. The bill provides $94 million for losses in the 2000 crop year.

The $17.1 billion in conservation funds contained in the bill represents a dramatically increased commitment to the environment.

Among the highlights for Maine are $985 million for the Farmland Protection Program, a 20-fold increase. Maine leverages state money with funds from this Federal pot through the Land for Maine's Future Program to preserve open space and keep families on working farms.

The bill sets aside $50 million, to continue conservation and risk management programs authorized in the Agricultural Risk Protection Act of 2000. These programs have already provided money to farmers in Maine for irrigation projects and organic certification. Maine is one of the 15 underserved states eligible for these funds.

For Maine farmers raising specialty crops, almost all the growers in the state, the bill has a couple of benefits. It substantially increases funding for the Market Access Program, which subsidizes efforts to increase non-branded export promotion. The bill also continues the restrictions on planting fruits and vegetables on program acres, a critical restriction for our potato farmers. They face unfair competition from Canadian growers; they don't need it from western growers who also raise program crops.

I could continue. The list I have provided you are just the highlights of the reasons I support the Farm Bill. I believe it is a good improvement over the so-called Freedom to Farm. The bill strengthens the safety net for all farmers, it more equitably distributes federal farm dollars and it provides strong incentives to improve stewardship.

Thank you and I look forward to continue working with you on issues of importance to Maine farmers.

Sincerely,

ROBERT W. SPEAR,
Commissioner.

NUCLEAR AND TERRORISM THREAT REDUCTION ACT OF 2002

Mr. SMITH of Oregon. Mr. President, I am pleased to introduce this week, with Senator MARY LANDRIEU, the Nuclear and Terrorism Threat Reduction Act of 2002 NTTRA. The NTTRA addresses one of the most serious security challenges facing the United States today: the possibility that a portion of the Russian nuclear weapons arsenal and other weapons of mass destruction (WMD) will fall into the hands of terrorists or terrorist states.

Over a decade after the end of the cold war, Russian still possesses about 95 percent of the world's nuclear weapons and materials outside of the United States. These weapons and materials are stored in over 400 locations across Russia and many are not fully secure. To understand the need to help the Russians on this front, one fact bears noting: Each year, the Russians spend approximately 2 percent of the amount that we spend to operate and secure our nuclear weapons arsenal.

The members of this body know that addressing this challenge is not a partisan issue. It is an issue of deep concern to all Americans. Early last year, a bipartisan task force led by former Sentate majority leader and current U.S. Ambassador to Japan, Howard Baker, and former White House Counsel Lloyd Cutler reached three primary conclusions: First, the most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia can be stolen and sold to terrorists or hostile nation States and used against American troops abroad or citizens at home; second, current nonproliferation programs in the Department of Defense, Department of Energy, and related agencies have achieved impressive results thus far, but their limited mandate and funding fall short of what is required to address adequately the threat; and third, the President and the leaders of the 107th Congress face the urgent national security challenge of devising an enhanced response proportionate to the threat.

It bears repeating that these conclusions were reached months in advance of the September 11 attacks. This legislation will address each of the Baker-Cutler Task Force conclusions.

The Bush administration has devoted considerable time and effort to increase cooperation between the United States and Russia on these matters, as exemplified by U.S.-Russia cooperation in the war against terrorism, the Bush-Putin summit in November 2001, and the May 2002 U.S.-Russia summit in Russia. Also, late last year, the administration completed a thorough review of U.S. efforts to help Russia secure its nuclear and other WMD arsenal. The review concluded that, "most U.S. programs to assist Russia in threat reduction and nonproliferation work well, are focused on priority tasks, and are well managed." At the time, the White House also noted: "The President has made clear repeatedly that his administration is committed to strong, effective cooperation with Russia and the other states of the Former Soviet Union to reduce weapons of mass destruction and prevent their proliferation." The President wisely realizes that only through greater cooperation with Russia can we deal effectively with this problem. The NTTRA supports the President's desire to strengthen U.S.-Russia cooperative efforts.

Senator LANDRIEU and I are carrying on the tradition of Senators like Sam Nunn and RICHARD LUGAR, who along with other of our colleagues were responsible for the U.S. effort to help the Russians secure, account for, and, where possible, dispose of their nuclear weapons and other WMD. The United States must make every effort to defeat global terrorism. One of the most important actions we can take is to deny terrorists the means to kill tens of thousands, if not hundreds of thousands, of people.

The NTTRA will address this serious national security challenge in the following ways:

First, the NTTRA states that it is the policy of the United States to work cooperatively with the Russian Federation in order to prevent the diversion of weapons of mass destruction and material, including nuclear, biological and chemical weapons, as well as scientific and technical expertise necessary to design and build weapons of mass destruction. As I noted earlier, the administration's recent review of U.S.-Russia programs concluded: "most U.S. programs to assist Russia in threat reduction and nonproliferation work well, are focused on priority tasks, and are well managed." The NTTRA proposals complement the increases and proposed organizational changes that the Bush administration has proposed for these programs.

The NTTRA also calls for the President to deliver to Congress, no later than 6 months after the enactment of the NTTRA, a series of recommendations on how to enhance the implementation of U.S.-Russia non-proliferation and threat reduction programs, including suggestions on how to improve and streamline the contracting and procurement practices of these programs and a list of impediments to the efficient and effective implementation of these programs.

Second, this bill addresses the shortcomings in the Russian system in accounting for nuclear warheads and weapons-grade material: The NTTRA states that it is the policy of the United States to establish with Russia comprehensive inventories and data exchanges of Russian and U.S. weapons-grade material and assembled warheads with particular attention to tactical, or "non-strategic," warheads—one of the most likely weapons a terrorist organization or state would attempt to acquire—and weapons which have been removed from deployment. Only through such an accounting system will we be able to reliably say that Russian warheads and materials are sufficiently secure.

Third, the NTTRA calls for the establishment of a joint U.S.-Russia Commission on the Transition from Mutually Assured Destruction to Mutually Assured Security. The U.S. side of the Commission would be composed of private citizens who are experts in the field of U.S.-Russia strategic stability. The NTTRA also calls upon the President to make every effort to encourage the Russian Government to establish a complementary Commission that would jointly meet and discuss how to preserve strategic stability during this time of rapid and positive change in the U.S.-Russia relationship.

The United States and Russia have made great strides to reshape our countries' relationship since the end of the cold war. I am encouraged by the work of President Bush and President Putin regarding the reduction of U.S. and Russian nuclear arsenals and I have been pleased to see Russia's understanding and support of our war on terrorism. I hope that this bill will support our countries' working relationship by encouraging further movement towards arms reductions and helping build trust and expand dialogue and cooperation between our nations. This relationship is critical to protecting both Russia and the United States from nuclear terrorism.

I call upon the members of this body to join Senator LANDRIEU and me as we work against nuclear terrorism by supporting the Nuclear and Terrorism Threat Reduction Act of 2002.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in May 1996 in Lake Charles, LA. A gay man was robbed and beaten to death after being abducted from a rest stop. The attackers, four men, said that they had gone to the rest area to "roll a queer."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DEATH OF NORMAN JOHNSON

Mr. HATCH. Mr. President, one of the finest attorneys in the country, Norman Johnson, one of the great attorneys and leaders from my home state of Utah, died last Saturday.

The loss of Norm is a personal loss to me. He has been one of my best friends. Norm was not only a fine lawyer, a fine businessman, a fine husband and father, a fine Christian, and a wonderful friend.

Norm was a partner in one of Utah's most prestigious law firms. He was one of the most informed authorities in the field of securities law and nationally recognized both before and after appointment as one of the five commissioners on the United States Security and Exchange Commission. As S.E.C. Commissioner, Norm held one of the most prestigious and high-level positions in the Federal Government. Norm served well and was highly respected. I know. I watched his service and was so proud of him.

Norm loved his wife Carol and his children, all of whom are beautiful and exemplary in their own lives. I'm sure they are very grieved at his death. He was so proud of them.

Norm was one of the most soft-spoken people I ever knew. He was kind, generous to a fault, and a friend to all.

We lived in the same neighborhood in Salt Lake City, when I was Bishop of the Salt Lake Mt. Olympus 10th Ward. We became instant friends and our friendship has endured over thirty years.

Norm courageously battled esophageal cancer for a lengthy time. I remember visiting him in the hospital many times. He beat one of the worst of all cancers and then went on to his exceptional government service. I never heard him complain and he bore his difficulties with grace and humor, but the suffering took its toll.

I loved Norm as a brother and have always and will always be a friend of his family.

His funeral is today and I deeply regret that, because of pressing Senate business and an important meeting with the President of the United States at the White House, I have not been able to attend. My beloved wife, Elaine, will be in attendance. She left for Utah this morning. As usual, Elaine will represent me well.

ADDITIONAL STATEMENTS

THE 60TH ANNIVERSARY OF THE BATTLESHIP MASSACHUSETTS

• Mr. KERRY. Mr. President, I rise today to join the people of *Massachusetts* and Navy veterans across the country in celebrating the 60th anniversary of the Battleship *Massachusetts*' commission. This historic ship, the heaviest craft ever launched from Quincy's Fore River Shipyard, served with distinction in theaters ranging from North Africa to the Marshall Islands, and I join its crew in celebrating the anniversary of this storied vessel.

The Battleship *Massachusetts* entered combat on November 8, 1942 in Operation Torch on the shores of North Africa and saw its first action on the shores off Casablanca, Morocco. In that first engagement, the 16" shells from the *Massachusetts* helped sink two destroyers, two merchant ships, visit heavy damage to buildings along the coast, and render a dry dock inoperable. One year later the ship came back to Boston for refitting before heading off to a new assignment in the Pacific, where she would remain for the duration of the war. During its Pacific service, the *Massachusetts* engaged the enemy in the New Guinea-Solomons in the southwest, raided Japanese bases in the west, and helped invade the Marshall Islands.

As the war built to a bloody crescendo the *Massachusetts* proved itself repeatedly. Carrying its nickname of "Big Mamie," the *Massachusetts* took center stage in the preliminary actions against Okinawa and Iwo Jima, shelling each island in preparation for the decisive land combat that began the final chapters of the long struggle. Together with the Third Fleet, the *Massachusetts* approached Japan in the summer of 1945. Its engagements at Kamaishi and Hamamatsu helped cripple the country's infrastructure and expedite the war's conclusion.

After de-activation in 1946, the battleship remained in the Reserve Fleet until being struck from the Navy record in 1962. Despite being ordered to be sold for scrap, her wartime crew lobbied to save the ship as a memorial. Schoolchildren around *Massachusetts* rallied for the ship named for their state, and "Big Mamie," was brought to Fall River in 1965 as a result of these tireless civic efforts. It now serves as the central attraction in Fall River's thriving waterfront; standing as a reminder of its service and inspiring young people to find their own ways to serve.

Through it all, the ship beared the name of our Commonwealth with a pride that we match today, and I am honored to join the Navy, the citizens of Fall River, and people across our State in celebrating the 60th anniversary of the *Massachusetts*' receiving its commission.•

HONORING DR. GEORGE RUPP, PRESIDENT OF COLUMBIA UNIVERSITY

• Mr. GREGG. Mr. President, I rise today to honor Dr. George Rupp, a man who has served higher education and the city of New York well over his 9 years as President of Columbia University.

As a proud alumnus of Columbia University, I wanted to share with Members of Congress some of the accomplishments of this fine leader, and to take this opportunity to salute Dr. Rupp. Columbia is one of the nation's most prestigious universities, and under Dr. Rupp's leadership it has only grown more so. In every area of the university's existence, from academic to administrative, fundraising and quality of life, Dr. Rupp has made a major impact. The legacy he has created sets a new standard in university administration.

When he joined the administration in 1993, Dr. Rupp promised to put undergraduate education at the center of the institution. He committed his energies and the university's resources to doing precisely that, and Columbia College is in a much stronger position as a consequence of his efforts. High school students are applying to Columbia in record numbers and undergraduate admissions have more than doubled since 1993.

Dr. Rupp introduced fellowships to attract professors to teach its celebrated core curriculum for undergraduates, anchored by contemporary civilization and humanities literature. Columbia's graduate programs in law, business, medicine, journalism, and the liberal arts have grown more competitive and are among the best in the world. Over the past nine years, four Columbia faculty members have been Nobel prize winners.

Columbia has raised its profile in New York City and significantly improved relations with the surrounding communities of Morningside Heights, Harlem, and Washington Heights. Dr. Rupp has striven to make Columbia a good neighbor and involves community leadership in major construction projects. He also established a housing assistance program to encourage Columbia staff to purchase homes in these neighborhoods, which are part of the Upper Manhattan Empowerment Zone.

Under Dr. Rupp's leadership, the university has added an architecturally distinguished student center, expanded student housing and built world-class research facilities. Columbia has also taken over the management of the Biosphere 2 Center in Oracle, AZ to expand the science of its Earth Institute. In addition, he has established the International Research Institute for Climate Prediction, a facility to direct advances in climate sciences to the benefit of societies around the world.

Dr. Rupp, an ordained Presbyterian minister and a religious scholar, became Dean of Harvard Divinity School at age 37, and then president of Rice University and president of Columbia University. He is a man of many talents and interests.

For all these and many more reasons, I stand now to applaud his leadership at Columbia University, his dedication to this great institution, and to wish him great luck in the future. Columbia today embodies substantial forward momentum and is poised to achieve further advances in the years ahead.•

TRIBUTE TO RICHARD M. SCULLION

• Mr. FEINGOLD. Mr. President, today, I would like to honor the life of a dedicated public servant, Richard M. Scullion. Dick passed away at the end of April following a brief illness.

Dick started out as a farmer near Highland, WI. He married his wife, Marian, in 1945, and worked to raise their family. In the 1950s, during a typical Wisconsin blizzard, friends of Dick's nominated him to serve on the Iowa County Board and in 1965, he became the chair of the board, a seat he would hold until 2000. At that time, he was the longest serving County Chair in Wisconsin history. Dick simultaneously served as the Highland township chairman and as a member of the Memorial Hospital of Iowa County Board.

In addition to his over 40 years of service to Iowa County, Dick demonstrated a strong commitment to his home state. He was a member of the Wisconsin State Soil and Water Conservation Board, Committee Land Preservation Board, Water Resources Committee, Wisconsin River Rail Transit Commission, Farmland Preservation Board, and was the chairman of the Southwest Regional Planning Commission.

His work made him an invaluable citizen of the State of Wisconsin; he was recognized for his achievements in 1995, when the Iowa County Courthouse addition was named in his honor. Dick was also named the Soil Conservationist of the Year in 1976 and received the Wisconsin Master Agriculturist Award in 1979. In 1983, the University of Wisconsin College of Agriculture and Life Sciences awarded him an honorary degree.

Dick Scullion was an important part of Iowa County, and the State of Wisconsin, and will hold a special place in our State's history. He will be dearly missed.•

RETIREMENT OF ALDRED AMES

• Mr. CRAPO. Mr. President, I rise today to commend one of the key figures in Idaho's economic development efforts, Aldred Ames. For over two decades Mr. Ames has made a positive impact in virtually every one of Idaho's 201 incorporated communities, 44 counties, and 5 tribal nations. He has brought not only technical expertise and access to financial resources, but perhaps even more important a positive attitude that kept his constituents in economic distress from giving up hope.

Government employees are often accused of being process oriented rather than results oriented. Mr. Ames, with his single-minded focus on results, is an excellent example of the kind of Federal employee of whom we should all be proud.

As he is about to retire, I congratulate Mr. Ames on his outstanding record of accomplishment and wish him every success in his future endeavors.•

TRIBUTE TO THE UNIVERSITY OF HAWAII MEN'S VOLLEYBALL TEAM

• Mr. INOUYE. Mr. President, I am proud to rise and pay tribute to the University of Hawaii men's volleyball team for winning the 2002 National Collegiate Athletic Association, NCAA, Championship this past weekend in Pennsylvania. The Warrior Volleyball squad made history by winning the first National Championship for any men's athletic program at the University of Hawaii.

I salute all of the athletes and coaches of the NCAA Championship tournament. I commend them for their sacrifice and determination; they should all be proud of their achievements as student-athletes.

I also commend the people of Hawaii for their support of the University's athletic programs. Indeed, they are the greatest volleyball fans in the nation.

The success of the men's volleyball team is indicative of the depth of the community's support, and the caliber of students, faculty, and staff at the University. As our nation's only public institution of higher learning in the Pacific, the University of Hawaii has many unique strengths and comparative advantages. It offers premiere science, math, business, art, social science, and, as it has now demonstrated irrefutably, athletic programs. The people of Hawaii should be proud of their University.

I applaud Head Coach Mike Wilton who, for the past decade, has worked tirelessly to successfully build and strengthen the men's volleyball program, and I commend the members of his coaching staff for their commitment to preparing the athletes for success both on and off the court.

Finally, I extend my sincerest congratulations to the Warrior Volleyball players for capturing the national title. I am pleased to note that the team is comprised of young men from Hawaii, Arizona, California, Oregon, Guam, Canada, Cuba, Israel, Puerto Rico, and Serbia. Despite their cultural differences and language barriers, they remained unified in their mission and goal. The team has proven that all things are possible through hard work.

I submit the team's roster of players and coaches for the RECORD:

Players: Dejan Miladinovic, Geronimo Chala, Robert Drew, Kimo Tuyay, Jake Muise, Eyal Zimet, Vernon Podlewski, Jeffrey Gleason, Costas Theocharidis, Jose Delgado, Kyle Denitz, Marvin Yamada, John Bender, Ryan Woodward, Tony Ching, Brian Nordberg, Delano Thomas, and Daniel Rasay.

Coaches: Mike Wilton, Tino Reyes, Aaron Wilton, and Marlo Torres.•

IN RECOGNITION THE RETIREMENT OF INSPECTOR FREDERICH A. GREENSLATE

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in acknowledging the retirement of Inspector Frederich A Greenslate of West Bloomfield, MI, who retired on April 27th of this year after serving in the Michigan State Police for 41 years. Mr. Greenslate is one of the longest serving officers in departmental history and people will be gathering on May 17th to celebrate his distinguished career.

I cannot overstate the debt we owe our men and women in uniform for putting their lives on the line as guardians of peace. Every day they protect the people of our great Nation and keep our cities safe. Frederich Greenslate has been part of this great tradition of service, dedication and honor.

Mr. Greenslate joined the Michigan State Police in 1961 after receiving an Associate's Degree in Criminal Justice from Macomb Community College. Originally posted as a Trooper at the Newaygo Post, he moved up the ranks and concluded his career as an Assistant District Commander in the 2nd District Headquarters. Over this period, he received four Meritorious Citations for service above the call of duty as well as an Unit Citation. He also assisted with several events of national and international significance including the visit of Pope John Paul II to Detroit, Super Bowl XVI, United States Cup Soccer, World Cup Soccer, The Detroit Grand Prix, and the National Governors' Conference.

Despite the long hours and stressful atmosphere associated with being a police officer, Mr. Greenslate has been devoted husband to his wife Susan and father of six children: Adam, Bethany, Douglas, Jason, Jeffrey, and Melanie. In addition, his children have blessed him with three grandchildren, Jack, Joe, and Connor. He is also a member of the South-East, Oakland County, Macomb County, Wayne County, and St. Clair County Police Chief's Associations.

Our Nation's public servants play a vital role in preserving the public good. However, few public servants do more to ensure our Nation's peace and stability than our police officers. I know my Senate Colleagues will join me in thanking Mr. Greenslate for his distinguished career as a Michigan State Trooper and wish him well in the years ahead.•

HONORING THE GIRL SCOUTS OF RHODE ISLAND

• Mr. REED. Mr. President, I rise in recognition of the 90th Anniversary of the Girl Scouts of America. The Girl Scout tradition began on March 12, 1912, when founder Juliette Gordon Low assembled 18 girls in Savannah, GA for the first-ever Girl Scout meeting. Today, the organization offers girls of all races, ages, ethnicities, socioeconomic backgrounds, and abilities the chance to thrive by building the real-life skills they will need as adults.

I am especially honored to acknowledge the activities of the Girl Scouts of Rhode Island, which currently serves over 13,700 girls in my home State and several bordering towns of Massachusetts and Connecticut. The Girl Scouts of Rhode Island has created several enriching programs and activities over the years that truly help girls grow strong. One such programs is Girls on the Go, which serves low-income girls at free lunch sites throughout the State during the summer months, allowing them to participate in Girl Scout activities. Other examples include the City Summer Camps program in both Providence and Central Falls which provides 6 weeks of training and recreational activities, and the Girls at the Center program which has provided numerous scouts and adults with opportunities to explore science and technology.

I am truly proud of the achievements of the Rhode Island Girl Scouts and their mission to help young women achieve high ideals of character, conduct, patriotism and service. I wish them continued success in the future.•

REPORT TO RESTORE NON-DISCRIMINATORY TRADE TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF AFGHANISTAN—PM 83

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on May 3, 2002, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Public Law 99–190, 99 Stat. 1319, which took effect on December 19, 1985, authorized the President to deny normal trade relations (NTR) tariff treatment to the products of Afghanistan. On January 31, 1986, President Reagan issued a proclamation denying NTR treatment to Afghanistan.

I have determined that it is appropriate to restore NTR treatment to the products of Afghanistan. Restoration of NTR treatment will support U.S. efforts to normalize relations with Afghanistan and facilitate increased trade with the United States, which could contribute to economic growth and assist Afghanistan in rebuilding its economy. Therefore, in accordance with section 118 of Public Law 99–190, I hereby provide notice that I have issued the attached proclamation restoring NTR tariff treatment to the products of Afghanistan. The Proclamation shall take effect 30 days after it is published in the *Federal Register* .

GEORGE W. BUSH.
THE WHITE HOUSE, *May 3, 2002.*

REPORT RELATIVE TO TWO DEFERRALS OF BUDGET AUTHORITY, TOTALING $2 BILLION—PM 84

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on May 3, 2002, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committee on Appropriations; the Budget; and Foreign Relations:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report two deferrals of budget authority, totaling $2 billion.

The proposed deferrals affect the Department of State and International Assistance Programs.

GEORGE BUSH.
THE WHITE HOUSE, *May 3, 2002.*

MESSAGES FROM THE HOUSE

At 12:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 87. A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3801. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

MEASURES REFERRED

The following bills, previously received from the House of Representatives for concurrence, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4486. An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4028. An act to designate the United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, as the "Richard S. Arnold United States Courthouse"; to the Committee on Environment and Public Works.

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3801. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2485. A bill entitled the "Andean Trade Promotion and Drug Eradication Act."

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar pursuant to 42 U.S.C. 10135(d)(5)(A):

H. J. Res. 87. Joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4560. An act to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6801. A communication from the Executive Vice President of Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, receive on May 1, 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Environment and Public Works; and Governmental Affairs.

EC–6802. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Inspector General, received on May 1, 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Banking, Housing, and Urban Affairs; and Governmental Affairs.

EC–6803. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 01–03; to the Committee on Appropriations.

EC–6804. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "10 CFR Part 63: Disposal of High-Level Radioactive Wastes in a Proposed Geological Repository at Yucca Mountain, Nevada" (RIN3150–AG04) received on April 30, 2002; to the Committee on Environment and Public Works.

EC–6805. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's Annual Report for 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–6806. A communication from the Attorney General, transmitting, pursuant to law, a report on the Plan for the Transfer of Functions of the United States Parole Commission; to the Committee on the Judiciary.

EC–6807. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "The Child Obscenity and Pornography Prevention Act of 2002"; to the Committee on the Judiciary.

EC–6808. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on Foreign Relations.

EC–6809. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, the report of a delay of the Department's annual report on terrorism; to the Committee on Foreign Relations.

EC–6810. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure" (RIN3069–AB03) received on April 30, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6811. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Federal Housing Finance Board Regulations" (RIN3069–AB05) received on May 1, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6812. A communication from the Secretary of Energy, transmitting, pursuant to Section 3134 of the Fiscal Year 2002 Defense Authorization Act, a report detailing the purposes for which the Department of Energy plans to execute the National Security Programs Administrative Support funding in Fiscal Year 2002, and a report on the feasibility of using an energy savings performance contract for a new office building at the Albuquerque Operations Office; to the Committee on Armed Services.

EC–6813. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to P.L. 107–117, a report on terrorism response funding that is of an ongoing and recurring nature; to the Committee on Armed Services.

EC–6814. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corrections to Rev. Proc. 2002–9 (Automatic consent to change a method of accounting)" (Ann. 2002–17) received on April 30, 2002; to the Committee on Finance.

EC–6815. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dealers in Securities Futures Contracts" (Rev. Proc. 2002–11, 2002–7) received on April 30, 2002; to the Committee on Finance.

EC–6816. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—December 2001" (Rev. Rul. 2002–7) received on April 30, 2002; to the Committee on Finance.

EC–6817. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definition of Disqualified Person" ((RIN1545–AY19)(TD8982)) received on April 30, 2002; to the Committee on Finance.

EC–6818. A communication from the Secretary of Health and Human Services, transmitting, a report concerning the level of coverage and expenditures for religious nonmedical health care institutions (RNHCIs) under both Medicare and Medicaid for the previous fiscal year (FY); estimated levels of expenditure for the current FY; and, trends in those expenditure levels including an explanation of any significant changes in expenditure levels from previous years; to the Committee on Finance.

EC–6819. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interior Trunk Release; Petition for Reconsideration" (RIN2127–AI69) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6820. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of VOR Federal Airway 105 and Jet Route 86, AZ and the establishment of Jet Routes 614 and 616" ((RIN2120–AA66)(2002–0066)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6821. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Action Establishment of Class E Airspace; Elkton, MD" ((RIN2120–AA66)(2002–0067)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6822. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of Santa Ana Class C Airspace Area, CA" ((RIN2120–AA66)(2002–0065)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6823. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Fairchild Aircraft, Inc. Models SA226 and SA227 Series Airplanes" ((RIN2120–AA64)(2002–0208)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6824. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Establishment of Class E Airspace; EWT 4 Heliport, Honey Grove, PA" ((RIN2120–AA66)(2002–0061)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6825. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Revision to Class E Surface Area at Marysville Yuba County Airport, CA" ((RIN2120–AA66)(2002–0062)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6826. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Admt. to Caruthersville, MO Class E Airspace Area" ((2120–AA66)(2002–0064)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6827. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes" ((RIN2120–AA64)(2002–0204)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6828. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC–8–400, 401, and 402 Series Airplanes" ((RIN2120–AA64)(2002–0205)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6829. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 and 300 Series Airplanes" ((RIN2120–AA64)(2002–0206)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6830. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes" ((RIN2120–AA64)(2002–0207)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6831. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200, 200C, 300, 400 and 500 Series Airplanes" ((RIN2120–AA64)(2002–0200)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6832. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727, 727C, 727–100, 727–100C, 727–200 and 727–200F Series Airplanes" ((RIN2120–AA64) (2002–0201)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6833. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120–AA64) (2002–0202)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6834. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 and 200C Series Airplanes" ((RIN2120–AA64) (2002–0203)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6835. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT9D–7R4 Series Turbofan Engines" ((RIN2120–AA64) (2002–0196)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6836. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes Equipped with General Electric GE90 Series Engines" ((RIN2120–AA64) (2002–0197)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6837. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–10, 20, 30, 40 and 50 Series Airplanes and C–9 Airplanes" ((RIN2120–AA64) (2002–0198)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6838. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2, A300 B4, A300 B4–600 and A300 B4–600R Series Airplanes, and Model A300 F4–605R Airplanes" ((RIN2120–AA64) (2002–0199)) received on April 30, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6839. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Solicitation for Applications; Request for Research Proposals" (RIN0648–ZB14) received on May 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6840. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the Office's Fiscal Year 2001 Performance Report; to the Committee on Governmental Affairs.

EC–6841. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Program Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6842. A communication from the Secretary of Labor and Chairman of the Board, with the Executive Director of the Pension Benefit Guaranty Corporation, transmitting jointly, pursuant to law, the Corporation's Financial Statements and Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6843. A communication from the Acting Chairman of the National Endowment for The Arts, transmitting, the National Endowment for the Arts Performance Reports for Fiscal Years 1999, 2000, 2001, and 2003; to the Committee on Governmental Affairs.

EC–6844. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, the Agency's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6845. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Office of the Inspector General Financial and IT Operations Audit Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6846. A communication from the Director of Selective Service, transmitting, pursuant to law, the Service's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6847. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 625, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes. (Rept. No. 107–147).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. HELMS, Mr. KENNEDY, and Mr. FRIST):

S. 2487. A bill to provide for global pathogen surveillance and response; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself, Mr. MILLER, Mr. FITZGERALD, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. HELMS, Mr. SESSIONS, and Mr. ENZI):

S. 2488. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself, Ms. SNOWE, Ms. MIKULSKI, and Mr. BREAUX):

S. 2489. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself and Mr. SMITH of Oregon):

S. 2490. A bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program; to the Committee on Finance.

By Mr. INHOFE:

S. 2491. A bill to authorize the President to award a gold medal on behalf of Congress to the Choctaw and Comanche code talkers in recognition of the contributions provided by those individuals to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND:

S. 2492. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself, Mr. KENNEDY, and Mr. DODD):

S. 2493. A bill to amend the Immigration and Nationality Act to provide a limited extension of the program under section 245(i) of that Act; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 2494. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LOTT, Mr. DASCHLE, Mr. SHELBY, Mr. REID, Mr. NICKLES, Mr. TORRICELLI, Mr. BURNS, Mr. SCHUMER, Mr. GREGG, Mrs. CLINTON, Mr. DEWINE, Mr. MCCAIN, Mr. MCCONNELL, Mr. CHAFEE, Mr. ALLARD, Mr. BROWNBACK, Mr. CRAPO, Mr. SANTORUM, Mr. COCHRAN, Mr. BOND, Mrs. HUTCHISON, Mr. THOMPSON, Ms. COLLINS, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. INHOFE, Mr. ALLEN, Mr. HAGEL, Mr. VOINOVICH, Mr. STEVENS, Mr. WARNER, Mr. SPECTER, Mr. SMITH of Oregon, Mr. BUNNING, Mr. SMITH of New Hampshire, and Mr. INOUYE):

S. 2495. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Alfonse M. D'Amato United States Courthouse"; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 2496. A bill to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 2497. A bill to prohibit the opening of cockpit doors in flight; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to require adequate disclosure of transactions which have a potential for tax avoidance or evasion, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mrs. CLINTON):

S. 2499. A Bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2500. A bill to authorize the use of certain funds to compensate New York City public schools for operating and education-related expenses (including expenses relating to the provision of mental health and trauma counseling and other appropriate support services) resulting from the terrorist attack on that city on September 11, 2001; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mr. SESSIONS, and Mrs. HUTCHISON):

S. 2501. A bill to establish requirements arising from the delay or restriction on the shipment of special nuclear materials to the Savannah River Site, Aiken, South Carolina; to the Committee on Armed Services.

By Mr. GRASSLEY:

S. 2502. A bill to improve the provision of health care in all areas of the United States; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for himself and Mr. FEINGOLD):

S. Con. Res. 109. A concurrent resolution commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 264

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 264, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk for osteoporosis.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 454

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect , and for other purposes.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 969

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1370

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1370, a bill to reform the health care liability system.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1711

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1711, a bill to designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado, and for other purposes.

S. 1792

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1792, a bill to further facilitate service for the United States, and for other purposes.

S. 1864

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1864, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 1992

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1992, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. 2017

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2017, a bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

S. 2070

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2070, a bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 2079

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2079, a bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veteran's benefits, and for other purposes.

S. 2117

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2117, a bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, and for other purposes.

S. 2200

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2200, a bill to amend the Ineternal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2210

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2246

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2328

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2328, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

S. 2448

At the request of Mr. HOLLINGS, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2448, a bill to improve nationwide access to broadband services.

S. 2458

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2461

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2461, a bill to terminate the Crusader artillery system program of the Army, and for other purposes.

S. 2484

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2484, a bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

S. RES. 253

At the request of Mr. SMITH of Oregon, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. HELMS, Mr. KENNEDY, and Mr. FRIST):

S. 2487. A bill to provide for global pathogen surveillance and response; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, Senator HELMS and I are proud to introduce today the Global Pathogen Surveillance Act of 2002. Senator HELMS is recovering from his heart surgery and is unable to be here today, but let me note our joint efforts in recognizing the importance of disease surveillance and preparing this bill for introduction. In recent years, we have joined forces on a number of sensible foreign policy initiatives and I am proud that we are doing so once again. I am also especially pleased that Senators KENNEDY and FRIST, the chairman and ranking member of the Public Health Subcommittee of the Senate Health, Education, Labor, and Pensions Committee, have also agreed to be original cosponsors of this bill.

This bill authorizes $150 million over the next 2 years to provide assistance to developing nations to improve global disease surveillance to help prevent and contain both biological weapons attacks and naturally occurring infectious disease outbreaks around the world. As the ranking member and chairman of the Foreign Relations Committee, respectively, Senator HELMS and I recognize all too well that biological weapons are a global threat with no respect for borders. A terrorist group could launch a biological weapons attack in Mexico in the expectation that the epidemic would quickly spread to the United States. A rogue state might experiment with new disease strains in another country, intending later to release them here. A biological weapons threat need not begin in the United States to reach our shores.

For that reason, our response to the biological weapons threat cannot be limited to the United States alone. Global disease surveillance, a systematic approach to tracking disease outbreaks as they occur and evolve around the world, is essential to any real international response.

This country is making enormous advances on the domestic front in bioterrorism defense. $3 billion has been appropriated for this purpose in FY 2002, including $1.1 billion to improve State and local public health infrastructure. Delaware's share will include $6.7 million from the Centers for Disease Control and Prevention to improve the public health infrastructure and $548,000 to improve hospital readiness in my State.

The House and Senate are currently in conference to reconcile competing versions of a comprehensive bioterrorism bill drafted last fall following the anthrax attacks via the U.S. postal system. Those attacks, which killed five individuals and infected more than twenty people, highlighted our domestic vulnerabilities to a biological weapons attack. We need to further strengthen our Nation's public health system, improve Federal public health laboratories, and fund the necessary research and procurement for vaccines and treatments to respond better to future bioterrorist attacks. As an original co-sponsor of the Senate bill, I know the final package taking shape in conference will achieve those goals and I look forward to its enactment into law.

Nevertheless, any effective response to the challenge of biological weapons must also have an international component. Limiting our response to U.S. territory would be shortsighted and doomed to failure. A dangerous pathogen released on another continent can quickly spread to the United States in a matter of days, if not hours. This is the dark side of globalization. International trade, travel, and migration patterns offer unlimited opportunities for pathogens to spread across national borders and to move from one continent to another. Moreover, an overseas epidemic could give us our first warning of a new disease strain that was developed by a country or by terrorists for use as a biological weapon, or that could be used by others for that purpose.

We should make no mistake: in today's world, all infectious disease epidemics, wherever they occur and whether they are deliberately engineered or are naturally occurring, are a potential threat to all nations, including the United States.

How does disease surveillance fit into all of this? A biological weapons attack succeeds partly through the element of surprise. As Dr. Alan P. Zelicoff of the Sandia National Laboratory testified before the Foreign Relations Committee in March, early warning of a biological weapons attact can prevent illness and death in all but a small fraction of those infected. A cluster of flu-like symptoms in a city or region may be dismissed by individual physicians as just the flu when in fact it may be anthrax, plague, or another biological weapon. Armed with the knowledge, however, that a biological weapons attack has in fact occurred, doctors and nurses can examine their patients in a different light and, in many cases, effectively treat infected individuals.

Disease surveillance, a comprehensive reporting system to quickly identify and communicate abnormal patterns of symptoms and illnesses, can quickly alert doctors across a region that a suspicious disease outbreak has occurred. Epidemiological specialists can then investigate and combat the outbreak. And if it's a new disease or strain, we can begin to develop treatments that much earlier.

A good surveillance system requires trained epidemiological personnel, adequate laboratory tools for quick diagnosis, and communications equipment to circulate information. Even in the United States today, many States and localities rely on old-fashioned pencil and paper methods of tracking disease patterns. Thankfully, we are addressing those domestic deficiencies through the bioterrorism bill in conference.

For example, in Delaware, we are developing the first, comprehensive, state-wide electronic reporting system for infectious diseases. This system will be used as a prototype for other states, and will enable much earlier detection of infectious disease outbreaks, both natural and bioterrorist. I and my congressional colleagues in the delegation have been working for over two years to get this project up and running, and we were successful in obtaining $2.6 million in funding for this project over the past 2 years. I and my colleagues have requested $1.4 million for additional funding in FY 2003, and we are extremely optimistic that this funding will be forthcoming.

It is vitally important that we extend these initiatives into the international arena. However, as many developing countries are way behind us in terms of public health resources, laboratories, personnel, and communications, these countries will need help just to get to the starting point we have already reached in this country.

An effective disease surveillance system is beneficial even in the absence of biological weapons attacks. Bubonic plague is bubonic plague, whether it is deliberately engineered or naturally occurring. Just as disease surveillance can help contain a biological weapons attack, it can also help contain a naturally occurring outbreak of infectious disease. According to the World Health Organization, 30 new infectious diseases have emerged over the past thirty years; between 1996 and 2001 alone, more than 800 infectious disease outbreaks occurred around the world, on every continent. With better surveillance, we can do a better job of mitigating the consequences of these disease outbreaks.

In 2000, the World Health Organization established the first truly global disease surveillance system, the Global Alert and Response Network, to monitor and track infectious disease outbreaks in every region of the world. The WHO has done an impressive job so far with this initiative, working on a shoestring budget. But this global network is only as good as its components, individual nations. Unfortunately, developing nations, those nations most likely to experience rapid disease outbreaks, simply do not possess the trained personnel, the laboratory equipment, or the public health infrastructure to track evolving disease patterns and detect emerging pathogens.

According to a report by the National Intelligence Council, developing nations in Africa and Asia have established only rudimentary systems, if any at all, for disease surveillance, response, and prevention. The World Health Organization reports that more than sixty percent of laboratory equipment in developing countries is either outdated or non-functioning.

This lack of preparedness can lead to tragic results. In August 1994 in Surat, a city in western India, a surge of complaints on flea infestation and a growing rat population was followed by a cluster of reports on patients exhibiting the symptoms of pneumonic plague. However, authorities were unable to connect the dots until the plague had spread to seven states across India, ultimately killing 56 people and costing the Indian economy $600 million. Had the Indian authorities employed better surveillance tools, they may well have contained the epidemic, limited the loss of life, and surely avoided the panic that led to economically disastrous embargoes on trade and travel. An outbreak of pneumonic plague in India this February was detected more quickly and contained with only a few deaths, and no costly panic.

Developing nations are the weak links in any comprehensive global disease surveillance network. Unless we take action to shore up their capabilities to detect and contain disease outbreaks, we leave the entire world vulnerable to a deliberate biological weapons attack or a virulent natural epidemic.

It is for these reasons that Senator HELMS and I have worked together in recent months to craft the Global Pathogen Surveillance Act of 2002. This bill will authorize $150 million in FY 2003 and FY 2004 to strengthen the disease surveillance capabilities of developing nations. First, the bill seeks to ensure in developing nations a greater number of personnel trained in basic epidemiological techniques. It offers enhanced in-country training for medical and laboratory personnel and the opportunity for select personnel to come to the United States to receive training in our Centers for Disease Control laboratories and Master of Public Health programs in American universities. Second, the bill provides assistance to developing nations to acquire basic laboratory equipment, including items as mundane as microscopes, to facilitate the quick diagnosis of pathogens. Third, the bill enables developing nations to obtain communications equipment to quickly transmit data on disease patterns and pathogen diagnoses, both inside a nation and to regional organizations and the WHO. Again, we're not talking about fancy high-tech equipment, but basics like fax machines and Internet-equipped computers. Finally, the bill gives preference to countries that agree to let experts from the United States or international organizations investigate any suspicious disease outbreaks.

If passed, the Global Pathogen Surveillance Act of 2002 will go a long way in ensuring that developing nations acquire the basic disease surveillance capabilities to link up effectively with the WHO's global network. This bill offers an inexpensive and common sense solution to a problem of global proportions, the dual threat of biological weapons and naturally occurring infectious diseases. The funding authorized is only a tiny fraction of what we will spend domestically on bioterrorism defenses, but this investment will pay enormous dividends in terms of our national security.

Let me close with an excerpt of testimony from the Foreign Relations Committee hearing last September on bioterrorism. Dr. D.A. Henderson, the man who spearheaded the successful international campaign to eradicate smallpox in the 1970's, recently stepped down from a short-term position as the director of the Office of Emergency Preparedness in the Department of Health and Human Services. In that position, he was vested with the responsibility for helping organize the U.S. government's response to future bioterrorist attacks. Dr. Henderson, who at the time of the hearing was the head of the Johns Hopkins University Center for Civilian Biodefense Strategies, was very clear on the value of global disease surveillance:

> In cooperation with the WHO and other countries, we need to strengthen greatly our intelligence gathering capability. A focus on international surveillance and on scientist-to-scientist communication will be necessary if we are to have an early warning about the possible development and production of biological weapons by rogue nations or groups.

Dr. Henderson is exactly right. We cannot leave the rest of the world to fend for itself in combating biological weapons and infectious diseases if we are to ensure America's security.

I ask unanimous consent that the text of the Global Pathogen Surveillance Act of 2002 be printed in the the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Pathogen Surveillance Act of 2002".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully prepared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited in that its disease surveillance and monitoring is only as good as the data and information the World Health Organization receives from member countries and are further limited by the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process used by the World Health Organization to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting that is based on symptoms and signs (known as "syndrome surveillance") enabling the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities, based on reported symptoms, and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) PURPOSE.—The purposes of this Act are as follows:

(1) To enhance the capability of the international community, through the World Health Organization and individual countries, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including appropriate computer equipment and Internet connectivity mechanisms, to facilitate the exchange of Geographic Information Systems-based syndrome surveillance information and to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish "lab-to-lab" cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the public health capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE DEVELOPING COUNTRY.—The term "eligible developing country" means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this Act; and

(C) is a state party to the Biological Weapons Convention.

(2) ELIGIBLE NATIONAL.—The term "eligible national" means any citizen or national of an eligible developing country who does not have a criminal background, who is not on any immigration or other United States watch list, and who is not affiliated with any foreign terrorist organization.

(3) INTERNATIONAL HEALTH ORGANIZATION.—The term "international health organization" includes the World Health Organization and the Pan American Health Organization.

(4) LABORATORY.—The term "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) SECRETARY.—Unless otherwise provided, the term "Secretary" means the Secretary of State.

(6) SELECT AGENT.—The term "select agent" has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(7) SYNDROME SURVEILLANCE.—The term "syndrome surveillance" means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 4. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this Act shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories.

SEC. 5. RESTRICTION.

Notwithstanding any other provision of this Act, no foreign nationals participating in programs authorized under this Act shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

SEC. 6. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the "program") under which the Secretary, in consultation with the Secretary of Health and Human Services, and, subject to the availability of appropriations, award fellowships to eligible nationals of developing countries to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology for public health professionals from eligible developing countries to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a "fellow") may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient's education or training);

(B) will, upon completion of such education or training, return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary and the government concerned, in an international health organization; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) IMPLEMENTATION.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the developing country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the developing country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least five years of employment in a public health position in an eligible developing country or the World Health Organization.

SEC. 7. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) IN GENERAL.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) to laboratory technicians and other public health personnel (who are eligible persons) from developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) TRAINING IN SYNDROME SURVEILLANCE.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for health care providers and other public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

SEC. 8. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) EQUIPMENT COVERED.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth by the World Health Organization and, as appropriate, the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks; and

(4) not defense articles, defense services, or training as defined under the Arms Export Control Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (or successor statutes).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds authorized under subsection (a), preference should be given to the purchase of equipment of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961.

(f) HOST COUNTRY'S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 9. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—Equipment described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international organizations; and

(3) is not defense articles, defense services, or training as defined under the Arms Export Control Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (or successor statutes).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds under subsection (a), preference should be given to the purchase of communications (and information technology) equipment of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961.

(f) ASSISTANCE FOR STANDARDIZATION OF REPORTING.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations (including regional international health organizations) to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(g) HOST COUNTRY'S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 10. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 11. LABORATORY-TO-LABORATORY EXCHANGE PROGRAM.

(a) AUTHORITY.—The head of a Federal agency, with the concurrence of the Secretary, is authorized to provide by grant, contract, or otherwise for educational exchanges by financing educational activities—

(1) of United States public health personnel in approved public health and research laboratories in eligible developing countries; and

(2) of public health personnel of eligible developing countries in United States public health and research laboratories.

(b) APPROVED PUBLIC HEALTH LABORATORIES DEFINED.—In this section, the term "approved public health and research laboratories" means non-United States Government affiliated public health laboratories that the Secretary determines are well-established and have a demonstrated record of excellence.

SEC. 12. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) IN GENERAL.—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and activities affecting neighboring countries.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) RELATION TO CORE MISSIONS AND SECURITY.—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 13. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities for the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (c), there are authorized to be appropriated $70,000,000 for the fiscal year 2003 and $80,000,000 for fiscal year 2004, to carry out this Act.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) $50,000,000 for the fiscal year 2003 and $50,000,000 for the fiscal year 2004 are authorized to be available to carry out sections 6, 7, 8, and 9;

(B) not more than $2,000,000 shall be available for each of the fiscal years 2003 and 2004 for the specific training programs authorized in section 6, of which not more than $500,000 shall be available to carry out subsection (a)(1) of such section and not more than $1,500,000 shall be available to carry out subsection (a)(2) of such section;

(C) $5,000,000 for the fiscal year 2003 and $5,000,000 for the fiscal year 2004 are authorized to be available to carry out section 10;

(D) $2,000,000 for the fiscal year 2003 and $2,000,000 for the fiscal year 2004 are authorized to be available to carry out section 11;

(E) $8,000,000 for the fiscal year 2003 and $18,000,000 for the fiscal year 2004 are authorized to be available to carry out section 12; and

(F) $5,000,000 for the fiscal year 2003 and $5,000,000 for the fiscal year 2004 are authorized to be available to carry out section 13.

(b) AVAILABILITY OF FUNDS.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) REPORTING REQUIREMENT.—

(1) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(A) a description of the implementation of programs under this Act; and

(B) an estimate of the level of funding required to carry out those programs at a sufficient level.

(2) LIMITATION ON OBLIGATION OF FUNDS.—Not more than 10 percent of the amount appropriated pursuant to subsection (a) may be obligated before the date on which a report is submitted, or required to be submitted, whichever first occurs, under paragraph (1).

Mr. FRIST. Mr. President, I rise to join with my colleagues Senators BIDEN, HELMS, and KENNEDY in introducing the Global Pathogen Surveillance Act of 2002. This bipartisan legislation will help ensure that we are better prepared globally to deal with biological threats and attacks.

The Global Pathogen Surveillance Act of 2002 authorizes enhanced bilateral and multilateral activities to improve the capacity of the United States and our partners in the international community to detect and contain infectious diseases and biological weapons. The Global Pathogen Surveillance Act will enhance the training, upgrade equipment and communications systems, and provide additional American expertise and assistance in international surveillance.

To better prepare our nation to meet the growing threat of bioterrorism, we must put in place and maintain a comprehensive framework including prevention, preparedness and consequence management. To accomplish this goal, we not only need to strengthen our local public health infrastructure domestically, but to work with our friends and neighbors in the global community to prevent, detect, and appropriately contain and respond to bioterrorist activities outside our borders. This is truly a global responsibility. Infectious diseases, such as smallpox, do not respect borders. If we can prevent their spread in other countries around the world, we can better protect our citizens here at home.

I applaud Senators HELMS and BIDEN for their leadership in this area. I look forward to working with them, and all of my colleagues to ensure that we provide appropriate authorities and funding to improve our international efforts to detect and contain infectious diseases and offensive biological threats.

By Mrs. CLINTON (for herself, Ms. SNOWE, Ms. MIKULSKI, and Mr. BREAUX):

S. 2489. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lifespan Respite Care Act of 2002".

SEC. 2. LIFESPAN RESPITE CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXVIII—LIFESPAN RESPITE CARE

"SEC. 2801. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) an estimated 26,000,000 individuals in the United States care each year for 1 or more adult family members or friends who are chronically ill, disabled, or terminally ill;

"(2) an estimated 18,000,000 children in the United States have chronic physical, developmental, behavioral, or emotional conditions that demand caregiver monitoring, management, supervision, or treatment beyond that required of children generally;

"(3) approximately 6,000,000 children in the United States live with a grandparent or other relative because their parents are unable or unwilling to care for them;

"(4) an estimated 165,000 children with disabilities in the United States live with a foster care parent;

"(5) nearly 4,000,000 individuals in the United States of all ages who have mental retardation or another developmental disability live with their families;

"(6) almost 25 percent of the Nation's elders experience multiple chronic disabling conditions that make it necessary to rely on others for help in meeting their daily needs;

"(7) every year, approximately 600,000 Americans die at home and many of these individuals rely on extensive family caregiving before their death;

"(8) of all individuals in the United States needing assistance in daily living, 42 percent are under age 65;

"(9) there are insufficient resources to replace family caregivers with paid workers;

"(10) if services provided by family caregivers had to be replaced with paid services, it would cost approximately **$200,000,000,000** annually;

"(11) the family caregiver role is personally rewarding but can result in substantial emotional, physical, and financial hardship;

"(12) approximately 75 percent of family caregivers are women;

"(13) family caregivers often do not know where to find information about available respite care or how to access it;

"(14) available respite care programs are insufficient to meet the need and are directed at primarily lower income populations and family caregivers of the elderly, leaving large numbers of family caregivers without adequate support; and

"(15) the limited number of available respite care programs find it difficult to recruit appropriately trained respite workers.

"(b) PURPOSES.—The purposes of this title are—

"(1) to encourage States to establish State and local lifespan respite care programs;

"(2) to improve and coordinate the dissemination of respite care information and resources to family caregivers;

"(3) to provide, supplement, or improve respite care services to family caregivers;

"(4) to promote innovative, flexible, and comprehensive approaches to—

"(A) the delivery of respite care;

"(B) respite care worker and volunteer recruitment and training programs; and

"(C) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;

"(5) to support evaluative research to identify effective respite care services that alleviate, reduce, or minimize any negative consequences of caregiving; and

"(6) to promote the dissemination of results, findings, and information from programs and research projects relating to respite care delivery, family caregiver strain, respite care worker and volunteer recruitment and training, and training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services.

"SEC. 2802. DEFINITIONS.

"In this title:

"(1) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration.

"(2) CONDITION.—The term 'condition' includes—

"(A) Alzheimer's disease and related disorders;

"(B) developmental disabilities;

"(C) mental retardation;

"(D) physical disabilities;

"(E) chronic illness, including cancer;

"(F) behavioral, mental, and emotional conditions;

"(G) cognitive impairments;

"(H) situations in which there exists a high risk of abuse or neglect or of being placed in the foster care system due to abuse and neglect;

"(I) situations in which a child's parent is unavailable due to the parent's death, incapacitation, or incarceration; or

"(J) any other conditions as the Associate Administrator may establish by regulation.

"(3) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State agency;

"(B) any other public entity that is capable of operating on a statewide basis;

"(C) a private, nonprofit organization that is capable of operating on a statewide basis;

"(D) a political subdivision of a State that has a population of not less than 3,000,000 individuals; or

"(E) any recognized State respite coordinating agency that has—

"(i) a demonstrated ability to work with other State and community-based agencies;

"(ii) an understanding of respite care and family caregiver issues; and

"(iii) the capacity to ensure meaningful involvement of family members, family caregivers, and care recipients.

"(4) FAMILY CAREGIVER.—The term 'family caregiver' means an unpaid family member, a foster parent, or another unpaid adult, who provides in-home monitoring, management, supervision, or treatment of a child or adult with a special need.

"(5) LIFESPAN RESPITE CARE.—The term 'lifespan respite care' means a coordinated system of accessible, community-based respite care services for family caregivers of individuals regardless of the individual's age, race, ethnicity, or special need.

"(6) RESPITE CARE.—The term 'respite care' means planned or emergency care provided to an individual with a special need—

"(A) in order to provide temporary relief to the family caregiver of that individual; or

"(B) when the family caregiver of that individual is unable to provide care.

"(7) SPECIAL NEED.—The term 'special need' means the particular needs of an individual of any age who requires care or supervision because of a condition in order to meet the individual's basic needs or to prevent harm to the individual.

"SEC. 2803. LIFESPAN RESPITE CARE GRANTS AND COOPERATIVE AGREEMENTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand and enhance respite care services to family caregivers;

"(2) to improve the statewide dissemination and coordination of respite care; and

"(3) to provide, supplement, or improve access and quality of respite care services to family caregivers, thereby reducing family caregiver strain.

"(b) AUTHORIZATION.—Subject to subsection (f), the Associate Administrator is authorized to award grants or cooperative agreements to eligible recipients who submit an application pursuant to subsection (d).

"(c) FEDERAL LIFESPAN APPROACH.—In carrying out this section, the Associate Administrator shall work in cooperation with the National Family Caregiver Support Program Officer of the Administration on Aging, and respite care program officers in the Administration for Children and Families, the Administration on Developmental Disabilities, and the Substance Abuse and Mental Health Services Administration, to ensure coordination of respite care services for family caregivers of individuals of all ages with special needs.

"(d) APPLICATION.—

"(1) SUBMISSION.—Each eligible recipient desiring to receive a grant or cooperative agreement under this section shall submit an application to the Associate Administrator at such time, in such manner, and containing such information as the Associate Administrator shall require.

"(2) CONTENTS.—Each application submitted under this section shall include—

"(A) a description of the applicant's—

"(i) understanding of respite care and family caregiver issues;

"(ii) capacity to ensure meaningful involvement of family members, family caregivers, and care recipients; and

"(iii) collaboration with other State and community-based public, nonprofit, or private agencies;

"(B) with respect to the population of family caregivers to whom respite care information or services will be provided or for whom respite care workers and volunteers will be recruited and trained, a description of—

"(i) the population;

"(ii) the extent and nature of the respite care needs of the population;

"(iii) existing respite care services for the population, including numbers of family caregivers being served and extent of unmet need;

"(iv) existing methods or systems to coordinate respite care information and services to the population at the State and local level and extent of unmet need;

"(v) how respite care information dissemination and coordination, respite care services, respite care worker and volunteer recruitment and training programs, or training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services will be provided using grant or cooperative agreement funds;

"(vi) a plan for collaboration and coordination of the proposed respite care activities with other related services or programs offered by public or private, nonprofit entities, including area agencies on aging;

"(vii) how the population, including family caregivers, care recipients, and relevant public or private agencies, will participate in the planning and implementation of the proposed respite care activities;

"(viii) how the proposed respite care activities will make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, other forms of reimbursements, personnel, and facilities;

"(ix) respite care services available to family caregivers in the applicant's State or locality, including unmet needs and how the applicant's plan for use of funds will improve the coordination and distribution of respite care services for family caregivers of individuals of all ages with special needs;

"(x) the criteria used to identify family caregivers eligible for respite care services;

"(xi) how the quality and safety of any respite care services provided will be monitored, including methods to ensure that respite care workers and volunteers are appropriately screened and possess the necessary skills to care for the needs of the care recipient in the absence of the family caregiver; and

"(xii) the results expected from proposed respite care activities and the procedures to be used for evaluating those results; and

"(C) assurances that, where appropriate, the applicant shall have a system for maintaining the confidentiality of care recipient and family caregiver records.

"(e) Review of Applications.—

"(1) Establishment of review panel.—The Associate Administrator shall establish a panel to review applications submitted under this section.

"(2) Meetings.—The panel shall meet as often as may be necessary to facilitate the expeditious review of applications.

"(3) Function of panel.—The panel shall—

"(A) review and evaluate each application submitted under this section; and

"(B) make recommendations to the Associate Administrator concerning whether the application should be approved.

"(f) Awarding of Grants or Cooperative Agreements.—

"(1) In general.—The Associate Administrator shall award grants or cooperative agreements from among the applications approved by the panel under subsection (e)(3).

"(2) Priority.—When awarding grants or cooperative agreements under this subsection, the Associate Administrator shall give priority to applicants that show the greatest likelihood of implementing or enhancing lifespan respite care statewide.

"(g) Use of Grant or Cooperative Agreement Funds.—

"(1) In general.—

"(A) Mandatory uses of funds.—Each eligible recipient that is awarded a grant or cooperative agreement under this section shall use the funds for, unless such a program is in existence—

"(i) the development of lifespan respite care at the State and local levels; and

"(ii) an evaluation of the effectiveness of such care.

"(B) Discretionary uses of funds.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds for—

"(i) respite care services;

"(ii) respite care worker and volunteer training programs; or

"(iii) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services.

"(C) Evaluation.—If an eligible recipient uses funds awarded under this section for an activity described in subparagraph (B), the eligible recipient shall use funds for an evaluation of the effectiveness of the activity.

"(2) Subcontracts.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds to subcontract with a public or nonprofit agency to carry out the activities described in paragraph (1).

"(h) Term of Grants or Cooperative Agreements.—

"(1) In general.—The Associate Administrator shall award grants or cooperative agreements under this section for terms that do not exceed 5 years.

"(2) Renewal.—The Associate Administrator may renew a grant or cooperative agreement under this section at the end of the term of the grant or cooperative agreement determined under paragraph (1).

"(i) Supplement, Not Supplant.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for respite care services.

"(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $90,500,000 for fiscal year 2003;

"(2) $118,000,000 for fiscal year 2004;

"(3) $145,500,000 for fiscal year 2005;

"(4) $173,000,000 for fiscal year 2006; and

"(5) $200,000,000 for fiscal year 2007.

"SEC. 2804. NATIONAL LIFESPAN RESPITE RESOURCE CENTER.

"(a) Establishment.—From funds appropriated under subsection (c), the Associate Administrator shall award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the 'center').

"(b) Purposes of the Center.—The center shall—

"(1) maintain a national database on lifespan respite care;

"(2) provide training and technical assistance to State, community, and nonprofit respite care programs; and

"(3) provide information, referral, and educational programs to the public on lifespan respite care.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2003 through 2007.".

By Mr. TORRICELLI (for himself and Mr. Smith of Oregon):

S. 2490. A bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the Medicare Program; to the Committee on Finance.

Mr. SMITH of Oregon. Mr. President, I rise today to join my colleague, Senator Torricelli, in introducing the Medicare Skilled Nursing Beneficiary Protection Act of 2002, a bill that will bring better care to thousands of Oregon seniors.

Nursing homes across America are in trouble, and it's not just Wall Street analysts who will tell you that. The people who rely on nursing home services the most can share with you their concerns about the future of skilled nursing care. Impending cuts to Medicare benefits for skilled nursing facilities will jeopardize the health and safety of some of our most vulnerable seniors and people with disabilities, and we cannot in good conscience allow these cuts to occur. The Medicare Skilled Nursing Beneficiary Protection Act of 2002 will prevent cuts to Medicare funding for nursing homes and will ensure that Medicare pays for the full cost of care rather than shortchanging nursing facilities.

This bill will be particularly important for Oregon. My State of Oregon is home to an ever growing population of senior citizens, and we are predicted to be the 4th oldest State in the union by the year 2020. As our citizens age, and I am among that aging group, it will be essential that we have the capacity to care for our most needy seniors. Unfortunately, instead of increasing capacity we are seeing skilled nursing facilities close all over the country. This could have disastrous consequences for an already over-taxed health care system.

Without the Medicare Skilled Nursing Beneficiary Protection Act, Oregon's nursing homes will lose $37.58 per patient per day, and it is difficult to offer high quality services under those circumstances. We must work together to pass this important legislation to protect our seniors, and to ensure that skilled nursing facilities will still be there when the rest of us need them in only a few short years.

By Mr. INHOFE:

S. 2491. A bill to authorize the President to award a gold medal on behalf of Congress to the Choctaw and Comanche code talkers in recognition of the contributions provided by those individuals to the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, today I rise to introduce a bill to honor a group of men who bravely served this country. I am proud to recognize the Choctaw and Comanche Code Talkers who joined the United States Armed Forces on foreign soil in the fight for freedom in two world wars.

During World War I, the Germans began tapping American lines, creating the need to provide secure communications. Despite the fact that American Indians were not citizens, 18 members of the Choctaw Nation enlisted to become the first American Indian soldiers to use their native language to transmit messages between the Allied forces.

At least one Choctaw man was placed in each field company headquarters. He would translate radio messages into the Choctaw language and then write field orders to be carried by messengers between different companies on the battle line. Fortunately, because Choctaw was an unwritten language only understood by those who spoke it, the Germans were never able to break the code.

The 18 Choctaw Code Talkers who served in the 142nd Infantry Company of the 36th Division were: Albert Billy, Victor Brown, Mitchell Bobb, Ben Carterby, George Davenport, Joe Davenport, James Edwards, Tobias Frazier, Ben Hampton, Noel Johnson, Otis Leader, Soloman Louis, Pete Maytubby, Jeff Nelson, Joseph Oklahombi, Robert Taylor, Walter Veach, and Calvin Wilson.

Similarly, the Comanche Code Talkers played an important role during World War II. Once again, the enemy began tapping American lines. In order to establish the secure transmission of messages, the United States enlisted fourteen Comanche Code Talkers who served overseas in the 4th Signal Company of the 4th Infantry Division. They were: Charles Chibitty, Haddon Codynah, Robert Holder, Forrest Kassanavoid, Wellington Mihecoby, Albert Nahquaddy, Jr., Clifford Ototivo, Simmons Parker, Melvin Permansu, Elgin Red Elk, Roderick Red Elk, Larry Saupitty, Morris Tabbyetchy, and Willis Yackeshi.

The Army chose the Comanches because their language was thought to be the least known to the Germans. Second Lieutenant Hugh Foster worked with them to develop their own unique code for military words. He gave the Indians a list of military words and then worked with them to develop a Comanche word or phrase for those words.

On June 6, 1944, just after landing in Normandy, a Comanche trained by Lt. Foster and serving as a driver and radio operator under Brigadier General Theodore Roosevelt, Jr, sent one of the first messages from Utah Beach. These communications efforts, by the Comanches, helped the Allies win the war in Europe.

It is time Congress officially recognizes these men. My bill directs the Secretary of the Treasury to award the Choctaw and Comanche Code Talkers a gold medal as a result of their great commitment and service on behalf of the United States during World Wars I and II. I welcome my colleagues to join me in saluting this group of heroes for contributing to the fight for freedom for our country and around the world.

By Mr. CLELAND:

S. 2492. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; to the Committee on Governmental Affairs.

Mr. CLELAND. Mr. President, I rise today to introduce legislation, the Federal Agency Protection of Privacy Act, that will require Federal agencies to carefully consider the impact of proposed regulations on individual privacy. In the aftermath of the terrorist attacks of September 11, we are being forced to fight a new kind of war; a war in which we have not only physical battlefields, but battlefields of principle.

Not only must we have troops on the ground protecting our physical well-being, but we must also insure that we protect the American way of life. Ours is a country based on individual rights—rights to pursue life, liberty, and happiness, as Thomas Jefferson mentioned in the manner in which each of us sees fit.

While we are obligated, as a Government, to protect the physical safety of the American people, we also are obligated to remember our history, our struggles, and the principles for which our great Nation stands. While we enhance and strengthen our investigatory tools and physical arsenal, we cannot allow the terrorists to prevail in undermining our civil liberties.

Therefore, today, I am introducing the Federal Agency Protection of Privacy Act in the Senate as companion legislation to H.R. 4561, which was introduced by Representative BOB BARR, a long-time champion of civil liberties in the U.S. Congress. It will impose a mandate that when Federal agencies are required to publish a general notice of proposed rulemaking, they must publish an accompanying "privacy impact statement." This initial privacy impact statement, written in terms which all of us can understand, would be subject to public notice and comment. After receiving and evaluating any comments, the agency would then be required to include a final privacy impact statement with the regulation.

These initial and final privacy impact statements would include: the type of information to be collected and how it would be used; mechanisms through which individuals could correct inaccuracies in the collected information; assurances that the information would not be used for a purpose other than initially specified; and a description of how the information will be secured by the agency. For example, the Financial Crime Enforcement Network of the Department of the Treasury has proposed a rule implementing provisions of the USA PATRIOT Act of 2001 which would encourage financial institutions and Federal law enforcement agencies to share information in order to identify and deter money laundering and terrorist activity. While I fully support the Patriot Act and recognize the benefits of such a rule, the sensitivity of such information necessitates that we insure that the agency consider the ramifications of such an invasion on an individual's privacy. The American people must know specifically how this financial information would be used and how it would be protected. The purpose, importance, and timeliness of this legislation have brought together a wide variety of supporting organizations, ranging from the American Civil Liberties Union to the National Rifle Association to Public Citizen.

While I have been and continue to be a strong supporter of the war on terrorism, I am also well aware that we face a multi-faceted enemy. My experience has taught me that diverse threats necessitate diverse responses. We have planned for our offensives on the ground and in the air, and we have begun to mount a stronger homeland defense. But our efforts will be incomplete and will indeed run the risk of undermining all else we may accomplish in the fight against terrorism if we neglect to mount a successful defense of the American way. I believe that this legislation is necessary to protect the American people from attacks seen and unseen, and I encourage other Senators to join me in protecting the liberties for which I know we all stand.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Protection of Privacy Act".

SEC. 2. REQUIREMENT THAT AGENCY RULEMAKING TAKE INTO CONSIDERATION IMPACTS ON INDIVIDUAL PRIVACY.

(a) IN GENERAL.—Title 5, United States Code, is amended by adding after section 553 the following:

"§ 553a. Privacy impact analysis in rulemaking

"(a) INITIAL PRIVACY IMPACT ANALYSIS.—

"(1) IN GENERAL.—Whenever an agency is required by section 553 of this title, or any other law, to publish a general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial privacy impact analysis. Such analysis shall describe the impact of the proposed rule on the privacy of individuals. The initial privacy impact analysis or a summary shall be signed by the senior agency official with primary responsibility for privacy policy and be published in the Federal Register at the time of the publication of a general notice of proposed rulemaking for the rule.

“(2) CONTENTS.—Each initial privacy impact analysis required under this subsection shall contain the following:

“(A) A description and assessment of the extent to which the proposed rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

“(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

“(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

“(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

“(iv) provides security for such information.

“(B) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant privacy impact of the proposed rule on individuals.

“(b) FINAL PRIVACY IMPACT ANALYSIS.—

“(1) IN GENERAL.—Whenever an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States, the agency shall prepare a final privacy impact analysis, signed by the senior agency official with primary responsibility for privacy policy.

“(2) CONTENTS.—Each final privacy impact analysis required under this subsection shall contain the following:

“(A) A description and assessment of the extent to which the final rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

“(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

“(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

“(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

“(iv) provides security for such information.

“(B) A summary of the significant issues raised by the public comments in response to the initial privacy impact analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such issues.

“(C) A description of the steps the agency has taken to minimize the significant privacy impact on individuals consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the privacy interests of individuals was rejected.

“(3) AVAILABILITY TO PUBLIC.—The agency shall make copies of the final privacy impact analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

“(c) PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.—An agency head may waive or delay the completion of some or all of the requirements of subsections (a) and (b) to the same extent as the agency head may, under section 608, waive or delay the completion of some or all of the requirements of sections 603 and 604, respectively.

“(d) PROCEDURES FOR GATHERING COMMENTS.—When any rule is promulgated which may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that individuals have been given an opportunity to participate in the rulemaking for the rule through techniques such as—

“(1) the inclusion in an advance notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals;

“(2) the publication of a general notice of proposed rulemaking in publications of national circulation likely to be obtained by individuals;

“(3) the direct notification of interested individuals;

“(4) the conduct of open conferences or public hearings concerning the rule for individuals, including soliciting and receiving comments over computer networks; and

“(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by individuals.

“(e) PERIODIC REVIEW OF RULES.—

“(1) IN GENERAL.—Each agency shall carry out a periodic review of the rules promulgated by the agency that have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals. Under such periodic review, the agency shall determine, for each such rule, whether the rule can be amended or rescinded in a manner that minimizes any such impact while remaining in accordance with applicable statutes. For each such determination, the agency shall consider the following factors:

“(A) The continued need for the rule.

“(B) The nature of complaints or comments received from the public concerning the rule.

“(C) The complexity of the rule.

“(D) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules.

“(E) The length of time since the rule was last reviewed under this subsection.

“(F) The degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since the rule was last reviewed under this subsection.

“(2) PLAN REQUIRED.—Each agency shall carry out the periodic review required by paragraph (1) in accordance with a plan published by such agency in the Federal Register. Each such plan shall provide for the review under this subsection of each rule promulgated by the agency not later than 10 years after the date on which such rule was published as the final rule and, thereafter, not later than 10 years after the date on which such rule was last reviewed under this subsection. The agency may amend such plan at any time by publishing the revision in the Federal Register.

“(3) ANNUAL PUBLICATION.—Each year, each agency shall publish in the Federal Register a list of the rules to be reviewed by such agency under this subsection during the following year. The list shall include a brief description of each such rule and the need for and legal basis of such rule and shall invite public comment upon the determination to be made under this subsection with respect to such rule.

“(f) JUDICIAL REVIEW.—

“(1) IN GENERAL.—For any rule subject to this section, an individual who is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

“(2) JURISDICTION.—Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

“(3) LIMITATIONS.—

“(A) An individual may seek such review during the period beginning on the date of final agency action and ending 1 year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, such lesser period shall apply to an action for judicial review under this subsection.

“(B) In the case where an agency delays the issuance of a final privacy impact analysis pursuant to subsection (c), an action for judicial review under this section shall be filed not later than—

“(i) 1 year after the date the analysis is made available to the public; or

“(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

“(4) RELIEF.—In granting any relief in an action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7, including, but not limited to—

“(A) remanding the rule to the agency; and

“(B) deferring the enforcement of the rule against individuals, unless the court finds that continued enforcement of the rule is in the public interest.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this subsection.

“(6) RECORD OF AGENCY ACTION.—In an action for the judicial review of a rule, the privacy impact analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (4), shall constitute part of the entire record of agency action in connection with such review.

"(7) EXCLUSIVITY.—Compliance or noncompliance by an agency with the provisions of this section shall be subject to judicial review only in accordance with this subsection.

"(8) SAVINGS CLAUSE.—Nothing in this subsection bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

"(g) DEFINITION.—In this section, the term 'personally identifiable information'—

"(1) means information that can be used to identify an individual, including such individual's name, address, telephone number, photograph, social security number or other identifying information; and

"(2) includes information about such individual's medical or financial condition.".

(b) PERIODIC REVIEW TRANSITION PROVISIONS.—

(1) INITIAL PLAN.—For each agency, the plan required by subsection (e) of section 553a of title 5, United States Code (as added by subsection (a)), shall be published not later than 180 days after the date of enactment of this Act.

(2) PRIOR RULES.—In the case of a rule promulgated by an agency before the date of the enactment of this Act, such plan shall provide for the periodic review of such rule before the expiration of the 10-year period beginning on the date of the enactment of this Act. For any such rule, the head of the agency may provide for a 1-year extension of such period if the head of the agency, before the expiration of the period, certifies in a statement published in the Federal Register that reviewing such rule before the expiration of the period is not feasible. The head of the agency may provide for additional 1-year extensions of the period pursuant to the preceding sentence, but in no event may the period exceed 15 years.

(c) CONGRESSIONAL REVIEW.—Section 801(a)(1)(B) of title 5, United States Code, is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

"(iii) the agency's actions relevant to section 553a;".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 553 the following:

"553a. Privacy impact analysis in rulemaking.".

By Mr. DASCHLE (for himself, Mr. KENNEDY, and Mr. DODD):

S. 2493. A bill to amend the Immigration and Nationality Act to provide a limited extension of the program under section 245(i) of that Act; to the Committee on the Judiciary.

Mr. DASCHLE. Mr. President, yesterday, the House passed the border security legislation, and I expect it will become law very soon. Passage of the border security bill was an important first step in moving forward with comprehensive immigration reform, and it was one of the Democratic Principles that Representative GEPHARDT and I introduced last fall.

Unfortunately, another important provision was not included in the border security legislation, the extension of section 245(i). It would allow families to stay together in this country while waiting to become permanent residents.

As I have said on many occasions, I am strongly committed to a meaningful 245(i) extension. Regrettably, the House waited 6 months to act on 245(i) legislation that the Senate passed last September. This delay meant that key provisions in the bill became unworkable. The House-passed version contained hard deadlines that would have required applicants to have established familial or employment relationships before August 2001. These deadlines would have imposed impractical hurdles for immigrant families to overcome.

Today, I am pleased to announce that I am introducing a new 245(i) extension bill that would remove these hard deadlines. My bill would move the application deadline to April 30, 2003, and maintain current prohibitions against fraudulent marriages and national security protections.

This bill mirrors the version that was introduced by Senators HAGEL and KENNEDY last spring, and it should receive strong bipartisan support. I know both the President and Senator LOTT have repeatedly expressed their desire to pass 245(i) legislation. It is my hope that they will work with me to help get it passed very soon.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniting Families Act of 2002".

SEC. 2. LIMITED EXTENSION OF SECTION 245(i) PROGRAM.

(a) EXTENSION OF FILING DEADLINE.—Section 245(i)(1)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)(B)(i)) is amended by striking "on or before April 30, 2001" and inserting "on or before April 30, 2003".

(b) EXCLUSION OF CERTAIN INADMISSIBLE AND DEPORTABLE ALIENS.—The amendment made by subsection (a) shall not apply to any alien who is—

(1) inadmissible under section 212(a)(3), or deportable under section 237(a)(4), of the Immigration and Nationality Act (relating to security and related grounds); or

(2) deportable under section 237(a)(1)(G) of such Act (relating to marriage fraud).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to applicants for adjustment of status who are beneficaries of petitions for classification or applications for labor certifications filed before, on, or after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, since September 11, Congress has taken significant steps to strengthen the security of our borders and improve our immigration system. Last month, the Senate passed important legislation to strengthen border security, improve our ability to screen foreign nationals, and enhance our ability to deter potential terrorists. In addition, Senator BROWNBACK and I recently introduced legislation to restructure the Immigration and Naturalization Service so that the agency is better prepared to address security concerns.

As we work to respond to the security issues before us, we can't lose sight of the other immigration issues that are still a priority. I'm pleased to join Senator DASCHLE in moving forward with one of those issues today by introducing the Uniting Families Act of 2002. This legislation extends section 245(i), a vital provision of U.S. immigration law which allows individuals who already legally qualify for permanent residency to process their applications in the United States, without returning to their homes countries.

Without 245(i), immigrants are forced to leave their families here in the U.S. and risk separation from them for up to 10 years. Seventy-five percent of the people who have used 245(i) are the spouses and children of U.S. citizens and permanent residents. Extending this critical provision will help keep families together and help businesses retain critical workers. In addition, the INS will receive millions of dollars in additional revenues, at no cost to taxpayers.

Extending 245(i) does not provide any loopholes for potential terrorists. Instead, it will improve the monitoring of immigrants already residing in this country. Individuals who qualify for permanent residency and process their applications in the U.S. are subject to rigorous background checks and interviews. This process provides the government a good opportunity to investigate individuals who are in this country and determine whether they should be allowed to remain here.

Section 245(i) does not provide amnesty to immigrants or any benefits to anyone suspected of marriage fraud. The provision provides no protection from deportation if someone is here illegally and no right to surpass other immigrants waiting for visas.

The House passed legislation recently to extend section 245(i), but it was too restrictive to provide any meaningful assistance. The Uniting Families Act will extend the filing deadline to April 30, 2003, and provide needed and well-deserved relief to members of our immigrant communities.

I urge my colleagues to join us in supporting this needed extension.

By Mr. McCAIN:

S. 2494. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona and for other purposes; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I rise to introduce legislation to authorize expansion of the Petrified Forest National Park in Arizona.

The Petrified Forest National Park is a national treasure among the Nation's parks, renowned for its large concentration of highly colored petrified wood, fossilized remains, and spectacular landscapes. However, it is much more than a colorful, scenic vista, for the Petrified Forest has been referred to as "one of the world's greatest storehouses of knowledge about life on earth when the Age of the Dinosaurs was just beginning."

For anyone who has ever visited this Park, one is quick to recognize the wealth of scenic, scientific, and historical values of this Park. Preserved deposits of petrified wood and related fossils are among the most valuable representations of Triassic-period terrestrial ecosystems in the world. These natural formations were deposited more than 220 million years ago. Scenic vistas, designated wilderness areas, and other historically significant sites of pictographs and Native American ruins are added dimensions to the Park.

The Petrified Forest was originally designated as a National Monument by former President Theodore Roosevelt in 1906 to protect the important natural and cultural resources of the Park, and later re-designated as a National Park in 1962. While several boundary adjustments were made to the Park, a significant portion of unprotected resources remain in outlying areas adjacent to the Park.

A proposal to expand the Park's boundaries was recommended in the Park's General Management Plan in 1992, in response to concerns about the long-term protection needs of globally significant resources and the Park's viewshed in nearby areas. For example, one of the most concentrated deposits of petrified wood is found within the Chinle encarpment, of which only thirty percent is included within the current Park boundaries.

Increasing reports of theft and vandalism around the Park have activated the Park, local communities, and other interested entities to seek additional protections through a proposed boundary expansion. It has been estimated that visitors to the Park steal about 12 tons of petrified wood every year. Other reports of destruction to archaeological sites and gravesites have also been documented. Based on these continuing threats to resources intrinsic to the Park, the National Parks Conservation Association listed the Petrified Forest National Park on its list of Top Ten Most Endangered Parks in 2000.

Support for this proposed boundary expansion is extraordinary, from the local community of Holbrook, scientific and research institutions, state tourism agencies, and environmental groups, such as the National Park Conservation Association, NPCA. I ask unanimous consent that a resolution from the City of Holbrook and a letter of support from NPCA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 00-15

A RESOLUTION OF THE CITY OF HOLBROOK, ARIZONA ENDORSING THE EXPANSION OF PETRIFIED FOREST NATIONAL PARK

Whereas, Petrified Forest National Park, first established in 1906, is a priceless and irreplaceable part of America's heritage; and

Whereas, Petrified Forest National Park contains a variety of significant natural and cultural resources, including portions of the Painted Desert and some of the most valuable paleontological resources in the world; and

Whereas, Petrified Forest National Park has inspired and educated millions of visitors from all over the world, and is cherished as a national treasure to be protected for the benefit and enjoyment of present and future generations; and

Whereas, the Chinle Formation which creates the spectacularly beautiful landscapes of the Painted Desert, Blue Mesas, and other park features, is probably the best place in the world for studying the Triassic period of the earth's history; and

Whereas, globally and nationally significant paleontological, archaeological, and scenic resources directly related to the resource values of Petrified Forest National Park, including approximately 70 percent of the Chinle Formation, are not included within the current boundary; and

Whereas, the newly approved General Management Plan for the park, prepared by the National Park Service with broad public input, has identified about 97,000 acres of land that, if included as part of the park, would lead to protection of the remainder of this globally significant Chinle Formation, along with highly significant archaeological resources, and would protect the beautiful, expansive vistas seen from the park; and

Whereas, land use patterns in the area of the park are beginning to change, potentially threatening the protection of the park and the broader setting in which it is placed; and

Whereas, implementing the General Management Plan is essential to carry out a vision for Petrified Forest National Park that will better protect park resources, enhance research opportunities, broaden and diversify visitor experiences, improve visitor service, and help contribute to the sustainability of the regional economy into the 21st century; and

Whereas, an excellent opportunity now exists to include adjacent areas of significant resources inside the park boundary because other landowners in the region, including the State of Arizona, and the Bureau of Land Management, and other private landowners recognize the significance of the resources on their lands and have expressed interest in seeing them preserved in perpetuity for the benefit and inspiration of this and future generations: Now, therefore, be it

Resolved, That the City of Holbrook, Arizona, hereby recommends and supports the inclusion within Petrified Forest National Park of all lands identified in the park's General Management Plan as desirable boundary additions, and supports all continuing efforts to enact legislation to accomplish this task and to complete the federal acquisition of this land. Be it further

Resolved. That the Clerk of the City of Holbrook is directed to immediately transmit this Resolution to the Governor of the State of Arizona, Arizona's Congressional delegation, and the Director of the National Park Service, together with a letter requesting prompt and ongoing support for completing the park expansion.

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, May 9, 2002.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR MCCAIN: The National Parks Conservation Association (NPCA) commends you for your leadership and vision in introducing the Petrified Forest National Park Expansion Act of 2002. Ever since NPCA published a Park Boundary Study for various national parks in 1988, we have been advocating the need for this expansion. With private landowners anxious to sell their land, we believe the time is ripe for this expansion.

It is hard to imagine a better example of an outdoor classroom than Petrified Forest National Park. This boundary expansion will ensure long-term protection of globally significant paleontological resources, potentially nationally significant archaeological resources where there is substantial evidence of early habitation, and the park's viewshed. It will also alleviate the threat of encroaching incompatible development and will greatly enhance the National Park Service's capability to protect the resources from vandalism and illegal pothunting.

Just as Theodore Roosevelt recognized the importance of preserving this land when he proclaimed Petrified Forest a national monument in 1906, your legislation would ensure that future generations can learn even more from this amazing landscape that capture's the world's best record of Triassic-period terrestrial ecosystems and prehistoric human occupation through an array of artifacts and "trees turned to stone."

NPCA looks forward to working with you and your staff to advance this legislation.

Sincerely,

THOMAS C. KIERNAN.

Mr. McCAIN. Mr. President, editorials from Arizona State newspapers also encourage a boundary expansion for the Park. I ask unanimous consent that articles from the Arizona Republic and the Holbrook Tribune News regarding the park expansion proposal be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, May 3, 2002]

EXPANDING PETRIFIED FOREST CAN SAVE TREASURES—POTHUNTERS, LOOTERS RAVAGING PARK AREA

Looters and pothunters are ravaging the land around Petrified Forest National Park.

The property should be inside the park. A decade ago, the Park Service decided Petrified Forest's boundaries should be expanded to include the priceless paleontology, archaeology and other resources in adjoining areas.

But the proposal has rarely gotten off the congressional back burner.

Until now.

Arizona Republicans Rep. J.D. Hayworth and Sen. John McCain are preparing bills to expand Petrified Forest. The plan is to add 140,000 acres, more than doubling the 93,500-acre park.

They can't move too fast.

The assets they're trying to protect are under heavy assault.

A pothunter recently smashed through an 800-year-old prehistoric Indian site while searching for booty. Someone else unearthed a massive petrified tree, nearly 5 feet in diameter, and prepared to hack it into marketable chunks.

Last year, we urged Congress to approve the park expansion. Since then, looters have wrecked about 400 gravesites near the park's eastern boundary.

Congress has been understandably preoccupied with other issues. But a critical window of opportunity is about to close.

Elections are coming up, and Arizona's new, larger delegation could take time to come together on this issue. Landowners around Petrified Forest are tired of waiting to sell to the government and are beginning to subdivide their land. The National Parks Conservation Association, and Albuquerque-based non-profit group, is running out of resources to push for the expansion.

And the destruction, of course, continues unabated.

BOUNDARIES MISJUDGED

When Petrified Forest was protected almost a century ago, originally as a national monument, the goal was simple: Save some pretty fossilized wood. And that's how the boundaries were picked.

Now we realize that area in northeastern Arizona is a treasure chest, with world-class paleontology, pueblo ruins, striking petroglyphs and, of course, the marvelous trees that turned to stone millions of years ago.

But without a park expansion, many of these treasures will remain outside the protection of federal law. Among them:

The Chinle Escarpment, now only partially within the park, has the world's best terrestrial fossils of plants and animals from the late Triassic period, including early dinosaurs. The escarpment has yielded the earliest known sample of amber.

Rainbow Forest Badlands are rich in fossils and include grazing land for the national park's herd of pronghorn antelope

Dead Wash Petroglyphs has panels of rock art and pueblo sites of prehistoric people.

Canyon Butte, a dramatic landmark, includes pueblo ruins with signs of warfare.

Expanding the park's boundaries appears unlikely to stir controversy in Congress. Sen. Jon Kyl, R–Ariz., previously landed $2 million in federal funding for land purchases.

But we all know that the best ideas can get lost in the blizzard of bills in Congress.

We applaud Hayworth and McCain for pressing forward with the park expansion. While there's still something left to save.

[From the Holbrook (AZ) Tribune-News, Oct. 27, 2000]

PARK'S PROPOSED EXPANSION

Now under study is a plan to expand the Petrified Forest National Park's boundaries by about 97,000 acres to afford protection to this priceless natural treasure. It deserves our interest and support.

Thanks to the efforts of President Theodore Roosevelt and others back in 1906, the park has been preserved for us to enjoy nearly a century later. Now it is time to take the necessary steps to protect the park for our posterity.

The land involved surrounds the existing park. Some of it is publicly owned, and some is privately owned.

Presumably the public agencies owning property adjacent to the park understand how important it is to enlarge the park and offer protection to its resources. It is my understanding that most, if not all, of the major private property owners also support this expansion plan.

The problem is that as these privately owned parcels are subdivided, it makes it more and more difficult to acquire the property for the expansion. And each year, the issue will become more difficult, with more owners to deal with.

The addition of this acreage to the Petrified Forest National Park will help preserve these natural and cultural heritage areas, and it is my hope that necessary steps will be taken to accomplish this program.

We have been fortunate to have foresighted people in the past who have maintained this wonderful place for us, and we must be equally diligent now to see that our children and grandchildren will have it to enjoy for years in the future.

Mr. McCAIN. The legislation I am introducing today is intended to serve as a placeholder bill for further development of a boundary expansion proposal. Several key issues remain that require resolution, including the exact definition of the expanded boundary acreage, and the disposition, and possible acquisition, of private, Federal, and State lands within the proposed expansion area.

It's encouraging to note that the four major landowners within the proposed boundary expansion area have expressed interest in the Park expansion. Other public landowners, primarily the State of Arizona and the Bureau of Land Management, have recognized the significance of the paleontological resources on its lands adjacent to the Park. The Arizona State Trust Land Department closed nearby State trust lands to both surface and subsurface applications. Additionally, the Bureau of Land Management has identified its land-holdings within the proposed expansion area for disposal and possible transfer to the Park.

Other issues involving additional private landholders and State trust lands must still be resolved. In particular, the State of Arizona has specific concerns which must be addressed as the legislation moves through the process, particularly with regard to compensation to the State for any acquisitions of State trust lands by the Secretary of Interior, in keeping with the requirements of State law.

I fully intend to address these issues in consultation with affected entities and resolve any additional questions within a reasonable time-frame. A historic opportunity exists to alleviate major threats to these nationally significant resources and preserve them for our posterity.

I look forward to working with my colleagues on both sides of the aisle to ensure swift consideration and enactment of this proposal. Time is of the essence to ensure the long-term protection of these rare and important resources for the enjoyment and educational value for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petrified Forest National Park Expansion Act of 2002".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Petrified Forest National Park was established—

(A) to preserve and interpret the globally significant paleontological resources of the Park that are generally regarded as the most important record of the Triassic period in natural history; and

(B) to manage those resources to retain significant cultural, natural, and scenic values;

(2) significant paleontological, archaeological, and scenic resources directly related to the resource values of the Park are located in land areas adjacent to the boundaries of the Park;

(3) those resources not included within the boundaries of the Park—

(A) are vulnerable to theft and desecration; and

(B) are disappearing at an alarming rate;

(4) the general management plan for the Park includes a recommendation to expand the boundaries of the Park and incorporate additional globally significant paleontological deposits in areas adjacent to the Park—

(A) to further protect nationally significant archaeological sites; and

(B) to protect the scenic integrity of the landscape and viewshed of the Park; and

(5) a boundary adjustment at the Park will alleviate major threats to those nationally significant resources.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to acquire 1 or more parcels of land—

(1) to expand the boundaries of the Park; and

(2) to protect the rare paleontological and archaeological resources of the Park.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Proposed Boundary Adjustments, Petrified Forest National Park", numbered , and dated .

(2) PARK.—The term "Park" means the Petrified Forest National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Arizona.

SEC. 4. BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of the Park is revised to include approximately acres, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ACQUISITION OF ADDITIONAL LAND.

(a) PRIVATE LAND.—The Secretary may acquire from a willing seller, by purchase, exchange, or by donation, any private land or interests in private land within the revised boundary of the Park.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may, with the consent of the State and in accordance with State law, acquire from the State any State land or interests in State land within the revised boundary of the Park by purchase or exchange.

(2) PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition of State land or interests in State land identified for inclusion within the revised boundary of the Park.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws (including regulations) and Executive orders.

(2) TERMINATION OF LEASES OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LOTT, Mr. DASCHLE, Mr. SHELBY, Mr. REID, Mr. NICKLES, Mr. TORRICELLI, Mr. BURNS, Mr. SCHUMER, Mr. GREGG, Mrs. CLINTON, Mr. DEWINE, Mr. MCCAIN, Mr. MCCONNELL, Mr. CHAFEE, Mr. ALLARD, Mr. BROWNBACK, Mr. CRAPO, Mr. SANTORUM, Mr. COCHRAN, Mr. BOND, Mrs. HUTCHISON, Mr. THOMPSON, Ms. COLLINS, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. INHOFE, Mr. ALLEN, Mr. HAGEL, Mr. VOINOVICH, Mr. STEVENS, Mr. WARNER, Mr. SPECTER, Mr. SMITH of Oregon, Mr. BUNNING, Mr. SMITH of New Hampshire, and Mr. INOUYE):

S. 2495. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Alfonse M. D'Amato United States Courthouse"; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill in honor of former Senator Alfonse M. D'Amato on behalf of myself and 40 of my colleagues thus far. I am sure there will be more.

It recently came to my attention that the Federal courthouse in Central Islip, Long Island, did not have a name so I thought to myself: What a shame. This beautiful new courthouse does not even have a name, and I concluded that it was time to rectify the oversight. Who better than Alfonse D'Amato, a great Senator from New York, who had more than a little bit to do with providing the people of the Empire State with public buildings to conduct the business of government and justice. Forty of my colleagues concur that we ought to name this U.S. courthouse the "Alfonse M. D'Amato United States Courthouse." I believe that is the right thing to do. I understand the U.S. Representatives from New York are moving similar legislation through their body.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the "Alfonse M. D'Amato United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Alfonse M. D'Amato United States Courthouse".

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to require adequate disclosure of transactions which have a potential for tax avoidance or evasion, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Garrison Keillor is quoted as saying, "I believe in looking reality straight in the eye and denying it." That approach is perhaps what some would like us to do with respect to the increasing problem of the use of abusive tax shelters to avoid or evade taxes. But I do not agree.

The Tax Shelter Transparency Act that I introduce today doesn't deny reality, rather, it shines some transparency on reality so that we have a better understanding of what is going on out there. Following Enron's bankruptcy, I think that all Americans have a greater appreciation for the need for greater transparency in complex tax transactions.

The legislation is the product of over 2 years of review and public comment. The Tax Shelter Transparency Act also incorporates tax shelter proposals released by the Department of the Treasury the day before the Senate Finance Committee's March 21, 2002 hearing on the subject.

As I stated at the hearing, "the Finance Committee is committed to helping combat these carefully engineered transactions. These transactions have little or no economic substance, are designed to achieve unwarranted tax benefits rather than business profit, and place honest corporate competitors at a disadvantage."

The proliferation of tax shelters has been called "the most significant compliance problem currently confronting our system of self-assessment." Less than 2 years ago, there was a more positive outlook regarding the Government's ability to curb the promotion and use of abusive tax shelters. The Department of the Treasury and the IRS issued regulations requiring disclosure of certain transactions and requiring developers and promoters of tax-engineered transactions to maintain customer lists. Also, the IRS had prevailed in several court cases against the use of transactions lacking in economic substance.

Unfortunately, the honesty and integrity of our tax system has suffered significant blows over the past 2 years. Court decisions have shifted from decisions tough on tax avoidance and evasion to court defeats for the IRS. Also, there appears to be a lack of compliance with the disclosure legislation passed in 1997 and the subsequent regulations.

The corporate tax returns filed in 2001 are the first returns filed under the new tax shelter disclosure requirements. The administration provided the Finance Committee with the results of their analysis of the disclosure data, including their analysis of what was not disclosed.

Only 272 transactions were disclosed by 99 corporate taxpayers. There are approximately 100,000 corporate taxpayers under the Large and Midsize Business Division at the IRS yet only 99 of them made a disclosure under the current regime. Based on the Finance Committee hearing, it is safe to say that the administration, as did Congress, thought the number of disclosures would be much greater.

Clearly, the past method of reactive, ad-hoc closing down of abusive transactions does little to discourage the creation and exploitation of many shelters.

These transactions may be good for a corporation's bottom line, but they are bad for the economy. Here's why: abusive corporate tax shelters create a tax benefit without any corresponding economic benefit. There's no new product. No technological innovation. Just a tax break.

As with the Senate Finance Committee draft legislation released last August, the Tax Shelter Transparency Act emphasizes disclosure. Disclosure is critical to the Government's ability to identify and address abusive tax avoidance and evasion arrangements. Under the bill, if the taxpayer has entered into a questionable transaction and fails to disclose the transaction, then the taxpayer is subject to tough penalties for not disclosing and higher penalties if an understatement results.

The legislation separates transactions into one of three types of transactions for purposes of disclosure and penalties: Reportable Listed Transactions, Reportable Avoidance Transactions, and a catch-all category for Other Transactions. The legislation also addresses the role of each of the players involved in abusive tax shelters: including the taxpayer who buys, the promoter who markets, and the tax advisor who provides an opinion "endorsing" the tax-engineered arrangement. The legislation focuses on each of these participants and contains proposals to discourage their participation in abusive tax transactions.

Reportable Listed Transactions are transactions specifically identified by the Department of the Treasury as "tax avoidance transactions." These are transactions specifically classified by Treasury as bad transactions, essentially the worst of the worst. Failure by the taxpayer to disclose the transaction results in a separate strict liability, nonwaivable flat dollar penalty of $200,000 for large taxpayers and $100,000 for small taxpayers.

Additionally, if the taxpayer is required to file with the Securities and Exchange Commission, the penalty must be reported to the SEC. If the taxpayer discloses the questionable transaction, they are not subject to the flat dollar penalty or the SEC reporting. The SEC reporting requirement is a critical element to improving the disclosure of transactions. The amount of tax penalty is relatively insignificant to the tax benefits generated by abusive tax shelter transactions. Corporations, however, have a strong incentive not to trigger a penalty that must be reported to the SEC.

Failure to disclose a reportable listed transaction that results in a tax understatement will be subject to a higher, 30 percent, strict liability, nonwaivable accuracy-related penalty which must be reported to the SEC.

Reportable Avoidance Transactions are transactions that fall into one of the several objective criteria established by the Department of the Treasury which have a potential for tax avoidance or evasion. Based on current regulations and the proposals put forward by the administration, we anticipate these transactions would include but would not be limited to: significant loss transactions; transactions with brief asset holding periods; transactions marketed under conditions of confidentiality; transactions subject to indemnification agreements; and transactions with a certain amount of book-tax difference.

Failure by the taxpayer to disclose the questionable reportable avoidance transaction results in a separate strict liability, nonwaivable flat dollar penalty of $100,000 for large taxpayers and $50,000 for small taxpayers.

Reportable Avoidance Transactions are then subject to a filter to determine whether there is a significant purpose of tax avoidance. Transactions entered into with a significant purpose of tax avoidance are subject to harsher treatment in the form of higher penalties.

The legislation enhances the Government's ability to enjoin promoters. Most significantly, the legislation increases the penalty imposed on tax shelter promoters who refuse to maintain lists of their tax shelter investors. If a promoter fails to provide the IRS with a list of investors in a reportable transaction within 20 days after receipt of a written request by the IRS to provide such a list, the promoter would be subject to a penalty of $10,000 for each additional business day that the requested information is not provided.

The legislation adds a provision authorizing the Treasury Department to censure tax advisors or impose monetary sanctions against tax advisors and firms that participate in tax shelter activities and practice before the IRS.

I am pleased that this legislation is the product of working closely with my good friend, and the ranking member of the Finance Committee, Senator GRASSLEY. I appreciate Senator GRASSLEY's cosponsorship of the Tax Shelter Transparency Act and his commitment to work as a bipartisan front to shine some light on these abusive tax shelter transactions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Shelter Transparency Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 code; table of contents.

TITLE I—TAXPAYER-RELATED PROVISIONS

Sec. 101. Penalty for failing to disclose reportable transaction.
Sec. 102. Increase in accuracy-related penalties for listed transactions and other reportable transactions having a tax avoidance purpose.
Sec. 103. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 104. Tax shelter exception to confidentiality privileges relating to taxpayer communications.

TITLE II—PROMOTER AND PREPARER RELATED PROVISIONS

Subtitle A—Provisions Relating To Reportable Transactions

Sec. 201. Disclosure of reportable transactions.
Sec. 202. Modifications to penalty for failure to register tax shelters.
Sec. 203. Modification of penalty for failure to maintain lists of investors.
Sec. 204. Modification of actions to enjoin specified conduct related to tax shelters and reportable transactions.

Subtitle B—Other Provisions

Sec. 211. Understatement of taxpayer's liability by income tax return preparer.
Sec. 212. Report on effectiveness of penalty on failure to report interests in foreign financial accounts.
Sec. 213. Frivolous tax submissions.
Sec. 214. Regulation of individuals practicing before the Department of Treasury.
Sec. 215. Penalty on promoters of tax shelters.

TITLE I—TAXPAYER-RELATED PROVISIONS

SEC. 101. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) IMPOSITION OF PENALTY.—Any person who fails to include with any return or statement any information required to be included under subchapter A of chapter 61 with respect to a reportable transaction shall pay a penalty in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

"(A) IN GENERAL.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts for the taxable year or the preceding taxable year in excess of $10,000,000. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) HIGH NET WORTH INDIVIDUAL.—The term 'high net worth individual' means a natural person whose net worth exceeds $2,000,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required under subchapter A of chapter 61 to be included with a taxpayer's return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction—

"(A) which is the same as, or similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011, or

"(B) which is expected to produce a tax result which is the same as, or similar to, the tax result in a transaction which is so specified.

"(d) PENALTY REPORTED TO SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty with respect to a listed transaction under this section, or

"(B) is required to pay a penalty under section 6662(a)(2) with respect to any reportable transaction at a rate prescribed under section 6662(i)(3),

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(e) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under section 6662."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 102. INCREASE IN ACCURACY-RELATED PENALTIES FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A TAX AVOIDANCE PURPOSE.

(a) INCREASE IN PENALTY.—Subsection (a) of section 6662 (relating to imposition of penalty) is amended to read as follows:

"(a) IMPOSITION OF PENALTY.—

"(1) IN GENERAL.—If this section applies to any portion of an underpayment of tax required to be shown on a return, there shall be added to the tax an amount equal to 20 percent of the portion of the underpayment to which this section applies.

"(2) UNDERSTATEMENT OF INCOME TAX ATTRIBUTABLE TO LISTED TRANSACTIONS OR OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.—If a taxpayer has a reportable transaction income tax understatement (as defined in subsection (i)) for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of the understatement. Except as provided in subsection (i)(4)(B), such understatement shall not be taken into account for purposes of paragraph (1)."

(b) REPORTABLE TRANSACTION INCOME TAX UNDERSTATEMENT.—Section 6662 (relating to imposition of accuracy-related penalty) is amended by adding at the end the following new subsection:

"(i) UNDERSTATEMENT OF INCOME TAX ATTRIBUTABLE TO LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.—

"(1) REPORTABLE TRANSACTION INCOME TAX UNDERSTATEMENT.—For purposes of subsection (a)(2), the term 'reportable transaction income tax understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the taxpayer's treatment of items to which this subsection applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such items, and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the credits allowed against the tax imposed by subtitle A which results from a difference between the taxpayer's treatment of items to which this subsection applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such items.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) ITEMS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any item which is attributable to—

"(A) any listed transaction, or

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(3) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—In the case of any portion of a reportable transaction income tax understatement attributable to a transaction to which section 6664(c)(1) does not apply by reason of section 6664(c)(2)(A), the rate of tax under subsection (a)(2) shall be increased by 5 percent (10 percent in the case of a listed transaction).

"(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(B) COORDINATION WITH DETERMINATIONS OF WHETHER OTHER UNDERSTATEMENTS ARE SUBSTANTIAL.—Reportable transaction income tax understatements shall be taken into account under subsection (d)(1) in determining whether any understatement (which is not a reportable transaction income tax understatement) is a substantial understatement.

"(C) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction income tax understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary."

(c) REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 (relating to reasonable cause exception) is amended by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, and by inserting after paragraph (1) the following new paragraphs:

"(2) SPECIAL RULES FOR UNDERSTATEMENTS ATTRIBUTABLE TO LISTED AND CERTAIN OTHER TAX AVOIDANCE TRANSACTIONS.—Paragraph (1) shall not apply to the portion of any reportable transaction income tax understatement attributable to an item referred to in section 6662(i)(2) unless—

"(A) the relevant facts affecting the tax treatment of such item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

"(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

"(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

"(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor is a material advisor (within the meaning of section 6111(b)(1)) who—

"(I) is compensated directly or indirectly by another material advisor with respect to the transaction,

"(II) has a contingent fee arrangement with respect to the transaction,

"(III) has any type of referral agreement or other similar agreement or understanding with another material advisor which relates to the transaction, or

"(IV) has any other characteristic which, as determined under regulations prescribed by the Secretary, is indicative of a potential conflict of interest or compromise of independence.

"(iii) DISQUALIFIED OPINIONS.—An opinion is described in this clause if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe."

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax."

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 103. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year, or

"(ii) $10,000,000."

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(c)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions—

"(A) for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment, and

"(B) which affect a significant number of taxpayers.

Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 104. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

TITLE II—PROMOTER AND PREPARER RELATED PROVISIONS

Subtitle A—Provisions Relating To Reportable Transactions

SEC. 201. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing the advice provided by such advisor, including any potential tax benefits represented to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed on the first business day following the earliest date on which such advisor provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out the transaction (or such later date as the Secretary may prescribe).

"(b) DEFINITIONS.—For purposes of this section—

"(1) MATERIAL ADVISOR.—The term 'material advisor' means any person—

"(A) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(B) who directly or indirectly derives gross income from such advice or assistance.

"(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions."

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain (in such manner as the Secretary may by regulations prescribe) a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require."

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b)(1)(A), as redesignated by subparagraph (B), is amending by inserting "written" before "request".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees."

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS."

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 202. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the fees paid to such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Reportable and Listed Transactions.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c)."

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring after the date of the enactment of this Act.

SEC. 203. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available to the Secretary in accordance with section 6112(b)(1)(A) within 20 days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause."

(b) Effective Date.—The amendment made by this section shall apply to failures occurring after the date of the enactment of this Act.

SEC. 204. MODIFICATION OF ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) In General.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority To Seek Injunction.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) Adjudication and Decree.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) Specified Conduct.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708."

(b) Conforming Amendments.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions."

(c) Effective Date.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

Subtitle B—Other Provisions

SEC. 211. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) Standards Conformed to Taxpayer Standards.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "Unrealistic" in the heading and inserting "Improper".

(b) Amount of Penalty.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) Effective Date.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 212. REPORT ON EFFECTIVENESS OF PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

The Secretary of the Treasury or his delegate shall report each year to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

(1) the number of civil and criminal penalties imposed on failures to meet the reporting and recordkeeping requirements of section 5314 of title 31, United States Code, with respect to interests held in foreign financial accounts, and

(2) the average amount of monetary penalties so imposed.

The Secretary shall include with such report an analysis of the effectiveness of such reporting and recordkeeping requirements in preventing the avoidance or evasion of Federal income taxes and any recommendations to improve such requirements and the enforcement of such requirements.

SEC. 213. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of Penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 7811 (relating to taxpayer assistance orders),

"(II) section 6159 (relating to agreements for payment of tax liability in installments), or

"(III) section 7122 (relating to compromises).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission promptly after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law."

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A)."

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions."

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 214. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) Censure; Imposition of Penalty.—

(1) In general.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure."

(2) Effective date.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) Tax Shelter Opinions, Etc.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion."

SEC. 215. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed."

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

Mr. GRASSLEY. Mr. President, I rise today to co-sponsor legislation, the "Tax Shelter Transparency Act" which will arrest the proliferation of tax shelters.

We have known for many years that abusive tax shelters, which are structured to exploit unintended consequences of our complicated Federal income tax system, erode the Federal tax base and the public's confidence in the tax system. Such transactions are patently unfair to the vast majority of taxpayers who do their best to comply with the letter and spirit of the tax law. As a result, the Finance Committee has worked exceedingly hard over the past several years to develop three legislative discussion drafts for public review and comment. Thoughtful and well-considered comments on these drafts have been greatly appreciated by the staff and members of the Finance Committee. The collaborative efforts of those involved in the discussion drafts combined with the recent request for legislative assistance from the Treasury Department and IRS produced today's revised approach for dealing with abusive tax avoidance transactions.

Above all, the Tax Shelter Transparency Act encourages taxpayer disclosure of potentially abusive tax avoidance transactions. It is surprising and unfortunate that taxpayers, though required to disclose tax shelter transactions under present law, have refused to comply. The Treasury Department and IRS report that the 2001 tax filing season produced a mere 272 tax shelter return disclosures from only 99 corporate taxpayers, a fraction of transactions requiring such disclosure. The Tax Shelter Transparency Act will curb non-compliance by providing clearer and more objective rules for the reporting of potential tax shelters and by providing strong penalties for anyone who refuses to comply with the revised disclosure requirements.

The legislation has been carefully structured to reward those who are forthcoming with disclosure. I wholeheartedly agree with the remarks offered by the recent Treasury Assistant Secretary for Tax Policy, that "if a taxpayer is comfortable entering into a transaction, a promoter is comfortable selling it, and an advisor is comfortable blessing it, they all should be comfortable disclosing it to the IRS." Transparency is essential to an evaluation by the IRS and ultimately by the Congress of the United States as to whether the tax benefits generated by complex business transactions are appropriate interpretations of existing tax law. To the extent such interpretations were unintended, the bill allows Congress to amend or clarify existing tax law. To the extent such interpretations are appropriate, all taxpayers, from the largest U.S. multinational conglomerate to the smallest local feedstore owner in Iowa, will benefit when transactions are publicly sanctioned in the form of an "angel list" of good transactions. This legislation accomplishes both of these objectives.

By Mr. KENNEDY (for himself and Mrs. Clinton):

S. 2499. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased today to join my colleagues Senator Clinton and Congresswoman Nita Lowey in introducing legislation to improve the labeling of allergens in food.

American families deserve to feel confident about the safety of the food on their tables. The Food Allergen Consumer Protection Act will allow the seven million Americans with food allergies to identify more easily a product's ingredients, avoid foods that may harm them, and stay healthy. We anticipate that this legislation will reduce the number, currently estimated to be 150 yearly, of Americans who die due to the ingestion of allergenic foods.

The Food Allergen Consumer Production Act will require that food ingredient statements on food packages identify in common language when an ingredient, including a flavoring, coloring, or other additive, is itself, or is derived from, one of the eight main food allergens, or from grains containing gluten. This legislation will also make the ingredient label on foods easier to read, and require it to include a working telephone number, including one for telecommunication devices for deaf persons.

The Food Allergen Consumer Protection Act will require food manufacturers to minimize cross-contamination with food allergens between foods produced in the same facility or on the same production line. It will require the use of "may contain" or other advisory language in food labeling when steps to reduce such cross-contamination will not eliminate it. This legislation also preserves the Food and Drug Administration's current authority to regulate the safety of certain products that are bioengineered to contain proteins that cause allergic reactions.

The Food Allergen Consumer Protection Act will also require the Centers for Disease Control and Prevention to track deaths related to food allergies, and it will direct the National Institutes of Health to develop a plan for research activities concerning food allergies.

I urge my colleagues in the Senate to support this legislation that will do so much to improve the lives of those with food allergies. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Allergen Consumer Protection Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Approximately 7,000,000 Americans suffer from food allergies. Every year roughly 30,000 people receive emergency room treatment due to the ingestion of allergenic foods, and an estimated 150 Americans die from anaphylactic shock caused by a food allergy.

(2) Eight major foods—milk, egg, fish, Crustacea, tree nuts, wheat, peanuts, and soybeans—cause 90 percent of allergic reactions. At present, there is no cure for food allergies. A food allergic consumer depends on a product's label to obtain accurate and reliable ingredient information so as to avoid food allergens.

(3) Current Food and Drug Administration regulations exempt spices, flavorings, and certain colorings and additives from ingredient labeling requirements that would allow consumers to avoid those to which they are allergic. Such unlabeled food allergens may pose a serious health threat to those susceptible to food allergies.

(4) A recent Food and Drug Administration study found that 25 percent of bakery products, ice creams, and candies that were inspected failed to list peanuts and eggs, which can cause potentially fatal allergic reactions. The mislabeling of foods puts those with a food allergy at constant risk.

(5) In that study, the Food and Drug Administration found that only slightly more than half of inspected manufacturers checked their products to ensure that all ingredients were accurately reflected on the labels. Furthermore, the number of recalls because of unlabeled allergens rose to 121 in 2000 from about 35 a decade earlier. In part, mislabeling occurs because potentially fatal allergens are introduced into the manufacturing process when production lines and cooking utensils are shared or used to produce multiple products.

(6) Individuals who have food allergies may outgrow their allergy if they strictly avoid consuming the allergen. However, some scientists believe that because low levels of allergens are unintentionally present in foods, those with an allergy are unable to keep from being repeatedly exposed to the very foods they are allergic to. Good manufacturing practices can minimize the unintentional presence of food allergens. In addition, when good manufacturing practices cannot eliminate the potential for cross-contamination, an advisory label on the product can provide additional consumer protection.

(7) The Food and Drug Administration is the Nation's principal consumer protection agency, charged with protecting and promoting public health through premarket and postmarket regulation of food. The agency must have both the necessary authority to ensure that foods are properly labeled and produced using good manufacturing practices and the ability to penalize manufacturers who violate our food safety laws.

(8) Americans deserve to have confidence in the safety and labeling of the food on their tables.

SEC. 3. FOOD LABELING; REQUIREMENT OF INFORMATION REGARDING ALLERGENIC SUBSTANCES.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(t)(1) If it is not a raw agricultural commodity and it is, or it intentionally bears or contains, a known food allergen, unless its label bears, in bold face type, the common or usual name of the known food allergen and the common or usual name of the food source described in subparagraph (3)(A) from which the known food allergen is derived, except that the name of the food source is not required when the common or usual name of the known food allergen plainly identifies the food source.

"(2) The information required under this paragraph may appear in labeling other than the label only if the Secretary finds that such other labeling is sufficient to protect the public health. A finding by the Secretary under this subparagraph is effective upon publication in the Federal Register as a notice (including any change in an earlier finding under this subparagraph).

"(3) For purposes of this Act, the term 'known food allergen' means any of the following:

"(A) Milk, egg, fish, Crustacea, tree nuts, wheat, peanuts, and soybeans.

"(B) A proteinaceous substance derived from a food specified in clause (A), unless the Secretary determines that the substance does not cause an allergic response that poses a risk to human health.

"(C) Other grains containing gluten (rye, barley, oats, and triticale).

"(D) In addition, any food that the Secretary by regulation determines causes an allergic or other adverse response that poses a risk to human health.

"(4) Notwithstanding paragraph (g), (i), or (k), or any other law, the labeling requirement under this paragraph applies to spices, flavorings, colorings, or incidental additives that are, or that bear or contain, a known food allergen.

"(u) If it is a raw agricultural commodity that is, or bears or contains, a known food allergen, unless it has a label or other labeling that bears in bold face type the common or usual name of the known food allergen and the Secretary has found that the label or other labeling is sufficient to protect the public health. A finding by the Secretary under this paragraph is effective upon publication in the Federal Register as a notice (including any change in an earlier finding under this paragraph).

"(w) If the labeling required under paragraphs (g), (i), (k), (t), (u), or (v)—

"(1) does not use a single, easy-to-read type style that is black on a white background, using upper and lower case letters and with no letters touching;

"(2) does not use at least 8 point type with at least one point leading (i.e., space between two lines of text), provided the total surface area of the food package available to bear labeling exceeds 12 square inches; or

"(3) does not comply with regulations issued by the Secretary to make it easy for consumers to read and use such labeling by requiring a format that is comparable to the format required for the disclosure of nutrition information in the food label under section 101.9(d)(1) of title 21, Code of Federal Regulations.".

(b) CIVIL PENALTIES.—Section 303(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(g)(2)) is amended—

(1) in subparagraph (A), by striking "section 402(a)(2)(B) shall be subject" and inserting the following: "section 402(a)(2)(B) or regulations under this chapter to minimize the unintended presence of allergens in food, or that is misbranded within the meaning of section 403(t), 403(u), 403(v), or 403(w), shall be subject"; and

(2) in subparagraph (B), by inserting "or misbranded" after "adulterated" each place such term appears.

(c) CONFORMING AMENDMENT.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(ll) The term 'known food allergen' has the meaning given such term in section 403(t)(3).".

(d) EFFECTIVE DATE.—The amendments made by this section take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 4. UNINTENTIONAL PRESENCE OF KNOWN FOOD ALLERGENS.

(a) FOOD LABELING OF SUCH FOOD ALLERGENS.—Section 403 of the Federal Food, Drug, and Cosmetic Act, as amended by section 3(a) of this Act, is amended by inserting after paragraph (u) the following:

"(v) If the presence of a known food allergen in the food is unintentional and its labeling bears a statement that the food may bear or contain the known food allergen, or any similar statement, unless the statement is made in compliance with regulations issued by the Secretary to provide for advisory labeling of the known food allergen.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the expiration of the four-year period beginning on the date of the enactment of this Act, except with respect to the authority of the Secretary of Health and Human Services to engage in rulemaking in accordance with section 5.

SEC. 5. REGULATIONS.

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue a proposed rule under sections 402, 403, and 701(a) of the Federal Food, Drug, and Cosmetic Act to implement the amendments made by this Act. Not later than two years after such date of enactment, the Secretary shall promulgate a final rule under such sections.

(2) EFFECTIVE DATE.—The final rule promulgated under paragraph (1) takes effect

upon the expiration of the four-year period beginning on the date of the enactment of this Act. If a final rule under such paragraph has not been promulgated as of the expiration of such period, then upon such expiration the proposed rule under such paragraph takes effect as if the proposed rule were a final rule.

(b) Unintentional Presence of Known Food Allergens.—

(1) Good manufacturing practices; records.—Regulations under subsection (a) shall require the use of good manufacturing practices to minimize, to the extent practicable, the unintentional presence of allergens in food. Such regulations shall include appropriate record keeping and record inspection requirements.

(2) Advisory labeling.—In the regulations under subsection (a), the Secretary shall authorize the use of advisory labeling for a known food allergen when the Secretary has determined that good manufacturing practices required under the regulations will not eliminate the unintentional presence of the known food allergen and its presence in the food poses a risk to human health, and the regulations shall otherwise prohibit the use of such labeling.

(c) Ingredient Labeling Generally.—In regulations under subsection (a), the Secretary shall prescribe a format for labeling, as provided for under section 403(w)(3) of the Federal, Food, Drug, and Cosmetic Act.

(d) Review by Office of Management and Budget.—If the Office of Management and Budget (in this section referred to as "OMB") is to review proposed or final rules under this Act, OMB shall complete its review in 10 working days, after which the rule shall be published immediately in the Federal Register. If OMB fails to complete its review of either the proposed rule or the final rule in 10 working days, the Secretary shall provide the rule to the Office of the Federal Register, which shall publish the rule, and it shall have full effect (subject to applicable effective dates specified in this Act) without review by OMB. If the Secretary does not complete the proposed or final rule so as to provide OMB with 10 working days to review the rule and have it published in the Federal Register within the time frames for publication of the rule specified in this section, the rule shall be published without review by OMB.

SEC. 6. FOOD LABELING; INCLUSION OF TELEPHONE NUMBER.

(a) In General.—Section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(e)) is amended—

(1) by striking "and (2)" and inserting the following: "(2) in the case of a manufacturer, packer, or distributor whose annual gross sales made or business done in sales to consumers equals or exceeds $500,000, a toll-free telephone number (staffed during reasonable business hours) for the manufacturer, packer, or distributor (including one to accommodate telecommunications devices for deaf persons, commonly known as TDDs); or in the case of a manufacturer, packer, or distributor whose annual gross sales made or business done in sales are less than $500,000, the mailing address or the address of the Internet site for the manufacturer, packer, or distributor; and (3)"; and

(2) by striking "clause (2)" and inserting "clause (3)".

(b) Effective Date.—The amendments made by subsection (a) take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 7. DATA ON FOOD-RELATED ALLERGIC RESPONSES.

(a) In General.—Consistent with the findings of the study conducted under subsection (b), the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Commissioner of Foods and Drugs, shall improve the collection of, and (beginning 18 months after the date of the enactment of this Act) annually publish, national data on—

(1) the prevalence of food allergies, and

(2) the incidence of deaths, injuries, including anaphylactic shock, hospitalizations, and physician visits, and the utilization of drugs, associated with allergic responses to foods.

(b) Study.—Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with consumers, providers, State governments, and other relevant parties, shall complete a study for the purposes of—

(1) determining whether existing systems for the reporting, collection and analysis of national data accurately capture information on the subjects specified in subsection (a); and

(2) identifying new or alternative systems, or enhancements to existing systems, for the reporting collection and analysis of national data necessary to fulfill the purpose of subsection (a).

(c) Public and Provider Education.—The Secretary shall, directly or through contracts with public or private entities, educate physicians and other health providers to improve the reporting, collection, and analysis of data on the subjects specified in subsection (a).

(d) Child Fatality Review Teams.—Insofar as is practicable, activities developed or expanded under this section shall include utilization of child fatality review teams in identifying and assessing child deaths associated with allergic responses to foods.

(e) Reports to Congress.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the progress made with respect to subsections (a) through (d).

(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2003, and such sums as may be necessary for each subsequent fiscal year.

(g) Effective Date.—This section takes effect on the date of the enactment of this Act.

By Mr. ALLARD (for himself, Mr. Sessions, and Mrs. Hutchison):

S. 2501. A bill to establish requirements arising from the delay or restriction on the shipment of special nuclear materials to the Savannah River Site, Aiken, South Carolina; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENTS RELATING TO DELAY, RESTRICTION, OR PROHIBITION ON SHIPMENT OF SPECIAL NUCLEAR MATERIALS TO SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

(a) Requirements.—Subject to subsection (c), if as of the date of the enactment of this Act, or at any time after that date, the State of South Carolina acts to delay or restrict, or seeks or enforces a judgment to prohibit, the shipment of special nuclear materials (SNM) to the Savannah River Site, Aiken, South Carolina, for processing by the proposed mixed oxide (MOX) fuel fabrication facility at the Savannah River Site, the Secretary of Energy shall—

(1) reopen the Record of Decision (ROD) on the mixed oxide fuel fabrication facility for purposes of identifying and evaluating alternative locations for the mixed oxide fuel fabrication facility; and

(2) conduct a study of the costs and implications for the national security of the United States of—

(A) converting the Savannah River site to an environmental management (EM) closure site; and

(B) transferring all current and proposed national security activities at the Savannah River Site from the Savannah River Site to other facilities of the National Nuclear Security Administration or the Department of Energy, as appropriate.

(b) Report on Study.—If the Secretary conducts a study under subsection (a)(2), the Secretary shall submit to the congressional defense committees a report on the study not later than six months after the commencement of the study.

(c) Contingent Suspension of Applicability of Requirements.—If at any time before the requirements in subsection (a) otherwise go into effect, the Secretary and the State of South Carolina enter into an agreement regarding the shipment of special nuclear materials to the Savannah River Site for processing by the proposed mixed oxide fuel fabrication facility at the Savannah River Site, the requirements in subsection (a) shall not go into effect as long, as determined by the Secretary, as the Secretary and the State of South Carolina comply with the agreement.

(d) Special Nuclear Materials.—In this section, the term "special nuclear materials" includes weapons grade plutonium.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 109—COMMEMORATING THE INDEPENDENCE OF EAST TIMOR AND EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD ESTABLISH DIPLOMATIC RELATIONS WITH EAST TIMOR, AND FOR OTHER PURPOSES

Mr. CHAFEE (for himself and Mr. Feingold) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 109

Whereas on May 20, 2002, East Timor will become the first new country of the millennium;

Whereas the perseverance and strength of the East Timorese people in the face of daunting challenges has inspired the people of the United States and around the world;

Whereas in 1974 Portugal acknowledged the right of its colonies, including East Timor, to self-determination, including independence;

Whereas East Timor has been under United Nations administration since October, 1999, during which time international peace-keeping forces, supplemented by forces of the United States Group for East Timor (USGET), have worked to stabilize East Timor and provide for its national security;

Whereas the people of East Timor exercised their long-sought right of self-determination on August 30, 1999, when 98.6 percent of the eligible population voted, and 78.5 percent chose independence, in a United Nations-administered popular consultation, despite systematic terror and intimidation;

Whereas a constitution for East Timor was adopted in March, 2002;

Whereas East Timor is emerging from more than 400 years of colonization and occupation;

Whereas the East Timorese people again demonstrated their strong commitment to democracy when 91.3 percent of eligible voters peacefully participated in East Timor's first democratic, multiparty election for a Constituent Assembly on August 30, 2001, and when 86.3 percent of those eligible participated in the first presidential election on April 14, 2002, electing Xanana Gusamo as their first President;

Whereas, as the people of East Timor move proudly toward independence, many still struggle to recover from the scars of the military occupation and 1999 anti-independence violence that resulted in displacement which, according to United Nations and other independent reports, exceed 500,000 in number, and widespread death, rape and other mistreatment of women, family separation, large refugee populations, and the destruction of 70 percent of the country's infrastructure;

Whereas efforts are ongoing by East Timorese officials and others to seek justice for the crimes against humanity and war crimes that have been perpetrated in recent years, efforts that include the work of the Serious Crimes Investigation Unit of the United Nations and the East Timorese Commission for Reception, Truth, and Reconciliation to document and assess responsibility;

Whereas Indonesian National Human Rights Commission and United Nations Security Council recommendations to investigate and prosecute senior Indonesian military and civilian officials for their roles in promoting the 1999 anti-independence violence in East Timor have not yet been fully implemented;

Whereas, although the people of East Timor are working toward a plan for vigorous economic growth and development, the Government of East Timor will face a substantial shortfall in its recurrent and development budgets over the first 3 years of independence, and is seeking to fill the gap entirely with grants from donor countries; and

Whereas a large percentage of the population of East Timor lives below the poverty line, with inadequate access to health care and education, the unemployment rate is estimated at 80 percent, and the life expectancy is only 57 years: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) Congress—

(1) congratulates and honors the courageous people of East Timor and their leaders;

(2) welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;

(3) supports United Nations and other multilateral efforts to support reconstruction and development in East Timor, and United Nations and other multilateral peacekeeping forces to safeguard East Timor's security, including continuing the periodic visits by United States military forces;

(4) remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;

(5) expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;

(6) strongly supports the prompt, safe, and voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially children separated from their parents through coercion or force;

(7) expresses a commitment to maintaining appropriate restrictions and prohibitions in law on military assistance, training, relations, and technical support to the Indonesian Armed Forces; and

(8) acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is "fundamental for the future social and political stability of East Timor", and remains deeply concerned about the lack of justice in the region.

(b) It is the sense of Congress that the President should—

(1) immediately extend to East Timor the diplomatic relations afforded to other sovereign nations, including the establishment of an embassy in East Timor;

(2) maintain a robust level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;

(3) work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;

(4) focus bilateral assistance on the areas of employment creation, job training, rural reconstruction, micro-enterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;

(5) strongly urge the Government of Indonesia to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and

(6) review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation, and use all diplomatic resources at the disposal of the President to ensure that—

(A) those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable; and

(B) the Government of Indonesia fully cooperates with the East Timorese judicial system.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3398. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3399. Mr. LOTT proposed an amendment to the bill H.R. 3009, supra.

SA 3400. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3398. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, line 23, strike all through "United States," on line 25, and insert the following: "foreign investors in the United States are not accorded greater rights than United States investors in the United States,".

SA 3399. Mr. LOTT proposed an amendment to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Strike all after the first word in the bill and add the following:

DIVISION A—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE I—TRADE PROMOTION AUTHORITY

SEC. 1101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This division may be cited as the "Bipartisan Trade Promotion Authority Act of 2002".

(b) FINDINGS.—The Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and

military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

(3) Support for continued trade expansion requires that dispute settlement procedures under international trade agreements not add to or diminish the rights and obligations provided in such agreements. Nevertheless, in several cases, dispute settlement panels and the WTO Appellate Body have added to obligations and diminished rights of the United States under WTO Agreements. In particular, dispute settlement panels and the Appellate Body have—

(A) given insufficient deference to the expertise and fact-finding of the Department of Commerce and the United States International Trade Commission;

(B) imposed an obligation concerning the causal relationship between increased imports into the United States and serious injury to domestic industry necessary to support a safeguard measure that is different from the obligation set forth in the applicable WTO Agreements;

(C) imposed an obligation concerning the exclusion from safeguards measures of products imported from countries party to a free trade agreement that is different from the obligation set forth in the applicable WTO Agreements;

(D) imposed obligations on the Department of Commerce with respect to the use of facts available in antidumping investigations that are different from the obligations set forth in the applicable WTO Agreements; and

(E) accorded insufficient deference to the Department of Commerce's methodology for adjusting countervailing duties following the privatization of a subsidized foreign producer.

SEC. 1102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 1103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 1113(2)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade; and

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment, while ensuring that United States investors in the United States are not accorded lesser rights than foreign investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(B) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and appropriate domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments; and

(B) to ensure that such standards do not place United States persons at a competitive disadvantage in international trade.

(7) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(8) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(10) RECIPROCAL TRADE IN AGRICULTURE.—

(A) IN GENERAL.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) seeking to eliminate all export subsidies on agricultural commodities while maintaining bona fide food aid and preserving United States agricultural market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(iv) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry;

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs; and

(xvi) strive to complete a general multilateral round in the World Trade Organization by January 1, 2005, and seek the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import-sensitive commodities (including those subject to tariff-rate quotas).

(B) CONSULTATION.—

(i) BEFORE COMMENCING NEGOTIATIONS.—Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) DURING NEGOTIATIONS.—During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule.

(iii) SCOPE OF OBJECTIVE.—The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 1103 (a) or (b), including any trade agreement entered into under section 1103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(11) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 1113(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(12) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek improved adherence by panels convened under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes and by the WTO Appellate Body to the standard of review applicable under the WTO Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(13) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the WTO rules with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(14) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 1113(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and the relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) in connection with any trade negotiations entered into under this division, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating, on a time frame determined in accordance with section 1107(b)(2)(E);

(9)(A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this division applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement; and

(12) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

The report required under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) CONSULTATIONS.—

(1) CONSULTATIONS WITH CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this division, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 1107 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this division, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 1107; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 1103. TRADE AGREEMENTS AUTHORITY.

(a) Agreements Regarding Tariff Barriers.—

(1) In general.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this division will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) Limitations.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any agricultural product which was the subject of tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty, pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) Aggregate reduction; exemption from staging.—

(A) Aggregate reduction.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) Exemption from staging.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) Rounding.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) Other limitations.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 1105 and that bill is enacted into law.

(6) Other tariff modifications.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) Authority under Uruguay Round Agreements Act not affected.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) Agreements Regarding Tariff and Nontariff Barriers.—

(1) In general.—

(A) Determination by president.—Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this division will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) Agreement to reduce or eliminate certain distortion.—The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) Time period.—The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) Conditions.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 1102 (a) and (b) and the President satisfies the conditions set forth in section 1104.

(3) Bills qualifying for trade authorities procedures.—

(A) Application of expedited procedures.—The provisions of section 151 of the Trade Act of 1974 (in this division referred to as "trade authorities procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this division be referred to as an "implementing bill".

(B) Provisions described.—The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) Extension Disapproval Process for Congressional Trade Authorities Procedures.—

(1) In general.—Except as provided in section 1105(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) Report to congress by the president.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this division, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) Other reports to congress.—

(A) Report by the advisory committee.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this division; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) Report by ITC.—The President shall promptly inform the International Trade Commission of the President's decision to submit a report to the Congress under paragraph (2). The International Trade Commission shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) Status of reports.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) Extension disapproval resolutions.—

(A) Definition.—For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the ___ disapproves the request of the President for the extension, under section 1103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 1103(b) of that Act after June 30, 2005.", with the blank space being filled with the name of the resolving House of the Congress.

(B) Introduction.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) Application of section 152 of the Trade Act of 1974.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) Limitations.—It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) Commencement of Negotiations.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 1102(b).

SEC. 1104. CONSULTATIONS AND ASSESSMENT.

(a) Notice and Consultation Before Negotiation.—The President, with respect to any agreement that is subject to the provisions of section 1103(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 1107; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 1107(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) Negotiations Regarding Agriculture and Fishing Industry.—

(1) In general.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 1102(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) Special consultations on import sensitive products.—

(A) In general.—Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the date of enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff-rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(III) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) Identification of additional agricultural products.—If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (A)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (A)(iv) of those products and the reasons for seeking such tariff reductions.

(3) Negotiations regarding the fishing industry.—Before initiating, or continuing, negotiations which directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of negotiations on an ongoing and timely basis.

(c) Negotiations Regarding Textiles.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) Consultation With Congress Before Agreements Entered Into.—

(1) Consultation.—Before entering into any trade agreement under section 1103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 1107.

(2) Scope.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this division; and

(C) the implementation of the agreement under section 1105, including the general effect of the agreement on existing laws.

(3) Report regarding United States trade remedy laws.—

(A) Changes in certain trade laws.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in writing of any amendments to title VII of the Tariff Act of 1930 or chapter 1 of title II of the Trade Act of 1974 that the President proposes to include in a bill implementing such trade agreement.

(B) Explanation.—On the date that the President transmits the notification, the President also shall transmit to the Committees a report explaining—

(i) the President's reasons for believing that amendments to title VII of the Tariff Act of 1930 or to chapter 1 of title II of the Trade Act of 1974 are necessary to implement the trade agreement; and

(ii) the President's reasons for believing that such amendments are consistent with the purposes, policies, and objectives described in section 1102(c)(9).

(C) Report to house.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Ways and Means Committee of the House of Representatives, based on consultations with the members of that Committee, shall issue to the House of Representatives a report stating whether the proposed amendments described in the President's notification are consistent with the purposes, policies, and objectives described in section 1102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(D) Report to senate.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Finance Committee of the Senate, based on consultations with the members of that Committee, shall issue to the Senate a report stating whether the proposed amendments described in the President's report are consistent with the purposes, policies, and objectives described in section 1102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(e) Advisory Committee Reports.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 1103 (a) or (b) of this division shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 1103(a)(1) or 1105(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC Assessment.—

(1) In general.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 1103(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC assessment.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) Review of empirical literature.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 1105. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) In General.—

(1) Notification and submission.—Any agreement entered into under section 1103(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into an agreement—

(i) notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register; and

(ii) transmits to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the notification and report described in section 1104(d)(3) (A) and (B);

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 1103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) Supporting information.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this division; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 1103(b)(3);

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 1102(c) regarding the promotion of certain priorities; and

(VI) in the event that the reports described in section 1104(b)(3) (C) and (D) contain any findings that the proposed amendments are inconsistent with the purposes, policies, and objectives described in section 1102(c)(9), an explanation as to why the President believes such findings to be incorrect.

(3) Reciprocal benefits.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 1103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) Disclosure of commitments.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts implementing legislation under trade authorities procedures, and

(B) is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) Limitations on Trade Authorities Procedures.—

(1) For lack of notice or consultations.—

(A) In general.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 1103(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) Procedural disapproval resolution.—(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002 on negotiations with respect to   and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002" on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 1104 or 1105 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 1107(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 1107(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this division.

(C) Procedures for considering resolutions.—(i) Procedural disapproval resolutions—

(I) in the House of Representatives—

(aa) may be introduced by any Member of the House;

(bb) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(cc) may not be amended by either Committee; and

(II) in the Senate—

(aa) may be introduced by any Member of the Senate;

(bb) shall be referred to the Committee on Finance; and

(cc) may not be amended.

(ii) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(2) For failure to meet other requirements.—Prior to December 31, 2002, the Secretary of Commerce shall transmit to Congress a report setting forth the strategy of the United States for correcting instances in which dispute settlement panels and the Appellate Body of the WTO have added to obligations or diminished rights of the United States, as described in section 1101(b)(3). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the WTO, unless the Secretary of Commerce has issued such report in a timely manner.

(c) Rules of House of Representatives and Senate.—Subsection (b) of this section and section 1103(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 1106. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) Certain Agreements.—Notwithstanding the prenegotiation notification and consultation requirement described in section 1104(a), if an agreement to which section 1103(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) Treatment of Agreements.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 1104(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 1105(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 1104(a); and

(2) the President shall, as soon as feasible after the date of enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 1104(a)(2) and the Congressional Oversight Group.

SEC. 1107. CONGRESSIONAL OVERSIGHT GROUP.

(a) Members and Functions.—

(1) In general.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) Membership from the house.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this division would apply.

(3) Membership from the senate.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this division would apply.

(4) Accreditation.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this division applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) Chair.—The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) Guidelines.—

(1) Purpose and revision.—The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 1102(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites;

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(E) the time frame for submitting the report required under section 1102(c)(8).

(c) REQUEST FOR MEETING.—Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

SEC. 1108. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) IN GENERAL.—At the time the President submits to the Congress the final text of an agreement pursuant to section 1105(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 1109. COMMITTEE STAFF.

The grant of trade promotion authority under this division is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 1107 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

SEC. 1110. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 1105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 1105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 1103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 1103(b) of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 1103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002"; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 1103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 1103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 1103 of the Bipartisan Trade Promotion Authority Act of 2002".

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 1103 of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 1103 of the Bipartisan Trade Promotion Authority Act of 2002"; and

(ii) by striking "not later than the date on which the President notifies the Congress under section 1103(a)(1)(A) of such Act of 1988 of his intention to enter into that agreement" and inserting "not later than the date that is 30 days after the date on which the President notifies the Congress under section 1105(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002 of the President's intention to enter into that agreement"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 1102 of the Bipartisan Trade Promotion Authority Act of 2002".

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 1103 of the Bipartisan Trade Promotion Authority Act of 2002".

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 1103 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 1103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 1111. REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the International Trade Commission shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the economic impact on the United States of the trade agreements described in subsection (b).

(b) AGREEMENTS.—The trade agreements described in this subsection are:

(1) The United States-Israel Free Trade Agreement.

(2) The United States-Canada Free Trade Agreement.

(3) The North American Free Trade Agreement.

(4) The Uruguay Round Agreements.

(5) The Tokyo Round of Multilateral Trade Negotiations.

SEC. 1112. IDENTIFICATION OF SMALL BUSINESS ADVOCATE AT WTO.

(a) IN GENERAL.—The United States Trade Representative shall pursue the identification of a small business advocate at the World Trade Organization Secretariat to examine the impact of WTO agreements on the interests of small- and medium-sized enterprises, address the concerns of small- and medium-sized enterprises, and recommend ways to address those interests in trade negotiations involving the World Trade Organization.

(b) ASSISTANT TRADE REPRESENTATIVE.—The Assistant United States Trade Representative for Industry and Telecommunications shall be responsible for ensuring that the interests of small business are considered in all trade negotiations in accordance with the objective described in section 1102(a)(8). It is the sense of Congress that the small business functions should be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small business.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the United States Trade Representative shall prepare and submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the steps taken by the United States Trade Representative to pursue the identification of a small business advocate at the World Trade Organization.

SEC. 1113. DEFINITIONS.

In this division:

(1) AGREEMENT ON AGRICULTURE.—The term "Agreement on Agriculture" means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) CORE LABOR STANDARDS.—The term "core labor standards" means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term "ILO" means the International Labor Organization.

(5) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(6) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(7) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(8) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DIVISION B—ANDEAN TRADE PREFERENCE

TITLE XXI—ANDEAN TRADE PREFERENCE

SEC. 2101. SHORT TITLE.

This division may be cited as the "Andean Trade Preference Expansion Act".

SEC. 2102. FINDINGS.

Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for-each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiaries countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 2103. TEMPORARY PROVISIONS.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

"(F) articles to which reduced rates of duty apply under subsection (c);

"(G) sugars, syrups, and sugar containing products subject to tariff-rate quotas; or

"(H) rum and tafia classified in subheading 2208.40 of the HTS.

"(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

"(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

"(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States), provided that apparel articles sewn or otherwise assembled from materials described in this subclause are assembled with thread formed in the United States.

"(II) Fabric components knit-to-shape in the United States from yarns wholly formed in the United States and fabric components knit-to-shape in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(III) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns wholly formed in 1 or more ATPEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries) or components are in chief weight of llama, alpaca, or vicuna.

"(IV) Fabrics or yarns that are not formed in the United States or in 1 or more ATPEA beneficiary countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA.

"(ii) KNIT-TO-SHAPE APPAREL ARTICLES.—Apparel articles knit-to-shape (other than socks provided for in heading 6115 of the HTS) in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(iii) REGIONAL FABRIC.—

"(I) GENERAL RULE.—Knit apparel articles wholly assembled in 1 or more ATPEA beneficiary countries exclusively from fabric formed, or fabric components formed, or components knit-to-shape, or any combination thereof, in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (II).

"(II) LIMITATION.—The amount referred to in subclause (I) is 70,000,000 square meter equivalents during the 1-year period beginning on March 1, 2002, increased by 16 percent, compounded annually, in each succeeding 1-year period through February 28, 2006.

"(iv) CERTAIN OTHER APPAREL ARTICLES.—

"(I) GENERAL RULE.—Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or one or more of the ATPEA beneficiary countries, or both.

"(II) Limitation.—During the 1-year period beginning on March 1, 2003, and during each of the 2 succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity that are entered during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(III) Development of procedure to ensure compliance.—The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity that are entered during the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(v) Apparel articles assembled from fabrics or yarn not widely available in commercial quantities.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (i)(IV) if—

"(I) the President determines that such fabrics or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

"(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

"(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under subclause (II);

"(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

"(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

"(vi) Handloomed, handmade, and folklore articles.—A handloomed, handmade, or folklore article of an ATPEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

"(vii) Special rules.—

"(I) Exception for findings and trimmings.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

"(bb) In the case of an article described in clause (i)(I) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

"(II) Certain interlinings.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

"(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

"(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

"(III) De minimis rule.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains yarns not wholly formed in the United States or in 1 or more ATPEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

"(IV) Special origin rule.—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

"(V) Clarification of certain knit apparel articles.—Notwithstanding any other provision of law, an article otherwise eligible for preferential treatment under clause (iii)(I) of this subparagraph, shall not be ineligible for such treatment because the article, or a component thereof, contains fabric formed in the United States from yarns wholly formed in the United States.

"(viii) Textile luggage.—Textile luggage—

"(I) assembled in an ATPEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

"(II) assembled from fabric cut in an ATPEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

"(B) Preferential treatment.—Except as provided in subparagraph (E), during the transition period, the articles to which subparagraph (A) applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

"(C) Handloomed, handmade, and folklore articles.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the ATPEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

"(D) Penalties for transshipments.—

"(i) Penalties for exporters.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from an ATPEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

"(ii) Penalties for countries.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

"(iii) Transshipment described.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

"(E) Bilateral emergency actions.—

"(i) In general.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

"(ii) Rules relating to bilateral emergency action.—For purposes of applying bilateral emergency action under this subparagraph—

"(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

"(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

"(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

“(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

“(A) EQUIVALENT TARIFF TREATMENT.—

“(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B), (D) through (F), or (H) of paragraph (1) that is an ATPEA originating good, imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

“(ii) EXCEPTION.—Clause (i) does not apply to—

“(I) any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS; or

“(II) any article described in subheading 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.30, 6402.99.80, 6402.99.90, 6403.91.60, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.20, 6404.19.35, 6404.19.50, or 6404.19.70 of the HTS.

“(B) RELATIONSHIP TO SUBSECTION (C) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (c) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

“(C) SPECIAL RULE FOR SUGARS, SYRUPS, AND SUGAR CONTAINING PRODUCTS.—Duty-free treatment under this Act shall not be extended to sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

“(D) SPECIAL RULE FOR CERTAIN TUNA PRODUCTS.—

“(i) IN GENERAL.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels or ATPEA beneficiary country vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country. Such duty-free treatment may be proclaimed in any calendar year for a quantity of such tuna that does not exceed 20 percent of the domestic United States tuna pack in the preceding calendar year. As used in the preceding sentence, the term ‘tuna pack’ means tuna pack as defined by the National Marine Fisheries Service of the United States Department of Commerce for purposes of subheading 1604.14.20 of the HTS as in effect on the date of enactment of the Andean Trade Preference Expansion Act.

“(ii) UNITED STATES VESSEL.—For purposes of this subparagraph, a ‘United States vessel’ is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

“(iii) ATPEA VESSEL.—For purposes of this subparagraph, an ‘ATPEA vessel’ is a vessel—

“(I) which is registered or recorded in an ATPEA beneficiary country;

“(II) which sails under the flag of an ATPEA beneficiary country;

“(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

“(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

“(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

“(4) CUSTOMS PROCEDURES.—

“(A) IN GENERAL.—

“(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

“(ii) DETERMINATION.—

“(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

“(aa) has implemented and follows; or

“(bb) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

“(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

“(aa) from which the article is exported; or

“(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

“(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

“(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each ATPEA beneficiary country—

“(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

“(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

“(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2002, a report on the study conducted under this subparagraph.

“(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ANNEX.—The term ‘the Annex’ means Annex 300–B of the NAFTA.

“(B) ATPEA BENEFICIARY COUNTRY.—The term ‘ATPEA beneficiary country’ means any ‘beneficiary country’, as defined in section 203(a)(1) of this title, which the President designates as an ATPEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

“(i) Whether the beneficiary country has demonstrated a commitment to—

“(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

“(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

“(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

“(iii) The extent to which the country provides internationally recognized worker rights, including—

“(I) the right of association;

“(II) the right to organize and bargain collectively;

“(III) a prohibition on the use of any form of forced or compulsory labor;

“(IV) a minimum age for the employment of children; and

“(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

“(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

“(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

“(vii) The extent to which the country—

“(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

“(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

“(C) ATPEA ORIGINATING GOOD.—

“(i) IN GENERAL.—The term ‘ATPEA originating good’ means a good that meets the rules of origin for a good set forth in chapter

4 of the NAFTA as implemented pursuant to United States law.

"(ii) Application of chapter 4.—In applying chapter 4 of the NAFTA with respect to an ATPEA beneficiary country for purposes of this subsection—

"(I) no country other than the United States and an ATPEA beneficiary country may be treated as being a party to the NAFTA;

"(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and an ATPEA beneficiary country;

"(III) any reference to a party shall be deemed to refer to an ATPEA beneficiary country or the United States; and

"(IV) any reference to parties shall be deemed to refer to any combination of ATPEA beneficiary countries or to the United States and one or more ATPEA beneficiary countries (or any combination thereof).

"(D) Transition period.—The term 'transition period' means, with respect to an ATPEA beneficiary country, the period that begins on the date of enactment, and ends on the earlier of—

"(i) February 28, 2006; or

"(ii) the date on which the FTAA or another free trade agreement that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the ATPEA beneficiary country.

"(E) ATPEA.—The term 'ATPEA' means the Andean Trade Preference Expansion Act.

"(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.".

(b) Determination Regarding Retention of Designation.—Section 203(e) of the Andean Trade Preference Act (19 U.S.C. 3202(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) The President may, after the requirements of paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as an ATPEA beneficiary country; or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) and (3) to any article of any country,

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B)."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) If preferential treatment under section 204(b) (2) and (3) is withdrawn, suspended, or limited with respect to an ATPEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 204(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.".

(c) Reporting Requirements.—Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended to read as follows:

"(f) Reporting Requirements.—

"(1) In general.—Not later than December 31, 2002, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

"(A) with respect to subsections (c) and (d), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

"(B) the performance of each beneficiary country or ATPEA beneficiary country, as the case may be, under the criteria set forth in section 204(b)(5)(B).

"(2) Public comment.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 204(b)(5)(B).".

(d) Conforming Amendments.—

(1) In general.—

(A) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting "(or other preferential treatment)" after "treatment".

(B) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting "(or otherwise provided for)" after "eligibility".

(C) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting "(or preferential treatment)" after "duty-free treatment".

(2) Definitions.—Section 203(a) of the Andean Trade Preference Act (19 U.S.C. 3202(a)) is amended by adding at the end the following new paragraphs:

"(4) The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(5) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).".

SEC. 2104. TERMINATION.

(a) In General.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) Termination of Preferential Treatment.—No preferential duty treatment extended to beneficiary countries under this Act shall remain in effect after February 28, 2006.".

(b) Retroactive Application for Certain Liquidations and Reliquidations.—

(1) In general.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), the entry—

(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001,

(B) that was made after December 4, 2001, and before the date of the enactment of this Act, and

(C) to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act did not apply,

shall be liquidated or reliquidated as if such duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(2) Entry.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(3) Requests.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(4) Payment.—No more than 75 percent of the amount due as a result of a liquidation or reliquidation filed under this subsection shall be paid in fiscal year 2002.

TITLE XXII—MISCELLANEOUS TRADE PROVISIONS

SEC. 2201. WOOL PROVISIONS.

(a) Short Title.—This section may be cited as the "Wool Manufacturer Payment Clarification and Technical Corrections Act".

(b) Clarification of Temporary Duty Suspension.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by inserting "average" before "diameters".

(c) Payments to Manufacturers of Certain Wool Products.—

(1) Payments.—Section 505 of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 303) is amended as follows:

(A) Subsection (a) is amended—

(i) by striking "In each of the calendar years" and inserting "For each of the calendar years"; and

(ii) by striking "for a refund of duties" and all that follows through the end of the subsection and inserting "for a payment equal to an amount determined pursuant to subsection (d)(1).".

(B) Subsection (b) is amended to read as follows:

"(b) Wool Yarn.—

"(1) Importing manufacturers.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).

"(2) Nonimporting manufacturers.—For each of the calendar years 2001 and 2002, any other manufacturer of worsted wool fabrics of imported wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).".

(C) Subsection (c) is amended to read as follows:

"(c) Wool Fiber and Wool Top.—

"(1) Importing manufacturers.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).

"(2) Nonimporting manufacturers.—For each of the calendar years 2001 and 2002, any other manufacturer of wool yarn or wool fabric of imported wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).".

(D) Section 505 is further amended by striking subsection (d) and inserting the following new subsections:

"(d) Amount of Annual Payments to Manufacturers.—

"(1) Manufacturers of men's suits, etc. of imported worsted wool fabrics.—

"(A) Eligible to receive more than $5,000.—Each annual payment to manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each of the calendar years 2000, 2001, and 2002, shall be in an amount equal to one-third of the amount determined by multiplying $30,124,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each such calendar year under this section as it was in effect on that date.

"(B) Eligible wool products.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported worsted wool fabrics described in subsection (a).

"(C) Others.—All manufacturers described in subsection (a), other than the manufacturer's to which subparagraph (A) applies, shall each receive an annual payment in an amount equal to one-third of the amount determined by dividing $1,665,000 by the number of all such other manufacturers.

"(2) Manufacturers of worsted wool fabrics of imported wool yarn.—

"(A) Importing manufacturers.—Each annual payment to an importing manufacturer described in subsection (b)(1) shall be in an amount equal to one-third of the amount determined by multiplying $2,202,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (b)(1).

"(B) Eligible wool products.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool yarn described in subsection (b)(1).

"(C) Nonimporting manufacturers.—Each annual payment to a nonimporting manufacturer described in subsection (b)(2) shall be in an amount equal to one-half of the amount determined by multiplying $141,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2).

"(3) Manufacturers of wool yarn or wool fabric of imported wool fiber or wool top.—

"(A) Importing manufacturers.—Each annual payment to an importing manufacturer described in subsection (c)(1) shall be in an amount equal to one-third of the amount determined by multiplying $1,522,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (c)(1).

"(B) Eligible wool products.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool fiber or wool top described in subsection (c)(1).

"(C) Nonimporting manufacturers.—Each annual payment to a nonimporting manufacturer described in subsection (c)(2) shall be in an amount equal to one-half of the amount determined by multiplying $597,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (c)(2).

"(4) Letters of intent.—Except for the nonimporting manufacturers described in subsections (b)(2) and (c)(2) who may make claims under this section by virtue of the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, only manufacturers who, according to the records of the Customs Service, filed with the Customs Service before September 11, 2001, letters of intent to establish eligibility to be claimants are eligible to make a claim for a payment under this section.

"(5) Amount attributable to purchases by nonimporting manufacturers.—

"(A) Amount attributable.—For purposes of paragraphs (2)(C) and (3)(C), the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by a nonimporting manufacturer shall be the amount the nonimporting manufacturer paid for eligible wool products in calendar year 1999, as evidenced by invoices. The nonimporting manufacturer shall make such calculation and submit the resulting amount to the Customs Service, within 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, in a signed affidavit that attests that the information contained therein is true and accurate to the best of the affiant's belief and knowledge. The nonimporting manufacturer shall retain the records upon which the calculation is based for a period of five years beginning on the date the affidavit is submitted to the Customs Service.

"(B) Eligible wool product.—For purposes of subparagraph (A)—

"(i) the eligible wool product for nonimporting manufacturers of worsted wool fabrics is wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States purchased in calendar year 1999; and

"(ii) the eligible wool products for nonimporting manufacturers of wool yarn or wool fabric are wool fiber or wool top of the kind described in heading 9902.51.14 of such Schedule purchased in calendar year 1999.

"(6) Amount attributable to duties paid.—For purposes of paragraphs (1), (2)(A), and (3)(A), the amount attributable to the duties paid by a manufacturer shall be the amount shown on the records of the Customs Service as of September 11, 2001, under this section as then in effect.

"(7) Schedule of payments; reallocations.—

"(A) Schedule.—Of the payments described in paragraphs (1), (2)(A), and (3)(A), the Customs Service shall make the first installment on or before December 31, 2001, the second installment on or before April 15, 2002, and the third installment on or before April 15, 2003. Of the payments described in paragraphs (2)(C) and (3)(C), the Customs Service shall make the first installment on or before April 15, 2002, and the second installment on or before April 15, 2003.

"(B) Reallocations.—In the event that a manufacturer that would have received payment under subparagraph (A) or (C) of paragraph (1), (2), or (3) ceases to be qualified for such payment as such a manufacturer, the amounts otherwise payable to the remaining manufacturers under such subparagraph shall be increased on a pro rata basis by the amount of the payment such manufacturer would have received.

"(8) Reference.—For purposes of paragraphs (1)(A) and (6), the 'records of the Customs Service as of September 11, 2001' are the records of the Wool Duty Unit of the Customs Service on September 11, 2001, as adjusted by the Customs Service to the extent necessary to carry out this section. The amounts so adjusted are not subject to administrative or judicial review.

"(e) Affidavits by Manufacturers.—

"(1) Affidavit required.—A manufacturer may not receive a payment under this section for calendar year 2000, 2001, or 2002, as the case may be, unless that manufacturer has submitted to the Customs Service for that calendar year a signed affidavit that attests that, during that calendar year, the affiant was a manufacturer in the United States described in subsection (a), (b), or (c).

"(2) Timing.—An affidavit under paragraph (1) shall be valid—

"(A) in the case of a manufacturer described in paragraph (1), (2)(A), or (3)(A) of subsection (d) filing a claim for a payment for calendar year 2000, only if the affidavit is postmarked no later than 15 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act; and

"(B) in the case of a claim for a payment for calendar year 2001 or 2002, only if the affidavit is postmarked no later than March 1, 2002, or March 1, 2003, respectively.

"(f) Offsets.—Notwithstanding any other provision of this section, any amount otherwise payable under subsection (d) to a manufacturer in calendar year 2001 and, where applicable, in calendar years 2002 and 2003, shall be reduced by the amount of any payment received by that manufacturer under this section before the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act.

"(g) Definition.—For purposes of this section, the manufacturer is the party that owns—

"(1) imported worsted wool fabric, of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States, at the time the fabric is cut and sewn in the United States into men's or boys' suits, suit-type jackets, or trousers;

"(2) imported wool yarn, of the kind described in heading 9902.51.13 of such Schedule, at the time the yarn is processed in the United States into worsted wool fabric; or

"(3) imported wool fiber or wool top, of the kind described in heading 9902.51.14 of such Schedule, at the time the wool fiber or wool top is processed in the United States into wool yarn.".

(2) Funding.—There is authorized to be appropriated such sums as are necessary to carry out the amendments made by paragraph (1).

SEC. 2202. CEILING FANS.

(a) In General.—Notwithstanding any other provision of law, ceiling fans classified under subheading 8414.51.00 of the Harmonized Tariff Schedule of the United States imported from Thailand shall enter duty-free and without any quantitative limitations, if duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied to such entry had the competitive need limitation been waived under section 503(d) of such Act.

(b) APPLICABILITY.—The provisions of this section shall apply to ceiling fans described in subsection (a) that are entered, or withdrawn from warehouse for consumption—

(1) on or after the date that is 15 days after the date of enactment of this Act; and

(2) before July 30, 2002.

SEC. 2203. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subheading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "4.9%" and inserting "Free"; and

(2) by striking "12/31/2003" and inserting "12/31/2006".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SEC. 2204. REVENUE PROVISIONS.

(a) DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.—

(1) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) PAYMENT OF INTEREST.—

"(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) DISPUTABLE TAX.—

"(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

"(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) USE OF DEPOSITS.—

"(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to deposits made after the date of the enactment of this Act.

(B) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84-58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84-58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

(b) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(1) IN GENERAL.—

(A) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(i) by striking "satisfy liability for payment of" and inserting "make payment on", and

(ii) by inserting "full or partial" after "facilitate".

(B) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(2) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to agreements entered into on or after the date of the enactment of this Act.

(c) EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.—

(1) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—No fee shall be imposed under this section for any request to which section 620(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 applies.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average Fee
Employee plan ruling and opinion	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2005."

(2) CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(B) Section 10511 of the Revenue Act of 1987 is repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to requests made after the date of the enactment of this Act.

SA 3400. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page A-35, line 1, strike all through page A-36, line 3, and insert the following:

"SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

"(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.

On page A-45, between lines 16 and 17, insert the following:

"(2) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.

On page A-45, line 15, strike "(2)" and insert "(3)".

On page A-45, line 20, strike "(3)" and insert "(4)".

On page A-46, line 1, strike "(4)" and insert "(5)".

On page A-95, between lines 5 and 6, insert the following:

SEC. 113. COORDINATION WITH OTHER TRADE PROVISIONS.

(a) RECOMMENDATIONS BY ITC.—

(1) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(2) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(b) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

"(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

"(i) the President shall take all appropriate and feasible action within his power; and

"(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).".

(c) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect the domestic industry in which such worker, farmer, or fisherman was employed.

Beginning on page A-120, line 7, strike all through page A-121, line 9, and insert the following:

"SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

"(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.

Beginning on page A-136, line 3, strike all through page A-137, line 2, and insert the following:

"SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

"(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 9, 2002, at 9:30 a.m., in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 9, 2002, at 9:30 a.m., to hear testimony on revenue issues related to the Highway Trust Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "judicial nominations" on Thursday, May 9, 2002, in the Dirksen Room 226 at 2 p.m.

Witness List

Panel I: The Honorable Daniel K. Inouye; the Honorable Arlen Specter; the Honorable Daniel Akaka; the Honorable Rick Santorum; the Honorable Christopher Cox; the Honorable Tim Holden; and the Honorable Melissa Hart.

Panel II: Richard R. Clifton to be a U.S. Circuit Court Judge for the 9th Circuit.

Panel III: Christopher C. Conner to be a U.S. District Court Judge for the Middle District of Pennsylvania; Joy Flowers Conti to be a U.S. District Court Judge for the Western District of Pennsylvania; and John E. Jones, III to be a U.S. District Court Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "Ghosts of Nominations Past: Setting the Record Straight" on Thursday, May 9, 2002, at 10 a.m., in Dirksen 226.

Witness List

Panel I: The Honorable Jorge Rangel, the Rangel Law Firm, Corpus Christi, Texas; Kent Markus, Esq., Director, Dave Thomas Center for Adoption Law, Capital University Law School, Columbus, Ohio; Enrique Moreno, Esq., Law Offices of Enrique Moreno, EL Paso, Texas; and Bonnie Campbell, Esq., Former Attorney General of Iowa, Washington, DC.

Panel II: The Honorable C. Boyden Gray, Former White House Counsel, Washington, DC, and the Honorable Carlos Bea, Superior Court, San Francisco, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTE ON OCEANS, ATMOSPHERE, AND FISHERIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere and Fisheries be authorized to meet on Thursday, May 9, 2002, at 9:30 a.m., on oversight of management issues at the National Marine Fisheries Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 13, at 4 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 815, Paul Cassell, to be a United States District Judge; that there be 2 hours for debate on the nomination equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; that at 6 p.m., on Monday, the Senate vote on confirmation of the nomination; the motion to reconsider be laid upon the table; the President be immediately notified of the Senate's action; any statements thereon be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 1372.

The Presiding Officer laid before the Senate a message from the House, as follows:

Resolved, That the bill from the Senate (S. 1372) entitled "An Act to reauthorize the Export-Import Bank of the United States", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification that purposes include United States employment.
Sec. 3. Extension of authority.
Sec. 4. Administrative expenses.
Sec. 5. Increase in aggregate loan, guarantee, and insurance authority.
Sec. 6. Activities relating to Africa.
Sec. 7. Small business.
Sec. 8. Technology.
Sec. 9. Tied Aid Credit Fund.
Sec. 10. Expansion of authority to use Tied Aid Credit Fund.
Sec. 11. Renaming of Tied Aid Credit Program and Fund as Export Competitiveness Program and Fund.
Sec. 12. Annual competitiveness report.
Sec. 13. Renewable energy sources.
Sec. 14. GAO reports.
Sec. 15. Human rights.
Sec. 16. Steel.
Sec. 17. Correction of references.
Sec. 18. Authority to deny application for assistance based on fraud or corruption by the applicant.
Sec. 19. Consideration of foreign country helpfulness in efforts to eradicate terrorism.
Sec. 20. Outstanding orders and preliminary injury determinations.
Sec. 21. Sense of the Congress relating to renewable energy targets.
Sec. 22. Requirement that applicants for assistance disclose whether they have violated the Foreign Corrupt Practices Act; maintenance of list of violators.
Sec. 23. Sense of the Congress.

SEC. 2. CLARIFICATION THAT PURPOSES INCLUDE UNITED STATES EMPLOYMENT.

Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by striking the 2nd sentence and inserting the following: "The objects and purposes of the Bank shall be to aid in financing and to facilitate exports of goods and services, imports, and the exchange of commodities and services between the United States or any of its territories or insular possessions and any foreign country or the agencies or nationals of any such country, and in so doing to contribute to the employment of United States workers. To further meet the objective set forth in the preceding sentence, the Bank shall ensure that its loans, guarantees, insurance, and credits are contributing to maintaining or increasing employment of United States workers.".

SEC. 3. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) are each amended by striking "2001" and inserting "2005".

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—For administrative expenses incurred by the Bank, including technology-related expenses to carry out section 2(b)(1)(E)(x), there are authorized to be appropriated to the Bank not more than—

"(A) for fiscal year 2002, $80,000,000; and

"(B) for each of fiscal years 2003 through 2005, the amount authorized by this paragraph to be appropriated for the then preceding fiscal year, increased by the inflation percentage (as defined in section 6(a)(2)(B)) applicable to the then current fiscal year.

"(2) OUTREACH TO SMALL BUSINESSES WITH FEWER THAN 100 EMPLOYEES.—Of the amount appropriated pursuant to paragraph (1), there shall be available for outreach to small business concerns (as defined under section 3 of the Small Business Act) employing fewer than 100 employees, not more than—

"(A) $2,000,000 for fiscal year 2002; and

"(B) for each of fiscal years 2003 through 2005, the amount required by this paragraph to be made available for the then preceding fiscal year, increased by the inflation percentage (as defined in section 6(a)(2)(B)) applicable to the then current fiscal year.".

(b) REQUIRED BUDGET SUBCATEGORIES.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses and the amount requested for expenses for outreach to small business concerns (as defined under section 3 of the Small Business Act) employing fewer than 100 employees.".

(c) SENSE OF THE CONGRESS ON THE IMPORTANCE OF TECHNOLOGY IMPROVEMENTS.—

(1) FINDINGS.—The Congress finds that—

(A) the Export-Import Bank of the United States is in great need of technology improvements;

(B) part of the amount budgeted for administrative expenses of the Export-Import Bank is used for technology initiatives and systems upgrades for computer hardware and software purchases;

(C) the Export-Import Bank is falling behind its foreign competitor export credit agencies' proactive technology improvements;

(D) small businesses disproportionately benefit from improvements in technology;

(E) small businesses need Export-Import Bank technology improvements in order to export transactions quickly, with as great paper ease as possible, and with a quick Bank turn-around time that does not overstrain the tight resources of such businesses;

(F) the Export-Import Bank intends to develop a number of e-commerce initiatives aimed at improving customer service, including web-based application and claim filing procedures which would reduce processing time, speed payment of claims, and increase staff efficiency;

(G) the Export-Import Bank is beginning the process of moving insurance applications from an outdated mainframe system to a modern, web-enabled database, with new functionality including credit scoring, portfolio management, work flow and e-commerce features to be added; and

(H) the Export-Import Bank wants to continue its e-commerce strategy, including web site development, expanding online applications and establishing a public/private sector technology partnership.

(2) SENSE OF THE CONGRESS.—The Congress emphasizes the importance of technology improvements for the Export-Import Bank of the United States, which are of particular importance for small businesses.

SEC. 5. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended to read as follows:

"(a) LIMITATION ON OUTSTANDING AMOUNTS.—

"(1) IN GENERAL.—The Export-Import Bank of the United States shall not have outstanding at any one time loans, guarantees, and insurance in an aggregate amount in excess of the applicable amount.

"(2) APPLICABLE AMOUNT.—

"(A) IN GENERAL.—In paragraph (1), the term 'applicable amount' means—

"(i) during fiscal year 2002, $100,000,000,000, increased by the inflation percentage applicable to fiscal year 2002;

"(ii) during fiscal year 2003, $110,000,000,000, increased by the inflation percentage applicable to fiscal year 2003;

"(iii) during fiscal year 2004, $120,000,000,000, increased by the inflation percentage applicable to fiscal year 2004; and

"(iv) during fiscal year 2005, $130,000,000,000, increased by the inflation percentage applicable to fiscal year 2005.

"(B) INFLATION PERCENTAGE.—For purposes of subparagraph (A) of this paragraph, the inflation percentage applicable to any fiscal year is the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on December 31 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on December 31 of the 2nd preceding fiscal year.

"(3) SUBJECT TO APPROPRIATIONS.—All spending and credit authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

SEC. 6. ACTIVITIES RELATING TO AFRICA.

(a) EXTENSION OF ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "4 years after the date of enactment of this subparagraph" and inserting "on September 30, 2005".

(b) COORDINATION OF AFRICA ACTIVITIES.—Section 2(b)(9)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)) is amended by inserting ", in consultation with the Department of Commerce and the Trade Promotion Coordinating Council," after "shall".

(c) CONTINUED REPORTS TO THE CONGRESS.—Section 7(b) of the Export-Import Bank Reauthorization Act of 1997 (12 U.S.C. 635 note) is amended by striking "4" and inserting "8".

(d) CREATION OF OFFICE ON AFRICA.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is further amended by adding at the end the following:

"(g) OFFICE ON AFRICA.—

"(1) ESTABLISHMENT.—There is established in the Bank an Office on Africa.

"(2) FUNCTION.—The Office on Africa shall focus on increasing Bank activities in Africa

and increasing visibility among United States companies of African markets for exports.

"(3) Reports.—The Office on Africa shall, from time to time not less than annually, report to the Board on the matters described in paragraph (2).".

SEC. 7. SMALL BUSINESS.

(a) In General.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended—

(1) by striking "10" and inserting "20"; and

(2) by inserting ", and from such amount, not less than 8 percent of such authority shall be made available for small business concerns employing fewer than 100 employees" before the period.

(b) Outreach to Businesses Owned by Socially Disadvantaged Individuals or Women.—Section 2(b)(1)(E)(iii)(II) of such Act (12 U.S.C. 635(b)(1)(E)(iii)(II)) is amended by inserting after "Bank" the following: ", with particular emphasis on conducting outreach and increasing loans to businesses not less than 51 percent of which are directly and unconditionally owned by 1 or more socially disadvantaged individuals (as defined in section 8(a)(5) of the Small Business Act) or women,".

(c) Office for Small Business Exporters.—Section 3 of such Act (12 U.S.C. 635a) is further amended by adding at the end the following:

"(h) Office for Small Business Exporters.—

"(1) Establishment.—There is established in the Bank an Office for Small Business Exporters.

"(2) Function.—The Office for Small Business Exporters shall focus on increasing Bank activities to enhance small business exports and to meet the unique trade finance needs of small business exporters.

"(3) Reports.—The Office for Small Business Exporters shall, from time to time not less than annually, report to the Board on the how the Office for Small Business Exporters is achieving the goals as described in paragraph (2).

"(4) Sense of Congress.—It is the sense of the Congress that the Bank should redirect and prioritize existing resources and personnel to establish the Office for Small Business Exporters.".

SEC. 8. TECHNOLOGY.

(a) Small Business.—Section 2(b)(1)(E) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)) is amended by adding at the end the following:

"(x) The Bank shall implement technology improvements which are designed to improve small business outreach, including allowing customers to use the Internet to apply for all Bank programs.".

(b) Electronic Tracking of Pending Transactions.—Section 2(b)(1) of such Act (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(J) The Bank shall implement an electronic system designed to track all pending transactions of the Bank.".

(c) Reports.—

(1) In General.—During each of fiscal years 2002 through 2005, the Export-Import Bank of the United States shall submit to the Committees on Financial Services and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate an interim report and a final report on the efforts made by the Bank to carry out subsections (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, and on how the efforts are assisting small businesses.

(2) Timing.—The interim report required by paragraph (1) for a fiscal year shall be submitted April 30 of the fiscal year, and the final report so required for a fiscal year shall be submitted on November 1 of the succeeding fiscal year.

SEC. 9. TIED AID CREDIT FUND.

(a) Principles, Process, and Standards.—Section 10(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) in consultation with the Secretary and in accordance with the principles, process, and standards developed pursuant to paragraph (5) of this subsection and the purposes described in subsection (a)(5);"; and

(2) by adding at the end the following:

"(5) Principles, Process, and Standards Governing Use of the Fund.—

"(A) In General.—The Secretary and the Bank jointly shall develop a process for, and the principles and standards to be used in, determining how the amounts in the Tied Aid Credit Fund could be used most effectively and efficiently to carry out the purposes of subsection (a)(6).

"(B) Content of Principles, Process, and Standards.—

"(i) Consideration of Certain Principles and Standards.—In developing the principles and standards referred to in subparagraph (A), the Secretary and the Bank shall consider administering the Tied Aid Credit Fund in accordance with the following principles and standards:

"(I) The Tied Aid Credit Fund should be used to leverage multilateral negotiations to restrict the scope for aid-financed trade distortions through new multilateral rules, and to police existing rules.

"(II) The Tied Aid Credit Fund will be used to counter a foreign tied aid credit confronted by a United States exporter when bidding for a capital project.

"(III) Credible information about an offer of foreign tied aid will be required before the Tied Aid Credit Fund is used to offer specific terms to match such an offer.

"(IV) The Tied Aid Credit Fund will be used to enable a competitive United States exporter to pursue further market opportunities on commercial terms made possible by the use of the Fund.

"(V) Each use of the Tied Aid Credit Fund will be in accordance with the Arrangement unless a breach of the Arrangement has been committed by a foreign export credit agency.

"(VI) The Tied Aid Credit Fund may only be used to defend potential sales by United States companies to a project that is environmentally sound.

"(VII) The Tied Aid Credit Fund may be used to preemptively counter potential foreign tied aid offers without triggering foreign tied aid use.

"(ii) Limitation.—The principles, process and standards referred to in subparagraph (A) shall not result in the Secretary having the authority to veto a specific deal.

"(C) Initial Principles, Process, and Standards.—As soon as is practicable but not later than 6 months after the date of the enactment of this paragraph, the Secretary and the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards developed pursuant to subparagraph (A).

"(D) Transitional Principles and Standards.—The principles and standards set forth in subparagraph (B)(i) shall govern the use of the Tied Aid Credit Fund until the principles, process, and standards required by subparagraph (C) are submitted.

"(E) Update and Revision.—The Secretary and the bank jointly should update and revise, as needed, the principles, process, and standards developed pursuant to subparagraph (A), and, on doing so, shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of the principles, process, and standards so updated and revised.".

(b) Reconsideration of Board Decisions on Use of Fund.—Section 10(b) of such Act (12 U.S.C. 635i–3(b)) is further amended by adding at the end the following:

"(6) Reconsideration of Decisions.—

"(A) In General.—Taking into consideration the time sensitivity of transactions, the Board of Directors of the Bank shall expeditiously pursuant to paragraph (2) reconsider a decision of the Board to deny an application of the use of the Tied Aid Credit Fund if the applicant submits the request for reconsideration within 3 months of the denial.

"(B) Procedural Rules.—In any such reconsideration, the applicant may be required to, provide new information on the application.".

SEC. 10. EXPANSION OF AUTHORITY TO USE TIED AID CREDIT FUND.

(a) Untied Aid.—

(1) Negotiations.—The Secretary of the Treasury shall seek to negotiate an OECD Arrangement on Untied Aid. In the negotiations, the Secretary should seek agreement on subjecting untied aid to the rules governing the Arrangement, including the rules governing disclosure.

(2) Report to the Congress.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching the agreement described in paragraph (1).

(b) Market Windows.—

(1) Negotiations.—The Secretary of the Treasury shall seek to negotiate an OECD Arrangement on Market Windows. In the negotiations, the Secretary should seek agreement on subjecting market windows to the rules governing the Arrangement, including the rules governing disclosure.

(2) Report to the Congress.—Within 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the successes, failures, and obstacles in initiating negotiations, and if negotiations were initiated, in reaching the agreement described in paragraph (1).

(c) Use of Tied Aid Credit Fund To Combat Untied Aid.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended in subsection (a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by inserting ", or untied aid," before "for commercial" the 1st and 3rd places it appears; and

(C) by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following:

"(5) the Bank has, at a minimum, the following two tasks:

"(A)(i) First, the Bank should match, and even overmatch, foreign export credit agencies and aid agencies when they engage in tied aid outside the confines of the Arrangement and when they exploit loopholes, such as untied aid;

"(ii) such matching and overmatching is needed to provide the United States with leverage in efforts at the OECD to reduce the overall level of export subsidies;

"(iii) only through matching or bettering foreign export credit offers can the Bank buttress United States negotiators in their efforts to bring these loopholes within the disciplines of the Arrangement; and

"(iv) in order to bring untied aid within the discipline of the Arrangement, the Bank should sometimes initiate highly competitive financial support when the Bank learns that foreign untied aid offers will be made; and

"(B) Second, the Bank should support United States exporters when the exporters face foreign competition that is consistent with the letter and spirit of the Arrangement and the Subsidies Code of the World Trade Organization, but which nonetheless is more generous than the terms available from the private financial market; and".

(d) Definition of Market Window.—Section 10(h) of such Act (12 U.S.C. 635i–3(h)) is amended by adding at the end the following:

"(7) Market window.—The term 'market window' means the provision of export financing through an institution (or a part of an institution) that claims to operate on a commercial basis while benefiting directly or indirectly from some level of government support.".

SEC. 11. RENAMING OF TIED AID CREDIT PROGRAM AND FUND AS EXPORT COMPETITIVENESS PROGRAM AND FUND.

Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is further amended—

(1) by striking all that precedes paragraph (1) of subsection (a) and inserting the following:

"SEC. 10. EXPORT COMPETITIVENESS FUND.

"(a) Findings.—The Congress finds that—";

(2) in subsection (a)(6) (as so redesignated by section 9(c)(1)(D) of this Act), by striking "tied aid program" and inserting "export competitiveness program";

(3) in the heading of subsection (b), by striking "Tied Aid Credit" and inserting "Export Competitiveness";

(4) in subsection (b)(1)—

(A) by striking "tied aid credit program" and inserting "export competitiveness program"; and

(B) by striking "Tied Aid Credit fund" and inserting "Export Competitiveness Fund";

(5) in subsection (b)(2), by striking "tied aid credit program" and inserting "export competitiveness program";

(6) in subsection (b)(3)—

(A) by striking "tied aid credit program" and inserting "export competitiveness program"; and

(B) by striking "Tied Aid Credit Fund" and inserting "Export Competitiveness Fund";

(7) in subsection (b)(5) (as added by section 9(a)(2) of this Act), by striking "Tied Aid Credit Fund" each place it appears and inserting "Export Competitiveness Fund";

(8) in subsection (b)(6) (as added by section 9(b) of this Act), by striking "Tied Aid Credit Fund" and inserting "Export Competitiveness Fund";

(9) in subsection (c)—

(A) in the subsection heading, by striking "Tied Aid Credit" and inserting "Export Competitiveness"; and

(B) in paragraph (1), by striking "Tied Aid Credit" and inserting "Export Competitiveness";

(10) in subsection (d), by striking "tied aid credit" and inserting "export competitiveness"; and

(11) in subsection (g)(2)(C), by striking "Tied Aid Credit" and inserting "Export Competitiveness".

SEC. 12. ANNUAL COMPETITIVENESS REPORT.

(a) Timing.—

(1) In general.—Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended in the 4th sentence by striking "on an annual basis" and inserting "on June 30 of each year".

(2) Applicability.—The amendment made by paragraph (1) shall apply to reports for calendar years after calendar year 2000.

(b) Additional Matters To Be Addressed.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by adding at the end the following: "The Bank shall include in the annual report a description of the volume of financing provided by each foreign export credit agency, and a description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.".

(c) Number of Small Business Suppliers of Bank Users.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: "The Bank shall estimate on the basis of an annual survey or tabulation the number of entities that are suppliers of users of the Bank and that are small business concerns (as defined under section 3 of the Small Business Act) located in the United States, and shall include the estimate in the annual report.".

(d) Outreach to Businesses Owned by Socially Disadvantaged Individuals or by Women.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: "The Bank shall include in the annual report a description of outreach efforts made by the Bank to any business not less than 51 percent of which is directly and unconditionally owned by 1 or more socially disadvantaged individuals (as defined in section 8(a)(5) of the Small Business Act) or women, and any data on the results of such efforts.".

SEC. 13. RENEWABLE ENERGY SOURCES.

(a) Promotion.—Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)), as amended by section 8(b) of this Act, is amended by adding at the end the following:

"(K) The Bank shall promote the export of goods and services related to renewable energy sources.".

(b) Description of Efforts to be Included in Annual Competitiveness Report.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is further amended by adding at the end the following: "The Bank shall include in the annual report a description of the efforts undertaken under subparagraph (K).".

SEC. 14. GAO REPORTS.

(a) Potential of WTO To Remedy Untied Aid and Market Windows.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that examines—

(1) whether a case could be brought by the United States in the World Trade Organization seeking relief against untied aid and market windows, and if so, the kinds of relief that would be available if the United States were to prevail in such a case; and

(2) the scope of penalty tariffs that the United States could impose against imports from a country that uses untied aid or market windows.

(b) Comparative Reserve Practices of Export Credit Agencies and Private Banks.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that examines the reserve ratios of the Export-Import Bank of the United States as compared with the reserve practices of private banks and foreign export credit agencies.

SEC. 15. HUMAN RIGHTS.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by inserting "(as provided in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948)" after "human rights".

SEC. 16. STEEL.

(a) Reevaluation.—The Export-Import Bank of the United States shall re-assess the effects of the approval by the Bank of an $18,000,000 medium-term guarantee to support the sale of computer software, control systems, and main drive power supplies to Benxi Iron & Steel Company, in Benxi, Liaoning, China, for the purpose of evaluating whether the adverse impact test of the Bank sufficiently takes account of the interests of United States industries.

(b) Report to the Congress.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the re-assessment required by subsection (a).

SEC. 17. CORRECTION OF REFERENCES.

(a) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking "Banking and".

(b) Each of the following provisions of the Export-Import Bank Act of 1945 is amended by striking "Banking, Finance and Urban Affairs" and inserting "Financial Services":

(1) Section 2(b)(6)(D)(i)(III) (12 U.S.C. 635(b)(6)(D)(i)(III)).

(2) Section 2(b)(6)(H) (12 U.S.C. 635(b)(6)(H)).

(3) Section 2(b)(6)(I)(i)(II) (12 U.S.C. 635(b)(6)(I)(i)(II)).

(4) Section 2(b)(6)(I)(iiii) (12 U.S.C. 635(b)(6)(I)(iii)).

(5) Section 10(g)(1) (12 U.S.C. 635i–3(g)(1)).

SEC. 18. AUTHORITY TO DENY APPLICATION FOR ASSISTANCE BASED ON FRAUD OR CORRUPTION BY THE APPLICANT.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

"(f) Authority To Deny Application for Assistance Based on Fraud or Corruption by Party to the Transaction.—In addition to any other authority of the Bank, the Bank may deny an application for assistance with respect to a transaction if the Bank has substantial credible evidence that any party to the transaction has committed an act of fraud or corruption in connection with a transaction involving a good or service that is the same as, or substantially similar to, a good or service the export of which is the subject of the application.".

SEC. 19. CONSIDERATION OF FOREIGN COUNTRY HELPFULNESS IN EFFORTS TO ERADICATE TERRORISM.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(L) It is further the policy of the United States that, in considering whether to guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or information by a national or agency of any nation, the Bank shall take into account the extent to which the nation has been helpful or unhelpful in efforts to eradicate terrorism. The Bank shall consult with the Department of State to determine the degree to which each relevant nation has been helpful or unhelpful in efforts to eradicate terrorism.".

SEC. 20. OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) in paragraph (2), by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)"; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4) and by inserting after paragraph (1) the following:

"(2) OUTSTANDING ORDERS AND PRELIMINARY INJURY DETERMINATIONS.—

"(A) ORDERS.—The Bank shall not provide any loan or guarantee to an entity for the resulting production of substantially the same product that is the subject of—

"(i) a countervailing duty or antidumping order under title VII of the Tariff Act of 1930; or

"(ii) a determination under title II of the Trade Act of 1974.

"(B) AFFIRMATIVE DETERMINATION.—Within 60 days after the date of the enactment of this Act, the Bank shall establish procedures regarding loans or guarantees provided to any entity that is subject to a preliminary determination of a reasonable indication of material injury to an industry under title VII of the Tariff Act of 1930. The procedures shall help to ensure that these loans and guarantees are likely to not result in a significant increase in imports of substantially the same product covered by the preliminary determination and are likely to not have a significant adverse impact on the domestic industry. The Bank shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of these procedures.

"(C) COMMENT PERIOD.—The Bank shall establish procedures under which the Bank shall notify interested parties and provide a comment period with regard to loans or guarantees reviewed pursuant to subparagraph (B).".

SEC. 21. SENSE OF THE CONGRESS RELATING TO RENEWABLE ENERGY TARGETS.

(a) ALLOCATION OF ASSISTANCE AMONG ENERGY PROJECTS.—It is the sense of the Congress that, of the total amount available to the Export-Import Bank of the United States for the extension of credit for transactions related to energy projects, the Bank should, not later than the beginning of fiscal year 2006, use—

(1) not more than 95 percent for transactions related to fossil fuel projects; and

(2) not less than 5 percent for transactions related to renewable energy and energy efficiency projects.

(b) DEFINITION OF RENEWABLE ENERGY.—In this section, the term "renewable energy" means projects related to solar, wind, biomass, fuel cell, landfill gas, or geothermal energy sources.

SEC. 22. REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED THE FOREIGN CORRUPT PRACTICES ACT; MAINTENANCE OF LIST OF VIOLATORS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

"(M) The Bank shall require an applicant for assistance from the Bank to disclose whether the applicant has been found by a court of the United States to have violated the Foreign Corrupt Practices Act, and shall maintain a list of persons so found to have violated such Act.".

SEC. 23. SENSE OF THE CONGRESS.

It is the sense of the Congress that, when considering a proposal for assistance for a project that is worth $10,000,000 or more, the management of the Export-Import Bank of the United States should have available for review a detailed assessment of the potential human rights impact of the proposed project.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. WELLSTONE) appointed Mr. SARBANES, Mr. DODD, Mr. JOHNSON, Mr. BAYH, Mr. GRAMM, Mr. SHELBY, and Mr. HAGEL conferees on the part of the Senate.

STAR PRINT—S. 2430

Mr. REID. Mr. President, I ask unanimous consent that S. 2430 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 4560

Mr. REID. Mr. President, it is my understanding that H.R. 4560 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 4560) to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, MAY 10, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m., Friday, May 10; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the majority leader and the Republican leader or their designees; further, at 11 a.m., the Senate resume consideration of the trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:28 p.m., recessed until Friday, May 10, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 9, 2002:

THE JUDICIARY

LEONARD E. DAVIS, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

ANDREW S. HANEN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

SAMUEL H. MAYS, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

THOMAS M. ROSE, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

HOUSE OF REPRESENTATIVES—*Thursday, May 9, 2002*

The Reverend Samuel P. Warner, Pastor, First Presbyterian Church, Lumberton, North Carolina, offered the following prayer:

You have entrusted to us, Almighty God, a rich heritage from the past purchased by the lives and sacrifices of those who have gone before us and whose witness testifies to the cost of freedom and the price of peace.

And You have blessed, O Lord, the people of this Republic, from north and south and east and west, each one represented here, with a dream for today and a vision for tomorrow: the vision of a city set on a hill for all to see, and the dream, the dream of a lamp shining brightly in every home, fueled by the promise of "life, liberty, and the pursuit of happiness."

Yet binding the sacred story of our common past to the vision and hope of a waiting future is the challenge and opportunity of this one day, this one hour, this present moment in which we live.

And so, Divine Master, help us; help us all, and especially those who labor in this Chamber, to use this day wisely.

Teach us, Good Lord, to listen more eagerly than to speak, to unite more readily than to divide, to forgive more quickly than to condemn.

And pardon, we pray, the shortcomings of those borne by the selfish motives of the few, rather than the needs of the many.

Yet most of all, O God, bestow upon all in leadership and authority the wisdom and courage today "to do justice, to love kindness, and to walk humbly with You" so that when this day is done, the toil and labor of the men and women in this House might be worthy of the people of our great land, of those who dreamed and shaped her long ago, and of those who defend her now, asking no honor or reward, save the knowledge that they do Thy Will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCINTYRE) come forward and lead the House in the Pledge of Allegiance.

Mr. MCINTYRE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from North Carolina (Mr. MCINTYRE) will be recognized for 1 minute. All other 1 minute speeches will be at the end of the day.

RECOGNITION OF AND TRIBUTE TO THE REVEREND SAMUEL P. WARNER, PASTOR, FIRST PRESBYTERIAN CHURCH, LUMBERTON, NORTH CAROLINA

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute.)

Mr. MCINTYRE. Mr. Speaker, I rise to recognize and pay tribute to the man who just delivered our invocation, Samuel P. Warner, my pastor and my friend, from Lumberton, North Carolina.

Sam Warner is a man of character, courage and commitment. His character is that of unblemished integrity, always holding fast to those truths of love, loyalty, self-sacrifice and service in both his personal and professional life.

His courage is shown by his willingness to change traditions when they become too routine and to challenge us all to become and to do not that which is merely convenient or comfortable, but rather what God calls us to become. His taking stands for righteousness and truth in a world of corrupting influences and compromising attitudes is his hallmark of courageous leadership.

His commitment is unfailing and unselfish. With compassion, patience, empathy and understanding, Sam Warner has helped innumerable individuals rebuild their lives, restore their confidence and renew their hope. He works constantly for the betterment not only of himself and his church, but also for his community and his society as well.

A graduate of both Duke University and Union Theological Seminary in Virginia, Sam Warner is also a devoted husband, and today we have with us his wife, Mary. He is also a devoted father, and we have his children, Grace and Jay, all of whom are with us in the gallery with my wife, Dee.

It is with great honor that I recognize this man of God, Pastor Samuel P. Warner of the First Presbyterian Church of Lumberton, North Carolina, and his exemplary life, that you have seen a part of today, his character, his courage and his commitment.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 2, 2002, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. On behalf of the House of Representatives, it gives me great pleasure to welcome to the Chamber today the former Members of Congress for their annual meeting. Of course, many of you are personal friends from both sides of the aisle, and it is important that you are here to renew those friendships.

As the report from your President will indicate, you honor this House and the Nation by continuing your efforts to export the concept of representative democracy to countries all over the world and to college campuses and universities throughout this Nation. I endorse those efforts and I ask for their continuation.

Later today we will honor the memory of a past recipient of your Distinguished Service Award, the former Chaplain Jim Ford, and at 2 p.m. a memorial service will be held in HC–5 to which you are all invited.

I especially endorse your wise choice of former Speaker and Ambassador Tom Foley as this year's recipient of the Distinguished Service Award. Speaker Foley served this House with grace and dignity, and I am honored to be here today to help recognize that service.

At this time I would request my friend, the gentleman from Idaho, Mr. LaRocco, the vice president of the Former Members Association, to take the chair.

Mr. LAROCCO (presiding). The Chair recognizes the gentleman from Texas (Mr. FROST).

Mr. FROST. Thank you, Mr. Chairman.

On behalf of the Democratic Caucus, I would like to welcome all of you. It is good to see many of you I served with,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and some of you I did not. You will be welcomed, I believe, in a few minutes also by the current majority leader, Mr. ARMEY, who will be a former Member next year. Mr. ARMEY is not running for reelection.

The work that you do on college campuses I think is particularly important. I know a number of you have devoted a great deal of time to that. I was just with former Speaker Jim Wright this last weekend, who teaches a course at TCU in Fort Worth; and each year he keeps saying he is not going to do it again. But I asked him is he going to go back next fall, and he said, yes, he is. I can tell you, I am one of his guest lecturers. He lets me come in and speak to one of his classes once a year. I have gotten some very good former students of his working on my staff both in Washington and in my Texas office. So I want to encourage all of you to continue to do this.

I know our former colleague, Dan Glickman, is taking this to the extreme. He will be at Harvard 4 days a week starting in August, and maybe some of us will come up and visit Dan in that capacity.

Again, I want to thank you for the work you do when called upon to help us in the House of Representatives. Former Speaker Foley, as well as some other former Members, is currently working on a task force that CHRIS COX and I will chair dealing with the question of what happens if the unthinkable should occur and that there would be a disaster in which a large number of Members of Congress would be killed all at one time and how would the government continue. We hope that never happens, of course. But having the guidance of former Members, particularly former Speakers, is very helpful as we contemplate how the country would continue in the event that occurred.

Again, I want to greet all of you and welcome you here. It is good to see so many of you. I know you will have a great day here. All of the current Members value your help, value your knowledge and your experience and guidance for us. Thank you very much.

Mr. LaROCCO. Are there other Members of the House leadership that wish to be recognized?

If not, the Clerk will now call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 32ND ANNUAL SPRING MEETING, MAY 9, 2002

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

Bill Barrett (Nebraska);
J. Glenn Beall (Maryland);
Tom Bevill (Alabama);
Donald G. Brotzman (Colorado);
Jack Buechner (Missouri);
James T. Broyhill (North Carolina);
William F. Clinger (Pennsylvania);
Norman E. D'Amours (New Hampshire);
John Erlenborn (Illinois);
Thomas W. Ewing (Illinois);
Thomas S. Foley (Washington);
Louis Frey, Jr. (Florida);
Dan Glickman (Kansas);
Robert P. Hanrahan (Illinois);
Ralph R. Harding (Idaho);
Dennis Hertel (Michigan);
George Hochbrueckner (New York);
Marjorie Sewell Holt (Maryland);
William J. Hughes (New Jersey);
David S. King (Utah);
Ernest Konnyu (California);
Peter N. Kyros (Maine);
Larry LaRocco (Idaho);
Norman F. Lent (New York);
Jim Lloyd (California);
Cathy Long (Louisiana);
C. Thomas McMillen (Maryland);
Lloyd Meeds (Washington);
Robert H. Michel (Illinois);
Clarence Miller (Ohio);
John S. Monagan (Connecticut);
Jim Moody (Wisconsin);
Stanford E. Parris (Virginia);
John J. Rhodes (Arizona);
John J. Rhodes, III (Arizona);
George E. Sangmeister (Illinois);
Ronald A. Sarasin (Connecticut);
Bill Sarpalius (Texas);
David E. Skaggs (Colorado);
James W. Symington (Missouri);
Harold Volkmer (Missouri);
Charles W. Whalen, Jr. (Ohio);
Harris Wofford (Pennsylvania);
Samuel H. Young (Illinois);
Roger G. Zion (Indiana);
John Buchanan (Alabama);
Howard Pollock (Alaska);
Peter Hoagland (Nebraska);
William Carney (New York);
Kikidula Garza (Texas);
Robin Tallon (South Carolina);
Glen Browder (Alabama);
Bob McEwen (Ohio);
Tony Roth (Wisconsin);
Bob Garcia (New York);
Jay Johnson (Wisconsin);
G.V. "Sonny" Montgomery (Mississippi);
Bill Alexander (Arkansas).

Mr. LaROCCO. At this time the Chair recognizes the gentleman from Illinois, the Honorable John Erlenborn, President of our Association.

Mr. ERLENBORN. My thanks to our Speaker pro tem and all of you for being with us this morning. We are especially grateful to the Speaker, DENNIS HASTERT, for taking time from his busy schedule to greet us, and to MARTIN FROST for his warm welcome.

It is always a privilege to return to this institution, which we revere and where we shared so many memorable experiences. Service in Congress is both a joy and a heavy responsibility, and, whatever our party affiliation, we have great admiration for those who continue to serve our country in this place. We thank them all for once again giving us this opportunity to report on the activities of our Association of former Members of Congress.

This is our 32nd Annual Report to Congress, and I ask unanimous consent that all Members be permitted to revise and extend their remarks.

Mr. LaROCCO. Without objection, so ordered.

Mr. ERLENBORN. Our Association is nonpartisan. To sort of prove that, I would call your attention to the fact that a year ago when I was making this report, I spoke from the other side of the aisle. I wanted to be even-handed, so today I am back on the Republican side of the aisle. We have no partisanship in the Association.

Our Association is nonpartisan. It has been chartered, but not funded, by the Congress. We have a wide variety of domestic and international programs, which several other Members and I will discuss briefly this morning. Our membership numbers approximately 550, and our purpose is to continue in some small measure the service to this country that we began during our terms in the Senate and House of Representatives.

Our most significant domestic activity is our Congress to Campus Program. This is an effort on a bipartisan basis to share with college students throughout the country our insights into the workings of the U.S. Congress and the political process more generally.

A team of former Members, one Republican, one Democrat, spend up to 2.5 days on college campuses throughout the United States, meeting formally and informally with students, but also members of the faculty and local community. This is a great experience for our members, but our primary goal is to generate a deeper appreciation for our democratic form of government and the need to participate actively.

Since the program's inception in 1976, 129 former Members of Congress have reached more than 150,000 students through 281 visits to 192 campuses in 49 States and the District of Columbia. In recent years, we have conducted the program jointly with the Stennis Center for Public Service at Mississippi State University. The former Members donate their time to this program. The Stennis Center pays our transportation costs and the host institution provides room and board.

At this point, I would like to yield to a colleague, Bill Carney, the gentleman from New York, to discuss his participation in the Congress to Campus Program.

Mr. LaROCCO. The gentleman from New York is recognized.

Mr. CARNEY. Thank you, Mr. Speaker.

Mr. Speaker, as John said, recently I had the pleasure of participating in the Congress to Campus Program with my friend and colleague, the gentleman from Arkansas, Mr. Beryl Anthony. We traveled to the Tar Heel State to visit two of the finest education facilities in North Carolina, Cape Fear Community College and the University of North Carolina at Wilmington.

This visit was facilitated by another colleague of ours, the gentleman from North Carolina, Mr. Martin Lancaster, who serves as the President of the North Carolina Community College System. I now have the honor of reporting to you on this trip on both behalf of myself and Mr. Anthony, as he has personal business to attend to today.

One could judge the success of the Congress to Campus Program by many measures, the least of which should be the personal benefit and satisfaction of the Members participating. At the start of our trip, Mr. Anthony and I shared uncertain expectations. We presumed that we were to impart our knowledge and experience upon the students. What was truly amazing was how much we took away from this opportunity.

At both of the institutions we had the occasion to meet with students, faculty and the boards of trustees. There were many things that impressed us. We interacted with the students in numerous forums, including many classes. The reception from the students was courteous and inquisitive. Beryl and I consistently offered different viewpoints. During our point-counterpoint presentations the students were engaged and demonstrated an incredible grasp of the topics.

The Boards of Trustees and faculties' commitment to the students left us with a renewed confidence in our educational system. Equally impressive was the local citizens' commitment to the students at both schools, as demonstrated by their generosity to the institutions and to individuals through the scholarship programs.

For the first time the itinerary included activities at both a community college and a university. The contrast demonstrated the distinct and vital contributions each institution provides to the students and their community. The contributions of the university system have long been acknowledged. The community college offers our youths the skills and training to be the future captains of our fishing fleets, dental hygienists to care for our teeth, registered nurses, licensed plumbers and electricians, as well as enabling students to earn credits to a full Bachelor's Degree.

There were many people instrumental to the success of this program, and I would like to take a moment to recognize and salute the great work of a few.

The professionalism and commitment of Dr. Eric McKeithan, President of Cape Fear Community College, and Chancellor James Leutzi of the University of North Carolina at Wilmington is evident in the success at both schools. Ms. Allison Rankin, the Associate Dean for Business, Industry and Government at Cape Fear Community College also deserves our utmost appreciation, as does Dr. Walt DeVries of the Institute of Political Leadership at the University.

I must close by strongly commending this worthwhile program to my colleagues and encourage all former Members presented with an opportunity to participate in the Congress to Campus Program to do so.

Mr. Speaker, I yield back.

Mr. ERLENBORN. Thank you, Bill.

One outgrowth of the Congress to Campus Program was the interest in producing a book that would take an inside look at Congress from different viewpoints. There are many fine books written by individual Members of Congress, but, to our knowledge, there was no compendium that goes behind the scenes in a very personal way. So, a past President of the Association, Lou Frey, recruited 34 Members, a Congressional spouse, two former Congressional staff members and a former member of the Canadian Parliament, to write chapters for a book on Congress.

Lou and the head of the Political Science Department at Colgate University, Professor Michael Hayes, co-edited the book, "Inside the House: Former Members Reveal How Congress Really Works," which was published in March 2001. The book has been very well received and already is in its third printing. We hope that you and others will find it interesting and informative. Lou will tell you more about the book a bit later.

Mr. Speaker, behind the events we organize in the United States, the Association is very active in sponsoring programs that are international in scope. Over the years, we have gained considerable experience in fostering interaction between the leaders of the other nations and the United States. We have arranged more than 445 special events at the U.S. Capitol for international delegations from 85 countries and the European Parliament, programmed short-term visits for individual members of parliaments and the long-term visits for parliamentary staff, hosted 48 policy seminars in nine countries involving more than 1,500 former and current parliamentarians, and conducted 19 study tours abroad for former Members of Congress.

The Association serves as the Secretariat for the Congressional Study Group on Germany, the largest and most active exchange program between the U.S. Congress and the Parliament of another country. Founded in 1987 in the House and 1988 in the Senate, it is a bipartisan group involving 180 Representatives and Senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation.

Ongoing study group activities include conducting a Distinguished Visitors Program at the U.S. Capitol for guests from Germany; sponsoring annual seminars involving Members of Congress and the Bundestag; providing information to participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress; and arranging for members of the Bundestag to visit Congressional districts with Members of Congress.

New activities are being explored to enhance these opportunities. The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding to assist with administrative expenses also has been received from nine corporations, whose representatives now serve as the Business Advisory Council to the Study Group, which is chaired by former Member Tom Coleman who served as the Chairman of the Study Group in the House in 1989.

I would now like to yield to the gentleman from Idaho, Larry LaRocco, to report on the activities of the Congressional Study Group on Germany and the 19th Annual Congress-Bundestag Seminar held in Galveston, Texas. This year's Chairman of the Study Group in the House, NICK LAMPSON, was the host, and we were there from March 24 to March 29. Mr. LaRocco.

Mr. LAROCCO. Mr. President, it gives me great pleasure to report on the activities of the Congressional Study Group on Germany. The Study Group has established itself as the most productive means of communication between the U.S. Congress and the German Bundestag. It was founded nearly 20 years ago to give Members of Congress the opportunity to have in-depth and focused discussions with their German counterparts.

This Congressional session, a record 180 Members of Congress belonged to the Congressional Study Group on Germany, 36 Senators and 144 Members of the House. The Study Group facilitates this most vital dialogue with one of our NATO allies and trade partners in many ways.

The most visible activity of the group is its Distinguished Visitors Program, which brings high-ranking German elected officials to Capitol Hill to meet with members of the group. Just last week, the Study Group hosted Minister Joschka Fischer, Germany's Federal Minister of Foreign Affairs and Vice Chancellor of the Federal Republic of Germany.

Another high-profile event hosted and organized by the Congressional Study Group on Germany is its annual seminar. Every year the Study Group brings Members of Congress together with German legislators for 4 days of focused discussion on a predetermined agenda. The parliamentarians usually are joined by several former Members, officials of the two federal governments, think-tank and foundation representatives and members of the German-American corporate community.

This year's meeting, the 19th seminar we have organized, was held in the district of the Study Group's 2002 House Chairman, Representative NICK LAMPSON, in Galveston, Texas. During the last week of May, almost 60 seminar participants met to have discussions about child custody disputes between the two countries, the upcoming elections in Germany and the United States, the war against terrorism, and international trade. Our discussions were frank and open-minded. We agreed to disagree on some issues, and we even discussed steel quotas. We found common ground where we expected disputes, for example, when the discussion turned to Saddam Hussein and Iraq.

In addition to the four rounds of discussion, the Study Group arranged a very impressive program of additional meetings. We were able to tour a BASF facility which had just opened earlier this year and is a marvel of new technology in the chemical production field. We also enjoyed an outstanding afternoon at the University of Texas Medical Branch, where we had a very impressive demonstration about telemedicine and its application in the care of patients who are geographically far removed from the nearest medical facility. The staff at the University of Texas also prepared for us a very educational and sometimes chilling presentation on bioterrorism and a global response to a terrorist act.

The highlight of the trip, however, was a behind-the-scenes tour of NASA's Johnson Space Center in Houston. We received quite an education from NASA astronauts and engineers, and were able to visit some of the training facilities, both for the Space Shuttle and the International Space Station. For me, personally, the trip was even more rewarding, since I was able to visit with Barbara Morgan, a friend and former constituent who is training at NASA to be the next teacher in space. It may not have been a coincidence that shortly after our visit to NASA, the administration announced that Barbara will participate in one of the next scheduled launches, I believe in 2004.

The seminar in Galveston was an outstanding means of accomplishing the goals of the Congressional Study Group on Germany. Legislators from the two countries were able to become acquainted on a very personal level, to have focused and in-depth discussions on some very important issues, and were educated by other seminar participants on some of the nuances that shape U.S.-German relations. It truly was one of the best foreign policy-oriented events I have ever witnessed, and I think the Study Group furnishes sitting Members with a tremendously important service.

A report about the activities of the Congressional Study Group on Germany would be incomplete without thanking its financial supporters. First and foremost, one needs to thank Craig Kennedy and the German Marshall Fund of the United States, since without him and his foundation the Study Group could not function at its present level of activity.

Also one must not forget former Member Tom Coleman of Missouri, who chairs the Business Advisory Council to the Study Group. His tireless efforts have raised much-needed funds to support the administrative side of the Study Group. He has put together a group of companies that deserve our gratitude for giving their aid and support to the organization. They are BASF, DaimlerChrysler, Deutsche Telekom, J.P. Morgan Chase, SAP, Volkswagen, and the group's two newest members, Lockheed Martin and Fireman's Fund/Allianz Group.

The Congressional Study Group on Germany is an excellent example of how the Former Members Association can provide a service to current Members that is unequaled in Washington and is one of the utmost importance to the foreign relations of this country. I think the former Members can be very proud of the work they do to make this group possible, and I look forward to being an active participant in the activities of the Congressional Study Group on Germany for many years to come.

Thank you, Mr. President.

Mr. ERLENBORN. The Association also serves as the Secretariat for the Congressional Study Group on Japan. Founded in 1993 in cooperation with the East-West Center in Hawaii, it is a bipartisan group of 86 Members of the House and Senate, with an additional 49 Members having asked to be kept informed of the Study Group activities.

In addition to providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet, the Study Group arranges monthly briefings when Congress is in session for Members to hear from American and Japanese experts about various aspects of the U.S.-Japan relationship. The Congressional Study Group on Japan is funded primarily by the Japan-U.S. Friendship Commission.

In 1999, the Association began a parliamentary exchange program with the People's Republic of China. In October of that year, with funding from the U.S. Information Agency, the Association hosted a delegation of nine members of the National People's Congress of China in Washington. This program marked the inauguration of the U.S.-China Inter-Parliamentary Exchange Group, whose members were appointed by the Speaker. The visit included in-depth discussions between members of the two Congresses as well as meetings by members of the Chinese delegation and high level Executive Branch representatives, academics and business representatives.

In 2000, the Association received a grant from the Department of State to continue this exchange program by arranging a visit to China by members of the Exchange Group. The trip to China originally was scheduled to take place in August 2001, but was postponed in December because of the EP–3 incident. Unfortunately because of the September 11 terrorist attacks, Congress still was in session in December, so the trip had to be postponed until early January 2002. When it did occur, because it was the first visit to China by a Congressional delegation since September 11, the delegation was treated with extraordinary hospitality by the Chinese, who continuously emphasized the importance of a sound bilateral relationship between China and the United States.

I was hoping to call on the gentlewoman from Maryland, Beverly Byron, who participated in this fascinating trip to tell you about it. Unfortunately, Bev is unable to be with us this morning, so she has asked me to give the report on her behalf about the trip, the forthcoming visit in June by a delegation of members of the National People's Congress of China and the initiation of the Congressional Study Group on China.

Representative DONALD MANZULLO of Illinois, Chairman of the U.S.-China Inter-Parliamentary Exchange Group and the Congressional Study Group on China, led the delegation to Beijing and Shanghai from January 5 to January 12 at the invitation of the Foreign Affairs Committee of the National People's Congress of China.

In addition to Beverly, the delegation consisted of former Congressman Beau Boulter from Texas, who was in China on other business and who joined in the delegation's discussions; the Association's Executive Director, Linda Reed; Wayne Morrison, a Specialist in International Trade and Finance at the Congressional Research Service; and two of Congressman MANZULLO's staff members, Jennifer Osika and Matt Szymanski. The delegation was joined in Shanghai by Congressman TOM LANTOS of California.

Because all but one of the five members of the National People's Congress who attended the sessions in Beijing also had participated in the initial exchange in Washington in October of 1999, there was a camaraderie that allowed an open discussion and give-and-take dialogue of issues that included trade, China's accession to the World Trade Organization, the fight against terrorism, religious freedom, human rights and Taiwan.

The importance placed by the Chinese on the relationship with the United States further was indicated by the meeting the delegation had with President Jiang Zemin, which lasted 1 hour and 25 minutes, well beyond the allotted time. The session was informal, with much jovial bantering between the President and the delegation members, as well as discussion about substantive issues. In the end, President Jiang said he had enjoyed the visit very much.

Additional high-level meetings in Beijing were held with NPC Chairman Li Peng and the First Minister of the Ministry of Foreign Trade and Economic Cooperation. In Shanghai, the delegation met with: The Acting Mayor; Members of the Shanghai Municipal People's Congress; the Chairman of the Shanghai WTO Affairs Consultation Center; the Deputy Chief Commissioner of the Shanghai Pudong New Area People's Government; and foreign policy experts at the Shanghai Institute of International Studies. In addition, they had an unexpectedly frank and stimulating meeting with students in the U.S. Congressional Studies Program at Fudan University, which proved to be one of the highlights of the visit.

Although the delegation was small, all reports received from staff at the U.S. Embassy in Beijing and the U.S. Consulate General in Shanghai afterward indicated that the visit had a very positive effect on U.S.-China relations. As the delegation's Control Officer in Beijing wrote, "In terms of substance, at least in Beijing, CODEL MANZULLO's leadership meetings were the most positive I have been in. I think Congressman MANZULLO set a tone for enhanced cooperation that has helped pave the way for the recent dissident releases and, more broadly, a successful upcoming visit by President Bush."

The delegation's Control Office in Shanghai wrote, "I think your trip did do its part in advancing the relationship. I defer to Beijing on what transpired there, but you left a mark, especially at Fudan University, and in Shanghai as well. The visit to Fudan seems to have been a small hit, due in no small part to the Members' ability to connect with the students."

A second visit to Washington, D.C., will be made by a delegation of Members of the National People's Congress from June 4 to June 9, 2002, so this important dialogue between U.S. and Chinese legislators can be continued to further strengthen the U.S.-China relationship.

There will be sessions with Members of Congress and meetings with Executive Branch representatives, including, hopefully, President Bush. The Association recently submitted a proposal to the Department of State requesting funding to send a delegation of Members of Congress to China for a second visit in the summer of 2003 as the next step in this interchange process.

These annual visits will be continued, but the Congressional leaders of the U.S.-China Inter-Parliamentary Exchange Group believe they should not be the sole source of information regarding U.S.-China relations. Therefore, the Association received funding from the Boeing Company to initiate the Congressional Study Group on China in July 2001 to facilitate and augment the official Congressional exchange program by offering opportunities for ongoing communication about vital aspects of this relationship.

Currently, the Study Group is composed of 65 Members of the House, although it may be expanded to include Senators as well at a later date. Modeled after the Association's highly successful Congressional Study Groups on Germany and Japan, this Study Group will hold monthly meetings while Congress is in session so that its members may meet with U.S. and Chinese experts to be briefed about and discuss key issues of a concern to both countries. The Study Group most recently hosted a luncheon meeting with Deputy U.S. Trade Representative Jon Huntsman to talk about China's ability to comply with WTO regulations.

Moving to another part of the world, the U.S. Congress and the Congress of Mexico have been conducting annual seminars for 41 years under the auspices of the U.S.-Mexico Inter-Parliamentary Group. However, there is little interaction between legislators from these two countries during the rest of the year. The Association is in the process of initiating a Congressional Study Group on Mexico with funding from the Tinker Foundation so that Members of Congress can meet on a regular basis with visiting Mexican dignitaries and other experts about various aspects of the important U.S.-Mexico relationship. It is anticipated that the initial meeting of the Study Group will be a session with the current Mexican Ambassador to the United States, His Excellency Juan Jose Bremer, in June or July.

In the aftermath of political changes in Europe, the Association began a series of programs in 1989 to assist the emerging democracies of Central and Eastern Europe. With funding from the U.S. Information Agency the Association sent bipartisan teams of former Members of Congress, accompanied by either a Congressional or country expert, to the Czech Republic, Slovakia, Hungary and Poland for up to 2 weeks.

They conducted workshops and provided instruction on legislative issues for new Members of Parliament, their staffs and other persons involved in the legislative process. They also made public appearances to discuss the American political process. In addition, the Association brought delegations of Members of Parliament from those countries to the United States for 2-week visits.

Also, with funding from USIA, the Association sent a technical adviser to the Hungarian Parliament from 1991 to 1993. With financial support from the Pew Charitable Trusts in 1994, the Association assigned technical advisers to the Slovak and Ukrainian Parliaments. This initial support was supplemented by other grants to enable the Congressional Fellows to extend their stays.

From 1995 through 2000, with funding from the U.S. Agency for International Development and the Eurasia Foundation, the Association managed a highly successful program that placed outstanding Ukrainian students in internships with committees, legislative support offices and leadership offices of the Parliament of Ukraine. This program met not only the Parliament's short-term need of having well-educated, motivated, professionally trained staff to conduct its current legislative work effectively, but also the longer term need to develop a cadre of trained professionals. Former Members of Congress visited Ukraine from time to time to assist with these efforts by meeting with the students involved in the program as well as with Ukrainian government leaders.

At the end of the year 2000, the Association turned over the administration of the program to local Ukrainian management to ensure its long-term viability. The Ukrainian program proved to be an excellent pilot that was worth replication in other emerging democracies, particularly in the Central/East European and other areas.

In late 1999 and early 2000, under a grant from the National Democratic Institute for International Affairs, with funding from the Agency for International Development, the Association sent a Congressional staff member to Macedonia for 6 months. They selected university students and recent graduates in that country and trained them to provide research and drafting services for the Members of Parliament who lacked such resources. A young Macedonian lawyer worked with our Congressional Fellow and assumed the management of the program upon his return to the United States. I was privileged to have traveled to Macedonia in January of 2000 to confer with the Members of the Macedonian Parliament concerning the intern program that we had established for them.

I believe that one of the most important programs the Association has undertaken is providing help to emerging democracies, especially their parliaments. The transition from the old ways to democratic governments is a basic test of the success of the newly emerging democracies. Similar problems are being faced by all of them, with varying success. I believe the intern projects that we have initiated are necessary to help the legislatures transition to independent and meaningful roles if the voice of the people is to be heard, as it must in a democracy.

The U.S. Association of Former Members of Congress is uniquely qualified to provide the resources for the education of the legislators in the emerging democracies. Former Members have experience in State legislatures and the Congress. We cannot expect other countries to adopt our ways, but we can help them identify the basic elements of a free, representative government.

The Association also has been interested in assisting with U.S.-Cuban relations. In December 1996, we sent a delegation of current and former Members of Congress to Cuba on a study mission to assess the situation there and analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings, which was widely disseminated through the media and made available to Members of Congress as well as to personnel in the Executive Branch.

The Association organizes study tours for its Members and their spouses who at their own expense have participated in educational and cultural experiences in Australia, Canada, China, New Zealand, the former Soviet Union, Vietnam, Western and Eastern Europe, the Middle East and South America.

In September 2001, we arranged a study tour to Turkey, which included visits to Istanbul, Ankara, Izmir and Ephesus, with an optional cruise along the southern coast at the end.

I would now like to yield to the gentleman from New York, Norm Lent, who led the trip with the gentleman from Pennsylvania, Dick Schulze, to report on the visit to Turkey and its historical end.

Mr. LENT. I thank the gentleman for yielding. I will try to be as brief as I can.

Ladies and gentlemen, from September 1 through September 8, Dick Schulze and I led this delegation of 20 Association members and spouses on the Association's study tour of Turkey. In Istanbul, historic sites were visited, such as the Blue Mosque and the Dolmabahce Palace, and so forth. Our three nights in Istanbul were spent in a beautiful hotel overlooking the Bosphorus.

We were briefed on the current economic situation in Turkey by a number of Turkish businessmen, including the Vice Chairman of the Turkish-U.S. Business Council. Our meeting with the Vice Chairman was arranged with the assistance of our colleague Bob Livingston and his staff.

We next flew to Ankara, Turkey's capital, where participants were hosted by the then Undersecretary of the Foreign Ministry, Faruk Logoglu, who is now here in Washington, D.C., stationed as the Turkish Ambassador to the United States.

After a meeting at the Eurasia Strategic Research Center, a briefing and reception were hosted for our delegation by U.S. Ambassador to Turkey, W. Robert Pearson, at his beautiful residence. The briefing gave delegation members some excellent insights into the U.S. relationship with our strategic ally, Turkey. The reception provided a, I might say, delightful opportunity to meet many of the Turkish political leaders, including the President of the Turkish Parliamentarians Union and the Foundation of Turkish Parliamentarians, which is our Association's counterpart organization in Turkey.

One of our members, Dick Nichols, turned out to be an extremely talented piano player, and he was joined by Dick Schulze's wife, soprano Nancy Schulze, and, with her beautiful voice, led everyone in a very moving rendition of God Bless America.

The next day included a briefing at the Foreign Ministry and a meeting with the Chairman of the Foreign Affairs Committee of the Grand National Assembly of Turkey at the Parliament Building. For arranging these exceptional opportunities, special thanks are extended to our former late colleague, Gerald Solomon, and his staff, and the staff at the Turkish Embassy in Washington.

Our next stop was the City of Izmir, from where a day trip was made to the impressive ancient City of Ephesus. From Izmir, some our participants departed to return back to the United States, but 12 members of the delegation continued to enjoy a 3-day Blue Voyage Cruise on a gulette, or yacht, which was an incredibly relaxing journey through the beautiful coves of the Aegean Sea along the southern coast of Turkey.

The last port of call was Fethiye, which was reached late afternoon, September 11, 2001. These 12 members of the delegation learned of the horrendous terrorist attacks on the New York World Trade Center and the Pentagon while on board a private bus traveling from our last port of call at Fethiye to the Turkish home of our colleague Steve Solarz and his wife Nina.

Needless to say, everyone that night was in a state of shock. Our farewell dinner at the beautiful Solarz residence overlooking the Aegean Sea, which was to have been a joyous, festive affair, was a greatly subdued affair with much intensive discussion and a prayer led by Steve Solarz.

Our delegation flew to Istanbul the following day and proceeded to spend the next several days trying to find ways to return home, as all airline flights, you recall, had been canceled. We split up into several groups. Everyone, of course, finally made it home successfully, their sadness I might add somewhat assuaged by the genuine outpouring of sympathy received from many Turkish citizens who passed us by on the street, who saw us in the corridors of the hotels or elsewhere, who recognized us as Americans and stopped to express their condolences and their outrage at what had happened to this country.

The trip was greatly enhanced, I might add, by the hard work, attention to detail, kindness and patience of our Executive Director, Linda Reed, who accompanied us. She is here with us this morning, who did an absolutely outstanding job for us and is a credit, a genuine credit, to our Association. Linda, thank you for being with us this morning.

Even though the trip ended with the tragedy of 9/11, Turkey will long be remembered by all participants as an incredibly majestic country of very warm, gracious people that must be revisited.

I yield back the balance of my time.

Mr. LaROCCO. The Chair would ask the gentleman from Illinois to suspend for a minute while the Chair recognizes the gentleman from Texas, the distinguished majority leader, for remarks.

Mr. ARMEY. I thank the gentleman from Illinois for yielding time. I thank the Chair for recognizing me. I will not take much time. I really do hate to interrupt your proceedings, but I cannot resist saying youth must be served.

Actually I thought that was funnier than that. Thank you. But, at any rate, I have very little time left in my life to lay claim to that privilege, so I hope you will bear with me today.

I walked in this morning and saw all you gathered, and I was reflecting on the fact some of you may have noticed I too am soon to be a retired Member of Congress, and many of these days now as I walk these halls and sit in this Chamber, I find myself with the affliction of nostalgia, remembering times.

I remember the time Jamie Whitten beat me soundly. I think I got 35 votes for an amendment against one of Jamie's bills. I rushed over to the chairman, and I said, "Now, that will teach you to fool with me." So these sort of nostalgic remembrances of the moments we have had together have sort of plagued me. I am sure you remember those in your retiring days.

But as I walked in here today, I noticed I just created a new emotion I want to share with you. I am going to label it "prestalgia." So I will soon now be joining you.

As I watch you here this morning, I also see in your work and your presence here a lesson of pride that I am just learning, the pride of knowing that I was once a Member of this great body, the United States House of Representatives, a body that I personally believe and have believed for some time is the single most unique institution of democracy in the history of the world.

What a privilege we have had to be a part of this body. It is no wonder you come back and just enjoy these times of nostalgia, when we can remember where we are, and what I also learned here, continue our work as former Members.

I look forward to joining you in just a few short months. I hope you will treat me as well as a member of this Association as you treated me when we served together in this body. It has always been my great privilege, and I hope I have never done anything to embarrass you.

Thank you.

Mr. ERLENBORN. Thank you, Congressman Armey.

Mr. Speaker, as you can see, the Association conducts a wide variety of programs and is continuing to expand them. All of this requires financial support. At present our funding comes from three primary sources, program grants, membership dues and an annual fund-raising dinner and auction.

On March 5 of this year we held our 5th annual Statesman Award Dinner, at which our friend and colleague, Vice President DICK CHENEY, was honored. We presented DICK with the Statesmanship Award in recognition of his service as a Member of Congress, as the current Vice President of the United States and his other many outstanding achievements.

I would like to thank the gentleman from Florida, Lou Frey, who provided the leadership that helped us make our first five dinners so successful, and to yield to him to report on this year's dinner, our plans for next year, and any additional comments he would like to make about the Association's book, Inside the House, which was mentioned earlier.

Mr. FREY. Thank you, Mr. President, and thank you for your leadership over the past 2 years.

I am pleased to report that we did hold a successful dinner on the 5th of March, and we have one of the previous recipients, former Member and Secretary of Agriculture, Dan Glickman, here. We had given the award previously to Lee Hamilton, Lynn Martin and Norm Mineta.

We sold over 450 tickets for the dinner. The Vice President actually came early, out of hiding, and he was there, shook hands for about a half-hour, 45 minutes, made a nice speech. I did get a kick out of, for those of you who were not there, one line. He pointed to us and said, "You know, we all know a lot, we have been around a lot, but there is one thing I want to remind you: If someone important asks you to head a search committee, do it." I guess he came out pretty well doing that.

The dinner is unique. We have a Congressional and a presidential auction and our colleague Jimmy Hayes does that as an a vocation. He spends a year collecting all the different things for us for the auction. It is really some wonderful things that we have at the auction. Of course, we have a live auction, where Larry LaRocco and Jimmy Hayes run it. They both talk so fast, but it seems to work. We keep selling things at the live auction, so we are going to continue that.

We get items other than presidential donated for the live auction, such as a 3-night stay at the beautiful Adare Manor Hotel and Golf Club in Adare, Ireland, given by owners Thomas and Judy Kane and arranged by our colleague Margaret Heckler. Jimmy Symington gives us four tickets to a Redskins game, and now that they have a coach from Florida, you have to watch those Redskins. And Bob Carr helped to get us some first class American Airline tickets. So everybody really pitches in to make the dinner a success.

This is our only fund-raising dinner of the year. It goes for the general purposes of the program and the Congress to Campus Program. I want to report that we have at the present time netted over $100,000, and I hope it will be a little more from the dinner. So thanks to all the Executive Committee and the people that helped on that, to Barbara Boggs and to Linda Reed. A special thanks to Verizon, who has been one of our sponsors, and also to our new sponsor, Lockheed Martin.

It is a team effort, a lot of hard work, that paid off. Next year it will be held, we hope, on the 5th of March. We have extended the opportunity for the Secretary of Defense, our former colleague, Don Rumsfeld, to come by. So with John's help and Bob Michel's help on that, I hope we can get "Rummy" to come by and accept the award.

Just one brief thing about the book. It is a good book. It is really fun to read. It is an interesting book. I have taught from it at the University of Central Florida. I know it is being used in Monterey. I think Glen is using it out at the War College. I think the University of Kentucky is using it. I know Colgate is using it.

We have had some good reviews on C–SPAN. They covered it pretty well. But what we really need is for each of you, number one, to buy a book or two. Do not be so cheap. It helps everybody. Funding goes back to the Association.

Secondly, what we need you to do is to talk to the people in your old area. I have done talks at the library, at the clubs and so forth, at the schools. It is really a fun thing to do, and people like the book. Buy a couple of copies. Send it to your old school or high school and get it out there. A lot of work has been done by a lot of people to make this worthwhile.

One last thing, we have been asked by the editors if we would consider in a year or two updating. So those of you who have written chapters, you are going to be asked to re-look at your chapter. I know it is wonderful, but maybe you can make it a little more wonderful. Those of you left out, like Bob, some of you who did not get a chapter in, you are going to get another chance to do it.

But, seriously, please help with the book. It took a lot of work, a lot of effort. It is really good. We could use more and more sales. The money goes back to the Association.

I yield back the balance of my time.

Mr. ERLENBORN. Thank you very much, Lou. I will echo what Lou said about the book. It is an excellent book. I read one chapter every day. It is the chapter I wrote.

Mr. Speaker, in addition to financial support, the Association benefits enormously from the effort and leadership of many people. I want to thank the officers of the Association, Larry LaRocco, Jack Buechner, Jim Slattery and Matt McHugh, and the members of our Board of Directors and our Counselors for providing the excellent guidance and support necessary to oversee these activities.

In addition, we are assisted by the Auxiliary of the Association, now led by Carol Sarpalius. We are particularly grateful for their help with the Life After Congress seminars, which are held each election year, and our annual dinners.

Needless to say, our programs could not be so effectively run without the exceptional support of our staff: Linda Reed, who has already been mentioned, but deserves a second mention, our Executive Director, Peter Weichlein, Program Director, with special responsibility for the Congressional Study Group on Germany; Katrinka Stringfield, Executive Assistant; and Todd Thompson, Office Assistant. Many thanks to all of you.

The Association also maintains close relations with the counterpart Associations of Former Members of Parliament in other countries. I am pleased to recognize and welcome Aideen Nicholson, Vice President of the Canadian Association of Former Parliamentarians, and Adrian Cunningham, Secretary of the newly formed Association of Former Members of the European Parliament, who are with us today. Would you rise to be recognized?

Thank you.

Mr. Speaker, it is now my sad duty to inform the House of those persons who have served in Congress and have passed away since our report last year. The deceased Members of Congress are:

Thomas Alford, Arkansas;
Frank Annunzio, Illinois;
Jaime Benitez, Puerto Rico;
Edward Boland, Massachusetts;
Howard Cannon, Nevada;
James Corman, California;
Lawrence Coughlin, Pennsylvania;
David Dennison, Ohio;
Isidore Dollinger, New York;
Thomas Downing, Virginia;

Robert Eckhardt, Texas;
Paul Fannin, Arizona;
John Foley, Maryland;
Richard Hanna, California;
Michael Mansfield, Montana;
Edwin May, Jr., Connecticut;
Clinton Kinnon, California;
Harold McSween, Louisiana;
Joe Moakley, Massachusetts;
Henry Reuss, Wisconsin;
Walter Rogers, Texas;
Eldon Rudd, Arizona;
Gerald Solomon, New York;
Floyd Spence, South Carolina;
Lynn Stalbaum, Wisconsin;
William Stanton, Ohio;
Herman Talmadge, Georgia;
Victor Veysey, California;
Harrison Williams, Jr., New Jersey;
Lewis Wyman, New Hampshire;
John Young, Texas.

I respectfully ask that all of you rise for a moment of silence in their memory.

Thank you.

As you know, each year the Association presents a Distinguished Service Award to an outstanding public servant. The award normally rotates between the parties, as do our officers. Last year we presented the award to a remarkable Republican, Jack Kemp. This year we are pleased to be honoring an extraordinary Democrat, Tom Foley.

Tom is a native of Spokane, Washington, and a graduate of the University of Washington and its School of Law. He was elected to represent the State of Washington's Fifth Congressional District in the House of Representatives 15 times, serving his constituents for 30 years, from January 1965 to January 1995.

Prior to being elected the 49th Speaker of the House on June 6, 1989, Tom served as Majority Leader and, from 1981 to 1987, as Majority Whip. During his illustrious career in the House, he was a member of the Permanent Select Committee on Intelligence, the Committee on the Budget, the Select Committee to Investigate Covert Arms Transactions with Iran, the Committee on Interior and Insular Affairs, and chaired the Committee on Agriculture, the Committee on Standards of Official Conduct and the House Geneva Arms Talks Observer Team. In addition, he was chairman of both the House Democratic Caucus and the Democratic Study Group.

When he left Congress, Tom joined the law firm of Akin, Gump, Strauss, Hauer & Feld in Washington, D.C. as a partner. He was Chairman of the President's Foreign Intelligence Advisory Board until his appointment as the 25th U.S. Ambassador to Japan in November 1997, a post he held until 2001.

Upon his return to Washington, he rejoined Akin, Gump, where he advises clients on matters of legal and corporate strategy. Tom currently is Chairman of the Trilateral Commission.

Tom has served on a number of private and public boards of directors and has received numerous honors, including the Cross of the Order of Merit of the Federal Republic of Germany, and, from the Government of Japan, the Grand Cordon of the Order of the Rising Sun, Paulowina Flowers, in recognition of his service to the U.S. House of Representatives and the important impact he had on facilitating harmonious U.S.-Japan relations and promoting understanding of Japan in the United States.

Tom, you have been very patient waiting all this time. Now let me ask you to come up so that I can present you with the award.

Mr. FOLEY. Thank you very much, Mr. President, Mr. Speaker, Mr. Chairman, Members of Congress, my colleagues, former Members, guests, ladies and gentlemen.

I am very honored by this award. When Ronald Reagan was President, he received many awards. One time he received an award and he said, "I don't deserve this, but I also have arthritis and I don't deserve that either."

We all in our lives are honored by many things. We are honored by the support and affection and loyalty of our families, our spouses, our friends, and we are honored by those with whom we have had the opportunity to work, particularly those who work in public service.

I think the greatest honor of my life was the willingness of my wife Heather to allow me to join her life. She had to leave, but she was here earlier. Second to that, probably the honor that was bestowed on me, as it was on all of you, by hundreds of thousands of constituents, who were willing to trust your judgment and your responsibility in representing them in the House of Representatives. That is truly a great honor because, as it was said 200 years ago from the gallery, "Here, sir, the people govern."

When I was a young Member of Congress, John McCormick said one time when he was Speaker to us that if the day came when you were not thrilled, deeply honored and deeply moved as you came to the Capitol, whether it was a stormy or sunny day and any season of the year, and you did not have that great sense of responsibility and honor to be allowed to serve so many of your fellow constituents, he said if that day comes, quit. Quit. You have stayed too long.

When I was a very young Member of Congress, brand new, not yet sworn in, we, as were Republican Members, were given briefings by our seniors and betters. John McCormick was Speaker when I was a newly-elected Member, and he addressed the Members of the 89th Congress by saying that some of us might have been elected seriously, others by accident, and he would only know and the leadership would only know after 2 years time if we were reelected. In the meantime, he wished us well.

We were then addressed by a very powerful member of the Appropriations Committee, Mr. Kirwan, who said that he wanted to warn us against the single greatest danger that could occur to a new Member of Congress beginning his or her service. We leaned forward to hear what that was, some ethical trap or other we thought perhaps.

He said, "That great danger, above all others, is thinking for yourselves." He said, "Don't do that." He said, "For heavens sake, don't do that." He said, "Trust the subcommittee chairmen, trust the committee chairmen, trust the chairman of the Democratic Caucus, trust and support the Whip, the Majority Leader," and he said, "Above all else, above all else, trust, support and follow the Speaker."

I remember being outraged, deeply offended that a senior member of my party should suggest that I subcontract my judgment to the leadership when I had been elected, I thought, as one of a number of young new members, Lloyd Meeds and I, from the State of Washington to come and do my part to see if we could help our constituents, our State and our Nation.

He went on to say, Mr. Kirwan, that more people had gotten into trouble in this body by thinking for themselves than by stealing money. That outrageous statement was absolutely beyond sufferance.

Later on, however, it was my honor to be a subcommittee chairman and later, with Kika de la Garza, our committee chairman and the Democratic Whip and the Majority Leader and, finally, in June of 1989, the Speaker of the House. As I took the oath as Speaker, the wise words of Mr. Kirwan came across a generation of time, and I thought how right he was, how right he was, Members should support, follow and accept in all ways the leadership of the Speaker. But, of course, that does not happen. Then and now, people of all parties, of all regions, of all circumstances that serve here follow their own best judgment as to how they can best serve their citizen constituents.

I think that it is an enduring honor to have served in this body, and for, I think, the thousands who have served here it is certainly one of the most significant things that happens in their lives.

After I left here I had an additional honor of being asked by President Clinton to serve as Ambassador to Japan, and I remember very distinctly the moment when I presented my credentials to the Emperor and was proud to say I have been selected, Your Majesty, as the Ambassador of the United States of America to Japan. I herewith present my credentials of office and my predecessor's letter of withdrawal. That was a fascinating opportunity for me, again a great honor, to represent our country to America's strongest ally in the Pacific, and to follow, again, a very distinguished group of Ambassadors who have served there before, including the late Mike Mansfield.

As I returned from Japan after being asked to stay for a short term during President Bush's administration because of the tragic sinking of the Ehime Maru by a U.S. submarine, I left on the very day that was mentioned by our President, and on April 1, when the Chief of Station told me, as I was getting in the car to go to the airport, that we have an aircraft down from Kadena in Hainan Island, China. But those events and the tension that followed have passed and the United States has resumed a constructive relationship in China.

And I want to say a word of praise for this organization and its constant work to use the opportunity of former parliamentarians here to meet with parliamentarians in other countries and in other regions. The study group for Germany and Japan and the one soon to be established for China, the parliamentary exchanges with Mexico and with Canada, with Eastern Europe and elsewhere have allowed the United States Congress and the United States former Members to share their experiences with parliamentarians, distinguished parliamentarians in other parts of the world, and I think together we advance the cause of democracy by that effort. I do not think there is any higher calling that a former Member of Congress can aspire to than to use whatever experience he or she has in the service of our constituents and in parliamentary democracy to advance it throughout the world.

Again, with great thanks to all of you for the honor you have given me today.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and I leave the floor. But before I do, let me say one final thing of appreciation to one other Member here today, Bob Michel, with whom I had the great honor of serving all the time I was here and especially when I was Speaker during the time when he was the distinguished Republican leader of the House. If circumstances had been a little different and the electoral cycle a little different, Bob Michel would have been one of the great Speakers of this House, and I am proud to know him. Thank you very much.

Mr. LaROCCO. Without objection, so ordered.

Mr. ERLENBORN. You may be wondering, since I missed a line in my introduction of Tom Foley, what he was doing here today, and that was he was receiving the Statesmanship award. The Distinguished Service Award is being given to Tom Foley. I did not want him to hold the award during his speech, but I have a copy of it here and here is what it says: "Presented by the U.S. Association of Former Members of Congress to the Honorable Thomas S. Foley for his many years of distinguished service to the Nation as U.S. Ambassador to Japan and as a Member of the United States Congress for 30 years, including his extraordinary leadership as Democratic Whip, Majority Leader and Speaker of the House of Representative. Washington, D.C., May 9, 2002."

So now you know.

Thank you again, Tom, for your leadership and service.

Mr. Speaker and members of the Association, we are honored and proud to serve in the U.S. Congress. We are continuing our service to our Nation in other ways now, but hopefully ones that are equally as effective. Again, thank you for letting us return today to this Chamber.

This concludes our 32nd annual report by the U.S. Association of Former Members of Congress, and thank you all.

Mr. LaROCCO. The Chair would like to recognize the gentleman from Illinois for the following purpose: If the former Members would join me in giving our President, John Erlenborn, an expression of appreciation for his service. Thank you, John.

The Chair again wishes to thank the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who cannot respond when the roll was called to give their names to the Reading Clerk for inclusion on the roll. The Chair wishes to thank the other Members of the House for their presence here today. Good luck to all.

The Chair announces that the House will reconvene at 10:40 a.m.

Accordingly (at 10 o'clock and 25 minutes a.m.) the House continued in recess.

□ 1041

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaTOURETTE) at 10 o'clock and 41 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Congressional Record and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2646) "An Act to provide for the continuation of agricultural programs through fiscal year 2011.".

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 347. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 415

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Armed Services. Mr. Speaker, this is a fair rule. It is a traditional structured rule for defense authorization and it provides for debate on a number of pertinent issues, including nuclear policy, missile defense, quality-of-life issues for our servicemen and women, and a number of noncontroversial concerns.

H.R. 4546 is a good bill. This legislation firmly shows our commitment to restoring the strength of our Nation's military. This is the fifth straight year of real increases to defense spending after 13 consecutive years of real cuts to defense budgets, and the largest increase in military manpower since 1986.

With U.S. personnel risking their lives on the front lines of the war on terrorism, H.R. 4546 is more than just a signal to our soldiers, sailors, airmen and marines that this is a Nation that recognizes their sacrifices. It is the means by which we meet our commitment to providing them a decent quality of life, by providing an across-the-board 4.1 percent pay increase for military personnel, as well as improving benefits and continuing to build new housing and working facilities. The housing conditions have been deplorable, and certainly they deserve better.

I commend my colleagues, the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), and the ranking minority member, the gentleman from Missouri (Mr. SKELTON), for crafting legislation that will make America a safe place. It improves our defense against terrorists, rogue nations, against chemical and biological warfare and nuclear weapons.

However, there is one amendment the Committee on Rules made in order that I strongly oppose, the Sánchez amendment. It would allow abortions on our military bases overseas. Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life, the child in the womb. For the past 5 years, the House has voted to keep abortion on demand out of military medical facilities. I urge my colleagues to stay on this course and vote against this amendment.

That said, this is a fair rule. So let us pass this rule and pass the underlying defense authorization bill. At the end of the day, we will be making our homeland safer and we will be supporting our sons and daughters who are serving us in the military. We will be preparing for war, if necessary, thereby ensuring victory. At this crucial time in our history, this bill is most important.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after September 11, the world saw something that we have known for a long time: Ensuring the security and liberty of the American people is not a partisan issue. Regardless of our differences on domestic issues, like Social Security and education, Democrats and Republicans are united behind our troops and committed to providing them the resources to defend the people of this great country. We are all Americans, we are all patriotic, and we are all here to promote the best interests of this great Nation. A strong national defense stands as one of the great pillars of the might of our country, and this bill largely reflects America's bipartisan support for national defense, the war on terrorism, and our men and women in uniform.

In light of this bipartisan cooperation in the war on terrorism, it is particularly outrageous that the Republican majority has given us such an unfair and one-sided rule on this important bill. Mr. Speaker, the ranking minority member and the chairman of the House Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP), respectively, deserve real credit for this bill. The gentleman from Missouri (Mr. SKELTON) in particular has fought very hard to keep this process bipartisan.

Mr. Speaker, in a nutshell, this bill provides the resources to win the war on terrorism and to ensure America's military remains the world's finest. It meets the President's overall defense request, which is a large increase over current spending, and it provides substantial resources to fight terrorism.

Additionally, Democrats and Republicans have again worked together to make significant improvements in the troops' quality of life.

The bill provides for another substantial military pay raise, at least 4.1 percent for all servicemen and women, and up to 6.5 percent for mid-grade and senior noncommissioned officers. It authorizes $10 billion for military construction and family housing because our troops and their families should not have to live in substandard conditions. And for military retirees, the bill ends the current practice of reducing veterans' retirement pay when they seek disability compensation.

I am disappointed, Mr. Speaker, that the Committee on Rules rejected my amendment to remove some of the obstacles faced by more than 15,000 legal immigrants in the armed services who want to become citizens. Their service reflects the tremendous pride and patriotism of our immigrant communities, particularly among Hispanic immigrants, and I will keep working to make sure this becomes law.

I am also disappointed Republican leaders did not make in order the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), one of the strongest supporters of the military in this Congress, to allow the

House a clean vote on another round of base closures, something we have not yet had. And the gentleman from Mississippi (Mr. SHOWS), another pro-defense Democrat, had a worthy amendment to allow military retirees the same health coverage as Federal employees, but Republican leaders refused to allow it.

This bill does, however, continue our bipartisan approach to ensuring America's military superiority throughout the world, providing $3.7 billion more than the President requested for important weapons programs. In particular, it authorizes over $5.2 billion for the F–22 Raptor, the Air Force's next generation air dominance fighter. It includes $1.6 billion for the services' various versions of the Osprey aircraft. It provides $562.3 million for the Global Hawk UAV. And the bill provides $3.4 million for the Joint Strike Fighter, the high tech multi-role fighter of the future.

As you can see, Mr. Speaker, the majority of this bill reflects the bipartisan support our armed forces enjoy in this Congress. So I am frankly mystified that Republican leaders are insisting on using the war on terrorism as an excuse to continue their longtime attack on the environment. It verges on ideological war profiteering, and they should be ashamed of themselves.

Some Republicans have squirreled away in this bill provisions to exempt the Pentagon from landmark environmental protections that have been on the books for decades. America has fought and won numerous wars while respecting the Endangered Species Act, for instance, but now some Republicans insist on undercutting it. Since Republican leaders know they cannot defend in the light of day their attack on the environment, the Committee on Rules last night refused to allow the House to even vote on Democratic amendments to strike these environmental rollbacks, as well as many other amendments offered by Democratic Members.

Additionally, there are several very important issues in the bill that the Committee on Rules majority has given short shrift to by limiting debate to 10 or 15 minutes. Given the magnitude of nuclear weapons testing, missile defense, and other matters of global reach, it seems irresponsible to give Members of this body so little time to debate. In years past, the defense authorization bill has taken several days, if not a full work week of floor time. So I am disappointed the Republican leaders are rushing through this bill in one day so they can get out of town.

Mr. Speaker, it is my intention to oppose the previous question so that this bill can be improved in a way that will make it truly bipartisan. If the previous question is defeated, it is my intention to offer an amendment to the rule that will allow the House to consider amendments addressing the environmental issues in this bill as well as the other issues proposed by Democratic Members.

I urge Members of both political parties to join me in opposing the previous question when it is ordered. In that way we can protect the environment and preserve the bipartisanship that has been so important to the war on terrorism. Then we can overwhelmingly pass this bipartisan bill for the troops.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I congratulate her on her management of this rule.

Let me say that as I listened to my friend from Dallas describe this rule, it is not quite the one that I recall our having crafted late last night. In years past, we have had 150-plus amendments filed to the Committee on Rules on this legislation. The success of passage of this Bob Stump Defense Authorization Act, which is very appropriately titled for our colleague who is going to be retiring at the end of the 107th Congress, in fact brought a total of 83 amendments, the lowest number that I can ever remember. And I am very pleased that of those 83 amendments filed, we have made in order 25 amendments. There are 10 amendments authored by Democrats, there are 12 amendments authored by Republicans, and there are 3 bipartisan amendments that have been made in order. So we are clearly going to have the opportunity to have a full debate on this issue.

In years past, Mr. Speaker, we have had sometimes 2 weeks of consideration of this measure because it has been so contentious. This is probably the least contentious, the least divisive defense authorization bill that we have had, again, in a long period of time, in large part due to the fact that we have come together as a Nation to win the war on terrorism and to make sure that we have a defense capability second to none so that we do not face the kinds of tragedies that our country has faced in the past.

So I believe that we have a very good rule here that allows for a full debate on a wide range of issues. This rule, I am happy to say, is going to enjoy bipartisan support. I know there are concerns that have been raised by a number of people, but one of the things we know in this institution is that we are never going to make everyone happy when it comes to the process of amending legislation. But I do believe that this measure is a very appropriate one.

The structure for this rule was in fact designed by our late former colleague, Les Aspin, who put into place this procedure that we are using right now, the former chairman of the Committee on Armed Services and the former Secretary of Defense Mr. Aspin. So I believe that we have done this in a very fair and a very balanced way.

I want to congratulate, along with the distinguished chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), my friend, the gentleman from Missouri (Mr. SKELTON), my home State of Missouri as well, who has made a number of proposals to us. And I know he has some concerns, but I am very pleased that we will, as I said, enjoy bipartisan support for this rule and will have very strong bipartisan support for this measure at the end of the day.

□ 1100

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the strength of a democracy is to be able to have full public debate on important national issues such as national defense. We stand for a strong national defense. Many of us in this caucus have a long history in that regard; but we also stand for the proposition that the American people can be trusted with the facts, and that there should be a full discussion on important issues of national defense.

The majority has ignored that and ignored the past practices of this House of having a full airing of national defense issues, and having a bill that would be on the floor for several days, perhaps even a week. That is in the best tradition of this country. We stand for a strong America, and we stand for a strong and complete discussion of the issues that make America strong, not the kind of rule which has been presented today.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I rise to express some concern that I have; and as Members know, I had an opportunity to testify yesterday before the Committee on Rules. I intend to vote against the previous question. However, should the previous question pass, it is my intention to vote for the rule. But let me first tell Members of my serious concerns.

A number of key Democratic amendments and proposals were not made in order. They include, but are not limited to the amendment of the gentleman from South Carolina (Mr. SPRATT) requiring 12 months notice to Congress before nuclear testing. It makes sense to debate that. Or another amendment by the gentleman from South Carolina (Mr. SPRATT) on cooperative threat reduction. What is more important than that issue?

It makes sense to debate the Allen amendment prohibiting nuclear-tipped interceptors. That was put to bed back in 1982. It makes sense to debate the amendment by the gentleman from Mississippi (Mr. TAYLOR) on the Colombian troop cap, or the gentleman's amendment of last year repealing last year's base closure law; the Rahall amendment on the environmental provisions; the Hinchey amendment on environmental provisions; as well as the Hooley amendment. These are items which should have been, in my opinion, made in order because we are in favor of a full and fair debate. Nevertheless, we forge ahead.

Mr. Speaker, I stated that I would vote against the previous question because of the fact that these amendments were not made in order, that we seem to be rushing to judgment without a full and fair debate that the country is entitled to have.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of the rule and the underlying legislation. The legislation before us today will have a tremendous positive impact on improving the environment in our country and ensuring the safety of all Americans.

But first, today's legislation authorizes $382.8 billion for national defense, which is consistent with the House budget resolution. It includes $7.3 billion for programs to combat terrorism, and it also includes an increase of 4.1 percent for our men and women in uniform.

Further, this legislation keeps our commitment to our military retirees by completing eliminating the unfair practice of reducing retirement pay based on disability payments, and this will be done by the year 2007.

I am very pleased that the legislation also includes the administration's proposal to accelerate cleanup of former nuclear weapon production sites throughout the country. This year the Bush administration has made a strong commitment to our environment through the environmental management, or EM, program at the Department of Defense. As the chairman of the House Nuclear Cleanup Caucus, I appreciate the commitment of the committee to ensure that our Nation's commitment to cleaning up these sites, which represent the greatest environmental challenges in the country, will continue on track.

The legislation provides at least $800 million to a new cleanup account to accelerate and reform cleanup of the highest risk environmental threats in the U.S. in a new and profoundly different manner. This new account will implement the results of the Department's year long, top-to-bottom review of the EM program. The account will direct dollars to accelerate cleanup throughout the Nation without compromising safety and embracing reforms to ensure that the best commercial practices and technology drive the program in the future.

Most important, however, is the commitment to drive more program dollars directly to cleanup and risk reduction, which will accelerate cleanup by decades at these sites throughout the country and save the American taxpayers tens of billions of dollars in the future.

I am convinced that this program will be successful, and I am proud that the Hanford site in my district has led the Nation in reaching the first agreement under the new cleanup account. This agreement, which was agreed to by the Bush administration, the Governor of the State of Washington and the EPA, will direct $433 million out of this new account to Hanford. This historic agreement, when fully implemented, will result in cost savings of $33 billion and will accelerate cleanup by 35 to 45 years. This is truly a remarkable commitment to our environment, and I look forward to additional sites reaching similar agreements in the future.

Mr. Speaker, this agreement will provide a 5-year funding commitment instead of the year-to-year hassle that we go through every year.

Mr. Speaker, I urge Members to support the rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I will vote for H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. It is noteworthy that it is named for the chairman, the gentleman from Arizona (Mr. STUMP), and it will be a tremendous legacy once finalized.

The bill has flaws, however, and there were numerous amendments that were offered by Members on both sides of the aisle which were not made part of this rule.

However, I do feel overall that the rule will allow for support for our fighting men and women as they wage war against terrorism. It equips them with the technology, training and personnel that they need to attain victory, and also demonstrates our commitment to providing an improved quality of life in granting of funds for military living and working facilities.

However, due to the structured rule, we have been denied the opportunity to debate several amendments, including one I introduced. The amendment I introduced would have increased funding currently authorized for military health care by $2.5 million, with the necessary offsets that would not have affected the Pentagon at all. Not $25 million, not $250 million, but just $2.5 million specifically for retirees and their dependents.

In addition to serving active duty, the military and their families, the military health system provides services to military retirees and their dependents. While the number of people on active duty is not projected to increase dramatically over the next few years, the number of retirees and their dependents, especially over the age of 65, will. We face immense challenges in this regard.

I regret that the structured rule has denied me and other Members the opportunity to provide a much-needed boost to the military health care system. Be assured that my support, as my colleagues, for our military extends to support for veterans and their families, and I will continue to support them however, wherever, and whenever I can.

Mr. Speaker, I rise today to voice my support for H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This bill shows the nation's unwavering support for our fighting men and women as they wage war against terrorism. It equips them with the technology, training and personnel they need to attain victory. It also demonstrates our commitment to providing an improved quality of life in the granting of funds for upgrades to military living and working facilities.

However, due to the structured rule, we have been denied the opportunity to debate the amendment I introduced.

My amendment would have increased funding currently authorized for military health care by $2.5 million, specifically for retires and their dependents.

Mr. Speaker, in addition to serving active duty military and their families, the military health system provides services to military retirees and their dependents. While the number of people on active duty is not projected to increase dramatically over the next few years, the number of retirees and their dependents, especially those over the age of 65, will.

The greatest challenge facing the military health care system is caring for retirees—especially those over the age of 65.

Again, I regret that the structured rule has denied me the opportunity to provide a much needed boost to the military health care system. Be assured that my support for our military extends to support for veterans and their families and I will continue to support them however, wherever, and whenever I can.

Mr. Speaker, there are a few other aspects of this bill that remain troublesome—one concerns our environment and the other concerns the deployment of American troops in Colombia. Regrettably, this structured rule has denied us the opportunity for further debate on these two important issues.

This bill grants special exemptions to the Department of Defense environmental programs. This provision is, and I quote, "intended to restore a balance between environmental responsibilities and military readiness." It relieves DoD, when conducting training exercises, from observing the Endangered Species Act, the Migratory Bird Act, and the Marine Mammal Act.

The ESA already contains a provision that permits DoD to request a waiver from compliance with the Endangered Species Act if that compliance poses a threat to national security. I question the necessity of granting the Department of Defense with a blanket exclusion from the laws that the rest of us must adhere to.

An amendment, offered by Mr. MALONEY sought to strike this language from the bill, and another from Ms. SÁNCHEZ required annual reports from DoD on its stewardship of the environmentally sensitive areas on military bases. Both of these amendments would have initiated a much needed debate on this issue, but we have denied that right by the rule that has been invoked.

Secondly, Mr. TAYLOR offered an amendment to limit the number of U.S. troops in Colombia to not more than 500. Mr. Speaker, I have some grave concerns about the necessity of increasing the number of American troops currently in Colombia and would have welcomed the opportunity to debate this issue with my colleagues.

MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to adjourn offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 44, nays 366, not voting 24, as follows:

[Roll No. 134]

YEAS—44

Allen
Andrews
Barton
Berry
Brady (PA)
Capuano
Conyers
Crowley
DeFazio
Dingell
Doggett
Filner
Frank
Hastings (FL)
Hinchey
Holt
Honda
Jefferson
Lampson
Langevin
Larson (CT)
Lee
Lewis (GA)
McDermott
McGovern
Miller, George
Mink
Owens
Pallone
Pascrell
Payne
Pelosi
Sandlin
Schakowsky
Shows
Slaughter
Spratt
Stark
Tanner
Taylor (MS)
Towns
Waters
Woolsey
Wu

NAYS—366

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—24

Abercrombie
Bishop
Burton
Clay
Crane
Cubin
Hall (OH)
Jackson-Lee (TX)
Kaptur
Maloney (CT)
Meehan
Moran (VA)
Napolitano
Norwood
Ose
Peterson (PA)
Riley
Schaffer
Skeen
Smith (NJ)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1139

Messrs. SAXTON, COBLE, GALLEGLY, ROGERS of Michigan, and Mrs. MALONEY of New York and Ms. HART changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise that the gentlewoman from North Carolina (Mrs. MYRICK) has 20 minutes remaining, and the gentleman from Texas (Mr. FROST) has 19 minutes remaining.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), another member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, today we are considering this rule and the debate that certainly concerns our support of the United States military and the men and women who represent us. We are talking in this bill about a better pay raise, a pay raise where we are able to keep the brightest and the best. We are talking about better housing for our men and women; we are talking about increasing our readiness; we are talking about research and development; we are talking about counterterrorism. We are trying to talk about the issues which I perceive are important to the military in this country.

However, perhaps the most key component is we are going to talk about homeland security today, and there is one amendment which will be discussed today that says that no funds for 2003 appropriations for the Department of Defense may be used for space-based national defense programs.

Mr. Speaker, I would tell my colleagues that I believe that now, more than ever, this Congress should focus on not only ballistic missile threats that face this country, because it is not just what is aimed at our military, it is what is aimed at our homeland. Our homeland security is now an issue.

Mr. Speaker, there are more than 28 countries outside the United States that possess not only ballistic missiles, but the desire and the threat to not only threaten America, but also our allies. These 28 countries, as we look around, many of them represent belligerent countries who would wish for America to be harmed. These 28 countries possess the ability to threaten the United States and our military and our allies.

What is important about this debate is that we need to understand what our President has said about it. President Bush has said, America's development of a missile defense is a search for security, not a search for advantage.

Mr. Speaker, homeland security for America is what this bill is also about. I support this rule, I support this bill, and I hope Members will focus on homeland security and the support our President gives for this bill.

☐ 1145

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. McGOVERN. Mr. Speaker, I oppose this rule. The defense authorization bill provides a waiver to the Secretary of Defense to get around the current cap on U.S. military personnel in Colombia.

I strongly oppose such a waiver. It is a serious abrogation of the duties of this Congress to monitor and provide oversight to our military programs and presence in Colombia. I oppose this waiver because it provides the Secretary of Defense with the ability for an unrestricted escalation of U.S. military personnel in Colombia and further engages in that country's 40-year-old civil war, a war that Colombia's government has failed to adequately support.

The gentleman from Mississippi (Mr. TAYLOR) offered an amendment to strike the waiver language and maintain the cap. Unfortunately, that amendment was not made in order.

Mr. Speaker, this a huge issue. We have seen waivers used and abused. Mr. Speaker, this bill strips away the principal safeguard Congress has insisted upon to protect us from an escalating military mission in Colombia. It deserves a debate.

I urge my colleagues to vote "no" on the previous question so we can bring up the Taylor amendment and other amendments, and if we are not successful in defeating the previous question, then vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), my neighbor.

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, today I rise strongly in support of the rule that would allow for consideration of H.R. 4546, the Bob Stump National Defense Authorization Act for 2003.

The tragic events of September 11, 2001, have thrust our Nation's military into the spotlight, and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to perform, and today the U.S. Congress has the duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

Where were the Members on September 11? I was in the Pentagon at 8:47 a.m. discussing the defense bill with Secretary of Defense. My question to him that morning was, when will people realize that national security is our number one priority? His answer was to agree and say that it would take a major incident for this to happen. That was 8:47 a.m. on September 11.

Mr. Speaker, this rule and the underlying legislation first and foremost take care of the most vital asset in our military: our people. It provides every servicemember with a 4.1 percent pay increase. It also begins a transition program to fully fund concurrent receipt of veterans' disability and retirement pay. It increases housing allowances and boosts special pay while extending enlistment and reenlistment bonuses.

The defense authorization bill increases our manpower by nearly 1 percent, the largest single increase since 1986. It builds upon our work last year and continues to reverse the decline of military readiness by funding key operations, maintenance, and training accounts.

This financial support devoted to our national security is long in coming. I am proud to say that as a member of the Committee on Armed Services, this legislation will enable our men and women in uniform to continue prosecuting successfully the war on terrorism.

The bill in front of us today marks the most significant increase to the defense budget since 1986. It has targeted two of the most critical areas which are crucial to maintaining a healthy and robust military: quality of life and readiness.

For the soldiers and airmen in my district, Fort Bragg and Pope Air Force Base in North Carolina, the ability to adequately care for their families and train for the mission for which they are called are two issues second to none. I believe this legislation makes significant progress in these areas.

Furthermore, the bill funds the development and testing of an effective ballistic missile defense system.

Mr. Speaker, it is a gross injustice that it took unspeakable tragedies in September to focus the public eye on the need for a more robust defense budget. I feel the legislation in front of us today takes the first step, and the rule provides for consideration and is fair and effective. We are establishing a clear and strong course to rebuild our Nation's defenses.

I urge my colleagues to send a message loud and clear to our soldiers, sailors, airmen, and Marines that we will strongly support them and give them the resources necessary to perform the mission.

Mr. Speaker, before I close, I would also like to pay tribute to my friend and colleague, the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP). He has served honorably, courageously, and effectively. He will be sorely missed. He personifies national security by his service in our military and in our Congress.

I say to the gentleman from Arizona (Mr. STUMP), best wishes and Godspeed.

When it comes to defending our country, our families, and our freedom, there is no higher priority than national security. To this end, I think the Marine Corps says it best: We must always be faithful; Semper Fi.

I urge my colleagues to vote in favor of the rule for national security and in favor of H.R. 4546, the Bob Stump National Defense Authorization Act for fiscal year 2003. Semper Fi.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to this rule. The Committee on Rules has denied the House the opportunity to eliminate the demeaning practice of making only American servicewomen stationed in Saudi Arabia wear an abaya, a religious garment of faith most of them do not follow. These women are on the front lines risking their lives fighting to protect our freedom and democracy and to defend Saudi Arabia itself.

The Langevin-Hostettler amendment should have been ruled in order. Women make first-class soldiers and should not be treated like second-class citizens. Our amendment would have prohibited the military from requiring or strongly encouraging servicewomen to wear abayas and would have stopped forcing the American taxpayer to pay for them.

As we can see, the abaya and head scarf cover the entire body from head to toe. The State Department does not require or encourage any of its employees to wear the abaya on duty precisely because they are representing the United States. Are our military not doing the same? Not even the spouses and dependents of the State Department staff wear the abaya.

The government of Saudi Arabia does not require non-Muslim women to wear the abaya, and neither should we. General Schwarzkopf agrees. During the Gulf War, he never issued such a mandate. Male servicemembers are not required to wear the abaya, grow beards, or embrace any Islamic religious beliefs in this way, so neither should the women.

Forcing our female troops to wear the abaya has a negative impact on our recruitment and diminishes morale, unit cohesion, and the chain of command headed by female servicemembers. Most of all, it is not necessary. As I said, the Saudi government does not require non-Muslim women to wear the abaya.

I urge my colleagues to oppose the rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to issue a point of clarification. It is my understanding that a Federal lawsuit has been filed on this issue, because I also support that. It is very inappropriate for Congress to get involved in this in the middle of the lawsuit.

Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank our colleagues for working on what I think is a good, bipartisan defense bill.

As my colleagues know, I voted against the President's budget on the House floor because I was not satisfied with the level of defense spending because of our inability to meet our resource needs.

I give total credit to the chairman, the gentleman from Arizona (Mr. STUMP), and the gentleman from Missouri (Mr. SKELTON) for working together to get us a portion of that $10 billion to help with the modernization problems we have.

The fact is, we took a holiday in the nineties and we are paying for it today. If we look at the shipbuilding account, which the gentleman from Mississippi (Mr. TAYLOR) has been fighting for, we are building down to a 235-ship Navy with our current funding level. The average age of our tactical fighters is 17 years old. That B-52 bomber will be 7 years old before it is retired. We have cut back across the board and now we are trying to play catch-up, and it is impossible. This bill makes a good downpayment in trying to reverse that, but it is not enough.

I want to respond to one of the issues raised by my colleagues on the environment. I will take a back seat to no one on environmental votes. I have been a green Republican, voting and endorsing and cosponsoring the Clean Air Act, clean water, endangered species, wetlands protection. I serve on the Migratory Bird Commission. I voted against the environmental riders.

This bill does not gut our environmental laws. There is a need for us to make sure that our military is properly trained. At Camp Pendleton in California, the number one training site for our Marines' amphibious force, they come off of the ships, the landing craft, and they have to board buses to go across an area where some endangered species are. Then they come back on the ground and do their training. These are the same people that we ask to risk their lives.

What we are saying in this bill is we need to have some rifle-shot provisions to let this training take place. This is not about any rollback; this is not about going back to the 1930s. This is about a very commonsense, bipartisan approach to let our military and our soldiers, sailors, corpsmen, and Marines be equated to a snail darter. Is a snail darter's life more important than the soldier?

The whole issue of migratory birds, cut me a break. Maybe we should buy a duck stamp and put it on our planes, because for a $15 duck stamp we are legally allowed to kill birds; but yet we are saying we should not have an exemption so our military can properly train.

Those who say that somehow this bill is rolling back environmental laws in this country are grossly misinformed. I invite them to work with us. We are not about hurting the environment. If we look at the Navy's research budget, more money is spent on oceanographic research by the Navy than any Federal agency in this country. Every oceanographic research school, Scripps, Woods Hole, gets all or a bulk of their money from naval research accounts.

We are trying to do the right thing. We are also trying to protect our troops. We are also trying to give some relief so our military personnel can be properly trained and equipped when they are called upon to protect America.

Mr. Speaker, it really boggles my mind. When I took a delegation out to California and we flew by helicopter along the coast, the only open area left along California's coast was Camp Pendleton. Where were the State officials? Where were the county commissioners? I used to be a county commissioner in local zoning and planning, to allow every piece of property to be built up so the endangered species had no place to go except for our military base? And now to come back and say somehow the military has to bear the brunt is absolutely outrageous. Yet, that is the fact today.

I encourage my colleagues to vote for the rule and to vote for final passage. Again, I commend my leaders for the great job they did with this legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in opposition to the rule and I rise in opposition to the previous question.

Mr. Speaker, this is a fine example of high-handed arrogance by the Republican leadership and the Committee on Rules. What is wrong with having a vote to address the problems which exist with regard to a piece of legislation which does not permit the House to require the regular order and to see to it we have a chance to discuss all of the questions which relate to important environmental matters?

I have been dealing with the military for years. They constantly seek to get out from under environmental laws; and the military bases in this Nation are some of the most skunked up, defiled, and dirty places, contaminated with hazardous waste, radioactivity and other things.

They seek yet another opportunity to escape the requirements of law that say we are all going to together protect our environment against the kind of high-handed arrogance that the military engages in.

There is provision in each of the laws which were challenged originally to permit the military to seek relief and to get it. And there is a regular process around here which would permit the military to have the ordinary hearings and find out what relief they need.

No action of that kind was taken in the committees of jurisdiction; and the Committee on Armed Services, with its usual arrogance, saw to it that there was no opportunity for the environmentalists to be heard, no opportunity for Members to be heard, no opportunity to complete a record to justify whether or not this is appropriate.

Clearly, when they are behaving in this kind of a sneaky and dishonest fashion, it is quite appropriate for the House to give them a rap on the knuckles and say, we think you ought to allow this matter to be debated. We think you at least ought to give an opportunity for an amendment to be considered to strike this.

They seek an exemption from the Migratory Bird Act. I would note that this Nation has fought World War I, World War II, and a number of other wars with that law on the books, and a number of police and military actions with the others. I say vote down the rule and vote down the previous question.

Two weeks ago the Department of Defense (DoD) sent a legislative proposal to the Committee on Armed Services seeking broad exemptions from six of our Nation's most important environmental laws—the Clean Air Act, Superfund, the Resource Conservation and Recovery Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Endangered Species Act.

Armed Services ultimately did not seek to undo the important environmental provisions contained in four of the six laws. Unfortunately, the Migratory Bird Act and the Endangered species Act did not fare so well. Mr. Rahall and I, with several of our colleagues, offered an amendment to strike those broad and unwarranted exemptions. But the Republican leadership will not allow a vote today to undo the damage. That is why I ask my colleagues to defeat the previous question.

We absolutely support the need to maintain military readiness in the interests of national security. That is why when we wrote the laws we inserted specific provisions to ensure there was no conflict between protecting our national security and complying with our environmental laws.

This is the case with the Migratory Bird Treaty Act of 1981, one of our oldest conservation statutes. The Secretary of Interior has the authority to determine the circumstances under which migratory birds can be taken, killed or possessed and issue regulations permitting such activities. The United States has fought in two World Wars, the Korean War, Vietnam, and the Persian Gulf War with the 1918 Act in place. I fail to see why our current war against terrorism would now call for its elimination.

The members of this body should also be aware of the ridiculous arguments that the DoD is making in court to support its efforts to exempt itself.

In the FDM case, DoD claimed:

> . . . plaintiffs have suffered insufficient injury because the more birds that the defendants (DoD) kill, the more enjoyment Mr. Frew (a plaintiff) will get from seeing the ones that remain: "bird watchers get more enjoyment spotting a rare bird than they do spotting a common one."

Let me also quote Judge Sullivan's finding with respect to DoD's argument (on page 17 of his opinion):

> Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

With regard to the Endangered Species Act (ESA), the military again seeks to have exemptions for which no other Federal Agencies are eligible. ESA requires that land where threatened or endangered species live be designated critical habitat. The military does not want to comply with this law like every other federal agency and every other American citizen does. As the author of ESA, I can assure you that exemptions are available for reasons of national security. In fact, Section 7 of ESA allows agencies to get waivers from the Fish and Wildlife Service. Ironically, the Pentagon wants a blanket waiver even though they have never sought a Section 7 exemption.

Needless to say, DoD proposals have gone through a most curious legislative process so far. The relevant Committees with expertise have been bypassed. No hearings have been held on these significant exemptions. And now we don't have a chance to vote on the House Floor.

A stealth process has been employed to circumvent the Committee of jurisdiction, to deny the public the opportunity to testify, and to undermine two of our most important environmental laws. Defeat the previous question so we have the opportunity to reverse this environmental outrage.

☐ 1200

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me time. I think it is clear now that as we enter this new century that we entered with such great optimism a few months ago that this century is going to be as dangerous as the last one in which we lost 619,000 Americans killed in battlefields around the world.

Going into this new century, it is more important than ever that we develop what I would call broad military capability. And that means that we, and I think Democrats and Republicans on the Committee on Armed Services understood and marked up a bill, that toward those ends that we must have the ability to deter and, if necessary, to fight a number of different types of conflicts. That means that we have to be able to stop a conventional armored attack like the one that was launched by Saddam Hussein in the Gulf War. We have to be able to handle a guerilla warfare operation. Obviously we have to be able to handle a terrorist and to deal a blow to those who would strike us on our homeland. We have to stop this new threat, this emerging threat of incoming ballistic missiles, the first of which killed our troops in the Gulf War almost a decade ago, in fact, more than a decade ago. So we have to have broad military capability. We cannot have a specialty military like a lot of our allies have. That means we have to spend money.

I think, frankly, the chairman of the Subcommittee on Military Procurement of the Committee on Armed Services, the gentleman from Pennsylvania (Mr. WELDON), did correctly state that we are behind the curve in terms of modernization. If we replaced all the tanks, trucks, ships and planes on a steady-state basis that are now aging, we would be spending an additional $30 billion a year on national security. We have turned the corner. We have made the down payment. We are expensing about $71.8 billion this year, although we have a baseline of about 90 that we should be achieving.

Now we should also perhaps be spending a little bit more money on missile defense, in my estimation. But we do have a pretty good tranche of money in there. We have a good guy, General Kadish, who is working this program, who will be accountable to this Congress, who is going to throw out the losers and he will award the winners in missile defense, those systems that work. And so we are on a pretty good track there.

Lastly, we do some good stuff for our people, and our people in this ongoing war, this conflict we are fighting right now, have proven to be, as usual, our greatest assets. We have the 4.1 percent pay raise. We have more targeted to certain areas where we need a little more help, but all in all we do a pretty good job for our people. So people, modernization, the ability to defend against incoming ballistic missiles, and some good money on some new technology in the future with R&D is in this package. Please support this package. It is the right thing. And every Member should remember as we vote this bill today, we are in a war right now. We need to get the tools that our military needs, that the President needs to carry out this mission. Please vote this bill up, vote the rule and vote the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, this bill illustrates an apparent Republican principle, namely, that there should be an inverse relationship between one's commitment to practicing democracy at home and exporting it abroad. We are doing a great deal to try and advance democracy overseas, but here we are engaging in a travesty of democratic debate being shut down.

We will have spent today in this Chamber more time honoring the former Members than we will have in debating any single aspect of military policy. Now, former Members are wonderful. Many of us some day hope to be former Members, but to put that ahead of debating environmental policy, nuclear policy level of spending makes no sense. A number of very important issues have been, by the Republican leadership, excluded from today's debate. Why? We were scheduled to meet tomorrow, but Members have now apparently been told that we should put aside any further debate on these issues. A free day tomorrow is more important than thorough debate today. The notion that you take this enormous chunk of the budget, all of these important issues, and cram them into one part of the day, is a travesty of democracy unworthy of the people's House.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I think it may be appropriate at this stage to say a few words about the context in which we are considering this defense authorization bill this year, for it is truly different than the context, the environment, the international situation in which we have considered it in previous years.

The United States is currently engaged in a war. We have troops in the field. And for probably the first time in our history, every American community is a potential target for our enemy. And I think it is important that as the urgency we all felt from September 11 begins to fade away and we have a drift, perhaps, back towards complacency, that we remember that our enemy in this situation is very dangerous, indeed. Their aim is to kill as many Americans as they possibly can.

Mr. Speaker, the President gave an important speech I believe at the Citadel last December when he said, "The great threat to civilization is that a few evil men will multiply their murder and gaining the means to kill on a scale equal to their hatred."

Mr. Speaker, I think that has profound implications for us. We have faced evil in the world before. We have faced an evil system with the means to destroy us before during the Cold War. But never before have we faced a situation where a few evil men could gain the means to kill on a scale equal to their hatred. And I think that as a backdrop to everything that we are considering, whether it is pay and benefits, whether it is certain particular weapons systems we ought to buy, whether it is a defense policy regarding some issues or other issue or other, we ought to keep this context in mind and the dangers that we face.

In addition to the war on terrorism, we have very serious tension in the Middle East. We have continuing tension between India and Pakistan, two nuclear powers. We continue to have difficulties and issues with North Korea. Of course, China and Russia are of concern. And that is the international situation in which we find ourselves.

This bill, I believe, will help make us stronger. It takes some important steps towards defining the Department of Defense's role in protecting our homeland security. It takes some important steps towards transforming our military so that we are ready to face the challenges of the future, not refight the wars of the past. Things like joint training and experimentation are talked about here. But, Mr. Speaker, I think more important than any of these particulars is the necessity for this House to take this with all the seriousness which the international situation demands.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I have served in the House for 20 years and for 20 years I have served on the House Committee on Armed Services. I speak from experience and mince no words when I say this rule is an outrage, nothing less than that. In the 1980s when I also served here, we had another enormous buildup in our national defense. And every year when we came to the floor with this defense authorization bill, we would have 100 to 200 amendments filed to the Committee on Rules, and we bent over backwards to make most of them in order. We had a full, fair and free debate in the well of this House. It was a free market idea, but it is no more.

We lived in those days up to article 1, clause 8, the solemn responsibility the Constitution gives us. We gave these issues serious consideration. The consideration they merit.

We had another tradition that somehow has been lost in the last 5 or 6 years. Senior members of the committee with experience were given deference on the Committee on Rules. If we brought amendments to be considered, the Committee on Rules would give some weight to the fact that we had some experience on the committee.

I brought four rules. I did not abuse the privilege. I brought four amendments to the Committee on Rules yesterday and asked that they be made in order. One was an amendment that was made at the behest of the Department of Defense. Another one was an amendment that was made in order because also another amendment, a second order amendment, was made in order that would change it to the liking of the gentleman from California (Mr. HUNTER). I will support that amendment, but that really makes it his rather than mine.

The two other amendments that I sought were important amendments. Neither was made in order. Now they made in order amendments for noncommittee members. But when the gentleman from Maine (Mr. ALLEN), who is a member of the committee, asked for an amendment, he was stiffed. The gentlewoman from California (Mrs. TAUSCHER) was stiffed. I was stiffed. Noncommittee members who offered amendments that they thought might be "got you" amendments, they went ahead and made in order, but not ours which were seriously considered and we wanted an open and free debate on those issues. One was nuclear testing.

I sense a slow, subtle about-face in our policy of moving away from nuclear weapons, particularly tactical nuclear weapons, particularly early to use nuclear weapons towards nuclear weapons and even a resumption of nuclear testing. That may be the right policy. It may be the wrong policy. In any event, it is a serious policy issue.

As we make this move subtly, we should have a full, free, fair and open debate. And all I wanted to say was, Mr. President, by virtue of this act, we ask you solemnly for 12 months notice before you make the decision to resume nuclear testing.

As a matter of fact, it will not impede in any way the resumption of nuclear testing. DOE says it will take them today 24 to 36 months. But it would allow us 1 authorization appropriations cycle before that solemn decision was finally taken. We would have an opportunity to register opposition. We will be a full partner in what I think is a fundamentally serious decision. That amendment was not made in order. This is a rigged rule. It shuts out debate. It makes a mockery of the Constitution. Vote against the previous question, vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Just a point of clarification, Mr. Speaker. There is a Tauscher amendment that is allowed and there were 10 Democrat amendments, 3 bipartisan, and 12 Republican.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the rule and to draw attention to a part of H.R. 4546 that is critical in helping to protect the environment and keeping America's commitment to care for our Nation's reserve fleets, also known as the Ghost Fleet, located in the James River.

MARAD is mandated to dispose of all national defense reserve fleet ships by September 30, 2006. The authorization relating to ship disposal and scrapping for the Maritime Administration is of critical importance. I am happy to report that the merchant marine panel, with my strong support, just authorized 20 million to more quickly dispose of surplus vessels that cause serious potential danger to our environment. I would like to see more dollars allocated to this national priority, but after zero dollars in fiscal year 2002, I believe this funding puts us back on track to rid our fleet of these aging ships.

Additionally, this measure also allows for financial assistance to environmentally mitigate and reef these same vessels. We must begin to think out of the box to solve this looming problem. Cleaning, then reefing, these ships will create cost savings and will allow us to scrap them more rapidly. We have to work toward the September 30, 2006 deadline and to encourage adequate funding this year to get the job done.

Mr. Speaker, I would like to thank our distinguished Committee on Armed Services chairman, the gentleman from Arizona (Mr. STUMP), and especially thank the gentleman from California (Mr. HUNTER) of the maritime marine panel for his work on this matter. I say thank you, Mr. Speaker. I support the rule and I ask all of my colleagues to support this authorization.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me time and for his courtesy.

Mr. Speaker, I stood on the floor earlier this morning and heard our distinguished Republican leader extol the institution of this House to the former Members. Then our first order of business following that ceremony is a rule on defense authorization that continues the march of marginalization of this Chamber. There is, Mr. Speaker, a national debate raging about defense policy in this country. It is healthy, it is appropriate, and we all have strong feelings about it, their concern about the nature, extent and direction of national defense, but not on the floor of this Chamber.

I have offered an amendment, for instance, to strike funding for the Crusader. Along with the gentleman from Texas (Mr. THORNBERRY) and the Secretary of Defense, we have deep concerns about this. I would hope that we spend this money cleaning up the thousands of sites across the country that are polluted with military toxics and unexploded ordinance which killed two of our servicemen in this country a few weeks ago. But, no, due to this rule and the management of this piece of legislation, we are going to remain silent. I think that is sad, Mr. Speaker. I expect better from this Chamber.

☐ 1215

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, according to the GAO and Secretary Rumsfeld, the Pentagon cannot account for $1 trillion, T-trillion, of expenditure and acquisition costs over the last decade, a bookkeeping shambles that makes Arthur Andersen and Enron look somewhat respectable.

So what is the response in this United States House of Representatives, the people's House, in considering this bill for 1 year, $43 billion increase for a budget that will total more than $400 billion? Hear no evil, see no evil and speak no evil.

No amendment to question any Pentagon program, no matter how behind schedule, overbudget or unneeded, will be allowed. It is an expensive debate, $833 million a minute, but not extensive in examining the priorities, waste and abuse at the Pentagon.

I hoped to offer a number of amendments for troubled programs, particularly one on the $12 billion Cold Warera artillery system Crusader that Secretary Rumsfeld says is not needed and he wants to kill, but it will not be allowed nor will an amendment on the F-22, the Comanche.

Stifling debate does not constitute national security readiness for this country. I believe it does a disservice to the people in uniform, those who go without necessities while we put on pedestals gold-plated turkeys.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule governing the debate on the National Defense Authorization Act. No one in this Chamber is a stronger advocate for the military than I am, and I intend to vote for final passage of the defense bill; but the rule prevents us from having an honest debate of two amendments that were offered by myself and the gentleman from Mississippi (Mr. TAYLOR).

First, the defense bill includes a requirement for a GAO report on the current state of health care under TRICARE. Mr. Speaker, if we have another study on health care for our military retirees, we will not have any left.

Too often retirees cannot get timely health care at military bases because TRICARE's space-available provisions send them to the end of the line. Other retirees who do not live near bases have difficulty in finding private doctors who will accept TRICARE, and the system often requires our sick and elderly to travel long distances to military doctors and bases.

My amendment would have replaced the GAO study with real health care alternatives by inserting the text of H.R. 179, Keep Our Promise to America's Military Retirees Act. It would enhance the ability to participate in the same health care system that Federal and congressional retirees can elect. My amendment is fair and does not create another bureaucracy. H.R. 179 has 317 cosponsors in this House, including most of the Members on the Committee on Rules, but the Committee on Rules will not let us debate it.

The Committee on Rules has also struck down the gentleman from Mississippi's (Mr. TAYLOR) amendment to put off another round of base closures. This is no time to be shutting down our military bases when we are engaged in war. When we have shut down bases in the past, we have also shut down military health care for our Mississippians and all over the country. Thousands of active and retired families who depend on the Meridian Naval Air Station and Columbus Air Force Base, among others, for their health care, these and many other facilities could face closures; but the Committee on Rules will not even let us talk about it.

Mr. Speaker, we need to debate these issues today, but the rule does not allow it. So I urge my colleagues to vote "no" on this rule. Tell the Committee on Rules that military health care is an essential component of national defense.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I do rise in opposition to the rule in its present form and urge Members to vote to defeat the previous question so that amendments to strike anti-environmental riders may be offered.

Along with the distinguished dean of the House, the gentleman from Michigan (Mr. DINGELL), and eight of our colleagues, we filed an amendment to strike the unwise exemptions to the Migratory Bird Treaty Act and the Endangered Species Act, which have been attached to this important bill. Unfortunately, the Committee on Rules did make our amendment in order, even though I am the ranking member of the Committee on Resources, whose jurisdiction has been abused by this bill.

This rule adds insult to injury. Not only has Resources been excluded from the process, but meaningful public hearings have not been held on these important issues. Members will be denied a fair opportunity to debate and vote on these important issues under the rule in its present form, but if we defeat the previous question, the amendment to strike these objectionable anti-environmental exemptions may be offered.

We should not sanction this bill's sneak attack on our environmental laws. This is not a fair rule, and I ask Members to defeat the previous question.

Strike the Anti-Environmental Riders on DOD Authorization Vote To Defeat the Previous Question on the Rule

DEAR COLLEAGUE: We urge you to vote to defeat the previous question on the rule for the Bob Stump National Defense Authorization Act for FY 2003 (H.R. 4546) so that amendments may be offered to strike anti-environmental riders. This legislation—while important to our national security and military preparedness—has been misused as a vehicle to bypass committee jurisdiction and public process in order to create unprecedented and unwarranted exemptions to key environmental laws.

We would clearly have preferred that Members have the opportunity to vote directly to remove the harmful environmental provisions from H.R. 4546. But the Committee on Rules has refused to give Members that choice. Our amendment, which was cosponsored by eight of our colleagues, would have strategically stricken both section 311 and section 312, which unwisely exempt DoD from compliance with the Migratory Bird Treaty Act and the Endangered Species Act, respectively. Moreover, sweeping changes to these laws are unnecessary: Section 7 of the ESA specifically provides for a national security exemption (which DoD has never invoked) and DoD and the U.S. Fish and Wildlife Service are close to finalizing an administrative agreement to resolve Migratory Bird Treaty Act disputes.

In effect, proponents of these anti-environmental riders seek to accomplish through the back door of the Armed Services Committee and a closed rule what they could not through the front door of open public hearings and careful consideration in the regular legislative process. While we fully appreciate the importance of military training and readiness, we also do not think that DoD, in the very limited public process to date, has made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws.

In fact, GAO—in a soon to be a released report—will inform Congress that readiness data provided by the military does not indicate that environmental laws or other "encroachment" by urbanization has significantly affected training readiness. To the contrary, DoD continues to report high levels of training readiness at almost all units.

In our view, the House should not be stampeded into gutting key environmental laws based on illusory and inconclusive allegations by DoD. It defies logic that suddenly we should surrender to demands for new statutory exemptions so that the environment no longer matters to our largest and most powerful federal agency.

As longstanding proponents of these critical environmental laws, we urge you to vote "no" on the previous question on the rule on H.R. 4546.

Sincerely,

NICK J. RAHALL III,
Ranking Democratic Member, Committee on Resources.
JOHN D. DINGELL,
Ranking Democratic Member, Committee Energy and Commerce.

MIGRATORY BIRD TREATY ACT (MBTA) [SECTION 311 OF H.R. 4546]

The MBTA of 1918, one of our Nation's oldest and most enduring conservation statutes, sets forth U.S. obligations under the Convention for the Protection of Migratory Birds with Canada. It also provides implementing authority for subsequent Conventions with Mexico (1936), Japan (1972) and Russia (1976) which guide the cooperative conservation management of North America's migratory birds.

H.R. 4546 would unilaterally exempt military readiness activities from MBTA requirements. This would compromise U.S. international treaty obligations and could establish a negative precedent for other signatory nations to exempt their own activities from such obligations or consider other forms of retaliation.

This bill would grant the military an unprecedented, far less-restricted self-regulatory authority. No federal agency or state has such an authority.

H.R. 4546 would negatively affect migratory bird management. Removing military readiness and training activities from compliance with the MBTA would likely increase unreported incidental mortalities. Migratory bird population estimates might become far less accurate, the listing of endangered species could increase, and regulated hunting seasons could be delayed or made more restrictive.

A legislative "fix" is premature and unnecessary. Section 3 of the MBTA provides broad authority to the Secretary of the Interior to determine when the incidental "taking" of migratory birds is compatible and to develop regulations within the law's context. In fact, the Fish and Wildlife Service and Department of defense are close to finalizing a Memorandum of Agreement establishing an administrative process to resolve migratory bird disputes.

The U.S. has fought in two World War, the Korean War, Vietnam, and the Persian Gulf War with the MBTA in place. Since 1916 only one modification of this magnitude occurred (1997) and that was only after 20 years of negotiation.

ENDANGERED SPECIES ACT (ESA) [SECTION 312 OF H.R. 4546]

The ESA requires, with limited exceptions, the designation of critical habitat for all endangered or threatened species. Federal agencies are required to consult with the U.S. Fish and Wildlife Service (USFWS) under section 7 in order to avoid actions that destroy or adversely modify critical habitat.

H.R. 4546 would exclude military lands from critical habitat designation under the ESA, if an Integrated Natural Resources Plan (INRMP) has been developed.

Blanket legislative exemptions are not needed. Section 7 of the ESA already provides an exemption for any agency action for reasons of national security. According to the USFWS, the Secretary of defense has never sought a section 7 exemption.

Critical habitat designation has also been precluded pursuant to ESA,. when concerns about the impacts on military training activities were raised.

It is the critical practice of the USFWS to consider excluding areas covered by INRMPs from critical habitat designation if certain conservation criteria are met. Contrary to DoD assertions, the Clinton Administration did not determine that installations with INRMPs were automatically excluded from critical habitat designation.

H.R. 4546 would require the USFWS to substitute an INRMP for critical habitat if "such plan addresses special management considerations or protections" with no further explanation or definition of this standard.

INRMPs do not provide the same level of protection as critical habitat designations.

The ESA has been in place since 1973. Our military maintained its readiness throughout the Cold War and trained for and executed Operation Desert Storm in 1991 during the Persian Gulf War with current laws in place.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, the House Committee on Armed Services does so much of its work on a bipartisan basis, but this rule is an outrage. The Republican leadership has allowed what will probably be about a dozen amendments not considered en bloc to a defense bill authorizing $393 billion.

In the past, under Democratic leadership, dozens of amendments over several days was the rule. Why so little debate permitted? So Members can go home tonight and not have to vote on Friday and not have to deal with controversial matters. Why so few amendments? So the American people will not hear what Democrats have to say.

The House Republicans are squeezing the life out of democratic debate in the people's House. They have blocked amendments to prevent exempting the Defense Department from our environmental laws. They rejected my amendment to stop the development of a proposal to use nuclear weapons to blow up missiles above American cities, a really dumb idea.

They barred amendments by the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from South Carolina (Mr. SPRATT) that would have led to a longer floor debate over the emerging Republican plans to develop and use on a first-strike basis new tactical nuclear weapons.

They blocked debate over aid to Colombia and base closings. When Republicans change our defense policies, change our environmental policies, change our nuclear policies without a full and fair debate, this country loses. Democrats and Republicans stand shoulder to shoulder in the war on terrorism. This rule makes a mockery of our unity. We are weaker as a country when the Republican majority in this House slams the door on a full and fair debate.

I urge my colleagues to defeat this rule, vote down this rule.

Mr. FROST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. FROST) has 3 minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 2½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the President's budget is a request for $98 million of the American taxpayers' dollars to defend a pipeline in Colombia owned by Occidental Petroleum through which Colombia National Oil Company oil flows. They had record profits last year, but the Colombia National Oil Company wants the American taxpayer to pay to defend it.

What is worse than that is the President is now trying to change the rules that limit American involvement in Colombia to less than 500 troops so that American troops, the sons and daughters of Mississippi, of Georgia, of Alabama can go defend a pipeline that the Colombians themselves will not defend. While the Colombians have cut their defense budget and made it easier to avoid military service there, they are working with our State Department to get American kids to go fight their war for them.

I think this House ought to vote on that. I think we ought to have a cap on the number of troops that serve in Colombia; and if the President wants to make the case for American kids to die in Colombia, let him come forward, and then let this House vote on it.

Number two, we are at war. Do my colleagues not think it would make sense not to close bases while we are at war? Do my colleagues not think it makes sense not to close commissaries and hospitals that our military retirees, who half of which live near a base, close them while these people are in their senior years? Do my colleagues not think it makes sense not to have every single person who works for the Department of Defense wondering whether or not they have a job tomorrow?

I have asked the Republican Congress for a vote to kill base closure because base closure has not saved one dime. We have not purchased one weapons systems with money from the base closures. We have given away the properties; and better than that, we spent $13 billion in taxpayers' money to clean up bases that used to be good for soldiers, but then we had to pay to clean them up before we gave them away to the local communities.

I urge my colleagues to vote against this rule so we can have an up or down vote as to whether or not American kids are going to die in Colombia.

I urge my colleagues to have an up or down vote on whether or not the base in the gentlewoman from North Carolina's (Mrs. MYRICK) State is going to close, the bases in the gentleman from California's (Mr. DREIER) State are going to close, the bases in the gentlewoman from Ohio's (Ms. PRYCE) State are going to close, whether or not the bases in Georgia, where the gentleman from Georgia (Mr. LINDER) who is on the Committee on Rules, are going to close, decide whether or not the gentleman from Florida's (Mr. GOSS) and the gentleman from Florida's (Mr. DIAZ-BALART) bases in Florida will close, decide whether or not the bases again that every single Member of this body represents, whether or not they are going to close.

Base closure has not saved the taxpayers of the United States one penny. It has not purchased one weapons system; and to make matters worse, we are now looking at spending money to replace the bases that we closed 3 years ago because the military realized they made a terrible mistake in closing bases like Cecil Field in Florida. As we are about to put the Joint Strike Fighter out in the field, we have now got to go out and buy property to replace the bases that we closed just a few years ago.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

I urge Members to defeat the previous question. If the previous question is defeated, I will offer an amendment to the rule which will allow the House to consider a number of important amendments which Democratic Members proposed to this bill.

Mr. FROST. Mr. Speaker, I yield the remaining time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to this rule. Make no mistake about it, Democrats are in strong support of providing much-needed and deserved resources for our men and women in uniform in a time of war; and we stand with the President in the war against terrorism, which this legislation will allow us to wage more effectively in the year ahead.

There are a number of very important issues that deserve and need to be debated as we move our military into a new era. Republicans are using this bill to undermine the Endangered Species Act, the Migratory Bird Treaty, and the Wilderness Act. They refuse to accept input from the States, local communities, environmentalists, even the committee of jurisdiction over these environmental issues, the Committee on Resources, before action was taken on this bill. They are eroding environmental protections in a way that is completely inappropriate and unnecessary.

There are also critical nuclear policies that are being excluded from this debate like the future of nuclear testing, the direction of our national missile defense program, the funding for our non-proliferation programs in Russia and a host of other issues, including congressional oversight of military tribunals, U.S. policy toward Colombia, and management and oversight of major procurement programs.

This is symptomatic of a pattern we have seen in the past months of a majority that wants to close down debate on issues that are critical to the American people. This has become a gag rule House, by a majority that is simply uninterested on the issue of free and fair debate. This Republican leadership shuts down debate on our alternative amendments in the pension reform bill.

Just a few weeks ago, they refused to make our amendments in order on the budget debate and they did not make the Moore substitute in order either in that debate; and months ago this leadership denied a responsible debate on campaign finance reform. They wanted to break the bill into pieces in an effort to sink it. So they forced the House to use a discharge petition just to get the bill on the floor with a fair process.

Then with the debt ceiling, the word is that we will not have a free and fair debate about how to deal with the misguided Republican economic program that was passed last year. Republicans are talking about tacking that bill on the supplemental appropriation.

Again, let us not have a debate, let us not even have a questioning, let us not have a free discussion of issues that affect Americans in their everyday lives.

I think this rule is an abomination. In the days before this, we always had pretty much an open rule on defense bills. There were times in the past that we have taken a week to consider a defense bill, and we allowed Republican and Democratic amendments alike. Let me tell my colleagues that these are important issues that people care about out in the country.

☐ 1230

This House is being run with gag rules day in and day out. It must end. Vote against the previous question; vote against this rule. Let us let America into its own defense policy.

Mr. FROST. Mr. Speaker, I ask unanimous consent that the text of my proposed amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me this time. I just wanted to follow the minority leader's comments with the observation that we are in a war right now. We have people on the battlefield whose survival depends on good training.

At many of our training bases around the United States, the environmental encroachments have become so strong that today at Camp Pendleton you can only use about a third of the training ground that is available. You have to build foxholes only where you have tape that has been laid out in an environmentally-sensitive manner. The Marines that replicate the Iwo Jima-type assault on the beaches have to dismount from the landing craft and get in buses and be bused up to an environmentally-acceptable point to where they can commence their assault to practice to give their lives to this country. Go to bases like Mountain Home Air Force Base in Idaho, where only one plane at a time can train on the training field, which is like having one football player on the team be allowed out on the field at the same time.

These are reasonable positions that we have taken, reasonable restrictions on the environmental laws to help our people stay alive on the battlefield.

Mrs. MYRICK. Mr. Speaker, I would like to inquire if the gentleman from Texas' time has expired.

The SPEAKER pro tempore. It has.

Mr. UDALL of Colorado. Mr. Speaker, this rule is a serious abuse of power on the part of the Republican leadership and should be rejected by the House.

Everyone knows that the Defense Authorization bill is one of the most important measures that the House will consider this year. It should be considered under a rule that will allow the full House—not just members of the Armed Services Committee and some others favored by the Rules Committee—to have an opportunity to participate in shaping the legislation.

That is particularly true this year because the bill as approved by the Committee includes many controversial provisions.

Some of these controversial provisions involve matters appropriate for debate in the context of a bill to authorize defense programs. They include provisions authorizing weapons systems not requested or needed by the Pentagon as well as provisions authorizing policy changes in the area of missile defense and nuclear weapons development.

But other controversial provisions go beyond the normal or appropriate scope of a defense authorization bill.

For example, the bill includes provisions concerning the Endangered Species Act and the Migratory Bird Treaty Act, matters within the jurisdiction of other Committees, including the Resources Committee but which our Committee has had no opportunity to consider.

And, in addition, the bill includes an entire title—Title XIV—that not only includes provisions dealt with in a bill referred to the Resources Committee but goes further to include matters within our Committee's exclusive jurisdiction. Many Armed Services Committee members themselves have said this was "a procedural foul."

At the very least, the Rules Committee should have allowed the House an opportunity to consider changing or removing these very controversial provisions. But the rule does not allow that debate to take place.

Further, I cannot support the rule because it would not even allow the House to consider going on record in support of finishing the cleanup and closure of the Rocky Flats site by 2006.

That former nulcear-bomb plant is right at the edge of the most heavily-populated part of our state. The Energy Department is working to clean it up so it can be closed by 2006 and transferred to the Interior Department for management as a National Wildlife Refuge. This is a matter of highest priority for all Coloradans, and we think it should be a high priority for the Congress and the Administration as well. So, I filed an amendment that would have added to this bill a mere "sense of Congress" statement reiterating that DOE should do all that is needed to meet the goal of a 2006 closure. But this rule does not even allow the House to consider adding that to the bill. Just allowing my amendment would not, by itself, have made this rule fully acceptable. Not allowing just makes the rule worse. I urge rejection of the rule.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the Rule.

The Republican attack on our Nation's environmental laws in this bill reminds me of the old quote from a U.S. officer during the Tet Offensive—"We had to destroy the village in order to save it."

Here, we have a situation where the military has told us that it can assure readiness without the exemptions being sought by the Republicans. Down at Fort Bragg, for example, the Army has been working with the environmental community to protect endangered birds and set aside additional land outside of the base for wildlife habitat. Readiness has not suffered—just ask the Taliban and Al Queda.

In fact, the environmental laws provide exemptions for activities necessary for national security. And to date, no exemption has ever been sought by our Armed forces. In fact the most damning word the Air Force could conjure up to describe the effect of current law is "subtle." And the Marine Corp admitted that the Fish and Wildlife Service is "sympathetic" to DOD's needs.

Our military personnel are well-trained and ready for action and they have successfully coexisted with environmental laws for the past 3 decades.

Nevertheless, in this legislation the Republican Majority says we must destroy the environment in order to save America from the terrorist threat. The Republicans have chosen to grant the DOD broad exemptions from our environmental laws wrapped in the cloak of national security and military readiness.

What is really happening here is that those people committed to dismantling the environmental laws that protect public health and the environment can't do it directly because the public outcry would be too great. So, instead they wrapped up their arguments in the cloak of national security and tried to pass off despoiling the environment and threatening endangered species as necessary because of the war on terrorism.

Don't be fooled by the new national security wrapping. This is the same old package—the elimination of laws inconvenient to some but crucial for protecting public and environmental health.

I urge you to defeat the previous question.

Let's defeat this gag Rule that prevents us from considering an amendment to delete these anti-environmental riders.

The amendment previously referred to by Mr. FROST is as follows:

Amendment to House Resolution 415

At the end of the resolution insert the following:

SEC. 6. Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

Amendment to H.R. 4546, as Reported
Offered by Mr. Hinchey of New York

(For himself, Mr. Pallone of New Jersey, and
Ms. Sánchez of California)

Strike title XIV (page 240, beginning line 14), relating to the Utah Test and Training Range.

Amendment to H.R. 4546, as Reported
Offered by Mr. Shows of Mississippi

Strike section 712 (page , lines through) and insert the following new section:

SEC. 712. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) Earned Coverage for Certain Retirees and Dependents.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

"(i) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

(B) by adding at the end the following new paragraph:

"(5) In the case of an employee described in section 8905(i) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.".

(b) Coverage for Other Retirees and Dependents.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

"§1108. Health care coverage through Federal Employees Health Benefits program

"(a) FEHBP Option.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

"(b) Eligible Beneficiaries; Coverage.—(1) An eligible beneficiary under this subsection is—

"(A) a member or former member of the uniformed services described in section 1074(b) of this title;

"(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

"(C) an individual who is—

"(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

"(ii) a member of family as defined in section 8901(5) of title 5; or

"(D) an individual who is—

"(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

"(ii) a member of family as defined in section 8901(5) of title 5.

"(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

"(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

"(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

"(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

"(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

"(c) Change of Health Benefits Plan.—An eligible beneficiary enrolled in a Federal

Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

"(d) Government Contributions.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the eligible beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

"(e) Separate Risk Pools.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.".

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program.".

(3) The amendments made by this subsection shall take effect on January 1, 2003.

Amendment to H.R. 4546, as Reported Offered by Mr. Hastings of Florida

In section 107, relating to the Defense Health Program (page , after line)—

(1) insert "(a) Authorization of Appropriations.—" before "Funds"; and

(2) by adding at the end the following:

(b) Increase in Health Care Services for Military Retirees and Dependents.—The amount provided in subsection (a) is hereby increased by $2,500,000, and the total amount of the increase shall be available for procurement for carrying out health case programs, projects, and activities for retired members of the Armed Forces and their dependents.

(c) Offsetting Reduction.—The amount provided in section 105 for the Inspector General of the Department of Defense is hereby reduced by $100,000, and the amount provided in section 301(24) for Support for International Sporting Competitions is hereby reduced by $2,400,000.

Amendment to H.R. 4546, as Reported Offered by Mr. DeFazio of Oregon

Page 34, after line 11, insert the following new subsection:

(f) Limitation on Awarding of Contract for Low-Rate Initial Production.—The Secretary of the Army may not award a contract for low-rate initial production for the RAH-66 Comanche aircraft program until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees the Secretary's certification of each of the following:

(1) That the plan in the engineering and manufacturing development phase of the program is adequate for determining the operational effectiveness and suitability of the Comanche aircraft before the start of full-rate production.

(2) That the Comanche program has made adequate progress in development flight testing to date and is on a clear track to demonstrate in operational flight testing, before the start of full-rate production, that the aircraft can meet the following key performance parameters:

(A) Vertical rate of climb.

(B) Night target acquisition range.

(C) Radar cross section signature.

(D) Infrared engine exhaust signature.

(E) Digital communications with joint and combined arms forces.

(3) That the Comanche can be produced within cost, schedule, and quality targets.

Amendment to H.R. 4546, as Reported Offered by Mr. DeFazio of Oregon or Mr. Frank of Massachusetts

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. LIMITATION ON OBLIGATION OF FUNDS FOR CRUSADER ARTILLERY PROGRAM.

(a) Limitation.—None of the funds authorized to be appropriated for fiscal year 2003 for research, development, test, and evaluation for the Crusader artillery program of the Army may be obligated until the Secretary of Defense, in consultation with the Secretary of the Army and the Director of Operational Test and Evaluation, submits to the congressional defense committees a certification of the Secretary of Defense's continued support for the program and a report that includes each of the following:

(1) An assessment of the extent to which critical Crusader technologies have not been demonstrated, at the component and subsystem level, in an operational environment (also known as technology readiness level 7), and the effect that the status of technology testing will have on the milestone B decision for the Crusader artillery program.

(2) An assessment of the effect that the weight of the Crusader and its resupply vehicle will have on the ability to transport the system to remote battlefields, including an assessment of the importance of deploying two Crusader howitzers on a single C–17 aircraft.

(3) An assessment of the effect of weight reductions on the cost of the Crusader and its ability to meet performance requirements.

(4) A determination of the potential capabilities and timing for deployment of the initial version of the Future Combat Systems and the implications of those capabilities and deployment schedule on the Crusader's utility to the Army.

(5) An analysis, in consultation with the Secretary of the Air Force, comparing the ability of the Crusader to carry out its mission with the ability of aircraft using smart bombs, global positioning systems, and on-the-ground human spotters to carry out that same mission, including an assessment of the utility of the Crusader, compared with the utility of such aircraft, to combat likely future threats given the force structure of the enemy and the terrain in which they operate.

(6) An assessment of the effect of the Army's plans to award contracts for low-rate initial production for the Crusader less than one-fourth of the way through the prototype testing schedule on the cost of the Crusader and its ability to meet performance requirements.

(7) An assessment of the extent to which the automation of the major functions of the Crusader (including aiming, loading, and firing the cannon, managing inventory (projectiles and propellant), and resupplying the howitzer with fuel and ammunition) exposes the entire system to inoperability due to software problems, including an analysis of the extent to which the software has been tested under operational conditions and an analysis of the challenges faced by the crew in repairing potential software glitches in battlefield conditions.

(b) GAO Evaluation.—Not later than 60 days after the Secretary of Defense submits the report under subsection (a), the Comptroller General shall submit to the congressional defense committees an evaluation of the report.

Amendment to H.R. 4546, as Reported Offered by Mr. DeFazio of Oregon or Mr. Stark of California

At the end of subtitle A of title II (page 31, after line 9), insert the following new section:

SEC. . TERMINATION OF FUNDING FOR THE CRUSADER ARTILLERY PROGRAM.

The amount provided in section 201(1) for the Army is hereby reduced by $475,200,000, to be derived from amounts for the Crusader artillery program.

Amendment to H.R. 4546, as Reported Offered by Mr. DeFazio of Oregon

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. . LIMITATION ON F–22 AIRCRAFT LOW-RATE INITIAL PRODUCTION.

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $1,812,000,000, to be derived by reducing the number of F–22 aircraft authorized for low-rate initial production from 23 to 13.

Amendment to H.R. 4546, as Reported Offered by Mr. DeFazio of Oregon

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. 122. F–22 RAPTOR FIGHTER AIRCRAFT PROGRAM.

(a) Requirement for Reassessment of the Cost of the F–22 With a Report to Congress.—The Secretary of the Air Force shall reassess the cost to complete the development program for the F–22 Raptor fighter aircraft. The Secretary shall submit to Congress, as a supplement to the fiscal year 2004 budget, information on any amount that the Secretary determines would be necessary for that development program in addition to the amount of $21,000,000,000 previously reported to Congress as the amount for that program.

(b) Requirement for Monitoring Key Manufacturing Processes.—The Secretary of the Air Force shall direct the program office for the F–22 aircraft program to monitor the status of key manufacturing processes for that program by collecting statistics on the percentage of key manufacturing processes in control as the program continues to proceed toward high-rate production. As part of the report required in subsection (a), the Secretary shall provide the congressional defense committees with the statistics, and an analysis of the statistics, collected under this subsection.

Amendment to H.R. 4546, as Reported Offered by Mr. Hoeffel of Pennsylvania

At the end of title X (page 218, after line 15), insert the following new subtitle:

Subtitle D—Review of Regulations Relating to Military Tribunals

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the "Military Tribunal Regulations Review Act".

SEC. 1042. CONGRESSIONAL REVIEW.

(a) Procedures Required.—(1) Before a military tribunal rule takes effect, the President shall submit to Congress a report containing—

(A) a copy of the military tribunal rule;

(B) a concise general statement relating to the military tribunal rule; and

(C) the proposed effective date of the military tribunal rule.

(2) A military tribunal rule with respect to which a report is submitted under paragraph (1) shall take effect on the latest of the following:

(A) The last day of the 60-day period beginning on the submission date for that rule.

(B) If the President, having been presented with a joint resolution of disapproval with respect to that rule, returns the joint resolution without his signature to the House in which it originated, together with his objections thereto, the date that is—

(i) the date on which either House, having proceeded to reconsider the joint resolution, votes on and fails to pass the joint resolution, the objections of the President to the contrary notwithstanding; or

(ii) if earlier, the date that is 30 days after the date on which the joint resolution, with the President's objections thereto, was returned by the President to the House in which it originated.

(C) The date on which the military tribunal rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval is enacted).

(3) Notwithstanding paragraph (2), the effective date of a military tribunal rule shall not be delayed by operation of this subtitle beyond the date on which either House of Congress votes to reject a joint resolution of disapproval.

(b) EFFECT OF DISAPPROVAL.—(1) A military tribunal rule shall not take effect (or continue) if a joint resolution of disapproval with respect to that military tribunal rule is enacted.

(2) A military tribunal rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new military tribunal rule that is substantially the same as such a military tribunal rule may not be issued, unless the reissued or new military tribunal rule is specifically authorized by a law enacted after the date of the enactment of the joint resolution of disapproval with respect to the original military tribunal rule.

(c) DISAPPROVAL OF RULES THAT HAVE TAKEN EFFECT.—Any military tribunal rule that takes effect and later is made of no force or effect by the enactment of a joint resolution of disapproval shall be treated as though such military tribunal rule had never taken effect, except that a trial of a person pursuant to such rule that is being carried out before the enactment of such joint resolution of disapproval shall continue to be carried out as though such military tribunal rule remains in effect.

(d) RULE OF CONSTRUCTION.—If the Congress does not enact a joint resolution of disapproval with respect to a military tribunal rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such military tribunal rule, related statute, or joint resolution of disapproval.

(e) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—For purposes of this section, the term "joint resolution of disapproval" means a joint resolution introduced on or after the date on which a report referred to in subsection (a)(1) is received by Congress, the title of which is "Joint Resolution disapproving the rule submitted by the President on , relating to military tribunals", containing no whereas clauses, and the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the President on , relating to military tribunals, and such rule shall have no force or effect." (The blank spaces being appropriately filled in).

SEC. 1043. DEFINITIONS.

For purposes of this subtitle:

(1) The term "military tribunal" means a military commission or other military tribunal (other than a court-martial).

(2) The term "military tribunal rule" means the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, or describing the organization, procedure, or practice requirements of a Department or agency, with regard to carrying out military tribunals.

SEC. 1044. JUDICIAL REVIEW.

No determination, finding, action, or omission under this subtitle shall be subject to judicial review.

SEC. 1045. REPORTING REQUIREMENTS FOR MILITARY TRIBUNALS.

(a) IN GENERAL.—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) is amended by adding at the end the following new section:

"§ 940a. Art. 140a. Reports to Congress on military tribunals

"(a) For each military tribunal, the President shall submit to Congress periodic reports on the activities of that military tribunal. The first such report with respect to a military tribunal shall be submitted not later than six months after the date on which the military tribunal is convened and shall include an identification of the accused and the offense charged. Each succeeding report with respect to a military tribunal shall be submitted not later than six months after the date on which the preceding report was submitted.

"(b) A report under this section shall be submitted in unclassified form, but may included a classified annex.

"(c) In this section, the term 'military tribunal' means a military commission or other military tribunal (other than a court-martial).".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"940a. 140a. Reports to Congress on military tribunals.".

(b) EFFECTIVE DATE.—Section 940a of title 10 United States Code, as added by subsection (a), shall apply with respect to any military tribunal covered after, or pending on, that date of the enactment of this subtitle. In the case of a military tribunal pending on the date of the enactment of this subtitle, the first report required by such section shall be submitted not later than six months after the date of the enactment of this subtitle.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

In section 1206, relating to the limitation on number of military personnel in Colombia, strike subsections (c) and (d) (page , beginning line).

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

At the end of title XXVIII (page , after line), insert the following new section:

SEC. . REPEAL OF AUTHORIZATION OF ADDITIONAL ROUND OF BASE REALIGNMENTS AND CLOSURES IN 2005.

Effective as of December 28, 2001, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) is amended by striking title XXX and the amendments made by that title relating to the realignment and closure of military installations.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. PAUL OF TEXAS

At the end of title X (page 218, after line 15), insert the following new section:

SEC. . SENSE OF CONGRESS RELATING TO CONGRESSIONAL WAR POWERS UNDER THE CONSTITUTION.

(a) FINDINGS.—Congress finds the following:

(1) Among the powers granted to Congress by the Constitution are the following:

(A) The power to declare war.

(B) The power to lay and collect taxes and to pay the debts and provide for the common defense and general welfare of the United States.

(C) The powers to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the United States, to suppress insurrections and repel invasion, to provide for organizing, arming, and disciplining the militia, and for governing such part of the militia as may be employed in the service of the United States.

(D) The power to make all laws necessary and proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(E) The power of the purse ("No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law").

(2) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) states that the President has constitutional authority to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, only pursuant to a declaration of war, specific statutory authority, or a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

(3) In response to the terrorist attacks against the United States that occurred on September 11, 2001, section 2(a) of Public Law 107-40 provides limited authorization to the President "to use all necessary and appropriate force against those nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks . . . or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons".

(b) SENSE OF CONGRESS.—It is the sense of Congress that deployment of elements of the Armed Forces into hostilities outside the United States or into situations where imminent involvement in hostilities outside the United States is clearly indicated by the circumstances should be made only in accordance with the powers granted to Congress by the Constitution as described in subparagraphs (A) through (E) of subsection (a)(1) and relevant provisions of law.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MRS. TAUSCHER OF CALIFORNIA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. INTERNATIONAL DEMONSTRATION PROJECT ON IMPROVING PROTECTION OF NUCLEAR MATERIALS IN FOREIGN COUNTRIES.

(a) Project Required.—In carrying out the materials protection, control, and accounting program of the Department of Energy, the Secretary of Energy shall carry out a demonstration project under this section to improve the level of physical protection of nuclear materials in facilities, whether military or civilian, of foreign countries.

(b) Participating Countries.—The Secretary shall select not more than three foreign countries for participation in the demonstration project required by this section. The Secretary may not select a country that was included within the former Soviet Union for participation.

(c) Elements.—The demonstration project required by this section shall include the first two, and may include all three, of the following elements:

(1) During the first three months of such demonstration project, providing training to local experts in physical protection of nuclear materials, including an exchange of best practices.

(2) During the first 12 months of such demonstration project, implementation of basic improvements, such as upgrading doors and windows, installing barriers, and blocking nonessential doors and windows.

(3) During the first 24 months of such demonstration project, implementation of extensive improvements, such as upgrading the perimeter, installing sensors, implementing personnel access procedures, and providing training in the operation of new equipment and procedures.

(d) Funding.—(1) The amount provided in section 3101 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security is hereby increased by $10,000,000, to be available to carry out this section.

(2) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide, is hereby increased by $10,000,000, to be derived from program element 0603880C.

Amendment to H.R. 4546, as Reported Offered by Mrs. Tauscher of California and Mr. Allen of Maine

Strike section 1021 (page 210, line 2, through page 211, line 20) and insert the following new section 1021:

SEC. 1021. SENSE OF CONGRESS ON MAINTENANCE OF A RELIABLE AND SECURE STRATEGIC DETERRENT.

It is the sense of Congress that, consistent with the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001 (as submitted under section 118 of title 10, United States Code), the global strategic environment, and the commitments of the United States to the arms control regimes to which the United States is a party, the President should, to ensure the national security of the United States and advance the foreign policy goals and vital interests of the United States, take the following actions:

(1) Maintain an operationally deployed strategic force of not less than 1,700 operationally deployed nuclear weapons, unless determined otherwise by a subsequent Nuclear Posture Review and or through negotiated bilateral or multilateral agreements.

(2) Dismantle as many nuclear weapons that are not in the operationally deployed forces of the United States as possible, consistent with—

(A) the commitments of the United States under bilateral and multilateral agreements; and

(B) effective execution of the Single Integrated Operational Plan.

(3) Develop advanced conventional weapons and enhanced intelligence to provide better capability for destroying—

(A) hard and deeply buried targets; and

(B) enemy weapons of mass destruction and the development and production facilities of such enemy weapons.

(4) Report to Congress on any plans to shorten the lead time and enhance the capability to conduct underground testing of nuclear weapons, and, in the case of plans to shorten the lead time to conduct such testing, include an assessment of cost, effect on the global strategic environment, and projected technical scientific benefits associated with such plans.

(5) Ensure, through the stockpile stewardship and management program, that the United States nuclear weapons arsenal remains as safe and reliable as possible.

(6) State that the United States remains committed to its obligations under the Non-Proliferation Treaty to reduce its nuclear weapons arsenal in order to discourage the spread of nuclear weapons to non-nuclear states.

Amendment to H.R. 4546, as Reported Offered by Mr. Spratt of South Carolina

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. PRESIDENTIAL NOTIFICATION TO CONGRESS BEFORE RESUMPTION OF UNDERGROUND TESTING OF NUCLEAR WEAPONS.

(a) Notification of First Test.—(1) Not less than 12 months before the United States first conducts an underground test of a nuclear weapon after the date of the enactment of this Act, the President shall submit to Congress a report on the resumption by the United States of the conduct of such tests. The report shall include each of the following:

(1) The date on which the President intends the first such test to be conducted.

(2) The President's certification that the national security of the United States requires that the United States resume conducting such tests, and an explanation of the reasons why the national security so requires.

(3) An assessment of the expected reactions of other nations to the resumption by the United States of the conduct of such tests.

(b) Report on Test Readiness.—Not later than March 1, 2003, the Secretary of Energy shall submit to Congress a report on the options for reducing the amount of time required to conduct an underground test of a nuclear weapon after a decision to conduct such a test is made. The report shall include the following:

(1) The findings of the study carried out by the Department of Energy in fiscal year 2002 that examined such options.

(2) The assessment of the Secretary as to whether reducing such amount of time to less than 24 to 36 months is feasible.

(3) The technical challenges and requirements associated with reducing such amount of time to less than 24 to 36 months.

(4) The cost, during the period from fiscal year 2003 to 2012, associated with reducing such amount of time to less than 24 to 36 months.

Amendment to H.R. 4546, as Reported Offered by Mr. Spratt of South Carolina

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. TRANSFER OF FUNDS TO PROVIDE INCREASE IN AMOUNTS FOR DEFENSE NUCLEAR NONPROLIFERATION.

(a) Increase for Defense Nuclear Nonproliferation.—The amount in section 3101 for defense nuclear nonproliferation is hereby increased by $10,000,000, to be available only for Russian surplus fissile materials disposition.

(b) Offsetting Reduction.—The amount in section 201(4) for the Missile Defense Agency is hereby reduced by $10,000,000, to be derived from program element 0603880C, Ballistic Missile Defense System Segment.

Amendment to H.R. 4546, as Reported Offered by Mr. Allen of Maine and Mr. Spratt of South Carolina

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. PROHIBITION ON DEVELOPMENT AND DEPLOYMENT OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS.

(a) Statement of Policy.—It is the policy of the United States not to develop or deploy nuclear-tipped ballistic missile interceptors.

(b) Prohibition on Use of Funds.—No funds appropriated or otherwise made available to the Department of Defense or the Department of Energy may be obligated or expended to develop or deploy a nuclear-tipped ballistic missile interceptor.

(c) Definition.—In this section:

(1) The term "nuclear-tipped ballistic missile interceptor" means a ballistic missile defense system that employs a nuclear detonation to destroy an incoming missile or reentry vehicle.

(2) The term "develop" includes any activities referred to in section 179(d)(8) of title 10, United States Code, more advanced than feasibility studies.

Amendment to H.R. 4546, as Reported Offered by Mr. Edwards of Texas

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. TRANSFER OF FUNDS TO PROVIDE ADDITIONAL AMOUNTS FOR PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM IN RUSSIA.

(a) Increase for Program to Eliminate Weapons Grade Plutonium in Russia.—The amount in section 3101 for defense nuclear nonproliferation is hereby increased by $30,000,000, to be available only for the program transferred under section 3142.

(b) Offsetting Reduction.—The amount in section 201(4) for the Missile Defense Agency is hereby reduced by $30,000,000, to be derived from program element 0603880C, Ballistic Missile Defense System Segment.

Amendment to H.R. 4546, as Reported Offered by Mr. Frost of Texas

At the end of title X (page 218, after line 15), insert the following new section:

SEC.   . REQUIREMENTS FOR NATURALIZATION TO CITIZENSHIP THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) Period of Required Service Reduced to 2 Years.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three" and inserting "two".

(b) Prohibition on Imposition of Fees Relating to Naturalization.—Section 328(b) of the Immigration and Nationality Act (8 U.S.C. 1439(b)) is amended—

(1) by striking the period at the end of paragraph (3) and inserting "; and"; and

(2) by adding after paragraph (3) the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.".

(c) Naturalization Through Enlistment in the Armed Forces and Service With an Eligibility for Access to Classified Information.—The Immigration and Nationality Act is amended by adding after section 328 the following new section:

"NATURALIZATION THROUGH ENLISTMENT IN THE ARMED FORCES OF THE UNITED STATES AND SERVICE WITH AN ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION"

"Sec. 328A. (a) A person who has served honorably at any time in the Armed Forces of the United States, who enlisted for such service and was not inducted to service, whose eligibility for access to classified information has been certified to the Service by the relevant military department, and who, if separated from such service, was never separated except under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's application, in the United States for at least five years, and in the State or district of the Service in the United States in which the application for naturalization is filed for at least three months, and without having been physically present in the United States for any specified period, if such application is filed while the applicant is still in the service or within six months after the termination of such service.

"(b) A person filing a application under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that—

"(1) no residence within a State or district of the Service in the United States shall be required;

"(2) notwithstanding section 318 insofar as it relates to deportability, such applicant may be naturalized immediately if the applicant be then actually in the Armed Forces of the United States, and if prior to the filing of the application, the applicant shall have appeared before and been examined by a representative of the Service;

"(3) the applicant shall furnish to the Attorney General, prior to any final hearing upon his application a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section—

"(A) clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were other than honorable,

"(B) clearly showing that the applicant entered the Service through enlistment and not induction; and

"(C) clearly showing that the applicant was eligible for access to classified information; and

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.

"The certificate or certificates herein provided for shall be conclusive evidence of such service and discharge.

"(c) In the case such applicant's service was not continuous, the applicant's residence in the United States and State or district of the Service in the United States, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing such application between the periods of applicant's service in the Armed Forces, shall be alleged in the application filed under the provisions of subsection (a) of this section, and proved at any hearing thereon. Such allegation and proof shall also be made as to any period between the termination of applicant's service and the filing of the application for naturalization.

"(d) The applicant shall comply with the requirements of section 316(a) of this title, if the termination of such service has been more than six months preceding the date of filing the application for naturalization, except that such service within five years immediately preceding the date of filing such application shall be considered as residence and physical presence within the United States.

"(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316(a).".

(d) Conduct of Naturalization Proceedings Overseas for Members of the Armed Forces of the United States.—Notwithstanding any other provision of law, the Attorney General, the Secretary of State, and the Secretary of Defense, shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act relating to naturalization of members of the Armed Forces are available through United States embassies and consulates and, as practicable, United States military installations overseas.

Amendment to H.R. 4546, as Reported Offered by Ms. Hooley of Oregon

At the end of title III (page 81, after line 18), insert the following new section:

SEC. . ADDITIONAL FOOD ITEM AUTHORIZED FOR PURCHASE FOR COMBAT FEEDING PROGRAM.

The Secretary of Defense shall amend the list describing the types of shrimp that may be purchased for use in the Department of Defense Combat Feeding Program to include frozen, Pacific pink shrimp (Pandalus jordani), consisting of 350 to 500 shrimp per pound.

Amendment to H.R. 4546, as Reported Offered by Mr. Tierney of Massachusetts

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR GROUND-BASED NATIONAL MISSILE DEFENSE PENDING ANNUAL CERTIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds of the Department of Defense may be obligated or expended for a fiscal year for ground-based national missile defense until after the Director of Operational Test and Evaluation submits to Congress in that fiscal year the Director's certification that the Missile Defense Agency and the contractors of that agency have provided to the Director access to all records and data that the Director considers necessary, as required by section 139(e)(3) of title 10, United States Code.

Amendment to H.R. 4546, as Reported Offered by Mr. Tierney of Massachusetts

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR GROUND-BASED NATIONAL MISSILE DEFENSE PENDING ANNUAL CERTIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds of the Department of Defense may be obligated or expended for a fiscal year for ground-based national missile defense until after the Director of Operational Test and Evaluation submits to Congress in that fiscal year the Director's certification that the Department of Defense is in full compliance with the recommendations of the National Missile Defense Deployment Readiness Review issued by the Director in August 2000.

Amendment to H.R. 4546, as Reported Offered by Mr. Tierney of Massachusetts

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF MISSILE DEFENSE FACILITIES AT FORT GREELY, ALASKA, PENDING APPROVAL OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds appropriated for fiscal year 2003 for the Department of Defense may be obligated or expended for the construction of any missile defense facilities at Fort Greely, Alaska, until the Director of Operational Test and Evaluation approves (in writing) the adequacy of the plans (including the projected level of funding) for operational test and evaluation pursuant to section 2399(b) of title 10, United States Code.

Amendment to H.R. 4546, as Reported Offered by Ms. McKinney of Georgia

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TERMINATION OF CRUSADER PROGRAM.

(a) Termination.—The Secretary of the Army shall terminate the Crusader program.

(b) Elimination of Funding.—The amount in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $475,200,000.

AMENDMENT TO H.R. 4546 (FY03 DEFENSE AUTHORIZATION BILL) OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle D of title III (page 64, after line 19), insert the following new section:

SEC. 3__. RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES WITH RESPECT TO ACTIONS OR DETERMINATIONS UNDER PUBLIC-PRIVATE COMPETITIONS.

(a) APPEAL RIGHTS.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) APPEAL RIGHTS.—(1) A person described in paragraph (2) who is adversely affected by any action or determination under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense shall have appeal rights to the Comptroller General.

"(2) A person referred to in paragraph (1) is an officer or employee of an organization within the Department of Defense that is an actual or prospective offeror to perform the activity that is the subject of the action or determination under paragraph (1).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison.".

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to any review under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense that is commenced on or after the date of the enactment of this Act and any review or competition underway on the date of the enactment of this Act.

AMENDMENT TO H.R. 4546 (FY03 DEFENSE AUTHORIZATION BILL) OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle D of title III, insert the following new section:

SEC. 3__. RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES WITH RESPECT TO ACTIONS OR DETERMINATIONS UNDER PUBLIC-PRIVATE COMPETITIONS.

(a) APPEAL RIGHTS.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) APPEAL RIGHTS.—(1) A person described in paragraph (2) shall be considered to be an interested party under subchapter V of chapter 35 of title 31 for purposes of any action or determination that adversely affects the person under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense.

"(2) A person referred to in paragraph (1) is—

"(A) an officer or employee of an organization within the Department of Defense that is an actual or prospective offeror to perform the activity that is the subject of the action or determination under paragraph (1); or

"(B) the head of any labor organization referred to in section 7103(a)(4) of title 5 that includes within its membership officers or employees of an organization referred to in subparagraph (A).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison.".

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. RAHALL OF WEST VIRGINIA

(For himself, Mr. Dingell of Michigan, Mr. Maloney of Connecticut, Mr. Allen of Maine, Mr. Farr of California, Mr. Pallone of New Jersey, Ms. Sánchez of California, Mr. Hinchey of New York, Mr. Meehan of Massachusetts, and Ms. Lee of California)

Strike sections 311 and 312 (page 52, line 10 through page 54, line 18).

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. BLUMENAUER OF OREGON

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO UNEXPLODED ORDNANCE PROGRAM.

(a) INCREASE FOR UNEXPLODED ORDNANCE PROGRAM.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $20,000,000, to be available for program element 0603716D, for use for unexploded ordnance detection and clearance.

(b) REDUCTION FROM CRUSADER PROGRAM.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $20,000,000, to be derived from amounts available for the Crusader program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. BLUMENAUER OF OREGON

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO UNEXPLODED ORDNANCE PROGRAMS.

(a) INCREASES FOR UNEXPLODED ORDNANCE PROGRAM.—(1) The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $20,000,000, to be available for program element 0603716D, for use for unexploded ordnance detection and clearance.

(2) The amount provided in section 301(17) for environmental restoration, Defense-wide, is hereby increased by $30,000,000, to be available for the military munitions response program.

(3) The amount provided in section 301(18) for environmental restoration, formerly used defense sites, is hereby increased by $70,000,000, to be available for unexploded ordnance cleanup.

(b) REDUCTION FROM CRUSADER PROGRAM.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $120,000,000, to be derived from amounts available for the Crusader program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the end of subtitle F of title V (page __, after line __), insert the following new section:

SEC. __. WEAR OF ABAYAS BY MEMBERS OF THE ARMED FORCES IN SAUDI ARABIA.

(a) PROHIBITIONS RELATING TO WEAR OF ABAYAS.—(1) A member of the Armed Forces may not be required or strongly encouraged to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(2) No adverse action, whether formal or informal, may be taken against a member of the Armed Forces who chooses not to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(b) INSTRUCTION.—(1) The Secretary of Defense shall provide each member of the Armed Forces ordered to a permanent change of station or temporary duty in the Kingdom of Saudi Arabia with instructions regarding the prohibitions in subsection (a). Such instructions shall be provided to a member within 10 days before the date of a member's arrival at a United States military installation within the Kingdom of Saudi Arabia or immediately upon such arrival. The instructions shall be presented orally and in writing. The written instruction shall include the full text of this section.

(2) In carrying out paragraph (1), the Secretary shall act through the Commander in Chief, United States Central Command and Joint Task Force Southwest Asia, and the commanders of the Army, Navy, Air Force, and Marine Corps components of the United States Central Command and Joint Task Force Southwest Asia.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT OF ABAYAS.—Funds appropriated or otherwise made available to the Department of Defense may not be used to procure abayas for regular or routine issuance to members of the Armed Forces serving in the Kingdom of Saudi Arabia or for any personnel of contractors accompanying the Armed Forces in the Kingdom of Saudi Arabia in the performance of contracts entered into with such contractors by the United States.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. UDALL OF COLORADO

At the end of subtitle D of title XXXI (page 356, after line 25), insert the following new section:

SEC. 3153. SENSE OF CONGRESS REGARDING COMMITMENT TO CLEANUP AT ROCKY FLATS.

(a) FINDINGS.—The Congress finds the following:

(1) The United States and the State of Colorado have a compelling interest in achieving the safe and effective cleanup of present and former nuclear weapons facilities of the Department of Energy, including the Rocky Flats Environmental Technology Site in Colorado.

(2) Completion of cleanup at Rocky Flats and closure of that site will allow resources to be redirected to meet the needs of other present and former nuclear weapons sites, including sites in Washington, Texas, Idaho, Ohio, New Mexico, Tennessee, South Carolina, and other States.

(3) The Department of Energy seeks to complete cleanup and closure of the Rocky Flats site on or before December 15, 2006, and

it is in the national interest for that objective to be met.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should take all steps necessary and appropriate, including removal from the site of all plutonium and other wastes, to achieve cleanup and closure of the Rocky Flats Environmental Technology Site, Colorado, on or before December 15, 2006, in a manner consistent with the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(1) the Department of Energy;

(2) the Environmental Protection Agency; and

(3) the Department of Public Health and Environment of the State of Colorado.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. KUCINICH OF OHIO OR MR. PAUL OF TEXAS

At the end of subtitle A of title X (page 196, after line 2), insert the following new section:

SEC. ___. LIMITATION ON FUNDING PENDING COMPLETION OF SUCCESSFUL AUDITS.

(a) IN GENERAL.—Of the total amount appropriated pursuant to authorizations of appropriations in this Act for any component of the Department of Defense specified in subsection (b), not more than 99 percent may be obligated until the Secretary of Defense submits to Congress a notice in writing that such component has received an unqualified opinion on its audited financial statements pursuant to section 3521 of title 31, United States Code.

(b) COVERED COMPONENTS.—Components of the Department of Defense subject to subsection (a) are those components that the Director of the Office of Management and Budget has identified (as of the date of the enactment of this Act) under subsection (c) of section 3515 of title 31, United States Code, as being required to have audited financial statements meeting the requirements of subsection (b) of that section.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. KUCINICH OF OHIO

At the end of title II (page 49, after line 17), insert the following new section:

SEC. ___. LIMITATION ON MISSILE DEFENSE SYSTEMS.

As of the date when the total amount expended by the United States since April 1, 1997, for fixed-base ballistic missile defense programs has exceeded **$50,000,000,000**, the Secretary of Defense shall terminate all such programs unless before that date the Secretary certifies to Congress that the Department of Defense has demonstrated in a flight test that an interceptor missile can destroy a warhead without relying in the test on any device on the target vehicle that an enemy would not employ.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. KUCINICH OF OHIO

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8 . UNIT COST REPORTS.

Section 2433 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(5) Whether, since the most recent unit cost report was submitted, a new baseline description has been established under section 2435 of this title. If such new baseline description has been established, the program manager shall report whether this new baseline description was established due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth.";

(2) in subsection (c), after "Secretary concerned," insert "or if a new baseline description of the program has been established since the most recent previous unit cost report submitted under subsection (b) due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth,";

(3) in subsection (d)—

(A) by inserting "(A)" after "(d)(1)"; and

(B) by inserting before paragraph (2) the following:

"(B) If, according to the report submitted by the program manager under subsections (b) or (c), a new baseline description of the program has been established since the most recent previous unit cost report submitted due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth, the service acquisition executive shall consider the current program acquisition unit cost for the program to have increased by at least 25 percent.";

(C) by inserting "(A)" immediately after the first place "(2)" appears; and

(D) by inserting before paragraph (3) the following:

"(B) If, according to the report submitted by the program manager under subsections (b) or (c), a new baseline description of the program has been established since the most recent previous unit cost report submitted due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth, the service acquisition executive shall consider the current program acquisition unit cost for the program to have increased by at least 25 percent."; and

(4) by adding at the end of subsection (e) the following:

"(4) If a determination of an increase of at least 15 percent is made by the Secretary under subsection (d) in three successive years, or if a determination of an increase of at least 25 percent is made by the Secretary three times in any period, funds appropriated for military construction, for research, test, and evaluation, and for procurement may not be obligated for a major contract under the program.

"(5) In the event of a congressional declaration of war, and if the Secretary of Defense determines that a program subject to termination under paragraph (4) is vital to any operation of the United States Armed Forces pursuant to this declaration of war, the President may, for the duration of hostilities, such paragraph may be waived.".

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8 . EFFECT OF CONSOLIDATED CONTRACTS ON SMALL BUSINESSES.

(a) IN GENERAL.—Whenever the Secretary of Defense or the Secretary of a military department awards a consolidated contract that displaces a small business as a prime contractor, the Secretary shall develop and implement a plan to offset the decrease in prime contract awards to small businesses occurring as a result of the consolidated contract.

(b) PLAN REQUIREMENTS.—A plan under subsection (a) shall be developed before the award of the consolidated contract and shall be implemented during the same fiscal year as the fiscal year in which the consolidated contract is awarded. The plan shall provide for an increase in prime contract awards to small businesses during such fiscal year so as to offset the decrease in prime contract awards by reason of the award of the consolidated contract.

(c) TRANSMISSION TO SBA.—The Secretary shall transmit a copy of the plan to the Administrator of the Small Business Administration not later than 10 days after the date on which development of the plan is completed.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8 . LIMITATION ON AWARD OF SPECIFIED CONTRACT PENDING ACTION ON SMALL BUSINESS ADMINISTRATION RECOMMENDATIONS.

(a) LIMITATION.—No funds may be obligated for a contract described in subsection (b) until the Secretary of the Army has accepted in their entirety the recommendations of the Administrator of the Small Business Administration with respect to that contract contained in the Administrator's letter to the Secretary dated March 20, 2002.

(b) COVERED CONTRACT.—Subsection (a) applies with respect to a contract to be awarded by the Army Communications-Electronics Command under the contract solicitation of that command numbered DAAB07–02–R–G401.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8 . LIMITATION ON AWARD OF BASE SUPPORT CONTRACTS.

No funds available to the Department of Defense may be obligated for a contract referred to as a "Base Support Contract" until the head of the Base Contracting Activity has prepared a written plan specifying how the Department of Defense is going to increase opportunities for the local small business community to be awarded prime contracts with the Department of Defense during the fiscal year during which the Base Support Contract is awarded or renewed.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of title IV (page 90, after line 23), insert the following new section:

SEC. 422. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL ACCOUNTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated in section 421 is increased by **$7,784,000,000**.

(b) OFF-SETTING REDUCTION.—The amount authorized to be appropriated in section 201(4) for research, development, test, and evaluation for Defense-wide activities is reduced by **$7,784,000,000**, to be derived from ballistic missile defense programs.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. MILLENDER-MCDONALD OF CALIFORNIA

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ___. TERRORIST-RELATED THREATS TO PUBLIC TRANSPORTATION.

(a) ASSESSMENT.—The Secretary of Transportation, in consultation with the heads of other appropriate Federal departments and agencies, shall conduct an assessment of terrorist-related threats to all forms of public transportation, including public gathering areas related to public transportation.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall transmit to the President and Congress a report on the results of the assessment conducted under this section, including the Secretary's recommendations for legislative and administrative actions.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 215, nays 202, not voting 17, as follows:

[Roll No. 135]

YEAS—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bentsen
Bishop
Boucher
Burton
Crane
Hall (OH)
Jackson-Lee (TX)
LaFalce
Maloney (CT)
Meehan
Ose
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Waxman

□ 1257

Messrs. RUSH, GEORGE MILLER of California, ORTIZ, and Ms. McCOLLUM changed their vote from "yea" to "nay."

Mr. HYDE and Mrs. JOHNSON of Connecticut changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LaTourette). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 200, not voting 18, as follows:

[Roll No. 136]

AYES—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes

Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Bentsen
Bishop
Boucher
Burton
Crane
Davis (FL)
Hall (OH)
Jackson-Lee (TX)
LaFalce
Maloney (CT)
Meehan
Ose
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Waxman

☐ 1315

Mr. ORTIZ and Mr. GREEN of Texas changed their vote from "aye" to "no."

Mr. KERNS changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 975

Mr. WATKINS of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama (Mr. BACHUS) be removed as a cosponsor of H.R. 975.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

☐ 1315

MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to adjourn offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 35, noes 375, not voting 24, as follows:

[Roll No. 137]

AYES—35

Abercrombie
Allen
Berman
Berry
Brady (PA)
Capuano
DeFazio
Delahunt
Dingell
Doggett
Filner
Frank
Greenwood
Hastings (FL)
Hinchey
Holt
Johnson, E. B.
Jones (OH)
Langevin
Lee
McDermott
McGovern
McIntyre
Miller, George
Mink
Olver
Owens
Pallone
Schakowsky
Shows
Slaughter
Stark
Tanner
Taylor (MS)
Waters

NOES—375

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Bentsen
Bishop
Boucher
Brady (TX)
Burton
Crane
Dicks
Goss
Hall (OH)
Harman
Hoyer
Jackson-Lee (TX)
Maloney (CT)
Meehan
Ose
Pelosi
Reyes
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Watts (OK)
Waxman

□ 1332

Mr. ISRAEL changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. FILNER. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 448.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore. Pursuant to House Resolution 415 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4546.

□ 1331

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on May 1 the Committee on Armed Services reported H.R. 4546 on a strong bipartisan vote of 57 to one. The bill authorizes appropriations for the Department of Defense and for the Department of Energy national security programs for a total of $383 billion in budget authority, consistent with the President's budget and with the House-passed budget resolution.

Over the next few hours, we will debate and explain the many initiatives contained in this bill to support and strengthen our Armed Forces during this critical period in our Nation's history. I am pleased to once again be able to report to my colleagues that this legislation embodies the same bipartisan spirit that has guided U.S. national security policy for decades.

It provides for pay, housing, fiscal and physical well-being of our Armed Forces members and their families. It provides for the research and acquisition of our military arsenal so critical to maintaining our combat edge on the battlefield. It provides for the resources and tools to properly train our forces to be ready to defend our freedoms around the world at a moment's notice, and it also provides for our Nation's military retirees, who devoted a better time of their lives for this country.

Mr. Chairman, this is a very good bill. It follows the spending blueprints set forth by the President to make his defense budget the largest since 1990. It also marks the largest single-year increase in defense spending since 1966.

By marking the fifth consecutive year of real increases in defense spending, we are starting to dig out of the budget hole that we created after 13 years of budget cuts. Our Armed Forces, while still the most formidable fighting force on the planet, face serious and fundamental choices in the years ahead. This presents both an opportunity and a risk if the choices we make are not prudent and do not hedge on our bets against the inevitable surprises and challenges that may lie ahead.

The bill before the House sets a prudent course. It recognizes today's new reality and accelerates and emphasizes new tools necessary for the critical fight against terrorism. It makes sure that our most precious military commodity and resource, our men and women in uniform, are properly compensated and taken care of.

It also makes sure we do not forget the basics, the unglamorous elements of the defense budget necessary to make sure it works when called upon.

Mr. Chairman, on a personal note, this marks the last defense authorization bill that I will have the privilege to manage before this great House. It has been an honor to serve and have the trust of my colleagues to be able to lead two great committees over the past 8 years, and I will greatly miss the friendship and bipartisanship, the sense of mission that allows the Committee on Veterans Affairs and the Committee on Armed Services to quietly and effectively do their important work on behalf of our Nation's veterans and military forces.

I urge my colleagues to support this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I urge my colleagues to support the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This bill, properly so, is named in honor of our chairman, who has stated his intention not to return to this body; and I thank him for the work that he has done on the bipartisan amendment within the committee itself.

The committee unanimously named this bill for him. This is an excellent bill. It passed by a vote of 57 to one. It authorizes $393 billion for defense programs, which includes $15.5 billion for the Department of Energy defense-related matters.

The bill makes a number of vital readiness and modernization improvements, and it does a good job in keeping our forces the best trained and the best equipped in the world. The quality-of-life issues are excellent for our servicemembers and their families. In particular, there is a 4.1 percent pay raise, with targeted raises, and I am also pleased to state that there is an increase in the end strength for all services, a much, much needed improvement.

Many missions are being performed by our men and women in uniform that make it clear that we need more people. There is an increase of some $4 million in military construction and family housing that also adds to the quality of life. We were able to increase funding for procurement, research and development, and military construction.

My principal reservations with this bill do concern matters relating to the environment and nuclear weapons policy. But with that said, at the end of the day, Mr. Chairman, this is an excellent bill. It will help our readiness; it will help our troops, whether they be on the field or on post or on base in this country. We are very proud of what they do, so this is a major step in supporting them.

Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of our Subcommittee on Military Research and Development.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to join the other members of the Committee and of the House in thanking the gentleman from Arizona (Mr. STUMP) for his great service to our country, not only in the House of Representatives, but also as a 16-year-old kid who joined the U.S. Navy in World War II. That great ethic of service to the Nation has carried through, and the gentleman from Arizona (Chairman STUMP) has put together a great bill which is essential to this country right now because we are in a war.

I made a few comments during the rule that I think covered to some degree my work and the work of the Subcommittee on Military Research and Development and our contribution to the bill.

Basically, we are working to try and put some money into some high-leverage areas. We have done a pretty good job along those lines. There is missiles and missile defense. That is the ability to stop missiles, from the slow-moving SCUDS, or the Model-Ts of the offensive missiles, all the way up to the fast ICBMs that can be thrown all the way across a great ocean at a nation. Our ability to stop those missiles right now does not exist except in the very low-performance area, and we are moving aggressively with a $7.9 billion program.

The leader of that program, General Kadish, is, I think, acknowledged by Democrats and Republicans to be an extraordinary steward of this program. We have given him some very broad funding categories in missile defense; and we have told him to go out and test this stuff, test it in very difficult situations, put a lot of stress on the systems, and throw out the losers and promote the winners. That means to spend money where it is going to be effective for American security.

So we have given General Kadish a great deal of discretion. I think it is discretion well placed. We have kept that budget very well funded.

Lastly, Mr. Chairman, we have put money in a couple of vulnerable areas. We have put money in the area that has been a real concern to the United States, and that is our ability to defend our ships against increasing performance of antiship missiles that potential adversaries are developing around the world.

We have also put some money, some additional dollars, into our mine-clearing and mine-detection capability, a very important area for us because now we are moving from the deep ocean Navy and deep ocean conflict scenarios into the so-called littorals, right up against the shore where minefields are going to play an increasing role. So we have put money there.

Also we see some potential adversaries building now these new submarine classes, mainly diesel subs, but subs that are very quiet that can hold choke points that can cause us severe problems in strategic areas of the world and where our ability to detect those submarines is critical. So we have put more money in research and development against those areas.

Our members participated fully, Mr. Chairman; and I think we have put together a good package. I want to again thank the chairman of the full committee for this opportunity.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in strong support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

Mr. Chairman, I want to specifically address the provisions in the act relating to military readiness. First, I thank the Subcommittee on Military Readiness leadership and my colleagues on both sides of the committee here for doing a great job, and at the same time to the staff for doing a great job, and for the manner in which they conducted the business of the subcommittee this session.

I also want to express my appreciation to my good friend, the gentleman from Arizona (Chairman STUMP), who has now decided to retire, for his friendship and for his leadership these last few years that we have worked together. Mr. Chairman, we are going to miss you.

Also, I say thanks to the gentleman from Colorado (Mr. HEFLEY) for his personal involvement and the extraordinary steps he took in getting us to this point in developing the readiness portion of fiscal year 2003. Although we worked at an accelerated pace this session, we had an opportunity to see readiness through a different set of eyes, the eyes of the leaders of the soldiers, sailors, and airmen who are entrusted with the awesome responsibility of carrying out our responsibility at the forefront, in harm's way.

We heard them talk about the charges of repair parts, the extra hours they spent trying to maintain old equipment, and the difficulties encountered in trying to conduct realistic training. While we in this body may differ on some policies and program objectives, we in the subcommittee were able to get a better appreciation of the challenges that they face in performing their duties. For their effort, we can all be proud of it.

Mr. Chairman, the readiness provision in this bill reflects some of the steps I believe are necessary with the dollars available to make their task easier. It does not provide all that is needed. Much more funding could be used. At the same time, I believe that this is a good bill. I encourage our Members of the House to vote for a very responsible bill.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Military Construction.

□ 1345

Mr. SAXTON. Mr. Chairman, I rise in strong support of H.R. 4546, the Bob Stump Authorization Act for Fiscal Year 2003. Last week the Committee on Armed Services, as has been said here a couple of times previously, voted on a great bipartisan vote, almost unanimously, to continue the committee's tradition of bipartisanship in addressing the defense needs of this Nation.

As we should expect, this bill contains several initiatives that will aid the Armed Services in their ongoing war against terrorism on behalf of the American people and, indeed, on behalf of the citizens of the world. I have the honor of chairing two bodies involved in this effort, the Special Oversight Panel on Terrorism and the Subcommittee on Military Installations and Facilities.

The Special Oversight Panel on Terrorism has been extremely active in educating Members of the clandestine ways of terrorists and seeking innovative ways to protect American forces. The Subcommittee on Military installations and Facilities has also been extremely active in our area of responsibility in approving a multitude of important projects necessary for improved force protection of military bases.

This bill does much more than enforce protection, however, and I want to be sure that Members know that this need was carefully addressed by approving only projects that were requested by the Department of Defense and by making sure that these monies will be spent well.

I want to also thank Tom Hawley, our staffer, for all of the work that he did in making sure that necessary measures were put in place in a very efficient way.

Also, always I work closely with my counterpart and good friend the gentleman from Ohio (Mr. HOBSON) of the Subcommittee on Military Construction of the Committee on Appropriations to develop the MILCON program for 2003. The gentleman from Ohio (Mr. HOBSON) and our ranking members the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Massachusetts (Mr. OLVER) have worked closely with all interested parties to build a program that supports the Department of Defense on addressing major facilities and quality of life shortfalls.

Mr. Chairman, let me say in closing that this chart I have here to my left represents, I believe, the crux of what we did on this year's military installation facilities authorization bill. H.R. 4546 includes $10 billion for military construction and family housing accounts, including $2 billion for quality of life enhancement. This is extremely important, as all the members of the Committee on Armed Services are aware, because in an all-volunteer Army if we cannot attract good sailors, soldiers, Marines and airmen then our military capabilities will suffer. To that extent, we have included monies to enhance quality of life and to provide the necessary facilities in this regard.

So, Mr. Chairman, I ask everyone to support this bill today. I hope it will be another great bipartisan vote at the conclusion of the debate, which will occur sometime around 8 o'clock, and let me again thank my friend the gentleman from Arizona (Mr. STUMP) for his wonderful work as chairman of this committee.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER) for purposes of debate.

Mr. SNYDER. Mr. Chairman, I want to extend my thanks to the gentleman from Arizona (Mr. STUMP) for the great work he has done throughout his career in this House. He has also been my chairman on the Committee on Veterans' Affairs and I very much appreciate him. And to the gentleman from New York (Mr. MCHUGH), who is the chairman of the Subcommittee on Personnel, of which I am ranking member.

This bill has many, many good things in it, including a pay raise for our men and women in uniform. It decreases the out-of-pocket expenses for housing. There is an increase in end strength, recognizing the realities of the world that we are facing today.

I also want to say a word about TRICARE, which has been a very good program, improving over the last couple of years, but we have some potential problems with it and this bill includes within it a mandate that GAO study some of the potential problems with TRICARE. Specifically, one is some of the paperwork problems that our providers are facing, like preauthorization. We had a lengthy hearing at the subcommittee level about the problems they are having, and this is leading to provider dropout. And while the overall numbers look good, which is 97 percent of physicians stay with the program, many of them are limiting the number of TRICARE patients they are seeing or are not seeing new patients, and this is a problem for us. So we look forward to those studies.

This bill passed the committee by a vote of 57 to 1, and thanks to the gentleman from Arizona's (Mr. STUMP) leadership and the way he conducts the committee, we had a very vigorous debate. It went on all day with multiple votes. The result was a 57 to 1 bill that came out of the committee.

However, the spirit of the House Committee on Armed Services is inconsistent with the rule that brought this bill before us today. It was said this was a structured rule. It was structured to stifle debate and to avoid uncomfortable votes for Members. That is not consistent with a great democracy at this critical time in history. You look at some of the Members who were denied to bring amendments, some of the most respected Members of this House: The gentleman from Mississippi (Mr. TAYLOR), I disagree with him on base closure but he had every right to bring his amendment to this floor; the gentleman from Connecticut (Mr. MALONEY) and the gentleman from Maine (Mr. ALLEN), both excellent members of the Committee on Armed Services; the gentleman from Texas (Mr. FROST), the ranking member on the Committee on Rules and a strong supporter of our national defense, was denied an amendment; the gentleman from South Carolina (Mr. SPRATT) denied an amendment.

This arrogance of power, Mr. Chairman, has to stop in this body.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Readiness.

Mr. HEFLEY. Mr. Chairman, I would be remiss if I did not recognize the contribution of the gentleman from Arizona (Mr. STUMP), who leads our committee, and the gentleman is truly a great American. I do not throw that phrase around very casually. He has led the committee well. I think he has the respect of his entire committee. We are going to miss him. It is a bad decision to leave the House of Representatives and leave us behind. We love the gentleman, and I have appreciated the opportunity to serve with him and call him a friend.

Mr. Chairman, I rise today in strong support of H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. I believe the committee has done a superb job in fulfilling its role in oversight of the Department of Defense and has done its best to provide the necessary funding to improve the readiness of our military forces.

Let us not forget, however, that for many years we have seen our military do more and more with less and less, and now as we are engaged in the war on terrorism we are asking our military men and women to do even more. The budget requests for fiscal year 2003 contains some significant increases in defense spending and an effort by the Department of Defense to fully fund their stated requirements. We are all heartened that these increases make a good attempt at arresting the decline in military readiness and begin the process of rebuilding and restoring our military forces.

To accomplish this, the administration has had to significantly increase critical readiness funding this year as compared to last year. As an example, air, ground, and sea operations as well as training and training range operations have increased by $2.1 billion. In addition, base operations accounts required for the day-to-day operation of our military facilities have increased by $1.2 billion. These increases are fully supported in this bill.

The committee has included two provisions that I believe strike a needed balance between the needs of our military to adequately and effectively train for combat and the need to protect our environment. First, we have included an amendment to the Endanger Species Act that will weigh the impact of national security along with existing obligations under current law not to take any action that will result in the extinction of or harm to an endangered or threatened species.

Second, we have included an amendment in the Migratory Bird Treaty Act to permit the Fish and Wildlife Service to issue a permit to the Department for the accidental taking of migratory birds incidental to authorized military readiness activities.

These and all segments of the Subcommittee on Readiness part of this bill and in fact of the bill as a whole were very bipartisan. As was already mentioned, the bill passed out of committee 57 to 1. It is not a Democratic bill. It is not a Republican bill. It is a bill for the defense of this Nation.

Mr. Chairman, H.R. 4546 is a responsible, meaningful bill that fairly allocates resources for the restoration of acceptable readiness and an acceptable quality of life for the men and women of our military forces. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the military.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER) for purposes of debate.

Mrs. TAUSCHER. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I would also like to add my thanks to the gentleman from Arizona (Mr. STUMP) for his leadership, and I wish him every best wish.

Mr. Chairman, I intend to vote for the defense authorization bill today because it does many good things. This bill will help us fight the war against terrorism and it gives our military men and women a well-deserved pay raise. But I am concerned, Mr. Chairman, about the direction this bill takes regarding our Nation's national nuclear weapons policy.

This bill encourages the United States to develop new nuclear weapons for first time since 1990. It clears the way for underground nuclear testing in Nevada. It endorses arming ballistic missile defenses with nuclear warheads and encourages arbitrary caps on the number of nuclear weapons that could be removed from the Nation's nuclear stockpile.

I will offer an amendment today to require the Department of Energy to provide Congress with options for reducing our nuclear arsenal more quickly than is called for in the Nuclear Posture Review.

If President Bush reaches an agreement with President Putin to reduce nuclear weapons, we should be prepared to make those reductions as quickly as possible, not wait 10 years. But I am disappointed, Mr. Chairman, that the Committee on Rules refused to make in order other amendments relating to our nuclear weapons posture.

I had submitted an amendment with the gentleman from Maine (Mr. ALLEN) to have a more balanced sense of Congress on nuclear policy. Our amendment had several common sense provisions, including restoring the President's ability to pursue sensible reductions in the nuclear stockpile, encouraging conventional "bunker buster" weapons rather than nuclear ones, and exploring all the implications of resuming underground testing instead of going full steam ahead with them.

I had also prepared an amendment to extend our Nation's nonproliferation efforts to countries like Pakistan and India.

Mr. Chairman, despite the limitations the Committee on Rules has placed on debate, I encourage Members to vote for the defense authorization bill today, but I also hope that Members recognize that there are many provisions in this bill that take our Nation down a very dangerous path toward a new nuclear arms race.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY) from the Department of Energy Panel.

Mr. THORNBERRY. Mr. Chairman, I thank the chairman for yielding me time and for his years of service and leadership to our country in national security.

Mr. Chairman, I also appreciate the work of all Members on the Department of Energy Panel and, particularly, the partnership of the gentlewoman from California (Mrs. TAUSCHER).

For 57 years nuclear weapons have played a central role in maintaining our freedom and in preventing the kind of world wars which plagued the early part of the 20th century. There can be no doubt that nuclear weapons will continue to be central to our security as long as any of us are around.

Nuclear weapons exist. We cannot uninvent them. We cannot wipe them off the memory banks of human knowledge, and we should not try to stick our heads in the sand and wish them away. The facts, Mr. Chairman, are that 12 countries now have nuclear weapon programs, 13 countries have biological weapons programs, 16 countries have chemical weapons programs, according to the administration, and that does not count other groups, like al Qaeda, who are trying to acquire them.

The United States does not have chemical and biological, so we must have a strong nuclear deterrent to deter use of those weapons of mass destruction, and our deterrent must be credible against a broader array of threats. Not only must we consider the Russian weapons, but we must consider various other kinds of weapons and threats and our deterrent must be credible, even against rogue states, even against terrorists, even against underground targets. They must even be credible to the kind of people we face in this war against terrorism whose aim is to kill as many Americans as possible.

Now, as our nuclear weapons are aging beyond their intended design life, it is going to be a very difficult job to keep them safe and reliable and credible, to keep the people, the infrastructure, the scientific knowledge we have to have to make sure that that deterrent is credible and does work. This bill takes important steps in that direction and it ought to be supported.

Mr. SKELTON. Mr. Chairman, I yield 7 minutes to the gentlewoman from Georgia (Ms. McKINNEY) for debate purposes only.

Ms. McKINNEY. Mr. Chairman, I voted against this defense authorization bill in committee, and I plan to vote against it on the floor. This bill represents the largest real increase to defense spending since 1966. It contains over $40 billion more spending than last year's defense authorization, which was a huge authorization in itself. This year's defense budget increase alone is greater than the defense budget of nearly every other nation in the world.

H.R. 4546 provides for over $383 billion in spending for the Pentagon and the weapons programs of the Department of Energy. Unfortunately, this new spending comes at the expense of valuable programs for America's families. Sadly, the Bush administration's tax cut for the wealthy has blown the Clinton surplus and reduced our ability to fully fund important programs like job training, prescription drug benefit, conservation spending and much more.

□ 1400

The one-sided priorities of this bill reflect the belief that national security rests in occupying foreign capitals and overthrowing regimes, as our Secretary of Defense told us in committee, rather than in domestic tranquillity and quality of life for America's people.

In addition to the singular focus of our national security attention, there are problems within the Pentagon that raise questions about such immense spending.

On September 10, 2001, Defense Secretary Rumsfeld stated that "according to some estimates, we cannot track $2.3 trillion in transactions." Such a lack of financial accountability undermines the integrity of the Pentagon. How much more inefficiencies, financial loss and wasteful spending can the American people tolerate?

In any other area of enterprise, people get more money when they prove that they know what they do with what they have already got, what they have gotten, but in the world of defense spending, the Secretary can acknowledge the loss of $2.3 trillion and get an almost unprecedented increase in funding.

Additionally, the basis for such a large increase in spending is wholly unjustified.

The events of September 11 were a tragedy to the entire Nation. However, the attacks in New York, Pennsylvania and Virginia were not prompted by any failure of the United States military, but instead were the result of a breakdown in our intelligence community. In fact, just last week Yahoo News reported that CIA Deputy Director of Operation James Pavitt "dismissed charges the CIA was caught unaware by September 11 suicide attacks in the United States" and that "the CIA knew the network led by Saudi-born militant Osama bin Laden was planning a major strike."

Similarly, a Washington Post article dated May 3, 2002, stated, "Two months before the suicide hijackings, an FBI agent in Arizona alerted Washington headquarters that several Middle Easterners were training at a U.S. aviation school and recommended contacting other schools nationwide." The article continued, stating that "law enforcement officials said in retrospect the FBI believes it should have accelerated the suggested check of U.S. flight schools."

I must say that I was pleasantly surprised by Secretary Rumsfeld's cancellation of the Crusader program this week, and I was pleased to receive a phone call from the Pentagon to that effect. However, it must be noted that I had an amendment to cut the Crusader because, among other things, it experienced cost overruns and was too heavy and too large to get anywhere fast at any kind of rapid response.

I would also note that the Crusader is a weapons system that has connections to the Carlyle Group which employs the President's father. $475 million is a lot of money. Sadly, the President requested half a billion dollars for the Crusader weapons system but cancelled our commitment to pay high deployment overtime pay to our troops.

However, the fight to kill the Crusader is not over. Despite the cancellation, language in this bill will seek to keep Crusader alive. The Committee on Armed Services and the House should not allow that to happen. The Crusader has been rightly cut. It should remain that way, and the half billion dollars it has freed up should go to reinstating the high deployment per diem that the President cancelled in October.

As by now my colleagues also know, this bill creates exemptions for the Pentagon in the Endangered Species Act and the Migratory Bird Treaty Act, removes protections from public lands, and creates horrendous precedent for wilderness areas. The Committee on Armed Services is not where our country's environmental policy should be made.

With regard to missile defense, H.R. 4546 continues development of this dangerous, destabilizing and unreliable system. The authorization provides $7.8 billion for missile defense following on the nearly $8 billion that was authorized last year. Yet the CIA's own national intelligence estimate states that attacks are much more likely using weapons of mass destruction via untraditional methods such as trucks, ships or airplanes.

Rather than spending billions on a missile defense system, diplomacy through arms control and disarmament agreements will be much more effective in advancing peace and security in the days and years ahead and will cost far less than a Star Wars system.

Though it deeply troubles me that one of the first acts of our President after declaring this war on terrorism was to sign an executive order denying previously promised high deployment overtime pay to our servicemen and women, the personnel and compensation section of this bill takes important steps for our servicemen and women. Though I am opposed to this act, I greatly respect the individual members of our armed services for their service and sacrifice in the name of our Nation.

However, Mr. Chairman, despite whatever good this bill does for our servicemen and women and our veterans, it is still entirely too large and takes us down the wrong policy track.

Additionally, as our defense spending increases year after year, sacrifices made in domestic spending never seem to be corrected. From resuming nuclear testing to advancing nuclear-tipped missile defense, from the rollback of environmental laws, to pork-barreling weapons systems, this bill is big, and it could have been a lot better.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Military Procurement of the Committee on Armed Services.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank our distinguished chairman, the gentleman from Arizona (Mr. STUMP) for yielding me the time, and I want to start off again by thanking our chairman and our ranking member, two of the great patriots of this institution, this country, for their outstanding work in bringing us a defense bill that all of us can get behind.

It is not a perfect bill. In fact, there are some amendments that I would like to have seen offered that were not made in order, and that is a part of the process, unfortunately, we go through. I am also not happy with the dollar amount. Our chairman and ranking member made the best possible good faith effort to increase funding, but it is woefully underfunding our modernization.

Other Members who have spoken here have talked about too much for defense. Our soldiers today are fighting in tactical fighters that are 17 years old on average. Our Navy that at one time was 555 ships is now 314 ships. Our shipbuilding account is taking us down to a 235-ship Navy. The B-52 bomber will be 70 years old before it is retired. Our Chinook helicopters will be 60 years old.

We have underfunded the military consistently in both Democrat and Republican administrations for the past 10 years. This bill begins to correct that, but it does not solve all of those problems. We are asking for some relief in this bill. Nothing out of the ordinary.

We want to stop the encroachment that costs us more money that stops our troops from training. This is in no way, shape, or form a rollback of environmental laws. I would not support that, as a Republican proud of my environmental voting record. It does say that when we take 85 percent of Red Beach at Camp Pendleton where our Marines have to train and say 85 percent of that base or that training area, that beach cannot be used because of an endangered species, is a little bit ridiculous, especially when we consider if we look at the numbers of all the Federal agencies that have land, the Pentagon controls the smallest amount of land, yet has the largest number of endangered species of any other Federal agency and, in my opinion, does the most effective job possible in protecting wildlife and protecting endangered species.

All we ask for is some limited relief to allow our military personnel to be properly trained; nothing more. This is not an attempt to roll back environmental laws in any way, shape, or form.

In the other areas of the bill, I think we make a good faith effort in missile defense, in systems and programs. Again, it is not perfect, but we do provide some great increases in assistance for our troops in the personnel area, and I think we make a good down payment on modernization and research for the future.

So I encourage my colleagues to work with us through this process. We will be offering, I think, a very innovative series of amendments on the nuclear posture of this country that will revolutionize our relationship with Russia. I look forward to voting in a positive way on this bill, and I ask our colleagues to vote yes on the final passage and to work with us to get the largest vote possible in showing that our military has the support of Democrats and Republicans.

In closing, I want to thank my colleague and ranking member, the gentleman from Mississippi (Mr. TAYLOR). He is one of the most tireless advocates for the Navy in this Congress. He has fought hard and his work has paid off in an additional ship being funded in this bill. I thank my colleagues for their leadership.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank my colleague and friend, the gentleman from Pennsylvania (Mr. WELDON), for his kind words and for his good work on the procurement portion of this bill.

Along with every other Member of this body, I want to compliment the gentleman from Arizona (Mr. STUMP) for being a great human being and a great American and a phenomenal chairman to our committee.

My colleagues have noticed a lot of anger on the floor today, which is completely contrary to just one week ago in the Committee on Armed Services where every single Member who wanted to offer an amendment to that bill was allowed to do so. Today, there are a number of us who felt like we could make a good bill a heck of a lot better and save some American lives by offering amendments.

The gentleman from Arizona (Mr. STUMP) actually went to the Committee on Rules and told them he wanted most of those amendments put in order. I thank the chairman for that, and I deeply regret that the Committee on Rules chose not to make many of these amendments in order.

I thank the gentleman for his efforts, particularly from the day he was 16 years old, serving in the United States Navy till now serving us, and I also wish he would change his mind and stick around for a while.

The gentleman from Pennsylvania (Mr. WELDON) talked on many of the needs of our Nation, and we have incredible pressing needs, about 940 Huey helicopters in inventory, the newest of which was built in 1972, that need to be replaced.

As the gentleman from Pennsylvania (Mr. WELDON) pointed out, the fleet has now shrunk to 314 ships which is the smallest it has been since 1933. That is unacceptable. The President only asked for 5 ships this year which, incidentally, is 2 ships fewer than the Clinton administration asked for. I am pleased Chairman WELDON chose to add an additional destroyer to that. That will take a step towards keeping the fleet at the bare minimum size, and hopefully, the Senate will do even better.

I want to point out that the bill does contain almost a billion dollars for the development of the next generation of destroyers, the DDX. I want to point out the new attack submarine at $1.6 billion was partially funded.

The committee, I think, wisely chose to fund the Crusader program at about $475 million, and I do agree with General Shinseki, who is the chief of staff of the United States Army, on the important need for this program, and I have to take issue with the Secretary of Defense. I think it is necessary. I hope the committee will stick by its guns.

I want to take this opportunity to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP) for the way they have handled this committee and put this bill together.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. While I support the bill in its entirety and commend it to this body as must-pass legislation, I want to especially emphasize the provisions in the bill relating to morale, welfare and recreation activities of the Department of Defense and the military services.

I have the honor to chair the Special Oversight Panel of Morale, Welfare and Recreation which keeps a careful eye on some very important quality-of-life benefits for our military families, such as commissaries and child care centers. The MWR portion of H.R. 4546 is truly nonpartisan and was approved unanimously by both the panel and the full committee without any amendments.

I have found the defense programs that are not nourished by the Congress or the Pentagon quickly die away. MWR programs are no different. While I agree with most of what this administration is doing, I believe the continued pressure to privatize commissaries is misguided. The budget for the Defense Commissary Agency contained in this bill is about as low as I am prepared to support without persuasive evidence that customer savings and service will not suffer.

That said, I believe the budget before my colleagues is adequate. To ensure the quality of customer service and continued savings, H.R. 4546 requires a GAO study of DECA's budget proposals as well as other measures to protect the commissary benefit.

In addition, the package before the House will allow our deserving National Guard soldiers called to State duty in time of national emergency, like the present, to use commissary stores. We had provided this privilege some years ago to guardsmen called to duty for natural disasters and found that we should have added national emergencies as well.

Of course, I thank our ranking Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his wise counsel and support in our shared responsibilities to manage MWR matters for the committee, and I join him in urging all Members to vote for H.R. 4546.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SÁNCHEZ).

Ms. SANCHEZ. Mr. Chairman, I rise today to voice my support for the Bob Stump Defense Authorization Act for Fiscal Year 2003.

I want to commend the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for the job they have done on this, and everybody on the committee.

We did have a good discussion last week with this bill. This bill will help solders and their families put more money in their pockets by reducing the average amount of housing expenses paid by service members from the current 11.3 percent to 7½ percent in fiscal year 2003.

☐ 1415

Now, that might not mean much to us, but to people who are forced to move every few years, it is a very important issue, this issue of the cost of housing for them. So that puts us on the track to eliminate some of this heavy burden for our families that have men and women in uniform.

The bill, for the first time, fully funds Concurrent Receipt, and establishes a program through which military retirees will receive increasing compensation. And by the year 2007, retirees who are 60 percent or more disabled will receive their full retirement pay and their disability. This is something that our military retirees desperately need.

Unfortunately, this bill also contains provisions that undermine some of our basic commitments to our Nation, including to try to reduce the proliferation of nuclear weapons. The bill gives credence to the fact that the United States should develop nuclear weapons capable of destroying hard and buried targets and use nuclear-tipped missiles to intercept nuclear warheads.

I do not need to remind anyone that nuclear weapons have only been used twice in the history of warfare, and the United States has not designed or built a new nuclear weapon since the Cold War. Mutually Assured Destruction, or MAD, is a policy relic of the Cold War; and it should not be resurrected. It should not be resurrected by us.

Furthermore, this bill furthers the development of national missile defense with little congressional oversight. We may need a missile defense; but we need a structured one, one where we as a Congress look at it and take full responsibility for what is happening with its development.

No bill is perfect. This one has a lack of acknowledgment by the Department of Defense to the members of our Committee on Resources with respect to environmental issues, and this is very shortsighted.

Aside from that, I will be voting for the recommit and for this bill.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. EVERETT), a member of the committee.

Mr. EVERETT. Mr. Chairman, I thank the gentleman, the chairman, and my good friend, the gentleman from Arizona (Mr. STUMP), for yielding me this time. I have served under him while he has been chairman of the Committee on Armed Services and also when he was chairman of the Committee on Veterans' Affairs. This House will miss him.

Let me speak about Army aviation training. The Army continues to short fund the training budget of its helicopter pilots. To address this shortfall, the committee took steps last year to begin funding the Army Aviation Institute Training Simulator program to enhance pilot training at the Aviation War-fighting Center. Unfortunately, the committee did not add funds for the program in this year's authorization bill due to the lack of resources.

The Army is concerned with the crash rate of the OH-58C/D. It is four times greater than all other helicopters in the fleet. The Army has an immediate need for high-fidelity OH-58C/D simulators to improve the crew training of emergency procedures and other techniques on the aircraft. The Army has identified the AAITS program as the best way to provide this training. It is my hope that the defense appropriators in both Houses will give strong consideration to a $15 million add for six high-definition OH-58C/D simulators.

Mr. Chairman, I can't think of a more important responsibility than to train Army Aviators in the best way possible, with the latest technologies available. The AAITS program meets this challenge by using commercially available technologies that are cost effective and ready to be deployed today.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in spite of the best attempts of the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON), this bill has become a political grab bag of extraneous material that has nothing to do with defense authorization and has no place in this bill.

I have time to cite just one example. Article 14 is a provision which contains language that is destructive to our efforts to protect the environment in this country, particularly issues that are destructive to the 1964 Wilderness Act. That language undermines the issue of wilderness as it is practiced by the Federal Government in areas all across the country. It is a special provision. It is even a personal provision. It has no business in this bill.

Furthermore, we were not given the opportunities to present amendments which could give the House the opportunity to debate this issue and to strike these unwarranted and destructive provisions from the bill. That makes this bill unworthy of the House. It ought to be withdrawn. We ought to have an opportunity to debate this issue and those things ought to be brought before us.

Mr. STUMP. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. CHAMBLISS), a member of the committee.

Mr. CHAMBLISS. Mr. Chairman, I strongly support the fiscal year 2003 Bob Stump National Defense Authorization Act, which will provide critical resources for our military to ensure that they have the adequate training, modern equipment, and sufficient resources to do their job in protecting our Nation.

I am proud of the work of the House Committee on Armed Services and our chairman, the gentleman from Arizona (Mr. STUMP), who has done an excellent job in crafting a bill that will support our warfighters. Chairman STUMP is a hero of mine, and we will miss his great service in this body.

This bill is important for our Nation. Our troops deserve a pay raise and we provide that to them. We provide our troops and their families quality health care and benefits which they have earned because of their service and sacrifice for our Nation. We provide significant funds for the development of technologies that are needed for our missile defense systems so that we are better prepared to meet the future threats this country faces.

We increase the resources available to combat terrorism, which is an immediate threat to the people of the United States of America. We increase key readiness accounts so that we continue to increase our capabilities to support our warfighters who are actively engaged in protecting American interests around the globe.

Let me say that this bill is also important for Georgia. We fund critical military construction projects at Robins Air Force Base, Fort Benning, Fort Stewart, and Kings Bay Navy submarine base. We fully funded the President's budget request for vital modern aircraft for our Air Force's F–22 Raptor advanced tactical fighter, the C–17, the C–130, and JSTARS, all of which are important to my home State as well as our long-term national defense priorities.

Mr. Chairman, terrorism and our national security are not fleeting problems. This bill addresses our needs on terrorism from a force-protection standpoint, and I urge the passage of this bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the defense authorization bill.

I commend the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking minority member, the gentleman from Missouri (Mr. SKELTON), for putting together a good bill. It will enable today's troops to succeed in the war in Afghanistan and makes investments in the future to assure the U.S. military retains its edge.

I commend the bill's shipbuilding initiative to fix the Pentagon's paltry request in this area, and it sets an important marker for restoring funding for a third DDG–51 destroyer. The Merchant Marine panel, of which I am ranking member, does quiet but important work to assure a healthy and viable U.S. maritime fleet. I thank the panel chairman, the gentleman from California (Mr. HUNTER), for his leadership in restoring funding for the title XI loan guarantee program, which gives life to our vital shipbuilding industrial base.

I also welcome the creative provision on ship scrapping, which helps States acquire obsolete vessels for artificial reefs. There are, however, parts of this bill that I do not support. First, it contains three environmental provisions not under the jurisdiction of the Committee on Armed Services. They belong to the Committee on Resources, which was denied the opportunity to consider them. These provisions are a part of a last-minute stealth attempt by DOD to exempt itself from a variety of landmark environmental laws.

The package was submitted just 4 days before committee markup, denying time for proper review. In the only hearing, the majority refused to invite State or local governments, environmental groups, or any other non-administration witnesses to testify.

Second, I disagree with the aggressive nuclear policy language in the bill and report which endorses new nuclear weapons or new uses for such weapons. I am afraid that money spent to revitalize and legitimize nuclear weapons will divert funds from weapons our warfighters actually need for combat. I believe it will be destabilizing and lead to new arms races.

Finally, I am disappointed the committee did not make in order my amendment to previous nuclear-tipped interceptors. The U.S. rejected that idea decades ago.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT), a member of the committee.

Mr. CALVERT. Mr. Chairman, I too want to thank the chairman, the gentleman from Arizona (Mr. STUMP), for all his years of service. We will miss him very much, but I know he will always be in our hearts.

Mr. Chairman, in my home State of California, environmental litigation may force the Fish and Wildlife Service to designate critical habitat for endangered species on over 50 percent of the 125,000-acre Camp Pendleton in Southern California. Even though there are 17 miles of coastline in Camp Pendleton, environmental restrictions allow the Marines to use less than 1 mile of that coast, as designated on this drawing. One mile. That is it. That small space.

And once they get ashore, Marines have to align everything and everyone up single file to weed through the land that has been designated critical habitat and cross Interstate 5 to another location on the base to begin their maneuvers.

Mr. Chairman, our Marines should be training as they fight, not as if they are going out on some field trip. Our military is one of the best environmental stewards America has. They should not be forced to give up realistic training on their own property to satisfy a few environmental extremists.

Proper training saves lives. We must not sacrifice the safety of our sons and daughters so that a gnatcatcher or a fairy shrimp can have an undisturbed life.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I rise today to join my colleagues in support of H.R. 4546, the Bob Stump National Defense Authorization Act for fiscal year 2003. It will go a long way towards ensuring that our troops get the support they need to win the war against terrorism as it meets many of our military's modernization needs and provides every servicemember with a pay raise they so richly deserve.

In particular, I want to address the provisions in the bill relating to the morale, welfare and recreation activities of DOD. I want to acknowledge the outstanding leadership of our panel chair, the gentleman from Maryland (Mr. BARTLETT), and the active participation of all the panel members. I am pleased that we were able to address many of the urgent MWR issues that will sustain this important benefit, including the bill's acknowledgment of our concern and expression of our appreciation for the contributions of the National Guard during this period of national crisis by making it possible for them to use the commissary, even though they are under State control.

In addition to the MWR provisions, I am also pleased to note that a number of measures included within the bill will support Guam in its strategic role to U.S. national security. Guam's military installations and facilities stand to benefit from over $75 million of military construction and improvements. Most notable are the projects for a new on-base water system at Andersen Air Force Base and the continued construction of the Guam Army Guard Readiness Center. The people of Guam welcome this significant boost in military construction and appreciate the recognition this bill provides to our people in uniform.

Further, the bill before us today restores a balance between protecting the environment and sustaining military readiness, particularly in the case of the Farallon de Medinilla, FDM, bombing range north of Guam in the Northern Marianas. Last month, a Federal Court here in Washington, D.C. ruled that the Navy was in violation of the Migratory Bird Treaty because of the incidental taking of nonendangered birds while conducting critical training activities. This bill narrowly fixes this. We are in support of this provision.

Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I want to acknowledge the excellent and noble work that our chairman, the gentleman from Arizona (Mr. STUMP), has done over the years.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, the 106th Congress took the first steps toward addressing the inequity that provides for an offset between military retired pay and VA disability, which unfairly penalizes more than 500,000 disabled military retirees nationwide by authorizing a monthly allowance to certain severely disabled military retirees. Last year, Congress took an additional step towards eliminating the offset by authorizing my Concurrent Receipt legislation, H.R. 303.

The bill we are considering today follows the fiscal year 2003 budget and includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit on a transitional basis by fiscal year 2007.

So I say to all my colleagues, Mr. Chairman, support America and its veterans, vote for H.R. 4546. And I would also offer in closing my compliments to the gentleman from Arizona (Mr. STUMP) for being a great patriot and a great chairman.

Some military retirees—individuals who are eligible for military retirement benefits as a result of a full service career—are also eligible for disability compensation from the VA based on a medical problem they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. Congress enacted this unjust law in 1891. Nationwide, more than 500,000 disabled military retirees must give up their retired pay in order to receive their VA disability compensation. In effect, they must pay for their VA disability our of their military retirement—something no other federal retiree must do

I have been trying to repeal this unfair offset for more than 17 years. My legislation, H.R. 303, has received strong bipartisan support with more than 390 cosponsors in the House. More than 80 members have cosponsored similar legislation in the Senate. Moreover, every major veterans and military organization strongly support the concurrent receipt of military retired pay and VA disability compensation. The 106th Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans' Affairs at 70 percent or greater. These provisions were recently expanded to include retirees with ratings of 60 percent.

Last year, Congress took an additional step towards repealing the offset by authorizing H.R. 303. However, under the provisions of the Fiscal Year 2002 National Defense Authorization Act, this authorization requires the President to submit legislation in his annual budget request and Congress to enact this legislation to offset the cost of this initiative. Since the enactment of last year's defense authorization act, I have been working to secure the money needed to fund "concurrent receipt." I was very pleased that the Budget Committee included almost $6 billion in the FY 2002 Budget Resolution for a partial repeal of the dollar-for-dollar offset between retired pay and VA disability compensation.

I am also pleased that the bill we are considering today follows the FY 2002 budget resolution and includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by Fiscal Year 2007. Until the program is fully implemented, the bill establishes a transition program through which retirees will receive increasing amounts of their retired pay. I want to thank Chairman BOB STUMP, Ranking Member IKE SKELTON, Military Personnel Subcommittee Chairman JOHN MCHUGH and Ranking Member VIC SNYDER for their continued support and interest in this issue.

While H.R. 4546 does not allow for the complete elimination of the current offset, it does provide for a substantial concurrent receipt benefit and it is a tremendous step forward in our fight to repeal the current inequitable offset. I urge my colleagues to support the Bob Stump National Defense Authorization Act.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Chairman, I rise in support of the Bob Stump National Defense Authorization Act, which will support all of our men and women in uniform and also the Crusader program.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. Chairman, this bill today is one of the most important pieces of legislation that this Congress will consider, and I want to recognize the leadership of the gentleman from Arizona (Chairman STUMP), for his leadership, as well as the leadership of our ranking member, the gentleman from Missouri (Mr. SKELTON). The bipartisan approach that this committee has utilized to craft this bill exemplifies our bipartisan and our unwavering commitment to winning our Nation's war against terrorists.

We also in this bill take major steps forward in providing our Armed Forces with the tools and the resources they need to protect our national security interests around the world. Earlier this year our military chiefs testified before our committee and identified over $25 billion in unfunded requirements for the upcoming fiscal year. Our committee was not able to address every need on the chiefs' list, but I am pleased that we addressed many of the issues, particularly in the areas of quality of life, readiness and modernization, as well as the deficiencies that the Department identified necessary to wage our war on terrorism.

Over the last few years, one area of particular concern to me has been the continued reduction in troop end strength. In the post-Vietnam War era, the active duty military peaked at 2.2 million personnel. Today it is less than 1.5 million. Last year, each of our military services entered the war on terrorism with personnel shortages, a situation that has only worsened due to the heightened operational tempo required around the globe.

I commend the ranking member, the gentleman from Missouri (Mr. SKELTON), for his leadership in advocating an increase in troop strength; and I am pleased that this bill contains an increase of 13,000 in troop authorization above last year's level.

Mr. Chairman, I believe this is an important piece of legislation that deserves the support of the entire Congress. I urge adoption of this legislation.

Lastly, this legislation strengthens our national security interests both at home and abroad by authorizing $7.8 billion for ballistic missile defense programs. The development of medium and long range ballistic missiles by North Korea, Iran, Iraq, and other rogue countries underscores the importance of developing a fielding theater missile defenses capable of defeating these threats as soon as possible. Protecting our country and troops deployed in theater from a ballistic missile attack should continue to be a priority, and I applaud the commitment that is being shown to field this technology in the near term. Mr. Chairman, I especially want to emphasize the importance of fielding the Department of Defense's highest theater missile defense system, the PAC–3. When you look at spectrum of known threats around the world, and focus on those areas where we either have personnel or could likely have troops deployed, it's hard to ignore the fact that most credible ballistic missile threats would be thwarted by the PAC–3 system. Consequently, amendments will be offered by Mr. SPRATT and Mr. HUNTER a little later that seek to add money to this program. I am hopeful that you will support this effort and join with us in ensuring that our troops are adequately protected against these emerging threats.

Mr. Chairman, we are at an important juncture with respect to funding our military and providing them with the resources necessary to effectively wage our war on terrorism. This bill acknowledges the challenges we face and seeks to respond. I urge my colleagues to support this bipartisan bill.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Personnel.

Mr. MCHUGH. Mr. Chairman, May marks National Military Appreciation Month, and I can think of no appropriate way to recognize it than to rise in strong support of the National Defense Authorization Act for Fiscal Year 2003. I especially commend for my colleagues' consideration and support the military personnel provisions of the bill that address continuing realities and challenges by making improvements in the end strength, compensation, personnel and health care systems of the Department of Defense.

Let me highlight three of those most important areas. First, while fully supporting the efforts of the Secretary of Defense to reduce operational and mission requirements, this bill reflects the view that the war on terrorism will be a long-term effort and that some growth in military manpower is prudent at this time.

Therefore, the bill represents the bipartisan views of all of us, including the gentleman from Missouri (Mr. SKELTON), who was a leader on this, and recommends an increase in active duty end strength of nearly 1 percent, or 12,650, above fiscal year 2002 levels. That is the largest single year growth in active end strength since 1985 and 1986. To support the added strength, the bill provides an additional $550 million as well as increasing National Guard and Reserve component full-time manning by some 2,400 personnel.

Secondly, the bill provides a military pay raise, as proposed by the President, of 4.1 percent across-the-board for all personnel, one-half of 1 percent more than the average pay increase for private sector employees.

In addition, it recommends targeted raises of 6.5 percent to critical mid-grade and senior noncommissioned officers and mid-grade officers, as well as housing rates that will reduce the out-of-pocket housing expenses from the current level of 11.3 percent to 7.5 percent in fiscal year 2003.

Finally, as the gentleman from Florida (Mr. BILIRAKIS) said moments ago, the third major provision I want to highlight would ensure that by 2007 all retirees rated by the Veterans Administration with 60 percent disabled or above will receive both their full military retired pay and their full VA disability pay. This initiative, known widely as concurrent receipts, represents the culmination of a multi-year, bipartisan effort to restore justice in veterans' compensation using the $5.8 billion provided by the House budget resolution for fiscal year 2003.

In closing, Mr. Chairman, let me thank the ranking member of the subcommittee, the gentleman from Arkansas (Mr. SNYDER), for his leadership, for his very active involvement, as well as all members of both sides of the aisle of the Subcommittee on Military Personnel who have a good deal to be proud of in this fine mark and in this great bill.

Mr. Chairman, I urge all Members to join us in support of this very fine measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time. It is a personal privilege to stand in support of the piece of legislation named in honor of a patriot, the gentleman from Arizona (Mr. STUMP), who has served our country so very well. I am honored to support this bill in his name, and thank the gentleman from Missouri (Mr. SKELTON) for his contribution.

America stands today as perhaps the greatest military power in global history; but as we have learned in the last 7 months, even great powers are faced with great challenges. I support this bill because I believe it affirms two of our greatest strengths, and it begins to deal with two of our greatest challenges.

First of all, it affirms the strength that is the most premium strength of the American military structure, the men and women who serve their country. By raising the pay of those men and women by 4.1 percent, by supplementing their medical and other benefits considerably, although not enough, this bill is a good step in the right direction.

Second, as a member of the Subcommittee on Research and Development, I am particularly pleased that we have before us today a bill that will make the greatest investment in research and development in our Nation's history. In particular, I am pleased with the 20 percent increase in the DARPA funding accounts, which I think bring out the very best of America's university sector, private sector and government sector.

With respect to challenges, I believe that the new Northern Command structure that is implemented in this bill is a positive step toward meaningful homeland security. I look forward to working with the Pentagon and my fellow members of the committee in making that command structure effective in homeland security.

Finally, the bill begins to grapple with the very real problem with missile defense. There are those of us who believe that missile defense is necessary and appropriate, but there are some disagreements over how to implement it. Because of the bipartisan leadership of this committee, I believe that we have a constructive approach to bridging those differences and managing this challenge.

In short, I believe this is a bill that every Member of both political parties can support with pride that will help us carry forward in meeting the very great challenges our country faces today. I urge support of the bill.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was the Roman orator Cicero who once said that the greatest of all virtues is gratitude, and let me again express gratitude to the gentleman from Arizona (Mr. STUMP) for his tireless and skillful efforts in leading our committee, and in his contributions to the United States Congress through the years. We are very proud of him and thank him for what he has done for us, and the role model he has been for the rest of the Members, both Democrat and Republican.

Let me also say a word of thanks and gratitude to the Committee on Armed Services, which I believe is the most bipartisan committee in this body. There are times we have partisan disagreements, but we do attack the various issues as professionals and as representatives of different parts of our country.

But most of all, I think we as a body need to express thanks and gratitude to the young men and young women in uniform. That is the purpose of our being here today. It is the United States Constitution that charges us here in Congress to raise and maintain the military of the United States. The military of the United States is reflected by young people in various colors of uniform all wearing the American flag on their sleeve. So we thank them, we thank their families, and we hope that the piece of legislation that we pass today will be a benefit to them, encouraging them to keep doing a good job and staying the course, and just a word of thanks to them for their determination, dedication and patriotism.

With that, Mr. Chairman, again a special thanks to the gentleman from Arizona (Chairman STUMP).

Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I want to also thank the gentleman from Arizona (Mr. STUMP) and our other defense leader, the gentleman from Missouri (Mr. SKELTON), for this legislation. This bill supports President Bush and Secretary Rumsfeld, who commands our troops currently in battle. It supports our Naval training at the Navy's only boot camp at Great Lakes, Illinois.

It advances our efforts to combine Naval Hospital Great Lakes with North Chicago VA to help out veterans and active duty health care.

It protects our air crews over Afghanistan and Iraq with improved tactical Navy electronic warfare aircraft, and it supports our fellow allies to meet the missile threat, especially giving early warning eyes in the sky to Israel and Arrow anti-missiles to shoot down SCUDs. It is a good piece of legislation; it deserves our support for the fundamental mission of the Federal Government to defend our country.

Mr. Chairman, I rise in strong support of the Bob Stump National Defense Authorization Act. This bill supports the efforts of President Bush and Secretary Rumsfeld to modernize and strengthen our military. The bill supports the needs of our men and women in uniform, ensuring that they receive better pay, have better equipment at their disposal, have a better quality of life, and are provided with all the tools necessary to complete their missions. The effects of these initiatives will be appreciated by servicemembers around the world, from the recruits currently in my district at the Great Lakes Naval Training Center to the Special Forces troops operating in the mountains of Afghanistan.

Additionally, this bill strongly supports electronic warfare and the EA–6B Prowler, our Nation's lone remaining electronic jamming aircraft. The Prowler is integral to successful airborne strike operations and is often the first aircraft in theater and the last aircraft to leave. Without the Prowler, our aircrews would be vulnerable to a wide variety of threats from integrated air defenses and advanced surface-to-air missiles. In support of the aging Prowler fleet, this bill authorizes $85.8 million to procure and install wing center sections and outer wing panels, both of which have suffered from fatigue and forced the grounding of eight aircraft.

$35 million is included to procure advanced USQ–113 jammers, which will enhance that ability of the Prowler to cut off enemy communications. I am also encouraged that $29 million are included to procure band 9/10 transmitters, which will enhance Prowler capabilities.

Perhaps most importantly, H.R. 4546 includes an increase of $10 million to continue efforts to develop a successor to the Prowler.

Mr. Chairman, I strongly support our men and women in uniform, our national defense, and this bill. I encourage my colleagues to do the same.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. JEFF MILLER).

Mr. JEFF MILLER of Florida. Mr. Chairman, I rise in support of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, H.R. 4546.

The legislation remedies a long-committed wrong that has been used against our retired military veterans for many years. By providing $5.58 billion over 5 years towards retiree benefits, H.R. 4546 begins full concurrent receipt for veterans suffering from a disabled rating 60 percent or greater. These individuals have given decades of their life and service to this great country, and they will begin to receive their earned retired pay along with their earned disability payment.

This agreement builds upon the work of the Committee on Veterans Affairs and the Committee on Armed Services over the last couple years, and finishes the work done last year that made the policy change.

Due to the meticulous work by the Committee on the Budget, the requirement to have a full budget offset is no longer needed, and that section has now been removed as a stipulation that claims must be made within 4 years of military separation.

Mr. Chairman, I am proud to be a member of the Committee on Armed Services and proud to support this fiscal year 2003 defense authorization, H.R. 4546.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) for all his hard work. I served with the gentleman when he chaired the Committee on Veterans' Affairs, and I think it is appropriate that this defense bill is named after him. And I would say to the gentleman from Missouri (Mr. SKELTON), you two together have put before this Congress another quality product on behalf of the men and women who serve our Nation.

I thank the gentleman from Pennsylvania (Mr. WELDON), as chairman of the Subcommittee on Procurement. The gentleman from Mississippi (Mr. TAYLOR) and I co-chaired the Guard and Reserve Caucus for many years, and serve in that caucus, and a big part of our mark was accepted, just like the gentleman from California (Mr. HUNTER) used to do for us, and there are so many Guard and Reserve. There are so many things for the active force.

So it is not only the procurement mark, but also military construction, and what the gentleman from New York (Mr. MCHUGH) did with regard to end strength, I thank the gentlemen. It is a very good mark. I ask all Members to support the product of the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON). It is quality work.

Mr. Chairman, I rise in strong support of H.R. 4546; the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

America is at war, our military personnel are in harm's way, and our Nation is facing dangerous and difficult threats.

September 11, 2001, now marks the most lethal single attack on the United States in our Nation's history.

The Bob Stump National Defense Authorization Act demonstrates strong bipartisan commitment to America's soldiers, sailors, airmen, and Marines who are fighting the global war against terrorism.

President George W. Bush stated and I quote,

> Nothing is more important than the national security of our country, nothing is more important. So nothing is more important than our defense budget.

I strongly agree.

This National Defense Authorization Act goes beyond the President's request to improve homeland security, support U.S. service members, and increase military readiness and modernization.

It is fitting that this Defense Authorization Act; the largest real increase to defense spending since 1966; be named after my good friend, Chairman BOB STUMP.

I have had the privilege of working along side BOB, and the opportunity to witness his steadfast support of our Nation's military. We share the same values and beliefs; duty, honor, courage, and commitment to God, country, family, and our fellow man. His leadership will be missed.

Equally fitting is the support H.R. 4546 provides to addressing the needs of the National Guard and Reserves.

Today, there are over 80,000 Reservists and National Guard personnel on active duty from 50 States, the District of Columbia, and Puerto Rico supporting the global war on terrorism. They are a critical component of the total force and vital for our homeland's security.

On behalf of Congressman TAYLOR and myself as cochairs of the National Guard & Reserve Components Caucus, we extend our thanks to the subcommittee chairman and ranking members for their support to the National Guard and Reserves.

The National Guard and Reserve Components Caucus, representing 158 Members of Congress, has organized member support for legislative initiatives dealing with Reserve Components, operations, programs, and policies.

Now in its seventh year, the Reserve Components Caucus, has a proven history of working with and assisting the House Armed Services Committee.

H.R. 4546 goes a long way to support National Guard and Reserve personnel, readiness, modernization, and military construction.

National Guard and Reserve Force personnel strength is increased by adding more than 2,450 full-time military personnel to support the Army National Guard, Army Reserve, Air National Guard, and Air Force Reserve. Additionally, it increases Naval Reserve unit strength by 800 part-time military personnel.

H.R. 4546 also addresses significant personnel, compensation and benefits improvements including a minimum 4.1 percent pay raise for all active, National Guard, and Reserve personnel.

It extends the eligibility period for Selected Reservists' use of the Montgomery GI bill an additional 4 years.

H.R. 4546 also directs a comprehensive study of the rights, benefits and entitlements of Reservists and their dependents.

National Guard and Reserve quality of life improvements in this Defense Authorization Act also include over $510 million for military construction.

National Guard and Reserve Equipment requirements still reflect a $9 billion shortfall, however, H.R. 4546 provides over $470 million for Guard and Reserve equipment procurement above the President's Budget submission.

On behalf of the Reserve Components Caucus, I thank Chairman WELDON for his support in improving Guard and Reserve modernization.

This bill sends a strong signal to the world and recognizes the sacrifice and unselfish commitment of our service men and women in protecting America's cherished freedoms and liberties.

In short, this bill says to the American people that military service; active and reserve service, is critical for our Nation's security.

It is clearly another giant step in our continued efforts to improve quality of life, modernize the force, and improve readiness.

I urge my colleagues to support this bill.

☐ 1445

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Chairman, I want to commend the gentleman from Arizona (Mr. STUMP) on the outstanding work that he has done to make America secure, but some of the rhetoric that I hear from the other side gives me pause and what comes to mind is how quickly we forget.

Some of the environmental concerns that have been raised are completely bogus, Mr. Chairman. When we have a situation where 16 or 17 miles of coastline cannot be used at Camp Pendleton, when we have a situation where soldiers have to draw a circle in the sand and stand there and pretend that it is a foxhole, we are not training our soldiers realistically. The success that we have seen in Afghanistan is the direct result of investment in training and personnel and in troops and in equipment. But that training cannot continue under the current environmental restrictions that we have.

This bill makes some commonsense reforms that allow our soldiers, sailors and airmen to prepare to wage and win war. I commend him for his leadership on this and his striking the delicate balance that recognizes the stewardship of the Department of Defense and the overarching mission that they have, which is to keep America secure.

For the past year, the Government Reform Committee has been investigating the growing number of restrictions, or encroachments, placed on training at military training ranges by environmental regulations, urban sprawl, international treaties and competition for limited airspace and frequency spectrum.

In May of last year the Government Reform Committee held it's first hearing on this issue titled "Challenges to National Security: Constraints on Military Training". In August of last year the Government Reform Committee on National Security, Veterans Affairs and International Relations, of which I am vice chairman, held a field hearing in my district at the Avon Park, Fl, Air Force Bombing Range to address the issue of military training range sustainability.

Our hearings have demonstrated that environmental regulations are among the most pervasive and burdensome constraints on military training. At a hearing last spring, for instance, the committee learned that 16 of 17 miles of coastland at Camp Pendleton, California, are off-limits for amphibious training due to a growing list of wildlife protections. Witnesses also testified that soldiers are not allowed to dig foxholes on some ranges, and instead must practice jumping onto circles marked with tape.

As the Defense Department has been forced to expand the amount of land set aside for protected species such as the fairy shrimp, the gnat-catcher, and the checker-spot butterfly, training lanes have become artificially narrow, Environmental laws and regulations have inhibited training at bases across the country and on the waters offshore. Fewer and fewer training areas are now available for realistic combat live-fire training.

When combat drills become predictable and repetitive, readiness declines. Our experience in Afghanistan has demonstrated that our success on the battlefield is directly related to the quality of our military training. We must ensure that well-intentioned environmental regulations do not lead to shortfalls on the proving ground that later become disasters on the battlefield. The changes proposed in H.R. 4546 are intended to save lives in real combat.

The issue is not readiness versus the environment. The issue is our commitment to our military men and women and their families. When we send our constituents or their sons, daughters, spouses, or parents into harm's way, we should do so only in the complete confidence that they are ready. They will only be ready if they are thoroughly and realistically trained. Our military men and women,and their families, have a right to expect that training, and we as a nation have an obligation to provide it.

H.R 4546 provides a common-sense change to laws that have overburdened the military and restricted training efforts. These are not broad waivers. There are no exemptions and no rolling back of decades of environmental law.

The committee mark is a good start, but more may need to be done. The current hair-trigger application of broadly defined environmental regulations has profoundly affected vital military research and development efforts as well. For example, a scientific study funded by the Pentagon showed that a new long-range, lower-frequency sonar designed to detect ultra-quiet enemy submarines would "harass" marine mammals under the existing definition. The Navy is now waiting for a letter of authorization from the Fisheries Service to allow use of the sonar. If the definition of harassment were changed, the Navy likely would have greater leeway in using the sonar without seeking permits or exposure to lawsuits.

The Navy should not need to get permits every time an aircraft carrier changes position and the military should not be exposed to lawsuits for allegedly "annoying" a marine mammal.

More than anything else, military readiness depends on realistic training. Constraints on military training and research are a growing challenge to our national security. To perform a constantly expanding range of missions—from peacekeeping to assaulting and holding a hostile beachhead—the men and women of our armed forces must train as they fight. They must train under conditions as much like the real thing as possible.

The issue is not readiness versus the environment. Our military men and women have all volunteered to go into harm's way—we owe it to them, and their families, to send them there trained to win. Training saves lives. In this time of war I urge my colleagues to make protecting the lives of our military men and women our highest priority. Supporting this legislation will do that. I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to add my voice to the choir of opposition the National Defense Authorization Act of FY 2003. This bill provides appropriations for an increase in pay for our armed services personnel, which I believe is very important for the security of our great Nation. However, I rise to oppose this legislation because it provides appropriations for an unproven ballistic missile defense. This is a flawed policy. If the United States was attacked by a long range nuclear missile, any feasible ballistic missile defense system would have less than 15 minutes to detect, track, and attempt to intercept the missile. Thus, this is a technologically daunting task. A top defense official has said that a successful U.S. missile defense system test, which was completed recently, did not realistically duplicate conditions of an actual attack. If our top military leaders think that this is a flawed policy, then we as elected officials should follow their recommendation.

The Defense Department has tested and retested this ballistic missile defense system, and each time the desired results have not been achieved. But yet, the President wants to continue funding this flawed policy. Therefore, I want to strongly support the Tierney amendment, which states that no funds for FY 2003 for the Department of Defense may be used for space-based national missile defense programs.

Additionally, I also strongly support Congressman MARKEY's amendment, which prohibits the use of funds to develop and test a nuclear earth penetrator weapon and also prohibits the use of funds in fiscal year 2003 for a feasibility study of a nuclear earth penetrator weapon.

In almost every case, post-test doubts regarding missile defense have been raised. Critics have charged that test results over the past two decades have been exaggerated by false claims of success and promises of performance that later proved false. Many tests were proven to have had their targets significantly enhanced to ensure the likelihood of success.

Furthermore, kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work. Despite the prowess of American technology, there are no quick, cheap or easy solutions in missile defense. Therefore, we should allocate funds for more pressing defense needs and spend our funds on systems that work and will enhance real security for all Americans.

Mr. STARK. Mr. Chairman, I rise in strong opposition to this Defense authorization bill. With the President's war on terrorism continuing and with budget deficits rising, why are we spending money on so many unnecessary programs? Just yesterday the administration admitted that some of these programs are no longer necessary, yet the Republican leadership would rather waste billions of dollars on defense projects that keep defense contractors swimming in money.

Earlier this week, I submitted an amendment to this bill that would have cut the $475 million to further research and develop the Crusader mobile howitzer project. Unfortunately, the Republicans refused to allow this amendment to be considered on the House floor. These Republicans are more interested in looking like they are strong on defense than they are in funding projects that can actually be used to defend our country. Even the Department of Defense has said it doesn't want the Crusader. If you don't believe me, look at the front page of today's Washington Post: Defense Secretary Rumsfeld says, "We are going to cancel the Crusader." Rather than falling in line behind President Bush, as they have on virtually every other initiative proposed by this administration, the Republican leadership wouldn't even allow a debate about this program.

Why do I agree with the administration on a defense project? Let's look at some details. To date, we have spent $3.5 billion on an artillery system that doesn't have a prototype, fails to meet the operability requirements of the army, and would cost another $11 billion if we decided to purchase the system. Fully loaded, the Crusader weighs over 80 tons, so heavy that only the largest cargo plane we have could carry it, and just one at a time! Finally, howitzers like the Crusader are outdated weapons of warfare that are really only effective against large massed armies, such as those that were maintained by the former Soviet Union. There are few armies left in the world who use such WWII era tactics, and if in the future we happen to need these weapons again, the GAO has found that we can either upgrade the existing Paladin howitzer or purchase a German made system that fits the operational requirements of the Crusader.

But the Crusader is not the only program that shouldn't be funded in this bill. This bill also authorizes continued funding of the F–22, the Joint Strike Fighter, and an upgraded version of the F/A 18. With the upgrades of our existing F–15s and F–16s, our Air Force has air-superiority over any existing air force. While some argue that we need upgraded fighter aircraft to counteract improvements in surface to air defense systems, do we really need three different planes? The cost savings of just going with one of these systems instead of three would be astronomical. Not only would we stop throwing billions more dollars at defense contractors, we would save billions more by not having to purchase parts for three different planes and to hire three different sets of mechanics to service them. Finally, cutting these extraneous programs will further integrate our armed forces, a goal specifically mentioned by Secretary Rumsfeld in his speech at the Pentagon yesterday.

This bill spends too much money on programs that will do nothing to protect our citizens. Instead, it lines the pockets of defense contractors and sends our nation's financial health into further disarray. In the interest of national defense and fiscal security, I am voting against this bill and urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Chairman, there is no function of our national government more fundamental than defense of the Nation. Today, our national defense is more important than ever, and with this authorization bill, we are spending more on national defense than ever. In fact, the $393 billion this bill authorizes means the United States will be spending more on our military than do the next 25 nations combined.

There is no question this bill spends enough to do the job. The question is whether the money is being spent in ways that will do the right job. There is a great debate abroad in the land about the nature of the threats our Nation faces, and the best approaches to dealing with those threats. There is a robust discussion about honoring our responsibilities to those who have served this country; about the responsibility of the military, like the rest of the Federal Government, to play by the rules this Congress has established; and about the military's duty to clean up after itself by returning the lands it no longer needs to productive use for America.

However, that discussion and debate is not occurring in this House. The leadership has so tightly managed the rule for debate on this measure that the House will authorize the largest increase in defense spending since 1966.

We have failed our duty to the people to ask and answer the most fundamental questions: what unnecessary, wasteful systems and programs should be eliminated from this bill because they do nothing to enhance the security of the United States? What should be added in their place, to ensure that we uphold our duty to those who have served and ensure that we strengthen America with our defense investments?

On the first question, the answer is clear. We need to right-size the military for the security needs of the United States today. Unfortunately, in this $393 billion, there is too much money being spent on the wrong stuff.

Three examples, of many, should suffice to make the point. First, we should not be continuing to fund three tactical aircraft programs concurrently at a time when we have the preeminent fighter jet in the world—the F–15.

Second, the bill contains $7.8 billion for missile defense, including funding for initial deployment of a national missile defense system based in Alaska. We should be alarmed that we are not taking the time as a nation to have a thoughtful dialogue on all the potential ramifications of a national missile defense system before rushing ahead with deployment. Since President Ronald Reagan's famous 1983 "Star Wars" speech, the United States has spent roughly $100 billion on ballistic missile defenses. We should not be throwing good money after bad. September 11 showed us that there are many threats that are more realistic than that of a ballistic missile streaking across the ocean to land on our shores.

The third is perhaps the most outrageous example. Yesterday, Secretary of Defense Rumsfeld informed members of Congress of his decision to cancel the $11 billion Crusader program. This is a weapons system that Napolean would have loved that was designed for a war from an age long past.

The Army plans to create a mobile force capable of being deployed anywhere in the world in 96 hours, but the Crusader Mobile Howitzer is still too heavy to be lifted by any transport aircraft in our fleet. Neither of the two largest military cargo transports in operation—the C–5 and the C–17—is capable of carrying a complete Crusader. The weapon's designers say they have reduced the total weight of the system from 90 tons to "only" 73, but that was accomplished by removing the fuel and ammunition.

The Congressional Budget Office recommends killing the Crusader and purchasing a suitable alternative. The General Accounting Office has identified a German-made howitzer as a viable alternative to the Crusader. According to CBO, acquiring this off-the-shelf weapon would save $6.7 billion over 10 years.

The Crusader is more suitable for fighting Adolf Hitler than meeting the challenges of today. As one Bush adviser remarked, "Why would you buy the same artillery pieces that Napoleon would understand? It's all Industrial Age equipment."

I submitted amendments to the Rules Committee to transfer funds from the Crusader to the cleanup of unexploded ordnance (UXO). These amendments would have supported Secretary Rumsfeld's decision on the Crusader and addressed a serious problem for the military, UXO, which is both a long-term liability and a short-term operational and public relations nightmare.

In addition to these examples of unwise and wasteful expenditure, this bill authorizes unnecessary and destructive waivers of important environmental protections essential to

Americans' health and the health of America's land and water. During my time in Congress, I have worked to compel the Federal Government to lead by example. This bill goes against everything I have been working toward. If we exempt the largest landowner in the country from environmental regulations, how can we expect anyone else to follow our laws?

The Department of Defense wants to exempt itself from many environmental laws. This is an important decision, and should involve debate and consideration by all stakeholders. Unfortunately, the Department and their congressional supporters have circumvented the committee process to give us the provisions in this bill.

This bill contains sweeping new exemptions for activities under the Endangered Species Act, the Migratory Bird Treaty Act, and the Wilderness Act, important environmental protections that took years and much debate to put in place. This action should at least warrant a debate in the relevant committees. I am also disappointed that the rule on this bill does not even allow for discussion of these significant environmental exemptions.

No one will argue that the U.S. military does not provide an important service, and that its ability to operate is imperative. However, in preparing itself to protect this country, the Department of Defense should not be allowed to destroy the environment that the American public cherishes and the clean and healthy communities that it demands.

The second question we should have more productively discussed in this House is what we could better have done with the enormous resources committed by this legislation. One answer is to better provide for the needs of those who have served our country. Our priorities should include funding concurrent receipts, which enable retirees who were injured in the line of duty to receive both their deserved retirement pay and disability payments. That is the number one issue I hear about from military retirees in my district. I am pleased that this bill starts that process by compensating retirees who are 60 percent or greater disabled, but I firmly believe we could have done more.

A second example, a special area of interest to me and one that has been neglected by all of us for too long, is unexploded ordnance. For 2 years now, I have been pursuing remedies to the problem of unexploded ordnance—the bombs and other munitions that didn't go off as intended and are subsequently buried or litter the landscape. There are some 2,000 former military properties in every state and nearly every congressional district where these hidden dangers lurk. This is a prime example of the need for the Federal Government to be a better partner and clean up after itself.

Last year, we succeeded in requiring a prioritized nationwide inventory of UXO-contaminated sites. This year's directs the Department of Defense to designate a single point of contact for UXO. That authority may be delegated no further than the Under Secretary of one of the military departments. In addition, this bill contains language calling for an independent advisory and review panel for UXO matters. All of these provisions are part of the legislation Representative RILEY and I introduced last year, the Ordnance and Explosive Risk Management Act (H.R. 2605).

The Defense Department has put forward a preliminary estimated cost-to-complete of $15 billion for munitions response at Formerly Used Defense Sites. Neutral observers say this cost could in fact run into the hundreds of billions of dollars. At the FY03 proposed funding level of $70 million, it will take 200 years to complete the job, even accepting the low DOD cost estimate. It is more realistic to assume costs over a hundred billion dollars and more than a thousand years to finish the job. The delay is absolutely unacceptable for the environment and the American people.

Those 2,000 sites are at locations nationwide, including Spring Valley right here in the District of Columbia which has munitions remnants left over from World War I weapons testing, and Five Points Outlying Field in Arlington, TX, where people in a new housing development are finding live ordnance in their gardens.

These sites are a legacy of past military activities; it is our nation's responsibility to clean them up. They not only constitute an environmental hazard; documentation has been found detailing at least 65 deaths in this country by accidents with UXO.

We are all profoundly aware of the broader implications of UXO across the globe. As we address the problem at home, we have the potential of sharing our technology and helping to solve UXO problems around the world. Placing greater emphasis on the problem of UXO and focusing a small portion of federal defense spending on it can truly have a transformational effect on the cleanup of tens of millions of acres in the United States. Such action can also impact the development and deployment of new technologies that will save millions of innocent civilians from death and dismemberment in some of the most distressed areas of the world.

There is much that we could do to strengthen and better protect America with the enormous resources authorized in this bill. There are many things authorized in this bill that threaten Americans' health and safety or waste tax dollars with no benefit to our country. We must do better in shaping our Nation's defense policy.

I vote "no."

Mr. JEFF MILLER of Florida. Mr. Chairman, I rise today in support of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, H.R. 4546.

Mr. Chairman, yesterday, in Pensacola, FL, the Navy suffered an air training accident whereby seven military and civilian contractor personnel are missing at sea. And while the search continues, and we pray for a successful recovery, this event is a reminder of the risks our uniformed men and women endure—either at home or away. I believe this legislation does much to honor and reward military service and I am proud to be a member of the House Armed Services Committee and proud to have contributed to the work before us.

Mr. Chairman, this legislation remedies a wrong, long committed against our retired military veterans. By providing $5.58 billion, over 5 years, toward retiree benefits, H.R. 4546 begins full concurrent receipt for veterans suffering from a disabled rating 60 percent or greater. These individuals, who have given decades of their life, serving this great country, will begin to receive their earned retired pay along with their earned disability pay.

This agreement builds upon the work of many people, the least not the veterans who walk these halls, write letters or otherwise make the effort to contact their Member of Congress. Due to the meticulous work of the budget committee, the requirement to have a full budget offset is no longer needed. Additionally, this legislation eliminates a stipulation that disability claims must be made within four years of military separation, effectively enacting my bill, H.R. 3620.

Navy training, an important function in my district, is supported in this bill by the authorization of 10 additional Joint Primary Air Training Systems, also known as JPATS. The Navy and Air Force will sue this system, consisting of both the T–6A aircraft and a ground-based training system, for primary pilot training. The T–6A will replace both the Navy's T–34 and Air Force's T–37B fleets, providing safer, more economical and more effective training for future student pilots.

Mr. Chairman, in closing I would like to thank Chairman STUMP for his service to this committee, to the men and women in uniform and to this country. It is my honor to have had the opportunity to serve under his leadership.

Mr. SIMMONS. Mr. Chairman, I rise in support of H.R. 4546, the Bob Stump National Defense Act of Fiscal Year 2003 and I ask my colleagues to support this important legislation.

Mr. Chairman, September 11 highlighted the fact that our military must remain the best trained and best equipped in the world. Our ability to stage Operation Enduring Freedom in South Asia is not the result of anything that happened since the attacks but are a result of years of training and management, tens of thousands of man-hours of research and development, and billions of dollars in testing and manufacturing. The defense budget pays not only for the fuel, munitions, and soldiers' salaries, but it pays for the investment in the weapons needed to fight and win the wars of the future, against any potential enemy in any part of the world.

For over 13 years, we have downsized our military because of cuts in our defense budget. We have decommissioned vessels rather than upgrade them and retired aircraft rather than build new ones. Our military was asked to do more with less. Our servicemen and women were asked to do more with less. We closed bases and gave up training areas, both irreversible and in many cases at great cost. It is no wonder that several years ago our soldiers and airmen began to leave the services in record numbers.

This strong and bipartisan legislation addresses many of these issues and reverses the trend of years past. It looks forward to the challenges of the future. This bill contains a 4.1 percent increase in basic pay with additional increases for mid-grade and senior noncommissioned officers and mid-grade officers. It also works to honor the commitment our nation has to its veterans by eliminating current law provisions that cause military retirees who are eligible for veteran's disability compensation to have their retirement pay reduced. Veterans who are 60 percent or greater disabled will begin to receive concurrent pay phased in fully by 2007. As a veteran and having spent 30 years as an Army Reservist, I know that investments in our people are as important as any other aspect of our national defense.

This bill also addresses security and quality of life issues. It conveys almost $8.0 million to the Naval Submarine Base in Groton for base security; and $24 million for 100 units of Navy housing for personnel and their families. This is a wise investment for the future.

Mr. Chairman, I have the privilege of representing the Second District of Connecticut here in Congress. The "Submarine Capital of the World," Groton, is in my district. For over a century, designers and manufacturers in Groton have built submarines. Our nuclear "silent service" is made up of the most sophisticated and complex systems ever created by man. In the 1980s, workers in my district built on average over 5 submarines a year, establishing American dominance of the seas around the world and providing the backbone of our strategic nuclear deterrence with the *Trident*-class ballistic missile submarines. My district also is home to an assembly plant for military aircraft engines that power the aircraft that make our air force second to none in the world. Just as important are hundreds of competitive small businesses and high-tech firms that keep our military on the cutting edge.

While I worked for a higher level of procurement funding, I am satisfied with what this bill does for our military and what it does for the State of Connecticut. Connecticut fares especially well with the procurement provisions authorizing funds for another *Virginia* class submarine, the *Trident* Class to SSGN conversion program, additional engine modifications of F–15s, and F–16 fighter aircraft, and the acquisition of thirty-nine H–60 variant helicopters for the National Guard and Navy. Important research programs at University of Connecticut will continue to bring new technology to the warfighter, and better equipment and medicine to assist and protect our troops in the field.

I am also pleased with the language in the bill that authorizes the Department of Defense, pending settlement of an outstanding legal case, to enter into a multiyear contract for the procurement of *Virginia* Class nuclear attack submarines. Using modern and innovative design and manufacturing techniques, the *Virginia* Class submarine program is using methods and processes that are likely to make it a model for future large-system acquisition programs. Multiyear procurement promises to save both jobs and taxpayer dollars.

Mr. Chairman, testimony received by the House Armed Services Committee by both the Secretary of the Navy, the Chief of Naval Operations, other DOD officials and respected defense analysts have warned us of the impending force structure problem we are heading as our submarines begin to reach the end of their service lives or require refueling overhauls. Without increasing the procurement rate to two per year, our submarine force will not meet the mission and operational requirements determined as necessary by our military. Carrier and amphibious groups will not have the required protection and firepower of our submarine fleet. The smartest and most cost-effective way to rebuild our submarine force is multiyear contracting. It is good for the workforce, it is good for the taxpayer, and it is good for our men and women in the military.

Mr. Chairman, this bill is a well-crafted bill to meet many of the needs of our military. I urge my colleagues to support the bill.

Mr. SOUDER. Mr. Chairman, I rise in support of this legislation and wanted to briefly comment as one of the Chairs of the Speaker's Task Force on a Drug Free America and chairman of the Drug Policy Subcommittee on the counterdrug provisions of the bill.

First, I want to commend the Armed Services Committee for its work on the bill and support for counterdrug programs. The Department of Defense plays a critical role in our nation's efforts to keep drugs off our streets, particularly with respect to interdiction programs in narcotics source and transit zones in the Caribbean and South America and in providing training and resources to our allies. There has been concern that the Department intended to substantially reduce its support for these programs, and I very much want to thank the committee for its continued careful attention to ensure that the Defense Department continues its important involvement. My subcommittee and the Speaker's Task Force will continue to follow this carefully, and we look forward to continuing to work with the Department and the Committee.

Second, I wanted to emphasize and associate myself with the guidance contained in the committee's report on this bill with respect to narcotics in Afghanistan. John Walters, the Director of the Office of National Drug Control Policy, recently stated in an interview that our military involvement in Afghanistan has given us the first meaningful opportunity to address the global heroin trade. Ninety percent of the world supply of heroin is grown in Afghanistan, and this huge supply inevitably affects the entire world market. I am concerned at public reports and briefings obtained by my staff which suggest that the Defense Department and the Central Command have been unwilling to participate vigorously in drug interdiction and eradication efforts.

While I agree that the protection of our forces must be the paramount concern, it also seems apparent that the Defense Department can make some important contributions not only to drug eradication, but also to the military goal of cutting off the source of economic support for potential enemies. As we know, the Taliban received substantial financial support from the drug trade. It makes no sense to leave as potentially lucrative a source of funding for future terrorists as the poppy crop in Afghanistan.

I also want to support the committee's report language on this issue with respect to targeting. It expressed concern with the lack of targeting of opium storage facilities in Afghanistan that were identified early in the conduct of Operation Enduring Freedom. The committee shared our understanding that U.S. Central Command had deemed that opium in any form did not constitute a credible military target. I agree strongly with its conclusion that the Department of Defense should review and revise its policy in this regard to ensure that such targets are properly prosecuted in Afghanistan and any future conflicts.

Mr. Chairman, the Department of Defense must continue to play an active role in our drug control efforts, particularly in Afghanistan, and I hope that this bill will encourage it to do so.

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise to support the FY03 Bob Stump National Defense Authorization Act and appreciate all the hard work my colleagues and my chairman did to produce a bill in support of our national defense.

One area of particular concern for me is the Maritime Administration's Title XI Vessel Loan Guarantee Program. I am pleased to see that we have decided to authorize $50 million to continue this valuable program, which sustains our national shipbuilding industrial base by supporting commercial shipbuilding. This is necessary in the face of foreign competition and subsidies and is good for all U.S. shipyards, large and small. In addition, this will also serve to maintain a skilled labor force critical to our defense industrial base.

I note that the committee expects that the Maritime Administration will place a priority on providing loan guarantees under the Title XI Ship Loan Guarantee Program for the construction of commercially viable vessels that are militarily useful, such as for high-speed sealift, or that meet specific requirements of Federal law, such as the requirement for double-hull tankers. These types of commercial projects would be the highest priority for continuing this program. There are many laudable projects, including the FastShip project in my congressional district, which should be supported by the Department of Defense and the Department of Transportation. Military useful projects, like FastShip, have always been a key element of the Title XI program. High-speed sealift vessels are particularly important in light of the modern military's need for rapid logistical support.

I urge the Maritime Administration to fairly consider these projects for which applications have been filed so that these shipbuilding projects can go forward in our U.S. shipyards and built by our skilled American labor force. The Maritime Administration must consider both the commercial and the military benefits of these projects by fairly and fully reviewing all available documents on current and future applications. The Maritime Administration is obligated to ensure the strength of our national security through the support of a strong merchant marine.

Finally, I would like to thank Chairman BOB STUMP for all his years of service to our country and for his hard work on this important bill. It has been an honor to serve with him and I am proud to call him my chairman. I urge all my colleagues to join me in supporting this bill and the Title XI vessel loan guarantee authorization.

Ms. LEE. Mr. Chairman, I rise in opposition to this bill.

Now more than ever, it is clear that cold war era thinking will not meet the security needs of today. But it is cold war thinking that continues to fuel our defense budget.

It is misguided thinking that seeks to put the United States back on the path toward renewed nuclear testing, when instead we would all be made safer if we would work toward nuclear nonproliferation.

It is misguided thinking that seeks to spend billions on the Crusader, a weapons system that the Secretary of State himself does not want, when we have so many profound needs here at home.

It is misguided thinking that seeks to allow the Department of Defense to ignore our existing environmental laws. The American public doesn't want fewer environmental protections. They want more.

It is misguided thinking to underfund important programs to destroy chemical weapons in Russia.

And, it is misguided thinking that pours billions into a missile defense system that we are rushing to deploy without fully considering either the enormous technical problems or the serious international repercussions.

As we abandon treaties and international agreements, we work against our own best interests by spurring on nuclear arms races and undermining proliferation and cooperation efforts.

I urge you, then, to oppose another $7.8 billion for missile defense and to oppose this bill.

Mr. SPRATT. Mr. Chairman, I support this bill, but I think an admonition about the budget is in order. We actually have one bill before us, while holding another in abeyance. The President requested a total of $396 billion for national security, primarily for the Department of Defense (DoD) and the nuclear weapons program run by the Department of Energy (DoE). The President asked us to set aside $10 billion of the DoD budget as a "war reserve" for actions in Afghanistan and elsewhere in the war on terrorism. For DoD, he requested a total of $379 billion, of which $10 billion is for the war reserve and $369 billion is the regular request.

There are two reasons for keeping separate the $10 billion request. One is to earmark funds for the war on terrorism, the other is not to merge into the base budget funding that may be non-recurring.

One of the bills approved by the House Armed Services Committee authorizes $3.8 billion, which is to be drawn from the $10 billion war reserve. But the $3.8 billion we are authorizing is actually part of the regular $369 billion request. In the main bill, we are authorizing DoD activities at the $369 billion level, but since $3.8 billion of the regular request is now being provided for in the other bill, we have $3.8 billion more in the main bill to be used for ships and other procurement needs, research and development, and member-interest items.

Here are the problems with this approach. One, we are actually authorizing $3.8 billion more than the President requested for regular DoD appropriations, and DoD will eventually need that money for the war on terrorism. I met with the DoD Comptroller, Secretary Zakheim, and he acknowledged that while the $10 billion war reserve was a good faith effort to account for the likely budgetary effect of the war, it is a low-ball estimate. So, if we use $3.8 billion of the $10 billion reserve for regular items, we will have to make up the $3.8 billion by adding that amount to the supplementals that are likely to come later to fully fund the war on terrorism. If the appropriators follow our lead, we will spend $3.8 billion more on defense than the President has requested, and add $3.8 billion more to the deficit and national debt.

Second, what happens if the appropriators do not follow suit, or if they are not allowed to do so by the House leadership? Then, we will have $3.8 billion in hollow BA (Budget Authority). We will authorize $3.8 billion worth of items that never get appropriated. This is not an idle concern because the White House and the Speaker are both resisting efforts by the Appropriations Committee to take up this $3.8 billion shift.

Another shift of funds comes in the military personnel account. This account is reduced by $810 million, and the money is shifted to other purposes. The DoD actuaries are likely in the next month to conclude that the military personnel budget overestimates the accrual payment for the Tricare-for-Life program. This is a program this committee established, and along with it, we instituted the accrual system to make sure the costs of this program are accounted for over the long term. If the actuaries do reduce it by that amount, the effect is minimal. But what if they reduce it by only $400 million? Then we will be shorting the military personnel accounts by $410 million, unless we shift the money back from the items to which it is transferred.

Committee staff asked DoD for a likely estimate of this adjustment and took the high end of the range indicated by DoD. If the actuaries come in lower, the adjustments will have to be made. Certain items now funded will have to be de-funded or cut. Congress should not get in the habit of trying to jump ahead of actuarial estimates in order to find savings to be used for other items.

There is a widespread sentiment that DoD needs more funding, even though the President's request for next year is the largest increase in twenty years. I share the sentiment, but question quite a few of the allocations in this bill. For example, if we took $70,000,000 out of projects like the space-based kinetic interceptor (on which we have spent millions already, to no avail), we could buy 24 PAC–3s and lower the purchase cost from $6.5 to $5.6 million per missile. The PAC–3 is the only missile defense system that we will deploy in the next five years, and it is a theater system, where the threat is clear and present. With only 20 PAC–3s deployed, and 72 in process of being procured, 24 additional PAC–3's could make a major difference to the defense of our troops in some conceivable scenarios in the very near future. Moving from the tactical to the strategic. I have long been concerned that we are under-funding the DOE's nuclear complex both for stockpile stewardship and environmental cleanup. The bill we are reporting does little to address these important areas.

I have always supported a strong defense, but we should bear in mind that our economy is the first instrument of our national defense. The federal budget constitutes 20 percent of our economy and has a great impact on it, as we saw during the 1990s. Each year for eight years, we reduced the budget deficit and then moved the budget into surplus; and every year for 120 straight months, the economy grew. In passing this bill, we take the first step in a defense budget that will cost $557 billion more than inflation over the next ten years. I recognize the need and the primacy we must give the defense of our country, and I do not think that we can be stinting about the cost of our war against terrorism. But I am concerned as to whether we can sustain over the long run all that we are supporting in this bill.

As we pass the bill authorizing a $48 billion increase in defense, the budget overall is moving toward a unified deficit of $150 billion this year. In other words, the federal budget in fiscal year 2002 will borrow and spend all of the Medicare surplus, all of the Social Security surplus, and still need to borrow $150 billion more. Revenue collections this year are lagging last year by $130 billion. For the first time since 1995, the Treasury must borrow money to make it through the first calendar quarter of 2002. These signs are all the more ominous when we remember that the first of 77 million baby boomers will retire in 2008; and when all are retired, the number of beneficiaries on Social Security and Medicare will double.

I agree that the defense budget takes precedence for now, but the federal budget has a rendez-vous with destiny that we cannot dodge. By shifting regular DoD funds to the war reserve and second-guessing actuarial payments, the bill we report sets precedents that I am not eager to establish, and it begs a big question: for how long can we sustain what we have started?

Mr. UDALL of New Mexico. Mr. Chairman today, the House is considering H.R. 4546, the Defense Authorization Act for Fiscal Year 2003. At a time when the men and women of our armed forces are spread across the globe defending our nation and helping to combat terrorism, this is a critically important piece of legislation that deserves to have a full debate on a wide range of issues that affect our fighting men and women and will determine how we defend America in the 21st Century.

Unfortunately, Mr. Chairman, the majority has once again rigged the system to prevent the minority from offering the American people a real debate on these critically important issues. Even more unfortunately, Mr. Chairman, is the sad fact that I'm not really surprised any more when the majority presents us with so few choices. This isn't the first time we've had sham rules on the floor, and most certainly, it won't be the last. Repeatedly, we are given fewer opportunities to offer amendments on the important legislation.

Mr. Chairman, today, once again I am saddened that the majority has prevented us from offering important amendments to improve this bill on a wide range of issues.

We won't have a real debate on whether or not we should change our national nuclear policy. I find it amazing that the Administration seems to be steering our nation towards expanding nuclear weapons, and we seem to be allowing this without any debate.

We also don't have a chance to debate the impact this legislation will have on the environment. We won't debate the Administration's attempt to gut our national environmental protection laws by exempting the Department of Defense from the Migratory Bird and Endangered Species Acts and by waiving protections found in the Wilderness Act.

As many of my colleagues have stated, these issues and many others are of such national significance, it's unconscionable that we aren't having an open and fair debate on them. This sorry excuse for a Rule provided for by the majority is patently unfair. And it's patently undemocratic.

These issues are too important to allow the majority to gag us once again.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to speak briefly on section 312 which says that an approved Integrated Natural Resource Management Plan (INRMP) that addresses the conservation needs of listed threatened or endangered species obviates the need to designate critical habitat under the Endangered Species Act. I would like to remind my colleagues of congressional intent and statutory direction when we established INRMPs in the 1997 Amendments to the Sikes Act.

I strongly believe that we need to provide our men and women being sent "in harm's way" the most thorough and realistic readiness training as possible on our military installations. Let me also express my firm belief that military preparedness and sound stewardship of our natural resources, is not mutually exclusive, they are mutually beneficial. Appropriate land and natural resource management of our installations provides not only for sustainable use for military readiness, but for conservation of our natural resources on public lands under military department jurisdiction. This is the underlying philosophy of the amendments I sponsored to the Sikes Act in 1997 that directed the Secretary of Defense to prepare and implement INRMP's in cooperation with the U.S. Fish and Wildlife Service and respective State fish and wildlife agencies.

Specifically, the Sikes Act directs the Secretary of each military department to prepare and implement an INRMP for each military installation in the United States under the jurisdiction of the Secretary of Defense unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate. Section 670a(a)(2) directs that each INRMP shall be prepared "in cooperation" with the Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and with the head of each appropriate State fish and wildlife agency for the State in which the military installation is located. This section further provides that the resulting INRMP for the military installation "shall reflect the mutual agreement of the parties concerning conservation, protection and management of fish and wildlife resources."

I understand that DOD has, in practice, not always involved the other statutory parties in development of an INRMP at an early stage, but instead sought their concurrence to a completed draft. While such a policy might comport with the statutory direction as to "mutual agreement of the parties," it does not comport with the "preparation in cooperation with" directive. Cooperation of the statutory parties, begun at the earliest stages of development of an INRMP, is the contemplation of the statute. Such cooperation should go far to reconcile potential differences, and I would like to remind the Department of Defense that we expect the process explicitly contemplated in the Sikes Act to be undertaken by the Department. While there are exemplary INRMPs reflecting this sincere level of involvement, the Department needs to re-commit itself to Congress' direction in the 1997 amendments to the Sikes Act by involving all three parties at the beginning, during development, and during implementation of INRMPs. Consensus building and problem solving throughout the process will most likely facilitate the "mutual agreement" required by the statute of the three parties.

Finally, I would like to express my strong concerns about the evolution of environmental management practices. I'm strongly against INRMPs becoming something like the environmental impact studies that are required today. Today, EIS documents have become a black hole of time, money and bureaucracy. EIS documents were once two-page documents of environmental consequences. Now EIS documents are thousands of pages long, cost millions of dollars and take years to prepare. Even when good faith efforts have been made to address the minutiae of endless environmental issues in the EIS process, the documents are often subject to litigation, being overturned or disregarded. I want to make it very clear that the creation of the INRMPs where not intended to become a continual EIS process, or as a justification for endless studies on environmental stewardship and management.

Proposal for Western Alaska Workforce Development

1. Contact Information—a. Alaska Contact: Wendy Redman, University of Alaska, Box 755000, Fairbanks, Alaska 99775.

b. Congressional Office Contact: Ann Gibson, Congressman Don Young's Office, 2111 Rayburn, Washington, DC 20515, 225–5765.

2. Describe the organization's main activities and whether it is a public, private or non-profit entity. The University of Alaska is Alaska's land grant postsecondary institution and the largest public post-secondary institution in the state.

3. A brief description of the proposal: This is a proposal to continue workforce training in an area of Alaska economically devastated by the failure of the salmon industry. The training effort is to re-train former fisheries workers in other fields where there is employment available. The training areas are office occupations, construction, computer repair and nursing assistants.

The primary private economic base in Western Alaska was the salmon fishery. Beginning several years ago, the salmon runs have failed to materialize leaving a dire economic situation. This program is to train workers in new areas and lift their dependence from public assistance.

4. Project costs: The request is for $2.5 million which is all for training equipment, instructors and student stipends.

5. Other funding sources: The University of Alaska contributes approximately $500,000 to the existing training.

6. Federal funding sources: The program did not receive federal funding in FY02.

7. National significance: This program addresses the federal responsibilities when a disaster occurs to assist in economic recovery. It accomplishes this by training workers in new fields where there is employment. The program could be a model for other areas of the nation experiencing similar economic devastation, particularly rural areas.

Mr. ABERCROMBIE. Mr. Chairman, although I am disappointed in the rule before this body, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2003, and urge my colleagues to support this important measure. I deeply regret the decision of the Rules Committee to prohibit several critical amendments from being considered here today.

I would first like to recognize our committee leadership, Chairman STUMP and Ranking Member SKELTON, for the bipartisan bill they have crafted to address the immediate needs of our Armed Forces. Our committee has a long tradition of working across party lines to ensure the readiness and well-being of our Armed Forces, and I am greatly pleased to have participated in yet another cooperative effort with my Armed Services colleagues.

We all know that Chairman STUMP has announced this intention to retire at the end of this Congress. His steadfast leadership, acknowledged in the title of this bill, will be missed, and I know that the entire House wishes him the best of luck in the future.

I would also like to commend my very good friend, JIM SAXTON, Chairman of the Military Installations and Facilities Subcommittee, whom I have been so fortunate to work closely with, both on Armed Services and the Resources Committees. His sincere concern for the quality of life of our troops, as well as his truly bipartisan, cooperative leadership, have guaranteed an equitable bill that directly answers the pressing needs for our military infrastructure.

I would like to thank the committee staff for their tireless work and invaluable expertise. These professionals have been working day in and day out, weekends included, for the past two months, to put together the best bill possible. I would especially like to thank the Military Installations and Facilities Subcommittee professional staff, George Withers and Tom Hawley. No subcommittee is better served than ours with dedicated, smart, and consummate staff.

As ranking member of the Military Installations and Facilities Subcommittee, I am especially concerned about the effect this bill will have on our military housing and infrastructure. Our Subcommittee labored hard to compensate for an anemic construction budget proposed by the President—a budget $1.7 billion lower than that put forward last year. From this highly unsatisfactory starting point, our Subcommittee added $425 million to fund projects vital to the Services. An ongoing campaign against global terrorism is not an excuse to abandon our campaign against substandard facilities and housing. Funding for military construction must match the rhetoric; otherwise, we will lose the battle for quality people willing to serve. Our people, and their living and working conditions, must continue to be our number one priority.

Given the military's current operational tempo, it is imperative that we show our appreciation for those who volunteer to go in harm's way. These men and women pledge to support and defend American democracy, both at home and abroad, often at great personal sacrifice and for significant periods of time. We owe it to them, and to their families, to keep our promise of increased safety and morale in the home and in the workplace.

In pursuit of such a goal, this bill authorizes $678.4 million—$17.7 million more than the President's request—for construction and improvement of 3,447 family housing units and the privatization of over 30,000 units. Privatization authorities, extended in last year's defense bill, provide our military accelerated opportunities to renovate and build vastly improved family housing developments with private sector capital and I applaud the continuation of this important program. Our committee also included $1.2 billion for construction of 49 new barracks and dormitories in the FY03 authorization and $8.6 million in H.R. 4547, the Cost of War Against Terrorism Authorization Act, for unaccompanied personnel housing in Qatar. Once again, attention to the living conditions of our single soldiers, sailors, airmen, and Marines has been a high priority for our committee, and I sincerely hope that we can bring all of our barracks up to the same excellent standard set by the Army's Whole Barracks Renewal at Schofield Barracks, Hawaii. I am especially pleased to note the $17.6 million provided to build Child Development Centers. This represents funding for four such centers, $6.9 million and one more than recommended by the President's budget, and acknowledges the emphasis this Congress and the military places on the needs of service members with children. Military couples and single parents alike benefit when the military recognizes their specific needs and eases their child-care burdens.

Our achievements in military construction will be an ongoing effort aimed at providing quality living and working facilities for our entire military family, stationed at home and overseas. I know that under Mr. SAXTON's excellent stewardship, the Subcommittee on Military Installations and Facilities will continue to focus on raising the living and working standards for our Armed Forces. They have volunteered to protect our freedom. Now we must protect them by building safe, modern facilities for the 21st century military.

Again, I urge my colleagues to support this measure.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This important piece of legislation is consistent with the levels established in H. Con. Res. 353, the House-passed budget resolution. On March 20, this body passed a budget resolution that made available the budgetary resources for the largest increase in defense spending in two decades. We provided $393.8 billion in budget authority for national defense, including $10 billion for the expected war costs.

The principal reason for that increase, of course, was our unwavering commitment to win the war against terrorism. But in addition to combating terrorism, we provided a blueprint in the resolution to give every service member a 4.1-percent pay rise, increased housing allowances, and increased incentive pay. Also, and I believe this deserves particularly to be noted, under Republican leadership we kept our promises to America' veterans: For the first time in decades we broke the legislative logjam over concurrent receipt of military retirement pay and veterans disability compensation. The budget resolution provided the resources to phase in full concurrent receipt for retirees with 60 percent or greater VA disabilities. I am happy to say that the defense authorization bill under consideration today is completely consistent with the approach we took on concurrent receipt in the budget resolution.

Finally, section 201 of the budget resolution provided for a $10-billion reserve fund to continue military operations in fiscal year 2003. I am advised that the Armed Services Committee has opted to deal with that subject matter later in a separate bill, H.R. 4547, when the Pentagon provides more budgetary detail about how it plans to spend the $10 billion.

I close in noting that the House Budget Committee completed its work on schedule and provided a framework for timely consideration of the vital bill on the floor today. But as we all know, the other body still has not passed a budget resolution for fiscal year 2003. Given the other body's glacial slowness in doing the public's business, it is all the more important that the House show leadership and pass a resolution deeming the provisions of H. Con. Res. 353 to be in force.

I express my support for H.R. 4546.

Mr. FORBES. Mr. Chairman, as many people are now aware, the largest increase in defense spending in two decades, is not really an 'increase' so much as it is a 'payment past due' on a defense budget that was significantly under-funded in the 1990s. This outstanding debt is most easily seen in the Navy. It was the Navy that brought the Marine Expeditionary Units to the Afghanistan theater of operations, and it is the Navy that conducted 75% of the strike sorties flown in Afghanistan. As we speak, Navy assets are not just in the Indian Ocean, but also off the coasts of Somalia, Yemen, and the Philippines. The Carrier Battle Group was the force enabler in Afghanistan—and it will be the force enabler in the next theater of operations in the war on terror.

America's defense requires a combat credible expeditionary force. America's aircraft carriers with 2.5 acres of sovereign territory are just that. In the early part of the last century, President Theodore Roosevelt sent his 'Big Stick' fleet around the world to deter other nations from developing an aggressive stance towards the U.S. In the year 2002, we have sent our 'Big Stick' around the world to keep those that would terrorize America on the run. Now is the time for a 'Big Stick' budget and investments in carrier battle groups are crucial to maintaining our superiority over America's enemies—conventional, and unconventional.

Mr. HOLT. Mr. Chairman, this could be such a better bill if the committee had made many more amendments in order. There are major changes in defense policy in this bill that may become law without debate. The rule to stifle debate is not just a procedural outrage, it is contrary to our national security. I offered an amendment to the Rules Committee that was not made in order that would have eliminated funding for a program in the bill that does not merit the support of this Congress. My amendment would remove $7.5 million added to this bill for the Kinetic Energy Anti-Satellite—also known as the KE-ASAT—program. Like a giant fly swatter in space, this weapon would knock out enemy satellites.

The Department of Defense does not support KE-ASAT. President Bush requested no money for it. Former President Clinton line item vetoed funding for it in 1998. Defense Secretaries, Pentagon weapons advisory boards and independent defense analysts have all called KE-ASAT a horrendous waste. The GAO, in its examination of this program called KE-ASAT a program "in disarray."

Yet we continue to fund it. This money was added to the bill without debate, and, unfortunately, we will not have the opportunity to debate it today. I ask my colleagues: How many other meritorious defense needs could benefit from that $7.5 million? Any one of us could write a laundry list of other, better uses for this money, both in and out of the defense budget.

At this time, when our nation's military is facing so many challenges, it is simply unconscionable to waste money on systems like this. I respectfully urge my colleagues to make my amendment in order and give the Members of the House the opportunity to work their will on this subject.

Mr. UDALL of Colorado. Mr. Chairman, this bill is one of the most important measures that the House will consider this year. It is intended to set out our vision for the defense of our country in the years ahead—both in terms of policy direction and spending priorities. Unfortunately, the vision this bill puts forth is not one I can endorse, and so I cannot vote for it.

There is no doubt that September 11th changed the way we view our national defense. There is no doubt that more than ever, we must focus on defending our homeland against terrorism, we must support our military personnel, and we must give our military the training, equipment, and weapons it needs to beat terrorism around the world.

Like all of my colleagues, I remain steadfastly committed to our fight against terrorism. And yet, as this nation faces the most difficult threat it has faced in decades, I believe it is essential that we understand how our defense capabilities need to change to reflect new 21st century threats. I believe Secretary Rumsfeld is trying to refocus and reprioritize our defense programs along those lines, but clearly he isn't being assisted by some of our colleagues here in the House, who seem content to address new threats with Cold War-era technologies.

So my first objection to this bill is that although it funds defense programs at their highest levels since 1966, it doesn't present a coherent vision of how to realign our defense priorities. We need to make clear decisions about our defense spending, and this bill doesn't begin to consider the choices that must be made.

I have other objections to the bill. It includes provisions concerning the Endangered Species Act and the Migratory Bird Treaty Act, matters within the jurisdiction of other Committees, including the Resources Committee, but which that Committee had no opportunity to consider. There is broad-based support for existing environmental laws—as there should be—and these laws already allow case-by-case flexibility to protect national security. I find it simply unacceptable that neither our Committee nor the full House will have the opportunity to consider whether the changes that would be made by this bill are necessary or appropriate.

The bill also includes an entire title—Title XIV—that not only includes provisions dealt with in a bill referred to the Resources Committee, but also goes further to include matters within our Committee's exclusive jurisdiction.

Many Armed Services Committee members themselves have said this was "a procedural foul," but once again the Rules Committee has made it impossible for the House to consider changes. That is another reason I must oppose the bill.

I am also concerned that the bill endorses the President's recent review of the U.S. nuclear posture. That review includes some troubling provisions, such as the one to increase the speed at which nuclear testing could resume if needed. Another provision would reduce the U.S. nuclear arsenal to 1,700–2,200 weapons, but without destroying the weapons removed. I worry that simply storing weapons would encourage a similar move in Russia, where the government's control over its nuclear stockpile is considered less than secure. I also worry that the bill includes a minimum requirement of operationally deployed weapons at 1,700, which would not give the president flexibility in his current negotiations with Russia.

The bill would also urge the Administration to develop nuclear earth-penetrating weapons and nuclear-tipped ballistic missile interceptors. I believe we must be extremely cautious before we consider expanding applications of nuclear use. We all agree on the need to maintain the deterrent capability of our nuclear forces, but I fear the language in this bill could begin to blur the distinction between conventional and nuclear weapons and thus increase the likelihood of nuclear use.

Finally, I am concerned that this bill would give the Pentagon's National Missile Agency exemptions from regulations for controlling and monitoring new weapons programs. Giving the Pentagon this exemption effectively eliminates the checks and balances that are so necessary in weapons development, and especially given the past technical failures and cost overruns in missile defense programs to date, I can't support a bill that includes this provision.

In short, Mr. Chairman, I don't question the urgent need to provide for this country's defense—I just think we need to do it right. This bill doesn't do it right, and so I can't support it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Bob Stump National Defense Authorization Act for Fiscal Year 2003".

(b) FINDINGS.—Congress makes the following findings:

(1) Representative Bob Stump of Arizona was elected to the House of Representatives in 1976 for service in the 95th Congress, after serving in the Arizona legislature for 18 years and serving as President of the Arizona State Senate from 1975 to 1976, and he has been reelected to each subsequent Congress.

(2) A World War II combat veteran, Representative Stump entered service in the United States Navy in 1943, just after his 16th birthday, and served aboard the USS LUNGA POINT and the USS TULAGI, which participated in the invasions of Luzon, Iwo Jima, and Okinawa.

(3) Representative Stump was elected to the Committee on Armed Services in 1978 and has served on nearly all of its subcommittees and panels during 25 years of distinguished service on the committee. He has served as chairman of the committee during the 107th Congress and has championed United States national security as the paramount function of the Federal Government.

(4) Also serving on the Committee on Veterans' Affairs of the House of Representatives, chairing that committee from 1995 to 2000, and serving on the Permanent Select Committee on Intelligence of the House of Representatives, including service as the ranking minority member in 1985 and 1986, Representative Stump has dedicated his entire congressional career to steadfastly supporting America's courageous men and women in uniform both on and off the battlefield.

(5) Representative Stump's tireless efforts on behalf of those in the military and veterans have been recognized with numerous awards for outstanding service from active duty and reserve military, veterans' service, military retiree, and industry organizations.

(6) During his tenure as chairman of the Committee on Armed Services of the House of Representatives, Representative Stump has—

(A) overseen the largest sustained increase to defense spending since the Reagan administration;

(B) led efforts to improve the quality of military life, including passage of the largest military pay raise since 1982;

(C) supported military retirees, including efforts to reverse concurrent receipt law and to save the Armed Forces Retirement Homes;

(D) championed military readiness by defending military access to critical training facilities such Vieques, Puerto Rico, expanding the National Training Center at Ft. Irwin, California, and working to restore balance between environmental concerns and military readiness requirements;

(E) reinvigorated efforts to defend America against ballistic missiles by supporting an increase in fiscal year 2002 of nearly 50 percent above the fiscal year 2001 level for missile defense programs; and

(F) honored America's war heroes by expanding Arlington National Cemetery, establishing a site for the Air Force Memorial, and assuring construction of the World War II Memorial.

(7) In recognition of his long record of accomplishments in enhancing the national security of the United States and his legislative victories on behalf of active duty service members, reservists, guardsmen, and veterans, it is altogether fitting and proper that this Act be named in honor of Representative Bob Stump of Arizona, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense health programs.

Subtitle B—Navy Programs

Sec. 111. Shipbuilding initiative.

Subtitle C—Air Force Programs

Sec. 121. Multiyear procurement authority for C-130J aircraft program.

Subtitle D—Other Programs

Sec. 141. Revisions to multiyear contracting authority.
Sec. 142. Transfer of technology items and equipment in support of homeland security.
Sec. 143. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 144. Report on unmanned aerial vehicle systems.
Sec. 145. Report on impact of Army Aviation Modernization Plan on the Army National Guard.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. RAH-66 Comanche aircraft program.
Sec. 212. Extension of requirement relating to management responsibility for naval mine countermeasures programs.
Sec. 213. Extension of authority to carry out pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense.
Sec. 214. Revised requirements for plan for Manufacturing Technology Program.
Sec. 215. Technology Transition Initiative.
Sec. 216. Defense Acquisition Challenge Program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Limitation on obligation of funds for procurement of Patriot (PAC-3) missiles pending submission of required certification.
Sec. 232. Responsibility of Missile Defense Agency for research, development, test, and evaluation related to system improvements of programs transferred to military departments.
Sec. 233. Amendments to reflect change in name of Ballistic Missile Defense Organization to Missile Defense Agency.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Environmental Provisions

Sec. 311. Incidental taking of migratory birds during military readiness activity.

Sec. 312. Military readiness and the conservation of protected species.
Sec. 313. Single point of contact for policy and budgeting issues regarding unexploded ordnance, discarded military munitions, and munitions constituents.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Authority for each military department to provide base operating support to fisher houses.
Sec. 322. Use of commissary stores and MWR retail facilities by members of National Guard serving in national emergency.
Sec. 323. Uniform funding and management of morale, welfare, and recreation programs.

Subtitle D—Workplace and Depot Issues

Sec. 331. Notification requirements in connection with required studies for conversion of commercial or industrial type functions to contractor performance.
Sec. 332. Waiver authority regarding prohibition on contracts for performance of security-guard functions.
Sec. 333. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.
Sec. 334. Repeal of obsolete provision regarding depot-level maintenance and repair workloads that were performed at closed or realigned military installations.
Sec. 335. Clarification of required core logistics capabilities.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Availability of quarters allowance for unaccompanied defense department teacher required to reside on overseas military installation.
Sec. 343. Provision of summer school programs for students who attend defense dependents' education system.

Subtitle F—Information Technology

Sec. 351. Navy-Marine Corps Intranet contract.
Sec. 352. Annual submission of information on national security and information technology capital assets.
Sec. 353. Implementation of policy regarding certain commercial off-the-shelf information technology products.
Sec. 354. Installation and connection policy and procedures regarding Defense Switch Network.

Subtitle G—Other Matters

Sec. 361. Distribution of monthly reports on allocation of funds within operation and maintenance budget subactivities.
Sec. 362. Minimum deduction from pay of certain members of the Armed Forces to support Armed Forces Retirement Home.
Sec. 363. Condition on conversion of Defense Security Service to a working capital funded entity.
Sec. 364. Continuation of Arsenal support program initiative.
Sec. 365. Training range sustainment plan, Global Status of Resources and Training System, and training range inventory.
Sec. 366. Amendments to certain education and nutrition laws relating to acquisition and improvement of military housing.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Authority for military department Secretaries to increase active-duty end strengths by up to 1 percent.
Sec. 404. General and flag officer management.
Sec. 405. Extension of certain authorities relating to management of numbers of general and flag officers in certain grades.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2003 limitation on non-dual status technicians.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

Sec. 501. Increase in number of Deputy Commandants of the Marine Corps.
Sec. 502. Extension of good-of-the-service waiver authority for officers appointed to a Reserve Chief or Guard Director position.

Subtitle B—Reserve Component Management

Sec. 511. Reviews of National Guard strength accounting and management and other issues.
Sec. 512. Courts-martial for the National Guard when not in Federal service.
Sec. 513. Matching funds requirements under National Guard Youth Challenge Program.

Subtitle C—Reserve Component Officer Personnel Policy

Sec. 521. Exemption from active status strength limitation for reserve component general and flag officers serving on active duty in certain joint duty assignments designated by the Chairman of the Joint Chiefs of Staff.
Sec. 522. Eligibility for consideration for promotion to grade of major general for certain reserve component brigadier generals who do not otherwise qualify for consideration for promotion under the one-year rule.
Sec. 523. Retention of promotion eligibility for reserve component general and flag officers transferred to an inactive status.
Sec. 524. Authority for limited extension of medical deferment of mandatory retirement or separation for reserve officers.

Subtitle D—Education and Training

Sec. 531. Authority for phased increase to 4,400 in authorized strengths for the service academies.
Sec. 532. Enhancement of reserve component delayed training program.

Subtitle E—Decorations and Awards

Sec. 541. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 542. Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.

Subtitle F—Administrative Matters

Sec. 551. Staffing and funding for Defense Prisoner of War/Missing Personnel Office.
Sec. 552. Three-year freeze on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 553. Department of Defense support for persons participating in military funeral honors details.
Sec. 554. Authority for use of volunteers as proctors for administration of Armed Services Vocational Aptitude Battery test.
Sec. 555. Annual report on status of female members of the Armed Forces.

Subtitle G—Benefits

Sec. 561. Voluntary leave sharing program for members of the Armed Forces.
Sec. 562. Enhanced flexibility in medical loan repayment program.
Sec. 563. Expansion of overseas tour extension benefits.
Sec. 564. Vehicle storage in lieu of transportation when member is ordered to a nonforeign duty station outside continental United States.

Subtitle H—Military Justice Matters

Sec. 571. Right of convicted accused to request sentencing by military judge.
Sec. 572. Report on desirability and feasibility of consolidating separate courses of basic instruction for judge advocates.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2003.
Sec. 602. Expansion of basic allowance for housing low-cost or no-cost moves authority to members assigned to duty outside United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Minimum levels of hardship duty pay for duty on the ground in Antarctica or on Arctic icepack.
Sec. 616. Increase in maximum rates for prior service enlistment bonus.
Sec. 617. Retention incentives for health care providers qualified in a critical military skill.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Extension of leave travel deferral period for members performing consecutive overseas tours of duty.

Subtitle D—Retired Pay and Survivors Benefits

Sec. 641. Phase-in of full concurrent receipt of military retired pay and veterans disability compensation for military retirees with disabilities rated at 60 percent or higher.

Sec. 642. Change in service requirements for eligibility for retired pay for nonregular service.
Sec. 643. Elimination of possible inversion in retired pay cost-of-living adjustment for initial COLA computation.
Sec. 644. Technical revisions to so-called "forgotten widows" annuity program.

Subtitle E—Reserve Component Montgomery GI Bill

Sec. 651. Extension of Montgomery GI Bill-Selected Reserve eligibility period.

Subtitle F—Other Matters

Sec. 661. Addition of definition of continental United States in title 37.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Program Improvements

Sec. 701. Elimination of requirement for TRICARE preauthorization of inpatient mental health care for medicare-eligible beneficiaries.
Sec. 702. Expansion of TRICARE Prime Remote for certain dependents.
Sec. 703. Enabling dependents of certain members who died while on active duty to enroll in the TRICARE dental program.
Sec. 704. Improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.
Sec. 705. Certification of institutional and noninstitutional providers under the TRICARE program.
Sec. 706. Technical correction regarding transitional health care.

Subtitle B—Reports

Sec. 711. Comptroller General report on TRICARE claims processing.
Sec. 712. Comptroller General report on provision of care under the TRICARE program.
Sec. 713. Repeal of report requirement.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Plan for acquisition management professional exchange pilot program.
Sec. 802. Evaluation of training, knowledge, and resources regarding negotiation of intellectual property arrangements.
Sec. 803. Limitation period for task and delivery order contracts.
Sec. 804. One-year extension of program applying simplified procedures to certain commercial items; report.
Sec. 805. Authority to make inflation adjustments to simplified acquisition threshold.
Sec. 806. Improvement of personnel management policies and procedures applicable to the civilian acquisition workforce.
Sec. 807. Modification of scope of ball and roller bearings covered for purposes of procurement limitation.
Sec. 808. Rapid acquisition and deployment procedures.
Sec. 809. Quick-reaction special projects acquisition team.
Sec. 810. Report on development of anticyberterrorism technology.
Sec. 811. Contracting with Federal Prison Industries.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Change in title of Secretary of the Navy to Secretary of the Navy and Marine Corps.
Sec. 902. Report on implementation of United States Northern Command.
Sec. 903. National defense mission of Coast Guard to be included in future Quadrennial Defense Reviews.
Sec. 904. Change in year for submission of Quadrennial Defense Review.
Sec. 905. Report on effect of noncombat operations on combat readiness of the Armed Forces.
Sec. 906. Conforming amendment to reflect disestablishment of Department of Defense Consequence Management Program Integration Office.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of supplemental appropriations for fiscal year 2002.
Sec. 1003. Uniform standards throughout Department of Defense for exposure of personnel to pecuniary liability for loss of Government property.
Sec. 1004. Accountable officials in the Department of Defense.
Sec. 1005. Improvements in purchase card management.
Sec. 1006. Authority to transfer funds within a major acquisition program from procurement to RDT&E.
Sec. 1007. Development and procurement of financial and nonfinancial management systems.

Subtitle B—Reports

Sec. 1011. After-action reports on the conduct of military operations conducted as part of Operation Enduring Freedom.
Sec. 1012. Report on biological weapons defense and counter-proliferation.
Sec. 1013. Requirement that Department of Defense reports to Congress be accompanied by electronic version.
Sec. 1014. Strategic force structure plan for nuclear weapons and delivery systems.
Sec. 1015. Report on establishment of a joint national training complex and joint opposing forces.
Sec. 1016. Repeal of various reports required of the Department of Defense.
Sec. 1017. Report on the role of the Department of Defense in supporting homeland security.
Sec. 1018. Study of short-term and long-term effects of nuclear earth penetrator weapon.
Sec. 1019. Study of short-term and long-term effects of nuclear-tipped ballistic missile interceptor.

Subtitle C—Other Matters

Sec. 1021. Sense of Congress on maintenance of a reliable, flexible, and robust strategic deterrent.
Sec. 1022. Time for transmittal of annual defense authorization legislative proposal.
Sec. 1023. Technical and clerical amendments.
Sec. 1024. War risk insurance for vessels in support of NATO-approved operations.
Sec. 1025. Conveyance, Navy drydock, Portland, Oregon.
Sec. 1026. Additional Weapons of Mass Destruction Civil Support Teams.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Eligibility of Department of Defense nonappropriated fund employees for long-term care insurance.
Sec. 1102. Extension of Department of Defense authority to make lump-sum severance payments.
Sec. 1103. Common occupational and health standards for differential payments as a consequence of exposure to asbestos.
Sec. 1104. Continuation of Federal Employee Health Benefits program eligibility.
Sec. 1105. Triennial full-scale Federal wage system wage surveys.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1202. Strengthening the defense of Taiwan.
Sec. 1203. Administrative services and support for foreign liaison officers.
Sec. 1204. Additional countries covered by loan guarantee program.
Sec. 1205. Limitation on funding for Joint Data Exchange Center in Moscow.
Sec. 1206. Limitation on number of military personnel in Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition against use of funds until submission of reports.
Sec. 1304. Report on use of revenue generated by activities carried out under Cooperative Threat Reduction programs.
Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.
Sec. 1306. Sense of Congress and report requirement regarding Russian proliferation to Iran.
Sec. 1307. Prohibition against use of Cooperative Threat Reduction funds outside the States of the former Soviet Union.
Sec. 1308. Limited waiver of restriction on use of funds.
Sec. 1309. Limitation on use of funds until submission of report on defense and military contacts activities.

TITLE XIV—UTAH TEST AND TRAINING RANGE

Sec. 1401. Definition of Utah Test and Training Range.
Sec. 1402. Military operations and overflights at Utah Test and Training Range.
Sec. 1403. Designation and management of lands in Utah Test and Training Range.
Sec. 1404. Designation of Pilot Range Wilderness.
Sec. 1405. Designation of Cedar Mountain Wilderness.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title; definition.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2002 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Modification of authority to carry out certain fiscal year 2000 project.
Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
Sec. 2407. Modification of authority to carry out certain fiscal year 1997 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Changes to alternative authority for acquisition and improvement of military housing.
Sec. 2802. Modification of authority to carry out construction projects as part of environmental response action.
Sec. 2803. Leasing of military family housing in Korea.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Agreements with private entities to limit encroachments and other constraints on military training, testing, and operations.
Sec. 2812. Conveyance of surplus real property for natural resource conservation purposes.
Sec. 2813. National emergency exemption from screening and other requirements of McKinney-Vento Homeless Assistance Act for property used in support of response activities.
Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.
Sec. 2815. Expanded authority to transfer property at military installations to be closed to persons who construct or provide military family housing.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2821. Land conveyances, lands in Alaska no longer required for National Guard purposes.
Sec. 2822. Land conveyance, Fort Campbell, Kentucky.
Sec. 2823. Land conveyance, Army Reserve Training Center, Buffalo, Minnesota.
Sec. 2824. Land conveyance, Fort Bliss, Texas
Sec. 2825. Land conveyance, Fort Hood, Texas.

PART II—NAVY CONVEYANCES

Sec. 2831. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.
Sec. 2832. Boundary adjustments, Marine Corps Base, Quantico, and Prince William Forest Park, Virginia.

PART III—AIR FORCE CONVEYANCES

Sec. 2841. Land conveyances, Wendover Air Force Base Auxiliary Field, Nevada.

Subtitle D—Other Matters

Sec. 2861. Easement for construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
Sec. 2862. Sale of excess treated water and wastewater treatment capacity, Marine Corps Base, Camp Lejeune, North Carolina.
Sec. 2863. Ratification of agreement regarding Adak Naval Complex, Alaska, and related land conveyances.
Sec. 2864. Special requirements for adding military installation to closure list.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Environmental and other defense activities.

Subtitle B—Department of Energy National Security Authorizations General Provisions

Sec. 3120. Short title; definitions.
Sec. 3121. Reprogramming.
Sec. 3122. Minor construction projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfer of defense environmental management funds.
Sec. 3130. Transfer of weapons activities funds.
Sec. 3131. Scope of authority to carry out plant projects.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3141. One-year extension of panel to assess the reliability, safety, and security of the United States nuclear stockpile.
Sec. 3142. Transfer to National Nuclear Security Administration of Department of Defense's Cooperative Threat Reduction program relating to elimination of weapons grade plutonium in Russia.
Sec. 3143. Repeal of requirement for reports on obligation of funds for programs on fissile materials in Russia.
Sec. 3144. Annual certification to the President and Congress on the condition of the United States nuclear weapons stockpile.
Sec. 3145. Plan for achieving one-year readiness posture for resumption by the United States of underground nuclear weapons tests.

Subtitle D—Matters Relating to Defense Environmental Management

Sec. 3151. Defense environmental management cleanup reform program.
Sec. 3152. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2003.
Sec. 3502. Authority to convey vessel USS SPHINX (ARL-24).
Sec. 3503. Financial assistance to States for preparation of transferred obsolete ships for use as artificial reefs.
Sec. 3504. Independent analysis of title XI insurance guarantee applications.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Army as follows:

(1) For aircraft, $2,300,327,000.

(2) For missiles, $1,693,896,000.

(3) For weapons and tracked combat vehicles, $2,372,958,000.

(4) For ammunition, $1,320,026,000.

(5) For other procurement, $6,119,447,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Navy as follows:

(1) For aircraft, $8,971,555,000.

(2) For weapons, including missiles and torpedoes, $1,916,617,000.

(3) For shipbuilding and conversion, $9,279,494,000.

(4) For other procurement, $4,527,763,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Marine Corps in the amount of $1,351,983,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,104,453,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Air Force as follows:

(1) For aircraft, $12,522,755,000.

(2) For missiles, $3,482,639,000.

(3) For ammunition, $1,176,864,000.

(4) For other procurement, $10,907,730,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2003 for Defense-wide procurement in the amount of $2,621,009,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Inspector General of the Department of Defense in the amount of $2,000,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2003 the amount of $1,490,199,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $278,742,000.

SEC. 111. SHIPBUILDING INITIATIVE.

(a) USE OF SPECIFIED SHIPBUILDING AUTHORIZATION AMOUNT SUBJECT TO CONTRACTOR AGREEMENT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 2003, $810,000,000 shall be available for shipbuilding programs of the Navy either in accordance with subsection (b) or in accordance with subsection (c).

(b) DDG–51 AUTHORIZATION IF AGREEMENT REACHED.—If as of the date of the enactment of this Act the Secretary of the Navy has submitted to Congress a certification described in subsection (d), then the amount referred to in subsection (a) shall be available for procurement of one Arleigh Burke class (DDG-51) destroyer.

(c) AUTHORIZATION IF AGREEMENT NOT REACHED.—If as of the date of the enactment of this Act the Secretary of the Navy has not submitted to Congress a certification described in subsection (d), then the amount referred to in subsection (a) shall be available as follows:

(1) $415,000,000 shall be available for advance procurement for Virginia class submarines.

(2) $210,000,000 shall be available for advance procurement for cruiser conversion.

(3) $185,000,000 shall be available for nuclear-powered submarine (SSN) engineered refueling overhaul.

(d) CERTIFICATION.—A certification referred to in subsections (b) and (c) is a certification by the Secretary of the Navy that the prime contractor for the Virginia class submarine program has entered into a binding agreement with the United States to expend from its own funds an amount not less than $385,000,000 for economic order quantity procurement of nuclear and nonnuclear components for Virginia class submarines beginning in fiscal year 2003.

(e) MULTIYEAR PROCUREMENT AUTHORITY.—(1) If the terms of an agreement described in subsection (d) between the United States and the prime contractor for the Virginia class submarine program include a requirement for the Secretary of the Navy to seek to acquire Virginia class submarines through a multiyear procurement contract, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement of Virginia class submarines, beginning with the fiscal year 2003 program year.

(2)(A) In the case of a contract authorized by paragraph (1), a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(B) Upon transmission to Congress of a certification referred to in subparagraph (A) with respect to a contract authorized by paragraph (1), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

Subtitle C—Air Force Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR C-130J AIRCRAFT PROGRAM.

(a) MULTIYEAR AUTHORITY.—Beginning with the fiscal year 2003 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement of C-130J aircraft.

(b) LIMITATION.—The Secretary of Defense may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 days has expired after such certification is submitted.

(c) REQUIRED CERTIFICATION AS TO PROGRESS TOWARD SUCCESSFUL OPERATIONAL TEST AND EVALUATION.—A certification under subsection (b)(1) is a certification by the Secretary of Defense that the C-130J program is making satisfactory progress towards a successful operational test and evaluation.

(d) REQUIRED CERTIFICATION WITH RESPECT TO MULTIYEAR CONTRACTING CONDITIONS.—(1) In the case of a contract authorized by subsection (a) of this section, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(2) Upon transmission to Congress of a certification referred to in paragraph (1) with respect to a contract authorized by subsection (a), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

Subtitle D—Other Programs

SEC. 141. REVISIONS TO MULTIYEAR CONTRACTING AUTHORITY.

(a) USE OF PROCUREMENT AND ADVANCE PROCUREMENT FUNDS.—Section 2306b(i) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) Unless otherwise authorized by law, the Secretary of Defense may obligate funds for procurement of an end item under a multiyear contract for the purchase of property only for procurement of a complete and usable end item.

"(B) Unless otherwise authorized by law, the Secretary of Defense may obligate funds appropriated for any fiscal year for advance procurement under a multiyear contract for the purchase of property only for the procurement of those long-lead items necessary in order to meet a planned delivery schedule for complete major end items that are programmed under the contract to be acquired with funds appropriated for a subsequent fiscal year.".

(b) EFFECTIVE DATE.—Paragraph (4) of section 2306b(i) of title 10, United States Code, as added by subsection (a), shall not apply with respect to any multiyear contract authorized by law before the date of the enactment of this Act.

SEC. 142. TRANSFER OF TECHNOLOGY ITEMS AND EQUIPMENT IN SUPPORT OF HOMELAND SECURITY.

(a) IN GENERAL.—Subchapter III of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§2520. Transfer of technology items and equipment in support of homeland security

"The Secretary of Defense shall enter into an agreement with an independent, nonprofit, technology-oriented entity that has demonstrated the ability to facilitate the transfer of defense technologies, developed by both the private and public sectors, to aid Federal, State, and local first responders. Under the agreement the entity shall develop and deploy technology items and equipment, through coordination between Government agencies and private sector, commercial developers and suppliers of technology, that will enhance public safety and shall—

"(1) work in coordination with the InterAgency Board for Equipment Standardization and Interoperability;

"(2) develop technology items and equipment that meet the standardization requirements established by the Board;

"(3) evaluate technology items and equipment that have been identified using the standards developed by the Board and other state-of-the-art technology items and equipment that may benefit first responders;

"(4) identify and coordinate among the public and private sectors research efforts applicable to national security and homeland security;

"(5) facilitate the timely transfer of technology items and equipment between public and private sources;

"(6) eliminate redundant research efforts with respect to technologies to be deployed to first responders;

"(7) expedite the advancement of high priority projects from research through implementation of initial manufacturing; and

"(8) establish an outreach program, in coordination with the Board, with first responders to facilitate awareness of available technology items and equipment to support crisis response.".

(b) DEADLINE FOR AGREEMENT.—The Secretary of Defense shall enter into the agreement required by section 2520 of title 10, United States Code (as added by subsection (a)) not later than January 15, 2003.

(c) STRATEGIC PLAN.—The entity described in section 2520 of such title shall develop a strategic plan to carry out the goals described in such section, which shall include identification of—

(1) the initial technology items and equipment considered for development; and

(2) the program schedule timelines for such technology items and equipment.

(d) REPORT REQUIRED.—Not later than March 15, 2003, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the actions taken to carry out such section 2520;

(2) the relationship of the entity described in such section to the InterAgency Board for Equipment Standardization and Interoperability; and

(3) the strategic plan of such entity to meet the goals described in such section.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 148 of title 10, United States Code, is amended by adding at the end the following new item:

"2520. Transfer of technology items and equipment in support of homeland security.".

SEC. 143. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) PROGRAM MANAGEMENT.—The Secretary of Defense shall ensure that the program for destruction of the United States stockpile of lethal chemical agents and munitions is managed as a major defense acquisition program (as defined in section 2430 of title 10, United States Code) in accordance with the essential elements of such programs as may be determined by the Secretary.

(b) REQUIREMENT FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER) ANNUAL CERTIFICATION.—Beginning with respect to the budget request for fiscal year 2004, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees on an annual basis a certification that the budget request for the chemical agents and munitions destruction program has been submitted in accordance with the requirements of applicable Federal laws.

SEC. 144. REPORT ON UNMANNED AERIAL VEHICLE SYSTEMS.

(a) REPORT.—Not later than January 1, 2003, the Secretary of Defense shall submit to Congress a report on unmanned aerial vehicle systems of the Department of Defense.

(b) MATTERS TO BE INCLUDED CONCERNING UNMANNED AERIAL VEHICLE SYSTEMS.—The Secretary shall include in the report under subsection (a) the following, shown for each system referred to in that subsection:

(1) A description of the infrastructure that the Department of Defense has (or is planning) for the system.

(2) A description of the operational requirements document (ORD) for the system.

(3) A description of the physical infrastructure of the Department for training and basing.

(4) A description of the manner in which the Department is interfacing with the industrial base.

(5) A description of the acquisition plan for the system.

(c) SUGGESTIONS FOR CHANGES IN LAW.—The Secretary shall also include in the report under subsection (a) such suggestions as the Secretary considers appropriate for changes in law that would facilitate the way the Department acquires unmanned aerial vehicle systems.

SEC. 145. REPORT ON IMPACT OF ARMY AVIATION MODERNIZATION PLAN ON THE ARMY NATIONAL GUARD.

(a) REPORT BY CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than February 1, 2003, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements for Army National Guard aviation. The report shall include the following:

(1) An analysis of the impact of the Army Aviation Modernization Plan on the ability of the Army National Guard to conduct its aviation missions.

(2) The plan under that aviation modernization plan for the transfer of aircraft from the active component of the Army to the Army reserve components, including a timeline for those transfers.

(3) The progress, as of January 1, 2003, in carrying out the transfers under the plan referred to in paragraph (2).

(4) An evaluation of the suitability of existing Commercial Off The Shelf (COTS) light-twin engine helicopters for performance of Army National Guard aviation missions.

(b) VIEWS OF THE CHIEF OF STAFF OF THE ARMY.—If, before the report under subsection (a) is submitted, the Chief of the National Guard Bureau receives from the Chief of Staff of the Army the views of the Chief of Staff on the matters to be covered in the report, the Chief of the Bureau shall include those views with the report as submitted under subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,933,319,000.

(2) For the Navy, $13,274,540,000.

(3) For the Air Force, $18,803,184,000.

(4) For Defense-wide activities, $17,413,291,000, of which $222,054,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2003.—Of the amounts authorized to be appropriated by section 201, $10,023,658,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. RAH–66 COMANCHE AIRCRAFT PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2003 for engineering and manufacturing development for the RAH–66 Comanche aircraft program may be obligated until the Secretary of the Army submits to the congressional defense committees a report, prepared in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, containing an accurate estimate of funds required to complete engineering and manufacturing development for that aircraft and the new time line and plan for bringing that aircraft to initial operational capability, as called for in the joint explanatory statement of the committee of conference on the bill S. 1438 of the One Hundred Seventh Congress (at page 535 of House Report 107–333, submitted December 12, 2001).

(b) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the RAH–66 Comanche aircraft program may not exceed $6,000,000,000.

(c) ADJUSTMENT OF LIMITATION AMOUNTS.—(1) Subject to paragraph (2), the Secretary of the Army shall adjust the amount of the limitation set forth in subsection (b) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2002.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2002.

(2) Before making any adjustment under paragraph (1) in an amount greater than $20,000,000, the Secretary of the Army shall submit to the congressional defense committees notice in writing of the proposed increase.

(d) ANNUAL DOD INSPECTOR GENERAL REVIEW.—(1) Not later than March 1 of each year, the Department of Defense Inspector General shall review the RAH–66 Comanche aircraft program and submit to Congress a report on the results of the review.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program, including the performance, cost, and schedule goals.

(B) The status of modifications expected to have a significant effect on cost, schedule, or performance of RAH–66 aircraft.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) is consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) No report is required under this subsection after the RAH–66 aircraft has completed engineering and manufacturing development.

(e) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the RAH–66 Comanche aircraft program for research, development, test, and evaluation for a fiscal year, not more than 90 percent of that amount may be obligated until the Department of Defense Inspector General submits to Congress the report required to be submitted in that fiscal year under subsection (d).

SEC. 212. EXTENSION OF REQUIREMENT RELATING TO MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAMS.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 211 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1946), is amended by striking "through 2003" and inserting "through 2008".

SEC. 213. EXTENSION OF AUTHORITY TO CARRY OUT PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

Section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: ", and to demonstrate improved efficiency in the performance of the research, development, test, and evaluation functions of the Department of Defense";

(2) in subsection (a)(4), by striking "for a period" and all that follows through the period at the end and inserting "until March 1, 2008.";

(3) in subsection (b)(2), by striking "Promptly after" and all that follows through "The report shall contain" and inserting "Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the pilot program during the preceding fiscal year. Each such report shall contain, for each laboratory or center in the pilot program,"; and

(4) by adding at the end of subsection (b) the following new paragraph:

"(3) Not later than March 1, 2007, the Secretary of Defense shall submit to the committees *referred to in paragraph (2) the Secretary's recommendation as to whether, and to what extent, the authority to carry out the pilot program should be extended.''.*

SEC. 214. REVISED REQUIREMENTS FOR PLAN FOR MANUFACTURING TECHNOLOGY PROGRAM.

(a) STREAMLINED CONTENTS OF PLAN.—Subsection (e) of section 2521 of title 10, United States Code, is amended by striking ''prepare a five-year plan'' in paragraph (1) and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following: ''prepare and maintain a five-year plan for the program.

''(2) The plan shall establish the following:

''(A) The overall manufacturing technology objectives, milestones, priorities, and investment strategy for the program.

''(B) The specific objectives of, and funding for the program by, each military department and each Defense Agency participating in the program.''.

(b) BIENNIAL REPORT.—Such subsection is further amended in paragraph (3)—

(1) by striking ''annually'' and inserting ''biennially''; and

(2) by striking ''for a fiscal year'' and inserting ''for each even-numbered fiscal year''.

SEC. 215. TECHNOLOGY TRANSITION INITIATIVE.

(a) ESTABLISHMENT AND CONDUCT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359 the following new section:

''§2359a. Technology Transition Initiative

''(a) INITIATIVE REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out an initiative, to be known as the Technology Transition Initiative (hereinafter in this section referred to as the 'Initiative'), to facilitate the rapid transition of new technologies from science and technology programs of the Department of Defense into acquisition programs of the Department for the production of such technologies.

''(b) OBJECTIVES.—The Initiative shall have the following objectives:

''(1) To accelerate the introduction of new technologies into appropriate acquisition programs.

''(2) To successfully demonstrate new technologies in relevant environments.

''(3) To ensure that new technologies are sufficiently mature for production.

''(c) MANAGEMENT OF INITIATIVE.—(1) The Initiative shall be managed by a senior official in the Office of the Secretary of Defense designated by the Secretary (hereinafter in this section referred to as the 'Manager'). In managing the Initiative, the Manager shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Secretary shall establish a board of directors (hereinafter in this section referred to as the 'Board'), composed of the acquisition executive of each military department, the members of the Joint Requirements Oversight Council, and the commander of the Joint Forces Command. The Board shall assist the Manager in managing the Initiative.

''(3) The Secretary shall establish, under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics, a panel of highly qualified scientists and engineers. The panel shall advise the Under Secretary on matters relating to the Initiative.

''(d) DUTIES OF MANAGER.—The Manager shall have following duties:

''(1) To identify, in consultation with the Board, promising technologies that have been demonstrated in science and technology programs of the Department.

''(2) To identify potential sponsors in the Department to undertake the transition of such technologies into production.

''(3) To work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to provide for the transition of such technologies into production.

''(4) Provide funding support for projects selected under subsection (e).

''(e) JOINTLY FUNDED PROJECTS.—(1) The acquisition executive of each military department shall identify technology projects of that military department to recommend for funding support under the Initiative and shall submit to the Manager a list of such recommended projects, ranked in order of priority. Such executive shall identify such projects, and establish priorities among such projects, using a competitive process, on the basis of the greatest potential benefits in areas of interest identified by the Secretary of that military department.

''(2) The Manager, in consultation with the Board, shall select projects for funding support from among the projects on the lists submitted under paragraph (1). From the funds made available to the Manager for the Initiative, the Manager shall provide funds for each selected project in an amount determined by mutual agreement between the Manager and the acquisition executive of the military department concerned, but not less than 50 percent of the total cost of the project.

''(3) The acquisition executive of the military department concerned shall manage each project selected under paragraph (2) that is undertaken by the military department. Memoranda of agreement, joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community shall be used in carrying out the project if the acquisition executive determines that it is appropriate to do so to achieve the objectives of the project.

''(f) REQUIREMENT FOR PROGRAM ELEMENT.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for activities of the Initiative shall be set forth in a separate program element within amounts requested for research, development, test, and evaluation for Defense-wide activities.

''(g) DEFINITION OF ACQUISITION EXECUTIVE.—In this section, the term 'acquisition executive', with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2359 the following new item:

''2359a. Technology Transition Initiative.''.

SEC. 216. DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2359a (as added by section 215) the following new section:

''§2359b. Defense Acquisition Challenge Program

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program, to be known as the Defense Acquisition Challenge Program (hereinafter in this section referred to as the 'Challenge Program'), shall provide any person or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program.

''(b) PANEL.—(1) In carrying out the Challenge Program, the Secretary shall establish a panel of highly qualified scientists and engineers (hereinafter in this section referred to as the 'Panel') under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out evaluations of challenge proposals under subsection (c).

''(2) A member of the Panel may not participate in any evaluation of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in or been affiliated with the acquisition program for which the challenge proposal is submitted.

''(c) EVALUATION BY PANEL.—(1) Under procedures prescribed by the Secretary, a person or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

''(2) The Panel shall carry out an evaluation of each challenge proposal submitted under paragraph (1) to determine each of the following criteria:

''(A) Whether the challenge proposal has merit.

''(B) Whether the challenge proposal is likely to result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program.

''(C) Whether the challenge proposal could be implemented rapidly in the applicable acquisition program.

''(3) If the Panel determines that a challenge proposal satisfies each of the criteria specified in paragraph (2), the person or activity submitting that challenge proposal shall be provided an opportunity to submit such challenge proposal for a full review and evaluation under subsection (d).

''(d) FULL REVIEW AND EVALUATION.—(1) Under procedures prescribed by the Secretary, for each challenge proposal submitted for a full review and evaluation as provided in subsection (c)(3), the office carrying out the applicable acquisition program, and the prime system contractor carrying out such program, shall jointly conduct a full review and evaluation of the challenge proposal.

''(2) The full review and evaluation shall, independent of the determination of the Panel under subsection (c)(2), determine each of the matters specified in subparagraphs (A), (B), and (C) of such subsection.

''(e) ACTION UPON FAVORABLE FULL REVIEW AND EVALUATION.—(1) Under procedures prescribed by the Secretary, each challenge proposal determined under a full review and evaluation to satisfy each of the criteria specified in subsection (c)(2) shall be considered by the prime system contractor for incorporation into the applicable acquisition program as a new technology insertion at the component, subsystem, or system level.

''(2) The Secretary shall encourage the adoption of each challenge proposal referred to in paragraph (1) by providing suitable incentives to the office carrying out the applicable acquisition program and the prime system contractor carrying out such program.

''(f) ACCESS TO TECHNICAL RESOURCES.—The Secretary shall ensure that the Panel (in carrying out evaluations of challenge proposals under subsection (c)) and each office and prime system contractor (in conducting a full review and evaluation under subsection (d)) have the

authority to call upon the technical resources of the laboratories, research, development, and engineering centers, test and evaluation activities, and other elements of the Department.

"(g) Elimination of Conflicts of Interest.—In carrying out each evaluation under subsection (c) and full review under subsection (d), the Secretary shall ensure the elimination of conflicts of interest.

"(h) Report.—The Secretary shall submit to Congress, with the submission of the budget request for the Department of Defense for each fiscal year during which the Challenge Program is carried out, a report on the Challenge Program for that fiscal year. The report shall include the number and scope of challenge proposals submitted, evaluated, subjected to full review, and adopted.

"(i) Sunset.—The authority to carry out this section shall terminate on September 30, 2007.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2359a (as added by section 215) the following new item:

"2359b. Defense Acquisition Challenge Program.".

(b) Initial Funding.—(1) Of the funds authorized to be appropriated by section 201(4) for Defense-wide research, development, test, and evaluation for fiscal year 2003, $25,000,000 shall be available in program element 0603826D8Z for the Defense Acquisition Challenge Program required by section 2359b of title 10, United States Code, as added by subsection (a).

(2) The funds provided under paragraph (1) may be used only for review and evaluation of challenge proposals, and not for implementation of challenge proposals.

Subtitle C—Ballistic Missile Defense

SEC. 231. LIMITATION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF PATRIOT (PAC-3) MISSILES PENDING SUBMISSION OF REQUIRED CERTIFICATION.

None of the funds appropriated for fiscal year 2003 for procurement of missiles for the Army may be obligated for the Patriot Advanced Capability (PAC-3) missile program until the Secretary of Defense has submitted to the congressional defense committees the following:

(1) The criteria for the transfer of responsibility for a missile defense program from the Director of the Missile Defense Agency to the Secretary of a military department, as required by section 224(b)(2) of title 10, United States Code.

(2) The notice and certification with respect to the transfer of responsibility for the Patriot Advanced Capability (PAC-3) missile program from the Director to the Secretary of the Army required by section 224(c) of such title.

SEC. 232. RESPONSIBILITY OF MISSILE DEFENSE AGENCY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATED TO SYSTEM IMPROVEMENTS OF PROGRAMS TRANSFERRED TO MILITARY DEPARTMENTS.

Section 224(e) of title 10, United States Code, is amended—

(1) by striking "before a" and inserting "for each";

(2) by striking "is"; and

(3) by striking "roles and responsibilities" and all that follows through the period at the end and inserting "responsibility for research, development, test, and evaluation related to system improvements for that program remains with the Director.".

SEC. 233. AMENDMENTS TO REFLECT CHANGE IN NAME OF BALLISTIC MISSILE DEFENSE ORGANIZATION TO MISSILE DEFENSE AGENCY.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Sections 203, 223, and 224 are each amended by striking "Ballistic Missile Defense Organization" each place it appears and inserting "Missile Defense Agency".

(2)(A) The heading of section 203 is amended to read as follows:

"§ 203. Director of Missile Defense Agency".

(B) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 8 is amended to read as follows:

"203. Director of Missile Defense Agency.".

(b) Public Law 107–107.—(1) Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note) is amended by striking "Ballistic Missile Defense Organization" each place it appears and inserting "Missile Defense Agency".

(2) The heading for such section is amended to read as follows:

"SEC. 232. PROGRAM ELEMENTS FOR MISSILE DEFENSE AGENCY.".

(c) Public Law 106–398.—(1) Section 3132 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 2431 note) is amended by striking "Ballistic Missile Defense Organization" each place it appears and inserting "Missile Defense Agency".

(2) Such section is further amended in subsection (c) by striking "BMDO" and inserting "MDA".

(3) The section heading for such section is amended to read as follows:

"SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND MISSILE DEFENSE AGENCY.".

(d) Other Laws.—The following provisions are each amended by striking "Ballistic Missile Defense Organization" each place it appears and inserting "Missile Defense Agency":

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 223 note).

(2) Section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2431 note).

(3) Sections 235 (10 U.S.C. 2431 note) and 243 (10 U.S.C. 2431 note) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,159,733,000.

(2) For the Navy, $29,428,876,000.

(3) For the Marine Corps, $3,588,512,000.

(4) For the Air Force, $27,299,404,000.

(5) For Defense-wide activities, $14,370,037,000.

(6) For the Army Reserve, $1,918,110,000.

(7) For the Naval Reserve, $1,233,759,000.

(8) For the Marine Corps Reserve, $185,532,000.

(9) For the Air Force Reserve, $2,194,719,000.

(10) For the Army National Guard, $4,300,767,000.

(11) For the Air National Guard, $4,077,845,000.

(12) For the Defense Inspector General, $155,165,000.

(13) For the United States Court of Appeals for the Armed Forces, $9,614,000.

(14) For Environmental Restoration, Army, $395,900,000.

(15) For Environmental Restoration, Navy, $256,948,000.

(16) For Environmental Restoration, Air Force, $389,773,000.

(17) For Environmental Restoration, Defense-wide, $23,498,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $212,102,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $58,400,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $848,907,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $14,242,541,000.

(23) For Cooperative Threat Reduction programs, $416,700,000.

(24) For Support for International Sporting Competitions, Defense, $19,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,504,956,000.

(2) For the National Defense Sealift Fund, $934,129,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2003 from the Armed Forces Retirement Home Trust Fund the sum of $69,921,000 for the operation of the Armed Forces Retirement Home.

Subtitle B—Environmental Provisions

SEC. 311. INCIDENTAL TAKING OF MIGRATORY BIRDS DURING MILITARY READINESS ACTIVITY.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following new subsection:

"(c)(1) Section 2 shall not apply to the incidental taking of a migratory bird by a member of the Armed Forces during a military readiness activity authorized by the Secretary of Defense or the Secretary of the military department concerned.

"(2)(A) In this subsection, the term 'military readiness activity' includes—

"(i) all training and operations of the Armed Forces that relate to combat; and

"(ii) the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.

"(B) The term does not include—

"(i) the routine operation of installation operating support functions, such as administrative offices, military exchanges, commissaries, water treatment facilities, storage facilities, schools, housing, motor pools, laundries, morale, welfare, and recreation activities, shops, and mess halls;

"(ii) the operation of industrial activities; or

"(iii) the construction or demolition of facilities used for a purpose described in clause (i) or (ii).".

SEC. 312. MILITARY READINESS AND THE CONSERVATION OF PROTECTED SPECIES.

(a) Limitation on Designation of Critical Habitat.—Section 4(a)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(3)"; and

(3) by adding at the end the following:

"(B)(i) The Secretary may not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the

Sikes Act (16 U.S.C. 670a), if the Secretary determines that such plan addresses special management considerations or protection (as those terms are used in section 3(5)(A)(i)).

"(ii) Nothing in this subparagraph affects the requirement to consult under section 7(a)(2) with respect to an agency action (as that term is defined in that section).

"(iii) Nothing in this subparagraph affects the obligation of the Department of Defense to comply with section 9 of the Endangered Species Act of 1973, including the prohibition preventing extinction and taking of endangered species and threatened species.".

(b) CONSIDERATION OF EFFECTS OF DESIGNATION OF CRITICAL HABITAT.—Section 4(b)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(2)) is amended by inserting "the impact on national security," after "the economic impact,".

SEC. 313. SINGLE POINT OF CONTACT FOR POLICY AND BUDGETING ISSUES REGARDING UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS.

Section 2701 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k) UXO PROGRAM MANAGER.—(1) The Secretary of Defense shall establish a program manager who shall serve as the single point of contact in the Department of Defense for policy and budgeting issues involving the characterization, remediation, and management of explosive and related risks with respect to unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (as such terms are defined in section 2710 of this title) that pose a threat to human health or safety.

"(2) The Secretary of Defense may delegate this authority to the Secretary of a military department, who may delegate the authority to the Under Secretary of that military department. The authority may not be further delegated.

"(3) The program manager may establish an independent advisory and review panel that may include representatives of the National Academy of Sciences, nongovernmental organizations with expertise regarding unexploded ordnance, discarded military munitions, or munitions constituents, the Environmental Protection Agency, States (as defined in section 2710 of this title), and tribal governments. If established, the panel would report annually to Congress on progress made by the Department of Defense to address unexploded ordnance, discarded military munitions, or munitions constituents at defense sites and make such recommendations as the panel considered appropriate.".

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. AUTHORITY FOR EACH MILITARY DEPARTMENT TO PROVIDE BASE OPERATING SUPPORT TO FISHER HOUSES.

Section 2493(f) of title 10, United States Code, is amended to read as follows:

"(f) BASE OPERATING SUPPORT.—The Secretary of a military department may provide base operating support for Fisher Houses associated with health care facilities of that military department.".

SEC. 322. USE OF COMMISSARY STORES AND MWR RETAIL FACILITIES BY MEMBERS OF NATIONAL GUARD SERVING IN NATIONAL EMERGENCY.

(a) ADDITIONAL BASIS FOR AUTHORIZED USE.—Section 1063a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or national emergency" after "federally declared disaster"; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(3) NATIONAL EMERGENCY.—The term 'national emergency' means a national emergency declared by the President or Congress.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency".

(2) The table of sections at the beginning of chapter 54 of such title is amended by striking the item relating to section 1063a and inserting the following new item:

"1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.".

SEC. 323. UNIFORM FUNDING AND MANAGEMENT OF MORALE, WELFARE, AND RECREATION PROGRAMS.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2494. Uniform funding and management of morale, welfare, and recreation programs

"(a) AUTHORITY FOR UNIFORM FUNDING AND MANAGEMENT.—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense and available for morale, welfare, and recreation programs may be treated as nonappropriated funds and expended in accordance with laws applicable to the expenditures of nonappropriated funds. When made available for morale, welfare, and recreation programs under such regulations, appropriated funds shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

"(b) CONDITIONS ON AVAILABILITY.—Funds appropriated to the Department of Defense may be made available to support a morale, welfare, or recreation program only if the program is authorized to receive appropriated fund support and only in the amounts the program is authorized to receive.

"(c) CONVERSION OF EMPLOYMENT POSITIONS.—(1) The Secretary of Defense may identify positions of employees in morale, welfare, and recreation programs within the Department of Defense who are paid with appropriated funds whose status may be converted from the status of an employee paid with appropriated funds to the status of an employee of a nonappropriated fund instrumentality.

"(2) The status of an employee in a position identified by the Secretary under paragraph (1) may, with the consent of the employee, be converted to the status of an employee of a nonappropriated fund instrumentality. An employee who does not consent to the conversion may not be removed from the position because of the failure to provide such consent.

"(3) The conversion of an employee from the status of an employee paid by appropriated funds to the status of an employee of a nonappropriated fund instrumentality shall be without a break in service for the concerned employee. The conversion shall not entitle an employee to severance pay, back pay or separation pay under subchapter IX of chapter 55 of title 5, or be considered an involuntary separation or other adverse personnel action entitling an employee to any right or benefit under such title or any other provision of law or regulation.

"(4) In this subsection, the term 'an employee of a nonappropriated fund instrumentality' means an employee described in section 2105(c) of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2494. Uniform funding and management of morale, welfare, and recreation programs.".

Subtitle D—Workplace and Depot Issues

SEC. 331. NOTIFICATION REQUIREMENTS IN CONNECTION WITH REQUIRED STUDIES FOR CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

Subsection (c) of section 2461 of title 10, United States Code, is amended to read as follows:

"(c) SUBMISSION OF ANALYSIS RESULTS.—(1) Upon the completion of an analysis of a commercial or industrial type function described in subsection (a) for possible change to performance by the private sector, the Secretary of Defense shall submit to Congress a report containing the results of the analysis, including the results of the examinations required by subsection (b)(3).

"(2) The report shall also contain the following:

"(A) The date when the analysis of the function was commenced.

"(B) The Secretary's certification that the Government calculation of the cost of performance of the function by Department of Defense civilian employees is based on an estimate of the most cost effective manner for performance of the function by Department of Defense civilian employees.

"(C) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was or will be terminated or otherwise affected by changing to performance of the function by the private sector or by implementation of the most efficient organization of the function.

"(D) The Secretary's certification that the factors considered in the examinations performed under subsection (b)(3), and in the making of the decision regarding changing to performance of the function by the private sector or retaining performance in the most efficient organization of the function, did not include any predetermined personnel constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

"(E) A statement of the potential economic effect of implementing the decision regarding changing to performance of the function by the private sector or retaining performance in the most efficient organization of the function on each affected local community, as determined in the examination under subsection (b)(3)(B)(ii).

"(F) A schedule for completing the change to performance of the function by the private sector or implementing the most efficient organization of the function

"(G) In the case of a commercial or industrial type function performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant, a description of the effect that the manner of performance of the function, and administration of the resulting contract if any, will have on the overhead costs of the center or ammunition plant, as the case may be.

"(H) The Secretary's certification that the entire analysis is available for examination.

"(3)(A) If a decision is made to change the commercial or industrial type function that was the subject of the analysis to performance by the private sector, the change of the function to contractor performance may not begin until after the submission of the report required by paragraph (1).

"(B) Notwithstanding subparagraph (A), in the case of a commercial or industrial type function performed at a Center of Industrial and Technical Excellence designated under section

2474(a) of this title or an Army ammunition plant, the change of the function to contractor performance may not begin until at least 60 days after the submission of the report.''.

SEC. 332. WAIVER AUTHORITY REGARDING PROHIBITION ON CONTRACTS FOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.

Section 2465 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) The Secretary of Defense or the Secretary of a military department may waive the prohibition under subsection (a) regarding contracting for the performance of security-guard functions at a military installation or facility under the jurisdiction of the Secretary if such functions—

''(1) are or will be performed by members of the armed forces in the absence of a waiver; or

''(2) were not performed at the installation or facility before September 11, 2001.''.

SEC. 333. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2474(f)(2) of title 10, United States Code, is amended by striking ''for fiscal years 2002 through 2005''.

SEC. 334. REPEAL OF OBSOLETE PROVISION REGARDING DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS THAT WERE PERFORMED AT CLOSED OR REALIGNED MILITARY INSTALLATIONS.

(a) REPEAL.—Section 2469a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2469a.

SEC. 335. CLARIFICATION OF REQUIRED CORE LOGISTICS CAPABILITIES.

Section 2464(a)(3) of title 10, United States Code, is amended by striking ''those capabilities that are necessary to maintain and repair the weapon systems'' and inserting ''those logistics capabilities (including acquisition logistics, supply management, system engineering, maintenance, and modification management) that are necessary to sustain the weapon systems''.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2003.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2003, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2003 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 342. AVAILABILITY OF QUARTERS ALLOWANCE FOR UNACCOMPANIED DEFENSE DEPARTMENT TEACHER REQUIRED TO RESIDE ON OVERSEAS MILITARY INSTALLATION.

(a) AUTHORITY TO PROVIDE ALLOWANCE.—Subsection (b) of section 7 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 905) is amended by adding at the end the following new sentence: ''If the teacher is unaccompanied by dependents and is required to reside on a United States military installation in an overseas area, the teacher may receive a quarters allowance to reside in excess family housing at the installation notwithstanding the availability single room housing at the installation.''.

(b) TECHNICAL CORRECTION TO REFLECT CODIFICATION.—Such section is further amended by striking ''the Act of June 26, 1930 (5 U.S.C. 118a)'' both places it appears and inserting ''section 5912 of title 5, United States Code''.

SEC. 343. PROVISION OF SUMMER SCHOOL PROGRAMS FOR STUDENTS WHO ATTEND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 1402(d) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(d)) is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) Individuals eligible to receive a free public education under subsection (a) may enroll without charge in a summer school program offered under this subsection. Students who are required under section 1404 to pay tuition to enroll in a school of the defense dependents' education system shall also be charged a fee, at a rate established by the Secretary, to attend a course offered as part of the summer school program.''.

Subtitle F—Information Technology

SEC. 351. NAVY-MARINE CORPS INTRANET CONTRACT.

(a) AUTHORIZED DURATION OF CONTRACT.—Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654A–215) and amended by section 362 of Public Law 107–107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) DURATION OF NAVY-MARINE CORPS INTRANET CONTRACT.—Notwithstanding section 2306c of title 10, United States Code, the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.''.

(b) CLARIFICATION OF PHASED IMPLEMENTATION REQUIREMENTS.—Subsection (b) of such section is amended in paragraphs (2) and (3) by striking ''provided'' each place it appears and inserting ''ordered''.

SEC. 352. ANNUAL SUBMISSION OF INFORMATION ON NATIONAL SECURITY AND INFORMATION TECHNOLOGY CAPITAL ASSETS.

(a) REQUIREMENT TO SUBMIT INFORMATION.—Not later than the date that the President submits the budget of the United States Government to Congress each year, the Secretary of Defense shall submit to Congress a description of, and relevant budget information on, each information technology and national security capital asset of the Department of Defense that—

(1) has an estimated life cycle cost (as computed in fiscal year 2003 constant dollars), in excess of $120,000,000; and

(2) has a cost for the fiscal year in which the description is submitted (as computed in fiscal year 2003 constant dollars) in excess of $30,000,000.

(b) INFORMATION TO BE INCLUDED.—The description submitted under subsection (a) shall include, with respect to each such capital asset and national security system—

(1) the name and identifying acronym;

(2) the date of initiation;

(3) a summary of performance measurements and metrics;

(4) the total amount of funds, by appropriation account, appropriated and obligated for prior fiscal years, with a specific breakout of such information for the two preceding fiscal years;

(5) the funds, by appropriation account, requested for that fiscal year;

(6) each prime contractor and the work to be performed;

(7) a description of program management and management oversight;

(8) the original baseline cost and most current baseline information; and

(9) a description of compliance with the provisions enacted in the Government Performance Results Act of 1993 (Public Law 103–62; 107 Stat. 285) and the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 642).

(c) ADDITIONAL INFORMATION TO BE INCLUDED FOR CERTAIN SYSTEMS.—(1) For each information technology and national security system of the Department of Defense that has a cost for the fiscal year in excess of $2,000,000, the Secretary shall identify that system by name, function, and total funds requested for the system.

(2) For each information technology and national security system of the Department of Defense that has a cost for the fiscal year in excess of $10,000,000, the Secretary shall identify that system by name, function, and total funds requested (by appropriation account) for that fiscal year, the funds appropriated for the preceding fiscal year, and the funds estimated to be requested for the next fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger–Cohen Act of 1996 (40 U.S.C. 1401(3)).

(2) The term ''capital asset'' has the meaning given that term in Office of Management and Budget Circular A–11.

(3) The term ''national security system'' has the meaning given that term in section 5142 of the Clinger–Cohen Act of 1996 (40 U.S.C. 1452).

SEC. 353. IMPLEMENTATION OF POLICY REGARDING CERTAIN COMMERCIAL OFF-THE-SHELF INFORMATION TECHNOLOGY PRODUCTS.

The Secretary of Defense shall ensure that—

(1) the Department of Defense implements the policy established by the Committee on National Security Systems (formerly the National Security Telecommunications and Information Systems Security Committee) that limits the acquisition by the Federal Government of all commercial off-the-shelf information assurance and information assurance-enabled information technology products to those products that have been evaluated and validated in accordance with appropriate criteria, schemes, or programs; and

(2) implementation of such policy includes uniform enforcement procedures.

SEC. 354. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the

installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) TELECOM SWITCH DEFINED.—In this section, the term "telecom switch" means hardware or software designed to send and receive voice, data, and video signals across a network.

Subtitle G—Other Matters

SEC. 361. DISTRIBUTION OF MONTHLY REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.

(a) DESIGNATION OF RECIPIENTS.—Subsection (a) of section 228 of title 10, United States Code, is amended by striking "to Congress" and inserting "to the congressional defense committees".

(b) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—Subsection (e) of such section is amended—

(1) by striking "(e) O&M BUDGET ACTIVITY DEFINED.—For purposes of this section, the" and inserting the following:

"(e) DEFINITIONS.—In this section:

"(1) The"; and

(2) by adding at the end the following:

"(2) The term 'congressional defense committees' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.".

SEC. 362. MINIMUM DEDUCTION FROM PAY OF CERTAIN MEMBERS OF THE ARMED FORCES TO SUPPORT ARMED FORCES RETIREMENT HOME.

Section 1007(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "an amount (determined under paragraph (3)) not to exceed $1.00." and inserting "an amount equal to $1.00 and such additional amount as may be determined under paragraph (3)."; and

(2) in paragraph (3)—

(A) by striking "the amount" in the first sentence and inserting "the additional amount"; and

(B) by striking "The amount" in the second sentence and inserting "The additional amount".

SEC. 363. CONDITION ON CONVERSION OF DEFENSE SECURITY SERVICE TO A WORKING CAPITAL FUNDED ENTITY.

The Secretary of Defense may not convert the Defense Security Service to a working capital funded entity of the Department of Defense unless the Secretary submits, in advance, to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a certification that the Defense Security Service has the financial systems in place to fully support operation of the Defense Security Service as a working capital funded entity under section 2208 of title 10, United States Code.

SEC. 364. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–65) is amended by striking "and 2002" and inserting "through 2004".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "2002" and inserting "2004"; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: "Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).".

SEC. 365. TRAINING RANGE SUSTAINMENT PLAN, GLOBAL STATUS OF RESOURCES AND TRAINING SYSTEM, AND TRAINING RANGE INVENTORY.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a comprehensive plan for using existing authorities available to the Secretary of Defense and the Secretaries of the military departments to address problems created by limitations on the use of military lands, marine areas, and airspace reserved, withdrawn, or designated for training and testing activities by, for, or on behalf of the Armed Forces.

(2) The plan shall include the following:

(A) Goals and milestones for tracking planned actions and measuring progress.

(B) Projected funding requirements for implementing planned actions.

(C) Designation of an office in the Office of the Secretary of Defense and each of the military departments that will have lead responsibility for overseeing implementation of the plan.

(3) The Secretary of Defense shall submit the plan to Congress at the same time as the President submits the budget for fiscal year 2004 and shall submit an annual report to Congress describing the progress made in implementing the plan and any additional encroachment problems.

(b) READINESS REPORTING IMPROVEMENT.—Not later than June 30, 2003, the Secretary of Defense, using existing measures within the authority of the Secretary, shall submit to Congress a report on the plans of the Department of Defense to improve the Global Status of Resources and Training System—

(1) to better reflect the increasing challenges units of the Armed Forces must overcome to achieve training requirements; and

(2) to quantify the extent to which encroachment and other individual factors are making military lands, marine areas, and airspace less available to support unit accomplishment of training plans and readiness goals.

(c) TRAINING RANGE INVENTORY.—The Secretary of Defense shall develop and maintain a training range data bank for each of the Armed Forces—

(1) to identify all available operational training ranges;

(2) to identify all training capacities and capabilities available at each training range;

(3) to identify all current encroachment threats or other potential limitations on training that are, or are likely to, adversely affect training and readiness; and

(4) to provide a point of contact for each training range.

(d) GAO EVALUATION.—(1) With respect to each report submitted under this section, the Comptroller General shall submit to Congress, within 60 days after receiving the report, an evaluation of the report.

(e) ARMED FORCES DEFINED.—In this section, the term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps.

SEC. 366. AMENDMENTS TO CERTAIN EDUCATION AND NUTRITION LAWS RELATING TO ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

"(H) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

"(i) ELIGIBILITY.—For any fiscal year beginning with fiscal year 2003, a heavily impacted local educational agency that received a basic support payment under subparagraph (A) for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) or (C), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii), shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion.

"(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E) (as the case may be), shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year.

"(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), 'conversion of military housing units to private housing' means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.".

(b) EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.—Section 9(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by adding at the end the following: "For the one-year period beginning on the date of the enactment of this sentence, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for free or reduced price lunches under this Act.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2003, as follows:

(1) The Army, 484,800.

(2) The Navy, 379,457.

(3) The Marine Corps, 175,000.

(4) The Air Force, 360,795.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "480,000" and inserting "484,800";

(2) in paragraph (2), by striking "376,000" and inserting "379,457";

(3) in paragraph (3), by striking "172,600" and inserting "175,000"; and

(4) in paragraph (4), by striking "358,800" and inserting "360,795".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2002, or the date of the enactment of this Act, whichever is later.

SEC. 403. AUTHORITY FOR MILITARY DEPARTMENT SECRETARIES TO INCREASE ACTIVE-DUTY END STRENGTHS BY UP TO 1 PERCENT.

(a) SERVICE SECRETARY AUTHORITY.—Section 115 of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary. Any such increase for a fiscal year—

"(1) shall be by a number equal to not more than 1 percent of such authorized end strength; and

"(2) shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (c)(1).".

(b) EFFECTIVE DATE.—Subsection (f) of section 115 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002, or the date of the enactment of this Act, whichever is later.

SEC. 404. GENERAL AND FLAG OFFICER MANAGEMENT.

(a) EXCLUSION OF SENIOR MILITARY ASSISTANT TO THE SECRETARY OF DEFENSE FROM LIMITATION ON ACTIVE DUTY OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Effective on the date specified in subsection (e), section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) An officer while serving in a position designated by the Secretary of Defense as Senior Military Assistant to the Secretary of Defense, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that otherwise would be permitted for that officer's armed force for that grade under paragraph (1) or (2). Only one officer may be designated as Senior Military Assistant to the Secretary of Defense for purposes of this paragraph.".

(b) INCREASE IN NUMBER OF LIEUTENANT GENERALS AUTHORIZED FOR THE MARINE CORPS.—Effective on the date specified in subsection (e), paragraph (2)(B) of such section is amended by striking "16.2 percent" and inserting "17.5 percent".

(c) GRADE OF CHIEF OF VETERINARY CORPS OF THE ARMY.—(1) Effective on the date specified in subsection (e), chapter 307 of such title is amended by adding at the end the following new section:

"§3084. Chief of Veterinary Corps: grade

"The Chief of the Veterinary Corps of the Army serves in the grade of brigadier general. An officer appointed to that position who holds a lower grade shall be appointed in the grade of brigadier general.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3084. Chief of Veterinary Corps: grade.".

(d) REVIEW OF ACTIVE DUTY AND RESERVE GENERAL AND FLAG OFFICER AUTHORIZATIONS.—(1) The Secretary of Defense shall submit to Congress a report containing any recommendations of the Secretary (together with the rationale of the Secretary for the recommendations) concerning the following:

(A) Revision of the limitations on general and flag officer grade authorizations and distribution in grade prescribed by sections 525, 526, and 12004 of title 10, United States Code.

(B) Statutory designation of the positions and grades of any additional general and flag officers in the commands specified in chapter 1006 of title 10, United States Code, and the reserve component offices specified in sections 3038, 5143, 5144, and 8038 of such title.

(2) The provisions of subsection (b) through (e) of section 1213 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2694) shall apply to the report under paragraph (1) in the same manner as they applied to the report required by subsection (a) of that section.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the receipt by Congress of the report required by subsection (d).

SEC. 405. EXTENSION OF CERTAIN AUTHORITIES RELATING TO MANAGEMENT OF NUMBERS OF GENERAL AND FLAG OFFICERS IN CERTAIN GRADES.

(a) SENIOR JOINT OFFICER POSITIONS.—Section 604(c) of title 10, United States Code, is amended by striking "September 30, 2003" and inserting "December 31, 2004".

(b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525(b)(5)(C) of such title is amended by striking "September 30, 2003" and inserting "December 31, 2004".

(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such title is amended by striking "October 1, 2002" and inserting "December 31, 2004".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2003, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,800.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 106,600.

(6) The Air Force Reserve, 75,600.

(7) The Coast Guard Reserve, 9,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2003, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,562.

(2) The Army Reserve, 14,070.

(3) The Naval Reserve, 14,572.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,697.

(6) The Air Force Reserve, 1,498.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2003 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 24,102.

(2) For the Army Reserve, 6,599.

(3) For the Air National Guard of the United States, 22,495.

(4) For the Air Force Reserve, 9,911.

SEC. 414. FISCAL YEAR 2003 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) ARMY.—The number of non-dual status technicians employed by the reserve components of the Army as of September 30, 2003, may not exceed the following:

(1) For the Army Reserve, 995.

(2) For the Army National Guard of the United States, 1,600, to be counted within the limitation specified in section 10217(c)(2) of title 10, United States Code.

(b) AIR FORCE.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2003, may not exceed the following:

(1) For the Air Force Reserve, 90.

(2) For the Air National Guard of the United States, 350, to be counted within the limitation specified in section 10217(c)(2) of title 10, United States Code.

(c) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

(d) TECHNICAL AMENDMENTS.—Effective October 1, 2002, section 10217(c)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by striking "Effective October 1, 2002, the" and inserting "The"; and

(2) in the second sentence, by striking "after the preceding sentence takes effect".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2003 a total of $93,725,028,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2003.

TITLE V—MILITARY PERSONNEL POLICY

SEC. 501. INCREASE IN NUMBER OF DEPUTY COMMANDANTS OF THE MARINE CORPS.

Section 5045 of title 10, United States Code, is amended by striking "five" and inserting "six".

SEC. 502. EXTENSION OF GOOD-OF-THE-SERVICE WAIVER AUTHORITY FOR OFFICERS APPOINTED TO A RESERVE CHIEF OR GUARD DIRECTOR POSITION.

(a) WAIVER OF REQUIREMENT FOR SIGNIFICANT JOINT DUTY EXPERIENCE.—Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), 8038(b)(4), and 10506(a)(3)(D) of title 10, United States Code, are each amended by striking "October 1, 2003" and inserting "December 31, 2004".

(b) REPORT ON FUTURE IMPLEMENTATION OF REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the steps being taken (and proposed to be taken) by the Secretary, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff to ensure that no further extension of the waiver authority under the sections amended by subsection (a) is required and that after December 31, 2004, appointment of officers to serve in the positions covered by those sections shall be made from officers with the requisite joint duty experience.

Subtitle B—Reserve Component Management

SEC. 511. REVIEWS OF NATIONAL GUARD STRENGTH ACCOUNTING AND MANAGEMENT AND OTHER ISSUES.

(a) COMPTROLLER GENERAL ASSESSMENTS.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on management of the National Guard. The report shall include the following:

(1) The Comptroller General's assessment of the effectiveness of the implementation of Department of Defense plans for improving management and accounting for personnel strengths in the National Guard, including an assessment of the process that the Department of Defense, the National Guard Bureau, the Army National Guard and State-level National Guard leadership, and leadership in the other reserve components have for identifying and addressing in a timely manner specific units in which nonparticipation rates are significantly in excess of the established norms.

(2) The Comptroller General's assessment of the effectiveness of the process for Federal recognition of senior National Guard officers and recommendations for improvement to that process.

(3) The Comptroller General's assessment of the process for, and the nature and extent of, the administrative or judicial corrective action taken by the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force as a result of Inspector General investigations or other investigations in which allegations against senior National Guard officers are substantiated in whole or in part.

(4) The Comptroller General's determination of the effectiveness of the Federal protections provided for members or employees of the National Guard who report allegations of waste, fraud, abuse, or mismanagement and the nature and extent to which corrective action is taken against those in the National Guard who retaliate against such members or employees.

(b) SECRETARY OF DEFENSE REPORT ON DIFFERENT ARMY AND AIR FORCE PROCEDURES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the differing Army and Air Force policies for taking adverse administrative actions against National Guard officers in a State status. The report shall include the Secretary's determination as to whether changes should be made in those policies, especially through requiring the Air Force to adopt the same policy as the Army for such administrative actions.

SEC. 512. COURTS-MARTIAL FOR THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE.

(a) MANNER OF PRESCRIBING PUNISHMENTS.—Section 326 of title 32, United States Code, is amended by adding at the end the following new sentence: "Punishments shall be as provided by the laws of the respective States and Territories, Puerto Rico, and the District of Columbia.".

(b) CONVENING AUTHORITY.—Section 327 of such title is amended to read as follows:

"§327. Courts-martial of National Guard not in Federal service: convening authority

"(a) In the National Guard not in Federal service, general, special, and summary courts-martial may be convened as provided by the laws of the States and Territories, Puerto Rico, and the District of Columbia.

"(b) In addition to convening authorities as provided under subsection (a), in the National Guard not in Federal service—

"(1) general courts-martial may be convened by the President;

"(2) special courts-martial may be convened—

"(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty; or

"(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command; and

"(3) summary courts-martial may be convened—

"(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty; or

"(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment.".

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"327. Courts-martial of National Guard not in Federal service: convening authority.".

(c) REPEAL OF SUPERSEDED AND OBSOLETE PROVISIONS.—

(1) Sections 328, 329, 330, 331, 332, and 333 of title 32, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 3 of such title is amended by striking the items relating to sections 328, 329, 330, 331, 332, and 333.

(d) PREPARATION OF MODEL STATE CODE OF MILITARY JUSTICE AND MODEL STATE MANUAL FOR COURTS-MARTIAL.—(1) The Secretary of Defense shall prepare, for consideration for enactment by the States, a model State code of military justice and a model State manual of courts-martial for use with respect to the National Guard not in Federal service. Both such models shall be consistent with the recommendations contained in the report, issued in 1998, by the panel known as the Department of Defense Panel to Study Military Justice in the National Guard not in Federal Service.

(2) The Secretary shall ensure that adequate support for the preparation of such model State code and model State manual (including the detailing of attorneys and other staff) is provided by the General Counsel of the Department of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau.

(3) If the amounts available to the Chief of the National Guard Bureau are not adequate for the costs required to provide support under paragraph (2) (including costs for increased pay when members of the National Guard are ordered to active duty, cost of detailed attorneys and other staff, allowances, and travel expenses), the Secretary shall, upon request of the Chief of the Bureau, provide such additional amounts as are necessary.

(4) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this subsection. The report shall include proposals in final form of both the model State code and the model State manual required by paragraph (1) and shall set forth the efforts being made to present those proposals to the States for their consideration for enactment.

(5) In this subsection, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 513. MATCHING FUNDS REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Effective October 1, 2002, subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

"(d) MATCHING FUNDS REQUIRED.—The amount of assistance provided under this section to a State program of the National Guard Challenge Program for a fiscal year may not exceed 75 percent of the costs of operating the State program during that fiscal year.".

Subtitle C—Reserve Component Officer Personnel Policy

SEC. 521. EXEMPTION FROM ACTIVE STATUS STRENGTH LIMITATION FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS SERVING ON ACTIVE DUTY IN CERTAIN JOINT DUTY ASSIGNMENTS DESIGNATED BY THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 12004 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) A general or flag officer who is on active duty but who is not counted under section 526(a) of this title by reason of section 526(b)(2)(B) of this title shall also be excluded from being counted under subsection (a).

"(2) This subsection shall cease to be effective on the date specified in section 526(b)(3) of this title.".

SEC. 522. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION TO GRADE OF MAJOR GENERAL FOR CERTAIN RESERVE COMPONENT BRIGADIER GENERALS WHO DO NOT OTHERWISE QUALIFY FOR CONSIDERATION FOR PROMOTION UNDER THE ONE-YEAR RULE.

Section 14301(g) of title 10, United States Code, is amended to read as follows:

"(g) BRIGADIER GENERALS.—(1) An officer who is a reserve component brigadier general of the Army or the Air Force who is not eligible for consideration for promotion under subsection (a) because the officer is not on the reserve active status list (as required by paragraph (1) of

that subsection for such eligibility) is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 14101(a) of this title if—

"(A) as of the date of the convening of the promotion board, the officer has been in an inactive status for less than one year; and

"(B) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served on the reserve active status list or the active-duty list (or a combination of the reserve active status list and the active-duty list) for at least one year.

"(2) An officer who is a reserve component brigadier general of the Army or the Air Force who is on the reserve active status list but who is not eligible for consideration for promotion under subsection (a) because the officer's service does not meet the one-year-of-continuous-service requirement under paragraph (2) of that subsection is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 14101(a) of this title if—

"(A) the officer was transferred from an inactive status to the reserve active status list during the one-year period preceding the date of the convening of the promotion board;

"(B) immediately before the date of the officer's most recent transfer to an active status, the officer had been in an inactive status for less than one year; and

"(C) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served for at least one year on the reserve active status list or the active-duty list (or a combination of the reserve active status list and the active-duty list).".

SEC. 523. RETENTION OF PROMOTION ELIGIBILITY FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS TRANSFERRED TO AN INACTIVE STATUS.

Section 14317 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) EFFECT OF TRANSFER OF OFFICERS IN PAY GRADE O–7 TO INACTIVE STATUS.—Notwithstanding subsection (a), if a reserve officer on the active-status list in the grade of brigadier general or rear admiral (lower half) is transferred to an inactive status after having been recommended for promotion to the grade of major general or rear admiral under this chapter, or after having been found qualified for Federal recognition in the grade of major general under title 32, but before being promoted, the officer shall retain promotion eligibility and, if otherwise qualified, may be promoted to the higher grade after returning to an active status.".

SEC. 524. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION FOR RESERVE OFFICERS.

(a) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14519. Deferment of retirement or separation for medical reasons

"(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of a Reserve officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to be separated, retired, or transferred to the Retired Reserve under this title, the Secretary may defer the separation, retirement, or transfer of the officer under this title.

"(b) A deferral under subsection (a) of separation, retirement, or transfer to the Retired Reserve may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"14519. Deferment of retirement or separation for medical reasons.".

Subtitle D—Education and Training

SEC. 531. AUTHORITY FOR PHASED INCREASE TO 4,400 IN AUTHORIZED STRENGTHS FOR THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "or such higher number as may be prescribed by the Secretary of the Army under subsection (j)"; and

(2) by adding at the end the following new subsection:

"(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Army may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

"(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Army Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

"(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Army Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

"(4) In this subsection, the term 'cadet strength limit' means the authorized maximum strength of the Corps of Cadets of the Academy.".

(b) NAVAL ACADEMY.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "or such higher number as may be prescribed by the Secretary of the Navy under subsection (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) Beginning with the 2003–2004 academic year, the Secretary of the Navy may prescribe annual increases in the midshipmen strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 midshipmen or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the midshipmen strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

"(2) Any increase in the midshipmen strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the midshipmen strength limit and the new midshipmen strength limit, as so increased, and the amount of the increase in Senior Navy Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

"(3) The amount of an increase under paragraph (1) in the midshipmen strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of midshipmen enrolled in the Navy Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

"(4) In this subsection, the term 'midshipmen strength limit' means the authorized maximum strength of the Brigade of Midshipmen.".

(c) AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "or such higher number as may be prescribed by the Secretary of the Air Force under subsection (j)"; and

(2) by adding at the end the following new subsection:

"(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Air Force may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

"(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under sections 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Air Force Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

"(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Air Force Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

"(4) In this subsection, the term 'cadet strength limit' means the authorized maximum strength of Air Force Cadets of the Academy.".

(d) TARGET FOR INCREASES IN NUMBER OF ROTC SCHOLARSHIP PARTICIPANTS.—Section 2107 of such title is amended by adding at the end the following new subsection:

"(i) The Secretary of each military department shall seek to achieve an increase in the number of agreements entered into under this section so as to achieve an increase, by the 2006–

2007 academic year, of not less than 400 in the number of cadets or midshipmen, as the case may be, enrolled under this section, compared to such number enrolled for the 2002–2003 academic year. In the case of the Secretary of the Navy, the Secretary shall seek to ensure that not less than one-third of such increase in agreements under this section are with students enrolled (or seeking to enroll) in programs of study leading to a baccalaureate degree in nuclear engineering or another appropriate technical, scientific, or engineering field of study.''.

(e) REPEAL OF LIMIT ON NUMBER OF ROTC SCHOLARSHIPS.—Section 2107 of such title is further amended by striking the first sentence of subsection (h)(1).

(f) REPEAL OF OBSOLETE LANGUAGE.—Section 4342(i) of such title is amended by striking ''(beginning with the 2001–2002 academic year)''.

SEC. 532. ENHANCEMENT OF RESERVE COMPONENT DELAYED TRAINING PROGRAM.

(a) INCREASE IN TIME FOLLOWING ENLISTMENT FOR COMMENCEMENT OF INITIAL PERIOD OF ACTIVE DUTY FOR TRAINING.—Section 12103(d) of title 10, United States Code, is amended by striking ''270 days'' in the last sentence and inserting ''one year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enlistments under section 12103(d) of title 10, United States Code, after the end of the 90-day period beginning on the date of the enactment of this Act.

(c) TRANSITION.—In the case of a person who enlisted under section 12103(d) of title 10, United States Code, before the date of the enactment of this Act and who as of such date has not commenced the required initial period of active duty for training under that section, the amendment made by subsection (a) may be applied to that person, but only with the agreement of that person and the Secretary concerned.

Subtitle E—Decorations and Awards

SEC. 541. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the military department concerned (or a designated official acting on behalf of the Secretary of the military department concerned) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on December 28, 2001, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 542. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL AWARDED FOR OPERATION FREQUENT WIND TO VIETNAM SERVICE MEDAL.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) ELIGIBLE VIETNAM EVACUATION VETERAN.—For purposes of this section, the term ''eligible Vietnam evacuation veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

Subtitle F—Administrative Matters

SEC. 551. STAFFING AND FUNDING FOR DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE.

(a) REQUIREMENT FOR STAFFING AND FUNDING AT LEVELS REQUIRED FOR PERFORMANCE OF FULL RANGE OF MISSIONS.—Subsection (a) of section 1501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of Defense shall ensure that the office is provided sufficient military and civilian personnel levels, and sufficient funding, to enable the office to fully perform its complete range of missions. The Secretary shall ensure that Department of Defense programming, planning, and budgeting procedures are structured so as to ensure compliance with the preceding sentence for each fiscal year.

''(B) For any fiscal year, the number of military and civilian personnel assigned or detailed to the office may not be less than the number requested in the President's budget for fiscal year 2003, unless a level below such number is expressly required by law.

''(C) For any fiscal year, the level of funding allocated to the office within the Department of Defense may not be below the level requested for such purposes in the President's budget for fiscal year 2003, unless such a level of funding is expressly required by law.''.

(b) NAME OF OFFICE.—Such subsection is further amended by inserting after the first sentence of paragraph (1) the following new sentence: ''Such office shall be known as the Defense Prisoner of War/Missing Personnel Office.''.

SEC. 552. THREE-YEAR FREEZE ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

(a) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1559. Personnel limitation

''(a) LIMITATION.—During fiscal years 2003, 2004, and 2005, the Secretary of a military department may not carry out any reduction in the number of military and civilian personnel assigned to duty with the service review agency for that military department below the baseline number for that agency until—

''(1) the Secretary submits to Congress a report that—

''(A) describes the reduction proposed to be made;

''(B) provides the Secretary's rationale for that reduction; and

''(C) specifies the number of such personnel that would be assigned to duty with that agency after the reduction; and

''(2) a period of 90 days has elapsed after the date on which the report is submitted.

''(b) BASELINE NUMBER.—The baseline number for a service review agency under this section is—

''(1) for purposes of the first report with respect to a service review agency under this section, the number of military and civilian personnel assigned to duty with that agency as of January 1, 2002; and

''(2) for purposes of any subsequent report with respect to a service review agency under this section, the number of such personnel specified in the most recent report with respect to that agency under this section.

''(c) SERVICE REVIEW AGENCY DEFINED.—In this section, the term 'service review agency' means—

''(1) with respect to the Department of the Army, the Army Review Boards Agency;

''(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

''(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1559. Personnel limitation.''.

SEC. 553. DEPARTMENT OF DEFENSE SUPPORT FOR PERSONS PARTICIPATING IN MILITARY FUNERAL HONORS DETAILS.

Section 1491(d) of title 10, United States Code, is amended—

(1) by striking ''To provide a'' after ''SUPPORT.—'' and inserting ''(1) To support a'';

(2) by redesignating paragraph (1) as subparagraph (A) and amending such subparagraph, as so redesignated, to read as follows:

''(A) For a person who participates in a funeral honors detail (other than a person who is a member of the armed forces not in a retired status or an employee of the United States), either transportation (or reimbursement for transportation) and expenses or the daily stipend prescribed under paragraph (2).'';

(3) by redesignating paragraph (2) as subparagraph (B) and in that subparagraph—

(A) by striking ''Materiel, equipment, and training for'' and inserting ''For''; and

(B) by inserting before the period at the end ''and for members of the armed forces in a retired status, materiel, equipment, and training'';

(4) by redesignating paragraph (3) as subparagraph (C) and in that subparagraph—

(A) by striking ''Articles of clothing for'' and inserting ''For''; and

(B) by inserting '', articles of clothing'' after ''subsection (b)(2)''; and

(5) by adding at the end the following new paragraphs:

''(2) The Secretary of Defense shall prescribe annually a flat rate daily stipend for purposes of paragraph (1)(A). Such stipend shall be set at a rate so as to encompass typical costs for transportation and other miscellaneous expenses for persons participating in funeral honors details who are members of the armed forces in a retired status and other persons are not members of the armed forces or employees of the United States.

''(3) A stipend paid under this subsection to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under section 435(a)(2) of title 37 and any other compensation to which the member may be entitled.''.

SEC. 554. AUTHORITY FOR USE OF VOLUNTEERS AS PROCTORS FOR ADMINISTRATION OF ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST.

Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Voluntary services as a proctor for administration to secondary school students of the test known as the 'Armed Services Vocational Aptitude Battery'.''.

SEC. 555. ANNUAL REPORT ON STATUS OF FEMALE MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§488. Status of female members of the armed forces: annual report

"(a) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report on the status of female members of the armed forces. Information in the report shall be shown for the Department of Defense as a whole and separately for each of the Army, Navy, Air Force, and Marine Corps.

"(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include, at a minimum, the following information with respect to female members:

"(1) Access to health care.

"(2) Positions open.

"(3) Assignment policies.

"(4) Joint spouse assignments.

"(5) Deployment availability rates.

"(6) Promotion and retention rates.

"(7) Assignments in nontraditional fields.

"(8) Assignments to command positions.

"(9) Selection for service schools.

"(10) Sexual harassment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"488. Status of female members of the armed forces: annual report.".

Subtitle G—Benefits

SEC. 561. VOLUNTARY LEAVE SHARING PROGRAM FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 40 of title 10, United States Code, is amended by adding at the end the following new section:

"§709. Voluntary transfers of leave

"(a) PROGRAM.—The Secretary concerned shall, by regulation, establish a program under which leave accrued by a member of an armed force may be transferred to another member of the same armed force who requires additional leave because of a qualifying emergency. Any such transfer of leave may be made only upon the voluntary written application of the member whose leave is to be transferred.

"(b) APPROVAL OF COMMANDING OFFICER REQUIRED.—Any transfer of leave under a program under this section may only be made with the approval of the commanding officer of the leave donor and the leave recipient.

"(c) QUALIFYING EMERGENCY.—In this section, the term 'qualifying emergency', with respect to a member of the armed forces, means a circumstance that—

"(1) is likely to require the prolonged absence of the member from duty; and

"(2) is due to—

"(A) a medical condition of a member of the immediate family of the member; or

"(B) any other hardship that the Secretary concerned determines appropriate for purposes of this section.

"(d) MILITARY DEPARTMENT REGULATIONS.—Regulations prescribed under this section by the Secretaries of the military department shall be as uniform as practicable and shall be subject to approval by the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"709. Voluntary transfers of leave.".

(b) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations to implement section 709 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than six months after the date of the enactment of this Act.

SEC. 562. ENHANCED FLEXIBILITY IN MEDICAL LOAN REPAYMENT PROGRAM.

(a) ELIGIBLE PERSONS.—Subsection (d) of section 2173 of title 10, United States Code, is amended by striking "Participants" and all that follows through "and students" and inserting "Students".

(b) LOAN REPAYMENT AMOUNTS.—Subsection (e)(2) of such section is amended by striking the last sentence.

SEC. 563. EXPANSION OF OVERSEAS TOUR EXTENSION BENEFITS.

Section 705(b)(2) of title 10, United States Code, is amended—

(1) by striking "recuperative" and inserting "recuperation"; and

(2) by inserting before the period at the end the following: ", or to an alternate location at a cost not to exceed the cost of transportation to the nearest port in the 48 contiguous States, and return".

SEC. 564. VEHICLE STORAGE IN LIEU OF TRANSPORTATION WHEN MEMBER IS ORDERED TO A NONFOREIGN DUTY STATION OUTSIDE CONTINENTAL UNITED STATES.

(a) STORAGE COSTS AUTHORIZED.—Subsection (b) of section 2634 of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

"(b)(1) When a member receives a vehicle storage qualifying order, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned. In the case of a vehicle storage qualifying order that is to make a change of permanent station, such storage is in lieu of transportation authorized by subsection (a).

"(2) In this subsection, the term 'vehicle storage qualifying order' means any of the following:

"(A) An order to make a change of permanent station to a foreign country in a case in which the laws, regulations, or other restrictions imposed by the foreign country or by the United States either—

"(i) preclude entry of a motor vehicle described in subsection (a) into that country; or

"(ii) would require extensive modification of the vehicle as a condition to entry.

"(B) An order to make a change of permanent station to a nonforeign area outside the continental United States in a case in which the laws, regulations, or other restrictions imposed by that area or by the United States either—

"(i) preclude entry of a motor vehicle described in subsection (a) into that area; or

"(ii) would require extensive modification of the vehicle as a condition to entry.

"(C) An order under which a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days but which is not considered a change of permanent station.".

(b) NONFOREIGN AREA OUTSIDE THE CONTINENTAL UNITED STATES DEFINED.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'nonforeign area outside the continental United States' means any of the following: the States of Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any possession of the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to orders to make a change of permanent station to a nonforeign area outside the continental United States (as such term is defined in subsection (h)(3) of section 2634 of title 10, United States Code, as added by subsection (b)) that are issued on or after the date of the enactment of this Act.

Subtitle H—Military Justice Matters

SEC. 571. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.

(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 852 (article 52) the following new section:

"§852a. Art. 52a. Right of accused to request sentencing by military judge rather than by members

"(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried before and adjudged by the military judge rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried before and adjudged by the military judge rather than the members.

"(b) This section shall not apply with respect to an offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.".

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 852 (article 52) the following new item:

"852a. 52a. Right of accused to request sentencing by military judge rather than by members.".

(b) EFFECTIVE DATE.—Section 852a of title 10, United States Code (article 52a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed on or after January 1, 2003.

SEC. 572. REPORT ON DESIRABILITY AND FEASIBILITY OF CONSOLIDATING SEPARATE COURSES OF BASIC INSTRUCTION FOR JUDGE ADVOCATES.

Not later than February 1, 2003, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the desirability and feasibility of consolidating the separate Army, Navy, and Air Force courses of basic instruction for judge advocates into a single course to be conducted at a single location. The report shall include—

(1) an assessment of the advantages and disadvantages of such a consolidation;

(2) a recommendation as to whether such a consolidation is desirable and feasible; and

(3) any proposal for legislative action that the Secretary considers appropriate for carrying out such a consolidation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2003 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2003, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,474.50	7,719.30	7,881.60	7,927.20	8,129.40
O–7	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90
O–6	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60
O–5	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80
O–4	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00
O–3[3]	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50
O–2[3]	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20
O–1[3]	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	8,468.70	8,547.30	8,868.90	8,961.30	9,238.20
O–7	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70
O–6	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30
O–5	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90
O–4	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10
O–3[3]	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10
O–2[3]	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O–1[3]	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10[2]	$0.00	$12,077.70	$12,137.10	$12,389.40	$12,829.20
O–9	0.00	10,563.60	10,715.70	10,935.60	11,319.60
O–8	9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O–7	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O–6	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O–5	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O–4	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O–3[3]	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O–2[3]	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O–1[3]	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80

[1] *Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.*

[2] *Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.*

[3] *This table does not apply to commissioned officers in pay grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.*

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E	$0.00	$0.00	$0.00	$3,883.50	$4,069.50
O–2E	0.00	0.00	0.00	3,410.70	3,481.20
O–1E	0.00	0.00	0.00	2,746.80	2,933.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	$4,273.50	$4,405.80	$4,623.30	$4,806.30	$4,911.00
O–2E	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10
O–1E	3,042.00	3,152.70	3,261.60	3,410.70	· 3,410.70
	Over 18	Over 20	Over 22	Over 24	Over 26
*COM008*O–3E	$5,054.40	$5,054.40	$5,054.40	$5,054.40	$5,054.40
O–2E	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O–1E	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

WARRANT OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,008.10	3,236.10	3,329.10	3,420.60	3,578.10
W–3	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00
W–2	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30
W–1	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00

WARRANT OFFICERS[1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–4	3,733.50	3,891.00	4,044.60	4,203.60	4,356.00
W–3	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60
W–2	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90
W–1	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40

	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$5,169.30	$5,346.60	$5,524.50	$5,703.30
W–4	4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W–3	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W–2	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W–1	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	2,068.50	2,257.80	2,343.90	2,428.20	2,516.40
E–6	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10
E–5	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00
E–4	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00
E–3	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80
E–2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E–1	[3] 1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[2]	$0.00	$3,564.30	$3,645.00	$3,747.00	$3,867.00
E–8	2,975.40	3,061.20	3,141.30	3,237.60	3,342.00
E–7	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30
E–6	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10
E–5	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30
E–4	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E–3	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E–2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E–1	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[2]	$3,987.30	$4,180.80	$4,344.30	$4,506.30	$4,757.40
E–8	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E–7	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E–6	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E–5	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E–4	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E–3	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E–2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E–1	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,064.70.

SEC. 602. EXPANSION OF BASIC ALLOWANCE FOR HOUSING LOW-COST OR NO-COST MOVES AUTHORITY TO MEMBERS ASSIGNED TO DUTY OUTSIDE UNITED STATES.

Section 403(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) In the case of a member who is assigned to duty outside of the United States, the location or the circumstances of which make it necessary that the member be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(f) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(b) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of such title is amended by striking "January 1, 2003" and inserting "January 1, 2004".

(c) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(d) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(e) Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(f) Accession Bonus for Dental Officers.—Section 302h(a)(1) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(c) Enlistment Bonus for Active Members.—Section 309(e) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(d) Retention Bonus for Members With Critical Military Skills.—Section 323(i) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(e) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of such title is amended by striking "December 31, 2002" and inserting "December 31, 2003".

SEC. 615. MINIMUM LEVELS OF HARDSHIP DUTY PAY FOR DUTY ON THE GROUND IN ANTARCTICA OR ON ARCTIC ICEPACK.

Section 305 of title 37, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following new subsection:

"(b) Duty in Certain Locations.—(1) In the case of duty at a location described in paragraph (2) at any time during a month, the member of a uniformed service performing that duty is entitled to special pay under this section at a monthly rate of not less than $240, but not to exceed the monthly rate specified in subsection (a). For each day of that duty during the month, the member shall receive an amount equal to 1/30 of the monthly rate prescribed under this subsection.

"(2) Paragraph (1) applies with respect to duty performed on the ground in Antarctica or on the Arctic icepack.".

SEC. 616. INCREASE IN MAXIMUM RATES FOR PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$8,000";

(2) in subparagraph (B), by striking "$2,500" and inserting "$4,000"; and

(3) in subparagraph (C), by striking "$2,000" and inserting "$3,500".

SEC. 617. RETENTION INCENTIVES FOR HEALTH CARE PROVIDERS QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) Exception to Limitation on Maximum Bonus Amount.—Subsection (d) of section 323 of title 37, United States Code, is amended—

(1) by inserting "(1)" before "A member"; and

(2) by adding at the end the following new paragraph:

"(2) The limitation in paragraph (1) on the total bonus payments that a member may receive under this section does not apply with respect to an officer who is assigned duties as a health care provider.".

(b) Exception to Years of Service Limitation.—Subsection (e) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "A retention"; and

(3) by adding at the end the following new paragraph:

"(2) The limitations in paragraph (1) do not apply with respect to an officer who is assigned duties as a health care provider during the period of active duty for which the bonus is being offered.".

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXTENSION OF LEAVE TRAVEL DEFERRAL PERIOD FOR MEMBERS PERFORMING CONSECUTIVE OVERSEAS TOURS OF DUTY.

(a) Authorized Deferral Period.—Section 411b of title 37, United States Code is amended by inserting after subsection (a) the following new subsection:

"(b) Authority to Defer Travel; Limitations.—(1) Under the regulations referred to subsection (a), a member may defer the travel for which the member is paid travel and transportation allowances under this section until anytime before the completion of the consecutive tour at the same duty station or the completion of the tour of duty at the new duty station under the order involved, as the case may be.

"(2) If a member is unable to undertake the travel before expiration of the deferral period under paragraph (1) because of duty in connection with a contingency operation, the member may defer the travel until not more than one year after the date on which the member's duty in connection with the contingency operation ends.".

(b) Conforming and Clerical Amendments.—Such section is further amended—

(1) in subsection (a)—

(A) by striking "(a)(1)" and inserting "(a) Allowances Authorized.—"; and

(B) by striking paragraph (2); and

(2) by striking "(b) The allowances" and inserting "(c) Limitation on Allowance Rate.—".

(c) Application of Amendment.—Subsection (b) of section 411b of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services in a deferred leave travel status under such section as of the date of the enactment of this Act or after that date.

Subtitle D—Retired Pay and Survivors Benefits

SEC. 641. PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR MILITARY RETIREES WITH DISABILITIES RATED AT 60 PERCENT OR HIGHER.

(a) Concurrent Receipt.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who have service-connected disabilities rated at 60 percent or higher: concurrent payment of retired pay and veterans' disability compensation

"(a) Payment of Both Retired Pay and Compensation.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (hereinafter in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38. For fiscal years 2003 through 2006, payment of retired pay to such a member or former member is subject to subsection (c).

"(b) Special Rules for Chapter 61 Disability Retirees.—

"(1) Career Retirees.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(2) Disability Retirees With Less Than 20 Years of Service.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(c) Phase-In of Full Concurrent Receipt.—For fiscal years 2003 through 2006, retired pay payable to a qualified retiree shall be determined as follows:

"(1) Fiscal Year 2003.—For a month during fiscal year 2003, the amount of retired pay payable to a qualified retiree is the amount (if any) of retired pay in excess of the current baseline offset plus the following:

"(A) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as total, $750.

"(B) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 90 percent, $500.

"(C) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 80 percent, $250.

"(D) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 70 percent, $250.

"(E) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 60 percent, $125.

"(2) Fiscal Year 2004.—For a month during fiscal year 2004, the amount of retired pay payable to a qualified retiree is the sum of—

"(A) the amount specified in paragraph (1) for that qualified retiree; and

"(B) 23 percent of the difference between (i) the current baseline offset, and (ii) the amount specified in paragraph (1) for that member's disability.

"(3) FISCAL YEAR 2005.—For a month during fiscal year 2005, the amount of retired pay payable to a qualified retiree is the sum of—

"(A) the amount determined under paragraph (2) for that qualified retiree; and

"(B) 30 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (2) for that qualified retiree.

"(4) FISCAL YEAR 2006.—For a month during fiscal year 2006, the amount of retired pay payable to a qualified retiree is the sum of—

"(A) the amount determined under paragraph (3) for that qualified retiree; and

"(B) 64 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (3) for that qualified retiree.

"(d) DEFINITIONS.—In this section:

"(1) RETIRED PAY.—The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) VETERANS' DISABILITY COMPENSATION.—The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.

"(3) SERVICE-CONNECTED.—The term 'service-connected' has the meaning given that term in section 101(16) of title 38.

"(4) QUALIFYING SERVICE-CONNECTED DISABILITY.—The term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated as not less than 60 percent disabling by the Secretary of Veterans Affairs.

"(5) DISABILITY RATED AS TOTAL.—The term 'disability rated as total' means—

"(A) a disability, or combination of disabilities, that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) a disability, or combination of disabilities, for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

"(6) CURRENT BASELINE OFFSET.—

"(A) IN GENERAL.—The term 'current baseline offset' for any qualified retiree means the amount for any month that is the lesser of—

"(i) the amount of the applicable monthly retired pay of the qualified retiree for that month; and

"(ii) the amount of monthly veterans' disability compensation to which the qualified retiree is entitled for that month.

"(B) APPLICABLE RETIRED PAY.—In subparagraph (A), the term 'applicable retired pay' for a qualified retiree means the amount of monthly retired pay to which the qualified retiree is entitled, determined without regard to this section or sections 5304 and 5305 of title 38), except that in the case of such a retiree who was retired under chapter 61 of this title, such amount is the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.".

(b) REPEAL OF SPECIAL COMPENSATION AUTHORITY.—Section 1413 of title 10, United States Code, is repealed.

(c) PAYMENT OF INCREASED RETIRED PAY COSTS DUE TO CONCURRENT RECEIPT.—(1) Section 1465(b) of such title is amended by adding at the end the following new paragraph:

"(3) At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(D) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(4), rather than those determined under subsection (c)(1).".

(2) Section 1465(c) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: ", to be determined without regard to section 1414 of this title";

(ii) in subparagraph (B), by inserting before the period at the end the following: ", to be determined without regard to section 1414 of this title"; and

(iii) in the sentence following subparagraph (B), by striking "subsection (b)" and inserting "subsection (b)(1)";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:

"(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but based only upon the provisions of section 1414 of this title.

"(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but based only upon the provisions of section 1414 of this title.

Such single level percentages shall be used for the purposes of subsection (b)(3).".

(3) Section 1466(b) of such title is amended—

(A) in paragraph (1), by striking "sections 1465(a) and 1465(c)" and inserting "sections 1465(a), 1465(b)(3), 1465(c)(2), and 1465(c)(3)"; and

(B) by adding at the end of paragraph (2) the following new subparagraph:

"(D) The amount for that year determined by the Secretary of Defense under section 1465(b)(3) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of section 1414 of this title.".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 71 of such title is amended—

(1) by striking the item relating to section 1413; and

(2) by striking the item relating to section 1414 and inserting the following:

"1414. Members eligible for retired pay who have service-connected disabilities rated at 60 percent or higher: concurrent payment of retired pay and veterans' disability compensation.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to retired pay payable for months after September 2002.

SEC. 642. CHANGE IN SERVICE REQUIREMENTS FOR ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN REQUIREMENT FOR YEARS OF RESERVE COMPONENT SERVICE BEFORE RETIRED PAY ELIGIBILITY.—Section 12731(a)(3) of title 10, United States Code, is amended by striking "eight years" and inserting "six years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2002.

SEC. 643. ELIMINATION OF POSSIBLE INVERSION IN RETIRED PAY COST-OF-LIVING ADJUSTMENT FOR INITIAL COLA COMPUTATION.

(a) ELIMINATION OF POSSIBLE COLA INVERSION.—Section 1401a of title 10, United States Code, is amended—

(1) in subsections (c)(1), (d), and (e), by inserting "but subject to subsection (f)(2)" after "Notwithstanding subsection (b)";

(2) in subsection (c)(2), by inserting "(subject to subsection (f)(2) as applied to other members whose retired pay is computed on the current rates of basic pay in the most recent adjustment under this section)" after "shall be increased"; and

(3) in subsection (f)—

(A) by designating the text after the subsection heading as paragraph (1), indenting that text two ems, and inserting "(1) PREVENTION OF RETIRED PAY INVERSIONS.—" before "Notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(2) PREVENTION OF COLA INVERSIONS.—The percentage of the first adjustment under this section in the retired pay of any person, as determined under subsection (c)(1), (c)(2), (d), or (e), may not exceed the percentage increase in retired pay determined under subsection (b)(2) that is effective on the same date as the effective date of such first adjustment.".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d), by inserting "or on or after August 1, 1986, if the member or former member did not elect to receive a bonus under section 322 of title 37" after "August 1, 1986,"; and

(2) in subsection (e), by inserting "and elected to receive a bonus under section 322 of title 37" after "August 1, 1986,".

SEC. 644. TECHNICAL REVISIONS TO SO-CALLED "FORGOTTEN WIDOWS" ANNUITY PROGRAM.

(a) CLARIFICATION OF ELIGIBILITY.—Subsection (a)(1) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) in subparagraph (A), by inserting after "(A)" the following: "became entitled to retired or retainer pay before September 21, 1972,"; and

(2) in subparagraph (B), by striking "was a member of a reserve component of the Armed Forces" and inserting "died".

(b) CLARIFICATION OF INTERACTION WITH OTHER BENEFITS.—(1) Subsection (a)(2) of such section is amended by striking "and who" and all that follows through "note)".

(2) Subsection (b)(2) of such section is amended to read as follows:

"(2) The amount of an annuity to which a surviving spouse is entitled under this section for any period shall be reduced (but not below zero) by any amount paid to that surviving spouse for the same period under any of the following provisions of law:

"(A) Section 1311(a) of title 38, United States Code (relating to dependency and indemnity compensation payable by the Secretary of Veterans Affairs).

"(B) Chapter 73 of title 10, United States Code.

"(C) Section 4 of Public Law 92–425 (10 U.S.C. 1448 note).".

(c) CLARIFICATION OF DEFINITION OF SURVIVING SPOUSE.—Subsection (d)(2) of such section is amended by striking "the terms" and all that follows through "and (8)" and inserting "such term in paragraph (9)".

(d) CLARIFICATION OF EFFECTIVE DATE OF BENEFITS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking "the month in which this Act is enacted" and inserting "November 1997";

(2) in paragraph (2), by striking "the first month that begins after the month in which this Act is enacted" and inserting "December 1997"; and

(3) by adding at the end the following new paragraph:

"(3) In the case of a person entitled to an annuity under this section who applies for the annuity after the date of the enactment of this paragraph, such annuity shall be paid only for months beginning after the date on which such application is submitted.".

(e) SPECIFICATION IN LAW OF CURRENT BENEFIT AMOUNT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "$165" and inserting "$185.58"; and

(2) in paragraph (3)—

(A) by striking "the date of the enactment of this Act" and inserting "May 1, 2002,"; and

(B) by striking the last sentence.

Subtitle E—Reserve Component Montgomery GI Bill

SEC. 651. EXTENSION OF MONTGOMERY GI BILL-SELECTED RESERVE ELIGIBILITY PERIOD.

Section 16133(a) of title 10, United States Code, is amended by striking "10-year" and inserting "14-year".

Subtitle F—Other Matters

SEC. 661. ADDITION OF DEFINITION OF CONTINENTAL UNITED STATES IN TITLE 37.

(a) DEFINITION.—Section 101(1) of title 37, United States Code, is amended by adding at the end the following new sentence: "The term 'continental United States' means the 48 contiguous States and the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Title 37, United States Code, is amended as follows:

(1) Section 314(a)(3) is amended by striking "the 48 contiguous States and the District of Columbia" and inserting "the continental United States".

(2) Section 403b(i) is amended by striking paragraph (6).

(3) Section 409 is amended by striking subsection (e).

(4) Section 411b(a) is amended by striking "the 48 contiguous States and the District of Columbia" both places it appears and inserting "the continental United States".

(5) Section 411d is amended by striking subsection (d).

(6) Section 430 is amended by striking subsection (f) and inserting the following new subsection (f):

"(f) DEFINITIONS.—In this section:

"(1) The term 'formal education' means the following:

"(A) A secondary education.

"(B) An undergraduate college education.

"(C) A graduate education pursued on a full-time basis at an institution of higher education.

"(D) Vocational education pursued on a full-time basis at a postsecondary vocational institution.

"(2) The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) The term 'postsecondary vocational institution' has the meaning given that term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).".

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Program Improvements

SEC. 701. ELIMINATION OF REQUIREMENT FOR TRICARE PREAUTHORIZATION OF INPATIENT MENTAL HEALTH CARE FOR MEDICARE-ELIGIBLE BENEFICIARIES.

(a) ELIMINATION OF REQUIREMENT.—Section 1079(i) of title 10, United States Code, is amended in paragraph (3) by inserting "or in the case of a person eligible for health care benefits under section 1086(d)(2) of this title for whom payment for such services is made under subsection 1086(d)(3) of this title" after "an emergency".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2004.

SEC. 702. EXPANSION OF TRICARE PRIME REMOTE FOR CERTAIN DEPENDENTS.

(a) EXPANSION OF ELIGIBILITY.—Section 1079(p) of title 10, United States Code, is amended in paragraph (1)—

(1) by inserting "(A)" after "(1)";

(2) by striking "referred to in subsection (a) of a member of the uniformed services referred to in 1074(c)(3) of this title who are residing with the member" and inserting "described in subparagraph (B)"; and

(3) by adding at the end the following new subparagraph:

"(B) A dependent referred to in subparagraph (A) is—

"(i) a dependent referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title, who is residing with the member; or

"(ii) a dependent referred to in subsection (a) of a member of the uniformed services with a permanent duty assignment for which the dependent is not authorized to accompany the member and one of the following circumstances exists:

"(I) The dependent continues to reside at the location of the former duty assignment of the member (or residence in the case of a member of a reserve component ordered to active duty for a period of more than 30 days), and that location is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility that can adequately provide needed health care.

"(II) There is no reasonable expectation the member will return to the location of the former duty assignment, and the dependent moves to a location that is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility that can adequately provide needed health care.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2002.

SEC. 703. ENABLING DEPENDENTS OF CERTAIN MEMBERS WHO DIED WHILE ON ACTIVE DUTY TO ENROLL IN THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(2) of title 10, United States Code, is amended by inserting "(or, if not enrolled, if the member discontinued participation under subsection (f))" after "subsection (a)".

SEC. 704. IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116(c) of title 10, United States Code, is amended to read as follows:

"(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering Secretaries.".

(b) MANDATORY PARTICIPATION OF OTHER UNIFORMED SERVICES.—Section 1111(c) of such title is amended—

(1) in the first sentence, by striking "may enter into an agreement with any other administering Secretary" and inserting "shall enter into an agreement with each other administering Secretary"; and

(2) in the second sentence, by striking "Any" and inserting "Each".

SEC. 705. CERTIFICATION OF INSTITUTIONAL AND NON-INSTITUTIONAL PROVIDERS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(q) For purposes of designating institutional and non-institutional health care providers authorized to provide care under this section, the Secretary of Defense shall prescribe regulations (in consultation with the other administering Secretaries) that will, to the extent practicable and subject to the limitations of subsection (a), so designate any provider authorized to provide care under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2003.

SEC. 706. TECHNICAL CORRECTION REGARDING TRANSITIONAL HEALTH CARE.

Effective as of December 28, 2001, section 1145(a)(1) of title 10, United States Code, is amended by inserting "(and the dependents of the member)" after "separated from active duty as described in paragraph (2)". The amendment made by the preceding sentence shall be deemed to have been enacted as part of section 736 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107).

Subtitle B—Reports

SEC. 711. COMPTROLLER GENERAL REPORT ON TRICARE CLAIMS PROCESSING.

Not later than March 31, 2003, the Comptroller General shall submit to Congress an evaluation of the continuing impediments to a cost effective and provider- and beneficiary-friendly system for claims processing under the TRICARE program. The evaluation shall include a discussion of the following:

(1) The extent of progress implementing improvements in claims processing, particularly regarding the application of best industry practices.

(2) The extent of progress in simplifying claims processing procedures, including the elimination of, or reduction in, the complexity of the Health Care Service Record requirements.

(3) The suitability of a medicare-compatible claims processing system with the data requirements necessary to administer the TRICARE program and related information systems.

(4) The extent to which the claims processing system for the TRICARE program impedes provider participation and beneficiary access.

(5) Recommendations for improving the claims processing system that will reduce processing and administration costs, create greater competition, and improve fraud-prevention activities.

SEC. 712. COMPTROLLER GENERAL REPORT ON PROVISION OF CARE UNDER THE TRICARE PROGRAM.

Not later than March 31, 2003, the Comptroller General shall submit to Congress an evaluation of the nature of, reasons for, extent of, and trends regarding network provider instability under the TRICARE program, and the effectiveness of efforts by the Department of Defense and managed care support contractors to measure and mitigate such instability. The evaluation shall include a discussion of the following:

(1) The adequacy of measurement tools of TRICARE network instability and their use by

the Department of Defense and managed care support contractors to assess network adequacy and stability.

(2) Recommendations for improvements needed in measurement tools or their application.

(3) The relationship of reimbursement rates and administration requirements (including preauthorization requirements) to TRICARE network instability.

(4) The extent of problems under the TRICARE program and likely future trends with and without intervention using existing authority.

(5) Use of existing authority by the Department of Defense and TRICARE managed care support contractors to apply higher reimbursement rates in specific geographic areas.

(6) Recommendations for specific fiscally prudent measures that could mitigate negative trends or improve provider and network stability.

SEC. 713. REPEAL OF REPORT REQUIREMENT.

Notwithstanding subsection (f)(2) of section 712 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A–179), the amendment made by subsection (e) of such section shall not take effect and the paragraph amended by such subsection is repealed.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. PLAN FOR ACQUISITION MANAGEMENT PROFESSIONAL EXCHANGE PILOT PROGRAM.

(a) Plan Required.—(1) The Secretary of Defense shall develop a plan for a pilot program under which—

(A) an individual in the field of acquisition management employed by the Department of Defense may be temporarily assigned to work in a private sector organization; and

(B) an individual in such field employed by a private sector organization may be temporarily assigned to work in the Department of Defense.

(2) In developing the plan under paragraph (1), the Secretary shall address the following:

(A) The benefits of undertaking such a program.

(B) The appropriate length of assignments under the program.

(C) Whether an individual assigned under the program should be compensated by the organization to which the individual is assigned, or the organization from which the individual is assigned.

(D) The ethics guidelines that should be applied to the program and, if necessary, waivers of ethics laws that would be needed in order to make the program effective and attractive to both Government and private sector employees.

(E) An assessment of how compensation of individuals suffering employment-related injuries under the program should be addressed.

(b) Submission to Congress.—Not later than February 1, 2003, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan required under subsection (a).

SEC. 802. EVALUATION OF TRAINING, KNOWLEDGE, AND RESOURCES REGARDING NEGOTIATION OF INTELLECTUAL PROPERTY ARRANGEMENTS.

(a) Availability of Training, Knowledge, and Resources.—The Secretary of Defense shall evaluate the training, knowledge, and resources needed by the Department of Defense in order to effectively negotiate intellectual property rights using the principles of the Defense Federal Acquisition Regulation Supplement and determine whether the Department of Defense currently has in place the training, knowledge, and resources available to meet those Departmental needs.

(b) Report.—Not later than February 1, 2003, the Secretary of Defense shall submit to Congress a report describing—

(1) the results of the evaluation performed under subsection (a);

(2) to the extent the Department does not have adequate training, knowledge, and resources available, actions to be taken to improve training and knowledge and to make resources available to meet the Department's needs; and

(3) the number of Department of Defense legal personnel trained in negotiating intellectual property arrangements.

SEC. 803. LIMITATION PERIOD FOR TASK AND DELIVERY ORDER CONTRACTS.

Chapter 137 of title 10, United States Code, is amended—

(1) in section 2304a—

(A) in subsection (e)—

(i) by inserting "(1)" before "A task"; and

(ii) by adding at the end the following new paragraphs:

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e))."; and

(B) by striking subsection (f) and inserting the following:

"(f) Limitation on Contract Period.—The base period of a task order contract or delivery order contract entered into under this section may not exceed five years unless a longer period is specifically authorized in a law that is applicable to such contract. The contract may be extended for an additional 5 years (for a total contract period of not more than 10 years) through modifications, options, or otherwise."; and

(2) in section 2304b—

(A) by striking subsection (a) and inserting the following:

"(a) In General.—A task order contract (as defined in section 2304d of this title) for procurement of advisory and assistance services shall be subject to the requirements of this section, sections 2304a and 2304c of this title, and other applicable provisions of law.";

(B) by striking subsections (b), (f), and (g) and redesignating subsections (c), (d), (e), (h), and (i) as subsections (b) through (f);

(C) by amending subsection (c) (as redesignated by subparagraph (B)) to read as follows:

"(c) Required Content of Contract.—A task order contract described in subsection (a) shall contain the same information that is required by section 2304a(b) to be included in the solicitation of offers for that contract."; and

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) in paragraph (1), by striking "under this section" and inserting "described in subsection (a)"; and

(ii) in paragraph (2), by striking "under this section".

SEC. 804. ONE-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS; REPORT.

(a) Extension of Pilot Program.—Section 4202 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking "January 1, 2003" and inserting "January 1, 2004".

(b) Report Required.—Not later than January 15, 2003, the Secretary of Defense shall submit to Congress a report on whether the authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, should be made permanent.

SEC. 805. AUTHORITY TO MAKE INFLATION ADJUSTMENTS TO SIMPLIFIED ACQUISITION THRESHOLD.

Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended by inserting ", except that such amount may be adjusted by the Administrator every five years to the amount equal to $100,000 in constant fiscal year 2002 dollars (rounded to the nearest $10,000)" before the period at the end.

SEC. 806. IMPROVEMENT OF PERSONNEL MANAGEMENT POLICIES AND PROCEDURES APPLICABLE TO THE CIVILIAN ACQUISITION WORKFORCE.

(a) Plan Required.—The Secretary of Defense shall develop a plan for improving the personnel management policies and procedures applicable to the Department of Defense civilian acquisition workforce based on the results of the demonstration project described in section 4308 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 10 U.S.C. 1701 note).

(b) Submission to Congress.—Not later than February 15, 2003, the Secretary shall submit to Congress the plan required under subsection (a) and a report including any recommendations for legislative action necessary to implement the plan.

SEC. 807. MODIFICATION OF SCOPE OF BALL AND ROLLER BEARINGS COVERED FOR PURPOSES OF PROCUREMENT LIMITATION.

Section 2534(a)(5) of title 10, United States Code is amended—

(1) by striking "225.71" and inserting "225.70";

(2) by striking "October 23, 1992" and inserting "April 27, 2002"; and

(3) by adding at the end the following: "In this section the term 'ball bearings and roller bearings' includes unconventional or hybrid ball and roller bearings and cam follower bearings, ball screws, and other derivatives of ball and roller bearings.".

SEC. 808. RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.

(a) Requirement To Establish Procedures.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2396 the following new section:

"§2397. Rapid acquisition and deployment procedures

"(a) Establishment.—The Secretary of Defense shall establish tailored rapid acquisition and deployment procedures for items urgently needed to react to an enemy threat or to respond to significant and urgent safety situations.

"(b) Procedures.—The procedures established under subsection (a) shall include the following:

"(1) A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the testing community.

"(2) A process for expedited technical, programmatic, and financial decisions.

"(3) An expedited procurement and contracting process.

"(c) Specific Steps To Be Included.—The procedures established under subsection (a) shall provide for the following:

"(1) The commander of a unified combatant command may notify the Chairman of the Joint Chiefs of Staff of the need for an item described in subsection (a) that is currently under development.

"(2) The Chairman may request the Secretary of Defense to use rapid acquisition and deployment procedures with respect to the item.

"(3) The Secretary of Defense shall decide whether to use such procedures with respect to the item and shall notify the Secretary of the appropriate military department of the decision.

"(4) If the Secretary of Defense decides to use such procedures with respect to the item, the Secretary of the military department shall prepare a funding strategy for the rapid acquisition of the item and shall conduct a demonstration of the performance of the item.

"(5) The Director of Operational Test and Evaluation shall immediately evaluate the existing capability of the item (but under such evaluation shall not assess the capability of the item as regards to the function the item was originally intended to perform).

"(6) The Chairman of the Joint Chiefs of Staff shall review the evaluation of the Director of Operational Test and Evaluation and report to the Secretary of Defense regarding whether the capabilities of the tested item are able to meet the urgent need for the item.

"(7) The Secretary of Defense shall evaluate the information regarding funding and rapid acquisition prepared pursuant to paragraph (4) and approve or disapprove of the acquisition of the item using the procedures established pursuant to subsection (a).

"(d) Limitation.—The quantity of items of a system procured using the procedures established under this section may not exceed the number established for low-rate initial production for the system, and any such items shall be counted for purposes of the number of items of the system that may be procured through low-rate initial production.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2396 the following new item:

"2397. Rapid acquisition and deployment procedures.".

SEC. 809. QUICK-REACTION SPECIAL PROJECTS ACQUISITION TEAM.

(a) Establishment.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2402 the following new section:

"§2403. Quick-reaction special projects acquisition team

"The Secretary of Defense shall establish a quick-reaction special projects acquisition team, the purpose of which shall be to advise the Secretary on actions that can be taken to expedite the procurement of urgently needed systems. The team shall address problems with the intention of creating expeditious solutions relating to—

"(1) industrial-base issues such as the limited availability of suppliers;

"(2) compliance with acquisition regulations and lengthy procedures;

"(3) compliance with environmental requirements;

"(4) compliance with requirements regarding small-business concerns; and

"(5) compliance with requirements regarding the purchase of products made in the United States.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2402 the following new item:

"2403. Quick-reaction special projects acquisition team.".

SEC. 810. REPORT ON DEVELOPMENT OF ANTI-CYBERTERRORISM TECHNOLOGY.

Not later than February 1, 2003, the Secretary of Defense shall submit to Congress a report on—

(1) efforts by the Department of Defense to enter into contracts with private entities to develop anticyberterrorism technology; and

(2) whether such efforts should be increased.

SEC. 811. CONTRACTING WITH FEDERAL PRISON INDUSTRIES.

(a) Assuring Best Value for National Defense and Homeland Security.—(1) The Department of Defense or one of the military departments may acquire a product or service from Federal Prison Industries, Inc. only if such acquisition is made through a procurement contract awarded and administered in accordance with chapter 137 of title 10, United States Code, the Federal Acquisition Regulation, and the Department of Defense supplements to such regulation. If a contract is to be awarded to Federal Prison Industries, Inc. by the Department of Defense through other than competitive procedures, authority for such award shall be based upon statutory authority other than chapter 307 of title 18, United States Code.

(2) The Secretary of Defense shall assure that—

(A) no purchase of a product or a service is made by the Department of Defense from Federal Prison Industries, Inc. unless the contracting officer determines that—

(i) the product or service can be timely furnished and will meet the performance needs of the activity that requires the product or service; and

(ii) the price to be paid does not exceed a fair market price determined by competition or a fair and reasonable price determined by price analysis or cost analysis; and

(B) Federal Prison Industries, Inc. performs its contractual obligations to the same extent as any other contractor for the Department of Defense.

(b) Performance as a Subcontractor.—(1) The use of Federal Prison Industries, Inc. as a subcontractor or supplier shall be a wholly voluntary business decision by a Department of Defense prime contractor or subcontractor, subject to any prior approval of subcontractors or suppliers by the contracting officer which may be imposed by regulation or by the contract.

(2) A defense contractor (or subcontractor at any tier) using Federal Prison Industries, Inc. as a subcontractor or supplier in furnishing a commercial product pursuant to a contract shall implement appropriate management procedures to prevent introducing an inmate-produced product or inmate-furnished services into the commercial market.

(3) Except as authorized under the Federal Acquisition Regulation, the use of Federal Prison Industries, Inc. as a subcontractor or supplier of products or provider of services shall not be imposed upon prospective or actual defense prime contractors or subcontractors at any tier by means of—

(A) a contract solicitation provision requiring a contractor to offer to make use of Federal Prison Industries, Inc. its products or services;

(B) specifications requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries, Inc. in the performance of the contract;

(C) any contract modification directing the use of Federal Prison Industries, Inc. its products or services; or

(D) any other means.

(c) Protection of Classified and Sensitive Information.—The Secretary of Defense shall assure that Federal Prison Industries, Inc. is not permitted to provide services as a contractor or subcontractor at any tier, if an inmate worker has access to—

(1) data that is classified or will become classified after being merged with other data;

(2) geographic data regarding the location of surface and subsurface infrastructure providing communications, water and electrical power distribution, pipelines for the distribution of natural gas, bulk petroleum products and other commodities, and other utilities; or

(3) personal or financial information about individual private citizens, including information relating to such person's real property, however described, without giving prior notice to such persons or class of persons to the greatest extent practicable.

(d) Regulatory Implementation.—

(1) Proposed regulations.—Proposed revisions to the Department of Defense Supplement to the Federal Acquisition Regulation to implement this section shall be published not later than 90 days after the date of enactment of this Act and provide not less than 60 days for public comment.

(2) Final regulations.—Final regulations shall be published not later than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN TITLE OF SECRETARY OF THE NAVY TO SECRETARY OF THE NAVY AND MARINE CORPS.

(a) Change in Title.—The position of the Secretary of the Navy is hereby redesignated as the Secretary of the Navy and Marine Corps.

(b) References.—Any reference to the Secretary of the Navy in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Secretary of the Navy and Marine Corps.

SEC. 902. REPORT ON IMPLEMENTATION OF UNITED STATES NORTHERN COMMAND.

Not later than September 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report providing an implementation plan for the United States Northern Command. The report shall address the following:

(1) The required budget for standing-up and maintaining that command.

(2) The location of the headquarters of that command and alternatives considered for that location, together with the criteria used in selection of that location.

(3) The required manning levels for the command, the effect that command will have on current Department of Defense personnel resources, and the other commands from which personnel will be transferred to provide personnel for that command.

(4) The chain of command within that command to the component command level and a review of permanently assigned or tasked organizations and units.

(5) The relationship of that command to the Office of Homeland Security and the Homeland Security Council, to other Federal departments and agencies, and to State and local law enforcement agencies.

(6) The relationship of that command with the National Guard Bureau, individual State National Guard Headquarters, and civil first responders to ensure continuity of operational plans.

(7) The legal implications of military forces in their Federal capacity operating on United States territory.

(8) The status of Department of Defense consultations—

(A) with Canada regarding Canada's role in, and any expansion of mission for, the North American Air Defense Command; and

(B) with Mexico regarding Mexico's role in the United States Northern Command.

(9) The status of Department of Defense consultations with NATO member nations on efforts to transfer the Supreme Allied Command for the

Atlantic from dual assignment with the position of commander of the United States Joint Forces Command.

(10) The revised mission, budget, and personnel resources required for the United States Joint Forces Command.

SEC. 903. NATIONAL DEFENSE MISSION OF COAST GUARD TO BE INCLUDED IN FUTURE QUADRENNIAL DEFENSE REVIEWS.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

"(14) The national defense mission of the Coast Guard.".

SEC. 904. CHANGE IN YEAR FOR SUBMISSION OF QUADRENNIAL DEFENSE REVIEW.

Section 118(a) of title 10, United States Code, is amended by striking "during a year" and inserting "during the second year".

SEC. 905. REPORT ON EFFECT OF OPERATIONS OTHER THAN WAR ON COMBAT READINESS OF THE ARMED FORCES.

(a) Report Required.—Not later than February 28, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the effect on the combat readiness of the Armed Forces of operations other than war in which the Armed Forces are participating as of the date of the enactment of this Act (hereinafter in this section referred to as "current operations other than war"). Such report shall address any such effect on combat readiness for the Armed Forces as a whole and separately for the active components and the reserve components.

(b) Operations Other Than War.—For purposes of this section, the term "operations other than war" includes the followng:

(1) Humanitarian operations.

(2) Counter-drug operations.

(3) Peace operations.

(4) Nation assistance.

(c) Matters To Be Addressed.—The report shall, at a minimum, address the following (shown both for the Armed Forces as a whole and separately for the active components and the reserve components):

(1) With respect to each current operation other than war, the number of members of the Armed Forces who are—

(A) directly participating in the operation;

(B) supporting the operation;

(C) preparing to participate or support an upcoming rotation to the operation; or

(D) recovering and retraining following participation in the operation.

(2) The cost to the Department of Defense in time, funds, resources, personnel, and equipment to prepare for, conduct, and recover and retrain from each such operation.

(3) The effect of participating in such operations on performance, retention, and readiness of individual members of the Armed Forces.

(4) The effect of such operations on the readiness of forces and units participating, preparing to participate, and returning from participation in such operations.

(5) The effect that such operations have on forces and units that do not, have not, and will not participate in them.

(6) The contribution to United States national security and to regional stability of participation by the United States in such operations, to be assessed after receiving the views of the commanders of the regional unified combatant commands.

(d) Classification of Report.—The report may be provided in classified or unclassified form as necessary.

SEC. 906. CONFORMING AMENDMENT TO REFLECT DISESTABLISHMENT OF DEPARTMENT OF DEFENSE CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE.

Section 12310(c)(3) of title 10, United States Code, is amended by striking "only—" and all that follows through "(B) while assigned" and inserting "only while assigned".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2003 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which cuthority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2002.

(a) DOD Authorizations.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2002 in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to the following:

(1) Chapter 3 of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2299).

(2) Any Act enacted after May 1, 2002, making supplemental appropriations for fiscal year 2002 for the military functions of the Department of Defense.

(b) NNSA Authorizations.—Amounts authorized to be appropriated to the Department of Energy for fiscal year 2002 in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to the following:

(1) Chapter 5 of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2307).

(2) Any Act enacted after May 1, 2002, making supplemental appropriations for fiscal year 2002 for the atomic energy defense activities of the Department of Energy.

(c) Limitation on Transfers Pending Submission of Report.—Any amount provided for the Department of Defense for fiscal year 2002 through a so-called 'transfer account", including the Defense Emergency Response Fund or any other similar account, may be transferred to another account for obligation only after the Secretary of Defense submits to the congressional defense committees a report stating, for each such transfer, the amount of the transfer, the appropriation account to which the transfer is to be made, and the specific purpose for which the transferred funds will be used.

(d) Emergency Designation Requirement.—(1) In the case of a pending contingent emergency supplemental appropriation for the military functions of the Department of Defense or the atomic energy defense activities of the Department of Energy, an adjustment may be made under subsection (a) or (b) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official budget request for that appropriation that designates the entire amount requested as an emergency requirement.

(2) For purposes of this subsection, the term "contingent emergency supplemental appropriation" means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

SEC. 1003. UNIFORM STANDARDS THROUGHOUT DEPARTMENT OF DEFENSE FOR EXPOSURE OF PERSONNEL TO PECUNIARY LIABILITY FOR LOSS OF GOVERNMENT PROPERTY.

(a) Extension of Army and Air Force Report-of-Survey Procedures to Navy and Marine Corps and all DOD Civilian Employees.—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§2787. Reports of survey

"(a) Regulations.—Under such regulations as the Secretary of Defense may prescribe, any officer of the Army, Navy, Air Force, or Marine Corps or any civilian employee of the Department of Defense designated by the Secretary may act upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of the United States under the control of the Department of Defense.

"(b) Finality of Action.—Action taken under subsection (a) is final, except that action holding a person pecuniarily liable for loss, spoilage, destruction, or damage is not final until approved by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2787. Reports of survey.".

(b) Extension to Members of the Navy and Marine Corps of Pay Deduction Authority Pertaining to Damage or Repair of Arms and Equipment .—Section 1007(e) of title 37, United States Code, is amended by striking "Army or the Air Force" and inserting "Army, Navy, Air Force, or Marine Corps".

(c) Repeal of Superceded Provisions.—(1) Sections 4835 and 9835 of title 10, United States Code, are repealed.

(2)(A) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4835.

(B) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9835.

SEC. 1004. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT OF DEFENSE.

(a) Accountable Officials Within the Department of Defense.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773 the following new section:

"§2773a. Departmental accountable officials

"(a) Designation.—(1) The Secretary of Defense may designate as a 'departmental accountable official' any civilian employee of the Department of Defense or member of the armed forces under the Secretary's jurisdiction who is described in paragraph (2). Any such designation shall be in writing.

"(2) An employee or member of the armed forces described in this paragraph is an employee or member who is responsible in the performance of the employee's or member's duties for providing to a certifying official of the Department of Defense information, data, or services that are directly relied upon by the certifying official in the certification of vouchers for payment.

"(b) Pecuniary Liability.—(1) The Secretary of Defense may impose pecuniary liability on a departmental accountable official to the extent that an illegal, improper, or incorrect payment results from the information, data, or services that that official provides to a certifying official and upon which the certifying official directly relies in certifying the voucher supporting that payment.

"(2) The pecuniary liability of a departmental accountable official under this subsection for such an illegal, improper, or incorrect payment is joint and several with that of any other officials who are pecuniarily liable for such payment.

"(c) Relief From Liability.—The Secretary of Defense shall relieve a departmental accountable official from liability under subsection (b) if the Secretary determines that the illegal, improper, or incorrect payment was not the result of fault or negligence by that official.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2773 the following new item:

"2773a. Departmental accountable officials.".

SEC. 1005. IMPROVEMENTS IN PURCHASE CARD MANAGEMENT.

(a) In General.—Section 2784 of title 10, United States Code, is amended to read as follows:

"§2784. Management of purchase cards

"(a) Management of Purchase Cards.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations governing the use and control of all purchase cards and convenience checks that are issued to Department of Defense personnel for official use. Those regulations shall be consistent with regulations that apply Government-wide regarding use of purchase cards by Government personnel for official purposes.

"(b) Required Safeguards and Internal Controls.—Regulations under subsection (a) shall include safeguards and internal controls to ensure the following:

"(1) That there is a record in the Department of Defense of each holder of a purchase card issued by the Department of Defense for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that purchase card holder.

"(2) That the holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

"(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

"(B) forwarding that statement after being so reconciled to the designated disbursing office in a timely manner.

"(3) That any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

"(4) That payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

"(5) That rebates and refunds based on prompt payment on purchase card accounts are properly recorded.

"(6) That records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

"(7) That an annual review is performed of the use of purchase cards issued by the Department of Defense to determine whether each purchase card holder has a need for the purchase card.

"(8) That the Inspectors General of the Department of Defense and the military services perform periodic audits with respect to the use of purchase cards issued by the Department of Defense to ensure that such use is in compliance with regulations.

"(9) That appropriate annual training is provided to each purchase card holder and each official with responsibility for overseeing the use of purchase cards issued by the Department of Defense.

"(c) Penalties for Violations.—The Secretary shall provide in the regulations prescribed under subsection (a)—

"(1) that procedures are implemented providing for appropriate punishment of employees of the Department of Defense for violations of such regulations and for negligence, misuse, abuse, or fraud with respect to a purchase card, including dismissal in appropriate cases; and

"(2) that a violation of such regulations by a person subject to chapter 47 of this title (the Uniform Code of Military Justice) is punishable as a violation of section 892 of this title (article 92 of the Uniform Code of Military Justice).".

(b) Clerical Amendment.—The item relating to section 2784 in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

"2784. Management of purchase cards.".

SEC. 1006. AUTHORITY TO TRANSFER FUNDS WITHIN A MAJOR ACQUISITION PROGRAM FROM PROCUREMENT TO RDT&E.

(a) Program Flexibility.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

"§2214a. Transfer of funds: transfers from procurement accounts to research and development accounts for major acquisition programs

"(a) Transfer Authority Within Major Programs.—Subject to subsection (b), the Secretary of Defense may transfer amounts provided in an appropriation Act for procurement for a covered acquisition program to amounts provided in the same appropriation Act for research, development, test, and evaluation for that program.

"(b) Congressional Notice-and-Wait.—A transfer may be made under this section only after—

"(1) the Secretary submits to the congressional defense committees notice in writing of the Secretary's intent to make such transfer, together with the Secretary's justification for the transfer; and

"(2) a period of 30 days has elapsed following the date of such notification.

"(c) Limitations.—From amounts appropriated for the Department of Defense for any fiscal year for procurement—

"(1) the total amount transferred under this section may not exceed $250,000,000; and

"(2) the total amount so transferred for any acquisition program may not exceed $20,000,000.

"(d) Covered Acquisition Programs.—In this section, the term 'covered acquisition program' means an acquisition program of the Department of Defense that is—

"(A) a major defense acquisition program for purposes of chapter 144 of this title; or

"(B) any other acquisition program of the Department of Defense—

"(i) that is designated by the Secretary of Defense as a covered acquisition program for purposes of this section; or

"(ii) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $140,000,000 (based on fiscal year 2000 constant dollars) or an eventual total expenditure for procurement of more than $660,000,000 (based on fiscal year 2000 constant dollars.)

"(e) Transfer Back of Unused Transferred Funds.—If funds transferred under this section are not used for the purposes for which transferred, such funds shall be transferred back to the account from which transferred and shall be available for their original purpose.

"(f) Additional Authority.—The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

"2214a. Transfer of funds: transfers from procurement accounts to research and development accounts for major acquisition programs.".

(b) Effective Date.—Section 2214a of title 10, United States Code, as added by subsection (a), shall not apply with respect to funds appropriated before the date of the enactment of this Act.

SEC. 1007. DEVELOPMENT AND PROCUREMENT OF FINANCIAL AND NONFINANCIAL MANAGEMENT SYSTEMS.

(a) Report.—Not later than March 1, 2003, the Secretary of Defense shall submit to the congressional defense committees a report on the modernization of the Department of Defense's financial management systems and operations. The report shall include the following:

(1) The goals and objectives of the Financial Management Modernization Program.

(2) The acquisition strategy for that Program, including milestones, performance metrics, and financial and nonfinancial resource needs.

(3) A listing of all operational and developmental financial and nonfinancial management systems in use by the Department, the related costs to operate and maintain those systems during fiscal year 2002, and the estimated cost to operate and maintain those systems during fiscal year 2003.

(4) An estimate of the completion date of a transition plan that will identify which of the Department's operational and developmental financial management systems will not be part of the objective financial and nonfinancial management system and that provides the schedule for phase out of those legacy systems.

(b) Limitations.—(1) A contract described in subsection (c) may be entered into using funds made available to the Department of Defense for fiscal year 2003 only with the approval in advance in writing of the Under Secretary of Defense (Comptroller).

(2) Not more than 75 percent of the funds authorized to be appropriated in section 201(4) for research, development, test, and evaluation for the Department of Defense Financial Modernization Program (Program Element 65016D8Z) may be obligated until the report required by subsection (a) is received by the congressional defense committees.

(c) COVERED CONTRACTS.—Subsection (b)(1) applies to a contract for the procurement of any of the following:

(1) An enterprise architecture system.

(2) A finance or accounting system.

(3) A nonfinancial business and feeder system.

(4) An upgrade to any system specified in paragraphs (1) through (3).

(d) DEFINITIONS.—As used in this section:

(1) FINANCIAL MANAGEMENT SYSTEM AND OPERATIONS.—The term "financial management system and operations" means financial, financial related, and non-financial business operations and systems used for acquisition programs, transportation, travel, property, inventory, supply, medical, budget formulation, financial reporting, and accounting. Such term includes the automated and manual processes, procedures, controls, data, hardware, software, and support personnel dedicated to the operations and maintenance of system functions.

(2) FEEDER SYSTEMS.—The term "feeder systems" means financial portions of mixed systems.

(3) DEVELOPMENTAL SYSTEMS AND PROJECTS.—The term "developmental systems and projects" means any system that has not reached Milestone C, as defined in the Department of Defense 5000–series regulations.

Subtitle B—Reports

SEC. 1011. AFTER-ACTION REPORTS ON THE CONDUCT OF MILITARY OPERATIONS CONDUCTED AS PART OF OPERATION ENDURING FREEDOM.

(a) REPORT REQUIRED.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (c) two reports on the conduct of military operations conducted as part of Operation Enduring Freedom. The first report (which shall be an interim report) shall be submitted not later than June 15, 2003. The second report shall be submitted not later than 180 days after the date (as determined by the Secretary of Defense) of the cessation of hostilities undertaken as part of Operation Enduring Freedom.

(2) Each report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander-in-chief of the United States Central Command, and the Director of Central Intelligence.

(3) Each report shall be submitted in both a classified form and an unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report shall contain a discussion of accomplishments and shortcomings of the overall military operation. The report shall specifically include the following:

(1) A discussion of the command, control, coordination, and support relationship between United States Special Operations Forces and Central Intelligence Agency elements participating in Operation Enduring Freedom and any lessons learned from the joint conduct of operations by those forces and elements.

(2) Recommendations to improve operational readiness and effectiveness.

(c) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a)(1) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1012. REPORT ON BIOLOGICAL WEAPONS DEFENSE AND COUNTER-PROLIFERATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) describing programs and initiatives to halt, counter, and defend against the development, production, and proliferation of biological weapons agents, technology, and expertise to terrorist organizations and other States; and

(2) including a detailed list of the limitations and impediments to the biological weapons defense, nonproliferation, and counterproliferation efforts of the Department of Defense, and recommendations to remove such impediments and to make such efforts more effective.

(b) CLASSIFICATION.—The report may be submitted in unclassified or classified form as necessary.

SEC. 1013. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS TO CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.

Section 480(a) of title 10, United States Code, is amended by striking "shall, upon request" and all that follows through "(or each" and inserting "shall provide to Congress (or".

SEC. 1014. STRATEGIC FORCE STRUCTURE PLAN FOR NUCLEAR WEAPONS AND DELIVERY SYSTEMS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Energy shall jointly prepare a plan for the United States strategic force structure for nuclear weapons and nuclear weapons delivery systems for the period of fiscal years from 2002 through 2012. The plan shall—

(1) delineate a baseline strategic force structure for such weapons and systems over such period consistent with the Nuclear Posture Review dated January 2002;

(2) define sufficient force structure, force modernization and life extension plans, infrastructure, and other elements of the defense program of the United States associated with such weapons and systems that would be required to execute successfully the full range of missions called for in the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001, under section 118 of title 10, United States Code; and

(3) identify the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions using such force structure called for in that national defense strategy.

(b) REPORT.—(1) The Secretary of Defense and the Secretary of Energy shall submit a report on the plan to the congressional defense committees. Except as provided in paragraph (2), the report shall be submitted not later than January 1, 2003.

(2) If before January 1, 2003, the President submits to Congress the President's certification that it is in the national security interest of the United States that such report be submitted on a later date (to be specified by the President in the certification), such report shall be submitted not later than such later date.

SEC. 1015. REPORT ON ESTABLISHMENT OF A JOINT NATIONAL TRAINING COMPLEX AND JOINT OPPOSING FORCES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that outlines a plan to develop and implement a joint national training complex. Such a complex may include multiple joint training sites and mobile training ranges and appropriate joint opposing forces and shall be capable of supporting field exercises and experimentation at the operational level of war across a broad spectrum of adversary capabilities.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An identification and description of the types of joint training and experimentation that would be conducted at such a joint national training complex, together with a description of how such training and experimentation would enhance accomplishment of the six critical operational goals for the Department of Defense specified at page 30 of the Quadrennial Defense Review Report of the Secretary of Defense issued on September 30, 2001.

(2) A discussion of how establishment of such a complex (including joint opposing forces) would promote innovation and transformation throughout the Department of Defense.

(3) A discussion of how results from training and experiments conducted at such a complex would be taken into consideration in the Department of Defense plans, programs, and budgeting process and by appropriate decision making bodies within the Department of Defense.

(4) A methodology, framework, and options for selecting sites for such a complex, including consideration of current training facilities that would accommodate requirements among all the Armed Forces.

(5) Options for development as part of such a complex of a joint urban warfare training center that could also be used for homeland defense and consequence management training for Federal, State, and local training.

(6) Cost estimates and resource requirements to establish and maintain such a complex, including estimates of costs and resource requirements for the use of contract personnel for the performance of management, operational, and logistics activities for such a complex .

(7) An explanation of the relationship between and among such a complex and the Department of Defense Office of Transformation, the Joint Staff, the United States Joint Forces Command, the United States Northern Command, and each element of the major commands within the separate Armed Forces with responsibility for experimentation and training.

(8) A discussion of how implementation of a joint opposing force would be established, including the feasibility of using qualified contractors for the function of establishing and maintaining joint opposing forces and the role of foreign forces.

(9) Submission of a time line to establish such a center and for such a center to achieve initial operational capability and full operational capability.

SEC. 1016. REPEAL OF VARIOUS REPORTS REQUIRED OF THE DEPARTMENT OF DEFENSE.

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 230 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 230.

(2) Section 526 is amended by striking subsection (c).

(3) Section 721(d) is amended—

(A) by striking paragraph (2); and

(B) by striking "(1)" before "If an officer".

(4) Section 986 is amended by striking subsection (e).

(5) Section 1095(g) is amended—

(A) by striking paragraph (2); and

(B) by striking "(1)" after "(g)".

(6) Section 1798 is amended by striking subsection (d).

(7) Section 1799 is amended by striking subsection (d).

(8) Section 2010 is amended by striking subsection (b).

(9) Section 2327(c)(1) is amended—

(A) in subparagraph (A), by striking "after the date on which such head of an agency submits to Congress a report on the contract" and inserting "if in the best interests of the Government"; and

(B) by striking subparagraph (B).

(10) Section 2350f is amended by striking subsection (c).

(11) Section 2350k is amended by striking subsection (d).

(12) Section 2492 is amended by striking subsection (c).

(13) Section 2493 is amended by striking subsection (g).

(14) Section 2563(c)(2) is amended by striking "and notifies Congress regarding the reasons for the waiver".

(15) Section 2611 is amended by striking subsection (e).

(16) Sections 4357, 6975, and 9356 are each amended—

(A) by striking subsection (c); and

(B) in subsection (a), by striking "Subject to subsection (c), the Secretary" and inserting "The Secretary".

(17) Section 4416 is amended by striking subsection (f).

(18) Section 5721(f) is amended—

(A) by striking paragraph (2); and

(B) by striking "(1)" after the subsection heading.

(19) Section 12302 is amended—

(A) in subsection (b), by striking the last sentence; and

(B) by striking subsection (d).

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by striking the last sentence.

SEC. 1017. REPORT ON THE ROLE OF THE DEPARTMENT OF DEFENSE IN SUPPORTING HOMELAND SECURITY.

(a) REPORT REQUIRED.—Not later than December 31, 2002, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense responsibilities, mission, and plans for military support of homeland security.

(b) CONTENT OF REPORT.—The report shall include, but not be limited to, a discussion of the following:

(1) Changes in organization regarding the roles, mission, and responsibilities carried out by the Department of Defense to support its homeland security mission and the reasons for those changes based upon the findings of the study and report required by section 1511 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1271).

(2) Changes in the roles, missions, and responsibilities of the Department of the Army, the Department of the Navy, and the Department of the Air Force with respect to homeland security and the reasons for such changes.

(3) Changes in the roles, missions, and responsibilities of unified commands with homeland security missions and the reasons for such changes.

(4) Changes in the roles, missions, and responsibilities of the United States Joint Forces Command and the United States Northern Command in expanded homeland security training and experimentation involving the Department of Defense and other Federal, State, and local entities, and the reasons for such changes.

(5) Changes in the roles, missions, and responsibilities of the Army National Guard and the Air National Guard in the homeland security mission of the Department of Defense, and the reasons for such changes.

(6) The status of the unconventional nuclear warfare defense test bed program established in response to title IX of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2289), including the plan and program for establishing such test beds.

(7) The plans and status of the Department of Defense homeland security biological defense program, including the plans and status of—

(A) the biological counter terrorism research program;

(B) the biological defense homeland security support program;

(C) pilot programs for establishing biological defense test beds on Department of Defense installations and in selected urban areas of the United States;

(D) programs for expanding the capacity of the Department of Defense to meet increased demand for vaccines against biological agents; and

(E) any plans to coordinate Department of Defense work in biological defense programs with other Federal, State, and local programs.

(8) Recommendations for legislative changes that may be required to execute the roles and missions set forth in Department of Defense homeland security plans.

SEC. 1018. REPORT ON EFFECTS OF NUCLEAR EARTH PENETRATOR WEAPONS AND OTHER WEAPONS.

(a) NAS STUDY.—The Secretary of Defense shall request the National Academy of Sciences to conduct a study and prepare a report on the anticipated short-term and long-term effects of the use of a nuclear earth penetrator weapon on the target area, including the effects on civilian populations in proximity to the target area and on United States military personnel performing operations and battle damage assessments in the target area, and the anticipated short-term and long-term effects on the civilian population in proximity to the target area if—

(1) a non-penetrating nuclear weapon is used to destroy hard or deeply-buried targets; or

(2) a conventional high-explosive weapon is used to destroy an adversary's weapons of mass destruction storage or production facilities, and radioactive, nuclear, biological, or chemical weapons materials, agents, or other contaminants are released or spread into populated areas.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the report under subsection (a), together with any comments the Secretary may consider appropriate on the report. The report shall be submitted in unclassified form to the maximum extent possible, with a classified annex if needed.

SEC. 1019. REPORT ON EFFECTS OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS AND NUCLEAR MISSILES NOT INTERCEPTED.

(a) NAS STUDY.—The Secretary of Defense shall request the National Academy of Sciences to conduct a study and prepare a report on the anticipated short-term and long-term effects of the use of a nuclear-tipped ballistic missile interceptor, including the effects on civilian populations and on United States military personnel in proximity to the target area, and the immediate, short-term, and long-term effects on the civilian population of a major city of the United States, and the Nation as a whole, if a ballistic missile carrying a nuclear weapon is not intercepted and detonates directly above a major city of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the report under subsection (a), together with any comments the Secretary may consider appropriate on the report. The report shall be submitted in unclassified form to the maximum extent possible, with a classified annex if needed.

Subtitle C—Other Matters

SEC. 1021. SENSE OF CONGRESS ON MAINTENANCE OF A RELIABLE, FLEXIBLE, AND ROBUST STRATEGIC DETERRENT.

It is the sense of Congress that, consistent with the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001 (as submitted under section 118 of title 10, United States Code), the Nuclear Posture Review dated January 2002, and the global strategic environment, the President should, to defend the Nation, deter aggressors and potential adversaries, assure friends and allies, defeat enemies, dissuade competitors, advance the foreign policy goals and vital interests of the United States, and generally ensure the national security of the United States, take the following actions:

(1) Maintain an operationally deployed strategic force of not less than 1,700 nuclear weapons for immediate and unexpected contingencies.

(2) Maintain a responsive force of non-deployed nuclear weapons for potential contingencies at readiness and numerical levels determined to be—

(A) essential to the execution of the Single Integrated Operational Plan; or

(B) necessary to maintain strategic flexibility and capability in accordance with the findings and conclusions of such Nuclear Posture Review.

(3) Develop advanced conventional weapons, and nuclear weapons, capable of destroying—

(A) hard and deeply buried targets; and

(B) enemy weapons of mass destruction and the development and production facilities of such enemy weapons.

(4) Develop a plan to achieve and maintain the capability to resume conducting underground tests of nuclear weapons within one year after a decision is made to resume conducting such tests, so as to have the means to maintain robust and adaptive strategic forces through a ready, responsive, and capable nuclear infrastructure, as prescribed in such Nuclear Posture Review.

(5) Develop a plan to revitalize the Nation's nuclear weapons industry and infrastructure so as to facilitate the development and production of safer, more reliable, and more effective nuclear weapons.

SEC. 1022. TIME FOR TRANSMITTAL OF ANNUAL DEFENSE AUTHORIZATION LEGISLATIVE PROPOSAL.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 113 the following new section:

"§113a. Transmission of annual defense authorization request

"(a) TIME FOR TRANSMITTAL.—The Secretary of Defense shall transmit to Congress the annual defense authorization request for a fiscal year during the first 30 days after the date on which the President transmits to Congress the budget for that fiscal year pursuant to section 1105 of title 31.

"(b) DEFENSE AUTHORIZATION REQUEST DEFINED.—In this section, the term 'defense authorization request', with respect to a fiscal year, means a legislative proposal submitted to Congress for the enactment of the following:

"(1) Authorizations of appropriations for that fiscal year, as required by section 114 of this title.

"(2) Personnel strengths for that fiscal year, as required by section 115 of this title.

"(3) Any other matter that is proposed by the Secretary of Defense to be enacted as part of the annual defense authorization bill for that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new item:

"113a. Transmission of annual defense authorization request.".

SEC. 1023. TECHNICAL AND CLERICAL AMENDMENTS.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Section 153 is amended by inserting "(a) Planning; Advice; Policy Formulation.—" at the beginning of the text.

(2) Section 663(e)(2) is amended by striking "Armed Forces Staff College" and inserting "Joint Forces Staff College".

(3) Section 2399(a)(2) is amended—

(A) in the matter preceding subparagraph (A), by striking "means—" and inserting "means a conventional weapons system that—"; and

(B) in subparagraph (A), by striking "a conventional weapons system that".

(4)(A) Section 2410h is transferred to the end of subchapter IV of chapter 87 and is redesignated as section 1747.

(B) The item relating to that section in the table of sections at the beginning of chapter 141 is transferred to the end of the table of sections at the beginning of subchapter IV of chapter 87 and is amended to reflect the redesignation made by subparagraph (A).

(5) Section 2677 is amended by striking subsection (c).

(6) Section 2680(e) is amended by striking "the" after "the Committee on" the first place it appears.

(7) Section 2815(b) is amended by striking "for fiscal year 2003 and each fiscal year thereafter" and inserting "for any fiscal year".

(8) Section 2828(b)(2) is amended by inserting "time" after "from time to".

(b) Title 37, United States Code.—Title 37, United States Code, is amended as follows:

(1) Section 302j(a) is amended by striking "subsection (c)" and inserting "subsection (d)".

(2) Section 324(b) is amended by striking "(1)" before "The Secretary".

(c) Public Law 107–107.—Effective as of December 28, 2001, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 602(a)(2) (115 Stat. 1132) is amended by striking "an" in the first quoted matter.

(2) Section 1410(a)(3)(C) (115 Stat. 1266) by inserting "both places it appears" before "and inserting".

(3) Section 3007(d)(1)(C) (115 Stat. 1352) is amended by striking "2905(b)(7)(B)(iv)" and inserting "2905(b)(7)(C)(iv)".

(d) Public Law 106–398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 577(b)(2) (114 Stat. 1654A–140) is amended by striking "Federal" in the quoted matter and inserting "Department of Defense".

(2) Section 612(c)(4)(B) (114 Stat. 1654A–150) is amended by striking the comma at the end of the first quoted matter.

(e) Public Law 106–65.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 573(b) (10 U.S.C. 513 note) is amended by inserting a period at the end of paragraph (2).

(2) Section 1305(6) (22 U.S.C. 5952 note) is amended by striking the first period after "facility".

(f) Title 14, United States Code.—Section 516(c) of title 14, United States Code, is amended by striking "his section" and inserting "this section".

SEC. 1024. WAR RISK INSURANCE FOR VESSELS IN SUPPORT OF NATO-APPROVED OPERATIONS.

Section 1205 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1285) is amended by adding at the end the following:

"(c) Insurance of Vessels in Support of NATO-Approved Operations.—(1) Upon request made under subsection (b), the Secretary may provide insurance for a vessel, regardless of the country in which the vessel is registered and the citizenship of its owners, that is supporting a military operation approved by the North Atlantic Council, including a vessel that is not operating under contract with a department or agency of the United States.

"(2) If a vessel is insured under paragraph (1) in response to a request made pursuant to an international agreement providing for the sharing among nations of the risks involved in mutual or joint operations, the Secretary of Transportation, with the concurrence of the Secretary of State, may seek from another nation that is a party to such agreement a commitment to indemnify the United States for any amounts paid by the United States for claims against such insurance.

"(3) Amounts received by the United States as indemnity from a nation pursuant to paragraph (2) shall be deposited into the insurance fund created under section 1208.

"(4) Any obligation of a department or agency of the United States to indemnify the Secretary or the insurance fund for any claim against insurance provided under this subsection is extinguished to the extent of any indemnification received from a nation pursuant to paragraph (2) with respect to the claim.".

SEC. 1025. CONVEYANCE, NAVY DRYDOCK, PORTLAND, OREGON.

(a) Conveyance Authorized.—The Secretary of the Navy may sell Navy Drydock No. YFD-69, located in Portland, Oregon, to Portland Shipyard, LLC, which is the current user of the drydock.

(b) Condition of Conveyance.—The conveyance under subsection (a) shall be subject to the condition that the purchaser agree to retain the drydock on Swan Island in Portland, Oregon, until at least September 30, 2007.

(c) Consideration.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the Secretary an amount equal to the fair market value of the drydock at the time of the conveyance, as determined by the Secretary.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1026. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should—

(1) establish 23 additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 55 such teams); and

(2) ensure that of such 55 teams there is at least one team established for each State and territory.

(b) State and Territory Defined.—In this section, the term "State and territory" means the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. ELIGIBILITY OF DEPARTMENT OF DEFENSE NONAPPROPRIATED FUND EMPLOYEES FOR LONG-TERM CARE INSURANCE.

(a) In General.—Section 9001(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking "and";

(2) in subparagraph (C), by striking the comma at the end and inserting "; and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) an employee of a nonappropriated fund instrumentality of the Department of Defense described in section 2105(c),".

(b) Discretionary Authority.—Section 9002 of such title is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Discretionary Authority Regarding Nonappropriated Fund Instrumentalities.—The Secretary of Defense may determine that a nonappropriated fund instrumentality of the Department of Defense is covered under this chapter or is covered under an alternative long-term care insurance program.".

SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

(a) In General.—Section 5595(i)(4) of title 5, United States Code, is amended by striking "2003" and inserting "2006".

(b) Report.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report including recommendations whether the authority under section 5595(i) of title 5, United States Code, should be made permanent or expanded to be made Governmentwide.

SEC. 1103. COMMON OCCUPATIONAL AND HEALTH STANDARDS FOR DIFFERENTIAL PAYMENTS AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.

(a) Prevailing Rate Systems.—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon at the end the following: ", and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970".

(b) General Schedule Pay Rates.—Section 5545(d) of such title is amended by inserting before the period at the end of the first sentence the following: ", and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970".

(c) Applicability.—Subject to any vested constitutional property rights, any administrative or judicial determination after the date of enactment of this Act concerning backpay for a differential established under sections 5343(c)(4) or 5545(d) of such title shall be based on occupational safety and health standards described in the amendments made by subsections (a) and (b).

SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.

Paragraph (4)(B) of section 8905a(d) of title 5, United States Code, is amended—

(1) in clause (i), by striking "2003" and inserting "2006"; and

(2) in clause (ii)—

(A) by striking "2004" and inserting "2007"; and

(B) by striking "2003" and inserting "2006".

SEC. 1105. TRIENNIAL FULL-SCALE FEDERAL WAGE SYSTEM WAGE SURVEYS.

Section 5343(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "2 years" and inserting "3 years"; and

(2) in the second sentence, by striking the period at the end and inserting ", based on criteria developed by the Office.".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2003.—The total amount of the assistance for fiscal year 2003 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "2002" and inserting "2003".

SEC. 1202. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) IMPLEMENTATION OF TRAINING PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall implement a comprehensive plan to conduct joint operational training for, and exchanges of senior officers between, the Armed Forces of the United States and the military forces of Taiwan. Such plan shall include implementation of a wide range of programs, activities, exercises, and arrangements focused on threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, operational tactics, techniques, and procedures, civil-military relations, and other subjects designed to improve the defensive capabilities of Taiwan and to enhance interoperability between the military forces of Taiwan and the Armed Forces of the United States.

(b) SUBMISSION TO CONGRESS.—At least 30 days before commencing implementation of the plan described in subsection (a), the Secretary of Defense shall submit the plan to Congress, in classified and unclassified form as necessary.

SEC. 1203. ADMINISTRATIVE SERVICES AND SUPPORT FOR FOREIGN LIAISON OFFICERS.

(a) AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§2350m. Administrative services and support for foreign liaison officers

"(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—The Secretary of Defense may provide administrative services and support for foreign liaison officers performing duties while such officers temporarily are assigned to components or commands of the armed forces. Such administrative services and support may include base or installation operation support services, office space, utilities, copying services, fire and police protection, and computer support. The Secretary may provide such administrative services and support with or without reimbursement, as the Secretary considers appropriate.

"(b) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2005.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2350m. Administrative services and support for foreign liaison officers.".

(c) REPORT.—Not later than March 1, 2005, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report describing, as of the date of submission of the report—

(1) the number of foreign liaison officers for which support has been provided under section 2350m of title 10, United States Code (as added by subsection (a));

(2) the countries from which such foreign liaison officers are or were assigned;

(3) the type of support provided, the duration for which the support was provided, and the reasons the support was provided; and

(4) the costs to the Department of Defense and the United States of providing such support.

SEC. 1204. ADDITIONAL COUNTRIES COVERED BY LOAN GUARANTEE PROGRAM.

Section 2540 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(5) A country that, as determined by the Secretary of Defense in consultation with the Secretary of State, assists in combatting drug trafficking organizations or foreign terrorist organizations."; and

(2) by adding at the end the following new subsection:

"(d) REPORT.—The Secretary of Defense and the Secretary of State, whenever the Secretaries consider such action to be warranted, shall jointly submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report enumerating those countries to be added or removed under subsection (b).".

SEC. 1205. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER IN MOSCOW.

(a) LIMITATION.—Not more than 50 percent of the funds made available to the Department of Defense for fiscal year 2003 for activities associated with the Joint Data Exchange Center in Moscow, Russia, may be obligated or expended for any such activity until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) JOINT DATA EXCHANGE CENTER.—For purposes of this section, the term "Joint Data Exchange Center" means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

SEC. 1206. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

(5) A member of the Armed Forces making a port call from a military vessel in Colombia.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if he determines that such waiver is in the national security interest.

(d) NOTIFICATION.—The Secretary shall notify the congressional defense committees not later 15 days after the date of the exercise of the waiver authority under subsection (c).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2003 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2003 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $416,700,000 authorized to be appropriated to the Department of Defense for fiscal year 2003 in section 301(23) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $70,500,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,500,000.

(3) For nuclear weapons transportation security in Russia, $19,700,000.

(4) For nuclear weapons storage security in Russia, $39,900,000.

(5) For activities designated as Other Assessments/Administrative Support, $14,700,000.

(6) For defense and military contacts, $18,900,000.

(7) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, $9,000,000.

(8) For weapons of mass destruction infrastructure elimination activities in Ukraine, $8,800,000.

(9) For chemical weapons destruction in Russia, $50,000,000.

(10) For biological weapons facility dismantlement in the States of the former Soviet Union $11,500,000.

(11) For biological weapons facility security and safety in the States of the former Soviet Union, $34,800,000.–

(12) For biological weapons collaborative research in the States of the former Soviet Union, $8,700,000.

(13) For personnel reliability programs in Russia, $100,000.

(14) For weapons of mass destruction proliferation prevention in the States of the former Soviet Union, $40,000,000.

(b) ADDITIONAL FUNDS AUTHORIZED FOR CERTAIN PURPOSES.—Of the funds authorized to be appropriated to the Department of Defense for fiscal year 2003 in section 301(23) for Cooperative Threat Reduction programs, $83,600,000 may be obligated for any of the purposes specified in paragraphs (1) through (4) and (9) of subsection (a) in addition to the amounts specifically authorized in such paragraphs.

(c) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2003 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (14) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2003 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(d) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2003 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose (including amounts authorized under subsection (b)).

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated any of paragraphs (5) through (13) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.

No fiscal year 2003 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2002 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341); and

(2) the update for the multiyear plan required to be submitted for fiscal year 2001 under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341) is amended by inserting at the end the following new paragraph:

"(6) To the maximum extent practicable, a description of how revenue generated by activities carried out under Cooperative Threat Reduction programs in recipient States is being utilized, monitored, and accounted for.".

SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.

SEC. 1306. SENSE OF CONGRESS AND REPORT REQUIREMENT REGARDING RUSSIAN PROLIFERATION TO IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Russian proliferation to Iran constitutes a clear threat to the national security and vital interests of the United States and undermines the purpose and goals of Cooperative Threat Reduction programs;

(2) such proliferation consists primarily of nuclear and missile technology, goods, and know-how, and dual-use items that could contribute to the development of weapons of mass destruction and ballistic missiles;

(3) because of ongoing Russian assistance, the intelligence community estimates that Iran could attempt to launch an intercontinental ballistic missile by 2005, and could possess a nuclear weapon by 2010;

(4) Russian proliferation is providing Iran with the capability to strike United States military forces, interests, allies, and friends in the region with weapons-of-mass-destruction-tipped ballistic missiles;

(5) the issue of Russian proliferation to Iran has been raised by United States officials at the highest levels of the Russian Government;

(6) Iran has long been identified as a State sponsor of terrorism by the United States because of its support of foreign terrorist organizations, and the combination of terrorist organizations and weapons of mass destruction constitutes a grave threat to the national security of the United States;

(7) Russian proliferation to Iran raises serious questions regarding the intentions of the Russian Government, and its commitment to nonproliferation and improved relations with the United States;

(8) Russian proliferation to Iran could undermine Congressional support for Cooperative Threat Reduction programs; and

(9) the President must safeguard United States national security and demonstrate United States resolve and commitment to stopping the proliferation of weapons of mass destruction and ballistic missiles through clear, firm, and coherent policies and strategies that employ the full range of diplomatic and economic tools at his disposal, both positive and negative, to halt the serious and continuing problem of Russian proliferation.

(b) REPORT.—Not later than March 15 of 2003 through 2009, the President shall submit to Congress a report (in unclassified and classified form as necessary) describing in detail Russian proliferation of weapons of mass destruction and ballistic missile goods, technology, and know-how, and of dual-use items that may contribute to the development of weapons of mass destruction and ballistic missiles, to Iran and to other countries during the year preceding the year in which the report is submitted. The report shall include—

(1) a net assessment prepared by the Office of Net Assessment of the Department of Defense; and

(2) a detailed description of the following:

(A) The number, type, and quality of direct and dual-use weapons of mass destruction and ballistic missile goods, items, and technology being transferred.

(B) The form, location, and manner in which such transfers take place.

(C) The contribution that such transfers could make to the recipient States' weapons of mass destruction and ballistic missile programs, and how soon such States will test, possess, and deploy weapons of mass destruction and ballistic missiles.

(D) The impact that such transfers have, or could have, on United States national security, on regional friends, allies, and interests, and on United States military forces deployed in the region to which such transfers are being made.

(E) The actions being taken by the United States to counter and defend against capabilities developed by the recipient States as a result of such transfers.

(F) The strategy, plan, or policy incorporating the full range of policy tools available that the President intends to employ to halt Russian proliferation, the rationale for employing such tools, and the timeline by which the President expects to see material progress in ending Russian proliferation of direct and dual-use weapons of mass destruction and missile goods, technologies, and know-how.

SEC. 1307. PROHIBITION AGAINST USE OF COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE STATES OF THE FORMER SOVIET UNION.

No Cooperative Threat Reduction funds authorized or appropriated for any fiscal year may be used for threat reduction projects, programs, or activities in countries other than the States of the former Soviet Union.

SEC. 1308. LIMITED WAIVER OF RESTRICTION ON USE OF FUNDS.

(a) WAIVER AUTHORITY.—(1) The restriction described in subsection (d)(5) of section 1203 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1779; 22 U.S.C. 5952) shall not apply with respect to United States assistance to Russia if the President submits to Congress a written certification that waiving the restriction is important to the national security interests of the United States.

(2) The authority under paragraph (1) shall expire on December 31, 2005.

(b) REPORT.—Not later than 30 days after the date that the President applies the waiver authority under subsection (a), the President shall submit to Congress a report (in classified and unclassified form as necessary) describing—

(1) the arms control agreements with which Russia is not committed to complying, the form or forms of noncommittal, and detailed evidence of such noncommittal;

(2) why use of the waiver of authority was important to protect national security interests; and

(3) a strategy, plan, or policy incorporating the full range of policy tools available to the President for promoting Russian commitment to, and compliance with, all relevant arms control agreements.

SEC. 1309. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT ON DEFENSE AND MILITARY CONTACTS ACTIVITIES.

Not more than 50 percent of fiscal year 2003 Cooperative Threat Reduction Funds may be obligated or expended for defense and military contacts activities until the Secretary of Defense submits to Congress a report describing in detail the operation and success of such activities carried out under Cooperative Threat Reduction programs during fiscal years 2001 and 2002. Such report shall include a description of—

(1) the amounts obligated or expended for such activities;

(2) the purposes, goals, and objectives for which such amounts were obligated and expended;

(3) a description of the activities carried out, including the forms of assistance provided, and the justification for each form of assistance provided;

(4) the success of each activity, including the goals and objectives achieved for each;

(5) a description of participation by private sector entities in the United States in carrying out such activities, and the participation of any other Federal department or agency in such activities; and

(6) any other information that the Secretary considers relevant to provide a complete description of the operation and success of activities carried out under Cooperative Threat Reduction programs.

TITLE XIV—UTAH TEST AND TRAINING RANGE

SEC. 1401. DEFINITION OF UTAH TEST AND TRAINING RANGE.

In this title, the term "Utah Test and Training Range" means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

SEC. 1402. MILITARY OPERATIONS AND OVERFLIGHTS AT UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) Areas designated as wilderness study areas are located near lands withdrawn for military use and are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) Continued unrestricted access to the special use airspace and lands that comprise the Utah Test and Training Range is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—(1) Nothing in this title, the Wilderness Act (16 U.S.C. 1131 et seq.), or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude low-level overflights, low-level military overflights and operations of military aircraft, helicopters, unmanned aerial vehicles, military overflights or military overflights and operations that can be seen or heard within those areas.

(2) Paragraph (1) precludes any restriction regarding altitude or airspeed, noise level, supersonic flight, route of flight, time of flight, seasonal usage, or numbers of flights of any military aircraft, helicopters, unmanned aerial vehicles, missiles, aerospace vehicles, and other military weapons systems over federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range.

(3) In this subsection, the term "low-level" includes any flight down to and including 10 feet above ground level.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall be construed to require the removal of existing communications, instrumentation, or electronic tracking systems from these areas, to prevent any required maintenance of such systems, or to prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements so long as the installation and maintenance of such systems do not require construction of any permanent roads in any federally designated wilderness area or wilderness study area.

(e) EMERGENCY ACCESS AND RESPONSE.—(1) Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude timely access to any area necessary to respond to emergency situations. Immediate access, including access for emergency and rescue vehicles and equipment, shall not be restricted if human life or health may be in jeopardy.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of the Interior shall enter into a memorandum of understanding providing formal procedures for access to the federally designated wilderness areas or wilderness study areas that are located beneath airspace of the Utah Test and Training Range, which may be necessary to respond to emergency situations, to rescue downed aircrew members, to investigate accident locations, to recover military aircraft or other weapons systems, and to restore accident locations. Military operations in the Utah Test and Training Range shall not be limited or restricted in any way pending completion of the memorandum of understanding.

(f) CONTROL OR RESTRICTION OF PUBLIC ACCESS.—(1) When required by national security or public safety, public access to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range that are located beneath airspace designated as special use airspace may be controlled, restricted, or prohibited entirely. Such controls, restrictions, or prohibitions shall remain in force for the minimum duration necessary. The Secretary of the Air Force shall provide advance notice of such controls, restrictions, or prohibitions to the Secretary of the Interior.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of the Interior shall enter into a memorandum of understanding prescribing procedures for implementing access controls, restrictions, or prohibitions. Military operations in the Utah Test and Training Range shall not be limited or restricted in any way pending completion of the memorandum of understanding.

SEC. 1403. DESIGNATION AND MANAGEMENT OF LANDS IN UTAH TEST AND TRAINING RANGE.

(a) DESIGNATION.—The following Federal lands that are in the Utah Test and Training Range are hereby designated as wilderness:

(1) Those lands that were managed pursuant to the nonimpairment standard set forth in section 603(c) of Public Law 94–579 (43 U.S.C. 1782(c)) on or before January 1, 1991.

(2) Those lands that were acquired by the United States through donation, exchange, or other method of acquisition and—

(A) are located entirely within the areas identified in paragraph (1); or

(B) are located within a logical extension of the boundaries of the areas identified in paragraph (1).

(b) PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.—(1) The Secretary of the Interior shall not continue the plan amendment process initiated pursuant to section 202 of Public Law 94–579 (43 U.S.C. 1712) and published in the Federal Register on March 18, 1999 (64 Fed. Reg. 13439), for Federal lands located in the Utah Test and Training Range.

(2) The Secretary of the Interior shall not develop, maintain, or revise land use plans pursuant to section 202 of Public Law 94–579 (43 U.S.C. 1712) for Federal lands located in the Utah Test and Training Range without the prior concurrence of the Secretary of the Air Force and the Commander-in-Chief of the military forces of the State of Utah.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal lands in the areas designated as wilderness by this title are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(d) WATER.—Nothing in this title or any action taken pursuant to this title shall constitute an express or implied reservation of surface or groundwater by any person, including the United States. Nothing in this title affects any valid existing water rights in existence before the date of the enactment of this Act, including any water rights held by the United States. If the United States determines that additional water resources are needed for the purposes of this title, the United States shall acquire such rights in accordance with the water laws of the State of Utah.

(e) MAP AND DESCRIPTION.—(1) As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall transmit a map and legal description of the areas designated as wilderness by this title to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(3) The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(f) ADMINISTRATION.—(1) Subject to valid existing rights and this title, the areas designated as wilderness in this title shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(2) Any lands or interest in lands within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired lands or interest in lands are located.

(3) The Secretary of the Interior may offer to acquire lands and interest in lands located within the areas designated as wilderness by this title. Such lands may be acquired at fair market value under this subsection by purchase from willing sellers, by exchange for lands of approximately equal value, or by donation.

(4) In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within the areas designated as wilderness by this title where consistent with relevant wilderness management

plans, in accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) Within the areas designated as wilderness by this title, the grazing of livestock, where established before the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101-628, and House Report 101–405, Appendix A.

(6) Congress does not intend for the designation of the wilderness in this title to lead to the creation of protective perimeters or buffer zones around any area designated as wilderness by this title. The fact that nonwilderness activities or uses can be seen or heard within the areas designated as wilderness by this title shall not, of itself, preclude such activities or uses up to the boundary of that wilderness.

(7) Until completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management, the Secretary of the Interior shall not grant or issue any authorizations pursuant to section 501(a)(6) of Public Law 94–579 (43 U.S.C. 1761(a)(6)) upon Federal lands identified as inventory units UTU–020–088, UTU–020–095, UTU–020–096, and UTU–020–100, as generally depicted on the map entitled "Wilderness Inventory, State of Utah", dated August 1979.

SEC. 1404. DESIGNATION OF PILOT RANGE WILDERNESS.

Certain Federal lands in Box Elder County, Utah, as generally depicted on the map entitled "Pilot Range Wilderness", and dated October 1, 2001, are hereby designated as wilderness, and shall be known as the Pilot Range Wilderness Area.

SEC. 1405. DESIGNATION OF CEDAR MOUNTAIN WILDERNESS.

Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled "Cedar Mountain Wilderness", and dated May 1, 2002, are hereby designated as wilderness, and shall be known as the Cedar Mountain Wilderness Area.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2003".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$1,900,000
	Fort Rucker	$3,050,000
	Redstone Arsenal	$1,950,000
Alaska	Fort Wainwright	$111,010,000
Arizona	Fort Huachuca	$10,400,000
	Yuma Proving Ground	$4,500,000
Arkansas	Pine Bluff Arsenal	$18,937,000
California	Monterey Defense Language Institute	$1,500,000
Colorado	Fort Carson	$5,350,000
District of Columbia	Walter Reed Army Medical Center	$9,950,000
Georgia	Fort Benning	$74,250,000
	Fort Stewart/Hunter Army Air Field	$26,000,000
Hawaii	Schofield Barracks	$191,000,000
Kansas	Fort Leavenworth	$3,150,000
	Fort Riley	$51,950,000
Kentucky	Blue Grass Army Depot	$5,500,000
	Fort Campbell	$106,300,000
Louisiana	Fort Polk	$31,000,000
Maryland	Fort Detrick	$22,500,000
Massachusetts	Natick Research Development and Engineering Center	$4,100,000
Missouri	Fort Leonard Wood	$15,500,000
New Jersey	Picatinny Arsenal	$7,500,000
New York	Fort Drum	$18,300,000
North Carolina	Fort Bragg	$94,900,000
Pennsylvania	Letterkenny Army Depot	$1,550,000
Texas	Fort Bliss	$10,200,000
	Fort Hood	$85,000,000
Virginia	Fort Lee	$5,200,000
Washington	Fort Lewis	$53,800,000
	Total	$976,247,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Belgium	Supreme Headquarters, Allied Powers Europe	$13,600,000
Germany	Area Support Group, Bamberg	$17,200,000
	Campbell Barracks	$8,300,000
	Coleman Barracks	$1,350,000
	Darmstadt	$3,500,000
	Grafenwoehr	$69,866,000
	Landstuhl	$2,400,000
	Mannheim	$42,000,000
	Schweinfurt	$2,000,000
Italy	Vicenza	$34,700,000
Korea	Camp Carroll	$20,000,000
	Camp Castle	$6,800,000
	Camp Hovey	$25,000,000
	Camp Humphreys	$36,000,000

Army: Outside the United States—Continued

Country	Installation or location	Amount
	Camp Henry	$10,000,000
	K16 Airfield	$40,000,000
	Yongsan	$12,600,000
	Total	$345,316,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Unspecified Worldwide	$4,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	38 Units	$17,752,000
Arizona	Yuma Proving Ground	33 Units	$6,100,000
Germany	Stuttgart	1 Unit	$990,000
Korea	Yongsan	10 Units	$3,100,000
	Total:		$27,942,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $15,653,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $234,831,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,935,609,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $803,247,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $345,316,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,550,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $158,796,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $278,426,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,122,274,000.

(7) For the construction of phase 3 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 114 Stat. 1654A–389), $50,000,000.

(8) For the construction of phase 2 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), $21,000,000.

(9) For the construction of phase 2 of a barracks complex, Nelson Boulevard, at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2105 of this Act, $42,000,000.

(10) For the construction of phase 2 of a basic combat trainee complex at Fort Jackson, South Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2105 of this Act, $39,000,000.

(11) For the construction of phase 2 of a barracks complex, 17th and B Streets at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), $50,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $18,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Main Post, at Fort Benning, Georgia);

(3) $100,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Capron Avenue, at Schofield Barracks, Hawaii);

(4) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Range Road, at Fort Campbell, Kentucky); and

(5) $5,000,000 (the balance of the amount authorized under section 2101(a) for a military construction project at Fort Bliss, Texas).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $13,676,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1281) is amended—

(1) in the item relating to Fort Carson, Colorado, by striking "$66,000,000" in the amount column and inserting "$67,000,000"; and

(2) in the item relating to Fort Jackson, South Carolina, by striking "$65,650,000" in the amount column and inserting "$68,650,000".

(b) Conforming Amendments.—Section 2104(b) of that Act (115 Stat. 1284) is amended—

(1) in paragraph (3), by striking "$41,000,000" and inserting "$42,000,000"; and

(2) in paragraph (4), by striking "$36,000,000" and inserting "$39,000,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$3,000,000
California	Auxiliary Landing Field, San Diego (San Clemente Island)	$6,150,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	$40,870,000
	Marine Corps Air Station, Camp Pendleton	$31,930,000
	Marine Corps Air Station, Miramar	$12,210,000
	Marine Corps Base, Camp Pendleton	$64,040,000
	Marine Corps Logistics Base, Barstow	$4,450,000
	Naval Air Station, Lemoore	$35,855,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$6,760,000
	Naval Air Weapons Station, China Lake	$10,100,000
	Naval Post Graduate School, Monterey	$9,020,000
	Naval Station, San Diego	$12,210,000
Connecticut	Naval Submarine Base, New London	$7,880,000
District of Columbia	Marine Corps Barracks	$3,700,000
	Naval District, Washington	$2,690,000
Florida	Naval Air Base, Jacksonville	$13,342,000
	Naval Air Station, Pensacola	$990,000
	Naval School Explosive Ordinance Detachment, Eglin	$6,350,000
	Naval Station, Mayport	$1,900,000
	Whiting Field	$1,780,000
Georgia	Naval Submarine Base, Kings Bay	$1,580,000
Hawaii	Naval Shipyard, Pearl Harbor	$18,500,000
	Naval Station, Pearl Harbor	$14,690,000
Illinois	Naval Training Center, Great Lakes	$93,190,000
Indiana	Crane Naval Surface Weapons Station	$11,610,000
Maine	Naval Shipyard, Kittery-Portsmouth	$15,200,000
Maryland	Naval Air Facility, Andrews Air Force Base	$9,680,000
	United States Naval Academy	$1,800,000
Mississippi	Naval Air Station, Meridian	$2,850,000
	Naval Construction Battalion Center, Gulfport	$5,460,000
	Naval Station, Pascagoula	$16,160,000
Nevada	Naval Air Station, Fallon	$4,010,000
New Jersey	Naval Weapons Center, Lakehurst	$5,200,000
	Naval Weapons Station Earle, Colts Neck	$5,600,000
North Carolina	Marine Corps Air Station, Cherry Point	$10,470,000
	Marine Corps Air Station, New River	$6,920,000
	Marine Corps Base, Camp Lejeune	$9,570,000
Rhode Island	Naval Station, Newport	$6,870,000
South Carolina	Marine Corps Air Station, Beaufort	$13,700,000
	Marine Corps Recruit Depot, Parris Island	$10,490,000
	Naval Weapons Station, Charlestown	$5,740,000
Texas	Naval Air Station, Corpus Christi	$7,150,000
	Naval Air Station Joint Reserve Base, Fort Worth	$8,850,000
	Naval Air Station, Kingsville	$6,210,000
Virginia	Dam Neck Fleet Combat Training Center, Atlantic	$3,900,000
	Little Creek Naval Amphibious Base	$9,770,000
	Marine Corps Combat Development Command, Quantico	$24,864,000
	Naval Air Station Oceana	$16,490,000
	Naval Shipyard, Norfolk, Portsmouth	$19,660,000
	Naval Station, Norfolk	$171,505,000
	Naval Surface Warfare Center, Dahlgren	$15,830,000
	Naval Weapons Station, Yorktown	$15,020,000
Washington	Naval Air Station, Whidbey Island	$17,580,000
	Keyport Naval Undersea Warfare Command	$10,500,000
	Naval Magazine, Indian Island	$4,030,000
	Naval Station, Bremerton	$45,870,000
	Naval Submarine Base, Bangor	$22,310,000
	Puget Sound Naval Shipyard, Bremerton	$57,132,000
	Strategic Weapons Facility, Bangor	$7,340,000
Various Locations	Host Nation Infrastructure	$1,000,000
	Total	$1,009,528,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	*Naval Support Activity, Bahrain*	*$25,970,000*
Diego Garcia	*Diego Garcia, Naval Support Facility*	*$11,090,000*
Greece	*Naval Support Activity, Joint Headquarters Command, Larissa*	*$14,800,000*
Guam	*Commander, United States Naval Forces, Guam*	*$13,400,000*
Iceland	*Naval Air Station, Keflavik*	*$14,920,000*
Italy	*Naval Air Station, Sigonella*	*$55,660,000*
	Total	*$135,840,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State or Country	Installation or location	Purpose	Amount
California	*Naval Air Station, Lemoore*	*178 Units*	*$40,981,000*
	Marine Corps Air-Ground Combat Center, Twentynine Palms	*76 Units*	*$19,425,000*
Connecticut	*Naval Submarine Base, New London*	*100 Units*	*$24,415,000*
Florida	*Naval Station, Mayport*	*1 Unit*	*$329,000*
Hawaii	*Marine Corps Base, Kaneohe Bay*	*65 Units*	*$24,797,000*
Maine	*Naval Air Station, Brunswick*	*26 Units*	*$5,800,000*
Mississippi	*Naval Air Station, Meridian*	*56 Units*	*$9,755,000*
North Carolina	*Marine Corps Base, Camp LeJeune*	*317 Units*	*$43,650,000*
Virginia	*Marine Corps Base, Quantico*	*290 Units*	*$41,843,000*
United Kingdom	*Joint Maritime Facility, St. Mawgan*	*62 Units*	*$18,524,000*
		Total	*$229,519,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,281,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $136,816,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,308,007,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $776,806,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $133,270,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $23,262,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,745,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $377,616,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $867,788,000.

(6) For replacement of a pier at Naval Station, Norfolk, Virginia, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1287), as amended by section 2205 of this Act, $33,520,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $48,120,000 (the balance of the amount authorized under section 2201(a) for a bachelors enlisted quarters shipboard ashore, Naval Station, Norfolk, Virginia); and

(3) $2,570,000 (the balance of the amount authorized under section 2201(b) for a quality of life support facility, Naval Air Station Sigonella, Italy).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $1,340,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1286) is amended—

(1) in the item relating to Naval Station, Norfolk, Virginia, by striking "$139,270,000" in the amount column and inserting "$139,550,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,059,030,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(2) of that Act (115 Stat. 1289) is amended by striking "$33,240,000" and inserting "$33,520,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	*Maxwell Air Force Base*	*$8,000,000*
Alaska	*Clear Air Station*	*$14,400,000*
	Eielson Air Force Base	*$21,600,000*

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Arizona	Davis-Monthan Air Force Base	$19,270,000
	Luke Air Force Base	$13,000,000
Arkansas	Little Rock Air Force Base	$25,600,000
California	Beale Air Force Base	$11,740,000
	Travis Air Force Base	$9,600,000
	Vandenberg Air Force Base	$10,500,000
Colorado	Buckley Air National Guard Base	$17,700,000
	Peterson Air Force Base	$2,000,000
	Schriever Air Force Base	$5,700,000
	United States Air Force Academy	$9,400,000
District of Columbia	Bolling Air Force Base	$1,500,000
Florida	Elgin Air Force Base	$4,250,000
	Hurlburt Field	$15,000,000
	McDill Air Force Base	$21,000,000
	Tyndall Air Force Base	$8,100,000
Georgia	Robins Air Force Base	$5,400,000
Hawaii	Hickam Air Force Base	$1,350,000
Kansas	McConnell Air Force Base	$7,500,000
Louisiana	Barksdale Air Force Base	$10,900,000
Maryland	Andrews Air Force Base	$9,600,000
Massachusetts	Hanscom Air Force Base	$7,700,000
Mississippi	Keesler Air Force Base	$22,000,000
Nevada	Nellis Air Force Base	$37,350,000
New Jersey	McGuire Air Force Base	$24,631,000
New Mexico	Cannon Air Force Base	$4,650,000
	Holloman Air Force Base	$4,650,000
	Kirtland Air Force Base	$21,900,000
North Carolina	Pope Air Force Base	$9,700,000
Ohio	Wright-Patterson Air Force Base	$25,000,000
Oklahoma	Tinker Air Force Base	$7,500,000
South Carolina	Shaw Air Force Base	$6,800,000
Texas	Lackland Air Force Base	$37,300,000
	Laughlin Air Force Base	$8,000,000
	Sheppard Air Force Base	$24,000,000
Utah	Hill Air Force Base	$14,500,000
Virginia	Langley Air Force Base	$71,940,000
	Total	$580,731,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	$17,100,000
Germany	Ramstein Air Force Base	$71,783,000
Guam	Andersen Air Force Base	$31,000,000
Italy	Aviano Air Force Base	$6,600,000
Japan	Kadena Air Force Base	$6,000,000
Korea	Osan Air Base	$15,100,000
Spain	Naval Station, Rota	$31,818,000
Turkey	Incirlik Air Force Base	$1,550,000
United Kingdom	Royal Air Force, Fairford	$19,000,000
	Royal Air Force, Lakenheath	$13,400,000
Wake Island	Wake Island	$24,900,000
	Total	$238,251,000

(c) Unspecified Worldwide.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$32,562,000
	Total	$32,562,000

SEC. 2302. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or location	Purpose	Amount
Arizona	Luke Air Force Base	140 Units	$18,954,000
California	Travis Air Force Base	110 Units	$24,320,000
Colorado	Peterson Air Force Base	2 Units	$959,000
	United States Air Force Academy	71 Units	$12,424,000
Delaware	Dover Air Force Base	112 Units	$19,615,000
Florida	Eglin Air Force Base	Housing Office	$597,000
	Eglin Air Force Base	134 Units	$15,906,000
	MacDill Air Force Base	96 Units	$18,086,000
Hawaii	Hickam Air Force Base	96 Units	$29,050,000
Idaho	Mountain Home Air Force Base	95 Units	$24,392,000
Kansas	McConnell Air Force Base	Housing Maintenance Facility	$1,514,000
Maryland	Andrews Air Force Base	53 Units	$9,838,000
	Andrews Air Force Base	52 Units	$8,807,000
Mississippi	Columbus Air Force Base	Housing Office	$412,000
	Keesler Air Force Base	117 Units	$16,505,000
Missouri	Whiteman Air Force Base	97 Units	$17,107,000
Montana	Malmstrom Air Force Base	18 Units	$4,717,000
New Mexico	Holloman Air Force Base	101 Units	$20,161,000
North Carolina	Pope Air Force Base	Housing Maintenance Facility	$991,000
	Seymour Johnson Air Force Base	126 Units	$18,615,000
North Dakota	Grand Forks Air Force Base	150 Units	$30,140,000
	Minot Air Force Base	112 Units	$21,428,000
	Minot Air Force Base	102 Units	$20,315,000
Oklahoma	Vance Air Force Base	59 Units	$11,423,000
South Dakota	Ellsworth Air Force Base	Housing Maintenance Facility	$447,000
	Ellsworth Air Force Base	22 Units	$4,794,000
Texas	Dyess Air Force Base	85 Units	$14,824,000
	Randolph Air Force Base	Housing Maintenance Facility	$447,000
	Randolph Air Force Base	112 Units	$14,311,000
Virginia	Langley Air Force Base	Housing Office	$1,193,000
Germany	Ramstein Air Force Base	19 Units	$8,534,000
Korea	Osan Air Base	113 Units	$35,705,000
	Osan Air Base	Housing Supply Warehouse	$834,000
United Kingdom	Royal Air Force, Lakenheath	Housing Office and Maintenance Facility	$2,203,000
	Total		$429,568,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $34,188,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $217,286,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,495,094,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $580,731,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $238,251,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $32,562,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,500,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,958,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $681,042,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $874,050,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $10,281,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Missile Defense Agency	Kauai, Hawaii	$23,400,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Intelligence Agency	*Bolling Air Force Base, District of Columbia*	*$121,958,000*
Defense Logistics Agency	*Columbus, Ohio*	*$5,021,000*
	Defense Supply Center, Richmond, Virginia	*$5,500,000*
	Naval Air Station, New Orleans, Louisiana	*$9,500,000*
	Travis Air Force Base, California	*$16,000,000*
Defense Threat Reduction Agency	*Fort Belvoir, Virginia*	*$76,388,000*
Department of Defense Dependents Schools	*Fort Bragg, North Carolina*	*$2,036,000*
	Fort Jackson, South Carolina	*$2,506,000*
	Marine Corps Base, Camp Lejeune, North Carolina	*$12,138,000*
	Marine Corps Base, Quantico, Virginia	*$1,418,000*
	United States Military Academy, West Point, New York	*$4,347,000*
	Fort Meade, Maryland	*$4,484,000*
Joint Chiefs of Staff	*Peterson Air Force Base, Colorado*	*$18,400,000*
National Security Agency	*Fort Bragg, North Carolina*	*$30,800,000*
Special Operations Command	*Hurlburt Field, Florida*	*$11,100,000*
	Naval Amphibious Base, Little Creek, Virginia	*$14,300,000*
TRICARE Management Activity	*Elmendorf Air Force Base, Alaska*	*$10,400,000*
	Hickam Air Force Base, Hawaii	*$2,700,000*
	Total	*$372,396,000*

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	*Andersen Air Force Base, Guam*	*$17,586,000*
	Naval Forces Marianas Islands, Guam	*$6,000,000*
	Naval Station, Rota, Spain	*$23,400,000*
	Royal Air Force, Fairford, United Kingdom	*$17,000,000*
	Yokota Air Base, Japan	*$23,000,000*
Department of Defense Dependents Schools	*Kaiserslautern, Germany*	*$957,000*
	Lajes Field, Azores, Portugal	*$1,192,000*
	Seoul, Korea	*$31,683,000*
	Supreme Headquarters, Allied Powers Europe, Belgium	*$1,573,000*
	Spangdahlem Air Base, Germany	*$997,000*
	Vicenza, Italy	*$2,117,000*
TRICARE Management Activity	*Naval Support Activity, Naples, Italy*	*$41,449,000*
	Spangdahlem Air Base, Germany	*$39,629,000*
	Total	*$206,583,000*

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $5,530,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(4), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $49,531,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,417,779,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $335,796,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $206,583,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,293,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $45,432,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $49,531,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $545,138,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $5,480,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $42,432,000.

(C) For credit to the Department of Defense Housing Improvement Fund established by section 2883(a) of title 10, United States Code, as amended by section 2801 of this Act, $2,000,000.

(9) For payment of a claim against the Hospital Replacement project at Elmendorf Air Force Base, Alaska, $10,400,000.

(10) For the construction of phase 4 of an ammunition demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of this Act, $38,000,000.

(11) For the construction of phase 5 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of this Act, $61,494,000.

(12) For the construction of phase 5 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1299), $30,600,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of this Act, $10,300,000.

(14) For the construction of phase 3 of an ammunition demilitarization support facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), $8,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,200,000 (the balance of the amount authorized under section 2401(a) for the construction of the Defense Threat Reduction Center, Fort Belvoir, Virginia).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $42,833,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), is further amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking "$254,030,000" in the amount column and inserting "$290,325,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$748,245,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (113 Stat. 839), as so amended, is further amended by striking "$231,230,000" and inserting "$267,525,000".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1299), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Newport Army Depot, Indiana, by striking "$191,550,000" in the amount column and inserting "$293,853,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$829,919,000".

(b) CONFORMING AMENDMENT.—Section 2404(b)(2) of that Act (112 Stat. 2196) is amended by striking "$162,050,000" and inserting "$264,353,000".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), is further amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Chemical Activity, Colorado, by striking "$203,500,000" in the amount column and inserting "$261,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$607,454,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779), as so amended, is further amended by striking "$203,500,000" and inserting "$261,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $168,200,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2002, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions there for, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $170,793,000; and

(B) for the Army Reserve, $86,789,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $66,971,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $119,266,000; and

(B) for the Air Force Reserve, $68,576,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2005; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2005; or

(2) the date of the enactment of an Act authorized funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) EXTENSION OF CERTAIN PROJECTS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Oklahoma	*Tinker Air Force Base*	*Replace Family Housing (41 Units)*	*$6,000,000*

Army National Guard: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Virginia	*Fort Pickett*	*Multi-Purpose Range Complex–Heavy*	*$13,500,000*

(c) EXTENSION OF ADDITIONAL PROJECT.—Notwithstanding any other provision of law, the authorization set forth in the table in subsection (d), as provided in section 8160 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274), shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(d) TABLE FOR EXTENSION OF ADDITIONAL PROJECT.—The table referred to in subsection (c) is as follows:

Army National Guard: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Pennsylvania	*Connellsville*	*Readiness Center*	*$1,700,000*

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	*Dover Air Force Base*	*Replace Family Housing (55 Units)*	*$8,988,000*
Florida	*Patrick Air Force Base*	*Replace Family Housing (46 Units)*	*$9,692,000*
New Mexico	*Kirtland Air Force Base*	*Replace Family Housing (37 Units)*	*$6,400,000*
Ohio	*Wright-Patterson Air Force Base*	*Replace Family Housing (40 Units)*	*$5,600,000*

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. CHANGES TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) AUTHORIZED UTILITIES AND SERVICES.—Section 2872a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(11) Firefighting and fire protection services.

"(12) Police protection services.".

(b) LEASING OF HOUSING.—Subsection (a) of section 2874 of such title is amended to read as follows:

"(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

"(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.".

(c) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(d) SPACE LIMITATIONS BY PAY GRADE.—Section 2880(b)(2) of such title is amended by striking "unless the unit is located on a military installation".

(e) DEPARTMENT OF DEFENSE HOUSING FUND.—(1) Section 2883 of such title is amended by striking subsections (a), (b), and (c) inserting the following new subsections (a) and (b):

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Housing Improvement Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Amounts authorized for and appropriated to the Fund.

"(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

"(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

"(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(5) Any amounts that the Secretary of the Navy transfers to the Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.".

(2) Such section is further amended—

(A) by redesignating subsections (d) through (g) as (c) through (f), respectively;

(B) in subsection (c), as so redesignated—

(i) in the subsection heading, by striking "FUNDS" and inserting "FUND";

(ii) in paragraph (1)—

(I) by striking "subsection (e)" and inserting "subsection (d)"; and

(II) by striking "Department of Defense Family Housing Improvement Fund" and inserting "Fund";

(iii) by striking paragraph (2); and

(iv) by redesignating paragraph (3) as paragraph (2);

(C) in subsection (d), as so redesignated, by striking "required to be used to satisfy the obligation";

(D) in subsection (e), as so redesignated, by striking "a Fund under paragraph (1)(B) or (2)(B) of subsection (c)" and inserting "the Fund under subsection (b)(2)"; and

(E) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking "$850,000,000" and inserting "$1,700,000,000"; and

(ii) in paragraph (2), by striking "$150,000,000" and inserting "$300,000,000".

(f) Transfer of Unobligated Amounts.—(1) The Secretary of Defense shall transfer to the Department of Defense Housing Improvement Fund established under section 2883(a) of title 10, United States Code (as amended by subsection (e)), any amounts in the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement that remain available for obligation as of the date of the enactment of this Act.

(2) Amounts transferred to the Department of Defense Housing Improvement Fund under paragraph (1) shall be merged with amounts in that Fund, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that Fund.

(g) Conforming Amendments.—(1) Paragraph (3) of section 2814(i) of such title is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) The Secretary may transfer funds from the Ford Island Improvement Account to the Department of Defense Housing Improvement Fund established by section 2883(a) of this title."; and

(B) in subparagraph (B), by striking "a fund" and inserting "the Fund".

(2) Section 2871(6) of such title is amended by striking "Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund" and inserting "Department of Defense Housing Improvement Fund".

(3) Section 2875(e) of such title is amended by striking "Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund" and inserting "Department of Defense Housing Improvement Fund".

(h) Clerical Amendments.—(1) The section heading for section 2874 of such title is amended to read as follows:

"§2874. Leasing of housing".

(2) The section heading for section 2883 of such title is amended to read as follows:

"§2883. Department of Defense Housing Improvement Fund".

(3) The table of sections at the beginning subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

"2874. Leasing of housing.";

(B) by striking the item relating to section 2879; and

(C) by striking the item relating to section 2883 and inserting the following new item:

"2883. Department of Defense Housing Improvement Fund.".

SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT CONSTRUCTION PROJECTS AS PART OF ENVIRONMENTAL RESPONSE ACTION.

(a) Authority to Carry Out Unauthorized Projects.—Subsection (a) of section 2810 of title 10, United States Code, is amended to read as follows:

"(a) Authority to Carry Out Unauthorized Construction Projects.—The Secretary concerned may carry out a military construction project not otherwise authorized by law if the Secretary determines that the project is necessary to carry out a response under chapter 160 of this title or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).".

(b) Congressional Notification.—Subsection (b) of such section is amended by striking "(1)" and the first sentence and inserting "Congressional Notification.—(1) When a decision is made to carry out a military construction project under this section that exceeds the amount specified in section 2805(b)(1) of this title, the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision.".

(c) Definition.—Subsection (c) of such section is amended—

(1) by inserting "Response Defined.—" after "(c)"; and

(2) by striking "action".

SEC. 2803. LEASING OF MILITARY FAMILY HOUSING IN KOREA.

Paragraph (3) of section 2828(e) of title 10, United States Code, is amended to read as follows:

"(3) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Army may lease in Korea—

"(A) not more than 1,175 units of family housing subject to that maximum lease amount; and

"(B) not more than 2,400 units of family housing subject to a maximum lease amount of $35,000 per unit per year.".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AGREEMENTS WITH PRIVATE ENTITIES TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) In General.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2684 the following new section:

"§2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

"(a) Agreements Authorized.—The Secretary of a military department may enter into an agreement with a private entity described in subsection (b) to address the use or development of real property in the vicinity of a military installation for purposes of—

"(1) limiting any development or use of the property that would otherwise be incompatible with the mission of the installation; or

"(2) preserving habitat on the property in a manner that is compatible with both—

"(A) current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation; and

"(B) current or anticipated military training, testing, or operations on the installation.

"(b) Covered Private Entities.—A private entity referred to in subsection (a) is any private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary concerned.

"(c) Inapplicability of Certain Contract Requirements.—Chapter 63 of title 31 shall not apply to any agreement entered into under this section.

"(d) Acquisition and Acceptance of Property and Interests.—(1) An agreement with a private entity under this section—

"(A) may provide for the private entity to acquire all right, title, and interest in and to any real property, or any lesser interest in the property, as may be appropriate for purposes of this section; and

"(B) shall provide for the private entity to transfer to the United States, upon the request of the United States, any property or interest so acquired.

"(2) Property or interests may not be acquired pursuant to an agreement under this section unless the owner of the property or interests, as the case may be, consents to the acquisition.

"(3) An agreement under this section providing for the acquisition of property or interests under paragraph (1)(A) shall provide for the sharing by the United States and the private entity concerned of the costs of the acquisition of the property or interests.

"(4) The Secretary concerned shall identify any property or interests to be acquired pursuant to an agreement under this section. The property or interests shall be limited to the minimum property or interests necessary to ensure that the property concerned is developed and used in a manner appropriate for purposes of this section.

"(5) Notwithstanding any other provision of law, the Secretary concerned may accept on behalf of the United States any property or interest to be transferred to the United States under paragraph (1)(B).

"(6) The Secretary concerned may, for purposes of the acceptance of property or interests under this subsection, accept an appraisal or title documents prepared or adopted by a non-Federal entity as satisfying the applicable requirements of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651) or section 355 of the Revised Statutes (40 U.S.C. 255) if the Secretary finds that the appraisal or title documents substantially comply with the requirements.

"(e) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in an agreement under this section as the Secretary considers appropriate to protect the interests of the United States.

"(f) Funding.—(1) Except as provided in paragraph (2), funds authorized to be appropriated for operation and maintenance of the Army, Navy, Marine Corps, Air Force, or Defense-wide activities, including funds authorized to be appropriated for the Legacy Resources Management Program, may be used to enter into agreements under this section.

"(2) In the case of a military installation operated primarily with funds authorized to be appropriated for research, development, test, and evaluation, funds authorized to be appropriated for the Army, Navy, Marine Corps, Air Force, or Defense-wide activities for research, development, test, and evaluation may be used to enter into agreements under this section with respect to the installation.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2684 the following new item:

"2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations.".

SEC. 2812. CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL RESOURCE CONSERVATION PURPOSES.

(a) Conveyance Authority.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2694 the following new section:

"§2694a. Conveyance of surplus real property for natural resource conservation

"(a) Authority to Convey.—The Secretary of a military department may convey to an eligible recipient described in subsection (b) any surplus real property that—

"(1) is under the administrative control of the Secretary;

"(2) is suitable and desirable for conservation purposes;

"(3) has been made available for public benefit transfer for a sufficient period of time to potential claimants; and

"(4) is not subject to a pending request for transfer to another Federal agency or for conveyance to any other qualified recipient for public benefit transfer under the real property disposal processes and authorities established pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.).

"(b) ELIGIBLE RECIPIENTS.—The conveyance of surplus real property under subsection (a) may be made to any of the following:

"(A) A State or political subdivision of a State.

"(B) A nonprofit organization that exists for the primary purpose of conservation of natural resources on real property.

"(c) REVISIONARY INTEREST AND OTHER DEED REQUIREMENTS.—(1) The deed of conveyance of any surplus real property conveyed under subsection (a) disposed of under this subsection shall require the property to be used and maintained for the conservation of natural resources in perpetuity. If the Secretary of the military department that made the conveyance determines at any time that the property is not being used or maintained for such purpose, then, at the option of the Secretary, all or any portion of the property shall revert to the United States.

"(2) The deed of conveyance may permit the recipient of the property—

"(A) to convey the property to another eligible entity described in subsection (b), subject to the approval of the Secretary of the military department that made the conveyance and subject to the same covenants and terms and conditions as provided in the deed from the United States; and

"(B) to conduct incidental revenue-producing activities on the property that are compatible with the use of the property for conservation purposes.

"(3) The deed of conveyance may contain such additional terms, reservations, restrictions, and conditions as the Secretary of the military department considers appropriate to protect the interests of the United States.

"(d) RELEASE OF COVENANTS.—The Secretary of the military department that conveys real property under subsection (a), with the concurrence of the Secretary of Interior, may grant a release from a covenant included in the deed of conveyance of the property under subsection (c) on the condition that the recipient of the property pay the fair market value, as determined by the Secretary of the military department, of the property at the time of the release of the covenant. The Secretary of the military department may reduce the amount required to be paid under this subsection to account for the value of the natural resource conservation benefit that has accrued to the United States during the period the covenant was in effect, if the benefit was not taken into account in determining the original consideration for the conveyance.

"(e) LIMITATIONS.—A conveyance under subsection (a) shall not be used in settlement of any litigation, dispute, or claim against the United States, or as a condition of allowing any defense activity under any Federal, State, or local permitting or review process. The Secretary of a military department may make a conveyance under subsection (a), with the restrictions specified in subsection (c), to establish a mitigation bank, but only if the establishment of the mitigation bank does not occur in order to satisfy any condition for permitting military activity under a Federal, State, or local permitting or review process.

"(f) CONSIDERATION.—In fixing the consideration for the conveyance of real property under subsection (a) or in determining the amount of any reduction of the amount to be paid for the release of a covenant under subsection (d), the Secretary of the military department concerned shall take into consideration any benefit that has accrued or may accrue to the United States from the use of such property for the conservation of natural resources.

"(g) RELATION TO OTHER CONVEYANCE AUTHORITIES.—(1) The Secretary of a military department may not make a conveyance under this section of any real property to be disposed of under a base closure law in a manner that is inconsistent with the requirements and conditions of the base closure law.

"(2) In the case of real property on Guam, the Secretary of a military department may not make a conveyance under this section unless the Government of Guam has been first afforded the opportunity to acquire the real property as authorized by section 1 of Public Law 106–504 (114 Stat. 2309).

"(h) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and the territories and possessions of the United States.

"(2) The term 'base closure law' means the following:

"(A) Section 2687 of this title.

"(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (10 U.S.C. 2687 note).

"(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(D) Any other similar authority for the closure or realignment of military installations that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694 the following new item:

"2694a. Conveyance of surplus real property for natural resource conservation.".

(b) ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES.—Section 2695(b) of such title is amended by adding at the end the following new paragraph:

"(5) The conveyance of real property under section 2694a of this title.".

(c) AGREEMENTS WITH NONPROFIT NATURAL RESOURCE CONSERVATION ORGANIZATIONS.—Section 2701(d) of such title is amended—

(1) in paragraph (1), by striking "with any State or local government agency, or with any Indian tribe," and inserting "any State or local government agency, any Indian tribe, or any nonprofit conservation organization"; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) DEFINITIONS.—In this subsection:

"(A) The term 'Indian tribe' has the meaning given such term in section 101(36) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).

"(B) The term 'nonprofit conservation organization' means any non-governmental nonprofit organization whose primary purpose is conservation of open space or natural resources.".

SEC. 2813. NATIONAL EMERGENCY EXEMPTION FROM SCREENING AND OTHER REQUIREMENTS OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT FOR PROPERTY USED IN SUPPORT OF RESPONSE ACTIVITIES.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) APPLICABILITY TO CERTAIN PROPERTY DURING EMERGENCIES.—The screening requirements and other provisions of this section shall not apply to any property that is excess property or surplus property or that is described as unutilized or underutilized property if the property is subject to a request for conveyance or use for the purpose of directly supporting activities in response to—

"(1) a war or national emergency declared in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.); or

"(2) an emergency or major disaster declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).".

SEC. 2814. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) CONTRACTS.—Not more than 12 contracts may contain requirements referred to in subsection (a) for the purpose of the demonstration program under this section. The demonstration program may only cover contracts entered into on or after the date of the enactment of this Act.

(c) EFFECTIVE PERIOD OF REQUIREMENTS.—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program under this program may not exceed five years.

(d) REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Secretary of Defense shall submit to Congress a report on the demonstration program authorized by this section and the related Department of the Army demonstration program authorized by section 2814 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1310; 10 U.S.C. 2809 note), including the following:

(1) A description of all contracts entered into under the demonstration programs.

(2) An evaluation of the demonstration programs and a description of the experience of the Secretary of Defense and the Secretary of the Army respect to such contracts.

(3) Any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration programs, that the Secretary of Defense or the Secretary of the Army considers appropriate.

(e) EXPIRATION.—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program under this section shall expire on September 30, 2006.

(f) FUNDING.—Amounts authorized to be appropriated for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

(g) CONFORMING AMENDMENT.—Section 2814 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1310; 10 U.S.C. 2809 note) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 2815. EXPANDED AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204(e)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking the last sentence.

(b) 1990 LAW.—Section 2905(f)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking the last sentence.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2821. LAND CONVEYANCES, LANDS IN ALASKA NO LONGER REQUIRED FOR NATIONAL GUARD PURPOSES.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to an eligible entity described subsection (b) all right, title, and interest of the United States in and to any parcel of real property, including any improvements thereon, in the State of Alaska described in subsection (c) if the Secretary determines the conveyance would be in the public interest.

(b) ELIGIBLE RECIPIENTS.—The following entities shall be eligible to receive real property under subsection (a):

(1) The State of Alaska.

(2) A governmental entity in the State of Alaska.

(3) A Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(4) The Metlakatla Indian Community.

(c) COVERED PROPERTY.—Subsection (a) applies to real property located in the State of Alaska that—

(1) is under the jurisdiction of the Department of the Army and, before December 2, 1980, was under such jurisdiction for the use of the Alaska National Guard;

(2) is located in a unit of the National Wildlife Refuge System designated in the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 668dd note);

(3) is excess to the needs of the Alaska National Guard and the Department of Defense; and

(4) the Secretary determines that—

(A) the anticipated cost to the United States of retaining the property exceeds the value of such property; or

(B) the condition of the property makes it unsuitable for retention by the United States.

(d) CONSIDERATION.—The conveyance of real property under this section shall, at the election of the Secretary, be for no consideration or for consideration in an amount determined by the Secretary to be appropriate under the circumstances.

(e) USE OF CONSIDERATION.—If consideration is received for the conveyance of real property under subsection (a), the Secretary may use the amounts received, in such amounts as are provided in appropriations Acts, to pay for—

(1) the cost of a survey described in subsection (f) with respect to the property;

(2) the cost of carrying out any environmental assessment, study, or analysis, and any remediation, that may be required under Federal law, or is considered appropriate by the Secretary, in connection with the property or the conveyance of the property; and

(3) any other costs incurred by the Secretary in conveying the property.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance of real property under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT CAMPBELL, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Hopkinsville, Kentucky, all right, title, and interest of the United States in and to a parcel of real property at Fort Campbell, Kentucky, consisting of approximately 50 acres and containing an abandoned railroad spur for the purpose of permitting the City to use the property for storm water management, recreation, transportation, and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The acreage of the real property to be conveyed under subsection (a) has been determined by the Secretary through a legal description outlining such acreage. No further survey of the property before transfer is necessary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, ARMY RESERVE TRAINING CENTER, BUFFALO, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Buffalo Independent School District 877 of Buffalo, Minnesota (in this section referred to as the "School District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 800 8th Street, N.E., in Buffalo, Minnesota, and contains a former Army Reserve Training Center, which is being used by the School District as the site of the Phoenix Learning Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, FORT BLISS, TEXAS

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the County of El Paso, Texas (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 44 acres at Fort Bliss, Texas, for the purpose of facilitating the construction by the State of Texas of a nursing home for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If, at the end of the five-year period beginning on the date the Secretary makes the conveyance under subsection (a), the Secretary determines that a nursing home for veterans is not in operation on the conveyed real property, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the ENPEX Corporation, Incorporated (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, at Marine Corps Air Station Miramar, San Diego, California, consisting of approximately 60 acres and appurtenant easements and any other necessary interests in real property for the purpose of permitting the Corporation to use the property for the production of electric power and related ancillary activities.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the Corporation shall—

(A) convey to the United States all right, title, and interest of the Corporation in and to a parcel of real property in the San Diego area that is suitable for military family housing, as determined by the Secretary; and

(B) if the parcel conveyed under subparagraph (A) does not contain housing units suitable for use as military family housing, design and construct such military family housing units and supporting facilities as the Secretary considers appropriate.

(2) The total combined value of the real property and military family housing conveyed by the Corporation under this subsection shall be at least equal to the fair market value of the real property conveyed to the Secretary under subsection (a), including any severance costs arising from any diminution of the value or utility of other property at Marine Corps Air Station Miramar attributable to the prospective future use of the property conveyed under subsection (a).

(3) The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and the fair market value of the consideration to be provided under this subsection. Such determinations shall be final.

(c) REVERSIONARY INTEREST.—(1) Subject to paragraph (2), if the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) If Marine Corps Air Station Miramar is no longer used as a Federal aviation facility, paragraph (1) shall no longer apply, and the Secretary shall release, without consideration, the reversionary interest retained by the United States under such paragraph.

(d) ADMINISTRATIVE EXPENSES.—(1) The Corporation shall make funds available to the Secretary to cover costs to be incurred by the Secretary, or reimburse the Secretary for costs incurred, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. This paragraph does not apply to costs associated with the removal of explosive ordnance from the parcel and environmental remediation of the parcel.

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under paragraph (1). If the amounts received in advance under such paragraph exceed the costs actually incurred by the Secretary, the Secretary shall refund the excess amount to the Corporation.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the property to be conveyed by the Corporation under subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) EXEMPTIONS.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a), and the authority to make the conveyance shall not be considered to render the property excess or underutilized.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. BOUNDARY ADJUSTMENTS, MARINE CORPS BASE, QUANTICO, AND PRINCE WILLIAM FOREST PARK, VIRGINIA.

(a) BOUNDARY ADJUSTMENTS AND RELATED TRANSFERS.—(1) The Secretary of the Navy and the Secretary of the Interior shall adjust the boundaries of Marine Corps Base, Quantico, Virginia, and Prince William Forest Park, Virginia, to conform to the boundaries depicted on the map entitled "Map Depicting Boundary Adjustments Proposed With March 10, 1998, MOU Between Prince William Forest Park and Marine Corps Base Quantico".

(2) As part of the boundary adjustment, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior approximately 352 acres of land, as depicted on the map, and the Secretary of the Interior shall retain administrative jurisdiction over approximately 1,034 acres of land, which is a portion of the Department of Interior land commonly known as the Quantico Special Use Permit Land.

(3) As part of the boundary adjustment, the Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Navy approximately 3,398 acres of land, as depicted on the map.

(b) EFFECT OF SUBSEQUENT DETERMINATION PROPERTY IS EXCESS.—(1) If land transferred or retained under paragraph (2) or (3) of subsection (a) is subsequently determined to be excess to the needs of the Federal agency that received or retained the land, the head of that Federal agency shall offer to return administrative jurisdiction over the land, without reimbursement, to the Federal agency from which the land was received or retained.

(2) If the offer under paragraph (1) is not accepted within 90 days or is otherwise rejected, the head of the Federal agency holding the land may proceed to dispose of the land under then current law and regulations governing the disposal of excess property.

PART III—AIR FORCE CONVEYANCES

SEC. 2841. LAND CONVEYANCES, WENDOVER AIR FORCE BASE AUXILIARY FIELD, NEVADA.

(a) CONVEYANCES AUTHORIZED TO WEST WENDOVER, NEVADA.—(1) The Secretary of the Interior may convey, without consideration, to the City of West Wendover, Nevada, all right, title, and interest of the United States in and to the following:

(A) The lands at Wendover Air Force Base Auxiliary Field, Nevada, identified in Easement No. AFMC–HL–2–00–334 that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(B) The lands at Wendover Air Force Base Auxiliary Field identified for disposition on the map entitled "West Wendover, Nevada–Excess", dated January 5, 2001, that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(2) The purposes of the conveyances under this subsection are—

(A) to permit the establishment and maintenance of runway protection zones; and

(B) to provide for the development of an industrial park and related infrastructure.

(3) The map referred to in paragraph (1)(B) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Elko District Office of the Bureau of Land Management.

(b) CONVEYANCE AUTHORIZED TO TOOELE COUNTY, UTAH.—(1) The Secretary of the Interior may convey, without consideration, to Tooele County, Utah, all right, title, and interest of the United States in and to the lands at Wendover Air Force Base Auxiliary Field identified in Easement No. AFMC–HL–2–00–318 that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(2) The purpose of the conveyance under this subsection is to permit the establishment and maintenance of runway protection zones and an aircraft accident potential protection zone as necessitated by continued military aircraft operations at the Utah Test and Training Range.

(c) PHASED CONVEYANCES.—The land conveyances authorized by subsections (a) and (b) may be conducted in phases. To the extent practicable, the first phase of the conveyances should involve at least 3,000 acres.

(d) MANAGEMENT OF CONVEYED LANDS.—The lands conveyed under subsections (a) and (b) shall be managed by the City of West Wendover, Nevada, City of Wendover, Utah, Tooele County, Utah, and Elko County, Nevada—

(1) in accordance with the provisions of an Interlocal Memorandum of Agreement entered into between the Cities of West Wendover, Nevada, and Wendover, Utah, Tooele County, Utah, and Elko County, Nevada, providing for the coordinated management and development of the lands for the economic benefit of both communities; and

(2) in a manner that is consistent with such provisions of the easements referred to subsections (a) and (b) that, as jointly determined by the Secretary of the Air Force and Secretary of the Interior, remain applicable and relevant to the operation and management of the lands following conveyance and are consistent with the provisions of this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may jointly require such additional terms and conditions in connection with the conveyances required by subsections (a) and (b) as the Secretaries consider appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2861. EASEMENT FOR CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219), as amended by section 2867 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1334) is amended in the first sentence by striking "easement to construct" and all that follows through the period at the end and inserting "easement to construct, operate, and maintain a restricted access highway, notwithstanding any provision of State law that would otherwise prevent the Secretary from granting the easement or the Agency from constructing, operating, or maintaining the restricted access highway.".

SEC. 2862. SALE OF EXCESS TREATED WATER AND WASTEWATER TREATMENT CAPACITY, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) SALE AUTHORIZED.—The Secretary of the Navy may provide to Onslow County, North Carolina, or any authority or political subdivision organized under the laws of North Carolina to provide public water or sewage services in Onslow County (in this section referred to as the "County"), treated water and wastewater treatment services from facilities at Marine Corps Base, Camp Lejeune, North Carolina, if the Secretary determines that the provision of these utility services is in the public interest and will not interfere with current or future operations at Camp Lejeune.

(b) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2686 of title 10, United States Code, shall not apply to the provision of public water or sewage services authorized by subsection (a).

(c) CONSIDERATION.—As consideration for the receipt of public water or sewage services under subsection (a), the County shall pay to the Secretary an amount (in cash or in kind) equal to the fair market value of the services. Amounts received in cash shall be credited to the base operation and maintenance accounts of Camp Lejeune.

(d) EXPANSION.—The Secretary may make minor expansions and extensions and permit connections to the public water or sewage systems of the County in order to furnish the services authorized under subsection (a). The Secretary shall restrict the provision of services to the County to those areas in the County where residential development would be compatible with current and future operations at Camp Lejeune.

(e) ADMINISTRATIVE EXPENSES.—The Secretary may require the County to reimburse the Secretary for the costs incurred by the Secretary to provide public water or sewage services to the County under subsection (a).

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the provision of public water or sewage services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. RATIFICATION OF AGREEMENT REGARDING ADAK NAVAL COMPLEX, ALASKA, AND RELATED LAND CONVEYANCES.

(a) RATIFICATION OF AGREEMENT.—The document entitled the "Agreement Concerning the Conveyance of Property at the Adak Naval Complex", and dated September 20, 2000, executed by the Aleut Corporation, the Department of the Interior, and the Department of the Navy, together with any technical amendments or

modifications to the boundaries that may be agreed to by the parties, is hereby ratified, confirmed, and approved and the terms, conditions, procedures, covenants, reservations, indemnities and other provisions set forth in the Agreement are declared to be obligations and commitments of the United States as a matter of Federal law. Modifications to the maps and legal descriptions of lands to be removed from the National Wildlife Refuge System within the military withdrawal on Adak Island set forth in Public Land Order 1949 may be made only upon agreement of all Parties to the Agreement and notification given to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The acreage conveyed to the United States by the Aleut Corporation under the Agreement, as modified, shall be at least 36,000 acres.

(b) Removal of Lands From Refuge.—Effective on the date of conveyance to the Aleut Corporation of the Adak Exchange Lands as described in the Agreement, all such lands shall be removed from the National Wildlife Refuge System and shall neither be considered as part of the Alaska Maritime National Wildlife Refuge nor subject to any laws pertaining to lands within the boundaries of the Alaska Maritime National Wildlife Refuge. The conveyance restrictions imposed by section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)) for land in the National Wildlife Refuge System shall not apply. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands and land rights, surface and subsurface, received by the Aleut Corporation in accordance with this section and the Agreement.

(c) Relation to Alaska Native Claims Settlement Act.—Lands and interests therein exchanged and conveyed by the United States pursuant to this section shall be considered and treated as conveyances of lands or interests therein under the Alaska Native Claims Settlement Act, except that receipt of such lands and interests therein shall not constitute a sale or disposition of land or interests received pursuant to such Act. The public easements for access to public lands and waters reserved pursuant to the Agreement are deemed to satisfy the requirements and purposes of section 17(b) of the Alaska Native Claims Settlement Act.

(d) Reacquisition Authority.—The Secretary of the Interior is authorized to acquire by purchase or exchange, on a willing seller basis only, any land conveyed to the Aleut Corporation under the Agreement and this section. In the event any of the lands are subsequently acquired by the United States, they shall be automatically included in the National Wildlife Refuge System. The laws and regulations applicable to refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(e) Conveyance of Navy Personal Property.—Notwithstanding any other provision of law, and for the purposes of the transfer of property authorized by this section, Department of Navy personal property that remains on Adak Island is deemed related to the real property and shall be conveyed by the Department of the Navy to the Aleut Corporation, at no additional cost, when the related real property is conveyed by the Department of the Interior.

(f) Additional Conveyance.—The Secretary of the Interior shall convey to the Aleut Corporation those lands identified in the Agreement as the former landfill sites without charge to the Aleut Corporation's entitlement under the Alaska Native Claims Settlement Act.

(g) Valuation.—For purposes of section 21(c) of the Alaska Native Claims Settlement Act, the receipt of all property by the Aleut Corporation shall be entitled to a tax basis equal to fair value on date of transfer. Fair value shall be determined by replacement cost appraisal.

(h) Certain Property Treated as Not Developed.—Any property, including, but not limited to, appurtenances and improvements, received pursuant to this section shall, for purposes of section 21(d) of the Alaska Native Claims Settlement Act and section 907(d) of the Alaska National Interest Lands Conservation Act be treated as not developed until such property is actually occupied, leased (other than leases for nominal consideration to public entities) or sold by the Aleut Corporation, or, in the case of a lease or other transfer by the Aleut Corporation to a wholly owned development subsidiary, actually occupied, leased, or sold by the subsidiary.

(i) Certain Lands Unavailable for Selection.—Upon conveyance to the Aleut Corporation of the lands described in Appendix A of the Agreement, the lands described in Appendix C of the Agreement will become unavailable for selection under the Alaska Native Claims Settlement Act.

(j) Maps.—The maps included as part of Appendix A to the Agreement depict the lands to be conveyed to the Aleut Corporation. The maps are on file at the Region 7 Office of the United States Fish and Wildlife Service and the offices of the Alaska Maritime National Wildlife Refuge in Homer, Alaska. The written legal descriptions of the lands to be conveyed to the Aleut Corporation are also part of Appendix A. In case of discrepancies, the maps shall control.

(k) Definitions.—In this section:

(1) The term "Agreement" means the agreement ratified, confirmed, and approved under subsection (a).

(2) The term "Aleut Corporation" means the Alaskan Native Regional Corporation known as the Aleut Corporation incorporated in the State of Alaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

SEC. 2864. SPECIAL REQUIREMENTS FOR ADDING MILITARY INSTALLATION TO CLOSURE LIST.

Section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 155 Stat, 1346), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Limitation on Authority to Recommend Additional Installation for Closure.—Notwithstanding paragraph (3), the decision of the Commission to add a military installation to the Secretary's list of installations recommended for closure must be unanimous, and at least two members of the Commission must have visited the installation during the period of the Commission's review of the list.".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,034,349,000, to be allocated as follows:

(1) For weapons activities, $5,937,000,000.

(2) For defense nuclear nonproliferation activities, $1,074,630,000.

(3) For naval reactors, $706,790,000.

(4) For the Office of the Administrator for Nuclear Security, $315,929,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary may carry out new plant projects as follows:

(1) For weapons activities, the following new plant projects:

Project 03–D–101, Sandia underground reactor facility (SURF), Sandia National Laboratories, Albuquerque, New Mexico, $2,000,000.

Project 03–D–103, project engineering and design, various locations, $15,539,000.

Project 03–D–121, gas transfer capacity expansion, Kansas City Plant, Kansas City, Missouri, $4,000,000.

Project 03–D–122, prototype purification facility, Y–12 plant, Oak Ridge, Tennessee, $20,800,000.

Project 03–D–123, special nuclear materials requalification, Pantex plant, Amarillo, Texas, $3,000,000.

(2) For naval reactors, the following new plant project:

Project 03–D–201, cleanroom technology facility, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,200,000.

SEC. 3102. ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for environmental restoration and waste management activities and other defense activities in carrying out programs necessary for national security in the amount of $7,366,510,000, to be allocated as follows:

(1) For defense environmental restoration and waste management, $4,544,133,000.

(2) For defense environmental management cleanup reform in carrying out environmental restoration and waste management activities necessary for national security programs, $800,000,000.

(3) For defense facilities closure projects, $1,091,314,000.

(4) For defense environmental management privatization, $158,399,000.

(5) For other defense activities in carrying out programs necessary for national security, $457,664,000.

(6) For defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)), $315,000,000.

(b) Authorization of New Plant Project.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary may carry out, for environmental restoration and waste management activities, the following new plant project:

Project 03–D–403, immobilized high-level waste interim storage facility, Richland, Washington, $6,363,000.

Subtitle B—Department of Energy National Security Authorizations General Provisions

SEC. 3120. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This subtitle may be cited as the "Department of Energy National Security Authorizations General Provisions Act".

(b) Definitions.—In this subtitle:

(1) The term "DOE national security authorization" means an authorization of appropriations for activities of the Department of Energy in carrying out programs necessary for national security.

(2) The term "congressional defense committees" means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''minor construction threshold'' means $5,000,000.

SEC. 3121. REPROGRAMMING.

(a) In General.—Except as provided in sections 3129 and 3130, the Secretary of Energy may not use amounts appropriated pursuant to a DOE national security authorization for a program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by that authorization for that fiscal year; or

(2) which has not been presented to, or requested of, Congress,

until the Secretary submits to the congressional defense committees a report referred to in subsection (b) with respect to that program and a period of 30 days has elapsed after the date on which such committees receive the report.

(b) Report.—The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(c) Computation of Days.—In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(d) Limitations.—

(1) Total amount obligated.—In no event may the total amount of funds obligated pursuant to a DOE national security authorization for a fiscal year exceed the total amount authorized to be appropriated by that authorization for that fiscal year.

(2) Prohibited items.—Funds appropriated pursuant to a DOE national security authorization may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. MINOR CONSTRUCTION PROJECTS.

(a) Authority.—Using operation and maintenance funds or facilities and infrastructure funds authorized by a DOE national security authorization, the Secretary of Energy may carry out minor construction projects.

(b) Annual Report.—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding fiscal year. Each report shall provide a brief description of each minor construction project covered by the report.

(c) Cost Variation Reports to Congressional Committees.—If, at any time during the construction of any minor construction project authorized by a DOE national security authorization, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

(d) Minor Construction Project Defined.—In this section, the term ''minor construction project'' means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—

(1) Construction cost ceiling.—Except as provided in paragraph (2), construction on a construction project which is in support of national security programs of the Department of Energy and was authorized by a DOE national security authorization may not be started, and additional obligations in connection with the project above the total estimated cost may not be incurred, whenever the current estimated cost of the construction project exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) Exception where notice-and-wait given.—An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) Computation of days.—In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(b) Exception for Minor Projects.—Subsection (a) does not apply to a construction project with a current estimated cost of less than the minor construction threshold.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy.—

(1) Transfers permitted.—Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Maximum amounts.—Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) Limitations.—The authority provided by this subsection to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from any DOE national security authorization.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement of Conceptual Design.—

(1) In general.—Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) Requests for conceptual design funds.—If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) Exceptions.—The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than the minor construction threshold; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) Authority for Construction Design.—

(1) In general.—Within the amounts authorized by a DOE national security authorization, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) Specific authority required.—If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to a DOE national security authorization, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of a construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to a DOE national security authorization for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) In General.—Except as provided in subsection (b), amounts appropriated for operation and maintenance or for plant projects may, when so specified in an appropriations Act, remain available until expended.

(b) Exception for NNSA Funds.—Amounts appropriated for the National Nuclear Security Administration pursuant to a DOE national security authorization for a fiscal year shall remain available to be expended—

(1) only until the end of that fiscal year, in the case of amounts appropriated for the Office of the Administrator for Nuclear Security; and

(2) only in that fiscal year and the two succeeding fiscal years, in all other cases.

SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of that office to another such program or project.

(b) Limitations.—

(1) NUMBER OF TRANSFERS.—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) AMOUNTS TRANSFERRED.—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) DETERMINATION REQUIRED.—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary—

(A) to address a risk to health, safety, or the environment; or

(B) to assure the most efficient use of defense environmental management funds at the field office.

(4) IMPERMISSIBLE USES.—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section—

(1) the term "program or project" means, with respect to a field office of the Department of Energy, a program or project that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by that office, and for which defense environmental management funds have been authorized and appropriated; and

(2) the term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.

(a) TRANSFER AUTHORITY FOR WEAPONS ACTIVITIES FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project.

(b) LIMITATIONS.—

(1) NUMBER OF TRANSFERS.—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) AMOUNTS TRANSFERRED.—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) DETERMINATION REQUIRED.—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer—

(A) is necessary to address a risk to health, safety, or the environment; or

(B) will result in cost savings and efficiencies.

(4) LIMITATION.—A transfer may not be carried out by a manager of a field office under subsection (a) to cover a cost overrun or scheduling delay for any program or project.

(5) IMPERMISSIBLE USES.—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section—

(1) the term "program or project" means, with respect to a field office of the Department of Energy, a program or project that is for weapons activities necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated; and

(2) the term "weapons activities funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

SEC. 3131. SCOPE OF AUTHORITY TO CARRY OUT PLANT PROJECTS.

In carrying out programs necessary for national security, the authority of the Secretary of Energy to carry out plant projects includes authority for maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3141. ONE-YEAR EXTENSION OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

Section 3159 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note) is amended—

(1) in subsection (d), by striking "February 1, 2002," and inserting "February 1 of 2002 and 2003,"; and

(2) in subsection (g), by striking "three years" and all that follows through the period at the end and inserting "April 1, 2003.".

SEC. 3142. TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM IN RUSSIA.

(a) TRANSFER OF PROGRAM.—There are hereby transferred to the Administrator for Nuclear Security the following:

(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium in Russia.

(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act by the Department of Defense.

(b) TRANSFER OF ASSETS.—(1) So much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

(2) Funds so transferred—

(A) shall be credited to the appropriation account of the Department of Energy for the activities of the National Nuclear Security Administration in carrying out defense nuclear nonproliferation activities; and

(B) remain subject to such limitations as applied to such funds before such transfer.

(c) REFERENCES.—Any reference in any other Federal law to the Secretary of Defense (or an officer of the Department of Defense) or the Department of Defense shall, to the extent such reference pertains to a function transferred by this section, be deemed to refer to the Administrator for Nuclear Security or the National Nuclear Security Administration, as applicable.

SEC. 3143. REPEAL OF REQUIREMENT FOR REPORTS ON OBLIGATION OF FUNDS FOR PROGRAMS ON FISSILE MATERIALS IN RUSSIA.

Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 617; 22 U.S.C. 5952 note) is amended—

(1) in subsection (a), by striking "(a) AUTHORITY.—"; and

(2) by striking subsection (b).

SEC. 3144. ANNUAL CERTIFICATION TO THE PRESIDENT AND CONGRESS ON THE CONDITION OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) CERTIFICATION REQUIRED.—(1) Not later than January 15 of each year, each official specified in subsection (b)(1) shall submit to the Secretary concerned a certification regarding the safety, reliability, and performance of each nuclear weapon type in the active stockpile of the United States for which such official is responsible.

(2) Not later than February 1 of each year, the Secretary of Defense and the Secretary of Energy shall each submit to the President and the Congress—

(A) each certification, without change, submitted under paragraph (1) to that Secretary;

(B) each report, without change, submitted under subsection (d) to that Secretary;

(C) the comments of that Secretary with respect to each such certification and each such report; and

(D) any other information that the Secretary considers appropriate.

(b) COVERED OFFICIALS AND SECRETARIES.—(1) The officials referred to in subsection (a) are the following:

(A) The head of each national security laboratory, as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(B) The commander of the United States Strategic Command.

(2) In this section, the term "Secretary concerned" means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy; and

(B) the Secretary of Defense, with respect to matters concerning the Department of Defense.

(c) USE OF "RED TEAMS" FOR LABORATORY CERTIFICATIONS.—The head of each national security laboratory shall, to assist in the certification process required by subsection (a), establish one or more teams of experts known as "red teams". Each such team shall—

(1) subject to challenge the matters covered by that laboratory's certification, and submit the results of such challenge, together with findings and recommendations, to the head of that laboratory; and

(2) carry out peer review of the certifications carried out by the other laboratories, and submit the results of such peer review to the head of the laboratory concerned.

(d) REPORT ACCOMPANYING CERTIFICATION.—Each official specified in subsection (b)(1) shall submit with each such certification a report on the stockpile stewardship and management program of the Department of Energy. The report shall include the following:

(1) An assessment of the adequacy of the science-based tools and methods being used to determine the matters covered by the certification.

(2) An assessment of the capability of the manufacturing infrastructure required by section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note) to identify and fix any inadequacy with respect to the matters covered by the certification.

(3) An assessment of the need of the United States to resume testing of nuclear weapons and the readiness of the United States to resume such testing, together with an identification of the specific tests the conduct of which might have value and the anticipated value of conducting such tests.

(4) An identification and discussion of any other matter that adversely affects the ability to accurately determine the matters covered by the certification.

(5) In the case of a report submitted by the head of a national security laboratory, the findings and recommendations submitted by the "red teams" under subsection (c) that relate to such certification, and a discussion of those findings and recommendations.

(6) In the case of a report submitted by the head of a national security laboratory, a discussion of the relative merits of other weapon types that could accomplish the mission of the weapon type covered by such certification.

(e) Classified Form.—Each submission required by this section shall be made only in classified form.

SEC. 3145. PLAN FOR ACHIEVING ONE-YEAR READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) Plan Required.—The Secretary of Energy, in consultation with the Administrator for Nuclear Security, shall prepare a plan for achieving, not later than one year after the date on which the plan is submitted under subsection (c), a one-year readiness posture for resumption by the United States of underground nuclear weapons tests.

(b) Definition.—For purposes of this section, a one-year readiness posture for resumption by the United States of underground nuclear weapons tests is achieved when the Department of Energy has the capability to resume such tests, if directed by the President to resume such tests, not later than one year after the date on which the President so directs.

(c) Report.—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the plan required by subsection (a). The report shall include the plan and a budget for implementing the plan.

Subtitle D—Matters Relating to Defense Environmental Management

SEC. 3151. DEFENSE ENVIRONMENTAL MANAGEMENT CLEANUP REFORM PROGRAM.

(a) Program Required.—From funds made available pursuant to section 3102(a)(2) for defense environmental management cleanup reform, the Secretary of Energy shall carry out a program to reform DOE environmental management activities. In carrying out the program, the Secretary shall allocate, to each site for which the Secretary has submitted to the congressional defense committees a site performance management plan, the amount of those funds that such plan requires.

(b) Transfer and Merger of Funds.—Funds so allocated shall, notwithstanding section 3124, be transferred to the account for DOE environmental management activities and, subject to subsection (c), shall be merged with and be available for the same purposes and for the same period as the funds available in such account. The authority provided by section 3129 shall apply to funds so transferred.

(c) Limitation on Use of All Merged Funds.—Upon a transfer and merger of funds under subsection (b), all funds in the merged account that are available with respect to the site may be used only to carry out the site performance management plan for such site.

(d) Site Performance Management Plan Defined.—For purposes of this section, a site performance management plan for a site is a plan, agreed to by the applicable Federal and State agencies with regulatory jurisdiction with respect to the site, for the performance of activities to accelerate the reduction of environmental risk in connection with, and to accelerate the environmental cleanup of, the site.

(e) DOE Environmental Management Activities Defined.—For purposes of this section, the term "DOE environmental management activities" means environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

SEC. 3152. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) Report Required.—The Secretary of Energy shall prepare a report on the status of those environmental management initiatives specified in subsection (b) that are being undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) Contents.—The report shall include the following matters:

(1) A discussion of the progress made in reducing such risks and challenges in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out such initiatives, including the justification for each such proposal.

(c) Initiatives Covered.—The environmental management initiatives referred to in subsection (a) are the initiatives arising out of the report titled "Top-to-Bottom Review of the Environmental Management Program" and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

(d) Submission of Report.—On the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress, the Secretary shall submit to the congressional defense committees the report required by subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2003, $19,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 2003, the National Defense Stockpile Manager may obligate up to $76,400,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) Limitations.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) Amount.—There are hereby authorized to be appropriated to the Secretary of Energy $21,069,000 for fiscal year 2003 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) Period of Availability.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003.

Funds are hereby authorized to be appropriated for fiscal year 2003, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $93,132,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $54,126,000, of which—

(A) $50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,126,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402 (as amended by this title), $20,000,000.

SEC. 3502. AUTHORITY TO CONVEY VESSEL USS SPHINX (ARL–24).

(a) In General.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to the vessel USS SPHINX (ARL–24), to the Dunkirk Historical Lighthouse and Veterans Park Museum (a not-for-profit corporation, in this section referred to as the "recipient") for use as a military museum, if—

(1) the recipient agrees to use the vessel as a nonprofit military museum;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(4) the recipient agrees that when the recipient no longer requires the vessel for use as a military museum—

(A) the recipient will, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of New York, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(5) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3) or (4); and

(6) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this Act, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may also convey any unneeded equipment from other vessels in the National Defense Reserve Fleet in order to restore the USS SPHINX (ARL–24) to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

SEC. 3503. FINANCIAL ASSISTANCE TO STATES FOR PREPARATION OF TRANSFERRED OBSOLETE SHIPS FOR USE AS ARTIFICIAL REEFS.

(a) IN GENERAL.—Public Law 92–402 (16 U.S.C. 1220 et seq.) is amended by redesignating section 7 as section 8, and by inserting after section 6 the following:

"SEC. 7. FINANCIAL ASSISTANCE TO STATE TO PREPARE TRANSFERRED SHIP.

"(a) ASSISTANCE AUTHORIZED.—The Secretary, subject to the availability of appropriations, may provide, to any State to which an obsolete ship is transferred under this Act, financial assistance to prepare the ship for use as an artificial reef, including for—

"(1) environmental remediation;

"(2) towing; and

"(3) sinking.

"(b) AMOUNT OF ASSISTANCE.—The Secretary shall determine the amount of assistance under this section with respect to an obsolete ship based on—

"(1) the total amount available for providing assistance under this section;

"(2) the benefit achieved by providing assistance for that ship; and

"(3) the cost effectiveness of disposing of the ship by transfer under this Act and provision of assistance under this section, compared to other disposal options for the vessel.

"(c) TERMS AND CONDITIONS.—The Secretary—

"(1) shall require a State seeking assistance under this section to provide cost data and other information determined by the Secretary to be necessary to justify and document the assistance; and

"(2) may require a State receiving such assistance to comply with terms and conditions necessary to protect the environment and the interests of the United States.".

(b) CONFORMING AMENDMENT.—Section 4(4) of such Act (16 U.S.C. 1220a(4)) is amended by inserting "(except for any financial assistance provided under section 7)" after "at no cost to the Government".

SEC. 3504. INDEPENDENT ANALYSIS OF TITLE XI INSURANCE GUARANTEE APPLICATIONS.

Section 1104A of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274) is amended—

(1) by adding at the end of subsection (d) the following:

"(4) The Secretary may obtain independent analysis of an application for a guarantee or commitment to guarantee under this title."; and

(2) in subsection (f) by inserting "(including for obtaining independent analysis under subsection (d)(4))" after "applications for a guarantee".

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 107–450 and amendments en bloc described in section 3 of House Resolution 415.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of or germane modifications of any such amendment.

Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENTS EN BLOC OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer amendments en bloc consisting of the following amendments printed in part B of House Report 107–450: amendment No. 11, amendment No. 12, amendment No. 13, amendment No. 14, amendment No. 16, amendment No. 17, amendment No. 18, amendment No. 19, amendment No. 20, amendment No. 22 offered by the gentleman from Arkansas (Mr. SNYDER), amendment No. 23, amendment No. 24, and amendment No. 22 offered by the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendment No. 11 offered by Mr. CULBERSON:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ___. USE FOR LAW ENFORCEMENT PURPOSES OF DNA SAMPLES MAINTAINED BY DEPARTMENT OF DEFENSE FOR IDENTIFICATION OF HUMAN REMAINS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes

"(a) COMPLIANCE WITH COURT ORDER.—(1) Subject to paragraph (2), if a valid order of a Federal court (or military judge) so requires, an element of the Department of Defense that maintains a repository of DNA samples for the purpose of identification of human remains shall make available, for the purpose specified in subsection (b), such DNA samples on such terms and conditions as such court (or military judge) directs.

"(2) A DNA sample with respect to an individual shall be provided under paragraph (1) in a manner that does not compromise the ability of the Department of Defense to maintain a sample with respect to that individual for the purpose of identification of human remains.

"(b) COVERED PURPOSE.—The purpose referred to in subsection (a) is the purpose of an investigation or prosecution of a felony, or any sexual offense, for which no other source of DNA information is available.

"(c) DEFINITION.—In this section, the term 'DNA sample' has the meaning given such term in section 1565(c) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes.".

Amendment No. 12 offered by Mrs. Jo Ann Davis of Virginia:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. SENSE OF CONGRESS CONCERNING AIRCRAFT CARRIER FORCE STRUCTURE.

(a) Findings.—Congress makes the following findings:

(1) The aircraft carrier has been an integral component in Operation Enduring Freedom and in the homeland defense mission beginning on September 11, 2001. The aircraft carriers that have participated in Operation Enduring Freedom, as of May 1, 2002, are the USS Enterprise (CVN–65), the USS Carl Vinson (CVN–70), the USS Kitty Hawk (CV–63), the USS Theodore Roosevelt (CVN–71), the USS John C. Stennis (CVN–74), and the USS John F. Kennedy (CV–67). The aircraft carriers that have participated in the homeland defense mission are the USS George Washington (CVN–73), the USS John F. Kennedy (CV–67), and the USS John C. Stennis (CVN–74).

(2) Since 1945, the United States has built 172 bases overseas, of which only 24 are currently in use.

(3) The aircraft carrier provides an independent base of operations should no land base be available for aircraft.

(4) The aircraft carrier is an essential component of the Navy.

(5) Both the F/A–18E/F aircraft program and the Joint Strike Fighter aircraft program are proceeding on schedule for deployment on aircraft carriers.

(6) As established by the Navy, the United States requires the service of 15 aircraft carriers to completely fulfill all the naval commitments assigned to it without gapping carrier presence.

(7) The Navy requires, at a minimum, at least 12 carriers to accomplish its current missions.

(b) Sense of Congress.—It is the sense of Congress that the number of aircraft carriers of the Navy in active service should not be less than 12.

(c) Commendation of Crews.—Congress hereby commends the crews of the aircraft carriers that have participated in Operation Enduring Freedom and the homeland defense mission.

Amendment No. 13 offered by Mr. Farr of California:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. ENHANCED AUTHORITY TO OBTAIN FOREIGN LANGUAGE SERVICES DURING PERIODS OF EMERGENCY.

(a) National Foreign Language Skills Registry.—(1) The Secretary of Defense may establish and maintain a secure data registry to be known as the "National Foreign Language Skills Registry". The data registry shall consist of the names of, and other pertinent information on, linguistically qualified United States citizens and permanent resident aliens who state that they are willing to provide linguistic services in times of emergency designated by the Secretary of Defense to assist the Department of Defense and other Departments and agencies of the United States with translation and interpretation in languages designated by the Secretary of Defense as critical languages.

(2) The name of a person may be included in the Registry only if the person expressly agrees for the person's name to be included in the Registry. Any such agreement shall be made in such form and manner as may be specified by the Secretary.

(b) Authority To Accept Voluntary Translation and Interpretation Services.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Language translation and interpretation services.".

Amendment No. 14 offered by Mr. Hefley:

Strike section 351 (page 68, beginning line 2), and insert the following new section:

SEC. 351. AUTHORIZED DURATION OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654A–215) and amended by section 362 of Public Law 107–107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) Duration of Base Navy-Marine Corps Intranet Contract.—Notwithstanding section 2306c of title 10, United States Code, the base contract of the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.".

Amendment No. 16 offered by Mr. Manzullo:

At the end of title VIII (page 174, after line 5), add the following new section:

SEC. ____. RENEWAL OF CERTAIN PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS AT FUNDING LEVELS AT LEAST SUFFICIENT TO SUPPORT EXISTING PROGRAMS.

Section 2413 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) With respect to any eligible entity that has successfully performed under a cooperative agreement entered into under subsection (a), the Secretary shall strive, to the greatest extent practicable and subject to appropriations, to renew such agreement with such entity at a level of funding which is at least equal to the level of funding under the cooperative agreement being renewed.".

Amendment No. 17 offered by Mr. Ortiz:

At the end of subtitle B of title I (page 21, after line 20), insert the following new section:

SEC. ____. PROHIBITION ON ACQUISITION OF CHAMPION-CLASS, T-5 FUEL TANKERS.

(a) Prohibition.—Except as provided in subsection (b), a Champion-class fuel tanker, known as a T-5, which features a double hull and reinforcement against ice damage, may not be acquired for the Military Sealift Command or for other Navy purposes.

(b) Termination.—The prohibition in subsection (a) shall not apply if the acquisition of a T-5 tanker is specifically authorized in a defense authorization Act that—

(1) is enacted after the date of the enactment of this Act;

(2) specifically refers to subsection (a); and

(3) specifically states that the prohibition in such subsection does not apply.

Amendment No. 18 offered by Mr. Pallone:

Page 312, after line 15, insert the following new section:

SEC. 2826. LAND CONVEYANCE, FORT MONMOUTH, NEW JERSEY.

(a) Conveyance Authorized.—The Secretary of the Army may convey by sale all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 63.95 acres of military family housing known as Howard Commons, that comprises a portion of Fort Monmouth, New Jersey.

(b) Competitive Bid Requirement.—The Secretary shall use competitive procedures for the sale authorized by subsection (a).

(c) Consideration.—As consideration for the conveyance authorized under subsection (a), the recipient of the land shall pay an amount that is no less than fair market value, as determined by the Secretary. Such recipient may, as in-kind consideration, build replacement military family housing or rehabilitate existing military family housing at Fort Monmouth, New Jersey, as agreed upon by the Secretary. Any proceeds received by the Secretary not used to construct or rehabilitate such military family housing shall be deposited in the special account in the Treasury established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) Description of Parcel.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the parcel.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Amendment No. 19 offered by Mr. Saxton:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. SURFACE COMBATANT INDUSTRIAL BASE.

(a) Review.—The Secretary of Defense shall conduct a review of the effect of the contract award announced on April 29, 2002, for the lead design agent for the DD(X) ship program on the industrial base for ship combat system development, including the industrial base for each of the following: ship systems integration, radar, electronic warfare, launch systems, and other components.

(b) Report Required.—Not later than March 31, 2003, the Secretary shall submit to the congressional defense committees a report based on the review under subsection (a). The report shall provide the Secretary's assessment of the effect of that contract award on the ship combat system technology and industrial base and shall describe any actions that the Secretary proposes to ensure future competition across the array of technologies that encompass the combat systems of future surface ships, including the next generation cruiser (CG(X)), the littoral combat ship (LCS), and the joint command ship (JCC(X)).

Amendment No. 20 offered by Mr. Schrock:

At the end of subtitle A of title XXVIII (page 292, after line 7), insert the following new section:

SEC. ____. PILOT HOUSING PRIVATIZATION AUTHORITY FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) In General.—(1) Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2881 the following new section:

"§ 2881a. Pilot projects for acquisition or construction of military unaccompanied housing

"(a) Pilot Projects Authorized.—The Secretary of the Navy may carry out not more than 3 pilot projects under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing in the United States, including any territory or possession of the United States.

"(b) Assignment of Members and Basic Allowance for Housing.—(1) The Secretary of the Navy may assign members of the armed forces to housing units acquired or constructed under the pilot projects, and such housing units shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

"(2) Notwithstanding section 403(n)(2) of title 37, the Secretary of Defense may set specific higher rates of partial basic allowance for housing for a member of the armed forces who is assigned to a housing unit acquired or constructed under the pilot projects. Any increase in the rate of partial basic allowance for housing to accommodate the pilot programs shall be in addition to any partial basic allowance for housing that the member may otherwise be eligible to receive under section 403(n) of title 37. A member may not sustain a reduction in partial basic allowance for housing as a result of assignment to a housing unit acquired or constructed under the pilot projects.

"(c) Funding.—(1) The Department of Defense Housing Improvement Fund shall be used to carry out activities under the pilot projects.

"(2) Subject to 90 days prior notification to the appropriate committees of Congress, such additional amounts as the Secretary of Defense considers necessary may be transferred to the Department of Defense Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing projects in military construction accounts. The amounts so transferred shall be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund.

"(d) Reports.—(1) The Secretary of the Navy shall transmit to the appropriate committees of Congress a report describing—

"(A) each contract for the acquisition of military unaccompanied housing that the Secretary proposes to solicit under the pilot projects;

"(B) each conveyance or lease proposed under section 2878 of this title in furtherance of the pilot projects; and

"(C) the proposed partial basic allowance for housing rates for each contract as they vary by grade of the member and how they compare to basic allowance for housing rates for other contracts written under the authority of the pilot programs.

"(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 90 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

"(e) Expiration.—Notwithstanding section 2885 of this title, the authority of the Secretary of the Navy to enter into a contract under the pilot programs shall expire September 30, 2007.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2881 the following new item:

"2881a. Pilot projects for acquisition or construction of military unaccompanied housing.".

(b) Conforming Amendment.—Section 2871(7) of title 10, United States Code, is amended by inserting before the period at the end the following: "and transient housing intended to be occupied by members of the armed forces on temporary duty".

Amendment No. 22 offered by Mr. Snyder:

At the end of title IX (page 179, after line 21), insert the following new section:

SEC. 9___. AUTHORITY TO ACCEPT GIFTS FOR NATIONAL DEFENSE UNIVERSITY.

(a) In General.—Section 2605 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "administration of"; and

(B) by inserting before the period at the end of the first sentence ", or (2) the National Defense University";

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by striking "subsection (a)" and inserting "subsection (a)(1)";

(C) by designating the last sentence as paragraph (3) and in that sentence by inserting "or for the benefit or use of the National Defense University, as the case may be," after "schools,"; and

(D) by inserting before paragraph (3), as designated by subparagraph (C), the following:

"(2) There is established in the Treasury a fund to be known as the 'National Defense University Gift Fund'. Gifts of money, and the proceeds of the sale of property, received under subsection (a)(2) shall be deposited in the Fund.";

(3) in subsection (d)(1)(A), by inserting "and the National Defense University Gift Fund" before the semicolon; and

(4) by adding at the end the following new subsection:

"(h) In this section, the term 'National Defense University' includes any school or other component of the National Defense University.".

(b) Clerical Amendment.—(1) The heading of such section is amended to read as follows:

"§ 2605. Acceptance of gifts for defense dependents' schools and National Defense University".

(2) The item relating to such section in the table of sections at the beginning of chapter 151 of such title is amended to read as follows:

"2605. Acceptance of gifts for defense dependents' schools and National Defense University.".

Amendment No. 23 offered by Mr. Spratt:

At the end of title XI (page 222, after line 3), insert the following new section:

SEC. ___. CERTIFICATION FOR DEPARTMENT OF DEFENSE PROFESSIONAL ACCOUNTING POSITIONS.

(a) In General.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599d. Professional accounting positions: authority to prescribe certification and credential standards

"(a) Authority To Prescribe Professional Certification Standards.—The Secretary of Defense may prescribe professional certification and credential standards for professional accounting positions within the Department of Defense. Any such standard shall be prescribed as a Department of Defense regulation.

"(b) Waiver Authority.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

"(c) Applicability.—A standard prescribed under subsection (a) shall not apply to any person employed by the Department of Defense before the standard is prescribed.

"(d) Report.—The Secretary of Defense shall submit to Congress a report on the Secretary's plans to provide training to appropriate Department of Defense personnel to meet any new professional and credential standards prescribed under subsection (a). Such report shall be prepared in conjunction with the Director of the Office of Personnel Management. Such a report shall be submitted not later than one year after the effective date of any regulations, or any revision to regulations, prescribed pursuant to subsection (a).

"(e) Definition.—In this section, the term 'professional accounting position' means a position or group of positions in the GS–510, GS–511, and GS–505 series that involves professional accounting work.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599d. Professional accounting positions: authority to establish certification and credential standards.".

(b) Effective Date.—Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act.

Amendment No. 24 offered by Mr. Stump:

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. ___. REALLOCATION OF CERTAIN FUNDS FOR AIR FORCE RESERVE COMMAND F–16 AIRCRAFT PROCUREMENT.

Of the funds authorized to be appropriated by section 103(1) that are available for procurement of F–16 aircraft for the Air Force Reserve Command, $14,400,000 shall be available for 36 Litening II modernization upgrade kits for the F–16 block 25 and block 30 aircraft (rather than for Litening AT pods for such aircraft).

Page 65, line 11, strike "$30,00,000" and insert "$35,000,000".

In section 2811, page 295, after line 11, insert the following new subsection (and redesignate subsequent subsections accordingly):

"(e) Acquisition of Water Rights.—The authority of the Secretary of a military department to enter into an agreement under subsection (a) for the acquisition of real property (or an interest therein) includes the authority to support the purchase of water rights from any available source when necessary to support or protect the mission of a military installation.

Amendment No. 22 offered by Mr. Tiahrt:

At the end of subtitle B of title X (page 209, after line 25), insert the following new section:

SEC. ___. LIMITATION ON DURATION OF FUTURE DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) In General.—Chapter 23 of title 10, United States Code, is amended by inserting after section 480 the following new section:

"§ 480a. Recurring reporting requirements: five-year limitation

"(a) Five-Year Sunset.—Any recurring congressional defense reporting requirement that is established by a provision of law enacted on or after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (including a provision of law enacted as part of that Act) shall cease to be effective, with respect to that requirement, at the end of the five-year period beginning on the date on which such provision is enacted, except as otherwise provided by law.

"(b) Rule of Construction.—A provision of law enacted after the date of the enactment of this section may not be considered to supersede the provisions of subsection (a) unless that provision specifically refers to subsection (a) and specifically states that it supersedes subsection (a).

"(c) RECURRING CONGRESSIONAL DEFENSE REPORTING REQUIREMENTS.—In this section, the term 'recurring defense congressional reporting requirement' means a requirement by law for the submission of an annual, semiannual, or other regular periodic report to Congress, or one or more committees of Congress, that applies only to the Department of Defense or to one or more officers of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 480 the following new item:

"480a. Recurring reporting requirements: five-year limitation.".

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

This en bloc amendment has been crafted in full consultation with the committee's ranking Democrat, the gentleman from Missouri (Mr. SKELTON), and includes the part B amendments as reported by the Committee on Rules offered by the following Members: the gentleman from Texas (Mr. CULBERSON), the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the gentleman from California (Mr. FARR), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Texas (Mr. ORTIZ), the gentleman from New Jersey (Mr. PALLONE), the gentleman from New Jersey (Mr. SAXTON), the gentleman from Virginia (Mr. SCHROCK), the gentleman from Arkansas (Mr. SNYDER), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Kansas (Mr. TIAHRT) and myself.

I would like to thank all those Members for their work in putting this en bloc amendment together and for their cooperation in allowing us to consider them in this fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume. Let me take this opportunity to thank the chairman for his work on the en bloc amendments. I might say, Mr. Chairman, that we have reviewed each of the proposed en bloc amendments, that we agree to the submission thereof and the passage thereof, and that they should all be supported by the Members of this body.

Let me take just a moment in addition thereto, Mr. Chairman. Part of our duties as members of the Committee on Armed Services besides having hearings and having the briefings and doing the study here in Washington is to meet with the various members of the military personnel wherever they may be. Not long ago, I was aboard the USS Harry S Truman in Norfolk and met with the officers and men and women of that ship.

Not long thereafter, I was in San Diego and I went aboard the USS Peleliu and visited extensively with the sailors thereon. By the way, they had just returned from their duties in the Indian Ocean. And then I have been to Little Rock Air Force Base and saw the extensive training there; to Fort Campbell, Kentucky; to Whiteman Air Force base, which is in the State of Missouri.

I must tell my colleagues that the young people in American uniform are working hard, that they are dedicated and that they are professionals and the purpose of our being here today is to give them support. However, it is interesting to note two things. The first is that they are being stretched and strained in their efforts because there are too few in number in many instances. This is pointed out by the fact that General Buck Kernan of forces command down in Norfolk testified not long ago to the effect that the troops are tired and that they are stretched. Then a week later, the commander of our forces in Europe, General Joe Ralston, testified that there were needs for additional forces and resources in his jurisdiction. Admiral Dennis Blair, Commander in Chief of the Pacific, testified similarly.

The young men and young women are stretched. Their families are paying a price of them being gone so much, but that is only half the story. The other half of the story, Mr. Chairman, is the fact that the morale is sky high, that they know why they are there, that they are supporting the men and women of the United States of America; and I think all of us should add a special note of pride and appreciation to them.

So I take this means while we are discussing these en bloc amendments, which we, of course, have no objection to, to say that added word in honor and in recognition of our young folks who represent the United States of America in uniform.

Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for including the Tiahrt amendment language in the en bloc. This sunsets many unneeded reports after 5 years.

The bill already contains the Tiahrt-Kirk language ending 20 unneeded reports that were previously required by law. Our effort is the first fruit of Secretary Rumsfeld's tooth-to-tail effort to increase the amount of effort we have on the front line by decreasing unneeded logistic efforts behind the lines. The Secretary launched this effort on September 10, but we are now yielding real fruit.

The current bill language killing unneeded reports is estimated to save over 21,000 man-hours inside the Pentagon. This effort in the en bloc to sunset all reports after 5 years will go a long way to focus efforts on the combat front line and away from the rear echelon.

I thank the gentleman from Arizona, and I thank the gentleman from Missouri for including this in the en bloc.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I have an amendment included among the en bloc amendments which was specifically requested by the Department of Defense. In fact, the idea for this amendment arose at a breakfast we had with Secretary Rumsfeld at which there were complaints about limitations on their ability to manage the Pentagon. One was in the quality of personnel they have for financial management, the attraction of personnel with the requisite qualifications for handling a budget that is now approaching $400 billion, the certification of these qualifications, hiring, firing.

I responded to that by calling Dr. Dov Zakheim, who is the comptroller of the Department of Defense, and telling him if he had problems like this, we were not going to be stinting about the cost of professional personnel in the Department of Defense. We need to raise the quality of management throughout the Federal Government and certainly in the Department that has the largest budget.

I asked him to send me legislation of what he would like to have in the way of professional qualifications, certification, what he could reasonably require for those who worked in the Department of the Controller. He sent me some legislation, and we made a few minor revisions to it. We made some revisions primarily to make it prospective instead of retrospective so that nobody loses his job because he does not meet these new qualifications or these new certifications. Secondly, we worked with the American Federation of Government Employees to make sure that they were satisfied with the proposal we have got.

This amendment is just a crucial first step to helping the Department of Defense improve their abilities in the area of financial management and their ability to track and account for the funding that Congress provides. The heart and soul, obviously, of any accounting system is the people it employs. This will enable the Department to raise the level, raise the bar in the qualifications for people who are attracted and hired in the Department of Defense for financial management.

It is my understanding that the Committee on Government Reform has also vetted this legislation and supports it as well. I urge an "aye" vote on the en bloc amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I want to thank the chairman of the Committee on Armed Services for the outstanding work he has done for our armed services. His leadership is going to be greatly missed. We appreciate the job he has done for America.

My amendment, Mr. Chairman, would require that future regular reporting requirements imposed on the Department of Defense would have a sunset provision of 5 years after enactment. This would not apply to existing reporting requirements and only be applicable to new reports, including those in this bill, H.R. 4546.

This amendment serves both Congress and DOD by ensuring that all future reports are reviewed regularly and remain relevant and responsive. This is endorsed by Secretary of Defense Donald Rumsfeld. This legislation does not abdicate Congress' traditional oversight role and will insist that the Department of Defense remain responsive to congressional requests and questions about their activities. Those reporting requirements deemed useful after 5 years can easily be reauthorized at the conclusion of the sunset period. Conversely, Congress must demonstrate responsibility in its oversight authority by limiting burdensome and unnecessary and unending reporting requirements.

In fiscal year 2001, the Department of Defense was required to prepare 983 various reports to Congress, of which 449 are listed right here in this packet. This is simply a listing and a brief explanation of the 449 reports that are perennially required by Congress and stipulated year after year. The House Committee on Armed Services in conjunction with the Department of Defense has carefully examined these 449 reports and determined that only 20 out of the 449 were redundant, outdated or no longer relevant enough and should be terminated.

Since it is unlikely that Congress will be unable to significantly reduce the number of existing reports, it is our goal to limit the future ones. Remember, each existing and future report is an unfunded and unprogrammed mandate that has proven extremely difficult to eliminate. The cumulative effect of these required reports is highly burdensome and costly. Limiting these requirements in the future will allow the military staff to concentrate more fully on their primary mission of national security.

□ 1500

Mr. STUMP. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania (Mr. PLATTS) for the purposes of a colloquy.

Mr. PLATTS. Mr. Chairman, I first would like to add my words of thanks and praise to the gentleman from Arizona (Mr. STUMP) for his fine leadership for the Committee on Armed Services and doing right by our armed men and women in uniform.

I rise for the purpose now of engaging in a colloquy with the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. PLATTS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from the State capital area of Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Chairman, as the gentleman knows, I requested that his subcommittee authorize the first phase of an important 5-phase project to replace seriously deteriorated family housing at the Army War College at Carlisle Barracks, Pennsylvania, which is in my district. The first phase is a modest beginning of 27 new units costing $5.4 million. I understand that there was insufficient money to accommodate all Members' requests, however worthy. However, I have been informed that the Army intends to fund this project in the fiscal year 2004 budget that will be submitted in February 2003.

Mr. Chairman, this project is sorely needed, and I ask that the gentleman support this needed family housing project when his subcommittee reviews the Army's military construction request next year.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. PLATTS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I thank the gentleman. The gentleman is correct that there is or was insufficient funding available to provide for all of the military construction and family housing improvements that are needed across our military. I might add that we have tried to increase the amount of money available for this purpose and, in fact, we were able to add some money to the request that we received from the Department of Defense. I wish that we could have done more, and I particularly wish we could have taken care of all family housing needs, as quality-of-life improvements are so important and necessary in today's volunteer service.

I agree that family housing at Carlisle Barracks is among those housing projects that must be replaced, and I assure the gentleman that any request by the Army for new family housing at Carlisle will receive careful consideration by my subcommittee in the next year.

Family housing is an important priority and has always received the subcommittee's full support. I thank the gentleman for bringing this important matter to our attention, and I look forward to working with him on it in the next Congress.

Mr. PLATTS. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest and support on this issue, and I also look forward to working with him, and I thank him for his fine leadership.

Mr. STUMP. Mr. Chairman, I yield two minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, today I rise to support the en bloc amendment containing a Sense of Congress on Aircraft Carrier Force Structure. This amendment would do two things.

First, it would commend the crews of the aircraft carriers that contributed directly to Operation Enduring Freedom and the homeland defense mission. Many people are aware that our aircraft carriers contributed to our initial actions in Operation Enduring Freedom, but most people are unaware as to the number of carriers and also the incredible effort and number of aircraft carriers it took to effect our initial response to the attack on September 11.

Second, this amendment would recognize the full value and worth that our carriers have for America's power and force projection capabilities. There is no doubt that the aircraft carriers have been integral to our war in Afghanistan. We have all heard the story of how the USS Enterprise turned around and went back when the captain heard about what was going on. Every munition and bomb dropped from a carrier air wing has been a precision-guided munition. The carriers worked around the clock after the attacks on September 11.

Mr. Chairman, the Sense of Congress expresses a simple truism that is laid out in the Quadrennial Defense Review. The Navy needs, at a minimum, at least 12 aircraft carriers.

Mr. Chairman, I would strongly encourage all of my colleagues to vote in support of this en bloc amendment.

Mr. SKELTON. Mr. Chairman, I yield two minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to rise in support of the amendment of the gentlewoman from Virginia. One would not think that there would be much controversy about the important role Navy aircraft carriers are playing in this very dangerous world. Indeed, if we want to follow the war on terrorism on a daily basis, it is difficult to read a newspaper article or see television coverage that does not mention what our carriers are doing to keep fighting that remains away from our shores. No less than eight carriers have been involved in Operation Enduring Freedom or patrolling our own shores in the name of homeland security since September 11.

This amendment also reaffirms our support for a fleet of no less than 12 carriers, the absolute minimum necessary to sustain coverage in the oceans around the hot spots in the world. The underlying bill restores both the funding and the original program of record for the next generation of aircraft carriers, CVNX program, and for that, Mr. Chairman, I am truly grateful.

Those of us who have had the privilege of representing Hampton Roads in Virginia, where carriers are built and many home-ported, we see on a daily basis the service and sacrifice made by these brave men and women and their families they leave behind when they race off to war. It would be my hope that our action on this amendment here would reaffirm once again that we in Congress both recognize and salute all of those in the armed services, including those Navy families who remain behind as their loved ones are deployed on these massive carriers.

Mr. Chairman, I want to congratulate the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on offering this amendment, and I urge my colleagues to agree to the amendment.

Mr. STUMP. Mr. Chairman, I yield four minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to do two things. The first is to mention, and I neglected to mention in my opening statement, that the gentleman from Massachusetts (Mr. MEEHAN) has been my partner on the Subcommittee on Military Research and Development of the Committee on Armed Services, and has done a wonderful job and has helped us to walk this bill through the subcommittee mark and the full floor mark, and I really appreciate his great work on this bill.

I also wanted to talk for just a minute about an area that I think is pretty important to all of us from an environmental standpoint and also from a security standpoint, and that is our reserve fleet of ships, many of which are in very bad condition, which presently are at anchor in the James River, and our great colleague, Herb Bateman, worked on this issue for many years, the idea of trying to take care of these ships in an environmentally responsible way. It requires a lot of money. It usually requires about $2.5 million per ship if you are going to scrap the ships in an American yard. You can give them to a foreign entity, but you are not really guaranteed that that entity is not just going to take the ships out and dump them, complete with PCBs and oil and other materials in the ocean, thereby creating another environmental problem.

So we have come up, in working with a working group that is headed by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), very much a part of her creation, and the gentleman from Virginia (Mr. FORBES) who has a nearby district and also the gentleman from Virginia (Mr. SCHROCK) who has a near district, we have come up with an idea of how to make some lemonade out of these lemons, and that is to use these ships in the States where reefs are required and would, in fact, be a benefit to those shorelines.

Now, today reefs are used by a number of States to not only protect shorelines from erosion, but also to provide great opportunities for fishing enthusiasts and also for scuba divers and lots of other folks who are interested in recreation. So we have in our bill, originally in the mark in our maritime panel mark, and now in the full bill, a provision that will send some money to the States as grants from the MARAD administrator so that they can pay for towing, cleaning up and ultimately sinking these ships as reefs in these States that would like to have this new asset along their shorelines.

So I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for her great work on this and also her colleagues that she has brought into this process, including the gentleman from Virginia (Mr. FORBES) and the gentleman from Virginia (Mr. SCHROCK), who have a real interest, because they have the surrounding districts.

We have already hooked up with some of the sport fishing associations, and we are going to move forward with this working group and take direction from the Members of Congress led by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who have a real interest in this issue because it is in their districts. We are going to move forward with this working group and I think we can find a home for these ships in such a way that we not only take them off our hands and eliminate this prospect of the ships sinking in the James River and the pollution that would attend that. We can not only take those ships out of inventory, but we can also provide an asset for the States that want to have this new shoreline presence of reefs that we can provide by sinking these ships.

So this could be a winner for everybody, and I look forward to working with the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on this issue.

Mr. HORN. Mr. Chairman, there has been considerable concern that this legislation gives the Department of Defense some limited exemptions from current environmental laws. Although this is a complicated issue and there are legitimate concerns on both sides, I think it is important to keep in mind some simple facts. Here are a few:

Fact Number One: The Migratory Bird Treaty Act did not interfere with military training in past wars for a simple reason. The courts never applied the act in this way until March of this year—2002—when the U.S. District Court for the District of Columbia interpreted the Migratory Bird Treaty Act to apply to military readiness activities. This is an important and real change in application of the Migratory Bird Act and we must address it. Navy Carrier Battle Groups and deploying Marine Corps and Air Force squadrons have been blocked by court order from using the only U.S. bombing range available to them in the Western Pacific. Let's be clear, our forces deploying to Afghanistan cannot now use the only range suitable for training with smart, laser-guided weapons, as a result of unprecedented judicial interference with military readiness activities.

Fact Number Two: There is no Presidential exemption available under the Migratory Bird Treaty Act. Under the current District Court interpretation, any military training can be enjoined and, except through legal appeals, there is no way to continue that vital military training.

Fact Number Three: There is an exemption under the Endangered Species Act (ESA) if the Secretary of Defense finds it is necessary for reasons of national security. That exemption, however, is better used to address emergencies or unusual, short-term situations. The need to train for combat, to plan and execute military readiness activities, is a seven day a week, 52 weeks a year requirement. The young men and women serving in our armed forces need to achieve basic readiness levels and then develop and sustain high levels of proficiency. Using statutory exemptions in that context is bad public policy. Balancing two public goods—national defense and environmental conservation—on a daily and long-term basis is a function properly vested in the Congress.

Mr. Chairman, our armed forces are not seeking a broad, total exemption from all environmental laws and regulations. They are seeking a balanced, sensible and responsible application of those laws. We must address this problem in a way that holds the Pentagon accountable for environmental concerns while also allowing the service to conduct essential combat training. This legislation sets the necessary balance and I urge my colleagues to support it.

Mr. ORTIZ. Mr. Chairman, I rise to briefly describe my amendment to today's bill . . . it is a simple amendment. It merely re-enforces for the services that the journey to approval of any policy or purchase on their part must travel through the House Armed Services Committee.

The genesis of this amendment lies with the Navy's intention to purchase five T–5 tankers (surface ships) now under contract with Ocean Freedom Shipping. These tankers are being used to ship diesel fuel for the Defense Energy Supply Center.

Under the contract, the Navy has the option to buy the tankers. The contract also requires the Navy to have the purchase authorized and appropriated.

This amendment reinforces for the services the procedure for which such policy must past muster. This is for the HASC to authorize, not for the Navy to seek appropriations for alone.

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 107-450.

PART A, AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 1 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. 10___. ENHANCED COOPERATION BETWEEN UNITED STATES AND RUSSIAN FEDERATION TO PROMOTE MUTUAL SECURITY.

(a) STATEMENT OF POLICY.—It is the policy of the United States to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding nuclear weapons policy, force structure, safeguards, testing, and proliferation prevention, as well as nuclear weapons infrastructure, production, and dismantlement, so as to promote mutual security, stability, and trust.

(b) SENSE OF CONGRESS REGARDING ENHANCED COOPERATION WITH RUSSIA.—It is the sense of Congress that the President of the United States should continue to engage the President of the Russian Federation to achieve the following objectives, consistent with United States national security, in the interest of promoting mutual trust, security, and stability:

(1) An agreement that would seek to prevent the illicit use, diversion, theft, or proliferation of tactical nuclear weapons, and their key components and materials, by—

(A) withdrawing deployed nonstrategic nuclear weapons;

(B) accounting for, consolidating, and securing the Russian Federation's nonstrategic nuclear weapons; and

(C) dismantling or destroying United States and Russian nonstrategic nuclear weapons in excess of each nation's legitimate defense needs.

(2) A reciprocal program of joint visits by nuclear weapons scientists and experts of the United States and the Russian Federation to the United States nuclear test site in Nevada, and the Russian nuclear test site at Novya Zemlya.

(3) A reciprocal program of joint visits and conferences at each nation's nuclear weapons laboratories and nuclear weapons development and production facilities to discuss how to improve the safety and security of each nation's nuclear stockpile, nuclear materials, and nuclear infrastructure.

(4) A reciprocal program of joint visits and conferences to explore greater cooperation between the United States and the Russian Federation with regard to ballistic missile defenses against intentional, unauthorized, and accidental launches of ballistic missiles.

(5) A joint commission on nonproliferation, composed of senior nonproliferation and intelligence officials from the United States and the Russian Federation, to meet regularly in a closed forum to discuss ways to prevent rogue states and potential adversaries from acquiring—

(A) weapons of mass destruction and ballistic missiles;

(B) the dual-use goods, technologies, and expertise necessary to develop weapons of mass destruction and ballistic missiles; and

(C) advanced conventional weapons.

(6) A joint program to develop advanced methods for disposal of weapons-grade nuclear materials excess to defense needs, including safe, proliferation resistant, advanced nuclear fuel cycles that achieve more complete consumption of weapons materials, and other methods that minimize waste and hazards to health and the environment.

(7) A joint program to develop methods for safeguarding, treating, and disposing of spent reactor fuel and other nuclear waste so as to minimize the risk to public health, property, and the environment, as well as the possibility of diversion to illicit purposes.

(8) A joint program, built upon existing programs, to cooperatively develop advanced methods and techniques for establishing a state-of-the-art inventory control and monitoring system for nuclear weapons and material.

(c) REPORT.—No later than March 1, 2003, the President shall submit to Congress a report (in unclassified or classified form as necessary) on the status of the objectives under subsection (b). The report shall include the following:

(1) A description of the actions taken by the President to engage the Russian Federation to achieve those objectives.

(2) A description of the progress made to achieve those objectives.

(3) A description of the response of the Russian Federation to the actions referred to in paragraph (1).

(4) The President's assessment of the Russian Federation's commitment to a better, closer relationship with the United States based on the principles of increased cooperation and transparency.

At the end of subtitle C of title XXXI (page 352, after line 24) insert the following new section:

SEC. 3146. CONDITIONS UNDER WHICH PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS IS REPEALED.

(a) PRESIDENTIAL CERTIFICATION.—Subsection (b) shall take effect as of the date on which the President submits to Congress the President's certification that—

(1) another nation has conducted a nuclear test for the purpose of developing new or improved nuclear weapons;

(2) another nation is developing weapons of mass destruction in underground facilities, and such weapons could pose an imminent risk to the United States or to United States military personnel deployed abroad; or

(3) it is in the national security interest of the United States that subsection (b) take effect.

(b) REPEAL.—Effective as of the date provided in subsection (a), section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 51, noes 356, not voting 27, as follows:

[Roll No. 138]

AYES—51

Abercrombie
Baldwin
Becerra
Berry
Bonior
Brady (PA)
Brown (OH)
Capuano
Condit
Conyers
Cunningham
DeFazio
DeGette
Delahunt
Dingell
Doggett
Filner
Frank
Hinchey
Holt
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Kleczka
Kucinich
Larson (CT)
Lee
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Napolitano
Owens
Pelosi
Pomeroy
Roybal-Allard
Schakowsky
Shows
Slaughter
Solis
Stark
Stupak
Tanner
Taylor (MS)
Tierney
Visclosky
Waters
Wu

NOES—356

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly

Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney

Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw

Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—27

Berman
Burton
Cannon
Crane
Dooley
Doolittle
Doyle
Hall (OH)
Hilleary
Hyde

Jackson-Lee (TX)
Johnson, Sam
Kennedy (MN)
LaFalce
Lewis (GA)
Maloney (CT)
Mollohan
Nethercutt
Ose

Reyes
Riley
Roukema
Schaffer
Souder
Traficant
Watson (CA)
Waxman

☐ 1535

Messrs. OLVER, FARR of California, GOSS, BARTON of Texas, HERGER and Ms. CARSON of Indiana changed their vote from "aye" to "no."

Mr. GEORGE MILLER of California changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was absent on May 9, 2002, and missed rollcall votes 134, 135, 136, 137 and 138. If I had been present, I would have voted "no" on rollcall vote 134, "no" on rollcall vote 135, "no" on rollcall vote 136, "no" on rollcall vote 137 and "no" on rollcall vote 138.

MODIFICATION TO PART A AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent to modify my amendment with the modification I place at the desk as worked out with my colleagues on the other side.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Part A Amendment No. 1 Offered by Mr. WELDON of Pennsylvania:

Strike section 3146 as proposed to be inserted by the amendment and insert the following:

SEC. 3146. PROHIBITION ON DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section—

(1) the term "low-yield nuclear weapon" means a nuclear weapon that has a yield of less than five kilotons; and

(2) the term "development" does not include concept definition studies, feasibility studies, or detailed engineering design work.

(e) CONFORMING REPEAL.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

Mr. WELDON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

The CHAIRMAN. The amendment is modified.

The gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is a historic day in the House of Representatives as we consider an amendment that is bipartisan, co-sponsored by my colleagues the gentleman from Texas (Mr. THORNBERRY), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Texas (Mr. TURNER), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from South Carolina (Mr. SPRATT).

Mr. Chairman, this is a historic amendment and a historic day because this body is rising in a bipartisan voice to support the leadership of the President of the United States and the President of Russia to begin a new era in nuclear cooperation.

The amendment before us today has eight specific thrusts in opening up the transparency between the American and the Russian nuclear program. It calls for American scientists to be allowed to visit Novaya Zemlya, the underground test site in Russia, and for Russian scientists to visit our sites in Nevada.

It calls for joint cooperation in conferences on ways to monitor our nuclear stockpiles. It calls for joint visits and conferences to discuss the safety and security of our nuclear weapons. It calls for a joint commission on nonproliferation, a joint commission on cooperation on missile defense.

This program puts this body on record with a bipartisan vote that we, in fact, support the new vision of President Bush and President Putin. We started this process last fall when one-third of this Congress with my colleagues on the Democratic side and my colleagues on the Republican side joining together in a 45-page document outlining a new relationship with Russia.

This amendment calls for the specifics in implementing this new vision. This amendment allows the President and the President of Russia to truly open the doors for strong bilateral cooperation between our nations. It is a historic day. Our nuclear regulatory agencies and our security agency, I talked to General Holland and he totally supports the direction that we are going.

We have agreement on the Democrat and Republican sides about the thrust. We also give the President some flexibility in the research area to make sure that we have the ability to do additional research that up until this point in time has been prohibited. I am extremely pleased that we were able to work out a very carefully crafted piece of legislation with my colleagues on the other side that I hope we will vote unanimously or overwhelmingly show that this Congress is behind a new direction in the security relationship between the United States and Russia.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from South Carolina (Mr. SPRATT) opposed?

Mr. SPRATT. Mr. Chairman, I am not opposed to the amendment, but I claim the time on my side.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina to control the time?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 10 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would have been opposed to the amendment as of yesterday, but we have had a work in progress here and I must say we have come up with a very good effort. I commend the gentleman for his efforts. I think he has a good bill.

The gentleman is probably more engaged than any member of Congress in either house in trying to bring Russia and the United States closer together. What he has in this bill, the first part of it, is an ambitious agenda dealing with nonproliferation, lab exchanges, visits to our testing sites.

What the gentleman has in the first part of the bill is an ambitious agenda of how we can bring Russia and the United States closer together in strategic cooperation. It lays out a number of specifics ranging from nonproliferation efforts to lab exchanges to joint visits to our testing sites, an ambitious agenda but nevertheless all the things we ought to be doing, the whole strategic spectrum.

I think it is well stated and well in order, and I think the bill deserves support for that reason alone.

I had a problem with the last page of the bill originally because the last page dealt with an amendment that I had added to the law, to Title XX, some six or seven years ago. That provision, the Spratt provision, Spratt first provision, prohibited testing below the level of five kilotons for reasons I will not get into here. There is no longer a provision in this bill that would repeal that. But there is a provision in this bill that would broaden the type of research that our labs can do with low yield weapons, the kind of development work they can do. It limits that work to what we could call in the Subcommittee on Military Research and Development 6-2-A; that is to say; they can do concept definition work, they can do research work, they can do design work, they can build a wooden mock-up, but they cannot bend metal or do fissile component parts until the law itself is changed.

I think that is a reasonable provision that gives the labs a much clearer definition of what the boundaries are, broadens the scope of what they can do, but stops short of decreeing a repeal of the 2-K-T provision.

In addition, yesterday this bill contained a call for a joint Russia collaboration on the development of nuclear penetrating weapons, nuclear and conventional, and the gentleman, after some reflection and discussion with the Department of Energy and others, has decided to take that off the bill.

With those two improvements this is a very good bill, a very good piece of work, and I commend it to everybody's support.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY) a leader on these issues in the Congress.

Mr. THORNBERRY. Mr. Chairman, I appreciate the distinguished subcommittee chairman yielding me time. He truly is the leader in Congress in our relationship with Russia and I believe that here, working with the gentleman from South Carolina (Mr. SPRATT), who is one of the most knowledgeable Members in Congress on these nuclear and strategic issues, they have come up with a very good product.

As the gentleman from South Carolina (Mr. SPRATT) mentioned, this includes an ambitious list of items to be on the agenda between the United States and Russia, including joint and reciprocal programs that deal with everything from nonproliferation all the way to disposal of waste. It is something that gives all of our contacts with Russia an agenda to go by and to encourage them to remove more of the distrust that still remains after years of Cold War and to work together in ways that are to our mutual benefit, but also to the benefit of the world.

So as the gentleman from South Carolina (Mr. SPRATT) mentioned, this amendment recognizes the need for a credible deterrent in the post-Cold War world, removing some restrictions that have made it uncomfortable for some of the folks in our laboratories to even be thinking about the kind of things we need for the future. So I want to commend both leaders on this issue. I think this is an important step that gives us a lot to work with in the future, and I hope Members will support it.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of our committee.

Mr. SKELTON. Mr. Chairman, I thank my friend from South Carolina (Mr. SPRATT) for yielding me time.

Mr. Chairman, I think this is true what the gentleman from Pennsylvania (Mr. WELDON) has said that this is an historic moment in this House because it makes a giant step forward in the nuclear nonproliferation effort. It retains the existing ban on developing low yield nuclear weapons, but the most important part is it allows scientific research to go forward in our nuclear weapons laboratories.

□ 1545

As the gentleman from South Carolina (Mr. SPRATT) said, in the original wording of the amendment, the latter part thereof did cause a great deal of concern on my part, and I am sure it was in the minds of others. So I compliment the gentleman on the compromise and our working together.

This is an excellent example between the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) and all the others that were interested in this nonproliferation issue to make a step forward and to have an excellent compromise. We thank the gentlemen for that.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON) who has also been a tireless advocate on the nuclear security issues for this country and in the world.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding me the time, and I thank him for his leadership on this issue and for really understanding the relationship between the United States and Russia.

I particularly appreciate this amendment because it focuses on some of the things we need to do now in the 21st century as opposed to looking backwards to the old relationship between the United States and the former Soviet Union. We need to focus on increasing transparency and cooperation with Russia because the situation has changed.

The principal threat is no longer each other. The principal threat to the United States and to Russia are third parties that threaten both of us and, therefore, cooperation and transparency are in our mutual interest.

I think we also have to recognize that Russia has a very active tactical nuclear program and there are some questions we have about their nuclear testing sites, and the best way to move forward is to actively and aggressively seek the cooperation of Russia in opening things up, cooperating, opening transparency at these places, so we as the United States can be reassured about what is going on now.

This is a good amendment. It is a good step in the right direction, and I commend the gentleman from Pennsylvania for his leadership.

Mr. SPRATT. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 6 minutes remaining. The gentleman from Pennsylvania (Mr. WELDON) has 4 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), one of the key players in the compromises that have perfected and made this a better bill.

Mr. TURNER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me time, and

I want to thank him for his leadership in working on this amendment, and I want to commend the gentleman from Pennsylvania (Mr. WELDON) for his leadership in trying to work out the compromise that we have before us that I think moves us forward in the bipartisan manner that I think serves the national interests of this country very well.

This amendment sets in place for the first time a set of objectives that would be pursued between our Nation and Russia to try to enhance cooperation and furthering the efforts to end proliferation of nuclear weapons. Specific provisions of the amendment provide for exchange programs between our Nation and Russia, provides for increased transparency of the activities of each Nation in the area of nuclear research, and I want to say that having had the opportunity to travel to Russia with our friend, the gentleman from Pennsylvania (Mr. WELDON), I have the highest regard for his interest, his dedication, and his commitment to working with Russia to end nuclear proliferation and to be sure that this Nation's national interests are protected in that process. So I think all of us want to say to him we appreciate his leadership in this area.

I know that many Members heretofore had questions about this amendment. I want to remind Members on both sides of the aisle that the compromise that we are laying before the House today was just arrived at a few moments ago. We think it deserves the support of the entire House on both sides. We think it is an important step forward toward peace and toward improving our cooperative relationship with Russia.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, this is right for the United States and this is right for this Congress. This is an opportunity for the bilateral relationships between the United States and Russia to improve, and I am here to say that I am very thankful to see that it is also a real sign of bipartisanship of this Congress where Democrats and Republicans, who up to yesterday had some disagreements about some language in this amendment, have come together in a very practical and common sense way to increase the opportunities for our national labs, two of which are in my district in northern California, to work to provide for the American people and frankly for the people of Russia and around the world much more opportunities for nonproliferation, much more opportunities for bilateral work and cooperation, and the ability for us to have agreements between our countries that are much more transparent and give a sense that we are very committed to working together and to turn aside the old adversarial relationships in the post-Cold War and move to a new time where we can be cooperative against the threats that we both share.

I want to thank my colleagues on both sides of the aisle for being so cooperative in working together.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services, and a leader on defense issues in this country.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding me the time, and I thank him for his leadership in this area.

We have moved from the era of confrontation with the former Soviet Union to what I would call the era of engagement, and the engagement needs to be pursued in a number of areas. A couple of areas that are very important to this Member, and I know a lot of others, is the idea of disposal of weapons-grade materials, making sure that all of the ideas of stockpile security that we adhere to are adhered to also in the former Soviet Union.

Also, the idea of making sure that the genius of the scientists' population in the former Soviet Union that put together that massive weapons complex in the weapons that they produced, to make sure that that genius does not migrate to nations that at some point may be adversaries to the United States is of utmost concern to us, and I think that this amendment makes good sense, and the engagement that it promotes is going to serve those ends.

I thank the gentleman and commend him for his leadership and everyone on both sides of the aisle who worked on the amendment.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, one of the motivating forces in my life to enter electoral politics was civil rights, and the other element that I wanted to devote whatever energy I could in terms of politics was nuclear proliferation.

What we are about to do today, I think, may set us on the path that for many of us has been decades in the realizing.

I want to pay tribute especially to the gentleman from South Carolina (Mr. SPRATT). When I think of someone who I believe to be the ideal Member of Congress, ready to deal with Members in every way, in a straightforward and forthright manner, when I think of someone who has a tenacious capacity to pursue his ideals, I think of the gentleman from Pennsylvania (Mr. WELDON), and I think there is an amalgam today of interests on behalf of peace.

I just want to reiterate for the record what the policy will be when the gentleman from Pennsylvania's (Mr. WELDON) and the gentleman from South Carolina's (Mr. SPRATT) work comes to fruition. Greater cooperation, transparency and confidence with the Russian federation regarding nuclear weapons, policy, forestructure, safeguards, testing, proliferation, prevention, infrastructure, production and dismantlement, everything associated with nuclear proliferation in our attempt to deal with it in three-dimensional human terms is in this amendment, and the wording that has been arrived at, because the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) are not theologians on this floor, they are legislators. Legislators in every good sense of the word, and I am proud to be associated with them.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 49, noes 352, not voting 33, as follows:

[Roll No. 139]

AYES—49

Abercrombie
Ackerman
Baldwin
Bartlett
Berry
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Capuano
Clay
Condit
Conyers
Cummings
DeFazio
DeGette
Dingell
Doggett
Evans
Filner
Frank
Hinchey
Holt
Honda
Jefferson
Jones (OH)
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Obey
Pallone
Pelosi
Radanovich
Shows
Solis
Stupak
Tanner
Taylor (MS)
Tiberi
Towns
Waters
Wu
Wynn

NOES—352

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey

Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)

NOT VOTING—33

Boehlert
Burton
Crane
Davis (IL)
DeLay
Ford
Gutierrez
Hall (OH)
Hulshof
Hyde
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Maloney (NY)
McCrery
Meek (FL)
Millender-McDonald
Nethercutt
Norwood
Nussle
Ose
Oxley
Pryce (OH)
Reyes
Riley
Roukema
Slaughter
Smith (MI)
Stark
Traficant
Watson (CA)
Waxman
Young (FL)

□ 1615

Messrs. GRAVES, RUSH and SCHIFF changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 1615

The CHAIRMAN. The Committee is considering amendment No. 1, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON).

The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 1½ minutes remaining, and the gentleman from Pennsylvania has the right to close.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), one of our Ph.D.'s in Congress, who has visited Russia on three or four occasions.

Mr. BARTLETT of Maryland. Mr. Chairman, the Cold War is over, and the United States and Russia are recognizing that our two countries have far more that unites us than divides us. This amendment is one area that we recognize that when we join forces, when we focus on those things that unite us, that both countries and the world are better off for that.

We have spent far too much time focusing on what divides us from Russia and not near enough time focusing on our common interests. This amendment does just that. It should have been done last year, or 10 years ago. Let us not be next year saying we should have done this last year. This is the right thing to do. I urge Members to vote for this amendment.

Mr. SPRATT. Mr. Chairman, I yield 1¼ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment, and thank the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. TURNER), the gentlewoman from California (Mrs. TAUSCHER), and the others involved in crafting this compromise.

I think this language recognizes the balance that has to be struck in the new dynamic between our country and Russia. Most of this amendment deals with cooperation, with transparency and technology, joint visitation, joint research and development, things that would not have been possible a dozen years ago; and the authors of the amendment deserve great credit for making those possibilities a reality.

The amendment also wisely recognizes, though, that as close as our friendship with Russia is growing, there is still risk. There is still uncertainty, and there is still need for a joint process between the executive branch and those of us in the Congress to recognize and react to emergency circumstances. I hope such circumstances never arise, but if they do, this amendment strikes the proper balance. I urge its adoption by both Republicans and Democrats.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good compromise and a good bill, and I urge support for it on both sides of the aisle.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I thank Members on both sides of the aisle for what has become I think one of the most important statements that we will make in this bill about a new era of our security, our security in working together with Russia as partners.

Yesterday a group of Members met in the House of Representatives with a Minister of Atomic Energy, Rumyantsev, from Russia, and he told us that Russia is ready for a new era of transparency, that the days of the Cold War are over. This amendment tests that language. This amendment says, Mr. Rumyantsev, we agree with you, and we are ready for a new era. Open up the test facilities, underground test sites, and laboratories for joint cooperation, and we will do the same. It says that America and Russia truly can be, should be, and will be partners; but it does not do it through rose-colored glasses.

This amendment says in the new century Russia and America together can be key partners, whether it is solving the war in Kosovo, solving the problem in the Middle East, or dealing with security issues, that Russia can help us accomplish our objectives.

Mr. Chairman, I ask Members on both sides of the aisle to support this amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 2 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 2 offered by Mrs. TAUSCHER:

At the end of section 1014 of the bill (page 200, after line 6), insert the following new subsection:

(c) REPORT ON OPTIONS FOR ACHIEVING, PRIOR TO FISCAL YEAR 2012, PRESIDENT'S OBJECTIVE FOR OPERATIONALLY DEPLOYED NUCLEAR WARHEADS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for achieving, prior to fiscal year 2012, a posture under which the United States maintains a number of operationally deployed nuclear warheads at a level of from 1,700 to 2,200 such warheads, as outlined in the Nuclear Posture Review. The report shall include the following:

(1) For each of fiscal years 2006, 2008, and 2010, an assessment of the options for achieving such posture as of such fiscal year.

(2) An assessment of the effects of achieving such posture prior to fiscal year 2012 on cost, the dismantlement workforce, and any other affected matter.

The CHAIRMAN. Pursuant to House Resolution 415, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds a small but critical requirement to the language in the bill on the Nuclear Posture Review.

As Members know, the Nuclear Posture Review provides Congress with crucial information about the administration's intentions on the country's nuclear strategy, warhead levels and infrastructure over the next 10 years.

Some of the review's comments are positive, such as the restatement of the need to deploy the lowest number of nuclear weapons consistent with our security requirements.

Other findings are more troubling, especially the review's failure to outline significant and verifiable cuts to our nuclear arsenal.

Recent comments by Assistant Secretary of Defense Crouch about warhead reduction that "there is no such thing as something that is irreversible," directly contradict the President's objective stated in Crawford, Texas, in the summit with President Putin last summer.

The credibility of the United States' leadership in the area of arms control will be significantly undermined if we do not live up to the President's proposal to reduce our nuclear arsenal.

The gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking member, took a first and valuable step toward addressing this disconnect.

Indeed, the bill requests clarification of the administration's plans for our strategic force structure, including specific definitions of how many warheads will be dismantled or placed in the ready reserve and associated costs.

I ask for Members' support for an additional requirement to this section mandating a report from the Secretary of Energy on options for achieving the President's objectives for operationally deployed nuclear warheads before 2012.

This is a nonbinding, common sense requirement that simply asks the Secretary of Energy to look at whether the President's arms objective can be achieved in a shorter time frame. Additionally, it is my belief that this should actually be addressed to the National Nuclear Security Administration, which is a semi-autonomous agency inside the Department of Energy.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, this side applauds the gentlewoman for her leadership on these issues, and we are happy to accept this amendment in the spirit in which it is offered, and think it will be a productive addition to the bill.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I rise to commend both the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Pennsylvania (Mr. WELDON) for reaching agreement on what I think is a good amendment to an amendment.

Basically the Nuclear Posture Review raised more questions than it answered; among them, why does it take 10 years to draw down the operationally deployed force; why do we have to maintain a responsive force of the magnitude that was indicated? We may have as many warheads actually deployed in 2012 as we do today. How costly will it be to maintain this force? These are all questions that we need to ask directly, and that is what this amendment will do. It will put these questions back to DOD and get a further addendum or response to clarify NPR on these critical points.

Mr. Chairman, I commend the gentlewoman for offering this amendment, and support it fully.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for accepting the amendment and appreciate the opportunity to work with the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 3 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 3 offered by Mr. MARKEY:

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. PROHIBITION ON RESEARCH AND DEVELOPMENT OF NUCLEAR EARTH PENETRATOR WEAPON.

(a) PERMANENT PROHIBITION.—No funds available to the Department of Energy may be used for any development, testing, or engineering of a nuclear earth penetrator weapon.

(b) FISCAL YEAR 2003.—No funds appropriated for or otherwise made available to the Secretary of Energy for fiscal year 2003 may be used for a feasibility study for a nuclear earth penetrator weapon.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) for 10 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have an amendment that is before the House that I would hope as the staffs talk right now we might be able to work out some form of a compromise on; but pending that, the subject is around the whole subject of a robust nuclear earth penetrator.

Now this weapon is one which is contemplated being used as a nuclear weapon to be a bunker buster, but potentially bigger than that, in fact, and will breach this psychological and political barrier that we have established in the world for 57 years that nuclear weapons are not usable.

What my amendment says is that there should be a permanent prohibition; that is, that no funds should be available to the Department of Energy for any development, testing or engineering of a nuclear earth penetrator weapon. The objective, of course, is to say if we moved to that phase of testing, unfortunately, it would most likely result in a breach of the test ban accommodation which has been lived with by the United States and the Soviet Union and the rest of the world for the last 15 years or so.

Since we already have a generation of nuclear earth penetrating weapons, it seems to me it does not make a lot of sense for us to run the risk of sending a signal to the rest of the world that we are trying to dissuade from using these weapons towards the goal of just improving one to make it more usable, but at the same time because of the sensitivity of our relations with Russia, amongst others, in terms of their nuclear testing, but every other country in the world that we are trying to convince that nuclear weapons are unusable, that as we cross this nuclear Rubicon we are sending a very strong signal that the weapons are usable.

So my amendment seeks to stop the testing, stop any engineering or development of such a weapon.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) is recognized for 10 minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have made a good-faith effort both in the committee and on this floor to reach bipartisan compromise on issues regarding our nuclear policy.

We just completed a vote on a comprehensive program to engage Russia, a program that I think is historic. We just accepted an amendment from the gentlewoman from California (Mrs. TAUSCHER). We agreed to a report that she wants to have issued on the size of our nuclear weapon force over the next dozen years.

But, Mr. Chairman, this amendment in my opinion is a dangerous amendment. There are certain things we cannot discuss on the House floor. I would think before any Member voted on this amendment, they would want to have had the Code Word level briefing that I arranged for Members of the Committee on Armed Services last week.

□ 1630

A number of my colleagues from both sides of the aisle attended that briefing, where at a Code Word level we were given certain information about what appears to be to the Intelligence Community some new movement in the area of nuclear weapons and nuclear materials. We cannot discuss that on the floor of the House because we are in open session. So, therefore, even though Members have access to that information, I would say to you that probably no more than 10 Members of this body, maybe 20, have received the security classified briefing on the implications of this amendment. For that reason alone, this amendment should be defeated.

But, Mr. Chairman, beyond that, this amendment says that the Secretary of Energy cannot even do a feasibility study for a nuclear earth penetrating weapon. If we look at Afghanistan and the wars and the situation we are involved in, one of our biggest problems are deep underground hardened targets. This amendment says we cannot even do a feasibility study. We are not talking about building a weapon. We are not talking about producing something to drop. We are talking about a feasibility study. This amendment says no feasibility study.

Mr. Chairman, this amendment goes way too far. This amendment is more about, I think, a political statement than it is about substance. I would aggressively urge our colleagues to vote "no."

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. I thank my friend from Massachusetts for yielding me this time.

Mr. Chairman, we all know from our experience in Afghanistan that adversaries use caves and bunkers to counter our American conventional strength and we are right to be concerned that future enemies might use such bunkers to protect weapons of mass destruction. However, the use of nuclear bunker busters is absolutely not the way to go. It is counterproductive.

Using nuclear weapons would spread deadly radiation, putting both American troops in the theater as well as local populations at risk. It would also prevent American troops from entering caves and bunkers to retrieve potentially valuable intelligence. We have been doing that in Afghanistan. Perhaps most significantly, the use of tactical nuclear weapons would mark a dramatic change in United States policy and would undermine our nonproliferation policies around the globe. This is a very needed and a very necessary amendment to proceed on the non-nuclear proliferation effort.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time. I rise to oppose this amendment.

The reality is that our enemies are burrowing in their chemical weapons capability, their conventional capability, their command and control biological and nuclear weapons programs. Our current weapons systems cannot destroy targets that are deeply buried in tunnels. They were not designed to. Our enemies know that.

Nuclear weapons are useful precisely because they are unusable. That is the nature of deterrence and the reason that we want to be able to keep these targets at risk. The robust nuclear earth penetrating weapon is being studied as directed by this Congress in the 2001 defense authorization bill. It is not a new nuclear weapon. The question is whether you can take an existing nuclear weapon, package it and encase it in such a way so that it will penetrate the Earth before it explodes in order to hold at risk those hard and deeply buried targets. It does not make it more likely that the President would use such a weapon. It does make it more probable that that weapon would work if he had to use it. Any President should have at his disposal the ability to hold at risk the most important targets that people have who would want to destroy and to hurt us. By holding those targets at risk, we make it less likely that they will hurt us and attack us or our allies with chemical, biological or nuclear weapons.

The President should have options, the options of conventional forces, of precision conventional weapons, and of nuclear weapons that are capable of holding those targets at risk so that we do not have to use them. That is precisely why we need to continue with this feasibility study.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me this time and for his leadership in leading the world, I think, in the right direction.

I rise in strong support of the Markey amendment really to prohibit the development of this nuclear earth penetrator weapon. This weapon poses unacceptable risks. Our own troops would be endangered by nuclear fallout and innocent civilians could be caught in a nuclear crossfire. Furthermore, developing this weapon really does take us down the path of nuclear testing and nuclear proliferation. Where we go, others will follow.

It is bad enough that we have not ratified the Comprehensive Test Ban Treaty. United States nuclear testing would destroy this treaty. The United States cannot preach nonproliferation while escalating the arms race ourselves.

I urge my colleagues to support this amendment. I want to again thank the gentleman from Massachusetts for offering this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Subcommittee on Research and Development.

Mr. HUNTER. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, we are in this amendment proposing to kill what could be the centerpiece of a certain deterrent capability that is important to us. We want to send a message to anybody who would strike America, whether on a conventional battlefield or in a terrorist manner, we want them to know that we will hunt them down and find them and, if necessary, dig them out, wherever we have to.

That means no safe havens. One way you ensure that there are no safe havens is to be able to go deep. Unless we do a lot more research and development and we find some quantum breakthrough in conventional systems, to go deep is going to require a nuclear capability. That is a good message to send to people who would hurt this country, because if you look at the array of fixtures that are going to be buried by potential adversaries, you see several things. You see their command and control; you see their development of nuclear, chemical and biological weapons; and, most importantly, you see the people themselves who ordered the strike on the United States.

That is where leadership goes. Leadership, in terms of our potential adversaries, will go deep. They will go as far underground as they possibly can go. They need to know there is no safe haven. That requires that we vote "no" on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I welcome this latest in the acts of leadership my friend and colleague has dealt with in the nuclear area.

I have listened to the arguments of the gentleman from California and the gentlewoman from New Mexico. They are very honest. They are really talking about obliterating the distinction between nuclear and non-nuclear weapons that has been a centerpiece for 50 years. What they say is if they threaten us, we will go after them, we will find them.

What we are being told is that we should develop a nuclear capacity to respond to non-nuclear threats. We are being told that conventional threats will call from America a nuclear response. Not only is that greatly unnecessary, it will further destabilize the world. We have been trying to preach non-nuclear proliferation, but the town drunk is a poor advocate for temperance. We cannot simultaneously obliterate the distinction that has existed for the entire period between nuclear and non-nuclear weapons. We cannot threaten, as we have heard, a nuclear response to a non-nuclear attack and then still have any credibility in preaching temperance.

Secondly, we have said in Afghanistan, in Iraq, we are these days likely to be in the posture not of war against a people, say, as in World War II but in an effort to rescue a people from an oppressive government. How welcome will our wagon be when it comes to nuclear arms? Do we tell the people of Afghanistan, do not worry, we will free you from the Taliban by using nuclear weapons within your country. Do not worry, we will overthrow Saddam Hussein with nuclear attacks in Iraq.

I think you undercut the whole notion that America can be coming to the rescue of the victims of oppression. The United States is hardly a pitiful giant weakened without nuclear weapons. We just saw in Afghanistan no shortage of overwhelming American power. It was not a lack of force, a lack of potency. To destroy the distinction between nuclear and non-nuclear weapons as we have heard is with very grave error.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 30 seconds.

First of all, Mr. Chairman, we are not talking about a new nuclear weapon. That is not the discussion here. We are talking about an attempt to repackage an existing nuclear weapon for a new threat that we have to deal with. We know the Russians have 13,000 tactical nuclear weapons.

If you really want to stop proliferation, I would like to see my colleague from Massachusetts offer an amendment to negotiate for a serious reduction of tactical nuclear weapons. These tactical nuclear weapons are a real threat to us. The Russians have 13,000 of them.

Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, let me just say that there has been a policy among a number of nations in the Western democracies, including our allies, that would respond to chemical or biological attack with nuclear systems. We have never foreclosed that.

Mr. MARKEY. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I think the gentleman from Pennsylvania invited either myself or my colleague to offer an amendment on nonproliferation, but the problem is that the way the Committee on Rules has been working, at your behest, it would not have been in order. That is why we did not bother to try.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 5 seconds.

I felt that same way just a few short years ago. I understand the gentleman from Massachusetts' frustration.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Markey amendment to halt development, testing or use of so-called mini nukes. I thank my colleague from Massachusetts for his continuing leadership on nonproliferation issues.

Let us make no mistake about it. Developing these mini nukes would make their use more likely, which would make a nuclear war more likely. The fact is if we sanction their development, we only provide legitimacy for other nations to do exactly the same.

My constituents in Marin and Sonoma Counties in California, like most Americans, have made it very clear that they support a reduction in America's nuclear arsenal. They are rightly demanding that we take a reasoned approach toward nuclear weapons policy, not a renewed buildup of nuclear arms. Without the Markey amendment, United States nuclear policy will take a U-turn that would prompt more nuclear competition, threaten our national security, and undermine nonproliferation efforts.

Reject this vision. Support the Markey amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this is not a mini nuclear weapon. I do not know where that term came from, but it is totally incorrect. A deep earth penetrating weapon is a large weapon designed to do damage. In fact, in our committee we called for a report, again with the bipartisan spirit of our members on the other side, for a study of the effects of this. This amendment should be rejected.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the gentleman for yielding me this time.

Mr. Chairman, I have always found it rather odd that some of our most difficult battles in the area of national security are preventing our own people by limiting our options and tying our hands behind our back.

There are some military capabilities that we may decide are not worth the time to pursue, and there are some capabilities that in the priority of things we may want to leave behind. But I find it very troubling that some people do not even want us to explore options which could be critical for our future national security.

Frankly, I am skeptical that any Member of this body can know for certain all of the circumstances that any President in the future will face in a world full of chemical and biological and radiological and nuclear weapons, and we want to say we are not even going to consider those options to deal with all of those things. I think that would be a mistake.

To have a credible deterrent, that means political adversaries, and even friends have to believe in that deterrent. If we say up front, if you burrow down in the ground we cannot touch you because our conventional capabilities have obvious limitations, and so if we say we are not even going to consider going after buried targets in any other way, then we are simply saying, "Go to it. We'll leave you alone." We are encouraging people to bury their communication, their factories, their silos, and we will not be able to do anything about it.

□ 1645

Mr. Chairman, we know Russia has buried targets deep. We have seen what al Qaeda has done in Afghanistan. We know Iraq is burying things. So to take an option off the table, to say we are not even going to explore it, that we are going to tie our own hands behind our backs, even in a world with all of these difficult, complex situations I think would be a tragic mistake. We should reject the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) has 1 minute remaining. The gentleman from Massachusetts (Mr. MARKEY) has 1¾ minutes remaining. The gentleman from Pennsylvania (Mr. WELDON) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question is not whether we should permit targets to be buried deep; the question is whether we are going to permit peace to be buried deep.

We have a nonproliferation treaty that stops nuclear weapons from becoming a sword of Damocles hanging over this world. We had an ABM Treaty that stopped the United States and Russia from engaging each other. We had START II and START III that was the basis of getting rid of nuclear weapons. We had a Comprehensive Test Ban Treaty waiting to be signed. Now, we have gone from that kind of a hopeful approach to sustain the world to an approach that puts the world at an abyss, to an approach that envisions target nations, nuclear first strike, bunker busters.

It is time that we took a stand for peace. It is time that we took a stand for the continuation of life on this planet. Why should that be hard to do, even for the Congress?

Mr. MARKEY. Mr. Chairman, I yield myself the remaining time.

We do not use biological weapons in Afghanistan. We do not use chemical weapons in Afghanistan. We do not use this present generation of nuclear earth penetrators in Afghanistan because we know it is wrong, and because we just have to ask al Qaeda how well our existing conventional bombs did in destroying them. I have not heard anyone say that there was some problem that needed nuclear weapons to be dropped on Afghanistan.

The consequences of opposing the Markey amendment will be that a new generation of nuclear testing, breaching the test ban between the United States and the Soviet Union, sending a signal to countries all around the world that nuclear weapons are now usable, even though we do not need them in Afghanistan, we do not need them in Iraq; we can destroy, level those countries. If we use nuclear weapons in Tora Bora, it will only be in order to ensure that the rubble is bouncing, not that we have destroyed the entire country already with conventional weapons.

This is the wrong road to go down. We are breaching a barrier which would be a very serious mistake for our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we have just completed almost an hour's worth of work of starting a new era in our relationship with Russia on nuclear weapons. It has been bold. It has been bipartisan. It has been bilateral. We have shown, without any doubt, that we are willing to move into a new era. But, Mr. Chairman, as we saw on September 11, there are those people who do not play by the rules. Anyone who would take out almost 3,000 lives in the most unbelievable way thinkable would not hesitate to do work in one of 10,000 underground bunkers and caves around the world, most of which are in our adversaries' territory, to develop and potentially use weapons of mass destruction. This amendment would go to the extreme. It would prevent the President from even doing a feasibility study.

This is not about peace. I am a teacher by profession. Nobody wants peace more than I do. We do not have a handle on peace with a certain few in this body. This is about giving the President legitimate ability to protect us against those threats that we see emerging in the 21st century. I ask my colleagues to vote no on the Markey amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Markey amendment, and I want to thank my colleagues, Mr. RAHALL and Mr. MARKEY, for their leadership in standing up for the environment.

The Defense Authorization Bill as written grants the Department of Defense sweeping the blanket exemptions to existing environmental laws.

The American public doesn't want fewer environmental protections. They want more. Eighty-five percent of registered voters surveyed on this question believe that the Department of Defense should have to follow the same environmental and public health laws as everyone else.

We have already seen efforts to roll back protections on our air and water. It is time to stand up and put a stop to these assaults on our environment.

Biodiversity is essential to our national heritage. We have an obligation to our children and to their children to protect that biodiversity.

And so, I urge you to adopt this amendment. It does not impose any unreasonable restrictions on the Department of Defense. It simply ensures that the U.S. government will abide by existing U.S. laws.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 51, noes 360, not voting 23, as follows:

[Roll No. 140]

AYES—51

Abercrombie
Ackerman
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Clay
Condit
Conyers
DeFazio
DeGette
Delahunt
Dingell
Doggett
Filner
Frank
Hinchey
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Oberstar
Obey
Olver
Pallone
Pelosi
Roemer
Schakowsky
Shows
Slaughter
Solis
Stark
Stenholm
Stupak
Tanner
Taylor (MS)
Towns
Waters
Wu

NOES—360

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur

Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Boucher
Burton
Cannon
Cox
Crane
Davis (IL)
Dooley
Gutierrez
Hall (OH)
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Nussle
Ose
Reyes
Riley
Roukema
Smith (MI)
Traficant
Watson (CA)
Waxman

□ 1719

Mr. LEWIS of Kentucky changed his vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the time for a recorded vote on amendment No. 1.

The vote was taken by electronic device, and there were—ayes 172, noes 243, not voting 19, as follows:

[Roll No. 141]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Burton
Cannon
Crane
Davis (IL)
Hall (OH)
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Smith (MI)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1738

Mr. CROWLEY and Mr. FORD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A, AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. WELDON OF PENNSYLVANIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1, as modified, printed in part A of House Report 107-450 offered by the gentleman from Pennsylvania (Mr. WELDON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 53, not voting 19, as follows:

[Roll No. 142]

AYES—362

Abercrombie
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOES—53

Ackerman
Baldwin
Becerra
Bonior
Capuano
Carson (IN)
Clay
Clayton
Condit
Conyers
DeFazio
DeGette
Dingell
Doggett
Farr
Fattah
Filner
Frank
Hinchey
Holt
Honda
Inslee
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Lofgren
Markey
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mink
Nadler
Neal
Olver
Owens
Paul
Payne
Pelosi
Rangel
Sanders
Sandlin
Schakowsky
Slaughter
Solis
Stark
Tierney
Waters
Watt (NC)
Woolsey

NOT VOTING—19

Aderholt
Burton
Cannon
Crane
Hall (OH)
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Smith (MI)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1749

Mr. MEEHAN and Ms. SLAUGHTER changed their vote from "aye" to "no."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. RIVERS. Mr. Chairman, on rollcall No. 142, I should have voted "no." I mistakenly voted "yea."

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 4 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. TIERNEY:

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. PROHIBITION ON USE OF FUNDS FOR SPACE-BASED NATIONAL MISSILE DEFENSE PROGRAM.

No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

It is clear from the size of this Department of Defense budget, including the $48 billion-or-so increase, that the administration and others here are using the circumstances of our involvement in Afghanistan and the circumstances of September 11 to put money into this budget for all manner of programs whether or not they deal with priority threats to this country now and here.

Every Member of this body is concerned and wants the best defense possible for this country. We all want support for the men and women who serve. We want fair pay, decent housing, working weapons. We are collectively concerned with the security of this country, and we need to be certain we allocate our limited resources toward programs that target those threats and risks which are the most likely to endanger us now and in the near future.

This amendment then focuses on just that. It is to make the point that this bill is a repository for already-repudiated programs, some of which our own Secretary of Defense is surprised to still see in this bill. The amendment does it by prohibiting the Department of Defense from using funds this fiscal year for space-based national missile defense, or Star Wars. Not sea based, not air based, not land based, not components of any of those. We should debate those matters. But this amendment focuses on space-based, or Star Wars, programs, the same concept which was here before, on which we spent billions of dollars and lost that money.

This bill authorizes $54 million for a Boost Program Space-Based Lasers, which act as interceptors in space, as well as the kinetic physical interceptors. This space-based interceptor has gone through two iterations already. They are behind schedule and over budget. Testing for this space-based laser system has been pushed back indefinitely. And that is just the testing for the system. Nobody can even predict when such a space-based system might actually be deployed.

How does continued funding for this program serve us towards a more agile force? We should not repeat the past errors, like Safeguard, which was the first stab at a failed missile defense space wars system in the 1970s. Rushing to fund an untested program with the questionable capabilities of this one makes no sense. It jeopardizes strategic judgment and wastes our much-needed money.

At the very least, we should be alarmed that we are not taking the time as a Nation to have a thoughtful dialogue on this and the ramifications of this national missile defense system. There are billions in this budget that have little to do with our priority realistic threats to our security. This Star Wars program is but one small part of that.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, we are in space. We are in space in a way that is inextricably linked with not only our missile defense system but almost all of our systems.

If we take a look at the architecture for our space systems, we have in space literally everything from weather and the environment, to navigation, to surveillance and reconnaissance, to missile warning, to communications. The successful intercepts that we have made now out of the Kwajalein Test Range took place 148 miles above the surface of the Earth.

I want to read the amendment of my friend, the gentleman from Massachusetts (Mr. TIERNEY): "No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program."

Now, in the first place, we simply have a missile defense program, not a national missile versus a theater missile defense program, because we are now dealing with a number of missiles which have varying rates of speed and distances. For example, we have the old Model T scud that goes fairly slowly, several hundred miles, all the way up to the fast-moving ICBM that will go several times the speed of a high-powered rifle bullet when it reenters the atmosphere aimed at an American city.

So we are putting in place an architecture which is layered, which will give us, hopefully, several shots at these missiles as they progress toward either our troops in theater or the United States of America and our cities. We have to have space assets to be able to intercept those incoming missiles.

Now, one thing we have seen in this debate today is what I would call the new imposition of Marquis of Queensbury rules on our side. We just had an amendment in which the other people may drive an airplane into an American tower and destroy thousands of American civilians, but it is against the rules for us to go after their leadership if they are buried deep underground and we use a nuclear penetrator. That is not Marquis of Queensbury rules. And no matter what the other side does, we must play by the Marquis of Queensbury rules.

Well, we are already in space. It does not make any sense to have a very broadly worded amendment that, if we take it literally, would ban the very systems that we are testing right now.

There is another aspect of this, and that is this: we had the predator over in Afghanistan, and the predator is our unmanned aircraft. And from that aircraft we take certain recon capability, certain sensors, and we target the enemy. And then we use another platform, whether it is from a ship or a plane or a land-based unit, to hit that enemy that was targeted by the predator. And our war-fighting commanders, who were trying to win the war over there, with as few Americans as possible being killed, said this: They said, maybe we should just use that airborne unit up there. Instead of just using that for information and relaying that information to the ground, why do we not just put a hell fire missile on that particular UAV and go ahead and strike the enemy with the UAV? In other words, let us use this recon unit for both a reconnaissance and for the attack shot.

So we are becoming more efficient in the way we use technology. So the idea that we have to play by some obscure Marquis of Queensbury rules that says we cannot use space to stop a missile that may be incoming to an American city does not make any sense.

So I would just urge all Members to vote against this amendment. This is a dangerous amendment. If taken literally, it freezes our present programs in place.

Mr. Chairman, I reserve the balance of my time.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 46, noes 356, not voting 32, as follows:

[Roll No 143]

AYES—46

Abercrombie
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
Davis (IL)
DeGette
Dicks
Dingell
Doggett
Filner
Frank
Hill
Holt
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Oberstar
Olver
Pelosi
Rush
Shows
Slaughter
Solis
Stark
Tanner
Taylor (MS)
Towns
Waters
Weiner
Wu

NOES—356

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary

Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—32

Ballenger
Bentsen
Berman
Boucher
Burton
Cannon
Crane
Delahunt
Diaz-Balart
Greenwood
Hall (OH)
Hansen
Kennedy (MN)
Lewis (GA)
Lipinski
Meek (FL)
Millender-McDonald
Murtha
Nethercutt
Ney
Ose
Reyes
Riley
Roukema
Sanders
Simpson
Souder
Stump
Traficant
Watson (CA)
Waxman
Young (FL)

☐ 1826

Ms. LOFGREN, Mr. BEREUTER and Mr. CRAMER changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I would like to engage the gentleman from Massachusetts in a colloquy about his amendment.

The gentleman from California was just showing us a number of space-based systems, satellites and sensors, that are in one way or another connected with ballistic missile defense.

Is it the gentleman's intention in this amendment to prohibit funding for space-based sensors that are instrumental to the airborne laser and ground-based and sea-based ballistic missile defense systems?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. No, the amendment does not affect space-based sensors. It only affects space-based interceptors.

Mr. SPRATT. So, specifically, your amendment would not prohibit or affect funding for what we call SBIRS-High, space-based infrared sensors, SBIRS-High or SBIRS-Low sensor programs like this?

Mr. TIERNEY. The gentleman is correct.

Mr. SPRATT. I thank the gentleman for these clarifications. Therefore, the gentleman's amendment would prohibit funding for the space-based ballistic missile defense interceptors, $54 million is requested, but it would not affect sensors at all.

Mr. TIERNEY. The gentleman is correct.

Mr. SPRATT. I thank the gentleman for the clarification. The space-based interceptor, as some know, has gone through a couple of iterations, both of which have eventually been discarded. I think the Missile Defense Agency has already a full plate. It ought to stay focused on ground-based and ship-based interceptors. For that reason, with this clarification, I can support the amendment.

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

The problem here is we are not dealing with the amendment as the gentleman from Massachusetts would rewrite it. We are dealing with the amendment as it is written, because that is the amendment that is going to be dealt with by DOD lawyers. It says, "No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national defense missile program."

The point is we have to deal with the law as it is written, not as he would rewrite it. If he is going to rewrite it, I would recommend he come back next year with another text. This thing would basically put a freeze on the programs that we have right now.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, space-based missile defense is the true faith-based initiative because it takes a mighty big leap of faith to believe we can master the technology, distinguish the decoys and achieve perfection.

Of course, in the real world this spacey shield idea has been rather hit or miss, mostly miss, since you need perfect weather and a honing beacon on the incoming missile for it to work. But the experience never seems to faze those who have seen so many Star Wars sequels that they abide by the questionable principle, "build it and it will work." I prefer the wisdom of Dr. Steven Weinberg, a Nobel Prize-winning physicist at the University of Texas, who says this system will "worsen our security", and that of former Defense Secretary William Perry, who warned that "a relatively small deployment of defensive systems could have the effect of triggering a considerable nuclear arms race."

If terrorism is now our greatest threat, if we have learned anything from September 11, we know an ICBM is not the most likely way to wreak devastation and that putting so many more taxpayers' dollars in this one NMD basket makes so little security sense.

We can spend billions trying to build a shield to blunt every sword or we can invest our resources and diplomacy more wisely to keep the sword, or missile from ever being drawn.

☐ 1830

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Tierney amendment to ban spending on space-based national missile defense systems in fiscal year 2003. Before funding space-based weapons, we should have a consensus on the wisdom of space-based warfare and today there is no such consensus.

The Missile Defense Agency has requested $35 million to do R&D on a space-based laser which has not completed concept definition and was killed by the House Committee on Appropriations last year. The administration wants to resurrect space-based kinetic interceptors to shoot down missiles in the boost phase. This approach has been tried and rejected twice before on technological and cost grounds.

The Missile Defense Agency should focus on getting the most mature systems like PAC 3 and THAAD to the field to protect our troops, not to invest in systems that will make outer space the next battlefield.

Mr. Chairman, I urge support for the Tierney amendment.

Mr. HUNTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, this is a 1980s amendment; Ronald Reagan was President. The term "Stars Wars" is again resurrecting itself. It has no relevancy to what we are doing today. This is not a discussion of whether or not we are going to deploy a strategic defense initiative. That discussion is over; it ended in the 1980s and 1990s. There is no national missile defense, so the amendment is not relative.

In fact, if we take this amendment, it is so poorly worded, which is why the gentleman from South Carolina (Mr. SPRATT) had to get clarification, because even he has concerns, but to get clarification, he is trying to qualify some things. It is so poorly worded we could in fact end the only joint program we have with Russia. Does the gentleman know about the RAMOS program which the Russians proposed that we do, which Carl Levin on the Senate side led the fight to restore? That program is 2 satellites. Under the gentleman's amendment, we cut the funding for the RAMOS program because, heaven forbid, satellites are in space.

But wait a minute. What about all of my colleagues here who care about Israel's security? We funded with our money the Arrow program. We spent almost $500 million on Arrow, the most successful missile defense program operating today.

Well, guess what? Maybe the gentleman does not know this, but we are now retrofitting Arrow so it can interact with our systems. So what the gentleman wants to say is no more national missile defense.

Well, guess what? To Israel, Arrow is their national missile defense, and we funded it.

So the fact is that while the gentleman may have wanted to end one specific program, the amendment is so vague that it applies to everything, and it really does not make any sense. It really was designed for a Ronald Reagan-era debate when Stars Wars could be used like Darth Vader, that somehow we were advocating some obscene process to start war in space. That is not the case.

We have a very deliberate program that has been supported by Democrats and Republicans because we have confidence, perhaps more than ever, in the director of our Missile Defense Agency. General Kadish is respected by Democrats and Republicans for giving us a thoughtful, interconnected, multi-layered approach to missile defense. There is no more national missile defense. It does not exist. It is no longer a term used in the jargon. To say somehow we are going to end it is a misnomer.

In terms of space, if we ended the space assets, whether it is airborne or higher, we would basically end a whole ton of programs that are now under way, and we would deny eventually the ability of Israel to do what she is going to have to do. We cannot have it both ways on this debate. If my colleagues want to defend the people of Israel against the Shahab III missile from Iran, which is there today, Israel cannot shoot that missile down midstream. Because like the Patriot, it will rain on the people. Israel needs to take down that Scud missile when it is launched. We cannot do that without assets that allow us to take it out in the boost phase. That is going to eventually require some type of space-based assets.

So we are having a debate for the 1980s. Let us all join hands and sing peace songs and let us all hug each other and say we are all for peace, but this amendment is absolutely outrageous. I encourage my colleagues to vote no, and let us sing Kumbaya together in voting no.

Mr. TIERNEY. Mr. Chairman, I am told the gentleman is like that all the time, so I will not carry on, except to note that the chief investigator of the director of Operations, Testing and Evaluation has said that the deployment of this is so far into the future, it is beyond the horizon.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Actually, Mr. Chairman, there are some people who believe that the world does have the possibility to live in peace and that the instrumentalities of violence will eventually give way to human reason and that our ability to talk to each other as human beings may be the basis for peace in the world as opposed to weaponizing space.

The gentleman's amendment is well taken because, according to an Air Force briefing, the space-based laser is being contemplated for anti-satellite missions, denying access to space, disrupting satellite communications, knocking out high altitude aircraft, or unmanned aerial vehicles. These missions go far beyond intercepting missiles, and they echo the Quadrennial Defense Review's call for the United States to exploit space for military purposes, and the Air Force's wish in a Joint Vision 20/20 document for full spectrum dominance in space.

What colossal arrogance it is to assume that we can seize the high heavens and control the world through space. Yes, work for peace on earth, and when we do that, we will not have to worry about a later generation creating peace in space.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume to just remind my colleagues that when we are considering this amendment and we consider all of the things that our military uses that are space-based right now, right from a marine platoon leader's GPS, it tells him where he is, to the recon satellites that we have to, yes, the cueing system that we are going to have to hopefully be able to intercept missiles before they impact our cities, I think we are going to come to the conclusion that the American people do not have too much tolerance for the argument that is being put forward.

There are no people in space. There are people in those towers that got hit by those incoming planes. If we ask the American people would you accept a space-based system that might have protected the Twin Towers, they probably would say yes. We do not care if we are violating the Marquis of Queensbury rules by somehow using assets that are in space. So this is an argument that I think should be given short shrift by the American people. We are in space, other nations are in space, and the idea that we are going to take from General Kadish, who Democrats and Republicans trust and feel is a good steward of this program, the idea that we are going to take one of his options that he has laid out to test, we are going to move it off of the table because we want to impose our judgment in place of his judgment is not a good thing.

We have given him this set of options. We have let him pick them. We are going to let him go through with the test. We have a robust testing schedule ahead of us. He is going to throw the losers out and reward the winners by trying to get something that can stop incoming ballistic missiles in the next 4 to 5 years. That is a good goal. We should leave this package that he has intact. Let us let him make some decisions and let us let General Kadish have some discretion. Please vote no on this.

Mr. TIERNEY. Mr. Chairman, it is Mr. Kadish's plans, which the director of Operations, Testing and Evaluation said had no testing regime that anybody could trust or that would work.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, while there are many things in the defense authorization bill that I support, national missile defense is not one of them, and the gentleman from Massachusetts is seeking to eliminate one of the more senseless parts of the supposed national missile defense system.

The proposed missile defense system would not work as designed, as wishing will not overcome the physics. It could be confused with the decoys, it could be bypassed for suitcase bombs, pickup trucks, sea-launched missiles. It would be billions of dollars down the drain. But it is not just a diversion of resources. It is worse than a waste. Simple strategic analysis tells us that provocative yet permeable defenses are destabilizing and would reduce our security.

Americans have been awakened in recent months to threats to our national security and they understand that a space-based missile defense will not help. Americans have learned in recent months that we need anthrax defense, we need container ship defense, we need bridge and tunnel defense. We do not need space-based national missile defense.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 15 seconds remaining. The gentleman from Massachusetts (Mr. TIERNEY) has 2½ minutes remaining.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the Tierney amendment to prohibit the Bush administration from spending taxpayer dollars on a space-based, 21st century version of a Stars Wars missile defense system.

The simple question we should always ask is does this system make us safer? Are my children and my grandchildren safer if we spend these millions of dollars? I believe the answer is no. Not now, and not in the future.

Today we do face some very real threats. Warnings are issued on a regular basis of possible terrorist attacks. Interceptors from space are not going to help us. We need better intelligence to intercept phone conversations and shoe bombs and biological weapons at our airports, seaports, trains and highways.

Long-range, weaponizing space, bringing weapons into another dimension, is not a formula for security. Rather, as the Union of Concerned Scientists contend, such a move destabilizes arms control as we know it.

The only Stars Wars any Members of this Congress should see will be at a theater near you on May 16. I strongly urge a yes vote on the Tierney amendment.

Mr. TIERNEY. Mr. Chairman, I yield the remaining time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I congratulate the gentleman from California on his debating tactic. He has me focused on how that space-based interceptor was going to stop the attack on the World Trade Center when no one knew the attack was coming. Maybe it has psychic powers. So I do not know what else I am supposed to talk about.

Except I would note that I was struck, when forced to defend this notion of a space-based system, we are told that it is for Israel. I have to say, in addition to all of Israel's other problems, getting schlepped into every defense debate when my colleagues are short of an argument seems to me an unnecessary burden on them. Yes, people are prepared to deal with the Arrow and support the Arrow.

As to the gentleman's amendment, it is not perfectly worded because of the process we have. He had another amendment, a very specific amendment that the Committee on Rules kept out. If we were in a normal situation, we could have amended the amendment. It is clear what is intended. If this amendment passes and goes to conference, the colloquy will be carried out.

The question is this: Everywhere but on the floor of the House, people on the other side talk about how we are going to have these space-based interceptors that are going to come down and probably knock down the planes at the World Trade Center when we did not know there were planes that we should have been going after, and do all of these other things. The fact is that we do not believe that putting billions and billions of dollars, when we are already underfunding all manner of other priorities, into a space-based system makes sense.

I have heard people say if we do not do this, we are going to encounter a space-based Pearl Harbor. Well, fortunately, there is no space-based Japan of 1941. We have it to ourselves.

Finally, I want to say, Mr. Chairman, time and again we are told America is terribly weak and we have to spend all of these billions. That is totally at variance with the reality of a very strong America, and the need to spend these additional billions on these ill-thought-out programs does not exist.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the testimony when General Eberhardt was before our committee, and a question was put to him as to what is of utmost importance for the future, his answer was what we call SBIRS, Space-Based Infrared System.

□ 1845

I think that is very, very important to the defense of our country, based upon General Eberhardt's comments to us that day.

Now, based upon the colloquy between the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from South Carolina (Mr. SPRATT), it is apparent that the SBIRS, or the space-based infrared systems, are exempt from the language and the intent of this amendment, which allows me, based upon that, to support this amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank my good friend, the gentleman from Missouri, for yielding to me.

I want to start by applauding my friend, the gentleman from California (Mr. HUNTER); my friend, the gentleman from Pennsylvania (Mr. WELDON), and this side of the aisle for putting together a good bill that I rise in strong support of.

I rise in strong support of the ability of the gentleman from Mississippi (Mr. TAYLOR) or anybody else in this body to stand up and offer motions to adjourn because they have not had the opportunity to offer an important amendment.

I rise in strong support, Mr. Chairman, of the principles in this great House of free debate and free speech on a bill that has been on this floor in the past for 2 and 3 weeks, yet somehow we want to get it through in hours today.

There are very many important amendments that were denied the possibility of being debated in the Committee on Rules on this floor. Why is that important? Back in 1969, a man by the name of Robert Wilson, the first director of the Fermilab, a particle physics facility, was asked to testify before Congress.

Congress asked him, What does your testimony and your lab have to do with the defense of this country? And here is what he said: "This new knowledge has all to do with honor and country, but it has nothing to do directly with defending our country, except to make it worth defending."

Now, "make it worth defending" is when we can have the amendment of the gentleman from Mississippi (Mr. TAYLOR) on base closure debated on the floor; when we can have a Crusader missile amendment, which even the Secretary of the Defense Department wants to eliminate, debated on this floor. That is in the best interests of this country.

The Secretary of Defense has said we can save the taxpayer $11 billion, yet the Committee on Rules, run by the Republican Party, said they are going to deny five different amendments the opportunity to be debated on this floor.

Mr. Chairman, when those terrorists attacked our country in New York City and at the Pentagon, they attacked more than our people and more than our buildings. They attacked the principles of free speech. They attacked what we stand for in this country.

Let us not let the people's House deny the people of this great House the opportunity to offer their amendments. Let us let the gentleman from Mississippi (Mr. TAYLOR) offer that amendment, and let us give the taxpayer the opportunity for an amendment to save $11 billion.

Mr. SKELTON. In conclusion, Mr. Chairman, I again reiterate, based upon the colloquy between the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Massachusetts (Mr. TIERNEY) and those concerned about the future of the SBIRS system, I can fully support the amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Just to conclude, Mr. Chairman, this is a three-sentence amendment. When it takes a colloquy to explain what a three-sentence amendment means, we know we are in trouble.

This amendment, as it is written, would freeze our present programs with respect to testing missile defense. Please vote "no" on this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Tierney amendment. Considering the poor results that recent N.M.D. tests have had, it's mind-boggling that funding for a national missile defense system is still being debated.

Since 1940, the U.S. has spent $5.8 trillion dollars on nuclear weapons programs . . . more than on any other single program, except Social Security! The U.S. has already spent more than $100 billion on missile defenses with little to show—so why do we keep throwing good money after bad?

Mr. Chairman, where are our priorities? Instead of investing in missile defense programs—we should be spending our scarce financial resources on our real domestic needs . . . like our children's education; our seniors, and their health care; our families and their financial security.

If this Congress wants to really increase U.S. security, we must invest in people, not weapons.

I urge my colleagues to support the Tierney amendment.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 48, noes 356, not voting 30, as follows:

[Roll No. 144]

AYES—48

Abercrombie
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Clay
Condit
Conyers
DeGette
Delahunt
Dingell
Doggett
Filner
Frank
Hastings (FL)
Hill
Hinchey
Holt
Honda
Jefferson
Johnson, E. B.
Larson (CT)
Lee
Lynch
Maloney (NY)
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Oberstar
Olver
Pelosi
Schakowsky
Shows
Slaughter
Solis
Stark
Tanner
Taylor (MS)
Towns
Waters
Watt (NC)
Wu

NOES—356

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Bartlett
Boehner
Burton
Cannon
Crane
Dooley
English
Gallegly
Hall (OH)
Hilleary
Hinojosa
John
Kennedy (MN)
Lewis (GA)
McCrery
Millender-McDonald
Nadler
Napolitano
Nethercutt
Ose
Oxley
Reyes
Riley
Roukema
Stupak
Thomas
Tierney
Traficant
Watson (CA)
Waxman

□ 1917

Ms. McCOLLUM and Messrs. WYNN, BRADY of Texas and Kingston changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 4 OFFERED BY MR. TIERNEY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 253, not voting 22, as follows:

[Roll No. 145]

AYES—159

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—253

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp

Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Boehner
Burton
Cannon
Crane
Edwards
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
McCrery
Millender-McDonald
Nethercutt
Ose
Pryce (OH)
Reyes
Riley
Roukema
Sherwood
Thomas
Traficant
Watson (CA)
Waxman

□ 1935

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 5 OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 5 offered by Mr. SPRATT:

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC-3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.

(a) INCREASE FOR PAC-3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by $65,000,000, to be available for an additional 24 PAC-3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $70,000,000, to be available within program element 0603881C, Terminal Defense Segement, only for the Israeli Arrow Ballistic Missile System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $135,000,000, to be derived from amounts for the Missile Defense Agency for program element 0603883C, Boost Defense Segment, of which—

(1) $54,393,000 shall be derived from project 4040, Space-Based Boost;

(2) $24,810,000 shall be derived from project 4043, Space-Based Laser; and

(3) $55,797,000 shall be derived from project 4020, Sea-Based Boost.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 10 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment, until it is amended.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

The purpose of this amendment, Mr. Chairman, is to move $135 million within the ballistic missile defense account. Not outside it, not away from it, not to take a dime out of the top line, but to rearrange $135 million within the $7.8 billion account in the following manner:

First, we would move $65 million into production of 24 additional PAC-3 missiles. The PAC-3, the most advanced missile, the only missile defense system that we will really deploy for nearly the next 5 years, is woefully short in supply at the present time. We could very well need it in the near future. And so this would move $65 million into the PAC-3 line and allow 24 additional PAC-3s to be purchased.

There is an economic effect. By buying more, we buy more efficiently. We run the plant at a higher and more efficient rate; and as a consequence, these 24 missiles will cost nearly $1 million a copy less than they would otherwise cost if we were buying fewer.

Secondly, this amendment would move $70 million out of other accounts into manufacturing and development for the Arrow missile, which is being manufactured at a plant in Alabama, a Boeing plant in Alabama. Once again, this would provide us with a system which may be needed in the here and now, in the near future. This is a system that is ready to go but is not fully funded for production.

Now, where does this money come from? Under my amendment, we would take first of all funds out of space-based interceptors. Mr. Chairman, we have in the past, since the inauguration of SDI in 1983, we have developed at least two iterations of a space-based kinetic kill interceptor. The original space-based interceptor was based on a satellite. A number of different interceptors would have been garaged on a single satellite and deployed from that satellite. Because such a satellite is a highly valuable and highly visible target in a fixed orbit circling the Earth at given times constantly, it becomes an easy target to take out. Because of its vulnerability, it was discontinued. Actually, it was defeated here on the House floor; discontinued the next year by SDI.

In its place, SDI proposed something called Brilliant Pebbles. The idea was to make these interceptors single autonomous satellites and so prolific they would be too prolific for any adversary to take out enough to make a difference. Well, Brilliant Pebbles II, after the expenditure of several hundred million dollars, was abandoned and discarded.

What I am proposing here tonight, Mr. Chairman, is that we have a full plate already for the Missile Defense Agency. We are trying to bring to fruition the mid-course interceptor. We are trying to develop a boost-phase intercept for the Navy. We are trying to develop a mid-course intercept system based upon a Navy ship. We have an airborne laser system. Given the full plate that the MDA, Missile Defense Agency, already has for the systems it has started up or is starting now, it does not need to complicate its problems with an additional space-based system, particularly after we have already abandoned two iterations of it.

Secondly, we would deplete the funding except for $10 million for further feasibility and concept definition studies of the space-based laser, a truly futuristic and, in my opinion, highly dubious system. We take the money out of those systems; and we put it in theater missile defense where the danger is clear, present, and imminent.

That is the purpose here, to rearrange money. Not to take money out of missile defense, but to rearrange it and to accomplish some near-term needs of systems that we very well may have to call upon in the near future.

The gentleman from California (Mr. HUNTER) has an amendment that would rearrange my rearrangement. He would leave in place the allocations I have made, but he would allow General Kadish to determine which systems would be debited in order for these two systems to be plussed up. And I can live with the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, is it in order for me to offer the substitute at this time?

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 6 OFFERED BY MR. HUNTER AS A SUBSTITUTE FOR THE PART A AMENDMENT NO. 5 OFFERED BY MR. SPRATT

Mr. HUNTER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Part A amendment No. 6 offered by Mr. HUNTER as a substitute for part A amendment No. 5 offered by Mr. SPRATT:

At the end of subtitle C of title II (page 218, after line 15), insert the following new section:

SEC. ___. TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC-3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.

(a) INCREASE FOR PAC-3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by $65,000,000, to be available for an additional 24 PAC-3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for the Missile Defense Agency is hereby increased by $70,000,000, to be available within program element 0603881C, Terminal Defense Segment, only for the Israeli Arrow Ballistic Missile Defense System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $135,000,000, to be derived from amounts available to the Missile Defense Agency.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the gentleman from South Carolina (Mr. SPRATT) is very excellent with respect to the requirement or the proposal that we increase in two areas in missile defense, one of which is for additional PAC-3 missiles. Those in fact are the missiles, the antimissile system that we are deploying in the near term. We started deploying those around September of 2001. We are moving ahead to deploy that first battery. We are in what is known as low-rate initial production right now, finishing up EMD; and we are starting to move out with that program. And it is a great improvement over the Patriot missile that we utilized during Desert Storm. So it makes sense to try to get as many of those in the field as quickly as possible.

Similarly, we have been the prime mover in the Arrow missile program, which is also a theater antimissile system. It is an excellent system. It has been proven out and is in deployment right now, and we are trying to increase the deployment and get a third battery up for the Arrow missile. So both of those adds, I think, are good adds, Mr. Chairman.

What we do that is a little different in the substitute, the way we modify Mr. SPRATT's amendment, is instead of designating certain places where we mandate cuts in the missile defense program, we are not replacing General Kadish's discretion with our own. We are leaving him the discretion to move money around and decide where he is going to take the money from to come up with this additional $135 million-or-so for these two missile programs.

So if the gentleman will accept our substitute, I am inclined to accept his amendment.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I will indeed.

I do, however, Mr. Chairman, still wish to reserve my time so I can recognize others to make comments upon the amendment.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, noes 336, answered "present" 1, not voting 42, as follows:

[Roll No. 146]

AYES—55

Abercrombie
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
Costello
Davis (FL)
DeGette
Delahunt
Dingell
Doggett
Etheridge
Evans
Filner
Frank
Hill
Holt
Honda
Hooley
Jackson-Lee (TX)
Jefferson
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Meek (FL)
Miller, George
Mink
Napolitano
Oberstar
Obey
Olver
Pelosi
Rodriguez
Schakowsky
Shows
Slaughter
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Thompson (CA)
Towns
Waters
Watt (NC)
Wu

NOES—336

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Farr
Fattah
Ferguson
Flake
Fletcher
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Nussle
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering

Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—42

Ballenger
Berman
Blunt
Boehner
Boucher
Burton
Cannon
Clay
Combest
Cooksey
Crane
Dooley
Everett
Foley
Ganske
Gillmor
Gordon
Hall (OH)
Hinchey
John
Johnson, Sam
Kennedy (MN)
LaFalce
LaTourette
Lewis (GA)
McCrery
Millender-McDonald
Nethercutt
Norwood
Ose
Oxley
Pryce (OH)
Radanovich
Reyes
Riley
Roukema
Royce
Simpson
Thomas
Traficant
Watson (CA)
Waxman

□ 2011

Messrs. BACHUS, FERGUSON and LAHOOD changed their vote from "aye" to "no."

Mr. RODRIGUEZ changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 13 minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 10½ minutes remaining.

Mr. HUNTER. Mr. Chairman, the gentleman from South Carolina and I have discussed his accepting of my substitute and our accepting of the amendment. I know he has several speakers. We do not have any more speakers. What I would be happy to do is yield my time on the substitute to the gentleman from South Carolina's speakers and maybe we could move this process along.

Mr. SPRATT. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of our committee.

Mr. SKELTON. Mr. Chairman, I strongly support the amendment by my friend from South Carolina, and I compliment him as well as the gentleman from California.

This amendment addresses what I see as a relevance problem. I have looked at the future and found it wanting. There just is not enough money to carry out the current defense program through the next few years.

But instead of keeping its priorities on what the troops need, we see the Department of Defense canceling programs with real-world relevance while throwing money at any missile defense item that comes down the pike.

As a gesture of national unity, Democrats last year foreswore a significant debate on missile defense. We did not debate the 57 percent increase in spending. We have not debated Secretary Rumsfeld's removal of most of the controls and oversight required of all other major defense programs. We have not debated other significant changes.

But I hope, Mr. Chairman, that we can at least begin, with this amendment, to reestablish relevance as a consideration when spending the national treasury.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding to me and I rise in support of this bill.

Mr. Chairman, I believe I was the first Member of Congress in January 2001 to see the Arrow system deployed at Palmachim Air Force Base in Israel. It was very exciting to see the radar, the launchers, and also to see some members of the United States Navy working on the interoperable aspects of the system.

□ 2015

An important thing for this House to understand is that this system is interoperable. The cost-sharing between our country and Israel has produced a system that will protect Israel against current and future missile attacks, and these are real threats, but also will protect U.S. troops deployed in the field. The work we have done on this system and the costs we have shared with our democratic ally, Israel, will help us as we develop our own more advanced theater missile defense and national missile defense systems. This amendment transfers money in this defense authorization bill to support more advanced deployment of a system Israel needs now, and to support the continued development of missile defense systems for the United States. It is a win-win; a win for our ally, Israel; a win for our troops and our homeland.

At a time when our homeland is under serious threat, an issue I devote a lot of my time to, this amendment will assure that we are more capable against a missile threat.

Mr. Chairman, I urge our colleagues to support the amendment.

Mr. Chairman, I support this bill, which provides for a strong defense for our nation. This chamber and this Committee, of which I am a former member, have a long record of providing our armed forces with the capabilities needed to win wars overseas. The overwhelming success of the ongoing operations in Afghanistan demonstrates these capabilities, and attests to the skill and dedication of our armed forces.

We now face a new challenge. While our military forces will be called to win wars overseas, the nation must also wage a war at home. This is not a war we can win with artillery or uniformed troops. It is a war of intelligence, of technology, and of wills.

Similarly, the war against terrorism in Afghanistan was not won with the force structure and equipment of the Cold War. We relied on long-range platforms, on stealth, and on precision-guided munitions. Technology is replacing the need to put our uniformed personnel in harm's way and providing situational awareness to commanders thousands of miles away. While we will maintain the ability to go it alone, the ability to lead a coalition will frequently replace the need to shoulder the burden exclusively.

The bill before us today is a step in the right direction in transforming the military to a truly modern fighting force. The authorization of programs to protect the homeland shows an understanding of the threats we now face. The authorization of uninhabited vehicles, of stealthy aircraft, and improved communications and sensors embraces new technologies.

This bill moves down the path of defense reform. To be sure, there still is more to go. I urge my friends on the committee to continue the fight against legacy systems and programs, to replace them with agile and smart systems, and to improve the poor tooth to tail ratio through better business practices in the defense establishment.

Finally, I am proud to represent the aerospace capital of the universe. The companies in my district forge the reconnaissance and communications satellites, UAVs, and other cutting edge technologies that will drive the new defense. I support these programs, and I support this bill.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), in whose district the PAC III is built.

Mr. TURNER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think it is important for us to understand what this amendment is really all about. It is the intent of the sponsors of these amendments to be sure that our troops are prepared to deal with what we may potentially face if we are involved in a land battle in a country like Iraq.

Today we have only 20 PAC III missiles in our inventory. We authorized 72 additional missiles last year. They are not on line yet. What that means is if we get into a battle, a land battle where our troops need the protection from those Scud missiles coming from Iraq, we will simply not have the protection our troops should have.

The PAC III missile is the only hit-to-kill missile that we have that has been proven to be successful. The old Patriot missiles are a different technology. We will certainly want as a House tonight to stand behind our troops and ensure that an additional 24 missiles are authorized under this bill.

The Army says they need over 2,000 PAC III missiles in their inventory. We will have to appropriate money for a decade to get that inventory to that level. But we can take a small step tonight by authorizing an additional 24 missiles for PAC III, as well as the authorization for additional funding for the Arrow missile, which is also a missile that will defend against the Scud missiles of Iraq.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, let me first of all state my support for this legislation as it relates to the funding of the military personnel in this country. I support the increased compensation that this authorization bill will provide.

Let me also thank the gentleman from South Carolina (Mr. SPRATT) for a very thoughtful amendment as it relates to dealing with the missile activities in the theater or grounded missile activity. I support that kind of utilization of missile defense, in the theater, on the ground.

I think it is important to note that I do oppose in its totality the utilization of $7 billion for missile defense in this particular bill. I think the thoughtful amendment that the gentleman from South Carolina (Mr. SPRATT) has that deals with the particular distribution of the funds, particularly as it relates to Israeli defense, is very helpful. However, let me share with my colleagues my concerns about missile defense.

First of all, Operation Enduring Freedom is costing roughly $1.8 billion per month. This bill funds missile defense at $7 billion, and we will also use $7 billion in 4 months for Operation Enduring Freedom. The money for Missile defense was put in this legislation even after a top defense official has said that a successful U.S. missile defense system which was completed recently does not realistically duplicate conditions of an actual attack, a fault in the missile defense. We also find that kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work.

So I simply say that the amendment before us, the Spratt amendment, with the distribution of funds as he is offering to do, is an amendment that makes sense, because it is related to ground missile defense. But I am opposed, Mr. Chairman, to the utilization of $7 billion for the missile defense program as offered in this bill and in the President's budget. I ask my colleagues to support the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for accepting my amendment.

This Arrow missile was a program that we started in 1987. Members of the Committee on Armed Services contacted Mr. Rabin and Mr. Abramson and said you have to develop a system against incoming ballistic missiles because at some point we are going to see them coming from neighboring countries built presumably by Russia. We saw that. We are going to see more of it. This is a prudent move. The PAC III is also an excellent addition. I thank the gentleman for accepting this substitute.

Mr. Chairman, I move the substitute at this time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, Operation Enduring Freedom is costing roughly $1.8 billion per month. Within four months time that amount will climb to $7.2 billion, while funding the ballistic missile defense program in H.R. 4546 will cost approximately $7.784 billion.

The Ballistic Missile Defense system has failed most of its tests. Kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work.

The military personnel conducting the war in Afghanistan are showing measurable victories in achieving the United States goals. While the ballistic missile defense program is not a proven deterrent, let's not fund an unproven, instead let's fund success. By diverting the funds to military personnel we are insuring their welfare and the welfare of their families, which results in increased security for America.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER) as a substitute for the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT), as amended.

The amendment, as amended, was agreed to.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 339, not voting 39, as follows:

[Roll No 147]

AYES—56

Abercrombie
Ackerman
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
DeGette
Delahunt
Doggett
Filner
Ford
Frank
Hill
Hinchey
Holt
Honda
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kucinich
Langevin
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Meeks (NY)
Miller, George
Mink
Napolitano
Oberstar
Obey
Olver
Pelosi
Peterson (MN)
Rodriguez
Sanchez
Schakowsky
Shows
Solis
Stenholm
Tanner
Taylor (MS)
Tierney
Towns
Waters
Watt (NC)
Wu

NOES—339

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)

Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Nussle
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Ballenger
Barr
Boehner
Boucher
Burton
Cannon
Clay
Clayton
Combest
Crane
DeFazio
Edwards
Everett
Gillmor
Gordon
Grucci
Hall (OH)
Hansen
Hoyer
John
Kennedy (MN)
LaFalce
LaTourette
Lewis (GA)
Millender-McDonald
Nethercutt
Norwood
Ose
Oxley
Pryce (OH)
Reyes
Riley
Roukema
Simpson
Stark
Traficant
Watson (CA)
Watts (OK)
Waxman

☐ 2043

Mr. TIBERI changed his vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 7 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Mr. Chairman, I offer amendment No. 7.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 7 offered by Ms. SANCHEZ:

At the end of title VII (page 159, after line 14) insert the following:

SEC. 7 . LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting "in the United States" after "Defense".

The CHAIRMAN. Pursuant to House Resolution 415, the gentlewoman from California (Ms. SANCHEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I offer an amendment about freedom, safety, and choice. Members of the Armed Forces are entitled to a quality of life equal to that of the Nation they are pledged to defend.

Ms. SANCHEZ. Mr. Chairman, whether you are pro-life or pro-choice, agree or disagree with the merits of reproductive freedom, the fact remains that women of the United States have a constitutional right to these services. So why do we choose to place our overseas female soldiers and military dependents into a subclass of citizenship? Currently servicewomen may fly back to the United States to obtain reproductive services, but only after they have authorization from a commanding officer and can find space on military transport.

If your daughter, your wife, sister or friend had to make this tough reproductive choice and was stationed overseas, do you believe that as adult women they should be required to disclose this to their commanding officer? Would you want to put her on a plane alone? Our servicewomen and dependents overseas deserve better.

My amendment allows military personnel and their dependents serving overseas to use their own private funds to obtain safe, legal abortion services in overseas military hospitals. No Federal funds would be used.

The amendment will only affect U.S. military facilities overseas. My amendment will not violate host country laws, nor does it compel any doctor who opposes abortion on principle to perform one. It will, however, open up reproductive services at bases and countries where abortion is legal.

Vote for the rights of our servicewomen and dependents abroad. Vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) is recognized for 10 minutes.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California (Ms. SANCHEZ). This amendment simply introduces a controversial issue of abortion into a national security debate. The amendment does not address an operational need for the Armed Services or ensure health care benefits extended to our men and women in uniforms and their families.

Under current law, government-funded abortions may be performed in the Department of Defense medical treatment facilities whenever the life of the mother would be endangered if the baby were carried to term. Additionally, self-funded abortions may be performed in these medical treatment facilities in cases in which the pregnancy is the result of an act of rape or incest.

If this amendment is adopted, self-funded abortions would not be limited in military medical treatment facilities outside the United States to cases in which the life of the mother would be endangered if the baby were carried to full term or in cases in which the pregnancy is the result of the act of rape or incest. Elective abortions can be performed in military medical treatment facilities outside the United States.

Proponents of the amendment claim that the amendment is necessary because female service members and dependents overseas are denied equal access to health care. This is simply not true. In those overseas locations where safe and legal abortions are not available, service members and their dependents currently have the option of using space available travel to return to the United States or to some other overseas location to obtain an abortion. As a result, the argument that the DOD personnel overseas are denied equal access to health care just is not true.

Additionally, abortions are generally available overseas. For example, in Italy abortion services comparable to those in the United States are available from Italian providers. In Japan abortion is legal and generally unrestricted. And in Germany when a woman has an abortion she can have it during the first 12 weeks of her pregnancy.

In short, there is simply not any truth to the claim that our servicewomen and dependents overseas do not have equal access to abortion services.

Mr. Chairman, I reserve the balance of my time.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. HARMAN), the co-sponsor of this amendment.

Ms. HARMAN. Mr. Chairman, I rise in strong support of this amendment which I have co-authored with the gentlewoman from California for years. Since 1995, we have tried each year to change the policy that I think truly does harm to women serving in our military overseas.

Mr. Chairman, as we deploy women all over the world in the war on terrorism, it is urgent that they know they have our full support, our prayers and the same rights as every other American woman under our Constitution.

I listened to the last speaker, my good friend the gentleman from Kansas (Mr. RYUN), and it is not the case that military women have the same rights to pay for abortion services overseas as military women who serve at home. There are limited rights to abortion services overseas, but they are not the same rights that military women in America have. It is this difference that we seek to eliminate with this amendment.

Mr. Chairman, over 100,000 women, active service members, spouses and dependents of military personnel live on military bases overseas and rely on military hospitals for their medical care. It is not fair for them to have to violate their personal privacy to reveal that they are pregnant in order to get permission to fly home to have a safe abortion in an American hospital.

We are not asking the Federal government to pay for abortions overseas. We are not asking military doctors who have moral, religious or ethical objections to perform abortions overseas. All we are asking is that servicewomen stationed abroad have the same constitutional rights as servicewomen living here.

Mr. Chairman, they have earned those rights. They are putting their lives on the line to preserve our freedom. We should not ask them potentially to sacrifice their lives to secure an abortion.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today to speak against this amendment to expand abortion services in military hospitals overseas. Let us be clear on what we are really talking about. What this amendment does is to allow the use of hard earned taxpayer dollars to fund abortions in our military overseas hospitals. This violates the strongly held convictions of millions of Americans who do not want their tax dollars going to fund activities that they believe are wrong.

The other side will argue that the procedure will be paid for by the woman seeking the abortion. But this clearly ignores the obvious fact that the infrastructure, the medical facilities, the equipment are all paid for with taxpayer dollars. This amendment is fundamentally about how we use our taxpayer dollars, which should not be a controversial issue. The overwhelming majority of taxpayers oppose the use of publicly held Federal dollars for abortion.

This amendment has been rejected six times by the same House. Do the right thing today and vote against the passage of this amendment again.

Ms. SANCHEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just for the gentlewoman's sake, the individual who would get the abortion done would have to pay for the abortion herself. This is not a public expense.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), my colleague on the committee.

Mr. KIRK. Mr. Chairman, I take a point of personal privilege first to wish the best of luck to Hoover House at the University of Chicago in their ancient and honorable scavenger hunt.

I rise in support of the Sanchez amendment because it guarantees American women in uniform that they can use their own funds for all legal options in their health care. As a Naval officer I served at Incirlik Air Base in Adana, Turkey. I know of the outstanding clinics available on base and also of the poor conditions available at the Adana Turkish City Hospital. I believe that U.S. service men and women should be treated on base by American doctors and that our women in uniform should not be forced into some clinic where English is not spoken.

I commend the gentlewoman, and this amendment should be adopted.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, first of all, I would like to note that terminating the life of a fetus is not properly defined as a reproductive service.

For many years we had no law respecting whether abortions could or could not be performed in medical facilities. We simply did not need one because military medical personnel would not perform abortions. Abortions for life of the mother, rape or incest are currently permitted in military facilities. And what this amendment asks for are abortions that fully 80 percent of Americans oppose; that is, abortion for birth control.

When you remove life of the mother, rape and incest, that is all that is left. Approving this amendment would be a major affront to our brave military medical people who do not want abortions performed in their facilities. Please vote against this motion.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 58, noes 325, answered "present" 1, not voting 50, as follows:

[Roll No. 148]

AYES—58

Abercrombie
Baldwin
Barrett
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
Costello
DeGette
Delahunt
Doggett
Filner
Frank
Hill
Holt
Honda
Jefferson
Johnson, E. B.
Kaptur
Langevin
Larson (CT)
Lee
Lofgren
Lucas (KY)
Lynch
Markey
Matsui
McDermott
McGovern
McIntyre
Miller, George
Nadler
Napolitano
Oberstar
Olver
Ortiz
Owens
Pascrell
Pelosi
Peterson (MN)
Rodriguez
Sanchez
Schakowsky
Shows
Slaughter
Solis
Stenholm
Tanner
Taylor (MS)
Towns
Udall (NM)
Visclosky
Waters
Wu

NOES—325

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson

McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Ney
Northup
Nussle
Obey
Osborne
Otter
Pallone
Pastor
Paul
Payne
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—50

Ackerman
Ballenger
Barcia
Barr
Berman
Boehner
Burton
Cannon
Clay
Clayton
Combest
Crane
Culberson
Diaz-Balart
Foley
Gillmor
Gordon
Goss
Hall (OH)
Hilleary
Hulshof
John
Kennedy (MN)
LaTourette
Lewis (GA)
Menendez
Millender-McDonald
Mink
Nethercutt
Norwood
Ose
Oxley
Pence
Platts
Pryce (OH)
Radanovich
Reyes
Reynolds
Riley
Roukema
Ryan (WI)
Sanders
Schaffer
Simpson
Souder
Stark
Traficant
Watson (CA)
Waxman
Woolsey

□ 2117

Mrs. MYRICK, Ms. ROYBAL-ALLARD and Mr. HOEKSTRA changed their vote from "aye" to "no."

Ms. SOLIS changed her vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the Sanchez amendment. Women who volunteer to join the armed services, who risk their lives in faraway places, are asked now to compromise their constitutional right to choose. And she is also having to make a decision to compromise her health, because we are not talking about her life that may be at stake, but if she needs this medical procedure of an abortion to save her health, she may have to make the decision not to do that.

Let us be clear. This amendment simply gives American women overseas the same legal rights they would receive if they are at home. It does not provide public funding for abortions. It simply allows women to use their own money to pay for the procedure. It does not force medical personnel at military hospitals overseas to perform the procedure. They would still be allowed the option not to perform abortions based on moral, religious, or ethical objections.

This amendment is necessary for women's health. The current ban places women's health at risk by not allowing them the full range of reproductive health. I urge a "yes" vote on the Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, with all due respect to the gentlewoman from California, the amendment that she offers, if enacted, will result in babies being brutally killed by abortion and will force pro-life Americans to facilitate the slaughter of innocent children. This is an abortion facilitation amendment. It will turn our military hospitals into abortion mills.

Mr. Chairman, it is time we ended our collective denial. Abortion is violence against children. Some abortion methods dismember and rip apart the fragile, precious bodies of children. Abortion methods also chemically poison children. There is nothing benign, there is nothing curing or nurturing about abortion. It is violence against children.

We worry a lot about chemical weapons, especially in the post-anthrax scare that we had, which actually affected my own district. What do my colleagues think these abortion chemicals do to children when they are injected into the amniotic sac? A high-concentrated saline badly burns the baby. It is violence against children.

Let us be about nurturing, promoting prenatal care and maternal health care, not the killing of babies.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding me this time and also for her persistence each year in trying to bring some equity to women and dependents who are serving in our Nation's military.

I rise in strong support of the Sanchez amendment to overturn what is a very and extremely discriminatory policy of denying servicewomen and female military dependents from using their own funds, mind you, for abortions at overseas military hospitals. At a time when many servicewomen are overseas fighting in Afghanistan, it is wrong to deny them access to vital reproductive health services. Women in the military should be able to depend on their base hospitals for all of their health care services.

A repeal of the current law ban on privately funded abortions would allow women access to the same range and the same quality of medical care available in the United States. I urge my colleagues to support the Sanchez amendment. We owe it to our women fighting abroad and serving in our military proudly throughout the world.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute and 10 seconds to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment.

Despite what some of my colleagues have argued, American women in overseas military bases are not in danger if they cannot receive an abortion at a military facility. Pregnancy is not a disease. Those facilities are to treat illness and disease and provide normal health care.

First, let us make clear what the United States policy is regarding overseas bases. For countries where abortion is banned, this amendment would do nothing to allow women stationed in these countries to have an abortion at a military facility. Why? Because U.S. military adheres to a country's local laws regarding abortions.

For example, South Korea bans abortions, meaning they will always be banned on military bases located in South Korea. This amendment will do nothing to change that policy. Further, in countries where abortion is legal, such as Germany, women may travel off base to receive an abortion, if they choose. While I would hope these women would not choose to have an abortion, they are not denied transportation, and the procedure can be done in a sanitary facility.

According to the Congressional Research Service, it is estimated that 1,500 women have left military facilities to have abortions since 1993. That could have been translated into an average of about 150 abortions a year at taxpayer-funded medical facilities.

This amendment would not do what its proponents claim. It is not about whether or not we want to permit our overseas military hospitals and facilities to perform abortions only; it is about spending taxpayer monies to do so.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I thank my colleague from Kansas for yielding me this time, and I rise in opposition to this amendment.

As a reminder, the same amendment has been rejected by the House six times previously. I receive letters from my constituents, current retired servicemen and women about their concerns over services through the military health care system and the budget crunch it is facing. The men and women of our Armed Forces face enough medical concerns already, including preparing for serious threats like biological and chemical weapon attacks, without turning them into abortion clinics.

Adding unnecessary mandates to the current doctors and nurses would be a disservice. The primary mission of the military medical service system is to maintain the health of the military personnel. The system is designed to keep military personnel healthy so they can carry out their missions. In support of those in uniform, the military medical system also provides, where space is available, health care services to dependents of active-duty servicemembers and retirees and their dependents. These duties are enough to keep the system busy without adding unnecessary duties.

Another reminder: for the 3 years abortions were allowed at military facilities under the Clinton administration, military physicians refused to perform them, forcing the Clinton administration to hire civilians to perform abortions.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I rise in favor of this particular amendment, which would allow for self-funded abortions to be conducted at military hospitals, which is vitally important for servicewomen and female dependents overseas.

This is about the availability of safe, sanitary facilities and well-trained professional staff. It is also about confidentiality. No woman should have to explain to a superior, employer, or superior in the military why she wishes to avail herself of a right that is provided under the Constitution of the United States. Currently, it is required that service individuals, servicewomen, tell their superior officer what their situation is in order to be given the opportunity to come back to the United States to avail themselves of safe, sanitary facilities. That is wrong.

I rise in support of the amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise today in opposition to the Sanchez amendment. For 6 years in a row, the House has rejected the Sanchez amendment.

As the former chairwoman of Feminists For Life, Frederica Matthews-Green, said, abortion is violence. Abortion is the most violent form of death known to mankind. It is death by dismemberment, decapitation, ripping the body apart, or poisoning. And she said there are always two victims with an abortion: one is the mother, the other is the baby. One is dead; one is wounded.

We should not be turning our military hospitals into abortion clinics. We should not be subsidizing with American taxpayer money military hospitals so that they can become abortion clinics. I urge Members to maintain the current law and vote "no" on the Sanchez amendment.

MOTION TO RISE OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I move that the Committee rise and report the bill back to the House with the recommendation that the enactment clause be stricken.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROEMER. Mr. Chairman, I rise to talk about why the motions to rise from the committee, offered by the gentleman from Mississippi (Mr. TAYLOR), are a valuable contribution to this House, to the democratic principles, and actually to this bill.

When we started debate on this bill earlier this afternoon, the Committee on Rules, which sits above this Chamber, a floor away, reported a rule that brought the defense authorization bill to the floor but did not allow a host of amendments to be offered on this bill, amendments that would make defense stronger; amendments that would save the taxpayer money; amendments that dealt with foreign policy and the amount of troops that could be in Colombia; amendments that would involve the BRACC commission and the closure of bases in this country.

All those amendments were thrown by the wayside. And the body, 435 Members of Congress, were told they could bring their ideas to the House floor, the people's House.

□ 2130

Mr. Chairman, if the Senate is called the deliberative people, we in this great body are called the people's House, and we are elected from Colorado and Indiana. We are elected from California and Maine and Florida. We are elected by 570,000 people to bring our ideas through amendments and legislation to this great hall, and to try to improve bills, to try to speak out on farm policy, on space policy, on banking regulations, to try to talk about the unemployed and the poor; and yes, to strengthen a defense bill.

But today, Mr. Chairman, we are silenced. Yes, some Members could offer amendments, but most of the 435 could not. The gentleman from Mississippi (Mr. TAYLOR) has been trying to offer his amendment on base closures. I would probably oppose his amendment; but he has the right to offer that amendment, to have that speech in this body, to have that freedom that we have in the House of Representatives to debate ideas.

After all, Mr. Chairman, our defense, our men and women, our troops overseas tonight, are in the cold mountains of Tora Bora fighting terrorists for us and for the principles that we hold dear in this Chamber. Ideas, speech, debate, all these wonderful things that the Founding Fathers put together 225 years ago, but we cannot do them today. I do not think that is right. I do not think that is what the great House is about. I think this could have been a much shorter day, quite frankly, if we would have been allowed the opportunity to debate just a few of these amendments.

I know that there are Republicans that had good ideas, good amendments, good principles to bring forward here, but the Committee on Rules said no. The Committee on Rules said no to Democrats. This year, Mr. Chairman, a motion to recommit was denied the minority for the first time in 35 years, to offer our ideas as the minority party. Who knows who will be the minority party next year, but the minority right should rule around here, that we have an opportunity to offer a motion to recommit, and the right to offer amendments for debate, and let the majority vote them up or down.

While the gentleman from North Carolina (Mr. TAYLOR) may have an amendment I disagree with, he has a right and a principle I strongly agree with, and that is the right to debate in this great Chamber.

I would hope that we put partisanship and party behind us tonight, and put principle and value in front of us and allow more amendments tonight and more amendments in the future on our bills.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. RYUN of Kansas. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Is there any Member who wishes to speak in opposition to the motion?

Mr. RYUN of Kansas. Mr. Chairman, I rise in opposition to the motion; but in fairness to Members and staff that are here, I yield back the balance of my time.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Indiana (Mr. ROEMER).

The motion was rejected.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1¾ minutes remaining on the Sanchez amendment, and the gentlewoman from California (Ms. SANCHEZ) has 2 minutes remaining on the Sanchez amendment.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 319, answered "present" 1, not voting 39, as follows:

[Roll No. 149]

AYES—75

Abercrombie
Ackerman
Baldwin
Barrett
Becerra
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
Costello
Cummings
Davis (FL)
DeGette
Delahunt
Doggett
Eshoo
Evans
Filner
Ford
Frank
Hastings (FL)
Hill
Hilliard
Holt
Honda
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Langevin
Lantos
Larson (CT)
Lee
Lofgren
Lynch
Markey
Matsui
McDermott
McGovern
McIntyre
Meeks (NY)
Miller, George
Mink
Moore
Napolitano
Oberstar
Olver
Ortiz
Pascrell
Pelosi
Peterson (MN)
Rahall
Rodriguez
Sanchez
Sanders
Schakowsky
Shows
Skelton
Slaughter
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Thurman
Towns
Udall (NM)
Waters
Wu

NOES—319

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Barcia
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Obey
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—39

BairdBallenger
Barr
Boehner
Burton
Cannon
Clay
Clayton
Crane
DeLay
Dooley
Everett
Ganske
Gephardt
Gillmor
Hall (OH)
Hansen
Hulshof
Hunter
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Morella
Nethercutt
Nussle
Ose
Oxley
Pryce (OH)
Reyes
Riley
Roukema
Ryan (WI)
Schaffer
Simpson
Toomey
Traficant
Watson (CA)
Waxman

□ 2159

Mr. COX changed his vote from "aye" to "no."

Ms. ESHOO changed her vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1¾ minutes remaining and the gentlewoman from California (Ms. SANCHEZ) has 2 minutes remaining.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in support of the Sanchez-Harman amendment to H.R. 4546, which would simply lift the current ban on privately funded abortions at U.S. military facilities overseas.

Mr. Chairman, our service men and women take an oath of office like our oath of office to support and defend the Constitution.

□ 2200

Yet, they are denied their constitutional right to privacy and to a safe and legal, accessible abortion under Roe v. Wade.

I have an opportunity to visit bases in my district very regularly, and I actually have been surprised, but I should not be, that I have been approached by servicemen and women about this issue, and by the men whose wives serving our country have to return home from their overseas station because of an unwanted and unexpected pregnancy. This is a fairness issue. For those protecting our freedom overseas, we need to allow them the same rights to access abortions as women in the United States.

Mr. Chairman, I urge Members to support this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I want to read a little portion of a letter that I received from a woman who has spent 10 years in the Army serving her country, this country. She wrote about the fact that she had an unwanted pregnancy and the details of what she had to do in order to come back to this country to receive that reproductive service.

She writes, "I can remember thinking at the time how unfair it was that I had to resort to these drastic measures. Had I been in the States, it would not have been this way. I can remember being resentful of my fellow male comrades who were able to have vasectomies paid for by the military in Germany, and yet I had to use my leave time and own funds to fly back to the U.S. for what is also a reproductive choice. Women in the military are denied their right to control their reproductive process while abroad, although men in the military enjoy the same rights abroad as they do in the States."

And she ends, "Please continue to fight for our service women. I was one of them, and I feel we are entitled to the same rights as our servicemen, or at least that is what I thought I was fighting for."

Mr. RYUN of Kansas. Mr. Chairman, I yield the balance of the time to the distinguished gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I have been around here for some time; this is my 28th year. Every year we talk about the military budget and military hospitals. I am convinced that the purpose of a military hospital is for military medical readiness and to save lives; to save lives, not to take life.

Now, we have heard lots of words about the pregnant woman and her discomfort, and I sympathize with that situation very much so, but not one scintilla, not one thought, has been given to the unborn child.

How many of my colleagues have held a newborn baby in their arms? That is what we are talking about. We are talking about abortion, not reproductive rights. Reproductive. There is nothing reproductive about an abortion. It is contra-reproductive. An abortion kills a little baby once it has begun its life.

There is no choice involved except a dead baby or a live baby. That is the choice that is involved.

Now, we know what an abortion is, even though we want to euphemize it by saying reproductive choice, the product of conception. The little baby is not killed; it undergoes demise. We know all of the beautiful euphemisms. But the other part of this equation is simply the fact that the American taxpayers contain millions of people who resist, as a matter of conscience, participating in this killing of an innocent, vulnerable, defenseless, unborn child, and their tax dollars are involved, because tax dollars have built the hospital, tax dollars maintain the hospital, and the consciences of those people ought to be respected.

Vote no.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank my colleague LORETTA SANCHEZ for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful nation. These women work to protect the freedoms of our country. And yet, these women—for the past eight years—have been denied the very Constitutional rights they fight to protect.

My colleagues, this restriction is un-American, undemocratic, and would be unconstitutional on U.S. soil. How can this body deny constitutional liberties to the very women who toil to preserve them? Mr. Chairman, as we work to promote and ensure democracy worldwide we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions because no federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to because they are protected by a broad exemption. This amendment is about ensuring that all American women have the ability to exercise their Constitutional right to privacy and access safe and legal abortion services.

Mr. Chairman, as our nation works to preserve our freedoms and democracy, now is not the time to put barriers in the path of our troops overseas. We know that the restriction on abortion does nothing to make abortion less necessary—it simply makes abortion more difficult and dangerous.

It is time to lift this ban, and ensure the fair treatment of our military personnel. I urge passage of the Sanchez amendment.

Mr. BLUMENAUER. Mr. Chairman, I support the pro-choice Amendment offered by Representative SANCHEZ to the Defense Authorization bill. This amendment restores the right of female service members and dependents who are stationed overseas to use their personal funds to obtain abortions.

Current law prohibits United States military service members and their dependents stationed overseas from obtaining an abortion in military hospitals, even if they pay for the procedure with their own funds. The defense authorization bill that we are considering today leaves this prohibition in place, while the Sanchez amendment removes this restriction.

This ban threatens women's health and privacy. Women stationed overseas rely on their base hospitals for medical care and are often in areas where local health care facilities are inadequate or unavailable. This ban may compel a woman to postpone the procedure while she looks for a provider, or may force a woman facing an unplanned pregnancy to seek an illegal, unsafe abortion. Alternatively, she may have to inform her superiors about her need for an abortion and wait until there is space available on a military flight back to the United States, sacrificing her privacy and increasing her health risk with potentially risky delays. The ban is especially unjust because the government is not determining how and where American tax dollars are spent; it is dictating to women what they can and cannot do with their own money.

Women serving overseas, defending Americans' liberties, should not be denied the very rights they are charged with protecting simply because they are serving abroad. I urge my colleagues to reject this anti-choice strategy and vote for the Sanchez amendment.

Mr. NADLER. Mr. Chairman, I rise today in strong support of Representative SANCHEZ's amendment.

This amendment is about recognizing the rights and dignity of our women in the armed forces. It grants those serving overseas and their dependents access to appropriate reproductive health care. It is really a very limited amendment to correct a policy that never should have been enacted in the first place. This amendment does not impose Department of Defense funding for abortion. Rather, it simply allows women to obtain safe abortion services using their own funds in U.S. military hospitals outside of the United States.

The current ban increases women's health risks and denies women their basic constitutional right to privacy. It requires a woman to inform her superiors of her need for abortion and wait until there is space available on a military flight back to the United States. This delay puts women's lives in jeopardy.

Furthermore, women serving our country today depend on their military base hospital for medical care in areas where local health care facilities may be inadequate or unavailable. The health of a servicewoman is threatened when she has to look outside of the base for a safe provider of the medical attention she needs. The current policy may even force a woman to seek back alley or unsafe abortion when facing a crisis pregnancy.

In addition, the ban discriminates against the women serving our country overseas. This amendment would ensure equal access to comprehensive reproductive health care for all U.S. servicewoman and dependents, regardless of where they are stationed.

We should provide the best possible medical attention to our military personnel, and that includes reproductive health services. We ought to pass this amendment now. We owe it to the women in our armed services who risk their lives everyday to protect liberty and fight for our freedom. They work hard every day to promote our safety, lets act today to protect their safety. I urge my colleagues to vote for the Sanchez amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

It is now in order to consider amendment No. 8.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

One hundred Members being present, the point of no quorum is overruled.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 312, not voting 39, as follows:

[Roll No. 150]

AYES—83

Abercrombie
Baird
Baldacci
Baldwin
Barrett
Becerra
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (FL)

Capps
Capuano
Condit
Conyers
Costello
Crowley
Cummings
DeGette
Dicks
Doggett
Dooley
Eshoo
Evans
Filner
Ford
Frank
Gordon
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Langevin
Lantos
Larson (CT)
Lee
Lofgren
Lynch
Markey
Matsui
McDermott
McGovern
McIntyre
Meeks (NY)
Miller, George
Moore
Napolitano
Oberstar
Ortiz
Pascrell
Pelosi
Rahall
Rangel
Rodriguez
Roybal-Allard
Sanchez
Sanders
Schakowsky
Shows
Slaughter
Solis
Stark
Stenholm
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Udall (NM)
Velázquez
Waters
Wexler
Woolsey
Wu

NOES—312

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Camp
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Barr
Berman
Boucher
Brady (TX)
Burton
Calvert
Cannon
Clay
Clayton
Combest
Cooksey
Crane
Delahunt
DeLay
English
Everett
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
Linder
Maloney (CT)
Millender-McDonald
Mink
Nethercutt
Nussle
Ose
Radanovich
Reyes
Riley
Rothman
Roukema
Saxton
Shimkus
Souder
Traficant
Watkins (OK)
Watson (CA)
Waxman

□ 2230

Mr. LEWIS of California changed his vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 8 OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mr. GOODE:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the request to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

"(f) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2005.".

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

□ 2230

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of amendment 81. Amendment 81 is a very simple amendment that would authorize the Secretary of Defense to assign members of the Armed Forces to assist the Immigration and Naturalization Service if requested by the head of INS or, if requested, the Secretary of Defense could also, if requested by INS, use the Armed Forces to assist in cases of drug trafficking and also, if needed, to deal with the illegal situation.

Mr. Chairman, I reserve the balance of my time.

Mr. ORTIZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. ORTIZ) is recognized for 10 minutes.

Mr. ORTIZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been on both sides. I have been in law enforcement and I have been in the military, and I will say one thing, law enforcement and military matters do not mix. And I am just wondering whether my colleagues know that we have 120,000 troops stationed and deployed throughout the world.

I think that we need to focus now on the war that we are fighting now. The new war includes many fronts, including law enforcement on our borders, we have Customs, we have Border Patrol, we have INS and others doing a great job. Since September 11 in the Commerce-Justice appropriations last year, we funded an additional 570 border patrol men and 348 immigration inspectors. And not only that, Mr. Chairman, in the border security bill that we passed yesterday, we added another 1,600 INS inspectors and investigators. Besides, Mr. Chairman, many of the border States already have the National Guard helping INS, helping the Border Patrol.

We did not want to have a negative impact on the readiness of our troops to bring them from the military role that they are playing now and put them in a civilian role. I think this is wrong, and this is why I oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, it is not news to anyone in this House that the borders of this Nation for the most part are porous and undefended. As a result, millions of people have over the last several years entered this country illegally. Most of them come with benign intent. Others come with malicious intent. Among the latter are those that bring drugs into the country.

I recently returned from a visit to the Coronado Forest near Nogales, Arizona, a forest I should say that is under siege, inside siege. This is an area that is experiencing the highest traffic of both humans and illegal drugs. There are so many people coming through in this part of the border into that particular area that the forest has been degraded. There are literally hundreds of footpaths that have been worn into the mountains. There are thousands of acres that have been torched as a result of people leaving their campfires. Mostly these people are undocumented aliens coming through starting campfires and moving on. Most of these people coming through or a great many of them are carrying narcotics on their backs in homemade backpacks. They come in large numbers, they come in small, but they carry tons of illegal narcotics.

Mr. Chairman, they come through in small numbers and in large. They come through with people protecting them with M-16s, and not only that in the same area which had several incursions by members of the Mexican military and of the Mexican federal police. In fact, in the year 2001 there were 23 such incursions along our border, along our southern border, 23 times. In the last 10 years there have been over 100 such incursions. These people are not just lost down there, Mr. Chairman.

This Nation is in fact under siege. Our need, our ability to defend our own borders is well known. Our inability to do so with the resources now available is also well known.

Mr. Chairman, the reality is this, that we cannot protect and defend the borders of the United States at the present time with the present resources, and that is one of our primary and sole responsibilities.

The Federal Government is the only entity charged with the responsibility of defending our borders. We are not doing it now. More help is needed. It is appropriate to give the Department of Defense, it is appropriate to give the President, it is appropriate to give the Attorney General the ability to use the Armed Forces in a case where this Nation is in fact threatened, and I believe we are threatened. We are threatened by drug trafficking. We are threatened by massive immigration. It is definitely an amendment that deserves our support.

Mr. ORTIZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), my good friend, the Vice President of the Hispanic Caucus.

Mr. RODRIGUEZ. Mr. Chairman, as a member of the House Committee on Armed Services, I oppose the amendment that has been raised. Let me first of all say that this amendment is a very serious amendment because of the fact that the President right now has the right to call for troops if he wants them. He has the right to call them. What this amendment allows is the opportunity for the Department of Defense or the Secretary of Defense with a request of the Secretary, Attorney General and Secretary of Treasury to be able to have that influence and be able to move on that as consented by the President. We ought to leave this responsibility to the Commander in Chief and to the President and to do this is a major constitutional change.

In addition, the increase of U.S. troops on the border with Mexico is a dangerous proposal that will leave border residents in danger and reduce military readiness. Our military is the world's best trained fighting force. They are not police officers and they are not border patrol agents. They are trained to fight. And we put our own citizens at risk.

As we know, we have had cases in the past, 4 years ago, when we had the young man killed on the border at Redford, Texas, 18 years old. He was a high school student killed by Marines, so that has already occurred.

At the present time I also want to share with you that for the very first time in recorded history we have over 79,000 both guardsmen and reservists doing full time. At a time when the Army has asked for over 40,000 troops, this bill that we are dealing with today will call for 2,500 additional Army people. But we need over 40,000 of them. So it is a serious situation. When we ask them to do additional work such as this, it is unfair to our fighting men and women and it harms our national security.

The military can provide assistance in numerous ways without this unwarranted diversion of troops. All of our budgets are tight. Putting troops on the border is extremely costly. It is bad to use scarce resources that drain our defense budget and put our readiness at risk. So I ask we vote no on this amendment.

Mr. GOODE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, our President has stated that this is a war like none other we have ever fought. Before September 11 no one ever dreamed that we would have our Armed Services guarding our airports.

Certainly we should permit the disposition of our troops anywhere they might be needed in the future to protect our national security and our vital interests, and this certainly includes the border. This is not obligatory legislation. This is only permissive legislation. How could we not vote to prevent the disposition of our troops on the border if in the view of our Commander in Chief, and it will not be done without his knowledge and therefore his presumed ascent, how could we preclude him from using the our troops that he feels is necessary on the border? There is no valid reason that this legislation should not be passed. I urge its acceptance.

Mr. ORTIZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, my good friend from Colorado (Mr. TANCREDO) that just spoke a few minutes ago was in actuality setting up a scenario of guerrilla warfare on the soil of the United States of America.

Frankly, this amendment is not needed. Just a few weeks ago this House passed H.R. 3231, the Immigration Reform bill, which enhanced the services and the dollars for our border patrol agents. There is no proof that any military at any points of entry anywhere on September 11 could have prevented the heinous and horrific acts of terrorists coming and doing the tragedy of September 11. There is no proof, no proof that military could stop terrorists coming across the border. There is no proof that the terrorists who acted on September 11 walked across our border.

We have very able border patrol agents, professionally enhanced with the dollars that we are providing in the immigration bill, and we should focus our attention to making sure that we have the resources for our civilian Border Patrol.

Under the terminology of the posse comitatus, we should not use the military for police and local functions.

I think it is important for this House to make several statements: One, we will protect this Nation and the people within it, but immigration does not equate to terrorism. And the use of the military for this reason undermines the very purpose of their service. If we begin to take military personnel out of individual units across this Nation, we will have a domino effect of ineffectiveness and unreadiness to be able to fight the kind of wars and the kinds of circumstances that our military brass determined that they should fight.

I will also note that years ago, some years ago or a couple of years ago, when this bill came forward, it was well known that the Defense Department is not for it, the Department of Justice is not for it, and it does not provide any additional powers to the President of the United States that he does not already have. It sends a very bad message on behalf of this Congress on what we stand for, putting military personnel at the border for no purposes, and I do believe that we are protected by the strong enforcement or reinforcement of our border patrol agents and the new funding sources that we are looking to provide. Let us not willy-nilly provide scare tactics for this country.

Mr. GOODE. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODE) for yielding me time, and I support his amendment.

I rise in support of the Goode amendment and the Bob Stump National Defense Authorization bill. Mr. Speaker, I also rise to address another part of the bill that is especially germane.

In recent days there has been a great deal of discussion, speculation and media coverage about the Crusader program, and let me clarify some issues because I believe there are some myths out there that are flowing around through the airwaves.

First, our bill merely funds the President's budget request, no more, no less. Even at this late hour in the authorization process the President's budget proposal has not formally been revised. Full funding of the Crusader is part of what the President sent over earlier this year, and more importantly it is what our fighters say they need. Additionally, the Crusader funding level is $475 million, or about 1.2 percent of the overall DOD budget. For this relatively modest commitment in the overall budget, this Congress will provide protection and security for our soldiers.

The Crusader is something that our service chiefs, the combatant commanders and service secretaries have been unanimous in their support in testimony before the Committee on Armed Services here and in the Senate.

☐ 2245

Furthermore, Mr. Chairman, a number of critics of Crusader mistakenly believe it is the same program that critics focused on in 1999. At that time, it weighed close to 60 tons. Now it weighs under 40 tons. It has downsized. It has modernized. It has been a poster child for transformation.

Mr. Chairman, speculation about alternatives to Crusader is pure theorizing at this point. Crusader has 8 years of development under its belt, and hypothetical replacements would have start-up costs, research expenses and all the hiccups of a new program.

Mr. Chairman, the fact is that if we intend to have the best ground forces possible for force protection and future fire support, the answer is Crusader. I am proud of the committee and this bill for recognizing that and for supporting full funding of what this very important system will provide for our men and women in uniform.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 249, not voting 31, as follows:

[Roll No. 151]

AYES—154

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (OK)
Clyburn
Condit
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lynch
Maloney (CT)
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meeks (NY)
Miller, George
Mink
Moore
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Phelps
Pomeroy
Rahall
Rangel
Rodriguez
Ross
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—249

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner

Bonilla
Bono
Boozman
Borski
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Cooksey
Cox
Cramer
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Ney
Northup
Norwood
Nussle
Osborne
Otter
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Berman
Brady (TX)
Burton
Cannon
Clay
Clayton
Combest
Conyers
Coyne
Crane
Culberson
Dooley
Hall (OH)
Hulshof
John
Kennedy (MN)
Lewis (GA)
Linder
Millender-McDonald
Nethercutt
Ose
Oxley
Reyes
Riley
Roukema
Shimkus
Souder
Traficant
Watson (CA)
Waxman
Weldon (PA)

□ 2309

Mr. CLYBURN, Mrs. CAPPS, and Messrs. LIPINSKI, DEUTSCH, OBEY and OLVER changed their vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. On the pending Goode of Virginia amendment No. 8, the gentleman from Virginia (Mr. GOODE) has 2½ minutes remaining, and the gentleman from Texas (Mr. ORTIZ) has 4½ minutes remaining.

Mr. ORTIZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia. And while I share my colleague's goal of promoting national security by ensuring the safety of our borders, I am convinced that the unintended consequences of this amendment would cause it to do more harm than good.

Mr. Chairman, in the wake of September 11, it is more essential than ever that we provide the tools necessary for our military to defend this country. Yet this amendment would give the men and women of the armed services the mandate of acting not only as soldiers but as policemen, customs agents, and border patrol officers.

□ 2311

Mr. Chairman, the amendment requires that before any troops be allowed to serve on the border they must undergo a law enforcement training program. This would require valuable time and money that could be spent training our troops to do the job they signed up to do, rather than to be police officers and customs agents. If we want to provide more security at the border, we should provide more resources to the INS and Customs Service, not ask military to duplicate the work that existing agents are performing.

Mr. Chairman, the President already has the power should he need it, but this amendment is counterproductive to the goals of this legislation. Let us not stretch them thinner by asking them to not only do their jobs, but the jobs of others as well.

While I share my colleague's goal of promoting national Security by ensuring the safety of our borders, I am convinced that the unintended consequences of this amendment would cause it to do more harm than good.

Mr. Chairman, in the wake of September 11, it is more essential than ever that we provide the tools necessary for our military to defend this country. In a world of limited resources, this means giving our military a clear and specific mandate that will allow it to most efficiently use the resources we give it. Yet this amendment would give the men and women of the armed services the mandate of acting not only as soldiers, but as policemen, customs agents, and border patrol officers. This is an unreasonable burden to place upon our troops at a time when we need them to be prepared to join the war against terror at a moment's notice.

I believe that this amendment would be extraordinarily expensive and counter-productive. The amendment requires that before any troops be allowed to serve on the border, they must undergo a law enforcement training program. This would require valuable time and money that could be spent training our troops to do the job they signed up to do, rather than to be police officers and customs agents.

Furthermore, even after they are trained, the amendment would require that all members of the military working on the border be accompanied by a civilian law enforcement officer at all times. This creates an enormously duplicative yet costly role for troops that we desperately need elsewhere. If we want to provide more security at the border, we should provide more resources to the INS and customs Service, not ask our military to duplicate the work that existing agents are performing.

Mr. Chairman, the President already has this power should he need it. But this amendment is counter-productive to the goals of this legislation. I have heard many Members in this Chamber today claim that our military has been over-burdened and under-funded in the past. Lets not stretch them even thinner by asking them to not only do their jobs, but others' jobs as well.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we adopted this amendment last year. After September 11, the times demand that we adopt it even more this year.

Mr. Chairman, I reserve the balance of my time.

Mr. ORTIZ. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BECERRA) to close on this amendment.

Mr. BECERRA. Mr. Chairman, let me begin by first acknowledging the work of the gentleman from Virginia (Mr. GOODE) for his efforts to recognize the true national security interests that we have and the domestic security interests that I believe the gentleman is trying to raise through this amendment.

But, Mr. Chairman, the President did not request this amendment. The Department of Defense did not request this amendment. The Department of Justice, which houses the Immigration and Naturalization Service and the Border Patrol, did not request this amendment. The Department of the Treasury, which houses our Customs Service, did not request this amendment. The governors and the States that control our National Guard did not request this amendment. So why are we doing this amendment?

This is the House of Representatives. This is not the war room or the White House situation room. We should let those who know best how to deploy our military services, our men and women in uniform, to make those decisions. We are not day to day the best judges of how to deploy our troops, but that is what this amendment goes to.

Let us remember something here. If we have civilian law enforcement work and oversight and deployment that must take place, we have civilian law enforcement to do that work, our Border Patrol, our Customs agents, our National Guard. They should be doing that work along the border. Right now the President has the authority if there is an emergency to deploy our troops. But why clutter the law with something that does nothing to make it clear how we best use our troops.

In fact, this undermines our security. It undermines our readiness because it takes troops from their units where they are best deployed by the minds of the generals in our services and places them, based on the minds of people who sit here today, along our borders. That is not the way to conduct military operations.

I am not in the military, but I can tell Members something, I know I do not know as well as our generals where to put our troops. I will put my faith and confidence in our generals. Members should do the same.

This amendment, while perhaps well-intentioned, does nothing except cost us more money and undermine our readiness, and for that reason it should not be approved.

I respect the gentleman from Virginia (Mr. GOODE), I think he is well-intentioned, but I do not believe that this goes where we wish to go. If Members do not believe that, just look at our past history. The one time when we recently deployed our troops along the border, what was the reminder, what was the relic of that brief deployment, the death of a U.S. citizen, an 18-year-old by the name of Ezequiel Hernandez, who was herding his sheep and was killed by our own Army personnel by mistake. Let us not make the mistake again.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we do not know what terrorist event in the future may demand the need for the Secretary of Defense to have this authority. This is not a mandatory bill, this is just simply giving that authority where it is needed.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOODE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODE) will be postponed.

It is now in order to consider amendment No. 9 printed in Part A of House Report 107-450.

PART A AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 9 offered by Mr. PAUL:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. 10__. SENSE OF CONGRESS ON PROHIBITION OF USE OF FUNDS FOR INTERNATIONAL CRIMINAL COURT.

It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for, the International Criminal Court.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to thank the cosponsors of this amendment, the gentleman from Georgia (Mr. BARR), the gentleman from Utah (Mr. CANNON), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Virginia (Mr. GOODE), the gentleman from Texas (Mr. SESSIONS), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Florida (Mr. WELDON).

This amendment is not complex at all. It is a sense of Congress resolution as put in the bill. It says, "It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for the International Criminal Court."

This amendment is to urge the President not to use any funds for the International Criminal Court. I would like it to be a mandate. It is not, but it is still very, very important. I think this sends a message to our servicemen that they will never have to be taken into court against their will in the International Criminal Court.

On December 31, right before the last day of the treaty, the Rome Convention, could be signed, our President signed this convention, but it has never been ratified. It has not been brought to the Senate. It was too late, and our President now does not have any intention. We might say why worry about it, but just recently we all know that the President has essentially rescinded the signature on this treaty to make the point that we do not want our servicemen called in and tried in International Criminal Court as war criminals. So it is a protection of the servicemen.

But the interesting thing is that under this Rome Convention, the agreement is once 60 nations sign the treaty, it goes into effect. Even with what the President did by rescinding the signature and saying we do not want any part of it, we are still under international law under the understanding that our servicemen could be called into International Criminal Court.

We have to make this message very loud and clear. This is not overly strong, but I think we should make this message and say that none of these funds should be spent, but we still have to offer protection to our personnel that they never be called into this International Criminal Court. To me, it is an issue of national sovereignty, and it is an issue that is important to a lot of Americans. It is what our job should be, to protect our country. For this reason, I think this is very important. I hope I can get Members to agree with the amendment and pass it.

Mr. Chairman, earlier this week President Bush took the bold step of renouncing the signature of the United States on the Rome Statute of the International Criminal Court. The Bush Administration, in explaining this move, correctly pointed out that this court has unchecked power that contradicts our Constitution and its system of checks and balances; that the Court is "open for exploitation and politically-motivated prosecutions;" and that "the ICC asserts jurisdiction over citizens of states that have not ratified the treaty"—which undermines American sovereignty.

President Bush, in renouncing the U.S. signature and declaring that the United States would have nothing to do with the International Criminal Court, has put the Court on notice that the United States will defend its sovereignty and its citizens. The president is to be most highly commended for standing strong for American sovereignty in the face of worldwide attempts to undermine that sovereignty with this deeply flawed global court.

But there is no time to rest on this victory. As Secretary of Defense Donald Rumsfeld stated this week, upon our renunciation of the ICC: "Unfortunately, the ICC will not respect the U.S. decision to stay out of the treaty. To the contrary, the ICC provisions claim the authority to detain and try American citizens—U.S. soldiers, sailors, airmen and Marines, as well as current and future officials—even though the United States has not given its consent to be bound by the treaty." Secretary Rumsfeld added, "When the ICC treaty enters into force this summer, U.S. citizens will be exposed to the risk of prosecution by a court that is unaccountable to the American people, and that has no obligation to respect the Constitutional rights of our citizens."

Secretary Rumsfeld is correct. It is clear that the International Criminal Court has no intention of honoring our president's decision to neither participate in nor support their global judicial enterprise. According to the Statutes of the court, they do indeed claim jurisdiction over Americans even though the president has now stated forcefully that we do not recognize the Court nor are we a party to the Treaty.

I have introduced this amendment to the Defense Authorization Act, therefore, to support the president's decision and to indicate that Congress is behind him in his rejection of this unconstitutional global court. it is imperative that we not award the International Criminal Court a single tax dollar to further its objective of undermining our sovereignty and our Constitutional protections. How could we do anything less: each of us in this body has taken an oath to protect and defend the Constitution of the United States?

I am also introducing today a Sense of the Congress bill to commend President Bush for his bold and brave decision to renounce the United States' signature on the Statute of the International Court. We must support the president as he seeks to protect American servicemen and citizens from this court. I hope all of my colleagues here will co-sponsor and support this legislation, and please call my office for more details.

In the meantime, I urge enthusiastic support of this amendment before us. We must speak with one voice in denying the International Criminal Court a single American tax dollar!

Mr. Chairman, I reserve the balance of my time.

□ 2320

Mr. CROWLEY. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment introduced by the honorable gentleman from Texas that would prohibit the use of funds to assist, cooperate with, or provide any support to the International Criminal Court. The International Criminal Court is a reality, as the gentleman has stated. The Rome statute, the treaty establishing the court, has been ratified by the 60 countries needed for the court to come into existence, as has been stated as well.

The court will function with or without United States support or participation. A prohibition on U.S. support will not protect the very same American citizens the gentleman from Texas wishes to protect from the court's jurisdiction. In fact, our lack of participation in the court's mechanisms will harm U.S. national interests by making it impossible for the United States to affect the development of the court. We will thus be completely unable to protect any Americans that do find themselves before this court.

Opponents of the court have argued that U.S. servicemen and women will be subject to politically motivated trials. But since national courts have primary jurisdiction and since the U.S. military is committed to fully investigating any charges of war crimes committed by U.S. military personnel, the military in my opinion has nothing to fear from an ICC prosecutor run amuck. The case of U.S. Army Sergeant Frank Ronghi proves that U.S. servicemen have nothing to fear from international tribunals. Ronghi was accused of raping and murdering an 11-year-old Kosovar girl. Despite the fact that the ICTY statute gives the tribunal primacy over national courts' own jurisdiction, the United States faced no obstacles from the tribunal to launching its own investigation, conducting its own court-martial, and eventually sentencing Sergeant Ronghi according to the Uniform Code of Military Justice.

Earlier this week, as stated by the gentleman from Texas, the Bush administration announced that it would remove the United States' signature from the Rome statute, an unprecedented step that has damaged the moral credibility of the United States and serves as a U.S. repudiation of the notion that war criminals and perpetrators of genocide should be brought to justice. The unsigning of the statute will not protect American citizens from being brought before the court. Furthermore, our rejection of the court encourages autocratic leaders to ignore their own international commitments. It will also make it more difficult for the United States to ensure that war criminals from Iraq, Sudan, Liberia, Sierra Leone, Cambodia and other countries face justice for their atrocities.

The administration's unsigning of the Rome statute places the United States in the company of notorious human rights abusers like Iraq, North Korea, China, Cuba, Libya, and Burma. By approving the amendment in question, Congress would add insult to injury by further repudiating the International Criminal Court, which is an important instrument of international justice.

Mr. Chairman, the resolution being discussed today would hinder U.S. national interests. Ironically, by preventing the United States from cooperating with the court in any way, it will actually endanger, in my opinion, American lives. It would, for example, prohibit Defense Department officials from responding to court investigators when they ask for information that would help exonerate an American serviceman brought before the court. It would also prevent a member of the U.S. Armed Forces from testifying in support of our NATO allies who do support this court. Finally, it would prevent us from supporting a trial of a figure as notorious as Saddam Hussein were he to be brought before this court for crimes against humanity.

According to this amendment, the United States should not support the court with intelligence, information and legal expertise that could convict someone like Saddam Hussein and his cronies of crimes against humanity, despite the fact that the administration itself has already embarked on an ambitious effort to build a war crimes case against Saddam Hussein and his associates.

Finally, Mr. Chairman, this amendment would hinder our ability to wage war on terrorism. We have asked virtually every country in the world to support the implementation of U.S. domestic law designed to combat terrorism on such things as terrorist money laundering. Now, with this amendment, Congress is refusing to cooperate with the international community in its efforts to bring war criminals and terrorists to justice.

Mr. Chairman, this amendment accomplishes very little. The administration has already stated its intent not to cooperate with this court. Endorsing the amendment would only put Congress on record as having prevented the United States from cooperating with an institution that will help promote the rule of law. I urge my colleagues to oppose this amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would just like to associate myself with the remarks that the gentleman just made. I believe that the best way to protect our U.S. servicemen is to become part of the International Criminal Court and thereby retain our complementarity which allows us to try our own soldiers before they would ever be tried by an International Criminal Court, thus protecting our own soldiers. Whereas if we do not sign and do not go ahead with the criminal court, we really subject our soldiers to this court without the protections that our signing would allow us to have.

Mr. CROWLEY. Mr. Chairman, I reserve the balance of my time.

Mr. PAUL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding time in support of this very important amendment.

The previous speakers are operating in some Alice-in-Wonderland world. Let me see if I can get this straight. It is hard to even diagram it out, their logic or lack thereof.

We have an International Criminal Court or a court that calls itself an International Criminal Court, not subject to or bound by the constitutional guarantees that would otherwise in every instance apply to United States servicemen and women and citizens and those who commit crimes in this country, even though they are not citizens. Yet they are saying that because the United States has renounced the improper signature of a previous chief executive in this country that our men and women would therefore not be subject to protections.

Well, of course we are not going to be subject to the protections offered by the International Criminal Court because we are not subject to it. That is the whole point of this amendment. To say that our men and women, our policymakers, our commanders, those who order our men and women into harm's way to protect our national security interests that might run afoul of some foreign dictator that might go to the International Criminal Court and seek to have bogus charges brought against our men and women would somehow not be protected because we have not signed or deemed ourselves not bound by this criminal court, where is the logic in that? There is no more logic in that than there would be in saying that we ought to subject our men and women to the International Criminal Court in the first place, Mr. Chairman.

The fact of the matter is that the Bush administration took a very bold step, and yes, it is unprecedented, but the signing of this International Criminal Court treaty by the prior administration in the waning days of the prior administration's tenure in office was itself unprecedented and improper. I commend the Bush administration for saying that we shall not be bound, our policy-makers, our men and women in uniform should not be bound by this kangaroo court. I commend the gentleman from Texas for bringing forth this amendment that says very clearly, and I hope that our colleagues on the other side understand this, yes, it would renounce in a very, very substantive and very concrete way this so-called International Criminal Court.

Contrary to their illogical arguments that somehow this course of action would deny our men and women protection, it would in fact clothe them fully in the protection of our Constitution and not subject them to the lack of protection that they would have if we allowed them in any way, shape or form to be subject to this foreign international jurisdictional court.

So what we are stating here today with this amendment, which I ask all of our colleagues to support, we are saying that our men and women that go out under that flag will continue to have the protection of that flag, of our Constitution, of our Bill of Rights, and not be subject to some international kangaroo court that folks on the other side may like for some reason, but let us stand up for America, let us stand up for our Bill of Rights and not subject our men and women to a foreign court that has no jurisdiction.

Mr. CROWLEY. I would inquire as to how much time we have remaining.

The CHAIRMAN. The gentleman from New York (Mr. CROWLEY) has 4 minutes remaining and the gentleman from Texas (Mr. PAUL) has 4½ minutes remaining.

Mr. CROWLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, the Paul amendment which was approved by the Committee on Rules and made in order is an amendment that prohibits funds to be spent on the international court. Some would argue that that is a good government amendment and he had every right to bring that for debate and a vote in the House of Representatives.

There were five Members of Congress that went before the Committee on Rules to try to get a similar amendment on a prohibition of funds for the Crusader, which is a 155-millimeter howitzer which does not have a military requirement anymore, which does not have the support of this administration; and I fear, Mr. Chairman, that if Congress cannot even vote on a system that the Pentagon does not even want anymore, has recommended that we kill it, what kind of confidence with good government do the people of this country have that we are doing our business here in this Congress?

□ 2330

There are compelling arguments to make that this body has an obligation to debate these issues, to consider them, and to vote on them. That is one of the reasons the gentleman from Mississippi (Mr. TAYLOR) has been making the motions that he has made all night long, so that Members of Congress can do their duty, their principled obligation, to bring ideas to the floor, get debate, work with Members of the Republican majority party, and get amendments put into bills or have them defeated.

Now, the Crusader has a military requirement that Napoleon may have used, may have benefited from; Ulysses S. Grant sure could have shortened the Civil War; John Pershing really could have used it probably in World War I. But Secretary Rumsfeld says he does not want it to fight terrorists. He does not need it in this new century to fight wars against our enemies. Why, then, does the Congress refuse to have a debate on this issue? Maybe the opponents would lose; maybe they can convince us. But not to have this debate in this great body says to the American people, and the headlines tomorrow will be Congress has never met a weapons system, even in war, that the Secretary does not want that they will not approve, that they cannot kill.

Now, the President of the United States has supported Secretary Rumsfeld. They have both said they do not want it. The military requirement is no longer there. What about using the $11 billion that this Congress wants to spend on that and put it toward the war on terrorism? What about buying some more ships? What about health care? What about an additional pay raise for our military? Those are things that we could do with $11 billion on a Crusader that we do not need, that is not a requirement, and that this administration does not want. But we cannot even debate it. We cannot even have a vote on that important amendment.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, the gentleman has asked the question why we cannot debate it, and he is entitled to an answer. It would be a little embarrassing for people who have been arguing almost all the time that with a war going on, we must rally around the President and support the Commander in Chief, give the Defense Department what it asks for. It would be embarrassing for them to then have to vote exactly contrary to that.

Now, the rules of this House do not require consistency. The rules do not require Members having stated a principle to live by it, so they could say that, but it would be embarrassing. So that is the answer to the gentleman's question. The majority clearly could not simultaneously continue to argue that it is everybody's patriotic duty to rally around the Commander in Chief and the Secretary of Defense on military matters, and then vote to repudiate them. So the way they do this is by silence.

Mr. PAUL. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, it is unprecedented to repudiate a signature on a treaty, but it is very important. They must have felt it was extremely important for the protection of our soldiers. So it is this discomfort we might feel about the repudiation of a signature versus doing what we think is best to protect our troops. I honestly believe that this is very necessary.

Now, the argument that all of a sudden we are going to capture Saddam Hussein and we are not going to have the international criminal court to deal with him, that is really not a good argument because the special tribunals for Yugoslavia as well as Rwanda can and still be set up. It has nothing to do with that, so that would still be available.

And it is the jurisdiction, it is the sovereignty, it is the civil liberties of the American soldier that we are dealing with. The gentleman from Georgia (Mr. BARR) brought this up, and this is very true. These trials, they do not have juries. The judges are appointed in secret. They cannot face their accusers. And we are going to join an organization like that, endorse it, send money and say that our troops may become subject to this? To me, it is an extremely dangerous situation that we have here now, because we did not even ratify the treaty. We have repudiated the signature and they are still saying this is going to apply to our soldiers. We have a serious problem on our hands and we should at least do this very little thing here, because this is a sense of Congress resolution that we would not like to have the President spend any money on this, and this would support his position.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

It is now in order to consider amendment No. 10 printed in part B of House report 107–450.

PART B AMENDMENT NO. 10 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. BEREUTER:

At the end of subtitle D of title V (page 125, after line 9), insert the following new section:

SEC. 533. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

"(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

"(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

"(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

"(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).".

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

"(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

"(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

"(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

"(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c).

"(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORIZED ACTIVITIES.—" after "(a)"; and

(2) in subsection (b), by inserting "AUTHORIZED LOCATIONS.—" after "(b)".

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting "and" after the semicolon;

(B) in paragraph (2), by striking "; or" and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

"§ 504. National Guard schools; small arms competitions; athletic competitions".

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

"504. National Guard schools; small arms competitions; athletic competitions.".

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this Member rises to offer an amendment which he is jointly presenting with the distinguished gentleman from Rhode Island (Mr. LANGEVIN). The Bereuter-Langevin amendment makes a minor change in current law which can reap significant benefits by allowing National Guard units to use already appropriated funds to sponsor competitions and send members to those competitions.

Currently only nonappropriated funds from post exchanges and other activities and from competition entry fees can be used to cover operating expenses for the events of all health, pay, and personal expenses for participating National Guard members. Indeed, the existing National Guard competition events program does provide National Guard members with an opportunity to hone their training-related skills such as running, swimming, and marksmanship in a competitive atmosphere. As the National Guard actively recruits new members, this can be another attractive feature in recruitment and retention programs for certain members of the National Guard.

Through these competitions, National Guard members can qualify for higher level national and international competitions, including the Pan American games and the Olympics. Also, National Guard members who compete in athletic and small arms competitions can now do so with members of the active duty military. Bringing active reserve and National Guard components together in this fashion builds better appreciation among the various components and overall force cohesiveness.

Additionally, some of the National Guard-sponsored competitions are open to participation by the entire civilian community for participation. The high visibility and the community interaction such events provide is key for providing support for local National Guard units.

While recruitment and retention and community support have always been important in maintaining the National Guard structure, they have become even more critical as we wage the war on terrorism during which our men and women in the National Guard are more frequently called to duty overseas and to provide security in our homeland. For the National Guard competitive events programs to continue to thrive, greater funding flexibility, which this amendment provides, must be granted to the National Guard units sponsoring competition and sending members to those competitions.

Now, unlike active duty military personnel who have all health, pay and personal expenses covered while competing, National Guard members are not on duty while competing and, thus, are not covered. For example, if National Guard members suffer injuries while competing at the National Marksman Competition in Little Rock, Arkansas, they must pay for the incurred health care costs, even though they were competing with their National Guard unit.

Unfortunately, placing National Guard members on orders, as occurs with military reservists participating in these competitions, is not a solution to the coverage issue. Why? Because National Guard members placed on active duty cannot compete with their National Guard units team.

Mr. Chairman, it should be emphasized that the amendment does not create participation incentives for the National Guard members which are greater than those incentives for active duty military personnel, nor does it allow the National Guard to seek excessive funds for these activities. Indeed, the amendment limits the National Guard's use of appropriated funds for athletic and small arms competition to a very modest $2.5 million annually.

□ 2340

Mr. Chairman, this Member urges his colleagues to vote for this amendment as an important way not only to recruit or retain motivated men and women for the National Guard, but also to show support for the men and women currently serving our country in our National Guard during this challenging time. I ask for Members' support.

Mr. Chairman, I reserve the balance of my time.

Mr. SNYDER. Mr. Chairman, I am not opposed to the amendment. I do not believe there is any opposition. I would like to claim the customary division of time.

The CHAIRMAN. The gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by my fine colleague, the gentleman from Nebraska (Mr. BEREUTER). The amendment he offers would allow the National Guard to use appropriated funds to attend and compete in athletic events and small arms competition. I think it is a good amendment.

The problem we are having here today is there are many fine Members, like the gentleman from Nebraska, who also had ideas they would like to have presented to the House. Not all ideas are ones I would have agreed with. I did not support and will not support the amendment of the gentleman from Mississippi (Mr. TAYLOR) on base closure. I think we do need another round of base closures. I think the process we arrived at last year was a legitimate one.

But people should have their day in the sun to discuss these things, and the voters that sent these Members here should have their day to see these Members bring forth the ideas that they want to have discussed.

I think this is a very sad day for this House, at a time of international conflict, when the world depends on this country to fight the war on terrorism, that good people on the Democratic side were denied amendments to try to improve the bill that provides for the common defense of this country.

I do not think this is the kind of activity and arrogance that the American people are going to tolerate. I hope the lesson learned here through the day and through the night is that we have got to do a better job of acting in the spirit of bipartisanship and not just using it in our press releases back home.

Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to explain to my colleagues, in asking for their support, that I am going to be asking for a record vote, only because the gentleman from Rhode Island and I offered this same amendment last year and it was dropped in conference, I assume by our colleagues in the other body. So that is the reason I will be having a record vote. I thank my colleagues for their support.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Missouri for yielding to me and giving me this opportunity.

For about 12 hours now I have asked my colleagues, who were all elected by roughly the same number of people as I have been, for an opportunity for an up-or-down vote on whether or not we ought to have another round of base closures.

I am adamantly opposed to base closures. After the first three rounds of base closure, we cannot name one weapons system that has been purchased with base closure money. We cannot find one general, one admiral, one Secretary of Defense, one undersecretary, who would name one base that they think ought to be closed. Yet my colleagues, particularly on the Republican side, have steadfastly refused even the simple courtesy of an up-or-down vote.

Last year the Senate, by the narrowest of margins, passed base closure language. The House never voted on it. It was part of the defense authorization bill which was brought to this House in the conference report well after September 11, when we were given the opportunity to say we are for the troops or against base closure. That really was not a fair fight, and they knew it was not.

Base closure ruins the lives of those military retirees, and over half of them, over half of them have retired near a base so they can use the commissaries and the hospitals. When we close the base, the commissary goes, the hospital goes; and we basically have ruined their lives. They are too old to move again.

Base closure puts every single employee in the Department of Defense wondering, starting tomorrow, whether or not his job is in jeopardy, whether or not he ought to borrow the money to send his kid to college or buy another car or fix up their house. For all the reasons that Members oppose A-76, they ought to be against base closure.

All I have asked is one simple thing today, because I think it is real fair that the business sections around America, all those cities and counties that we all used to serve in the local government that are spending millions, if not billions, of dollars trying to save those local bases from closure, all we want is an up-or-down vote.

We asked for the opportunity to stand up for our constituents. As a matter of fact, most of us begged for the opportunity to stand up for our constituents: send me to Washington so your voice can be heard loud and clear.

Why is it tonight that they hide behind the Speaker? Why is it tonight that they hide behind these silly rules, nine members of the Committee on Rules who will not give a straight up-or-down vote whether or not they think it makes sense to close bases?

We are in a war. How many times have I heard it tonight? Every one of the service chiefs says they need more people, not fewer. Right now, the military is looking for a base to put the Joint Strike Fighter. They are looking for a base to put the F-18E and F.

There is a base in Florida that has three 8,000-foot runways. It has a fourth runway that is 10,000 feet long. The planes can take off and they go straight out over the Atlantic Ocean. They can make all the noise they want. They can do all the dogfighting they want. God forbid, if something goes wrong and they have to eject, they know they can eject without fear of that plane falling on someone's house or a busload of kids.

That base is called Cecil Field. It is outside Jacksonville, Florida. It was closed by a previous round of base closures, and now the taxpayers of America are going to spend over $1 million to replace it because we gave the property away, just like we gave away the property at Governor's Island, just like we gave away the property at the Presidio, and just like we spent $13 billion, let us remember, a thousand, thousand, thousand, thousand times 13 to clean up the bases that we gave away from the first three rounds of base closure.

If Members think that is a good idea, then have the guts to vote for it. But if Members think it is a bad idea, or if they think those of us who think it is a bad idea, who got elected by just as many people as them, ought to have an up-or-down vote on it, I thought I would ask just once tonight to give us a vote.

That is all I ask. If we lose, I understand the rule of the majority. But I think the Members of this House, when those bases start getting padlocked, ought to have the opportunity to look the citizens who are going to lose their bases, who are going to lose their jobs, I think we ought to have the opportunity to look them in the eye and say, I voted to keep this base open, or I voted to shut it down. But do not hide.

Mr. LANGEVIN. Mr. Chairman, today I join my colleague, Mr. BEREUTER, in offering an amendment that strengthens the athletic skill, unit cohesion and morale of our dedicated service members.

As my colleague has explained, this amendment authorizes the National guard to use its appropriated funds to cover the costs of conducting and participating in athletic events related to military duties or physical fitness requirements.

This is of particular importance to my state, as Rhode Island is home to the Leapfest event.

But the entire country benefits from these National Guard competitions. Through these activities, the National Guard provides our service members with the opportunity to hone their service-related skills in competitive events and provides incentives for its recruitment and retention programs.

However, currently state National Guard units can use only non-appropriated funds to cover operating expenses for the events and related personal expenses for participating unit members. These non-appropriated funds are extremely limited, leaving most National Guard members paying out of their own pockets.

Mr. Chairman, I urge my colleagues to place our Nation Guard members on a level playing field with their Active Duty and Reserves counterparts. I'd like to thank Mr. Bereuter for his leadership on this issue and ask members to vote yes on the Bereuter-Langevin Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER) will be postponed.

It is now in order to consider amendment No. 15 printed in part A of House Report 107–450.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 241, not voting 25, as follows:

[Roll No. 152]

AYES—168

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clyburn
Condit
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lucas (KY)
Lynch
Maloney (CT)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Mink
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Shows
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (IN)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Fattah
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rivers
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Brady (TX)
Burton
Cannon
Clay
Clayton
Coyne
Crane
Dooley
Fletcher
Gutierrez
Hall (OH)
Hill
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Shimkus
Traficant
Watson (CA)
Waxman

☐ 0012

Mr. SWEENEY changed his vote from "aye" to "no."

Messrs. THOMPSON of California, LUCAS of Kentucky, CARDIN, BORSKI, GREEN of Texas and Ms. KILPATRICK changed their vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in part B of House Report 107–450.

PART B AMENDMENT NO. 21 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 21 offered by Mr. SMITH of New Jersey:

At the end of title VII (page 159, after line 14), insert the following new subtitle:

Subtitle C—Department of Defense-Department of Veterans Affairs Health Resources Sharing

SEC. 721. SHORT TITLE.

This subtitle may be cited as the "Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002".

SEC. 722. FINDINGS AND SENSE OF CONGRESS CONCERNING STATUS OF HEALTH RESOURCES SHARING BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal health care resources are scarce and thus should be effectively and efficiently used.

(2) In 1982, Congress, in Public Law 97–174, authorized the sharing of health resources between Department of Defense medical treatment facilities and Department of Veterans Affairs health care facilities in order to allow more effective and efficient use of those health resources.

(3) Health care beneficiaries of the Departments of Defense and Veterans Affairs, whether active servicemembers, veterans, retirees, or family members of active or retired servicemembers, should have full access to the health care and services that Congress has authorized for them.

(4) The Secretary of Defense and the Secretary of Veterans Affairs, and the appropriate officials of each of the Departments of Defense and Veterans Affairs with responsibilities related to health care, have not taken full advantage of the opportunities provided by law to make their respective health resources available to health care beneficiaries of the other Department in order to provide improved health care for the whole number of beneficiaries.

(5) After the many years of support and encouragement from Congress, the Departments have made little progress in health resource sharing and the intended results of the sharing authority have not been achieved.

(b) SENSE OF CONGRESS.—Congress urges the Secretary of Defense and the Secretary of Veterans Affairs—

(1) to commit their respective Departments to significantly improve mutually beneficial sharing and coordination of health care resources and services during peace and war;

(2) to build organizational cultures supportive of improved sharing and coordination of health care resources and services; and

(3) to establish and achieve measurable goals to facilitate increased sharing and coordination of health care resources and services.

(c) PURPOSE.—It is the purpose of this Act—

(1) to authorize a program to advance mutually beneficial sharing and coordination of health care resources between the two Departments consistent with the longstanding intent of Congress; and

(2) to establish a basis for improved strategic planning by the Department of Defense and Department of Veterans Affairs health systems to ensure that scarce health care resources are used more effectively and efficiently in order to enhance access to high quality health care for their respective beneficiaries.

SEC. 723. REVISED COORDINATION AND SHARING GUIDELINES.

(a) IN GENERAL.—(1) Section 8111 of title 38, United States Code, is amended to read as follows:

"§8111. Sharing of Department of Veterans Affairs and Department of Defense health care resources

"(a) REQUIRED COORDINATION AND SHARING OF HEALTH CARE RESOURCES.—The Secretary of Veterans Affairs and the Secretary of Defense shall enter into agreements and contracts for the mutually beneficial coordination, use, or exchange of use of the health care resources of the Department of Veterans Affairs and the Department of Defense with the goal of improving the access to, and quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both Departments.

"(b) JOINT REQUIREMENTS FOR SECRETARIES OF VETERANS AFFAIRS AND DEFENSE.—To facilitate the mutually beneficial coordination, use, or exchange of use of the health care resources of the two Departments, the two Secretaries shall carry out the following functions:

"(1) Develop and publish a joint strategic vision statement and a joint strategic plan to shape, focus, and prioritize the coordination and sharing efforts among appropriate elements of the two Departments and incorporate the goals and requirements of the joint sharing plan into the strategic and performance plan of each Department under the Government Performance and Results Act.

"(2) Jointly fund the interagency committee provided for under subsection (c).

"(3) Continue to facilitate and improve sharing between individual Department of Veterans Affairs and Department of Defense health care facilities, but giving priority of effort to initiatives (A) that improve sharing and coordination of health resources at the intraregional and nationwide levels, and (B) that improve the ability of both Departments to provide coordinated health care.

"(4) Establish a joint incentive program under subsection (d).

"(c) DOD–VA HEALTH EXECUTIVE COMMITTEE.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Health Executive Committee (hereinafter in this section referred to as the 'Committee'). The Committee is composed of—

"(A) the Deputy Secretary of the Department of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate; and

"(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

"(2)(A) During odd-numbered fiscal years, the Deputy Secretary of Veterans Affairs shall chair the Committee. During even-numbered fiscal years, the Under Secretary of Defense shall chair the Committee.

"(B) The Deputy Secretary and the Under Secretary shall determine the size and structure of the Committee, as well as the administrative and procedural guidelines for the operation of the Committee. The two Departments shall share equally the Committee's cost of personnel and administrative support and services. Support for such purposes shall be provided at a level sufficient for the efficient operation of the Committee, including a permanent staff and, as required, other temporary working groups of appropriate departmental staff and outside experts.

"(3) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing efforts between and within the two Departments under this section and shall oversee implementation of those efforts.

"(4) The Committee shall submit to the two Secretaries and to Congress an annual report containing such recommendations as the Committee considers appropriate. The two Secretaries shall implement the Committee's recommendations unless, with respect to any such recommendation, either Secretary formally determines that the recommendation should not be implemented or should be implemented in a modified form. Upon making such a determination, the Secretary making the determination shall submit to Congress notice of the Secretary's determination and the Secretary's rationale for the determination.

"(5) In order to enable the Committee to make recommendations in its annual report under paragraph (4), the Committee shall do the following:

"(A) Review existing policies, procedures, and practices relating to the coordination and sharing of health care resources between the two Departments.

"(B) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of the health care resources of the two Departments, with the goal of improving the access to, and quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both Departments.

"(C) Identify and assess further opportunities for the coordination and sharing of health care resources between the Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either Department.

"(D) Review the plans of both Departments for the acquisition of additional health care resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of health care resources.

"(E) Review the implementation of activities designed to promote the coordination and sharing of health care resources between the Departments. To assist in this effort, the Committee chairman, under procedures jointly developed by the Secretaries of both Departments, may task the Inspectors General of either or both Departments.

"(d) JOINT INCENTIVES PROGRAM.—(1) Pursuant to subsection (b)(4), the two Secretaries shall carry out a program to identify, provide incentives to, implement, fund, and evaluate creative coordination and sharing initiatives at the facility, intraregional and nationwide levels. The program shall be administered by the Committee established in subsection (c), under procedures jointly prescribed by the two Secretaries.

"(2) To facilitate the incentive program, there is established in the Treasury, effective on October 1, 2003, a DOD–VA Health Care Sharing Incentive Fund. Each Secretary shall annually contribute to the fund a minimum of $15,000,000 from the funds appropriated to that Secretary's Department. Such funds shall remain available until expended.

"(3)(A) The implementation and effectiveness of the program under this subsection shall be reviewed annually by the joint Department of Defense-Department of Veterans Affairs Inspector General review team established in section 724(i) of the Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002. On completion of the annual review, the review team shall submit a report to the two Secretaries on the results of the review. Such report shall be submitted through the Committee to the Secretaries not later than December 31 of each calendar year. The Secretaries shall forward each report, without change, to the Committees on Armed Services and Veterans' Affairs of the Senate and House of Representatives not later than February 28 of the following year.

"(B) Each such report shall describe activities carried out under the program under this subsection during the preceding fiscal year. Each report shall include at least the following:

"(i) An analysis of the initiatives funded by the Committee, and the funds so expended by such initiatives, from the Health Care Sharing Incentive Fund, including the purposes and effects of those initiatives on improving access to care by beneficiaries, improvements in the quality of care received by those beneficiaries, and efficiencies gained in delivering services to those beneficiaries.

"(ii) Other matters of interest, including recommendations from the review team to make legislative improvements to the program.

"(4) The program under this subsection shall terminate on September 30, 2007.

"(e) GUIDELINES AND POLICIES FOR IMPLEMENTATION OF COORDINATION AND SHARING RECOMMENDATIONS, CONTRACTS, AND AGREEMENTS.—(1) To implement the recommendations made by the Committee under subsection (c)(2), as well as to carry out other health care contracts and agreements for coordination and sharing initiatives as they consider appropriate, the two Secretaries shall jointly issue guidelines and policy directives. Such guidelines and policies shall provide for coordination and sharing that—

"(A) is consistent with the health care responsibilities of the Department of Veterans Affairs under this title and with the health care responsibilities of the Department of Defense under chapter 55 of title 10;

"(B) will not adversely affect the range of services, the quality of care, or the established priorities for care provided by either Department; and

"(C) will not reduce capacities in certain specialized programs of the Department of Veterans Affairs that the Secretary is required to maintain in accordance with section 1706(b) of this title.

"(2) To facilitate the sharing and coordination of health care services between the two Departments, the two Secretaries shall jointly develop and implement guidelines for a standardized, uniform payment and reimbursement schedule for those services. Such schedule shall be implemented no later than the beginning of fiscal year 2004 and shall be revised periodically as necessary.

"(3)(A) The guidelines established under paragraph (1) shall authorize the heads of individual Department of Defense and Department of Veterans Affairs medical facilities and service regions to enter into health care resources coordination and sharing agreements.

"(B) Under any such agreement, an individual who is a primary beneficiary of one Department may be provided health care, as provided in the agreement, at a facility or in the service region of the other Department that is a party to the sharing agreement.

"(C) Each such agreement shall identify the health care resources to be shared.

"(D) Each such agreement shall provide, and shall specify procedures designed to ensure, that the availability of direct health care to individuals who are not primary beneficiaries of the providing Department is (i) on a referral basis from the facility or service region of the other Department, and (ii) does not (as determined by the head of the providing facility or region) adversely affect the range of services, the quality of care, or the established priorities for care provided to the primary beneficiaries of the providing Department.

"(E) Each such agreement shall provide that a providing Department or service region shall be reimbursed for the cost of the health care resources provided under the agreement and that the rate of such reimbursement shall be as determined in accordance with paragraph (2).

"(F) Each proposal for an agreement under this paragraph shall be effective (i) on the 46th day after the receipt of such proposal by the Committee, unless earlier disapproved, or (ii) if earlier approved by the Committee, on the date of such approval.

"(G) Any funds received through such a uniform payment and reimbursement schedule shall be credited to funds that have been allotted to the facility of either Department that provided the care or services, or is due the funds from, any such agreement.

"(f) ANNUAL JOINT REPORT.—(1) At the time the President's budget is transmitted to Congress in any year pursuant to section 1105 of title 31, the two Secretaries shall submit to Congress a joint report on health care coordination and sharing activities under this section during the fiscal year that ended during the previous calendar year.

"(2) Each report under this section shall include the following:

"(A) The guidelines prescribed under subsection (e) of this section (and any revision of such guidelines).

"(B) The assessment of further opportunities identified under subparagraph (C) of subsection (c)(5) for the sharing of health-care resources between the two Departments.

"(C) Any recommendation made under subsection (c)(4) of this section during such fiscal year.

"(D) A review of the sharing agreements entered into under subsection (e) of this section and a summary of activities under such agreements during such fiscal year and a description of the results of such agreements in improving access to, and the quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both Departments.

"(E) A summary of other planning and activities involving either Department in connection with promoting the coordination and sharing of Federal health-care resources during the preceding fiscal year.

"(F) Such recommendations for legislation as the two Secretaries consider appropriate to facilitate the sharing of health-care resources between the two Departments.

"(3) In addition to the matters specified in paragraph (2), the two Secretaries shall include in the annual report under this subsection an overall status report of the progress of health resources sharing between the two Departments as a consequence of the Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002 and of other sharing initiatives taken during the period covered by the report. Such status report shall indicate the status of such sharing and shall include appropriate data as well as analyses of that data. The annual report shall include the following:

"(A) Enumerations and explanations of major policy decisions reached by the two Secretaries during the period covered by the report period with respect to sharing between the two Departments.

"(B) A description of any purposes of Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002 that presented barriers that could not be overcome by the two Secretaries and their status at the time of the report.

"(C) A description of progress made in new ventures or particular areas of sharing and coordination that would be of policy interest to Congress consistent with the intent of such Act.

"(D) A description of enhancements of access to care of beneficiaries of both Departments that came about as a result of new sharing approaches brought about by such Act.

"(E) A description of proposals for which funds are provided through the joint incentives program under subsection (d), together with a description of their results or status at the time of the report, including access improvements, savings, and quality-of-care enhancements they brought about, and a description of any additional use of funds made available under subsection (d).

"(g) DEFINITIONS.—For the purposes of this section:

"(1) The term 'beneficiary' means a person who is a primary beneficiary of the Department of Veterans Affairs or of the Department of Defense.

"(2) The term 'direct health care' means health care provided to a beneficiary in a medical facility operated by the Department or the Department of Defense.

"(3) The term 'head of a medical facility' (A) with respect to a medical facility of the Department, means the director of the facility, and (B) with respect to a medical facility of the Department of Defense, means the medical or dental officer in charge or the contract surgeon in charge.

"(4) The term 'health-care resource' includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 1701 of this title, services under sections 1782 and 1783 of this title, any other health-care service, and any health-care support or administrative resource.

"(5) The term 'primary beneficiary' (A) with respect to the Department means a person who is eligible under this title (other than under section 1782, 1783, or 1784 or subsection (d) of this section) or any other provision of law for care or services in Department medical facilities, and (B) with respect to the Department of Defense, means a member or former member of the Armed Forces who is eligible for care under section 1074 of title 10.

"(6) The term 'providing Department' means the Department of Veterans Affairs, in the case of care or services furnished by a facility of the Department of Veterans Affairs, and the Department of Defense, in the case of care or services furnished by a facility of the Department of Defense.

"(7) The term 'service region' means a geographic service area of the Veterans Health Administration, in the case of the Department of Veterans Affairs, and a service region, in the case of the Department of Defense.".

(2) The item relating to that section in the table of sections at the beginning of chapter 81 of title 38, United States Code, is amended to read as follows:

"8111. Sharing of Department of Veterans Affairs and Department of Defense health care resources.".

(b) CONFORMING AMENDMENT.—Section 1104 of title 10, United States Code, is amended by striking "may" and inserting "shall".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 724. HEALTH CARE RESOURCES SHARING AND COORDINATION PROJECT.

(a) ESTABLISHMENT.—(1) The Secretary of Veterans Affairs and the Secretary of Defense shall conduct a health care resources sharing project to serve as a test for evaluating the feasibility, and the advantages and disadvantages, of measures and programs designed to improve the sharing and coordination of health care and health care resources between the Department of Veterans Affairs and the Department of Defense. The project shall be carried out, as a minimum, at the sites identified under subsection (b).

(2) Reimbursement between the two Departments with respect to the project under this section shall be made in accordance with the provisions of section 8111(e)(2) of title 38, United States Code, as amended by section 723(a).

(b) SITE IDENTIFICATION.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretaries shall jointly identify no less than five sites for the conduct of the project under this section.

(2) For purposes of this section, a site at which the resource sharing project shall be carried out is an area in the United States in which—

(A) one or more military treatment facilities and one or more VA health care facilities are situated in relative proximity to each other, including facilities engaged in joint ventures as of the date of the enactment of this Act; and

(B) for which an agreement to coordinate care and programs for patients at those facilities could be implemented not later than October 1, 2004.

(c) CONDUCT OF PROJECT.—(1) At sites at which the project is conducted, the Secretaries shall provide a test of a coordinated management system for the military treatment facilities and VA health care facilities participating in the project. Such a coordinated management system for a site shall include at least one of the elements specified in paragraph (2), and each of the elements specified in that paragraph must be included in the coordinated management system for at least two of the participating sites.

(2) Elements of a coordinated management system referred to in paragraph (1) are the following:

(A) A budget and financial management system for those facilities that—

(i) provides managers with information about the costs of providing health care by both Departments at the site;

(ii) allows managers to assess the advantages and disadvantages (in terms of relative costs, benefits, and opportunities) of using resources of either Department to provide or enhance health care to beneficiaries of either Department.

(B) A coordinated staffing and assignment system for the personnel (including contract personnel) employed at or assigned to those facilities, including clinical practitioners of either Department.

(C) Medical information and information technology systems for those facilities that—

(i) are compatible with the purposes of the project;

(ii) communicate with medical information and information technology systems of corresponding elements of those facilities; and

(iii) incorporate minimum standards of information quality that are at least equivalent to those adopted for the Departments at large in their separate health care systems.

(d) PHARMACY BENEFIT.—(1) One of the elements that shall be tested in at least two sites in accordance with subsection (c) is a pharmacy benefit under which beneficiaries of either Department shall have access, as part of the project, to pharmaceutical services of the other Department participating in the project.

(2) The two Secretaries shall enter into a memorandum of agreement to govern the establishment and provision not later than October 1, 2004, of pharmaceutical services authorized by this section. In the case of beneficiaries of the Department of Defense, the authority under the preceding sentence for such access to pharmaceutical services at a VA health care facility includes authority for medications to be dispensed based upon a prescription written by a licensed health care practitioner who, as determined by the Secretary of Defense, is a certified practitioner.

(e) AUTHORITY TO WAIVE CERTAIN ADMINISTRATIVE POLICIES.—(1)(A) In order to carry out subsections (c) and (d), the Secretary of Defense may, in the Secretary's discretion, waive any administrative policy of the Department of Defense otherwise applicable to those subsections (including policies applicable to pharmaceutical benefits) that specifically conflicts with the purposes of the project, in instances in which the Secretary determines that the waiver is necessary for the purposes of the project.

(B) In order to carry out subsections (c) and (d), the Secretary of Veterans Affairs may, in the Secretary's discretion, waive any administrative policy of the Department of Veterans Affairs otherwise applicable to those subsections (including policies applicable to pharmaceutical benefits) that specifically conflicts with the purposes of the project, in instances in which the Secretary determines that the waiver is necessary for the purposes of the project.

(C) The two Secretaries shall establish procedures for resolving disputes that may arise from the effects of policy changes that are not covered by other agreement or existing procedures.

(2) No waiver under paragraph (1) may alter any labor-management agreement in effect as of the date of the enactment of this Act or adopted by either Department during the period of the project.

(f) USE BY DOD OF CERTAIN TITLE 38 PERSONNEL AUTHORITIES.—(1) In order to carry out subsections (c) and (d), the Secretary of Defense may apply to civilian personnel of the Department of Defense assigned to or employed at a military treatment facility participating in the project any of the provisions of subchapters I, III, and IV of chapter 74 of title 38, United States Code, determined appropriate by the Secretary.

(2) For such purposes, any reference in such chapter—

(A) to the "Secretary" or the "Under Secretary for Health" shall be treated as referring to the Secretary of Defense; and

(B) to the "Veterans Health Administration" shall be treated as referring to the Department of Defense.

(g) FUNDING.—From amounts available for health care for a fiscal year, each Secretary shall make available to carry out the project not less than—

(1) $5,000,000 for fiscal year 2003;

(2) $10,000,000 for fiscal year 2004; and

(3) $15,000,000 for each succeeding year during which the project is in effect.

(h) DEFINITIONS.—For purposes of this section:

(1) The term "military treatment facility" means a medical facility under the jurisdiction of the Secretary of a military department.

(2) The term "VA health care facility" means a facility under the jurisdiction of the Veterans Health Administration of the Department of Veterans Affairs.

(i) PERFORMANCE REQUIREMENTS.—(1) The two Secretaries shall provide for a joint review team to conduct an annual on-site review at each of the project locations selected by the Secretaries under this section. The review team shall be comprised of employees of the Offices of the Inspectors General of the two Departments. Leadership of the joint review team shall rotate each fiscal year between an employee of the Office of the Inspector General of the Department of Veterans Affairs, during even-numbered fiscal years, and an employee of the Office of Inspector General of the Department of Defense, during odd-numbered fiscal years.

(2) On completion of their annual joint review under paragraph (1), the review team shall submit a report to the two Secretaries on the results of the review. The Secretaries shall forward the report, without change, to the Committees on Armed Services and Veterans' Affairs of the Senate and House of Representatives.

(3) Each such report shall include the following:

(A) The strategic mission coordination between shared activities.

(B) The accuracy and validity of performance data used to evaluate sharing performance and changes in standards of care or services at the shared facilities.

(C) A statement that all appropriated funds designated for sharing activities are being used for direct support of sharing initiatives.

(D) Recommendations concerning continuance of the project at each site for the succeeding 12-month period.

(4) Whenever there is a recommendation under paragraph (3)(D) to discontinue a resource sharing project under this section, the two Secretaries shall act upon that recommendation as soon as practicable.

(5) In the initial report under this subsection, the joint review team shall validate the baseline information used for comparative analysis.

(j) TERMINATION.—(1) The project, and the authority provided by this section, shall terminate on September 30, 2007.

(2) The Secretaries may terminate the performance of the project at any site when the performance of the project at that site fails to meet performance expectations of the Secretaries, based on recommendations from the review team under subsection (i) or on other information available to the Secretaries to warrant such action.

SEC. 725. REPORT ON IMPROVED COORDINATION AND SHARING OF HEALTH CARE AND HEALTH CARE RESOURCES FOLLOWING DOMESTIC ACTS OF TERRORISM OR DOMESTIC USE OF WEAPONS OF MASS DESTRUCTION.

(a) JOINT REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly review the adequacy of current processes and existing statutory authorities and policy governing the capability of the Department of Defense and the Department of Veterans Affairs to provide health care to members of the Armed Forces following domestic acts of terrorism or domestic use of weapons of mass destruction, both before and after any declaration of national emergency.

Such review shall include a determination of the adequacy of current authorities in providing for the coordination and sharing of health care resources between the two Departments in such cases, particularly before the declaration of a national emergency.

(b) REPORT TO CONGRESS.—A report on the review under subsection (a), including any recommended legislative changes, shall be submitted to Congress as part of the fiscal year 2004 budget submission.

SEC. 726. ADOPTION BY DEPARTMENT OF VETERANS AFFAIRS OF DEPARTMENT OF DEFENSE PHARMACY DATA TRANSACTION SYSTEM.

(a) ADOPTION OF PDTS SYSTEM.—The Secretary of Veterans Affairs shall adopt for use by the Department of Veterans Affairs health care system the system of the Department of Defense known as the "Pharmacy Data Transaction System". Such system shall be fully operational for the Department of Veterans Affairs not later than October 1, 2004.

(b) IMPLEMENTATION FUNDING.—The Secretary of Defense shall transfer to the Secretary of Veterans Affairs, or shall otherwise bear the cost of, an amount sufficient to cover three-fourths of the cost to the Department of Veterans Affairs for initial computer programming activities and relevant staff training expenses related to implementation of subsection (a). Such amount shall be determined in such manner as agreed to by the two Secretaries.

(c) REIMBURSEMENT PROCEDURES.—Any reimbursement by the Department of Veterans Affairs to the Department of Defense for the use by the Department of Veterans Affairs of the transaction system under subsection (a) shall be determined in accordance with section 8111(e)(2) of title 38, United States Code, as amended by section 723.

SEC. 727. JOINT PILOT PROGRAM FOR PROVIDING GRADUATE MEDICAL EDUCATION AND TRAINING FOR PHYSICIANS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a pilot program under which graduate medical education and training is provided to military physicians and physician employees of the Department of Defense and the Department of Veterans Affairs through one or more programs carried out in military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs. The pilot program shall begin not later than January 1, 2003.

(b) COST-SHARING AGREEMENT.—The Secretaries shall enter into an agreement for carrying out the pilot program. The agreement shall establish means for each Secretary to assist in paying the costs, with respect to individuals under the jurisdiction of that Secretary, incurred by the other Secretary in providing medical education and training under the pilot program.

(c) USE OF EXISTING AUTHORITIES.—To carry out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs may use authorities provided to them under this Act, section 8111 of title 38, United States Code, and other laws relating to the furnishing or support of medical education and the cooperative use of facilities.

(d) TERMINATION OF PROGRAM.—The pilot program under this section shall terminate on July 31, 2008.

(e) REPEAL OF SUPERSEDED PROVISION.—Section 738 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 1094 note; 115 Stat.1173) is repealed.

SEC. 728. REPEAL OF CERTAIN LIMITS ON DEPARTMENT OF VETERANS AFFAIRS RESOURCES.

(a) REPEAL OF VA BED LIMITS.—Section 8110(a)(1) of title 38, United States Code, is amended—

(1) in the first sentence, by striking "at not more than 125,000 and not less than 100,000";

(2) in the third sentence, by striking "shall operate and maintain a total of not less than 90,000 hospital beds and nursing home beds and"; and

(3) in the fourth sentence, by striking "to enable the Department to operate and maintain a total of not less than 90,000 hospital and nursing home beds in accordance with this paragraph and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2003.

SEC. 729. REPORTS.

(a) INTERIM REPORT.—Not later than February 1, 2004, the Secretary of Defense and Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs and the Committees on Armed Services of the Senate and House of Representatives a joint report on their conduct of each of the programs under this Act through the end of the preceding fiscal year. The Secretaries shall include in the report a description of the measures taken, or planned to be taken, to implement the health resources sharing project under section 724 and the other provisions of this Act and any cost savings anticipated, or cost sharing achieved, at facilities participating in the project. The report shall also include information on improvements in access to care, quality, and timeliness, as well as impediments encountered and legislative recommendations to ameliorate such impediments.

(b) ANNUAL REPORT ON USE OF WAIVER AUTHORITY.—Not later than one year after the date of the enactment of this Act, and annually thereafter through completion of the project under section 724, the two Secretaries shall submit to the committees of Congress specified in subsection (a) a joint report on the use of the waiver authority provided by section 724(e)(1). The report shall include a statement of the numbers and types of requests for waivers under that section of administrative policies that have been made during the period covered by the report and, for each such request, an explanation of the content of each request, the intended purpose or result of the requested waiver, and the disposition of each request. The report also shall include descriptions of any new administrative policies that enhance the success of the project.

(c) PHARMACY BENEFITS REPORT.—Not later than one year after pharmaceutical services are first provided pursuant to section 724(d)(1), the two Secretaries shall submit to the committees of Congress specified in subsection (a) a joint report on access by beneficiaries of each department to pharmaceutical services of the other department. The report shall describe the advantages and disadvantages to the beneficiaries and the Departments of providing such access and any other matters related to such pharmaceutical services that the Secretaries consider pertinent, together with any legislative recommendations for expanding or canceling such services.

(d) ANNUAL REPORT ON PILOT PROGRAM FOR GRADUATE MEDICAL EDUCATION.—Not later than January 31, 2004, and January 31 of each year thereafter through 2009, the two Secretaries shall submit to Congress a joint report on the pilot program under section 727. The report for any year shall cover activities under the program during the preceding year and shall include each Secretary's assessment of the efficacy of providing education and training under that program.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, next year the Department of Defense and Veterans Affairs will spend over $40 billion combined on health care for current or former military personnel and their families. Despite this enormous sum, despite the fact that this year under the leadership of the gentleman from Iowa (Mr. NUSSLE), the discretionary spending, the health care spending will increase just for VA alone by $2.8 billion, there is still not enough to meet the growing demand.

The bipartisan amendment that I offer today on behalf of myself, the gentleman from Arizona (Mr. STUMP), the gentleman from New York (Mr. MCHUGH), the gentleman from Kansas (Mr. MORAN), and the gentleman from Illinois (Mr. EVANS), is designed to provide additional resources to both health care systems by providing sharing agreements between the Department of Defense and the VA.

Mr. Chairman, while statutory authority to allow resource sharing has existed for more than 20 years, as a matter of fact, the legislation was enacted during my first term 21 years ago, the latest figures tell us that the level of sharing between the VA and the DOD remains extremely low, almost a joke, accounting for less than 1 percent of their combined health care budgets.

The Federal Government can and must do more to increase resource sharing whenever and wherever feasible. Our amendment accomplishes that by providing additional incentives and putting additional pressure on both the Department of Defense and the VA to move forward with commonsense, practical steps to increase the level of resource sharing between these two massive health care systems.

Under our amendment, the VA and DOD would establish at least 5 health care resource sharing projects at locations where both have significant medical facilities. These projects would, to the extent feasible, adopt a new management system to look at ways to eliminate differences between the budget, health care provider assignment, and medical inpatient information systems.

☐ 0015

The amendment would also establish a permanent joint committee in the

Departments of Defense and VA to provide stronger strategic direction and oversight of sharing initiatives and would authorize **$30** million over each of the next 3 years to reward sharing innovations.

Mr. Chairman, let me be very clear. This amendment will not in any way compromise the quality or variety of care available to military veterans, military personnel or their families, or the veterans as well. It will expand health care services, because any savings that are achieved will be reinvested locally so that those benefits will accrue at the local level.

Mr. Chairman, I do have a much longer statement, but let me just finally say that this is backed by the Paralyzed Veterans of America, the VFW, American Legion, and the DAV.

Mr. Chairman, I hope the Members will support the amendment, and I herewith submit for the Record letters of support for this amendment from the organizations I referred to earlier:

The American Legion,
Washington, DC, May 8, 2002.
Hon. Christopher H. Smith,
Chairman, Committee on Veterans' Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

Dear Chairman Smith: On behalf of the 2.8 million members of The American Legion, I would like to express our full support for the Department of Defense (DoD)—Department of Veterans Affairs (VA) Health Resources Sharing and Performance Improvement Act of 2002. The initiatives outlined in this bill would improve health care access for veterans and DoD beneficiaries by authorizing the sharing of health resources between DoD medical treatment facilities and VA health care facilities.

The American Legion recognizes the benefits from current sharing agreements between DoD and VA health care facilities and the potential gains from additional efforts. Clearly, there are multiple venues for sharing agreements that will augment services, build on the respective strengths of the participants and improve overall health care for all DoD and VA beneficiaries.

The American Legion has long supported the goal of improving the quality and access of health care through the sharing and coordination of VA–DoD health care resources. This bill is a solid first step toward achieving that goal.

Once again, The American Legion fully supports the DoD–VA Health Resources Sharing and Performance Improvement Act of 2002. The American Legion appreciates your continued leadership in addressing the issues that are important to veterans, members of the Armed Forces, and their families.

Sincerely,

Steve A. Robertson,
Director, National Legislative Commission.

Paralyzed Veterans of America,
Washington, DC, May 9, 2002.
Hon. Christopher H. Smith,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

Dear Mr. Chairman: On behalf of the members of Paralyzed Veterans of America (PVA) I want to express our support for your amendment to H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. The amendment calls for increased direction and incentives to improve sharing of health care resources and services between the Department of Veterans Affairs (VA) and Department of Defense (DoD) health care systems.

PVA strongly believes the two departments have much to share in the provision of health care services that can be of mutual benefit to both patient populations. Unfortunately, existing statutory sharing authority has failed to provide the appropriate atmosphere, direction, and incentives to encourage VA and DoD to maximize their cooperation potential. This amendment seeks to correct that shortcoming.

Both departments have distinct patient population and missions. Recognizing that fact, we applaud language in the amendment that stipulates within the gamut of sharing opportunities, both large and small, such activities will not affect the ability of the VA to protect one of its primary missions—the maintenance of its capacity to provide such specialized services as spinal cord injury care for severely disabled veterans. We believe there are many areas where sharing health care resources can improve care and reduce costs in both systems.

Thank you for your continuing care and concern for our nation's veterans.

Sincerely,

Richard B. Fuller,
National Legislative Director.

Disabled American Veterans
Washington, DC, May 9, 2002.
Hon. Christopher H. Smith,
Chairman, House Veterans Affairs Committee, Cannon House Office Building, Washington, DC.

Dear Chairman Smith: The Disabled American Veterans (DAV) appreciates the introduction of your amendment to H.R. 4546, the national Defense Authorization Act for Fiscal Year 2003.

The Department of Defense (DoD)-Department of Veterans Affairs (VA) Health Resources Sharing and Performance Improvement Act of 2002 would, in part, require sharing and coordination of VA/DoD health care resources and authorize initiatives to improve access to health care services provided to beneficiaries of both systems. It would also authorize a demonstration project to identify the feasibility and benefits or disadvantages of coordinated management of health care resources of both departments.

We agree that scarce Federal health resources should be used effectively and efficiently in order to enhance access to high quality health care services for active servicemembers, veterans, retirees, and family members of active or retired servicemembers as provided by law. Certainly we have a compelling moral duty to honor our pledges to them, and a responsibility to see that resources are used wisely to achieve this goal. This amendment seeks to ensure that both departments take full advantage of the opportunities authorized by law to provide improved health care for all beneficiaries. We are pleased that language in the amendment maintains the integrity of the special disabilities programs in accordance with section 1706(b) of title 38, United States Code.

We agree that DoD and VA should commit their respective departments to exploring new ways for significantly improving health resources sharing and to building organizational cultures supportive of health resources sharing. This provisions gives strong incentives for increased collaboration between the respective departments and is an initial step forward to achieving this goal.

We sincerely thank you for your introduction of this amendment and continued support to improve health care services for our Nation's veterans.

Sincerely,

Joseph A. Violante,
National Legislative Director

Veterans of Foreign Wars
of the United States,
Washington, DC, May 9, 2002.
Hon. Christopher H. Smith,
Chairman, House Veterans' Affairs Committee, House of Representatives, Washington, DC.

Dear Chairman Smith: On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States (VFW) and our Ladies Auxiliary, I am pleased to offer our strong support for the amendment you are to offer to H.R. 4546, the FY 2003 National Defense Authorization Act. This bold and far-reaching legislative initiative will promote health resource sharing between the Department of Veterans Affairs (VA) and the Department of Defense (DOD). We strongly believe that improved VA–DOD health resource sharing will greatly benefit our veterans, our active duty military and our military retirees.

Despite the repeated attempts of Congress to increase sharing arrangements, very little has actually taken place. The 1999 Congressional Commission on Servicemembers and Veterans Transition Assistance found that VA and DOD shared only **$62** million out of a **$32** billion healthcare budget. These two agencies have had the authority to enact sharing agreements for over twenty years, yet they have done little. The VFW believes that the provisions of this amendment will serve as a strong incentive for VA and DOD to at last pursue these mutually advantageous agreements.

It is our view that increased health resource sharing will be doubly beneficial. It has the potential to provide an expanded wealth of services to all beneficiaries, all while reducing costs. The Transition Commission noted, for example, that were VA and DOD to better coordinate the purchase of medical products, including pharmaceuticals and supplies, they would realize a savings of almost **$2** billion over a five-year period. Further, a May 2000 General Accounting Office report claimed that VA and DOD could realize a gain of up to **$300** million per year with improved joint pharmaceutical contracts.

The VFW insists that all cost-savings resulting from improved resource sharing agreements be reinvested back into the Departments' health care systems without any funding offsets. The resulting supplemental revenue will help bring the Departments' respective health care budgets closer to what is actually needed to provide the timely, first-rate health care our active duty servicemembers and veterans so richly deserve. Additionally, the resultant additional dollars will serve as an effective incentive for the Departments to pursue other additional avenues of health care sharing.

Notwithstanding this legislation's manifest benefits, we do have some concerns that we would articulate here. First, we believe that the individuals who head the Health Executive Committee which this legislation creates should have equal authority and the highest possible access to their respective Secretaries. This will help preserve the integrity of their decision-making and mitigate potential institutional interference. We note that under your amendment the senior DOD head will be the Under Secretary of Defense for Personnel and Readiness whereas VA's Deputy Secretary represents that department. We recommend that the DOD head be the Deputy Secretary of Defense.

A second concern is since the findings of this Committee are essentially binding upon the two departments, that they not unduly supplant established and effective planning procedures nor serve as a means to circumvent the will of the Congress and the longstanding oversight capacity of the veterans service community. Great care must be exercised to ensure that the considerable authority invested in this Executive Committee is not misapplied.

Despite this, the VFW strongly supports this bold approach to expanding and, indeed, enforcing the implementation of VA-DOD health care resource sharing agreements. Most importantly, it specifically addresses a key VFW goal that veterans and the active duty military receive the best possible health care in the best possible way. We thank you for introducing this vital measure, and we look forward to working with you to ensure its success.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I am unaware of any opposition to the amendment, and so I rise to claim the customary division of time.

The CHAIRMAN. Without objection, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

There was no objection.

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment offered by my friend and colleague, and the chairman of the House Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH).

The amendment he offers, Mr. Chairman, would require the Department of Defense and the Department of Veterans Affairs to approve and expand their health care resource sharing efforts. The gentleman is my chairman on the Committee on Veterans' Affairs, and I appreciate him and look forward to working with him on the Committee on Veterans' Affairs and on the Committee on Armed Services for many years to come on this very important issue.

Ironically, we have time this evening to consider debate on these two last amendments which are noncontroversial. While noncontroversial, they are important and ought to be discussed. The two proponents of these amendments deserve their opportunity to discuss them on the House floor at their request. But just as importantly, we should have had the opportunity to discuss the controversial issues in this bill offered by very fine Members of this House, the gentleman from South Carolina (Mr. SPRATT), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Connecticut (Mr. MALONEY), the gentleman from Maine (Mr. ALLEN), and others. All had issues they wanted to have discussed.

At the full Committee on Armed Services, under the very able chairmanship of the gentleman from Arizona (Mr. STUMP), we had very vigorous and full debate on every issue that members wanted to be discussed, and we voted on every issue on which someone wanted to vote. The result was people were satisfied with the process and the bill came out of committee 57 to one.

Ironically, the issue we have heard most about today, which is the amendment of the gentleman from Mississippi (Mr. TAYLOR) on base closure, could have been avoided if the Committee on Rules had acted properly last year. Now, what do I mean by that? Last year, the gentleman from Utah (Mr. HANSEN) and I had an amendment to provide for a base closure commission. The Committee on Rules did not make that in order. So the folks that want to discuss base closure can now say we have never had a vote on the House floor. We are repeating this process year after year, denying the opportunity to discuss issues.

In 1981, I was working as a doctor in Thailand as part of the Cambodian refugee relief effort. We were living in the town of Aranyaprathet, right on the border, right next to a Thai army base. It was a very volatile border, and there was a lot of military presence. Got up one morning, the army base was emptied out. The Thai Army had gone to Bangkok to overthrow the government, overthrow the democracy and stage a coup. We went out that day to Thai villages where I would provide medical care with the medical team I worked with. We worked with these Thai paraprofessional medical people, and the fellow we were supposed to work with that morning could not perform his work. All he could do was sit and cry, literally cry about the fact that his democracy was overthrown.

Well, I was very proud to be an American that day, very proud of our American democracy. And what I learned that day in Thailand is that democracy has got to be nourished or we lose it. Well, I am very proud of this bill I am going to vote for here probably in about an hour, when we finish this process; but I am not proud of this process.

I think everyone has gathered that this process has been very dissatisfying to many people in the House, and I would hope my colleagues would respect our opinion in the future on other bills this year. At this very critical time in our Nation's history, we, as a body, as the people's House, need to do a better job of nurturing our democracy in this country.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the chairman of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman for yielding me this time.

The amendment before the House tonight is a compromise that I believe will lead to better health care for our veterans and our service men and women, as well as a more efficient use of resources for their care.

Chairman SMITH has been the driving force behind this idea, and I commend him and the gentleman from New York (Mr. MCHUGH) and the gentleman from Arkansas (Mr. SNYDER), the chairman and ranking member of the Subcommittee on Military Personnel, for their very cooperative, fair, and objective considerations of the issues and concerns of both the Department of Veterans Affairs and the Department of Defense and both of our committees here in the Congress.

While each Department has traditional and long-standing values and practices in providing health care to separate beneficiary populations, this bill seeks the common interest of both veterans and military personnel and to create partnerships and better coordinations in each institution. This amendment will commit each Department to improving health sharing and coordination of resources and services. It will also prompt the Department of Defense and the Department of Veterans Affairs to take full advantage of all these opportunities to make our health care resources available for all active and retired service men and women.

Mr. Chairman, I urge my colleagues to adopt this amendment.

Mr. EVANS. Mr. Chairman, Congress has long supported the sharing of scarce Federal health care resources between the Department of Defense (DoD) and the Department of Veterans Affairs (VA). In fact, Congress vested both Departments with broad authority two decades ago to do just that and has since repeatedly encouraged more effective and efficient use of this sharing authority by DoD and VA.

President Bush noted in the Administration's Fiscal Year 2003 budget submission to Congress that only a negligible portion of the nation's scarce Federal health care resources are actually being shared between the two Departments. While sharing between DoD and VA exists technically, sharing remains the exception, not the rule. Without future legislation there is little reason to believe that VA and DoD will develop a culture that values mutually beneficial sharing. Until this occurs, taxpayer dollars will not be spent as effectively as possible.

I commend the gentleman from New Jersey, Mr. SMITH, for his leadership with this amendment. How much of what kind of sharing is possible? It is my hope that the provisions of this amendment will forge thoughtful answers to this question and achieve the goals long sought by Congress.

Particularly noteworthy are the incentives endorsed in this amendment, which are intended to promote innovation and effective, new approaches to achieving the goals of sharing between DoD and VA. I also applaud the joint oversight provisions of this amendment, introducing shared accountability for the effective use of the resources provided in the amendment and shared accountability for assessing and reporting program outcomes. The Smith amendment allows the Secretaries of DoD and VA to terminate programs that are ineffective or demonstrate inefficiencies or a questionable use of scarce resources.

VA adoption of DoD's Pharmacy Data Transaction Service (PDTS) will provide benefits to veterans receiving VA medical care. Although this data system integration will no doubt present VA with some initial challenges, I believe the integration of these two systems has the potential to greatly improve the quality of patient care, eliminate harmful or dangerous drug interactions and bridge the information technology gaps that persist between the two agencies—on at least one front.

Mr. Chairman, I support this amendment and I urge my colleagues to vote for the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Part A amendment No. 7 offered by the gentlewoman from California (Ms. SANCHEZ), part A amendment No. 8 offered by the gentleman from Virginia (Mr. GOODE), part A amendment No. 9 offered by the gentleman from Texas (Mr. PAUL), and part B amendment No. 10 offered by the gentleman from Nebraska (Mr. BEREUTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 7 OFFERED BY MS. SANCHEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 215, not voting 18, as follows:

[Roll No. 153]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, Dan
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Boozman
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Chabot
Chambliss
Coble
Collins
Cooksey
Costello
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kerns
Kildee
King (NY)
Kingston
Knollenberg
LaFalce
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Burton
Cannon
Clay
Combest
Crane
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Traficant
Watson (CA)
Waxman

□ 0044

Ms. NORTHUP changed her vote from "aye" to "no."

Mr. KOLBE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SWEENEY. Mr. Chairman, on rollcall No. 153, I inadvertently voted "no," and I intended to vote "aye."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

PART A AMENDMENT NO. 8 OFFERED BY MR. GOODE

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 8 printed in Part A of House Report 107-450 offered by the gentleman from Virginia (Mr. GOODE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 183, not voting 19, as follows:

[Roll No. 154]

AYES—232

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Duncan
Dunn
Emerson
English
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Myrick
Ney
Norwood
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Tiberi
Toomey
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Ganske
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lofgren
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Radanovich
Rahall
Rangel
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Simmons
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Stark
Stupak
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—19

Burton
Cannon
Clay
Combest
Crane
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Northup
Ose
Reyes
Riley
Roukema
Traficant
Watson (CA)
Waxman

□ 0052

Mr. LEWIS of California and Mr. LATHAM changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 154, I was unavoidably detained. Had I been present, I would have voted "aye."

PART A AMENDMENT NO. 9 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 9 printed in part A of House Report 107–450 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 264, noes 152, not voting 18, as follows:

[Roll No. 155]

AYES—264

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad

Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Barton
Becerra
Bentsen
Berkley
Berman
Blumenauer
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rivers
Rodriguez
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Burton
Cannon
Clay
Combest
Crane
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Traficant
Watson (CA)
Waxman

☐ 0100

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 10 OFFERED BY MR. BEREUTER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 10 printed in part B of House Report 107-450 offered by the gentleman from Nebraska (Mr. BEREUTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 2, not voting 20, as follows:

[Roll No. 156]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Miller, Gary
Stark

NOT VOTING—20

Boehner
Burton
Cannon
Clay
Combest
Crane
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
McCarthy (MO)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Traficant
Watson (CA)
Waxman

☐ 0106

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. STUMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take this opportunity to thank the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services, for all of the hard work and the cooperation that he has put into this bill in the last few days. He has been a joy to work with and a very good friend, and one could not ask for a better partner.

The subcommittee chairmen and the ranking members, thanks to them, and a special thanks, Mr. Chairman, to all of the staff people who have been working these last few weeks hour after hour after hour.

Mr. THOMAS. Mr. Chairman, I move to strike the last word.

I think all of us need to thank the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Armed Services, because as is his usual custom, he would never say that he put in more hours than anyone, worked harder, and has delivered an excellent and quality product.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me thank the gentleman from Arizona (Mr. STUMP) for his very generous remarks, but I must say that the bill is appropriately named after him. I might also point out that when I first came to the Congress of the United States, the gentleman from Arizona was my very first friend when we came up here in December of 1976.

A lot of good memories in the memory bank about the gentleman from Arizona. He came out to Whiteman Air Force Base in Missouri with me back in the late 1970s and the airmen there had this wooden stump that they called Sergeant Eucalyptus P. Stump, and the gentleman from Arizona (Mr. STUMP) and Eucalyptus P. Stump had their picture taken together.

I might also say one of those great memories was going back to Ford Island with him in 1991, the 50th anniversary of the bombing of Pearl Harbor, and we went over to Ford Island and he showed me where he was back in 1943 during the war. He is a marvelous, marvelous legislator, a great friend, and one of the most decent human beings, and we thank him immensely for his hard work and his generosity.

The CHAIRMAN. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes, pursuant to House Resolution 415, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4546 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. PROHIBITION ON DEVELOPMENT AND DEPLOYMENT OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS.

(a) PROHIBITION ON USE OF FUNDS.—No funds appopriated or otherwise made available to the Department of Defense or the Department of Energy may be obligated or expended to develop or deploy a nuclear-tipped ballistic missile interceptor.

(b) DEFINITION.—In this section:

(1) The term "nuclear-tipped ballistic missile interceptor" means a ballistic missile defense system that employs a nuclear detonation to destroy an incoming missile or reentry vehicle.

(2) The term "develop" includes any activities referred to in section 179(d)(8) of title 10, United States Code, more advanced than feasibility studies.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes in support of his motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, when Ronald Reagan launched the Strategic Defense Initiative, he made a wise decision. He decided that SDI should be non-nuclear, and he did it for good reason. SDI was not the genesis of missile defense. President Johnson had proposed a missile defense system in 1967, a system he called the Sentinel. It was to be deployed at 15 sites around the country, but it packed a nuclear warhead, and the news of its coming was not warmly welcomed.

When the Nixon administration came to office, it answered the local resistance to the Sentinel by naming it the Safeguard and by reorienting its mission. Safeguard consisted of 2 interceptors: Spartan, a third-stage missile with a 1 megaton warhead, and Sprint, a shorter range missile with a warhead that produced an intense burst of neutrons. Both of them were radar-guided. Neither was accurate enough for what we call today hit-to-kill, but with a 1-megaton warhead, the Spartan did not need hit-to-kill. The lethal range for the x-rays generated by its warhead above the atmosphere was several kilometers.

These systems were flight-tested often, and compiled an unimpressive record, but there was one flaw that really did it in. A nuclear weapon detonation above the atmosphere produces a huge quantity of electrons. Their interaction creates electromagnetic pulse and ionizes the whole top of the atmosphere. And when electrons in this mix reach a certain density, the waves that are projected by long-range radars are weakened to the point that they can no longer see objects as small as reentry vehicles. In other words, the Spartan and the Sprint, put together, were self-blinding. They did not work. They were self-defeating.

In October 1975, we opened the site at Grand Forks for the deployment of the system and it lasted all of 2 months; 2 months. We spent $20 billion in today's money and the system was shut down.

Now, after spending $20 billion to learn that nuclear-tipped interceptors are self-blinding, self-defeating, let us do not go down that path again. After spending another $60 billion since SDI to perfect the technology we today call hit-to-kill, let us stick to our knitting. It is about to work. It is about to come to fruition. Let us keep missile defense focused on things that are feasible.

Now, my colleagues may say that what I am doing in this motion is setting up a straw man and then knocking him down; that MDA is not even developing so-called nuclear-tipped interceptors, and that is true, for now.

☐ 0115

But there are reports that Secretary of Defense Rumsfeld asked the Defense Science Board to weigh this option, and here is what our own committee report says at page 230, in this bill on page 230:

"The committee understands that the Department may investigate other options for ballistic missile defense; among them, nuclear armed interceptors. The committee would consider the examination of such an alternative to be a prudent step." I do not consider that to be prudent in terms of dollars or defense policy. That is why I move to recommit and undo this language.

Mr. Speaker, I yield 1 minute and 50 seconds to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I urge support for this motion to recommit to prohibit the development or deployment of nuclear-tipped ballistic missile interceptors.

As the gentleman from South Carolina has said, the Safeguard nuclear antimissile system was canceled by Congress 2 months after it was deployed in 1975, partly because the new Russian MERVs would easily evade the defense and partly because the public would not tolerate U.S.-nuclear explosions over our cities and territories as a way of defending this country.

President Reagan's Strategic Defense Initiative rejected the nuclear option. If President Reagan knew it was a bad idea 20 years ago, why revive it now? Yet Secretary of Defense Rumsfeld has reportedly instructed the Defense Science Board to explore this option. There are bad ideas and there are really bad ideas, and this bill should slam the door on really bad, half-baked ideas like nuclear-tipped ballistic missile interceptors.

General Kadish, director of the Missile Defense Agency, has said that he has no interest in developing nuclear-tipped interceptors. He knows that Americans will never tolerate this sort of defense that relies on U.S. nuclear explosions over our homes, raining down radioactivity and blinding radars and other sensors of conventional missile defenses.

The Committee on Armed Services has held numerous hearings supporting hit-to-kill technology and showing it works. If it works, why return to nuclear explosions as a way of defending our country?

The other side will suggest that we should not restrict the Pentagon's ability to experiment with any technology; but, Mr. Speaker, if that is true, why are we even here? Why do we not write a blank check at the beginning of the year and go home? Because Congress has a constitutional duty to set spending priorities. We should reject this type of missile defense and vote for the motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let us vote to affirm Ronald Reagan's wisdom. Let us win one for the Gipper. Vote "aye" for non-nuclear missile defense.

Mr. HUNTER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no plan, no funding, no blueprint to use nuclear-tipped interceptors. In fact, we do not have them. We used to, and we disassembled them.

But the Soviet Union, now Russia, does indeed have them; and we are doing precisely, if we vote for this motion to recommit, precisely what the Gipper did not want us to do, and that is for Congress to take all the chips off the table when the President has an opportunity to maybe negotiate down or negotiate out that nuclear-tipped Galosh force that Russia maintains around Moscow right now.

So let us win one for the Gipper; let us not vote for this motion to recommit.

Let me just say one other thing to my Democrat friends. I was all set for a motion to recommit on base closing. What happened to that motion to recommit? I thought that would be what they would offer up here.

I would recommend to us that we kind of keep our eye on the ball. The ball is, we are providing in this bill for the Armed Forces of the United States of America. This bill has been the product of literally thousands of hours put in by Members on both sides of the aisle, by the staff.

I do not know how the rest of the Members feel, but the last 8 months, I have felt a little bit like it must have been after Pearl Harbor. We were hit by a sneak attack in this country. It killed thousands of our citizens. We came together, and a wave of patriotism and spirit moved across this country.

We stood behind our military people. We sent our uniformed forces out to hunt down the enemy and engage them in combat. They have been doing that very, very effectively. I think it is entirely appropriate that we name this bill in honor of the gentleman from Arizona (Mr. STUMP), because he is one of those World War II veterans who joined at the age of 16.

The gentleman from California (Mr. ROHRABACHER) mentioned to me that it might be a good time to mention the other World War II veterans, because we do not have a lot of them. They are a great asset to this Congress.

I would just ask, if they are here tonight, if they can stand: the gentleman from Michigan (Mr. DINGELL), the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. GILMAN), the gentleman from Texas (Mr. HALL), the gentleman from Ohio (Mr. REGULA), and the gentleman from New York (Mr. HOUGHTON).

If we have missed anyone, please stand up. Let us give them a round of applause. And the gentleman from North Carolina (Mr. BALLENGER).

Now, Mr. Speaker, we have come together. We have put in thousands of hours with staff and Members. We have put together a great bill that does what we are supposed to do, and that is, we have given the President and our troops the tools that they need to do the job. They are doing their duty, and 1.2 million Americans in uniform across the world are doing their duty to serve this country. Let us do our duty. Let us pass this bill.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding.

Mr. Speaker, just to make sure that everybody understands what this vote is, a way of looking at it would be to vote yes or no as a referendum on the motion for the committee to rise and those who sponsored it. If Members like the motion to rise, vote yes; if they did not like what happened, vote no.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 193, noes 223, not voting 18, as follows:

[Roll No. 157]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Burton
Cannon
Clay
Combest
Crane
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Traficant
Watson (CA)
Waxman

□ 0141

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STUMP. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 58, not voting 18, as follows:

[Roll No. 158]

AYES—359

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—58

Baldwin
Barrett
Becerra
Blumenauer
Bonior
Brown (OH)
Capuano
Clayton
Conyers
Coyne
DeFazio
DeGette
Delahunt
Doggett
Eshoo
Farr
Fattah
Filner
Frank
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lofgren
Markey
McDermott
McGovern
McKinney
Meeks (NY)
Miller, George
Nadler

Oberstar
Obey
Olver
Owens
Paul
Payne
Rangel
Rivers
Sanders
Schakowsky
Serrano
Stark
Tierney
Towns
Udall (CO)
Velázquez
Watt (NC)
Weiner
Woolsey
Wu

NOT VOTING—18

Burton
Cannon
Clay
Combest
Crane
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Traficant
Watson (CA)
Waxman

☐ 0147

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. STUMP. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4546, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make other technical and conforming changes as may by necessary to reflect the action of the House in amending the bill.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4546, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ADJOURNMENT FROM FRIDAY, MAY 10, 2002 TO TUESDAY, MAY 14, 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, May 10, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, May 14, 2002, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. STUMP. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, I regret that I was unavoidably detained this morning attending the funeral of the late Bishop J. Clinton Hoggard, and I unavoidably missed the following votes: rollcall votes 134, 135, 136 and 137.

Had I been here, I would have voted as follows: for rollcall 134 I would have voted nay; rollcall 135, nay; rollcall 136, nay; rollcall 137, nay.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was absent today from the House for a period of time due to official business because of my selection as a member of the United States delegation to the United Nations Special Session on Children which I participated in at the United Nations.

Because of that, Mr. Speaker, I missed the following rollcall votes: rollcall votes numbers 134, 135, 136, 137, 138, 139 and 140, 141 and 142. If I had been present I would have voted on 134, no; 135, no; 136, no; 137, no; 138, no; 139, no; 140, no; rollcall number 141, no; and 142, yes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hall of Ohio (at the request of Mr. Gephardt) for today on account of attending ambassador school.

Ms. Jackson-Lee of Texas (at the request of Mr. Gephardt) for today until 5:45 p.m. on account of official business; U.S. delegate to the U.N. special session on children.

Mr. Reyes (at the request of Mr. Gephardt) for today after 1:00 p.m. on account of personal business.

Mr. Crane (at the request of Mr. Armey) for today on account of personal reasons.

Mrs. Roukema (at the request of Mr. Armey) for today after 12:30 p.m. on account of illness.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 378.—An act to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Jobs Corps Center."

BILLS PRESENTED TO THE PRESIDENT

Jefferson Trandahl, Clerk of the House reports that on May 8, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 2048. To require a report on the operations of the State Justice Institute.

H.R. 2305. To authorize certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and

H.R. 3525. To enhance the border security of the United States, and for other purposes.

H.R. 4156. to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes a.m.), the House adjourned until today, Friday, May 10, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6704. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, "To prescribe, adjust, and collect fees to cover the costs incurred by the Secretary to produce national and international reagents and references and make them available to the industry on a fee basis"; to the Committee on Agriculture.

6705. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Lysophosphatidyl- ethanolamine (LPE); Exemption from the Requirement of a Tolerance [OPP-301212; FRL-6821-4] (RIN: 2070-AB78) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6706. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report describing the policies and procedures for decision-making on issues arising under the Civil False Claims Act, sections 3729 through 3733, of Title 31, United States Code; to the Committee on Armed Services.

6707. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD's Civil Money Penalty Regulations [Docket No. FR-

4399-F-02] (RIN: 2501-AC56) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6708. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Priority—Program of Research on Reading Comprehension, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6709. A letter from the Secretary, Department of Education, transmitting the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2001, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

6710. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS-50606A; FRL-6805-1] (RIN: 2070-AB27) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6711. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Revisions to the California State Implementation Plan, Lake County Air Quality Management District [CA 250-0331a; FRL-7165-4] received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6712. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Rule Deficiencies and Stay of Sanctions in California, San Joaquin Valley Unified Air Pollution Control District [CA 262-0338c; FRL-7174-2] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6713. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting additional legislative proposals for inclusion in the Foreign Relations Authorization Act Fiscal Years 2002 and 2003; to the Committee on International Relations.

6715. A communication from the President of the United States, transmitting the Second Annual Report on the Inter-American Convention Against Corruption; to the Committee on International Relations.

6716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-357, "Election Recount and Judicial Review Amendment Act of 2002" received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-358, "Youth Pollworker Temporary Amendment Act of 2002" received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-361, "District of Columbia Public Schools Free Textbook Amendment Act of 2002" received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-355, "Office of Employee Appeals Attorney Fees Clarification Amendment Act of 2002" received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6720. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-356, "Residential Permit Parking Area Amendment Act of 2002" received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6721. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2003 Annual Performance Plan; to the Committee on Government Reform.

6722. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6723. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6724. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: December 2001 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

6725. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Decommissioning Activities (RIN: 1010-AC65) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6726. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 030702D] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6727. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska; Final 2002 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska [Docket No. 011218304-1304-01; I.D.121701A] (RIN: 0648-AP69) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6728. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program for Groundfish of the Bering Sea and Aleutian Islands Area [Docket No. 010914227-2063-02; I.D. 080201E] (RIN: 0648-AM40) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6729. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Equipped with Air Traffic Control (ATC) Transponders Manufactured by Rockwell Collins, Inc. [Docket No. 2000-NM-284-AD; Amendment 39-12682; AD 2002-06-05] (RIN: 2120-AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6730. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rockwell Collins, Inc. TDR-94 and TDR-94D Mode S Transponders [Docket No. 2000-CE-32-AD; Amendment 39-12683; AD 2002-06-06] (RIN: 2120-AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-32-AD; Amendment 39-12678; AD 2002-06-02] (RIN: 2120-AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6732. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F (KC-10A and KDC-10), -40, and -40F Series Airplanes; and Model MD-10-10F and MD-10-30F Series Airplanes [Docket No. 2001-NM-121-AD; Amendment 39-12692; AD 2002-06-14] (RIN: 2120-AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6733. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2000-NM-195-AD; Amendment 39-12689; AD 2002-06-11] (RIN: 2120-AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6734. A letter from the Chairman, National Transportation Safety Board, transmitting a legislative proposal entitled, "National Transportation Safety Board Amendments Act of 2002"; to the Committee on Transportation and Infrastructure.

6735. A letter from the Secretary, Department of the Treasury, transmitting a draft bill designed to restore the HI Trust Fund to its correct financial position; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1462. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; with an amendment (Rept. 107-451 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 1462. Referral to the Committee on Agriculture extended for a period ending not later than June 10, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHLERT (for himself, Mr. Weiner, Mr. Shays, Mr. Grucci, Mr. Larson of Connecticut, Mr. Israel, Mrs. Morella, Mr. Etheridge, Mr. Ehlers, Mr. Baca, Mr. Forbes, and Mr. Barcia):

H.R. 4687. A bill to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life; to the Committee on Science.

By Mr. HAYWORTH:

H.R. 4688. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Texas (for himself, Mr. Sensenbrenner, Mr. Hyde, Mr. Gekas, Mr. Coble, Mr. Gallegly, Mr. Goodlatte, Mr. Bryant, Mr. Chabot, Mr. Barr of Georgia, Mr. Jenkins, Mr. Cannon, Mr. Graham, Mr. Bachus, Mr. Hostettler, Mr. Green of Wisconsin, Mr. Keller, Mr. Issa, Ms. Hart, Mr. Flake, and Mr. Pence):

H.R. 4689. A bill to disapprove certain sentencing guideline amendments; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 4690. A bill to require that pseudoephedrine be dispensed only upon a written prescription of a licensed practitioner, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. Armey, Mr. Tauzin, Mr. Stupak, Mr. Smith of New Jersey, Mr. Barcia, Mr. Taylor of Mississippi, Mr. Barton of Texas, Mr. Upton, Mr. Stearns, Mr. Deal of Georgia, Mr. Burr of North Carolina, Mr. Whitfield, Mr. Norwood, Mrs. Cubin, Mr. Pickering, Mr. Bryant, Mr. Pitts, Mr. Wicker, Mr. Mica, Mr. Weldon of Florida, Mr. Lewis of Kentucky, Mr. Bartlett of Maryland, Mr. Cooksey, and Mr. Jeff Miller of Florida):

H.R. 4691. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Energy and Commerce.

By Mr. BISHOP:

H.R. 4692. A bill to amend the Act entitled "An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", to provide for the addition of certain donated lands to the Andersonville National Historic Site; to the Committee on Resources.

By Mr. BLUNT (for himself, Mr. Ackerman, Mr. Gilman, and Mr. Menendez):

H.R. 4693. A bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself and Mr. Tom Davis of Virginia):

H.R. 4694. A bill to provide for flexibility in making emergency Federal procurements, and for other purposes; to the Committee on Government Reform.

By Mr. CALLAHAN:

H.R. 4695. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Fort Gaines and Fort Morgan in Alabama as units of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. CANNON (for himself, Mr. Moran of Virginia, Mr. Armey, Mr. Bonilla, Mr. Hostettler, Mr. Norwood, Mr. Burton of Indiana, Mr. Camp, and Mr. Dooley of California):

H.R. 4696. A bill to amend title 11 of the United States Code with respect to the allowance of certain claims or interests; to the Committee on the Judiciary.

By Ms. DeGETTE (for herself and Mr. Greenwood):

H.R. 4697. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 4698. A bill to require licenses for the sale, purchase, and distribution of certain chemicals that are precursors to chemical weapons, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOSSELLA:

H.R. 4699. A bill to establish appropriate procedures and sanctions to ensure that unpaid parking fines and penalties owed to New York City by foreign countries are paid; to the Committee on International Relations.

By Ms. PRYCE of Ohio (for herself, Mr. Thomas, Mr. Boehner, Mr. Tauzin, Mr. Oxley, Mr. Combest, Mr. Herger, Mr. McKeon, Mr. Upton, Mr. Bilirakis, Mrs. Roukema, Mr. Goodlatte, and Mr. Shaw):

H.R. 4700. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. Osborne, Mr. Dingell, Mr. Towns, Mr. Stearns, Mr. John, and Mr. Clement):

H.R. 4701. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Norwood, Mr. Crane, Ms. Dunn, and Mr. Herger):

H.R. 4702. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself and Mr. Camp):

H.R. 4703. A bill to establish a joint United States-Canada customs inspection pilot project; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. Jones of Ohio, Ms. McKinney, Mr. Kildee, Mr. Frank, Mr. Kucinich, Mrs. Mink of Hawaii, Ms. Rivers, Mr. Owens, Mr. Rangel, Mr. Nadler, Ms. Lee, Ms. Velázquez, Mrs. Morella, and Mr. Israel):

H.R. 4704. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 4705. A bill to amend the Interstate Horseracing Act of 1978 to require the consent of certain horsemen's groups for interstate off-track wagers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself, Mr. Pomeroy, Mrs. Johnson of Connecticut, Mr. Lewis of Kentucky, Mr. Manzullo, and Ms. Velázquez):

H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Mr. Bonior, Mr. Waxman, Ms. Carson of Indiana, Mr. Kucinich, Mr. Quinn, Ms. Brown of Florida, Mr. Sanders, Mr. McGovern, Mr. Udall of Colorado, Mr. Nadler, Ms. DeLauro, Mr. George Miller of California, Ms. Lee, Mr. Wexler, Mrs. Davis of California, Mr. Cummings, Ms. McKinney, Mr. Hall of Ohio, Mr. Brady of Pennsylvania, Ms. Norton, Ms. Solis, Mr. Lipinski, Mr. Davis of Illinois, Ms. McCarthy of Missouri, and Ms. Slaughter):

H.R. 4707. A bill to prohibit the use of arsenic-treated lumber to manufacture playground equipment, children's products, fences, walkways, and decks, and for all other residential purposes, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. Otter):

H.R. 4708. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District; to the Committee on Resources.

By Ms. SLAUGHTER:

H.R. 4709. A bill to amend the Public Health Services Act to authorize the Director of the National Institute of Environmental Health Sciences to conduct and coordinate a research program on hormone disruption; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 4710. A bill to amend title 44, United States Code, to reduce paperwork burdens for small-business concerns; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself and Mr. Bachus):

H.R. 4711. A bill to provide for the identification of assets hidden in United States financial institutions that have been stolen or misappropriated from foreign countries by corrupt foreign political figures of those countries; to the Committee on Financial Services.

By Mr. WATKINS:

H.R. 4712. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the recapture provisions of the low-income housing credit for certain recipients of Federal multi-family housing loans; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. Mica, Mr. Oberstar, Mr. Lipinski, and Mr. Ehlers):

H. Con. Res. 401. Concurrent resolution recognizing the heroism and courage displayed by airline flight attendants each day; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Cannon, Mr. Collins, Mr. Duncan, Mr. Flake, Mr. Goode, Mr. Manzullo, Mr. Norwood, Mr. Rohrabacher, Mr. Schaffer, Mr. Sessions, and Mr. Weldon of Florida):

H. Res. 416. A resolution expressing the sense of the Congress regarding the International Criminal Court; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ACEVEDO-VILÁ introduced a bill (H.R. 4713) for the relief of Laura Maldonado Caetani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Rahall.

H.R. 82: Mr. Mascara.

H.R. 285: Ms. Watson.

H.R. 294: Mrs. Myrick.

H.R. 303: Mr. Doggett.

H.R. 339: Mr. Owens.

H.R. 482: Mr. Akin and Mr. Lewis of Kentucky.

H.R. 488: Mr. Thompson of California.

H.R. 521: Mr. Acevedo-Vilá.

H.R. 551: Mr. Upton.

H.R. 638: Mr. Owens.

H.R. 854: Ms. Eddie Bernice Johnson of Texas, Mr. Lantos, Ms. Millender-McDonald, Mr. Markey, and Mr. McGovern.

H.R. 882: Mr. Hayes, Mrs. Jones of Ohio, Mr. Boehner, Mr. Bishop, Mr. Weller, Mr. Lewis of Georgia, Mr. Chambliss, and Mr. Deal of Georgia.

H.R. 898: Ms. Ros-Lehtinen.

H.R. 948: Mr. Smith of New Jersey.

H.R. 951: Mr. Issa, Mr. Reyes, Mr. Jenkins, Mrs. Meek of Florida, Mr. Sullivan, and Mr. LaTourette.

H.R. 1090: Mr. Hilleary and Mr. Olver.

H.R. 1092: Mr. Pence, Mr. Davis of Illinois, and Mr. LaHood.

H.R. 1144: Mr. Towns.

H.R. 1145: Mr. Gekas.

H.R. 1214: Mr. McCollum.

H.R. 1233: Mr. Foley.

H.R. 1296: Mr. Tauzin.

H.R. 1305: Mr. Watt of North Carolina.

H.R. 1375: Mr. Bryant.

H.R. 1460: Mr. Cantor.

H.R. 1472: Ms. Pelosi.

H.R. 1487: Ms. Hooley of Oregon.

H.R. 1507: Mr. Pastor.

H.R. 1543: Mr. Pence and Mr. Duncan.

H.R. 1577: Mr. Watt of North Carolina, Ms. Jackson-Lee of Texas, Mr. Gekas, Mr. Isakson, and Mr. Osborne.

H.R. 1581: Mrs. Cubin.

H.R. 1598: Ms. McCarthy of Missouri, Mr. Brown of Ohio, and Mr. Crenshaw.

H.R. 1609: Mr. Coble, Mr. LoBiondo, and Mr. Boozman.

H.R. 1629: Mr. Hoeffel.

H.R. 1637: Mr. McNulty.

H.R. 1764: Mr. Peterson of Minnesota.

H.R. 1784: Mr. Sherman.

H.R. 1809: Mr. Bishop and Ms. Norton.

H.R. 1897: Mr. Lynch.

H.R. 1919: Mr. Kennedy of Minnesota.

H.R. 1935: Mr. Hoeffel, Mr. Engel, Ms. Hooley of Oregon, Mr. Fattah, Mr. Kanjorski, Mr. Thune, and Mr. Sullivan.

H.R. 1966: Mr. Goode and Mr. Vitter.

H.R. 2014: Mr. Moran of Virginia and Mr. Calvert.

H.R. 2117: Mr. Deal of Georgia.

H.R. 2348: Mr. Baldacci and Ms. Velázquez.

H.R. 2419: Mr. Bishop.

H.R. 2466: Mrs. Jo Ann Davis of Virginia.

H.R. 2483: Mr. Larsen of Washington.

H.R. 2527: Mr. Graham, Mr. Hobson, Mr. Rogers of Michigan, Mr. Rahall, Mr. Putnam, Mr. Neal of Massachusetts, and Mr. Barr of Georgia.

H.R. 2695: Mr. Bartlett of Maryland.

H.R. 2714: Mr. Hobson, Mr. Shuster, Mrs. Wilson of New Mexico, Mr. Combest, Mr. Hunter, Mr. Kirk, Mr. Pombo, Mr. Royce, Mr. Sullivan, Mr. Latham, Mr. Lewis of Kentucky, Mr. McKeon, Mr. Gary G. Miller of California, Mr. Peterson of Pennsylvania, Mr. Rogers of Michigan, Mr. Schrock, Mr. Simmons, Mr. Simpson, Mr. Young of Alaska, Mr. Moran of Kansas, Ms. Pryce of Ohio, and Mr. Ramstad.

H.R. 2733: Mr. Gordon.

H.R. 2763: Mr. Ryun of Kansas and Mr. LaHood.

H.R. 2820: Mr. Gephardt, Mr. Gekas, and Mr. Cummings.

H.R. 2874: Mr. Kildee, Ms. Rivers, Mrs. Jones of Ohio, and Mr. Stenholm.

H.R. 2953: Mr. Quinn, Mr. Gilman, and Mr. Reynolds.

H.R. 3131: Mr. Tauzin, Ms. Velázquez, Mr. Doyle, Mr. Gibbons, and Ms. Pelosi.

H.R. 3238: Mr. Crowley, Mr. Dicks, Mr. Neal of Massachusetts, and Mr. Gekas.

H.R. 3250: Mr. Kennedy of Minnesota, Mr. Souder, Mr. Hastings of Florida, and Ms. Hart.

H.R. 3253: Mr. Udall of New Mexico, Ms. Berkley, Mr. Shows, Mr. Simpson, and Mr. Jeff Miller of Florida.

H.R. 3267: Mr. Baca.

H.R. 3320: Ms. Hart and Mr. Buyer.

H.R. 3321: Mr. Pastor.

H.R. 3360: Mrs. Roukema.

H.R. 3422: Mr. Evans.

H.R. 3450: Ms. McCollum, Mr. Platts, Mr. Barr of Georgia, and Ms. Lofgren.

H.R. 3469: Mr. Brown of Ohio, Mr. Olver, Mr. Filner, Ms. Waters, Mr. McNulty, Mr. Payne, Mr. Conyers, Ms. Watson, Mr. George Miller of California, Mr. Gutierrez, Mr. Larsen of Washington, and Mr. Clay.

H.R. 3479: Mr. Petri, Ms. Hart, and Mr. Baker.

H.R. 3597: Mr. Hunter.

H.R. 3609: Mr. Bryant.

H.R. 3612: Ms. Slaughter.

H.R. 3618: Mr. Condit.

H.R. 3625: Mr. Green of Texas and Mr. Kucinich.

H.R. 3626: Mr. Gonzalez.

H.R. 3661: Mr. Terry and Mr. Boehlert.

H.R. 3673: Mr. Foley.

H.R. 3710: Mr. McGovern and Mr. Lewis of Georgia.

H.R. 3729: Mr. Boyd.

H.R. 3747: Mr. Stark.

H.R. 3805: Mr. Lewis of Kentucky and Mr. Bachus.

H.R. 3814: Mr. Leach and Mr. Rangel.

H.R. 3834: Mr. Norwood.

H.R. 3845: Mr. Udall of Colorado.

H.R. 3884: Mr. Rangel.

H.R. 3915: Mr. McGovern.

H.R. 3940: Mr. Abercrombie and Mr. Condit.

H.R. 3961: Mr. Payne, Mr. Holt, Ms. Baldwin, Mr. Hall of Ohio, Mr. Brady of Pennsylvania, Ms. Jackson-Lee of Texas, Mr. Stark, and Mr. Owens.

H.R. 3966: Mr. Smith of New Jersey.

H.R. 3967: Mr. Smith of New Jersey.

H.R. 3973: Mr. Cooksey, Mr. Hilleary, Mr. Ballenger, Mr. Abercrombie, Mr. Tanner, Mrs. Tauscher, Mrs. Thurman, Mr. Hunter, Mr. Weldon of Pennsylvania, Mr. Andrews, Mr. Hastings of Florida, Mr. Bartlett of Maryland, Mr. Hansen, Mr. Bishop, Mr. Schrock, Mr. Hayes, Mr. Brown of South Carolina, Mr. Cantor, Mr. Forbes, Mr. Hefley, Mrs. Cubin, Mr. Pitts, Mr. Keller, Mr. Conyers, Mr. Horn, Mr. Coble, Mrs. Jo Ann Davis of Virginia, Mrs. Wilson of New Mexico, Mr. Ryun of Kansas, Mr. Weldon of Florida, Mr. Thornberry, Mr. Hoekstra, Mr. Shadegg, Mr. Ramstad, Mr. Gilchrest, Mr. McKeon, and Mr. Snyder.

H.R. 3995: Mr. Hoeffel.

H.R. 4003: Mr. Filner.

H.R. 4011: Mr. Sanders and Ms. Slaughter.

H.R. 4013: Mr. Isakson.

H.R. 4014: Mr. Isakson.

H.R. 4017: Ms. Schakowsky, Mr. Rangel, Mr. Farr of California, and Mr. Wynn.

H.R. 4018: Mr. Terry, Mr. Gordon, Mr. Neal of Massachusetts, and Mr. Israel.

H.R. 4034: Mr. Kennedy of Rhode Island.

H.R. 4037: Mr. Frank.

H.R. 4059: Mr. Ford.

H.R. 4066: Mr. Skelton, Mr. Gonzalez, and Ms. Baldwin.

H.R. 4071: Mr. Wicker.

H.R. 4073: Mr. Camp, Mr. Wilson of South Carolina, Ms. Dunn, Mr. Bishop, Mr. Tom Davis of Virginia, Mr. Shays, Mr. Shaw, Mr. Schaffer, Mr. Jefferson, Ms. Slaughter, Mr. Bentsen, Mr. Oberstar, Mr. Udall of Colorado, Mr. McDermott, Mr. Thompson of Mississippi, Mr. Dicks, Mr. Kildee, Mr. Luther, Mr. Price of North Carolina, Mr. Rodriguez, Ms. Carson of Indiana, Mr. Pastor, Mr. Rangel, Mrs. Mink of Hawaii, Mr. Filner, Mr. Brown of Ohio, and Mr. Faleomavaega.

H.R. 4078: Ms. McCollum.

H.R. 4084: Mr. Conyers and Mr. Sanders.

H.R. 4085: Mr. Gutierrez, Mr. Foley, Mrs. Capps, Mr. Udall of New Mexico, Mr. Stump, Ms. Berkley, and Mr. Bilirakis.

H.R. 4092: Ms. Hart.

H.R. 4112: Mr. Stupak.

H.R. 4152: Mr. Gekas.

H.R. 4210: Mrs. Morella, Mr. Olver, Mr. Brown of Ohio, Ms. Watson, Mr. McGovern, Mr. Kucinich, Mr. Frank, Mr. George Miller of California, Mr. Pomeroy, and Mr. Bonior.

H.R. 4446: Mr. Terry, Mrs. Christensen, Mr. Davis of Illinois, Mr. Boehlert, and Mr. Gutknecht.

H.R. 4493: Mr. Terry.

H.R. 4496: Mr. Terry.

H.R. 4498: Mr. Terry.

H.R. 4503: Mr. Owens.

H.R. 4514: Mr. Bilirakis, Mr. Simpson, Mr. Shows, Ms. Berkley, and Mr. Boozman.

H.R. 4515: Mr. Osborne.

H.R. 4551: Mr. Filner, Mr. Brady of Texas, Mr. Cummings, Mr. Hinojosa, Mr. Edwards, Ms. Jackson-Lee of Texas, Mr. Lampson, and Mr. Quinn.

H.R. 4555: Mr. Frost and Mr. Green of Texas.

H.R. 4575: Mr. Owens, Mr. Rodriguez, Mr. Gonzalez, Mr. McGovern, and Mr. Hinojosa.

H.R. 4582: Mr. Otter.

H.R. 4592: Ms. Lee, Mr. Honda, Mr. Gary G. Miller of California, Mr. Farr of California, Mr. Sherman, and Mrs. Davis of California.

H.R. 4608: Mr. Houghton, Mr. Bereuter, Mr. Schaffer, Mr. Cantor, Mrs. Wilson of New Mexico, Mr. Lucas of Oklahoma, Mr. Osborne, Mr. Manzullo, Mr. Gilman, Mr. Watkins, Mr. Pombo, Mr. Cox, Mr. Gibbons, Mr. Young of Alaska, Mr. Blunt, Mr. Nussle, Mr. Goodlatte, Mr. Boozman, Mr. Wicker, Mr. Chambliss, Mr. Cooksey, Mr. Fossella, Mr. King, Mr. Hunter, Mr. Brady of Texas, Ms. Granger, Mr. Baker, Mr. Bonilla, Mr. Paul, Mr. Armey, Mr. Graves, Mr. Putnam, Mr. Smith of Michigan, Mrs. Emerson, Mr. Shimkus, Mr. Burr of North Carolina, Mr. DeMint, Mr. Hulshof, Mr. Bilirakis, Mr. Simpson, Mr. Smith of New Jersey, Mr. English, Mr. Walden of Oregon, Mr. Sessions, Mr. Hoekstra, Mr. Thune, Mr. Rogers of Michigan, Mr. Hyde, Mr. Jenkins, Mr. Hastert, Mr. Callahan, Mrs. Kelly, Mr. Sununu, Mr. Pickering, Mr. Portman, Mr. Barton of Texas, Mr. Hastings of Washington, Mr. Thomas, Mr. Tauzin, Mr. Thornberry, Mr. Stump, Mr. Herger, Mr. McKeon, Mr. Hayes, Mr. Gilchrest, Mr. Ehlers, Mr. Watts of Oklahoma, and Mr. Shadegg.

H.R. 4614: Mr. Conyers, Mr. McGovern, Mr. Wynn, Mrs. Napolitano, Mr. Hilliard, Ms. Brown of Florida, Mr. Olver, Mr. Baldacci, and Ms. Rivers.

H.R. 4620: Mr. Skeen and Mr. McInnis.

H.R. 4630: Mr. Pascrell.

H.R. 4635: Mr. Mascara and Mr. Kingston.

H.R. 4647: Mr. Baker and Mr. Rohrabacher.

H.R. 4654: Mr. Payne, Mr. McNulty, Mr. Israel, Mr. Grucci, Mrs. Maloney of New York, Ms. Velázquez, Mr. Stupak, Mr. Hoeffel, Mr. Myrtha, Mr. Brady of Pennsylvania, Mr. Dingell, and Mrs. Tauscher.

H.R. 4658: Mr. Tancredo, Mr. Hostettler, Mr. Terry, Mr. Tiahrt, Mr. Bartlett of Maryland, Mr. Pitts, and Mrs. Myrick.

H.R. 4667: Mr. Hunter.

H.R. 4669: Mr. Hastings of Florida, Ms. Woolsey, and Ms. Millender-McDonald.

H.R. 4670: Mr. Pastor.

H.R. 4671: Mrs. Mink of Hawaii, Ms. Solis, Mr. Cummings, Ms. Jackson-Lee of Texas, Mr. DeFazio, Mr. Coyne, Mr. Hall of Ohio, Mr. Jefferson, Mr. Blagojevich, Mr. Frost, Mr. Evans, Mr. Conyers, Mr. Scott, Mr. McGovern, Mr. Schiff, Mr. Thompson of Mississippi, Ms. Carson of Indiana, and Mrs. Maloney of New York.

H.J. Res. 40: Mr. Spratt.

H.J. Res. 86: Mr. Ose.

H. Con. Res. 42: Mr. Dingell.

H. Con. Res. 315: Mr. Akin.

H. Con. Res. 346: Mr. Owens.

H. Con. Res. 355: Mr. Shays, Mr. Wexler, Mr. Levin, Mr. Weiner, and Ms. Berkley.

H. Con. Res. 385: Mr. Lynch, Mr. Hinchey, Mr. Owens, Ms. Slaughter, and Mr. Wynn.

H. Con. Res. 394: Mr. Flake.

H. Con. Res. 398: Mr. Gonzalez.

H. Res. 98: Mrs. Maloney of New York.

H. Res. 115: Mr. Turner and Mr. Kennedy of Rhode Island.

H. Res. 269: Mr. Rohrabacher, Mr. Pascrell, Mr. Mascara, Mr. Tiberi, Mr. Markey, Mr. Pallone, and Mr. Capuano.

H. Res. 393: Mrs. Capps, Mr. Gilman, and Mr. Cardin.

H. Res. 410: Mr. Payne.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 448: Mr. Filner.

H.R. 975: Mr. Bachus.

HOUSE OF REPRESENTATIVES—*Friday, May 10, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 10, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, rich in mercy and strong to save, may springtime in this Nation bear seeds of peace.

Make nature again recover from human sins of the past. Breathe forth a freshness over land and sea that all may be exalted by Your creative hand and ever-redeeming power.

Bring forth in the human family a new respect for life and a commitment to equal justice for the least and the weakest in our midst that violence may cease and an ordinary cycle of goodness and kindness spread from this place around the world.

May nature and human determination be so wedded that science and faith may spiral into new discoveries to enrich this planet with natural and human beauty.

For You, Eternal Father, are our source of life and recovery, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1372), an act to reauthorize the Export-Import Bank of the United States, and agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SARBANES, Mr. DODD, Mr. JOHNSON, Mr. BAYH, Mr. GRAMM, Mr. SHELBY, and Mr. HAGEL, to be the conferees on the part of the Senate.

RESIGNATION OF MEMBER AND APPOINTMENT OF MEMBER TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore laid before the House the following resignation as a member of the Congressional-Executive Commission on the People's Republic of China:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 2002.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Thank you for appointing me last year to the Congressional-Executive Commission on China, which was established through the leadership of our colleague, Sandy Levin, to promote human rights and rule of law in China.

To make this Commission as effective as possible, a significant commitment of time is needed by each Commissioner. In light of the responsibilities associated with my election as Democratic Whip, I believe that other members of the Democratic Caucus, equally committed to the fight for human rights in China, could better fulfill the role of Commissioner. I am, therefore, respectfully submitting my resignation as a member of the Congressional-Executive Commission on China. It is my understanding that Leader Gephardt is submitting a new recommendation for this position

Thank you for the honor of naming me to the Commission last year. I look forward to working with you to improve human rights around the world.

Sincerely,

NANCY PELOSI,
Democratic Whip.

The SPEAKER pro tempore. Without objection, and pursuant to section 303(a) of Public Law 106-286, the Chair announces the Speaker's appointment of the following Member of the House to the Congressional-Executive Commission on the People's Republic of China to fill the existing vacancy thereon:

Mr. BROWN, Ohio.

There was no objection.

COMMUNICATION FROM THE HON. RICHARD K. ARMEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD K. ARMEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 2002.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony and documents in a civil case issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

RICHARD K. ARMEY,
Member of Congress.

COMMUNICATION FROM THE HON. TOM DeLAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM DELAY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 2002.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony and documents in a civil case issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

TOM DELAY,
Member of Congress.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF THE HON. RICHARD A. GEPHARDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sean Kennedy, Legislative Director of the Honorable RICHARD A. GEPHARDT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2002.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Supreme Court of the State of New York in a criminal case pending there.

After consulting with the Office of General Counsel, I have determined that it is consistent with the privileges and rights of the House to comply with the subpoena.

Sincerely,

SEAN KENNEDY,
Legislative Director/Associate Counsel.

OMISSION FROM THE CONGRESSIONAL RECORD OF MAY 9, 2002, AT PAGE 7325

The convening hour for the House is as follows:

The House met at 9 a.m.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 14, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6736. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report entitled, "Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions," as required by Section 2492 of Title 10, United States Code; to the Committee on Armed Services.

6737. A letter from the Deputy Secretary, Department of Defense, transmitting an interim report on the development of regulations to improve privacy protections of medical records held by the Department as required by Section 756 of the Floyd D. Spence National Defense Authorization Act For FY 2001; to the Committee on Armed Services.

6738. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2001 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

6739. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2001, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

6740. A letter from the Assistant Secretary, Department of Commerce, transmitting the Department's final rule—Technology Opportunities Program [Docket No. 981203295-2010-07; CFDA: 11.552] (RIN: 0660-ZA06) received April 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6741. A letter from the Chair, State Energy Advisory Board, Department of Energy, transmitting the Board's annual report entitled, "Energy Efficiency and Renewable Energy: The "No Regrets" Path to America's Energy Future," pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

6742. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Technical and Administrative Amendments (RIN: 1991-AB51) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6743. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Section 126 Rule: Revised Deadlines [FRL-7203-2] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6744. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for Guam and the States of Arizona, California, Hawaii, and Nevada [AZ, CA, HI, NV, GU-075-NSPS; FRL-7201-2] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6745. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District and South Coast Air Quality Management District [CA 191-0340; FRL-7170-5] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6746. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Availability of Allowances to Produce Methyl Bromide for Developing Countries [FRL-7202-6] (RIN: 2060-AJ74) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6747. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for Alaska; Correction [Alaska 001; FRL-7201-8] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6748. A letter from the Administrator, Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6749. A letter from the Administrator, Agency For International Development, transmitting the Agency's FY 2001 Annual Performance Plan; to the Committee on Government Reform.

6750. A letter from the Under Secretary, Research, Education, and Economics, Department of Agriculture, transmitting the Department's final rule—Availability of Information—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6751. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6752. A letter from the Director, White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6753. A letter from the Secretary, Department of Housing and Urban Developmen, transmitting a copy of the Government National Mortgage Association management report for the fiscal year ended September 30, 2001, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

6754. A letter from the Associate Attorney General, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for calendar year 2001, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

6755. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6756. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the year ended September 30, 2001, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

6757. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2001-04; Introduction—received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6758. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2001-06; Introduction—received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6759. A letter from the Board Members, Merit Systems Protection Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6760. A letter from the Office of Government Ethics, transmitting an Annual Program Performance Report for FY 2001; to the Committee on Government Reform.

6761. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "A White Paper, A Fresh Start For Federal Pay: The Case For Modernization"; to the Committee on Government Reform.

6762. A letter from the Commissioner, Social Security Administration, transmitting the Administration's inventory of commercial activities; to the Committee on Government Reform.

6763. A letter from the Chairman, United States International Trade Commission, transmitting a Program Performance Report for FY 2000; to the Committee on Government Reform.

6764. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting a report on Northeast Multispecies Harvest Capacity and Impact of Northeast Fishing Capacity Reduction; to the Committee on Resources.

6765. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Guidelines for Determining the Probability of Causation under the Energy

Employees Occupational Illness Compensation Program Act of 2000 (RIN: 0920–ZA01) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6766. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Methods for Radiation Dose Reconstruction under the Energy Employees Occupational Illness Compensation Program Act of 2000 (RIN: 0920–ZA00) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6767. A letter from the President, Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 2001, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

6768. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "School Bus Safety: Crashworthiness Research,"pursuant to 23 U.S.C. 403 Public Law 105—178 section 2007(c); to the Committee on Transportation and Infrastructure.

6769. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. 2000–NM–400–AD; Amendment 39–12691; AD 2002–06–13] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes [Docket No. 2002–NM–22–AD; Amendment 39–12693; AD 2002–06–15] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 99–NM–21–AD; Amendment 39–12675; AD 2002–05–07] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6772. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–300 Airplanes That Have Been Modified in Accordance with Supplemental Type Certificate STC00973WI–D [Docket No. 2002–NM–31–AD; Amendment 39–12694; AD 2002–06–16] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6773. A letter from the Paralegal Specialist, FAA, Department Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2000–NM–335–AD; Amendment 39–12690; AD 2002–06–12] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6774. A letter from the Deputy Administrator, General Services Administration, transmitting a Building Project Survey Report for Green Bay, WI, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.

6775. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Safety and Health (RIN: 2700–AC33) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6776. A letter from the Secretary, Department of Veterans' Affairs, transmitting a draft bill entitled, "Veterans' Benefits Improvement Act of 2002"; to the Committee on Veterans' Affairs.

6777. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002–8) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6778. A letter from the Chairman and Vice Chairman, Federal Election Commission, transmitting the FY 2003 Budget Request Amendment, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4092. A bill to enhance the opportunities of needy families to achieve self-sufficiency and access quality child care, and for other purposes; with an amendment (Rept. 107–452 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 4073. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; with an amendment (Rept. 107–453). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 4092 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4092. Referral to the Committee on Ways and Means extended for a period ending not later than May 10, 2002.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

234. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to Joint Resolution No. 808 memorializing the President of the United States and the Congress of the United States to increase the annual budget of Acadia National Park to amounts that will meet the park's full operational needs, including the needs of Schoodic Point; to the Committee on Resources.

235. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution No. 818 memorializing the United States Congress to lift trade sanctions and establish permanent, normal trade relations with Cuba; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. Con. Res. 385: Mr. PHELPS, Ms. WOOLSEY, and Ms. MCKINNEY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. CUNNINGHAM on House Resolution 271: Peter A. DeFazio.

The following Member's name was withdrawn from the following discharge petition:

Petition 4 by Mr. CUNNINGHAM on H. Res. 271: James V. Hansen.

SENATE—*Friday, May 10, 2002*

(Legislative day of Thursday, May 9, 2002)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, as we prepare for this weekend of Mother's Day, we praise You for our own mothers and the love and care we received from them, and for all the mothers of our Nation for the influence they have in shaping the character of children. We would agree with John Ruskin when he said that the history of a nation is not to be read in its battlefields but in its homes. Thank You for mothers who know You and communicate their faith and moral values to their children. Strengthen the mothers of this land now in this time when children are faced with an unprecedented deprecation of integrity, honesty, and character. Help mothers to be the kind of people they long for their children to become. As children grow into young adults, may their mothers be their best friends and confidants in the quest for confident living. Give us all a renewed appreciation for aging mothers who need a special assurance that they did their best and are appreciated. And for those mothers who have graduated to the next stage of eternal life in heaven with You, may they be remembered with grateful bouquets in our minds and hearts.

Dear God, we pause in the work of this Senate to salute the heroines of hope who are our mothers here or in heaven. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARIA CANTWELL, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. CANTWELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, and with the time equally divided between the majority leader and the Republican leader.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will be in a period of morning business until 11 a.m. At 11 a.m., we will resume consideration of the trade bill. There will be no rollcall votes today. The next rollcall vote will occur on Monday evening 6 p.m. to deal with probably the approval of the 57th judge, under the direction of Senator LEAHY—an Executive Calendar nomination. Two hours are set aside to debate that nomination Monday evening.

We hope that at 11 o'clock Senators will come and continue work on the trade bill. We have all learned from our constituents and others how important they believe this is, and we hope we can complete this legislation next week.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECENT EVENTS IN ISRAEL

Mr. GREGG. Madam President, I want to speak on a couple of subjects this morning. First is what is happening in Israel.

Obviously, it is good news that at the Church of the Nativity, which is a shrine of significant importance to all of us who are Christian—obviously, it being the birthplace of Christ—that there has been a settlement. This is a step in the right direction. It is something we can take relief in because, clearly, the church itself was in physical risk, as were the people inside and outside of the church. It would have been a terrible tragedy in this conflict between the parties in the Mideast if that shrine had been permanently damaged. So this is good news.

At the same time, of course, we should not overstate it as an event. Clearly, there is much still happening in the Mideast. Israel, in exercising its rights, will probably proceed to take further action to try to find the people who are responsible for the terrible suicide bombing that occurred just a few days ago. There may be a military action in Gaza. At least that is what is being represented. I think we as a culture—our country—have to decide how we are going to deal with this situation.

The President has made it very clear that as a result of the terrorist attacks on our Nation, we intend to track down terrorists wherever they are and we intend to bring them to justice. In addition, if there is a government that supports those terrorists, we intend to treat that government as an enemy and bring it to justice, as we did in Afghanistan. I believe this to be the absolutely appropriate authority. This is the Bush doctrine. This is the guideline that we must follow. We are in a fight, whether we like it or not, for our cultural survival, for our civilization and its survival.

The purpose of our enemy is not to take real estate or take advantage of real estate or take advantage of economic gain, as has been the tradition of war over the centuries. The purpose of our enemy is to simply kill us because we are American. In fact, if you read the books of Osama bin Laden and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of Mulla Muhammad Omar, you see this all the time. The quotes simply say they call on their followers to kill Americans because they are Americans, and for no other reason, and to destroy us. That is their goal.

Well, if the Bush doctrine states clearly and appropriately that our purpose is to find terrorists and bring them to justice, and to treat terrorist governments as if they are our enemy and bring those governments down, then we cannot say to Israel that they should not follow that doctrine. Israel is equally under a terrorist attack—in fact, in many ways, more so because they are more threatened because of their physical situation.

As the suicide bombers continue to kill innocent people and cause great personal injury and try to disrupt the Nation of Israel, which is a democracy and which is an ally, we as a nation must support Israel and say: You have the right, as we also believe we have the right, to pursue these terrorists and bring them to justice and pursue governments that support these terrorists and bring them to justice.

It is very clear—I do not think there can be any question about it—that the Palestinian Authority has been a source of support for terrorist activity. We need to support Israel at this time as we would expect our allies and have expected our allies to support us during our difficult time.

It does mean there probably will be further confrontations, but it also means that at least we will be standing for a purpose which is clear and definable and which is true and correct, and that is we will not tolerate terrorism against our country or against our allies.

TRADE

Mr. GREGG. Madam President, last night an agreement was reached on this trade promotion authority, on the trade adjustment language, and the Andean trade agreement, three bills which have been bundled by the majority leader—there is a fourth one, the general tariffs agreement—that we have been trying to work through as a body. Last night, I understand the parties negotiated a comprehensive settlement to these issues involving trade and trade adjustment.

Trade promotion authority is very important legislation. We as a nation, and States such as New Hampshire specifically—and States such as the Presiding Officer's State especially—depend inordinately on our capacity to have free trade with other countries because our States, our culture has its competitive edge not in some material or commodity we produce, such as an agricultural good or oil; our economic advantage in New Hampshire is that we have people who are very bright and produce goods that are on the cutting edge.

Unfortunately, in the international economy, when you are producing cutting-edge goods, there is a tendency of other nations that cannot keep up to block those goods from coming into their country.

It always works to our advantage to open up a country's trade with us because the goods which we produce—which are on the cutting edge, which are the next generation, and always a step ahead of their competition—become available for sale in that country where we have opened barriers.

In New Hampshire, for example, almost 30 percent of the jobs are tied directly to products which are produced and sold overseas. So trade promotion authority—which is basically a vehicle to allow the administration to negotiate trade agreements, almost all of which, I presume, will allow us to enter other markets—trade promotion authority is very important legislation. This Congress has passed it year in and year out—for many years. In fact, I voted for it innumerable times when I was in the House and even had a chance to vote for it in the Senate.

Unfortunately, in the last few years, it has become tied up with other issues, but I do believe there has always been a strong bipartisan consensus to give the President trade promotion authority.

Unfortunately, as I mentioned, we have now attached to trade promotion authority other issues because people realized around here that if there is a train leaving the station and you can put something on it, the odds are you are going to be able to pass it. These are items which might not pass under a freestanding situation. That is unfortunate because trade promotion is so important. It should not be thrown into this type of a bundle. It should be voted on separately. But the majority leader decided to bundle it.

In that bundle he has put some things which I find to have serious problems, specifically the trade adjustment language and the expansion of the entitlements under the trade adjustment language.

There are two major initiatives in this proposal which are going to significantly expand direct costs and burdens on the taxpayers of America and will open the door to policy activity in an arbitrary way, and we cannot see the unintended consequences yet, which I think are going to be significant and extraordinarily expensive.

The trade adjustment bill, which is not involved in negotiating treaties, the purpose of which is to assist people whose jobs have been impacted as a result of trade activity—in other words, if you worked for a textile mill in New Hampshire maybe 20 years ago, and that textile mill was put out of business because of trade activity, because of low-cost cotton goods coming into the country—in fact, it happened even more recently than that. There are a couple companies in the western part of New Hampshire that have gone out of business in recent years as a result of trade activity. If you work for that type of company, under the trade adjustment authority, you would have certain benefits accrued to you in the areas of training and unemployment compensation so you can have an opportunity to get back into the workforce more quickly and be less impacted by that trade activity.

What is being proposed in this bill, however, is a significant expansion to benefit those people—well-intentioned, obviously—who have been dislocated as a result of trade activities, specifically the expansion of health care coverage and a wage supplement should they not take a different job. Let's talk about both of these.

Madam President, the health care benefit means if you lose your job and it is designated a job loss as a result of trade activity, you will be able to get health insurance. Seventy percent of the cost of that will be paid by the Federal Government. You will be out of work, but you will be able to get health insurance. You will have to buy it through a pooling agreement. You will not be able to go out on the market and buy it. You will have to buy it through a pooling agreement, and you will be reimbursed through what is called a refundable tax credit. It is a tax benefit, a payment which amounts to an entitlement payment and really is not tax related at all. You will get this money and be able to buy through this pooling agreement, theoretically at least, health insurance. It might not be the health insurance you want, but you can buy it and get 70-percent support for it.

What is the problem with that? It sounds pretty good. Yes, it is pretty good, obviously. What does it do? It does a couple of things. First, if you are working today in America, you may not have health insurance. You are paying taxes, but you may not have health insurance. There may be a variety of reasons you do not have health insurance.

This bill says a person who is unemployed has a right to have their health insurance underwritten to the extent of 70 percent of its cost, but a person who is employed and may not have health insurance does not get health insurance. That clearly creates a huge inequity in our system.

It is a new concept: If you are unemployed, you have a right to health insurance. But if you are employed and you do not have health insurance, you are out of luck.

The implications of this are that either you are going to start covering everybody because, obviously, you are already covering the unemployed or you are going to leave a large segment of America saying: Hey, I am working for a living; I am paying taxes for a living; I do not have health insurance, but I have to pay extra taxes so that somebody who is not working can have health insurance.

I think that is going to be hard to swallow for people who are working and do not have health insurance.

In addition, the structure and the way the health insurance is going to be purchased make very little sense. The pooling agreements do not exist. In fact, the State that is probably furthest ahead in pooling agreements is New Hampshire, and we do not even have it up and running yet.

The concept that one cannot go out in the marketplace and buy it if they want, that one has to buy it through some sort of structured event which may mean they are going to get insurance they do not need, coverage they do not need, costs they do not need, probably get a lot better deal maybe if they go out and buy it through a different system, the limitation which basically is forcing them to buy it in one specific way versus allowing them to use the marketplace, completely makes no sense. If this is going to be done, which to begin with is to create a major new entitlement, then it ought to at least be done in a way that makes economic sense to the person who is getting the benefit and makes sense to the insurance market so that a healthier insurance market is made rather than a less healthy insurance market.

In this proposal, it will not be positive for health insurance for energizing better coverage. There is a major new entitlement being created under this bill, which is being created in back rooms somewhere, which has never really gone through the light of day of the committee process and which has very little to do with trade—in fact, nothing to do with trade, for that matter—and is opening the door to a huge new issue of how we deliver health care coverage in this country.

As a result, it is setting down a path which we may not be able to get off and which may basically lead to a massive expansion along the lines of what was proposed by President Clinton of the way we address health care in this country, which is essentially a nationalization system. I do not think that is too far fetched a step to take. This is more than just putting your toe in the water as to moving down that road. When we start insuring people who do not have jobs and give them health insurance when there are people who do have jobs who do not have health insurance, it is going to be incredibly expensive. Who pays in the end? Well, the money we use in the Federal Government does not come from the sky. It comes from the wage earner. It comes from people who have to pay taxes.

This is a huge, brandnew entitlement being put together in the middle of the night—this one especially in the middle of the night—which has not been properly vetted and which has significant issues surrounding it.

The second concept in this bill which raises very serious public policy questions is this idea the Federal Government is going to come in and say to somebody who has lost a job as a result of trade activity that if that person goes out and finds a job that does not pay them as much as they had in the job they lost as a result of trade activity, the Federal Government is going to come in and arbitrarily pay a portion of the difference between what that person earned under their job prior to the trade activity and the job after the trade activity.

The ACTING PRESIDENT pro tempore. The Senator's 10 minutes have expired.

Mr. GREGG. I ask unanimous consent to proceed for another 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I appreciate the courtesy of the Senator from Missouri.

What is the practical effect? Let's take an example. If someone is working, for example, for a steel company, which is an example that is fairly current considering the discussions, and they were being paid labor union wages at a very high rate—let's say they were making $40,000 a year, maybe more—and they lost their job allegedly because the steel was no longer competitive with the foreign steel that was coming in—there are a lot of factors that may have led to that, including the fact that wage rates were no longer competitive—and then they move out of that job and take another job—let's say they decide, well, I would like to teach; I have done steel for 20 years and I am tired of it; I want to do something else, maybe I want to go into teaching—and they get a teaching job at a private school, say a Catholic school that does not pay too much—it is more of a social service really—and they are getting paid $20,000 to do that, the $20,000 they are not making the Federal Government is going to come in and supplement and say, we are going to pay the difference or a portion of that difference.

Well, that creates all sorts of unintended consequences and adverse selection issues. I can see a lot of people saying, I am going to close my company down, claim the trade caused them to close their company down and they are going to go out and get another job which pays a lot less, which is a job they always wanted to have; they are tired of doing this job, and they will let the Government pay the difference.

The implications of this are absolutely staggering. One does not have to think too long to see what the implications are. And who is paying the cost? Where is this money coming from? The American wage earner, the people still working for a living, working hard, they have to pick up that difference. Essentially we are going to pay people not to be as productive as they were before, because in our society theoretically people are paid based on their productivity. The implications for our economy are significant; the implications for the Federal Treasury are significant; the implications for our taxpayers are significant. It is a public policy initiative of huge import, and maybe we want to do it, but I do not think we want to do it in the middle of the night the way this bill is proceeding.

The trade adjustment language in this bill raises very significant problems, and to hook it to the trade promotion authority raises the question: Is it worth the price of getting trade promotion authority to put in place these types of expansive public policy initiatives which involve huge implications on the expenditure side of our Government? That is a question with which the Senate has to deal.

Obviously, the Senate may be supportive of it, but it is a question with which we have to deal. I think it is a question we should vote on because it is way outside the budget and a point of order is appropriate to these two issues because they are outside the budget. We ought to at least have a supermajority addressing this issue rather than having it passed on a simple majority.

I thank the Chair, and I especially thank the Senator from Missouri for his courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, first, I support and second very strongly the comments made by my good friend and colleague from New Hampshire. I am a traditionalist, and I like to see things come out of the committee because, frankly, committee work ensures there is full consideration of all the measures that come to the floor. We have seen leadership rewriting bills—the farm bill, the energy bill, the stimulus bill—and the products are not good.

What my colleague from New Hampshire has described seems to me not only a very expensive, very bad policy direction that has been taken on this trade adjustment assistance, it is beginning to smell to me like an effort to love it to death. I have been around legislative bodies long enough to know if one does not want to stand up and kill something, such as trade promotion, they do not want to come out and say, no, I am not for free trade, the best way to kill it is to put so much stuff on it that it sinks.

This was not done in committee. This was not done in the light of day, as the Senator from New Hampshire said.

This was done behind the scenes. This was an effort to sabotage trade promotion. I hope this body will say no. Frankly, if it were to go to the President with all of this junk on it, I hope he would veto it and send it back.

We need trade promotion authority. We do not need a huge new socialistic program to have the Federal Government paying people's salaries when they are working. Trade adjustment assistance traditionally as we have had it, yes, it makes a lot of sense, but to have a whole new health care program, not going through the committee structure, a whole new income supplement program not fully considered, not aired out, put on this bill, I think is an outrage. I hope it does not take a supermajority to get this—or 41 votes to get it off.

I hope we have an up-or-down vote and the people who are really for trade promotion authority, the people who want to give our farmers the opportunity to produce and sell in the world market will stand up and say no, we need trade promotion authority clean, not with all of these love handles on it.

THE STATE OF SMALL BUSINESS

Mr. BOND. Madam President, I rise to report on the state of small business and share with my colleagues, staff, and our constituents some of the concerns in the small business communities. The President declared this week Small Business Week and we have had small business activities all week talking about wonderful entrepreneurs who are making the economy grow and providing jobs as well as strengthening their communities.

I don't think there is any question that small businesses are the foundation of our economy. They employ over half the private sector workforce. Two-thirds of all new jobs are created by small businesses. They constantly lead the way in innovative and creative solutions to the challenges that face us.

Some very large businesses, obviously, started as small businesses. Others have chosen to remain small. This country's future will be determined by today's small businesses.

With so much at stake, we have adopted the policy in the Committee on Small Business of doing something that was not traditional prior to 1995 when we started going out and listening to the broad range of concerns of small business. I am proud to say on a bipartisan basis the Committee on Small Business over the last 7 years has not only listened to the needs of small business but done a very good job in responding to those needs. As the ranking member of the committee, I can say I have always learned when I have listened to the small businesses in my State and around the country.

There is something now they are discussing that has moved to the top of their concerns, moved to the top of the ladder. Small business concerns used to be regulatory issues, tax issues, bundling issues, availability of the SBA credit assistance. The issue driving small business owners and their employees nuts is the issue of the cost of health care. Small businesses are saying they cannot get the kind of health care for themselves and their employees and families that a large business or a union or a government can provide.

There are about 40 million people in this country without health insurance. We talk about that a lot. This is a serious concern. Madam President, 60 percent of those—24 million—are in the small business family. Of the 40 million without health insurance, 24 million are from small business. They are either workers in small business or members of the family of small business employees. Why? To a large extent in the past we have not given tax deductions for entrepreneurs, small business proprietors who buy health insurance for themselves.

I started that battle in 1995 and by 2003 we finally get 100-percent deductibility. Now the problem is the cost of health insurance. Many individuals who are among the employed but uninsured work for small businesses that would like to provide health insurance but can't because in some instances it is too expensive; in other instances they cannot bargain with and get the kind of benefits they need. They are not talking about lavish benefits.

We are trying to get basic health care for employees, their families, their children, mothers who need prenatal and postnatal care, children getting vaccinations. It does not matter how many mandates are passed regarding what States say to businesses, what they ought to do, health plans saying what they ought to do, or even a Patients' Bill of Rights. One basic right the small businesses don't have is the right to be able to purchase affordable health care.

It seems to me the only solution to help the employed but uninsured is to allow small businesses across the country to pool together and access health insurance through their membership in a bona fide trade or professional organization. This should provide small businesses the same opportunities as other large insurance purchasers. The association health plans, or AHPs, would reduce cost, to spread the costs and risk, increase group bargaining power with large insurance companies, and generate more insurance options for small business.

The principle underpinning AHPs is simple, the same principle that makes it cheaper to buy a soda by the case than in individual cans. Bulk purchasing is why large companies and unions get better rates for employees and small business. It is time we bring the same kind of Fortune 500-style employee health care benefits to the Nation's Main Street small businesses and their employees.

AHPs are not a new idea. They have been talked about, argued about, compromised for almost a decade. During that period, what once was thought to be a manageable problem has become the crisis we have today. A bill has been introduced by my neighbor, my friend from Arkansas, Senator HUTCHINSON, that creates these AHPs. It is the Small Business Health Fairness Act of 2001. I cannot overstate the urgency of moving this legislation. The House has passed a similar bill. The President has strongly come out in support of AHPs. The President does not want small businesses to be health insurance islands under themselves. I agree. We must do this for small businesses, their employees, and their employees' families.

Also, it is important we go ahead and make permanent the tax cuts we provided last year. More than 21 million businesses filed tax returns as individuals. These are nonfarm, sole proprietorships, partnerships and S Corporations. They had receipts of less than $1 million. And 92 percent of all small businesses under $1 million are pass-through entities. The tax rate relief we gave last year means there will be more money to invest in the business, to invest in equipment, and to put more people to work. We need to make it permanent.

We are not talking about rich "fat cats" here. According to 1999 Census data, of the nearly 15 million full-time, self-employed people in 1999, median business earnings were $30,000 and 38 percent of them earned between $30,000 and $75,000.

In addition, the former chief economist for the SBA's Office of Advocacy, testified last March before the Senate Finance Committee that "[e]very dollar of profit or tax relief tends to be reinvested in the [owner's] firm." With more of their tax dollars in hand, these small business owners will be able to reinvest in their businesses—purchase new and more efficient equipment. They will be able to expand their product lines and the services they render. And—most importantly—they will be able to continue creating more jobs in our home towns.

But the tax bill did not stop at just cutting tax rates. It also dramatically changed the death tax, putting it on the road to extinction by 2010. Too often we have heard about the family-owned company that has had to be sold just to pay the death taxes. According to the SBA, more than 70 percent of all family businesses do not survive through the second generation and fully 87 percent do not make it to a third generation. That's an absurd result of the tax code.

But we are forgetting an even greater problem caused by the estate tax.

Thousands of small businesses in this country waste millions of dollars each year on estate planning and insurance costs just to keep the doors open if the owner should die.

To put this into perspective, a survey of family owned businesses in Upstate New York revealed that average spending for tax planning, attorney and consultant fees, life insurance premiums, internal labor costs, etc., was nearly $125,000 per company over a 5 year period. That's even before any Federal estate taxes are counted.

Just think what could be done with that kind of money in a small business if it didn't have to be paid to accountants, lawyers, and insurance companies. It could be used to create more jobs in our communities. In short, the estate tax can spell the end of a small business, but it is also a jobs killer in this country.

With all of its strengths, however, the tax bill has one major flaw—procedural rules in the Senate forced it to be limited to a ten-year life. So, while America's entrepreneurs can enjoy the benefits of the tax bill today and over the next several years, our work is not finished. We must make the tax cuts, and in particular the repeal of the estate tax, permanent. Otherwise, our success in reducing the tax burden will turn into the largest tax increase in American history come 2011. That's a result I will strongly oppose and hope never to see.

Of course, another of the primary issues that come to me is how to create more small businesses. Money and good management skills are keys to starting and running a successful small business. The federal government has demonstrated that it is capable of delivering help in both areas to small businesses through the Small Business Administration. Each year, over one million small business people and entrepreneurs receive help from the SBA's core management assistance programs: the Small Business Development Centers, SCORE, and the Women Business Centers.

At the same time, SBA has demonstrated an ability to make loans and venture capital available to 40,000–50,000 small businesses annually. While the number of small businesses has exploded over the past decade, the SBA credit programs have not been able to keep pace with the demand. As many of my colleagues in the Senate know, SBA's credit programs are not designed to compete with the private sector; rather, they are supposed to meet the demand from small businesses that cannot otherwise obtain a regular commercial loan or investment capital.

This demand is great; unfortunately, these programs are not meeting the growing small business demand, particularly from women-owned small businesses, which is the fastest growing small business segment. Much of the blame can be placed on career bureaucrats in the Office of Management and Budget who use unrealistically high default estimates to drive up the cost of the SBA's flagship 7(a) guaranteed business loan program. Just for next year, OMB's estimates are adding an unnecessary $100 million in appropriations to the cost to run the program. Since 1992, OMB's estimates have caused the borrowers and lender to pay about $1.4 billion in excess fees. The excess fees and the pressure for higher appropriations have placed unnecessary and counterproductive limits on the growth of the 7(a) loan program.

The other SBA credit programs have also experienced similar problems. The 504 Development Company Loan Program has paid excessive fees totaling over $400 million, and the Small Business Investment Company Program has paid in $500 million over the amount needed to run that program.

To begin to correct this problem, last December Congress enacted S. 1196, which included key provisions lowering the fees from the 7(a) and 504 loan programs. These changes will go into effect on October 1, 2002.

Last fall, I introduced the Small Business Leads to Economic Recovery Act of 2001, S. 1493, which is designed to provide effective economic stimulus to small businesses in three distinct but complementary ways: increasing access to capital for the Nation's small enterprises; providing tax relief and investment incentives for our small firms and the self-employed; and directing one of the Nation's largest consumers—the Federal government—to shop with small business in America.

Subsequently, Senator KERRY and I introduced S. 1499, which adopts the access to capital provisions from S. 1493. This bill is a bipartisan collaboration to devise one-time modifications to the 7(a) and 504 Loan Programs because the traditional approach to disaster relief will not address the critical needs of thousands of small businesses located at or around the World Trade Center, the Pentagon and in strategic locations throughout the United States. S. 1499 has passed the Senate and is waiting for action in the House of Representatives. In the near future, I am hopeful we can add this important bill to another must-pass bill so that it can be on the President's desk for his approval.

The SBA has undertaken the first creative steps to reach more small business borrowers. I applaud their efforts and encourage the SBA management team led by Administrator Hector Barreto to do more. It is estimated there are as many as 25 million small businesses in the United States. Our Federal credit programs need to be able to reach many more small commercial borrowers. When I hear from women's business owners that they cannot obtain loans or investment capital, I want to know why the SBA programs are not serving this fast-growing segment of our Nation's business community. When minority entrepreneurs cannot obtain credit, I want to know what SBA is doing to correct this problem.

As the ranking member of the Committee on Small Business and Entrepreneurship, I am in a position to take the battle to the OMB. But it is up to the SBA to work with our Nation's lenders and venture capitalists to find ways to expand existing programs and to create new ways to deliver credit assistance to help fuel the engine that drives the economy of the United States—the small business community.

One thing that can sap the strength of that engine is the burden imposed on small businesses by regulations. The SBA Office of Advocacy has estimated that regulations cost businesses with less than 20 employees almost $7000 per employee per year. This is nearly 60 percent higher than businesses with over 500 employees.

Six years ago, Congress, without dissent in the Senate, took an historic step towards reigning in the federal government's regulatory machine and protecting the interests of small businesses. My Red Tape Reduction Act, what others call the Small Business Regulatory Enforcement Fairness Act, ensured that small businesses would be given a voice in the regulatory process at the time when it could make the most difference: before the regulation is published as a proposal.

Without question, the Red Tape Reduction Act has yielded some remarkable results and provided small businesses with a greater voice and opportunity to have an impact in the rulemakings which threaten to do them the most harm. Perhaps the best known provision is the requirement that OSHA and EPA convene panels to receive comments from small businesses before their regulations are proposed. This gives these agencies the unique opportunity to learn up front what the problems with their regulation may be, and to correct these problems when it will cause the least difficulty. This has resulted in significant changes being made, and in one case, EPA abandoning a regulation because they recognized that the industry could deal with the issue more effectively on their own.

Experience with this panel process has proven to be an unequivocal success. The former Chief Counsel for Advocacy of the Small Business Administration Jere Glover has stated that, "Unquestionably, the SBREFA panel process has had a very salutary impact on the regulatory deliberations of OSHA and EPA, resulting in major changes to draft regulations. What is important to note is that these changes were accomplished without sacrificing the agencies public policy objectives."

Unfortunately, however, there are still examples where agencies have not provided small businesses with the appropriate opportunity to participate, and have flouted the requirements of SBREFA through abusing the flexibility Congress provided to the agencies to determine how and when they would comply. It has become clear that these are more than mere isolated incidents and that the Red Tape Reduction Act itself needs to be amended to achieve the goal Congress had in mind when passing the original Regulatory Flexibility Act, and the subsequent Red Tape Reduction Act.

This is why I introduced The Agency Accountability Act, S. 849 during last year's Small Business Week. This bill would further amend the Regulatory Flexibility Act and close some of the loopholes that agencies have exploited in their desire to pursue their regulatory agendas on the backs of small businesses by doing the following:

It requires the agency to publish a summary of their economic analysis supporting the decision not to certify a regulation as not having "a significant economic impact on a substantial number of small entities," and to make the full economic analysis available to the public so that interested parties will be able to evaluate whether the agency has met their burden to do adequate outreach and analysis in determining the impact of the regulation.

It allows small entities to seek judicial review of this certification decision if they believe that the agency has not supported it with adequate data and analysis.

It directs the Chief Counsel for Advocacy of the Small Business Administration to promulgate a regulation to define further the terms of "significant economic impact" and "substantial number of small entities" so that agencies can no longer define these terms themselves and claim that they were within the bounds of the law when their definitions allow them to avoid the requirements of SBREFA and the Regulatory Flexibility Act.

Finally, it adds the Internal Revenue Service, the U.S. Forest Service, the National Marine Fisheries Service, and the Fish and Wildlife Service to the list of agencies that must conduct small business review panels before they can issue proposed regulations.

Another area the agencies have failed at miserably is to supply the compliance assistance that is required by the Red Tape Reduction Act. GAO has issued a report that clearly indicates how agencies have ignored this requirement or made a complete botch of it when they have attempted to meet it. I will be introducing legislation to address this problem soon.

My views are simple. I want an agency that intends to regulate how a business must conduct its affairs to do so carefully and only after it has taken every step to insure that it will impose on that small business the least amount of burden to achieve its stated objective. Once they do issue a regulation, they have an obligation to be able to explain what small businesses must do to comply with it. This is not about blocking agencies from promulgating regulations, it is about making sure they produce the best regulations possible with the least unnecessary burden on small businesses.

Six years ago, the Senate said in a unanimous voice that it wanted agencies to treat small businesses fairly. That commitment to protecting this most vulnerable segment of our economy, at a time when the Federal government can literally determine if a business will survive as a result of the regulatory burden imposed on it, is still alive. It is time that we ensured agencies are accountable for their actions by enacting the Agency Accountability Act.

On the positive side, the Federal Government can be and should be a reliable and committed purchaser of goods and services from small businesses. The Small Business Act says that small firms shall have the maximum practicable opportunity to compete for Federal contracts. This is good for small business, good for the purchasing agencies, and good for the taxpayer who pays the bills because when small business competes for contracts this lowers the prices and raises the quality.

Small business benefits from having access to a stable revenue stream while they get up-and-running. The Small Business Act recognizes how government contracting can contribute to business development and economic renewal. For example, my HUBZone program provides contracting incentives for small firms to locate in blighted neighborhoods, helping them win Federal contracts and stabilize their revenues while they develop a nongovernmental customer base.

The State of Small Business, on this front, is mixed. We finally succeeded in restoring funding for the HUBZone program, as SBA finally sent up a reprogramming request that the Appropriations Committee found acceptable. The mishap that occurred last year, of defunding the HUBZone program, has now been corrected.

Moreover, SBA is on the verge of removing the biggest of the roadblocks currently holding the HUBZone program back. Contrary to express Congressional direction, the previous Administration had put the HUBZone and 8(a) contracting programs in competition with each other, by trying to give an automatic preference to 8(a) in all cases. We at the Small Business Committee had sought to avoid pitting these programs against each other, by mandating parity between the programs. Contracting officers would be equally obligated to carry out both programs.

SBA disregarded the congressional will on this point, and contracting officers found the regulations confusing. SBA's noncompliance hurt both programs, because contracting officers did not know what to do.

In January, SBA published proposed rules to correct this situation and to establish the parity that Congress intended. I am confident we are about to enter a new era in which the HUBZone program will finally live up to its potential.

And not a moment too soon, either. This program will direct contracting dollars into the most chronically distressed areas of the nation. People who live in these areas, without jobs and often without hope, need the opportunities that the HUBZone program will provide. Finally, we are going to get serious about getting help to these folks who need it so desperately.

Unfortunately, Federal government's performance in contracting with women-owned small businesses is less encouraging. Since 1994, when Congress enacted a goal of 5 percent of contract dollars for women-owned firms, the Government has consistently fallen short. We have never met that goal. We have never come close.

Last year, I received a report from the General Accounting Office on contracting participation by women-owned firms. The clear message was this: if the Government is to meet the 5 percent goal, the Department of Defense must meet its own 5 percent goal. DOD is the 800-pound gorilla in Federal procurement. Sixty-four percent of Federal contracting dollars come from the Pentagon. Without a full DOD commitment to the women-owned business goal, the rest of the Government does not handle enough contracting dollars to make up the shortfall.

Similarly, DOD frequently uses the practice of bundling small contracts together so that small businesses are unable to bid on the work. In the words of President Bush "Bundling effectively excludes small businesses." He understands this hurts small business and has asked OMB to look for ways to avoid this approach and for opportunities to break up bundled contracts to permit more participation by small business. I welcome the President's support in this cause.

This week Senator KERRY and I offered a bill that would close loopholes in the definition. I appreciated working with him to develop this important measure. Increasingly, it looks like we are getting close to a meeting of the minds on this issue, and I am hopeful we can at long last do something serious to control contract bundling and ensure that the Federal government's contracting practices allow for the maximum possible participation by small business.

Never has our country needed or relied upon small businesses as much as now in the wake of the devastating attacks of September 11. Yesterday, my colleague Senator KERRY and I introduced a resolution, S. Res. 264, expressing the sense of the Senate that small business participation is vital to the defense and security of our Nation. On September 11, 2001, the people of the United States were subject to the worst terrorist attack in American history. Our nation's response has been truly astounding. And it should come as no surprise that small businesses are playing a vital role in that response.

Small businesses have the unique ability to respond quickly and precisely, to emerging needs and conditions. Many of the most innovative solutions to our problems such as new technologies for defense readiness come from small firms. In fact, in October 2001, the Pentagon's technical support working group sent out an urgent plea, seeking ideas and technology to assist the military fight terrorism. In just two months, legions of small businesses responded to the Pentagon's call. Over 12,500 ideas poured into the Pentagon, most of them from small businesses. This remarkable response once again shows that small business remain the most innovative sector of the United States economy, accounting for the vast majority of new product ideas and technological innovations.

Just last week I had the opportunity to acknowledge the volunteer efforts of three Missouri companies that are helping re-build over an acre-long section of the Pentagon's roof, which was damaged badly in the September 11 terrorist attacks.

Frederic Roofing and Sheet Metal Company of St. Louis, Performance Roof Systems of Kansas City, and Watkins Roofing of Columbia, are participating in a massive effort to help repair part of the damage sustained by the Pentagon. These Missouri companies are independent, small businesses, modern-day Davids ready and willing to take on part of a Goliath-sized project. They have joined with roofing contractors from across country and the National Roofing Contractors Association to raise in excess of $500,000 worth of cash, materials, and labor toward this project. Their work reflects the enterprising spirit that makes small businesses such a potent force in our economy. They deserve our admiration for rolling up their sleeves and pitching in to help restore the Pentagon.

To help raise awareness of small business innovation in the homeland defense area, on July 10, 2002, Senator KERRY and I will co-host an expo on Capitol Hill to showcase small businesses and their homeland security products. The Small Business Homeland Security Expo will provide an opportunity for small business owners to educate us here in Washington about their latest innovative products, technology, and research. I am excited to bring these hardworking entrepreneurs here to show us just how valuable their contributions are to our Nation's security and defense. These small businesses are a cross-section of America—they are women-owned, minority-owned, and often represent economically disadvantaged areas.

Numerous small businesses have lined up to showcase their exciting products and services for homeland defense and the fight against terrorism. We intend to highlight these businesses at the Expo and in the accompanying book being prepared for the event. The work of small businesses toward this goal is a product of the same volunteer spirit that helped save lives, combat unthinkable disaster, and restore the nation's hope after the darkest hours of September 11.

Madam President, I am happy to report to the Senate that the small business sector of our economy is thriving even though the challenges they face are stiff and numerous. The determination to be successful is a hallmark of small businesses as it has been the foundation of our nation throughout the years. Small businesses are at the forefront of new advances in technology, health care, environmental management, and virtually every industry possible. I have no doubt that small businesses will continue to lead the way.

The big question I have is whether we will be able to help them. Small business wants the Federal government to be a friend, not an adversary. They want us to be their customer and advisor, not a competitor or intruder. In every action we take, we must always ask what the impact on small businesses will be, and make every effort to refrain from that action if we do not believe it will have a beneficial impact. The future of our country is tied to the future of small business and by enhancing the conditions that support small business, we will ensure a more prosperous future for all.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very proud to be able to stand in this Chamber today and say that we have reached a compromise on fast track, trade adjustment assistance, Andean trade, and the Generalized System of Preferences, or GSP.

Last night, my good friend and colleague, Senator GRASSLEY and I—along with the administration—were able to reach an agreement that I believe will gain very broad bipartisan support.

As I have said before, this bill, if passed, will be the first major rewrite of international trade legislation in 14 years. It is an historic opportunity for all of us.

Last week, I outlined the need for fast track and for renewing and expanding the Andean Trade Preference Act. Those bills are identical to the bills offered last week.

Let me outline today the compromise that was reached on trade adjustment assistance.

I believe that the TAA legislation will be one of the most important bills to be adopted by the Senate this year. Importantly, this bill makes several changes to the TAAA program to make it more effective.

First, it extends the period for which TAA pays out income support from 52 to 78 weeks. This allows TAA recipients to stay in the program long enough to complete training for new jobs.

Second, we expand eligibility for TAA benefits to secondary workers. For example, if an automobile producer is affected by imports, displaced workers in supplier companies—tire and windshield manufacturers, for example—will also be covered. We expect that approximately 65,000 additional workers will be eligible for TAA because of this provision.

Third, we agreed to extend TAA benefits when a U.S. manufacturing plant moves offshore to any country. In addition, we have codified the provisions covering downstream workers who are currently covered by the NAFTA transitional program.

Fourth, we expand TAA benefits. This legislation authorizes $300 million for training—nearly tripling the program.

The legislation also helps TAA recipients obtain healthcare insurance. Displaced workers will be eligible for an advanceable, refundable tax credit of 70 percent.

That money can be used for COBRA or for the purchase of certain State-based group coverage options. We also provide interim assistance through the National Emergency Grant program.

In my opinion, this is most significant bipartisan agreement on health care in many, many years.

Fifth, this legislation provides a special TAA program for family farmers, ranchers, and fishermen.

And finally, this bill creates a pilot program on wage insurance—a concept that has been endorsed by former USTR Carla Hills and Federal Reserve Chairman Alan Greenspan.

In addition to agreeing on a much improved and expanded TAA program, we have also agreed to extend the Generalized System of Preferences through the end of 2006. This important legislation extends preferential duty treatment for goods from developing countries.

As a part of the deal reached last night, we will update the definition of "core worker rights" in GSP to make it consistent with the ILO's 1998 definition of core worker rights.

This is important, of course, because in considering countries' eligibility for GSP benefits, the President must consider whether they are taking steps to protect core worker rights.

With the updated definition, the President's evaluation will now encompass countries' compliance with the ILO prohibition on the worst forms of child labor and the ILO prohibition on discrimination with respect to employment and occupation.

As I said when I began my remarks, I am very proud of this legislation. But it would not have been possible without the help of many of my colleagues.

So let me end with some thanks. First, on the TAA bill, Senators BINGAMAN and SNOWE have been instrumental in this process. And on the Andean trade bill, Senator BOB GRAHAM has been a tireless advocate.

I also thank Senator DASCHLE for his support through both the committee process and as we completed negotiations.

And finally, I thank two of my colleagues on the Finance Committee, Senator BREAUX and Senator PHIL GRAMM, for their help in reaching consensus on this deal.

I look forward to working with all of my colleagues to pass this important legislation.

Mr. President, I very shortly expect to go through the procedure where we can lay down this substitute amendment and begin working through various amendments that will be offered to that amendment. That should happen momentarily.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3401

(Purpose: To provide a substitute amendment)

Mr. BAUCUS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. GRASSLEY, proposes an amendment numbered 3401.

Mr. BAUCUS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Michigan be recognized to speak as in morning business for up to 10 minutes and that I be recognized following that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I come to the floor to discuss a letter Senator DAYTON and I are sending to the pharmaceutical companies of America—and invite colleagues to join with us in doing that—expressing our concern about articles we read yesterday about a campaign that evidently is starting through an organization to spend money on advertising, promoting what is a woefully inadequate plan for seniors and families that appears to be proposed by our colleagues in the House of Representatives through the Republican side of the aisle that in fact would be available, would pay less than 20 percent of the cost for our seniors on Medicare for their prescription drugs, and would use reductions in hospital fees—another cut to hospitals—and certainly in Michigan, whether it is our rural hospitals or urban hospitals, we have seen enough cuts and closures of hospitals and facilities. We don't need any more cuts in our hospitals.

But they are proposing to cut more reimbursements for hospitals and also to provide some kind of a per-visit fee for home health care. One of the things we heard was a $50 fee. We are getting this from the media, so it may not be the exact number. Regardless, the notion of adding some kind of a fee or copay for home health care and cutting hospitals further to pay for a woefully inadequate proposal that would pay for less than 20 percent of the costs that our seniors pay for their prescription drugs I find very disturbing.

We are hearing that the drug companies now are contributing $3 million for an unrestricted education grant to a group that is very closely aligned with them to run ads promoting this particular plan. The plan is good for the drug companies. It is not good for American seniors. It is not good for American families. It is not good for American business that is paying the tab for health care premium costs, whether it is a big business or a small business.

When we look at the $3 million they are willing to invest, again in advertising, promoting a plan that is good for them, bad for the American people, Senator DAYTON and I are sending a letter that basically will indicate we are asking them, instead of using the $3 million they are giving to this group to run advertising, to use the $3 million for lower prices, lower prices for our seniors.

Just to read a portion of this:

. . . we were greatly disturbed to read in yesterday's New York Times that the pharmaceutical industry is funding a group called United Seniors Association that will run television ads supporting the House Republican prescription drug plan . . . we have learned that the House bill is totally inadequate. . . .

The New York Times article states that drug companies will devote as much as $3 million for this media campaign. We respectfully urge you to redirect these funds and devote them to lowering the price of prescription drugs to all Americans, especially our nation's seniors. We think this would be a much better use of your profits.

This is a letter going to each of the companies urging them, rather than continuing to advertise excessively, 2½ times more in advertising than research on their products and continuing to fund groups that put forward plans that don't make any sense other than for the companies themselves—rather than spending all the money to do that, I invite the companies that do good work—we are proud of what they do and the lifesaving medicines they create—once they are created, we are asking them to work with us to make sure they are affordable to every American, that they are affordable to our seniors and our families; that a small business in America doesn't have to drop insurance coverage for employees because of rising, spiraling-out-of-control prescription drug prices. This is another example of $3 million going to fund an effort to stop the right thing from being done in the United States—a woefully inadequate plan. Instead of making the plan better, instead of spending the money to help lower prices so that more seniors don't walk away from the pharmacy without being able to get that prescription after looking at the price—instead of doing that, they are spending another $3 million in advertising and promoting a plan that doesn't make sense for America.

So I invite colleagues to join with Senator MARK DAYTON and me today in sending this letter and asking the companies—thank them for their good work, but ask them to join with us in a meaningful proposal for a Medicare prescription drug benefit, and also to take the dollars they are spending now to fight the efforts to lower prices, and just lower prices. They would get a lot further if they just put that money into lowering their prices so that it is more affordable for every American.

I urge my colleagues and invite them to join with Senator DAYTON and me to urge the companies to change their approach and work with us to lower prices for every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period for morning business for half an hour. Senator BYRD is going to give us his annual Mother's Day speech, which I have heard on a number of occasions, and I look forward to this one.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

MOTHER'S DAY

Mr. BYRD. Mr. President, this coming Sunday is Mother's Day, so recognized nationally. Of course, we all know that every day is Mother's Day. We should also know that simply having children does not make mothers. "Simply having children does not make mothers." That is a quotation that I have taken from John A. Shedd, a very apt quotation in today's culture.

Napoleon Bonaparte said, "The future destiny of the child is always the work of the mother."

All across the Nation, brunch reservations are being made, cards are being mailed, flowers are being ordered, gifts are being bought, and phone circuits will overload. It can mean only one thing, as I indicated earlier: This coming Sunday is Mother's Day. One day out of 365. Mother's Day.

In a great spasm of tender sentiment, Americans will set out to honor and celebrate the women most important to them—not Hollywood celebrities, not rock music stars—if stars we must call them at all—not fashion models, not athletes, but those who have devoted such energy and creativity to the timeless task of raising children and building families. I, too, wish to offer my tributes.

It is fitting that Mother's Day is celebrated in May, when the Earth is vibrant with new life. Mother birds are busy on the nest keeping hatchlings warm and their gaping mouths filled. In the tangled thickets, wild young are venturing forth from warren and den. The little foxes that, in the Bible references "spoil the vine," wrestle, and the little rabbits sample the first tiny wild strawberries. Butterflies visit the glossy, yellow buttercups and the snowy blossoms of the wild blackberries. The world seems as gentle, peaceable, and serene as any mother could wish for her children. Of course, we know the world is not always quite so benign, but we can still be impressed by those mothers who face tragedy with great courage in order to protect and shield their children. The mothers who lost husbands on September 11 and remained strong and positive examples for their children, when bitterness and despair would be so understandable, are heroes and heroines each and every day.

Mothers set indelible examples, the effects of which last for generations. My own mother, whose early death during the great flu pandemic in 1918 meant that I would be raised by relatives, should have left no trace upon my character. After all, I was only about a year old when she went to Heaven. Yet her selflessness in thinking of me on her deathbed, and expressing the wish that I would be cared for by one of my father's sisters, left me with the deep and abiding assurance of her love for me.

I had three older brothers and a sister, and it was in that great influenza epidemic that she was taken away, as millions of other mothers were taken away—perhaps 20 million people around the world lost their lives during that great influenza epidemic of 1917–1918. It is said that 12 million people in India died from the influenza, the swine flu. Perhaps 750,000 people in America died.

As I say, it was her wish, my mother's wish, that I be taken by one of my father's sisters whose name was Vlurma. I believe my father had nine sisters and perhaps two or three brothers, but it was one of his sisters, a sister who had married Titus Dalton Byrd, who took me in response to my dying mother's wish.

But for her wish, Mr. President, I would not be here today. I would never have gone to West Virginia to be reared in the coal mining communities in the southern part of the State had it not been for that mother's wish. I probably would have never sworn the oath in entering upon the office of U.S. Senator had it not been for that wish, my mother's wish, that I, the baby, should be brought up in the home of Titus Dalton Byrd and Vlurma Byrd, the only child in that home.

The Byrds had one child before I was born. That child was named Robert Madison Byrd. That child died of scarlet fever. The Byrds moved away from North Carolina and to West Virginia and moved me with them.

At first I had been named Cornelius Calvin Sale, Jr., by my father and my mother. My mother's name was Ada—Ada Mae. The two wonderful people who raised me changed my name to ROBERT CARLYLE BYRD.

So my mother's wish is a priceless gift even now, all of these years later. And the woman who raised me, my aunt, imbued me with her quiet faith and reverence for the Creator and impressed upon me her work ethic. I always call her "mom." She was the only mother I really ever knew. There are millions of other men and women around the world who can speak of their mothers as I have spoken of mine. They may have lost their mothers early or at some point along life's way. Many of them have sweet memories of those mothers. I do not have any memory of my mother, but somehow I know that her prayers have always followed me. I believe that. And I believe that she is in Heaven today.

The woman who reared me, my biological father's sister, was one of the few really, really great people I have known in my life. I had the good fortune to meet with many world leaders during my years in the Senate and especially during my years as majority leader in the Senate. I met with the Shah of Iran just a few weeks before he left Iran, never to return. I met with the current King of Jordan's father. I first met him 47 years ago. I met, as I mentioned earlier, the Shah of Iran. I first met him 47 years ago—in 1955.

I met with the President of Syria. I shook hands with Nassar of Egypt. I visited with and talked with German Chancellor Schmidt and German Chancellor Kohl. I met with Margaret Thatcher in her offices in London. I met with the Saudi family. I met with Prime Minister Begin of Israel. I met with Vice President Deng of China. I met with Mr. Khrushchev in the Crimea in his summer home.

I met with many other world leaders—Kings and Shahs and Princes and Presidents and Senators and Governors. These were outstanding personages, the leaders of the world. I had one-on-one meetings with these people. I met with President Sadat of Egypt. But the truly great people in my life and according to my standards were not national leaders or politicians, they were just common people. One of them was the man who raised me, Titus Dalton Byrd, a coal miner. I never heard him use God's name in vain in all of his life. He was a humble man. He paid his debts. He never spoke ill of a neighbor. He was a good man, as good as men can be. The Bible says no man is good, but he was as good as men become. He was a great man, in my sight.

The woman who raised me was a great woman. Neither of them had any education to amount to anything. I doubt that either of them had ever gone to the third grade in school. I was the first person in all of my family line who ever graduated from elementary school or from high school or from college.

They never made it to the third or fourth grade in school, but they were great souls, they had great hearts, they had honest minds, and they imbued me with a respect for the Bible and a respect for religion.

I can listen to any man's religion. It can be a man of Islam. It can be a Hindu. It can be a Protestant. It can be a Jew. I can listen to any of them. I can pray with any of them. That is the way I was taught.

These two people who raised me were great people. That aunt, as I say, I never knew any name for her but "Mom." I did not know that she was not my mother until I was in my year of graduation from high school. I can close my eyes and see her, after a long day, working to make ends meet in a hardscrabble West Virginia mining community, sitting at a scrubbed kitchen table, and discussing the Bible.

Those were some hard times in those days. When my wife and I married almost 65 years ago—in less than 3 weeks, if the Lord lets us live to see the day—our first refrigerator was half of an orange crate, or a grapefruit crate. I was a produce boy in a coal company store, so I sold grapefruits, oranges, other citrus fruits, other fruits, and vegetables. So I brought an empty orange crate home and nailed it up outside the kitchen window. That was during the Great Depression. During the late 1920s I lived as a boy on Wolf Creek in Mercer County, no electricity in the home, no running water in the house. Those were the days of the 2-cent stamp and the penny postcard.

I know what the word "mother" means, and I know what the word "father" means, even though my father and my angel mother did not rear me. But this old aunt and uncle who knew little about their ABCs but who knew much about life and about the things that count mostly in life, they reared me; they loved me. I heard "mom" pray many times in the stillness of the night. When the kerosene lamp was out, I would hear her voice coming from another room. I knew she was on her knees.

After I was elected to Congress, there were occasions when I would drive to West Virginia and go to her house. I would get there perhaps at 12, 1, or 2 in the morning. I would knock on the door, and she would answer the door. She would always ask me if I wanted her to fix me something to eat at that hour. Then after I spent most of the weekend in West Virginia and was about to return to Washington, she would fix a good noonday meal, and then say to me: "Robert, you be a good boy; I always pray for you."

It used to be when I was a little boy living on Wolf Creek Hollow, I would take bags of corn up to the mill on the top of the mountain. We had one horse named George. I had a pony. I would put a bag of corn across that pony's back, take it up to the mill, and the miller would grind the corn into meal, and that evening "mom" would make a cake of cornbread.

We had one cow, and sometimes "mom" would take me out with her to milk the cow. I would sit there and have a cup, and she would squeeze that milk down in the cup. I would drink that cup of milk with the foam freshly wrought from the bag of the cow.

I still see my aunt, who was—the only mother I ever really knew. She never kissed me in her life. I never received a mother's kiss, unlike Benjamin West, that great American painter who was living at the time the Constitution of the United States was written in Philadelphia. He would take to his mother, so the story goes, little drawings of birds and flowers, and she took him upon her knee. It is said that she kissed little Benjamin West's cheek as he sat on her knee and she told him he would grow up to be a great painter. So he grew up to be a painter of early American scenes. "The Death of General Wolfe" was by Benjamin West. The story is told that Benjamin West said a mother's kiss made him a great painter.

I do not remember ever receiving a mother's kiss, but I received "mom's" love. I still see her in my mind's eye when my wife Erma and I sit together on Sundays and read the Bible. My aunt taught me a great deal about the quiet dignity with which she lived her life. Mothers teach when they insist that their children brush their teeth and eat their vegetables. Mothers teach by saying bedtime prayers, by reading bedtime stories, and by singing lullabies. As I say, simply having children does not make mothers, but mothers do sing lullabies at the bedsides of their children.

They demonstrate their love not only through hugs and praise, but in each meal they make, each load of laundry they fold, each toy they put away. Children absorb lessons from the people around them, and especially from the parents they look up to. So, mothers teach by example when they read themselves instead of watching television, the vast wasteland that numbs peoples' minds or by being careful with their speech and with the way they live their lives. Each small lesson helps to weave the cloth of their children's lives. It is for these daily lessons, the laughter shared and tears dried, that we put so much effort into making Mother's Day special. And we ought to make it special. We ought to see Mother on this Mother's Day and every other day of the year that it is possible.

A poem by an anonymous poet captures the inspiration that mothers provide:

WHEN MOTHER READS ALOUD

When Mother reads aloud, the past
Seems real as every day;
I hear the tramp of armies vast,
I see the spears and lances cast,
I join the trilling fray;
Brave knights and ladies fair and proud
I meet when Mother reads aloud.
When Mother reads aloud, far lands
Seem very near and true;
I cross the desert's gleaming sands,
Or hunt the jungle's prowling bands,
Or sail the ocean blue.
Far heights, whose peaks the cold mists shroud,
I scale, when Mother reads aloud.
When Mother reads aloud, I long
For noble deeds to do
To help the right, redress the wrong;
It seems so easy to be strong,
So simple to be true.
Oh, thick and fast the visions crowd
My eyes, when Mother reads aloud.

Manufacturers of greeting cards, florists, jewelers, clothing stores, even the phone company suggest that their products are treasured by mothers, and I am sure that they are. But mothers also treasure the lumpy clay vases made by young potters and filled with wild flowers torn from the yard. Mothers love the care and love that their loved ones put into this celebration. Flowers or no flowers, homemade cards or store-bought, mothers love being surrounded by their families most of all. Each child is some mother's treasure, her precious angel, even when that child is grown and gone to far away places. A mother's children are her greatest works, her magnum opus, her masterpiece. A phone call or a meal shared together provides an opportunity to relive the memories that make each family special. Erma and I can look around the table as we think of her mother, Erma's mother, a fine Christian woman who lived a good life. A wonderful mother-in-law. We think of her as we sit around the table with our two lovely daughters and their families knowing that our two newest members, our little great granddaughters,—let me repeat that, our little great-granddaughter, are fortunate to share in our close-knit family.

As in all families, my mother, my aunt who raised me, my wife, my daughters, my granddaughters and my great-granddaughters our grandsons, our daughters-in-law, our sons-in-law, all share many titles. They are proud citizens of this fair land. They are strong, talented, independent women.

They may hold many business titles. They are sisters, cousins, and aunts. They are, or may be, wives. But the title, the job, that will give them the greatest pleasure in their lives, will be to be called "Mother." Remember that simply having children does not make mothers. The title comes with much labor, much patience some tedium, hopefully not too many tears, and love beyond measure. The job will call upon their every reserve of strength and every ounce of creativity, but it will never tax their ability to love and to cherish.

This Sunday, scrubbed and shining, let us present the mothers in our lives with fitting tribute. Give them flowers, cards, good food, and presents, but most of all, let us give them our gratitude and repay, in small measure, the love and devotion that they have showered upon us.

I close with a few stanzas from a poem by Elizabeth Akers Allen. It is called "Rock Me to Sleep."

I offer it to my own sweet angel mother, who hears me now, who is listening today with millions of other mothers like her who have gone on to that land where the flowers never wither and the rainbow never fades.

Backward, turn backward, O time, in your flight,
Make me a child again just for to-night!
Mother, come back from the echoless shore,
Take me again to your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads from my hair;
Over my slumbers your loving watch keep;—
Rock me to sleep, Mother—rock me to sleep!
Over my heart, in the days that are flown,
No love like mother-love ever has shone;
No other worship abides and endures—
Faithful, unselfish, and patient like yours:
None like a mother can charm away pain
From the sick soul and the world-weary brain.
Slumber's soft calms o'er my heavy lids creep;—
Rock me to sleep, Mother—rock me to sleep!
Mother, dear Mother, the years have been long
Since I last listened your lullaby song:
Sing, then, and unto my soul it shall seem
Womanhood's years have been only a dream.
Clasped to your heart in a loving embrace,
With your light lashes just sweeping my face,
Never hereafter to wake or to weep;—
Rock me to sleep, Mother—rock me to sleep!

I will yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE CITY OF IDABEL ON ITS 100TH ANNIVERSARY

Mr. NICKLES. Mr. President, it is an honor for me to recognize the 100th Anniversary of the City of Idabel, Oklahoma.

Idabel is the county seat of McCurtain County, located in the Southeast corner of Oklahoma. The scenic rivers and wilderness that surround Idabel rival the beauty of any region in the United States.

Idabel has a rich cultural history. For 75 years, from the 1830s into the twentieth century, Idabel was under the sovereignty of the Choctaw Tribe. Following their removal from Mississippi, the Choctaws occupied and ruled over the land that we today know as Idabel.

In 1902, before Oklahoma even became a state, the town of Purnell was incorporated along a rail line. It was named after Isaac Purnell, a railroad official at the time. This name did not last long, however. Our very own United States Postal Service rejected the town's name because it was too similar to that of another Oklahoma town Purcell. For two years, this incorporated town batted possible names around, names like Mitchell and Hoyopa, until finally settling on the name "Idabel"—a combination of the first names of Isaac Purnell's daughters.

While rich in its history and in the beauty of its surroundings, the greatest part of Idabel are the people who live there from the people who set up shop in that small trade village in the early twentieth century to the present day students, the Idabel Warriors, who are the future of this great town.

The people of Idabel are devoted to God, to their country, and to their families. I am proud to honor their centennial, and am privileged to serve as their representative here in the U.S. Senate. May their next one hundred years be as fruitful as the first.

ADDITIONAL STATEMENTS

NURSES' WEEK

• Mr. CLELAND. Mr. President, this week commemorates the contributions of the nursing profession to patients and health care and the dedication of those individuals who have chosen nursing. Yet in all the years that we have acknowledged how much nurses mean to the delivery of health care and our quality of life, we have not done enough to ensure the viability of nursing as a profession. The 2001 American Nurses Association (ANA) National Survey revealed that 715 hospitals had 126,000 openings for nursing positions and an 11 percent vacancy rate. Nursing schools across the country report that enrollment has significantly decreased and the ANA also projects that 65 percent of present nurses will retire within this decade. These statistics signal a nursing crisis and that means a health care crisis for this country.

At both the June 14, 2001, Senate Veterans' Affairs Committee hearing on the looming nursing shortage and the June 27, 2001, Governmental Affairs Subcommittee hearing on the federal government's role in retaining nurses for delivery of federally funded health care services, I emphasized an alarming statistic that the federal health sector, employing approximately 45,000 nurses, may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement by the year 2004. Current and anticipated nursing vacancies in all health care settings are attributed in part to worsening work place conditions with mandatory overtime and increasing patient care workloads.

I believe today we are facing a widespread and complex challenge with this nursing shortage and there are no quick fixes. Congress has passed some important measures to help nurses to continue to take safe and effective care of their patients and to assist health care facilities to recruit and retain needed nurses. Some of these important measures will help recruit new nurses and assist with the cost of education, like the Nurse Reinvestment Act and S. 937 which I authored and which will now permit the transfer of entitlement to educational assistance under the Montgomery GI Bill by members of the Armed Forces thus allowing spouses and children of eligible service members to use transferred GI bill assistance for undergraduate or graduate nursing education.

Additionally, the VA Nurse Recruitment and Retention Enhancement Act was signed into law this year and will help to alleviate the anticipated VA nursing shortage by addressing working conditions, implementing a Nurse Cadet Program to encourage high school students to pursue nursing careers as well as other education incentives. I was pleased to have played a major role in development and passing this measure as well.

Congress, Federal and State agencies, private and public health care organizations are all actively working to develop solutions to the looming nursing shortage. We want nurses to know that they do have allies who will work with them to find solutions.

To further demonstrate our support of nurses, I am also proposing that the U.S. Postal Service issue a nursing stamp to say, "Thank you for being a Nurse." This stamp will help to raise public awareness of the nursing crisis and show our support of the nursing profession.

I ask my colleagues to join with me in a long-term commitment to support the nursing profession. I want to say a special "thank you" to the nurses who were there for me when I was injured in Vietnam. These nurses gave me care and hope. I do not care to think of the future of health care without these dedicated and knowledgeable nurses.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Jobs Corps Center."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–232. An engrossed resolution adopted by the Assembly of the State of Wisconsin relative to the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System; to the Committee on Environment and Public Works.

2001 ASSEMBLY RESOLUTION 56

Whereas, the state of Wisconsin borders or contains over 360 miles of the upper Mississippi River and 11 navigation locks and dams along those borders; and

Whereas, many of Wisconsin's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

Whereas, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300,000,000 tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, more than 60% of American agricultural exports, including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

Whereas, Wisconsin farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

Whereas, the upper Mississippi and Illinois rivers lock and dam system saves our nation more than $1.5 billion in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

Whereas, according to the U.S. Army Corps of Engineers, congestion along the upper Mississippi and Illinois rivers is costing Wisconsin and other producers and consumers in the basin $98,000,000 per year in higher transportation costs; and

Whereas, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35% to 60% fewer pollutants than either trucks or trains, according to the U.S. Environmental Protection Agency; and

Whereas, moving away from river transport would add millions of trucks and railcars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

Whereas, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

Whereas, the lakes and 500 miles of wildlife refuge also support a one-billion-dollar per year recreational industry, including hunting, fishing, and tourism jobs; and

Whereas, upgrading the system of locks and dams on the upper Mississippi and Illinois rivers will provide 3,000 construction and related jobs over a 15-year to 20-year period; and

Whereas, in 1999 the state of Wisconsin shipped 1,100,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products; and

Whereas, 3,900,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products, were shipped to, from, and within Wisconsin by barge, representing $313,000,000 in value; and

Whereas, shippers moving by barge in Wisconsin realized a savings of approximately $40,000,000 compared to other transportation modes; and

Whereas, Wisconsin docks shipped products by barge to 6 states and received products from 11 states; and

Whereas, there are approximately 20 manufacturing facilities, terminals, and docks on the waterways of Wisconsin, representing thousands of jobs in the state; and

Whereas, the U.S. Army Corps of Engineers is conducting a collaborative navigation study of the economic and environmental factors to be considered when examining capital improvements to the upper Mississippi River system; and

Whereas, the navigation study will release initial results in a summer 2002 report; now, therefore, be it

Resolved by the assembly, That the Wisconsin assembly formally recognizes the upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits; and, be it further

Resolved, That the Wisconsin assembly recognizes the importance of timely modernization of the inland waterway transportation infrastructure to Wisconsin agriculture and industry in this state, the region, and the nation and, pending results of the navigation study, urges Congress to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois river system; and, be it further

Resolved, That the assembly chief clerk shall transmit copies of this resolution to the president and secretary of the U.S. senate, the speaker and clerk of the U.S. house of representatives, the chair of the senate committee on commerce, science, and transportation, the chair of the house committee on transportation and infrastructure, and the members of the congressional delegation from this state.

POM–233. An engrossed resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to autism spectrum disorder; to the Committee on Health, Education, Labor, and Pensions.

2001 SENATE RESOLUTION 16

Whereas, autism spectrum disorder has been labeled the silent epidemic of our time, silent because this developmental disorder has robbed at least 400,000 children of their ability to communicate and interact with their families and loved ones, and silent because there are currently no established autism registries in the nation to tell us how many people are actually afflicted with this disorder; and

Whereas, current statistics tell us that autism affects at least one in every 500 children in America, and recent anecdotal evidence suggests that autism rates are increasing to possible one in every 250 children; and

Whereas, the U.S. house of representatives has passed a resolution, H. CON. RES. 91, recognizing the importance of increasing awareness of autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them; now, therefore, be it

Resolved by the Senate, That: the members of the Wisconsin Senate urge the U.S. Senate to concur in H. CON. RES. 91; and, be it further

Resolved, That the Senate chief clerk shall provide a copy of this resolution to each member of the Wisconsin congressional delegation, to the members of the U.S. Senate Committee on Health, Education, Labor, and Pensions, to the President and Vice President of the United States, to the secretary of the U.S. Senate, and to the clerk of the U.S. House of Representatives.

POM–234. A joint resolution adopted by the Legislature of the State of Maine relative to memorializing congress to adopt Patriots' Day as a holiday throughout the United States of America; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Patriots' Day commemorates the American Revolution and the legendary battles at Lexington and Concord in 1775; and

Whereas, these historic events led to the colonies' independence from Great Britain and subsequently to the formation of the United States of America; and

Whereas, great patriotism was demonstrated by the Americans after the terrorist attacks in New York City, Washington, D.C. and Pennsylvania on September 11, 2001; and

Whereas, Patriots' Day, a holiday in reverence of our unity as a nation, is celebrated only in Maine and Massachusetts; now, therefore, be it

Resolved, That We, your Memorialists, urge the Congress of the United States to encourage all of the United States of America to observe Patriots' Day on April 15, 2002 in remembrance of the founding of this nation and the patriotism shown by Americans after September 11, 2001; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, and to the President of the United States Senate, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

POM–235. A Senate concurrent resolution adopted by the General Assembly of the Commonwealth of Pennsylvania relative to honoring Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

Senate Resolution

Whereas, Commodore John Barry, an American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the Revolutionary War; and

Whereas, Throughout his career, Commodore Barry not only provided the first and last victories at sea for the American revolutionaries but also was responsible for the organization of the historic crossing of the Delaware River by General George Washington; and

Whereas, Under President Washington, Commodore Barry built and first commanded the United States Navy and the squadron that included his flagship, the USS United States, and the USS Constitution, "Old Ironsides"; and

Whereas, Commodore Barry served as head of the United States Navy under Presidents Washington, Adams and Jefferson; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly memorialize the Congress of the United States to honor Commodore John Barry as the first flag officer of the United States Navy; and be it further

Resolved, That copies of this resolution be sent to the presiding officers of each house of Congress and to all members of Congress from Pennsylvania.

POM–236. A resolution adopted by the House of the Legislature of the State of Vermont relative to the National Guard; to the Committee on Armed Services.

House Resolution 37

Whereas, within days of the September 11, 2001, terrorist attacks in New York City and Washington, D.C., the nation's governors activated National Guard soldiers and airmen to augment security at 422 of the nation's international airports, and

Whereas, in true state-federal partnership, National Guard forces are providing aerial port security under the command and control of the sovereign states, territories, and the District of Columbia, and the federal government is funding such duties "in the service of the United States" under 32 U.S.C. §502(f) hereinafter referred to as "Title 32 duty", and

Whereas, Title 32 duty has been used, inter alia, for more than 20 years for National Guard full-time staffing, for National Guard support for local, state, and federal law enforcement agencies under Governors' Counter-Drug Plans for more than 12 years, for National Guard Civil Support Team technical assistance for local first responders for more than two years, and for aerial port security following the attacks of September 11. Of particular note, the National Guard Counter-Drug Program has long included Title 32 support for United States Customs, Border Patrol, and Immigration and Naturalization Service activities at United States Ports of Entry, and

Whereas, in the aftermath of the September 11 attacks, increased security and inadequate federal staffing have limited the flow of persons, goods, and services across our nation's borders. These factors have contributed to a weakening of the American and Canadian economies, and

Whereas, the governors of northern tier border states wrote President Bush in November 2001, offering to provide Title 32 National Guard augmentation for United States Customs, Border Patrol, and Immigration and Naturalization Service operations at United States Ports of Entry. Such relief could have been, and still can be, effected within days of acceptance by the federal government, and

Whereas, there is still no relief at our borders due to inaction on the governors' offer of Title 32 National Guard assistance and conflicting Department of Defense proposals to federalize the National Guard or otherwise enhance border security with active duty military personnel instead of Title 32 National Guard members, and

Whereas, federalizing the National Guard under U.S.C. Title 10 would degrade the combat readiness of units from which Guardsmen would be mobilized, interfere with effective state force management, and prevent personal accommodations for soldiers and their civilian employers, and

Whereas, stationing federal military forces at the United States-Canada border would be an unprecedented unilateral action by the United States, and

Whereas, the nation's border states need prompt relief which can best be provided by Title 32 National Guard forces being deployed to assist lead federal agencies at the borders "in the service of the United States", but under continued state command and control, and

Whereas, the Vermont State Legislature opposes federalization of the National Guard or assignment of federal military forces for United States border security, now therefore be it

Resolved by the House of Representatives, That this legislative body urges the President and U.S. Congress to assure prompt augmentation of lead federal agencies at the borders by accepting the governors' offer of National Guard forces under state command and control pursuant to 32 U.S.C. §502(f), and be it further

Resolved, That the Clerk of the House be directed to send copies of this resolution to President George W. Bush, the President of the U.S. Senate, the Speaker of the U.S. Houses of Representatives, and to the members of the Vermont Congressional Delegation.

POM–237. A joint resolution adopted by the Legislature of the State of Maine relative to the intent to fund 40% of the costs of special education or amend the individuals with disabilities education act to allow the states more flexibility in implementing its mandates; to the Committee on Appropriations.

Joint Resolution

Whereas, the Congress of the United States has found that all children deserve a quality education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and the State and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than 12.6% of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education; and

Whereas, the federal grant funds in the State for children zero to 2 years of age represent only 30% of the cost of serving eligible infants and toddlers in the State, and if the federal grants were at the 40% level, the award to the State this year would have increased by $582,000; and

Whereas, the federal grant funds in the state for children 3 to 5 years of age represent only 8% of the cost of serving children 3 to 5 years of age in the State, and if the federal grants were at the 40% level, the award to the State this year would have increased by $10,086,000; and

Whereas, the federal grant funds in the State for children 5 to 20 years of age represent only 9.75% of the State's total special education expenditures of $225,130,000, and if the federal grants were at the 40% level, the award to the State this year would have increased by more than $68,000,000; now, therefore, be it

Resolved, That we, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of state, be transmitted to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–238. A resolution adopted by the House of the Legislature of the State of Florida relative to supporting the commitment of funding necessary for the continued development, permanent establishment and future operation of the Center for Coastal and Maritime security by the Coastal Systems Station of the United States Navy; to the Committee on Appropriations.

House Resolution No. 9003C

Whereas, on September 11, 2001, the United States of America was the victim of a cowardly attack conducted by terrorists supported by foreign nations, and

Whereas, these attacks have placed our nation's military on high alert in order to protect our citizens and visitors to the United States from future aggression, and

Whereas, our nation has over 12,000 miles of coastline, over 2,000 miles of which are found in the State of Florida, and

Whereas, 14 active seaports, thousands of miles of rivers and inland waterways, countless marinas, and the center of the world's marine cruise industry are located in Florida, and

Whereas, the vastness of our nation's coastline increases the probability that future attackers could enter the country at our seaports, maritime commerce centers, energy facilities, and marine recreational centers, and

Whereas, for more than 50 years, the United States Navy's Coastal Systems Station in Panama City, Florida, has provided unequaled training, mission planning, and equipment development in the area of coastal operations and systems to all branches of the United States military, and

Whereas, the Coastal Systems Station is a field activity of the Naval Sea Systems Command and is one of the major research, development, test, and evaluation laboratories of the United States Navy, with a wide base of expertise in engineering and scientific disciplines, and

Whereas, the Coastal Systems Station is the Navy's premier organization for the comprehensive support of mission areas within coastal environments, which include mine warfare, amphibious warfare, special warfare, diving and life support, and coastal operations, and

Whereas, the United States Navy's Coastal Systems Station is currently in the process of developing, and seeks to permanently establish, the Center for Coastal and Maritime Security, the purpose of which is to provide specialized training and technology for civilian and military personnel to defend our nation against maritime terrorist threats, and

Whereas, given the events of September 11, 2001, it is now a matter of the highest importance that the numerous means of ingress to this country provided through the nation's vast coastal area as be secured and made invulnerable to any form of malicious breach, and

Whereas, to that end, it is essential that the Center for Coastal and Maritime Security be fully developed, permanently established, and operated by the United States Navy Coastal Systems Station, Now, Therefore,

Be it Resolved by the House of Representatives of the State of Florida, That the President of the United States and the United States Congress are urged to support and commit necessary funding for the continued development, permanent establishment, and future operation of the Center for Coastal and Maritime Security. Be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida Delegation to the United States Congress.

POM–239. A resolution adopted by the Senate of the Legislature of the State of Kansas relative to the Medicare program to pay for all oral cancer drugs; to the Committee on Finance.

Senate Resolution No. 1826

Whereas, Cancer is a leading cause of morbidity and mortality in the State of Kansas and throughout the nation; and

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, many of whom are dependent on the federal Medicare program for provision of cancer care; and

Whereas, Since treatment with drugs is the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral cancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, Noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostate; and

Whereas, Certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral cancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913); Now, therefore,

Be it resolved by the Senate of the State of Kansas, That the Senate respectfully urges the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral cancer drugs; and

Be it further resolved, That the Secretary of the Senate transmit enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Health and Human Services and each member of the Kansas congressional delegation.

POM–240. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Act to Leave No Child Behind; to the Committee on Finance.

Senate Concurrent Resolution No. 20

Whereas, approximately 11.6 million children across the United States live in poverty and nearly 9.2 million children in America do not have health insurance; and

Whereas, only three out of five eligible preschool children are able to participate in Head Start programs; and

Whereas, only 12 percent of eligible children receive child care assistance through the Child Care and Development Block Grant; and

Whereas, approximately one-third of parents who stop receiving Temporary Assistance for Needy Families (TANF) find little or no work and out of the two-thirds who stop receiving TANF and do find jobs, only 40 percent are stable, year-round jobs; and

Whereas, many families are not receiving the food stamps, Medicaid, child care, or other supports for which they are eligible; and

Whereas, three million children in the United States are suffering "worst case" housing needs such that their families are paying over half of their income for rent or are living in overcrowded or substandard housing; and

Whereas, nine youths are killed in the United States by firearms everyday; and

Whereas, nearly 8,000 children a day are reported to public welfare agencies as abused and/or neglected and over 2.5 million children live with grandparents or in foster family homes, group homes, or child care institutions; and

Whereas, seven million children in the United States are regularly left at home alone after school each week; and

Whereas, federal legislation, the Act to Leave No Child Behind (S.940/H.R. 1990), will help address these and many other needs of children in Louisiana and across America; and

Whereas, Louisiana is committed to improving the lives of children and ensuring that all of our children are afforded the opportunity to grow up healthy, safe, educated, and free from poverty. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Louisiana congressional delegation and the United States Congress to support the Act to Leave No Child Behind. Be it further

Resolved, That the Legislature of Louisiana does hereby endorse the Act to Leave No Child Behind and the efforts being made to make certain that no child is left behind. Be it further

Resolved, That a copy of this Resolution be transmitted to each member of the Louisiana congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM–241. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to welfare reform; to the Committee on Finance.

Resolution

Whereas, the Commonwealth of Massachusetts adopted its own version of "welfare reform" in 1995, taking into account the nature of labor market in Massachusetts, the financial resources of the Commonwealth and the particular needs of low-income families with children; and

Whereas, The Federal Government in 1995 granted Massachusetts a waiver from the then-existing Federal requirements enabling Massachusetts to implement its version of welfare reform; and

Whereas, The Federal Government in 1996 adopted its version of welfare reform, TANF, and, in recognition of their leading roles, allowed Massachusetts and other states with pre-existing waivers to continue to operate their programs under such waivers; and

Whereas, one purpose of TANF was to allow states greater flexibility to operate their cash assistance programs for needy families; and

Whereas, since 1995, the number of Massachusetts families receiving cash assistance from the Commonwealth has declined by more than 50 percent; and

Whereas, almost half of the Massachusetts families continuing to receive cash assistance are families including a family member with a disability or with very young children; and

Whereas, under the Massachusetts program operated under the Federal waiver, such families are exempt from the time limits and work requirements; and

Whereas, because of adverse economic conditions in the Commonwealth of Massachusetts and around the country, the number of low-income families needing cash assistance has started to rise; and

Whereas, because the original TANF law barred states from using Federal TANF funds to provide assistance to certain legal immigrant families, Massachusetts, since 1997, has expended state funds to provide needed services to immigrant families; and

Whereas, the 1996 Federal Welfare Reform Law expires on September 30, 2002 and must be reauthorized by the United States Congress and the President on or before that date; and

Whereas, the Massachusetts waiver will expire in 2005 unless the state is allowed to renew it; and

Whereas, without the waiver, Massachusetts may suffer Federal financial penalties for continuing to operate its own program and incur substantial additional costs related to child care, transportation, and other supportive services; and

Whereas, the Federal TANF block grant received annually by the Commonwealth of Massachusetts has declined in real value by 13 percent since 1996 and, if continued at current levels, will decline further in real value over the next several years; and

Whereas, without additional Federal TANF funding, Massachusetts may be forced to cut back on existing services for needy families; and

Whereas, the National Governors' Association has called on Congress to allow states with waivers to continue operating under them, to increase TANF funding and to allow states with greater flexibility in operating their TANF programs; now therefore be it

Resolved, that any reauthorized TANF law should include:

A. Authority for Massachusetts and other states with pre-existing waivers to continue and renew them at state option;

B. Increased TANF block grant funding for Massachusetts;

C. Increased flexibility for states to determine what activities and what level of participation should satisfy Federal work requirements, in part to enable states appropriately to meet the needs of low-income families with disabilities;

D. Increased flexibility for states to grant hardship exemptions from the Federal 5-year time limit on receipt of TANF assistance, in part to enable states appropriately to meet the needs of low-income families with disabilities;

E. Removal of restrictions on states using TANF funds to provide benefits to legal immigrants; and be it further

Resolved, that the members of the Massachusetts delegation to the Congress of the United States should actively seek to ensure that the provisions listed above are included in any reauthorized TANF law; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth.

POM-242. A joint resolution adopted by the House of the Legislature of the State of Maine relative to correcting inequities for retirees drawing social security benefits; to the Committee on Finance.

JOINT RESOLUTION

Whereas, retirees covered by federal, state or local government retirement programs are facing hardship in retirement; and

Whereas, the retirement benefits of these retirees are low and the cost of health insurance is high and climbing every year; and

Whereas, added to this bleak economic picture, even though many of these retirees may qualify for Social Security through their own or their spouses' work, Congress will not let them benefit as other citizens do; and

Whereas, the first roadblock, the windfall elimination provision of the federal Social Security Act, requires 30 years of "substantial earnings," as rated on a scale, before a retiree is eligible for the full Social Security benefit. If a retiree does not have 30 years, or some years fall below the standard, the Social Security benefit may be reduced or eliminated; therefore, retirees who earned a pension from working for a government agency and also worked part-time under Social Security may see their Social Security benefits reduced or eliminated; and

Whereas, the 2nd roadblock the government pension offset of the federal Social Security Act, reduces the survivor benefit under Social Security by 2/3 of an individual's retirement benefit. This means the death of a spouse of a retiree is a double tragedy because the offset will reduce the family income by 1/3 or more and then freeze it at that level. Any future increase in the retiree's retirement will result in the loss of Social Security benefits; now, therefore, be it

Resolved, That We, your Memorialists, support the repeal of the government pension offset and the windfall elimination provision from the federal Social Security Act; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1974, a bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes. (Rept. No. 107–148).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 2503. A bill to amend title 49, United States Code, to permit an individual to operate a commercial motor vehicle solely within the borders of a State if the individual meets certain minimum standards prescribed by the State, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 2504. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. LUGAR, Mr. CHAFEE, Mr . LEAHY, Mr. DODD, Mr. HAGEL, Mr. SMITH of Oregon, Mr. COCHRAN, Mr. BROWNBACK, Mr. JEFFORDS, Mr. DURBIN, and Mr. FEINGOLD):

S. 2505. A bill to promote the national security of the United States through international educational and cultural exchange programs between the United States and the Islamic world, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 630

At the request of Mr. BURNS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 630, a bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 782

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 782, a bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1022

At the request of Mr. WARNER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1471

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1471, a bill to amend titles XIX and XXI of the Social Security Act to ensure that children enrolled in the medicaid and State children's health insurance program are identified and treated for lead poisoning.

S. 1626

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1679

At the request of Mr. CONRAD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1679, a bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2200

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2200, a bill to amend the Ineternal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2454

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2454, a bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2503. A bill to amend title 49, United States Code, to permit an individual to operate a commercial motor vehicle solely within the borders of a State if the individual meets certain minimum standards prescribed by the State, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CAMPBELL. Mr. President, today I am introducing companion legislation to H.R. 2466, the Commercial Driver's License Devolution Act of 2001, which was originally brought to the floor of the House of Representatives last July by my friend from North Carolina, Representative HOWARD COBLE.

I believe it is no secret to my colleagues here in the Senate, that I support small business and returning power to the States. The traditional, one-size-fits-all approach to governing has done more harm than good, and this bill is an attempt to remedy some of that.

This legislation will give States the option to establish their own commercial driver's license, CDL, requirements for intrastate drivers. It will return power to the States by giving them the option to license intrastate drivers of commercial motor vehicles based upon testing standards determined by the individual States. And I stress, it will be an "option."

I want to emphasize that this legislation is not a Federal mandate imposed on States. States that choose not to participate would remain under Federal guidelines. A State that chooses to exercise this option would in no way diminish the role of the CDL in the long-haul trucking industry. Additionally, this legislation effectively precludes two or more States from using this option as the basis for an interstate compact.

As I am sure my colleagues are aware, the Commercial Motor Vehicle Safety Act of 1986, CMVSA, required States to establish a new and uniform program of testing and licensure for all operators of commercial vehicles both intra and interstate. The principal objectives of the Act have been met, and would not be harmed by this legislation I'm introducing here today.

I have no issue with the CMVSA. It is a good law, and at the time the provisions it contained were necessary and timely for improving the standards of performance for long-haul truck drivers in this country. However, I, like my counterpart in the House, believe the CMVSA was imposed upon intrastate commerce where the operation of trucks may be a small but necessary part of an individual's job. Therefore, the reality was that Washington imposed its will on thousands of small businesses across this country who aren't involved in long-haul trucking and we expected them to adjust to any circumstance that might arise. That's unfair and not what government is supposed to be about.

When you have conditions such as these, I believe it should be within a State's discretion to determine what kind of commercial vehicle licensure and testing is required for commerce taking place solely within its borders.

This legislation is important to our Nation's small businesses, especially those dependent upon commercial truck travel, which means it's important to the consumers. I urge my colleagues in the Senate to support it.

By Mr. HATCH:

S. 2504. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a Senate companion to H.R. 1840, a bill to extend the eligibility for refugee status of immigrants who are the unmarried children of qualified Vietnamese nationals. This bill would extend the authority to process such individuals through fiscal year 2003, as it was set to expire earlier this year. The House and Senate have been in communication regarding this bill for some time, and given that the Senate Judiciary Committee approved the House version of this bill by unanimous consent this morning, I have little doubt that the entire Senate will extend their support.

This is a very important piece of legislation and one that will provide crucial relief to a small, yet deserving group of people, the children of those Vietnamese nationals who were placed in internment camps by the Socialist Republic of Vietnam and are now in the United States as refugees. We simply cannot expect the sons and daughters of these Vietnamese nationals to be forgotten. It is our duty to support the sacrifices that these families made for freedom and democracy and I find it most appropriate that we prevent further persecution by welcoming their children.

I want to commend Congressman TOM DAVIS on his introduction of this legislation in the House. I urge my Senate colleagues' support.

By Mr. KENNEDY (for himself, Mr. LUGAR, Mr. CHAFEE, Mr. LEAHY, Mr. DODD, Mr. HAGEL, Mr. SMITH of Oregon, Mr. COCHRAN, Mr. BROWNBACK, Mr. JEFFORDS, Mr. DURBIN, and Mr. FEINGOLD):

S. 2505. A bill to promote the national security of the United States through international educational and cultural exchange programs between the United States and the Islamic world, and for other purposes; to the Committee on Foreign Relations.

Mr. KENNEDY. Mr. President, today, Senators LUGAR, LEAHY, CHAFEE, DODD, HAGEL, GORDON SMITH, COCHRAN, BROWNBACK, JEFFORDS, DURBIN, FEINGOLD and I are introducing legislation to increase the level of student and other exchanges between Americans and visitors from the Islamic world.

Our legislation, the Cultural Bridges Act, would authorize $75 million above current appropriations in fiscal years 2003 through 2007 to expand the activities of the State Department's existing educational and cultural programs in the Islamic world. It would also authorize $20 million in fiscal years 2003 through 2007 for the Department of State to establish a new high school student exchange program to enable a small number of competitively selected students from the Islamic world to study in the United States at a public high school for an academic year.

There are no better ambassadors for American values than Americans themselves, and student exchange programs have proven to be an effective tool in reaching out to the next generation of leaders. As Secretary Powell said in his August 2001 Statement on International Education Week, "I can think of no more valuable asset to our country than the friendship of future world leaders who have been educated here."

One of the clear lessons of September 11 is that our government needs to do more to ensure that future generations in the Islamic world understand more about American values and culture. A recent Gallup poll in nine predominantly Muslim countries revealed strong anti-American attitudes. Nearly 1.5 billion people live in the Islamic world, and if we ignore these sentiments, we do so at our own peril. If we try to address the problem directly, by teaching American values to students from the Islamic world, we have a chance, in the long run, of changing negative attitudes. It's a long process, which September 11 has taught us we must begin now.

The State Department currently manages outstanding international student educational and cultural exchange programs that have helped foster mutual respect and understanding in many countries worldwide. These programs, which enable approximately 5,000 Americans to travel abroad and 20,000 foreign visitors to travel to the United States annually to study, teach, engage in people-to-people programs, have been enormously successful in promoting American values and cultural tolerance.

Unfortunately, visitors and students from the Islamic world are significantly underrepresented in many of these programs. Individuals in the Islamic world represent approximately 25 percent of the world's 6.2 billion people. However, in fiscal year 2000, less than 10 percent of the participants in State Department cultural and educational exchange programs were from the Islamic countries covered under our legislation, and less than 12 percent of the budget was spent on these countries. Additionally, according to the State Department's Bureau of Educational and Cultural Affairs, direct appropriated funding for exchanges has fallen by almost a third since 1993 which adjusted for inflation.

The additional $75 million our legislation authorizes for existing programs to be expanded in the Islamic world is essential to our nation's objective of promoting greater understanding of American values and ideals. Existing programs provide the essential building blocks our nation needs for an expanded and sustained effort to reach more broadly into these societies, to foster mutual respect, and to counter the ignorance and hatred that can lead to acts of terrorism.

In October of last year, President Bush spoke eloquently about the need to reach out in friendship to children and the Islamic world. In a speech to students at Thurgood Marshall Extended Elementary School, the President said that America is "determined to build ties of trust and friendship with people all around the world, particularly with children and people in the Islamic world.

To facilitate the President's goal of reaching children, our legislation would create a new program for high school students from the United States. No Federal program currently exists to facilitate such student exchanges with ever-increasing numbers of youth in the Islamic world.

There are many benefits to reaching out to students while they are young and open-minded to enhance mutual cultural understanding and tolerance. Today's high school students are tomorrow's leaders, and we need to begin working with them now to inform their attitudes about our country.

In a January 20, 2002 op-ed in the Washington Post, a former Fulbright scholarship recipient from Egypt expressed concern that his university in Egypt was and continues to be fertile ground for recruiters from terrorist or extremist organizations. Our challenge is to provide young students with the opportunity to learn about America, participate in all aspects of American family life, and understand our values before they reach that stage.

The high school student exchange program authorized in our legislation is modeled on the State Department's highly successful Future Leaders Exchange Program, FLEX, which brings approximately 1,000 students ages 15–17 from the Newly Independent States to the United States each year to attend an American high school for a year and live with an American family.

The FLEX program has been extremely effective in shaping attitudes among the students selected to participate from the Newly Independent States. A 1998 U.S. government study, which compared Russian FLEX alumni with other Russian youth of the same age, indicated that the FLEX alumni are more open to and accepting of Western values and democratic ideals. They are more likely to want to become leaders in and to make a contribution to their society. They tend to be more optimistic about the future of their country, especially its evolution to a more democratic, rule-of-law society, than other Russian youths.

Importantly, the FLEX program has been successful in the six predominantly Islamic countries from the Newly Independent States, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. More than 1,500 students from those Muslim countries have studied and lived in the United States since the program began. FLEX alumni in Azerbaijan and Turkmenistan are teaching English in their home countries, and alumni in Kyrgyzstan and Tajikistan have been involved in activities to develop democratic practices. Given the track record in these countries, there is every reason to believe that a high school student exchange program would succeed throughout the Islamic world.

Like the existing student exchange program for the Newly Independent States, our legislation requires participating students in high school exchanges from the Islamic world to be selected competitively and in a manner that ensures geographic, gender, and socio-economic diversity. To quality, students must be tested extensively and interviewed under State Department guidelines. As with the FLEX program, the State Department will work with experienced American non-governmental organizations to recruit, select, and place students and will remain in close contact with the public high school, American host family, and American non-governmental organizations while the students are in the United States.

Importantly, all students and visitors participating in programs authorized in this legislation must be admissible under all immigration laws and procedures. Furthermore, legislation recently passed by the Senate would improve our ability to screen foreign students by requiring increased communication among the State Department, the INS, and the schools enrolling foreign students and closing gaps in the existing foreign student monitoring program.

Our legislation has been endorsed by the Alliance for International Education and Cultural Exchange, AMIDEAST, AFS, the Academy for Educational Development, the American Councils for International Education, the American Institute for Foreign Study, the Institute of International Education, the National Council for International Visitors, Sister Cities International, World Learning, and World Study Group.

About the Cultural Bridges Act, the Director of the Alliance for International Educational and Cultural Exchange, a coalition of 65 organizations with chapters in all 50 states, former Ambassador Kenton Keith, wrote: "Winning the war on terrorism will demand more than just our military prowess. It will require us to engage the peoples of the Islamic world about our society and values if we are to forge the mutual understanding and respect that will be the basis of peaceful productive relationships. The exchanges authorized in your bill are the most cost-effective way to encourage the positive personal and institutional relationships that will enhance our long-term national security." I ask unanimous consent that copies of this and other endorsement letters be included in the CONGRESSIONAL RECORD at the end of my statement along with the text of the legislation.

America must respond to the terrorist threat on many levels. We need to ensure that our defenses are strong, our borders are secure, and our relationships with allies are vibrant. We also need to do more in the area of public diplomacy.

It is clearly in America's national security interest to promote more people-to-people contacts throughout the Muslim world. Indeed, in a May 3rd speech to the World Affairs Council in California, Deputy Secretary of Defense Paul Wolfowitz spoke about the need to reach out and strengthen voices of moderation in the Islamic world and to bridge the "dangerous gap" between the West and the Muslim world. He said America must "begin now . . . the gap is wide and there is no time for delay."

After September 11, many of the Muslim countries condemned those acts and pledged to help the United States fight terrorism. As we have seen in Afghanistan, Pakistan, and elsewhere in the Muslim world, some individuals and factions within a country can support terrorists and terrorist organizations, while others seek to resolve issues peacefully. America must reach out in friendship to all individuals in the Islamic world who share our worldview.

The Koran says, "O Mankind! We created you from a single pair of a male and a female, and made you into nations and tribes, that ye may know each other." These words speak eloquently of the need for this legislation. Building bridges of understanding and tolerance across cultures will help ensure that Americans and people of the Islamic world will truly understand and know each other. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cultural Bridges Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Educating international students is an important way to impart cross-cultural understanding and create goodwill for the United States throughout the world.

(2) Students from the Islamic world are significantly underrepresented among the approximately 500,000 international students who study in the United States annually.

(3) The volume of professional and cultural exchanges between the United States and the Islamic world is extremely low compared to other regions, and these exchanges have proven extremely effective worldwide in building productive people-to-people ties.

(4) The Federally-funded Future Leaders Exchange Program for high school students from the former Soviet Union, administered by the Department of State, has demonstrated the positive impact of reaching out to international students at the secondary school level, introducing them to American culture, and strengthening their commitment to democratic values and ideals.

(5) A critical element in the war against terrorism will be increasing mutual understanding and respect between the peoples of the United States and peoples around the world, particularly those of the Islamic faith.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) FROM THE ISLAMIC WORLD.—The term "from the Islamic world", when used with respect to a person, means that the person is a national of a country in the Islamic world or has as the person's residence or place of birth the West Bank or Gaza.

(3) ISLAMIC WORLD.—The term "Islamic world" means—

(A) the member countries of the Organization of the Islamic Conference and does not include any country having observer status in the Organization; and

(B) the areas consisting of the West Bank and Gaza.

(4) SECONDARY SCHOOL.—The term "secondary school" means a school that serves students in any of the grades 9 through 12 or equivalent grades in a foreign education system, as determined by the Secretary, in consultation with the Secretary of Education.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of State.

(6) UNITED STATES SPONSORING ORGANIZATION.—The term "United States sponsoring organization" means a nongovernmental organization having United States citizenship that is designated by the Secretary to carry out the program authorized under section 5(a).

SEC. 4. PURPOSE.

The purpose of this Act is to promote the national security of the United States through international educational and cultural exchange programs between the United States and the Islamic world that would—

(1) afford additional opportunities for eligible participants from the Islamic world to study in the United States;

(2) foster mutual respect for American and Islamic values and culture through people-to-people contacts; and

(3) build bridges to a more peaceful world through programs aimed at enhancing mutual understanding.

SEC. 5. NEW EXCHANGE VISITOR PROGRAM FOR SECONDARY SCHOOL STUDENTS FROM THE ISLAMIC WORLD.

(a) IN GENERAL.—To carry out the purpose of section 4, and to redress the underrepresentation in United States international exchange visitor programs of persons from the Islamic world, the Secretary, acting under the authority, direction, and control of the President, is authorized to establish an international exchange visitor program under which eligible secondary school students from the Islamic world would—

(1) attend a public secondary school in the United States;

(2) live with an American host family and experience life in a United States host community; and

(3) participate in activities designed to promote a greater understanding of American and Islamic values and culture.

(b) IMPLEMENTATION.—The Secretary shall utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961 to carry out the program authorized by subsection (a) by grant, contract, or otherwise with United States sponsoring organizations.

(c) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 7, a foreign student is eligible for participation in the program authorized by subsection (a), if the student—

(A) is from the Islamic world;

(B) is at least 15 years of age but not more than 18 and 6 months years of age at the time of initial school enrollment;

(C) is enrolled in secondary school in the student's country of nationality or in the West Bank or Gaza;

(D) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(E) demonstrates maturity, good character, and scholastic aptitude; and

(F) has not previously participated in an academic year or semester secondary school student exchange program in the United States.

(2) EXCEPTION.—An alien is not eligible for participation in the program authorized by subsection (a) if the alien is otherwise inadmissible to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(d) PROGRAM REQUIREMENTS.—The program authorized by subsection (a) shall satisfy the following requirements:

(1) RECRUITMENT AND SELECTION.—Each United States sponsoring organization shall recruit and select eligible secondary school students on a competitive basis under guidelines developed by the Secretary and in a manner that ensures geographic, gender, and socio-economic diversity.

(2) ENGLISH LANGUAGE PROFICIENCY.—The Secretary or the United States sponsoring organization shall establish the English language proficiency of eligible secondary school students through standardized testing. For selected secondary school students found in need of additional English language training, the Secretary shall provide for not to exceed three months of such training, depending on the need of the student, prior to the commencement of the student's course of academic study in the United States.

(3) PREFERENCE FOR FULL ACADEMIC YEAR OF STUDY.—The program shall emphasize educational exchanges consisting of a full academic year of study.

(4) COMPLIANCE WITH "J" VISA REQUIREMENTS.—Participants in the program shall satisfy all requirements applicable to the admission of nonimmigrant aliens described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)). The program shall be considered a designated exchange visitor program for purposes of the application of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(5) REGULAR REPORTING TO THE SECRETARY.—Each United States sponsoring organization shall report regularly to the Secretary the information that the organization

has obtained during regular contacts with the sponsored student, the host family, and the host secondary school.

SEC. 6. AUTHORITY TO ESTABLISH NEW EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS AND EXPAND EXISTING PROGRAMS.

Under the authority, direction, and control of the President, the Secretary is authorized to use the authorities of the Mutual Educational and Cultural Exchange Act of 1961 to establish new programs under that Act, and expand the coverage of existing programs under that Act, to increase the number of educational and cultural exchange activities involving persons from the Islamic world, except as provided in section 7.

SEC. 7. EXCEPTION FOR ISLAMIC WORLD COUNTRIES COVERED BY THE FREEDOM SUPPORT ACT.

An individual who is a national of any of the following countries shall not be eligible for participation in any new program authorized under section 5 or 6 or for participation in an existing program expanded under the authority of section 6: Azerbaijan, Kazakhstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

SEC. 8. REPORTING REQUIREMENTS.

(a) Initial Report.—Not later than 3 months after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report setting forth the plans to implement this Act. The report shall include—

(1) with respect to the program authorized by section 5(a)—

(A) a plan indicating priority countries and areas in the Islamic world for participation in the program;

(B) an estimate of the number of participating students from each country or area;

(C) an identification of United States sponsoring organizations; and

(D) a schedule for implementation of the program; and

(2) with respect to fiscal year 2003, an allocation of funds by country or area in the Islamic world for the program authorized by section 5(a), and by program and country or area in the Islamic world for the exercise of authority under section 6.

(b) Annual Report.—Not later than January 31 of each year, the President shall submit to the appropriate congressional committees a report on the progress and effectiveness of activities carried out under this Act.

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) New Program Funding.—

(1) In general.—In addition to funds otherwise available for such purpose, there is authorized to be appropriated for the Department of State $20,000,000 for each of the fiscal years 2003 through 2007 to carry out the program authorized by section 5(a).

(2) Availability of appropriations.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) Funding of Expansion of Existing Programs.—

(1) In general.—In addition to funds otherwise available for such purpose, there is authorized to be appropriated for the Department of State $75,000,000 for each of the fiscal years 2003 through 2007 to carry out any new international educational or cultural exchange programs under section 6 or the expansion under section 6 of any existing such programs.

(2) Availability of appropriations.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(c) Limitations.—

(1) Single country limitation.—Of the amount authorized to be appropriated by subsection (a), and of the amount authorized to be appropriated by subsection (b), not more than 10 percent of each such amount is authorized to be available for any single country.

(2) Single program limitation.—Of the amount authorized to be appropriated by subsection (b), not more than 25 percent is authorized to be available to carry out, or expand, any single international educational or cultural exchange program.

Mr. LUGAR. Mr. President, I am pleased to join Senators KENNEDY, CHAFEE, LEAHY, HAGEL, GORDON SMITH, COCHRAN, BROWNBACK, and JEFFORDS in introducing the Cultural Bridges Act of 2002. Put simply, our bill authorizes funding for international student exchange programs between the United States and countries of the Islamic world.

The bill authorizes $20 million to establish a secondary school level student exchange program that would bring students from the Islamic world to America in order to foster greater understanding and tolerance. It also authorizes an additional $75 million to existing student and foreign-exchange programs such as the Congress-Bundestag Program, Fulbright Scholarships, etc. The purpose is to foster mutual respect between our peoples and a greater understanding of the differences and similarities between the cultures.

One of the lessons learned in recent months is that the United States needs to create more effective tools of public diplomacy. The most striking example of this was a December 2000–January 2001 Gallup Poll in nine predominantly Muslim states that revealed very strong anti-American attitudes in a majority of the countries. There are no more effective means to spread American values and influence and to create goodwill than international student exchanges. As a result, I have concluded it is in U.S. national security interests to create an exchange program focused on Asia, the Middle East, and North Africa.

Last year only 10 percent of participants in various State Department student and cultural exchange programs came from Islamic countries outside the former Soviet Union. Our new program will bring students aged 15 to 17 to attend high school and live with an American family for a year. Recruitment and selection of participants will be conducted on a competitive basis designed to ensure geographic, gender, and socio-economic diversity.

The legislation is based on the successful Future Leaders Exchange Program, FLEX, for high school students in the former Soviet Union. The new exchange program with Islamic states would be administered by the Department of State and will utilize similar guidelines and regulations established for the FLEX Program and utilize organizations experienced in such exchanges. A study of Russian FLEX alumni concluded that they are more open to and accepting of Western values, democratic ideals and foreign interaction than other students of the same age.

In addition to the importance of increasing understanding between the United States and Islamic countries, we must also appreciate and address the continuing threat of terrorism. Our bill requires all students and visitors participating in programs authorized in this legislation to comply with the immigration procedures in the USA PATRIOT Act. Students will travel to the United States under J-visas.

I am pleased our legislation has garnered the support of so many non-governmental organizations involved in the implementation and management of student and cultural exchanges. As the Alliance for International Educational and Cultural Exchange wrote in their letter of April 2: "Winning the war on terrorism will demand more than just military prowess. It will require us to engage the peoples of the Islamic world about our society and values if we are to forge the mutual understanding and respect that will be the basis of peaceful, productive relationships. As September 11 and its aftermath makes clear, our public diplomacy has fallen short." The Alliance concludes by saying that the ". . . legislation is the right bill at the right time."

In addition to the Alliance, we have also received letters of support from: the AFS Intercultural Programs USA, the Academy for Educational Development, the American Councils for International Education, the American Institute for Foreign Study, the Institute of International Education, the National Council for International Visitors, Sister Cities International, World Learning, the World Study Group, and the America-Mideast Educational and Training Services.

I understand the administration has reviewed our legislation and indicated that they would support its passage, pending the allocation of necessary resources. I am hopeful that my colleagues will join Senator KENNEDY, our cosponsors and I in ensuring swift passage of this timely and important bill.

I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICA-MIDEAST EDUCATIONAL
AND TRAINING SERVICES, INC.,
Washington, DC, April 4, 2002.

Hon. EDWARD M. KENNEDY, RICHARD LUGAR, AND LINCOLN CHAFEE.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: AMIDEAST is the largest American NGO promoting educational and cultural exchanges between the United States and the Arab world, where we have worked for over 50 years to strengthen mutual understanding and cooperation between Arabs and Americans. I am writing today to thank you for introducing the Cultural Bridges Act of 2002.

The Middle East is experiencing its most severe crisis since 1948. The chasm of misunderstanding between Arabs and Americans has never been wider. As I write to you today, demonstrations are taking place on high school and university campuses throughout the Middle East and North Africa denouncing what they perceive to be America's unfair support for Israeli's actions in the Occupied Territories. To win the war on terrorism, we need to find new ways to reach the youth of the Arab world, to quell their hostility towards us, and to engage them in constructive dialogue.

The Cultural Bridges Act of 2002 will afford us that opportunity. It will promote educational exchanges between the United States and the Islamic world, enabling Muslim youth to learn about our society and values first-hand and then serving as ambassadors of peace upon their return home, while affording American students first-hand experience abroad providing them with valuable insight and understanding about the Arab and Islamic worlds.

Your legislation is important and timely. We thank you for championing this bold initiative.

Sincerely,

WILLIAM A. RUGH,
U.S. Ambassador (retired),
President and CEO.

ALLIANCE FOR INTERNATIONAL
EDUCATIONAL AND CULTURAL EXCHANGE,
Washington, DC, April 2, 2002.

Hon. EDWARD M. KENNEDY, RICHARD LUGAR, AND LINCOLN CHAFEE,
U.S. Senate.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: On behalf of the 65 member NGOs of the Alliance for International Educational and Cultural Exchange, I write to thank you for your leadership in introducing the Cultural Bridges Act of 2002.

Winning the war on terrorism will demand more than just our military prowess. It will require us to engage the peoples of the Islamic world about our society and values if we are to forge the mutual understanding and respect that will be the basis of peaceful, productive relationships. As September 11 and its aftermath make clear, our public diplomacy has fallen short.

Building productive ties will require a sustained and serious commitment that reaches well beyond our current efforts. The exchanges authorized in your bill are the most cost-effective way to encourage the positive personal and institutional relationships that will enhance our long-term national security.

Congressional leadership will be crucial to this endeavor. Student and exchange flows from the Muslim world are among the lowest of any region, and significant new resources will be required to jump-start this effort. Moreover, a clear federal commitment will leverage private sector support from universities, schools, businesses, and communities across the U.S. This initiative will engage the American people directly in the conduct of the highest priority foreign policy.

Your legislation is the right bill at the right time. You have the gratitude and support of members of the exchange community throughout the United States.

Sincerely,

KENTON W. KEITH,
U.S. Ambassador (retired),
Chair, Board of Directors.

Enclosure: List of Alliance member organizations.

The Alliance for International Educational and Cultural Exchange is a coalition of 65 organizations with chapters and grassroots networks in all 50 states. Alliance member organizations administer or facilitate exchange programs that put a human face on American foreign policy, transmit America's democratic values, foster economic ties with overseas markets, engage millions of Americans in our foreign affairs, and develop foreign language, cross-cultural, and area studies expertise of American citizens.

MEMBER ORGANIZATIONS

Academy for Educational Development.
Africa-America Institute.
AFS Intercultural Programs.
AIESEC, Inc.
*Alliances Abroad [corporate associate member].
American Association of Community Colleges.
American Association of Intensive English Programs.
American Council of Young Political Leaders.
American Council on Education.
American Councils for International Education: ACTR/ACCELS.
American Institute for Foreign Study Foundation.
American Intercultural Student Exchange.
American-Scandinavian Foundation.
Aemrican Secondary Schools for International Students and Teachers.
AMIDEAST.
Amity Institute.
Association of International Education Administrators.
Association for International Practical Training.
Association of Professional Schools of International Affairs.
AYUSA International.
BUNAC.
CDS International.
Children's International Summer Villages, Inc.
CEC International Partners.
The College Board.
Communicating for Agriculture.
Concordia Language Villages.
Council of Graduate Schools.
Council of International Programs USA.
Council on International Educational Exchange.
Council on Standards for International Educational Travel.
Educational Testing Service.
EF Foundation for Foreign Study.
French-American Chamber of Commerce.
The Fulbright Association.
The German Marshall Fund of the United States.
Girl Scouts of the USA.
Institute of International Education.
International Cultural Exchange Services.
InterExchange.
International Internship Programs.
International Research and Exchanges Board.
Japan-America Student Conference.
LASPAU: Academic and Professional Programs for the Americas.
The Laurasian Institution.
Minnesota Agriculture Student Trainee/Practical Agricultural Reciprocal Training.
Meridian International Center.
NAFSA: Association of International Educators.
National 4-H/Japanese Exchange Program.
National Association of State Universities and Land-Grant Colleges.
National Council for Eurasian and East European Research.
National Council for International Visitors.
North Carolina Center for International Understanding.
Ohio Agricultural Intern Program.
Pacific Intercultural Exchange.
People to People International.
Program of Academic Exchange.
Sister Cities International.
University and College Intensive English Program.
World Education Services.
World Exchange, Ltd.
World Heritage.
World Learning.
YMCA International Program Services.
Youth Exchange Services.
Yourth For Understanding.

AFS-USA, INC.,
New York, NY, April 1, 2002.

Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: I am writing on behalf of our staff, volunteers, and board members located in all 50 States to express our pleasure and thanks for initiating the cultural Bridges Act of 2002.

AFS is the oldest, largest, and most diverse high school exchange program in the United States and in the world. We understand and appreciate the leadership you have demonstrated in sponsoring this bill. Public diplomacy in the Islamic world requires the focus and funding contained in your bill. Our 54 years of experience in the field of exchange tells us that a serious commitment, sustained over a number of years, will be needed to defeat terrorism at its roots by increasing understanding and tolerance among people of different countries, beliefs and values. AFS exchanged students from Germany and Japan with the U.S. almost immediately after World War II. Today those countries are our allies. Democratic principles, respect for others, and individual freedom are our values, and they can be powerful when seen through daily interaction with our families and students.

You are doing the right thing. We stand ready to support you in any way we can.

Thank you for your pursuit of peace and freedom.

Sincerely,

ALEX J. PLINIO,
President.

ACADEMY FOR
EDUCATIONAL DEVELOPMENT,
Washington, DC, April 2, 2002.

Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY, LUGAR AND CHAFEE: On behalf of the Academy for Educational Development, a non-profit organization serving people in more than 160 countries, I want to thank you for your leadership in introducing the Cultural Bridges Act of 2002.

International exchange programs are a critical component of the war on terrorism. Exchange programs enhance mutual understanding and build long-term bridges with individuals in other countries. Expanding the flow of people, ideas and information will promote greater understanding of the United States and will advance our foreign policy objectives.

The International Visitor Program has been particularly effective at reaching future foreign leaders and at advancing key foreign policy objectives. For example, a recent leadership development program brought student leaders from the Middle East and North Africa for exchanges with student leaders across the United States. Another program on the role of religion in the United States brought administrators from religious educational institutions, or "madrassahs," in Pakistan to meet with civic and religious leaders in several cities. Programs such as these that target key issues and leaders should be significantly expanded in the Islamic world.

Although the world's attention has been focused on the Muslim world, exchange programs from countries with large Islamic populations are underrepresented in U.S. government-sponsored exchange programs. Your bill will significantly enhance the capacity to reach out to individuals in these countries through people-to-people exchanges that are among our best tools of diplomacy.

We thank you for your leadership, vision and commitment in introducing this critical piece of legislation.

Sincerely,

STEPHEN F. MOSELEY,
President and Chief Executive Officer.

AMERICAN COUNCILS
FOR INTERNATIONAL EDUCATION,
Washington, DC, April 2, 2002.
Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY, LUGAR, and CHAFEE: I write to commend you for your leadership in introducing the Cultural Bridges Act of 2002, a legislative initiative designed to engage the diverse Islamic populations around the world through international exchange programs. I particularly want to thank you for focusing on high school exchanges as a highly effective mechanism for introducing the United States to this audience, and them to our fellow Americans.

While our country's public diplomacy efforts—which include exchange programs—have earned us many friends in parts of the world, the dramatic events of September 11th and our examination of our standing with key populations in the Islamic world since those terrorist attacks have revealed that we have neglected a critical world population stretching from West Africa to Southeast Asia. This arc crosses the Arab Middle East, through Southeastern Europe and Central Asia to Indochina; approximately 1.4 billion people populate the countries along this arc. Your initiative would make it our national policy to reach out to the peoples of these countries to build mutual understanding.

The Cultural Bridges Act of 2002 would capitalize on our nation's capacity to educate and inform by bringing individuals to the United States to learn about our culture, language, and aspirations—all while studying in school, mastering their chosen profession, or doing research. It provides a highly effective (and low cost) way to positively influence foreign populations through citizen diplomacy, something we've done well with post-war Europe and Japan, Latin America, and most recently with the countries of the former Warsaw Pact.

My own organization has utilized academic and youth exchanges for more than 25 years with the former Soviet Union. Among our many successes in fostering understanding of the United States in that region, some of the most impressive results result from exchange programs involving youth, like the Future Leaders Exchange Program, and secondary school teachers, like the Excellence in Teaching Awards Exchange Program—both funded through an earlier congressional initiative, the FREEDOM Support Act. The Cultural Bridges Act that you are introducing in the Senate would facilitate similar successes in the Islamic World.

The American Councils has experience with working in the Muslim communities of the NIS—communities that exist throughout the 12 countries of the old Soviet Union. Some of the most dynamic needs for expanded exchange opportunities in the NIS are apparent in the predominately Islamic countries of Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—countries that are critical to addressing our urgent security concerns in Central Asia and all of which would be eligible to benefit from your legislation.

Your exchanges initiative is both an effective bulwark against ignorance of the United States and a proactive measure for securing the peace we hope to achieve through our current military campaign. I applaud your leadership in introducing this bill, and look forward to its enactment.

Sincerely,

DAN E. DAVIDSON,
President.

AMERICAN INSTITUTE
FOR FOREIGN STUDY,
Stamford, CT, April 2, 2002.
Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate.

DEAR SENATORS: As a member of the Alliance for International Educational and Cultural Exchange, I write to thank you for your leadership in introducing the Cultural Bridges Act of 2002.

Winning the war on terrorism will demand more than just our military prowess. It will require us to engage the peoples of the Islamic world about our society and values if we are to forge the mutual understanding and respect that will be the basic of peaceful, productive relationships. As September 11 and its aftermath make clear, our public diplomacy has fallen short.

Building productive ties will require a sustained and serious commitment that reaches well beyond our current efforts. The exchanges authorized in your bill are the most cost-effective way to encourage the positive personal and institutional relationships that will enhance our long-term national security.

Congressional leadership will be crucial to this endeavor. Student and exchange flows from the Muslim world are among the lowest of any region, and significant new resources will be required to jump-start this effort. Moreover, a clear federal commitment will leverage private sector support from universities, schools, businesses, and communities across the U.S. This initiative will engage the American people directly in the conduct of the highest priority foreign policy.

Your legislation is the right bill at the right time. You have the gratitude and support of members of the exchange community throughout the United States.

Sincerely,

ROBERT J. BRENNAN,
President.

INSTITUTE OF
INTERNATIONAL EDUCATION,
New York, NY April 2, 2002.
Hon. EDWARD M. KENNEDY, RICHARD G. LUGAR, and LINCOLN D. CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATORS: On behalf of the Institute of International Education, including our Trustees and volunteers across the country, please accept IIE's thanks and appreciation for the leadership you are showing by introducing the Cultural Bridges Act of 2002. Your initiative could not be more relevant and timely.

As always, the leadership of Congress in international educational exchange is critical. Now, in vulnerable areas of the world where peace, understanding and progress through education are vitally needed to insure that terrorism and intolerance are eliminated, your legislation addresses key areas where we can work to build shared values.

Exchanges of high school and college students, graduate students and young professionals, as well as others, who can help create the climate we need where progressive democratic developments flourish are sorely needed in Africa, the Near East, Central and South Asia, and Southeast Asia. The focus of your Cultural Bridges Act of 2002 on members of the Organization of Islamic Conference includes virtually every nation we need to reach if we are serious about making people to people diplomacy work for youth. As you know, the Institute has always regarded the Mutual Educational and Cultural Exchanges Act of 1961 as one of the most important of all this nation's foreign policy documents. By directing the Department of State to establish new initiatives through the authority of the 1961 Act you will assure that the philanthropic and higher education sectors not only support your efforts but help you leverage government resources for important common purposes.

Please let me know if there is anything the Institute can do to assist you in this critically important endeavor at a time of great national need.

Sincerely yours,

——— ———

NATIONAL COUNCIL FOR
INTERNATIONAL VISITORS,
Washington, DC, April 2, 2002.
Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: On behalf of the Board and members of the National Council for International Visitors (NCIV), we thank you for your initiative in introducing the Cultural Bridges Act of 2002. NCIV members—nonprofit program agencies and 95 community organizations across the United States—organize professional programs, home visits, and cultural activities for participants in the State Department's International Visitor Program and other exchanges. More than 80,000 volunteers are involved in NCIV member activities each year, including WorldBoston, International Center of Indianapolis, and the World Affairs Council of Rhode Island.

NCIV members promote citizen diplomacy—the idea that the individual citizen has the right, even the responsibility, to help shape U.S. foreign relations "one handshake at a time" through exchanges. We are grateful for your leadership in introducing this legislation that will make more of these handshakes possible with participants from underserved areas of the world.

Sincerely,

ALAN KUMAMOTO,
Chair, Board of Directors.

SHERRY L. MUELLER,
President.

SISTER CITIES INTERNATIONAL,
Washington, DC, April 1, 2002.
Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: On behalf of Sister Cities International and the 700 U.S. cities joined in cooperative sister city partnerships with 1,500 international cities in 121 countries, I applaud your leadership in introducing the Cultural Bridges Act of 2002. The Cultural Bridges Act of 2002 will be a vital tool in the conduct of U.S. foreign policy and public diplomacy in response to new challenges facing the United States.

The need for increased international understanding and cooperation has never been more imperative than in the aftermath of September 11. International education and exchange programs are critical elements in advancing U.S. foreign policy and national security, as they build understanding and cooperation between Americans and future foreign leaders. Nearly 150 present and past foreign heads of state made their first visits to the United States on exchange programs. This powerful tool for building productive, positive relationships has served the United States extraordinarily well over the years, and has included visits from world leaders such as Anwar Sadat and Indira Gandhi, French Premier Lionel Jospin and British Prime Minister Tony Blair.

Perhaps most importantly, the Cultural Bridges Act boldly leads the way for the federal government to encourage sustainable, cooperative relationships between the United States and the Islamic world. In the fight against terrorism and efforts to improve our national security, there can be no doubt that fostering international exchanges will help diminish negative stereotypes and build an environment of mutual understanding and respect for differences. Furthermore, the Cultural Bridges Act will help foster citizen diplomacy initiatives that will promote the involvement of local citizens in international engagement. Now more than ever, the federal government must invest in capacity building at the community level to promote citizen diplomacy, particularly with regard to the Islamic world. As we know, resources allotted for these activities are drastically insufficient in the current climate, and we hope the introduction of the Cultural Bridges Act will move our nation in the right direction of enhanced cooperation.

Thank you for your leadership on this pressing issue.

Sincerely,

TIM HONEY,
Executive Director.

WORLD LEARNING,
Washington, DC, April 1, 2002.
Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: Thank you for your leadership in introducing the Cultural Bridges Act of 2002. Enactment of this legislation will make possible increase opportunities to bring current and future leaders from the Islamic world to the United States and to send Americans to Muslim counties to teach and study.

Expanded opportunities for citizen exchange between the United States and the Islamic world will help to engender increased respect, understanding and trust between our peoples. building this mutual understanding will enhance our national security by broadening the range of productive interactions between the United States and Muslim countries.

Currently, student and other exchange flows with Muslim countries are lower than with regions of the world. The programs which the Cultural Bridges Act authorizes would provide for significant increases at this crucial time for our nation. Thank you again for your leadership in working to strengthen these important programs.

Sincerely yours,

ROBERT CHASE,
Vice President.

WORLD STUDY GROUP,
San Francisco, CA, April 2, 2002.
Hon. EDWARD M. KENNEDY, RICHARD LUGAR, and LINCOLN CHAFEE,
U.S. Senate.

DEAR SENATORS KENNEDY, LUGAR, AND CHAFEE: On behalf of the World Study Group, I write to thank you for your leadership in introducing the Cultural Bridges Act of 2002. The World Study Group and its affiliated J-1 visa programs are dedicated to increasing understanding and trust between people through international cultural exchange.

Building productive ties with Muslim world will require a sustained and serious commitment that reaches well beyond our current efforts. The exchanges authorized in your bill are the most cost-effective way to encourage the positive personal and institutional relationships that will enhance our long-term national security goals. Breaking down misunderstanding requires that our peoples know each other better.

Congressional leadership will be crucial to this endeavor. Student exchanges from the Muslim world are among the lowest of any region, and significant new resources will be required to jump start this effort. Moreover, a clear federal commitment will leverage private sector support and will immediately engage the American people directly in the conduct of this high priority foreign policy initiative.

Your legislation is the right bill at the right time. On behalf of AYUSA, AuPairCare, and Intrax Inc., we thank you. You have the gratitude and support of our staff and field representatives throughout the United States.

Sincerely,

JOHN WILHELM,
President.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3401. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 3401. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Act of 2002".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Trade Adjustment Assistance.

(2) DIVISION B.—Bipartisan Trade Promotion Authority.

(3) DIVISION C.—Andean Trade Preference Act.

(4) DIVISION D.—Extension of Certain Preferential Trade Treatment and Other Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

Sec. 101. Short title.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 111. Adjustment assistance for workers.
Sec. 112. Displaced worker self-employment training pilot program.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Reauthorization of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.
Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Sec. 601. Trade adjustment assistance health insurance credit.
Sec. 602. Advance payment of trade adjustment assistance health insurance credit.
Sec. 603. Health insurance coverage for eligible individuals.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Conforming amendments.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 801. Savings provisions.
Sec. 802. Effective date.

TITLE IX—REVENUE PROVISIONS

Sec. 901. Custom user fees.

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Country of origin labeling of fish and shellfish products.
Sec. 1002. Sugar policy.

TITLE XI—CUSTOMS REAUTHORIZATION

Sec. 1101. Short title.

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

Sec. 1111. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 1112. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 1113. Compliance with performance plan requirements.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

Sec. 1121. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 1131. Additional Customs Service officers for United States-Canada border.
Sec. 1132. Study and report relating to personnel practices of the Customs Service.
Sec. 1133. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 1134. Establishment and implementation of cost accounting system; reports.
Sec. 1135. Study and report relating to timeliness of prospective rulings.
Sec. 1136. Study and report relating to customs user fees.

CHAPTER 4—ANTITERRORISM PROVISIONS

Sec. 1141. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 1142. Mandatory advanced electronic information for cargo and passengers.
Sec. 1143. Border search authority for certain contraband in outbound mail.
Sec. 1144. Authorization of appropriations for reestablishment of Customs operations in New York City.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

Sec. 1151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 1152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 1153. Implementation of the African Growth and Opportunity Act.

Subtitle B—Office of the United States Trade Representative

Sec. 1161. Authorization of appropriations.

Subtitle C—United States International Trade Commission

Sec. 1171. Authorization of appropriations.

Subtitle D—Other Trade Provisions

Sec. 1181. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 1182. Regulatory audit procedures.

Subtitle E—Sense of Senate

Sec. 1191. Sense of Senate.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

Sec. 2101. Short title; findings.
Sec. 2102. Trade negotiating objectives.
Sec. 2103. Trade agreements authority.
Sec. 2104. Consultations and assessment.
Sec. 2105. Implementation of trade agreements.
Sec. 2106. Treatment of certain trade agreements for which negotiations have already begun.
Sec. 2107. Congressional oversight group.
Sec. 2108. Additional implementation and enforcement requirements.
Sec. 2109. Committee staff.
Sec. 2110. Conforming amendments.
Sec. 2111. Report on impact of trade promotion authority.
Sec. 2112. Identification of small business advocate at WTO.
Sec. 2113. Definitions.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

Sec. 3101. Short title; findings.
Sec. 3102. Temporary provisions.
Sec. 3103. Termination.

TITLE XXXII—MISCELLANEOUS TRADE BENEFITS

Sec. 3201. Wool provisions.
Sec. 3202. Ceiling fans.
Sec. 3203. Certain steam or other vapor generating boilers used in nuclear facilities.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

Sec. 4101. Generalized system of preferences.
Sec. 4102. Amendments to generalized system of preferences.

TITLE XLII—OTHER PROVISIONS

Sec. 4201. Transparency in NAFTA tribunals.
Sec. 4202. Expression of solidartiy with Israel in its fight against terrorism.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

SEC. 101. SHORT TITLE.

This division may be cited as the "Trade Adjustment Assistance Reform Act of 2002".

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 111. ADJUSTMENT ASSISTANCE FOR WORKERS.

Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended to read as follows:

"CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

"Subchapter A—General Provisions

"SEC. 221. DEFINITIONS.

"In this chapter:

"(1) ADDITIONAL COMPENSATION.—The term 'additional compensation' has the meaning given that term in section 205(3) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(2) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means employment in a firm or appropriate subdivision of a firm, if workers of that firm or subdivision are eligible to apply for adjustment assistance under this chapter.

"(3) ADVERSELY AFFECTED WORKER.—

"(A) IN GENERAL.—The term 'adversely affected worker' means a worker who is a member of a group of workers certified by the Secretary under section 231(a)(1) as eligible for trade adjustment assistance.

"(B) ADVERSELY AFFECTED SECONDARY WORKER.—The term 'adversely affected worker' includes an adversely affected secondary worker who is a member of a group of workers employed at a downstream producer or a supplier, that is certified by the Secretary under section 231(a)(2) as eligible for trade adjustment assistance.

"(4) AVERAGE WEEKLY HOURS.—The term 'average weekly hours' means the average hours worked by a worker (excluding overtime) in the employment from which the worker has been or claims to have been separated in the 52 weeks (excluding weeks during which the worker was on leave for purposes of vacation, sickness, maternity, military service, or any other employer-authorized leave) preceding the week specified in paragraph (5)(B)(ii).

"(5) AVERAGE WEEKLY WAGE.—

"(A) IN GENERAL.—The term 'average weekly wage' means $\frac{1}{13}$ of the total wages paid to an individual in the high quarter.

"(B) DEFINITIONS.—For purposes of computing the average weekly wage—

"(i) the term 'high quarter' means the quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately preceding the quarter in which occurs the week with respect to which the computation is made; and

"(ii) the term 'week' means the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

"(6) BENEFIT PERIOD.—The term 'benefit period' means, with respect to an individual, the following:

"(A) STATE LAW.—The benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation.

"(B) FEDERAL LAW.—The equivalent to the benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

"(7) BENEFIT YEAR.—The term 'benefit year' has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(8) CONTRIBUTED IMPORTANTLY.—The term 'contributed importantly' means a cause that is important but not necessarily more important than any other cause.

"(9) COOPERATING STATE.—The term 'cooperating State' means any State that has entered into an agreement with the Secretary under section 222.

"(10) CUSTOMIZED TRAINING.—The term 'customized training' means training that is designed to meet the special requirements of an employer (including a group of employers) and that is conducted with a commitment by the employer to employ an individual on successful completion of the training.

"(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes for a firm or subdivision, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm, if the certification of eligibility under section 231(a)(1) is based on an increase in imports from, or a shift in production to, Canada or Mexico.

"(12) EXTENDED COMPENSATION.—The term 'extended compensation' has the meaning given that term in section 205(4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(13) JOB FINDING CLUB.—The term 'job finding club' means a job search workshop which includes a period of structured, supervised activity in which participants attempt to obtain jobs.

"(14) JOB SEARCH PROGRAM.—The term 'job search program' means a job search workshop or job finding club.

"(15) JOB SEARCH WORKSHOP.—The term 'job search workshop' means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques, and techniques for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

“(16) On-the-job training.—The term ‘on-the-job training’ has the same meaning as that term has in section 101(31) of the Workforce Investment Act.

“(17) Partial separation.—A partial separation shall be considered to exist with respect to an individual if—

“(A) the individual has had a 20-percent or greater reduction in the average weekly hours worked by that individual in adversely affected employment; and

“(B) the individual has had a 20-percent or greater reduction in the average weekly wage of the individual with respect to adversely affected employment.

“(18) Regular compensation.—The term ‘regular compensation’ has the meaning given that term in section 205(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(19) Regular state unemployment.—The term ‘regular State unemployment’ means unemployment insurance benefits other than an extension of unemployment insurance by a State using its own funds beyond either the 26-week period mandated by Federal law or any additional period provided for under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(20) Secretary.—The term ‘Secretary’ means the Secretary of Labor.

“(21) State.—The term ‘State’ includes each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(22) State agency.—The term ‘State agency’ means the agency of the State that administers the State law.

“(23) State law.—The term ‘State law’ means the unemployment insurance law of the State approved by the Secretary under section 3304 of the Internal Revenue Code of 1986.

“(24) Supplier.—The term ‘supplier’ means a firm that produces and supplies directly to another firm (or subdivision) component parts for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm.

“(25) Total separation.—The term ‘total separation’ means the layoff or severance of an individual from employment with a firm in which or in a subdivision of which, adversely affected employment exists.

“(26) Unemployment insurance.—The term ‘unemployment insurance’ means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

“(27) Week.—Except as provided in paragraph 5(B)(ii), the term ‘week’ means a week as defined in the applicable State law.

“(28) Week of unemployment.—The term ‘week of unemployment’ means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

“SEC. 222. AGREEMENTS WITH STATES.

“(a) In General.—The Secretary is authorized on behalf of the United States to enter into an agreement with any State or with any State agency (referred to in this chapter as ‘cooperating State’ and ‘cooperating State agency’, respectively) to facilitate the provision of services under this chapter.

“(b) Provisions of Agreements.—Under an agreement entered into under subsection (a)—

“(1) the cooperating State agency as an agent of the United States shall—

“(A) facilitate the early filing of petitions under section 231(b) for any group of workers that the State considers is likely to be eligible for benefits under this chapter;

“(B) assist the Secretary in the review of any petition submitted from that State by verifying the information and providing other assistance as the Secretary may request;

“(C) advise each worker who applies for unemployment insurance of the available benefits under this chapter and the procedures and deadlines for applying for those benefits and of the worker's potential eligibility for assistance with health care coverage through the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 or under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998;

“(D) receive applications for services under this chapter;

“(E) provide payments on the basis provided for in this chapter;

“(F) advise each adversely affected worker to apply for training under section 240, and of the deadlines for benefits related to enrollment in training under this chapter;

“(G) ensure that the State employees with responsibility for carrying out an agreement entered into under subsection (a)—

“(i) inform adversely affected workers covered by a certification issued under section 231(c) of the workers' (and individual member's of the worker's family) potential eligibility for—

“(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

“(II) child health assistance under the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

“(III) child care services for which assistance is provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

“(IV) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998; and

“(V) other Federal- and State-funded health care, child care, transportation, and assistance programs for which the workers may be eligible; and

“(ii) provide such workers with information regarding how to apply for such assistance, services, and programs, including notification that the election period for COBRA continuation may be extended for certain workers under section 603 of the Trade Adjustment Assistance Reform Act of 2002;

“(H) provide adversely affected workers referral to training services approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and any other appropriate Federal or State program designed to assist dislocated workers or unemployed individuals, consistent with the requirements of subsection (b)(2);

“(I) collect and transmit to the Secretary any data as the Secretary shall reasonably require to assist the Secretary in assuring the effective and efficient performance of the programs carried out under this chapter; and

“(J) otherwise actively cooperate with the Secretary and with other Federal and State agencies in providing payments and services under this chapter, including participation in the performance measurement system established by the Secretary under section 224.

“(2) the cooperating State shall—

“(A) arrange for the provision of services under this chapter through the one-stop delivery system established in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) where available;

“(B) provide to adversely affected workers statewide rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)) in the same manner and to the same extent as any other worker eligible for those activities;

“(C) afford adversely affected workers the services provided under section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 92864(d)) in the same manner and to the same extent as any other worker eligible for those services; and

“(D) provide training services under this chapter using training providers approved under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) which may include community colleges, and other effective providers of training services.

“(c) Other Provisions.—

“(1) Approval of training providers.—The Secretary shall ensure that the training services provided by cooperating States are provided by organizations approved by the Secretary to effectively assist workers eligible for assistance under this chapter.

“(2) Amendment, suspension, or termination of agreements.—Each agreement entered into under this section shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

“(3) Effect on unemployment insurance.—Each agreement entered into under this section shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this chapter.

“(4) Coordination of workforce investment activities.—In order to promote the coordination of Workforce Investment Act activities in each State with activities carried out under this chapter, each agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b) (8) and (14)).

“(d) Review of State Determinations.—

“(1) In general.—A determination by a cooperating State regarding entitlement to program benefits under this chapter is subject to review in the same manner and to the same extent as determinations under the applicable State law.

“(2) Appeal.—A review undertaken by a cooperating State under paragraph (1) may be appealed to the Secretary pursuant to such regulations as the Secretary may prescribe.

“SEC. 223. ADMINISTRATION ABSENT STATE AGREEMENT.

“(a) In General.—In any State in which there is no agreement in force under section 222, the Secretary shall arrange, under regulations prescribed by the Secretary, for the performance of all necessary functions under this chapter, including providing a hearing for any worker whose application for payment is denied.

“(b) FINALITY OF DETERMINATION.—A final determination under subsection (a) regarding entitlement to program benefits under this chapter is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

“SEC. 224. DATA COLLECTION; EVALUATIONS; REPORTS.

“(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

“(b) PERFORMANCE EVALUATIONS.—The Secretary shall establish an effective performance measuring system to evaluate the following:

“(1) PROGRAM PERFORMANCE.—

“(A) speed of petition processing;

“(B) quality of petition processing;

“(C) cost of training programs;

“(D) coordination of programs under this title with programs under the Workforce Investment Act (29 U.S.C. 2801 et seq.);

“(E) length of time participants take to enter and complete training programs;

“(F) the effectiveness of individual contractors in providing appropriate retraining information;

“(G) the effectiveness of individual approved training programs in helping workers obtain employment;

“(H) best practices related to the provision of benefits and retraining; and

“(I) other data to evaluate how individual States are implementing the requirements of this title.

“(2) PARTICIPANT OUTCOMES.—

“(A) reemployment rates;

“(B) types of jobs in which displaced workers have been placed;

“(C) wage and benefit maintenance results;

“(D) training completion rates; and

“(E) other data to evaluate how effective programs under this chapter are for participants, taking into consideration current economic conditions in the State.

“(3) PROGRAM PARTICIPATION DATA.—

“(A) the number of workers receiving benefits and the type of benefits being received;

“(B) the number of workers enrolled in, and the duration of, training by major types of training;

“(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

“(D) the cause of dislocation identified in each certified petition;

“(E) the number of petitions filed and workers certified in each United States congressional district; and

“(F) the number of workers who received waivers under each category identified in section 235(c)(1) and the average duration of such waivers.

“(c) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

“(1) STATE PARTICIPATION.—Participation by each State in the performance measurement system established under subsection (b).

“(2) MONITORING.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

“(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

“(d) REPORTS.—

“(1) REPORTS BY THE SECRETARY.—

“(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

“(i) describes the performance measurement system established under subsection (b);

“(ii) includes analysis of data collected through the system established under subsection (b);

“(iii) includes information identifying the number of workers who received waivers under section 235(c) and the average duration of those during the preceding year;

“(iv) describes and analyzes State participation in the system;

“(v) analyzes the quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)); and

“(vi) provides recommendations for program improvements.

“(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the information collected under clauses (ii) through (v) of subparagraph (A).

“(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

“(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under paragraph (1).

“SEC. 225. STUDY BY SECRETARY OF LABOR WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation, and the Secretary shall immediately begin a study of—

“(1) the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance under this chapter; and

“(2) the extent to which the adjustment of those workers to the import competition may be facilitated through the use of existing programs.

“(b) REPORT.—

“(1) IN GENERAL.—The Secretary shall provide a report based on the study conducted under subsection (a) to the President not later than 15 days after the day on which the Commission makes its report under section 202(f).

“(2) PUBLICATION.—The Secretary shall promptly make public the report provided to the President under paragraph (1) (with the exception of information which the Secretary determines to be confidential) and shall have a summary of the report published in the Federal Register.

“SEC. 226. REPORT BY SECRETARY OF LABOR ON LIKELY IMPACT OF TRADE AGREEMENTS.

“(a) IN GENERAL.—At least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002, the President shall provide the Secretary with details of the agreement as it exists at that time and direct the Secretary to prepare and submit the assessment described in subsection (b). Between the time the President instructs the Secretary to prepare the assessment under this section and the time the Secretary submits the assessment to Congress, the President shall keep the Secretary current with respect to the details of the agreement.

“(b) ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Secretary shall submit to the President, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, a report assessing the likely impact of the agreement on employment in the United States economy as a whole and in specific industrial sectors, including the extent of worker dislocations likely to result from implementation of the agreement. The report shall include an estimate of the financial and administrative resources necessary to provide trade adjustment assistance to all potentially adversely affected workers.

“Subchapter B—Certifications

“SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED WORKERS.

“(a) ELIGIBILITY FOR CERTIFICATION.—

“(1) GENERAL RULE.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected workers and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

“(A)(i) the sales or production, or both, of such firm or subdivision have decreased absolutely;

“(ii) the value or volume of imports of articles like or directly competitive with articles produced by that firm or subdivision have increased; and

“(iii) the increase in the value or volume of imports described in clause (ii) contributed importantly to the workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

“(B) there has been a shift in production by the workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision and the shift in production contributed importantly to the workers' separation or threat of separation.

“(2) ADVERSELY AFFECTED SECONDARY WORKER.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified by the Secretary as adversely affected and eligible for trade adjustment assistance benefits under this chapter pursuant to a petition filed under subsection (b) if the Secretary determines that—

"(A) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

"(B) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility under paragraph (1), and such supply or production is related to the article that was the basis for such certification (as defined in section 221 (11) and (24)); and

"(C) a loss of business by the workers' firm with the firm (or subdivision) described in subparagraph (B) contributed importantly to the workers' separation or threat of separation determined under subparagraph (A).

"(3) SPECIAL RULE FOR SECONDARY WORKERS.—Notwithstanding paragraph (2), the Secretary may, pursuant to standards established by the Secretary and for good cause shown, certify as eligible for trade adjustment assistance under this chapter a group of workers who meet the requirements for certification as adversely affected secondary workers in paragraph (2), except that the Secretary has not received a petition under paragraph (1) on behalf of workers at a firm to which the petitioning workers' firm is a supplier or downstream producer as defined in section 221 (11) and (24).

"(4) SPECIAL PROVISIONS.—

"(A) OIL AND NATURAL GAS PRODUCERS.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

"(B) OIL AND NATURAL GAS IMPORTS.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

"(C) TACONITE.—For purposes of this section, taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.

"(b) PETITIONS.—

"(1) IN GENERAL.—A petition for certification of eligibility for trade adjustment assistance under this chapter for a group of adversely affected workers shall be filed simultaneously with the Secretary and with the Governor of the State in which the firm or subdivision of the firm employing the workers is located.

"(2) PERSONS WHO MAY FILE A PETITION.—A petition under paragraph (1) may be filed by any of the following:

"(A) WORKERS.—A group of workers (including workers in an agricultural firm or subdivision of any agricultural firm).

"(B) WORKER REPRESENTATIVES.—The certified or recognized union or other duly appointed representative of the workers.

"(C) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION.—Any entity to which notice of a plant closing or mass layoff must be given under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102).

"(D) OTHER.—Employers of workers described in subparagraph (A), one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or State employment agencies, on behalf of the workers.

"(E) REQUEST TO INITIATE CERTIFICATION.—The President, or the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives (by resolution), may petition the Secretary to initiate a certification process under this chapter to determine the eligibility for trade adjustment assistance of a group of workers.

"(3) ACTIONS BY GOVERNOR.—

"(A) COOPERATING STATE.—Upon receipt of a petition, the Governor of a cooperating State shall ensure that the requirements of the agreement entered into under section 222 are met.

"(B) OTHER STATES.—Upon receipt of a petition, the Governor of a State that has not entered into an agreement under section 222 shall coordinate closely with the Secretary to ensure that workers covered by a petition are—

"(i) provided with all available services, including rapid response activities under section 134 of the Workforce Investment Act (29 U.S.C. 2864);

"(ii) informed of the workers' (and individual member's of the worker's family) potential eligibility for—

"(I) medical assistance under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

"(II) child health assistance under the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

"(III) child care services for which assistance is provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(IV) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 173(f) of the Workforce Investment Act of 1998; and

"(V) other Federal and State funded health care, child care, transportation, and assistance programs that the workers may be eligible for; and

"(iii) provided with information regarding how to apply for the assistance, services, and programs described in clause (ii).

"(c) ACTIONS BY SECRETARY.—

"(1) IN GENERAL.—As soon as possible after the date on which a petition is filed under subsection (b), but not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of subsection (a), and if warranted, shall issue a certification of eligibility for trade adjustment assistance pursuant to this subchapter. In making the determination, the Secretary shall consult with all petitioning entities.

"(2) PUBLICATION OF DETERMINATION.—Upon making a determination under paragraph (1), the Secretary shall promptly publish a summary of the determination in the Federal Register together with the reasons for making that determination.

"(3) DATE SPECIFIED IN CERTIFICATION.—Each certification made under this subsection shall specify the date on which the total or partial separation began or threatened to begin with respect to a group of certified workers.

"(4) PROJECTED TRAINING NEEDS.—The Secretary shall inform the State Workforce Investment Board or equivalent agency, and other public or private agencies, institutions, employers, and labor organizations, as appropriate, of each certification issued under section 231 and of projections, if available, of the need for training under section 240 as a result of that certification.

"(d) SCOPE OF CERTIFICATION.—

"(1) IN GENERAL.—A certification issued under subsection (c) shall cover adversely affected workers in any group that meets the requirements of subsection (a), whose total or partial separation occurred on or after the date on which the petition was filed under subsection (b).

"(2) WORKERS SEPARATED PRIOR TO CERTIFICATION.—A certification issued under subsection (c) shall cover adversely affected workers whose total or partial separation occurred not more than 1 year prior to the date on which the petition was filed under subsection (b).

"(e) TERMINATION OF CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary determines, with respect to any certification of eligibility, that workers separated from a firm or subdivision covered by a certification of eligibility are no longer adversely affected workers, the Secretary shall terminate the certification.

"(2) PUBLICATION OF TERMINATION.—The Secretary shall promptly publish notice of any termination made under paragraph (1) in the Federal Register together with the reasons for making that determination.

"(3) APPLICATION.—Any determination made under paragraph (1) shall apply only to total or partial separations occurring after the termination date specified by the Secretary.

"SEC. 232. BENEFIT INFORMATION TO WORKERS.

"(a) IN GENERAL.—The Secretary shall, in accordance with the provisions of section 222 or 223, as appropriate, provide prompt and full information to adversely affected workers covered by a certification issued under section 231(c), including information regarding—

"(1) benefit allowances, training, and other employment services available under this chapter;

"(2) petition and application procedures under this chapter;

"(3) appropriate filing dates for the allowances, training, and services available under this chapter; and

"(4) procedures for applying for and receiving all other Federal benefits and services available to separated workers during a period of unemployment.

"(b) ASSISTANCE TO GROUPS OF WORKERS.—

"(1) IN GENERAL.—The Secretary shall provide any necessary assistance to enable groups of workers to prepare petitions or applications for program benefits.

"(2) ASSISTANCE FROM STATES.—The Secretary shall ensure that cooperating States fully comply with the agreements entered into under section 222 and shall periodically review that compliance.

"(c) NOTICE.—

"(1) IN GENERAL.—Not later than 15 days after a certification is issued under section 231 (or as soon as practicable after separation), the Secretary shall provide written notice of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by the certification.

"(2) PUBLICATION OF NOTICE.—The Secretary shall publish notice of the benefits available under this chapter to workers covered by each certification made under section 231 in newspapers of general circulation in the areas in which those workers reside.

"(3) NOTICE TO OTHER PARTIES AFFECTED BY THESE PROVISIONS REGARDING HEALTH ASSISTANCE.—The Secretary shall notify each provider of health insurance within the meaning of section 7527 of the Internal Revenue Code of 1986 of the availability of health care coverage assistance under title VI of the Trade

Adjustment Assistance Reform Act of 2002 and of the temporary extension of the election period for COBRA continuation coverage for certain workers under section 603 of that Act.

"Subchapter C—Program Benefits

"PART I—GENERAL PROVISIONS

"SEC. 234. COMPREHENSIVE ASSISTANCE.

"Workers covered by a certification issued by the Secretary under section 231 shall be eligible for the following:

"(1) Trade adjustment allowances as described in sections 235 through 238.

"(2) Employment services as described in section 239.

"(3) Training as described in section 240.

"(4) Job search allowances as described in section 241.

"(5) Relocation allowances as described in section 242.

"(6) Supportive services and wage insurance as described in section 243.

"(7) Health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002.

"PART II—TRADE ADJUSTMENT ALLOWANCES

"SEC. 235. QUALIFYING REQUIREMENTS FOR WORKERS.

"(a) In General.—Payment of a trade adjustment allowance shall be made to an adversely affected worker covered by a certification under section 231 who files an application for the allowance for any week of unemployment that begins more than 60 days after the date on which the petition that resulted in the certification was filed under section 231, if the following conditions are met:

"(1) Time of total or partial separation from employment.—The adversely affected worker's total or partial separation before the worker's application under this chapter occurred—

"(A) within the period specified in either section 231 (d) (1) or (2);

"(B) before the expiration of the 2-year period beginning on the date on which the certification under section 231 was issued; and

"(C) before the termination date (if any) determined pursuant to section 231(e).

"(2) Employment required.—

"(A) In general.—The adversely affected worker had, in the 52-week period ending with the week in which the total or partial separation occurred, at least 26 weeks of employment at wages of $30 or more a week with a single firm or subdivision of a firm.

"(B) Unavailability of data.—If data with respect to weeks of employment with a firm are not available, the worker had equivalent amounts of employment computed under regulations prescribed by the Secretary.

"(C) Week of employment.—For the purposes of this paragraph any week shall be treated as a week of employment at wages of $30 or more, if an adversely affected worker—

"(i) is on employer-authorized leave for purposes of vacation, sickness, injury, or maternity, or inactive duty training or active duty for training in the Armed Forces of the United States;

"(ii) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States;

"(iii) had employment interrupted in order to serve as a full-time representative of a labor organization in that firm or subdivision; or

"(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided that active duty is 'Federal service' as defined in section 8521(a)(1) of title 5, United States Code.

"(D) Exceptions.—

"(i) In the case of weeks described in clause (i) or (iii) of subparagraph (C), or both, not more than 7 weeks may be treated as weeks of employment under subparagraph (C).

"(ii) In the case of weeks described in clause (ii) or (iv) of subparagraph (C), not more than 26 weeks may be treated as weeks of employment under subparagraph (C).

"(3) Unemployment compensation.—The adversely affected worker meets all of the following requirements:

"(A) Entitlement to unemployment insurance.—The worker was entitled to (or would be entitled to if the worker applied for) unemployment insurance for a week within the benefit period—

"(i) in which total or partial separation took place; or

"(ii) which began (or would have begun) by reason of the filing of a claim for unemployment insurance by the worker after total or partial separation.

"(B) Exhaustion of unemployment insurance.—The worker has exhausted all rights to any regular State unemployment insurance to which the worker was entitled (or would be entitled if the worker had applied for any regular State unemployment insurance).

"(C) No unexpired waiting period.—The worker does not have an unexpired waiting period applicable to the worker for any unemployment insurance.

"(4) Extended unemployment compensation.—The adversely affected worker, with respect to a week of unemployment, would not be disqualified for extended compensation payable under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) by reason of the work acceptance and job search requirements in section 202(a)(3) of that Act.

"(5) Training.—The adversely affected worker is enrolled in a training program approved by the Secretary under section 240(a), and the enrollment occurred not later than the latest of the periods described in subparagraph (A), (B), or (C).

"(A) 16 weeks.—The worker enrolled not later than the last day of the 16th week after the worker's most recent total separation that meets the requirements of paragraphs (1) and (2).

"(B) 8 weeks.—The worker enrolled not later than the last day of the 8th week after the week in which the Secretary issues a certification covering the worker.

"(C) Extenuating circumstances.—Notwithstanding subparagraphs (A) and (B), the adversely affected worker is eligible for trade adjustment assistance if the worker enrolled not later than 45 days after the later of the dates specified in subparagraph (A) or (B), and the Secretary determines there are extenuating circumstances that justify an extension in the enrollment period.

"(b) Failure To Participate in Training.—

"(1) In general.—Until the adversely affected worker begins or resumes participation in a training program approved under section 240(a), no trade adjustment allowance may be paid under subsection (a) to an adversely affected worker for any week or any succeeding week in which—

"(A) the Secretary determines that—

"(i) the adversely affected worker—

"(I) has failed to begin participation in a training program the enrollment in which meets the requirement of subsection (a)(5); or

"(II) has ceased to participate in such a training program before completing the training program; and

"(ii) there is no justifiable cause for the failure or cessation; or

"(B) the waiver issued to that worker under subsection (c)(1) is revoked under subsection (c)(2).

"(2) Exception.—The provisions of subsection (a)(5) and paragraph (1) shall not apply with respect to any week of unemployment that begins before the first week following the week in which the certification is issued under section 231.

"(c) Waivers of Training Requirements.—

"(1) Issuance of waivers.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a) if the Secretary determines that the training requirement is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

"(A) Recall.—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

"(B) Marketable skills.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.

"(C) Retirement.—The worker is within 2 years of meeting all requirements for entitlement to either—

"(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefore); or

"(ii) a private pension sponsored by an employer or labor organization.

"(D) Health.—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

"(E) Enrollment unavailable.—The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

"(F) Training not available.—Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

"(G) Other.—The Secretary may, at his discretion, issue a waiver if the Secretary determines that a worker has set forth in writing reasons other than those provided for in subparagraphs (A) through (F) justifying the grant of such waiver.

"(2) Duration of waivers.—

"(A) In general.—A waiver issued under paragraph (1) shall be effective for not more than 6 months after the date on which the waiver is issued, unless the Secretary determines otherwise.

"(B) REVOCATION.—The Secretary shall revoke a waiver issued under paragraph (1) if the Secretary determines that the basis of a waiver is no longer applicable to the worker.

"(3) AMENDMENTS UNDER SECTION 222.—

"(A) ISSUANCE BY COOPERATING STATES.—Pursuant to an agreement under section 222, the Secretary may authorize a cooperating State to issue waivers as described in paragraph (1).

"(B) SUBMISSION OF STATEMENTS.—An agreement under section 222 shall include a requirement that the cooperating State submit to the Secretary the written statements provided under paragraph (1) and a statement of the reasons for the waiver.

"SEC. 236. WEEKLY AMOUNTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the trade adjustment allowance payable to an adversely affected worker for a week of total unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 235(a)(3)(B)) reduced (but not below zero) by—

"(1) any training allowance deductible under subsection (c); and

"(2) any income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law.

"(b) ADJUSTMENT FOR WORKERS RECEIVING TRAINING.—

"(1) IN GENERAL.—Any adversely affected worker who is entitled to a trade adjustment allowance and who is receiving training approved by the Secretary, shall receive for each week in which the worker is undergoing that training, a trade adjustment allowance in an amount (computed for such week) equal to the greater of—

"(A) the amount computed under subsection (a); or

"(B) the amount of any weekly allowance for that training to which the worker would be entitled under any other Federal law for the training of workers, if the worker applied for that allowance.

"(2) ALLOWANCE PAID IN LIEU OF.—Any trade adjustment allowance calculated under paragraph (1) shall be paid in lieu of any training allowance to which the worker would be entitled under any other Federal law.

"(3) COORDINATION WITH UNEMPLOYMENT INSURANCE.—Any week in which a worker undergoing training approved by the Secretary receives payments from unemployment insurance shall be subtracted from the total number of weeks for which a worker may receive trade adjustment allowance under this chapter.

"(c) ADJUSTMENT FOR WORKERS RECEIVING ALLOWANCES UNDER OTHER FEDERAL LAW.—

"(1) REDUCTION IN WEEKS FOR WHICH ALLOWANCE WILL BE PAID.—If a training allowance under any Federal law (other than this Act) is paid to an adversely affected worker for any week of unemployment with respect to which the worker would be entitled (determined without regard to any disqualification under section 235(b)) to a trade adjustment allowance if the worker applied for that allowance, each week of unemployment shall be deducted from the total number of weeks of trade adjustment allowance otherwise payable to that worker under section 235(a) when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance.

"(2) PAYMENT OF DIFFERENCE.—If the training allowance paid to a worker for any week of unemployment is less than the amount of the trade adjustment allowance to which the worker would be entitled if the worker applied for the trade adjustment allowance, the worker shall receive, when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance, a trade adjustment allowance for that week equal to the difference between the training allowance and the trade adjustment allowance computed under subsection (b).

"SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOWANCES.

"(a) AMOUNT PAYABLE.—The maximum amount of trade adjustment allowance payable to an adversely affected worker, with respect to the period covered by any certification, shall be the amount that is the product of 104 multiplied by the trade adjustment allowance payable to the worker for a week of total unemployment (as determined under section 236) reduced by the total sum of the regular State unemployment insurance to which the worker was entitled (or would have been entitled if the worker had applied for unemployment insurance) in the worker's first benefit period described in section 235(a)(3)(A).

"(b) DURATION OF PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a trade adjustment allowance shall not be paid for any week occurring after the close of the 104-week period that begins with the first week following the week in which the adversely affected worker was most recently totally separated—

"(A) within the period that is described in section 235(a)(1); and

"(B) with respect to which the worker meets the requirements of section 235(a)(2).

"(2) SPECIAL RULES.—

"(A) BREAK IN TRAINING.—For purposes of this chapter, a worker shall be treated as participating in a training program approved by the Secretary under section 240(a) during any week that is part of a break in a training that does not exceed 30 days if—

"(i) the worker was participating in a training program approved under section 240(a) before the beginning of the break in training; and

"(ii) the break is provided under the training program.

"(B) ON-THE-JOB TRAINING.—No trade adjustment allowance shall be paid to a worker under this chapter for any week during which the worker is receiving on-the-job training, except that a trade adjustment allowance shall be paid if a worker is enrolled in a non-paid customized training program.

"(C) SMALL BUSINESS ADMINISTRATION PILOT PROGRAM.—An adversely affected worker who is participating in a self-employment training program established by the Director of the Small Business Administration pursuant to section 102 of the Trade Adjustment Assistance Reform Act of 2002, shall not be ineligible to receive benefits under this chapter.

"(c) ADJUSTMENT OF AMOUNTS PAYABLE.—Amounts payable to an adversely affected worker under this chapter shall be subject to adjustment on a week-to-week basis as may be required by section 236.

"(d) YEAR-END ADJUSTMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law, if the benefit year of a worker ends within an extended benefit period, the number of weeks of extended benefits that the worker would, but for this subsection, be entitled to in that extended benefit period shall not be reduced by the number of weeks for which the worker was entitled, during that benefit year, to trade adjustment allowances under this part.

"(2) EXTENDED BENEFITS PERIOD.—For the purpose of this section the term 'extended benefit period' has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"SEC. 238. APPLICATION OF STATE LAWS.

"(a) IN GENERAL.—Except where inconsistent with the provisions of this chapter and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law under which an adversely affected worker is entitled to unemployment insurance (whether or not the worker has filed a claim for such insurance), or, if the worker is not so entitled to unemployment insurance, of the State in which the worker was totally or partially separated, shall apply to a worker that files an application for trade adjustment assistance.

"(b) DURATION OF APPLICABILITY.—The State law determined to be applicable with respect to a separation of an adversely affected worker shall remain applicable for purposes of subsection (a), with respect to a separation until the worker becomes entitled to unemployment insurance under another State law (whether or not the worker has filed a claim for that insurance).

"PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

"SEC. 239. EMPLOYMENT SERVICES.

"The Secretary shall, in accordance with section 222 or 223, as applicable, make every reasonable effort to secure for adversely affected workers covered by a certification under section 231, counseling, testing, placement, and other services provided for under any other Federal law.

"SEC. 240. TRAINING.

"(a) APPROVED TRAINING PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall approve training programs that include—

"(A) on-the-job training or customized training;

"(B) any employment or training activity provided through a one-stop delivery system under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.);

"(C) any program of adult education;

"(D) any training program (other than a training program described in paragraph (3)) for which all, or any portion, of the costs of training the worker are paid—

"(i) under any Federal or State program other than this chapter; or

"(ii) from any source other than this section; and

"(E) any other training program that the Secretary determines is acceptable to meet the needs of an adversely affected worker.

In making the determination under subparagraph (E), the Secretary shall consult with interested parties.

"(2) TRAINING AGREEMENTS.—Before approving any training to which subsection (f)(1)(C) may apply, the Secretary may require that the adversely affected worker enter into an agreement with the Secretary under which the Secretary will not be required to pay under subsection (b) the portion of the costs of the training that the worker has reason to believe will be paid under the program, or by the source, described in clause (i) or (ii) of subsection (f)(1)(C).

"(3) LIMITATION ON APPROVALS.—The Secretary shall not approve a training program if all of the following apply:

"(A) PAYMENT BY PLAN.—Any portion of the costs of the training program are paid under any nongovernmental plan or program.

"(B) RIGHT TO OBTAIN.—The adversely affected worker has a right to obtain training or funds for training under that plan or program.

"(C) REIMBURSEMENT.—The plan or program requires the worker to reimburse the plan or program from funds provided under this chapter, or from wages paid under the training program, for any portion of the costs of that training program paid under the plan or program.

"(b) PAYMENT OF TRAINING COSTS.—

"(1) IN GENERAL.—Upon approval of a training program under subsection (a), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 231 may be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 231, made on behalf of the worker by the Secretary directly or through a voucher system.

"(2) ON-THE-JOB TRAINING AND CUSTOMIZED TRAINING.—

"(A) PROVISION OF TRAINING ON THE JOB OR CUSTOMIZED TRAINING.—If the Secretary approves training under subsection (a), the Secretary shall, insofar as possible, provide or assure the provision of that training on the job or customized training, and any training on the job or customized training that is approved by the Secretary under subsection (a) shall include related education necessary for the acquisition of skills needed for a position within a particular occupation.

"(B) MONTHLY INSTALLMENTS.—If the Secretary approves payment of any on-the-job training or customized training under subsection (a), the Secretary shall pay the costs of that training in equal monthly installments.

"(C) LIMITATIONS.—The Secretary may pay the costs of on-the-job training or customized training only if—

"(i) no employed worker is displaced by the adversely affected worker (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits);

"(ii) the training does not impair contracts for services or collective bargaining agreements;

"(iii) in the case of training that would affect a collective bargaining agreement, the written concurrence of the labor organization concerned has been obtained;

"(iv) no other individual is on layoff from the same, or any substantially equivalent, job for which the adversely affected worker is being trained;

"(v) the employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created by hiring the adversely affected worker;

"(vi) the job for which the adversely affected worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of employed individuals;

"(vii) the training is not for the same occupation from which the worker was separated and with respect to which the worker's group was certified pursuant to section 231;

"(viii) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training;

"(ix) the employer has not received payment under subsection (b)(1) with respect to any other on-the-job training provided by the employer or customized training that failed to meet the requirements of clauses (i) through (vi); and

"(x) the employer has not taken, at any time, any action that violated the terms of any certification described in clause (viii) made by that employer with respect to any other on-the-job training provided by the employer or customized training for which the Secretary has made a payment under paragraph (1).

"(c) CERTAIN WORKERS ELIGIBLE FOR TRAINING BENEFITS.—An adversely affected worker covered by a certification issued under section 231, who is not qualified to receive a trade adjustment allowance under section 235, may be eligible to have payment of the costs of training made under this section, if the worker enters a training program approved by the Secretary not later than 6 months after the date on which the certification that covers the worker is issued or the Secretary determines that one of the following applied:

"(1) Funding was not available at the time at which the adversely affected worker was required to enter training under paragraph (1).

"(2) The adversely affected worker was covered by a waiver issued under section 235(c).

"(d) EXHAUSTION OF UNEMPLOYMENT INSURANCE NOT REQUIRED.—The Secretary may approve training, and pay the costs thereof, for any adversely affected worker who is a member of a group certified under section 231 at any time after the date on which the group is certified, without regard to whether the worker has exhausted all rights to any unemployment insurance to which the worker is entitled.

"(e) SUPPLEMENTAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), when training is provided under a training program approved by the Secretary under subsection (a) in facilities that are not within commuting distance of a worker's regular place of residence, the Secretary may authorize supplemental assistance to defray reasonable transportation and subsistence expenses for separate maintenance.

"(2) TRANSPORTATION EXPENSES.—The Secretary may not authorize payments for travel expenses exceeding the prevailing mileage rate authorized under the Federal travel regulations.

"(3) SUBSISTENCE EXPENSES.—The Secretary may not authorize payments for subsistence that exceed the lesser of—

"(A) the actual per diem expenses for subsistence of the worker; or

"(B) an amount equal to 50 percent of the prevailing per diem allowance rate authorized under Federal travel regulations.

"(f) SPECIAL PROVISIONS; LIMITATIONS.—

"(1) LIMITATION ON MAKING PAYMENTS.—

"(A) DISALLOWANCE OF OTHER PAYMENT.—If the costs of training an adversely affected worker are paid by the Secretary under subsection (b), no other payment for those training costs may be made under any other provision of Federal law.

"(B) NO PAYMENT OF REIMBURSABLE COSTS.—No payment for the costs of approved training may be made under subsection (b) if those costs—

"(i) have already been paid under any other provision of Federal law; or

"(ii) are reimbursable under any other provision of Federal law and a portion of those costs has already been paid under that other provision of Federal law.

"(C) NO PAYMENT OF COSTS PAID ELSEWHERE.—The Secretary is not required to pay the costs of any training approved under subsection (a) to the extent that those costs are paid under any Federal or State program other than this chapter.

"(D) EXCEPTION.—The provisions of this paragraph shall not apply to, or take into account, any funds provided under any other provision of Federal law that are used for any purpose other than the direct payment of the costs incurred in training a particular adversely affected worker, even if the use of those funds has the effect of indirectly paying for or reducing any portion of the costs involved in training the adversely affected worker.

"(2) UNEMPLOYMENT ELIGIBILITY.—A worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter because the individual is in training approved under subsection (a), because of leaving work which is not suitable employment to enter the training, or because of the application to any week in training of provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.

"(3) DEFINITION.—For purposes of this section the term 'suitable employment' means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

"(4) PAYMENTS AFTER REEMPLOYMENT.—

"(A) IN GENERAL.—In the case of an adversely affected worker who secures reemployment, the Secretary may approve and pay the costs of training (or shall continue to pay the costs of training previously approved) for that adversely affected worker, for the completion of the training program or up to 26 weeks, whichever is less, after the date the adversely affected worker becomes reemployed.

"(B) TRADE ADJUSTMENT ALLOWANCE.—An adversely affected worker who is reemployed and is undergoing training approved by the Secretary pursuant to subparagraph (A) may continue to receive a trade adjustment allowance, subject to the income offsets provided for in the worker's State unemployment compensation law in accordance with the provisions of section 237.

"(5) FUNDING.—The total amount of payments that may be made under this section for any fiscal year shall not exceed $300,000,000.

"SEC. 241. JOB SEARCH ALLOWANCES.

"(a) JOB SEARCH ALLOWANCE AUTHORIZED.—

"(1) IN GENERAL.—An adversely affected worker covered by a certification issued under section 231 may file an application with the Secretary for payment of a job search allowance.

"(2) APPROVAL OF APPLICATIONS.—The Secretary may grant an allowance pursuant to an application filed under paragraph (1) when all of the following apply:

"(A) ASSIST ADVERSELY AFFECTED WORKER.—The allowance is paid to assist an adversely affected worker who has been totally separated in securing a job within the United States.

“(B) LOCAL EMPLOYMENT NOT AVAILABLE.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) APPLICATION.—The worker has filed an application for the allowance with the Secretary before—

“(i) the later of—

“(I) the 365th day after the date of the certification under which the worker is certified as eligible; or

“(II) the 365th day after the date of the worker's last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) AMOUNT OF ALLOWANCE.—

“(1) IN GENERAL.—An allowance granted under subsection (a) shall provide reimbursement to the worker of 90 percent of the cost of necessary job search expenses as prescribed by the Secretary in regulations.

“(2) MAXIMUM ALLOWANCE.—Reimbursement under this subsection may not exceed $1,250 for any worker.

“(3) ALLOWANCE FOR SUBSISTENCE AND TRANSPORTATION.—Reimbursement under this subsection may not be made for subsistence and transportation expenses at levels exceeding those allowable under section 240(e).

“(c) EXCEPTION.—Notwithstanding subsection (b), the Secretary shall reimburse any adversely affected worker for necessary expenses incurred by the worker in participating in a job search program approved by the Secretary.

“SEC. 242. RELOCATION ALLOWANCES.

“(a) RELOCATION ALLOWANCE AUTHORIZED.—

“(1) IN GENERAL.—Any adversely affected worker covered by a certification issued under section 231 may file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this section.

“(2) CONDITIONS FOR GRANTING ALLOWANCE.—A relocation allowance may be granted if all of the following terms and conditions are met:

“(A) ASSIST AN ADVERSELY AFFECTED WORKER.—The relocation allowance will assist an adversely affected worker in relocating within the United States.

“(B) LOCAL EMPLOYMENT NOT AVAILABLE.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

“(C) TOTAL SEPARATION.—The worker is totally separated from employment at the time relocation commences.

“(D) SUITABLE EMPLOYMENT OBTAINED.—The worker—

“(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

“(ii) has obtained a bona fide offer of such employment.

“(E) APPLICATION.—The worker filed an application with the Secretary before—

“(i) the later of—

“(I) the 425th day after the date of the certification under section 231; or

“(II) the 425th day after the date of the worker's last total separation; or

“(ii) the date that is the 182d day after the date on which the worker concluded training, unless the worker received a waiver under section 235(c).

“(b) AMOUNT OF ALLOWANCE.—The relocation allowance granted to a worker under subsection (a) includes—

“(1) 90 percent of the reasonable and necessary expenses (including, but not limited to, subsistence and transportation expenses at levels not exceeding those allowable under section 240(e)) specified in regulations prescribed by the Secretary, incurred in transporting the worker, the worker's family, and household effects; and

“(2) a lump sum equivalent to 3 times the worker's average weekly wage, up to a maximum payment of $1,250.

“(c) LIMITATIONS.—A relocation allowance may not be granted to a worker unless—

“(1) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

“(2) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under section 240(a).

“SEC. 243. SUPPORTIVE SERVICES; WAGE INSURANCE.

“(a) SUPPORTIVE SERVICES.—

“(1) APPLICATION.—

“(A) IN GENERAL.—The State may, on behalf of any adversely affected worker or group of workers covered by a certification issued under section 231—

“(i) file an application with the Secretary for services under section 173 of the Workforce Investment Act of 1998 (relating to National Emergency Grants); and

“(ii) provide other services under title I of the Workforce Investment Act of 1998.

“(B) SERVICES.—The services available under this paragraph include transportation, child care, and dependent care that are necessary to enable a worker to participate in activities authorized under this chapter.

“(2) CONDITIONS.—The Secretary may approve an application filed under paragraph (1)(A)(i) and provide supportive services to an adversely affected worker only if the Secretary determines that all of the following apply:

“(A) NECESSITY.—Providing services is necessary to enable the worker to participate in or complete training.

“(B) CONSISTENT WITH WORKFORCE INVESTMENT ACT.—The services are consistent with the supportive services provided to participants under the provisions relating to dislocated worker employment and training activities set forth in chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.).

“(b) WAGE INSURANCE PROGRAM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish, and the States shall implement, a Wage Insurance Program under which a State shall use the funds provided to the State for trade adjustment allowances to pay to an adversely affected worker certified under section 231 a wage subsidy of up to 50 percent of the difference between the wages received by the adversely affected worker from reemployment and the wages received by the adversely affected worker at the time of separation for a period not to exceed 2 years.

“(2) AMOUNT OF PAYMENT.—

“(A) WAGES UNDER $40,000.—If the wages the worker receives from reemployment are less than $40,000 a year, the wage subsidy shall be 50 percent of the difference between the amount of the wages received by the worker from reemployment and the amount of the wages received by the worker at the time of separation.

“(B) WAGES BETWEEN $40,000 AND $50,000.—If the wages received by the worker from reemployment are greater than $40,000 a year but less than $50,000 a year, the wage subsidy shall be 25 percent of the difference between the amount of the wages received by the worker from reemployment and the amount of the wages received by the worker at the time of separation.

“(3) ELIGIBILITY.—An adversely affected worker may be eligible to receive a wage subsidy under this subsection if the worker—

“(A) enrolls in the Wage Insurance Program;

“(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

“(C) is at least 50 years of age;

“(D) earns not more than $50,000 a year in wages from reemployment;

“(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

“(F) does not return to the employment from which the worker was separated.

“(4) AMOUNT OF PAYMENTS.—The payments made under paragraph (1) to an adversely affected worker may not exceed $5,000 a year for each year of the 2-year period.

“(5) LIMITATION ON OTHER BENEFITS.—At the time a worker begins to receive a wage subsidy under this subsection the worker shall not be eligible to receive any benefits under this Act other than the wage subsidy unless the Secretary determines, pursuant to standards established by the Secretary, that the worker has shown circumstances that warrant eligibility for training benefits under section 240.

“(6) FUNDING.—The total amount of payments that may be made under this subsection for any fiscal year shall not exceed $50,000,000.

“(7) TERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no payments may be made under this subsection after the date that is 2 years after the date on which the program under this subsection is implemented in the State under paragraph (1).

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a worker receiving payments under this subsection on the date described in subparagraph (A) shall continue to receive such payments for as long as the worker meets the eligibility requirements of this subsection.

“(c) STUDIES OF ASSISTANCE AVAILABLE TO ECONOMICALLY DISTRESSED WORKERS.—

“(1) STUDY BY THE GENERAL ACCOUNTING OFFICE.—

“(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of all assistance provided by the Federal Government for workers facing job loss and economic distress.

“(B) REPORT.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Comptroller General shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under subparagraph (A). The report shall include a description of—

“(i) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

“(ii) eligibility requirements for each of the programs; and

“(iii) procedures for applying for and receiving benefits and services under each of the programs.

“(C) DISTRIBUTION OF GAO REPORT.—The report described in subparagraph (B) shall be distributed to all one-stop partners authorized under the Workforce Investment Act of 1998.

"(2) STUDIES BY THE STATES.—

"(A) IN GENERAL.—Each State may conduct a study of its assistance programs for workers facing job loss and economic distress.

"(B) GRANTS.—The Secretary may award to each State a grant, not to exceed $50,000, to enable the State to conduct the study described in subparagraph (A). Each study shall be undertaken in consultation with affected parties.

"(C) REPORT.—Not later than 1 year after the date of the grant, each State that receives a grant under subparagraph (B) shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the report described in subparagraph (A).

"(D) DISTRIBUTION OF STATE REPORTS.—A report prepared by a State under this paragraph shall be distributed to all the one-stop partners in the State.

"Subchapter D—Payment and Enforcement Provisions

"SEC. 244. PAYMENTS TO STATES.

"(a) IN GENERAL.—The Secretary, from time to time, shall certify to the Secretary of the Treasury for payment to each cooperating State, the sums necessary to enable that State as agent of the United States to make payments provided for by this chapter.

"(b) LIMITATION ON USE OF FUNDS.—

"(1) IN GENERAL.—All money paid to a cooperating State under this section shall be used solely for the purposes for which it is paid.

"(2) RETURN OF FUNDS NOT SO USED.—Money paid that is not used for the purpose for which it is paid under subsection (a) shall be returned to the Secretary of the Treasury at the time specified in the agreement entered into under section 222.

"(c) SURETY BOND.—Any agreement under section 222 may require any officer or employee of the cooperating State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in an amount the Secretary deems necessary, and may provide for the payment of the cost of that bond from funds for carrying out the purposes of this chapter.

"SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING OFFICERS.

"(a) LIABILITY OF CERTIFYING OFFICIALS.—No person designated by the Secretary, or designated pursuant to an agreement entered into under section 222, as a certifying officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment certified by that person under this chapter.

"(b) LIABILITY OF DISBURSING OFFICERS.—No disbursing officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment by that officer under this chapter if the payment was based on a voucher signed by a certifying officer designated according to subsection (a).

"SEC. 246. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) IN GENERAL.—

"(1) OVERPAYMENT.—If a cooperating State, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter to which the person was not entitled, including a payment referred to in subsection (b), that person shall be liable to repay that amount to the cooperating State or the Secretary, as the case may be.

"(2) EXCEPTION.—The cooperating State or the Secretary may waive repayment if the cooperating State or the Secretary determines, in accordance with guidelines prescribed by the Secretary, that all of the following apply:

"(A) NO FAULT.—The payment was made without fault on the part of the person.

"(B) REPAYMENT CONTRARY TO EQUITY.—Requiring repayment would be contrary to equity and good conscience.

"(3) PROCEDURE FOR RECOVERY.—

"(A) RECOVERY FROM OTHER ALLOWANCES AUTHORIZED.—Unless an overpayment is otherwise recovered or waived under paragraph (2), the cooperating State or the Secretary shall recover the overpayment by deductions from any sums payable to that person under this chapter, under any Federal unemployment compensation law administered by the cooperating State or the Secretary, or under any other Federal law administered by the cooperating State or the Secretary that provides for the payment of assistance or an allowance with respect to unemployment.

"(B) RECOVERY FROM STATE ALLOWANCES AUTHORIZED.—Notwithstanding any other provision of Federal or State law, the Secretary may require a cooperating State to recover any overpayment under this chapter by deduction from any unemployment insurance payable to that person under State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

"(b) INELIGIBILITY FOR FURTHER PAYMENTS.—Any person, in addition to any other penalty provided by law, shall be ineligible for any further payments under this chapter if a cooperating State, the Secretary, or a court of competent jurisdiction determines that one of the following applies:

"(1) FALSE STATEMENT.—The person knowingly made, or caused another to make, a false statement or representation of a material fact, and as a result of the false statement or representation, the person received any payment under this chapter to which the person was not entitled.

"(2) FAILURE TO DISCLOSE.—The person knowingly failed, or caused another to fail, to disclose a material fact, and as a result of the nondisclosure, the person received any payment under this chapter to which the person was not entitled.

"(c) HEARING.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a) by the cooperating State or the Secretary, as the case may be, has been made, notice of the determination and an opportunity for a fair hearing has been given to the person concerned, and the determination has become final.

"(d) RECOVERED FUNDS.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"SEC. 247. CRIMINAL PENALTIES.

"Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for that person or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 222 shall be fined not more than $10,000, imprisoned for not more than 1 year, or both.

"SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Labor, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter, including such additional sums for administrative expenses as may be necessary for the department to meet the increased workload created by the Trade Adjustment Assistance Reform Act of 2002, provided that funding provided for training services shall not be used for expenses of administering the trade adjustment assistance for workers program. Amounts appropriated under this section shall remain available until expended.

"SEC. 249. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

"SEC. 250. SUBPOENA POWER.

"(a) IN GENERAL.—The Secretary may require by subpoena the attendance of witnesses and the production of evidence necessary to make a determination under the provisions of this chapter.

"(b) COURT ORDER.—If a person refuses to obey a subpoena issued under subsection (a), a competent United States district court, upon petition by the Secretary, may issue an order requiring compliance with such subpoena.".

SEC. 112. DISPLACED WORKER SELF-EMPLOYMENT TRAINING PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the "Administrator") shall establish a self-employment training program (in this section referred to as the "Program") for adversely affected workers (as defined in chapter 2 of title II of the Trade Act of 1974), to be administered by the Small Business Administration.

(b) ELIGIBILITY FOR ASSISTANCE.—If an adversely affected worker seeks or receives assistance through the Program, such action shall not affect the eligibility of that worker to receive benefits under chapter 2 of title II of the Trade Act of 1974.

(c) TRAINING ASSISTANCE.—The Program shall include, at a minimum, training in—

(1) pre-business startup planning;

(2) awareness of basic credit practices and credit requirements; and

(3) developing business plans, financial packages, and credit applications.

(d) OUTREACH.—The Program should include outreach to adversely affected workers and counseling and lending partners of the Small Business Administration.

(e) REPORTS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator shall submit quarterly reports to the Committee on Finance and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Ways and Means and the Committee on Small Business of the House of Representatives regarding the implementation of the Program, including Program delivery, staffing, and administrative expenses related to such implementation.

(f) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out the Program.

(g) EFFECTIVE DATE.—The Program shall terminate 3 years after the date of final publication of guidelines under subsection (f).

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 201. REAUTHORIZATION OF PROGRAM.

(a) IN GENERAL.—Section 256(b) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended to read as follows:

“(b) There are authorized to be appropriated to the Secretary $16,000,000 for each of fiscal years 2002 through 2007, to carry out the Secretary’s functions under this chapter in connection with furnishing adjustment assistance to firms. Amounts appropriated under this subsection shall remain available until expended.”.

(b) ELIGIBILITY CRITERIA.—Section 251(c) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

“(A)(i)(I) sales or production, or both, of the firm have decreased absolutely, or

“(II) sales or production, or both, of an article that accounted for not less than 25 percent of the total production or sales of the firm during the 12-month period for which data are available have decreased absolutely; and

“(ii) increases in the value or volume of imports of articles like or directly competitive with articles which are produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production; or

“(B) a shift in production by the workers’ firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision contributed importantly to the workers’ separation or threat of separation.”; and

(2) in paragraph (2), by striking “paragraph (1)(C)” and inserting “paragraph (1)”.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 301. PURPOSE.

The purpose of this title is to assist communities with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

“CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

“SEC. 271. DEFINITIONS.

“In this chapter:

“(1) CIVILIAN LABOR FORCE.—The term ‘civilian labor force’ has the meaning given that term in regulations prescribed by the Secretary of Labor.

“(2) COMMUNITY.—The term ‘community’ means a county or equivalent political subdivision of a State.

“(A) RURAL COMMUNITY.—The term ‘rural community’ means a community that has a rural-urban continuum code of 4 through 9.

“(B) URBAN COMMUNITY.—The term ‘urban community’ means a community that has a rural-urban continuum code of 0 through 3.

“(3) COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.—The term ‘Community Economic Development Coordinating Committee’ means a community group established under section 274 that consists of major groups significantly affected by an increase in imports or a shift in production, including local, regional, tribal, and State governments, regional councils of governments and economic development, and business, labor, education, health, religious, and other community-based organizations.

“(4) DIRECTOR.—The term ‘Director’ means the Director of the Office of Community Trade Adjustment.

“(5) ELIGIBLE COMMUNITY.—The term ‘eligible community’ means a community certified under section 273 as eligible for assistance under this chapter.

“(6) JOB LOSS.—The term ‘job loss’ means the total or partial separation of an individual, as those terms are defined in section 221.

“(7) OFFICE.—The term ‘Office’ means the Office of Community Trade Adjustment established under section 272.

“(8) RURAL-URBAN CONTINUUM CODE.—The term ‘rural-urban continuum code’ means a code assigned to a community according to the rural-urban continuum code system, as defined by the Economic Research Service of the Department of Agriculture.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

“SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.

“(a) ESTABLISHMENT.—Within 6 months of the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, there shall be established in the Office of Economic Adjustment of the Economic Development Administration of the Department of Commerce an Office of Community Trade Adjustment.

“(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities described in this chapter.

“(c) COORDINATION OF FEDERAL RESPONSE.—The Office shall—

“(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

“(2) establish an easily accessible, one-stop clearinghouse for States and eligible communities to obtain information regarding economic development assistance available under Federal law;

“(3) coordinate the Federal response to an eligible community—

“(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

“(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

“(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning community economic adjustment;

“(D) by identifying and strengthening existing agency mechanisms designed to assist communities in economic adjustment and workforce reemployment;

“(E) by applying consistent policies, practices, and procedures in the administration of Federal programs that are used to assist communities adversely impacted by an increase in imports or a shift in production;

“(F) by creating, maintaining, and using a uniform economic database to analyze community adjustment activities; and

“(G) by assigning a community economic adjustment advisor to work with each eligible community;

“(4) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

“(A) identify serious economic problems in the community that result from an increase in imports or shift in production;

“(B) integrate the major groups and organizations significantly affected by the economic adjustment;

“(C) organize a Community Economic Development Coordinating Committee;

“(D) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

“(E) diversify and strengthen the community economy; and

“(F) develop a community-based strategic plan to address workforce dislocation and economic development;

“(5) establish specific criteria for submission and evaluation of a strategic plan submitted under section 276(d);

“(6) administer the grant programs established under sections 276 and 277; and

“(7) establish an interagency Trade Adjustment Assistance Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, the Office of the United States Trade Representative, and the National Economic Council.

“(d) WORKING GROUP.—The working group established under subsection (c)(7) shall examine other options for addressing trade impacts on communities, such as:

“(1) Seeking legislative language directing the Foreign Trade Zone (‘FTZ’) Board to expedite consideration of FTZ applications from communities or businesses that have been found eligible for trade adjustment assistance.

“(2) Seeking legislative language to make new markets tax credits available in communities impacted by trade.

“(3) Seeking legislative language to make work opportunity tax credits available for hiring unemployed workers who are certified eligible for trade adjustment assistance.

“(4) Examining ways to assist trade impacted rural communities and industries take advantage of the Department of Agriculture’s rural development program.

“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELIGIBLE COMMUNITY.

“(a) NOTIFICATION.—The Secretary of Labor, not later than 15 days after making a determination that a group of workers is eligible for trade adjustment assistance under section 231, shall notify the Governor of the State in which the community in which the worker’s firm is located and the Director, of the Secretary’s determination.

“(b) CERTIFICATION.—Not later than 30 days after notification by the Secretary of Labor described in subsection (a), the Director shall certify as eligible for assistance under this chapter a community in which both of the following conditions applies:

“(1) NUMBER OF JOB LOSSES.—The Director finds that—

“(A) in an urban community, at least 500 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available; or

“(B) in a rural community, at least 300 workers have been certified for assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available.

“(2) PERCENT OF WORKFORCE UNEMPLOYED.—The Director finds that the unemployment rate for the community is at least 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available.

“(c) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Not later than 15 days after the Director certifies a community as eligible under subsection (b), the Director shall notify the community—

“(1) of its determination under subsection (b);

“(2) of the provisions of this chapter;

“(3) how to access the clearinghouse established under section 272(c)(2); and

“(4) how to obtain technical assistance provided under section 272(c)(4).

“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.

“(a) ESTABLISHMENT.—In order to apply for and receive benefits under this chapter, an eligible community shall establish a Community Economic Development Coordinating Committee certified by the Director as meeting the requirements of subsection (b)(1).

“(b) COMPOSITION OF THE COMMITTEE.—

“(1) LOCAL PARTICIPATION.—The Community Economic Development Coordinating Committee established by an eligible community under subsection (a) shall include representatives of those groups significantly affected by economic dislocation, such as local, regional, tribal, and State governments, regional councils of governments and economic development, business, labor, education, health organizations, religious, and other community-based groups providing assistance to workers, their families, and communities.

“(2) FEDERAL PARTICIPATION.—Pursuant to section 275(b)(3), the community economic adjustment advisor, assigned by the Director to assist an eligible community, shall serve as an ex officio member of the Community Economic Development Coordinating Committee, and shall arrange for participation by representatives of other Federal agencies on that Committee as necessary.

“(3) EXISTING ORGANIZATION.—An eligible community may designate an existing organization in that community as the Community Economic Development Coordinating Committee if that organization meets the requirements of paragraph (1) for the purposes of this chapter.

“(c) DUTIES.—The Community Economic Development Coordinating Committee shall—

“(1) ascertain the severity of the community economic adjustment required as a result of the increase in imports or shift in production;

“(2) assess the capacity of the community to respond to the required economic adjustment and the needs of the community as it undertakes economic adjustment, taking into consideration such factors as the number of jobs lost, the size of the community, the diversity of industries, the skills of the labor force, the condition of the current labor market, the availability of financial resources, the quality and availability of educational facilities, the adequacy and availability of public services, and the existence of a basic and advanced infrastructure in the community;

“(3) facilitate a dialogue between concerned interests in the community, represent the impacted community, and ensure all interests in the community work collaboratively toward collective goals without duplication of effort or resources;

“(4) oversee the development of a strategic plan for community economic development, taking into consideration the factors mentioned under paragraph (2), and consistent with the criteria established by the Secretary for the strategic plan developed under section 276;

“(5) create an executive council of members of the Community Economic Development Coordinating Committee to promote the strategic plan within the community and ensure coordination and cooperation among all stakeholders; and

“(6) apply for any grant, loan, or loan guarantee available under Federal law to develop or implement the strategic plan, and be an eligible recipient for funding for economic adjustment for that community.

“SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVISORS.

“(a) IN GENERAL.—Pursuant to section 272(c)(3)(G), the Director shall assign a community economic adjustment advisor to each eligible community.

“(b) DUTIES.—The community economic adjustment advisor shall—

“(1) provide technical assistance to the eligible community, assist in the development and implementation of a strategic plan, including applying for any grant available under this or any other Federal law to develop or implement that plan;

“(2) at the local and regional level, coordinate the response of all Federal agencies offering assistance to the eligible community;

“(3) serve as an ex officio member of the Community Economic Development Coordinating Committee established by an eligible community under section 274;

“(4) act as liaison between the Community Economic Development Coordinating Committee established by the eligible community and all other Federal agencies that offer assistance to eligible communities, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the National Economic Council, and other offices or agencies of the Department of Commerce;

“(5) report regularly to the Director regarding the progress of development activities in the community to which the community economic adjustment advisor is assigned; and

“(6) perform other duties as directed by the Secretary or the Director.

“SEC. 276. STRATEGIC PLANS.

“(a) IN GENERAL.—With the assistance of the community economic adjustment advisor, an eligible community may develop a strategic plan for community economic adjustment and diversification.

“(b) REQUIREMENTS FOR STRATEGIC PLAN.—A strategic plan shall contain, at a minimum, the following:

“(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used, the anticipated management structure of the Community Economic Development Coordinating Committee, and the commitment of the community to the strategic plan over the long term.

“(2) A description of, and a plan to accomplish, the projects to be undertaken by the eligible community.

“(3) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

“(4) A description of any alternative development plans that were considered, particularly less costly alternatives, and why those plans were rejected in favor of the proposed plan.

“(5) A description of any additional steps the eligible community will take to achieve economic adjustment and diversification, including how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

“(6) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

“(7) A description of the occupational and workforce conditions in the eligible community, including but not limited to existing levels of workforce skills and competencies, and educational programs available for workforce training and future employment needs.

“(8) A description of how the plan will adapt to changing markets, business cycles, and other variables.

“(9) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

“(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

“(1) IN GENERAL.—The Director, upon receipt of an application from a Community Economic Development Coordinating Committee on behalf of an eligible community, shall award a grant to that community to be used to develop the strategic plan.

“(2) AMOUNT.—The amount of a grant made under paragraph (1) shall be determined by the Secretary, but may not exceed $50,000 to each community.

“(3) LIMIT.—Each community can only receive 1 grant under this subsection for the purpose of developing a strategic plan in any 5-year period.

“(d) SUBMISSION OF PLAN.—A strategic plan developed under subsection (a) shall be submitted to the Director for evaluation and approval.

“SEC. 277. GRANTS FOR ECONOMIC DEVELOPMENT.

“The Director, upon receipt of an application from the Community Economic Development Coordinating Committee on behalf of an eligible community, may award a grant to that community to carry out any project or program included in the strategic plan approved under section 276(d) that—

“(1) will be located in, or will create or preserve high-wage jobs, in that eligible community; and

“(2) implements the strategy of that eligible community to create high-wage jobs in sectors that are expected to expand, including projects that—

“(A) encourage industries to locate in that eligible community, if such funds are not used to encourage the relocation of any employer in a manner that causes the dislocation of employees of that employer at another facility in the United States;

“(B) leverage resources to create or improve Internet or telecommunications capabilities to make the community more attractive for business;

“(C) establish a funding pool for job creation through entrepreneurial activities;

“(D) assist existing firms in that community to restructure or retool to become more competitive in world markets and prevent job loss; or

"(E) assist the community in acquiring the resources and providing the level of public services necessary to meet the objectives set out in the strategic plan.

"SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce, for the period beginning October 1, 2001, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter.

"SEC. 279. GENERAL PROVISIONS.

"(a) Report by the Director.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, and annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding the programs established under this title.

"(b) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter.

"(c) Supplement Not Supplant.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.".

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 401. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) In General.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

"SEC. 291. DEFINITIONS.

"In this chapter:

"(1) Agricultural commodity.—The term 'agricultural commodity' means any agricultural commodity (including livestock), except fish as defined in section 299(1) of this Act, in its raw or natural state.

"(2) Agricultural commodity producer.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)). The term does not include any person described in section 299(2) of this Act.

"(3) Contributed importantly.—

"(A) In general.—The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) Determination of contributed importantly.—The determination of whether imports of articles like or directly competitive with an agricultural commodity with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the agricultural commodity shall be made by the Secretary.

"(4) Duly authorized representative.—The term 'duly authorized representative' means an association of agricultural commodity producers.

"(5) National average price.—The term 'national average price' means the national average price paid to an agricultural commodity producer for an agricultural commodity in a marketing year as determined by the Secretary.

"(6) Secretary.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 292. PETITIONS; GROUP ELIGIBILITY.

"(a) In General.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of agricultural commodity producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

"(b) Hearings.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

"(c) Group Eligibility Requirements.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

"(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and

"(2) that increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price described in paragraph (1).

"(d) Special Rule for Qualified Subsequent Years.—A group of agricultural commodity producers certified as eligible under section 293 shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

"(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

"(2) the requirements of subsection (c)(2) are met.

"(e) Determination of Qualified Year and Commodity.—In this chapter:

"(1) Qualified year.—The term 'qualified year', with respect to a group of agricultural commodity producers certified as eligible under section 293, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

"(2) Classes of goods within a commodity.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 296.

"SEC. 293. DETERMINATIONS BY SECRETARY OF AGRICULTURE.

"(a) In General.—As soon as practicable after the date on which a petition is filed under section 292, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 292 (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering agricultural commodity producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

"(b) Notice.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

"(c) Termination of Certification.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the agricultural commodity covered by the certification is no longer attributable to the conditions described in section 292, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

"SEC. 294. STUDY BY SECRETARY OF AGRICULTURE WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

"(a) In General.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

"(1) the number of agricultural commodity producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

"(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

"(b) Report.—Not later than 15 days after the day on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study described in subsection (a). Upon making the report to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of the report published in the Federal Register.

"SEC. 295. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

"(a) In General.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

"(b) Notice of Benefits.—

"(1) In general.—The Secretary shall mail written notice of the benefits available under this chapter to each agricultural commodity producer that the Secretary has reason to believe is covered by a certification made under this chapter.

"(2) Other notice.—The Secretary shall publish notice of the benefits available under this chapter to agricultural commodity producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

“(3) OTHER FEDERAL ASSISTANCE.—The Secretary shall also provide information concerning procedures for applying for and receiving all other Federal assistance and services available to workers facing economic distress.

“SEC. 296. QUALIFYING REQUIREMENTS FOR AGRICULTURAL COMMODITY PRODUCERS.

“(a) IN GENERAL.—

“(1) REQUIREMENTS.—Payment of a trade adjustment allowance shall be made to an adversely affected agricultural commodity producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the following conditions are met:

“(A) The producer submits to the Secretary sufficient information to establish the amount of agricultural commodity covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

“(B) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

“(C) The producer's net farm income (as determined by the Secretary) for the most recent year is less than the producer's net farm income for the latest year in which no adjustment assistance was received by the producer under this chapter.

“(D) The producer certifies that the producer has met with an Extension Service employee or agent to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected agricultural commodity, including—

“(i) information regarding the feasibility and desirability of substituting 1 or more alternative commodities for the adversely affected agricultural commodity; and

“(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected agricultural commodity by the producer, including yield and marketing improvements.

“(2) LIMITATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income of the producer exceeds $2,500,000.

“(B) CERTIFICATION.—To comply with the limitation under subparagraph (A), an individual or entity shall provide to the Secretary—

“(i) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income of the producer does not exceed $2,500,000; or

“(ii) information and documentation regarding the adjusted gross income of the producer through other procedures established by the Secretary.

“(C) DEFINITIONS.—In this subsection:

“(i) ADJUSTED GROSS INCOME.—The term ‘adjusted gross income’ means adjusted gross income of an agricultural commodity producer—

“(I) as defined in section 62 of the Internal Revenue Code of 1986 and implemented in accordance with procedures established by the Secretary; and

“(II) that is earned directly or indirectly from all agricultural and nonagricultural sources of an individual or entity for a fiscal or corresponding crop year.

“(ii) AVERAGE ADJUSTED GROSS INCOME.—

“(I) IN GENERAL.—The term ‘average adjusted gross income’ means the average adjusted gross income of a producer for each of the 3 preceding taxable years.

“(II) EFFECTIVE ADJUSTED GROSS INCOME.—In the case of a producer that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the producer with an effective adjusted gross income for the applicable year.

“(b) AMOUNT OF CASH BENEFITS.—

“(1) IN GENERAL.—Subject to the provisions of section 298, an adversely affected agricultural commodity producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

“(A) one-half of the difference between—

“(i) an amount equal to 80 percent of the average of the national average price of the agricultural commodity covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year, and

“(ii) the national average price of the agricultural commodity for the most recent marketing year, and

“(B) the amount of the agricultural commodity produced by the agricultural commodity producer in the most recent marketing year.

“(2) SPECIAL RULE FOR SUBSEQUENT QUALIFIED YEARS.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the agricultural commodity shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification.

“(c) MAXIMUM AMOUNT OF CASH ASSISTANCE.—The maximum amount of cash benefits an agricultural commodity producer may receive in any 12-month period shall not exceed $10,000.

“(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer entitled to receive a cash benefit under this chapter—

“(1) shall not be eligible for any other cash benefit under this title, and

“(2) shall be entitled to employment services and training benefits under part III of subchapter C of chapter 2.

“SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.

“(a) IN GENERAL.—

“(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

“(A) the payment was made without fault on the part of such person; and

“(B) requiring such repayment would be contrary to equity and good conscience.

“(2) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

“(b) FALSE STATEMENT.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

“(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

“(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

“(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

“(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

“(c) NOTICE AND DETERMINATION.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

“(d) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

“(e) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Agriculture not to exceed $90,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

“(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.”.

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN.

(a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), as amended by title IV of this Act, is amended by adding at the end the following new chapter:

“CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

“SEC. 299. DEFINITIONS.

“In this chapter:

“(1) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms ‘commercial fishing’, ‘fish’, ‘fishery’, ‘fishing’, ‘fishing vessel’, ‘person’, and ‘United States fish processor’ have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

“(2) PRODUCER.—The term ‘producer’ means any person who—

“(A) is engaged in commercial fishing; or

“(B) is a United States fish processor.

“(3) CONTRIBUTED IMPORTANTLY.—

“(A) IN GENERAL.—The term ‘contributed importantly’ means a cause which is important but not necessarily more important than any other cause.

“(B) Determination of contributed importantly.—The determination of whether imports of articles like or directly competitive with a fish caught through commercial fishing or processed by a United States fish processor with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the fish shall be made by the Secretary.

“(4) Duly authorized representative.—The term ‘duly authorized representative’ means an association of producers.

“(5) National average price.—The term ‘national average price’ means the national average price paid to a producer for fish in a marketing year as determined by the Secretary.

“(6) Secretary.—The term ‘Secretary’ means the Secretary of Commerce.

“(7) Trade adjustment assistance center.—The term ‘Trade Adjustment Assistance Center’ shall have the same meaning as such term has in section 253.

“SEC. 299A. PETITIONS; GROUP ELIGIBILITY.

“(a) In General.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter may be filed with the Secretary by a group of producers or by their duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

“(b) Hearings.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested person an opportunity to be present, to produce evidence, and to be heard.

“(c) Group Eligibility Requirements.—The Secretary shall certify a group of producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

“(1) that the national average price for the fish, or a class of fish, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such fish, or such class of fish, for the 5 marketing years preceding the most recent marketing year; and

“(2) that increases in imports of articles like or directly competitive with the fish, or class of fish, produced by the group contributed importantly to the decline in price described in paragraph (1).

“(d) Special Rule for Qualified Subsequent Years.—A group of producers certified as eligible under section 299B shall be eligible to apply for assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

“(1) the national average price for the fish, or class of fish, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

“(2) the requirements of subsection (c)(2) are met.

“(e) Determination of Qualified Year and Commodity.—In this chapter:

“(1) Qualified year.—The term ‘qualified year’, with respect to a group of producers certified as eligible under section 299B, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

“(2) Classes of goods within a commodity.—In any case in which there are separate classes of fish, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports under this section and section 299E.

“SEC. 299B. DETERMINATIONS BY SECRETARY.

“(a) In General.—As soon as practicable after the date on which a petition is filed under section 299A, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 299A (c) or (d), as the case may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

“(b) Notice.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary's reasons for making the determination.

“(c) Termination of Certification.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the fish covered by the certification is no longer attributable to the conditions described in section 299A, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary's reasons for making such determination.

“SEC. 299C. STUDY BY SECRETARY WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

“(a) In General.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to a fish, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

“(1) the number of producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

“(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

“(b) Report.—Not later than 15 days after the day on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study under subsection (a). Upon making his report to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

“SEC. 299D. BENEFIT INFORMATION TO PRODUCERS.

“(a) In General.—The Secretary shall provide full information to producers about the benefit allowances, training, and other employment services available under this title and about the petition and application procedures, and the appropriate filing dates, for such allowances, training, and services. The Secretary shall provide whatever assistance is necessary to enable groups to prepare petitions or applications for program benefits under this title.

“(b) Notice of Benefits.—

“(1) In general.—The Secretary shall mail written notice of the benefits available under this chapter to each producer that the Secretary has reason to believe is covered by a certification made under this chapter.

“(2) Other notice.—The Secretary shall publish notice of the benefits available under this chapter to producers that are covered by each certification made under this chapter in newspapers of general circulation in the areas in which such producers reside.

“SEC. 299E. QUALIFYING REQUIREMENTS FOR PRODUCERS.

“(a) In General.—Payment of a trade adjustment allowance shall be made to an adversely affected producer covered by a certification under this chapter who files an application for such allowance within 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 299B, if the following conditions are met:

“(1) The producer submits to the Secretary sufficient information to establish the amount of fish covered by the application filed under subsection (a) that was produced by the producer in the most recent year.

“(2) The producer certifies that the producer has not received cash benefits under any provision of this title other than this chapter.

“(3) The producer's net fishing or processing income (as determined by the Secretary) for the most recent year is less than the producer's net fishing or processing income for the latest year in which no adjustment assistance was received by the producer under this chapter.

“(4) The producer certifies that—

“(A) the producer has met with an employee or agent from a Trade Adjustment Assistance Center to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competition with respect to the adversely affected fish, including—

“(i) information regarding the feasibility and desirability of substituting 1 or more alternative fish for the adversely affected fish; and

“(ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected fish by the producer, including yield and marketing improvements; and

“(B) none of the benefits will be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise add to the overcapitalization of any fishery.

“(b) Amount of Cash Benefits.—

“(1) In general.—Subject to the provisions of section 299G, an adversely affected producer described in subsection (a) shall be entitled to adjustment assistance under this chapter in an amount equal to the product of—

“(A) one-half of the difference between—

“(i) an amount equal to 80 percent of the average of the national average price of the fish covered by the application described in subsection (a) for the 5 marketing years preceding the most recent marketing year; and

“(ii) the national average price of the fish for the most recent marketing year; and

“(B) the amount of the fish produced by the producer in the most recent marketing year.

“(2) Special rule for subsequent qualified years.—The amount of cash benefits for a qualified year shall be determined in the same manner as cash benefits are determined under paragraph (1) except that the average national price of the fish shall be determined under paragraph (1)(A)(i) by using the 5-marketing-year period used to determine the amount of cash benefits for the first certification. A producer shall only be eligible for benefits for subsequent qualified years if the Secretary or his designee determines that sufficient progress has been made implementing the plans developed under section 299E(a)(4) of this title.

"(c) Maximum Amount of Cash Assistance.—The maximum amount of cash benefits a producer may receive in any 12-month period shall not exceed $10,000.

"(d) Limitations on Other Assistance.—A producer entitled to receive a cash benefit under this chapter—

"(1) shall not be eligible for any other cash benefit under this title, and

"(2) shall be entitled to employment services and training benefits under part III of subchapter C of chapter 2.

"SEC. 299F. FRAUD AND RECOVERY OF OVERPAYMENTS.

"(a) In General.—

"(1) Repayment.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount to the Secretary, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

"(A) the payment was made without fault on the part of such person; and

"(B) requiring such repayment would be contrary to equity and good conscience.

"(2) Recovery of overpayment.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

"(b) False Statement.—A person shall, in addition to any other penalty provided by law, be ineligible for any further payments under this chapter—

"(1) if the Secretary, or a court of competent jurisdiction, determines that the person—

"(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

"(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

"(2) as a result of such false statement or representation, or of such nondisclosure, such person has received any payment under this chapter to which the person was not entitled.

"(c) Notice and Determination.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under subsection (a)(1) by the Secretary has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

"(d) Payment to Treasury.—Any amount recovered under this section shall be returned to the Treasury of the United States.

"(e) Penalties.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

"SEC. 299G. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated and there are appropriated to the Department of Commerce not to exceed $10,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

"(b) Proportionate Reduction.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.".

(b) Effective Date.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

"SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 70 percent of the amount paid during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

"(b) Eligible Coverage Month.—For purposes of this section—

"(1) In general.—The term 'eligible coverage month' means any month if, as of the first day of such month—

"(A) the taxpayer is an eligible individual,

"(B) the taxpayer is covered by qualified health insurance,

"(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

"(D) the taxpayer does not have other specified coverage.

"(2) Special rules.—

"(A) Joint returns.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

"(B) Exclusion of months in which individual is imprisoned.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(3) Other specified coverage.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) Subsidized coverage.—

"(i) In general.—Such individual is covered under any qualified health insurance under which at least 50 percent of the cost of coverage (determined under section 4980B) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) Treatment of cafeteria plans and flexible spending accounts.—For purposes of clause (i), the cost of benefits—

"(I) which are chosen under a cafeteria plan (as defined in section 125(d)), or provided under a flexible spending or similar arrangement, of such an employer, and

"(II) which are not includible in gross income under section 106,

shall be treated as borne by such employer.

"(B) Coverage under medicare, medicaid, or SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(C) Certain other coverage.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code,

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code,

"(iii) is entitled to receive benefits under chapter 17 of title 38, United States Code, or

"(iv) is eligible for benefits under the Indian Health Care Improvement Act.

"(4) Special rule.—For purposes of this subsection, an individual does not have other specified coverage for any month if such coverage is under a qualified long-term care insurance contract (as defined in section 7702B(b)(1)).

"(c) Eligible Individual.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

"(d) Qualified Health Insurance.—For purposes of this section, the term 'qualified health insurance' means health insurance coverage described under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)).

"(e) Coordination With Advance Payments of Credit.—

"(1) Recapture of excess advance payments.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) Reconciliation of payments advanced and credit allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

"(f) Special Rules.—

"(1) Coordination with other deductions.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(2) MSA distributions.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(3) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) Credit treated as refundable credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

"(5) Expenses must be substantiated.—A payment for qualified health insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.

"(6) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 7527.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) REQUIREMENT OF REPORTING.—Every person—

"(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

"(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

"(C) the number of months for which such advance credit amounts are so provided, and

"(D) such other information as the Secretary may prescribe.

"(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) ADVANCE CREDIT AMOUNT.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to trade adjustment assistance health insurance credit.".

(c) CRIMINAL PENALTY FOR FRAUD.—

(1) IN GENERAL.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

"SEC. 7276. PENALTIES FOR OFFENSES RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for trade adjustment assistance health insurance under section 6429 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.".

(2) The table of sections for subchapter B of chapter 75 of such Code is amended by adding at the end the following:

"Sec. 7276. Penalties for offenses relating to trade adjustment assistance health insurance credit.".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 6429 of such Code".

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6429. Trade adjustment assistance health insurance credit.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(2) PENALTIES.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) GENERAL RULE.—The Secretary shall establish a program for making payments on behalf of eligible individuals (as defined in section 6429(c)) to providers of health insurance for such individuals for whom a qualified health insurance credit eligibility certificate is in effect.

"(b) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by a designated local agency (as defined in section 51(d)(11)) (or by any other entity designated by the Secretary) which—

"(1) certifies that the individual was an eligible individual (as defined in section 6429(c)) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of trade adjustment assistance health insurance credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 603. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) ELIGIBILITY FOR GRANTS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) from funds appropriated under section 174(c)—

"(A) to a State to provide the assistance described in subsection (f) to any eligible worker (as defined in subsection (f)(4)(B)); and

"(B) to a State to provide the assistance described in subsection (g) to any eligible worker (as defined in subsection (g)(5)).".

(b) USE OF FUNDS FOR HEALTH INSURANCE COVERAGE.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

"(f) HEALTH INSURANCE COVERAGE ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(A) of subsection (a) may be used by the State for the following:

"(A) HEALTH INSURANCE COVERAGE.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage through—

"(i) COBRA continuation coverage;

"(ii) State-based continuation coverage provided by the State under a State law that requires such coverage even though the coverage would not otherwise be required under the provisions of law referred to in paragraph (4)(A);

"(iii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative;

"(iv) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees;

"(v) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

"(vi) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.

1002(37))), an issuer of health insurance coverage, an administrator, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents;

"(vii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated, State-funded health plan;

"(viii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool; or

"(ix) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage.

"(B) ESTABLISHMENT OF HEALTH INSURANCE COVERAGE MECHANISMS.—To establish or administer—

"(i) a qualified State high risk pool for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents;

"(ii) a State-based program for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents that is comparable to the State health insurance program for State employees; or

"(iii) a program under which the State enters into arrangements described in subparagraph (A)(vi).

"(C) ADMINISTRATIVE EXPENSES.—To pay the administrative expenses related to the enrollment of eligible workers and the eligible workers spouses and dependents in health insurance coverage described in subparagraph (A), including—

"(i) eligibility verification activities;

"(ii) the notification of eligible workers of available health insurance coverage options;

"(iii) processing qualified health insurance credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(iv) providing assistance to eligible workers in enrolling in health insurance coverage;

"(v) the development or installation of necessary data management systems; and

"(vi) any other expenses determined appropriate by the Secretary.

"(2) REQUIREMENTS RELATING TO HEALTH INSURANCE COVERAGE.—With respect to health insurance coverage provided to eligible workers under any of clauses (ii) through (viii) of paragraph (1)(A), the State shall ensure that—

"(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 of the Internal Revenue Code of 1986 and who pay the remainder of the premium for such enrollment;

"(B) no pre-existing condition limitations are imposed with respect to such eligible workers;

"(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for a similarly situated individual who is not an eligible worker;

"(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to similarly situated individuals who are not eligible workers;

"(E) the standard loss ratio for the coverage is not less than 65 percent;

"(F) in the case of coverage provided under paragraph (1)(A)(v), the premiums and benefits are comparable to the premiums and benefits applicable to State employees; and

"(G) such coverage otherwise meets requirements established by the Secretary.

"(3) AVAILABILITY OF FUNDS.—

"(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(A) to carry out subsection (a)(4)(A) are available to States throughout the period described in section 174(c)(2)(A).

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) COBRA CONTINUATION COVERAGE.—The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

"(B) ELIGIBLE WORKER.—The term 'eligible worker' means an individual who—

"(i) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

"(ii) does not have other specified coverage; and

"(iii) is not imprisoned under Federal, State, or local authority.

"(C) OTHER SPECIFIED COVERAGE.—With respect to any individual, the term 'other specified coverage' means—

"(i) SUBSIDIZED COVERAGE.—

"(I) IN GENERAL.—Such individual is covered under any health insurance coverage under which at least 50 percent of the cost of coverage (determined under section 4980B of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the individual or the individual's spouse.

"(II) TREATMENT OF CAFETERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of subclause (I), the cost of benefits which are chosen under a cafeteria plan (as defined in section 125(d) of such Code), or provided under a flexible spending or similar arrangement, of such an employer, and which are not includible in gross income under section 106 of such Code, shall be treated as borne by such employer.

"(ii) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(I) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(II) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(iii) CERTAIN OTHER COVERAGE.—Such individual—

"(I) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

"(II) is entitled to receive benefits under chapter 55 of title 10, United States Code;

"(III) is entitled to receive benefits under chapter 17 of title 38, United States Code; or

"(IV) is eligible for benefits under the Indian Health Care Improvement Act.

Such term does not include coverage under a qualified long-term care insurance contract (as defined in section 7702B(b)(1) of the Internal Revenue Code of 1986).

"(D) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)), section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)), and section 4980B(g)(2) of the Internal Revenue Code of 1986.

"(E) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg–91(c)) .

"(F) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(G) QUALIFIED STATE HIGH RISK POOL.—The term 'qualified State high risk pool' has the meaning given that term in section 2744(c)(2) of the Public Health Service Act.

"(H) STANDARD LOSS RATIO.—The term 'standard loss ratio', with respect to the pool of insured individuals under coverage described in clauses (ii) through (viii) of subparagraph (A) for a year, means—

"(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

"(ii) the premiums paid for enrollment in each such coverage for such year.

"(g) INTERIM HEALTH AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(B) of subsection (a) may be used by the State to provide assistance and support services to eligible workers, including health care coverage, transportation, child care, dependent care, and income assistance.

"(2) INCOME SUPPORT.—With respect to any income assistance provided to an eligible worker with such funds, such assistance shall supplement and not supplant other income support or assistance provided under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) or the unemployment compensation laws of the State where the eligible worker resides.

"(3) HEALTH CARE COVERAGE.—With respect to any health care coverage assistance provided to an eligible worker with such funds, the following rules shall apply:

"(A) The State may provide assistance in obtaining health care coverage to the eligible worker and to the eligible worker's spouse and dependents.

"(B) Such assistance shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

"(4) AVAILABILITY OF FUNDS.—

"(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(B) to carry out subsection (a)(4)(B) are available to States throughout the period described in section 174(c)(2)(B).

"(5) DEFINITION OF ELIGIBLE WORKER.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2919) is amended by adding at the end the following:

"(c) ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—There are authorized to be appropriated—

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $60,000,000 for each of fiscal years 2003 through 2007; and

"(B) to carry out subsection (a)(4)(B) of section 173—

"(i) $50,000,000 for fiscal year 2002;

"(ii) $100,000,000 for fiscal year 2003; and

"(iii) $50,000,000 for fiscal year 2004.

"(2) AVAILABILITY OF FUNDS.—Funds appropriated under—

"(A) paragraph (1)(A) for each fiscal year shall, notwithstanding section 189(g), remain available for obligation during the pendency of any outstanding claim under the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002; and

"(B) paragraph (1)(B), for each fiscal year shall, notwithstanding section 189(g), remain available during the period that begins on the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 and ends on September 30, 2004."

(d) CONFORMING AMENDMENT.—Section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) is amended by inserting ", other than under subsection (a)(4), (f), and (g)" after "grants".

(e) TEMPORARY EXTENSION OF COBRA ELECTION PERIOD FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage (as defined in section 6429(d)(2) of the Internal Revenue Code of 1986) with respect to any eligible individual (as defined in section 6429(c) of such Code) for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual becomes such an eligible individual.

(2) PREEXISTING CONDITIONS.—If an individual becomes such an eligible individual, any period before the date of such eligibility shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)), section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)), and section 9801(c)(2) of the Internal Revenue Code of 1986.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 701. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE TRADE ACT OF 1974.—

(1) ASSISTANCE TO INDUSTRIES.—Section 265 of the Trade Act of 1974 (19 U.S.C. 2355) is amended by striking "certified as eligible to apply for adjustment assistance under sections 231 or 251", and inserting "certified as eligible for trade adjustment assistance benefits under section 231, or as eligible to apply for adjustment assistance under section 251".

(2) GENERAL ACCOUNTING OFFICE REPORT.—Section 280 of the Trade Act of 1974 (19 U.S.C. 2391) is amended to read as follows:

"SEC. 280. GENERAL ACCOUNTING OFFICE REPORT.

"(a) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the adjustment assistance programs established under chapters 2, 3, 4, 6, and 7 of this title and shall report the results of such study to the Congress no later than January 31, 2005. Such report shall include an evaluation of—

"(1) the effectiveness of such programs in aiding workers, farmers, fishermen, firms, and communities to adjust to changed economic conditions resulting from changes in the patterns of international trade; and

"(2) the coordination of the administration of such programs and other Government programs which provide unemployment compensation and relief to depressed areas.

"(b) ASSISTANCE OF OTHER DEPARTMENTS AND AGENCIES.—In carrying out his responsibilities under this section, the Comptroller General shall, to the extent practical, avail himself of the assistance of the Departments of Labor, Commerce, and Agriculture and the Small Business Administration. The Secretaries of Labor, Commerce, and Agriculture and the Administrator of the Small Business Administration shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this title."

(3) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(4) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(5) JUDICIAL REVIEW.—

(A) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking "under section 223 or section 250(c)" and all that follows through "the Secretary of Commerce under section 271" and inserting "under section 231, a firm or its representative, or any other interested domestic party aggrieved by a final determination of the Secretary of Commerce under section 251, an agricultural commodity producer (as defined in section 291(2)) aggrieved by a determination of the Secretary of Agriculture under section 293, or a producer (as defined in section 299(2)) aggrieved by a determination of the Secretary of Commerce under section 299B".

(B) Section 284 of such Trade Act of 1974 is amended in the second sentence of subsection (a) and in subsections (b) and (c), by inserting "or the Secretary of Agriculture" after "Secretary of Commerce" each place it appears.

(6) TERMINATION.—Section 285 of the Trade Act of 1974 is amended to read as follows:

"SEC. 285. TERMINATION.

"(a) ASSISTANCE FOR WORKERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), trade adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 2 after September 30, 2007.

"(2) EXCEPTION.—Notwithstanding paragraph (1), a worker shall continue to receive trade adjustment assistance benefits and other benefits under chapter 2 for any week for which the worker meets the eligibility requirements of that chapter, if on or before September 30, 2007, the worker is—

"(A) certified as eligible for trade adjustment assistance benefits under section 231; and

"(B) otherwise eligible to receive trade adjustment assistance benefits under chapter 2.

"(b) OTHER ASSISTANCE.—

"(1) ASSISTANCE FOR FIRMS.—Technical assistance may not be provided under chapter 3 after September 30, 2007.

"(2) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2007.

"(3) ASSISTANCE FOR FARMERS AND FISHERMEN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), adjustment assistance, vouchers, allowances, and other payments or benefits may not be provided under chapter 6 or 7 after September 30, 2007.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), an agricultural commodity producer (as defined in section 291(2)) or producer (as defined in section 299(2)), shall continue to receive adjustment assistance benefits and other benefits under chapter 6 or 7, whichever applies, for any week for which the agricultural commodity producer or producer meets the eligibility requirements of chapter 6 or 7, whichever applies, if on or before September 30, 2007, the agricultural commodity producer or producer is—

"(i) certified as eligible for adjustment assistance benefits under chapter 6 or 7, whichever applies; and

"(ii) is otherwise eligible to receive adjustment assistance benefits under such chapter 6 or 7."

(6) TABLE OF CONTENTS.—

(A) IN GENERAL.—The table of contents for chapters 2, 3, and 4 of title II of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

"SUBCHAPTER A—GENERAL PROVISIONS

"Sec. 221. Definitions.
"Sec. 222. Agreements with States.
"Sec. 223. Administration absent State agreement.
"Sec. 224. Data collection; evaluations; reports.
"Sec. 225. Study by Secretary of Labor when International Trade Commission begins investigation.
"Sec. 226. Report by Secretary of Labor on likely impact of trade agreements.

"SUBCHAPTER B—CERTIFICATIONS

"Sec. 231. Certification as adversely affected workers.
"Sec. 232. Benefit information to workers.

"SUBCHAPTER C—PROGRAM BENEFITS

"PART I—GENERAL PROVISIONS

"Sec. 234. Comprehensive assistance.

"PART II—TRADE ADJUSTMENT ALLOWANCES

"Sec. 235. Qualifying requirements for workers.
"Sec. 236. Weekly amounts.
"Sec. 237. Limitations on trade adjustment allowances.
"Sec. 238. Application of State laws.

"PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

"Sec. 239. Employment services.
"Sec. 240. Training.
"Sec. 241. Job search allowances.
"Sec. 242. Relocation allowances.
"Sec. 243. Supportive services; wage insurance.

"SUBCHAPTER D—PAYMENT AND ENFORCEMENT PROVISIONS

"Sec. 244. Payments to States.
"Sec. 245. Liabilities of certifying and disbursing officers.
"Sec. 246. Fraud and recovery of overpayments.
"Sec. 247. Criminal penalties.
"Sec. 248. Authorization of appropriations.
"Sec. 249. Regulations.
"Sec. 250. Subpoena power.

"CHAPTER 3—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

"Sec. 251. Petitions and determinations.
"Sec. 252. Approval of adjustment proposals.
"Sec. 253. Technical assistance.
"Sec. 254. Financial assistance.
"Sec. 255. Conditions for financial assistance.
"Sec. 256. Delegation of functions to Small Business Administration; authorization of appropriations.
"Sec. 257. Administration of financial assistance.
"Sec. 258. Protective provisions.
"Sec. 259. Penalties.
"Sec. 260. Suits.
"Sec. 261. Definition of firm.
"Sec. 262. Regulations.
"Sec. 264. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
"Sec. 265. Assistance to industries.

"CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

"Sec. 271. Definitions.
"Sec. 272. Office of Community Trade Adjustment.
"Sec. 273. Notification and certification as an eligible community.
"Sec. 274. Community Economic Development Coordinating Committee.
"Sec. 275. Community economic adjustment advisors.
"Sec. 276. Strategic plans.
"Sec. 277. Grants for economic development.
"Sec. 278. Authorization of appropriations.
"Sec. 279. General provisions.".

(B) CHAPTERS 6 AND 7.—The table of contents for title II of the Trade Act of 1974, as amended by subparagraph (A), is amended by inserting after the items relating to chapter 5 the following:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

"Sec. 291. Definitions.
"Sec. 292. Petitions; group eligibility.
"Sec. 293. Determinations by Secretary of Agriculture.
"Sec. 294. Study by Secretary of Agriculture when International Trade Commission begins investigation.
"Sec. 295. Benefit information to agricultural commodity producers.
"Sec. 296. Qualifying requirements for agricultural commodity producers.
"Sec. 297. Fraud and recovery of overpayments.
"Sec. 298. Authorization of appropriations.

"CHAPTER 7—ADJUSTMENT ASSISTANCE FOR FISHERMEN

"Sec. 299. Definitions.
"Sec. 299A. Petitions; group eligibility.
"Sec. 299B. Determinations by Secretary.
"Sec. 299C. Study by Secretary when International Trade Commission begins investigation.
"Sec. 299D. Benefit information to producers.
"Sec. 299E. Qualifying requirements for producers.
"Sec. 299F. Fraud and recovery of overpayments.
"Sec. 299G. Authorization of appropriations.".

(b) INTERNAL REVENUE CODE.—

(1) ADJUSTED GROSS INCOME.—Section 62(a)(12) of the Internal Revenue Code of 1986 (relating to the definition of adjusted gross income) is amended by striking "trade readjustment allowances under section 231 or 232" and inserting "trade adjustment allowances under section 235 or 236".

(2) FEDERAL UNEMPLOYMENT.—

(A) IN GENERAL.—Section 3304(a)(8) of the Internal Revenue Code of 1986 (relating to the approval of State unemployment insurance laws) is amended to read as follows:

"(8) compensation shall not be denied to an individual for any week because the individual is in training with the approval of the State agency, or in training approved by the Secretary of Labor pursuant to chapter 2 of title II of the Trade Act of 1974 (or because of the application, to any such week in training, of State law provisions relating to availability for work, active search for work, or refusal to accept work);".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by this paragraph shall apply in the case of compensation paid for weeks beginning on or after the date that is 90 days after the date of enactment of this Act.

(ii) MEETING OF STATE LEGISLATURE.—

(I) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by subparagraph (A), the amendments made by subparagraph (A) shall apply in the case of compensation paid for weeks beginning after the earlier of—

(aa) the date the State changes its statutes or regulations in order to comply with the amendments made by this section; or

(bb) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this Act apply before the date described in clause (i).

(II) SESSION DEFINED.—In this clause, the term "session" means a regular, special, budget, or other session of a State legislature.

(c) AMENDMENTS TO TITLE 28.—

(1) CIVIL ACTIONS AGAINST THE UNITED STATES.—Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (1), by striking "section 223" and inserting "section 231";

(B) in paragraph (2), by striking "and"; and

(C) by striking paragraph (3), and inserting the following:

"(3) any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer (as defined in section 291(2)) for adjustment assistance under such Act; and

"(4) any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of a producer (as defined in section 299(2)) for adjustment assistance under such Act.".

(2) PERSONS ENTITLED TO COMMENCE A CIVIL ACTION.—Section 2631 of title 28, United States Code, is amended—

(A) by amending subsection (d)(1) to read as follows:

"(d)(1) A civil action to review any final determination of the Secretary of Labor under section 231 of the Trade Act of 1974 with respect to the certification of workers as adversely affected and eligible for trade adjustment assistance under that Act may be commenced by a worker, a group of workers, a certified or recognized union, or an authorized representative of such worker or group, that petitions for certification under that Act or is aggrieved by the final determination.";

(B) by striking paragraph (3), and inserting the following:

"(3) A civil action to review any final determination of the Secretary of Agriculture under section 293 of the Trade Act of 1974 with respect to the eligibility of an agricultural commodity producer for adjustment assistance may be commenced in the Court of International Trade by an agricultural commodity producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination."; and

(C) by adding at the end the following new paragraph:

"(4) A civil action to review any final determination of the Secretary of Commerce under section 299B of the Trade Act of 1974 with respect to the eligibility of an producer (as defined in section 299(2)) for adjustment assistance may be commenced in the Court of International Trade by a producer that applies for assistance under such Act and is aggrieved by such final determination, or by any other interested party that is aggrieved by such final determination.".

(3) TIME FOR COMMENCEMENT OF ACTION.—Section 2636(d) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or a final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(4) SCOPE AND STANDARD OF REVIEW.—Section 2640(c) of title 28, United States Code, is

amended by striking "under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(5) Relief.—Section 2643(c)(2) of title 28, United States Code, is amended by striking "under section 223 of the Trade Act of 1974 or any final determination of the Secretary of Commerce under section 251 or section 271 of such Act" and inserting "under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 293 of that Act, or a final determination of the Secretary of Commerce under section 299B of that Act".

(d) Amendment to the Food Stamp Act of 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)(1)(B)) is amended by striking "section 236" and inserting "section 240".

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

SEC. 801. SAVINGS PROVISIONS.

(a) Proceedings Not Affected.—

(1) In general.—The provisions of this division shall not affect any petition for certification for benefits under chapter 2 of title II of the Trade Act of 1974 that was in effect on September 30, 2001. Determinations shall be issued, appeals shall be taken therefrom, and payments shall be made under those determinations, as if this division had not been enacted, and orders issued in any proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) Modification or discontinuance.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this division had not been enacted.

(b) Suits Not Affected.—The provisions of this division shall not affect any suit commenced before October 1, 2001, and in all those suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this division had not been enacted.

(c) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Federal Government, or by or against any individual in the official capacity of that individual as an officer of the Federal Government, shall abate by reason of enactment of this Act.

SEC. 802. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in sections 401(b), 501(b), and 701(b)(2)(B), titles IX, X, and XI, and subsections (b), (c), and (d) of this section, the amendments made by this division shall apply to—

(1) petitions for certification filed under chapter 2 or 3 of title II of the Trade Act of 1974 on or after the date that is 90 days after the date of enactment of this Act; and

(2) certifications for assistance under chapter 4 of title II of the Trade Act of 1974 issued on or after the date that is 90 days after the date of enactment of this Act.

(b) Workers Certified as Eligible Before Effective Date.—Notwithstanding subsection (a), a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date, if on or before such date, the worker—

(1) was certified as eligible for trade adjustment assistance benefits under such chapter as in effect on such date; and

(2) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on such date.

(c) Workers Who Became Eligible During Qualified Period.—

(1) In general.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, any worker who would have been eligible to receive trade adjustment assistance or other benefits under chapter 2 of title II of the Trade Act if 1974 during the qualified period if such chapter 2 had been in effect during such period, shall be eligible to receive trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the worker meets the eligibility requirements of such chapter 2 as in effect on September 30, 2001.

(2) Qualified period.—For purposes of this subsection, the term "qualified period" means the period beginning on January 11, 2002 and ending on the date that is 90 days after the date of enactment of this Act.

(d) Adjustment Assistance for Firms.—

(1) In general.—Notwithstanding subsection (a) or any other provision of law, including section 285 of the Trade Act of 1974, and except as provided in paragraph (2) any firm that would have been eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act if 1974 during the qualified period if such chapter 3 had been in effect during such period, shall be eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the firm meets the eligibility requirements of such chapter 3 as in effect on September 30, 2001.

(2) Qualified period.—For purposes of this subsection, the term "qualified period" means the period beginning on October 1, 2001 and ending on the date that is 90 days after the date of enactment of this Act.

TITLE IX—REVENUE PROVISIONS

SEC. 901. CUSTOM USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "December 31, 2010".

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. COUNTRY OF ORIGIN LABELING OF FISH AND SHELLFISH PRODUCTS.

(a) Definitions.—In this section:

(1) Covered commodity.—The term "covered commodity" means—

(A) a perishable agricultural commodity; and

(B) any fish or shellfish, and any fillet, steak, nugget, or any other flesh from fish or shellfish, whether fresh, chilled, frozen, canned, smoked, or otherwise preserved.

(2) Food service establishment.—The term "food service establishment" means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

(3) Perishable agricultural commodity; retailer.—The terms "perishable agricultural commodity" and "retailer" have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

(4) Secretary.—The term "Secretary" means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

(b) Notice of Country of Origin.—

(1) Requirement.—Except as provided in paragraph (3), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

(2) United states country of origin.—A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively harvested and processed in the United States, or in the case of farm-raised fish and shellfish, is hatched, raised, harvested, and processed in the United States.

(3) Exemption for food service establishments.—Paragraph (1) shall not apply to a covered commodity if the covered commodity is prepared or served in a food service establishment, and—

(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

(c) Method of Notification.—

(1) In general.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the covered commodity at the final point of sale to consumers.

(2) Labeled commodities.—If the covered commodity is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(d) Audit Verification System.—The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with the regulations promulgated under subsection (g).

(e) Information.—Any person engaged in the business of supplying a covered commodity to a retailer shall provide information to the retailer indicating the country of origin of the covered commodity.

(f) Enforcement.—

(1) In general.—Each Federal agency having jurisdiction over retailers of covered commodities shall, at such time as the necessary regulations are adopted under subsection (g), adopt measures intended to ensure that the requirements of this section are followed by affected retailers.

(2) Violation.—A violation of subsection (b) shall be treated as a violation under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

(g) Regulations.—

(1) In general.—The Secretary may promulgate such regulations as are necessary to carry out this section within 1 year after the date of enactment of this Act.

(2) Partnerships with states.—In promulgating the regulations, the Secretary shall,

to the maximum extent practicable, enter into partnerships with States that have the enforcement infrastructure necessary to carry out this section.

(h) Application.—This section shall apply to the retail sale of a covered commodity beginning on the date that is 180 days after the date of enactment of this Act.

SEC. 1002. SUGAR POLICY.

(a) Findings.—Congress finds that—

(1) the tariff-rate quotas imposed on imports of sugar, syrups and sugar-containing products under chapters 17, 18, 19, and 21 of the Harmonized Tariff Schedule of the United States are an essential element of United States sugar policy;

(2) circumvention of the tariff-rate quotas will, if unchecked, make it impossible to achieve the objectives of United States sugar policy;

(3) the tariff-rate quotas have been circumvented frequently, defeating the purposes of United States sugar policy and causing disruption to the United States market for sweeteners, injury to domestic growers, refiners, and processors of sugar, and adversely affecting legitimate exporters of sugar to the United States;

(4) it is essential to United States sugar policy that the tariff-rate quotas be enforced and that deceptive practices be prevented, including the importation of products with no commercial use and failure to disclose all relevant information to the United States Customs Service; and

(5) unless action is taken to prevent circumvention, circumvention of the tariff-rate quotas will continue and will ultimately destroy United States sugar policy.

(b) Policy.—It is the policy of the United States to maintain the integrity of the tariff-rate quotas on sugars, syrups, and sugar-containing products by stopping circumvention as soon as it becomes apparent. It is also the policy of the United States that products not used to circumvent the tariff-rate quotas, such as molasses used for animal feed or for rum, not be affected by any action taken pursuant to this Act.

(c) Identification of Imports.—

(1) Identification.—Not later than 30 days after the date of enactment of this Act, and on a regular basis thereafter, the Secretary of Agriculture shall—

(A) identify imports of articles that are circumventing tariff-rate quotas on sugars, syrups, or sugar-containing products imposed under chapter 17, 18, 19, or 21 of the Harmonized Tariff Schedule of the United States; and

(B) report to the President the articles found to be circumventing the tariff-rate quotas.

(2) Action by President.—Upon receiving the report from the Secretary of Agriculture, the President shall, by proclamation, include any article identified by the Secretary in the appropriate tariff-rate quota provision of the Harmonized Tariff Schedule.

TITLE XI—CUSTOMS REAUTHORIZATION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Customs Border Security Act of 2002".

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

SEC. 1111. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) Noncommercial Operations.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $886,513,000 for fiscal year 2003."; and

(2) in subparagraph (B) to read as follows:

"(B) $909,471,000 for fiscal year 2004.".

(b) Commercial Operations.—

(1) In general.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,603,482,000 for fiscal year 2003."; and

(B) in clause (ii) to read as follows:

"(ii) $1,645,009,000 for fiscal year 2004.".

(2) Automated commercial environment computer system.—Of the amount made available for each of fiscal years 2003 and 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) Reports.—Not later than 90 days after the date of enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) Air and Marine Interdiction.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $181,860,000 for fiscal year 2003."; and

(2) in subparagraph (B) to read as follows:

"(B) $186,570,000 for fiscal year 2004.".

(d) Submission of Out-Year Budget Projections.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 1112. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) Fiscal Year 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) United states-mexico border.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) United states-canada border.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) Florida and gulf coast seaports.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) Fiscal Year 2004.—Of the amounts made available for fiscal year 2004 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 1111(a) of this title, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) Acquisition of Technologically Superior Equipment; Transfer of Funds.—

(1) In general.—The Commissioner of Customs may use amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) Transfer of funds.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 1113. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2003 and 2004 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 1121 of this title.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

SEC. 1121. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) Authorization of Appropriations.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2003 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) Use of Amounts for Child Pornography Cyber Tipline.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 1131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2003 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 1111 of this title, $25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 1132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) Study.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) Study.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) Establishment and Implementation.—

(1) In general.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) Additional requirement.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) Reports.—Beginning on the date of enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 1135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) Study.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) Definition.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 1136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) Study.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

CHAPTER 4—ANTITERRORISM PROVISIONS

SEC. 1141. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 1142. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of enactment of this Act.

SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.".

SEC. 1144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2003.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

CHAPTER 5—TEXTILE TRANSSHIPMENT PROVISIONS

SEC. 1151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) Report.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) Transshipment Described.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 1152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2003.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) Use of Funds.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) Import specialists.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) Inspectors.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) Investigators.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) International trade specialists.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) Permanent import specialists for hong kong.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) Various permanent trade positions.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) Attorneys.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) Auditors.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) Additional travel funds.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) Training.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) Outreach.—$60,000 for outreach efforts to United States importers.

SEC. 1153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 1111(b)(1) of this title, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) Travel funds.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) Import specialists.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) Data reconciliation analysts.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) Special agents.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

Subtitle B—Office of the United States Trade Representative

SEC. 1161. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “not to exceed”;

(B) in clause (i) to read as follows:

“(i) $30,000,000 for fiscal year 2003.”; and

(C) in clause (ii) to read as follows:

“(ii) $31,000,000 for fiscal year 2004.”; and

(2) in subparagraph (B)—

(A) in clause (i), by adding “and” at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) Submission of Out-Year Budget Projections.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.”.

(c) Additional Staff for Office of Assistant U.S. Trade Representative for Congressional Affairs.—

(1) In general.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2003 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

Subtitle C—United States International Trade Commission

SEC. 1171. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

“(i) $51,400,000 for fiscal year 2003.”; and

(2) in clause (ii) to read as follows:

“(ii) $53,400,000 for fiscal year 2004.”.

(b) Submission of Out-Year Budget Projections.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

“(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.”.

Subtitle D—Other Trade Provisions

SEC. 1181. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) In General.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking “$400” and inserting “$800”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 1182. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

Subtitle E—Sense of Senate

SEC. 1191. SENSE OF SENATE.

It is the sense of the Senate that fees collected for certain customs services (commonly referred to as "customs user fees") provided for in section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) may be used only for the operations and programs of the United States Customs Service.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

SEC. 2101. SHORT TITLE; FINDINGS.

(a) Short Title.—This title may be cited as the "Bipartisan Trade Promotion Authority Act of 2002".

(b) Findings.—Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

(3) Support for continued trade expansion requires that dispute settlement procedures under international trade agreements not add to or diminish the rights and obligations provided in such agreements. Nevertheless, in several cases, dispute settlement panels and the WTO Appellate Body have added to obligations and diminished rights of the United States under WTO Agreements. In particular, dispute settlement panels and the Appellate Body have—

(A) given insufficient deference to the expertise and fact-finding of the Department of Commerce and the United States International Trade Commission;

(B) imposed an obligation concerning the casual relationship between increased imports into the United States and serious injury to domestic industry necessary to support a safeguard measure that is different from the obligation set forth in the applicable WTO Agreements;

(C) imposed an obligation concerning the exclusion from safeguards measures of products imported from countries party to a free trade agreement that is different from the obligation set forth in the applicable WTO Agreements;

(D) imposed obligations on the Department of Commerce with respect to the use of facts available in antidumping investigations that are different from the obligations set forth in the applicable WTO Agreements; and

(E) accorded insufficient deference to the Department of Commerce's methodology for adjusting countervailing duties following the privatization of a subsidized foreign producer.

SEC. 2102. TRADE NEGOTIATING OBJECTIVES.

(a) Overall Trade Negotiating Objectives.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 2103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2113(2)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade; and

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

(b) Principal Trade Negotiating Objectives.—

(1) Trade barriers and distortions.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) Trade in services.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) Foreign investment.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment, while ensuring that United States investors in the United States are not accorded lesser rights than foreign investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(b) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and appropriate domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments; and

(B) to ensure that such standards do not place United States persons at a competitive disadvantage in international trade.

(7) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(8) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(10) RECIPROCAL TRADE IN AGRICULTURE.—

(A) IN GENERAL.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) seeking to eliminate all export subsidies on agricultural commodities while maintaining bona fide food aid and preserving United States agricultural market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(iv) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry;

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs; and

(xvi) strive to complete a general multilateral round in the World Trade Organization by January 1, 2005, and seek the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import-sensitive commodities (including those subject to tariff-rate quotas).

(B) Consultation

(i) BEFORE COMMENCING NEGOTIATIONS.—Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) DURING NEGOTIATIONS.—During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule.

(iii) SCOPE OF OBJECTIVE.—The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered into under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(11) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(12) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek improved adherence by panels convened under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes and by the WTO Appellate Body to the standard of review applicable under the WTO Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(13) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the WTO rules with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(14) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and the relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating, on a time frame determined in accordance with section 2107(b)(2)(E);

(9)(A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provision, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) address and remedy market distortions that lead to dumping and subsidization, including over-capacity, cartelization, and market-access barriers.

(10) continue to promote consideration of multilateral environmental agreements and

consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United State permitted by a trade agreement to which this title applies, on the effectiveness of the penalty or remedy applied under United states law in enforcing United States rights under the trade agreement; and

(12) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unantipated currency movements and to scrutinize whether a foreign government engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

The report required under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) CONSULTATIONS.—

(1) CONSULTATIONS WITH CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 2107 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) CONSULATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 2107; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 2103. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 2, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of exiting duty-free or excise treatment, or

(iii) such additional duties, as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 2105 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2102(5) of that Act, if the United Sates agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Rounds Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NON-TARIFF BARRIERS.—

(1) IN GENERAL.—

(A) DETERMINATION BY PRESIDENT.—

Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) AGREEMENT TO REDUCE OR ELIMINATE CERTAIN DISTORTION.—The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) TIME PERIOD.—The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2102 (a) and (b) and the President satisfies the conditions set forth in section 2104.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—

(A) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of section 151 of the Trade Act of 1972 (in this title referred to as "trade authorities procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an "implementing bill".

(B) PROVISIONS DESCRIBED.—The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES—

(1) IN GENERAL.—Except as provided in section 2105(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be expanded to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) OTHER REPORTS TO CONGRESS.—

(A) REPORT BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2) The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) REPORT BY ITC.—The President shall promptly inform the International Trade Commission of the President's decision to submit a report to the Congress under paragraph (2). The International Trade Commission shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of enactment of this Act and the date on which the President decides to seek an extension requested under subparagraph (2).

(4) STATE OF REPORTS.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—

(A) DEFINITION.—For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the request of the President for the extension, under section 2103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 2103(b) of that Act after June 30, 2005.", with the blank space being filled with the name of the resolving House of the Congress.

(B) INTRODUCTION.—Extension disapproval resolutions.—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) LIMITATIONS.—It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2102(b).

SEC. 2104. CONSULTATIONS AND ASSESSMENT.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—The President, with respect to any agreement that is subject to the provisions of section 2103(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 2107; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 2107(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) NEGOTIATIONS REGARDING AGRICULTURE AND FISHING INDUSTRY.—

(1) IN GENERAL.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 2102(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee On Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) SPECIAL CONSULTANTS ON IMPORT SENSITIVE PRODUCTS.—

(A) IN GENERAL.—Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff-rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(III) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representatives intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) IDENTIFICATION OF ADDITIONAL AGRICULTURAL PRODUCTS.—If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (a)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (a)(iv) of those products and the reasons for seeking such tariff reductions.

(3) NEGOTIATIONS REGARDING THE FISHING INDUSTRY.—Before initiating, or continuing, negotiations which directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of negotiations on an ongoing and timely basis.

(c) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 2103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 2107.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 2105, including the general effect of the agreement on existing laws.

(3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—

(A) CHANGES IN CERTAIN TRADE LAWS.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in writing of any amendments to title VII of the Tariff Act of 1930 or chapter 1 of title II of the Trade Act of 1974 that the President proposes to include a bill implementing such trade agreement.

(B) EXPLANATION.—On the date that the President transmits the notification, the President also shall transmit to the Committees a report explaining—

(i) the President's reasons for believing that amendments to title VII of the Tariff Act of 1930 or to chapter 1 of title II of the Trade Act of 1974 are necessary to implement the trade agreement; and

(ii) the President's reasons for believing that such amendments are consistent with the purposes, policies, and objectives described in section 2102(c)(9).

(C) REPORT TO HOUSE.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Ways and Means Committee of the House of Representatives, based on consultations with the members of that Committee, shall issue to the House of Representatives a report stating whether the proposed amendments described in the President's notification are consistent with the purposes, policies, and objectives described in section 2102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(D) REPORT TO SENATE.—Not later than 60 calendar days after the date on which the President transmits the notification described in subparagraph (A), the Chairman and ranking member of the Finance Committee of the Senate, based on consultations with the members of that Committee, shall issue to the Senate a report stating whether the proposed amendments described in the President's report are consistent with the purposes, policies, and objectives described in section 2102(c)(9). In the event that the Chairman and ranking member disagree with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(e) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 2103(a) or (b) of this title shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 2103(a)(1) or 2105(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 2103(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement of the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 2105. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 2103(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into an agreement—

(i) notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register; and

(ii) transmits to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the notification and report described in section 2104(d)(3) (A) and (B);

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 2103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 2103(b)(3);

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 2102(c) regarding the promotion of certain priorities; and

(VI) in the event that the reports described in section 2104(b)(3) (C) and (D) contain any findings that the proposed amendments are inconsistent with the purposes, policies, and objectives described in section 2102(c)(9), an explanation as to why the President believes such findings to be incorrect.

(3) Reciprocal benefits.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 2103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) Disclosure of commitments.—Any agreement or other understanding with a foreign government or governments (whether oral or in writting) that—

(A) relates to a trade agreement with respect to which Congress enacts implementing legislation under trade authorities procedures, and

(B) is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(h) Limitations on Trade Authorities Procedures.—

(1) For lack of notice or consultations.—

(A) In general.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 2103(h) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) Procedural disapproval resolution.—(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002 on negotiations with respect to ________ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002" on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 2104 or 2105 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 2107(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, pricrities, and objectives of this title.

(C) Procedures for considering resolutions.—(i) Procedural disapproval resolutions—

(I) in the House of Representatives—

(aa) may be introduced by any Member of the House;

(bb) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(cc) may not be amended by either Committee; and

(II) in the Senate—

(aa) may be introduced by any Member of the Senate.

(bb) shall be referred to the Committee on Finance; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) it is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(2) For failure to meet other requirements.—Prior to December 31, 2002, the Secretary of Commerce shall transmit to Congress a report setting forth the strategy of the United States for correcting instances in which dispute settlement panels and the Appellate Body of the WTO have added to obligations or diminished rights of the United States, as described in section 2101(b)(3). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the WTO, unless the Secretary of Commerce has issued such report in a timely manner.

(c) Rules of House of Representatives and Senate.—Subsection (b) of this section and section 2103(c) are enacted by the Congress—

(1) as a exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 2106. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) Certain Agreements.—Notwithstanding the prenegotiation notification and consultation requirement described in section 2104(a), if an agreement to which section 2103(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) Treatment of Agreements.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 2201(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 2105(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 2104(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 2104(a)(2) and the Congressional Oversight Group.

SEC. 2107. CONGRESSIONAL OVERSIGHT GROUP.

(a) Members and Functions.—

(1) In general.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) Membership from the house.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(3) Membership from the senate.—In each Congress, the Congressional Oversight Group

shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(4) Accreditation.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) Chair.—The Congressional Oversight Group shall be chaired by Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) Guidelines—

(1) Purpose and revision.—The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) Content.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 2102(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites;

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(E) the time frame for submitting the report required under section 2102(c)(8).

(c) Request for Meeting.—Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

SEC. 2108. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) In General.—At the time the President submits to the Congress the final text of an agreement pursuant to section 2105(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border personnel requirements.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) Agency staffing requirements.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Customs infrastructure requirements.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) Impact on state and local governments.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) Cost analysis.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) Budget Submission.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 2109. COMMITTEE STAFF.

The grant of trade promotion authority under this title is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 2107 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

SEC. 2110. CONFORMING AMENDMENTS.

(a) In General.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) Implementing bill.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002".

(2) Advice from international trade commission.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102(a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 2103(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002,"; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(3) Hearings and advice.—Sections 132, 133(a), and 134(a) (19) U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002,".

(4) Prerequisites for offers.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(5) Advice from private and public sections.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 2103 of the Bipartisan Trade Promotion Authority Act of 2002"; and

(ii) by striking "not later than the date on which the President notifies the Congress under section 1103(a)(1)(A) of such Act of 1988 of his intention to enter into that agreement" and inserting "not later than the date that is 30 days after the date on which the President notifies the Congress under section 5(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002 of the President's intention to enter into the agreement"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2102 of the Bipartisan Trade Promotion Authority Act of 2002".

(6) Transmission of agreements to congress.—Section 162(a) and (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002".

(b) Application of Certain Provisions.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 2103 shall to treated as an agreement

entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 2103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 2111. REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the International Trade Commission shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the economic impact on the United States of the trade agreements described in subsection (b).

(b) AGREEMENTS.—The trade agreements described in this subsection are:

(1) The United States-Israel Free Trade Agreement.

(2) The United States-Canada Free Trade Agreement.

(3) The North American Free Trade Agreement.

(4) The Uruguay Round Agreements.

(5) The Tokyo Round of Multilateral Trade Negotiations.

SEC. 2112. IDENTIFICATION OF SMALL BUSINESS ADVOCATE AT WTO.

(a) IN GENERAL.—The United States Trade Representative shall pursue the identification of a small business advocate at the World Trade Organization Secretariat to examine the impact of WTO agreements on the interests of small- and medium-sized enterprises, address the concerns of small- and medium-sized enterprises, and recommend ways to address those interests in trade negotiations involving the World Trade Organization.

(b) ASSISTANT TRADE REPRESENTATIVE.—The Assistant United States Trade Representative for Industry and Telecommunications shall be responsible for ensuring that the interests of small business are considered in all trade negotiations in accordance with the objective described in section 2102(a)(8). It is the sense of Congress that the small business functions should be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small business.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the United States Trade Representative shall prepare and submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the steps taken by the United States Trade Representative to pursue the identification of a small business advocate at the World Trade Organization.

SEC. 2113. DEFINITIONS.

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term "Agreement on Agriculture" means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511 (d)(2)).

(2) CORE LABOR STANDARDS.—The term "core labor standards" means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term "ILO" means the International Labor Organization.

(5) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term "import sensitive agricultural product" means an agricultural product with respect to which, as a result of the Uruguay Round Agreements—

(A) the rate of duty was the subject of tariff reductions by the United States, and pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) became subject to a tariff-rate quota on or after January 1, 1995.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(7) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(8) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(9) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXXI—ANDEAN TRADE PREFERENCE

SEC. 3101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Andean Trade Preference Expansion Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiaries countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3102. TEMPORARY PROVISIONS.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

"(F) articles to which reduced rates of duty apply under subsection (c);

"(G) sugars, syrups, and sugar containing products subject to tariff-rate quotas; or

"(H) rum and tafia classified in subheading 2208.40 of the HTS.

"(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles imported directly into the customs territory of the United States from an ATPEA beneficiary country:

"(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

"(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States), provided that apparel articles sewn or otherwise assembled from materials described in this subclause are assembled with thread formed in the United States.

"(II) Fabric components knit-to-shape in the United States from yarns wholly formed in the United States and fabric components knit-to-shape in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(III) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns wholly formed in 1 or more ATPEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries) or components are in chief weight of llama, or alpaca.

"(IV) Fabrics or yarns that are not formed in the United States or in 1 or more ATPEA beneficiary countries, to the extent such fabrics or yarns are considered not to be widely available in commercial quantities for purposes of determining the eligibility of such apparel articles for preferential treatment under Annex 401 of the NAFTA.

"(ii) KNIT-TO-SHAPE APPAREL ARTICLES.—Apparel articles knit-to-shape (other than socks provided for in heading 6115 of the HTS) in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States.

"(iii) REGIONAL FABRIC.—

"(I) GENERAL RULE.—Knit apparel articles wholly assembled in 1 or more ATPEA beneficiary countries exclusively from fabric formed, or fabric components formed, or components knit-to-shape, or any combination thereof, in 1 or more ATPEA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (II).

"(II) LIMITATION.—The amount referred to in subclause (I) is 70,000,000 square meter equivalents during the 1-year period beginning on March 1, 2002, increased by 16 percent, compounded annually, in each succeeding 1-year period through February 28, 2006.

"(iv) CERTAIN OTHER APPAREL ARTICLES.—

"(I) GENERAL RULE.—Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or one or more of the ATPEA beneficiary countries, or both.

"(II) LIMITATION.—During the 1-year period beginning on March 1, 2003, and during each of the 2 succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity that are entered during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(III) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity that are entered during the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

"(v) APPAREL ARTICLES ASSEMBLED FROM FABRICS OR YARN NOT WIDELY AVAILABLE IN COMMERCIAL QUANTITIES.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (i)(IV) if—

"(I) the President determines that such fabrics or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

"(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

"(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under subclause (II);

"(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

"(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

"(vi) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

"(vii) SPECIAL RULES.—

"(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

"(bb) In the case of an article described in clause (i)(I) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

"(II) CERTAIN INTERLININGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

"(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

"(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

"(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains yarns not wholly formed in the United States or in 1 or more ATPEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

"(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

"(V) CLARIFICATION OF CERTAIN KNIT APPAREL ARTICLES.—Notwithstanding any other provision of law, an article otherwise eligible for preferential treatment under clause (iii)(I) of this subparagraph, shall not be ineligible for such treatment because the article, or a component thereof, contains fabric formed in the United States from yarns wholly formed in the United States.

"(viii) TEXTILE LUGGAGE.—Textile luggage—

"(I) assembled in an ATPEA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

"(II) assembled from fabric cut in an ATPEA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

"(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles to which subparagraph (A) applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the ATPEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

"(D) PENALTIES FOR TRANSSHIPMENTS.—

"(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from an ATPEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

"(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

"(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

"(E) BILATERAL EMERGENCY ACTIONS.—

"(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPEA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

"(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

"(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

"(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

"(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

"(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

"(A) EQUIVALENT TARIFF TREATMENT.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B), (D) through (F), or (H) of paragraph (1) that is an ATPEA originating good, imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

"(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

"(iii) CERTAIN FOOTWEAR.—

"(I) IN GENERAL.—Duties on any article described in subclause (II), that is an ATPEA originating good imported directly into the customs territory of the United States from an ATPEA beneficiary country, shall be reduced by 1/15 a year beginning on the date of enactment of the Andean Trade Preference Expansion Act.

"(II) ARTICLES DESCRIBED.—An article described in this subclause means an article described in subheading 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.30, 6402.99.80, 6402.99.90, 6403.91.60, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.20, 6404.19.35, 6404.19.50, or 6404.19.70 of the HTS.

"(B) RELATIONSHIP TO SUBSECTION (C) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (c) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(C) SPECIAL RULE FOR SUGARS, SYRUPS, AND SUGAR CONTAINING PRODUCTS.—Duty-free treatment under this Act shall not be extended to sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

"(D) SPECIAL RULE FOR CERTAIN TUNA PRODUCTS.—

"(i) IN GENERAL.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels or ATPEA beneficiary country vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country. Such duty-free treatment may be proclaimed in any calendar year for a quantity of such tuna that does not exceed 20 percent of the domestic United States tuna pack in the preceding calendar year. As used in the preceding sentence, the term 'tuna pack' means tuna pack as defined by the National Marine Fisheries Service of the United States Department of Commerce for purposes of subheading 1604.14.20 of the HTS as in effect on the date of enactment of the Andean Trade Preference Expansion Act.

"(ii) UNITED STATES VESSEL.—For purposes of this subparagraph, a 'United States vessel' is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

"(iii) ATPEA VESSEL.—For purposes of this subparagraph, an 'ATPEA vessel' is a vessel—

"(I) which is registered or recorded in an ATPEA beneficiary country;

"(II) which sails under the flag of an ATPEA beneficiary country;

"(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

"(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

"(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

"(aa) has implemented and follows; or

"(bb) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

"(aa) from which the article is exported; or

"(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each ATPEA beneficiary country—

"(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

"(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

"(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2002, a report on the study conducted under this subparagraph.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) ATPEA BENEFICIARY COUNTRY.—The term 'ATPEA beneficiary country' means any 'beneficiary country', as defined in section 203(a)(1) of this title, which the President designates as an ATPEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

"(i) Whether the beneficiary country has demonstrated a commitment to—

"(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

"(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

"(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

"(iii) The extent to which the country provides internationally recognized worker rights, including—

"(I) the right of association;

"(II) the right to organize and bargain collectively;

"(III) a prohibition on the use of any form of forced or compulsory labor;

"(IV) a minimum age for the employment of children; and

"(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

"(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

"(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

"(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

"(vii) The extent to which the country—

"(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

"(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

"(C) ATPEA ORIGINATING GOOD.—

"(i) IN GENERAL.—The term 'ATPEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

"(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to an ATPEA beneficiary country for purposes of this subsection—

"(I) no country other than the United States and an ATPEA beneficiary country may be treated as being a party to the NAFTA;

"(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and an ATPEA beneficiary country;

"(III) any reference to a party shall be deemed to refer to an ATPEA beneficiary country or the United States; and

"(IV) any reference to parties shall be deemed to refer to any combination of ATPEA beneficiary countries or to the United States and one or more ATPEA beneficiary countries (or any combination thereof).

"(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to an ATPEA beneficiary country, the period that begins on the date of enactment, and ends on the earlier of—

"(i) February 28, 2006; or

"(ii) the date on which the FTAA or another free trade agreement that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the ATPEA beneficiary country.

"(E) ATPEA.—The term 'ATPEA' means the Andean Trade Preference Expansion Act.

"(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 203(e) of the Andean Trade Preference Act (19 U.S.C. 3202(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) The President may, after the requirements of paragraph (2) have been met—

"(i) withdraw or suspend the designation of any country as an ATPEA beneficiary country; or

"(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) and (3) to any article of any country,

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B)."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) If preferential treatment under section 204(b) (2) and (3) is withdrawn, suspended, or limited with respect to an ATPEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 204(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.".

(c) REPORTING REQUIREMENTS.—Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended to read as follows:

"(f) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Not later than December 31, 2002, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

"(A) with respect to subsections (c) and (d), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

"(B) the performance of each beneficiary country or ATPEA beneficiary country, as the case may be, under the criteria set forth in section 204(b)(5)(B).

"(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 204(b)(5)(B).".

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting "(or other preferential treatment)" after "treatment".

(B) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting "(or otherwise provided for)" after "eligibility".

(C) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(a)(1)) is amended by inserting "(or preferential treatment)" after "duty-free treatment".

(2) DEFINITIONS.—Section 203(a) of the Andean Trade Preference Act (19 U.S.C. 3202(a)) is amended by adding at the end the following new paragraphs:

"(4) The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(5) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).".

(e) PETITIONS FOR REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall promulgate regulations regarding the review of eligibility of articles and countries under the Andean Trade Preference Act, consistent with section 203(e) of such Act, as amended by this title.

(2) CONTENT OF REGULATIONS.—The regulations shall be similar to the regulations regarding eligibility under the Generalized System of Preferences with respect to the timetable for reviews and content, and shall include procedures for requesting withdrawal, suspension, or limitations of preferential duty treatment under the Act, conducting reviews of such requests, and implementing the results of the reviews.

SEC. 3103. TERMINATION.

(a) IN GENERAL.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

"(b) TERMINATION OF PREFERENTIAL TREATMENT.—No preferential duty treatment extended to beneficiary countries under this Act shall remain in effect after February 28, 2006.".

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), the entry—

(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001,

(B) that was made after December 4, 2001, and before the date of the enactment of this Act, and

(C) to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act did not apply,

shall be liquidated or reliquidated as if such duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(2) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with

respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

TITLE XXII—MISCELLANEOUS TRADE BENEFITS

SEC. 3201. WOOL PROVISIONS.

(a) Short Title.—This section may be cited as the "Wool Manufacturer Payment Clarification and Technical Corrections Act".

(b) Clarification of Temporary Duty Suspension.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by inserting "average" before "diameters".

(c) Payments to Manufacturers of Certain Wool Products.—

(1) Payments.—Section 505 of the Trade and Development Act of 2000 (Public Law 106-200; 114 Stat. 303) is amended as follows:

(A) Subsection (a) is amended—

(i) by striking "In each of the calendar years" and inserting "For each of the calendar years"; and

(ii) by striking "for a refund of duties" and all that follows through the end of the subsection and inserting "for a payment equal to an amount determined pursuant to subsection (d)(1).".

(B) Subsection (b) is amended to read as follows:

"(b) Wool Yarn.—

"(1) Importing manufacturers.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).

"(2) Nonimporting manufacturers.—For each of the calendar years 2001 and 2002, any other manufacturer of worsted wool fabrics of imported wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(2).".

(C) Subsection (c) is amended to read as follows:

"(c) Wool Fiber and Wool Top.—

"(1) Importing manufacturers.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).

"(2) Nonimporting manufacturers.—For each of the calendar years 2001 and 2002, any other manufacturer of wool yarn or wool fabric of imported wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).".

(D) Section 505 is further amended by striking subsection (d) and inserting the following new subsections:

"(d) Amount of Annual Payments to Manufacturers.—

"(1) Manufacturers of men's suits, etc. of imported worsted wool fabrics.—

"(A) Eligible to receive more than $5,000.—Each annual payment to manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each of the calendar years 2000, 2001, and 2002, shall be in an amount equal to one-third of the amount determined by multiplying $30,124,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the manufacturers described in subsection (a) who, according to the records of the Customs Service as of September 11, 2001, are eligible to receive more than $5,000 for each such calendar year under this section as it was in effect on that date.

"(B) Eligible wool products.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported worsted wool fabrics described in subsection (a).

"(C) Others.—All manufacturers described in subsection (a), other than the manufacturers to which subparagraph (A) applies, shall each receive an annual payment in an amount equal to one-third of the amount determined by dividing $1,665,000 by the number of all such other manufacturers.

"(2) Manufacturers of worsted wool fabrics of imported wool yarn.—

"(A) Importing manufacturers.—Each annual payment to an importing manufacturer described in subsection (b)(1) shall be in an amount equal to one-third of the amount determined by multiplying $2,202,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (b)(1).

"(B) Eligible wool products.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool yarn described in subsection (b)(1).

"(C) Nonimporting manufacturers.—Each annual payment to a nonimporting manufacturer described in subsection (b)(2) shall be in an amount equal to one-half of the amount determined by multiplying $141,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2).

"(3) Manufacturers of wool yarn or wool fabric of imported wool fiber or wool top.—

"(A) Importing manufacturers.—Each annual payment to an importing manufacturer described in subsection (c)(1) shall be in an amount equal to one-third of the amount determined by multiplying $1,522,000 by a fraction—

"(i) the numerator of which is the amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

"(ii) the denominator of which is the total amount attributable to the duties paid on eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (c)(1).

"(B) Eligible wool products.—For purposes of subparagraph (A), the term 'eligible wool products' refers to imported wool fiber or wool top described in subsection (c)(1).

"(C) Nonimporting manufacturers.—Each annual payment to a nonimporting manufacturer described in subsection (c)(2) shall be in an amount equal to one-half of the amount determined by multiplying $597,000 by a fraction—

"(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

"(ii) the denominator of which is the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by all the nonimporting manufacturers described in subsection (c)(2).

"(4) Letters of intent.—Except for the nonimporting manufacturers described in subsections (b)(2) and (c)(2) who may make claims under this section by virtue of the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, only manufacturers who, according to the records of the Customs Service, filed with the Customs Service before September 11, 2001, letters of intent to establish eligibility to be claimants are eligible to make a claim for a payment under this section.

"(5) Amount attributable to purchases by nonimporting manufacturers.—

"(A) Amount attributable.—For purposes of paragraphs (2)(C) and (3)(C), the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by a nonimporting manufacturer shall be the amount the nonimporting manufacturer paid for eligible wool products in calendar year 1999, as evidenced by invoices. The nonimporting manufacturer shall make such calculation and submit the resulting amount to the Customs Service, within 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, in a signed affidavit that attests that the information contained therein is true and accurate to the best of the affiant's belief and knowledge. The nonimporting manufacturer shall retain the records upon which the calculation is based for a period of five years beginning on the date the affidavit is submitted to the Customs Service.

"(B) Eligible wool product.—For purposes of subparagraph (A)—

"(i) the eligible wool product for nonimporting manufacturers of worsted wool fabrics is wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States purchased in calendar year 1999; and

"(ii) the eligible wool products for nonimporting manufacturers of wool yarn or wool fabric are wool fiber or wool top of the kind described in heading 9902.51.14 of such Schedule purchased in calendar year 1999.

"(6) Amount attributable to duties paid.—For purposes of paragraphs (1), (2)(A), and (3)(A), the amount attributable to the duties paid by a manufacturer shall be the amount shown on the records of the Customs Service as of September 11, 2001, under this section as then in effect.

"(7) Schedule of payments; reallocations.—

"(A) Schedule.—Of the payments described in paragraphs (1), (2)(A), and (3)(A), the Customs Service shall make the first and second installments on or before the date that is 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, and the third installment on or before April 15, 2003. Of the payments described in paragraphs (2)(C) and (3)(C), the Customs Service shall make the first installment on or before the date that is 45 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, and the second installment on or before April 15, 2003.

"(B) Reallocations.—In the event that a manufacturer that would have received payment under subparagraph (A) or (C) of paragraph (1), (2), or (3) ceases to be qualified for such payment as such a manufacturer, the amounts otherwise payable to the remaining manufacturers under such subparagraph shall be increased on a pro rata basis by the amount of the payment such manufacturer would have received.

"(8) Reference.—For purposes of paragraphs (1)(A) and (6), the 'records of the Customs Service as of September 11, 2001' are the records of the Wool Duty Unit of the Customs Service on September 11, 2001, as adjusted by the Customs Service to the extent necessary to carry out this section. The amounts so adjusted are not subject to administrative or judicial review.

"(e) Affidavits by Manufacturers.—

"(1) Affidavit required.—A manufacturer may not receive a payment under this section for calendar year 2000, 2001, or 2002, as the case may be, unless that manufacturer has submitted to the Customs Service for that calendar year a signed affidavit that attests that, during that calendar year, the affiant was a manufacturer in the United States described in subsection (a), (b), or (c).

"(2) Timing.—An affidavit under paragraph (1) shall be valid—

"(A) in the case of a manufacturer described in paragraph (1), (2)(A), or (3)(A) of subsection (d) filing a claim for a payment for calendar year 2000 or 2001, or both, only if the affidavit is postmarked no later than 15 days after the date of enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act; and

"(B) in the case of a claim for a payment for calendar year 2002, only if the affidavit is postmarked no later than March 1, 2003.

"(f) Offsets.—Notwithstanding any other provision of this section, any amount otherwise payable under subsection (d) to a manufacturer in calendar year 2001 and, where applicable, in calendar years 2002 and 2003, shall be reduced by the amount of any payment received by that manufacturer under this section before the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act.

"(g) Definition.—For purposes of this section, the manufacturer is the party that owns—

"(1) imported worsted wool fabric, of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States, at the time the fabric is cut and sewn in the United States into men's or boys' suits, suit-type jackets, or trousers;

"(2) imported wool yarn, of the kind described in heading 9902.51.13 of such Schedule, at the time the yarn is processed in the United States into worsted wool fabric; or

"(3) imported wool fiber or wool top, of the kind described in heading 9902.51.14 of such Schedule, at the time the wool fiber or wool top is processed in the United States into wool yarn.".

(2) Funding.—There is authorized to be appropriated and is appropriated, out of amounts in the General Fund of the Treasury not otherwise appropriated, $36,251,000 to carry out the amendments made by paragraph (1).

SEC. 3202. CEILING FANS.

(a) In General.—Notwithstanding any other provision of law, ceiling fans classified under subheading 8414.51.00 of the Harmonized Tariff Schedule of the United States imported from Thailand shall enter duty-free and without any quantitative limitations, if duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied to such entry had the competitive need limitation been waived under section 503(d) of such Act.

(b) Applicability.—The provisions of this section shall apply to ceiling fans described in subsection (a) that are entered, or withdrawn from warehouse for consumption—

(1) on or after the date that is 15 days after the date of enactment of this Act; and

(2) before July 30, 2002.

SEC. 3203. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) In General.—Subheading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "4.9%" and inserting "Free"; and

(2) by striking "12/31/2003" and inserting "12/31/2006".

(b) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

(2) Retroactive application.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (4), the entry of any article—

(A) that was made on or after January 1, 2002, and

(B) to which duty-free treatment would have applied if the amendment made by this section had been in effect on the date of such entry,

shall be liquidated or reliquidated as if such duty-free treatment applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(3) Entry.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(4) Requests.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

SEC. 4101. GENERALIZED SYSTEM OF PREFERENCES.

(a) Extension of Duty-Free Treatment Under System.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2006".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(c) Retroactive Application for Certain Liquidations and Reliquidations.—

(1) In general.—

(A) Entry of certain articles.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) Entry.—In this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) Requests.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 4102. AMENDMENTS TO GENERALIZED SYSTEM OF PREFERENCES.

Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and";

(3) by adding at the end the following new subparagraph:

"(F) a prohibition on discrimination with respect to employment and occupation."; and

(4) by amending subparagraph (D) to read as follows:

"(D) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, as defined in paragraph (6);".

TITLE XLII—OTHER PROVISIONS

SEC. 4201. TRANSPARENCY IN NAFTA TRIBUNALS.

(a) Findings.—Congress makes the following findings:

(1) Chapter Eleven of the North American Free Trade Agreement (NAFTA) allows foreign investors to file claims against signatory countries that directly or indirectly nationalize or expropriate an investment, or take measures "tantamount to nationalization or expropriation" of such an investment.

(2) Foreign investors have filed several claims against the United States, arguing that regulatory activity has been "tantamount to nationalization or expropriation". Most notably, a Canadian chemical company claimed $970,000,000 in damages allegedly resulting from a California State regulation banning the use of a gasoline additive produced by that company.

(3) A claim under Chapter Eleven of the NAFTA is adjudicated by a three-member panel, whose deliberations are largely secret.

(4) While it may be necessary to protect the confidentiality of business sensitive information, the general lack of transparency of these proceedings has been excessive.

(b) Purpose.—The purpose of this amendment is to ensure that the proceedings of the NAFTA investor protection tribunals are as transparent as possible, consistent with the need to protect the confidentiality of business sensitive information.

(c) CHAPTER 11 OF NAFTA.—The President shall negotiate with Canada and Mexico an amendment to Chapter Eleven of the NAFTA to ensure the fullest transparency possible with respect to the dispute settlement mechanism in that Chapter, consistent with the need to protect information that is classified or confidential, by—

(1) ensuring that all requests for dispute settlement under Chapter Eleven are promptly made public;

(2) ensuring that with respect to Chapter Eleven—

(A) all proceedings, submissions, findings, and decisions are promptly made public; and

(B) all hearings are open to the public; and

(3) establishing a mechanism under that Chapter for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(d) CERTIFICATION REQUIREMENTS.—Within one year of the date of enactment of this Act, the U.S. Trade Representative shall certify to Congress that the President has fulfilled the requirements set forth in subsection (c).

SEC. 4202. EXPRESSION OF SOLIDARTIY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will.

(2) President George W. Bush declared on November 21, 2001, "We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.".

(3) The United States has committed to provide resources to states on the frontline in the war against terrorism.

(b) SENSE OF CONGRESS.—The Congress—

(1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings;

(5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly the United States allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and

(7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-7

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following protocol transmitted following the recess of the Senate on May 9, 2002, by the President of the United States:

The Protocol to the Agreement of the International Atomic Energy Agency Regarding Safeguards in the United States (Treaty Document No. 107-7);

I further ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I submit herewith, for Senate advice and consent to ratification, the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with annexes, signed at Vienna June 12, 1998 (the "Additional Protocol"). Adhering to the Additional Protocol will bolster U.S. efforts to strengthen nuclear safeguards and promote the nonproliferation of nuclear weapons, which is a cornerstone of U.S. foreign and national security policy.

At the end of the Persian Gulf War, the world learned the extent of Iraq's clandestine pursuit of an advanced program to develop nuclear weapons. In order to increase the capability of the International Atomic Energy Agency (the "Agency") to detect such programs, the international community negotiated a Model Additional Protocol (the "Model Protocol") to strengthen the Agency's nuclear safeguards system. The Model Protocol is to be used to amend the existing bilateral safeguards agreements of states with the Agency.

The Model Protocol is a milestone in U.S. efforts to strengthen the safeguards system of the Agency and thereby to reduce the threat posed by clandestine efforts to develop a nuclear weapon capability. By accepting the Model Protocol, states assume new obligations that will provide far greater transparency for their nuclear activities. Specifically, the Model Protocol strengthens safeguards by requiring states to provide broader declarations to the Agency about their nuclear programs and nuclear-related activities and by expanding the access rights of the Agency.

The United States signed the Additional Protocol at Vienna on June 12, 1998. The Additional Protocol is a bilateral treaty that would supplement and amend the Agency verification arrangements under the existing Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America of November 18, 1977 (the "Voluntary Offer"), which entered into force on December 9, 1980. The Additional Protocol will enter into force when the United States notifies the Agency that the U.S. statutory and constitutional requirements for entry into force have been met.

The Treaty on the Non-Proliferation of Nuclear Weapons (the "NPT") requires non-nuclear-weapon states parties to accept Agency safeguards on their nuclear activities. The United States, as a nuclear-weapon state party to the NPT, is not obligated to accept Agency safeguards on its nuclear activities. Nonetheless, it has been the announced policy of the United States since 1967 to permit the application of Agency safeguards to its nuclear facilities—excluding only those of direct national security significance. The Additional Protocol similarly allows the United States to exclude its application in instances where the United States decides that its application would result in access by the Agency to activities with direct national security significance to the United States or access to locations or information associated with such activities. I am, therefore, confident that the Additional Protocol, given our right to invoke the national security exclusion and to manage access in accordance with established principles for implementing these provisions, can be implemented in a fashion that is fully consistent with U.S. national security.

By submitting itself to the same safeguards on all of its civil nuclear activities that non-nuclear-weapon states parties to the NPT are subject to, the United States intends to demonstrate that adherence to the Model Protocol does not place other countries at a commercial disadvantage. The U.S. signature of the Additional Protocol was an important factor in the decisions of many non-nuclear-weapon states to accept the Model Protocol and provided significant impetus toward their early acceptance. I am satisfied that the provisions of the Additional Protocol, given our right to manage access in accordance with Article 7 and established implementation principles, will allow the United States to prevent the dissemination of proliferation-sensitive information and protect proprietary or commercially sensitive information.

I also transmit, for the information of the Senate, the report of the Department of State concerning the Additional Protocol, including an article-by-article analysis, a subsidiary arrangement, and a letter the United States has sent to the Agency concerning the Additional Protocol. Additionally, the recommended legislation necessary to implement the Additional Protocol will be submitted separately to the Congress.

I believe that the Additional Protocol is in the best interests of the United States. Our acceptance of this agreement will sustain our longstanding record of voluntary acceptance of nuclear safeguards and greatly strengthen our ability to promote universal adoption of the Model Protocol, a central goal of my nuclear nonproliferation policy. Widespread acceptance of the Protocol will contribute significantly to our nonproliferation objectives as well as strengthen U.S., allied, and international security. I, therefore, urge the Senate to give early and favorable consideration to the Additional Protocol, and to give advice and consent to its ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 9, 2002.*

RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open until 2 p.m. today for insertion of statements and the introduction of bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIGIBILITY FOR REFUGEE STATUS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 288, H.R. 1840.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1840) to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, that the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1840) was read the third time and passed.

ORDERS FOR MONDAY, MAY 13, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 3 p.m. on Monday, May 13; that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day; that the Senate be in a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the majority leader and the Republican leader or their designees; further, that at 4 p.m. the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur on Monday evening at about 6 o'clock on a judge's nomination.

I say to everyone, have a good weekend, and we hope to have a productive week next week.

RECESS UNTIL MONDAY, MAY 13, 2002, AT 3 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:11 p.m., recessed until Monday, May 13, 2002, at 3 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO JERRY RICH

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. ISAKSON. Mr. Speaker, I rise today to commend an American who exemplifies the opportunities and possibilities our free enterprise system brings to all Americans and, like so many Americans, an individual who has taken his success and its rewards and found a way to share it in a meaningful way.

I am pleased to rise today and commend Mr. Jerry Rich of Sugar Grove, Illinois, and I am very pleased to be joined by Speaker DENNIS HASTERT in this tribute. As the age of technology dawned in the 1970s, Jerry Rich applied his entrepreneurial spirit and personal dedication to develop a technology system capable of providing those in the financial markets with the ability to monitor disparate information on a single screen. Jerry Rich's innovation is now shared in the capital markets and on Wall Street by everyone. His innovation and success ultimately led to a merger of his company with Reuters and retirement from his business in 1988. But like so many Americans, Jerry Rich applied his success to his passion, and his passion to benefit America's youth.

Jerry Rich bought eight farms and combined them into what is now known as Sugar Grove Estate. A passionate golfer, Jerry set out to build and develop a unique golf course, and unique it is. Originally nine holes with three separate tees, Rich Harvest Links is now an eighteen-hole championship golf course, ranked by Golf Magazine as one of the top ten new private golf courses in America. Rich Harvest Acres has a staff of forty-five attending to this challenging 7,446-yard, par 72 golf course. While Rich Harvest Links is one of the most exclusive in America, currently with twenty-five members and a plan for twenty-five more in the future, it also is a golf course that Jerry Rich shares with amateur golfers in the great State of Illinois.

Jerry is very active in the youth program, "Hook a Kid on Golf," which introduces youths to the game of golf and has spread to twenty-nine states in America and Canada. He started a foundation that funds the operation for "Hook a Kid on Golf" in Illinois where, last year alone, one thousand five hundred children attended five-day clinics.

Jerry Rich embodies everything the American entrepreneurial spirit represents. Throughout his life he has taken risks, applied knowledge,sought innovation and built a business. From its success he has been rewarded, and with that success he shared with others. This is what America is all about, and Rich Harvest Links is not just a tribute to golf, but a tribute to a great man of Illinois who cares: Jerry Rich.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. UDALL of Colorado. Mr. Speaker, after careful consideration, I have decided that I cannot support this resolution.

The resolution would approve the site at Yucca Mountain, Nevada, for a high-level nuclear waste repository. This is the site with which the Governor of Nevada has submitted a notice of disapproval under the Nuclear Waste Policy Act of 1982, as amended. Congressional approval of the joint resolution would override the governor's objections and would endorse the decision of the President approving the site. Under the law, the Energy Department would then be required to request the Nuclear Regulatory Commission to issue a construction license for the repository.

In my opinion, to vote for the resolution would mean voting to make a premature decision, based on incomplete science and without adequate consideration of all the important factors involved. I do not think that would be a responsible course or in the public interest.

The President's decision evidently was based on the recommendation of Energy Secretary Abraham, who said that he was convinced that sound science supports the Yucca Mountain site.

In reaching that conclusion the Secretary evidently relied on the Energy Department's comprehensive performance assessment. However, in recent months three other agencies have issued reports that cast serious doubt on that conclusion.

Last September, the Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste reported that, among other things, the system-performance assessment used assumptions that "mask a realistic assessment of risk" and that its analyses were "assumption-based, not evidence-supported."

Then, in December, the General Accounting Office identified more than 290 relevant issues, including such matters as the geologic integrity of the site and the flow of water through the site, and concluded that "DOE will not be able to submit an acceptable application [to the Nuclear Regulatory Commission] within the express statutory time frame for several years because it will take that long to resolve many technical issues."

In January of this year, the Nuclear Waste Technical Review Board reported that it had "limited confidence in current performance estimates" underlying the Energy Department's recommendation and that it considered the technical bases for those estimates to be "weak to moderate"—far from a ringing endorsement, especially for a project of such scope and importance.

Those are not the only analyses that give me pause. Another appeared just last month in a Science magazine article by Rodney C. Ewing, a faculty member at the University of Michigan, and Allison McFarlane, who is in the Security Studies Program at MIT. In the article, Dr. Ewing and Dr. McFarlane note that "the passive properties of the [Yucca Mountain] repository site do not provide a long-term barrier to radionuclide release." That means there will be a need to rely on other things—engineering fixes—to prevent such releases. They say that the choice of Yucca Mountain as a repository site "is based on an unsound engineering strategy and poor use of present understanding of the properties of spent nuclear fuel," and that "there are other unresolved technical issues," including "the continuing controversy over the frequency and impact of volcanic activity" at Yucca Mountain.

And they conclude that "a project of this importance, which has gone on for 20 years, should not go forward until the relevant scientific issues have been thoughtfully addressed . . . To move ahead without first addressing the outstanding scientific issues will only continue to marginalize the role of science and detract from the credibility of the DOE effort."

I agree with that conclusion, which is why I am troubled by what seems to be a rush to judgment on the part of the Administration.

I do think that there are very important considerations that argue in favor of establishing a repository for the kind of high-level nuclear wastes that are at issue here, particularly the potential role of such a repository for disposition of military wastes such as spent fuel from our Navy's nuclear-powered vessels and in connection with our efforts to avoid proliferation of nuclear weapons.

However, I think questions about Yucca Mountain in the context of homeland security are not clear-cut.

On the one hand, the Administration points to the fact that more than 161 million Americans now live within 75 miles of a site where highly radioactive materials are stored and that while these facilities "should be able to withstand current terrorist threats . . . that may not remain the case in the future," as Secretary Abraham wrote in his February 14th letter to the President, and would be "better secured . . . at Yucca Mountain, on federal land, far from population centers, that can withstand an attack well beyond any that is reasonably conceivable."

On the other hand, there is something to be said for the argument that transporting large quantities of such materials over long distances would multiply the current opportunities for terrorist attacks because the vehicles doing the transporting would be attractive targets that could not always be totally concealed.

Further, I am not convinced that the Administration has adequately made the case that

Yucca Mountain is the right site for such a repository or that "a repository at Yucca Mountain is indispensable" for our energy security, as Secretary Abraham also claims in his February 14th letter to the President.

So, as things now stand, I am not persuaded that the case has been made for selection of the Yucca Mountain site, and I therefore am not ready to override the Governor's objections by voting for this resolution.

TRIBUTE TO THE JOHN BOOTH SENIOR CENTER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor one of my constituents for her commitment to our senior citizens.

Since 1965, the John Booth Senior Center has served the folks of East Baltimore. When first opened, the center was only one of 350 senior centers in the United States. Today, thanks to the efforts of its tireless director, June Goldfield, the center not only offers a community gathering place but a support service for East Baltimore's older citizens, enabling many of them to stay in the community as active, vital participants.

June began her full time employment with Baltimore City Department of Recreation and Parks almost 15 years ago and has dedicated herself to preserving and enhancing services for seniors. The center boasts unending activities and instruction as well as a close relationship with Hopkins Bayview Medical Center, which offers medical assistance to members. The ethnic food festival, prepared by center members, is among the most enjoyable activities.

I hope my colleagues will join me in congratulating June Goldfield on her public service and wishing her well in her retirement.

INTRODUCTION OF THE SMALL ENTERPRISE PAPERWORK REDUCTION ACT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to introduce the Small Business Enterprise Paperwork Reduction Act, a bill to relieve the burden of regulation compliance documentation.

Federal regulations are set to ensure worker safety and to protect public health and the environment. This nation's small businesses—representing 99 percent of all employers and constituting half our economic product—place a high value on compliance with regulations. Unfortunately, these requirements disproportionately burden small businesses, which spend millions of hours annually meeting federal paperwork and record-keeping requirements to prove that they have complied with regulations.

The time and effort spent by businesses and taxpayers to meet paperwork demands are estimated to equal almost 10 percent of the nation's Gross Domestic Product. Clearly, this is a waste of time and resources better spent creating jobs and furnishing goods and services.

Federal paperwork consistently ranks among the top 10 problems for small businesses. Time spent filling out forms, takes small business owners away from conducting our nation's business. It takes doctors away from patient care. It takes restaurant owners away from serving patrons. It takes your auto mechanic away from fixing your transmission.

The Paperwork Reduction Act of 1980 (PRA), since amended, seeks to minimize the cost and burden imposed by federal paperwork requirements and to maximize the usefulness of the information collected. The PRA of 1995 required reduction of paperwork burdens government-wide. Unfortunately, the burden did not decrease since 1995—in fact, it has increased by nearly 180 million burden hours during Fiscal Year 2000. This is the second largest one-year increase since the act was passed. It is also an outrage.

The PRA established the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget to review and clear agency information collection requirements. Unfortunately, OIRA has been diverted from its original mission by an Executive Order that makes it a central clearinghouse for agency rulemaking actions. Review of regulations now takes up most of OIRA's time and resources.

This legislation seeks to bring OIRA back towards its original mission—to ensure that Federal agencies do not over-burden businesses and the public with requests for information and documentation.

The Office of Management and Budget listed a total of 710 PRA violations for Fiscal Year 2000.

This legislation will strengthen the PRA by requiring OMB to do more to enforce the law on paperwork burden violations.

In addition, by making violations of the Paperwork Reduction Act a more public matter, it will increase public awareness and force agencies to focus on the burdens they impose on small business.

Lastly, this legislation requires federal agencies and OMB to track the paperwork burdens on small businesses by industry type. Congress and the public should be aware of what burdens are being placed on our small businesses by Federal agencies.

Small businesses create 75 percent of the new jobs in America. To protect this economic dynamo, we must be careful about the burdens we place on these firms. If the burden of government paperwork becomes too great, it will stall the very engine of economic growth that has made America strong. This legislation is designed to tighten the load, so that small businesses can get back to work providing jobs, goods and services in their communities.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. SWEENEY. Mr. Speaker, I rise today, as a co-chair of the Correctional Officers Caucus, to honor the men and women working in our correctional facilities. On a daily basis, correctional personnel perform a wide range of jobs, from the routine to the extraordinary. Their work often goes unnoticed, but the efforts of correctional officers and employees were never more apparent than on September 11, 2001.

Following the horrific terrorist attacks, the New York Correction Department immediately sent personnel to assist in rescue operations. Department staff controlled traffic congestion enabling emergency vehicles to reach Ground Zero and assisted firefighters by delivering fuel to needy fire trucks. They built a small "tent city" equipped with heat, electricity, telephone and fax lines to provide additional support services for the temporary morgue at Bellevue Hospital. The Department also conducted security clearances and issued thousands of photo ID cards to secure access to Ground Zero and other restricted areas.

Mr. Speaker, in the aftermath of the terrorist attacks, correctional officers and employees were deployed 24 hours a day, seven days a week, to assist in various rescue and recovery efforts.

I have introduced H. Con. Res. 390 to recognize the week of May 6th as National Correctional Officers and Employees Week, in gratitude for the courage and professionalism of the New York City Correction Department in the face of tragedy, as well as the daily work of all correctional officers and employees who perform their jobs with dedication and resolve.

Mr. Speaker, it is a privilege to honor our Nation's correctional officers and employees. I urge my colleagues to recognize these men and women by cosponsoring this important resolution.

EXPRESSING SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I offer these comments for the RECORD to supplement my vote on House Resolution 392—the resolution in support of Israel in the war against terrorism—which this body approved on May 2.

I voted in favor of the resolution because I believe what it said was both substantially accurate and needed to be formally declared by this Congress and this Nation: that there is no acceptable justification for terrorism in general and suicide bombing in particular. No one—no nation, no organization—can ever be perceived as gaining any advantage militarily, diplomatically, or politically from this reprehensible tactic.

I offer these comments because I'm afraid the resolution told only part of the story. What the resolution said wasn't nearly as controversial as what it didn't say. Because while it did incorporate some language addressing the humanitarian concerns of the Palestinian people, even the most ardent supporter of the current government in Israel would have to agree that the resolution was not as balanced as it could, or should, have been.

That's why I voted against ordering the previous question on the rule for this resolution. To put it simply, I hoped we could open up the debate on the resolution to include additional language. In my opinion, we could have made the resolution more balanced, portrayed a fuller and more exact picture of the situation, and made it more productive in achieving a lasting peace in the region. In a House of 435 Members, there were only 82 who voted with me on this, and only three of those were Republicans. I wish we had more, because I think we would have ended up with a better piece of legislation.

In particular, I think the resolution would have been dramatically improved had it specifically mentioned our commitment to a Palestinian State, and the vision for the future most reasonable people share on this issue: two independent states, one Israeli and one Palestinian, living side-by-side in peace.

LAKE ALLATOONA AWARENESS WEEK

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. ISAKSON. Mr. Speaker, I rise today to acknowledge Lake Allatoona Awareness Week as proclaimed by Governor Roy Barnes of Georgia.

Lake Allatoona is located north of Atlanta in the foothills of north Georgia, and covers parts of Cherokee, Cobb, and Bartow Counties. It provides drinking water for over 500,000 people and recreation activities for millions.

Two years ago the Lake Allatoona Preservation Authority, LAPA, was created to lead the effort to protect and preserve this vital resource. The lake provides habitat for a number of endangered species, including the Etowah Darter, Gray Bat, Southern Acornshell, and the American Bald Eagle.

Mr. Speaker, on Tuesday, May 7, LAPA and the Army Corp of Engineers signed a historic $5 million joint study to plan for the preservation of the lake for generations to come. There is no greater way to preserve than to plan for the future, and for the citizens of North Georgia and this great natural resource the future is bright.

TRIBUTE TO PITTSBURGH REGIONAL ALLIANCE

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. HART. Mr. Speaker, recently a local economic development group—the Pittsburgh Regional Alliance (PRA)—was selected as one of the top groups in the Nation. Each year, the editorial staff of Site Selection selects the Top 10 Economic Development Groups for their role in bringing large-scale corporate expansion projects to their respective communities. These standards used to make their decisions included: Capital investment in the service area during 2001; new jobs created in the service area; capital investment per capita; and new jobs created per 100,000 population.

The PRA is an outstanding source of research and advocacy for regional development in western Pennsylvania, and I would like to submit to the RECORD Site Selection's explanation of why they were awarded this great honor:

> Pittsburgh has been the manufacturing home of big steel, but much of that industry has closed and moved out of the country. The Three Rivers area has suffered through a downturn and repositioned itself as a city of the future. Building on the historic strengths of the area's energy traditions, the Pittsburgh Regional Alliance (PRA) helped Siemens Westinghouse Power choose a 22-acre site as the location for its $122-million, state-of-the-art fuel cell manufacturing plant.
>
> After the passage of Greenhouse Legislation by the state legislature, the PRA has begun to pursue an area Pittsburgh Bio/Venture Life Sciences Greenhouse approach to attract new industry. With cooperation with various academic institutions, the Bio Greenhouse hopes to position the area as a leader in biological research and development. "The Greenhouse will be the centerpiece of technology commercialization and economic development efforts," says D. Lansing Taylor, president and Chief Executive Officer of Cellomics. "It will also be the single organization to exploit synergies among university research strengths and facilities, and coordinate those efforts with economic development."
>
> The PRA, in conjunction with the Pennsylvania Dept. of Community and Economic Development, helped bring the world's largest producer of medical devices, Lake Region Medical, to the area. The facility will manufacture guide wires used for diagnostics and machine products used in the medical field, and will create at least 140 new jobs. The facility has qualified for a state financial package, including an Opportunity Grant and Jobs Creation Tax Credits.

I congratulate the PRA on this great award, and look forward to continue working with them as we bring back new growth and opportunity to western Pennsylvania.

HONORING ELAINE MARTIN

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. OTTER. Mr. Speaker, I rise today to congratulate Elaine Martin of Nampa, ID, on receiving the Small Business Advocate of the Year Award. Elaine was a struggling farmer in 1985 when she decided to enter the highway contracting business. With a $25,000 loan from her widowed mother she started a highway fencing company that, within a few years, became one of the largest guardrail companies in the western United States. Elaine's company, MarCon, now grosses over $8 million a year, and has grown from 5 employees to more than 26 full-time employees. Starting with no knowledge of highway contracting, she's had the courage to explore every aspect of the business, from working alongside her crews to fighting red tape on behalf of contractors and small businesses everywhere. Elaine Martin has been a tremendous success, and Idahoans are extremely proud of her and the well deserved recognition she's received.

PERSONAL EXPLANATIONS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. UDALL of Colorado. Mr. Speaker, on May 1, I attended a ceremony in the White House at which the Congressional Medal of Honor was awarded posthumously to Captain Jon Swanson, who was killed during the war in Vietnam. As a result, I was not present for rollcall vote No. 120, on the Sanders of Vermont amendment to H.R. 2871, a bill to reauthorize the Export-Import Bank of the United States. Had I been present, I would have voted "yea" on that amendment.

Also, on Tuesday, May 7, I was in Colorado for a ceremony marking the return to the United States of the remains of Daniel Aaron Romero, a Colorado Army National Guard sergeant serving with the 19th Special Forces Group. Sergeant Romero was killed April 15 when an accidental explosion rocked a demolition range in Kandahar, Afghanistan.

As a result, I was not present for rollcall vote No. 127, on the bill designating the Federal Building located at 5100 Paint Branch Parkway in College Park, MD, as the Harvey W. Wiley Federal Building. Had I been present, I would have voted "yea" on that question.

For the same reason, I was absent during rollcall vote No. 128, on the concurrent resolution expressing the sense of Congress regarding the national importance of Health Care Coverage Month. Had I been present for that vote, I would have voted "yea."

For the same reason, I was absent during rollcall vote No. 129, on ordering the previous question on H. Res. 414, the rule dealing with H.J. Res. 84. Had I been present, I would have voted "yea" on that rollcall.

And, for the same reason, I was absent during rollcall vote No. 130, on H. Res. 414, the rule dealing with H.J. Res. 84. Had I been present, I would have voted "yea" on adoption of that resolution.

Also, for the same reason, I was absent during rollcall vote No. 131, on the motion to suspend the rules and concur in the Senate amendments to H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act. Had I been present, I would have voted "yea" on that motion.

PERSONAL EXPLANATION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, on rollcall No. 133, I was inadvertently not recorded. Had I been present, I would have voted "yea."

TRIBUTE TO JAMES D. TSCHECHTELIN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to James D. Tschechtelin, who is retiring in June as president of Baltimore City Community College. As president of BCCC, Mr. Tschechtelin has worked tirelessly on behalf of BCCC students and on behalf of the greater Baltimore community.

During his 12-year tenure, he helped educate and train a world-class workforce that is critical to the economic success of the entire Baltimore region. He has worked to Modernize BCCC's facilities, increase state funding, improve outreach and enhance responsiveness to businesses. His commitment and dedication to excellence has helped transform BCCC into a leading educational facility that meets the needs of businesses for talented employees.

We are fortunate to have had Mr. Tschechtelin at the helm of BCCC. His vision and dedication have helped the college meet new challenges. In recognition of his success, the BCCC Foundation Board has created the James D. Tschechtelin Workforce Scholarship Endowment, a scholarship that helps working students by providing half of their educational costs.

I hope that my colleagues will join me in saluting the accomplishments of James Tschechtelin as president of BCCC. His tenure has marked a turning point for the college as a respected institution that meets the educational needs of its students.

FARM SECURITY ACT OF 2002 (H.R. 2646)

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. TIAHRT. Mr. Speaker, today I offer my congratulations to Chairman COMBEST, the Ranking Member, Mr. STENHOLM, and the 2002 Farm Bill conferees for their hard work in crafting a bipartisan bill that will help America's farmers.

The Farm Security Act of 2002 is the product of 50 hearings over two years. I am pleased that we were able to pass a farm bill that maintains the market-oriented features of the 1996 Farm Bill while fully complying with the Congressional Budget Resolution. This Farm Bill is critically needed by our nation's farmers who are facing the lowest real net cash income on the farm since the Great Depression. Record high costs of production combined with the fifth straight year of record low prices necessitated the quick passage of a farm bill that addresses these critical issues.

Americans rely on a consistent supply of nutritious food, and our farmers are the ones working hard to make this possible. Not only do they supply food for us domestically, but they also are the hands that feed the world. Our farmers deserve our support, and I was pleased to vote in favor of this bipartisan Farm Bill.

Mr. Speaker, despite my support for this bill, I do want to go on record as having serious reservations about the price tag the Farm Bill could have for taxpayers. There is no doubt we need a strong farm bill, which I support. But I am concerned we are voting today on an overinflated six-year bill that has the potential to cost taxpayers far more than the estimated $170 billion. We must guard against turning the family farm into the federal government's farm. My concern is that this bill, while containing good provisions, is dangerously close to moving beyond reasonable support for farmers into warding the family farm to the welfare state.

The American dream for agricultural producers is not a land of neo-government farms, but rather individual opportunity to succeed by profitably working the land they love and own. This is the farmer's dream. Then, when help is needed due to unforseen events like natural disasters, Uncle Sam can offer assistance that encourages and motivates.

Another concern is that the 2002 Farm Bill abuses agriculture subsidies by reviving price supports for commodities such as mohair, wool and honey. It also distorts the market by adding subsidies for milk, peanuts, lentils and chickpeas. I am disappointed that provisions in the Farm Security Act of 2002 succumbed to the pressures of special interest groups while ignoring the best interests of the citizens and farmers I represent and the American taxpayer.

Despite disagreeing with many of this bill's provisions, I will vote in favor of the Farm Bill, because overall, it provides much-needed farm policy for the next six years and will help America's farmers. Without this bill, we would have automatically been forced back to 1938/1949 permanent farm laws, which would have devastated our economy.

Mr. Speaker, I hear from many constituents in the Fourth District of Kansas who care deeply about conservation. I am pleased to tell them that the Farm Security Act of 2002 builds on the current voluntary incentive programs for conservation that have proven to work. Farmers and ranchers will have the opportunity to participate in new conservation programs as well. I am pleased to know that the men and women who work the land and care most about it are the ones who are being provided with the power and means to better protect the soil, water and wildlife through the various conservation programs.

This farm bill includes more than $200 million in federal funding for the Commodity Credit Corporation Bioenergy Program, which will help advance the production of biofuels, including ethanol. I have had many Kansans tell me they support continued investment into ethanol production as a fuel source. The 2002 Farm Bill provides federal assistance to bioenergy producers who purchase agricultural commodities for the purpose of expanding products of biodiesel and fuel grade ethanol.

Mr. Speaker, past farm program levels for sorghum have distorted the market and reduced incentives to plant grain sorghum. I was pleased to see this disparity addressed in the Farm Bill. Equity for Kansas feed grains is important to Kansas farmers, and I strongly support this corrective provision.

I am also pleased that the food stamp program has been simplified allowing states more flexibility in helping those in financial poverty. With the reduction of state reporting requirements, we are allowing states to require households to report changes in household circumstances not less often than once every six months in lieu of reporting changes as they occur. Another simplification in the food stamp program provided for in the Farm Bill allows states the option to exclude, rather than deduct, child support payments, and it allows the use of the Child Support Enforcement Agency data to determine the amount of support paid.

Kansas farmers rely heavily on trade with other countries. With forty percent of U.S. commodities going into the export market, it is essential that producers have access to expanded markets. The 2002 Farm Bill answers this need by comporting with the United States' international trade obligations under the WTO. This allows for the promotion of more free trade for our future. Furthermore, the Farm Bill makes substantial investments in programs designed to aid in the creation, expansion and maintenance of foreign markets for U.S. agriculture products.

Generous support for the Market Access Program, the Food for Progress Program, the Food for Peace Program, the Foreign Market Development Program and the McGovern-Dole International Food for Education and Child Nutrition Program are a few examples of how this Farm Bill helps expand our markets while sharing our bounty with the needy in developing countries around the globe.

Mr. Speaker, research has been recognized in this Farm Bill as being the key to keeping U.S. producers competitive in the world market. The Farm Security Act of 2002 makes a significant new investment in research programs that will help reap rewards for producers and our society for generations to come.

The Farm Bill makes significant investments in improving rural development. Rural development programs are important to sustaining communities by aiding in the development of infrastructure and job creation in rural areas. Our small communities across this country benefit from these programs, and I am pleased that this farm bill recognizes their importance to our American way of life.

Getting broadband Internet service to our rural communities is also a concern I have. With the passage of the 2002 Farm Bill, we will be providing a total of $100 million to provide loans and loan guarantees to allow rural consumers access to high-speed, high-quality broadband services.

Finally, Mr. Speaker, I am pleased to know that value added market development grants have been expanded to meet producers' interests in start-up, farmer-owned, value-added processing facilities. These grants will help establish resource centers to assist producers in value-added endeavors. The Farm Bill recognizes the importance of enabling producers to capture more of the value of their commodities.

The Farm Security Act of 2002 offers farmers and ranchers and all Americans a balanced approach to securing our agriculture security into the future. I commend the Chairman and conferees for their dedication to a quality farm bill.

BRAIN TUMOR ACTION WEEK

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. CALLAHAN. Mr. Speaker, I rise today to share with my colleagues a speech written by my dear friend and Alabama native, Adrienne McMillan Burns. Adrienne was diagnosed with a brain tumor three years ago and has served as a shining example of how to survive with grace to people with potentially terminal illnesses ever since.

I have reflected on this tragic condition and Adrienne's case in particular during this Brain Tumor Action Week. It is so important to call attention to the illness, its symptoms, treatment, patient recovery and related issues, and I strongly support the designation of this week to focus on brain tumors.

Adrienne has been an inspiration to me, her many friends and loving family over the length of her illness. I highly recommend her speech to my colleagues. I believe Adrienne's bravery and honesty in confronting and talking about this illness will give courage and inspiration to others in her situation.

To Adrienne, I wish a continuing successful recovery and return to a normal life with her family.

MY JOURNEY WITH A BRAIN TUMOR

(By Adrienne McMillan Burns)

A recent Wall Street Journal article highlighted the fact that a brush with death can temporarily change our perspective on life for the better. Experiencing more than a brush—an extended fight against a potentially fatal disease—has served to sustain such a view for me. I believe these experiences, both brushes and extended fights with death, can ultimately be used to benefit many people. And I believe that those of us with these experiences serve our fellow humans well by sharing our stories.

Three years ago, after giving birth to my first child, I had a grand mal seizure. I awoke the next day in an ICU, and ultimately I was diagnosed with a brain tumor. The diagnosis was good as far as brain tumors go, but it was still a brain tumor, and the overall effect was a fast and harsh realization of my own mortality. I was 32 years old.

Life changed for me. As you might expect, I became interested in brain structure and function, and specifically in my own diagnosis and treatment. But life also changed for me in a more unexpected way. After living a life focused, to a great degree, on my own career goals and personal pleasure, I came to a different point of reference. I began to more fully appreciate that we have responsibilities in our journey on earth, not the least of which is the one to our fellow humans. I came to believe that the responsibility is simply to help one another—from the heart—in whatever way we can do it.

I changed my definition of success. Ralph Waldo Emerson once said, "To know even one life has breathed easier because you have lived, that is to have succeeded." I immediately needed to know that not one, but many lives breathed easier because of me. As I lay down for my surgeon to cut my head open, it became amazingly clear what really mattered to me. It mattered how I treated people—how I developed and conducted myself in relationships, especially my relationship with my maker. It mattered how proud I could be of the way I conducted my life, something no person in the world but me could know. My personal integrity, my adherence to my core beliefs, mattered. That's it. Nothing else.

I survived brain surgery and recovered, and I desperately wanted to share my good fortune. I wanted to make someone "breathe easier." My husband and I left established careers in Washington, DC (mine in the energy industry), and I returned to school to pursue an MBA focused on healthcare management. I was determined to use my experience to influence what I believed to be the most significant way to help others: improving the patient's experience in health care delivery. Personally, I experienced exceptional technical care, but I also experienced tender, compassionate care. It mattered greatly to me that a nurse who handed me medications in the middle of the night smiled as she did so. Her tender smile assured me, as I lay in great vulnerability, that the people to whom I entrusted my life cared about my life. There were other smiles in the hospital, and they had the same effect on me. In retrospect, I'll never know if the smiles really indicated such a care. People could have been smiling for any number of reasons. But I believed it was the care, and that made a difference to me. There was an overall feeling of compassion in the hospital, and I know it had as much to do with my healing as did the expert hands of my surgeon.

My plans focused on systemic change. While not attributing health outcomes solely to smiles (!), I wanted to foster compassionate health care delivery. I wanted to provide hospital environments that allowed doctors, nurses and every other employee to deliver compassionate care along with the very important technical care. I believed that basic respect and appreciation of all employees was at the heart of inducing the much appreciated smile and compassionate care.

With a newly found passion, I set an ambitious goal. I believed systemic change could primarily be effected from the top of an organization, therefore, that's where I wanted to be. I envisioned personally catalyzing movement to a higher health service standard by which every patient in the world eventually would be treated!

Two years later I had a recurrence of the tumor. Again, my surgeon expertly brought me through surgery, and this time I received radiation therapy in hopes of being done with the patient side of the health care world! Other than the affront to my vanity from lost hair, brain radiation wasn't all that bad, and getting to know other patients in the waiting room was a blessing.

In the interim two years, I worked towards my goal. I completed half of the MBA, and I worked at a major academic medicine center. What I learned most during that time is that there are a lot of compassionate, smart people out there working to make patients breathe easier. I learned that we are a fortunate people to have so much effort directed at the goal of improving the lives of others.

I'll finish school this year and, God willing, I'll work to effect smiles and compassion in health care delivery! But the recurrence gave me another, perhaps more important, insight. Not only can I improve lives through systemic efforts in health care delivery, but I also can improve the lives, in small ways, of the people with whom I come into contact each day. I can look people in the eye and smile. I can give people the respect we each deserve. I can seek out the good in all people; if I'm looking for the good, perhaps it's what I'll see, and it will probably influence my relationship with that person. That person probably needs to experience a relationship based on that view of him or herself. M.K. Gandhi once said, "Be the change you want to see in the world." I can do that, and I can do it now. That is significant.

In my experience, appreciation of mortality becomes a filter through which everything is forevermore received. This appreciation brought an amazing shift in my perception, and it's made the world seem an even better place to me. I look for and I find more serenity, compassion, and integrity in the world. I find things more beautiful, and I find more beautiful things. I looked up—to God—and I remembered that He is my compassionate and tender caregiver. After experiencing acute depression, He (and a very good psychiatrist!) led me to rediscover pure, unaltered joy—the kind my three year old seems to feel when I allow him to choose any one thing he wants in the bakery near our home.

So, that tumor, as unwanted as it was, changed my life for the better—forever. It's been said that it's easy to forget a lesson from a brush with death, and I do catch myself taking life for granted on occasion. Yet, there's an underlying permanence to the shift in perception that cannot be reversed for me. I've talked with other patients—brain tumor and otherwise—who've said the same thing. It amazes me. It takes something terribly frightening to make us appreciate all the fortunes we have.

I'll close by going back to my thoughts on responsibility. It seems that many of my friends are searching—soul-searching or otherwise—and it seems that others are too. I want to do my small part to help someone in their search, or to make them breathe easier. Perhaps we all can help. Perhaps those of us who have had the occasion to contemplate mortality, at any level, can perpetuate the important lessons we each learn from the experience. We can tell our stories, thereby reminding ourselves and informing others of what we've found when everything but the basics of life are stripped away. By telling our stones, maybe we help each other to help each other. Maybe then we all breathe a little easier. What a success!!

PROVIDING FOR DISPOSITION OF H.J. RES 84, DISAPPROVING THE ACTION TAKEN BY THE PRESIDENT UNDER SECTION 203 OF THE TRADE ACT OF 1974 TRANSMITTED TO THE CONGRESS ON MARCH 5, 2002

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. CASTLE. Madam Speaker, I rise today in strong support of House Joint Resolution 84, disapproving of the President's actions to impose higher tariffs on imported steel products than those recommended by the International Trade Commission, and against the accompanying rule. First, Madam Speaker, let me state in regards to the rule, I feel it is important that this chamber have a full and vigorous debate on the impact of the steel tariffs imposed by the President. This rule is creatively slanted in favor of protectionism and against free and fair trade.

The tariffs, implemented by President Bush on March 5, are a well intentioned, but misguided effort to help the domestic steel industry. Although I agree the steel industry needs to be supported and reformed, protecting it from global competition, which is the essence of free trade, is not the answer. The industries that transport steel and those industries that need steel to make their products in the U.S. have begun to feel the brunt of these protectionist measures. Recent estimates reveal that the restrictions could cost as many as 74,500 jobs in steel consuming industries in order to protect 8,900 steel jobs. In addition, protecting these steel jobs will do nothing to address the needs of the thousands of retired steel workers concerned about their retirement security. Ironically, tax revenue from the jobs in steel transportation and those industries which purchase steel could have been used to provide a solution to these other problems.

The Port of Wilmington, in the State of Delaware, imported 57 percent less steel in 2001 than in 2000 due to federal government steel safeguards—which caused a decrease of 53,000 work hours at the Port. The economic benefits provided by the steel consuming industries and our nation's ports cannot be forgotten in this debate. For example, the Delaware River region generated $70 million in total tax dollars for the State and Federal government in 2001. It is evident that the ITC's tariff recommendations would cost far fewer American jobs in the manufacturing, shipping and port industries.

Furthermore, since the President's decision, our trade partners have begun to retaliate, which could further hurt the U.S. economy. Immediately following the decision, the Russian Government instituted a ban on the importation of U.S. poultry, which adversely affected the poultry industry in Delaware and throughout the nation. Other nations are also announcing retaliatory actions and filing complaints with the World Trade Organization. For example, the European Union has announced a broad range of possible tariffs on U.S. products, some as high as 100 percent, that would affect countless U.S. industries, including citrus and textiles.

I recognize the need to support our domestic steel workers, but these measures must be done in a fair and balanced manner that generates U.S. jobs and spurs the national economy—not in a manner that adversely impacts these two fundamental principles and favors protectionism. Today, I rise in strong support of free and fair trade and the role of the United States in the global economy. At a minimum, I encourage my colleagues to vote against the rule in order to allow a full and fair debate on this legislation to overturn the President's decision. And I hope my colleagues will join me in supporting H.J. Res. 84.

EXPRESSING SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. LOFGREN. Mr. Speaker, I come to the floor of the House of Representatives today in the name of democracy, in the name of hope, and in the name of peace.

As long-standing supporters of Israel, we recognize and respect Israel's unquestioned right to self-defense.

The United States has a long history of promoting and supporting democracies. It has long considered Israel its closest ally in the Middle East, because Israel is a democracy.

It is because of our passion for democracy that we cast votes against the procedural steps needed to bring House Resolution 392 to the floor.

These procedural steps prevented any amendments or any substitute resolutions to be considered by the Congress. We were not permitted to consider or debate either Senator LIEBERMAN's or Congressman DEFAZIO's language.

We were not given the opportunity to meet with our constituents and hear their thoughts and concerns on this divisive and complicated matter. Nor were there any hearings on this resolution. This is wrong and does not speak to debate that is central to our democratic process.

While we support House Resolution 392 in its final form, we have concerns that this resolution presents a one-sided view of a many-sided reality.

We cannot ignore the suffering of the Palestinian people and the loss of innocent civilians.

We cannot ignore the economic hardship the Palestinians have endured as they continue their attempts to create their own Democratic nation.

And we cannot ignore the physical damage done to Palestinian infrastructure in Jenin, in Ramallah and other towns in the West Bank.

Even with the Resolution's shortcomings, we believe it is critical to speak out against acts of terrorism that have claimed the lives of thousands of innocent Israeli civilians.

The United States is scarred by its own September 11th experience and we have a new and somber national consciousness of terrorism on our soil.

We continue to hold out hope that the Israelis and the Palestinians will be able to achieve the peace of the brave that has proven so elusive. We are confident that the United States will be a true partner for peace and help bring a 21st Century Marshall Plan of resources and hope to those who today carry a rage of desperation.

REMEMBERING HARRY NORMAN

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. ISAKSON. Mr. Speaker, yesterday the people of Atlanta, Georgia suffered a great loss with the passing of Mr. Harry Norman.

Harry Norman was one of the great leaders in America's real estate industry. Mr. Norman built Harry Norman Realtors into one of the nations great real estate brokerage companies. Through his tireless efforts in the Atlanta Board of Realtors, he ensured the highest standards of ethics and professionalism in the industry.

There was not a community cause or charity of importance in Atlanta that was not blessed to have the support of Harry Norman. In every sense of the word Harry Norman was a gentleman's gentleman.

On a personal note, Mr. Speaker, Harry Norman was an inspiration to me during my real estate career in Atlanta. Next to my father, I know of no one in the business that I admired more. I extend my sympathy to his wife, Amy, and the extended family at Harry Norman Realtors.

SAY NO TO CONSCRIPTION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. PAUL. Mr. Speaker, I hope my colleagues who believe that the current war on terrorism justifies violating the liberty of millions of young men by reinstating a military draft will consider the eloquent argument against conscription in the attached speech by Daniel Webster. Then-representative Webster delivered his remarks on the floor of the House in opposition to a proposal to institute a draft during the War of 1812. Webster's speech remains one of the best statements of the Constitutional and moral case against conscription.

Despite the threat posed to the very existence of the young republic by the invading British Empire, Congress ultimately rejected the proposal to institute a draft. If the new nation of America could defeat what was then the most powerful military empire in the world without a draft, there is no reason why we cannot address our current military needs with a voluntary military.

Webster was among the first of a long line of prominent Americans, including former President Ronald Reagan and Federal Reserve Chairman Alan Greenspan, to recognize that a draft violates the fundamental principles of liberty this country was founded upon.

In order to reaffirm support for individual liberty and an effective military, I have introduced H. Con. Res. 368, which expresses the sense of Congress against reinstating a military draft. I urge my colleagues to read Daniel Webster's explanation of why the draft is incompatible with liberty government and cosponsor H. Con. Res. 368.

ON—CONSCRIPTION

(By Daniel Webster)

During America's first great war, waged against Great Britain, the Madison Administration tried to introduce a conscription bill into Congress. This bill called forth one of Daniel Webster's most eloquent efforts, in a powerful opposition to conscription. The speech was delivered in the House of Representatives on December 9, 1814; the following is a condensation.

This bill indeed is less undisguised in its object, and less direct in its means, than some of the measures proposed. It is an attempt to exercise the power of forcing the free men of this country into the ranks of an army, for the general purposes of war, under color of a military service. It is a distinct system, introduced for new purposes, and not connected with any power, which the Constitution has conferred on Congress.

But, Sir, there is another consideration. The services of the men to be raised under this act are not limited to those cases in which alone this Government is entitled to the aid of the militia of the States. These cases are particularly stated in the Constitution—"to repel invasion, suppress insurrection, or execute the laws."

The question is nothing less, than whether the most essential rights of personal liberty shall be surrendered, and despotism embraced in its worst form. When the present generation of men shall be swept away, and that this Government ever existed shall be a matter of history only, I desire that it may then be known, that you have not proceeded in your course unadmonished and unforewarned. Let it then be known, that there were those, who would have stopped you, in the career of your measures, and held you back, as by the skirts of your garments, from the precipice, over which you are plunging, and drawing after you the Government of your Country.

Conscription is chosen as the most promising instrument, both of overcoming reluctance to the Service, and of subduing the difficulties which arise from the deficiencies of the Exchequer. The administration asserts the right to fill the ranks of the regular army by compulsion. It contends that it may now take one out of every twenty-five men, and any part or the whole of the rest, whenever its occasions require. Persons thus taken by force, and put into an army, may be compelled to serve there, during the war, or for life. They may be put on any service, at home or abroad, for defence or for invasion, according to the will and pleasure of Government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to Government at all times, in peace as well as in war, and is to be exercised under all circumstances, according to its mere discretion. This, Sir, is the amount of the principle contended for by the Secretary of War (James Monroe).

Is this, Sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, Sir, indeed it is not. The Constitution is libelled, foully libelled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free Government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free Government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children, by the provisions of our Government.

The supporters of the measures before us act on the principle that it is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free and limited Government, and to demonstrate by a regular chain of premises and conclusions, that Government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery, than has been exercised by any civilized Government in modern times.

But it is said, that it might happen that any army would not be raised by voluntary enlistment, in which case the power to raise armies would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove any thing, it would equally show, that whenever the legitimate powers of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped, as any existing administration may deem expedient. This is a result of his own reasoning, to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed, that all powers were granted, which might by possibility become necessary, and that Government itself is the judge of this possible necessity, then the powers of Government are precisely what it chooses they should be.

The tyranny of Arbitrary Government consists as much in its means as in its end; and it would be a ridiculous and absurd constitution which should be less cautious to guard against abuses in the one case than in the other. All the means and instruments which a free Government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character, and to be conformed to its genuine spirit. A free Government with arbitrary means to administer it is a contradiction; a free Government without adequate provision for personal security is an absurdity; a free Government, with an, uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

Into the paradise of domestic life you enter, not indeed by temptations and sorceries, but by open force and violence.

Nor is it, Sir, for the defense of his own house and home, that he who is the subject of military draft is to perform the task allotted to him. You will put him upon a service equally foreign to his interests and abhorrent to his feelings. With his aid you are to push your purposes of conquest. The battles which he is to fight are the battles of invasion; battles which he detests perhaps and abhors, less from the danger and the death that gather over them, and the blood with which they drench the plain, than from the principles in which they have their origin. If, Sir, in this strife he fall—if, while ready to obey every rightful command of Government, he is forced from home against right, not to contend for the defense of his country, but to prosecute a miserable and detestable project of invasion, and in that strife he fall, 'tis murder. It may stalk above the cognizance of human law, but in the sight of Heaven it is murder; and though millions of years may roll away, while his ashes and yours lie mingled together in the earth, the day will yet come, when his spirit and the spirits of his children must be met at the bar of ominipotent justice. May God, in his compassion, shield me from any participation in the enormity of this guilt.

A military force cannot be raised, in this manner, but by the means of a military force. If administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace, we may thereby throw away our Government.

I express these sentiments here, Sir, because I shall express them to my constituents. Both they and myself live under a Constitution which teaches us, that "the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind." With the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties.

NATIONAL MILITARY APPRECIATION MONTH

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. HART. Mr. Speaker, a recent USO/NFL tour to U.S. Army bases throughout Germany served as a fresh reminder of the invaluable service the men and women of the U.S. armed forces are providing to our nation. NFL Commissioner Paul Tagliabue, Pittsburgh Steelers running back Jerome Bettis and Tennessee Titans running back Eddie George met with U.S. troops to convey America's gratitude for all of the their service.

May is National Military Appreciation Month. This is a time when we recognize and honor our nation's 1.4 million highly-trained, active duty soldiers, sailors, airmen and Marines. These brave Americans voluntarily put their lives on the line so you and I can live in peace and freedom.

We owe these heroes our active appreciation and support as they fight to preserve democracy.

We share the sentiments Commissioner Tagliabue conveyed to our armed forces: "So long as [our troops] are on the from lines, [we should] make sure [they] remain on the front page."

Mr. Speaker, I am pleased to insert in the RECORD several news accounts of this important and noteworthy event.

[From USA Today, Apr. 26, 2002]

BETTIS SALUTES USA'S REAL HEROES

(By Jon Saraceno)

While wondering how Cleveland Browns fans will ease the pain now that cult hero Ben Gay is gone. . . .

Jerome Bettis is better known as the Bus, but this week he was into tanks and heavy artillery.

The Pittsburgh Steelers' rumbling running back accompanied NFL Commissioner Paul Tagliabue on Thursday to Germany, where they visited with U.S. forces on two military bases. Bettis flew in a black-hawk helicopter and spent time inside an M1–A1 Abrams tank. Tennessee's Eddie George will join them Friday as part of the league's Armed Forces Weekend, which includes an NFL Europe game.

"I want our servicemen to understand we care," Bettis said from overseas. "We appreciate what they're doing to guarantee our freedoms."

The trio will visit Landstuhl Regional Medical Center, where U.S. troops hurt in Afghanistan recuperate.

"It puts my job into perspective," Bettis said. "I guess I'm considered a hero of sorts, but I'm only a football player. The guys on the front lines are the real heroes. This is not some commercial you see where guys are jumping out of helicopters doing pretty stuff. This is real." . . .

[From the Pittsburgh Post-Gazette, Apr. 26, 2002]

AT LAST, THE BUS MEETS THE TANK

(By Ed Bouchette)

The Bus climbed inside a tank yesterday, and, along the way, Jerome Bettis confirmed that the patriots are mostly the good guys.

"It's incredible to see the troops and their daily living," Bettis said yesterday from Frankfurt, Germany, where he was part of a four-day USO/NFL tour of U.S. military bases.

Earlier, he rode in an Abrams M1A12, and, if only someone had made the connection earlier, Bettis might be known as The Tank today.

"I've been interested in that tank because my middle name is Abram," Bettis said. "Knowing about that tank and actually seeing it, getting into it and finding out that a tank can go 55 miles per hour with all the armor and everything . . ."

But what about its 40 time?

"That's a great question," Bettis said. "I should have asked."

No one's asking Bettis about his own time in the 40 lately. He resumed running only last week for the first time since he gained 8 yards on 9 carries in the Steelers' 24–17 AFC championship loss to the New England Patriots at Heinz Field. Bettis missed the previous six games with a groin injury.

It has left some people questioning whether he can keep going as he enters his 10th NFL season after celebrating his 30th birthday. He was leading the NFL with 1,072 yards in the 11th game—and climbed to 12th on the all-time list with 10,876 yards—when he was hurt.

Let there be doubters, Bettis said from Germany.

"It'll be 10 years this year; I don't think I have to prove anything," Bettis said. "I just need to be 100 percent healthy, go out there and duplicate what I did last year. Everybody knows what I'm capable of. I'm not really worried about that at all."

"I'm used to that. Going into every season, the questions have always been about me, and I've always proved everybody wrong, I'm not really concerned about it. If people are concerned about me and my ability to go out there and play, they just need to check my track record. This is something I've been doing a long time."

Bettis has never failed to reach 1,000 yards in his six seasons with the Steelers and missed it only once in his three with the Rams. Until last season, he had missed only three games in his career. He is the NFL's second-leading rusher behind Emmitt Smith of Dallas, and he could reasonably become the NFL's ninth-leading rusher by the end of the season. He needs just 361 yards to surpass O.J. Simpson.

Bettis overcame a more serious groin injury at the end of the 1996 season and came back to have his career high in 1997 with 1,665 yards. But then, he was 25.

"Yeah, it's an injury that I've had to scrap and battle back from" Bettis said, "Fortunately for me, I've had the time to get healthy. And so, that's what I'm doing. There's no reason to rush back and jump back on the field for nothing. We don't play a game until September, so I don't plan to be doing that much crazy stuff until training camp."

Bettis was heading for another 350-carry season when he was hurt. He had 375 carries in 1997 and 355 in 2000, his two highest. Those days might be over. The Steelers would like to boost the number of times Amos Zereoue runs with the ball. Bettis welcomes it.

"That would be a great opportunity to increase this offense," Bettis said. "It's all about the team at this point. Hopefully, he will get opportunities. When I was in there [last year], he was getting more and more opportunities. I don't think anything's going to change."

"I encourage that, plus it helps me out. I don't have to take it 30, 35 times. The old man can't do that all the time anymore. That was the plan last year, and it was working. Unfortunately, I just didn't hold up my part of the deal."

Today, Bettis will join Titans halfback Eddie George and NFL Commissioner Paul Tagliabue on a visit to the Landstuhl Regional Medical Center, where many U.S. soldiers with more than groin injuries from the fighting in Afghanistan are recuperating.

Bettis anticipated the visit as much as he does running on Monday Night Football.

"I'm just looking forward to saying thank you. My goal was just to shake as many hands as I could, say as many thank yous as I could and kind of express the thoughts and minds of all the Americans back home that, hey, we're with you guys, we're not abandoning you guys, we're living it with you"

"So many times, you never get the appreciation. I wanted to say thank you, we appreciate you for what you're doing for us."

[From the Stars and Stripes, Apr. 26, 2002]

NFL GOES LONG ON PROMISE TO DONATE GEAR TO MILITARY

(By Kevin Dougherty)

WIESBADEN, GERMANY.—People often make promises, and a good number of them honor the pledges. But enough, more than enough, don't.

So when NFL commissioner Paul Tagliabue said during a visit last month to a U.S. Army base in Germany that he wanted "to do something for these people," folks smiled, nodded and didn't dwell on it for too long.

Roughly two weeks later, Gail Camillo, USO-Europe's regional director, got a call from the commissioner's office. The message: Huddle together and figure out how many pigskins and how much flag football equipment you think you need.

"This shows where their heart is, and that they appreciate us," Army Sgt. Major Edward Faust said Thursday, as Tagliabue worked his way to a podium for a ceremonial handoff of gridiron equipment.

Military communities throughout Germany scored big Thursday when the NFL donated 1,405 footballs to unit, youth services and DODDS football teams and programs. In addition to the footballs, the league donated 8,825 pairs of flags for flag football and 5,224 cones to mark boundaries or for use in drills.

The equipment is going to be distributed to Army and Air Force installations across Europe. The USO will pass the goods to unit level football teams, youth services leagues—flag as well as tackle—and to Department of Defense Dependents Schools.

In all, 664 teams will benefit from the gift.

"Any donation like this really helps us out as far as the bottom line," said Air Force Col. Al Swain, the director of staff for U.S. Air Forces in Europe.

Tagliabue made the presentation at the Wiesbaden Army Airfield, the site of his March visit. He was joined by Pittsburgh Steelers running back Jerome Bettis. Tennessee Titans running back Eddie George is scheduled to catch up with the group Friday, which will conduct visits with troops in Kaiserslautern, Hanau, Landstuhl and Baumbolder. Their tour includes a morning stop at the Landstuhl Regional Medical Center and a meeting with troops injured in Operation Enduring Freedom.

"So long as you are on the front lines," Tagliabue said, "we in the NFL will make sure you remain on the front page."

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. SANDERS. Mr. Speaker, today, I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

Regarding Necessity of Amtrak

(By Joseph Ferris)

Thank you for allowing me to speak here.

In the winter of 1997, Congress withheld $2.2 billion from Amtrak, that had already been promised. Eventually, Congress allocated the money to Amtrak, with the stipulation that Amtrak achieve self-sufficiency by 2002. It is now 2002, and Amtrak has yet to attain self-sufficiency, and several congressional leaders, as well as the Amtrak Reform Council, are calling for the privatization. In the following minutes, I will explain to what the failures of achieving self-sufficiency can be attributed, and why such a radical idea such as privatization is unnecessary for Amtrak.

First, the costs to run Amtrak are astronomical. It costs $3 million a year to maintain stations, tunnels and rails at operational conditions. Since 1997, there has been a $5.8 billion backlog in work, in yards, equipment and technology. Also, Amtrak pays $400 million to $600 million a year to freight rail companies to use their tracks outside of the northeast corridor.

The funds Amtrak needs are $20 billion to repair the century-and-a-half old East River and Hudson River tunnels that enter into Penn Station. Also, several billion dollars to implement the security systems necessary after September 11th. And also, in the fiscal year of 2003, Amtrak needs $1.2 billion to operate long-distance trains along with other routes.

Now the money Amtrak is actually given over their 31 years history is trifling compared to the money that government doles out to airports and roads in a singular year. Over 30 years, Amtrak has been given a total of $23 billion. last year Amtrak got $560 million, compared to 13 billion for airports and 33 billion for roads. Airlines received massive bailouts after September 11th. Amtrak was given only a token $100 million for security.

Amtrak right now is caught in catch-22. It needs money to fix rails and crumbling infrastructure, but Congress won't give money to something they don't think will be around in a few years. Therefore, the following happens. Even though new trains, such as the Excel Express, are running, old rails only allow it to run at top speed for 18 miles of the 452-mile run from Boston to DC. Amtrak could be making money if the 2001 High-Speed Rail Initiative had not been killed in Congress. And also, a bill allowing for tax-exempt bonds, and loan guarantees for construction was pushed through the House and Senate.

Also, there is a severe philosophical and policy planning issue in Washington, DC right now. Though several national agencies are involved, none has ever set a policy path for Amtrak. Second, Amtrak has never had a dedicated source of funding that they could build around. Also, Congress expects Amtrak to make a profit, while history clearly indicates the exact opposite. Passenger rail was never a moneymaker. Even the New York Central in its heyday, with the Twentieth Century Limited, lost money on each passenger per mile. Even the European high-speed lines, which are heralded as blueprints for privatization, are money-losers. Thus, it would be ludicrous for Amtrak, which suffers from a fundamental problem—underinvestment—to then be expected to turn a tidy profit. Even though Amtrak's funding has been severely reduced, there are many positive signs that need to be highlighted before a decision about Amtrak's fate is made.

But first, right now, the status quo: We have wing-lock, gridlock, air congestion, rising gas prices, and in some major metropolitan cities, six-hour long rush hours. Also, airplanes release poisonous toxins into the upper atmosphere at rates astronomical compared to what trains release.

Also, rail works. It's the safest and most reliable transportation system during storms. In the past decade, light rail and freight expansion have worked. Also, passenger trains are two to eight times more fuel-efficient than planes, and much more economical.

The Pacific Northwest Corridor, which is run by Amtrak and the state governments of Oregon and Washington, has seen a dramatic increase over the past decade, after infusion of state money was allowed to build a high-speed rail corridor. Also, sleeping cars, which are often referred to as archaic, and for train-bus alone, experienced an increase of 19 percent over last year's statistics. February of 2002 was the sixth straight month that rail ridership was up and air ridership went down.

Amtrak handles 40 percent of all traffic in the New York-Washington, DC, corridor. If high-speed rail corridors were developed in Florida, the southeast and Texas, per se, they could garner up to 20 to 30 percent of all traffic in that area. Ridership from 1978 to 2001 increased 24 percent, while funding was drastically cut by almost 80 percent.

What should be done? I believe a one-cent tax should be instituted on all gasoline purchases, as well as a one-and-a-half cent tax on all domestic airplane tickets, which would give Amtrak a sustained source of income coming out to about $3.1 billion a year.

Also, Amtrak should be given $50 billion grants spread over two years to replace antiquated signals, rails, equipment and technology. Congress shall reintroduce the $12 billion high-speed rail initiative, and will follow the DOT's report on high-speed rail corridors, which indoctrinated eleven corridors in 33 states. A system of 80 percent matching funds will be established to match funds invested by state and local government; because, right now, states and local governments get zero percent matching funds, while for highway they get almost a hundred percent.

An independent committee will be formed to find timesaving and performance-enhancing changes, such as customs agents will be put aboard international trains, and will check passenger IDs at each respective station that the passenger gets on, instead of at the border, which causes a backlog of about three hours.

Also, mail cars, which in the status quo are put on after the train is boarded in the yard, which costs another two hours for each train, will now be added to the train when it is put together in the yard, so there will be a flow from the station to point B.

Thank you very much.

Regarding Child Labor

(By Colin Robinson, Marcia Lo Monoco, Sarah Kunz, and Delia Kipp)

COLIN ROBINSON. Good morning, Congressman Sanders and Professor Gutman.

Our testimony is going to begin with a description of the problem of child labor, and then we're going to move on to an explanation of the causes of child labor, then possible solutions, and wrapping up with what the Child Labor Education Act, CLEA, has done in Guatemala.

MARCIA LO MONOCO. Exploitative child labor is when children work under conditions that are hazardous to their physical and/or mental health, when they are deprived of an opportunity to get an education, and not paid a liveable wage. Once children begin to work, sometimes as early as the age of 4, their chances to change the future are very small.

It is common to think that child labor is a problem in Third World countries, but it is also a very real problem in the United States. One million children in the U.S. pick the produce we eat every day. There are an estimated 250,000 sweat shops in American cities. But child labor is a global problem.

The most prevalent type of child labor is agricultural work. Children work in fields for long, hard hours, and are exposed to hazardous chemicals. Children also work in manufacturing, construction, mining, the sex trade, and bonded labor. Bonded labor is when children are sold by their parents to manufacturers, where they are sometimes chained to their machines or locked in workrooms. Child labor is a global problem which prevents educational opportunities and continues the cycle of poverty and deprivation.

SARAH KUNZ. Child labor is one of the most heinous human rights violations occurring today. It can be thought of as a fire sparked by the oppressive cyclical nature of capitalism and fueled by corporate greed and corporate imperialism. American megacorporations such as Nike, Disney and Universityware exploit Third World economies through promises of mass employment. Instead, mass poverty ensues, due to subpoverty wages.

The frightening phenomenon that is globalization creates homogenous global markets driven by low wages and high profit margins. New global trade agreements and organizations such as NAFTA, WTO, the IMF, and pending free-trade areas of the Americas in effect declare labor laws barriers to trade. Union-busting in sweat shops, mines and fields all around the world destroy democratic principles at their roots.

The oppressive nature of capitalism inherently creates such conditions as poverty and inopportunity. The child population is easily manipulated and often exemplifies the most desperate of the human condition. Due to the plight of the economically distressed, many children have no other choice than to work.

COLIN ROBINSON. The issue of a solution to child labor is one that is intimately intertwined with the global economy. However, the exploitation and abuse of innocent children cannot be outrightly ignored. A solution will come out of hard work and education. We must educate people about the human rights abuses, about the four-year-olds carrying twenty pounds of bricks, about the young boys and girls forced to work the streets, selling their bodies for sex. We need to create a conscious consumer, starting at a young age, a consumer who will think twice before buying goods made by children.

Furthermore, we must appeal to lawmakers, lobbyists and corporate officers to instate rules giving children their rights. Through letters, we have a voice. The 1998 bonded labor act, written by you, Congressman Sanders, was the first step in this branch of change. Finally, the fortunate youth of the industrialized world can unite to help their distant peers. Through student organizations like ours, CLEA, Child Labor Education in Action, the youth have a voice. It gives them a pulpit from which would be heard.

The child laborers of our world need a voice. So educate yourself and speak out.

DELIA KIPP. In April of 2001, sixteen students from Child Labor Education in Action traveled to Pasac Segundo in western highlands of Guatemala. The people of the Pasac

Segundo are Mayans and victims of extraordinary poverty. This is an agricultural community, and here is where the children work, in the fields surrounding their homes. This is a place where the land is rich and the people are poor.

The children of the Pasac Segundo had no way of breaking the vicious poverty cycle until two years ago, when their parents and other community members joined together to start a school. We went to Pasac Segundo to help them build a new school. Alongside adults and children of the village, we cleared the land of stone and leveled the ground. We dug foundations and constructed rebar frames to reinforce cement and bricks.

We left with unbreakable ties and eagerness to continue to support the school. We have continued to fund-raise during the past school year. We held concerts, a benefit dinner, as well as many other successful activities. In total, we have given Pasac Segundo over $6,000. In conjunction with many area elementary and high schools, we have collected school, health supplies, and shoes for children of Pasac Segundo. We are extremely excited and proud to announce that the school in Guatemala should be finished by the end of this month. We also invite students to learn more about our building project in Guatemala and our organization by visiting table in lobby or http://www.clea.sit.edu.

COLIN ROBINSON. And I'd like to thank you, Congressman Sanders, for allowing us to be here.

EXPRESSING SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 2002

Mr. HONDA. Mr. Speaker, I come to the floor of the House of Representatives today in the name of democracy, in the name of hope, and in the name of peace.

As long-standing supporters of Israel, we recognize and respect Israel's unquestioned right to self-defense.

The United States has a long history of promoting and supporting democracies. It has long considered Israel its closest ally in the Middle East, because Israel is a democracy.

It is because of our passion for democracy that we cast votes against the procedural steps needed to bring House Resolution 392 to the floor.

These procedural steps prevented any amendments or any substitute resolutions to be considered by the Congress. We were not permitted to consider or debate either Senator LIEBERMAN's or Congressman DEFAZIO's language.

We were not given the opportunity to meet with our constituents and hear their thoughts and concerns on this divisive and complicated matter. Nor were there any hearings on this resolution. This is wrong and does not speak to debate that is central to our democratic process.

While we support House Resolution 392 in its final form, we have concerns that this resolution presents a one-sided view of a many-sided reality.

We cannot ignore the suffering of the Palestinian people and the loss of innocent civilians.

We cannot ignore the economic hardship the Palestinians have endured as they continue their attempts to create their own Democratic nation.

And we cannot ignore the physical damage done to Palestinian infrastructure in Jenin, in Ramallah and other towns in the West Bank.

Even with the Resolution's shortcomings, we believe it is critical to speak out against acts of terrorism that have claimed the lives of thousands of innocent Israeli civilians.

The United States is scarred by its own September 11 experience and we have a new and somber national consciousness of terrorism on our soil.

We continue to hold out hope that the Israelis and the Palestinians will be able to achieve the peace of the brave that has proven so elusive. We are confident that the United States will be a true partner for peace and help bring a 21st Century Marshall Plan of resources and hope to those who today carry a rage of desperation.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this resolution to allow nuclear waste to be deposited at Yucca Mountain. And, I commend my colleague, Rep. SHELLEY BERKLEY, for her leadership on this issue.

The nuclear power industry and its White House allies are licking their chops at the prospect that Yucca Mountain will be approved as a dump site. They will try to sell this development as proof that the issue of nuclear waste has been solved, While the industry may claim that nuclear power and its waste are safe, the fact remains that Americans don't agree. They understand that nuclear waste management will continue to be a cause for concern even if the Yucca Mountain site is approved.

Burying radioactive nuclear waste is a bad idea . . . whether in Nevada or somewhere else. Aside from exposing Nevadans to the unknown effects of having radioactive waste in their backyard, the current plan will put our entire country at risk as waste travels through communities to reach the dump site. Accidents happen in every industry, but nowhere else are the consequences so severe, and so far-reaching as in the nuclear industry. The undeniable truth is that transporting waste over road or rail in order to bury it involves great, unjustifiable risks to human health and the environment. Even worse, the risks have only increased since September 11 as no one can deny that a traveling caravan of nuclear waste would be a prime terrorist target.

For these reasons, I urge my colleagues to vote against H.J. Res. 87.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF RICHARD REEVES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Richard Reeves. Richard has served on my hometown of Murfreesboro's City Council for 22 years, the last four years of which he served as mayor. Richard, however, has decided to retire from public service after a long and honorable career.

During his more than two decades on the City Council, Richard has helped guide the Middle Tennessee city to prominence. Murfreesboro is home to a number of successful industries and one of the best universities in the nation, Middle Tennessee State University, my alma mater. Not only has the university flourished, but so has the city as a whole, with a population that has more than doubled in two decades. Richard can take credit for a lot of that success.

Despite his primary occupation as a successful businessman, Richard found time to serve Murfreesboro with distinction. He put in countless, and often thankless, hours helping city leaders make Murfreesboro a better place to live and work. Murfreesboro's quality of life is second to none. We have excellent schools, great parks—including the Stones River National Battlefield and Greenway—and good-paying jobs.

The people of Murfreesboro, Tennessee, could not have asked for a more dedicated public servant. His leadership and work ethic will be missed at City Hall. I cordially congratulate Richard on his distinguished career as a public servant and wish him well in future endeavors.

HONORING JOHN J. DIETZ OF METROPOLITAN NASHVILLE-DAVIDSON COUNTY PUBLIC SCHOOLS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. John J. Dietz of the Metropolitan Nashville-Davidson County Public School System. He is leaving his position this month in order to move closer to his family in Michigan.

As Deputy Director and Executive for Business and Auxiliary Services with the school system, Dietz has guided the business and financial matters for the district since 1994.

He is widely known and respected for his honesty, good character, and his careful and conservative fiscal management, as well as his dedication to serving the community and the district's 69,000 students.

Dietz and his wife Wendy have both contributed greatly to the school district—he in administrative services, and she, as a Metro teacher. A history buff, he enjoys reading and researching the Civil War during his leisure time.

He will take a new position next month as business manager for the Rochester, Michigan public schools. Dietz is to be commended for his outstanding efforts on behalf of the citizens of the 5th Congressional District through his professionalism and integrity. May he enjoy success in all of his future endeavors.

HONORING GARY POWERS, JR. FOR HIS DEDICATION TO BRINGING THE COLD WAR MUSEUM TO NORTHERN VIRGINIA

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Gary Powers, Jr. for his work and dedication to bringing the Cold War Museum to Northern Virginia. In honor of his father, Mr. Gary Powers, Sr., Powers spent years to not only gain deserved recognition for his father, but for all who defended the United States and her allies during the Cold War.

Powers' father, Mr. Gary Powers, Sr., was a Korean War veteran who, in the 1960s, worked for the Central Intelligence Agency. In 1960, he was shot down over the USSR while piloting a U–2 spy plane and was convicted of spying and confined to a Russian prison until exchanged for a captured Russian spy. He subsequently found employment as a helicopter pilot for television station KNBC in Los Angeles. He died on August 1, 1977 in the crash of his helicopter and was buried in Section 11 of Arlington National Cemetery.

In 1962, espionage became big news as the "U2 Incident" grabbed world headlines. Powers was shot down as he flew the U–2, designed for covert surveillance, over Soviet territory, sparking one of the biggest international crises of the Cold War. The U.S. demanded his safe return. The USSR wanted to know what he was doing up there in the first place.

Shot down on May 1, 1960, Powers was held in prison for 2 years until 1962, when he was exchanged for Soviet Col. Rudolf Abel in the most dramatic East-West spy swap ever to occur in Cold War Berlin. Powers stepped on to the eastern end of the Berlin's Glienicke Bridge spanning the River Havel on February 10, 1962. At the other end of the bridge stood Colonel Rudolf Abel, a heavily muffled Soviet master-spy, seized earlier by U.S. security agents after setting up a Red spy network in New York in the late 1950s.

At a precisely arranged signal, the two men strode on to the bridge, marching purposefully towards one another, Powers heading west, Abel east. In the middle of the bridge they passed each other silently, with barely a nod of their heads. That spy-swap operation was to be the forerunner of many such East-West prisoner exchanges to take place on the Glienicke Bridge over the next 27 years in Berlin.

Criticized when he returned to the United States for not ensuring the revolutionary plane was destroyed or killing himself with poison, Powers was cold-shouldered by his former employers at the Central Intelligence Agency and eventually died in 1977 at the age of 47 when a television news helicopter he was piloting crashed in Los Angeles.

On May 1, 2000, U.S. officials presented Powers' family with the Prisoner-of-War Medal, the Distinguished Flying Cross and the National Defense Service Medal during a ceremony held at the Beale Air Force Base, north of Sacramento, and home to the modern U.S. U–2 force. It marked the 40th anniversary of the incident.

Powers' son, Gary Powers Jr., spent years writing letters and holding meetings with officials to ensure this very deserved recognition took place. He saw the presentation of the medals as an important step in recognizing those who served their country during the Cold War. Powers wanted to make sure that his father was honored with the medals he deserved for being a prisoner of war, while at the same time ensuring those who served along with his father were recognized as well.

Powers, Jr., has devoted much of his time to seeing his father's memory honored, and has worked endlessly to establish a permanent Cold War Museum to educate the public about the period of US-Soviet rivalry. As a direct result of all of his hard work and dedication, Northern Virginia will be the location for the new Cold War Museum.

Mr. Speaker, in closing, I wish to congratulate and honor Mr. Powers, Jr., for his dedication to his father, to all Cold War veterans, to Northern Virginia, and to the nation. He certainly has earned this recognition, and I call upon all of my colleagues to join me in applauding this remarkable man.

EXPRESSING SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 2002

Ms. ESHOO. Mr. Speaker, I come to the floor the House of Representatives today in the name of democracy, in the name of hope, and in the name of peace.

As long-standing supporters of Israel, we recognize and respect Israel's unquestioned right to self-defense.

The United States has a long history of promoting and supporting democracies. It has long considered Israel its closest ally in the Middle East, because Israel is a democracy.

It is because of our passion for democracy that we cast votes against the procedural steps needed to bring House Resolution 392 to the floor.

These procedural steps prevented any amendments or any substitute resolutions to be considered by the Congress. We were not permitted to consider or debate either Senator LIEBERMAN'S or Congressman DEFAZIO'S language.

We were not given the opportunity to meet with our constituents and hear their thoughts and concerns on this divisive and complicated matter. Nor were there any hearings on this resolution. This is wrong and does not speak to debate that is central to our democratic process.

While we support House Resolution 392 in its final form, we have concerns that this resolution presents a one-sided view of a many-sided reality.

We cannot ignore the suffering of the Palestinian people and the loss of innocent civilians.

We cannot ignore the economic hardship the Palestinians have endured as they continue their attempts to create their own Democratic nation.

And we cannot ignore the physical damage done to Palestinian infrastructure in Jenin, in Ramallah and other towns in the West Bank.

Even with the Resolution's shortcomings, we believe it is critical to speak out against acts of terrorism that have claimed the lives of thousands of innocent Israeli civilians.

The United States is scarred by its own September 11th experience and we have a new and somber national consciousness of terrorism on our soil.

We continue to hold out hope that the Israelis and the Palestinians will be able to achieve the peace of the brave that has proven so elusive. We are confident that the United States will be a true partner for peace and help bring a 21st Century Marshall Plan of resources and hope to those who today carry a rage of desperation.

KEN KERNSTOCK: HELPING ARENAC COUNTY GROW

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Ken Kernstock upon his retirement after 21 years as the Arenac County, Michigan, Extension Director. Ken's exemplary work as an educator on agricultural issues has had a tremendously positive impact on the farming community and the learning seeds he has planted with future farmers will reap benefits for Arenac County for generations. Ken's wife, Kay, their son, Robert, and daughters, Linda and Sandra, also deserve high praise for their unselfish support of Ken's career.

After earning a bachelor's degree in agricultural education and a master's degree in vocational education from Michigan State University, Ken taught high school before beginning his career as an agricultural agent and district farm management agent with the MSU Extension in 1976. In 1981, Ken earned an appointment as the Arenac County Extension Director, a post he held until his retirement this year. Throughout his tenure, Ken used his extensive skills to implement and hone many educational programs for the agricultural community. Ken has consistently gone above and beyond the requirements of his job to reach out to hard-working farm families and others.

Growers often point to the many workshops and studies Ken undertook to improve farming techniques and assist farmers in finding new methods to increase efficiency and productivity. Ken modestly credits others for his success, but he has clearly been the engine that drove the Extension for many years. In particular, he worked with the crops and soil department on a three-year plant food study that demonstrated the effectiveness of fertilizer recommendations based on soil samples. He also organized numerous workshops and co-chaired an agricultural study tour of Mexico.

Ken also has been a sparkplug in the economic growth of the area by training future leaders and encouraging development. He organized and ran several leadership development programs, including one that led to the reactivation of the Arenac County Economic Development Corporation. In addition, he was instrumental in conducting county-wide assessments and he led the Arenac County Strategic Planning process. Ken's dedication and hard work also made a real difference in assisting local businesses in entrepreneurial training.

Finally, Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Ken Kernstock for his distinguished service and in wishing him success in all future endeavors. I am confident that the seeds he sowed on behalf of the agricultural community in Arenac County and throughout the state will continue to bear fruit for many years to come.

TRIBUTE TO GEORGE J. HOMCY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding individual, Mr. George J. Homcy, President of the North Jersey Regional Chamber of Commerce. On Wednesday, May 7, 2002 he was honored at a dinner commemorating his career of service.

It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for his steadfast leadership in fostering economic growth in our region.

George Homcy's distinguished professional career began as a reporter with the Paterson Evening News in the late 1940s. He later moved to the American Forces Network as a journalist and broadcaster, covering American troop actions from the ground in Frankfurt, Munich, and Bremerhaven, Germany.

Upon his return home, George began twenty years as a reporter and eventually editor with the Herald News, located in Passaic, New Jersey.

In 1974, George Homcy began his work promoting the interests of the New Jersey business community. From 1974 to 1979, George serve as Executive Vice President of the Clifton Chamber of Commerce. In 1980, through the foresight of George and others, the Clifton Chamber merged with the Passaic Area Chamber. As President of this newly formed organization, George continued the Chamber's growth by engineering another merger with the Passaic Valley Chambers of Commerce, forming the North Jersey Regional Chamber of Commerce.

Mr. Speaker, everyone in the chamber knows that small businesses have been the backbone of our nation's economy for over 200 years. George's stewardship of the North Jersey Chamber of Commerce has had an enduring impact on numerous New Jersey small businesses.

George J. Homcy's commitment to improving the lives of those in his community extends far beyond his work with the Chamber of Commerce. A board member with the United Way of Passaic Valley, the Boys' and Girls' Club of Clifton, and Saint Mary's Hospital in Passaic, George has touched countless lives. I am far from the first person to admire George's talent, as the New Jersey Supreme Court appointed him to the Passaic County District XI Ethics Committee.

While his retirement as President of the North Jersey Chamber will cause great sadness, it also is a time for celebration, as all those touched by George will honor him. I can say without hesitation that I am proud to represent George Homcy in Congress, but more importantly, I am honored to call him my friend.

Mr. Speaker, I ask that you join our colleagues, the North Jersey Regional Chamber of Commerce, George's family and friends, and me in recognizing the outstanding and invaluable efforts of George J. Homcy.

HONORING THE MEMORY OF HARRIETTE GLASNER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in the memory of Mrs. Harriette Glasner.

For those of us who have dedicated our lives to progressive causes, we have suffered a great loss with the passing of South Florida legend Harriette Glasner. Mrs. Glasner founded ten major social, cultural and human rights organizations. Among those she founded or co-founded are the Palm Beach County chapter of the American Civil Liberties Union, as well as the Urban League. For fifty years, Mrs. Glasner dedicated her life to the betterment of our society.

Harriette Glasner worked tirelessly for the desegregation of schools and colleges, lending financial assistance as well as her time and energy to the legal fight. She was also an early campaigner for the expansion of women's rights. Along the way, she founded the area's first Planned Parenthood office. Well-known among people active in the civil rights movement, Harriette truly never gave up and never gave in. Generations of South Floridians owe her a debt of gratitude. Her determination to fight for the rights of the poor and underprivileged and minorities have made our state and nation better places to live.

I knew Harriette Glasner through our work with the ACLU and the battles for integration. I will always remember her kind heart, keen intelligence and her selfless devotion to the many causes that have made our nation the great place it is today.

Mr. Speaker, while Harriette's passing will leave a huge hole in the front line of many progressive battles, I know the gap will be quickly filled by people who loved and respected her and are determined to continue the fights she started. That is the best tribute that can be offered for this life very well lived.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Ms. BALDWIN. Madam Speaker, today the House will vote on H. Res. 87, which will allow the Department of Energy to move forward in the process of licensing Yucca Mountain as a repository for nuclear waste. Although I realize we must find an answer for storing all of the Nation's nuclear waste, including that in Wisconsin, I oppose this resolution for several reasons.

Over the last two decades, there have been thousands of shipments of nuclear waste on the highways and railways that crisscross America. If Yucca Mountain is granted a license to receive nuclear waste, the number of shipments could increase exponentially. This is particularly troubling because the proposed routes will pass through 44 states and over 700 counties—passing near our schools, churches, and homes, including possibly in my district. While there have been few accidents when moving waste through the U.S. to date, increasing shipments by the thousands will only increase the probability of a devastating catastrophe. The events on September 11 have shown that anything is possible, and that common mishaps are not the only aspects we should take into account when examining safety and security concerns.

Throughout the debate over Yucca Mountain, numerous questions have been raised about the lack of sound science that went in to deeming the site safe. Very early in the testing process, the DOE retroactively changed the rules for site eligibility after it became apparent that the original rules could not be met for Yucca Mountain. Ever since, the credibility of the scientific standards and evidence has gotten progressively worse. Three federal agencies have released reports about Yucca Mountain—all three reports have expressed doubts and grave concerns about the suitability of the site.

The General Accounting Office (GAO), which is the investigative office of the federal government, indicated there are more than 293 unresolved technical issues with Yucca Mountain, including how quickly the containers will leak radioactive waste, the amount and speed of water flowing through the waste area, and the likelihood of volcanic activity. The GAO has yet to get answers to the majority of these questions. I believe we have no choice but to make certain we base this decision on sound science. Nuclear waste is the most dangerous substance we have ever created and will be deadly for thousands of years. Future generations depend on us being absolutely sure Yucca Mountain is safe, and science has not concluded that as yet.

Despite the scientific uncertainties of storing and shipping nuclear waste, there has been a sense of urgency to move forward with a decision on Yucca Mountain. Unfortunately, I believe this urgency has been fueled by politics—not by policy concerns regarding nuclear waste. The Nuclear Policy Act amendments of 1987 eliminated alternative sites, and billions of dollars have been devoted to Yucca Mountain. I believe some legislators may feel there is no turning back because of the tremendous federal resources that have already been invested in the project. Money concerns should not come before any policy that could threaten public safety.

Furthermore, DOE Secretary, Spencer Abraham, has also said that a permanent site for nuclear waste will promote energy security by removing a roadblock to expanding nuclear power. This also leads me to believe that the sense of urgency is not driven by an understanding of the properties of the Yucca Mountain site, but rather larger-scale issues regarding America's overall energy policies. Approving Yucca Mountain could lead to an unfettered expansion of nuclear power at a time when I believe we can be promoting other energy sources—like renewable and alternative energy technologies—that do not have harmful bi-products and the potential for devastating long-term effects on the health of our environment and on our families.

Overall, I believe Congress is rushing to make this decision regarding Yucca Mountain a decision that our future generations may have to live with for thousands of years. It is inevitable that storing nuclear waste at Yucca Mountain will continue to be a contentious issue over the next several years as technical details are sorted out. It is my hope that an expanded national debate on this issue will eventually lead to a final decision based on the merits of sound science, rather than on political arguments or larger-scale energy policy issues.

AMERICA'S EDUCATIONAL STRENGTHS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. FRANK. Mr. Speaker, in the Outlook section of the Washington Post for Sunday, May 4, Gerald Bracey, has an interesting article which makes a point that I have long thought an important one—namely, that while it has become fashionable to denigrate the quality of public education in America across the board, our country has consistently led the world economically in part because we have done so well in precisely those areas of the economy where an educated workforce is the greatest asset. And as Mr. Bracey points out, those who have argued that our entire public educational system is failing have consistently argued that is would undermined our economic performance, undeterred by the fact that our economic performance has been so good.

As Bracey's article points out, "in the early 1990s, as the economy tanked and a recession set in, many variations of a 'lousy-schools-are-producing-a-lousy-workforce-and-it's-killing-us-in-the-global-marketplace' could be heard. But these slackers somehow managed to turn things around. The American economy: 'back on top was the way the New York summed up the turnabout in February 1994 well, if the schools took the rap when they went south, surely they would be praised when the economy boomed, right? hardly.'"

As Mr. Bracey notes, we do have problems with our school systems, particularly the inequality in which many of our schools in the urban and in some rural areas fall far below standard. Clearly we have to do a better job of helping the educational system overcome the social problems that contribute to the educational difficulties that many students face, and it is our obligation as a society committed to fairness to do far more here, both in and out of school. But the general point remains—if our school system overall was doing such a poor job, it is hard to understand how our economy could be doing so well in the areas where education is key. Because this question is so central to our deliberations, I ask that Mr. Bracey's article be printed here.

WHY DO WE SCAPEGOAT THE SCHOOLS?

(By Gerald W. Bracey)

There's no pleasing some people, even when they get what they want. So why do we keep listening to them?

For almost 20 years now, some of our most prominent business leaders and politicians have sounded the same alarm about the nation's public schools. It began in earnest with that 1983 golden treasury of selected, spun and distorted education statistics, "A Nation At Risk," whose authors wrote, "If only to keep and improve on the slim competitive edge we retain in world markets, we must dedicate ourselves to the reform of our educational system. . . ." The document tightly yoked our economic position in the world to how well or poorly students bubbled in answer sheets on standardized tests.

And it continued in September 2000, when a national commission on math and science teaching headed by former Ohio senator John Glenn issued a report titled "Before It's Too Late." It asked, rhetorically, "In an integrated, global economy . . . will our children be able to compete?" The report's entirely predictable answer: Not if we don't improve schools "before it's too late" (emphasis in the original report).

So you might think that these Chicken Littles would be firing up their fax machines and e-mailing everywhere to report the following hot news from the World Economic Forum's "Global Competitiveness Report, 2001–2002": The United States ranks second in the organization's Current Competitiveness Index, trailing only Finland.

The CCI isn't just another survey. It is a sophisticated rating system derived from a wide variety of economic and other factors, including education data. And the World Economic Forum (or WEF) isn't some minor league player. Its annual conference draws a cross-section of the planet's most powerful political and business leaders—including some of the people so concerned about America's schools.

But the naysayers haven't trumpeted the CCI ranking. Indeed, I wouldn't be surprised if, sometime soon, a leading member of Congress or the business community declares that we must reform our educational system to maintain our competitive edge—or best those pesky Finns.

'Twas ever thus. Schools often takes the hit for bad turns of events, but somehow never get the credit for upturns. Remember 1957? The Russians launched Sputnik, the first man-made satellite to orbit Earth. When people asked how we could lose the race to space, public schools were an easy target. Life magazine ran a five-part series on the "Crisis in Education." Major universities assumed the role of rescuers to develop modern, challenging textbooks. In 1969, America put a man on the moon, a destination that the Russians—with their allegedly superior scientists—never reached. Did a magazine declare an end to the "crisis" in education? Do pigs fly?

I don't mean to suggest, of course, that America's public schools are perfect. The dreary state of some urban and poor rural school systems is well documented. But I've been following the angst over our competitive capabilities since the 1983 report, and I've noticed the same pattern. In the early 1990s, as the economy tanked and a recession set in, many variations of "lousy-schools-are-producing-a-lousy-workforce-and-it's-killing-us-in-the-global-marketplace" could be heard. But these slackers somehow managed to turn things around: By early 1994, many publications featured banner headlines about the recovery that later became the longest sustained period of growth in the nation's history. "The American Economy: Back on Top" was the way that the New York Times summed up the turnabout in Feb. 1994.

Well, if the schools took the rap when the economy went south, surely they would be praised when the economy boomed, right? Hardly. A mere three months after the Times story appeared, IBM CEO Louis V. Gerstner Jr., wrote an op-ed for the Times headlined "Our Schools Are Failing." They are failing, said Gerstner, because they are not producing students who can compete with their international peers.

The bashers have kept up their drumbeat. Intel CEO Craig R. Barrett, Texas Instruments CEO Thomas Engibous, State Farm Insurance CEO Edward Rust and then-Wisconsin Gov. Tommy Thompson all took to the nation's op-ed pages in 2000 and 2001 to lament the threat that our education system poses to our competitiveness. Gerstner made an encore appearance on the Times op-ed page in March, expressing his continuing concern that our schools will "limit our competitive position in the global marketplace."

None of these fine gentlemen provided any data on the relationship between the economy's health and the performance of schools. Our long economic boom suggests there isn't one—or that our schools are better than the critics claim. But, there is a broader, more objective means of looking for any relationship. The Third International Mathematics and Science Study (TIMSS) provides test scores for 41 nations, including the United States. Thirty-eight of those countries are ranked on the World Economic Forum's CCI. It's a simple statistical matter to correlate the test scores with the CCI.

There is little correlation. The United States is 29th in mathematics, but second in competitiveness. Korea is third in mathematics, but 27th in competitiveness. And so forth. If the two lists had matched, place for place, that would produce a perfect correlation of +1.0. But because some countries are high on competitiveness and low on test scores (and vice versa), the actual correlation is +.23. In the world of statistics, this is considered quite small.

Actually, even that small correlation is misleadingly high: Seven countries are low on both variables, creating what little relationship there is. If these seven nations are removed from the calculation, the correlation between test scores and competitiveness actually becomes negative, meaning that higher test scores are slightly associated with lower competitiveness.

The education variables in the index include: the quality of schools; the TIMSS scores; the number of years of education and the proportion of the country's population attending college (these two are variables in which the United States excels); and survey rankings from executives who, the World Economic Forum claims, have "international perspectives." The WEF ranked U.S. schools 27th of the 75 nations—not exactly eyepopping, but given all of the horrible things said about American schools in the past 25 years, perhaps surprisingly high. (The United states looked particularly bad in one WEF category; the difference in quality between rich and poor schools. We finished 42nd, lower than any other developed nation. That is shameful in a country as rich as ours.)

So, if 26 nations have better schools, how did we earn our No. 2 overall competitiveness ranking? The WEF uses dozens of variables from many sectors, and the United States rates well across the board. One important consideration is the "brain drain" factor. Our scientists and engineers stay here, earning us a top ranking in this category. No other country, not even Finland, came close on this measurement.

But what really caught my eye were the top U.S. scores on a set of variables that make up what the WEF calls "National Innovation Capacity." Innovation variables are critical to competitiveness, according to the WEF. Ten years ago, the competitive edge was gained by nations that could lower costs and raise quality. Virtually all developed countries have accomplished this, the WEF report asserts, and thus "competitive advantage must come from the ability to create and then commercialize new products and processes, shifting the technology frontier as fast as rivals can catch up."

Innovation is itself a complicated affair, but my guess is that it is not linked to test scores. If anything, too much testing discourages innovative thinking.

American schools, believe it or not, have developed a culture that encourages innovative thinking. How many other cultures do that? A 2001 op-ed in The Washington Post was titled "At Least Our Kids Ask Questions." In the essay, author Amy Biancolli described her travails in trying to get Scottish students to discuss Shakespeare. She found that they weren't used to being allowed to express their opinions or having them valued. I had the same experience when I taught college students in Hong Kong. Years later, I mentioned this to a professor in Taiwan who said that even today, "professors' questions are often met with stony silence."

We take our questioning culture so much for granted that we don't even notice it until we encounter another country that doesn't have it. A 2001 New York Times article discussed, in the words of Japanese scientists, why Americans win so many Nobel prizes while the Japanese win so few. The Japanese scientists provided a number of reasons, but the one they cited as most important was peer review. Before American scientists publish their research, they submit it to the scrutiny—questioning—of other researchers. Japanese culture discourages this kind of direct confrontation; one Japanese scientist recalled his days in the United States, when he would watch scholars—good friends—engage in furious battles, challenging and testing each other's assumptions and logic. That would never happen in Japan, he told the Times reporter.

Japan's culture of cooperation and consensus makes for a more civil society than we find here, but our combative culture leaves us with an edge in creativity. We should think more than twice before we tinker too much with an educational system that encourages questioning. We won't benefit from one that idolizes high test scores.

It could put our very competitiveness as a nation at risk.

TRIBUTES TO HARRY STEPANIAN, WALTER McNAMARA, LARRY JAKUBOWICZ, AND MARTY GANNON, CLINTON, MASSACHUSETTS FIREFIGHTERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Harry Stepanian, Walter McNamara, Larry Jakubowicz, and Marty Gannon, firefighters from the town of Clinton, Massachusetts who have announced their retirement after many years of dedicated service.

These men put their lives on the line every day to protect the citizens of Clinton. Because of their efforts through the years, many lives and a great deal of property have been saved, whether it was from entering a burning building or performing as an Emergency Medical Technician.

The town of Clinton is very fortunate to have an outstanding fire department. As we all know—and as the tragedies of September 11th reminded us—the job of a firefighter is not an easy one. It takes a special person to perform the duties required of firefighters. That duty involves risking their lives every day. Through the years, these men and their colleagues have performed admirably. Their community is grateful for their work, and so am I.

It is a pleasure to recognize these outstanding men, and I know the entire House joins me in extending our best wishes to them and to their families for a happy and healthy retirement.

H.J. RES. 87

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, on Wednesday, May 8, I voted to make Yucca Mountain, a remote location in the desert of Nevada, our nation's depository for high level nuclear waste. I based my support for Yucca Mountain on a $19 billion taxpayer investment over 24 years of some of the most comprehensive scientific investigation ever conducted by our nation.

We promised the public back in 1982 in the Nuclear Waste Policy Act that the Federal Government would provide a single national repository for the quickly accumulating radioactive waste. This day has been a long time coming, and we can wait no longer.

Since the dawn of the nuclear age in the 1940s, nuclear waste has been accumulating, and it has been stored in temporary locations across the country—131 temporary sites in 39 states, including New Jersey.

Temporary storage of highly radioactive nuclear waste is dangerous—there's no two ways about it. We need a single, safe, secure location to contain spent nuclear fuel and our nation's dismantled nuclear arms. Quite simply, it is a matter of public health and safety, and it is in the best interests of our national security.

Yucca Mountain is located in the Nevada desert, some 1353 square miles of land, an area larger than the state of Rhode Island. It is remote, and had been used as a nuclear test site.

I have visited Yucca Mountain, since I serve on the Energy Appropriations Subcommittee which has been responsible for overseeing the funding of this critical project. During my inspection of the site, I was taken inside the mountain for almost five miles. I also learned that when nuclear waste is contained inside Yucca Mountain, it will be stored in tunnels 1000 feet below the desert floor. Yucca Mountain is so safe, scientists and engineers have determined that with its arid and geologically stable setting, even under the worst scenario, Yucca Mountain would meet EPA standards for radiation for 10,000 years! Clearly, Yucca Mountain will pay dividends, and then some, on the taxpayers' investment.

Nuclear energy has been proven to be an effective, safe, clean energy source. In fact, in New Jersey where there are two nuclear sites, nearly half of our state's electricity is produced by nuclear power. Nationwide, it is now the second largest source of electricity.

While nuclear energy continues to have its supporters and its critics, the fact is it is here to stay. As such, we need to deal with it, most especially radioactive waste. Yucca Mountain is the answer.

161 million Americans live within 75 miles of radioactive nuclear waste. Do we leave radioactive waste to decay in temporary storage units at hundreds of locations across the country? Do we wait for highly radioactive toxins to possibly seep into our groundwater? Do we put our national security at risk by leaving spent nuclear fuel in temporary containers?

No, we side with science. Yucca Mountain, from the standpoint of protecting the nation's health as well as our security, represents the best, most comprehensive option for containing America's nuclear waste.

We can no longer afford to wait.

SAVING AMERICA'S STEEL INDUSTRY

SPEECH OF

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Providing for disposition of H.J. Res. 84, Disapproving the action taken by the President under Section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002.

Mr. MASCARA. Mr. Chairman, Mr. Speaker, I rise today in support of the rule and, more importantly, in support of our steel industry that was on the brink of collapse.

I want to use my time to address one of the most vital issues facing the industry today: legacy costs. As scores of companies have been forced to declare Chapter 11 bankruptcy since the flood of steel imports began hitting our shores in 1997, retirement promises these companies made, in many cases, have been broken. These broken promises have left many steel retirees, through no fault of their own, without the health and other benefits they had been counting on their entire working lives.

That is why I am proud to be an original cosponsor of H.R. 4646, the Steel Industry Legacy Relief Act. This groundbreaking legislation will ensure that the promises made to the thousands of steel retirees are kept.

Under this legislation, the Federal Government will create and support a program of health insurance for the retirees of steel, iron ore, and coke companies. Similar to the way the Federal Government bolstered the health care safety net for retired mine-workers, it is time for the government to step up to the plate and help steel workers.

The Administration has taken a very important first step. By imposing temporary tariffs on a broad range of steel products for up to 3 years, the Administration has given the industry an extraordinary opportunity to get back on its feet.

While the actions by the Administration were unprecedented, by themselves, they are insufficient to fully help the industry recover, We must enact H.R. 4646 into law and put the industry on a sound financial footing once and for all.

Finally, let me say, I recognize that we live in a global economy and that the United States must be economically engaged with the rest of the world. However, we must not let the ideology of free trade trump all other values and blind us to the inequities that trade imposes on many sectors of our economy.

Therefore, I urge my colleagues to vote "yes" on the rule.

RECOGNIZING THE INVALUABLE PUBLIC SERVICE OF MR. JIM CROW

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. TANNER. Mr. Speaker, I rise today in honor of my dear friend Jim Crow, whose hard work has proven invaluable, not only to the people of Shelby County and Tennessee's 8th District, but also to the state of Tennessee and indeed the nation. I have had the pleasure of working alongside Jim since before I came to Washington back in 1989. His public service stretches back even farther than that.

Jim was born in Memphis, Tennessee, in 1934. His father being in construction, the family moved where the work was—from Memphis to Ohio, then to Michigan. After also living in Fort Lauderdale, Florida, Jim moved back to Shelby County in 1959 and married Shirley Roberts the following year. They bought a house in Frayser, where their family saw the addition of two children, Elizabeth—now Elizabeth Vaughn—and James. The family relocated to Millington, Tennessee, in 1975.

Jim is retired from International Harvester, where he worked for 26 years and served as a union steward for the United Auto Workers. It was during this time that he became active in politics and the Shelby County Democratic Party.

In 1969, Jim was instrumental in helping bring my predecessor, Mr. Ed Jones, to this House of Representatives. Jim helped establish the first Congressional office in Shelby County for the 8th District and operated the office on a voluntary basis. Five years later, Mr. Jones hired Jim Crow as a field representative for Memphis and Shelby County. When I came to Washington 15 years after that, I was lucky to have Jim stay on board as a field representative, the position from which he is now retiring.

Jim has always been very active in the community, serving in such organizations as the Millington Industrial Development Board, the Millington Airport Authority, the Frayser Exchange Club, the Navy League and the Millington Chamber of Commerce, which once named him Man of the Year.

Millington was formerly home of the Navy Air Technical Training Center, but during the base restructuring in the early 1990s, that function was moved elsewhere. Jim, with his involvement in the community and on the base, followed the base's transition as it became known as Naval Support Activity Mid-South, currently housing the Navy Bureau of Personnel. As field representative, Jim was active in the communication involved with the change.

Later this month, he will retire his position as a field representative for the 8th Congressional District. He will spend more time with his family, including his grandchildren, Kali and Nicholas, and I am certain he will continue to stay active in our community.

Mr. Speaker, today I ask that you and our colleagues recognize the outstanding, selfless public service Jim has offered over the years. All the best wishes are with my friend Jim Crow as he begins an exciting new chapter in his life.

ADDRESS OF AMBASSADOR GÉZA JESZENSZKY ON THE 150TH ANNIVERSARY OF THE VISIT TO AMERICA BY HUNGARIAN DEMOCRATIC LEADER LAJOS KOSSUTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. LANTOS. Mr. Speaker, a few weeks ago the Hungarian embassy, along with the American Hungarian Federation of Metropolitan Washington, D.C., and the Hungarian Reformed Federation of America, organized a meeting to honor Lajos Kossuth, the influential Hungarian statesman and an advocate for democratic ideals in Hungary in the middle of the nineteenth century.

The event commemorated Kossuth's celebrated visit to America 150 years ago. Following an invitation from the President of the United States, Kossuth arrived in New York City on December 5, 1851, marking the beginning of a six-month tour of the country.

During his time here, Kossuth gave several hundred speeches throughout the United States, including separate addresses in both houses of Congress. Kossuth received praise by many notable American political leaders and intellectuals, including William Lloyd Garrison, Henry Wadsworth Longfellow, Ralph Waldo Emerson, Horace Greeley, and Abraham Lincoln. In response to Kossuth's visit, approximately 250 poems, dozens of books, hundreds of pamphlets, and thousands of editorials were written about him.

Mr. Speaker, since I was born in Hungary, the legacy of Lajos Kossuth holds a special place in my heart. But by no means are the ideals and values of this noble man limited to a specific country. He devoted his life to fight for and defend democracy, freedom, and human liberties. Kossuth has been named, alongside George Washington, as a symbol of "universal human values." I do not hesitate to echo this sentiment and encourage all of us to learn more about Kossuth and the causes he held dear.

In that vein, I would like to share with my colleagues the excellent speech given by the Hungarian Ambassador to the United States Géza Jeszenszky at the event to honor Kossuth. Jeszensky's speech, entitled, "150 Years of Influence of Louis Kossuth, Governor-President of Hungary," gives an excellent overview of Kossuth's visit to the United States and its lasting influence on America. I would like to share his remarks with my colleagues, and request that they be placed in the RECORD.

150 YEARS OF INFLUENCE OF LOUIS KOSSUTH, GOVERNOR-PRESIDENT OF HUNGARY

(By Ambassador Géza Jeszenszky)

Congressman Lantos, Mrs. Lantos, Your Excellency Ambassador Poptodorova, distinguished other members of the Diplomatic Corps, Leaders of the American Hungarian community, Ladies and Gentlemen, dear Friends:

Senator Seward of New York described Kossuth in the U.S. Senate on Dec. 8, 1851 as "a personage whose name and fame at this time fills the eye and ear of the world."

Hungary had many great statesmen and other luminaries in her checkered history, but Kossuth stands out among them. Like George Washington, he was regarded as the father of the nation already in his lifetime. He was the first Hungarian political leader to make it into world history, on his visits he was admired and welcomed in England, France, the U.S. and in Italy by enthusiastic crowds. At least 100,000 turned out to great him in New York City on Broadway. He was a star matched by few politicians.

Kossuth is considered as one of the great orators of all times. He could capture his audience in Hungarian, German, Latin and English, too. He also knew a lot about the history and constitution of America. As the editor of the first popular daily newspaper in Hungary he established the reputation of the U.S. as a most successful country and a political model.

The democratic revolution in 1848, inspired and led by Kossuth, transformed Hungary from a neglected and oppressed province of the Habsburgs into a modern constitutional and independent state. The armed attack on it by the Habsburg Army led to a War of Independence, and it was followed with keen interest by millions in Europe and America. Following a series of spectacular victories in the spring the Hungarian Parliament elected Kossuth Governor-President on April 14, 1849. The U.S. sent an envoy, Mr. Dudley Mann, with the intention of recognizing Hungary's independence. That was forestalled by the Russian intervention—for the first, but not for the last time! President Zachary Taylor was an enthusiastic supporter of the cause of Hungary—his reports and instructions to the Senate at the end of 1849 testify that.

The bloody reprisals following the surrender of the Hungarian Army in August 1849 even increased the sympathy worldwide—this is another painful parallel with 1956.

There were a number of prominent members of the U.S. Congress who took a very strong interest in Hungary in those days, most notably Senator Cass of Michigan (who in early 1850 moved to break diplomatic relations with Austria), and Senator Webster of Massachusetts. There was even a move in the House of Representatives to censure the President and the Secretary of State for failing to recognize the independence of Hungary in due time.

The death of President Taylor was a blow to the Hungarians as well. His successor, President Fillmore was more reserved, but his Secretary of State became Webster, an admirer of Kossuth. In Spring 1851 Senator Foot of Mississippi moved to send a warship for Kossuth to bring him over to the States from his exile in Turkey. The Senate concurred, and the frigate Mississippi was dispatched.

Kossuth arrived in New York on December 4, 1851. He was welcomed by huge crowds, both there and subsequently in Philadelphia and Baltimore. The exiled Head of State came to the United States with far higher aims than raising money for the continuation of the Hungarian War of Independence. While he fully understood why the Founding Fathers of the Republic warned against entangling alliances, he hoped to bring about a fundamental change in U.S. foreign policy: to convince the country that the time came for taking an active role in international affairs, commensurate with its strength, and to make Americans realize the interdependence of Europe and the U.S., that the Atlantic was no longer a barrier but rather a link, that freedom and democracy in Europe was also a vital interest for the American Republic, and, finally, that the two English-speaking countries must be allied so that they could jointly prevent tyrannical, authoritarian countries like Russia from suppressing the striving of subject nations for freedom.

The effort to bring about a fundamental change in U.S. foreign policy, to abandon neutrality and isolationism was bound to fail in 1852—but wasn't Kossuth's only a premature but sound idea? Sixty-six years later, in 1917, the U.S. acted along such lines, and ninety years later the Atlantic Charter came to embody the principles first advocated by the Hungarian leader.

While Kossuth's first speeches in New York were received most warmly by crowded audiences, they cooled the enthusiasm of quite a few in Congress. On Dec. 2, 1851 the President expressed his wish that Congress should decide on how to receive the Hungarian statesman. A heated debate started on the following day. Foote's move for an official reception was opposed by Southern Democrats and by radical free-soilers, who saw a contradiction between welcoming a foreign freedom-fighter while denying freedom to slaves. Conservatives denounced Kossuth as a revolutionary. The debate ran for eight days! Charles Sumner of Massachusetts called Kossuth "a living Washington," while Senator Seward of New York gave a moving testimony of his significance, as follows: "Mr. President, in the course of human events, we see the nations of Europe struggling to throw off the despotic systems of government, and attempting to establish a government based upon the principles of republicanism or of constitutional monarchy. Whenever such efforts are made, it invariably happens that the existing despotisms of Europe endeavor to suppress the high and holy endeavor, and to subdue the people by whom it is made. The consequence is that despotism has one common cause; and it results that the cause of civil and constitutional liberty has, in all countries, become one common cause—the common cause of mankind against despotism. Now, whatever nation leads the way at any time—at any crisis—in this contest for civil liberty, it becomes, as we perceive, the representative of all the nations of the earth. We once occupied that noble and interesting position, and we engaged the sympathies of civilized men throughout the world. No one can deny that now, or recently, Hungary took that position. We had a messenger on the spot ready to acknowledge her independence; and this our own proceeding show that we, in common with the friends of civil liberty elsewhere, hailed Hungary as such a representative of the nations of the earth."

Senator Cass said that while denouncing Russia's intervention was morally imperative, it did not mean that the U.S. would send a fleet to European waters. Stephen Douglas called attention to the fact that Kossuth challenged European absolutism, the antipode of the basic principles the U.S. had been built upon and that he was a representative of world freedom. (Today we might use the expression "a world whole and free.") Finally on Dec. 12 the Senate adopted Seward's motion with Shield's (Ill.) modification: Kossuth was to be received exactly like Lafayette had been. There was 36 vote for that and 6—from the South—against. The House of Representatives concurred on Dec. 15: 181 for and 16 against, with Rep. Smith from Alabama saying that if Kossuth continued to agitate against friendly Austria he should be arrested! All that shows that while the country came under the spell of the Hungarian leader, Congress overwhelmingly concurring, sectional interests and ideological concerns acted as a brake even in what was hardly more than a symbolic gesture.

Kossuth's train arrived in Washington on Dec. 30. He was received by Senators Shield and Seward. Secretary Webster immediately visited him in his hotel, followed by the mayor and a large number of politicians and various associations, delegations. The House was still debating about the details of his reception. On the next day, Dec. 31, Kossuth called upon President Fillmore. In a masterly speech he presented the case of Hungary, calling for help. The President expected only a courtesy call, so in his answer he told that he personally sympathized with Hungarian independence, but the policy of the Union would not abandon the traditions. This should not have been a surprise, but nevertheless it was a cold shower for Kossuth.

On Jan. 7 Cass, Shields and Seward presented him to the Senate, and on the same day the House appointed three members to show him to the House. Kossuth's answer to the welcoming words of the Speaker was brief but telling. "It is a remarkable fact in the history of mankind, that while, through all the past, honors were bestowed upon glory, and glory was attached only to success, the legislative authorities of this great republic bestow the highest honors upon a persecuted exile, not conspicuous by glory, not favored by success, but engaged in a just cause.

There is a triumph of republican principles in this fact. Sir, in my own and my country's name, I thank the House of Representatives of the United States for the honor of this cordial welcome."

On that evening a banquet was given by both Houses in Kossuth's honor, with 250 attending, including Webster and two other members of the cabinet. Kossuth gave a noncontroversial speech: "Happy is your great country, Sir, for being so warmly attached to that great principle of self-government. Upon this foundation your fathers raised a home for freedom more glorious than the world has ever seen. Happy is your great country, Sir, that it was selected by the blessing of the Lord to prove the glorious practicability of a federative union of many sovereign states, all preserving their state-rights and their self-government, and yet united in one. Every star beaming with its own lustre, but altogether one constellation on mankind's canopy."

Despite a few dissenting voices Kossuth's reception in Congress was exceptional in both form and substance. Since the political aims of the Hungarian leader could not be met by the legislature, he took his message to the country, embarking on a tour that took him as far as St. Louis in the West, New Orleans in the South and Boston in the North. There were moving outpourings of sympathy, and occasionally even the idea of intervention was endorsed. Much of the financial contributions were, however, spent by the local hosts on lavish hospitality—to the grief of Governor Kossuth.

In an epilogue added to the reprinted version of a volume of Kossuth's speeches published in 1852 Professor Béla Várdy reminds us: "Millions of Americans came under his spell . . . dozens of books, hundreds of pamphlets, and thousands of articles and essays, as well as nearly two hundred poems were written to him or about him." The names of Emerson, Longfellow, Horace Greeley, James Russel Lowell, Harriet Beecher Stowe stand out among those authors. But undoubtedly the greatest person who was inspired by the exiled Hungarian leader was Abraham Lincoln. On January 9, 1852, Lincoln said in the legislature of Illinois: "We recognize in Governor Kossuth of Hungary the most worthy and distinguished representative of the cause of civil and religious liberty on the continent of Europe."

Perhaps the most memorable speech of Kossuth was delivered in Columbus, Ohio, to the legislature on February 7: "Almost every century has had one predominant idea which imparted a common direction to the activity of nations. This predominant idea is the spirit of the age, invisible yet omnipresent, impregnable, all-pervading, scorned, abused, opposed yet omnipotent. The spirit of our age is Democracy. All for the people and all by the people. Nothing about the people without the people. That is democracy, and that is the ruling tendency of the spirit of our age." It is quite probable that these words were remembered by Lincoln, as the Gettysburg Address echoes Kossuth's definition of democracy.

The influence of Kossuth in the U.S. did not come to an end with his departure in July 1852. His contemporaries, the crowds and also the politicians remembered him for a long time. Many children were named after him. Generations of Americans grew up associating Hungary with Kossuth and liberty. Both Theodore and Franklin Delano Roosevelt showed a remarkable knowledge of and sympathy to Hungary, most probably going back to 1848 and Kossuth's memory.

In the late 19th and early 20th century hundreds of thousands of poor Hungarians arrived in the U.S. in search of employment and a better life. Most of them stayed here. For these downtrodden immigrant "Hunkies" Kossuth represented a hero, known and respected by their new country, no wonder that they named streets and buildings after him and erected statues to him, in Cleveland, New York, Pittsburgh and elsewhere. In World War II, the warship "U.S.S. Kossuth" was built on the donations of Hungarian-Americans.

The Hungarian Revolution of 1956 showed that Kossuth's spirit remained a force inspiring the people of Hungary. The symbol of the Revolution was the coat-of-arms used by Kossuth. The new fight of the Hungarians for freedom re-awakened sympathy throughout the U.S. Following its suppression, against by Russian arms, tens of Hungarian refugees were admitted and welcomed by America. Soon a stamp of Kossuth was issued in the "Champions of Liberty" series. Thirty-three years later the end of communism and Hungary's role in it was the realization of Kossuth's dreams of an independent and democratic country. Today Hungary is trying to live up to the high standards set by its great son.

In 1990, in the middle of another, now bloodless, Hungarian revolution, on the initiative of Congressman and Mrs. Annette Lantos, a bust was unveiled in the Capitol in a moving ceremony in the Rotunda. And now, 150 years after the visit of Governor-President Kossuth dozens of commemorations are held in the U.S. reminding the present generation of those stirring times. I am extremely grateful to the American people for having preserved the memory of our great leader and for giving me this unique opportunity to speak in this magnificent institution, recalling when Kossuth and Hungary filled the pages of the Congressional Record.

PAYING TRIBUTE TO THE VERY REV. PROTOPRESBYTER STEPHEN DUTKE ON THE 60TH ANNIVERSARY OF HIS ORDINATION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. HINCHEY. Mr. Speaker, I would like to pay tribute today to the Very Rev. Protopresbyter Stephen Dutke in celebration of his 60th anniversary of the Ordination to the Holy Priesthood. I am pleased to congratulate Father Dutke for his 60 years of distinguished service.

Father Dutke was born on January 3, 1917 in Nesquehoning, Pa, the son of Damian and Susan Dutke. He grew up in Elizabeth, NJ and graduated from Thomas Jefferson High School and Union Junior College in Cranford, NJ. He studied theology at the Diocesan Seminary of Christ the Saviour Seminary graduating in 1942. He married Mary Dzuback of Bayonne on May 3, 1942 and was ordained as an Orthodox priest by Bishop Orestes on May 10, 1942.

Father Dutke organized St. Mary's Church in Buffalo, NY serving as its first pastor. He also served as pastor to St. Michael's Church in Freeland, PA from November of 1947 to August of 1961, where he oversaw the construction of the new rectory, the decorating of the church and the construction of the parish recreation center in 1959. He was assigned to St. Michael's Church in Binghamton, NY in August of 1961, where he served as pastor until July of 1991 and continues to serve as pastor emeritus.

At St. Michael's, he spearheaded a $200,000 renovation project of the church for its 60th anniversary in 1964 as well as the creation of classrooms and a library for the Church School program at the recreation center. Throughout his pastorate, he distinguished himself by his selfless ministry to those who are ill and afflicted at home, local hospitals and nursing homes. He fostered 12 vocations to the Holy Priesthood including four men from Freeland and eight from Binghamton. For more than three decades, he served as director of the annual Diocesan Altar Boys Retreat, encouraging many boys to strengthen their faith and service to the church, both as laypeople and priests.

Father Dutke served as Director of the Diocesan Priests' Pension Plan, a member of the Diocesan Liturgical Music Commission, as a member of the Diocesan Consistory and Board of Trustees for more than 30 years. His All-Holiness Patriarch Dimitrious designated him as a Proto-Priest in 1966 and as a Protopresbyter of the Ecumenical Patriarchate in 1989. Since his retirement in 1991, he has continued to assist at St. Michael's, serving one of the Sunday Liturgies, managing the annual Pirohi Project and continuing his pastoral work through visiting the sick at hospitals and nursing homes.

Mr. Speaker, I am delighted to salute Father Dutke for his many years of distinguished service to our community. It is my pleasure to join Father Dutke's friends, family and congregation in extending my deepest appreciation for his outstanding service.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. HONDA. Mr. Speaker, on rollcall No. 129 I was unavoidably detained with other matters. Had I been present, I would have voted "no."

IN HONOR OF THE UNITY FELLOWSHIP CHURCH MOVEMENT OF NEW YORK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of a vital community organization that has affected real change in its short history.

On May 10, 1992, Reverend Zachary G. Jones held its first worship service in the Charles Angel room of the New York City Lesbian and Gay Community Center. On that historic Sunday afternoon, Reverend Jones ministered to approximately 15 people. The group heard what continues to be the core message of the church to this day, "God is Love and Love is for everyone" and "Let nothing or no one separate you from the Love of God". During that time many people with alternative lifestyles felt that they were turned away from their traditional houses of worship because of their orientation and the HIV/AIDS epidemic. Since that first service, now Bishop Zachary G. Jones has built a congregation of more than 600 members andover 200,000 people of faith from New York City and around the world have attended his services. In addition, today, Unity Fellowship Church Movement of New York has a permanent location at 230 Classon Avenue in Brooklyn. Clearly, this church has filled a void.

Unity Fellowship Church Movement of New York's mission states that it is a social justice ministry that teaches freedom on all levels of racial, sexual, religious and social-economic oppression. They carry out their mission through a variety of programs designed to meet the needs of the community and their parishioners, such as, their hunger program which has fed over 5,000 homeless individuals and families; their creation of the "Unity in Community Week" to publicly address homophobia, health education, racism, and violence based on sexual orientation; "Unity fellowship breaking ground" an organization dedicated to providing social services to support gay and lesbian youth in Brooklyn. This is the first organization of color in New York dedicated to the needs of the Lesbian and Gay community on a regular basis.

Mr. Speaker, Bishop Zachary G. Jones fulfills his mission every day as he reaches out to people outside of the regular church setting who share a commitment to God but have lacked the opportunity to practice their faith freely because of their sexual orientation. As such, I urge my colleagues to join me in honoring this unique and vital organization on its 10th Anniversary.

TRIBUTE TO CHRIS HAAS

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 9, 2002

Mr. SPRATT. Mr. Speaker, I want to call to the attention of the House the bravery of Chris Haas, a sixth grader who is captain of the Safety Patrol at North Hartsville Elementary School in Hartsville, South Carolina.

Last December, Chris saved a fellow student from serious injury. Because he was on the alert, he noticed a girl's book bag and shirt caught in a car's rear tire, and saw that she was being pulled under the car before the driver knew what was happening. Chris jumped in front of the moving car and stopped it. His bravery saved the young girl from serious harm.

Students like Chris Haas report for duty on Safety Patrol every school day at North Hartsville Elementary School. Dressed in orange safety hats and belts and silver badges, they can be found helping students get safely across the street, and in and out of cars.

I want to salute Chris Haas for his courage and recognize all the other members of the Safety Patrol for helping make North Hartsville Elementary School a safe place to learn.

PRESCRIPTION DRUG BENEFIT

HON. STEPHANIE TUBBS JONES

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 9, 2002

Mrs. JONES of Ohio. Mr. Speaker, I represent the great City of Cleveland Ohio, which is home to the Rock-n-Roll Hall of Fame and also music legends such as the singing group the O'Jays.

The O'Jays had legendary hits in the 1970s like "Climbing the Stairway to Heaven," "Back Stabbers," and "For the Love of Money".

Just like in the 1970s when these songs of conscience were the rallying cry for so many around the country, they still have relevance today when you consider how we in Congress have yet to pass a true and comprehensive prescription drug benefit for our greatest treasure—Senior Citizens.

I hope people remember the titles of these songs when trying to figure out why we in Congress have yet to pass what we promised you sometime ago—Medicare Prescription Drug Coverage.

Yes, my colleagues on the other side of the aisle have touted a new Medicare reform package that is suppose to address the ills of those Americans who are forced to decide between eating or taking their medicine—Senior Citizens.

I don't know a song title that would address this concern but I believe one of the three songs, I mentioned is appropriate and believe if you listen very closely to the tone my colleagues on the other side of the aisle are humming it just might be one of these songs—like "Back Stabbers" or "Climbing the Stairway to Heaven".

My personal favorite is "For the Love of Money" which was one of the O'Jays greatest hits. In one stanza in the song, the lead singer states, "For the love of money, a person would steal from his own mother."

This is what is happening in many cases because I know many of my colleagues are not listening to their conscience but rather House Leadership—Leadership which does not want to see a true comprehensive prescription drug benefit this Congress but would rather wait.

Waiting is an indication that many more people will continue to suffer because of inaction on our part.

I was raised to believe that a broken promise is equivalent to stealing.

But House leadership wants us to keep dancing. I pose the question to all—What are we dancing to?

It seems that my colleagues once again have dropped a quarter in their rhetorical jukebox that plays music that they want us to dance to.

But this time, I hope all of America listens closely to the beat and is not fooled by the words of the song or its rhetoric. Because if you listen closely you will hear:

LOWER THE COST OF PRESCRIPTION DRUGS NOW

Translation. Take credit for minimal discounts that are already available.

GUARANTEE ALL SENIOR CITIZENS PRESCRIPTION DRUG COVERAGE

Translation. Promise seniors an inadequate drug benefit offered by private insurance companies.

IMPROVE MEDICARE WITH MORE CHOICES AND MORE SAVINGS

Translation: Shift costs to seniors and limit choice of providers.

STRENGTHEN MEDICARE FOR THE FUTURE

Translation: Undermine Medicare by forcing seniors into private insurance and HMOs for drug coverage.

Stop the dancing! Stop the music!

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 9, 2002

Mr. HONDA. Mr. Speaker, on rollcall No. 130, I was unavoidably detained with other matters. Had I been present, I would have voted "yes."

OUR SERVICEWOMEN FIGHTING FOR FREEDOM DESERVE FREEDOM

HON. SAM FARR

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 9, 2002

Mr. FARR of California. Mr. Speaker, earlier today, the House denied itself the opportunity to address a discriminatory practice affecting the women serving in our military. An amendment which would have required equal treatment of servicewomen overseas was prevented from coming to the floor. I consider this a great loss to all those who serve in our military and all Members of Congress who wished to express their conviction that our military can and must treat its members fairly.

The military currently requires or strongly encourages servicewomen to wear abayas and headscarves, complete coverings of their bodies, while off-base in Saudi Arabia. The military makes no such recommendations to servicemen to dramatically alter their appearance. The government of Saudi Arabia does not require non-Muslim women to wear abayas, and the U.S. State Department does not encourage its female embassy employees nor tourists to wear abayas.

I believe it is important to remember that the women who have served in our military have not always responded to a call. For many, they proudly volunteered long before a call was ever sounded.

During the American Revolution, wives followed their husbands into war, mothers followed their sons. They brought water and supplies, they tended the wounds of those who were injured, and they took up the rifles of those who had fallen.

In World War I, women were, for the first time, allowed to enlist. More than 30,000 did so, a third of them served overseas. Since then, women of all generations have served in wars and conflicts far from their homes and families.

Discrimination in the military is an insult to the memory of those women who died in service to their country and a grave injury to those who currently serve. These women, who have helped foster freedom in nations on whose soil their blood has been shed, are owed the certainty that the military does not see them for their gender but rather for their courage and commitment to the ideals embraced by all of its military personnel.

During the Gulf War, helicopter pilot Major Marie Rossi, now buried in Section 8 of Arlington National Cemetery, offered her thoughts on the work of women in the military, "It's our jobs, you know. There was nothing peculiar about us being women. We're just the people called upon to do it."

The more than 300,000 women currently serving in our military would tell you the same. The House of Representatives should have seized the opportunity to tell our military women that we agree: their contributions and sacrifices are deeply appreciated by their nation. The military must not treat them as second-class citizens.

IN HONOR OF VIVIAN BECKER

HON. EDOLPHUS TOWNS

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 9, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Vivian Becker on the occasion of her retirement from the Pratt Area Community Council (PACC).

In 1989, Vivian Becker was appointed Executive Director of PACC—then a 25-year-old three-employee community organization dedicated to improving the community. Today, under Vivian's leadership PACC now stands out as a leading community-based organization with a revenue stream of $3 million a year as well as a full-time staff of more than thirty people and a host of community volunteers and interns. PACC has not just grown; it has flourished through Vivian's hard work, dedication, and fine leadership.

Vivian saw the tremendous potential in PACC and in the community and has done an outstanding job in using both to their mutual advantage. Through tenant and community organizing, Vivian and PACC have helped residents in the traditionally low- and moderate-income communities of Fort-Greene, Clinton Hill, and Bedford Stuyvesant to achieve self-sufficiency, develop a sense of community, and attain overall neighborhood revitalization. They have also overseen the development of more than 50 buildings, which created more than 500 units of affordable housing for families in need.

Moreover, under Vivian's leadership, PACC has addressed community issues by solving community problems. Vacant lots were turned into community gardens, blocks that were not organized, were organized and the problem of homelessness became a top priority. In addition, PACC has offered tenant and homeowner services as well as community economic development assistance.

Mr. Speaker, Vivian Becker has spent the past thirteen years turning a small community organization into a powerful force that has improved the quality of life for everyone within their catchment area. She is a hard-working dedicated leader who has left an extraordinary legacy in Brooklyn. As such, she is more than worthy of receiving this recognition and I urge my colleagues to join me in honoring this truly outstanding community builder.

TRIBUTE TO THOMAS CHESTNUT, SMALL BUSINESS ADMINISTRATION ARIZONA BUSINESS PERSON OF THE YEAR

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. KOLBE. Mr. Speaker, I rise today to honor the achievements of Thomas Chestnut, a resident of Tucson, Arizona. Recently, Tom was named Small Business Person of the Year for the State of Arizona by the U.S. Small Business Administration.

Tom formed Chestnut Construction in 1990, starting with three employees. That year, the company had $886,000 in revenue. Today, Chestnut Construction is one of the largest and most respected general commercial contracting firms in southern Arizona, with 44 employees and more than $55 million in revenue.

Tom believes in commitment and loyalty to his staff, clients, subcontractors, and vendors. The majority of Tom's employees hired in the first few years of business are with the company today. His first contracted client is still one of Tom's most valuable customers.

As his company has profited, Tom has added more benefits for his employees. Today, Chestnut Construction provides its employees with healthcare, life and disability insurance, profit sharing, vacation, and bonuses that are uncommon in the construction industry or many other small businesses. Benefits even include the free use of a company-owned cabin.

Beyond treating its own employees very well, Chestnut Construction gets top marks for a hands-on approach in the performance of construction projects. Outsiders see that the company has a team attitude in their accomplishments.

Tom's philosophy is to work with the subcontractors and vendors, treat them well, pay them on time and build loyalty. It has resulted in a reputation of being fair and equitable in all aspects of his business. About 85 percent of Chestnut's work comes from repeat clients, and almost all advertising is word of mouth.

The concept of building a better community has double meaning for this construction company. Tom strongly urges employees to get involved in the community. Last year, donations to charitable organizations in cash, in-kind contributions and donated labor were above $60,000.

Since 1996, Chestnut Construction has won 10 awards in southern Arizona, including such categories as general contractor of the year, community service, and best place to work. Tom's philosophy has resulted in his being elected the founding chairman of the Arizona Builders' Alliance and the only general contractor ever honored with three Cornerstone Awards, which signify teamwork, quality of product, on-time delivery and dedication to the community.

I congratulate Thomas Chestnut on his Small Business Person of the Year award, and I applaud his hard work, his steadfast dedication to his profession and commitment to his community.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Ms. McCOLLUM. Mr. Speaker, nuclear power has a role to play in our nation's energy policy. Our government must fulfill its obligation to store radioactive waste. The transportation and security concerns associated with Yucca Mountain can be overcome. However, by allowing this project to proceed, we do nothing to address the ongoing production of more nuclear waste.

I cannot support this resolution without a national policy to reduce additional nuclear waste. Forty years of nuclear power production in the United States has left a disturbing legacy—45,000 tons of radioactive waste stored in more than 70 communities. While this resolution recognizes the need for Yucca Mountain to store old waste, it does nothing to address the new waste currently being produced. With new waste being produced every day, Yucca Mountain will be full even before it opens. Today's debate should be about the future of nuclear energy and how we deal with its toxic debris.

Congress and the nuclear power industry must join together in an effort to reduce, recycle and minimize nuclear waste production. Unless our nation accepts the very real environmental and economic costs of nuclear energy, coal and oil, we will continue to perpetuate our addiction to unsustainable sources of energy. My constituents have expressed their frustration at our collective failure to take responsibility for our nation's nuclear energy policy. My vote is their voice on this issue. We must look comprehensively at our future energy policy and develop long-term, sustainable energy sources.

100TH ANNIVERSARY OF FORT WORDEN

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. DICKS. Mr. Speaker, this weekend we are celebrating the Centennial of Fort Worden in Port Townsend, Washington, and I would like to take this opportunity to mark this occasion here in the House of Representatives. Fort Worden is a wonderful piece of our nation's history, first established on May 14, 1902 as part of a series of installations designed to provide protection along Puget Sound waters for the important naval Shipyard in Bremerton. It was named for Admiral John L. Worden, who was the commander of the battleship *Monitor* in the famous Civil War battle with the Confederate ship *Merrimac*. The Fort was later designated as the headquarters for the harbor defenses for Puget Sound, and it was fortified with heavy gun batteries and defensive structures. During World War II, the Fort served as home to the Army's 14th Coast Artillery Regiment and the Washington National Guard's 248th Regiment.

Fort Worden's military role diminished in the 1940's, and it was decommissioned as an active military post in 1953, though various limited Navy and Army functions continued for some years after. It later served as home to a Treatment Center for juvenile delinquents, operated by the State of Washington, before it was finally acquired by the State and turned into a State Park in 1973. The old Fort buildings have been transformed into a Conference Center, and the site offers ample opportunity for recreation and camping. Having been listed on the National Register of Historic Places, it now serves as one of the most picturesque and stately locations in the State of Washington. In fact, I am sure many of my colleagues can recall the views of the Fort's classic old white buildings in the feature movie "An Officer and a Gentleman," as Fort Worden served as the film's backdrop in 1981.

Today, Fort Worden remains a gathering place for people from across the Pacific Northwest to come for educational, cultural and arts programs, as well as recreational activities. It is a link to our past; a reminder of the state's very early role in the defense of our nation. I am proud that Fort Worden will be a partner with the Library of Congress on the Veterans History Project, honoring America's war veterans. And I am proud that so much of the military history of the Fort has been preserved, including the Commanding Officers Quarters Museum and the Pacific Coast Artillery Museum.

On the 100th Birthday of Fort Worden, I believe it is appropriate,

Mr. Speaker, to recognize the historical significance of this facility and its ongoing role in the Pacific Northwest.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. HONDA. Mr. Speaker, on rollcall No. 131, I was unavoidably detained with other matters. Had I been present, I would have voted "yes."

EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE INTERNATIONAL CRIMINAL COURT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. PAUL. Mr. Speaker, I rise today to introduce a bill Expressing the Sense of the Congress regarding the International Criminal Court.

On Monday, May 6, President George W. Bush directed his representative to inform United Nations Secretary General Kofi Annan that the United States "does not intend to become a party to the treaty [the Rome Statute of the International Criminal Court (ICC)]." President Bush is to be highly commended for renouncing the U.S. signature on the ICC treaty, a bold first step toward protecting American servicemembers and citizens from the possibility of unwarranted and politically-motivated persecutions.

By taking this action, President Bush has put the international community on notice that the United States will defend its sovereignty and citizens from this global court. The Bush Administration correctly pointed out that the ICC has unchecked power that contradicts our Constitution and its system of checks and balances; that the Court is "open for exploitation and politically-motivated prosecutions;" and that "the ICC asserts jurisdiction over citizens of states that have not ratified the treaty"—which seriously threatens American sovereignty.

I applaud President Bush in making it perfectly clear that the United States wants no part of the ICC. He faced enormous pressure from the international community to do otherwise, yet he did the right thing.

But this is only a first step. As Secretary of Defense Donald Rumsfeld stated this week, upon our renunciation of the ICC: "Unfortunately, the ICC will not respect the U.S. decision to stay out of the treaty. To the contrary, the ICC provisions claim the authority to detain and try American citizens—U.S. soldiers, sailors, airmen and Marines, as well as current and future officials—even though the United States has not given its consent to be bound by the treaty." Secretary Rumsfeld added, "When the ICC treaty enters into force this summer, U.S. citizens will be exposed to the risk of prosecution by a court that is unaccountable to the American people, and that has no obligation to respect the Constitutional rights of our citizens."

Undersecretary of State Marc Grossman, explaining the president's decision to withdraw from the ICC, made the following critical point: "Notwithstanding our disagreements with the Rome Treaty, the United States respects the decision of those nations who have chosen to join the ICC, but they in turn must respect our decision *not* to join the ICC or place our citizens under the jurisdiction of the court." There is no indication that Undersecretary Grossman's message has been received.

Therefore, this legislation makes it clear that Congress should take all steps necessary to grant appropriate authority to the president to defend the American people—servicemember and citizen alike—from the threat of arrest, prosecution and conviction by the International Criminal Court.

I am introducing this legislation to also to commend President Bush for his courageous move, to assure the president that this body supports his action to protect the Constitution and American sovereignty. We have all taken an oath to protect and defend the Constitution, and we should stand with the president.

I rise, finally, to encourage the president to remain steadfast in his intention of protecting American servicemembers and citizens from the unchecked power of the International Criminal Court. This is only the beginning, however, there is much more to be done.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 127, H.R. 2911, Designating the Federal Building located at 5100 Paint Branch Parkway in College Park, Maryland, as the Harvey W. Wiley Federal Building on ordering the previous question on H. Res. 404. Had I been present, I would have voted "yea."

I was also unavoidably detained for rollcall No. 128, H. Con. Res. 271, Expressing the Sense of Congress Supporting the National Importance of Health Care Coverage Month. Had I been present, I would have enthusiastically voted "yea."

I was also unavoidably detained for rollcall No. 129, On Ordering the Previous Question on H. Res. 414, Providing for the disposition of H. J. Res. 84, Disapproval of the Actions taken by the President Under Sec. 203 of the Trade Act. Had I been present, I would have enthusiastically voted "yea."

I was also unavoidably detained for rollcall No. 130, on H. Res. 414, Providing for the disposition of H. J. Res. 84, Disapproval of the Actions taken by the President Under Sec, 203 of the Trade Act. Had I been present, I would have enthusiastically voted "yea."

I was also unavoidably detained for rollcall No. 131, on Agreeing to the Senate Amendments on H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act. Had I been present, I would have enthusiastically voted "yea."

I was also unavoidably detained for rollcall No. 132, H.J. Res. 87, On Consideration of the Resolution, the Yucca Mountain Repository Site Approval Act. Had I been present, I would have enthusiastically voted "yea."

I was also unavoidably detained for rollcall No. 133, H.J. Res. 87, the Yucca Mountain Repository Site Approval Act. Had I been present, I would have enthusiastically voted "yea."

CONGRATULATING THE MEN AND WOMEN OF VALLEY BRONZE AND STEWART SPRINGS, LTD.

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to offer my congratulations to the men and women of Valley Bronze and Stewart Springs, Ltd. for their success in receiving the contract to adorn the World War II monument on the National Mall in Washington, D.C. Valley Bronze is a foundry located in Joseph, Oregon in Wallowa County in my congressional district, a pristine sliver of the United States whose citizens live and breathe the heritage of the American West.

The successful bid award to participate in the construction of the World War II memorial was the product of a creative collaboration between David and Christine Jackman, the owners of Valley Bronze, and Janelle Stewart, the owner of Stewart Springs, Ltd., a drafting company also located in Joseph.

When it is complete, the "Freedom Wall" of the World War II memorial will feature 4,123 gold-plated stars cast by Valley Bronze, each of which will represent 100 American lives lost in the service of our nation during that terrible conflict. Fifty-six pillars will surround the memorial to represent every American state and territory, each of which will be decorated with bronze wreaths made in Joseph. Anchoring the flagpoles at the ceremonial entrance to the monument will be pedestals made by Valley Bronze, and monumental bas relief medallions representing the "victory medallions" given to World War II veterans will be embedded in the floor of the archways at each end of the memorial. Finally, four water fountains and 900 feet of decorative drainage grate will encircle the monument. I have no doubt, Mr. Speaker, that each of the decorations that will adorn the memorial will be cast with the care and precision to befit a monument in honor of America's patriot dead.

Mr. Speaker, awarding this bid to Valley Bronze is a reflection of the beauty of their work and the quality of their craftsmanship. It is fitting that the materials to build this monument to our nation's heroes will be brought together from across the American continent, just as America's sons and daughters came from cities and towns across this great land to answer their nation's call.

The national monument to the veterans of World War II will stand for generations as an enduring testament to the heroism and sacrifice of the men and women who have rightly been called the Greatest Generation. Visitors from across the United States and indeed the rest of the world will journey to our nation's capital to see this monument and pay their own private tribute to the legions of American soldiers, sailors, airmen and Marines who fought and died to prevent the spread of tyranny. They will do so enjoying the freedom won in part by the exertions of Oregonians, just as the beauty they admire was crafted by Oregonians' hands.

Mr. Speaker, I commend Valley Bronze and Stewart Springs, Ltd. for their outstanding success. The first-rate quality of their work was chosen as the finest in the land, and I am proud to represent them and their patriotic community in the House of Representatives.

A PROCLAMATION RECOGNIZING DANIEL KEITH ROBINSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. NEY. Mr. Speaker, Whereas, Daniel Robinson has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Daniel Robinson has shared his time and talent with the community in which he resides; and

Whereas, Daniel Robinson has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Daniel Robinson must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award; and

Therefore, I join with Troop 510, the residents of Muskingum County, and the entire 18th Congressional District in congratulating Daniel Robinson as he received the Eagle Scout Award.

RECOGNIZING DR. GEORGE KIDD, JR. FOR HIS CONTRIBUTIONS TO TIFFIN UNIVERSITY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay tribute to Dr. George Kidd, Jr., upon his retirement as President of Tiffin University. Dr. Kidd has distinguished himself as one of the nation's outstanding educators, university administrators, and visionaries of higher education.

When Dr. Kidd became Tiffin University's President in April, 1981, the college's enrollment of 375 students occupied three academic buildings. The academic focus was its two-year associate degree program. The school's operating budget had produced seven consecutive annual deficits.

Dr. Kidd's legacy at Tiffin University is a transformed institution of higher knowledge, an innovative curriculum, a distinguished faculty, vibrant campus and a balanced operating budget.

Student enrollment now exceeds 1,600 with a primary focus shifted to the four-year bachelors degree programs. The university facilities now include eleven buildings, including three dormitories, a dining commons, a student center, gymnasium and 38 acres of athletic playing fields.

Dr. Kidd's tireless efforts on behalf of Tiffin University are matched only by his many selfless contributions to the Tiffin community. He has generously given of his time to local community service organizations, including Seneca County United Way, the Chamber of Commerce, Mercy Hospital, and many others.

Mr. Speaker, Dr. George Kidd's contributions to our country are as numerous as the many bright futures he has touched as an educator and a mentor. I ask my colleagues to join me in wishing him and his loving and equally talented wife, Dianne, good health and our very best wishes.

HORMONE DISRUPTION RESEARCH ACT OF 2002

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of the Hormone Disruption Research Act of 2002.

Arctic polar bears show high concentrations of certain synthetic compounds in their tissues. Whales in the world's oceans carry PCBs and other contaminants at concentrations which cause developmental defects in humans.

U.S. streams and groundwater show widespread contamination with chemicals, dioxins, and antibiotics. Alligators in Florida's lakes suffer from reproductive problems that appear to be associated with chronic chemical contamination. New studies have made a persuasive case that contaminants were in part or wholly responsible for the loss of the lake trout and herring in the Great Lakes many decades ago.

Rates of infertility, the incidence of testicular cancer in young men, Parkinson's disease, endometriosis, childhood diabetes, and asthma have risen dramatically since 1970.

What does this all mean? Are there connections between rising levels of chemicals in the environment and increasing rates of certain disorders in humans?

In many cases, we simply don't know. We do not have the scientific information that would allow us to draw solid conclusions. But a growing body of research suggests that there is indeed a connection between certain chemicals and human health.

In recent decades, scientists have begun to recognize and define the hazard posed by some chemicals to the human hormone (or endocrine) system. By definition, hormone disrupting chemicals interfere with the normal activity of hormones within the body. Some chemicals mimic natural hormones and send false messages. Other synthetic compounds block hormonal signals and prevent the proper action from taking place. Still others cause disruption by preventing the synthesis of the body's own hormones, or by accelerating their breakdown and excretion. Whatever the mechanism, the bottom line is the same: Any chemical that interferes directly or indirectly with hormones can scramble vital messages, derail development, and undermine health.

We are only now learning that the effects of hormone disruptors may affect more than one generation. Though adults may not show symptoms of exposure themselves, they may pass the "Imprint," or hormonal effects of exposure, on to their children. In those cases, it is the children whose development suffers. Since 1970, childhood cancers, learning disabilities, hyperactivity, autism, juvenile diabetes, early puberty, early testicular cancer, and infertility have increased significantly both in the United States and around the world. There is growing evidence to suggest that hormone disruptors play an important role in all of these disorders.

Today I am proud to introduce the Hormone Disruption Research Act of 2002. This legislation directs the National Institute of Environmental Health Sciences (NIEHS) to conduct a major research program on hormone disruption. In addition, it requires NIEHS to report to the public every two years on the extent to which hormone disruption by chemicals poses a threat to human health and the environment. The bill authorizes $100 million per year for five years for this critically important program.

To date, federal research on hormone disruption has been scattershot and underfunded, even as evidence about hormone disruption has grown. The research program authorized through the legislation will enable NIEHS to gather solid data about the dangers posed by some chemicals and the mechanisms through which they act. With this information in hand, we can make sensible, informed decisions and policies about our own and our children's health and well-being.

I urge my colleagues to join me in supporting the Hormone Disruption Research Act. We owe it to future generations to pursue this scientific research, which has implications for every one of us.

NATIONAL SMALL BUSINESS WEEK

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. ISSA. Mr. Speaker, as part of National Small Business week, I rise today to recognize all the men and women who work in or for a small business in America. Small business is the heart of our economy and culture. It is where the American Dream time and time again is realized.

Prior to my election I was a small business owner. I started like millions of entrepreneurs with a vision and lifesavings. My wife Cathy and I started with $7,000 and founded Directed Electronics and within 10 years built a company that is an industry leader in automobile security products. I understand the workings of small business and want to take this time not only to commemorate, but to remind everyone the important role that small business plays in our economy.

Small Business is not only the backbone of our economy, but has also changed our culture. More small businesses are owned by women and minorities. There are now 9.1 million firms owned by women: these firms employ 27.5 million Americans. Minority-owned firms are the fastest growing segment from less than 7 percent of all U.S. firms in 1982 to 15.1 percent in 1997. Women and minorities are changing the face of business by helping break old sentiments of prejudices.

I appeal to my fellow colleagues to work to help small business to continue to flourish so that all Americans are able to realize their dream. Right now, small businesses represent 99.7 percent of all employers and employ 52 percent of the private workforce. This is a large block of the American people.

The President, in March, announced his small business agenda which included tax incentives for small businesses, making affordable health care available to more employees, and making the federal contract process more accessible to small businesses.

Small business is America. It is the future of our economy and culture. Let's not strangle it with regulation, but continue to help hardworking American workers and entrepreneurs by supporting the President's plan to help small businesses.

IN HONOR OF MAX RODRIGUEZ

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Max Rodriguez, the National Association for the Advancement of Colored People (NAACP) "2002 Community Service Awardee of the Year". He was honored by the NAACP, Hempstead Branch & Youth Council at their 22nd Annual Freedom Fund Luncheon on May 4, 2002, at the Nassau County Bar Association.

Mr. Rodriguez was appointed to the Board of Trustees of Hempstead Village in 1994, and elected to the Board in 1995, making history as the first Hispanic Trustee to serve, not only in Hempstead Village, but also in Nassau County. In 1997, he was appointed Assistant Director for the Office of Minority Affairs. Currently, Mr. Rodriguez is a Project Manager for One Source, and a Representative for Best Business Corp. Realty.

A leader in the Hispanic Community, Mr. Rodriguez contributes to many organizations, including: the NAACP; Silver Life; the Cuban American National Foundation; the Long Island Hispanic Chamber of Commerce; La Hermandad del Senor de los Milagros; Hempstead for Hofstra Scholarship Board; the Interfaith Nutrition Network; and the East Meadow Kewanis Club. He is the Northeast Regional Representative of the Republican National Hispanic Assembly; serves on the President's Advisory Board on Multicultural Concerns at Molloy College; and is Commissioner of Recreation and Parks in Hempstead Village.

For his initiative and outstanding service, he has received numerous awards, including: the American Red Cross Peter Bon Berg Humanitarian of the Year Award; Hofstra for Hempstead Unispan Award; United States Postal Service Award; Hempstead Chamber of Commerce Public Servant of the Year; West Indian-American Chamber of Commerce Community Service Award of the Year; and countless others.

Mr. Rodriguez holds a Bachelor's Degree from Adelphi University, and a B.A. in Business Management/Communication.

Mr. Rodriguez is married to Gladys, father of three daughters, Vicky, Jennifer, and Monica, and proud grandfather of Nicholas.

Today, I ask my colleagues to join me in honoring Max Rodriguez for his selfess dedication and positive contributions to our community.

IN MEMORY OF COLONEL FRANCIS S. GABRESKI, WORLD WAR II ACE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. MURTHA. Mr. Speaker, I would like to remember to my Colleagues and to this great Country a most extraordinary Veteran who passed away this year.

Col Francis S. Gabreski, 83, America's air ace in Europe in WWII and an ace in the Korean War died January 31, 2002 of a heart attack.

One of five children, Gabreski was born in Oil City PA on January 28 1919. His parents were Polish immigrants. He would fly 266 combat missions in two wars destroying 37.5 enemy aircraft in World War II and 6.5 in Korea.

Flying single engine P–47 Thunderbolt fighters, Mr. Gabreski downed 28 Messerchmitts and FockeWulfs over France and Germany between August 24, 1943 and July 5, 1944, and destroyed three more German aircraft on the ground. He was captured in late July 1944 after crash-landing near Koblenz, Germany on what was to have been his last mission, and spent ten months as a prisoner of war. He became an ace (a pilot shooting down at least five enemy planes) in the Korean War as well, flying an F–86 Sabre jet. He shot down six Soviet-built MIG-15 fighters and shared credit for the downing of another.

His flying days began after he graduated from basic training in March, 1941 as a second lieutenant, and joined a fighter unit at Wheeler Field in Hawaii. On the morning of December 7, 1941, he was shaving when the Japanese attacked Pearl Harbor. He scrambled to a P–36 fighter but by then the Japanese aircraft were nowhere in sight.

Because he spoke Polish and "I felt strongly about what the Nazis had done to Poland," he asked to be assigned to a Polish fighter unit attached to the Royal Air Force. He flew some two dozen missions over Europe with Polish pilots early in 1943 before joining the United States 56th Fighter Group in Britain.

After the war and a hero's welcome home, Gabreski worked for Grumman Aerospace and was head of the Long Island Rail Road, the nation's busiest commuter line.

Gabreski once said, "A pilot can contribute physical acumen, good eyesight and alertness. You have to be calm, cool and collected. Freeze, and you frighten yourself. But beyond that you need some luck to survive."

Gabreski lived in Dix Hills, NY. He is survived by three sons, six daughters, two sisters, eighteen grandchildren and four great grandchildren.

Among Gabreski's decorations were: The Distinguished Service Cross, Silver Star with Oak Leaf Cluster, Distinguished Flying Cross with nine Oak Leaf Clusters, Air Medal with four Clusters, the Bronze Star, The French Legion D'Honneur and Croix de Guerre with Palm, Polish Cross of Valor, the British Distinguished Flying Cross and the Belgian Croix de Guerre.

IMPROVE CHILD SURVIVAL AND MATERNAL HEALTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce a resolution along with my colleague, Representative CONNIE MORELLA, voicing this body's commitment to improving the health of mothers and children around the world. This resolution illustrates that an increased commitment to improving the health of the world's mothers and children will have a long-term impact on the political, economic, and social progress of developing countries. The stability of our own nation depends significantly on the economic and political situation of developing nations. Their economic and political progression cannot be realized unless the health of their people is improved. The global community acknowledges this need.

On May 8–10, representatives from over 179 countries met at the United Nations Special Session on Children. During this meeting, they reviewed the progress made since the 1990 World Summit for Children and renewed their pledge to improve the lives of the world's children over the next decade.

Our Administration also acknowledges that investing in better health increases a country's ability to prosper. President Bush made a wise decision when he proposed increased funding for global HIV/AIDS programs at USAID. But it is disconcerting that his budget also recommends a $25 million decrease in support for maternal and child health programs. Difficult choices must be made, understandably, but funds should not be shifted from one essential health program to another.

At this precarious time in our world, we cannot lose sight of the health of women, the primary caregivers who instill values and provide hope for their children, the future of every society. Every year, over 500,000 women die during pregnancy and childbirth. The vast majority of these lives could be saved by low-tech, low-cost interventions. The health of a child and her mother are closely intertwined, and good maternal health is essential for the survival of both mother and child. In developing countries, a mother's death in childbirth due to malnutrition, or inadequate prenatal and delivery care, means almost certain death for her newborn child.

We must also invest substantially more in programs that improve the health of young children. Every year, nearly 11 million die needlessly before their fifth birthday—almost all from diseases easily prevented or readily treated. For example, pennies worth of antibiotics could save three million children who will die this year of pneumonia.

Mr. Speaker, the resolution calls for increased funding for basic child survival and maternal health programs of at least $500 million dollars. This figure is just a small investment when the dividends would be political stability, international security, and a renewed hope for the future of mothers and children around the world. Representative MORELLA and I urge our colleagues to join us in supporting this important resolution.

CELEBRATING THE WORK OF RABBI MORDECAI WAXMAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. ACKERMAN. Mr. Speaker, it is an honor for me to call to the attention of the House of Representatives the work of Rabbi Mordecai Waxman, one of America's great citizens, who is retiring from his position as senior rabbi at Temple Israel in Great Neck, New York. On Sunday, May 19, Temple Israel will hold a dinner to celebrate and honor Rabbi Waxman for his 55 years of devoted service not just to the Jewish community on Long Island, but to the Jewish community throughout America and around the world.

Well-known throughout New York, Rabbi Waxman will be remembered in human history as one of the key figures in the effort to heal the painful breach between the Jewish people and the Roman Catholic Church. Working with two Popes, Rabbi Waxman played a key role in the Second Vatican Council's publication of the Nostra Aetate document, which transformed modem relations between Jews and Catholics.

Rabbi Waxman has not only been a leader between religions, but also a key figure in the U.S. Jewish community over several decades. Beginning with his ordination at the Jewish Theological Seminary in 1941, Rabbi Waxman has continuously sought opportunities for leadership, first, as the founding rabbi at Congregation Shaare Tikva in Chicago, Illinois and then, only a year later, serving as a U.S. Army chaplain from 1943 to 1946.

Following his service to our nation, Rabbi Waxman went on to lead Temple Israel, along the way becoming editor of the Journal Conservative Judaism, the president of the Rabbinical Assembly, the president of the World Council of Synagogues, the chairman of the International Jewish Committee for Interreligious Consultation, the chairman of the National Council of Synagogues and even the first rabbi to become a Knight Commander of the Order of Saint Gregory the Great due to his vital role in Jewish-Catholic rapprochement.

Mr. Speaker, America is not a great nation because a small corps of heroes do great deeds. America is a great nation because our charter of freedom has enabled thousands of ordinary men and women to do extraordinary things.

Rabbi Mordecai Waxman is just such an ordinary doer of extraordinary things. As a citizen, as a U.S. Army chaplain, as a leader of the Jewish community in America and internationally, and as a husband to the late Dr. Ruth Waxman, the father of Hillel, Jonathan and David Waxman, and the grandfather of five wonderful grandchildren, Ariya, Amir-Kia, Lailee, Jessye and Avir, Rabbi Waxman has represented what we all know is best about our nation and our society.

Mr. Speaker, I call upon the whole House to rise and join me in thanking Rabbi Mordecai Waxman for his contributions to our country and its citizens, and in wishing him a retirement of peace, contentment and good health.

ON PASSAGE OF THE CONFERENCE REPORT TO H.R. 2646, THE FARM SECURITY AND RURAL INVESTMENT ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mrs. BIGGERT. Mr. Speaker, On May 2, 2002, the House approved the conference report to H.R. 2646, the Farm Security and Rural Investment Act, also known as the farm bill. I could not support this measure, for it represents a complete reversal of the 1996 Freedom to Farm Act, legislation that I have long supported.

The 1996 Freedom to Farm Act was a six-year attempt to wean farmers off government support, taking agriculture out of the hands of government control by eliminating subsidies and letting the market dictate prices and production levels. I acknowledge that the Freedom to Farm Act was not perfect, but instead of improving upon this approach and building on its early success, the conference report completely abandons the free market principles of Freedom to Farm and returns to government subsidies and hands-on government management of agriculture.

The Chicago Tribune ran an editorial on May 6, 2002, entitled "Congress at the trough," which reflects the sentiments many of us share with respect to the conference report to H.R. 2646. I bring the editorial to my colleagues' attention and ask that it be included in the record of debate on the conference report.

CONGRATULATING SBC

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. GONZALEZ. Mr. Speaker, it is no secret that these are challenging times for our nation's economy. All of us are looking for solutions. And many of those solutions will come from America's small businesses, whose ability to grow and prosper is crucial for today's commerce.

Today, I would like to recognize a company, which does business in my district and many other congressional districts, for its role in helping small businesses—and, in particular, diverse businesses.

That company is SBC Communications, which earlier this month [May 7] received a Ron Brown Award for Corporate Leadership. This presidential award, named for the late Commerce Secretary, is presented to companies that have demonstrated a deep commitment to initiatives that empower employees and communities.

SBC was honored specifically for its excellence in promoting economic development through supplier diversity. Last year, the company spent 23.5 percent of its $12 billion procurement budget with businesses owned by women, minorities or disabled veterans. At the award ceremony, Commerce Secretary Don Evans praised SBC for its program and noted, correctly I think, that SBC "has set the standard for supplier diversity."

Beyond the immediate economic benefit for small and diverse companies, SBC's diversity program also ensures that these firms learn how to compete in a high-tech world. SBC doesn't just place orders with diverse companies—it actually recruits and trains them, offers special loan programs and makes available educational opportunities.

SBC wins from this commitment by broadening its supplier base and making sure that it is reaching out to all segments of society. Smaller, independent companies, especially those firms owned by women and minorities, win by gaining improved access to the world of big business. This is good for SBC, good for economic vitality and diversity, and good for America.

I congratulate SBC on this much-deserved award.

THE STOLEN ASSET RECOVERY ACT OF 2002

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. WATERS. Mr. Speaker, I rise to introduce The Stolen Asset Recovery Act of 2002. This bill would facilitate the identification of assets that have been stolen by dictators and other corrupt officials in developing countries and laundered in American financial institutions.

Many developing countries have been ruled by dictators and corrupt officials who have stolen millions of dollars from their people, laundering these stolen assets in banks and financial institutions in the developed world. Numerous dictators, such as Sani Abacha of Nigeria, Ferdinand Marcos of the Philippines, Mobutu Sese Seko of Zaire, Jean-Claude "Baby Doc" Duvalier of Haiti, Slobodan Milosevic of Yugoslavia, Suharto of Indonesia and the Taliban of Afghanistan, have plundered their countries' resources and left their people deeply impoverished and oppressed. When these corrupt officials leave their countries, the new governments typically lack the resources to thoroughly investigate the theft and identify the laundered assets.

The Stolen Asset Recovery Act of 2002 would require the Secretary of the Treasury to submit annual reports to the Congress on the laundering of stolen assets in American financial institutions. The reports would include an explanation of U.S. Government efforts to identify stolen assets, mechanisms available to the U.S. Government to identify stolen assets and legislation that could be enacted to facilitate the return of stolen assets to the people of the countries from which the assets were stolen. The legislation would also require the Secretary of the Treasury to urge international financial institutions, including the International Monetary Fund and the World Bank, to provide to the United States copies of all audits regarding the use of funds loaned to governments where corruption has been a serious problem.

The United States should support efforts to identify assets stolen by corrupt foreign officials and facilitate their return to the people who rightfully own them. I urge my colleagues to support The Stolen Asset Recovery Act of 2002.

EXPRESSING SUPPORT FOR THE STATE OF ISRAEL

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to express my strong support for the State of Israel. I am wholly committed to the security and safety of Israel, a key strategic friend and ally. Last week I voted present on H. Res. 392, the DeLay Resolution entitled "Expressing Solidarity With Israel In Its Fight Against Terrorism." In December 2001, I voted for a similar resolution, H. Con. Res 280, also entitled "Expressing Solidarity With Israel In Its Fight Against Terrorism."

I voted "present" last week because I believed that this resolution did not promote the safety or security of Israel. I hope to see Israel and Palestine coexist as democratic states, each within secure and internationally recognized boundaries. I believe that the United States has an important role to play in promoting peace in the region. The language of this resolution was highly inflammatory, and I could not in conscience support a measure that might compromise our ability to seek peace.

Terrible carnage has claimed too many innocent lives, both Israeli and Palestinian. I voted as I did because I believe the United States can help end that carnage.

RECOGNIZING MAY 10TH ANNUAL PEACE OFFICER DAY IN COOK COUNTY, ILLINOIS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. GUTIERREZ. Mr. Speaker, I wish to remind my colleagues of the countless sacrifices made by many police officers who serve us every day. In particular, we owe a special debt of gratitude to the many courageous men and women who have given their lives while protecting and defending others. In Congress, we enjoy the protection provided by members of the Capitol Police force, just as in our states, cities and localities we are privileged to be protected by some of the finest and bravest men and women. Unfortunately, far too many of their colleagues have lost their lives in the line of duty.

In the city of Chicago, these brave men and women will be remembered tomorrow, May 10, 2002 as part of the Cook County Peace Officer Day of Remembrance and Recognition. Last year, the Cook County Board of Commissioners passed a resolution establishing May 10th of every year, beginning this year, as this special day of remembrance. Tomorrow, the Cook County Peace Office Memorial Foundation will hold a special public ceremony to honor all current police officers for the difficult work that they do every day.

Mr. Speaker, I applaud the Cook County Peace Officer Memorial Foundation and their Co-Chairmen Jason H. Watson, Edward Sajdak, Nathan Camer, Daryl Bernard for organizing this special event. I also join them in saluting the officers who have made the ultimate sacrifice while making America's communities safe and secure for all of us.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. HOLDEN. Mr. Speaker, I rise today to pay tribute to all correctional officers and to honor the Week of May 5th as National Correctional Officers and Employees Week. Correctional officers play an imperative role in my Congressional District and throughout the country.

FBI Schuylkill, SCI Frackville, and SCI Mahanoy, as well as three county prisons, are six of the most critical employers in my district. The men and women who work at these facilities have the awesome responsibility of protecting my constituents and the public from inmates.

Correctional employees also have the important job of overseeing the rehabilitation of prisoners. They lead prisoners back into the community, supervising the construction of such things like recreation areas and baseball fields for children.

As the former sheriff of Schuylkill County, I worked hand-in-hand with the men and women who worked at the correctional facilities. No group of people understands the rigors and challenges of law enforcement greater than those who work in correctional facilities.

I would also like to pay tribute to the New York Corrections Department. On September 11, these men and women rushed to the scene of the World Trade Center tragedy to help evacuate the victims, once again proving the vital role correctional officers play in their communities.

Every day correctional officers go to work they face more danger than some of us face in our whole lives. It is a great honor to recognize these men and women and to recognize the Week of May 5th as National Correctional Officers and Employees Week.

HONORING THE 150TH CELEBRATION OF THE SISTERS OF MERCY IN CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor the 150th Celebration of the Sisters of Mercy mission in the state of Connecticut. Since their founding in Hartford in 1852, the Sisters have established many important organizations, including St. Mary Home for the Aged, 1880; the Ministry for the Deaf-American School for the Deaf, 1896; Academy of Our Lady of Mercy, 1905; Saint Joseph College, 1932; Mercy High School, 1963; Our Lady of Mercy School, 1964; Foreign Mission in Guatemala, 1981; Mercy Center at Madison, 1973; Mercy Housing & Shelter, 1983; Trust House Collaborative Learning Center, 1996; and the Collaborative Center for Justice, 1999.

The Sisters have turned their original stated purpose of the care of orphans and other works of Mercy into selfless acts that have improved the lives of millions of individuals.

Their work in education alone has influenced countless numbers of students who have in turn contributed to the development of both the Church community and the Connecticut community as a whole. The Sisters of Mercy have consciously identified the most pressing needs of the community and effectively used their resources to address those needs. Whether it be helping the economically poor, sick, elderly, imprisoned or ignorant, showing a special concern for women and children, or carrying out foreign missionary work, the actions of the Sisters can be described as nothing less than altruistic. They have supplemented time-honored strategies with conventional methods to address human needs in health care and pastoral and social services. The Sisters have generously provided for the spiritual welfare of thousands.

In July 1991, 7,000 Sisters of Mercy united as the Institute of the Sisters of Mercy of the

Americas to become an international community. The Institute includes 25 regional communities with 5,500 members who serve in North, South and Central America, the Caribbean, Guam and the Philippines. The Sisters of Mercy of the Americas sponsor or cosponsor seven major national healthcare systems, 20 colleges and universities, 20 elementary and preschools, 39 secondary schools, and hundreds of affordable housing developments. They also serve in programs ranging from hospices for persons with HIV/AIDS, to adult literacy centers and resettlement programs for refugees.

It is the hope, on this Sesquicentennial Celebration, that their continued energy will allow them to focus on the state's residents and those beyond its borders who are in need for many years to come. I ask my colleagues to join me in commending the Sisters of Mercy for 150 years of service and commitment in the state of Connecticut. Personally, I would also like to thank Sister Patricia Rooney, RSM for her tireless work and effort, as well as my dear friend and former boss, Sister Marita Charles, RSM, who was principal of St. Mary's School in East Hartford, CT.

HONORING PENSACOLA JUNIOR COLLEGE AND THE SWITZER ARTS CENTER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, in 1947, Pensacola Junior College became the first public junior college to be established under Florida law. Subsequently, as the college grew, so did the recognition and support from the community. In 1965, the Pensacola Junior College (PJC) Foundation was incorporated as a non-profit corporation that could accept tax-deductible contributions from community supporters.

During the next three decades, the PJC Foundation helped the college expand its campus, through the addition of many new buildings, as well as additional campus locations. In December 1998, the PJC Foundation launched its first comprehensive fund drive. The goal was to raise $4.5 million. A lead gift of $1 million from the Switzer and Reilly families established the Anna Lamar Switzer Center for Visual Arts and got the campaign off to a successful start.

Born September 11, 1990, Anna Lamar Switzer, the namesake of the Switzer Center for Visual Arts, was an artist and published author who believed Pensacola should offer quality educational programs for those living in Northwest Florida.

Mr. Speaker, the United States Congress congratulates Pensacola Junior College and recognizes the generous contribution of the Switzer family. The arts center is a fitting memorial to Mrs. Switzer and an enduring opportunity for faculty, students, and the public to enjoy and learn form the visual arts as Mrs. Switzer did. The Switzer endowment has allowed PJC not only a renovated arts center, but a three-year faculty chair award, two-year student scholarship award, and the creation of the Distinguished Artist Lecture Series.

Mr. Speaker, it is my pleasure to honor the life of Anna Lamar Switzer, her love for education and her affection for her community of Pensacola.

STAND WITH ISRAEL

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. LYNCH. Mr. Speaker, when I first visited Israel in 1998, I was introduced to the complexity and also the special beauty and historical importance that Israel represents. During my visit I met with various representatives of both the Israeli government and the Palestinian community. I remember that there existed at that time a cautious optimism and a hope that perhaps after generations of pain and suffering these groups were on the brink of peace. It is therefore with particular sadness that I have watched this holy land descend into the most extreme violence and bloodshed over the past 18 months. The traffic and horrifying carnage caused by suicide bombers, who are being used as a tool of terror against innocent children, is simply barbaric and upsets me greatly.

However, Mr. Speaker, we must not be moved to give in to these terrorists. I stand here today with many in this chamber to condemn these atrocities and express our support for the Israeli people.

On September 11th we learned how small the world has become. We can no longer ignore conflicts halfway around the world and pretend that they do not affect our own security.

Mr. Speaker, there is no future in a partnership with people encourage their own sons and daughters to die in acts of infamy and the random murder of innocent people. To compromise with a terrorist is to sponsor terrorism.

We must stand with Israel.

INTRODUCING THE ARSENIC TREATED LUMBER PROHIBITION AND DISPOSAL ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. SCHAKOWSKY. Mr. Speaker, today I am introducing the Arsenic Treated Lumber Prohibition and Disposal Act to protect children and families by phasing out the use of arsenic in pressure treated lumber and ensure that arsenic treated lumber is disposed of safely.

Most of the lumber sold for outdoor use in the U.S.—for school playgrounds and decks of private homes—is pressure-treated and injected with toxins to preserve the wood and prevent insect infestation. The most common wood preservative and pesticide used is chromated copper arsenate (CCA), which is 22 percent pure arsenic. A 12-foot section of pressure-treated lumber contains about an ounce of arsenic, enough to kill 250 people. An Environmental Working Group and Healthy Building Network study found that an area of arsenic-treated wood the size of a four-year-old's hand contains an average of 120 times the amount of arsenic allowed by the EPA in a 6-ounce glass of water. According to the report an estimated one out of every 500 children, who regularly play on playground equipment or decks made from pressure-treated wood can be expected to develop cancer later in life as a result of the exposure.

The Arsenic Treated Lumber Prohibition and Disposal Act will prohibit the use of CCA treated lumber once and for all. The Arsenic Treated Lumber Prohibition and Disposal Act, parallel legislation to Senator BILL NELSON's (S. 1963) bill, will phase-out the use of arsenic-treated lumber in residential settings: decks, playgrounds, walkways and fences within a year of enactment. It also requires the disposal of arsenic-treated lumber in lined landfills to prevent contamination of groundwater and requires the EPA to finish its risk assessment regarding arsenic-treated lumber. Finally, it provides monetary assistance to schools and local communities to remove arsenic-treated lumber from their playgrounds.

Arsenic can kill, and it causes cancer and other life threatening diseases. We can no longer ignore the dangers posed by exposing our children to this poison. The Arsenic Treated Lumber Prohibition and Disposal Act will protect the environment and health of American Families. I hope that all of my colleagues will join me in this effort to keep families safe.

IN RECOGNITION OF LIEUTENANT WILLIAM D. RISEN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize the contributions made by Lieutenant William D. Risen to the Monterey Park Police Department. After 30 years of dedicated service, Lieutenant Risen will retire on May 10, 2002.

A native of Monterey Park, Lieutenant Risen's commitment to his community characterizes his career. After receiving his Associate degree from East Los Angeles College, Lieutenant Risen served in the United States Army from 1970 to 1972. While in the Army, he earned several medals including the distinguished National Defense Service Medal and the Good Conduct Medal. After being honorably discharged, he returned to Monterey Park and joined the Monterey Park Police Department.

While at the police department, he was one of the police department's first K–9 officers. Lieutenant Risen and his trusted K–9 partner, Xello, worked side by side to arrest numerous felony suspects. Lieutenant Risen was part of the Investigations Bureau where his excellent investigator skills and strong work ethic earned him his appointment as Investigations Bureau Commander. As a Commander, he trained and mentored many of the police department's investigators.

Lieutenant Risen also supervised the Asian Gangs and Narcotics Task Force. It was in this capacity that his investigations and role during a narcotic shoot out, earned him the Distinguished Service Medal in 1998.

During the course of his career, he received numerous letters of appreciation and commendations for his work. Several of those letters recognized his compassion and aid to victims of violent crimes. Fellow law enforcement officers, friends and neighbors can all testify to his strength of character.

I commend Lieutenant Risen's commitment to public service. He will be missed by many, but we all wish him the best in his retirement and thank him for his many years of service.

HONORING GEORGE HERRING, ED.D., RETIRING AFTER 32 YEARS OF SERVICE TO THE PERALTA COMMUNITY COLLEGE DISTRICT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Ms. LEE. Mr. Speaker, I rise today to honor Dr. George Herring for his outstanding educational leadership and his many contributions to the Peralta Community College District.

Dr. Herring received his Bachelor of Science degree in Social Science from Jackson State University in Jackson, Mississippi and his Masters in Public Administration from University of California at Berkeley.

Dr. Herring came to the Peralta Community College District in 1970 as Director of the Ford Project, a program to assist under-represented students seeking to transfer to four year colleges, at Oakland's Merritt College. He went on to serve as Assistant Dean of Student Services at Merritt and was quickly promoted to Dean of Administration and Development.

While serving as Dean of Administration and Student Services at Merritt College, Dr. Herring concurrently acted as Dean of Student Services at Laney College, also located in Oakland, California and later went on to become the President of the College of Alameda in 1995, serving that institution for more than five years before accepting his position as Peralta's Senior Vice Chancellor.

While always busy with district and college affairs, Dr. Herring found the time to be active on numerous boards and commissions. He was President of the Northern California Research Group for three years, served three terms as the President of the Board of the YMCA of the East Bay, and is past President of the Western Regional Council on Black American Affairs.

Not only is Dr. Herring an active member of the community of higher education, he is also a current member of the California Community Colleges Commission on Athletics. Dr. Herring has won several National American Tennis Association championships and spends a great deal of his spare time teaching youth tennis and coaching little league baseball.

Mr. Speaker, as Dr. Herring leaves behind a long and rich history at the Peralta Community College District, I ask that Congress join me in expressing thanks to him for thirty-two years of exemplary service. I extend my best wishes to him as he begins his well-earned retirement and opens a new chapter of his life.

LEGISLATIVE PROGRAM

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, May 14 at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. On Tuesday, I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes will be postponed until 6:30 p.m.

On Wednesday and the balance of the week, I have scheduled the Personal Responsibility, Work, and Family Promotion Act and H.R. 3994, the Afghanistan Freedom Support Act of 2002.

A WONDERFUL MAN

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. HORN. Mr. Speaker, this afternoon we honored a Celebration of the Life of Dr. James D. Ford, the Chaplain Emeritus of the House of Representatives.

When we traveled to meeting with the delegations of the European Parliament, we found that Jim was a very fine companion. Jim Ford was a great teacher. When we met diplomats and officers, Jim was able to lighten up some of us who were stressed from negotiations and differences among various factions.

Jim was a fine scholar of the Bible. When we were in Israel, Jim was well versed in three of the great religions which are in Jerusalem. Before Chaplain Ford came to the House, he had been for 18 years as the Chaplain of the United States Military Academy at West Point. As a result of his experiences at West Point, he knew about youth and how they grow to be leaders for our country. When a delegation of the House met with General Wesley Clark, the Supreme Commander of the North Atlantic Treaty Organization [NATO]. When the General met the Chaplain there was a warm hug. We saw a four star General, but, Dr. Ford remembered him as the very bright senior who was President of the Bible Society during Clark's senior year at West Point.

Dr. Ford was an effective counselor of members that work hard and often needed to be working with people under stress.

One of Jim's great adventures was when he and three volunteer cadets from West Point navigated a boat with sails, guided by the stars. The waves tossed the small boat in the North Atlantic Ocean. It was a great experience.

Jim was a people-person. When colleagues had medical operations at the Walter Reed Army Medical Center, Jim would come out to see us. He brought us cheer. His humor was delightful.

He will not be forgotten. Our condolences to Marcie, his wife, and Peter his eldest son, and the Ford family.

TRIBUTE TO ROBERT MORRISON AND DEREK MARTIN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

Mr. GEPHARDT. Mr. Speaker, May 3, 2002 was a sad day for the City of St. Louis and for our entire community. On that day, St. Louis Firefighters Robert Morrison and Derek Martin were killed, fighting a fire in the performance of their duty.

Although neither thought of himself as a hero, Firefighters Morrison and Martin, both 38 years old, were heroes in the truest sense of the word. They risked their lives every day to protect the citizens of St. Louis, and considered that they were just doing their jobs. They didn't become firefighters for the money or to become famous. They joined the Fire Department out of a sense of duty to their community and a desire to help others. Their belief in duty and honor and self-sacrifice formed their lives, and was reflected in the way they conducted themselves on and off the job.

Mr. Speaker, the loss of these fine young men is a great tragedy. Their wives have lost their loving companionship; their children have lost the love, guidance and example of very special men. The entire St. Louis Community grieves with these families. Firefighters Robert Morrison and Derek Martin have left a legacy of decency and bravery that won't be soon forgotten, and we are grateful to have had them among us.

A PROCLAMATION RECOGNIZING JONATHAN R. BAUGHMAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. NEY. Mr. Speaker, Whereas, Jonathan R. Baughman has devoted himself to serving others through his membership in the Boy Scouts of America Troop 28; and

Whereas, Jonathan R. Baughman has shared his time and talent with the community; and

Whereas, Jonathan R. Baughman has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jonathan R. Baughman must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Jonathan R. Baughman for his Eagle Scout Award.

A TRIBUTE TO SMALL BUSINESS WEEK 2002

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. FARR of California. Mr. Speaker, I rise today to recognize the small business owners in my district and to celebrate Small Business Week 2002. Every morning, 25 million small businesses across the United States opened their stores and that number continues to grow. Small businesses account for 99.7 percent of all employers and it is time that we recognize them as the backbone of our economy.

In my home state of California, women and minorities make up the fastest growing group of new small business owners. Overall in the United States, the number of woman-owned businesses has almost doubled and minority-owned businesses have nearly quadrupled in the past decade. In order to ensure that this positive growth continues, we must work along side the Small Business Association and with the Small Business Development Centers and Women's Business Centers around the nation to increase accessibility to business counseling, startup packages, and loans.

Now more than ever, it is vital that we in Congress support the small business community so that in the wake of September 11th these businesses can continue to flourish. As Small Business Week 2002 comes to a close, let's remember to take time to acknowledge these Main Street businesses in our own towns and the important roles they play in maintaining a sound economy.

TRIBUTE TO DR. GEORGE RUPP

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. NADLER. Mr. Speaker, today, I would like to recognize the distinguished service of one of the nation's foremost leaders in higher education, Dr. George Rupp, who is retiring after nine years as the President of Columbia University, my alma mater.

His stewardship of this world-renowned institution has been truly commendable, He has enhanced the University's already extraordinary level of achievement across all of its mission areas: in teaching; in research; and in service. Columbia is poised to celebrate its 250th anniversary in 2004 as a leading light in the renaissance of American higher education and as an exemplary model of the creation and spread of knowledge in the service of humanity.

Through the initiatives Dr. Rupp oversaw, Columbia has become one of the most sought after universities in the world, for scholars seeking to join its world class faculty, for recent graduates seeking to enter one of its many leading graduate and professional programs, and for high school students hoping to be amongst the one in seven applicants gaining admission to Columbia College. Some of this vitality can be seen in the physical environment of the University, which has benefitted from a revitalization effort widely praised for its sensitivity to the architectural history of Columbia's campuses and to the needs of their surrounding communities.

But in my opinion, Dr. Rupp's true achievement is less immediately visible. He has helped not just to assemble one of the most distinguished groups of scholars and researchers and one of the most gifted student bodies in the world; his has been one of the foremost voices reminding us that the strength of America's institutions of higher education stems from the connections they enable, between ideas and between ideas and applications. At Columbia, he has helped build the linkages that make the University a whole that is more than the sum of its parts.

A hallmark of Dr. Rupp's leadership has been the creation of innovative structures to meet the challenges posed by the increasingly multidisciplinary and interdependent nature of scientific research. In recent years, Columbia has drawn together scholars from different departments, schools and even outside institutions to develop new ways to organize the search for knowledge. These new centers include The Earth Institute, The Columbia Genome Center, The Center for Biomedical Engineering, The International Research Institute for Climate Prediction, and The Center for New Media Teaching and Learning. Such efforts will certainly further Columbia's already major role in a strong and successful partnership between the federal government and university-based research.

Under Dr. Rupp's tenure, Columbia's remarkable pool of talent and resources has been increasingly directed to the service of good citizenship. The University, the third largest employer in New York City, has been active in helping foster economic growth in its neighboring communities. For instance, Columbia helped develop the proposal for the Upper Manhattan Empowerment Zone (UMEZ), provided ongoing technical support to the UMEZ and opened the first biomedical research and development park in New York City. The University also established a program that hires and helps train community residents, and offers "forgivable" loans to employees as an incentive for home-buying within the Empowerment Zone. Columbia also administers academic, professional and service programs that assist thousands of upper Manhattan residents, school children and businesses.

The son of German immigrants, Dr. Rupp has also emphasized the global dimension of Columbia's work and sought to develop its role in international education and research. A number of new academic programs have been created with institutions abroad including the Law School's faculty exchange program with Tokyo University and its four-year double-degree program with the University of Paris; the first American undergraduate program with the Free University of Berlin; and the Center for Environmental Research and Conservation's programs with universities in Brazil, Indonesia and Belize.

Dr. Rupp's retirement closes 25 years of service as dean or president at a major university. Before assuming the presidency of Columbia in 1993, he led Rice University for eight years of successful growth, a period which saw the tripling of applications for admissions and a doubling of federal research support. Earlier, Dr. Rupp was the John Lord O'Brian Professor of Divinity and dean of the Harvard Divinity School. Under his leadership, the School's curriculum was revised to address more directly the pluralistic character of contemporary religious life. Further developments included new programs in women's studies and religion, Jewish-Christian relations, and religion and medicine.

Dr. Rupp's accomplishments place him in the company of such other illustrious presidents of Columbia as Nicholas Murray Butler and Dwight Eisenhower.

As a Columbia alumnus, I feel a heightened pride in my alma mater. As a New Yorker, I applaud Columbia's role in the cultural, intellectual and economic life of my city. I thank George Rupp for his masterful and dedicated service to one of the greatest institutions of one of the greatest cities of the world.

TRIBUTE TO THE COLLEGE OF MARIN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor The College of Marin (COM) on the occasion of its 75th anniversary. Established in 1926, the College has a long history of providing vocational, career, enrichment, and community education programs to Marin County.

From its beginning as a small campus in Kentfield, the school has added a second campus at Indian Valley in Novato and serves more than 27,000 students annually. COM offers an Associate Degree and prepares students for transfer to the most prestigious universities. With more than 70 undergraduate majors in humanities/liberal arts, science, and technical and vocational fields, the College services a student body ranging in age from 9 to 80 years old and from 80 different countries. With other activities like a Breakdance Club and the Student Nurse Association, students can participate at many levels.

Throughout its history the community college has demonstrated its responsiveness to the changing needs of Marin, fulfilling its role as a true college of the community. The faculty and staff are committed to providing a quality educational experience for all. And today, under the leadership of President James Middleton and a dedicated Board of Trustees, College of Marin is a thriving institution at the heart of the County.

Mr. Speaker, I am pleased to recognize College of Marin for its many achievements during its 75 years.

A PROCLAMATION RECOGNIZING LUKE P. HIGH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. NEY. Mr. Speaker,Whereas, Luke P. High has devoted himself to serving others through his membership in the Boy Scouts of America Troop 548; and

Whereas, Luke P. High has shared his time and talent with the community; and

Whereas, Luke P. High has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Luke P. High must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the entire 18th Congressional District of Ohio in congratulating Luke P. High for his Eagle Scout Award.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. BURTON of Indiana. Mr. Speaker, due to a serious illness in my family, it was necessary for me to request a leave of absence for the week of May 6–10th. As a result I was unavailable for several rollcall votes. Had I been here, I would have voted "yea" on rollcall votes 129–133. On rollcall vote 136, I would have voted "yea."On rollcall votes 137–139, I would have voted "no."On rollcall vote 140, I would have voted "no."On rollcall vote 141, I would have voted "no."On rollcall vote 142, I would have voted "yea."On rollcall vote 143, I would have voted "no."On rollcall vote 144, I would have voted "no."On rollcall vote 145, I would have voted "no."On rollcall vote 146, I would have voted "no."On rollcall vote 147, I would have voted "no."On rollcall vote 148, I would have voted "no."On rollcall vote 149, I would have voted "no."On rollcall vote 150, I would have voted "no."On rollcall vote 151, I would have voted "no."On rollcall vote 152, I would have voted "no."On rollcall vote 153, I would have voted "no."On rollcall vote 154, I would have voted "yea."On rollcall vote 155, I would have voted "yea."On rollcall vote 156, I would have voted "yea."On rollcall vote 157, I would have voted "no."On rollcall vote 158, I would have voted "yea."

NATIONAL SMALL BUSINESS WEEK

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. SMITH of Texas. Mr. Speaker, this week is National Small Business Week.

It is a time to celebrate the contributions that America's small businesses make to our economy.

Small business is the engine that drives this nation, producing 75 percent of new jobs, accounting for almost 98 percent of all employers and 53 percent of the private work force.

It is our small businesses that will continue to lead us to economic recovery.

In particular, small tech businesses are on the front lines of the digital revolution. They have led the way in advances from broadband deployment to software development.

My state of Texas ranks second nationally in high tech workers, employing more than 411,000 with an annual payroll of about $25 billion. Many of those employees are working for small businesses.

And my new congressional district contains thousands of small, innovative high tech centered businesses.

One such company is SecureInfo in San Antonio. SecureInfo was founded in 1994 and has 64 employees.

SecureInfo allows companies and government agencies to learn about and fix their existing cyber vulnerabilities before they can be exploited by hackers. Exploiting known vulnerabilities is the weapon of choice for cyber terrorists.

SecureInfo battles these electronic attackers with vulnerability intelligence methods that were developed while its founders were working for the United States Air Force Emergency Response Team.

SecureInfo is just one of the thousands of small technology businesses around the country connecting rural America, developing next generation hardware and software, protecting our electronic assets and keeping America on the forefront of technological advances.

NATIONAL NURSES WEEK

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. FERGUSON. Mr. Speaker, I am honored to rise today in recognition of National Nurses Week.

Every year, National Nurses Week is celebrated from May 6 to May 12, the birthday of Florence Nightingale, founder of nursing as a modem profession. During this week, we recognize the accomplishments and tireless efforts nurses make in order to improve our healthcare system.

Nurses are devoted to their profession and to people in need. They serve our country on the front lines of care in our doctor's offices, hospitals, clinics, nursing homes, and schools.

As we in Congress work to strengthen Medicare and ensure that all people have access to first class healthcare, we are reminded of the long hours of hard work that nurses endure, the sacrifices they make everyday to contribute to the health and well being of our communities.

With a large population of Americans aging, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services, the nursing profession will become increasingly important. In fact, it is estimated that our country will need more than one million new nurses over the next decade. In order to encourage individuals to enter the nursing profession and support care for our loved ones, we must promote education programs, provide information to recruit individuals and highlight the role of nurses in the community.

As such, I ask you to join me in honoring nurses for their commitment to the principles we value. While they serve as the foundation of our Nation's healthcare system, nurses' dedication to their work and compassion for all patients exemplify the best of America's spirit.

TRIBUTE TO WALDO GIACOMINI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Waldo Giacomini, a prominent West Marin citizen and rancher, who has just died at the age of 88. His life has left a strong imprint on the community.

Mr. Giacomini bought 1,100 acres of mudflats in 1944 which he developed into a thriving dairy. In January 2000, he sold the bulk of this property to the Golden Gate National Recreation Area for a nature preserve to be named the Waldo Giacomini Wetlands. In 1959 Mr. Giacomini co-founded the West Marin based organization, the Resource Conservation District, to promote good land stewardship in local agricultural areas by focusing on the prevention of erosion and water pollution.

He was also known for his participation in local organizations such as the West Marin Lion's Club, Sacred Heart Church, and Sonoma County Trailblazers and was supportive of cultural and service groups such as the Dance Palace Community Center and Papermill Creek Children's Comer, his neighbors in Point Reyes Station. He was frequently seen walking around the town, greeting his many friends.

A dedicated family man, Mr. Giacomini is survived by his four children as well as siblings, grandchildren, and great grandchildren, several of whom continue in the ranching business.

Mr. Speaker, Mr. Giacomini leaves us a legacy of caring for the community he called home. In remembering his frequent rendition of the tune, "You are my Sunshine," I echo the words of that song in bidding him farewell: "(He) made us happy when skies were gray." Waldo Giacomini will be missed!

HONORING MR. JOSE AND MRS. ANTONIETA VARGAS ON THEIR 50TH WEDDING ANNIVERSARY

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 10, 2002

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize two wonderful Americans, Mr. Jose and Mrs. Antonieta Vargas, on the joyous and momentous occasion of their fiftieth wedding anniversary. On May 3, 1952, Jose and Antonieta Vargas joined in holy matrimony and commenced their marvelous journey together, a journey which we celebrate and reflect upon today.

Jose Vargas was born on December 19, 1918, in El Paso, Texas, during the Mexican Revolution. His mother, Atilana Castillo de Vargas, had traveled to El Paso to escape the violence of the Revolution while his father, Guadalupe Vargas, stayed in Chihuahua, Mexico. Atilana returned to her home in Chihuahua with her children after the violence had ended. Jose completed six years of primary education before going to work in the mines of Chihuahua and on the railroad; he also became an accomplished carpenter. He is the second of six children; his elder sister, Natividad, and younger brother, Jesus, have passed away. His siblings Maximo, Lazaro, and Guadalupe live in Chihuahua and Los Angeles, California.

Antonieta Valverde was born in the mining town of Santa Eulalia in the Mexican state of Chihuahua on December 27, 1927, and was raised in Ciudad Chihuahua. She is the eldest of six children, including Leobardo, Alicia, Concepcion, Damaso and Berta. She completed college before going to work at the Coca Cola bottling facility in Chihuahua.

Jose and Antonieta met in their neighborhood, Santa Niño de Antocha, while riding the bus to their jobs. After a year-long courtship, they married and moved to El Paso, Texas, There, the first five of their children were born: Jose and Fernando in 1952, Jorge in 1954, Maria Antonieta in 1958, and Arturo in 1962. Fernando died shortly after birth.

In 1962, while working on a construction site, Jose was injured, falling from the second story of a building being razed. The family survived through the kindness and charity of neighbors and family. In 1964, Jose left for Los Angeles to find employment, and upon doing so, moved the family to the South Central and then the Pico-Union areas of the city. His brother Jesus and sister Guadalupe had already relocated there. In 1968, their youngest son, Rogelio, was born at East Los Angeles Doctor's Hospital.

Jose found employment as an unskilled laborer, and worked for many years at the Aerol Company in the community of Glassel Park. He worked as a driver and assembly line manufacturer. During this time, Antonieta dedicated herself to raising her children and maintaining the household of seven in a one-bedroom apartment. Though they endured years of financial hardship and personal sacrifice, their children today marvel at the realization that although they were poor, they never once wanted for food or shelter. They rejoiced in the abundance of love that these two devoted people brought to their home.

In 1974, after eldest sons Jose and Jorge had left for college, Jose and Antonieta became part of a group of parents called Padres Unidos who were dissatisfied with the quality of education and facilities offered at Magnolia Elementary School, which their children had attended or were attending. They protested, boycotted, and risked arrest demanding adequate facilities and a quality education for their children.

Soon afterward, Antonieta began her second career as a Title III Education Aide with the Los Angeles Unified School District. She worked for the school district from 1976 to 1996. Jose Vargas retired in 1988.

Today, Jose and Antonieta take joy in the success of their children and grandchildren.

Their eldest son, Jose, graduated from California State University at Northridge and the Physician Assistant Program at the Martin Luther King, Jr./Charles R. Drew Medical Center. He is married to Juanita Perez and they have two children, Joel, age 17, and Justene, age 14. Jose is a Physician Assistant with a private medical doctor and his wife, Juanita, is a public school teacher in Los Angeles.

Son Jorge is a graduate of Pepperdine University and Southwest University College of Law. He has worked as an attorney with the California Agricultural Labor Relations Board, the Monterey County District Attorney, and presently with the California State Compensation Board. He lives in Salinas, California with his wife, Diane Peña, and two sons, Nicholas, age 15, and Benjamin, age 11.

Daughter Maria Antonieta graduated from the University of California at Los Angeles, UCLA, where she was a leader in an overnight camping program for disadvantaged urban youth. She has been a senior manager in the private sector her entire career. An avid sports enthusiast, she lives in Long Beach, California.

Son Arturo graduated from Stanford University with bachelor's and master's degrees. He currently is the Executive Director of the National Association of Latino Elected and Appointed Officials, NALEO, and resides in Los Angeles.

Youngest son Rogelio is a graduate of California State University at Northridge and a member of the Los Angeles City Fire Department. He is married to Kristin Fredrickson and has three children: Olivia, age 17 months, and three-month old fraternal twins, Daniela and Julia.

Today, Jose and Antonieta enjoy their retirement years in the Los Angeles community of Highland Park.

Mr. Speaker, as they embark upon the next fifty years of marriage, it gives me great pleasure to join family and friends who honor Jose and Antonieta Vargas with a commemorative mass and celebration on May 11, 2002. Jose and Antonieta exemplify what love, determination and honest, hard work bestow upon a marriage, a family, and the fortunate generations to follow. I ask my colleagues to join me in paying deserved tribute to two humble but immensely accomplished Americans.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Mr. LANTOS. Mr. Chairman, later in this debate we will be considering an amendment by the Gentleman from Texas, Mr. PAUL relating to the International Criminal Court. I am perplexed by this amendment, since, if it were binding, it would undermine our ability to defend U.S. servicemen and women, protects war criminals, and express a profound distrust of the President of the United States. Although revising the amendment to make it non-binding was an improvement, the underlying policy suggested by the Amendment remains misguided.

Mr. Chairman, I understand that the Gentleman is opposed to the International Criminal Court, and this amendment is supposed to express that policy. Buy Mr. Chairman, that is already the policy of the United States. On Monday, the Administration announced that it would not ratify the Rome Statute which creates the Court, had given up on the court as a workable institution, and was not going to provide assistance to it.

On the other hand, Mr. Chairman, the language of this amendment simply goes too far and is fundamentally inconsistent with the national interest. In particular, the amendment provides that no funds may be used to "cooperate" with the court. Mr. Chairman, even opponents of the court should oppose this language. Let me give some examples of what the policy expressed in this amendment may prohibit:

It may prohibit the Defense Department from responding to the Court's investigators when they ask us for exonerating information on actions by U.S. Servicemen or women. Perversely, this would mean this amendment would make it more difficult for us to defend our own troops.

It may prevent us from allowing a member of the armed forces to testify on behalf of one of our NATO allies, who accept this treaty.

And it may prevent us from providing any information with respect to a prosecution of enemies of the United States. If a war crime is committed by Saddam Hussein in country which is a member of the court, and it does not prosecute him for political reasons, then under this amendment we could not help the Court prosecute Saddam.

Moreover, the subject of this amendment was already dealt with by the House in H.R. 1646, the State Department Authorization Act, which appears to be moving towards Conference. That is the proper venue for this topic.

Mr. Chairman, the President has announced his opposition to the Court. This amendment, represents an expression of profound distrust in our commander-in-chief. I think that in the middle of a war, that is the last thing we should be doing.

SENATE—*Monday, May 13, 2002*

(Legislative day of Thursday, May 9, 2002)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

As we come into Your presence today, dear God, we recall the familiar words of Reverend Samuel Francis Smith:

"Our Fathers' God, to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King."

Thank You, Father, for this expression of resolute trust in You and for Your faithfulness in answering this prayer. As we honor different Americans who have enriched our history, we also remember the inspired English professor, Katherine Lee Bates, whose assurance of Your providence, in 1893, led her to write:

"America! America! God shed His grace on Thee;
and crown thy good with brotherhood from sea to shining sea!"

In response, we open our lives to Your grace and renew our commitment to Your good as the measure of America's greatness. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. LEAHY). The deputy majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in morning business for the next hour. At 4 o'clock, there will be a 2-hour debate on the nomination of Paul Cassell to be United States district judge. That time will be divided between the chairman of the committee, Senator LEAHY, and the ranking member, Senator HATCH, or their designees. The vote on the nomination will occur at approximately 6 o'clock this evening.

Mr. President, following disposition of the nomination, we will resume consideration of the trade bill. We have laid down the amendment on which we worked so hard for more than a day last week. That was laid down on Friday. It is now open for amendment. We hope people will come over and offer amendments.

The leader is interested in completing work on this bill, but he wants to make sure everyone has an opportunity to offer amendments. We hope that the amendments will be offered, that we can debate them, and vote on them. The leader would rather not have to file a cloture motion. I hope that is not necessary. And I am sure the majority leader also hopes that is not necessary. We ask Senators to be ready for some long nights this week in hopes of completing this bill in the immediate future.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the majority leader and the Republican leader or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT SECURITY FOR AMERICANS

Mr. BINGAMAN. Mr. President, I have come to the Chamber today to speak about a subject that is of great importance to the people of my State, and I think people throughout the country, and that is the issue of retirement security.

We give a lot of speeches in the Senate about security: national security, homeland security—a variety of securities. We are concerned about security. The American people are concerned about security.

But there is one aspect of security that has not gotten a whole lot of attention so far in this Congress, and I am here today to call attention to it. That aspect of security is retirement security.

The collapse of Enron and the resulting collapse of the retirement plans of many Enron workers and plans across the country that held substantial amounts of Enron stock have underscored the need for changes in our pension laws and our retirement plan laws.

Frankly, I am disappointed that the House, in passing a watered-down version of the administration's modest proposals, has failed to increase retirement safety for those American workers who do have pensions, since that is all on which that bill really focuses.

The one proposal they should have watered down—that was the "conflicted adviser" provision in that bill—was left intact. It has the effect of removing one of the few protections in current law against conflicts of interest by financial service companies.

I am hoping the Senate will follow the lead of the Senate Health, Education, Labor and Pensions Committee and also the Finance Committee and their respective chairs and provide a more meaningful piece of legislation drafted to protect the rights of workers instead of exposing them to greater risks. So that is an issue that has been brought to national attention because of the collapse of Enron.

At the same time I refer to that, let me say that an even more troubling trend is the fact that we have heard nothing from the administration and, really, in either House of Congress about the lack of pension coverage of any kind for large segments of our working population—both the lack of coverage and the substantial reduction in retirement wealth for most of the workers in this country.

Approximately 2 weeks ago, Dr. Edward Wolff of the Economic Policy Institute—he is a professor at New York University—presented his report entitled "Retirement Insecurity: The Income Shortfalls Awaiting the Soon-to-Retire." I would like to take a few minutes to highlight some of the points that were made in that report. I believe it makes the case, in a very compelling way, of the need for more attention to this issue for everyday workers.

The report and the most recent Department of Labor statistics demonstrate that retirement plan coverage has not increased in the past 30 years despite all of the efforts to expand coverage. Let me show a chart I have to make the case.

This shows the retirement plan coverage rates for full-time, private sector workers. You can see this covers the period 1972 to 1999. When you look at all workers, you see the retirement plan coverage rate for all workers in 1972 was 48 percent; in 1999—nearly 30 years later, 27 years later—it was 51 percent. So there has been a very modest increase, but modest indeed.

When you look at the figures for male workers, you see there has been an actual decline in the coverage rates for full-time, private sector male employees during that period, 1972 to 1999. Mr. President, 54 percent of male workers had pensions of some type. When I say "pensions," I include in that 401(k) plan participation; they had some kind of a plan where they were putting away money for retirement. It was 54 percent in 1972; 52 percent in 1999.

The percentage for women has improved because they were at 38 percent in 1972 and they are now at 49 percent. But it is substantially below where it ought to be.

That means roughly half of America's private sector employees will have to enjoy their retirement on the other two legs of the proverbial three-legged stool. Some who are listening may not be aware of this metaphor, but the three-legged stool is what people who focus on retirement circumstances are always referring to. They say: You have three legs you can depend upon for your retirement income; one is Social Security, the second is your savings, and the third is your pension.

What these statistics show is that one of those so-called legs that a person can depend upon in this so-called three-legged stool, the pension part, is not there for half of the workers in this country. In truth, my guess is that many private sector workers who do not have a pension or retirement plan probably do not have a second leg on that stool either because they do not have any significant savings. So they are essentially left with Social Security as their only real source of support after their retirement.

For minorities, the prospects are even dimmer. Unfortunately, the coverage for minorities is unacceptably low; it has been for a long time and continues. This chart makes the point for different groups of employees. For all workers in 1999, the percentage of private wage and salaried workers covered under their employer's pension plan was 44 percent. When you go down to Black, non-Hispanic workers, it was 41 percent; Asian and Pacific Islanders, non-Hispanic, 38 percent; others, minorities, non-Hispanic, 35 percent; and Hispanic workers, 27 percent. That last figure is important to me because 40 percent of the people in my State are Hispanic. This statistic indicates that only 27 percent of the private sector employees who are Hispanic in this country actually have a pension on which they can rely.

There has been an interesting shift I will point out. This comes out of Dr. Wolff's report. There has been a shift from defined benefit plans to defined contribution plans. Let me explain what that is. A defined benefit plan essentially guarantees that when the worker retires, they will receive a specific amount, a defined benefit, regardless of what has happened to the economy or to the investment, the retirement funds, or anything else in the interim while they were working.

In 1975, when you looked at all of these various pensions people had in the private sector, 71 percent of them were defined benefit plans and only 29 percent were defined contribution.

Defined contribution, of course, means the risk is much more on the employee. It does not guarantee you any particular payment on a monthly basis or a yearly basis once you retire. It says you put in a specified amount each month while you are working, and then at the end of your work time, we look to see what the investment of those funds has added up to and how much there is for you to actually get in the way of retirement. So there is much less risk on the employer, much more risk on the employee in a defined contribution plan.

The interesting thing about this chart is the defined benefit plans used to represent 71 percent of all pension plans; now they are 35 percent. The defined contribution plans used to represent 29 percent; they are now 65 percent. So there has been a dramatic shift away from defined benefits to defined contributions.

When this trend started, the case was made by those who advocated it that this was going to allow much greater expansion of pension coverage; we were going to be able to cover a great many more workers if we shifted to a defined contribution plan instead of a defined benefit plan. So we did. We had a dramatic shift from defined benefit plans to defined contribution plans. Unfortunately, there has not been any increase in the percentage of workers covered, as that earlier chart made the case very clearly.

One of the reasons many of these companies shifted to defined contribution plans is that the employee makes the majority of the contributions to the plan when it is defined contribution—not the employer but the employee. As I indicated before, the risk is shifted to the employee. The risk of the funds not being well invested and the investments not turning out well shifts to the employee rather than the employer.

Clearly, half of our private sector employees did not get any benefit out of this bargain because they don't have a pension of any kind from the start. As I am about to explain, it does not appear that a majority of the covered workers got much out of this either.

Let me put up a few more charts that are interesting. One which is hard to read is a chart that shows, State by State, the pension coverage we have in the private sector around the country. This is a chart that got my attention. You cannot read it from any distance, I am sure, but you can see that in Washington State, 45 percent of private sector workers have pension coverage. It is substantially better in some other States. In Vermont—the Presiding Officer has an interest in Vermont—40 percent of the private sector employees have some kind of pension. That means either some kind of defined contribution or defined benefit plan. They may have a 401(k). That would be in that 40 percent.

The reason this chart catches my attention is that if you go over this chart and look at all of the percentages, the State with the lowest percent is New Mexico. Twenty-nine percent of the private sector employees in my State actually have some kind of pension.

I have a chart I also want to put up for the attention of various Senators. It shows the percentage of private sector workers without pension coverage. It shows about the top 15 States. In New Mexico, 71 percent of the private sector employees, according to these statistics, don't have any kind of a pension; Louisiana, 69 percent; Nevada, 67 percent; Florida, 66 percent; Mississippi, 66 percent.

People might look at this and say, you are generally talking about southern, southwestern States, close to the border. There are all kinds of problems there with the economy.

Let's go to some others. I know my colleague from North Dakota is in the Chamber. According to this chart, 61 percent of the private sector employees in North Dakota do not have a pension. This is data from the employee benefits supplement to the Census Bureau statistics in 1993.

The national average, according to that period, in 1993, was 50 percent; South Carolina, 61 percent; in Texas, where our President was Governor, 62 percent did not have a pension.

The reason I point this out is to make the point that this is a real issue for a great many Americans. I know we have had people come to the floor and say—in fact, I think my colleague from Texas spoke a couple weeks ago and said the biggest economic issue that this Congress has to deal with is to make permanent the repeal of the estate tax. Well, to change the law as it will be 9 years from now, as relates to the estate tax, when I look at these statistics, I don't think that is the biggest economic issue from the point of view of the people I represent. We have other big economic issues, one of which is pension coverage.

At the same time that coverage rates were made flat and employees shifted towards the defined contribution plans, the retirement income of retirees and those nearing retirement has decreased as compared to their current incomes.

I have another chart that makes that point. Let me put it up. This is a chart that I think is very interesting because it deals with the issue of the share or percentage of households with an expected retirement income that is more than half of their current income. We are not suggesting that people in retirement are likely to have incomes equal to their current income. We are saying that once they retire we would like them to have incomes that are at least half of their current income.

In 1989, according to this chart, 70 percent of the people who were retiring had incomes that equaled half of their current income. So they had as much as a 50-percent reduction in their income, but it wasn't worse than that. In 1998, a couple years ago—the most recent year for which we have statistics—that dropped to 57 percent. So only 57 percent of households had an income that was half of their current income by that time.

So who are the winners? Who has benefited from all these changes that have occurred, according to Dr. Wolff's report? The data released in this report demonstrates that only those with retirement incomes of over a million dollars saw their retirement wealth, in 1999, increase as compared to their retirement wealth in 1982. This chart takes each of these different groups—if your wealth is $25,000, or if it is $25,000 to $49,999, $50,000 to $100,000, $100,000 to $250,000. And then the final part of the chart is a million dollars and over.

So if you have $1 million and over in your wealth, you have probably seen that increase during that period from 1983 to 1998. But if you are not in that income category and in that wealth category, then you did not.

So the conclusions from this report are pretty stark. Coverage rates have been stagnant. The percentage of our private sector workers that have coverage—some kind of pension—has been stagnant for several decades. Minorities still have worse coverage than nonminorities. There has been very little improvement in that regard. The promise of increased coverage due to the shift toward the defined contribution plans that we used to hear about has not occurred.

Finally, the relative wealth of almost all classes of retirees—that is, everybody except the people with wealth of over $1 million—decreased over the past two decades, even though we have seen a huge runup in the stock market. All of the statistics I have given you here are through 1998. We all know there was a booming stock market in the 1990s, up through 1998. The stock market has come down substantially—at least certain parts of it—in the last couple of years. None of that is reflected in any of these statistics. So we will have to get updated figures as quickly as they come out. But I don't want to suggest that I am taking last week's information in order to make the case. We are making the best case we can, assuming that the stock market did not drop, as we all know it did.

We will see a further erosion in retiree wealth when we get those updated statistics. It is time to start thinking about ways to improve coverage. We cannot let these trends continue. We need to talk about reducing and dealing with other issues than just the repeal of the estate tax, as we go through the rest of this Congress. We also have proposals, as I am sure the Presiding Officer knows, that suggest that the top priority for this Congress ought to be privatizing the Social Security system. That is the one remaining leg of the stool that exists which has not yet been whittled away.

These statistics make the case convincingly that at least that should be left alone and we should get about the business of trying to help people save for retirement and have a pension upon which they can depend.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Senator from New Mexico raises a point that a lot of people are not talking about much. They talk about pension reform a lot around here but they fail to mention that a good many Americans have no pension.

The Senator from New Mexico used statistics—for example, 61 percent in my home State, and I think 70-some in New Mexico, have no pension. We should do pension reform, but we also ought to think through how do we encourage additional retirement savings and pensions to be offered to workers.

THE NEW FARM BILL

Mr. DORGAN. Mr. President, this morning the President signed the new farm bill into law. We worked long and hard on that. It was a long, tortured trail to get it done, but the importance of it cannot be understated.

In North Dakota, for example, the difference between the first Freedom to Farm bill—the current law—and this new farm bill is over $270 million in additional assistance during collapsed prices to family farmers. Now, that help is not just for family farmers; it shows up on many of our main streets and supports our jobs in a rural State such as North Dakota.

I cannot say strongly enough how important this bill is. It took us too long to get done, but it is done. I appreciate the work that all of us did together and the cooperation in the final analysis to get it to the President. I am pleased and relieved that this morning, finally, this bill is now signed into law.

SELLING FOOD TO CUBA

Mr. DORGAN. Mr. President, let me talk about two other issues briefly. One is a letter I received last Friday from Secretary of State Colin Powell. This relates to a decision by the State Department to cancel the visas for Cubans coming to our country to buy additional food. Since the hurricane, they have purchased over $70 million in American food. That is available for them to purchase because I and my colleague from Connecticut, Senator DODD, and others changed the law to allow food sales to Cuba. Strangely enough, they have to pay in cash and do it through a French bank; nonetheless, they can finally buy American food.

We ought never use food as a weapon, and we have done it for 40 years with Cuba. That is over. They are now buying food from this country. We had a group of people representing Alimport, including Pedro Alvarez and others, coming to this country to buy food. They were coming, in fact, to North Dakota and they were going to buy dried beans and wheat. They were granted a visa by the State Department, and then immediately that visa was revoked. I asked Secretary Powell, "By what authority was it revoked and why?"

Let me use a couple of charts to see what happened on this issue. This is a news story about it:

> A State Department official confirmed Wednesday that the administration policy is not to encourage sales of food to Cuba.

In the letter from Secretary Powell, he disavows that, but that is what they told us: It is our policy not to encourage food sales to Cuba. I said it is a brainless policy to decide you do not want to sell food to Cuba; you ought to sell food to Cuba. We sell it to China, a Communist country. We sell it to Vietnam, a Communist country. And we are told we do not want to sell food to Cuba? Does anybody think Fidel Castro has not eaten a meal along the way because we had an obstruction on the sale of food to Cuba? No, it just hurts sick people, poor people, and hungry people. This is what this policy has represented.

At a hearing last week when I raised this question with Secretary Powell, he said: I have never heard of this policy not to encourage food sales to Cuba. In fact, he said additional sales should be encouraged so long as American farmers benefit.

The Farm Bureau said the cancellation of Mr. Alvarez's visa will adversely affect the sale of corn, rice, wheat, poultry, soybeans, lentils, and eggs, valued at $35 million.

I received a four-page letter from Secretary Powell. Frankly, it does not answer any of the questions. It says Mr. Alvarez's visa was revoked because of a 1985 then-President Ronald Reagan directive. He also said: Mr. Alvarez was here once before and he lobbied to undermine the U.S. embargo. I guess when he was here before, he said Cuba would like to have a circumstance where they could buy food from American farmers. The State Department considers that undermining America's interest. Give me a break. Mr. Secretary, that does not undermine anything. I hope the State Department and others will pay a little more attention to the issue of terrorists getting bombs, not Cubans buying dried beans and wheat.

The subcommittee which I chair is going to hold a hearing, and I will ask the Assistant Secretary, Mr. Reich, to come to Congress and explain who decided to revoke these visas.

TRADE AUTHORITY

Mr. DORGAN. Mr. President, I wish to speak to the underlying legislation we will be on following the vote on the judgeship this afternoon. That is the trade bill. We are going to be discussing once again so-called fast-track trade authority. I am not going to support the bill, but I do have some amendments.

I think fast track is fundamentally undemocratic. Our trade deficit is ballooning; it is now over $450 billion in merchandise trade deficits. And every time we have had a new agreement, we have been injured further.

I am going to offer several amendments to fast track when it is before the Senate. One deals with wheat from Canada. The unfairly subsidized wheat coming in from Canada has injured our farmers in a dramatic way. The International Trade Commission says this wheat trade is unfair, and the trade ambassador, to his credit, says it is unfair. But there is no specific remedy. It is a five-point remedy in the sweet by-and-by; we will never quite get to it.

My amendment will say we want specific remedies identified and reported to us within 6 months of what the trade ambassador is going to do to take specific action and remedy the unfair wheat trade that exists with Canada and the unfair trade that exists in other markets with respect to Canada. That is No. 1.

No. 2, this administration is proposing on June 30 to allow long-haul Mexican trucks into this country. That is in contravention of everything Congress debated just months ago on this issue. I am going to offer an amendment that tries to stop that.

Mr. President, you know and I know and everyone in this country knows Mexican truckdrivers are not driving with the same safety requirements imposed in Mexico that we impose in this country. They do not have the same safety inspections. They do not have the same requirements with respect to length of service or hours of service or logbooks. I ask everyone to read the newspaper accounts of people riding with Mexican long-haul truckers, and you will discover the truckers drove continuously for 24 hours or drove unsafe equipment.

The fact is this administration on June 30 is going to allow those long-haul Mexican trucks to come into this country to do long hauls, and that is wrong, it is unsafe, and it ought not happen.

The safety requirements the Senate would have imposed some months ago when we debated this issue are nowhere near in place. The inspection stations do not exist. The compliance and enforcement requirements in Mexico do not exist. The fact is, we are going to have American families driving up and down American streets and highways with long-haul Mexican trucks and no one is going to know whether that driver has been driving 24 straight hours or driving a rig with faulty brakes because it has not been inspected. I am going to offer an amendment on that issue.

In addition, I am going to offer an amendment dealing with Cuba, and that amendment will impose the same circumstances that were dropped out of the agriculture conference just last week. The amendment is very simple. It says when Cuba buys grain from our country, it ought not have to pay cash through a French bank; it ought to be able to buy grain with commercially accepted credit from our country.

I am going to support the Dayton-Craig amendment which is very important. Our trade negotiators are prepared to negotiate away antidumping authority, the ability on behalf of our producers to remedy trade that is unfair because someone else is dumping into our marketplace. If we eliminate the antidumping remedies, we will put our producers in desperate trouble. Their amendment is right on point. I intend to ask to cosponsor that amendment, and I will be very supportive of it.

I also will be supportive of an amendment to be offered by Senator DURBIN and will ask to be a cosponsor of that. That amendment deals with labor and environmental standards with respect to trade. The issue for this country should continue to be this: We want people to access the American marketplace, to give the American consumer the widest range of goods from all around the world, but we want it, when those goods come in as a result of trade, to be fair trade.

We do not want goods that come from prison labor in China. We do not want goods to come into our marketplace that are made by 12-year-old kids working 12 hours a day being paid 12 cents an hour. That is not fair trade. It is not what this country ought to support, and it is not what we ought to allow into our marketplace.

Conditions of fair trade are very important, and as we discuss trade in this Chamber with the advent of the fast track debate, it is very important for us to say to the American people that there is an admission price to the American economy, and the admission price to other countries is that their markets must be open to us and their markets and laws must represent fair trade with this country. That is not a standard that now exists.

I do not want to put a wall around our country. I believe in expanded trade. I believe in greater trade opportunity. But I believe also this country needs to have the spine and the backbone to stand up for its own economic interest and demand that trade be fair trade.

That will represent the several amendments I will be offering and supporting, including the three I mentioned I will be offering soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The senior Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from North Dakota for several comments he made. I particularly commend him for his comments about the issue regarding Cuba and how we might do a better job than we have over the past 40 years of bringing democracy to that country.

After 40 years of failed policies, one might think a new approach would be in order. I take note as well that as we speak today, a former President of the United States, President Carter, is in Cuba speaking to dissidents and human rights activists, as well as members of the Government of Cuba. That kind of exposure, that kind of engagement is going to do more to bring about the change we want to see in Cuba than the insistence of a failed policy we have followed for the past four decades.

I commend my colleague from North Dakota for his comments.

INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, I wish to take a few minutes to express my deep disappointment at the announcement made last week by Under Secretary of State John Bolton with respect to the "unsigning," as they have called it, of the International Criminal Court. This decision, in my view, is irresponsible, it is isolationist, and contrary to our vital national interest.

Many of our closest allies—in fact, every one of our NATO allies—has put their faith and vision in this new legal instrument, the International Criminal Court. To date, 66 nations have ratified the International Criminal Court and over 130 nations have signed on to this particular effort, including those nations I mentioned—all of our NATO allies—countries such as France, Germany, the United Kingdom, and the like. These are governments with deep ties to our Nation. We share a deep sense of common values, a deep sense of democracy, and a deep sense of justice.

It is outrageous that the United States has now put itself in a position of joining only a handful of rogue nations that are frightened to death of the International Criminal Court as we enter the 21st century. We should be joining these countries and supporting them in their commitment to making the Court work and strengthening international respect for the rule of law. That is what we stand for as Americans. That is what we are trying to export around the world. In addition, we try to export the notion of justice, of fair justice, such as the symbols we see outside this building a block away: The Supreme Court, Justice blindfolded with the scales equally divided.

That is what we have stood for as a nation for more than two centuries. What a great shame it is that as we enter the 21st century, in an effort to establish an international criminal court of justice, the Bush administration is going to "unsign" a document, a treaty, that I think would have gone a long way to helping us achieve the very goals incorporated in the Treaty of Rome.

We should have been rejoicing that finally with the entry and divorce of the court, any individual who commits genocide, war crimes, and crimes against humanity would be on notice that he or she would be prosecuted for those offenses. I find it disheartening there is a lack of historical perspective when it comes to this issue. Let's remember it was the atrocities of World War II, the Holocaust, that lead to the establishment of the Nuremberg Tribunal to bring those who committed such acts of violence and human rights violations to justice, which highlighted the fact that there was a void in the international legal system. Those who participated in the Nuremberg process came to believe strongly that a permanent international criminal court should be established to try future heinous international criminals. The hope was that the existence of such a court would also serve as a deterrent to those who might consider committing such crimes.

Unfortunately, the proposal floundered during 50 years of superpower rivalry, but the United States kept arguing that we ought to do this, through Republican and Democratic administrations. Conservatives, liberals, moderates all suggested and all argued at one time or another for the importance of the establishment of such a court.

I have no doubt that such a court would have been extremely useful had it existed during the last quarter of the 20th century. It should still be fresh in our minds the fact that the end of the cold war, and the explosion of ethnic brutality led to the necessity of creating ad hoc tribunals for Rwanda and Yugoslavia, but there was no means available for trying the Idi Amins and Saddam Husseins of this world, or others who have been able to evade their nation's justice. With very few exceptions, the world has stood helpless in the face of such crimes against humanity.

Had the court existed, it just might have deprived these tyrants of the safe havens from prosecution. It just might have deterred some of the worst atrocities and also prevented the U.S. service members from being sent into harm's way to reestablish the rule of law.

President Clinton, to his credit, appreciated that fact, and that is why he signed the treaty. He was not starry-eyed about it. However, he recognized that additional safeguards with respect to the operation of the court were needed in order to reassure those skeptical about the international organization, and he rightly decided that since the court was still a work in progress, and given the role of the United States as a leader in the promotion of the rule of law, that it was in the national interest of the United States to remain engaged with our allies as they moved forward to bring the Rome statute into force.

Some in the United States harbor the unreasonable fear that Americans will be taken before this tribunal on politically motivated charges, fears that I believe are unfounded but fears that have not been dispelled with the erasing of our signature. U.S. men and women in uniform are no safer today than they were before Monday's announcement. In fact, I argue they are in greater jeopardy because the court, as it is presently construed, does have flaws because we disengage from rewriting the court to try to establish better rules—the court is going into existence in a matter of weeks. Whether we signed it or not, it is becoming the international rule of law, and today that court could have been stronger had we decided to remain engaged in helping frame the structure of the institution.

These men and women in uniform may be in some jeopardy, and my hope would be they would not, but had we stayed engaged in this process, we could have eliminated even that slight possibility. Moreover, to the best of my knowledge, what we have done with respect to the ICC, the "unsigning" of a treaty, is without precedent. I am sure there are legal scholars on diplomacy that can correct me if I am wrong, but I cannot find a single example in the more than two centuries of history where an American President has unsigned an agreement.

Think of the precedent-setting nature of that act. Let's be clear: The U.S. withdrawing its signature, if it can so be done, does not annul the court. In fact, it does not do that at all. But it would encourage other nations to remove their signatures from treaties that are vital to U.S. interests, and they will cite the example of an American President who unsigned a treaty for which he did not particularly care.

The fear in Washington is that American soldiers abroad, as I said, would be charged unjustly with war crimes. Such a possibility is very remote. The court already contains strong safeguards that ensure it will deal only with the most serious of international crimes and can take a case only if a nation's own judicial system has declined to carry out a conscientious investigation of the charges.

Does anyone really believe that in this country we would not pursue a person in uniform who had committed heinous crimes to come before a bar of justice?

The Rwandan and former Yugoslavian tribunals, which have rendered fair and reasonable judgments, show that America has little to fear from such a court. The Clinton administration negotiators were able to significantly improve the court's rules. Continued engagement, as I said a moment ago, by the Bush administration could have built upon that record.

One would have thought it was in the interest of the United States not to miss a chance to affect the selection of judges in the definition of new crimes, issues that should matter to us and to our allies. Apparently that is not the case.

A few weeks ago, on April 11, governments gathered in New York to mark what they called the depositing of the 66th instrument of ratification of the Rome statute, meaning that the international criminal court will come into existence this July. The court is going to exist and, unfortunately, we are going to be on the outside.

We have made further announcements we will not even support or assist the court as it tries to gather information against those who may have committed these dreadful crimes that the court would have jurisdiction over.

I am deeply disturbed by this action. I think it is a huge mistake. What are the implications of this course the Bush administration has set for the United States? The United States no longer can credibly voice its opinion on who should be selected to be the court's judges and prosecutors, nor will we be taken seriously if we attempt to use our seat in the U.N. Security Council to refer situations to the court, such as the current conflict in Sudan that has already claimed over 2 million lives as a result of war crimes, genocide, and crimes against humanity.

Finally, our words will fall on deaf ears when we purport to act as an unbiased watchdog of the court's integrity having denounced its fundamental purposes. We have also lost the opportunities that ensure the court stays focused on its primary task, that of bringing to justice the world's worst criminals.

I have cited a number of vital American interests that are wrapped up in this institution, the court. Those interests are not going to be erased with the name of the United States gone from the Rome statute. The administration may have struck a responsive cord with a right-wing antimultilateralist constituency with this announcement, but it has jeopardized the interests of all Americans in so doing.

The administration could have taken the higher road, the responsible road, recognizing that there is a constructive and useful role the United States could perform without making a decision at this juncture concerning U.S. ratification. Sadly, President Bush has chosen not to do so.

While some may be cheering the administration's decision, those of us who care deeply about promoting the rule of law are not. The issue has particular significance for me. My father, Thomas Dodd, was an executive trial counsel at Nuremberg in 1945 and 1946. The Nuremberg trials of the leading Nazi war criminals following World War II was a landmark of the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and genocide conventions. It was also largely an American initiative.

Today, instead of America being a leader in the pursuit of global justice, we would act to throw up roadblocks toward that goal. Make no mistake about it, today was a setback in the promotion of global justice. Today was a setback for what America is supposed to stand for, and I regret this decision very deeply indeed.

TERRORISM INSURANCE

Mr. DODD. Mr. President, I note the presence of the distinguished Senator from Nevada who has spoken to me on numerous occasions about the efforts to get a bill passed dealing with terrorism insurance. In his State, and I think particularly Las Vegas, major construction efforts have been slowed down tremendously because of the inability to acquire terrorism insurance. We have been very close since last fall in coming to an agreement to bring up a bill and to allow a series of amendments to be offered, debated, disposed of, and then to move on to reconcile the differences with the House-passed bill so that we might eliminate this roadblock that is causing a slowdown in economic growth in this country.

I hope my colleagues on the other side—I have worked very closely with Senator GRAMM of Texas, with the minority leader, the Republican leader, TRENT LOTT, to try to come up with a framework that can work. On this side of the aisle, Senator DASCHLE, our Democratic leader, along with Senator SCHUMER and others who have been interested in the subject matter, we have received unanimous consent—my colleague from Nevada can correct me if I am wrong on this side to move forward with a proposal allowing for a series but limited number of amendments, to a defined period of time to be considered and then final passage of a bill. There have been objections filed on the other side so we have not been able to proceed.

Let there be no doubt, there is 100-percent agreement on this side of the aisle to move to the terrorism insurance bill. Every day we wait, a day delayed is a job lost, a project gets stalled and the economy suffers. This is a serious issue. We ought to be able to get to a bill, consider amendments, let there be a decision by this body whether to support or reject amendments, get to final passage and try to resolve this issue.

To those who call my office on an hourly basis wondering whether we will get a terrorism insurance bill, let me be as clear as I possibly can: There is no objection on this side of the aisle; there is on the other.

My hope is we can resolve the objections. This has gone on week after week after week. There is no reason we cannot define amendments, allow for their consideration, allow for their disposition, and get to the third reading and final passage of a bill. My hope is that will happen this week so we can resolve the differences with the House and send a bill to the President for his signature.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. REID. I say to my friend, he is absolutely right. We have worked hard under the direction and guidance of the Senator from Connecticut and gotten everyone to sign off on a package we can bring to the floor. The other side wanted two amendments and then four amendments; and we have agreed. It seems to me we cannot let the perfect be the enemy of the good. It needs to be done.

I am sure the Senator would agree, if someone has a problem, propose floor amendments, we will debate and vote and move on. This has become serious. The Senator from Connecticut has had developers in his office, the people who lend money and want to lend money, people in the construction business, in addition to the specialized construction business, in addition to developers. I can go through a list of others who have been to see us who are extremely concerned about our country, in addition to their businesses.

I have heard on a number of occasions the majority leader acknowledging the work of the Senator on this issue, and I join with him. We need to nudge this forward a bit more and get this matter resolved. Time is wasting. In another 10 days we will be taking a week break to go home for the Memorial recess, and then the Fourth of July. In the meantime, there are construction projects not going forward.

Mr. DODD. I thank the Senator for his comments. He is exactly right. In addition to the organizations he mentioned, this means jobs. Business cannot get lending from the banks because the banks will not lend money without terrorism insurance. There is no proposal that allows us to bridge the gap since September 11.

It is very difficult to get this insurance because it is very difficult to price. Prior to the events of September 11 we had some acts of terrorism, but they were isolated and limited. What happened on September 11 has changed so many aspects of this country, including the question of how to calculate the cost of terrorism insurance.

Banks do not want to lend money. This is a practical matter. I wish it were otherwise. They do not want to lend money when the terrorism insurance will not be written, and it will not get written because people do not know how to price or cost it.

The idea was to frame some proposal to allow a bridge for a couple of years while the pricing of this product could be calculated, and to get the Federal Government out of it altogether but have us presently involved as a backstop should some catastrophic event occur. We would have a backstop so it would not wipe people out.

I am told today that if we have an event such as September 11 again, the insurance that exists today could only deal with about 20 percent of the cost of what happened on that day. Knowing that, we begin to understand why banks are not lending the money; why, then, developers, contractors, and so forth, are not going forward with their projects; and why people are being laid off. We have a ripple effect. That is the reason we need this bill.

I am not suggesting this is a perfect bill. But we do believe this proposal provides that gap for 23–36 months to allow for the pricing and free market factors to take over the costing out of terrorism insurance. In the absence of that happening, we get further delays. All the insurance contracts are being rewritten this year.

It is a major economic issue, one that cries out for an answer. I urge my colleagues on the other side not to hold this up any longer and not object to moving forward. If Members have a proposal, come forward and we will accommodate that amendment and vote on it one way or the other but don't stop the bill from moving forward altogether.

That is what is happening today and what has gone on for several months. It is causing great economic damage to the country. Talk to any major financial institution, talk to any major insurance company in this country, and they will say the same thing. The Republican objections to going forward on this bill are costing this country dearly. We need them to lift those objections, consider this bill, up or down, vote it up or down, but move on. Quit objecting to moving forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 5:30 p.m. today under the same conditions and limitations of the previous order; that at 5:30, the Senate proceed to Executive session as under the previous order, with the time equally divided and controlled; that the remaining provisions of the previous order in Executive session remain in effect, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to my friend, the Senator from Wyoming, Mr. THOMAS. When he completes his statement, we will go into recess, subject to the call of the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

MEDICARE EQUITY FOR VETERANS ACT

Mr. THOMAS. Mr. President, I will discuss a bill we have introduced in the last several weeks that I think is very important. It is called the Medicare Equity for Veterans Act of 2002. It is designed to provide some fairness between Medicare and VA health care. There are a number of Members who have introduced the bill that will require Medicare services to reimburse the VA facilities for services rendered to certain Medicare-eligible veterans. These service men and women have paid into Social Security and Medicare as have the rest of us but are prohibited from utilizing the program when they are treated at a VA facility. It is only fair that they be allowed to use their Medicare coverage in the private sector or at a VA facility.

An interesting thing has happened in the numbers with respect to veterans. The number of veterans enrolled in VA health care systems has more than doubled since 1996. Many VA facilities-eligible veterans, called priority 7, or category C veterans, being veterans who have served but their disabilities are not related to their military service and are able, financially, to care for themselves. This is where we have seen the greatest increase in the patient load.

At the VA facility in Cheyenne, WY there were only 131 of these priority 7 veterans who were treated in fiscal year 1997.

However, in fiscal year 2001, the same facility treated over 2,200 priority 7 veterans. So, clearly, the VA is experiencing substantial growth in that area and it is utilizing facilities—and that is good.

But the veterans are unable, even though they are eligible, to use their Medicare assistance. With this increase in numbers, unfortunately, the VA health care system has not kept pace in terms of its finances. In my State, Medicare would expand access to services in most communities and would provide primary care to those for whom it is not now available.

Specifically, the Medicare Equity for Veterans Act of 2002 establishes a 3-year demonstration program at 10 VA sites, 3 of which must be in rural areas. The Secretary of VA and HHS will either choose a Medicare+Choice or preferred provider option model for these sites. The options would give the Secretary some flexibility in that way.

We have more and more veterans who are in this category 7 who would like very much to use VA facilities to care for their needs. They are eligible for Medicare, and Medicare would then reimburse the VA. We would be able to do two things, of course: to be able to finance the VA facilities and at the same time be able to let these eligible veterans use their Medicare services.

I hope we can move this bill. I think it will be very good for VA veterans. I think it will also be good for Medicare. It can probably be done more cheaply than the private sector. The combination is a good remedy to some of the problems we have.

I yield the floor.

RECESS

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:02 p.m., recessed until 4:33 p.m. and reassembled when called to order by the Presiding Officer (Mr. LEVIN).

The PRESIDING OFFICER. The Senator from Arizona.

NOMINATION OF PAUL CASSELL

Mr. KYL. Mr. President, I will speak in morning business but really on the subject of our 6 o'clock vote, the nomination of Paul Cassell to be judge for the district court serving the State of Utah.

I am not from Utah, obviously. And you might ask, what is an Arizona Senator doing speaking on behalf of a nominee from another State? The answer to that question is, I have gotten to know Paul Cassell, and I am a very big fan of Paul Cassell. I think he will do a superb job on the bench. I just want to take a couple minutes of my colleagues' time to explain why.

It is not often we have the opportunity, as Senators, to vote for a nominee, who we really have gotten to know in our work in the Senate, to serve as a district judge in another State. But Paul Cassell has testified before the Senate Judiciary Committee and has worked many hours with Senator FEINSTEIN and myself and some other Senators in helping to craft the victims' rights constitutional amendment.

You can have a view either for or against that amendment, but Professor Laurence Tribe from Harvard and Professor Paul Cassell from the University of Utah are the two legal professors, constitutional scholars, who have helped us most. They may represent different points on the political spectrum perhaps, but in terms of their legal scholarship and their ability to work together in helping us to craft this amendment, they have performed a magnificent service.

Again, whatever one thinks of the particular amendment, you cannot deny that these two professors have contributed significantly to the work of the Senate and, therefore, to the American people as a result of their work.

Let me just tell you a little bit about Professor Cassell first and then talk about his work on behalf of victims of crime. As I say, that is one of the primary reasons I am so supportive of him.

As I said, he is a member of the facility at the University of Utah College of Law where he teaches criminal procedure and evidence and some other courses as well.

He has published over 25 Law Review articles, as well as major op-eds and various periodicals.

Before entering academia, Professor Cassell served as an assistant U.S. attorney in the Eastern District of Virginia and as Associate Deputy Attorney General at our Department of Justice.

He clerked for then-Judge Antonin Scalia in the U.S. Court of Appeals for the D.C. Circuit and then for Chief Justice Warren Burger of the U.S. Supreme Court.

Those of us familiar with these facts know if you are able to clerk for both a member of the D.C. Circuit Court of Appeals and then for the Chief Justice of the U.S. Supreme Court, you are a law student graduate with something on the ball. Certainly, Professor Cassell fits that category.

He received his J.D. in 1984 from Stanford University, where he was Order of the Coif and president of the Stanford Law Review.

So his academic credentials and his postacademic career have been outstanding.

He tried a number of cases when he was assistant U.S. attorney. As a matter of fact, he prosecuted 17 felony jury trials, and some of them were very famous cases. I will let others talk about those cases. But one of the most interesting things to me that Professor Cassell did—purely without pay; as a volunteer—was to represent the victims of the Oklahoma City bombing case.

You may ask, why did the victims in the Oklahoma City bombing case need representation? You can imagine, having as many victims as there were in that case—people who were either injured in the bombing or the families of people who were killed, all wanting to be involved or participate in some way in that case, including even just the ability to be in the courtroom—it was a major battle.

As a matter of fact, the judge in that case—not once but twice—ruled that the families of the victims did not have a right to be in the courtroom during the trial. This was not because there were so many people that they could not all fit into the courtroom, although that was another issue, but the reason the court ruled that way was that the defense had argued it would be prejudicial to the defense, to the defendants, if the victims or their families were actually in the courtroom during the trial. Never mind that a judge always has the ability to say: Everybody will be motionless, will show no emotion, will behave themselves; and if they do not, then I will toss them out of the courtroom. That was not good enough in this case.

We in Congress passed a law saying: You have to let the people who were victims of the Oklahoma City bombing case sit in the courtroom. The case went back to the judge, and again the judge said no. One of the reasons he said no had to do with the reason for the victims' rights constitutional amendment, which I will not go into now, but basically he said the defendants' rights are in the U.S. Constitution, and the mere statute of Congress cannot override that. So these victims are going to have to have special rights. They are going to have to be in the Constitution. That is another argument, as I said.

But Paul Cassell, out of the goodness of his heart, represented all the victims in that case. I think the victims I have talked to would tell you, to a person, they were extraordinarily indebted to Paul Cassell for his service to them in that case.

There is much more I could say about this individual. Paul Cassell is a decent person who believes very strongly in the rights of both defendants and victims in the courtroom. He has served as a prosecutor for the United States of America and, therefore, has represented our Government in many cases against some truly bad felons. He has experience on the criminal side and on the civil side and has experience as a law professor, teaching not only constitutional law but evidence. That makes him uniquely qualified to go from where he is now to the bench.

It is not often that we find people who have this wide array of experience willing to serve on the Federal district court. It is much too easy in today's world for lawyers to make good money in the practice of law. But it is obvious that Paul Cassell has never been interested in just making money. He has wanted to serve, first, the people of the United States of America as an assistant U.S. attorney and then through his professorship to serve victims of crime and others on a purely pro bono basis.

We have a unique person who not only is extraordinarily well qualified from his academic experience and the breadth of his practice experience but who also has demonstrated a desire to serve the people. For a person as young to have that kind of commitment and to be willing to go on the Federal district court is unique and certainly should cause us to vote for his confirmation.

I know him personally. We couldn't do better than to confirm Paul Cassell to serve on the Federal district court in the State of Utah. I commend my colleagues to support his confirmation when we vote in a little over an hour.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAST TRACK TRADE AUTHORITY

Mr. BYRD. Mr. President, the Bush administration continues its push for fast track trade authority under the fictitious term "trade promotion authority." This is legislation that would enable the President to negotiate trade agreements without full congressional input. With fast track authority, there would be only limited Senate debate. With fast track authority the full Senate will have no opportunity to amend. Most Members of Congress will have no opportunity to protect the interests of the people, the communities, and the industries of their particular States, including ensuring the protection of the standard of living of our workers and their families within those States and communities.

Although the Constitution clearly gives Congress the duty—and the power, it gives Congress the power—"to regulate commerce with foreign nations," with fast track authority the Congress will simply applaud a presidential trade-negotiating effort by approving a trade agreement, or boo the effort by disapproving it. That is pretty unlikely, that it would be disapproved.

Members of Congress should never allow our options to be so restricted. We were sent here to promote and to protect the interests of our States as well as the national good, and those goals are best served by debate and amendment, particularly with regard to trade deals.

The workers of this Nation are losing ground, in large part, due to poor trade agreements. For Congress to abdicate its constitutional authority here is to, in my view, turn its back on millions of American workers—the workers who are the backbone of this Nation, and who deserve more than a cursory, neglectful wink and nod.

Let us focus for a moment on just one sector of our economy, manufacturing. There is no question that manufacturing has continued to grow during the past several decades. For example, real, inflation adjusted, manufacturing sales as a percentage of GDP continue to increase.

And there is no question that certain manufacturing industries such as those involved in high-technology products—for example, electronic equipment, industrial machinery, and chemicals—have prospered.

United States production of electronic equipment rose by nearly 400 percent—to be precise, 393.5 percent—while industrial machinery increased by 155 percent. Even fabricated metal products and motor vehicles have experienced an increase in real output since 1990.

There is also no question that in recent decades a number of our vital industries could be placed on an endangered species list. Beginning in the 1970s and continuing through the 1990s, for too many American industries the story of American manufacturing has been a tragic story of bankruptcies, consolidations, plant closings, plant shutdowns, and movement overseas. These industries missed the economic boom of the 1990s because they have been drowning in a flood of cheap imports.

Since 1997, 33 steel companies have filed for bankruptcy, affecting 73,000 workers.

During the 1990s, 352 paper mills and paper converting plants permanently closed. Last year alone, 36 mills closed, and 15 more are slated for closing this year.

The American textile industry is suffering its worst crisis since the Great Depression of the 1930s. During the past year, more than 10 American textile mills have closed, and industrial giants such as Burlington Industries, Malden Mills, and Guilford Mills have sought bankruptcy protection.

Between 1989 and 2000, the real dollar value of apparel industry output failed by nearly 20 percent—19.6 percent to be exact. There was a 27.9-percent decline in the instruments industry and a 3.7-percent decline in the real output of the paper products industry.

According to the Congressional Research Service, at least 18 American industries experienced negative or slow output growth between the years 1980 and 2000—so much so that each one could be added to the endangered industries list.

The decline in these industries is reflected, to some extent, in the decline in employment in the manufacturing industries. In 1970, approximately one-third of the private sector workforce was engaged in manufacturing. By 2000, it had fallen to 17 percent.

So from 1970 to 2000, employment in the manufacturing industries fell from one-third of the private sector workforce to 17 percent—half—from 33 percent to 17 percent. Cut in half. That is like the wisest man of all time threatening to cut the baby in half.

According to the Congressional Research Service, at least 19 industries—nearly all in manufacturing—experienced the loss of one-third or more jobs since 1980. There was a 52-percent decrease in machine tools, a 67-percent decrease in employment in blast furnaces and steel mills, and an 83-percent decrease in employment in nonrubber footwear. Read it and weep.

I realize that a substantial portion of this decline in manufacturing employment is due to increased productivity. Millions of workers are losing their jobs because of technological progress, more efficient management of resources, and because productivity has grown faster than sales. Nevertheless, there is no question but that certain sectors of our economy—especially those in the industries I have mentioned—are being clobbered by imports.

Between 1994 and 2000, the U.S. trade deficit of $182 billion increased 141.6 percent to $439 billion—inflation adjusted 2000 dollars. This soaring trade deficit has taken an incredible toll on American jobs. Between 1994 and 2000, according to an analysis by the Economic Policy Institute, trade deficits eliminated a net total of 3 million actual and potential jobs from the U.S. economy.

The manufacturing sector has shouldered the burden of this increased deficit, as the manufacturing trade deficit rose by 158.5 percent. Of the 3 million trade-related job losses between 1994 and 2000, 1.9 million were in manufacturing. This means that nearly two of every three lost jobs were in manufacturing. In other words, 1.9 million jobs out of 3 million jobs were in manufacturing. That is, manufacturing constituted 65 percent of all trade-related job losses.

These trade-related job losses happened as increased globalization encouraged American industries to pack up and seek other lands where labor is cheaper and where industries do not have to comply with the environmental and safety standards in the United States. The International Trade Commission has reported that roughly half of the total productive capacity in the apparel industry has shifted from developed countries to less developed countries over the past three decades, where workers earn far less than their American counterparts.

What are we doing? What are we doing in our trade agreements to protect American jobs? The answer has to be: Not enough.

Globalization has also left our industries more vulnerable to the unfair predatory trade practices of foreign countries. Look at the American steel industry, which has been absolutely devastated by the dumping of cheap foreign steel and of government-subsidized, imported steel. Last October, the U.S. International Trade Commission ruled that imports of foreign steel have indeed caused serious injury to American steelmakers. The Commission reported that imported steel has seriously hurt domestic steelmakers in about half of 33 product lines examined, covering about 80 percent of what steel companies produce in America.

"Fifty years of foreign government intervention in the global steel market"—someone said last month in announcing tariffs on imported steel—"has resulted in bankruptcies, serious dislocation, and job loss." Who was that someone? The President of the United States, President Bush.

NAFTA, which was enacted under fast-track authority, and which I voted against, was supposed to eliminate most of these causes of the American trade deficit and lessen the foreign assaults upon American industries. Instead, the increased globalization unleashed under NAFTA and the World Trade Organization has exacerbated the problem, not solved it. I have been on the right side in both instances; I have opposed both. Since 1994, when NAFTA created the free trade zone, North Carolina has lost more than 125,500 jobs in the textile and apparel industries, or 47 percent of the workforce.

The Mississippi Business Journal reports that the garment industry in Mississippi has virtually disappeared in the post-NAFTA era. We gave it away.

This decline in American manufacturing has meant a declining standard of living, not just for the affected workers and their families but for their communities and their States.

Workers have been forced out of higher wage, industrial jobs into low-paying service jobs. In 1980, private-sector service employment constituted 65 percent of the American private sector workforce; by the year 2000, the percentage had soared to 77 percent.

Service jobs are notoriously low-skill, low-paying jobs that offer limited opportunities for advancement because there are relatively few management positions. Look at South Carolina, a State that is near the top of the job creation list in the 1990s but it ranks 35th in average wages—$25,493. A study of a 5-year period, 1992 to 1997, in that State indicated the creation of 94,572 service jobs, a 40.6-percent increase in a sector that pays lower than the statewide average. The higher paying manufacturing sector, the traditional mainstay of South Carolina's economy, lost nearly 1,000 jobs during the 5-year period. In 1997, the State's service employees earned an average $22,693, compared to the average of $29,820 for employees in the State's manufacturing jobs. Economists in the State of South Carolina point out that even with the growth in the service industries, South Carolina's per capita income is among the Nation's lowest.

Unfortunately, the holders of these service jobs are often thought to be students looking for summer work, or marginal workers seeking spending money, or people simply in need of a quick stopover job while on their way to a better paying career. In other words, service jobs are presented as great jobs for people who do not really need them, in many instances. The truth is, people do need these jobs, and many of the holders of these jobs are adults who depend on that paycheck to pay rent or child care. Many are former industrial workers simply trying to exist in the new economy.

Studies of counties in Colorado, Missouri, and Mississippi found a declining standard of living for workers and their communities as they moved from manufacturing jobs to service jobs.

Martha Burt of the Urban Institute found that the growth of homelessness in the United States in the 1980s was not, as commonly supposed, the result of drug addiction, or the deinstitutionalization of the mentally ill, nor the cutbacks in social programs during the Reagan administration, but the shift from an industrial economy to a service economy. With the decline in manufacturing jobs in the 1970s, she explains, huge numbers of former full-time factory workers earning union wages were replaced with part-time workers in retail stores, restaurants, and other service jobs, where wages are too low to enable them to afford the price of housing.

The facts are, as the Stearns Trustee Professor of Political Economy at Northeastern University, Barry Bluestone, emphasizes, even workers who retain manufacturing jobs also face a bleak future, a future of a declining standard of living, if we do not revise our trade polices and insist upon effective labor and environmental standards in our trade agreements. This is because competition from countries which lack, or do not enforce, labor and environmental standards, continues to have a large, negative impact on employment in key sectors of our economy, and on American wages and living standards across the board.

With the rise of international competition and the shift to lower wage service jobs in the United States, real wages have stagnated, making life much more difficult for all American workers. Real average weekly earnings peaked in 1972 at $315.44. Today, even with some recovery in real wages due to the rapid growth in the economy in the 1990s, the average weekly wage is nearly 12 percent less than at its peak.

This decline in real wages is forcing American workers to work longer hours than ever before in order to maintain their living standards. They are running in place—sweating on a treadmill operated by the hyper zealots of free trade regardless of consequences. In fact, the United States is the only major developed country that has experienced an increase in the average workweek and the average work year. Since 1982, the average workweek among prime-age workers in the United States has increased from 39.6 hours to 41.3 in 2000.

This means that the average work year has increased from around 1,840 hours to over 2,020. Put simply, stagnating wages are forcing Americans to work longer and longer hours just to maintain their standard of living. They are not getting ahead. They are simply maintaining what they have worked so hard for, if, indeed, they are even maintaining that.

This is why the Congress must protect and exercise its right to amend trade agreements. Why do we give away Congress' power to amend trade agreements?

We must insist on establishing universal labor and environmental standards. We must insist on protecting American industries from even more devastation by unfair competition from firms operating abroad, exploiting cheap labor pools, and tolerating working conditions which are unacceptably harsh, and environmental standards which are nonexistent.

These essential universal labor and environmental standards can be extracted only through our trade agreements.

In the 1930s, the United States instituted a range of laws and regulations to protect workers and the environment. We did this at the Federal level so that individual States could not take unfair advantage of other States by lowering their minimum wages, permitting child and prison labor, ignoring occupational and safety provisions, eliminating or reducing unemployment benefits, or disregarding environmental standards. We leveled the playing field domestically. No one could manipulate for advantage.

Now we must level the playing field in international competition, where American workers are too often forced to play by the rules in a rigged game. In our new, globalized economy, we run the risk of undermining our own hard won labor and environmental standards if other countries choose to have none of their own or refuse to enforce reasonable requirements. Congress, which has the constitutional power, and therefore the duty "to regulate commerce with foreign nations," must have the means to insist on reasonable labor and environmental standards as part of any and all trade agreements. This is to the benefit not only of American workers, but also of workers, both children and adults, who are laboring under oppressive, unsafe, and unhealthy conditions in other lands.

Over the years, I have seen administrations—Republican and Democratic—repeatedly negotiate trade agreements that reflected priorities other than those of the American people. I say that with a background of 50 years in Congress, the House of Representatives and the Senate, so let me say it again. I have seen administrations—Republican and Democratic—repeatedly negotiate trade agreements that reflected priorities other than those of the American people. I have seen this Nation genuflect at the altar of big business interests. I have witnessed the holy battle cry of "free trade" become a club by which to beat into submission any voice that expressed an argument for balance and fairness. That is understandably the outcome of trade talks that ignore the constitutional role of the Congress in international commerce.

While it is not surprising that Republican and Democratic administrations would attempt to enter into trade agreements that reflect their own priorities, it is absolutely distressing—it is extremely puzzling to this Senator—that the Members of Congress would willingly give up their right to shape trade agreements that reflect the priorities of the American people, and the best interests of the United States. It just demonstrates how cowed and how intimidating we in public life have become by the absolute terror of bumper sticker politics. Free trade is the battle cry. Don't complicate it with real world concerns.

As a U.S. Senator from West Virginia, I am always—first, last, and all the time—for the protection of the interests of this country, of this Nation's workers, and this country's manufacturing industries and I am going to continue being that way by opposing the granting of blanket fast track authority for this or any other President.

Call it trade promotion authority, if you will—it is still fast track—to give away American interests when it comes to trade.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PAUL G. CASSELL, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of Paul G. Cassell, of Utah, to be United States District Judge for the District of Utah.

The PRESIDING OFFICER. Under the previous order, the time until 6 p.m. will be for debate on the nomination, equally divided between the chairman and ranking member of the Judiciary Committee or their designees.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself 1 minute.

I know Professor Cassell is a friend of the distinguished senior Senator from Utah, who has urged his confirmation. I do not know whether, as a courtesy, the senior Senator wanted to go first.

Mr. HATCH. Whatever the distinguished chairman prefers.

I thank the chairman.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to voice my strong support for Professor Paul G. Cassell, who is President Bush's nominee to the District Court for the District of Utah.

This nomination is very important to my home State of Utah. In fact, the chief judge of the Federal District Court in Utah is sitting in the audience. This is so important for them, for everyone in Utah, and to me personally. I would like to take a few minutes to introduce this exemplary lawyer to the Senate, and to explain why Professor Cassell is one of the most qualified people ever nominated to the district court bench.

Listen to the highlights of Professor Cassell's résumé: He graduated from Stanford Law School, where he was president of the Stanford Law Review and a member of the Order of the Coif—the highest honors you can have in law school. He served as a law clerk to then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit, and to Chief Justice Warren E. Burger of the U.S. Supreme Court. He then went to the Justice Department, where he served as an Associate Deputy Attorney General, handling a variety of complex legal issues—including the efforts to defend the constitutionality of the United States Sentencing Guidelines, passed by Congress to regulate unwarranted sentencing disparity. Next, he worked as an assistant U.S. attorney in the Eastern District of Virginia. In that position, Cassell tried more than a dozen jury trials in felony criminal cases, obtaining guilty verdicts in every case that reached the jury.

I would like to highlight a couple of cases he tried there. Cassell successfully prosecuted the CEO of a failed savings and loan for theft of $500,000; two investors and a real estate agent who had defrauded a HUD program; a drug dealer who was smuggling guns and a federally licensed firearms dealer who had aided him in this effort; and the notorious "yellow glove" bank robber, who had perpetrated a string of armed robberies in Virginia and Maryland. He also successfully prosecuted the largest seizure of crack cocaine in the history of National Airport at that time. For his efforts in cases such as these, Cassell was recognized by the Attorney General with a Special Achievement Award.

Professor Cassell's impressive résumé and his experience in court are no doubt the reason why a substantial majority of the ABA review committee rates Professor Cassell "well qualified" to be a federal judge. it is also the reason why a number of people who know Professor Cassell's work and character have written to me in support of his nomination.

Mr. President, I ask unanimous consent to have a selection of such letters printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HATCH. Mr. President, I apologize for my laryngitis. I have had it for about 2 weeks.

Professor Cassell's educational achievements, Department of Justice experience, and successes in trial are just a warm-up, in my opinion, for an even more important chapter of his career. In 1992, Cassell and his wife, Trish, returned to the West after he accepted a teaching position at the University of Utah College of Law. It was there that he unleashed his intellect and tremendous work ethic for the benefit of his students, the faculty, the citizens of Utah, and the Nation's victims of crime.

Professor Cassell quickly became one of the students' favorite teachers. He has always prepared well for his classes, he uses relevant real-world examples from his career as a prosecutor, and he teaches with an approachable demeanor—and even a sense of humor. These are some of the qualities that led, in 1997, to Professor Cassell's being one of the youngest law professors ever to receive the Faculty Achievement Award for Teaching Excellence—the "teacher of the year" award. Three years later in 2000, Cassell became one of the youngest chaired faculty members at the University of Utah when he was awarded the James I. Farr Professorship of Law.

As a scholar, Professor Cassell has become a national expert on criminal procedure and evidence. His scholarship includes over 25 law review articles, which have been published in such prestigious journals as the Stanford Law Review, the Michigan Law Review, the UCLA Law Review, the Brigham Young University Law Review, and the Utah Law Review. He has also made presentations at law schools around the country, including Harvard, Stanford, Berkeley, Michigan, Northwestern, and UCLA. He has shared his knowledge and expertise with Congress, testifying numerous times before congressional committees on issues pertaining to criminal justice, including testimony on victims' rights, capital punishment, Miranda, and criminal cases in the United States Supreme Court.

Unlike many scholars, however, Professor Cassell has also put his intellect to practical use in his community. For example, Professor Cassell has been actively involved in fighting domestic violence and sexual assault in Utah. He has served as the chair of the Legislative Committee of the Utah Council on Victims of Crime as well as a member on the Utah Supreme Court's Advisory Committee on Rules of Criminal Procedure.

Professor Cassell has donated an extraordinary amount of time advocating on behalf of his fellow Utahns in court. In fact, he has done as much or more pro bono legal work as anyone I can remember ever appearing before the Judiciary Committee. He has represented dozens and dozens of crime victims, all without charge.

Let me give just one example—a case that came to my attention because of the moving letter I received from the victim's mother. It is the case called State v. Casey, in which Cassell argued on behalf of a 12-year-old Utah boy who had been victimized by sexual assault. When the boy was denied his right to speak in opposition to a plea bargain reducing the charge from a first-degree aggravated felony to a misdemeanor, Cassell had the case certified to the Utah Supreme Court as one involving an issue of "exceptional importance" and argued the issue on the boy's behalf. The boy's mother wrote me a letter about Cassell's work in that case, saying that Cassell:

> . . . was the first attorney who listened to us with interest and understanding.

She explained that:

> Paul worked long and late hours on our case . . . at no financial gain for himself.

Because of Cassell's work, she said her family:

> . . . can now start to move forward with our lives, putting the tragic past behind us.

It is not only Utahns who can say such things about Paul Cassell, because in addition to his work in our home State, Cassell has worked free of charge on behalf of crime victims all across the country. For example, in 1996, Cassell undertook to represent 89 victims of the Oklahoma City bombing. They had been ordered not to watch court proceedings in the case if they were going to provide so-called impact testimony at the death-penalty phase of Timothy McVeigh's trail. This order appeared to contravene the requirements of the victims bill of rights, a Federal statute passed by Congress to guarantee crime victims the right to attend court proceedings. Cassell appealed to the tenth circuit, which rejected the petition on the grounds that crime victims lacked standing to present their claims to a appellate court. Cassell's petition for rehearing in the case was supported by 49 Members of Congress—of both political parties—as well as the United States Department of Justice, all six State Attorneys General in the tenth circuit, and some of the leading crime victims' groups in the country, such as Mothers Against Drunk Driving and the National Crime Victims Constitutional Amendment Network. When the petition for rehearing was denied, Cassell helped crime victims come to Congress to obtain remedial legislation. Congress passed the Victims' Rights Clarification Act of 1997 by a margin of 418 to 19 in the House and unanimously here in the Senate. That would not have happened but for Professor Cassell. When President Clinton signed the act into law, he endorsed Cassell's position, explaining "when someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in."

Again, all of that work was done by Professor Cassell without any compensation. Those victims would not have has any voice at all in the criminal justice system if it weren't for the selfless sacrifice and dedication of Professor Cassell.

In sum, Mr. President, Professor Cassell's record demonstrates everything that this body should hope for in a judicial nominee: unquestioned competence; a track record of hard work; a personal dedication to justice; and a commitment to public service. To that, I would like to add my personal opinion. I know Paul Cassell, and I know him to be not only an extraordinary lawyer and an extraordinary scholar, but also one of the most decent, honest, honorable, and fairminded people I have ever know. He is going to be an absolutely great judge, and an excellent addition to the Utah District Court bench. I urge my colleagues to vote in favor of his confirmation.

I thank the Chair and reserve the remainder of my time.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, VIOLENCE AGAINST WOMEN OFFICE,
Washington, DC, March 18, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to express my strong personal support for the appointment of Professor Paul Cassell to the Federal District Court of Utah. I believe, based on my pass association with Professor Cassell, that he will make an excellent judge.

Professor Cassell and I have worked together for over five years as co-members of the Utah Council on Victims of Crime and I have come to respect his integrity, great knowledge of the law, and ability to assist others in the comprehension of the often complex issues at hand. Often in my work as State Coordinator for the Utah Governor's Cabinet Council on Domestic Violence, Professor Cassell was of invaluable assistance in analyzing legislation as it was being proposed and many times provided an expert opinion on existing federal and state statutes. Issues of confidentiality, victim notification and courtroom video taping became more understandable as he worked to provide a solid, legal foundation for others to follow.

It is my belief that Professor Cassell is exactly the right kind of balanced individual that will make him an exceptional Federal District Court Judge.

Respectfully,

DIANE M. STUART,
Director.

STATE OF UTAH,
OFFICE OF THE ATTORNEY GENERAL,
Salt Lake City, UT, September 27, 2001.

Re judicial nominee Professor Paul G. Cassell.

Hon. ORRIN HATCH,
U.S. Senate, Senate Russell Building, Washington, DC.

DEAR SENATOR HATCH: I am writing to you in your capacity as ranking member of the Senate Judiciary Committee to express my strong support for the nomination of Professor Paul G. Cassell to the United States District Court for the District of Utah. He is an active practitioner, prolific scholar, and fervent advocate for victims' rights.

Professor Cassell is not "anti-defendant" as some have charged, but pro-victim. As a national leader of the victims' rights movement, Professor Cassell was instrumental in achieving reforms in Utah law that have given voice to victims of crime. Professor Cassell has exposed shoddy scholarship attacking capital punishment and advocated for moderating Miranda's sweeping exclusionary rule. However well supported and reasonable, these positions have understandably not won him points in the defense community. But in the larger community, Paul Cassell is highly regarded for his service in the public interest.

In addition, I personally know Paul Cassell to be a man of absolute integrity and fairness. He personifies the principal of "justice." He has the ability to put personal opinion and bias, and fairly and impartially adjudicate the issues brought before him.

In sum, Professor Cassell is well respected in Utah and would be a credit to the federal bench in this State. I urge you to support his nomination.

Very truly yours,

MARK L. SHURTLEFF,
Attorney General.

MARCH 18, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SIR: I am writing this letter to you today to express my deep support for the nomination of Paul Cassell to a position as a Federal Judge.

I have had the pleasure of working with Mr. Cassell over a long period of time on a very important case involving my family and our rights as victims. During that time I had many conversations with Paul and I felt that I came to know him reasonably well as both a person and an attorney.

As an attorney, Paul's accomplishments are many, and I am sure that you have already been made aware of the many great experiences and achievements of his distinguished career. I wish to speak more intimately of my personal experience with Mr. Cassell's handling of our own case.

Our case was probably the most difficult and emotionally draining experience of our lives. My family was forced to deal with a tragedy that we never imagined would happen to us. We were confronted with many obstacles that we never anticipated and we grew increasingly frustrated with the confusion, and seeming contradictions of the Justice System as we were lied to, and mislead, by many different people throughout the process, including people that we thought were supposed to be on our side.

During the height of our frustration with the handling of our case we began to search for someone to provide us with legal help and representation and we were fortunate enough to find Mr. Cassell. Paul agreed to help us without ever charging us a penny as he tirelessly worked to resolve our case in a favorable and just way. He was always honest and upfront with us about our case, even when the answer was not what we wanted to hear. Paul had a gift for being able to wade through all the legal confusion and explain things clearly and understandably to us. Paul impressed me as a person who is able to see things fairly from all different perspectives and help opposing sides find the right solution to a problem. Our case did not end with exactly the decision that we hoped for, but thanks to Paul Cassell we were able to find some measure of justice and closure, and we feel much better about the outcome of our case. It is my firm belief that you would be very hard pressed to find any better attorney than Mr. Cassell!

As a person, Paul is a very honest, fairminded, and compassionate man. In today's world it has become increasingly hard to find people whose judgement you can completely trust and rely upon, but Paul Cassell is just such a person. At a time when more and more people are becoming jaded about the law and losing confidence in our Justice System, Paul Cassell is the right type of person to help bring integrity back into the legal profession and restore the faith of the American people in their courts, both victims and defendants.

I hope I never again find myself or my family in the position of having to deal with our legal system in such a personal way. But if I do, I hope that the Judge who hears our case and the attorney's on both sides of the issue are people like Paul Cassell, because if they are then I know we'll be in the best possible hands.

I sincerely hope that you will support Paul Cassell's nomination as a Federal Judge. Please don't reject him over something so trivial as political party affiliation or ideology. Accept him because he's a very good person who truly has Americans best interests at heart. Now, more than ever, America desperately needs great leaders, like Paul Cassell, and I know that you will not find a better candidate for the job!!!

Thank you for your careful consideration,

STERLING JAMES POLL.

MARCH 18, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SIR: I am writing you today to make you aware of why I feel Paul Cassell would make an excellent choice for a Judge.

Life brought circumstances to my family and I that we had never imagined we would have to deal with. We found ourselves thrust into the U.S. legal system. We were totally unprepared for this. We found the legal system to be confusing, contradictory and unsympathetic. We were in great need of help. Help to get us through, help to understand, and help to find justice. We began calling attorneys on the phone in search of the information that we needed. Many phone calls later, we did find someone who recommended Paul Cassell.

We called Paul Cassell, and he was the first attorney who listened to us with interested and understanding. He advised us with no hesitation, and immediately said he would take our case—Pro-Bono. We then began our relationship with Paul.

Paul worked long and late hours on our case. We found him to be honest and forthright about what was going on with our case. He explained in plain terms what exactly would happen at our hearings. He made us aware of all possibilities, from both perspectives of the case. He saw our case through to the Utah Supreme Court.

Our case did not have the results that we had hoped for, however, we are a family, now have some closure to a very tragic situation. We all feel that due to the work Paul Cassell did for us, at no financial gain for himself, we did everything that could possibly have been done to get the justice we feel we deserved. We can not start to move forward with our lives, putting the tragic past behind us. In particular, my fourteen-year-old son, is now starting to make progress and feel good about himself. He knows that he has helped to make the pathway a little easier for other people in the same situation.

I feel that Paul has all the qualities a judge for our country should have. He is honest, forthright, concerned about whether or not justice has been served. We spent time with him, had many conversations with him, where we came to a clear understanding of how much he cares for the people of our country. We could see how important the justice system is to him. There are not many attorneys that would take on a case Probono, where he is going to have to spend many hours of his own personal time, just to help people in need.

I recommend Paul Cassell highly, for a judgeship. If you are interested in what is going to be best for the people of our country, I truly feel that you are not going to find any better man for the job.

Thank you for your time and consideration,

CYNTHIA F. CASEY.

NATIONAL ORGANIZATION OF
PARENTS OF MURDERED
CHILDREN, INC.,
Cincinnati, OH, March 18, 2002.

Senator ORRIN HATCH,
C/O Alex Dahl.

DEAR SENATOR HATCH: On behalf of the National Organization of Parents Of Murdered Children, Inc., and its over 100,000 members, I am writing to strongly support Paul Cassell's confirmation for the Federal District Court for the District of Utah. Paul has been a tremendous asset to POMC and its members.

Sincerely,

NANCY RUHE-MUNCH,
Executive Director.

VIAD CORP.,
Phoenix, AZ, July 19, 2001.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I am writing to express my strong support for the confirmation of Prof. Paul Cassell's nomination to the United States District Court for the District of Utah.

I have known Prof. Cassell through our work together in the cause of establishing and enforcing rights for crime victims. Paul is a person of compassion and fairness. He has deep respect for the rule of law and for the role of the judiciary in preserving and protecting it. He is at all times respectful of others and displays a temperament that will always remain faithful to the obligations of a federal judge. He has a strong work ethic and will clearly be able to meet the rigors of a busy trial court.

Paul is a person of intellectual and moral integrity; he will serve with distinction on the District Court when he is confirmed, giving equal justice to all who appear before him. I urge you and all of your colleagues to confirm the nomination of Prof. Paul Cassell.

Thank you for considering these views.

Sincerely,

STEVE TWIST,
Assistant General Counsel, Viad Corp; Chief Counsel, National Victims Constitutional, Amendment Network.

RUTGERS
UNIVERSITY SCHOOL OF LAW,
Newark, NJ, March 16, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office building, Washington, DC.

DEAR SENATORS LEAHY AND HATCH: I write to support enthusiastically and without reservation the nomination of Professor Paul G. Cassell to be a federal district judge. I have known Paul for many years, and I believe he will make a highly capable judge. I wrote a letter supporting his tenure at the University of Utah College of Law several years ago, and he has continued to shine as a legal thinker and writer.

Professor Cassell is intelligent, thoughtful, and willing to explore different approaches to problems that arise in the law. He writes extremely well and is top flight in his analysis of cases and doctrines. Indeed, he has on occasion pointed out an analytical flaw in a doctrinal argument I was making, thus allowing me to reshape the argument before publishing it. Professor Cassell has continued the tradition of Justice John Harlan and Professor Grano by holding the premises of *Miranda* v. *Arizona* up to the light and asking why the Constitution should consider police interrogation such a threat to autonomy and free will.

We have "dueled" in a friendly way in print (Volume 43 of the UCLA Law Review, pages 821–959), before a TV camera (in the PBS Debates-Debates series), before the Senate Subcommittee on Criminal Justice Oversight, and at the University of Michigan symposium on *Miranda* and *Dickerson* (November, 2000).

Professor Cassell and I disagree on some issues and yet respect each other. This fact alone says volumes, I think, about how effective he will be as a judge in dealing with lawyers and others in his courtroom. I predict that Paul Cassell will research the law energetically, understand it as well as anyone can, and apply it fairly and consistently.

Should you wish further details, please let me know.

Sincerely yours,

GEORGE C. THOMAS III,
Professor of Law, Judge Alexander P. Waugh, Sr. Distinguished Scholar.

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, DC, March 25, 2002.

Re judicial nominee Paul Cassell (U.S. District Court, District of Utah).

Senator PATRICK LEAHY,
Russell Senate Office Building, U.S. Senate, Washington, DC.

Senator ORRIN HATCH,
Hart Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY AND SENATOR HATCH: I understand that my colleague in teaching, Professor Paul Cassell of the University of Utah Law School, has been nominated by President George W. Bush to serve as a United States District Judge for the District of Utah. I know Paul very well, and I recommend him enthusiastically. (I write in my personal capacity as a professor of civil rights law at Georgetown University Law Center for the past twenty-seven years. I have previously been privileged to contribute to the work of the Senate Judiciary Committee by consulting with or advising Senators from both parties, including Senator Joseph Biden of Delaware regarding judicial nominations, Senator Orrin Hatch of Utah concerning technical perfections to a civil rights act, and Senator Charles McC. Mathias of Maryland concerning substantive provisions of several proposed bills expanding civil rights. I write this letter at my own initiative after seeing Professor Cassell by chance last week and learning of his then-pending hearing. I am sending a courtesy copy of this letter to my former colleague Professor Viet Dinh, now Assistant Attorney General.)

I have known Paul Cassell for over twelve years. I met him after he married one of my former students, Georgetown University Law Center graduate Patricia Cassell. Because he and I are both interested in constitutional law and civil rights, I have followed his academic work for many years, including his writing concerning the *Miranda* case and other related issues in criminal law. Although Paul's academic work has engendered some political criticism because it challenges a hallmark case from the Warren era, it is wholly and completely within the mainstream of American academic discourse. Paul's arguments have been challenging, well-reasoned, and broadly judicious in their criticism of the established order. His writings have not been narrowly focused on political considerations but have considered what works best for society and the legal order (such as whether *Miranda* actually protects society's victims), in the best tradition of American legal scholarship. It is true that Paul's work calls for the disestablishment of a court-declared "constitutional right," but the same was true of attacks on *The Dred Scott Case*, which recognized a constitutional right to hold slaves, and *Lochner* v. *New York*, which recognized a right to be free of government regulation of the employment contracts of workers. I disagree with some positions Paul has taken, including his distrust of the *Miranda* decision itself, but disagreement with the courts' declarations of "rights" is a part of the job of every American law professor, and Paul has handled his part of that discussion with rectitude and complete fidelity to our academic tradition and to the rule of law.

I also respect Paul quite highly because, though he fits within the broad academic mainstream, he has shown independence and has resisted pressure to conform for conformity's sake, especially regarding currently prevailing majority positions that strongly favor the criminal-law decisions of the 1960's. In my view this shows an independent mind that is very desirable in a federal judge, especially one sitting at the district level where conformist local pressure may often make it difficult to rule on contentious subjects. Yet even with his independent thinking, Paul's emphasis in public discussions has also been marked by a desire to bring balance to the public debate, such as by recognizing the interests of victims of crime as well as defendants charged with crimes. The ability to see countervailing values, and to listen to them, is a valuable asset for any judge, especially a federal judge sitting with life tenure. In all my dealings with Paul, airing many difficult issues of public policy, I have never heard him raise his voice or denigrate the personal commitment or integrity of an opponent. His personality and temperament are ideal for a federal district judge.

I have been privileged to attend an academic workshop with Paul and to meet his family and children on several occasions, and even skied with him and his family on one occasion when my family vacationed in Utah. He is a wonderfully kind and generous person, completely unpretentious and unaffected despite his high standing in his community and his nationwide renown in academia. He commands strong respect from his colleagues at the University of Utah and elsewhere. He leads a balanced life that includes much pro bono work for the public interest and other community activities. Far from being an ideologue or a single-issue activist, Paul is a multi-dimensional person with solid American values and an admirable commitment to making life better for all Americans.

Finally, I realize that there has been some criticism of Paul for his critical views on the *Miranda* case, especially his representation of the Fourth Circuit and Congress in a Supreme Court case challenging the *Miranda* rule. But Paul's role in that case showed his usual fidelity to the rule of law, not a challenge to it. In all my years of knowing Paul, I have never seen an indication that he would try to subvert the system to achieve his goals; his work has always been entirely open and direct, using the traditional methods of persuasion and openness that characterize both honest professors and honest judges. Most pertinently for potential future trial-court judges, I have complete confidence that Paul would never intentionally mis-find facts to protect his rulings from the bench or otherwise manipulate the process to accomplish personal goals. My narrow disagreement with Paul on *Miranda* does not alter one essential point: if my rights were at stake, or the rights of any of my traditional civil-rights clients when I practiced many years ago, I would affirmatively want Paul Cassell to judge the facts and the law of my case. his confirmation and appointment could do nothing but strengthen my trust in the American judiciary.

With much respect and admiration, I remain

Yours truly,

CHARLES F. ABERNATHY.

NORTHWESTERN SCHOOL OF LAW
OF LEWIS & CLARK COLLEGE,
Portland, OR, March 15, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I write to voice my support for the appointment of Professor Paul Cassell to the Federal District Court of Utah. Professor Cassell and I have worked together on many legal matters involving the rights of crime victims, particularly sexual assault and domestic violence victims. He is extraordinarily intelligent and a tireless advocate who through his down-to-earth style can distill complex legal theories into simple and persuasive arguments.

As a Democrat and a feminist, I may not always agree with professor Cassell. However, as an academic activist with a specialty in violence against women issues, I am unaware of a single instance where professor Cassell and myself disagreed on the legal issues or strategy involved in our many collaborations. As the Director of the Crime Victim Appellate Clinic and the founder of its Violence Against Women Project, I have had the privilege to collaborate with Professor Cassell on a variety of violence against women cases. I can say without hesitation that Professor Cassell is one of the preeminent leaders in safeguarding the rights of sexual assault and domestic violence survivors in the criminal justice system.

During our two years of working together, Professor Cassell and my organization, the National Crime Victim Law Institute (NVCLI), have represented many survivors of sexual assault and domestic violence. For example, just last year in *Hagen* v. *Massachusetts*, No. SJC-08627 (Mass. 2001), we helped file an amicus brief on behalf of Jane Doe, Inc., Massachusetts Coalition Against Sexual Assault and the National Alliance of Sexual Assault Coalitions, defending a rape victim's right to have the convicted rapist begin serving his sentence thirteen years after the sentence was imposed. The issue is currently pending before the Massachusetts Supreme Judicial Court.

In *Cronan* v. *Cronan*, 774 A.2d 866 (R.I. 2001), representing a battered woman with the support of the Rhode Island Coalition Against Domestic Violence and the National Alliance of Sexual Assault Coalitions, Professor Cassell and the NCVLI successfully argued that a battered woman had properly initiated criminal charges against her husband.

Just two weeks ago, in *State* v. *Gomez* (Utah Supreme Court March 4, 2002), Professor Cassell and the NCVLI filed a brief on behalf of the Rape Recovery Center (the largest rape crisis center in Utah) with the support of the National Alliance to End Sexual Violence defending the privilege for confidential communications to rape crisis counselors.

Just last week, in *State* v. *Blake* (Utah Supreme Court March 14, 2002), Professor Cassell filed a brief on behalf of the Rape Recovery Center with the support of the National Alliance to End Sexual Violence defending the right of a rape victim to keep confidential communications made to a mental health therapist.

Notwithstanding our areas of disagreement, I believe that Professor Cassell has the temperament, integrity and commitment to follow the letter and spirit of established law that will make him an exceptional Federal District Court Judge.

Respectfully,

GINA S. MCCLARD,
Clinical Professor of Law, Lewis & Clark Law School, Associate Director, National Crime Victim Law Institute.

NEW ENGLAND SCHOOL OF LAW,
Boston, MA, March 7, 2002.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I write to voice my support for the appointment of Professor Paul Cassell to the Federal District Court of Utah. Professor Cassell and I have had occasion to work together on several legal matters involving the rights of crime victims. He is an exceedingly bright and thoughtful advocate with a superior ability to synthesize complex ideas into a simple and persuasive argument.

Professor Cassell has a keen understanding of the limits of law while fiercely defending the unique role law plays in promoting civility. This is a particularly appropriate characteristic for any judicial nominee.

As an academic activist with a focus on women's rights, I do not always agree with Professor Cassell but he has frequently provided pro bono legal services to rape crisis centers, domestic violence advocates, and other victims' organizations who are advancing the cause of justice for women. For example, Professor Cassell and I recently worked together to file briefs protecting the confidentiality of rape crisis counseling records in Utah.

Notwithstanding areas of disagreement, I value Professor Cassell's integrity, his willingness to debate openly and his commitment to the idea that the law works best with many diverse voices at the decision-making table.

Sincerely,

WENDY J. MURPHY,
Mary Joe Frug Visiting, Assistant Professor of Law.

Steptoe & Johnson LLP,
Attorneys at Law,
Washington, DC, March 22, 2002.

Re nomination of Professor Paul Cassell.

Hon. Patrick J. Leahy,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. Orrin Hatch,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Dear Senators Leahy and Hatch: I am writing on behalf of Professor Paul G. Cassell to support his nomination to the United States District Court for the District of Utah. I have known Professor Cassell for more than 17 years, both as a close personal friend and a professional colleague. He is without peer in either category.

I came to know Professor Cassell professionally in 1984 when we clerked at the same time for the United States Court of Appeals for the District of Columbia Circuit. From the beginning, Paul distinguished himself as a brilliant writer, a thoughtful legal scholar, and a decent and honorable person.

Subsequently, I worked with Paul at the United States Attorneys Office for the Eastern District of Virginia. There I had the privilege of trying my first federal criminal jury trial as a federal prosecutor with Paul serving as lead counsel. Later I enjoyed the even greater privilege of serving as the best man at Paul's wedding. Although in recent years our families have seen less of each other since his move to Utah, we remain in close contact and my family had the pleasure of hosting Paul, his wife Trish, and their three daughters during his recent trip to Washington for the confirmation hearing.

Based on this lengthy personal and professional relationship, I can say without hesitation or reservation that Paul would be a tremendous asset to the federal bench. Paul would bring to the bench an incisive legal mind as well as a fundamental decency and respect for all who appear before him, without regard to their status as plaintiff or defendant, lawyer or client, accused or accuser. In my conversations with Paul since his nomination, he has emphasized how proud he is to have been honored by this nomination and how committed he is to serve with honor and distinction. Given that Paul's intellectual prowess is exceeded only perhaps by his humility and decency, I have no doubt that given the opportunity he will so serve.

In observing Paul's confirmation hearing, it was clear that many of the questions focused on his ability and willingness to accept and consider different points of view and to put aside his views as an advocate and follow the laws as a Judge. In that regard, I would make the following observations: I am a lifelong Democrat and since leaving the United States Attorneys Office I have worked as a criminal defense counsel. I regularly appear before district judges throughout the country on behalf of those accused with a wide variety of offenses. Although I routinely find myself in disagreement with Paul on numerous legal issues including the death penalty (which I oppose) and *Miranda* (which I support), I have no doubt that we in the defense bar and our clients, would receive fair and even-handed treatment in Paul's courtroom. For although Paul undoubtedly views my beliefs with the same skepticism as I view his, he is unfailingly receptive to my differing views, courteous in addressing our differences, and respectful of my positions. Indeed, he accords respect to everyone that crosses his path, lacks even a touch of arrogance or conceit and is unfailingly polite even in situations where something less might be appropriate. I do not worry that as a judge, Paul might be high-handed, discourteous or have any difficulty following the principles of *stare decisis*. Given his decency and abiding integrity, I do not think it is in Paul's nature to act other than honorably and courteously.

I hope that the foregoing is of assistance in your consideration of Professor Cassell's nomination to the bench. If I can provide further information or answer any questions, please do not hesitate to contact me.

Sincerely,

Mark J. Hulkower.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is available to the Senator from Utah and the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Utah has 3 minutes 43 seconds. The Senator from Vermont has 12 minutes 40 seconds.

Mr. LEAHY. Mr. President, with last week's votes, the number of Federal judges confirmed since the change in Senate majority 10 months ago now totals 56. Under Democratic leadership, the Senate has confirmed more judges in 10 months than were confirmed by the Republican-controlled Senate in the 1996 and 1997 sessions combined.

Today's vote is on the nomination of Paul Cassell to the United States District Court for the District of Utah. After a great deal of thought, I will not be voting for this nominee today. Although this nomination is supported by my good friend from Utah, Senator HATCH, we disagree on his suitability to serve as a Federal judge. Senator HATCH has been an admirable and stalwart advocate for this nomination, and I certainly mean him no disrespect in voting against Professor Cassell.

The constitutional responsibility to advise and consent to the President's selection of lifetime tenured judicial nominees should not be devalued to advise and rubber stamp. When the President sends us a nominee whose qualifications, judgment or background raise concerns or who has a misunderstanding of the appropriate role of a Federal judge, I intend to make my concerns known. This is one of those times. The nomination of Professor Paul Cassell raises several areas of serious concern to me.

I think it is important to note that we have not engaged in a game of tit for tat for past Republican practices, nor have we delayed proceedings on this nomination, as so many nominations were delayed in past years of Republican control of the Senate. Instead, the Committee has seriously considered the nomination and worked hard to complete the Committee's record of information about this nominee. We have given the nominee an opportunity to be heard, promptly scheduled a Committee vote, and reported this nomination to the floor, although not unanimously. This is far more fairness, courtesy and orderly process than was provided so many nominees during prior years. Professor Cassell, in his nomination to the District Court, has been given a fair hearing and a fair process before the Committee and the Senate.

I am proud of the work the Judiciary Committee has done since the change in the majority. I am proud of the way we have considered nominees fairly and expeditiously and the way we have been able to report to the Senate so many qualified, nonideological, consensus nominees. We also have held hearings for a number of controversial nominees, such as Professor Cassell. Controversial nominations take more time and effort, but we are making that effort and taking that time to be fair and thorough in our consideration of those nominations, as well. One measure of our fairness is the fact that we are proceeding even on controversial nominations such as this one.

After thoroughly considering the record of this nominee, chosen for lifetime appointment by President Bush, I find that I cannot in good conscience vote in favor of Professor Cassell's confirmation. I have voted in favor of 56 other Bush judicial nominees, many of whom had been involved in partisan politics or ideological groups. I also voted in favor of the last person confirmed to the District Court in Utah, Judge Ted Stewart, a controversial nominee, and I did so even in the immediate aftermath of the Republicans' unprecedented party-line vote against Justice Ronnie White of Missouri, because I made a commitment to Senator HATCH.

At Senator HATCH's request, the Senate Judiciary Committee gave Professor Cassell a hearing on his nomination in March and the Committee voted on his nomination in the beginning of May. That is fairer treatment than more than 50 of President Clinton's judicial nominees ever got, those who never got a hearing and never got a vote by the Committee when the Republicans were in charge. Many others waited for months or years for a vote on their nominations. Our Judiciary Committee, however, accorded Professor Cassell a hearing although his nomination is quite controversial and even though he received a partial "not qualified" rating from the ABA.

Professor Cassell is a highly intelligent man, with an admirable passion for teaching and advocacy. But his written work, the record established at our hearing, and the answers he submitted to written questions raise grave doubts about his intellectual forthrightness and his capacity and willingness to put aside the extreme views he has long held. A judge who lacks the open-minded ability to hear both sides of a case cannot be depended on to administer justice impartially. I am concerned that he will be unable to set aside his personal views and that he has, in his work on legal issues, shown a strong tendency already to be motivated by the outcomes he seeks rather than by the facts.

In 1992, Professor Cassell launched what became an 8-year campaign against Miranda v. Arizona, the Supreme Court's landmark ruling that police must provide certain warnings before questioning a suspect in custody. As part of this campaign, he generated a series of statistical studies to try to show that Miranda harms law enforcement.

At the same time, he filed briefs in Miranda-related cases around the country seeking to convince courts to uphold a 1968 law—18 U.S.C. section 3501—that purported to overrule Miranda and make "voluntariness" the sole test for the admissibility of confessions in Federal criminal cases.

Let me emphasize at the outset that I do not fault Professor Cassell for holding opinions with which I may disagree, or for the zealousness of his advocacy. While most criminal justice experts made their peace with Miranda decades ago, reasonable minds can certainly differ as to the wisdom and practicality of this venerable precedent. What troubles me about the nominee's campaign against Miranda is the manner in which he waged it.

In article after article, Professor Cassell overstated the anti-Miranda position, citing his own flawed empirical studies as evidence that Miranda harms law enforcement.

These one-sided attacks on Miranda drew unusually sharp criticism for their failure to meet standard scholarly norms. Academics who reviewed this nominee's research took him to task for being partisan and ideologically driven while masquerading as an objective scholar. They called his methods unsound, and accused him of manipulating data to reach his preferred result.

Professor Cassell's work on Miranda was not restricted to, or even primarily aimed at, the world of academia. Based on his arguably flawed statistical studies, he made several empirical claims to the Senate Judiciary Committee and to various Federal courts, including the United States Supreme Court. Clearly, this raises the stakes from simple academic discourse. It is one thing to write something in a law review article—you can write whatever you want in a law review article. But it is an entirely different matter to represent something to a congressional committee or to the Supreme Court. A lawyer should have a great deal of confidence in any information that he presents to one of those bodies. At a minimum, it would be unethical for a lawyer to present information that he knew was unreliable. Professor Cassell's use of his own questionable data to try to influence legislators and judges on an issue of profound national importance raises serious questions about his judgment and integrity.

I am also concerned by the partisan spin of Professor Cassell's campaign against Miranda. In his congressional testimony and writings, Professor Cassell was sharply critical of the Clinton Justice Department for avoiding litigation regarding the constitutionality of 18 U.S.C. section 3501. Among other things, he actually suggested the Department had deliberately and repeatedly misled the courts with respect to Miranda, and that its defense of Miranda was driven by politics and not by legal analysis. In a 1997 article entitled "Another Law Janet Reno Doesn't Like," Professor Cassell took specific aim at the former Attorney General, accusing her of "impeding the enforcement" of a statute, and "team[ing] up with defense lawyers to let armed felons and other criminals escape prosecution."

Yet Professor Cassell himself had acknowledged in a 1995 article that prior Republican Administrations had also failed to defend section 3501. Although Republican Attorneys General like John Mitchell and Ed Meese were cognizant of 18 U.S.C. section 3501, Professor Cassell wrote, "no serious efforts were undertaken . . . to secure any determination of the constitutionality of the law." In addition, "[A] recommendation by the Justice Department's Office of Legal Policy in 1987 that an aggressive effort be made to test the law was never adopted as the result of opposition by other agencies within the Department."

At the nomination hearing, I asked Professor Cassell to explain his criticism of Attorney General Reno regarding section 3501 in light of his earlier acknowledgment that prior Attorneys General had taken a similar position. At first he distanced himself from his comments regarding Attorneys General Mitchell and Meese by implying that the magazine in which they appeared had somehow misrepresented his words. He then suggested that because the quote appeared in a popular magazine, the National Journal, it should be given less credence than, say, a law review article.

Recall that I am not referring to a situation in which Professor Cassell was quoted out of context. I am referring to an article that Professor Cassell co-wrote with a colleague. That is why his responses to my oral questions in the hearing seemed so slippery. I gave him another chance to explain his comment in answers to written questions. Finally, Professor Cassell grudgingly acknowledged, "it does not appear that any Administration made aggressive efforts to invoke 3501." In sum, Professor Cassell's record of ultra-zealous, partisan advocacy regarding Miranda raises serious questions about his ability to serve as an unbiased decisionmaker.

Another cause to which Professor Cassell has dedicated himself is the defense of the death penalty. Indeed, he has been called "the academic world's foremost defender of capital punishment." At the hearing on his nomination, in response to questions from Senator DURBIN, Professor Cassell asserted, "my experience with the death penalty is rather limited." This statement confounds reason.

Relying on the list of publications and presentations that Professor Cassell submitted to this committee, I count the following references to capital punishment, dating back to 1987: three substantial articles; four appearances before committees of the U.S. Congress, and one each before the Utah House and Senate; three submissions to popular publications; and three debates. One of those debates took place just 18 months ago: Professor Cassell squared off against Stephen Bright, one of the nation's preeminent defenders of those accused of capital crimes. These examples do not even include the large number of interviews he has given to the press on the topic. He has written and spoken widely on this fundamental matter, but now terms his experience with it "limited."

Despite mounting evidence that our death penalty system is riddled with error and desperately in need of reform, Professor Cassell has doggedly maintained that there is no more accurate sanction in the world than capital punishment as it is practiced in the United States, and that the chance of an innocent being put to death is an "urban legend." He supports this position by asserting that there is no definitive proof that an innocent person has been executed in the past 50 years despite the shameful fact that since 1973, 100 condemned persons have had their convictions vacated by exonerating evidence.

Professor Cassell has been highly critical of studies that show significant rates of error in the imposition of capital punishment.

More than once, he has attacked a study showing errors in capital cases by declaring that the author is an avowed opponent of the death penalty, thereby attempting to undermine the credibility of the study's findings. He has also engaged in vitriolic and occasionally personal attacks against those with whom he disagrees on this issue, often skewing details in his own favor and publishing half-truths. His actions on this matter likewise call into question his ability to rule fairly on this most important legal issue.

Professor Cassell's views on habeas corpus tell a similar story. In April 1993, Professor Cassell testified before the Judiciary Committee in opposition to a bill that would have allowed death row inmates to raise new claims of actual innocence. The bill was a response to the Supreme Court's decision in Herrera v. Collins, which upheld a Texas rule barring courts from considering new evidence of innocence that is uncovered more than 30 days after conviction. In his testimony, Professor Cassell argued that an innocent defendant, "will be fully aware of the circumstances surrounding his innocence and can present them at trial." He further asserted that evidence that becomes available after conviction is, "almost invariably unreliable." It is troubling to imagine a district court judge with such biases, especially given the strong likelihood that he would be called upon to review claims of innocence based on newly discovered evidence.

Professor Cassell has also advocated limiting habeas review of claimed violations of Batson v. Kentucky, which prohibits the exercise of peremptory challenges on the basis of race or gender. In a 1992 law review article, he argued that Batson violations should be treated as harmless error, meaning that a new trial would never be an appropriate remedy for a Batson violation discovered for the first time on appeal. As an alternative remedy, he proposed notifying excluded jurors that had been unfairly excluded from the previous trial and inviting them to join the panel from which jurors are selected in a subsequent case. But such a "remedy" would do little to cure the structural flaw in the defendant's trial. Notably, although the Supreme Court has not ruled whether Batson violations are subject to harmless error analysis, the consensus among the Courts of Appeals is that they are not.

I am aware of Professor Cassell's work with regard to crime victims' rights. We still have more work to do to ensure that our criminal justice system is one that respects the rights and dignity of crime victims, rather than one that presents additional ordeals for those already victimized. Professor Cassell helped draft the Utah victims rights amendment in the mid-1990s. He also worked on, and testified in support of, some of the more than 60 versions of a Federal constitutional amendment that has been proposed, in recent Congresses, by Senators KYL and FEINSTEIN.

It is no secret that, as a longtime advocate of victims' rights, I believe it is preferable to broaden these rights by statute than by amending the Constitution. I do not, however, fault Professor Cassell, or anyone else, for supporting this approach. The treatment of crime victims certainly is of central importance to a civilized society. The question is not whether we should help victims, but how. I continue to believe that crime victims legislation is the preferable course to amending the Constitution.

That being said, Professor Cassell's work on behalf of this cause has occasionally exceeded the bounds of fair advocacy. For example, when testifying before this Committee in support of the proposed constitutional amendment, he has repeatedly cited the Victims Rights Clarification Act of 1997—VRCA—as evidence that statutes are not adequate for protecting crime victims, and that nothing but a constitutional amendment will do. While he has the right to favor an amendment to the constitution, Professor Cassell grossly distorted the impact of the VRCA.

Congress passed the VRCA in response to a pretrial order by the trial judge in the Timothy McVeigh case—Judge Matsch. The order excluded from the trial any victim who wanted to testify at the sentencing hearing. The VRCA clarified that a court may not prohibit a victim from testifying at a sentencing hearing solely because the victim has witnessed the trial, although a judge may exclude a victim from testifying at a sentencing hearing if the judge found—independent of the fact that the victim witnessed the trial—that the testimony would create unfair prejudice.

One week after President Clinton signed the VRCA, Judge Matsch reversed his pretrial order and permitted victims to watch the trial, even if they were potential penalty phase witnesses. In other words, Judge Matsch did what the statute told him to do. Beth Wilkinson, one of the prosecutors in the case, testified before this Committee that in the end, not one victim was prevented from testifying at the sentencing hearings for McVeigh on the ground that he or she had observed part of the trial. Moreover—and perhaps more importantly—with all issues regarding the VRCA resolved during the McVeigh case, there were no problems implementing the statute during the Terry Nichols case—victims were free to watch the trial and testify at the penalty phase hearing. Ms. Wilkinson characterized the VRCA as a textbook example of how statutes can and do work to protect victims.

When the Judiciary Committee considered the proposed constitutional amendment two years ago, many of us had serious concerns about that approach. We believed it possible to give crime victims strong and enforceable rights, and assure them a greater voice in the criminal justice system, without cutting back on the fundamental rights of defendants. Together with the Justice Department, we pushed for the addition of language that would expressly preserve existing rights of the accused as guaranteed by the Constitution.

Professor Cassell steadfastly opposed the addition of such language, claiming that it, "would have perpetuated the very problem we were trying to solve." This suggests that the "problem" as he saw it, was not that the judicial system mistreats victims, but that it is unduly deferential to the rights of defendants.

Professor Cassell now claims that the problem with "adding specific language about defendant's rights is that it creates . . . the misimpression that victims' rights and defendants' rights actually collide." This is a convenient "spin" on Professor Cassell's past statements, coming at a time when those remarks have come under scrutiny, and is clearly inconsistent with "the problem" he was "trying to solve" 2 years ago.

Once again, it raises the question whether Professor Cassell, if confirmed, would exercise judgment fairly and impartially or would do so in a way that would seek to further his own personal views.

I have no doubts about Professor Cassell's intelligence and his passion and commitment to how he thinks the law should read. I am sure that he is a fine professor of law. I suspect he may be an effective advocate. But when viewed as a whole, his career has been one of a results-oriented advocate, who has worked forcefully to push the law to the far right. His one-man war on Miranda, his aggressive defense of our flawed system of capital punishment, and his work on other matters place him outside the mainstream of modern American jurisprudence. Even more troubling is his clear track record of manipulating sources and data to promote his ideological agenda.

I have voted for 56 of the President's judicial nominees so far, and I will surely vote for many, many more, but on the basis of all I have seen in connection with the nomination of Paul Cassell, I cannot and will not vote in favor of this nomination. My judgment is that he is not likely to be the kind of fair and impartial judge that is essential to our Federal courts.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 6½ minutes.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member.

Mr. President, I am very proud to rise in support of Professor Paul Cassell who is nominated to be a judge for the district court in Utah.

I think one of the best ways to learn about a person is to work with them on an issue. I have had the pleasure, along with Senator KYL, of working with Paul Cassell on a constitutional amendment to protect victims of violent crime.

In the course of several meetings, I have found Professor Cassell to be bright, sensitive, and evenhanded, with a very deep concern for those victimized by crime.

I am not the only one. I would like to quickly read the opening paragraph from Doug Beloof of Northwestern School of Law at the Lewis & Clark College:

> I am an associate professor of law at Lewis & Clark law school in Portland, Oregon. I am a registered Democrat. It has been my pleasure to know Professor Paul Cassell personally and professionally for several years. I am writing to urge you to confirm him. As his resume reflects, he is brilliant. He is one of the quickest conceptual thinkers and writers I have ever met. There is no question that he is well qualified for the district court position.

I find myself strongly in agreement. I have found in my course in public life that very few care really to be identified with victims of crime. In this sense, Paul Cassell is really a jewel. I have seen him come forward time after time on behalf of victims of violent crimes. On a pro bono basis, he represented the victims of the Oklahoma City bombing in their unsuccessful efforts to ensure they could observe the trial and still testify at the sentencing proceedings.

He has worked on behalf of sexual assault victims. This month he is filing briefs in the Utah Supreme Court on behalf of the Rape Recovery Center to protect the confidentiality of rape crisis victims.

Because of his tireless work on behalf of crime victims, Professor Cassell's nomination has earned the support of victim's groups around the country including: the Klaas Kids Foundation; Crime Victims United of California; the National Victims Constitutional; Amendment Network; Memory of Victims Everywhere; National Organization for Victim Assistance; and Justice for Murder Victims.

Let me a read just a couple excerpts from his letters of support:

John Stein, Deputy Director of the National Organization for Victim Assistance describes him as

> . . . a fair, ethical, and highly competent attorney and colleague. [Professor Cassell] has demonstrated a balanced commitment to the cause of justice for all Americans including crime victims.

Douglas Beloof, a Professor of Law at Lewis and Clark school in Portland, Oregon wrote:

> Professor Cassell's character and temperament . . . are extremely well suited for the District Court position. The citizens of Utah could not find a better legal mind or a more decent human being.

Professor Cassell also comes before the Senate with impressive academic credentials.

Professor Cassell graduated from Stanford University and from Stanford Law School, where he was Order of the Coif and president of the Stanford Law Review.

He clerked for then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit, and subsequently Chief Justice Warren Burger of the U.S. Supreme Court.

After a successful career in the Department of Justice, Mr. Cassell entered academia and became a professor of law at the University of Utah. His scholarship includes over 25 published law review articles.

In sum, I thank Chairman Leahy for setting this nomination for a vote, and I urge my colleagues to vote to confirm Professor Cassell to the Utah District Court.

I ask unanimous consent to print in the Record a series of letters from national organizations supporting victims and also supporting Dr. Paul Cassell for appointment to the district court.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Organization
for Victim Assistance,
Washington, DC, March 18, 2002.

Hon. Dianne Feinstein,
Hon. Jon Kyl,
U.S. Senate,
Washington, DC.

Dear Senators Feinstein and Kyl: On behalf of the National Organization for Victim Assistance, we are writing to express our strong support for the confirmation of Professor Paul Cassell to the Federal District Court for the District of Utah.

We have worked with Professor Cassell for many years, and have come to know him as a fair, ethical, and highly competent attorney and colleague. Paul has demonstrated a balanced commitment to the cause of justice for all Americans, including crime victims. We are honored by his longstanding association with NOVA. In his work on the Crime Victims' Rights Amendment he has shown his ability to understand many different points of view, as is evidenced by his collaboration with another NOVA friend, Professor Lawrence Tribe.

We strongly believe that Professor Cassell will be a credit to the Federal Judiciary and we urge your unqualified support for his confirmation.

Very Truly Yours,
John H. Stein,
Deputy Director.
Steve Twist,
Vice President—Public Affairs.

Crime Victims United
of California,
Sacramento, CA, March 14, 2002.

Re request for your support for Paul G. Cassell for confirmation to the 10th Federal District Court.

Senator Dianne Feinstein,
Hart Senate Office Building,
Washington, DC.

Dear Senator Feinstein: In keeping with yours and our tireless push for the "U.S. Constitutional Amendment for the rights of victims," we ask for your strong support of Paul G. Cassell for confirmation to the 10th Federal District Court for the District of Utah.

Mr. Cassell stands for everything that we are attempting to accomplish. He is a man totally dedicated to public safety and victims rights and will be an asset in making the justice system fair and honest for the law-abiding citizens who just happen to become a crime victim.

We thank you for continuing to be a strong crime victim's advocate. We appreciate your great effort on behalf of victims of crime.

Please feel free to call on us anytime we may be of assistance.

Sincerely,
Harriet Salarno,
President/Chairperson.

Justice for
Homicide Victims, Inc.,
Malibu, CA, March 15, 2002.

Senator Dianne Feinstein,
Hart Senate Office Bldg.,
Washington, DC.

Dear Senator Feinstein: In keeping with your tireless pursuit of justice for crime victims and advocacy for a Victims' Rights Constitutional Amendment, we urgently request that you support Professor Paul G. Cassell's confirmation to the 10th Federal District Court. A graduate of Stanford, he was an Assistant U.S. Attorney for the Eastern District of Virginia. Professor Cassell writes, lectures and testifies extensively in the areas of criminal justice reform and the rights of crime victims.

Thank you very much.

Sincerely,
Robert W. Leach,
President.

KiaasKids Foundation,
Sausalito, CA, March 20, 2002.

Re confirmation of Paul G. Cassell.

Hon. Dianne Feinstein,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Dear Senator Feinstein: On behalf of crime victims everywhere, please support the confirmation of Paul G. Cassell to the Federal District Court for the District of Utah. Historically, Professor Cassell has long been one of America's most active and vocal advocates of victim's rights.

As one who has been victimized by violent crime I understand how difficult it can be to find articulate, educated advocates for our position. Professor Cassell is one such person: a leader whom goes to battle for the rights of the innocent, especially crime victims. We need more, not less individuals of Professor Cassell's caliber working on behalf of all honest Americans.

Please support and vote 'aye' to confirm Professor Cassell. He will be a continuing asset to a federal court system that too often prioritizes the rights of the wrong individual.

Thank you for your consideration on this matter.

Sincerely,
Marc Klaas.

Justice for Murder Victims,
San Francisco, CA, March 14, 2002.

Re request for your support of Paul G. Cassell for confirmation to the 10th Federal District Court.

Senator Dianne Feinstein,
Hart Senate Office Building,
Washington, DC.

Dear Senator Feinstein: In keeping with yours and our tireless push for the "U.S. Constitutional Amendment for the rights of victims," we ask for your strong support of Paul G. Cassell for confirmation to the 10th Federal District Court for the District of Utah.

Mr. Cassell stands for everything that we are attempting to accomplish. He is a man totally dedicated to public safety and victims rights and will be an asset in making the justice system fair and honest for the law-abiding citizens who just happen to become a crime victim.

We thank you for continuing to be a strong crime victim's advocate. We appreciate your great effort on behalf of victims of crime.

Please feel free to call on us anytime we may be of assistance.

Sincerely,

HARRIET SALARNO,
President/Chairperson.

MEMORY OF VICTIMS EVERYWHERE,
San Juan Capistrano, CA, March 14, 2002.

Re please give strong support to Paul G. Cassell for confirmation to the 10th Federal District Court.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: As one of the hardest hit crime victims in the Nation, I extend my appreciation for your great effort on behalf of the victims of violent crime. Thank you for continuing to be a strong crime victim's advocate. We value your hard work and continued loyalty to bring forth a "U.S. Constitutional Amendment" for the rights of crime victims. [You may have been advised that after fourteen years an arrest has finally been made on one of the killers of my brother and sister-in-law.]

Knowing of Paul Cassell's wonderful work in the justice area, we would guess that you plan to support him for confirmation to the 10th Federal District Court. We do request your very strong support for him.

If you know of Mr. Cassell, you are aware he is a man totally dedicated to making our justice system fair for the honest, law-abiding citizen, who just happens to become a victim of crime.

In April 1996, I had the privilege of meeting Paul as we both testified before the U.S. Senate Judiciary in support of your U.S. Constitutional Amendment. Paul Cassell is a leader, doing battle for the rights of the honest people (especially crime victims). Paul has great integrity, fairness and we victims are proud to support him for the Federal District Court of our great Nation.

Thank you again and again for your great effort on behalf of victims of crime.

My kindest personal regards and with sincerity and appreciation,

COLLENE (THOMPSON) CAMPBELL
Former mayor, San Juan Capistrano.

NATIONAL VICTIMS'
CONSTITUTIONAL AMENDMENT NETWORK,
Denver, CO, March 13, 2002.

Hon. DIANNE FEINSTEIN,
Senator for California, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the National Victims' Constitutional Amendment Network (NVCAN), I wish to express our strong support for Paul Cassell, Esquire, who has been nominated to serve as a federal judge. Those of us who have been privileged to know and work with Mr. Cassell have deep respect and admiration for his leadership and service to the criminal justice system and the society it serves.

Paul Cassell has a distinguished record of outstanding service to others. He is currently a Professor of Law at the University of Utah College of Law, where he teaches criminal procedure. He has written and lectured extensively regarding crime victims' rights, serving on the Utah Council on Victims, where he was instrumental in obtaining the passage of the Utah State Victims' Rights Amendment. He worked with total commitment and dedication on behalf of 89 victims of the Oklahoma City bombing in their efforts to obtain their lawful rights to watch proceedings in that case.

His career includes a wealth of experiences that reflect his exceptional ability to strive for balance and fairness in the criminal justice system so that true justice is achieved. Clearly, those qualities have been demonstrated in abundance as NVCAN has worked for the passage of the U.S. Constitutional amendment for crime victims' rights.

Paul Cassell is a man of honor and integrity who will bring a keen intellect, ethical conduct and distinction to the federal bench. We in NVCAN have witnessed him as one of our most active contributors and a passionate advocate for equal justice under the law. We hope you will carefully consider our strong support for his confirmation.

Sincerely,

ROBERTA ROPER,
ROBERT PRESTON,
Co-Chairpersons.

Mr. LEAHY. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will vote against the nomination of Professor Paul G. Cassell to be a Federal district judge in Utah. Mr. Cassell's nomination is the first of President Bush's judicial nominations that I have voted against on the Senate floor. Although Professor Cassell is a highly intelligent and forceful advocate of his views on criminal justice, he clearly lacks the temperament and moderation required for a life-tenured Federal judgeship.

Professor Cassell is perhaps best known for his longstanding criticism of and campaign to overturn the Supreme Court's decision in Miranda v. Arizona. Miranda held that police must provide certain warnings to suspects held in custody if their statements are to be later admitted into evidence. As the Supreme Court recently observed, Miranda "has become embedded in routine police practice to the point where the warnings have become part of our national culture." Across the Nation, law enforcement agencies have concluded that Miranda generally does not hinder their ability to investigate and prosecute crime.

Professor Cassell believes otherwise. He has written numerous law review articles arguing that Miranda was "an undeniable tragedy"—"the most damaging blow inflicted on law enforcement in the last half-century." Cassell's scholarship, however, has received withering criticism from his colleagues. For example, Professor Stephen Schulhofer has described Cassell's methodology as "inconsistent and highly partisan" and "junk science of the silliest sort." Professor Charles Weisselberg stated that his conclusions were based on "foolhardy assumptions" and "flawed methodologies." Professors Richard Leo and Richard Ofshe criticized Cassell for advancing "logically flawed and empirically erroneous propositions" that "appear to stem from his ideological commitments."

In addition to publishing law review articles, Professor Cassell filed amicus curiae briefs around the country seeking to convince courts that a Federal statute passed in 1968 effectively overruled Miranda and made voluntariness the sole test for the admissibility of confessions in Federal criminal cases. At the time of this statute's enactment, I stated that it was "so squarely in conflict with the recent decision of the Supreme Court in Miranda that it will almost certainly be declared unconstitutional as soon as it is tested in the courts."

Fully aware of this infirmity, the Justice Department, from the Johnson administration onward, Democratic and Republican administrations alike, made no serious effort to test the statute's constitutionality in court. Nevertheless, in the 1990's, Professor Cassell singled out the Clinton Justice Department for vigorous attack, the same Department that saw the overall crime rate in the United States decline for 8 out of 8 years, and violent crime drop to its lowest point in two decades. Because the Clinton Justice Department failed to endorse his flawed scholarship, Cassell accused it of "a clear constitutional abdication." He declared that Attorney General Janet Reno had "team[ed] up with defense lawyers to let armed felons and other criminals escape prosecution." Imagine that, stating that about an Attorney General. At his nomination hearing before the Judiciary Committee, Cassell declined to express any regret for these outrageous and unfounded statements.

In June 2000, in Dickerson v. United States, the Supreme Court vindicated the Justice Department's longstanding position. In an opinion written by Chief Justice Rehnquist, seven justices of the Supreme Court held that Miranda was a "constitutional rule" that may not be overruled by a statute. Professor Cassell described the Court's ruling as a "remarkable example of the imperial judiciary." He proceeded to argue, in both a law review article and a Federalist Society newsletter, that the ruling lacked precedential value. He described as "a silver lining" in the "dark cloud of the decision" the extraordinary statement by Justice Scalia and Justice Thomas, in dissent, that they would continue to apply the unconstitutional statute in all future cases. Cassell wrote, "Perhaps the view of the Dickerson dissenters will become a majority. Truth, after all, is hard to keep buried forever. . . ."

Thus, in his scholarship and in his public statements on Miranda, Professor Cassell has shown himself to be intemperate and one-sided. He refuses to admit that his opponents might have a case even after their position has been vindicated by seven justices of the Supreme Court. Furthermore, his criticism of the Court calls into question his commitment to the principle of stare decisis and his ability to separate his view of the "truth" from settled law. Is this the kind of person we want to serve as a Federal judge?

I am equally troubled by Professor Cassell's views on the death penalty. Reasonable minds can disagree about the death penalty, and we have confirmed and continue to confirm many nominees who believe that capital punishment is an appropriate response to crime. My opposition to Professor Cassell's nomination is based not on his support for the death penalty, but instead on his refusal to even acknowledge the evidence showing that serious problems exist in its implementation.

Since 1973, 100 people have been released from death row in the United States because of innocence. In many cases, fatal mistakes were avoided only because of discoveries made by students or journalists, not the courts. This high number of exonerations has led many observers, both liberal and conservative, to express concern about the fairness of the death penalty's administration. For example, Justice O'Connor has observed that "if statistics are any indication, the system may well be allowing some innocent defendants to be executed." There are now death penalty moratoriums in two States, Illinois and Maryland, imposed after leaders in each state recognized serious concerns about racial disparities and the possibility that an innocent person might be executed.

Professor Cassell has spent his academic career minimizing and dismissing such concerns. In spite of the 100 death-row exonerations, Cassell has described the chance that an innocent might be put to death as an "urban legend." He has asserted again and again that there is no definitive evidence that any innocent person has been executed in the last 30 years: "Thus," he has argued, "the most important error rate—the rate of mistaken executions—is zero." Elsewhere, Cassell has trivialized the danger of fatal error in the Government's administration of the death penalty by comparing it to the risk involved in driving on a highway, stating that even though innocents may die in traffic accidents, "we all agree that our highways should remain open because of the social benefits they produce."

In 1993, Professor Cassell testified in opposition to a bill that would allow death-row inmates to raise new claims of actual innocence in habeas corpus proceedings, arguing that "[i]f a defendant is truly innocent, he will be fully aware of the circumstances surrounding his innocence and can present them at trial." Evidence discovered after trial, he stated, is "almost invariably unreliable." As a district judge, Cassell will be charged with the duty of reviewing post-trial petitions by State and Federal prisoners, many of which raise claims of innocence. His unorthodox view of the reliability of newly discovered evidence is inconsistent with that fundamental duty.

Regardless of how we feel about the death penalty generally, there is one thing that we can all agree on. People on trial for their lives must have effective assistance of counsel, not lawyers who sleep through the trial. Professor Cassell, however, has expressed a different view. In October 2000, a divided panel of the Fifth Circuit Court of Appeals upheld the death sentence in one such case, in which the defense lawyer had repeatedly slept through the trial for substantial periods of time. Professor Cassell defended this decision in an interview on National Public Radio, emphasizing that there was "no real suggestion" that the defendant was innocent. The en banc fifth circuit later reversed the panel's decision and reinstated the district court's grant of habeas corpus relief. It held that "when a state court finds on the basis of credible evidence that defense counsel repeatedly slept as evidence was being introduced against a defendant, that defendant has been denied counsel at a critical stage of his trial." Cassell's willingness to affirm a death sentence in a case where the defense lawyer slept through the trial raises fundamental questions about his suitability to serve as a Federal judge.

A number of lawyers from Utah have written letters to the Judiciary Committee regarding Professor Cassell's nomination. They have expressed concern about his lack of ties to Utah and limited courtroom experience. Ronald J. Yengich wrote that Cassell has not been "intellectually honest in his assessment of the problems of crime in our society and the response that the Courts should take to them," and that he has shown "an unwillingness to view both sides of any legal argument." L. Clark Donaldson wrote that Cassell's legal scholarship has elevated "partisan considerations over careful and deliberate analysis of data." Kristine M. Rogers stated that his comments have led her "to conclude that he views our justice system as a mechanism with which he can manipulate our Government with an agenda for ever increasing governmental power and ever decreasing individual rights." Stephen M. Enderton, a self-described Republican, believes that Cassell "would use his position to push his personal ultra conservative agenda to the detriment of all of those who appear before his court."

I hope that my concerns and the concerns of these Utah lawyers are misplaced, and that as a judge Professor Cassell will be able to set aside ideology and apply the law fairly and impartially. His record, however, indicates otherwise. I therefore oppose this nomination, and I urge my colleagues not to approve it.

Mr. HATCH. Mr. President, I want to respond to remarks made by my colleague from Massachusetts about criticism of Professor Cassell's scholarship.

Academic debate about such issues as Miranda and the death penalty is robust and uninhibited. It is part of that debate that scholars will criticize the work of other scholars. The validity of that criticism depends, of course, on the merits of the particular claims.

Professor Schulhofer and Professor Cassell have engaged in a particularly long-running debate about the merits of Miranda and its potential costs to law enforcement. Schulhofer has criticized Cassell's work in various law review articles, and Cassell has responded in other articles. The full debate spans dozens of pages in various law reviews. Some of the relevant articles are as follows: Paul G. Cassell, Miranda's Costs; En Empirical Reassessment, 90 Nw. U.L. Rev. 387 (1996) (suggesting that confession rates fell after Miranda); Stephen J. Schulhofer, Miranda's Practical Effect: Substantial Benefits and Vanishingly Small Social Costs, 90 Nw. U.L. Rev. 500 (1996) (agreeing that rates may have fallen modestly, but arguing against significance of this fact); Paul G. Cassell, All Benefits, No Costs: The Grand Illusion of Miranda's Defenders, 90 Nw. U.L. Rev. 1084 (1996) (responding to Schulhofer's criticisms, noting decline in crime clearance rates after Miranda); Stephen J. Schulhofer, Bashing Miranda is Unjustified—and Harmful, 20 Harv. J. of Law and Public Policy 347 (1997) (arguing that post-Miranda clearance rate decline is explainable by other factors); Paul G. Cassell, Miranda's "Negligible" Effect on Law Enforcement: Some Skeptical Observations, 20 Harv. J.L. & Pub. Policy. 327 (1997) (responding to Schulhofer's criticisms); Paul G. Cassell & Richard Fowles, Handcuffing the Cops? A Thirty-Year Perspective on Miranda's Harmful Effects on Law Enforcement, 50 Stan. L. Rev. 1055 (1998) (multiple regression analysis of crime clearance rates suggesting structural drop in clearance rate function after Miranda). As explained in greater detail in those articles, Cassell believes that it is important to attempt to calculate the costs of the Miranda decision, even though the data that may be available for such a calculation is limited.

Professors Richard A. Leo and Richard J. Ofshe have criticized Cassell's work on false confessions, often in particularly strong terms. Unlike the other academic exchanges in which Cassell has been involved, this dispute has been litigated in several court cases. Criminal defendants have offered the paid "expert" testimony of Professors Leo and Ofshe in support of their defenses. Prosecutors have presented Cassell's writings in response, arguing that Leo and Ofshe are not sufficiently reliable to be allowed to testify. Several courts have agreed with my critiques of their work. For example, in one fairly recent case, a Federal district court concluded that proffered testimony on false confessions by Professor Leo would not satisfy the reliability requirements for scientific evidence. The court held: "Therefore the motion to call Dr. Leo will be denied. I find there is inadequate showing that the reasoning or methodology underlying the proffered testimony is reliable nor has it gained acceptance in the relevant scientific community." See United States v. Juan Carlos Higuera-Cruz No. 99CR 2975–TW (S.D. Cal. Feb. 8, 2000), tr. at 145. The court cited Cassell's research as one reason for reaching its conclusion. After reviewing Cassell's article in the Harvard Journal of Law and Public Policy, the court explained: "Professor Cassell . . . concluded that all nine people were in fact, likely guilty. . . . That, at the very least, casts doubt on the methodology o[f] the study that Dr. Leo conducted and whether or not it is substantially or scientifically reliable or valid." See id. at 142–43.

In a similar ruling handed down recently, a State district court judge in New Mexico also found Professor Leo to be unreliable. Tracking arguments that Cassell made in his article, the court explained: "While the area of specialty of Dr. Leo is an important area of study, nevertheless, as recognized by Dr. Leo, there are considerable limitations which presently exist for the analysis of interrogation techniques and their bearing upon false confessions." State v. Lance Four Star, No. D–0101–CR–2000000276, op. at 1–2 (1st Jud. D.C. of New Mex., Aug. 23, 2001). Moreover, the court explained: "The conclusions of Dr. Leo are arrived at from an analysis of a small number of cases (sixty) which are not randomly selected. . . . Even if one were to concede the methodology of determining whether a confession is false to a high probability, the numbers used are extremely small." Id. at 2. There are other cases to similar effect (both in the United States and Canada) finding either Professor Leo's or Professor Ofshe's work to be insufficiently reliable to be admitted in court.

Professor George Thomas and Professor Cassell have enjoyed debating the Miranda issue in various fora. Their most extensive debate appeared in the UCLA Law Review. See George C. Thomas III, Is Miranda A Real-World Failure? A Plea for More (and Better) Empirical Evidence, 43 UCLA L. Rev. 821 (1996) (calling for empirical research on Miranda); Paul G. Cassell & Bret S. Hayman, Police Interrogation in the 1990s: An Empirical Study of the Effects of Miranda, 43 UCLA L. Rev. 839 (1996) (providing empirical research on Miranda); George C. Thomas III, Plain Talk about the Miranda Empirical Debate: A "Study-State" Theory of Confession, 43 UCLA L. Rev. 933 (1996) (noting that "Cassell and Hayman have performed a great service to the criminal justice community by gathering, categorizing, and presenting the Salt Lake County data. Though I interpret some of the data differently than Cassell and Hayman do, the debate is richer because of their data;" offering critique of the study). Professor Thomas has sent a letter to the Judiciary Committee strongly endorsing Cassell's nomination.

Professor Charles D. Weisselberg has also critiqued Cassell's work. His critique, however, is really more of a summary of the critiques of other scholars. He also said that he was analyzing Cassell's work "because it represents the most detailed and determined empirical effort to measure Miranda's costs." He also notes that Cassell's regression analysis was replicated, for two crime categories, by Professor John Donohue and that, after "careful study, Donohue could neither substantiate nor reject Cassell's and Fowles's claims." Because Weisselberg is summarizing the critique of Cassell's research, more extensive responses are found in the law review articles responding to those critiques.

Professor Welsh White has critiqued Cassell's use of an estimate of wrongful convictions from an Ohio judge. Professor White has found Cassell's work sufficiently meritorious to devote significant parts of a book to responding to his views. See Welsh S. White, Miranda's Waning Protections: Police Interrogation Practices After Dickerson 72 (2001) (noting that chapter 7 of the book will discuss my empirical arguments and chapter 8 will discuss my constitutional arguments). It may be relevant to note that Professor White teachers at the University of Pittsburgh School of Law. In September 200, Cassell delivered the Mellon Lecture at his school.

Finally, in considering criticisms of Cassell's work, it might also be useful to consider praise of his work. Some of the published favorable comments on Cassell's work include: Yale Kamisar, Can (Did) Congress "Overrule" Miranda, 85 Cornell L. Rev. 883 (200) (noting "the compelling presence on the scene of Professor Paul Cassell"); Judge Alex Kozinski, The Fourth Annual Frankel Lecture: The Relevance of Legal Scholarship to the Judiciary and Legal Community: Who Gives a Hott About Legal Scholarship?, 37 Hous. L. Rev. 295 (2000) (reviewing Cassell's academic research on Miranda, which lead to the Dickerson decision; concluding "this strikes me as a monumental academic achievement . . . Cassell, through his academic writings, has given this issue legitimacy, and an argument that a mere five years ago would have been received with a chuckle may now turn out to be the law of the land"); Michael Edmund O'Neill, Undoing Miranda, 2000 BYU L. Rev. 185 (noting doctrinal uncertainties about Miranda and concluding "Professor Cassell has offered perhaps the best answer to this perplexing question").

Thank you, Mr. President. I yield the floor.

Mr. LEVIN. Mr. President, I cannot support the confirmation of this nominee for the Federal district court. To cite just one instance of his intemperate remarks, Mr. Cassell wrote in a published article that the U.S. Department of Justice "team(ed) up with criminal defense lawyers to let armed felons and other criminals escape prosecution." Statements such as this, and there are others, show an absence of the judicial temperament necessary to warrant a lifetime appointment to the Federal court.

Mr. BENNETT. Mr. President, I rise today to express my support for President Bush's nomination of Paul G. Cassell for the U.S. District Court for the District of Utah. The Judiciary Committee approved Professor Cassell by voice vote on May 2, 2002, and I would urge my colleagues to vote in favor of this nomination.

Paul Cassell has excellent academic credentials. He graduated from Stanford University Law School, where he was president of the Stanford Law Review. Following law school he served two clerkships, one for then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit, and one for Chief Justice Warren Burger of the U.S. Supreme Court. Cassell's professional experience includes service as an Assistant U.S. Attorney and also Associate Deputy Attorney General at the U.S. Department of Justice. As a professor at the University of Utah College of Law, he distinguished himself as a popular and well-respected teacher. His scholarship includes over 25 published law review articles, as well as numerous articles in major newspapers and periodicals.

Professor Cassell has become a national expert on criminal procedure and evidence and one of the Nation's leading experts on victims' rights. He has represented victims of crime across the country, always on a pro bono basis. For instance, he represented victims of the Oklahoma City bombing in their efforts to observe the trial and sentencing proceedings. His advocacy is the reason why those families did not lose the right to observe the McVeigh trial. Recently, his pro bono efforts resulted in a significant victory for victims of crime in the Utah Supreme Court. On March 12, 2002, in State v. Casey, the court agreed with Professor Cassell that crime victims have the right to be heard before any plea bargain is accepted by the court and the right to appeal issues relating to that right. As a result of Cassell's efforts, this opinion recognized that victims have an important role to play in our criminal justice system and that their rights must be respected by courts and prosecutors.

Professor Cassell has also been actively involved in fighting domestic violence and sexual assault in Utah. In April 2002, Professor Cassell filed briefs in the Utah Supreme Court on behalf of the Rape Recovery Center and the National Alliance to End Sexual Violence to protect the confidentiality of rape crisis counseling records. Additionally, Professor Cassell has been an active participant in legal affairs in Utah. For many years, he has served as the chair of the Legislative Committee of the Utah Council on Victims of Crime as well as a member on the Utah Supreme Court's Advisory Committee on Rules of Criminal Procedure.

In previous weeks many of my colleagues have highlighted the need to address the vacancy crisis in the Federal courts. I am concerned that there are some in the Senate who are perpetuating this vacancy. The Senate must do its part to act swiftly on the President's nominees. I have voiced concern in the past that certain Senators have made it known that they will require that a nominee be recommended by the American Bar Association. While I believe that this is an unnecessary requirement and an extra-constitutional test, Paul Cassell has, nonetheless, passed this test and a substantial majority of the American Bar Association review committee rates him "well qualified" to be a Federal judge.

Paul Cassell's long list of credentials indicate his preparedness to serve as a Federal judge. I strongly urge my colleagues to vote in favor of the nomination of Paul G. Cassell for the U.S. District Court for the District of Utah.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 56 seconds. The Senator from Utah has 1 minute.

Mr. LEAHY. Mr. President, I have told the Senator from Utah I will let him go last.

I have no doubts about Professor Cassell's intelligence, his passion, and his commitment to how he thinks the law should read. I am sure he is a fine professor of law. I suspect he is an effective advocate. But viewed as a whole, his career has been one of a results-oriented advocate where he has worked forcefully to push the law to the far right. His one-man war on Miranda, his aggressive defense of our flawed system of capital punishment, even though 100 people have been released because of mistakes, and his work on other matters place him outside the mainstream of modern American jurisprudence. Even more troubling is his clear track record of manipulating sources and data to promote his ideological agenda.

I have voted for 56 of the last 57 of the President's judicial nominees so far, and I will surely vote for many, many more, but on the basis of all I have seen in connection with the nomination of Paul Cassell, I cannot and will not vote in favor of this nomination. My judgment is that he is not likely to be the kind of fair and impartial judge that is essential to our Federal courts.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it seems ironic to me that my colleagues are attacking Paul Cassell for having used yeoman efforts to uphold a Federal statute that was passed by the Congress of the United States in 29 U.S.C. 3501 which basically said that voluntary confessions will be admitted into evidence if there is just a technical mistake. I have to say I believe that is ridiculous. I think he had every right to try to uphold that statute. Personally, I think he was right in his arguments, but the Supreme Court found otherwise. He made it very clear that that is the law now and he will abide by it.

I also disagree with my colleagues who characterize him again as manipulating statistics and figures. There are people who disagree with Paul Cassell, as is the case in academia. He disagrees with them. But I happen to know this is one of the most honorable, honest people who lives in our society today. I personally don't appreciate his being treated this way.

It pains me to hear my colleagues attacking Paul Cassell, one of the most stellar nominees this body has ever had the privilege of considering for confirmation to the district court bench.

I have to say that, even before those disparaging remarks were made, it was already an embarrassment to me that the Judiciary Committee and Senate leadership have taken nearly a year—328 days to be exact—to bring Professor Cassell's nomination to a floor vote. This is by far the longest time that any district court nominee has had to wait for a vote during this Congress. In fact, this vote has been delayed so long that the Administrative Office of the Courts declared the seat to which Professor Cassell was nominated a judicial emergency several months ago.

But rather than just register my disbelief and disappointment, I would like to address the two issues that the critics and nay-sayers are bringing up: Professor Cassell's work in the areas of capital punishment and the so-called Miranda warning.

Mr. President, don't let anyone fool you: The fact is that Cassell's views on these topics reflect thoughtful, responsible, mainstream legal ideas. And Cassell's work in these areas has been driven by nothing other that a deeply felt desire to improve the justice system for the benefit of all Americans. So, rather than let my colleagues misstate and mis-characterize those views, I would like to explain what Professor Cassell really thinks on these topics.

First, capital punishment. Professor Cassell, like many scholars, jurists, and a majority of the population of the United States, supports capital punishment in appropriate cases. Cassell has argued that Congress and the States have the power to impose capital punishment for those who have committed the most serious offenses representing the wanton, willful, and reckless disregard for innocent human life. The fact that he has had the courage to say so in today's monolithic academic culture should be taken as evidence of his ability to think independently in the face of peer pressure—a quality we want in judges. But that courage has led people who disagree with him to attempt to reduce his views to mere caricatures. His critics are trying to make-believe that he has a callous attitude toward anyone wrongly sentenced to death. But nothing could be further from the truth. Cassell's support for capital punishment is tempered by his expressed commitment to ensure that innocent persons are not executed. Professor Cassell has said so in his writings and proven so by his actions. For instance, Professor Cassell has helped his law school, the University of Utah College of Law, raise funds for its recently formed Rocky Mountain Innocence Project, whose goal is to identify defendants who have been wrongfully convicted of capital or other crimes. Cassell has also offered the Project his legal services, pro bono, to help pursue the first case that the Project identifies. Cassell has also supported Utah's recently enacted Post-Conviction Testing of DNA Act. The act, one of the first in the country, provides for state-financed testing of potentially exculpatory DNA evidence when DNA testing was not available at trial. As you can see, Mr. President, Professor Cassell is a thoughtful and principled mainstream legal thinker whose views are entirely consistent with the majority of Americans.

The second area of Cassell's advocacy and scholarship that I would like to address concerns the so-called Miranda warnings. But Mr. President, before I explain the underlying issues here, I think it is even more important to note that, even those who have disagreed with Cassell on the specifics of Miranda recognize that he would fair-mindedly follow the law. Michigan Law Professor Yale Kamisar, the nation's leading academic defender of Miranda, has said: "Cassell's a smart guy, and even though he doesn't like Miranda, I think he'd apply it conscientiously as a judge." This observation—that Cassell is committed to following the law, is really all that any Senator should need to know. But let me explain further.

Many people know that Professor Cassell argued in the Supreme Court last year in support of a statute enacted by Congress that purported to modify some of the complex rules that have grown up around the Miranda holding. The case was called Dickerson v. United States. In Dickerson, FBI agents questioned an armed bank robber and obtained incriminating statements. It was undisputed that these statements were given voluntarily. However, there was a dispute as to whether the Miranda warnings had been given to the bank robber before or after the questioning. After the district court ruled that these voluntary statements could not be used as evidence against the defendants, Cassell briefed and argued the matter in the fourth circuit as a friend of the court.

Cassell's position was that Congress, in enacting a law known as §3501, had validly required these voluntary statements to be admitted into evidence, even if there was a technical dispute over the timing of the warnings. The Fourth Circuit agreed with Cassell. The Supreme Court later asked Cassell to argue that position on appeal, which he did. After considering the argument, a majority of the Supreme Court disagreed with Cassell's position and ruled for the other side. As Cassell told the Judiciary Committee, because of his personal involvement in that case, there's probably no one who understands the settled law on Miranda better than Cassell.

Mr. President, any one who knows anything about law knows that a lawyer's arguments in court do not always necessarily reflect his or her own personal views on the topic. In fact, it is a very important principle in our legal system that clients on both sides of an issue deserve forceful advocates for their position. So it is simply specious for anyone to pretend that every argument in Dickerson reflects Professor Cassell's personal opinion. In fact, it is worse than specious—it is downright misrepresentation. That's because Professor Cassell has written law review articles—not for a client, but on his own—in which he argues for a more modest public policy change than he advocated in the Dickerson case. Cassell's own article urge that police officers should continue to give most of the Miranda warnings, but suggests that some of the warnings should be modified and replaced with the requirement that police officers videotape interrogations as better insurance that constitutional rights are respected. After all, a true record of police interrogations is much better evidence of voluntariness than the simple fact that the policeman remembered to read the Miranda warning. This argument has been adopted by many civil libertarians, who agree with Cassell that videotaping would more effectively protect against police abuses and suspects who are wrongfully persuaded to falsely confess.

In other words, Mr. President, Professor Cassell's position on the Miranda warnings could actually offer more, rather than less, protection for Americans against possible abuse by police. So any attempt to pigeon-hole Professor Cassell as not supporting the rights of criminal defendants is a gross caricature of his reasoned and thoughtful analysis of how best to reform the criminal justice process in order to protect the very rights that some accuse him of disregarding.

Mr. President, I urge my colleagues not to be taken in by inaccurate or false representations of Cassell's record. It is one thing for people to disagree—which I certainly respect. But it is quite another to carelessly or purposely mislead others into misunderstanding the real arguments. In the case of Professor Cassell, his positions on capital punishment and the Miranda warnings are thoughtful and reasonable views, held by many mainstream legal thinkers like himself. And the most important fact of all is that Professor Cassell knows the difference between the roles of the advocate and the judge, and he has committed to follow the law. I again urge my colleagues to vote to confirm Paul Cassell, who, I am convinced, will be a principled and fair-minded judge who applies the law impartially as written and interpreted.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Paul G. Cassell, of Utah, to be U.S. District Judge for the District of Utah? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Nebraska (Mr. NELSON), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 20, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—67

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nickles
Reid
Roberts
Rockefeller
Santorum
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—20

Akaka
Bingaman
Boxer
Clinton
Conrad
Corzine
Daschle
Dayton
Durbin
Feingold
Johnson
Kennedy
Leahy
Levin
Reed
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NOT VOTING—13

Biden
Harkin
Helms
Inouye
Jeffords
Kerry
Landrieu
Lieberman
Mikulski
Miller
Nelson (NE)
Sessions
Torricelli

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table. The President will be notified.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3405 TO AMENDMENT NO. 3401

Mr. BAUCUS. Mr. President, I ask an amendment at the desk be called up relating to investor—State relationships with respect to chapter 11.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. WYDEN, proposes an amendment numbered 3405 to amendment No. 3401.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the principal negotiating objectives of the United States with respect to foreign investment)

On page 229, line 23, strike all through "United States," on line 25, and insert the following: "foreign investors in the United States are not accorded greater rights than United States investors in the United States,".

Mr. BAUCUS. This is an amendment I am offering on behalf of myself, Senator GRASSLEY, and Senator WYDEN. Our amendment concerns an investor-State dispute settlement. That is the "chapter 11 question" as it has come to be called. It is based on the placement of investor-State provisions in NAFTA.

This is not bankruptcy chapter 11. It has nothing to do with bankruptcy. When I say "chapter 11," it sometimes causes confusion, but this is chapter 11 in NAFTA.

Our amendment modifies the objective on investment in the trade bill to make clear that foreign investors in the United States should not be accorded a higher level of protection of their rights than U.S. citizens in the United States.

There has been a lot of discussion of NAFTA chapter 11 in recent days. In particular, a number of Senators have expressed legitimate concerns about the impact that chapter 11, and other similar provisions in other agreements, may have on the ability of State and local governments to regulate—that is, to adopt and enforce laws that protect the public health, safety, and welfare.

There is a growing consensus that we need to make sure that new trade and investment agreements don't give foreign investors in the United States greater rights than we give our own citizens. International agreements must not become a back door for expanded protection of foreign investors at the expense of protection of our environment, health, and safety.

This view has been strongly and consistently expressed by various State and local government organizations, as well as environmental organizations, in recent weeks.

For example, a resolution adopted by the National Association of Attorneys General at their March meeting encourages Congress:

> . . . to ensure that in any new legislation providing for international trade agreements foreign investors shall receive no greater rights to financial compensation than those afforded to our citizens.

A letter last week from a large coalition of environmental groups, including Defenders of Wildlife, Friends of the Earth, the Sierra Club, and the National Wildlife Federation, urged the Senate to:

> . . . require that trade and investment agreements do not provide foreign corporations with greater rights than U.S. citizens have under the Constitution.

Similarly, a recent letter from the president of the National Wildlife Federation to Ambassador Zoellick states:

> An important step to restore consensus would be to make clear in fast track legislation and in investment agreements that those brining expropriation challenges under investment rules will not be granted rights greater than those provided under the takings jurisprudence of the U.S. Constitution.

The United States Conference of Mayors has expressed its concern that the bill as now drafted:

> . . . would allow trade officials to include investor protection standards in future trade agreements that go beyond U.S. law and that effectively grant foreign investors greater rights than U.S. citizens enjoy.

In another letter, the National Association of Counties expresses its concern that under the trade bill:

> . . . foreign investors operating in the U.S. would have greater legal rights against our government than our own citizens possess.

Each of these organizations makes an excellent point. We have heard their message, and that is why we have offered the present amendment. We want to make sure that in protecting the rights of U.S. citizens abroad, our negotiators do not inadvertently encroach on the prerogatives of Government here at home. This amendment seeks to strike the right balance between these different sets of interests.

The bill's objective on investment opens with a statement recognizing that—on the whole—U.S. law provides a level of protection of investment that is:

> . . . consistent with or greater than the level required by international law.

It goes on to state that our negotiators should ensure that:

> United States investors in the United States are not accorded lesser rights than foreign investors in the United States.

Some have read this language to imply that negotiators might seek to give foreign investors more rights than U.S. citizens now enjoy, and then seek to amend U.S. law to enhance the rights of U.S. citizens. In other words, they read this language as a mandate to expand individual property rights in the U.S. through the back door of international negotiations.

Let me be very clear in stating that that was not what the language at issue was intended to accomplish. The committee report on the bill emphasizes that obligations the U.S. undertakes in investment agreements:

> . . . should not result in foreign investors being entitled to compensation for government measures where a similarly situated U.S. investor would not be entitled to relief.

In other words, the rights of U.S. investors under U.S. law define the ceiling. Negotiators must not enter into agreements that grant foreign investors rights that breach that ceiling.

The amendment we have laid down is intended to foreclose any doubt on this question. It is our objective to negotiate agreements that protect the rights of U.S. persons abroad. But we are not willing to sacrifice the regulatory functions of our own Government in order to obtain that objective.

As the letters I quoted attest, getting clarity on this point is the number one priority for many of the organizations that have written about chapter 11. They make a fair point. Given the interests at stake, we must be crystal clear about the ground rules. U.S. negotiators must not conclude agreements that give foreign investors greater protection of their property rights than our own citizens already enjoy. Our well-developed law should define the ceiling. The amendment that we offer today makes that unmistakable.

The chapter 11 issues are some of the most challenging to confront us in the fast track debate. Important questions about the needs of Government and the rights of individuals are at stake. I believe that the Finance Committee bill struck a very good balance. I believe that the amendment we have laid down makes that balance even better, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank my distinguished colleague from Montana for offering this amendment. I think it helps improve what is already an excellent bill.

First, I want to make it clear that the bipartisan trade promotion authority bill currently pending in the Senate goes further than any prior bill to address concerns about potential abuse of the investor-State dispute process. At the same time, the bill recognizes that protecting U.S. investors abroad is also an extremely important objective. In short, the bill is balanced. Some people are attempting to undermine that balance. I think that is a mistake.

Foreign investment is closely interrelated to trade. Companies invest abroad to get closer to markets, acquire new technologies, form strategic alliances, and enhance competitiveness by integrating production and distribution. When they invest abroad, U.S. companies often become consumers of U.S. exports—either from affiliated entities or other U.S. companies.

The importance of international investment to the U.S. economy is large and growing. The United States receives more than 30 percent of worldwide investment. According to the U.S. Bureau of Economic Analysis, foreign investment in the United States grew sevenfold between 1994 and 2000, reaching almost $317 billion last year. As of 1998, foreign companies had invested over $3.5 trillion in the United States. They employed 5.6 million people and paid average annual salaries of over $46,000, well above the average salary for U.S. workers as a whole.

The ability of U.S. companies to invest abroad is also vital to U.S. economic growth and U.S. exports. Between 1994 and 2000, U.S. investment abroad doubled from $73 billion to $148 billion. U.S. investment abroad is critical to support a more dynamic and flexible U.S. economy, greater export flows and higher paying jobs for American workers.

For the last 25 years, each successive administration has recognized that it is critical to negotiate strong, objective and fair investment protections in our international agreements to continue to promote such investment. These traditional investment protections are largely based on U.S. law and policy and established international law rules of which the U.S. has been the chief architect and advocate.

The Senate Finance Committee gave very careful consideration to investment issues and some concerns expressed about NAFTA chapter 11 when we discussed H.R. 3005, the bipartisan Trade Promotion Authority Act.

Both Republican and Democratic members of the committee agreed to several improvements to the U.S. negotiating position on investment, which include: providing a mechanism for the early dismissal of frivolous claims, injecting greater transparency into arbitration proceedings, and establishing a review mechanism.

The bill and accompanying report also provide the committee's views on ensuring that U.S. investors abroad enjoy protections comparable to those available to foreign investors in the United States under existing U.S. law, while at the same time not making our own regulations unduly subject to treaty challenge on grounds that have no foundation in U.S. law and practice.

The degree of support for the final product is demonstrated by a strong bipartisan committee vote of 18 to 3 in favor of the bill.

These provisions represent a very careful balance between the political concerns raised by particular cases under the NAFTA chapter 11 process and the need to continue to provide U.S. citizens with strong investment protections overseas.

Yet, some Members still have concerns that foreign investors in the United States will receive greater rights under these provisions than U.S. investors in the United States receive. The amendment we are offering today makes it clear that this is not the case. It is a good improvement to an already excellent bill. I urge my colleagues to support it.

● Mr. KERRY. Mr. President, I want to speak just briefly about the chairman's amendment. I understand what the Senator is trying to do with this amendment, and I appreciate his efforts to seek common ground. He has not had an easy job trying to steer this omnibus trade package through very stormy seas.

I am grateful for the chairman's willingness to be responsive to some of the concerns that I—and others—have raised. However, on the issue of investor-State dispute settlement, I am afraid that substantial disagreement remains. The Baucus-Grassley amendment makes a minor change to the bill. It is certainly better than the current language, but it just does not do a good enough job of protecting the ability of Federal, State and local governments to enact legitimate public health and safety legislation.

As my colleagues know by now, it is clear that NAFTA's investor-State dispute resolution process popularly known as "Chapter 11"—will be the model upon which future such agreements are predicated. Chapter 11 is a flawed model, not a failed model. I believe that having an investor-State dispute settlement process in a trade agreement is vital to ensuring that U.S. investors are able to invest abroad with confidence—but it needs to be improved.

Regrettably, the Baucus-Grassley amendment does not despite what its proponents claim—effectively address the shortcomings in the chapter 11 model. Adopting the Baucus-Grassley language without other needed changes will still allow future chapter 11-like tribunals to rule against legitimate U.S. public health and safety laws using a standard of expropriation that goes well beyond the clear standard that the Supreme Court has established in all its expropriation cases.

The amendment before us does not give any assurances that the due process clause of the Constitution will be respected, nor does it provide safe harbor for legitimate U.S. public health and safety laws.

Without all of these safeguards, future investor-State dispute settlement bodies can run roughshod over the ability of State and local governments—or even the Federal Government—to make laws to protect the public. I have an amendment that I believe will make those improvements to the underlying bill, and I intend to offer that amendment soon.

I will not oppose the pending amendment because it does not make the underlying bill any worse. But let us be clear: the chapter 11 model is flawed. Any suggestions that the Baucus-Grassley amendment takes care of these problems are simply incorrect.

So I think we should adopt this amendment by unanimous consent, but I do believe that the Senate should have a thorough debate on this issue.●

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN MORAN

Mr. LOTT. Mr. President, I rise today to take a moment to recognize the public service of John A. Moran, who resigned from the Federal Maritime Commission on April 15 to return to private life. While I want to congratulate John on his recent move, I also want to acknowledge and thank him for his service at the FMC.

John was born and raised in a port and shipbuilding community, something I consider a good start for any young man. I live in a port and shipbuilding community, and there is no better way to understand the importance of the maritime industry to the Nation's economy that to grow up in the presence of the businesses and people that daily bring the goods of our trading partners to our door and carry America's products to the world. While John was born in Hampton Roads, Virginia, not Mississippi, he is redeemed somewhat in my eyes by the fact that his parents and family are good Mississippians.

John developed an interest in maritime law at Washington and Lee University School of Law in Lexington, Virginia. This interest was encouraged during the year he clerked for the Honorable Richard B. Kellam in the United States District Court for the Eastern District of Virginia. Judge Kellam shared with John his own love and enthusiasm for Admiralty Law and encouraged John to continue to maritime studies at Tulane University School of Law in New Orleans, Louisiana.

I first met John when he served as Republican Counsel to the Merchant Marine Subcommittee and the National Ocean Policy Study of the Senate's Committee on Commerce, Science and Transportation. He came to this position after serving in the House of Representatives as Republican Counsel to the Merchant Marine and Fisheries Counsel and as Legislative Counsel to Virginia's Senator John Warner. While working for the Commerce Committee, John worked on issues as varied as the Oil Pollution Act of 1990, a review of the Shipping Act of 1984, cargo preference, the Jones Act, vessel safety and Coast Guard programs, the Magnuson Fisheries Conservation and Management Act, seafood safety and inspection, ocean driftnet legislation, the Coastal Zone Management Act, and the Marine Mammal Protection Act. John worked with Committee members from states as diverse as Mississippi, Louisiana, Texas, Alaska, Washington, Oregon, and Virginia. I always was impressed with John's knowledge and experience, and with is effort to make sure that the concerns of all of the Republican members of the Committee were understood and addressed.

John left the Commerce Committee in 1995, first working for the government and public affairs firm of Alcalde & Fay, and then for the American Waterways Operators, the trade association representing the United States tug, towboat, and barge industry. In 1998, Congress was nearing completion of the Ocean Shipping Reform Act of 1998 (OSRA). As I described it at the time, OSRA truly was a paradigm shift in the conduct of the ocean liner business and its regulations by the Federal Maritime Commission (FMC). Along with other members of the Commerce Committee who worked for over four years on OSRA, I wanted to ensure that there were Commissioners at the FMC who understood that Congress wanted to foster a more competitive and efficient ocean transport system by placing greater reliance on the marketplace. I thought of John and his interest and experience in maritime matters. John's experience and philosophy made him the right choice to help the FMC implement OSRA.

Confirmed by the Senate in October, 1998, John's efforts during the past three and a half years, especially his contributions during the FMC's rulemaking, helped establish the foundation making the paradigm shift possible. John worked closely with Chairman Harold Creel and the other commissioners, the staff of the FMC, the carriers, shippers, and transportation intermediaries to implement OSRA as Congress intended. I am pleased to report that, under the Commission's administration, the reforms are working much as Congress hoped. John should be proud of his work and the contribution he made during his tenure as a Commissioner.

I congratulate John for his exemplary career at the FMC and salute his contributions to the maritime industry. He is to be commended for the productive use of his insights and talents and appreciated for his years of public service. As he returns to private life, where he will continue working on the maritime issues he loves, I wish John, his wife Medina, and their two children fair winds and following seas.

REQUEST FOR SEQUENTIAL REFERRAL—S. 2506

Mr. LEVIN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 13, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, we request that S. 2506, the Intelligence Authorization Act for Fiscal Year 2003, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days.

Best wishes,
Sincerely,

JOHN WARNER,
Ranking Member.
CARL LEVIN,
Chairman.

CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 314 BASED ON REVISED ESTIMATES FROM THE CONGRESSIONAL BUDGET OFFICE

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to make adjustments to budget resolution allocations and aggregates for amounts designated as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On May 1, 2002, I submitted revisions to H. Con. Res. 83 pursuant to section 314 as a result of an emergency designation in P.L. 107–147, the Job Creation and Worker Assistance Act of 2002. This measure was enacted into law on March 9. Since that date, CBO has revised the cost estimate for this legislation and these revisions are reflected in the adjustments submitted today.

Mr. President, I ask unanimous consent to print the following table in the RECORD, which reflect the changes made to the allocations provided to the Senate Committee on Finance and to the budget resolution budget authority and outlay aggregates enforced under section 311(2)(A) of the Congressional Budget Act, as amended.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	($ millions)
Current Allocation to the Senate Finance Committee:	
FY 2002 Budget Authority	709,955
FY 2002 Outlays	709,195
FY 2002–06 Budget Authority	3,773,234
FY 2002–06 Outlays	3,770,699
FY 2002–11 Budget Authority	8,336,431
FY 2002–11 Outlays	8,330,074
Adjustments:	
FY 2002 Budget Authority	65
FY 2002 Outlays	65
FY 2002–06 Budget Authority	134
FY 2002–06 Outlays	134
FY 2002–11 Budget Authority	11
FY 2002–11 Outlays	11
Revised Allocation to the Senate Finance Committee:	
FY 2002 Budget Authority	710,020
FY 2002 Outlays	709,260
FY 2002–06 Budget Authority	3,773,368
FY 2002–06 Outlays	3,770,833
FY 2002–11 Budget Authority	8,336,442
FY 2002–11 Outlays	8,330,085
Current Aggregate Budget Authority and Outlays:	
FY 2002 Budget Authority	1,680,499
FY 2002 Outlays	1,645,934
Adjustments:	
FY 2002 Budget Authority	65
FY 2002 Outlays	65
Revised Aggregate Budget Authority and Outlays:	
FY 2002 Budget Authority	1,680,564
FY 2002 Outlays	1,645,999

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in June 2000 in Rapid City, SD. Police were "baffled" by the lastest in a series of eight inexplicable drowning deaths among mostly Native Americans along Rapid Creek. Press reports indicate that local Native Americans believe an "Indian-hater" is waiting for the victims to become drunk and then dragging, rolling, or pushing them into the water. Those incidents came on the heels of a March 2000 report from the U.S. Civil Rights Commission showing that racial tensions in the state are high.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

DEDICATION OF THE EISENHOWER EXECUTIVE OFFICE BUILDING

• Mr. CHAFEE. Mr. President, on Tuesday, May 7th, 2002, the Old Executive Office Building was renamed in honor of President Dwight D. Eisenhower. The dedication of the Dwight D. Eisenhower Executive Office Building was pursuant to legislation introduced by my late father, Senator John H. Chafee, on September 28, 1999 and signed into law by President Clinton on November 9, 1999. President George W. Bush, Secretary of State Colin L. Powell, General Service Administration Administrator Stephen A. Perry, Deputy Secretary of Defense Paul Wolfowitz, and Eisenhower Institute President Susan Eisenhower were present and delivered remarks at last Tuesday's ceremony. I ask that their remarks be printed in the RECORD.

The remarks follow:

REMARKS AT DEDICATION CEREMONY TO RENAME THE OLD EXECUTIVE OFFICE BUILDING IN HONOR OF PRESIDENT DWIGHT D. EISENHOWER, MAY 7, 2002

REMARKS BY ADMINISTRATOR STEPHEN A. PERRY, U.S. GENERAL SERVICE ADMINISTRATION

Mr. President, Secretary Powell, Deputy Secretary Wolfowitz, Ms. Eisenhower and the Eisenhower Family, Distinguished Guests, Ladies and Gentlemen.

It is my privilege to welcome you today to the dedication and renaming of this building—the Eisenhower Executive Office Building. This magnificent structure is one of the most distinctive of the 400 historic properties in the inventory of the General Services Administration.

This building was commissioned by another renowned general and president—Ulysses S. Grant. It was designed by architect Alfred B. Mullett. The construction of this building was completed in 1888, and it was known originally as the State, War and Navy Building.

As might be expected of a building of this vintage and in this location it is steeped in history. Among other things, it has been the office for 16 Secretaries of the Navy, 21 Secretaries of War and 24 Secretaries of State. Seven future presidents had offices in the building before they eventually became occupants of the Oval Office—including, of course, Dwight D. Eisenhower.

This building's commanding presence in our Nation's capital serves to remind us of the commanding presence that President Eisenhower always had. He personified honor, dignity and integrity. The many medals that decorated his Army uniform signify that he was a great leader, a brilliant military strategist, a builder of alliances and a peacemaker.

As General Eisenhower and as President Eisenhower, he was a staunch defender of freedom—from the vast arena of world war to the classrooms of a local public high school in Little Rock, Arkansas. He was—and is—a genuine American hero and statesman.

Ladies and gentlemen, it is fitting that we honor President Eisenhower's life and legacy with the naming of this stately building. The Dwight D. Eisenhower Executive Office Building marks the spot of its namesake's rightful place in history here in Washington, DC, our nation's capital, and on Pennsylvania Avenue, America's Main Street.

Now I would like to introduce our next speaker. Dr. Paul Wolfowitz is our country's 28th Deputy Secretary of Defense. He was previously Dean and Professor of International Relations at the Paul H. Nitze School of Advanced International Studies of The Johns Hopkins University. His distinguished government career includes service as the Ambassador to Indonesia and Assistant Secretary of State for East Asian and Pacific Affairs.

His current appointment marks his third tour of duty at the Pentagon. Ladies and gentlemen, please welcome Deputy Secretary of Defense, Paul Wolfowitz.

REMARKS BY DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

President Bush; Secretary [of State] Powell; [GSA] Administrator Perry; Susan Eisenhower and members of the Eisenhower family; distinguished guests, ladies and gentlemen.

It is an honor to be able to join you today in paying tribute to Dwight David Eisenhower-a man whose courage, dignity and character exemplified the spirit of that "Greatest Generation," which sacrificed so much to preserve peace and freedom for our generation and generations to come.

The windows of the Pentagon, where I work, frame a view of the Arlington hillsides where so many of those heroes sleep. Images of that great leader known as "Ike" line the Eisenhower Corridor just outside the Pentagon office of the Secretary of Defense. His is the first face—the face of the young cadet, the Supreme Allied Commander, the President of the United States—that many of us see on the start of our day and which sends us on our way each night.

Dwight Eisenhower's vision, determination and courage to change continues to inspire and serve as a model for us, Mr. President, as we carry out your instructions to transform America's Armed Forces and prepare for the new and different challenges of the 21st Century.

When Dwight David Eisenhower was still a young officer between the world wars, he and another young officer by the name of George Patton began writing about the future of armored warfare. He was called in by his commander and told if he published anything else contrary to "solid infantry doctrine," he would be court-martialed.

But Major Eisenhower persevered. Later, Supreme Allied Commander Dwight David Eisenhower put George Patton and the Third Army to work. The rest is history. The history of victory in Europe-victory over Nazi oppression—the foundation of a new and stable peace in Europe that has lasted more than half a century and led to the peaceful triumph in the Cold War.

Like all great leaders, Eisenhower had a sense of proportion about himself and a deep humility. Addressing the British Parliament, which honored him after the triumph of the Allied Forces, he said that he was merely a symbol—a symbol of the "great human forces that have labored arduously and successfully for a righteous cause."

Today, under the leadership of President George W. Bush, we are embarked on another righteous cause, and we remember the example of Eisenhower. We know, as he often told us, that the great fight for freedom did not end at the beaches named Omaha and Utah. It continues today. It continues within the walls of this building that we dedicated to him.

And for those who labor for freedom, let them find inspiration in this building's namesake, a man of responsibility and vision, one of freedom's greatest warriors and a great champion of peace.

That inspiration is the realization that doing great things requires more than detailed plans—though detailed plans there must be—it requires a great cause and great ideals and, above all, a sense of what is important in this world and the next. No one knew that better than Dwight Eisenhower.

There is a story that Eisenhower once went to buy a piece of land in Gettysburg and the local clerk said to him, "Well, President Eisenhower, you've done everything, you've lived everywhere, why would you want this little piece of land in Gettysburg?" He answered saying, "Sir, all my life I have wanted one time to be able to take a small piece of America and make it better."

He made America—all of America—better. And today, we dedicate a small piece of American to Dwight David Eisenhower. May all who work here work to make America better, as he did.

And may they remember, as he did, what matters in life. His last words were these: "I've always loved my wife, I've always loved my children. I've always loved my grandchildren. I've always loved my country."

Now it is my privilege to introduce another leader who loves his country deeply and has devoted his life to making America better, Secretary of State Colin Powell. You do doubt remember, Mr. President—when you announced the appointment of your Secretary of State at a school in Crawford—it was very moving for all of America to see another distinguished soldier, General Colin Powell, come into that office which is so important for the peace of the world.

I also remember when Colin said that he didn't "yet do ranch wear very well" since he was from the South Bronx. And many of us, especially those of us from back East, secretly agreed with him when he declared, "I don't care what you say. Those cows look dangerous."

Only a man of integrity and humility could admit that to America.

Those are qualities, along with statesmanship and true leadership, that he has brought to every position that he has held. And today the enjoys the gratitude of all Americans and so many others around the world—and I know your gratitude, Mr. President—for his courageous and tireless efforts, not only to make our country safer, but to make the world more peaceful.

I am proud to present to you a man of whom Dwight Eisenhower would be proud today—another soldier, statesman and leader—our Secretary of State, Colin Powell.

REMARKS BY SUSAN EISENHOWER, PRESIDENT, EISENHOWER INSTITUTE

Mr. President and First Lady. Secretary Powell. Secretary Wolfowitz. Honored guests, I was nervous about the weather this morning and when I looked out the window I was reminded of a similar day not long after my grandfather, Dwight Eisenhower, became President. He agreed to speak at Penn State where his brother was President of the University. When Milton called him frantically and asked him if they should move the outdoor proceedings inside, Ike brushed off his concerns, "It's up to you Milton," he said, "I haven't worried about the weather since June 6, 1944."

We have our minds on bigger things today and I think it is fitting that today we mark the renaming of the Old Executive Office Building to the Dwight D. Eisenhower Executive Office Building. Dwight Eisenhower spent more time in this building than any other man who became President, and during his term he saved it from the wrecking ball. But it is also fitting that we mark this occasion today as we celebrate Victory in Europe Day. Dwight Eisenhower and VE Day will be linked forever in our consciousness.

Yet our contemporary minds can barely grasp the significance of that day—57 years ago. Had the allies not been successful or if victory had eluded us longer the world would have turned out to be a very different place: one can imagine what the consequences would have been if Nazis had prevailed, but the world might have been radically different even if an allied victory had taken longer to secure. A nuclear bomb might have been used in Europe, for instance, or the liberation of the death camps might have come too late . . . .

June 12, 1945, a little more than one month after the end of the hostilities, Dwight Eisenhower stood on the balcony of London's Guildhall and accepted the freedom of the city and the London Sword. The killing had stopped, but the cost of the conflict had only begun to be measured.

Europe lay in utter ruins. Cities had been crushed, economies had collapsed and the carnage was beyond our comprehension. In the European theater, including Russia, 11½ million allied soldiers were killed in action and more than 7 million Allied civilians perished from starvation, bombing or butchery, and that is not counting those who were victims of the Holocaust.

Eisenhower had led a great military crusade to defeat Nazism and had decisively prevailed. Standing before the teeming London crowd that day Eisenhower began his acceptance speech solemnly, without a written text:

"The high sense of distinction I feel in receiving this great honor from the city of London is inescapably mingled with feelings of profound sadness," he said. ". . . Humility must always be the portion of any man who receives acclaim earned in blood of his followers and sacrifices of his friends."

In this speech—which he had written himself and memorized for the occasion—he accepted the tribute, acknowledging that he was but a symbol of great human forces that had "labored arduously and successfully for a righteous cause . . ."

He continued: "If all Allied men and women that have served with me in this war can only know that it is they whom this august body is really honoring today, then indeed I will be content."

In thinking about that occasion, I can imagine that if Dwight Eisenhower were with us today to accept this honor—he would, again deflect our praise of him onto those with whom he had served. He would have eloquent words for the team he'd assembled during the war and for the fighting men and women, and he would gratefully acknowledge the legions of dedicated public servants—on both sides of the aisle—with whom he worked closely during his presidency. He would acknowledge not only his staff but Congress as well, for helping him: shepherd America through the dangerous years of the Cold war; modernize America's infrastructure, that laid the groundwork for technological innovation; explore space through a civilian agency, NASA, that would be the envy of the world; and begin the long and arduous task of making Civil Rights every American's right.

If Dwight Eisenhower were here he would be right about the indispensable role played by the millions who answered their nation's call in war and at peace.

But Eisenhower is not here today, and so while we acknowledge those who served with him we focus, today, on this modest man and remember him—for his leadership, and for his steady, even, hand.

Though he did not believe in the Great Man theory of history he was a leader of leaders; a common man with an unwavering belief in putting the nation's welfare above partisan politics . . . in seeking out the obligations and responsibilities that go with good government . . .

It is a privilege for me to speak on behalf of the Eisenhower family in thanking the nation for this honor. We are indebted to Congress—to the late Senator Chafee and his bipartisan cosponsors who initiated the legislation to rename the building—to President Clinton for signing it into law, and to President Bush—for this wonderful rededication and for his presence here today.

Mr. President, today, you too, are facing a difficult moment in American history. Though different in nature from World War II, nonetheless, we recognize the enormity of the task that confronts you in finding a just solution to the complex domestic and international circumstances that have emerged in the aftermath of the terrible events of September 11.

As you face these challenges, it gives me great pleasure to know that you have Dwight Eisenhower right next door.

I hope that his name on this vital nerve center of White House operations will help another generation of public servants recommit themselves to nothing less than self-sacrifice, devotion to duty and the most profound sense of humility. These are the qualities that are called for in these dangerous and troubling times.

And now, it is my great honor to introduce the President of the United States, George W. Bush.

REMARKS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, GEORGE W. BUSH

Thank you very much. Please be seated. Well, thank you all very much. And thank you, Susan, for those kind words, and welcome.

On behalf of all Americans, I am proud to dedicate this historic building to the lasting memory of a great man, Dwight David Eisenhower.

I want to thank Secretary Powell and Deputy Secretary Wolfowitz, Administrator Perry, General Hicks, for their kind words. I'm also pleased to have so many special guests who are here. I don't see—I do see Senator Stevens. I'm so honored that Senator Ted Stevens, who actually worked in the Eisenhower administration, is here. And I want to welcome all the others who worked in this—in the Eisenhower administration to this dedication ceremony. Welcome.

I also want to welcome General Andrew Goodpaster, Senator Bob Dole, and all the other veterans of World War II. We're please to have you here. It's a pleasure to welcome back former Secretary of State Henry Kissinger. I want to thank members of the United States Congress—Senator Inouye, Congressman Amo Houghton, Jerry Moran, Jim Ryun, Congressman Steven Horn.

And I, too, want to say how much we appreciate the work of former Senator John Chafee, who introduced the legislation necessary to rename this bill—this building in honor of Dwight Eisenhower.

And above all, we welcome the Eisenhower family, and send our good wishes to John Eisenhower, who could not be with us today. As the son of a President, myself, I know how proud John must feel, knowing that our country's respect for his father has only increased with the years.

The city of Washington is accustomed to change. But this neighborhood looks much as it did in 1929. If you'd walked down Pennsylvania Avenue 73 years ago, you would have seen the Renwick Building on the corner of 17th Street, looking just as it does now. A few doors down were the Blair and Lee Houses, with gas lamps still out front.

In 1929, Lafayette Square was dominated by a great bronze horse, as it is today, proudly carrying Andrew Jackson. And standing outside this building on a spring morning 73 years ago, you might have seen Dwight Eisenhower pull up in a 1927 Buick and walk up the stairs to his office.

The '20s and '30s were quiet times for our Army and Navy, quiet times when he worked here. But it was in this building that Dwight Eisenhower's reputation began to grown. His immediate supervisor said of him this—said this of him: "This is the best officer in the Army. When the next war comes, he should go right to the top." These words carried a lot of weight; after all, the man who said them was Douglas MacArthur.

He also worked here for many years in Room 252. There was a time when a visitor to this building might pass in the hallway not only Eisenhower and MacArthur, but the first man commissioned General of the Armies of the United States, John J. Pershing. General Pershing occupied Room 274, a space now used by Vice president Dick Cheney.

Two doors down is an office that Theodore Roosevelt would still recognize as his own from his time as Assistant Secretary of the Navy. So would Franklin Roosevelt, who, a generation later, occupied the same office and walked these very same halls. And in between, from 1904 to 1908, William Howard Taft reported to work here as the Secretary of the War. In all, as has been mentioned, seven future Presidents have worked in this building; 25 Presidents have known it.

Harry S. Truman held press conferences in an ornate room two stories high, called the Indian Treaty Room—although, no Indian treaty has ever been signed there. And it was Truman, himself, who paid a distinctive tribute to this building when a committee suggested it be torn down. He believed we ought to leave it right here. He said, "It's the greatest monstrosity in America."

But it was Eisenhower who decided its fate. He said he rather liked it. And over time, a lot of us have come to like it. The architectural grace of this building will remain a matter of opinion, but its place in history and its place on the skyline of Washington is as safe as can be.

It seems odd that with all the history it contains, this great building went more than a century without a name befitting its dignity. We've solved that problem today, and we've solved it once and for all. This building now bears the name of Dwight D. Eisenhower, not because it was spared from the wrecking ball in his time; not even because he was the first President born in Texas. (Laughter.) His name fits this building because, as a great soldier, a great President, and a good man, Dwight D. Eisenhower served his country with distinction.

People over a certain age will always associate Dwight Eisenhower with a time of strength and a time of stability in America. We think of the '50s, and in the mind's eye we see the President and his fine wife, Mamie. They had lived a military life, moving more than 30 times. And just as GIs in the '50s across America were settling back home, so were the Eisenhowers. As a matter of fact, they would live longer in the White House here than at any other address.

We don't need to idolize the era they represented to see all the good things that were there: millions of growing families and industries and new cities, and the beginnings of the life that we know today.

Had he never become President, Eisenhower would still be known to all as the leader of the forces that liberated a continent from a terrible evil. The turning point of the war was the decision to invade the coast of France. The decision was made by Roosevelt and Churchill; the day and hour were left to General Eisenhower. And a lot of people felt a lot better knowing that it was his call to make.

General Eisenhower understood exactly what risks lay ahead. Had his troops failed to take the beaches, he was going to point a finger straight at himself. Here's what he wrote, in advance: "If any blame or fault attaches to the attempt, it is mine alone." Fifty-seven years ago this very day, General Eisenhower reported that the mission of the Allied Force was fulfilled, and the war in Europe was over.

In victory, he was the first to share credit. It was not within his character to do otherwise. As Vice President, Richard Nixon said this about General Eisenhower, President Eisenhower: "He always retained a saving humility." "It was the humility," Nixon said, "not of fear, but of confidence. He walked with the greats of the world, and he knew that the greats are human. His was the humility of man before God, and before the truth. His was the humility of a man too proud to be arrogant."

In his career, Dwight Eisenhower faced two great crises of the 20th century: a World War that came upon America with a sudden attack, requiring a global response, and a Cold War that tested our patience and resolve to wage a struggle of decades.

In our time, we face elements of both: an enemy that strikes suddenly, and must be pursued across the years. And in this struggle, we know how victory will be gained, because President Eisenhower—and General Eisenhower—showed us the way. We will be calm, and confident, and relentless. With the best of America's character, we will defeat America's enemies.

We are proceeding with patience and resolve to overcome this growing danger to the civilized world. NATO, the grand alliance first commanded by General Eisenhower, is part of a new coalition that is making steady progress on every front. Our mission in Afghanistan continues even after we have liberated that country from a brutal regime. We continue to fight al Qaeda terrorists, and we will prevent them from regrouping elsewhere.

We'll deny terrorists the safe havens they need to operate, and choke off their sources of money and supplies. We'll confront dangerous regimes that seek weapons of mass destruction. In this war, we will depend on the alertness of our law enforcement, the diligence of our intelligence operations, and on the skill and valor of the American Armed Forces.

Our military has performed with great daring and courage, and more will be asked of them. I have full confidence, complete confidence, in the men and women who wear our uniform. They've responded in the finest tradition of the American military. Their sense of honor, their devotion to duty, their loyal service to America would all be recognized by the five-star general and President we remember today. The skill and determination and optimism of Dwight Eisenhower are alive in the American Armed Forces, and that spirit will bring us to victory.

The General was one of six sons raised by Ida and David Eisenhower in the prairie town of Abilene, Kansas. They raised good men, but destiny chose this one. His whole life shows the power of one man's goodness and integrity to shape great events. He brought permanent honor to his family name, and that name now brings honor to this grand building. It's one more mark of this country's respect, and we offer it today with great affection, and lasting gratitude.

God bless.

REMARKS BY COLIN L. POWELL, SECRETARY OF STATE

Well, thank you very much, ladies and gentlemen. Paul, I thank you for that most kind of generous introduction. And I was down at Crawford, Texas, just week before last. The cows still look bad to me. I'm not ready to do it. (Laughter.)

Mr. President, Administrator Perry, Mr. Eisenhower, the members of the Eisenhower family, distinguished guests, it's a great pleasure to be here today and join you in celebrating the naming of this wonderful, marvelous old building after one of America's greatest heroes, Dwight David Eisenhower—liberator of Europe, first steward of NATO, builder of peace. Rare in history has there been an individual of higher accomplishment and greater humility.

President Eisenhower used to say praise is like perfume; it's fine if you don't swallow it. What he did was never for himself. It was for his country. It was always for us.

President Eisenhower has always had a special place in my heart. In June of 1958, he signed the document that commissioned me as a Second Lieutenant of Infantry in the United States Army and started me on my career of service to the nation.

Paul made mention of the corridor that exists outside of Secretary Rumsfeld's office which has all these wonderful displays of Eisenhower's life, from the early days through his last days. I'll never forget that last display where he talked about his love of family, love of wife, love of grandchildren and love of country. It always has a special place in my heart because I designed that corridor. I helped build it some 15-odd years ago. But I never go to that corridor and I never walk through this building without having a new sense of service, a renewed inspiration that comes into my heart as a result of my knowledge of Dwight David Eisenhower and his contribution to our nation.

More important than all of these things, more important than his signature on my commission or the naming of a building after him, is the example that he gives to us of commitment to duty, of commitment to country. It was his model of devoted service that persuaded me and so many others of my generation in the military to remain in the military after Vietnam, when things were at their darkest. We knew how vitally important it would be for the future security of the nation to rebuild, to transform our armed forces in the early '70s.

And Eisenhower labored without fame, without fortune or fanfare, in similar circumstances in an under-supported and under-valued army in the isolationist decades before World War II. He spent a good many of those years working in this very structure, when it was called the State, War and Navy Building. All three departments had been housed here from the 1870's. The State Department thrived in this building between 1875 and 1947, when we moved to our present location. Twenty-five Secretaries of State had their offices here. We have a historical difference between Mr. Perry and I as to whether there is 24 or 25, but we'll make that count accurate in the next hour or so.

Hamilton Fish, Ulysses S. Grant's Secretary of State, was the first. Secretary Fish helped create a professional diplomatic corps. And the last Secretary of State here was the legendary George Catlett Marshall, for whom the plan for Europe's recovery is named. During World War II, he also served in this building as Chief of Staff of the United States Army.

General Marshall was so impressed by Eisenhower's skills as a strategist and statesman that he selflessly agreed with President Roosevelt that Eisenhower should lead the Allied invasion of Europe. Fighting Nazi Germany was only a part of General Eisenhower's job as Supreme Commander. Eisenhower was a brilliant forger of alliances. He was a master at using the full range of diplomatic, political and economic tools to win the war, and also to win the peace.

He once wrote to his devoted and loving wife Mamie that to run the coalition meant that he had to be a bit of a diplomatic, a lawyer, a salesman, a socialite, and incidentally a soldier. His words rang true for me during the Gulf War, and they are true for all of us who are today involved in sustaining, under President Bush's leadership, the global coalition against terrorism.

President Eisenhower's name on this building will inspire all who serve under its massive roof now, and all those who will follow. Despite his well known modesty, I think it would please Dwight Eisenhower that this fine old edifice, which has seen so much history, has been named in his honor.

Dwight Eisenhower was a great student of history long before he helped make it, and he passed down his love of history and his commitment to public service to new generations of his family. They have given so much to our country as historians, military officers, diplomats and philanthropists. Indeed, to be an Eisenhower is to have a sense of history and a sense of duty to your country and to our world.

It is with great pleasure, then, that I introduce our next guest speaker, a person who would make Eisenhower very proud—not just because of who she is as a granddaughter, but also because of what she contributed to our country and the world. Susan Eisenhower not only has her grandfather's winning smile, but his extraordinary gift of insight, that remarkable ability to see what others do not.

She understood more quickly than most just how much the world changed with the end of the Soviet Union and the emergence of Russia and the other Newly Independent States. With her characteristic energy and drive, she has repeatedly pulled together the best experts from around the globe to open our eyes to what is happening in that vast region, and to think about it in fresh, exciting, new ways.

And Susan has not been content just to describe change. She has been a force for change. Among her many activities, one that means a great deal to me is to help bring new generations of Russian leaders here on visits so they can learn from us and we can learn from them.

The understanding and friendships that come out of these exchanges are laying the enduring foundation for a mutually beneficial US-Russian relationship. Susan is helping build a powerful legacy that Dwight Eisenhower would recognize, appreciate and welcome.

So ladies and gentlemen, it is now my honor and privilege to present to you a friend, a person of enormous gifts and endless dedication, Susan Eisenhower.●

THE HONORABLE ALVIN BROOKS, KANSAS CITY, MO, MAYOR PRO TEM AND CITY COUNCILMAN AT-LARGE, 6TH DISTRICT

● Mrs. CARNAHAN. Mr. President, I wish to take this opportunity to honor and recognize an outstanding gentleman, Mr. Alvin Brooks, on his 70th birthday. Mr. Brooks, Kansas City, MO, Mayor Pro Tem and 6th District at-large City Councilman, is truly extraordinary. His fifty years of tireless commitment to public service in Kansas City, devotion to community activism, civic participation, and youth advocacy are an inspiration to us all.

Mr. Brooks was elected to serve as the 6th District at-large Councilman in 1999. After his election, Mayor Kay Barnes appointed Brooks as Mayor Pro

Tem. In addition to serving as Mayor Pro Tem, he is vice chair of the Legislative, Rules and Ethics Committee, a member of the Finance and Audit Committee, and chair of the Public Facilities and Safety Committee.

In 1991, Brooks was selected as President of the Ad Hoc Group Against Crime, a grassroots community organization he founded in 1977. Former President George Bush honored Brooks in November 1989 for his work with the Ad Hoc Group Against Crime and named him one of America's 1,000 Points of Light. President Bush also appointed him to a three-year term on the President's National Drug Advisory Council. Former Drug Czar William Bennett recognized Brooks as being one of the nation's "front-line soldiers in our war against drugs."

Prior to serving as President of the Ad Hoc Group Against Crime, Alvin Brooks already had a distinguished career in public service. He was a Kansas City, MO police officer for 10 years, where he held the rank of detective. During that time, Alvin worked extensively with runaways and gang members, demonstrating his commitment to improving social conditions for young people, especially inner-city youth. He also served as assistant city manager for seven years and was the first African American to serve as a department head for the city of Kansas City, MO.

Though it is possible to list Alvin Brooks' professional accomplishments, it is impossible to measure the immense impact this man has had, and continues to have, in Kansas City. He has touched and improved the lives of countless Kansas Citians. His voice can still be heard on the radio urging community action, not as Mayor Pro Tem, but as the respected community elder whose commitment to others is unquestioned. He is truly the voice of moral authority in Kansas City.

I commend Mr. Alvin Brooks for his selfless dedication to the improvement of Kansas City and wish him all the best on his 70th Birthday. Kansas City is certainly fortunate to have such a dedicated public servant. On behalf of all those you have served, Alvin, I thank you.•

COMMEMORATING THE CHERRY BLOSSOM TEN MILE RUN

• Mr. FRIST. Mr. President, I rise today to commemorate the running of the Credit Union Cherry Blossom Ten Mile Run on April 7, 2002. Fifty-eight credit unions, credit union associations, and credit union leagues sponsored this Washington, DC institution, which coincides with the annual spring rites of the tidal basin cherry blossoms. This is the first year that Credit Unions have sponsored the race.

I want to commend the over 7,032 finishers, and especially the over 3,500 registered runners who were members of credit unions. A special congratulations to Public Health Service Federal Credit Union for winning the credit union team competition. Additionally, I am proud of 350 plus credit union employees who arrived at the race in the chilly, pre-dawn hours to serve as volunteers helping administer the race. It was also great to see Health and Human Services Secretary Tommy Thompson participate.

The Cherry Blossom Run has taken place during the spring blooming of Washington's historic cherry trees for 30 years. Starting out as a small family event with 141 finishers it is now a world-class event that includes some of the world's foremost long distance runners. I want to congratulate this year's winners: Men's, Rueben Cheruiyot, 47:12; Women's, Luminita Talpos, 52:50.

This year, in conjunction with the race, credit unions raised over $60,000 for the Children's Miracle Network and donations are still being collected. This was a great event and credit unions should be proud of the role they played. Washingtonians and runners around the world are looking forward to the 2003 Credit Union Cherry Blossom 10 Mile run.•

DEVELOPING NEW MEDICINES

• Mr. DODD. Mr. President, I rise today to call the attention of my colleagues in the Senate to an article that appeared in the Wall Street Journal on May 2 which provides an important perspective on the challenging and vital process of developing new medicines. It is no coincidence that the article features Pfizer Inc., a world leader in pharmaceuticals and a company that made its home in my home State of Connecticut. Pfizer's contribution to changing the quality of health care by developing new therapies for conditions such as epilepsy, depression, arthritis, high blood pressure and more has been invaluable. This sort of innovation has increased the quality of care we deliver as well as changed the nature of it, with new medicines resulting in fewer trips to hospitals, doctor's offices, and better overall care for so many patients.

The article details the company's efforts, ultimately unsuccessful, to discover, develop and test a new medicine to strengthen muscle, thereby helping to prevent injury and possibly osteoporosis in the elderly. In the process, Pfizer committed a team of scientists, $71 million, and 10 years of effort, and this was before the development process even progressed to advanced clinical trials, underscoring the tremendous investment required in developing each new therapy. Despite this infusion of resources and time, the project ultimately failed to produce the desired therapy. But the accounting of this process is an excellent example of the risks, costs and efforts involved in innovation.

We must continue to recognize and support these research and development efforts because we know the value they can provide. As we work in this Congress, and we must, to expand coverage and increase access to new medicines, we should strive to craft policy that continues to encourage the development of innovative products that can change and even save lives while helping to ensure that all our citizens benefit from such innovation.

I ask that this article be printed in the RECORD.

The article follows.

DRUG PRICES—WHY THEY KEEP SOARING—BLEEDING CASH: PFIZER 'YOUTH PILL' . . .

THE WALL STREET JOURNAL VIA DOW JONES

About a sixth of Pfizer's portfolio of drugs in development were approved by Dr. Clark and his colleagues, including the frailty drugs, which got the green light in December 1995. He was confident the frailty compound would succeed, ranking it among the top third of candidates at the time.

But even among the fortunate drugs that pass muster initially with Dr. Clark's committee, the odds remain stacked against their ever making it to market. Dr. Clark's group also guides the researchers, funds interim studies and establishes milestones for judgment. And at any point Dr. Clark's committee can kill the very projects it has approved. Last year, the committee terminated research on five of seven promising medicines it had previously "canned."

The growth-hormone project quickly surpassed all the researchers' expectations. From the time the project was canned, it took only nine months to develop a drug that was safe enough to test in humans—a speed record for the research center in Groton, Conn., across the river from administrative headquarters in New London. The drug "had no bumps or warts," marveled Gordon Gruetzmacher, project manager for the frailty drug.

Though increasingly optimistic, Pfizer scientists and managers were sober about the challenges the potential new medicine faced—especially the elusive nature of the condition it was intended to treat. Frailty, which they came to define as an "age-related decline in physical performance," wasn't a recognized disease, like osteoporosis or Alzheimer's.

A drug to treat the chronic condition, like many the industry is now tackling, would require lengthy and especially expensive clinical studies because its effects might be subtle and take months or years to understand. To make sure that an experimental drug deserves such a sizable investment, Pfizer blends marketing with R&D early on. A marketing specialist works with each drug team to ascertain commercial merit. In particular, will the drug meet a compelling unmet medical need and will Pfizer be able to differentiate its medicines from those of its competitors?

For the frailty drug, researchers believed they would have to show that it could do more than boost hormone levels or even muscle growth. Early talks with the Food and Drug Administration confirmed the higher standard. Insurers, too, would need evidence that the frailty drug would be worth their expense.

To persuade regulators and insurers to embrace the drug, the Pfizer team aimed to prove beyond a doubt that elderly people who took it could walk faster and longer and avoid the kinds of falls that force many of them into nursing homes.

Such a drug also could appeal to a younger, healthier but worried market, people who might use the medicine as a lifestyle enhancer, like Viagra, decades before they faced a real danger of frailty. For Pfizer, a medicine to stave off the ravages of old age, unlike an antibiotic taken for a week, could provide a long-term revenue stream: "People will take it for 20 or 30 years—it'll be like a vitamin," predicted John LaMattina, a senior research executive, early last year.

In late 1996, the frailty drug hit its first setback when an otherwise healthy man participating in a small safety study in the Netherlands developed a mysterious, mild rash. The test was halted while the team investigated. The cause was never found, though the leading theory remains that he had a reaction to laundry detergent or hand soap. After a few months, the team concluded that the drug was safe enough to continue.

Pfizer recognized the growth-hormone workers as the best research team of 1996 for their trail-blazing accomplishments. And they continued on the fast track, initiating in late 1997 a larger clinical test of the drug, involving 114 people who randomly received one of four different doses or a placebo for a month. At this stage, the researchers sought to substantiate the safety of the drug and to pinpoint the best dose to use in subsequent tests of effectiveness.

To their happy surprise, the scientists found that even a one-month regimen with the experimental drug produced measurable growth of muscle. "It was great," Dr. Gruetzmacher recalls, "We didn't expect an increase in less than six months."

Though encouraging, the results didn't prove the drug was working. The test could have been a fluke. Besides, increases in muscle mass, even if they were real, wouldn't convince regulators to approve the drug, everyone had previously agreed. After lengthy discussion, the team decided to propose a six-month trial of the drug to Dr. Clark and his committee for approval and funding.

But the scientists realized that showing that the drug halted or reversed aging would take months or even years. Dr. Clark pushed the research team to reconsider its time frame and "go for the home run" by pursuing a longer and much more expensive test that could detect subtle improvements in patients' ability to function.

The team took six months to design a trial that would provide a definitive answer on whether the drug worked. They eventually proposed a two-year study in elderly patients that would measure muscle and some biochemical markers in the bloodstream. They also would test the subjects' walking speed and endurance and their ability to get in and out of a chair.

Dr. Clark's management committee agreed to fund the study in about 350 patients, much larger than usual for such an early stage. To hedge the outsize bet and ensure that the project was on track, the study included interim analyses at six and 12 months.

Last summer, three senior managers unconnected to the project, including a statistician, were chosen to review the data after six months. As outsiders, they were expected to be unbiased, and they would share their findings with only a few senior managers.

In less than a week, they had reached their conclusion and called Dr. Clark. He decided to break the secrecy and inform the research team of the news.

The patients taking the frailty drug had gained some muscle mass—but less than 3% more than the placebo group, which had also experienced muscle increases. There were no safety problems with the drug. But the study was stopped within a month because the drug appeared ineffective.

Nobody is quite sure why. One theory is that the patients selected for the study may have been too healthy, so there was less room for improvement in the treated group. Another idea is that the drug caused the pituitary gland to release growth hormone in a way that was out of tune with the body's system for using it.

In the end, Dr. Clark's committee "took pity on us," Dr. Landshulz says, and allowed the team one last chance to salvage the medicine. They were permitted to collect and analyze data on the group of early patients in the study who had taken the drug for a year—just in case its effectiveness emerged later than six months.

That was a long shot, everyone agreed, but worth the modest incremental expense. The final analysis was completed this spring, and the results were the same.

Later this month, Dr. Clark's committee will review the file one last time and officially lay to rest the frailty drug, which Pfizer says cost the company $71 million to research and develop.

THE CLOCK IS TICKING

Half of Pfizer's top-earning drugs face patent-expiration pressure.

Drug and Purpose	Expiration of basic U.S. patents	2001 revenue, in billions
Lipitor: Cholesterol	2010	$6.45
Norvasc: Blood Pressure	2006	3.58
Zoloft: Depression	2006	2.37
Neurontin:[1] Epilepsy	1994, 2000	1.75
Viagra: Impotence	2011	1.52
Zithromax: Antibiotic	2005	1.51
Celebrex:[2] Arthritis	2013	[3] 1.16
Diflucan: Antifungal	2004	1.07

[1] Pfizer claims a separate patent concerning chemical stability of Neurontin protects drug until 2017

[2] Pfizer co-promotes Celebrex for Pharmacia Corp.

[3] Estimate.●

APPRECIATION FOR THE SONG, "WE UNITE," BY MS. BECKY COLE

● Mr. INOUYE. Mr. President, I am pleased to share with my colleagues in the Senate and the American people the song, "We Unite," by Becky Cole. The strength and patriotism of Americans following the September 11 attacks inspired her to write and record this song. It captures our citizens' love for their country, its ideals, and its liberties. For me, this song is a reminder of those who are working to rebuild the buildings that were destroyed and reverse the economic consequences of that terrible day. It reminds me of the victims and their families' courage to carry on and live. This song also reminds me of our service men and women around the world who are defending our Nation.

I ask to print in the RECORD the lyrics to Ms. Cole's song.

The material follows:

A NATIONAL ANTHEM "WE UNITE"

(Words and Music by Becky Cole)

From the depths of the graves we come now as one,
Yielding our lives to an unselfish love.
To expose that which is evil, to remove that which is dark,
To lift up our flag as others burn and tear it apart.

We will fight for justice,
We will risk our lives for love,
We'll rebuild America, with hope we'll stand as one.
To the mighty God above us, we salute and pray,
As one nation under God, we unite our lives today.

Though the winds and the waves have swept across our land,
Causing us to question the beliefs on which we stand.
But now, we're a new nation, under the red, white and blue,
A flag that stands for freedom and waves for me and you.●

TEACHER MAURICE LARUE RETIRES FROM STURGIS HIGH SCHOOL

● Mr. JOHNSON. Mr. President, I rise today to recognize and honor Maurice (Maury) LaRue on the occasion of his retirement as a teacher in the Meade County School District in South Dakota.

By the end of May, Maury LaRue will have completed 33 years in the teaching profession, all at Sturgis High School. Upon graduation with a bachelor of science degree in education from the University of North Dakota, LaRue accepted a position as teacher and debate coach at Sturgis in 1969.

His teaching career has ranged from social studies and literature to vocational broadcasting and forensics. There has always been a strong emphasis on communication skills for LaRue. For 20 years, he was one of South Dakota's most respected and successful debate coaches. His debaters won numerous local, state, regional and national forensic honors. And while his students performed well in competition, the true measure of Maury's ability to build and improve the communication skills of his students, came in the number who went on to become successful community leaders, business leaders, attorneys, senior political staff as well as students who were able to think and communicate in their daily lives as adults, thanks to Maury's dedicated teaching style.

In addition to his many years as teacher and debate coach, Maury also coached cross-country and track for several years and is retiring as the director of the social studies department at Brown High School in Sturgis. He has served as a city council member for the City of Sturgis and has maintained a strong interest in community affairs and city, county and state government. He has performed technical direction for the South Dakota State Junior Miss program since 1970, and currently serves as the technical advisor for the Sturgis Community Center Theater. He is a member of the Sturgis Chamber of Commerce, serving on several committees, and is a member of the Fort

Meade Museum Board, the Sturgis Area Arts Council and is very active as an elder, choir member and leader with the Presbyterian Church. For the past dozen years, he has also owned and operated a successful photographic studio and gallery in Sturgis and most recently, he has become a volunteer fireman and earned the credentials as information officer. If there were any time left in the day, he would find time to fill it and provide counsel to his students or provide service to his community.

I have met Maury several times during my visits to Sturgis High School and the community of Sturgis. He is definitely a mover and shaker in the community of Sturgis and is very well-respected by both current students and alumni for his skills and abilities as an instructor and for the way he has shaped the lives and futures of those he has tutored over three decades. He is very focused and knowledgeable of local, state and federal politics and issues.

On the occasion of his retirement as a public school educator, I want to congratulate Maurice LaRue for his tireless dedication to his students, his commitment to finding the best in his students and for helping his students to 'communicate' with the world. I also want to commend him for his valuable service to his community over the years. Instead of hiding behind a textbook or staying at the chalkboard, Maurice LaRue has provided his many students over the years with his own example of being active in school and community. He has motivated the lives of many students and many of them would point to Maury as playing a pivotal role in their lives. Can there be any better reward for 33 years of dedicated teaching and community service!

I wish Maurice LaRue the best on his retirement.●

IN HONOR OF ENTERTAINER AND COMMUNITY LEADER PAT BOONE

● Mr. FRIST. Mr. President, the name Pat Boone rings synonymous with musical success. Pat has registered 60 songs on the musical charts with eighteen reaching the Top Ten and six reaching Number One. His recording career has spanned five decades—from the 1950s to the 1990s—and compilation albums are reaching a new generation of fans in the 21st century. Indeed, few entertainers can claim a more sustained career of success than Pat Boone.

Pat's success has even extended beyond music. He starred in fifteen films for 20th Century Fox. He hosted two weekly television variety shows—the Pat Boone Chevy Showroom and the Pat Boone Show. He has been a constant presence on radio both as a musician and as a show host. He has also found time to write several books about teenage life and, more recently, religion and family.

Pat donated all proceeds from his first book—Twixt Twelve and Twenty—to the Northeastern Institute of Christian Education. This was a sign of good things to come. Throughout his career, Pat Boone has generously given his support to countless charitable organizations. Perhaps most notably, he has served as spokesman, national chairman, and host of the Easter Seal Society Telethon for almost two decades.

Though Pat has attained worldwide fame, he has never forgotten his Tennessee roots. This is especially true for his charity work on behalf of Bethel Bible Village. For the last 25 years, Pat has been the celebrity host of the Bethel Bible Village Spectacular Golf Tournament. He has helped raise more than $1.3 billion for Bethel and bring it national recognition as a premier facility for the care of troubled and at-risk children.

Pat Boone is one of the most successful entertainers of our time; he's also one of the most caring and compassionate community leaders in America today. Pat has always put community first—whether it's the close-knit community of his family or the broader community of charitable organizations. I offer this statement to Pat Boone in recognition of a career of success and gratitude for a life of giving.●

RECOGNIZING ASIAN PACIFIC AMERICAN HERITAGE MONTH

● Mr. DAYTON. Mr. President, I rise today in honor of Asian Pacific American Heritage Month. In recent years, Americans have experienced an energizing infusion of Asian-based culture, which resonates in diverse folkways, cuisine, art forms, and religious beliefs and practices. In all these areas, I believe Minnesota is especially privileged, thanks to Asian American citizens who present a unique, vigorous dimension, both established and emerging. Therefore, I would like to highlight the ways that Asian Pacific Americans in particular have enriched our state.

We who make Minnesota our home truly comprise an international community. The Asian Pacific American presence in my state dates from the late nineteenth century, when Chinese, Japanese, and Filipino settlers first arrived. Today, many more groups, such as the Koreans, Asian Indians, Tibetans, Hmong, Vietnamese, and Cambodians, have augmented Minnesota's Asian Pacific community. This growth is ongoing, and I am pleased to say that in my state, the Asian Pacific American population increased over 100 percent in the last decade. Furthermore, the City of Saint Paul is distinguished by the largest Hmong population in the nation.

The Asian Pacific population has significantly contributed to the economic, social, and political fabric of Minnesota. In the Twin Cities of Saint Paul and Minneapolis, Asian entrepreneurs have succeeded in re-establishing key business districts in areas once dormant, leading to the revitalization of entire neighborhoods. These Americans have further invested in Minnesota through unprecedented rates of home ownership. In greater Minnesota, Asian Pacific Americans are also being welcomed. For example, Warroad, Minnesota, always a notable breeding ground for great hockey players, is now also home to a small but vibrant Lao population. Moreover, I am very proud to say that Minnesota has elected our nation's first Hmong legislator, State Senator Mee Moua.

The State Council on Asian-Pacific Minnesotans has chosen five individuals or groups who have made especially worthy contributions, and I would like to acknowledge these remarkable award winners.

Joseph Hui, who has resided in Minnesota for 30 years, has built a successful business career, but, more importantly, he has given back generously through community service and philanthropy. He was one of the founders of the Asian Pacific Endowment for Community Development, a fund directed and operated by Asian Americans. The fund encourages different Asian Pacific communities to work together in providing social, health, educational, economic, and cultural services. Thus far, the fund has given approximately $300,000 in grant money to more than 60 organizations.

Rita Mitra Mustaphi, a renowned choreographer, dancer, and educator, introduced the classical Indian dance form, Kathak, to Minnesota. She uses this 2000-year-old form of storytelling, essentially dance-poems, to explore bold, contemporary themes. She is the founder and Artistic Director of the Kathak Dance Theatre, which is the only professional dance theater of its kind in the Midwest. The theater received a grant from the National Endowment for the Arts to create and perform a new dance theater piece.

Another artistic innovator, Rick Shiomi, is a leading Asian American artist. He is the founder of Mu Daiko, a taiko drumming troop, and the Artistic Director of Theater Mu, a group primarily cultivating new Minnesota playwrights and Asian American actors. Blending ancient artistic forms, traditions, and stories with contemporary ones, these performers are dedicated to the ideal of theater as a total sensory experience. Their unique work reaches new audiences through Theater Mu's annual festival and outreach performances at schools, corporate sites, and community organizations.

The radio station KFAI, Fresh Air Radio, serving the Twin Cities since 1973, provides training opportunities in broadcasting to those who might lack the resources for formal training. Many of the station's volunteer programmers have recently arrived in the United States and, therefore, have the opportunity to broadcast in their native languages. Cultivating listeners not often served by traditional media, KFAI includes in its programming broadcasts which cater to the Indian, Khmer, Hmong, Vietnamese, and Filipino communities.

Finally, I would like to make special mention of a courageous woman, Darina Siv. Until her death in March at the early age of 44, Ms. Siv was dedicated to helping low-income Cambodians, whom she served first as a social worker, then as executive director of the United Cambodian Association of Minnesota. Her book, Never Come Back: A Cambodian Woman's Journey, described her personal hardships after the Khmer Rouge took control in her native Cambodia. In America, she became a tireless advocate and was instrumental in securing state legislation that helps foreign-born social workers overcome license barriers.

During Asian Pacific American month, I am happy to recognize the many ways—exciting, dynamic, complex, and subtle in which Asian Pacific Americans are making Minnesota a better, stronger, and richer place to live and work. It is important today and throughout the year, to celebrate these contributions.•

TRIBUTE TO MR. KENNETH OTAGAKI AND HIS FAMILY

• Mr. INOUYE. Mr. President, I am deeply honored to rise in tribute to Ken Otagaki, who is a very dear friend of mine. He is a patriot in the fullest sense of the word. His life and his service to our Nation should make all of us very proud to call him a fellow American. His story should inspire you. I ask to print in the RECORD an article about him and his family printed in the April 28, 2002, edition of the Honolulu Star-Bulletin in Hawaii.

The article follows.

LOVING PERSISTENCE PAYS OFF FOR OTAGAKIS

(By Treena Shapiro)

Members of the Otagaki family say that their patriarch has never let obstacles defeat him.

And as his children note, Kenneth Otagaki has faced challenges that would have discouraged a lesser man—from supporting himself while still a child, to wooing a reluctant bride, to learning to cope with a disability after World War II, to raising five children—eventually earning his Ph.D. and becoming a member of Gov. John Burns' cabinet.

Even at 84, "He's full of energy for someone who could have just sat around and said, 'I can't do this, I can't do that,'" said his daughter, Joy Miyashiro, 55.

Consequently, while growing up, the Otagaki children never wanted for anything, but had a lot to live up to.

Ken Otagaki took control of his life at the age of 12, his son Robin Otagaki said.

He was the second son of a Big Island field laborer and his picture bride wife. Because Japanese tradition at the time dictated that the first-born son inherit everything, Ken ran away to Honolulu at age 12 and worked as a houseboy, then put himself through college.

At the University of Hawaii in 1936, Ken met Janet, his bride-to-be. He was majoring in agriculture, she was majoring in home economics.

When Ken first asked Janet on a date, she tried to fix him up with a friend instead. "And the next time he asked me, I gave him the brush off because I'm not interested in him since I had a boyfriend," Janet said.

Eventually she consented to a date, "but I wasn't very much interested."

But Ken was more fun that her boyfriend, and more persistent, she said. "I tried to brush him off, but he just wouldn't. This is what he said: 'If I see a good one, why should I stop? I'm going to keep chasing you,'" she remembered.

After the Japanese attack on Pearl Harbor, Ken enlisted and joined the famed 100th Infantry Division. He proposed to Janet before being sent overseas and they decided to wait until he returned to get married.

Ken became a litter bearer, once helping an injured Spark Matsunaga down from the mountains.

In January 1944, near the hills of Cassino, Italy, Ken and six other litter bearers were called upon to help soldiers in front of them.

It was about 10 p.m. and snowing, Ken recalled.

"The Germans saw us coming, I suppose, so they threw a barrage of mortar shells. Unfortunately, one landed about three feet away from where we were, backed up against a big rock," he said.

Of the eight American soldiers in the group, one escaped injury. Three were killed and four, including Ken, were wounded seriously.

It was 20 hours before Ken was evacuated. The battle cost him his right leg, two fingers on his right hand and the sight in his right eye.

He wrote to Janet, telling her about his injuries and absolving her of her commitment to marry him, Joy said.

However, "She figured that he wasn't going to sit around and feel sorry for himself," Joy said. They were married later that year.

Robin said Ken's injuries interfered with his plans to become a medical doctor, then he was told he could not practice veterinary medicine, either. He ended up using his G.I. Bill to attend graduate school in Iowa and California, earning a doctorate in animal science.

Joy, who was born in Iowa, said her father's career took the family to Berkely and Davis, Calif., while her mother stayed home and raised five children that all came within one or two years of each other.

When Joy was 8, the family moved back to Hawaii, where her father taught at the University of Hawaii and later led the state Department of Agriculture during the Burns administration.

Joy said her father was always a good example for the kids.

"Even though he was physically challenged, he taught us how to ride bicycles, he taught us how to swim. If there was ripe mango up on the tree he would go up and get it," she said, adding that he kept his tree-climbing a secret from her mother.

"My mom really never worked, she did some substitute teaching, but she never really had to go out (and work)," Miyashiro said. "She always had Sunday dinners cooked for us, she sewed, she entertained, she was den mother, brownie leader."

She was also the family peacekeeper, according to Robin.

"My mother always had to be the one who was the mediator. She had to buffer the father from the children and the children from the father," he said.

His father had high expectations of his children, particularly in school, he said.

But Robin, who now teaches secondary science at Punahou, said the children were never academically inclined. In fact, he graduated last in his class from the University Lab School.

He and his late brother were the only Otagaki children who finished college.

These days, however, Robin, 52, and his wife live in the Manoa home he was raised in, while Ken and Janet live in a cottage on the same property and they all get on "tremendously," Robin said, describing how he and his father putter around the garden together.

"Little by little we meet in the middle," he said. "He has seen what I have become, and I realize where he has come from."

Both Joy and Robin noted how their father dotes on his eight grandchildren.

Ken said the key to raising his family has been respect: "Like any family, all-in-all, it requires a lot of understanding, a lot of give and take."•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on May 10, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following bill:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bill was signed by the President pro tempore (Mr. BYRD) on May 10, 2001.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the following enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. BYRD) on May 10, 2002:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue in Chicago, Illinois, as the "Paul Simon Chicago Jobs Corp Center."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 10, 2002, she had presented to the President of the United States the following enrolled bill:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue in Chicago, Illinois, as the "Paul Simon Chicago Jobs Corp Center."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6848. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, there report of a nomination confirmed for the position of Assistant Administrator, Bureau for Economic Growth, received on May 8, 2002; to the Committee on Foreign Relations.

EC-6849. A communication from the Secretary of Labor, transmitting, pursuant to law, the Annual Report concerning employment and training programs for veterans during program year 1999 and Fiscal Year 2000; to the Committee on Veterans' Affairs.

EC-6850. A communication from the Chief Financial Officer, Government of the District of Columbia, transmitting, the report of a violation of the Antideficiency Act concerning the Public Education System and Receiverships; to the Committee on Appropriations.

EC-6851. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Reporting Forms Implementing FEC Rules Transmitted on March 15, 2002" received on May 8, 2002; to the Committee on Rules and Administration.

EC-6852. A communication from the Secretary of Defense, transmitting, pursuant to law, the Sixteenth Report of the Federal Voting Assistance Program; to the Committee on Rules and Administration.

EC-6853. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Defense Environmental Restoration Program for Fiscal Year 2001; to the Committee on Armed Services.

EC-6854. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report regarding the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the United States Marine Corps H-1 Upgrades Program exceed the Acquisition Program Baseline values by more than 25 percent; to the Committee on Armed Services.

EC-6855. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report regarding the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the V-22 Program exceed the Acquisition Program Baseline values by more than 15 percent; to the Committee on Armed Services.

EC-6856. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Performance-Based Contracting Using Federal Acquisition Regulation Part 12 Procedures" (DFARS Case 2000-D306) received on May 8, 2002; to the Committee on Armed Services.

EC-6857. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting" (DFARS Case 2000-D303/304) received on May 8, 2002; to the Committee on Armed Services.

EC-6858. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report concerning Department of Defense process for decision-making in cases of false claims; to the Committee on Armed Services.

EC-6859. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a interim report on the development of regulations to improve privacy protections of medical records held by the Department of Defense; to the Committee on Armed Services.

EC-6860. A communication from the General Counsel of the Air Force, Office of General Counsel, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled "Wake Island Code" (RIN0701-AA65) received on May 8, 2002; to the Committee on Armed Services.

EC-6861. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report regarding Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions; to the Committee on Armed Services.

EC-6862. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report concerning the Five-Year Plan for the Manufacturing Technology Program for Fiscal Years 2002 through 2006; to the Committee on Armed Services.

EC-6863. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director of National Drug Control Policy, received on April 30, 2002; to the Committee on the Judiciary.

EC-6864. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Supply Reduction, received on April 30, 2002; to the Committee on the Judiciary.

EC-6865. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of nomination for the position of Deputy Director for State and Local Affairs, received on April 30, 2002; to the Committee on the Judiciary.

EC-6866. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Director for Supply Reduction, received on April 30, 2002; to the Committee on the Judiciary.

EC-6867. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Comprehensive Methamphetamine Act of 1966; Regulation of Pseudophedrine, Phenylpropanolamine and Combination Ephedrine Drug Products and Reports of Certain Transactions" (RIN 1117-AA44) received on May 9, 2002; to the Committee on the Judiciary.

EC-6868. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Section 212(c) Relief for Certain Aliens in Deportation Proceedings Before April 24, 1996" (RIN 1125-AA29) received on May 9, 2002; to the Committee on the Judiciary.

EC-6869. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulate" (22 CFR Parts 22 and 51) received on May 7, 2002; to the Committee on Foreign Relations.

EC-6870. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, a report relative to Development Assistance, Child Survival and Disease Programs, Assistance for Eastern Europe and the Baltic States, Assistance for the Independent States of the Former Soviet Union and the Economic Support Fund; to the Committee on Foreign Relations.

EC-6871. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the Report on Economic Conditions in Egypt for 2001; to the Committee on Foreign Relations.

EC-6872. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Australia; to the Committee on Foreign Relations.

EC-6873. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Asia and the Near East, received on May 8, 2002; to the Committee on Foreign Relations.

EC-6874. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-6875. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation "to prescribe adjust, and collect fees to cover the costs incurred by the Secretary to produce national and international reagents and references and make them available to the industry on a fee basis"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6876. A communication from the Administrator, Cotton Program, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Cotton Research and Promotion Program: Procedures for Conduct of Sign-Up Period" (Doc. No. CN-01-007) received on May 7, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6877. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al.; Final Free and Restricted Percentages for the 2001–2002 Crop Year for Tart Cherries" (Doc. No. FV 02–930–1 FR) received on May 7, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6878. A communication from the Administrator, Farms Service Agency, Farm Loan Program Loan Marketing Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Streamlining of the Emergency Farm Loan Program Loan Regulations" (RIN 0560–AF72) received on May 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6879. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Annual Program Performance Report of Fiscal Year 2001, the Annual Performance Plan for Fiscal Year 2003 and the Revised Plan for Fiscal Year 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6880. A communication from the Administrator, Farm Loan Programs, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Loan Programs Account Servicing Policies—Reduction of Amortized Shared Appreciation Recapture Amortization Rate" (RIN 0560–AG43) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6881. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Silica, Amorphous, Fumed (Crystalline Free); Exemption from the Requirement of a Tolerance" (FRL 6835–5) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6882. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Removal of Duplicative or Expired Time-Limited Tolerances for Emergency Exemptions" (FRL6835–7) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6883. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a notice entitled "Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 182"; to the Committee on Energy and Natural Resources.

EC–6884. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Personnel Security Program Manual" (DOE M 472.1–1B) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6885. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radiological Worker Training" (DOE–HDBK–1130–98 Change Notice 1) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6886. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Technical and Administrative Amendments" (RIN1991–AB51) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6887. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities" (DOE N 450.7) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6888. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Guide of Good Practices for Occupational Radiological Protection in Uranium Facilities" (DOE–STD–1136–2000, Change Notice 1, 2, and 3) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6889. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Security Amendments to Implement Executive Order 12829, National Industrial Security Program" (RIN1991–AB42) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6890. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Industrial Hygiene Practices" (DOE–STD–6005–2001) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6891. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Management Assessment and Independent Assessment Guide" (DOE G 414.1–1A) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–6892. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "International Energy Outlook 2002" ; to the Committee on Energy and Natural Resources.

EC–6893. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Determining Adjusted Income in HUD Programs Serving Persons with Disabilities: Requiring Mandatory Deductions for Certain Expenses; and Disallowance for Earned Income—Technical Amendments" ((RIN2501–AC72)(FR–4608–F–04)) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6894. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Interpretive Ruling and Policy Statement 02–1, 'Supervisory Review Committee'" received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6895. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date of Amendments to Home Mortgage Disclosure (Regulation C)" received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6896. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 FR 10046" (CFR Part 65) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6897. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 FR 11049" (Doc. No. FEMA–D–7521) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6898. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities" (RIN3067–AD16) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6899. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 FR 11053" received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6900. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA–7777) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6901. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 CFR 5232" (44 CFR Part 67) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6902. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5222" (44 CFR Part 65) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6903. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5224" (44 CFR Part 65) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6904. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 CFR Part 5234" (44 CFR Part 67) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6905. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5227" (Doc. No. FEMA–B–7426) received on

May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6906. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 44 CFR 5230" (Doc. No. FEMA–D–7519) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6907. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 44 FR 12479" (44 CFR Part 67) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6908. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA–7779) received on May 8, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6909. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Unsecured Credit Limits for Federal Home Loan Banks" (RIN3069–AB11) received on May 9, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6910. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Capacity Building for Traditionally Underserved Populations" (CFDA Num. 84.315) received on May 7, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6911. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on the Loan Repayment Program on Health Disparities Research (HDR–LPR) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–6912. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of the National Institutes of Health Loan Repayment Program for Research Generally (GR–LRP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–6913. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of the National Institutes of Health AIDS Research Loan Repayment Program (LRP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–6914. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report for Fiscal Year 2001 of the National Institutes of Health Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds (CR–LRP) and the Extramural Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds (ECR–LRP); to the Committee on Health, Education, Labor, and Pensions.

EC–6915. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6916. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph" (RIN0910–AA01) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6917. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report of the National Institute of Child Health and Human Development (NICHD) Contraception and Infertility Research Loan Repayment Program (CIR–LRP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–6918. A communication from the Acting Chairman, National Endowment for the Arts and Member Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the Annual Report on the Arts and Artifacts Indemnity Program for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–6919. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment of Regulations Regarding Certain Label Statements on Prescription Drugs" (Doc. No. 00N–0086) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6920. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Doc. No. 01F–0233) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6921. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Public Information; Cross Reference to Other Regulations; Technical Amendment" (Doc. No. 02N–0086) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6922. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on Performance Improvement 2002: Evaluation Activities of the U.S. Department of Health and Human Services for 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6923. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Institutes of Health Contraception and Infertility Research Loan Repayment Program" (RIN0925–AA19) received on May 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6924. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a nomination for the position of Inspector General, received on May 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6925. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6926. A communication from the Program Analyst, Directorate of Civil Works, Operations Division, Army Corps of Engineers, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Hampton Roads and Willougby Bay, Virginia" received on May 8, 2002; to the Committee on Environment and Public Works.

EC–6927. A communication from the Program Analyst, Directorate of Civil Works, Operations Division, Army Corps of Engineers, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Elizabeth River Virginia" received on May 8, 2002; to the Committee on Environment and Public Works.

EC–6928. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Administrator for Enforcement and Compliance Assurance, received on May 8, 2002; to the Committee on Environment and Public Works.

EC–6929. A communication from the Acting Assistant Administrator, Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Environmental Information, received on May 8, 2002; to the Committee on Environment and Public Works.

EC–6930. A communication from the Acting Assistant Administrator, Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Solid Waste and Emergency Response, received on May 8, 2002; to the Committee on Environment and Public Works.

EC–6931. A communication from the Deputy Administrator, General Service Administration, transmitting, pursuant to law, a Report of Building Project Survey, Green Bay, WI; to the Committee on Environment and Public Works.

EC–6932. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Revisions to the Clean Water Act Regulatory Definitions of 'Fill Material' and 'Discharge of Fill Material'" (FRL7209–2) received on May 9, 2002; to the Committee on Environment and Public Works.

EC–6933. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois Emission Reporting" (FRL7164–4) received on May 9, 2002; to the Committee on Environment and Public Works.

EC–6934. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL7174–5) received on May 9, 2002; to the Committee on Environment and Public Works.

EC–6935. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota" (FRL7165–7) received on May 9, 2002; to the Committee on Environment and Public Works.

EC–6936. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Nitrogen Oxides Budget Program" (FRL7208–4) received on May 9, 2002; to the Committee on Environment and Public Works.

EC–6937. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Final Approval of Operating Permits Program; State of Connecticut" (FRL7210–9) received on May 9, 2002; to the Committee on Environment and Public Works.

EC–6938. A communication from the Administrator, General Service Administration, transmitting, pursuant to law, a report on the Capital Investment and Leasing Program for Fiscal Year 2003; to the Committee on Environment and Public Works.

EC–6939. A communication from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Decommissioning Activities" (RIN1010–AC65) received on May 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6940. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Atlantic Highly Migratory Species; Fisheries of the Northeastern United States; Implementation of the Shark Finning Prohibition Act" (RIN0648–AP21) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6941. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technology Opportunities Program" (RIN0660–ZA06) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6942. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of the Expiration Date of and Emergency Interim Rule for the Atlantic Deep-Sea Red Crab Fishery" (RIN0648–AP10) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6943. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 67 to the Fishery Management Plan for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Area (License Limitation Program to Stabilize the Pacific Cod Fishery)" (RIN0648–AM40) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6944. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Children's Online Privacy Protection Rule" (RIN3084–AA88) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6945. A communication from the Acting Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice—Coastal Services Center Broad Area Announcement Fiscal Year 2002 Programs" (RIN0648–ZA94) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6946. A communication from the Administrator, Farm Loan Program, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Streamlining of the Emergency Farm Loan Program Loan Regulations; Correction" (RIN0560–AF72) received on May 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6947. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Atlantic Deep-Sea Red Crab Fishery" (RIN0648–AP10) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6948. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reopening of the Directed Fishery for Pacific Mackerel" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6949. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Educational Partnership Program with Minority Serving Institutions: Environmental Entrepreneurship Program—Request for Proposals for FY 2002" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6950. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Hawaii-Based Pelagic Longline Restrictions" (RIN0648–AP84) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6951. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to Employment Investigations of Pilot Applicants; to the Committee on Commerce, Science, and Transportation.

EC–6952. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting, pursuant to law, the Corporation's Legislative Report and Grant Request for Fiscal Year 2003 and the Amtrak Business Plan for Fiscal Year 2002–03; to the Committee on Commerce, Science, and Transportation.

EC–6953. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Species in the Rock Sole/Flathead Sole/'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area (BSAI). This Action is Necessary to Prevent Exceeding the First Seasonal Apportionment of the 2002 Pacific Halibut Bycatch Allowance Specified for the Trawl Rock Sole/Flathead Sole/'other flatfish' category" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6954. A communication from the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Proposal to Require Consolidated Reporting by Commonly Controlled Railroads" (STB Ex Parte No. 634) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6955. A communication from the DAA Fisheries Regulations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date for the Year-4 Default Management Measures for Small-Mesh Multispecies" (RIN0648–AP32) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6956. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries Regulations; Pacific Tuna Fisheries; Establishment of Incidental Catch Limit for Yellowfin Tuna Taken by the U.S. Purse Seine Fishery in the Eastern Pacific Ocean" (ID 102401B) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6957. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes B Season Allowance of Pollock in Statistical Area 630, Gulf of Alaska" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6958. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes B Season Pacific Cod in Statistical Area 610, Gulf of Alaska" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6959. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of the Commercial Trip Limit in the Commercial Hook-and-Line Fishery for King Mackerel in the Southern Florida West Coast Subzone to 500lb of King Mackerel Per Day in or from the Exclusive Economic Zone" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6960. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6961. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Haddock Daily Trip Limit" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6962. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Closure of the Directed Fishery for Atlantic Herring for Management Area 1A" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6963. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Quota Transfers; General Category Daily Retention Limit Adjustment" (ID 101501B) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6964. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Coastwide General Category Closure" (ID 102201D) received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6965. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fishery Closure" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6966. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Directed Fishing for Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on May 8, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6967. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Notice from NOAA's Ocean Exploration Program for FY 2002" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6968. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska (GOA). This Action is Necessary to Prevent Exceeding the A Season Amount of the Pacific Cod Total Allowable Catch (TAC) Apportioned to Vessels Catching Pacific Cod for Processing by the Inshore Component of the Central Regulatory Area of the GOA" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6969. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of the Commercial Trip Limit of Atlantic Group Spanich Mackerel in or from the EEZ in the Southern Zone to 1,500 lb. Per Day" received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6970. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Safety and Health" (RIN2700–AC33) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6971. A communication from the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a Federal Funding Report relative to the Atlantic Coastal Fisheries Cooperative Management Act for 1999–2000; to the Committee on Commerce, Science, and Transportation.

EC–6972. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Potomac River, Washington Channel, Washington, DC" ((RIN2115–AA97)(2002–0071)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6973. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Maumee River, Lake Erie, Ohio" ((RIN2115–AA97)(2002–0070)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6974. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Cruise Ships, San Pedro Bay, California" ((RIN2115–AA97)(2002–0069)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6975. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Neches Riverfest, Neches River, Port Neches, Texas" ((RIN2115–AA97)(2002–0072)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6976. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Savannah River, Georgia" ((RIN2115–AE84)(2002–0005)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6977. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reporting Prohibited Communication" (RIN2105–AD10) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6978. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations on Safety Integration Plans Governing Railroad Consolidations, Merger, and Acquisitions of Control; and Procedures for Surface Transportation Board Consideration of Safety Integration Plans in Cases Involving Railroad Consolidations, Mergers, and Acquisitions of Control" ((STB Ex. Parte No. 574)(RIN2140–AA50)) received on May 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6979. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's inventory of commercial activities for 2001; to the Committee on Governmental Affairs.

EC–6980. A communication from the Executive Director, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Subcommittee's Annual Report for 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–6981. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commission's combined Government Performance and Results Act Annual Performance Report for Fiscal Year 2001 and the Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Select Committee on Intelligence, without amendment:

S. 2506: An original bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 107-149).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2506. An original bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services pursuant to Section 3(b) of S. Res. 400, 94th Congress for a period of not to exceed 30 days of session.

By Mr. SMITH of New Hampshire (by request):

S. 2507. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. REED, and Mr. BINGAMAN):

S. 2508. A bill to preserve the effectiveness of medically important antibiotics by restricting their use as additives to animal feed; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUYE, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, and Mr. SMITH of New Hampshire):

S. 2509. A bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. DEWINE):

S. Res. 266. A resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day"; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. DASCHLE, Ms. CANTWELL, Ms. COLLINS, Mr. SARBANES, Mr. REID, Mr. WARNER, Mr. BAYH, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. DURBIN, Mr. GRAHAM, Mr. STEVENS, Mr. DAYTON, Mr. COCHRAN, Mr. ENSIGN, Mr. REED, Mr. SPECTER, Mrs. MURRAY, Mr. BOND, Mr. CRAIG, Mr. HUTCHINSON, Mr. KERRY, Mr. DODD, Mr. CORZINE, Mr. WELLSTONE, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. WYDEN, Mr. AKAKA, Mr. HATCH, Mr. NELSON of Florida, Mr. BUNNING, Mr. SANTORUM, Mr. FEINGOLD, Mr. ALLEN, Mr. HOLLINGS, Mr. DEWINE, Mrs. CLINTON, Mrs. LINCOLN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Ms. SNOWE, Mr. CLELAND, Mr. BREAUX, Mrs. CARNAHAN, Mr. DOMENICI, Ms. MIKULSKI, Mr. JOHNSON, and Mr. LIEBERMAN):

S. Con. Res. 110. A concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 724

At the request of Mr. BREAUX, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 864

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 864, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1931

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 2051

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2055

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2055, a bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes.

S. 2122

At the request of Mrs. CARNAHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2184

At the request of Mr. BREAUX, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2244

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2244, a bill to permit commercial importation of prescription drugs from Canada, and for other purposes.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr.

WARNER) was added as a cosponsor of S. 2389, a bill to designate the facility of the United States Postal Service located at 205 South Main Street in Culpeper, Virginia, as the "D. French Slaughter, Jr. Post Office Building."

S. 2425

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2428

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2428, supra.

At the request of Mr. REID, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2428, supra.

S. 2431

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2431, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

S. 2454

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2454, a bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

S. 2490

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2494

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2494, a bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Mississippi (Mr. LOTT) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 253

At the request of Mr. SMITH of Oregon, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. REED, and Mr. BINGAMAN):

S. 2508. A bill to preserve the effectiveness of medically important antibiotics by restricting their use as additives to animal feed; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is with great pleasure that I join my distinguished colleagues, Senator JACK REED and Senator JEFF BINGAMAN, in introducing "The Preservation of Antibiotics for Human Treatment Act of 2002." This important legislation will protect the health of millions of Americans by preserving the effectiveness of antibiotics.

We rely on antibiotics to protect our health from deadly infections and to help safeguard the nation's security from the threat of bioterrorism. Yet we are squandering the effectiveness of these precious medications by using them indiscriminately as additives to animal feed.

Study after study has shown that the practice of using antibiotics to promote growth and fatten livestock erodes the effectiveness of these important pharmaceuticals. Mounting scientific evidence shows that this nontherapeutic use of antibiotics in agricultural animals can lead to development of antibiotic-resistant bacteria that can be transferred to people, making it harder to treat dangerous infections.

In July 1998, the National Academy of Sciences, in a report prepared at the request of the United States Department of Agriculture and the Food and Drug Administration, concluded "there is a link between the use of antibiotics in food animals, the development of bacterial resistance to these drugs, and human disease." In 1997 and again in 2000, the World Health Organization recommended that antibiotics used to treat humans should not also be used to promote animal growth, although such antibiotics could still be used to treat sick animals.

In January 2001, a Federal interagency task force on antibiotic resistance concluded that "drug-resistant pathogens are a growing menace to all people, regardless of age, gender, or socio-economic background. If we do not act to address the problem . . . [d]rug choices for the treatment of common infections will become increasingly limited and expensive—and, in some cases, nonexistent."

Major medical associations have taken a stand against antibiotic use in animal agriculture. In June 2001, the American Medical Association adopted a resolution opposing nontherapeutic use of antibiotics in animal agriculture. Medical professional organizations that have taken a similar position include the American College of Preventive Medicine, the American Public Health Association, and the Council of State and Territorial Epidemiologists. I ask for unanimous consent to include a letter of endorsement for our legislation from the American Public Health Association in the RECORD.

Most developed countries in the world, with the exception of the United States and Canada, restrict the use of antibiotics for growth promotion in raising livestock. In July 1999, the European Union banned the use for animal growth promotion of remaining human-use antibiotics still in use to promote animal growth. Prior to that action, individual European countries, including the United Kingdom, Denmark, Finland, and Sweden, had banned the use in animal feed of specific antibiotics.

The Preservation of Antibiotics for Human Treatment Act of 2002 will protect the health of Americans by phasing out the non-therapeutic use in livestock of medically important antibiotics, unless their manufacturers can show that they pose no danger to the public health. The Act requires this same tough standard of new applications for approval of animal antibiotics. The Act does not restrict use of antibiotics to treat sick animals or to treat pets and other animals not used for food.

In October 2000, FDA found that one class of antibiotics posed such a grave danger to the public health that they issued an order to withdraw these drugs from animal use. Yet, over 18 months later, tons of these drugs are still being used, because their manufacturer has refused to comply with FDA's order. The Act takes immediate action to implement the decision of FDA to withdraw these drugs from our food supply.

The National Academy of Sciences has found that eliminating the use of antibiotics as feed additives would cost each American consumer not more than $5 to $10 per year. Nonetheless, the legislation recognizes that there may be economic costs to farmers in making the transition to antibiotics-free farming practices. For this reason, the Act provides for Federal payments to farmers to defray their costs in switching to antibiotic-free husbandry practices, with a preference given to family farms.

Antibiotics are one of the crown jewels of modern medicine. If we squander their effectiveness, the health of millions of Americans will be put at risk.

The most vulnerable among us, children, the elderly, persons with HIV/AIDS, are particularly endangered by resistant infections. I urge my colleagues to support this needed legislation to protect the health of all Americans and preserve the effectiveness of antibiotics.

I ask unanimous consent that a letter of support and an analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, May 1, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MISTER CHAIRMAN: On behalf of the 50,000 members of the American Public Health Association, I am writing to express our strongest support for the Preservation of Antibiotics for Human Treatment Act of 2002. The Act proposes to withdraw certain antibiotics used in healthy food animals to enhance their growth, as well as a class of antibiotics related to the anthrax drug Cipro and used in poultry. These withdrawals will help prevent transmission of antibiotic resistant bacteria in food.

It is common to add antibiotics to the feed of cattle, pigs, and poultry to speed their growth. But it also speeds the development of antibiotic resistant bacteria on farms, that can then contaminate the meat and cause food-borne illnesses for which treatment options are then limited. The evidence of harm to public health resulting from this practice has only gown. It is time for Congress to make the health of consumers a priority and put an end to this practice.

According to the Centers for Disease Control and Prevention, there are 1.4 million cases of Salmonella infection in the U.S. each year. Most of these infections are acquired from food, and many of them are resistant to five or more antibiotics. The Salmonella found in commercial meat and poultry products has already become resistant to a number of the most commonly used antibiotics. Your bill would phase out each of these drugs as a feed additive for healthy animals.

The bill also calls for withdrawal of a precious class of antibiotics now used to treat pneumonia in poultry. Since the approval of the fluoroquinolone antibiotics in 1995, Campylobacter, the most common food-borne infection, has developed resistance, and FDA has called for the drug's withdrawal in poultry. APHA has gone on record supporting the FDA's action.

We are pleased to support this important piece of legislation, and will work with you to see that it is passed. Please contact Natalie Raynor for further information.

Sincerely,

MOHAMMAD N. AKHTER,
Executive Director.

THE PRESERVATION OF ANTIBIOTICS FOR HUMAN TREATMENT ACT OF 2002

BACKGROUND

The widespread use of antibiotics beginning in the 1940's provided, for the first time in history, effective treatments for infectious diseases. These miracle drugs have saved countless lives, but they are losing their effectiveness. Antibiotics that once had the power to cure dangerous infections are now often useless, because microbes have become resistant to all but the newest and most expensive drugs, and some "superbugs" are impervious to any weapons in the medical arsenal. Resistance to antibiotics takes a heavy toll on patients across the Nation. The World Health Organization estimates that 14,000 Americans die every year from drug-resistant infections. This means that one American dies from a resistant infection every 38 minutes.

It seems scarcely believable that these precious medications could be fed by the ton to chickens and pigs, but that's exactly what's happening in farms all over America. Over 20 million pounds of antibiotics are fed to farm animals every year. That's more than is used in all of medicine. These precious drugs aren't even used to treat sick animals. They are used to fatten pigs and speed the growth of chickens. The result of this rampant overuse is clear: meat contaminated with drug-resistant bacteria sits on supermarket shelves all over America. Every family is potentially at risk. The most vulnerable among us, children, the elderly, persons with HIV/AIDS, are particularly endangered by resistant infections.

At a time when the Nation is relying on antibiotics and other medications to protect our homeland's security from the grave threat of bioterrorism, we can no longer squander these precious weapons in the fight against disease by feeding them indiscriminately to livestock.

PROVISIONS OF THE LEGISLATION

The Preservation of Antibiotics for Human Treatment Act of 2002 will protect the health of Americans by phasing out the non-therapeutic use in livestock of medically important antibiotics, unless their manufacturers can show that they pose no danger to the public health. The Act requires this same tough standard of new applications for approval of animal antibiotics.

The Act does not restrict use of antibiotics to treat sick animals or to treat pets and other animals not used for food.

In October 2000, FDA found that one class of antibiotics posed such a grave danger to the public health that they issued an order to withdraw these drugs from animal use. Yet, over 18 months later, tons of these drugs are still being used, because their manufacturer has refused to comply with FDA's order. The Act takes immediate action to implement the decision of FDA to withdraw these drugs from our food supply.

The Act provides for Federal payments to farmers to defray their costs in switching to antibiotic-free husbandry practices, with a preference given to family farms.

Mr. REED. Mr. President, I rise today to join my colleagues, Senator KENNEDY of Massachusetts and Senator BINGAMAN of New Mexico, in introducing this timely and important legislation. The Preservation of Antibiotics for Human Treatment Act of 2002 will address a critical public health concern facing our nation.

There has been mounting scientific evidence that the overuse in animal husbandry of certain antibiotics is increasing the resistance to those antibiotics of bacteria that cause human disease. In farming, the drugs are often added to the feed of healthy animals to promote growth and productivity.

In 1997 and again in 2000, the World Health Organization recommended that antibiotics used to treat humans should not be used to promote animal growth, though the drugs could still be used to treat sick animals. Most developed countries, other than the United States and Canada, restrict the use of antimicrobials in growth promotion.

In July 1998, the National Academy of Sciences concluded in a report that there is a link among the use of antibiotics in food animals, the development of bacterial resistance to these drugs and human disease.

Our legislation will require that an animal drug in the fluoroquinolone class of antibiotics, such as ciprofloxacin, and an other critical drug, such as penicillin and tetracycline, will be considered unsafe as an additive in animal feed unless the drug's manufacturer can demonstrate that use in animal feed of the drug does not pose a harm to human health. In addition, the legislation will require that the Food and Drug Administration refuse to approve a veterinary drug application for any antimicrobial drug critical to human health care. For drugs that are currently added to animal feed, the legislation will require that the drug's use be phased out over the next two years.

It should be noted that three large commercial poultry producers have recently volunteered to significantly reduce or stop the use of antibiotics in their healthy chickens. In addition, the New York Times reported in February that the industry is stopping the use of a particular drug that is related to Cipro, which is used to treat anthrax in humans. The Times reported as well that some corporate consumers including McDonalds, Wendy's and Popeye's are refusing to buy chicken treated with that drug.

Some will be concerned that our legislation may impose a heavy burden on family farmers. As a means to reduce any burden, the legislation will also authorize payment to producers of livestock or poultry that substantially reduce there nontherapeutic use of antimicrobials in animal feed. Family-owned and family-operated farms or ranches will get priority in the awarding of these payments. And while we understand the concerns of those farmers, we anticipate that the legislation will be a significant step in helping the public health system maintain an effective arsenal against serious diseases, including anthrax, sepsis, strep and salmonella, many of which result in serious illness or death in both children and adults.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUYE, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, and Mr. SMITH of New Hampshire):

S. 2509. A bill to amend the Defense Base Closure and Realignment Act of

1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes; to the Committee of Armed Services.

Mrs. HUTCHISON. Mr. President, I rise today to offer legislation that addresses an issue of great concern to our Nation's current and future security as well as to hundreds of communities across our country.

We have endeavored to reduce the excess infrastructure of our armed forces four times in the past 15 years through the appointment of a BRAC commission whose charter was to recommended the elimination or realignment of unneeded bases. Four times these commissions have made recommendations to the President resulting in the closure of 106 major bases. I would like to agree that in each instance, the best decision was made and the military is now better off without these facilities; however, this is not the case. Mistakes have been made.

While most of these selections were proper, some have resulted in significant, unintended consequences. Staggering costs to clean up the environmental liabilities left behind is one such example. At the former Navy Station Long Beach, CA, post-closure clean up costs have consumed hundreds of millions of dollars more than had been anticipated. The final cost of closing that base remains unknown. How can the savings of closing this base be cited when even seven years later the costs continue to grow?

The lack of facilities now available to properly train our remaining forces is another. When justifying the closure of Reese Air Force Base in 1995, the commission's report stated that "the Air Force has a surplus of undergraduate pilot training facilities." However, only five years later, this service had a shortage of over 1,200 pilots. To make up for that shortfall, the Air Force was compelled to hastily establish another training base, at tremendous cost to the taxpayer.

The severe economic impact that small, rural communities have endured is yet another unintended consequence. The '95 commission's decision to convey Fort Chafee to the local community was scandalous. How was a small, rural community like Barling, AR supposed to turn a post like Chaffee, pockmarked with over 700 World War II-era buildings, each contaminated with lead paint and Asbestos, into an economic asset to the community? They couldn't. While the closure of Chaffee may have saved the Pentagon money, it saddled a small town with an expensive, environmentally hazardous burden.

I am convinced the root cause of these regrettable selections was vague and inefficient criteria which the commissions used in their efforts to select candidates for closure or realignment. To ensure we do not repeat these mistakes, I have worked closely with a number of my colleagues, particularly Senator BINGAMAN, to develop legislation that would refine the minimum criteria the commission must consider. Among the new criteria are: the impact on homeland security; the effects on co-located Federal agencies; and lessons learned in the previous rounds of closures. This measure also promotes greater transparency by requiring the weighting of these criteria be published well before a commission recommends any base for closure.

I know the outcome of the 2005 BRAC is of utmost importance to both the military and the communities outside the fence. I urge my colleagues to support this bill to ensure that the proper decisions are made, and that they are made for the proper reasons.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transparent and Enhanced Criteria Act of 2002".

SEC. 2. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) ADDITIONAL SELECTION CRITERIA.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1344), is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

"(1) Force structure and mission requirements through 2020, as specified by the document entitled 'Joint Vision 2020' issued by the Joint Chiefs of Staff, including—

"(A) mobilization requirements; and

"(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

"(i) joint use by two or more Armed Forces; and

"(ii) use by one or more reserve components.

"(2) The availability and condition of facilities, land, and associated airspace, including—

"(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

"(B) current, planned, and programmed military construction.

"(3) Considerations regarding ranges and airspace, including—

"(A) uniqueness; and

"(B) existing or potential physical, electromagnetic, or other encroachment.

"(4) Force protection.

"(5) Costs and effects of relocating critical infrastructure, including—

"(A) military construction costs at receiving military installations and facilities;

"(B) environmental costs, including costs of compliance with Federal and State environmental laws;

"(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department;

"(D) effects on co-located entities of the Department;

"(E) effects on co-located Federal agencies;

"(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

"(6) Homeland security requirements.

"(7) State or local support for a continued presence by the Department, including—

"(A) current or potential public or private partnerships in support of Department activities; and

"(B) the capacity of States and localities to respond positively to economic effects and other effects.

"(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

"(9) Anticipated savings and other benefits, including—

"(A) enhancement of capabilities through improved use of remaining infrastructure; and

"(B) the capacity to relocate units and other assets.

"(10) Any other considerations that the Secretary of Defense considers appropriate.".

(b) WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.—Subsection (a) of such section 2913 is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) WEIGHTING OF CRITERIA.—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—DESIGNATING OCTOBER 10, 2002, AS "PUT THE BRAKES ON FATALITIES DAY"

Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 266

Whereas traffic fatalities needlessly claim the lives of more than 40,000 Americans each year;

Whereas traffic crashes are the leading cause of death in the United States for people ages 6 to 28 years;

Whereas 63 percent of those killed in traffic crashes are not wearing safety belts;

Whereas roadside hazards, substandard road conditions, and obsolete roadway designs contribute to more than 15,000 highway deaths annually— nearly ⅓ of all fatal crashes;

Whereas more than 3,000,000 people are injured in traffic crashes in the United States each year;

Whereas there are more than 6,000,000 nonfatal traffic crashes in the United States each year;

Whereas deaths and injuries on highways in the United States cost society more than $230,000,000,000 annually;

Whereas approximately 4,900 pedestrians and 750 bicyclists are killed annually in traffic related crashes;

Whereas safer driving behaviors through the use of seat belts, not drinking and driving, and obeying traffic laws need to be encouraged;

Whereas use of simple, cost-effective roadway safety improvements such as all weather signing and marking, traffic signals, skid resistant pavements, and removal of roadside hazards would greatly reduce crashes;

Whereas continued development of ever-safer vehicles, protective equipment, and roadways would reduce traffic-related fatalities and injuries; and

Whereas cooperation between Federal, State, and local governments, private companies, and associations is essential to increasing highway safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 10, 2002, as "Put the Brakes on Fatalities Day"; and

(2) requests that the President issue a proclamation urging the people of the United States and interested groups to encourage safe driving and other roadway use.

SENATE CONCURRENT RESOLUTION 110—HONORING THE HEROISM AND COURAGE DISPLAYED BY AIRLINE FLIGHT ATTENDANTS ON A DAILY BASIS

Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. DASCHLE, Ms. CANTWELL, Ms. COLLINS, Mr. SARBANES, Mr. REID, Mr. WARNER, Mr. BAYH, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. DURBIN, Mr. GRAHAM, Mr. STEVENS, Mr. DAYTON, Mr. COCHRAN, Mr. ENSIGN, Mr. REED, Mr. SPECTER, Mrs. MURRAY, Mr. BOND, Mr. CRAIG, Mr. HUTCHINSON, Mr. KERRY, Mr. DODD, Mr. CORZINE, Mr. WELLSTONE, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. WYDEN, Mr. AKAKA, Mr. HATCH, Mr. NELSON of Florida, Mr. BUNNING, Mr. SANTORUM, Mr. FEINGOLD, Mr. ALLEN, Mr. HOLLINGS, Mr. DEWINE, Mrs. CLINTON, Mrs. LINCOLN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Ms. SNOWE, Mr. CLELAND, Mr. BREAUX, Mrs. CARNAHAN, Mr. DOMENICI, Ms. MIKULSKI, Mr. JOHNSON, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 110

Whereas over 100,000 men and women in the United States serve as flight attendants;

Whereas flight attendants dedicate themselves to serving and protecting their passengers;

Whereas flight attendants react to dangerous situations as the first line of defense of airline passengers;

Whereas safety and security are the primary concerns of flight attendants;

Whereas flight attendants evacuate passengers from an airplane in emergency situations;

Whereas flight attendants defend passengers against hijackers, terrorists, and abusive passengers;

Whereas flight attendants handle in-flight medical emergencies;

Whereas flight attendants perform routine safety and service duties on board the aircraft;

Whereas 25 flight attendants lost their lives aboard 4 hijacked flights on September 11, 2001;

Whereas 5 flight attendants helped to prevent United Flight 93 from reaching its intended target on September 11, 2001;

Whereas flight attendants provided assistance to passengers across the United States who had their flights diverted on September 11, 2001;

Whereas flight attendants on American Airlines Flight 63 helped to subdue Richard Reid on December 22, 2001, thereby preventing him from detonating an explosive device in his shoe intended to bring down the airplane and kill all 185 passengers and 12 crew members on board; and

Whereas flight attendants helped to prevent Pablo Moreira, a Uruguayan citizen, from breaking into the cockpit on February 7, 2002 during United Flight 855 from Miami to Buenos Aires: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its profound gratitude for the faithful service provided by flight attendants to make air travel safe;

(2) honors the courage and dedication of flight attendants;

(3) supports all the flight attendants who continue to display heroism on a daily basis, as they had been doing before, during, and after September 11, 2001; and

(4) shall send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a concurrent resolution honoring flight attendants for the courage, dedication, and heroism they display on a daily basis as the first line of defense against trouble and terror in our skies.

From the events of September 11, we have all taken great pride in the heroism and courage displayed by rescue workers, firemen, and first responders. These were the men and women running into the burning and collapsing buildings to help those who were running out get to safety. Who knows what the death toll would have been that dreadful day without the help of these brave heroes.

Since September 11, the United States has rallied behind the courage and dedication of our troops abroad who are rooting out terrorism. American soldiers are protecting the United States from future terrorist attacks and as we all know, lives have been lost.

I cannot say enough about what the policemen, firemen, rescue workers, and the men and women of our armed services have done to protect all of us.

However, one group of American heroes that I also want to make sure receive their proper recognition are the approximately 100,000 men and women who serve as flight attendants in the United States today.

Flight attendants dedicate themselves to serving and protecting their passengers.

Flight attendants react to dangerous situations on airplanes as the first line of defense of airline passengers and the pilots in the cockpit.

Flight attendants evacuate passengers from the airplane in emergency situations.

Flight attendants have defended passengers against hijackers, terrorists, and abusive passengers.

Flight attendants handle in-flight medical emergencies.

And as we all know, many flight attendants lost their lives on September 11 as they fought with terrorists.

Clearly flight attendants do more than serve food and drinks on the plane.

They are the police, the fire department, the paramedics, and the bomb squad at 30,000 feet above ground. Just one of these responsibilities would overwhelm most people. Yet, flight attendants manage to balance these roles day in and day out.

Flight attendants have enormous responsibilities and they face tremendous dangers in flight.

To honor the dedication, courage, and commitment flight attendants make everyday, I am offering this resolution to: 1. Express the gratitude of Congress for the faithful service provided by flight attendants to make air travel safe; 2. Honor the courage and dedication of flight attendants; 3. Support flight attendants as they continue to display heroism on a daily basis; and 4. Send a copy of this resolution to a family member of each of the flight attendants killed on September 11, 2001.

In this resolution, we mention three specific instances where flight attendants have courageously intervened to save the lives of others.

We all know about the heroic passengers and crew of Flight 93 on September 11, 2001. The flight from Newark, New Jersey to San Francisco was hijacked that dreadful morning. Yet the terrorists were prevented from crashing the airplane into its intended target by brave passengers and crew. Among the crew that sacrificed their lives were five United Airlines flight attendants.

A few months later, terrorist Richard Reid tried to blow up American Airlines Flight 63. He too was stopped with the help of flight attendants as he tried to light explosives in his shoes.

Speaking of the flight attendants aboard Flight 93, one passenger said, "There's no question that all of us on board owe our lives to them. [Reid] was fighting to the death."

And in February of this year, flight attendants and pilots aboard United Airlines Flight 855 prevented a passenger from breaking into the cockpit while the plane was traveling from Miami to Buenos Aires.

These are only a few examples of times when flight attendants have stepped forward to risk their lives to protect others. And unfortunately there will always be a tremendous amount of risk for the men and women who work aboard airplanes every day.

I want to point out that this resolution is the result of a letter by a flight attendant in Sacramento, California who wrote to me. I would like to insert the letter into the RECORD and read some of it aloud.

Heather Lauter-Clay, a United Airlines flight attendant, wrote:

> From the deepest part of my heart, I am asking for your support in carrying a resolution to honor Flight Attendants. It would mean so much to Flight Attendants to be given the respect and support that they so deserve.

Heather, I completely agree and I am proud to offer this resolution to honor our flight attendants.

I also want to enter this note into the RECORD. It was given to me by Kristin Spivey, a United flight attendant, on my trip home over the weekend. I was especially touched by Ms. Spivey's note, which was written on an airplane cocktail napkin. The note reads:

> "Senator Feinstein: I am so pleased to have you on our flight today. It has been an honor to serve you—just to meet you. Thank you for sponsoring the bill to acknowledge flight attendants' contributions on September 11th. It was very difficult to lose so many flying partners to something so senseless.
>
> In the aftermath it was hard to go on, despite the fact that I love my job and would not give it up, because so few seemed to understand my sense of loss. It is also comforting to believe that all those onboard flight 93 died for a reason—to save many others in Washington.
>
> You do them a great honor in remembering that. I know you can help others understand all this. Thank you for speaking for us. I know my fallen colleagues would be proud.
>
> Kristin Spivey (D.C. based)

I think this note from Ms. Spivey makes it clear that this resolution is very important and I hope the Congress will pass this legislation soon.

To the flight attendants serving today and every day: Thank You.

I ask unanimous consent that letters of support for this resolution be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DAVIS, CA.

DEAR SENATOR DIANNE FEINSTEIN: I am a United Airlines Flight Attendant. On September 11th, our United Family was forever changed. In the weeks and months following the tragedy, we have been mourning the loss of our colleagues and loss of ourselves. Our world as we knew it has been forever changed.

On that fateful day, the grief was immense for us. We lost 16 or our crewmembers in one hour, on one day. We were stricken with feelings of sadness, fear, confusion and panic. Many of us were stranded, away from home. As the unknown lingered, we still held onto the thoughts of what our colleagues faced in their last moments. Meanwhile, knowing that we too would soon be boarding an airplane.

As a flight attendant, we have taken an oath "to provide comfort, care and safety" to our passengers. On September 11th, our flight attendants were doing their job. All of the previous protocols that were in place for hijacking situations failed them. They died protecting their passengers in the best way that they knew how. As we know, in the last moments of flight, they were unselfishly caring for others. Flight Attendants assisted in bringing down UAL 93 by boiling water to throw on the hijackers and others were on the phones to supervisors detailing what was transpiring on the planes.

As we approach 4 months since Sept. 11th, our flight attendants are still continuing to be faced with sadness, grief, and mourning. The skies as we now know them, are a host to uncertainty. Possible terrorist threats are continually present. Airline safety is still compromised. United has layed off thousands of flight attendants and job security is wavering.

Over these past months, firefighters, policemen, postal workers and others have been honored for their heroism and dedication to Sept 11th. Flight Attendants have not and this hurts us. We too, go to work each day, to serve and protect, knowing that we may not come home to our loved ones. We too know the importance of carrying on with our job, despite what we may encounter, even the possibility of death. Our commitment, bravery and dedication to the public have never ceased during and after the events of September 11th. Our crews of UAL 93 and UAL 175 died unsung heroes.

From the deepest part of my heart, I am asking for your support in carrying a resolution to honor Flight Attendants. It would mean so much to Flight Attendants to be given the respect and support that they so deserve. The crews of UAL 93, UAL 175, AA 11, and AA 77 died unsung heroes. The countless Flight Attendants who have been flying since Sept. 11th continually display valor, gallantry, courage, and bravery in the midst of a world that is forever changed.

Senator Feinstein, thank you for your consideration.

Sincerely,

HEATHER LAUTER-CLAY.

SENATOR FEINSTEIN: I am so pleased to have you on our flight today. It has been an honor to serve you—just to meet you. Thank you for sponsoring the bill to acknowledge flight attendants' contributions on September 11th. It was very difficult to lose so many flying partners to something so senseless. In the aftermath it was hard to go on, despite the fact that I love my job and would not give it up, because so few seemed to understand my sense of loss. It is also comforting to believe that all those onboard flight 93 died for a reason—to save many others in Washington. You do them a great honor in remembering that. I know you can help others understand all this. Thank you for speaking for us. I know my fallen colleagues would be proud.

L. KRISTIN SPIVEY,
D.C. based.

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO, AIR TRANSPORT LOCAL 556,
Dallas, TX, May 13, 2002.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: As President of Transport Workers Union Local 556 representing the 7000+ hard working Flight Attendants at Southwest Airlines, I am writing in support of your proposed resolution honoring all Flight Attendants.

Before September 11, 2001, Flight Attendants insured the safety and comfort of airline passengers. On September 11, 2001, Flight Attendants were the first to sacrifice their lives for the safety of the aircraft and passengers. Since September 11, 2001, Flight Attendants have been first in enabling airplanes and passengers to the skies. For many Flight Attendants, their only reward since September 11, 2001 has been a "pink slip" as they were also among the first to lose their jobs in cutbacks related to the "Attack on America".

Thank you for your leadership and for sponsoring a resolution which will bring well-deserved recognition to the over 100,000 Flight Attendants in America who make me proud to wear my wings.

Respectfully,

THOM MCDANIEL,
TWU Local 556 President.

Mrs. HUTCHISON. Mr. President, I rise today with Senator FEINSTEIN and 50 of my colleagues to submit a resolution to honor the service and professionalism of the men and women in the United States who serve as flight attendants.

A career as a flight attendant requires a deep commitment. Their schedules are unpredictable, their work hours are long and intense, and the nature of the job causes long absences from the company of family and friends. Not too many years ago, a flight attendant, or "stewardess", could be fired for getting married or becoming pregnant. Happily, those dark ages are over, thanks to the sacrifices made by generations of flight attendants who have served all of us.

Today's flight attendants are dedicated men and women who are charged with many important responsibilities. Of course, they serve food and beverages to passengers under cramped and difficult conditions. They also assist children traveling alone, as well as elderly and disabled passengers. When requires, they administer first aid, including CPR and artificial respiration. Most of all, they are responsible for the safety and security of the passengers from the time the aircraft pulls away from the gate, and they are on duty until the plane arrives at its destination.

On September 11, terrorism struck the United States as hijacked aircraft were used as massive weapons of destruction. Despite being trained merely to comply with the hijackers' demands and to calm the passengers, many went above and beyond these limitations and displayed great courage. Using cell phones to relay information to ground crews, crews aboard American Airlines Flights 11 and 77 and United Airlines Flights 93 and 175 assisted law enforcement officials in identifying the hijackers and assessing the nature of the threats. Despite the ultimate loss of their lives, the crews of these flights took heroic steps trying to thwart the terrorists' intentions and prevented further destruction. It is humbling to realize that many of our lives, as well as our beloved Capitol building, may have been saved by the sacrifices of the crew of flight 93.

On October 1, another potentially disastrous event was averted on American Airlines Flight 1238 traveling from Los Angeles to Chicago, when a passenger attempted to break through the cockpit door to attack the flight crew. The cabin crew helped stop the attempt and ingeniously placed serving carts to secure the cockpit.

On December 28, 2001, quick thinking flight attendants made the difference on American Airlines Flight 63 en route from Paris to Miami, when Richard Reid, an accused al Qaeda-trained terrorist, attempted to light a powerful explosive concealed in his shoes. An alert flight attendant led the rest of the cabin crew in a successful struggle to prevent a devastating explosion. Reid was restrained and ultimately arrested, but not before several flight attendants were injured in the battle to subdue Reid.

I encourage flight attendants to continue to provide America's travelers with the service and security we need to revive our aviation industry. I urge my Senate colleagues to join with me in saluting and honoring America's flight attendants and by passing this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3402. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3403. Mr. KENNEDY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3404. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3405. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. WYDEN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3406. Mr. ALLEN (for himself, Mr. EDWARDS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3407. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3402. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 3(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

SA 3403. Mr. KENNEDY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 2102(b)(4) is amended by adding at the end the following new subparagraph;

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

SA 3404. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new title:

TITLE —BUSINESS INCUBATION

SEC. 01. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Linking Educators and Developing Entrepreneurs for Reaching Success Act of 2002".

(b) FINDINGS.—Congress makes the following findings:

(1) Business incubators housed in academic settings provide unique educational opportunities for students, provide entrepreneurs with enhanced access to a skilled workforce, and bring a wealth of resources to business, academia, and communities.

(2) Academic affiliated incubators bridge the missions of academic institutions by bringing together education, economic development, and technology commercialization efforts.

(3) Studies have shown that incubator tenant companies have an average success rate of 87 percent, and 90 percent for technology-based incubator tenant companies. These success rates are dramatically higher than the success rates for companies in the general economy.

(4) Incubator companies are also more likely to remain in the same communities as they grow and to provide high paying jobs and benefits to their employees.

(5) Business incubators help academic institutions contribute to local goals of sustaining economic development in their surrounding communities.

(6) Education in entrepreneurship and other business formation skills is essential to business success and sustainable economic development.

(7) Studies have shown that every 50 jobs created by a business in an incubator generate another 25 jobs in that incubator's community.

(8) Business incubators are of particular value in communities that have seen significant job displacement due to overwhelming competition from exports.

SEC. 02. PURPOSE.

The purpose of this title is to encourage entrepreneurship by increasing the role for academia in entrepreneurship by providing space and expertise in an academic setting to house and support new and emerging small businesses.

SEC. 03. DEFINITIONS.

In this title:

(1) DEGREE-GRANTING INSTITUTION.—The term "degree-granting institution" means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that awards an associate or baccalaureate degree.

(2) INCUBATOR.—The term "incubator" means an entity affiliated with or housed in a degree-granting institution that provides space and coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phase, including providing services such as shared office space and services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, and other coordinated business or technical support services.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 04. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to support the establishment and development of incubators.

(b) ALLOCATION OF FUNDS.—From the amount appropriated under section 09, the Secretary—

(1) shall reserve 80 percent of the amount to—

(A) make awards, on a competitive basis, in amounts of $500,000 to $750,000, to help acquire or renovate space for incubators; and

(B) make awards, on a competitive basis, in amounts of $50,000 to $150,000, for—

(i) developing curricula;

(ii) providing services, including—

(I) preparing corporate charters, partnership agreements, and basic contracts;

(II) assisting with patents, trademarks, and copyrights; and

(III) providing technology acquisition services; or

(iii) providing programming for entrepreneurs housed in an incubator;

(2) shall reserve 10 percent of the amount to make awards, on a competitive basis, in amounts of $50,000 to $150,000, for feasibility studies for determining the need for or siting of incubators; and

(3) shall reserve 10 percent for research regarding best practices for incubator programs, including the development of a benchmarking system based on uniform measures, and for dissemination of information regarding such practices.

(c) CONTRACTS.—The Secretary is authorized to contract with organizations with expertise in business incubation practices for the purposes of carrying out subsection (b)(3).

(d) RECIPIENTS.—The Secretary shall make an award—

(1) described in subsection (b)(1) to a nonprofit entity that has a strong affiliation with a degree-granting institution and manages or provides technical assistance to the degree-granting institution's affiliated incubator, or if no nonprofit entity manages or provides technical assistance to the incubator, to the degree-granting institution managing the incubator; or

(2) described in subsection (b)(2) to a degree-granting institution, or a nonprofit municipality, city, township, or community development organization.

SEC. 05. USES OF FUNDS.

Funds awarded under section 04(b)(1)(B) may be used for—

(1) curriculum, training, or technical assistance developed by academic faculty with participation from entrepreneurship experts and local government leaders;

(2) programming that contributes to a coordinated set of business assistance tools, such as developing management teams, providing workforce development, forming strategic alliances, developing capital formation networks, and developing customized plans to help entrepreneurs meet the challenges of doing business in their specific communities; or

(3) hiring staff to coordinate the activities described in paragraph (1) or (2) or for curriculum development.

SEC. 06. APPLICATIONS.

(a) IN GENERAL.—Each entity desiring assistance under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Each application shall contain an assurance that the activities to be assisted—

(1) have the support of the municipality, city, or township in which the incubator is housed or proposed to be housed; and

(2) are consistent with the local economic development or strategic master plan.

(c) PRIORITY.—The Secretary shall give priority to funding applications under this title that provide strong educational opportunities to students in entrepreneurship, and that require significant collaboration between businesses, academia, and local government and economic development leaders.

(d) CONSIDERATION.—

(1) IN GENERAL.—The Secretary may give consideration to funding applications under this title that support—

(A) the building of new incubators;

(B) incubators located in economically distressed areas;

(C) incubators with successful graduation rates for tenant companies;

(D) incubators that have shown demonstrable economic benefits in their surrounding communities;

(E) incubators that work with faculty entrepreneurs or university-based research; or

(F) incubators located in rural areas, inner city areas, Indian reservations or pueblos, where the presence of an incubator may enhance and diversify the area's economy through expanded technology commercialization.

(2) DEFINITION OF CONSIDERATION.—In this subsection the term "consideration" means thought and does not mean priority.

SEC. 07. MATCHING FUNDS.

Each entity receiving Federal assistance under section 04(b)(1) shall contribute matching funds, in an amount equal to the amount of Federal assistance received under this title, toward the costs of the activities assisted under this title. The non-Federal share required under this section may be provided in the form of in-kind contributions.

SEC. 08. REPORT.

The Secretary, at the end of the third year for which assistance is provided under this title, shall prepare and submit to Congress a report that—

(1) describes the most effective or innovative additions to curricula developed under this title;

(2) contains a comparison of small business survival rates for small businesses that started up in incubators versus small businesses that did not so start;

(3) describes factors leading to the success of incubator businesses (if any);

(4) describes the best role for degree-granting institutions in business incubation; and

(5) contains a comparison of academic-affiliated incubators of specific missions and ages supported under this title with incubators with similar missions and ages that are not supported under this title.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $20,000,000 for each of the fiscal years 2003, 2004, and 2005.

SA 3405. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. WYDEN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 229, line 23, strike all through "United States," on line 25, and insert the following: "foreign investors in the United States are not accorded greater rights than United States investors in the United States.".

SA 3406. Mr. ALLEN (for himself, Mr. EDWARDS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate location, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

SEC. 2. MORTGAGE PAYMENT ASSISTANCE PILOT PROGRAM—

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a pilot program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be an individual who—

(A) is determined by the Secretary to be a member of a group of workers described in section 250(a)(1) of the Trade Act of 1974 (19 U.S.C. 2331);

(B) is an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of such Act (19 U.S.C. 2271 et seq.); and

(C) is receiving adjustment assistance under such chapter;

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2003 through 2007.

(g) TERMINATION.—The program established under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

SA 3407. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows

On page 275, strike line 17 and all that follows through line 22, and insert the following:

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement—

(A) makes progress in meeting the applicable objectives described in section 2102 (a) and (b) and the President satisfies the conditions set forth in section 2104; and

(B) does not infringe upon the right to bear arms protected by the second amendment to the Constitution of the United States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Saturday, May 18, beginning at 10 a.m. at the Forest Service Region 2 auditorium, located at 740 Simms St. in Golden, CO.

The purpose of the hearing is to assess the Federal, local, and State coordination with respect to the National Fire Plan and review the existing Federal fire-related partnership programs to enhance cooperation and efficiencies with non-Federal entities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelley_brown@energy.senate.gov or fax it to (202) 224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to inform my colleagues and the public of a hearing postponement.

The committee hearing originally scheduled for Tuesday, May 14, at 9:30 a.m. in SH-216 concerning S.J. Res. 34, a joint resolution approving the site at Yucca Mountain, NV, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982, will be held on Wednesday, May 22, at 9:30 a.m., in SD-106.

For further information, please contact Sam Fowler 202/224-7571 of the committee staff.

NOTICE—PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 2002. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC. 20510. The Public Records office will be open from 8:00 a.m. until 6:00 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14th. Any questions regarding the availability of reports should be directed to the Public Records office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Minnesota, Mr. DAYTON, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S. C. 276d-276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 107th Congress, to be held in Newport, Rhode Island, May 16-20, 2002: The Senator from Hawaii, Mr. AKAKA, Chairman; the Senator from Montana, Mr. BURNS; and the Senator from Ohio, Mr. DEWINE.

ORDERS FOR TUESDAY, MAY 14, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., Tuesday, May 14; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time from 9:30 until 10 under the control of the Republican leader or his designee and the time from 10 to 10:30 under the control of the majority leader or his designee; that at 10:30 a.m., the Senate resume consideration of the trade bill with 10 minutes of debate in relation to the pending Baucus-Grassley amendment regarding investors, prior to the vote in relation to the amendment, with no second-degree amendment in order prior to the vote, and that following disposition of that amendment, Senator DAYTON be recognized to offer his amendment on his behalf and Senator CRAIG regarding unfair trade practices; further, the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the two managers of the bill are here. This is important legislation. We have worked very hard. Everyone has worked very hard to get to the point we now are. Senators should be ready to work into the evenings during this week. The majority leader wants to make progress on this bill. I certainly hope, as does the majority leader, that it will be unnecessary to file a cloture motion on this bill. We should be able to finish it. I hope everyone will offer amendments, have fair debate on it, vote on that, and move on. We have so much to do before the Memorial Day recess, which is a week from Friday.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:03 p.m., recessed until Tuesday, May 14, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 2002:

FARM CREDIT ADMINISTRATION

DOUGLAS L. FLORY, OF VIRGINIA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2006, VICE MICHAEL V. DUNN.

DEPARTMENT OF STATE

GENE B. CHRISTY, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

KRISTIE ANNE KENNEY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

BARBARA CALANDRA MOORE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

THE JUDICIARY

JAMES E. BOASBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE GREGORY E. MIZE, RETIRED.

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BETH SUSAN SLAVET.

NATIONAL INSTITUTE FOR LITERACY

PHYLLIS C. HUNTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211, TITLE 14, U.S. CODE:

To be lieutenant .

MIKEAL S. STAIER, 9904

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK C. DUGGER, 0525
JEFFREY A. FRANKO, 7645
GERALDINE J. HENELY, 4980
ROBERT F. HOCKENSMITH, 9073
DAVID J. LARY, 7441
ROBERT D. LUNDY, 3556
JAMES E. MOUNTAIN JR., 5107

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. COMFORT, 5263
BRIAN K. MITCHELL, 9621
WILLIAM E. SAULS, 0162
PATRICK K. WYMAN, 7198

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH R. BOEHM, 2560
RICHARD D. HARDIN, 4650
GEORGE M. SEXTON, 3000
GABRIEL J. TORRES, 5732

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL P. DANHIRES, 0002
GREGORY D. EDWARDS, 9982
TODD E. KUNST, 3290
CHARLES E. PARHAM JR., 7703

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTHONY M. BROOKER, 0107
STEVEN P. COUTURE, 6040
PAUL A. FOX, 4240
JESSE MCRAE, 8239

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEFAN GRABAS, 2163
CHARLES L. THRIFT, 2412

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ALONZO H. MAYS, 2792
JOHN D. PAULIN, 5948

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JODY D. PAULSON, 7330
ELLEN P. TIPPETT, 7295

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEBORAH A. PEREIRA, 3473
JOYCE V. WOODS, 9034

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GREGORY K. COPELAND, 0657

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEPHEN G. KRAWCZYK, 2107

CONFIRMATION

Executive Nomination Confirmed by the Senate May 13, 2002:

THE JUDICIARY

PAUL G. CASSELL, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 14, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 15

9:30 a.m.

Judiciary

To hold hearings to examine copyright royalties, focusing on webcasting.

SD–226

Governmental Affairs

To hold hearings to examine the binge epidemic on college campuses.

SD–342

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine the Enron Corporation, focusing on developments regarding electricity price manipulation in California.

SR–253

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor.

SD–124

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the National Science Foundation and the Office of Science and Technology Policy.

SD–138

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Air Force.

SD–192

Environment and Public Works

To hold hearings to examine transportation planning issues.

SD–406

2 p.m.

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Internal Revenue Service, Department of the Treasury.

SD–192

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the U. S. Forest Service, Department of Agriculture.

SD–124

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings to examine affordable housing production and working families.

SD–538

Energy and Natural Resources

To hold hearings to examine manipulation in Western energy markets during 2000–2001.

SD–366

MAY 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the impact of stress management in reversing heart disease.

SD–192

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Environment and Public Works

Business meeting to consider S. 1961, to improve financial and environmental sustainability of the water programs of the United States; and other pending calendar business.

SD–406

Energy and Natural Resources

To resume hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

SH–216

10 a.m.

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold hearings to examine issues with respect to career path training for low-skill, low-wage workers, focusing on exploring the intersections between the Workforce Investment Act and the Temporary Assistance for Needy Families Program.

SD–430

Judiciary

Business meeting to consider pending calendar business.

SD–226

10:30 a.m.

Foreign Relations

To hold hearings to examine the Nuclear Posture Review.

SD–419

2 p.m.

Judiciary

To hold oversight hearings to examine the Civil Rights Division, Department of Justice.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine the consumer impact of Enron's influence on state pension funds.

SR–253

Governmental Affairs

To hold hearings on the nomination of Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia; and the nomination of Robert R. Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

Armed Services

To hold hearings to examine the Crusader artillery system.

SD–106

MAY 17

9:30 a.m.

Appropriations

Treasury and General Government Subcommittee

To hold hearings to examine the Sakajawea Golden Dollar Coin.

SD–192

MAY 20

2:30 p.m.

Indian Affairs

To hold oversight hearings to examine the Branch of Acknowledgment, Department of the Interior.

Room to be announced

MAY 21

9:30 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine difficulties and solutions concerning nonproliferation disputes between Russia and China.

SD–342

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Paula A. DeSutter, of Virginia, to be Assistant Secretary for Verification and Compliance, Michael Alan Guhin, of Maryland, for the rank of Ambassador during tenure of service as U.S. Fissile Material Negotiator, and Stephen Geoffrey Rademaker, of Delaware, to be Assistant Secretary for Arms Control, all of the Department of State.
SD–419

MAY 22

9:30 a.m.
Energy and Natural Resources
To hold hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
Room to be announced

10 a.m.
Indian Affairs
To hold hearings on S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.
SR–485

MAY 23

9:30 a.m.
Energy and Natural Resources
To resume hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
Room to be announced

2:30 p.m.
Governmental Affairs
To hold hearings to examine voting representation in Congress for the citizens of the District of Columbia.
SD–342

POSTPONEMENTS

MAY 17

10:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine non-proliferation programs, focusing on U.S. cruise missile threat.
SD–342

SENATE—*Tuesday, May 14, 2002*

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MAX CLELAND, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Hear God's word in Proverbs 3:3–4:

Let love and faithfulness never leave you; bind them around your neck, write them on the tablet of your heart. Then you will win favor and a good name in the sight of God and man.

Let us pray:

Thank You, dear God, for this reminder of what is ultimately important to You. We commit this day to love You with all our minds and hearts. When love for You is our primary motivation, life becomes a delight and not a drudgery. The strain and stress are gone. We are free to work with one commanding goal: to do everything we do to glorify You. Faithfulness flows naturally. We are accountable to You. Help us to remember that every action, word, and decision is open to Your judgment. Bless the Senators today with the profound peace of trusting You completely and serving You with love and faithfulness. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MAX CLELAND led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 14, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAX CLELAND, a Senator from the State of Georgia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CLELAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will shortly announce that we will be in a period for morning business until 10:30 a.m. today, with the first half controlled by the Republican leader and the second half under the control of the majority leader, or their respective designees. At 10:30 a.m. we will resume consideration of the trade bill, with 10 minutes of debate prior to a vote in relation to the Baucus-Grassley amendment regarding investors. Following disposition of the Baucus amendment, Senator DAYTON will be recognized to offer the Dayton-Craig amendment regarding unfair trade practices. We will recess from 12:30 p.m. to 2:15 p.m. today for our weekly party conferences.

Mr. President, there is a lot of interest in this legislation. There will be a significant number of amendments offered. The majority leader has indicated he wants Senators to have that opportunity to offer amendments. We hope Members will do that. We also hope we can work on time agreements on these amendments and move this legislation forward. This legislation has the interest of both leaders in the Senate. The President has spoken about it often. It is legislation we have to move. And remember, a week from Friday we go into our Memorial Day recess. We have a lot of work to do prior to that time, and one of the items we have to dispose of is this legislation before we can do other things. Noting that, I look forward to a very productive day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 10 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Republican leader or his designee.

The Senator from Wyoming.

TRADE LEGISLATION

Mr. THOMAS. Mr. President, we are finally moving forward on the trade bill. I hope we can move quickly. It is one of the more important issues before us, of which there are many. I say again, I hope we can take a look at this bill in terms of what it is designed to do, and that is to provide for the President an outline of how he may negotiate trade agreements and bring those trade agreements, within the guidelines in the bill now, to the Senate, and the Senate can approve or disapprove.

Negotiations have to be done broadly by two parties. It cannot be done by 535 Members of Congress. I am hopeful we can get down to the core issue with regard to trade so that the United States can keep up with the rest of the world.

Over the past 10 years, since 1994 when this trade authority has not been in place, countries around the world have moved forward with various agreements, and the United States has not been able to do that. Large agreements were made by others.

The more amendments we have, the more difficult it will be to get down to what we are really seeking to do, and that is to have negotiations which will give the United States fair opportunities for trade.

FEDERAL HIGHWAY TRUST FUND

Mr. THOMAS. Mr. President, I wish to speak about a different issue that is very important to all of us, certainly in Wyoming where we have long distances to travel. As we say, we have low population and small towns with very long streets.

Transportation and highways are very important to us. Highways, of course, have generally been funded by a combination of Federal funds and State funds, Federal funds being very important and continuing to be even more important as time goes by. What we do with State highways and State highway funding becomes one of the principal issues with which we have to deal.

Several years ago, we had the 21st century TEA–21, which was an appropriation and a plan for highway funding. Last week, the Finance Committee held a hearing regarding the status of the highway trust fund. This highway trust fund, it seems to me, is terribly

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

important because as a member of the Environment and Public Works Committee, I helped craft this Transportation Equity Act, or TEA–21, as it is called, which provides more dollars for the States than in the past and has a very good distribution system which basically allocates money to the States and lets them decide how those dollars are going to be spent.

As we all know, TEA–21 most significantly funded the Federal highway needs. As a result, people across the country had opportunities to improve the surface transportation system to make it safer and more efficient and to keep up with the times.

More importantly, as I mentioned, TEA–21 provided States and local governments more flexibility in controlling the use of those Federal funds which, frankly, is one of the issues we should deal with constantly; that is, in the distribution of Federal assistance, how we best do that so there is accountability on one hand and on the other hand recognize the difference that exists in various places. I am certain highway moneys are used for different needs in Wyoming than in Delaware. We need to have the flexibility to recognize those differences.

The panelists who testified at this hearing on the funding mechanisms—that is their job; funding of the highway trust fund is what we rely upon. This hearing addressed a $4.4 billion shortfall in the highway trust fund which is due to the negative revenue alignment budget. Economies are somewhat lower, and these dollars are lower under the formula. We are in the process of trying to replace the $4.4 billion so we do not have that loss and hopefully at least most of that can be done.

In addition, however, the panelists detailed the tax disparity between gasoline and ethanol blend, gasohol. Currently, gasohol is taxed at 13.1 cents and gasoline is taxed at 18.4 cents. This disparity is something that has to be reviewed. That is where the money comes from for highway funds. When we have less money coming in, obviously we are going to have less to spend.

The discrepancy between the fuels is causing a great debate not only in the context of the highway trust fund but in terms of our national energy policy as well. Pending before the conference committee is the energy bill which has substantial increases and requirements for increases in ethanol, which has merit. On the other hand, if that is going to reduce the availability of highway funding, then we have to take a look at a system that allows that to happen.

The General Accounting Office estimates the tax disparity between gasohol and gasoline will cost approximately $21 billion over the next 11 years, and this is a pretty serious issue in terms, again, of funding our national highway program.

As my colleagues know, the Senate passed the energy bill that mandates 5 billion gallons of ethanol by 2012.

As a result of this, of course, we will have an increased reliance on gasohol. So we need to take a look at this. I am not suggesting any particular bias one way or the other, other than the fact that by making this change in the use of fuel, we have a change in the revenue that will be available if we continue to have the same formula for doing that.

Gasohol, which of course is the ethanol, is taxed at 13.1 cents a gallon; gas fuel is 18.4 cents. As to the trust fund, under the gas arrangements we have now, 15 cents of it goes into the highway fund; under the gasohol-ethanol, it is only 7 cents.

So we find ourselves with a substantial change, a substantial differential, in terms of how we will be funding our highways. I hope that in the course of the committee activities we can take a long look at it.

SENATE AGENDA

Mr. THOMAS. Mr. President, I will share some general thoughts I have. It seems to me as we look forward to the remainder of this session, the time is getting pretty short. In a couple of weeks we will begin our Memorial Day recess, and then we will be moving on towards our Fourth of July recess, of course. So between now and the time we adjourn for this year, we do not have an awful lot of time remaining.

We collectively ought to see if we can figure out how we are going to accomplish many of the things that have to be done. Obviously, that is the responsibility of leadership, but we have not moved very quickly. We spent a very long time on energy—6 weeks. We have spent more time now on this trade bill, and it looks as if the prospect is we will be spending even more time than we had anticipated.

We have a lot of things facing us. I hope we can wrap up the trade bill. I think it is very important. I think it is part of our future economy.

As we do these things, I hope we can have a little vision of where we want to be when we are through. What do we want to happen with trade, for example, in the next 10 years? Do we want to be part of the trade process, with hopefully having fair trade around the world which will increase our opportunities to export?

Thirty to thirty-five percent of our agricultural production has to go into export. As we do this, we think about what it takes to accomplish that goal, if that indeed is our vision.

We are going to be dealing with permanent removal of the estate tax. That has been promised to be one of the things that comes up on the floor. So we have that to deal with.

Immigration and border security is out there. That is very important, particularly important now because of terrorism, and very important in terms of the future: Where do we want to be in the future on immigration? How do we want to handle these things? And what are we doing that will cause us to arrive at where we want to be?

We get a little inclined to look at the politics of the election and look at the politics in the Senate instead of having a vision of where we want the United States, our States, our families and our communities to be in the future, and then testing whether what we are doing now leads us there.

The bankruptcy issue is out there. We have been talking about that for a very long time. There are some real problems that need to be resolved. We have not managed to get it to the floor.

We do not have a budget. We were supposed to have a budget prior to now. We have none. The budget is very important. If we are somewhat concerned about spending and having an opportunity to at least limit spending and hope we can keep it down to a minimum to get that job done, we do not even have a budget, and, frankly, there is no sign of one appearing.

Whether we like it or not, we are going to have to spend some time on the cloning issue. It has been promised that cloning and research—not an easy issue—would be before us.

Then there is educational funding. We talk about education all the time. We have not even gotten to that. That is one issue that is going to be out there.

Certainly, we have the issue of reinsurance for terrorism, an issue we keep talking about, but it is still not here. This is very difficult.

Nuclear storage is an issue I am certain we need to handle. Obviously, again there are some problems pertaining to that issue. One can ignore it if they choose, but the fact is we do have nuclear waste stored around the country in a very unsafe way and we need to find a place to put that, particularly if nuclear energy is going to be part of our future. I hope it is. If one likes clean air, then nuclear generation is one of the ways to do that.

We spent 6 weeks debating energy. Now we have not even moved into our conference committee.

Frankly, I am a little disappointed about the fact that we have all of these things out there, and we recognize these are issues with which we must deal.

Appropriations may be one of the most important things we do, not only in terms of funding the Government but in terms of giving great direction to where we want to be. The appropriations process has a good deal to do with whether we want huge government involved in every issue or whether we want to limit government. Appropriations has something to do with that, and they are very important. We are not there by any means.

So we have a great deal to do, and I hope we can find ourselves in a position to move forward to accomplish these things. There are many more issues, I suppose, but these have already been listed as things we are going to do, as has been said, before we adjourn.

We have some real problems to deal with. I hope we can move quickly to address these issues and find some suitable remedies for them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, I listened carefully to the comments of my colleague from the State of Wyoming and the discussion about the Senate agenda. I could not agree more. There are certain issues the Senate should take up and take up as quickly as possible. We face some serious challenges, not the least of which relate to Social Security and Medicare.

The Social Security trust fund, which many of us made solemn oaths and pledges never to touch, is about to be invaded by both political parties at this point in time because of the deficit we face.

We are in a deficit situation after several years of the good experience of surpluses and reducing our national debt and reducing the debt of the Social Security trust fund because, frankly, we have run into some bad situations and also some bad decisions.

We could not have anticipated the recession would go on this long, but it has. We certainly didn't anticipate September 11, which has been very costly to our Government. Last year the President convinced a majority of the Senate and the House to vote for a tax program which, in fact, has virtually decimated the surplus which had been predicted. The President said at the time we had $5.2 trillion in surplus so why not give the money back to the people? Cut the taxes. Why does it stay in Washington?

Some of us who lived through the deficits of the Reagan-Bush era said go slow, be careful, because the deficits could return any day. You just can't tell what's around the corner. But the White House insisted we needed tax cuts—primarily for wealthy people. We did that last year. It turns out this year, instead of a projected $5.2 trillion surplus over the next 10 years we are down to $1.2 trillion. We lost $4 trillion in projected surplus in 1 year.

How did we lose it? For those three reasons: the recession, the war against terrorism, and the tax policy. So we find ourselves now trying to put together a budget and not raid the Social Security trust fund. That is why we are tied up in knots. It was a tax program pushed by the President which came too fast, without enough thought. It took away our surplus. It took the money out of our hands to deal with the challenges facing America.

I did not vote for it. I think that is fairly obvious from my comments. But now, as many other Members of the Senate, I am facing the reality we have to try to put the budget together, even with this deficit situation. The President comes to us and says we need additional resources to fight the war against terrorism. He is right. He will get support from Congress for that, both for the Department of Defense and for homeland security.

Of course that money is going to come out of the Social Security trust fund because we are in a deficit situation again. Many of us are concerned, too, because the President has said: Incidentally, I want more tax cuts. The ones last year were not enough. We should take last year's tax cuts and add on to them. If you look at the President's proposal, what it would do is once again threaten the Social Security trust fund.

That does not make sense because we are just facing the possibility—in fact the reality—of the baby boomers showing up for Social Security. Should we not be thinking ahead, making certain Social Security is strong when all of these thousands and millions of Americans who have paid into Social Security their entire lifetime show up and say: I am here. I want to retire. Where is my Social Security check?

No, the President says: Think, instead, of additional tax cuts.

Take a look at those tax cuts, incidentally. If you happen to be making over $300,000 a year, those tax cuts for you average about $40,000 a year in the President's new tax cut round, but if you are making, say, $100,000 a year, it is worth $200 or $300 a year. So there is a great disparity in who will benefit from this tax cut.

But we know who will lose. The American families who have been counting on Social Security are not going to have as strong a Social Security trust fund as they should have because of the President's last tax cut and his proposed tax cut. You cannot keep going to the same well again and again at the expense of senior citizens, at the expense of workers today who, dutifully, every paycheck, put their money down for Social Security and now face the real possibility that when they need Social Security, the system will not be as strong as it should be.

Let's reflect for a moment also on Medicare. The Medicare situation is one that is very troubling. I have traveled across my State of Illinois talking to doctors and nurses and hospital administrators. I have talked to people who are on Medicare. They are concerned. They need to be concerned. For reasons I cannot explain, this White House will not take a serious look at the dangerous state of affairs when it comes to Medicare. In fact, the House of Representatives recently proposed not only cutbacks in Medicare reimbursement for doctors but also further cutbacks to pay for a prescription drug program.

Not surprisingly, hospitals have said if you are going to cut more deeply into Medicare, many of us will be forced to close. So in both Social Security and Medicare we have crisis situations looming and the administration refusing to show leadership. In fact, when it comes to Social Security, the administration is moving in the wrong direction, calling for permanent tax cuts which would additionally threaten Social Security in the future.

I will take just a moment on prescription drugs, if I can. As I travel around my State of Illinois, I find a lot of people, senior citizens in particular, cannot afford prescription drugs. It is understandable if you have taken a look at some of the costs of the drugs now being prescribed. The average American has a hard time paying for them. Certainly a person who is retired cannot come up with the resources to make it work, so many people are making hard choices as to whether they fill prescriptions that the doctors recommend or ignore them or take half of what they are supposed to take. These are tough calls for a lot of senior citizens.

When we take a look at the issue of prescription drugs, it is not just a question of whether a senior under Medicare would have accessibility to these drugs; it is a question of the price of these drugs. Consider this for a minute. The pharmaceutical companies are spending a lot of money—you see it everywhere you turn—advertising their industry and their product. They advertise their industry by saying: We put good research into new drugs and we find cures.

They are right. Thank goodness they do, and we want to encourage that.

Then they go on, of course, to advertise specific drugs.

Take this drug and you will be able to hop through a field of flowers without sneezing.

Take this drug and you will not be depressed.

Take this drug and it will deal with osteoarthritis.

Take this drug and it will deal with pulmonary seizures.

Take this little purple pill and go to our Web site and you'll feel better already.

Take this Viagra—

And so on and so on.

How much are these drug companies spending when it comes to advertising?

They are spending two to three times as much as they do on research. They are spending more money on advertising their drugs than on research on finding new drugs.

To put it in comparison, do you remember Claritin, the drug for allergies? Schering-Plough spent more money in 1 year advertising for Claritin than Pepsi-Cola spent advertising Pepsi the same year; or Anheuser-Busch spent advertising Budweiser. Merck did the same thing with Vioxx.

So when the drug costs keep going up and up, it is reasonable for us to ask the question whether these companies are putting too much money into advertising and not putting enough into research; whether the costs are out of control.

I think it is something we have to address. We have to address the accessibility of drugs and their affordability as part of a prescription drug program. We certainly cannot go the route of the House Republicans of raiding Medicare in order to pay for a prescription drug program. That is what they have suggested.

These are challenges we face. They are challenges which we are going to have to live up to, to make certain we keep our contract with seniors and others who are counting on Social Security and Medicare to be there when they need it.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX RELIEF AND SPENDING

Mr. THOMAS. Mr. President, in the remaining minutes over which we have control, I wish to respond to a couple of things my friend from Illinois indicated.

One was his being very critical of tax relief and tax reduction. It seems to me in a time when one of the real issues before us is the economy, what could you be doing better to help the economy than to reduce taxes? I think that is why the President has pushed that. That is why more conservatives have pushed that. But to be critical of that when we are trying to do something with the economy seems to be a little out of context.

It also is difficult to wonder why the folks who are the big spenders here are worried about the deficit. We passed a bill that was almost $85 billion more than the previous in agriculture. We did not have any concern about that. So we have people over here who think Government ought to be involved in everything and everyone's lives, and dollars ought to be spent for everything in terms of any program you can think of—and then to hear some concern about the deficit?

I point out, as we talk about problems, there are two sides to these issues and you have to take a little look at what it is you want. If you want a better economy, then you probably need to do something about having taxes be too high. If you don't want to spend so much, you probably ought to take a look at some of the spending bills that you are pushing.

There is a conflict here, but to get up on the floor and complain about reducing taxes yet wanting our economy to be stronger, to get up here and talk about a deficit and then be a great supporter of all the big spending bills—there is a certain conflict there and I think we ought to measure a little bit what we want in terms of what we do in the interim.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Under the previous order, the time until 10:30 a.m. shall be under the control of the majority leader or his designee.

The Senator from New Jersey.

Mr. CORZINE. Thank you, Madam President.

SOCIAL SECURITY AND WOMEN

Mr. CORZINE. Madam President, this morning I rise to speak on perhaps the most important long-term domestic issue facing our Nation—the future health and security of our Social Security system. Today, I want to focus on proposals to privatize Social Security and the special threat privatization poses to women in America.

Last December, late on a Friday afternoon, before Christmas, President Bush's Social Security Commission released its recommendations for changes in the Social Security system. The Commission's report did not get much media coverage because of the timing of its release, and I think that was obviously by design, if you read the report.

The recommendations of the Bush Commission are dramatic and damaging, if implemented, for the future of all Social Security beneficiaries but particularly for women. They involve deep cuts in guaranteed Social Security benefits—cuts of 25 percent or so for those currently working and up to 45 percent for future workers. Undoubtedly, these proposals would force millions of Americans to delay their retirement so that they would have the ability to live their senior years with economic security.

Few members of the public actually have even heard of the Bush Commission, and they certainly have not talked or debated the recommendations. And fewer have any idea that the Commission is calling for drastic cuts in guaranteed benefits, the type that I outlined.

Americans need to know about these plans, and they need to consider them and debate them in a serious way, making sure they know the implications of taking these recommendations to fruition.

Unfortunately, so far, the administration says it wants to put off any discussion of these proposals until after the election. That is unfortunate and, frankly, it is wrong. We should be debating this issue openly and publicly before the American people, on the Senate floor and certainly before the voters in this November's elections.

To that end, I intend to continue to raise this subject and its implications for the American people as much as I can to make sure that the American people understand what the Bush Commission is recommending to the American public. This Senator thinks it is too important to be decided among closeted policy wonks and politicians in the dark of the night.

Today, I specifically want to raise those aspects of privatization that are damaging to women. I know this is an issue that is near and dear to the Presiding Officer.

Women have a reason to be especially concerned about privatization proposals because they would be among the biggest losers if Social Security is privatized and benefits are cut.

As Joan Bernstein, president of the organization known as OWL, notes in her introductory letter to OWL's Mother's Day report, "Social Security Privatization: A False Promise for Women":

> Social Security is a women's issue. I would go so far as to say that it is the retirement security issue for women today.

OWL notes that today women represent 58 percent of all Social Security recipients—slightly more than 50 percent. They represent 71 percent of beneficiaries aged 85 and over.

Without regular cost-of-living adjusted Social Security benefits, more than half of all older women would be living in poverty. Let me repeat—more than 50 percent. If you look at Hispanic women, it is about 68 percent. If you look at African-American women, it is 61 percent.

I note that Social Security is important not just to older women but also to children and nonretired adults who constitute one-third of current Social

Security beneficiaries. These include many women and children who benefit from benefits resulting from the death or disability of a family member.

For a caregiving mother, cutting these benefits is unthinkable.

For these reasons, women have a special stake in Social Security, and their stake in protecting guaranteed benefits should be obvious given women's historic position—sometimes I think unfortunate historic position—in the economic system.

First, women earn less than men. There is a wage gap: on average, 73 cents on every dollar a man earns. Also, they are not compensated for the 12 years, on average, they spend on unpaid caregiving, whether for their children, parents, spouse, or other relatives. And when women work as caregivers, they are often in the economic system as part-time workers, so that their average pay is significantly lower.

The way Social Security is calculated, you look at 35 years of working level—the highest average—and women come up short. The average payout of Social Security benefits for women is about $756 per year. For a man, it is just shy of $1,000 a year.

All this pulls together as women often save less during their working lifetime and are less likely to be eligible for pensions as well. They are denied private pensions. If they do have private pensions, it is often generally less generous, the same way Social Security is less generous for women. In fact, average private pension benefits for women are only about half of those for men. And for most women, their Social Security benefits will also be lower because of those averaged lower earnings that I talked about. It works doubly—in the pension system and also in Social Security.

Finally, and most importantly, women tend to live longer than men—6 years longer on average. That makes Social Security especially critical for women, since the program, unlike private savings, protects against the risks of outliving your savings and, certainly, ongoing rising inflation.

Privatizing Social Security would undercut many of the program's benefits for women, whether it is retirement security or the social insurance about which we spoke.

Taking trillions of dollars out of the Social Security trust fund will force a cut in these guaranteed benefits—25 percent or more, as I noted earlier, for current workers and 45 percent for those who enter the workforce later. That is unacceptable.

It will also undermine Social Security's role in the social insurance area, leaving women less protected against a variety of risks in our society.

I know many people around here are convinced that we need to cut Social Security benefits to make sure that Social Security meets its long-term financial objectives and its long-term financial needs to deal with those pressures. Most Americans do not believe that. I want you to know, I do not believe that. We can save Social Security without cutting it. The truth is, the American people are right. It is a matter of our priorities.

Consider these two figures: First, the long-term Social Security shortfall is $3.7 trillion. It is about $74 billion a year if you factor it out over the 75-year actuarial life we are talking about. The long-term cost of last year's tax cut is $8.7 trillion over the same period. Remember, $3.7 trillion to fix Social Security; $8.7 trillion in our tax cuts. In other words, the tax cut will cost more than twice as much as the entire Social Security shortfall.

I don't get it. Where are our priorities? What is important? I hope my colleagues will remember that the next time someone says we have no choice but to cut benefits, that they will put that into the framework of what we need to be thinking about as we deal with fiscal policy in this country.

We certainly could, and should, consider—this is a personal view—postponing some of the remaining tax cuts to deal with Social Security's fiscal needs first. That is a priority. Social Security should come first.

Last week, as I said, I attended a press conference with the leaders of OWL, a grassroots membership organization that focuses on the needs of midlife and older women. OWL developed an excellent report called "Social Security Privatization: A False Promise for Women." I sent copies to every Senator's office, and I hope my colleagues will take a look at it. There are individual stories inside this excellent report. There are details about how the financial structure of Social Security works. It is a composite that pulls together an overview.

It makes in clear and compelling terms the case that privatizing Social Security would be extraordinarily bad for women. They do that on a personal level, they do it on an analytical level, and they do it in ways and terms that I believe the American people can understand.

That is the message all women and all Americans must understand and debate before the election. We need to understand what is going on with the Bush recommendations. We need to understand what will happen if we follow and implement those recommendations.

I believe we ought to be looking for ways of strengthening Social Security. We can deal with some of those from a fiscal policy standpoint, but we need to strengthen Social Security, not cut benefits. We need to deal with how we look at women's participation in the workforce and the calculation of their benefits.

We ought to be getting on with that debate now, before the elections. After all, I repeat, the future of Social Security is too important to be decided behind closed doors. This is an issue that affects all Americans—the financial security of all Americans, and particularly the financial security of women. Let's get on with that debate. Let's have that debate.

I ask unanimous consent that a copy of the executive summary of the OWL report be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXECUTIVE SUMMARY

SOCIAL SECURITY AND WOMEN

The Social Security system is an embodiment of the long-standing American principle of social insurance, providing nearly universal coverage for workers and their families through a pooling of resources benefits, and risk.

One-third of the program's beneficiaries are not retirees but include children, widows, and people with disabilities. Social Security offers an unmatchable set of insurance protections for workers and their families, providing protection against poverty in the event of death, disability or old age.

Women comprise the majority of Social Security beneficiaries, representing 58 percent of all Social Security recipients at age 65 and 71 percent of all recipients by age 85.

Accounting for more than 70 percent of older adults living in poverty, women are more vulnerable in retirement. During this time they most need the stability of a guaranteed source of income—the Social Security check. Without it, 52 percent of white women, 65 of African American women, and 61 percent of Latinas over the age 65 would be poor.

WOMEN'S REALITIES AND RETIREMENT CONSEQUENCES

For women, poverty in old age is often rooted in the realities that shaped their lives early on: the reality of the wage gap, the reality of caregiving, and the reality of flexible jobs that offer few benefits, especially pensions.

Almost 40 years after the Equal Pay Act was passed, women still earn only 73 percent of what men earn. You can't save what you don't earn.

Caregiving directly affects women's retirement security, as they often take more flexible, lower-wage jobs with few benefits or stop working altogether in order to provide unpaid caregiving services. In fact, women spend, on average, 12 years out of the work force for family caregiving over the course of their lives.

Older women are less likely than older men to receive pension income (28 percent of 43 percent); when they do, the benefit is only about half the benefit men receive.

Women live an average of six years longer than men. Women's longer lifespans make them more vulnerable to the impact of inflation and to the risk that they will outlive their money.

THE GREAT SOLVENCY DEBATE

Social Security is a "pay-as-you-go" system. Current workers not only see the societal and family benefits of supporting our nation's vulnerable seniors, but also know that they are covered by the same set of social insurance protections.

Changing demographics mean that the system will eventually have to use trust fund dollars to cover out-going benefits. This situation was predicted and addressed by Congress in 1983, when it adjusted the system to build up the trust fund for the retirement of the baby boomers.

The trust fund consists of U.S. Treasury bonds, considered the safest investment vehicle available to individual or institutional investors worldwide.

Experts do have suggestions about how to plan for a potential financing shortfall. There are many proposals that preserve the integrity of the program while shoring it up for the future. These stand in stark contrast to private accounts, which would speed insolvency and destroy the social insurance compact that is Social Security.

Mr. CORZINE. I thank the Chair.

Madam President, I know this is an issue that is near and dear to your heart. It is an issue to which it is absolutely essential we pay attention and debate, that we get to a conclusion that supports America's women, making sure they have retirement security commensurate with the rest of Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, I commend Senator CORZINE for the leadership role he is taking in trying to protect Social Security for all Americans. Today we are particularly focusing on the Social Security needs and concerns of women, but the effort is a much broader one. It is to protect Social Security from the recommendations of the President's Commission on Social Security which would lead to a lessening of the security, would make it less of a social instrument, and leave it more up to the whims of the stock market, which may or may not go up, which may or may not, therefore, lead to more funds in the hands of people who own private accounts but, overall, would make this Nation and its seniors and people who are about to become seniors, in their forties and fifties, a lot less secure.

A week ago a report was released by the National Older Women's League, or OWL, to commemorate Mother's Day. It was an appropriate day to release this report. The report shows the problems that would be created if the recommendations of that President's Commission were adopted. It is entitled "Social Security Privatization: A False Promise for Women." I encourage every Member of this body to read this report. It clearly demonstrates that the recommendations of the President's Social Security Commission are a bad deal for Americans and particularly bad for women.

Currently, women comprise 58 percent of Social Security beneficiaries over the age of 65 and 71 percent of those over the age of 85. Women depend on Social Security more than men, despite their increasing presence in today's workforce. Women earn less than men: 73 cents on every dollar a man earns.

These statistics indicate that changes to the Social Security system that result in reduced benefits will have a negative disparate impact on women.

The President's Commission is based on privatization plans that would divert Social Security payroll taxes into individually owned private accounts, shifting the system from shared risk and collective gain among workers to private accounts that would leave workers to sink or swim on their own.

This concept would have a particularly negative effect on women for several reasons. Private accounts ask women to bear more of a risk because of their increased dependency. Private accounts would undermine the social insurance nature of Social Security. Private accounts cost more to administer. Private accounts may speed up Social Security insolvency.

By most accounts, Social Security is the most dependable source of retirement security for a majority of women. Privatization takes that reliability and that dependability and gambles the financial future of women and all seniors on the volatility of the stock market. America's seniors, and in particular women, deserve better than that.

Women account for more than 70 percent of older Americans living in poverty. Without Social Security, 52 percent of white women, 65 percent of African-American women, and 61 percent of Hispanic women over the age of 65 would be poor. These alarming statistics and the OWL Mother's Day report are an eye-opening experience for all of us.

The President's Commission takes the fundamental principles of Social Security and abandons them for a market-driven scheme that is unreliable at best and discriminatory at worst. Social Security is an entitlement program based on the concept of social insurance. It is not supposed to be a gamble which pays benefits based on how the stock market did yesterday or last year or tomorrow or next year.

Women live an average of 6 years longer than men and, as a result, women are more likely to outlive the benefits of private accounts. In addition, older women are three times as likely to lose their spouse.

We should protect this program, we should make the changes we need to ensure its solvency, and we should not overhaul it or undermine its basic principles by eroding the social insurance components, as the President's Commission would have us do.

Yesterday on the Senate floor, Senator BINGAMAN commented that retirement security is a three-legged stool, with one leg representing Social Security, one leg representing pensions, and the final leg representing personal savings and investment. I could not agree more. We should not take the President's Commission recommendations and blur the lines between Social Security and private investments.

I commend the OWL report because it shows that the detrimental effect Social Security privatization would have on women is severe, it is important, and it is relevant. I hope every Member of this body will take the time to read this report, to reflect on its findings as we contemplate the recommendations for structural changes to the Social Security program.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CORZINE. Madam President, will the Senator from Michigan entertain a question?

Mr. LEVIN. I will be happy to.

Mr. CORZINE. Did I hear the Senator indicate that roughly 51 percent of women would be in poverty if we did not have a Social Security system?

Mr. LEVIN. The figure I used was 52 percent of white women and a larger percentage of African-American and Hispanic women.

Mr. CORZINE. If I am not mistaken—maybe the Senator from Michigan can refresh my memory—with Social Security we have something less than 10 percent of Americans now living out of poverty. That is what the whole design of the program was, to provide a fundamental foundation—"social insurance" I think was the term the Senator used. Is that the way the Senator from Michigan understands both the number and the reality of how it has worked?

Mr. LEVIN. The Social Security system, along with Medicare, is probably the reason that only, as I understand the number, 1 out of 20, about 5 percent, of seniors live in poverty. My number may be a little low. But the point is that 20 percent of American children live in poverty, and yet approximately 5 percent of seniors live in poverty. It is shameful that 20 percent of Americans live in poverty, but one of the main reasons a smaller number of seniors live in poverty than our kids is Social Security and Medicare. The Senator from New Jersey is exactly right.

Mr. CORZINE. We have a lot to do, if at least my analysis and others of the Social Security benefit cuts that are implied by the privatization process are implemented, for women, obviously, but Americans broadly and, quite frankly, a number of children because Social Security is a program for disability, spouses, and children survivors as well.

I was interested to hear the Senator talk about transaction costs and privatization. I remember recently we had a presentation by a Member of Congress at one of our briefings on Social Security. Did I recall hearing that there is a privatization scheme in Britain where 40 percent of the dollars that are allocated for savings in this privatized account go to transaction costs?

Mr. LEVIN. I think that was the number I heard. My memory is very similar to that. It is an astounding number that the people who recommend privatization don't even factor.

There are a lot of other things they don't factor, by the way; some of them are even more focused. They don't replace the money. They don't say how they will replace the money which would be lost to the Social Security system by people not contributing to it and supporting folks who are retired or near retirement. They never talk about that huge hole in the general fund that would be created. They don't talk about the uncertainty of private accounts as much as they should, the fact that the market over time may go up depending on what time period you look at, but not for everybody.

Even within that long window, there will be some losers. Maybe most people will win, but what about the losers? They don't talk about that as much as they should. The thing they never talk about are these administrative costs, these transaction costs which, as the Senator has pointed out, are apparently a very significant percentage of the money.

Mr. CORZINE. If the Senator from Michigan will give me the grace of making sure my arithmetic is right, if you add a 25-percent cut for people who are now working plus 40 percent in administrative costs, that 65 percent out of the total amount of benefits from Social Security seems to be a big chunk out of how one would have their retirement financed. Certainly it would go a long way to eroding the base of benefits that people have come to expect from Social Security.

Mr. LEVIN. It would, indeed. It makes that enticement of private accounts, when you analyze it, a lot more superficial. The reality is a lot more negative than that superficial glow of riches.

Mr. DAYTON. Will the Senator yield for another question?

Mr. LEVIN. Sure.

Mr. DAYTON. Contrary to what most people in this country probably believe, the Social Security Administration is extremely efficient, and, in fact, less than 1 percent of Social Security goes for administrative costs. The Senator cited some of the figures from the OWL report, which is an excellent document, about the disparities between men and women. I have seen the statistic that one-quarter of the retirees in America today don't receive any pension fund whatsoever.

My experience in Minnesota would be that probably 80 or 90 percent of those are women, particularly older women who are widowed and often, with the older pensions, lose any benefit payments whatsoever once their husband dies. I wonder if the Senator from Michigan has had that same experience. Would the Senator say in Michigan that number applies?

Mr. LEVIN. It is a very large percentage. I don't have it directly in my mind, but it is a large percentage of people, particularly women, who rely exclusively on Social Security. We encourage people, of course, to have private savings, and some people have pensions. That three-legged stool Senator BINGAMAN talked about of Social Security and private pensions and private savings is a one-leg stool for a large percentage of our seniors and a larger percentage of women.

Mr. DAYTON. The Senator is absolutely right. That is exactly the dilemma, the predicament in which so many elderly women find themselves. There is only one leg to that stool. As the Senator from New Jersey pointed out, with the average Social Security payment for women being only $750 a month. that is not much money on which to live. I think that creates part of the lure of the personal privatization which the Republican Commission has now come forward with, which, obviously, someone receiving that little amount of money would be tempted, enticed by something else. As the Senator pointed out very well, there is no reward without risk.

I wonder if the Senator—certainly the Senator from New Jersey who spent a career in financial pursuits—is aware of anywhere where there is that potential for reward in the private sector without commensurate risk.

Mr. LEVIN. There will be winners and losers. It turns Social Security into a social insecurity system.

Mr. DAYTON. I compliment the Senator from New Jersey in bringing this important report to the Senate. He is to be commended. It is a very important topic, as we look ahead to the future of Social Security.

Mr. LEVIN. One last word: I have met with the women who are active in the OWL commission. They are very keenly aware of the problems with the President's Commission and the uncertainties it would create for women in particular who are seniors. And I think the opposition to the President's Commission's findings is very strong and is growing.

Mr. CORZINE. Will the Senator from Michigan yield for a moment to say, I am very appreciative of the discussion you have had, the contributions the Senator from Minnesota made with regard to raising this issue so we can have a debate about it. This debate ought to be had before the election, not after the election. People ought to have to make a statement about how they feel about these recommendations since it has such an impact on Americans lives, particularly women in America. That is what the OWL report was about. I very much appreciate the contributions my colleagues have made to this discussion.

Mr. LEVIN. One additional word: I hope we will actually not only consider the recommendations of the President's Commission but actually vote on them. We ought to put them to rest. There is a lot of concern in the country about those recommendations, that they would totally make the Social Security system much less secure. I think we ought to try to address the concerns by voting on those recommendations. I believe they will be voted down, as they should be, so that the people out there who are not only retired but in their forties and fifties, who rely on Social Security, want it to be there, don't want the uncertainty that will be created by the contributions being reduced—which is what would happen without any idea of where the replacement funds would come from—I think it would be healthy for the country not just to debate it but, if possible, before the election to vote up or down on those recommendations. I hope and believe that all of them will be rejected.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Baucus amendment No. 3405 (to amendment No. 3401), to clarify the principal negotiating objectives of the United States with respect to foreign investment.

AMENDMENT NO. 3405

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes debate in relation to the pending Baucus amendment. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, is there a time allotted?

The PRESIDING OFFICER. There will be 10 minutes debate in relation to the pending Baucus amendment.

Mr. BAUCUS. It is my understanding that the Senator from Massachusetts will have 5 minutes and the other 5 minutes will be allotted to Senator GRASSLEY and myself. I will take 2½ minutes of that.

I rise once again to urge my colleagues to support the amendment that

I laid down yesterday on behalf on myself and Senators GRASSLEY and WYDEN.

The amendment is a short but very important clarification to the trade bill's negotiating objective on investment. when we negotiate investment agreements, our primary objective is to ensure that U.S. investors abroad have rights and protections comparable to the rights and protections they enjoy in the United States. In fulfilling that objective, we generally undertake reciprocal obligations with respect to foreign investors.

Our amendment makes absolutely clear that the rights we extend to foreign investors must not exceed the rights we afford our own citizens.

I expect that this is not the end of our debate on investor-state dispute settlement. As the debate goes forward, it is important to understand that we are trying to achieve a balance. In taking steps to protect U.S. investors abroad, we must not sacrifice the sovereignty of Federal, State, and local governments here at home. Striking the right balance is precisely what we have done in the trade bill. When it was brought to our attention that we might improve that balance, we did so in the amendment laid down yesterday.

In the days ahead, it is important that we not upend the balance. We have carefully crafted a foundation for future investment agreements. I strongly urge my colleagues to support that foundation and to support the Baucus-Grassley-Wyden amendment.

I reserve the remainder of my 2½ minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I appreciate enormously the efforts of the chairman and ranking member to move what is always a very difficult issue through the Senate. They have done a good job of trying to resolve a great many issues. I don't oppose this amendment of theirs, but, in fact, I urge my colleagues to vote for the amendment.

I emphasize to my colleagues that this amendment does not fix the chapter 11 problem that still exists with respect to the sovereignty of American businesses and the rights of Americans and of our communities to be able to be protected. I am very grateful for the chairman's willingness to try to respond, but substantial disagreements still exist with respect to how we best protect American businesses and our communities, according to our rights.

As our colleagues know, it is clear that the NAFTA investor-State dispute resolution process, which is known as chapter 11, is going to be the model on which future agreements are predicated. And chapter 11, in its current form, is a flawed model. It is not a failed model; it is simply flawed. We have the ability to be able to fix it.

Last night, Senator BAUCUS referenced letters written by several organizations that urged correction of the no-lesser-rights language, which is precisely what will happen in this particular amendment. I appreciate his response, but let me point out that in those letters he referenced, there are a whole set of other issues that are unaddressed in this amendment. Specifically, from the National League of Cities, they say: We are concerned that future trade negotiations, particularly for a hemispheric free trade area of the Americas, could include provisions that expand the definition of a regulatory taking. As evidenced by disputes under chapter 11 of NAFTA, vague expropriation language has allowed new avenues of recourse for foreign investors to challenge current State and local ordinances.

So we are allowing a foreign investor to come in and actually undo the intent of our local and State communities to enforce certain kinds of health or other kinds of restraints.

From the National Association of Towns and Townships:

> In particular, we are troubled that a claim by a foreign company that a local government's regulation or zoning laws constitutes a taking against the company will make it impossible for the locality to enforce that law or regulation.

From the National Conference of State Legislators:

> The bill does not adequately and explicitly guarantee that trade agreements negotiated under this authority will respect State sovereignty, nor incorporate well defined and constitutional Fifth Amendment takings principles.

Regrettably, the Baucus-Grassley amendment does not, despite what they claim in the no-greater-rights-than language, address the shortcomings of the chapter 11 model. Adopting their language without other needed changes is still going to allow future chapter 11-like tribunals to rule against legitimate U.S. public health and safety laws using a standard of expropriation that goes well beyond the clear standard that the Supreme Court has established in all of its expropriation cases.

The amendment before us does not give assurances that the due process claims of the Constitution will be respected, nor does it provide safe harbor for legitimate U.S. public health and safety laws.

I will propose an amendment, and we will debate this amendment over the course of the next couple of days. I urge my colleagues to adopt a policy that will fully protect the constitutional rights of American businesses and the constitutional right of our States, the expropriation laws and standards of the Supreme Court. I urge them to vote for this amendment recognizing this does not complete the task.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, the amendment that is before us was introduced by Senator BAUCUS and myself and is designed to make it crystal clear that in pursuing these objectives, foreign investors are not to be granted any greater rights in the United States than our own U.S. investors have rights within the United States. This provision builds upon the already strong improvements to the investment objectives within this bill. These provisions strike a very careful balance between the needs to protect U.S. citizens from arbitrary takings of their property overseas and the need to ensure that the investor-State dispute settlement process is not abused.

Critics of the investment provisions insist that the investor-State dispute settlement process has somehow run amok. Not true. The fact is that no U.S. environmental, health, or safety regulations have ever been overturned by the international investment arbitration. Only 13 investor-State claims have been filed under NAFTA chapter 11 in the entire 8 years of its existence. Meanwhile, U.S. investors continue to face discriminatory and arbitrary government action in most of the developing world. We need to maintain U.S. investors' ability to get redress in impartial tribunals while ensuring that the investor-State dispute settlement process continues to protect our own investors overseas. This simply is what the Baucus-Grassley amendment does.

I urge support for this amendment and support for the Baucus-Grassley compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Helms
Miller

The amendment (No. 3405) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3408

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized to offer an amendment.

Mr. DAYTON. I call up amendment No. 3408.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself and Mr. CRAIG, proposes an amendment numbered 3408 to amendment No. 3401.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the application of trade authorities procedures)

At the end of section 2103(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3409 TO AMENDMENT NO. 3408

Mr. GRASSLEY. Mr. President, I send an amendment to the desk as a second-degree amendment, for Senator BAUCUS and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3409 to amendment No. 3408.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make preserving the ability of the United States to enforce rigorously its trade laws a principal trade negotiating objective, and for other purposes)

In lieu of the matter proposed to be inserted by the amendment, insert the following:

(4) ADDITIONAL PRINCIPAL TRADE NEGOTIATING OBJECTIVE.—

(A) IN GENERAL.—Section 2102(b) of this Act is amended by adding at the end the following:

"(15) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

"(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.".

(B) CONFORMING AMENDMENTS.—

(i) Section 2102(c) of this Act is amended—

(I) by striking paragraph (9);

(II) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively; and

(III) in the matter following paragraph (11) (as so redesignated), by striking "(11)" and inserting "(10)".

(ii) Subparagraphs (B), (C), and (D) of section 2104(d)(3) of this Act are each amended by striking "2102(c)(9)" and inserting "2102(b)(15)".

(iii) Section 2105(a)(2)(B)(ii)(VI) of this Act is amended by striking "2102(c)(9)" and inserting "2102(b)(15)".

(C) PRESIDENTIAL REPORT TO COVER ADDITIONAL TRADE REMEDY LAWS.—Section 2104(d)(3) (A) and (B)(i) of this Act are each amended by inserting after "title VII of the Tariff Act of 1930" the following: ", section 337 of the Tariff Act of 1930, title III of the Trade Act of 1974, section 232 of the Trade Expansion Act of 1962,".

(D) EXPANSION OF CONGRESSIONAL OVERSIGHT GROUP.—

(i) MEMBERSHIP FROM THE HOUSE.—Section 2107(a)(2) of this Act is amended by adding at the end the following new subparagraph:

"(C) Up to 3 additional Members of the House of Representatives (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Ways and Means may select.".

(ii) MEMBERSHIP FROM THE SENATE.—Section 2107(a)(3) of this Act is amended by adding at the end the following new subparagraph:

"(C) Up to 3 additional Members of the Senate (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Finance may select.".

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have sent a second-degree amendment to the desk in place of the Dayton amendment. I am going to debate that in just a little while, but I want everybody to know the situation.

Also, Senator BAUCUS and I are going to visit with various people to see if there is a smooth way of handling both the substitute as well as the original amendment. We may not be successful, but that is our desire. We are going to be talking while this debate is ongoing, and I will be back to give the specifics of my amendment in just a short period of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, the amendment Senator CRAIG and I have introduced is one that I think has great importance to this legislation. It is one I am very proud to sponsor with the senior Senator from Idaho, someone with whom I have had the good fortune to work on this and other matters relating to trade as they affect our two States.

I also am very pleased that this amendment is cosponsored by 26 of our colleagues, 13 Republicans and 13 Democrats. They reflect a broad spectrum of views on many issues, yet they agree on the need for this amendment. Is it because all of us are against trade, as our detractors have charged?

The answer is an emphatic "no." We support this amendment because we recognize that there is more than one side to the U.S. trade equation. There are a great many citizens in our States who have benefited from the liberalization of international trade during the last 20 years. However, there are also a great many Americans who have been harmed by the results of recent trade agreements.

The proponents of more free trade acknowledge only the winners. Their reports cite only the businesses, the jobs, and the revenues from increased exports. Those benefits are substantial; however, they form only one side of the trade ledger. On the other side are thousands of bankrupt businesses and farms in the United States, many thousands of lost American jobs, and the massive shifting of U.S. production to other countries.

This Dayton-Craig amendment is on behalf of Americans who have been, are being, or will be harmed by continuing trade liberalization. They are hardworking citizens who nevertheless will lose their livelihoods, which in turn will cause lost homes, lost health insurance, lost pensions, lost retirement security, lost hope, and even lost lives. They are not isolated occurrences. They are growing in number across America.

They are victims of trade policies and trade practices which are out of balance. In the year 2000, the United States total trade deficit for goods and services was $376 billion. In goods alone, the deficit was $452 billion. In 1990, the total U.S. trade deficit was $81 billion. In 1980, it was only $19 billion. Our country's trade deficit, that imbalance between the value of our exports and the value of our imports, was 4½ times greater in 2000 than in 1990, and 20 times greater in 2000 than in 1980.

A March 18, 2002, Business Week article began:

> How much longer can the United States rack up giant current account trade deficits?

The article cited a Goldman Sachs Global Economic's Research report, which called the current trend "unsustainable."

Another recent report stated:

> America's ballooning trade deficit may be the worst economic problem we face—and no one wants to talk about it.

What is driving these soaring trade deficits? It isn't that U.S. exports are not expanding. In many sectors they are growing at a very strong rate, and the last administration worked hard to open foreign markets to U.S. goods and services, as did its predecessors. It's the explosion in imports which is far exceeding export gains.

From 1990 to 2000, total U.S. exports in goods and services almost doubled to just over $1 trillion. However, during that decade, total U.S. imports more than doubled—in fact, increased by 133 percent, to almost $1½ trillion. The increase in imports was $295 billion more than the growth in exports.

If you look at key sectors in our economy, you see this pattern. Exports expand. Imports explode. Trade deficits multiply. This serious imbalance has cost the jobs, farms, businesses, and livelihoods of too many Americans.

Even in agriculture, the growth in imports has exceeded the growth in exports. Farmers and national commodity organizations, including many coming right out of Minnesota, have been among the biggest supporters of trade liberalization in their hopes that increased exports would lead to higher prices and decent profits in the marketplace. From 1990 to 2000, total U.S. agriculture exports did grow by $10.5 billion, a 26-percent increase. However, agriculture imports increased by over $16 billion during that time. Today, the U.S. balance of trade in all agriculture commodities is still positive; however, that margin is shrinking.

Two major causes of our huge trade deficits have been Mexico and Canada. They are the big NAFTA winners. Look at what has happened to U.S. trade with our neighbors since NAFTA took effect on January 1, 1994.

In 1993, the last year before NAFTA, all United States exports to Mexico totaled $41.6 billion. Imports from Mexico totaled $39.9 billion, leaving the United States with a $1.7 billion trade surplus with Mexico.

During the next 7 years, United States exports into Mexico grew to $111 billion, a 167-percent in crease in 7 years. However, Mexican imports into the United States exploded to $136 billion, a 240-percent increase, and the United States balance of trade with Mexico went from its 1993 surplus to a $25 billion deficit in the year 2000.

Our trade with Canada followed a similar pattern. United States exports into Canada increased by $69 billion from 1993 to 2000. However, our imports from Canada grew by $120 billion, almost double the growth in exports. In 2000, our trade deficit with Canada was $52 billion.

Looking at one key sector, automobiles, the total automobile imports from Mexico into the United States more than tripled from 1993 to 2000, to almost 1 million per year. Cars imported from Canada into the United States increased by 56 percent during that time to 2.2 million automobiles. Those 3 million autos used to be—or could have been—manufactured in the United States by American auto workers.

Agriculture is another big loser under NAFTA, as too many Minnesota farmers have painfully realized. Canadian wheat, Mexican sugar, milk protein concentrate, stuffed molasses via Canada, and other trade imbalances have caused domestic commodity prices to plummet. The average price of a bushel of corn in the United States in the year 2000, was $1.85, well below the price of $3.11 for a bushel of corn in 1980, 20 years previously. For a bushel of wheat, the price in 2000 was $2.65 per bushel; in 1980 it was $3.91. For soybeans, a bushel in 2000 averaged $4.75; in 1980, that price was $7.57. Milk averaged $12.40 per cwt. in 2000, compared to $13.05 per cwt. in 1980. Turkeys brought 40.7 cents per pound in 2000; 41.3 cents per pound in 1980.

All of those prices are in current dollars. After adjusting for inflation, their drops are even more severe. Last year, the U.S. farm price index, the value of all U.S. agriculture products divided by the cost of producing them, dropped to its lowest level since the Great Depression. That index has fallen by 20 percent during the last 10 years. So much for the benefits of NAFTA and international trade liberalization on American agriculture.

Similarly, in the nonfarm private sector, the average hourly wage paid U.S. workers in real dollars was less in the year 2000 than in 1990. It was less in 2000 than it was in 1980, and less than it was in 1970. Only by more spouses working more hours have average American families stayed even or moved slightly ahead in the U.S. economy during the last 10, 20, and 30 years.

Thus, U.S. trade policies and practices, in balance, are doing many Americans more harm than good. And the harm is increasing more than the good.

The response of free trade proponents to this predicament is more free trade. More opening our doors to the largest marketplace in the world, the U.S.

economy, which still produces 23 percent of the world's GWP, accounts for 12 percent of world exports, and 18 percent of world imports.

Who, then, does benefit from this U.S. trade policy? Primarily, it has been, and continues to be, the enormous cost advantages afforded U.S. corporations who shift production out of the United States into low-wage low-cost countries. Deregulation of the world's product and financial markets has enriched a world class of investors, entrepreneurs, and professionals. At the very top, the accumulation of wealth has been extraordinary.

In 1996, the United Nations reported that the assets of the world's 350 billionaires—that is, 350 individuals in this world who are billionaires—exceeded the combined incomes of 45 percent of the world's population, almost 3 billion people.

Let me say that again. The assets of the wealthiest 350 people in the world exceeded the total assets of over 3 billion of our world's citizens. But the larger promise made by the proponents of this unregulated world marketplace—particularly to the people of the United States—was that living standards for the rest of Americans would also rise. That promise has not been realized. As trade and financial markets have been flung open, incomes have risen not faster, but more slowly. Income equality among nations has not improved, and within nations, including the United States, income inequality has worsened.

But this seems not to matter to the promoters of this rapid deregulation of the global economy, the so-called neoliberals, and their solution to whatever problems afflict us is, of course, more trade liberalization. Ironically, many of them spent the last 30 years associating the word "liberal" with social failure. In this instance, they may prove themselves correct.

Nevertheless, it is the considered judgment of this administration and of the House of Representatives, albeit by a single vote, to continue in that direction. I expect this body will join with them by passing this trade promotion authority legislation.

Thus, the Dayton-Craig amendment represents one of the last opportunities for Congress to assert its priority for the economic well-being of the American people over the capital-serving efficiencies of liberalized world markets. This amendment preserves Congress' ability to look out for the best interests of all Americans, especially the people who are on the losing side of the trade equation. And if we don't look out for them, it is a near certainty that no one else will.

The Dayton-Craig amendment applies only to so-called trade remedy laws. They were enacted and put into law by previous Congresses and Presidents to protect American business owners, workers, and farmers from illegal or unfair trade practices, and to assist those Americans whose lives and livelihoods were irrevocably damaged by them. These trade remedy laws include safeguards in section 201, which provide for temporary duties, quotas, or other restrictions on imports that are traded fairly but which threaten serious injury to a domestic industry. They include anti-dumping remedies for the destructive effects of imports sold on the U.S. market at unfairly low prices, and countervailing duty relief from the negative impact of imports receiving foreign government subsidies. They also include section 301 of the Trade Act which authorizes the United States Trade Representative to investigate trade agreement violations and illegal foreign trade barriers which are harmful to U.S. businesses and exports, and to remedy those violations.

All of these remedies are already subject to the rules established under the World Trade Organization and under the North American Free Trade Agreement. The United States and other WTO members must adhere to the Uruguay Round Stipulations on subsidies and countervailing measures. This is hugely important. This is the first time the United States has ever agreed to subjugate its sovereignty to an international organization. The folks who decried the Trilateral Commission and so-called one-world government, those who condemn the coordination of U.S. military forces with NATO, and those who oppose any U.S. adherence to international agreements, are strangely silent about U.S. subjugation to the economic dictates of the World Trade Organization. Heretofore, the WTO, has operated largely as the creation of the United States that it is. However, now that it is fully established and empowered with the unanimous consent of the participating countries and whose rules can only be altered by the same, any sovereign powers negotiated away in future trade agreements that are agreed to by this body will not be redeemable, which is all the more reason why Congress should be vigilant over them.

The Dayton-Craig amendment says that Congress, along with the President, enacted these trade remedy laws, and only the President and Congress may eliminate them. They cannot be negotiated away by an unelected trade negotiator, albeit one selected by the President, who has a much narrower perspective than Congress, who has the specific objective to secure further trade agreements, and who may not share this body's perspective and concerns. Since a letter from 62 Senators opposing the inclusion of trade remedy laws in future trade negotiations was ignored, there is no reason to expect otherwise when those negotiations finally occur.

So, when a new trade agreement comes to Congress, to the Senate, with the trade remedy laws of the United States altered, with their protections weakened, and with Congress' prior enactment of them overridden, then, if this trade promotion authority law is in effect—as it is written now without the Craig-Dayton amendment—we will be faced with a take it or leave it proposition. We will have no discretion or latitude. It will be all or nothing.

This amendment will permit—not require, but permit—Congress to separate those provisions in a proposed new trade agreement which alter existing trade remedy laws, allow the rest of the agreement to proceed along fast track, and then consider those trade remedy changes under regular Senate rules and procedures. Then, Congress can decide, as only Congress should decide, whether they must be given up for some larger gain. Then, we, or our successors, will be able to look our constituents in their eyes and tell them that we have acted in their collective best interests.

Trade negotiators look at those trade remedy laws and they see words, or bargaining chips, or perhaps even nuisances to get rid of. We see people, our constituents, who elected us and who depend upon us to look out for their interests. So when words which protect them are going to be removed, those decisions should be reviewed by their elected Representatives.

Last week, the trade ambassador said that you cannot be for this amendment and be for trade. There is great irony in an unelected official in the executive branch, which has no constitutional authority over trade, telling 535 elected Members of Congress, to whom the Constitution assigns the full responsibility for foreign trade, essentially to butt out of his domain. He was quoted as saying:

> This goes to the heart, of whether the Congress is going to try to negotiate with 435 Members of the House and 100 Senators, whether they want to go over to Brussels and all sit around together, or whether they are going to have the Executive Branch negotiate.

My reply, Mr. Ambassador, is: You negotiate and then Congress will exercise its responsibilities under the United States Constitution. If our trading partners question those procedures, show them a copy of our Constitution. We bring government officials from all over the world here to learn about our system of government. This is another teaching opportunity. Under our Constitution, we do not permit one person—no matter who he or she is—to bargain away our laws. No one—not even the President of the United States—has that authority. And no one who understands our Constitution should seek that authority.

While our country's future trade policies are debatable, the right of Congress to participate actively in setting those policies is not. For anyone to try to usurp that authority is seriously misguided. If it succeeds, Congress has failed, failed its responsibility, failed the Constitution, and failed the people of America.

By adopting this amendment, the Senate upholds that right and that responsibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, as a cosponsor of the Dayton-Craig amendment, I wish to speak for a few moments about the constructs of the amendment itself and applaud my colleague and partner in this amendment, the Senator from Minnesota, for a very thorough and well-thought-out explanation as to the reason for this amendment.

I need not repeat the statistics. I need not repeat the facts that have been so eloquently spoken about a problem that exists in our country today that begs for a remedy and, at the same time, demands that we move forward in the area of expanding trade amongst our trading partners around the world.

The elements of fairness, the elements of transparency, the elements of the right hand knowing what the left hand is doing are absolutely critical in any trade relationship.

By the character of a developing economy, by the uniqueness of a resource-directed economy, by the uniqueness of a populated economy, all of our countries around the world have differences. And those differences have values. And those countries that sense those values work to protect them or in some way assure that they will not be traded down or effectively destroyed by the very governments that are destined to protect them.

As a result of that, from the very beginning, and from the beginning of the debate over trade, very substantively coming with the Kennedy Round of trade years ago, when we first established the fast-track concept, we knew our trade negotiators, once they were at the table of international negotiations, would have to have flexibility to propose and bring back to the Congress a whole package. But that whole package had to be representative of the laws of the country of which they were diplomats.

We have struggled with that over the years. Congress has consistently passed fast tracks, and we have worked to move progressively and to liberalize our trade laws. We, the United States, have been the world's promoters of trade. It is quite simple why we would want to be that.

In my State of Idaho, nearly a third of every acre planted of agricultural produce has to sell in world markets to maintain some degree of value in a domestic market.

My State was built on potatoes, potato chips. Now it is being built on computer chips. And those products have to sell in world markets. Clearly, the DRAMs that are produced by Micron, a large portion of those move into international markets to be applied to new technologies being developed in those markets that then again sell in the world market.

Clearly, in my State, trade has expanded dramatically in the last several decades. But while the hi-tech economy has grown very well with a substantial amount of profitability, the agricultural economy has floundered. And while trade has been extremely beneficial in some areas, I would have to argue, as the Senator from Minnesota has, that in other areas it appears to have been less than fair and, in many instances, not fair at all.

There is a bit of a classic struggle going on between the United States and Canada in our forest products industries, forest products industries that are in part supply, publicly owned in the sense that the timber comes from public lands. Whether it is the Federal lands of the U.S. Forest Service in the lower 48 and Alaska or whether it is crowned and provincial timber in Canada, the reality of placing values on those rough products as they move to the market is substantially different.

Over the years we have fought mightily to create balance. But as a result of some of what we believed to be unfair practices between Canada and the United States, we have seen the rights of our policies go out and our men and women walk away with empty lunch pails while Canadians were aggressively logging and dumping in our markets. Just this year our President had to use trade remedy laws to stop the very process I have just defined. He stood up and he spoke out and he placed a tariff against Canadian lumber until such time as they can come back to the table and balance out with us a relationship and an agreement that does not put our men and women out of work and still allows them to work and still allows the beneficial reality of Canadian and U.S. sticks, 2 by 4s, being at the local lumberyard to build the homes of Americans.

That is called balanced trade. That is called fair trade. The 201 process that brought about the investigation by our government, which was open and transparent, and that led our President to move is known as a trade remedy law passed by the U.S. Congress, passed by a majority vote out of this body—in other words, reflective of the constitutional responsibility of every Senator and every U.S. Member of Congress representing their States but, most importantly, taking an oath right there in that well to uphold the Constitution of the United States.

The argument is simple and the argument has been made already today by the administration in a letter to all of our colleagues that fast track is simply a process and we make all of these proposals and we make all of these changes and all of them come back for a vote in this Chamber and they are correct—one vote, up or down.

The problem occurs with the anticipation of the positives that will happen in an overall trade package once negotiated because they are never quite negotiated in a vacuum. The process goes on for years and years, as you have round after round and finally they conclude; there is a lot of attention and the world finally says, Oh, here it is, here is a trade package, a product of WTO, a product of aggressive negotiations, probably a product of the new round launched last year in Doha. The anticipation is so great and the public pressure is so great that when it gets to the well of the Senate and we see that substantive law has been changed and we would like to fix it, we cannot. We can vote against it, but the pressure by business, by industry, by the economy in general is you must pass this trade package. And we do. And we have consistently.

As a result, some of us have had to vote no. I voted no against NAFTA. Why? Because of some environmental provisions in it and because of loopholes that I felt were in it, that an 18-wheeler truckload with Canadian grain could get through and into our markets were a reality, and they were and I voted against it, and time has proven that to be the case.

But it has also proven one other thing—that Canadians are very good at enforcing laws at the border and we are very bad. But that was then. This is now. This administration is acting differently, and it is acting responsibly, and it led with the steel decision and it has now followed with the softwood lumber decision, and it is saying that it will effectively use a very transparent process to review the fairness or the lack of fairness in trade relationships and where it finds dumping it will move. And it has. I credit them for that.

But what I am also saying, what the Senator from Minnesota is saying is that within the process itself, we can avoid some of the problems that have now been recorded over the last several decades if we would be allowed, on laws that we are proposing to be changed that might reduce the ability of the executive branch of our Government to enforce trade remedy laws, to say that they would apply to a point of order and a simple majority vote, the same vote it takes to pass the trade package that would be in the Chamber that they would be a part of. So I would say to any negotiator, if you are negotiating a package that cannot get 51 votes in this Chamber, and you are proposing changes in substantive law that might be required to get 51 votes, wherein lies the problem, especially if we are defending what I believe to be the very thing that the Senator from Minnesota has talked about—our constitutional responsibility and the sovereignty in doing that.

Every administration and this administration protects with a vengeance its executive prerogatives, its executive authority, and we have seen this administration step up to that on at least two occasions in the last couple of years. That is what we are doing today—stepping up to what is, in fact, a legislative prerogative of the Constitution and why we think it is right that it be allowed to be a part of this package requiring a simple majority vote.

What am I saying? The Dayton-Craig amendment is simply a point of order that would be part of it. That is, if a package comes to the floor and there are changes in trade remedy law—and in the current package that we are alleging we will know if they are there without even having to look because 90 days prior, under the law proposed, the negotiators would have to announce proposals of changes in the law. That is part of what came out of the House. That is part of what the Finance Committee, Chairman BAUCUS and Senator GRASSLEY agreed on. And that is appropriate. It is appropriate that the legislative bodies of this constitutional Republic understand that changes in the laws that they have written are being proposed. What we are saying today is that there ought to be the next step and that next step is quite simple—to allow a simple majority vote of the constitutional officers of this body—us, U.S. Senators—to say whether those changes are right.

Now, here is the next step, though: but to do so without dragging the whole trade package down. Not all trade packages are changes in our laws. They are expansions of authority. They are access to other markets. They are adjustments in other laws—ours and theirs, our trading partners. And so we are saying you do not bring down the whole package; there is good in trade and we know that. But what we are saying is that there is an authority and a responsibility that we should not abrogate or that we should not cast in such a way as to never be able to get there because the value of the whole appears to be so much greater and so important at that moment in time than the long-term constitutional responsibility of these Senators.

So the Senators from Minnesota and Idaho, pass go, because the whole is so much more important than the parts. We are here today to tell you that the parts are darned important. They are constitutionally important.

And now let me try to set another stage for you about the pressures involved.

Our trade remedy process, countervailing duty, antidumping, 201 is transparent. It is a public process. If you, Mr. President, are a manufacturer in your State and you feel you are being dramatically harmed by a product coming in under a trade agreement, you have a course of action. Now, it takes a couple of years. It is open, it is public, and it will cost you money because you will have to get the attorneys and you will have to make the argument. If it is dramatic dumping and dramatic competition, you might be out of business before you get a remedy, but the remedy is still there and it is still open and it is still public. What we have tried to do and what our negotiators have tried to do since the Kennedy round forward is to convince other countries of the world to make their processes more transparent.

Now, over time, there has been a shift. The shift has been away from their duties and away from their penalties toward antidumping provisions, not unlike ours. They are not transparent. Sometimes they are cast or administered in the dark of night. And so what our trading partners are telling our trade negotiators, or at least our trade negotiators believe, is that we have to get rid of what we have to cause them to get rid of what they are getting or they have got as it relates to trade remedy laws. In other words, we walk the plank first and maybe they will follow. In the meantime, what happens to the manufacturers and the workers? What happens to the economies of Idaho and Minnesota? Do they have to shift to the new paradigm? Do the old economies have to go away even though under a different day and a different scenario they were viable and productive? Well, I guess I am frustrated by it all.

Let me talk about what happened in November of 2001 at Doha, Qatar, when our trade negotiators were involved in a round that we worked very hard to get, that was a product of the fallout of the very tragic round that occurred in Seattle, which basically fell apart as a result of national and international dissidents and disruption. In Doha this past November, our administration agreed to reopen negotiations on agreements of implementation of article 5 of the GATT—that is called on antidumping and countervailing duties—and on subsidies and countervailing pressures. The World Trade Organization had already ruled a number of times against our domestic trade remedy laws under these agreements and stated: the stated purpose of almost every other WTO member in securing these new negotiations is to further weaken U.S. trade law; in other words, further weaken the ability of the U.S. Government to protect its work force and its producers and its industries from what might be dumping, what might be clearly antitrade or unfair trade.

The Japanese Government was elated by that action. They said: We are satisfied. This constitutes a major victory for their efforts to gut our trade laws. Those are the words of the Japanese economy, trade and industry minister. He said: "We are 120 percent satisfied that that's where the Bush administration wants to go."

The USTR sacrificed our antidumping and countervailing duty laws in order to get a new round of talks at the table—not yet; they simply put them on the table.

Now, here is where I think the Senator from Minnesota and I agree and we also agree with our Trade Ambassador. There is nothing wrong with putting those issues on the table. When you are sitting at a negotiating table, everything ought to be negotiable, if the goal is to move from here to here and the benefits that will accrue as a result of that proposal are positive for our economies. So, our Trade Ambassador, put it on the table.

But in putting it on the table, it is important that you recognize who made those laws and how we ultimately ought to address them. And what we are saying is, put them on the table; talk about them. See if there is a better way to get where we need to go in 2002 than there was in 1960. The world has changed dramatically. We understand that. We are willing to listen to it. Put it on the table. The laws we passed in 1960 may not apply today.

But in putting it on the table, we are simply saying: And you bring back proposed changes in current law, not new law, in current trade remedy laws that are subject to a point of order. Why? Because this sovereign body created those laws. And the executive branch of government does not have a right to change them. And they don't. They only propose changes, but they do so in an environment that almost always assures that never will that vote occur.

It is a rather simple approach. We are being told by the administration and by some in it that this destroys TPA. It has been editorialized that this is a bitter pill. Then the other day it was called a torpedo. Today, in what is a well-meaning but not totally accurate letter from the administration, they strongly opposed it.

Let me go through the letter in the context of what I have just talked about, about the flexibility of negotiations. Before I do that, let me drop back a moment to something I think is important, and it is a frustration that our negotiators deal with when they are in the business of negotiating.

I had the opportunity a couple of years ago to be part of an observer team at The Hague at a climate change conference. The head of the U.S. team of the Clinton administration that was there said at the beginning of that conference: We will not propose laws that will damage the economy of the United States. And he said: No agreement is better than a bad agreement. The conference began and the pressure built.

During that time I had the opportunity to have a dialog with some of our counterparts from different Parliaments around the world. For the first time, I began to understand that they don't understand us. They didn't realize that a treaty negotiated by an administration and signed off on by an administration was not law until the Senate ratified it. Why? Well, if you are a member of a parliamentary body and you are elected and then you, if you are in the majority party, elect the Prime Minister out of that, that Prime Minister and the parliamentary body are, in essence, one. If that Prime Minister signs off on a treaty, it is law, unless the country doesn't like it. Then you hold a special election and get rid of the Prime Minister and the party. You get a new party and a new Prime Minister. That is how it works for a lot of countries in the world.

It does not work that way here. Our Founding Fathers created a division of labor in our Constitution. I think it was quite a clear division. When I began to say: The Kyoto treaty is not law in our country, it is a proposed treaty the Senate of the United States has refused to consider, therefore, it is not law, therefore, our negotiators don't have to negotiate to it or for it, the European parliamentarians, didn't understand that, or at least they chose not to understand it.

Of course, I was there as part of an observer team. I spent a lot of time encouraging the team not to make bad law, not to craft an agreement with which we couldn't live. Ultimately, they could not agree with the parliamentarians of Europe, and they came home.

That is the reality of where we are at the moment. That is why it is important to understand the frustrations our trade ambassador has when he goes to the table and they say: Why can't you just negotiate something? That has been arguable, why we have wanted TPA or fast track over the years. It is why we originally gave it.

But from the 1960s to 2002, the world and the economies of the world and the economies of this country and the economies of Idaho and the economies of Minnesota have changed dramatically in part because of trade, both positive and negative.

I believe it is right and proper that we debate this issue today, that we don't sweep it under the rug, that we ask our colleagues to choose whether we ought to have a point of order and whether we ought to have a simple majority vote on the need to change the trade remedy laws of our country as proposed by the trade agreement that is on the floor at the time or if we should retain the existing law.

In the letter sent this morning by the administration, they say that "first and foremost, the amendment derails TPA without justification." I disagree with that. The Senator from Minnesota said it so well: An appointed bureaucrat is not an elected Senator. The oath of office we take to adhere to the Constitution is so clear and so simple and so important. We ought to be extremely cautious about delegating that constitutional responsibility to an unelected official.

The trade ambassador would say: You don't do that. You ultimately get to vote on it. I think I have talked about the vote, the circumstances of the vote, the climate in which the vote is cast. That is why we are here today suggesting we make some subtle changes in the law.

"We have been committed not just to preserving U.S. trade laws but, more importantly, to using them." This is the administration talking in the letter. You are right; they have. And yet we are saying: we want to preserve them if it fits for you to use. They are saying, no, no; they can be negotiable or at least we want the right to negotiate.

We are not denying that right. I have said it once. The Senator from Minnesota has said it. We are not denying the right of negotiation at all. If we are bright and clear and articulate in what we do, we will not sour the debate or the environment in which those negotiations occur because if I were a negotiator, I would say: You bet, we will talk about it. We will put it on the table. It will require a simple majority to pass. But then the whole agreement will.

In all fairness to the administration, they recognize in the letter 41 Senators are a minority blocking this process. We offered to the administration yesterday that we would make some modification. They did not see fit to accept that. We went ahead. The Senator from Minnesota, when he offered the amendment this morning, modified it so it is not a two-thirds. It is a simple majority on the point of order, exactly the same vote it takes to pass the whole package. I believe that is a reasonable and right approach and a fair approach toward dealing with this issue.

A minority ought not be allowed to block trade law or any law for that matter. We rule by a majority procedurally. We deal with supermajorities on occasion, and we have done it here on occasion, and with cloture and other issues to protect trade laws.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CRAIG. I am happy to respond.

Mr. DAYTON. The Senator will recall—I would like the RECORD to show I ask the Senator, I received a call from a colleague on a matter this morning and indicated a desire to change, modify this amendment and make it more acceptable to the administration. I would like to ask if that was the Senator's intent, to make this one that would be more acceptable to the administration?

Let me say also parenthetically that, as a member of the other political party, I do not intend this amendment in any respect to be something that is referenced to this particular administration. I respect the role the administration has taken, that the trade ambassador has taken with regard to the steel products, as the Senator indicated. I thought it was a very strong position the President took with regard to the lumber coming from Canada; that, as the Senator said, this administration is far more aggressive than its predecessor in that regard, and also with regard to Canadian wheat. My concern in offering this was not with regard to any particular administration. My interest was in protecting this Congress for many administrations to come on this matter.

I ask the Senator, is this attempt on our part one that came out of the Senator's negotiations and discussions with the administration?

Mr. CRAIG. It is that. I thought that was a right and reasonable approach. We should not ask for a supermajority on issues that can be passed or should be passed by a majority of the body.

The Senator from Minnesota listened to those arguments, accepted those arguments today. I was pleased that his amendment could be modified for that purpose.

In the administration's letter there is another argument. They say:

> Secondly, the amendment would jeopardize our current trade negotiations, especially the new global trade liberalization mandate launched in Doha last November.

My reaction to that is, it does not.

They go on to say:

> This is not a hypothetical observation. The failure to launch a global trade negotiation at Seattle in 1999 was due in significant part to a refusal even to discuss trade laws.

Well, that was then. This is now. I have just said—the Senator from Minnesota has just said—discuss trade laws. Put them on the table. Look at the fact that they might need adjustment or change, that laws we have written in the 1960s might need some change.

All we are saying is, when the package comes back, it will require, if a point of order is brought against a change that you have already reported to us, Mr. Ambassador, a 50-percent plus one of those present and voting.

The conversation in Doha or the next round ought to go like this: While the Congress of the United States is giving us new expanded trade authority and negotiation authority, it also recognized the strong desire on the part of the citizens of our country to protect some process of trade remedy and trade remedy laws that are currently on the books of the United States. So any changes that we would make in them or propose to be made—and we are certainly willing to discuss those and talk about them, as we also want to talk about you, Spain, or you, France, or you, Germany, or somewhere else's trade laws—will be subject to the same vote as required for passage of the trade package.

Instead of going with alarm, the ambassador ought to go with a very clear, matter-of-fact statement, and then roll up his sleeves and get at the business of negotiating in a way that I hope will help American agriculture and a lot of our industries.

Trade remedy laws are not off limits. Those are the words used in the administration's letter today: Not off limits at all; available for full discussion, full debate, negotiation and change subject to a majority vote of the Senate. I think that is right, that is proper, and that is what we ought to be about.

Their fourth argument was the WTO negotiations launched in Doha will not impair our ability to enforce U.S. trade laws. I think our explanation stands. If the ambassador brings back a package and in it there is substantive law change proposed and the dynamics of the package are such that the world and the economy of this country is saying pass it, pass it, pass it, there will be no opportunity because the law would not require, unless this amendment is adopted, us to make those adjustments if collectively the Congress of the United States felt the negotiators had gone beyond what we believe to be right and proper protection under those laws.

(Mrs. CARNAHAN assumed the chair.)

Mr. DORGAN. Will the Senator from Idaho yield for a question?

Mr. CRAIG. I will be happy to yield.

Mr. DORGAN. Madam President, I would like to propound a question to my colleague. I believe this is one of the most important amendments we will be dealing with on the trade promotion authority legislation. I am pleased to be a cosponsor, and I will be pleased to speak in support of it at some point.

I ask the Senator from Idaho, is it the case that much of the angst that exists with respect to recent trade agreements—U.S.-Canada, NAFTA, and others—is that when we see areas of clear trade problems, clear manipulation of the markets, clear abuse of trading practices, we cannot ever get much of a remedy?

We have all these trade agreements, but we cannot get a remedy; we cannot get a problem solved. Why? At least one of the reasons, in my judgment—and I inquire of the Senator from Idaho if he feels the same way—is that we have weakened all these remedies to the point that no one wants to use them because they believe they are ineffective.

For example, section 22 is pretty much gone. In many ways, section 301 is made much weaker by subsequent negotiations. The result is, it does not matter whether it is wheat from Canada or high-fructose corn syrup from Mexico or a dozen items I could mention. We just cannot get anybody to tackle a remedy to say: Yes, this is unfair, and we will stand up on behalf of our producers and deal with it. That is why this amendment makes so much sense.

If the Trade Representative negotiates a new trade agreement and that agreement further weakens remedies that now exist, my understanding is the amendment allows that to come back to the Congress for an up-or-down vote. I think that is one of the most important provisions that we could adopt to this underlying bill.

I ask the Senator from Idaho, is it the case that the biggest problem these days has been we cannot get a remedy for anything in international trade?

Mr. CRAIG. The Senator from North Dakota has explained it very well, and that is the essence of this amendment. Again, a simple majority vote of this body will do so. Let me complete my comments. I have spoken long enough. There are others who wish to speak on this issue.

I close by speaking to the second-degree amendment the Senator from Iowa has just proposed, and I hope at some time we appropriately will move to table that second-degree amendment. Let me tell my colleagues why.

There is nothing in that amendment with which I disagree as part of process and procedure. You bet we should have talked about proposed substitutes and changes removed from, I call it the catchall title to the advanced title, to a higher priority as it relates to the direction we give our negotiators and ambassadors, the principles of negotiation and the objective of those principles.

The second-degree amendment, though, takes away the point of order. It says, here is how you negotiate, but it does not deny the right of the Senate to speak. I hope at the appropriate time, early afternoon, we will offer a motion to table that amendment. I do believe we need a good straight up-or-down vote on the Dayton-Craig amendment. It is an important amendment.

I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, at this time I am not going to address either my amendment or the amendment by the Senator from Minnesota and the Senator from Idaho. I do wish to speak generically about the issue before us, to which the amendment of the Senators from Minnesota and Idaho are very central, and to remind my colleagues what trade promotion authority is all about.

First, as all my colleagues know, nothing can be done under the Constitution about trade unless the Congress of the United States does it, because one of our explicit powers in the Constitution is to regulate interstate and foreign commerce. It is our authority, and Congress rightfully and according to our oath of office ought to protect our constitutional responsibilities, and we ought to perform our constitutional responsibilities.

For the first 150-year history of our country, when all Congress had to do in regard to trade was put on tariffs, up or down, and other business of that nature, it was very appropriate for Congress to initiate and finalize action as far as the regulation of interstate and foreign commerce was concerned.

Since the 1930s, we have been involved in cooperative efforts with other countries to reduce tariff and nontariff trade barriers because it was seen then and today as mutually beneficial to all nations to do so. We have been involved in international agreements and international fora to accomplish those goals.

One can imagine how impossible it would be then in an international forum to have 535 Members of Congress, in a meeting of 142 countries, negotiating trade agreements, with the Congress of the United States speaking for the United States. It is almost impossible for Congress to reach an agreement among its Members without, in the process, trying to negotiate with 142 other countries. So for the last 25 years, or some people would say in different ways since 1935, we have given the President permission to negotiate agreements with other countries.

In a sense, the United States, through this legislation and previous legislation, has set up a contract with the President of the United States saying we would like to have him negotiate for the Congress of the United States, where the constitutional power lies, some agreements under strict authority that we would give the President, and with Congress having final authority to adopt what was negotiated if we agreed to it.

We are talking about giving the President the power to negotiate for us because it is an impossibility for the Congress to enter such a forum.

The basic question to our colleagues as they consider Dayton-Craig and other amendments is: Do they want the President of the United States to have this authority? This is not blanket authority given to the President of the United States. It is very confined to subject matter. It is very confined to the President reporting to the Congress of the United States on a regular basis what has been done and to get our feedback so that the President carries out the intent of Congress in the negotiations.

Finally, the President of the United States has to come to an agreement with 142 countries. Remember, that is not done by a majority vote of those 142 countries. That is done by consensus. So if the President of the

United States feels the interests of the United States are not adequately protected, all the President has to do is walk away, and there is no new WTO agreement.

Eventually, if the President decides U.S. interests are being protected and he agrees to it and the other 142 countries agree to it, then it comes to us to make a decision whether or not the interests of the United States are adequately protected as the President negotiated with us, and it takes a majority vote in the House and Senate for that to become law of the land.

The basic question before the Senate in the Dayton-Craig amendment is whether or not they want the President of the United States to be credible at the bargaining table. The issue is whether or not the President will be credible if, when he reaches an agreement, there is opportunity in the Senate to have separate votes on separate parts of the agreement so some can be dropped and others might be adopted.

Do my colleagues think the other 142 countries of the WTO are going to negotiate with our country on that basis?

Do you think there will be a final agreement? No. The Dayton-Craig amendment undoes the pattern of this contract between the President of the United States and the Congress over the last 25 years.

So we all have to ask ourselves: Has the United States prospered by our international agreements over the last quarter of a century by the process that is once again before us to set up a contract with the President of the United States to negotiate? I have come to the conclusion this process has been good, but I am a Republican. Maybe Democrats would question my judgment of whether or not this is a good process.

So I have said before in this debate, and I want to say again, listen to what President Clinton said as he correctly bragged about the agreements he finalized—that started in previous administrations—during his first year in office. The North American Free Trade Agreement and the Uruguay Round of the General Agreement of Tariffs and Trades were finalized during his first months in office.

He says as a result of those agreements, and I suppose he would say, too, predecessors to those agreements, that the United States has benefited very well by it. And he used, as I heard him say so many times, that there were, I think the figure was, 22 million jobs created during his administration, and one-third of those jobs were related to trade.

If President Clinton says that, if President Bush believes this is a good process to continue, and you have one Democratic President and one Republican President who think proceeding down the road that we have gone for the last 25 years is the right road to go, I think it would carry some weight with people on both sides of the aisle and it would be a no-brainer that this process ought to be continued. Our colleagues are suggesting that would put a kink in this machine, and that might not be the thing to do. I raise those questions with my colleagues.

I also raise the questions with my colleagues of whether or not the present trade remedies are working, which I heard a few minutes ago. Well, what do they think the steel agreement is all about? The President is looking out for our basic industry, to give it some help through transition. The President looked at that and decided that other countries dumping steel in the United States was not right, and our economy was being hurt by it. He stepped in, in a very strong way, to protect our interests.

I think of the 201 process where the previous President stepped in, in the case of lamb coming into the United States from New Zealand and Australia. I suppose there are a lot of others I ought to refer to, but our Presidents, Republican and Democrat, have been willing to use the tools that are on the table. Other nations are beginning to learn from the United States and are willing to take action to protect their industries in a way that is going to eventually hurt us.

We have been the pioneers of trade remedy legislation for a long period of time, and other nations have somewhat resented our using it, and they are beginning to learn from us and use it. Now they are doing it in a way that is not as transparent as the United States. They do it probably in a way that is less concerned about their using it on the world economy than what our Presidents have done in regard to our action and the world economy.

Now, are we going to say we should not be looking out for our interests on trade remedy legislation? I think what they are saying is we ought to let the rest of the world adopt these measures, even if they hurt the United States. Some examples: South Africa imposing dumping duties on United States poultry, closing an important $14 million market; Mexico imposing dumping duties on United States high-fructose corn syrup, decreasing our exports by half, $30 million; Mexico imposing dumping duties on certain United States swine, formerly a $450 million market; Mexico imposing dumping duties on certain cuts of beef affecting companies' abilities to service and grow this $512 million market. Just this year, Canada imposed dumping duties on United States tomatoes, $115 million. In 1999, Canada imposed dumping duties on exports of United States corn, a $36 million market resulting in little United States corn exported to Canada for 4 months until a provisional duty was removed.

These are examples of the rest of the world learning from the United States. Consequently, don't we in the United States think it would be better if our country or our President were at the table negotiating to see that these things did not happen? I think those are the issues before us.

I probably have implied very much that Dayton-Craig is a bad approach. My point is to simply say I hope my 99 other colleagues will look at the practice of the last 25 years, which has been a credible approach for the United States to be at the negotiating table, and say: Do you really want to change that? Do you want to change the credibility of the President of the United States at the negotiating table?

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, of course the Senator from Iowa is correct; the Constitution does provide in article I, section 8, that the Congress shall have the power to regulate commerce with foreign nations—not the President, not the trade ambassador, but the Congress. That is in the Constitution of this country.

The Congress has, over some period of time, decided it would like to put handcuffs on itself so these handcuffs would prevent it from being involved in any trade negotiation or trade agreement that came back to the Congress. If it did not like a provision, if it thought a provision was not in accordance with this country's interests, the Congress will have said, by fast track or trade promotion authority, no, we are not allowed to offer amendments to that trade agreement. Congress has done that on previous occasions. I do not support that. I do not believe it is appropriate.

What the Senators from Minnesota and Idaho are saying with respect to fast track, or trade promotion authority, which will tie the Congress's hands, at least in regard to the issue of providing trade remedies for trade abuses that exist, that our businesses and our employees in this country have to try to deal with, at least with respect to those trade remedies, Congress ought to have a say in that if someone negotiates a trade agreement that weakens those trade remedies.

We have had plenty of examples: Section 22 was largely negotiated away; section 301 has been diminished in importance. So we have had examples where the trade remedies are not available.

My colleague from Iowa cited some of the trade abuses that I could cite. On high-fructose corn syrup to Mexico he says: Yes, that is a problem. Do not blame us. Let us not blame America for trade abuses that are imposed by other countries.

Unfair wheat subsidies or unfair wheat trade flooding into this country from Canada, that is a problem. That is not our fault; that is Canada's fault.

The high-fructose corn syrup, that is Mexico's fault.

I could go on to give a dozen such examples, but let's not blame our country for trade abuses that are committed by other countries. Let's make sure businesses in our country and their workers know that when another country does that, when it tries to rig the marketplace with a trade practice that is abusive, then we have a remedy against it.

Ralph Waldo Emerson said that common sense is genius dressed in work clothes. When we deal with trade issues, I find very little genius these days, especially in Washington, DC. Almost all of the debate that ought to be thoughtful turns thoughtless in an instant. This morning's Washington Post editorial is an example of that, suggesting this amendment is going to torpedo this trade promotion authority legislation. It will do nothing of the sort. It strengthens it.

Let me give some examples of what is going on in trade. Canada pushes an avalanche of grain into our country, unfairly subsidized, unfairly traded in our country by a Canadian wheat board that is a sanctioned monopoly in Canada which would be illegal in this country. So our farmers are confronted with this massive amount of unfair trade, and it takes money right out of the pockets of our family farmers, and nothing can be done about it. It has been going on for 10 years. It was given the green light, incidentally, in the United States-Canada Free Trade Agreement, which I voted against; nonetheless, this has been going on relentlessly, and nobody does anything about it.

We had an investigation by the ITC, and they said: Yes, Canada is guilty of unfair trade. There was a 301 action filed by wheat growers in my State, and the trade ambassador said: No, despite the fact that there is a conclusion that Canada is guilty of unfair trade, we will not impose fair trade quotas that United States law would allow because it might be inconsistent with NAFTA and the WTO. But Ambassador Zoellick says to farmers: Don't lose hope. Under U.S. laws you can always consider filing antidumping or countervailing duty cases.

Let me show my colleagues a Congress Daily Report, November 26, 2001—November 9 through 14: The WTO ministerial at Doha, Qatar, Trade Representative Zoellick agreed that U.S. antidumping laws could be discussed as the new round gets underway.

In other words, in the next round the antidumping laws will be up for discussion because many countries don't want us to have antidumping laws. They want to dump their products into the American marketplace, and if our producers are concerned about that—saying we cannot compete, we will have to close our plant, we can't compete against products coming from China or Japan or Europe or Canada or Mexico or Korea, we can't possibly compete against them because they are dumping at below the cost of acquisition, what are we going to do—we are going to put this on the table to talk about. Maybe we can get rid of countervailing duty or antidumping laws. Maybe the next negotiation in a room, behind a closed door, in which we are not present, the American people are not present, trade negotiators from all around the world will decide that the United States will agree to get rid of its antidumping laws. Maybe that is what will happen.

If that happens, I sure want the Congress to be able to vote on that separately on behalf of farmers, factory workers, steelworkers. I want Congress to have a shot at saying yes or no, and my vote is going to be a resounding no.

One final point, if I might. I have just had a bellyful of people saying it is wrong to worry about protecting America's interests. The word "protect" has become a vulgarism in trade speech, and I find that Byzantine.

Who in this Chamber does not want to stand up and protect our country's interests? Who do you not want to protect? Do you not want to protect a steel industry that is under siege from unfairly subsidized shipments into this country? Do you not want to protect farmers and factory workers? Who is it you do not want to protect? Isn't it our job to decide that we will protect our industries to the extent of demanding fair trade?

I don't mean, by "protection," saying we are going to put walls around our country. I don't mean that at all. I don't believe we should do that. I believe we ought to be required and able to compete at any time, at any place in the world. That competition does not mean, however, that our companies and our workers ought to compete with 12-year-olds who work 12 hours a day and are paid 12 cents an hour in some plant 8,000 miles away, and some company takes the product of that plant and moves it to a store shelf in Pittsburgh or Fargo or Los Angeles or Pocatello. It is not fair trade and it is not what our businesses and workers ought to have to put up with.

When we talk about protecting our country's economic interests, it is not about diminishing trade or putting walls around our country. It is about saying we have a right in this country to protect the economic interests of businesses and workers who want to play by the rules when they confront others in this world who decide they will not play by the rules.

One final point. I have made this point over and over because it is so dramatic. I want to mention automobile trade with Korea to demonstrate what is happening on a range of things throughout the world in a way that hurts our workers and hurts our companies. Last year, Korea sent us 630,000 cars, Daewoos, Hyundais, and others. Madam President, 630,000 Korean cars came into the U.S. marketplace. Good for them.

Last year, we were only able to sell 2,800 cars in Korea. Let me say that again: 630,000 Korean cars coming to the United States, and we were only able to get 2,800 U.S. cars sold in Korea. Do you know why? Because the Korean Government doesn't want American cars sold in Korea. It is very simple. And that is not fair. We ought to say to Korea and other countries, if your market is open to American products, then our market is open to you. But if we make the American marketplace open to your products, then you had better open your marketplace or you find a way to sell your cars in Kishasa, Zaire, next year and see how you like that marketplace.

I want to speak a little later, but let me say Senator DAYTON and Senator CRAIG have propounded an amendment that is very important. All it says is we need to preserve the opportunity to vote if someone behind a closed door in some room half a world away is going to negotiate away the remedies for unfair trade, our remedies to get after and take after the unfair trade that exists.

That is not antitrade; that is protrade. That is not undercutting the bill that is on the floor of the Senate; that in fact will strengthen and improve it.

I yield the floor.

Mr. REID. Madam President, the Senator from South Carolina has asked to speak.

Under the previous order, we are to go out in 1 minute. I ask unanimous consent the Senator from South Carolina, Mr. HOLLINGS, be recognized for up to 15 minutes, and this will be for debate only. At that time, we would go out for the party caucuses.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank the distinguished leader and the two distinguished sponsors of this particular amendment, the Senator from Minnesota and the Senator from Idaho. There is nothing better than a clear-cut, clean-cut little amendment, this particular provision. It simply says: Wait a minute, we don't want just an up-or-down vote on an overall patchwork of all kinds of trade measures, and all kinds of articles, and everything else of that kind.

Somebody might not like what they got on prunes. Somebody might not like what they have on textiles and everything else.

We are not disturbing whatever the negotiations are of our special Trade Representative, or the President. They tried to label it as either you are for the President or against the President. That is baloney.

What it says is: Wait a minute, before you have to vote up or down to just bring a whole trade bill down, let's make certain the basic laws are right. Here is how it reads:

> Notwithstanding any other provision of law [it] . . . shall not apply to any provisions in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—imposition of countervailing and antidumping duties . . . national security import restrictions—

It goes down and lists those things that they are trying to safeguard from unfair trade practices.

Even then, only on a point of order will the majority vote up or down. So you do not have to argue the entire trade measure that they have spent months and months, sometimes years and years on. You can just bring it to a majority vote.

If I were the President or anybody else were the President, they would say please put that in there. We are not trying to superimpose this kind of authority over the Congress. Article I, section 8, of the Constitution says that the Congress has that responsibility. It is not the responsibility of the Special Trade Representative, not the Supreme Court, not the President—we have the responsibility. What I am trying to do is protect that responsibility. The administration should want me protecting the Constitution.

What really is happening is that people do not understand the fix. Let me explain what I call the fix.

If you go back to the early '90s to the enactment of NAFTA, the North American Free Trade Agreement, the trade treaty with Mexico, it was a very interesting thing.

The New York Times published an article, after the vote was cast, about the 26 freebies that President Clinton did, to put on the fix in order to pass that particular measure. He gave two golf rounds, one in California, and another one somewhere in Arkansas for votes; he gave two C–17s to another Congressman; he gave a cultural center to Congressman Pickle, down in Texas, for a vote.

At least those freebies, in order to fix the vote, got some people some jobs. Look the golf matches at least got somebody a job to cut the grass.

Let's clear the air and understand what is going on right now. Under Mr. Bush's plan, we would not be allowed to debate and consider these trade measures—except in a limited way. The Senators from Minnesota and Idaho, said: Heavens above, let us have at least the national security laws, countervailing duties, and antidumping laws—where a point of order will give you an up-or-down vote and you do not have to vote up or down the entire trade measure.

There is a very interesting article here—the unmitigated gall of the proponents of fast track.

Let me read it:

> The Bush Administration indicated that the President might veto trade legislation if the Senate adds a provision that would allow Congress to amend foreign trade agreements the President negotiates. This week, the Senate is considering granting Bush fast track trade powers. Under fast track, Congress could approve or reject trade pacts but could not amend them. However, Senators Mark Dayton, Democrat of Minnesota, and Larry Craig, Republican of Idaho, are pushing an amendment that would allow Congress to change trade pacts. They say Congress must have the power to make changes to protect U.S. workers. Commerce Department officials said that would defeat the purpose of fast track and they would recommend that Bush veto the legislation.

In short, yes, the President does not have the authority under the Constitution. The Congress, under article I, section 8, has the authority and the responsibility. The President, and his little minion, Robert Zoellick, the Trade Representative—he runs around and smiles and grins in all of these places, and he can amend anything. He can amend the laws. But, oh, they bring and amend the laws with respect to our national security, with respect to countervailing duties and antidumping provisions. He can amend it. But the Congress can't even consider it on an up-or-down vote.

Can you imagine the polls in such a situation as this. That Grassley amendment ought to be tabled immediately and we should not wait for 2:15. There isn't any question in my mind that this thing has gotten totally out of hand. The trade laws are not successes. The distinguished Senator from Iowa points out that everything has been coming up roses. But the fact is, we have been going out of business. Because of NAFTA we lost 53,900 textile jobs alone in the little State of South Carolina, 700,000 around the country—not just 20,000 steelworkers. So we lost all of those jobs. And we are going out of business. And the Congress of the United States tells them: Retrain, reeducate, high-tech, global competition. The President says you don't understand it.

We understand it. We retrain. I told the story—I will repeat it right quickly—of the Oneida mill in Andrews that made the little T-shirts. At the time of the closing, they had 487 workers there. The average age was 47. The next morning they did it the President's way. They retrained the employees. They are re-skilled. They are now 487 skilled computer operators.

Are you going to hire a 47-year-old computer operator or a 21-year-old computer operator? You are not taking on the retirement costs, you are not taking on the health costs of the 47-year-old. So it is a real problem.

Here we have the responsibility, and this crowd will not even let us do our job. The arrogance of this K Street crowd who writes these trade measures is unbelievable. And the President of the United States went over on the House side, and by one vote he promised—what?—he would do a fundraiser. So he has been down to Greenville to show up at a fundraiser.

It is money that talks, that controls here. You do not argue the trade measure, whether it is in the best interests of our country or not. This thing has gotten totally out of hand. And to come here and say whether this President likes it or that President likes it, well, this Senator does not like it at all.

We have many other measures, too. I noticed that Nick Calio, and his minion at the White House, said we have to get on, we can get rid of this bill this week and we can get it to conference, and everything else like that. We have barely been able to get on this particular amendment to discuss it. And then they say, well, we will put in a little maneuver here. And we will fix that vote. And we will not even have it, even when they have changed it from a 60-vote point of order down to just a majority vote up or down. They will not even let you have a majority up-or-down vote on the security of the United States under the responsibilities of the Senate.

They say that past Presidents like it. Past Presidents don't go back down to Arkansas—they move to New York. They don't sell this trade bill as being good for farmers in Arkansas, I can tell you that. They won't run for election down there. And they won't do it in my State of South Carolina, either.

It is a hearty development to find the distinguished Senator from Idaho, and the Senator from North Dakota—they know that agricultural business extremely well. They are now joining in because they are losing all the agriculture. The 3½ million farmers that we have in America cannot outproduce 700 million farmers in China. That is why we have a deficit in the balance of trade with respect to corn.

They tell me that now China is shipping to Japan and Korea some of their wheat so they can continue to appear as if they are taking our wheat. But we are going out of business there. And we will not have the wonderful export of America's most productive production; namely, America's agriculture.

So I hope we will slow down, stop, look, and listen, and understand that all we are trying to do is our job. And our job is to regulate foreign commerce. Please let us have a vote up or down. Do not come in and say, you cannot even have an up-or-down vote on the antidumping substantive law, that you can repeal it. Because once they repeal it in Doha, or any other foreign land, we're in trouble. When the trade reps meet to discuss agreements they don't go to places like Seattle any more, where people can go to and demonstrate and tell about our trade experiences here in the United States. No, they pick a place that no one ever heard of. You can't find it on the map.

The next meeting will be down in the Antarctic. I have been down there. It is hard to get there. That is where they will have the next trade negotiation, where nobody can be heard. And they will get the fix, and then they will come back and do exactly what is happening on this bill.

There is a fix. In this particular case it is not golf games and not C-17s, it is not cultural centers like it was on NAFTA, but it is welfare. It does not employ anybody. It says: Well, we give you a little welfare to keep your mouth shut, so you can go back home and run for reelection. It is not about trade, not about jobs.

We have the job of creating jobs. They are exporting them faster than we can possibly manage it. And now they are not only exporting their manufacturing, they are exporting the executive office to Bermuda.

So here, in a time of war, when you should hear the word "sacrifice," they put the President on TV, who says: Don't worry. Take a trip. Go to Disney World. Take your family. And what we ought to do is cut some more taxes to run the debt up.

You are going to hear about that because by this time next month we will be in desperate circumstances. We have to increase the debt limit, but they will not say they will increase the debt limit. They will try to say it is the war, as to why we need to borrow money. Oh, no, it is not the war. It is the trillions of dollars they have lost. And now they want to lose another $4 trillion.

Larry Lindsey—he doesn't like me referring to him—but he is the one who opposed what we had going with President Clinton and Secretary Summers to stop all of these offshore locations from avoiding taxes. They even had a bill, reported out of the committee over on the House side, that did that.

You would think, by gosh, we would be raising taxes to pay for the war, certainly not escaping our civic duty in a time of war. But that is the hands that we are dealt. The wonderful Business Roundtable, the Conference Board, the National Association of Manufacturers, and the U.S. Chamber of Commerce—oh, they will all tell you what is good for the country. What they are saying is wrecking the economy. They don't want to pay for anything. All they want to do is just help everybody buy the different elections.

I see my time is up. I hope that at 2:15, when they move to table, Madam President, that the people will sober up and come to the floor and give us a chance on that vote to table the Grassley amendment so we can do our job. We don't say one way or the other; we just say, give us an up-or-down vote to consider the security, consider the antidumping provisions, as the Dayton-Craig amendment calls for.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BREAUX).

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3408

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as soon as we have someone here from the other side, I will move to table the amendment now pending. We have had a good debate. The debate was very constructive all morning. It is time to test the strength of the second-degree amendment and find out what we are going to do.

As we proceed through this trade legislation, we should have more debates such as we had this morning. We should vote as soon as we have had debate. Of course, a motion to table can be offered at any time. It is high time we did this on this amendment.

I was talking to some Democratic Senators this morning. Between the two Senators they have six or seven amendments. So there is a lot that needs to be done on this legislation. If someone does not have an opportunity to speak on one amendment, they can certainly do it on the other.

I hope we can continue to move this legislation. I know Senator DAYTON and Senator CRAIG have waited for days on offering their amendment.

I say to my friend from Minnesota, I appreciate very much his patience in waiting to get to a point to test the strength of what is happening.

I have been told that the Dayton-Craig amendment has at least 60 votes in favor of it. I certainly think we should find out if that is the case. There have been some who have been trying to prevent Senators DAYTON and CRAIG from having a vote on their amendment. I suggest that is not the way we should do things. Something this complex and this important we should move as quickly as possible.

I therefore move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. STABENOW). Is there a sufficient second?

There is not a sufficient second.

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Madam President, I renew my request to table the amendment.

I withhold that request.

Madam President, I ask for the attention of my friend from Iowa. Is it the Senator's intention to withdraw the amendment?

Mr. GRASSLEY. Yes.

AMENDMENT NO. 3409 WITHDRAWN

Mr. GRASSLEY. Madam President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3408

Mr. REID. Madam President, I move to table the Dayton amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 3408. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—38

Allard
Baucus
Bennett
Bond
Breaux
Brownback
Chafee
Cochran
DeWine
Domenici
Ensign
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Stevens
Thomas
Thompson
Voinovich

NAYS—61

Akaka
Allen
Bayh
Biden
Bingaman
Boxer
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Mikulski
Murray

Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Helms

The motion was rejected.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I rise today to discuss U.S. trade remedy laws—antidumping, anti-subsidy, and safeguard laws.

Senators DAYTON and CRAIG have offered an amendment on this important issue. I want to say a few words about our trade laws. While much of this year's debate over fast track has centered around labor and environment, there has been less talk about the equally important issue of U.S. trade laws—specifically, how we will ensure that these laws are not weakened in future trade negotiations. This is not an academic issue. In Doha last November, our trade negotiators put U.S. trade laws on the negotiating table. I believe that was a mistake. And I want to make it clear now: This Senate and this Congress will not tolerate weakening changes to our trade laws.

It is a grave mistake to suggest that the United States must weaken its trade laws to be a participant in future trade negotiations. There is virtually no political support for such a position. The last tabling motion showed that. There were 61 Senators who voted not to table the underlying amendment. This point was made clear in the letter sent to the President last year by nearly two-thirds of the Senate.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 7, 2001.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to state our strong opposition to any international trade agreement that would weaken U.S. trade laws.

Key U.S. trade laws, including antidumping law, countervailing duty law, Section 201, and Section 301, are a critical element of U.S. trade policy. A wide range of agricultural and industrial sectors has successfully employed these statutes to address trade problems. Unfortunately, experience suggests that many other industries are likely to have occasion to rely upon them in future years.

Each of these laws is fully consistent with U.S. obligations under the World Trade Organization (WTO) and other trade agreements. Moreover, these laws actually promote free trade by countering practices that both distort trade and are condemned by international trading rules.

U.S. trade laws provide American workers and industries the guarantee that, if the United States pursues trade liberalization, it will also protect them against unfair foreign trade practices and allow time for them to address serious import surges. They are part of a political bargain struck with Congress and the American people under which the United States has pursued market opening trade agreements in the past.

Congress has made clear its position on this matter. In draft fast track legislation considered in 1997, both Houses of Congress have included strong provisions directing trade negotiators not to weaken U.S. trade laws. Congress has restated this position in resolutions, letters, and through other means.

Unfortunately, some of our trading partners, many of whom maintain serious unfair trade practices, continue to seek to weaken these laws. This may simply be posturing by those who oppose further market opening, but—whatever the motive—the United States should no longer use its trade laws as bargaining chips in trade negotiations nor agree to any provision that weaken or undermine U.S. trade laws.

We look forward to your response.

Sincerely,

Baucus, DeWine, Specter, Rockefeller, Kerry, Byrd, Hollings, Conrad, Voinovich, Snowe, Bingaman, Collins, Santorum, Graham, Thomas, Durbin, Torricelli, Enzi, Murray, Dorgan, Akaka, Inouye, Landrieu, Boxer, Breaux, Craig, Helms, Edwards, Sarbanes, Lincoln, Johnson, Dayton, Mikulski, Lott, Daschle, Bayh, Dodd, Wellstone, McConnell, Sessions, Kennedy, Clinton, Thurmond, Schumer, Bunning, Carnahan, Cleland, Wyden, Levin, Crapo, Feinstein, Cantwell, Burns, Stabenow, Carper, Miller, Smith of New Hampshire, Smith of Oregon, Reid, Harkin, Shelby, Lieberman.

Mr. BAUCUS. Our trading partners should also understand this point. There are many countries that want to weaken U.S. trade laws. Why? Because they want to be able, if you will, to dump subsidized products—ship products that violate the basic principles of WTO—within the United States.

It is very difficult for us to protect ourselves if we don't have our antidumping and countervailing duty and section 201 trade laws.

I must say almost every country in the world, and certainly many in South America, are eager to negotiate free trade agreements with the United States. There are many South American countries that want to do so. Unfortunately, a thorn in our side and a thorn in the side of the countries in our joint effort to try to reach agreement on FTAA, for example, I say very respectfully, is the country of Brazil.

I think it is important to step back and ask why countries such as Brazil want us to weaken our trade laws. The answer, of course is pretty simple: their companies and their workers will benefit—at the expense of ours.

In the last couple of years, there has been considerable debate regarding the use of trade laws in the context of the steel import crisis. Last year, the administration and the Senate Finance Committee worked together to initiate a "section 201" investigation, which allows relief where an industry has been seriously injured by imports. The case of steel is well known—international overcapacity and unfair trade practices have been the norm for decades. But unfair trade practices are not limited to the steel industry. Foreign governments have sought to undercut other strategic U.S. industries—including semiconductors, consumer electronics, and supercomputers.

That last point is important—so I want to emphasize it again. Foreign governments have sought to harm American companies and workers. Opponents of dumping laws often suggest that if a foreign company wants to sell us a product cheaply we, should take advantage of that. After all isn't that what, competition is all about? But that view is far too simplistic. Companies can succeed in dumping over an extended period of time *only* if supported by government policies—trade barriers, subsidies, lax enforcement of their own antitrust laws.

Profits gained in protected foreign markets allow foreign companies to splash prices in the United States in order to gain market share. Indeed, efficient American mills must compete with foreign mills that produce steel regardless of need. Foreign steel mills often act as little more than subsidized work programs.

I might digress slightly. The same is true with subsidized lumber in Canada. They are tantamount to subsidized work programs and subsidized timber production in the lumber industry to such a great degree.

In 1999, for example, foreign overcapacity was more than two times as great as the total annual steel consumption in the United States.

With other export markets largely closed, there is an overwhelming incentive to send underpriced steel to the open U.S. market. Let me repeat that point. Other countries tend to close their markets to companies and countries that dump steel or subsidize steel production. So what happens? That steel tends to be diverted to the United States because we, by comparison, have such an open market compared with other countries that otherwise import steel.

So without fair trade laws, investment dollars would simply not flow to

American companies. For example, why would anybody invest in a U.S. company, even a highly efficient one, that could so easily be undercut by unfair foreign competition?

So it is not only a matter of workers, employees getting jobs in the United States, but it is also foreign investment and domestic investment in American companies in the United States.

A smart investor would invest in a company where its government protected its market share.

Still, the point is argued, why not just allow consumers to take advantage of cheap products? It certainly is true there may be a short-term advantage for consumers and consuming industries. But over the long term, we risk gutting our manufacturing base and gutting the technological edge of American companies.

Just think about it a second. If other countries dump, how can we invest in the United States to gain and maintain a technological edge?

For any consuming industry complaining about the use of our trade laws in the steel industry, just ask yourself what their reaction would be to foreign governments targeting their industry.

But beyond economic rationale, we risk losing the political support for trade. Trade laws are part of the political bargain. If free trade is not perceived as fair, Americans will not support it. Why would Americans support free trade if the perception is that it exposes them to foreign governments' unfair trade practices?

Consider also the consequences if we do not have effective trade laws. Trade laws ensure uniform treatment. In bad economic times, there will always be calls to take action against imports. Without consistent and transparent trade laws, those calls will come for general trade barriers against imports. The internationally negotiated trade laws we currently follow seek to provide an objective set of criteria. I might add, our trade laws are totally WTO consistent, a point some critics forget to mention.

Some have also asked whether we really need to worry about our laws being weakened in international negotiations. Recent history demonstrates why we should be concerned.

I might say, NAFTA's dispute resolution procedures under chapter 19 have significantly undermined our enforcement of U.S. trade laws. Both the GATT Tokyo Round and the Uruguay Round weakened our antidumping and safeguard rules; that is, it happens, it is not just theory. It is happening. And our laws continue to be attacked and weakened by dispute panels exceeding their authority.

Some have suggested we use negotiations as an opportunity to address due process and transparency concerns in the application of other countries' trade laws. But remember that fast track is only used to change U.S. laws. If we are only looking at the laws of foreign governments, we can resolve those differences outside of the U.S. implementing legislation.

As for difficulties encountered by U.S. exporters facing foreign countries' trade remedy actions, those are problems of compliance with the existing WTO rules, not problems requiring us to revisit the rules themselves.

Let me now turn to the Senate bill. I want to make sure my colleagues appreciate the strong provisions protecting U.S. trade laws.

First, as was the case in the House legislation, our bill provides that the President must not undercut U.S. trade laws and should also seek to put an end to the foreign practices that make trade laws necessary in the first place. Section 2102(c)(9) of the bill states, first, that the President shall:

> (A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions. . . .

Pretty strong stuff.

Second, the bill states the President shall—I underline the word "shall":

> (B) address and remedy market distortions that lead to dumping and subsidization including overcapacity, cartelization, and market access barriers.

In addition, the Senate bill makes important additions to the House bill.

Under this legislation, the Secretary of Commerce must form a strategy to seek improved adherence to WTO dispute settlement panels to the standards of review contained in the WTO agreements or lose fast-track procedures.

In findings, the legislation identifies particular concerns regarding recent WTO decisions affecting U.S. trade laws.

The Senate bill also requires that the chairmen and the ranking members of the Finance and Ways and Means Committees to separately determine whether any changes to U.S. trade laws are consistent with the negotiated objective of not weakening U.S. trade laws.

Another protection: The President must notify the Finance and Ways and Means Committees of any proposed changes to U.S. trade laws; and, following a report by the chairmen and ranking members, the President must separately explain how proposed changes are consistent with the negotiating objectives established in the fast-track legislation.

When it comes to protecting U.S. trade laws, I believe the Senate bill is a strong bill. But let me end by emphasizing the importance of these laws.

Why do our trade agreements basically work? They work only because there is respect for the agreements themselves, and for the enforcement of those agreements. But how long will Americans support new negotiations or existing agreements if they see foreign governments taking advantage of us?

I believe the language in this fast-track bill makes it very clear that Congress will not tolerate weakening changes to U.S. trade laws. And I—and the great majority of my colleagues—will continue to pursue this issue as we move forward in future trade negotiations.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas.

Mr. GRAMM. Mr. President, I want to talk about trade promotion authority. I want to talk a little bit about the history of how we came to be here. I want to talk about why this issue is so critically important. I want to talk about the Craig amendment. And I want to talk about how we are reaching a point where we are beginning to endanger trade promotion authority altogether.

This is a lot to talk about, and I know there are a lot of other people who want to speak, so let me begin. And let me start at a logical point: 1934.

Imagine that it is 1934 in America. One out of every three Americans is out of work. The gross domestic product of the country has declined by almost a third. We have adopted a series of protective tariffs including the onerous Smoot-Hawley tariffs initiated by Republicans and supported by Democrats. And in the process, we not only have a depression in our own country, but we, by starting a trade war worldwide, have turned the global recession of 1929 and 1930 into a global depression.

And in that humbling moment of 1934, where everything we did related to trade and the economy was wrong, there was a rare bipartisan consensus. It occurred because the country was in so much trouble, and because there was a recognition that we had created our own problem. At that moment in 1934, Republicans and Democrats got together and passed what was called the Reciprocal Trade Agreements Act. That Act allowed the President to negotiate 29 trade agreements between 1934 and 1945. We literally were the leader in starting up world trade again.

As world trade was reignited, as our economy started to grow, and as we fought and won World War II, the bipartisan consensus on trade grew. We saw that trade is a good thing that promotes jobs, growth, opportunity, prosperity, and freedom. The bipartisan consensus expanded to the point where in 1948 we adopted the General Agreement on Tariffs and Trade, known as GATT, and initiated a worldwide effort to try to open up global trade.

Subsequently, from 1947 to 1963, we completed five successful negotiating rounds under GATT. But then, in 1962, something happened that is highly relevant to the debate we are having today over the Dayton amendment. By 1962, the principal impediment to trade in the world was not protective tariffs. Instead, the key impediment was non-tariff measures anti-trade laws adopted by countries that limited the ability of trade to flow freely. For example, countries began to adopt laws allowing producers within a country to get special protection if they were harmed by trade, and allowing countries to subsidize their exports if they felt they were losing out in trade.

By 1962, therefore, President Kennedy recognized it was no longer enough to negotiate tariff reductions. We needed to negotiate away all the barriers that we and other countries had put up that consisted not of tariffs, but of non-tariff trade protections. Therefore, the Kennedy Round focused on issues such as countries' use of export subsidies, and of anti-dumping laws. When the Kennedy Round of negotiations was completed, it addressed not only tariffs, but sought to establish some worldwide rules related to countries' use of anti-trade laws.

But at that point, when presented with the Kennedy Round by the Johnson Administration, Congress approved legislation undoing the provisions of the Kennedy Round Agreement that related to anti-trade items such as export subsidies—the very provisions we are debating today in the Dayton amendment. Congress effectively amended the deal. The Kennedy Round of negotiations was agreed to by other GATT members and became the new foundation for world trade. But because Congress basically changed the deal, the United States did not participate in or get the full benefits of the Kennedy Round. We had negotiated this entire set of agreements with our trading partners. But when we changed one critical ingredient, our trading partners said: We are not willing to negotiate with the United States and then let Congress strike the parts in which the United States made concessions and yet leave the parts where we, the United States trading partners, made our concessions.

When the Kennedy Round went ahead without the United States in 1967, so shocked was Congress that in 1974 we created a new process that today is known as fast track. And every succeeding President since President Ford has had fast-track trade authority. That trade authority has allowed the President to go out and negotiate agreements with our trading partners. In those agreements we give up some things we don't want to give up, and our partners give up some things they don't want to give up, but the United States and the group of countries involved decide that overall, the trade agreement is in their interest. And that was the procedure that we had in place until 1994, when the fast-track provisions expired.

Since then, we have found that few countries in the world are willing to negotiate with us, because any trade agreement negotiated could be amended in Congress. Obviously, countries are not willing to make concessions that bind them when our concessions would not bind us should Congress decide to change them.

As a result, there are some 130 trade agreements worldwide that we in the United States are not part of. For example, Europe has negotiated an expanded trade agreement with South American nations. We have no similar agreement. Mexico has negotiated and successfully completed free trade agreements with Central and South American nations. We have no such agreements. Canada has negotiated free trade agreements with South American nations. We have been unable to have such agreements. So today, appliances that could be produced cheaper and better in the United States are being sold in Chile today by Canadian manufacturers because their manufacturers have an advantage over ours: they have a free trade agreement that means lower tariffs. Chilean consumers could buy better American appliances cheaper, but without a trade agreement, they can't buy them without having to pay a tariff. Canada benefits from that trade, and we do not.

We have come here today to try to set this situation straight. We have come here today to try to give the President the authority to promote American exports and to engage in trade liberalization around the world.

Without getting into a long harangue about it, let me say that Republicans have been asked to pay a tremendous level of tribute to get to this point. The President asked the Senate for an up-or-down vote on trade promotion authority. That request was denied. Instead, the majority has said that to get a vote on trade promotion authority, we must add a trade adjustment assistance bill to it, and that bill must contain a new provision requiring the government to pay 70 percent of the health care costs of people who lose their jobs because of trade, even though many Americans have no health care benefit when they are working.

Moreover, we have been asked to agree—and to this point we reluctantly have agreed—that if you are a worker whose company is affected by trade and is not competitive, you get not only 2 years of unemployment and 70 percent of your health care benefit, but you get part of your wages paid for by the government. Let's say you lose your job in the steel mill but you have always wanted to be a batboy for the Pittsburgh Pirates. If you take the lower-paying job as a batboy, we will supplement your wages to make up half the difference of what you lost in salary from the steel mill wages as compared to the Pittsburgh Pirates bat boy wages. Meanwhile, if you lose your job because a terrorist destroys the factory you work in, you get 6 months unemployment and you get no health care.

It is fair to say that there are 45 Republican Members of the Senate who are adamantly opposed—adamantly opposed—to those provisions. We have created two new entitlements that are unfunded and that nobody knows what they cost. We are creating the incredible anomaly where we will be taxing people who are working and who don't have health insurance in order to subsidize 70 percent of the health care costs of certain people who are unemployed but had health insurance when they worked. They now will be getting a taxpayer subsidy, even though the people paying the subsidy don't have health care themselves. And we are being asked to sign on to a system where the American Government for the first time is going to get into wage guarantees. There is no sense beating this old dead horse, but let me say that these are the same kinds of deals that Europe is desperately trying to get out of. They can't create jobs because they can't cut old jobs because they have to pay all these benefits. Yet in this tribute we are having to pay to get the trade bill, we are going in the direction that the Europeans are actively trying to get out of. We are going in the direction of imposing heavy socialistic programs that are going to have a stifling effect on the budget.

And now, in the midst of a bill that already has all these provisions that 45 Republicans hate, that will drive up the deficit, that will make the economy less competitive, and that create a terrible injustice in the system, we now are presented with an amendment before us that will literally undo fast-track authority by allowing Congress to change the deal.

Can you imagine if in buying and selling a house, or any other commonplace negotiation, you suddenly are told you must pay more than you negotiated to pay? Can you imagine how commerce would break down when deals can be renegotiated after the negotiations are done?

The whole purpose of paying this heavy tribute, and adopting all this terrible, harmful public policy is to get the positive effect of fast track whereby there is an up-or-down vote on accepting the negotiated deal. But now in comes the Dayton-Craig amendment that says to the President, OK, you can negotiate, you can give, you can take, but when the trade bill comes back, if you have negotiated in areas where Congress has written laws to hinder trade, then we get to vote on those provisions separately. And if you cannot get 51 votes, then those provisions are taken out.

What country in the world is going to be foolish enough to negotiate with us when they know there is going to be a separate vote on the parts of the agreement that we in the United States like the least? We would never negotiate with another country under circumstances where their legislative body could take out the parts of the negotiation they did not like but leave in the parts we did not like.

This amendment kills trade promotion authority because it is counter to the very thesis that underlies it. What is trade promotion authority about if it is not about an up-or-down vote on a trade agreement, without amendment? How can a provision which allows part of an agreement—the part that is likely to be least popular in the United States—to be voted on separately? How can anybody be confused that this amendment absolutely kills trade promotion authority?

As the Dayton-Craig amendment has been debated, people have gotten the idea that this amendment has to do only with unfair trade practices. But most of this amendment has nothing whatsoever to do with unfair trade practices. And even where it does, it is obvious on its face that if we could negotiate agreements to fix those practices both here and in our trading partners' countries, we would want to do it.

Let me now go through the provisions of law that would be affected by the Dayton-Craig amendment.

First, the Dayton-Craig amendment says that Congress would have the right to strike, by majority vote, any provision that would limit actions against foreign subsidies such as income or price supports. The first law the amendment talks about title VII of the Tariff Act of 1930, which includes our countervailing duty law. What is that law about? That law is about American taxpayers subsidizing American producers to compensate for the subsidies that foreign governments are giving to their manufacturers and their agricultural producers.

I ask my colleagues, when we cannot sell our agricultural products in Europe because of their subsidies, when we have spent 25 years trying to get them to reduce those subsidies, why in the world would we want to set forth a rule saying that American negotiators can negotiate anything except agricultural subsidies. Why in the world would we ever want to ban negotiations in which the Europeans agree to cut their subsidies and we agree to cut ours? Yet by taking subsidy disciplines off the table, that effectively is what we'd be doing.

What this amendment really would like to do is allow negotiations reducing European and American agricultural subsidies to go forward, but once that agreement gets over here, allow Congress to strike the provisions reducing American agricultural subsidies. Why in the world would the Europeans ever enter into such an agreement? They would never enter into such an agreement.

When 60 cents out of every dollar of farm income in America now is coming directly from the Government, when we are paying farmers literally millions of dollars to produce products that we end up having to dump on the world market, and when we claim we do this because our foreign competitors are doing the same thing, why in the world should we prevent the President from getting together the major agriculture-producing countries and saying let's stop cheating, let's get rid of these income and price support subsidy programs so we can have freer trade in agriculture?

My point is that this amendment would ban for all practical purposes all agreements that have to do with export subsidies. It would ban any agreement that has to do with eliminating the unfair trade practice of subsidies by us or by our competitors. I want my colleagues to understand that when the proponents of this amendment stand up and say they simply do not want agreements that undermine our laws protecting Americans and American producers, what they are really talking about is our ability to negotiate away harmful subsidies. Why in the world should we not be negotiating with the Europeans, the Koreans, or the Japanese to suggest that we all reduce the amount of subsidies that we are paying to dump steel on the world market? Why don't we all agree to reduce the subsidies that are resulting in overproduction of agricultural products?

The net result of this provision will not be to protect American manufacturers and farmers from losing their subsidies. The result of this amendment, if adopted, will be that there will never be another trade agreement that has anything to do with reducing export subsidies. And of all the nations on Earth, we would be the biggest beneficiary of such an agreement. What country in the world can outproduce Iowa in agriculture? We could sell billions of dollars of agricultural products in Europe if we could negotiate an end to export subsidies. Why should we prohibit the President from negotiating them? We ought to be encouraging him to negotiate them. But this amendment, despite all the rhetoric about eliminating our ability to protect our producers from unfair trade, protects us right out of being able to eliminate unfair trade.

The second provision of the Dayton-Craig amendment refers to our antidumping laws. Now, on its surface, the amendment sounds good. The President would not be able to negotiate anything that would prevent America from protecting its producers from dumping. In other words, we will not be dumped upon. But what does dumping mean?

First of all, dumping means all these low-price quality items Americans can buy for their families at department stores. But forget for a moment that American families enjoy a better quality of life from low-price imports. Why shouldn't we negotiate an agreement that says why should we subsidize products to dump on your market and why should you subsidize products to dump on our market when we could get together and negotiate an armistice where we both stop dumping?

When one listens to the rhetoric of supporters of the Dayton-Craig amendment, gosh, it sounds appealing. They say, do not eliminate our protections against dumping. But when we protect our right to dump and our right to protect ourselves against dumping, we effectively eliminate our ability to negotiate for a world where we stop dumping by everybody. That just does not make sense to me.

Third, another law covered by the Dayton-Craig amendment is Section 337, which relates to U.S. patents and copyrights. From listening to the rhetoric, you might think the amendment says that anything the President might do that weakens American patents and copyrights will require a separate vote.

But who owns all the patents and copyrights in the world? What nation in the world has tried to write language protecting patents and copyrights into every trade agreement since 1948? The United States of America. We are the only country in the world that wants to talk about copyrights and patents. Why? Because we own copyrights, and we own patents. Why in the world would we want to bar the President from holding negotiations in the very areas where the United States will benefit the most? If we, who hold the vast majority of the copyrights and patents in the world, could negotiate an international agreement on respecting copyrights and patents, would we not be the principal beneficiary of it?

Mr. DAYTON. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield, but let me finish this one point.

How can we get other countries to submit to negotiate on their patent and copyright laws if we say that we want you to change your laws but we are totally unwilling or unable to negotiate on our laws?

I will be happy to yield.

Mr. DAYTON. The Senator raises an excellent point. There are negotiations that occur that are in the best interest of the United States. Of course, we want to encourage those negotiations to proceed. Is the Senator aware there is nothing in the Dayton-Craig amendment that would require the Senate to step in on these matters? It simply permits the Senate, by a majority of the Members, to do so if, in the view of the majority of the Members, what has been negotiated is not in the best interest of the United States.

Mr. GRAMM. Let me respond. The Senator asks whether I am aware that the Senate could decide not to strip out this provision. Yes, I am aware of that point. But every country with whom we wanted to negotiate would realize that Congress nonetheless had the ability to strip provisions out. And what country would negotiate changes to its patent and copyright laws knowing that whatever change to we agreed to could be stripped out?

Let me use a contracts example. I have only a limited number of contracts examples because I am an old schoolteacher and have been a politician for a long time, and most of the examples I have are consumer examples. But what if we had negotiated a contract that I would buy your house, but we wrote into the contract that I had the ability to change one part of the contract to suit me but that you did not have a right to change a part of the contract to suit you? No party to a contract would agree to that.

I am not talking about changing copyrights and patents unilaterally. I am talking about reciprocal commitments. Congress has passed resolutions again and again demanding that trade agreements require our trading partners to change their copyright and patent laws. It has been something we have trumpeted, it is in our interest, and we should be promoting it everywhere. But how are we going to get countries to change their laws when any changes we agree to can be voted on separately? As much as I might want your house, and even if I offer a very good price, if I can come back after the contract is signed and change the price, you are not going to negotiate with me.

Mr. DAYTON. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. DAYTON. I agree with the Senator that certainly under the terms the Senator describes, my understanding of the way this would work, if there were an agreement and the United States, by an act of this body, changed the terms of that agreement, the agreement would not be valid; the agreement would not apply.

I certainly agree with the Senator there would be no country that would want to sign and agree to something that can be changed unilaterally and still apply. My understanding is the entire agreement would have to go back to the World Trade Organization, or wherever, to be renegotiated.

Mr. GRAMM. Let me make up an example. Let's say we are negotiating with the Chinese on a trade agreement, and one of the provisions we want is for them to recognize and respect our patents and copyrights on everything from books to CDs to DVDs. If you go to China, you will see that while you cannot bring them back with you because our Customs will not let you, and for good reason, everywhere in China you can buy pirated CDs, DVDs, books, and the like. Let's say we could work out an agreement with them that required enforcement against patent infringement in return for our reducing a patent term on an AIDS medicine or on some broad spectrum antibiotic that is important to their population's general health. Even if we had to compensate the United States patent holder because of the takings provision, there might very well be a good deal in the making there. Yet, we could not make that deal if a separate vote were allowed.

My example may be somewhat unrealistic, and I am sure if Ambassador Zoellick were here he would have 100 good examples, but I think it makes the point.

Let me go to the next provision of law that would be covered by the Dayton-Craig amendment. The third area has to do with section 201. The proponents of this amendment say over and over that we cannot negotiate away our protections against unfair trade. Yet Section 201 has nothing to do with unfair trade. It makes no pretense at unfair trade. Section 201 simply is a remedy whereby American producers can get relief if foreign competition is successful and if the injured American producers can show they are losing jobs because of imports.

It has nothing to do with unfair trade. In a sense, it has to do with successful trade. Granted, we are concerned about Americans losing their jobs, and we have assistance programs to give them some cushion. But is there anybody here who cannot imagine that we might be willing to eliminate those protective barriers in return for the elimination of similar barriers in Europe, Japan, Korea, or China? Or that we might find a better way to compensate and protect injured companies, perhaps through trade adjustment assistance?

This whole debate, the whole title of the amendment, the whole preamble to the amendment, is about unfair trade. Yet probably the most important laws covered by this amendment has nothing to do with unfair trade.

Am I in favor of unilaterally waiving every 201 right in America? The answer is "No." But my point is that if we could eliminate similar barriers against American exports, can no one imagine the possibility there might be an agreement that would be advantageous to everybody? Yet no such agreement could ever be consummated under the Dayton-Craig amendment because nobody would negotiate the elimination of their protective safeguard against American exports unless we eliminate or modify our Section 201 provision. Negotiation in this area would be a nonstarter.

As I said when I started my remarks, our need for fast track arose in the Kennedy Round, when President Kennedy recognized that the greatest impediment to trade was no longer tariffs but domestic laws that limited trade. It was when he tried to change those laws that Congress came in and changed the deal. The Kennedy Round went into effect without our being a party to it, all because of the issues that are raised by the amendment before the Senate. The Round died for exactly the issue that are listed here in the Dayton-Craig amendment. The recognition that you cannot change a negotiated deal after the fact is what led to enactment of fast track. Senator BAUCUS and I were involved in negotiations the other day. There are a lot of things in that final deal I really do not like. But I do not have the right to go back after the fact and say Senator BAUCUS gave up on items A, B, C, D, and E, which is great, but I want to renegotiate and change our deal. I do not have a right to do that. A deal is a deal. That is the very issue the Senate is dealing with here.

The next provisions of law covered by the Dayton-Craig amendment are chapters 2, 3, and 5 of title II of the Trade Act of 1974. This is the fourth so-called unfair trade protection provision. Yet as one reads those chapters, they have nothing to do with unfair trade. They simply have to do with the assistance provided to companies and workers negatively affected by imports or by a company's shift in production. Some may not favor shifts in production, but when did it turn into an unfair trade practice? Every day, Americans are moving investments from one country to another. We are the world's largest investor. In fact one of the things we are trying to do in the underlying bill is to get other countries to allow investment in America and allow greater freedom for American investments in their country.

Even if a shift in production were an unfair trade practice, how could we say to countries that we want to negotiate away prohibitions you have against producing in the United States, but we aren't willing to do the same? Remember when we had the big battle with Japan over autos? We wanted them to produce some of their automobiles in America, and we negotiated over it, and in fact they did increase production here. But why would they ever negotiate if we have said in advance that we are not willing to eliminate prohibitions against plant relocation in our own country? Why should the Japanese allow companies to move out of Japan or set up programs that impede the process if we are not willing to do it?

I could go on at length about the other laws covered by this amendment. The amendment is written very broadly. It may list 5 bills in particular, but it is written so broadly that in my opinion it covers at least 18 other laws that are part of current trade law: for example, section 1317 of the Omnibus Trade and Competitive Act of 1988; the Antidumping Act of 1916; the Continued Dumping and Subsidy Offset Act of 2000; section 516A of the Tariff Act of 1930; section 129 of the Uruguay Round Agreements Act; and the list goes on. The plain truth is, given the way it is written, not even the authors of this amendment truly know what it does.

I will conclude by making some final points. I understand the need for consensus. We do not get to write these bills by ourselves. It requires give and take. My belief, and the belief of the vast majority of members of the Republican Conference in the Senate, is that we have given. We gave on health benefits that are not paid for, that we think represent bad public policy, that take away from poor working people to give to relatively high income, nonworking people. We gave on 2 years of wage guarantee benefits for people affected by trade. Meanwhile, somebody who lost their job because of a terrorist attack gets 6 months of unemployment, no health benefits, and no wage insurance benefits. We are getting to the point where we have already paid for the trade bill, and if this amendment passes on top of those payments, we will not be getting a bill at all.

The principal ingredient of trade promotion authority—in fact the heart of it, in its purest form—is very simply the right of the President, within the parameters we set out in law, to go out and negotiate a trade agreement and bring it back and subject it to a yes-or-no vote in Congress. We do not have the right to amend a trade agreement; we simply have to take the whole thing or reject the whole thing. That is what trade promotion authority, or fast track, is. Yet the pending amendment says the President does not get an up-or-down vote because in some 23 different areas of law, many of which have absolutely nothing to do with unfair trade, we can have a separate vote and if a majority votes to make a change, then the trade agreement is modified. Under those circumstances, nobody will negotiate with us and the President effectively does not have fast-track authority.

So what we have is a bill that claims to be about fast-track authority, which is a single take-it-or-leave-it vote on a deal. And yet we have an amendment before us that eliminates that provision and requires a separate vote on things in the agreement that we do not like.

I do not see how the two can be reconciled. It seems to me that when you are voting for this amendment, you are voting against trade promotion authority. I do not think you can have it both ways. You cannot say on the one hand that we will give the President the right to get his agreements voted on up or down, take it or leave it, yes or no; and then on the other hand say we can adopt an amendment that says but of course on some 23 different provisions of law we don't have to take it or leave it, we can change it.

Today, through a letter from the Secretary of Agriculture, the Secretary of Commerce, and the Trade Representative, the President rightfully has indicated that he will veto the bill if the Dayton-Craig amendment is included in it.

To conclude, we paid a very heavy price to get fast track, and this amendment takes fast track away. Rather than pay all these new tributes—the expanded trade adjustment assistance, these new health benefits that are not paid for, the new entitlements that are not paid for, this wage insurance that smells very much like the programs that are killing some European countries that have not created a net new job in countries in 20 years—we are quickly reaching the point where even the strongest proponents of free trade have to say this amendment breaks the axle of the wagon. Even the strongest proponents are saying that with all else we paid to get a vote on the trade promotion authority bill, if this amendment is in the bill it means we don't have trade promotion authority, so why pay for all the other things?

I urge my colleagues as we try to find a solution to this problem. That solution might be a compromise in which we set up an oversight committee to allow those concerned about these laws to monitor negotiations, and provide 90 days' notice of any potential trade agreement that changed any of these laws. There are many ways we can enhance the ability of Members to be involved and get advance notice to allow them build political opposition. I hope those who want to pass this bill will find a way to get around this dilemma.

We are already at the point that given what we are already paying for this bill, it almost is not worth it. I believe that at this point, many Republican Members of the Senate are holding their nose and saying: OK, we have to do a bunch of bad things, but we will get trade promotion authority and maybe some of the bad things will be addressed in conference. But over and over bills have gotten worse, not better, in conference. If you are for trade promotion authority, if you want the deal we put together to work, I believe we need help in finding a way to respond to the concerns raised without providing for a separate vote, because a separate vote destroys trade promotion authority.

If the two Senators who offered the amendment wanted to be on the oversight committee for the Senate, I would be willing to write the bill to make sure they were put on it. I don't have any objection to oversight and I am for notice. Then, if people were getting ready to vote against a fast-tracked trade agreement, they could tell the President that if he makes these changes, he is jeopardizing my vote. And they would have 90 days to build up an alliance to lobby against it. When "lobbying" is mentioned people say oh gosh, that's terrible, terrible. But making your voice heard is a good thing guaranteed under the Constitution.

But what we cannot agree to without killing the underlying bill is Congress' ability to change the trade agreement once it has been negotiated. The President must be able to say to our trading partner that a deal is a deal; not that wait, it was a deal, but the part we agreed to that we did not like is not a deal because 51 Members of the Senate decided to amend it.

I accept and am for the process whereby 51 Members of the Senate can defeat the implementing bill for a trade agreement. I have never voted against an implementing bill, although I can imagine a trade agreement that I would think was so bad that it was not worth it. I believe I ought to have the right to vote no. And I have that right under fast track or trade promotion authority. But I do not have the right to change the deal.

This amendment would allow Congress to change the deal, which is why it is a killer amendment. It is the antithesis to what trade promotion authority is about. You cannot be for trade promotion authority, which is a single vote on the deal, and then be for an amendment that allows votes to amend the deal. I don't see why the people who are for this amendment don't simply vote against the bill, and let those who are for it have a chance to vote for it. The Dayton-Craig amendment would gut that process. It would leave the Senate in the unhappy position of having a fast track bill that includes an amendment that undoes fast track.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Idaho.

Mr. CRAIG. Mr. President, I have listened intently to my colleague, the senior Senator from Texas. The reason I do that and I have done that for a good many years, I always learn a great deal. I am always extremely cautious to get on the floor and debate in opposition to a position held by my colleague from Texas, with his skill but, most importantly, his knowledge in this area. It is very important. I hope all listen.

I was taking notes as if I were a student at Texas A&M and he were the economics professor. In fact, that is what we heard today, a rather professorial statement about the ideals of trade in an ideal environment. I disagree not with that statement.

I also agree with the historical perspective that he offered from the 1960s through the 1970s and the Kennedy Round and the circumstances the world found itself in and the need for us to change from being the exclusive holder in a constitutional Republic of the right to determine international commerce flows to one where we delegated that thought by law to the executive, in a great more detail. That, of course, is what we did with fast track. That was the 1960s and the 1970s.

Through that period of the 1970s, 1980s and 1990s, the world changed a great deal—really all for our betterment in the broad sense. As economies changed and we invested in world economies, there is no question that the economic engine of the United States drove the world and took a lot of poor countries and made them more prosperous. Part of it was because we allowed access to our markets while at the same time we promoted their markets and invested in their countries. All of that is true, and it will be every bit as true tomorrow and a decade or two from now as it was then. I don't disagree with that.

What I am suggesting is in the year 2002, as we once again search for a way to promote trade, we take a nearly 40-year-old model and say it works, it fits, it is the right thing to do again. Is it the right thing for us to—almost in an exclusive way—delegate full authority to the executive branch in an area that is constitutionally ours? I believe it is. I believe it is with certain conditions that are very limited and very direct. I don't believe they change the dynamics of a relationship and ultimately a negotiation.

It is very difficult to blend a parliamentary government's negotiators and what they understand their role is with that of a constitutional Republic. I know; I have been there. I have seen the frustration of the European parliamentarian who cannot understand why the President's men or women cannot speak for the United States and cut a deal and confirm it and that is the way it will be if the President signs off on it.

The reason they can't is because of us and because of a little item we call the Constitution. While we have delegated that authority by law, we have also said it has to come back here on an up-or-down vote.

What Senator DAYTON and I do is go a slight step further and say that in those areas that are fixed by law, law that we created, you have to come back to us. And not under this sweeping environment and nostalgia and euphoria of a trade package that is going to spin the world into greater economies are we going to pick apart an agreement. What we are saying is simply this. We are saying that you, Mr. President, and your team must come back as advocates and sales men and women. As you sell the whole package, you have to sell a few of the parts.

I hope, ultimately, when we see a conference report, it has a 90-day notification in it that sets the Congress to task in the sense that it notifies it that they will be making some change in current law and we are preparing ourselves, we are looking at it, we are making decisions, and the President's men and women are here on the Hill advocating and saying: It is a quid pro quo: For a reduction here, we get this here; for a reduction in our subsidies in agriculture, the Europeans are going to reduce their subsidies, they are going to take away some of their hidden barriers, and we are going to have greater access to markets.

I think that would sell here in the Senate. I think it would work. I think you could find 50 plus 1 who would support that.

But you have to sell it. We have delegated the authority of negotiation, but we have not delegated the authority and the conditions of final passage. That alone is ours under the Constitution. That is why this is an important debate and, while it may change the character from the historic perspective of fast track, I do not believe it neuters, I do not believe it nullifies, I do not believe it causes our negotiators more encumbrance as they sit down at the table.

That is because right upfront the terms are understood. It does not deny them the right to negotiate anything. Everything is on the table. What it does say to the executive branch of Government is: Come home and sell your product. Come home and convince Congress you have done the right thing and here are all the tradeoffs and the alternatives. Because on the whole Congress agrees with the Senator from Texas: Trade for the whole of our economy and for job creation is very important.

Earlier in the day when I was debating the initial Dayton-Craig amendment as offered, I talked about Idaho's economy. We have to have trade. I know we have to have trade. I am going to work to get trade. But I want to tell the Senator from Texas that a good number of years ago a young man from Texas came to Idaho. He had been from Idaho originally but was working in Texas at a company called Texas Instruments, a little old high-tech company that became a big old powerful, important, and valuable high-tech company. He came home to Idaho, and he convinced a group of investors to go with him and his brother because they had a better idea about how to build memory chips.

They got a group of investors together, and they built a fab, and they started producing memory chips—late 1980s, early 1990s. They were doing a great job building a DRAM memory chip, selling it to the world, and then all of a sudden came the Japanese aggressively into the market, deciding they wanted the market, they were going to control the market. They had built great fab—or fabrication capacity—and they were dumping in our markets. And down went that little company in Idaho.

They came to me and others from Idaho. We went to a President—George Bush—and said: President Bush, if you do not help us, this little company is going to be destroyed and we are going to lose all of our memory chip capacity in this country. There were futurists saying this was the loss of the new intelligentsia, of the U.S. economy, and if we lost this and gave it away to the Japanese, we would never have this new economy.

The then-President Bush stepped in and said: You are right, and he stuck an antidumping clause against the Japanese—backed them off. At that little fledgling company in Idaho, the lights went back on, they began to produce chips again. Now they are an organization known as Micron. They employ 30,000-plus people. They produce 40 percent of the memory chips of the world. They are Idaho's major employer. And they are in other States. They just bought a fab in Virginia.

But for a moment in time, the President of the United States used antidumping provisions and stopped the Japanese and, in part, shifted the world. From that moment through the decade of the 1990s, until today, this country has led in the area of new technologies. It truly was the economy of the 1990s, in part—a small part but an important part—because we helped shape a marketplace and we disallowed government-sponsored, government-supported manufacturers in other countries from dumping in the world market and, most importantly, in our market.

That is why these tools are important. If they are negotiated away, then it is phenomenally important for this Congress to speak to it. Nowhere do we say they cannot be brought to the table. Nowhere does the Dayton-Craig amendment say they cannot be negotiated. It simply says to the negotiators, our negotiators: You have a job to do. You have a very important job to do, and that is to sell it. And the same logic that sells the whole trade package, 50-plus-1 votes here in this body, blocks a point of order on any changes in trade law. That seems to be reasonable. That seems to be common sense.

We can go through all the provisions, and the Senator from Texas did that and expanded on them and talked about intellectual property and copyrights.

People come to the United States for the purpose of inventing so they can own a piece of their invention and profit by it. That is why we have had copyright law. That is why we have led the world and why we lead the world today in inventions, in new technologies, largely because those who create—

those who create through thinking, and that materializes in the form of a useable object in the market, in the laboratory, in the manufacturing unit—can profit by that for a period of time. We protect them.

Yes, we will negotiate those items. But what we will not do is negotiate ours away. We are going to try to make the world a transparent place.

I am amazed that as the world shifted from tariff to antidumping, countervailing kinds of trade remedy laws, as is being argued here today, we would want to back ours off. I understand trading. I understand quid pro quo: You do this and we will do this. But what you do must be transparent, what you do must be enforceable, because what we do as a representative republic, by the very character of our country and the character of our laws, is open. It is done in the public eye. It is done in the arena of the international trade debates.

At the Commission downtown—I have been there to testify; so has the Presiding Officer—we have talked about trade issues. We have talked about agricultural policy. We have argued before the Commissioners to make sure that the findings are correct and they are right. We have been there on Canadian-related issues.

The only reason we are allowed to go is that we have the law so that ultimately, if wrongdoing is found, if dumping is found, there is a remedy. That remedy usually allows us to cause the other country to comply, to come into balance with us. That is what is important here, isn't it? That is what helps our farmers. It doesn't protect them, it helps them. It allows competition in a fair market. It doesn't protect and isolate our manufacturing jobs. It balances it. We hope it makes them competitive.

We had a vote just a few moments ago, and 60 Senators at least disagreed with the motion to table the Dayton-Craig amendment. Here is probably the reason. Let me read this for the record, and then I will step down because others are here to debate.

During the Doha Round of the WTO in Qatar last year, we know our trade ambassador largely believed he was forced to put on the table, as a negotiable item, our trade remedy provisions. We in the Senate were concerned about that. On May 7 of last year, here is what we said:

> Dear Mr. President:
>
> We are writing to state our strong opposition to any international trade agreement that would weaken U.S. trade laws.
>
> Key U.S. trade laws, including antidumping law, countervailing duty law, Section 201, and Section 301, are a critical element of U.S. trade policy. A wide range of agricultural and industrial sectors has successfully employed these statutes to address trade problems. Unfortunately, experience suggests that many other industries are likely to have occasion to rely upon them in future years.

Why? Because of a changing, growing, maturing world economy there will be competitors out there. Let's make sure they are fair.

> Each of these laws is fully consistent with U.S. obligations under the World Trade Organization and other trade agreements.

Let me repeat: Each of these laws is consistent with U.S. obligations under the World Trade Organization and other trade agreements.

> Moreover, these laws actually promote free trade by countering practices that both distort trade and are condemned by international trading rules.
>
> U.S. trade laws provide American workers and industries the guarantee that, if the United States pursues trade liberalization, it will also protect them against unfair foreign trade practices and allow time for them to address serious import surges. They are part of a political bargain struck with Congress and the American people under which the United States has pursued market opening trade agreements in the past.
>
> Congress has made clear its position on this matter. In draft fast track legislation considered in 1997, both Houses of Congress have included strong provisions directing trade negotiators not to weaken U.S. trade laws.

Some of those provisions are in the current document here on the floor to which we are offering an amendment.

> Congress has restated this position in resolutions, letters, and through other means.
>
> Unfortunately, some of our trading partners, many of whom maintain serious unfair trade practices, continue to seek to weaken these laws. This may simply be posturing by those who oppose future market opening, but—whatever the motive—the United States should no longer use its trade laws as bargaining chips in trade negotiations nor agree to any provisions that weaken or undermines U.S. trade laws.
>
> We look forward to your response.
>
> Sincerely—

And it is signed by 62 Members of the Congress, Democrat and Republican alike.

What we are offering today in the Dayton-Craig amendment is fully consistent with the letter we sent to the President last May 7. The vote we had an hour or so ago to table the Dayton-Craig amendment is almost to the vote similar to this letter. In other words, I do not believe the Senate has changed its mind. I think the President has a very clear message.

But what is most important is not our President. We want him to negotiate. We want him to put the items on the table. We want him to engage the world. We want to trade. We want our producers to produce for a world market. What we do not want is an agreement struck that is impossible to take. What we do want is for the rest of the world to know that we will, in some ways, protect and provide for the American, the U.S. economy in a way that allows us to prosper while allowing other countries entry into our economy, and we hope they will allow us into theirs, and in fair, balanced, and equitable processes.

That is what is at issue. I believe that is the essence of the debate. Idealism has its place. Academic arguments are critically important. But today we talk about the practical application of the law and our constitutional responsibility, and the impact it has on my farmers and my ranchers and my working men and women, who, like me, believe they have to trade in a world market to stay economically alive.

I yield the floor.

Mr. DAYTON. Will the Senator yield for a brief question?

Mr. CRAIG. Yes, I am happy to yield.

Mr. DAYTON. The Senator raised an excellent point which I had not thought of until the Senator made the point: 62 Senators signed that letter. Sixty-one Senators voted today in support of the Craig-Dayton amendment. And the one Senator who was necessarily absent was a cosponsor of that amendment.

So does the Senator believe, then, this sends a message when 62 Senators sign a letter that they mean what they say?

Mr. CRAIG. I thank the Senator from Minnesota. The point is well taken.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask my friend from North Dakota to yield to me without losing his right to the floor.

Mr. DORGAN. Mr. President, I yield to the Senator from Nevada without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I very much appreciate my friend for yielding.

What I want to say is that we have an amendment now before the Senate. I believe we should act on this matter. I have told my friend, the Senator from Iowa, we are not going to do anything as long as he is on the floor. But I would say, through him to my friend from Texas, my dear friend, Senator GRAMM, that if he wants to filibuster this amendment, he is going to have to have a real filibuster. He is not going to be able to come and go from the floor because we have to move on.

I know his heart is in the right place, "his heart" meaning Senator GRAMM's heart is in the right place. But we have had a vote this morning that shows 61 Senators are in favor of this amendment. It would seem to me we should move on this amendment and go on to something else.

I spoke to the Senator from North Dakota earlier today. He has at least four or five very substantive amendments. I think we should get on to those. I have spoken to other Senators who have amendments. I know there are approximately 10 amendments from the other side. And it is being held up.

I repeat, if the Senator from Texas wants to conduct a filibuster, he is going to have to conduct a real, honest filibuster, not just tell us he is going to talk a lot on this. If I did not have the relationship I have with my friend from Iowa—and I hope we can work something out—we would have moved the question when the Senator—not this Senator was off the floor but when the Senator from Texas was off the floor.

So I hope we can move forward. There are a number of people who are not real anxious to move this legislation at all. And my friend from Texas, who claims he is in favor of it, is working into the hands of those who do not want to move the legislation. It is kind of a unique twist of logic, as far as I am concerned. I know my friend from Texas is very logical. He has the mind of an academic. And I understand that. But being very base about all this, there are certain parliamentary rules in the Senate, and we are going to stick to them. We are not going to have a gentleman's filibuster. It is going to be a real filibuster or no filibuster.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Nevada makes an interesting point about the difficulty of getting a vote even on amendments that have wide support.

Nearly a week and a half ago I offered my amendment dealing with chapter 11 of NAFTA, to deal with the issue of secret multinational tribunals that consider trade bases behind closed doors. This was an amendment that was bipartisan, and had wide support. I offered my amendment, and there was a tabling motion. We had 67 Members of the Senate vote against tabling, and then we could not get the amendment adopted. A number of days elapsed where we just could not get the amendment adopted.

It appears the same thing is happening here. The same Member of the Senate is doing it. He certainly has a right to do that, but as the Senator from Nevada says, if somebody wants to filibuster this, then let him come to the floor and bring a pitcher of water, get some comfortable shoes on, and stand here for a few hours.

But what I hope we will do is adopt the Dayton-Craig amendment. It is quite clear, from the evidence of the vote on tabling a while ago, that this amendment will pass by a very significant margin. And the sooner the better.

I tell you, I listened, at great length, to my friend from Texas. I must say that I actually taught economics in college for a couple years, but I was able to overcome that experience and go on to lead a different life.

The issue that is before us is not about economic theory. It is about the reality of trade relationships we have with other countries—and what real remedies we have to address that unfair trade.

I am sure there are people listening to this debate or watching this debate, and they think this all sounds like a foreign language: CVD, antidumping, 301, 201, chapter 11.

But trade issues can and should be discussed in terms of how they impact real people. This debate is about real people in our country that decide to form a company, to produce a product and market it, and then have to contend with foreign competition. I have no problem with fair competition—I welcome it. But when our producers' competitors overseas are exploiting the labor of a 12-year-old for 12 cents an hour locked in a garage 12 hours a day, is that fair competition?

Take a person who works in a manufacturing plant and has worked there 22 years, is an honest employee, has committed his or her life to that employer, only to discover that next month the identical product is coming in from Bangladesh or Sri Lanka or Indonesia, produced by children working 12 hours a day or 14 hours a day, getting just cents per hour. Fair competition?

American workers are told that they cannot compete. You, Mr. and Mrs. America, can't compete because working in this factory we have 12-year-olds who will work for less money than you will. They live in countries where it is all right to work them 12 hours a day and pay them $2 at the end of a day. That is not fair competition.

The issue is, what are the remedies? What can we do about that? Should we be able to do something about it? Should our trade laws allow our companies and our workers to do something about trade that they think is fundamentally unfair?

The answer clearly ought to be yes. If the answer is not yes, then just forget about the past 100 years of history dealing with labor and other issues.

There are people who died on the streets in America some three-quarters of a century ago, during the struggle of American labor to get the right to organize and form labor unions. There are people who risked their lives in this country because they demanded that we have a safe workplace. There are people who risked their jobs and their lives fighting for the issue of child labor laws so we could take kids out of the coal mines.

The fact is, we worked on all of these issues for a long time. Over a century this country had to digest these issues. Should we have a requirement for a safe workplace? Should we have child labor laws so people aren't putting 8 and 10 and 12-year-olds down in the mines? Should we have a requirement of a minimum wage? Should we have the right to organize as workers? The answer to all of those issues has been yes. But it was never an easy yes. It took this country decades to get through those discussions and debates. As I said, there were some people who died on the streets during the violence that ensued over those debates.

A century later we have some who say, let's just get a big old pole and pole vault over all those issues and act as if they don't exist. Because you can start a company and you don't have to worry about that. You don't have to worry about whether you hire kids. Just go to another country and hire kids. You don't have to worry about paying a decent wage. You can go somewhere else and pay them 24 cents an hour to put together canvas bags so they can be shipped to Fargo or Los Angeles or Pittsburgh. You don't have to worry about dumping chemicals and pollutants into the streams and the air. Just move your factory somewhere else where they don't have environmental laws, laws that protect the drinking water and the air. You can just pole vault over all of that and decide to move all these jobs somewhere.

The person who is working in that factory and has been there 22 years says: Wait a second. What has happened to my job?

That person is told: Your job is gone, my friend. Your job is somewhere else because you were too expensive. There are kids who will work for less money in another country. They will work all the overtime hours they are told to work, and they have no recourse.

I happen to believe that expanded trade and fair trade is good for this country. I think it enhances this country. It increases the opportunity for a better economy. But I don't think we can talk about fair trade without addressing the issues I am describing.

We have a lot of people in our country who work hard all day, every day. To be told that somehow they can't compete because someone else can produce that product at a fraction of the price because they don't have to follow any rules, anyplace, anytime, that is not fair trade.

What we have is a situation where globalization is here. No one is attempting to turn back globalization. It is a fact of life today in the world. This is a globalized economy. The question isn't whether globalization. The question is what are the rules for globalization. What are the rules for the global economy?

There is an admission price to this marketplace, and that is fair trade. That is part of what we are trying to define with respect to the rules of the global economy.

My colleagues, Senators DAYTON and CRAIG, have offered an amendment. It is a fairly straightforward amendment. It says that if and when the next trade agreement is negotiated under fast track rules and brought back to the Congress, we ought to have the right to have a separate vote on any provision that diminishes the protections we now have to take action against those who engage in unfair trade practices against our businesses and against our workers.

If they do anything behind a closed door in some foreign land where they negotiate a trade agreement to diminish our protection to take action against unfair trade, we reserve the right to have a separate vote on it.

Let me show you what Mr. Zoellick said in Doha, Qatar. I wonder how many of the Members of the Senate could point to Doha on a world map. I will tell you why this ministerial meeting was held in Doha: Because they couldn't hold it anyplace else. You have to find a place that is very hard to find and has very few hotel rooms in order to avoid the people who will demonstrate against these trade agreements these days. So they picked Doha, Qatar.

Last November at the ministerial meeting, Trade Representative Zoellick agreed that U.S. antidumping laws could be discussed as a new trade round gets underway.

Why is this important? Well, we have laws that say to other countries and other producers, you can't dump your products into this country. You can't, for example, produce a product that costs you $100 to produce and dump it in the American marketplace for $50 apiece to undercut the American producer.

My colleague from Texas said: Gee, that is a good thing, isn't it, that they are going to send a $100 product over here and sell it for $50.

Well, I guess it is a good thing if you don't lose your job as a result of it. I don't know of one Senator or one Member of the House who has ever lost a job because of a bad trade agreement. Just name one, just one man or woman serving in the Senate or House who has ever lost their job because of a bad trade agreement. It is just folks out there who work all day in factories being closed because of bad trade agreements who lose their jobs.

That is not theory. Those are broken dreams. Somebody coming home from work having to say: Honey, they told me I have lost my job today because I can't compete. I can't compete with 50 cents an hour wages, working 12-hour days in a factory where they don't have to worry about pollution. That is what antidumping laws try to remedy.

What Senators DAYTON and CRAIG say with this amendment is very simple: If you want to negotiate an agreement, Mr. Trade Ambassador, that negotiates away our antidumping laws, then Congress has a right to have a separate vote on that provision pertaining to our trade laws. Because this Congress is not any longer going to allow you to dilute or delete the protections and remedies which we have to deal with unfair trade.

I have spoken at length in this Chamber about my concern about our trade policy. We have a trade deficit that is growing and growing and no one cares a whit about it: Over $400 billion a year. Every single day we add over $1 billion to our trade deficit and our current accounts balance.

We used to have debates about deficits in this Chamber, about fiscal policy deficits when the budget deficit was $290 billion and going in the wrong direction. We would have debates, we would have people doing handstands and cartwheels about how awful it was. Not a word about the trade deficit.

One can make the case in theory that the budget deficit is a deficit we owe to ourselves. One cannot make that case about the trade deficit. The trade deficit is going to be paid for by a lower standard of living in America's future, and over $1 billion a day every single day we are adding to the merchandise trade deficit.

This trade policy of ours is not working. We cannot load ourselves up with debt and choke on this trade debt and say: Boy, this is a good thing; this is really working well.

I have been very critical of our trade ambassadors, Republicans and Democrats, for not having the backbone to take action when we see unfair trade. We now have remedies that are not used. Even when they use remedies, I always scratch my head and think: What a strange approach.

We have a little dispute with Europe. The dispute is with respect to beef produced with hormones that are banned in Europe. We went to the WTO, and the WTO ruled in our favor. But Europe said: Fly a kite. Europe would not comply with the WTO requirement, and so we took action against Europe.

Mr. President, do you know what we did to Europe? Our negotiators said: We are imposing sanctions on imports of truffles, Roquefort cheese, and goose liver. That will sure strike fear in the hearts of competitors. Those engaged in unfair trade ought to know from here on forward, America takes tough action to deal with goose liver imports.

My point is, our country does not stand up for its economic interest in international trade very often, and to weaken the remedies that already exist—they did that under the United States-Canada agreement and under NAFTA. Section 22 used to be helpful to us. Not anymore. Section 301 is weakened and diminished as an area of trade protection.

It is interesting, I pointed out the antidumping laws we now have are on the trading block. Our allies who want to get rid of these antidumping laws in our country will negotiate them away, if they can. And by the way, they will do that in secret because the American public and Congress will not be there when it is done. It will be done, in most cases, in a foreign land behind a closed door. They will bring it back here and say: you have one vote on it, yes or no, and it deals with a broad range of issues and you cannot get at the antidumping provision we traded away because you just get a yes or no on the entire product. That is why Senators DAYTON and CRAIG say this is not the right thing to do.

I was interested to hear, this morning, one of my colleagues talk about all of the trade problems we have, as if to suggest we should blame ourselves for the problems. We have trouble getting high-fructose corn syrup into Mexico. So that is our problem? I do not think so. That is Mexico's fault. Grain coming in from Canada by the Canadian Wheat Board unfairly subsidized, that is our problem? Not where I sit it is not. That is Canada's unfair trading practice. I could go on and list a dozen more. Seventy percent tariff on wheat flour into Europe, is that fair? I do not think so.

I cannot even begin to talk about our trade problems with China. And it's not just unfair trade, it's also about badly negotiated trade agreements.

A year-and-a-half-ago, we negotiated a bilateral agreement with China. The United States agreed that after a long phase-in with respect to automobiles, any Chinese cars that are sent to the United States will be subject to a 2.5-percent tariff on them. Any U.S. cars that are sent to China will be subject to a 25-percent tariff.

So we have a 2.5-percent tariff on the Chinese cars coming into our market, but the Chinese can impose a tariff that is 10 times higher on U.S. cars into China. You ask: How did that happen? Because our negotiators negotiated away the store. It is the same squishy-headed nonsense our negotiators do every time they negotiate.

Will Rogers once said—I have told my colleagues this many times—the United States of America has never lost a war and never won a conference. He surely must have been thinking of our trade negotiators. They seem to manage to lose within a week or two of leaving our shores.

Whenever I talk about trade, someone will call my office and say: you are a protectionist. I am not. If protectionism means standing up for America's economic interest, then count me in, sign me up, that is what I want to do but I am not asking for anything special for anybody. I want all our people to have to compete—farmers, businesses, and others. But I want the competition to be fair, and if the competition is not fair, then I want the remedies available to address that unfairness. Those remedies have been weakened dramatically, and they will be weakened further, mark my words, in the next set of negotiations.

This amendment is not in any way, as some have said, a killer amendment. That is not what this amendment is about. If my colleagues want to stand up for American jobs and demand fair trade and demand the remedies that will get you to fair trade, then it seems to me they have an obligation to support this amendment.

I was pleased with the last tabling vote because it showed an overwhelming number of Members of the Senate understand this issue and are no longer going to sit quietly by and say: You go ahead and negotiate. Get on an airplane, go someplace, roll up your shirt sleeves, and negotiate. Whatever you come back with, that is fine, we will handcuff ourselves. You can negotiate away our antidumping laws; you can trade away our remedies; and we will agree to handcuff ourselves and not have a vote on it.

I believe the Senate is finally saying to those who will listen: We are not willing to do that.

I did not support providing fast-track trade authority to President Clinton, and I do not support giving it to President Bush. I say to this administration, as I said to the past administration: Negotiate agreements and you will do so with my best wishes. And I hope you will negotiate good agreements for our country, agreements that stand up for our economic interest, and agreements that demand that the rules for that competition be fair. Then come back, and when you see unfair trade, be willing to stand up, have the guts to stand up for this country's interest.

The reason there is so much anger about trade these days—we see it in the streets during these ministerials, and we hear it in the debates—is because we are so anxious to negotiate the next agreement and so unwilling to enforce the last agreement.

We have done so many agreements with Japan that nobody can even find the agreements. USTR cannot find all the agreements the United States has with Japan, let alone enforce them. We have something like eight to nine people in the Department of Commerce enforcing our trade agreements with respect to China. The same is true with respect to Japan, eight or nine people. Why? Because this country is not serious about enforcing trade laws. This country is serious only about negotiating the next agreement and not caring how many people lose their jobs because of unfair trade that results from that agreement.

My beef with trade is that, A, we negotiate bad agreements and, B, we consistently fail and in most cases refuse to enforce the agreements we do negotiate.

I will conclude by saying this: We have, for the 50 or so years following the Second World War, largely dealt with trade as a matter of foreign policy. For the first 25 years after the Second World War, it was not a problem dealing with trade as foreign policy. This country could tie one hand behind its back and beat anybody at any time in almost anything in international trade. So our concessions in trade to almost every country were concessions that reflected the struggle that economy was having and our ability to help them in that struggle.

The second 25 years after the Second World War, our competitors became shrewd, tough international negotiators. Our trade policy must change to be a trade policy that demands the rules of fair competition, and is no longer about foreign policy.

There is one issue in recent days that demonstrates that trade is still, in many cases, foreign policy, and that is with Cuba. Cuba is a communist country, no question about that. So is China. So is Vietnam. We have people traveling back and forth to China and Vietnam. We trade with China and Vietnam, but we have a 40-year failed embargo with Cuba. Until I and a couple of others from this Chamber fought to get food shipped to Cuba, we could not even ship food to Cuba. Cuba could not buy food from us. That did not hurt Castro. He never missed a meal. It hurt poor, sick, and hungry people. That has finally changed, except we have some people in the State Department who still do not want to ship food to Cuba, and they are trying to impede in every possible way American food from being sold in the country of Cuba. So once again, trade policy is not trade policy, it is foreign policy.

I think it would be smart if we could get some of the folks in the State Department to stop meddling in trade policy. They should start worrying a little more about terrorists with bombs and a little less about Cubans who want to buy beans in this country.

I have taken a long, meandering road to get to the point, but it is therapeutic to talk about these trade issues from time to time. The Dayton-Craig amendment is a very simple, straightforward amendment that this Senate ought to enact and ought to do so soon. We have now been on this amendment a good many hours. These are people who apparently support fast track but do not support the Senate imposing its will with a popular vote, as was the case on a motion to table the Dayton-Craig amendment. I hope that we can get past this and put our trade ambassador and our trading partners on notice, that we will not trade our remedies that exist against unfair trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3411 TO AMENDMENT NO. 3401

Mr. KENNEDY. Mr. President, one of the greatest public health challenges we are facing in the world today is the pandemic of AIDS in Africa, increasingly in India and the subcontinent, spreading as well into China, and also the Soviet Union. It is most dramatically expressed in the neediest and the poorest countries of the world.

I think Africa has been on the minds of many of us in the Senate about how we were going to respond and how we were really going to provide international leadership. The United States has been a country that has developed a variety of different medications over the period of recent years, as well as treatment for a wide variety of different kinds of AIDS cases, particularly in the area of pediatric AIDS and other types of challenges that have affected those with HIV. We are now involved in responding to the real challenge of Kofi Annan and the world community in providing world leadership, in providing funding, and being replicated by other countries. We still have a long way to go, but I think many of us who have watched this develop in terms of the breadth of the support from our Members have been impressed that we are finally beginning to measure up, although I think we do have a long way to go.

Having said that, one of the great challenges that these countries have is acquiring the various kinds of prescription drugs they need. One of the issues that will be presented, should this legislation be passed and signed into law, still will be what is the availability of some of these generic drugs, which might provide a lifesaving circumstance to millions of people around the world if they are able to be produced, in these countries that do not have the resources to buy the brand name drugs.

The question has been whether these countries that are facing this kind of extraordinary crisis would be able to issue what is called a compulsory license that would permit them to buy generic drugs that are being either produced or can be produced in their own country or in another country, and that has been very much an issue. This amendment, which I would offer myself with a number of our colleagues, would make it very clear that if the country itself issued what is called a compulsory license, based upon the critical need and public health disaster they are facing, it could not be considered to be in violation of the trade laws, and they would be able to either develop that capability within the country or, for example, if we were talking about Botswana, which has a high incidence of HIV and AIDS, be able to make contracts with other countries and purchase a generic, which they would be interested in doing, as I understand, with Brazil or other nations.

It is perhaps, in many respects, one of the most important clarifications in terms of the health care crisis of HIV and of AIDS. This provision will make a very substantial difference. The cloudiness that currently surrounds this issue will be eliminated with this amendment. The amendment is very simple. It ensures those countries hit hardest by the AIDS crisis and other public health emergencies will have access to the affordable medicines to address these crises. It does this by expressing support for the Doha declaration on TRIPS and the public health as adopted by the World Trade Organization last November.

The Doha declaration was supported by Ambassador Zoellick, the pharmaceutical industry, and thousands of public health advocates and religious leaders. It is one of the most important global health issues we face today, and I am pleased we could address it in a bipartisan manner.

I will submit a more complete statement for the RECORD, but I acknowledge and thank the chairman, Senators BAUCUS, and GRASSLEY and their staffs for their willingness to consider this amendment.

I am not going to ask that the current amendment be temporarily set aside, but I had the opportunity to talk with the chairman earlier—the ranking member was not present—with his staff, and so at an appropriate time—and I will leave it up to the managers to work out what is the appropriate time—I hope this amendment might be considered favorably.

As I say, this is a matter of enormous importance and incredible consequence. It really will result in the savings of hundreds of thousands of lives. It needs to be clarified in an important way. I welcome the strong bipartisan support of my colleagues who are supportive of this proposal on both sides of the aisle. It will be enormously welcomed by the neediest countries in the world.

AMENDMENT NO. 3408

Mr. WELLSTONE. Mr. President, I rise to support this important amendment. This amendment will help preserve our trade laws by allowing Congress to exclude trade remedy provisions from any agreement receiving fast track consideration. This is extremely important at a time when our trade laws are under attack at the WTO.

Here's how it would work: Should Congress receive a trade agreement containing a provision changing current U.S. trade remedy law, the provision would be subject to a point of order. After hearing the administration's concerns about minority obstructionism, Senators DAYTON and CRAIG changed this amendment so that the point of order is now subject to a simple majority vote. Yet, still the administration opposes this amendment. It opposes the legislature of the United States having a simple up or down vote on a provision of a trade agreement that changes existing law that this body made. In fact, the Secretary of Commerce, the Secretary of Agriculture, and the USTR have said they would strongly recommend to the President that he veto this bill if the Dayton-Craig amendment passes.

This amendment is entirely appropriate. Given many of the trade agreements we have seen, at a minimum, this body should ensure we retain our authority and obligation to fully deliberate and debate and proposed changes to U.S. trade remedy law. The amendment would provide a critical channel through which Senators could act to prevent such undesirable agreements as the one made—in spite of our strong and vocal opposition—at the latest WTO negotiations in Doha: In May 2001, 62 Senators sent a letter to the President specifically opposing any weakening of trade remedy laws in international negotiations; in a subsequent Hill appearance USTR Zoellick made a public commitment to Senator ROCKEFELLER that the administration would not permit this to happen.

At Doha however, other WTO member countries demanded U.S. trade remedy laws be put on the table as a condition of beginning the new round. So, despite the word of the Administration that this would happen—it did. The administration broke its word to us and our trade remedy laws are on the table. With this amendment, we will send a strong message directly to other WTO countries and the administration that the U.S. Senate will not tolerate any weakening of these critical laws.

Oddly enough, while the administration continues to allow our trading partners to rewriter U.S. trade remedy laws, China refuses to even discuss theirs. Accordingly to last Friday's Inside U.S. Trade:

> China over the past week continued to resist efforts aimed at reaching agreement on timelines and procedures for information it must provide to the World Trade Organization committees in charge of reviews of its trade remedy laws that were set up as a condition of China's entry to the WTO. China charged this week that these proposed procedures go beyond the obligations of its accession commitments . . . Specifically, China, argues it is not obligated to discuss specific procedures for the reviews of its antidumping, subsidies and safeguards mechanisms.

There is absolutely no reason for us to allow the safeguards provided by our trade laws to be undermined by the concerted efforts other countries in multilateral negotiations. All of our trade remedy laws—from the antidumping and countervailing duties to the Trade Act's sections 201 and 301—are entirely consistent with WTO principles and help protect U.S. workers and producers from unfair trade practices.

At a press conference last week, USTR Zoellick said this amendment would prevent the U.S. from negotiating on trade remedies, and because this issue is a priority for U.S. trading partners, the amendment would lead these countries to refuse to negotiate at all. This statement should make it clear to all that not only does this administration believe certain countries are willing to trade with us only if they are able to weaken or undermine our trade remedy laws; but that it intends to accommodate them. By permitting a point of order against any trade agreement provisions that change our trade laws, this amendment provides an extra level of protection for these vitally important safeguards. These laws have been effectively employed in a variety of sectors to address numerous trade imbalances or to give domestic producers vital time to address major import surges.

Our spring wheat farmers in Minnesota have been struggling for years to win effective relief against cheap imports from Canada. And its not that Minnesota wheat producers cannot compete with their Canadian counterparts—it is that the Canadian system is run so very differently from ours that direct competition simply does not occur. The Canadian Wheat Board enjoys monopoly control over their domestic wheat markets. Its ability to set prices months in advance effectively insulates Canadian wheat farmers from the commercial risks that Minnesota growers are routinely exposed to, and gives their product a built-in advantage right here in our own American market. Unfortunately our softwood lumber producers have faced many of the same obstacles in competing with their Canadian counterparts. Of course we are disappointed that we were unable to informally resolve our differences with our close friend and ally. But at least we have meaningful trade remedy laws we can fall back on. The International Trade Commission and the Department of Commerce found earlier this month that our lumber industry is threatened with material injury from subsidized Canadian imports. As a result, countervailing duty and antidumping duties will be issued on these products.

Another Minnesota industry that has been immeasurably helped by these trade remedy laws is that of sugar beet production. Together with our hard working neighbors in North Dakota, our beet sugar industry is the largest in the country—an estimated $1 billion in economic benefits flows from it each year. Yet without the protection of our trade remedy laws, this industry could be in serious jeopardy. Our trading partners in the EU are one of the largest exporters of beet sugar in the world yet it is well-known that they have been heavily subsidizing their production. Our industry cannot and should not be expected to compete with such heavily subsidized imports. This is why there are antidumping and countervailing duty orders currently in effect on imported European beet sugar. As Minnesota beet sugar producers know all too well, these orders are entirely appropriate and very necessary countermeasures to the considerable subsidies that EU producers enjoy.

We cannot expect our producers to be able to compete with the unreasonably low prices that subsidies or closed, monopolistic systems produce. We look forward to the day when there is a more level playing field. But until that day comes, it is vitally important that we protect and maintain these trade remedy laws that all too often represent their only hope for much-needed relief.

As we have learned over the past decade, trade liberalization has increased the opportunities for unscrupulous countries or industries to manipulate markets through unfair trade practices. With major new agreements like the FTAA on the horizon, it is imperative that we maintain these important laws so that they can continue to be used to protect our workers and companies from the risks posed by those who seek to distort and manipulate the very markets we are seeking to open to free and fair competition.

Mr. HATCH. Mr. President, I rise to oppose the Dayton-Craig amendment.

I have no doubt that the sponsors of the Dayton-Craig amendment have nothing but the best intentions. They believe that they are protecting the interests of the American public by walling off our Nation's trade remedy laws.

Senators DAYTON and CRAIG believe that the Congress should take a special look to determine whether a particular trade agreement undermines our trade remedy laws. These important protections include the anti-dumping and countervailing duty laws.

I understand what my friends, Senators DAYTON and CRAIG, are attempting to do with their amendment. But the trade promotion authority bill before us today already addresses their major concern—the weakening of our domestic trade laws.

The bill before us already gives clear direction to our U.S. negotiators to "avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade." This includes dumping, subsidies, and safeguards.

Under the provisions of the Dayton-Craig amendment, a minority of this body could work to defeat future trade agreements. By raising a point of order objection, any one Senator could slow the chance for any future trade agreement and 41 Senators could effectively kill a global trade agreement signed by the President, passed by the House and supported by a majority in the Senate, for any reason—even one totally unrelated to trade laws—as long as the implementing bill contained any change, no matter how minor, to a U.S. trade law.

If this amendment were to pass and become law, the United States negotiating position would be severely weakened in any future trade talks. Our trading partners will view this amendment as a vulnerability—in essence, by passing this amendment we are outlining to our potential trading partners our greatest negotiating weakness.

If we declare U.S. trade laws off limits, I must ask if this is really the best way to encourage other countries to bring their trade laws up to U.S. standards which, most would agree are the gold standard that all countries strive to meet? But sometimes you can't get here from there immediately, and you have to take intermediate steps along the way.

While I believe that the United States has enacted and plays by a fair set of rule with respect to trade remedy laws, we should never send a signal to our neighbors that our laws cannot be improved and should not be the subject for discussion.

I have absolute faith that the President, Secretary Evans, and Ambassador Zoellick would never do anything to fundamentally undercut our trade remedy laws.

And what if I am wrong, and the administration gave away the store in a negotiation on our antidumping laws?

The remedy would be simple—the Congress would not adopt the trade treaty. The President would quickly get the message and would learn how far is too far.

While this would be harsh medicine, it would be what the doctor ordered. The Constitution gives the Congress an active role in the development of international trade policy. We are not to be a potted plant or a rubber stamp.

There is good reason to believe that we will not go down this path absent the Dayton-Craig amendment.

Let me be clear, as part of granting fast track authority to the President, Congress naturally will expect extensive consultation and notification procedures.

Success in passing TPA will require a close partnership between the executive and legislative branches of our Government. The Constitution grants Congress the authority to promote international commerce.

However, the Constitution also gives the President the responsibility to conduct foreign policy. Thus, the very nature of our Constitution requires a partnership between the executive and legislative branches of government in matters of international trade negotiations. That is what the trade promotion authority bill is all about—a partnership between the executive and legislative branches of government to enable U.S. consumers, workers and firms to be effectively represented at the negotiating table.

The current TPA bill already establishes extraordinary procedures for congressional consultations and review of negotiations involving U.S. trade remedy laws. Under the procedures outlined in this bill, the President must give an advance report to the Senate Finance and House Ways and Means Committees at least 90 days before the United States enters into a trade agreement. This report must outline any amendments to U.S. laws on antidumping, countervailing duties and safeguards that the President proposes to include in a trade implementing bill.

After the President notifies Congress of his trade negotiation intentions, the chairs and ranking members of the relevant committees then report to their respective chambers on their own assessments as to the integrity of the proposed changes to the TPA's objectives.

The effect of these provisions would be to assure that the President and the Congress are on the same page regarding proposals in trade negotiations on subsidies, dumping, and safeguards.

I might add that one need not look back very far to prove the resolve of President Bush's administration in upholding our trade laws. Just this year the President took action to save the U.S. steel industry and made a bold move to slow the unfair import of softwood lumber.

This is not an administration, in my opinion, that is looking to weaken our trade laws.

Here is what the administration has said about the Dayton-Craig amendment:

> . . . the amendment derails TPA without justification. The Bush administration has demonstrated its commitment to U.S. trade laws not through talk but through action. We have been committed not just to preserving U.S. trade laws, but more importantly, to using them. The administration initiated an historic Section 201 investigation that led to the imposition of wide-ranging safeguards for the steel industry. The administration's willingness to enforce vigorously our trade laws, in Canadian lumber and other cases, sends the clearest signal of our interest in defending these laws in the WTO.

This administration takes the trade protection laws very seriously.

The administration has also warned us about what may very likely happen if we adopt this seemingly good-government amendment.

Here is what Secretary Evans, Secretary Veneman, and Ambassador Zoellick are worried about, if we adopt this misguided amendment: "the rest of the world will determine that the U.S. Congress has ruled out even discussion of a major topic. Other countries will refuse to discuss their own sensitive subjects, unraveling the entire trade negotiation to the detriment of U.S. workers, farmers, and consumers."

It seems to me that this is a dynamic that we ought to worry about.

And I think this could very well extend to places where it can materially injure American leadership in high technology. As Ranking Republican Member of the Senate Judiciary Committee, I am particularly concerned that some nations might remain derelict, or become derelict, in their responsibilities of implementing the TRIPS provisions of GATT. These are the intellectual property provisions relating to international trade.

It is the TRIPS provisions that govern such valuable intellectual property as patents and copyrights. We know that a great deal of American inventive capacity is tied to the software, information technology, entertainment, and biotechnology industries. We are the world's leaders in these vital areas. We should not encourage or allow other nations to unilaterally enact their own Dayton-Craig-type provisions that act to allow them to delay TRIPS implementation.

All you have to do is to read the latest USTR report on special 301 with respect to intellectual property to see the potential scope of the problem. This lays out which countries need to do better in meeting their obligations under TRIPS with respect to intellectual property.

Just so everybody knows, the priority watch list countries are: Argentina; Brazil; Columbia; the Dominican Republic; the EU; Egypt; Hungary; India; Indonesia; Israel; Lebanon; the Philippines; Russia; Taiwan; and Uruguay. In addition to these countries, Ukraine continues to be listed as a priority foreign country because it has been determined by USTR that it has a particularly poor record in this area.

Dayton-Craig can only send a signal to these priority watch list countries that they can try to avoid their intellectual property responsibilities by saying that they want to take aspects of their IP laws off the table just like the United States may do with our trade remedy laws.

So it is not only the traditional sectors like farming that have a stake in this but also the most cutting edge industries that rely on patents and copyrights.

Let me say that I am a strong supporter of our trade remedy laws. In fact, I think I may have irritated a number of my colleagues on the Finance Committee and in the full Senate by helping to lead the charge on the steel issue this Congress.

It seems like my friend Senator ROCKEFELLER and I kept bumping into one another as we testified before the International Trade Commission in both the injury and remedy phases of the steel case.

I am a proponent of trade but I am against dumping of products into the United States. I know what the dumping of steel has done to 1,400 laid-off steel workers and their families in Utah.

Frankly, many of my colleagues might think my actions amounted to protectionism, but I think that the facts compelled the ITC and President Bush to conclude otherwise.

I commend the strong action that President Bush took in response to the crisis in the steel industry. The steel 201 case was an example that our trade remedy laws can work.

I part company with those who take the well-intentioned, but I think ultimately counter-productive, position that Congress should essentially get a second bite of the apple when it comes to the trade remedy laws.

I have no doubt of the good intentions behind this amendment. But seems to me that you either believe, or disbelieve, in the wisdom and integrity of the fast track process. Either we have an up or down vote on the whole package or we don't. We should not be picking and choosing in a way that invites interminable debate and innumerable amendments.

If you don't like an agreement—for any reason, not just the trade remedy laws but for the old-fashioned reason that it is just not a good thing for your state and your constituents, then by all means, vote against it.

The Dayton-Craig amendment, if adopted, will invite similar responses from our trading partners. If we try to take these matters off the table, we can only guess what matters they will deem as inviolate.

Let the trade negotiators negotiate. I have faith that no USTR—in either a Republican or Democratic administration—will ever give away the store on trade remedy laws. And, in the unlikely event that this occurs—the Constitution gives the Congress the final word.

TPA is an essential tool for sound trade expansion policy, a tool we have been without since its expiration in 1994. For over a decade, the United States has too often sat on the sidelines while other nations around the world continued to form trade partnerships and lucrative market alliances. The lack of fast track has put the United States at a disadvantage during trade negotiations.

I submit that this amendment does nothing less than hand trade opponents a tool to block future agreements that are overwhelmingly in America's interests.

I urge my colleagues to oppose the Dayton-Craig provision.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. What is the regular order?

The PRESIDING OFFICER. Further debate on amendment No. 3408.

Mr. BAUCUS. I ask for regular order.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3408.

The amendment (No. 3408) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3411 TO AMENDMENT NO. 3401

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Is it appropriate to send my amendment to the desk?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3411 to amendment No. 3401.

Mr. KENNEDY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include the Declaration on the TRIPS Agreement and Public Health as a principal negotiating objective of the United States)

Section 2102(b)(4) is amended by adding at the end the following new subparagraph:

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

Mr. KENNEDY. Mr. President, sometimes Democrats and Republicans can stand shoulder to shoulder with health advocates and industry representatives, find common ground, and develop constructive ideas to address some of the world's most pressing problems.

We can do this today by supporting the World Trade Organization's Declaration on TRIPS and Public Health, adopted at its Fourth Ministerial Conference last November in Doha. "TRIPS" stands for Trade-Related Aspects of Intellectual Property. The TRIPS Agreement is one of the agreements maintained by the World Trade Organization. TRIPS is the final word when it comes to international patent issues.

In recent years, there has been some confusion over the TRIPS Agreement and the ability of poorer countries to gain access to affordable medicines to fight some of the worst plagues of our age—including malaria, tuberculosis, and AIDS. Many health advocacy groups, including Doctors Without Borders and the World Health Organization, as well as faith-based and secular groups like Oxfam, expressed concern that dying people in impoverished nations could not receive medicines because their countries were not being afforded the flexibility in the TRIPS Agreement to acquire them cheaply.

Developing nations facing health emergencies reported political pressure when they tried to employ compulsory licensing—that is, the temporary suspension of a drug's patent and an order to a manufacturer to produce that drug at a lower cost—or parallel importing, looking for the lowest price of a branded drug on the global market. The nations encountered threats of litigation through the WTO for trying to save the lives of their citizens. The poorest countries felt that our international trade agreements, written with the intent of lifting people out of poverty, were now being used against the poorest and most vulnerable when they needed them most.

After the anthrax scare here in Washington and the East Coast the United States raised the possibility of issuing a compulsory license for Cipro—the drug proven to kill anthrax, to ensure that an adequate supply of the drug was available at a reasonable cost. HHS Secretary Thompson discussed publicly the steps that would be taken, pursuant to the TRIPS, to issue and implement such a license. Few people in the United States would question such a move to protect our nation's public health.

Four people died from the recent anthrax outbreak in the United States. If an outbreak that results in four fatalities and another dozen infections is an emergency, what do we call a situation in which nearly 14,000 people will die every day from AIDS, tuberculosis, or malaria? If the TRIPS has the flexibility to accommodate the richest country in the world, it must be able to accommodate the poorest as well.

The global health crisis we face today is unprecedented. The World Health Organization reports infectious diseases are the leading killer of young people in developing countries. These deaths occur primarily among the poorest people because they do not have access to the drugs and commodities necessary for prevention and cure. Approximately half of infectious disease mortality can be attributed to just three diseases—HIV, tuberculosis, and malaria. These diseases cause over 300 million illnesses and more than 5 million deaths each year.

The WHO also reports that the economic burden is enormous. Africa's gross domestic product would be 32 percent greater if malaria had been eliminated 35 years ago. A nation can expect a decline in GDP of 1 percent annually when more than 20 percent of the adult population is infected with HIV. Of the nearly 40 million people infected with HIV worldwide, roughly 28 million of them live in Africa. If we are serious about promoting wealth across the globe, global health must be at the forefront.

Many poorer countries have shown that effective disease fighting strategies can reduce tuberculosis deaths five-fold. HIV infection rates can be reduced by 80 percent. Malaria death rates can be halved. But when a country has a health care budget of less than $50 per capita, the costs of the tools—and the drugs—to fight these diseases is often beyond reach. As a result, many studies estimate that 90 to 95 percent of people infected with HIV in the developing world do not have access to the medicines they need for treatment or prevention.

Recognizing the staggering global health crisis the world is now facing, the trade ministers of 142 countries decided to provide the clarity in the TRIPS Agreement that was so desperately needed. To ensure that all nations have access to lifesaving medicines, the WTO issued the Declaration on TRIPS and Public Health. Among other things, it said,

"We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of all WTO Members' right to protect health, and in particular, to promote access to medicines for all."

I ask unanimous consent that a copy of the Declaration on TRIPS and Public Health be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. The declaration was immediately heralded across the globe as a tremendous achievement. It struck an honest balance between the legitimate interests of intellectual property protection and the preservation of public health. US Trade Representative Robert Zoellick said immediately after Doha, "The adoption of the landmark political declaration on the TRIPS Agreement and public health is a good example of developed and developing nations advancing common goals by working through issues together." He later added, "We were pleased with this process . . . and we believe this declaration affirms that TRIPS and the global trading system can help countries address pressing public health concerns."

Alan Holmer, the president of the Pharmaceutical Research and Manufacturers of America also welcomed the declaration, saying, "The Declaration recognizes that TRIPS and patents are part of the solution to better public health, not a barrier to access. Without altering the existing rights and obligations under TRIPS, the declaration provides assurances that countries may take all measures consistent with the agreement to protect the health of their citizens."

I was very pleased with the adoption of this landmark declaration. Never before had the World Trade Organization taken such a bold stance that the protection of public health, particularly among the poorest in the world, was paramount. I want to commend U.S. Trade Representative Robert Zoellick for the leadership he displayed in ensuring this declaration's adoption, and WTO Director General Michael Moore for his tireless efforts in communicating the message of the declaration across the globe.

In order to ensure that the U.S. trade negotiators fully support the implementation of the Doha Declaration in future negotiations, this amendment adds a single sentence to the section on negotiating objectives for intellectual property issues—"respect the Declaration on TRIPS and Public Health, as adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001." This amendment directs our trade negotiations to support the declaration without reservation.

This amendment, as critical as it is to the health of millions around the globe, is merely a small step in addressing this overwhelming issue. The United States must play a more active role in fighting these diseases in the developing world. We must contribute significantly more to the global AIDS fund at the United Nations. We must do more to help develop the health service infrastructure in poor countries so they can deliver and administer treatment and prevention programs. We must provide more resources to USAID and private organizations to enhance micro-enterprise efforts, build local economies, and empower individuals so they can take care of themselves.

I'm pleased that this amendment can be accepted unanimously, because some issues are too important to be partisan. I want to extend special thanks to Senators BAUCUS and GRASSLEY and their wonderful staffs for their leadership, and for their willingness to work so closely with me on this issue. They know we don't always see eye-to-eye on trade issues, but they recognize the importance of this issue and I know they share my concerns. I look forward to working closely with them in the future on this critical issue.

EXHIBIT 1

WORLD TRADE ORGANIZATION MINISTERIAL CONFERENCE, FOURTH SESSION, DOHA, 9–14 NOVEMBER 2001

DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH—ADOPTED ON 14 NOVEMBER 2001

1. We recognize the gravity of the public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.

2. We stress the need for the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) to be part of the wider national and international action to address these problems.

3. We recognize that intellectual property protection is important for the development of new medicines. We also recognize the concerns about its effects on prices.

4. We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public

health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.

In this connection, we reaffirm the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose.

5. Accordingly and in the light of paragraph 4 above, while maintaining our commitments in the TRIPS Agreement, we recognize that these flexibilities include:

(a) In applying the customary rules of interpretation of public international law, each provision of the TRIPS Agreement shall be read in the light of the object and purpose of the Agreement as expressed, in particular, in its objectives and principles.

(b) Each Member has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted.

(c) Each Member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency, it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.

(d) The effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each Member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.

6. We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. We instruct the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002.

7. We reaffirm the commitment of developed-country Members to provide incentives to their enterprises and institutions to promote and encourage technology transfer to least-developed country Members pursuant to Article 66.2. We also agree that the least-developed country Members will not be obliged, with respect to pharmaceutical products, to implement or apply Sections 5 and 7 of Part II of the TRIPS Agreement or to enforce rights provided for under these Sections until 1 January 2016, without prejudice to the right of least-developed country Members to seek other extensions of the transition periods as provided for in Article 66.1 of the TRIPS Agreement. We instruct the Council for TRIPS to take the necessary action to give effect to this pursuant to Article 66.1 of the TRIPS Agreement.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is my intention to back the amendment. This amendment makes an important contribution to the underlying trade promotion authority bill.

Before addressing the substance of the amendment, I put it in context. The Doha ministerial held in Qatar last year was a profound breakthrough for the United States and the World Trade Organization. For the first time in many years, over 130 nations came together to launch a new round of international trade negotiations. This is no small achievement, as virtually every action taken during the Doha ministerial had to be done by consensus. These nations strongly believed a new round of international trade negotiations was in their best interests. I agree it is in their best interests, and it is in the best interests of the United States. I also think it is in our best interests to get these negotiations underway and give the President the authority he needs to negotiate the best deals for our workers and small and large businesses.

During the WTO ministerial at Doha, the members of the organization adopted a political declaration that highlights the provisions in the TRIPS agreement that provide members with the flexibility to address public emergencies, such as the epidemics of HIV, tuberculosis, and malaria. The objectives on intellectual property, which are part of this bill, were drafted before completion of the Doha ministerial. Senator KENNEDY's amendment updates these objectives to take into account the important declaration on public health made at the Doha meeting. It is a good addition to the bill. I am pleased to accept it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I highly compliment the Senator from Massachusetts. This is an extremely important statement. Millions of people in the world are suffering from HIV/AIDS, and the current patent the companies have, as important as it is, is a measure that should be relaxed so people in many parts of the world get assistance.

The amendment recognizes the special declaration concerning public health that was adopted last November in Doha. The special declaration provided assurance to poor countries facing the immense challenges of dealing with public health emergencies caused by pandemics of infectious diseases like HIV/AIDS, that measures necessary to address such crises in these countries can be accommodated by the WTO TRIPS Agreement, the Agreement on Trade-Related Aspects of Intellectual Property Rights.

This assurance complements the numerous commitments that the United States Government, and its public and private sectors have made to help these countries cope with the HIV/AIDS pandemic.

WTO members also used the declaration to reaffirm their commitment to effective intellectual property standards such as those in the TRIPS Agreement. The declaration recognizes that effective intellectual property standards serve an important public health objective of stimulating development of new drugs.

I highly recommend this amendment to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, Mr. KENNEDY, numbered 3411.

The amendment (No. 3411) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The majority leader asked me to announce there will be no more rollcall votes today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, for the past several days, we have been debating the merits of granting fast-track trade negotiating authority to the President. Today, I would like to illustrate the importance of this measure and that of its companion, Trade adjustment assistance, to my home State of Montana.

Montana's role in the global economy is directly linked to our success in passing this important trade package. More importantly, if my State is to grow economically, we must secure opportunities beyond our borders.

Those opportunities represent risk, growth, change, and challenge for a State that is highly reliant on export markets and highly sensitive to imports.

Just as the founders of Montana—fur trappers, gold prospectors, cattle ranchers, hardrock miners—were driven west in pursuit of trade opportunities, so, too, must the citizens of modern Montana seek new markets. In fact, some would say that our viability in the 21st century is contingent upon our ability to expand and compete in the global marketplace.

To further this endeavor, we must negotiate responsible trade agreements that help Montana workers, business, farmers, ranchers and entrepreneurs.

At the same time we must recognize some of the problems associated with trade, which include worker dislocation or intensified competition, must also be addressed.

I believe that fast track and trade adjustment assistance are critical to economic growth and strength of Montana. Let me tell you why.

First, Montana exports nearly a half billion dollars in products a year. This includes $260 million in agricultural commodities, $100 million in industrial machinery, $24 million in chemical products, and $37 million in wood and paper products.

Second, as a key State in the Rocky Mountain Trade Corridor we are expanding more to Canada and Mexico—our first and second largest trading partners. Respectively, these countries import more than $300 and $34 million of Montana products with China, Japan, Germany, and the United Kingdom next in line.

With new trade agreements that open markets to Montana products and readjust some of the current trade inequities, my State's economy stands to grow and prosper.

Within this same context, the principle trade negotiating objective of the fast-track legislation calls on our negotiators to remove barriers that decrease market opportunities for Montana exports or distort imports that put producers at an unfair advantage. These barriers include governmental regulatory measures such as price controls and reference pricing which deny full market access for United States products.

Take, for example, the Canadian Wheat Board. The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage U.S. wheat farmers and undermine the integrity of the trading system.

These rights insulate producers from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing, credit sales to foreign buyers, and initial payments to farmers. As a result, the Canadian Wheat Board takes sales from U.S. farmers and prices drop.

The negotiating authority granted the President that fast track is aimed at stopping these unjust trade practices.

Some folks say they don't want any new trade agreements until the old ones are fixed, I like the ring of that, but sometimes it is not terribly practical. I say, you can't fix something from the sidelines, you must be at the table. Fast track is a means to that end. If you want to fix an old agreement, clearly the other side is going to want to fix the old agreement from its perspective, too. It is never a free lunch.

The bill also strives to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

Let me illustrate what effective negotiations at the WTO mean for Main Street Montana.

A company in Bozeman could be able to ship more trailers for mining equipment to Latin America.

Discussion on pharmaceuticals could help companies like All American Pharmaceutical in Billings and Technical Sourcing International in Missoula.

Montana's tech corridor in Bozeman could seek clarification on European manufacturing standards for electronics, increasing market opportunity for small technology businesses.

Aviation firms such as Blue Sky Aviation in Lewistown, Garlick Helicopters and Tamarak Helicopters in the Bitteroot Valley could see a normalization in requirements for aviation products.

Medical standards could be addressed helping Glacier Cross of Kalispell enter new markets.

And Lawyer Nursery could spend less time fighting phytosanitary barriers and focus more on providing seeds and seedling trees to developing nations.

The bottom line is that good jobs will be created in Montana if we are willing to give our negotiators the strong hand needed to secure sound trade agreements.

In addition to small business owners, Montana's agricultural industry stands to benefit from sound trade agreements. For agriculture, the goal is to obtain competitive opportunities for U.S. exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in U.S. markets.

The fast-track bill includes a concrete set of trade objectives for agriculture that targets my five key concerns.

First, we must reduce tariffs to levels that are the same as or lower than those in the United States. These are the same tariffs that block Montana beef exports to Korea and Japan.

Second, we must eliminate all export subsidies on agricultural commodities while maintaining bona fide food aid and export credit programs that allow the U.S. to compete with other foreign export promotion efforts. As you well know, the EU maintains the lion's share of export subsidies—60 times more than the United States. How can we ever expect a level playing field if we are undersold time and again by government-backed competitors?

Third, we must allow the preservation of programs that support family farms and rural communities but do not distort trade.

Currently we are engaged in passing a new farm bill. This bill seeks to reflect and respond to the counter-cyclical nature of our farm economy. It strives to limit production through sound conservation programs and maintains trade provisions, including the Export Enhancement Program and Market Access Program, which help our products overseas.

The U.S. exported over $53 billion last year. However, our trade policy will only be effective if the commodity support and conservation programs of the farm bill are balanced. We cannot afford for one leg of the stool to be weaker than the others. Without family farmers, increased trading opportunities are irrelevant.

Fourth, we must eliminate state trade enterprises wherever possible. Montanans know far too well the effects of competing with the Canadian Wheat Board. As I mentioned above, we must bring price transparency and competition to the marketplace. The Canadian Wheat Board is nothing close to that. Anything short of this flies in the face of fair trade.

And fifth, we must develop rules to prevent unjustified sanitary or phytosanitary restrictions not based on sound science. For three decades we fought to pry open the Chinese market to Pacific Northwest wheat due to TCK. That was a real struggle. I spent a lot of time on that. It was difficult to get the Chinese to listen to us. They finally cracked open a little bit. Now we are struggling with markets in Chile and Russia that place arbitrary sanitary barriers on U.S. exports of beef, pork, and poultry.

I will closely monitor any upcoming trade negotiations to ensure that these goals are met. Further, I will not hesitate to call for the repeal of fast-track trading authority or pursuing a resolution to limit fast track, at any time during the process if these objectives are not met.

Let me share a few more points that make the case for fast track in my State. In order to address and maintain Montana's competitiveness in the global economy, the bill directs the President to preserve the ability of the U.S. to enforce rigorously its trade laws, including antidumping, countervailing duty, and safeguard laws.

Montana has benefited from these laws. These laws have been used against unfair, or a surge in, imports of softwood lumber from Canada and lamb from Australia and New Zealand. In addition, our wheat industry is considering launching a case against the Canadian Wheat Board.

These laws are not protectionist. Far from it. They simply ensure that Montana workers, agricultural producers, and firms, can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

These laws are designed to help other countries play fair. If all countries played fair, our trade laws would not be necessary. They are there only to help make sure that when other countries are not playing by the rules of the road we have ways to protect ourselves against unfair foreign trade barriers. All our trade remedy laws, as you know, Mr. President, are totally WTO legal. They are totally consistent with WTO.

On a related note, I am often approached about the problem of a strong dollar for commodities and manufacturing. The overvalued dollar is certainly a problem, and I do not have the perfect solution today that balances these concerns with Treasury's intent to maintain a strong economy and control inflation.

However, within this bill, the administration is directed to work with our trading partners to draw up a blueprint to deal with the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government is engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

Rest assured, I recognize these concerns, and I believe this is a step toward finding a solution and not an easy one to resolve but certainly a major step forward.

In Montana we know the value of preserving our environment while optimizing the use of our natural resources. At the same time, we cannot afford to compete with shoddy worker and environmental rights.

This measure brings that message to the world recognizing that trade and environmental policies are mutually supportive: That we should seek to protect and preserve the environment and enhance the international options of doing so, while optimizing the use of the world's resources. And, it promotes respect for worker rights and supports efforts to crack down on the exploitative child labor.

This bill is different from past fast-track legislation because it is the first to ever seek provisions that aim to ensure that parties to the agreements not weaken or reduce the protections afforded in their domestic environmental and labor laws as an encouragement for trade. It is a first, and major development. It also works to establish rules to prevent frivolous investor claims that contravene the public good.

I have a few words about part two of this package, the Trade Adjustment Assistance program or TAA. This is a program with a simple but admirable objective: to assist workers injured by imports to adjust and find new jobs. many Montana workers are now employed and many firms still in business thanks to TAA.

Take for example the 221 employees who lost their jobs as a result of the suspension of operations at the ASARCO lead bullion facility in East Helena. It was a bitter blow to that community when that announcement was made. Due to the decline in the mining and mineral processing industries in the Western U.S., these workers faced few prospects for re-employment in a similar sector.

Thanks to income support provided by trade adjustment assistance, and NAFTA–TAA, 50 percent of these workers are involved in or did seek training—many at the Helena College of Technology and a few at heavy equipment operating school.

They are learning everything from trucking to computer technology. Now nearly 42 percent have found full-time employment. Workers at Plum Creek Timber in Seeley Lake are similarly taking advantage of this program.

TAA is often seen as the last resort, but it also provides a chance for companies to retool. This is especially true of TAA for firms, a related program that provides assistance to over 10 small companies in Montana to help them readjust and effectively compete with imports.

With TAA for firms, Montola Growers is researching new markets for its safflower oil, Tele-Tech Corporation is designing new products and print ads for its sophisticated electronic devises, Thirteen Mile Lamb and Wool Company is designing new garments for manufacture by contract knitters, and Pyramid Lumber is improving its milling efficiency.

Without TAA for firms, we would see closed signs on many business doors. Unfortunately, more worthy projects exist than funding to support them. For that reason, I support significantly increased funding in order for this program to continue and expand its good work.

Additionally, this trade adjustment assistance bill includes a new provision that will offer up to $10,000 in cash assistance to Montana farmers and ranchers injured by imports. Let me be clear, this is a real opportunity to retool and reform a family farming operation, to make it competitive and sound, for generations to come. Like trade adjustment assistance for firms, this program is a means to keep an operation in business and keep our Montana families on their land.

One final item tucked neatly away in the TAA title is a provision to protect Montana sugarbeet growers from unfair trade practices. We all recall the black eye that stuffed molasses gave the industry, and we can not afford to suffer from such blatant circumvention again. This provision allows the Secretary of Agriculture to monitor imports of sugar to ensure that they do not circumvent the existing quota.

If they do, the Secretary will report to the President who can then "snapback" the offending commodity into the appropriate tariff line. This should send a clear message that America will no longer tolerate efforts to manipulate the trading system to the disadvantage of our sugar producers.

The trade package before us today will help Montana move toward a greater role in the global economy. I hope my colleagues will feel the same about their own constituencies and lend their support to this important matter.

Mr. President, I thank you for listening. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARTER, MISSION TO CUBA

Mr. ALLEN. Mr. President, many of us have anticipated the trip of former President Carter to Cuba with a mixed sense of hope and concern. We had hoped that he would use this unique opportunity to help bring ideas of freedom and democracy to the repressed people of Cuba, just 90 miles off our shores.

However, it was amazing and disappointing for many of us to learn of Mr. Carter's visit to a Cuban biotechnology facility and his acceptance, at face value, of the assurances of communist Cuban officials there that the facility is engaged solely in medical and humanitarian pursuits.

More distressing is that former President Jimmy Carter was accorded the same privilege and courtesy extended to former Presidents who have requested top-secret intelligence briefings and situation reports on global areas of interest of the United States.

In the post-9/11 world, it is important that we as a united country protect the safety and security of our people.

Instead, what we have in Mr. Carter's visit to this biotech facility is a former President—who himself was once responsible for our foreign policy and the safety of the American people—dismissing the concerns of his own government, revealing information to which he was privy in top-secret briefings, and buying wholesale the assertions of the dictator Fidel Castro and his minions.

The words and actions of Mr. Carter at this facility are a breach of trust, and it is made even worse, in that the individual involved in that breach is one in whom the American people once placed the ultimate trust and responsibility of the Presidency.

Rather than spending his time with Fidel Castro and his henceman, I would suggest the name of at least one person Mr. Carter would be better advised to get to know.

Just a few short days ago I joined the Congressional Cuba Political Prisoner Initiative. As part of this initiative, I have decided to sponsor or "adopt," if you will, a Cuban political prisoner named Francisco Chaviano Gonzales, and to advocate on his behalf, and on behalf of the thousands of others being held in Cuba in clear abuses of their basic human rights.

Francisco Chaviano is president of the National Council for Civil Rights, an organization dedicated to promoting democratic practices, racial equality and human rights. He was arrested after government agents broke into his home and confiscated documents revealing human rights abuses in Cuba—specifically, information about the Castro government's sinking of a tugboat that claimed the lives of 41 men, women, and children who were attempting to escape to freedom.

Chaviano was arrested and detained in prison for 1 year, and although a civilian, he was tried by military tribunal and sentenced to 15 years in prison.

He has been confined in isolation and deprived of basic medical care for long periods of time. After being allowed to visit him for the first time in eight years, his wife reported that he is in very poor health. Other members of the civil rights organization have followed in Chaviano's footsteps and continued to press the Cuban government for democratic reforms, at great peril to themselves.

Jimmy Carter is a man who is often praised in the media as a "model ex-President" or a "statesman" for his work with Habitat for Humanity. I do believe there is still time for him to make a more positive contribution to the plight of the Cuban people and to American foreign policy regarding Fidel Castro.

Mr. Carter is scheduled to deliver a speech to the Cuban people tonight. His remarks have the potential to do enormous good or to cause further harm. Rather than legitimizing a tyrant and a man who doesn't care for the well-being of his own people; he could advocate positive change for the beleaguered Cuban people.

If Mr. Carter in his speech tonight is looking for a road map to freedom and prosperity for the Cuban people, he need look no further than the words and principles of freedom written by George Mason in the Virginia Declaration of Rights. This document, adopted on June 12, 1776, helped form the basis of our Declaration of Independence and 15 years later in our Bill of Rights as the first amendments to our Constitution.

I would read a few excerpts from George Mason's historic words from various articles of the Virginia Declaration of Rights, which I think are instructive.

> Article 1: That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.
>
> Article 2: That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.
>
> Article 3: That government is, our ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conductive to the public weal.
>
> Article 12: That the freedom of the press is one of the great bulwalks of liberty, and can never be restrained but by despotic governments.
>
> Article 16: That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience . . .

Those are the words of freedom, and of the inherent rights to which all people are entitled, even if only temporarily subjugated.

Therefore, I call on former President Carter to embrace these truths and to use this unique opportunity to advance these enduring principles of liberty in Cuba.

I urge him to support the Varela Project, which is a petition drive that has collected the 10,000 signatures needed under Castro's so-called "constitution" to force a referendum on whether his government should be allowed to continue.

I call on Fidel Castro to heed the concepts first enunciated by George Mason 226 years ago in the Western Hemisphere, and I also call upon him to schedule free and fair democratic elections on the island of Cuba within the next year.

Mr. President, I will close with more words from George Mason, who said:

> There is a passion to the mind of man, especially a free man, which renders him impatient of a restraint."

Mr. Carter has the power to either to fan the flames of those passions and aspirations of the Cuban people, or to throw cold water on them. The choice he needs to make is clear. Do not flinch. Stand strong for freedom!

Thank you. I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 3, 1991 in Boston, MA. A Northeastern University student was arrested for making anti-Semitic and anti-homosexual death threats. The student, Garrett McAdams, was accused of threatening to kill a Jewish Realtor and bomb the offices of a gay student organization.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I wish to explain my absence from yesterday's vote on the nomination of Paul G. Cassell to be U.S. District Judge for the District of Utah. After spending yesterday working with constituents in Connecticut, I was scheduled to fly back to Washington in time to make the vote. Unfortunately, high wind and tornado threats caused flights into Washington to be cancelled. I ultimately returned to Washington by train and too late to cast my vote. Had I been here, I would have cast my vote in the affirmative.

NATIONAL POLICE OFFICERS WEEK

Mrs. CLINTON. Mr. President, each day our Nation's law enforcement officers step onto the street, putting their lives on the line to protect our communities. These honorable men and women risk so much so that others can feel safe.

New Yorkers owe our State and local law enforcement officers an enormous debt of gratitude. The historic drop in crime that we have seen in the last few years is truly a reflection of their fine work and tireless dedication. The low-crime rate that New York City enjoys today would never have been possible without the extraordinary work of the New York City Police Department.

One small step we can take to begin to repay that debt is ensuring that our men and women in blue are equipped with the tools they need to protect themselves from the constant dangers they face; and that police departments around the country have the additional resources they need meet new demands placed on them.

In the past several months, their responsibility have only grown larger. From the first moments our country saw NYPD officers at the base of the World Trade Center towers, the role of police officers around the country was changed forever. The September 11 terrorist attacks put communities around America on the frontlines in our war against terrorism at home, and our local public safety officers must now be prepared for the unimaginable: biological and terrorist attacks.

We pay tribute to the hard work and sacrifice of our police officers not just this week but every day of our lives as we move freely about our communities, largely uninhibited by fear and danger. We should take a moment to recognize the peace of mind that our local law enforcement officers provides us, and life's precious gifts that come with that assurance.

Public service is one of our country's most noble callings and law enforcement captures that spirit of sacrifice and devotion to community. We thank the families of police officers for their ever present courage and selflessness. To the police officers who uphold our laws and protect our communities from crime, we give our appreciation, admiration and immeasurable pride for the jobs you do every day.

ADDITIONAL STATEMENTS

TRIBUTE TO HARRISON WILLIAMS

• Mr. HOLLINGS. Mr. President, last November when our former colleague Harrison Williams passed away, I don't believe his legislative accomplishments were recognized by this body, and I wanted to remember my friend, the enormously popular Senator from New Jersey.

I had the privilege to serve with him for 15 of his 23 years, and he achieved more than most people will ever realize because he worked the old-fashioned way: making headway, not headlines. He sponsored progressive legislation that with 30 or 40 years hindsight, we now see has made an incredible difference in millions of people's lives.

The good mass transit systems we have in our Nation today we have because Pete was mass transit's champion. Americans have the best safety and environmental working conditions in the world because he created the Occupational Safety and Health Administration. We have pension protections because of him. We have greater accessibility for the handicapped because of him. Anything related to worker's rights, or working conditions, he had his hand in.

Like all of us he was not perfect, and he paid a price. But this Senator will remember my friend for his legislative accomplishments, and believes the words he said himself when he left this Chamber: That time, history and Almighty God would vindicate him for the principles for which he fought.

My wife, Patsy, and I know how much his wife, Jeanette, and his four children, miss him, and we hope the best for them.•

MORRISTOWN MEMORIAL HOSPITAL

• Mr. CORZINE. Mr. President, I rise today to congratulate Morristown Memorial Hospital, a member hospital of the Atlantic Health System, for their receipt of the American Hospital Association's NOVA award. This prestigious award recognizes outstanding commitment to improving community-based health care.

The NOVA award honors Morristown's TeenHealthFX.com program, a free interactive Web site, providing teenagers with confidential and anonymous answers for difficult-to-ask health questions. This innovative program has succeeded at breaking down many of the barriers that so often prevent teens from obtaining critical health care information. Created in 1999, through the collaborative efforts of community leaders, teen, and health care professionals, this site has served as a gateway to area health care providers and a source of health care information for more than 100,000 young visitors.

I want to thank Morristown Hospital for supporting such an important and effective program. It is not enough to simply make health information available to our young people. That information needs to be made available in a setting that is comfortable for teenagers to access. This is exactly the environment that TeenHealthFX.com has created in New Jersey. TeenHealthFX.com represents the type of creative thinking and collaboration that our communities must undertake if we are going to improve the health and health habits of teenagers and young adults. Again, congratulations to Morristown Hospital and thank you for your continued commitment to improving health care for all New Jerseyans.•

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrent of the Senate:

H.R. 4546. An act to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that pursuant to section 303(a) of Public Law 106–286, the Speaker appoints the following Member of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China to fill the existing vacancy thereon: Mr. BROWN of Ohio.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6982. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Annual Performance Plan for Fiscal Year 2003 and the Program Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-6983. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2001 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC-6984. A communication from the District of Columbia Auditor, transmitting, a report entitled "Audit of Advisory Neighborhood Commission 8A for Fiscal Years 2000, 2001, and 2002 through December 31, 2001"; to the Committee on Governmental Affairs.

EC-6985. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC-6986. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Fiscal Year 2003 Performance Plan and the Fiscal Year 2001 Annual Performance Report; to the Committee on Governmental Affairs.

EC-6987. A communication from the Director, Trade Development Agency, transmitting, pursuant to law, the report of the Agency's Financial Statements for September 30, 2001; to the Committee on Governmental Affairs.

EC-6988. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in the Survey Cycle for the Portland, OR, Appropriated Fund Wage Area" (RIN3206-AJ60) received on May 8, 2002; to the Committee on Governmental Affairs.

EC-6989. A communication from the Director, Office of Personnel Management, Employment Service, Office of Employment Policy, transmitting, pursuant to law, the report of a rule entitled "Placement Assistance and Reduction in Force Notices" received on May 8, 2002; to the Committee on Governmental Affairs.

EC-6990. A communication from the Director, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections" (RIN3206-AI28) received on May 8, 2002; to the Committee on Governmental Affairs.

EC–6991. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6992. A communication from the Special Counsel, transmitting, pursuant to law, the Annual Performance Report of the Office of the Special Counsel for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6993. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6994. A communication from the District of Columbia Auditor, transmitting, a report entitled "Department of Parks and Recreation's Purchase Card Program Requires Substantial Improvement and Increased Oversight"; to the Committee on Governmental Affairs.

EC–6995. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6996. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6997. A communication from the Merit Systems Protection Board, transmitting, pursuant to law, the Board's Report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6998. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6999. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Fiscal Year 2003 Performance plan and the Fiscal Year 2001 Performance Report; to the Committee on Governmental Affairs.

EC–7000. A communication from the Director, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Inventory of Commercial Activities for 2001; to the Committee on Governmental Affairs.

EC–7001. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Director, Bureau of the Census, received on May 8, 2002; to the Committee on Governmental Affairs.

EC–7002. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–361, "District of Columbia Public Schools Free Textbook Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7003. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–358, "Youth Pollworker Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7004. A communication from the Acting Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Fiscal Year 2003 Performance Plan and the Fiscal Year 1999, 2000, and 2001 Performance Reports; to the Committee on Governmental Affairs.

EC–7005. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to Budgetary Implications of Selected General Accounting Office Work for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7006. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–357, "Election Recount and Judicial Review Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7007. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–356, "Residential Permit Parking Area Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7008. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–355, "Office of Employee Appeals Attorney Fees Clarification Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–7009. A communication from the Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Management Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7010. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association (Ginnie Mae) Management Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7011. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2001 and the Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7012. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—February 2002" (Rev. Rul. 2002–18) received on May 7, 2002; to the Committee on Finance.

EC–7013. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2002–15) received on May 7, 2002; to the Committee on Finance.

EC–7014. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dutch Investment Yield Tax Revenue Ruling" (Rev. Rul. 2002–16) received on May 7, 2002; to the Committee on Finance.

EC–7015. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Ann. 2002–40) received on May 7, 2002; to the Committee on Finance.

EC–7016. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002–26) received on May 7, 2002; to the Committee on Finance.

EC–7017. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partial Relief from Section 170(f)(8) for Post-September 11, 2001, Contributions to Charity" (Notice 2002–25) received on May 7, 2002; to the Committee on Finance.

EC–7018. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Basis of Partner's Interest; Special Rules" (RIN1545–AX94, TD8986) received on May 7, 2002; to the Committee on Finance.

EC–7019. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance for Applying Article XVIII(7) of the U.S.-Canada Income Tax Convention" (Rev. Proc. 2002–23) received on May 7, 2002; to the Committee on Finance.

EC–7020. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Non-enforcement During Pendency of Proposed DOL Class Exemption from Prohibited Transaction Rules" (Ann. 2002–31) received on May 7, 2002; to the Committee on Finance.

EC–7021. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "IRS Failure to File Penalty and DOL Delinquent Filer Program" (Notice 2002–23) received on May 7, 2002; to the Committee on Finance.

EC–7022. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "No-Rule Revenue Procedure" (Rev. Procs. 2002–3, 2002–1) received on May 7, 2002; to the Committee on Finance.

EC–7023. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation of Loss with Respect to Stock and Other Personal Property" (RIN1545–AW09, TD8973) received on May 7, 2002; to the Committee on Finance.

EC–7024. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2002–7" received on May 7, 2002; to the Committee on Finance.

EC–7025. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EGTRRA Effect on Certain Distributions from a Section 401(k) Plan, etc." (Notice 2002–4) received on May 7, 2002; to the Committee on Finance.

EC–7026. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Covered Compensation Revenue Ruling" (Rev. Rul. 2001–55) received on May 7, 2002; to the Committee on Finance.

EC–7027. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effect of the Family and Medical Leave Act on the Operation of Cafeteria

Plans" (RIN1545–AT47) received on May 7, 2002; to the Committee on Finance.

EC–7028. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2001–66" received on May 7, 2002; to the Committee on Finance.

EC–7029. A communication from the Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a preliminary report relative to Community Nursing Organization Demonstration; to the Committee on Finance.

EC–7030. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a interim report on the Evaluation of Abstinence Education Programs; to the Committee on Finance.

EC–7031. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Rul. 98–1" (Rev. Rul. 2001–51) received on May 8, 2002; to the Committee on Finance.

EC–7032. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority [27 CFR Part 252, Exportation of Liquors]" (RIN1512–AC44) received on May 8, 2002; to the Committee on Finance.

EC–7033. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amended Procedure for Refunds of Harbor Maintenance Fees Paid on Exports of Merchandise" (RIN1515–AC82) received on May 9, 2002; to the Committee on Finance.

EC–7034. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002–13" received on May 9, 2002; to the Committee on Finance.

EC–7035. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—January 2002" (Rev. Rul. 2002–14) received on May 9, 2002; to the Committee on Finance.

EC–7036. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January–March 2002 Bond Factor Amounts" (Rev. Rul. 2002–8) received on May 9, 2002; to the Committee on Finance.

EC–7037. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "IRS Announces Regulations will be Issued to Prevent Duplication of Losses with a Consolidated Group on Dispositions of Member Stock" (Notices 2002–18, 2002–12) received on May 9, 2002; to the Committee on Finance.

EC–7038. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules for Certain Reserves" (Rev. Rul. 2002–12) received on May 9, 2002; to the Committee on Finance.

EC–7039. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Loss Limitation Rules" (RIN1545–BA51, TD8984) received on May 9, 2002; to the Committee on Finance.

EC–7040. A communication from the President of the United States, transmitting, pursuant to law, a report that provides the aggregate number, location, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia, in support of Plan Colombia; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with amendments:

S. 1867: A bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes. (Rept. No. 107–150).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 2510. A bill to authorize the Secretary of Agriculture to accept the donation of certain lands previously disposed of from the public domain, together with certain mineral rights on federal land, in the Mineral Hill-Crevice Mountain Mining District in the State of Montana, to be returned to the United States for management as part of the national public lands and forests, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CARNAHAN (for herself and Mrs. HUTCHISON):

S. 2511. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. COCHRAN, Mr. DODD, Mr. HELMS, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. SMITH of Oregon, and Mr. WELLSTONE):

S. 2512. A bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself and Mrs. CLINTON):

S. 2513. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mrs. LINCOLN, Mr. DAYTON, Mr. KENNEDY, Mrs. CLINTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 37. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002. and submitted to the Senate on March 15, 2002; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. MCCAIN, Mr. LIEBERMAN, Mr. WYDEN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Mr. FITZGERALD, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER, and Mr. KENNEDY):

S. Res. 267. A resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 268. A resolution designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. COCHRAN, and Mr. INHOFE):

S. Res. 269. A resolution expressing support for legislation to strengthen and improve Medicare in order to ensure comprehensive benefits for current and future retirees, including access to a Medicare prescription drug benefit; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 813

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 813, a bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 952

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1931

At the request of Mr. LIEBERMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 2051

At the request of Mr. REID, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2119

At the request of Mr. DODD, his name was added as a cosponsor of S . 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2189

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2189, a bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry.

S. 2200

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2200, a bill to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2268

At the request of Mr. MILLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2454

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2454, a bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

S. 2465

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2465, a bill to extend and strengthen procedures to maintain fiscal accountability and responsibility.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

AMENDMENT NO. 3396

At the request of Mr. DAYTON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3396 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3403

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 3403 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2510. A bill to authorize the Secretary of Agriculture to accept the donation of certain lands previously disposed of from the public domain, together with certain mineral rights on federal land, in the Mineral Hill-Crevice Mountain Mining District in the State of Montana, to be returned to the United States for management as part of the national public lands and forests, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I am pleased to announce the introduction of the Mineral Hill Historic Mining District Preservation Act of 2002. The purpose of this act is for the Forest Service to accept a donation from TVX Mineral Hill, Inc., an inholding of approximately 570 acres of private land in the Gallatin National Forest. This inholding overlooks the northern entrance of Yellowstone National Park and is within well-known elk habitat. The donation also includes 194 acres of mineral rights underlying Federal lands.

This bill provides a win-win situation with benefits for the community, for wildlife, for the company, and for the environment. After a rich and storied history, the Mineral Hill Mine is played out and the opportunity to extract minerals has passed. The property is in very good condition and is being reclaimed in accordance with a reclamation plan approved by the Montana Department of Environmental Quality. The Forest Service has been closely involved during the reclamation planning and implementation processes to make certain that the property will remain in the excellent environmental state it is in today. As an added guarantee, the United States will also be the beneficiary of a $10 million insurance policy provided by TVX to clean up the site in the unlikely event that hazardous materials are discovered in the future.

The Mineral Hill Mine is located in the historic Jardine Mining District which was established during the 1860s. Many of the buildings at the site go back to that time period. Some of the buildings will be preserved for interpretation purposes and will be available to the public. In addition, the site will be used in cooperation with Montana Tech of the University of Montana for mining and geologic education. The Mineral Hill property is being donated by TVX to the Government without the necessity of a payment. There will be ongoing permits issued by the State of Montana and by EPA for monitoring of water discharge. This bill allows for those permits to be upheld and for the water processes to be maintained. In a letter to my office dated June 25, 2001, the Greater Yellowstone Coalition observed that "we believe that there would be no adverse impact to the agency and indeed would be a benefit to the public that this donated land is conveyed with the obligation to maintain the NPDES permit already in force." This is exactly what the bill provides in section 11.

I am pleased to say that this is a bill with the support of all key parties. The Forest Service has agreed to the transfer and management of the land and has been actively involved in this process. The Gardiner Chamber of Commerce supports the project, as do the Commissioners of Park County. The Greater Yellowstone Coalition also supports the donation. Simply put, this legislation is in the public interest. On behalf of the people of Montana, I look forward to its passage.

By Mrs. CARNAHAN (for herself and Mrs. HUTCHISON):

S. 2511. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

Mrs. CARNAHAN. Mr. President, child pornography is an affront to the inherent decency of our society. Creating and distributing this revolting material causes severe damage to the children involved. Those who purchase this material also harm children by creating a demand for production of more child pornography, leading to a greater number of victimized children.

Congress has enacted strong criminal laws outlawing the production, distribution, and possession of child pornography. But the advent of the internet and advances in imaging technology have made enforcing these laws more difficult. The problem is twofold. First, child pornography can now be created using digital technology such that the subjects of the images are virtual, not real, children. Second, child pornographers facing criminal prosecution now claim that the materials at issue contain computer-generated, virtual image, and claim that such images are constitutionally protected free speech. The technology is now so advanced that it is difficult for expert witnesses to determine whether the pornographers' claims are true, giving real pornographers the ability to escape prosecution.

Congress attempted to address this problem in 1996 by expanding the scope of federal child pornography statutes to cover sexually explicit images that appear to depict children, but were created without using actual children. Unfortunately, last month the Supreme Court determined that parts of the statute were unconstitutional. The Court concluded that the law was drafted too broadly and covered speech that is protected by the First Amendment. Unless Congress takes further action, future prosecutions of child pornographers will be in jeopardy. According to Associate Deputy Attorney General Daniel Collins, if prosecutors can only obtain convictions when the have affirmative proof that actual children were used, the "[g]overnment may be able to prosecute effectively only in very limited cases, such as those in which it happens to be able to match the depictions to pictures in pornographic magazines produced before the development of computer imaging software."

The legislation I am introducing today, along with my colleague Senator HUTCHISON, will cure this problem. It is companion legislation to H.R. 4623 and contains the Justice Department's recommendations on how to draft a constitutional statute that will facilitate prosecution of child pornographers. The legislation strikes a balance between the government's compelling interest in protecting children while not infringing on First Amendment rights.

The bill has a number of features. First, it narrows the definition of virtual child pornography and includes an affirmative defense that places the burden of proof on defendants to establish that the materials at issue were created without using real children. Second, it prohibits all real or virtual child pornography that depicts preteens. These sexually explicit materials involving young children are obscene and, in my view, do not enjoy any first amendment protection. The bill also creates new ways to crack down on pedophiles by outlawing showing pornography to children. It also encourages greater voluntary reporting of suspected child pornography found by internet service providers on their systems.

This legislation is progressing quickly through the House of Representatives. I hope that we can move expeditiously in this body as well to give the Justice Department the tools it needs to continue its campaign against the exploitation and degradation of children.

Mrs. HUTCHISON. Mr. President, I rise today to join my colleague from Missouri to introduce the Child Obscenity and Pornography Prevention Act of 2002. The passage of this legislation is urgently needed to stop the marketing of child pornography and its destructive impact on our society.

This bill is similar to the House version, which has the strong support of the Department of Justice. Attorney General Ashcroft has asked for this legislation so that he will have the tools to prosecute child pornographers. In this Internet age, it is becoming more difficult to ascertain whether child pornography is produced by exploiting real minors or whether it is made with computer imagery. I understand the Supreme Court's concerns about First Amendment rights. The bill we are introducing today does not violate the First Amendment.

Our bill goes after the marketing of child pornography, regardless of whether it is produced using a real minor. Legal precedent is clear that Congress may outlaw the solicitation and attempt to commit a crime, even if the core crime does not transpire. I have been a strong advocate against marketing violence to children, and similarly, I am strongly against the marketing of child pornography. The bottom line is that sexual images of children, even if produced by computer-imagery, only increase the chances of sexual crimes occurring against our children.

In addition, our bill outlaws the production of "obscene" child pornography, regardless of whether a real child or a computer-image is used. The Supreme Court has been clear that obscenity deserves no protection under the first amendment, much less obscenity related to child pornography. Without a new law, the Supreme Court's ruling several weeks ago could mean a pornographer might use the defense that the child pornography does not involve a real minor and thus constitutes protected speech. That is a terrible outcome and we must remedy it.

I am pleased to be cosponsor of this important legislation, and I urge the

Senate to address this issue expeditiously.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. COCHRAN, Mr. DODD, Mr. HELMS, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. SMITH of Oregon, and Mr. WELLSTONE):

S. 2512. A bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, today I am introducing legislation, the Training for Realtime Writers Act of 2002, on behalf of myself and my colleagues, Senators GRASSLEY, BINGAMAN, COCHRAN, DODD, HELMS, KERRY, ROCKEFELLER, REID, GORDON SMITH, and WELLSTONE. The 1996 Telecom Act required that all television broadcasts were to be captioned by 2006. This was a much needed reform that is helping millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programming. As of today, it is estimated that 3,000 captioners will be needed to fulfill this requirement, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States only has 300 captioners. If our country expects to have media fully captioned by 2006, something must be done.

This is an issue that I feel very strongly about because my late brother, Frank, was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities. In 1990, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

Though we don't necessarily think about it, on the morning of September 11, Holli Miller of Ankeny, Iowa was captioning for Fox News. She was supposed to do her three and a half hour shift ending at 7 a.m. but as we all know, tragedy struck. Despite the fact that she had already worked most of her shift and had two small children to care for, Holli Miller stayed right where she was and for nearly five more hours, she captioned. Without even the ability to take bathroom breaks, Holli Miller made sure that deaf and hard of hearing people got the same news the rest of us got on September 11. I want to say thank you to Holli Miller and all the many captioners and other people across America that made sure the country was alert and informed on that sad day.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from this legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 or 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. In addition, I see people using closed captioning to stay informed everywhere, from the gym to the airport. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Although we have a few years to go until the deadline given by the 1996 Telecom Act, our Nation is facing a serious shortage of captioners. Over the past five years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses. Yet the need for these skills keeps rising. That is why my colleagues and I are introducing this vital piece of legislation. The Training for Realtime Writers Act of 2002 would establish competitive grants to be used toward training real time captioners. This is necessary to ensure that we meet our goal set by the 1996 Telecom Act.

I urge my colleagues to review this legislation and I hope they will join us in support and join us in our effort to win its passage. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training for Realtime Writers Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the United States Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make grants to not more than 20 eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that is—

(1) approved by the National Court Reporters Association;

(2) accredited by an accrediting agency recognized by the Department of Education; and

(3) participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,000,000 for the two-year period of the grant under subsection (c).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be

funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) education and training;

(5) job placement assistance;

(6) encouragement of individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $15,000,000 for each of fiscal years 2003, 2004, and 2005.

(2) Such sums as may be necessary for each of fiscal years 2006 and 2007.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Iowa, Senator HARKIN, in introducing legislation to provide grants for the training of realtime reporters and captioners. Many Senators may not be aware of a looming problem related to a shortage of what are called "realtime writers." Realtime writers are essentially trained court reporters, much like the official reporters of debates here in the Senate, who use a combination of additional specialized training and technology to transform words into text as they are spoken. This can allow deaf and hard of hearing individuals to understand live television as well as follow proceedings at a civic function or in a classroom.

In the Telecommunications Act of 1996, Congress mandated that most television programming be fully captioned by 2006 in order to allow the 28 million Americans who are deaf or hard of hearing to have access to the same news and information that many of us take for granted. I know that most of us were glued to the television on and after September 11 in order to absorb every scrap of information we could about the events that took place. In order for those who are deaf and hard of hearing to receive the same information as it is broadcast on live television, groups of captioners must work around the clock transcribing words as they are spoken.

As of this year, 2002, the required number of hours of captioned programming that must be provided by video-programming distributors increased from 450 to 900. In 2004, this will increase to 1350 hours. By 2006, 100 percent of new nonexempt programming must be provided with captions. At the same time, student enrollment in programs that provide essential training in captioning has decreased significantly, with programs closing on many campuses. In order to meet the growing demand for realtime writers caused by this mandate, we must do everything we can to increase the number of individuals receiving this very specialized training.

The legislation that Senator HARKIN and I are introducing, along with a number of other senators, will help address the shortage of individuals trained as realtime writers by providing grants to up to 20 court reporting programs to promote the training and placement of individuals as realtime writers. Specifically, court reporting programs could use these grants for items like recruitment of students for realtime writing programs, need-based scholarships, distance learning, education and training, job placement assistance, the encouragement of individuals with disabilities to pursue a career as a realtime writer, and personnel costs.

The expansion of distance learning opportunities in particular will have an enormous impact by making training accessible to individuals who want to become realtime writers but do not live in metropolitan areas. Also, need based scholarships offered using these grant funds would be subject to an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time.

Unless we act now, the shortage of individuals trained as realtime writers will only grow more severe. This would leave the 28 million deaf or hard of hearing Americans without the ability to fully participate in many of the professional, educational, and civic activities that other Americans enjoy. I would therefore urge my fellow Senators to support the swift passage of this legislation.

By Mr. BIDEN (for himself and Mrs. CLINTON)

S. 2513. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the DNA Sexual Assault Justice Act of 2002, a bill that guarantees prompt justice to victims of sexual assault crimes through DNA technology. 99.9 percent, that is how accurate DNA evidence is. 1 in 30 billion, those are the odds someone else committed a crime if a suspect's DNA matches evidence at the crime scene. 20 or 30 years, that is how long DNA evidence from a crime scene lasts.

Just 10 years ago DNA analysis of evidence could have cost thousands of dollars and taken months, now testing one sample costs $40 and can take days. Ten years ago forensic scientists needed blood the size of a bottle cap, now DNA testing can be done on a sample the size of a pinhead. The changes in DNA technology are remarkable, and mark a sea change in how we can fight crime, particularly sexual assault crimes. The FBI tells us that since 1998 the national DNA database has helped put away violent criminals in 4,179 investigations in 32 States. How? By matching the DNA crime evidence to the DNA profiles of offenders. Individual success stories of DNA "cold hits" in sexual assault cases makes these numbers all too real.

For instance, in Florida, Kellie Green was brutally attached and raped in the laundry room of her apartment complex. Because of lack of funds, her rape kit sat on the shelf for three years until a persistent detective had it analyzed. The evidence matched the profile of a man already incarcerated for beating and raping a women 6 weeks before Kellie. Or take for example a 1996 case in St. Louis where two young girls were abducted from bus stops and raped at opposite ends of the city. The police were unable to identify a suspect. In 1999, the police decided to rerun the DNA testing to develop new leads. In January 2000, the DNA database matched the 1996 case to a 1999 rape case, and police where able to identify the perpetrator.

Just days ago, the New York Police Department arrested a man linked to the rape of a woman four years ago. In 1997, a woman was horribly beaten, robbed and raped, there were no suspects. Several months ago,the perpetrator submitted a DNA sample as a condition of probation after serving time for burglary. That DNA sample matched the DNA from the 1997 rape. Crime solved, streets safer.

Undoubtedly, DNA matching by comparing evidence gathered at the crime scene with offender samples entered on the national DNA database has proven to be the deciding factor in solving stranger sexual assault cases, it has revolutionized the criminal justice system, and brought closure and justice for victims.

In light of the past successes and the future potential of DNA evidence, the reports about the backlog of untested rape kits and other crime scene waiting in police warehouses are simply shocking.

Today I am introducing legislation, "The DNA Sexual Assault Justice Act of 2002", to strengthen the existing Federal DNA regime as an effective crime fighting tool. My bill addresses five, pressing issues.

First, exactly how bad is the backlog of untested rape kits nationwide? A 1999 government report found over 180,000 rape kits were sitting, untested, on the storage shelves of police department and laboratories all across the country. While recent press reports estimate that the number today is approaching 500,000 untested rape kits, I am told that there is no current, accurate numbers of the backlog. Behind every single one of those rape kits is a victim who deserves recognition and justice. Accordingly, my legislation would require the Attorney General to survey every single law enforcement agency in the country to assess the extent of the backlog of rape kits waiting to undergo DNA testing. To combat the problem of rape kit backlogs, it is imperative to know the real numbers, and how best to utilize federal resources.

Second, how can existing Federal law be strengthened to make sure that State crime labs have the funds for the critical DNA analysis needed to solve sex assault cases? To fight crime most effectively, we must both test rape kits and enter convicted offender DNA samples into the DNA database. There has been explosive growth in the use of forensic sciences by law enforcement. A government survey found that in 2000 alone, crime labs received 31,000 cases, a 47 percent increase from almost 21,000 cases in 1999. In addition, the labs received 177,000 convicted offender DNA samples, an almost 77 percent increase from 100,242 samples in 1999.

All across the country, laboratories report personnel shortages in the face of this overwhelming work. According to this same government survey, on average, there are 6 employees in a State crime lab—a lab that must not only do test DNA for hundreds of cases, but also run forensic tests on blood, footprints or ballistic evidence. The bill I'm introducing would: (1) Increase current funding levels to both test rape kits and to process and upload offender samples; and (2) allow local governments to apply directly to the Justice Department for these grants. I thank my colleagues, Senators KOHL and DEWINE, who began this effort with the DNA Backlog Elimination At of 2000.

Third, what assistance does the FBI need to keep up with the crushing number of DNA samples which need to be tested or stored in the national database? I am told that the current national DNA database, known as the Combined DNA Index, or "CODIS", is nearing capacity of convicted offender DNA samples. My bill would provide funds to the FBI to 1. Upgrade the national DNA computer database to handle the huge projections of samples; and 2. process and upload Federal convicted offender DNA samples into the database. Efforts to include more Federal and State convicted offenders in our database just makes plain sense to fight crime. We know that sexual assault is a crime with one of the highest rates of recidivism, and that many sexual assault crimes are committed by those with past convictions for other kinds of crime. Their DNA samples from prior convictions help law enforcement efforts enormously.

Fourth, what additional tools are needed to help treat victims of sexual assault? One group that understands the importance of gathering credible DNA evidence are forensic sexual assault nurse examiners, who are sensitive to the trauma of this horrible crime and make sure that patients are not revictimized in the aftermath. These programs should be in each and every emergency room and play an integral role in police departments, bridging the gap between the law and the medicine.

Likewise, tapping the power of DNA requires well-trained law enforcement who know how to collect and preserve DNA evidence from the crime scene. Training should be a matter of course for all law enforcement. No rape kit evidence will lead to the perpetrator if the DNA evidence is collected improperly. The DNA Sexual Assault Justice Act would create a new grant program to carry out sexual assault examiner programs and training. And it would train law enforcement personnel in the handling of sexual assault cases, including drug-facilitated assaults, and the collection and use of DNA samples for use as forensic evidence.

Fifth, what can be done to ensure that sexual assault offenders who cannot be identified by their victim are nevertheless brought to justice? Profound injustice is done to rape victims when delayed DNA testing leads to a "cold hit" after the statute of limitations has expired. For example, Jeri Elster was brutally raped in her California home, and for years the police were unable to solve the crime. Seven years later, DNA from the rape matched a man in jail for an unrelated crime. Yet the rapist was never charged, convicted, or sentenced because California's statute of limitations had expired the previous year.

The DNA Sexual Assault Justice Act of 2000 would change current law to authorize Federal "John Doe/DNA indictments" that will permit Federal prosecutors to issue an indictment identifying an unknown defendant by his DNA profile within the 5-year statute of limitations. Once outstanding, the DNA indictment would permit prosecution at anytime once there was a DNA "cold hit" through the national DNA database system.

John De/DNA indictments strike the right balance between encouraging swift and efficient investigations, recognizing the durability and credibility of DNA evidence and preventing an injustice if a cold hit happens years after the crime. The law must catch up with the technology. I started looking at this issue almost two decades ago when I began drafting the Violence Against Women Act. In fact, it is the Violence Against Women Act that provided the first funding to sexual assault nurse examiner programs. The DNA Sexual Justice Act of 2000 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

By Mr. WELLSTONE (for himself, Mrs. LINCOLN, Mr. DAYTON, Mr. KENNEDY, Mrs. CLINTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 37. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to submit a Resolution of Disapproval to reverse a rule submitted by the Center for Medicare and Medicaid Services, CMS. The rule, which takes effect today, lowers the Medicaid Upper Payment Limit for non-State government owned or operated hospitals. It reduces the Federal Medicaid match, or Medicaid Upper Payment Limit, from 150 percent of the Medicare rate to 100 percent. According to the administration's budget, the rule will cut $9 billion over 5 years, money currently targeted to public hospitals and other "safety net" health programs, the most vulnerable sector of our health care system. At a time when Medicaid programs in the States are struggling, we simply can't afford to take this amount from our health care safety net. Too many people will be hurt.

The regulation will mean a loss of about $30 million for Minnesota's public health care system this year, potentially more in future years. Hennepin County Medical Center alone stands to lose about $10 million this year. This is a hospital that provides essential health care for thousands of Minnesotans. For many, it is the only place they can go. Other hospitals and clinics around Minnesota will also be deprived of needed funding. At a time when our health care system, and particularly our public hospitals are struggling just to survive, we ought not to be taking resources away from them like this.

CMS Director Scully has attempted to justify this damaging reduction by pointing to instances in the past when States did not use the program's money for health care purposes. Director Scully is certainly correct. The program should be used for health care, not for anything else. But slashing the Upper Payment Limit means that none of this money goes to health care. That doesn't make any sense. The loopholes that existed in the program have already been closed. The rule is a $9 billion transfer away from those who desperately need health care, purportedly in order to solve a problem, but the problem has already been fixed. The rule is not needed and will cause great harm. I urge colleagues to support this resolution of disapproval.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 267—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLICY OF THE UNITED STATES AT THE 54TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. MCCAIN, Mr. LIEBERMAN, Mr. WYDEN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Mr. FITZGERALD, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 267

Whereas whales have very low reproductive rates, making whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 the nations of the world adopted the International Convention for the Regulation of Whaling, which established the International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks;

Whereas the Commission has designated the Indian Ocean and the ocean waters around Antarctica as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations currently have reservations to the Commission's moratorium on commercial whaling and 1 member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas a nonmember nation that opposes the moratorium against commercial whaling is seeking to joint the Convention, on the condition that it be exempt from the moratorium;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales and other cetaceans;

Whereas 1 member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal Scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas the Commission's Scientific Committee has repeatedly expressed serious concerns about the scientific need for such lethal research;

Whereas one member nation in the past unsuccessfully sought an exemption allowing commercial whaling of up to 50 minke whales, in order to provide economic assistance to specific vessels, now seeks a scientific permit for these same vessels to take 50 minke whales;

Whereas the lethal take of whales under scientific permits has increased both in quantity and species, with species now including minke, Bryde's, and sperm whales, and new proposals have been offered to include sei whales for the first time;

Whereas there continue to be indications that whale meat is being traded on the international market despite a ban on such trade under the Convention on International Trade in Endangered Species, and that meat may be originating in one of the member nations of the Commission; and

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission. Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 54th Annual Meeting of the International Whaling Commission the United States should—

(A) remain firmly opposed to commercial whaling;

(B) initiate and support efforts to ensure that all activities conducted under reservations to the Commission's moratorium or sanctuaries are ceased;

(C) oppose the proposal to allow a nonmember country to join the convention with a reservation that exempts it from the moratorium against commercial whaling:

(D) oppose the lethal taking of whales for scientific purposes unless such lethal taking is specifically authorized by the Scientific Committee of the Commission;

(E) seek the Commission's support for specific efforts by member nations to end illegal trade in whale meat; and

(F) support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited;

(2) at the 12th Conference of the Parties to the Convention on International Trade in Endangered Species, the United States should oppose all efforts to reopen international trade in whale meat or downlist any whale population;

(3) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in paragraphs (1) and (2); and

(4) if the Secretary of Commerce certifies to the President, under section 8(a)(2) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(2)), that nationals of a foreign country are engaging in trade or a taking which diminishes the effectiveness of the Convention, then the United States should take appropriate steps at its disposal pursuant to Federal law to convince such foreign country to cease such trade or taking.

Mr. KERRY. Mr. President, as Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to submit a resolution regarding the policy of the United States at the upcoming 54th Annual Meeting of the International Whaling Commission, IWC. I wish to thank the Ranking Member of the Subcommittee, Ms. SNOWE, for co-sponsoring this resolution. I wish to also thank my colleagues Mr. HOLLINGS, Mr. MCCAIN, Mr. WYDEN, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. AKAKA, Mr. REED, Mr.

TORRICELLI, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER and Mr. KENNEDY for cosponsoring as well.

The IWC will meet in Japan from May 20 to 24, 2002. Despite an IWC moratorium on commercial whaling since 1985, Japan and Norway have harvested over 1000 minke whales since the moratorium was put in place. Whales are already under enormous pressure worldwide from collisions with ships, entanglement in fishing gear, coastal pollution, noise emanating from surface vessels and other sources. The need to conserve and protect these magnificent mammals is clear.

The IWC was formed in 1946 under the International Convention for the Regulation of Whaling, Convention, in recognition of the fact that whales are highly migratory and that they do not belong to any one Nation. In 1982, the IWC agreed on an indefinite moratorium on all commercial whaling beginning in 1985. Unfortunately, Japan has been using a loophole that allows countries to issue themselves special permits for whaling under scientific purposes. The IWC Scientific Committee has not requested any of the information obtained by killing these whales and has stated that Japan's scientific whaling data is not required for management. At this meeting, Japan intends to propose to add an additional 100 whales to the whales it kills for scientific purposes. Japan's claim that it needs these whales for scientific purposes is ever more tenuous: last year, Japan unsuccessfully sought to obtain an exemption allowing 50 whales to be commercially hunted to provide economic assistance to specific vessels. This year, Japan is seeking to use these same vessels to kill the same number of whales, in the name of "science." The additional 50 whales include new species, sei whales. Norway, on the other hand, objects to the moratorium on whaling and openly pursues a commercial fishery for whales. Iceland, currently a nonparty, is proposing to join the Convention, but only if it is granted a reservation that exempts it from the ban on commercial whaling.

This resolution calls for the U.S. delegation to the IWC to remain firmly opposed to commercial whaling. In addition, this resolution calls for the U.S. to oppose the lethal taking of whales for scientific purposes unless such lethal taking is specifically authorized by the Scientific Committee of the Commission. The resolution calls for the U.S. to oppose the proposal to allow a non-member country to join the Convention with a reservation that would allow it to commercially whale. The resolution calls for the U.S. delegation to support an end to the illegal trade of whale meat and to support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited.

Ms. SNOWE. Mr. President, the resolution that Senator KERRY and I are submitting is very timely and important. As we work here in the Senate today, representatives of nations from around the globe are preparing for the 54th annual Meeting of the International Whaling Commission to be held in Japan, May 20–24, 2002. At this meeting, the IWC will determine the fate of the world's whales through consideration of proposals to end the current global moratorium on commercial whaling. The adoption of any such proposals by the IWC would mark a major setback in whale conservation. It is imperative that the United States remain firm in its opposition to any proposals to resume commercial whaling and that we, as a Nation, continue to speak out passionately against this practice.

It is also time to close one of the loopholes used by nations to continue to whale without regard to the moratorium or established whale sanctuaries. The practice of unnecessary lethal scientific whaling is outdated and the value of the data of such research has been called into question by an international array of scientists who study the same population dynamics questions as those who harvest whales in the name of science. This same whale meat is then processed and sold in the marketplace. These sentiments have been echoed by the Scientific Committee of the IWC which has repeatedly passed resolutions calling for the cessation of lethal scientific whaling, particularly that occurring in designated whale sanctuaries. They have offered to work with all interested parties to design research protocols that will not require scientists to harm or kill whales.

Last year, Japan expanded their scientific whaling program over the IWC's objections. The resolution that we are offering expresses the Sense of the Senate that the United States should continue to remain firmly opposed to any resumption of commercial whaling and oppose, at the upcoming IWC meeting, the non-necessary lethal taking of whales for scientific purposes.

Commercial whaling has been prohibited for many species for more than sixty years. In 1982, the continued decline of commercially targeted stocks led the IWC to declare a global moratorium on all commercial whaling which went into effect in 1986. The United States was a leader in the effort to establish the moratorium, and since then we have consistently provided a strong voice against commercial whaling and have worked to uphold the moratorium. This resolution reaffirms the United States' strong support for a ban on commercial whaling at a time when our negotiations at the IWC most need that support. Norway, Japan, and other countries have made it clear that they intend to push for the elimination of the moratorium, and for a return to the days when whales were treated as commodities.

The resolution would reiterate the U.S. objection to activities being conducted under reservations to the IWC's moratorium. The resolution would also oppose the proposal to allow a non-member country to join the Convention with a reservation that would allow it to commercially whale. The resolution would also oppose all efforts made at the Convention on International Trade in Endangered Species, CITES, to reopen international trade in whale meat or to downlist any whale population. In addition, the IWC, as well as individual nations including the United States, has established whale sanctuaries that would prevent whaling in specified areas even if the moratorium were to be lifted. Despite these efforts to give whale stocks a chance to rebuild, the number of whales harvested has increased in recent years, tripling since the implementation of the global moratorium in 1986. This is a dangerous trend that does not show signs of stopping.

Domestically, we work very hard to protect whales in U.S. waters, particularly those considered threatened or endangered. One own laws and regulations are designed to give whales one of the highest standards of protection in the world, and as a result, our own citizens are subject to rules designed to protect against even the accidental taking of whales. Commercial whaling is, of course, strictly prohibited. Given what is asked of our citizens to protect against even accidental injury to whales here in the United States, it would be grossly unfair if we retreated in any way from our position opposing commercial, intentional whaling by other countries. Whales migrate throughout the world's oceans, and as we protect whales in our own waters, so should we act to protect them internationally.

Whales are among the most intelligent animals on Earth, and they play an important role in the marine ecosystem. Yet, there is still much about them that we do not know. Resuming the intentional harvest of whales is irresponsible, and it could have ecological consequences that we cannot predict. Therefore, it is premature to even consider easing conservation measures.

The right policy is to protect whales across the globe, and to oppose the resumption of commercial whaling. I urge my colleagues to support swift passage of this resolution.

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the resolution expressing the sense of the Senate regarding the policy of the United states at the 54th Annual Meeting of the International Whaling Commission. This resolution affirms and renews our long-standing commitment to end the practice of commercial whale-hunting, as well as the killing of whales for profit under the false rubric of "scientific whaling." It constitutes a powerful statement to the rest of the world that we have not, and will not, grow complacent in fighting to preserve the existence of these remarkable beings.

Our present action draws urgency from the fact that the single most important safety net for ensuring the survival of whale species is under threat of unraveling. When the International Whaling Commission, IWC, voted to establish a global moratorium on commercial whaling in 1982, the decision represented a profound acknowledgement on the part of the international community of its abysmal and repeated failure to manage whale stocks in a responsible manner. Such was the egregiousness of our collective whaling legacy that nothing short of a complete ban on commercial whaling was determined to stave these creatures away from the path to extinction.

Sadly, the thirty years since the enactment of the moratorium have only served to vindicate the wisdom of the IWC's landmark decision. One needs only look to the history of duplicitous efforts undertaken to skirt the strictures of the moratorium to see this. Most blatant among these efforts has been the practice by certain countries to exploit the exemption for scientific whaling in order to hunt whales for ostensibly scientific, but essentially commercial, purposes. This disingenuous behavior directly contradicts the purpose and spirit, if not the letter, of the moratorium. Regrettably, the lack of regard shown by these nations for obligations that were assumed freely and voluntarily does not inspire one with faith that they would act any more responsibly should the door to commercial whaling ever be opened.

Less apparent, but no less discouraging, is the unwillingness by some nations to vigorously monitor and prosecute the illegal trading of whale meat. Whether the absence of rigorous policing measures is the result of conscious intent or uninformed negligence, the outcome is the same. Unscrupulous operators are provided with incentives to disregard the law and afforded with the knowledge that they may do so with impunity. The lax enforcement of existing laws calls into further doubt the international community's prospective will and capacity to enforce quotas on catches if commercial whaling were resumed.

In light of the evidence refuting the notion that a uniform commitment to act responsibly and in accordance with international mandates currently exits or would crystallize in the foreseeable future, it would be a grave and reckless mistake for the moratorium to be lifted now. This is why we must endeavor to shore up support for the moratorium prior to the IWC's 54th Annual Meeting, and to prevent the entry of any nation that seeks to have a voting voice in the IWC without agreeing to abide by the decisions of that same body.

I note with particular concern Iceland's pending application to rejoin the IWC with a reservation that would leave it with complete discretion in choosing whether or not to engage in commercial whaling. It is well-established that Iceland's motivation in rejoining is to expand the voting block for revoking the moratorium. In applying with the reservation, however, Iceland aims to have all the privileges of membership free and clear of any concomitant burdens and responsibilities. But no nation should be allowed to have its cake and eat it too. It would be fundamentally unfair to the other IWC members to give Iceland a role in defining the limits of their behavior when Iceland itself would not have to play by the same rules. More importantly, Iceland's admission would establish a dangerous precedent whereby other nations would be encouraged to circumvent international treaties by withdrawing from them and then rejoining with specific reservations against onerous obligations.

In view of our concerns over the deleterious consequences of Iceland's reentry, nineteen of my Senate colleagues and I previously sent a bipartisan letter to Secretary of State Colin Powell urging him to assume a leadership role in opposing Iceland's application. The time is ripe, however, for us to make a more public and formal declaration of our position, and to provide our Administration with the encouragement and support it needs to take bold action at the next IWC meeting and the next conference of the Parties to the Convention on International Trade in endangered Species. I ask you to joint in registering our strong opinion on this important and worthwhile cause.

SENATE RESOLUTION 268—DESIGNATING MAY 20, 2002, AS A DAY FOR AMERICANS TO RECOGNIZE THE IMPORTANCE OF TEACHING CHILDREN ABOUT CURRENT EVENTS IN AN ACCESSIBLE WAY TO THEIR DEVELOPMENT AS BOTH STUDENTS AND CITIZENS

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

Whereas, since its founding in 1902, the Weekly Reader has reported current events in a manner that is accessible to children, thereby helping millions of children learn to read, which is an indispensable foundation for success in school and in life;

Whereas the Weekly Reader's accessible style has helped children understand many of the important events that have shaped the world during the past 100 years, including World War I, the Great Depression, World War II, the Civil Rights movement, Vietnam, the first Moon landing, the collapse of the Soviet Union, and the tragic events of September 11, 2001;

Whereas a citizenry well informed about national and international current events is critical to a strong democracy;

Whereas the Weekly Reader is read by nearly 11,000,000 children each week in every State, and in more than 90 percent of the school districts in the United States; and

Whereas on May 20, 2002, children around the country will join the Weekly Reader in celebrating its 100th birthday: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe that day with appropriate activities.

SENATE RESOLUTION 269—EXPRESSING SUPPORT FOR LEGISLATION TO STRENGTHEN AND IMPROVE MEDICARE IN ORDER TO ENSURE COMPREHENSIVE BENEFITS FOR CURRENT AND FUTURE RETIREES, INCLUDING ACCESS TO A MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. CRAIG (for himself, Mr. COCHRAN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 269

Whereas our nation's senior citizens and the disabled need and deserve the highest quality health care available;

Whereas the Medicare program has not fundamentally changed since its creation over 35 years ago and has not kept pace with recent improvements in health care delivery;

Whereas the Medicare Trustees report that the current system is not sustainable;

Whereas Medicare only provides limited access to many lifesaving and health enhancing pharmaceutical and biological medicines;

Whereas America's seniors need a comprehensive, voluntary outpatient prescription drug program under Medicare; and

Whereas Medicare prescription drug coverage can best be provided through comprehensive steps to modernize and strengthen the Medicare program: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) by September 30, 2002, the Senate should consider legislation to comprehensively modernize the Medicare program under which beneficiaries will be offered more choices, including outpatient prescription drug coverage;

(2) this legislation should ensure that the Medicare program's financial solvency is preserved and protected;

(3) this legislation should permit beneficiaries to choose from a variety of coverage options, including an option to continue benefits under the current plan as well as an option to choose from benefits offered by multiple competing, private insurance plans that rely on competition to control costs and improve quality; and

(4) this legislation should provide at least one option providing comprehensive outpatient prescription drug coverage to Medicare beneficiaries, including those having high prescription drug costs.

Mr. CRAIG. Mr. President, I rise today to submit a Sense of the Senate Resolution expressing support for Medicare Reform and the addition of a prescription drug benefit. I am pleased that Senator THAD COCHRAN and Senator JAMES INHOFE are joining with me in this effort today.

The Medicare program is of vital importance to our Nation's seniors and has been providing them dependable, affordable and high quality health care for over 35 years. Despite this, I think we would all agree that the system has not kept pace with modern medicine or coverage available to those covered by private insurance. The practice of medicine has changed dramatically since the inception of the Medicare program. The many new technologies and drugs that are available to our seniors today weren't even an option 35 years ago.

No senior should have to worry about whether he or she can afford the medicine they need to stay healthy. I am well aware that the rising cost of prescription medicine and prescription drug coverage is a great concern for today's seniors and tomorrow's retires. Indeed, in some cases, prescription drugs are as important as a doctor's care. It is this reality that makes it so critical we focus our efforts on finding a solution.

As discussion continues, it is crucial we develop effective options for simultaneously modernizing and securing Medicare. We can not afford to add an expensive new comprehensive benefit without real reform to the program and we need to focus our attention on the necessary steps to ensure Medicare remains dependable and up to date.

This is why I am choosing to submit this Sense of the Senate Resolution expressing support for a prescription drug benefit and Medicare modernization. I am calling on the Senate to work to pass legislation on this issue before September 30, 2002 and to give current and future seniors the benefits they deserve. Included in this resolution are principles that I believe should be included in any Medicare or prescription drug legislation that passes this year. I hope my colleagues will join me in supporting these principles and working towards the goal of passing substantial Medicare reform.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3408. Mr. DAYTON (for himself and Mr. DORGAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3409. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to amendment SA 3408 proposed by Mr. DAYTON (for himself and Mr. DORGAN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3410. Mr. THOMPSON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3411. Mr. KENNEDY proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3412. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3413. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3414. Mr. BINGAMAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3408. Mr. DAYTON (for himself and Mr. DORGAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

SA 3409. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to amendment SA 3408 proposed by Mr. DAYTON (for himself and Mr. DORGAN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

(4) ADDITIONAL PRINCIPAL TRADE NEGOTIATING OBJECTIVE.—

(A) IN GENERAL.—Section 2102(b) of this Act is amended by adding at the end the following:

"(15) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

"(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.".

(B) CONFORMING AMENDMENTS.—

(i) Section 2102(c) of this Act is amended—

(I) by striking paragraph (9);

(II) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively; and

(III) in the matter following paragraph (11) (as so redesignated), by striking "(11)" and inserting "(10)".

(ii) Subparagraphs (B), (C), and (D) of section 2104(d)(3) of this Act are each amended by striking "2102(c)(9)" and inserting "2102(b)(15)".

(iii) Section 2105(a)(2)(B)(ii)(VI) of this Act is amended by striking "2102(c)(9)" and inserting "2102(b)(15)".

(C) PRESIDENTIAL REPORT TO COVER ADDITIONAL TRADE REMEDY LAWS.—Section 2104(d)(3) (A) and (B)(i) of this Act are each amended by inserting after "title VII of the

Tariff Act of 1930'' the following: '', section 337 of the Tariff Act of 1930, title III of the Trade Act of 1974, section 232 of the Trade Expansion Act of 1962,''.

(D) EXPANSION OF CONGRESSIONAL OVERSIGHT GROUP.—

(i) MEMBERSHIP FROM THE HOUSE.—Section 2107(a)(2) of this Act is amended by adding at the end the following new subparagraph:

''(C) Up to 3 additional Members of the House of Representatives (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Ways and Means may select.''.

(ii) MEMBERSHIP FROM THE SENATE.—Section 2107(a)(3) of this Act is amended by adding at the end the following new subparagraph:

''(C) Up to 3 additional Members of the Senate (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Finance may select.''.

SA 3410. Mr. THOMPSON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 3202(b)(2) is amended by striking ''2002'' and inserting ''2003''.

SA 3411. Mr. KENNEDY proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 2102(b)(4) is amended by adding at the end the following new subparagraph:

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

SA 3412. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX of division A add the following:

SEC. . SIMPLIFICATION OF EXCISE TAX IMPOSED ON BOWS AND ARROWS.

(a) BOWS.—Section 4161(b)(1) of the Internal Revenue Code of 1986 (relating to bows) is amended to read as follows:

''(1) BOWS.—

''(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

''(B) ARCHERY EQUIPMENT.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

''(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

''(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (3),

a tax equal to 11 percent of the price for which so sold.''.

(b) ARROWS.—Section 4161(b) of the Internal Revenue Code of 1986 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

''(3) ARROWS.—

''(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

''(B) EXCEPTION.—The tax imposed by subparagraph (A) on an arrow shall not apply if the arrow contains an arrow shaft subject to the tax imposed by paragraph (2).

''(C) ARROW.—For purposes of this paragraph, the term 'arrow' means any shaft described in paragraph (2) to which additional components are attached.''.

(c) CONFORMING AMENDMENT.—The heading of section 4161(b)(2) of the Internal Revenue Code of 1986 (relating to arrows) is amended by striking ''ARROWS.—'' and inserting ''ARROW COMPONENTS.—''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

SA 3413. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXCLUSION OF INCOME DERIVED FROM CERTAIN WAGERS ON HORSE RACES FROM GROSS INCOME OF NONRESIDENT ALIEN INDIVIDUALS.

(a) IN GENERAL.—Section 872(b) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and inserting after paragraph (4) the following new paragraph:

''(5) INCOME DERIVED FROM WAGERING TRANSACTIONS IN CERTAIN PARIMUTUEL POOLS.—Gross income derived by a nonresident alien individual from a legal wagering transaction initiated outside the United States in a parimutuel pool with respect to a live horse race in the United States.''.

(b) CONFORMING AMENDMENT.—Section 883(a)(4) of such Code is amended by striking ''(5), (6), and (7)'' and inserting ''(6), (7), and (8)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceeds from wagering transactions after September 30, 2002.

SA 3414. Mr. BINGAMAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 278 of the Trade Act of 1974, as added by section 302 of the matter proposed to be inserted, and inserting the following:

''SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Commerce $45,000,000 for each of the fiscal years 2003 through 2007 to carry out the purposes of this chapter.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 14, 2002, at 10:30 a.m. to conduct an oversight hearing on ''The Annual National Export Strategy Report of the Trade Promotion Coordinating Committee.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committees on Commerce, Science, and Transportation and Indian Affairs be authorized to hold a joint hearing on tribal communications on May 14, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, May 14, 2002, at 9:30 a.m. to conduct an hearing to receive testimony regarding the Persistent Organic Pollutants, POPs, Implementation Act of 2002, S. 2118, and the legislative proposal put forth by the Bush administration. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON TAXATION

Mr. REID. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Tuesday, May 14, 2002, at 10 a.m. to convene a joint review of the strategic plans and budget of the IRS.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on ''Justice for Sexual Assault Victims: Using DNA Evidence to Combat Crime'' on Thursday, May 14, 2002, at 10:30 a.m. in Dirksen 226.

Witness List

Panel I: Dr. Dwight E. Adams, Assistant Director, Laboratory Division, Federal Bureau of Investigation, Washington, DC; and the Honorable Sarah V. Hart, Director, National Institute of Justice, Department of Justice, Washington, DC.

Panel II: Mrs. Debbie Smith, Williamsburg, Virginia; Ms. Linda A. Fairstein, former Chief of the Sex Crimes Prosecution Unit, New York County District Attorney's Office, New York, New York; Ms. Debra S. Holbrook, Registered Nurse and Certified Sexual Assault Nurse Examiner, Nanticoke Memorial Hospital, Seaford, Delaware; Ms. Susan Narveson, President, Association of Criminal Laboratory Directors, Phoenix, Arizona; and Mr. J. Tom Morgan, District Attorney, Stone Mountain Judicial Circuit, Vice President, National District Attorneys Association, Decatur, Georgia.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE AND FISHERIES

Mr. **REID**. Mr. President, I ask unanimous consent that the subcommittee on Oceans, Atmosphere and Fisheries be authorized to meet on May 14, 2002, at 2:30 p.m. on S. 1825, Pacific Salmon Recovery Act, and Pacific salmon management issues.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. **REID**. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 14, 2002, at 10 a.m. for a hearing to examine "Tobacco's Deadly Secret: The Impact of Tobacco Marketing on Women and Girls."

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. **REID**. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 801, Major General Daniel James, III, to be Director of the Air National Guard; that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action; that any statements relating to the nomination be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

AIR FORCE

The following named Air National Guard of the United States officer for appointment as Director, Air National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Daniel James, III, 8248

LEGISLATIVE SESSION

The **PRESIDING OFFICER**. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 15, 2002

Mr. **REID**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. tomorrow, Wednesday, May 15; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day; the Senate be in a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time from 9:30 a.m. to 10 a.m. under the control of the majority leader or his designee, and the time from 10 a.m. to 10:30 a.m. be under the control of the Republican leader or his designee; and at 10:30 a.m. the Senate resume consideration of the trade bill, with Senator WELLSTONE recognized to offer an amendment regarding labor impact.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **REID**. Mr. President, we worked hard today. There were some good debates. There are Senators who have a lot of amendments they say they want to offer, and we need to move on those as quickly as we can. We ask Senators to be aware of what is going on in the Chamber and to be ready at any given time to come and offer their amendments. The majority leader has indicated he wants this debate to proceed on this bill in the form of amendments being offered, but I think there will come a time when we are going to have to move on. I do not know if that means he would have to file a motion to invoke cloture, but I would assume so. So I hope Senators will realize they have a finite amount of time to offer amendments and we should move forward on these as quickly as possible because for people who wait for a day that may be more convenient to them, that day may be too late.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. **REID**. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:42 p.m., recessed until Wednesday, May 15, 2002, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 4, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. DANIEL JAMES III

HOUSE OF REPRESENTATIVES—*Tuesday, May 14, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, May 14, 2002.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL) for 5 minutes.

STATES NEED FLEXIBILITY IN WELFARE REFORM

Mr. UDALL of New Mexico. Mr. Speaker, we have passed welfare reform out of this body; and as a result, we are putting more people to work. Welfare rolls have been cut in half in many States. With these successes in mind, now is the time to look at what is working and what is not.

One of the biggest problems is how reform is impacting the rural areas of America. In rural America, where there are not many job opportunities, we are telling people to leave their homes and move to the city. In rural New Mexico, many people have been tied to the land and their homes for generations. Forcing people to move is not good public policy, and it is undermining the vitality of rural America. The solution is flexibility for States to design their programs, and the solution is transportation. Transportation should be a key part of any welfare reform.

Another issue relates to the jobs people are filling. Is this the kind of employment where an individual can move up the economic ladder and support a family? Many times these are minimum-wage jobs with no real future. So we must provide meaningful job training so that an individual not only gets a job, but that that job opens the doors to better future opportunities.

Welfare recipients want to work, but they also want to take care of their children. This is the common dilemma faced by welfare parents, many of whom are single mothers with children. The last thing we should do in the name of reform is send parents to work and leave the children without adequate nurturing and care. That is why child care is a critical component of a successful welfare reform effort.

If we have learned anything in this reform effort, it is that States should have the flexibility to meet the goals of putting people to work in good jobs, while children get good quality daycare. Inner cities and rural areas face enormous challenges because frequently jobs do not exist nearby. With flexibility, States have been able to achieve big strides. Without flexibility, States will fail in these important tasks.

Unfortunately, the administration bill that the House is going to consider this week fails to recognize why we have made progress. It undercuts the flexibility of the States. It provides for rigid Federal mandates which are good political talking points, but bad public policy. The Bush administration also fails to recognize we are in different times. In 1995 the economy was expanding. We had unprecedented job growth. Now we have high unemployment, and it is sluggish growth. It is essential that the States receive adequate resources to do the job.

The administration shortchanges these reforms at a time when State budgets are in deficit. The administration bill imposes massive new mandates and additional costs on States that cannot be met. The Congressional Budget Office has estimated the new work requirements in the bill will cost the States up to $11 billion over 5 years. Yet this bill contains no new funding.

Governors, State legislators, mayors, welfare directors and poverty experts have all indicated that these mandates cannot be met. Forty-seven out of 47 States surveyed by the National Governor's Association indicated that the bill requires fundamental changes in their welfare programs. Why would an administration which supports States rights craft a bill with so many Federal mandates and so little State flexibility?

Just a word on how we deal with these bills. I would urge the Republican leadership to have a full and open debate on the issue of welfare reform and temporary assistance to needy families. Too many times in recent days we have taken up bills where no amendments are allowed by the minority. Many times no opposition bill is even allowed on the floor, or a motion to recommit. That is not a democratic process. It does not serve this body well. It does not serve the country well.

Mr. Speaker, I would urge the Republican leadership to bring this bill before this body under an open rule, allow full debate, and allow the House to work its will.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, this week we have an important piece of legislation which is coming to the floor, a product of the Committee on Ways and Means, legislation which is entitled H.R. 4626, Encouraging Work and Supporting Marriage Act of 2002. Essentially this legislation does two things: it expands and reforms the work opportunity tax credit, a hiring incentive to give those on welfare an opportunity to go to work.

Yesterday, I stood with President Bush in Chicago at the United Parcel Service facility where he highlighted this very program which has provided opportunities for thousands and thousands of Chicago residents to go from welfare to work; and clearly the Work Opportunity Tax Credit, which was a creation of Ronald Reagan, is one of those provisions which is working as we see our Nation's welfare rolls cut in half and 9 million Americans move from welfare to work.

The other key part of the Encouraging Work and Supporting Marriage Act of 2002 is legislation which much more quickly phases in the marriage tax relief provisions which are part of what we nicknamed the Bush tax cut signed into law last year.

Over the last several years, I have had the opportunity to come to this floor and talk about the unfairness of our complicated Tax Code and how our current Tax Code historically has punished marriage, a very basic institution in our society. In fact, I believe the most important institution in our society is marriage. Unfortunately, up

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

until President Bush's signature signing the Bush tax cut into law, our Tax Code punished marriage.

Let me give an example of what the marriage tax penalty is and was. Under our Tax Code prior to the Bush tax cut, 43 million married working couples paid on average $1,700 more in higher taxes just because they were married. I do not believe that is right; I do not believe that is fair. And I am proud to say that House Republicans made it a priority to work with the President to eliminate the marriage tax penalty.

I would also note what creates the marriage tax penalty is married couples file their taxes jointly. A single person files single and married couples file jointly, which means there is a combined income. If there are two incomes, that pushes the couple into a higher tax bracket and in most cases creates the marriage tax penalty.

I have a couple here from my district I would like to introduce, Jose and Magdalena Castillo from Joliet, Illinois. They are both in the workforce. They have a son, Eduardo, as well as a daughter, Carolina. They paid about $1,200 in higher taxes just because they are married prior to the Bush tax cut.

I think it is wrong. Thanks to the Bush tax cut, Jose and Magdalena Castillo of Joliet, Illinois, saw their marriage tax penalty eliminated. Of course, we are going to have legislation this week which is going to help low- and moderate-income married couples. It will more quickly phase in so married couples in the low- and moderate-income range will see much quicker marriage tax relief.

But I would also note, unfortunately because of the arcane rules of Congress, not of the House but of the other body, that the Bush tax cut was forced to be temporary which means it expires at a certain point; and the 100 million American taxpayers who have seen their taxes lowered, which is everybody who pays income taxes has seen their income taxes lowered, and 3.9 million families with children have been totally removed from the income tax rolls, which means thanks to the Bush tax cut, they no longer pay income taxes, they will see those taxes reimposed unless we make permanent the Bush tax cut.

Now for couples like Jose and Magdalena Castillo of Joliet, Illinois, they are going to see their marriage tax penalty reimposed; and they will be suffering it once again unless we make the Bush tax cut permanent.

I am proud to say that this House under the leadership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the persistence and convictions of the House Republican majority, we have voted in the House to make the Bush tax cut permanent because we do not want to see couples such as Jose and Magdalena Castillo of Joliet, Illinois, have to pay that marriage tax penalty again. It is wrong; it is unfair. And it is wrong that under our Tax Code, married couples paid higher taxes just because they are married.

My hope is before the end of this year that we will be able to obtain bipartisan support in both the House and Senate for adoption of a permanency for the Bush tax cut, for marriage tax penalty relief, for elimination of the death tax, for across-the-board rate reductions, for retirement savings as well as the opportunities to save for college education.

Those are good things; but unfortunately, they are temporary. Unless we make the Bush tax cut permanent, all of those things, marriage tax penalty relief, death tax repeal, retirement savings opportunities by increased contributions to IRAs and 401(k)s, an opportunity to see taxes lowered overall because of rate reductions for everyone, those taxes are going to go back up. Let us make the Bush tax cut permanent. Let us help couples such as Jose and Magdalena Castillo see their marriage tax penalty eliminated permanently. Let us get the Senate and the House to make the Bush tax cut permanent.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 43 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and source of benevolent providence, You know the times and govern the seasons of life; help Your servants who work in the House of Representatives to seize the opportunity of the present moment and give You glory.

As Members assemble today, may they be encouragement to one another. May those who are dealing with illness or the great loss of a loved one be consoled. Assure them, by Your spirit, that You are with them in their every need.

Enable the people of this Nation to seek lasting values that will bind this country together and bring eternal joy to a changing world. In their desire to accomplish Your holy will, make them one in mind and heart, that leadership may be honored and the diverse peoples of this Nation may live in harmony and take sheer delight in Your presence, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. REHBERG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. REHBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

OVERDUE BOOKS AND CHILD PORNOGRAPHY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I read in the paper recently about a woman from Hazelton, Pennsylvania, who was thrown in jail because she had three overdue library books. Theresa Keller's husband used her library card to check out three library books 2 years ago and never returned them. Well, not long afterwards, Mrs. Keller found herself living in a domestic violence shelter. She did not even know about the books. Nevertheless, the judge through her in jail for several days for failing to pay her library fines.

Now, while all of this was happening, the Supreme Court of the United States ruled that virtual child pornography was legal. It seems the Supreme

Court thinks that everyone has a constitutional right to child pornography on the computer. So my question is this: How is it that the American judicial system is throwing women in jail for overdue library books but at the same time telling pornographers that they are free to continue to make child pornography on computers?

Mr. Speaker, something is very wrong here.

CHILD ONLINE PROTECTION ACT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, again I digress from my story of Ludwig Koonz who is in Italy and most anxious to return to the United States of America. I rise to congratulate the Supreme Court on its decision to partially uphold the Child Online Protection Act.

The 1998 law was designed to stop children from gaining access to sexual material on the Internet. As the founder and chair of the Congressional Missing and Exploited Children's Caucus, I am glad to see that the Supreme Court agreed with Congress that community standards protecting children should be applied to the World Wide Web.

We have seen an attack lately on the laws designed to protect children from pornography and exploitation, and we all must work together to make sure that children remain protected. I urge Members to join the gentleman from Florida (Mr. FOLEY) and me in our work to protect innocent children from the business of sex and pornography. Please support the Child Modeling Exploitation Act of 2002, which would ban exploitative child modeling, banning all Web sites that charge fees to view models 16 years of age and under that do not promote products or services beyond the child.

The children in these sites are in contact with the customers through e-mail and in some more extreme cases through actual meetings. They put children in great danger both psychological and physical.

I urge Members to join the gentleman from Florida (Mr. FOLEY) and me and work to end this horrendous practice.

DON VONARX AND KEN WHITTAKER, STARS OF LIFE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last week I had a wonderful opportunity to meet two exceptional emergency technicians from Reno, Nevada: Don Vonarx and Ken Whittaker.

These two Reno EMTs were recently granted the Stars of Life Award which is the highest honor given in their professional field. Don and Ken are tremendous examples of tenacious, compassionate, and remarkable individuals who have shown courage and leadership in their professional commitment.

Whether training hundreds of emergency care providers, deploying lifesaving equipment to those in need, or designing speciality EMT classes for people of every age, these gentlemen have shown extraordinary success in helping to save lives throughout Nevada. Their success is reflected in both their accomplishments and especially in their professional and personal relationships with student and colleagues.

We are truly blessed to have both Don Vonarx and Ken Whittaker working as emergency medical technicians in my home town of Reno, and I am honored to know them both.

HONORING THE SUFFOLK COUNTY POLICE DEPARTMENT

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, I rise today to welcome to Washington and into the people's House the brave men and women of the Suffolk County Police Department who join with us today as part of a national commemoration at the National Police Memorial. And I want to thank them for the heroic and dedicated work they do.

On September 11, my district on Long Island lost over 102 people in the World Trade Center attack. On September 11 we realized that we had heros and heroines in our midst. It should not have taken September 11 for us to understand just how vitally important they are. We should celebrate that every day. And I am glad that the men and women of the Suffolk County Police Department could join us on this day.

TRUTH IN DOMAIN NAMES ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Internet can be a force for good or a force for evil. At its best the Web is used to disseminate information and provide educational materials to children. Teachers and parents often encourage children to turn to the Internet for research on school projects; but certain Web sites, Mr. Speaker, intentionally use misleading names to lead children into exposure to pornography.

Last week I sought to address this problem on the Internet with H.R. 4658, the Truth in Domain Names Act. The bill would punish those who use misleading domain names to attract children to pornographic Internet sites, who can be fined up to $250,000 or face 2 years in prison.

The Good Book tells us that whoever causes one of the least of these little ones to sin ought to have a millstone tied around his neck. While we cannot legislate that retribution, Mr. Speaker, surely we can pass the Truth in Domain Names Act. It penalizes those who would lead children to view this prurient material. I urge my colleagues in this institution to join many of us on both sides of the aisle to support the Truth in Domain Names Act.

ABOLISH NUCLEAR ARMS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, seemingly when the United States and Russia would get together to announce an arms reduction treaty, that would be important news for the world. I think any time the United States and Russia sit down and talk about what can be done to eliminate nuclear weapons is an important moment. However, the announcement by President Bush and Vladimir Putin that they will sign a nuclear pact needs to be scrutinized very carefully.

If you read today's New York Times you see they say that "the proposed treaty sets no pace for dismantling weapons over the next decade, as long as the total number of strategic weapons does not exceed 2,200 in 2012. It permits the United States to stockpile the dismantled weapons in a form that would allow them to be reinstalled on missiles or aboard nuclear armed submarines in case of an ugly turn of events with any major nuclear power. In short, it is an agreement filled with escape clauses."

The only way that we can really protect the world against nuclear arms is to work for complete nuclear abolition. That is something that this administration has taken a path away from. It has taken a path towards deconstructing the nonproliferation treaty towards building new nuclear weapons and towards nuclear proliferation. This treaty that has been described does not do anything to bring the world one step away from the abyss.

DISASTER RELIEF FOR MONTANA

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I rise on behalf of American farmers and ranchers to ask this Congress to support disaster relief assistance this year.

Montana's farmers and ranchers are entering their fifth, and some cases their sixth, straight year of devastating drought conditions. When floods ravage the Southwest or when hurricanes touch down along the coastal regions of the United States, this Congress has acted forcefully and rightly to offer immediate and substantial financial assistance to those families and businesses most in need.

On behalf of producers of food in more than a dozen States suffering from the most severe disaster conditions in more than a generation, I ask this Congress to act with equal diligence to offer immediate assistance before it is finally too late.

HONORING THE NATIONAL GUARD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in May we celebrate National Military Appreciation Month. This month we are reminded to actively honor and support all of our men and women in uniform who voluntarily risk their lives so we may achieve peace through strength.

I would like to give special recognition to America's oldest military branch, the National Guard, which has celebrated 365 years of service. As a son of a World War II veteran, myself a colonel in the South Carolina Army National Guard and with three sons in the military, I have seen the service the Guard provides in defense of America's homeland.

My colleagues are extraordinary people who train year-round and are ready at a moment's notice to leave their families and jobs to defend liberty. In South Carolina we are fortunate to have dedicated leadership with Adjutant General Stan Spears.

Most recently in the war against terrorism, over 50,000 Guardsmen and women have been called to duty. Today's National Guard continues its historic dual mission: protecting life and property within our borders while providing units trained, equipment, and ready to defend the United States and its interests all over the globe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, May 10, 2002:

H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PENCE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 2002.

HON. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 10, 2002 at 2:20 p.m.

That the Senate passed without amendment H.R. 1840.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE HON. JOHN E. BALDACCI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN E. BALDACCI, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Penobscot County Superior Court, State of Maine.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House. Accordingly, I have instructed the Office of General Counsel to move to quash the subpoena.

Sincerely,

JOHN E. BALDACCI,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

NATIONAL WILDLIFE REFUGE SYSTEM MAINTENANCE AND REPAIR ACT

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1370) to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASES, PERMITS, AND CONTRACTS FOR BUILDINGS, FACILITIES, AND PROPERTIES IN THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) IN GENERAL.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is amended by—

(1) striking section 6 (relating to amendments to other laws, which have executed);

(2) redesignating section 5 (16 U.S.C. 668ee) as section 6; and

(3) inserting after section 4 the following:

"SEC. 5. CONCESSION CONTRACTS.

"(a) CONTRACT REQUIREMENT.—(1) The Secretary shall not award any concession that authorizes a person to use any land or water in the System for any activity described in subsection (b), except under a contract that complies with the requirements established under subsection (c).

"(2) The Secretary may not award a contract required under this subsection except under a competitive bidding process.

"(b) COVERED CONCESSION ACTIVITIES.—(1) The activity referred to in subsection (a) is any activity conducted to provide accommodations, facilities, or services to members of the public who are visiting lands or waters in the System, for the purpose of providing such visitors recreational, educational, or interpretive enjoyment of lands or waters in the System.

"(2) Such activity does not include—

"(A) any activity carried out under a procurement contract, grant agreement, or cooperative agreement required under chapter 63 of title 31, United States Code;

"(B) the performance of volunteer services; and

"(C) any activity by a governmental entity.

"(c) STANDARDIZED CONTRACT.—(1) The Secretary, acting through the Director, shall issue regulations that establish a standardized contract for purposes of subsection (a).

"(2) Regulations under this subsection shall authorize a contract to use a provision other than those specified by the regulations only if—

"(A) the provision addresses extenuating circumstances that are specific to a refuge or the contract; and

"(B) the provision is approved by the Director in writing.

"(3) Regulations under this subsection shall require in each contract provisions that require that any activity conducted in the System under the contract—

"(A) must be a compatible use; and

"(B) must be designed to—

"(i) conserve the natural and cultural resources of the System;

"(ii) facilitate the enjoyment of the lands and waters of the System by visitors to the System; and

"(iii) enhance the such visitors' knowledge of the natural resources of the System.

"(d) MAINTENANCE AND REPAIR.—(1) Notwithstanding any other provision of law, the Secretary shall include, in each contract that authorizes a person to use any land or water in the System for any activity described in subsection (b), provisions that—

"(A) authorize the person to maintain or repair any improvement on or in such land or water that the person is authorized to use for such activity; and

“(B) treat costs incurred by the person for such maintenance or repair as consideration otherwise required to be paid to the United States for such use.

“(2) This subsection does not authorize any maintenance or repair that is not directly related to an activity described in subsection (b) that is authorized by the contract.

“(3) The United States shall retain title to all property that is maintained or repaired under this subsection.

“(e) No Compensable Interest.—Nothing in this Act shall be considered to convey to any person any right to compensation for—

“(1) the value of any maintenance activities, repairs, construction, or improvements on or in land or water in the System; or

“(2) buildings, facilities, fixtures, and nonmovable equipment that the person is authorized to use under this Act.

“(f) Expenditure of Fees and Other Payments.—(1) Amounts received by the United States as fees or other payments required under any agreement, lease, permit, or contract for use of real property located in an area in the System shall be available to the Secretary for expenditure in accordance with this subsection, without further appropriation.

“(2) Amounts available for expenditure under this subsection may only be used—

“(A) at the refuge or refuge complex with respect to which the amounts were received as fees or other payments;

“(B) to increase the quality of the visitor experience; and

“(C) for purposes of—

“(i) backlogged repair and maintenance projects (including projects relating to health and safety);

“(ii) interpretation, signage, habitat, or facility enhancement;

“(iii) resource protection and preservation; or

“(iv) administration of agreements, leases, permits, and contracts from which such amounts are derived.

“(3) Paragraph (1) shall not affect the application of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), commonly referred to as the Refuge Revenue Sharing Act, to amounts referred to in paragraph (1) that are not expended by the Secretary under paragraph (1).”.

(b) Application.—Section 5(a) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, shall apply only with respect to a concession that is—

(1) first awarded after the date of the publication of regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section; or

(2) renewed after the end of the 3-year period beginning on the date of the enactment of this Act.

(c) Deadline for Regulations Establishing Standardized Contract Requirements.—The Secretary of the Interior shall issue regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, by not later than 18 months after the date of the enactment of this Act.

(d) Comprehensive Conservation Plan Requirement.—Section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

“(5) The Secretary shall include, in the comprehensive conservation plan for each refuge under this subsection, a description of the activities that may be conducted in the refuge, and the lands, waters, and facilities of the refuge that may be used, under concession contracts awarded under section 5(a).”.

(e) Prior Amendments Not Affected.—Nothing in this section shall be construed to affect any amendment made by section 6 of the National Wildlife Refuge System Administration Act of 1966, as in effect before the enactment of this Act, or any provision of law amended by such section.

(f) Annual Report on National Wildlife Refuge Concessions.—

(1) Reporting requirement.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is further amended by adding at the end the following:

“SEC. 7. ANNUAL REPORT ON CONCESSION ACTIVITIES IN THE SYSTEM.

“(a) In General.—The Secretary shall submit by December 31 each year, to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report on concessions activities conducted in the System.

“(b) Contents.—Each report under this section shall describe the following with respect to the period covered by the report:

“(1) The number of refuge units in which concessions activities were conducted.

“(2) The names and descriptions of services offered in the System by each concessionaire.

“(3) A listing of the different types of legal arrangements under which concessionaires operated in the System, including contracts, memoranda of understanding, permits, letters of agreement, and other arrangements.

“(4) Amounts of fees or other payments received by the United States with respect to such activities from each concessionaire, and the portion of such funds expended for purposes under this Act.

“(5) An accounting of the amount of monies deposited into the fund established by section 401 of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), popularly known as the refuge revenue sharing fund, and of the balance remaining in the fund at the end of the reporting period.

“(6) A listing of all concession contracts and other arrangements that were terminated or not renewed within the reporting period.

“(7) A summary of all improvements in visitor services in the System that were completed by concessionaires and volunteers during the reporting period.

“(8) A summary of all backlogged repair and maintenance, facility enhancement, and resource preservation projects completed by concessionaires and volunteers during the reporting period.”.

(2) Deadline for first report.—The Secretary of the Interior shall submit the first report under the amendment made by paragraph (1) by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. Souder) and the gentlewoman from the Virgin Islands (Mrs. Christensen) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Souder).

Mr. Souder. Mr. Speaker, I yield myself such time as I may consume.

President Theodore Roosevelt fostered a conservation legacy when in 1903 he established the first national wildlife refuge, the Pelican Island National Wildlife Refuge. It was the first time the Federal Government set aside land just for the sake of wildlife. It has now become the National Wildlife Refuge System and includes more than 530 refuges and thousands of waterfowl production areas.

Americans have a passion for their land, and national wildlife refuges embody this unique American tradition of public land protection and stewardship. By visiting and supporting national wildlife refuges, Americans will experience those feelings that God provides us, peace, solitude, comfort, safety and a sense of something greater than ourselves.

National wildlife refuges protect America's last wild places. They are the only Federal public lands where protecting fish and wildlife habitat is the first priority.

National wildlife refuges are America's outdoor classroom. Several million students and adults learn each year about the natural world on national wildlife refuges.

National wildlife refuges are the cornerstone of many local economies. Many refuges are tourist destinations, and that means dollars spent in surrounding communities. It is estimated that visitors to refuges spend over $400 million annually in local economies.

National wildlife refuges help maintain our heritage by providing places for present and future generations to hunt, fish and connect with the outdoors.

America's commitment to the National Wildlife Refuge System makes it the world's leader in wildlife conservation. Next year's Centennial of the National Wildlife Refuge System will celebrate America's tradition of wildlife conservation.

As the author of this bill before us, I am pleased that the House is now poised to establish a new concession policy for our National Wildlife Refuge System. It was during one of our family visits to Sanibel Island to the Ding Darling National Wildlife Refuge that I first learned and discovered that the facilities and equipment used by concessionaires were generally not in as good a condition as they should be, and in some cases in dire shape. Refuge manager Lou Hinds spent many hours with me there and since explaining in detail the problems that we have been facing in our national wildlife refuges.

Under current law, the Fish and Wildlife Service is prohibited from using funds paid by a concessionaire to maintain or repair refuge structures. Furthermore, with a maintenance backlog of over $630 million, property used for a concession operation will never become a priority.

During committee consideration, we learned there are about 20 wildlife refuges that offer various concession services to the visiting public. These services range from canoe rentals, bookstores, nature guides and ferries to remote refuge areas. In almost every case concessionaires are using property owned by the Fish and Wildlife Service that is in poor condition.

In addition, refuge managers have signed a number of creative legal arrangements with concessionaires. These have included contracts, special use permits, leases and cooperative agreements. In some cases, these agreements stipulate the obligations of each party, but regrettably these details are lacking in a majority of those arrangements. This means that decisions can be arbitrary by the refuge manager at times or, in fact, concessionaires could damage essential habitat.

This legislation will solve those problems by establishing for the first time a workable, consistent and defensible refuge concession policy. Under H.R. 1370, the Fish and Wildlife Service will be allowed to credit a concessionaire for any fees they pay in the future. This money will be retained at the local refuge and it can be used to build, maintain and repair structural problems, to restore habitat and to protect refuge resources. The Service will determine if a certain repair is necessary, and they will obtain estimates for any proposed work.

In addition, the bill requires the Director of the Fish and Wildlife Service to establish a standardized concession contract within 18 months of the enactment of this bill. This contract will be used by all new and existing concessionaires in the future.

This provision provides consistency throughout the refuge system, stipulates that contracts are issued under a competitive bidding process and clarifies the financial obligations that an entrepreneur must agree to before undertaking a concession.

Finally, the bill requires an annual report on the number of refuge units with concessions, a description of services offered, an accounting of fees paid by the concessionaires and a summary of all improvements made in both visitor services and structures within the refuge system. This is similar to the concessions policy Congress developed and passed and is now law regarding our National Park System. It is way past time that we do the same for our Fish and Wildlife System.

I believe this legislation will encourage improvements within our refuge system. It will foster the growth of additional concession services, and it will enhance the public's ability to appreciate the natural wonders of our National Wildlife Refuge System.

I want to thank all of my colleagues, especially the subcommittee chairman, the gentleman from Maryland (Mr. GILCHREST), for their hard work on this important legislation, and I urge an aye vote on H.R. 1370.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill that is before the House today is considerably different than the legislation introduced last year. It reflects the hard work of my colleague the gentleman from Indiana (Mr. SOUDER) and the careful consideration of the Committee on Resources, and as presently amended, H.R. 1370 has the potential to enhance the visiting public's experience at our national wildlife refuges. I urge my colleagues to support this legislation.

The National Wildlife Refuge System is presently saddled with a significant $1.3 billion operations and maintenance budget backlog. Concessionaires which operate in the refuges and offer a wide variety of services, such as we have heard, are uniquely affected by this backlog.

Presently, most concessionaires pay annual franchise fees to the National Wildlife Refuge Fund. The U.S. Fish and Wildlife Service, which runs the refuge system and owns the land and facilities, is responsible for maintaining all facilities. However, the Service gives low priority to concessionaire facilities when faced with other competing budget demands within the system. This inferior status leaves concessionaire facilities lacking and discourages concessionaires from using the refuges and providing services to visitors.

This legislation would allow the concessionaires to make necessary maintenance repairs or visitor facility improvements in lieu of cash payments for concession fees and would address simultaneously the budget backlog and improve the quality of visitor facilities.

The scope of this new permissive authority has been limited to maintenance backlog projects and other types of small scale improvement projects that increase the visitor's experience. Also, repairs or improvements would be required to be made at the refuge or refuge complex where the concession operates. I note that this legislation would not authorize the construction of any new facilities.

H.R. 1370 has been further amended to address the presently haphazard administrative process by which the Service permits concessionaires to operate within the refuge system. This legislation would require the Service to develop a new standardized concession contract for all national wildlife refuge concession activities. All concession operations would be required to be enrolled under these new contracts within 3 years.

The Service also will be required to award all contracts through competitive bidding, although the bill would exempt small scale retail operations run by nonprofit volunteer organizations, and to ensure accountability the Service will be required to forward to Congress an annual oversight report on all concession contract activities.

Perhaps most important, the bill has been amended to specify that all title interests to property and facilities and any interest in repairs or improvements made by concessionaires will remain with the Federal Government. Furthermore, H.R. 1370 states explicitly that concessionaires do not acquire any compensable interest in the property and facilities they operate or in any repair or improvement they might make.

In closing, H.R. 1370 will provide additional financial flexibility to address the chronic maintenance backlog hindering visitor services at numerous refuges. This legislation will bring much needed coherence to the administration of concession contracts, enhance the public's enjoyment and appreciation of our National Wildlife Refuge System and prevent the future establishment of concession activities that are incompatible with the refuge system's wildlife first mission.

I want to once again commend our colleague the gentleman from Indiana (Mr. SOUDER) on this legislation. I urge Members to support it and to improve our national wildlife refuges.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 1370, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes.".

A motion to reconsider was laid on the table.

NUTRIA ERADICATION AND MARSHLAND RESTORATION ACT

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4044) to authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria, as amended.

The Clerk read as follows:

H.R. 4044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (Myocastor coypus) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105–322 is to develop new and effective methods for eradication of nutria.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

SEC. 2. NUTRIA ERADICATION PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this section referred to as the "Secretary"), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

(c) ACTIVITIES.—In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled "Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds", dated March 2002.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there is authorized to be appropriated to the Secretary $4,000,000 for the State of Maryland program and $2,000,000 for the State of Louisiana program for each of fiscal years 2003, 2004, 2005, 2006, and 2007.

SEC. 3. REPORT.

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

(1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled "Nutria in Louisiana", and the 2002 document entitled "Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds"; and

(2) develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

The sponsor of this legislation, the gentleman from Maryland (Mr. GILCHREST), the Subcommittee on Fisheries Conservation, Wildlife and Oceans chairman, has been working on this issue for many years. In fact, in 1998 Congress enacted a law he sponsored that created the Maryland Nutria Control Pilot Project, and let me briefly, for those who are not aware, as I was not, this is a nutria. It is basically a South American, somewhat of an overgrown rat, smaller sized groundhog, but it is a nonnative species that is destroying the environment in certain areas of our country.

Since that time, Federal, State and local partners have worked together to develop an effective strategy on how to address the tremendous amount of environmental destruction that is being caused by an increasing population of a semi-aquatic, non-native rodent known as nutria. This partnership has conducted various studies on the rate of wetland destruction, the reproductive capacity of nutria and alternatives to control or eradicate this species from the Blackwater National Wildlife Refuge, the Fishing Bay Wildlife Management Area and Tudor Farms.

The results of the environmental impact studies were shocking. Nutria have no natural predators in Maryland and they have already consumed nearly half of the wetland marshlands at the Blackwater National Wildlife Refuge. The remaining acreage is in serious peril. Unless nutria are stopped, they will continue to destroy wetlands at Blackwater, the other eight wildlife refuges on the Delmarva Peninsula and marshlands throughout the Atlantic Coast. One of the problems we have often in the Fish and Wildlife Service is when the action of humans alter the environment, such as bringing in nonnative species, we often have to intervene to bring back the national environment which would be destroyed.

H.R. 4044 will authorize Public Law 105–322, and it will implement the next step in the process, which is the eradication of nutria and the restoration of wetlands which are vital to the survival of millions of migratory waterfowl, bald and golden eagles and the neotropical songbirds. In their testimony, the U.S. Fish and Wildlife Service stated that: "The Service recognizes the need to continue cooperative efforts to eradicate nutria in the Chesapeake Bay region and will continue its commitment as a key Federal member of the nutria eradication partnership."

At the full committee markup of this legislation, the gentleman from Louisiana (Mr. TAUZIN) successfully offered an amendment to expand the scope of this measure to address nutria in the State of Louisiana. According to the Louisiana Department of Wildlife and Fisheries, these pesky rodents have damaged or destroyed over 100,000 acres of wetlands in their State. Despite extensive efforts and the consumption of thousands of nutria by American alligators, Louisiana's attempt to control their growing nutria population have proven ineffective.

Under the terms of the modified bill, the Secretary of the Interior will undertake steps to control or eradicate nutria in the two States and together with the National Invasive Species Council develop a long-term nutria control and eradication program.

Mr. Speaker, H.R. 4044 is a carefully crafted bill that will help to solve a serious problem facing Maryland's Eastern Shore and Louisiana's marshlands.

□ 1430

Furthermore, it will serve as a model for other States that may face the prospect of having to fight against an invading population of nutria. I urge an "aye" vote on H.R. 4044.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4044, legislation that would authorize financial assistance to the States of Maryland and Louisiana to support efforts to eradicate nutria and restore marshland ecosystems.

There is little doubt that nutria, a large member of the rodent family introduced from South America into the United States in the 1930s, has significantly ruined or destroyed coastal wetland habitats in both Maryland and Louisiana.

The range of distribution of this invasive species continues to expand ominously as it searches out new marsh habitat for forage, shelter, and breeding. The need for direct action to address this environmental threat is real and compelling.

H.R. 4044 builds upon the measured success of a pilot program authorized in 1998 which helped develop new methods and strategies for the eradication of nutria and the Chesapeake and Delaware Bay watersheds.

It is hoped that the management, research, and public outreach activities authorized in this bill will enable wildlife biologists in both Maryland and Louisiana to finally get a handle on controlling the widespread environmental damage caused by this noxious aquatic pest.

I urge Members also to support this important invasive-species legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 4044, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria, and for other purposes.".

A motion to reconsider was laid on the table.

WACO MAMMOTH SITE AREA INTERIOR STUDY ACT

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1925) to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY AND REPORT REGARDING WACO MAMMOTH SITE AREA.

(a) STUDY.—The Secretary of the Interior, in consultation with the State of Texas, the city of Waco, and other appropriate organizations, shall carry out a special resource study regarding the national significance, suitability, and feasibility of designating the Waco Mammoth Site Area located in the city of Waco, Texas, as a unit of the National Park System.

(b) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

(c) SUBMISSION OF STUDY RESULTS.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1925, introduced by my friend and colleague, the gentleman from Texas (Mr. EDWARDS), would direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System.

Located near the confluence of the Brazos and Bosque Rivers, the Mammoth Site has become internationally known, as it contains the remains of the largest known herd of Colombian mammoths, warm weather cousins to the wooly mammoth, dying from the same event. To date, 22 mammoths have been found at the site that date back 28,000 years.

Mr. Speaker, this bill is supported by the majority and minority of the committee. In addition, the bill is supported by the administration, with the ongoing caveat that the maintenance backlog be addressed first.

I would like to add my personal congratulations and interest in this. When I was student body president at Indiana Purdue, Fort Wayne, through the geology club they promoted the nickname "The Mastedons." It was my honor to drive through, over the objection of many, mastedons as the school name, which has stood for over 30 years. They are kind of big cousins to the mammoths.

So I am glad to see we are working to preserve this site so that we can have this for future generations to understand better the natural processes that occurred in this country and the creatures that were here before us. So, Mr. Speaker, I urge my colleagues to support H.R. 1925, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1925, introduced by my good friend and colleague, the gentleman from Texas (Mr. EDWARDS), directs the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site in Waco, Texas, as a unit of the National Park System.

The Waco Mammoth Site is believed to contain the remains of the largest concentration of mammoths killed during a single event. The site is located close to the confluence of the Brazos and Bosque Rivers near the city of Waco, Texas. The discovery of these mammoth remains has received international attention and Baylor University in the City of Waco have been working to protect the site.

In hearings before the Committee on Resources, we received testimony on the unique paleontological resources found on this site. The study called for by H.R. 1925 will examine what role, if any, that the National Park Service can play in the protection and interpretation of these unique resources.

Mr. Speaker, I want to commend my colleague, the gentleman from Texas (Mr. EDWARDS). I support the bill, as amended, and look forward to its passage by the House today.

Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I want to first thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for yielding me this time and for her courtesy and leadership on this legislation. I also want to commend and thank my colleague, the gentleman from Indiana (Mr. SOUDER), for his courtesies, his comments, as well as his leadership and long understanding of the importance of these types of historic sites in our country as a way to educate future generations of young people in America about our history.

Mr. Speaker, H.R. 1925 is called the Waco Mammoth Site Study Bill; and as mentioned, it authorizes the study by the National Park Service to consider including the Waco Mammoth Site as a unit in the National Park System. Since there are numerous different designations in the National Park System, one of the goals of this study would be to determine the best fit for this historic site.

Mr. Speaker, as we have also heard, the Waco Mammoth Site is the largest concentration in the world of prehistoric mammoths dying from the same event. That is what makes this particular site unique and so historically significant. It is located within the city limits of Waco, Texas, my hometown, which also happens to be a suburb of the community of Crawford, Texas, a well-known central Texas community today. It is located at the confluence of the Brazos and Bosque Rivers.

The site was first discovered in 1978; and since 1984, Calvin Smith, director of the Strecker Museum at Baylor University, has been leading the effort to discovering the bones of now, I think there are even up to 24 mammoths so far. We would not be here today had it not been for the vision and dedication of Calvin Smith, and I want to thank him for his role in this legislation.

What makes this site unique, as I mentioned, is the fact that so many, in fact this could be twice the size of any previous mammoth deaths at any one site for any one given cause. What I find absolutely fascinating about it is that in the mud, again considering this was 28,000 years ago, we now have the remains of a 55-year-old bull and a 45-year-old female mammoth as they tried to lift their young calves above the flood that consumed them all. It is my understanding that this is the first known recording in history of parental instincts being shown in a prehistoric setting such as this.

This discovery has received worldwide attention. Experts such as Dr. Gary Haynes at the University of Nevada at Reno have said this site is a valuable and unique treasure that should not be lost. Dr. Haynes states the mammoth site, and I quote, "is a part of America's rich heritage from the far past, when a much more diverse animal community populated the continent."

This site can be valued as a learning tool for school children across Texas and our country, as well as a site for study by professionals. Mr. Speaker, I ask the House to approve this bill, thus bringing an invaluable archeological find one step closer to being part, as I hope, and as it should, a unit of the National Park System.

I thank all of my colleagues for their courtesy, again, their leadership; and finally, Mr. Speaker, if I could just say that nothing ever happens positive in this country or in this Congress without a real team effort, and there were a lot of folks back home as well as here in Washington that worked on this. I want to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, for his support; the gentleman from West Virginia (Mr. RAHALL), the ranking member, for his support; the gentleman from California (Mr. RADANOVICH); the gentleman from Colorado (Mr. HEFLEY); the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN); and the gentleman from Indiana (Mr. SOUDER). Again, we would not be here today without their leadership.

And back home, those who first had this vision and have worked to protect this site for years without Federal help so far, the city of Waco, its leadership, represented by Mayor Linda Etheridge and the Waco City Council and staff; people such as Margaret Mills; my friend Sam Jack McGlassen, now diseased, who originally donated this property to the city of Waco, Baylor University, for its important role in this effort; and people such as Allen Samuels and Mr. and Mrs. Buddy Bostick and so many others, who care about preserving our important history for future generations.

I urge, Mr. Speaker, the House to vote in support of H.R. 1925.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume to conclude by saying that we are looking forward to seeing the continuing development and study by the National Park Service. Our National Park Service is not just great wild places; it is also important cultural and archeological finds, such as Dinosaur National Park, such as Mesa Verde, and other types of archeological finds.

This also proves that Texas not only has the biggest cattle, they at one time had the big mammoths. Even before there were people, they had huge mammoth ranches, apparently.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 1925, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material in the RECORD on the three bills just considered, H.R. 1370, H.R. 1925, and H.R. 4044.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REGIONAL PLANT GENOME AND GENE EXPRESSION RESEARCH ACT

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2051) to provide for the establishment of regional plant genome and gene expression research and development centers, as amended.

The Clerk read as follows:

H.R. 2051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(3) the term "nonprofit organization" means a nonprofit research institute or a nonprofit association with experience and capability in plant biotechnology research as determined by the Director.

SEC. 2. MATCHING FUNDS.

The Director may establish matching fund requirements for grantees to receive grants under this Act.

SEC. 3. PLANT GENOME AND GENE EXPRESSION RESEARCH CENTERS.

(a) IN GENERAL.—The Director shall award grants to consortia of institutions of higher education or nonprofit organizations (or both) to establish regional plant genome and gene expression research centers. Grants shall be awarded under this section on a merit-reviewed, competitive basis. When making awards, the Director shall, to the extent practicable, ensure that the program created by this section examines as many different agricultural environments as possible.

(b) PURPOSE.—The purpose of the centers established pursuant to subsection (a) shall be to conduct research in plant genomics and plant gene expression. A center's activities may include—

(1) basic plant genomics research and genomics applications, including those related to cultivation of crops in extreme environments and to cultivation of crops with reduced reliance on fertilizer;

(2) basic research that will contribute to the development or use of innovative plant-derived products;

(3) basic research on alternative uses for plants and plant materials, including the use of plants as renewable feedstock for alternative energy production and nonpetroleum-based industrial chemicals and precursors; and

(4) basic research and dissemination of information on the ecological and other consequences of genetically engineered plants.

SEC. 4. PARTNERSHIPS FOR PLANT BIOTECHNOLOGY IN THE DEVELOPING WORLD.

(a) IN GENERAL.—(1) The Director shall award grants to institutions of higher education, nonprofit organizations, or consortia of such entities to establish research partnerships for supporting the development of plant biotechnology targeted to the needs of the developing world. The Director, by means of outreach, shall encourage inclusion of Historically Black Colleges or Universities, Hispanic-serving institutions, or tribal colleges or universities in consortia that enter into such partnerships.

(2) In order to be eligible to receive a grant under this section, an institution of higher education or eligible nonprofit organization (or consortium thereof) shall enter into a partnership with one or more research institutions in one or more developing nations and may also include for-profit companies involved in plant biotechnology.

(3) Grants under this section shall be awarded on a merit-reviewed competitive basis.

(b) PURPOSE.—Grants awarded under this section shall be used for support of research in plant biotechnology targeted to the needs of the developing world. Such activities may include—

(1) basic genomic research on crops grown in the developing world;

(2) basic research in plant biotechnology that will advance and expedite the development of improved cultivars, including those that are pest-resistant, produce increased yield, reduce the need for fertilizers, or increase tolerance to stress;

(3) basic research that could lead to the development of technologies to produce pharmaceutical compounds such as vaccines and medications in plants that can be grown in the developing world; and

(4) research on the impact of plant biotechnology on the social, political, economic, and environmental conditions in countries in the developing world.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation $9,000,000 for fiscal year 2002, $13,500,000 for fiscal year

2003, and $13,500,000 for fiscal year 2004 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) will each control 20 minutes.

Mr. KUCINICH. Mr. Speaker, does the gentlewoman from Texas claim time in opposition?

The SPEAKER pro tempore. Does the gentlewoman from Texas oppose the motion?

Ms. EDDIE BERNICE JOHNSON of Texas. No.

The SPEAKER pro tempore. Does the gentleman from Ohio oppose the motion?

Mr. KUCINICH. Mr. Speaker, I am opposed, and I seek to claim the time in opposition.

The SPEAKER pro tempore. Under the rule, the gentleman from Ohio (Mr. KUCINICH) controls the time as a true opponent of the motion.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill now under consideration, H.R. 2051.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) control 10 minutes of the time in favor of the passage of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. SMITH) is recognized.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

This legislation deals with a couple areas of research that the National Science Foundation is now involved in, and I would suggest that not only for the sake of this country but for the sake of the developing world that we move ahead with the kind of research in genetic modification that has the potential of not only reducing the price for farmers but that can help people. It will help people by giving a little additional priority to making sure that the products that are developed have that goal.

□ 1445

Mr. Speaker, as chairman of the Committee on Science Subcommittee on Research, we held a number of hearings on plant genomics, and what I learned led me to issue a report on "Plant Genomic Research to Improve Agriculture, Human Health and the Environment."

This legislation builds on the NSF's success in funding merit-based competitive research by establishing two genomic initiatives at NSF: First, the plant genome plant gene expression research centers; and, two, the suggestion and legislation by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the partnerships for plant biotechnology in the developing world. The bill authorizes $9 million for fiscal year 2002, and $13.5 million for fiscal years 2003 and 2004 to carry out these activities.

What are we going to do with our new technology to make sure that we help people in this country and the rest of the world? And that is what these bills are all about, to make sure we move in that direction.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2051, the Regional Plant Genome and Gene Research Expression Act. H.R. 2051 has been a collaborative effort between me and the chairman of the Subcommittee on Science, the gentleman from Michigan (Mr. SMITH). I also thank the gentleman from New York (Chairman BOEHLERT), and the gentleman from Texas (Mr. HALL), the ranking member, for their leadership in bringing this important piece of legislation to the floor.

This legislation was developed last fall because I believe we are only just beginning to unlock the potential of agricultural biotechnology. We have witnessed some of the benefits genetically improved crops have brought to American farmers, and it is time that farmers around the world are also able to enjoy the benefits of agricultural biotechnology.

H.R. 2051 establishes a competitive, merit-reviewed grant program under the National Science Foundation to award grants to eligible entities to conduct basic research on crops that can be grown in the developing world. The research supported by these grants will help scientists discover innovative solutions to some of the developing world's most intractable problems, such as hunger, malnutrition, and disease.

Last September, the House Subcommittee on Research held a hearing on the two bills that became H.R. 2051 as considered here today. The witnesses testified on the importance of Federal funding for basic research on developing world crops and indicated that this legislation fills an important funding gap in our current research environment. The witnesses also were enthusiastic about the partnership aspect of this legislation because collaborative research projects between the U.S. and developing world scientists will help develop the scientific capacity of developing nations as well as expand partnership opportunities for U.S. scientists.

The potential of basic research on developing world crops is enormous, and scientists have already produced some encouraging results. Many of us are familiar with a newly developed strain of golden rice that was developed by plant scientists to have increased Vitamin A and iron content. Golden rice was developed because Vitamin A deficiency causes more than 1 million childhood deaths each year and is the single most prevalent cause of blindness among children in developing countries. Golden rice is only the beginning of the potential benefits of biotechnology for the developing world. Biotechnology can help develop crop varieties that are resistant to insects, viruses, that can be grown in drought-stricken lands with only minimal amounts of water, that have improved nutritional content, and that vaccinate against life-threatening illnesses.

Dr. Norman Borlaug, a distinguished professor at Texas A&M University, father of the Green Revolution, and recipient of the 1970 Nobel Peace Prize, stated in yesterday's Wall Street Journal that "Africa desperately needs the simple, effective, high-yield farming systems that have made the First World's food supply safe and secure." The technology developed through agricultural biotechnology and encapsulated in a seed is such a system. Biotechnology will not solve all of the developing world's problems, but it does have an important role to play in increasing food security and food self-sufficiency in the developing world.

Improving agriculture in the developing world often ranks low on the list of our Nation's priorities. Yet I can think of few things that are more important to our Nation's security and future prosperity than fostering stable, productive economies throughout the world. Such global stability will not take place as long as hunger, malnutrition, and disease ravage the majority of the world's population. Fortunately, we are at a time and a place where we can take positive steps to improve the lives of people around the world, and I believe H.R. 2051 makes a small, but important, contribution to this struggle.

Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for working with me in a collaborative, bipartisan effort on this bill. I urge Members to vote in favor of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I call the House's attention to a document from the Southern

African Seed-Initiative which states in part with regard to the restoration of sustainable agriculture in the future, "We are appealing to the regional international community and to organization in disaster relief and development assistance to take precautions: 1, to prevent the importation of inappropriate seeds to the southern Africa region which can undermine agrobiodiversity and thus food security for years; and 2, to support efforts to reconstitute locally adapted planning material and quality seed material/varieties, like indigenous landraces or farmers' varieties appropriate to the various ecosystems" this sheet goes on to claim: "Food aid, combined with the importation of often poorly adapted seed varieties, can lower yields and keep them low for years."

This information from the Seed Initiative from Southern Africa is very instructive, and reflects most seriously on the matter at hand because the truth of the matter is that all of us in this House who are very concerned about reducing hunger in the world must be careful not to create a circumstance that in our desire to use technologies that seemingly could reduce hunger, that we inadvertently use technologies which are poorly adapted to seed varieties that can end up actually increasing hunger.

Mr. Speaker, I oppose H.R. 2051, the Regional Plant Genome and Gene Expression Research Act. The bill before us is well-intentioned, but I believe it is based on an erroneous assumption. The legislation assumes that unproven technologies will solve the very serious international problem of world hunger. Technologies like genetically engineered food may have a limited role, but economics and the politics of repressive political regimes remain the significant barrier to a consistent food supply in developing nations.

The development of expensive genetically engineered foods may only exacerbate the situation. There are better alternatives. Agroecological interventions have had significantly more success in helping developing nations feed themselves with higher yields and improved environmental practices, all within reasonable costs for developing countries.

These alternatives do not further enrich the consolidated agricultural industry, but they can provide the poorest of citizens of a nation the opportunity to survive on their own means. Next week I am introducing the Real Solutions to World Hunger Act of 2002, which promotes this type of research that can quickly and effectively save millions of lives. The legislation before us today promotes a technology which is incompatible with the problem.

The cause of world hunger has more to do with inadequate food distribution than food production. The world today produces more food per inhabitant than ever before. Enough food is available now to provide 4.3 pounds for every person each day. That information from Food First/Institute for Food and Development Policy.

The poor nutrition of millions is not due to a shortage in food, but rather to problems of distribution. Why was Ethiopia exporting food during its famine in the 1980s? In an economy that is becoming increasingly market driven, food is sold to the highest bidder. But at a more fundamental level, appalling land distribution policies favoring large landowners leave land idle preventing people from growing their own food. The landless poor are at the mercy of the cash economy to buy food.

This legislation follows the biotechnology industry strategy by employing bait and switch. Almost all genetic alterations are done to make food production and processing easier and more profitable for the manufacturers. A minuscule amount of research is aimed at improved nutrition, although biotechnology companies heavily advertise this tiny amount of research. In general, their crops are being engineered to increase corporate profitability, not to alleviate world hunger.

During the 5-year period 1996 to 2000, herbicide tolerance accounted for 74 percent of genetically engineered plants. Insect resistance for North American insects, not insects in developing countries, accounted for 19 percent of genetically engineered plants, and stacked genes for herbicide tolerance and insect resistance accounted for 7 percent, this according to the International Service for the Acquisition of Agribiotech Applications.

When added up, that leaves no commercialized crops that provide any benefits for the poor and developing nations. I quote from a statement made to the United Nations by delegates from 24 African states in 1998: "We object strongly that the image of the poor and hungry from our countries is being used by giant, multinational corporations to push a technology that is neither safe, environmentally friendly, nor economically beneficial to us. We do not believe that such companies or gene technologies will help our farmers to produce the food that is needed in the 21st century. On the contrary, we think that it will destroy the diversity, the local knowledge, and the sustainable agricultural systems that our farmers have developed for millennia; and it will thus undermine our capacity to feed ourselves."

□ 1500

So here again, the best intentions seemingly to help address and eradicate hunger in developing nations can in fact end up creating conditions that promote more hunger. So if African nations, according to their representatives, do not want it, then who does besides the biotechnology public relations consultants?

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I agree with much of what the gentleman from Ohio says, because that is part of our concern in this bill. What it calls for is more research. More research is going to include not only what it can do for people but also to increase the safety of any resulting product.

The gentleman mentioned that a lot of the private research so far in this area has been to simply increase profits. That is the kind of private research in genomics that have been directed at plant products that can be sold because they increase yield or they reduce the cost for the farmer. If we are going to have the kind of research that helps people, there is no doubt that Federal funding for genomic research is important, that research in areas possibly has no profit potential but that can help alleviate poverty, that can protect the environment, that can improve human health, and that can reduce our overdependence on petroleum products.

Reducing our dependency on petrolium energy is one of the areas that I have been concerned about. We have the potential to enhance the nitrogen-fixing capability of agricultural plants. Right now nitrogen fertilizer uses up approximately 6 percent of the natural gas in this country. If we can enhance the legumes the nodules that are now in the clovers, in the soybeans, in the alfalfas, to fix that nitrogen in the soil much more effectively and efficiently and we have that potential, then we are going to reduce our dependence on energy.

Let me say that the Wall Street Journal yesterday ran an editorial by Norman Borlaug, best known as the Father of the Green Revolution. His work in developing higher yielding varieties of rice and wheat is credited with saving perhaps 1 billion people in China and India from starvation in the 1970s. Borlaug is now devoted to bringing about similar advancements in Africa where starvation remains all too common. What is his solution? His solution is to develop high yield varieties of traditional African crops such as cowpeas, cassava and how can we get there in part through biotechnology which has already shown promise for producing plants that are more tolerant to drought or can grow in soils that are too base or too acidy or too salty that they cannot grow those crops now.

I would hope the gentleman would consider supporting this bill to give us the kind of research to not only ensure the safety that some are concerned about, that he is concerned about and that I am concerned about and that the gentlewoman from Texas (Ms. EDDIE

BERNICE JOHNSON) is concerned about, but to develop the kind of products that can help people, not simply reduce the price to farmers.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Ohio for his comments and would like to respond. I believe he misunderstands this bill. The thrust of this bill is one of basic research at universities. The bill seeks to address the deficiency in basic genomic research on crops that can be grown in the developing world.

More importantly, the bill seeks to create strong partnerships with developing world institutions from the very beginning. In order to be eligible for funds under section 4 of this bill, research institutions are required to partner with their colleagues in developing countries. This partnership will not only help strengthen the scientific capacity of developing countries but will ensure that the basic research that is performed focuses on what developing countries perceive their own needs to be. Additionally, the bill allows for research on the impact of plant biotechnology on the social, political and environmental conditions in countries in the developing world. This provision will allow researchers to investigate many of the claims that my colleague from Ohio raises.

This bill does not force farmers in developing countries to adopt fancy technologies. It does not force the importation of genetically altered foods outside the country. On the contrary, it seeks to encourage the adoption of the very simple technology of a better seed that was developed in conjunction with scientists from the developing world.

All of us here recognize that world hunger is an enormously complex problem with no simple solution. This bill does not pretend to hold the answer. What this bill does is provide the means for scientists in the United States and in developing countries to work together to contribute to the much larger solution to the very serious problem of hunger, malnutrition and disease in the developing world.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself 6 minutes. I want to thank the gentleman from Michigan and the gentlewoman from Texas for their commitment to trying to deal with this problem of world hunger. We have differences of opinion about how we can deal with it effectively.

I would suggest that the research which is called for in part of this bill, Mr. Speaker, has already been done. As a matter of fact, in the AgBioForum, volume 2, number 3 and 4, summer and fall of 1999, pages 155 to 162, an article by Miguel Altieri and Peter Rosset, thoroughly researched article, I might add, that claims over 38 academic sources for their conclusions, states the following in the abstract. It says:

> Advocates of biotechnology affirm that the application of genetic engineering to develop transgenic crops will increase world agricultural productivity, enhance food security, and move agriculture away from a dependence on chemical inputs helping to reduce environmental problems. This paper challenges such assertions by first demystifying the Malthusian view that hunger is due to a gap between food production and human population growth. Second, we expose the fact that current bioengineered crops are not designed to increase yields or for poor small farmers, so that they may not benefit from them. In addition, transgenic crops pose serious environmental risks, continuously underplayed by the biotechnology industry. Finally, it is concluded that there are many other agro-ecological alternatives that can solve the agricultural problems that biotechnology aims at solving, but in a much more socially equitable manner and in a more environmentally harmonious way.

In this article, which is entitled Ten Reasons Why Biotechnology Will Not Ensure Food Security, Protect the Environment and Reduce Poverty in the Developing World, Altieri and Rosset point out, number one, there is no relationship between the prevalence of hunger in a given country and its population. For every densely populated and hungry nation like Bangladesh or Haiti, there is a sparsely populated and hungry nation like Brazil and Indonesia.

The second point they make, number two, most innovations in agricultural biotechnology have been profit-driven rather than need-driven. The real thrust of the genetic engineering industry is not to make Third World agriculture more productive, but rather to generate profits.

Number three, the integration of the seed and chemical industries appears destined to accelerate increases in per acre expenditures for seeds plus chemicals, delivering significantly lower returns to growers.

Number four, recent experimental trials have shown that genetically engineered seeds do not increase the yield of crops. A recent study by the United States Department of Agriculture Economic Research Service shows that in 1998 yields were not significantly different in engineered versus nonengineered crops in 12 of 18 crop/region combinations.

Number five, many scientists claim that the ingestion of genetically engineered food is harmless. Recent evidence, however, shows that there are potential risks of eating such foods as the new proteins produced in such foods could, one, act themselves as allergens or toxins; two, alter the metabolism of the food producing plant or animal, causing it to produce new allergens or toxins; or, three, reduce its nutritional quality or value.

In this article, Ten Reasons Why Biotechnology Will Not Ensure Food Security, Protect the Environment and Reduce Poverty in the Developing World, the authors as their sixth point indicate transgenic plants which produce their own insecticides closely follow the pesticide paradigm, which is itself rapidly failing due to pest resistance to insecticides.

Number seven, the global fight for market share is leading companies to massively deploy transgenic crops around the world, more than 30 million hectares in 1998, without proper advance testing of short- or long-term impacts on human health and ecosystems.

The next point that the authors make, number eight, there are many unanswered ecological questions regarding the impact of transgenic crops.

Number nine, as the private sector has exerted more and more dominance in advancing new biotechnologies, the public sector has had to invest a growing share of its scarce resources in enhancing biotechnological capacities in public institutions.

And, number 10, much of the needed food can be produced by small farmers located throughout the world using agro-ecological technologies. In fact, new world development approaches and low input technologies spearheaded by farmers and nongovernmental organizations around the world are already making a significant contribution to food security at the household, national and regional levels in Africa, Asia and Latin America.

So again, Mr. Speaker, there already is significant research which points out concerns that need to be regarded before such legislation is brought to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Ohio and the gentlewoman from Texas and I, agree on a lot of these issues. The plant genome and gene expression centers will take plant biotechnology research into the next phase, beyond simply mapping and sequencing genes and toward a better understanding of gene expression.

We have got the Aradopsis plant. We have cataloged those genes. We have determined the folding of several of those genes to learn more about what particular genes do. But there is a tremendous void in the information that we need to make sure the new plants are safe.

Let us not argue against having more research. Let us not argue against maybe having government do a little bit of this research instead of leaving it to the private sector that are forced to have some kind of financial rewards for what they do. The centers are going to expand on NSF's current activities in gene research by providing central locations for multidisciplinary interactive approaches to plant biotech research. This will allow researchers to develop the kind of research to allow development of safe and beneficial plant varieties and plant-derived applications.

□ 1515

Specifically in this bill, I would say to the gentleman from Ohio (Mr. KUCINICH), the centers will conduct research in plant genomics related to the development of the kind of information that can lead to new varieties of enhanced crops, including those grown in nontraditional environments and those grown with reduced reliance on chemical fertilizers. These may include research into enhancing the nitrogen-fixing ability of legumes, that I earlier mentioned. The primary input, of course, of nitrogen is natural gas, so we can make ourselves a little more energy dependent while we increase the safety of the environment.

The centers are also going to expand on current biotechnology efforts that have primarily been focused on improving the production and the cost and the quantity. And exactly like the gentleman from Ohio (Mr. KUCINICH) says, we are going to move away from that to the kind of research that is going to give us better information.

I believe we are on the threshold of a new era in food production. Biotechnology will be especially important to poor subsistence farmers across the globe who struggle against the odds to bring in a good crop each year.

To address this problem, H.R. 2051 authorizes a program creating plant biotechnology partnerships for the developing world. This program is based on H.R. 2912, introduced by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). The plant biotechnology partnerships will provide the fundamental research needed to build on the current plant biotechnology base to address specific agricultural problems in the developing world.

Mr. KUCINICH. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it has been stated over and over here that the interest here is in just research. However, we cannot separate the kind of research that will be done here from the logic that is driving biotechnology, because this bill states that for-profit companies can be involved in this research.

Now, I agree with my friend from Michigan that we do not want to just leave it to for-profit companies, but it is in the bill. So I would just say that if we do not want for-profit companies involved, I would certainly be willing to entertain a unanimous consent request to strike that provision from this bill.

In addition to that, the total of this bill is $36 million.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, the language in the bill was not for-profit companies, it is for nonprofit organizations to be involved, so the nonprofits that are interested in something beside profit.

Mr. KUCINICH. Mr. Speaker, reclaiming my time, may I ask the gentleman to make sure that he and I have the same copies of these bills, because often there are reprints and newer iterations. I have here under section 4: "Partnerships for Plant Biotechnology in the Developing World," under number (2), which is line 8. I am going to read it to the gentleman: "In order to be eligible to receive a grant under this section, an institution of higher education or eligible nonprofit organization (or consortium thereof) shall enter into a partnership with one or more developing nations and may also include for-profit companies involved in plant biotechnology."

I will ask the gentleman again, I would certainly entertain the gentleman's willingness to strike that language there so that we can certainly keep the for-profit companies out of this, because, Mr. Speaker, the for-profit companies had a $50 million advertising campaign to try to promote biotechnology, glossing over all the concerns that scientists around the world have, and they get $36 million out of this bill if left to the language of this bill. They could get if that much.

I would be happy to have my good friend respond.

Mr. SMITH of Michigan. If the gentleman will yield further, this is part of the language of the bill of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) originally. It does not give these companies the grant. They still go to the universities to make the decision of whether there is going to be any private involvement. That is one thing we have lacked as we searched for money, is trying to get more money in. But certainly they should not be allowed to dictate the kind of research to be done. I certainly appreciate that.

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to strike the language.

Mr. BARTON of Texas. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the proponent of the motion is the only member that the Chair would recognize to ask unanimous consent to modify the motion.

Mr. KUCINICH. Mr. Speaker, I yield myself one more minute.

Mr. Speaker, inasmuch as my unanimous consent request was objected to, it is very clear that there are Members of this House, certainly not the gentleman from Michigan, but there are members of this House who are looking to give the biotech firms a handout under the guise of helping to feed the poor.

Most genetically engineered food products and almost all research funding for the development of genetically engineered food target developing nation agriculture and consumers. Developing countries cannot afford this technology and therefore are vastly ignored.

If the biotechnology industry believes they could help mitigate hunger concerns, domestic or foreign, then requiring biotechnology companies to make available the necessary resources for this purpose is appropriate.

Mr. SMITH of Michigan. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, my late father was a plant geneticist. He spent his entire career developing cotton plants and cotton seeds that could be used as food. I wish we would have had this research enabled when he was alive so he could have participated through grants at Texas A&M or the University of Texas to forward this very worthwhile research endeavor.

Mr. Speaker, I very strongly support the gentlewoman from Texas and the gentleman from Michigan in their noble endeavor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Ohio just gave all the reasons why this bill should pass. This is a bill on research where it can establish partnerships. The grants can only go to universities and nonprofits. Profit businesses can join the partnership, the consortium, but no money flows in that direction. The paper the gentleman read prior to that last statement is 3 years old. With research, that changes.

This bill only speaks to research and who can be a part of the partnership, of the consortium. It is not public dollars flowing to profit organizations. It is what we will hear more of in the future, public-private-type partnerships. No public dollar flows to a profit organization. The dollars go to the universities, and that is where the research takes place; and it includes persons from the developing countries to be a part of the research.

Mr. Speaker, I would urge passage of this legislation. It is good legislation intended to do a good job.

Mr. KUCINICH. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, my legislation which I will be bringing to this House hopefully sometime soon, called the Real Solutions to World Hunger Act of 2002, offers new initiatives and protections to help developing nations resolve their hunger concerns.

First, to protect developing nations, genetically engineered exports are restricted to those already approved in the U.S. and approved by the importing nation.

Second, creation of an international research fund for sustainable agricultural research.

Third, U.S. prohibition on any intervention in a developing nation's effort to mandatorily license a genetically engineered crop.

Fourth, establishing the Sustainable Agriculture Trust Fund with a small tax on a biotechnology company's profits. This trust fund will fund the activities in this bill.

To understand how this bill before us, the one we are going to be voting on today, will fail to help anyone except for the biotechnology companies, I think we should examine our own Nation, our own farming practices and our domestic hunger challenges.

The United States of America, the wealthiest Nation in the world, grows substantial amounts of genetically engineered foods. Our farmers plant approximately 100 million acres a year in genetically engineered crops. However, in this great wealthy Nation of ours, plenty of families go hungry every day. Approximately 4 million low-income children under the age of 12 experience hunger each year, and an additional 9.6 million children are at risk of hunger.

The proponents of this legislation before us believe that genetically engineered foods will solve world hunger. But I question this rationale when we have so much hunger in our own Nation. This technology has not helped a single hungry family in our Nation. These hungry families need a better economy, better paying jobs, access to child care, and a decent education to solve the economic trap that leads to hunger.

It is clear that hunger is something that we must eradicate, but promoting false solutions to provide great public relations for a troubled industry does a great disservice to those who need our help the most. We all want to help resolve the hunger crisis in other nations, but only the legislation I will introduce soon will begin to deal with the real problems of world hunger.

The SPEAKER pro tempore. The Chair would announce that each Member has 1 minute remaining, with the gentleman from Michigan having the right to close.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one more time let me say that the gentleman from Ohio has made the case for this bill. This bill speaks to research partnerships, including developing-nation participation. There is nothing in this bill that requires any kind of deportation to these developing nations. It provides a way by which they can be part of research that will provide them foods that will probably help with immunizations, extra vitamins, but only after the research is done with the involvement of scientists from the developing countries.

Mr. Speaker, I would urge the passage of the bill. I think that the opponent has misunderstood the bill.

Mr. KUCINICH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the fact is that the agriculture and biotechnology industries are driving the research; and as such, they have ignored a tremendous amount of work that has been done by independent scientists that challenges the rationale of the industry itself.

There are serious issues that need to be addressed, that relate to food security as a fundamental human right. The philosopher and human rights activist of India, Vandana Shiva, has said that globalization of agriculture is violating all components of food-related human rights. She says that everywhere across the world, less food is being produced and less diverse food is being grown and less is reaching the poor and hungry. She quotes Senator McGovern as stating: "Food security in private hands is no food security at all," because corporations are in the business of making money, not feeding people.

Vandana Shiva goes on to say, "The centralized and chemical-intensive production and distribution system, linked with the green revolution model, proved itself to be undemocratic, wasteful and non-sustainable. The imperative now is to shift to a democratic food system based on sustainable production, conservation and equitable access to resources and food security for all."

I would submit, Mr. Speaker, that in this bill, which authorizes certain research, if it is in any way connected, as this bill is, with the ag-biotech industry, there is no possibility that the human rights of people around the world are in any way going to be regarded.

Please defeat the bill.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the tremendous potential of plant genomics is limited only by the creativity of the scientists and this body and Washington allowing them to do the research. This bill will help create the next generation of plants that will provide consumer benefits, for example, plants that can be engineered to produce compounds, such as enzymes used for food processing; food that provides vaccines and antibodies; compounds used to produce biodegradable plastics; renewable energy production.

In conclusion, Mr. Speaker, I would like to thank the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the ranking majority member, the gentleman from Texas (Mr. HALL), for all of their support in bringing this bill to the floor; and of course, I wish to say a special thanks to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of our Subcommittee on Research, for all of her input and help. I think together we have crafted a good bill that will make good programs even better.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2051, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the National Science Foundation to establish regional centers for the purpose of plant genome and gene expression research and development and international research partnerships for the advancement of plant biotechnology in the developing world.".

A motion to reconsider was laid on the table.

□ 1530

RECOGNIZING AMERICAN SOCIETY OF CIVIL ENGINEERS ON ITS 150TH ANNIVERSARY

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 387) recognizing the American Society of Civil Engineers for reaching its 150th Anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America.

The Clerk read as follows:

H. CON. RES. 387

Whereas, founded in 1852, the American Society of Civil Engineers is the Nation's oldest national engineering society;

Whereas civil engineers work to constantly improve buildings, water systems, and other civil engineering works through research, demonstration projects, and the technical codes and standards developed by the American Society of Civil Engineers;

Whereas the American Society of Civil Engineers incorporates educational, scientific, and charitable efforts to advance the science of engineering, improve engineering education, maintain the highest standards of excellence in the practice of civil engineering, and ensure the public health, safety, and welfare;

Whereas the American Society of Civil Engineers represents the profession primarily responsible for the design, construction, and maintenance of the Nation's roads, bridges, airports, railroads, public buildings, mass transit systems, resource recovery systems, water systems, waste disposal and treatment facilities, dams, ports and waterways and other public facilities that are the foundation on which the Nation's economy stands and grows; and

Whereas the Nation's civil engineers, through innovation and the highest professional standards in the practice of civil engineering, protect the public health and safety and ensure the high quality of life enjoyed by the Nation's citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) acknowledges the American Society of Civil Engineers for its 150th Anniversary;

(2) commends the many achievements of the Nation's civil engineers; and

(3) encourages the American Society of Civil Engineers to continue its tradition of excellence in service to the profession of civil engineering and to the public.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 387.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I want to commend our distinguished chairman, the gentleman from New York (Mr. BOEHLERT), and our distinguished ranking member, the gentleman from Texas (Mr. HALL), for their excellent work on this resolution that was reported on a bipartisan basis from the Committee on Science. I also want to thank the gentleman from Kansas (Mr. MOORE), my good friend, for his excellent work and for serving as an original cosponsor with myself on this bill.

Before I get into my prepared remarks, I want to say a special "get well soon" to young Lindsay Taylor, who is 12 years old down in Round Rock, Texas. She is the President of her National Junior Honor Society. She is a budding civil engineer, although I think she wants to go to the University of Texas instead of Texas A&M, where I went to engineering school. She is home sick today and we need all of our young engineers to get well quick, so I hope that she does so very soon.

Our first great civil engineer in this country was the man that we now know as the Father of our country, George Washington. George Washington was a surveyor who made his living in between serving as a military commander in the militia, the British forces before the Revolutionary War, surveying and doing engineering work in what is now Virginia and going west, west from Virginia.

In 1852, we founded what is now called the American Society of Civil Engineers. If we had been alive at that point in time, the first great project that civil engineers would have worked on for this Nation would have been the Transcontinental Railroad. Can we imagine, if people came to the gentleman from Kansas (Mr. MOORE) and myself, or the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) today and said, we want you to build a transcontinental railroad, could we do it? I doubt it. But the civil engineers of that time said, not a problem, and even as the Civil War was going on, they were racing to build what we now call the Transcontinental Railroad, and they hammered in the golden spike in 1869 and bound our great Nation together.

What would we have done if around the turn of the century, President Roosevelt, not Franklin Roosevelt, but Teddy Roosevelt had come and said, I want you to build the Panama Canal to bring together for the first time the Isthmus of Panama, the Atlantic and Pacific Oceans. I do not think many of us could have worked on that project either successfully, but the civil engineers of that era did that. What about during World War II, if President Franklin Roosevelt had come and said, we need to build a great port infrastructure and we need to improve our highways and we need to build great pipelines, could we have done that? I do not think many of us could, but the civil engineers of that time could. What if in the 1950s President Eisenhower had come and said, Congressman Barton, I want you to build an interstate highway system. I do not think many of us could have done that, but the civil engineers of the 1950s did that.

I could go on and on. But as we begin to move into the 21st century, there are still great civil engineering projects to be done, and luckily for us today in the United States, we have over 125,000 members of the American Society for Civil Engineers, registered, professional engineers who have made it their life's work to build a better America.

We tend to think of engineers as kind of nerdy people with pencils behind their ears and slide rules in their pockets. Nothing could be further from the truth. They are people helping people. They are building the projects that bind this great Nation together and, more and more, binding this great world together.

So, Mr. Speaker, I am delighted, along with the gentleman from Kansas (Mr. MOORE), my good friend, to sponsor this resolution honoring the 150th anniversary of the American Society for Professional Engineers, because they have truly helped to build a better America.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas (Mr. BARTON) for his good work on this bill. I also want to join my colleague from Texas in thanking the gentleman from New York (Mr. BOEHLERT), the chairman of the committee, and the gentleman from Texas (Mr. HALL), the ranking member.

I am very, very pleased to be here today with the gentleman from Texas to honor 150 years of service by the American Society of Civil Engineers to their profession, our country, and the world. ASCE is the oldest of engineering societies and clearly one of the best in the whole world.

Civil engineers literally have built America. One hundred and fifty years ago, there were no skyscrapers. There were wooden bridges and no one would have dreamed of spanning the Chesapeake Bay or the San Francisco Bay. Railroads were just beginning. Roads were at most two lanes and perhaps were even built of planks. Manned flights came over 50 years later.

Now, we have an interstate highway system, an intercontinental railroad system, and a network of local and international airports that are the backbone of United States commerce. Small dams have been replaced, Mr. Speaker, with huge ones that provide large volumes of electricity. Human health has been enhanced by improved sanitation with sanitary landfills, waste water treatment facilities, and distribution systems for clean water.

How much of this would have been possible without the American Society of Civil engineers? Well, we cannot know for sure, but they certainly deserve much of the credit. ASCE has encouraged generations of bright Americans to enter the profession. It has helped develop educational standards and continuing education opportunities for civil engineers, and it has established a series of institutes and a research foundation to advance the knowledge base of the profession.

ASCE is the largest publisher of civil engineering information in the world, much of which is at the fingertips of the ASCE membership through its Web site. The American Society of Civil Engineers has even gone international and has formal relationships with professional organizations of civil engineers in almost 50 countries.

The small group of engineers who banded together in 1852 would not recognize today's organization. ASCE now has around 125,000 members, over half of the civil engineers in this country, organized in sections, branches, and student chapters and clubs.

ASCE is not resting on its laurels, though. It is aggressively adding new services for its members. It has ambitious programs for working with the Congress, the government at all levels, and the public at large to place the programs and policies needed to improve our built environment. Priority areas for 2002 include clean water, infrastructure financing, math and science education, natural hazards impact reduction, and smart growth.

I ask my colleagues, Mr. Speaker, to join with me in approving House Concurrent Resolution 387 that congratulates and honors the American Society of Civil Engineers on 150 years of service. This is a spectacular beginning and I will bet we have not seen anything yet.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me say that several years ago the American Society for Civil Engineers made me one of their engineering fellows. It is a distinguished achievement award that they really give to engineers who have made a lifetime in civil engineering and have done outstanding feats. They gave it to me primarily because I am one of the few registered professional engineers in the Congress, but it is one of the high honors that I have received as a Member of the House, and the certificate is on my wall in the entry way to my office, and I am very, very proud of that.

For that and many, many reasons I think this is a resolution that is very worthwhile passing for this body because of the fine work that civil engineers have done for the last 150 years. So I hope that when the time comes to vote, we can pass it with unanimous consent.

Mr. Speaker, I would simply say that this resolution we hope to pass by unanimous consent today and send to the other body and pass it over there so that it actually can be signed by the President and presented to the leadership of the American Society for Civil Engineers sometime this fall when the actual calendar anniversary occurs for the 150th anniversary. It is very, very worth doing, and I hope that we can do it in a very bipartisan fashion.

Mr. BOEHLERT. Mr. Speaker, I want to thank you for the opportunity to join my colleagues in commending the American Society of Civil Engineers (ASCE) for their 150 years of service to our country. I also want to thank the Gentleman from Texas, Mr. BARTON, and the Gentleman from Kansas, Mr. MOORE, for introducing this resolution.

It is difficult to imagine an area of our lives that has not been touched by civil engineers. They ensure that when we turn on the tap, we have clean water to drink. Civil engineers designed the massive transportation systems that make it possible for us to move freely and efficiently across this vast country. Moreover, civil engineers design technologies and practices to help clean up polluted water and to ensure that our natural resources are preserved for future generations.

Americans benefit from the expertise and hard work of engineers everyday, but rarely acknowledge or recognize our debt to them. I am lucky enough, however, to have a different experience with engineers. During my time on the Science Committee and especially as Chairman, I have come to rely on ASCE as a valuable resource. I may not be making headlines here, but we in government do not know everything all the time.

After the tragedy of September 11, we immediately began to look for lessons we could learn from this horrible event. FEMA put together a team, led by ASCE, to investigate the World Trade Center collapse. The team set out to discover exactly why the buildings collapsed, if the buildings could have stood for longer, and if more lives could have been saved. I cannot even begin to fathom the work this team did, but in eight months they delivered an important report to Congress detailing the sequence of events that led to the buildings' collapse. This work will go a long way toward saving lives. Now, we are working closely with ASCE with legislation that will hopefully make their jobs, on further building investigations, easier.

Mr. Speaker, I am very proud of the work that civil engineers do for our country and I am ever grateful for the service that ASCE provides to this Congress and to me personally. I congratulate ASCE on 150 years and I look forward to many more.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 387.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HIGHWAY FUNDING RESTORATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3694) to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century, as amended.

The Clerk read as follows:

H.R. 3694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Funding Restoration Act".

SEC. 2. FEDERAL-AID HIGHWAY PROGRAM OBLIGATION CEILING.

Section 1102 of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 115, 113 Stat. 1753) is amended by adding at the end the following:

"(k) RESTORATION OF OBLIGATION LIMITATION FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, for fiscal year 2003, the obligations for Federal-aid highway and highway safety construction programs that are subject to the obligation limitation set forth in subsection (a)(6)—

"(1) shall be not less than $27,746,000,000; and

"(2) shall be distributed in accordance with this section.".

SEC. 3. RESTORATION OF OBLIGATION CEILING.

Notwithstanding any other provision of law, the adjustment made pursuant to section 1102(h) of the Transportation Equity Act for the 21st Century for fiscal year 2003 shall be deemed to be zero.

SEC. 4. ADJUSTMENTS TO GUARANTEE FUNDING LEVELS.

Notwithstanding any other provision of law, all adjustments made pursuant to section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 to the highway category and to section 8103(a)(5) of the Transportation Equity Act for the 21st Century for fiscal year 2003 shall be deemed to be zero. This section shall apply immediately to all reports issued pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2003, including the discretionary sequestration preview report.

SEC. 5. SENSE OF CONGRESS REGARDING REVENUE ALIGNED BUDGET AUTHORITY.

It is the sense of Congress that the revenue aligned budget authority provision in section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended in the future to more accurately align highway spending with highway revenues while maintaining predictability and stability in highway funding levels.

SEC. 6. AUTHORIZATION FOR HIGHWAY PROJECTS.

Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report 107–308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3694, the Highway Funding Restoration Act. This bipartisan bill has 316 cosponsors in the House of Representatives and the other body companion measure, S. 1917, is cosponsored by 74 Members of that body.

I want to particularly thank the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for his support for the restoration of highway funding. The gentleman from Iowa (Mr. NUSSLE) included in the House budget resolution a provision for the outlay of these funds. I support enforcement of the budget resolution adopted by the House.

Mr. Speaker, I am working with the gentleman from Iowa (Mr. NUSSLE) to address in the future a better method of calculating the Revenue Aligned Budget Authority, which we refer to as RABA. We need to more accurately align highway spending with highway revenues, while maintaining predictability and stability in highway funding levels.

There is a clear and strong consensus that H.R. 3694 is the right approach to restore proposed cuts to Federal-aid highway funding in the fiscal year 2003 budget.

Mr. Speaker, H.R. 3694 restores not less than $4.4 billion to the Federal-aid highway construction programs for fiscal year 2003, and ensures that these funds will be spent according to the formula established by the Transportation Equity Act for the 21st Century, otherwise called TEA-21.

I am pleased that the leadership of the House has agreed to this expedited process. I am confident that the Senate will also take timely action on the bill before the fiscal year 2003 appropriations cycle is well underway.

Mr. Speaker, this bill is vitally necessary for three reasons. First, State Departments of Transportation cannot absorb the proposed cut of $8.5 billion below the level of funding received in the fiscal year of 2002, a 27 percent program reduction.

Second, transportation spending keeps people employed. More than 180,000 family-wage jobs are associated with the $4.4 billion funding restoration in this bill.

Third, cash balances in the Highway Trust Fund, the dedicated revenue source for highway and transit construction, are sufficient to accommodate this funding restoration.

Again, I want to thank the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways and Transit; and the gentleman from Pennsylvania (Mr. BORSKI), the subcommittee ranking member, along with the full membership of the Committee on Transportation and Infrastructure, and all of the other 242 Members of the House urging immediate passage of the bill.

Mr. Speaker, again, I cannot stress enough the importance of this bill. It does restore the funding level where it should be to build our highways so that we can keep the 180,000 people employed and, more than that, increase the infrastructure necessities in this country and keep them on the right track.

Mr. Speaker, I reserve the balance of my time.

□ 1545

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Highways and Transit.

Mr. BORSKI. Mr. Speaker, let me first thank the distinguished ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for his hard work in this measure. I also want to commend our chairman, the gentleman from Alaska (Mr. YOUNG), and our subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), for this excellent piece of legislation; and I rise in strong support of H.R. 3694, the Highway Funding Restoration Act.

Mr. Speaker, one of the most important measures this House has passed in recent times was TEA 21, and in TEA 21 we were able to increase the amount of spending for our highways by over 40 percent and for transit by over 46 percent. We did that because, A, we worked together. This is the best committee in the whole House in my view for working in a bipartisan manner for the good of this country. We did that by capturing all the gasoline taxes that were sent out by the people of this country to Washington to use for transportation for its intended purpose. We had firewalls erected to protect that spending, and we came up with the revenue aligned budget authority, better known as RABA.

This process is important to make sure and to ensure that all incoming gas tax receipts are applied to transportation infrastructure spending, a core principle that members of the Committee on Transportation and Infrastructure strongly support. Based on RABA calculations for the fiscal year 2003, the President's fiscal year 2003 budget proposes to cut funding for the Federal aid highway program by $8.6 billion or 27 percent. A cut of this magnitude would be absolutely devastating to State and local transportation programs.

The administration claims that TEA 21 required these cuts; and, Mr. Speaker, that simply is not true. TEA 21's guaranteed highway investment level as reflected in the President's budget is a floor, not a ceiling. The administration could have and should have requested more.

The committee bill proposes to increase fiscal year 2003 funding by at least $4.4 billion to $27.7 billion, the level authorized in TEA 21. This bill accomplishes the following: it protects 180,000 family wage construction jobs; promotes economic recovery through the proven infusion of funds and of proven infrastructure programs; and helps compensate for the drastic and disruptive swing in highway funding in fiscal year 2003. Moreover, the additional funds are completely paid for with funds already in the highway trust funds. The fund has an $18 to $20 billion balance that can easily accommodate this and can only be used for highway and transit programs.

In addition, and as important to providing increased funding for fiscal year 2003, the bill provides a higher budget baseline for which to measure next year's reauthorization bill. A higher baseline will improve our ability to increase highway spending in the bill reauthorizing TEA 21.

Mr. Speaker, the committee bill has strong bipartisan support in the House with 317 members co-sponsoring the introduced bill. I urge my colleagues to vote for this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I rise in support of the bill before us, H.R. 3694, the Highway Funding Restoration Act. It is a bipartisan bill as we have heard, and I look forward to its passage this afternoon.

We are moving this bill today as part of an agreement with the leadership in the Committee on Appropriations to ensure proper levels of highway spending under the budget firewalls in the coming year.

The supplemental appropriations bill that will soon be considered by the House will also include language addressing the guaranteed levels of spending as agreed to by the two committees. By declaring the revenue aligned budget authority, which is in the committee known as RABA, calculation for budget year 2003 to be zero, H.R. 3694 restores not less than $4.4 billion for the Federal aid highway program. This is consistent with funding levels that were contemplated when TEA 21 was passed back in 1998, and it ensures that the funding will be spent according to the rules set forth in the Transportation Equity Act for the 21st century, TEA 21.

With 317 co-sponsors in the House and 74 of the companion bill in the Senate, H.R. 3694 has strong bipartisan support. The administration's 2003 budget proposal cut funding for the highway program by 27 percent. State highway programs cannot absorb a cut of this significance, nor can the economy of our country. The potential employment loss created by a cut of this magnitude could be as high as 180,000 family-wage jobs. As the economy climbs out of this short recession, the loss of this many jobs is unacceptable. And it is important to note that the highway trust fund with a cash balance of $20 billion can sustain this spending.

The trust fund is comprised of dedicated revenues paid by highway users that can only be used for highway and transit projects.

Finally, as part of the agreement between the two committees, we have agreed to include technical changes requested by the Committee on Appropriations regarding project funding. Certain projects from the budget year 2002 Transportation Appropriations Act have been found by the Department of Transportation to be ineligible for funding under Federal aid highway guidelines.

As Members may know, I was one who was very concerned by the actions of the Committee on Appropriations last year and trusts that we will not see a repeat this year. But in the spirit of the agreement and securing the additional needed funds, a provision making those projects eligible is included here today.

Mr. Speaker, restoring the highway funds under the firewall is supported by our Nation's governors, our mayors, industry and labor interests alike. I join with our chairman, the gentleman from Alaska (Mr. YOUNG), full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the Subcommittee on Highways and Transit committee ranking member, the gentleman from Pennsylvania (Mr. BORSKI), and the more than 300 cosponsors and supporting H.R. 3694, and I urge its immediate passage.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the distinguished ranking Member for yielding me time. I thank the gentleman and the gentleman from Alaska (Mr. YOUNG), as well as our subcommittee chair and ranking members, for working so well and so closely together to bring this bill to the floor today.

One thing we have enough money for in this time of war-time priorities, this time of recession is to continue to build our roads and bridges. Thank goodness for the trust fund. Have trust in the trust fund. It would be absurd to let the technicality of a flawed formula keep us from doing what we always do in times of recession: we build and we make jobs.

We are told, of course, that we are coming out of a recession. Well, I want someone to tell that to the 8.6 million Americans who are jobless. I want you to look at our unemployment rates: February, 5.5 percent; March, 5.7 percent; April, 6 percent. Surely Congress can do more with rising unemployment than make it worse.

We have heard about stimulus all last year. This is the stimulus bill. That is what this bill is, and it would destimulate the economy if we were to pull it. Remember, we are not restoring what we had hoped to achieve, but only what we guaranteed to achieve.

Mr. Speaker, I include in the RECORD the job loss by State if there were an $8.6 billion cut in the Highway trust fund, Mr. Speaker.

TABLE 2.—FY 2003 FEDERAL HIGHWAY FUNDS AND EMPLOYMENT LOSS RESULTING FROM $8.6 BILLION HIGHWAY INVESTMENT CUT[1]

State	FY 2002 highway program funds[2]	Est. FY 2003 program funds[2]	FY 2003 highway funds lost[2]	Employment loss[3]
Alabama	$561,369,840	$421,025,208	−$140,344,632	−5,894
Alaska	314,796,052	246,539,742	−68,256,310	−2,867
Arizona	486,224,631	365,140,719	−121,083,912	−5,086
Arkansas	362,652,003	275,455,607	−87,196,396	−3,662
California	2,517,465,102	1,899,291,678	−18,173,424	−25,963
Colorado	353,164,878	265,780,999	−87,383,879	−3,670
Connecticut	408,920,297	313,495,052	−95,425,245	−4,008
Delaware	119,922,416	91,097,545	−28,824,871	−1,211
Dist. of Col.	110,273,846	81,398,200	−28,875,646	−1,213
Florida	1,289,548,451	974,165,577	−315,382,874	−13,246
Georgia	988,693,630	745,903,153	−242,790,477	−10,197
Hawaii	142,271,252	106,770,543	−35,500,709	−1,491
Idaho	211,278,292	160,135,462	−51,142,830	−2,148
Illinois	933,065,783	697,096,259	−235,969,524	−9,911
Indiana	638,900,893	486,743,971	−152,156,922	−6,391
Iowa	329,542,978	247,574,819	−81,968,159	−3,443
Kansas	324,857,477	241,313,125	−83,544,352	−3,509
Kentucky	483,920,664	362,099,979	−121,820,685	−5,116
Louisiana	433,579,090	330,471,089	−103,108,001	−4,331
Maine	147,088,238	109,890,629	−37,197,609	−1,562
Maryland	446,350,792	339,318,294	−107,032,498	−4,495
Massachusetts	514,207,475	387,835,987	−126,371,488	−5,308
Michigan	894,938,840	673,029,684	−221,909,156	−9,320
Minnesota	408,448,438	309,125,401	−99,323,037	−4,172
Mississippi	355,307,069	268,482,622	−86,824,447	−3,647
Missouri	646,930,635	488,228,184	−158,702,451	−6,666
Montana	266,187,164	204,791,716	−61,395,448	−2,579
Nebraska	216,342,091	159,818,713	−56,523,378	−2,374
Nevada	199,134,908	149,455,313	−49,679,595	−2,087
New Hampshire	140,217,067	107,247,956	−32,969,111	−1,385
New Jersey	724,639,854	541,582,536	−183,057,318	−7,688
New Mexico	268,593,028	203,825,094	−64,767,934	−2,720
New York	1,410,507,671	1,064,982,917	−345,524,754	−14,512
North Carolina	776,521,747	584,307,329	−192,214,418	−8,073
North Dakota	179,364,937	134,932,708	−44,432,229	−1,866
Ohio	959,669,321	725,512,146	−234,157,175	−9,835
Oklahoma	428,337,012	318,248,522	−110,088,490	−4,624
Oregon	337,801,111	255,489,120	−82,311,991	−3,457
Pennsylvania	1,391,790,146	1,045,698,054	−346,092,092	−14,536
Rhode Island	164,112,784	123,469,448	−40,643,336	−1,707
South Carolina	461,162,748	350,138,781	−111,023,967	−4,663
South Dakota	198,817,128	150,819,598	−47,997,530	−2,016
Tennessee	624,496,977	476,815,649	−147,681,328	−6,203
Texas	2,146,259,084	1,614,117,018	−532,143,066	−22,350
Utah	216,504,854	161,358,980	−55,145,874	−2,316
Vermont	124,155,175	94,175,207	−29,979,968	−1,259
Virginia	710,248,118	544,143,511	−166,104,607	−6,976
Washington	493,771,495	368,381,629	−125,389,866	−5,266
West Virginia	308,059,534	234,857,433	−73,202,101	−3,074
Wisconsin	545,548,760	410,919,572	−134,629,188	−5,654
Wyoming	188,997,682	143,820,077	−45,177,605	−1,897
State Total	27,904,959,458	21,056,318,555	−6,848,640,903	−287,643
Allocated programs	3,894,144,542	2,148,468,445	−1,745,676,097	−73,318
Grand Total	31,799,104,000	23,204,787,000	−8,594,317,000	−360,961

[1] Includes $80 million reduction due to proposed transfer to Federal Motor Carrier Safety Administration.

[2] Source: FHWA 2/4/02 Comparison of Estimated FY 2003 Distribution of Obligation Limitation and . . . President's Budget.

[3] Employment loss is spread of 7 years, with most loss occurring in 2003 and 2004.

Current Balance in Highway Account of the Highway Trust Fund: $18,855,632,135.

Mr. Speaker, I indicate that we are not putting the whole thing back. It is 4.4 billion because that is all they had a right to expect. They did not have the right to expect that we would exceed it. They had a right to expect what we guaranteed them when we passed TEA-21. But if we did what the administration wanted, it would be a grand total of 360,961 jobs lost. Nobody wants to do that in this Congress.

Interrupting highway construction would have a particularly chaotic effect on States which are having to cut every other program. They now have to cannibalize some highway projects in order to finish others. It would exacerbate the budget cutting already going on in every State of the Union; and, worse, it would reduce the baseline next year when we reauthorize the surface transportation bill. In other words, we would hurt the past because we are trying to catch up. We would hurt the present and we would hurt the future.

We are getting somewhere in infrastructure. I can remember just a few years ago we were sliding back so badly that we wondered if we would ever catch up. We are catching up. This is no time to turn around and go down the road to deeper unemployment and to infrastructure damage. Thanks for all involved to help us keep moving ahead.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to address one thing that has been brought up by the previous speakers. I do believe this is, in fact, a stimulus package. It is not as large as we would like to have it. There has also been mention, though, about the President's budget cut, and I will have to say that is true; but I also say I have been under seven Presidents since I have been in this body, probably one more than my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Under our Constitution the President, regardless of what party, has the responsibility to submit a budget. And as I tell every constituent that comes into our office, that is his responsibility. But it is our responsibility as a House of the people to write the budget. We write the budget. We raise the money for it from the people, and we designate how it shall be spent. That is our role. I am extremely pleased that 317 Members of this Congress decided in this case that it was more important to, in fact, restore the guaranteed money for the construction of highways and bridges and improving our highway system than we were to take the recommendation of another branch of this great government of ours. But I never hold it against any one of the Presidents for that responsibility of submitting the budget.

It makes us do our work a little bit more efficiently and a little bit better. As I mentioned in my opening statement, a whole lot of other people, including the gentleman from Iowa (Mr. NUSSLE), has recognized the importance of the construction of a highway system within this great Nation of ours. We have just begun. We have rail to improve. We have, again, air to improve. We have shipping ports to improve. And the responsibility of the committee, which is totally bipartisan, the responsibility of that committee is to make sure that the people of America recognize the importance of a modern transportation system being put in place for the future. And I would just like to say this is one tiny infant step in the right direction.

We must continue that as we reauthorize TEA–21, as we go forth with new rail legislation, as we go forth with other legislation packages and that we will do.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds to say I concur with my distinguished chairman.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I too rise to support H.R. 3694 and to thank the chairman and the full committee ranking member and the subcommittee chairman and ranking member for their leadership to put forward the Highway Funding Restoration Act.

I am proud to be a co-sponsor of this legislation and am proud of the bipartisan way the Committee on Transportation and Infrastructure has worked together to bring this bill to the floor.

This bill will restore $373 million for highway projects in California and allow projects we desperately need to move forward, including adding carpool lanes to I–680/80, widening Highway 4, and developing the Oakland Airport interconnector.

This does not replace all the money President Bush cut from California's transportation budget, but it is a good first step. It also translates to saving more than 15,000 good-paying jobs across our State. Commuters in the Bay Area face some of the worst congestion in the country, and we are also facing a sluggish economy.

Now is not the time to be cutting Federal funding for highway projects. This bill will fund California's section of the highway account at $2.3 billion for the next year. While this amount was authorized in TEA–21 for the next year, it is not sufficient to meet California's needs. I will continue to push for more money to be used from the trust fund which has $18 billion in cash just sitting in it.

In addition to restoring money, this bill reasserts the integrity of the budget firewalls in TEA–21 and the realigned budget authority mechanism called RABA. These provisions will ensure that local communities can plan transportation projects knowing that the Federal Government will be a predictable partner throughout the life of a project.

Every community in America depends on transportation to keep its people and local economy moving. I urge my colleagues to support this bill and keep America's transportation improvements on track.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in anticipation of yielding to the next gentleman, I will yield to the gentleman from West Virginia (Mr. RAHALL), but I just wanted to point out that the gentleman was the ranking member on the Subcommittee on Highways and Transit in the last Congress when we authorized TEA–21. I want to acknowledge the superb role the gentleman played in the crafting of that legislation and the many hours of personal endeavor he gave to the crafting of what became known as TEA–21, and his solid grasp of the issues that we fought over in this body and in the conference.

Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

□ 1600

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) and our ranking member on the full Committee on Transportation and Infrastructure for yielding me the time and for his very kind words. I also join in commending the gentleman from Alaska (Mr. YOUNG), the chairman, for his leadership; the gentleman from Minnesota (Mr. OBERSTAR), ranking member; the gentleman from Pennsylvania (Mr. BORSKI), the ranking subcommittee member; and the gentleman from Wisconsin (Mr. PETRI), the ranking subcommittee chairman, for their leadership, not only in bringing this legislation to the floor but for last year's invaluable leadership, the last time we did TEA–21, for their leadership in that regard as well.

Mr. Speaker, I am very pleased that H.R. 3694, the Highway Funding Restoration Act, does have broad bipartisan support. It will restore, as we have heard, at least $4.4 billion to the Federal aid to highway program from the amount the administration had requested. These brutal cuts would have sucked the life out of our highway program in southern West Virginia.

Keeping our new highway construction and existing road improvements on track is our number one need at this moment. This vital work saves lives and brings new jobs, especially in the southern part of West Virginia, as we are once again experiencing the devastating effects of floods that have ravaged through our area in the last couple of weeks.

We have $18 billion sitting in the Highway Trust Fund. If anything, we need to pour more of it into building the roads our people desperately need, not less. Today, we will set a funding level of $21.7 billion for fiscal year 2003. This will help to ensure that each of the 50 States gets the highway funding they need so they will not have to resort to postponing or canceling highway projects.

In West Virginia, we are working on many highway projects to enable our citizens to participate in interstate commerce and to open up West Virginia to new business opportunities, including the Coalfields Expressway, the King Coal Highway and upgrading the safety of Route 10.

The West Virginia DOT cannot afford to lose Federal funds necessary to plan, build and maintain these roads. I know the DOTs in the other 49 States will say the same thing about their highway projects. That is why we have such broad support for this legislation, not only from Members of Congress, but from State governments, highway groups and others around the country.

When we wrote TEA–21, we guaranteed a minimum level of spending in the Federal aid to highway program. H.R. 3694 will ensure that the budgetary firewalls are protected. In addition, this bill restores the obligation limits for fiscal year 2003 so Federal highway spending will not be less than $27.7 billion.

In West Virginia, we have been working to build jobs through transportation. We also have a strong transportation research center at the Rahall Appalachian Transportation Institute at Marshall University in Huntington, West Virginia, which is one of the University Transportation Centers we established in TEA–21.

The bill we will pass today will restore $4.4 billion to the Federal aid highway program. It will protect 180,000 family wage construction jobs. In West Virginia, we will see $45.9 million restored and 3,074 jobs protected.

We have 317 bipartisan cosponsors of this legislation because of the tremendous leadership of Chairman YOUNG and Ranking Member OBERSTAR and because each Member realizes how vital a guaranteed highway funding level is to their respective States in order to secure constituents' jobs in the highway construction industry and to promote a healthy economy.

Again, I ask for enactment of this legislation and commend the leadership on both sides of the House.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 minutes.

The role of a chairman, Mr. Speaker, is to lead and our chairman of the Committee on Transportation and Infrastructure on this legislation and on many others has led. As soon as we got word of the budget language and the prospective cut, without waiting to see the actual document, the chairman sprang into action. We joined forces, as we do on this committee and as we are known almost legendarily in the House, on a bipartisan basis, to rectify the wrong.

The chairman was quite right in pointing out that, I choose to say, with all the Presidents with whom we have served, not under. We are a coequal branch. This is not new. Cutting highway funds started with President Lyndon Johnson in 1968 on the recommendation of the same gang that did one, the then Bureau of the Budget, that said we need to cut funds in order to dampen inflation, build up a bit of a surplus to offset the burgeoning surplus at the beginning of the Vietnam War, and as the chairman observed, it is an old dictum that the President proposes but the Congress disposes.

As astute and an early observer as Edmund Burke, the noted British historian, political science writer, a century ago observed that a presidential budget in the hands of a strong Speaker is worth little more than the paper on which the words are written. Well, we intend to do what Burke observed, to assure that those are just simply numbers on paper and that the intent of TEA–21 is carried out.

It will restore $4.4 billion of the President's 27 percent cut in the Federal aid highway program. Important for a number of reasons, as other speakers have noted, this cut itself will, or this restoration will affect 180,000 jobs, but the original budget cut proposed would affect 360,000 jobs over the next 5 years. Worse, it will result in a budget surplus in the Highway Trust Fund of $34 billion and extend it out over a decade. It will reach a nearly $80 billion surplus in the Highway Trust Fund.

By way of comparison when we started with TEA–21 in January of 1998, there was a $29 billion surplus in the Highway Trust Fund. We would be going backward. In fact, if we do not make this restoration the last year of funding for TEA–21 will be less than the first year of TEA–21. That is not the direction in which the American people want this country to move or expect this committee to move in.

We do not establish a ceiling for the highway program. The bill says highway funding should be at least $27.7 billion. That is the minimum, and as the process goes forward, I hope we will be able to restore even more than that as we get into the final process of the budget and the supplemental appropriations bill with the other body.

The Highway Trust Fund now can support $30 billion in outlays. By the end of this process, I hope we will have achieved an outcome that expends every last penny of that Highway Trust Fund. We did not just do this as an accident when we crafted TEA–21. That was a hard fought bill here on this floor till 2:30 in the morning on the budget process in 1997, and then all the way through the committee and into 1998, and we had an overwhelming vote, and then we went to conference and we had a 2-month conference with the United States Senate. Every piece of that legislation was fought through.

The other body did not want to have a guaranteed account. The other body did not want to have the levels of authorization that we set forth in what became TEA–21, and this committee, standing for this body, fought for the guaranteed account and for the revenue adjusted budget authority, and we got it in there. We cannot let a presidential or OMB dictum take it away from us and from the people of this country.

The extraordinary history of TEA–21 has been that in the 42 years of the interstate highway program we invested $114 billion of Federal funds to build the 44,000-mile interstate highway system. In 4½ years of TEA–21, we invested $114 billion. We did in 4½ years what it took 42 years of the interstate highway program, and in the process we created 1½ million new jobs, the good jobs, the jobs that buy the homes and buy the cars and buy the household appliances and put the kids through school, jobs that have sustained the economic expansion of the last 7 years, until it hit the body with that recession that we are trying to creep out of.

The Highway Trust Fund is a dedicated account. It cannot be used for any other purpose. It can only be used for highway and transit funding. It can support more funding, and when we crafted TEA–21, we knew that the year-by-year levels that we authorized would be less than what could be spent. So we provided an additional $15 billion of authorizations over and above the amount specified year by year.

There is enough in the Highway Trust Fund now. There is a surplus of roughly $20 billion, and let us acknowledge that maybe 6 or $7 billion of that is already spoken for by forward funding of the States, but there is enough in there to support the level of funding that we authorized for this coming fiscal year for TEA–21, and we ought to do it. We ought to do it because, if for no other reason, the cost of congestion, the congestion tax in just 68 major metropolitan areas of the United States was $78 billion last year as verified by the Texas Transportation Institute in its report on congestion.

This is a bargain, $8.6 billion restored or $4.4 billion that we are trying to do in this bill. That is a bargain to help buy down the cost of congestion.

A key element of this bill is a sense of Congress that we will work together in a reauthorization to ensure that the revenue alignment mechanism of RABA is fine-tuned to more accurately align highway fund spending with highway revenues so as to have greater predictability and stability in highway funding.

I understand also that our Chairman, the gentleman from Alaska, has reached an agreement with the chairman of the Committee on Appropriations to attach the language of this bill to the supplemental appropriations bill instead of language that would have declared that the RABA mechanism shall have no force or effect. Now that is very serious language that would have had a very, very bad effect, and I think striking that language and supplanting our bill is a good agreement.

That agreement also has a dark side, and the dark side is that we also have to agree to authorize projects that were earmarked in the Transportation Appropriations Act this fiscal year that are ineligible for funding. I do not want to debate the merits of those particular projects, but I just want to focus on process.

This is an example of legislative process that is spinning out of control. In the last several years we have moved away from deliberative consideration of legislation, including transportation appropriations bills.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired. The gentleman from Alaska (Mr. YOUNG) has 12 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for his generosity.

Two-thirds of the Members of this body did not serve in this body in prior years when there were different rules that now are routinely waived. We had transportation appropriations conference reports submitted to us at 7 a.m. on the day the bill is to be considered 2 hours later, no time for the staff of the majority or the minority to evaluate what is in those bills. Members were lucky if they saw a copy, let alone have an idea of what was in it.

Similarly, the other body no longer passes appropriation bills with numbered amendments, so that when they come over here from conference there is no opportunity to stand up and challenge a particular numbered amendment in an appropriation bill.

In 1993, Chairman Natcher of the Committee on Appropriations brought the transportation appropriation conference report with 63 amendments in disagreement. We could challenge each one of those. We no longer can do that.

☐ 1615

We no longer even have the time to consider in appropriate fashion what has been sent from the other body, whether in a conference report or otherwise.

Now we ought to know before we vote what we are voting on. We should know that bills that earmark interstate highway funds for projects that are not on the interstate are pending before us; we ought to know that the bill before us commits public lands funds for projects that do not involve Federal lands; that scenic byway funds are for a project that is not on a scenic byway; that bridge replacement funds are dedicated to a project that does not replace a bridge.

We are in the position in this committee of voting without having an opportunity to know what we are voting on and, therefore, to object to what we are voting on. We need to restore the deliberative process to this body's consideration of appropriation bills.

I know that I speak for myself, I know I speak for the Members on the Democratic side, and I know that I express the frustration that the chairman and members of our committee on the majority side have as well. Let us restore a deliberative process so that we can do the public's business in a fair and effective way.

Mr. Speaker, I thank the distinguished chairman for yielding this time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the statements of my good friend, the gentleman from Minnesota (Mr. OBERSTAR), are absolutely true. I am hoping we can convince the leadership on this side of the aisle, and, of course, the leadership on that side of the aisle, that what is sent to us from the other body in the waning hours of any session has been done inappropriately and that we have to have the time to make sure we are actually following the proper procedure and that we do not rush to leave this body and leave, very frankly, some things done inappropriately, as were done last year in October, because we do have to rectify that now.

I have let it be known to Members that went back to their districts and made statements of what they had achieved, and they had not achieved that, that I understand their dilemma. So this is a one-shot deal for them, and I hope everybody watching this in their office who are on that list makes sure they understand this is the only time they are going to get a chance to get projects agreed to, as it goes through our committee, or at least in consultation with the chairman and myself, and of course the ranking member. Because that is the appropriate way to do it.

The other body, the only way we can control that body is to reject what they send to us, and that takes a great deal of courage. I am hoping we have the courage to say no, not until we take the time to do what is right legislatively, with a great deal of deliberation, and the ability to do the job that we have been elected to do. This has been going on now for about 4 or 5 years, and I think it is time the House stands up and says no, this is not going to happen, you are not going to send us a great big bill, bigger than that room itself, and not know what is in it.

My staff and myself have spent time, primarily my staff, and I will admit that, just researching what was done last year to find out what projects were put in that were not authorized and, very frankly, took monies from projects that were authorized; and we do not think that is the correct way to go.

Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for not only yielding me this time, but for his leadership on this issue, and I also commend the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

I just simply rise in support of this bill, H.R. 3694, because this bill, the Highway Funding Restoration Act, is going to restore no less than $66.5 million in highway funding in my State of Maryland, and that is going to represent 2,725 jobs. So I urge passage of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I insert for the RECORD an exchange of letters between the gentleman from Iowa (Mr. NUSSLE), Chairman of the Committee on the Budget, which I referred to earlier.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 2, 2002.

Hon. JIM NUSSLE,
Chairman, Committee on Budget, Cannon Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 2, 2002, regarding H.R. 3694, the Highway Funding Restoration Act and for your willingness to waive consideration of provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 3694 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 3694 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the committee report on the legislation as well the Congressional Record during consideration on the House Floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 2, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. YOUNG: On May 1, 2002 the Committee on Transportation and Infrastructure ordered reported H.R. 3694, the Highway Funding Restoration Act. At introduction, H.R. 3694 was referred solely to the Committee on Transportation and Infrastructure. In committee, however, an amendment was adopted that added three new sections to the bill. Section four, "Adjustments to Guarantee Funding Levels," and section five "Sense of Congress Regarding Revenue Aligned Budget Authority" are within the primary jurisdiction of the Budget committee. I want to thank you for working closely with me to ensure that those provisions were acceptable to the Budget Committee.

Because of our close working relationship on this matter and in order to expedite the consideration of H.R. 3694, I do not intend to seek a sequential referral of the bill as ordered reported. In not seeking a sequential referral of H.R. 3694, the committee does not waive its jurisdiction or its prerogatives over this legislation. The Budget Committee also reserves its authority to seek conferees on

H.R. 3694 or a similar Senate bill with respect to provisions that are within the committee's jurisdiction; and, I ask your commitment to support any such request by the Budget Committee.

Finally, I would ask that you include a copy of our exchange of letters on this matter in your committee report and in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

JIM NUSSLE,
Chairman.

Mr. LIPINSKI. Mr. Speaker, I rise today to state my enthusiastic support of H.R. 3694, the Highway Funding Restoration Act.

First of all, I would like to salute the Chairman of the full Committee, the gentleman from Alaska (Mr. YOUNG), and the Chairman of the Subcommittee on Highways & Transit, the gentleman from Wisconsin (Mr. Petri). Just as importantly, the leadership abilities of the ranking member of the full Committee, the gentleman from Minnesota (Mr. OBERSTAR), and the ranking member of the Subcommittee, the gentleman from Pennsylvania (Mr. BORSKI), were important components in this entire process.

I have been a member of the Transportation and Infrastructure Committee since my first term, and things are no different now than in 1983. Smart investments in our nation's infrastructure brings about national economic benefits. It's estimated that every dollar invested in our highway system yields $2.60 in economic benefits.

As many of my colleagues in this body may know, the Administration's FY 2003 budget request would have reduced Federal-Aid highway funding to $23 billion down, which represents a dramatic decrease from FY 2002 funding levels.

Many of my colleagues were rightfully concerned at this funding request, and I shared those concerns. While $23 billion may sound like a lot of money and more than sufficient, the reality is much different. The real funding needs for our infrastructure already exceed current funding levels by billions and billions. Needless to say, the proposed decrease would have caused potential transportation funding problems in every state and in every congressional district.

For my home state of Illinois, under the proposed budget, we would have seen a decrease of $236 million in highway funds in FY 2003, and there would have been serious ramifications across Illinois. Highway and road projects across Illinois would have been adversely impacted. Just as importantly, it could have also meant the loss of 10,000 jobs—jobs that we can ill afford to lose.

By restoring the highway funds to the levels authorized under TEA–21, Illinois would have nearly $139 million restored, and by funding our transportation needs in a fiscally responsible fashion, we all win.

I'm proud to be an original cosponsor of H.R. 3694. With nearly 320 cosponsors, it's clear to see that there is broad, bipartisan support for this bill. I urge all of my colleagues to vote for this important piece of legislation.

Mr. UDALL of New Mexico, Mr. Speaker, I rise today in strong support of H.R. 3694, the Highway Funding Restoration Act. This important legislation restores critical funding for the Federal-Aid Highway Program.

Upon enactment of TEA–21 in 1998, funding for the Federal-aid highway program was linked to highway user fee revenues deposited into the Highway Trust Fund. This was done partially by including a budgetary mechanism included in TEA–21 called Revenue Aligned Budget Authority (RABA), which adjusts the guaranteed amount of highway funding available to reflect the most recent estimates of Highway Trust Fund revenues.

An unexpected downturn in highway revenues caused by the RABA provision of TEA–21 resulted in a decrease of an $8.6 billion or 27 percent cut in highway funding in the President's FY 2003 budget proposal.

H.R. 3694 restores billions of critical dollars for our state departments of transportation as they cannot be expected to absorb a cut of this magnitude in one year, especially at a time when State revenues are also declining. The 27 percent cut in highway funds proposed in the president's Budget will decimate State transportation programs, delay efforts to decrease road congestion and deny the traveling public all of the benefits that would result from reduced congestion—shortened travel times, increased productivity and economic growth, and improved safety.

This shortfall will have a severe negative impact on New Mexico and will result in a decrease of $69 million for the New Mexico State Highway and Transportation Department. For many in the Intermountain West, it is not unheard of for people to commute 70 miles to and from work. As a result, the transportation on our roadways is absolutely crucial. A loss of $69 million will cause the postponement of several important highway construction projects, as well as reductions in money spent on road maintenance. In addition, it is projected that New Mexico will lose an estimated 2,700 jobs as a result of the shortfall.

I am sure many other states will face similar funding and job losses if these monies are not restored for FY 03. Therefore, I urge my colleagues to join me in support of H.R. 3694 and avoid a devastating shortfall in state transportation budgets.

Mr. MATHESON. Mr. Speaker, I rise today to give my full support to the passage of H.R. 3694, this is vital legislation, needed not just for our roads, bridges, and interchanges but also for our towns, our states, and our national economy.

There is no doubt that our economy is not expanding as it was just a couple of years ago. Unemployment is at a six year high and consumer confidence is low. There is a way, however, to provide good jobs, expand commerce, and make lasting investments in our country and that is to restore highway funding.

This year's budget has an $8.6 billion cut to federal-aid highways. The swings in our economy have translated into a wild swing in how we administer highway funding. Just last year, the Treasury Department predicted a $4.5 billion increase in funding levels, only to be faced with a $4.4 billion drop. We must now carefully choose our funding priorities.

Without the restoration of this money we will only exacerbate the economic downturn. In my home state of Utah, where highway funding is at a premium, these cuts mean a $55 million dollar shortfall in roadway funds. This means the loss of jobs and contracts-over 3,000 jobs in Utah alone and 180,000 jobs across the country.

Finally, we have already collected the taxes for the trust fund—it was paid by every person who filled a gas tank, rode a bus, or drove a car last year.

Mr. Speaker, this is a short-term fix. While the idea of Revenue Aligned Budget Authority has worked well in the past, it is clear that we need to adjust the formula to prevent future cuts from happening.

This is a uniquely bi-partisan and bicamerae bill that will immediately help all of our constituents and ensure that we continue to make good sound investments and create good, well paying jobs.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 3694, the Highway Funding Restoration Act.

This Member would like to begin by commending the distinguished gentleman from Alaska (Mr. YOUNG), the Chairman of the Transportation and Infrastructure Committee, and the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking Member of the Committee, for their hard work in bringing this bill to the Floor. With 317 cosponsors, it is clear that the vast majority of House Members recognize the importance of H.R. 3694.

Mr. Speaker, Americans who pay the gas tax at the pump expect those dollars to be used for roads and other transportation expenses, and they expect that the money will be made available promptly. Any budget decision to spend less on road construction and maintenance would be a bad fiscal decision as we attempt to move from an economic recession. It would be a serious mistake to cut infrastructure spending at this critical time.

The bill would restore a minimum of $4.4 billion for highway programs in the budget. This would bring highway funding back to the level anticipated when the Transportation Equity Act for the 21st Century (TEA–21) was enacted. For the State of Nebraska, this legislation would result in the restoration of $32 million.

The Highway Trust Fund contains a surplus of about $20 billion—money already paid in gas taxes. Motorists deserve to have these funds used expeditiously for transportation purposes, rather than to accumulate huge trust fund surpluses.

Mr. Speaker, as an original cosponsor of this bill, this Member urges his colleagues to support H.R. 3694.

Mr. BALDACCI. Mr. Speaker, I rise today in strong support of H.R. 3694, the Highway Funding Restoration Act. This bill restores $4.4 billion in transportation funding and brings us back to the TEA–21 floor of $27.7 billion. It also ensures that this funding will be used to repair decrepit roads and bridges by placing it behind TEA–21's firewalls.

Every state in America will be affected by the $8.8 billion reduction in highway funding proposed by President Bush. While the RABA formula was responsible for the large upswing in FY2002 and the large downturn in FY2003, we must continue to tie gas tax receipts to Trust Fund expenditures to ensure that surpluses are not kept artificially high for budgetary gimmicks.

The President and this Congress have the authority to restore this critical funding, and I am pleased that we are here today to take the first step. H.R. 3694 sets a funding floor of $27.7 billion, a $4.4 billion improvement over President Bush's budget proposal. However, I believe that we can and must do better.

I understand that the Senate is considering doing somewhat better and restoring $5.7 billion. Such an increase can be sustained by the Trust Fund given the current $20 billion surplus and projected receipts. I urge the House to work with the other body to achieve at least that amount.

The $8.8 billion reduction contained in the President's budget request would result in a $37 million decrease in funding for my state. H.R. 3694 restores about $22 million leaving a $15 million difference. Maine's transportation needs are significant, and the backlog of roads and bridges in need of repair continually grows. Harsh winter weather and extensive use by both tourists and heavy trucks take their toll on our roads.

Currently, Maine needs to repair 4,000 miles of its estimated 8,300 highway miles. In its biennial budget, only 200 of these miles can be repaired. At this rate Maine will finish its arterial highways in 8 years, and major collectors in 34 years. That pace is obviously insufficient to maintain the safe and reliable transportation network that is crucial to my state's economic future.

Closing the remaining $15 million deficit would allow the repair of approximately 30 additional miles. While this number may seem small, 30 miles can be critical in providing safe access to rural Maine communities.

Mr. Speaker, I also strongly support Section 6 of this bill which specifically authorizes 49 projects which encountered eligibility problems. Three of these projects are located in Maine. It is absolutely critical that this funding go forward to assist the communities of Brewer, Portland and Aroostook County.

I want to reiterate that the funding level we are setting here today is a floor, not a ceiling. I am supporting this legislation as a first step in ensuring that the infrastructure needs of our communities in Maine and throughout the country can be met. I hope that we will work to go beyond this floor and restore the remaining funding that our states need and deserve.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 3694, the Highway Funding Restoration Act, critical legislation introduced by my friend and colleague, Mr. YOUNG.

As you know, Mr. Speaker, under TEA–21, funding for the federal-aid highway program was linked to highway user fee revenues deposited into the Highway Trust Fund (HTF). This was achieved in part by a budgetary mechanism called RABA, the Revenue Aligned Budget Authority, which adjusts the guaranteed amount of highway funding available to reflect the most recent estimates of HTF revenues. Due to an unexpected downturn in highway revenues (attributable to a decline in gas, tire, and truck sales, and the overall economic recession), the President's FY 2003 budget proposed an $8.6 billion, or 27 percent cut in highway funding. H.R. 3694 restores $4.4 billion to the highway program (a return to TEA–21's FY 2003 levels), and preserves TEA–21 "firewalls," ensuring that the additional money will be spent on highway projects.

House passage of this legislation will send an important message that these funds will be available to states to continue work on vital transportation projects. TEA–21 was a huge win for Virginia, resulting in hundreds of millions of dollars more each year in federal aid for transportation projects. This funding meant progress in our fight against traffic congestion, enhanced highway safety, and thousands of jobs—good, family-wage jobs we can't afford to lose. Halting this progress by cutting funding 27 percent would be devastating to Virginia, to our local economies, and to the men and women whose livelihood depends on transportation-related projects.

Many projects critical to the continued improvement of Virginia's transportation infrastructure are currently in the works or being planned—while many others are being set aside due to funding shortages at the state and local levels. In my Northern Virginia congressional district, safety, quality of life and the overall economy depend largely on maintaining TEA–21 funding. I urge my colleagues to join me in supporting this legislation.

Mr. CLEMENT. Mr. Speaker, I rise in support of H.R. 3694, the Highway Funding Restoration Act and I want to thank Chairman YOUNG, Ranking Member OBERSTAR and my other colleagues from the Transportation and Infrastructure Committee for their leadership on this important bill. The President's proposed 2003 Budget cuts federal-aid highway funding in my state of Tennessee by over $158 million. The loss of these funds will result in the layoffs of thousands of hardworking Tennesseans—approximately 6,000 lost jobs—as the state cuts back on bidding out projects at a time when we should be creating jobs, not eliminating them.

This unprecedented cut will put the brakes on highway improvement projects not just in Tennessee, but throughout the country. After September 11th, we need to ensure adequate mobility for our national defense. The cuts offered by the President won't help our mobility and, in fact, stand to increase congestion and safety hazards for the motoring public. The state aid formula in TEA–21 was meant to establish a floor, not a ceiling, and the President is giving states the minimum at a time when the economy cries out for more investment in our transportation infrastructure.

That is why we must rally to enact the Highway Funding Restoration Act and restore $4.4 billion for our highways. Of this amount, this measure would restore $92 million or approximately 58% of Tennessee's lost highway funds. Although I would like to see the entire funding level of $158 million for Tennessee returned to the budget, I support this compromise to save roads and jobs in Tennessee and across the nation.

I urge my colleagues to join me in supporting the bill before us.

Mr. BLUMENAUER. Mr. Speaker, Federal investment in transportation is critical to moving our nation's people, goods, and economy. Maintaining and meeting our federal commitment to transportation spending is an important first step.

I was proud to serve on the House Transportation and Infrastructure Committee that authored the 1998 Federal surface transportation-spending bill entitled TEA–21 (the Transportation Equity Act for the Twenty-first Century). This legislation provided record levels of guaranteed funding for highways, bridges, transit, and enhancement programs. In addition to funding, it also created a policy framework that emphasizes good planning, with a focus on public participation and environmental goals. All of these factors are critical tools to building more livable communites—where families have choices about how they travel and where they live.

I was greatly concerned when earlier this year, the Bush Administration proposed in its fiscal year 2003 Budget a significant decrease in transportation spending from what Congress approved last year. This cut of $8.6 billion, or a 27 percent reduction in highway funding, is based on the Revenue Aligned Budget Authority (RABA) provision of TEA–21. The need for infrastructure management, improvement, and new capacity has only increased and this funding is critical to the transportation plans in many communities. In Oregon alone, the impact is a loss of almost $51 million.

As an original co-sponsor of H.R. 3694, I was proud to join with other members of Congress in sending a strong signal that our federal commitment to transportation infrastructure must be met. This bill would increase fiscal year 2003 highway funding by at least $4.4 billion above the level requested in the President's Budget.

Some have argued that since highway programs benefited from RABA in previous years, that they must now suffer the negative consequences, too. While this seems a logical argument, there are some important variables that come into play. Perhaps the most glaring is the impact that such a large cut would have on state transportation departments. Many state DOTs are already facing funding constraints while they are also struggling to maintain existing roads and provide solutions to reducing the growing levels of traffic congestion. Second, transportation spending keeps people employed building infrastructure critical to economic growth. Cutting highway spending by 27 percent would lead to significant job loss and threaten our economic recovery. Finally, there is already a cash balance in the Highway Trust Fund of roughly $20 billion that could be used to help restore the $4.4 billion proposed in this bill.

In the upcoming year Congress will begin reauthorizing TEA–21. This will be an important opportunity to re-examine federal transportation policies and funding levels, including the RABA provision. I encourage my colleagues today to pass this bill and help restore the much-needed highway funding that will help states meet their transportation needs, help keep the economy growing, and help to build more livable communities.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3694, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOCIAL SECURITY BENEFIT ENHANCEMENTS FOR WOMEN ACT OF 2002

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4069) to amend title II of the Social Security Act provide for miscellaneous enhancements in Social Security benefits, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Benefit Enhancements for Women Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—BENEFIT ENHANCEMENTS

Sec. 101. Repeal of 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability.

Sec. 102. Exemption from two-year waiting period for divorced spouse's benefits upon other spouse's remarriage.

Sec. 103. Months ending after deceased individual's death disregarded in applying early retirement rules with respect to deceased individual for purposes of limitation on widow's and widower's benefits.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

Sec. 201. Exclusion from gross income for interest on overpayments of income tax by individuals.

Sec. 202. Deposits made to suspend running of interest on potential underpayments.

Sec. 203. Partial payment of tax liability in installment agreements.

TITLE I—BENEFIT ENHANCEMENTS

SEC. 101. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY FOR WIDOW'S AND WIDOWER'S INSURANCE BENEFITS BASED ON DISABILITY.

(a) WIDOW'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (4)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (4) and (II)";

(C) by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(D) in paragraph (4)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which her application is filed".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(e)(1)(F)(i) of such Act (42 U.S.C. 402(e)(1)(F)(i)) is amended by striking "paragraph (5)" and inserting "paragraph (4)".

(B) Section 202(e)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(e)(2)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(C) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(D) Section 226(e)(1)(A)(i) of such Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking "202(e)(4),".

(b) WIDOWER'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (5)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (5) and (II)";

(C) by striking paragraph (5) and by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(D) in paragraph (5)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which his application is filed".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(f)(1)(F)(i) of such Act (42 U.S.C. 402(f)(1)(F)(i)) is amended by striking "paragraph (6)" and inserting "paragraph (5)".

(B) Section 202(f)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(f)(2)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(C) Section 226(e)(1)(A)(i) of such Act (as amended by subsection (a)(2)) is further amended by striking "202(f)(1)(B)(ii), and 202(f)(5)" and inserting "and 202(f)(1)(B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SEC. 102. EXEMPTION FROM TWO-YEAR WAITING PERIOD FOR DIVORCED SPOUSE'S BENEFITS UPON OTHER SPOUSE'S REMARRIAGE.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(5)(A) of the Social Security Act (42 U.S.C. 402(b)(5)(A)) is amended by adding at the end the following new sentence: "The criterion for entitlement under clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the applicant during the 2-year period referred to in such clause.".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(5)(A) of such Act (42 U.S.C. 402(c)(5)(A)) is amended by adding at the end the following new sentence: "The criterion for entitlement under clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the applicant during the 2-year period referred to in such clause.".

(c) CONFORMING AMENDMENT TO EXEMPTION OF INSURED INDIVIDUAL'S DIVORCED SPOUSE FROM EARNINGS TEST AS APPLIED TO THE INSURED INDIVIDUAL.—Section 203(b)(2)(B) of such Act (42 U.S.C. 403(b)(2)(B)) is amended by adding at the end the following new sentence: "The requirement under such clause (ii) shall be deemed met upon the remarriage of the individual referred to in paragraph (1) to someone other than the divorced spouse referred to in such clause during the 2-year period referred to in such clause.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SEC. 103. MONTHS ENDING AFTER DECEASED INDIVIDUAL'S DEATH DISREGARDED IN APPLYING EARLY RETIREMENT RULES WITH RESPECT TO DECEASED INDIVIDUAL FOR PURPOSES OF LIMITATION ON WIDOW'S AND WIDOWER'S BENEFITS.

(a) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(2)(D)(i) of the Social Security Act (42 U.S.C. 402(e)(2)(D)(i)) is amended by inserting after "applicable," the following: "except that, in applying paragraph (7) of subsection (q) for purposes of this clause, any month ending with or after the date of the death of such deceased individual shall be deemed to be excluded under such paragraph (in addition to months otherwise excluded under such paragraph),".

(b) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(3)(D)(i) of such Act (42 U.S.C. 402(f)(3)(D)(i)) is amended by inserting after "applicable," the following: "except that, in applying paragraph (7) of subsection (q) for purposes of this clause, any month ending with or after the date of the death of such deceased individual shall be deemed to be excluded under such paragraph (in addition to months otherwise excluded under such paragraph),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 201. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

"SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

"(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

"(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139 the following new item:

"Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received after December 31, 2006.

SEC. 202. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) In General.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) Authority To Make Deposits Other Than As Payment of Tax.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) No Interest Imposed.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) Return of Deposit.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) Payment of Interest.—

"(1) In general.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) Disputable tax.—

"(A) In general.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) Safe harbor based on 30-day letter.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) Other definitions.—For purposes of paragraph (2)—

"(A) Disputable item.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-day letter.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) Rate of interest.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) Use of Deposits.—

"(1) Payment of tax.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(2) Returns of deposits.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(b) Clerical Amendment.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) Coordination with deposits made under revenue procedure 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) In General.—

(1) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Mother's Day the Nation honored the love and daily sacrifices of our mothers in raising us and unstintingly giving of themselves both in the workforce and at home. Not just our mothers, but all women play an essential role in advancing our Nation's economic success and the American spirit, which is why it is so important to take the steps we can to enhance the Social Security benefits that are so crucial to women's retirement income security.

Many of the changes in the Social Security program over time were specifically designed to help women, such as the addition of the wives' and widows' benefits in 1939, mothers' benefits in 1950, divorced women's benefits in 1965, and disabled widows' benefits in 1967. By providing spouse and survivor benefits, lifetime inflation-adjusted benefits, and a progressive benefit formula, Social Security helps keep millions of women out of poverty today.

Although we face significant choices ahead in strengthening Social Security's financing for future generations, both Republicans and Democrats agree we must continue to enhance Social Security for women. The Social Security Benefit Enhancements for Women Act is a critical first step both towards increasing women's retirement income security and in forming the building blocks of a bipartisan dialogue on how best to strengthen Social Security for all the American people.

H.R. 4069, as amended, takes a first step towards updating benefits and helping women meet their needs. This legislation will not affect Social Security's long-term financial picture, but it will make meaningful improvements for over 12,000 women when it is implemented.

The Social Security Benefit Enhancements for Women Act increases benefits for certain widows, it allows more disabled widows to qualify for disabled widow benefits, and enables certain divorced spouses to avoid the unnecessary 2-year waiting for the benefits. These enhancements are particularly necessary because elderly and disabled widows and divorced spouses are more likely to live in poverty.

The subcommittee worked with the Social Security Administration to identify these benefit enhancements, and several women and senior organizations agreed these changes are an important start in updating Social Security to improve women's retirement securities. AARP said, "The bill targets improvements for widows and divorced spouses, and it will help ensure that Social Security continues to provide valuable economic support for older women who rely on Social Security for much of their retirement income." Moreover, these provisions have solid bipartisan support.

Furthermore, this bill continues the subcommittee's traditional process of making sure benefits are not increased within the Social Security System at the expense of other retirees or workers. We insisted on that when we repealed the earnings penalty and enacted the Ticket to Work legislation. According to the Social Security actuaries, this bill succeeds in increasing benefits without affecting the financial picture for the program. That means that mothers and grandmothers can have better benefits but not at the expense of their daughters and their granddaughters.

Some have proposed not meeting this bipartisan tradition, proposing even more expansive increases in women's benefits, but without addressing Social Security's financial challenges. To pay for the benefits, the general income tax receipts are transferred into Social Security in an amount that would be available if we increase the top tax rate. But we have not, and that means some other family worker or business would have to pay the bill sooner or later.

There is more we need to do for women, and we will. The President's bipartisan commission proposed increasing widows' benefits and guarantees that minimum-wage workers do not retire into poverty. My legislation, the Social Security Guarantee Plus Act, saves Social Security for 75 years and beyond; and it includes provisions to increase widows' benefits, reduces the penalty women pay who temporarily leave work to care for young children, expands eligibility for young disabled widows and divorced spouses, and reduces the government pension offset. Other Members of Congress have also introduced plans that directly enhance women's benefits.

Many of our Nation's mothers and seniors depend upon Social Security for much or all of their retirement income. One of the best ways to honor the women of America is to continue our long-standing tradition of enhancing Social Security for women and other vulnerable seniors and sow the seeds of cooperation rather than harvest the chaff of political acrimony. I ask that we all vote in favor of H.R. 4069.

Lastly, Mr. Speaker, I insert for the RECORD a statement that provides additional information about these enhancements for women and how they were developed, as well as letters of support we received from AARP, Independent Women's Forum, National Committee to Preserve Social Security and Medicare, United Seniors Association, Women Impacting Public Policy, and Women's Institute for a Secure Retirement.

Social Security Benefit Enhancements for Women Act of 2002

PURPOSE AND SUMMARY

The Social Security Benefit Enhancements for Women Act of 2002 improves fairness and updates benefit eligibility requirements, resulting in higher benefits and expanded eligibility for certain elderly and disabled widows and divorced spouses, who are among the most likely to live in poverty.

BACKGROUND AND NEED FOR LEGISLATION

Historically, women depend more on Social Security than do men for their retirement income. Women represent 58 percent of all aged Social Security beneficiaries, and approximately 71 percent of beneficiaries age 85 and older. On average, Social Security provides about half of total income for unmarried women (including widows) age 65 and older, and it is the only source of retirement income for 26 percent of unmarried elderly women. Social Security provides a crucial safety net for women's income security—without Social Security over half of elderly women would live in poverty.

There are several aspects of Social Security that are particularly important to women. At birth, women are expected to live almost 6 years longer than men. At age 65, women are expected to live about 3 years longer than men. Social Security protects women by providing lifetime, inflation-adjusted benefits to workers and their survivors, which help protect them from falling into poverty throughout their retirement as assets are spent down, other sources of pension income fail to keep pace with inflation, or after a spouse dies.

In addition to living longer, women tend to earn less than men. In 2000, the median weekly earnings for female full-time wage and salary workers were $491, or 76% of the $646 for their male counterparts. Social Security's progressive benefit formula protects women by replacing a higher percentage of earnings for low-wage workers than for high-wage workers.

Another reason women earn less than men over their lifetimes is time spent outside the workforce caring for children or other family members. Of workers first receiving benefits in 1999, women worked a median of 32 years, while men worked a median of 44 years. The difference in time spent in the workforce is projected to narrow in the future, but women are still expected to work fewer years than men on average because of family-care responsibilities. Social Security protects women who have less labor force participation and lower wages than their spouse by paying spousal benefits.

Although vital to women's economic security, some aspects of the Social Security program have not kept pace with changes in women's participation in the workforce and trends in marriage and child-care. For example: two-earner couples receive lower benefits than one-earner couples with the same total earnings and age at retirement; parents who take time out of the workforce to care for a child receive no credit toward retirement benefits for those years; and a person must have been married 10 years to qualify for benefits as a divorced spouse, even though the median length of a marriage ending in divorce is around 7 years. Numerous proposals have been made to update and improve Social Security benefits for women, ranging from minor adjustments to spouse, divorced spouse, and survivor benefits, to credits for years spent caring for young children.

While many proposals to strengthen Social Security for women would reduce Social Security's long-term ability to pay benefits and are best considered as part of comprehensive legislation to strengthen Social Security, there are a number of ways to remedy current inequities in benefits and eligibility criteria with only a negligible effect on Social Security's finances. Once implemented, H.R. 4069 would improve benefits for over 120,000 Americans according to estimates by the Congressional Budget Office, by improving benefits for divorced spouses and certain elderly and disabled widows.

SUBCOMMITTEE ACTION

The Ways and Means Subcommittee on Social Security held hearings on February 3, 1999, February 28, 2002, and March 6, 2002 devoted to the topic of the need to enhance Social Security benefits for women. In the course of these hearings 31 witnesses provided testimony regarding the importance of maintaining and improving Social Security benefits for women. These hearings included testimony from the Commissioner of Social Security, the General Accounting Office, Members of Congress, and experts on women's issues. In addition, witnesses at hearings on Social Security's long-term financing challenges and options to address those challenges have discussed the unique needs of women and the particular importance of spouse's and survivors benefits, the progressive benefit formula, and lifetime inflation-adjusted benefits.

The Committee on Ways and Means, Subcommittee on Social Security worked with the Social Security Administration to identify provisions that would help improve benefits for women without negatively affecting the Social Security Trust Funds. The provisions included in this bill generated strong bipartisan support. On March 20, 2002 Mr. Shaw, on behalf of himself and Mr. Matsui, Mr. Becerra, Mr. Brady of Texas, Mr. Cardin, Mr. Collins, Mr. Doggett, Ms. Dunn, Mr. Foley, Mr. Hayworth, Mr. Houghton, Mr. Lewis of Kentucky, Mr. McCrery, Mr. NcNulty, Mr. Pomeroy, Mr. Portman, Mr. Ramstad, and Mr. Rangel introduced H.R. 4069, the Social Security Benefit Enhancements for Women Act of 2002.

These provisions serve both to enhance women's retirement income security and as the first steps toward a bipartisan dialogue on ways to strengthen Social Security for all Americans, and are supported by women's advocacy and senior's organizations, including AARP, Independent Women's Forum, National Committee to Preserve Social Security and Medicare, United Seniors, Women Impacting Public Policy, and Women's Institute for a Secure Retirement.

Explanation of Provisions and Comparison With Current Law

SECTION 2. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY FOR WIDOW'S AND WIDOWER'S INSURANCE BENEFITS BASED ON DISABILITY

PRESENT LAW

A disabled surviving spouse (including a disabled surviving divorced spouse in some cases) of a deceased insured worker can be paid monthly benefits if the surviving spouse is age 50–59 and becomes disabled before the latest of: Seven years after the month the worker died; seven years after the last month the surviving spouse was previously entitled to benefits on the worker's earnings record as a surviving spouse with child in care; or seven years after the month a previous entitlement to disabled widow(er)s benefits ended because the disability of the widow(er) ended.

EXPLANATION OF PROVISION

This provision would eliminate this time requirement for entitlement as a disabled surviving spouse or disabled surviving divorced spouse.

REASON FOR CHANGE

The current law provision leaves gaps in the protection of some disabled widow(er)s, because the 7-year period may not afford all of them adequate opportunity to qualify for disability benefits based on their own work history. Eliminating the 7-year deadline would improve the benefit protection for disabled widow(er)s who currently fail to meet criteria for the current 7-year deadline, regardless of whether they qualify for disability benefits based on their own work history. For those widow(er)s who are able to qualify for benefits based on their own work history, it would improve protection by allowing them to get potentially higher survivor benefits.

EFFECTIVE DATE

Effective for benefits for months beginning after November 2002.

SECTION 3. EXEMPTION FROM 2-YEAR WAITING PERIOD FOR DIVORCED SPOUSE'S BENEFITS UPON OTHER SPOUSE'S REMARRIAGE

PRESENT LAW

If a worker has reached age 62 and is eligible to receive Social Security benefits (but has not applied for them), his or her divorced spouse can become entitled to divorced spouse benefits based on the worker's earnings record if the divorced spouse meets all the following conditions; The divorced spouse is age 62 or older; the divorced spouse is not married; the divorced spouse had been married to the worker for at least 10 years before the date the divorce became final; the divorced spouse has filed an application for divorced spouse benefits; the divorced spouse is not entitled to a retired or disabled worker benefit based on a primary insurance amount that equals or exceeds one-half the worker's primary insurance amount; and the divorced spouse has been divorced from the worker for at least two years.

In addition, if the worker is subject to the earnings test, divorced spouse benefits would be commensurately reduced, unless the divorced spouse meets the aforementioned conditions.

EXPLANATION OF PROVISION

Under the provision, if the worker remarries someone other than the divorced spouse, then the duration of divorce condition is deemed to be met as the date of the remarriage.

REASON FOR CHANGE

The 2-year waiting period was included as part of a provision enacted in 1983 that allows divorced spouses to collect benefits as the former spouse of a worker who is eligible for Social Security benefits, but who has not applied for them or is having benefits withheld because of the earnings test. In contrast, a married spouse cannot receive spousal benefits unless the worker is also receiving benefits, and may have spousal benefits reduced if the worker is subject to the earnings test. The 2-year waiting period was included to discourage couples from divorcing in order to circumvent restrictions on spousal benefits. However, the waiting period is not appropriate in cases where the worker remarries someone else.

EFFECTIVE DATE

Effective for benefits for months beginning after November 2002.

SECTION 4. MONTHS ENDING AFTER DECEASED INDIVIDUAL'S DEATH DISREGARDED IN APPLYING EARLY RETIREMENT RULES WITH RESPECT TO DECEASED INDIVIDUAL FOR PURPOSES OF LIMITATION ON WIDOW'S AND WIDOWER'S BENEFITS

PRESENT LAW

Under present law, the benefits of a widow or widower are subject to a limitation if the deceased spouse had become entitled to retired worker benefits before attaining the normal retirement age. This limitation, referred to as the widow(er)'s limit, restricts the widow(er)'s benefit to the benefit amount the deceased worker would have been receiving if still alive (but not less than 82.5 percent of the primary insurance amount). The intent of the widow(er)'s limit is to maintain some degree of reduction in the benefits of the surviving spouse as a result of the deceased worker having become entitled to benefits before attaining the normal retirement age. If the deceased spouse's death occurs before the normal retirement age, no adjustment to the number of reduction months is made in computing the widow(er)'s limit to account for months the worker did not receive benefits due to the worker's death. (However, such an adjustment is made to the widow(er)'s limit to account for months the worker did not receive benefits due to earnings exceeding the exempt amount under the retirement earnings test.

EXPLANATION OF PROVISION

Under this provision, if the deceased spouse's death occurs after he or she becomes entitled to a retired worker benefit and before he or she attains the normal retirement age, the widow(er) limit would be recomputed at the time the deceased spouse would have reached the normal retirement age. The recomputation of the widow(er) limit would exclude the month of death and all subsequent months in determining the number of months of early retirement reduction applicable for the benefit the decreased worker would be receiving if still alive. This would give the widow(er) a potentially higher benefit based on the deceased worker's earnings history.

REASON FOR CHANGE

In general, widow(er)'s benefits are limited to reflect the longer period of time the worker received benefits because he or she retired before attaining the normal retirement age. However, the widow(er)'s benefits are limited for the rest of his or her life, even, if the deceased spouse collected benefits only for a few months before dying. This results in unequal treatment of widow(er)s whose spouses received benefits for the same amount of time before they attained the normal retirement age, but who retired at different ages. This provision would base the widow(er) limit on the number of months the worker actually received benefits between the age of retirement and the normal retirement age, rather than the number of months between the age of retirement and the normal retirement age, thus equalizing treatment of widow(er)s of workers who collected benefits for the same number of months before the normal retirement age. (Also, this change is consistent with the way that the widow(er)'s limit is now adjusted to exclude months before normal retirement age in which the worker did not receive benefits due to earnings exceeding the exempt amount under the retirement earnings test.)

EFFECTIVE DATE

Effective for benefits for months beginning after November 2002.

AARP,
Washington, DC, April 18, 2002.

Hon. E. CLAY SHAW, Jr.,
Chairman, House Subcommittee on Social Security, Washington, DC.

DEAR CHAIRMAN SHAW: AARP supports H.R. 4069, the Social Security Benefit Enhancements Act of 2002. The bill's targeted improvements for widows and divorced spouses will help ensure that Social Security continues to provide valuable economic support to older women who rely on Social Security for much of their retirement income.

The Association has long championed improved benefits for older women that are consistent with the program's long-term solvency needs. Over a decade ago, in hearings before this subcommittee regarding older women and Social Security, we testified in favor of eliminating the requirement that widow/ers become disabled within seven years after their spouse died to qualify for disabled widows benefits. We are pleased that the change has been included in H.R. 4069. The proposed readjustment in the benefits of widows whose spouse retires and dies before reaching the age for collecting full benefits and the provision waiving the two-year waiting period for benefits for a divorced spouse whose former mate continues working but remarries are also long overdue.

The Social Security Benefits Enhancement Act will help Social Security continue as the guaranteed floor of income protection for workers and their families. The bill has broad, bipartisan support, and we urge prompt House action.

AARP will urge the Senate to adopt similar legislation to improve women's benefits under the current system. Enactment of this legislation would send a strong message to the American people that Congress can act in a bipartisan fashion to improve the Social Security system.

Sincerely,
WILLIAM D. NOVELLI.

UNITED SENIORS ASSOCIATION—NEW SOCIAL SECURITY LEGISLATION A "REAL WINNER FOR WOMEN"

WASHINGTON, DC.—United Seniors Association Chairman and Chief Executive Charles W. Jarvis wholeheartedly endorsed the Social Security Benefit Enhancements for Women Act, H.R. 4069, recently introduced by Congressman Clay Shaw, the chairman of the House Ways & Means Social Security Subcommittee.

"This bill is a real winner for Senior women. It shows Chairman Clay Shaw's dynamic leadership in the House on Senior issues," said Mr. Jarvis. "It will lift unnecessary burdens that women suffer under during their retirement years. It will also help women nationwide without negatively affecting the Social Security Trust Fund and the future financial stability of the Social Security system."

United Seniors Association member Anna Janis of Colorado testified February 28th before Chairman Shaw's Subcommittee hearing on "Women and Social Security". Chairman Shaw's legislation is the direct result of those successful hearings. H.R. 4069 improves fairness and eligibility requirements for women by: Increasing the unfair benefit limit on widows whose spouses both retire and die before the full retirement age; updating the eligibility requirements for disabled widows to ensure consistency with earnings requirements in current law; eliminating a needless two-year wait for some divorced spouses to receive benefits.

"We're pleased that United Seniors Association and our Grassroots Leader, Anna Janis, could help in the development of these improvements to Social Security," continued Mr. Jarvis. "Chairman Shaw has demonstrated his dedication to getting practical help for seniors in his District and around the Nation. H.R. 4069 is clearly a real winner for many senior women who struggle every day now just to make ends meet."

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, May 6, 2002.

Hon. CLAY SHAW,
Chairman, Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I wish to express our support for the three provisions contained in your legislation, H.R. 4069 the Social Security Benefit Enhancements of Women's Act.

We understand that H.R. 4069 would improve benefits for widows of early retirees who die before reaching the Normal Retirement Age by repealing the current provision that subjects the widow's benefit to the early retirement penalty.

Your bill would also repeal the 7-year period of eligibility for disabled widows who are at least 50 but not yet 60. Under a current law a widow must be at least 60 years old to collect widows benefits. However if she is at least 50 she can collect benefits as a disabled widow provided that she became disabled within 7 years of her spouse's death.

Finally H.R. 4069 would eliminate the requirement that a divorce must have been in place for two years for the divorced spouse who is at least 62 to collect full spousal benefits, whether or not the working spouse is collecting benefits or is affected by the earnings limit.

Over 100,000 women will benefit from these three important improvements. We sincerely hope these are the beginning steps in efforts to rectify benefit inequities affecting all women. For those it does help the improvements are most welcome.

We appreciate your leadership on this issue. We urge all members to vote in support of H.R. 4069.

Cordially,

BARBARA KENNELLY,
President and CEO.

WOMEN'S INSTITUTE FOR A
SECURE RETIREMENT,
Washington, DC, April 4, 2002.

Hon. E. CLAY SHAW, Chair,
Hon. ROBERT T. MATSUI, Rnk. Mem.,
House of Representatives, Subcommittee on Social Security, Committee on Ways and Means, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES SHAW AND MATSUI: The Women's Institute for a Secure Retirement (WISER) is a non-profit organization that seeks to ensure that poverty among older women will be reduced by improving the opportunities for women to secure retirement benefits. WISER works with community based organizations, advocates and policymakers to provide a key link between federal policy and individual women.

We are gratified that you are introducing the Social Security Benefit Enhancements for Women Act of 2002 during this session to improve benefits for elderly women. While the provisions of H.R. 4069 are modest, the 120,000 older women who will become eligible for benefits or receive higher benefits are the women who are the most likely to live in poverty—widows, disabled widows and divorced women.

Poverty among the elderly has greatly declined over the last two decades, but older women living alone are particularly at risk. Today, nearly 60 percent of older women in America are single: 45.3 percent are widowed and 7 percent are divorced. In contrast, only 26 percent of elderly men are unmarried.

We are heartened that the introduction of H.R. 4069 may be the first step toward enhancing Social Security benefits to ensure the long-term economic security of American women. We urge your colleagues to support this bill to improve Social Security benefits for older widows, disabled widows and divorced spouses.

Sincerely,

CINDY HOUNSELL,
Executive Director.

WOMEN IMPACTING PUBLIC POLICY,
Oklahoma City, OK, April 19, 2002.

Hon. E. CLAY SHAW, Jr.,
House of Representatives, Chairman, Subcommittee on Social Security, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHAW: We are writing to inform you that the more than 250,000 members of Women Impacting Public Policy (WIPP) support H.R. 4069, The Social Security Benefit Enhancements for Women Act of 2002.

H.R. 4069 addresses several key issues that have long been of major concern to WIPP members: Increasing the unfair benefit limits on widows whose spouses both retire and die before the full retirement age; updates eligibility requirements for disabled widows to ensure consistency with earnings requirements in current law and; eliminates a needless two-year wait for some divorced spouses to receive benefits.

WIPP member Niesha Wolfe, a CPA based in Clarkesville, Tennessee, provided compelling testimony before your committee in February on these issues and others related to the unfair Social Security benefits women have been subject to for years.

WIPP, a national bi-partisan public policy organization, appreciates your efforts and fully supports H.R. 4069.

Regards,

TERRY NEESE,
President.
BARBARA KASOFF,
Vice President.

INDEPENDENT WOMEN'S FORUM,
Arlington, VA, May 6, 2002.

Hon. E. CLAY SHAW,
Chairman, House Ways and Means Committee, Subcommittee on Social Security, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SHAW: The Independent Women's Forum strongly believes in comprehensive reform to strengthen our Social Security system and to make safe the retirement of America's working women and men.

In February, I had the opportunity to appear before you and the House Subcommittee on Social Security to affirm the need for overall reform and to discuss some current inequities in the system. I specifically pointed out that women are financially disadvantaged under the current Social Security system. Women who interrupt their careers for family obligations, women who earn more than their husbands, and widows of wage earners fall into these disadvantaged categories.

You are attempting to correct inequities toward women through the introduction of H.R. 4069, the Social Security Benefit Enhancements for Women Act of 2002. We commend you, Mr. Chairman, for your recognition of these and other problems; and we hope that your leadership will show the way to a newly reformed and significantly strengthened Social Security system.

Sincerely,

NANCY MITCHELL PFOTENHAUER,
President.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 5 minutes.

First of all, I would like to congratulate the gentleman from the State of Florida, the chairman of the Subcommittee on Social Security of the Committee on Ways and Means, for bringing forth this bill; and I appreciate the fact that he has taken the opportunity to do so. I think it is a step in the right direction.

Obviously, the bill before us today is a good piece of legislation. It will, in fact, increase benefits for 120,000 additional widows, basically widows in which the other spouse, the spouse that passed away, took early retirement. It deals with widows who have become disabled. It obviously deals with widows that were divorced in terms of shortening the time in which they may be able to collect benefits. So this is a good piece of legislation.

Obviously, we can do more; and I introduced a bill 2 weeks ago that would actually provide greater benefits. Instead of 120,000 widows, our bill would in fact cover and increase benefits for 4.7 million additional widows by guaranteeing these widows a 75 percent benefit of what they previously had when both spouses were alive.

Right now, under the Social Security Act, widows receive only about 50 to 65 percent of what they received when the other spouse was still alive. We all know from studies that when one spouse dies, even though the income goes down, the day-to-day fixed costs, like rent, like house payments, like food, remain very high. In fact, we estimate that the average cost is about 80 percent of what they expended prior, when they were both living.

So when one spouse dies, it does not drop to 50 percent, it only drops down by 20 percent. So 80 percent of the expenditures still exist. Our bill would basically give every widow in America at least 75 percent of what both spouses had before one of the spouses passed away. So this is a guaranteed benefit.

This bill that we would like to offer today as an amendment, as I said, would take care of 4.7 million widows instead of 120,000. Unfortunately, because of the way the situation has been set up, this being a suspension calendar, we cannot offer that amendment.

☐ 1630

Mr. Speaker, I did offer it in subcommittee. It failed on a partisan vote. Five Democrats voted for it; seven Republicans voted against it. It was never taken to the full committee, so we could not bring it there for a vote; and now we are left without an opportunity to bring it again for a vote. It is unfortunate.

The bill of the gentleman from Florida (Mr. SHAW) does move us in the right direction. It picks up 120,000 widows and increases their benefits, so we are all going to support it. But by the same token, I wish we would have had an opportunity to vote on the bill that I had introduced.

The bill that I introduced is being supported by the National Council of Women's Organization, an umbrella group of 150 women's organizations, the AFL-CIO, the National Committee to Preserve Social Security and Medicare, and the National Women's Legal Consortium. All of these groups support our legislation.

If I may just conclude, one of the problems that I have, I might make this observation, the gentleman from Florida (Mr. SHAW) raised his privatization legislation. He says that he has embodied the terms of his legislation in that bill. I have to say that one of the concerns that I have and the reason we should pass the bill that takes care of 4.7 million widows in America today is once we move down the road to privatization after the November election, we are going to be cutting benefits. The gentleman's bill will cost over the next 20 years $8 trillion in general fund monies going into the Social Security system. We do not have that. We do not have even a trillion dollars in general fund money available. How are we going to come up with $8 trillion in general fund money? That being the case, there is no question. We are going to be cutting Social Security benefits if we adopt a bill like the gentleman's or adopt one of the three President's bills that he came up with during the commission discussion.

As a result of that, we need to take care of these widows today. We will not take care of them when we do Social Security reform if in fact we move as the President wants to move in the direction of privatization of Social Security. That will not take care of these widows. As a matter of fact, it will result in significant massive benefit cuts.

Mr. Speaker, I include for the RECORD letters in support of my legislation.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, May 6, 2002.

Hon. ROBERT MATSUI,
Ranking Member, Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MATSUI: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I wish to express our support for the provisions contained in your legislation, The Social Security Widow's Benefits Guarantee Act.

We are pleased that your legislation would increase the current benefit for surviving spouses to 75 percent of the combined benefit received by two spouses when both were living. Under current law, widows are effectively limited to 50–67 percent of what the couple had been receiving jointly. This change would have a dramatic positive impact on benefits for as many as 5 million Americans who are overwhelmingly women. As you know, four out of ten older women rely on Social Security for over 90 percent of their income.

Thank you for your leadership on this issue. We look forward to working with you to advance this legislation in the 107th Congress.

Cordially,

BARBARA KENNELLY,
President and CEO.

NWLC URGES SUPPORT FOR INCREASES IN WOMEN'S SOCIAL SECURITY BENEFITS

(WASHINGTON, D.C.) The National Women's Law Center praised a bill introduced by Congressman Robert T. Matsui today to improve Social Security benefits for widows and widowers. The proposal, which draws upon NWLC recommendations to Congress, would increase benefits for surviving spouses and reduce poverty among widows, the largest group of poor elderly women.

"The bill introduced by Congressman Matsui would strengthen and improve Social Security for women. These improvements could be funded through savings that would result from freezing just one of the future tax cuts scheduled for the wealthiest Americans. The issue is one of priorities: to help elderly widows or give more tax breaks to millionaires. As Mother's Day approaches, we hope that members of Congress will think about the choices they are making," said Joan Entmacher, NWLC Vice President and Director of Family Economic Security.

Matsui's bill would increase Social Security benefits for surviving spouses to 75 percent of the couple's prior combined benefit. Currently, widows and widowers receive a benefit equal to 100 percent of the late spouse's benefit (if that is higher than their own benefit), which amounts to between 50 and 67 percent of the couple's prior combined benefit. The increase in survivor benefits would be capped to target those most in need, and is estimated to help about four to five million widows and widowers. The bill would finance the improvements with general revenue transfers.

Savings from not implementing future cuts in the top income tax rate would fully pay for these improvements. The top rate affects fewer than one percent of taxpayers, those with average incomes of $1 million a year. The median income of widows and other nonmarried women 65 and older is about $12,000 per year.

In addition to the increase in survivor benefits, the bill includes three much smaller benefit improvements to help certain disabled and elderly widows and divorced spouses. These smaller reforms are also included in a bill introduced in March by Congressmen Clay Shaw and Robert Matsui with bipartisan support.

"Poverty among the elderly is overwhelmingly a women's problem, and a majority of poor elderly women are widows. Increasing Social Security survivor benefits would significantly help this large and economically vulnerable group of women," said Entmacher.

ALLIANCE FOR
RETIRED AMERICANS,
Washington, DC, May 7, 2002.

Hon. ROBERT MATSUI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MATSUI: The Alliance for Retired Americans supports your legislation, the Social Security Widow's Benefit Guarantee Act.

Your legislation will correct the inequities that millions of Americans who have lost their spouses now face under the Social Security system. Nearly 5 million American widows and widowers currently live in poverty. This is a national scandal that must be corrected. By adjusting the Social Security benefit rates that widows and widowers will receive, your legislation will directly improve the quality of life for millions of older Americans.

The Alliance for Retired Americans stands ready to work with you so that this legislation can become law as quickly as possible.

Sincerely yours,

EDWARD F. COYLE,
Executive Director.

LEADING WOMEN'S GROUPS SUPPORT THE "WIDOW'S SOCIAL SECURITY BENEFIT GUARANTEE ACT OF 2002"

[WASHINGTON, DC, May 7, 2001].—The National Council of Women's Organizations (NCWO), the oldest and largest umbrella coalition of the nation's 150 major women's groups, announces its support for legislation to strengthen Social Security for widows. The important bill is being introduced today by Congressman Robert T. Matsui (D–CA), Ranking Member of the House Ways and Means Social Security Subcommittee. The Matsui bill will improve survivor's benefits (most often for widows who outlive their husbands) by increasing benefits to 75 percent of what the couple had been receiving prior to the spouse's death. Raising this limit from the current 50–67 percent will aid an estimated five million elderly survivors.

"Without Social Security, over half of elderly women would be poor" said Heidi Hartmann, Ph.D., Chair of NCWO's Social Security Task Force. "NCWO has long supported Social Security benefit improvements to ensure that our nation's most vulnerable individuals are secure in their senior years. The Matsui bill is an important first step."

In addition, the bill includes provisions that eliminate the 7-year deadline for a surviving spouse or surviving divorced spouse to qualify for benefits on the basis of disability. It also treats the months the retired worker was deceased prior to the normal retirement age the same as months benefits were withheld or reduced because of the retirement earnings test for purposes of adjusting the limitation on widows and widowers benefits. Finally, it waives the two-year duration of divorce requirements if worker remarries during that time. These provisions will help 120,000 people.

STATEMENT BY AFL–CIO PRESIDENT JOHN J. SWEENEY IN SUPPORT OF THE SOCIAL SECURITY WIDOW'S BENEFIT GUARANTEE ACT OF 2002, MAY 7, 2002

One out of every seven elderly widows in this country lives in poverty, in spite of Social Security. These are women who worked their whole lives supporting their families in paid and unpaid work, raising children and grandchildren and caring for loved ones. Shortchanging widows is not consistent with the fundamental purposes of Social Security, and it is high time we fix the problem.

We strongly support the Social Security Widow's Benefit Guarantee Act introduced by Representative Matsui today. His bill would address the critical needs of these women. Most importantly, it increases the widow benefits under Social Security to 75 percent of what a couple's total benefit is before a husband dies, up to $1,000 per month. Under current law, some widows get as little as half of the couple's benefit and none get more than two-thirds of the combined benefit. Rep. Matsui's bill addresses this shortfall in Social Security by increasing benefits for approximately 5 million elderly.

Congress could more than pay for these new protections by capping future income tax cuts for the highest income earners. For example, freezing the top federal income tax rate at 38.6 percent would be enough to provide increased benefits for widows. Under the terms of last year's tax cut legislation, the

> top income tax rate was lowered from 39.6 percent and is scheduled to fall farther to 35 percent by 2006. This part of the Bush tax cut benefits only the wealthiest individuals, affecting just the top 0.6 percent of taxpayers. They make, on average, more than $1 million a year. That's more than 133 times a poverty-level income for an elderly widow.
>
> With Representative Matsui's bill, Congress has a chance to get its values straight. American voters don't want more tax cuts for millionaires—such as the Republican leadership in the House pushed through last month—and they don't want politicians to gamble with their retirement security—such as the Administration would do by draining trillions of dollars out of Social Security to pay for privatization. Congress should do the right thing, and support the Social Security Widow's Benefit Guarantee Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman has a copy of my bill. The gentleman has critiqued my bill. The gentleman has been asked to give constructive comment to my bill. Now what we are talking about is not the bill before this committee, but when we start hearing the word privatization, the gentleman knows full well there are those in this House that will abuse the word privatization. Privatization is simply defined as taking something run by the government and turn it over to the private sector.

The gentleman from California knows full well that my Social Security reform bill leaves the Social Security system totally intact. We take not one dime out of the Social Security trust fund or the payroll taxes.

Mr. Speaker, I would like to say, so there is no misconception here, that the Social Security Administration under two Presidents, a Democrat and a Republican, estimate that by doing nothing, the cost of doing nothing which is the only bill that I have heard coming from the other side to save Social Security, is going to cost $27 trillion over 75 years. Whereas the Social Security Administration, assuming that we borrow all of the money necessary to make up the shortfall in Social Security under my particular bill, that it will all be paid back and over that 75 years will create a $1 trillion surplus. Which does the gentleman want? It is time that we work together.

There are those in this body that absolutely shamelessly use the word privatization when we are not going to privatize Social Security. Mr. Speaker, as long as I am chairman of the Subcommittee on Social Security, it is not going to be privatized; but we are desperately looking for some assistance from other side of the aisle. We need constructive engagement.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and thank him for his leadership in bringing this bill to the floor today. I also thank the ranking member for supporting this bill. We recognize this is a first step, and it is a good first step.

I rise in support of H.R. 4069, the Social Security Benefit Enhancements for Women Act of 2002. This bill makes commonsense corrections to Social Security law that will benefit widows, disabled widows, and divorced spouses. Social Security has been one of our Nation's greatest success stories, and particularly so for women. Women make up roughly half of America's population, yet they account for more than 60 percent of the Social Security beneficiaries. Three-quarters of the unmarried and widowed elderly women rely on Social Security for more than half of their income. This legislation will help. The annual cost-of-living adjustment often does not amount to a great deal of money per recipient. However, it is often a crucial sum for seniors trying to keep up with escalating costs, particularly medical ones.

Once implemented, this bill will help over 120,000 women. This may not sound like a large number, but the bill is going to touch the lives of more than 275 people in each of our 435 congressional districts. Even if it helps one, that is great. This will help 120,000-plus. Social Security must be strengthened for the future. It must be done in a bipartisan fashion, and passage of legislation of shared concern like this bill is a very good place to start.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the bill the gentleman has is a privatization bill. The gentleman can call it anything he wishes, but it is a privatization bill.

Dr. Peter Orszag, a professor at the University of California Berkeley, currently at the Brookings Institute, has studied the gentleman's bill, the DeMint-Armey bill and the three proposals presented by the President through his commission; he said all of them are privatization bills.

What the bill of the gentleman from Florida does, it deals with arbitrage. Money is borrowed at 6 percent, and then is lent out at 10 percent. We all know arbitrage is a huge risk, and it could blow up. Once Americans have these privatization accounts, then there is a claw back. When they are ready to retire, they have to give 95 percent of the money that is accumulated to put back into the Social Security Administration. If in fact the arbitrage falls apart, the money will not be there. It is jeopardizing the Social Security system. In addition, it is a private account that is being set up that affects the Social Security benefits. So it is a privatization plan.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I rise in strong support of improving Social Security benefits for women, all women in this country. That is one of the reasons why I support the legislation today of the gentleman from Florida (Mr. SHAW). But we should be clear, this modest improvement in Social Security benefits for women should be considered nothing more than a downpayment of what we must do to help women who for years have worked very hard in and out of the home, in and out of the office, in and out of all of the workplaces of America, the chance to receive their fair share of retirement security.

Mr. Speaker, four out of every 10 women who are retired today rely on Social Security for 90 percent of all of their income. And 75 percent of all women rely on Social Security for half of all of their income. Clearly Social Security is extremely important for women, more so than it is for men.

While we have done a tremendous job of decreasing poverty among our elderly, over the last 30 years or so we have seen a decrease of some 29 percent of poverty within the senior ranks in our country to something around 8.5 percent today of our seniors in poverty. When we look at widows, we find that their poverty rates are twice as much for the average senior in this country. We must do more.

Mr. Speaker, that is why I stand proudly to support the legislation of the gentleman from California (Mr. MATSUI), H.R. 4671, which would give women, widows, widowers their fair share within Social Security retirement benefits. What the Matsui bill does, which the Shaw bill does not do, it covers in a meaningful way Americans who deserve to have a meaningful opportunity to retire in comfort and security; 5 million people would be affected by the Matsui bill. We have about 120,000 women who would be helped by the Shaw bill. We should do it, but we have millions more who are out there waiting to receive their due. It is time for us to do this.

We cannot do retirement security on the cheap. We cannot continue to say that we will place Social Security first among all our priorities and not do it the right way. We cannot continue to say that we believe men and women should be able to retire in safety and security without doing it the right way. It is time for us to do this. We should pass this legislation. It is not enough. We should have had hearings on the Matsui legislation because, quite honestly, the American people deserve to know that we will protect our men and women in their retirement.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, first of all, let me say I do not know that anybody is not going to support this piece of legislation before us. What I do want to point out is this is a huge issue for a lot of people in and around this country. So often I have women who come to me because generally women live longer, who come to me and say my husband died, prescription drugs are going up. Everything is happening around me; and quite frankly, I cannot live on my Social Security alone. And I am not getting anything from my husband's Social Security.

The fact of the matter is, what concerns me most about this legislation today is there is going to be somebody who writes the story, and somebody is going to believe they are going to get something new or better than what they have gotten. The fact of the matter is, based on what I am seeing here, these are some very technical changes, changes that are not going to affect the same people that I think the gentleman from California (Mr. MATSUI) and others, including myself, have in fact sponsored. We could actually be helping about 5 million elderly widows instead of a small portion.

I might just say it is my understanding that, and it is technical, it would eliminate the 7-year deadline for the onset of the disability in order to be eligible for benefits as a disabled widow or widower. The proposal would allow divorced spouses benefits to be paid before the 2-year period has elapsed if the former spouse has remarried, and the proposal would limit the widow's actual reduction to the number of months the worker usually received in benefits.

That is not the 5 million elderly widows and widowers that need the help. That is a very small amount of folks in this country. I think that is the real debate that we need to be having here and hopefully will happen in this committee. We have two very reasonable Members, but we have not had the opportunity to have the Matsui bill be heard.

Mr. Speaker, we are seeing trends for women. The last 7 years of life, we live longer, we have personal health care needs, we are hearing in the committee about the overpricing of medicines, all of those things that they no longer can pay.

☐ 1645

There are also more women in nursing homes. Certainly this would help defray some of their cost. I just think that while we will support this today, what I would encourage and hope is that the committee, the Subcommittee on Social Security, will not leave it just at what I consider to be technical changes but will look at the wide picture, the picture of widows and widowers out there that really do need our assistance. Quite frankly, these are the folks that have been coming to us day in and day out explaining the concerns and needs that they have. I just do not think this is going to do that.

I do want to say that I hope we, in fact, will have an opportunity to discuss this, and certainly with the gentleman from California (Mr. MATSUI) and others, as to the importance of this whole issue on disability and Social Security and widowers' benefits.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. I thank my good friend and colleague from California for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 4069, the Social Security Benefit Enhancements for Women Act. This bill will help more than 120,000 Social Security beneficiaries. We wish it could be more, something like 4.7 million beneficiaries. It will provide enhanced Social Security benefits to women by increasing benefits for certain widows, by permitting more disabled widows to qualify for disabled widow benefits, and by allowing certain divorced spouses to receive their benefits sooner.

As has been indicated by my good friend from California, the Social Security Benefit Enhancements for Women Act addresses the challenges women, and especially widows, face when it comes to Social Security. Women on average earn less than men throughout their lives and therefore have less to live on during their retirement years. The vast majority of Social Security beneficiaries are women. Women make up some 60 percent of all Social Security recipients over the age of 65 and roughly 72 percent of all beneficiaries over the age of 85. Additionally, women lose an average of 14 years of Social Security earnings because of time out of the workforce spent to raise children or to care for an ailing parent or an ailing spouse. Further, women generally have a higher incidence of part-time employment and therefore have less of an opportunity to save for retirement.

Mr. Speaker, Social Security is the cornerstone of our Nation's retirement system. This is especially true for women. Without these benefits, nearly three-fifths of women over the age of 75 in this country would live in poverty. If we privatized Social Security, we would undermine many of the benefits that women receive through the current system. A plan to privatize Social Security is a plan that will jeopardize women's Social Security benefits and will jeopardize the entire Social Security system.

Women live on average 6 to 8 years longer than men and therefore must make retirement savings stretch over longer periods of time. Women depend considerably upon Social Security's progressive, lifelong, inflation-indexed benefits. There is no plan to privatize Social Security that will safeguard account balances from erosion due to inflation. Privatizing Social Security would be a mistake for all Americans.

Mr. Speaker, the solvency of our Social Security system is at risk. More than 32 million Americans collect benefits from Social Security today.

Mr. Speaker, May is Older Americans Month. It is critically important for us to honor our older Americans and shore up Social Security.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Again, Mr. Speaker, I support the gentleman from Florida's legislation. I think it is a good piece of legislation. It will take care of 120,000 additional women and I think that is a step in the right direction. I only wish we had an opportunity to vote on my bill, as a number of speakers on my side of the aisle have indicated they would have liked that opportunity, because we think it is important to deal with this issue today given the fact that there is a lot of uncertainty out there of what might happen in 2003 after the election.

The President's people, Mr. Rove and others, have said that they do not want to bring this issue up this year, they want to bring it up in 2003 after the election in terms of the whole issue of privatization. The real danger I see there is that once we embark upon that direction we are not going to be able to take care of these 4.7 million widows that my bill would take care of because we are going to be cutting benefits. I do not think there is any question about that.

The President's bill, for example, has three alternatives. One of the alternatives would require $6 trillion of general fund moneys, which we do not have at this time. In addition, it would have 46 percent cuts in benefits over the next number of years in terms of recipients of Social Security. Each one of his proposals either requires an infusion of general fund moneys or cuts in benefits. The gentleman from Florida's bill is a riverboat gamble essentially.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), the Democratic whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for his leadership on this very important issue, for calling to our attention the distinction between the bill before us today, which we will all support, and what we could really be doing for widows in our country who are on Social Security.

Social Security is one of America's proudest achievements in social policy. No other program has brought so many people out of poverty, enabling millions to live with dignity. For millions of senior citizens, it is a lifeline. Unfortunately, the lifeline is severed for many when a spouse dies. H.R. 4069 takes a few small steps to improve benefits for widows, but its remedies leave millions of widows behind. The gentleman from California (Mr. MATSUI) has introduced legislation that comprehensively addresses this need. However, the Republican leadership did not follow the regular committee process and Democrats had no opportunity to strengthen the provisions of this bill on the floor today.

Given what the Republican budget does to the Social Security surplus, the small steps forward being proposed today are even less adequate. Both parties promised that protecting Social Security would be the top priority. Yet the Republicans' budget breaks that promise by spending $1 trillion of the Social Security surplus over the next 5 years. The Republican plan to privatize Social Security would cost another $1 trillion over the next decade.

Democrats have asked repeatedly for the opportunity to debate the Republican privatization plan and last month on this floor, it does not even seem like it has been last month, it seems like just a couple of weeks ago, every Democrat voted for a motion to say that the Republican proposal to make the tax cuts permanent could not proceed unless the Congressional Budget Office said that those tax cuts would not raid the Social Security Trust Fund. Every Democrat voted for that. Every Republican voted against it. The looming retirement of the baby boom generation means that we cannot irresponsibly push this issue aside for another day.

This debate, like all debates on Social Security, has a disproportionate impact on women, who live 6 to 8 years longer than men on average and constitute 60 percent of Social Security recipients. Women continue to earn less on average than men and are less likely to have an employer-sponsored pension plan. Thus, the benefit structure of Social Security, which partially corrects disparities in income, is particularly important for women. Women are also more likely to work part-time and take time out of the workforce, 14 years on average, to raise their children and to care for ailing parents or spouses. As a result, they have less time to save for retirement.

Social Security must be protected for the elderly women who rely on it for their financial survival, and the concerns of women must be a priority in the ongoing discussion about how to preserve Social Security. That is why, of course, I will vote for what is on the floor today because approximately 120,000, 140,000 women will benefit, but let us not leave the millions of other widows behind whose needs would be addressed by the Matsui legislation.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume. I will sum up by making one other observation. I see the gentleman from Florida has a pay-for in his legislation. His bill will cost $4 billion over the next 10 years. The interesting thing about the pay-for, however, is that it comes directly out of the Taxpayer Bill of Rights legislation in which he used the same pay-fors to pay for the revenue offsets in the Taxpayer Bill of Rights which passed in the sunset bill about the middle of April.

In addition to that, I understand the bill that is coming up tomorrow, the welfare reform package, they are using the same offsets to pay for that as well. So it will be kind of interesting to see how they really use their pay-fors in order to actually make this bill fully funded.

I might just finally point out that our bill does not take any money out of the Social Security Trust Fund. It comes out of general revenues, the same general revenues that my colleagues on the other side of the aisle would have taken in October of last year when they passed their first GOP stimulus bill, in which 16 of the largest low-taxed corporations in America would have gotten an immediate tax break of $7.4 billion basically that would have been retroactive 16 years of the alternative minimum tax. Altogether it was $25 billion in tax reduction for major corporations in America that really do not need it, including $254 million to Enron and $1.4 billion to IBM. All of these would have received tax cuts without a pay-for. We would take our pay-for out of the same source that the gentleman would have given major tax cuts to.

I see he paid for his. On the other hand, it is coming from the Taxpayers Bill of Rights or tomorrow's welfare reform package, so I find it somewhat inconsistent in terms of where his pay-for is actually going to come from. We support this bill. We wish we could have had a vote on our bill in the form of an amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

I would like to just comment briefly on the observation that the gentleman just made. There is an old saying that there are two things in life that are certain, one is death and the other is taxes. I think we can add to that the provision that bills are going to languish in the Senate and will not be taken up, so I would guess that these pay-fors are going to be used over and over again in this House until the Senate finally passes something, which the American people really would like to see them do and like to see us work together to do these things.

I would also like to say that this particular bill in the pay-for is a budget function. It does not take any general revenue and put it into the Social Security system as the gentleman from California's bill does.

Mr. Speaker, I would also like to at this time correct a figure that I gave the House earlier. I said that the cost of doing nothing was $27 trillion. That figure is actually $25 trillion over 75 years. When I look, and as I see and as I have heard and read from the gentleman from Missouri (Mr. GEPHARDT) and from the gentleman from California (Mr. MATSUI), they do not think that we have to do anything. They do not think we have to forward fund Social Security. Let me just run a couple of statistics by the House. I hate to take this time on this particular bill because it is peripheral to it, but in that all of the benefits that the gentleman from California keeps talking about in his bill are in my Social Security bill or my bill to save Social Security, I think it does have some justification to be discussed and particularly since my Social Security bill has been discussed at length as a privatization bill, which it is clearly not.

When Social Security first came online many, many years ago, there were 40 some workers per retiree. Now we are down to a little over three. Soon it will be a little over two. A pay-as-you-go system has served us well and as long as we had a lot of workers at the bottom and few retirees at the top, it was fine. It worked great.

□ 1700

But now we know and the actuaries have told us, and now through the Democrat administration and the Republican administration they have advised us that there is a deficit pending in the Social Security System over the next 75 years of $25 trillion. Mr. Speaker, that is a lot of money. That is money that can bring down an entire economy.

So I say to my friend from California and other Members that think there is no need to do something, we are going to be faced with a dilemma and we had better start facing it. Do we want to cut benefits by one-third? I doubt it. But that is what we will have to do if we are going to keep the system going as a pay-as-you-go system.

Do we want to increase payroll taxes by 50 percent? I am sure we do not. But that is what we are going to have to do if you are going to maintain benefits and keep it as a pay-as-you-go system.

Or do we want to rack up a deficit of $25 trillion over the next 75 years? I am not making these figures up. I do not come to this floor unprepared with these figures. It is a question of what the administration has said through the Social Security System, now through a Democrat and a Republican administration.

So I think it is time that we quit the talk about privatization, quit the talk about raiding the trust fund, all of these sorts of things. It is pure nonsense, because we do not raid the trust fund, because there is no money in the trust fund. There are only Treasury Bills, and you cannot raid the Treasury Bills.

I would also say that over the years when the Democrats controlled this

House and the Senate and spending was very much in the red, that the Democrats did not raid the Social Security trust fund, because the system just does not work that way. But those are great words to really worry our seniors.

The seniors of this country have paid into a Social Security system as they know it today, and this Congress or no Congress should touch it. We should maintain the system and the integrity of the system as exactly what they have paid into.

However, it is time for us to begin to think ahead. If we do not want to raise payroll taxes, if we do not want to cut benefits, then we had better start planning ahead for the next generation, instead of just the next election. All we have heard about from the other side is the next election. Let us be responsible legislators and get together and save Social Security. Let us be concerned about our grandkids and our kids.

This is tremendously important. I think about every one of my 13 grandkids every time I think about where are we going to leave this country and this great retirement system. These little bitty kids are going to be seniors some day; they are going to be facing the possibility of poverty. They are going to pay into a Social Security system all of their working years.

They deserve better, Mr. Speaker. They deserve a responsible Congress that will go ahead and put all this rhetoric aside and reform Social Security. Unfortunately, I do not think we are going to see that until after this election, because there are some in this House that would rather have the issue that might change the majority of this House rather than saving Social Security for their kids. That is a sad commentary, Mr. Speaker.

With that, I would like to end on a positive note and urge that all of the Members of this body vote "yes" on H.R. 4069 which is before this House.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members that it is not in order to cast reflections on the Senate.

Ms. DELAURO. Mr. Speaker, I rise in support of this legislation, but it is with my extreme disappointment.

Mr. Speaker, five million widows currently experience a drastic reduction of benefits of up to 50 percent after their spouse dies. The poverty rate remains a staggering 15 percent for widows. That is simply wrong. America's seniors should not have to be confronted with a dramatic reduction in their Social Security income at the same time their beloved spouse dies. It should not happen.

That is why we should be debating legislation today that would guarantee Social Security benefits for elderly widows. But we are not.

Instead, we are debating a totally inadequate Republican proposal that would cover only 125,000 widows. The Republicans would leave over four million widows—four out of ten of whom depend on Social Security for 90 percent of their income—with severely cut benefits.

But it is a small step in the right direction. Covering 125,000 widows is better than covering none, which is our only other alternative and which is why I will support this weak bill. But let's not fool ourselves into thinking it is enough. We could do more. Democrats want to do more.

Our substitute, which was not allowed to be considered today, would have helped approximately 4.5 million elderly people—one million of whom now live below the poverty level. It would have addressed this problem in a meaningful way that helps our seniors out of poverty.

Instead, the Republicans are trying to fool the electorate into thinking they care about this issue by offering something, anything. The fact is that the Republicans find no problem with denying over four million widows Social Security benefits while they look forward to spending $8 trillion to privatize the system.

Mr. Speaker, we should be doing more.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the legislation we are considering today, H.R. 4069, the Social Security Benefit Enhancements for Women Act of 2002.

This bill makes a modest attempt to address current deficiencies in the manner that Social Security compensates some widows.

The fact is that women are more likely than men to be dependent on Social Security for their retirement. Because of the kind of jobs they are more likely to hold, the responsibilities that they face with children and the work interruptions that result from family commitments, women tend to have lower earnings than men, are less likely to have pensions and therefore are more reliant upon Social Security for their retirement.

The bill we are considering today rectifies a few inequities in the system that are faced by certain widows whose benefits are unfairly reduced by the rigidity of the system. However, if the Majority wants to truly begin to address the failings in the system for widows we should be considering Representative MATSUI's more comprehensive legislation today—H.R. 4671, the Social Security Widow's Benefit Guarantee Act.

Representative MATSUI's bill, which I proudly cosponsored, would go much further than the bill on the floor and grant real retirement security for poor seniors by guaranteeing widows a benefit equal to 75 percent of the combined benefits the couple had been receiving prior to the death of the spouse.

Guaranteeing a livable retirement benefit for widows is critical because they tend to be overwhelmingly dependent on Social Security.

As a group, 75 percent of elderly non-married women, including widows, rely on Social Security for half of their income.

In the short-term these women deserve the guarantee Mr. MATSUI's bill would provide. In the long-term, we need to make sure benefits are available as promised and not risk the future of the system by privatizing it.

The Speaker pro tempore.

The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4069, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROHIBITING MEMBERS OF ARMED FORCES IN SAUDI ARABIA FROM BEING REQUIRED OR COMPELLED TO WEAR THE ABAYA GARMENT

Mr. RYUN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4714) to prohibit members of the Armed Forces in Saudi Arabia from being required or formally or informally compelled to wear the abaya garment, and for other purposes.

The Clerk read as follows:

H.R. 4714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WEAR OF ABAYAS BY MEMBERS OF THE ARMED FORCES IN SAUDI ARABIA.

(a) PROHIBITION RELATING TO WEAR OF ABAYAS.—A member of the Armed Forces may not be required or formally or informally compelled to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(b) INSTRUCTION.—(1) The Secretary of Defense shall provide each member of the Armed Forces ordered to a permanent change of station or temporary duty in the Kingdom of Saudi Arabia with instructions regarding the prohibition in subsection (a). Such instructions shall be provided to a member within 10 days before the date of a member's arrival at a United States military installation within the Kingdom of Saudi Arabia or immediately upon such arrival. The instructions shall be presented orally and in writing. The written instruction shall include the full text of this section.

(2) In carrying out paragraph (1), the Secretary shall act through the Commander in Chief, United States Central Command and Joint Task Force Southwest Asia, and the commanders of the Army, Navy, Air Force, and Marine Corps components of the United States Central Command and Joint Task Force Southwest Asia.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT OF ABAYAS.—Funds appropriated or otherwise made available to the Department of Defense may not be used to procure abayas for regular or routine issuance to members of the Armed Forces serving in the Kingdom of Saudi Arabia or for any personnel of contractors accompanying the Armed Forces in the Kingdom of Saudi Arabia in the performance of contracts entered into with such contractors by the United States.

(d) COMMANDER AUTHORITY.—Notwithstanding subsection (a), the commander of the United States Central Command may require the wear of the abaya garment in specific circumstances that, in the opinion of the commander, constitute an operational requirement essential for the conduct of the military mission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. RYUN) and the gentleman from Rhode Island (Mr. LANGEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. RYUN).

GENERAL LEAVE

Mr. RYUN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4714.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RYUN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak to the bill offered by the gentleman from Indiana (Mr. HOSTETTLER) and the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. Speaker, this legislation establishes certain requirements relating to the wear of the abaya garment by Members of the U.S. Armed Forces in the Kingdom of Saudi Arabia. This bill represents a compromise bill on an amendment proposed during the markup of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

Mr. Speaker, I think many Members feel the wearing of the abaya uniform by female service members should be entirely voluntary. I agree with that particular view. The pending legislation provides for such voluntary wear, except under specific circumstances that the Commander of the United States Central Command may designate when the CINC determines that mandatory wear constitutes an operational requirement essential for the conduct of the military mission.

Mr. Speaker, I reserve the balance of my time.

Mr. LANGEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I explain the bill the gentleman from Indiana (Mr. HOSTETTLER) and I wrote together and introduced today, I would like to thank the Members who made this possible.

From the moment I introduced language that prohibited the requiring or strongly encouraging our military women to wear abayas, both the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New Mexico (Mrs. WILSON) were by my side. As we negotiated with the committee, maneuvered through the Committee on Rules, floor consideration and final passage of the National Defense Authorization Act, the three of us illustrated the power of bipartisanship and determination. I am truly honored to have worked with such knowledgeable and dedicated Members of this body.

Mr. Speaker, I also want to thank the gentleman from New York (Chairman MCHUGH) of the Subcommittee on Military Personnel and the members of the Committee on Armed Services for their understanding and willingness to work with us to include this language in the defense bill. To clarify for the CONGRESSIONAL RECORD, it is the intent of the House that this language be included in the final defense bill that is passed by both Chambers and enacted into law.

Mr. Speaker, one last thank you before I highlight the importance of this legislation, and that is my constituent, Lt. Colonel Martha McSally. Many of you know her as the first female fighter pilot to fly in combat, as well as leader in the effort to change the military's policy of requiring military servicewomen in Saudi Arabia to wear abayas. For 7 years this battle was fought. She is a remarkable person, whose patriotism is undeniable, integrity unquestionable, and determination to do what is right unparalleled. I am deeply honored to sponsor this legislation today to help Lt. Colonel McSally end this battle once and for all.

My colleagues have heard me say it numerous times before: women make first-class soldiers and should not be treated like second-class citizens. This bill we consider today will prohibit the military from requiring or formally or informally compelling servicewomen in Saudi Arabia to wear abayas and would block the military from making regular procurements of abayas.

This sends a very strong message. It says Congress will no longer tolerate forcing our dedicated military servicewomen who are on the front lines risking their lives, protecting and fighting for freedom and democracy and to defend Saudi Arabia itself to wear a religious garment of faith most of them do not follow.

As you can see from this picture, the abaya and head scarf cover the entire body from head to toe. Our female servicewomen stationed in Saudi Arabia are wearing this and having the most radical of Islamic beliefs imposed upon them, even though the Department of State does not require or encourage any of its employees to wear the abaya. It does not require its employees to wear abayas while on duty precisely because they are representing the United States of America. Not even the spouses and dependents of the State Department staff wear the abaya, nor did Mrs. Cheney or former Secretary of State Madeleine Albright during their visits to Saudi Arabia.

The Government of Saudi Arabia itself does not require non-Muslim women to wear abayas. My colleagues may be interested to know that even General Schwarzkopf did not issue any mandate requiring the servicewomen to wear abayas during the Gulf War. Male servicemembers are not required to wear the abaya, grow beards or embrace any Islamic religious beliefs in this way, so neither should women. Forcing our female service troops to wear the abaya has a negative impact on our recruitment and diminishes morale, unit cohesion and the chain of command headed by female servicemembers. Most of all, this practice is completely unnecessary.

Mr. Speaker, this is about leadership. This is about sending a message to the world that America treats its citizens equally. And this message comes from the top. On November 17 of last year, President Bush launched a worldwide effort to focus on the brutality against women and children by the al Qaeda terrorist network and the Taliban. Under this regime, women were denied access to doctors and education and could not work outside the home or even leave the home by themselves.

This severe repression of women under the guise of religion masked an insidious discrimination that neither America nor many Muslims condone. In fact, most of the Islamic world recognizes women make important contributions to their societies. That is why America must affirmatively reject subjecting our military servicewomen to this discrimination and that is why I have fought to bring this bill to the floor today.

I urge my colleagues to join me, the gentleman from Indiana (Mr. HOSTETTLER), and the gentlewoman from New Mexico (Mrs. WILSON) in passing this legislation and ending the demeaning practice of making only American servicewomen wear the abaya.

Mr. Speaker, I reserve the balance of my time.

Mr. RYUN of Kansas. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Kansas for yielding me time.

Mr. Speaker, I am proud to join the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from New Mexico (Mrs. WILSON) in sponsoring H.R. 4714, a bill to prohibit members of the Armed Forces in Saudi Arabia from being required or formally or informally compelled to wear the abaya garment.

Present DOD policy of "strongly encouraging" our female military personnel to wear the abaya sure sounds like an order to me. Christians like Lt. Colonel Martha McSally should not be forced to wear a Muslim outfit, especially when off duty and on their own time.

I am puzzled by the fact that our female military personnel are treated like second-class citizens while stationed on soil they are defending from Iraqi aggression. As a matter of fact, the State Department does not require its female embassy employees to wear the abaya in Saudi Arabia. When Second Lady Lynne Cheney accompanied Vice President DICK CHENEY on his recent visit to Saudi Arabia, she did not wear an abaya; she wore a business suit.

It gets better. The Government of Saudi Arabia, according to their officials in the D.C. embassy, does not require foreigners to wear the abaya.

Forcing our female troops to wear the abaya in the past and now today strongly encouraging them to do so has a negative impact on our recruitment and retention of highly qualified military personnel.

How many well-trained, well-qualified military personnel have separated from the military to avoid wearing the abaya in Saudi Arabia? How many have not decided to enlist in our U.S. military in the first place to avoid ever being forced to wear the abaya?

The argument that women should wear the abaya for force protection begs the question what are we doing in any country if the best force protection measure is wearing an abaya?

Likewise, I believe Lt. Colonel McSally was right when she said, "When you separate your troops into two groups and then impose the values of the host nation on one of them, to me that is abandoning your American values."

This important legislation informs our allies that while our presence in their country is advantageous to their security, we are there not to defend their values, but the values of Americans. Some of those are women who have volunteered to put their lives on the line for our liberties.

The time is now for the Congress to take control of this issue, given our responsibilities under Article I, section 8 of our Constitution; and H.R. 4714 does just that. I should not have to remind anyone in this Congress about the plaque that hangs in the House Committee on Armed Services room which reminds us, all of us, including officials from the Department of Defense, that according to our Founding Fathers, "The Congress shall have power to make rules for the government and regulation of the land and naval forces."

☐ 1715

In conclusion, Mr. Speaker, I would like to take this opportunity to commend Lieutenant Colonel Martha McSally for her courage in bringing this issue to the public's attention. For 6 years, she quietly tried to persuade the Pentagon to modify its policy with no success. She even discussed the issue with then Defense Secretary William Perry in 1995. In 2000, she lobbied then Secretary of the Air Force, Whit Peters. Moreover, she has written memos and met with top generals in the Air Force and still got nowhere.

It was not until she was questioned by a reporter for USA Today in April 2001 that she talked publicly about this policy, and I am glad she did. Otherwise, the Congress would probably still be in the dark about this religious liberty and quality of life issue for our female military personnel.

Mr. Speaker, I hope we take action to remedy this injustice now. I urge all of my colleagues to support H.R. 4714.

Mr. LANGEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), our esteemed ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, first let me say I appreciate and applaud the persistence of the gentleman from Rhode Island (Mr. LANGEVIN) in behalf of this legislation. It is the right thing to do. I appreciate the work of the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New Mexico (Mrs. WILSON) on this issue.

There was a phrase that the gentleman from Indiana (Mr. HOSTETTLER) used that is part of our Constitution. Mr. Speaker, the United States Constitution requires the Congress to raise and maintain the military and also to establish the rules and regulations thereof. Through my years in Congress, I have had the opportunity to do both and particularly, in writing rules and regulations insofar as military education is concerned and insofar as the structure of the military is concerned, which resulted in what we now call Goldwater-Nickles.

Mr. Speaker, this is the right thing to do. The Americans are in Saudi Arabia, have been in Saudi Arabia, were there to make sure that Saddam Hussein's troops did not come down south and into that country. They are there for the protection of that country. This is a very appropriate thing to do, to not make the American women of the military abide by anything but the American rules.

Mr. RYUN of Kansas. Mr. Speaker, I yield 5 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a member of the Committee on Armed Services.

Mrs. WILSON of New Mexico. Mr. Speaker, I want to commend the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Indiana (Mr. HOSTETTLER) for their leadership and their perseverance on this issue. This is a provision that probably should have been included in this year's defense authorization bill and may ultimately get rolled into that bill in conference, but without their perseverance we would not have been able to bring this bill to the floor of the House today.

It is my hope that the House tonight will send a very clear message to the Department of Defense that its policy on the wearing of the abaya, first making it mandatory and then strongly encouraging women service members in Saudi Arabia to wear the abaya, is completely unacceptable to this House and to the American people.

This bill, when passed, and I believe it will be passed and included in the defense authorization bill, or a standalone bill will pass the Senate, will end the DOD policy that affects American servicewomen serving in Saudi Arabia.

The sad thing is that this bill is needed at all. This policy should never have been put in place in the first place. When it was put in place and brought to the attention of senior commanders at the Pentagon, it should have been immediately repealed as transparently unconstitutional. Yet, it requires action by the United States House of Representatives in order to send a clear message to the Department of Defense that if they do not get it, we do, and they have to change this policy.

The Department of Defense changed its policy slightly by changing it from being mandatory to strongly encouraging American servicewomen to wear the abaya when off duty and off post in Saudi Arabia. Maybe that was clever from a public relations point of view, but for those of us who have served in the military, and I have, we know that "strongly encouraged" is not optional. When a senior officer tells a young service member that they are strongly encouraged to wear an abaya, that is about as close to an order as one can get. In fact, if one values one's military career, one will do it. If one values just one's freedom from hassles, from being labeled as a troublemaker or not a team player, it means one will do it, because it really means that one has to, because the commander says they are strongly recommending it. And they say that with a kind of tone in their voice that means, you do it or else.

It is those kinds of policies that we do not need in the United States military, and I think this goes beyond the issues of class, beyond issues of respect for women in positions of command. I believe that this is a first amendment issue.

The abaya is traditional Muslim garb. It is as inappropriate for the Department of Defense to order servicewomen to wear traditional Muslim garb, most of whom are Christians or Jewish who do not share the faith of women who choose to wear that dress, it is as inappropriate to do that as it is to tell servicemen serving in Israel that they must wear a yarmulke when they go to the Western Wall. Now, most servicemen would do so out of respect for the traditions of the country in which they are a resident. But it is inappropriate for the Department of Defense to force service members to wear religious clothing, pure and simple, and it is likewise inappropriate to strongly encourage that they do so.

This legislation is very clear in its language. It prohibits formally or informally compelling service members to wear the abaya. That covers all of the synonyms for "strongly encouraged" so that they could not just change it to "strongly recommend" or "highly recommend." They are prohibited from informally or formally compelling them. There is only one exception, and that exception is force protection. This House has rejected the DOD's spurious arguments about force protection, and that is exactly what they are.

The only exception is very narrowly crafted, and that is if it is essential to the conduct of the military mission and, in sitting on this floor with my colleagues and talking about what that might mean, if there was a serious civil unrest in Saudi Arabia and we had soldiers who are downtown in a building and we needed to extract them without local people knowing who they were, or for some reason for a special forces operation or to move people around, we may need to hide who our people really are. Those are the essential kinds of things that might justify such an order. Nothing else does.

I commend the gentleman from Rhode Island and the gentleman from Indiana for their leadership. This House will make a statement tonight that we will not tolerate this kind of policy from the Department of Defense, and we are strong enough and united enough to stand up for them.

Mr. LANGEVIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his leadership on this important issue, and the gentlewoman from New Mexico also, who served in the military and who brings a great deal of knowledge and understanding to this issue. I thank her for her very impassioned statement before Congress today.

Our country is at war. Our troops overseas are risking their lives to protect our lives and our rights as United States citizens. Unfortunately, in Saudi Arabia we have seen servicewomen who have lost their rights to wear their military-issued uniforms as they are protecting our rights. Instead, while fighting to protect our freedom and democracy, these women are being encouraged and sometimes required to wear an abaya. For those of us who are not familiar with it, it is a long black robe that covers a woman from head to toe.

Requiring women to wear this garment discriminates against them and violates their religious freedom by forcing them to adopt another faith's garb. It does not increase the safety and security of U.S. interests. Instead, it works against them. By discriminating against women in the military, we undermine the authority of officers stationed in Saudi Arabia and diminish morale among servicewomen.

Last December, Lieutenant Colonel Martha McSally, the highest ranking female fighter pilot in the Air Force, brought a lawsuit against the military for its practice of requiring servicewomen stationed in Saudi Arabia to wear this black garment, ride in the back seat of cars, and be accompanied by a man when off base. In response to her courageous suit, I sent a letter to Secretary Rumsfeld, along with 18 other Members of Congress, urging him to revoke this discriminatory policy against women serving in Saudi Arabia.

Mr. Speaker, I will include for the RECORD the referenced letter.

Mr. Speaker, let me be clear. The Government of Saudi Arabia does not require non-Muslim women to wear abayas and the State Department does not require them or even encourage any of its employees to wear this garment. Our Armed Forces should show the same amount of respect for its employees.

The bottom line is that our servicewomen are fulfilling a very difficult job in Saudi Arabia, and they deserve to be treated with respect. They must not be forced into a subservient position.

Mr. Speaker, U.S. servicewomen are valued, respected, capable members of our Armed Forces. It is the duty of the United States Government and its military to demonstrate to other nations how much we value our servicewomen serving overseas.

The United States must set a standard for equality around the world and stop this discriminatory treatment against American servicewomen.

I congratulate my colleagues on the committee for putting forward this bill. I support it strongly. It is an important statement in support of our women serving overseas in Saudi Arabia and other countries.

U.S. CONGRESS,
Washington, DC, Dec. 17, 2001.

Hon. DONALD RUMSFELD,
Office of the Secretary, Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD; We are very troubled to learn that American servicewomen stationed in Saudi Arabia are required to wear abayas and ride in the back seat of cars when off base, and that they cannot go off base unless accompanied by a man. We are conscious of the need to maintain good relations with Saudi Arabia, particularly during this time of war; however, we understand that servicewomen are the only federal employees stationed in Saudi Arabia who are obliged to follow these rules.

Our servicewomen are fulfilling a very difficult job in Saudi Arabia, and they deserve to be treated with respect. By requiring servicewomen to adopt a subservient position, the military is sending the very clear signal that they are not deserving of equal respect. This has a particularly significant impact on officers, who are being asked to be subservient to men under their command. It is very difficult for these officers to maintain the same degree of authority if they must adopt a submissive role off base.

We urge you to revoke this policy and to treat servicewomen with the same dignity afforded other federal employees in Saudi Arabia.

Sincerely,

Carolyn B. Maloney; Betty McCollum; Janice Schakowsky; Lloyd Doggett; James P. McGovern; Nita Lowey; Peter DeFazio; Martin Frost; James Leach; Barbara Lee; Diane Watson; Lucille Roybal-Allard; Ellen Tauscher; Jim McDemott; Elijah Cummings; Julia Carson; George Miller; Neil Abercrombie; Diana DeGette.

Mr. RYUN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a result of the concerted efforts of several members of the Committee on Armed Services, this bill expresses the views of many Members of Congress regarding the wearing of the abaya by our military personnel serving in the Kingdom of Saudi Arabia. Moreover, it affords the commanders the latitude necessary to educate service members about the threats and allows such force protection measures as may be dictated by a unit's mission and location. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LANGEVIN. Mr. Speaker, I yield myself such time as I may consume to just take a minute to thank the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Indiana (Mr. HOSTETTLER) once again for their leadership and determination. I think that this bill sends a very clear message about how we expect our soldiers to be treated overseas and in this country.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise in support of H.R. 4714, a bill to prohibit members of the Armed Forces in Saudi Arabia from being required or formally or informally compelled to wear the abaya garment. I commend my colleagues on the Armed Services Committee—Mr. LANGEVIN and Mr. HOSTETTLER for their perseverance on this issue and for bringing this bill to the floor today.

This legislation will end a Defense Department policy affecting servicewomen stationed in Saudi Arabia.

It is a sad commentary that this legislation is needed at all. This policy should not have been implemented in the first place; it should have been changed rapidly when it was brought to the attention of senior commanders and the Pentagon; and the revised policy is also flawed.

This bill would have been part of the Defense Authorization bill this year, and it may be incorporated into that legislation in conference committee. It is my hope that the Defense Department won't wait to be forced to do the right thing.

Our vote tonight is to send a message to the Defense Department loud and clear: your policy requiring or strongly encouraging servicewomen stationed in Saudi Arabia to wear the abaya is without merit and is offensive to the American people. You need to change it, or the Congress will change it for you.

Mr. Speaker, those who choose to serve our country, regardless of gender, should be treated with respect by their commanders. There's a lot of talk about loyalty from the bottom up. But loyalty from the top down is more important, and more rare. Since the beginning of the Republic, Americans, both men and women have done their duty to secure the liberties that we enjoy. Women make first-class soldiers and should not be treated like second-class citizens.

But this legislation goes far beyond issues of class and respect for women in the service. The abaya is a garment that covers a Muslim woman from head to toe with only the eyes showing. It is associated by others and by servicewomen with the Muslim religion. Forcing American servicewomen—most of whom are Christian or Jewish—to wear traditional Muslim dress is deeply offensive to their religious beliefs and possibly unconstitutional.

But the Defense Department just doesn't seem to get it. They would never force American servicemen to wear a yarmulke in Israel or a crucifix in order to avoid harassment or be sensitive to the local culture. Indeed, the same regulation that ordered women to wear the abaya in Saudi Arabia prohibited servicemen from wearing local Saudi dress for men.

The Defense Department has never seemed to be troubled by this double standard that directs servicemen to dress conservatively while prohibiting the wear of local dress, and presumes that young servicewomen could not or would not follow similar command guidelines and ordered them to wear the abaya.

The Department's modified policy that "strongly encourages" women to wear the abaya only sounds satisfactory to people who have never been in the military. When an officer "strongly encourages" any young troop to do something, that is not optional. It means you darn well better do it if you value your career in the military. It means if you don't do it, you risk being branded as an attitude problem, a troublemaker, someone deserving extra (and certainly unwanted) attention that is likely to make your life a whole lot harder and possibly downright miserable. Every veteran in this body knows what I'm saying is true.

DOD's policy change to "strongly encourage" wearing the abaya was clever as a public relations move, but not clever enough to hide from this body that DOD wishes to preserve a practice offensive to military women and offensive to the American people and the beliefs we cherish.

Mr. Speaker, this legislation states that a member of the Armed Forces may not be required or formally or informally compelled to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia. It prohibits taxpayer funds from being used to purchase abayas. It requires commanders to inform their troops of this policy and provide them a copy of it in writing.

The language "formally or informally compelled" is intended to cover a range of synonyms for "strongly encouraged". We did not want to prohibit DOD from "encouraging" wear of the abaya while they change their policy to "recommend" it, or "suggest" it. We are not interested in playing with words. DOD may not formally or informally compel wear of the abaya in any way. The current DOD policy of "strongly encouraging" wearing of the abaya is not consistent with this legislation and, if this legislation passes, it must be changed.

There is one exception in this legislation, and it deserves explanation. The Defense Department initially justified their abaya policy on the grounds of host nation sensitivity, even though neither the Saudi government nor the State Department require or strongly encourage wearing the abaya. In fact, the State Department also does not recommend that tourists—arguably the least prepared to deal with religious enforcers, called Mutawa'iin—wear abayas. The recommendation for tourists is the same as for the male service members: conservative clothes that cover the arms and legs.

Then, as pressure grew, the Defense Department modified their policy and the justification for it on the grounds of "force protection". They maintain that they must continue to have the option of ordering women to wear the abaya if a commander considers it to be necessary for the safety of our servicewomen.

In passing this legislation, the Congress is explicitly rejecting this "force protection" argument. Indeed, in negotiations with DOD staff before the FY03 Defense Authorization Act came to the floor of the House, the DOD argued for a "force protection" exception that was so broad that it made the prohibition meaningless. The members of Congress involved in these discussions rejected DOD's arguments and the force protection exception is not included in this bill.

What we have included is a much narrower exception that says the commander of the United States Central Command may require the wear of the abaya in "specific circumstances" that "constitute an operational requirement essential for the conduct of the military mission."

First, the Commander of USCENTCOM may not delegate this authority to anyone else below him. Second, he may not do so based on a general need for "force protection" or "safety". The only time he may do so is if it is an operational requirement to complete the military mission.

In crafting this exception, we had in mind very unusual circumstances like special operations requiring concealment, an unusual need to move people in-country without the knowledge of the best country, or if there were widespread civil unrest to extract service members from a dangerous situation without detection or provocation.

Mr. Speaker, I hope this House will be heard today and that we send a resounding message to the Department of Defense. Your policy on wearing the abaya is inconsistent with our values as a nation and we insist that it be changed.

Mr. PAUL. Mr. Speaker, while I support this legislation, I would like to make a few observations. It is unfortunate that we are in a position where we must act on such legislation. Because of our unwise policy of foreign interventionism, which has placed thousands of American service members in the Middle East including in Saudi Arabia, we are placed in a no-win situation. Either we disregard and mock the customs and culture of Saudi Arabia by refusing to adhere to dress codes that they have adopted, or we subject American women to a dress code that is offensive to our own culture and customs and is disrespectful to the sacrifices they are making for this country. What a choice, Mr. Speaker!

I am voting for this bill because I believe, on the whole, that it is preferable to place concerns about our own citizens over those whose homeland is being defended by American troops. Young Americans join the all-volunteer military as an act of patriotism in hopes of defending their country and their constitution. We in Congress must honor that sacrifice. it is bad enough that our troops are sent around the world to defend foreign soil. Asking them to comply with foreign customs which violate basic American beliefs about freedom in order to appease the very governments our troops are defending adds insult to injury. I do not believe a single female member of the armed forces enlisted for the "privilege" of wearing an abaya while defending the House of Saud or that one single male member of the armed forces enlisted in order to force his female colleagues to wear an abaya.

The fact remains that we continue to maintain troops in a place where they are not needed. It is the consequences of this dangerous policy that concern me most. Isn't it time to return to a more sound foreign policy, one that respects the culture of others by not intervening in their affairs? Is it not time to bring American troops home to protect America, rather than continuing to station them in far off lands where the protection they offer is not needed?

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of this bill to prohibit the Department of Defense from requiring female service members to wear the 'abaya', a long black robe covering the body from head to toe, worn with a head scarf and often a veil.

Currently, the DOD requires U.S. servicewomen to wear the abaya when they leave base in Saudi Arabia. DOD policy also mandates that servicewomen cannot sit in the front seat of a vehicle when traveling off-base. I am outraged that DOD would not only tolerate, but perpetrate, this type of discriminatory treatment against American servicewomen. Our women in uniform are performing their duty to protect the interests of both the United States and of the host country. It is unfortunate that the Saudi government has so little appreciation for the contributions of U.S. servicewomen as to allow harassment of them to take place at the hands of the Saudi religious police. But it is unconscionable that our own government should uphold this institutionalized disrespect of women by requiring that Americans conform to these standards.

U.S. servicewomen are valued, respected, capable members of our armed forces. It is the duty of the U.S. government, including its military, to demonstrate to other nations the high regard in which we hold them.

It is important to note that official Saudi policy does not require non-Muslim women to wear the abaya. Similarly, the U.S. State Department allows its female employees to use their own best judgment when deciding how to dress when they go outside the embassy. The Department of Defense should show the same degree of trust in its employees, and end this backward order regarding the abaya. This legislation would do just that, and I urge my colleagues to support it.

Mr. LANGEVIN. Mr. Speaker, I yield back the balance of my time.

Mr. RYUN of Kansas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion offered by the gentleman from Kansas (Mr. Ryun) that the House suspend the rules and pass the bill, H.R. 4714.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Stearns) at 6 o'clock and 32 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules and on approving the Journal on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3694, by the yeas and nays;

H.R. 4069, by the yeas and nays; and approving the Journal, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HIGHWAY FUNDING RESTORATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3694, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. Young) that the House suspend the rules and pass the bill, H.R. 3694, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 5, not voting 19, as follows:

[Roll No. 159]

YEAS—410

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Flake
Paul
Royce
Sessions
Shadegg

NOT VOTING—19

Ackerman
Blagojevich
Brady (PA)
Burton
Cannon
Diaz-Balart
Lee
Mascara
McIntyre
Murtha
Payne
Peterson (MN)
Riley
Rothman
Schaffer
Stump
Sweeney
Terry
Traficant

☐ 1854

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 159 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Stearns). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SOCIAL SECURITY BENEFIT ENHANCEMENTS FOR WOMEN ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4069, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4069, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 160]

YEAS—418

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Blagojevich
Brady (PA)
Burton
Cannon
Diaz-Balart
Mascara
McIntyre
Murtha
Payne
Riley
Rothman
Schaffer
Sweeney
Terry
Traficant

☐ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 160 I was unavoidably detained. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3321

Mr. GRAVES. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3321.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRAVES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 40, answered "present" 1, not voting 22, as follows:

[Roll No. 161]

AYES—371

Abercrombie
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)

Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stump
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—40

Aderholt
Baird
Baldwin
Borski
Brown (OH)
Capuano
Condit
Costello
Crane
DeFazio
English
Fattah
Filner
Gillmor
Hefley
Hilliard
Kucinich
Larsen (WA)
LoBiondo
Markey
Matheson
McDermott
Miller, George
Moore
Moran (KS)
Oberstar
Olver
Peterson (MN)
Ramstad
Sabo
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Udall (NM)
Visclosky
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—22

Ackerman
Blagojevich
Brady (PA)
Burton
Cannon
Cunningham
Dicks
Lampson
Mascara
McIntyre
Mica
Murtha
Payne
Rehberg
Riley
Schaffer
Smith (MI)
Souder
Sweeney
Terry
Towns
Traficant

□ 1915

So the Journal was approved.

The result of the vote was announced as above recorded.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, recently the gentleman from Tennessee (Mr. GORDON) and I joined to introduce the Sports Agent Responsibility and Trust Act.

Each year, hundreds of college athletes are offered illegal inducements to enter into contracts prior to the exhaustion of the athletes' eligibility by unscrupulous sports agents. Often these actions result in three major problems.

Number one, the loss of the athletes' eligibility. Personally, I experienced having a player back in the 1980s who was offered some illegal inducements, lost his eligibility, and pretty much ruined his career. That same player was involved with some agents who really had given illegal inducements to several players around the country. They were eventually indicted on a number of felonies. They threatened some of the players with bodily harm. However, in the State of Nebraska, we lacked the laws to pursue these agents.

Secondly, there is a financial loss to the athlete and the school when illegal agent offers are involved. Again, a personal note, I had a player back in the 1980s who thought he signed a contract for giving 3 percent of his proceeds to the agent, but somewhere buried in the contract was 13 percent. So he lost hundreds of thousands of dollars. Fortunately, that player was able to recover more than $300,000 because the agent with which he had signed the illegal contract had previously come from the State of California, where there are laws that govern agents, and since that agent had not registered under California law, we were able to recover $300,000. However, in the State of Nebraska we could not do this because Nebraska, again, had no law that would enable us to prosecute.

Recently, an agent named Tank Black was sentenced to 5 years in prison for swindling athletes for more than $12 million, and so we think this is important. It also allows the schools to file civil lawsuits against unethical agents.

Thirdly, another issue that is very important, a negative perception of intercollegiate athletics often results when athletes enter into illegal contracts with agents. So the recent previous cases would involve the University of Alabama, University of Louisville, University of California, University of Utah, Texas Southern, University of Miami at Florida, University of Southern California, Tennessee, Ohio State, Texas A&M, Florida State and others, and in each one of these cases the school really did nothing illegal. It simply had some players that entered into illegal negotiations with agents, and of course, this reflected negatively on the school.

Currently 17 States in our country, including my home State of Nebraska, have no regulations governing sports agents. The legislation that we are proposing provides a uniform Federal backstop that applies to all States. This bill does not supersede State law. It simply aids and abets those States that do have regulations governing sports agents.

This act brings sports agents under the jurisdiction of the Federal Trade Commission, which provides for a fine of $11,000 per day per event. State laws cannot cross State borders. So until all 50 States adopt uniform standards there is not uniformity in the law regulating sports agents.

The Sports Agent Responsibility Act provides a separate Federal remedy for States Attorneys General to prosecute sports agents who attempt to exploit student athletes across State lines.

I urge my colleagues to join the gentleman from Tennessee (Mr. GORDON) and me as we try to protect intercollegiate athletics from unscrupulous sports agents.

CUBA'S DEVELOPMENT OF BIOLOGICAL WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to draw attention to a recent statement by the Bush administration confirming Cuba's development of a biological warfare program and the possible transfer of this knowledge to other rogue nations.

Mr. Speaker, Cuba is designated by the State Department as one of seven nations who sponsor international terrorism. However, since the collapse of the Soviet Union many Americans make the mistake of believing that Cuba is no longer a threat to our national security.

Recent votes here in the House have reflected this shift in public perception. Just 3 weeks ago we voted on a motion to instruct conferees on the farm bill to include a provision that would lift part of the trade embargo to allow for public financing of agricultural trade with Cuba. I opposed this motion because I feel that it is shortsighted to lift economic sanctions when the Cuban government has done little to prove their worthiness of an economic partnership with the United States.

In fact, Mr. Speaker, Fidel Castro shows only his open hostility to the United States by pursuing biological warfare research. He has what are considered to be the most sophisticated biomedical capabilities in Latin America. Cuba stands as one of the few developing nations who plays a significant role in drug and biotechnology activities.

Mr. Speaker, there is evidence that Cuba is experimenting with anthrax, as well as a number of other deadly pathogens. Some experts believe that Cuba is even capable of making genetically modified germ weapons that are able to defeat vaccines and antibiotics.

Unfortunately, the possibility that a rogue nation only 90 miles from our shores is producing biological weapons is not the worst of our problems. Mr. Speaker, intelligence officials have evidence that Cuba may be selling its bioterrorist knowledge to other nations hostile to the United States.

Last year, Castro visited Iran, Syria and Libya, three nations that occupy spots on the State Department's terrorism list, along with Cuba and three nations that are currently attempting to develop weapons of mass destruction. During his visit to Tehran University, Castro stated that together Iran and Cuba could "bring America to its knees." An unnerving thought when we consider that Cuba is closer to the United States mainland than Washington, D.C., is to my home in New Jersey.

Mr. Speaker, it is time that we put the debate about Cuba and the Castro regime into the proper perspective for the American people. Too often people are only willing to see the economic benefit of trade with Cuba and lifting the trade embargoes. They do not understand that by lifting the embargo, without agreements by Castro to stop biological weapons production and without commitments on human rights or civil liberties, that we are giving Castro exactly what he wants.

Mr. Speaker, it is time we see Castro and his regime for what they really are, a continued threat to the security of the United States.

RURAL TANF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, tomorrow this body will take up the reauthorization of the 1996 welfare law. Much has been said about this bill and no doubt debate will go on for some time. However, remarkably little has been said about one aspect of it, the rural aspect.

It will not be surprising to Members of this body that there is a difference between urban and rural areas. In fact, let me just tell my colleagues, 237 out of the 250 poorest counties in the United States in 1998 were nonmetropolitan, and that persists today.

One-half of rural American children and female heads of household live in poverty. Rural workers are nearly twice as likely to earn the minimum wage and 40 percent less likely to move out of low wage, entry level positions. Six out of 10 rural people in poverty do not own a car. The rural urban earning gap persists and actually has widened through the latter part of the 1990s. There is a gap of 73 to 70 percent.

Mr. Speaker, as we look at making work an essential part of the welfare effort, and I believe that work should be, in fact I think work is very honorable and we should encourage everyone to find the satisfaction as well as the responsibility of doing something that is valuable to themselves but also will have income, but the reality is this: Labor markets in rural areas are often very limited. There is a high unemployment rate in rural areas because the opportunities are not there.

So if we are indeed encouraging that more people should work, we need to then speak to putting in the infrastructure for training, jobs, day care and transportation, particularly those areas in the Mississippi Delta, the Appalachia and the Lower Rio Grande Valley and in Indian Country. It is in 240 of those 250 counties I talked about. So there are 240 counties in this country, the poorest counties, indeed will have difficulty finding jobs, maintaining the same work they had 3 years ago. Their unemployment indeed has gone up and the job opportunities have gone down.

The third exemption from time limits for counties with high rates of unemployment failed, let me say that again, failed to address the problem adequately in more rural areas. Official unemployment statistics underestimate the true rate of unemployment. There are many discouraged workers with few opportunities that do not even bother to go to the unemployment office or go seeking assistance because they know there are so little job opportunities. They know jobs do not exist, and therefore they do not even bother.

So if we use the known statistical data, that in itself is false, but also what we do know is that there is a lack of opportunity, and if indeed we wanted to find how States were responding to that, I have just submitted an amendment to the Rules Committee they ought to have to require each State governor to say to the Secretary in their plan how they propose to ensure there are job opportunities or if there are work opportunities, training opportunities, are there day care opportunities, transportation. All of that means new resources. So if we are not making any differential in adding new resources to rural areas, we are putting the governors in the States throughout the United States, putting them in a decisive difficult fiscal position, and we should ask them how they propose to meet that obligation that they are given.

So, in fact, in some rural areas the true unemployment is double. For example, the official unemployment rate of Indian reservations often are 20 and 30 percent. However, according to the Department of Labor, it is sometimes higher than that, and yet we are requiring that individuals in those communities will have the same rate for the very poor.

Therefore, provisions of the legislation that are based on the official statistical data of unemployment is a false premise in order to give the governors the response to make a way. We need to find other ways of speaking to that.

So there needs to be a recognition, Mr. Speaker, that child care that is so essential for mothers to leave their children and go to work, that is not available in rural areas. Unless we are willing to provide for education and training, transportation, day care, the rural community will not be able to respond to the citizens who need that help, and the current proposal that is before this House has nothing in there. In fact, I will be asking for unanimous consent that we add that provision to the bill on the floor.

RAISING THE DEBT LIMIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, tonight we want to come again before the body and talk about raising the debt limit.

□ 1930

It is fascinating, having been around this place for now almost 23 years, to hear and to see how various Members of this body react to certain situations that come up, depending on whether they are in the minority or in the majority. And there is no question that we have a serious problem facing our Nation coming up beginning this week, and then about June 28 it becomes of crisis proportion. Treasury Secretary Paul O'Neill has formally requested Congress to increase the statutory limit on the publicly held debt by $750 billion, and that is billion with a "b," up from the current level of $5.95 trillion to $6.7 trillion.

Just today, Secretary O'Neill wrote the Congress again telling us that he will use up our borrowing authority by the end of this week and that we will have to begin juggling with the books in order to avoid a default, and by the end of June, at the latest, he will run out of maneuvers.

Last week, the Congressional Budget Office issued a report indicating that revenues are coming in much lower than expected and the deficit will be much higher than they projected earlier this year. It is likely we will borrow the entire Social Security trust fund and then some and still have a deficit of over $150 billion this year.

The need for an increase in the debt limit of the magnitude requested by the administration cannot be explained by the economy and cost of the war. The administration projects that under the President's budget policies the national debt will be roughly $2.75 trillion more debt than was projected at the beginning of last year, before the President's budget policies and this body enacted them. The cost of the war and the downturn in the economy explain roughly $800 billion of that increase in projected debt, which leaves nearly $1.9 trillion more debt than was projected a year ago that is not explained by spending on the war on terrorism or the economic downturn.

In fact, the administration acknowledged prior to September 11 that the debt limit would need to be raised much earlier than it projected when the President submitted his initial budget proposal in January. Last August, the administration indicated that it expected that the debt limit would have to be increased in 2003, 5 years earlier than they projected when the budget was submitted. Well, a year ago, the administration indicated that we would not need to raise the debt limit for 7 years and actually claimed that there was a danger that the government would actually pay off the debt held by the public too quickly.

The Blue Dogs warned about the danger of making long-term commitments for tax cuts or new spending programs based on projected surpluses and proposed setting aside half of the on-budget surplus for a cushion to protect against unforeseen changes. In fact, we supported a budget here about a year ago that would have been much more conservative than the budget that passed and was signed into law; but we, being in the minority, lost.

It is interesting when one listens to the leadership of this body, and here let me give a little quote. When President Clinton asked for a new bill to increase the debt limit, the gentleman from Texas (Mr. ARMEY), now the majority leader of this body, said: "He will get it, but with conditions." That was January 23, 1996. The same majority leader of this body, responding on April 9, called the debate over raising the debt limit "an academic question" and described the whole idea of a debt ceiling as "political." He said, "My recommendation is to take the President's number and move it. Whatever number that is, I don't care." On January 23, 1996, the majority leader said, "House Republicans insist that any increase in the debt limit must be tied to substantial concessions by the White House in talks over balancing the Federal budget." On April 10, 2002, the same majority leader of this body said, "Congress and the House of Representatives should quickly approve President Bush's request for a $750 billion increase in the on's borrowing authority."

Now, I agreed with Majority Leader Armey 6 years ago when there was a Democrat in the White House that was not putting forward a plan that would bring us into balance as quickly as we needed to. I agreed with the majority leader then, but I disagree with him tonight; and I disagree with the leadership of this body in refusing to put forward a plan to get us back on a balanced budget for our country.

That is what the Blue Dogs wrote the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), last Friday. The leadership of our Blue Dogs sent a letter to Speaker HASTERT in which we offered in good faith to work with our colleagues on the other side of the aisle to put together a blueprint, a new budget, if you please, that would get us back on a path of balancing our budget and getting out of the Social Security trust funds.

Now, I do not know why the leadership of this House has suddenly taken such a turn that we have seen taken over the last several years in which very seldom are ideas from this side of the aisle ever taken into serious consideration. Just last Thursday, we had the defense authorization bill on this floor, supported tremendously in a bipartisan way, as they always are. But we had a situation there that I do not recall seeing in previous years, in which Members on this side of the aisle had amendments but were denied the opportunity to have their amendment taken up and voted on on the floor of the House.

My colleague who will join me in just a moment, the gentleman from Mississippi (Mr. TAYLOR), had a couple of not unreasonable amendments. He felt very strongly that this body, the Congress, and the House of Representatives in particular, should have had an opportunity to debate whether or not we are going to have a new base closing commission. Not an unreasonable request. We had amendments that were allowed that had 10 minutes, 20 minutes; but the gentleman from Mississippi was denied. He exercised his right to express himself, and I hope the leadership of this body listened to what the gentleman was saying last Thursday.

What the gentleman was saying is, this body, the House of Representatives, has been the envy of most of the rest of the world since our very creation, in which individuals have the right and the opportunity to bring up their ideas and have them discussed on the floor of the House and voted upon. What is so unusual about that and what is it that seems now that in most cases we do not have the kind of committee hearings, we do not have a rule that allows various Members to express themselves on this floor?

Well, tonight, we take this hour to talk about our willingness on this side of the aisle to work with our colleagues, if there are any on the other side that are interested, in restoring fiscal sovereignty, fiscal strength to the budget of the United States of America. We say this and we are prepared to offer some suggestions. In fact, it is interesting, there are very few of these suggestions that are new. They have all been tried. It matters not which side of the aisle. So this is what we want to talk about tonight.

We would like to see, before we vote to increase how much money our country can borrow, we would like to see a new plan, because the current plan is now telling us that we will have deficits as far as the eye can see. And as one Member who has spent a good part of the last 6 years trying to work in a bipartisan way, in a bicameral way on Social Security reform, it pains me quite a bit to see that we cannot even bring that subject up and talk about it. I hope that changes also.

Tonight we just want to again renew our offer, our plea to the majority of this body that before we increase our debt ceiling, let us take another look at the budget plan that we are operating under. If my colleagues on the other side want votes on our side, we have already said we will give those votes to increase the debt ceiling, but not $750 billion with a blank check.

We are perfectly willing to give an increase in the debt ceiling that will get us to September 30 of this year. Let us wait and see how the CBO reestimates the spending and the revenue that are going to be coming in; and then let us take that new estimate and when we come back in September, let us pass a new budget, one of the better things we could do for the economy of this country.

And in so doing, then we would be prepared to offer another short-term debt ceiling increase to get us to next April or May. Again, let the new Congress come back, the new Congress that will be elected in November, and let us see what our economy is doing come January and a new round of budget discussions and budget debates. It seems to us that that makes sense. But it seems to the other side of the aisle that, no, we passed a budget last year, and we are going to stay with it no matter what.

The budget that was passed last year assumed 100 percent of the projected surplus and left no margin for error. We put ourselves on a course to run up our debt. Now that circumstances have changed, the projected surpluses have disappeared. And while we agree that the unforeseen war on terrorism and economic downturn have had an impact on the budget in the short term, we do not believe that these events should be used to justify a return to chronic, long-term deficits or hide a $750 billion increase in the debt ceiling.

The leadership of this body has indicated that they plan to slip language into the supplemental appropriation bill that will allow them to hide an increase in the debt limit in an omnibus conference report without any debate or vote. We do not believe that we should use a spending bill to fight the war on terrorism to hide or justify a long-term $750 billion increase in the debt ceiling absent a plan to improve our long-term fiscal position.

Members on the other side were very willing to stand up and take credit when we were passing legislation that put us into the situation we face today and made an increase in the debt limit necessary. They should be willing to stand up and be counted now that it has come time to pay the bills by raising the debt limit.

We need a plan. Before Congress votes to raise the debt ceiling by $750 billion, the President must work with Congress to put the fiscal house back in order, just as a family facing financial problems must work with a bank to establish a financial plan in order to get approval to refinance their debts. We will not vote to approve an increase in the debt limit to allow the government to continue on the current course of deficits as far as the eye can see.

Let me quote another leader of our House, my fellow colleague, the gentleman from Texas (Mr. DELAY), when he said, "We said from the beginning of this Congress that we want to negotiate with the President. But we cannot negotiate with a President that does not want to balance the budget. We do not want to negotiate over whether to balance the budget or not, we want him to submit a budget that balances by CBO, which he called for. We will negotiate with him in the parameters of a balanced budget and negotiate over the priorities within that balanced budget. But if the President cannot submit one, how do we negotiate apples with oranges? You know, the saying goes, if at first you do not succeed try, try again."

Here again, this is one Member that agreed with the gentleman from Texas (Mr. DELAY) back when he was talking to a different President. We agree tonight. And I do not believe that we should have a confrontation with this White House over this matter. I think the confrontation is right here within the House of Representatives. And that is what the Blue Dogs are offering again, the willingness to work with our friends on the other side of the aisle to come up with a new budget plan that does get us back into balance.

☐ 1945

Mr. Speaker, with those opening remarks I turn to the gentleman from Mississippi (Mr. TAYLOR) and yield to him to continue this discussion.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am sure the gentleman from Texas (Mr. STENHOLM) will note that in the 6 years that our Republican colleagues have controlled the House, despite the talk of desiring a balanced budget, they have scheduled but one vote on a balanced budget amendment. I regret to say they are not as serious about a balanced budget as they promised the American people. But then again, they make a lot of promises that they do not keep.

I remember this one in particular. I remember flying up from my district in 1995 around Christmas when there was a government shutdown going on. The children of folks who had a mom or dad in a veterans' hospital were concerned. People in the shipping business wanted to know if the channels were going to get dredged. Americans were worried about illegal immigration and if the staff of a veterans' hospital were going to show up. There were a lot of concerns about shutting down the government.

One of the ways that the Republican leadership tried to mislead the American public that everything was fine, they ran this ad. This is Haley Barbour, the former head of the Republican National Party, a fellow Mississippian. It starts off, heard the one about the Republicans cutting Medicare, and he is holding a check for a million dollars, your name here.

It says, the fact is the Republicans are increasing Medicare spending by more than half. I am Haley Barbour, and I am so sure of that fact that I am willing to give you this check for a million bucks if you can prove me wrong. Sounds simple, right?

So here is the challenge. Here is why you have no chance for the million dollars, and it is a form to be filled out. It says, "The Republican National Committee will present a cashier's check for $1 million to the first American who can prove the following statement is false: In November, 1995, U.S. House and Senate passed a balanced budget bill. It increases total Federal spending on Medicare by more than 50 percent from 1995 to 2002 pursuant to the Congressional Budget Office standards." Responses must be postmarked by December 20, 1995.

I guess I am one budget wonk, I do follow these things, and I knew from the minute that he printed that ad, that it was a lie. You see, the budget that passed in 1995 was projected to be $200 billion in deficits; and let us remember, we are not talking a small amount of money. A lot of Americans pay $1,000 a month on their house or rent note. If you made that payment 1,000 times, you have spent a million dollars. If you made that payment a thousand more times, you have then spent a billion dollars. The budget that he is calling balanced was $200 billion in deficit.

So I called the Congressional Budget Office, and I got a copy of their budget projections; and I went over to the Republican National Committee and left a letter for Mr. Barbour saying you have misled the American people. As a matter of fact, it is false, and I would like the million dollars. And since I used my office to do this research, I do not think it would be fair for me to keep the money, so I am going to give it to the University of Southern Mississippi to train people to be better mathematicians than you are. That was in December of 1995.

At the time Mr. Barbour said this, our Nation was $4.973 trillion in debt, but he promised the American people to have passed a balanced budget bill. At the end of that year, their budget added $250 billion to the deficit. A year later, $190 billion more. A year later, $113 billion more. A year later, $146 billion more; all of the way up to year 2000, another $20 billion.

What particularly irks me is after answering Mr. Barbour's challenge, and about 80 other folks around the country did so, the Republican National Committee, instead of saying gee, we misled you or maybe admitting they made a mistake, they sued us. I had to hire a lawyer to defend myself for filling out their form. The case is still now in court, interestingly enough. But Mr. Barbour, not only did you not balance the budget, but since the passage of that bill, we have added over $1 trillion to the national debt.

See, like the gentleman from Texas (Mr. STENHOLM), I was appalled when a year ago a lot of my colleagues, the Speaker of the House, the majority leader, the majority whip were running around saying Washington is awash in money, huge surpluses as far as the eye can see. We do not know what to do with the money; therefore, we have to pass these tax cuts.

When the President said that a year ago right now, our Nation was $5,661,347,798,002.65 in debt. Since the passage of the tax cuts, the debt has increased by $323 billion. For those following this debate, I am going to do something a little different than what the Speaker or the majority leader and the President of the United States did. I am going to ask Americans to check my numbers. They are available to every American at *www.publicdebt.treas.gov/*, and see for yourself just how broke America is.

What is particularly galling, for those with teenagers who have a job, and who look on their pay stub and say, What is this FICA?, that is your Social Security taxes; and they are taken with the solemn promise that they are to be spent on nothing but Social Security.

If we could find the mythical lockbox that a lot of presidential candidates talked about, and opened it up, all that would be there is an IOU for $1.260 trillion.

Further down on the pay stub we see money is deducted for the Federal health insurance program, Medicare. In that lockbox all we would find is $263 billion is owed. The money has been spent on other things.

If you work for the Department of Defense and wanted to find their so-called lockbox, $167 billion is owed to it. The Civil Service Retirement Fund, a lot of people work for our Nation, border agents, people in the Customs Department, Coast Guard, $527 billion is owed to their trust fund right now.

Mr. Speaker, you have been the Speaker for almost 4 years. You come from the party that claims to be for fiscal responsibility. Yet in the 4 years you have been Speaker, you have not scheduled one vote on a balanced budget amendment to the Constitution of the United States. Almost every city has that.

When I was a city councilman down in Bay St. Louis, Mississippi, I remember the city attorney telling me next month we are going to put together the budget and it has to balance. If it does not balance, you and other council members are personally liable for the difference between what is collected in taxes and what is spent. I can assure Members, we balanced the budget.

A couple of years later I was elected to the State senate. Mississippi has a balanced budget amendment to its constitution. Again we were informed that if we spent more money than we collected in taxes, that we could be thrown out of office. Those are good rules. They are very good rules because it prevents this kind of nonsense from happening.

What is particularly distressing about this $5.984 trillion debt that the President wants to raise by another $750 billion, if the gentleman from Texas (Mr. STENHOLM) were on this floor on January 1, 1980, that number would have been less than $1 trillion. What is particularly disturbing is that the children of the greatest generation, if they do not change the way they are doing things, could be remembered as the worst generation. I do believe that my parents' generation was the best. They survived the Great Depression, got us through World War II, Korea, Vietnam, built the highway systems, the Intercoastal Waterway; and they did it all for less than $1 trillion in debt. As a matter of fact, if we went all of the way from the time George Washington became President until Ronald Reagan became President, our Nation was less than $1 trillion in debt. Now 20-something years later, we are almost $6 trillion in debt, and yet we cannot have a vote on a balanced budget amendment to the Constitution.

Mr. Speaker, I know you are a busy man, and I know the time on this floor is very busy. But you know what, today you scheduled a vote on the Nutria Eradication Act, and it is important to protect the marshland on the Chesapeake, it is important to those folks, and I know that they are doing a lot of damage to the marsh; but you scheduled 40 minutes of debate on the Nutria Eradication Act, and yet we cannot have a vote on a balanced budget amendment to the Constitution.

You scheduled another vote on concessions maintenance and wildlife refuge repair, and wildlife refuges are very important to a lot of Americans and seeing that they are properly maintained is important. You scheduled 40 minutes of debate on that, and yet you cannot find time to have a debate on a balanced budget amendment to the Constitution of the United States.

We found time to talk about the Waco Mammoth Site Area Study. They want to see whether or not they want to put a park there. You scheduled 40 minutes of debate, yet you cannot find time to have a debate on a balanced budget amendment to the Constitution of the United States.

As a matter of fact, you found time for all of those things, yet you did not have time to let this body decide whether or not we wanted to vote to kill the whole base closure process.

I particularly think base closures is a particularly dumb idea. It is not saving the taxpayers a dime; it puts a heck of a lot of people out of work. It has lost us vital defense installations like Cecil Field outside of Jacksonville, Florida. Three 8,000-foot runways, another 10,000-foot runway. Right now our military is looking for a place to put the new Joint Strike Fighter, they are looking for a place to put the F-18 E and Fs, and they are going to spend billions of tax dollars to build a brand new field for them when Cecil Field would have been a perfect match. The problem is that a previous round of base closures closed Cecil Field, and we gave the property away.

That was not done just once or twice; it was done over a hundred times around the United States of America. Places like the Presidio in San Francisco, given away. Places like Governor's Island off New York City, just a month ago the President gave it away. I was stationed on that island. It is probably worth half a billion dollars. The President gave it away.

Time after time, the so-called savings of BRAC were not; but there was one thing they did not tell the American public, before they gave these properties away, they had to clean them up. And we spent over $13 billion of money to clean up bases that were given away so that the local governments could do what they wanted with them. In many instances, they sold them, and their city reaps a profit.

Mr. Speaker, you find time for a lot of fund-raisers and charitable events, and that I applaud. I would hope in the time remaining when you are Speaker, and you are guaranteed to be Speaker until December 31, that you would find time for this House to vote on a balanced budget amendment to the Constitution so this generation can start digging itself out of the label of being the worst generation.

There is not one parent in America who would walk into the local Cadillac or BMW dealership and say, I want the most expensive car on the lot, and you can bill my 5-year-old 20 years from now when they are working, and let them pay the interest on it, too. There is not one American who would say I want the most expensive house in the county, I do not care what it costs because I have a 4-year-old grandchild, let them pay for it. But that is precisely what this generation of Americans is doing by running up $5 trillion worth of debt in the past 22 years. There is no end in sight.

Mr. Speaker, if you care about kids and grandkids, if you really care about the future of this country that so many other Americans sacrificed their lives for, why not schedule a vote to see that it is here for our kids and grandkids? What is so terrible is not only owing that money, but until it is paid off, every single day, $1 billion of the taxpayers' money is squandered on interest on that debt; and one-third of that interest is owned to German and Japanese lending institutions.

If the thought of two lending institutions of two foreign countries owning one-third of the American debt and being in a position to wreck our economy anytime they want, if that does not frighten the gentleman, I am sorry. It does frighten me.

I applaud the gentleman from Texas (Mr. STENHOLM) and the Blue Dogs for writing the Speaker and asking for a vote on a balanced budget amendment.

Mr. Speaker, I am putting you on notice right now: I will not vote to raise the debt. Enough is enough.

□ 2000

Mr. STENHOLM. I thank my colleague for that historic lesson there. I happened to remember one of the happiest days in my legislative career here in this body was in 1995 when Speaker Newt Gingrich did schedule a vote on the balanced budget constitutional amendment and it passed with the required two-thirds vote. I remember one of the saddest days standing in the back of the Senate a few weeks later and watching it lose by one vote. If it had passed the Senate at that time, we could not have passed the budget last year that we passed and we would not be here tonight talking about asking for a new plan, or increasing the debt ceiling.

You could have borrowed money to fight the war. That is totally permissible. Emergency. But you could not borrow the money, $750 billion, to give this generation a tax cut with our children and grandchildren's money. You could not do that, any more than State and local governments could who have to operate under a constitutional requirement.

That is what we are here tonight to talk about, and lest we get into what I understand happened last week when our colleagues were here and the next speaker came up and started lambasting the farm bill because it spends too much and, therefore, it too is contributing to the problems that we have with our debt ceiling. Criticism has arisen that Congress has passed a budget-buster farm bill. Yet Congress has been passing ad hoc emergency assistance legislation for the last 4 years because direct payments to support farm income were fixed and did not increase when farm incomes fell. Ad hoc assistance has totaled $28 billion on agricultural programs, $36 billion when you include nutrition programs. I can show you CBO's estimates of the bill that passed and the President signed yesterday that shows that we will spend less dollars of our taxpayer dollars each year beginning this year, 2002, and each year through 2011 under the bill that the President signed yesterday. That is less dollars. That is not inflation increases. That is less dollars. Since farm prices declined in 1998, farm program spending has averaged $24 billion per year. We will be below $19.5 billion in each year projected currently under the farm bill that passed.

Many will say that is too much money to be spent. On that we can argue. We can argue that, yes, it is too much money to be spent, but not if you live in farm country, not if you have been experiencing prices received at the marketplace that approximate Depression-era prices. Does this farm bill solve all of that? No, it does not. But one thing it does do, it gives predictability to our farmers and gives us an opportunity to answer the long-term problem, one of which I hope the Senate will soon do, and that is pass trade promotional authority so our President and his representatives can sit down and begin negotiating away the tremendous amount of subsidies that are present in the world today, including our own.

The spending for this bill the President signed yesterday was approved in the congressional budget passed in 2001 that contained the $1.6 trillion tax cut. The spending for the ag bill was in the same budget. Congress has stayed within this budget in passing the bill. New estimates have shown both the cost of the legislation increasing $9.3 billion and the cost of current farm programs increasing $8.3 billion. These estimates are part of the same economic changes that have contributed to the surpluses of 2001 becoming the deficits of 2002.

I do not stand here tonight to say we shut our eyes to any part of the budget. The farm bill we passed last week fit within the budget resolution we passed last year. It is not fair to single out agriculture for being a budget buster when we complied with the budget resolution if we are not willing to revisit all other tax and spending items that were included in the budget resolution.

That is why we have come here to argue that we need a new budget resolution that responds to the changes in the budget outlook which looks at the entire budget.

We on the Committee on Agriculture are prepared to do our share in making tough choices to reduce spending on our programs if it is part of a comprehensive plan that puts everything on the table and makes tough choices across the board.

This seems to escape a lot of people. There are those that believe we should not spend one penny in subsidizing our farmers. They completely ignore what is happening out there in the world. When other countries have the advantage of a weak currency compared to our strong dollar, I do not care whether you are producing cotton, wheat, corn, sugar, widgets, airplanes, you name it, it is very difficult to compete when we have as strong a dollar as we have and other countries have weak currency. That is a temporary phenomenon. It was kind of like seemingly that our income, our tax incomes were going to go up as far as the eye could see because we have come through a very, very good period of economic growth. The 1990s were unprecedented in economic expansion and growth in this country. Some believed, I guess, that it would continue to operate that way, but then, lo and behold, the stock markets quit going up and started coming down and tax revenues came down and it should not have taken a nuclear physicist to figure that out. But from the standpoint of agriculture we are still out there competing in the international marketplace and it is tough going right now.

But I made the argument last week when we passed that bill with 280 votes on the floor of the House that perhaps it is not a bad investment for the American taxpayer to spend a few pennies of their hard-earned money to support an agricultural system that has given America the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people of any other country in the world, warts and all, subsidies and all, expenditures and all. No other country in the world's people are fed within 1.5 percent of the GDP, gross domestic product, in that country as well as Americans are, including the cost of the farm bill.

Could we do better? I will never say that we could not do better. But I think that some of the criticism that we are receiving from that is criticism that should not be given with a full mouth, because many of those who are criticizing are completely ignoring the fact that our grocery stores are full, the prices at least as far as the farmer is concerned and, well, let us just be totally honest, as far as the cost of food to the American people, no other country in the world is fed within 1.5 percent of the gross domestic product, and I submit to you tonight that it is because of farm policy that we followed in the past.

Things like the conservation title of this farm bill, the largest single increase in the history of our country in one bill. Yet some who purport to be environmentalists are criticizing it. It did not quite do it the way they wanted it done. There again, that is the American way. Everyone is entitled to their opinions.

The research, another strong part of this farm bill, continuing to put some investment of our taxpayer dollars into research in finding new and better ways and safer ways to grow our food.

Rural development. Out in rural America, things are not all going real well. Whether it be health care, whether it be education, whether it be jobs, all are directly dependent upon a sound and healthy farm income and we do not have one. That is why I think almost two-thirds of this body and two-thirds of the Senate passed and why the President signed the bill yesterday.

But I repeat, tonight we are talking about the debt ceiling and I am not about to stand on this floor and be as two-faced as some of the leaders of this body are when they say one thing when they are talking 6 years ago and they say another thing today. Increasing the debt limit is serious business. Having a budget game plan for this country that will get us back into a surplus or balanced budget, not so much a surplus although I would like to see us run a surplus and pay down a little more of our debt, and I would like to see us address the problems of Medicare, Medicaid and Social Security and do that before we do some of the other things that we are now talking about doing with the current economic game plan. We are not tonight suggesting to play politics with the debt limit, and we are certainly not trying to force a crisis.

Again, I repeat, Mr. Speaker, we, at least a good number of us on this side of the aisle, are prepared to vote to increase the debt ceiling, but not $750 billion, and not until we have a new economic blueprint in place. We do not think that is unreasonable. It is exactly what you as the majority party were saying when it was a Democrat in the White House, exactly what you were saying then. You were right then. I repeat, you were right 6 years ago in forcing President Clinton to have a new economic game plan that ultimately came and brought us to the 1997 Balanced Budget Act. You were right then. Why are you insisting on being so wrong today?

We are willing to support a temporary increase in the debt limit to meet the expenses of the war and allow government to meet its obligations, but hold off on a long-term increase in the debt until we have a plan in place. We do not want to force a default on the debt, but we do want to use this debate as an opportunity to reexamine our long-term budget policies. It would be irresponsible to provide a blank check for increased borrowing authority without taking action to protect taxpayers from even further increases in the national debt.

The gentleman from Mississippi (Mr. TAYLOR) spoke about the need of scheduling another vote on the balanced budget constitutional amendment. The gentleman from Arkansas (Mr. BERRY) and others, the gentleman from Oklahoma (Mr. ISTOOK) on the other side of the aisle, are pushing for just that. I hope we will see that vote later this year. We also would like to see some strong budget enforcement rules. They are just as important a component in restoring fiscal discipline and making sure the budget remains in balance once we have done the hard work necessary to bring it back into balance. The provisions of the Budget Enforcement Act of 1990 expire this year. Unless we renew our budget discipline, Congress will continue to find ways to break its own rules and pass more legislation that puts still more red ink on the national ledger.

Enforceable spending limits will serve as a fiscal guardrail to keep our spending within the Nation's fiscal means. The Blue Dog ABC's plan includes legislation introduced by the gentleman from Indiana (Mr. HILL) which would extend and strengthen the provisions of the Budget Enforcement Act that are set to expire this year. This legislation is similar to budget enforcement legislation introduced by Budget Committee Chairman JIM NUSSLE, but extends budget enforcement for 5 years and adds several provisions to improve enforcement of budget rules and increase accountability in the budget process.

I know what Chairman NUSSLE wants to do. I think there are some areas that we can in fact have some bipartisan support for because having meaningful caps on discretionary spending, all 13 appropriations bills, meaningful so that we live within them, is something that is good budget policy and will help be a significant part of this new budget plan that we have talked about.

Again, I repeat, those of us on Agriculture do not ask for an exemption. Far from it. We believe that we should be part of any changes in the budget process, including the criticism that is coming of our farm bill from some of our foreign friends, competitors. We have no intention, at least the bill that the President signed yesterday, there is certainly no intention by the President of the United States and no intention of the House Committee on Agriculture that we would not live up to the agreements that we have signed and agreed to live within and under in previous trade negotiations. What we said this time, though, is that we intend to have our negotiators negotiate from strength. We are allowed to spend in support of our agriculture in this country $19.1 billion per year. We do not intend to spend $19.11 billion, or less if necessary, and I hope it is necessary that we spend less, because one thing I hope the general public understands, the only reason we are having spending at the level that we are today in support of agricultural products is the fact that we have Depression-era prices.

□ 2015

Cotton is selling for 30 cents a pound and less; wheat, less than $3 a bushel; and corn, about $2 a bushel. These are the same price levels that we saw back in the 1950s. If one's salary was 1950s vintage, one had better be a lot more productive today than you were then, or you would not be making too good of a living today. That is why, if prices go up, the amount of subsidization goes down.

Certainly I think the whole world would be better off if the amount of subsidization goes down, not up. We are perfectly willing, in the next round of negotiations, assuming the Senate will get on with doing their job in passing the trade promotional authority and we can get on with the negotiating, to reduce the amount of eligibility of subsidization in the United States on a par basis with other countries. The same is true on the budget.

Mr. Speaker, before I yield to the gentleman from Illinois (Mr. PHELPS), let me just conclude by saying that there are a significant number of Democrats who would be willing to support an increase in the debt limit as part of a responsible plan to restore fiscal discipline. The approach outlined by the Blue Dogs, an immediate, temporary increase in the debt limit with a larger increase allowed as part of a plan to put the budget on a path to balance, accompanied by strong budget enforcement legislation, provides a road map for a bipartisan solution to our fiscal problems and gridlock on the debt limit.

That is our offer. We think it is a reasonable offer. We would like very much to be included in being part of the solution, because borrowing another $750 billion on our grandchildren's future is not the best option for us to be considering in this year of 2002, one of those years divisible by 2.

I yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman for yielding to me. The experience and wisdom that the gentleman from Texas (Mr. STENHOLM), my good friend, brings to this body is invaluable, and I have watched him very closely since I have been a Member of Congress, almost 4 years now, and I have followed his lead as a member of the Committee on Agriculture and our standing leader and ranking member there, and one cannot go too wrong if one follows the reasoning and the thinking of the gentleman from Texas (Mr. STENHOLM). So I thank the gentleman for his input tonight. As a member of the Blue Dog organization and one of the leaders of that group that the gentleman founded, I thank the gentleman for giving me the opportunity to speak tonight on such an important issue.

I know that we have been here week after week, night after night as a group to try to drive a message home, one that many times is not all that popular and not easy to accept. But when we took our oath of office I, for one, took it very seriously to make sure that the citizens in my district, in my State, and in this Nation absolutely understand the truth and the numbers that we are dealing with and that the decisions we make each day reflect what accuracy is all about, and that we project that on to the taxpayers, to the voters, to the general public.

The Blue Dogs have consistently focused on fiscal discipline, having always advocated honesty and responsibility in the budgeting process. When Congress considered the budget last year, the Blue Dogs warned about the danger of making long-term commitments for tax cuts or new spending programs based on projected surpluses. Now, in less than a year's time, we have seen a dramatic reversal of the once promising budgetary outlook. We now face projections of deficits and increasing debt for the rest of the decade that go far beyond the temporary impact of the economic downturn or cost of the war on terrorism, which we all support and which we must address and do it quickly and effectively.

Congress and the President, as the gentleman from Texas said, need to sit down, roll up our sleeves, and have an honest discussion about what we need to do to put the budget back in order, starting with the program that the Blue Dogs have outlined over the last several weeks, the ABCs of Fiscal Discipline. Remember, we are here to deal with the truth. The numbers that come into the Capitol's coffers, to the U.S. Treasury should be clear. There should not be all that much confusion on what we have on hand, what we have obligated to spend, and what we are thinking about embracing for future costs.

Now, there are a lot of things that have happened in the last year, in the last several months that have been unpredicted. Who would have thought we would have had the horrific events of September 11 that hurt our Nation in many ways, and it impacted us in an economic way. But we have other things that have happened: the recession, the tax cuts, and other spending that has been proposed and on the table now that we can control, that is within our control, and that is why I think people send us here to Congress to represent them.

My father is 81 years old, sitting out there now just recovering from a heart attack not quite 2 weeks ago. I remember his words and his generation, the elders of my church and the people that I think deal with wisdom more so than many of us in this generation. If you do not stand for something, you will fall for anything. Little did I know that a country music artist would come along and make $1 million on that. If I had known that, I would have written the song if I had thought of it, I say to the gentleman. But it is so true. If one is not solid on something that is very important, a matter of one's convictions, and one does not try to pursue that goal in all the honesty and the fortitude that one can muster up, things go wrong. A lot of things come along that sound good and will divert you this way and that way, distract you from the real goal, from the real truth.

Mr. Speaker, it is hard to accept sometimes what the real truth is, but the fact of the matter is, we have a huge debt, and we have to assure the American people that we will be honest and accountable. People out there that work hard and play by the rules every day, surely, surely their elected officials such as us that are here in this body can afford them accountability and honesty in dealing with the numbers.

The Congressional Budget Office has reported numbers; the Office of Management and Budget, the administration's fiscal reporting group, offer some other numbers. Remember, I come from the State of Illinois, but make no mistake, I live almost 400 miles south of Chicago. So it is really a different world which I represent, largely rural, small farming area, coal mines, small businesses, people that are just dedicated to generational hand-me-down crafts and work ethic that is invaluable and immeasurable. But when I served 14 years in the Illinois House, I saw the same thing happen there, the frustration of here is the Economic Fiscal Commission reporting how much money they predicted would come in or projected revenues or what is on hand, and then the Bureau of the Budget, the Governor's reporting office. Well, guess what? The Bureau of the Budget reported a year or so ago, almost 2½, 3 years ago when the Governor took office in Illinois that we had over $1 billion in surpluses. Guess what they all can agree on now? Mr. Speaker, a $1.5 billion hole in the Illinois budget, and they are like a lot of States scrambling to try to come to the rescue to know what to do. And then the decisions that they were elected to make become even tougher decisions.

What can we do? Well, I think we need to avoid what is always obvious. How would we in the world agree to the rosiest projections of 5 to 10 years on the very best of what can happen, rather than preparing for what could be the worst? That is, to me, beyond reason and comprehension. So budget enforcement. Unless we renew budget discipline, Congress will continue to find ways to break its own rules and pass more legislation that puts still more red ink on the national ledger. Enforceable budget restraints will shine a light on deceptive practices and construct a fiscal guardrail, keeping our spending within the Nation's fiscal means, which is what we ask of the American people and families to do every year, every day, and what they do is stay within their means. Those that are not staying within their means have the credit card debt stacked up; they have marriages falling apart because of financial problems that they brought on themselves. What I have found in life is that most of the problems that come their way are not from some uncontrollable force; they are self-induced. We bring them on ourselves. That is what we have done here. Maybe it has taken decades and generations before us, other people that have served, and other administrations, but we collectively, all of us, have to take responsibility. So now collectively, let us admit we have problems. We had September 11, we had recession, and we had tax cuts that gave 55 percent of the surpluses or more back, and now we have a problem. Where is the new plan? Where are the people that want to be responsible enough to step forward and say, let us sit down together as reasonable people on both sides of the aisle or Independent, whatever one claims to be, and work out of this mess. Not hope for the best and keep our blinders on, but what shall we do?

Well, we need a balanced budget constitutional amendment, which I have signed on as a cosponsor and feel should require the President and Congress to submit and to enact a budget that is balanced, without using the Social Security surplus. This amendment could be waived, of course, in special times of war or military conflict or threats of national security. But for the first time, all of the other balanced budget constitutional amendments have been presented without addressing whether or not we would use Social Security. This one we intend to bring forth to say we should not use the Social Security Trust Fund. We should balance the budget, and if we borrow from our children and our grandchildren, then we get ourselves in a deeper mess.

So I hope that the Balanced Budget Amendment, constitutional amendment, excluding the Social Security Trust Fund, would be one way that we can show, one way that we can have a plan as to how we intend to get our fiscal house in order.

I could say much more, there are so many other parts of the ABCs, but in order the give time for other Members before we close out our time, I will yield back.

Mr. STENHOLM. Mr. Speaker, I yield the remaining 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I am so proud to be a member of the fiscally responsible Blue Dog Coalition and to be fighting with the gentleman, along with my other Blue Dog colleagues, for simple common sense in budgeting. A lot of people think there is a lot of complications and complexities with respect to how we budget in Washington, but the way we do it should be no different than any household in America budgets, how any small business budgets. We have to make sure that we have the revenues. We have to make sure that the books are balanced. We have to make sure that the checkbook is reconciled at the end of the month. If we do not have revenues, somehow we increase them. I voted for every single tax cut we could because the American people need that kind of tax relief. Some say we have to cut expenses. What is there to cut? Are we going to cut prescription drugs? Are we going to cut Social Security? Are we going to cut defense budgets? Nobody supports that. Others say we should borrow the money.

But there is another thing that we can do. We do not want to borrow the money. We do not want to ask our children to shoulder the burden for the fiscally irresponsible decisions that we make in Washington. There is another alternative. Once again it was brought to our attention in today's New York Times in a story by Paul Krugman called The Great Evasion. We are losing about $70 billion a year in revenues by irresponsible and unpatriotic American corporations who rush off to Bermuda, open up mail drops in Bermuda, say that they are now doing business as foreign corporations and do not have to pay their fair share of taxes. They wrap themselves in the American flag to sell their products and then renounce their American citizenship to do business abroad and do not pay their fair share of taxes.

Now, there are colleagues on both sides of the aisle who have had enough of this kind of irresponsible behavior. Rather than increasing taxes, which so few of us want to do, and rather than gutting important programs, which so few of us want to do, it is time for the administration to step up to the plate and say, enough is enough.

□ 2030

We are not going to allow American corporations to run to these Bermudan tax havens, flee their fair share of taxes. No American family is permitted to do that. No American family was able to register themselves in Bermuda to escape their fair share of taxes. We should not allow American corporations to do that as well.

Mr. Speaker, I thank the gentleman.

IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, before I get into the main topic of this evening's discussion, that being immigration and immigration reform issues, I am compelled to respond to some of the comments made by our colleagues on the other side with regard to the budget dilemma that we all face here this evening. It is the dilemma faced every year, I suppose, and has for many many decades; and that is that we will always be spending more money in this body than we take in, or at least that was the case for all of the time, for the at least 40 years prior to the time that the Republicans took control of this body.

The Democrats, of course, ran an imbalanced budget for many, many, many years. And I am in complete sympathy with those Members of the Democratic Party who say that that is an improper way to run government; that, in fact, we should be looking more to how businesses and industries run their business and States run theirs by having balanced budgets every single year. And I certainly completely and wholeheartedly agree. But I must say that as I listen to, on one hand, what I believe is an articulate plea for a balanced budget and, on the other hand, an articulate excuse for a vote for the farm bill which we just passed, it is hard to reconcile those two concepts.

This farm bill being, of course, one of the, percentage-wise, the greatest increase in any domestic policy program in, I think, history. I am not sure, but certainly in a long, long time. Widely criticized for being what it is, an incredible pork-laden boondoggle, and then to say in the next breath we have to do something about government spending, we have to control government spending.

And, if I may be so bold, I had to ask a staff person, because I am not really familiar with all of the variations of shades of different colors, and I asked one of the staff here a few minutes ago, What is the palest blue there is? And the young lady told me it was cornflower. Cornflower is the name of the color. Cornflower blue.

So I would suggest that the Blue Dog Democrats think about changing their names to the Cornflower Blue Democrats because they are not really Blue Dog Democrats. They are not really stuck to this issue of balanced budgets. What they are saying, I think, is that, and there are exceptions to this rule, that we are going to establish today, and, yes, I will yield to the gentleman who I assume is coming up to ask for that particular motion.

Mr. STENHOLM. Mr. Speaker, I appreciate the good humor in which the gentleman is approaching the cornflower blue. But let me point out that the farm bill, the $73.5 billion, the gentleman, I believe I am correct, voted for that budget that provided the $73.5 billion that the gentleman from Texas (Mr. COMBEST) and I, the speaker tonight, and others then proceeded to mark-up the bill. It was not called those critical comments when it passed as a budget, but it is only after we have put together the policy in which the criticism comes.

I would appreciate the gentleman acknowledging that as I was talking about balancing the budget, that I included farm spending in any reductions in spending that must accompany any kind of a new budget. That is what we are saying, and I do not think that is inconsistent at all.

Mr. TANCREDO. Reclaiming my time, and I appreciate the gentleman's observations, it is, of course, true that I have voted for a budget resolution that I wish we could hold to and this is a way in which we can all, I think, contribute to that possibility; and that is a vote against any appropriations bill that does not conform to that budget resolution. Any budget, any appropriations bill that puts us outside of that scope which I intend, that is the way in which I intend to vote and have in the past voted.

I mean, we have to be, as I say, consistent with this because it is difficult for people who listen to this debate to understand that on the one hand we call for fiscal constraint, which I appreciate the gentleman has in the past and certainly even today has been a strong supporter of that issue, but we cannot accept that mantle of a fiscal conservative while at the same time doing things that bust the budget. But because of our issues, our individual concerns, the gentleman was very articulate in explaining the problems of the farm community in America, and no doubt his observations are accurate. But do you not see, every single person who is connected to any one of the various 13 appropriations bills we have here can come up, and do regularly, talk about the particular issue. It is the problem with education in America that we must, in fact, involve the Federal Government to the extent now that was never conceived of in the past.

We should both, I think, use the Constitution as a measure to help us determine what is an appropriate role for the Federal Government. And the gentleman, I must ask and I will yield for his response, what is the constitutional role of the Federal Government? Where in the Constitution does it set out a purpose for us to be the primary support for the farm, for the agricultural community? As I would say the same thing, by the way, in the area of education and Health and Human Services, I believe it is not there. I look at the Constitution. I do not find it. I find only a relatively narrow role for us, especially in the area of defense. Other than that, we could use that. That is the way we could defend our vote against these pork-laden, constituent-driven pieces of legislation that put us every single year in the position of saying, My stuff is okay. My stuff is appropriate. Everybody else's is out of the question and is a budget-busting bill.

Mr. Speaker, I yield to the gentleman.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Let me say, in the Constitution there is a little part of it that says "promote the general welfare." And I appreciate the gentleman's pointing out that it is difficult to find supporting our farmers in the Constitution.

I do not stand on the floor and say that we are special or we are different than anyone else. Well, I guess I do. That was not a correct statement. I do believe that American agriculture and producers have done a pretty good job of feeding America and a good part of the rest of the world and do believe as we argued strenuously for the amount of money that was passed. So I guess, yes, I do, I do believe that.

But I also believe very strongly that anyone else that has an opinion should have the opportunity to stand and make the same arguments. If I can get 217 of my colleagues to agree with me, it passes, and that is our system. If I might just continue. I want to get back, I agree with the gentleman, on the 13 appropriations bills, and that is why if the gentleman heard what we were talking about a moment ago, we think we ought to put a meaningful, reasonable cap on discretionary spending as part of the budget process. I think the gentleman and I will find, maybe not an agreement on the amount, but at least that we would find an agreement on the policy and procedure that we should follow to have a little bit of restraint.

I appreciate the gentleman's generosity. I appreciate the gentleman admitting that he voted for the budget that provided for the $73.5 billion. So I take a little bit of offense when the gentleman stands on the floor as he did starting tonight by decrying this $73.5 billion when he was the one joining, not with me because I did not support this budget, but he said $73.5 billion was not an obscene amount of money for the budget we operate under.

Now times have changed; and, therefore, we are saying now let us take another look at the budget. If we need to trim, let us trim; but let us trim across the board.

Mr. TANCREDO. Reclaiming my time, I thank the gentleman for his observations. Of course, times have changed and exactly that. First of all, we are talking about a $73 billion maybe $140 billion farm bill. There is a big difference there. It could go to $140 billion. That was not in the budget resolution. And so to say that I have voted for the latter as opposed to the former is inaccurate, and I would also suggest that the gentleman is absolutely correct. If one can get the required number of votes in the House, one can pass anything. And I guarantee you, we have done it year after year, time after time. And it is the way, I understand entirely, it is the way the process is run. But I suggest that it should be perhaps incumbent upon all of us as we approach all of these bills coming up, the supplemental, I do not know, I think this week sometime, and a variety of other spending bills, I will watch for the Democrat and the Cornflower Blue Democrats to see how they vote because I will be voting "no" on all of them because I believe we should stick inside the budget. I thank the gentleman for his cordial relationship and his willingness to discuss this issue with me tonight.

I also remember thinking while I was listening to the discussion earlier here there was a comedian during the 70's and 80's. And his tag line was, "The devil made me do it. The devil made me do it." And he used to end his little skit with that all of the time. And of course, what he was saying was I did not want to do all of these bad things, but the devil made me do it, so it is okay.

I listen to all of this discussion about how bad it is to have these horrendous expenditures and budget-busting bills all over the place for which my colleagues on the other side voted for most of the time as far as I can remember. And then to say, The devil made me do it. I do not know how we got here but this is bad, and somebody has got to impose some fiscal discipline on me. Somebody has got to make me behave. Somebody has got to make me say, you know what, I do not think we should vote for all this stuff. If everybody imposes a balanced budget amendment, then I will be able to take my medicine.

I am all for a balanced budget amendment, Mr. Speaker, absolutely. I will vote for it anytime, anyplace, anywhere. It is okay with me. But I think it is just the funniest thing in a way to listen to people who, as I say, from the other side of the aisle especially, and talk about budget constraint and fiscal responsibility, the devil must have been making him do it here for 40 years before we ever came in control in this body and now they want to seek forgiveness. Well, the Lord says that that is possible. So who am I to suggest that they are not truly repentant?

On to another issue, the issue of immigration and, specifically, immigration reform. In the past several weeks we have passed legislation in this body, and, as a matter of fact, yesterday the President signed a piece of legislation into law that will have the effect of tightening down on what heretofore can be described only as the most liberal immigration policy in the world of any country in the world. It is almost a misnomer to indicate there is an immigration policy in the United States because that implies, of course, that we have control over the process; that we establish how many people are going to come into the country every year like every other nation in the world does. We control it. We know who is coming in. We know how many. We know what they will be doing here. We know when they leave. I say that is the implication of saying you have an immigration policy.

The reality, of course, is we do not. We have not. And even the passage of this recent legislation euphemistically called the Border Security Act, we will not have accomplished the goal of border security.

A couple of weeks ago the House passed a bill by an overwhelming margin that was designed and is often referred to as the abolishment of the INS and the creation of a new body. Well, of course, it really was not all of that. As is often the case here, we have a tendency to name things, I guess, a little euphemistically and to create these illusions about what we do here.

Now, the reality is we passed a very tepid bill designed to reform the INS, the Immigration and Naturalization Service.

□ 2045

Much more needs to be done to actually reform that organization, much more than what we did in our bill in the House. In fact, what has to happen is that we must take from every agency presently charged with responsibility for border control, that being the Customs under the Treasury, Agriculture, a variety, DEA, all kinds of agencies have border control responsibilities, of course Border Control under the INS. The Forest Service has some responsibilities in areas. We have national forests that adjoin international boundaries, and what we have to do, Mr. Speaker, is to consolidate all of those agencies, all of these parts of agencies into one agency, with a clear mandate, with a very clear line of authority, so that everyone who works for that agency knows exactly what they are supposed to be doing and know that they have the full support of this Nation in that endeavor. That agency should be put into the Homeland Defense Agency, should be run out of Tom Ridge's shop or whoever is the subsequent head of that organization.

That is what we should do. That is what everyone who studies this area understands needs to be done. Now, we did not do that. We did not do that in the bill we passed in this House. We split the agency into two, which is good. We said they are going to have an enforcement responsibility and they are going to have what I call the immigration social worker side of things, the welcome wagon. Those will be the two separate responsibilities. They will be reporting to two different chiefs who in turn will be reporting to a single individual in the Department of Justice.

That really is not a lot different than what we already have. It really is not because among other things almost all of the people who will be running those two separate organizations within Justice are the people who are presently running the single organization we call the INS. Names will be the same but titles will be different, and we assume that by changing someone's title we will change their attitude or improve their competencies, but my colleagues and I know, Mr. Speaker, and I think the American public understand fully well that just changing titles will not change the way it is run.

Unfortunately, today within the INS we have people who are not, number one, competent to do the job and it starts from the top. The gentleman, very nice gentleman, Mr. Ziglar, whom I have nothing against personally, seems like a very pleasant individual. Unfortunately the water is so far above his head in trying to operate this agency that it is almost pathetic.

Mr. Ziglar was appointed several months ago because he had been the doorkeeper of the Senate. That was his job before he became the head of an agency with 30,000 people and an $8 billion budget. He should not be there. He is not able to run the agency. He is not able to run it because the force of his personality cannot control it, and secondly, he is not able to run it because of course it is an enormous bureaucratic organization, moribund, plagued with inertia and internal incompetence and protected by Civil Service.

So even if we had some of the finest people, even if we had someone with enormous capabilities as head of the organization, their ability to actually change the course of this big ship, they could be turning the wheel as hard as they can and they will notice that the bow hardly ever moves because all of the people are turning the wheel as fast as they can, they realize there is nothing connecting the wheel to the rudder. It is going its own way, and that is a problem, and it will not be solved by the bill we passed in the House.

Here is the rub with that particular bill. It is going to the other body and it will not be improved. It will not be made better. We will see a conference report on this. It will pass and it will be something far short of what we passed in the House, and then we will all walk away from here and tell our constituents not to worry, we voted to abolish the INS and we are going to construct a really great agency to handle this problem.

Okay. That is the problem. That is a big problem, and I ask my colleagues to just think about that for a minute over here, that the INS today, regardless of what we pretended to do in the House, abolishing the INS, that was the way it was presented to us, regardless of that, regardless of the words we used, the reality is we added a lifeboat to the Titanic. I voted for it. It is a pretty good idea. I think it is a good idea. In fact, who would say we should not have added lifeboats to the Titanic? That would be good. I voted to do it. It is not going to stop the ship from sinking.

Yesterday in the Rose Garden the President signed a bill that, as I mentioned earlier, called Enhanced Border Security, and it is adding a couple of more lifeboats to the Titanic. It is good. Glad we are doing it. It will give us the ability to track people eventually. 2004, 2005, it will give us the ability supposedly, and we have done this before actually. We have actually mandated this before, and nobody ever carried it out, so we will see. If agencies carry out the law, it will give us the ability to track people who come into the United States. People who request a visa will actually have to have some sort of identifier, a biometric identifier, which is a term for fingerprint probably. Eventually other maybe more sophisticated approaches but initially fingerprints. So we will know if, in fact, the person asking for this visa is, in fact, who they say they are. That is good. Good idea.

Also, schools will be required to participate in this and tell us whether people who are here on student visas are still in school. We have done this before. Everybody complained. We pulled back because the schools said, please, we do not want all that paperwork and what if it discourages all our foreign students from coming here. We make a lot of money, and we said, okay, well, never mind, we are going to try again. Try again when students were not coming to class, when they were not educated anymore in the course work. That will be good. I am all for it. Another lifeboat.

It will create a database that will allow various agencies of the Federal Government, the FBI and the INS and everybody, to identify potential terrorists or people who pop up on a terrorist list. We will be able to go and this name will come up, and it will say, oh, that guy came into the United States, or lady as the case may be, on such and such a date and he is here or he has gone, and that is good. I am glad.

We will still have, by the way, Mr. Speaker, we will still have the visa application that anyone can go to the Web site for the State Department and look this up. I love it. This is great. I always think it is a metaphor for the entire INS debate. It is called the temporary visitor visa, and it says about the third or fourth question, I am paraphrasing only slightly. It says are you a terrorist; are you planning to come into the United States and blow things up and commit acts of terrorism; have you committed acts of terrorism in other countries; are you a member of the Nazi Party. It is all one series of questions, and then the person checks over one box, yes or no.

So this potential terrorist says, yeah, I am, I am terrorist, I am a member of al Qaeda and I am coming in to blow up a building or distribute some sort of biological warfare agent, and at the bottom of this visa, because of the efforts of a Member of the other body from Massachusetts, very big Member of the body, there is an additional little asterisk and it says, after you answer yes or no to this question, are you a terrorist, if my colleagues go to the bottom and it says answering yes does not mean that you will be denied access to the United States.

So we still have that, but now that is okay because we will know if the terrorists come in, they will sign up. Naturally, they will say of course I am coming in, I am a terrorist, here I am and here is my terrorist credentials, and I am coming in to do a lot of damage.

Now, for those folks who admit to being terrorists this is a good idea that we have them register. I am all for it, but supposing, just supposing, I mean, I know this is a great hypothetical, but just supposing a potential terrorist decides to come into the United States and not sign up as a terrorist, not actually apply for a visa, now my colleagues say that cannot be because of course everybody coming into the United States applies for a visa, comes here as a visitor, a guest of the United States, tells us who they are, where they are going to be and for how long.

I say these things, of course, with tongue in cheek because everybody knows that our borders are porous and that only our most honest people in the world for the most part say they are coming in, especially to apply through the regular process, but of course millions and millions of others come in a different way. They do not wait, they do not waste time filling out visas, requests for application to the United States. They come across the border.

These are two pictures of the border along the Arizona-Mexican border near Nogales, Arizona. We took them a couple of weeks ago when we were down there on a fact finding trip. This barbed wire fence, if it can be distinguished on the television, I am not sure, here, that is separating Mexico on the other side of this fence from the United States. Down here, same thing, barbed wire fence, but there is only a cattle guard separating Mexico from the United States.

This part of our border is actually more demarcated, more defined than many parts of the border that have absolutely no distinguishment, here and on the Canadian border. We have 1,900 miles in Mexico of the border and 4,000 miles on the northern border.

I guess I ask my colleagues, Mr. Speaker, when I hear people on the other side, people on our side, people in the administration, people talking about the fact that we should not try to connect immigration to terrorism, because most people come into the United States and they are completely and entirely looking, they are mostly looking for a good job, a way to send some money home, and they are not looking to do us damage, and this is absolutely true. Undeniably true, but of course, there are people who come into the United States for other reasons, and when they come into the United States for other reasons, may I ask my colleagues if they think it is logical for us to assume that they are all going to come via a visa process, especially when we start to tighten it up.

The 19 hijackers who committed the atrocities here in the United States in September were all here on visas. Some of them of course overstayed their visas. Some were here fraudulently, but they were all on visas. If we make it tougher for those people, Mr. Speaker, which I am all for, I am all for asking if you are a terrorist, please, let us know on this document, sign up right here, tell us you are a terrorist, and we can keep track of you. I am all for doing that.

□ 2100

But just supposing, I mean wildest stretch of your imagination, supposing they choose not to tell you that they are a terrorist and not to sign up that way on the visa. Why, may I ask, is it so hard to understand that there is a connection? Why is it so hard to understand that they would in fact come in a very easy portal, that they would walk across the border?

Here, this one on the bottom, the cattle guard, at least that protects us from illegal cattle coming into the United States. This one does not even protect us from that because there is no cattle guard. It is just a big deeply rutted road. And by the way, this road is not on any Forest Service map. It does not exist on any map you have ever seen because, of course, it is just illegals coming into the United States.

And this is the greatest thing of all, Mr. Speaker. You know, you can go to our Web site, it is www.House.Gov/Tancredo, then you go to the immigration part of it and you will see all this stuff in greater detail, and I encourage you to do it because it is hard to see this. But here is a sign that is facing our side of the border, and it says here: "All persons and vehicles must enter the United States at a designated port of entry only. This is not," underlined this is not, "a designated port of entry. Any person or vehicle entering at this point is in violation of the U.S.," certain codes and blah, blah, blah, blah, and a $5,000 fine or penalty.

This is on our side. This is facing the United States. Then it is printed down here in Spanish. I am glad they are letting people know. I know a lot of illegal aliens coming into the United States finally get on our side, turn around and look at the sign and say, "Oh, wait a minute, I guess I better go back. It says here this is not a designated point of entry." So certainly they are going to turn around and go back and find wherever that point of entry may be. Probably it is in Nogales. Yes, that is right, it actually is; and they will go on down the road certainly and they will enter the country legally. I am sure that happens a thousand times a day, would you not agree, Mr. Speaker?

Here they are not even able to see a sign such as this. They are not able to say, "Well, gee, after I cross this cattle guard, I see now that I am in the United States illegally. I best turn around and go back." And one reason why there is no sign here, Mr. Speaker, as they were often placed there, folks from the other side of the border, primarily Mexican police, come across and tear them down every night.

We actually got to the point, the Forest Service people, because this is right on the Coronado Forest, a national forest, where the trafficking in illegal aliens and drugs is so great it is destroying the national forest. The degradation of that national forest is a national disaster. But not one single environmentalist has spoken out against it, interestingly. Not one.

The tracks, as I show you here, go on up into the forest. They have worn footpaths through the forest that now make it look like cobwebs all over the forest. There is trash. It looks more similar to a national dump than a national forest. And they set fires, campfires; and then they walk away from them. And of course especially at this time of the year, and this year the drought being what it is, the day we were there and just as we were leaving a fire started, again by someone coming across illegally. They believe it is UDAs, that is the way it is referred to, undocumented aliens, because it is in the very remote areas; and it had consumed 35,000 acres in less than a day.

I do not know where it is now. I do not know if it is contained. I do not know. We cannot even go in and use the most up-to-date methods of fire suppressants. We cannot drop slurry because there is so many illegals going through the forest that it actually may harm them. They may get some stuff on them so they do not drop it. And they only fight the fire during the daytime, because in the nighttime they have had fire crews up there and the crews have confronted armed men, people carrying M–16s, because they are the people protecting the people carrying drugs; and they are coming in huge bands 20, 30, 40, 100. The forest is being destroyed.

Here, people who are hiking, picnicking, whatever, around the national forest, could mistakenly enter into Mexico, you see, because there are no signs telling you, like this one, be careful, you are leaving the United States, you are going into Mexico. And they do. They go into Mexico. And the reason why is, and I started mentioning this earlier when I spoke of them tearing down the signs time after time, we have actually put up over here, just a little farther inside here, two metal posts, two big metal posts with a metal sign. That had been cut out. The Mexicans came across that night with a torch and cut the sign down, because they want people to wander over, then nab them and throw them into the local hoosegow and then extort money from them. It is a way of making a few bucks down there. They want people to wander in so that they can then say you are here in Mexico illegally and we are going to make you pay the price.

But there is no connection, Mr. Speaker, no connection whatever; and how can we even talk about things like immigration reform and terrorist activities? How could we suggest that there is anything related here, just because you can waltz across this border with great impunity? And believe me, hundreds of thousands of people a year come through right here, millions of people across the border, both north and south. By the way, this is not unique in any way, shape, or form to Mexico. Of course the greatest numbers coming through are Mexican nationals. But nonetheless, we have the problem on both our borders and in our ports of entry on both coasts.

Recently, 25 suspected Middle Eastern terrorists evidently came in on cargo ships. They are here someplace. We do not know where. I do not know exactly how we found out about it, but I am glad we at least know they are here. Makes me feel a lot better. And hopefully they will be caught. I know we are judiciously looking at everyone in the United States who is not here legally and returning them to their country of origin, so certainly in a short time we will have them.

We have a huge problem, Mr. Speaker. It is a national security issue. To suggest anything else is to be naive to the ultimate. And to suggest that we cannot clamp down on this kind of situation, we cannot in fact protect our own borders, even if it means putting troops on the border, because it will be insulting to Canada and Mexico, to suggest that trying to enforce our own borders and protect the lives and property of the people in this Nation is an act that would turn certain constituencies in America against us defies the imagination. It defies anyone's ability to actually and appropriately characterize such a position.

There are people in the United States of America, regardless of their ethnic background, who are opposed to their own government trying to protect them and their property? I want to hear that. Because most of the people, Mr. Speaker, I guarantee you, by magnitudes that are actually astounding to me, numbers that are incredible, tell me that they are asking more from their government in terms of protecting them, and they are asking us to do something to cut down on illegal immigrants.

And, Mr. Speaker, this is not just something that white WASPish Americans are asking for. This is something all Americans are asking for. Everybody. Because everybody here who has come here legally, who believes in the sovereignty of this Nation is saying to us, What are you guys doing up there? And I mean we are talking Asian Americans and we are talking Hispanic Americans. I do not care what the ethnic background. By and large these people support our efforts to try and actually do something about border security and to reduce even the amount of immigration.

A vast majority of the people in this country recognize that is necessary. It is not ethically driven. This is not racially motivated. This is a matter that strikes at the heart of everything we should be doing here in this Congress. We should be looking, first and foremost, at the security of the Nation. And you cannot go in front of your constituents, I do not care who you are or where you are from, Brooklyn or Timbuktu, no, strike that, Brooklyn or Ray, Colorado, you cannot go in front of your constituents and say that we have in fact done anything to significantly increase the protection of our borders and, therefore, your safety. Because we have not.

I repeat: the tepid bill we passed here on INS reform will be destroyed, I predict. And by the time we see it in a conference, it will be something totally different and much less dramatic than it was even leaving here, and that was not much.

I also predict that unless we do this, unless we actually reform the INS, actually create an agency that has the resources and the direction to protect our borders, and the commitment internally, the people working for it who know why they are there, who are on our side when it comes to whether or not we should be letting people in here illegally, and our side means saying no, unless we do that, we have not done anything to improve security.

All of the other stuff we have done, including the bill the President signed yesterday, which I supported because it was that life boat, and I am all for adding another life boat to the Titanic, but it will not keep the boat from sinking. Signing a bill and calling it border security implies, I think, far too much. It is not security if we have an agency that is completely and totally incapable of actually providing that security.

We must reform the INS first. And I mean real reform. Then all the other things we do, all of the other jobs we give it in terms of tracking, all of the other responsibilities we give it in terms of protecting the borders, expanding our observation and control of the border activity, all of those things will be easier to accomplish with an agency committed to that task. Because I know this, Mr. Speaker, and I will tell you, I have spent many hours with the folks who we give the responsibilities of being on the ground down at the borders, and they want to be supported by us. They want clear lines of authority. They want to be able to protect America. But they are working for an agency which is incapable of providing them with the leadership, direction, and resources to get the job done.

They will tell you personally, time after time after time, of the horrendous frustration they feel in trying to deal with this issue and do their jobs, do their jobs for their own families and for America. They want to do their jobs, but they are prevented from doing so because the agency itself is so incredibly, incredibly incompetent.

We will move just for the next few minutes to one final issue about which I am greatly concerned, and that is the issue of amnesty. We may talk about all that we have done in this body to protect the borders; but every single time we reconstitute, regenerate support for amnesty, every time that the administration pushes it, every time the other party brings it up, we are doing great damage to our ability to actually control the borders; and we are doing great damage to the moral character of the United States of America.

Here is why I say that. We call ourselves a Nation of laws. We tell the world to emulate us. We tell every country how important it is to disavow the rule of man and to accept the rule of law as the philosophy of government that all people should abide by and hearken to. And yet we suggest that 11 million people who are here illegally, who broke our laws coming into this country should be forgiven for that and given citizenship, in fact, rewarded.

□ 2115

Put them in line for citizenship ahead of all those millions of people around this world who are reading the words on the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free," and say how do I do that, I want to go there, I believe that the principles of the United States of America are the principles I want to live by; and I want to leave my country, I want to disavow any relationship, political relationship that I have with the country of my birth, and I want to start a new life in America, as perhaps your grandparents, I know my grandparents did.

We are telling all of those people every time we give them amnesty, we are telling all of the people who are waiting that they are suckers, and that the better way to get into the United States is to sneak in, stay under the radar screen long enough, and we will give you amnesty. It is a slap in the face to the people who have done it the right way, filled out the paperwork and waited the appropriate length of time, learned the language, learned our history, things we actually require of people coming into the United States. They did it right, and we are telling them, you are suckers. You should sneak in.

I know the allure is on our side. It is like the drug issue. We say there is the demand, there is always going to be the supply. There is the demand for cheap labor; and, therefore, they are going to come. I understand that part of the equation. I will be for any attempt on the part of the government, we have the laws, it is illegal to hire people who are not citizens of the United States or not here on the appropriate visa. It is illegal. Recently we finally started actually cracking down. I know Tysons Food and a couple of other big employers who acted covertly to bring workers into the United States for cheap labor are being fined. I would try to dry up the demand, but that does not excuse the supply. It does not excuse the fact that people come here illegally. We cannot reward them for that.

I am concerned because Monday, yesterday, President Vicente Fox said in a speech in New York, it may have been just a couple of days ago, President Fox of Mexico said the number one litmus test of our relationship with Mexico will be our willingness in the United States to give amnesty to the people who are here illegally. The number one litmus test.

One needs to ask himself, why would a President of one country demand from a President of another country the complete revulsion, if you will, of our own laws? Why would they demand that we ignore our own laws as a litmus test for their friendship, while at the same time, Mr. Speaker, at the same time they are asking for our friendship and declaring themselves to be the best friends of America on the continent?

We find that in calendar year 2001, Mexican government border incursions. Here is the seal of the President of the United States. This is the slide that I was witness to, a slide presentation I was witness to when I went down to Douglas, Arizona. The briefing was presented by something called the HIDA, High Intensity Drug Area, and it is all of the agencies that get together and try to control the flow of drugs into the United States and the flow of illegals into the United States.

In their presentation they showed me this slide, and it says "Calendar year 2001, Mexican Government Border Incursions." I said Mexican government border incursions, what are you talking about? There were nine from the Mexican military and 14 from the Mexican police for a total of 23 in 2001. When I had a little more discussion about this, it turns out this is not unique in the year 2001; we have had over 100 such incursions over the last 7 or 8 years. The hundred have been documented. Many others go undocumented, we are told by the border police.

Some of these incidents have resulted in shots being fired by the Mexican military. Some have resulted in confrontation when guns were drawn on both sides, and finally people backed off. You have to ask yourself, what were they here for? What were members of the Mexican military and Mexican federal police doing in the United States of America?

I called the State Department, and they said they were probably lost. Probably lost? I do not suppose anyone wonders why we have 4,000 miles of border with Canada, much less defined, we have 1,900 miles with the border of Mexico, and we have at least 100 of these incursions by the Mexican military on the southern border, and I called the Canadian desk in the State Department and the Canadian Embassy and said, How many times have we had Canadian military wander into the United States getting lost because they could not find the line? They said never.

I said, How many times has the Canadian Mounted Police come riding across the border chasing someone and we found them in Detroit because they just got too far? It is not happening.

I will tell Members why it is happening on the southern border. Unfortunately, a large part of the Mexican military and the Mexican police establishment are corrupt, and they are coming across the border. Ask any member of our service on the border, any member of the border patrol there on the spot, ask them why it is happening, and they will say they are coming across to protect large shipments of narcotics coming across the border. Sometimes they come across to create a diversion pulling our people away from where that shipment is coming through.

Mr. Speaker, 90,000 pounds, and this is another slide. This is a gentleman coming through carrying several bags in these makeshift backpacks carrying drugs. This is Coronado National Monument, Arizona. This is May 7, 2001. Most come 20 or 30 or 40 protected by armed guards. In calendar year 2001, 11,300 seizures amounting to 2.476 million pounds of marijuana; cocaine, 42,000. That is just in this particular area, and I am just talking about the Coronado National Forest area.

Now, is this the act, I ask, of a friendly country? Why are we facing this is because President Fox, who I believe is a man who is trying to do a good job, I think he is an honest person; but, unfortunately, I do not believe he controls his own government. He certainly does not control some of the most important parts of it, including his own military. Corruption is so endemic, it is so bad that the President of that country cannot guarantee the actions of his own military and/or federal police. It is a sad commentary. I am sorry for him.

If I could wave a magic wand, Mexico would be a place with enormous wealth and a driving middle class, with everybody having the same chance to achieve their dreams and goals. But there is nothing that I can do about that, there is nothing that this body or the President of the United States can do to change the situation in Mexico.

The corruption is so endemic and it is connected to a government that still has connection to a socialist economic theory. The government still owns the oil company, for heaven's sake. While that is the case, while you have this combination of socialistic thought and socialistic economic thought and internal corruption, the economic prosperity of the nation will never, ever be achieved; and there is nothing we can do about it. No matter if we open the border tomorrow and walk away from every port of entry, which some would like us to do, even take away the barbed wire fence, for what little good it does, and walk away from the border. That is what some people want. Members know it is true. But it will not change the situation in Mexico. It will not be something that improves the lives of the people down there.

I am concerned that the Mexican government is not doing what is necessary to help us control our own borders. I am concerned that they are not helping us as the President asked them to do so. The President said, If you are not with us, you are against us. Then why are they not patrolling their own borders to stop incursions? Frankly, people are coming in through Mexico, not just Mexicans looking for jobs, other nationalities, Middle Eastern. One hundred ten Iranians were captured on a guy's ranch in Texas all dressed in string ties, white shirts and black pants thinking they could blend in, I guess.

This is a terrible problem connected to our own national security. It is also connected to the kind of country we will be, how many people will be here, the kind of environment we are going to leave for our children. Will it all be the environment that is today part of that national forest which has been destroyed? Is that the kind of legacy that we want to leave? I think not.

We have to reduce immigration into this country. We have to reduce legal immigration to a manageable number; 300,000 a year is plenty. We have to put the same amount of effort into the protection of our borders as we put into the prosecution of the war in Afghanistan and around the world. We have to put the same degree of resources and the same degree of commitment into the defense of our own borders as we do to the prosecution of the war halfway around the world.

That may mean, as a matter of fact, troops on our border and demands to our neighbors, Canada and Mexico, to help us patrol it. It is incumbent upon us to do it, Mr. Speaker. It is our responsibility and no one else's. The States cannot do it. The Congress and the President must provide the leadership that the American people are demanding. We and the administration have to stop turning a deaf ear to the pleas of our countrymen to protect and defend our borders.

□ 2130

MIDDLE EAST CONFLICT

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

Mr. HOEFFEL. Mr. Speaker, I would like to call to the attention of the House the very serious problem that exists in the Middle East and to report back to the House with several colleagues this evening on a trip taken to Israel the weekend before last to express solidarity with the people of Israel and with the government of Israel in light of the campaign of terror that has been directed against them by the Palestinians. We will be joined later this evening by the gentleman from Florida (Mr. DEUTSCH), who has organized, or attempted to organize, this evening an Oxford style debate between those of us who voted in favor of a resolution to express solidarity with the people of Israel and those few Members of the House who voted in the negative on that question. Unfortunately, those that opposed the resolution of solidarity with Israel have chosen not to participate in the debate this evening.

It is unfortunate, Mr. Speaker. We are missing an opportunity, I think, to have a good debate and a good discussion regarding the right of Israel to defend herself and the position of America that in my view should be not to try to limit Israel's right of self-defense. But I am happy to report that the gentleman from Florida has arrived, the organizer of the discussion this evening and the man who tried to organize this Oxford style debate to his great credit.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Speaker, I appreciate the gentleman yielding. We had scheduled it for 9:30. It is about 9:30. As you described, we made an offer and we actually had an agreement this evening to have an Oxford debate about the resolution. As many people who are watching and obviously as Members, we know that our normal debate that we have is not really debate. People almost read statements and they read them to each other and there is no discourse. I think those of us who supported the resolution, many of us sat through literally several hours of debate and at some level a great deal of frustration, because people say things that there really is no opportunity to ask them to respond to try to clarify their position or really even ask them to defend their position. So we had set up this where under the House rules there is an opportunity for an Oxford style debate to interact with Members. We offered that opportunity and again, I guess there were 21 Members that voted against the resolution and 29 that did not vote. It is less than 15 percent of the membership of the House, but a sizable number of people.

We had the opportunity to cancel this evening or go forward, and what we thought we might do is in a sense maybe try to even literally re-read some of the arguments that the opponents of the resolution made and really in an attempt to maybe flesh out what their thoughts were. I think those of us who will be here this evening defending the resolution obviously find it hard to articulate their positions. Maybe they are in fact positions that cannot be articulated.

I would like to start maybe this evening and read one and I have a number of quotes from opponents of the resolution and there is no point in mentioning names but you might remember this one. It was in a poem that was spoken by a good friend and a good colleague of ours whom I respect on so many issues but I was extraordinarily disappointed with his comments.

By poem he stated, "Oh, little town of Bethlehem, we witness and we cry, Israelis and Palestinians, both practice eye for eye."

Perhaps the gentleman from Pennsylvania would want to respond to that statement.

Mr. HOEFFEL. What struck me as off-target with that statement was the notion that there is some kind of equivalence here between the behavior of the Palestinians and the behavior of the Israelis. Our colleague who said that, who is a fine Member of this House, seems to feel that there is some moral equivalence between the actions of the two sides that he stated. That does not persuade me, Mr. Speaker, because what we are seeing on the side of the Palestinians are acts of terror directed intentionally against innocent, unarmed Israeli civilians, men, women and children. What we are seeing from the Israeli side are acts of self-defense, military acts by the armed forces of Israel, but acts that are not designed to kill Palestinian civilians in some kind of retribution but acts by the Israeli army to defend Israel.

Mr. DEUTSCH. If the gentleman will yield, I think there are so many parallels between what the Israelis did with their incursion into the West Bank areas and what the United States did with our incursion into Afghanistan. This poem, I think, would in a sense give the same moral equivalency to the murderers who attacked the World Trade Center and the Pentagon and the plane that crashed in Pennsylvania with the United States military action in Afghanistan and really trying to set up a moral equivalency of that. There is a fundamental difference.

Again, these are different Members that spoke during the debate. I am going to quote another Member: "I thought there was one thing that might turn the tide in this struggle and it was a horrible tragedy in the end of March." And he showed a picture that actually was on the cover of Newsweek magazine, I believe, of two young girls.

"Look at these two young women. They look like sisters. One, Ayat al-Akhras, 18, was a suicide bomber who killed Rachel Levy at the grocery store, age 17. I thought that both sides would be so appalled by this unbelievable tragedy and see the hopelessness of this that they might turn toward peace. But, no, that has not happened there."

If we can, maybe if the gentleman from New York (Mr. WEINER) can respond.

Mr. WEINER. If the gentleman from Pennsylvania will yield, what is interesting, I would say to the gentleman from Florida, that that dynamic has been portrayed several times in the media, that there are so many parallels between the 17-year-old that straps dynamite to his or her chest and the 17-year-old that might have been taken as an innocent victim. But the fact of the matter is that that suicide bomber, that homicide bomber, is bringing the Palestinian people further, not closer, to their objective of having a homeland. I do not think any of us would agree in this body that if the Palestinians announced and did more than announce, they actually began to operate without violence and to sit down and really negotiate for a Palestinian homeland, if they would have done that arguably years and years ago, it would be a reality today.

We have to recognize one thing that some of my colleagues did not recognize in the debate. Someone who blows themselves up and anyone around them blows them to bits is not engaged in political speech. They are not engaged in debate. They are not furthering the cause of bringing the two sides together. What they are doing is murdering people.

We have to recognize what sometimes often gets overlooked is this notion that someone who is engaged in suicide bombing is acting out of desperation that was created by another set of instances. There are all kinds of circumstances in the world that have been resolved without suicide bombing. In fact, most political conflicts in the world, thank God, do not result in one group of people attacking the civilians of the other side.

Mr. HOEFFEL. Would the gentleman agree that the whole phrase of suicide bombing is also missing the point here? When I hear the phrase "suicide bomber," I think one person committed suicide. I think the gentleman used a separate phrase a minute ago that is a lot more illustrative of what is actually happening here.

Mr. WEINER. Let me give an example and the gentlemen in their most recent visit, I am sure, visited some victims in the hospital. I had the opportunity to visit a 15-year-old girl who was the victim of a homicide bomber. She was not killed, thank God, but she showed me her x-ray that included in it 18 hexagonal nuts that was packed around dynamite that were used as projectiles projected into her young body. This is savagery. This is not something that brings the debate any closer to closure. It is not something that brings the two sides closer.

Mr. DEUTSCH. If I could interject, again I am trying to bring quotes in from the debate against the resolution and this is again from a very esteemed colleague of ours, someone whom all three of us I know respect a great deal, but his statement was, and I am quoting, "Generations of Palestinians and Israelis have suffered in the region, but the violence of the Israeli-Palestinian conflict cannot be examined or addressed in isolation of decades of occupation of millions of Palestinians."

I think it ties directly to what you are saying, that in some way occupation justifies suicide bombings.

Mr. WEINER. We heard similar language throughout some quarters of the Arab world in reaction to September 11, is that this is what happens if you do not have an energy policy we like or a foreign policy or an agricultural policy, we send 15 suicide bombers to murder 3,000 Americans. We have to recognize, and we have to be able to separate. This is at its fundamental element a complex and gut-wrenching dispute over land. It is difficult. We have difficult political subtexts. We have biblical subtexts. We have historical subtexts. But these things cannot be resolved in an environment where one side is attacking the other side in the most savage and most despicable ways.

Mr. DEUTSCH. I think one of the interesting things, just in response to that exact point is that at the Camp David negotiations the Israelis were willing to give up and, in fact, offered 97 or 98 percent of the West Bank and Gaza and if you include some of the transfer of land in the Negev, effectively 100 percent of the land mass that is in a sense occupied. That was offered and it was rejected. So if the cause of the disturbance is occupation, the Israelis offered to end the occupation.

Mr. WEINER. I would go even further than that. You do not need to go to Camp David at September of 2000. You can go to the Oslo process that began in 1993 that had the Israeli government entering into an agreement to end the occupation, to not only begin to foster democracy in the Palestinian region but to fund it. Many of the guns being used against Israeli soldiers today were provided by the Israelis because the Palestinians said we need a police force. The Israelis not only gave them uniforms and gave them funding but gave them the actual guns. You can go back to 1948, the birth of the Jewish state, where it was the Israelis who were prepared to say, listen, we will take a divided neighborhood, essentially, if it guarantees us peace. You can look at the Wye River agreement. You can look at the Mitchell plan. You can look at the Tenet plan. You can look at plan after plan where it was the Israelis who said yes, and it was the

Palestinians that said no. But they said no because the only thing that it really was predicated on was peaceful coexistence, which leads one to believe that ultimately the Palestinian people themselves have to make a decision. They have to make a decision, do they want to continue to cross swords or do they ultimately want their own state?

I think the Members who are here on the floor would agree that if this was a peaceful struggle, it would have resulted in a Palestinian state generations ago.

Mr. DEUTSCH. It is funny, not funny but tragic, that if it was a Martin Luther King instead of a Yasser Arafat or a Gandhi instead of an Arafat, I think you are absolutely correct because the majority and even with the vote by the Likud Central Committee, which I think was a political statement, I as recently as today read polls of the Israeli public. The vast majority of Israelis support a two-state solution because they understand that is a solution, that there is a puzzle fit that works. That will happen at some point in time when there is a partner to engage in that solution.

□ 2145

The chart that I have up now, one of the things, had we been in an Oxford debate and had the other side showed up, was really the first chart that I was going to put up for today, and it is hard to read and hopefully the television camera is focusing in on it. But the Israeli incursion occurred on March 31. Prior to March 31, as many of my colleagues remember, starting literally 11 days or 12 days or 13 days before, there was a series of suicide bombings actually starting in March: March 2, 5, 7, 9, 17, 20, 21. 27 was the so-called Passover bombing in Netanya where 27 Israelis were killed; and then the 29th, and then actually on the 31st was in Haifa, the restaurant that the gentleman from Pennsylvania (Mr. HOEFFEL) and I visited or, actually, the gentleman from Georgia (Mr. KINGSTON) and I visited. The gentleman from Pennsylvania (Mr. HOEFFEL) was actually at another place in that period when we were in Israel, but that we visited on that trip that occurred on the 31st. Then after that series of suicide bombings, killing over 100 people, I could count them up, close to 100 people, maybe 150 people during that amount of time, one of the numbers that I have talked about on several occasions, and I will put this chart up just to reiterate that, Israel in terms of population is about one-sixtieth, one-fiftieth, one-sixtieth the size of the United States of America. We are about 300 million plus people, 5 million plus, and the equivalent, just in terms of population, when 50 Israelis are killed, it is the equivalent of 9–11 to the United States of America. I am describing March. It was the equivalent of three September 11ths.

Now, we know what the United States did after September 11. We went 6,000 miles to a country and appropriately, and I do not think there is a Member of this Chamber who did not support, I do not think effectively as Americans we did not support what we did. Can we expect anything less for the Israelis to do, when three September 11ths occurred in the month of March in their country. I think that is the justification. I mean if a country is not protecting its citizens from death, from terrorism; I mean that is our fundamental role as government, and that is what they did. In a sense, they did not have a choice. The Israelis do not want to be in Bethlehem or Nabulus or Jenin any more than the United States wants to be in Afghanistan. We do not want to be in Afghanistan, but we are there for the reason that we have to be there, the same way they have to be there.

Mr. WEINER. Mr. Speaker, if the gentleman will yield, something else that is important to keep in mind, in that period from October 2000 to today the Israeli government and the Israeli people have not only been fighting terror by military means, almost at the same time and, frankly, almost in a counterintuitive way, given the way we have handled our attack since September 11, is that they have continued to keep the doors open to negotiation.

For example, when former Senator George Mitchell, who has some experience in negotiating peace in difficult parts of the world, when he traveled there, he came up with some principles of a plan, essentially to start a framework to get back to peace. It was the Israelis who said, although it asked for very difficult concessions from the Israelis, including lifting up the roots of many Israeli families and moving them out of their homes, the Israelis said yes. The Palestinians, who had to do essentially one thing, which was to stop bombing and stop firing, they said no.

Then we sent CIA Director Tenet over to the area to see if they could perhaps get the wheels started to the Mitchell plan. Once again, asked tough things of the Israelis, including loosening up border crossings at a time when they knew terrorists were coming through those borders, Israelis said yes and the Palestinians said no. Even when Vice President CHENEY and Secretary of State Powell visited the area to try to negotiate peace, it was the Israelis who expressed a willingness and the Palestinians who would not relent in their violence. In fact, some of the worst violence in the area on the part of the Palestinians have come when U.S. emissaries, trying to negotiate peace, have been there.

So at the same time, while a great deal of attention has been called to the fact of Israel going door to door trying to rout out terrorism, it should not be ignored that even in that context, even in the context of all of the carnage over the last 18 months, the Israeli people and their government have still said, do you want to make peace? We are ready to do it. I think that is to their great credit.

Imagine for a moment if bin Laden or Mullah Omar presented himself next week and said, you know what? I want to negotiate. I want to negotiate the peace here. Maybe if the United States gives up Texas and Louisiana, I will leave you alone, and I do not just say that because they are Republican areas, I would say to the Speaker, we are prepared to have a negotiation. We would laugh at it. Yet, in Israel, despite the carnage that they have had, they have been negotiating at the same time, hoping against hope that the Palestinian people would choose peace over violence.

Mr. HOEFFEL. Mr. Speaker, if I could give the gentleman an individual example of that spirit of the Israelis, that willingness to remain positive and to maintain their humanity in the face of this horror, let me tell my colleagues about Gila Weiss, a former constituent of mine who graduated from high school in my district in 1988 when she was known as Jennifer Weiss. Her parents still live in my district, Fred and Susan Weiss. Jennifer moved to Israel, changed her name to Gila, and is making her life there. On April 19, 2002, she was shopping at the Jewish market the Friday before Sabbath, finished making her purchases, walked to the bus to get the bus back to her apartment and, as she was approaching the arriving bus, a woman stepped off the bus and blew herself up. She killed 6 people, wounded 40, Gila among them, using a suicide vest such as is pictured in the photo of the gentleman from Florida (Mr. DEUTSCH) that I know he wants to talk about in just a minute. But let me just tell my colleagues about Gila.

She survived that blast, shredded with shrapnel; her eyesight is still in jeopardy today, but the doctors are optimistic that she will make a full recovery and she will recover from the wounds that the shrapnel caused. When the gentleman from Florida (Mr. DEUTSCH) and I visited the hospital on our trip to Israel, Gila was there to greet us, showing incredible spirit, and indicated, without even being prompted, that in the face of this terror that she had faced and incredibly survived, that she did not harbor hatred herself toward her attackers; the individual, now dead, or the Palestinian people or leaders that sent that bomber to that bus stop in Jerusalem.

When I returned from my trip, I gave a report to my district and asked Mrs. Weiss, Susan Weiss, to be with me. She talked about the injuries and the terrible ordeal that Gila had been through, and her parents, and then

Susan Weiss, unprompted, told the assembled press corps in the suburbs of Philadelphia, Pennsylvania that she harbored no animosity, that she felt that we had to move forward and try to figure out some way someday, somehow to return this process to peace. Recognizing the need for defense now, recognizing the need for safety now, the security of Israel being paramount, but both Gila and her mother were prepared, even though they have suffered the worst kind of experience with terror, prepared to move forward to try to reach peace.

Mr. WEINER. Mr. Speaker, one of the things that is important about the story that the gentleman has just told, the Israeli people, because of their fundamental belief in democracy, something that our country shares and something that over 373 Members of Congress recognized when the resolution passed, on the other side of this debate is a group of people, the Palestinians who, in their schoolbooks, in their classrooms, even on their television screens, are preaching hatred.

The gentleman from Florida (Mr. DEUTSCH) made the mention of Nelson Mandela as a peacemaker. One does not have to go that far. One can look in that same region of the world not so long ago and look at the courageous stand of Anwar Sadat. One of the first things he did when preparing the Egyptian people who had been in a hateful, passionate war with the Israelis, one of the first things that he did as a sign of his courage that ultimately led to his death, is he turned to his own people in Arabic on Egyptian television and said, look, it is in our interests to make peace. We do not do it because we like them. We do not do it because we like their presence in the area, but it is because it is in our interests.

On the other hand, despite the requirement in the Oslo Accords that they stop teaching hate in their schoolbooks, they stop teaching hate to their children, the seeds of hate keep getting planted every day. This morning, if you flip on Palestinian TV during the cartoon hour, you will see commercials aimed at young children that have a playful song that says, put down your books, take up your arms, directed at young children. We see protests in Nabulus. We have parents with their children on their shoulders, children like in all of our districts, except in these cases they have pretend suicide bomb belts around their waists.

The thing that I fear the most is irrespective of our intentions, irrespective of the feelings of the people of Israel and irrespective of even the best instinct of the Palestinian people, the seeds of hate that we are planting today among Palestinian children will take a generation to eradicate. That is the fundamental difference here. Someone should be held responsible for that, and I think that person should be that of the Palestinian Authority, Yasser Arafat.

Mr. DEUTSCH. Mr. Speaker, if the gentleman can yield for a second, trying to keep this in somewhat of a debate without another side being here, which I almost feel we should have an empty chair like they sometimes do in political debates when the other side does not show up. But it is interesting, much has been made in terms of who voted against it, why they voted against it, but there were Democrats and Republicans. Again, less than 15 percent of the Congress, but I am going to quote from one of our Republican colleagues and the quote is, "If we are going to bring peace to that troubled region, we must be scrupulously honest. There are piles of bodies in the Middle East, many of the victims of noncombatants, and both sides of the conflict have engaged in the slaughter of innocents."

Someone said that from the floor of this Chamber not that long ago, a-week-and-a-half-ago. I see the gentleman from New York (Mr. WEINER) shaking his head no. Now he has an opportunity to respond.

Mr. WEINER. Mr. Speaker, I would say to the gentleman from Florida, and this is something that is easily verified, there has not been a single instance in the history of the conflict where, with the possible exception being the preemptive strike in the war of 1967 that the Israelis have initiated violence. When we see these images on television of kids throwing stones at Israeli soldiers and Israeli soldiers responding, invariably those are organized efforts by Palestinian protestors to engage in a highly publicized exchange.

There is not anyone who believes, for example, that the Israeli military had any interest in going into Ramallah, for example, knocking on doors looking for terrorists, had it not been for the fact that there had been horrific slaughters of innocent victims, including those observing the Passover holiday.

Mr. DEUTSCH. Mr. Speaker, if the gentleman will yield, one of the things that I guess is frustrating, having sat on this floor and listened to the debate is the simple distinction that the gentleman is making. It is so frustrating that these are well educated, well thought of, thoughtful colleagues who have made these statements that I am reading word for word out of the CONGRESSIONAL RECORD on the debate. When the Israelis went into Jenin or for that matter Ramallah or for that matter other locations, because I talked a couple of minutes ago about the reason for the incursion, that there was this horrific activity occurring at monumental levels in their society.

One of the things that we witnessed in our visit to Israel was in a sense the proof on the other side, and this is one of many pictures that we have. One of the opportunities we had was to view just a fraction of the weapons that were seized during the incursion, about 10 percent of the weapons. In this Chamber, if we added all the weapons that we saw, it would probably fill this entire Chamber. Weapons of mortars, and I will show some additional pictures of machine guns and sniper rifles. But I think the most evil was literally witnessing suicide vests, and they are not kids creating suicide vests. I mean as we saw them, and my colleagues can see in the picture, they are commercially made. We actually saw different versions, summer versions, winter versions, autumn versions so that they would not be seen. But, in a sense, that is the proof of why.

I guess the frustration that an intelligent person could make a statement like that or make some of the other statements that I have read, not to distinguish; in the United States, we call it collateral damage. In our military action, in fact our ongoing military action in Afghanistan, there have been innocents who have died. We did not go house to house in Tora Bora. We bombed, as we should, absolutely as we should, as was appropriate and with the knowledge that there would be some collateral damage because of the risks involved and the morality involved in terms of doing it, it was absolutely appropriate. The Israelis could have attacked Jenin the way we attacked Tora Bora. They could have bombed from the air without risking lives. There is no question that a number of Israelis, a significant number of Israeli soldiers died because of the effort that they made. I do not doubt, and in fact I am sure, there were innocents who were killed in the action in Jenin. But I think not to understand there is a fundamental difference between someone being killed in that action where, by all accounts, the Israeli defense forces' efforts to make sure that civilians were not killed are minimized. I mean there are just so many specific accounts. In fact, before the soldiers went into the battle, their orders were to do everything possible, put their own lives at risk in terms of avoiding collateral damage. One thing also, I mean there is a whole different viewpoint when it does occur. The attitude of the Israeli defense force is not just remorse, but it is a horrific situation. It is tragic. There is no words that can possibly compensate.

□ 2200

But the entire attitude is a totally different attitude. The efforts of a megaphone to tell people to get out. Give them another chance to get out. Give them a third chance to get out. Tell them what is going to happen if they do not get out and give them every opportunity to get out. And yet we are hearing colleagues say that is the same as a murder bomber.

Mr. HOEFFEL. If the gentleman would yield, what our colleague is missing is the intention behind the actions. The actions of the Palestinians when they commit terror, they are intending to kill innocent civilians and the Israelis are intending to defend themselves. That is the fundamental difference.

The action that the gentleman describes and both gentlemen have referred to, the military incursion into Jenin and other areas of the West Bank first was designed to stop the terror from continuing to come against Israel. It certainly was taken at great risk to members of the Israeli defense forces and 22 Israeli soldiers died in Jenin and had the Israelis chosen to bomb I doubt any Israeli soldiers would have died. But it also uncovered an extraordinary number of weapons, as the gentleman has mentioned, most of them in complete violation to the Oslo Accord that the gentleman from New York (Mr. WEINER) described.

The Palestinian police under Oslo were allowed to maintain handguns, rifles and AK–47s.

Mr. DEUTSCH. If the gentleman would yield, this is as he witnessed himself, and this is just a very small cache of mortars which obviously are illegal under the Oslo Accord.

Mr. HOEFFEL. Exactly right. That is a very good picture illustrating the point.

What the Israelis seized were anti-tank missiles, rocket-propelled grenades, mortars, rockets, all in complete violation of the Oslo Accord. All there, as our friend, the gentleman from Georgia (Mr. KINGSTON), said, who identified himself as a sportsman, not there for sporting purposes, not there for hunting game during the doe season with a license from your local State government, but they are to kill people. That was the purpose of those weapons.

And the suicide vest that the gentleman identified a few pictures ago was the exact type of vest used in an attempt to kill Gila Weiss and that did kill six of the people that she was standing around with, total strangers.

Mr. DEUTSCH. Again, I will try to use some of these posters today, but this again is a sample of literally weapons, just a fraction of the weapons collected that could fill this Chamber, machine guns, sniper rifles, mortar guns, anti-tank weapons, none of which were allowed under the Oslo agreement.

Mr. WEINER. If the gentleman would yield for a question. Perhaps you can offer a little bit more explanation.

One of things that came up frequently on the floor among the opponents of the resolution was that we have to foster an environment where the moderate Arab nations could help a peace take hold in the Middle East. Perhaps the gentleman could explain to the Members where those weapons came from. Did they not come from a so-called moderate Arab state? And I am curious as to whether it seems like the export of someone who is interested in peace in the region.

Mr. DEUTSCH. As we reviewed them, we asked exactly those questions. Some of them were stolen Israeli weapons. Some of them were American weapons stolen or gotten through a third party. A lot of them were smuggled either through the tunnels from the Sinai into Gaza. Some of them, Israelis have very good information to believe that they were actually smuggled in Yassar Arafat's helicopter. So the weapons came from a variety of different sources.

Mr. WEINER. What about the Karin-A?

Mr. DEUTSCH. The Karin-A is a totally different issue which we can talk about. I think it is a significant issue as well. As the gentleman is well aware, the Karin-A was a ship that Israeli commandos captured that had $20 million of weapons in it and had some very sophisticated weapons right off the shelf from Iran, including rocket launchers, rockets, not just mortars but rockets. The equivalents of our TOW missiles.

I actually have some pictures because we reviewed not just the weapons, these were weapons that were seized in the West Bank up to this point; they were weapons that were literally seized during the military incursion. And that in a sense, just these weapons are success or proof of the right and the necessity of the incursion because the suicide belt we saw in the previous picture, that suicide belt was not made to be put in a museum. It literally was made to be used. And the capture of that one belt prevented that one belt from being used, and we do not know how many lives and how many tragedies, and literally the tragedies are each one is as painful as we can possibly imagine in terms of human condition.

Did the gentleman from Pennsylvania (Mr. HOEFFEL) want to add something to that?

Mr. HOEFFEL. Well, the enormity of this, it is hard to appreciate unless you see the weapons. And the great variety, from brand-new modern weapons never used before seized from the Karin-A with an attempt to smuggle them in from Iran, to old battered, well-worn weapons that the Palestinians have obviously been using for years and years to homemade weapons, weapons made with sections of water pipe and slingshots for the firing pins to set off the ammunition put in these homemade weapons. An absolutely staggering commitment to mayhem, to using violent means to try to win their political goals.

The enormity of the terror is hard to grasp unless you see the weapons, unless you talk to the families of the victims, unless you see the locations of the terror bombings in Jerusalem as we did on our walking tour. And when we hear the stories of the families and the human tragedies of innocents dying, not soldiers dying in combat for their country but innocents.

We have heard the story of Michal and Malka, two 15-year-old friends, inseparable, went to school together, lived next door to each other, had known each other since both were babies, 15 years old. They snuck off to get some pizza last August at the Sbarro restaurant in downtown Jerusalem and got blown to kingdom come. Their parents buried them side by side where they will rest forever.

That is hard to understand. It is hard to appreciate the horror for those families and hard to understand how anybody can justify such action. You can have the world's most difficult grievance; you can be really ticked off about something, and feel that the other guy is causing you a lot of aggravation, but how can you ever justify murdering innocent civilians?

Mr. WEINER. If the gentleman will yield, there is a broader political point here as well. And that is the Israelis have arguably tried everything under the sun to deter these kinds of attacks. That did not work. Now they are doing what they can to respond.

Some in the Chamber last week or 10 days ago in arguing against the resolution said perhaps we should recognize the grievance of the suicide bomber, sit down at the table and negotiate with them.

What lesson does that send to the next guy who is going to fly a plane into a tall building in the United States? What lesson does that teach the person who is sitting at home in Nablus or in Jenin about whether or not they should go and take up violence, not only against Israel but against the United States or anyone else with whom they might have a grievance.

We have to be very careful when we do what sometimes happens in the State Department here in the United States and we offer this sense of we kind of understand where they are coming from when they blow up a bunch of children in a shopping center. I believe we embolden further attacks. I believe we make it steadily, piece by piece, part of the political debate. It was truly mindboggling for me to listen to it. And we should stress very few Members of this Chamber, the gentleman showed pictures of his visit to Democrats, to Republicans, overwhelmingly from all regions of this country, this House and stood up and said we understand what Israel is facing. We support her in perhaps one of the strongest pro-Israel resolutions this House has ever passed.

Imagine for a moment if we did it. Imagine if we were a little more lukewarm and said, maybe we see the beef that the Palestinians have when they engage in suicide bombings. That creates more violence. I remember distinctly in June 2001, Tel Aviv discoteque bombing. Horrific event. Someone gets in line at a discoteque on a Saturday night, teenagers all around, blows themselves up, blows up over a dozen young people around them. Quickly the United States, even the European community, which has never been very friendly to Israel, editorial pages everywhere said how outrageous, how disgusting it truly was. What happened? Israel did not respond immediately, and the Palestinians also recognized, you know what, we have gone too far. We are no longer getting sympathy and now people are recognizing how bloodthirsty we appear to be. It created a week, maybe 10 days of quiet.

When we strongly condemn these things, when we do not prevaricate, when we do not equivocate, when we do not draw these lines of equivalency that somehow justify the lines of terrorism, we save lives. That is something people have to understand. When they stand here, it almost sounds as if they are justifying the violence. In the quotes that the gentleman from Florida (Mr. DEUTSCH) read, I think it really does embolden some 15-year-old young person to say, maybe this is the way I will get my meaning; and they will be the next homicide bomber. As we have seen from these weapons, and I have said it on this floor before, this is a problem for Israel, true. But just the way a katusha rocket can shoot down an El Al plane, it can shoot down a Continental Airlines plane, God forbid, or a U.S. Airlines plane, God forbid.

The same people who are getting these weapons, because they think murder is a way to get their means, believe me, we are not miles and miles away as we learned on September 11.

Mr. DEUTSCH. Let me read, these are different Members, every quote so far this evening has been from a different Member. I will read from another Member: "We in this body have a constitutional responsibility to protect the national security of the United States. This one-sided intervention in a far-off war has the potential to do great harm to our national security."

I think that is exactly the point that the gentleman is making. That if someone is saying that, what is the implication, that there really is a duality, that there is both sides? And I think what was said is that for an act of terror, an act of killing innocents there are no two sides.

This is just a follow-up. Literally just another pick of weapons seized and there are more and there are more and there are more. The gentleman from New York (Mr. WEINER) asked just a comment on the Karin-A issue, and I thought since it is a relevant event, in a sense it was not directly tied to the incursion, but it gives a sense of the context to the Palestinian Authority and Yassar Arafat personally.

The weapons on the Karin-A were $20 million of weapons but literally weapons off the shelf of munitions factories in Iran. Mortars, as we see, large mortars of different dimensions for different distances, rockets, the equivalent of the United States TOW missiles, which are missiles that can be shot and steered after they are shot, anti-tank weapons that were made out of plastic so they cannot be detected, a very sophisticated operation that the United States and the Israelis and the world has not denied that Yassar Arafat's direct involvement in the purchase and the logistics of these weapons.

The sophistication of the weapons in a sense is highlighted by this container. All of the weapons that were seized on the Karin-A were actually in containers like this, which are watertight containers. In fact, some of the weapons were actually modified so that they could fit inside these containers. And the containers themselves were very sophisticated in that they had a specially built compressed-air-water compartment that would actually be able to have the containers set at a certain depth in the Mediterranean Sea so they could then be picked up later on with this buoy attachment. And that in fact could have escalated the conflict dramatically. Every weapon there was in violation of Oslo. Every weapon that was there was in violation of Oslo.

Mr. HOEFFEL. I thank the gentleman for yielding. I could not agree more. The violation of law and the agreement represented by these weapons really goes a long way towards showing the attitude of the Palestinians toward the agreement that they made and their intention for their future use in the Middle East.

The other thing that was quite persuasive to our group were the documents that the Israelis seized from the Palestinian Authority offices in the West Bank during the military incursion. Documents were seized in Arabic showing how the terrorists are funded, showing how the Saudis make payments to the terrorists and the families of terrorists, showing how Yassar Arafat's organization submits memos to him recommending that payments be made to a list of what they euphemistically call "freedom fighters." That would be in American English "terrorists." And how Yassar Arafat signs off on those memos asking for certain levels of funding.

□ 2215

In most cases he reduces the payments to be made to each individual, but there are signed documents showing to my satisfaction certainly, that Arafat has been directing terror. Certainly through the Fatah organization, the Tanzim and Al Aqsa Martyrs Brigades that he commands as head of Fatah, and these documents and the gentleman has a picture up, and I would yield back to the gentleman in just a second, the documents plus the seized weapons certainly make clear to me that Yasser Arafat has been directing terror in the Middle East.

I am happy to yield back to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I think the issue of the day and I think in a sense maybe if we move beyond the resolution and I think in a sense we have debated against the empty seat and we have debated successfully.

Mr. HOEFFEL. Would the gentleman agree we won the debate?

Mr. DEUTSCH. Mr. Speaker, I think in the environment we are at we won when we entered the Chamber and I think it is important, and I hope there is a discourse because clearly a number of our colleagues, again less than around 10 percent or so, articulated a position which I am just disappointed, and I think it is by lack of information, it is a lack of thought, lack of really thinking through the actual conditions of what occurred.

We would not talk about moral equivalency with the United States war in Afghanistan, and the similarity parallels are very real in terms of what the Israelis are doing, and as we both have said, there should be a Yasser Arafat exemption to the war on terrorism?

I would like to follow up though, and really, the issue of the day is should the Israelis continue to negotiate with Yasser Arafat? Is he the negotiating partner to try to get to the resolution of the conflict, and as the gentleman said, not only did the Israelis seize a huge amount of sophisticated weapons in their incursions and suicide belts and other things, but a huge amount of documents, which at this point in time no one is refuting the authenticity.

In fact, we met the parents of a soldier who actually downloaded some of the documents and was killed in a subsequent action, and he told his parents about it. So I do not think there was a scam of him telling his parents about what he did.

No one at this point is really questioning literally the authenticity of the document that is blown up on this chart and in Yasser Arafat's handwriting, which again no one is questioning at this point in time, is exactly what the gentleman described. It is a request to Yasser Arafat from a senior Fatah activist, Hassan al Sheik, for payments of $2,500 for three known terrorists. I mean, people who are on Israel's most wanted list who the Israelis knew were involved in previous terrorist actions, in fact, through the

Israelis, subsequently eliminated, and a request for $2,500. Chairman Arafat, as my colleague had mentioned, says allocate $600 to each of them in his own handwriting directly involved in that payment.

There are other documents. This is a longer list of 12 people who were involved in terrorist activities and for this group, I do not see the exact amount, but again, with Arafat's signature, it is a $350 payment for terrorist activities.

Mr. HOEFFEL. Mr. Speaker, let me ask the gentleman, does he think those payments are for putting a roof on Arafat's house?

Mr. DEUTSCH. I think what is clear is they are what they are.

Mr. HOEFFEL. Can there be any question about what those payments are authorized for, what the purpose behind them is?

Mr. DEUTSCH. They are what they are. Arafat, he was not a terrorist 10 or 5 years ago or a year. He is still a terrorist. He was engaged in terrorist activity continuously, and his words might sound nice at this point in time, but it is not ancient history to go back.

Here is a document, a request from the Al Aqsa Martyr troops for money to the Palestinian Authority, and as shocking as each of the things are in terms of weapons, in terms of posters for suicide bombers, there is a specific request for 700 shekels, and I am reading it directly, this is for detonators for suicide bombers. We need every week 5 to 9 explosive charges. Five to nine explosive charges every week, 700 shekels per week, directly to the PA by Al Aqsa Martyrs Brigade, people who are literally perpetrating the suicide bombs.

Mr. HOEFFEL. Mr. Speaker, the documents do indeed speak for themselves and leave one just no choice but to conclude that Yasser Arafat has directed terror, that he has in the past and he presently is, and the question is for this House, for this country what needs to be done in order to stop this activity.

It seems to me, I know the gentleman and I have discussed this, that there must be a recognition that Arafat, other Palestinians and the leaders of the Arab league must declare that terror must be renounced, that violence must be renounced and they must do this in word and deed. They have done it in word, but the documents that the gentleman has and the photographs of the weapons indicate that indeed they are still involved in terror and in financing terror.

Mr. DEUTSCH. This is going to be the last document and there is more, but this is dated March 24, 2002, and during the stage of these operations, and this is a copy of minutes of a meeting at the Ramallah headquarters, and Chairman Arafat is in attendance at this meeting along with Hamas, and the statements in the minutes of the meeting in Arabic are such that Chairman Arafat is upset that there was a bombing inside the green line when General Zinni was in Israel, and the inference is they would have preferred the bombing outside the green line and not when General Zinni was in Israel.

The Israelis did not write this. No one is questioning the authenticity. This is Arafat inside his own meetings, meeting with Hamas, talking about terrorist activity, not trying to prevent them at any level in any way, and we could ignore this if we want to ignore it, but the weight is so overwhelming at this point that it is unignorable.

Mr. HOEFFEL. Mr. Speaker, the gentleman is entirely correct, and it seems to me that we need to make clear that both the United States and the government of Israel need to have someone to talk to representing the Palestinians that clearly renounces violence, that renounces violence and terror and that does so in word and deed and who, secondly, clearly recognizes the right of Israel to exist as a Jewish state, not as a state that someday may have a Palestinian majority because of the demographics, but a state that is recognized as a Jewish state with a full right to exist in peace and security.

Until we get those two commitments, a complete renunciation of violence and terror and a recognition of Israel to exist as a Jewish state, I do not see how we can go forward. I do not see how the Israelis can go forward in furthering the peace process when there is literally nobody to talk to presently on the other side that has any credibility whatsoever.

Mr. DEUTSCH. The gentleman is so on point with that comment. That is one of the tragedies going on right now. In fact, one of the tragedies I think as we both saw is as horrific and awful and inhumane the Palestinian attacks on Israelis have been, both Jews and Arabs, and we made a point as we have talked about to visit Arab dictums of terrorist bombings. In fact, the restaurant we talked about in Haifa was owned by an Arab Israeli and about half the victims were Arabs, not Jews, Arabs and Jews. The screws and the nuts and the ball bearings do not discriminate and, too, they are going to maim and kill.

The reality of how bad and awful that is, Yasser Arafat and the Palestinian Authority have been as bad and maybe even worse to their own people, indiscriminately killing people in just no type of civil process at all, destruction of an economy, corruption at levels which is untold, probably unmatched almost maybe anywhere in the world the level of corruption, and that in a sense is the entity that the United States is supporting.

What we have talked about on this floor previously, there is no, and we use the expression, there is no daylight between any Members of this Congress and the President and the war on terrorism and the efforts in Afghanistan, the efforts to stop terrorists with global reach whether they be in Iraq, in Syria or North Korea. There is no daylight between us, but I think there are many in this Chamber, in this country unfortunately who disagree with some of the President's actions in terms of trying to say, well, Yasser Arafat and these activities really are not as evil as they are.

One of the great things about President Reagan was when there was an evil empire he called it an evil empire and the Palestinian Authority is an evil empire, and we can call it white and we can call it black. If we call black, white, it does not make it white, and the same thing by saying, the leadership and these other things, the entity itself is evil, is corrupt beyond comprehension. We both heard stories that I would not say on this floor of some of the activities of the Palestinian Authority in terms of some of the behavior of some of the leaders that were beyond human discussion.

Let me follow up, though, just in terms of the Palestinian Authority itself. This is a reprint of a New York Times article April 20, 2002, and they interviewed a printer in the West Bank who had an ongoing contract with the Palestinian Authority to, after every suicide bomber who was killed, to automatically within several hours with information about that suicide bomber print up 1,000 posters to then be put up. This is just a sample form. That is the entity, the glorification of the suicide bomber is what we have seen.

Mr. HOEFFEL. We face the reality of what to do now. There can be little doubt regarding the complicity of Arafat in the terror. He is continuing to call for martyrdom for the Palestinians, and in the lexicon of the Palestinians, one who is a martyr is one who commits terror and is willing to die in committing that terror against Israelis.

What the gentleman and I need to do is to urge this House and our administration to clearly set out the conditions that need to exist before Israel can be expected to go forward, before the United States government can be expected to go forward.

We all want peace. There is no question about it. Even the Members that voted against this resolution certainly want peace. There is no question about the motivation. The disagreement can be in how to get there, but what conditions do we need to set forth?

I have stated, too, I am sure the gentleman could add, the absolute need for the Palestinian leadership and the Arab league leadership to renounce terror and to recognize Israel's right to exist as a Jewish state.

I know the gentleman has got additional views on what must happen next before we can go forward. I would be happy to yield back.

Mr. DEUTSCH. Mr. Speaker, I know our time is running out. I want to give both of us a couple of seconds to close, and the last two charts are directly on point on what the gentleman mentioned.

Yasser Arafat in the compound spoke about sending a million, the English translation is as my colleague so ably pointed out, martyrs to Jerusalem. The Arab word is "shaheed." If my colleagues were to ask any Palestinian what shaheed means, they know that it means suicide bombers. It does not mean martyr. It is not an esoteric, theoretical term. It means suicide bombers, and specifically to the people that is what they hear.

As shocking as that is, the quote from Chairman Arafat's wife, literally that there would be no greater honor than for her son, if she had a son, to be a martyr, to be a shaheed, to be a suicide bomber.

I would close and give the gentleman an opportunity to close and say I wish that we had a discourse this evening with our colleagues who voted against this because I do not think there is any articulated, rational, moral position against the support of Israel that this Congress overwhelmingly and this country has overwhelmingly done.

□ 2230

Their fight is our fight. The attacks against them are attacks against us.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. I thank the gentleman for yielding to me, Mr. Speaker, and let me make one more comment.

As the gentleman from New York said about the misnomer of suicide bomber, the phrase suicide bomber suggests one crazed person going off into a field and killing themselves with a bomb. We call what is happening in Israel the actions of suicide bombers, but in fact they are better named homicide bombers because they are not just taking out themselves, they are trying to kill as many innocent people as they possibly can.

That is the terror faced by Israel. That is what she has to defend herself against. And we can clearly state that Israel has the right to self-defense. It is not for us to set a limit on that right. It is up to us to support her in her activity, to make sure she survives; and she will survive with our support.

EDUCATION TAX CREDITS

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes.

Mr. SCHAFFER. Mr. Speaker, tonight I want to talk about children and the topic of education. I believe it is the most important issue that we have to discuss, especially when we look out into the future of America and where we are headed.

My colleagues who preceded me had a very excellent discussion, the tenor of which I certainly concur with and agree. And I guess I would ask colleagues to consider this same debate or similar debates years and years from now, when the children of today are the leaders of tomorrow and are debating these important matters of international peace and security and all the topics that we deal with here in the Congress.

I would invite my colleagues who may be monitoring today's proceedings, if they are interested in engaging in this discussion or participating in it, to come join me here on the floor. The topic today is, again, education, and particularly with respect to the proposal of education tax credits. This is something that our President has mentioned frequently. This is a topic that has become well-known in several States that have preceded this Congress in exploring the topic of education tax credits, and it is an innovative idea and a way to try to get new dollars, additional dollars to children for the purposes of expanding and broadening their academic horizons.

I am one who believes here, Mr. Speaker, that if our children really are important, and I believe they are, that this Congress ought to be prepared to spend whatever it takes to give them the kind of quality education that they deserve here in America, an education that is second to none. Unfortunately, we do not have that today, yet we spend almost every dollar we can dream up here in Washington and take from the taxpayers in order to spend on education. We have spent considerable amounts of money on the Federal education system, and that is magnified even to a far greater degree when we consider the billions of dollars, in fact the trillions of dollars that have been poured into education around the 50 States and through local school districts.

At least at the Federal level, for the amount of money that we have spent, about $125 billion over the last 10 years to be precise, we should have better results, and we should certainly expect those results to be far improved over and above the indications of today. Our President understands this, and that was the basis of the legislation he persuaded this Congress to pass last year. His first major legislative initiative was all about education, and this was the core of his campaign for office. He proposed doing for the country what he managed to accomplish in Texas, and that was to first take into account the huge numbers of dollars that have been spent on education and then start asking questions, like what do we get for the money.

The governor of Texas at the time, our current President, was led to establish a testing strategy for the State of Texas, and that testing strategy has been credited by many with raising the achievement levels of the poorest children in that State. The President touted as a candidate the successes of Texas throughout the country, and the American people seemed to agree with the President. He came to Washington and suggested we should do the same thing for the whole Nation, and the Congress, by a pretty overwhelming margin, agreed with him. Democrats and Republicans joined together to help the President pass what turned out to be a higher set of expectations for the Nation, a system of national testing.

I want to start there, because what the President actually proposed up front was not only a testing strategy, that was just a portion, and in fact a smaller portion of his proposal, but he also proposed greater flexibilities for the States, and the most important element, the core of the President's proposal, was school choice. Unfortunately, the school choice provisions were ripped out of the bill even before it came up for its first hearing here on the House side, and the flexibility provisions were removed too, by the time the bill got through over on the other side of the Capitol, and all the President was left with was this the smaller portion of the bill which dealt with testing mandates on States.

In order to get the institutions of the bureaucracy of education to go along with the President's idea, even one-third of his idea, we had to feed the beast a tremendous amount of cash. We had to give more money to the Department of Education and all of the institutions associated with it in order to get them to comply or to go along. But as I said, if our children are really important, and I believe they are, we should be able to be prepared to spend whatever it takes in order to improve their education opportunity, and we certainly did that in H.R. 1. We expanded the Department dramatically in exchange for the new accountability that goes along with it.

But we have not lost sight of the core element of the President's proposal, and that is the school choice element. Tax credits give us an opportunity to extend education choice to more and more Americans and their children, and do so without threatening the education bureaucracy in any way, without threatening all those institutions and lobbyists that have built themselves up around the rules and the red tape and the spending regiment of the education empire. It does so by bypassing all of that, and in fact we are going to continue to feed more money to the bureaucracy. That is really not in doubt. And I do not think anybody in the bureaucracy needs to be threatened in any way or believe that their jobs are somehow going to go away. On the contrary, we are going to give them more cash. That is already budgeted and that is going to happen.

But education tax credits allow and inspire new investments in education, and that is why they are so exciting and why I hope a lot of people are paying attention to the issue because it is a serious one. It is one that the President has given his word that he is going to help drive through this Congress. It is a topic that has arrived on the priority list of the agenda items for our leadership, our Committee on Education and the Workforce, and also members of some of the other committees, the Committee on Ways and Means in particular, which deals with tax policy, and a lot of people around the country are excited.

They are excited, Mr. Speaker, because they have managed to see how tax credits work in a handful of States. There are six States, to be exact, that have tax credit legislation on their State law books and they are seeing the fruits of that. What I mean is they are realizing that by manipulating the Tax Code, taxpayers are eager to contribute money to the schools and to do so in a way that provides new kinds of education choices to children who have not had choice in the past.

Education choice is not such an important issue to those who are wealthy, because they can afford to buy it. They can afford to forego the property taxes, the income taxes, the sales taxes that they are paying right now, in generous proportions, I might add, to government-owned schools, and, instead, pay additional dollars for the tuition that it may cost to attend a private institution. So if you have money, school choice is really not something that is out of reach. By if you are poor in America, you do not have school choice, typically, except in a handful of places where these tax credits exist; or in some places where vouchers exist, which is something entirely different than what is being discussed tonight, still a good idea but different; and in places where private individuals have banded together to try to raise money to provide scholarships for low-income children.

That exists in almost every State, these student tuition organizations, as they are called. We call them in our legislation education investment organizations. They exist in all 50 States today, and they exist because of the generosity of many, many Americans who want to contribute their earnings and pay back to society in some way that offers real hope and opportunity for young children.

I have some letters from some of the children who have benefited from these investment organizations, these scholarship funds, and I will read from some of them. They are pretty inspiring and I think speak to why we need to be aggressive about achieving this legislation this year. But what we are really here to propose and to discuss is the legislation that is in the works right now that will be introduced within just a couple of weeks that will provide a change in the Tax Code to make it easier for Americans to contribute to these scholarship funds and to contribute directly to public schools for local priorities, for priorities that are established by local school board members or established by community leaders through the creation of these scholarship funds.

The tax credits work this way: for every dollar that you would contribute to a scholarship organization for poor children, or contribute to a public education facility, a local neighborhood school, you would receive a 50 percent tax credit from the Federal Government. So for every dollar you give to the school, you cut your tax bill in half for the equivalent contribution. And there is a cap on that. We cannot make this unlimited, of course. We have to deal with some of the financial realities of the Congress. So this is a $250 credit that will correspond to a $500 donation.

I have a cousin in Colorado Springs who is a tax preparer, and just a couple of days ago she asked me about this proposal. And she asked, Will this benefit me? Will I be able to contribute to a school and get the credit, since my children are not in the school anymore? This is something that appeals to her, and she wanted to know if the credit would apply to her. And the answer is yes.

And I think the question itself is really what is so exciting about education tax credits, not only in this proposal but what we have seen by way of the record in several States, and that is parents and people in communities who are not even parents of children in the affected schools are eager and enthusiastic about contributing to an educations model in which they fundamentally believe. The notion of school choice appeals to millions and millions of Americans. It does not appeal to all Americans, but it appeals to most Americans.

So for those who believe that it makes more sense to continue shoveling cash to the government, well that option is available. And in fact most Americans will be forced to do that whether they really want to or not, as we do today. But it provides a second option for those who want to try something different, who want to try to bypass that bureaucracy and get dollars directly to children.

So I am really enthusiastic about the proposal, and as more and more people learn about it and hear about it, they are joining up with the campaign that we have here in Congress to prepare the bill, to lobby our colleagues and persuade them that this is the right thing to do, that the experience in the States that have education tax credit legislation is an experience worth considering and something worth duplicating here in Washington.

I received a letter from somebody in Fort Collins, Colorado, they did not give me permission to use their name so I will not, but in the letter he says, one of my constituents says, "Education tax credits have the greatest potential to significantly and instantly affect change in our current educational system. As parents know best their children's strengths, needs and efficiencies, this tax credit would ensure that money spent would be used in the most beneficial and targeted way possible. With this legislation, parents would be empowered to ensure that their children are equipped with the academic and educational tools necessary to improve their quality of education. Also, as this tax credit is for all educational expenses, parental involvement in their child's education would be fostered and encouraged. This bill will ensure that economic considerations will never again keep lower-income children from receiving an all-important supplemental education at home. The quality of our children's education stands to be greatly enriched by this legislation, just as millions of children across the United States would be affected as well."

Well, that is pretty compelling testimony, again from one of my constituents. And I may raise this with him at another time to see if I can use his name publicly. I do not have that permission now, as I mentioned. But this is the kind of letter that many of us are receiving here in Congress, and that is not the only one I have received in my office. Again, this debate is taking place in my home State, so people are in tune with it there.

□ 2245

As I mentioned, in some of the States that have passed tax credit legislations, and the best examples are Arizona, Pennsylvania, Florida, and Minnesota has passed a tax credit bill, too. What they are seeing in those States is really dramatic and remarkable. Here is some testimony that was delivered in front of one of the committees that took place in one of our States in terms of the impact that these scholarship funds are having. This is from a student named Sasha. She said again in prepared testimony, "My family applied for a scholarship for me to be able to study at the school that I consider a very special place."

Let me stop there. That really is the key because the definition of quality of education today under the bureaucratic model that we have established for the country falls into the hands of the bureaucrats who run the bureaucracy. Let us say you have a 5-year-old that is going to kindergarten, or maybe you have older kids and you move into a new neighborhood. You call the school district and say, Johnny is ready to go to school, what are my options?

The first question you will get is what is your address. When you deliver your address to the person on the other end of the phone, they will say your address corresponds to a particular neighborhood school. If they have a lot of money where the school is usually better, or if they move into a poorer neighborhood where unfortunately the records show and is amply demonstrated, usually means that the school is not a good one and not one you probably would choose if you had unlimited resources at your disposal.

With a tax credit, the goal is to move away from trusting somebody who does not know the name of your child with placing your child into a school that they think makes sense for this child that they do not know. Tax credits leave this decision to people who know the child better, the parents.

Sasha wrote, "My family applied for a scholarship for me to be able to study at the school I consider a very special place. It is special because it is where I learn the most and where I enjoy learning. It is a place where I can dream, and have that feeling that I am going to be successful in my life, successful because of what I am learning right now. In the past, my mom tried to put me in Catholic schools, but she could not afford the tuition for very long. Now I am in my second year in the same school because of the scholarships she has secured for my sisters and me. I will be very happy if I can stay at my school and have the same good friends as long as possible. They are special, too."

Sasha goes on, "I think school is important because I have learned a lot of stuff that I did not know. I have just learned how to add, subtract, multiply and divide fractions. We will be doing geometry soon. I know I am learning all of this because algebra is coming. I think that might be fun. Going to Blessed Sacrament is important because the work is challenging, not easy. The most challenging subject is math because of the concept of algebra. At first math was easy, but now it is hard. I really try hard to get good grades." Sasha goes on and describes her experience in the school that she was able to choose as a result of her scholarship.

The reason tax credit legislation is relevant to this student is because manipulating the Tax Code to reduce the tax burden on Americans who contribute to such scholarship organizations will result in a massive cash infusion in America's education system, and it will result in the same kinds of positive experiences for more and more children across the country, just as the experience occurred to the student I just referred to.

Here is testimony from a teacher. This was given to the Colorado State legislature, testimony before that legislative body. This teacher's name is Maureen Lord. She is the supervisor for a group called Save Our Youth. She told the Colorado State legislature about a particular student named Joe Ray. "Joe Ray was designated learning disabled at the local public school. At the end of his fifth grade year, he was reading between a second and third grade level, hated writing anything. His distraction level was extremely high. To complicate things more, he had some fine motor problems. Being an elementary educator myself, I knew that Joe Ray would never be at grade level if he continued in the public school system where he only received an hour of special attention during each school day. His future looked dismal for accomplishing the basic skills he needed to go on to middle and high school."

Let me point out that this experience is not unique throughout the country, but it is also not the rule in most public schools. I would bet that if Joe Ray lived in a wealthy neighborhood, that Joe Ray would receive the kind of attention that he needed; but Joe Ray does not live in a wealthy neighborhood, he lives in a poorer neighborhood in Colorado. The only school that was available to him was the one that the government said was available to him, and it was not a good fit.

The teacher, pleading on his behalf goes on, "One day on the radio, I heard about a private school that works with kids having problems similar to Joe Ray. Unbelievably, they were opening another branch in northwest Denver in the fall of 2000, and it would be located relatively close to where Joe Ray lived. After visiting the facility and meeting with the director, I knew this might be a fit for Joe Ray, but there were so many hurdles to overcome. One of the hurdles was the tuition. Joe Ray's family was in the lower socio-economic scale and anything short of a miracle was needed for him to be able to attend a private school. That is just what happened. Joe Ray applied for a scholarship, and received a 4-year partial scholarship to this private school. With the help from his mentor and his mentor's supervisor, the obstacles were falling one by one.

"Let me tell you more about the miracles. Joe Ray aced last semester's report card. His teacher says he is a wonderful young man to work with and eager learner. The multisensory math program is helping him to remember his times tables, and his confidence is growing. He now frequently looks you in the eye when he talks to you. This is just one young boy who is benefiting from the investment that scholarships made in his future. I hope this is of some encouragement to you. We at Save Our Youth are grateful."

Joe Ray also testified before the Colorado legislature. He said, "I am really glad I do not have to go to my old school anymore. There were always people selling drugs there. I was afraid to go to school because I didn't want to get beat up any more at my old school. They gave me the answers to the CSAP test," which is the State standardized test. That is pretty common. I hear that not only in Colorado but in several States.

"They were not very helpful to me with math, reading and writing. I did not like my old school at all. I like my new school because they help me better. They teach me in a way that is right for me. The teacher is nice to me, and there are so many other school kids. I also like that I do not have to switch classes. I like Dove Christian Academy so much I want to come back again. The new school I go to does help me a lot more. Dove Christian Academy does different things to help me learn. I read a lot better now, and I think my math and writing are better, too. I really thank ACE and the money they have given me. I am so glad I was able to come to the school and learn. Now I have a chance to get a good education and maybe even go to college. I never would have thought of that before if it weren't for ACE."

Pretty powerful testimony in one State that has an experience with education tax credits. We can do this for the whole country. We have a chance to accomplish this in all 50 States and amplify the good record that is taking place in a handful of other States across the country.

This is a topic that is not one that belongs to Democrats or Republicans, conservatives or liberals. I happen to be a Republican, but this is a proposal that has been advanced by Democrats and State legislators around the country. It is supported by Democrats here. It is one that has been proposed in my State in the Colorado State senate, and a liberal one at that, and at the same time was being carried in the State House of Representatives by a very conservative Republican.

It has the ability to bring people together of different political persuasions because at its focus is America's school children. I have to confess when it comes to the education debate in Washington, too often children are the last individuals considered. We talk about them a lot, there is no doubt about that. We get nice pictures of them up here and try to suggest to the country and the world that the children are at the center of the debate, and I think they are in our hearts. We care about the kids, there is no doubt about that. But by the time the bills make it to the floor of this House and over to the other side of the Capitol, the lobbyists take over, and they watch every line item in these bills and make sure that their organizations and their members are not affected by the ideas that we advance to try to help children. The children are at a disadvantage because they do not have lobbyists here. Their parents vote for us as Congressmen and Senators, and sometimes Members get replaced when they do not fight hard enough. That does happen from time to time. The lobbyists watch much closer here. They fight hard to maintain and preserve the bureaucracy and the unions that go along with America's education system.

When you cross these powerful groups, the consequences are sometimes very, very dangerous because they have millions of dollars to spend against you. They have big political campaign war chests that they use to try to persuade people that if you do not persuade your constituents back home if you are not fighting hard enough for the bureaucracy, for the institution or the union, that that means you do not care about children and you should be replaced. They have a far more successful ratio of replacing Congressmen who do not stand up for the bureaucracy than the children do and their parents when children fail to be the objective of education debates.

Here is why this is true. This chart on my right explains how money gets down to a child. At the top is a hardworking taxpayer who pays his cash, a portion of his earnings through taxes. It is not voluntary; it is confiscated from his paycheck. Those dollars are confiscated by the Treasury Department. His employer is forced to send a portion of his paycheck to Washington, D.C. to the Treasury Department. The Treasury Department takes account of all of these dollars, tracks how these dollars are coming in, so that politicians, me and my colleagues in Congress, we make decisions on how to spend these dollars. We spend a pretty sizable portion on the United States Department of Education. They occupy some large buildings. We allocate a big chunk to the Department, and it goes to those buildings two blocks away. Once it gets there, it is distributed and redistributed and transferred to States, all 50 States and territories and districts, the District of Columbia as well. At the State level the politicians there, the State legislators, they divvy up the dollars that come from the Federal Government as well as State and local dollars. They redistribute the funds to the State Department of Education and that whole bureaucracy.

□ 2300

The State Department of Education gives those dollars to the school districts in all 50 States. In Colorado there are 176 school districts. The school districts, of course, they are run by politicians, elected school board members, and they meet with all the interest groups that they have to deal with and they decide how to spend these dollars and apportion them for the various schools within a school district. Once the principals and the teachers and everybody at the school level have decided how to prioritize those funds, then these dollars finally get to the child way down here. By the time the taxpayer's dollar goes through this whole vortex of bureaucracy and politicians, the proportion of money that actually makes it to the child is very, very small. In fact, it has been estimated that somewhere around 30 to 40 percent of the tax dollar taken from the hardworking American for the purpose of education ever makes it down to the child.

That explains the politics of education in America, which has as much to do with the necessity of education tax credits as the positive outcome of tax credits themselves.

I have tried, as many of my colleagues have, Mr. Speaker, to try to change this system from within. I came here to Washington because I have got five kids of my own. I kind of feel that my children have kind of the dead hand of government laying over their shoulder as they try to progress in the public schools back home in Colorado. And so I wanted to come here and try to fix some of this nonsense. I spent 9 years as a State Senator trying to fix it from here down. We made some success, but this bureaucracy is large. Every one of these organizations has lobbyists and they have interest groups. The employees of the State Departments of Education and the U.S. Department of Education, they organize. The teachers in all of these districts, the National Education Association, the American Federation of Teachers, these are two teachers unions that are frankly the largest political influence in America and they are all a part of this process. So when we come to Washington and suggest changing and improving or amending in any way the flow of dollars through this process, you get a big political fight on your hands. It is a fight worth engaging, do not get me wrong. I enjoy doing it. It is the right fight. My kids matter enough that I am willing to take it on and suffer whatever political consequences might occur. But sometimes we win. Sometimes we lose. Usually we lose. Anybody who wants to change this system usually loses, because the relationship between these agencies matters more to politicians in Washington and politicians in the States and ultimately to school board members than the child does down here in the bottom. I hate to admit that, but that is absolutely the truth. I would defy anyone to try to deny that and would welcome a vigorous debate on that point.

Again, I am willing to admit we all talk about the kid down here, but when the debate takes place on the House floor it is all the people who run these agencies that count the most, unfortunately. They are the ones who are heard the loudest. Their voices tend to drown out the child down here at the bottom and they drown out the expectations of the taxpayer, too.

Rather than try to tamper with all this in a tax credit bill or an education proposal, keep in mind that trying to improve this system is an ongoing function of the Education Committee and we are working on that, but that really is a separate debate than the proposal that we are rallying around now. Because rather than amend this or change it or do anything to this, we are going to leave it alone and try to bypass this process with new money, not the old money. We are going to continue to feed cash to this system in America. It is already budgeted this year. Mark my words, when the appropriation bill passes, we are going to grow the size of this bureaucracy because it does not matter who is in charge, it does not matter whether Republicans are in charge or Democrats are in charge, we are going to grow the size of this bureaucracy. That is the track record. That is the way it is. We have got to accept that. I finally have. But I am trying to find a way to get this guy's dollar to that child and tax credits is a way to accomplish that.

Here is how the tax credit model works. The hardworking taxpayer donates directly to the needs of a child. Again, they do this through a change in the Tax Code, not a change in the education bureaucracy. Because the Tax Code allows this taxpayer to make a donation based on what strikes him or her as a good idea, a local priority, an urgent need, and to donate to that cause rather than continue to shovel cash through that other system I just described, the bureaucratic model that is Washington, D.C.'s education system. When explained to Americans across the country, this is what Americans prefer. Taxpayers like this guy have expressed to me, just as my cousin did last week, that even though she does not have children who are in schools anymore, she would love to have the advantage of a tax credit so that she could contribute to the education cause in her neighborhood, for somebody else's child, for a poor child whose future will not be so bright unless we are willing to put the cash forward to provide a little freedom for the child, a little liberty that wealthy parents can afford. It is not just the individuals who can contribute. Our tax credit proposal also entails corporate contributions, because we have heard from businesses around the country as well that if given the chance they would prefer to invest in an academic program in their neighborhood that is designed by a school board member perhaps or maybe by a superintendent or maybe by a church or a synagogue or maybe by a nonprofit organization, they would rather invest in something they believe in locally than continue to send exorbitant amounts of money here and have it filtered through this process that I described.

And they like the idea that tax credits allows us to begin to measure the fairness in education by the relationship between individuals rather than the relationship between these political entities. And like it or not, that is how we measure education fairness in America today. Schools keep track of how much each school receives. School districts keep track of how much school districts receive. They compare themselves to each other. Every State has got a lobbyist in Washington, by the way. Not the elected officials. I mean, they hire lobbyists to come here. Every State has lobbyists back here. The lobbyist's job is to make sure that Colorado, in the example of my State, is receiving generally the same amounts of money that Kansas is or Wyoming or any of our neighboring States. You have got this 50 times over as these lobbyists are measuring education fairness by the relationship between their political jurisdiction in their States. And then, of course, up here at the Federal level, agencies and departments, they just do not like to lose money. If a program received a billion dollars last year, the people who run that program want to make sure they receive at least a billion dollars next year, too. And if they have fewer students that they serve, that does not matter. If they do not serve students well, that does not matter. They just want the same amount of money or more, because that is how they get the plaques on their wall suggesting that they are good bureaucrats, good managers. These people work hard, they care, they have been trained well to operate within the system. In fact they have got their own language. If you ever sit in the meetings that I get to sit in on, you will learn about this whole new language that exists in the education bureaucracy. They have got all these agencies and programs that are called by their initials, these terms that relate to my kids that we do not use at home but if you want to be involved in discussions about this, you have got to learn another language that is kind of irrelevant and makes no sense to the taxpayer up here at the top or the child down there at the bottom. Once again, that is fine for all the people who work in this system, but fairness in education should not be measured by the relationship between programs or States or school districts or individual schools. Fairness should be measured by the relationship between children down here at the bottom. That is what the tax credit proposal really allows us to begin to do.

We get to start thinking about some of these students that are referred to in this testimony I read. We even had some of these students who came to Washington here and testified in front of the Education Committee. When you hear from the children who speak in terms of their future and their hope and learning about algebra and getting back to grade level and going to college, students who have been written off in the past, when you hear these kinds of stories, you begin to care about the kids again. You do not care so much about the comfort of the bureaucracy anymore. We will acknowledge that the bureaucracy is a big organization. They have got lots of lobbyists. They have got a lot of political firepower. We are going to leave them alone. We are going to find a new way to change the Tax Code and help children achieve their academic dreams.

□ 2310

This chart is one that refers to just one scholarship organization that exists today, and this is the kind of scholarship organization that a tax credit would utilize in order to reach children. It is a rather large one, it is called the Children's Scholarship Fund. I pulled this off of the Children's Scholarship Fund's website. This shows the concentration of applications that this scholarship organization received from throughout the country. The blue areas are places in America where children apply to receive scholarships from one nonprofit organization in order to attend schools that the children and their parents wanted their children to attend. This is broken down based on concentration of students. I will not go through the whole chart here, but the light blue is anywhere where you have from 1 to 99 applicants in a State; the red dots, these large cities, Detroit, Chicago, New Orleans, we can see Atlanta, New York, and so on, Washington, D.C., Los Angeles, these are places where anywhere between 10,000 and 80,000 people who are interested in scholarships might live. Now, these are where the applications came from, and there is a pretty broad level of interest from throughout the country.

Unfortunately, the Children's Scholarship Fund, again, a private organization, not a government institution; it gives scholarships out based on how many people want to contribute to the scholarship fund out of their own free will as a donation; they do not have unlimited resources. They cannot give scholarships to all of these kids who want academic freedom, who want a little liberty in their lives, who want to be treated as well as wealthy children are who can choose the kind of school they want to attend. So all of these applicants applied, but only a fraction of them actually walked away with a scholarship and ended up with some of the success stories that I read about a little earlier.

The second chart shows us the distribution of recipients, and it is broken down by counties. We can see that the scholarship fund, this particular organization, the Children's Scholarship Fund does a great job. They reach thousands of children around America, but there is a lot that are just overlooked by this one organization.

What a tax credit will allow is for every taxpayer in America to contribute to an organization like the Children's Scholarship Fund. This would be one of their options. As I say, this is a large one that has kind of a national emphasis, but every one of our States, Mr. Speaker, has an organization similar to this one in it, at least one. The State of Arizona has about 70 of them.

The reason Arizona, if I can use Arizona as an example, the reason Arizona has so many scholarship organizations in it is because Arizona as a State passed education tax credit legislation 3 years ago. As time goes on, more and more people are deciding to send their State tax dollars to these scholarship organizations to help children. The impact that it is having on Arizona's children, especially the poor, is rather remarkable. In fact, it has been studied pretty extensively.

I just happen to have the analysis of the Arizona tax credit plan, the Arizona scholarship plan. This is a report that was written by 2 researchers, Carrie Lips and Jennifer Jacoby. In fact, Carrie Lips now works here for the House of Representatives and the Republican Policy Committee. What this report shows is really remarkable. It shows that between 1998 and 2000, the tax credit in Arizona generated 32 million new dollars and funded almost 19,000 scholarships through more than 30 scholarship organizations. Now, that is $32 million in the education system of Arizona that was not there before. It is $32 million that did not come from Arizona's public education system, but new dollars that came out of the pockets of Arizonans on a voluntary basis, because the Tax Code in Arizona makes it easier for people to invest in the number 1, most important industry in America, which is education. They believe that in Arizona. Mr. Speaker, 19,000 scholarships in just 3 years. People care about this. They have made a huge difference in the lives of students there.

I have heard similar stories around the country in some of these other States that have embarked on tax credit legislation at the State level, in Pennsylvania and Florida, just to name a few. More than 80 percent of those scholarships in Arizona were rewarded to recipients who were selected on the basis of financial need. Every scholarship representative reported financial need is considered in the allocation process. What I mean by that is every one of the organizations, I think there are 70 organizations now in 2002 that distribute these funds, they all report that financial need is a consideration of allocation of spending. The taxpayers win in the end. They save money. First of all, the public school system has a little bit of a cushion associated with this. The students who go to nongovernment-owned schools as a result of the Arizona plan actually save money for the government-owned institutions, and it is just staggering. In the year 2000, in Arizona, 37,000 citizens voluntarily contributed to scholarship programs like the one I described, and again, this is just one State, one State's example, one State's experience, one more reason why education tax credits need to be considered here in Washington; one more example why our President has committed to lend his support and the power and might of the President's office to get a tax credit proposal through this Congress.

Mr. Speaker, it is not just politicians and children and the donors who recognize this. The media does too. Again, I mentioned the debate that is taking place in Colorado right now over tax credits. Here are very liberal newspapers who almost always oppose school choice proposals, either at the State or Federal level, but a tax credit plan seems to have some appeal, even among these liberal organizations. The Denver Post says in its editorial, "tuition tax credit laudable." They talk about how a neighborhood, in Denver, "a neighborhood rich in diversity with new immigrants, the home to many monolingual Spanish speaking children and parents who need special education services." It goes on and on about the children in these neighborhoods and how they will benefit from education tax credits, a proposal that is similar to the one in Arizona, Florida, Pennsylvania, and Illinois, and it talks about how Colorado's proposal, if it were to pass, would have an even more positive impact there.

Here is one from the Fort Collins Coloradan, and this is probably one of the most liberal newspapers in the entire State of Colorado; in fact, probably in the country, and they agree. "Tax credit for low-income programs are needed." Helping children value education and stay in school, and they talk about how Hispanic organizations and Hispanic leaders, minority leaders are rallying around this education proposal, but there is a lone opponents. It says, "nor do we agree with Ron Brady, President of the CEA," which is the Colorado Education Association, that is the local regiment of the NEA, the National Education Association, and it is the largest political lobbying, political special interest group in America, and very powerful. They have a good record of crushing bills that help poor children like this. So that is the fight that is taking place in Colorado. Hopefully, hopefully, the poor children will win and the tax credit bill will pass.

Then, here is the article from the Coloradan. "Bill-boosting education organizations draws debate. Hispanics praise it, but school officials call it detrimental."

That is the debate I would anticipate here in Washington as well. We do have support from our Department of Education and our leadership there. We have support from our own President; we have lots of support here in the Congress. But once again, the many, many thousands of employees who work in these various political entities and organizations, they are the ones who oppose these efforts to reach out to poor children in the States; they are the ones who have expressed the greatest amount of resistance here in Washington. It is the right fight, though, for children.

For those of us who came here to Washington to try to beat this bureaucracy, to try to shape it into something that benefits kids in the end, it is another good fight. I think the strategy of this makes a lot of sense, because we are not going to touch any of this. We are going to leave the bureaucracy in place. We are going to bypass it through the Tax Code and allow the hard-working taxpayers to contribute to the academic dreams of America's schoolchildren.

□ 2320

It is a good plan.

Just as I close, in terms of strategy for those of our colleagues who are interested in the legislation and have their staff members investigating it, we have had all the meetings with the Committee on Education and the Workforce, with the Committee on Ways and Means and we are trying to get as many considerations taken into account as we get the final drafts passed. We intend to get a draft that will move through committee rather quickly. We have a commitment from our leadership to accomplish that in June and bring a bill to this floor. We are working with our friends in the Senate as well, and we have some cause for optimism on the Senate side. It is, again, because of the track record of the States that we have seen and the enthusiasm of so many outside groups and organizations that care about education that this is really a high point that warrants real excitement. Children are going to win. Taxpayers are going to win. The country is going to win, and those are the kind of victories we all need to celebrate and get behind.

Mr. Speaker, I thank you for the recognition this evening.

RECESS

The SPEAKER pro tempore (Mr. ISSA). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 22 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarer of 2002, by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2002, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Don Young	2/14	2/17	Uruguay	....	512.00	....	....	....	....	....	512.00
	2/17	2/19	Chile	....	592.00	....	....	....	....	....	592.00
	2/19	2/22	Panama	....	642.00	....	....	....	....	....	642.00
Hon. Wayne Gilchrest	2/14	2/17	Uruguay	....	512.00	....	....	....	....	....	512.00
	2/17	2/19	Chile	....	592.00	....	....	....	....	....	592.00
	2/19	2/22	Panama	....	642.00	....	....	....	....	....	642.00
Hon. Collin Peterson	2/14	2/17	Uruguay	....	512.00	....	....	....	....	....	512.00
	2/17	2/19	Chile	....	592.00	....	....	....	....	....	592.00
	2/19	2/22	Panama	....	642.00	....	....	....	....	....	642.00
Hon. Vern Ehlers	2/14	2/17	Uruguay	....	512.00	....	....	....	....	....	512.00
	2/17	2/19	Chile	....	592.00	....	....	....	....	....	592.00
	2/19	2/22	Panama	....	642.00	....	....	....	....	....	642.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Mica	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Hon. Marion Berry	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Lloyd Jones	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Elizabeth Megginson	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Christine Kennedy	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Jimmy Miller	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Collin Chapman	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
William Sharrow	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Glen Scammel	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Susan Bodine	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Trinita Brown	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Art Chan	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Frank Mulvey	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Hon. John Mica	1/15	1/18	United Kingdom		1,032.00		809.00				1,841.00
	1/18	1/19	Belgium		257.00		211.00				468.00
	1/19	1/21	Germany		324.00						324.00
	1/21	1/22	Netherlands		220.00						220.00
Commercial airfare							[3]1,718.00				1,718.00
Hon. Peter DeFazio	1/14	1/18	United Kingdom		1,376.00		402.00				1,778.00
Commercial airfare							[4]6,157.00				6,157.00
Adam Tsao	1/18	1/19	Belgium		257.00		211.00				468.00
	1/19	1/21	Germany		324.00						324.00
	1/21	1/22	Netherlands		220.00						220.00
Commercial airfare							[3]4,517.00				4,517.00
Elizabeth Megginson	1/15	1/22	United Kingdom		688.00						688.00
Commercial airfare							[3]623.00				623.00
David Schaffer	1/15	1/18	United Kingdom		1,032.00		402.00				1,434.00
Commercial airfare							[3]4,723.00				4,723.00
Stacie Soumbeniotis	1/15	1/18	United Kingdom		1,032.00		809.00				1,841.00
	1/18	1/19	Belgium		514.00						514.00
Commercial airfare							[3]4,794.00				4,794.00
Hon. Eddie Bernice Johnson	1/13	1/16	South Africa		564.00						564.00
	1/16	1/20	Namibia		476.00						476.00
Committee total					37,998.00		25,376.00				63,374.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Round trip D.C. to Europe.

[4] Round trip Eugene, OR to Europe.

DON YOUNG, Chairman, May 1, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Larry Combest	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Hon. Mike Simpson	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Hon. Tom Osborne	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Hon. Ernie Fletcher	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		71.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Lynn Gallagher	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		71.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Alan Mackey	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/17	1/19	Colombia		542.00		(3)				542.00
Jason Vaillancourt	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Tom Sell	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Stephen Haterius	1/11	1/12	Brazil		208.00		(3)		119.00		327.00
	1/12	1/15	Chile		888.00		(3)				888.00
	1/15	1/17	Brazil		470.00		(3)		240.00		710.00
	1/17	1/19	Colombia		542.00		(3)				542.00
Hon. Charles Pickering	2/3	2/5	South Korea		436.00		7,195.00				7,631.00
Hon. Bob Schaffer	2/22	2/23	Germany		212.00						212.00
Hon. Eva Clayton	2/23	2/26	Italy		968.00		6,262.00				7,230.00
Committee total					20,588.00		13,457.00		3,231.00		37,276.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

LARRY COMBEST, Chairman, Apr. 10, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Frank M. Cushing	1/8	1/9	New Zealand		100.00						100.00
	1/10	1/15	Antarctica		500.00						500.00
	1/15	1/17	Australia		200.00						200.00
Commercial airfare							7,884.55				7,884.55
Dena Baron	1/8	1/9	New Zealand		100.00						100.00
	1/10	1/15	Antarctica		500.00						500.00
	1/15	1/17	Australia		200.00						200.00
Commercial airfare							7,884.55				7,884.55
Jennifer Miller	1/8	1/9	New Zealand		100.00						100.00
	1/10	1/15	Antarctica		500.00						500.00
	1/15	1/17	Australia		200.00						200.00
Commercial airfare							7,884.55				7,884.55
Dale Oak	1/8	1/9	New Zealand		100.00						100.00
	1/10	1/15	Australia		500.00						500.00
	1/15	1/17	Australia		200.00						200.00
Commercial airfare							7,884.55				7,884.55
Joel Kaplan	1/8	1/9	New Zealand		100.00						100.00
	1/10	1/15	Antarctica		500.00						500.00
	1/15	1/17	Australia		200.00						200.00
Commercial airfare							7,884.55				7,884.55
Hon. Joe Knollenberg	1/8	1/11	Germany		948.00						948.00
	1/11	1/13	Belgium								
	1/11	1/13	France		1,047.00						1,047.00
	1/14	1/17	England		1,576.00		(3)				1,576.00
Hon. Chaka Fattah	1/8	1/11	Germany		948.00						948.00
	1/11	1/11	Belgium								
	1/11	1/12	France		1,047.00						1,047.00
Part commercial airfare							416.40				416.40
Americo S. Miconi	1/8	1/11	Germany		948.00		(3)				948.00
	1/11	1/11	Belgium								
	1/11	1/13	France		1,047.00						1,047.00
	1/14	1/17	England		1,576.00						1,576.00
Part commercial airfare							2,768.83				2,768.83
							136.60				136.60
Hon. Bud Cramer	[4] 12/29	[4] 12/31	Belgium		514.00		(3)				514.00
	[4] 12/31	1/3	Germany		798.00						798.00
	1/3	1/5	Czech. Republic		606.00						606.00
	1/5	1/7	Hungary		568.00						568.00
	1/7	1/9	Austria		392.00						392.00
	1/9	1/13	United Kingdom		1,376.00						1,376.00
Hon. Todd Tiahrt	[4] 12/30	1/2	Phillippines		582.00		(3)				582.00
	1/02	1/03	USA		194.00						194.00
Commercial airfare							4,539.60				4,539.60
							200.00				200.00
Hon. Jim Kolbe	1/12	1/13	Uzbekistan		260.00						260.00
	1/13	1/14	Tajikistan		254.00						254.00
	1/14	1/17	Pakistan		870.00						870.00
	1/17	1/19	Italy		516.00						516.00
Hon. Jack Kingston	1/12	1/13	Uzbekistan		320.000		(3)				320.00
	1/13	1/17	Pakistan		860.00						860.00
	1/17	1/19	Italy		720.00		(3)				720.00
Hon. John E. Sununu	1/12	1/13	Uzbekistan		320.00						320.00
	1/13	1/17	Pakistan		860.00						860.00
	1/17	1/19	Italy		720.00		(3)				720.00
Hon. Maurice D. Hinchey	1/12	1/13	Uzbekistan		320.00						320.00
	1/13	1/17	Pakistan		860.00						860.00
	1/17	1/19	Italy		720.00		(3)				720.00
Hon. Roger Wicker	1/12	1/13	Uzbekistan		320.00						320.00
	1/13	1/17	Pakistan		860.00						860.00
	1/17	1/19	Italy		720.00		(3)				720.00
Charles Flickner	1/12	1/13	Uzbekistan		260.00						260.00
	1/13	1/14	Tajikistan		254.00						254.00
	1/14	1/17	Pakistan		870.00						870.00
	1/17	1/19	Italy		516.00		(3)				516.00
Alice E.H. Grant	1/10	[4] 1/13	Uzbekistan		1,000.00						1,000.00
	1/13	1/17	Pakistan		860.00						860.00
	1/18	1/19	Italy		360.00		(3)				360.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mark Murray	1/10	[4] 1/13	Uzbekistan		1,000.00						1,000.00
	1/13	1/17	Pakistan		860.00						860.00
	1/18	1/19	Italy		360.00		(3)				360.00
Michael Stephens	1/20	1/24	France		1,196.00						1,196.00
	1/24	1/27	England		1,032.00						1,032.00
Commercial airfare							707.00				707.00
							232.00				232.00
Hon. David L. Hobson	1/24	1/27	Turkey		150.00						150.00
Commercial airfare							4,963.66				4,963.66
Brian Potts	1/24	1/27	Turkey		150.00						150.00
Commercial airfare							4,963.66				4,963.66
Thoms Forham	1/24	1/27	Turkey		150.00						150.00
							65.00				65.00
Commercial airfare							4,963.66				4,963.66
James W. Dyer	2/15	2/19	Colombia		984.00						984.00
	2/19	2/23	Peru		944.00						944.00
Commercial airfare							3,058.78				3,058.78
Therese McAuliffe	2/15	2/19	Colombia		984.00						984.00
	2/19	2/23	Peru		944.00						944.00
Commercial airfare							3,058.78				3,058.78
John T. Blazey	2/18	2/23	Peru		1,179.00						1,179.00
Commercial airfare							3,749.78				3,794.78
Scott Lilly	2/15	2/19	Colombia		984.00						984.00
	2/19	2/23	Peru		944.00						944.00
Commercial airfare							3,058.78				3,058.78
Mark Murray	2/15	2/19	Colombia		984.00						984.00
	2/19	2/23	Peru		944.00						944.00
Commercial airfare							3,058.78				3,058.78
Christine R. Kojac	2/8	2/9	Botswana		120.00						120.00
	2/9	2/14	South Africa		592.00						592.00
Commercial airfare							7,552.74				7,552.74
Hon. Roger F. Wicker	2/2	2/5	South Korea		436.00		7,197.00				436.00
Commercial airfare							7,197.00				7,197.00
Richard E. Efford	2/17	2/25	France		2,100.00						2,100.00
Commercial airfare							793.36				793.36
							54.07				54.07
Hon. Don Sherwood	2/18	2/21	Moscow		1,032.00						1,032.00
	2/21	2/23	Germany		398.00		(3)				398.00
Part commercial airfare							571.30				571.30
Hon. Maurice Hinchey	2/17	2/21	Italy				1,110.00				1,110.00
Hon. Carrie P. Meek	2/20	2/22	Haiti		675.00		(3)				675.00
Commercial airfare							457.50				457.40
Hon. Jim Kolbe	3/21	3/23	Mexico		425.00						425.00
Commecial airfare							1,743.96				1,743.96
Committee total					51,354.00		98,843.99				150,197.00

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Reflects fiscal year 2001.

BILL YOUNG, Chairman, Apr. 25, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ernie Fletcher	3/22	3/23	Brussels, Belgium		257.00		(3)				257.00
	3/23	3/26	London, England		1,032.00		(3)				1,032.00
	3/26	3/29	Berlin, Germany		852.00		(3)				852.00
Committee total					2,141.00						2,141.00

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM NUSSLE, Chairman, Apr. 26, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Howard P. "Buck" McKeon [3][4]	1/8	1/11	Germany		948.00		(5)				948.00
	1/11	1/11	Belgium				147.48				147.48
	1/11	1/13	France		1,047.00						1,047.00
	1/11	1/17	England		1,576.00		2,346.66				3,922.66
Committee total					3,571.00		2,494.00				6,065.14

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Other foreign travel for March 2002 is not available at this time. We will send you an amended copy when available.
[4] To participate in CODEL Knollenberg.
[5] Military air transportation.

JOHN BOEHNER, Chairman, Apr. 30, 2002

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles Bass	1/25	1/25	Gauntanamo Bay Cuba								
Hon. Greg Walden	1/25	1/25	Gauntanamo Bay Cuba								
Hon. Peter Deutsch	1/6	1/11	Israel		1,248.00		4,433.75				5,681.75
Hon. Charlie Norwood	1/11	1/12	Brazil		208.00						208.00
	1/12	1/15	Chile		888.00						888.00
	1/15	1/17	Brazil		470.00						470.00
	1/17	1/19	Colombia		542.00						542.00
Hon. Nathan Deal	1/9	1/10	Nicaragua		201.00						201.00
	1/10	1/13	Colombia		331.00						331.00
	1/13	1/16	Paraguay		711.00						711.00
	1/16	1/18	Ecuador/Curacao								
Hon. George Radanovich	2/18	2/18	Canada				774.20				774.20
Damon Nelson, Radanovich Staff	2/18	2/18	Canada				777.47				777.47
Committee total					4,599.00		5,985.42				10,584.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLY TAUZIN, Chairman, Apr. 23, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Barney Frank	1/6	1/13	Israel		2,684.00		3,333.70				6,017.70
Hon. Mark Green	1/13	1/16	South Africa		564.00						564.00
	1/15	1/15	Lesotho								
	1/16	1/20	Namibia		476.00		8,116.51				8,592.51
Hon. Vito Fossella	1/25	1/25	Cuba				(3)				
Hon. Bernard Sanders	2/15	2/16	Netherlands		198.00		(3)				198.00
	2/16	2/16	Belarus				(3)				
	2/16	2/21	Russia		1,720.00		(3)				1,720.00
	2/21	2/23	Germany		398.00		(3)				398.00
Hon. Michael Oxley	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Hon. Melvin Watt	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Terry Haines	3/22	3/23	Belgium		257.00		(3)				257.00
	2/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				257.00
James K. Conzelman	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Robert Gordon	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Paul Kangas	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Carter K. McDowell	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Patricia A. Lord	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		(3)				1,032.00
	3/26	3/29	Germany		852.00		(3)				852.00
Hon. John LaFalce	3/22	3/23	Belgium		257.00		(3)				257.00
	3/23	3/26	England		1,032.00		863.60				1,895.60
Committee total					24,457.00		12,313.81				36,770.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Apr. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gilbert Macklin	1/14	1/18	Colombia		984.00		1,994.00				
Marc Chretien	1/14	1/18	Colombia		984.00		1,994.00				
Kevin Long	1/3	1/5	Venezuela		757.00		2369.00				
	1/5	1/10	Colombia		1,293.50						
Christopher Donesa	1/6	1/10	Colombia		920.50		3,000.00				
Hon. Christopher Shays	1/7	1/8	Turkey		468.00		5,941.00				
	1/8	1/10	Israel		894.00				237.25		
Lawrence Halloran	1/7	1/8	Turkey		468.00		5,933.71				
	1/8	1/10	Israel		894.00				237.25		
Nicholas Palarino	1/7	1/8	Turkey		468.00		5,933.71				
	1/8	1/10	Israel		894.00				237.25		
Dave Rapallo	1/7	1/8	Turkey		468.00		5,933.71				
			Israel		894.00				237.25		
Thomas Costa	1/20	1/26	Bolivia		1,023.00		2,988.00				
Dave Rapallo	1/20	1/26	Bolivia		1,023.00		2,988.00				
Hon. Ron Lewis	2/16	2/21	Russia		1,720.00						
	2/21	2/23	Germany		398.00						
	2/23	2/25	Netherlands		198.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Todd Russell Platts	2/23	2/25	Germany		424.00		1,025.98				
Hon. Sharon Pinkerton	1/16	1/18	England		688.00		4,973.00				
	1/18	1/19	Belgium		257.00						
	1/19	1/21	Germany		324.00						
	1/21	1/22	The Netherlands		220.00						
Committee total					16,662.00		45,074.11		949.00		

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Apr. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	1/13	1/16	Korea		614.00						614.00
	1/16	1/17	Hong Kong		280.00						280.00
	1/17	1/21	Vietnam		491.00						491.00
Round trip commercial airfare							6,233.91				6,233.91
Hon. Gary Ackerman	1/5	1/6	Jordan		235.00						235.00
	1/5	1/11	Israel		1,598.00						1,598.00
							5,835.95				5,835.95
David Adams	1/5	1/6	Jordan		235.00						235.00
	1/5	1/11	Israel		1,598.00						1,598.00
Round trip commercial airfare							6,841.15				6,841.15
	2/15	2/20	India		1,300.00						1,300.00
	2/21	2/24	Pakistan		636.00						636.00
	2/24	2/25	United Kingdom		294.00						294.00
Round trip commercial airfare							7,330.17				7,330.17
Douglas Anderson	1/13	1/16	Korea		872.00						872.00
	1/16	1/17	Hong Kong		349.00						349.00
	1/17	1/21	Vietnam		423.90						423.90
Round trip commercial airfare							5,766.26				5,766.26
Hon. Cass Ballenger	1/9	1/10	Nicaragua		96.00		(3)				96.00
	1/10	1/13	Colombia		623.00		(3)				623.00
	1/13	1/16	Paraguay		411.00		(3)				411.00
	1/16	1/18	Ecuador		94.00		(3)				94.00
Jessica Baumgarten	1/9	1/10	Nicaragua		201.00		(3)				201.00
	1/10	1/13	Colombia		543.00		(3)				543.00
	1/13	1/16	Paraguay		467.00		(3)				467.00
	1/16	1/18	Ecuador		94.00		(3)				94.00
Hon. Howard Berman	1/16	1/17	El Salvador		213.00						213.00
Round trip commercial airfare							2,427.50				2,427.50
Patrick T. Brennan	1/14	1/16	Paraguay		240.00						240.00
Commercial airfare							2,036.30				2,036.30
	1/16	1/18	Ecuador		52.00		(3)				52.00
Malik Chaka	1/6	1/11	South Africa		422.00						422.00
	1/11	1/14	Mozambique		558.00						558.00
	1/14	1/17	Kenya		606.00						606.00
	1/17	1/19	Uganda		514.00						514.00
Round trip commercial airfare						8,011.88					8,011.88
Hon. Eliot Engel	1/4	1/8	Israel		1,448.00						1,448.00
Round trip commercial airfare							4,398.20				4,398.20
Hon. Jeff Flake	1/13	1/16	South Africa		564.00						564.00
	1/16	1/19	Namibia		356.00						356.00
Round trip commercial airfare							6,763.58				6,763.58
Paul Gallis	2/16	2/19	Belgium		771.00		(3)				771.00
	2/10	2/21	France		700.00						700.00
Commercial airfare							2,866.16				2,866.17
Kirsti Garlock	1/9	1/10	Nicaragua		151.00		(3)				151.00
	1/10	1/13	Colombia		613.00		(3)				613.00
	1/13	1/16	Paraguay		367.00		(3)				367.00
	1/16	1/18	Ecuador		50.00		(3)				50.00
Kristin Gilley	2/15	2/20	India		1,100.00						1,100.00
	2/21	2/24	Pakistan		586.00						586.00
	2/24	2/25	United Kingdom		244.00						244.00
Round trip commercial airfare							7,330.17				7,330.17
Charisse Glassman	1/13	1/16	South Africa		564.00						564.00
	1/16	1/18	Namibia		238.00						238.00
Round trip commercial airfare							8,116.51				8,116.51
Matthew Gobush	1/8	1/12	China		1,180.00						1,180.00
	1/12	1/15	Hong Kong		1,233.00						1,233.00
	1/15	1/18	Japan		990.00						990.00
Round trip commercial airfare							6,269.25				6,269.25
Dennis Halpin	1/7	1/12	China		1,316.00						1,316.00
	1/12	1/15	Hong Kong		1,233.00						1,233.00
	1/15	1/18	Japan		990.00						990.00
Round trip commercial airfare							7,037.67				7,037.67
Hon. Earl Hilliard	1/3	1/6	Korea		804.00						804.00
	1/6	1/7	Japan		278.00						278.00
Round trip commercial airfare							5,871.41				5,871.41
Alyssa Jorgenson	1/13	1/16	South Africa		564.00						564.00
	1/16	1/20	Namibia		476.00						476.00
Round trip commercial airfare							8,116.51				8,116.51
Trish Katyoka	1/6	1/11	South Africa		422.00						422.00
	1/11	1/14	Mozambique		558.00						558.00
	1/14	1/17	Kenya		606.00						606.00
	1/17	1/19	Uganda		514.00						514.00
Round trip commercial airfare							8,011.86				8,011.86
Kenneth Katzman	1/5	1/6	Jordan		235.00						235.00
	1/5	1/11	Israel		1,598.00						1,598.00
Round trip commercial airfare							6,841.45				6,841.45

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002.—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Killion	1/16	1/22	Switzerland		1,554.00						1,554.00
Round trip commercial airfare					5,538.01						5,538.01
Hon. Tom Lantos	1/7	1/12	China		1,456.00						1,456.00
	1/12	1/15	Hong Kong		1,233.00						1,233.00
	1/15	1/18	Japan		963.00						963.00
Round trip commercial airfare							5,815.17				5,815.17
John Mackey	1/9	1/10	Nicaragua		201.00		(3)				201.00
	1/10	1/13	Colombia		663.00		(3)				663.00
	1/13	1/16	Paraguay		567.00		(3)				567.00
	1/16	1/18	Ecuador		94.00		(3)				94.00
	2/18	2/21	United Kingdom		882.00						882.00
	2/21	2/23	Austria		292.00						292.00
Round trip commercial airfare							7,203.67				7,203.67
Pearl Alice Marsh	1/6	1/11	South Africa		422.00						422.00
	1/11	1/14	Mozambique		558.00						558.00
	1/14	1/17	Kenya		606.00						606.00
	1/17	1/19	Uganda		514.00						514.00
Round trip commercial airfare							8,011.86				8,011.86
Caleb McCarry	1/9	1/10	Nicaragua		181.00		(3)				181.00
	1/10	1/13	Colombia		513.00		(3)				513.00
	1/13	1/16	Paraguay		464.00		(3)				464.00
	1/16	1/18	Ecuador		00.00		(3)				00.00
	2/17	2/20	Haiti		308.00						308.00
							671.50				671.50
Hon. Cynthia McKinney	2/23	2/26	Italy		968.00						968.00
Round trip commercial airfare							5,628.22				5,628.22
Joan O'Donnell	1/6	1/11	South Africa		422.00						422.00
	1/11	1/14	Mozambique		558.00						558.00
	1/14	1/17	Kenya		606.00						606.00
	1/17	1/19	Uganda		514.00						514.00
Round trip commercial airfare							8,011.86				8,011.86
Paul Oostburg-Sanz	1/9	1/10	Nicaragua		162.30		(3)				162.30
	1/10	1/13	Colombia		176.70		(3)				176.70
	1/13	1/16	Paraguay		450.90		(3)				450.90
	1/16	1/18	Ecuador		16.60		(3)				16.60
	2/17	2/20	Haiti		223.00						223.00
Round trip commercial airfare							671.50				671.50
Stephen Rademaker	2/19	2/20	Austria		146.00						146.00
	2/20	2/21	Belgium		207.00						207.00
	2/21	2/23	United Kingdom		588.00						588.00
Round trip commercial airfare							6,825.33				6,825.33
	2/20	2/21	Belgium		207.00						207.00
	2/21	2/23	United Kingdom		588.00						588.00
Round trip commercial airfare							6,825.33				6,825.33
Francis Record	2/18	2/21	France		1,210.00						1,210.00
Round trip commercial airfare							5,926.00				5,926.00
Grover Joseph Rees	[4] 12/30	1/2	Philippines		607.11						607.11
Round trip comemrcial airfare							4,718.50				4,718.50
	3/21	3/25	Peru		790.00						790.00
Round trip commercial airfare							5,387.00				5,387.00
Hon. Ileana Ros-Lehtinen	1/7	1/11	Israel		1,598.00						1,598.00
Round trip commercial airfare							3,306.00				3,306.00
Hon. Ed Royce	1/13	1/16	South Africas		564.00						564.00
	1/16	1/20	Namibia		476.00						476.00
Round trip commercial airfare							8,116.51				8,116.51
Thomas Sheehy	1/13	1/16	South Africa		564.00						564.00
	1/16	1/20	Namibia		476.00						476.00
Round trip commercial airfare							8,116.51				8,116.51
Hon. Christopher Smith	3/21	3/23	Peru		420.00						420.00
Round trip commercial airfare							5,521.50				5,521.50
Samuel Stratman	2/16	2/20	India		965.00						965.00
	2/21	2/24	Pakistan		586.00						586.00
	2/24	2/25	United Kingdom		294.00						294.00
Round trip commercial airfare							9,746.22				9,746.22
Valerie Van Buren	2/18	2/21	United Kingdom		882.00						882.00
	2/21	2/23	Austria		292.00						292.00
Round trip commercial airfare							7,203.67				7,203.67
Hillel Weinberg	2/18	2/20	India		470.00						470.00
	2/21	2/24	Pakistan		561.00						561.00
	2/24	2/25	United Kingdom		294.00						294.00
Round trip commercial airfare							7,834.34				7,834.34
Peter Yeo	1/7	1/12	China		1,456.00						1,456.00
	1/12	1/15	Hong Kong		1,233.00						1,233.00
	1/15	1/17	Japan		660.00						660.00
Round trip commercial airfare							6,773.17				6,773.17
Committee total					72,049.52		238,419.75				310,469.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Reflects fiscal year 2001.

HENRY J. HYDE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Anthony M. Babauta	1/5	1/12	Republic of Palau		1,900.00		5,959.55				7,859.55
Committee total					1,900.00		5,959.55				7,859.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES V. HANSEN, Chairman, Apr. 22, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Eddie Bernice Johnson	2/23/	2/26	Italy		968.00						968.00
Commercial airfare							6,221.72				6,221,72
Committee total					968.00		6,221.72				7,189.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD L. BOEHLERT, Chairman, Apr. 23, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Apr. 23, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Don Young	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama	642.00	642.00						642.00
Hon. Wayne Gilchrest	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Hon. Collin Peterson	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Hon. Vern Ehlers	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Hon. John Mica	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Hon. Marion Berry	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Lloyd Jones	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Elizabeth Megginson	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Christine Kennedy	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Jimmy Miller	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Collin Chapman	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
William Sharrow	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Glen Scammel	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Susan Bodine	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Trinita Brown	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Art Chan	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Frank Mulvey	2/14	2/17	Uruguay		512.00						512.00
	2/17	2/19	Chile		592.00						592.00
	2/19	2/22	Panama		642.00						642.00
Committee total					29,682						29,682

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Apr. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Gibbons	1/7	1/15	Central/South America		2,022.50						2,022.50
Commercial airfare							4,597.49				4,597.49
Christopher Barton	1/7	1/15	Central/South America		2,022.50						2,022.50
Commercial airfare							4,286.67				4,286.67
Brant Bassett	1/7	1/15	Central/South America		2,022.50						2,022.50
Commercial airfare							4,286.67				4,286.67
Michele Lang	1/7	1/15	Central/South America		2,022.50						2,022.50
Commercial airfare							4,286.67				4,286.67
John Stopher	1/8	1/22	Asia		3,177.00						3,177.00
Commercial airfare							4,998.60				4,998.60
Hon. Douglas Bereuter	1/8	1/10	Asia								
Commercial airfare							1,866.79				1,866.79
Hon. Collin Peterson	1/9	1/18	Central/South America		1,525.00		(3)				1,525.00
Hon. Saxby Chambliss	1/9	1/16	Middle East		2,020.00		(3)		646.10		2,666.10
Hon. Jane Harman	1/9	1/16	Middle East		2,020.00		(3)		646.10		2,666.10
Hon. Peter Hoekstra	1/9	1/16	Middle East		2,020.00		(3)		646.10		2,666.10
Hon. Richard Burr	1/9	1/16	Middle East		2,020.00		(3)		646.10		2,666.10
James Lewis	1/9	1/16	Middle East		2,020.00		(3)		646.10		2,666.10
Wyndee Parker	1/9	1/16	Middle East		2,020.00		(3)		646.10		2,666.10
Merrell Moorhead	1/23	1/26	Europe		1,032.00						1,032.00
Commercial airfare							6,247.67				6,247.67
Jay Jakub	1/23	1/26	Europe		1,032.00						1,032.00
Commercial airfare							5,115.17				5,115.17
Michael Ennis	1/23	1/26	Europe		1,032.00						1,032.00
Commercial airfare							5,115.17				5,115.17
Hon. Collin Peterson	2/15	2/22	Central/South America		1,746.00		(3)				1,746.00
Hon. James Gibbons	2/17	2/24	Asia		1,381.00				36.34		1,417.34
Commercial airfare							6,720.93				6,720.93
Michele Lang	2/17	2/24	Asia		1,381.00				36.34		1,417.34
Commercial airfare							4,631.11				4,631.11
Brant Bassett	2/17	2/24	Asia		1,381.00				36.34		1,417.34
Commercial airfare							6,720.93				6,720.93
Christopher Barton	2/17	2/24	Asia		1,381.00				36.34		1,417.34
Commercial airfare							6,852.19				6,852.19
Michael Meermans	2/17	2/24	Asia		1,381.00				36.34		1,417.34
Commercial airfare							6,720.93				6,720.93
Elizabeth Larson	2/19	2/24	Europe		1,308.00						1,308.00
Commercial airfare							6,834.46				6,834.46
Jay Jakub	2/19	2/23	Europe		1,032.00						1,032.00
Commercial airfare							5,116.32				5,116.32
Committee total					38,999.00		84,397.77		4,058.30		127,455.07

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PORTER J. GOSS, Chairman, Apr. 23, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Apr. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, THAILAND, AND KOREA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 20, 2002.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Hon. Jennifer Dunn	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Hon. Roy Blunt	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Hon. Kay Granger	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Doug Bereuter	1/8	1/10	Japan	Y86,645	660.00						660.00
Bill Livingood	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Scott Palmer	1/8	1/13	Japan	204,534	1,558.00		(3)				1,558.00
John Feehery	1/8	1/3	Japan	Y204,534	1,558.00		(3)				1,558.00
Sam Lancaster	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Chris Walker	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Susan Hirschmann	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Shant Ochs	1/8	1/3	Japan	Y204,534	1,558.00		(3)				1,558.00
Dr. Eisold	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Steve Rusnak	1/8	1/13	Japan	Y204,534	1,558.00		(3)				1,558.00
Mike Stokke	1/8	1/12	Japan	Y167,513	1,276.00						1,276.00
Hon. J. Dennis Hastert	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Hon. Jennifer Dunn	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Hon. Roy Blunt	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Hon. Kay Granger	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Bill Livingood	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Scott Palmer	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
John Feehery	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Sam Lancaster	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Chris Walker	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, THAILAND, AND KOREA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 20, 2002.—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Susan Hirschmann	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Shant Ochs	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Dr. Eisold	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Steve Rusnak	1/13	1/17	Thailand	B40,832	928.00		(3)				928.00
Hon. J. Dennis Hastert	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Hon. Jennifer Dunn	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Hon. Roy Blunt	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Hon. Kay Granger	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Bill Livingood	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
John Feehery	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Sam Lancaster	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Chris Walker	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Susan Hirschmann	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Shant Ochs	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Dr. Eisold	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Steve Rusnak	1/17	1/20	Korea	W1,050,020	804.00		(3)				804.00
Committee total					44,706.00						44,706.00

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, Feb. 18, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Michael Bilirakis	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Paul Gillmor	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Porter Goss	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Joel Hefley	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Steve Horn	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Nicholas Lampson	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Scott McInnis	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Dennis Moore	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. John Tanner	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Hon. Tom Udall	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Michael Ennis	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Robin Evans	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
							[3] 2,866.16				2,866.16
Charles Johnson	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Kay King	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Carol Lawrence	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Merrill Moorehead	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Patrick Prisco	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Susan Olson	2/16	2/19	Belgium		771.00		(3)				771.00
	2/19	2/21	France		700.00						700.00
Josephine Weber	2/16	2/19	Belgium		771.00						771.00
	2/19	2/21	France		700.00						700.00
							[3] 2,866.16				2,866.16
Committee total					29,420.00		5,732.32				35,152.32

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, Chairman, Mar. 19, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. WILLIAM JEFF KAHRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 29, 2001 AND JAN. 4, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jeff Kahrs, William	12/30	1/2	Philippines		582.00		4,528.70				5,110.70
							150.00				150.00
	1/2	1/3	USA		194.00		50.00				244.00
Committee total					776.00		4,728.70				5,504.70

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM JEFF KAHRS, Feb. 4, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DANIEL F. SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 2 AND JAN. 10, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel F. Scandling		1/2	USA				8,394				8,394
	1/3	1/3	London		334						334
	1/4	1/6	Pakistan		450						450
	1/6	1/7	Afghanistan		252						252
	1/7	1/9	Pakistan		524						524
	1/10		USA								
					[3] −200						−200
Committee Total					1,360		8,394				9,754

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unused per diem returned to U.S. Treasury.

DANIEL F. SCANDLING, Feb. 10, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK R. WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 2 AND JAN 10, 2002

Name of Member or Employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Frank R. Wolf	1/3	1/10	England, Pakistan, Afghanistan		1,226.00		8,394.08				9,620.00
					−511.00						−511.00
Committee total					715.00		8,394.08				9,109.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unused per diem returned to U.S. Treasury.

FRANK R. WOLF, Mar. 29, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. RICHARD A CARNE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 2 AND JAN. 11, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard A. Carne	1/3	1/11	England, Pakistan, Afghanistan, U.A.E.		2,200.00		8,359.78				10,559.78
Committee total					2,200.00		8,359.78				10,559.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICK CARNE, Jan. 30, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. XENIA HORCZAKIWSKYJ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 13 AND JAN. 16, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Xenia Horczakiwskyj	1/13	1/16	Russia		1,050.00		5,148.22				6,198.22
Committee total					1,050.00		5,148.22				6,198.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

XENIA HORCZAKIWSKYJ, Feb. 14, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAMON NELSON, HOUSE OF REPRESENTATIVES, EXPENDED ON FEB. 18, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAMON NELSON, Mar. 14, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ENI F.H. FALEOMAVAEGA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 21, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eni Faleomavaega	2/16	2/21	New Zealand	1,920.00	804.00		5,405.60				6,209.60

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ENI F.H. FALEOMAVAEGA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 21, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/21	2/21	Apia, WS				45.00				45.00
Committee total					804.00		5,450.60				6,254.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ENI FALEOMAVAEGA, Mar. 27, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALAN M. HANTMAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 22, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Alan M. Hantman	2/15	2/16	Belarus		226.91						226.91
	2/16	2/20	Russia		1,720.00						1,720.00
	2/21	2/22	Germany		398.00						398.00
Committee total					2,344.91						2,344.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALAN M. HANTMAN, Mar. 19, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JOHN CUSEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 21 AND MAR. 25, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Cusey	3/21	3/25	Peru		641.15		5,419				6,060.15
Committee total					641.15		5,419				6,060.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CUSEY, Apr. 30, 2002.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6779. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Electronic Commerce; Disclosure to Shareholders (RIN: 3052-AC02) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6780. A letter from the General Counsel, Department of Defense, transmitting the Department's proposed bill entitled, "Repeal of Various Reports Required by the Department of Defense"; to the Committee on Armed Services.

6781. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Eighty-Eighth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2001, pursuant to 12 U.S.C. 247; to the Committee on Financial Services.

6782. A letter from the Director (FinCEN), Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Mutual Funds (RIN: 1506-AA28) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6783. A letter from the Deputy Legal Counsel, CDFI Fund, Treasury, Department of the Treasury, transmitting the Department's final rule—Notice or Funds Availability (NOFA) Inviting Applications for the First Accounts Program—received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6784. A letter from the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting the Department's final report on the Portfolio Reengineering Demonstration Program; to the Committee on Financial Services.

6785. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's "International Energy Outlook 2002," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

6786. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Improvement 2002: Evaluation Activities of the U.S. Department of Health and Human Services"; to the Committee on Energy and Commerce.

6787. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and its salts) as List I Chemicals [DEA Number 1 98F1] (RIN: 1117-AA57) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6788. A letter from the Secretary, Department of Transportation, transmitting the Department's Final Report entitled, "Ejection Mitigation Using Advanced Glazing"; to the Committee on Energy and Commerce.

6789. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Effects of the Alternative Motor Fuels Act CAFE Incentives Policy"; to the Committee on Energy and Commerce.

6790. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Safety; Prohibitions on Sale or Lease of Defective and Noncompliant Motor Vehicles and Items of Motor Vehicle Equipment [Docket No. NHTSA-2002-12111] (RIN: 2127-AI30) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6791. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans South Carolina: Approval of Revisions to the 1-Hour Ozone Maintenance State Implementation Plan for the Cherokee County [SC-039; 043-200222(a); FRL-7202-4] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6792. A letter from the Director of Governmental Affairs, Commission on International Religious Freedom, transmitting the Commission's Report on Sudan, pursuant to 22 U.S.C. 6433 Public Law 105-292 section 203; to the Committee on International Relations.

6793. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2002 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105-292 section 102; to the Committee on International Relations.

6794. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department's annual report on international terrorism, Patterns of Global Terrorism: 2001, scheduled for transmission on April 30, will be delayed this year; to the Committee on International Relations.

6795. A letter from the Secretary of Labor, Pension Benefit Guaranty Corporation, transmitting the Pension Benefit Guaranty Corporation's semiannual report in compliance with the Office of Inspector General for the period April 1, 2001 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6796. A letter from the Secretary, Department of Agriculture, transmitting the FY 2001 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6797. A letter from the Secretary, Department of Education, transmitting the Department's Accountability Report for FY 2001; to the Committee on Government Reform.

6798. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2003 Performance Plan and FY 2001 Annual Performance Report; to the Committee on Government Reform.

6799. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Program Performance Report for FY 2001; to the Committee on Government Reform.

6800. A letter from the Office of White House Liaison, National Oceanic and Atmospheric Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6801. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6802. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Ocean Exploration Initiative [Docket No. 010813205-2043-02] (RIN: 0648-XA74) received April 25, 2002A, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6803. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Environmental Education Projects in the Chesapeake Bay Watershed [Docket No. 020314059-2059-01; I.D. 022602B] (RIN: 0648-ZB16) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6804. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2000 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

6805. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Debt Collection Procedures (RIN: 3150-AG80) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6806. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [DOT Docket No. NHTSA-99-5157] (RIN: 2127-AH03) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6807. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Santa Ana Class C Airspace Area; CA [Docket No. FAA-2001-10432; Airspace Docket No. 01-AWA-05] (RIN: 2120-AA66) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6808. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: Elkton, MD [Airspace Docket No. 01-AEA-27] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6809. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision to Class E Surface Area at Marysville Yuba County Airport, CA [Airspace Docket No. 01-AWP-22] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6810. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Caruthersville, MO [Airspace Docket No. 02-ACE-3] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6811. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of VOR Federal Airway 105 and Jet Route 86, AZ; and the Establishment of Jet Routes 614 and 616 [Docket No. FAA-2001-9559; Airspace Docket No. 01-AWP-02] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6812. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226 and SA227 Series Airplanes [Docket No. 2001-CE-47-AD; Amendment 39-12709; AD 2002-08-02] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6813. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; EWT 4 Heliport, Honey Grove, PA [Airspace Docket No. 01-AEA-25] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6814. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 2001-CE-17-AD; Amendment 39-12708; AD 2002-08-01] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6815. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-400, -401, and -402 Series Airplanes [Docket No. 2002-NM-35-AD; Amendment 39-12713; AD 2002-08-05] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6816. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. 2002-NM-38-AD; Amendment 39-12714; AD 2002-08-06] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6817. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2001-NM-189-AD; Amendment 39-12715; AD 2002-08-07] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6818. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2, A300 B4, A300 B4-600, and A300 B4-600R Series Airplanes; and Model A300 F4-605R Airplanes [Docket No. 99-NM-86-AD; Amendment 39-12699; AD 2002-07-05] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6819. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 98-NM-196-AD; Amendment 39-12702; AD 2002-07-08] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6820. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No. 99-NM-105-AD; Amendment 39-12703; AD 2002-07-09] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6821. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2000-NM-73-AD; Amendment 39-12704; AD 2002-07-10] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6822. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200 and -200C Series Airplanes [Docket No. 2000-NM-74-AD; Amendment 39-12705; AD 2002-07-11] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6823. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines [Docket No. 2001-NE-16-AD; Amendment 39-12698; AD 2002-07-04] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

6824. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes Equipped With General Electric GE90 Series Engines [Docket No. 2002-NM-30-AD; Amendment 39-12701; AD 2002-07-07] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6825. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; and C-9 Airplanes [Docket No. 2000-NM-324-AD; Amendments 39-12700; AD 2002-07-06] (RIN: 2120-AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6826. A letter from the Chief, Regulations Division, Department of the Treasury, transmitting the Department's final rule—Elimination of Application to Remove Tobacco Products from Manufacturer's Premises for Experimental Purposes [T.D. ATF-478; Re: Notice No. 931] (RIN: 1512-AC32) received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6827. A letter from the Secretary, Department of Transportation, transmitting the Department's Research and Development, Competitive Merit Review Selection and Performance Measurement Evaluation pursuant to Section 5108 of the Transportation Equity Act for the Twenty-First Century (Pub. Law 105-178); jointly to the Committees on Transportation and Infrastructure and Science.

6828. A letter from the Chief Executive Officer, Washington Metropolitan Area Transit Authority, transmitting the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2001, pursuant to 31 U.S.C. 3512(c)(3); jointly to the Committees on Transportation and Infrastructure and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Justice Undone: Clemency Decisions in the Clinton White House (Rept. 107–454). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1370. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, and for other purposes; with amendments (Rept. 107–455). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2643. A bill to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes; with an amendment (Rept. 107–456). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4626. A bill to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit; with an amendment (Rept. 107–457). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2624. A bill to authorize the Attorney General to make grants to honor, through permanent tributes, men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers (Rept. 107–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3892. A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes; with an amendment (Rept. 107–459). Referred to the Committee on the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4584. A bill to amend title XIX of the Social Security Act to extend the authorization of transitional medical assistance for 1 year (Rept. 107–461). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4584. A bill to amend title V of the Social Security Act to extend the abstinence education funding under maternal and child health program through fiscal year 2007 (Rept. 107–462). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from furhter consideration. H.R. 4090 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 4090. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, and for other purposes, with an amendment; referred to the Committee on Education and the Workforce for a period ending not later than May 14, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 107–460 Pt. 1).

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

236. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 97 memorializing the United States Congress to honor Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

237. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 10 memorializing the United States Congress and the Department of Labor to relax the federal requirements on the use of federal funds for job training and employment programs such as the Dislocated Worker Program to enable the State to address its unique employment concerns in an effective manner; to the Committee on Education and the Workforce.

238. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 155 memorializing the United States Congress that locating a large housing development within the boundaries of the Valley Forge National Historic Park is against the spirit of the original conveyance to the Federal Government approved by the Commonwealth; to the Committee on Resources.

239. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 9 memorializing the United States Congress to pass legislation to provide loan assistance to small businesses; to the Committee on Small Business.

240. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to pass legislation allowing for the deduction of all travel expenses from federal income taxation; to the Committee on Ways and Means.

241. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 11 memorializing the United States Congress to introduce or support legislation for the provision of emergency medical assistance for those workers displaced as a result of the terrorist attacks of September 11, 2001; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

PETITIONS, ETC.

Under clause 3 of rule XII,

56. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 21 petitioning the United States Congress to authorize the County of Rockland to call for the immediate closure of the Indian Point nuclear facility until safety studies are completed and adequate security measures are taken; which was referred to the Committee on Energy and Commerce.

□ 0848

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 8 o'clock and 48 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3994, AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–463) on the resolution (H. Res. 419) providing for consideration of the bill (H.R. 3994) to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–464) on the resolution (H. Res. 420) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4735, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–465) on the resolution (H. Res. 421) providing for consideration of the bill (H.R. 4735) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today on account of attending ambassador school.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. SWEENEY (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, May 21.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on May 10, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 2646. To provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes a.m.), the House adjourned until today, Wednesday, May 15, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6779. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Electronic Commerce; Disclosure to Shareholders (RIN: 3052–AC02) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6780. A letter from the General Counsel, Department of Defense, transmitting the Department's proposed bill entitled, "Repeal of Various Reports Required by the Department of Defense"; to the Committee on Armed Services.

6781. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Eighty-Eighth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2001, pursuant to 12 U.S.C. 247; to the Committee on Financial Services.

6782. A letter from the Director (FinCEN), Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Mutual Funds (RIN: 1506–AA28) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6783. A letter from the Deputy Legal Counsel, CDFI Fund, Treasury, Department of the Treasury, transmitting the Department's final rule—Notice or Funds Availability (NOFA) Inviting Applications for the First Accounts Program—received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6784. A letter from the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting the Department's final report on the Portfolio Reengineering Demonstration Program; to the Committee on Financial Services.

6785. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's "International Energy Outlook 2002," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

6786. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Improvement 2002: Evaluation Activities of the U.S. Department of Health and Human Services"; to the Committee on Energy and Commerce.

6787. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and its salts) as List I Chemicals [DEA Number 1 98F1] (RIN: 1117–AA57) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6788. A letter from the Secretary, Department of Transportation, transmitting the Department's Final Report entitled, "Ejection Mitigation Using Advanced Glazing"; to the Committee on Energy and Commerce.

6789. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Effects of the Alternative Motor Fuels Act CAFE Incentives Policy"; to the Committee on Energy and Commerce.

6790. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Safety; Prohibitions on Sale or Lease of Defective and Noncomplaint Motor Vehicles and Items of Motor Vehicle Equipment [Docket No. NHTSA–2002–12111] (RIN: 2127–AI30) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6791. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans South Carolina: Approval of Revisions to the 1-Hour Ozone Maintenance State Implementation Plan for the Cherokee County [SC–039; 043–200222(a); FRL–7202–4] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6792. A letter from the Director of Governmental Affairs, Commission on International Religious Freedom, transmitting the Commission's Report on Sudan, pursuant to 22 U.S.C. 6433 Public Law 105—292 section 203; to the Committee on International Relations.

6793. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2002 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105—292 section 102; to the Committee on International Relations.

6794. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department's annual report on international terrorism, Patterns of Global Terrorism: 2001, scheduled for transmission on April 30, will be delayed this year; to the Committee on International Relations.

6795. A letter from the Secretary of Labor, Pension Benefit Guaranty Corporation, transmitting the Pension Benefit Guaranty Corporation's semiannual report in compliance with the Office of Inspector General for the period April 1, 2001 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6796. A letter from the Secretary, Department of Agriculture, transmitting the FY 2001 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to

31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6797. A letter from the Secretary, Department of Education, transmitting the Department's Accountability Report for FY 2001; to the Committee on Government Reform.

6798. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2003 Performance Plan and FY 2001 Annual Performance Report; to the Committee on Government Reform.

6799. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Program Performance Report for FY 2001; to the Committee on Government Reform.

6800. A letter from the Office of White House Liaison, National Oceanic and Atmospheric Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6801. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6802. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Ocean Exploration Initiative [Docket No. 010813205–2043–02] (RIN: 0648–XA74) received April 25, 2002A, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6803. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Environmental Education Projects in the Chesapeake Bay Watershed [Docket No. 020314059–2059–01; I.D. 022602B] (RIN: 0648–ZB16) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6804. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2000 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

6805. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Debt Collection Procedures (RIN: 3150–AG80) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6806. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [DOT Docket No. NHTSA–99–5157] (RIN: 2127–AH03) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6807. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Santa Ana Class C Airspace Area; CA [Docket No. FAA–2001–10432; Airspace Docket No. 01–AWA–05] (RIN: 2120–AA66) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6808. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: Elkton, MD [Airspace Docket No. 01–AEA–27] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6809. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision to Class E Surface Area at Marysville Yuba County Airport, CA [Airspace Docket No. 01–AWP–22] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6810. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Caruthersville, MO [Airspace Docket No. 02–ACE–3] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6811. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of VOR Federal Airway 105 and Jet Route 86, AZ; and the Establishment of Jet Routes 614 and 616 [Docket No. FAA–2001–9559; Airspace Docket No. 01–AWP–02] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6812. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226 and SA227 Series Airplanes [Docket No. 2001–CE–47–AD; Amendment 39–12709; AD 2002–08–02] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6813. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; EWT 4 Heliport, Honey Grove, PA [Airspace Docket No. 01–AEA–25] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6814. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 2001–CE–17–AD; Amendment 39–12708; AD 2002–08–01] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6815. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–400, –401, and –402 Series Airplanes [Docket No. 2002–NM–35–AD; Amendment 39–12713; AD 2002–08–05] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6816. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes [Docket No. 2002–NM–38–AD; Amendment 39–12714; AD 2002–08–06] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6817. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes [Docket No. 2001–NM–189–AD; Amendment 39–12715; AD 2002–08–07] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6818. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2, A300 B4, A300 B4–600, and A300 B4–600R Series Airplanes; and Model A300 F4–605R Airplanes [Docket No. 99–NM–86–AD; Amendment 39–12699; AD 2002–07–05] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6819. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 98–NM–196–AD; Amendment 39–12702; AD 2002–07–08] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6820. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boing Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F Series Airplanes [Docket No. 99–NM–105–AD; Amendment 39–12703; AD 2002–07–09] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6821. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 2000–NM–73–AD; Amendment 39–12704; AD 2002–07–10] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6822. A letter from the Paralegal Special, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200 and –200C Series Airplanes [Docket No. 2000–NM–74–AD; Amendment 39–12705; AD 2002–07–11] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6823. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D–7R4 Series Turbofan Engines [Docket No. 2001–NE–16–AD; Amendment 39–12698; AD 2002–07–04] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6824. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes Equipped With General Electric GE90 Series Engines [Docket No. 2002–NM–30–AD; Amendment 39–12701; AD 2002–07–07] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6825. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes; and C–9 Airplanes [Docket No. 2000–NM–324–AD; Amendments 39–12700; AD 2002–07–06] (RIN: 2120–AA64) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6826. A letter from the Chief, Regulations Division, Department of the Treasury, transmitting the Department's final rule—Elimination of Application to Remove Tobacco Products from Manufacturer's Premises for Experimental Purposes [T.D. ATF–478; Re: Notice No. 931] (RIN: 1512–AC32) received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6827. A letter from the Secretary, Department of Transportation, transmitting the Department's Research and Development, Competitive Merit Review Selection and Performance Measurement Evaluation pursuant to Section 5108 of the Transportation Equity Act for the Twenty-First Century (Pub. Law 105–178); jointly to the Committees on Transportation and Infrastructure and Science.

6828. A letter from the Chief Executive Officer, Washington Metropolitan Area Transit Authority, transmitting the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2001, pursuant to 31 U.S.C. 3512(c)(3); jointly to the Committees on Transportation and Infrastructure and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Justice Undone: Clemency Decisions in the Clinton White House (Rept. 107–454). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1370. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, and for other purposes; with amendments (Rept. 107–455). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2643. A bill to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes; with an amendment (Rept. 107–456). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4626. A bill to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit; with an amendment (Rept. 107–457). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2624. A bill to authorize the Attorney General to make grants to honor, through permanent tributes, men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers (Rept. 107–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3892. A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes; with an amendment (Rept. 107–459). Referred to the Committee on the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4584. A bill to amend title XIX of the Social Security Act to extend the authorization of transitional medical assistance for 1 year (Rept. 107–461). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4584. A bill to amend title V of the Social Security Act to extend the abstinence education funding under maternal and child health program through fiscal year 2007 (Rept. 107–462). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 4090 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[May 15 (legislative day of May 14), 2002]

Mr. DIAZ-BALART: Committee on Rules. House Resolution 419. Resolution providing for consideration of the bill (H.R. 3994) to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries (Rept. 107–463). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 420. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–464). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 421. Resolution providing for consideration of the bill (H.R. 4735) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes (Rept. 107–465). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 4090. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, and for other purposes, with an amendment; referred to the Committee on Education and the Workforce for a period ending not later than May 14, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 107–460 Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOSTETTLER (for himself, Mr. LANGEVIN, Mrs. WILSON of New Mexico, Ms. SLAUGHTER, Mr. TOWNS, Mrs. CAPPS, Mrs. MALONEY of New York, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. BLUMENAUER, Mr. KILDEE, Mr. FORD, Mr. SOUDER, Mr. ADERHOLT, Mr. SIMMONS, Mr. PENCE, Mr. WYNN, Mr. LANTOS, and Ms. SANCHEZ):

H.R. 4714. A bill to prohibit members of the Armed Forces in Saudi Arabia from being required or formally or informally compelled to wear the abaya garment, and for other purposes; to the Committee on Armed Services. considered and passed.

By Mr. WAXMAN (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. STARK, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. CARSON of Oklahoma, Ms. NORTON, Mr. RODRIGUEZ, and Mr. MARKEY):

H.R. 4715. A bill to amend titles XVIII and XIX of the Social Security Act to establish minimum requirements for nurse staffing in nursing facilities receiving payments under the Medicare or Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. HALL of Texas, Mr. PORTMAN, Mr. AKIN, Mr. ARMEY, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. COOKSEY, Mr. COX, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. DELAY, Ms. DUNN, Mrs. EMERSON, Mr. EVERETT, Mr. FOSSELLA, Mr. GIBBONS, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GRAHAM, Mr. GREEN of Wisconsin, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. ISAKSON, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KERNS, Mr. KNOLLENBERG, Mr. LUCAS of Oklahoma, Mr. MICA, Mr. OTTER, Mr. OXLEY, Mr. REYNOLDS, Mrs. ROUKEMA, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SOUDER, Mr. STEARNS, Mr. SUNUNU, Mr. SWEENEY, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mr. THORNBERRY, Mr. TIBERI, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WAMP, Mr. CANNON, Mr. MANZULLO, Mr. LINDER, Mr. TOOMEY, Mr. HASTINGS of Washington, Mr. CHABOT, Mr. LATOURETTE, Mr. HOEKSTRA, Mr. CRANE, Ms. HART, Mr. FOLEY, Mr. BROWN of South Carolina, Mr. FLETCHER, Mr. TAYLOR of North Carolina, Mr. DUNCAN, Mr. SMITH of Michigan, Mr. PAUL, Mr. DOOLITTLE, Mrs. MYRICK, Mr. HANSEN, Mr. PITTS, Mr. BALLENGER, Mr. BAKER, Mr. PETRI, Mr. KINGSTON, Mr. RYUN of Kansas, Mr. JEFF MILLER of Florida, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. ADERHOLT, Mr. FLAKE, Mr. CHAMBLISS, Mr. CALVERT, Mr. HOSTETTLER, Mr. PUTNAM, Mr. DAN MILLER of Florida, Mr. STUMP, Mr. WICKER, Mr. BACHUS, Mr. BONILLA, Mr. BOOZMAN, Mr. COBLE, Mr. COLLINS, Mr. CUNNINGHAM, Ms. GRANGER, Mr. HORN, Mr. HYDE, Mr. MCINNIS, Mr. NETHERCUTT, Mr. NEY, Mr. NUSSLE, Mr. ROHRABACHER, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr.

WATTS of Oklahoma, Mr. GEKAS, Mr. PENCE, Mr. ISTOOK, Mr. EHRLICH, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. WALDEN of Oregon, Mr. HOBSON, Mr. SHUSTER, Mrs. WILSON of New Mexico, Mr. COMBEST, Mr. HUNTER, Mr. KIRK, Mr. POMBO, Mr. ROYCE, Mr. SULLIVAN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. PETERSON of Pennsylvania, Mr. ROGERS of Michigan, Mr. SCHROCK, Mr. SIMMONS, Mr. SIMPSON, Mr. YOUNG of Alaska, Mr. MORAN of Kansas, Ms. PRYCE of Ohio, and Mr. RAMSTAD):

H.R. 4716. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. BENTSEN (for himself, Mr. DELAY, Mr. GREEN of Texas, Ms. GRANGER, Mr. LAMPSON, Mr. SMITH of Texas, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Mr. SANDLIN, Mr. ARMEY, Mr. PAUL, Mr. REYES, Mr. STENHOLM, Mr. BRADY of Texas, Mr. GONZALEZ, Mr. BARTON of Texas, Mr. RODRIGUEZ, Mr. FROST, Mr. CULBERSON, Mr. DOGGETT, Mr. SESSIONS, Mr. HINOJOSA, Mr. COMBEST, Mr. BONILLA, Mr. TURNER, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. ORTIZ, and Mr. THORNBERRY):

H.R. 4717. A bill to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building"; to the Committee on Government Reform.

By Mr. CAMP:

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to provide a 7-year recovery period for depreciation of potato storage facilities; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4719. A bill to amend, the National Labor Relations Act to ensure that any business owned and operated by an Indian tribe and located on Indian lands is not considered an employer for purposes of such Act; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. WALDEN of Oregon, and Mr. SESSIONS):

H.R. 4720. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. OLVER, Mr. SHAYS, Mr. LARSON of Connecticut, Mr. NEAL of Massachusetts, Mr. SIMMONS, Mr. MALONEY of Connecticut, and Ms. DELAURO):

H.R. 4721. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of Connecticut and Massachusetts, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself and Mr. DINGELL):

H.R. 4722. A bill to provide for the establishment of the Lake Erie Western Basin International Wildlife Refuge in the States of Ohio and Michigan, and for other purposes; to the Committee on Resources.

By Mr. LEVIN:

H.R. 4723. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 4724. A bill to amend the Act entitled "An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes", to facilitate the purposes of that Act; to the Committee on Resources.

By Ms. NORTON:

H.R. 4725. A bill to amend the Internal Revenue Code of 1986 to promote the economic recovery of the District of Columbia; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 4726. A bill to allow a permanent memorial to the victims of the September 11, 2001, terrorist attacks against the United States to be constructed on Sandy Hook in the Gateway National Recreation Area; to the Committee on Resources.

By Mr. SHUSTER:

H.R. 4727. A bill to reauthorize the national dam safety program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. WELDON of Florida, Mr. PICKERING, Mr. KING, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. SHOWS, Mr. LATOURETTE, Mr. LYNCH, Mr. REYES, Mr. WAMP, Mr. PAYNE, and Mr. RAHALL):

H.R. 4728. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. MCDERMOTT, Mrs. THURMAN, and Mrs. CHRISTENSEN):

H.R. 4729. A bill to amend the Social Security Act to provide for coverage under the Medicare Program of chronic kidney disease patients who are not end-stage renal disease patients; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Ms. DELAURO, Ms. ESHOO, Mr. DINGELL, and Mr. BROWN of Ohio):

H.R. 4730. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients; to the Committee on Energy and Commerce.

By Mr. WU:

H.R. 4731. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income to individuals who do not itemize deductions; to the Committee on Ways and Means.

By Mr. WU:

H.R. 4732. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. HAYWORTH):

H.R. 4733. A bill to make technical amendments to the Indian Child Welfare Act of 1978; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4734. A bill to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Resources.

By Ms. PRYCE of Ohio:

H.R. 4735. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

By Mr. ENGEL (for himself, Mr. TOWNS, Mr. HOUGHTON, Mrs. THURMAN, Mrs. MCCARTHY of New York, Mr. SERRANO, Mr. HINCHEY, Mrs. CAPPS, Mr. DEUTSCH, Mrs. MALONEY of New York, Mr. PALLONE, Ms. VELÁZQUEZ, Ms. BROWN of Florida, Mr. KILDEE, Ms. SLAUGHTER, Ms. ESHOO, Mr. WAXMAN, Mrs. MEEK of Florida, Mr. RANGEL, Mr. BROWN of Ohio, and Mr. SNYDER):

H.J. Res. 92. A joint resolution disapproving the rule issued by the Department of Health and Human Services relating to modification of the Medicaid upper payment limit for non-State government-owned or operated hospitals published on January 18, 2002; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Con. Res. 402. Concurrent resolution commending the establishment of the President's New Freedom Commission on Mental Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEHAN (for himself and Mr. QUINN):

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress regarding combined sewer overflow control programs; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself and Mrs. MORELLA):

H. Con. Res. 404. Concurrent resolution expressing the sense of Congress regarding increasing the United States' commitment to the health of the world's mothers and children; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. MCGOVERN, Mr. WOLF, Mr. FRANK, and Mr. KENNEDY of Rhode Island):

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor; to the Committee on International Relations.

By Mr. GIBBONS:

H. Res. 417. A resolution recognizing and honoring the career and work of Justice C. Clifton Young; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California:

H. Res. 418. A resolution recognizing the construction and home building industries and their construction activity for the economic stability and momentum they provide to the economy of the United States; to the Committee on Financial Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

236. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 97 memorializing the United States Congress to honor Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

237. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 10 memorializing the United States Congress and the Department of Labor to relax the federal requirements on the use of federal funds for job training and employment programs such as the Dislocated Worker Program to enable the State to address its unique employment concerns in an effective manner; to the Committee on Education and the Workforce.

238. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 155 memorializing the United States Congress that locating a large housing development within the boundaries of the Valley Forge National Historic Park is against the spirit of the original conveyance to the Federal Government approved by the Commonwealth; to the Committee on Resources.

239. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 9 memorializing the United States Congress to pass legislation to provide loan assistance to small businesses; to the Committee on Small Business.

240. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to pass legislation allowing for the deduction of all travel expenses from federal income taxation; to the Committee on Ways and Means.

241. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 11 memorializing the United States Congress to introduce or support legislation for the provision of emergency medical assistance for those workers displaced as a result of the terrorist attacks of September 11, 2001; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. ABERCROMBIE and Mr. PICKERING.

H.R. 31: Mr. ROSS and Mr. WILSON of South Carolina.

H.R. 41: Mr. VISCLOSKY.

H.R. 65: Mr. BACA.

H.R. 218: Mr. TANNER, Mr. WILSON of South Carolina, Mr. CLAY, Mr. REHBERG, and Mr. OSBORNE.

H.R. 285: Mr. EVANS and Mr. SERRANO.

H.R. 303: Mr. HOYER.

H.R. 482: Mr. FORBES, Mr. SMITH of New Jersey, Mr. TIAHRT, and Mr. SOUDER.

H.R. 488: Mr. LIPINSKI.

H.R. 582: Ms. WATERS.

H.R. 628: Mr. JEFF MILLER of Florida, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. DIAZ-BALART, and Mr. SHAW.

H.R. 629: Mr. JEFF MILLER of Florida, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. DIAZ-BALART, and Mr. SHAW.

H.R. 639: Mr. BISHOP and Mr. BACA.

H.R. 701: Mr. KANJORSKI.

H.R. 854: Mr. STARK.

H.R. 902: Mr. LAHOOD and Mr. POMEROY.

H.R. 912: Mr. BURTON of Indiana, Mr. BACHUS, Mr. BARTLETT of Maryland, Mrs. BONO, Mr. COBLE, Mr. EHLERS, Mr. ENGLISH, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mr. HORN, Mr. KOLBE, Mr. LEACH, Mrs. MYRICK, Mr. OSBORNE, and Mr. WELDON of Pennsylvania.

H.R. 1086: Mr. HOYER.

H.R. 1089: Mr. WALSH.

H.R. 1090: Mr. PETERSON of Minnesota.

H.R. 1097: Mr. SMITH of Washington, Mr. LYNCH, and Ms. VELÁZQUEZ.

H.R. 1265: Mr. DOGGETT.

H.R. 1305: Mr. PUTNAM.

H.R. 1362: Ms. WATERS and Ms. SCHAKOWSKY.

H.R. 1433: Mr. UDALL of New Mexico and Mr. RODRIGUEZ.

H.R. 1460: Mr. ROSS.

H.R. 1545: Mr. TOM DAVIS of Virginia.

H.R. 1609 Mr. SCOTT, Mr. REYES, and Mr. BARRETT.

H.R. 1624: Mr. PAYNE, Mr. REYES, Mr. SANDLIN, Ms. SLAUGHTER, Mr. PASTOR, Mr. LARSEN of Washington, Mr. BARTLETT of Maryland, Mr. MASCARA, Mr. ALLEN, Mr. SKELTON, Mr. HILLEARY, Mr. SCHAFFER, Mr. MURTHA, and Mr. HOYER.

H.R. 1626: Mr. SHIMKUS.

H.R. 1642: Mr. BLAGOJEVICH.

H.R. 1861: Ms. SLAUGHTER.

H.R. 1904: Mr. JEFFERSON.

H.R. 2035: Mr. WAXMAN.

H.R. 2036: Ms. MCCOLLUM, Mr. TIAHRT, Ms. LOFGREN, Ms. SCHAKOWSKY, and Mr. FILNER.

H.R. 2117: Mr. GRUCCI.

H.R. 2219: Mr. EHLERS, Mr. HOUGHTON, and Mr. HORN.

H.R. 2235: Mr. SIMMONS.

H.R. 2349: Mr. LUTHER.

H.R. 2466: Mr. STEARNS, Mr. NEY, Mr. GILLMOR, Mr. WILSON of South Carolina, and Mr. SMITH of Washington.

H.R. 2487: Mr. CLYBURN.

H.R. 2512: Mr. BISHOP.

H.R. 2637: Mr. NETHERCUTT.

H.R. 2654: Mr. BROWN of Ohio, Mr. UDALL of Colorado, and Mr. LIPINSKI.

H.R. 2706: Mr. THUNE.

H.R. 2874: Mr. BALDACCI, Mr. ACKERMAN, Ms. ROYBAL-ALLARD, Ms. HOOLEY of Oregon, Mr. WAXMAN, Mr. KENNEDY of Minnesota, and Mr. BROWN of Ohio.

H.R. 2953: Mr. BOEHLERT and Mr. MCHUGH.

H.R. 3109: Mr. THUNE, Mr. UPTON, Mr. SAWYER, and Mr. PASTOR.

H.R. 3238: Mr. GUTIERREZ and Mr. HALL of Ohio.

H.R. 3278: Mr. MCCRERY, Mr. ISSA, Mr. REYES, Mr. FRANK, Mr. ACEVEDO-VILÁ, Ms. WOOLSEY, Mr. WALSH, Mr. CUMMINGS, Mr. DIAZ-BALART, Mr. FORD, and Mr. ISRAEL.

H.R. 3324: Mr. OWENS, Mr. PAYNE, and Ms. PELOSI.

H.R. 3332: Mr. FOSSELLA, Mr. EHLERS, Mr. HINCHEY, Mr. JOHN, Mr. GREEN of Texas, Ms. WOOLSEY, Mrs. MINK of Hawaii, Ms. MCCOLLUM, Mr. GEKAS, Mr. WATT of North Carolina, Mr. DAVIS of Illinois, Mr. KILDEE, Ms. GRANGER, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, and Mr. EVANS.

H.R. 3431: Mrs. CLAYTON, Mr. KILDEE, Mr. GRUCCI, Mr. LUCAS of Kentucky, Mrs. DAVIS of California, Ms. NORTON, Mr. WILSON of South Carolina, and Mr. MURTHA.

H.R. 3439: Mr. HONDA.

H.R. 3462: Mr. OLVER, Mr. REYES, Mr. SMITH of New Jersey, Mr. GRUCCI, Ms. DELAURO, Ms. BALDWIN, Mr. LOBIONDO, Ms. MCCOLLUM, Mr. THUNE, Mr. COYNE, Mr. MURTHA, and Mr. SHERWOOD.

H.R. 3512: Mr. ROHRABACHER, Mr. HONDA, and Mr. FROST.

H.R. 3524: Mr. PRICE of North Carolina.

H.R. 3580: Mrs. JOHNSON of Connecticut.

H.R. 3686: Mr. LAHOOD.

H.R. 3705: Mr. TERRY, Mrs. CUBIN, and Mr. NORWOOD.

H.R. 3710: Mr. NEAL of Massachusetts, Mr. NORWOOD, Mr. WILSON of South Carolina, and Mr. MARKEY.

H.R. 3782: Mr. BOOZMAN, Mr. DOOLITTLE, Mr. ISSA, Mr. GALLEGLY, Ms. SOLIS, AND Ms. LOFGREN.

H.R. 3794: Mr. SMITH of New Jersey, Mr. PETERSON of Minnesota, Ms. WATSON, Mr. SUNUNU, and Mr. ISSA.

H.R. 3831: Mr. JEFF MILLER of Florida and Mr. HINCHEY.

H.R. 3834: Mr. COYNE, Mr. GRUCCI, Mrs. MYRICK, Mr. MORAN of Kansas, Mr. BOEHNER, and Mr. FILNER.

H.R. 3844: Ms. HARMAN.

H.R. 3884: Mr. LARSON of Connecticut, Mr. ENGEL, and Ms. HOOLEY of Oregon.

H.R. 3915: Mr. KILDEE.

H.R. 3923: Mr. MORAN of Virginia.

H.R. 3932: Mr. HOLT and Mr. OLVER.

H.R. 3992: Mr. HASTINGS of Florida and Mr. GREEN of Texas.

H.R. 4003: Mr. UNDERWOOD.

H.R. 4015: Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. STUMP, Mr. UDALL of New Mexico, Mrs. CAPPS, Mr. BILIRAKIS, Mr. JEFF MILLER of Florida, Mr. HOLDEN, and Ms. BERKLEY.

H.R. 4017: Mr. KILDEE.

H.R. 4018: Mr. BOYD and Ms. HOOLEY of Oregon.

H.R. 4030: Mr. MCDERMOTT and Mr. STENHOLM.

H.R. 4032: Ms. SCHAKOWSKY, Mr. UDALL of Colorado, Mr. ABERCROMBIE, Mr. FRANK, Ms. SLAUGHTER, Mr. DEUTSCH, Mr. HOLDEN, Mrs. MINK of Hawaii, and Mr. REYES.

H.R. 4037: Mr. GUTIERREZ.

H.R. 4063: Mr. BACA.

H.R. 4066: Mr. TIERNEY, Mr. MENENDEZ, Mr. DEUTSCH, Ms. ESHOO, Mr. CLAY, Mr. FORD, and Ms. HARMAN.

H.R. 4069: Mr. PICKERING, Ms. SLAUGHTER, Mr. BERMAN, Ms. WOOLSEY, Mrs. MINK of Hawaii, Mr. MALONEY of Connecticut, Ms. MCCOLLUM, Ms. MCCARTHY of Missouri, Mrs. THURMAN, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. KLECZKA, Mr. BALDACCI, Mr. CAMP, and Mr. WAXMAN.

H.R. 4070: Mr. FOLEY, Mr. ALLEN, Mr. GRUCCI, Ms. HART, Mr. TANCREDO, and Mr. CARDIN,

H.R. 4074: Ms. WOOLSEY.

H.R. 4085: Mr. HOLDEN.

H.R. 4160: Mr. BUYER.

H.R. 4169: Mr. TIAHRT.

H.R. 4187: Mr. PRICE of North Carolina, Mr. DOGGETT, Mr. SPRATT, and Mr. TIERNEY.

H.R. 4210: Mr. LEACH.

H.R. 4481: Mr. ISAKSON and Mr. PASTOR.

H.R. 4483: Mrs. NORTHUP, Mr. HAYES, Mr. COLLINS, Mr. PITTS, Mr. SHOWS, Mr. TOWNS, and Mr. WYNN.

H.R. 4524: Mr. GREENWOOD and Mr. LATOURETTE.

H.R. 4555: Mrs. MINK of Hawaii.

H.R. 4582: Mr. WALSH, Mr. LANGEVIN, and Mr. HOYER.

H.R. 4589: Mr. GIBBONS, Mr. HUNTER, and Mr. POMBO.

H.R. 4592: Ms. ESHOO, Mrs. CAPPS, Mr. BECERRA, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Ms. DUNN, Mr. ISSA, Mr. HUNTER, Mr.

MATSUI, Ms. LOFGREN, Mr. THOMPSON of California, and Mrs. MALONEY of New York.

H.R. 4596: Mrs. CHRISTENSEN, Mr. SANDERS, Mr. GEORGE MILLER of California, Mr. RANGEL, Ms. ESHOO, and Ms. MILLENDER-McDONALD.

H.R. 4614: Mr. FRANK, Ms. NORTON, and Ms. CARSON of Indiana.

H.R. 4635: Mr. SMITH of New Jersey, Mr. BUYER, and Mr. ENGLISH.

H.R. 4639: Ms. LEE, Mr. POMEROY, Mr. McDERMOTT, Mr. GEORGE MILLER of California, and Mr. FARR of California.

H.R. 4643: Mr. KUCINICH.

H.R. 4658: Mr. RYUN of Kansas, Mr. BALDACCI, Mr. HUNTER, Mr. ADERHOLT, Mr. DOOLITTLE, Mr. HOEKSTRA, Mr. Wilson of South Carolina, Mr. BROWN of South Carolina, Mr. FLAKE, Mr. AKIN, Mr. CHABOT, Mr. GOODE, Mr. HERGER, Mr. TIBERI, and Ms. CARSON of Indiana.

H.R. 4660: Mr. FROST, Mr. McGOVERN, Mr. DOOLEY of California, Mr. HONDA, Mrs. NAPOLITANO, Ms. MILLENDER-McDONALD, Mr. RAMSTAD, Mr. PLATTS, Mr. MEEHAN, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. RYUN of Kansas, and Mr. LaHOOD.

H.R. 4665: Mr. HAYES.

H.R. 4669: Mrs. MINK of Hawaii, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. ENGEL, Mr. FILNER, Mr. WYNN, Mr. JACKSON of Illinois, and Mr. CLYBURN.

H.R. 4671: Mr. CROWLEY, Mr. WYNN, Mr. VISCLOSKY, Mr. LARSON of Connecticut, Mr. STRICKLAND, Mr. SERRANO, Mr. BERMAN, Mr. CARSON of Oklahoma, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, Mrs. MEEK of Florida, Mr. ANDREWS, Mr. REYES, Mr. PAYNE, Mr. WEXLER, Mr. DOYLE, Mr. MOLLOHAN, Mr. ABERCROMBIE, Mr. BOSWELL, Mr. DELAHUNT, Mr. GEPHARDT, Mr. JACKSON of Illinois, Mr. OLVER, Mrs. McCARTHY of New York, Mr. CAPUANO, Mr. MEEKS of New York, Mr. GUTIERREZ, Mr. GORDON, Mr. HASTINGS of Florida, Mr. RUSH, Mr. MASCARA, Mr. MARKEY, Ms. PELOSI, Mr. SHOWS, Mr. ETHERIDGE, Ms. DeGETTE, Mr. HONDA, Mr. LANGEVIN, Mr. BALDACCI, Mr. DICKS, Mr. OBERSTAR, Mr. FATTAH, Mr. BORSKI, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. HOYER, Ms. RIVERS, Mr. WEINER, Mr. RAHALL, Mr. TIERNEY, Mr. McINTYRE, Mr. ORTIZ, and Mr. LaFALCE.

H.R. 4679: Mr. ENGLISH, Mr. HUNTER, and Mr. WILSON of South Carolina.

H.R. 4701: Mr. HAYES, Mr. WAMP, Mr. FORD, Mr. BROWN of South Carolina, Mr. OTTER, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. THUNE, Mr. PETERSON of Minnesota, Mr. REHBERG, Mr. CRENSHAW, Mr. SCHROCK, Mr. CANTOR, Mr. GRAHAM, Mr. PENCE, Mr. DeMINT, Mr. BEREUTER, Mr. PUTNAM, Mr. MORAN of Kansas, Mr. KIND, and Mr. LUCAS of Kentucky.

H.R. 4710: Mrs. CHRISTENSEN, Mr. ACEVEDO-VILÁ, MRS. JONES of Ohio, Mr. BAIRD, Mr. ROSS, Mr. BRADY of Pennsylvania, and Mr. UDALL of Colorado.

H. Con. Res. 213: Mr. MARKEY and Mr. TOM DAVIS of Virginia.

H. Con. Res. 290: Mr. GEORGE MILLER of California.

H. Con. Res. 345: Mr. SWEENEY.

H. Con. Res. 352: Mr. WALDEN of Oregon and Mr. TANCREDO.

H. Con. Res. 385: Mr. MOORE, Mr. GUTIERREZ, Mr. SANDLIN, Mr. CROWLEY, Mr. ACKERMAN, and Ms. VELÁZQUEZ.

H. Con. Res. 390: Mr. GEKAS.

H. Con. Res. 394: Mr. FORBES.

H. Con. Res. 399: Mr. McHUGH.

H. Con. Res. 400: Mr. ROSS, Mr. BERRY, Mr. THOMPSON of Mississippi, Mr. EHRLICH, Mr. RILEY, Mr. CASTLE, and Mr. TAYLOR of Mississippi.

H. Con. Res. 401: Mr. ISAKSON.

H. Res. 269: Mr. ENGEL and Mr. GRUCCI.

H. Res. 361: Mr. GUTIERREZ.

H. Res. 406: Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. WELDON of Florida, and Mrs. MORELLA.

H. Res. 407: Mr. SAXTON.

H. Res. 416: Mr. PETRI, Mr. CALVERT, and Mr. TIAHRT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3321: Mr. GRAVES.

PETITIONS, ETC.

Under clause 3 of rule XII,

56. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 21 petitioning the United States Congress to authorize the County of Rockland to call for the immediate closure of the Indian Point nuclear facility until safety studies are completed and adequate security measures are taken; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3994

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 1: Page 22, line 5, strike "and".

Page 22, line 8, strike the period and insert "; and".

Page 22, after line 8, insert the following:

(7) ensuring, to the maximum extent feasible, that United States assistance programs for Afghanistan utilize the research conducted by United States land grant colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

H.R. 4700

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 1: In section 407(d) of the Social Security Act, as proposed to be added by section 110(d) of the bill—

(1) strike "; or" at the end of paragraph (5);

(2) strike the period at the end of paragraph (6) and insert a semicolon; and

(3) add at the end the following:

"(7) education, including not more than 6 hours of home study per week, in the case of a recipient who is enrolled—

"(A) at an elementary or secondary school (as defined in the Elementary and Secondary Education Act of 1965);

"(B) in a course of study leading to adult literacy, English as a second language, or a certificate of high school equivalency;

"(C) at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), regardless of the content of the course of study;

"(D) in a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965; or

"(E) at a vocational educational institution; or

"(8) job skills training directly related to work.".

H.R. 4700

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 2: In section 407(d) of the Social Security Act, as proposed to be added by section 110(d) of the bill—

(1) strike "; or" at the end of paragraph (5);

(2) strike the period at the end of paragraph (6) and insert "; or"; and

(3) add at the end the following:

"(7) participation in services or activities designed to address a physical disability, a mental health problem, a learning disability, literacy, or substance abuse.".

H.R. 4700

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 3: In section 408(b)(1) of the Social Security Act, as proposed to be amended by section 109(b) of the bill—

(1) in subparagraph (B), insert ", and if the individual has been a victim of domestic or sexual violence, provides for the referral of the individual to services to address the violence" before the semicolon; and

(2) in subparagraph (C), insert ", but shall not reduce or terminate assistance to the family under the program if a work-eligible individual in the family is unable to comply with the requirement as a result of domestic or sexual violence" before the semicolon.

H.R. 4700

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 4: In section 408(b)(1)(C) of the Social Security Act, as proposed to be amended by section 109(b) of the bill, insert ", but shall not reduce or terminate assistance to the family under the program if such an individual refuses to comply with the requirement because the individual is not able to secure meaningful access to safe, appropriate, affordable, and quality child care for a child member of the family who has not attained 6 years of age, or meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child who has attained 6 years of age, and the State is not able to demonstrate that such child care is available" before the semicolon.

EXTENSIONS OF REMARKS

SENATOR GEORGE ONORATO RECEIVES PUBLIC SERVICE AWARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Senator George Onorato, who is this year's recipient of the "Public Service Award" from the Kiwanis Club of Astoria/Long Island City. Senator Onorato's numerous contributions during his career have helped shape the face of this great city. It is a pleasure to pay tribute to this esteemed public servant.

Senator George Onorato was elected to the New York State Senate in a special election in June of 1983, when he won a highly contested three-candidate race. During his first year in the Senate, the Senator was the Prime Co-sponsor of the used car 'lemon law.' Since his election, Senator Onorato has been actively involved in tenants rights issues and landlord equity.

A tenacious advocate of Senior Citizen issues, the Senator worked tirelessly toward implementation of the Elderly Pharmaceutical Insurance Coverage Program (EPIC), and has consistently co-sponsored legislation that would make prescription medication affordable to our Senior Citizens. Through his position as a member of the Senate Minority Task Force on Waterfront Development, Senator Onorato has been deeply involved in the redevelopment of the Hunter Point area.

The Senator also continues to be supportive of numerous civic and community renewal groups and their projects. He has served with the Riker's Island Liaison Group that monitors conditions and takes unified action to respond to problems associated with community proximity to Riker's Island. He is also a member of the New York State Senate Democratic Puerto Rican and Hispanic Task Force. As a determined member of the Senate Minority Task Force on Vietnam Veterans and the Acting Ranking Minority Member of the Senate Committee on Veterans Affairs, Senator Onorato sponsored legislation providing for student aid to Vietnam veterans, and in 1997 introduced legislation to increase the level of such funding. He sponsored and supported legislation requiring idenfication of handicapped children of Vietnam veterans in order to assist in developing a data base for research on dioxin-related birth defects.

Greatly concerned over air quality, Senator Onorato continues to be involved in negotiations that would help limit the emission of pollutants by power plants. His district in Queens has some of the dirtiest power plants in Queens. Understanding the health impacts on his constituents, Senator Onorato has been a leading proponent for cleaning up the dirty plants.

As an active participant in community affairs, Senator Onorato has served as Chairman of the Board of Directors of one of the most prominent Democratic clubs in New York City, the Taminent Regular Democratic Club. A lifelong resident of Astoria, Senator Onorato is a proud father of three and grandfather of six. He received a Presidential Citation while serving in the United States Army, 118th Medical Battalion from 1950–1952.

Senator Onorato has always proudly sported his Italian heritage, and has promoted and championed good relations between Italy and the United States. He has traveled on numerous occasions to Italy, meeting with numerous dignitaries and businessmen in Tuscany to promote trade and government relations between our two countries.

In recognition of his many outstanding achievements, I ask my colleagues to join me in honoring Senator Onorato.

IN HONOR OF THE ADDITION OF SHERIFF JOACHIM MATTHEWS TO THE NATIONAL LAW ENFORCEMENT MEMORIAL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BONIOR. Mr. Speaker, I rise today to honor the memory of Sheriff Joachim Matthews. Sheriff Matthews, who was killed in the line of duty ninety-two years ago this December 1, will be added to the National Law Enforcement Officers Memorial here in Washington, D.C. today.

Joachim Matthews served Macomb County as Sheriff for nearly four years, from 1906 until his death in 1910. Responding to a report of malicious activity on a farm, Sheriff Matthews was shot by a young man who mistook him for a robber. An investigation into the incident ruled the shooting to be accidental.

Sixty years of age at the time of his death, Sheriff Matthews left behind a wife and five children. Many of his descendants still live in the Mount Clemens area.

It is only fitting that a public servant like Joachim Matthews is recognized on the National Law Enforcement Memorial for his service to the citizens of Macomb County. He paid the ultimate price while fulfilling the duties of his office. Truly, he represents the best ideals of law enforcement: dedication, devotion, and duty.

Sheriff Matthews' name will be added today to the National Law Enforcement Memorial at a candlelight vigil. As he is remembered through this distinction, we should also honor his memory by praying for the safety and security of all men and women in law enforcement.

RECOGNIZING THE OUTSTANDING SERVICE OF COMMANDER GARY SCHRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding naval officer, Commander Gary Schram, who served with distinction and dedication during the last year as a Navy Appropriations Liaison Officer in the Assistant Secretary of the Navy's (FM&C) Appropriations Matters Office. It is a privilege for me to join my colleagues and the members of my Committee on Appropriations in recognizing his excellent work and the professionalism with which he has represented the United States Navy.

Through his work with the members and staff of my committee, and our Subcommittee on Defense, Gary has provided timely and accurate information that has been invaluable to us in making many important decisions about the future structure of the Navy. His areas of responsibility included highly sensitive and timely programs that have been critical to our successful war against terrorism.

Gary recently escorted my Congressional Delegation on a trip to Russia and several other countries. I greatly appreciate the time and effort he spent on this and other trips. His planning and coordination made these trips extremely successful enabling us to visit with numerous foreign dignitaries and U.S. service personnel in Europe in a relatively short amount of time. My colleagues and staff who have enjoyed working with Gary will sorely miss him. We know, however, that Gary is returning to his first love which is flying Navy jets and his next assignment as the Executive Officer of an S–3 squadron in my home state of Florida will be great training for his future job as a squadron Commanding Officer. There is no doubt in my mind that Gary will be a great XO and CO who ensures that his squadron performs safely while remaining ready to deploy and fight if necessary.

Mr. Speaker, my colleagues and I wish Gary, his wife Diana, and their son Gary the very best as they relocate to Jacksonville, Florida. This Navy family continues to make many sacrifices to serve our nation and Commander Schram's distinguished and unselfish service exemplifies the Navy's core values of honor, courage and commitment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXPAND ALASKA NATIVE CONTRACTING OF FEDERAL LAND MANAGEMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska.

The Alaska National Interest Lands Conservation Act (ANILCA) was enacted on December 2, 1980 as Public Law 96–487. Since then, Congress has passed several public laws which have amended ANILCA. The 1980 ANILCA amendments expanded the federal refuge and park systems in Alaska for the purposes of protecting habitat for fish and wildlife, to conserve fish and wildlife populations, and to provide the continued opportunity for subsistence uses by local Alaska Native residents and to protect archaeological sites associated with Alaska Native cultures.

Many rural Alaska native communities are located within close proximity of the refuges and serve an important part of the culture and ways of Alaska natives and other residents in rural Alaska. Congress, through sections 1307 and 1308 of the 1980 ANILCA amendments, directed the Secretary of the Interior to establish programs whereby Alaska natives were to be given preference in hiring, and to establish programs whereby Native lands were given preference for siting of conservation service unit facilities. The provisions also recognized that the Natives whose front and back yards were now part of the federal parks and preserves systems were the best individuals to be involved in the administering of the lands because of their special knowledge or expertise concerning the natural or cultural resources of such areas.

Public Law 106–488 authorized demonstration projects in four areas in northwest Alaska: (1) Bering Land Bridge National Preserve (2) Cape Krusentern National Monument (3) Kobuk Valley National Park and (4) Noatak National Preserve in fiscal years 2000 and 2001. No demonstration project has been entered in either fiscal years 2000 or 2001 with the above named four areas at the Department of the Interior.

It has been twenty two (22) years since the 1980 ANILCA amendments were enacted, and the contracting and native hires provisions remain unfulfilled by the Department of the Interior. This bill would remedy this by directing the Department of the Interior to enter into demonstration projects with no less than six eligible Alaska Native tribes or tribal organizations in fiscal years 2003 and 2004.

This bill is a result of the legislative council of the Alaska Federation of Natives to address the contracting and hiring preference for Alaska native entities pursuant to the 1980 ANILCA amendments.

LINDA AND GEORGE PERNO NAMED KIWANIANS OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Linda and George Perno who are being honored as Kiwanians of the Year by the Kiwanis Club of Astoria/Long Island City. Their contributions to the community have touched many lives. It is a pleasure to pay tribute to both of these illustrious community leaders.

Linda and George Perno started their business, Lincole Lithograph, in 1975. True partners in business and in life, they are both deeply involved in community activities. Born and raised in Astoria, Queens, Ms. Perno's passion for community service started when she was an office volunteer at her son's kindergarten. Ms. Perno is a current Board Member and Past President of the Astoria Civic Association. She also sits on its Scholarship Committee, and Chairs the Judge Charles J. Vallone Scholarship Dinner Dance which draws over four hundred people annually.

Ms. Perno was recently voted President Elect of Astoria Long Island City Kiwanis. She has been a board member of Community Board 1 for the past ten years, and is currently the Chairperson of Education. She was also appointed to the Board of Directors of SHAREing & CAREing, a support group for breast cancer survivors in western Queens, and is the Chairperson of Fundraising. Ms. Perno strength in education and youth make her a partner in SHAREing & CAREing's educational and youth outreach program. Ms. Perno serves as President of the Broadway-Astoria Merchants & Professionals Association.

Mr. Perno also joined the fight against breast cancer and provided his input in designing all of SHAREing & CAREing's printed matter.

Mr. Perno is a member of the Board of Directors of Astoria Civic Association and is currently a Vice President. He is Sergeant-at-Arms for the Astora/Long Island City Kiwanis and is a thirty-five year member and a Past Deputy Grand Knight of the Knights of Columbus, Spellman & Colon Councils.

Mr. and Mrs. Perno are the proud parents of two and the grandparents of three. In 2001, they sponsored their grandson's baseball team for Elmjack Little League.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Linda and George Perno as Kiwanians of the Year. The Pernos' dedication to our community serves as a model of commitment to us all.

IN HONOR OF THE ADDITION OF DEPUTY SHERIFF CLARENCE LACROIX TO THE NATIONAL LAW ENFORCEMENT MEMORIAL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BONIOR. Mr. Speaker, I rise today to honor the memory of Deputy Sheriff Clarence LaCroix. Deputy LaCroix, who was killed in the line of duty seventy-seven years ago this August 25, was added to the National Law Enforcement Officers Memorial here in Washington, D.C. today.

Deputy LaCroix served Macomb County as Deputy Sheriff on motorcycle patrol for a short time before his death. While riding on duty, Deputy LaCroix's motorcycle was brushed by an automobile that turned in front of him. Both motorcycle and rider were thrown into a ditch, killing Deputy LaCroix. An investigation into the matter ruled the incident to be accidental.

Just twenty-nine years of age at the time of his death, Deputy LaCroix left behind a wife and two small children. Some of his descendants still live in the St. Clair Shores area.

It is only fitting that a public servant like Clarence LaCroix is recognized on the National Law Enforcement Memorial for his service to the citizens of Macomb County. He paid the ultimate price while fulfilling the duties of his office. Truly, he represents the best ideals of law enforcement: dedication, devotion, and duty.

Deputy LaCroix's name will be added today to the National Law Enforcement Memorial at a candlelight vigil. As he is remembered through this distinction, we should also honor his memory by praying for the safety and security of all men and women in law enforcement.

HONORING THE WOODBRIDGE SENIOR CENTER ON ITS 25TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Woodbridge community in celebrating the 25th Anniversary of the Woodbridge Senior Center. As the center for senior activities, the Woodbridge Senior Center has become a landmark in our community.

With the establishment of a local Commission on Aging in 1977, there was an assessment of the needs of the elderly in Woodbridge. Almost immediately, the Commission found that there was a lack of space for a place for seniors to gather. Under the remarkable leadership of Patricia Gilbert and the founding members, the Commission on Aging successfully negotiated for space at Center School, adopted a budget, completed a needs assessment survey, formulated policies, opened the lounge and office, developed a volunteer transportation service and established several programs—all within nine months.

In the years since its inception, the Woodbridge Senior Center has developed a very unique relationship with the community. Through the Woodbridge Awareness to Crime and Home Safety (WATCH) Council, the Senior Center and the Woodbridge Police Department joined together to develop programming aimed at reducing fear of crime and improving the quality of life for seniors. Each year, the Senior Center sponsors an afternoon tea at which they honor the many volunteers who assist them throughout the year. Working with the town officials, the Senior Center was able to secure a handicapped accessible van which provides transportation to the senior and disabled community. These are only a few of the many outstanding programs the Center has offered to Woodbridge seniors.

Our seniors deserve to have a place in each of our communities where they can socialize as well as access much needed programs. In the quarter of a century since the Senior Center was established, the efforts of the staff and volunteers has greatly improved the quality of life of Woodbridge Seniors. Providing invaluable programs and services, they have made a real difference in the community as a whole. Even today, the Senior Center continues to grow and expand—enriching the community and the lives of many seniors.

Today, as they celebrate their 25th anniversary, I am honored to stand and join the Woodbridge community in congratulating the staff and volunteers, past and present, of the Woodbridge Senior Center, on this milestone. Their commitment, dedication, and advocacy has left an indelible mark on our community and I would like to extend my deepest thanks and appreciation to them for all of their good work.

HONORING DR. JAMES CLARK

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Dr. James Clark for his years of service in the educational system. Dr. Clark, who retires this year, has served as the Superintendent of the Joliet Township High Schools since July 1, 1996.

Dr. Clark started his career in Marion, Indiana where he taught speech, drama, and English. He has since taught in Harvey and Lockport High Schools. In 1999 Dr. Clark was appointed Assistant Superintendent for Educational Services at the Joliet Township High Schools. In 1996, he received the appointment as Superintendent. Dr. Clark is also an Adjunct Instructor at Aurora University and Governors'State University.

Being a generous person, Dr. Clark is also involved with the community. He is active in Rotary, serves as a member of the Joliet Area American Cancer Society Board of Directors, on the Joliet Area Chamber of Commerce and Industry Board of Directors, as vice-chair of the American Heart Association Heart Walk, and in various professional school administrator organizations.

Dr. Clark and his wife Linda are the proud parents of two sons and one grandson. Dr. Clark is revered throughout the Joliet community. In fact, the City of Joliet declared Monday, May 13, 2002 as "Dr. James H. Clark Day".

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

RECOGNIZING THE OUTSTANDING SERVICE OF COMMANDER KARL VAN DEUSEN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding naval officer, Commander Karl Van Deusen, who has served with distinction and dedication during the last year as a Navy Appropriations Liaison Officer in the Assistant Secretary of the Navy's (FM&C) Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation.

During his tenure in the Appropriations Matters Office Commander Van Deusen provided the members and staff of my Committee on Appropriations, and our Subcommittee on Defense, with timely and accurate support regarding Department of the Navy plans, programs and budget decisions. His valuable contributions have enabled the Defense Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped Naval Forces attainable for the defense of our great nation.

In addition to his professional relationship with my Committee, Karl has become like a family member to Beverly, to me, and to my sons. He is a constituent from St. Petersburg, Florida and he has served as a role model for my sons, who he has inspired to pursue careers in the United States Navy and Marine Corps.

Karl is also a recognized hero. He was recently awarded the Navy Commendation Medal for his courageous actions immediately following the September 11th attack on the Pentagon. Without regard for his personal safety, Karl time and time again helped bring fellow service members and civilians out of the burning building that terrible day.

Mr. Speaker, Commander Karl Van Deusen is the epitome of a United States Naval Officer. He now embarks on the dream job of any sailor, taking command of a ship and her crew. As he assumes command of the USS *Gonzales*, one of our nation's newest destroyers, I know the many friends he has made in working with the Congress will miss him greatly. Of course, our loss is his new crew's gain, and I am confident that Karl will be a great Captain who will ensure that his ship and crew are ready for whatever lies ahead.

I join with my colleagues today in wishing Commander Van Deusen, his wife, Beth, and their five children, Bonnie, Jon, Margaret, Todd, and Cora the very best in one of the best jobs in the world. This great American family has made many sacrifices during a Navy career in which Karl has distinguished himself with an unselfish service that exemplifies the Navy's core values of honor, courage and commitment. Clearly Commander Van Deusen is one of the best our nation has to offer and as he departs the Pentagon to return to sea duty, I call upon colleagues to wish Karl and his family every success and "fair winds and following seas" for the captain and crew of the USS *Gonzales*.

MAY 28 REPUBLIC DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BURTON of Indiana. Mr. Speaker, the purpose of my remarks is to congratulate, on behalf of myself and my colleagues, the Republic of Azerbaijan on the May 28 Republic Day. After the break-up of the Soviet Union we have all seen Azerbaijan's strife not only to occupy its rightful place in the international community, but, first and foremost, to preserve its sovereignty, independence, and territorial integrity, to promote the energy projects on the Caspian, as well as to establish relations of friendship and cooperation with the United States and the European nations.

Now we consider Azerbaijan to be one of the strongest U.S. allies among the post-Soviet countries. The reforms in Azerbaijan, both economic and political, as well as this nation's role in the international antiterrorist campaign, prove its dedication to the democracy, free market economy, its intention to pursue cooperation, not confrontation.

I extend my congratulations to President Aliyev and the people of the Republic of Azerbaijan and express my belief that the bilateral relations between our two countries will further develop and strengthen for the well-being of both our peoples, as well as with the purpose of furthering the U.S. interests in the South Caucasus, where Azerbaijan has become a stabilizing force.

IN RECOGNITION OF MARGO CATSIMATIDIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Margo Catsimatidis on the occasion of the 11th Annual Hellenic Times Scholarship Dinner Dance. Ms. Catsimatidis's contributions to the Hellenic community have touched countless lives. It is a pleasure to pay tribute to this illustrious community leader.

Ms. Catsimatidis is Vice-Chairperson and one of the founders of the Hellenic Times Scholarship Fund, which this year will be granting $150,000 in scholarships to young Greek-American students from across the country. Established in 1990 for the education of Greek-American students, the Hellenic Times Scholarship Fund has awarded over $700,000 to more than 400 students to date.

Ms. Catsimatidis joined the staff of the Hellenic Times in 1979 as head of Advertising and assumed her current position as co-publisher in 1993. In 1984, Ms. Catsimatidis founded MCV Advertising Associates, an advertising agency specializing in retail print advertising whose accounts appear in all major New York City print media. She is also the television spokesperson for Gristede's Supermarkets in New York City.

As a civic leader, Ms. Catsimatidis served as the Coordinator of the annual Columbus Avenue Festival from 1979–1991. The 30 block festival draws a crowd in excess of one million, raising funds for the West Side of Manhattan for various schools and community projects on the West Side of Manhattan. She was also one of the founders and coordinators of the Amsterdam Avenue Festival and is a member of the West Side Chamber of Commerce.

Volunteering much of her time in an effort to better the lives of others, Ms. Catsimatidis is active on numerous committees, serving as Chairperson of the National Alzheimer's Foundation Dinner and Chairperson of the Parkinson's Disease Foundation Dinner. In addition, she serves on the Executive Committee of New York Hospital and the Police Athletic League (PAL), which helps 60,000 underprivileged children every year.

Ms. Catsimatidis and her husband, John, have used their own resources to benefit communities in need and others. Ms. Catsimatidis and her husband built a computer and science school in Jerusalem. Recognizing that Camp David had no religious sanctuary of its own, they have helped build the first Chapel at Camp David. The couple was also instrumental in building a home for the aged in New York.

A proud resident of Manhattan and mother of two, Ms. Catsimatidis is a member of the Leadership 100 for the Greek Orthodox Church and served as Chairperson of the Children's Luncheon raising funds for cancer-stricken children.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Margo Catsimatidis. Ms. Catsimatidis's spirit and dedication to our community serves as a model of commitment to us all.

IN HONOR OF NATIONAL NURSING HOME WEEK AND THE NURSING HOMES OF THE 10TH CONGRESSIONAL DISTRICT OF MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BONIOR. Mr. Speaker, I'd like to recognize today National Nursing Home Week and honor the many great nursing homes located in the 10th Congressional District. This year is the 35th annual year of National Nursing Home Week and the theme is Celebrating the Seasons of Life.

I believe that this theme is indicative of all that the nursing homes of Macomb and St. Clair Counties have to offer. They strive to provide their residents a high quality of life and treat those in need with dignity and respect. The nursing homes of the 10th Congressional District work hard to provide their residents quality care, and I have met with many of those whose lives have been improved by living in nursing homes.

I have seen first hand the importance nursing homes and their staff play in the lives of residents and the families of those residents. It is hard for families when a loved one enters a nursing home, but with a caring and compassionate staff these thoughts are quickly forgotten.

Unfortunately, I have heard first hand about the burdens that Medicare and Medicaid reductions have placed on nursing home facilities. As a nation, we should be doing everything that we can to promote good, long-term care for our citizens, not compromising the care that our parents and grandparents receive. These reductions make it hard for nursing homes to continue providing quality care to those who need it.

During National Nursing Home Week, it is important to remember that our loved ones—our parents and grandparents—deserve the best in their later years. We need to ensure that our nursing homes and their staff have the resources and support to continue to provide quality care for all.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 2002

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation with my colleague, Congressman J.D. HAYWORTH of Arizona to amend the Indian Child Welfare Act (ICWA). This bill clarifies Congress's intent with regard to ICWA.

Many of the bill's provisions are included in direct response to tribal comments on H.R. 2644, an ICWA bill I introduced last year in response to tribal concerns. H.R. 2644 was drafted with the input of the Association on American Indian Affairs, Tanana Chiefs Conference, National Indian Child Welfare Association, National Congress of American Indians, the American Academy of Adoption Attorneys, various tribes and other concerned organizations. The changes that the present bill makes to H.R. 2644 also reflect input from each of these named organizations, although the American Academy of Adoption Attorneys has not had the opportunity to review a number of these.

It has been my policy to have all affected parties participate in the legislative process to help finalize a bill for passage. With this in mind, it is my intent to include the American Academy of Adoption Attorneys later in the legislative process.

In 2002, we still have American Indian and Alaska Native children being adopted out of families, tribal communities and states. We continue to have this problem in Alaska and I have been asked to introduce amendments to further clarify the ICWA. The amendments include, among others, the following provisions:

Requires detailed notice to Indian tribes in all voluntary child custody proceedings and to parents and tribes in all involuntary proceedings.

Clarifies right of Indian tribes to intervene in all voluntary state court child custody proceedings, provided that the tribe files a notice of intent to intervene or a written objection within 45 days of receiving notice of a voluntary termination of parental rights or within 100 days of receiving notice of a particular adoptive placement, and certifies that a child is a member or eligible for membership at the time of its intervention.

Requires notice to extended family members and recognizes their right to intervene in state child custody proceedings.

Requires attorneys, public and private agencies to provide detailed information to Indian parents of their rights under ICWA.

Limits parents' rights to withdraw consent to an adoption to 6 months after relinquishment of the child or 30 days after the filing of an adoption petition, whichever is later.

Clarifies tribal jurisdiction in Alaska.

Facilitates ability of tribes without reservations, including tribes in Alaska and Oklahoma, or with disestablished reservations to assume jurisdiction over child custody proceedings.

Narrows the grounds upon which state courts can refuse to transfer cases to tribal courts.

Clarifies tribal court authority to declare children wards of the tribal court.

Defines the circumstances under which state ICWA violations may be reviewed by federal courts and provides for federal review of state ICWA compliance.

Provides for criminal sanctions for anyone who assists a person to lie about their Indian ancestry for the purposes of applying the ICWA.

Allows state courts to enter enforceable orders providing for visitation or contact between tribes, natural parents, extended family and an adopted child.

Extends ICWA to cover children of state-recognized Indian tribes (in some cases), and children who reside or are domiciled on a reservation and are the child or grandchildren of a member, but who are not eligible for tribal membership.

Makes it easier for adoptees to gain access to their birth records.

I think it is appropriate that Congress further clarifies the ICWA to ensure that American Indian and Alaska Native children are not snatched from their families or tribal communities without cause. In July of 2001, the Child Welfare League of America offered American Indians something they have longed to hear for more than three decades: an apology for taking American Indian children.

"It was genuinely believed that Indian children were better off in white homes," said Terry Cross, Executive Director of the National Indian Child Welfare Association. (San Antonio Express News, Sunday, July 1, 2001 Article).

That changed in 1978 when Congress passed the Indian Child Welfare Act. Even now, Cross cites problems. "Sometimes social workers are not properly trained to identify children as Indian. Or agencies fail to notify tribes of adoptions." (San Antonio Express News, Sunday, July 1, 2001 Article).

I believe these FY 2002 ICWA amendments to be acceptable legislation which will protect the interests of prospective adoptive parents, Native extended families, and most importantly, American Indian and Alaska Native children.

The Committee on Resources will seek additional input from the Department of Justice, the Department of the Interior and the Department of Health and Human Services. I am hopeful that these agencies will again embrace this legislation so that we can affirm this country's commitment to Protect Native American families and promote the best interest of Native children.

I urge and welcome support from my colleagues in further clarifying the ICWA to ensure no more American Indian or Alaska Native children are lost.

HONORING PATRICIA McKEE OF WACO, TX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. EDWARDS. Mr. Speaker, this evening, Tuesday, May 14, 2002, the people of Waco and Central Texas will gather to celebrate a 44-year association that has enriched the lives of people and improved the lives and futures of young men and women.

Patricia McKee became a Camp Fire volunteer in 1958, when her daughter, was a Bluebird. Pat continued as a volunteer for twelve years, and then in 1970, became Executive Director of the Camp Fire USA's seven-county Tejas Council.

What followed was thirty-two years of energetic service and determined leadership in her community. Pat began by conducting a community needs survey to find ways that Camp Fire could help. She established an afterschool program that continues today and is now on seven campuses of the Waco Independent School District. Camp Fire has offered parenting education, conflict resolution seminars, nutritional courses and money management classes at three of the city's public housing developments. And, in 1977, the Camp Fire Activity Center opened to provide a safe place for children to go after school.

Mr. Speaker, during her tenure, Pat McKee has established partnerships with more than forty community agencies to develop programs that help young people grow into productive, contributing members of society.

She has been recognized with national Camp Fire USA awards for such innovative programs as Kids Care, Teen Leadership Waco, Teen Volunteers Center, Life Enrichment Programs and Campus Camp. Those remarkable achievements on behalf of others have not gone unnoticed elsewhere. Former Governor Ann Richards recognized Pat with the Yellow Rose of Texas Award. She is a recipient of the Community Builder Award from the Masonic Grand Lodge, and the Pathfinders Award from YWCA.

Now, after forty-four years of service, Pat has retired to rest and travel with her husband, Goodson, although everyone who knows her is certain that she will be volunteering her time to some nonprofit organization very soon.

Mr. Speaker, Pat McKee's life has defined service to others. While the Waco community is sad to see her retire, we are, at the same time, delighted for her. And, most importantly, we are all better people for having known her.

JOHN S. LAWS INSTITUTE GRADUATION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. McGOVERN. Mr. Speaker, I join the community of Worcester, Massachusetts in celebrating the graduation of ten young adults from the Dynamy John S. Laws Institute. I would like to recognize the graduates: Lieu Chau, Jason Dobson, Samir Gandulla, Jamie Glenn, Melisa Jaquez, Ryan Novack, Jorid Topi, William Torres, Tram Trang and Jovon Turner.

The John S. Laws Institute was created over a decade ago in 1989 to aid talented low-income and culturally diverse students in the Worcester Public School System. The John S. Laws Institute is a four-year after school program designed to give students the tools they need to complete high school and succeed in college. As part of the program students take part in internships, leadership training, community service and other skill and character building exercises. Students who graduate from the institute are eligible for full scholarships from the Colleges of the Worcester Consortium. Ninety-eight percent of graduates from the John S. Laws Institute are accepted into college.

Mr. Speaker, I commend these young adults for taking an active role in improving their education and I wish them the best of luck in their future endeavors.

GEORGE NAPOLITANO NAMED "MAN OF THE YEAR"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to George Napolitano, who will be honored as "Man of the Year" at the Holy Name Society Immaculate Conception Parish 10th Annual Dinner Dance. Mr. Napolitano is one of the nicest people I have ever worked with. His understated manner and sincerity make him enormously well-liked in the community.

George Napolitano was born and raised in the Little Italy section of New York City. He attended St. Patrick's Old Cathedral School and All Hallows High School before attending St. John's University.

Following his study at St. John's, Mr. Napolitano began his career in the financial sector. In 1960, however, he left the career he had begun on Wall Street to serve his country in the military. Stationed in Ft. Rucker, Alabama he was placed in charge of the Officers Payroll Department. He also coached the base's Little League team to a State Championship. Mr. Napolitano was granted an honorable discharge as Sergeant and completed an additional four years reserve training.

After his service, Mr. Napolitano returned to his career in the private sector working again in the financial district before beginning a career in real estate and insurance. Shortly thereafter he also began his career in politics. He worked as a legislative aide to Assemblyman Denis J. Butler for ten years. He currently runs my Queen office, and I am proud to have George Napolitano as a member of my staff.

Mr. Napolitano has made a lifelong commitment to community service. He is a member of the Tri-State Italian American Congress, a charter member of the Sons of Italy in Manhattan and a charter member of the Knights of Columbus where he was instrumental in coordinating the Youth Program. He is Treasurer of the Powhatan Democratic Club and Chairman of the Parents' Association of St. Vincent Ferrer High School. For his work as a Lector and Eucharist Minister and his commitment to the Holy Name Society he has been honored by the Brooklyn Diocesan Union. During his tenure as President of the Holy Name Society, the organization experienced unprecedented growth. Furthermore, he has co-chaired all ten Holy Name Society dinner dances which have raised funds for grants for graduating students. His hard work and self-less dedication has made a difference in the lives of many young people and community members.

Along with his many other commitments, Mr. Napolitano also operates his own real estate and insurance business in Queens, New York, where he lives with his wife, Carol, and their two daughters, Deana and Denise. He also has another daughter, Catherine, a son, Robert, and three lovely grandchildren.

Mr. Speaker, for his many accomplishments and contributions I ask that my colleagues join me in saluting George Napolitano. He exemplifies the fine American tradition of voluntarism.

HONORING THE GIRL SCOUTS OF AMERICA ON THEIR 90TH ANNIVERSARY AND PAYING TRIBUTE TO THE RECIPIENTS OF THE 2002 GOLD AWARDS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Connecticut's Girl Scouts, and troops nationwide, as they celebrate the 90th anniversary of the Girl Scouts of America and the presentation of the Girl Scouts highest honor, the Gold Award. This tremendous organization has provided a unique and important experience to millions of young women in America and abroad.

In 1912 a group of eighteen girls assembled and, with a idea well before its socially acceptable time, Juliette Gordon Law called to order the first meeting of what has grown to become one of the most well-known and respected organizations for girls in the world. Today, the Girl Scouts can boast of a membership of just under four million young girls and adults.

The Girl Scouts organization promotes an important message for young women: that all girls should be given the opportunity to develop physically, mentally, and spiritually. Girl scouting empowers our young women to realize their full potential while making a contribution to our communities. The variety of activities and programs that they participate in teach them invaluable life lessons—lessons that they will carry with them into their adult and professional lives. Reaching beyond socioeconomic and geographic barriers, the Girl Scouts of America have touched the lives of millions of young women—many some of our nation's most vulnerable citizens. The self-confidence and determination that all Girl Scouts develop is truly invaluable.

Perhaps the most important idea that these young women take away from their girl scouting experience is the value in serving their communities. Our communities would not be the same without the efforts of those who volunteer their time and energy to its enrichment. I am always amazed at the consistency of the stories I read of our local troops actively involved in reshaping the many towns and cities of my congressional district. Whether volunteering to raise funds for a new playground or becoming mentors for other young girls, they have a direct and positive impact on our community—one of which they should all be very proud.

The Gold Award is the highest distinction earned by a Girl Scout and each of those honored today should be proud of their accomplishments. These young women have demonstrated a strong commitment to their communities through the service programs in which they have participated. This recognition reflects their hard work and dedication to the Girl Scouts and to improving the lives of their friends and neighbors.

The Girl Scouts of America have left an indelible mark on our nation as well as across the globe. For 90 years, the Girl Scouts have given our communities an invaluable resource for young girls. I am proud to join today in expressing my sincere congratulations to them on this incredible milestone as well as to all of those who will be honored with the Gold Award.

HONORING SEVEN ACRES JEWISH SENIOR CARE SERVICES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Seven Acres Jewish Senior Care Services, which celebrated the Sara Feldt Memorial Annual Older American's Day on May 12, 2002, in recognition of Older American's Month. This event pays tribute to those in our aging population that play a vital role in our communities. Many expend countless hours on behalf of hospitals, schools and philanthropic organizations.

Seven Acres began in 1943, when a small, determined group of men and women of the Jewish faith purchased a frame house on Branard Street in Houston. Their vision was to create a warm, friendly Jewish environment for fourteen elderly citizens. As the concept and the need grew, there were milestone expansions. In 1954, a new facility, with broader capabilities, was built on Chimney Rock Road, initially serving 31 and eventually accommodating 98 residents. During the 1970s, planning began for a new and innovative facility. In 1998, a major renovation created today's modern campus and was dedicated to the mission of "Honoring thy Father and thy Mother." Throughout its history, Seven Acres has promoted a sense of satisfaction with life, so that the humanity, dignity, independence, and strengths of each resident are realized to the fullest.

Older Americans Month presents us with the opportunity to draw attention to the remarkable longevity of our population and to the challenges and opportunities which will accompany population aging in the next millennium. This month highlights the fact that many of us are living longer, fuller, more satisfying lives and that we are growing stronger in the process. Seven Acres prides itself on recognizing that aging can and should be a positive experience, and that we can take charge as we prepare for our own longevity, regardless of our age today.

Mr. Speaker, at a time when America is aging and our parents are growing older, it is imperative that facilities like Seven Acres continue to provide the highest quality of care for our aging community. Our elderly are our foundation and a great source of talent and inspiration. I commend them for their good works and Seven Acres for its great contributions to the Houston community.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Mr. SCHIFF. Mr. Chairman, I rise today to speak on the Edwards amendment to the DOD Authorization bill, restoring $30 million to a nonproliferation program included in the President's Budget and designed to provide an alternative to Russian reactors that generate weapons-grade nuclear materials. This amendment was unfortunately ruled not to be in order.

The Defense Authorization Act, as currently proposed, cuts by $30 million this critical national security work. If this $30 million is not restored in full, it would mean at least a one year delay in shutting down these plutonium production reactors, which translates into 1.5 additional tons of weapons grade plutonium that will be produced by Russia, which is equivalent to nearly 200 nuclear weapons.

Mr. Chairman, the demise of the Soviet empire ushered in a new post-Cold War period with unclear and unidentifiable threats and a new and very real sense of urgency, instability and insecurity.

During the Cold War, the enemy was clear and identifiable. Regrettably, that is not the case today. In addition to the traditional nuclear weapons proliferators such as North Korea, Pakistan, and China, countries such as Libya, Iran, Iraq, and stateless terrorist organizations such as Osama bin Laden's al-Qaeda, are out there and are actively in search of their next deal on nuclear weapons technology and components. It is this latter type of threat—the unclear, mobile, and not easily identifiable source of threat—that compels us to continue and increase our efforts to secure Russia's nuclear weapons and materials.

In the past 11 years, while much as been done to dismantle Russia's and the former Soviet Republics' nuclear weapons, the dangers persist, and in some cases have increased. In a January 2001 report to the DOE, former Senator Howard Baker and Lloyd Cutler called the proliferation risks created by nuclear materials in the former Soviet Union the "greatest unmet national security need" for the United States."

In a speech at the National Press Club on March 29, 2001, former Senator Sam Nunn addressed the need to continue to build upon existing programs such as the Nunn-Lugar Cooperative Threat Reduction program, when he said, "As we enter the second decade of the post-Cold War world. . .the most significant, clear and present danger to the national security of the United States is the threat posed by nuclear and other weapons of mass destruction. Nothing else comes close. The public perception of the threat is low; the reality of the threat is high. There is a dangerous gap between the threat and our response. To close this gap, we must make a fundamental shift in the way we think about nuclear weapons, the spread of weapons of mass destruction, and our national security.

The world has changed, and with it so too have the threats. We cannot afford to cut back on such worthwhile programs. We cannot ignore or minimize these very real threats.

Significant progress has been made thus far through the Nunn-Lugar Cooperative Threat Reduction program and various State Department and DOE programs. There is still much work to be done. Efforts to defund or reduce these vital programs are detrimental to our ability to protect Americans against the very real threat from weapons of mass destruction. The President's request and Congressman EDWARD's amendment to fund a critical program in Russia was a step in the right direction.

SOLIDARITY WITH ISRAEL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. WELLER. Mr. Speaker, I rise in support of H. Res. 392, expressing solidarity with Israel in its fight against terrorism.

The United States Congress must stand in solidarity with Israel, a front-line state in the war against terrorism, as it takes necessary steps to provide security to its people. The United States and Israel are engaged in a common battle against terrorist groups who threaten our countries. Israel must fight against terror just as the United States must fight and destroy al-Qaeda and other terrorist groups.

At a time when much of the world turns its back on Palestinian terrorism and condemns Israel for exercising its right of self defense, the U.S. Congress must stand in solidarity with Israel. The ongoing wave of terror threatens the survival of Israel as a free, democratic and civilized society, and risks engulfing the entire Middle East in chaos and war. Israel also needs additional resources to meet these new threats, it must be able to protect its people from the threat of weapons of mass destruction.

H. Res. 392 reaffirms our support for Israel's right to defend itself; supports additional U.S. assistance to help Israel defend itself; acknowledges Israel's role as a front-line state in the war against terrorism; condemns the campaign of suicide bombings and terror coordinated by Arafat and other Palestinian leaders, and demands that they fulfill their commitments by once and for all dismantling the terrorist infrastructure.

I urge all parties in the region to pursue vigorous efforts to establish a just, lasting, and comprehensive peace in the Middle East.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Mr. MCKEON. Mr. Chairman, there are three simple reasons why Congress should support H.R. 4546. America is at War.

We must accept the fact that terrorist groups like al-Qaeda have one goal and that is to destroy America and our way of life.

As such, we must protect ourselves aggressively. More importantly, we must support our President in his efforts to root out the terrorists.

Our troops must continue to receive excellent training, but that alone won't ensure victory. We have to equip our troops with the most advanced equipment available. This legislation helps to do just that.

The programs funded in the bill are helping to win the war on terrorism. We have funded initiatives that the men and women on the front lines say work.

For example, the bill fully funds Global Hawk—This is something the good people in my district know something about.

I know how important this program is to our national security. But don't take my word for it. Listen to the people leading the fight in Operation Enduring Freedom: Theatre Commander General Tommy Franks called Global Hawk "invaluable". Air Component Commander, General Mosley said "I could use a dozen Global Hawks right now."

While the legislation has funded a number of significant program needs, we also understand that those systems are useless without the brave men and women that operate them. As the men and women of the armed services fight for our freedom, we must fight for their families. We can say we value our troops and the sacrifices they make all day long, but those words mean absolutely nothing if not backed by action. After years of neglect, we finally have an administration dedicated to supporting our military and their families.

This administration and this congress have taken steps to finally give the military the support that they deserve. By including a 4.1 percent pay raise, this legislation shows our troops that we value them and their sacrifices.

Mr. Chairman, I am also pleased that this legislation bears the name of my friend and colleague BOB STUMP. It is truly a deserving recognition and I certainly urge my colleagues to support it as well.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 127, H.R. 2911, Designating the Federal Building located at 5100 Paint Branch Parkway in College Park, Maryland, as the Harvey W. Wiley Federal Building on ordering the previous question on H. Res. 404. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 128, H. Con. Res. 271, Expressing the Sense of Congress Supporting the National Importance of Health Care Coverage Month. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 129, On Ordering the Previous Question on H. Res. 414, Providing for the disposition of H.J. Res. 84, Disapproval of the Actions taken by the President Under Sec. 203 of the Trade Act. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 130, on H. Res. 414, Providing for the disposition of H.J. Res. 84, Disapproval of the Actions taken by the President Under Sec. 203 of the Trade Act. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 131, on Agreeing to the Senate Amendments on H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act. Had I been present I would have voted "yea."

I was also unavoidably detained for Rollcall No. 133, H.R. Res. 87, the Yucca Mountain Repository Site Approval Act. Had I been present I would have voted "yea."

IN HONOR OF THE SANFORD MERIDIAN CLASS OF 2002

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. CAMP. Mr. Speaker, I rise to honor The Sanford Meridian High School Class of 2002, which, "adopted" Pentagon survivor Army Lieutenant Colonel Brian Birdwell.

I applaud the 93 students whose compassion and initiative stirred them to action following the tragic events of September 11, 2001. Their decision to "adopt" a Pentagon survivor is highly commendable. After months of hard work and dedication, the students raised over $14,000 for Pentagon survivor Army Lieutenant Colonel Brian Birdwell, who will use the money for a college scholarship fund for his son Matthew.

Through the students' acts of kindness and compassion, the members of the Meridian High School Class of 2002 have proven to be true role models for their community. On behalf of the 4th Congressional District of Michigan, I am proud to congratulate the Meridian High School Class of 2002 for their admirable efforts.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Ms. WOOLSEY. Mr. Speaker, yesterday during rollcall No. 131 my voting card did not register my "yea" vote. Instead, I was recorded as "not voting." I ask that this statement be placed in the CONGRESSIONAL RECORD at the appropriate place.

RECOGNIZING OUTSTANDING WORK BY PARTICIPANTS IN STUDENT CONGRESSIONAL TOWN MEETING AT UNIVERSITY OF VERMONT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. SANDERS. Mr. Speaker, today, I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont.

These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I respectfully request that the following testimonials be included in the CONGRESSIONAL RECORD.

REGARDING JUVENILE JUSTICE

(By Sean Fontaine, Krystal Turnbaugh, and James Nichols)

SEAN FONTAINE. Hi. I am going to begin. My name is Sean Fontaine. This is Krystal Turnbaugh and James Nichols. We all represent YouthBuild, and we're all members of the policy committee.

We come here today to discuss juvenile justice, the idea of what ongoing problems in the community with juvenile offenders, usually in age brackets of 16- to 17-year-olds, and how it affects the community in terms of positive reinforcement and what we need to do for programs to financially fund these reinforcement types of things.

I got some notes here somewhere.

I'm just going to start with a brief summary. But I'm speaking on behalf of juvenile offenders on the juvenile justice system. We all know the community is just as responsible for the upbringing of these delinquents as they are themselves. Most people fear the youth of America, and it is not a surprise. There are 2.4 million 16- to 24-year-olds in the U.S. that live low-income lifestyles. 360,000 of them are in prison. There are only 300,000 job-training openings among the 2.4 million students, which means that there are a lot of kids running rampant with no positive reinforcement and nothing to do.

There is a very few amount of people that are not involved in the community, because a community involves everybody, even though delinquents are the weakest links, I guess. But in 1997 alone, drug-law violations increased 125 percent, and I'm sure crime has a lot to do with drug use. Drug use is definitely an ongoing problem in my community, and that's something that we definitely need help with. We need more money for youth programs to support drug-free environments, recreational facilities, and low-income housing programs like YouthBuild that promote positive reinforcement and good life styles and living situations.

The biggest problem with juvenile cases today, I believe, is the system that's handling with them. I don't believe it is right to throw kids in jail. We need to improve conditions in SRS today. I attended a meeting, there was a partnership in service, with Dave Martin, the director of SRS. According to him, the caseloads are just unmanageable for their caseworkers, and they're completely understaffed, underpaid, and overwhelmed, which leads kids to believe that no one cares about them, especially in the system of social rehabilitation services.

YouthBuild honors community. YouthBuild has just made unparalleled contributions to its community, and the residents are proud of its participants. And it's one of the many programs. There are 250-something YouthBuilds nationwide, and there is a proposal for more money. We are in the process of doing a HUD grant to get more money for those programs.

I know, from my experiences, it is unlike any program I have been in, in terms of juvenile offenders, and that is why I speak about this as I do. I know that the system that deals with juvenile offenders is basically a "first-come, first-serve" basis, that you need to be referred to by programs like Spectrum or the Department of Corrections.

Now, for kids that would like to intervene on negative pathways, we need to have programs available for kids to want to enroll for themselves, alternative programs in jail. Instead of, like, CSE is a program and Pathways is a program in jail for sexual offenders and drug addicts. There should be a way to intervene and have other programs available for kids that just need positive reinforcement. These programs can't just possibly apply to everybody's need areas.

But more importantly, people need to listen. Problems exist everywhere, and we see them and we try to solve them. Our current juvenile system doesn't respect individual cases. It is merely paperwork and statistics, seemingly. These conditions need to improve. I know it cannot be done in a six-minute segment, a six-year or a 600-year projection. The important thing here today is the acknowledgement of these problems and spreading of awareness to parents who are trying to raise these troubled teens.

REGARDING CREDIT CARDS

(By Kelly Green)

KELLY GREEN. I would like to begin by asking if the people who plan on attending college would raise their hand.

Thank you.

How many of you have a credit card at this time?

Thanks.

Two-thirds of you that raised your hand for going to college will have a credit card while you are there, according to Keeping an Eye on Junior's College Habits by Terry Savage. That is completely normal. The unimaginable part is, the average undergraduate will leave college about $12,000 in credit card debt. This is due to the fact that the average unpaid balance left on a credit card is $2,200. You most likely won't just own only one credit card either. The average number is three cards.

As a high school junior with college in my near future, these statistics scare me. Not only am I paying more than double what my parents did, but I also now have to worry about a credit card company luring me into a trap that could take away my future. According to chapter one of Paying for Your Child's College Education by Margaret Smith, a year at Harvard in the 1970s was barely $5,000. And between 1995 to '96, the freshmen had to come up with $27,575. And today, on average, a year in a public college costs about $6,824, and in a private college costs about $17,630.

As you can see, college costs have risen drastically over the years, due to more and more students attending. The median income of families in America who have college-age children has nearly tripled. Today only 30 percent of the public college costs is paid by a family's income. The rest is coming from loans and grants. These loans have to be paid off somehow, and what better way than a credit card or two, or that is what the credit card companies lead you to think.

According to a Salliemae Financial Advice Internet site, a $2,000 tuition bill on a credit card with 18.5 percent APR, with only a minimum payment of $20 each month, will take eleven years to pay off, plus you will pay over $1,900 in interest on top of the initial $2,000. In the end, you will be paying around $3,900 total. I don't know about you, but I can't come up with that much money all the time. Credit card companies know that. They aren't stupid. But they also know, one way or another, they will have the money in the end, even at the cost of your future.

Could you imagine being 19 years old, a sophomore in college, and filing bankruptcy because you owe a company $23,000? This is a true statement according to the College Student Credit Card Protection Act. This sophomore isn't alone either. In 1999, 100,000 Americans under the age of 25 declared bankruptcy. As you can see, I am not the first person to bring this issue up. The legislature, too, has discussed this issue.

In this day and age, more and more young people like myself are being forced into bad credit ratings, without even starting a full-time job. We will be forced to live with this slander on our name for years after. It will affect our ability to buy a house, car, and, depending on our field of interest, starting a business will be almost impossible.

Credit ratings follow you for the rest of your life. Young people like me and many others shouldn't have to file bankruptcy so young, or be haunted by bad credit ratings. We have our whole lives ahead of us.

Things can change, and should. I strongly suggest that we take the time to make change happen. We can't eliminate all debt and credit problems, but we can lower them. High schools today don't offer much for money management classes. Freshman in college are going in blind to what these companies are doing. The school should be required, at some point in the senior year of high school, to educate us about what is happening and how to manage money so we can protect ourselves from such debt.

Another problem that is influencing the debt is guidance counselors. They are pressuring college on to students who don't want to attend. So when they get to college, they end up dropping out, and are stuck with the costs. And that, in itself, is causing higher tuition and more debt. I'm not saying that guidance counselors should stop promoting college, but should not make students feel forced to attend. This way, in the end, it will be worthwhile for them.

The credit card company should keep the amount an individual can put on a card low, instead of letting us dig ourselves a hole we can't get out of. John Simpson, of the University of Indiana, stated, "Credit cards are a terrible thing." I strongly agree. College students shouldn't be forced to ruin their lives by the bright, ludicrous ideas credit card companies are putting into their head.

Lastly, I would like to thank you, Mr. Sanders, for allowing teens like me an opportunity to have a voice on issues that affect us now or will in the near future.

TRIBUTE TO CANDICE NEAL OF EVA, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize Miss Candice Neal, winner of the American Legion National High School Oratorical Contest. Miss Neal is the first Alabamian to win this contest since it began 65 years ago.

In her speech, Miss Neal demonstrated incredible patriotism and a strong understanding of the United States Constitution. With the winning prize of a four-year scholarship, she will enroll in the University of Alabama this fall.

Mr. Speaker, it is with honor that I submit Candice Neal's speech into the CONGRESSIONAL RECORD.

The Constitution: A Fantastic Journey

Attention time travelers this is your final boarding call for flight U.S. 1–7–8–7. Congratulations you have selected one of our more popular destinations, The Beginning of American Government. I will be your guide for today's journey back in time. Today, you will experience some of the more dramatic events in our nation's history. Flight 1–7–8–7 is a nonstop flight, back in time, to the creation of the U.S. Constitution. The flight crew has requested that you remain seated with your personal liberties securely fastened. When the captain is certain that you are not in danger she will illuminate the "ratification light" indicating that you may move about the cabin freely. As we prepare for take-off I will remind you that this is a non-smoking flight, and in keeping with today's destination, federal law prohibits the violation of anyone's inalienable rights.

Please look in the seat back pockets in front of you, to review today's agenda. We begin our journey with a basic knowledge and understanding of the Constitution and how it was created. In the second phase of this adventure, you will learn how to responsibly engage in our constitutional rights. And, finally you will discover what it means to become a part of history yourself, by participating in this government of the people, by the people, and for the people.

We've been cleared for takeoff, so please direct your attention to the windows on the left side of the cabin. You will note instances in recent history, in which rulers and dictators have taken away people's personal freedoms. There's Kosovo, Bosnia and Tianenmen Square.

Make sure your seat belts are securely fastened. We are about to enter a turbulent time in American History—the defense of democracy—There's Desert Storm, now Pearl Harbor and our final stop, the Revolutionary War. This is where our journey begins . . .

What you might not realize is that the Constitution is actually our third form of government. It was here during the Revolutionary War when our fight for freedom began. The American Colonies were first forced to live under the reign of England. From 1775 until 1783 the American Colonies fought for their independence. Fast forward to 1781. You'll notice that even before the fighting was over, our second form of government, the Articles of the Confederation, was adopted. It is obvious to us now, as time travelers, that these young colonies would require much more structure than the Articles of Confederation had to offer. Here we seek the lack of a central government to levy taxes and enforce laws. We see states minting their own currency and imposing tariffs on out-of-state goods. We see economic depression and political wandering.

We now move forward to 1787, please do not disturb the 55 men who are meeting in this old Philadelphia state house. They are statesmen, patriots, each with their own ideas about how this new government should be organized. Some of them are states' rights advocates. Many of them are federalists. But you will notice that one man stands out in the crowd. His name is James Madison. And he is presenting the Virginia Plan to his fellow delegates. They will soon refer to the plan as a "political masterstroke," and in the next 5 months, it will serve as the foundation for our Constitution. By 1789, all the states had ratified and approved this new form of government. This unusual document was the first written, national constitution since ancient times. It was also the first to set up what was called the federal system. Under this system, sovereign power comes from the people, for the good of the people.

The Founders attempted to create a form of government that would be stable, but would also allow for change. You see, in a sense, the Founding Fathers were time travelers too; they were looking to the future, planning ahead, and forming a basic framework to endure for all time. It is a document written for "we the people" and that means that "we the people" have a job to do!

Fast forward to April 1999. An issue of the USA Today Newsview, states that one of the first things that come to mind when Americans are asked what they think about the United States and its government is "freedom." Yet according to current public opinion research fewer than 15% of Americans can name the freedom of the press as one of the rights protected under the First Amendment. And little more than half of Americans know that there are three forms of government. You see, time travelers, with freedom also comes responsibility—the responsibility to understand and defend the Constitution.

James Madison once said, "The people who are the authors of this blessing must also be guardians." Today more than ever before we witness people and organizations testing the bounds of their Constitutional rights. From tabloids that slander high profile figures, to hate groups who use their misunderstanding of freedom to infringe upon other's inalienable rights, we are constantly called upon to defend and uphold our constitution. Clearly, these types of situations challenge our support and understanding of the constitution, but in the end, they serve only to reinforce our Founding Fathers' cry for responsible citizenry. As such, we must be able to use our privileges responsibly. In the words of Benjamin Franklin, "we have a Republic, only if we can keep it!"

And now, as we make our way back to the 21st century, I will remind you that this flight is interactive—meaning it is not enough to simply understand our constitution and to use our rights responsibly. Clearly, this travel back in time has taught us that our duties as citizens also carry the obligation to participate in our government.

Long after our Founding Fathers penned the last words of the Constitution, the amendment process ensured their continued involvement. You will see what I mean, by looking out the windows on the right side of the aircraft: here we see that The Bill of Rights was added to the Constitution in 1791. In 1865 the 13th amendment abolished slavery and in 1868 the 14th amendment outlined the rights of all citizens. Meeting the changing needs of a growing country, however, had been known to cause slight turbulence in our return flight. Therefore, in the event that we experience any threat to ourselves and our posterity any one of the 26 amendments, will drop from the overhead compartments to ensure our domestic tranquility.

The amendment process is not the only way we as citizens can participate in our government. What we have witnessed today should force us out of complacency and self-centeredness and put us in touch with a bigger reality. Robert Kennedy made it popular, but George Bernard Shaw said it long ago: "Some people see things as they are and ask 'Why?' I prefer to see things as they might be, and ask 'Why not?'" That is what the framers of our constitution had in mind so long ago. Our participation in that process in the 21st Century is essential to ensure that the Constitution continues to withstand the many and varied assaults from those who criticize it, misinterpret it, or challenge it.

We can begin participating in small ways such as reading a daily newspaper or weekly newsmagazine. What we will begin to notice is that it will become a habit, and we will start participating in bigger things as writing letters to public officials, investigating the qualifications of political candidates, exercising our right to vote, and attending meetings where important local, regional, and national issues are being discussed and deliberated. So you see, even in little ways, we must take a more active role in the government—that, time travelers, is the real journey!

Our Founding Fathers, in the words of Justice Hugo Black, ". . . dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles . . ."

Today, on flight U.S. 1–7–8–7, we have traveled back in time to the formation of The Constitution of the United States. Our itinerary included a basic knowledge and understanding of the constitution; an appeal to engage in our constitutional rights responsibly; and finally, a call to participate in our government.

Here in the 21st Century, the flight crew tells me that we have been cleared for landing. We have people on hand waiting to assist you in your efforts to continue the good work of our Founding Fathers. Remember what you have experienced today is much more than a fantastic journey into the past, it is a reminder of your responsibility for the future.

TRIBUTE TO JANET C. WOLF

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Janet C. Wolf, who retires on June 1, 2002 after serving as Project Director of the National Park Service's New Jersey Coastal Heritage Trail Route since its inception in 1988.

A new idea for the National Park Service, instead of using traditional ownership, the Trail supports resource protection and awareness by linking destinations owned and managed by others through a series of interpretive theme trails: Maritime History, Coastal Habitats, Wildlife Migration, Historic Settlements, and Relaxation and Inspiration. Ms. Wolf shepherded this historic project from concept to reality.

New Jersey's Coastal Heritage Trail includes portions of eight counties and six congressional districts. Almost 70 destinations, welcome centers and local information centers have been designated to date, with two additional themes under development. Janet's experience, determination and creativity enabled the partnerships to prosper. She also worked on developments for the Pinelands National Reserve and two Wild and Scenic Rivers in southern New Jersey.

After 34 years of service with the National Park Service, half of which has been devoted to the New Jersey Coastal Heritage Trail, Janet retires with the gratitude of the community for her commitment to the implementation of one of our state's most treasured resources, our Coastal Heritage Trail.

TRIBUTE TO MARY KONRAD

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to Mrs. Mary Konrad for her philanthropic deeds to this country and to her community.

Mary was one of the first women in her era to leave home to attend college. While enrolled at University of Illinois, she worked for a local doctor to pay her way through school. When World War II started, Mary decided she would help the war effort by working in a defense plant making bombs. Her work entailed lifting shells several hours a day. She finished college and graduated with a degree in sociology.

Following graduation, Mary moved out west and settled in California, becoming a social worker for the Red Cross. Her successful job ethics and determination earned her the "Red Cross Social Worker of the Year" award. After moving back to Chicago, she continued devoting her time to the Red Cross on weekends.

After raising two fine children, she and her husband moved to my district in Clearwater, Florida, where she became active in a number of philanthropic ventures. She helped fund and start the program "Children in the 'D'Zone" for diabetic children at Morton Plant Hospital. She knew first-hand the trials and tribulations of raising a diabetic child and wanted to help others. In addition to this venture, she has supported many other programs at Morton Plant Hospital.

At Christmas, Mary helps fund the City of Clearwater's "Christmas Cheer Program" by providing all of the bicycles, helmets and locks for the needy children in the inner-city core. Supporting the arts and introducing children to the joys of the theater is another way she shows her love for those most vulnerable. Each year, Mary provides several scholarships to gifted students. Her support gives needy students an opportunity to attend performances during the year and summer programs at the Performing Arts Center at Ruth Eckerd Hall. Finally, Mary's newest love is the Clearwater AHEPA Home for which she and her husband are dedicating a Hellenic Cultural Library.

It is therefore fitting and proper that we honor her today for her long and distinguished record in community service and for her tireless efforts to improve the lives of so many children.

HONORING EMERGENCY MEDICAL PROFESSIONALS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. WU. Mr. Speaker, Dr. Martin Luther King, Jr. reminded us that "everyone can be great because anyone can serve."

I am pleased to rise today to honor six heroic and dedicated men and women who responded to this call of greatness. These six individuals have dedicated their lives to helping others in need by working in the emergency medical and ambulance services profession.

Whenever we face a medical emergency, whether it is a family member, a friend or coworker, the first thing we do is call for an ambulance. According to some estimates, there are almost 960 million ambulance trips made each year in the United States.

And the first people to respond to these emergencies are the millions of emergency medical professionals whose skills and training significantly improve the survival of the patient. As a result of their selfless acts, these courageous and devoted men and women save the lives of thousands of Americans each year. While these professionals do not expect to receive recognition for their work, they deserve our sincere gratitude.

I am fortunate to have met with a number of medics from Oregon and have heard firsthand accounts of their tireless efforts to serve their communities on a daily basis. They are truly America's health care safety net.

For the past nine years, the American Ambulance Association (AAA) has recognized those emergency, medical and ambulance service professionals who exemplify what is best about their field, and bestow upon them the Stars of Life award. These appropriately designated Stars of Life have been selected by their peers to represent them in Washington, DC as part of pre-National EMS Week activities. The highlight of their visit to our Nation's capital is an awards banquet where they are presented with this prestigious award. The American Ambulance Association is honoring 113 Stars of Life this year.

Mr. Speaker, I am pleased that, of these 113 Stars of Life, 6 are from my congressional district in Oregon.

They are: Victor Hoffer, Randy Johnson, Dawn Poetter, Candy Schneider, Frank Wallender, and Bill Wildman.

Our Nation is blessed by people like Victor, Dawn, Randy, Candy, Frank, and Bill who made a decision to devote their lives to helping other people and serving their communities.

I am immensely proud of all of their accomplishments. I hope that they are also beaming with pride in what they have achieved. Oregon is privileged to be protected by such devoted and courageous men and women.

Dr. King reminded us that everyone can be great. These six individuals have lived it.

TRIBUTE TO BRONX COMMUNITY COLLEGE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to once again pay tribute to Bronx Community College, which will hold its 24th Anniversary Hall of Fame 10K Run on Saturday, May 11, 2002. This year the theme of the race will be "Running Against Asthma."

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College's third president, Dr. Roscoe C. Brown and today continues to be an event of great significance. This year, Bronx Borough President Adolfo Carrion, Jr. proudly proclaimed May 11, 2002 as "Bronx Community College Hall of Fame 10K Race Day." Each year, amateur and professional runners alike from all five of New York's boroughs and the entire tri-state area come together to run the Bronx. Participants include teams from municipal agencies along with faculty, staff and students of Bronx Community College and other nearby schools.

It is indeed one of the Bronx's most anticipated yearly events and has contributed to a strong sense of community within the Bronx. The race also places an emphasis of physical fitness and achieving athletic goals. Historically, its mission has been to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped make America great. This year, along with upholding that mission, the race will take on another important function, The 2002 race's theme, "Running Against Asthma" is particularly important to South Bronx residents where the rate of asthma among children is twice the national average. It is wonderful that Bronx Community College is focusing on this important issue and raising awareness.

The 10K race tradition continues under the stewardship of Dr. Carolyn G. Williams. Dr. Williams has endorsed the race since her inauguration and has not only continued the tradition started by Dr. Brown to promote physical fitness and highlight higher education, but has added the raising of awareness of important community issues.

I can recall the high level of energy and community involvement when I ran the Hall of Fame 10K race. The race has attracted well over 400 runners each year and I'm sure this year will see an even larger number of participants. People of all ages and physical ability will be able to take part in the Bronx Community College events on May 11, 2002. Along with the 10K race, there will be a Hall of Fame Excalibur One Mile Boys and Girls Youth Challenge and a 2 Mile Fitness Walk.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College's 24th Annual Hall of Fame 10K run possible.

HONORING HERRMANN SPETZLER, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Herrmann Spetzler, Executive Director of Open Door Community Health Centers in Arcata, California, and honor him for his 25 years of service to the health care needs of the people of Humboldt and Del Norte Counties.

Herrmann Spetzler has provided extraordinary leadership in directing the growth of Open Door Community Health Centers. The clinic has grown from a part time clinic staffed by volunteers to a system of eight licensed facilities and medical mobile programs serving more than 35,000 individuals throughout the two counties and specifically in the communities of Crescent City, Smith River, McKinleyville, Arcata and Eureka.

Mr. Spetzler also has provided vision and leadership in the development of collaborations that support the health of rural communities at the local, state and national levels, including the California State Rural Health Association, Community Health Alliance, California Primary Care Association and North Coast Clinics Network.

Mr. Spetzler has earned distinction as President of the Humboldt Child Care Council and founder of the Northern California Rural Round Table for Health Care Providers. He is highly esteemed for his successful efforts to develop high quality facilities to meet community health care needs with a focus on health education, access to care and prevention

Mr. Spetzler has also served the people of California as Statewide Chair of the Expanded Access to Primary Care Committee. He is a member of the Statewide Primary Care Advisory Group to the State Health Director and a member of the Rural Health Care Forum Advisory Group to the Office of Statewide Health Planning. He is a member of the Advisory Task Force for State Facilities Financing Authority and a Board Member of the California Human Service Organization. Mr. Spetzler is esteemed by his colleagues as a leader and innovator in the field of health care.

Mr. Speaker, it is appropriate at this time that we recognize Herrmann Spetzler for his vision, leadership and commitment to healthier communities and for his extraordinary record of public service to the people of the North Coast of California.

BBC EXPOSES MILITANT HINDU VHP

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BURTON of Indiana. Mr. Speaker, the British Broadcasting Company recently ran an expose of the Vishwa Hindu Parishad (VHP), a fundamentalist, militant Hindu nationalist organization. The VHP is an organization, which operates under the umbrella of the pro-Facist Rashtriya Swayamsewak Sangh (RSS). The RSS is the parent organization of the ruling BJP.

The BBC notes that the VHP has promoted Hindu supremacy and has engaged in violent acts against minorities. These acts include the murder of missionary Graham Staines and his two young sons while they slept in their jeep.

The report states that the VHP, which it identifies as "a hardline Hindu outfit," rarely makes a "distinction between fellow (Muslim) citizens of the present and (Muslim 'marauders' of the past." It further reports that "the ambition of establishing a resurgent Hinduism by inculcating what some historians call a carefully constructed common 'Hindu spirit' is very much central to the VHP." Moreover, it exposes the VHP's support for a militant Hindus' project to build a Hindu temple on the site of the most revered mosque in India, which was destroyed by the BJP.

Since the BJP is also part of the RSS umbrella, it is critical to help ensure the rights of minorities in India. Tens of thousands of Sikhs and other minorities have been held in illegal custody as political prisoners for many years. Tens of thousands of minorities have been killed by the Indian governments regardless of the political party in power. It is time to stop American aid to India and to support self-determination for all the people of South Asia in the form of a plebiscite on independence so that their rights are not subject to the whims of militant Hindu nationalists.

Mr. Speaker, I would like to place the text of the BBC report into the RECORD at this time.

[The British Broadcasting Co., Mar. 8, 2002]

PROFILE: THE VISHWA HINDU PARISHAD

(By Rajyasri Rao)

The Vishwa Hindu Parishad (VHP) was founded in 1964 by a group of senior leaders from a hard-line Hindu organisation, the Rashtriya Swayamsevak Sangh (RSS), to give Hindus what they believed would be a clearly defined sense of religious identity and political purpose.

HINDU HARDLINERS HAVE GROWN MORE VOCAL

Its founders felt the need to present Hinduism in a rigorous though simplified form which would be comparable to most other world religions.

The superiority of other faiths was believed to stem from their being far less diffuse and more uniform than Hinduism.

But its critics call the VHP a hardline Hindu outfit with unmistakably close ties to its parent organisation, the extremist RSS, whose objective to 'Hinduise' the Indian nation, it shares.

Central to the RSS ideology has been the belief that real national unity and progress will come only when India is 'purged' of non-Hindus, or, when members of other communities subordinate themselves 'willingly' to 'Hindu superiority.'

LINKED GROUPS

The VHP has tended to tone down the rhetoric of Hindu supremacy and even make an occasional distinction between fellow (Muslim) citizens of the present and (Muslim) 'marauders' of the past.

But the ambition of establishing a resurgent Hinduism by inculcating what some historians call a carefully constructed common 'Hindu spirit' is very much central to the VHP.

THE TEMPLE PROJECT ENJOYS A LOT OF SUPPORT

This is also something it shares with the Bharatiya Janata Party (BJP), which currently leads the Indian Government at the centre.

Earlier known as the Bharatiya Jana Sangh (BJS), the BJP was established in 1951 as a political wing of the RSS to counter rising public revulsion after the revered independence figure Mahatma Gandhi was assassinated by a former RSS member.

Some commentators say the party came close to obliteration in the 1960s with the Congress led by the charismatic and secular Jawaharlal Nehru, leaving little room for hardline communal politics.

But a political emergency announced by Nehru's daughter, Indira Gandhi, in 1975 enabled the BJS leaders, Atal Behari Vajpayee and LK Advani among them, to gain near stardom after serving brief prison sentences. Many women have joined the hardliners' campaign.

But it didn't really emerge as a political presence until the early 1980s.

A series of events in that decade including the mass conversion of lower-cast Hindus to Islam pushed the BJP's close affiliate, the VHP, to the forefront.

Historians say the VHP-led Hindu right considered the mass conversion of "dalits" or lower-caste Hindus to Islam to be an unforgivable insult.

The dalits, for centuries beholden to the upper castes, outraged Hindu hardliners by daring to convert at all, and moreover, convert to Islam.

The VHP saw this as a serious threat to its notion of Hinduism.

It proceeded to whip up Hindu support for a re-defined communal force, organising a series of religious meetings, cross-country marches and processions through the 1980s.

This phase coincided with the launch of an electoral strategy by the BJP to corner and hold on to the "Hindu" vote.

TEMPLE CONTROVERSY

Following the success of their campaign, senior VHP leaders announced at a religious meeting in 1984 their programme to "liberate" a site in Ayodhya from an ancient mosque to make way for a temple to the Hindu god Ram.

SOME 'MODERATE' HINDU LEADERS SUPPORT THE VHP

Analysts say this announcement heralded a turning point in the history of the Hindu nationalist movement.

The VHP has since then claimed that the site belongs rightfully to Hindu worshippers who believe that the mosque stood on the birthplace of the god, Lord Ram. Although the claim does not stand up to substantial archaeological or historical scrutiny, the VHP and BJP are seen to have made possible the creation of a shared Hindu symbol that cuts through most divisions in Hindu society.

IN SUPPORT OF NATIONAL HOSPITAL WEEK

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of National Hospital Week, a yearly event that focuses public attention on the numerous contributions hospitals make to our communities.

National Hospital Week began in 1921 when a magazine editor suggested that more information about hospitals might alleviate public fears about "shrouded" medical institutions that used "unusual" equipment and procedures.

This year's National Hospital Week theme, "Where Miracles Happen Every Day," recognizes health care workers, volunteers, and other health professionals dedicated to making hospitals open to our communities 24 hours a day, 365 days a year.

In my state of Hawaii, the health care workforce was one of the few sectors of the economy that grew in the 1990's. Due to the dramatic growth in this area, one out of every 15 employed Hawaii residents works in the health care industry. The State of Hawaii has 2.5 physicians per 1,000 residents (compared to 2.1 nationally). Unfortunately, the number of nurses declined during the nineties, and they now shoulder an even larger burden as they work to help everyone who must visit our hospitals.

As a result of the hard work by these people, my state has achieved a health status that is the envy of many other states. The State of Hawaii has longer life expectancies, lower rates of cancer, and lower hepatitis rates.

The same dedication to improving the health of our nation can be found at the nearly 6,000 registered hospitals located throughout the United States. In 1999, America's hospitals discharged roughly 35.5 million people. This staggering workload is handled by highly qualified professions and volunteers who have dedicated their lives to helping others.

I fully support National Hospital Week and extend my warmest expression of gratitude to the staff and volunteers who work in our nation's hospitals.

PAYING TRIBUTE TO LUCILE SUGDEN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. ROGERS. Mr. Speaker, I rise to honor the accomplishments of Mrs. Lucile Sugden of Lansing, Michigan, who will be honored on Sunday, June 2, 2002, by South Baptist Church and the Lansing community for her years of service, including 75 years of faithfully serving as a Sunday School teacher.

For 35 years, Mrs. Sugden and her late husband, Dr. Howard Sugden, ministered to the members and community of South Baptist Church in Lansing. During her years of service, Mrs. Sugden's witness has inspired and motivated many Christian families.

Even today, Lucile Sugden, who celebrates her 95th birthday on May 31, 2002, continues to teach a weekly Sunday School class at South Baptist. She also leads a weekly Bible study at her apartment complex.

Described by those who know and love her as a true Woman of God, Mrs. Sugden is a role model for staying active in our golden years. She swims regularly in a local pool and even evangelizes those she meets in the hot tub. She has also been seen each summer in recent years zipping around on a jet ski watercraft on Lake Michigan.

Long before her jet ski days, Lucile Sugden became a dedicated Tiger baseball fan. Twice honored at Tiger games in Detroit, she is fiercely loyal and devoted to her Tigers.

Today, we extend our admiration and respect to Lucile Sugden of Lansing, Michigan. Her life truly reflects the direction of II Timothy 2:15 which tells us: "Study to show thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth."

INTRODUCTION OF THE CHARITABLE CONTRIBUTION BILL

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. WU. Mr. Speaker, September 11 showed us the horrors of this world. But it also showed us the good in human nature. Americans have been incredibly generous with their time and money in response to the terrorist attacks. Numerous charitable organizations were started within hours of the attacks to help the families whose lives were suddenly torn apart. People took time off from work to assist with feeding the emergency rescue crew digging through the rubble. And over $1 billion dollars has been raised to assist in these efforts.

Yet, since September 11, other important charitable efforts have been suffering from a lack of donations. The Starlight Children's Foundation, for instance, estimates that fundraising was down roughly $500,000 for the year, which represents a large portion of its annual budget. Numerous other charitable organizations have seen similar reductions in contributions. This decrease in contributions has led to reduced services and even the failure of some organizations.

Moreover, charities are having to rely more on individual donations as businesses curtail their donations. American Airlines, for instance, its business severely affected by the September attacks, announced that it would not be making any charitable contributions this year.

It is imperative that Congress do something to address this growing problem.

Last fall, we debated proposals to stimulate our economy. While I agreed that legislation was needed to stimulate the economy, I was adamant that any proposal balance business interests with those of individual taxpayers. So, with each debate, I went before the Rules Committee proposing an amendment that would allow taxpayers who do not itemize their deductions to deduct their charitable contributions. Not only would this encourage charitable giving, but the tax benefit would help individuals and ultimately could help stimulate the economy. Unfortunately, my amendment was ruled out of order each time.

Today, I am introducing legislation that would allow for such a deduction. Although I was not able to get this included in the economic stimulus bill that passed Congress, I feel strongly that we should turn this proposal into law. We should encourage charitable giving.

My legislation is very similar to the proposal that was enacted in H.R. 7 earlier this year. However, unlike the proposal in H.R. 7, my amendment does not put an arbitrarily low cap on the dollar amount that can be deducted. Instead, it would follow current law for taxpayers who itemize their deductions. Specifically, this means that standard deduction taxpayers can deduct charitable contributions up to 50% of their adjusted gross income.

On April 15, more than 30 million taxpayers who itemized deductions on their tax returns were able to claim tax deductions for any contributions made to their favorite charities. The effect of the deduction was to lower the taxpayer's cost of giving one dollar by amounts ranging from 15 cents to almost 40 cents.

This same benefit should go to the millions of taxpayers who also generously contribute to charities but are not eligible for a charitable deduction because they claimed the standard deduction instead of itemizing deductions on their tax returns.

I am proud that President Bush endorsed my proposal on April 11. I urge all of my colleagues to support this very important bill as well. We have the opportunity to enact legislation that will not only encourage charitable giving but will help stimulate our economy as well.

HONORING HENRY A. ROSENBERG

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor Henry A. Rosenberg, Jr., industrialist, philanthropist, civic leader, proud American and friend.

Henry Rosenberg, Jr. is a Baltimore native. While college studies, business and travel have taken him out of town, he has always returned to his roots—those of his family and his business. As Chairman of the Board of Crown Central Petroleum Corporation and Rosemore, Inc., Mr. Rosenberg has guided his family business. Begun by his grandfather who sold oil from the back of a horse and cart in the streets of Baltimore, Crown Central today is a regional powerhouse operating two refineries and 329 gas stations.

But it is not just corporate and financial success that drives Mr. Rosenberg. He comes from a family that believed civic involvement and philanthropy was important as the petroleum business.

His business success led others to rely on Mr. Rosenberg for leadership. Mr. Rosenberg has served on the boards and/or held officer positions on the Greater Baltimore Committee, Signet Banking Corporation, The Pride of Baltimore, Inc., the National Aquarium in Baltimore, Loyola College, Johns Hopkins Health System, McDonogh School, Hobart College, the National Petroleum Council and the Refiners Association, Villa Julie College, University of Maryland Baltimore County, National Association of Manufacturers, Towson State University, Maryland Business Roundtable for Education, Signal 13 Foundation, Inc., Baltimore Area Convention and Visitors Association, Crohn's and Colitis Foundation, United Way of Central Maryland, Inc., YMCA of Greater Baltimore, Boy Scouts of America, and the University of Baltimore.

Mr. Rosenberg's personal and foundation contributions have touched almost every nonprofit organization in Baltimore with primary emphasis on art and culture, education and adult self-sufficiency, health, disease and disability, youth development and community building. In addition to the Baltimore Symphony Orchestra, Center Stage, Peabody Conservatory, Baltimore Chamber Music Society, Johns Hopkins University and Hospital, Sinai Hospital, The Associated Jewish Charities, the Maryland Science Center, the Baltimore Zoo, and the Boy Scouts of America. Most recently, Mr. Rosenberg and his wife Dorothy and their family foundation contributed to the Kennedy Krieger Institute to provide the lead gift to establish a unique behavioral testing laboratory that will be key in the development of new treatment and therapeutic programs.

Mr. Rosenberg has been honored for his philanthropy and board leadership by being named Philanthropist of the Year by the National Society of Fund Raising Executives, receiving the Lifetime Achievement Award from the Arthritis Foundation, the Corporate Champion Award by the National Multiple Sclerosis Society, the Silver Buffalo Award by the National Executive Board of the Boy Scouts of America, and most recently, being inducted into the Maryland Chamber of Commerce Business Hall of Fame.

It should also be noted that Mr. Rosenberg is a man of athletic talent as well and was inducted into the Hobart College Athletic Hall of Fame where he had been a standout lacrosse player for the then, Division III powerhouse in men's lacrosse. As a result of this lifelong interest, Mr. Rosenberg continues his support of the sport by serving as Director of the Lacrosse Foundation, Inc.

On May 22nd, 2002 Mr. Rosenberg is being honored by The Patriots of Ft. McHenry for his outstanding contributions to the preservation and interpretation of Fort McHenry National Monument and Historic Shrine and will receive their 2nd Annual Francis Scott Key Award. He serves as Chairman of the National Flag Day Foundation and has been a long time supporter of the Patriots of Fort McHenry and is an Honorary Colonel in the Fort McHenry Guard. For more than 20 years, Mr. Rosenberg has been committed to making the birthplace of the "Star-Spangled Banner" a place of inspiration for all Americans.

I ask my colleagues to join me in saluting Mr. Henry Rosenberg, Jr. on a life well spent in service to his country and his city of Baltimore.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. NETHERCUTT. Mr. Speaker, On May 9, 2002, I missed Roll Call votes 138 through 158 to attend my daughter's college graduation ceremony. I request that the record reflect that had I been present, I would have voted aye on Roll Call votes 142, 154, 155, 156, and 158, and that I would have voted no on Roll Call votes 138—141, 143—154, and 157.

AMENDING PL 96-565, AN ACT TO ESTABLISH THE KALAUPAPA NATIONAL HISTORICAL PARK TO ALLOW FOR LAND EXCHANGES OUTSIDE THE STATE OF HAWAII

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a bill which will amend Public Law 96–565, the law that established the Kalaupapa National Historical Park, to remove the restrictions regarding the exchange of lands between the National Park Service and the Department of Hawaiian Home Lands (DHHL). Public Law 96–565 currently does not allow for land trades outside of the State of Hawaii between the two departments.

Amending Public Law 96–565 will greatly increase the National Park Service's ability to locate and acquire lands to exchange for Hawaiian Home Lands located within the boundaries of Kalaupapa National Historical Park on the island of Molokai. Certain lands within the Kalaupapa Park are currently leased by the National Park Service. The best way for the lands within Kalaupapa to be permanently protected from development is to have the federal government acquire the lands.

As a result of the current law, the National Park Service is severely limited in acquiring lands to trade with the DHHL and has not been able to acquire land within Kaplaupapa.

The DHHL has recently advised that it is not limited to accepting surplus federal property only within the State of Hawaii. As a result, the Congress should immediately move to amend Public Law 96–565; and allow the Federal Government to finally acquire precious lands within Kalaupapa National Historical Park. I urge my colleagues to support the passage of this bill.

IN HONOR OF THE CITY OF GLENDALE'S 50TH ANNIVERSARY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Ms. DEGETTE. Mr. Speaker, I rise today in honor of the City of Glendale's 50th Anniversary. I am indeed gratified to have the privilege of representing this outstanding community in the United States Congress. The City of Glendale was incorporated on May 22, 1952 and will celebrate its 50th Anniversary on May 18, 2002.

The City of Glendale has grown from a rest stop and watering hole on the major stagecoach route along the Cherry Creek Trail in the 1800s, and has become a city with a rich tradition of hospitality, vitality and amenities for residents and visitors alike; and

It has become a true "urban village," with an ethnically diverse population of 4,527 residents whose heritage's are celebrated as part of Glendale's annual National Night Out festivities; and

Glendale has also become a prominent business center, with approximately 12,000 people employed by the more than 300 businesses occupying nearly 2.2 million square feet of office space in this conveniently located community.

The City of Glendale's 41-member Police Department and 29-member Fire Department safeguard the health and safety of residents, visitors and those employed in the City. Its Public Works Department is responsible for maintaining 35 acres of parks and open space, 6.9 miles of City streets, as well as 25 miles of sidewalk, 1.3 miles of trail, and two bridges spanning Cherry Creek, and operating the City's water treatment facility.

Glendale also offers a variety of recreational activities in two community recreation centers and in conjunction with the Cherry Creek School Districts, sponsors a Head Start program and kindergarten enrichment program at Glendale's Agnes Riddle Education Center.

The Education Center also houses a Computer Lab where residents of all ages learn the latest computer software in free classes taught in both English and Russian. The City of Glendale, in conjunction with the Cherry Creek School District, also offers a free after-school tutoring/homework help program at the Glendale Community Center during the school year.

The Glendale Public Library is well known to the Russian community throughout the metro area, for its comprehensive collection of English and Russian books, newspapers, magazines, videos and other materials, as well as English as a Second Language classes and citizenship classes.

Mr. Speaker, Glendale residents continue to enjoy the benefits of being part of a vibrant. cosmopolitan community and I am pleased to have the opportunity to salute Glendale on the occasion of its 50th Anniversary.

INTRODUCTION OF THE NURSING HOME STAFFING IMPROVEMENT ACT OF 2002

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. WAXMAN. Mr. Speaker, I rise today to introduce the Nursing Home Staffing Improvement Act of 2002.

In March of this year, HHS provided Congress with the results of a decade-long study on staffing in our nation's nursing homes. HHS researchers concluded that 90% of nursing homes have staffing levels that are too low to provide adequate care. The researchers also identified specific minimum staffing levels that would substantially improve the quality of care received by nursing home residents.

The Bush Administration has chosen not to implement these much needed minimum staffing levels, even going so far as to limit public distribution of the study. In order to ensure that this important research is not ignored, the Nursing Home Staffing Improvement Act of 2002 would establish the minimum nurse staffing levels identified by HHS researchers.

The bill requires that nursing-homes comply with HHS-identified staffing levels for registered nurses, licensed nurses, and certified nurse aides. These staffing levels would require that all nursing home residents receive between 4.1 and 4.85 hours of nursing care each day. The bill increases resources to nursing homes to comply with these staffing levels by reinstating the Boren Amendment and increasing the federal Medicaid match to states for payment of health care services by 1.5%.

There is an urgent need for this bill right now, as demonstrated by the findings of the HHS study and investigative reports issued by the minority staff of the Government Reform Committee. At the request of House members, the Government Reform Committee minority staff has written over 25 reports on nursing home conditions around the country. These reports have found that large numbers of nursing homes are being cited for violations of federal standards relating to pressure sores, preventable accidents, improper medical care, malnutrition, dehydration, and abuse. These reports also have found a clear relationship between more staffing and better care.

The Bush Administration claims that more research is necessary before we can establish minimum staffing standards. We have already had a decade of research from some of the foremost experts in the field. Now is the time for action.

We in Congress have a responsibility to do all we can to protect our nation's seniors. They helped our generation when we needed their help. And now it's our turn—and our obligation—to provide them with the highest quality of care.

ERIE OTTERS WIN THE ONTARIO HOCKEY LEAGUE TITLE

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. ENGLISH. Mr. Speaker, I would like to take a moment to recognize the Erie Otters hockey team for their recent triumph over the Barrie Colts in the Ontario Hockey League Championship Series.

On Friday, May 10, Erie center Sean Courtney snapped the series-clinching shot off a Colts defenseman to give the Otters a 2–1 win 14 minutes into the overtime period. The Otters, coached by Dave McQueen, pulled off their first OHL championship by "crushing the Colts" 4 games to 1. Erie's own league-ending playoff scorer, center Corey Pecker, opened the scoring with his 25th goal of the playoffs early in the first period. The Colts, struggling to stay alive in the championship series, tied the game late in the first. The game remained tied until Courtney's clutch game winner in OT. Otters' captain Brad Boyes was later named the OHL playoffs' Wayne Gretzky 99 Most Valuable Player.

The Otters arrived in my hometown of Erie in 1996, and have since featured some of the most dynamic young hockey players in the world. The Ontario Hockey League has produced world superstars like Mario Lemieux, Joe Sakic, Ron Francis, Scott Stevens and Patrick Roy. Friday's win marks the first time that the Otters have won the highly-regarded OHL championship and gives the young Otters an opportunity to battle for the Canadian Hockey League's Memorial Cup. The Memorial Cup is an 84-year-old "final four" tournament that crowns the year's best Junior hockey team in North America. The Otters, combining a steely work ethic and spectacular skill, should be a dominant force at the Memorial Cup tournament. The tournament begins May 18th in Guelph, Ontario. I would like to conclude by congratulating Erie's hockey heroes and by wishing them the best of luck in their quest for the Memorial Cup trophy.

HONORING THE MILPITAS ROTARY CLUB FOR 50 YEARS OF EXEMPLARY SERVICE TO THE COMMUNITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. STARK. Mr. Speaker, I rise today to recognize The Milpitas Rotary Club on its 50th Anniversary. For 50 years now, members of the Milpitas Rotary Club have committed themselves to serving the community, the country, and the world.

The Rotary Club is a major force in the community and significantly improves the lives of children and families in Milpitas by sponsoring Interact Clubs at Milpitas and Calaveras Hills High Schools, granting both academic and technical scholarships, holding community events, and sending high school students to a week-long summer youth leadership training camp.

The Milpitas Rotary Club's tradition of service began with its chartering on June 24, 1952, at a dinner in St. John's Church Hall. Charter officers included President Joseph Gagliardo, Vice President Irving Crabb, Secretary William Barleson, Treasurer Thomas Cardoza, Sergeant-at-Arms Ray Madruga, and Charter Board Members Sal Cracolice, Ben Rodgers, and Clarence Smith.

For years, the club held its meetings on Mondays at noon at the Cozy Kitchen on Main Street in Milpitas. In the 1980's, the Big Yellow House and Calamity Jane's were the meeting sites, until the Holiday Inn Hotel, now the Crowne Plaza Hotel, became the club's home.

An active member of Rotary District 5170, which consists of 55 clubs in Alameda, Santa Clara, Santa Cruz and San Benito counties, the Milpitas Rotary Club's former president, Denny Weisgerber, served as District governor in 1999–2000.

I am proud to recognize the Milpitas Rotary Club on its 50th Anniversary. I am confident this club will continue to improve our community, as well as the country and the world, for years to come.

KAZAKHSTAN IS THE STRONGEST U.S. ALLY IN CENTRAL ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. TOWNS. Mr. Speaker, Kazakhstan, the largest country in Central Asia, is a relatively new friend of the United States, but they have become staunch allies with strong economic and political ties to America. They work side by side with us in the war against the terrorists, and their commitment to democracy is part of the fiber of their society.

Kazakhstan has been helpful in many ways during the recent fighting in Afghanistan, and today is looking at this neighbor's future.

When the guns fall silent in Afghanistan, the rebuilding of that nation must already be well underway. The Afghans have lost many years of what should have been a civil society. The twin curses of war and famine have spread throughout their land. Now it is time for their neighbors and friends to help rebuild Afghanistan and bring the country fully into the community of nations. A politically stable Afghanistan will not harbor terrorists and will emerge as a partner in the increasingly critical Central Asian region.

Kazakhstan recently played host to the U.S. Secretary of Defense, Donald Rumsfeld, who met with the Kazakh President, Nursultan Nazarbayev. During the joint press conference Secretary Rumsfeld noted, "We are partners in the global war on terrorism, and we discussed the situation in Afghanistan as well as our common interest in an independent, economically healthy, and secure Afghanistan."

Kazakhstan, with its developing society and emphasis on democracy, is an ideal source of the help the Afghans so badly need. Kazakhstan can be a model for an emerging society and stable economy in Afghanistan.

Kazakhstan has already been providing humanitarian assistance to the Afghan people. Three thousand tons of grain have already made the journey from Astana to Kabul. The U.N. World Food Program has also signed contracts for 100,000 tons of grain at prices well below world market prices. Beyond this, the government of Kazakhstan is building a database of individuals who have special skills needed for the rebuilding of Afghanistan and have volunteered to help. You might call it a "Central Asian Peace Corps." Ironically, many of these volunteers have personal experience in Afghanistan where they served as unwilling draftees in the Soviet Army.

These activities, at both the government and the individual volunteer level speak volumes about the similarities between Americans and Kazakhs. Both respond quickly to a neighbor's need.

The pluralistic society being sought for Afghanistan is one that Americans will feel comfortable with. The people of Kazakhstan already enjoy a free and open society where religion and the will to succeed are prerogatives of the individual. In Kazakhstan, debate is enlivened by the presence of 17 political parties, 1,600 newspapers and broadcast entities and more than 130 ethnic groups. All have their own points of view and are not timid about voicing them. Kazakhstan is a Muslim-majority country, but, while synagogues are being attacked in Western Europe, they are being built in Kazakhstan. New houses of worship are also being built in Kazakhstan.

Kazakhstan itself is a country of enormous economic potential and good relations between Washington and Astana are ever more important.

With predicted oil reserves of 100 billion barrels or more, Kazakhstan will play a key role in easing America's dependence on current energy sources. The availability of Kazakh oil will help stabilize world markets and keep domestic prices in check.

Thousands of Americans go to work every day in Kazakhstan. Most work in the energy sector, but Americans have also become a common site in the towns and villages of the country. We work well with the people of Kazakhstan, and many friendships have been established. A shared value system is a good basis for friendships.

I welcome the recent decision of the U.S. Department of Commerce to grant Kazakhstan the market-economy-country status, a well-deserved recognition of the their achievements in reforming their economy and moving away from the Communist past. The next step in this direction should be the repeal of the outdated Jackson-Vanik amendment in relation to Kazakhstan and I call on my colleagues to support the appropriate resolution.

President Nazarbayev, in his recent State of the Nation Address, spoke of the need to continue "pragmatic policies" in all areas. The question of revitalizing the farms of Kazakhstan has been a subject of much debate and was a major topic for the President. The debate over farm policies would probably sound familiar to many Americans. In the foreign affairs area the President noted, "Kazakhstan has managed (over the first decade of independence) to build good stable relationships with all the nations without harming its own strategic interests."

Kazakhstan's firm commitment to the ideal of democracy was also a major topic in President Nazarbayev's speech. He said, "democracy is our deliberate choice for development and we all must work to strengthen this process. We will move step by step, preserving values of our culture founded in mutual assistance, tolerance, cooperation, and mutual respect between the peoples of different ethnic background."

As he closed his speech, President Nazarbayev foresaw closer ties with the United States and even greater emphasis on the development of democratic ideals and the civil society.

We must support Kazakhstan for many reasons. Heading the list are our shared ideals of democracy, a better life for all peoples and the uprooting of terrorism.

Mr. Speaker, Kazakhstan is the hope for political stability and prosperity in Central Asia.

RECOGNITION OF FRIEDREICH'S ATAXIA AWARENESS DAY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. ANDREWS. Mr. Speaker, I rise today in support of Friedreich's Ataxia Awareness Day, which is recognized each year on the third Saturday in May.

Friedreich's ataxia is a life-shortening neurological disorder that is usually diagnosed in childhood. It causes muscle weakness and loss of coordination in the arms and legs; impairment of vision, hearing and speech; scoliosis, diabetes; and a life-threatening heart condition. Most patients need a wheelchair full-time by their twenties. Life expectancy is reduced to early adulthood. There is currently no effective treatment or cure for Friedreich's ataxia.

Although there is no treatment or cure available, Friedreich's ataxia patients and families have more and more reason for real hope. An extraordinary explosion of research findings has followed the identification of the Friedreich's ataxia gene in 1996. Since that discovery, research scientists have learned a great deal about the disorder. We now know what defects in the gene cause the disease, what protein the gene is supposed to produce, what that protein is supposed to accomplish, and why a shortage of the protein results in the cell death that leads to the disease symptoms. Investigators are increasingly optimistic that they are drawing closer to understanding more fully the causes of Friedreich's ataxia and to developing effective treatments.

At the National Institutes of Health and around the world, clinical trials for Friedreich's ataxia are being conducted on drugs that hold real promise. Intensifying cooperation among organizations supporting the research and the multidisciplinary efforts of thousands of scientists and health care professionals provide powerful evidence of the growing hope and determination to conquer Friedreich's ataxia. There is a growing conviction that treatments can and will be developed for this disease and that the resulting insights will be broadly applicable across a wide range of neurological disorders.

On the third Saturday of May, events will be held across our country to increase public awareness of Friedreich's ataxia and to raise funds to support the research that promises treatments for this disease. I applaud the Friedreich's Ataxia Research Alliance (FARA) for its contributions to these efforts and ask my colleagues to join me in recognizing May 18, 2002, as Friedreich's Ataxia Awareness Day to show our concern for all those families affected by this disorder and to express our support and encouragement for their efforts to achieve treatments and a cure.

INTRODUCING THE "AMATEUR RADIO EMERGENCY COMMUNICATIONS CONSISTENCY ACT"

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to introduce the "Amateur Radio Emergency Communications Consistency Act," a bill that seeks to ensure the continued viability of a volunteer public safety resource which has been instrumental in providing our nation emergency communications services during times of disaster and crisis. I am pleased that the gentleman from Oregon, Representative WALDEN, and the gentleman from Texas, Representative SESSIONS are co-sponsors of this bipartisan legislation. Radio amateurs, more commonly known as "ham" operators, provide emergency communications when regular channels are disrupted or disabled. These federally licensed volunteers operate at their own expense in aiding government and private relief agencies. State and local governments, as well as disaster relief agencies, could not possibly afford to replace the services that radio amateurs dependably provide for free. For the hundreds of thousands of amateur radio licensees, there is a growing challenge to their ability to provide these public services.

Developed communities, such as retirement communities and planned unit subdivisions, are an increasingly popular housing option throughout the country that provide a wide range of convenient housing choices. Unfortunately, the governance of these communities has led to inconsistent and at times burdensome regulations on amateur radio operators, making it extremely difficult for these operators to continue providing their valuable services. The legislation I am introducing today will simply ensure consistent application of these regulations.

The Amateur Radio Emergency Communications Consistency Act is based upon a 1985 ruling by the Federal Communications Commission, which stated that homeowners, seeking to install some form of antenna on their own property, must work with state and local land use officials to determine the most appropriate size antenna. Good faith negotiations ensure that amateur radio operator's technical needs are met, while preserving the aesthetics and interests of a neighborhood.

Under current law, the FCC does not apply this policy consistently. Its policy applies to States and localities, but fails to address situations affecting private land use groups. My bill addresses this issue, and provides amateur radio licensees with the ability to negotiate reasonable accommodation provisions with homeowners' associations, just as they do now with public land-use regulators.

Amateur radio operators provide an invaluable service to our nation, ensuring communication services during emergencies. We must support the efforts of the 650,000 federally licensed amateurs around the country in earnest. The Amateur Radio Emergency Communications Consistency Act will help to protect the vital function of Amateur Radio as an emergency communications and public safety resource, and I urge my colleagues to join with me in supporting this legislation.

HONORING THE RETIREMENT OF PRINCIPAL PATRICIA GEISTER FROM MOREAU CATHOLIC HIGH SCHOOL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. STARK. Mr. Speaker, I rise today to honor Patricia Geister on the day of her retirement as Principal of the Moreau Catholic High School in Hayward, California.

For 16 years, Patricia Geister has served the Moreau Catholic High School as principal. Her dedication to excellence in education is evident in the visionary improvements that have resulted from her years as school principal.

By improving student programs, updating facilities, making institutional changes, and enhancing the faculty, Patricia Geister assured every student at Moreau a top-quality education.

During her tenure, the Ivaldi Student Center was completed; the availability of technology and other educational resources to students, faculty and staff was increased; and a safe campus environment was maintained. The number of Advanced Placement courses offered at the school increased from 4 to 14, the college preparatory curriculum was revamped and class size was reduced. A collegiate-style, alternate day schedule was introduced, providing students with an early introduction to collegiate life, and a competitive edge when applying to colleges.

Patricia Geister introduced a student support system to the administration, which tasks assistant principals and counselors with making sure that every student need is fulfilled and nurtured. In 1987, she implemented the school's mission statement, and over the years she has furthered the relationship between Moreau Catholic and the Brothers of Holy Cross, and strengthened the school's relationship with its Catholic elementary schools.

During her tenure, the school received maximum accreditation from the Western Association of Schools and Colleges in 1988, 1994, and 2000. In 2000, Patricia Geister implemented the school's Expected Schoolwide Learning Results.

I am honored to join the colleagues of Patricia Geister in commending her for her many years of dedicated service to the Moreau Catholic High School. Her commitment to excellence in education is truly an inspiration to all.

CRYSTAL APPLE AWARD

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend seven dedicated teachers from Northwest Indiana have been voted outstanding educators by their peers for the 2001–2002 school year. These individuals, Joyce Abbott, Laura Marzotto, Danny Chapman, Carole Selund, Patricia Premetz, Ben Geesa and Kay Harness will be presented with the Crystal Apple Award at a reception sponsored by the Indiana State Teachers Association. This event will take place at the Andorra Restaurant and Banquets in Schererville, Indiana, on Wednesday, May 15, 2002.

Joyce Abbott, from the Crown Point Community School Corporation, has taught music for 17 years at Solon Robinson Elementary School. The love and passion that Joyce has for music, both personally and professionally, is demonstrated through the creativity and enthusiasm that she projects, in order to inspire not only the students, but also the teachers at Solon Robinson Elementary School.

Laura Marzotto has only been with the Hanover Community School Corporation for three years, but she is a great addition to Hanover Central High School. When Laura first came to Hanover Central as a teacher in the Business Department, a marketing program was nonexistent. Yet as a result of her tireless efforts, a marketing track has been initiated, a program through which students can take a variety of marketing courses. Additionally, students are able to receive college credit through Ivy Tech State College after successfully completing required proficiencies.

A dedicated science teacher in the School Town of Highland for more than 30 years, Danny Chapman is a role model, an inspiration to his students, and an outstanding professional. Dan is a wonderful caring teacher who frequently offers a wide variety of activities and learning experiences to supplement the curriculum. The most notable, and perhaps most challenging experience, includes a three day/two night field trip to the Indiana Dunes Environmental Learning Center in Porter, Indiana. Here, students were involved in science-based activities for three days. Since 1994, Dan has served as co-sponsor for the Science Olympiad Team at Highland High School. Additionally, he is the Science Teacher for the Adult Education program for GED classes at Highland, a position he has held since 1996.

A professional educator for thirty-six years in the Lake Central School Corporation, Carole Selund is a valuable asset. Carole has taught both Spanish and English to freshmen and sophomores at Lake Central High School. Since Carole is conscientious about having her students meet the standards expected of them, she returned to college to earn a Master's degree in Reading and created the first curriculum in the Lake Central School Corporation to address individual reading problems in the student population. In addition, Carole is very active in the School Corporation. She has co-chaired a number of committees for the Performance Based Accreditation Committee and served on the North Central Accreditation Committee.

Twenty-three years ago, Patricia Premetz was hired to teach honors Geometry at Munster High School. She is described by her peers as an outstanding professional and dedicated teacher. For the past three and one-half years, Patricia has been the Department Chairperson and is now teaching honors PreCalculus. Her enthusiasm for the subject matter, as well as her teaching style, has withstood the test of time. Patricia makes learning an enjoyable experience, for she blends her creative spirit and her willingness to experiment with new ideas and techniques to better foment mathematics concepts in the minds of her students. Patricia's compassion for others is exhibited by her thoughtfulness towards both students and teachers.

Ben Geesa came to the Newton School Corporation 27 years ago, after serving his country in the United States Air Force. Since technology plays a vital role in the world and the economy, Ben was instrumental in starting the first computer education classes at North Newton High School. Ben is known as the computer "guru" throughout the corporation, as he helps to troubleshoot computer problems. His peers know him as a dedicated teacher and he is a continuous source of enthusiasm for his students as well as his co-workers.

Kay Harness is a fine example of the tenets embodied by those who have dedicated their lives to educating America's youth. Kay hails from the Tri-Creek School Corporation, where she has greeted her students and colleagues with a genuine smile for over 33 years. She has been active in all aspects of the school environment and has given continued support to the Parent Teacher Organization. Kay strives to be approachable and communicates well with administrators, fellow teachers, students, and parents.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 2001–2002 Crystal Apple Award. The years of hard work they have put forth in shaping the minds and futures of Northwest Indiana's young people is a true inspiration to us all.

PERSONAL EXPLANATION

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. OSE. Mr. Speaker, due to a loss in the family, during the week of May 6 through May 10 I was in California and unable to cast a vote on Rollcall votes 127 through 158. Had I been present I would have voted in the following manner:

Rollcall votes 127–133, Aye; Rollcall 134, No; Rollcalls 135 & 136, Aye; Rollcalls 137–141, No; Rollcall 142, Aye; Rollcalls 143–152, No; Rollcalls 153–156, Aye; Rollcall 157, No; Rollcall 158, Aye.

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. KENNEDY of Minnesota. Mr. Speaker, I would like the RECORD to reflect how I would have voted on Thursday May 9, 2002 during consideration of H.R. 4546.

Rollcall 138 Motion that the Committee Rise Nay.

Rollcall 139 Motion that the Committee Rise Nay.

Rollcall 140 Motion that the Committee Rise Nay.

Rollcall 141 On Agreeing to the Amendment (Markey) Nay.

Rollcall 142 On Agreeing to the Amendment (Weldon) Yea.

Rollcall 143 On Motion that the Committee Rise Nay.

Rollcall 144 On Motion that the Committee Rise Nay.

Rollcall 145 On Agreeing to the Amendment (Tierney) Nay.

Rollcall 146 On Motion that the Committee Rise Nay.

Rollcall 147 On Motion that the Committee Rise Nay.

Rollcall 148 On Motion that the Committee Rise Nay.

Rollcall 149 On Motion that the Committee Rise Nay.

Rollcall 150 On Motion that the Committee Rise Nay.

Rollcall 151 On Motion that the Committee Rise Nay.

Rollcall 152 On Motion that the Committee Rise Nay.

Rollcall 153 On Agreeing to the Amendment (Sanchez) Nay.

Rollcall 154 On Agreeing to the Amendment (Goode) Yea.

Rollcall 155 On Agreeing to the Amendment (Paul) Yea.

Rollcall 156 On Agreeing to the Amendment (Bereuter) Yea.

Rollcall 157 On Motion to Recommit with Instructions Nay.

Rollcall 158 On Passage Yea.

OLDER AMERICANS MONTH

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. LoBIONDO. Mr. Speaker, I rise today to speak on behalf of a resolution I introduced to honor and recognize older Americans who continue to contribute valued work experience to their home communities. As you know, May is Older Americans Month, and as such it provides us with a perfect opportunity to reflect on the contributions of all of our nation's older Americans. I have been fortunate in my career to have a successful working relationship with the Experience Works organization, formerly known as Green Thumb, which has a Staffing Service office located in my Congressional district. I have seen the great work they accomplish in encouraging senior citizens to stay active and involved in their communities by continuing to work or simply by mentoring younger workers. Therefore, I have introduced a resolution, H. Res. 407, to recognize these contributions of effort and active involvement on the part of our older Americans. It is a pleasure to honor America's seniors this month for their continued interest and enthusiasm in contributing to the American workforce. I urge my distinguished colleagues to support H. Res. 407 to honor our hard working older Americans.

INTRODUCTION OF THE MEDICARE CHRONIC KIDNEY DISEASE MANAGEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Chronic Kidney Disease Management Act. My bill would expand Medicare eligibility for uninsured patients with chronic kidney disease before their condition advances to End-Stage status. The bill would provide access to healthcare and most importantly disease management and End Stage Renal Disease-prevention services (ESRD). It would improve the quality of life for those suffering from kidney disease and could provide real savings for the Medicare program by helping chronic kidney disease patients avoid or delay the costly dialysis treatments and kidney transplants associated with the end stage status of the disease.

ESRD patients are the only group eligible for Medicare enrollment due to their medical diagnosis. ESRD is characterized by a permanent loss of kidney function, which results in the need for weekly dialysis treatments to cleanse impurities from the blood. ESRD patients are subject to a 30-month waiting period following diagnosis before Medicare benefits begin, which leads to further deterioration of health prior to being able to access care under Medicare. The decline in health that occurs during this waiting period reinforces the need for disease management interventions to preserve maximum health and delay advancement of the illness. It is known that early diagnosis and treatment of kidney disease can prevent certain future complications including progression to end stage status and development of heart disease, a common outcome of kidney disease. By allowing this vulnerable population to access care during the 2 years prior to qualifying for Medicare due to an End Stage Renal Disease diagnosis, this bill wisely and appropriately addresses a critical unmet health need.

Under the Medicare Chronic Kidney Disease Management Act, uninsured, pre-ESRD chronic kidney disease patients would be eligible for full Medicare coverage and ESRD prevention services. To be eligible, a physician would need to certify a chronic kidney disease patient as likely to need dialysis or a transplant in the next two years under accepted clinical standards. Individuals eligible under the bill would pay Medicare Part B premiums. Disease management and ESRD-prevention services provided by this legislation include counseling on treatment options, the viability of a kidney transplant, disease management, and nutrition. These new services would also be available to current Medicare enrollees who become diagnosed with chronic kidney disease.

Today, more than 300,000 people receive dialysis. By 2010, it is expected that 650,000 individuals will be receiving weekly dialysis treatment. In 2001, Medicare spent $14.4 billion to care for ESRD patients, which averages more than $20,000 per member, which far exceeds the average 2001 Medicare expenditure for non-ESRD beneficiaries, $6000.

The National Kidney Foundation, who has endorsed this bill, estimates that 20 million Americans have kidney disease. Many of these Americans do not know they suffer from this condition and therefore do not take advantage of beneficial prevention measures. In February 2002, the National Kidney Foundation called for earlier screening for kidney disease in reaction to the near doubling of the illness in the U.S. in the last decade. Their screening campaign focuses on those at high risk for developing chronic kidney disease including people with diabetes, high blood pressure, a family history of the disease, older Americans, African Americans, Asian and Pacific Islanders, American Indians, and Hispanics.

Expanded prevention services for chronic kidney disease patients are long overdue. The preventive measures in this bill will minimize the damaging impact of this chronic illness and allow Medicare to slow the growth of the ESRD population. I urge my colleagues to join me in supporting the Medicare Chronic Kidney Disease Management Act so we can make these vital improvements to the Medicare program for those who suffer from chronic kidney disease.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on May 7, 2002, I want the record to show that had I been present in this chamber, I would have voted "yea" on rollcall vote 127 and "yea" on rollcall vote 128. I was also unavoidably absent for a few minutes on May 9th and would like the record to show that had I been present in this chamber, I would have voted "no" on rollcall vote 139 and "no" on rollcall vote 140 and "yea" on rollcall vote 152.

IN REMEMBRANCE OF MARY ELIZABETH PARKER COLLINS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. BACA. Mr. Speaker, I rise today with regret and deep sadness to announce the passing of Inland Empire community leader and dear friend Mary Elizabeth Parker Collins who died at the age of 73 on May 6th. I first got to know Mary when I was elected to the California Assembly. Mary volunteered in my San Bernardino office as I was beginning my political career. Her enthusiasm and wisdom were an inspiration to me and all who knew her.

Mary was a great advocate of equality and humanitarianism her entire adult life. Her experience as a single mother of five children in the 60's instructed Mary on the inequalities in society and was the catalyst for her commitment to social change. She became active in the Urban League of Indianapolis, where she dedicated herself to motivating the disenfranchised. Mary was involved in a wide variety of crucial movements such as tenant strikes, community based programs for at risk teens, and voter registration and participation programs.

While continuing to seek a better life for her family, Mary moved her family west to Southern California. She spent time in Los Angeles before moving and settling in the Inland Empire. Mary continued her commitment to civil rights while in the Inland Empire, by participating in the "Gates Must Go" and "Tyisha Miller Justice" campaigns. She then served as President of the Fontana/Rialto NAACP, where she fought to reinstate the jobs of countless people of color who had been arbitrarily laid off. Mary also spearheaded the establishment of a Police Review Board in Rialto, which helped reduce the number of civilian shootings by Police and led the way for the first Black Police Chief of Rialto.

Mary had a clear political gift, and she later served as President of the Inland Empire Democratic Club. She was not afraid of hard work and contributed greatly in my office by volunteering during my years as a newly elected California Assembly Member.

Mary is survived by her only son, Stephan Collins, four daughters, Karen Collins Lewis, Remelle Lumpkins, Terry Hunter and Carolyn Gullex, 15 grandchildren and 9 great grand children.

Mary has left behind a wonderful legacy of social justice and community activism. She will be missed by family and friends alike. Mary touched us all with her kind deeds and leadership in our community. Barbara and I extend our deepest condolences to her family and may God bestow his comfort upon them at this time.

DAM SAFETY AND SECURITY ACT

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to introduce legislation that will prevent us from repeating the past. Specifically, the National Dam Safety and Security Act reauthorizes a program that has directly helped the states and protects the citizens of this great country.

Dams provide tremendous benefits including water supply for drinking, irrigation and industrial uses; flood control; hydroelectric power; recreation; and navigation. At the same time, dams also represent one of the greatest risks to public safety, local and regional economies, and the environment. Historically, some of the largest disasters in the U.S. have resulted from dam failures. The 1928 St. Francis Dam failure killed more than 500. During the 1970's the Buffalo Creek, Teton and Toccoa Creek dam failures collectively cost 175 lives and more than $1 billion in losses.

One dam failure hits a little closer to home for me. On May 31, 1889, the 72-foot high South Fork Dam above Johnstown, Pennsylvania, burst. Twenty million tons of water took its natural course, dropping 450 feet in 14 miles, at times 70 to 75 feet high and reaching speeds of 40 miles per hour. In 40 minutes, three miles of water drained into the valley below.

At 4:07 on the chilly, wet afternoon the inhabitants heard a low rumble that grew to a roar like thunder. Most never saw anything until the 36-foot wall of water, already boiling with huge chunks of debris, rolled over them at 40 miles per hour, consuming everything in its path. Making the wave even more terrifying was the black pall of smoke and steam that hung over it—the "death mist" remembered by survivors. Almost 113 years ago to the date, more than 2,209 people lost their lives when the dam failed. In their memory, we must not let this happen again.

Unfortunately, even today many dams are not maintained properly. Dams require ongoing maintenance, monitoring, frequent safety inspections, and rehabilitation. More than 90 percent of the nation's approximately 100,000 dams are regulated by the states. Further, many dam owners, including most private dam owners who own over half of all dams, lack the resources necessary to perform dam maintenance or to make significant repairs.

In the past two years more than 520 dam incidents, including 61 dam failures, were reported to the National Performance of Dams Program. As a matter of fact, the number of high-hazard potential dams whose failure would cause loss of human life is increasing, due to development of downstream land. Today there are 9,921 high-hazard potential dams.

Even more alarming, states presently report approximately 2,100 "unsafe" dams, which have deficiencies that leave them highly susceptible to failure.

The combined effect of rapid downstream development and aging or noncompliant structures, coupled with a predicted increase in extreme events, demands fully funded and staffed State dam safety programs as well as substantial and proactive funding for dam repairs.

In an effort to ensure dam safety, Congress passed the National Dam Safety Program in 1996. Under this program, State dam safety agencies have received grants totaling $7 million to assist them with improving dam safety regulatory programs by procuring equipment, implementing new technology, and enabling more frequent inspections. The program also provided opportunities for continuing education to dam safety engineers and funding for research to advance the technology of investigations, construction and rehabilitation of dams.

I am pleased to report that this program was successful and deserves to be continued. It is important to note that this model program sent the money directly to the States—where it was used, to educate, inform and help protect the people.

My State of Pennsylvania has been at the forefront of the nation's dam safety efforts over the last two decades and our program has been cited as a role model for other States in developing new and expanded programs. Of the three thousand two hundred dams in Pennsylvania, nine hundred and fifty are now classified as high-hazard potential structures, meaning their failure could cause loss of life or substantial damage to properties. This determination helps our State dam officials identify which dams deserve regular inspection and those that require more infrequent inspection. In conversations with the Pennsylvania State dam officials, they confirmed that they couldn't have done it without the National Dam Safety Program.

My bill reauthorizes this successful National Dam Safety and Security Act by updating and fine-tuning the underlying language and providing a modest boost to the funding for research and development. Importantly, my legislation will provide States the technical assistance necessary to maintain security for the nation's dams.

Specifically, the program will:

Ensure new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

Encourage acceptable engineering policies and procedures to be used for dam site investigations, design, construction, operation and maintenance, and emergency preparedness;

Encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

Develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

Develop technical assistance materials for Federal and non-Federal dam safety programs;

Develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector; and

Develop technical assistance and encourage appropriate security for the nation's dams.

I want to point out that this program is truly a State-based program—because that is where the money goes and is used. The money in this program is not swallowed up in some nameless and faceless bureaucracy here in Washington, the money goes directly to the States.

It is also important to note that this program does not provide funds for constructing or fixing dams due to the cost of such activities. These funds are to identify and educate the public and dam owners about dam safety and conduct necessary research to ensure dams are as safe as possible.

For less than $10 million, this program authorizes:

Provides $6,000,000 per year 2003–2006 National Dam Safety Program;

Provides $500,000 per year for National Dam Inventory;

Provides $500,000 per year for Dam Safety Training;

Provides $1,500,000 per year for research; and

Provides $600,000 per year for staff.

Mr. Speaker, I would like to remind everyone how important dams are to this country. Dams provide hydroelectric power to almost every State in the union, habitats for fish, birds, and other animals, recreational activities from bird watching to water sports, flood control and are a source of water. Maybe because of the positive impacts of dams more and more people are building downstream from dams. This is not dangerous, as long as the dams are monitored and maintained.

For these reasons, and in memory of the lives lost one hundred and thirteen years ago in Johnstown, I ask that the House favorably consider this legislation.

AMERICAN LEGION AUXILIARY UNIT 146 IS MAKING A DIFFERENCE IN TENNESSEE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. HILLEARY. Mr. Speaker, my home state of Tennessee's nickname "The Volunteer State" dates all the way back to the War of 1812 when thousands of Tennesseans enlisted in response to Governor Willie Blount's call for volunteers. The volunteer spirit that moved so many Tennesseans to service then remains alive and well in our beautiful state almost 200 years later.

Today, the volunteer spirit is manifested by the thousands of Tennesseans in the armed services and by the countless civilian volunteers from Memphis to Bristol and Chattanooga to Clarksville.

One such group of Tennessee volunteers is American Legion Auxiliary Unit 146 in Lawrence County. I am proud to commend them today for the fine work they do.

From children to veterans, Unit 146 exemplifies the volunteer spirit, that call to help the community, to ease the pain of those less fortunate and to lift us all by their example of caring and compassion.

For "Make a Difference Day" this year, Unit 146 made yarn angels for every patient in local nursing homes and assisted living centers.

Last Christmas, they made and filled stockings, complete with an American flag, for veterans at the VA hospitals in Nashville and Murfreesboro.

Together with their local American Legion post, they host bingo games for veterans in VA hospitals.

Each year, Unit 146 remembers our veterans and the heroes who gave their life for their country by participating in Memorial Day ceremonies and Veterans Day parades.

In addition to supporting our veterans, the unit looks to the future by supporting important programs for children and youths. Throughout the year they pass out flags, Halloween safety brochures, pamphlets on how to say "No" to drugs and suicide prevention books.

Unit 146 provides their local sheriff, the Tennessee Highway Patrol and their hospital's emergency room with stuffed animals and coloring books to ease the pain for traumatized children.

American Legion Auxiliary Unit 146 truly represents the best of the volunteer spirit in the Volunteer State.

I commend them for the fine work they do throughout the year. Their acts of goodness are a common thread in our state running all the way back to 1812 when Tennessee first needed volunteers to come to the assistance of her people. Their acts of kindness touch all and spawn other acts that will keep that thread strong for the next 200 years and well-beyond.

NATIONAL HOSPITAL WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the "National Hospital Week" (NHW). This year, the theme is "Where Miracles Happen Every Day". That theme portrays the uniqueness and necessity of the field of healthcare. This period of time will recognize and honor health care professionals, volunteers, and other health professionals for their continued dedication to healing our communities. The celebration of National Hospital Week began in 1921. A magazine editor developed an idea to place more information about hospitals in communities to help erase public fears and uncertainties about healthcare at that time. Since NHW's origination, it has developed into the nation's largest health care event.

This prestigious event is sponsored by the American Hospital Association (AHA). The AHA has been in existence since 1899. It started as an association of Hospital superintendents with a mission to facilitate discussion among hospital administrators. Overtime, its members and mission has developed into a membership which embodies all health care workers and a mission that stresses leadership in public policy, representation and advocacy, and services. Today, the AHA focuses on enhancement of health status, health promotion, ongoing care and rehabilitation of patients, education, research, and that all these activities are conducted with an overriding concern for the values and dignity of patients.

As I stated earlier, I am an advocate of this celebration. This week will help us to focus on universal health coverage by allowing health care workers across our nation to share ideas and thoughts on the coverage issue and others. In a time of state budget cuts and medicaid cuts, this week will display the need for appropriate funding of the health care system. In the past year in Illinois, hospitals grappled with Medicaid funding cuts of $340 million. Nursing homes in Illinois dealt with medicaid funding cuts of $170 million.

Additionally, this week will help us attack the issue of health care access as grass roots discussions take palce and solutions are developed from individuals at the fore front of health care.

In the 7th Congressional District, there are twenty-five community health centers, twenty-three hospitals, three veteran hospitals, and four medical schools. These institutions help sustain my district. I urge my colleagues and constituents to join me in this celebration which is vital to the health of our Nation.

SENATE—*Wednesday, May 15, 2002*

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have promised us that "In quietness and confidence shall be your strength." Isaiah 30:15. Thank You for prayer in which we can commune with You, renew our convictions, receive fresh courage, and reaffirm our commitment to serve You. Here we can escape the noise of demanding voices and pressured conversation. With You there are no speeches to give, positions to defend, party loyalties to push, or acceptance to earn. In Your presence we simply can be and know that we are loved. You love us in spite of our mistakes and give us new beginnings each day. Thank You that we can depend on Your guidance for all that is ahead of us. Suddenly we realize that in this quiet moment we have been refreshed. We are replenished with new hope.

Now we can return to our outer world of challenges and opportunities with greater determination to keep our priorities straight. We want to serve You by giving our very best to the leadership of our Nation to which You have called us. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will announce we will be in a period of morning business for the next hour. I ask unanimous consent that Senator KENNEDY be the designee of the majority for that 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. As soon as we complete the morning business, we will return to the trade bill. Senator WELLSTONE, under an order entered last night, will be recognized to offer his amendment regarding labor impact. We have a number of Senators who have indicated they want to be recognized shortly thereafter. Senator WELLSTONE's amendment, I am told, will not take very long. So Senators who wish to offer amendments should be here this morning, and we will be happy to put them in the queue so this legislation can move as quickly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak up to 10 minutes each. Under the previous order, the time from 10 a.m. shall be under the control of the majority leader or his designee.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the last request, we have half an hour under my control; is that correct?

The ACTING PRESIDENT pro tempore. The Senator controls the time until 10 a.m.

EDUCATION

Mr. KENNEDY. Mr. President, I appreciate the leadership giving me and others an opportunity to talk about an issue which is of central importance and consequence to families across this country. Families are thinking about education. Families are thinking about the coming days in May and early June when their children will be graduating. They are also thinking about the indebtedness they will face when their children graduate. Others are looking forward to the fall as their children are accepted to schools and colleges across the country.

Families are very concerned about what is happening in the public schools across this Nation. Some 55 million of our children are going to public schools. As we know, over the period of the remaining part of this century, that population is virtually going to double. It will be virtually 98 million. It will be an enormous challenge to ensure we continue to lead the world as the premier economic and democratic power if we do not provide for the education of our young people. Education is a key component of democracy and is key to defending our vital interests.

I remind this Senate where we are in terms of education funding. Money is not the answer to everything, but it is a pretty clear indication of what our Nation's priorities are. Last year we worked out strong bipartisan legislation with the President of the United States, Republicans, my friend Senator GREGG, Congressman BOEHNER, Congressman GEORGE MILLER, and myself, the members of our Education Committee, Republicans and Democrats alike. I can see them all in my mind, their strong advocacy in terms of the children of this Nation. One of the great pleasures of serving in the Senate is working with our colleagues on education and investing in education as a priority for our country. But, today we are faced with an education budget proposed by the President that does not make the promise of the "No Child Left Behind Act" a reality.

We are talking about a budget of some $2.3 trillion. In that budget, less than 2 cents out of every dollar is focused on education. Parents are surprised to hear that. Many Members believe we ought to reflect our priorities and their priorities in education by providing greater investment. It is appropriate I mention that because this last year we had a major restructuring, a reform. We put much greater requirements on our children, a greater expectation in terms of accountability. We are insisting that the parents be involved. We provide supplemental resources for children falling behind. We ensure any evaluation of children is based upon a good, well-thought-out curriculum and based upon State standards.

All of the recommendations that have been made over the period of recent years have demonstrated positive results. The real issue now is whether we are going to fund that program or whether we are going to claim that we did something for the American people not back it up.

I draw the attention of our colleagues to the statement of the President of the United States this last week in the Midwest where he was talking about the achievements of the No Child Left Behind. In his speech, on page 3, he said:

> We have responsibilities throughout our society. We have responsibilities. The Federal Government has responsibilities. Generally, that responsibility is to write a healthy check. We did so in 2002 budget—$22 billion for secondary and elementary schools, it's an increase of 25 percent. We have increased the money by 35 percent for teacher recruitment, teacher retention, teacher pay.

That was done with the strong urging and the insistence of the Democrats.

Now we have the administration on its own, and let us see what they are doing with education. Prior to last year, the Bush proposal for 2002 was an increase of 3.5 percent. What I have just referred to was the congressional "final" of fiscal year 2002 which was the 20-percent increase to which the President referred. After that marvelous admonition about all the things we are doing and the Federal responsibilities, we can ask ourselves, I wonder what they will do for the next fiscal year.

Right out here is your answer. It is a 2.8-percent increase. It is basically an abdication of responsibility to the children of this country.

Under the President's program, named "No Child Left Behind," we saw in 2002, 6.3 million children who were not covered by Title I and were not being helped. Children who are qualified for this program. They are not being helped. What happens under the President's own program? In 2003, the number of students not being served by Title I grows by 250,000. It is not going down. The number is going up the number of children who are not being served. That is in contrast to our commitment in that legislation that shows a decline in the total number of children who would not be served so that by FY 07 we will have cut that number in half—from 6.3 million children to 2.9 million. We should fully fund Title I so that no child is left behind. We have, in Congress, taken a step in that direction. But what does the President propose? A step in the opposite direction. More Title I children left behind.

What is the reason to say all these children are going to be left out or left behind? All you have to do is look at the President's budget for the out years and see it is effectively zero in each of those following years.

Let's take a few of the essential elements of the No Child Left Behind Act. Teacher training—is there a family in this country who does not understand that you have to have a well-qualified teacher in every classroom? That is one of the prime elements of this legislation. We increase the funding for recruitment, retention, and professional development. Those elements are included in that legislation in a variety of different ways, including mentoring—to have experienced teachers mentor younger teachers, with a variety of different outreaches to get the best of America to work in the classrooms. This is what was committed to last year.

Look at what is in the President's budget for fiscal year 2003—a zero increase in this fund to meet our responsibility for teachers.

What was a second important element? There are many, and I will just mention some. What is the second important element? The second important element is after-school learning opportunities. Why is that important? It is pretty obvious. Parents understand that after-school programs can provide a variety of services. Many now are providing the academic help for children, either tied into schools or tied into voluntary organizations, and many, as in my own city of Boston, are tied into universities to assist the children in those programs. That is to make sure the supplementary services that are included in this legislation are going to be available to these children, either in school or, if it is not possible there, to do it in the after-school programs. These after-school programs are enormously important.

I will not take the time today, but I will later on, to show, where children have had the opportunity for after-school programs, how that has enhanced their academic accomplishment.

What does the administration have? Basically no increase whatsoever—zero—for the after-school programs.

I will draw the attention of our colleagues to after-school programs in terms of demand. There are a great number of applications from local school districts across this country that would qualify if the resources were there for after-school programs, but remain unfunded. We are only able to fund a very small portion. Mr. President, 2,783 applicants applied for federal after-school funds, and only 308 could be funded.

There are enormous opportunities. If we are going to talk the talk, we ought to walk the walk, and walking the walk means investing in these children, investing in after-school programs and making sure they are going to have good teachers.

Let's look at what is happening to many of the children coming into our schools for whom English is a second language. The challenges for those children are extraordinary. But there are a number of very exciting efforts, programs that are enhancing both the English and the native language of these children. We can get into that, and will at another time, but let me just give a couple of statistics.

Today, as we are here, there are 180,000 children in Los Angeles County who do not have desks because there is not adequate funding. In Los Angeles County, they have cut back 17 days of school for many students because they do not have the resources. And we are cutting back in our participation, to reach out to these children who are qualified for help? Can somebody explain that? And they say it is a national priority? That just does not even pass the laugh test.

This chart: "Bush Budget Undermines School Safety." This is about safe and drug-free schools. Anyone who travels to any high school across this country will find the parents and teachers, others, will talk about these matters I mentioned: A well-qualified teacher, after-school programs, books—they talk about their libraries. And they talk about the safe and drug-free schools. They talk about safety in the schools. They talk about substance abuse in the schools. They talk about trying to make sure that you are going to have a safe atmosphere, where children can learn, inside the schools.

That is a key element. And it is a key element of our legislation. But certainly not for this administration. This administration has cut back on any little marginal increase. Not only are we getting flat funding on a number of education priorities, we are actually seeing a decline in funding for safe and drug-free schools. That is after that program had been carefully worked out by two of our colleagues, Senator DEWINE and Senator DODD, who spent a great deal of time having special hearings on that program. This program was broadly endorsed across the country, and here we have the issue about having safe and drug-free schools as a key element to make sure our schools are going to measure up, and we have the administration effectively cutting funding for this program.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. I am glad to yield.

Mr. DURBIN. I thank the Senator.

When it comes to the issue of education, it is clear that this President has not done his homework.

Will the Senator from Massachusetts recount for this Senator, for the record, what happened in the debate and deliberation over No Child Left Behind? Is it not true that both parties came together in a bipartisan fashion, behind the President, to authorize and create the very programs the Senator is describing today? Is it not true that the Senator from Massachusetts, who has been on this Senate floor as a leader in education, worked hand in hand with the President to put in place this reform of public education across America with the promise it would be more than a press conference, that it would be a commitment to funding education to make certain these programs work? Is that not a fact?

Mr. KENNEDY. The Senator states the history entirely accurately. We were stalemated here on the floor of the Senate when we tried to visit the reauthorization of elementary and secondary education. President Bush made this an important item during the course of his campaign. All of us welcomed the opportunity to work with him.

I do not question his own personal commitment to education reform. But if we are going to really be serious about trying to make a difference, after we have the reform, we have to fund it.

The question of the Senator suggests a very important item with which we wrestled. If you have money without reform, you are not having an effective use of your money. If you have reform without resources, you are not going to achieve any goal. That was basically the dilemma we were facing. We put the reform together. The question is now whether we are going to give the help to those children, to those teachers, to those parents.

Let me, since the Senator is on his feet, just mention one item in addition which is of enormous importance. I see my friend from Minnesota here as well. The Bush budget provides zero funding to support parental involvement. There is not a successful school district in this country that does not have the involvement of the parents, the representation of the parents—people who are involved whose interest is the interest of the child in the school. Not only that, the administration has failed to include parents in a meaningful way in the development of the rules and regulations for the No Child Left Behind Act. Of the 22 panelists presiding over the Title I rules, only 2 represented parents and the administration is now facing a law suit for leaving parents behind in this process.

Now the parents organizations are challenging the Department of Education to say: "Let us in the door." "We thought we were included." We see parents being closed out here with no involvement and effectively being denied inclusion in the development of the rules and regulations. I will come back to them in just a few moments. But this must be a matter of concern as well.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. DURBIN. Isn't it also a fact, as we read the newspapers from across the United States, that State after State is facing a cutback in the resources that the States have available for education? In my home State of Illinois, they are currently in session in Springfield trying to figure out how they are going to deal with diminished resources. This morning's paper talks about the State of California losing 20 to 25 percent of its revenue in the coming year, forcing hard decisions in every area, including education.

So this refusal of the Bush administration to fund the very programs they were crowing about, announcing just a few months ago, is going to have a multiple impact on these States that are already facing tough times when it comes to their own budgets, as I see it.

Mr. KENNEDY. The Senator is absolutely correct. The estimates are anywhere from $40 to $50 billion of shortfalls in States in terms of deficits. And, of course, an important impact of that $40 to $50 billion shortfall will be in areas of education, both higher education and also State support to K–12 education.

We have, in this legislation, requirements that the States are not permitted to let the Federal money supplant the States' obligations.

And now, when we have the situation that the Senator has outlined, how are we going to say to the States, no, you can't cut back—when we are already cutting back on them, when we are already undercutting what is happening in the States by denying the investment in these children in these areas which we have worked out in a bipartisan way, virtually unanimously, in both Houses, with the great support of parents, of educators, of school boards, superintendents? It was not completely unanimous, but about as close to it as you could have on a major kind of a policy issue. And I am just as troubled, as the Senator must be, that we are failing.

I am troubled, as well, with what we saw just this past week. I ask the Senator whether he would agree that we have to ask ourselves, is this administration really committed to quality education, when they were about to eliminate the possibility of students consolidating their loans at the current lower interest rates and save students and families hundreds of millions of dollars? And they beat a quick retreat on this.

But does it not suggest to the Senator that we are at least missing the note on investing in children and making good education more available and accessible?

Mr. DURBIN. The Senator from Massachusetts, I think, brings two points together. When you reduce the ability of students to go to college, you necessarily reduce the opportunities to create tomorrow's teachers. We need to hire 55,000 new teachers in my State of Illinois over the next 4 years. What the Bush administration proposed was to make it more expensive for students across America to go to college.

Students who are working hard and sacrificing would have paid more were it not for the efforts of the Senator from Massachusetts and many on this side of the aisle that forced the Bush administration, in the last few days, to back off that.

But let me ask the Senator, if I may, this one last question because my colleague from Minnesota would also like to participate in this. Is this not, in this budget this year from this Bush administration, the smallest proposed increase in K through 12 education since 1988?

Mr. KENNEDY. The Senator is correct, this is the smallest increase not only for K–12 education since 1988, but also the smallest proposed increase for education as a whole in seven years, as I am quickly reminded by my wonderful staffer Danica. As this chart says: "The Bush Administration: Smallest Increase for Education in 7 Years." This represents the increase in education. As you can see, The increase for 1997 was 16 percent, for 1998, 12 percent, for 1999, 12 percent, for 2000, 6 percent, for 2001, 19 percent, for 2002, 16 percent and then for next year Bush proposes only 3 percent. This is total education. Sometimes there is a flyspecking in terms of education. We have not gotten into, for example, the IDEA and the retreat the Republicans had in making sure we are going to have the full funding for the IDEA, which the Senator fought for and is so important.

But let me just mention one final item—going back to the consolidation issue. Only 3 percent of the graduate degrees conferred in this country are in law and in medicine. If you remember the rationale of the administration, they said: we do not need to provide for consolidation at a fixed rate because these young people are all going to be lawyers and doctors, and they will be able to pay it off. They represent only 3 percent of the graduate degrees conferred.

The people I am concerned about are those childcare workers—who we are trying to help in terms of providing better quality childcare—who are trying to get their degrees and are going to have to borrow money. I am concerned about the nurses who are trying to get those advanced degrees so they can provide better care. And I am concerned about the teachers who are trying to get a better upgrading of their own kinds of skills who are going to have to go out and borrow. Those are the ones who would have been affected by denying these borrowers the lower interest rates. So that is why I am so glad the administration retreated on it.

I thank the Senator for bringing up these important points.

Mr. DAYTON. Will the Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. DAYTON. I applaud the Senator from Massachusetts whose leadership and commitment to these children for decades have been resolute. When I came to the Senate a year ago, I thought what a phenomenal opportunity I would have to work with the Senator and others of our colleagues, given the resources we seemed to have available at that time. As I recall, we had trillions of dollars of surpluses. That was the context in which I recall the Leave No Child Behind partnership was forged.

I wonder how the Senator feels about having made that commitment, and seeing that promise made for funding for all these areas, and now seeing a budget that comes out like this. What happened to all that money we were going to spend on children?

Mr. KENNEDY. The Senator is quite correct. As a matter of fact, the $1.3 billion the OMB had expected, if their proposal in terms of eliminating the consolidation of loans had taken place, would have effectively been used for the tax breaks. You would have had a transferring of resources from the sons and daughters of working families—and not just the sons and daughters because many now in these community colleges, I am sure in your State as well as mine, are mid-career people trying the upgrade their skills. So it is also mothers and fathers who are going for graduate degrees, as well as sons and daughters. But it effectively would have had those individuals paying more interest on their student loans so that the top 1 or 2 percent of the income-tax payers would have been able to get their additional kinds of tax relief. I think those are absolutely the wrong priorities.

It seems to me we heard in the Senate not long ago that we can have it all, we can have the tax cut and the education and the defense—we can have it all. And there were many of us who did not believe you could have it all. There are still some trying to say you still can.

But the Senator's question points out how the education for working families—in the K through 12, and also in college—is going to be limited because of the administration policy.

Mr. DAYTON. The Senator's use of the word "priorities" is exactly the right choice. I recall this year we approved another $43 billion in tax breaks for the largest corporations in this country. Combined with what was done last year, would the Senator agree that the priorities of this administration are just fundamentally at odds with the interests of children in America?

Mr. KENNEDY. It seems to me most Americans are agreeing, we have a new day in America as a result of the tragedies of September 11: enormous loss, incredible inspiration for the men in blue, who will be honored outside this Capitol today, and mindful of the 233 who were lost, and the incredible courage of those Americans. We have a new and different day. We have a different economy, different obligations in homeland security, in foreign policy. We have a responsibility here at home to meet the needs of our people.

Mr. President, I ask unanimous consent for 30 more seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I think that is what is enormously important: Be strong at home. And there is no place we can be stronger at home than investing in the children of this country.

Mr. DAYTON. I thank the Senator, again, for his courageous leadership on this issue for so many years.

Mr. KENNEDY. I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee.

Mr. GREGG. Mr. President, I yield myself 10 minutes of that time. I understand the Senator from Ohio would like 15 minutes off that time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

THE PRESIDENT'S COMMITMENT TO EDUCATION

Mr. GREGG. Mr. President, I find the discussion of the Senators from Massachusetts and Illinois and Minnesota most interesting. It reminds me of that old story of the attorney up in northern New Hampshire who received a report from one of the logging camps he represented. There were seven people in this camp, five men and two women. The report came in that 50 percent of the women were marrying 20 percent of the men.

The numbers which have been thrown out here are, to say the least, a bit disoriented, dysfunctional, and inaccurate. They certainly don't reflect this President's commitment to education. In fact, I don't think anybody can seriously question this President's commitment to education. He not only has made it a priority, he has essentially made it his No. 1 domestic priority after the issue of fighting terrorism, which of course is our Nation's No. 1 issue right now.

It was under his leadership that we passed a landmark piece of legislation in which obviously the Senator from Massachusetts played a large role, as did the Senator who is presiding at the present time. That legislation essentially reorganized the way we approach legislation at the Federal level as it affects elementary and secondary school education.

Basically, it took a large number of programs and merged them together and turned that money back to the States with more flexibility, the purpose of which was to give the States and the local communities specifically more dollars with fewer strings and, in exchange for giving them more dollars with fewer strings, expect more for those dollars and have standards which have to be met to show that that has occurred; in other words, specifically saying, we don't expect any children to be left behind.

The Federal role in elementary and secondary education is a fairly narrow role; 92 to 93 percent of the money comes from the local communities or the States; they have the priority role in education. The Federal role in education has picked two targeted areas on which to focus. No. 1 is low-income kids, making sure they are not left behind. No. 2 is special needs kids, special education kids. This ESEA bill which we passed, the No Child Left Behind bill, essentially said we will give the local communities more money with fewer strings, fewer categorical programs; but in exchange for that, we will expect that especially low-income kids have a better opportunity to learn and that they are not left behind; we will ask the States to set up standards which test that.

What did the President do? He didn't give them less money. He gave more money into this program. If you look at the chart the Senator from Massachusetts held up, you will see that the increases in the Federal commitment to education have been massive over the last 2 years: 19 percent over the base 2 years ago; 16 percent on top of the 19-percent base; and then 3 percent on top of that, with the practical effect being that the dollar increase has been absolutely huge, as has the percentage increase for education.

In fact, what the President did was consolidate that money into basically a more focused stream so that it goes back to the States in a more effective way. I have charts to reflect this, but I am not sure they are here. Hopefully, they will be arriving soon.

In any event, if you look at what we did, what the President did, you see he put the money into title I. Yes, some of these other programs—they held up five or six different programs—have been zero-funded. They should have been, because they were a little bits of money tossed around for the purposes of some Member of this legislative body getting out a press release.

What the President said was: Let's not do that. Let's put this money into one focused stream and have those dollars flow directly back to the communities. The practical effect of that is that the title I dollars over the last 2 years, the President's increase in title I spending, the money going to low-income kids, has seen a $2.5 billion increase. If you take all the money that went into title I, all the increases during the administration of President Clinton, which was 8 years, not 2 years, his increases only amounted to $2 billion in that account.

So in 2 years the President has exceeded by 20 percent the amount of money that went in as increases over 8 years into the Clinton accounts. This concept that the President has not funded education is absolutely fallacious.

You could hold up another chart on this relative to special education which would show the exact same thing. In fact, it would show that President Bush has made a stronger commitment to special education than President Clinton ever did during his entire term in office. President Bush in the last 2 years, in both of those years, has increased special education by $1 billion each year. President Clinton, of his entire 8 years, in only 1 year, the last year when he was basically forced into it, did he increase special education by $1 billion. In every other year, for the 7 prior years, his increase in the special education amount was actually negligible.

As we know, special education has a huge impact on the local tax base. The failure of the Federal Government to pay its fair share of special education has been one of the real problems local communities have had.

President Bush has made, from the start, a major commitment to funding special education, increasing that funding by over $2 billion, $1 billion in each year of the last 2 years and, as a result, has lived up to a commitment he made during the campaign which was that he was going to move towards full funding of special education. This concept that the President is not funding education really doesn't hold water.

Then there was some discussion of postsecondary activity and this consolidation issue, this "bloody shirt" that the other side continues to draw across the floor. Let's talk about a little bit of history. This concept was reported as a concept, as a trial balloon in the New York Times. That is where the issue comes from.

Somebody in OMB, which is not the education policy arm of the administration, threw out the idea: We have to pay for the Pell grant shortfall which is $1.3 billion. One way to do that would be to disallow consolidation of student loans. That is one of the many ways we could do it.

It was reported in the New York Times as a concept. It was a trial balloon. The education arm of the administration, which is the Education Department, immediately rejected it. The OMB was told to forget it. In fact, the OMB called around the Hill to the staff of the appropriate committees and members of the appropriate committees and said they would not pursue it. Yet for 3 weeks now we have heard it as if it were a policy. How outrageous. I refer to the approach the other side is taking as the thought police, where, if you have an idea, you just beat it into the ground, like those mullahs who run around with sticks and beat people if they have ideas. This idea doesn't even exist as a policy. Yet we continue to hear about it.

What does exist as a policy, however, is what this administration has done in the area of postsecondary education, which is huge in the way of funding. The largest increase in Pell grants in the history of this country has occurred under this administration. More students, 500,000 more students, will get Pell grants this year than got them in the last year of the Clinton administration. This administration has committed huge dollars into this program. The rate of interest which a student will pay on their student loans will drop to below 2 percent by the beginning of next year—below 2 percent—as a result of this administration supporting language which allowed those loans to be reorganized in a way that students could get a less than 2-percent rate of interest on their student loans—incredibly low-cost money to help kids go to school, huge benefits to students trying to go to graduate school. And equally important, the tax bill which passed this Congress and which a number of Members on the other side did vote for but nobody who just spoke voted for, the tax bill which passed this Congress gave a massive increase, something in the vicinity, I think, of $30 billion of incentive money to help parents fund their children's education in the expansion of the Coverdell accounts, the expansion of the deductibility of interest for student loans, and a variety of other initiatives—teacher tax credits for people who stay to go on to teach, a supplemental payment there—all sorts of initiatives which dramatically increased the funding available to assist parents who are trying to put their children through school.

So to come to the floor of the Senate, as some of the Members have from the other side for literally 3 or 4 weeks now, to berate the administration for the consolidation proposal, which was never a proposal, which was simply a trial balloon, and to berate the administration for not funding education is, in my opinion, tilting at windmills by the other side and trying to set up straw men because the issues hold no water on the basis of fact.

Mr. President, I appreciate the courtesy of the Senator from Ohio letting me go forward, and I appreciate the courtesy of the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

TRADE PROMOTION AUTHORITY

Mr. DEWINE. Mr. President, over the last couple of weeks during the debate on this trade bill we have heard arguments for and against trade promotion authority, the Andean Trade Preference Act, and trade adjustment assistance. Many of the arguments have focused, and I think rightfully so, on the impact of those issues on American jobs and on the American economy. American workers and the American economy benefit from free and open trade. Granting the President trade promotion authority will greatly help to facilitate open trade. It will help our economy and it will help jobs.

Today, I would like to focus on another benefit of the passage of this legislation. I would like to talk about the benefit to our foreign policy, to our national security. A top priority in our foreign policy must be to promote freedom, peace, and stability in the world and particularly in this hemisphere, the Western Hemisphere.

Last year, a Dallas Morning News editorial put it very well. Here is what they said:

> In the post September 11 world, free trade is not just good economic policy. It is also good foreign and security policy.

We, as a nation, stand to lose or gain depending on the economic health and security of our neighbors. A strong, a free, and prosperous Western Hemisphere means a strong, free, and prosperous United States. That prosperity depends in large part on free and fair trade. In 1987, President Ronald Reagan told Soviet Premier Gorbachev to tear down the Berlin Wall. It was a symbol of repression, keeping freedom and prosperity out of Eastern Europe. Today, we need to destroy another wall, a wall that prohibits the free and fair trade that Ronald Reagan envisioned for not just the people of Eastern Europe but for all of the world.

I am talking, of course, about the tariffs, quotas, the lack of trade agreements that are really bricks in the walls that surround all countries. We must work to eliminate those barriers while also negotiating free trade agreements so our Nation has reciprocal access to these foreign markets. Such efforts are key foreign policy steps that can effectively counter poverty, disease, and tyranny.

From an economic point of view, business in the developing world struggles to survive for a multitude of reasons. During my 15 years in the House and Senate, I have traveled across many poverty-stricken and disease-ridden parts of the world. My wife Fran and I have seen the destitution, devastation, and desperation in which millions and millions of men, women, and children live. I believe we have both the ability and the obligation to help these suffering people.

In addition to foreign aid, to foreign assistance, increasing our trade relationship with these countries will help promote economic freedom and growth.

I cannot tell you how many foreign leaders I have met—I know my other colleagues have also met—who say do not be concerned about foreign assistance to us. What we really need is access to your markets. What we really need is the opportunity to sell the goods that we can produce to the American people. Tear down the artificial barriers. That is the best assistance that you can give us.

So in addition to helping us, it helps them and ultimately helps our vision of the world, which is a world filled with countries that are Democratic and that have developing middle classes.

Statistics show that when developing countries engage in international trade and investment, they develop and grow faster than closed economies. Trade agreements open up markets. It cuts poverty and advances the cause of economic and political liberty. The sad fact is the United States has underutilized trade to the detriment of our Nation and our trading partners, particularly in our own hemisphere. Right now, the United States is only party to 3 of the more than 130 bilateral and free trade agreements in this area—that is right, only 3. The European Union, on the other hand, has had free trade agreements with 27 nations. Mexico, our Nation's and my home State of Ohio's second leading trading partner, has secured 25 such agreements just since 1994.

Providing our President trade promotion authority is a chance for us to, once again, show our leadership in this area.

Many foreign leaders have expressed this frustration, that the agreements they sign with the United States, frankly, could get bogged down in Congress. So without trade promotion authority, it is difficult, if not impossible, for our President to conclude the agreements that we so desperately need. That is why this bill must pass and we must send it on to the President.

Few foreign leaders candidly will be inclined to invest their time or effort in working out agreements that may be radically altered by Congress. At best, the administration's ability to negotiate bilateral free trade accords will be seriously hampered. We need to remember that trade promotion authority is not a new concept. Our Presidents were granted this authority almost continuously from 1974 to 1994 when the authority lapsed and was not renewed. We also should remember that under the provisions of TPA, the President is required to consult with congressional committees and to notify Congress at major stages during trade negotiations. And we also should remember that Congress retains the ultimate authority, of course, to approve or disapprove the final trade agreement.

By granting trade promotion authority, we are not abdicating control of our Nation's trade policy. On the contrary, we in Congress are helping our Congress to lead. Many of my colleagues have spoken very eloquently about why the President needs trade promotion authority. And they have provided statistics showing how increased trade will help open markets and provide job opportunities right here in the United States in every sector of our economy. They have argued further that the President needs TPA in order to strike the best deals for American workers, for families, for farmers, and for business men and women.

They have shown that trade promotion authority represents the vital partnership between Congress and the executive branch.

These are all important points, and they are all valid. They all illustrate how free and fair trade agreements, accomplished through the exercise of trade promotion authority, are important for the United States. They are correct. But as we have seen, free trade also benefits developing countries, and this is important to the United States.

For example, for most of the 20th century, Mexico had closed itself off from international trade and capital flows by setting up currency controls and trade barriers. Only with the Latin American debt crisis of the 1980s did Mexico slowly begin to open its economy to global trade and investment. Then with NAFTA the payoffs to Mexico's economy and workers were certainly very real.

Between 1993 and 1999, Mexico climbed from 26th place to 8th place among the world's largest exporters, and in recent years Mexico's exports fueled growth rates of 4 percent. Free trade also has enhanced Mexico's overall stability, and the involvement of U.S. businesses has positively influenced both labor conditions and environmental quality in Mexico. Due to increased competition, domestic firms in Mexico increasingly are forced to compete with foreign-owned businesses and joint ventures by offering better working conditions and higher pay. The situation in Mexico is not perfect and the results so far are uneven, but overall there has been improvement.

Meanwhile, U.S. production methods and technology are demonstrating to Mexican business that it is possible to be both profitable and environmentally responsible. The Mexican Government has actually strengthened its environmental regulations and enforcement procedures since NAFTA has been in place, and this, of course, benefits the United States, particularly the area along our southern border.

Ultimately, the example of Mexico demonstrates that free trade is not only in Mexico's best interest, but it is also in our best interest as well.

If we in the United States care about the illegal drugs that are coming into our country across our southern border, if we care about immigration problems, if we care about other issues of political and economic stability, then we want our neighbors to be peaceful democratic nations. It is in our national interest.

It is in our national interest to see a Mexico, to see a Central America, to see the rest of this hemisphere be democratic, to see people have opportunities, to have a chance for the future. It is important for someone who has a family in Central America or Mexico to think they have the opportunity to feed that family and not have to make the very difficult, tough, and illegal decision to come to the United States and cross our border. It is in our interest for Mexico to develop, and one of the best ways is through fair trade.

What is true of Mexico is also true with the rest of the hemisphere. That is why it is important this legislation pass.

Some of the strongest evidence of the benefits of free trade is over the past couple of decades developing countries have been opening their markets voluntarily. Even some of the most traditionally closed economies are abandoning protectionism in favor of freer trade. The World Trade Organization's own history illustrates this trend.

Established in 1948, the General Agreement on Tariffs and Trade, the precursor to the WTO, had only 23 contracting parties, most of which were industrialized countries. Today more than three-quarters of the WTO's 144 members are developing nations. Of the 49 countries designated as least developed by the United Nations, 30 have become members of the WTO, 9 are eagerly awaiting coming in, and 2 are WTO observers.

The world of trade, economics, and international development is, of course, extremely complex, and it is hard to narrow things down to a direct cause-and-effect relationship, but, for most people, the benefits of free trade can be boiled down to one key point: Trade does spur economic growth and growth raises living standards.

There is an undeniable relationship between growth rates and economic freedom, including the freedom to conduct international transactions, and research supports this. One study found that developing countries with open economies grew by an average of 4.5 percent per year in the 1970s and 1980s, while those with closed economies grew by only .7, less than 1 percent.

Other studies have concluded that nations with relatively open trade regimes grew roughly twice as fast as those with relatively closed regimes.

According to a recent report of Africa, East Asia, South Asia, and Latin America, were each to increase their share of world exports by just 1 percent, the resulting gains in income would lift 128 million people out of poverty. The $70 billion that Africa alone would generate is approximately five times the amount it gets through aid and debt relief. If developing countries as a whole increase their share of world exports by just 5 percent, this would generate $350 billion, seven times as much as they receive in aid.

It is important that we now, more than ever, provide the President trade promotion authority.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be allowed to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DURBIN. Mr. President, one of the issues that continues to haunt Americans is the whole question of the cost of prescription drugs. I have been troubled, as I have traveled across my State of Illinois, at the number of people I have met who are facing serious hardship trying to pay for their drugs.

There was a hearing in the city of Chicago where a lady came forward to tell a sad story of how once she had received her prescription drugs from her doctor, she realized the cost of the drugs were so much that on her fixed income under Social Security she could not take it. This lady was facing a particular hardship because she had received an organ transplant. If she failed to take the antirejection drugs, she stood the chance of dying or having even a worse medical condition.

Mr. President, do you know how she answered that particular dilemma? She moved into the basement of her children's home. She is living in the basement of her children's home so she does not have to pay for rent or utilities so she can have enough money to pay for the drugs to keep that new organ in her body that keeps her alive.

That is a tale of desperation which unfortunately highlights the challenge facing Congress as we need to find a way to make prescription drugs not only accessible but affordable.

There are many projected ideas out there and some of them are valuable and worth pursuing and some of them are certainly not. We have to keep in mind it is not just accessibility to the drugs, but it is also the price of the drugs, to say to someone, you have a right to buy the drugs, and we will help you up to a certain extent, may be of little or no value if the price of the drugs is so high the person cannot afford it. That, unfortunately, is a reality.

Last year the cost of prescription drugs across America went up 16 percent.

Mr. President, try to imagine a program or even something in your home budget that you could deal with honestly with an annual increase in cost of 16 percent. So what we have tried to do on the Democratic side, as we address prescription drugs, is to go to the heart of the issue, to talk about the affordability of drugs, and to make certain the way we pay for these drugs is not at the expense of the people across America who need a helping hand.

Senator DEBBIE STABENOW of Michigan has been a leader on this issue. She held a press conference I attended last week and talked about a prescription drug approach which needs to be thoroughly considered. Right now across America pharmaceutical companies are buying ads on television, in magazines, and in newspapers talking about the importance of research for new drugs. Believe me, there is not a person in the Senate who does not agree with that.

We also know that many of these pharmaceutical companies are spending extraordinary amounts of money, in excess of their research budgets, for advertising. We see it every time we turn on the television, every time we open a magazine or a newspaper—full-page ads for new drugs. They show people dancing through a field of wildflowers and not sneezing, saying: Go to the doctor and ask for Claritin, or Clarinex, or Clarinet, or whatever happens to be the latest from Schering-Plough. When it comes to drugs such as Vioxx from Merck and other drugs, constantly we are bombarded with this information.

What Senator STABENOW has found is that pharmaceutical companies across America are spending two to three times as much on advertising as they are on research to find new drugs. Why should they be given a tax deduction for promotion, marketing, and advertising in excess of what they are spending for research? I do not think they should.

Frankly, I think we ought to call their bluff. If they tell us they need money for research, then for goodness' sake, put in it research. Give us the new drugs. Make the profits by giving us these kinds of blockbuster revelations of new drugs that can change our lives. But do not focus the money on advertising, promotion, and marketing when, frankly, all it does is create false need and false demand.

So as we consider the prescription drug challenge that faces us, let's be honest about the program we put together, that it is accessible and affordable, and let us also be honest about the source of the money. On the House side of the Rotunda, the Republicans have proposed a prescription drug bill which is paid for by taking money from hospitals under Medicare and doctors across America. That is not the appropriate way to deal with it. We have to deal with it in an honest fashion so that the people of America are not shortchanged in terms of their health care.

I yield the floor.

TRADE PROMOTION AUTHORITY

Mrs. FEINSTEIN. Mr. President, I rise today to express my thanks to Senator BAUCUS and Senator GRASSLEY for accepting the Kennedy-Feinstein-Feingold amendment to trade promotion authority. Our amendment instructs our trade negotiators to respect the Declaration on the TRIPS Agreement and Public Health adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar.

This amendment is essential for the developing countries of the world as they confront public health crisis, such as the HIV/AIDS pandemic.

The Doha declaration simply recognizes the right of these countries to use practices such as "compulsory licensing" to gain access to affordable pharmaceutical drugs. These practices are fully consistent with international law, specifically the TRIPS agreement which is the presumptive legal standard for intellectual property rights.

Without these practices, the vast majority of HIV/AIDS patients in the developing world would not be able to afford the more expensive drugs from American pharmaceutical companies and, as a result, they would suffer and die.

The statistics compel us to action. HIV/AIDS is now the leading cause of death in sub-Saharan Africa. Worldwide, it is the fourth biggest killer. At the end of 2001, an estimated 40 million people globally were living with HIV/AIDS; there were 5 million new infections and 3 million deaths as a result of the disease. In the last twenty years, we have come a long way, but we are still losing because people are still dying.

Sub-Saharan Africa houses about 10 percent of the world's population but more than 70 percent of the worldwide total of infected people, 95 percent of all HIV/AIDS cases are of those living in developing countries.

An estimated 25.3 million people are living with HIV/AIDS in sub-Saharan Africa and 19.3 million Africans have died of AIDS, including 2.3 million last year. This has meant an increase to a cumulative total of 12.1 million AIDS orphans, which is expected to increase to 42 million by the year 2010. An estimated 600,000 African infants become infected with HIV each year through mother-to-child transmission, either at birth or through breast-feeding.

These statistics are what they are in spite of the tools we have to ease the situation.

The Kennedy-Feinstein-Feingold amendment is by no means the perfect solution and there is a great deal of work yet to be done. But it is an important step for the United States to maintain a leadership role in the global effort against HIV/AIDS.

We should not punish countries of the developing world for using different tools to provide affordable treatment for their citizens who are suffering. We should be a partner and a leader in this effort.

Again, I thank the managers of this bill for accepting the amendment and I look forward to working with them again on this important international health issue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Mr. WELLSTONE, is recognized to offer an amendment.

AMENDMENT NO. 3416 TO AMENDMENT NO. 3401

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3416 to amendment No. 3401.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include additional criteria for reviewing the impact of trade agreements on employment in the United States, and for other purposes)

Section 2102(c) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, taking into account the impact on job security, the level of compensation of new jobs and existing jobs, the displacement of employment, and the regional distribution of employment, utilizing experience from previous trade agreements and alternative models of employment analysis, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public;".

Mr. WELLSTONE. Mr. President, this amendment, which I offer to the fast-track portion of the substitute, will enable us to get a better and more accurate assessment of the true impact of trade agreements as they affect the job security of America's working families. In particular, what this amendment does is clarify the scope of the labor impact assessment called for in the underlying fast-track bill. What we say is that the full assessment should be an assessment on the impact of job security, the level of compensation of new jobs and existing jobs, the displacement of employees, and the regional distribution of employment.

Let me explain each of these one by one. First, the impact of the trade agreement. With this important impact statement being made available to Members of Congress, to the Finance Committee, to the Ways and Means Committee, and, more importantly, I would argue, to the public, it has an impact on job security. What we now know, on the basis of some very good work by economists, is that when one has a trade agreement and a company leaves, it is not only a question of whether or not there are now fewer jobs by definition in our own country; it is also a question of the overall impact trade deficits have on our economic performance in our country and what kinds of jobs are generated.

It is also true that when companies end up leaving and saying, listen, we are going to go to Juarez, or Taiwan, or wherever, because we can pay 50 cents an hour, or we can have children we can employ for 18 or 19 hours a day with pretty horrible child labor conditions, what also happens is that workers in our country are put in a really weak position vis-a-vis bargaining so that quite often they then settle for lower wages, less by way of health care coverage, and all the rest, because companies say, if they demand this, we are leaving.

What this amendment says is let us have really a good economic impact analysis and let us look also at the impact of these trade agreements on not only job security, which in and of itself is really important, but also the level of compensation, and then the whole question of displacement of employment and regional distribution. It could be and may be that Senators want to make an argument that overall these trade agreements benefit our economy in the aggregate and benefit our Nation as a whole.

I think that is always open for debate, and people of good faith can reach different conclusions about it, but what we also need to understand is what regions of the country are most devastated, what sectors of the economy are most devastated, and what happens to those industrial workers, be it textile workers in the South, be it steelworkers, be it taconite workers on the Iron Range of Minnesota.

What this amendment does is clarify. It also calls for an examination of previous trade agreements and says we ought to take into account a variety of different economic models: Let us look at NAFTA as it would affect future trade agreements, let us look at the different kinds of economic models we can employ to do the most rigorous assessment; and then, after we do these assessments, let us make sure this is made available to the public.

What we do not want is a whitewash analysis. What we do want is a real analysis so we can know what kind of impacts to expect from particular trade agreements.

I think it is actually an amendment that adds to the strength of the bill. My colleagues, Senator BAUCUS and Senator GRASSLEY, certainly have tried to move in this direction, and I appreciate their work. This builds on their work.

I would quote again the Swedish sociologist Gunnar Myrdal, who said ignorance is never random. My translation of that is: We do not know what we do not want to know.

All this amendment says is let us do a rigorous analysis of what the impact of these trade agreements is on the lives of many families we represent.

There can be no doubt about some of the adverse effects of so-called globalization and our trade relationships on jobs and job security in our country. In my home State of Minnesota, unfortunately, examples abound. The impact of the steel imports on the Range—other Senators from steel States, Democrats and Republicans, can present their own data—but as I look at the sort of import surge of semifinished slab steel and its impact on the taconite industry, all I have to do is look at 1,400 LTV workers now out of work.

In greater Minnesota, or in rural America, when someone has a job that pays $50,000 to $60,000 a year, with good health care benefits, it is not at all clear what happens to those families. Those jobs are hard to find. They are hard to find outside metro areas.

The most poignant thing of all is that not only have these workers lost their jobs but now, depending upon their seniority, after 6 months, a year, they are losing their health care benefits as well.

Tomorrow there will be an amendment offered by Senator ROCKEFELLER, Senator MIKULSKI, and myself, and what is especially poignant about this is that these retirees who have worked hard all their lives now find, as these companies declare bankruptcy, that these companies walk away from retiree health care benefits. They are terrified about what they will do now.

We are very hopeful we will get strong support on the Senate floor tomorrow for an amendment that at least will provide a 1-year bridge at minimal cost toward maintaining coverage for the retirees. Then, of course, we have to come to terms with what we intend to do in the long run in the future for the retirees and for the steel industry. More about that amendment tomorrow.

Potlach shut down in Minnesota. Senator DAYTON and I met with the workers in the Brainerd area. It is never easy when grown men and women have tears in their eyes. These were good-paying jobs, hard-working people. I talked to the CEO of Potlach. He told me outright, Senator WELLSTONE, we can compete with any company in the United States of America but it is the trade policy that has simply done us in. We have no other choice. The results have been devastating for the workers.

I spoke yesterday to machinists and aerospace workers. They don't understand why so many jobs are farmed out. Northwest Airlines in our State is an example. The jobs are farmed out to repair shops in other developing countries that do not have to live up to the same standards as the repair shops in our country. We may want to have high standards for all the repair shops. I may have an amendment on this bill that speaks to the specific question of safety for airline passengers.

We have heard of the difficulties from workers all across our country: auto workers, textile workers, steelworkers. Looking at NAFTA, there is a direct link between the NAFTA trade agreement and trade adjustment assistance. I have three pages of companies and workers who have lost their jobs in the State of Minnesota. It is quite unbelievable. For the families, it is devastating. There have been all sorts of promises made about the great benefits that would flow from NAFTA and from granting permanent trade relations with China. They have not panned out. As I mentioned before, the studies on NAFTA have estimated we have lost about 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the trade deficit with Mexico and Canada.

Canada increased from $17 billion to $53 billion; our trade deficit with Mexico doubled from $14.5 billion to $30 billion. I congratulate my colleague from Minnesota for his amendment which said we are not going to give up our right to review trade remedy legislation which is so important to making sure that working families in our country are not put in an awful situation when other countries engage in illegal trade practices and we begin to lose our jobs. That amendment that Senator DAYTON and Senator CRAIG passed yesterday was an extremely important amendment.

Make no mistake, the job losses are real. These are workers who have actually been certified as eligible for trade adjustment assistance under NAFTA. That means there is an official finding regarding these workers in the State of Minnesota, these three pages of lists of workers. There was an official finding that they lost their jobs because of trade covered under the NAFTA agreement.

A few examples: Cummins, located in St. Peter, MN, which made power supplies, estimates the loss of jobs at 350 because of NAFTA imports. That is a lot of jobs for the town of St. Peter, MN.

Hampshire Designers, located in La Crescent and Winona, MN, knit sweaters. The estimated loss is 150 jobs because the plant moved to Mexico.

Hearth Technologies located in Savage, MN, produced prefab fireplaces. The estimated loss of jobs is 160 because the operation moved to Canada.

There is an excellent groundbreaking study by Dr. Kate Bronfenbrenner at Cornell University, prepared for the U.S. China Security Review Commission and the U.S. Trade Deficit Review Commission which took a detailed look at the impact of United States-China trade relations on workers, wages, and employment in the United States. That is what this amendment says. We want that analysis on these trade agreements, and we want it made public before a final agreement is signed.

This was a pilot media tracking study that Dr. Bronfenbrenner did at Cornell, an indepth analysis of production shifts out of the United States since the enactment of the permanent normal trade relations legislation.

Frankly, colleagues, it is a sad state of affairs and exemplifies the need for this amendment that this pilot study was even necessary. As the authors point out, there is no government data in this area. I want to make sure we have the data so we can be responsible policymakers. Indeed, the database developed in this pilot is the only national database on production shifts out of the United States.

Let me give colleagues a feel for some of the conclusions. In the few months, between October 1, 2000, after enactment of PNTR legislation, and April 20, 2001, more than 80 corporations between October and April announced their intentions to shift production to China. With the number of announced production shifts increasing each month, from 2 per month in October to November to 19 per month by April, the estimated number of jobs lost through these production shifts to China was as high as 34,500. Unfortunately, because this data is not regularly tracked, and hence the need for the amendment, we can only speculate the trend has worsened.

The study also showed that the production shifts out of the United States into China are highly concentrated in certain industries. Let me give some examples of the electronics and electrical equipment, chemicals and petroleum products, household goods—toys, textiles, plastics, sporting goods, wood, and paper products. The U.S. companies are shutting down and moving to China and other countries. These tend to be the large, profitable, well-established companies, primarily subsidiaries of publicly held U.S.-based multinationals: Mattel, International Paper, General Electric, Motorola, Rubbermaid. These multinationals are not shifting production to China to serve a Chinese market. Their goal is to still serve the United States and a global market.

Perhaps even more important, of the jobs moving to China, increasingly, they are the jobs in high-paying industries, for example, producing goods such as bicycles, furniture, motors, compressors, fiber optics, injection molding, and computer components.

I hope all Senators read a front page story yesterday in the Washington Post about a 20-year-old woman in China who lived in the most rural part of China. She came to one of the industrial cities to work for one of the subsidiaries producing toys. She was working many days in a row, day after day after day, 18, 19 hours a day, well until 10, 11, 12 o'clock at night, from early in the morning. She felt ill and was not allowed a break. She became sick, threw up blood, and died. There are working conditions like this all over the world—deplorable child labor conditions, with violations of people's human rights, trade agreements with governments that systematically torture their citizens. And we don't consider any of this?

That is one of the reasons I am sorry to say these companies must leave the United States of America. They say to our wage earners: Listen, you who want to make a living wage and you want to have health care benefits and you want to be able to support your family, we don't need to pay attention to you any longer. We will go to China. We will go to other countries. We will go to countries where if people try to organize and bargain collectively and join a union, they will find themselves tortured or find themselves in prison. It happens all the time. Or we will go to countries where there are no labor standards and as a result, we lose these jobs. Our families are the ones who pay the price. Then, if other nations should say we want to have some child labor standards, these companies say: We will not go to your nation. We will go someplace where we don't have to deal with any of that.

Then, what makes me most angry is that working families, working people in the United States of America who dare to raise the question as to whether or not these trade agreements or this fast-track bill is exactly in their interest or their children's interests, are called protectionists.

Then the argument is made: You terrible labor unions. You don't care about the poor in these other nations. This helps them obtain employment.

I will tell you something. I have been to some of these trade conferences, and I have never seen any of the poor represented by these countries. I see their trade ministers. I never see the poor there.

What we have going on here is a race to the bottom. It is time we think about this new international economy and how we can make sure this new international economy doesn't just work for multinationals but works for working people or works for the environment or works for human rights.

Let me conclude the study's conclusion.

> The employment effects of these production shifts go well beyond the individual workers whose jobs were lost. Each time another company shuts down operations and moves work to China, Mexico, or any other country, it has a ripple effect on the wages of every other worker in that industry and that community, through lowering wage demands, restraining union organizing and bargaining power, reducing the tax base, and reducing or eliminating hundreds of jobs in the related contracting, transportation, wholesale trade, professional, and service-sector employment in companies and businesses.

Finally, the study notes that the employment effects of United States-China trade relations are not felt in the United States alone. Data points to massive shifts of employment around the world. As Dr. Bronfenbrenner's study notes:

> Contrary to the promise of rising wages and living standards that free trade and global economic integration were supposed to provide, in many countries these global production shifts have led to decreases in employment, stagnating wages, and increasing income inequality.

These conclusions were also echoed in a report presented by the U.S. Business and Industry Council Education Fund, "Exporting Jobs: When Trade Agreements Are Really Investment Agreements."

What this study points to is to a trend of low-income countries such as Mexico and China becoming sources of high-tech products for the United States. Import levels increasingly have swamped exports which are increasingly concentrated in the high-value industries, with the result that we even lose more.

Here is the problem. It is not just that we are losing low-value products produced by low-wage workers, we are now losing the higher-value products produced by skilled labor that goes to other countries where these companies pay much less, do not have to abide by any standards dealing with labor, don't have to abide by any human rights standards, don't have to abide by any democracy standards, don't have to abide by any environmental standards.

What this says is let's take a close look. We need to understand exactly how this affects the people we represent.

A USBIC report, and numerous studies, including one published by the Federal Reserve Board of New York, made clear that most Chinese imports consist of imports that are turned into exports. Since 1997, our trade deficit with China has mushroomed from $49.7 billion to $83 billion. Contrary to the promise of how this was supposed to help so many working families in our country, this is great for the multinational companies involved, but it does not help most of our small businesses, and it doesn't help most of our workers.

Make no mistake, this amendment is not about being opposed to trade agreements. This is not about protectionism. I do not have the slightest interest in building walls at our borders or keeping out goods and services, nor do I fear fair competition from workers and companies operating in other countries. I am not afraid of our neighbors. I do not fear other countries, nor do I fear other peoples. I favor open trade, and I believe the President should negotiate trade agreements which lead generally to more open markets here and abroad.

I am aware of the benefits of trade for the economy of Minnesota and the economy of our country. In Minnesota, we have an extremely internationally minded community of corporations, small businesses, working people, and farmers. Open trade can contribute significantly to expansion of wealth and opportunity, and it can reward innovation and productivity. Negotiated properly, trade agreements can bring all these benefits to trading partners in a fair way.

The question is, How do American values around protecting labor rights, the environment, food safety, and consumer protections figure into our trade agreements? And what are the true costs of not respecting these values?

The Bush administration believes commercial property rights are primary in trade agreements but that labor and environmental and human rights are secondary. I think this is wrong. I think—and I think most Americans agree with me—that fundamental standard of living and quality of life issues are exactly what trade policy should be about.

Trade agreements that do not respect the universality of these issues or these values undermine human dignity around the world, and they hurt American workers in the process. If we fail to document the extent of the impact of American workers and American jobs, then we have done a real disservice to our own Nation.

So before we enter into additional trade agreements, we simply have to have better data and a more sophisticated analysis of the full employment impacts of these trade agreements: Loss of jobs but also wage levels, ability to organize, impact on regions in-country, impact on sectors of the economy. We need to know the impact of the agreement on job security, level of compensation of new and existing jobs, displacement of employment, and the regional distribution of employment. That is the purpose of this amendment.

It is a pretty simple amendment. Frankly, I would be surprised if my colleagues did not accept it, although I am pleased to debate it as well.

This is a labor impact amendment. I hope there will be strong support for it.

I also say to Senators while I am out on the floor—and I know there are other Senators who want to speak—that this is the first amendment I have which is to improve the labor assessment impacts of trade agreements. Both my colleagues, Senator BAUCUS and Senator GRASSLEY, start down this direction. This is just a fuller analysis. We ought to know the impact on job security. We ought to know the impact on the level of compensation of jobs. We ought to know what the displacement effects of unemployment are. We ought to know what the regional distribution of employment will be. And we ought to look at prior trade agreements and come up with the best models of assessment. That is what I am saying. We need to be honest and rigorous in our analysis.

I also will have another amendment which will call upon us to assure the consideration of democracy and human rights in trade agreements. Believe me, I think it is vitally important that fast-track trade negotiating authority for any trade agreement must have a specific democracy and human rights clause.

Let me just mention one other amendment. The other amendment I will be introducing is an amendment regarding the contracting for Federal services overseas. What this amendment with Senator FEINGOLD says is that right now, State authorities—too many—use TANF to administer electronic benefits programs. Right now what they are doing is they are doing business with companies that contract this abroad.

It is kind of an irony. This is the welfare reform. Actually, some of these mothers could take these jobs. So it seems to me, the TANF money itself should not be used to support companies that are subcontracting with companies that then basically do all the electronic work, so if you are a welfare mother and you are calling and trying to find out where you are, where there is job training, basically you are talking to somebody in India. It strikes me that this is a bitter irony, especially when some of the jobs could actually be available for these mothers and other families.

So this amendment would prohibit the use of any part of a TANF grant to enter into a contract with an entity that employs workers located outside the United States to carry out the activities under the contract. I think that would be an interesting debate. I hope to have support for it.

I want to say, while my colleagues are out on the floor, the heart and soul amendment is the one—they are all important—that deals with the steelworkers and a small amount of money. I know we have a Joint Tax Committee estimate where we can help at least with a 1-year bridge for the retiree health care benefits. This will be with Senators ROCKEFELLER, MIKULSKI, and I know other Senators joining in as well.

I want to, before relinquishing my right to the floor, speak on the democracy and human rights amendment, which my guess is will be somewhat controversial. The reason for this is—just look at this, just listen to this. This is from our own "State Department Country Reports on Human Rights for 2001."

For China:

> Police and other elements of the security apparatus employ torture and degrading treatment in dealing with some detainees and prisoners.

This is the State Department report, not my report:

> Senior officials acknowledge that torture and coerced confessions are chronic problems.
>
> Former detainees and the press reported credibly that officials used electric shocks, prolonged periods of solitary confinement.

And the list goes on and on.

Russia—I know we are establishing better relations with Russia—but for Russia:

> There are credible reports that some law enforcement officials used torture regularly to coerce confessions from suspects, and that the government does not hold most officials accountable.
>
> Torture usually takes one of four forms: beatings with fists, batons, or other object; asphyxiation using gas masks or bags—sometimes filled with mace—electric shocks; or suspension of body parts.

Colombia: According to the "Amnesty International Annual Report for 2001":

> More than 4,000 people were victims of political killings, over 300 "disappeared" and an estimated 300,000 people were internally displaced.

And also, again, there are too many connections between military and paramilitary, which I think will be part of the debate on Colombia.

Labor rights, and Mexico:

> Independent trade unions faced difficulties in organizing during the year. . . . there are frequent abuses in the country's 4,000 or so maquiladoras. Since NAFTA came into force, some 3,000 assembly-for-export companies have set up business in Tijuana. According to a study by Infolatina, over 1.3 million workers are paid less than $6 a day to work in often deplorable conditions. . . .

These are our own Government reports. This one was actually the "International Confederation of Trade Unions Annual Survey of Violations of Trade Union Rights for 2001."

The "2002 International Labor Organization (ILO) Global Report on Child Labor" has estimated that over 8 million children worldwide are trapped in the unconditional worst forms of child labor—which are internationally defined as slavery, trafficking, debt bondage, and other forms of forced labor.

And 180 million children aged 5 to 17—or 73 percent of all child laborers—are now believed to be engaged in the worst forms of child labor, comprising hazardous work and the unconditional worst forms of child labor.

From the April 2002 Human Rights Report titled, "Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations":

> Child workers explained that they were exposed to toxic chemicals, handling insecticide-treated plastics, working under fungicide-spraying airplanes in the fields, and directly applying post-harvest pesticides in packing plants.

You name it. I could go on and on.

There was a Washington Post piece, which I mentioned earlier: "Worked Till they Drop: Few Protections for China's New Laborers."

Again, the young woman I talked about was 19:

> Lying on her bed that night, staring at the bunk above her, the slight 19-year-old complained she felt worn out, her roommates recalled. Finally the lights went out. Her roommates had already fallen asleep when Li started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.

Colleagues, I just have to tell you, it is like we are being told that we should lead, but we should lead on the basis of our own values.

On the first amendment, we will see what my colleagues do. I want to have a rigorous analysis of what the impact of these trade agreements will be on our working families. I do not want anything whitewashed. I want to know what the effect will be in the south. I want to know what the effect will be for textile and steelworkers. And I want to know what the effect will be on not only jobs lost but wages and the right to organize—you name it. That is what this first amendment is about.

With the second amendment, I want to have a democracy, human rights clause. I think we should at least say the countries that we are signing these trade agreements with, will at least agree to make an effort. I have pretty reasonable language to deal with human rights. There are probably 70 governments in the world that systematically practice torture. Do we care? Can't we at least have some language that says countries have to show they are making an effort?

Why would we oppose that? Shouldn't we do something about these deplorable child labor conditions? Are we just going to put this unpleasant reality into parenthesis? I don't believe so.

I am the son of a Jewish immigrant who fled Russia, born in the Ukraine. I believe in human rights. I think my colleagues do. And the amendment I am going to bring to the floor later is very reasonable. It just says let's at least have a clause where there has to be some effort on the part of these countries to make a commitment to moving forward on this democracy and human rights agenda.

And then, I just have to say, the TANF amendment is a no-brainer. With all due respect, why should our Government money, why should our TANF money—States are hard pressed right now—why should we see that subcontracted out to companies that are actually doing the work in regard to welfare reform located in other nations—India or wherever. I am not picking on India. I am just saying, it is not appropriate to use TANF money to do that when we are supposed to try to enable welfare mothers to do some work. And they could be doing the work. It does not make a bit of sense.

Finally, we will be out here tomorrow with this steel amendment, which is so important. It is the right thing to do. It has a reasonable cost. It will be a great statement for the Senate to make, Democrats and Republicans alike: a 1-year bridge on legacy costs. Retirees have worked hard all their lives. Companies now go bankrupt and walk away from retiree health care benefits.

This is about compassion. This is about basically our being willing to help. Boy, I will tell you what. For the Iron Range in Minnesota, nothing could be more important. It is like that is why you are here. It is why you are here because everybody has this experience. You know people are frightened, and you know people really don't know what they are going to do. They don't know what they are going to do, and they ask you to help. That is what this is about. And it certainly should be part of the trade adjustment assistance package. It is a good package.

I give my colleagues a lot of credit for working hard and coming up with a bipartisan package.

Mr. President, there are other Senators in the Chamber. I will stay here if there is debate on this amendment that basically calls for, really, as I say, a rigorous labor impact clause to this bill. But I will wait to hear from my colleagues. I am hoping there will be strong support because it just says let's know what we need to know. Let's make sure that information is public.

Mr. President, I wait to hear from my colleague from Iowa.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am not going to debate the Senator from Minnesota, but I am going to raise some questions he may want to answer.

First of all, our bill, the bipartisan trade promotion bill that is before us, does provide for a study on the impact of trade on the economy and jobs and things of that nature. So, quite obviously, we are not opposed to studies that are within the bill.

The Senator from Minnesota wants to be a little more specific, give direction to the study. And I suppose those directions and those studies are something that I will want to have him answer some questions about what his intent is.

I also surmise that the Senator from Minnesota probably will not vote for trade promotion authority. That doesn't make his efforts to amend the bill illegitimate in any way, but there are a lot of amendments that could be adopted that probably will not get the support, in the final analysis, of the Senator from Minnesota.

One of the things we need to remember is that trade is all about jobs. For instance, the whole movement of the last seven decades started with the bad economic impact of protectionism all over the world. It started in the United States with the Smoot-Hawley Act. I don't know that it was intended to be a bad piece of legislation. Probably the people who got it passed thought they were doing the right thing for the country. It bred protectionism all over the world.

Everybody knows what happened in the 1930s, the tremendous movement toward protectionism. World trade shut down and, consequently, the world economy shut down. The Great Depression was a worldwide depression. It wasn't long afterward, a new President came in, Franklin Delano Roosevelt, and a new Congress, and they had a rude awakening to the bad impact of protectionism.

We have heard Senators give the history, so I will not go into it. Starting in the mid-1930s, with the Trade Reciprocity Act that passed Congress and, under the President's authority, the ability to reduce tariffs when it was reciprocally done by other countries, it was a pattern from the mid-1930s until the present setup of the General Agreement on Tariffs and Trade that went into effect in 1947, followed by the World Trade Organization in 1994. But that whole regime that started in 1947 was building on what started in the mid-1930s with trade reciprocity to bring down tariff and nontariff trade barriers to enhance the world economy and to create jobs.

Trade is all about jobs. I keep referring to what President Clinton said about the expansion of jobs in his 8 years as President: 22 million jobs. He said one-third of them came because of foreign trade. The reason he could say that is he negotiated the final agreements on the North American Free Trade Agreement and on the Uruguay Round of GATT. So 22 million jobs, one-third, approximately 7 million jobs—7 million jobs—President Clinton said, were created as a result of trade.

I hope everybody understands that there are leaders in the Democratic Party and leaders in the Republican Party who think trade is good for America and it creates jobs. They are good-paying jobs that pay 15 percent above the national average; some people would say somewhere between 13 percent and 19 percent above the national average. We are not talking about flipping hamburgers at McDonald's; we are talking about good jobs.

You have to put this debate in the context of what the history of the world economy has been in the last 70 years and what has happened in the United States to create jobs as well. In my State of Iowa, at John Deere, one out of every five jobs on the assembly line is related to trade. At 3M Company, Knoxville, IA, 40 percent is related to trade. I could go on and on. It is probably more true in Minnesota than my State of Iowa, jobs related to trade.

The Senator's amendment doesn't undo anything we have in the bill. He asks for a study. There is nothing wrong with intellectually honest approaches to reviewing public policy. Senator BAUCUS and I believe that is important. We have a study in our bill.

With that background, I would like to raise some questions with the Senator that he might want to answer or might not want to answer. As I understand it, the amendment would replace language in our bill which requires the President to review the impact of future trade agreements on U.S. employment and report to the Ways and Means Committee and to the Senate Finance Committee on these reviews.

The amendment of the Senator from Minnesota expands upon this report, requiring the President to take into account the impact on job security, the level of compensation of new jobs and existing jobs, the displacement of employment, and the regional distribution of employment in conducting this review. The amendment requires the President to utilize experience from previous international trade agreements and to use, in the words of the amendment, "alternative models of employment analysis."

My question on that point would be: How is the President, in conducting the report, going to take into account the impact on job security? How is he going to take into account the level of compensation of new jobs and existing jobs?

Obviously, there is some data for that, as I indicated by the 15 percent figure I used that trade-related jobs pay above the national average. But does the Senator from Minnesota want to take more than those things into account that are already out there? Whatever the Senator from Minnesota wants the President to take into account, is that data available? What is the relevance of requiring the President to take into account the regional distribution of employment? Is providing jobs in one part of the country more important than jobs in another part of the country, if the overall economic wealth of our Nation is enhanced?

When President Clinton said one-third of the jobs created in the 8 years of his Presidency were related to trade, he didn't say it benefited Massachusetts much more than California, or much more Minnesota than it did the southern part of the United States. We are a national economy.

I might also ask the Senator to explain, what are alternative models of employment analysis? In other words, how do his alternative models of employment analysis differ from what might be the present models of employment analysis or maybe what you might call other models that are in use, or maybe there is a standard model out there? And have these alternative models of employment analysis been used by other nations, or in any venue, for that matter, to evaluate trade agreements? I think it is important that we know how they have been used. The Senator would want answers to these questions to be part of the RECORD in case his amendment is adopted so that we can have a basis for the direction of the study. But we cannot be opposed to intellectually honest approaches to getting information and analyzing the policies we make. But we want to make sure there is a basis for producing the information that the Senator from Minnesota wants.

I am going to stop there. I have raised some questions about it without taking a position for or against the amendment at this particular point.

Mr. WELLSTONE. Mr. President, I will respond to my good friend from Iowa in a couple different ways. First of all—and I think he came around to this—well, I don't know what his overall position is, but I think this amendment is not about an overall discussion about trade policy. As my colleague said, it is all about jobs. What this amendment says is, that is right; it is all about jobs. Let's have a thorough analysis. Let's have a thorough analysis of the impact of these trade agreements on jobs.

We can debate for a long time, I say to my colleague from Iowa, about trade policy. I am pleased to do so. I do not want to take a lot of time away from other Senators, and I want to answer the specific questions. I do want to say one thing, though. I do not want my good friend from Iowa to corner me as a sort of protectionist.

I do not view this debate as being between people who are for or against free trade or protection. I view this as a debate between people who are saying, look, we have this new international economy and let's go forward with it, and the market will take care of everything; there do not have to be any rules with it, versus those of us who say, yes, we have this international economy, we are all for trade, let's make sure we harness this in such a way that there are some rules ensuring these agreements work not just for the multinational corporations but for our workers and for the environment and human rights and independent producers.

That is all this debate is about. Frankly, if I were to look at this with a sense of history, I do not think this is a lot different than the beginning of the 1900s. What happened in the beginning of our Nation 100 years ago is that the economy went from more local and agrarian to national and industrial, and as these economic changes took place, some of these economic changes were wrenching changes. It gave rise to very interesting politics as to what happened during that period of time. This was the populist-progressive politics. This was Teddy Roosevelt's time. This was the Farmers Alliance. This was the labor unions building.

What happened? We had demands for an 8-hour day. We had antitrust action, the Clayton Act and the Sherman Act, women demanded the right to vote, and progressives said Senators should be directly elected, and so on and so forth. And you know what. Actually, as hard as those struggles were, the media was opposed to all those groups and organizations and people who felt that, in a democracy, you demand what you have courage to demand. They did not have the support of the media. The Pinkertons murdered organizers, and money dominated politics probably more so even than it does now.

Believe it or not, but you know what. Those courageous citizens were successful. They changed our country for the better.

So it is, 100 years later, we now see some revolutionary changes in the economy. Now it is an international economy, and trade policy dramatically affects the quality or lack of quality of the lives of people we represent. What I insist on is that there be some rules that go with this new international economy. I don't trust these multinational corporations to look out for the best interests of family farmers or workers or ordinary citizens in my State of Minnesota or anywhere else.

I will tell you something. Over the next 10 years, I want to say today in this Chamber to the Senator from Iowa, this will become a burning issue—whether or not with this new international economy we just say the market handles everything or whether or not we say, isn't there some way that ordinary citizens fit into this somehow and there are some rules that go with this to make sure it works for people.

That is what people 100 years ago were saying: We want this new national commerce civilized. We want it to work for us ordinary people, too. That is basically my framework.

Now, first of all, the amendment is about jobs, not this overall political economy debate in particular and specifically I say a thorough analysis of the impact. Second of all, as to why we are talking about an impact, we have some specificity, I say to my colleague from Iowa. It is on the basis I said earlier during the debate. You want to look at job security. You want to look at also the level of compensation. You want to look at regional distribution. You want to look at where people are losing jobs. And you want to look at past trade agreements. Frankly, we ought to look at all of that.

There are some good economists and others who have argued that it isn't even just the case of loss of jobs. It is also a question of whether or not these trade agreements and companies that then leave parts of our country basically deny ordinary working people the leverage they need in their bargaining and their negotiations so they are put at a more severe disadvantage and have to settle for even lower wages or even worse health care benefits because of the threat of more companies leaving. Let's have analysis of that.

The next question from my colleague from Iowa was, how would this affect what a President does? Presumably, a President, whether that President is a Democrat or Republican, will look at the impact it has on many working families throughout the country or in regions of the country and then decide it is good or decide maybe not—maybe now that I have all this data before me and all the specific information before me what I thought was a good agreement might not be good.

I think the President and the Members of the Congress as decisionmakers should have more information. That is all. Frankly, I think the general public should as well.

As to the whole question of why regional, I do not prejudge the final decision that any President or we would make, I say to my colleague from Iowa, about these agreements, but I do think we should know if it has a particularly harsh impact on textiles in the South. If it has a particularly harsh impact on auto workers, let's know. If it has a particularly harsh impact on steelworkers or taconite workers on the Iron Range, we want to know. All politics are local. Tip O'Neill said that. It is true. We all come to fight for people in our States, and we should have the information on how these agreements affect particular regions or States. Does it mean a President might not still think it is the right agreement? Does it mean that Senators agree or disagree?

Gunnar Myrdal was right, and I am not firing accusations at my colleagues. I just love the quote. Gunnar Myrdal, the Swedish socialist, once said, "Ignorance is never random. Sometimes we don't know what we don't want to know." I say we should know what we need to know. That is what this amendment says.

Finally, and this is my only hard-hitting point, my colleague from Iowa said it could be dropped from the conference—I think heard him say that—if we accept it. It could be. I tell you what my position is on this bill. If the Senator did not say that, better yet. I apologize.

My position on this bill is, we will see what it turns out to be in the Senate. I think there are some good amendments that have passed. We still have an amendment on supporting legacy costs for steelworkers. We have good trade adjustment assistance. I want to see ultimately where we come down. I reserve final judgment until I see what kind of bill we have. But if, in conference committee, this becomes some little strategy game and there are a few people in conference committee who say, "Well, now we are together here, we will just knock this amendment out and knock that amendment out; they passed it in the Senate, and they did it on voice vote and we can knock it out," there are a lot of us who are going to raise cane, and we probably won't win on the vote, but, ultimately, we all get held accountable. I think it will take some real explaining as to why anyone would not want to have an honest, rigorous assessment of how trade agreements affect the lives of people we represent, period.

I am pleased to have a recorded vote on this if we are going to start talking about knocking it out of conference committee. I have not decided; I guess I could ask for the yeas and nays. I do not know. I want to see what my colleagues are interested in.

Mr. BAUCUS. I commend the Senator from Minnesota for his amendment. I think it is a good amendment. It improves upon an already good piece of legislation. That is, the underlying legislation already has employment impact provisions.

The amendment offered by the Senator from Minnesota goes further, and I think that is good. The more people know about the ramifications of trade and the more different organizations investigate the ramifications of trade, the better we will be. I tend to subscribe to the John Locke "marketplace of ideas" philosophy and welcome a good, honest discussion of the issues. I believe that the more discussion we have, the more the sun shines, the more likely it is we will do what is right.

It is almost axiomatic. The more the Senator from Minnesota offers amendments such as these, the better off we are all going to be in the short term and the long run. We will know more about how trade does or does not affect job security, one of the provisions in his amendment. We will know more about how trade affects levels of compensation.

It has often been stated, frankly, that some of the jobs created as a result of trade pay more than nontrade jobs. It is equally clear that many jobs are displaced by this very rapid race to globalization that is occurring in the United States as well as other countries.

I also think that regional distribution of employment, another one of the Senator's goals, is a good one. Let's see if there is regional distribution as a consequence of trade. I say this in part because trade itself is not the most exciting topic in the world. It is sort of an opaque gauze that clouds Senators' minds when we talk about trade, except when we see the real life effects of trade. Real life effects can be positive and not so positive.

The Senator is trying to put a real life face on trade, to look at the actual effects or real people. I think this is a very good idea. I commend him and urge the Senate to accept this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to go along with the amendment as well, but I want to make very clear that it seems to me it emphasizes the negative impact of trade, and we have 70 years that prove the positive impact of international trade. We also had President Clinton saying that out of 22 million jobs, a third of those, 7 million jobs, were a result of trade. So there are positive aspects of trade.

Somewhere along the line in conference this has to be rewritten so it is balanced between what is negative with trade, which I have to admit there are always adjustments in the economy. With or without trade, there are adjustments in the economy. There are winners and losers. But there are positive benefits of trade and the positive benefits outweigh the negatives many times. We have to emphasize that.

Also, before we leave this issue, there is an emphasis between the approach of the Senator from Minnesota, to what he calls a new international economy, and my approach to the new international economy. He says this is not a debate between protectionism and free trade. He puts it in terms of those who think you ought to manage the new international economy or let the marketplace have free flow.

When the Senator from Minnesota uses the word "manage"—I do not know whether he used the word "manage"—we have to be able to manage the new international economy. There is a difference in approach. If we are going to have management, it is going to be the government doing the managing, as opposed to the free marketplace.

Is there an unfettered use of the free marketplace? Absolutely not. There have always been rules. What is basic to this debate, center to this debate, is whether the United States is going to be at the table for the rulemaking of the international economy, and the rulemaking meaning we are not going to have an unfettered free market, but we are going to have a predictable free market. There are going to be certain rules that all competitors will follow in the international community.

Trade promotion authority is whether or not the Congress of the United States, through our contract with the President to represent the people of the United States, will be at the negotiating table when the rules are made. That is why it is so darn important that this legislation pass because, as the Senator from Minnesota says, we need to give some direction. That has been the history of the General Agreement on Tariffs and Trade process since 1947. That has been the basis of the World Trade Organization process since 1994: to have the rule of law apply to international trade.

Should the 270 million people of the United States be at the table to help write those rules? For that to happen, this bill must pass for the President to have the authority and the credibility to help write those rules that the Senator from Minnesota believes are so necessary. That is not managing the world economy; that is giving predictability to the players in the world economy, and rules of the game that must be followed and for a dispute settlement process when somebody is an outlaw in the international economy.

I hope we make clear this legislation is very important to accomplish what the Senator from Minnesota wants to accomplish at least in the way of not having an unfettered free market, although in his statements he tends more toward the government managing the world economy.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we can finish. I do not know why the intensity goes up with my colleague from Iowa since I think we enjoy each other as friends. I have two quick points and will be done.

First, I have to say in a friendly way that I think the Senator from Iowa misreads this. I am not going to call for a recorded vote. We are trying to work together and the Senator supports this amendment. When my colleagues says this is too negative, I do not prejudge what these studies find. I am skeptical about it. I have laid out some figures of what I think is happening to trade, but to say you are going to do an assessment on job security, compensation of jobs, displacement of employment, and regional distribution, my colleague is actually making my case for me by thinking it is negative because he must think the study will show the consequences are negative. We do not need to change any language. Just do the assessment.

People in good faith can have different views. My colleagues might think such a study makes the case for these trade agreements. Maybe it will. I do not think so. Frankly, let's see what the assessment does. It is not negative or positive. I am just saying this is what we have to look at and then we will see what the results show.

I never used the word "manage." This is semantics. This administration thinks that commercial property rights are primary in trade agreements. I think labor, environment, human rights, and consumer protection are also primary. They are not secondary. That should be part of the new rules. That is the only difference we have.

By the way, what is interesting to me is that there can be a million editorials written in the most prestigious newspapers—actually most people in the country feel the same way. They feel like, let us not build walls. I am an internationalist, but please make sure our concerns and our families' concerns are somehow met.

What is going to be the impact on us? Are there going to be any fair labor standards? Are there going to be any human rights standards? Is there going to be anything about the environment? Why is it so weighted toward commercial property rights? What happened to our rights as workers? What happened to our rights as consumers? What happened to our rights as families who are worried about the jobs we lose? We could go on, but we will not.

I have one final thing to say. My colleague from Montana, when he was talking about the increase in jobs, or someone was—I remember this famous quote, and I think it was a good one, from one of the industrial workers who lost her job in a high-paying industry. President Clinton—I will be bipartisan about this—was talking about all the jobs created, and she said: Yes, I know all of them now. I have three of them because I need three jobs to make the wages and support my family from what was my one job as an autoworker.

None of the Senators, Democrats or Republicans alike, would ever convince the industrial workers of this Nation that they have not gotten the short end of the stick as a result of some of these trade agreements. The autoworkers in Iowa will not be convinced of that. They never will, I do not think, as good a Senator as the Senator from Iowa is, and my colleague from Iowa is as good a Senator as one could find. I just think they do not see it that way. And I do not, either.

In any case, we will do the impact statement, with my colleagues' support, and I hope this is not gutted in conference committee. I think it would be a huge mistake. I think it would be as if to say we do not want to have a good study. Let us have the assessment and then we will know.

Do my colleagues want to move forward on the vote?

Mr. GRASSLEY. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3416.

The amendment (No. 3416) was agreed to.

Mr. WELLSTONE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we have made progress on this bill. There are a couple of other Senators who are now in a position to offer amendments, which I think will be offered very shortly. I hope they offer them very shortly because that would mean more progress.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EDWARDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

AMENDMENT NO. 3417 TO AMENDMENT NO. 3401

Mr. EDWARDS. Mr. President, I have an amendment at the desk numbered 3417 and I call it up at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 3417 to amendment No. 3401.

Mr. EDWARDS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of Labor to award grants to community colleges to establish job training programs for adversely affected workers)

Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as amended by section 111, is amended by inserting after section 240 the following:

"SEC. 240A. JOB TRAINING PROGRAMS.

"(a) GRANT PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to community colleges (as defined in section 202 of the Tech-Prep Education Act (20 U.S.C. 2371)) on a competitive basis to establish job training programs for adversely affected workers.

"(b) APPLICATION.—

"(1) SUBMISSION.—To receive a grant under this section, a community college shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

"(2) CONTENTS.—The application submitted under paragraph (1) shall provide a description of—

"(A) the population to be served with grant funds received under this section;

"(B) how grant funds received under this section will be expended; and

"(C) the job training programs that will be established with grant funds received under this section, including a description of how such programs relate to workforce needs in the area where the community college is located.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a community college shall be located in an eligible community (as defined in section 271).

"(d) DECISION ON APPLICATIONS.—Not later than 30 days after submission of an application under subsection (b), the Secretary shall approve or disapprove the application.

"(e) USE OF FUNDS.—A community college that receives a grant under this section shall use the grant funds to establish job training programs for adversely affected workers.

On page 55, insert between lines 2 and 3 the following:

"(D) ADDITIONAL WEEKS FOR REMEDIAL EDUCATION.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 240, if the program is a program of remedial education in accordance with regulations prescribed by the Secretary, payments may be made as trade adjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade adjustment allowances otherwise payable under this chapter.".

At the end of section 2102(b), insert the following:

(15) TEXTILE NEGOTIATIONS.—

(A) IN GENERAL.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles is to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel by—

(i) reducing to levels that are the same as, or lower than, those in the United States, or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports of textiles and apparel;

(ii) eliminating by a date certain non-tariff barriers that decrease market opportunities for United States textile and apparel articles;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort textile and apparel markets to the detriment of the United States;

(iv) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort textile and apparel markets to the detriment of the United States;

(v) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(vi) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(vii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in textiles and apparel; and

(viii) taking into account the impact that agreements covering textiles and apparel trade to which the United States is already a party are having on the United States textile and apparel industry.

(B) SCOPE OF OBJECTIVE.—The negotiating objectives set forth in subparagraph (A) apply with respect to trade in textile and apparel articles to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party.

Mr. EDWARDS. Mr. President, I have an amendment which I will speak to that contains a number of proposals.

We all recognize that trade has done some very good things for many Americans. We know that. It is also important to recognize something else: Trade has hurt a lot of people; it has hurt them in ways that sometimes people in Washington are not willing to recognize. To people in Washington, DC, free trade is a good concept. To a lot of people in my State of North Carolina, and all over the South, and, in fact, for that matter, all across America, free trade is a lot more than an abstract concept that people in Washington talk about. For them, trade has had an enormous impact. In some ways, it has meant an end to a way of life that they have enjoyed for a long time, from generation to generation.

For those people who are hurting, we have an opportunity as part of this legislation to make life better. My view is we have not only an opportunity but a responsibility to make life better. Americans have always watched out for each other, and we need to do exactly the same thing when it comes to trade. We need to watch out and make sure we do not leave behind millions of our fellow citizens who have been hurt by trade and trade policy.

The people who are hurt are real people. They are mothers and fathers. They work hard. They work just as hard as anyone else in this country. They play by the same rules as everyone else. They do right by their family. They go to work every day and do their job. They work very hard to build a future for their family.

These people are being hurt, and many of them badly hurt, by trade.

I am speaking particularly about folks who are in the textile and furniture industries. There are a lot of those folks in my State of North Carolina. But there are also hundreds of thousands of those workers across the South—in fact, in places all over the country, such as upstate New York.

For most of the 20th century, manufacturing jobs were the basis of our economy in this country. People who worked in those jobs didn't get rich, but they were able to take care of their families, they were able to go to church, participate in and contribute to their communities, and oftentimes they were able to send their kids to college. The jobs never paid great, but they paid well enough—you know, $10, $12 an hour—for them to take care of their families.

The jobs did, however, come with health care benefits so they didn't have to worry about taking care of their family if someone got sick or their children got sick. They came with vacations so they got a chance to spend time with their family every year.

The textile mills and furniture factories have been the cornerstone of a way of life in the South, a very good way of life. That way of life is now being greatly affected and, in many cases, destroyed by trade.

Since the beginning of the year 2001, 179 textile plants have closed in this country. We have lost 91,000 textile jobs. That is just since the beginning of the year 2001.

If you go back to 1997, the numbers are even worse. This chart is a listing of the jobs, textile jobs that have been lost since 1997. My State of North Carolina has been hardest hit. We have lost 122,000 jobs since 1997. That is 122,000 families who, over the course of the last 5 years, have lost their jobs.

In Georgia, they have also been hit hard, losing 95,000 jobs during the same period of time. South Carolina lost 61,000 jobs; Alabama, 35,000 jobs lost; Virginia, 23,000 jobs lost.

In North Carolina, we have had 57 plants close since the year 2001. In the years between 1994 and 2000, we lost more than 100,000 jobs due to international trade.

There are towns in North Carolina where the mill employed literally a quarter of the people who lived in the town—one out of every four people. Now the mill is gone and hundreds of people are looking for work and the town is devastated.

In Washington, you often hear people say—and I have heard this in the debate on the floor of the Senate, and I have heard it all around Washington, DC, in discussions on the impact of trade—well, they lost those jobs, but they can get better jobs. That probably is true. It may well be true in the big picture. The problem is, in a Southern mill town it is a very different picture.

I grew up in Southern mill towns. My father worked in textile mills all of his adult life—37 years, if I remember correctly. I know firsthand what impact closing of these mills has on the town. They are the heart and soul of the economy, and they are part of a way of life. The vast majority of these other, better jobs that you hear people talk about are not in that town. That is the problem. When the mill closes down, these jobs everyone is talking about, the better jobs that will ultimately be available because of free trade, they are not in that town. They are not anywhere near that town in a lot of cases.

It so happens that those jobs are also not the kind of jobs that a middle-aged ex-millworker is going to be able to get.

I often thought when I heard the discussions about, "There are other jobs," "We can do job retraining," all of that is important. I do believe, for the country as a whole, free trade has a lot of positive benefits. There is no question about that. But for those people who are affected directly, they are hit like a laser by these trade policies and this trade legislation. They are tremendously affected.

To say to men or women who have spent their entire lives taking care of their family, providing for their family, now at the age of 45, 50, 55, "We want you to change work; we want you to go to another kind of employment," this is not just about a job, although their job is very important to them. It is about their dignity, their self-respect. It is about their belief that that mother and father have always been able to take care of their family, and all of a sudden they are not able to do that anymore. They are being asked to train to do something entirely new when they have spent their entire life doing this particular job.

I was blessed to be the first person in my family to go to college. A lot of folks are like my parents. They are great people. They work very hard, but sometimes they have not in their life had the extraordinary opportunity that many of us had in terms of our education. Across this country, about 60 percent of people have some college education, which is good; we hope that continues to improve as we go forward. But in the areas we are talking about, where these mills are closing and where people have spent a lot of their lives working in those mills, the number is closer to 20 percent. It is more like one out of five people have some college education.

So when a furniture factory or cotton mill in North Carolina shuts down, oftentimes we have half the workers who do not even have a high school diploma or a GED. The workers in these mills also are not young. The average worker affected by a trade deal is more than 40 years old. They have usually two kids, sometimes more. There is a good chance many of them have never spent any time working outside that factory. That has been their entire life.

So when that factory closes and somebody in Washington, DC, says, "Oh, you can get a job in one of these other dynamic sectors of the economy," it is a lot easier said than done. The people suffering from trade have tremendous trouble getting back what they are losing.

When you look at North Carolina workers over age 55 who lose their jobs due to trade, only half have found work within 2 years. So within 2 years, still almost half of those people are unemployed. These are folks who know how to work. They have worked all their lives. They are some of the hardest working people I have ever seen.

I still remember vividly going in the mill when I was young and seeing the men and women who worked in that mill with my dad, and then when I got a little older I worked there sometimes in summers or part-time. I have never seen anyone work harder. They were extraordinary. They did it to provide for their families—for their family's self-respect and dignity and for their own. They were proud of what they did, and they ought to have been proud of it.

The problem is, although they are looking for work, and they know how to work, they just cannot find work. If they do find work, sometimes it is not good work. Instead of making $12 an hour, which they had been making in a mill, or $15 an hour, they are looking instead at a minimum-wage job with no benefits and no health care. Those are the kind of problems with which these folks are confronted. It is real. It has an enormously devastating effect on their lives.

When a plant closes, it is not just the people who work there who are affected; the small businesses that used to sell groceries and clothes to the people who work in that mill suffer as well. The companies where the plant used to buy materials and equipment suffer. The city hospitals, the police force that depend on taxes from that plant and from the people who work in that plant suffer.

According to some projections, for every job the textile industry loses, we may lose two more jobs as well. So families are suffering because of trade, but not just families; communities are also suffering.

We need to do right by these folks, by the people who lose their jobs, and by the communities. We need to do right by doing two things. First, we need to make sure that our trade deals give the same considerations to textile workers they are giving to our farmers. That is totally consistent with the current TPA bill and totally consistent with fair trade.

By the way, I think it is a very good idea to have the language in the bill that provides protection and support for our farmers. That is also important in North Carolina. But we ought to treat these factory workers, these textile workers exactly the same way. It is right and it is fair.

Second, when trade does hurt factory workers in industries such as textiles, we need to make sure those workers have every opportunity to get back on their feet. We all say that is our goal, but we need to make sure the law is as strong as our words.

So today, I have three proposals, all contained in one amendment now, for amending trade promotion authority and trade adjustment assistance. I expect as we go forward that I may have additional proposals and at least one, and perhaps more, additional amendments.

I have been working with my colleagues, the Senator from Iowa and the Senator from Montana, on not only this amendment and proposals contained in this amendment, but also additional amendments. I will continue to work with them. I appreciate very much their cooperation.

RECOVERY OF SENATOR HELMS

I take a moment to bring my colleagues up to date on how our friend and colleague, Senator JESSE HELMS, is doing. I spoke with his staff a few minutes ago. They are very pleased with his progress. He is doing well. They think he is making terrific progress. I know all Members have been thinking about him and have had Senator HELMS and his wife Dot and their entire family in our thoughts and prayers since this serious surgery. We will continue to do so. He is doing well.

His terrific staff, as usual, is carrying on their work with great diligence and skill, as I told Senator HELMS. He is doing very well. We are very encouraged.

Mr. MILLER. I thank my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MILLER. I thank him for that eloquent presentation. He knows these people and he knows this problem so very well.

Mr. President, I rise also in support of this country's textile industry, an industry that is in crisis and an industry that needs our help very badly.

By the way, it was good to hear that report on Senator HELMS. I know, if he possibly could, he would be here speaking with that unique passion that he has on this subject.

This industry is suffering from the worst economic crisis since the Great Depression. I realize several factors have contributed to this crisis; most notably is the strong competition of the U.S. dollar against foreign currencies.

For example, there has been an average 40-percent decline in Asian currencies against the U.S. dollar over the past 4 years. Prices for Asian yarn and fabric have dropped by as much as 38 percent.

This has caused a flood of artificially low-priced textile and apparel products into our U.S. markets. At the same time, prices for U.S. textile products have plummeted since 1997 and profits have evaporated. And when prices fall, and profits disappear, plant owners have no choice but to lay off workers and close down plants. And that is exactly what has happened in this country.

The Senator from North Carolina gave you some telling statistics. Since the beginning of 2001, 179 textile plants have closed in this country. We have lost 91,000 textile jobs.

Bringing it home to my State of Georgia, since 2000, 17 textile plants have closed. That has put more than 19,000 Georgians out of work—19,000 Georgians out of work.

This is not just some cold statistic that some member of my staff has researched and come up with. I know many of these workers. They are my friends. They are my neighbors. They have families to care for. They want to work. As the Senator from North Carolina emphasized, they want to work.

In my neighboring mountainous county of Fannin County, where the last plant closed in Georgia, we call them the salt of the Earth.

My colleague from North Carolina, Senator EDWARDS, has offered several amendments to provide some assistance to our ailing textile industry and to offer relief to hundreds of thousands of textile workers who have lost their jobs.

I am very grateful he has come forward with these amendments—and this amendment. This amendment would help level the playing field for the textile industry in trade negotiations. It spells out for the President the objectives he should seek in any trade agreement that involves the textile industry.

I want to be very clear—as the Senator from North Carolina was—we are not seeking special treatment for the textile industry. The objectives we want to include for textiles are no different than the objectives spelled out in trade promotion authority for other industries, such as agriculture.

The objectives are simple and broad. We ask that the President seek competitive opportunities for U.S. exports of textile products.

Also, we ask that the President reduce or eliminate tariffs or other charges that hurt market opportunities for U.S. textile exports.

Again, these are the very same objectives we have listed for other industries in the TPA bill.

The textile industry in the United States has a proud history, and it has served this country well. All we are asking for today is a level playing field. All we are asking for is a seat at the negotiating table for an industry that is so important to rural communities across the South and across the Nation.

Simply stated, it is a matter of fairness.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I thank my colleague from Georgia. He and I understand the people who work in textile mills in these small towns, as do a number of our other colleagues in the Senate. It is wonderful to hear him describe, firsthand, what he and I have both seen all our lives among the people who live there. I appreciate his support of the amendment. And I appreciated his eloquence on this subject because he truly does understand the plight of these folks.

I want to talk about the three proposals contained in this amendment. The first proposal is very simple. Right now, the trade promotion authority bill is full of objectives for different purposes—electronic commerce, intellectual property, border taxes. Every one of those things has its own objectives. The bill has a whole section of objectives for agriculture, which is good. It is a good thing.

All told, there are more than a dozen kinds of objectives, with pages on each. I do not have any problem with any of that.

When Congress gives the President as much negotiating authority as TPA provides, the least we can do is make sure how the President should exercise that authority.

This is my concern. There is a glaring omission from those objectives. That omission is textiles and apparel. There is not a single objective for trade in textiles and apparel. Here is an American industry clearly being destroyed by trade, and there is not a word about it—not a word. That is wrong.

If we are going to give the President broad authority to enter more free trade agreements, we need to make sure the President's negotiators do not leave behind the people who work in these mills. These folks have already suffered enough from trade agreements. This amendment would set this problem straight, by including a set of objectives for textiles and apparel.

There is nothing radical about the objectives. In fact, the language closely parallels existing objectives for other areas, specifically agriculture.

Let me give you a few examples of how closely my amendment tracks the agriculture language already in the bill. For agriculture, the objective is: "to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade" for various agricultural commodities.

That language makes sense.

This is what our amendment does: If you take out the words "agricultural commodities" and insert the words "textiles and apparel," you have the amendment. It does exactly the same thing with exactly the same language.

The agricultural objectives talk about "reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports." Again, the language makes sense. Our amendment has exactly the same language.

So my point is this: We are not asking for any special treatment for the textile industry. It just says that textile workers are just as good and just as important as others who make enormous contributions to our economy, such as farmers.

Let me also be clear, the amendment does not ask for special treatment for our textile industry compared to other countries. The amendment just says that our textile industry should be treated by other countries the same way their textile industries are treated in this country—with a level playing field. That is all we are asking.

Today, that field is not level. We have cut our tariffs. Between 1995 and 2000, our imports of textiles from other countries have nearly doubled. That is because we cut our tariffs.

In the same period, our trading partners maintained their barriers to our products. We played fair; they did not. As a result, our partners have gotten access to markets and shut down our mills. When we have tried to get into their markets, we have been met by trade barriers that make it impossible.

This amendment says, very simply, that when it comes to textiles, the President's negotiators should work for a level playing field—not special preferences, just equal treatment.

So, to sum up, there are two major points in this part of the amendment, this part of the proposal. First, textiles deserve to be treated as well as agriculture—not better, just the same. Second, as with agriculture, that does not mean special treatment for American textiles compared to other countries; it just means equal treatment compared to other countries. That is fair and just.

The second proposal contained in this amendment is aimed at making community college more accessible for people who have lost their jobs and are being hurt by trade. We all know how critical education is to economic opportunity. But for workers who lose their jobs, community college really is the key. It can make the difference between chronic unemployment or a good career in a new job.

Community colleges cost half as much as the average public university and 90 percent less than the average private college. And thanks to community colleges, 5 million workers earn degrees and certificates every year in professions ranging from information technology to health care to construction.

Let me give one example of how community colleges can transform lives. These are the words of a former textile worker who is now a student at Guilford Technical Community College in Jamestown, NC. He says:

> The college gives you more than just the ability to train for a different job. It also gives you back some hope that has been stripped away when your skills and experience are no longer useful.

I talked about this earlier. This is not just about a new job and taking care of your family. It is about self-respect and dignity. We ought to give people back the hope that unemployment has taken away.

The trouble now is that many community colleges can't keep pace with the demand, especially in communities where textile mills are closing. In fact, as mills close and workers need retraining more than ever, community colleges are seeing their budgets go down. So you have more demand for community college and fewer seats in the classroom. That is the opposite of what we want.

Let me give a couple of examples. In 2001, Mayland Community College in Spruce Pines, NC, saw enrollment go up by 40 percent after two textile plants in the area closed. Hundreds of additional workers had to be turned away from courses. The college didn't have the resources to serve them.

At Cleveland Community College in Shelby, NC, enrollment will grow by 15 percent next year at the same time that the college's budget is being cut by 10 percent. As a result, the school had to cancel training programs this summer that would have served over 400 workers, about 20 percent of the school's population.

These stories are typical. All across the country our community colleges are struggling. We, in Congress, have to step up and make sure community colleges fulfill the critical role they have always filled.

This amendment establishes a grant program to provide an emergency infusion of aid to community colleges in areas hard hit by foreign trade so that they can create or expand retraining programs. This program will compensate for cuts in State and local aid and make sure community colleges can meet the needs of workers in their area who have lost their jobs.

At the same time, this amendment also encourages community colleges to serve workers who have not yet lost their jobs but who are at a high risk of losing them. If you know you are going to lose your job and you want to go back to school for a new job, you are doing the right thing. We ought to help that and promote it. Much of the time we do exactly the opposite. Folks can't go back to school. At a result, they are left stuck where they are.

People who want to plan ahead ought to be able to do it. This amendment would give them a chance by supporting training not just for workers who have already lost their jobs and been displaced but also for workers who know the pink slip is coming and that they have to prepare for it.

The third proposal and the last proposal in the amendment meets a very specific need. When a worker loses his job at a mill, one of best things he can do is go back to school for more training. That is especially true for working people who do not have a GED or who are immigrants with very poor English. The best thing these workers can do is get a GED or take an English as a second language class, an ESL class.

Here is the problem. Today if you qualify for trade assistance, you get 2 years of help with your education, but only 18 months of help with your income. That is a huge problem for somebody who is trying to get a GED or take an ESL class. If they are getting help paying for school, they often run out of money because they have to provide for their family before they finish their education and their training.

As a result, they are forced to drop out of school. Instead of graduating and getting a job that may pay $15, $20 an hour, they have to stop, quit, and take a job that pays the minimum wage. This is wrong. We should not force people who lose their jobs because of foreign trade to choose between getting the education they want and need and being able to put food on the table.

This amendment solves that problem by allowing extensions for 6 months of the TAA income allowances for workers who have taken a GED or ESL class and are finishing up their training. Six more months of income support can mean a lifetime of higher wages and higher living conditions. It is the right thing to do.

In sum, the three proposals contained in this amendment are aimed at a very specific objective. They are aimed at helping people who have families, mothers, fathers, people who have worked hard all their lives to provide for their family, to contribute to their community, to contribute to their country, to get back on their feet and in another job, to get back to work, which they desperately want to do. They have spent their whole lives taking care of their families, doing right by their families and their communities and making an enormous contribution. They just want to do it again. We want to make sure they get a chance to do it again. That is what the amendment is about.

I urge all my colleagues to support it. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment the Senator from North Carolina on his amendment. It is one that is particularly needed for his area of the country for several reasons. One is that under agreements that predate the Uruguay Round in 1992, the quota on textiles and apparel is gradually being phased out. That is going to put tremendous additional pressure on employees working in the Senator's area of the country, the South, which means we need to go the extra mile to help people who will be dislocated as a result of various and significant changes in the textile and apparel industry.

I compliment the Senator. He is standing up for his people and the State he represents, as is Senator MILLER. I am sure that others who represent textile and apparel workers have the same concerns. I compliment them as well.

The underlying bill, as the Senator said, does have certain negotiated objectives. The Senator adds an additional objective that would specifically address trade in textile and apparel products. I must say that although we have the most open market in the world, many of our competitors, unfortunately, are not nearly as open. As it happens in the textile and apparel sector, some of the most active exporters of these products happen to be countries that maintain the highest barriers to imports into their own country. For that reason, the amendment we are now discussing directs our negotiators to focus their efforts on achieving fairer and more open conditions of trade in textile articles, particularly with major textile and apparel export countries.

It also instructs them to take into account whether our negotiating partners have played by the rules under existing agreements. This, too, is very important.

For that reason, I urge the Senate to strongly endorse this amendment. I am sure my colleague from Iowa has the same point of view. When he finishes his statement, I will make a request as to when we vote on this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the three amendments offered by the Senator from North Carolina. He has been very accommodating in working with us to make sure these amendments could go very smoothly.

I believe it is appropriate to establish principal negotiating objectives for textiles and for apparel. Neither the House trade promotion authority bill nor the bipartisan trade promotion authority bill that Senator BAUCUS and I now have before the Senate—and was approved by an 18-to-3 vote in our committee—contain negotiating objectives for this sector of our economy, textiles and apparel.

The amendment of the Senator from North Carolina fills this gap by establishing principal negotiating objectives modeled after things I have supported for agriculture, such as we have agricultural negotiating objectives that emphasize the importance of reciprocal market opening commitments.

These new textile negotiating objectives also recognize that it is important to promote market access opportunities abroad and to do it for U.S. producers and to reduce and/or eliminate nontariff trade-distorting measures which limit access for U.S. producers in markets overseas.

Ultimately, the best way to help workers in the United States who are or may be displaced by trade is to create as many new market access opportunities overseas for U.S. producers as possible because the more trade and the more product we sell creates jobs in America, and we only have a trade bill before the Senate for one purpose: To help our economy. When we help our economy, we create jobs. This legislation does that, and the amendments by the Senator from North Carolina add to the objectives of this goal.

I also support enhancing educational opportunities for displaced workers. Enhancing workers' educational opportunities is a very positive step forward and represents a strong investment in each individual worker's future.

Finally, I support providing emergency assistance grant programs for community colleges that provide training programs for displaced workers. In fact, in my very State of Iowa, community colleges are right in the center of job opportunities, not just for displaced workers but even for the training of workers for specific jobs, of expanding businesses within our State or jobs that are moving into my State from another State.

This puts on the community colleges a burden for which they are prepared. This assistance to the community colleges is consistent with the administration's efforts to increase and improve the quality of 2-year-degree institutions. Workers or families and their communities will benefit from this type of assistance. It is consistent with the social contract between dislocated workers and our country that is at the heart of trade adjustment assistance.

Obviously, I urge all my colleagues on this side of the aisle to join me in supporting these amendments.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise to speak on the amendment offered by my colleague from North Carolina. I have joined with the Senator to address the shortage of capacity in our community and technical colleges as they attempt to meet the increasing demand for job training during this period of high unemployment.

My State in recent months has consistently ranked among the three highest unemployment states in the nation. It seems almost every week across Washington, we have seen more layoffs, including a large number related to the aviation manufacturing industry.

Washington State has some of the most innovative programs in the country to provide displaced and incumbent workers with the training they need to find and keep good jobs.

Unfortunately, as unemployment has gone up, training programs have had to turn people away, since there's not enough financial assistance available.

In March, my office issued a report that documented this shortfall of capacity to deliver job training in our State. That report showed that while there were approximately 115,000 dislocated workers in Washington State in January, and an estimated 38,000 of those seeking job training services, our institutions would only be able to accommodate approximately 12,500 of those individuals.

All of these Washingtonians want new skills, and they should have the opportunity to achieve those goals through the hard work and determination required to complete additional job-training courses.

Those skilled workers are critical to the competitiveness of our State and national economy, and the firms that hire them.

At this critical time for these workers and our economy, community colleges in my State are doing everything possible to serve as many applicants as possible with existing resources. In Snohomish County, over 700 workers are on a waiting list to get help with training costs; Everett Community College is approximately 70 percent over-enrolled; and Lower Columbia Community College and Clark Community College are each more than 250 percent over-enrolled.

It is clear that we need to significantly increase our Federal commitment to job training—both by continuing to expand funding for vouchers and Pell Grants, so that workers can pay for tuition, and by assisting our institutions that serve those students, so that they can offer an adequate number of courses for high-demand occupations.

My colleague's amendment—now incorporated in amendment No. 3417—would specifically address this capacity shortage in our community colleges. In areas of massive dislocation due to trade, such as Washington, the amendment would provide emergency assistance to community colleges that plan to create or expand worker training programs. The amendment would also encourage colleges seeking assistance to not only serve already dislocated workers, but also expand programs for incumbent workers at-risk of losing jobs for trade related reasons.

I strongly support this concept, and urge my colleagues to support its inclusion in the bill.

Assisting workers displaced by trade cannot simply be a single-minded approach. That's why we have worked so hard to ensure that TAA eligible workers have access to an expanded, comprehensive package of benefits that includes up to two full years of income and training assistance, a strong health care subsidy that will help workers maintain health coverage for their families, and job search assistance.

We have improved the TAA program a great deal in this bill, but training assistance will not go far if those workers do not have access to the job training programs that they desire because classes at the local community college are full, and because funds simply are not available in the state to hire new professors, offer more courses, and develop the systems to handle more students.

That is why this amendment is so important. I urge my colleagues to support this effort and to work with us in the future to ensure that a system exists to better support our job training infrastructure in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are ready to vote on these amendments, but we cannot vote at this time.

I ask unanimous consent that once debate is concluded on the Edwards amendment No. 3417, the amendment be set aside to recur at 1:45 p.m. today, and that at 1:45 p.m., there be 4 minutes remaining for debate with respect to the Edwards amendment, with the time equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, with no second-degree amendment in order prior to the vote; that once the Edwards amendment is set aside, Senator LIEBERMAN be recognized to offer an amendment relating to enforceable commitments, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to spend a little time today discussing the labor and environment provisions of the fast-track bill that is before us. I want to start with one simple truth: When it comes to labor and the environment, this is the most progressive trade bill that has ever received serious consideration in the Senate. The labor and environment provisions in this bill represent dramatic—and I mean dramatic—improvement over the bill this Senate considered just several years ago.

Some of my colleagues in both the House and the Senate have introduced other bills this year. Some of those bills ignore labor and the environment. Others require so much on these issues as to make the negotiating process unworkable.

Both types of bills, in my view, are equally antitrade. They either ignore the reality that labor and environment issues are now an entrenched part of the trade dialog, or they impose so many burdens and barriers on fast track that they render it useless.

Last year, Congress and the administration worked together to solve this problem. We unanimously passed in the Senate the Jordan free trade agreement negotiated by the Clinton administration, and President Bush signed it into law.

Using the Jordan agreement as a model, our colleagues in the House and Senate drafted a fast-track bill that fully reflects the provisions of the Jordan agreement.

As the committee report states, the negotiating objectives on labor and environment are "based upon the trade and labor and trade and environment provisions found in articles 5 and 6 of the United States-Jordan free trade agreement. Those provisions (including their coverage by the Agreement's general dispute settlement procedures) have come to be known as the Jordan "standard."

The Jordan agreement breaks new ground on labor and environmental issues in two ways. First, both countries agree to work toward better labor and environmental standards. That is an agreement by both the United States and Jordan, written into the agreement.

In the area of labor, we agreed to promote respect for worker rights and the rights of children—this is very important—consistent with the core labor standards of the International Labor Organization, the ILO.

We also agreed to protect and preserve the environment and to pursue trade and environmental policies that are mutually supportive.

Second, both countries agreed we would not lower labor or environmental standards in an effort to improve our positions on trade. That provision of the agreement has equal weight with all other provisions of the agreement—it is just as important, and it is just as enforceable.

I want to be clear on this point. By necessity, the language in the fast-track bill is not and cannot be identical to the Jordan agreement because the Jordan agreement is limited to two countries. The fast-track bill sets the agenda for future trade agreements.

That said, the fast-track language incorporates all of the elements of the Jordan agreement—every single one—and those who criticize the fast-track bill before us as not meeting the Jordan standard are simply inaccurate; they are not stating the case. They exaggerate the provisions of the Jordan agreement or they mischaracterize the bill.

Let me address several of the critics' assertions.

First, opponents criticize this bill as failing to require that countries implement core internationally recognized labor standards. That is true, the bill does not make that requirement. But the Jordan agreement does not make that requirement either. The Jordan agreement simply reaffirms obligations of each country that already exist by virtue of ILO membership, and it establishes the countries' agreement to "strive to ensure" that ILO standards are recognized and protected by domestic law. If a country strives but fails to actually ensure that ILO standards are reflected in domestic law, it has not violated its obligation.

Second, opponents criticize the bill as not including the Jordan standard on enforcement. That is simply not true. The Jordan labor and environment provision that is susceptible to dispute settlement—that is, the requirement that a country not fail to effectively enforce its labor and environmental laws in a manner affecting trade as incorporated as a priority negotiating objective in the bill.

Also, negotiators are directed to treat all principal negotiating objectives equally with respect to access to dispute settlement, as well as with respect to procedures and remedies in dispute settlement.

Third, opponents criticize this bill because of the late addition of the so-called Gramm language. That is the Senator from Texas. They suggest this language allows countries to lower labor and environmental standards with impunity.

While I am not a fan of the Gramm language, critics grossly exaggerate the effects of this language. The language states that "no retaliation may be authorized based on the exercise of these rights"—that is, regarding countries' discretion to take certain actions—"or the right to establish domestic labor standards and levels of environmental protection."

As explained in the committee report accompanying the bill, this language is simply meant to—that is the Gramm language—is meant to "clarify the language that precedes it in subparagraph (B).

> That is, in negotiating provisions on trade and labor and trade and environment, the United States should make clear that a country is effectively enforcing its laws if a course of action or inaction is the result of a reasonable exercise of discretion or a bona fide decision regarding the allocation of resources and, as such, the country cannot be subject to retaliation on the basis of that course of action or inaction alone.

In short, the language at issue does not allow countries to lower labor and environmental standards with impunity. It does not add to or subtract from the other provisions on labor and environment in the bill. It merely clarifies that administering authorities are to be accorded some leeway, as they are in the United States-Jordan agreement. Same, no difference.

Finally, opponents criticize the fact that promotion of respect for worker rights is included in this bill as and "overall trade negotiating objective" rather than a "principal trade negotiating objective."

As explained in the Finance Committee report, all of the subsections in section 2 of the bill carry equal importance in defining the trade negotiated positions of the United States.

The report further states:

> It is the expectation of the committee that in affirming that a trade agreement makes progress toward achieving the applicable purposes, policies, priorities, and objectives of this bill, the President will address the purposes, policies, priorities, and objectives in each of the subsections of Section 2.

Moreover, by criticizing the placement of promotion of respect for worker rights under the heading of "overall trade negotiating objectives," the assertion implies that placement of the objective under the heading of "principal trade negotiating objectives" would somehow make it more enforceable. That is not true.

The fact is, the ability to use dispute settlement to enforce an obligation to promote or to strive to ensure is extremely limited, regardless of the section in which it is listed. How would someone determine whether a country is promoting core labor standards or striving to ensure that those standards are reflected in domestic law?

Clearly, this legislation would direct the administration to negotiate Jordan-like provisions as it completes negotiations with Chile and Singapore. And as it moves forward on the free trade area of the Americas, it makes Jordan the model for new negotiations with Central America, with Australia and others.

There are also key provisions on labor and the environment added to the Senate bill that were not in the House bill. First, in addition to an environmental report, which would be codified into law, the legislation requires a new report on trading partners' labor practices. These reports should clearly identify the problems to be addressed in negotiations.

Second, the Senate bill contains important language to ensure that new investor-State provisions, such as NAFTA chapter 11, are transparent and accessible to the public. The bill also addresses concerns that investor-State provisions may give foreign interests more rights than U.S. investors; that is, we made sure that provision is addressed in the solution in the bill, and, particularly with the adoption of the recent Kerry amendment, strikes a balance between legitimate concerns of environmental citizen groups and legitimate concerns of American investors overseas.

Foreign investors and domestic investors are treated the same way, and also municipalities are treated the same way with respect to domestic investors or foreign investors that may be challenging a certain environmental or municipality law under article V of the Constitution, the takings provision of the U.S. Constitution.

Some critics have said this legislation does not go far enough on labor and the environment. Many critics, I believe, will never be satisfied. They just cannot be satisfied. They simply oppose trade. That is fine. Some will be for trade; some will be against trade. I respect that. But as we move forward on these issues, we have to be realistic. It is simply unreasonable to suggest that we can take our labor and environmental laws, that is the United States, impose them on developing countries, and slap sanctions on them if their laws do not live up to our standards in a few years. That is simply unrealistic. We simply would not be able to negotiate agreements if that were the position the United States took and those were the provisions that we had written into the underlying fast-track bill.

We have to move forward very aggressively, and the provisions in this bill do make that aggressive step forward. We have to keep in mind that many of these countries are at a level of development that the United States was at 100 years ago. At that time, the U.S. labor and environmental laws looked much different than they do today. That is not to say we must wait a century for progress. Clearly, we should not wait a century.

Every trade agreement must recognize that labor and environmental standards are now on the agenda. I might say that is one of the reasons that the Ministers in Seattle collapsed because the world recognized that labor and environmental provisions should now be on the trade agenda. They should not be separate from trade. Our Ministers worldwide were unable to adapt quickly enough to come up with a solution dealing with labor and environmental issues. The fact is, they are here. The question is, What is the most appropriate way to incorporate labor and environmental standards?

We have worked very hard with those most interested in this issue to write provisions in the Jordan agreement. That is a major step forward, and we are making those Jordan standards the core basis by which we proceed today.

We can lock in important advances that have already been achieved. That is what we are doing with the underlying bill. We can create positive incentives for countries to raise their standards. We are doing that, too. For example, we see phase-in benefits more quickly for countries that make progress on labor and environmental issues. We can provide technical assistance to help those countries improve their practices. Importantly, we can trade more with them.

Progress on labor and environmental standards often follows economic growth. That is certainly true of the United States. Our own country is the best example of that. Isolating developing countries will not help the United States, either. There will always be those that the fast-track bill does not do enough for, does not go far enough in protecting labor and environmental standards worldwide.

To them, I say this bill is an enormous step forward. By definition, it is a fitting—and I say by definition because the prior bills were zero. This has a very significant provision so this is a great step forward. It is far stronger on these issues than any previous grant of fast track. It is far stronger than the fast-track bills considered by the House and Senate only a few short years ago.

So can we not do more on these issues? Absolutely. And I will continue mightily to work to make improvements. That is a process that is likely to continue for decades to come. We will continue to work and make progress with each passing couple of years on labor and environmental provisions.

At the end of the day, I believe there is something in this bill that is very solid with respect to labor and the environment. It is a wonderful first step forward, and I believe those who are truly for trade worked hard to pass this comprehensive trade bill because, if they vote against this bill, then we are back to where we were before, that is, no meaningful labor and environmental standards as we have worked for in fast track.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, as we are getting set under the unanimous consent agreement before the Senate to take up a Lieberman amendment, I will speak about what we have in the bill on workers' rights and how we deal therewith.

The Trade Promotion Authority Act is a bipartisan bill that Senator BAUCUS and I have brought to the floor which contains the most comprehensive set of objectives on workers' rights and core International Labor Organization labor standards that have ever been included in any U.S. trade law dealing with international trade negotiations.

Respect for workers' rights consistent with core International Labor Organization standards is a clearly stated U.S. trade objective.

The President, in his contract with Congress, does our negotiating for us, since we cannot have 535 Members negotiating with 142 other countries. We have this contract with the President to do it. We direct the President through this contract, which is this bill we are considering, to seek greater cooperation between the International Labor Organization and the World Trade Organization.

Furthermore, the President is directed to strengthen the capacity of foreign governments to achieve core labor standards. The Department of Labor will offer technical assistance to these foreign governments. The President will seek a commitment by other governments to effectively enforce labor laws. The labor provisions will encourage countries to improve their labor laws without infringing on their sovereignty.

The labor negotiating objectives capture the key trade and labor provisions we have had before this Senate previously in the U.S.-Jordan Free Trade Agreement passed last summer.

Our contract with the President to negotiate for us contains the strongest labor positions our Government has ever taken regarding bargaining in the history of World Trade Organization negotiations over the last 25 years.

For the first time, U.S. trade law will include environment as a U.S. trade negotiating objective. The environmental provisions will encourage countries to improve their labor laws without infringing upon their sovereignty. Our President, through these directions, is to promote multilateral environmental agreements and consult with parties regarding consistency of such agreements with World Trade Organization rules. This addresses the widespread concern legitimately expressed that trade rules should not interfere with U.S. environmental treaties. This bill includes a requirement to conduct environmental reviews of future trade and investment agreements.

This is where we are. The bill before the Senate provides this contract for the President to negotiate with these other countries for us. And by the way, it is something we must pass by majority vote once it is done or it never becomes law. In this contract we have the strongest labor and environmental provisions ever.

The Senator from Connecticut will come to the floor and these will be under attack. He will try to amend these very strong provisions we have in this legislation because somehow the strongest provisions ever on labor and on environment, on trade legislation, are not good enough.

These are very much a very delicate compromise—issues that have been worked out between Republicans and Democrats, not just in this body but also in the other body. As you can tell, that was a very tenuous sort of agreement that you don't want to mess with so much because it only passed by a 1-vote margin, 215 to 214.

So when we have this sort of bipartisan approach on these very critical but sensitive issues such as labor and environment, we want to make sure we do not upset that. It is my view, as you will hear later on in debate when we get to the specifics of the amendment of the Senator from Connecticut, Mr. LIEBERMAN, that his amendments will upset this very carefully crafted bipartisan agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, what is the present regular order?

The PRESIDING OFFICER. The Senator is under a unanimous consent agreement under which the next amendment to be considered will be the Lieberman amendment, followed by a vote on the Edwards amendment at 1:45.

Mr. GREGG. Mr. President, I rise to speak about a section of the trade adjustment language in this bill. I congratulate the managers for the hard work they put into bringing this bill forward. Trade adjustment is part of the three basic bills. There are four bills altogether, but I now address the three bills—the Andean trade bill, trade promotion authority, and trade adjustment.

The trade adjustment language in this bill has some huge problems and sets off on a new policy course in a number of areas which I believe are extremely problematic and inappropriate. One of the issues it raises is that of how you deal with people who do not have health insurance. I do not want to speak specifically to that, but I want to allude to that. In this bill there is a brand new major entitlement which will say if you are put out of work, allegedly because of a trade event, you will have the right to get health insurance and have that health insurance paid for by the taxpayers, or 70 percent of it.

That will create the anomalous situation, the really terrible situation that people who are working for a living, working hard, working 40, 50, 60 hours a week, and who do not have health insurance, will end up paying an increased tax burden to pay to subsidize the health insurance of somebody who does not have a job, is not working, and who is already getting significant unemployment benefits, training benefits, education benefits, and now will be getting very significant new health insurance benefits.

The practical implications are significant, obviously. You are going to create two classes of citizenry in this country, one of which is the working American who does not have health insurance and the other is the nonworking American who does have health insurance. The person who is working is going to be scratching his head and saying: What am I doing? Why am I toiling all these hours to pay for something I cannot afford for myself for somebody who doesn't have a job and who may not get a job because they are getting such good benefits that getting a job they may lose those benefits? So it creates some serious problems.

Basically, it is opening the door to a massive expansion of an entitlement program in the area of health care. That worries me a lot. If we are going down that road, we should do it in the context of comprehensive health care reform. We should look at all the people who do not have health insurance in this country, not just a slice of people, and make sure all those folks get a fair shot at health insurance, not just a small slice.

But the more problematic, from the standpoint of policy, is this new concept called wage insurance, which is in the trade adjustment bill. Basically, we are going to pay people to work less productively is what this amounts to. This is sort of a French system of economics. We are going to say to someone: If you are out of a job because of a trade adjustment situation and you take another job where you earn less, the Federal Government will now come in and pay you the difference between what you made in the old job and what you make in the new job, up to $5,000. That creates a huge incentive for people to take a job where they are less productive, to take a job that they might enjoy more, which they might like more but which doesn't pay as much because everybody else in the country is going to pay them something to take that job.

It is a management of the marketplace which undermines all the concepts we have in our country today of having money flow and having people work in their most efficient way in order to create the most productivity, in order to create the strongest economy.

One of the geniuses of our economy is that we are resilient and flexible. If you look at what has happened to Japan over the last 10 years, they have been in recession. Look at what has happened to France over the last 20 years and their productivity has essentially been flat. So their standard of living has not grown the way our standard of living has grown.

Look at the country of Italy where if you get a job you get it for life. Again, you have low productivity growth and you have essentially a flat economy in the context of our economy.

All these countries are functioning in a manner entirely different than ours because they basically create an economy where productivity is not rewarded, where efficiency is not rewarded, where having capital flow to its most efficient place is not rewarded—it is actually penalized—whereas in America, our genius as an economy has always been that we are a mobile, flexible economy where the money and the productivity and people's jobs flow to the place where they are going to receive their highest economic reward. We create incentives for people to go to work where they are going to get their highest economic reward. As a result, we rebound from economic slowdowns quickly and we have an incredible rate of productivity in this country—we have for the last few years—and we have economic growth.

What this proposal does, essentially, is reverse course. It goes back. It takes the socialistic concept that the Government should pay you for not working, or at least for not working efficiently, and puts it in place. It is an idea that has been tried, of course. It is being tried. It is being used in many of our sister countries—France and Italy being the two best examples. But it is a system which has totally failed. It is a 1950s idea of economics which essentially said that the state can better manage the economy of a country than the marketplace. In its extreme, it essentially has productive citizens paying to have people who are doing less productive jobs stay in those jobs.

The idea that when somebody loses his job where he is earning a good salary—let's say in a steel mill because that seems to be the industry most affected—and then that person looks around and says, I didn't like working in the steel mill, I am going to go out to the golf course where I can be a starter and get my free round of golf every day because that's what I would really like to do, that person, as a result of taking that job which he enjoys more but which pays significantly less, is going to be paid by all the other people in America who are working hard every day, maybe doing jobs they do not find that exciting but at least jobs at which they are being extremely productive.

That person who goes to the golf course is going to be paid up to $5,000 for taking this job which pays less than what he was receiving as a steelworker.

It is outrageous. It is incredible. It is a rejection of everything we conceive as marketplace economics as a country. And it opens the door to proposals and concepts which will significantly undermine our productivity as a society, which will lock in place job activity which is not producing but which is draining from the economic growth and will inevitably undermine our vitality and will end up costing us jobs.

If a person is thrown out of a steel job and takes a job in some other position that pays less because that is the job they want or that is the job they can get, there are alternatives which we put in place to try to help that person improve their position. Under the trade adjustment assistance language that person gets more training, more education, more educational opportunities.

Under trade adjustment assistance, that person gets longer unemployment benefits so they can look harder for the job they want. But that person—for taking a job where their income is less and probably, therefore, they are being less productive in a society that ties productivity to income to a large degree—surely should not get a stipend to take a job which pays less.

It inverts the whole system of how we reward people in our society. We are rewarding someone for taking a job that pays less and saying: Here is $5,000 on top of whatever you are being paid. I can see a lot of small businesses, medium-sized businesses in this country that are marginal today where their employees could say, because they might be a small business where all the employees are participants, we are going to have to go out of business. Let's make sure we go out of business for a trade reason. Let's figure out some way to do that because we can move on and do something else and get $5,000 of assistance on top of whatever job we take.

The unintended consequences, the perverse incentives are truly—well, they can't be anticipated, but we know they are going to be significant.

This is one of the worst ideas I have seen come forward in this Congress, the idea that we are going to basically pay people to take lesser paying jobs. It is almost, on its face, a reason to reject this bill. When you couple it with some of the other problems with this bill, it becomes a heavy burden for those of us who support free trade to support a bill with this type of language.

So I do intend, at some point, as we go forward, to offer a motion to strike this alleged wage insurance program. I hope Members will join me in rejecting this concept which can best be described as French economics.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3419 TO AMENDMENT NO. 3401

Mr. LIEBERMAN. Madam President, I have an amendment at the desk which I call up for immediate consideration.

The PRESIDING OFFICER. Under the previous order, the pending amendment is set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. DODD, Ms. MIKULSKI, and Mr. KENNEDY, proposes an amendment numbered 3419.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the principal negotiating objectives with respect to labor)

On page 245, line 14, beginning with "and", strike all through "protection" on line 18.

Mr. LIEBERMAN. Madam President, this amendment that I offer strikes 27 words in the bill. These words are not many in number, as legislating goes, but they embrace, in their exclusion, a very important series of principles that are at stake. So let me read the words to you that would be struck. And I quote:

> No retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection.

I say, respectfully, to those who put these words in the bill, and reported it out of the Finance Committee, that these words are a mistake because they essentially cancel out this provision, this section in which they appear, which is one of the 13 principal trade negotiating objectives in this bill before us, and the only one dealing with labor and environmental protections. In effect, because of this language that this amendment would strike, this becomes the only objective in the bill that the bill itself says, in effect, "we, the United States, will never enforce these portions of an agreement." And that is the section relating to domestic labor standards and levels of environmental protection.

I do not understand why we would place such a self-defeating provision in legislation, to create a standard and then to frustrate any potential for realizing and implementing it.

If this bill stated that we would not enforce an agreement we reach on trade and services, for instance—which happens to be the second principal trade negotiating objective in the bill—I am sure we would hear an outcry. And I would be part of that outcry.

If we said in advance we would never seek to enforce an agreement that we might reach on intellectual property protections or anti-corruption obligations or electronic commerce or agriculture, there would naturally be an outcry.

So there is no reason why we would want to enter into agreements on any of these subjects while telling our trading partners in advance that we are not concerned about whether they are actually going to honor the commitments they make to us—in this case regarding labor and environmental protections. But that is precisely what we do in this part of this proposal that I would strike with this amendment.

We say, in the pending bill, that we will never seek to enforce these labor and environmental standards, the agreements made by the parties to agreements. I find this not only illogical but inappropriate and wrong.

Let me be clear, I am not here to propose that we only seek to enforce labor and environmental protections and not seek to enforce any other protections. This amendment proposes that we should have the power to enforce all of the provisions of these trade agreements that would come before Congress under the legislation before us, to enforce them equally, including labor and environmental protections. They should not be placed in a second class of objectives as stated in the bill.

The pending bill already includes a clear statement in support of the equal enforcement principle I am advocating. That is the 12th principal negotiating objective. It states that we should "seek provisions that treat United States principal negotiating objectives equally with respect to—the ability to resort to dispute settlement under the applicable agreement, the availability of equivalent dispute settlement procedures, and the availability of equivalent remedies."

Then let me read it again. The words I am striking with this amendment hope to say "no retaliation" may be authorized based on the exercise of these rights; that is, "the right to establish domestic labor standards and levels of environmental protection."

My amendment simply conforms the rest of the bill to the objective stated in the 12th principal negotiating objective; that is, the availability of equivalent remedies: equal enforcement, equal standing, and no discrimination against the labor and environmental provisions of an agreement.

I have an additional reason to strike the statement in the bill that "no retaliation" may be authorized based on "the right to establish domestic labor standards and levels of environmental protection." This enforcement exemption goes even further than the exemption I have just described.

I read the language as exempting any labor and environmental standard a country chooses to set from any potential retaliation under this bill. That includes labor and environmental commitments of the country we might be negotiating with and that that country has specifically agreed to include in a trade agreement. It says, I fear, that any standard is fine with us, even if it conflicts with a standard that has specifically been set, negotiated, agreed to in the trade agreement that would be the subject of consideration by the Senate under the rules established by this TPA proposal.

If countries can establish any domestic standards they wish to and no retaliation can be used regardless of what they do, they will be able to use that language to violate any commitment they have made or be able to bend and break every international standard without fear of consequences.

For example, they will have an excuse to lower domestic standards to enhance their trade competitiveness, something nearly every trade agreement bars. This exemption makes a mockery of labor and environmental protections in trade agreements. It is an invitation to abuse, to sham agreements, and to evasion. That is why I move to strike it.

The labor and environmental protections at issue are very mainstream. They express broadly held American values and broadly accepted American policies.

Let me read to you some of the core labor standards set by the International Labor Organization. One is the freedom of association and the effective recognition of the right to collective bargaining. Another is the elimination of all forms of forced or compulsory labor. These aren't extreme requirements, these are basic humanitarian requirements, in some sense even beyond the normal conflict of labor/management or often the conflict of labor/management negotiations. Third is the effective abolition of child labor.

Does anyone wish to stand in this body, or anywhere else in America, and say we should not make clear that the powers of retaliation that are available for all the other principal trade objectives stated in the bill should not be available against a country that is guilty of child labor abuses?

Finally, the elimination of discrimination in respect of employment and occupation. Again, this is the fourth of the core labor standards set by the International Labor Organization, obviously accepted—enshrined, in fact—in amendments to our Constitution. It was certainly enacted explicitly in our time in a specific series of laws that have made real the promise of equal opportunity and nondiscrimination in employment which we would naturally not want to stand idly by and see violated in countries with which we were negotiating agreements.

Is there any reason we would not want to enforce those values in a trade agreement? Is there something protectionist about those values? Is there some reason we would want to invite countries to violate those standards with impunity and provide no enforcement mechanism or remedy should they do so?

I would ask the same about the environmental protections here. Is there some reason we would not want to support clean air and clean water in countries with which we are negotiating, some reason we would want to tolerate exposing workers, for instance, to destructive, dangerous toxic chemicals when that country in an agreement has made commitments not to tolerate these low environmental standards?

In its current form, this provision I wish to strike with my amendment cancels out the very provisions on labor and environmental protections it seeks to legislate as one of the 13 principal trade negotiating objectives. It does so uniquely, putting this non-retaliation language only in this particular section dealing with labor and environment and not in any of the other 13 principal trade negotiating objectives.

The issue I wish to raise with my amendment is simple. The question is, will we seek, whether we want to preserve within our Government the power to stand by our word and compel countries that are trade negotiating partners with us to stand by their word, to keep their promises when it comes to labor and environmental commitments, promises that they will have negotiated and made in the agreements we would sign and bring before the Congress for ratification? Or are we going to allow these agreements to be rendered meaningless and unenforceable, even before we enter into them?

The amendment I propose this afternoon says we will hold our trading partners to the commitments they make in trade agreements. We are not legislating to reach out and tell them exactly what to do within their countries. We are saying, if they make an agreement with us regarding environmental protection or labor standards, they have to keep that promise. We will expect them to do no less.

This is a critical part of the proposal before us, making trade agreements that are not only in the interest of commerce and economic growth but that are consistent with some of our most fundamental values and certainly consistent with a wide range of our laws adopted at the Federal, State, and local levels.

I urge my colleagues to support the amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I rise in opposition to the Lieberman motion to strike. I welcome the opportunity to debate it because this motion goes right to the heart of the constitutional system that we cherish in America, and from which we benefit every single day.

Let me explain this amendment and what it would do, where it came from, and why it is relevant. For the first time under fast-track authority, we in this bill will be bringing labor and environmental issues into the trade negotiation process. In 2000, the Clinton Administration negotiated a free trade agreement with Jordan that for the first time brought both labor and the environment fully into the process. Now, based on the Jordan Agreement, the bill before the Senate would direct our negotiators in all future trade agreements to establish international dispute resolution tribunals to proctor and enforce trade agreements in which labor and environmental issues are involved. And this will probably become the standard for our trade agreements with the rest of the world.

The bill approved by the House of Representatives and then the Senate Finance Committee sets out our negotiating objectives of the United States with respect to labor and the environment. These objectives are pretty clear, and I want to take the time to read them because I want to be absolutely sure everybody understands this issue.

Section 2102(b)(11) says that the principal trade negotiating objectives of the United States with respect to labor and the environment are:

> To ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries.

This objective is what we would be trying to achieve, and it would be binding on both the United States and on the trading partner with whom we are negotiating.

I want to remind my colleagues that the first sentence of the Constitution of the United States—article I, section 1—sets forth the legislative power, and sets it squarely in the Congress:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

It is the first sentence of our Constitution, so we are not fooling around here. In other words, there is no question under the American constitutional system that Congress has the power to make the law.

But now we are entering into trade agreements that for the first time will involve passing judgment on our labor and environmental laws and standards. In light of the constitutional guarantees of article I, section 1, the House and Senate authors of the trade promotion authority bill before us decided to set out what our rights are as Americans with regard to our labor and environmental standards. It therefore goes on to say that our objectives also are:

> (B) to recognize that parties to the trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources.

It then goes on to say, and this is the sentence that Senator **LIEBERMAN** would strike:

> And no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection.

What does this mean? It means that we are going to enter into trade agreements, and that in those trade agreements we are going to try to promote labor and environmental protection, but that we will maintain our sovereignty with regard to writing our own labor and environmental laws, and to exercising Executive Branch power to enforce the law through the promulgation and enforcement of regulations. It means that in exercising our rights under the Constitution of the United States, we could not be subject to retaliation by our trading partners.

Let me point out to my colleagues that the concern about retaliation is not an idle concern. It is the kind of problem that we increasingly will run into as we move further into a world where trade crosses borders and where international agreements increasingly bind the United States. The question as we move into this world comes down to this: What rights will we preserve as a sovereign country?

If we struck the protective language approved by the House and by Senate Finance, we would be passing the decisionmaking authority on domestic labor and environmental issues from the Congress and the President to international tribunals. Those tribunals—not Congress and the President—would be the ones to pass judgment as to whether changes in U.S. labor and environmental laws represented a failure to effectively enforce our laws. The tribunals, on which Americans are a minority, would be the ones making those decisions. And if they found that U.S. actions were wanting, they could authorize retaliation against American exporters—all on the basis of the exercise of our legitimate constitutional rights.

Let me give you some real examples that exemplify this concern. In the North American Free Trade Agreement, we did not include Jordan-like labor and environmental provisions, but we did have side agreements on labor and environment. Those side agreements, which were negotiated after President Clinton came into office, include an enforcement mechanism that allows parties to file claims alleging failure by a NAFTA country to effectively enforce its labor and environmental laws.

The NAFTA experience provides several examples that go to the very heart of this sovereignty issue. For example, a complaint was filed alleging that the United States was not effectively enforcing the Endangered Species Act—namely, in protecting the spotted owl—and therefore was benefitting the United States in trade.

If the protective clause of the pending bill were stricken by the Lieberman motion, and the bill became law, who would make the determination as to whether we are protecting the spotted owl if a similar complaint were filed under that new law? These decisions would be made not by the American Congress, not by the American President, not by the American courts, but by an international dispute resolution tribunal, the majority of whose members would not be American. That tribunal would decide whether or not we are protecting the spotted owl and, therefore, whether or not we are enforcing the Endangered Species Act. And if they concluded that we were not, they would have the power to order retaliation against American manufactured products and American agricultural products.

Let me give another example. Some years ago we passed a rider to an appropriations bill that eliminated private remedies for salvage timber sales. Following the constitutional process, that rider was approved by the Senate, approved by the House, and signed into law by the President. Subsequently, a complaint against the United States was filed under NAFTA that alleged that by passing that rider, we had failed to effectively enforce our environmental laws.

If this bill were approved without the protective clause, due to the Lieberman motion to strike, then an international tribunal—only one of whom would be an American—would make a determination as to whether or not, in exercising our right to enact laws regarding federal timber policy, we should be subject to retaliation against our manufactured products, our agricultural products, or our services, or anything else we sell on the world market.

Let me give one more example. I could cite examples that involve apple growers, and egg workers, but let me talk about one that involves Connecticut. A complaint was filed under NAFTA against the United States by the Yale Law School Worker's Rights Project alleging failure to effectively enforce U.S. minimum wage and overtime protections.

If this bill were approved as modified by the Lieberman amendment, we would face a situation where the decision as to whether or not the United States was enforcing fair labor standards would have been determined not by a Federal court sitting in Connecticut but by an international tribunal. In the case of NAFTA, that tribunal would include only one American among the three judges. In the case of a trade agreement with Europe, that tribunal making a determination about whether or not we are enforcing our laws would include mostly Europeans. I submit that we do not want to put ourselves in that position.

The issue here is pure and simple: it is sovereignty. If we strike this protective provision, we will be putting ourselves in a position where we can change our laws but we will be subject to a judgment by non-Americans that in making that change we gained an unfair trade advantage and can be penalized for it. Determinations about whether or not we are enforcing labor and environmental laws would be transferred from Congress and the President to international tribunals.

I believe it is critical that we preserve American sovereignty. I cannot believe that the American people, if they were alerted to this issue, would support putting decisions on labor and environmental issues in the hands of international tribunals rather than in the hands of American courts, the Congress, and the President.

Let me give a final example. I know many people in the Senate did not vote to open ANWR, but had Congress made a decision to open ANWR based on national security concerns, under the provisions of this bill as proposed to be amended by Senator LIEBERMAN, we could see retaliation imposed on cotton growers, computer manufacturers, or any other exporter in the United States. Based on a complaint filed before an international tribunal, the majority of whose members are not Americans, we could see a decision that we benefited in trade by opening ANWR, and therefore, that we could be subject to sanction. A tribunal could not overturn our action in making the law, but it could authorize retaliation in the form of punitive tariffs against American manufacturers, agricultural producers, and service providers. That is something I do not believe we want to do.

I want submit for the RECORD a letter from the American Farm Bureau Federation that is dated today:

> The American Farm Bureau Federation urges your opposition to the Lieberman motion to strike language in the Trade Promotion Authority bill that would safeguard U.S. sovereignty and protect U.S. agricultural producers from retaliatory tariffs.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 15, 2002.

Hon. PHIL GRAMM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAMM: The American Farm Bureau Federation urges your opposition to the Lieberman motion to strike language in the Trade Promotion Authority bill that would safeguard U.S. sovereignty and protect U.S. agricultural producers from retaliatory tariffs.

As approved by the House and reported by the Senate Finance Committee, the TPA bill contains a protective clause that will ensure that Congress and the President may make and enforce U.S. labor and environment laws and can protect U.S. farmers and ranchers from the threat of retaliation. Without this critical protection, U.S. agriculture could be targeted by our trading partners solely on the basis of the normal exercise of Congressional lawmaking.

As you know, U.S. farmers and ranchers worked hard to ensure that exports markets around the world would be open to our products. If successful, the Lieberman motion to strike would effectively allow international panels to authorize retaliation against the United States for exercising its sovereign discretion on U.S. labor and environmental laws.

For these reasons, we urge your opposition to the Lieberman amendment to the Trade Promotion Authority bill.

Sincerely,

RICHARD W. NEWPHER,
Executive Director.

AMENDMENT NO. 3417 TO AMENDMENT NO. 3401

The PRESIDING OFFICER. Under the previous order, the hour has come for 4 minutes to be evenly divided on the Edwards amendment.

Mr. GRAMM. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Is the Edwards amendment subject to a point of order under the Budget Act?

The PRESIDING OFFICER. At this time, the Chair does not have information as to the specifics of that order.

Mr. GRAMM. I raise a point of order that the amendment violates section 311(a)(2)(B) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is not in order while time remains for debate on the amendment.

Mr. GRAMM. I will reserve until the appropriate time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I ask unanimous consent for no more than 3 minutes to respond to my colleague, the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Madam President, I understand the order was given to go to the Edwards amendment at 1:45 p.m. I ask that the Senator from Connecticut withhold his comments at this point.

Mr. LIEBERMAN. I ask my friend from Montana if he would be certain that I have an opportunity, before the vote, to respond to the Senator from Texas.

Mr. BAUCUS. Absolutely.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to 4 minutes of debate evenly divided on the Edwards amendment.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, I urge my colleagues to support the Edwards amendment and, frankly, I urge my good friend from Texas to also support it and refrain from raising a point of order or otherwise opposing the Edwards amendments. They are very good amendments. They help this bill. I am quite surprised, frankly, that the Senator from Texas was having objections to them. I am not going to use all the remaining couple minutes we have. I will let my friend and colleague from North Carolina make those statements, but I strongly urge us to work this out so we can get these Edwards amendments passed.

I yield the remaining time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Madam President, I point out for my colleagues that both the ranking Republican Member and the chairman of the committee support these amendments.

I ask unanimous consent that the following Senators be added as cosponsors: Senators HOLLINGS, MILLER, CLELAND, LINCOLN, and ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS. Madam President, this amendment does two things. First, it says our trade negotiators have to stop entering into trade agreements that hurt North Carolina textile workers and that are unfair to North Carolina textile workers. North Carolina's textile workers are entitled to a level playing field, and that is what this amendment is designed to give them—no better, no worse than anybody else, just a level playing field.

Second, it makes sure that workers who have lost their jobs because of trade have an opportunity to get the education and the training they need to get another job at as good or better wages.

At its base, that is what this amendment is about. The amendment serves those two purposes. It is a critical amendment for the textile workers in my State of North Carolina where, over the course of the last 5 years, over 100,000 workers have lost their jobs. These people have been hurt by trade. We need to give them an opportunity to get their lives back in shape. That is what this amendment is about: No. 1, making sure any trade agreement that is negotiated is fair and fair to North Carolina textile workers; No. 2, for those people who have lost their jobs, families who have lost their jobs, making sure they have an opportunity to get back on their feet and do what they have always done—work and help to support their family and give their kids a chance for a better life.

I urge my colleagues to support this amendment, as the chairman of the committee and the ranking Republican Member do.

I yield the floor.

Mr. BAUCUS. I reserve the remainder of my time.

Mr. GRAMM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Two minutes remain in opposition to the Edwards amendment.

The Senator from Texas.

Mr. GRAMM. I will not speak at length on the Edwards amendment, but I would like my colleagues to note that under this amendment, we once again would be expanding trade adjustment assistance benefits. The Congressional Budget Office, for some inexplicable reason, is saying that the Baucus-Grassley amendment—already itself subject to a point of order—has some savings in the outyears, even though those savings are grossly smaller than the new expenditures. Therefore, they are saying that because the program put in place by this amendment would take 18 to 24 months, it would not be subject to a point of order.

It sounds to me as if people are decided on this amendment. But under this amendment we once again would be adding additional benefits for up to 26 weeks for people who are not now receiving trade adjustment assistance. It seems to me at the very moment we are spending Social Security trust funds, we should care about preserving funds. But nobody seems to care. Yet if we were debating giving someone a new tax cut, there would be a great hue and cry that we were taking money away from the Social Security trust fund. Yet here, when we would be adding more benefits and creating more programs, nobody seems to care.

I am opposed to this amendment. I hope some will join me in voting against it. I don't know how we are ever going to pay for all these new spending programs at the very moment when we are running a deficit and spending Social Security surplus. Everyone seems joyful to create a new program to benefit someone. But at some point, we have to draw the line.

I yield the floor.

Mr. BAUCUS. How much time do I have remaining?

The PRESIDING OFFICER. No time remains.

Mr. EDWARDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3417.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—66

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grassley
Harkin
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stabenow
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—33

Allard
Bennett
Bond
Brownback
Bunning
Burns
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Smith (NH)
Specter
Thomas
Thompson
Voinovich

NOT VOTING—1

Helms

The amendment (No. 3417) was agreed to.

The PRESIDING OFFICER (Mrs. CARNAHAN). The majority leader is recognized.

Mr. DASCHLE. Madam President, we are making better progress this afternoon. I really appreciate the two managers and the work they are doing to move it along. I hope we can line up a series of amendments, hopefully with time agreements. I know there is an interest on the part of both sides to accommodate as many amendments as possible. The best way to do that is with time agreements. I encourage all Senators to agree to a time limit on their amendments so that we can move through additional amendments.

There have been questions about the schedule. To accommodate an event I know a number of our Republican colleagues want to attend tonight, we will not be in late tonight, but I do hope, for those who could offer their amendments and have some debate on the amendments without having a vote, we might do that in the interest of moving the legislation forward. We should not just look at tonight as a lost opportunity. To the extent Senators can come to the floor and offer amendments, we can certainly stack some of those votes tomorrow morning.

It is also our expectation that we will not be in session during the gold medal ceremony tomorrow afternoon. That will last about an hour from 2 to 3. We need to make the most of the time that is available to us tonight and tomorrow, both before and after the ceremony.

Senators should know that we will be in session on Friday and we can expect votes Friday morning. We will try to move this legislation along and accommodate as many Senators who have amendments as possible, but they need to help us by agreeing to time limits.

I know there has been some concern for the May 16 deadline. That is tomorrow. The Andean Trade Preference Act expires tomorrow. We do know that the administration has the authority to move that date, should they choose to do so. I hope they will consider doing that given the fact that tomorrow is May 16. We will move this expeditiously. We will do all we can to get this job done. Nobody wants to pass ATPA more than I do. I do think it is important for the administration and for all of us to work together to ensure that we leave no question about our determination to complete our work on ATPA and ensure there is continuity when it comes to the application of the trade legislation and our determination to ensure that that continuity is created in law.

Mr. MCCAIN. Will the majority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Arizona.

Mr. MCCAIN. I believe the majority leader is correct as to the May 16 date, that the administration does have the ability to change that day, because it was set, as far as an agreement, with the chairman of the Ways and Means Committee in the other body. The fact remains, there is great uncertainty in these countries. They don't know how the Congress of the United States works. They don't know that May 16 isn't a drop dead date. It does not remove the compelling aspect of us reauthorizing ATPA as quickly as possible.

I hope the majority leader will consider, if there are further problems—and I hope not—that we would split that bill out and pass it, which would be overwhelming, 98 or 99 votes. The President of Peru has been up here. There is enormous uncertainty in already unstable economic situations in those countries. I still don't think it is right for us to unnecessarily tie ATPA to the other legislation. I appreciate the majority leader's appreciation for that as well. I thank the majority leader.

Mr. DASCHLE. Madam President, I will just say that the Senator from Arizona is absolutely right. If all else fails, we have no other choice but to split it off. We would do so if we were not able to make progress, which is why I started out as I did urging Senators to come to the floor. I know Senator LIEBERMAN and others are prepared to offer amendments this afternoon. Senator BAUCUS and Senator GRASSLEY have accelerated the consideration of these amendments. As always, Senator REID has been on the floor to help serve as a motivator in getting the job done.

Mr. REID. Will the leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. I would note, while the leader has been engaged in other business during this last vote, I have checked with the two managers. It is my understanding within the next few minutes, next 15 minutes or so, there will be a motion to table Senator LIEBERMAN's amendment. He knows that. Following that, we are in the process of working out an agreement with the Senator from New Hampshire who will offer an amendment. The Senator from Illinois will offer an amendment—maybe in inverse order. They have both agreed to time limits. We should have that done by the time the next vote occurs.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I would like to echo the colloquy between the Senator from Arizona and the majority leader. It is true that the Secretary, pursuant to the discretion he is given under the law, did extend the period with respect to the Andean tariffs to May 15. It is also true that he has the authority to extend it even longer. It is also true that the last time this issue arose, some in the administration suggested to Chairman THOMAS in the House that this would only be extended once. We are very close to passing the trade package in the Senate, getting to conference very quickly. I urge the administration to extend the period for a little bit longer.

Having said that, it is important to remind all Senators that the underlying bill is drafted to make benefits retroactive to December 4, 2001. So even if the period the administration has suggested expires and we would move past that period, nevertheless all collected tariffs would be returned retroactive to December 4, 2001. It is our hope to get this passed very quickly.

I say all that so it is clear that we have pressure but all is not lost if we don't move to get it all passed within the next days or the next few weeks. We are working together to solve the problem which has been mentioned.

AMENDMENT NO. 3419

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe my friend from Texas would like to enter a letter into the RECORD. I yield to him.

Mr. GRAMM. Madam President, I thank our dear colleague from Connecticut.

I would like to enter a letter, and at that point I would like a minute toward the end to sort of sum up. I have a letter here from the three principal Democrat cosponsors of the trade promotion authority bill in the House, CAL DOOLEY, BILL JEFFERSON, and JOHN TANNER. This letter is important because it discusses the very provision of the bill related to no retaliation based on sovereign rights, an issue which is being discussed here with an effort to strike this language. Since they discuss it directly, I would like to commend it to my colleagues.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, December 10, 2001.

Senator MAX BAUCUS,
Chairman, Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: We were happy to hear that you and Senator Grassley reached an agreement regarding trade promotion authority legislation. We have spoken many times on this issue. As you know, many of your TPA concepts are reflected in the House-passed legislation.

We are particularly proud of the progress this legislation makes on labor and environmental issues. The legislation passed by the House incorporates fully the enforceable standard on labor and the environment in the Jordan Free Trade Agreement, and includes objectives that will allow negotiators to seek and obtain all of the commitments in the Jordan FTA. Moreover, by including the enforceable Jordan standards and provisions promoting increased standards on worker, child labor, and environmental protections, the legislation reflects the principle that countries should improve—not roll back standards for labor and environment.

Last week, you had inquired about the principal negotiating objective on labor and the environment, in particular, section 2(b)(11)(B). Subparagraph (B) provides that one of the principal negotiating objectives will be: to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its trade laws if a course of actions or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of protection.

You had asked about the meaning of the last phrase, which was added to section 2(b)(11)(B) as a part of the rule providing for consideration of H.R. 3005: "and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of protection." This phrase, which is limited to subparagraph (B), clarifies what was already the case in the TPA legislation that was reported out of the Ways & Means Committee, and reflects the standard set forth in the Jordan FTA. That is, countries have the right to exercise discretion needed to enforce regulations regarding to health, worker safety and the environment without fear of retaliation for a reasonable exercise of that discretion.

We hope this is helpful to you. We look forward to working with you to pass this legislation.

Sincerely,
CAL DOOLEY.
BILL JEFFERSON.
JOHN TANNER.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

I want to come back to respond to some of the things my friend and colleague from Texas said in opposition to my amendment.

I do want to state for the record what I hope is clear, which is that I support the underlying bill. I support the trade promotion authority, so-called fast track. I believe one of the great lessons we learned in the 1990s, under President Clinton, was that trade is a pillar of economic growth in our country.

We only have so many people in our country. There is only so big a market. We have to open up markets around the world to create more jobs at home. We have to find other places around the world to sell our products.

We have obligations, and that generally creates not only economic growth, more jobs, more wealth but improves our country generally. So I support the underlying bill.

This amendment I have offered deletes words in the pending bill which I believe are very unfair and discriminate against the provisions of the bill that call for some concern and consideration of labor standards and environmental objectives in the agreements.

The statement of my friend from Texas in opposition to my amendment fascinated me, surprised me, and I say with all respect, I do not believe it is real. I do not believe his concerns are justified by the terms of the legislation or what would be normal trade practice. Let me speak to this.

The amendment strikes language that is unique to one of the 13 principal trade objectives in the bill that deals with labor standards and environmental protection. The language is unique and says:

> No retaliation may be authorized based on the exercise of rights of discretion that are uniquely given with regard to labor and environmental standards and the right to establish domestic labor standards and levels of environmental protection."

In essence, we are saying to those with whom we enter into a trade agreement that in regard to commitments they make that affect labor standards or environmental protection in their country, we will not have the capacity to enforce those promises they have made. That was the concern I had about the pending bill that motivated my amendment.

The Senator from Texas has a very different response. He is worried that foreign nations may retaliate against us for our failure to keep our promises regarding labor standards and environmental protection. That thought never struck me. I must admit, it never struck me because our standards are higher, generally speaking, than most of the nations with which we negotiate, so I could not conceive they would want to retaliate against us.

Also, remember the obligations that are imposed on a party to a trade agreement are set in that agreement. They are agreed to by the parties. We would not be held to fulfill any commitments regarding labor and the environment that we and they did not make in the agreement. The same is true of our foreign negotiating partners and of us.

I want to respond to, I guess, what we used to call in law school, since my friend from Texas mentioned my law school, a "slippery slope" argument. If the United States commits to enforce the Endangered Species Act or a labor standard is applied to a particular law school that happens to be in New Haven, which I went to, the United States would be bound by those commitments. Those would be pledges we would have made.

If the United States agrees to enforce every labor and environmental statute we have on our books and makes that agreement in a trade agreement—I cannot imagine we would make such an agreement, but if we did—we would be bound by that commitment.

The rights we give to others must be found in the agreement we ratify. No foreign country will have free-range opportunity to challenge any action or inaction we take with regard to labor or environmental protections.

For instance, the trade negotiation objective for foreign investment—I use this as an example; it is one of the other 13 principal trade negotiation objectives in the bill—calls for negotiation of agreements that reduce or eliminate exceptions to the principle of national treatment, freeing the transfer of funds relating to investments, et cetera.

If we reach an agreement where we and our trading partners commit to "reduce or eliminate exceptions to the principle of national treatment" that is in the bill, that is the commitment that each party has the right to seek to enforce. That is in the agreement.

Countries, again, have no free-wheeling right to challenge any U.S. action or inaction concerning foreign investments; certainly no right to rewrite our laws. We can only be held to what we have promised to do in the agreement, just as the foreign country can only be held to that.

Foreign countries' rights are set and limited by the terms of the agreement we negotiate. Our own standards, again, with regard to labor and environmental protection, are almost always higher than the foreign nations with which we are negotiating. The agreements focus on trying to slightly raise the standards of less developed countries. That is what we are all about and about which some have been concerned.

Second, this trade objective focused on labor and environment is unique in another regard in this bill. My amendment takes out the part that prohibits retaliation for any reason. It does not eliminate any of the rest of section (B) of this part—I believe it is trade negotiating objective No. 11.

What does the rest of it do? It does something unique in this bill. The 11th principal negotiating objective is already qualified in ways not applicable to any other trade negotiating objectives. That makes it even more important that we retain the power to enforce these commitments, which my amendment would do with regard to trade in services—these are other negotiating objectives—intellectual property, agriculture, and other subjects. Compliance of the parties is strictly enforced. No excuses are permitted; no discretion is granted. If there is a violation, the parties are held strictly liable.

With regard to labor and environmental commitments, the pending bill already states that noncompliance can be tolerated under certain circumstances. Parties are granted the right to "exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters," and they are granted the right to "make decisions regarding the allocation of resources to enforcement with respect to other labor and environmental matters determined to have higher priorities."

This discretion and these decisions must be reasonable and bona fide according to the bill. It explicitly states that we "recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources."

We do not see language about discretion or allocation of resources applied to any other section in the bill—not to the services section, not to the intellectual property section, not to the agricultural section, not to any other section.

Madam President, I am, in fact, troubled by the inclusion of this language regarding such discretion as it applies to labor and environmental protections. I worry that it is a bit open-ended, perhaps ambiguous. But despite those misgivings, the language does come verbatim from the United States-Jordan trade agreement. We granted that discretion in that agreement. Therefore, that is why the language has been picked up in the bill and I do not move to strike it. The language to prohibit any retaliatory action does not come from the Jordan Agreement. It is something new and it says essentially that we are not going to hold the other party to its promises and, in that sense, viewing this from the perspective of the Senator from Texas, they cannot hold us to our promises.

That is not the kind of country we are. That is not the kind of Congress I believe we are.

Why include in this bill a negotiating objective that contains its own negation? Why include fine print that essentially says we do not mean what we have said, and we do not care to hold the foreign country into which we have entered a trade agreement to what they have said?

The issue is simple: Do the commitments made in these trade agreements regarding labor and environment—our commitments and their commitments—mean something?

I am pleased again to say that the U.S. is much more likely to have higher standards and be committed to honoring those commitments. So I strongly urge my colleagues to support this amendment, which I think improves the bill and still leaves a lot of discretion in the enforcement of these labor and environmental sections of this pending legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. First, I express appreciation to the Senator from New Hampshire for allowing us to go forward with the unanimous consent agreement.

I ask unanimous consent that following disposition of the Lieberman amendment No. 3419, Senator DURBIN be recognized to offer his amendment regarding TPA; that there be 90 minutes for debate in relation the amendment, equally divided in the usual form, prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have the highest regard for the Senator from Connecticut and his adherence to provisions to protect the environment. I do not know who has worked as hard as he or as effective as he in working to support measures to help not only the Nation's but the world's environment. However, I strongly oppose his amendment and I will say why.

First, the provisions in the underlying bill are a dramatic improvement to protect the American environment overseas as compared with current law, any other fast-track bill. It is a major step forward. For example, it incorporates the basic provisions of the Jordan agreement, provides no derogation, that is, neither country will derogate, will reduce, the environmental protection that has an effect on trade. That is a major step forward.

I cannot overemphasize how important it is to have those Jordan standards in the underlying trade agreement, that is, the fast-track agreement. It is incredible. I am, frankly, surprised to be saying at this point that those provisions are already in the bill because it was such a hard battle to get them.

In addition, this is the first time that the environment has been made a principal negotiating objective. It is the first time the environment was given priority to other matters. It is the first time the multilateral environmental agreements are recognized, the so-called MEAs, that is, to protect the ozone, for example. That is a big first step. It is also the first time efforts have been made to improve the ability of other countries to enforce their environmental laws. So it is important not to just talk about this subject in the abstract but to compare it with what is in the underlying bill. The underlying bill goes a tremendous way to improving the environment.

This reminds me of the metaphysical question: How many angels are there on the head of a pin? That debate has gone on for years. We do not know how many angels there are on the head of a pin. It is a metaphysical question as to the meaning of life and its existence. It is also unknowable.

To be honest, that is what this amendment is, and I will explain what I mean. I take a slightly different tack than my good friend from Texas. I think the amendment does nothing, either way, with respect to protecting the environment. It is, frankly, poorly drafted. It is ambiguous. It is hard to say what is meant by it. So I say if we already have strong provisions to protect the environment, why add something that takes or does not take away a provision which is ambiguous and redundant, an argument made either way?

However, the main point is, this fast-track bill is the result of very intensely negotiated positions and it is in the balance. If this amendment passes, I fear for the life of this bill in the Senate. This is a killer amendment, as strange as that may sound.

I said earlier, this is basically a metaphysical question: How many angels are on the head of a pin? Why would that be a killer amendment? I grant that is another metaphysical question. That is another very strange situation we find ourselves in, but I must say that it does. This is an amendment which, if it passes—first, it has no practical effect, has no substantive effect, but it has, unfortunately, a strong sort of political effect within this body.

I support the protection of the Senator from Connecticut of the environment, but this is one amendment which, frankly, does not further protect the environment and, if passed, is going to weaken this bill.

In a moment I am going to move to table, but I am first going to recognize my friend from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I will be very quick. The Senator from Connecticut asks us: What is wrong in being held to our promises? What is wrong in fulfilling our commitments? There is nothing wrong with it. But the real question is who should make the judgment as to whether we have fulfilled our commitments and holding to our promises. Should those judgments be made by the Congress, the President, and our Federal courts, or should it be made by international tribunals?

If we could divide the question so that we could impose these judgments on our trading partners, and in the process deny their sovereignty, I think that might find some favor around her. But the problem is that the objectives in this bill apply to us as well. Therefore, this is not an environmental question. It is not a labor question. It is a sovereignty question.

I yield the floor.

Mr. BAUCUS. Madam President, I move to table the Lieberman amendment, and I ask for the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—54

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

NAYS—44

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Warner

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Parliamentary inquiry: Has the motion to reconsider been made?

The PRESIDING OFFICER. The Senator from Nevada has just moved to reconsider.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, it is my understanding on the Edwards amendment there was no motion to reconsider and motion to lay on the table in that regard.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I move to reconsider the vote on the Edwards amendment, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois, Mr. DURBIN, is recognized to offer his amendment.

Mr. REID. If the Senator will withhold, I say to the chairman and the ranking member, Senator GREGG has agreed to offer his amendment upon the completion of the vote on the Durbin amendment. He would lay down that amendment tonight. There would be debate as long as anyone wanted to speak tonight. And in the morning there would be an hour and a half prior to a vote on that amendment.

We will have something written up so that the minority can review it so that we can see if there are any problems with it. That is what we are trying to do. There would be a vote tomorrow morning around 11:30, something like that.

Mr. GREGG. Mr. President, I say to the Senator, if that is a unanimous consent request, I don't think we need to have anything written up—with no second degrees.

Mr. REID. Yes.

Mr. DURBIN. Mr. President, is there a unanimous consent request before the Senate?

Mr. REID. If the Senator will withhold, I ask that the unanimous consent agreement then be effectuated with the Senator's addition that there would be no second-degree amendments in order.

Mr. DURBIN. Would the Senator restate the unanimous consent request?

Mr. REID. Mr. President, I ask unanimous consent that, upon disposition of the Durbin amendment, Senator GREGG be recognized to offer an amendment which will strike the wage insurance portion of the underlying substitute amendment; that the amendment be debated tonight; on tomorrow, when the Senate resumes consideration of the bill at 10 a.m., there be 90 minutes remaining for debate in relation to the Gregg amendment, with the time on Thursday equally divided and controlled in the usual form, with no second-degree amendment in order, nor to any language which may be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 3422 TO AMENDMENT NO. 3401

(Purpose: To provide alternative fast-track trade negotiating authority to the President, and for other purposes)

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DORGAN, and Mr. WELLSTONE, proposes an amendment numbered 3422 to amendment No. 3401.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Mr. President, it is my understanding we have an hour and a half to debate the amendment equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I would like to, during this opening period of time, try to lay out for my colleagues in the Senate the reason why I am offering this amendment.

Let me, first, give accolades to the Senators from Montana and Iowa, Mr. BAUCUS and Mr. GRASSLEY, for their hard work on this underlying legislation. This is not an easy issue. It is an issue that is extremely complicated. It is one I know they have devoted their efforts to in a very good-faith way for a long period of time.

I disagree with one of the fundamental principles of their bill, and that is why I am offering the amendment. I hope during the course of this debate to engage my colleagues in a discussion about their vision of trade and the difference between the Baucus-Grassley bill and the Durbin amendment.

There are some Senators who will come to the floor to discuss the trade issue but have never voted for a trade agreement in their entire congressional careers. That is their right. They are representing people in States and parts of the country that obviously concur with that point of view. But that is not my position.

In my time that I have served in the House and Senate, I have voted for trade agreements—some of the most important, some of the biggest. I believe they have been in the best interest of the United States, though, clearly, they have brought both gain and pain to parts of the American economy.

I have voted for NAFTA. As a Democrat in the House of Representatives voting for NAFTA, I heard a lot about that vote. I think it was the right vote. I think history will prove it. But I do not dispute for a moment that the agreement with Canada and Mexico has caused pain within our economy. Yet I think it reflects the end of the 20th century and the beginning of the 21st century where, more and more, countries are engaged in trade in an effort to not only share their comparative advantage in making a product but also to share certain values.

When we look at the course of history, we in the United States believe that if you can combine democracy with an open market economy, you can strive for a winning combination.

Expanding trade goes hand in glove with disseminating and distributing the values of America. That is why I have supported many of these trade agreements. Yet I have had difficulty with the concept before us today.

This was once known as fast track. Now it is known as trade promotion authority. In my time on Capitol Hill, I have learned this: When you have to change the name of a program consistently, it is because the program is not very popular. If there is a program that is popular, such as Pell grants for college students, nobody has suggested changing the name. But in this case, fast-track authority was such a pejorative term that now in Congress its proponents have been banned from using it. Instead, they are supposed to talk about trade promotion authority. That tells me that the underlying concept is fraught with controversy. It should be.

At issue in this debate—I will go to the specifics in a moment—is a most fundamental question for the Senate to consider. What is at issue is the power of the Senate and Congress under the Constitution and the protection of the rights and future of American businesses and labor. What we are being asked to do with this bill is to extend to a President, not just this President but future Presidents, a very significant authority. It is not only the authority to negotiate broad-ranging trade agreements. It is the authority to bring back those agreements, propose significant changes to U.S. law, and require Congress to approve those changes on an up-or-down vote.

This bill, the trade promotion authority, is going to tie the hands of Congress when it comes to considering trade agreements in the future with consequences that I believe could be substantial and even historic.

This bill represents the most significant giveaway of congressional authority to the President in modern memory. Presidents throughout history have resisted congressional intrusion in their realm of government, in areas as fundamental as the declaration of war, treaty agreements with foreign nations, and the power to advise and consent. The tension between the executive branch, the President, and the legislative branch, Congress, has historically resulted in a confrontation at these desks.

I am in the process of slowly reading an amazing book called "The Master of the Senate" by Robert Caro. It is his third volume in the biography of Lyndon Johnson, former President, Vice President, majority leader of the Senate, and Member of the House. I am reading it slowly because I appreciate it so much.

In the first 100 pages, Robert Caro, with painstaking precision, goes through the history of this body. He starts by referring to a moment when he sat in one of our galleries and looked down at the semicircles of desks and reflected on what was going on in this Chamber, not just on that day but in the history of the United States, since we have been in the new Chamber of the Senate.

The thing he noted was the role of the Senate, the preeminent role of the Senate in decisionmaking in America. If you take a look at our Constitution closely, Presidents come and go. The House of Representatives changes every 2 years. But in the Senate only a third of the membership stands for reelection every 2 years. The Senate is a continuing body under the Constitution with rules that are not abandoned, ratified again, but rules that continue time and time again.

Because of the continuous nature of the Senate and its role in Congress, it has played a most important role in terms of power in the United States. The Senate more than any other institution is a check on the power of the President. The Senate is where the President's power may stop, when a decision is made by a majority here that he has gone too far.

Presidents don't like that. There isn't a President who has ever served who wanted to go hat in hand to the Senate. In the same book, Caro talks about Teddy Roosevelt who, when he was elected President—first appointed, then elected President—came to a position where he was pushing through patronage positions without clearing it with the Senate. They came down on him like a ton of bricks. He came up to the Senate, this bully leader of the United States, and was humbled by the Senate and its leadership and worked with them very closely from that point forward.

Historically, the Senate has played that key role with trade promotion authority. We are saying this generation of Senators, this U.S. Congress is going to give power back to the President—our power, our authority, our responsibility. We are saying that when this President negotiates a trade agreement, we will not stand in judgment of that trade agreement in its specifics but only an up-or-down, yes-or-no vote.

That, to me, is a significant constitutional and historic decision. It is the reason that though I have voted in the past repeatedly for globalization and expanding trade and looking for new markets, I have resisted fast track and trade promotion authority because I cannot believe that a Senate in good conscience would walk away from its constitutional authority.

The President makes the argument: Of course, you know these trade agreements are very complicated, and if you expect me to have to answer to the American people through the Senate for each and every provision, I will never reach a trade agreement.

Excuse me, if you look at the history of the United States, many treaties which we have considered and were pretty complicated—I think of Woodrow Wilson and the League of Nations; I think about the treaties relating to proliferation of nuclear weapons—were very complicated, but they came to the floor of the Senate. Historically, trade agreements came to the floor of the Senate, and we walked through them.

Why do we want to do that? I represent a diverse State, strong in farming, manufacturing, and financial services. Certainly, when a trade agreement comes to the floor of the Senate, as a Senator from Illinois, I want to step back and look at these areas of the economy and how that President's idea of a good trade agreement actually has an impact on the jobs and the businesses of my State. I think that is part of my responsibility. Yet the trade promotion authority bill before us says the Senate is going to give away this authority.

We are being asked to surrender the authority of the Congress to ratify trade agreements. This has been a dream of every President in our history and, of course, this President could negotiate a trade agreement with broad and far-reaching implications for farmers, workers, and businesses across the Nation without fear of scrutiny or close review by Congress.

Instead, our role would be limited, our constitutional authority constrained to an up-or-down vote, a take-it-or-leave-it vote. Why? As the President said, they do not want Congress to meddle; they do not want Congress to interfere; they do not want Congress to delay. I believe that is wrong.

Let me tell my colleagues specifically why I think we should consider this approach I am suggesting as an amendment to the underlying bill.

The Baucus-Grassley bill does not clearly delineate the authority they are asking the Senate to give to the President and to future Presidents. Further, this legislation sidesteps many of today's key challenges in such a way that will diminish America's chances to negotiate solid trade agreements with other nations which would benefit our workers, farmers, and businesses.

The process of economic integration across borders, often referred to as globalization, is the defining economic event of our era. Globalization has had and continues to have fundamental transformative economic, political, and social consequence, and it is undergoing a revolution as profound as interstate commerce in the United States a century ago.

There has been a dramatic increase in the volume and value of trade. The number of countries participating in the international trade arena has mushroomed from 23 in 1947 to 111 10 years ago, to very likely 170 or more before this decade is completed.

Trade expansion now involves China, Vietnam, Russia, and many countries with different traditions and different economic structures than the United States. Major developing countries such as Brazil, Korea, India, Singapore, even South Africa, no longer compete in trade primarily in raw materials, agricultural products, or light manufactured goods. They also compete in steel, automobiles, electronics, and services such as telecommunications and software.

Trade is not only far different in its quantity but also in its quality. We have progressed beyond the relatively uncomplicated world of tariffs reflecting the success of the GATT in the first 50 years in addressing most international trade barriers.

We have now even moved beyond the challenges of many basic nontariff barriers and have entered an era in which trade policy includes a full range of policy laws and regulations that used to be considered exclusively or primarily domestic policy, including domestic agricultural programs, antitrust law, food safety, telecommunications, natural resources, conservation, labor standards, insurance regulation, and the intersection of effective protection of intellectual properties with health policy. Trade policy directly impacts domestic policy, and domestic policy impacts trade policy in ways that have far-reaching implications on our negotiating trade agreements and the legislation of domestic policy.

It is precisely at this great time of great change and great challenge that it is most important for U.S. trade policy to reflect a real understanding of the substantive issues involved and be driven by sound guiding principles. Unfortunately, the bill before us does not rise to this challenge.

Let me show one chart which demonstrates what is happening in the area of trade negotiations just over the past 30 or so years.

In the Tokyo Round in 1979, we were focused on tariff levels and four or five other concerns, such as antidumping and government procurement.

In the Uruguay Round, just 15 years later, one can see we went beyond the tariff levels and those issues that were part of the Tokyo Round and started including specific items such as textiles and clothing, natural resource products, services, dispute settlement, intellectual property, trade-related investment measures, trade in agriculture, health and safety measures. This was 1994.

In 2001, in the WTO negotiations, one can see we have included all the things before from the Uruguay Round and added to that antitrust law, investment issues, pharmaceutical pricing, trade facilitation, electronic commerce, and many other issues.

The point I am trying to make is if one reads the history of the United States and the issue of trade, for over 150 years this Nation focused almost exclusively on tariffs—that is the tax that we will impose on imports coming into the United States—and some very heated and pitched battles resulted.

By 1979, we had gone beyond tariffs and four or five other issues. By 1994, we added many more issues. By 2001, all of a sudden a trade agreement becomes much more than questions about tariffs and taxes. We start talking about policy considerations as varied as pharmaceuticals to agriculture—across the board.

Giving the President the fast-track authority, trade promotion authority is saying to him: We are prepared to let you come to your best judgment with any country in the world when it comes to trade on all of these issues, and before you take your last stop in Congress and give us an up-or-down vote, we expect this is going to be ratified.

Congress is walking away from all of these issues and subjects of concern. I can tell my colleagues that as I get into this, they will realize we have not lost any of our fervor or interest in any of these issues. In fact, Members who come to the floor today will say: What about textiles? What about intellectual property? What about electronic commerce?

The fact is, if trade promotion authority passes as suggested by the Baucus-Grassley bill, we will have given away our constitutional right to be part of this debate. The best you get, Mr. Senator, is an up-or-down, take-it-or-leave-it vote. I believe this is moving us in the wrong direction.

Let me address two issues included in my amendment. The first is labor. The one thing I have noticed is this: Without fail, those who vote for it and those who even oppose it say the same thing about labor. Listen, I understand it may be cheaper to hire somebody in the Third World, in a developing country, to make a product, but shouldn't we as the United States, as part of a trade agreement, be encouraging some basic issues when it comes to labor overseas? Shouldn't we ask that both countries in a trade agreement have some basic dignity in their treatment of labor?

People say, sure, I understand that, and you get down to specifics. Let me show a chart.

Is there much doubt in the minds of all the Senators about what America thinks of child labor? If we knew we were entering into a trade agreement that would in any way promote the exploitation of children overseas, the hue and cry against it in the Senate would be overwhelming.

This is a photo illustration. It may not be too visible to my colleagues, but it shows the use of child labor from 1908 all the way to 1992, a street vendor, a tiny little girl in Mexico City. It shows a brick worker, a young man in 1993 in Katmandu in Nepal. It is an illustration that when Americans see this, when Senators see it, they want to make certain, if we are going to enter into a trade agreement, it will not result in the exploitation of children overseas.

We do not want to promote forced labor, slave labor, prison labor. We want to stand for the right of workers around the world to associate together and bargain collectively. These are core values of America, and they are core labor standards. Sadly, the Baucus-Grassley bill does not provide adequate protection for these principles.

It does not require countries to implement core labor standards. The only enforceable commitment in this bill is the commitment that countries enforce their existing labor laws. The Baucus-Grassley bill does not require countries with inadequate labor laws to improve their standards to include core, internationally recognized labor rights.

Let me be more specific, if I may, on this issue. We are considering this Free Trade Area of the Americas agreement, and in this free trade agreement is a question of whether or not we will try to expand trade with countries in our hemisphere. Certainly that, in and of itself, is a positive thing to do. But when one looks at the labor standards in some of the countries, they can understand why many of us are concerned that the Baucus-Grassley bill does not have adequate protections.

Bolivia—part of the negotiations—has been criticized by the International Labor Organization for provisions in its labor law that permit apprenticeships for children who are 12 years old, which is considered by some as tantamount to not only child labor but to bondage. The International Labor Organization Committee of Experts also reports that abuses and lack of payment of wages constitute forced labor in the agricultural sector of Bolivia.

Does the United States want to be party to an agreement with Bolivia, a trade agreement that would perpetuate this kind of exploitation? I do not think so. I think instead the United States wants to stand up for basic labor principles.

This Baucus-Grassley bill would allow Panama to deny worker protections in export processing zones. In fact, in the so-called export processing zones, they would suspend basic collective bargaining and impose mandatory arbitration.

The list goes on. It is a list which tells us that this should not be a naive endeavor in the belief that every country in the world shares our values. They do not, nor will they. But is it not important that as part of our trade agreements with labor standards we establish some basic standards on which we agree?

We have done this now. President Clinton, in his administration, in the Jordan free trade agreement, based it on the premise that the parties to the agreement reflect core, internationally recognized labor rights in their domestic labor law. I quote the chairman of the Finance Committee, Senator BAUCUS, when we had the Jordan free trade agreement before us. Senator BAUCUS said:

> Both Jordan and the United States, both countries, have strong labor and environmental laws. Recognizing this, both countries agree to effectively enforce their own laws.

Senator BAUCUS recognized then and there the point I am making with this amendment. The key is not to say we are going to have strong labor standards and respect for working people in America and we will enter into a trade agreement with your country which may ignore them but, rather, to say we should agree to some basic, core labor standards. Otherwise, what will happen? You know what will happen. We will lose jobs in the United States. We will lose them to companies that shift their production overseas, that put the production out of the hands of American workers who are making a decent wage and into the hands of children and people who are being paid little or nothing, people in other countries that, frankly, do not have the most basic labor law protection.

Is that what the United States is about? Is that what we want to achieve with trade agreements? Is it so important that we can buy something on sale in a store on Sunday that we can ignore the fact that a month before it was made with the hands of children in bondage in some small country on the other side of the world? I hope not.

Unfortunately, the Baucus-Grassley bill, without the protection of this amendment, will leave the door wide open for little or nothing when it comes to labor standards.

This amendment calls for the FTAA countries to implement and enforce five core International Labor Organization standards in domestic law. This objective only applies to the FTAA and other free trade agreements, not to the WTO, and it recognizes that least developed and developing countries should not be penalized because they face serious resource constraints in raising labor standards. My amendment calls for the inclusion of a work program in FTAA to assist lesser developed countries in implementing core labor standards using market access incentives and technical assistance.

I also add that contrary to critiques being circulated by trade associations, the amendment does not require countries to sign International Labor Organization conventions.

The most common questions I hear about trade agreements are: Are you going to exploit labor overseas and therefore kill American jobs? And I have addressed that. The second question is: Well, what are you going to do about the environment? Are you going to ignore the fact that some companies, because they do not like the restrictions of American law on the environment, will ship their production overseas and pollute the rivers, contaminate the air, and leave toxic waste behind? What are we going to do about the environmental side of the equation? I have never heard a Senator on either side of the aisle for or against trade agreements who has not said the following: Well, we should hold them to environmental standards. We do not want to say it is unreasonable, but certainly they ought to be held to environmental standards.

As to the environment, this bill, the Baucus-Grassley bill, does nothing to address the intersection between trade rules and environmental standards.

As to investment, the Baucus-Grassley bill could be read to broaden the ability of investors to challenge U.S. environmental, health, safety, and other regulations. In contrast, my amendment includes important clarifications to investment standards to ensure that investment rules cannot be used to undermine legitimate U.S. laws while ensuring effective protection for U.S. investors overseas.

Let me try to be specific about that, if I may. Imagine that we had entered into an agreement with a foreign country with one of their companies and that foreign company wanted to locate in the United States, and that country then came in and said: Before we locate in the United States, we want to take a look at your laws and see if they are discriminatory.

Let's use an example. They take a look at a wetland regulation. What is a wetland regulation? Well, it is a protection of the environment for certain fragile land that is important for us to maintain drinkable water, safe water, habitat for animals. American businesses customarily are bound by wetland regulations. So the company from overseas, because the trade agreement says, wait a minute, we do not have to play by your wetland regulation rules because of the trade agreement, we consider that to be unfair, uncompetitive, and a taking from our company. So what we have done with the Baucus-Grassley bill is to open up a challenge from a foreign corporation that wants to come into the United States against our environmental standards. That, to me, is not consistent with what most of us want to see achieved in our trade agreements.

Let me give a couple of other illustrations. There is the area of multilateral environmental agreements. The Baucus-Grassley bill does nothing to clarify the relationship between World Trade Organization rules and multilateral environmental agreements. In contrast, my amendment calls for creating an explicit rule ensuring that a country can enforce a multilateral environmental agreement without violating WTO obligations.

What would that mean? Let me give an example. We enter into an international agreement about endangered species around the world. All of the countries sign on and say, we are going to protect these species, and if one of the countries overseas violates it, they are subject to penalty provisions. Whether we are talking about protecting an endangered animal or whether we are talking about eliminating the trade in skins or ivory tusks, countries around the world enter into these multilateral environmental agreements. Our fear is that the Baucus-Grassley bill will allow a trade agreement between two countries to supersede this multilateral environmental agreement. It is playing to the lowest common denominator when we allow trade agreements to supersede these kinds of multilateral agreements.

On enforcement of environmental standards, the Baucus-Grassley bill retains the midnight change added to the bill in the House of Representatives. That change guts the already weakened environmental provisions in the bill by making clear that a country can lower its environmental standards for any reason with impunity. I want to make clear what that is all about because that is an important issue. It is one that was raised by the Senator from Texas, and it is one that I would like to address.

We have a situation in the United States where we have established standards, and what if we had a provision where, in order to entice a certain company to locate its factory in the United States that our partner overseas would ask for a change in standards when it comes to environmental safety. The language which was added in the House states that no enforcement actions can be brought against a country for lowering environmental standards for any reason, including to begin a competitive advantage—again, playing to the lowest common denominator. The Baucus-Grassley bill retains this change from the House.

Finally, in the area of regulatory authority, the Baucus-Grassley bill includes antiregulatory, anticonsumer provisions. These include requirements for a cost-benefit analysis for proposed regulations and a very reactionary approach toward food and labels.

I have been through the cost-benefit analysis. Some who are opponents of consumer safety and environmental safety say, if you cannot prove to me there are dollars to be saved, we certainly should not allow the regulation to be in place. Many times the things that protect us the most in this country are hard to quantify in dollar terms. We know they are of value to us. Frankly, putting a dollar amount on it, so-called cost-benefit ratio, becomes difficult. That is the standard of this bill.

Do you think as an American consumer it should be wrong or against the law that the food we import from overseas is labeled as to the country of origin? I don't think that is unreasonable. The Baucus-Grassley bill characterizes food labeling as "unjustified trade restrictions." Is it your right as a consumer to know when you buy canned goods that they are from overseas? Do you have a right to know that? I think you do. Then you can make your decision. Maybe you still want to buy that product from overseas. But should you have the right to make that decision? The Baucus-Grassley bill says no, it is an unfair trade restriction. That is what we face with the Baucus-Grassley amendment.

Aside from the failure of this bill to adequately address the issues of labeling and environment, this legislation is dangerously flawed because it fails to ensure the vital role the Congress and the American people need to play at a time when trade is affecting so many businesses and so many jobs. I have listened to Senators on this floor, Mr. LOTT, a Republican, minority leader, complain about Vietnamese catfish farmers. He said their competitive advantage was "due to cheap labor and very loose environmental regulations." Senator LOTT, my amendment addresses that. I hope you and others who feel the same will consider supporting it.

I reflect for a moment on what has happened when it comes to steel, recalling I voted for these trade agreements. I cannot state how disappointed I am in the way we have dealt with challenges to the steel industry in America. I believe in trade, but I think it should be according to the rules. Countries around the world violated the rules; they dumped their product on the United States.

What does it mean to dump a product? It means you sell your product in the United States at a price lower than the cost to produce it in your own country or lower than the amount that you sell it in your own country. You are clearly trying to run competitors out of the market. You are dumping. You are violating the rules. It happened in the United States and we lost over 25 of our best steel mills and tens of thousands of steelworker jobs.

The President responded with an imposition of tariffs with some exceptions and made a move in the right direction. Critics came forward and said that was a very wrong thing for the President to do—too political. Excuse me, but if we are going to trade with other countries around the world, don't we owe it to our businesses and our workers to enforce laws? Don't we need to have a Congress and a President who will stand up for American businesses and workers? That is not political; that is what the debate is all about.

The people who believe you can just expand trade without taking concern of its consequences, frankly, believe that the expansion of trade in and of itself is something that is ultimately going to be good no matter the consequences. I don't believe that. We have a responsibility. We as a Congress have to maintain this responsibility, to make sure that we have a process for the disapproval of certain trade agreements, to make certain that we have a voice when it comes to enforcing labor and environmental standards.

Before closing, I acknowledge in particular two House Members, Congressman CHARLIE RANGEL, the ranking Democrat on the House Ways and Means Committee, and Congressman SANDER LEVIN of Michigan. They have been invaluable in working with me to bring this amendment to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH and Mr. LEAHY pertaining to the introduction of S. 2520 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield some time to myself.

The PRESIDING OFFICER. The Senator from Montana controls the time.

Mr. BAUCUS. I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendment offered by my friend from Illinois, Mr. DURBIN.

Before I discuss the specifics of the Durbin amendment, I feel compelled to comment upon some of the dynamics of the trade bill.

First, we reported the trade promotion authority bill out of the Finance Committee by a broad bipartisan 18-to-3 vote. There is strong bipartisan support for trade. I was the one, I believe, who called for the vote.

I believe this vote was in accordance with the tradition of the Finance Committee in doing what is right for the American people. I am afraid that from the moment this bill hit the floor this emerging spirit of bipartisan consensus on trade has been jeopardized. Throughout, the committees work on this bill in Congress, I stated my view that both trade promotion authority and trade adjustment assistance legislation must be passed or neither would be adopted. I still believe that is the case.

Frankly, the compromise that was reached on TAA last week was at the very limit of what many of us on our side of the aisle could stomach. I have many reservations about the health care policies embraced by the compromise and the overall cost of the program.

I think it is going to louse up the health care system of this country, and it is unfair to those workers who do not have health care, who have to pay for those who do not work so they can have health care. That is just one comment about it.

As everybody knows, I worked very hard in the area of health care, and I really think we have made some big mistakes on some of the provisions we are going to accept in this bill.

As I understand it, the final deal on TAA was at a cost that is very close to what Republican members of the Finance Committee opposed last fall.

And then yesterday, the Senate accepted the Dayton-Craig amendment, which stands in violation to the very principle of TPA—a simple up or down vote on each trade agreement that USTR negotiates.

The Dayton-Craig amendment, if signed into law, will establish a new set of rules with respect to agreements that purport to impinge upon U.S. trade remedy laws. Talk about opening a Pandora's box, that is what Dayton-Craig does.

If you don't like the way a particular trade agreement affects the trade remedy laws, vote it down. USTR will quickly get the message. TPA is known as fast track for a good reason; let's not adopt amendments that act to slow down TPA.

I have no doubt that President Bush, Secretary Evans, and Ambassador Zoellick will not undermine our trade protection laws.

We saw what the administration did with steel and is doing on softwood lumber. I have had something to do with that. I stood up on the steel matter, lining up with my colleagues on the other side, especially Senator ROCKFELLER. This administration took a pretty tough position and has been criticized, especially in Europe, for having done so. There is good reason to have confidence in the administration and every reason to fear that enactment of Dayton-Craig would encourage some of our trading partners to attempt to wall off areas of the law that will be deemed near and dear to them.

I hope that other nations will not try to relax their intellectual property laws or enforcement of these laws, as high technology represents an important area for U.S. interests and for the world at large. We are talking about software, information technology, entertainment, and biotechnology, all of which the whole world depends on. And we better protect it—in the sense of protecting the rights under these intellectual property laws.

So I understand that we accepted Dayton-Craig, I am becoming fearful that the accumulated weight of the additions of the trade bill from the time it left the Finance Committee will bring down support for the bill.

It is true that we passed a farm bill, but the loaded up version that we passed should not make us very happy. Let us not repeat that experience by passing a trade bill that tries to do too much for too many interests that are extrinsic to trade that, at the end of the day, it does not deserve our support.

Comes now the Durbin amendment.

I know Senator DURBIN. He is a good man and has nothing but the best of intentions. I personally appreciate his help in funding the generic drug interests last year. He did a good job.

But, if enacted, the substitute would make it difficult or impossible to bring home the best trade deals for the United States. The substitute is so prescriptive it removes needed flexibility. It contains 70 pages of "principal negotiating objectives." The effect of all this detail is to bind the administration's hands at the negotiating table and to telegraph a long list of U.S. "bottom-lines" to our negotiating partners—who will make us pay a heavy price.

The substitute changes negotiating "objectives" into mandates. It gives 18 "congressional advisers" the right to withdraw TPA after an agreement is negotiated unless a majority considers that the trade agreement "substantially achieves" the substitute's principal negotiating objectives. That effectively makes the 70 pages of detailed negotiating objectives into requirements, setting an unrealistic and unobtainable standard for negotiations.

The substitute adopts inconsistent approaches to negotiating objectives. For example, while the substitute says the United States should try to amend or clarify the GATT conservation exception, it says the United States should oppose opening the SPS Agreement, which is derived from the same set of GATT exceptions.

The substitute will make it harder for the President to strike the best possible deals with our trading partners because it raises questions about whether the President will be negotiating on behalf of the United States as a whole.

The substitute creates a biennial fast-track procedure for Congress to withdraw TPA for any reason after a negotiation has begun. That procedure—and the one allowing the congressional advisers to withdraw TPA if the administration has not "substantially achieved" the substitute's negotiating objectives—will lead our trading partners to question whether Congress and the President are united at the negotiating table. How could you make it tougher on the President and the U.S. Trade Representative?

Instilling confidence is a major reason for enacting TPA. It means the President can push other governments to their "bottom lines." The substitute bill would remove that confidence.

The substitute is not drafted with an eye to what the United States can realistically achieve, or should try to secure, in trade negotiations. For example, the substitute says the administration should "establish promptly a working group [in the WTO] on trade and labor issues."

This is something that the overwhelming majority of WTO members adamantly oppose. There is no realistic hope of achieving it anytime soon.

In sum, the proposed substitute is based on the flawed assumption that Congress can pre-negotiate our future trade agreements through highly detailed negotiating objectives, regardless of whether they are achievable, and the implied threat to withdraw TPA if those objectives are not met. That is a recipe for no agreements, rather than better agreements. To achieve the best results, the two branches need to work together.

I have to say that I have been a supporter of the U.S. Trade Representative since I have been in the Senate. I supported President Clinton's U.S. Trade Representative. I was one of the people who cleared the way for some of the things she did—and others as well.

But the fact is, I think we need to support this Trade Representative, someone as bright as anybody we have ever had in that position, and someone who understands the need to satisfy 535 Members of Congress.

The Finance Committee got it right. The House got it right. I oppose the Durbin amendment and will oppose other efforts to load up this trade bill with so much unnecessary, although sometimes well-intentioned, baggage that the bill will fall of its own weight.

That is the net effect of many of these amendments. The American labor force would have been better off if we had entered conference with the bill passed by the Finance Committee, rather than this ever growing extravaganza.

This is important stuff. The Finance Committee is a great committee. Our two leaders on the committee have done a great job. I compliment Senator BAUCUS and Senator GRASSLEY for the work they have done. They deserve our support. We ought to support them.

We should not be undermining what they and 18 members of the committee did. It was a bipartisan bill if there ever was a bipartisan bill. All of us knew that we have to get together in order to do the constructive trade work that benefits our country.

This amendment, unfortunately, undermines almost everything that we did in the committee and that the House has done. It is tough to get this kind of broad consensus in the Finance Committee on something that is very complex anyway, but we did. And I think that ought to be given greater consideration than we have thus far given it.

I want to support my chairman. He has stood tall on this issue. And I look forward to working with him.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, I yield myself about 10 minutes.

I obviously have the highest regard for my colleague from Illinois. He is advocating a point of view that is extremely important; namely, the protection of American employees, the environment, basic principles that are fundamental to the human condition, working hard. I highly applaud him for what he is doing.

I would like to comment a bit on some of the points that the Senator and that others who are in support of his amendment have made, just to clear the air a little bit so we know what is in the underlying bill and what isn't.

The Senator said—and we all agree—that we want to uphold the dignity of law, particularly the dignity of labor, and do all we can to discourage the exploitation of children around the world, or other employees who are in adverse conditions. We all know that.

I might say that one of the core objectives in the underlying bill is to promote the ILO core standards in new trade agreements. That has not been mentioned very frequently here. I think it is something that should be stated very clearly. That is, one of the negotiating objectives in the underlying bill is that the United States pursue promotion of the International Labor Organization core standards as one of our negotiating objectives.

It is also important to know that each of the negotiating objectives in the underlying bill is of equal weight. We are not picking and choosing here. They all have the same weight.

Some talk about textiles. There is a negotiating objective on trade in textiles. That is in a special category. There are other objectives, but the bill makes clear they all have equal weight, and our trade negotiators must pursue them all equally.

Pursuance of ILO core standards is certainly one objective stated in the bill. It also has been said the bill does not push the United States strongly enough toward promoting ILO core standards. But, again, I want to underline that the provision in the bill directing our negotiators to pursue ILO core standards has the same weight as other negotiating objectives. It is not less important than any other objective; it is equal.

Now, it has been stated that the so-called investor-State dispute resolution provisions in the bill kind of tilt toward foreign investors at the expense of American investors, or that environmental provisions that a State may pass, that Congress may pass, that a local government may pass, are in jeopardy because of rights we may afford to foreign investors; that is, it is asserted that foreign investors will have an easier time in challenging a State action as a compensable taking than a domestic investor.

I might say, we corrected that problem with the Baucus-Grassley-Wyden amendment. The Baucus-Grassley-Wyden amendment makes it very clear that foreign investors should not be accorded a greater level of protection in the United States than domestic investors in the United States. That is, there should be a level playing field.

We make that very clear in the Baucus-Grassley-Wyden amendment that we adopted just yesterday.

Now, it has also been stated: Gee, we have these multilateral environmental agreements that could be superseded by trade agreements. I urge all Senators to read the bill, and read it fairly closely, because it states very clearly that one of our overall objectives is for trade agreements and MEAs to be mutually supportive. That is the goal.

It is clear that the United States cannot dictate exactly what the outcome of a trade negotiation will be, but it is certainly clear that we, in the underlying bill, have set as our objective making multilateral environmental agreements and trade agreements consistent with one another; that is, they should be mutually supporting. And many of those multilateral environmental agreements are good agreements.

The one on ozone, for example, or the CITES on trade in endangered species products are terrific agreements. It is only proper that our trade agreements not undermine these environmental agreements.

It has also been stated here: Well, gee, under the provisions of this bill, it says we cannot have country-of-origin labeling. I ask Senators to go back and read the bill. That is not an accurate statement. It is accurate to say there are provisions in the bill that say that we should not agree to deceptive labeling requirements or labeling requirements that are not based on scientifically sound principles. That is true. We should not allow labeling requirements that are not based on scientifically sound principles.

But there are all kinds of labeling requirements that are permissible. I know my friend from Illinois agrees, as do others, that we should not have deceptive labeling or labeling requirements that are not based on sound science.

It has been stated here that enforcement of environmental and labor laws is weak in the underlying bill. But, again, I remind my colleagues that enforcement of environmental and labor laws is a priority; it is one of the objectives that is listed in the underlying bill. It has equal weight with all of the other objectives.

We want to enforce environmental laws. We want to enforce labor laws. It is also important, on this point, to remind ourselves that the vision of the bill with respect to labor and environment is a dramatic improvement over the status quo; that is, over current law, current law being no fast track.

Let's remember, in previous fast-track bills, there was virtually nothing on the environment or on labor that made any sense. It took a lot of work to get these provisions in, that is, the Jordan provisions, which provide that no country should derogate from its environmental or labor laws in a manner that has an adverse effect on trade with the United States. That is very important.

Clearly, that is a first step. We have to take steps here. The United States cannot today pass, in my judgment, fast-track legislation which really dictates to other countries what their environmental and labor standards should be.

The amendment offered by my friend from Illinois unfortunately goes in that direction. It is an extremely prescriptive bill. It is unworkable. It basically is not a fast-track bill delegating negotiating authority to the executive branch, which we must do if we are going to have trade agreements. Rather, it is writing the trade agreements. It is saying what all the provisions must be, which is clearly a very unworkable way for the United States to negotiate trade agreements.

I have deepest sympathy for the intent of my friend from Illinois. But I must say, after listening to his presentation, there are provisions in the bill which address some of the concerns he has—in fact, almost all the concerns he has. We have to take this a step at a time. We cannot solve all the world's problems in one fast-track delegation bill, but we can take tremendous steps forward, as this bill does.

I strongly encourage my colleagues to not adopt the amendment by the Senator from Illinois. It goes much too far. The provision the Senator is suggesting was defeated resoundingly in the other body by over 100 votes. In the Ways and Means Committee, the vote was 22 to 10. So it is not a consensus measure by any stretch of the imagination. It was defeated quite soundly in the other body. On the other hand, the Finance Committee passed out the current version by a vote of 18 to 3, favorably, which indicates a much stronger consensus. It would have to go back to the House.

I urge Senators again to not support the Durbin amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Madam President, how much time do I have?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. DURBIN. And on the opposition side?

The PRESIDING OFFICER. Nineteen minutes.

Mr. DURBIN. I yield 3 minutes to the Senator from North Dakota.

Mr. DORGAN. Madam President, I support the Durbin amendment but not because I support fast track. Trade promotion authority, which is better known as fast track, is a piece of legislation this Congress should not adopt. However, if the Congress decides that there are sufficient votes for fast track, I certainly want the provisions dealing with labor and the environment offered by Senator DURBIN to be in that final package.

Yesterday, at some length I described the dilemma. The dilemma is, in international competition, what is fair competition and what is the admission price to the American marketplace? Do we want standards, when we adopt trade agreements, that do not put American producers in a circumstance of having to compete with others around the world who are hiring 12-year-old kids, putting them in factories working 12 hours a day, paying them 30 cents an hour? Yes, that happens. The question is, Is that fair competition for American producers? The answer is clearly no.

What do we do about that? Every single trade agreement we seem to adopt—and it is proposed now that we adopt them under fast track so we can offer no amendments when they come back—every single trade agreement fails to address these underlying issues. What is fair competition? Will we really deal with the labor issues? Will we really tell others that you cannot hire kids and put them in plants at age 12 and 11 and 10 and pay them pennies and then ship their products to Pittsburgh or Toledo or Cleveland or Fargo or Los Angeles? Will we do that or will we tell companies you cannot pole-vault to Sri Lanka or Bangladesh or China and pollute the water and air and hire kids? Is that fair competition? Will we ever as a country decide that we will stand up for our producers and our workers to say, yes, you must compete, you must be ready to compete, but we will make sure the competition is fair?

That is why the underlying issue is not fast but fair trade; not fast track but fair trade.

This debate will go on at some great length. If this Congress is to pass fast track, it must do so with the provisions on labor and the environment offered by my colleague from Illinois, Senator DURBIN.

I do not support fast track. Our trade deficit is growing every single year. It is now at record high levels: $450 billion, over $1 billion a day every single day in merchandise trade deficit.

That is not a debt we owe to ourselves. That is a debt that will be repaid someday with a lower standard of living in this country. Why? Because our trade agreements haven't been in this country's best interests. They don't deal with the central issues of what is fair competition.

That is why my colleague, Senator DURBIN, is proposing, if we have an amendment dealing with fast track that allows no amendments to be offered when trade agreements come back, that at least fast track include the labor and environmental provisions he proposes. I will not support fast track, but I do believe his attempt to insert these provisions in this legislation makes good sense.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. It is my understanding I have about 9 minutes remaining.

The PRESIDING OFFICER. Exactly.

Mr. DURBIN. And 19 minutes on the other side.

The PRESIDING OFFICER. Right.

Mr. DURBIN. In the interest of expediting the debate, if the Senator from Montana has anyone who wants to speak in opposition, I invite him to use the time now. I can close using my 9 minutes and then allow him similar time to close, if that would be appropriate. If we could bring this to a close, it would be in the best interest of the Senate.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I did not hear the response. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Montana has 18 minutes 54 seconds; Senator DURBIN has 8 minutes 42 seconds.

Mr. BAUCUS. Madam President, just a couple points to make here. We have to pass this bill. We in America must show that we are not isolating ourselves from the world but, rather, moving forward; we are engaging the world in trade agreements. We must move forward. As the largest, strongest country in the world, we must not abdicate our leadership position in the world.

The underlying bill, the fast-track bill before us, which includes trade adjustment assistance as well as the Andean Trade Preference Act, will help the United States regain some lost position in world leadership certainly with respect to trade, international affairs, and economic affairs, particularly. We can say no. We can say we are not going to pass this bill. One Senator said he is opposed to fast track.

Frankly, if we as a body say no, we as a Congress say no, we are, as a country, like the ostrich with his head in the sand, isolating ourselves from the rest of the world. We cannot go backwards. We must embrace the future, embrace it, work with it, help it work to our advantage, work with other countries to our mutual advantage, but certainly not to the disadvantage of the United States. That is what we must do.

The amendment offered by my friend from Illinois is a killer amendment. It is clearly a killer amendment. It is an amendment to totally undermine the provisions of this bill. It is totally contrary to a balanced effort on a bipartisan basis, working together, both sides of the aisle, to get legislation passed. For that reason, it is essential that it not be adopted.

Let's not forget, too, that in addition to the trade negotiating objectives, which we have been talking about, this bill also includes another provision which, frankly, is the driver. It is the main provision in the whole bill. That is trade adjustment assistance. That is the most important part of this legislation. It expands the current program by three or fourfold. It includes secondary workers. It includes health insurance benefits, provisions that don't exist today in current law.

This bill is designed to strike a bargain between manufacturers and producers on the one hand and people who work in plants and factories and companies on the other hand. We are all Americans in this together. It is true that trade with other countries yields tremendous economic advantages to the United States. We all know that. That is a given. We also know that trade with other countries also causes dislocations, the topsy-turvy world we are in now, almost chaotic, certainly sometimes unsettling. We know that. The trade adjustment provisions in this bill help people who are dislocated, who lose their jobs on account of trade. It also provides them health insurance if they lose their jobs on account of trade. That cannot and should not be forgotten here. That is part of the bargain in reaching a trade agreement; namely, helping make sure our country can negotiate trade agreements overseas but doing the best we can to protect our workers at home. It is vitally important.

The Senator earlier said that we have a huge trade deficit that has been caused by all these trade agreements. That is not accurate. We have a large trade deficit for many reasons. One is, frankly, because American consumers want to buy cheaper products made overseas. I do not think that very many Americans want to move overseas, or work for 25 cents or $1 an hour making shoes or products that are produced overseas. Rather, it is up to us in the United States to keep working on the areas we are best at; and that is, educating our workforce, providing more job training and more ways for us to secure better, higher paying jobs. That is the goal we should have.

Another cause of the trade deficit which has nothing to do with trade laws in a certain sense, is the high U.S. dollar versus other countries' currencies. In fact, that is the main reason we have a trade deficit. I think to some degree it is a little secret, but all Treasury Secretaries who followed this the last 20, 30 years, like the high dollar. Why? Because a strong dollar keeps inflation down. They think it is good to keep inflation down, so we have a high dollar.

As a consequence, foreign products are cheaper, irrespective of trade agreements—totally irrespective of trade agreements. That is one of the main reasons we have a trade deficit, which should be addressed, I grant my colleagues, but not addressed in a way that says: Let's have a very prescriptive fast-track bill which dictates what all the provisions should be in a way that is totally unworkable. It will not work at all, and that means not giving the President authority to proceed.

I will yield back the remainder of my time—I do not have much to add—with the understanding my good friend from Illinois also will not have a lot to add so we can vote.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I yield 3 minutes to the Senator from California.

Mrs. BOXER. Madam President, I rise in strong support of the Durbin amendment. It is just what we need to get this fast track on the right track because right now it is not. The reason it is not is because we are giving up our rights under the underlying bill to amend to take care of our people, to make sure these agreements are fair to our workers, to our families, to our environment.

When I got elected to the Senate, I did not say: I want to come here and fight for you, but there is one area I am going to give up all of my views and allow the President to address. I am not going to do it. It does not make sense. The Durbin amendment understands that we are here to do a job. He makes sure we are putting into place environmental checks. He makes sure working standards are looked at. It is very important.

I did not give fast-track authority to a President of my own party because I did not want to give up my rights. I agreed with that President so much of the time. I think it is a matter of how we view ourselves here: Do we come here to whimp out on important issues that have an impact on the daily lives of people? I did not come here to go home and face workers and say: Gee, I am really sorry, we could not fight for you. We gave that authority to President Bush. Especially when President Bush was Governor, he supported a minimum wage of $3.35 cents an hour in Texas, and he is trying to roll back environmental standards in our own country. Talk to Jim Jeffords about it. Talk about how this President said he was going to do something about global warming and not only backed out of Kyoto but now does not want to do anything about CO2.

Why on Earth would we give over our authority and our vote to someone who has not fought for the rights of workers? As a matter of fact, he fights ergonomics standards. He fights when we try to pass a minimum wage. He is fighting us on this. Why would we give up our rights to that kind of President? It does not make sense.

In closing, I want to read a letter I found in the New York Times in the Metropolitan Diary:

> Dear diary:
> Got out of bed:
> Took off my pajamas—made in Guatemala.
> Put on my shorts—Brooks Brothers imported fabric.
> T-shirt—Dominican Republic.
> Terry robe—Pakistan.
> Slippers—China.
> Drank my coffee—Colombia.
> Put on my pants—China.
> Golf shirt—Peru.
> Socks—Korea.
> Belt—Uruguay.
> Zipper jacket—Korea.
> Drove to the mall.
> Which countries will I discover today?
> Good morning, America.

It is signed Henry Karig.

If all these nations treated their workers fairly, had good environmental standards, up to our standards, I would not be here today because I would give fast-track authority for a treaty where we are negotiating with someone who is our equal. But we are giving this President the broad authority to walk in and, frankly, negotiate the rights of our workers, our families, and our environment.

I hope we adopt the Durbin amendment. I think it is a solid amendment. I thank the Chair.

Mr. DURBIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 19 seconds.

Mr. DURBIN. I thank the Senator from California for her words of support.

Senator HATCH said the Durbin amendment makes it tougher on the President. I remind my good friend from the Senate Judiciary Committee and my colleague from Utah that the Constitution makes it tough on the President. Article I section 8 says:

> The Congress shall have Power . . . To regulate Commerce with foreign Nations . . .

Every President would like to see that stricken from the Constitution so they do not have to worry about this meddlesome interference from Congress. Congress comes in here representing all these people, all these businesses, all these farmers, all these ranchers, and Presidents do not have time for that. So they need fast track so they can have a fast track around Congress, give us a quick up-or-down, take-it-or-leave-it, thank-you-ma'am vote and go home. That is what this is about. It is a question of constitutional authority and whether Congress is going to vote to give away our authority under the Constitution which we have sworn to uphold and protect.

Also, the Senator from Montana has said his bill is going to dedicate us to "pursuing international labor objectives." My amendment goes further. It does not talk about pursuing them. It says implement and enforce them. Do my colleagues know the difference? I can pursue a career in the movies for as long as I want. I do not think I am going to get it. But if I am told that I have to get one, get out to Hollywood and get busy, I take it a little more seriously. That is what the Durbin amendment does when it comes to labor standards.

This has been characterized—and it is typical in debate—as a killer amendment. Allow me to respond. Without this amendment, the Baucus-Grassley bill is going to, frankly, put us in a position where we will be killing jobs in America.

To say we have a strong adjustment assistance section is like saying: I am sorry I have to spread disease across America, but the good news is we are going to open more hospitals. In this case, we are saying: We know we are going to lose jobs to these trade agreements; the good news is we will keep your family together for a few months and give you health insurance. How is that for a deal? Not a very good one.

Frankly, we should be saying we need expanded trade, we need trade agreements, but we need to work with countries that respect the basic standards and treatment of workers so we do not have exploited child labor, slave labor, and forced labor; so that workers around the world have the rights they have in the United States to bargain collectively and to associate together.

What is radical about this notion? For 70 years in America it has been one of our core values. Why isn't it part of our values when it comes to trade agreements? If we do not have it as part of our values, believe me, we are going to be continuing to lose jobs.

We have to have trade that is fair, and if we fail to pass this amendment, we are also going to kill environmental quality. Let's be very clear about this. These multilateral environmental agreements are not respected by the Baucus-Grassley bill. Our bill basically says if two countries have entered into these agreements, they will be respected. No trade agreement is going to supersede it. Should we not be striving for a cleaner environment around the world? Is it not important to us, whether it is in Mexico, Brazil, or Uruguay, that we have environmental standards? I think it is.

Expanding trade is good, but it is not always good. It should be done in the context of fairness, of rules that can be enforced, of standards and values that America is proud of so that when it is all said and done, we can say to the American workers: Roll up your sleeves and let's get ready to compete, you know we can.

We are competing against a country that is going to play by the same rules we are playing by or aspire to the same values, but the Baucus-Grassley bill says, no, do not force those standards; play to the lowest common denominator when it comes to labor standards, play to the lowest common denominator when it comes to environmental protection. That is not what we should do.

Before this Congress gives away constitutional authority established by our Founding Fathers, in a constitution we have sworn to uphold and protect, stop for a minute and think: Should we not put safeguards in this process so that the Senate and Congress have a voice, so that the American people have a voice, so that the millions I represent and others represent when the trade agreements come due understand they have the protection of a Congress that will fight for their rights, not an alternative of take it or leave it, up or down, thank you, ma'am, good-bye Congress?

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, my good friend from Illinois ridiculed the concept that if he pursued to be an actor or movie star, he would never be one. I might say I think the Senator is a great actor. I will nominate the Senator for an Oscar for best actor or best supporting actor. I think the Senator has a great career in the movies based upon this last performance.

In that vein, to be honest about all of this, we have to ask ourselves, what is best, given all the complexities we are dealing with? That is really the question. This bill is a huge step forward with respect to protecting labor and the environment overseas. It is massive compared to what we have done in the past. A basic question we have to ask ourselves is: Are we in favor of trade agreements or are we not? Generally, that is the basic question.

I think we should pursue trade agreements. There are some in this body who will vote against all of them, fast track or trade agreements. Let's not forget, most trade in this country has nothing to do with fast-track negotiating authority. Some of it has to do with some trade agreements that are reached without fast track. We are talking only about the very complex multilateral trade agreements. That is what fast track is about. Companies, employees, and people should pursue their economic objectives worldwide, irrespective of anything they call fast track.

In addition, there are lots of bilateral trade agreements that are negotiated and reached all around the world, irrespective of fast track. Fast track will only be used for the very complicated multinational trade agreements, and we have to delegate authority to the President because we are the only nonparliamentary government negotiating these agreements in most cases. That is in our separation of powers and in our Constitution. Other countries are not going to negotiate with the President knowing that the Congress can totally amend it according to our own particular State and congressional interests. They cannot negotiate with us. We have to, on the very complex agreements, have a fast-track negotiating authority. It is just a given. Otherwise, nothing happens on the very large, complex agreements we hope we can reach to knock down trade barriers around the world in agriculture and lots of other areas if we are really going to help our people get these trade barriers overseas knocked down, which is the real goal of all of this—to open markets. We need to pass this to get that done.

Second, we have to ask ourselves, do we want a partisan bill or a nonpartisan bill? We know we have a closely divided Senate. We have to have a nonpartisan bill. It has to be nonpartisan. The provision the Senator is advocating is totally partisan. It received not one vote from the Republican Party on the other side—not one vote on the floor or in committee.

Now, I am a Democrat. I am very proud to be a Democrat, but I am also a Montanan and an American, and I want practical results that really move us forward. This bill before us is that. It is a bipartisan bill. It is not a partisan bill. It is a bipartisan bill. It passed the committee 18 to 3, and it has strong bipartisan support in this body.

So if we really want to reach our objectives and get things done and work to try to solve these extremely complex problems—and they are complex—I believe we should do it on a bipartisan basis, not on a totally partisan basis. Even though I am a Democrat and strongly support the ideas of our party, we have to be practical about things and get some results as well.

Third, this is the most progressive fast-track bill this country has ever seen, by far. I understand some of the problems the Senator from Illinois is suggesting. We cannot let perfection be the enemy of the good. The Senator is seeking perfection. We cannot have perfection. His idea of perfection is totally opposite to some other Senator's idea of perfection, and we can think right now in our minds who that Senator might be.

We cannot let perfection be the enemy of the good. We have to find a good solution, a good result, and this underlying bill is just that. I ask my colleagues, therefore, to vote for the most progressive trade bill this body has ever seen. Unfortunately, that means voting against the amendment of my good friend from Illinois for all the reasons I have indicated.

Mrs. CARNAHAN. Mr. President, as we emerge from last year's recession, we must remain focused on promoting economic opportunities and creating jobs.

Expanding international trade can help our economy.

Our small and large companies, and our workers benefit when we open foreign markets to American goods. Our farmers and ranchers benefit when they can sell their agricultural products overseas and our families benefit when reduced tariffs lower the price of consumer goods.

However, as we look to expand economic opportunities through international trade, we should remember the Hippocratic oath that all physicians must take: "First, do no harm."

While we should strive to expand international trade, we must first do no harm to our economy and our workers.

Now more than ever as our Nation continues to lose manufacturing jobs. We must not allow our trading partners to gain unfair advantages at the expense of American workers.

Fair trade expands opportunities and creates jobs. Unfair trade ships opportunities and jobs overseas.

My State alone has lost nearly 40,000 manufacturing jobs since 1998. In fact, in fiscal year 2001 alone, Missouri lost 25,000 jobs. Jobs were lost in every region of the State.

Springfied, MO, used to be home to a Zenith Electronics facility that manufactured molded cabinets. Four-hundred and thirty residents of that community lost their jobs when the company closed down and moved to Mexico in 1994.

Lamy Manufacturing had been making pants in Sedalia, MO, for 132 years. They made pants for the army during World War II. The company was forced to close its doors and lay off approximately 350 workers in 1999 because of a flood of inexpensive imports.

Eight-hundred and twelve people lost their jobs last year when GST Steel shut down its plant in Kansas City. That closing marked the end of a plant whose history dated back to 1888.

And earlier this year, Ford Motor Company announced that it was closing its manufacturing facility in Hazelwood, MO. This plant employs nearly 2,600 people. It has been open since Harry Truman was in the White House.

The jobs we have lost are good jobs, the type of jobs that come with health benefits, and a pension, the type of jobs that enable you to pay the mortgage and put some money aside to pay for college or care for an elderly parent.

On April 2, the Los Angeles Times ran an article about this phenomenon entitled "High Paid Jobs latest U.S. Export."

The article told of the efforts of several U.S. manufacturers to lower their costs by moving facilities abroad.

Our government should not encourage these moves, which result in thousands of American jobs being exported to foreign countries. But this is precisely what happens when we sign trade agreements with countries that do not allow workers to form labor unions, countries that allow children to work in unsafe factories, and countries that produce cheap goods because their factories can wantonly pollute the environment.

I firmly believe that expanded international trade can benefit American companies, American farmers, and American workers. But unless we ensure that our trade agreements contain real labor standards, working families will continue to suffer and we will continue to lose American jobs.

President Bush has announced that he wants to expand NAFTA to the rest of the hemisphere and called a Free Trade Area of the Americas. If we want to prevent even more jobs from being lost, we must ensure that an agreement to expand NAFTA contains meaningful protections for American workers.

That is why I support Senator DURBIN's alternative. His proposal strikes the appropriate balance between promoting trade and protecting jobs. It would give the President the authority he needs to pursue international trade agreements. And at the same time, it would ensure that those agreements do not threaten working families.

Workers in this country fought for years to gain the rights they currently enjoy: the right to organize; the ban on child labor; the 40-hours work week; and the minimum wage.

The Baucus-Grassley Amendment concerns me because it does not adequately protect working families. It doesn't require our trading partners to have any laws or regulation to protect workers. The amendment only requires that a country enforce its existing labor laws—regardless of how weak those laws may be.

How can we possible engage in fair trade with a country that permits 14-year-olds to work in factories?

How can we engage in fair trade with a country where the hourly wage is mere pennies an hour?

We cannot. And if we sign trade agreements with countries like this, and don't demand basic protections, we will continue to see American jobs evaporate.

To make matters worse, the Baucus-Grassley amendment contains a provision that actually allows a country to weaken its labor and environmental laws in order to attract investment.

This flies in the face of the concept of fair trade. In order for fair trade to truly exist, all of the nations involved must meet and maintain certain minimum requirements so American workers can compete fairly.

The proposal that Senator DURBIN has offered provide real protections. His amendment requires countries to implement and enforce five core standards. Those standards include: One, the right of association; two, the right to collectively bargain; three, a ban on child labor; four a ban on forced labor; and five, a ban on discrimination.

Ensuring that these minimum labor standards are included in our trade agreements will enable American workers to compete on a level playing field and help stop the loss of American jobs.

I believe in America's workforce. And I am confident that, given the chance to compete fairly, American workers will thrive.

I believe that the alternative that Senator DURBIN has put forward strikes the right balance.

This common-sense approach will enable all the working families of this Nation to enjoy the benefits offered by expanded international trade.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I yield whatever time my friend from Utah desires.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I also agree that the distinguished Senator would make an excellent actor. In fact, I am going to talk to our mutual friends at DreamWorks to make sure they extend an offer to him because I believe he could do much better than he is doing on the floor today.

Secondly, on the Constitution, we are going through this exercise because we control this process. The Finance Committee, 18 to 3, said we should have a process that works, and it should be a nonpartisan process that works. We have come very close to having a very partisan process as it is. We cannot take any more of these kinds of amendments and have a process that will work at all in the best interest of our country.

I am, of course, kidding my partner. I have a lot of respect for him. He is clearly a very intelligent and very articulate spokesperson for his point of view. But the fact is, it is not easy to get 18 votes in the Finance Committee on most issues. Our chairman has done a terrific job. So has our ranking member. We need to back them. We need to back our U.S. Trade Representative. He is a terrific human being, and he works very hard, as did his predecessors in the prior administration. I supported them.

This bill is an extremely important bill for our country, and I believe in the end it is an important bill for the world. We know our role in the world. We know we have to play that role, and we have to help many countries throughout the world.

I think it is a little ironic that some would suggest our country would not do what is right for the rest of the world, even though we cannot do everything the rest of the world wants, nor can we always please our friends in Europe or anybody else for that matter. But this bill will help us. This bill will help strengthen our economy. This bill will help every worker in America. This bill helps people who are not able to work right now.

I have said we have to have both TPA and TAA. I said it in committee. I want to compliment our leaders on the Finance Committee and our leaders on the floor. They have done a terrific job and they deserve backing. We ought to defeat this amendment.

I yield the floor.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Montana.

Mr. BAUCUS. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back on the amendment?

Does the Senator from Montana yield back all time on the amendment?

Mr. BAUCUS. I do.

The PRESIDING OFFICER (Mr. KOHL). The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—69

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Edwards
Ensign
Enzi
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—30

Akaka
Boxer
Byrd
Carnahan
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Johnson
Kennedy
Kerry
Leahy
Levin
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone

NOT VOTING—1

Helms

The motion was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that upon disposition of the Gregg amendment, Senator DODD be recognized to offer an amendment related to environment and labor standards; that the next Democratic amendments following the Dodd amendment will be the following——

The PRESIDING OFFICER. The Senate will be in order.

Mr. DORGAN. Will the Senator restate the consent because I was not able to hear.

Mr. REID. I will be happy to.

Madam President, I ask unanimous consent that upon disposition of the Gregg amendment, which should be at around 11:30 tomorrow morning, Senator DODD be recognized to offer an amendment relating to environment and labor standards; that the next Democratic amendments following the Dodd amendment be the following; provided further, that if there is an amendment from the Republican side, then the amendments will be considered in an alternating fashion, as follows: Republican amendment, Rockefeller-Mikulski amendment regarding steel, Republican amendment, Kerry amendment regarding investors, Republican amendment, Dorgan amendment regarding Cuba, Republican amendment, Torricelli amendment regarding labor standards.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Madam President, reserving the right to object, are there time agreements on these amendments?

Mr. REID. No.

Mr. DORGAN. Can the Senator state it again? I apologize. I was unaware of this request. Can you tell me again the order of the amendments?

Mr. REID. I am happy to: Dodd, Republican, Rockefeller-Mikulski, Republican, Kerry, Republican, Dorgan, Republican, Torricelli.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the Senator from New Hampshire is recognized.

AMENDMENT NO. 3427 TO AMENDMENT NO. 3401

Mr. GREGG. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3427.

Mr. GREGG. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions relating to wage insurance)

Strike section 243(b) of the Trade Act of 1974 as added by section 111.

Mr. GREGG. Madam President, this amendment deals with one of the issues in the trade adjustment section of the bill. This bill, as has been mentioned in numerous discussions here, has four major sections, four major issues. One of them is trade adjustment.

First off, I do not think all these issues should have been joined. Historically, the Congress has taken up trade promotion authority, which used to be known as fast track, independent of these other issues. It has taken up trade adjustment as a freestanding bill. And certainly it has taken up the Andean trade preference bill as a freestanding bill.

They should not have been merged, but, unfortunately, they were merged. As a result of being merged, I believe a lot of language has been basically hooked to the train because they know the train is leaving the station.

The language, regrettably, is not good. It is not good policy. In fact, it is extremely detrimental policy. It should be rejected by the Senate. However, it is part of the package, and there is concern about the whole package going down if this language is deleted.

In my opinion, some of this language is so egregious, we as a Senate need to be on record about it, and we should defeat it. Two of these sections that are egregious, because they open huge new entitlement questions, are the health care section of the trade adjustment language and what is called the wage insurance section, wage subsidy section of the trade adjustment language.

The health insurance language has been talked about quite a bit. I have certainly talked about it. It basically, in a very haphazard way, addresses one of the fundamental issues we as a Congress have to address, which is how we deal with people who are uninsured in our society in health care. In my opinion, doing it in this very narrow way is taking a step down a path which will probably lead to having poor policy overall in the area of health insurance, something I have spent a lot of time working on in the Senate. Therefore, I think this is the wrong vehicle in which to have that type of language.

I am not addressing that tonight. What I have proposed is a motion to strike the wage subsidy language in this bill. What is wage subsidy? It is very important to understand this right upfront. What this is is a new concept, a concept which essentially says that if you lose your job as a senior citizen—not a senior citizen, I am not a senior citizen—if you lose your job and you are over age 50—although you do qualify to be a senior citizen over age 50; I get all these forms now that tell me I am a senior citizen—if you lose your job over age 50 as a result of a trade adjustment event, and then you go out and take another job, you will have a right—this is the point, the big point of context—you will have a right to receive, if the second job you take pays you less than the job you lost as a result of trade activity, you will have a right to get from the taxpayers of America up to $5,000 to make up the difference between the job you lost and the job you have taken.

This is a concept which, as I mentioned earlier, is in great vogue in places such as Italy and France but which goes fundamentally against the free market society we have in our country and which has been the dynamic that has made our society so strong. That dynamic is essentially this: We have a marketplace which says we want people to be the most productive they can be; we want them to have jobs where they are going to obtain the best benefit, not only for themselves but the best benefit for the whole, by doing the best they can in a job that is producing economic activity that is benefiting everyone.

The way you do that is you allow the marketplace to decide what a person's value is within the marketplace, and the person can move from job to job and improve their standing and, as a result, improve their own personal income but also improve the economic activity of the whole country.

What this bill is proposing is that we no longer do that, that we reward people for taking a less efficient job, for taking a job where they are less productive, and for taking a job which basically is less of an incentive for them to be productive than what they presently have, and we are going to reward them for that. We are going to reward them for stepping out of the mainstream of the marketplace, where they have been successful, and stepping backwards.

It is really a unique concept for us as a country to pursue at this time. It is especially ironic in light of what has happened in such other industries; for example, the whole technology industry, where you had a huge reorganization as a result of the late 1990s activities and the Internet and the boom in the Internet and then the bust in the Internet, people having to move from job to job.

Suddenly we are going to say we no longer have any confidence in the marketplace. We are going to tell people, you can take a lesser job, be less productive, but we will pay you more money and use tax dollars to do it. It is a concept which is used in France and Italy, but it certainly is not appropriate here.

I want to talk about the specifics of how this is structured. The structure of it is also unique. It abandons all the basic rules and regulations under the present trade adjustment authority. Then I want to talk about the philosophy of it.

To outline what it does, it says, if you lose a job as a result of trade and you are over 50 years old and you get a new job within 26 weeks and the new job pays less than the old job, then the taxpayers will make up the difference up to $5,000 if the job pays less than $50,000. It does not require any training. It does not require that you choose a similar or suitable job that is available.

In other words, if there is a job out there that is equal to what you are presently doing and you can have that job or you want to take a different job that pays a lot less—I can think of a lot of reasons somebody might want to do that if they are over 50 years old—then you can take that job that pays less and the taxpayers have to make up the difference. You do not have to take a similar or suitable job.

It does not require that you remain in the community, which is something the trade adjustment clause has required. There is no limitation based on necessity, and the program does not consider whether wage rates at the new employer have been altered or negotiated or manipulated to basically make a deal.

These are all big issues. There is no requirement that the relationship be arm's length between the new job you take that is subsidized by the taxpayer and the old job that you lost. There is no protection afforded to other workers who may be displaced. It just runs to the people who are over 50 years old and who are subjected to trade adjustment.

The fact that there is no training required flies in the face of the whole concept of the trade adjustment proposal. Anybody who has spent any time with trade adjustment knows its real strength is that it says to a person who loses their job because the industry they are in maybe can't compete with products coming in as a result of a trade agreement or for some other reason—we say to that person, we are going to give you all sorts of training options so you can improve your position, improve your knowledge base, and move forward, hopefully to a higher level job in a different sector that has not been so significantly impacted by trade.

That is one of the key ingredients to trade adjustment. The wage subsidy has absolutely no training requirement. So it basically throws out one of the key components of trade adjustment.

Another key component is that if there is a similar or suitable job available, you should take it. Why shouldn't you? Let's say you are working for an employer for whose product you have a skill that you have developed but the employer didn't do a good job competing in that area. That skill is unique and it is special. And there is another employer over here across the street who is making the same product and is competing well in the international marketplace. If that job is available to you, you should take it. Under trade adjustment, you are supposed to take it.

Under this proposal, you don't have to take that job. You don't have to take a similar, suitable job. So basically it throws out the concept that people should be encouraged, before they start getting Federal benefits, if the availability is there, to move laterally and even move up. No. Instead, you can take a lesser paying job where you are less productive and the taxpayer comes in and pays you $5,000 to do it.

You don't have to remain in the community. One of the keys to the whole concept of trade adjustment was that you would remain in the community. This is a bill that is structured around the concept of trying to keep people and communities vibrant when they are hit by a huge trade event. That grew out of the textile and clothing fights, problems not only in the South but in the North.

In my State, where we had all our shoe factories closed, all our textile mills closed, we have recovered dramatically because the people who were working in those textile mills and those shoe mills moved into industries which were competitive and which involved being retrained. Actually they ended up, in most instances, with higher paying jobs; certainly their kids did. By staying in those communities, they are being productive citizens. That is a concept.

Under this bill, you can leave the State, move across the country, and take a job somewhere else. And if it pays you less than what your old job paid you, even though there may be lots of jobs in the community that paid you more, you just wanted a job that paid you less, the taxpayers pay you $5,000 for taking that job and for leaving your community. It is an incentive to leave your community rather than an incentive to stay.

It does not require any showing of need before the person gets this money. It is just basically a payment. If you meet the requirement of $50,000, you get paid.

There are a lot of people out there who might have personal assets, wealth, or who may be part of a family who has an income who certainly doesn't need a $5,000 subsidy coming from the Federal Government.

Other taxpayers are working hard. There should be, obviously, some threshold standard to meet as to assets which the person has, or as to what their income is as a family, rather than simply sending them the money.

A steelworker might get laid off from a steel plant. He or she may go to work for his or her son who runs a construction company, take a significant cut in pay, have the taxpayers pay a $5,000 supplement.

Basically, this is a great deal for the son. He gets an employee with $5,000 of the cost of that employee picked up by the taxpayers. No arm's length necessity, no limitations on arm's length transactions, no requirement that they be arm's length, no requirement that there be any review for the purposes of fraud or abuse.

There could be all sorts of deals made out there—and I can see them actually occurring—where somebody closes a plant, alleges it is trade adjustment, reopens another facility, or has somebody else reopen another facility—I am not talking large numbers of people here maybe—and they work it out for a couple years where these employees will get this $5,000 payment from the taxpayers and they do not have to pay it. As a result, they have a huge windfall and a gaming of the system. It is a very distinct possibility.

Of course, without the arm's length transaction, there are all sorts of implications for the ways this could be gamed by somebody. One does not even have to be that creative to game the system.

The actual language of this section is poorly drafted, to be kind, and has significant problems substantively in its application beyond the policy problems—beyond the huge policy problems—of being a totally new approach to how we address our productivity as an economy and how we approach market forces in our economy.

It is important to remember that the TAA proposal had some core purposes. I alluded to them, but one of them is, of course, to retrain people who are dislocated. It has had tremendous success in this area. In fact, in 2001, 75 percent of dislocated workers who sought service got jobs and averaged 100 percent of their predislocation earnings. Furthermore, 86 percent were still working after 6 months in those new jobs.

The theme of trade adjustment is: Give people training so they can move to a new job when they lose a job and have that job be a better job. That is logical; that makes sense.

Unfortunately, this proposal says: No, we are going to tell people when they lose their job, to get a job that pays them less, which means they are less productive; and it also probably means they have chosen a different type of activity that is maybe more lifestyle appropriate to them, but they are doing it all at a subsidy from the taxpayers.

It is not too farfetched to presume that if you are 50 years old and you lose your job through trade adjustment and you are working in the Northeast that you may want to go to Florida or you may want to go to Arizona or New Mexico because you are tired of the snow, you are tired of the winters. All that shoveling does catch up with you when you get a little older sometimes and trying to get your car started in the cold weather.

Madam President, you can see where this proposal is going, basically, to create a huge incentive for people to leave those communities in the North, move to the Sun Belt, take jobs that pay significantly less, have the taxpayers send them $5,000 as a benefit, and go into, basically, semiretirement. We could almost call this the "Disney World Employment Act." Disney World is going to be overwhelmed with people in their fifties who want to come down and maybe do the Adventure Ride and the Jungle 3 days a week and spend the rest of the time enjoying Florida's weather and golf courses and get a $5,000 bonus.

That is not the concept of trade adjustment. If somebody wants to do that, that is fine, but the guy or woman who is out there working on a factory line somewhere paying taxes or working in a restaurant paying taxes or working in a computer company paying taxes should not have to subsidize that sort of mismanagement of our economy, that sort of activity which is going to basically redirect productivity to nonproductive activity and take tax dollars to do it.

The way the bill is drafted flies in the face of all the basic policy we have passed in Congress relative to age discrimination. Basically, the concept of age discrimination we passed has been that when people hit age 50 or 55 and want to work, they should not be discriminated against in maintaining and improving their position in the workplace.

What this bill says is: When you reach age 50, we are going to create an economic incentive for you to reduce your productivity and to reduce your position in the workplace. It is totally inconsistent with the Age Discrimination Act and the Older Americans Act because it is basically subscribing to a theory that when you hit 50, you should be pushed into a job that pays you less and have the taxpayers come along and subsidize it.

That is the opposite of what we thought the Age Discrimination Act was. The purpose of the Age Discrimination Act was when somebody reaches 50, they cannot be pushed out of their job because of their age and they should be encouraged to continue to improve in their productivity by growing in their job.

The language says if a person is over 50 and loses their job, we do not have any confidence they can find another job that is going to pay them more; we do not have any confidence they can go through trade adjustment training and improve their position; we do not believe what we said in the Age Discrimination Act or the Older Americans Act.

No, rather, this language believes you cannot teach an old dog new tricks. So instead of trying to teach him new tricks, we are going to pay him $5,000 a year to forget everything he knew, everything he learned at his workplace, and take a lesser job. What an outrageous policy that is.

On the specifics, this language, first, is terribly drafted because it has no training requirement, no requirement that similar and suitable jobs be taken, no requirement you remain in the community, no requirement that it be based on necessity, no requirement for arm's length, no requirement you check for fraud and abuse, no requirement there be a necessity, some sort of test as to whether or not the person should get the $5,000, and it does not protect anybody else except people over age 50 and actually creates an incentive which flies in the face of all the age policy, antidiscrimination language we passed in this Congress for the last 10, 15, 20 years.

Other than that, it is a great idea. Beyond those specific problems in the drafting, there is a bigger issue at stake and it goes to something I mentioned earlier and have alluded to, and that is the question as to how our economy remains resilient.

I happen to believe, and I think there are a lot of people who agree with this, especially ironically in Europe and in Japan today, that one of the key elements of the resiliency of our economy is the flexibility of our workforce and the fact that we have a workforce which is dynamic and is capable of moving with the times from jobs to jobs which are more and more competitive.

I take my State as the classic example. Twenty years ago in my State—maybe 30 years ago now—we were a textile, woolen mill, shoe factory State, where most of the people worked in large factories. In fact, up through the middle part of the last century, we had the largest continuous mill in the world in Manchester, NH. It was built in the 1800s and functioned right into the 1900s. Then everybody moved to the South. All our textile mills closed, our shoe mills closed, and they took all this business down south where they could get a different wage rate.

So New Hampshire had to adjust. I remember when I was growing up in Nashua, NH, we lost our single biggest employer. They left the city and we had to adjust. So those people in the mills that had been textile and shoe mills had to find something else to do. They started moving into technology-related activities. Slowly, we developed this technology-based economy to the point where today more people on a per capita basis work in technology-based activities in New Hampshire than in any other State in the country.

What has been the practical impact? It has meant that we went from a per capita income which was in the mid-thirties—relative to other States we were about 35th, 36th in the country in the 1960s and 1970s—to a per capita income which is now fourth in the country. That has been a function of the fact that we have not changed our people but we have retrained our people. Our people have shown the initiative and the creativity to take new jobs, different jobs, and people have come to New Hampshire to employ them. Jobs have been created in New Hampshire, and we have created an economic climate where we have seen this huge expansion.

This is not a unique New Hampshire story. This is an American story. We, as a culture, are constantly moving through different forms of value-added activity where we create new concepts, new initiatives, whether it is in the technology area or whether it is in the medical area or whether it is in the widget area or whether it is in the Starbucks area. There is always a new idea in America that is creating jobs and activity.

Regrettably, on the other side of the coin there are quite often industries which have not kept up with the times or which can no longer compete for some reason with some international company that maybe is able to do something at a lower wage.

Those people who are in those jobs for the most part find themselves with opportunities in other industries which are growing. We have not pursued the Italian model where, when you get a job, you have that job for life, literally have it for life, and that company cannot fire you, or the French model which essentially says, when you get a job, first you do not have to work too hard and, second, if you lose that job you are basically taken care of as if you still had the job and you get to retire very early.

In fact, I remember the truckdrivers in France about 3 years ago struck because they wanted to be able to retire at full pay when they were 55. Well, the life expectancy has extended quite a bit, so basically you had people working half their working lives and retired half their working lives, and they basically ran out of money. It becomes a pyramid that is inverted after a while in the classic Mark Twain story where there is only one person still working and everybody else is talking, which totally undermines productivity when there is that sort of approach to the economic structure of your country in what amounts to an alleged market economy.

We have not pursued that course. We have instead pursued a course to maintain flexibility. We want people to be able to move up and always improve, and if somebody has gone on hard times because the competition from an international commodity has been overwhelming and they have lost their job because of it, we have trade adjustment to help train that person and move up and improve their life. We do not want to say to that person, you should move down in your economic activity, you should slow your productivity, you should reduce your efficiency, you should take a job which we, the taxpayers, or everybody in America, all taxpayers, have to end up subsidizing so that you can have a job that pays you less where you probably are asked to do less and where the skills which you have are probably not adequately used.

If you as a citizen lose your job because of trade adjustment, whatever the job might be—steel is being talked about today so let's say it is steel—and there is not a similar job—if there was a similar job, theoretically you should take it but, of course, under this language you do not have to—but you decided that you wanted to go to Florida and become a greens keeper, that was always your dream and you were 50 years old and you thought you might be running out of time and you wanted to be on that golf course every day and play a little golf when you were not working on the golf course, or maybe be a part-time golf pro, that is your right. You can do that, but there is absolutely no reason that we should come along and, as a society, subsidize your taking that position and doing that job which basically you are overqualified to do.

You could do something else if you wanted to that would pay you significantly more and which would be much better in the sense of the overall economy potentially.

This is one of the worst ideas to come down the pike in a long time. It, obviously, arises out of a philosophy which is attracted to the way things occur in France and in Italy. It is a 1950s form of economics which was in vogue at one time, sort of a quasi-socialist view of the world which says essentially that someone should always be able to receive a benefit from the government, even if they are making choices which are basically counter to what the government policy should be.

It is a view of the world which seems to have incredible disregard for those Americans who are working and who are paying taxes, because it is essentially saying to those Americans who are working hard every day and paying taxes, we are going to subsidize someone to the tune of $5,000 to take a job they do not necessarily need to take in many instances, but we are going to subsidize them, and then we are not going to ask that person to train. We are not going ask that person to take a similar job. We are not going to ask that person to stay in the community. We are not going to find out whether that job was agreed to at arm's length. We are not going to check on the abuse. We are not going to check on even whether the person needs the job from a financial situation. We are simply going to pay that person $5,000 to take less of a job, simply because they were allegedly put out of work as a result of a trade event and because they are over 50 years of age.

It delivers the wrong message to somebody who is working pretty hard, who is under 50 years old and happens to lose their job because they do not have this opportunity. It clearly delivers the wrong message to somebody who is working very hard trying to make ends meet, paying a significant amount of their income in taxes, and suddenly finds they are supporting someone to the tune of a $5,000 benefit that creates less efficiency, less marketplace productivity, and undermines the basic concept of our approach as a nation to how one remains vibrant in a competitive world.

So this language, I would hope, would be deleted. Tomorrow we will have a vote on it. I appreciate the courtesy of the Senate, and especially the staff of the Senate, for listening.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the next Democratic amendments in order following the Torricelli amendment be a Landrieu amendment regarding maritime workers, a Harkin amendment regarding child labor, and a Reed of Rhode Island amendment regarding secondary worker TAA benefits. These, of course, will be interspersed with the Republican amendments, if they choose to offer them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSSELL JANICKE

Mr. REID. Mr. President, I would like to take a moment to commend Russell Janicke on his successful tour as Commanding Officer of the U.S.S. *Louisville*. Under Russell's command, the *Louisville* has demonstrated superior tactical and operational competency, pioneered new tactics, and excelled in joint operations.

Russell was recently awarded the Retention Excellence Award for fiscal year 2000. This pennant recognizes ships, aircraft squadrons, shore commands and other units and organizations for achieving high levels of personnel retention—getting sailors to reenlist and stay in the Navy at the end of their first, second, and later terms of enlistment. It is awarded by the two fleet commanders in chief as well as by the commanders of other major commands.

This award is a visible recognition of Russell's commitment to maintaining a command climate that promotes retention. Russell's command's proactive personnel programs have led him to achieve the highest levels of retention excellence and have helped to reduce attrition. By receiving this award along with others, and praise Russell and his crew has received for successful missions, are testimony to his leadership qualities.

Sincere congratulations to Russell on a job well done.

AFGHANISTAN

Mr. HATCH. Mr. President, as the loya jirga process moves forward in Afghanistan, all of us must realize that U.S. security depends on a political solution in that far-away country that truly creates functioning stability there. All of us know what the costs of an unstable Afghanistan have been—those costs were delivered to us on September 11.

A political solution in Afghanistan, in my opinion, cannot rely solely on the Northern Alliance leaders who control many aspects of the government today. While we have had numerous military successes in Afghanistan, we must be as serious about our commitment to a truly multi-ethnic political resolution to the country's current ingovernability.

Last week, Dr. Marin Strmecki, a scholar on Afghanistan for the past 20 years, a fine intellectual who served on my staff many years ago, wrote an excellent analysis in the National Review. I have much respect for Dr. Strmecki's analysis and would urge my colleagues to read it. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review, May 20, 2002]

WINNING, TRULY, IN AFGHANISTAN

(By Marin J. Strmecki)

In late March, President Bush placed a call to Prime Minister Silvio Berlusconi of Italy that led to the delay of the departure from Rome of the former king of Afghanistan, Zahir Shah. The king had wanted to return to his war-torn country in the hope of reunifying it—but the U.S. had credible information that there would be an attempt on his life. The most dismaying aspect of this news was that the ringleaders of the plan were members of the Northern Alliance, an Afghan faction closely aligned with the U.S. and propelled into Kabul by the U.S. rout of the Taliban.

This episode illustrates a growing danger: Despite having won militarily in Afghanistan, the U.S. may still lose politically. A complete victory would mean a pro-Western government in Kabul, one that would mop up the remnants of al-Qaeda and cooperate in the larger regional war. But if the U.S. doesn't change its policies soon, radical Islamists could end up in the driver's seat in Afghanistan.

The critical error came last fall, when U.S. officials selected their principal Afghan allies. The Bush administration opted against working with "the Rome group," a faction of Western-oriented Afghans (including the former king) who sought to recreate the country's moderate and secular pre-1978 government. Though it had no forces in the field, the Rome group could have rapidly mobilized sympathetic commanders and fighters, particularly in Taliban strongholds in southern and eastern Afghanistan. The U.S. chose instead to ally itself with the Northern Alliance, a faction supported by Iran and Russia and in control of about 10 percent of the country.

The Northern Alliance was a dubious choice. Two of its principal leaders, Burhanuddin Rabbani and Abdul Rasul Sayyaf, are major figures in the jihadist movement and were close associates of Osama bin Laden in the 1980s. When Rabbani served as president in the early 1990s, his administration granted visas to the foreign elements of al-Qaeda. Also, he and his party, Jamiat-i-Islami, sought to seize dictatorial power, with his secret-police and interior ministries, led by Qasim Fahim and Yunus Qanooni respectively, killing thousands of members of other political groups. Moreover, Rabbani's Tajik-led military forces carried out atrocities against ethnic Pashtuns in many areas, abuses that contributed greatly to the outbreak of the civil war out of which the Taliban emerged.

Not surprisingly, when Northern Alliance forces rolled into Kabul last fall, its leaders picked up where the Rabbani government had left off. Rabbani himself reoccupied the presidential palace and appointed ministers and governors, all from his Islamist party. More troubling, the Northern Alliance opened the doors to Russian and Iranian advisers and intelligence operatives, who arrived in Kabul on a steady stream of air transports. Fahim, now the defense minister, garrisoned his forces in the capital and staffed the military high command exclusively with his political cronies and former Communist officers selected by his Russian allies.

Though international pressure forced the creation of a coalition government in late December, all of the powerful ministries—defense, interior, and foreign affairs—remained in the hands of the Northern Alliance. Qanooni, again the interior minister, and Fahim proceeded to use their power to harass political opponents, with several senior officials reportedly taking part in the assassination in January of a cabinet minister associated with the Rome group.

The Northern Alliance's winner-take-all approach threatens U.S. interests. First of all, the interim government has not been much help to U.S. forces against al-Qaeda in the south and east, where Pashtuns remember all too well the atrocities of the Rabbani government and seek to hold the new government at arm's length. Second, its Iranian allies have established two Hezbollah-style clandestine networks, Sepah-e-Mohammed and Sepah-e-Sahaba, to wage a campaign of Lebanon-style attacks designed to bog down the U.S. or even force it to withdraw. Third, Northern Alliance leaders have sought to delay or subvert the scheduled June meeting of the national assembly, or loya jirga, which is the key event in the planned transition to a more representative government. Fourth, if the dominance of the Northern Alliance persists, the Pashtuns (40–45 percent of the population) could rise up in a renewed civil war, and offer Pakistan's intelligence service an opportunity to reestablish its pernicious practice of supporting Taliban-style movements in Afghanistan.

The Bush administration must act carefully—but quickly. First, the U.S. must assert itself as the dominant foreign power in Afghanistan until the transition is completed (when elections take place in about two years). Bush has made excellent statements indicating that the U.S. will remain engaged over the long haul. In practical terms, this means that the U.S.—even as it moves on to other theaters—must retain sufficient strike power in the region to cow the Afghan factions. The U.S. also must check the roles of Russia and Iran. Although Bush encouraged Russia's President Putin to bolster the Northern Alliance as it fought to topple the Taliban, he must now explain to Putin that stability can only come from pluralism in an open political process—and that Moscow needs to rein in its client. The U.S. must also insist that the Afghan authorities cut off incoming flights from Iran.

Second, the U.S. must signal a shift away from its excessive reliance on the Northern Alliance. It should emphasize the need to pluralize Afghan politics and to distribute important cabinet seats more broadly: The stacking of ministries with Northern Alliance Appointees—often incompetent and in many cases illiterate—must not be allowed to stand. The coalition should further insist that—with the deployment of the International security assistance Force (ISAF) in Kabul—Northern Alliance troops begin to be redeployed back to their native provinces. At the same time, the U.S. and its allies must try to level the playing field for the loya jirga. Russia and Iran have provided vast amounts of money to the Northern Alliance to buy political support; the U.S. should assist pro-Western parties, just as it did in Europe after World War II.

Third, the U.S. should insist that the loya jirga end the current imbalance of power favoring the Northern Alliance. We should also demand that every new minister be professionally qualified for his position and that no minister have a history of massive human-rights abuses. These criteria would preclude reappointment of Qanooni and Fahim, who were deeply involved in massacres in the early and mid 1990s. This step is essential to opening a new chapter in Afghanistan's troubled recent history.

Fourth, the U.S. should take the lead—but with the smallest possible footprint—in solving the security problem in Afghanistan. The ISAF should not be drawn into policing Afghanistan. If its mission expands geographically, a larger deployment—even one with as many as 20,000 additional troops—would be spread so thinly as to be militarily meaningless. The primary U.S. goal should be, rather, the creation of professional, nonpolitical, and ethnically balanced police and military services. This would require playing an intrusive role in rebuilding Afghan security services, similar to the one the U.S. played in El Salvador in the 1980s. Qualified Afghan personnel are available, at home and abroad, and many were not involved in factional politics during the 1990s. Even before the defeat of the Taliban, members of the Rome group had organized an association of former officers of the Afghan armed forces and police in anticipation of the need to rebuild the government; the U.S. should use these professionals to form core groups in each agency or service who would then recruit and train their subordinates and line officers.

Because of its poverty, Afghanistan should have a military limited to approximately 50,000 troops, though these forces must have sufficient mobility to deploy rapidly anywhere in the country. This limits the scope of the task of rebuilding the armed forces, and the process could readily be completed in two to three years. Only by creating such a professional military force can the U.S. have a local ally sufficiently able to hunt down remaining Taliban and al-Qaeda elements and preclude their return after the U.S. moves on to other theaters.

Fifth, the U.S. must be willing to fund the operations of the Afghan government—and particularly its police and military services—until its capacity to raise revenues has been reestablished. Providing sufficient pay for troops is crucial, because it enables the government to draw the best personnel away from factional armies, such as those of the Northern Alliance, and from regional warlords.

Together, these actions can, over time, secure a political outcome commensurate with the victory won by American arms last fall. But the adjustment in policy is badly needed. If we stay on the present course, the most likely outcome is a Northern Alliance-dominated government—a result that will leave Islamists like Rabbani in power, extend Iranian and Russian influence, and set the stage for renewed civil war when Pakistan eventually reengages in Afghanistan's politics. If the United States wisely recalibrates, it can establish a moderate and pro-Western state in Afghanistan, an outcome that will have a powerful and unmistakable demonstration effect for those who seek positive political change in the members of the Axis of Evil.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I wish to discuss my absence during the vote to table the Senate amendment No. 3419 offered by my colleague Senator LIEBERMAN. Although my vote would not have affected the outcome, I would have voted to table the amendment. The language in the legislation, which was also included in the Jordan Free Trade Agreement singed into law on September 28, 2001, is vital to ensuring that Congress preserves its exclusive right to establish and enforce U.S. labor and environmental standards.

During the vote I was attending a White House signing ceremony for H.R. 169, the Notification and Federal Employee Anti-discrimination and Retaliation Act, "No FEAR" Act. I was the sponsor of this legislation in the Senate, S. 201—the Federal Employee Protection Act.

The press has referred to the No FEAR Act as "the first civil rights bill of the new century." It significantly strengthens existing laws protecting Federal employees from discrimination, harassment, and retaliation for whistle blowing in the workplace. It is an unfortunate fact that too many federal employees are subjected to such treatment with alarming regularity.

I am pleased that President Bush has signed this important legislation and honored I was invited to the Oval Office for the signing ceremony. No FEAR will promote a more productive work environment by ensuring agencies enforce the laws intended to protect Federal employees.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in January 1998 in Springfield, IL. A gay man was abducted, tortured, and robbed. The attacker, Thomas Goacher, 27, was charged with a hate crime, aggravated kidnapping, armed robbery, and aggravated battery in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

COMMEMORATING MAY 15TH AS PEACE OFFICERS MEMORIAL DAY

Mr. CAMPBELL. Mr. President, today more than 15,000 peace officers are expected to gather in Washington, D.C. to join with and honor the families of federal, state, and local officers who were killed in the line of duty.

On March 17, I was joined by Senators LEAHY, HATCH, ALLARD, CANTWELL, GREGG, ROCKEFELLER, BINGAMAN, BIDEN, BUNNING, COCHRAN, ALLEN, THOMAS, and HUTCHINSON in introducing S. Res. 221, to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. Specifically, this resolution would designate May 15, 2002, as National Peace Officers Memorial Day. These heroes have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. This resolution is a fitting tribute for this special and solemn occasion.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines protecting our communities. Currently, more than 700,000 men and women who serve this nation as our guardians of law and order do so at a great risk. Every year, about 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. There are few communities in this country that have not been impacted by the words "officer down."

On September 11, 2001, 70 peace officers died at the World Trade Center in New York City as a result of a cowardly act of terrorism. This single act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country. Thirty-seven of those fallen heroes served with the Port Authority of New York and New Jersey Police Department; twenty-three were New York City police officers; three worked for the New York Office of Court Administration; five were with the New York Office of Tax Enforcement; one was an FBI special agent; and one was a master special officer with the U.S. Secret Service. Before this event, the greatest loss of law enforcement life in a single incident occurred in 1917, when nine Milwaukee police officers were killed in a bomb blast at their police station. Yet the incredible bravery and selfless sacrifice our officers displayed that day was no different that any other day of the year in communities across America.

In 2001, more than 230 federal, state and local law enforcement officers gave their lives in the line of duty. This represents more than a 57 percent increase in police fatalities over the previous year. And, in total, nearly 15,000 men and women have made the supreme sacrifice. We owe all of our police officers a huge debt of gratitude for the invaluable work they do.

As we gather on this special day here in Washington, D.C. and nationwide to honor our fallen heroes, we must be ever vigilant and remember those outstanding men and women who continue to put their lives on the line so that we may continue to enjoy the freedom we have.

RECOGNITION OF ALAN B. MILLER

Mr. SPECTER. Mr. President, I have sought recognition today to acknowledge my constituent and friend Alan B. Miller of Gladwyne, PA, who on Sunday, May 19, 2002, will be honored with the George Washington University's prestigious President's Medal.

This award, which has been bestowed upon such distinguished and varied figures as Soviet statesman Mikhail Gorbachev, renowned journalist Walter Cronkite, and political humorist Mark Russell, will serve to recognize Alan's many achievements as a leader in the health services industry.

In 1978, Alan founded Universal Health Services, Inc., based in King of Prussia, PA, which was then the third-largest proprietary hospital management company in the Nation and now operates 100 facilities in 22 States, plus the District of Columbia, Puerto Rico, and in France. He currently serves as the company's president and chairman.

Alan is an authority on hospital management and has served as health care adviser to the Federal Mediation and Coalition Service. Among the pioneering activities developed under his direction was the founding of an industry mutual insurance company that provided malpractice insurance to over 200 hospitals at a substantial savings, thereby lowering health care costs.

He is a graduate of the College of William and Mary in Virginia and earned his M.B.A. at the Wharton School of the University of Pennsylvania, where he now serves on its executive board. He also holds an honorary doctorate from the University of South Carolina and is the recipient of the Federation of American Health Systems' Industry Award and the Anti-

Defamation League's Americanism Award. He was named Entrepreneur of the Year in 1991 and C.E.O. of the Year in Hospital Management in 1992. He serves on the boards of Broadlane, Inc., CDI Corporation, the Penn Mutual Life Insurance Company, and is chairman of the Opera Company of Philadelphia. He served his country as Captain in the U.S. Army's 77th Infantry Division.

For his accomplishments and many contributions to the corporate community, I salute him, and I congratulate Alan for the distinctive honor that will be bestowed upon him this coming Sunday.

ADDITIONAL STATEMENTS

MALMSTROM AIR FORCE BASE WINS THE 2002 BLANCHARD TROPHY

• Mr. BURNS. Mr. President, I rise today to pay tribute to the men and women of Malmstrom Air Force Base, AFB, Montana for being awarded the Blanchard Trophy as the United States Air Force's best intercontinental ballistic missile wing.

This is the eighth time Malmstrom has won this weeklong competition, called Guardian Challenge. There are several areas scored in this competition including missile operations, satellite operations, remote space tracking, security forces, helicopter operations, food services, missile maintenance, communications, and missile codes.

The men and women who compete in Guardian Challenge are the best of the best from their respective Air Force Bases. This year marks the 35th anniversary of the competition, boasting some 200 participants. Besides the competition, Guardian Challenge helps sharpen the skills of and improve our military personnel's effectiveness and combat capability, while showing the world that the United States is the world's premier space force, second to none. The 341 Space Wing of Malmstrom AFB controls 200 Minuteman III missiles. This award is just one of several that Team Malmstrom has won over the years. They are truly the best of the best.

I am very proud of the men and women from Malmstrom AFB. As Operation Enduring Freedom continues, our military personnel are being tasked with increased missions and more time spent away from their families to support the war on terrorism. As a former member of the U.S. Marine Corps, I understand and appreciate the sacrifices these people and their families make in the name of freedom. Military people are special freedom-loving people.

Montana is fortunate to have Malmstrom AFB, and I know that I speak for all Montanans when I congratulate Malmstrom AFB for being the best intercontinental ballistic missile wing in the world.•

LEONARD KNIGHT AND SALVATION MOUNTAIN

• Mrs. BOXER. Mr. President, there are areas of the California desert near the Salton Sea that can best be described as dry, desolate and forlorn. Indeed, there are those who describe the area around Niland off Highway 111 as godforsaken. But rising out of this sere, super-heated desert is the multicolored and textured Salvation Mountain, a unique and visionary sculpture encompassing five acres. Salvation Mountain is Leonard Knight's personal statement on the love and the glory of God.

Leonard Knight, a one-time snow shoveler from Vermont, came to Salvation Mountain from the sky. His hot-air balloon crashed into the site and he decided to stay, believing the experience to be a sign from God. Here he produces his unique creation, using adobe, straw, and thousands of gallons of paint to color and reshape the desert landscape. Seen from afar, Salvation Mountain is an unlikely mass of technicolor shapes and textures. Up close, it is an iridescent fusion of doves, clouds, flags, flowers, hearts, streams, biblical messages and countless other images.

In the last 16 years, Knight's creation has been visited by thousands of people from all over the world, artists and art lovers, journalists, students on field trips, retirees, newlyweds and just plain curious people come by the mountain each day. The Folk Art Society of America has declared Salvation Mountain a national folk art shrine. The American Visionary Art Museum has embraced Leonard Knight and his mountain monument.

Salvation Mountain is the product of the vision and non-stop labor of one dedicated man. Leonard lives alone at the base of the mountain, sleeping in a converted school bus that is as colorful as his desert creation. He uses paint constantly supplied by visitors, local residents and others willing to be a part of this stunning work-in-progress. He figures that he has used close to 60,000 gallons of donated paint over the years.

American folk art is found in all corners of our nation. Perhaps one of the least likely locations would be the desert where Salvation Mountain is found. Leonard Knight's artwork is a national treasure, a singular sculpture wrought from the desert by a modest, single-minded man. It is a sculpture for the ages—profoundly strange and beautifully accessible, and worthy of the international acclaim it receives.•

HONORING KENTUCKY REFUGEE MINISTRIES

• Mr. BUNNING. Mr. President, I rise today to honor the 23 members of Kentucky Refugees Ministries, Inc. (KRM) for all they have done to bring and welcome refugees to Kentucky.

Kentucky Refugee Ministries, Inc. is the refugee resettlement office in the Commonwealth of Kentucky for two national church-based programs: Church World Service and The Episcopal Migration Ministries. This group, which has offices in both Louisville and Lexington, is authorized by the U.S. Department of State to assist refugees legally admitted to the United States as victims of warfare, or other forms of persecution related to their religious or political beliefs. Since their inception in 1990, KRM has placed over 3,000 refugees representing 25 different nationalities and ethnic groups, in various communities throughout the Commonwealth. Once the refugees have been admitted, KRM provides them with housing, furnishings, food, and clothing. They also offer educational opportunities such as English and cultural orientation classes in order to help refugees adapt to their new life. In virtually every instance, these individuals have become productive and active citizens, willing to work their way up from the bottom in an effort to live the American dream.

One fact we as Americans must never forget is that our forefathers were also political and religious refugees in search of a better life. The system they established was specifically set up so people could live their lives without fear of endless persecution. Late last year, President Bush signed the Presidential Determination authorizing the United States to admit 70,000 refugees in 2002. I applaud President Bush's efforts concerning refugees. Only 8,100 refugees, a quarter of the number admitted at the same time last year, have so far been admitted. This slowdown in admittance has obviously occurred because of security matters resulting from the September 11 tragedies. However, I hope that soon we can begin expediting refugee admittance again after we put the proper security and safety procedures in place. The principles of freedom and democracy our nation lives by must serve as our guide in this extremely important matter. If we let these individuals languish in deplorable conditions in refugee camps or hostile lands, we will be turning our backs on the principles we so cherish. We cannot let this happen.

Once again, I ask that my colleagues join me in thanking and honoring KRM. I am grateful to know that Kentucky's adopted refugees and their families are being looked after in such a careful and caring manner.•

IN RECOGNITION OF MICHIGAN STATE UNIVERSITY'S DEBATE TEAM

• Mr. LEVIN. Mr. President, I ask that the Senate join me in congratulating Michigan State University's Debate Team. These bright young men and women recently won this year's Cross Examination Debate Association Seasonal National Championship—the most prestigious national college debating title.

As I am sure many of my colleagues in this room can appreciate, debating is a skill that requires enormous preparation, great intelligence and the ability to think and speak quickly. Michigan State University's Debate Team has repeatedly excelled in these areas, establishing itself as one of the finest debate teams in the nation. In fact, since 1994 the team has finished no worse than fifth in the competition, and it recorded another first place finish in 1996. This is a spectacular record of achievement that is the source of great pride for the University and for the State of Michigan.

We often come to this floor to congratulate the hard work and dedication of the student athletes from our states who have won national championships on the basketball court or the football field, whose competitions are shown on television and whose victories are written about in newspapers. However, the young men and women who compete with their quick minds and sharp wit deserve just as much of an accolade as those who compete with quick legs or strong arms. The debate season lasts virtually the entire academic year. From August to April the team spends countless hours every week studying, analyzing, researching and practicing. The commitment that these young people have shown to competition is unrivaled.

Director of Debate Jason Trice, Head Coach William Repko and Assistant Coaches Alison Woidan and Michael Eber did an excellent job of preparing this year's team. The full roster of that team is Anjali Vats, Geoff Lundeen, Maggie Ryan, Job Gillenwater, John Rood, Austin Carson, Calum Matheson, Greta Stahl, Suzanne Sobotka, John Groen, Gabe Murillo, Amber Watkins, Aaron Hardy and David Strauss. I can think of no better place for these young men and women to be congratulated than in the CONGRESSIONAL RECORD of the U.S. Senate, an institution known for its history of great debaters.

I know that all these individuals, as well as their families and friends, are incredibly proud of their accomplishments. I also know that Michigan State University is thrilled to have this honor. In addition to adding my own congratulations I would also like to wish these young men and women the best of luck in defending their championship next year and extending the proud record of accomplishment for which this team has come to be known. I know that my Senate colleagues join me in congratulating Michigan State University's Debate Team for their victory as National Champions of the Cross Examination Debate Association.•

HONORING LTG THOMAS J. KECK

• Ms. LANDRIEU. Mr. President, I rise today to honor a member of our military who has faithfully served the United States for over 30 years. LTG Thomas J. Keck is to retire this Friday and I think it is appropriate that we honor him here on the Senate floor today.

Lieutenant General Keck graduated from the Air Force Academy in 1969. After completing flight training, he was sent to Vietnam. While there, he flew B–52 missions over North Vietnam, and distinguished himself in combat numerous times. In recognition of his gallantry, Lieutenant General Keck was awarded the Distinguished Flying Cross and the Air Medal. The bravery he displayed in Vietnam is demonstrative of the characteristics that define the Air Force Officer's Core Values: Integrity first, Service Before Self, Excellence in all that is done. He has certainly displayed these values throughout his career.

After the War, Lieutenant General Keck came back to the U.S., and served in a variety of commands in the Air Force. Throughout his career, Lieutenant General Keck has flown twenty-two different planes in several different missions. He logged over 4,600 flying hours, 886 of which were in combat. He has certainly shown himself to be an able and adaptable pilot, perhaps one of the finest that the Air Force has produced.

Lieutenant General Keck served in many places throughout the U.S. and abroad, including California, Arizona, Nebraska, Guam, Alabama, and Panama. I think it is also appropriate to recognize his family on this occasion as well, as they have supported him throughout many years and many moves.

Lieutenant General Keck leaves the military as the Commander of the Eighth Air Force. The Eighth Air Force, or "Mighty Eighth" as it is known, consists of nine wings and two groups—nearly 500 aircraft, more than 53,000 active duty and civilian personnel, and 80 major installations world wide. The Mighty Eighth is headquartered at Barksdale Air Force Base in Northwest Louisiana. I am extremely proud to have my state host this exemplary unit. The relationship between the people of Northwest Louisiana and the community on base is excellent, and Lieutenant General Keck has only made that relationship better.

On September 11th, Air Force One landed at Barksdale while it was on its way back to Washington. Lieutenant General Keck and Briadier General Bedke played host to President Bush. Less than a month later, numerous units from the Mighty Eighth would be deployed across the globe, defending America from the menace of terrorism. As Lieutenant General Keck leaves the service, we are a nation at war, but our Air Force is no doubt stronger as a result of Lieutenant General Keck's leadership. In the years to come, the Eighth Air Force will undertake many more missions in Operation Enduring Freedom, and there is no doubt in my mind that they will be successful.

In closing, I would like to thank Lieutenant General Keck for his years of dedicated service to our country. I would also like to thank his family for the support they have provided over all of these years. I wish him well in the future and success in all of his endeavors.•

ON THE AGUA CALIENTE CULTURAL MUSEUM

• Mrs. BOXER. Mr. President, I am pleased to announce that, after several years of preparation, the Agua Caliente Band of Cahuilla Indians is ready to construct a major cultural museum. The Agua Caliente Cultural Museum will be built at the Indian Canyons near Palm Springs, California.

The Agua Caliente Cultural Museum will pay tribute to the Agua Caliente Band's rich heritage and at the same time educate the community and visitors about the tribe's history of tribulation and triumph. This museum will truly be a bridge to the tribe's past and a platform for celebrating its future and potential.

A greatly expanded facility from the temporary museum built in 1995, this new 100,000 square-foot museum will house an auditorium, provide space for traveling exhibits, and allow for the expansion of the current museum's education programs in language, singing and crafts. Visitors to the museum will learn about the tribe's history through exhibits of photographs, videotaped testimonies and other historical artifacts. The facility will also feature exhibits on current issues like land and water rights, as well as sovereignty issues.

When completed, the cultural museum will be a fitting tribute to the Agua Caliente Band, its proud traditions and history. The tribe, part of the Cahuilla Nation, survived the arrival of the Spanish in 1776, and through the centuries has become a strong and enduring people despite many challenges. The tribe is an important economic force in Southern California, has endowed an extremely generous and ambitious philanthropic program, and is a visionary steward of the land. This museum will ensure that the great heritage and spirit of the Agua Caliente Band of Cahuilla Indians are never forgotten and are accessible to all.

I commend all those who have made the dream of an Agua Caliente Cultural Musuem a reality.●

IN RECOGNITION OF PASTOR ALVIN M. STOKES, SR.

● Mr. TORRICELLI. Mr. President, I rise today to recognize the efforts of Pastor Alvin Stokes, Sr. of Trinity A.M.E. Church and congratulate him on his forthcoming retirement.

Pastor Stokes has served as a positive and energetic force within the New Jersey communities he has served. In his efforts as a member of the clergy, he organized the United Black Clergy Association of Bridgeton and aided in obtaining plans to build the new Grant A.M.E. Church. Perhaps his most important work, however, has been through his ministry to his parishioners at Trinity A.M.E. Church, where he has been pastor since 1979.

While Pastor Stokes has a strong presence outside of his ministry, some of his greatest efforts have been on behalf of the schoolchildren of New Jersey. During his time in Chesilhurst, he served on the School board and organized efforts that led to the construction of the community's first elementary school. He has also served on the New Jersey Federation of District School Boards, a county Task Force for school dropouts and teen pregnancy, and the Fairfield Township's School Crisis Committee.

I would like to express my sincere gratitude for the efforts of Pastor Stokes to improve the lives of those around him. The people of New Jersey are truly grateful for his service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1370. An act to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refugee System, to provide for maintenance and repair of properties located in the system by concessionaires authorized to use such properties, and for other purposes.

H.R. 1925. An act to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes.

H.R. 2051. An act to authorize the National Science Foundation to establish regional centers for the purpose of plant genome and gene expression research and development and international research partnerships for the advancement of plant biotechnology in the developing world.

H.R. 3694. An act to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

H.R. 4044. An act to authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria, and for other purposes.

H.R. 4069. An act to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

H.R. 4714. An act to prohibit members of the Armed Forces in Saudi Arabia from being required or formally informally compelled to wear the abaya garment, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 387. Concurrent resolution recognizing the American Society of Civil Engineers for reaching its 150th Anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1370. An act to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1925. An act to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2051. An act to authorize the National Science Foundation to establish regional centers for the purposes of plant genome and gene expression research and development and international research partnerships for the advancement of plant biotechnology in the developing world; to the Committee on Health Education Labor and Pensions.

H.R. 4044. An act to authorize the Secretary of the Interior to provide assistance to the State of Maryland and the State of Louisiana for implementation of a program to eradicate or control nutria and restore marshland damaged by nutria, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4069. An act to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Finance.

H.R. 4714. An act to prohibit members of the Armed Forces in Saudi Arabia from being required or formally informally compelled to wear the abaya garment, and for other purposes; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 387. Concurrent resolution recognizing the American Society of Civil Engineers for reaching its 150th Anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3694. An act to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7041. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7042. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a Implementation Report relative to the Packers and Stockyards Act, 1921 Improved Investigative and Enforcement Activities; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7043. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Cost Estimate for Pay-As-You-Go Calculations for report numbers 575 and 576; to the Committee on the Budget.

EC–7044. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Air Transportation Safety and System Stabilization Act; Air Carrier Guarantee Loan Program (Technical

Amendment)" (67 Fed. Reg. 17258) received on May 2, 2002; to the Committee on Governmental Affairs.

EC–7045. A communication from the Chairman of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the Commission's Report under the Government in the Sunshine Act for 2001; to the Committee on Governmental Affairs.

EC–7046. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Beryllium Lymphocyte Proliferation Testing (BeLPT)" (DOE–SPEC–1142–2001) received on May 8, 2002; to the Committee on Energy and Natural Resources.

EC–7047. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Maximizing Opportunities for Small Business" (AL–2001–05) received on May 10, 2002; to the Committee on Energy and Natural Resources.

EC–7048. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on School Bus Safety: Crashworthiness Research; to the Committee on Commerce, Science, and Transportation.

EC–7049. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on Effectiveness of Occupant Protection Systems and Their Use; to the Committee on Commerce, Science, and Transportation.

EC–7050. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Benefits Improvement Act of 2002"; to the Committee on Veterans' Affairs.

EC–7051. A communication from the Acting Director, Office of Regulatory Law, Veterans' Health Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayments for Inpatient Hospital Care and Outpatient Medical Care" (RIN2900–AK50) received on May 8, 2002; to the Committee on Veterans' Affairs.

EC–7052. A communication from the Director, Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Appeals Regulation and Rules of Practice—Jurisdiction" (RIN2900–AJ97) received on May 10, 2002; to the Committee on Veterans' Affairs.

EC–7053. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a report relative to funds exceeding $5 million for the response to the emergency declared in the Commonwealth of Virginia; to the Committee on Environment and Public Works.

EC–7054. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Finding of Attainment; California-Imperial Valley Planning Area; Particulate Matter of 10 microns or less (PM–10)" (FRL7087–1) received on May 10, 2002; to the Committee on Environment and Public Works.

EC–7055. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation; and Revision of the Date for Late Submission of the 2002 List of Impaired Waters" (FRL7086–1) received on May 10, 2002; to the Committee on Environment and Public Works.

EC–7056. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of the designation of acting officer for the position of Inspector General, received on May 10, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7057. A communication from the Director, Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Heart Disease" (Doc. Nos. 00P–1275 and 00P–1276) received on May 10, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7058. A communication from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Mental Health and Substance Abuse Emergency Response Criteria" (RIN0930–AA09) received on May 10, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7059. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Furnishing Documents to the Secretary of Labor Upon Request under ERISA Section 104(a)(6) and Assessment of Civil Penalties under ERISA Section 502(c)(6)" ((RIN1210–AA67) (RIN1210–AA68)) received on May 13, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7060. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Removal of Superceded Regulations Relating to Plan Descriptions and Summary Plan Descriptions, and Other Technical Conforming Amendments" (RIN1210–AA66) received on May 13, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7061. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy, a nomination, and a nomination confirmed for the position of Director of the Mint, Department of the Treasury, received on October 4, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–7062. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary, Financial Institutions, Department of the Treasury, received on October 4, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–7063. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA–7769) received on May 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7064. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Prompt Corrective Action; Requirements for Insurance. Requires All Federally Insured Credit Unions to File Quarterly Financial and Statistical Reports with NCUA" (12 CFR Part 702 and 741) received on May 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7065. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Nuclear Explosives Safety Study Process" (DOE–STD–3015–2001) received on May 8, 2002; to the Committee on Armed Services.

EC–7066. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Military Construction Authorizations"; to the Committee on Armed Services.

EC–7067. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the Annual Report of the Armed Forces Retirement Home (AFRH) for Fiscal Year 2000; to the Committee on Armed Services.

EC–7068. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the Distribution of Department of Defense Depot Maintenance Workloads for Fiscal Years 2002 through 2006; to the Committee on Armed Services.

EC–7069. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–07; to the Committee on Appropriations.

EC–7070. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–02; to the Committee on Appropriations.

EC–7071. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–08; to the Committee on Appropriations.

EC–7072. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–05; to the Committee on Appropriations.

EC–7073. A communication from the Congressional Liaison Officer, Trade and Development Agency, transmitting, pursuant to law, a report of a prospective U.S. Trade Development Agency funding obligation that requires special notification under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002, relative to Colombia; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 2514: An original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. (Rept. No. 107–151).

S. 2515: An original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2516: An original bill to authorize appropriations for fiscal year 2003 for military construction, and for other purposes.

S. 2517: An original bill to authorize appropriations for fiscal year 2003 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2514. An original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 2515. An original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 2516. An original bill to authorize appropriations for fiscal year 2003 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 2517. An original bill to authorize appropriations for fiscal year 2003 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. HAGEL:

S. 2518. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2519. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. EDWARDS, and Mr. DEWINE):

S. 2520. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. KERRY:

S. 2521. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 2522. A bill to establish the Southwest Regional Border Authority; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 2523. A bill to make it more likely that the cleanup and closure of the Rocky Flats Environmental Technology Site will be completed on or before December 15, 2006; to the Committee on Armed Services.

By Mr. BAYH (for himself, Mr. CARPER, Mr. GRAHAM, Mrs. CLINTON, Mr. LIEBERMAN, Mr. MILLER, Mrs. CARNAHAN, Mr. NELSON of Nebraska, and Mr. NELSON of Florida):

S. 2524. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. FRIST, Mr. BIDEN, Mr. HELMS, Mr. DASCHLE, Mr. LEAHY, Mr. FEINGOLD, Mr. DODD, Mr. HAGEL, Mrs. BOXER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. DEWINE, and Mr. WELLSTONE):

S. 2525. A bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. DEWINE, and Mr. KERRY):

S. Res. 270. A resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week"; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. Con. Res. 111. A concurrent resolution expressing the sense of Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 414

At the request of Mr. CLELAND, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1303

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act to provide for payment under the medicare program for more frequent hemodialysis treatments.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1917

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1945

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2057

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2057, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2134

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2134, a bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states.

S. 2213

At the request of Mr. DAYTON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2239

At the request of Mr. SARBANES, the names of the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Ms. STABENOW), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 2243

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2243, a bill to specify the amount of Federal funds that may be expended for intake facilities for the benefit of Lonoke and White Counties, Arkansas, as part of the project for flood control, Greers Ferry Lake, Arkansas.

S. 2454

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2454, a bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

S. 2480

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2493

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2493, a bill to amend the Immigration and Nationality Act to provide a limited extension of the program under section 245(i) of that Act.

S. 2498

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2498, a bill to amend the Internal Revenue Code of 1986 to require adequate disclosure of transactions which have a potential for tax avoidance or evasion, and for other purposes.

S. 2509

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BOND) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Mr. BREAUX), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. RES. 253

At the request of Mr. SMITH of Oregon, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

S. RES. 269

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 269, a resolution expressing support for legislation to strengthen and improve Medicare in order to ensure comprehensive benefits for current and future retirees, including access to a Medicare prescription drug benefit.

AMENDMENT NO. 3406

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 3406 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3413

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 3413 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. LEAHY, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. EDWARDS, and Mr. DEWINE):

S. 2520. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, every decent American joins with me in seeking to rid our country of child pornography. Unfortunately, the growth of technology and the rise of the internet have flooded our nation with it. Child pornography is inherently repulsive, but even more damaging are the purposes for which it routinely is used. Perverts and pedophiles not only use child pornography to whet their sick desires, but also to lure our defenseless children into unspeakable acts of sexual exploitation.

There is no place for child pornography even in our free society. Mr. President, I have long championed legislation designed to punish those who produce, peddle or possess this reprehensible material. As I stated in introducing the Child Pornography Prevention Act of 1996 (“CPPA”), we have both the constitutional right and moral obligation to protect our children from the horrors of child pornography.

I remain fully committed to these principles today. We were disappointed some weeks ago, when a majority of the Supreme Court struck down some key provisions of the CPPA under the first amendment. While I firmly respect the Supreme Court's role in interpreting the Constitution, the decision left some gaping holes in our nation's ability to prosecute child pornography effectively. We must now act quickly to repair our child pornography laws to provide for effective law enforcement in a manner that accords with the Court's ruling.

Mr. President, the legislation I introduce today strikes a necessary balance between the first amendment and our nation's critically important interest in protecting children. This Act does many things to aid the prosecution of child pornography, and I highlight some of its most significant provisions here.

First, the act plugs the loophole that exists today where child pornographers can escape prosecution by claiming that their sexually explicit material did not actually involve real children. Technology has advanced so far that even experts often cannot say with absolute certainty that an image is real or a “virtual” computer creation. If our criminal laws fail to take account of such advances in technology, they become completely worthless. For this reason, the act permits a prosecution to proceed when the child pornography includes persons who appear virtually indistinguishable from actual minors. And even when this occurs, the accused is afforded a complete affirmative defense by showing that the child pornography did not involve a minor.

Second, the act prohibits the pandering or solicitation of anything represented to be obscene child pornography. The Supreme Court has ruled that this type of conduct does not constitute protected speech. Congress, moreover, should severely punish those who would try to profit or satisfy their depraved desires by dealing in such filth.

Third, the act prohibits any depictions of minors, or apparent minors, in actual—not simulated—acts of bestiality, sadistic or masochistic abuse, or sexual intercourse, when such depictions lack literary, artistic, political or scientific value. This type of hardcore sexually explicit material merits our highest form of disdain and disgust and is something that our society ought to try hard to eradicate. Nor does the first amendment bar us from banning the depictions of children actually engaging in the most explicit and disturbing forms of sexual activity.

Fourth, the act beefs up existing record keeping requirements for those who chose to produce sexually explicit materials. These record keeping requirements are unobjectionable since they do not ban anything. Rather, the act simply requires such producers to keep records confirming that no actual minors were involved in the making of the sexually explicit materials. In light of the difficulty experts face in determining an actor's true age and identity just by viewing the material itself, increasing the criminal penalties for failing to maintain these records are vital to ensuring that only adults appear in such productions.

Finally, the act creates a new civil action for those aggrieved by the depraved acts of those who violate our child pornography laws. Mr. President, this is one area of the law where society as a whole can benefit from more vigorous enforcement, both on the criminal and civil fronts.

Mr. President, we will not need to wait long before those who deal in child pornography will take advantage of the Supreme Court's decision. Congress can and should act, promptly and decisively, to close any gaps in current law to protect our children from the immeasurable harms posed by child pornography.

I strongly urge my colleagues to join with me in promptly passing this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2002”.

SEC. 2. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

“(3) knowingly—

“(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

“(B) advertises, promotes, presents, describes, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material in a manner that conveys the impression that the material is, or contains, an obscene visual depiction of a minor engaging in sexually explicit conduct;”;

(B) in paragraph (4), by striking “or” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

“(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

“(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

“(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading such minor to participate in any activity that is illegal.”;

(2) in subsection (b)(1), by striking “(1), (2), (3), or (4)” and inserting “(1), (2), (3), (4), or (6)”; and

(3) by striking subsection (c) and inserting the following:

“(c) It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

“(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

“(B) each such person was an adult at the time the material was produced; or

“(2) the alleged child pornography was not produced using any actual minor or minors. No affirmative defense shall be available in any prosecution that involves obscene child pornography or child pornography as described in section 2256(8)(D). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting a defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.''.

SEC. 3. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(e) ADMISSIBILITY OF EVIDENCE.—In any prosecution under this chapter, the name, address, or other identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor .''.

SEC. 4. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''and shall not be construed to require proof of the actual identity of the person'';

(2) in paragraph (8)—

(A) in subparagraph (B), by inserting ''is obscene and'' before ''is'';

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by striking subparagraph (D) and inserting the following:

''(D) such visual depiction—

''(i) is of a minor, or an individual who appears to be a minor, actually engaging in bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

''(ii) lacks serious literary, artistic, political, or scientific value; or

''(E) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct; and''; and

(3) in paragraph (9)(A)(ii)—

(A) by striking ''(ii) who is'' and inserting the following:

''(ii)(I) who is''; and

(B) by striking ''and'' at the end and inserting the following: ''or

''(II) who is virtually indistinguishable from an actual minor; and''.

SEC. 5. RECORDKEEPING REQUIREMENTS.

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking ''of this section'' and inserting ''of this chapter or chapter 71,'';

(2) in subsection (h)(3), by inserting '', computer generated image or picture,'' after ''video tape''; and

(3) in subsection (i)—

(A) by striking ''not more than 2 years'' and inserting ''not more than 5 years''; and

(B) by striking ''5 years'' and inserting ''10 years''.

SEC. 6. FEDERAL VICTIMS' PROTECTIONS AND RIGHTS.

Section 227(f)(1)(D) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032(f)(1)(D)) is amended to read as follows:

''(D) where the report discloses a violation of State criminal law to an appropriate official of that State or subdivision of that State for the purpose of enforcing such State law.''.

SEC. 7. CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting ''or'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''; and

(2) in subsection (c)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

SEC. 8. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking ''subsection (d)'' each place that term appears and inserting ''subsection (e)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

''(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.''.

SEC. 9. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(f) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

''(2) RELIEF.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

''(A) temporary, preliminary, or permanent injunctive relief;

''(B) compensatory and punitive damages; and

''(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.''.

SEC. 10. ENHANCED PENALTIES FOR RECIDIVISTS.

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting ''chapter 71,'' before ''chapter 109A,'' each place it appears.

SEC. 11. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 12. MISCELLANEOUS PROVISIONS.

(a) APPOINTMENT OF TRIAL ATTORNEYS.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

SEC. 13. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. LEAHY. Mr. President, today I join Senator HATCH in introducing the PROTECT Act of 2002. This bill is intended to protect our Nation's children from exploitation and protect our constitution at the same time.

In the Free Speech Coalition case, seven Justices of the Supreme Court ruled that the definition of child pornography in the CPPA was overbroad and covered such non-obscene movies as Traffic, Romeo and Juliet, and American Beauty. No one intended that.

It also ruled that Congress could not broadly ban all "virtual child pornography," which may make prosecutors' jobs very tough in the internet age.

The Court in Free Speech faced a difficult task—as do we here—applying the time honored principles of the first amendment to the computer age. I join Senator HATCH today in introducing a bill carefully drawn to stick. As a former prosecutor, I am more interested in making real cases that protect children than making new first amendment law. There are many people who do not agree with the Supreme Court's decision in Free Speech, but that will not erase it from the books. Everyone wants to protect our children, but we need to do it with cases and laws that don't get tossed out in court. It is tempting to rush to come up with a "quick fix," but we owe our children more than just a press conference on this matter. We owe them careful and thoughtful action.

My initial review of the administration's proposal, now working its way through the House, gives me serious concern. Already I have a letter from six constitutional experts—prominent practitioners and law professors alike—that expresses "grave concern" about the Department of Justice's proposal from a first amendment perspective. I will put that statement in the RECORD at the conclusion of my remarks.

Indeed, the entire approach that the administration has taken in this matter is to reach as far as possible, not to hedge its bets, and simply to throw down the gauntlet on the steps of the Supreme Court, daring it to strike down the law yet again. That will help no one. In contrast, the bipartisan bill we introduce today is not an attempt to "get around" the Supreme Court's decision, or to ignore that decision.

Instead, Senator HATCH and I have together to craft a bill that attempts to work within the limits set by the Supreme Court. At the same time, the bill contains tough enforcement tools which are not in the administration's bill. For instance, it creates a new crime aimed at people who actually use child pornography, whether real or virtual, to entice children to do illegal acts. This crime carries a tough 15-year maximum prison sentence for a first offense. Second, the bill requires the U.S. Sentencing Commission to address a disturbing disparity in the current Sentencing Guidelines.

The current sentences for a person who actually travels across state lines to have sex with a child are not as high as for producing child pornography. The Commission needs to correct this disparity immediately, so that prosecutors are able to deal just as effectively with dangerous sexual predators off the street as with child pornographers.

Third, this bill has several provisions designed to protect the children so that they are not victimized again in the criminal process. This bill provides for the first time ever a "shield law" that prohibits the name or other identifying information of the child victim from being admitted at any child pornography trial.

Next, this bill also provides a new private right of action for the victims of child pornography. This provision has teeth, including punitive damages that will put those who produce child pornography out of business. I commend Senator HATCH for including this provision. None of these new prosecutorial tools presents first amendment issues. They are not going to result in Supreme Court arguments—all they will do is get bad guys in jail and protect children. Other parts of the bill are closer to the first amendment line, and I expect that the debate on the constitutional issues raised by this bill will be vigorous. That being said, this bill reflects a good faith attempt to protect children to the greatest extent possible while not crossing that line.

I look forward to the debate on these issues, and I do not pretend that I or any of us here have a monopoly on wisdom when it comes to such important constitutional questions. For all of these reasons, I am pleased to introduce this legislation with Senator HATCH.

To reiterate, this bill is intended to protect our nation's children from exploitation by those who produce and distribute child pornography, within the parameters of the first amendment. Just last month, the Supreme Court in Ashcroft v. Free Speech Coalition, 122 S. Ct. 1389 (April 16, 2002) ("Free Speech"), struck down portions of the 1996 Child Pornography Protection Act ("CPPA") as being in violation of the first amendment. I voted for that act when it became law in 1996, and I join Senator HATCH today in introducing a bill carefully drawn to square with the Supreme Court's decision and protect our children with a law that when used by prosecutors, will produce convictions that will stick. While that task is not an easy one, Senator HATCH and I are working together to do all we can to protect our children and protect our Constitution at the same time.

In Free Speech, the Supreme Court voided two provisions of the CPPA as being overbroad and imposing substantial restrictions on protected speech. The specific provisions struck down in that case targeted No. 1 virtual child pornography—that is, child porn made not using real children but with computer images or adults and No. 2 material which is "pandered" as child pornography (though the material may not in fact be as advertised). In a complex and divided opinion, seven Justices ruled that some part of the CPPA was unconstitutional as currently drafted. Only Chief Justice Rehnquist and Justice Scalia, in dissent, would have upheld the CPPA in its entirety and only by reading the statute more narrowly than it appears on its face.

The Court in Free Speech faced a difficult task—applying the time honored principles of the first amendment to the computer age. The Internet provides many opportunities for doing good, but also for doing harm. Over the past few years, the Congress has paid a lot of attention to how the Internet is being used to purvey child pornography manufactured through the sexual abuse of children, and has not always been successful in crafting legislation to address this problem that passes constitutional muster. Past efforts, such as the Communications Decency Act, the CPPA and the Child Online Protection Act have all had difficulty overcoming constitutional challenges.

The majority opinion in Free Speech is grounded on two basic premises. First, the Court ruled that the definition of child pornography in the CPPA was overbroad and covered a substantial amount of material that was not "obscene" under the Supreme Court's traditional obscenity test. The Supreme Court's Miller test provides that only "obscene" pornographic images can be prohibited without violating the first amendment. See Miller v. California, 413 U.S. 15 (1973). Under the Miller test, the material must be viewed as a whole, and not judged by any single scene so that material with serious literary, artistic, or scientific value cannot be banned in a blanket manner. Thus, the Court ruled in the Free Speech case that the CPPA went well beyond Miller and covered such non-obscene movies as Traffic, Romeo and Juliet, and American Beauty.

Second, the Court ruled that the CPPA could not be saved by the so-called "child pornography doctrine," which excludes yet another class of speech from first amendment protection. Because the CPPA covers a broad array of pornographic material that only "appears to be" of children, such as computer images or youthful adults, the Court ruled that such material could not be banned and criminalized under the child porn doctrine first articulated in New York v. Feber, 458 U.S. 747 (1982) ("Ferber"). The Court ruled that the Ferber doctrine was justified based on the harm to real children, and that "virtual porn," or material that "appeared to be" child pornography under the CPPA was not sufficiently lined to real child abuse to justify the CPPA's complete ban on it. In reaching this decision the Court considered and rejected some of the government's forceful arguments regarding the harmful secondary effects of even virtual child pornography, finding them insufficient under the first amendment to justify a comprehensive ban. Since certain provisions of the CPPA were overboard and covered such "protected" speech, however offensive, the Court struck those provisions down. The Court also struck down the CPPA's definition of "pandered" child pornography as overbroad, finding that it criminalized possession of non-obscene material not just by the so-called "panderer," but by downstream possessors who might not have any knowledge as to how it was originally sold or marketed.

The Free Speech decision has placed prosecutors in a difficult position. With key portions of the CPPA gone, the decision invites all child porn defendants, even those who exploit real children, to assert a "virtual porn" defense in which they claim that the material at issue is not illegal because no real child was used in its creation. the increasing technological ability to create computer images closely resembling real children may make it difficult for prosecutors to obtain prompt guilty pleas in clear-cut child porn cases and even to defeat such a defense at trial, even in cases where real children were victimized in producing the sexually explicit material. In short, unless we attempt to rewrite portions of the CPPA, the future bodes poorly for the ability of the federal government to combat a wave of child pornography made ever more accessible over the Internet.

The bill we introduce today is not an attempt to "get around" the Supreme court's decision, or to ignore that decision, as do sizable portions of the administration's bill, which has been introduced in the House of Representatives. Ignoring the law will simply land America's children right back where they started—unprotected.

Instead, Senator HATCH and I have together crafted a bipartisan bill that works within the limits set by the Supreme court. I expect that the debate on the complicated constitutional issues raised by this bill will be vigorous, and I appreciate that they may be isolated provisions of the bill that some may think crosses the first amendment line drawn by the court in the Free Speech case. That being said, this bill reflects a good faith attempt to protect children to the greatest extent possible by going up to that line, but not crossing it. I look forward to the debate on these issues as the legislative process moves forward, and I do not pretend that I or any Member of this body has a monopoly on wisdom when it comes to such important and complex constitutional questions. Let me summarize some of the bill's provisions.

Section 2 of the bill creates two new crimes aimed at people who distribute child pornography and those who use such material to entice children to do illegal acts. Each of these new crimes carry a 15-year maximum prison sentence for a first offense and double that term for repeat offenders. First, the bill criminalizes the pandering of child pornography, creating a new crime to respond to the Supreme Court's recent ruling striking down the CPPA's definition of pandering. This provision is narrower than the old "pandering" definition for two reasons, both of which respond to specific Court criticisms: First, the new crime only applies to the people who actually pander the child pornography or solicit it, not to all those who possess the material "downstream." The bill also contains a directive to the Sentencing Commission which asks them to distinguish between those who pander or distribute such material who are more culpable than those who solicit the material. Second, the pandering in this provision must be linked to "obscene" material, which is totally unprotected speech under Miller. Thus, while I acknowledge that this provision may well be challenged on some of the same grounds as the prior CPPA provision, it responds to specific concerns raised by the Supreme Court and is significantly narrower than the CPPA's definition of pandering.

Second, the bill creates a new crime to take direct aim at one of the chief evils of child pornography: namely, its use by sexual predators to entice minors either to engage in sexual activity or the production of more child pornography. This was one of the compelling arguments made by the government before the Supreme Court in support of the CPPA, but the Court rejected that argument as an insufficient basis to ban the production, distribution or possession of "virtual" child pornography. This bill addresses that same harm in a more targeted manner. It creates a new felony, which applies to both actual and virtual child pornography, for people who use such material to entice minors to participate in illegal activity. This will provide prosecutors a potent new tool to put away those who prey upon children using such pornography—whether the child pornography is virtual or not.

Next, this bill attempts to revamp the existing affirmative defense in child pornography cases both in response to criticisms of the Supreme Court and so that the defense does not erect unfair hurdles to the prosecution of cases involving real children. Responding directly to criticisms of the Court, the new affirmative defense applies equally to those who are charged with possessing child pornography and to those who actually produce it, a change from current law. It also allows, again responding to specific Supreme Court criticisms, for a defense that no actual children were used in the production of the child pornography—i.e. that it was made using computers. At the same time, this provision protects prosecutors from unfair surprise in the use of this affirmative defense by requiring that a defendant give advance notice of his intent to assert it, just as defendants are currently required to give if they plan to assert an alibi or insanity defense. As a former prosecutor I suggested this provision because it effects the real way that these important trials are conducted. With the provision, the government can marshal the expert testimony that may be needed to rebut this "virtual porn" defense in cases where real children were victimized.

This improved affirmative defense provides important support for the constitutionality of much of this bill after the Free Speech decision. Even Justice Thomas specifically wrote that it would be a key factor for him. This is one reason for making the defense applicable to all non-obscene, child pornography, as defined in 18 U.S.C. §2256. In the bill's current form, however, the affirmative defense is not available in one of the new proposed classes of virtual child pornography, which would be found at 18 U.S.C. §2256(8)(D). This omission may render that provision unconstitutional under the first Amendment, and I hope that, as the legislative process continues, we can work with constitutional experts to improve the bill in this and other ways. I do not want to be here again in five years, after yet another Supreme Court decision striking this law down.

The bill also provides needed assistance to prosecutors in rebutting the virtual porn defense by removing a restriction on the use of records of performers portrayed in certain sexually explicit conduct that are required to be maintained under 18 U.S.C. §2257, and expanding such records to cover computer images. These records, which will be helpful in proving that the material in question is not "virtual" child pornography, may be used in federal child pornography and obscenity prosecutions under this act. The purpose of this provision is to protect real children from exploitation. It is important that prosecutors have access to this information in both child pornography and obscenity prosecutions, since the Supreme Court's recent decision has had the effect of narrowing the child pornography laws, making more likely that the general obscenity statutes will be important tools in protecting children from exploitation. In addition, the act raises the penalties for not keeping accurate records, further deterring the exploitation of minors and enhancing the reliability of the records.

Next, this bill contains several provisions altering the definition of "child pornography" in response to the Free Speech case. One approach would have been simply to add an "obscenity" requirement to the child pornography definitions. Outlawing all obscene child pornography—real and virtual; minor and "youthful-adult;" simulated and real—would clearly pass a constitutional challenge because obscene speech enjoys no protection at all. Under the Miller test, such material (1) "appeals to the prurient interest," (2) is utterly "offensive" in any "community," and (3) has absolutely no "literary, artistic or scientific value."

Some new provisions of this bill do take this "obscenity" approach, like the new §2256(8)(B). Other provisions, however, take a different approach. They attempt to address the fatal flaws identified by the Supreme Court in the CPPA with more narrow definitions of what the Court found were overbroad definitions of "child pornography," which still might not be obscene speech under the test set forth by the Supreme Court. While these new provisions are more narrowly tailored than both the original CPPA and the administration's proposal introduced in the House, these provisions may continue to benefit from further examination by constitutional scholars.

Specifically, the CPPA's definition of "identifiable minor" has been modified in the bill to include a prong for persons who are "virtually indistinguishable from an actual minor." This adopts language from Justice O'Connor's concurrence in the Free Speech case. Thus, while this language is defensible, I predict that this provision will be the center of much constitutional debate. Unlike Senator HATCH, I believe that this new prong may not be needed, and may both confuse the statute unnecessarily and endanger the already upheld "morphing" section of the CPPA because it applies to that provision as well. This new definition may create both overbreadth and vagueness problems in a later constitutional challenge both the new and existing parts of the "child pornography" definition. In short, while these new definitional provisions are a good faith effort to go as far as the Constitution allows, they risk crossing the line.

It does not do America's children any good to write a law that might get struck down by our courts in order to prove an ideological point. Since most all the real cases being prosecuted even under the CPPA involve clearly obscene material, by anyone's standard, one could legitimately ask, 'Why push the envelope and risk cases getting thrown out of court?' These provisions should be fully debated and examined during the legislative process.

The bill also contains a variety of other measures designed to increase jail sentences in cases where children are victimized by sexual predators. First, it enhances penalties for repeat offenders of child sex offenses by expanding the predicate crimes which trigger tough, mandatory minimum sentences. Second, the bill requires the U.S. Sentencing Commission to address a disturbing disparity in the current Sentencing Guidelines. The current sentences for a person who actually travels across state lines to have sex with a child are not as high as for child pornography. The Commission needs to correct this oversight immediately, so that prosecutors can take these dangerous sexual predators off the street. These are all strong measures designed to protect children and increase prison sentences for child molesters and those who otherwise exploit children.

The act also has several provisions designed to protect the children who are victims in these horrible cases. Privacy of the children must be paramount. It is important that they not be victimized yet again in the criminal process. This bill provides for the first time ever an explicit shield law that prohibits the name or other identifying information of the child victim (other than the age or approximate age) from being admitted at any child pornography trial. It is also intended that judges will take appropriate steps to ensure that such information as the child's name, address or other identifying information not be publicly disclosed during the pretrial phase of the case or at sentencing. The bill also contains a provision requiring the judge to instruct the jury, upon request of the government, that no inference should be drawn against the United States because of information inadmissible under the new shield law.

The act also amends certain reporting provisions governing child pornography. Specifically, it allows federal authorities to report information they receive from the Center from Missing and Exploited Children ("CMEC") to state and local police without a court order. In addition, the bill removes the restrictions under the Electronic Communications Privacy Act (ECPA) for reporting the contents of, and information pertaining to, a subscriber of stored electronic communications to the CMEC when a mandatory child porn report is filed with the CMEC pursuant to 42 U.S.C. §13032. This change may invite federal, state or local authorities to circumvent all subpoena and court order requirements under ECPA and allow them to obtain subscriber e-mails and information by triggering the initial report to the CMEC themselves. To the extent that these changes in ECPA may have that unintended effect, as this bill is considered in the Judiciary Committee and on the floor, we should consider mechanisms to guard against subverting the safeguards in ECPA from government officials going on fishing expeditions for stored electronic communications under the rubric of child porn investigations. This may include clarifying 42 U.S.C. §13032 that the initial tip triggering the report may not be generated by the government itself. A tip line to the CMEC is just that—a way for outsiders to report wrongdoing to the CMEC and the government, not for the government to generate a report to itself without following otherwise required lawful process.

The bill provides for extraterritorial jurisdiction where a defendant induces a child to engage in sexually explicit conduct outside the United States for the purposes of producing child pornography which they intend to transport to the United States. The provision is crafted to require the intent of actual transport of the material into the United States, unlike the House bill which criminalizes even an intent to make such material "accessible." Under that overly broad wording, any material posted on a web site internationally could be covered, whether or not it was ever intended that the material be downloaded in the United States.

Finally, the bill provides also a new private right of action for the victims of child pornography. This provision has teeth, including injunctive relief and punitive damages that will help to put those who produce child pornography out of business for good. I commend Senator HATCH for his leadership on this provision.

There are many people who do not agree with the Supreme Court's decision in Free Speech, but that will not erase it from the books. It is the law of the land, and resulted from seven Justices who had problems with the overbreadth of the last child pornography law passed by Congress. That alone should counsel a thoughtful approach this time around. Everyone wants to protect our children, but we need to do it with cases and laws that stick.

It is tempting to rush to come up with a "quick fix," but we owe our children more than a press conference on this matter. My initial review of the administration's proposal, now working its way through the House of Representatives, gives me serious concern. Already, the constitutional law experts and law professors with whom I have consulted on this matter have expressed a near consensus that large parts of that proposal will not withstand scrutiny under the first amendment after the Free Speech case.

Indeed, the entire approach that the administration has taken in this matter is to reach as far as possible, not to hedge its bets, and simply to throw down the gauntlet on the steps of the Supreme Court, daring it to strike down the law yet again. That does not serve anyone's interest, least of all the real victims of child pornography. Criminal prosecution is not about making an ideological point—whether one agrees with it or not—that is for speeches and law review articles. Criminal prosecution should be about helping victims and punishing criminals with cases that do not get thrown out of court.

Let me discuss a couple of the most problematic aspects of the Department's proposal. First, it sweepingly rejects any attempt to incorporate the Supreme Court's doctrine of "obscenity" into the definition of child pornography. Not even one provision takes that approach, which would at least ensure that some of the law was upheld. Instead, in its new 2256(8)(B) definition of "child pornography," the Department simply changes the words "appears to be" in the current statute to "appears virtually indistinguishable from" in the new provision. The problem with that approach is this is the same argument that was tried by the Department in the *Free Speech* case and overwhelmingly lost. Although Justice O'Connor wrote that such an approach might satisfy her, she was not the deciding vote in the case—indeed she was the seventh vote to strike down the statute.

Second, the administration's proposal regarding the new crime for child pornography involving "prepubescent" children is also problematic under the Court's *Free Speech* case. Although the section is entitled "Obscene visual depictions of young children" the Department has assiduously avoided any "obscenity" requirement in the provision itself. I recognize that headlines and titles like "prepubescent" and "obscene" are popular, but one has to ask if the Department of Justice really believes that it can fool our federal judges with such linguistic sleight of hand when there is no obscenity requirement in the statute itself, only the title? Or perhaps it is only the public that is supposed to be fooled.

In any event, as a legal matter, the provision contains absolutely no requirement that the material be judged as a whole for artistic, literary, or scientific value. That was a point that the Supreme Court repeatedly pounded home in the *Free Speech* case, yet it is simply ignored in this provision. This approach is especially frustrating because in the cases that the Department is likely to actually prosecute, it would be easy to meet the obscenity test. Under the Department's current approach, however, one can already predict the parade of legitimate movies and scientific or educational materials that those challenging the act will produce which meet the new definition. In addition, no affirmative defense is available under this new crime, so it cannot be saved from the *Free Speech* case on that basis either.

There are other problematic provisions in the administration proposal, but I simply raise these two in order to make the point that the Department's proposal seems to be more concerned with making a public point than with making successful cases. If the Department's proposal becomes law, it will result in yet another round of court cases, followed by another round of cases being thrown out, followed by another round of legislation. America's children deserve better, and I think that, while we may disagree on some of the specifics, that Senator HATCH and I have made a good faith and bipartisan effort to come up with a law that will survive judicial scrutiny and protect them for years to come.

For all of these reasons, I am pleased to introduce this legislation with Senator HATCH to help protect our nation's children. I hope that we can continue to work together to address the complex constitutional issues raised in this area. Mr. President, I ask unanimous consent that the letter from constitutional scholars to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 13, 2002.

Chairman PATRICK J. LEAHY,
U.S. Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our grave concern with the legislation recently proposed by the Department of Justice in response to the Supreme Court's decision in *Ashcroft, et. al.* v. *The Free Speech Coalition, et al.*, No. 00–795 (Apr. 16, 2002). In particular, the pornography (indeed, the bill expressly targets images that do not involve real human beings at all). Accordingly, in our view, it suffers from the same infirmities that led the Court to invalidate the statute at issue in *Ashcroft*.

We emphasize that we share the revulsion all Americans feel toward those who harm children, and fully support legitimate efforts to eradicate child pornography. As the Court in *Ashcroft* emphasized, however, in doing so Congress must act within the limits of the First Amendment, in our view, the bill proposed by the Department of Jutice fails to do so.

Respectfully submitted,

JODIE L. KELLEY,
Partner, Jenner & Block, LLC, Washington, DC.
ERWIN CHEMERINSKY,
Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science, University of Southern California Law School, Los Angeles, CA.
PAUL HOFFMAN,
Partner, Schonbrun, DeSimone, Seplow, Harris & Hoffman, LLP, Venice, CA. Adjunct Professor, University of Southern California Law School, Los Angeles, CA.
GREGORY P. MAGARIAN,
Assistant Professor of Law, Villanova, University School of Law, Villanova, PA.
JAMIN RASKIN,
Professor of Law, American University, Washington College of Law, Washington, DC.
DONALD B. VERRILI, Jr.,
Partner, Jenner & Block, LLC, Washington, DC.

Mr. HUTCHINSON. Mr. President, I am pleased to join with my colleagues, Senators HATCH and LEAHY, in introducing the Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2002, PROTECT, S. 2520. The spread of child pornography is one of the gravest dangers in our society because it harms the weakest among us, our children.

Since the Supreme Court's April 16, 2002, decision in Ashcroft v. Free Speech Coalition, I have been extremely concerned that those who would prey on our children through the Internet have a shield from prosecution. They can simply claim the images they are posting, often computer files which are difficult to closely examine, are not of actual children but rather are computer generated. As the law currently stands, it is offering protection to the predators, not to the child victims.

Those who collect and engage in child pornography are oftentimes full-fledged sexual predators themselves who have abused real children. This has been proven by the highly successful Federal Bureau of Investigation operation, Operation Candyman. Investigators found 7,200 Internet child pornography traffickers. At this point, of the 90 people arrested through Operation Candyman in March of 2002, 13 have admitted to molesting a total of 48 different children.

There is an achievable balance between preserving our first amendment right to freedom of speech and protecting children from Internet predators. I believe this bill strikes that balance, and I have confidence that the Supreme Court will agree.

I would also like to thank Attorney General John Ashcroft for working with Congress to draft this legislation.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 2522. A bill to establish the Southwest Regional Border Authority; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation along with Senator KAY BAILEY HUTCHISON that will help raise the standard of living for hundreds of thousands of Americans who live near the United States-Mexico border. The Southwest Regional Border Authority Act would create an economic development authority for the Southwest border region, charged with awarding grants to border communities in support of their local economic development projects.

The need for a regional border authority is acute: The poverty rate in the Southwest border region is 20 percent—nearly double the national average; unemployment rates in Southwest border counties often reach as high as five times the national unemployment rate; per capita personal income in the region is greatly below the national average; and lack of adequate access to capital has made it difficult for businesses to start up in the region.

In addition, the development of key infrastructures—such as water and wastewater, transportation, public health, and telecommunications—has not kept pace with the population explosion and the increase in cross-border commerce.

The counties in the Southwest border region are among the most economically distressed in the Nation. In fact, there are only a few such regions of economic distress throughout the country—almost all of which are currently served by regional economic development commissions. These commissions, which are authorized by Congress, include the Appalachian Regional Commission, the Delta Regional Authority, and the Denali Commission. In order to address the needs of the border region in a similar fashion, I propose the creation of a regional economic development authority for the Southwest border.

My bill, which is modeled after the Appalachian Regional Commission, is based on four guiding principles. First, it starts from the premise that the people who live in the Southwest border region know best when it comes to making decisions that affect their communities. Second, it employs a regional approach to economic development and encourages communities to work across county and State lines when appropriate. All too often, past efforts to improve the Southwest border region have hit roadblocks as a result of poor coordination and communication between communities.

Third, it creates an economic development entity that is independent, meaning it will be able to make decisions that are in the best interest of border communities, without being subject to the politics of Federal agencies. Finally, it brings together representatives of the four Southwest border States and the Federal Government as equal partners, all of whom will work to improve the quality of life and standard of living for border residents.

This is not just another commission, and it is certainly not just another grant program. I believe the Southwest Regional Border Authority not only will help leverage new private sector funding, but also will help better target Federal funding to those projects that are most likely to achieve the desired outcome of increased economic development.

The legislation accomplishes this through a sensible mechanism of development planning. Under the bill, communities in each of the four border States will work through local development districts to create development plans that reflect the needs and priorities specific to each locality. These local development plans then go to the State in which the communities are located, where they become the basis for a State development plan. The four State development plans, in turn, form the basis for a regional development plan, which is put together by the Authority. The purpose of this planning process is to ensure that local priorities are reflected in the projects funded by the Authority, while also providing flexibility to the Authority to fund projects that are regional in nature.

This process has several advantages. First, by ensuring that Federal dollars are targeted to projects that have gone through thorough planning at the local level, we will greatly improve the probability of success for those projects—thereby increasing the Federal Government's return on its investment. Second, local development plans are essential to attracting private sector funding. Increased private investment means less need for Federal, State, and local public sector funding. Third, combining resources in such a way will help communities get more funding than they can currently get from any one program. This is particularly important now as we in Congress grapple with how to fund the needs of the border in the current budget climate.

I believe there are additional benefits to be derived from the Border Authority. As the only independent, quasi-Federal entity charged with economic development for the entire Southwest border region, the Authority will become a clearinghouse of sorts on all the funding available to the border region. This will enable the Authority to help border communities learn which programs are best suited to their needs and most likely to achieve the goals of their local development plans. Another benefit is its focus on economically distressed counties. Under the bill, the Authority can provide funding to increase the Federal share of a Federal grant program to up to 90 percent of the total cost. This is particularly helpful to the many communities that are often unable to utilize Federal funding because they can't afford the required local match.

For far too long the needs of the Southwest border have been ignored, overlooked, or underfunded. I am confident that the creation of a Southwest Regional Border Authority not only will call attention to the great needs that exist along the border, but also provide resources to local communities where the dollars will do the most good. I urge the Senate to move swiftly on this legislation, and I ask my colleagues for their support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Southwest Regional Border Authority Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—SOUTHWEST REGIONAL BORDER AUTHORITY

Sec. 101. Membership and voting.
Sec. 102. Duties and powers.
Sec. 103. Authority personnel matters.

TITLE II—GRANTS AND DEVELOPMENT PLANNING

Sec. 201. Infrastructure development and improvement.
Sec. 202. Technology development.
Sec. 203. Community development and entrepreneurship.
Sec. 204. Education and workforce development.
Sec. 205. Funding.
Sec. 206. Supplements to Federal grant programs.
Sec. 207. Demonstration projects.
Sec. 208. Local development districts; certification and administrative expenses.
Sec. 209. Distressed counties and areas and economically strong counties.
Sec. 210. Development planning process.

TITLE III—ADMINISTRATION

Sec. 301. Program development criteria.
Sec. 302. Approval of development plans and projects.
Sec. 303. Consent of States.
Sec. 304. Records.
Sec. 305. Annual report.
Sec. 306. Authorization of appropriations.
Sec. 307. Termination of authority.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) a rapid increase in population in the Southwest border region is placing a significant strain on the infrastructure of the region, including transportation, water and wastewater, public health, and telecommunications;

(2) 20 percent of the residents of the region have incomes below the poverty level;

(3) unemployment rates in counties in the region are up to 5 times the national unemployment rate;

(4) per capita personal income in the region is significantly below the national average

and much of the income in the region is distributed through welfare programs, retirement programs, and unemployment payments;

(5) a lack of adequate access to capital in the region—

(A) has created economic disparities in the region; and

(B) has made it difficult for businesses to start up in the region;

(6) many residents of the region live in communities referred to as "colonias" that lack basic necessities, including running water, sewers, storm drainage, and electricity;

(7) many of the problems that exist in the region could be solved or ameliorated by technology that would contribute to economic development in the region;

(8) while numerous Federal, State, and local programs target financial resources to the region, those programs are often uncoordinated, duplicative, and, in some cases, unavailable to eligible border communities because those communities cannot afford the required funding match;

(9) Congress has established several regional economic development commissions, including the Appalachian Regional Commission, the Delta Regional Authority, and the Denali Commission, to improve the economies of those areas of the United States that experience the greatest economic distress; and

(10) many of the counties in the region are among the most economically distressed in the United States and would benefit from a regional economic development commission.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a regional economic development authority for the Southwest Border region to address critical issues relating to the economic health and well-being of the residents of the region;

(2) to provide funding to communities in the region to stimulate and foster infrastructure development, technology development, community development and entrepreneurship, and education and workforce development in the region;

(3) to increase the total amount of Federal funding available for border economic development projects by coordinating with and reducing duplication of other Federal, State, and local programs; and

(4) to empower the people of the region through the use of local development districts and State and regional development plans that reflect State and local priorities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTAINMENT COUNTY.—The term "attainment county" means an economically strong county that is not a distressed county or a competitive county.

(2) AUTHORITY.—The term "Authority" means the Southwest Regional Border Authority established by section 101(a)(1).

(3) BINATIONAL REGION.—The term "binational region" means the 150 miles on either side of the United States-Mexico border.

(4) BUSINESS INCUBATOR SERVICE.—The term "business incubator service" means—

(A) a legal service, including aid in preparing a corporate charter, partnership agreement, or contract;

(B) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;

(C) a service in support of the acquisition or use of advanced technology, including the use of Internet services and Web-based services; and

(D) consultation on strategic planning, marketing, or advertising.

(5) COMPETITIVE COUNTY.—The term "competitive county" means an economically strong county that meets at least 1, but not all, of the criteria for a distressed county specified in paragraph (5).

(6) DISTRESSED COUNTY.—The term "distressed county" means a county in the region that—

(A)(i) has a poverty rate that is at least 150 percent of the poverty rate of the United States;

(ii) has a per capita market income that is not more than 67 percent of the per capita market income of the United States; and

(iii) has a 3-year unemployment rate that is at least 150 percent of the unemployment rate of the United States; or

(B)(i) has a poverty rate that is at least 200 percent of the poverty rate of the United States; and

(ii)(I) has a per capita market income that is not more than 67 percent of the per capita market income of the United States; or

(II) has a 3-year unemployment rate that is at least 150 percent of the unemployment rate of the United States.

(7) ECONOMICALLY STRONG COUNTY.—The term "economically strong county" means a county in the region that is not a distressed county.

(8) FEDERAL GRANT PROGRAM.—The term "Federal grant program" means a Federal grant program to provide assistance in—

(A) acquiring or developing land;

(B) constructing or equipping a highway, road, bridge, or facility; or

(C) carrying out other economic development activities.

(9) ISOLATED AREA OF DISTRESS.—The term "isolated area of distress" means an area located in an economically strong county that has a high rate of poverty, unemployment, or outmigration, as determined by the Authority.

(10) LOCAL DEVELOPMENT DISTRICT.—The term "local development district" means an entity that—

(A)(i) is a planning district in existence on the date of enactment of this Act that is recognized by the Economic Development Administration of the Department of Commerce; or

(ii) in the case of an area for which an entity described in clause (i) does not exist, is—

(I) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

(II) governed by a policy board with at least a simple majority of members consisting of elected officials or employees of a general purpose unit of local government who have been appointed to represent the government;

(III) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

(aa) by the Governor of each State in which the entity is located; or

(bb) by the State officer designated by the appropriate State law to make the certification; and

(IV)(aa) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

(bb) a nonprofit agency or instrumentality of a State or local government;

(cc) a public organization established before the date of enactment of this Act under State law for creation of multijurisdictional, area-wide planning organizations;

(dd) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); or

(ee) a nonprofit, binational organization; and

(B) has not, as certified by the Federal cochairperson—

(i) inappropriately used Federal grant funds from any Federal source; or

(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(11) REGION.—The term "region" means—

(A) the counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona;

(B) the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California;

(C) the counties of Catron, Chaves, Doña Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico; and

(D) the counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green, Upton, Uvlade, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

(12) SMALL BUSINESS.—The term "small business" has the meaning given the term "small business concern" in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE I—SOUTHWEST REGIONAL BORDER AUTHORITY

SEC. 101. MEMBERSHIP AND VOTING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Southwest Regional Border Authority.

(2) COMPOSITION.—The Authority shall be composed of—

(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate; and

(B) State members who shall consist of the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

(3) COCHAIRPERSONS.—The Authority shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Authority; and

(B) a State cochairperson, who shall—

(i) be a Governor of a State described in paragraph (2)(B);

(ii) be elected by the State members for a term of not more than 2 years; and

(iii) serve only 1 term during any 4 year period.

(b) ALTERNATE MEMBERS.—

(1) STATE ALTERNATES.—The State member of a State described in paragraph (2)(B) may have a single alternate, who shall be—

(A) a resident of that State; and

(B) appointed by the Governor of the State, from among the members of the cabinet or personal staff of the Governor.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(3) QUORUM.—Subject to subsection (d)(4), a State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraph (2) or (3) of subsection (d), and no voting right of any member of the Authority, shall be delegated to any person who is not—

(A) a member of the Authority; or

(B) entitled to vote at meetings of the Authority.

(c) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Authority shall be conducted not later than the date that is the earlier of—

(A) 180 days after the date of enactment of this Act; or

(B) 60 days after the date on which the Federal cochairperson is appointed.

(2) OTHER MEETINGS.—The Authority shall hold meetings at such times as the Authority determines, but not less often than semiannually.

(3) LOCATION.—Meetings of the Authority shall be conducted, on a rotating basis, at a site in the region in each of the States of Arizona, California, New Mexico, and Texas.

(d) VOTING.—

(1) IN GENERAL.—To be effective, a decision by the Authority shall require the approval of the Federal cochairperson and not less than 60 percent of the State members of the Authority (not including any member representing a State that is delinquent under section 102(d)(2)(D)).

(2) QUORUM.—

(A) IN GENERAL.—A majority of the State members shall constitute a quorum.

(B) REQUIRED FOR POLICY DECISION.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

(i) a modification or revision of a policy decision of the Authority;

(ii) approval of a State or regional development plan; and

(iii) any allocation of funds among the States.

(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

(A) a responsibility of the Authority; and

(B) conducted in accordance with section 302.

(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

SEC. 102. DUTIES AND POWERS.

(a) DUTIES.—The Authority shall—

(1) develop comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, using, in part, the materials compiled by the Interagency Task Force on the Economic Development of the Southwest Border established by Executive Order No. 13122 (64 Fed. Reg. 29201);

(3) sponsor demonstration projects under section 207;

(4) review and study Federal, State, and local public and private programs and, as appropriate, recommend modifications or additions to increase the effectiveness of the programs;

(5) formulate and recommend, as appropriate, interstate and international compacts and other forms of interstate and international cooperation;

(6) encourage private investment in industrial, commercial, and recreational projects in the region;

(7) provide a forum for consideration of the problems of the region and any proposed solutions to those problems;

(8) establish and use, as appropriate, citizens, special advisory counsels, and public conferences; and

(9) provide a coordinating mechanism to avoid duplication of efforts among the border programs of the Federal agencies and the programs established under the North American Free Trade Agreement entered into by the United States, Mexico, and Canada on December 17, 1992.

(b) POWERS.—In carrying out subsection (a), the Authority may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings of, and reports on actions by, the Authority as the Authority considers appropriate;

(2) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

(3) maintain an accurate and complete record of all transactions and activities of the Authority, to be available for audit and examination by the Comptroller General of the United States;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

(5) request the head of any Federal agency to detail to the Authority, for a specified period of time, such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

(6) request the head of any State department or agency or local government to detail to the Authority, for a specified period of time, such personnel as the Authority requires to carry out the duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

(7) make recommendations to the President regarding—

(A) the expenditure of funds at the Federal, State, and local levels under this Act; and

(B) additional Federal, State, and local legislation that may be necessary to further the purposes of this Act;

(8) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government; or

(B) otherwise providing retirement and other employee benefit coverage;

(9) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

(10) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out the duties of the Authority; and

(11) establish and maintain—

(A) a central office, to be located at a site that is not more than 100 miles from the United States-Mexico border; and

(B) at least 1 field office in each of the States of Arizona, California, New Mexico, and Texas, to be located at sites in the region that the Authority determines to be appropriate.

(c) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with the Authority; and

(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this Act, in accordance with applicable Federal laws (including regulations).

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—

(A) ADMINISTRATIVE EXPENSES.—Subject to paragraph (2), administrative expenses of the Authority shall be paid—

(i) by the Federal Government, in an amount equal to 60 percent of the administrative expenses; and

(ii) by the States in the region that elect to participate in the Authority, in an amount equal to 40 percent of the administrative expenses.

(B) EXPENSES OF FEDERAL CHAIRPERSON.—All expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, shall be paid by the Federal Government.

(2) STATE SHARE.—

(A) IN GENERAL.—Subject to subparagraph (C), the share of administrative expenses of the Authority to be paid by each State shall be determined by a unanimous vote of the State members of the Authority.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) LIMITATION.—A State shall not pay less than 10 nor more than 40 percent of the share of administrative expenses of the Authority determined under paragraph (1)(A)(ii).

(D) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Authority under this subsection (as determined by the Secretary)—

(i) no assistance under this Act shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

(E) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of the Authority under this subsection shall not be taken into consideration in determining the amount of assistance provided to the State under title II.

SEC. 103. AUTHORITY PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

(3) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate member representing the State on the Authority at the rate established by State law.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary, from any source other than the State for services provided by the member or alternate member to the Authority.

(b) DETAILED EMPLOYEES.—

(1) IN GENERAL.—No person detailed to serve the Authority under section 102(b)(6) shall receive any salary, or any contribution to or supplementation of salary, for services provided to the Authority from—

(A) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(B) the Authority.

(2) VIOLATION.—Any person that violates this subsection shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

(c) ADDITIONAL PERSONNEL.—

(1) COMPENSATION.—

(A) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

(B) EXCEPTION.—Compensation under subparagraph (A) shall not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(2) EXECUTIVE DIRECTOR.—The executive director—

(A) shall be a Federal employee; and

(B) shall be responsible for—

(i) carrying out the administrative duties of the Authority;

(ii) directing the Authority staff; and

(iii) such other duties as the Authority may assign.

(d) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Except as provided under paragraph (2), no State member, State alternate, officer, employee, or detailee of the Authority shall participate personally and substantially as a member, alternate, officer, employee, or detailee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which the member, alternate, officer, employee, or detailee has a financial interest.

(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, State alternate, officer, employee, or detailee—

(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, State alternate, officer, employee, or detailee.

(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

(e) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of subsection (b), subsection (d), or any of sections 202 through 209 of title 18, United States Code.

(f) APPLICABLE LABOR STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works funded by the United States under this Act, shall be paid wages at not less than the prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.).

(2) AUTHORITY.—With respect to the determination of wages under paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan No. 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

TITLE II—GRANTS AND DEVELOPMENT PLANNING

SEC. 201. INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT.

The Authority may approve grants to States, local governments, and public and nonprofit organizations in the region for projects, approved in accordance with section 302, to develop and improve the transportation, water and wastewater, public health, and telecommunications infrastructure of the region.

SEC. 202. TECHNOLOGY DEVELOPMENT.

The Authority may approve grants to small businesses, universities, national laboratories, and nonprofit organizations in the region to research, develop, and demonstrate technology that addresses—

(1) water quality;

(2) water quantity;

(3) pollution;

(4) transportation;

(5) energy consumption;

(6) public health;

(7) border and port security; and

(8) any other related matter that stimulates job creation or enhances economic development, as determined by the Authority.

SEC. 203. COMMUNITY DEVELOPMENT AND ENTREPRENEURSHIP.

The Authority may approve grants to States, local governments, and public or nonprofit entities for projects, approved in accordance with section 302—

(1) to create dynamic local economies by—

(A) recruiting businesses to the region; and

(B) increasing and expanding international trade to other countries;

(2) to foster entrepreneurship by—

(A) supporting the advancement of, and providing entrepreneurial training and education for, youths, students, and businesspersons;

(B) improving access to debt and equity capital by facilitating the establishment of development venture capital funds and other appropriate means;

(C) providing aid to communities in identifying, developing, and implementing development strategies for various sectors of the economy; and

(D)(i) developing a working network of business incubators; and

(ii) supporting entities that provide business incubator services.

(3) to promote civic responsibility and leadership through activities that include—

(A) the identification and training of emerging leaders;

(B) the encouragement of citizen participation; and

(C) the provision of assistance for strategic planning and organization development.

SEC. 204. EDUCATION AND WORKFORCE DEVELOPMENT.

The Authority, in coordination with State and local workforce development boards, may approve grants to States, local governments, and public or nonprofit entities for projects, approved in accordance with section 302—

(1) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies; and

(2) to supplement in-plant training programs offered by State and local governments to attract new businesses to the region.

SEC. 205. FUNDING.

(a) IN GENERAL.—Funds for grants under sections 201 through 204 may be provided—

(1) entirely from appropriations to carry out this Act;

(2) in combination with funds available under another Federal grant program or other Federal program; or

(3) in combination with funds from any other source, including—

(A) State and local governments, nonprofit organizations, and the private sector in the United States;

(B) the federal and local government of, and private sector in, Mexico; and

(C) the North American Development Bank.

(b) PRIORITY OF FUNDING.—The Authority shall award funding to each State in the region for activities in accordance with an order of priority to be determined by the State.

(c) BINATIONAL PROJECTS.—

(1) PROHIBITION ON PROVISION OF FUNDING TO NON-UNITED STATES ENTITIES.—The Authority shall not award funding to any entity that is not incorporated in the United States.

(2) FUNDING OF BINATIONAL PROJECTS.—The Authority may award funding to a project in which an entity that is incorporated outside the United States participates if, for any fiscal year, the entity matches with an equal amount, in cash or in-kind, the assistance received under this Act for the fiscal year.

SEC. 206. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

(1) they lack the economic resources to provide the required matching share; or

(2) there are insufficient funds available under the Federal law authorizing the Federal grant program to meet pressing needs of the region.

(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 209(b)); and

(2) use amounts made available to carry out this Act to pay all or a portion of the increased Federal share.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

(2) CERTIFICATION BY AUTHORITY.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 302—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

SEC. 207. DEMONSTRATION PROJECTS.

(a) IN GENERAL.—For each fiscal year, the Authority may approve not more than 10 demonstration projects to carry out activities described in sections 201 through 204, of which not more than 3 shall be carried out in any 1 State.

(b) REQUIREMENTS.—A demonstration project carried out under this section shall—

(1) be carried out on a multistate or multicounty basis; and

(2) be developed in accordance with the regional development plan prepared under section 210(d).

SEC. 208. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Authority may make grants to local development districts to pay the administrative expenses of the local development districts.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years to a State agency certified as a local development district.

(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(b) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) operate as a lead organization serving multicounty areas in the region at the local level; and

(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

(A) are involved in multijurisdictional planning;

(B) provide technical assistance to local jurisdictions and potential grantees; and

(C) provide leadership and civic development assistance.

SEC. 209. DISTRESSED COUNTIES AND AREAS AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATIONS.—At the initial meeting of the Authority and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

(1) distressed counties;

(2) economically strong counties;

(3) attainment counties;

(4) competitive counties; and

(5) isolated areas of distress.

(b) DISTRESSED COUNTIES.—

(1) IN GENERAL.—For each fiscal year, the Authority shall allocate at least 40 percent of the amounts made available under section 306 for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

(2) FUNDING LIMITATIONS.—The funding limitations under section 206(b) shall not apply to a project to provide transportation or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

(c) ECONOMICALLY STRONG COUNTIES.—

(1) ATTAINMENT COUNTIES.—Except as provided in paragraph (3), the Authority shall not provide funds for a project located in a county designated as an attainment county under subsection (a)(2)(A).

(2) COMPETITIVE COUNTIES.—Except as provided in paragraph (3), the Authority shall not provide more than 30 percent of the total cost of any project carried out in a county designated as a competitive county under subsection (a)(2)(B).

(3) EXCEPTIONS.—

(A) IN GENERAL.—The funding prohibition under paragraph (1) and the funding limitation under paragraph (2) shall not apply to grants to fund the administrative expenses of local development districts under section 208(a).

(B) MULTICOUNTY PROJECTS.—If the Authority determines that a project could bring significant benefits to areas of the region outside an attainment or competitive county, the Authority may waive the application of the funding prohibition under paragraph (1) and the funding limitation under paragraph (2) to—

(i) a multicounty project that includes participation by an attainment or competitive county; or

(ii) any other type of project.

(4) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

(A) by the most recent Federal data available; or

(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

SEC. 210. DEVELOPMENT PLANNING PROCESS.

(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit an annual development plan for the area of the region represented by the State member to assist the Authority in determining funding priorities under section 205(b).

(b) CONSULTATION WITH INTERESTED PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

(1) consult with—

(A) local development districts; and

(B) local units of government;

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1); and

(3) solicit input on and take into consideration the potential impact of the State development plan on the binational region.

(c) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this Act.

(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

(d) REGIONAL DEVELOPMENT PLAN.—The Authority shall prepare an annual regional development plan that—

(1) is based on State development plans submitted under subsection (a);

(2) takes into account—

(A) the input of the private sector, academia, and nongovernmental organizations; and

(B) the potential impact of the regional development plan on the binational region;

(3) establishes 5-year goals for the development of the region;

(4) identifies and recommends to the States—

(A) potential multistate or multicounty projects that further the goals for the region; and

(B) potential development projects for the binational region; and

(5) identifies and recommends to the Authority for funding demonstration projects under section 207.

TITLE III—ADMINISTRATION

SEC. 301. PROGRAM DEVELOPMENT CRITERIA.

(a) IN GENERAL.—In considering programs and projects to be provided assistance under this Act, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project or class of projects to overall regional development;

(2) the per capita income and poverty and unemployment rates in an area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the socioeconomic importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

(b) No Relocation Assistance.—No financial assistance authorized by this Act shall be used to assist a person or entity in relocating from 1 area to another, except that financial assistance may be used as otherwise authorized by this Act to attract businesses from outside the region to the region.

(c) Maintenance of Effort.—Funds may be provided for a program or project in a State under this Act only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this Act, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this Act.

SEC. 302. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

(a) In General.—A State or regional development plan or any multistate subregional plan that is proposed for development under this Act shall be reviewed by the Authority.

(b) Evaluation by State Member.—An application for a grant or any other assistance for a project under this Act shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

(c) Certification.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

(1) describes ways in which the project complies with any applicable State development plan;

(2) meets applicable criteria under section 301;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this Act.

(d) Votes for Decisions.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 101(d) shall be required for approval of the application.

SEC. 303. CONSENT OF STATES.

Nothing in this Act requires any State to engage in or accept any program under this Act without the consent of the State.

SEC. 304. RECORDS.

(a) Records of the Authority.—

(1) In general.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

(2) Availability.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States (including authorized representatives of the Comptroller General).

(b) Records of Recipients of Federal Assistance.—

(1) In general.—A recipient of Federal funds under this Act shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities.

(2) Availability.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Authority (including authorized representatives of the Comptroller General and the Authority).

(c) Annual Audit.—The Comptroller General of the United States shall audit the activities, transactions, and records of the Authority on an annual basis.

SEC. 305. ANNUAL REPORT.

(a) In General.—Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this Act.

(b) Contents.—

(1) In general.—The report shall include—

(A) an evaluation of the progress of the Authority—

(i) in meeting the goals set forth in the regional development plan and the State development plans; and

(ii) in working with other Federal agencies and the border programs administered by the Federal agencies;

(B) examples of notable projects in each State;

(C) a description of all demonstration projects funded under section 306(b) during the fiscal year preceding submission of the report; and

(D) any policy recommendations approved by the Authority.

(2) Initial report.—In addition to the contents specified in paragraph (1), the initial report submitted under this section shall include—

(A) a determination as to whether the creation of a loan fund to be administered by the Authority is necessary; and

(B) if the Authority determines that a loan fund is necessary—

(i) a request for the authority to establish a loan fund; and

(i) a description of the eligibility criteria and performance requirements for the loans.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Authority to carry out this Act, to remain available until expended—

(1) $50,000,000 for fiscal year 2003;

(2) $75,000,000 for fiscal year 2004;

(3) $90,000,000 for fiscal year 2005; and

(4) $92,000,000 for fiscal year 2006.

(b) Demonstration Projects.—Of the funds made available under subsection (a), $5,000,000 for each fiscal year shall be available to the Authority to carry out section 207.

SEC. 307. TERMINATION OF AUTHORITY.

The authority provided by this Act terminates effective October 1, 2006.

By Mr. KERRY (for himself, Mr. Frist, Mr. Biden, Mr. Helms, Mr. Daschle, Mr. Leahy, Mr. Feingold, Mr. Dodd, Mr. Hagel, Mrs. Boxer, Mr. Sarbanes, Mr. Smith of Oregon, Mr. DeWine, and Mr. Wellstone):

S. 2525. A bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, today I am introducing legislation along with Senators Frist, Biden, Helms, Daschle and others that offers our Nation's most comprehensive response to date to the global HIV/AIDS crisis. It authorizes $4.7 billion over the next two years for U.S. contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria and for a dramatic expansion of bilateral U.S. programs administered by the US Agency for International Development, USAID.

There can be no question that the AIDS pandemic has truly reached a crisis point, not only for the 40 million people infected worldwide, but also for the communities in which they live. The pandemic strikes at the foundations of societies, devastating families, undermining economies, and weakening a broad range of institutions by taking the lives of educators, health care providers, police, military personnel, and civil servants. These forces cripple the potential for long-term economic development and jeopardize political and social stability in Sub-Saharan Africa, the most-severely affected region, and increasingly in all corners of the world.

Although 95 percent of people infected with HIV live in developing countries, this crisis ultimately affects us all. Here in the United States, we cannot afford to ignore the fact that instability anywhere threatens security everywhere. While this is certainly not a new reality, it became painfully evident on September 11 of last year that the fate of our people is inextricably bound to the lives of those living thousands of miles across the globe. We are called by moral duty and by our national interest to forcefully combat the further spread of HIV/AIDS. Only the United States has the capacity to lead and enhance the effectiveness of the international community's response. Clearly we have not done enough to address this crisis. The need for strong action has never been so urgent or so great.

AIDS has become the fourth-highest cause of death globally, already claiming the lives of 22 million people. More than three-quarters of these deaths, more than 17 million, have been in Sub-Saharan Africa, where AIDS is now the leading cause of death. Last year alone, AIDS killed 2.3 million African people, and experts project that the disease will eventually take the lives of one in four adults throughout that region. Because of AIDS, Botswana, Zimbabwe, and South Africa are already experiencing negative population growth, and life expectancy for children born in some parts of the continent has dropped as low as 35 years. Of the estimated 40 million people now living with HIV globally, 28.1 million are in Sub-Saharan Africa. This number includes 3.4 million people who were infected last year alone.

Other parts of the world are going down the same path as Africa. The Caribbean is now the second most affected region, with 2.3 percent of adults infected with HIV. Eastern Europe, especially the Russian Federation, is experiencing the world's fastest-growing epidemic, mainly from injection drug use. In Asia and the Pacific region, 7.1 million people are infected with HIV or living with AIDS. Although national prevalence rates in most countries throughout that region are relatively low, localized epidemics have broken out in many areas, and there is a serious threat of major outbreaks of the virus in China, India, and a number of other countries.

More than 20 years after the first cases were reported, basic knowledge about HIV/AIDS remains disturbingly low. Half of all teenage girls in Sub-Saharan Africa still do not know that healthy-looking people can have HIV. In Mozambique, 74 percent of young women and 62 percent of young men aged 15 to 19 cannot name a single method of protecting themselves against HIV/AIDS. Worldwide, nine out of ten HIV infected individuals are unaware they are infected.

The AIDS crisis is affecting females at an increasing rate. In 1997, 41 percent of adults living with HIV/AIDS were women. By 2000, that proportion had increased to 47 percent. Biologically, the risk of becoming infected with HIV during unprotected intercourse is greater for women than for men, and gender inequalities in social and economic status and access to medical care increase women's vulnerability. This gender imbalance is even stronger for younger females, in some countries, the rate of new infections among girls is as much as 5 to 6 times higher than among boys.

Although girls are hardest-hit, the HIV/AIDS crisis takes a disproportionate toll on young people in general. Nearly one-third of the 40 million people currently living with HIV are between the ages of 15 and 24, and half of all new infections occur in this age group. Mother-to-child transmission is responsible for the vast majority of infections among children under the age of 15. Without preventive measures, 35 percent of infants born to HIV-positive mothers contract the virus. Even those who are not infected in this manner can confront tremendous difficulties, more than 13 million children under age 15 have already lost their mothers or both parents to AIDS, and this number is expected to more than double by the end of the decade. Children orphaned by AIDS are susceptible to extreme poverty, malnutrition, psychological distress, and a long list of other hardships. Many of these orphans turn to crime in order to survive.

HIV/AIDS can undermine the economic security of individual families, communities, and even entire nations. The disease weakens the productivity and longevity of the labor force across a broad array of economic sectors, reducing the potential for immediate and long-term economic growth. In some countries, AIDS is reversing progress brought by decades of economic development efforts. But the ripple effects of this pandemic go far beyond the economic realm, touching virtually all aspects of life in the countries that are hardest-hit. HIV/AIDS strikes at the most mobile and educated members of society, many of whom are responsible for governance, health care, education, and security.

Earlier this month, the World Bank reported that AIDS is spreading so rapidly in parts of Africa that it is killing teachers faster than countries can train them. At the same time, HIV-infected children and those orphaned by AIDS must often leave school. These trends have combined to create an education crisis. Africa is also confronting a mounting security crisis with ramifications for the broader international community. According to UNAIDS, many military forces in Sub-Saharan Africa face infection rates as high as five times that of the civilian population. These military forces are losing their capacity to preserve stability within their own borders and to engage in regional peacekeeping and conflict prevention efforts. This pattern is likely to compound the problem of failing states throughout Africa.

My words have barely begun to chronicle the extent to which this pandemic has spread, the devastation it has wrought, and the myriad threats it poses to distant countries and to our own. We are facing the world's worst health crisis since the bubonic plague and it is not "someone else's problem." It is humanity's problem.

It is up to us to respond. American leadership is needed as never before. The United States can not afford to sit on the sidelines or tinker at the edges of a global pandemic. Only the United States is in a position to lead the effort with other governments and private sector partners to beat this pandemic and only the United States has the resources to make a difference. History is going to judge how we react to this crisis and we want history to judge us well.

There is so much we can do—if we commit ourselves to the effort. We have learned that we can change behavior through prevention and education programs, especially if those programs make treatment available for those already sick. We can stop the transmission of the HIV virus from mother-to-child through the use of the drug nevirapine. And we can reduce the growing number of "AIDS orphans" if we start adding voluntary counseling, testing and treatment of parents and care-givers to children—in other words adding a Plus to the MTCT, mother-to-child transmission, programs.

That is the goal of this legislation. It will provide clear American leadership, helping to harness resources here at home and around the globe for research and development to eradicate these deadly diseases. It will inject unprecedented amounts of capital in effective prevention and treatment programs and direct resources to the people on the ground fighting these diseases.

The legislation that we are introducing today represents the first effort ever to create a comprehensive long term strategy for American leadership in responding to this global pandemic. If passed into law, this bill would represent the largest single monetary commitment ever made by the United States to deal with the AIDS pandemic. It would double U.S. spending on global AIDS from roughly $1 billion this year to more than $2 billion per year over the next two years. But equally important, it would require the U.S. government to develop a comprehensive, detailed five-year plan to significantly reduce the spread of HIV/AIDS around the world and meet the targets set by the international community at the June 2001 United Nations Special Session on HIV/AIDS.

This legislation authorizes $1 billion in this fiscal year and $1.2 billion in the next for US contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria—the international community's new combined effort to increase resources against this pandemic. It authorizes more than $800 million this year and $900 million next year for an expansion of existing USAID programs and creation of new programs to increase our efforts not only in the areas of prevention and education but also in the equally important areas of care and prevention. It provides significant new funding levels for programs to combat tuberculosis and malaria—serious infectious diseases which, together with HIV/AIDS, killed 5.7 million people last year.

The fight against HIV/AIDS has started to produce results in some countries. Cambodia and Thailand, driven by strong political leadership and public commitment, have developed successful prevention programs. HIV prevalence among pregnant women in Cambodia dropped by almost a third between 1997 and 2000. In Uganda, rates of HIV infection among adults continue to fall, largely because President Yoweri Museveni has pursued an aggressive education campaign to make people in his country aware of ways they can protect themselves from this disease. President Museveni has displayed courage in his willingness to break through cultural boundaries to discuss the AIDS crisis openly and realistically.

Leadership within the countries that are most severely-affected by HIV/AIDS is absolutely indispensable. Our legislation seeks to encourage that leadership by offering the possibility of obtaining greater resources to be used for health programs through a new round of international negotiations to further reduce the debt of many of these countries. Ultimately the fight against AIDS requires a broad partnership between the governments of those countries severely affected, governments like ours in a position to provide assistance, and the private sector which can bring not only resources but scientific and medical knowledge and expertise to bear.

Various organizations in the private sector have already contributed a great deal to the struggle against HIV/AIDS. Philanthropies like the Bill & Melinda Gates Foundation have donated hundreds of millions of dollars to purchase drugs, improve health delivery systems, and bolster prevention campaigns, among other means of support. Pharmaceutical companies such as Merck and Pfizer have also offered a number of life-extending therapies to the developing world at no cost or at a very discounted rate.

These contributions and these public/private sector partnerships are critical to the success of our effort. The bill that we are introducing makes it clear that these kinds of partnerships should be strengthened and expanded. And for the first time, it also sets out a voluntary code of conduct for American businesses who have operations in countries affected by the AIDS pandemic to follow, not unlike the Sullivan Code of Conduct that many American firms followed during the days of apartheid in South Africa.

The global HIV/AIDS crisis is a matter of money, for words alone will not beat back the greatest challenge the world has ever witnessed to the very survival a continent, Africa, and an ever growing number of other areas. But it is more than that, this is a question of leadership, not fate; of willpower, not capacity. The question before us is not whether we can win this fight, but whether we will choose to, whether 'here on earth,' as President Kennedy said, we are going to make "God's work truly our own."

I believe we will. That is why there is such a broad coalition supporting this effort. That is why my friend and colleague Senator KENNEDY, chairman of the HELP Committee, is working in concert with us to produce a bill that will authorize another $500 million for the CDC and other HHS agencies to help fight this epidemic. And that is why Democrats and Republicans together are going to demonstrate the full measure of America's ability to respond to enormous tragedy with enormous strength.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 270—DESIGNATING THE WEEK OF OCTOBER 13, 2002, THROUGH OCTOBER 19, 2002, AS "NATIONAL CYSTIC FIBROSIS AWARENESS WEEK"

Mr. CAMPBELL (for himself, Mr. DEWINE, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 270

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and there is no known cure;

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of cystic fibrosis;

Whereas one out of every 3,900 babies in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 32 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies; and

Whereas education can help inform the public of the symptoms of cystic fibrosis, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week";

(2) commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for those with cystic fibrosis and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution recognizing October 13, 2002, through October 19, 2002, as National Cystic Fibrosis Awareness Week. I am pleased to be joined by my colleagues Senators DEWINE and KERRY in submitting this resolution. We are hopeful that greater awareness of cystic fibrosis, CF, will lead to a cure.

Cystic fibrosis is one of the most common fatal genetic diseases in the United States and there is no known cure. It affects approximately 30,000 children and adults in the United States. There are about 1,000 new cases of CF diagnosed each year. While most of these individuals are diagnosed by the age of three, others are not recognized as having CF until they are age 18 years, or older. Today, the life expectancy for someone with CF is 32 years. I believe we must do what we can to change these statistics.

While there is no cure, early detection and prompt treatment can significantly improve and extend the lives of those with CF. My home State of Colorado was one of the first States to require CF screening for newborns. Happily, more States are now performing this simple test.

And, since the discovery of the defective CF gene in 1989, CF research has greatly accelerated. I am proud that Colorado is home to the University of Colorado Health Sciences Center and Children's Hospital, both of which are actively involved in CF research and care. Children's Hospital is one of eight innovative Therapeutics Development Centers performing cutting edge clinical research to develop new treatments for CF.

Currently, the CF Foundation oversees more than 25 CF clinical trials. In addition, small pilot trials are carried out in the 115 Cystic Fibrosis Foundation-accredited care centers across the United States. And, organizations such as the Cystic Fibrosis Research, Inc. also sponsor studies for treatment of the disease. Efforts such as these throughout the nation are providing a greater quality of life for those who have CF. I applaud these efforts.

While I am encouraged by the CF research in Colorado and elsewhere, more needs to be done. I believe we can increase the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding of the disease in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for those who have CF and their families.

Therefore, I urge my colleagues to act on this resolution so we can move another step closer to eradicating this disease.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF CONGRESS THAT HARRIET TUBMAN SHOULD HAVE BEEN PAID A PENSION FOR HER SERVICE AS A NURSE AND SCOUT IN THE UNITED STATES ARMY DURING THE CIVIL WAR

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 111

Whereas during the Civil War Harriet Tubman reported to General David Hunter at Hilton Head, South Carolina, with a letter from Governor John Andrews of Massachusetts allowing her to serve in the Union Army;

Whereas Harriet Tubman served at Hilton Head as a nurse, scout, spy, and cook;

Whereas in the spring of 1865, Harriet Tubman worked at the Freedman's hospital in Fortress Monroe, Virginia;

Whereas Harriet Tubman's last husband, Nelson Davis, served in the United States Colored Infantry under Captain James S. Thompson, beginning on September 25, 1863, and was discharged on November 10, 1865;

Whereas Harriet Tubman received a pension as the spouse of a deceased veteran;

Whereas Harriet Tubman requested a pension for her own service in the Union Army during the Civil War, but never received one;

Whereas a bill that passed the House of Representatives in 1897 during the 55th Congress (H.R. 4982) would have required that Harriet Tubman be placed on the pension roll of the United States for her service as a nurse in the United States Army and paid a pension at the rate of $25 each month;

Whereas some females who served in the military during the Civil War received a pension for their service, including Sarah Emma Edmonds Seelye and Albert Cashier, each of whom posed as a male; and

Whereas Harriet Tubman died of pneumonia on March 10, 1913, and was buried at Fort Hill Cemetery in Auburn, New York, with military honors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress recognizes that Harriet Tubman served as a nurse and scout in the United States Army during the Civil War; and

(2) it is the sense of Congress that Harriet Tubman should have been paid a pension at the rate of $25 each month for her service in the United States Army.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3415. Mr. TORRICELLI (for himself and Ms. Mikulski) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3416. Mr. WELLSTONE proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3417. Mr. EDWARDS (for himself, Mr. Hollings, Mr. Miller, Mr. Cleland, Mrs. Lincoln, Ms. Cantwell, and Mr. Allen) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3418. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3419. Mr. LIEBERMAN (for himself, Mr. Dodd, Ms. Mikulski, and Mr. Kennedy) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3420. Mr. LEVIN (for himself and Mr. Voinovich) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3421. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3422. Mr. DURBIN (for himself, Mr. Dorgan, and Mr. Wellstone) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3423. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3424. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3425. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3426. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3427. Mr. GREGG proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

TEXT OF AMENDMENTS

SA 3415. Mr. TORRICELLI (for himself and Ms. Mikulski) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, beginning on line 19, strike all through page 246, line 15, and insert the following:

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws;

(B) to ensure that parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up;

(C) to ensure that the parties to a trade agreement ensure that their laws provide for labor standards consistent with the ILO Declaration of Fundamental Principles and Rights at Work and the internationally recognized labor rights set forth in section 13(2) and constantly improve those standards in that light;

(D) to ensure that parties to a trade agreement do not weaken, reduce, waive, or otherwise derogate from, or offer to waive or derogate from, their labor laws as an encouragement for trade;

(E) to create a general exception from the obligations of a trade agreement for—

(i) Government measures taken pursuant to a recommendation of the ILO under Article 33 of the ILO Constitution; and

(ii) Government measures relating to goods or services produced in violation of any of the ILO core labor standards, including freedom of association and the effective recognition of the right to collective bargaining (as defined by ILO Conventions 87 and 98); the elimination of all forms of forced or compulsory labor (as defined by ILO Conventions 29 and 105); the effective abolition of child labor (as defined by ILO Conventions 138 and 182); and the elimination of discrimination in respect of employment and occupation (as defined by ILO Conventions 100 and 111); and

(F) to ensure that—

(i) all labor provisions of a trade agreement are fully enforceable, including recourse to trade sanctions;

(ii) the same enforcement mechanisms and penalties are available for the commercial provisions of an agreement and for the labor provisions of the agreement; and

(iii) trade unions from all countries that are party to a dispute over the labor provisions of the agreement can participate in the dispute process;

(G) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 13(2));

(H) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(I) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(J) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(K) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

SA 3416. Mr. WELLSTONE proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 2102(c) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) review the impact of future trade agreements on the United States employment, modeled after Executive Order 13141, taking into account the impact on job security, the level of compensation of new jobs and existing jobs, the displacement of employment, and the regional distribution of employment, utilizing experience from previous trade agreements and alternative models of employment analysis, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public;".

SA 3417. Mr. EDWARDS (for himself, Mr. Hollings, Mr. Miller, Mr. Cleland, Mrs. Lincoln, Ms. Cantwell, and Mr. Allen) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as amended by section 111, is amended by inserting after section 240 the following:

"SEC. 240A. JOB TRAINING PROGRAMS.

"(a) Grant Program Authorized.—The Secretary is authorized to award grants to community colleges (as defined in section 202 of the Tech-Prep Education Act (20 U.S.C. 2371)) on a competitive basis to establish job training programs for adversely affected workers.

"(b) Application.—

"(1) Submission.—To receive a grant under this section, a community college shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

"(2) Contents.—The application submitted under paragraph (1) shall provide a description of—

"(A) the population to be served with grant funds received under this section;

"(B) how grant funds received under this section will be expended; and

"(C) the job training programs that will be established with grant funds received under this section, including a description of how such programs relate to workforce needs in the area where the community college is located.

"(c) Eligibility.—To be eligible to receive a grant under this section, a community college shall be located in an eligible community (as defined in section 271).

"(d) Decision on Applications.—Not later than 30 days after submission of an application under subsection (b), the Secretary shall approve or disapprove the application.

"(e) Use of Funds.—A community college that receives a grant under this section shall use the grant funds to establish job training programs for adversely affected workers.

On page 55, insert between lines 2 and 3 the following:

"(D) Additional weeks for remedial education.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 240, if the program is a program of remedial education in accordance with regulations prescribed by the Secretary, payments may be made as trade adjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade adjustment allowances otherwise payable under this chapter.".

At the end of section 2102(b), insert the following:

(15) Textile negotiations.—

(A) In general.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles is to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel by—

(i) reducing to levels that are the same as, or lower than, those in the United States, or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports of textiles and apparel;

(ii) eliminating by a date certain non-tariff barriers that decrease market opportunities for United States textile and apparel articles;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort textile and apparel markets to the detriment of the United States;

(iv) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort textile and apparel markets to the detriment of the United States;

(v) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(vi) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(vii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in textiles and apparel; and

(viii) taking into account the impact that agreements covering textiles and apparel trade to which the United States is already a party are having on the United States textile and apparel industry.

(B) Scope of objective.—The negotiating objectives set forth in subparagraph (A) apply with respect to trade in textile and apparel articles to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered under section 2103 (a) or (b) that provides for accession to a trade agreement to which the United States is already a party.

SA 3418. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism."

SA 3419. Mr. LIEBERMAN (for himself, Mr. Dodd, Ms. Milkulski, and Mr. Kennedy) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 245, line 14, beginning with "and", strike all through "protection" on line 18.

SA 3420. Mr. LEVIN (for himself and Mr. Voinovich) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2102(b), insert the following:

(15) Market access for motor vehicles and vehicle parts.—In the case of any trade agreement, whether or not the agreement is subject to the provisions of section 2103, the principal negotiating objectives of the United States with respect to automotive trade is to increase market access for United States motor vehicles and vehicle parts in foreign markets, especially in Japan and Korea. The United States should seek to obtain for United States motor vehicle and vehicle parts manufacturers the same level of sales opportunities in foreign markets that foreign motor vehicle and vehicle parts manufacturers enjoy in the United States and should—

(A) remove structural impediments in foreign markets to United States motor vehicle and motor vehicle parts exports and seek measurable criteria for evaluating progress, including annual government-to-government consultations to remove impediments to progress;

(B) negotiate market opening agreements with any member country of the Organization for Economic Cooperation and Development (OECD) that maintains in its domestic markets a level of passenger vehicle imports of less than 10 percent which is well below the average import rate of OECD countries;

(C) negotiate agreements that contain measurable goals, including—

(i) measurements of market share for United States-made motor vehicles and vehicle parts and United States sourcing of engines and transmissions; and

(ii) a substantial and progressive reduction in the bilateral motor vehicle parts trade imbalance resulting from those structural barriers;

(D) seek commitments from foreign auto makers to provide updated business plans for purchases of foreign-made vehicle parts;

(E) commit to greater transparency in quasi-regulatory activities assigned to trade associations;

(F) allow United States companies to participate in trade association activities during the development of policy and regulation; and

(G) require a semiannual report on the progress being made to increase market access for United States motor vehicles and vehicle parts.

SA 3421. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. TRADE REMEDY FOR CANADIAN WHEAT.

(a) Short Title.—This section may be cited as the "Agricultural Trade Fairness Act of 2002".

(b) Findings.—Congress finds the following:

(1) The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage United States wheat farmers and undermine the integrity of the trading system.

(2) The Canadian Wheat Board is able to take sales from United States farmers, because it—

(A) is insulated from commercial risks;

(B) benefits from subsidies;

(C) has a protected domestic market and special privileges; and

(D) has competitive advantages due to its monopoly control over a guaranteed supply of wheat.

(3) The Canadian Wheat Board is insulated from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing, credit sales to foreign buyers, and initial payments to farmers.

(4) The Canadian Wheat Board benefits from subsidies and special privileges, such as government-owned railcars, government-guaranteed debt, and below market borrowing costs.

(5) The Canadian Wheat Board has a competitive advantage due to its monopoly control over a guaranteed supply of wheat that Canadian farmers are required to sell to the Board, and monopoly control to export western Canadian wheat which allows the Canadian Wheat Board to enter into forward contracts without incurring commercial risks.

(6) Canada's burdensome regulatory scheme controls the varieties of wheat that can be marketed and restricts imports of United States wheat.

(7) The wheat trade problem with Canada is long-standing and affects the entire United States wheat industry by depressing prices and displacing sales of United States wheat domestically and in foreign markets.

(8) The acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States wheat commerce.

(9) Since entering into the Canada-United States Free Trade Agreement, United States wheat producers have been continuously threatened by the unfair practices of the Canadian Wheat Board.

(10) The United States Department of Agriculture figures confirm that—

(A) United States wheat farmers have lost domestic market share to Canadian Wheat Board imports consistently since the implementation of the Canada-United States Free Trade Agreement;

(B) the price of wheat has dropped sharply since the 1996 peak;

(C) although almost half of the United States wheat crop is exported, United States wheat exports have shown little increase since 1996 and 1997; and

(D) the number of farms growing wheat in the United States continues to decline.

(11) United States wheat producers are faced with low prices as a result of the Canadian Wheat Board's unfair pricing in domestic and third country markets. United States wheat producers have experienced a steep decline in farm income, have increasing carryover stock, face indebtedness, and have been forced to rely on Government support.

(c) RESPONSE TO UNFAIR TRADE PRACTICES BY CANADIAN WHEAT BOARD.—Since the United States Trade Representative made a positive finding that the practices of the Canadian Wheat Board involved subsidies, protected domestic market, and special benefits and privileges that disadvantage United States wheat farmers and infringe on the integrity of a competitive trading system, the President shall implement the finding and shall—

(1) initiate a dispute settlement case against the Canadian Wheat Board in the World Trade Organization;

(2) initiate action under title VII of the Tariff Act of 1930 with respect to countervailing duty and antidumping petitions against Canada;

(3) in the newly launched round of the World Trade Organization, pursue permanent reform of the Canadian Wheat Board through the development of new disciplines and rules on State trading enterprises that export agricultural goods which include—

(A) ending exclusive export rights to ensure private sector competition in markets controlled by single desk exports;

(B) establishing World Trade Organization requirements for identifying acquisition costs, export pricing, and other sales information for single desk exporters; and

(C) eliminating the use of Government funds or guarantees to support or ensure the financial viability of single desk exporters; and

(4) the Secretary of Agriculture shall target not less than $100,000,000 from the Export Enhancement Program (title III of the Agricultural Trade Act of 1978 (7 U.S.C. 5651 et seq.)) to offset the unfair practices of the Canadian Wheat Board in foreign and domestic markets where United States wheat producers have suffered lost markets due to the Canadian Wheat Board's predatory pricing practices.

SA 3422. Mr. DURBIN (for himself, Mr. DORGAN, and Mr. WELLSTONE) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Title XXI of division B is amended by striking section 2101 and all that follows through section 2113, and inserting the following:

SEC. 2101. SHORT TITLE.

This title may be cited as the "Comprehensive Trade Negotiating Authority Act of 2002".

SEC. 2102. NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 2104 are the following:

(1) To obtain clear and specific commitments from trading partners of the United States to fulfill existing international trade obligations according to existing schedules.

(2) To obtain more open, equitable, and reciprocal market access for United States agricultural products, manufactured and other nonagricultural products, and services.

(3) To obtain the reduction or elimination of barriers to trade, including barriers that result from failure of governments to publish laws, rules, policies, practices, and administrative and judicial decisions.

(4) To ensure effective implementation of trade commitments and obligations by strengthening the effective operation of the rule of law by trading partners of the United States.

(5) To oppose any attempts to weaken in any respect the trade remedy laws of the United States.

(6) To increase public access to international, regional, and bilateral trade organizations in which the United States is a member by developing such organizations and their underlying agreements in ways that make the resources of such organizations more accessible to, and their decision-making processes more open to participation by, workers, farmers, businesses, and nongovernmental organizations.

(7) To ensure that the dispute settlement mechanisms in multilateral, regional, and bilateral agreements lead to prompt and full compliance.

(8) To ensure that the benefits of trade extend broadly and fully to all segments of society.

(9) To pursue market access initiatives that benefit the world's least-developed countries.

(10) To ensure that trade rules take into account the special needs of least-developed countries.

(11) To promote enforcement of internationally recognized core labor standards by trading partners of the United States.

(12) To promote the ongoing improvement of environmental protections.

(13) To promote the compatibility of trade rules with national environmental, health, and safety standards and with multilateral environmental agreements.

(14) To identify and pursue those areas of trade liberalization, such as trade in environmental technologies, that also promote protection of the environment.

(15) To ensure that existing and new rules of the WTO and of regional and bilateral trade agreements support sustainable development, protection of endangered species, and reduction of air and water pollution.

(16) To ensure that existing and new rules of the WTO and of regional and bilateral agreements are written, interpreted, and applied in such a way as to facilitate the growth of electronic commerce.

(b) PRINCIPAL NEGOTIATING OBJECTIVES UNDER THE WTO.—The principal negotiating objectives of the United States under the auspices of the WTO are the following:

(1) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets equal to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by doing the following:

(A) Reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports, giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries and providing reasonable adjustment periods for import sensitive products of the United States, in close consultation with the Congress.

(B) Eliminating disparities between applied and bound tariffs by reducing bound tariff levels.

(C) Enhancing the transparency of tariff regimes.

(D) Tightening disciplines governing the administration of tariff rate quotas.

(E) Eliminating export subsidies.

(F) Eliminating or reducing trade distorting domestic subsidies.

(G) When negotiating reduction or elimination of export subsidies or trade distorting domestic subsidies with countries that maintain higher levels of such subsidies than the United States, obtaining reductions from other countries to United States subsidy levels before agreeing to reduce or eliminate United States subsidies.

(H) Preserving United States market development programs, including agriculture export credit programs that allow the United States to compete with other foreign export promotion efforts.

(I) Maintaining bona fide food aid programs.

(J) Allowing the preservation of programs that support family farms and rural communities but do not distort trade.

(K) Eliminating state trading enterprises, or, at a minimum, adopting rigorous disciplines that ensure transparency in the operations of such enterprises, including price transparency, competition, and the end of discriminatory policies and practices, including policies and practices supporting cross-subsidization, price discrimination, and price undercutting in export markets.

(L) Eliminating practices that adversely affect trade in perishable or seasonal products, while improving import relief mechanisms to recognize the unique characteristics of perishable and seasonal agriculture. Before commencing negotiations with respect to agriculture, the Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of perishable and seasonal food products to be employed in the negotiations in order to develop an international consensus on the treatment of such products in antidumping, countervailing duty, and safeguard actions and in any other relevant area.

(M) Taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements.

(N) Taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements.

(O) Taking into account the impact that agreements covering agriculture to which the United States is a party, including NAFTA, have had on the agricultural sector in the United States.

(P) Ensuring that countries that accede to the WTO have made meaningful market liberalization commitments in agriculture.

(Q) Treating the negotiation of all issues as a single undertaking, with implementation of early agreements in particular sectors contingent on an acceptable final package of agreements on all issues.

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States with respect to trade in services is to further reduce or eliminate barriers to, or other distortions of, international trade in services by doing the following:

(A) Pursuing agreement by WTO members to extend their commitments under the General Agreement on Trade in Services (in this section also referred to as "GATS") to—

(i) achieve maximum liberalization of market access in all modes of supply, including by removing restrictions on the legal form of an investment or on the right to own all or a majority share of a service supplier, subject to national security exceptions;

(ii) remove regulatory and other barriers that deny national treatment, or unreasonably restrict the establishment or operations of service suppliers in foreign markets;

(iii) reduce or eliminate any adverse effects of existing government measures on trade in services;

(iv) eliminate additional barriers to trade in services, including restrictions on access to services distribution networks and information systems, unreasonable or discriminatory licensing requirements, the administration of cartels or toleration of anticompetitive activity, unreasonable delegation of regulatory powers to private entities, and similar government acts, measures, or policies affecting the sale, offering for sale, purchase, distribution, or use of services that have the effect of restricting access of services and service suppliers to a foreign market; and

(v) grandfather existing concessions and liberalization commitments.

(B) Strengthening requirements under GATS to ensure that regulation of services and service suppliers in all respects, including by rulemaking, license-granting, standards-setting, and through judicial, administrative, and arbitral proceedings, is conducted in a transparent, reasonable, objective, and impartial manner and is otherwise consistent with principles of due process.

(C) Continuing to oppose strongly cultural exceptions to obligations under GATS, especially relating to audiovisual services and service providers.

(D) Preventing discrimination against a like service when delivered through electronic means.

(E) Pursuing full market access and national treatment commitments for services sectors essential to supporting electronic commerce.

(F) Broadening and deepening commitments of other countries relating to basic and value added telecommunications, including by—

(i) strengthening obligations and the implementation of obligations to ensure competitive, nondiscriminatory access to public telecommunication networks and services for Internet service providers and other value-added service providers; and

(ii) preventing anticompetitive behavior by major suppliers, including service suppliers that are either government owned or controlled or recently government owned or controlled.

(G) Broadening and deepening commitments of other countries relating to financial services.

(3) TRADE IN MANUFACTURED AND NONAGRICULTURAL GOODS.—The principal negotiating objectives of the United States with respect to trade in manufactured and nonagricultural goods are the following:

(A) To eliminate disparities between applied and bound tariffs by reducing bound tariff levels.

(B) To negotiate an agreement that includes reciprocal commitments to eliminate duties in sectors in which tariffs are currently approaching zero.

(C) To eliminate tariff and nontariff disparities remaining from previous rounds of multilateral trade negotiations that have put United States exports at a competitive disadvantage in world markets, especially tariff and nontariff barriers in foreign countries in those sectors where the United States imposes no significant barriers to imports and where foreign tariff and nontariff barriers are substantial.

(D) To obtain the reduction or elimination of tariffs on value-added products that provide a disproportionate level of protection compared to that provided to raw materials.

(E) To eliminate additional nontariff barriers to trade, including—

(i) anticompetitive restrictions on access to product distribution networks and information systems;

(ii) unreasonable or discriminatory inspection processes;

(iii) the administration of cartels, or the promotion, enabling, or toleration of anticompetitive activity;

(iv) unreasonable delegation of regulatory powers to private entities;

(v) unreasonable or discriminatory licensing requirements; and

(vi) similar government acts, measures, or policies affecting the sale, offering for sale, purchase, transportation, distribution, or use of goods that have the effect of restricting access of goods to a foreign market.

(4) TRADE IN CIVIL AIRCRAFT.—The principal negotiating objectives of the United States with respect to civil aircraft are those contained in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3555(c)).

(5) RULES OF ORIGIN.—The principal negotiating objective of the United States with respect to rules of origin is to conclude the work program on rules of origin described in Article 9 of the Agreement on Rules of Origin.

(6) DISPUTE SETTLEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement are the following:

(A) To improve enforcement of decisions of dispute settlement panels to ensure prompt compliance by foreign governments with their obligations under the WTO.

(B) To strengthen rules that promote cooperation by the governments of WTO members in producing evidence in connection with dispute settlement proceedings, including copies of laws, regulations, and other measures that are the subject of or are directly relevant to the dispute, other than evidence that is classified on the basis of national security, and evidence that is business confidential.

(C) To pursue rules for the management of translation-related issues.

(D) To require that all submissions by governments to dispute settlement panels and the Appellate Body be made available to the public upon submission, providing appropriate exceptions for only that information included in a submission that is classified on the basis of national security or that is business confidential.

(E) To require that meetings of dispute settlement panels and the Appellate Body with parties to a dispute are open to other WTO members and the public and provide for in camera treatment of only those portions of a proceeding dealing with evidence that is classified on the basis of national security or that is business confidential.

(F) To require that transcripts of proceedings of dispute settlement panels and the Appellate Body be made available to the public promptly, providing appropriate exceptions for only that information included in the transcripts that is classified on the basis of national security or that is business confidential.

(G) To establish rules allowing for the submission of amicus curiae briefs to dispute settlement panels and the Appellate Body, and to require that such briefs be made available to the public, providing appropriate exceptions for only that information included in the briefs which is classified on the basis of national security or that is business confidential.

(H) To strengthen rules protecting against conflicts of interest by members of dispute settlement panels and the Appellate Body, and promoting the selection of such members with the skills and time necessary to decide increasingly complex cases.

(I) To pursue the establishment of formal procedures under which dispute settlement panels, the Appellate Body, and the Dispute Settlement Body seek advice from other fora of competent jurisdiction, such as the International Court of Justice, the ILO, representative bodies established under international environmental agreements, and scientific experts.

(J) To ensure application of the requirement that dispute settlement panels and the Appellate Body apply the standard of review established in Article 17.6 of the Antidumping Agreement and clarify that this standard of review should apply to cases under the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards.

(7) SANITARY AND PHYTOSANITARY MEASURES.—The principal negotiating objectives of the United States with respect to sanitary and phytosanitary measures are the following:

(A) To oppose reopening of the Agreement on the Application of Sanitary and Phytosanitary Measures.

(B) To affirm the compatibility of trade rules with measures to protect human health, animal health, and the phytosanitary situation of each WTO member by doing the following:

(i) Reaffirming that a decision of a WTO member not to adopt an international standard for the basis of a sanitary or phytosanitary measure does not in itself create a presumption of inconsistency with the Agreement on the Application of Sanitary and Phytosanitary Measures, and that the initial burden of proof rests with the complaining party, as set forth in the determination of the Appellate Body in EC Measures Concerning Meat and Meat Products (Hormones), AB–1997–4, WT/DS26/AB/R, January 16, 1998.

(ii) Reaffirming that WTO members may take provisional sanitary or phytosanitary measures where the relevant scientific evidence is insufficient, so long as such measures are based on available pertinent information, and members taking such provisional measures seek to obtain the additional information necessary to complete a risk assessment within a reasonable period of time. For purposes of this clause, a reasonable period of time includes sufficient time to evaluate the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins, or disease-causing organisms in food, beverages, or feedstuffs.

(8) TECHNICAL BARRIERS TO TRADE.—The principal negotiating objectives of the United States with respect to technical barriers to trade are the following:

(A) To oppose reopening of the Agreement on Technical Barriers to Trade.

(B) Recognizing the legitimate role of labeling that provides relevant information to consumers, to ensure that labeling regulations and standards do not have the effect of creating an unnecessary obstacle to trade or are used as a disguised barrier to trade by increasing transparency in the preparation, adoption, and application of labeling regulations and standards.

(9) TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS.—The principal negotiating objectives of the United States with respect to trade-related aspects of intellectual property rights are the following:

(A) To oppose extension of the date by which WTO members that are developing countries must implement their obligations under the Agreement on Trade Related Aspects of Intellectual Property Rights (in this section also referred to as the "TRIPs Agreement"), pursuant to paragraph 2 of Article 65 of that agreement.

(B) To oppose extension of the moratorium on the application of subparagraphs 1(b) and 1(c) of Article XXIII of the GATT 1994 to the settlement of disputes under the TRIPs Agreement, pursuant to paragraph 2 of Article 64 of the TRIPs Agreement.

(C) To oppose any weakening of existing obligations of WTO members under the TRIPs Agreement.

(D) To ensure that standards of protection and enforcement keep pace with technological developments, including ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works.

(E) To prevent misuse of reference pricing classification systems by developed countries as a way to discriminate against innovative pharmaceutical products and innovative medical devices, without challenging legitimate reference pricing systems not used as a disguised restriction on trade.

(F)(i) To clarify that under Article 31 of the TRIPs Agreement WTO members are able to adopt measures necessary to protect the public health and to respond to situations of national emergency or extreme urgency, including by taking actions that have the effect of increasing access to essential medicines and medical technologies.

(ii) In situations involving infectious diseases, to encourage WTO members that take actions described under clause (i) to also implement policies—

(I) to address the underlying causes necessitating the actions, including, in the case of infectious diseases, encouraging practices that will prevent further transmission and infection;

(II) to take steps to stimulate the development of the infrastructure necessary to deliver adequate health care services, including the essential medicines and medical technologies at issue;

(III) to ensure the safety and efficacy of the essential medicines and medical technologies involved; and

(IV) to make reasonable efforts to address the problems of supply of the essential medicines and medical technologies involved (other than by compulsory licensing), consistent with the obligation set forth in Article 31 of the TRIPs Agreement.

(iii) To encourage members of the Organization for Economic Cooperation and Development and the private sectors in their countries to work with the United Nations, the World Health Organization, and other relevant international organizations, including humanitarian relief organizations, to assist least-developed and developing countries, in all possible ways, in increasing access to essential medicines and medical technologies including through donations, sales at cost, funding of global medicines trust funds, and developing and implementing prevention efforts and health care infrastructure projects.

(10) TRANSPARENCY.—The principal negotiating objectives of the United States with respect to transparency are the following:

(A) To pursue the negotiation of an agreement—

(i) requiring that government laws, rules, and administrative and judicial decisions be published and made available to the public so that governments, businesses, and the public have adequate notice of them;

(ii) requiring adequate notice before new rules are promulgated or existing rules amended;

(iii) encouraging governments to open rulemaking to public comment;

(iv) establishing that any administrative proceeding conducted by the government of any WTO member relating to any of the WTO Agreements and applied to the persons, goods, or services of any other WTO member shall be conducted in a manner that—

(I) gives persons of any other WTO member affected by the proceeding reasonable notice, in accordance with domestic procedures, of when the proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in controversy;

(II) gives such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(III) is in accordance with domestic law; and

(v) requiring each WTO member—

(I) to establish or maintain judicial, quasi-judicial, or administrative tribunals (impartial and independent of the office or authority entrusted with administrative enforcement) or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by any of the WTO Agreements;

(II) to ensure that, in such tribunals or procedures, parties to the proceeding are afforded a reasonable opportunity to support or defend their respective positions; and

(III) to ensure that such tribunals or procedures issue decisions based on the evidence and submissions of record or, where required by domestic law, the record compiled by the office or authority entrusted with administrative enforcement.

(B) To pursue a commitment by all WTO members to improve the public's understanding of and access to the WTO and its related agreements by—

(i) encouraging the Secretariat of the WTO to enhance the WTO website by providing improved access to a wider array of WTO documents and information on the trade regimes of, and other relevant information on, WTO members;

(ii) promoting public access to council and committee meetings by ensuring that agendas and meeting minutes continue to be made available to the public;

(iii) ensuring that WTO documents that are most informative of WTO activities are circulated on an unrestricted basis or, if classified, are made available to the public more quickly;

(iv) seeking the institution of regular meetings between WTO officials and representatives of nongovernmental organizations, businesses and business groups, labor unions, consumer groups, and other representatives of civil society; and

(v) supporting the creation of a committee within the WTO to oversee implementation of the agreement reached under this paragraph.

(11) GOVERNMENT PROCUREMENT.—The principal negotiating objectives of the United States with respect to government procurement are the following:

(A) To seek to expand the membership of the Agreement on Government Procurement.

(B) To seek conclusion of a WTO agreement on transparency in government procurement.

(C) To promote global use of electronic publication of procurement information, including notices of procurement opportunities.

(12) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are the following:

(A) To preserve the ability of the United States to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and, in order to ensure that United States workers, farmers and agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions, not enter into agreements that lessen in any respect the effectiveness of domestic and international disciplines—

(i) on unfair trade, especially dumping and subsidies, or

(ii) that address import increases or surges, such as under the safeguard remedy.

(B) To eliminate the underlying causes of unfair trade practices and import surges, including closed markets, subsidization, government practices promoting, enabling, or tolerating anticompetitive practices, and other forms of government intervention that generate or sustain excess, uneconomic capacity.

(13) TRADE AND LABOR MARKET STANDARDS.—The principal negotiating objectives of the United States with respect to trade and labor market standards are the following:

(A) To achieve a framework of enforceable multilateral rules as soon as practicable that leads to the adoption and enforcement of core, internationally recognized labor standards, including in the WTO and, as appropriate, other international organizations, including the ILO.

(B) To update Article XX of the GATT 1994, and Article XIV of the GATS in relation to core internationally recognized worker rights, including in regard to actions of WTO members taken consistent with and in furtherance of recommendations made by the ILO under Article 33 of the Constitution of the ILO.

(C) To establish promptly a working group on trade and labor issues—

(i) to explore the linkage between international trade and investment and internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974), taking into account differences in the level of development among countries;

(ii) to examine the effects on international trade and investment of the systematic denial of those worker rights;

(iii) to consider ways to address such effects; and

(iv) to develop methods to coordinate the work program of the working group with the ILO.

(D) To provide for regular review of adherence to core labor standards in the Trade Policy Review Mechanism established in Annex 3 to the WTO Agreement.

(E) To establish a working relationship between the WTO and the ILO—

(i) to identify opportunities in trade-affected sectors of the economies of WTO members to improve enforcement of internationally recognized core labor standards;

(ii) to provide WTO members with technical and legal assistance in developing and enforcing internationally recognized core labor standards; and

(iii) to provide technical assistance to the WTO to assist with the Trade Policy Review Mechanism.

(14) TRADE AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to trade and the environment are the following:

(A) To strengthen the role of the Committee on Trade and Environment of the WTO, including providing that the Committee would—

(i) review and comment on negotiations; and

(ii) review potential effects on the environment of WTO Agreements and future agreements of the WTO on liberalizing trade in natural resource products.

(B) To provide for regular review of adherence to environmental standards in the Trade Policy Review Mechanism of the WTO.

(C) To clarify exceptions under Article XX (b) and (g) of the GATT 1994 to ensure effective protection of human, animal, or plant life or health, and conservation of exhaustible natural resources.

(D) To amend Article XX of the GATT 1994 and Article XIV of the GATS to include an explicit exception for actions taken that are in accordance with those obligations under any multilateral environmental agreement accepted by both parties to a dispute.

(E) To amend Article XIV of the GATS to include an exception for measures relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

(F) To give priority to trade liberalization measures that promote sustainable development, including eliminating duties on environmental goods, and obtaining commitments on environmental services.

(G) To reduce subsidies in natural resource sectors (including fisheries and forest products) and export subsidies in agriculture.

(H) To improve coordination between the WTO and relevant international environmental organizations in the development of multilaterally accepted principles for sustainable development, including sustainable forestry and fishery practices.

(15) INSTITUTION BUILDING.—The principal negotiating objectives of the United States with respect to institution building are the following:

(A) To strengthen institutional mechanisms within the WTO that facilitate dialogue and coordinate activities between nongovernmental organizations and the WTO.

(B) To seek greater transparency of WTO processes and procedures for all WTO members by—

(i) promoting the improvement of internal communication between the Secretariat and all WTO members; and

(ii) establishing points of contact to facilitate communication between WTO members on any matter covered by the WTO Agreements.

(C) To improve coordination between the WTO and other international organizations such as the International Bank for Reconstruction and Development, the International Monetary Fund, the ILO, the Organization for Economic Cooperation and Development, the United Nations Conference on Trade and Development, and the United Nations Environment Program to increase the effectiveness of technical assistance programs.

(D) To increase the efforts of the WTO, both on its own and through partnerships with other institutions, to provide technical assistance to developing countries, particularly least-developed countries, to promote the rule of law, to assist those countries in complying with their obligations under the World Trade Organization agreements, and to address the full range of challenges arising from implementation of such obligations.

(E) To improve the Trade Policy Review Mechanism of the WTO to cover a wider array of trade-related issues.

(16) TRADE AND INVESTMENT.—The principal negotiating objectives of the United States with respect to trade and investment are the following:

(A) To pursue further reduction of trade-distorting investment measures, including—

(i) by pursuing agreement to ensure the free transfer of funds related to investments;

(ii) by pursuing reduction or elimination of the exceptions to the principle of national treatment; and

(iii) by pursuing amendment of the illustrative list annexed to the WTO Agreement on Trade-Related Investment Measures (in this section also referred to as the "TRIMs Agreement") to include forced technology transfers, performance requirements, minimum investment levels, forced licensing of intellectual property, or other unreasonable barriers to the establishment or operation of investments as measures that are inconsistent with the obligation of national treatment provided for in paragraph 4 of Article III of the GATT 1994 or the obligation of general elimination of quantitative restrictions provided for in paragraph 1 of Article XI of the GATT 1994.

(B) To seek to strengthen the enforceability of and compliance with the TRIMs Agreement.

(17) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are the following:

(A) Make permanent and binding the moratorium on customs duties on electronic transmissions declared in the WTO Ministerial Declaration of May 20, 1998.

(B) Ensure that current obligations, rules, disciplines, and commitments under the WTO apply to electronically delivered goods and services.

(C) Ensure that the classification of electronically delivered goods and services ensures the most liberal trade treatment possible.

(D) Ensure that electronically delivered goods and services receive no less favorable treatment under WTO trade rules and commitments than like products delivered in physical form.

(E) Ensure that governments refrain from implementing trade-related measures that impede electronic commerce.

(F) Where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are nondiscriminatory, transparent, and promote an open market environment.

(G) Pursue a procompetitive regulatory environment for basic and value-added telecommunications services abroad, so as to facilitate the conduct of electronic commerce.

(H) Focus any future WTO work program on electronic commerce on educating WTO members regarding the benefits of electronic commerce and on facilitating the liberalization of trade barriers in areas that directly impede the conduct of electronic commerce.

(18) DEVELOPING COUNTRIES.—The principal negotiating objectives of the United States with respect to developing countries are the following:

(A) To enter into trade agreements that promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities.

(B) To ensure appropriate phase-in periods with respect to the obligations of least-developed countries.

(C) To coordinate with the World Bank, the International Monetary Fund, and other international institutions to provide debt relief and other assistance to promote the rule of law and sound and sustainable development.

(D) To accelerate tariff reductions that benefit least-developed countries.

(19) CURRENT ACCOUNT SURPLUSES.—The principal negotiating objective of the United States with respect to current account surpluses is to develop rules to address large and persistent global current account imbalances of countries, including imbalances that threaten the stability of the international trading system, by imposing greater responsibility on such countries to undertake policy changes aimed at restoring current account equilibrium, including expedited implementation of trade agreements where feasible and appropriate or by offering debt repayment on concessional terms.

(20) TRADE AND MONETARY COORDINATION.—The principal negotiating objective of the United States with respect to trade and monetary coordination is to foster stability in international currency markets and develop mechanisms to assure greater coordination, consistency, and cooperation between international trade and monetary systems and institutions in order to protect against the trade consequences of significant and unanticipated currency movements.

(21) ACCESS TO HIGH TECHNOLOGY.—The principal negotiating objectives of the United States with respect to access to high technology are the following:

(A) To obtain the elimination or reduction of foreign barriers to, and of acts, policies, or practices by foreign governments which limit, equitable access by United States persons to foreign-developed technology.

(B) To seek the elimination of tariffs on all information technology products, infrastructure equipment, scientific instruments, and medical equipment.

(C) To pursue the reduction of foreign barriers to high technology products of the United States.

(D) To enforce and promote the Agreement on Technical Barriers to Trade, and ensure that standards, conformity assessments, and technical regulations are not used as obstacles to trade in information technology and communications products.

(E) To require all WTO members to sign the Information Technology Agreement of the WTO, and to expand and update product coverage under that agreement.

(22) CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are the following:

(A) To obtain standards applicable to persons from all countries participating in the applicable trade agreement that are equivalent to, or more restrictive than, the prohibitions applicable to issuers, domestic concerns, and other persons under section 30A of the Securities and Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(B) To implement mechanisms to ensure effective enforcement of the standards described in subparagraph (A).

(23) IMPLEMENTATION OF EXISTING COMMITMENTS AND IMPROVEMENT OF THE WTO AND THE WTO AGREEMENTS.—The principal negotiating objectives of the United States with respect to implementation of existing commitments under the WTO are the following:

(A) To ensure that all WTO members comply fully with existing obligations under the WTO according to existing commitments and timetables.

(B) To strengthen the ability of the Trade Policy Review Mechanism within the WTO to review implementation by WTO members of commitments under the WTO.

(C) To undertake diplomatic and, as appropriate, dispute settlement efforts to promote compliance with commitments under the WTO.

(D) To extend the coverage of the WTO Agreements to products, sectors, and conditions of trade not adequately covered.

(c) NEGOTIATING OBJECTIVES FOR THE FTAA.—The principal negotiating objectives of the United States in seeking a trade agreement establishing a Free Trade Area for the Americas are the following:

(1) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets equal to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by doing the following:

(A) Reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports, giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries and providing reasonable adjustment periods for import sensitive products of the United States, in close consultation with Congress.

(B) Eliminating disparities between applied and bound tariffs by reducing bound tariff levels.

(C) Enhancing the transparency of tariff regimes.

(D) Tightening disciplines governing the administration of tariff rate quotas.

(E) Establishing mechanisms to prevent agricultural products from being exported to FTAA members by countries that are not FTAA members with the aid of export subsidies.

(F) Maintaining bona fide food aid programs.

(G) Allowing the preservation of programs that support family farms and rural communities but do not distort trade.

(H) Eliminating state trading enterprises or, at a minimum, adopting rigorous disciplines that ensure transparency in the operations of such enterprises, including price transparency, competition, and the end of discriminatory practices, including policies supporting cross subsidization, price discrimination, and price undercutting in export markets.

(I) Eliminating technology-based discrimination against agricultural commodities, and ensuring that the rules negotiated do not weaken rights and obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures.

(J) Eliminating practices that adversely affect trade in perishable or seasonal products, while improving import relief mechanisms to recognize the unique characteristics of perishable and seasonal agriculture. Before proceeding with negotiations with respect to agriculture, the Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of perishable and seasonal food products to be employed in the negotiations in order to develop a consensus on the treatment of such products in dumping or safeguard actions and in any other relevant area.

(K) Taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements.

(L) Taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements.

(M) Taking into account the impact that agreements covering agriculture to which the United States is a party, including NAFTA, have on the United States agricultural industry.

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States with respect to trade in services is to achieve, to the maximum extent possible, the elimination of barriers to, or other distortions of, trade in services in all modes of supply and across the broadest range of service sectors by doing the following:

(A) Pursuing agreement to treat negotiation of trade in services in a negative list manner whereby commitments will cover all services and all modes of supply unless particular services or modes of supply are expressly excluded.

(B) Achieving maximum liberalization of market access in all modes of supply, including by removing restrictions on the legal form of an investment or on the right to own all or a majority share of a service supplier, subject to national security exceptions.

(C) Removing regulatory and other barriers that deny national treatment, or unreasonably restrict the establishment or operations of service suppliers in foreign markets.

(D) Eliminating additional barriers to trade in services, including restrictions on access to services distribution networks and information systems, unreasonable or discriminatory licensing requirements, administration of cartels or toleration of anticompetitive activity, unreasonable delegation of regulatory powers to private entities, and similar government acts, measures, or policies affecting the sale, offering for sale, purchase, distribution, or use of services that have the effect of restricting access of services and service suppliers to a foreign market.

(E) Grandfathering existing concessions and liberalization commitments.

(F) Pursuing the strongest possible obligations to ensure that regulation of services and service suppliers in all respects, including by rulemaking, license-granting, standards-setting, and through judicial, administrative, and arbitral proceedings, is conducted in a transparent, reasonable, objective, and impartial manner and is otherwise consistent with principles of due process.

(G) Strongly opposing cultural exceptions to services obligations, especially relating to audiovisual services and service providers.

(H) Preventing discrimination against a like service when delivered through electronic means.

(I) Pursuing full market access and national treatment commitments for services sectors essential to supporting electronic commerce.

(J) Broadening and deepening existing commitments by other countries relating to basic and value-added telecommunications, including by—

(i) strengthening obligations and the implementation of obligations to ensure competitive, nondiscriminatory access to public telecommunication networks and services for Internet service providers and other value-added service providers; and

(ii) preventing anticompetitive behavior by major suppliers, including service suppliers that are either government owned or controlled or recently government owned or controlled.

(K) Broadening and deepening existing commitments of other countries relating to financial services.

(3) TRADE IN MANUFACTURED AND NONAGRICULTURAL GOODS.—The principal negotiating objectives of the United States with respect to trade in manufactured and nonagricultural goods are the following:

(A) To eliminate disparities between applied and bound tariffs by reducing bound tariff levels.

(B) To negotiate an agreement that includes reciprocal commitments to eliminate duties in sectors in which tariffs are currently approaching zero.

(C) To eliminate tariff and nontariff disparities remaining from previous rounds of multilateral trade negotiations that have put United States exports at a competitive disadvantage in world markets, especially tariff and nontariff barriers in foreign countries in those sectors where the United States imposes no significant barriers to imports and where foreign tariff and nontariff barriers are substantial.

(D) To obtain the reduction or elimination of tariffs on value-added products that provide a disproportionate level of protection compared to that provided to raw materials.

(E) To eliminate additional nontariff barriers to trade, including—

(i) anticompetitive restrictions on access to product distribution networks and information systems;

(ii) unreasonable or discriminatory inspection processes;

(iii) the administration of cartels, or the promotion, enabling, or toleration of anticompetitive activity;

(iv) unreasonable delegation of regulatory powers to private entities;

(v) unreasonable or discriminatory licensing requirements; and

(vi) similar government acts, measures, or policies affecting the sale, offering for sale, purchase, transportation, distribution, or use of goods that have the effect of restricting access of goods to a foreign market.

(4) DISPUTE SETTLEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement are the following:

(A) To provide for a single effective and expeditious dispute settlement mechanism and set of procedures that applies to all FTAA agreements.

(B) To ensure that dispute settlement mechanisms enable effective enforcement of the rights of the United States, including by providing, in all contexts, for the use of all remedies that are demonstrably effective to promote prompt and full compliance with the decision of a dispute settlement panel.

(C) To provide rules that promote cooperation by the governments of FTAA members in producing evidence in connection with dispute settlement proceedings, including copies of laws, regulations, and other measures that are the subject of or are directly relevant to the dispute, other than evidence that is classified on the basis of national security, and evidence that is business confidential.

(D) To require that all submissions by governments to FTAA dispute panels and any appellate body be made available to the public upon submission, providing appropriate exceptions for only that information included in a submission that is classified on the basis of national security or that is business confidential.

(E) To require that meetings of FTAA dispute panels and any appellate body with the parties to a dispute are open to other FTAA members and the public and provide for in camera treatment of only those portions of a proceeding dealing with evidence that is classified on the basis of national security or that is business confidential.

(F) To require that transcripts of proceedings of FTAA dispute panels and any appellate body be made available to the public promptly, providing appropriate exceptions for only that information included in the transcripts that is classified on the basis of national security or that is business confidential.

(G) To establish rules allowing for the submission of amicus curiae briefs to FTAA dispute panels and any appellate body, and to require that such briefs be made available to the public, providing appropriate exceptions for only that information included in the briefs that is classified on the basis of national security or that is business confidential.

(H) To pursue rules protecting against conflicts of interest by members of FTAA dispute panels and any appellate body, and promoting the selection of members for such panels and appellate body with the skills and time necessary to decide increasingly complex cases.

(I) To pursue the establishment of formal procedures under which the FTAA dispute panels and any appellate body seek advice from other fora of competent jurisdiction, such as the International Court of Justice, ILO, representative bodies established under international environmental agreements, and scientific experts.

(5) TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS.—The principal negotiating objectives of the United States with respect to trade-related aspects of intellectual property rights are the following:

(A) To ensure that the provisions of a regional trade agreement governing intellectual property rights that is entered into by the United States reflects a standard of protection similar to that found in United States law.

(B) To provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property.

(C) To prevent or eliminate discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights.

(D) To ensure that standards of protection and enforcement keep pace with technological developments, including ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works.

(E) To provide strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

(F) To secure fair, equitable and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(G) To prevent misuse of reference pricing classification systems by developed countries as a way to discriminate against innovative pharmaceutical products and innovative medical devices, without challenging valid reference pricing systems not used as a disguised restriction on trade.

(H)(i) To ensure that FTAA members are able to adopt measures necessary to protect the public health and to respond to situations of national emergency or extreme urgency, including taking actions that have the effect of increasing access to essential medicines and medical technologies, where such actions are consistent with obligations set forth in Article 31 of the TRIPs Agreement.

(ii) In situations involving infectious diseases, to encourage FTAA members that take actions described under clause (i) to also implement policies—

(I) to address the underlying causes necessitating the actions, including, in the case of infectious diseases, encouraging practices that will prevent further transmission and infection;

(II) to take steps to stimulate the development of the infrastructure necessary to deliver adequate health care services, including the essential medicines and medical technologies at issue;

(III) to ensure the safety and efficacy of the essential medicines and medical technologies involved; and

(IV) to make reasonable efforts to address the problems of supply of the essential medicines and medical technologies involved (other than by compulsory licensing).

(iii) To encourage FTAA members and the private sectors in their countries to work with the United Nations, the World Health Organization, the Inter-American Development Bank, the Organization of American States, and other relevant international organizations, including humanitarian relief organizations, to assist least-developed and developing countries in the region in increasing access to essential medicines and medical technologies through donations, sales at cost, funding or global medicines trust funds, and developing and implementing prevention efforts and health care infrastructure projects.

(6) TRANSPARENCY.—The principal negotiating objectives of the United States with respect to transparency are the following:

(A) To pursue the negotiation of an agreement—

(i) requiring that government laws, rules, and administrative and judicial decisions be published and made available to the public so that governments, businesses and the public have adequate notice of them;

(ii) requiring adequate notice before new rules are promulgated or existing rules amended;

(iii) encouraging governments to open rulemaking to public comment;

(iv) establishing that any administrative proceeding by any FTAA member relating to any of the FTAA agreements and applied to the persons, goods, or services of any other FTAA member shall be conducted in a manner that—

(I) gives persons of any other FTAA member affected by the proceeding reasonable notice, in accordance with domestic procedures, of when the proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in controversy;

(II) gives such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(III) is in accordance with domestic law; and

(v) requiring each FTAA member—

(I) to establish or maintain judicial, quasi-judicial, or administrative tribunals (impartial and independent of the office or authority entrusted with administrative enforcement) or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by any of the FTAA agreements;

(II) to ensure that, in such tribunals or procedures, parties to the proceeding are afforded a reasonable opportunity to support or defend their respective positions; and

(III) to ensure that such tribunals or procedures issue decisions based on the evidence and submissions of record or, where required by domestic law, the record compiled by the office or authority entrusted with administrative enforcement.

(B) To require the institution of regular meetings between officials of an FTAA secretariat, if established, and representatives of nongovernmental organizations, businesses and business groups, labor unions, consumer groups, and other representatives of civil society.

(C) To continue to maintain, expand, and update an official FTAA website in order to disseminate a wide range of information on the FTAA, including the draft texts of the agreements negotiated pursuant to the FTAA, the final text of such agreements, tariff information, regional trade statistics, and links to websites of FTAA member countries that provide further information on government regulations, procedures, and related matters.

(7) GOVERNMENT PROCUREMENT.—The principal negotiating objectives for the United States with respect to government procurement are the following:

(A) To seek the acceptance by all FTAA members of the Agreement on Government Procurement.

(B) To seek conclusion of an agreement on transparency in government procurement.

(C) To promote global use of electronic publication of procurement information, including notices of procurement opportunities.

(8) TRADE REMEDY LAWS.—The principal negotiating objectives for the United States with respect to trade remedy laws are the following:

(A) To preserve the ability of the United States to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and not enter into agreements that lessen in any respect the effectiveness of domestic and international disciplines—

(i) on unfair trade, especially dumping and subsidies, or

(ii) that address import increases or surges, such as under the safeguard remedy, in order to ensure that United States workers, farmers and agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

(B) To eliminate the underlying causes of unfair trade practices and import surges, including closed markets, subsidization, promoting, enabling, or tolerating anticompetitive practices, and other forms of government intervention that generate or sustain excess, uneconomic capacity.

(9) TRADE AND LABOR MARKET STANDARDS.—The principal negotiating objectives of the United States with respect to trade and labor market standards are the following:

(A) To include enforceable rules that provide for the adoption and enforcement of the following core labor standards: the right of association, the right to bargain collectively, and prohibitions on employment discrimination, child labor, and slave labor.

(B)(i) To establish as the trigger for invoking the dispute settlement process with respect to the obligations under subparagraph (A)—

(I) an FTAA member's failure to effectively enforce its domestic labor standards through a sustained or recurring course of action or inaction, in a manner affecting trade or investment; or

(II) an FTAA member's waiver or other derogation from its domestic labor standards for the purpose of attracting investment, inhibiting exports by other FTAA members, or otherwise gaining a competitive advantage; and

(ii) to recognize that—

(I) FTAA members retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor matters determined to have higher priorities; and

(II) FTAA members retain the right to establish their own domestic labor standards, and to adopt or modify accordingly labor policies, laws, and regulations, in a manner consistent with the core labor standards identified in subparagraph (A).

(C) To provide for phased-in compliance for least-developed countries comparable to mechanisms utilized in other FTAA agreements.

(D) To create an FTAA work program that—

(i) will provide guidance and technical assistance to FTAA members in supplementing and strengthening their labor laws and regulations, including, in particular, laws and regulations relating to the core labor standards identified in subparagraph (A); and

(ii) includes commitments by FTAA members to provide market access incentives for the least-developed FTAA members to improve adherence to and enforcement of the core labor standards identified in subparagraph (A), and to meet their schedule for phased-in compliance on or ahead of schedule.

(E) To provide for regular review of adherence to core labor standards.

(F) To create exceptions from the obligations under the FTAA agreements for—

(i) products produced by prison labor or slave labor, and products produced by child labor proscribed by Convention 182 of the ILO; and

(ii) actions taken consistent with, and in furtherance of, recommendations made by the ILO.

(10) TRADE AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to trade and the environment are the following:

(A) To obtain rules that provide for the enforcement of environmental laws and regulations relating to—

(i) the prevention, abatement, or control of the release, discharge, or emission of pollutants or environmental contaminants;

(ii) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto; and

(iii) the protection of wild flora or fauna, including endangered species, their habitats, and specially protected natural areas, in the territory of FTAA member countries.

(B)(i) To establish as the trigger for invoking the dispute settlement process—

(I) an FTAA member's failure to effectively enforce such laws and regulations through a sustained or recurring course of action or inaction, in a manner affecting trade or investment; or

(II) an FTAA member's waiver or other derogation from its domestic environmental laws and regulations, for the purpose of attracting investment, inhibiting exports by other FTAA members, or otherwise gaining a competitive advantage; and

(ii) to recognize that—

(I) FTAA members retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other environmental matters determined to have higher priorities; and

(II) FTAA members retain the right to establish their own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly environmental policies, laws, and regulations.

(C) To provide for phased-in compliance for least-developed countries, comparable to mechanisms utilized in other FTAA agreements.

(D) To create an FTAA work program that—

(i) will provide guidance and technical assistance to FTAA members in supplementing and strengthening their environmental laws and regulations based on—

(I) the standards in existing international agreements that provide adequate protection; or

(II) the standards in the laws of other FTAA members if the standards in international agreements standards are inadequate or do not exist; and

(ii) includes commitments by FTAA members to provide market access incentives for the least-developed FTAA members to strengthen environmental laws and regulations.

(E) To provide for regular review of adherence to environmental laws and regulations.

(F) To create exceptions from obligations under the FTAA agreements for—

(i) measures taken to provide effective protection of human, animal, or plant life or health;

(ii) measures taken to conserve exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption; and

(iii) measures taken that are in accordance with obligations under any multilateral environmental agreement accepted by both parties to a dispute.

(G) To give priority to trade liberalization measures that promote sustainable development, including eliminating duties on environmental goods, and obtaining commitments on environmental services.

(11) INSTITUTION BUILDING.—The principal negotiating objectives of the United States with respect to institution building are the following:

(A) To improve coordination between the FTAA and other international organizations such as the Organization of American States, the ILO, the United Nations Environment Program, and the Inter-American Development Bank to increase the effectiveness of technical assistance programs.

(B) To ensure that the agreements entered into under the FTAA provide for technical assistance to developing and, in particular, least-developed countries that are members of the FTAA to promote the rule of law, enable them to comply with their obligations under the FTAA agreements, and minimize disruptions associated with trade liberalization.

(12) TRADE AND INVESTMENT.—The principal negotiating objectives of the United States with respect to trade and investment are the following:

(A) To reduce or eliminate artificial or trade-distorting barriers to foreign investment by United States persons and, recognizing that United States law on the whole provides a high level of protection for investments, consistent with or greater than the level required by international law, to secure for investors the rights that would be available under United States law, but no greater rights, by—

(i) ensuring national and most-favored nation treatment for United States investors and investments;

(ii) freeing the transfer of funds relating to investments;

(iii) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(iv) establishing standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice, including by clarifying that expropriation does not arise in cases of mere diminution in value;

(v) codifying the clarifications made on July 31, 2001, by the Free Trade Commission established under Article 2001 of the NAFTA with respect to the minimum standard of treatment under Article 1105 of the NAFTA such that—

(I) any provisions included in an investment agreement setting forth a minimum standard of treatment prescribe only that level of treatment required by customary international law; and

(II) a determination that there has been a breach of another provision of the FTAA, or of a separate international agreement, does not establish that there has been a breach of the minimum standard of treatment;

(vi) ensuring, through clarifications, presumptions, exceptions, or other means in the text of the agreement, that the investor protections do not interfere with an FTAA member's exercise of its police powers under its local, State, and national laws (for example legitimate health, safety, environmental, consumer, and employment opportunity laws and regulations), including by a clarification that the standards in an agreement do not require use of the least trade restrictive regulatory alternative;

(vii) providing an exception for actions taken in accordance with obligations under a multilateral environmental agreement agreed to by both countries involved in the dispute;

(viii) providing meaningful procedures for resolving investment disputes;

(ix) ensuring that—

(I) no claim by an investor directly against a state may be brought unless the investor first submits the claim for approval to the home government of the investor;

(II) such approval is granted for each claim which the investor demonstrates is meritorious;

(III) such approval is considered granted if the investor's home government has not acted upon the submission within a defined reasonable period of time; and

(IV) each FTAA member establishes or designates an independent decisionmaker to determine whether the standard for approval has been satisfied; and

(x) providing a standing appellate mechanism to correct erroneous interpretations of law.

(B) To ensure the fullest measure of transparency in the dispute settlement mechanism established, by—

(i) ensuring that all requests for dispute settlement are promptly made public, to the extent consistent with the need to protect information that is classified or business confidential;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions, are promptly made public; and

(II) all hearings are open to the public, to the extent consistent with need to protect information that is classified or business confidential; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(13) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are the following:

(A) To make permanent and binding on FTAA members the moratorium on customs duties on electronic transmissions declared in the WTO Ministerial Declaration of May 20, 1998.

(B) To ensure that governments refrain from implementing trade-related measures that impede electronic commerce.

(C) To ensure that electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form.

(D) To ensure that the classification of electronically delivered goods and services ensures the most liberal trade treatment possible.

(E) Where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are nondiscriminatory, transparent, and promote an open market environment.

(F) To pursue a regulatory environment that encourages competition in basic telecommunications services abroad, so as to facilitate the conduct of electronic commerce.

(14) DEVELOPING COUNTRIES.—The principal negotiating objectives of the United States with respect to developing countries are the following:

(A) To enter into trade agreements that promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities.

(B) To ensure appropriate phase-in periods with respect to the obligations of least-developed countries.

(C) To coordinate with the Organization of American States, the Inter-American Development Bank, and other regional and international institutions to provide debt relief and other assistance to promote the rule of law and sound and sustainable development.

(D) To accelerate tariff reductions that benefit least-developed countries.

(15) TRADE AND MONETARY COORDINATION.—The principal negotiating objective of the United States with respect to trade and monetary coordination is to foster stability in international currency markets and develop mechanisms to assure greater coordination, consistency, and cooperation between international trade and monetary systems and institutions in order to protect against the trade consequences of significant and unanticipated currency movements.

(16) ACCESS TO HIGH TECHNOLOGY.—The principal negotiating objectives of the United States with respect to access to high technology are the following:

(A) To obtain the elimination or reduction of foreign barriers to, and of acts, policies, or practices by foreign governments that limit, equitable access by United States persons to foreign-developed technology.

(B) To seek the elimination of tariffs on all information technology products, infrastructure equipment, scientific instruments, and medical equipment.

(C) To pursue the reduction of foreign barriers to high technology products of the United States.

(D) To enforce and promote the Agreement on Technical Barriers to Trade, and ensure that standards, conformity assessment, and technical regulations are not used as obstacles to trade in information technology and communications products.

(E) To require all parties to sign the Information Technology Agreement of the WTO and to expand and update product coverage under such agreement.

(17) CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage are—

(A) to obtain standards applicable to persons from all FTAA member countries that are equivalent to, or more restrictive than, the prohibitions applicable to issuers, domestic concerns, and other persons under section 30A of the Securities and Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977; and

(B) to implement mechanisms to ensure effective enforcement of the standards described in subparagraph (A).

(d) BILATERAL AGREEMENTS.—

(1) PRINCIPAL NEGOTIATING OBJECTIVES.—The principal negotiating objectives of the United States in seeking bilateral trade agreements are those objectives set forth in subsection (c), except that in applying such subsection, any references to the FTAA or FTAA member countries shall be deemed to refer to the bilateral agreement, or party to the bilateral agreement, respectively.

(2) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

(e) DOMESTIC OBJECTIVES.—In pursuing the negotiating objectives under subsections (a) through (d), United States negotiators shall take into account legitimate United States domestic (including State and local) objectives, including, but not limited to, the protection of health and safety, essential security, environmental, consumer, and employment opportunity interests and the laws and regulations related thereto.

SEC. 2103. CONGRESSIONAL TRADE ADVISERS.

Section 161(a)(1) of the Trade Act of 1974 (19 U.S.C. 2211(a)(1)) is amended to read as follows:

"(1) At the beginning of each regular session of Congress—

"(A) the Speaker of the House of Representatives shall—

"(i) upon the recommendation of the chairman and ranking member of the Committee on Ways and Means, select 5 members (not more than 3 of whom are members of the same political party) of such committee,

"(ii) upon the recommendation of the chairman and ranking member of the Committee on Agriculture, select 2 members (from different political parties) of such committee, and

"(iii) upon the recommendation of the majority leader and minority leader of the House of Representatives, select 2 members of the House of Representatives (from different political parties), and

"(B) the President pro tempore of the Senate shall—

"(i) upon the recommendation of the chairman and ranking member of the Committee on Finance, select 5 members (not more than 3 of whom are members of the same political party) of such committee,

"(ii) upon the recommendation of the chairman and ranking member of the Committee on Agriculture, Nutrition, and Forestry, select 2 members (from different political parties) of such committee, and

"(iii) upon the recommendation of the majority leader and minority leader of the Senate, select 2 members of the Senate (from different political parties),

who shall be designated congressional advisers on trade policy and negotiations. They shall provide advice on the development of trade policy and priorities for the implementation thereof. They shall also be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegations to international conferences, meetings, dispute settlement proceedings, and negotiating sessions relating to trade agreements.”.

SEC. 2104. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) the date that is 5 years after the date of the enactment of this title, or

(ii) the date that is 7 years after such date of enactment, if fast track procedures are extended under subsection (c), and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment; or

(B) increases any rate of duty above the rate that applied on such date of enactment.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 2107 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B) and (2) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization or as part of an interim agreement leading to the formation of a regional free-trade area.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) the date that is 5 years after the date of the enactment of this Act, or

(ii) the date that is 7 years after such date of enactment, if fast track procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement substantially achieves the applicable objectives described in section 2102 and the conditions set forth in sections 2105, 2106, and 2107 are met.

(3) BILLS QUALIFYING FOR FAST TRACK PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as “fast track procedures”) apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an “implementing bill”.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement;

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority; and

(iii) provisions to provide trade adjustment assistance to workers, firms, and communities.

(4) LIMITATIONS ON FAST TRACK PROCEDURES.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (fast track procedures) shall not apply to any provision in an implementing bill that modifies or amends, or requires a modification of, or an amendment to, any law of the United States relating to title VII of the Tariff Act of 1930, title II of the Trade Act of 1974, or any law that provides safeguards from unfair foreign trade practices to United States businesses or workers.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL FAST TRACK PROCEDURES.—

(1) IN GENERAL.—Except as provided in subsection (b)(4) and section 2105(c), 2106(c), and 2107(b)—

(A) the fast track procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before the date that is 5 years after the date of the enactment of this title; and

(B) the fast track procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) on or after the date specified in subparagraph (A) and before the date that is 7 years after the date of such enactment if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (6) before the date specified in subparagraph (A).

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the fast track procedures should be extended to implementing bills to carry out trade agreements under subsection (b), the President shall submit to the Congress, not later than 3 months before the expiration of the 5-year period specified in paragraph (1)(A), a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than 2 months before the expiration of the 5-year period specified in paragraph (1)(A), a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this title; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) REPORT TO CONGRESS BY CONGRESSIONAL TRADE ADVISERS.—The President shall promptly inform the congressional trade advisers of the President's decision to submit a report to the Congress under paragraph (2). The congressional trade advisers shall submit to the Congress as soon as practicable, but not later than 2 months before the expiration of the 5-year period specified in paragraph (1)(A), a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this Act; and

(B) a statement of their views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(5) REPORTS MAY BE CLASSIFIED.—The reports under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate, and the report under paragraph (4), or any portion thereof, may be classified.

(6) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the request of the President for the extension, under section 2104(c)(1)(B)(i) of the Comprehensive Trade Negotiating Authority Act of 2002, of the fast track procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 2104(b) of that Act after the date that is 5 years after the date of the enactment of that Act.", with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after the date that is 5 years after the date of the enactment of this title.

SEC. 2105. COMMENCEMENT OF NEGOTIATIONS.

(a) IN GENERAL.—In order to contribute to the continued economic expansion of the United States and to benefit United States workers, farmers, and businesses, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. The President shall commence negotiations—

(1) to expand existing sectoral agreements to countries that are not parties to those agreements; and

(2) to promote growth, open global markets, and raise standards of living in the United States and other countries and promote sustainable development.

Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products.

(b) CONSULTATION REGARDING NEGOTIATING OBJECTIVES.—With respect to any negotiations for a trade agreement under section 2104(b), the following shall apply:

(1) The President shall, in developing strategies for pursuing negotiating objectives set forth in section 2102 and other relevant negotiating objectives to be pursued in negotiations, consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) the congressional trade advisers; and

(C) other appropriate committees of Congress.

(2) The President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by the country or countries with which the negotiations will be conducted. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(c) NOTICE OF INITIATION; DISAPPROVAL RESOLUTIONS.—

(1) NOTICE.—The President shall—

(A) provide, at least 90 calendar days before initiating the proposed negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific negotiating objectives to be pursued in the negotiations, and whether the President intends to seek an agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, the congressional trade advisers, and such other committees of the House of Representatives and the Senate as the President deems appropriate.

(2) RESOLUTIONS DISAPPROVING INITIATION OF NEGOTIATIONS.—

(A) INAPPLICABILITY OF FAST TRACK PROCEDURES TO AGREEMENTS OF WHICH CERTAIN NOTICE GIVEN.—Fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 2104(b) pursuant to negotiations with 2 or more countries of which notice is given under paragraph (1)(A) if, during the 90-day period referred to in that subsection, each House of Congress agrees to a disapproval resolution described in subparagraph (B) with respect to the negotiations.

(B) DISAPPROVAL RESOLUTIONS.—For purposes of this paragraph, the term "disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the negotiations of which the President notified the Congress on   , under section 2105(c)(1) of the Comprehensive Trade Negotiating Authority Act of 2002 and, therefore, the fast track procedures under that Act shall not apply to any implementing bill submitted with respect to any trade agreement entered into pursuant to those negotiations.", with the first blank space being filled with the name of the resolving House of Congress, and the second blank space being filled with the appropriate date.

(3) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Disapproval resolutions to which paragraph (2) applies—

(i) in the House of Representatives—

(I) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(II) may not be amended by either Committee; and

(ii) in the Senate shall be referred to the Committee on Finance.

(B) The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to the consideration of certain resolutions in the House and Senate) apply to any disapproval resolution to which paragraph (2) applies. In applying section 152(c)(1) of the Trade Act of 1974, all calendar days shall be counted.

(C) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged pursuant to subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged pursuant to subparagraph (B).

SEC. 2106. CONGRESSIONAL PARTICIPATION DURING NEGOTIATIONS.

(a) CONSULTATIONS WITH CONGRESSIONAL TRADE ADVISERS AND COMMITTEES OF JURISDICTION.—In the course of negotiations conducted under this title, the Trade Representative shall—

(1) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the congressional trade advisers, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate;

(2) with respect to any negotiations and agreement relating to agriculture, also consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(3) consult closely and on a timely basis with other appropriate committees of Congress.

(b) GUIDELINES FOR CONSULTATIONS.—

(1) GUIDELINES.—The Trade Representative, in consultation with the chairmen and ranking minority members of the Committee

on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the congressional trade advisers—

(A) shall, within 120 days after the date of the enactment of this title, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative, the committees referred to in subsection (a), and the congressional trade advisers; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of each committee referred to in subsection (a) and the congressional trade advisers regarding negotiating objectives and positions and the status of negotiations, with more frequent briefings as trade negotiations enter the final stages;

(B) access by members of each such committee, the congressional trade advisers, and staff with proper security clearances, to pertinent documents relating to negotiations, including classified materials; and

(C) the closest practicable coordination between the Trade Representative, each such committee, and the congressional trade advisers at all critical periods during negotiations, including at negotiation sites.

(c) DISAPPROVAL RESOLUTIONS WITH RESPECT TO ONGOING NEGOTIATIONS.—

(1) NEGOTIATIONS OF WHICH NOTICE GIVEN.—Fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 2104(b) pursuant to negotiations of which notice is given under section 2105(c)(1) if, at any time after the end of the 90-day period referred to in section 2105(c)(1), during the 120-day period beginning on the date that one House of Congress agrees to a disapproval resolution described in paragraph (3)(A) disapproving the negotiations, the other House separately agrees to a disapproval resolution described in paragraph (3)(A) disapproving those negotiations. The disapproval resolutions of the two Houses need not be in agreement with respect to disapproving any other negotiations.

(2) PRIOR NEGOTIATIONS.—Fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement to which section 2108(a) applies if, during the 120-day period beginning on the date that one House of Congress agrees to a disapproval resolution described in paragraph (3)(B) disapproving the negotiations for that agreement, the other House separately agrees to a disapproval resolution described in paragraph (3)(B) disapproving those negotiations. The disapproval resolutions of the two Houses need not be in agreement with respect to disapproving any other negotiations.

(3) DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term "disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the negotiations of which the President notified the Congress on   , under section 2105(c)(1) of the Comprehensive Trade Negotiating Authority Act of 2002 and, therefore, the fast track procedures under that Act shall not apply to any implementing bill submitted with respect to any trade agreement entered into pursuant to those negotiations.", with the first blank space being filled with the name of the resolving House of Congress, and the second blank space being filled with the appropriate date or dates (in the case of more than 1 set of negotiations being conducted).

(B) For purposes of paragraph (2), the term "disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the negotiations with respect to   , and, therefore, the fast track procedures under the Comprehensive Trade Negotiating Authority Act of 2002 shall not apply to any implementing bill submitted with respect to any trade agreement entered into pursuant to those negotiations.", with the first blank space being filled with the name of the resolving House of Congress, and the second blank space being filled with a description of the applicable trade agreement or agreements.

(4) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Any disapproval resolution to which paragraph (1) or (2) applies—

(i) in the House of Representatives—

(I) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(II) may not be amended by either Committee; and

(ii) in the Senate shall be referred to the Committee on Finance.

(B) The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to the consideration of certain resolutions in the House and Senate) apply to any disapproval resolution to which paragraph (1) or (2) applies if—

(i) there are at least 145 cosponsors of the resolution, in the case of a resolution of the House of Representatives, and at least 34 cosponsors of the resolution, in the case of a resolution of the Senate; and

(ii) no resolution that meets the requirements of clause (i) has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

In applying section 152(c)(1) of the Trade Act of 1974, all calendar days shall be counted.

(C) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged pursuant to subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged pursuant to subparagraph (B).

(5) COMPUTATION OF CERTAIN TIME PERIODS.—Each period of time referred to in paragraphs (1) and (2) shall be computed without regard to—

(A) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House of Congress is not in session.

(d) ENVIRONMENTAL ASSESSMENT.—

(1) INITIATION OF ASSESSMENT.—Upon the commencement of negotiations for a trade agreement under section 2104(b), the Trade Representative, jointly with the Chair of the Council on Environmental Quality, and in consultation with other appropriate Federal agencies, shall commence an assessment of the effects on the environment of the proposed trade agreement.

(2) CONTENT.—The assessment under paragraph (1) shall include an examination of—

(A) the potential effects of the proposed trade agreement on the environment, natural resources, and public health;

(B) the extent to which the proposed trade agreement may affect the laws, regulations, policies, and international agreements of the United States, including State and local laws, regulations, and policies, relating to the environment, natural resources, and public health;

(C) measures to implement, and alternative approaches to, the proposed trade agreement that would minimize adverse effects and maximize benefits identified under subparagraph (A); and

(D) a detailed summary of the manner in which the results of the assessment were taken into consideration in negotiation of the proposed trade agreement, and in development of measures and alternative means identified under subparagraph (C).

(3) PROCEDURES.—The Trade Representative shall commence the assessment under paragraph (1) by publishing notice thereof, and a request for comments thereon, in the Federal Register and transmitting notice thereof to the Congress. The notice shall be given as soon as possible after sufficient information exists concerning the scope of the proposed trade agreement, but in no case later than 30 calendar days before the applicable negotiations begin. The notice shall contain—

(A) the principal negotiating objectives of the United States to be pursued in the negotiations;

(B) the elements and topics expected to be under consideration for coverage by the proposed trade agreement;

(C) the countries expected to participate in the agreement; and

(D) the sectors of the United States economy likely to be affected by the agreement.

(4) CONSULTATIONS WITH CONGRESS.—The Trade Representative shall submit to the Congress—

(A) within 6 months after the onset of negotiations, a preliminary draft of the environmental assessment conducted under this subsection; and

(B) not later than 90 calendar days before the agreement is signed by the President, the final version of the environmental assessment.

(5) PARTICIPATION OF OTHER FEDERAL AGENCIES AND DEPARTMENTS.—(A) In conducting the assessment required under paragraph (1), the Trade Representative and the Chair of the Council on Environmental Quality shall draw upon the knowledge of the departments and agencies with relevant expertise in the subject matter under consideration, including, but not limited to, the Environmental Protection Agency, the Departments of the Interior, Agriculture, Commerce, Energy, State, the Treasury, and Justice, the Agency for International Development, the Council of Economic Advisors, and the International Trade Commission.

(B)(i) The heads of the departments and agencies identified in subparagraph (A), and the heads of other departments and agencies with relevant expertise shall provide such resources as are necessary to conduct the assessment required under this subsection.

(ii) The President, in preparing the budget for the United States Government each year for submission to the Congress, shall include adequate funds for the departments and agencies identified in subparagraph (A), and other departments and agencies with relevant expertise referred to in that subparagraph, to carry out their responsibilities under this subsection.

(6) Consultations with the advisory committee.—(A) Section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) is amended in the first sentence—

(i) by striking "may establish" and inserting "shall establish"; and

(ii) by inserting "environmental issues," after "defense".

(B) In developing measures and alternatives means identified under paragraph (2)(C), the Trade Representative and the Chair of the Council on Environmental Quality shall consult with the environmental general policy advisory committee established pursuant to section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)), as amended by subparagraph (A) of this paragraph.

(7) Public participation.—The Trade Representative shall publish the preliminary and final environmental assessments in the Federal Register. The Trade Representative shall take into account comments received from the public pursuant to notices published under this subsection and shall include in the final assessment a discussion of the public comments reflected in the assessment.

(e) Labor Review.—

(1) Initiation of review.—Upon the commencement of negotiations for a trade agreement under section 2104(b), the Trade Representative, jointly with the Secretary of Labor and the Commissioners of the International Trade Commission, and in consultation with other appropriate Federal agencies, shall commence a review of the effects on workers in the United States of the proposed trade agreement.

(2) Content.—The review under paragraph (1) shall include an examination of—

(A) the extent to which the proposed trade agreement may affect job creation, worker displacement, wages, and the standard of living for workers in the United States;

(B) the scope and magnitude of the effect of the proposed trade agreement on the flow of workers to and from the United States;

(C) the extent to which the proposed agreement may affect the laws, regulations, policies, and international agreements of the United States relating to labor; and

(D) proposals to mitigate any negative effects of the proposed trade agreement on workers, firms, and communities in the United States, including proposals relating to trade adjustment assistance.

(3) Procedures.—The Trade Representative shall commence the review under paragraph (1) by publishing notice thereof, and a request for comments thereon, in the Federal Register and transmitting notice thereof to the Congress. The notice shall be given not later than 30 calendar days before the applicable negotiations begin. The notice shall contain—

(A) the principal negotiating objectives of the United States to be pursued in the negotiations;

(B) the elements and topics expected to be under consideration for coverage by the proposed trade agreement;

(C) the countries expected to participate in the agreement; and

(D) the sectors of the United States economy likely to be affected by the agreement.

(4) Consultations with congress.—The Trade Representative shall submit to the Congress—

(A) within 6 months after the onset of negotiations, a preliminary draft of the labor review conducted under this subsection; and

(B) not later than 90 calendar days before the agreement is signed by the President, the final version of the labor review.

(5) Participation of other departments and agencies.—(A) In conducting the review required under paragraph (1), the Trade Representative, the Secretary of Labor, and the International Trade Commission shall draw upon the knowledge of the departments and agencies with relevant expertise in the subject matter under consideration.

(B)(i) The heads of the departments and agencies referred to in subparagraph (A) shall provide such resources as are necessary to conduct the review required under this subsection.

(ii) The President, in preparing the budget of the United States Government each year for submission to the Congress, shall include adequate funds for the departments and agencies referred to in subparagraph (A) to carry out their responsibilities under this subsection.

(6) Consultation with the advisory committee.—In developing proposals under paragraph (2)(D), the Trade Representative and the Secretary of Labor shall consult with the labor general policy advisory committee established pursuant to section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)), as amended by subsection (d)(6)(A) of this section.

(7) Public participation.—The Trade Representative shall publish the preliminary and final labor reviews in the Federal Register. The Trade Representative shall take into account comments received from the public pursuant to notices published under this subsection and shall include in the final review a discussion of the public comments reflected in the review.

(f) Notice of Effect on United States Trade Remedies.—

(1) Notice.—In any case in which negotiations being conducted to conclude a trade agreement under section 2104(b) could affect the trade remedy laws of the United States or the rights or obligations of the United States under the Antidumping Agreement, the Agreement on Subsidies and Countervailing Measures, or the Agreement on Safeguards, except insofar as such negotiations are directly and exclusively related to perishable and seasonal agricultural products, the Trade Representative shall, at least 90 calendar days before the President signs the agreement, notify the Congress of the specific language that is the subject of the negotiations and the specific possible impact on existing United States laws and existing United States rights and obligations under those WTO Agreements.

(2) Definition.—In this subsection, the term "trade remedy laws of the United States" means section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.), section 406 of the Trade Act of 1974 (19 U.S.C. 2436), and chapter 2 of title IV of the Trade Act of 1974 (19 U.S.C. 2451 et seq.).

(g) Report on Investment Dispute Settlement Mechanism.—If any agreement concluded under section 2104(b) with respect to trade and investment includes a dispute settlement mechanism allowing an investor to bring a claim directly against a country, the President shall submit a report to the Congress, not later than 90 calendar days before the President signs the agreement, explaining in detail the meaning of each standard included in the dispute settlement mechanism, and explaining how the agreement does not interfere with the exercise by a signatory to the agreement of its police powers under its national (including State and local) laws, including legitimate health, safety, environmental, consumer, and employment opportunity laws and regulations.

(h) Consultation With Congress Before Agreements Entered Into.—

(1) Consultation.—Before entering into any trade agreement under section 2104(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) the congressional trade advisers; and

(C) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

(2) Scope.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, and objectives of this Act; and

(C) the implementation of the agreement under section 2107, including the general effect of the agreement on existing laws.

(i) Advisory Committee Reports.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 2104(a) or (b) of this title shall be provided to the President, the Congress, and the Trade Representative not later than 30 calendar days after the date on which the President notifies the Congress under section 2107(a)(1)(A) of the President's intention to enter into the agreement.

(j) ITC Assessment.—

(1) In general.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 2104(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC assessment.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) Review of empirical literature.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

(k) Rules of House of Representatives and Senate.—Section 2104(c), section 2105(c), and subsection (c) of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 2107. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION, SUBMISSION, AND ENACTMENT.—Any agreement entered into under section 2104(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 120 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, certifies to the Congress the trade agreement substantially achieves the principal negotiating objectives set forth in section 2102 and those developed under section 2105(b)(1);

(C) within 60 calendar days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(D) after entering into the agreement, the President submits to the Congress a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill;

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(E) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(D)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement substantially achieves the applicable purposes, policies, and objectives of this Act; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement substantially achieves the applicable purposes, policies, and objectives referred to in clause (i), and why and to what extent the agreement does not achieve other applicable purposes, policies, and objectives;

(II) how the agreement serves the interests of United States commerce; and

(III) why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement;

(iii) describing the efforts made by the President to obtain international exchange rate equilibrium and any effect the agreement may have regarding increased international monetary stability; and

(iv) describing the extent, if any, to which—

(I) each foreign country that is a party to the agreement maintains non-commercial state trading enterprises that may adversely affect, nullify, or impair the benefits to the United States under the agreement; and

(II) the agreement applies to or affects purchases and sales by such enterprises.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 2104(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) LIMITATIONS ON FAST TRACK PROCEDURES; CONCURRENCE BY CONGRESSIONAL TRADE ADVISERS IN PRESIDENT'S CERTIFICATION.—

(1) CONCURRENCE BY CONGRESSIONAL TRADE ADVISERS.—The fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement of which notice was provided under subsection (a)(1)(A) unless a majority of the congressional trade advisers, by a vote held not later than 30 days after the President submits the certification to Congress under subsection (a)(1)(B) with respect to the trade agreement, concur in the President's certification. The failure of the congressional trade advisers to hold a vote within that 30-day period shall be considered to be concurrence in the President's certification.

(2) COMPUTATION OF TIME PERIOD.—The 30-day period referred to in paragraph (1) shall be computed without regard to—

(A) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House of Congress is not in session.

SEC. 2108. TREATMENT OF CERTAIN TRADE AGREEMENTS.

(a) CERTAIN AGREEMENTS.—Notwithstanding section 2104(b)(2), if an agreement to which section 2104(b) applies—

(1) is entered into under the auspices of the World Trade Organization regarding the rules of origin work program described in article 9 of the Agreement on Rules of Origin,

(2) is entered into otherwise under the auspices of the World Trade Organization,

(3) is entered into with Chile,

(4) is entered into with Singapore, or

(5) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this title, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the fast track procedures to implementing bills shall be determined without regard to the requirements of section 2105; and

(2) the President shall consult regarding the negotiations described in subsection (a) with the committees described in section 2105(b)(1) and the congressional trade advisers as soon as feasible after the enactment of this title.

(c) APPLICABILITY OF ENVIRONMENTAL ASSESSMENT.—

(1) URUGUAY ROUND AGREEMENTS AND FTAA.—With respect to agreements identified in paragraphs (2) and (5) of subsection (a)—

(A) the notice required under section 2106(d)(3) shall be given not later than 30 days after the date of the enactment of this Act; and

(B) the preliminary draft of the environmental assessment required under section 2106(d)(4) shall be submitted to the Congress not later than 18 months after such date of enactment.

(2) CHILE AND SINGAPORE.—With respect to agreements identified in paragraphs (3) and (4) of subsection (a), the Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate to determine the appropriate time frame for submission to the Congress of an environmental assessment meeting the requirements of section 2106(d)(2).

(3) RULES OF ORIGIN.—The requirements of section 2106(d)(1) shall not apply to an agreement identified in subsection (a)(1).

(d) APPLICABILITY OF LABOR REVIEW.—

(1) URUGUAY ROUND AGREEMENTS AND FTAA.—With respect to agreements identified in paragraphs (2) and (5) of subsection (a)—

(A) the notice required under section 2106(e)(3) shall be given not later than 30 days after the date of the enactment of this title; and

(B) the preliminary draft of the labor review required under section 2106(e)(4) shall be submitted to the Congress not later than 18 months after such date of enactment.

(2) CHILE AND SINGAPORE.—With respect to agreements identified in paragraphs (3) and (4) of subsection (a), the Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate to determine the appropriate time frame for submission to the Congress of an environmental assessment meeting the requirements of section 2106(e)(2).

(3) RULES OF ORIGIN.—The requirements of section 2106(e)(1) shall not apply to an agreement identified in subsection (a)(1).

SEC. 2109. ADDITIONAL REPORT AND STUDIES.

(a) REPORT ON TRADE-RESTRICTIVE PRACTICES.—Not later than 1 year after the date of the enactment of this title, the President shall transmit to the Congress a report on trade-restrictive practices of foreign countries that are promoted, enabled, or facilitated by governmental or private entities in those countries, or that involve the delegation of regulatory powers to private entities.

(b) ANNUAL STUDY ON FLUCTUATIONS IN EXCHANGE RATE.—The Trade Representative shall prepare and submit to the Congress, not later than   of each year, a study of how fluctuations in the exchange rate caused by the monetary policies of the trading partners of the United States affect trade.

SEC. 2110. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) IN GENERAL.—At the time the President submits to the Congress the final text of an agreement pursuant to section 2107(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring, implementing, and enforcing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to evaluate sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, the Environmental Protection Agency, the Department of the Interior, the Department of Labor, and such other departments and agencies as may be necessary.

(3) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 2111. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Cmnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 2107(a)(1) of the Comprehensive Trade Negotiating Authority Act of 2002".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 2107(a)(1) of the Comprehensive Trade Negotiating Authority Act of 2002".

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 2104(a) or (b) of the Comprehensive Trade Negotiating Authority Act of 2002,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2104(b) of the Comprehensive Trade Negotiating Authority Act of 2002";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 2104(a)(3)(A) of the Comprehensive Trade Negotiating Authority Act of 2002" before the end period; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 2104 of the Comprehensive Trade Negotiating Authority Act of 2002,".

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 2104 of the Comprehensive Trade Negotiating Authority Act of 2002,".

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2104 of the Comprehensive Trade Negotiating Authority Act of 2002".

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2104 of the Comprehensive Trade Negotiating Authority Act of 2002";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 2104 of the Comprehensive Trade Negotiating Authority Act of 2002"; and

(ii) by striking "section 1103(a)(1)(A) of such Act of 1988" and inserting "section 2107(a)(1)(A) of the Comprehensive Trade Negotiating Authority Act of 2002"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 2102 of the Comprehensive Trade Negotiating Authority Act of 2002".

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 2104 of the Comprehensive Trade Negotiating Authority Act of 2002".

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 2104 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 2104 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 2112. DEFINITIONS.

In this title:

(1) AGREEMENTS.—Any reference to any of the following agreements is a reference to that same agreement referred to in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)):

(A) The Agreement on Agriculture.

(B) The Agreement on the Application of Sanitary and Phytosanitary Measures.

(C) The Agreement on Technical Barriers to Trade.

(D) The Agreement on Trade-Related Investment Measures.

(E) The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(F) The Agreement on Rules of Origin.

(G) The Agreement on Subsidies and Countervailing Measures.

(H) The Agreement on Safeguards.

(I) The General Agreement on Trade in Services.

(J) The Agreement on Trade-Related Aspects of Intellectual Property Rights.

(K) The Agreement on Government Procurement.

(2) ANTIDUMPING AGREEMENT.—The term "Antidumping Agreement" means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) APPELLATE BODY; DISPUTE SETTLEMENT BODY; DISPUTE SETTLEMENT PANEL; DISPUTE SETTLEMENT UNDERSTANDING.—The terms "Appellate Body", "Dispute Settlement Body", "dispute settlement panel", and "Dispute Settlement Understanding" have the meanings given those terms in section 121 of the Uruguay Round Agreements Act (35 U.S.C. 3531).

(4) BUSINESS CONFIDENTIAL.—Information or evidence is "business confidential" if disclosure of the information or evidence is likely to cause substantial harm to the competitive position of the entity from which the information or evidence would be obtained.

(5) CONGRESSIONAL TRADE ADVISERS.—The term "congressional trade advisers" means the congressional advisers for trade policy and negotiations designated under section 161(a)(1) of the Trade Act of 1974 (19 U.S.C. 2211(a)(1)).

(6) FTAA.—The term "FTAA" means the Free Trade Area of the Americas or comparable agreement reached between the United States and the countries in the Western Hemisphere.

(7) FTAA AGREEMENT.—The term "FTAA agreements" means any agreements entered into to establish or carry out the FTAA.

(8) FTAA MEMBER; FTAA MEMBER COUNTRY.—The terms "FTAA member" and "FTAA member country" mean a country that is a member of the FTAA.

(9) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(10) ILO.—The term "ILO" means the International Labor Organization.

(11) IMPLEMENTING BILL.—The term "implementing bill" has the meaning given that term in section 151(b)(1) of the Trade Act of 1974 (19 U.S.C. 2191(b)(1)).

(12) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement.

(13) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(14) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(15) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(16) WTO.—The term "WTO" means the organization established pursuant to the WTO Agreement.

(17) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

SA 3423. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that

Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended in paragraph (5)(B)(vi) by inserting before the period the following: "and the Ministerial Declaration on Trade in Information Technology Products adopted by the WTO at Singapore on December 13, 1996".

SA 3424. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division B, add the following:

SEC. ___. MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE.

(a) IN GENERAL.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

"(a) PROPER CELLAR TREATMENT.—

"(1) IN GENERAL.—Proper cellar treatment of natural wine constitutes—

"(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of using various methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice, and

"(B) subject to paragraph (3), in the case of imported wine, those practices and procedures acceptable to the United States under an international agreement or treaty.

"(2) RECOGNITION OF CONTINUING TREATMENT.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

"(3) CERTIFICATION OF PRACTICES AND PROCEDURES FOR IMPORTED WINE.—

"(A) IN GENERAL.—In the case of imported wine which does not meet the requirements set forth in paragraph (1)(B), the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

"(i) the importer provides the Secretary with a certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1), or

"(ii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1).

"(B) AFFILIATE DEFINED.—For purposes of this paragraph, the term 'affiliate' has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(4)) and includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has an ownership interest.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SA 3425. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was order to lie on the table; as follows:

Section 2107 is amended by striking paragraph (4) and inserting the following:

(C) 3 at-large members, appointed as follows:

(i) 2 to be appointed by the majority leader, in consultation with the chairman of the Committee on Finance; and

(ii) 1 to be appointed by the minority leader, in consultation with the ranking member of the Committee on Finance.

(4) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraphs (2)(A), (3)(A), and (3)(C) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the Congressional Oversight Group described in paragraphs (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

SA 3426. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PILOT PROJECT FOR INTERNATIONAL CUSTOMS ZONE FOR UNITED STATES-CANADA.

(a) FINDINGS.—Congress makes the following findings:

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the vulnerability of the international bridges and tunnels along the United States-Canada Border.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to crossing those bridges and tunnels, however, currently, these vehicles are not inspected until after they have crossed into the United States.

(4) Establishing a joint inspection site would address these concerns by inspecting vehicles before they gained access to the infrastructure of international bridges and tunnels leading into the United States.

(b) JOINT PILOT PROGRAM.—

(1) IN GENERAL.—The Commissioner of Customs, in consultation with the Canadian Customs Service, shall seek to establish a pilot program for an international customs zone for the joint inspection of vehicles at the United States-Canada Border.

(2) ELEMENTS OF THE PROGRAM.—Pursuant to section 629(a) of the Tariff Act of 1930, the Commissioner shall endeavor to—

(A) locate the pilot program in an area with a bridge or tunnel that has a high traffic volume, significant commercial activity, and has experienced backups and delays since September 11, 2001;

(B) ensure that to conduct and facilitate joint inspections, United States Customs officers are stationed on the Canadian side of the zone and that Canadian customs officers are stationed on the United States side of the zone;

(C) ensure that United States Customs officers stationed on the Canadian side of the zone are vested with the fullest authority provided under section 629(b) of the Tariff Act of 1930 as permitted by Canada; and

(D) encourage appropriate officials of the United States to permit Canadian customs officers stationed on the United States side of the zone to exercise the fullest authority authorized under section 629(e) of such Act as permitted by Canada.

(3) PILOT EVALUATION REPORT.—The Commissioner shall prepare and submit a report evaluating the pilot program to the appropriate committees by September 30, 2003.

(4) DEFINITION.—In this subsection, the term "appropriate committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) ADDITIONAL REQUIREMENTS.—In carrying out the pilot program, the Commissioner—

(1) shall seek to involve the utilization of joint customs inspection facilities, inspection and commercial transaction technologies, and personnel, consistent with the agreements that are developed and implemented between the United States Customs Service and the Canadian Customs Service; and

(2) shall ensure that the program is carried out with special sensitivity to sovereignty issues affecting both countries and is consistent with Canadian laws and customs.

SA 3427. Mr. GREGG proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Strike section 243(b) of the Trade Act of 1974 as added by section 111.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, May 15, at 9:30 a.m. in SD-366. The purpose of the business meeting is to consider pending calendar business.

Agenda item No. 1—S. 1768, a bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

Agenda item No. 2—Nomination of Guy F. Caruso to be the Administrator of the Energy Information Administration, Department of Energy.

Following the disposition of these agenda items, the committee may turn to the consideration of any additional items on the enclosed agenda cleared for action.

Item No.	Date placed on agenda	Page
1. S. 1768—To authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program	5-10-02	5
2. Nomination of Guy F. Caruso to be Administrator, Energy Information Agency, Department of Energy	5-10-02	6
3. S. 281—To authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial	7-27-01	7
4. S. 454—To provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes	5-10-02	8
5. S. 639—To extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia	12-7-01	9
6. S. 691—To direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian tribe of Nevada and California	12-7-01	10
7. S. 1010—To extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina	12-7-01	11
8. S. 1028—To direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks migrating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes	5-10-02	12
9. S. 1069—To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the system, and for other purposes	5-10-02	13
10. S. 1139—To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries	5-10-02	14
11. S. 1175—To modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes	12-7-01	15
12. S. 1227—To authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes	12-7-01	16
13. S. 1240—To provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes	12-7-01	17
14. S. 1325—To ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes	5-10-02	18
15. S. 1451—To provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range	12-7-010	19
16. S. 1649—To amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks	5-10-02	20
17. S. 1843—To extend certain hydro-electric licenses in the State of Alaska	5-10-02	21
18. S. 1852—To extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming	5-10-02	22
19. S. 1894—To direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park, and for other purposes	5-10-02	23
20. S. 1907—To direct the Secretary of the Interior to convey certain land to the City of Haines, Oregon	5-10-02	24
21. S. 1946—To amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail	5-10-02	25
22. H.R. 37—To amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails	5-10-02	26
23. H.R. 223—To amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act	12-7-01	27
24. H.R. 308—To establish the Guam War Claims Review Commission	12-7-01	28
25. H.R. 309—To provide for the determination of withholding tax rates under the Guam income tax	12-7-01	29
26. H.R. 601—To redesignate certain lands with the Craters of the Moon National Monument, and for other purposes	12-7-01	30
27. H.R. 640—To adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes	7-27-01	31
28. H.R. 1384—To amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System	5-10-02	32
29. H.R. 1456—To expand the boundary of the Booker T. Washington National Monument, and for other purposes	5-10-02	33
30. H.R. 1576—To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes	5-10-02	34
31. H.R. 2234—To revise the boundary of the Tumacacori National Historical Park in the State of Arizona	5-10-02	35
32. H.R. 2440—To rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts," and for other purposes	5-10-02	36

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, May 15, 2002, at 2:30 p.m. in SH-216. The purpose of the hearing is to examine manipulation in western energy markets during 2000–2001, as revealed recently in documents made available as part of the investigation underway at FERC; actions that were taken to mitigate any market manipulation or failures; and further actions that should be taken now and in the future.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, May 15, 2002 at 10 a.m. to conduct a hearing to discuss transportation planning. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 15, 2002 at 9:30 a.m. for the purpose of holding a hearing entitled "Under the Influence: The Binge Drinking Epidemic on College Campuses."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Copyright Royalties: where is the Right Spot On the Dial For Webcasting" on Wednesday, May 15, 2002 in Dirksen Room 226 at 9:30 a.m.

Witness List

Ms. Hilary Rosen, President and Chief Executive Officer, Recording Industry Association of America, Washington, DC; Mr. Jon Potter, Executive Director, The Digital Media Association, Washington, DC; Mr. Bill Rose, VP and General Manager of Webcast Services Arbitron, New York, NY; Mr. Frank Schliemann, Founder, Onion River Radio, Montpelier, VT; Mr. Billy Straus, President, Websound.com, Brattleboro, VT; and Dan Navarro, Artist, American Federation Of Television and Radio Artists, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, be authorized to meet on May 15, 2002, at 9:30 a.m. on Examining Enron: Developments Regarding Electricity Price Manipulation in California.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 15, 2002, at 2:30 p.m. to conduct an oversight hearing on "Affordable Housing Production and Working Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HATCH. I ask unanimous consent that Bruce Artim, a fellow from the Judiciary Committee, and Chris Campbell, on my staff, be granted the privilege of the floor for the remainder of the debate on the trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P.L. 103–227, reappoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Democratic leader: Tim C. Flynn, of South Dakota, representative of business; and Jerald A. Tunheim, of South Dakota, representative of human resource professionals.

MEASURE READ THE FIRST TIME—H.R. 3694

Mr. REID. Mr. President, I understand H.R. 3694 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

> A bill (H.R. 3694) to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. The bill will receive its next reading on the next legislative day.

ORDERS FOR THURSDAY, MAY 16, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9 a.m., Thursday, May 16; that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 10 a.m. the Senate resume consideration of the trade bill under the previous order; further, that the Senate recess from 2 to 3 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur at about 11:30 tomorrow morning, and that will be in relation to the Gregg amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3009

Mr. REID. Mr. President, I ask unanimous consent that the next Democratic amendment, following the Reed of Rhode Island amendment, be a Levin amendment, regarding auto trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order following the remarks of Senator TORRICELLI, who should be here shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL

Mr. TORRICELLI. Mr. President, throughout all of my adult life, I have traveled frequently to Israel. I have had the honor of knowing almost all of Israel's principal leaders. Like many Americans, I am of the Christian faith, but I have always felt a strong identity with the struggle of the Jewish people and the survival of the Jewish State.

I believe the American relationship with Israel is complex: our sense that Israel represents the edges of Western civilization; the identity of a struggling people simply desiring to survive; the sense of humanity's obligation to the Jewish people who have survived the Holocaust; and, of course, an inevitable American identity with a democracy, a pluralist state that shares our most basic values.

Through this association, I have witnessed Israel in many struggles. Years ago, all Americans marveled at Israel's ability to overcome extraordinary military adversity in the 1967 War, facing overwhelming conventional arms against them. In 1973, a similar array of armed forces having entered the very heart of Israel and being turned back, was a demonstration of remarkable courage and sacrifice by the Israeli people. In the years that followed, there was the conventional conflict in which Israel's triumph was matched by her ability to stand down mounting strategic armaments from the Syrians, the launching of limited missiles from Lebanon.

In each of these conflicts, courage, determination, guile, and skill allowed Israel to survive. None of these things, however, would have prepared any of us for the conflict in which Israel is now engaged. Previous generations have overcome strategic weapons and conventional weapons and the guerrilla warfare of the war of independence. But these served as little preparation for what the current generation of Israelis is experiencing. It is the ultimate test of any Western society. It goes to the heart of the ability of any country to be able to endure. When terrorism strikes the center of our cities, destroys our families, interrupts our means of transportation, and denies the ability of our economies to function. Our democracies are unable to vibrantly engage in debate in the prospect of such terror.

It is a conflict not simply between two sides but two centuries, two concepts of life, two abilities to organize society.

I felt confident in Israel's previous wars, despite the odds, the overwhelming weapons, or the disparity of manpower because courage and intellect would dictate the result. There is no amount of courage, no amount of intellect that can face down a terrorist bombing. This is a different war.

My concern is amplified by the voices in Asia and Europe that were once so sympathetic to the struggling Jewish State that are now at best silent and often give comfort to Israel's enemies. Those Europeans who shared American responsibility for the children of the Holocaust somehow have forgotten. Those in Europe who admired the courage of the Israelis in building a democracy are silent. Those Europeans who in every case would reach out to another democratic society with an identification, a brotherhood of pluralist democracies, now seem to fail to find any identity in Israel.

There are so many emotions that this brings forward for Americans. It should thus be said at the outset, if in this struggle Israel and America must stand alone, then Israel and America never stood in better company.

In this struggle, victory will not be by the numbers. We will not be intimidated by the coalitions or silenced by the critics. This is a fight about principle. And the strength of the Jewish cause in Israel may best be defined by its objectives. Jews want to survive in their own homeland. This is not a struggle about conquest or wealth or national pride; it is survival. Jews stay in Israel or they die with their backs to the sea. That is what the struggle is about.

I recognize that many of our European friends, for their own economic or political reasons, may no longer identify with Israel. They may have made their arrangements elsewhere.

History has a short memory. To them, the obligations of the Holocaust or the promise to the Jewish people of their homeland may be a distant memory. Maybe Israel and America will fight alone, but it should not be forgotten that while we may fight alone, that this is not our fight alone.

If terrorism succeeds in Israel, who among us would doubt that its next battlefield will be Europe? Certainly no one in my State of New Jersey doubts that it will be America.

Woodrow Wilson once said that America's two best friends were the Atlantic and the Pacific. They have become very little friends. Terrorism in another part of the world, halfway around the globe, offers no comfort to any American by its distance; it can be here tomorrow.

The fight for Israel's security is the fight for the security of every free nation, whether they are aligned with Israel, whether they wish Israel well. She fights our fight, and her fate is our fate.

There are many obstacles to a peaceful resolution in the Middle East. I believe profoundly that there will never be a military answer to the conflict between the Palestinians and the Israelis. These are two people of some common ancestry who live in a shared land. Both will learn to live together.

As profoundly as I believe in a peace process, I am also convinced that unless the Palestinian Authority understands that terrorism will not succeed, that there is no military answer, and that at all costs Israel will survive, no negotiated settlement is possible.

There are those who may think that their military operations at the moment give them advantage in negotiations. There are others who believe their military operations hold not the promise of the West Bank and Gaza as a Palestinian State, but the destruction of the Jewish State in its entirety. To them, there is not a Palestinian State envisioned in the West Bank and Gaza, but in Haifa and Tel Aviv and Jerusalem.

I have never represented any cause in the Middle East other than a negotiated settlement. I believe profoundly in the peace process as essential to the survival of Israel and in the interest of the Palestinian people, but I refuse to counsel Israel that it should negotiate with people bent on its destruction, or that it is of any value to engage in peace negotiations as long as its adversaries believe that a military victory is possible and Israel's entire destruction conceivable.

It is almost axiomatic to declare that peace negotiations and peace settlements are historically nothing but a reflection of the realities on the battlefield. The reality that Americans and Israelis see is two people in a common land who need their own homelands. That makes peace negotiations by Americans or Israelis not only possible but inevitable. But no nation can negotiate with itself, nor can peace be unilaterally declared.

Unless the Palestinians, and not simply the Palestinian Authority but important elements of the society, recognize that such military outcomes are impossible, only then will peace negotiations be meaningful.

There are those in America who genuinely believe that by pressuring Israel not to respond militarily, not to seek terrorists in its own territory, we are giving good advice to the Israeli Government.

It is a difficult argument to understand in an American context. Who in this Senate would be counseling the U.S. Government, after a terrorist attack, to exercise restraint? Which Member of the Senate would suggest to our own military, if Chicago or Miami or Los Angeles were to fall victim to a terrorist attack, that we should not respond? Which part of the American arsenal would you withhold if it were American cities experiencing bombings, American buses being destroyed, American children losing their limbs?

I dare to say there is not a Member of this Senate who would urge restraint or withhold a single weapon in our arsenal. The Palestinians may believe there is little for them to be grateful for today. Their cities are being destroyed. The Israeli Army has occupied parts of the West Bank. Gaza awaits an invasion. There is something, however, for which they should be grateful. If it were the United States of America that endured these attacks and not Israel, the response the Palestinians have experienced from the Israeli Army would be a small shadow of the problems that would be visited upon them.

Finally, there are those in the Senate who wonder, with Israelis having to respond with their lives, the Israeli economy in shambles, what is it any American can do? How is it that in this moment of crisis we can exercise true fidelity with Israel in its fight for survival? Our words are important. So is our presence in Israel.

Nothing would more clearly demonstrate our commitment to Israel than Members of Congress, like the American people themselves, being present, exhibiting courage, showing our commitment.

In this Senate, we one hundred have a different opportunity. The fight for Israel's survival is not only militarily decided, it is also economically decided. The Clinton Administration 18 months ago, after the withdrawal from Lebanon, pledged Israel $800 million for supplemental assistance. It was to compensate for the withdrawal, to help recreate a security zone in the north of Israel, and for missile defense.

That money was never provided. Regrettably, the Bush Administration never even included it in its recommendations for the Congress this year. At a time when Israelis look across the sea to America for confidence of their own survival, broken American promises are not helpful. Indeed, they are troubling. The first thing this Congress can do is ensure that every commitment is kept, all resources are given. In the current stage of this fight against terrorism, despite all the sacrifices of September 11th and the courage of our soldiers in Afghanistan, at this moment most Americans are not asked to sacrifice with their lives. We have experienced that before. It may come again. At this moment, the sacrifice is Israel's. The least we can do is help them with the means to win this war.

All of us look for the words telegraphed around the world to those who believe that the Jewish State was both created and will die in a single generation, words to put to rest those who are committing their energy and their resources to this war on terrorism against Israel. Here are mine: Israel is forever. As long as there is a United States of America, there will be an Israel. It took 2,000 years for the Jewish people to get home. They have been there for a single generation. They are not leaving. Those in Europe who would counsel or comfort her enemies, those in the Middle East who are bent on her destruction, would do best to accept that reality.

There is land enough for all peoples to decide their own governments and design their own futures. Let there be no question, for those who respect the will and the power of the United States of America, one of those peoples will be Jewish and one of those countries will be Israel.

I yield the floor.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. tomorrow.

Thereupon, the Senate, at 6:44 p.m., recessed until Thursday, May 16, 2002, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 2002:

DEPARTMENT OF STATE

JOHN WILLIAM BLANEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE PEGGY A. LAUTENSCHLAGER, RESIGNED.

KEVIN VINCENT RYAN, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA, FOR THE TERM OF FOUR YEARS, VICE ROBERT S. MUELLER III, RESIGNED.

CHARLES E. BEACH, SR., OF IOWA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE PHYLLISS JEANETTE HENRY, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, May 15, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 15, 2002.

I hereby appoint the Honorable JACK QUINN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Lenny Stadler, Weddington United Methodist Church, Weddington, North Carolina, offered the following prayer:

Almighty God, I come to You in the matchless name of Jesus Christ. I give thanks to You for our great Nation. I thank You for the vision You gave to our forefathers and the divine plan by which to govern our Nation.

I pray for these representatives who have been placed in authority by the people of our Nation. May they seek Your guidance in all deliberations. May they invoke Your wisdom in making the right decisions concerning the social welfare, the economics, and the protection of our Nation.

I pray that You would instill within this gathered body the desire to be motivated by Your just cause rather than by political or partisan causes.

Finally, I pray that You will help all of us realize that the cost of inconvenience is a small price to pay for the safety of our families and of our Nation in a time of uncertainty. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Montana (Mr. REHBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. REHBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute speeches per side.

WELCOMING DR. LENNY STADLER

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, it is my honor to welcome Dr. Stadler from Weddington, North Carolina, to the House of Representatives. He is one of those people who is very dynamic and a true leader in our city and our area today.

It may be hard to believe, but he used to be a rock musician. That was before he decided that ambition left him spiritually empty, and he decided to pursue the call of Christ in his life.

He graduated from Duke University Divinity School and Asbury Theological Seminary, and he served in the Western District of the North Carolina Conference of the United Methodist Church for 23 years.

He is joined in his ministry by his wife, Shanna, and their children, Shalen and LenPaul. He has been a senior pastor in Weddington since 1989. Under his leadership, the church has become one of the fastest growing Methodist churches in the southeastern part of the United States.

He is very straightforward and powerful in his preaching, and he always is challenging his parishioners to rediscover the joy of a personal relationship with Jesus Christ. I thank him for being here with us today.

WELFARE REFORM IS ROUSING SUCCESS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, the welfare reform bill we passed in 1996 has been a rousing success. Republicans should be proud that we helped welfare recipients achieve independence through work. We should be proud that we have protected children, strengthened families, and helped millions achieve success. If Members do not believe me, let me define success in the terms of the Republican-led welfare reform legislation.

Mr. Speaker, nearly 3 million children have been lifted from poverty. Work among mothers most likely to go on welfare has risen by 40 percent. Nine million people left welfare, a 60 percent drop. That, Mr. Speaker, is the definition of success.

Welfare reform is working, but in order to get more people from welfare to work, we must continue to improve the system. In the past 6 years, we have seen welfare cases fall by 14 million to just 5 million people. By reaching out to Americans in need, we have changed our society for the better, and have changed the lives of millions of Americans forever. We are making progress. Let us not rest on our laurels. Let us strengthen the path towards independence by empowering people to support themselves. Vote yes on H.R. 4700.

SPACE FLIGHT PROGRAM IS ADRIFT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise every day to talk about Ludwig Koons and our need to return him from Italy to the United States, and I want to digress from that story, but please remember how important it is that we concentrate on bringing our children home.

Today's message is about human space flight. America's human space flight program is adrift with no clear vision or commitment to any goals after the completion of the International Space Station.

Today I will be introducing the Space Exploration Act of 2002 to provide a vision and a concrete set of goals for the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nation's human space flight program after the International Space Station. This legislation sets forth specific incremental goals that are exciting, challenging and that build capabilities and infrastructure needed for an ultimate human mission to Mars.

Once America gets started on achieving the first of the human space flight goals listed in the bill, we have gotten over the highest hurdle to success in the entire initiative. We will once again be moving outward beyond low Earth orbit, and in the process, we will revitalize our space program, energize our industrial and academic sectors, create new opportunities for international cooperation, and inspire our young people.

MARRIAGE IS SAFEST PLACE FOR WOMEN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we live in a world that has changed drastically since the 1950s. Couples are getting married later in life, and almost 40 percent of first marriages end in divorce. And yet every day, men and women all over the country pledge to spend their lives together.

Despite what some people believe about marriage, the facts say one thing: Marriage is still the safest place for women.

Mr. Speaker, studies from the Department of Justice show that never-married women are twice as likely to be abused by their partner than married women. Violence occurs more often in homes where the couples are unmarried compared to wed couples, with unmarried women three times more likely to become victims of violence than married women.

Mr. Speaker, these are disturbing statistics. As we consider welfare reform in the coming days, we must encourage and support programs that will provide safety and security for women. It is clear that a society that promotes marriage promotes women.

AMERICAN FAMILIES NEED TOOLS TO BREAK WELFARE CYCLE

(Mr. SANDLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDLIN. Mr. Speaker, we need to pass a welfare reform bill that allows American families to have respect and hope for the future. The goal of the original welfare reform bill was to move people permanently off the welfare rolls and into good-paying jobs. However, the bill proposed by our friends on the other side of the aisle does not accomplish that goal. If we really want to support the dignity of American families and support family values, we need to give families the tools through education and training to get off welfare and break the welfare cycle.

The States need flexibility to address these goals for themselves, not unfunded mandates that violate States rights. Let us stand up for the dignity of American families and support education. Let us support job training. Let us support States rights to address their own problems, and the problems of their State citizens. Vote no on H.R. 4735.

WELFARE REFORM OFFERS SELF-SUFFICIENCY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, with the passage of welfare reform back in 1996, we moved from a welfare system that bred dependency to one that offers self-sufficiency, and probably even more important, allowing those individuals to regain some of their self-respect. Rather than just being given something for nothing, now they are working.

Since 1996, Michigan, like the Nation, has reduced its welfare caseload by 60 percent. I have been inspired and encouraged by the many success stories in my congressional district of individuals going from welfare to work. Darryl Grubbs is one, and Kendra Norton is another that I have met with whose lives have been turned around thanks to the encouragement of the 1996 welfare reform. These people now have a better life for themselves, and very importantly, better lives for their kids. They tell me that their children are now more proud of their parents, that they are actually doing better in school than they did when they were on welfare.

In conclusion, as the House takes up welfare reauthorization, we should be continuing a system that helps people. I urge Members to make a good program even better by supporting this bill today.

H.R. 4700 WILL TURN BACK CLOCK ON WELFARE REFORM

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, do Members hear the children crying? We will surely hear them cry if we vote to support the administration's proposal to reauthorize TANF. The primary goal of most Democratic Members of Congress has been to reduce poverty and to ensure the well-being of children in the welfare system.

The proposals in H.R. 4700 would adversely affect hundreds of thousands of welfare recipients. The administration's welfare reform proposals are restrictive, and will severely limit the State of California's ability to respond effectively and efficiently to the needs of its welfare recipients. The long-term fiscal impacts of this legislation will cost California $2.8 billion over a 5-year period because these proposals do not include increases in the TANF block grants. California's options for funding the projected costs will be limited to using State resources. This will essentially mean deep reductions in the TANF programs, and this is not right.

Quite simply put, H.R. 4700 will turn back the clock on welfare reform. Please vote no.

WELFARE REFORM IS ABOUT REAWAKENING SPIRIT OF AMERICAN FAMILY

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, in 1996 Congress acted to fundamentally reform America's welfare system from the broken entitlement program it had become into the streamlined temporary assistance program we now have today.

Since the historic Republican-led reforms of 1996, more than 3 million children have been lifted out of the depths of poverty and given the opportunity to achieve their fullest potential. Welfare rolls have been reduced by more than 60 percent nationally, and by more than 50 percent in my home State of Montana.

There are those who argued 7 years ago that reforming welfare would put children out on the street. History has proven them wrong, and they are wrong now to use the same negative rhetoric. Welfare reform is about reawakening the spirit of the American family that has only known the disappointment of a government handout. Congress must act to keep the American entrepreneurial spirit alive, to invest in our children's future, and to secure the social and economic backbone of the great American experiment in democracy. I urge Members to vote yes on welfare reform.

CORPORATE TRAITORS CHOOSE PROFITS OVER PATRIOTISM

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I want to call attention this morning to Bermuda, and the practice of American companies reincorporating to a foreign country to avoid paying U.S. income taxes, which is inconsistent with American corporate citizenship, patriotism, and unfair to those individuals and businesses who pay their fair share in taxes.

To address this problem of corporate inversions, the gentleman from Connecticut (Mr. MALONEY) and I have introduced H.R. 3884, the Corporate Patriot Enforcement Act.

□ 1015

This legislation currently has 50 bipartisan cosponsors, and support for it continues to grow as Members and citizens alike become aware of what is happening.

Senator BAUCUS and Senator GRASSLEY have also introduced similar legislation and the Treasury Department acknowledges it has become a huge problem.

Mr. Speaker, since H.R. 3884 was introduced on March 6, a number of companies such as the all-American Stanley Tools Company of New Britain, Connecticut, have filed to reincorporate overseas. So, they just get a phony address and they avoid paying corporate income taxes that the rest of their competitors all have to pay.

The impetus for my support of this issue did not come from the AFL–CIO; it came from the competitors of these corporate expatriates who are saying, "If we paid, they ought to pay." In this time, with the country feeling so good in the aftermath of September 11 by our patriotic response, everybody should do their part. Bermuda ought not to be an address for these companies; America should.

SUPPORT WELFARE REFORM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, helping the American people is why many of us ran for Congress. I think life is getting better in America every day, but there are still people who are having a tough time making ends meet. We need to help as many of those people who are truly in need as we can. I think the welfare reform bill we have before us today will help those people by giving them the tools they need to make their dreams become a reality.

Since 1994, welfare caseloads have fallen by 9 million. Today, only about 2 percent of the population of the United States is on welfare. With this bill, we can reduce this number even further by helping people become productive. As a body, I believe we need to do what is best for this great country. Voting for this bill is a vote for a better and stronger Nation.

Mr. Speaker, I urge my colleagues who supported the successful 1996 bill to keep up the good work and vote for this landmark reform legislation, and I urge those who voted "no" last time to take another look. You cannot argue with success. Let us put our people before politics. Vote "yes" for H.R. 4700, the Personal Responsibility, Work, and Family Promotion Act of 2002.

CORPORATE EXPATRIATION

(Mr. MALONEY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MALONEY of Connecticut. Mr. Speaker, in September, Stanley Works of New Britain, Connecticut, announced that it was closing its hardware manufacturing facility and moving it to China. In February, Stanley Works announced that its board had approved a plan to modify its corporate structure to reincorporate in Bermuda. Last week, a shareholder vote approving this expatriation was effectively invalidated due to improper proxy procedures. A new shareholder vote will have to be scheduled.

Corporate expatriates are former U.S. companies who set up paper headquarters in tax havens in order to avoid U.S. taxes. Stanley intends to use a third country with which we have a tax treaty in order to avoid virtually all U.S. taxes, including on products made and sold here in the United States. In fact, such expatriates continue to reside in the United States, take advantage of our education system, our public utility systems and, of course, our national defense. In this time of war, they are saying, Thank you but we aren't going to pay our fair share.

This is outrageous. Congress must act expeditiously to close this loophole and stop this unpatriotic tax dodge. The gentleman from Massachusetts (Mr. NEAL) and I have introduced legislation to do exactly that. I call on this House to take the appropriate action and pass this legislation promptly.

SUPPORT WELFARE REFORM

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, 6 years ago we took a welfare system that nobody thought could be fixed and put it to work. The results have been overwhelming. Welfare reform lifted nearly 3 million children from poverty and 9 million people left the welfare rolls altogether.

Republicans led a welfare reform effort that has proved successful in replacing welfare checks with paychecks. We created a system that fostered independence, boosted personal income, and improved the well-being of children. By promoting work, recipients were encouraged to join the workforce. By redefining compassion, welfare recipients were given a new sense of hope. By passing welfare legislation, people were guided down the path of independence.

We must guard against those who want to erode the progress that we have made, especially on so important an issue as changing the culture to promote strong families and a strong work ethic. Join me today and vote for H.R. 4700.

CLOSING LOOPHOLE FOR CORPORATE TAX DODGING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, what a year it has been. We now have proof that Enron was manipulating West Coast energy prices to simply gouge consumers of their hard-earned money while its auditor, Arthur Andersen, took the term "cooking the books" to a whole new level. We have also learned how Fortune 500 companies take out life insurance policies on their rank-and-file employees to enhance compensation for senior executives.

Speaking of corporate tax avoidance, try and keep a straight face when you tell your constituents that it is perfectly legal for a company to rent a post office in Bermuda and avoid paying taxes. This is utterly ridiculous. One of the effects of corporations not paying their taxes is that we cannot give seniors and working families a prescription drug benefit, or that we cannot fund the President's education bill or hire more cops. Moreover, we are in the middle of a war, and we are effectively permitting U.S. companies to place a higher value on earnings than on patriotism.

Mr. Speaker, it is time to close this loophole. It is time to crack down on tax evasion. I urge my colleagues to cosponsor H.R. 3884.

SUPPORT WELFARE REFORM TO MAKE THE PROGRAM EVEN BETTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the past 5 years we have all witnessed how well our Nation's welfare system can work. Taking a look at this chart, we can see that in 1996 we had over 14 million welfare cases on the books, and in the year 2002 we now have 5 million. Nine million Americans have moved from welfare to work, a success story. We have heard the success stories from thousands of Americans who have moved from the welfare-to-work process. Now these former welfare recipients have the ability to support their families, hold down jobs and pay their bills. But more importantly, Mr. Speaker, they have recovered their dignity and self-esteem that was once lost to the bureaucracy of welfare.

We promised America 6 years ago that welfare reform would get people back to work. Despite the doubts and naysaying of our critics, we have kept that promise. And while the latest welfare reduction statistics are very impressive, there is always room for improvement. This is our chance to reach out and do the right thing again to the people in need. We owe it to the millions of people that we have already gotten off the welfare rolls, and we owe it to the next million eager to join them.

I urge Members to support H.R. 4700, and I urge them to stand up today and do the right thing.

SUPPORT COMMONSENSE WELFARE REFORM

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, our President speaks often about changing the tone in Washington. To help him do that, we, with commonsense control of the Congress, were able to change some policies in Washington. For the better part of a half century, the Federal Government evaluated success by the number of people who were added to the welfare rolls. We said, that has fundamentally got to change, that true compassion is making sure people find jobs, that at the end of the day when all is said and done, the best social program for any American is a job. Welfare reform, enacted over a half decade ago, has put us on the road to that commonsense measure, where the real measure of compassion is the number of people who leave the welfare rolls and find work, where honest compassion is providing educational opportunity and child care opportunities to enable people to leave welfare and go to work.

And despite some of the mean-spirited catcalls of over a half decade ago about children being thrown into the streets and all sorts of other things that I will not repeat because they are so beneath the dignity of this House, we have restored the basic dignity to millions of Americans who now derive satisfaction from a day's work and a day's pay. We need to continue this battle and continue welfare reform.

I ask my colleagues to join with me on a bipartisan basis with that type of vote today in this House in favor of continuing commonsense welfare reform.

VOTE "YES" FOR WELFARE REFORM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I have good news to report. The good news is that today we are going to vote on the welfare reform bill which will constructively change the lives of millions of people. In 1996, Congress passed legislation that opened the door of independence, and today it is critical that we vote to keep that door open. We must continue the successes that started with Republican leadership 6 years ago.

Welfare reform's new goal will be to spur States and welfare recipients to even greater levels of success. Through employment, work-related services, child support reform and counseling for healthy family relationships, America can continue down the path of independence. We made a historic and positive change in our society 6 years ago when we passed welfare reform legislation, but we have just turned the corner. Our work is far from done. Let us make sure we keep the door of independence open for those in need. Let us get willing people back to work. There is nothing more satisfying than the smiling faces of success.

Vote "yes" for welfare reform reauthorization.

SUPPORT DEMOCRATIC ALTERNATIVE TO WELFARE REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I note some degree of irony here. Just a few days ago on the floor of this Chamber, the House approved a massive repudiation of one of the Contract with America, the Gingrich Revolution, in terms of the Freedom to Farm Act. It was a massive welfare program for a few of the Nation's farmers in a few States. At the same time, Mr. Speaker, we are coming forward here today considering additions and changes to the welfare program that ironically are opposed by the majority of the Nation's Governors, Republican and Democrat alike. I am hopeful that there will be strong support for the efforts that have been offered by the Democrats, my colleague, the gentleman from Maryland (Mr. CARDIN), to be able to maintain flexibility, maintain approaches that work on the State level; and hopefully we will not continue the hypocrisy where we provide welfare for those who need it the least and have mean-spirited Federal intervention from the Federal level for those who actually need our help.

SUPPORT WELFARE REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I am cursed with a memory full of useless information, some of which were the comments made by Democrats in 1996 when we passed welfare reform.

Marian Wright Edelman, president of the Children's Defense Fund, said the bill was an outrage that would hurt and impoverish millions. The Urban Institute predicted welfare reform would push 2.6 million more people into poverty. And the National Organization for Women said 12.8 million people on welfare would risk sinking deeper into poverty.

We have heard this morning on this floor, Mr. Speaker, the same. There they go again. The truth is that the vicious cycle of poverty has been broken. There are 2.3 million fewer children living in poverty today than before the 1996 welfare reform bill and 4.2 million fewer living in poverty across the board. The reality is the 1996 welfare reform bill worked. Let us be sure in Congress today to deal and to assist the neediest among us by continuing this important reform with the welfare bill before the Congress this week.

SUPPORT WELFARE REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, nearly 9 million people have gone from welfare checks to paychecks, thanks to Republicans.

□ 1030

Let me give an example of a constituent in my district, and I will call her Janice. She is a single mother of a 5-year-old, and last spring Janice lost her job in a soft economy. With a tight labor market and no college degree, Janice could not find a job to support her family. But thanks to welfare reform and the good people at a Texas Workforce Center, Janice applied for welfare the very next day. She did not want to stay on welfare; she wanted to find a job. The center helped her organize her options and find a job at a manufacturing plant. They also helped her find child care. Mr. Speaker, eventually, they helped her find a job in the Garland Independent School District.

She now has self-sufficient pay, a regular schedule, full benefits, and even retirement. After 6 months of steady work, Janice and her family moved from welfare to work. Janice is a story of determination. Janice is a story of hope. I salute her and an even better welfare reform bill today.

THE PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, success has 1,000 fathers and failure is an orphan. This is especially true and it comes to mind when the ex-President of the United States recently claimed credit for the passage of the Welfare Reform Act after, of course, he twice vetoed the bill. The reason that Mr. Clinton now wants to be a parent of the bill is because it works. It is wildly successful. Nearly 3 million children have been lifted from poverty and the child poverty rate is at its lowest level since 1978.

When we reaffirm the dignity of work and the reality of welfare reform, it is not about a social program, but rather it is about a job. I hope that everyone joins me today and votes for the Welfare Reform Reauthorization.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 397 and H.R. 3799

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 397 and H.R. 3799.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Colorado?

There was no objection.

NECESSARY CHANGES FOR WELFARE REFORM

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I have been listening to my friends on the other side talk about the debate we are going to be having today on welfare reform. Unfortunately, the rule that the Committee on Rules is recommending will not let us have a full debate, will not let us bring up amendments to a bill that is extremely important to our States, in not only getting people off of cash assistance welfare, but getting people real jobs.

Mr. Speaker, my concern is that if we look at the Republican bill that we will be debating later, it moves backwards. If welfare has been such a success, why are we imposing new restrictions on our States? Why are we telling our States that they cannot provide education and training to the people that are on welfare today? Why is education important for everyone in this country, except for people that happen to be on cash assistance and on welfare?

Mr. Speaker, we will have a debate on welfare today, and I hope that we will be able to make some changes in the bill that comes forward so that we all can agree that the next chapter of welfare reform should be getting people out of poverty.

CONTINUING ON THE PATH OF SUCCESS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I stand before my colleagues today to encourage all of the Members of this body to vote "yes" for H.R. 4700, the Welfare Reform Reauthorization. It is important that those who need government assistance get it, and those who can work get work.

Our 1996 welfare legislation was very successful, and there is no reason why the legislation we are voting on today will not be just as successful.

A few years ago, the Republicans voted three times to pass a welfare reform bill that revolutionized the lives of welfare recipients. In the past 3 years, over 3 million children have been lifted from the depths of poverty. Former welfare recipients and their children are now achieving their independence from the welfare system. We have taken a large step in the right direction, but it is critical that we continue our progress.

The House must finish the work we started 6 years ago. Let us continue to follow the path of success and continue to help change for the better the lives of millions of people. Vote "yes" on welfare reform.

FAILURES ON THE PATH OF SUCCESS

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, in the limited time that I am here this morning, I have heard a significant number of Members speak to the subject of welfare reform. In 1996, allegedly, we were supposed to move people from welfare to work. In the State of Florida that I represent, it did not work. So for all of those coming here talking about welfare reform being an unqualified success, let me suggest to my colleagues that there were some failures along the path of their alleged success.

One thing needs to be understood by this body. If we do not have child care, no matter what we do in here with reference to welfare, it is not going to work. If one does not have educational benefits, if one does not have training for people, then what we are going to do is lead people into dead-end work that leads to dead-end lives.

Enough already. We have trapped people in this program, and what we are preparing to do is to trap them even more and create that cycle.

COURAGEOUS REPUBLICANS REFORM WELFARE

(Mr. SCHROCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHROCK. Mr. Speaker, before 1996, it was evident to most Americans that the welfare system was out of control and needed immediate and meaningful reform. So in 1996, the Republican-led Congress had the courage to reform welfare, making work the centerpiece for the new law, providing a hand-up, not a handout. Since then, millions of Americans have left the welfare rolls, child poverty rolls have dropped, and the poverty rate among African Americans is at a new all-time record.

Welfare reform has required millions of poor Americans to obtain employment, leading them from dependency on the government to personal independence and from low self-esteem to self-respect and self-confidence as they lifted themselves out of poverty.

Mr. Speaker, now this Congress is tasked with the reauthorization of the Welfare Reform Act. We must continue our progress by strengthening the path towards independence through work. Welfare reform has given millions of Americans a second chance at the American dream, and they are achieving it. Let us not turn back the clock on these wonderful achievements. Let us stay the course, ensuring life, liberty and the pursuit of happiness for all Americans.

MOVING FORWARD WITH WELFARE REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, in 1996, Congress did a very good thing: they reformed welfare and it was said at the time that it would throw children into poverty and a lot of people would be worse off than they were before.

Let us look at the figures. Mr. Speaker, 4.2 million fewer Americans live in poverty today than they did in 1996, and 2.3 million fewer children live in poverty today than in 1996.

Now, the other side of this debate says that those are the "alleged benefits." Those are not the alleged benefits; those are the facts. People are better off, everyone: children, women, minorities. We are all better off today than we were in 1996.

What it all comes down to it, we can look at individuals. There is a great story here. Tanya, a single mother, went on public assistance when her twin girls were a year old. Since completing her work with Calworks last year, she has been able to earn enough money to purchase her own home. It is success stories like this, individuals that bring the meaning to us, that prove that we need to reauthorize this program and to continue to move forward.

PROVIDING FOR CONSIDERATION OF H.R. 3994, AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3994) to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 419 is an open rule providing for the consideration of H.R. 3994, the Afghanistan Freedom Support Act. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations. It is a fair rule and allows ample opportunity for all Members to present their views on this very important underlying legislation.

Since the beginning of the war on terror in Afghanistan, the Bush administration has made a continuous point that this is not a war against the people of Afghanistan. It is in reality quite the opposite. The Commander in Chief has worked to include the people of Afghanistan in our efforts to rid their country of terrorist networks and he has met this challenge with extraordinary success.

Now that the roots of freedom are in place, we should work to ensure that the people of Afghanistan and the interim government have resources to ensure that Afghanistan remains a full member of the democratic community.

The passage of the Afghanistan Freedom Promotion Act reiterates our commitment to peace and stability in the region. It authorizes over $1 billion over the next 4 years for development, economic, and security assistance for Afghanistan. It also provides President Bush with needed flexibility in allocating assistance to take into account the fluid situation in Afghanistan and the corresponding needs there.

It is important, however, that we realize that this is not a blank check, this legislation, without verification. It conditions reconstruction and development assistance on the Afghan government, providing full support for counternarcotics efforts and implementing the commitments to peace and pluralism that were made in Germany last December.

The bill also earmarks $15 million annually to support the UN Drug Control Program activities in Afghanistan and $10 million annually for supporting a traditional Afghan assembly. The underlying legislation also provides assistance to meet urgent humanitarian needs such as food aid and disaster relief and emphasizes the need to assist refugees in returning to their communities when it is safe to do so.

This is a good bipartisan bill, Mr. Speaker. It preserves the successes that have been achieved in Afghanistan. The legislation provides for the national security of the United States as well as other friends and allies by helping the effort to eliminate Afghanistan as a source of terrorism and instability in the region.

I urge my colleagues to support both this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Florida (Mr. DIAZ-BALART), my good friend and neighbor, for yielding me this time.

The rule itself is fair enough in that it is an open rule. I would also like to at this time thank the distinguished chairman and ranking member of the House Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for their extraordinary work on this legislation.

As a former 9-year member of the Committee on International Relations, I well know how hard that committee works to bring sensible legislation to the House floor that is sound public policy for the United States and equally sound globally. So again, I want to recognize the hard work of the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE).

□ 1045

Mr. Speaker, the bill before us today, the Afghanistan Freedom Support Act, is a good bill as far as it goes. I appreciate my good friend, the gentleman from Florida (Mr. DIAZ-BALART), for saying that the circumstances in Afghanistan are fluid, and that is without question my opinion; and I would echo his sentiments in that regard.

This bill also authorizes a broad range of development, economic and security assistance for Afghanistan including more than $1 billion in various assistance activities over 4 years, and urges the President to appoint a special coordinator to oversee overall U.S. assistance. And I think that that area should be underscored.

The bill also conditions assistance in certain regions to counter narcotics efforts and links future assistance to the furtherance of the "Bonn process" which provides a frame work for Afghanistan's political factions to decide their country's political future.

I read a summary of the bill last night, Mr. Speaker, which notes that this bill, and I quote, "includes strong language on the provision of assistance to meet the educational, health, vocational needs of women, endorses the needs for increased security throughout Afghanistan," housing, infrastructure.

Candidly speaking, I wish we had the money to do all the same things in my district and the rest of this country, Mr. Speaker. Unfortunately, I have read the Republican welfare bill, and I fear the House today may very well be doing good for Afghans, as rightly we should, and more for them than we are for some Americans.

Mr. Speaker, I only half jokingly refer to this bill as "welfare for warlords." The cold facts tell me that sending this amount of money to a region that is still war-torn and rife with organized crime may be a dangerous thing to do. Peacekeepers in that region for a substantial period of time are going to be a must. Accountability is absolutely essential.

I am, however, very encouraged; and I spoke actively during the runup of this bill with the gentleman from California's (Mr. LANTOS) office and allows that the bill includes language to try and stem the serious narco-trafficking that is rampant in Afghanistan. What we see on a day-to-day basis now that spring has sprung in Afghanistan is more and more poppy seeds, less and less tomatoes and potatoes; and what we are witnessing is right in the area that we are getting ready to send a lot of money are drugs being drawn up and grown up that will ultimately arrive at our shores and elsewhere in the world.

I have seen a couple of these crop replacement programs, one in Chiang Mai, Thailand. I do not think it worked there. I do not think it worked in Bolivia when we tried that; and I do not think it is going to work in Afghanistan, for the practical reason that growing tomatoes and potatoes is not as lucrative as growing poppy. And until such time as we understand that dynamic, we are going to find ourselves on the short end of yet another war on drugs while we are trying to stop a war on terror in an area where drugs are being grown as we prepare to send money there.

Mr. Speaker, as I said, the bill is good as far as it goes and is a good start. And I think the authors have done all that they could under the circumstances. I hope some of the concerns I just mentioned can be addressed sooner rather than later. Ultimately, this bill deserves our support. I only wish that they would deal with many of the same problems domestically in the manner that we do this and that our domestic matters would enjoy the same bipartisan support.

Mr. Speaker, I yield 4 minutes to my friend, the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this rule.

Mr. Speaker, I am eager for this Chamber to deal with the subject at hand with the Afghanistan Freedom Support Act. We are leading an effort as a country in a global struggle against terrorism, and this legislation can be critical for that effort. We all know that the world changed since the September 11 attacks, and a number of those changes actually have been positive. I am pleased that the United States is more engaged in the Middle East, working to try and stop the violence in Israel. We have toppled a brutal, repressive regime in Afghanistan. And now we are finding that the term "nation building" which some were dismissive of during the last presidential campaign, is no longer a term of derision. It is something that people understand the United States has a responsibility in which to be engaged.

I am thankful that we are turning our attention to the struggle for the hearts and minds of hundreds of millions of people, particularly in this troubled region, people who do not get the full story about the role that the United States plays and wants to play in the future. There are some who obviously have their grievances against us, but there are millions more who are born to poverty and despair. Now more than ever before the United States needs to have the full range of tools available to deal with these multiple challenges. Part of it is military, and we have approved one of the most generous bills in the history of this country to give tools to our Armed Forces who have already proven that they are the finest in the world.

We have in the person of Secretary Powell somebody leading the diplomatic efforts and I think someone who commands the respect and confidence of Congress and the American people. We need to craft an aid package that will help us build up and repair.

Mr. Speaker, one of the concerns I have with this piece of legislation is that while it speaks to issues, for example, of reconstructing the damaged infrastructure in the countryside, in agriculture, while it speaks to the buildup of commerce, it does not speak to the reconstruction of the cities in Afghanistan damaged beyond repair in some requests unless we step forward. And it is silent, I am afraid, to the hundreds of innocent victims, innocent villagers in Afghanistan who were mistakenly attacked, killed, injured children who were traumatized. I am afraid, Mr. Speaker, that these innocent citizens in Afghanistan are every bit as innocent victims like we lost in the World Trade Center and here in the Pentagon in Washington, D.C.

I have been visited by people who lost loved ones in this country who urge Congress to reach out to the innocent victims in Afghanistan. And I am hopeful, Mr. Speaker, that this House will use the flexibility under the rule to make adjustments to this bill to make sure that we are rebuilding the damaged cities in Afghanistan and that we have the flexibility to reach out, to aid the innocent victims of our activities in that country. There will be no more powerful signal to people around the world about how the United States is different, how we are trying to live our values than if we reach out to help these innocent people.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Indiana (Mr. SOUDER), a genuine expert not only on foreign affairs but especially the war on narco-trafficking.

Mr. SOUDER. Mr. Speaker, I thank my friend from Florida for his standing in defense of freedom constantly around the world.

Mr. Speaker, I rise in support of this rule, and I rise in support of this important and time-sensitive legislation.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform and one of the Chairs of the Speaker's Task Force on a Drug Free America, I would like to commend the Committee on International Relations for its excellent work on this bill in expediting authorization for counternarcotics assistance to the interim Afghan government. I want to take time in this debate to emphasize the potentially critical nature of the next few months in Afghanistan with respect to drug control.

Historically, Afghanistan has been the main worldwide source for elicit opium and heroin production worldwide, accounting for as much as 70 percent of the total worldwide crop. But the historical political instability of the region has long prevented meaningful efforts at control and crop eradication.

As John Walters, the director of the Office of National Drug Control Policy, recently commented, now is the first opportunity in recent history to influence the worldwide opium problem by working with our allies to eradicate and disrupt this trade. The bill expressly recognizes that counternarcotics efforts such as poppy eradication and the disruption of heroin production must be a high priority of U.S. assistance to Afghanistan, as well as the importantly, equally vigorous assistance and contributions from the European Union for the same purpose. The vast majority of the opium and heroin produced in Afghanistan has been historically consumed in Europe rather than the United States, so it is critical that our European allies take a leadership role and meaningfully support this effort, as well as have the governments of the United Kingdom and Germany.

There can be little doubt, however, that Afghan heroin also threatens the United States and that a meaningful blow to such a large source of worldwide opium will undoubtedly reduce availability around the world. The UNDCP, which has been heavily involved in drug control efforts in Afghanistan, estimated at an inter-parliamentary drug conference in Tokyo last month that as many as 2,700 metric tons of new opium could be produced in Afghanistan this year if the crop is left unchecked. Enough to fill the annual demand for European markets nearly three times over.

Although Chairman Karzai clearly seeks to ban production and control of the narcotics trade, as he assured me personally several times, this simply cannot do it without the assistance provided in this bill. We must decisively take advantage of a potentially historic opportunity to stem the flow of heroin around the world.

As our subcommittee; President Bush; Director Walters; and our former colleague and now DEA administrator, Asa Hutchinson, have so vocally recognized, the bill also recognizes the critical link of drug profits to international terrorism.

The Taliban received as much as $40 million annually in profits derived from the Afghan opium crop which the United Nations concluded had gone directly to financing of terrorist organizations. In addition to its importance for narcotics control, we must also eliminate Afghan poppy for the simple reason that it otherwise would continue to have the potential to serve as a ready source for a huge flow of illicit drugs to any terrorist or insurgent groups that might be able to take power in Afghanistan in the future.

I would also like to take this opportunity to address two important issues raised by this bill with respect to overall U.S. drug control efforts in Afghanistan. First, the bill today contains a provision encouraging the President to appoint an executive branch coordinator for all American assistance to Afghanistan, including counternarcotics assistance. As this provision is nonbinding and relatively narrow in scope, I will not object to it. As chairman of the authorizing committee for the Office of National Drug Control Policy, however, I want to express my view that this provision does not affect the otherwise existing legal authorities and prerogatives of ONDCP with respect to all government narcotics drug control programs. I also expect that any such coordinator appointed for Afghanistan would coordinate counternarcotics assistance through and in consultation with ONDCP and its Office of Supply Reduction.

Second, I would like to express on the record my concern with recent media reports that the U.S. Central Command had refused to participate in efforts to eradicate opium poppy in Afghanistan. As I mentioned earlier, opium eradication is key not only to global drug control but also to cutting off sources of economic support to potential military opponents. The military interest in cooperating with this mission should be clear as a matter of both law and policy when it can be accomplished without risking American troops, as the Committee on Armed Services recognized last week in its report for next year's authorization bill. I strongly support the committee's position and will continue to closely monitor the extent and nature of Central Command and the Department of Defense participation in these essential national missions.

Mr. Speaker, I emphasize again that we are potentially at a crossroads with respect to worldwide heroin trade. I look forward to discussing the DEA's new global heroin strategy in the near future in our subcommittee and reviewing the overall world situation with respect to Colombia and other source countries. For now, however, I strongly encourage my colleagues to support this important and potentially historic bill.

□ 1100

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

□ 1817

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaHood) at 6 o'clock and 17 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

House Resolution 419, by the yeas and nays;

Approving the Journal, de novo.

The Chair will reduce to 5 minutes the time for the second vote in this series.

PROVIDING FOR CONSIDERATION OF H.R. 3994, AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

The SPEAKER pro tempore. The pending business is the vote on agreeing to the resolution, House Resolution 419, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 162]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar

Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Blunt
Burton
Cannon
Clement
Deal
Hall (OH)
Honda
Keller
McKinney
Murtha
Pickering
Quinn
Rangel
Sabo
Sherwood
Stupak
Toomey
Traficant
Wicker

☐ 1840

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 55, answered "present" 1, not voting 26, as follows:

[Roll No. 163]

AYES—352

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Phelps
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stump
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—55

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Gephardt
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Hooley
Jones (OH)
Kennedy (MN)
Kucinich
LaFalce
Larsen (WA)
Latham
LoBiondo
Markey
McDermott
McNulty
Meek (FL)
Meeks (NY)
Menendez
Moore
Moran (KS)
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Ramstad
Shadegg
Slaughter
Stark
Stenholm
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Velázquez
Visclosky
Waters
Watts (OK)
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—26

Blunt
Burton
Cannon
Clement
Cunningham
Deal
Emerson
Fletcher
Hall (OH)
Matheson
Miller, George
Murtha
Napolitano
Petri
Pickering
Pitts
Quinn
Rangel
Reyes
Riley
Sabo
Schaffer
Sherwood
Stupak
Thornberry
Traficant

☐ 1851

So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4737, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–466) on the resolution (H. Res. 422) providing for consideration of the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 346

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Resolution 346.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Wednesday, May 15, 2002, providing for consideration or disposition of a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague, the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Early this morning, Mr. Speaker, the Committee on Rules met and passed this resolution waiving clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules.

The resolution applies the waiver to a special rule reported on or before the legislative day of Wednesday, May 15, 2002, providing for consideration or disposition of the bill H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002.

Mr. Speaker, as my colleagues are aware, this legislation builds on our successes from 1996 to further protect children, strengthen families, increase State flexibility, and continue the decline in poverty. In fact, yesterday the Committee on Rules received testimony on this bill from a number of Members in anticipation of reporting a rule to bring this legislation to the floor.

With final negotiations regarding this important legislation now finally complete, adoption of this rule will simply allow us to move forward and consider this important welfare reform proposal today rather than holding up consideration of this bill until tomorrow or even next week.

Mr. Speaker, I urge my colleagues to support this rule and allow the House to complete its work on the business at hand.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule. I wish I could tell my colleagues that this measure stemmed from a need for flexibility rather than a need to cover up ineptitude, but I would not be telling the truth.

Quite simply, this is the most stunning display of incompetence I have witnessed under this leadership. In fumble after fumble, the leadership kept attempting to move a flawed bill, failing miserably, then going behind closed doors to try it one more time.

The House of Representatives has ground to a halt, and the call for regular order sounds like the punch line to a cynical joke. This is a disgrace, and I am at a loss to explain why we are once again preparing to circumvent the rules of the body and cram a controversial measure down the throats of our colleagues.

What aversion does this leadership have to the House rules? This is an extremely heavy-handed process, even for this leadership. Under the rules of the House, a two-thirds vote is required to consider a rule on the same day as the Committee on Rules reports it. But the martial law procedure before us allows a rule to be considered on the same day as it is reported with a majority rather than a two-thirds vote. This rule would waive the one day layover requirement, and I urge a "no" vote.

Mr. Speaker, we went into the Committee on Rules yesterday in full good faith at 4 p.m., left there around 8 p.m. until midnight to hear the final disposition of this bill. Later today, we went in again about 4 p.m. this afternoon to find the bill on which we had held a hearing had been changed. My side was given 30 minutes to look at it. And I simply want to say again that that is a dreadful way to run this House, and I find it terribly inept.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I rise in strong opposition to this rule and in stronger opposition to this Republican bill.

First of all, with respect to the rule. John Adams once said that we have a Nation of laws, not of men. And when we make laws, a bill comes to the floor and it is not perfect from the Republicans, and it is not perfect from the Democrats. So there is the opportunity to offer amendments.

Members from different parts of the United States can come to the floor and represent their constituents and offer an idea that Indiana has done since we gained waivers on welfare reform in 1994. But this rule does not allow that. Or a Member from California could come to this great hall and offer an amendment on child care, to increase the amount of money as we increase the workload on parents. We need to make sure we take care of their children for those added hours. This rule does not allow that. We cannot offer an amendment to increase child care.

There is a vote for a Democratic substitute, a vote for recommittal, and a vote for the Republican bill. No amendments to the Republican bill in order. We should defeat this rule. The minority rights are being degraded and taken away day by day and week by week.

Lastly, about the Republican bill itself. I helped get waivers for Indiana in 1994, and welfare reform succeeded then because we had State flexibility. I voted for the Clinton reform package in 1996. That succeeded because it was tough love. We have moved from State flexibility to tough love to sanctions and sticks. Now we are short on compassion and real long and hard on conservatism.

□ 1900

Where is the conservative passion in this Republican bill? We do not have enough in this bill for child care. I am for better worker requirements, longer hours to work, but we must make welfare reform work by taking care of our families and our children. We must make sure that vocational education can be included in. We must make sure that States get credit for getting people into work, not just off of welfare. Let us make sure that States get credit for getting people into jobs and taking care of our children, not just lopping people off the welfare rolls and having no concern for their children's day care responsibilities.

Mr. Speaker, I am adamantly opposed to this rule because it inflicts harm on minority rights. I am adamantly opposed to this bill, although I supported welfare reform in a bipartisan way 5 years ago on a bill that is working, which has resulted in people going to work, which has resulted in a State like Indiana getting approximately 30 percent of their people off welfare, that has resulted in the lowest poverty rates for Hispanic and African American families. Let us continue the success of the Clinton bipartisan welfare reform, not sanctions and sticks.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to go over a few details. The gentleman referred to the last welfare package as the Clinton welfare reform bill. That welfare reform bill was sent to President Clinton three times before he signed it. Three times.

Mr. ROEMER. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE of Ohio. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, the bill that I referred to, as the gentlewoman from Ohio knows, was a Clinton proposal that came to the House for three different votes. It passed with bipartisan support from Democrats and Republicans working together, not excluding and prohibiting people from working together and offering amendments. It was a bipartisan proposal that worked in States like Indiana.

Ms. PRYCE of Ohio. Reclaiming my time, I do not know that it was a Clinton proposal that came to the Hill. It was a product of the work of this House of Representatives, Republican controlled.

At the same time, I would like to add that this rule provides the Democrats two bites of the apple while only affording the Republicans one. We have the base bill which we will be voting on; the Democrats have a substitute and a motion to recommit. That proportion is 2 to 1, and I do not see anything unfair or partisan about that.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentlewoman from Ohio, we will trade our two bites for what the gentlewoman has over on her side.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in strong opposition to this so-called martial law rule. By definition, martial law is an improper process.

I also rise in opposition to the underlying bill. In 1996, I voted for welfare reform because it made sense and it put people to work. It was a legitimate, bipartisan effort. This bill, unfortunately, moves us backwards. First of all, it is an unfunded mandate. My State of Maryland will have to pay an additional $144 million because of this bill. It requires more people working longer hours and does not provide adequate child support, and I think that is a grave mistake.

Second, on the subject of child care, we have 15 million young people now who are eligible for child care under welfare reform who cannot get it. This bill makes the situation even worse. They give us a paltry $1 billion. We need $11 billion to take care of all of the young people who need child care as a result of their parents going to work.

Third, they eliminate vocational education. Look, we do not need a generation of career burger boys. The object of welfare reform is to give people training so they can get into meaningful, decent, well-paying jobs. This bill will not allow them to do that. There are three good reasons to reject the underlying rule and one major reason to reject this rule, because it is martial law.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there is some good news here. If the House votes against this rule, we do not have to be in until the wee hours of the morning. We do not have to debate one of the major bills of this session so late at night that it is difficult for us all to have the type of debate that is worthy of this body. I urge as a matter of fairness that we reject this rule. Welfare reform and TANF reauthorization deserves to be heard during normal hours of this body. It is wrong for us to have to consider it this late at night.

Second, I do not know how many Members are aware when we started today we had H.R. 4700 as the welfare bill. Then it was changed to H.R. 4735; and now tonight it is changed to H.R. 4737. We have had three bills submitted to us for welfare reform. I wonder how many Members of this body are aware of what is in the legislation that they are going to be asked to vote on tonight.

Let us vote against this rule so we have a chance to at least read this rule before Members vote on it. How many Members are even aware what was added to this bill, not by any of the committees, but by the Committee on Rules, a provision that will take Medicaid administrative funding away from our States. Each one of our States are going to lose some revenue. Do Members know how much their State is going to lose? Give the Members a chance to know what is in the bill. That is the reason we have a one day layover on rules, and that is why this martial law should not be adopted.

Mr. Speaker, how many Members know what has been done to the super waiver. I ask Members to read the language that the Committee on Rules added to the super waiver. We do not have a super waiver the way Members think it is. It has been changed dramatically. I have heard the President say we are giving additional flexibility to the States. We are not in the Republican bill. We are taking it away, less flexibility on how to get the workforce to work, less flexibility on education.

The President brags about the super waiver. Do Members know what is in the bill? That is changed now. If we approve this rule, we are going to be taking up another rule that is a closed rule in that it does not allow us to offer amendments to the Republican bill. There are issues that deserve the debate of this Chamber, whether we should make it easier for the States to provide education and job training to people on welfare. That deserves the right to be heard as a separate amendment.

I asked the Committee on Rules as the ranking Democratic member of the Subcommittee on Human Resources that it be made in order. It is not made in order. Child care is an unfunded mandate on the States. We should have an opportunity to debate that issue, but the underlying rule does not give that to us. Legal immigrants, whether they should be continued to be discriminated against; that should have a separate vote on this floor.

What is wrong with the democratic process so the will of this body can be had, so the majority can rule? No, the Republicans are afraid to let the majority rule. Mr. Speaker, I urge my colleagues to reject this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind the gentleman that his motion and amendment in the nature of a substitute was made in order. That is the Democratic substitute. I do not know what is wrong with that. The gentleman from Maryland (Mr. CARDIN) has been made in order by the Committee on Rules, as is proper. He will have an up or down vote on that. We were very pleased to do that.

Mr. CARDIN. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE of Ohio. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I want to thank the gentlewoman for doing what is normal policy, to let the Democrats offer a substitute; but I asked for an amendment, as ranking member of the Subcommittee on Human Resources. The gentleman from Michigan (Mr. LEVIN) asked for an amendment concerning a credit to the work requirements. The gentleman from California (Mr. BECERRA) asked for an amendment dealing with legal immigrants. The gentleman from California (Mr. GEORGE MILLER) asked for an amendment dealing with child care.

Ms. PRYCE of Ohio. Reclaiming my time, many Republicans asked for an amendment, too. This is a process that is fair to both sides.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong opposition to this rule because it does not provide opportunity for the kind of discussion, the kind of debate, or even for the kind of amendments that are necessary to deal with something as serious as providing temporary assistance to the needy families of this country.

When we think of those who are needy, who could be more needy than individuals who have been arrested, the hundreds, the thousands who have been arrested for drug offenses, and yet this legislation gives States the option to deny them benefits under TANF. Individuals who may have had some difficulty when they were 17, 18, 19 years old, and now cannot find a job, cannot get into school, cannot get decent housing, and yet they are denied benefits under this legislation.

Mr. Speaker, this legislation goes backwards from the original legislation rather than moving us forward. I hope that we vote to reject the rule and reject the legislation that will not provide assistance to some of America's most needy families.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, the issue that we are debating is whether to give the majority martial law authority. I think my colleagues and the public should know what martial law authority is. It is absolute authority to control when to bring something to the floor without even allowing the Members of Congress to read what is being brought to the floor.

I was thinking about it, I really could not think of anybody I would less like to give martial law authority to than the majority in this House, particularly after we have been here all day. We came into session at 10 a.m. this morning, stayed in for 45 minutes, and then recessed subject to the call of the Chair, and we have been sitting around in our offices all day until 7:15 tonight. This group now comes and says give us martial law authority, complete authority, to bring a bill and control the House.

Well, if they cannot get a bill together all day and they go through three different iterations of the bill they are bringing to the floor, why would I want to give them martial law authority to control the whole process? It is undemocratic, and I cannot think of anybody I would less like to give martial law authority to.

Second, the whole concept of martial law authority implies some kind of emergency. What is the emergency to pass a welfare reform bill? What is the emergency that we are dealing with that would bring us into session at 7:15 at night and keep us here until 2 in the morning under martial law. What is the emergency? I do not see any emergency about passing a welfare reform bill. We have a welfare reform bill that is the law in this country right now that will continue to be the law until we pass another one.

There is no reason for us to be here at midnight, 1, 2 in the morning, debating an important piece of legislation that none of us has had an opportunity to even look at and review. And I should give the majority martial law authority? Give me a break.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, there is an old story, and a lot of Members have heard this before.

A farmer wanted to borrow an ax from his neighbor one night. He went and knocked on the door and said, I need to borrow your ax. The neighbor said that he could not lend the farmer his ax tonight. The farmer said, Why not? The neighbor said because I am making soup.

Making soup, what does that have to do with me borrowing your ax or not? The neighbor said not a thing, but when you do not want to do something, any excuse works.

□ 1915

That is what we are hearing tonight from my good friends on the other side of the aisle. They do not like the bill. They do not like welfare reform. They did not like welfare reform in 1996. I did not know this was the Bill Clinton welfare bill until a few minutes ago, for example. I remember him vetoing it twice. In fact, I only remember him signing it when his campaign consultant, Dick Morris, told him he needed to do it in order to get reelected. And, as I recall, he did it in the middle of the night. Does anybody here remember going to the bill signing ceremony?

I am proud of the gentleman. Next time see if you can get me one of those invitations. I did not get one.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. Let me yield to my friend from Massachusetts. Maybe he can help me.

Mr. FRANK. Mr. Speaker, are we going to pass this bill in the middle of the night to commemorate him signing it in the middle of the night?

Mr. KINGSTON. That might be good. The gentleman has a good point. We are just going to continue that great Democratic tradition.

Here is the situation with welfare reform. I do want to say, some Member has suggested we have sat around here all day long and done nothing. We actually as a Capitol, as Democrats and Republicans, as Representatives, commemorated police officers from all over America. As Members know, there was a huge demonstration of sorts on the Mall today in support of our police officers like my friend, Kevin Jones, from Brunswick, Georgia, who came up here today because a while back there was a car rolling down a hill, he jumped into it, the driver had had a medical seizure, and he stopped the car and saved the driver's life. He was one of hundreds and thousands of police officers here today. So to me it has been a worthwhile day. I know some people probably have been sitting around, though.

I want to talk to you about some of my friends, also, since we have gone down the history trail on what was said in 1996. I will not repeat the names of some of the Congressmen, but they are on here and these are documented statements going back in time, pushing your remote.

"I am saddened that today it seems clear that this House will abdicate its moral duty and knowingly vote to allow children to go hungry in America." 1996, a Member of the U.S. Congress.

Another Member, 1996: "The only losers we have now are the kids."

Here is Patricia Ireland, not exactly known in Republican precinct circles as friendly. NOW President Patricia Ireland predicted that the 1996 law would put "12.8 million people on welfare at the risk of sinking further into poverty and homelessness."

And then a former Clinton administration official resigned over welfare reform, probably not one of those who was invited to the midnight signing ceremony, either. He said, "More malnutrition and more crime, increased infant mortality and increased drug and alcohol abuse."

And then there is the good old conservative Urban Institute that predicted the 1996 law would push 2.6 million people, including 1.1 million children, into poverty.

The Children's Defense Fund predicted in 1996 the law would bring a 12 percent increase in child poverty.

I only remind people of this not to bring up partisan bitterness from the past but to say, when we passed this historic piece of legislation in 1996 there were naysayers. I do believe there were a lot of Democrats who did come on board finally. But initially it was an uphill battle.

Here is what has actually happened. Since 1996, work among welfare recipients has tripled. Employment of single mothers is now more than 70 percent, an all-time high. Since 1994, welfare caseloads have fallen by 60 percent, leaving less than 2 percent of the U.S. population on welfare.

Here is another result: the wage gains for single moms. Again I will not go into the chart, but it shows an increase of 73.5 percent. This is one on child care funds. Remember, welfare reform was supposed to hurt children in particular; but in fact, it increased child care funds from $3 billion to $9.4 billion. That is comparing the 1995 to the 2000 level.

What are the principles of this bill? Promoting work, improving child well-being, promoting healthy marriages and strengthening families, fostering hope and opportunity.

This bill requires welfare recipients to put in a full workweek. There is nothing harsh about that. It requires the States to have 70 percent of welfare families working, again, leaving it up to States to have flexibility. All of this stuff sounds very legalistic, but the real proof is to people like Bruce Mullins who lost his home and entered the welfare-to-work program in September 1998, and now he has built a life of joy and promise for himself and his two kids because of these training programs. He has had a chance to live with great dignity and not be dependent but be independent. And then there is Tonya, a single mother. She went on public assistance when her twin girls were 1 year old, but since completing her program with Cal Work last year, Tonya has been able to earn enough money to purchase her own home. These are real people with real accomplishments. And then there is Judith Brown. She is working her way off welfare reform and is moving into a new home in Cincinnati.

Mr. Speaker, this is what welfare reform is all about, real people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say to the good gentleman from Georgia, I had the opportunity to commemorate and celebrate our very fine law enforcement officers today and felt the great emotion of this day of tribute. I also spent a lot of time working. We were working. But that is not the issue, Mr. Speaker.

First of all, let me also say to the distinguished gentleman, I noted that he emphasized what the welfare reform bill was in his mind, promoting work. That is the issue here. I oppose the martial law rule because we have no emergency. This bill does not expire until September. In fact, his point of promoting work is a very key element to the difference, if you will, between those of us who understand that there is no shame in being a parent.

Just a few days ago I represented the United States at the U.N. special session on children, the first time this world discussed children in 12 years. We come to the floor of the House now and all the Republicans want to do is brag about how the welfare reform is about promoting work. None of us are afraid of work and those on welfare are not afraid of work. But this bill is an unfunded mandate. It is in the midnight hour; we do not know what is in it. In addition, let me tell you that it is three different bills. I wonder if my good friends on the other side of the aisle would allow a waiver for those of us who flew in here, got in late and wanted to put in amendments, good amendments that would help the young teenagers that are on welfare to get parenting skills or financial skills, but those amendments were denied. Yet in the dark of night we want to debate something that is absolutely not an emergency because we want to go home and brag that we are about promoting work.

What about promoting caring for your children? What about promoting child care? We always think that the poor people are deadbeats and do not want to work, but we allow those that have good money in the bank to stay home and mother their children. This is an outrage. This is a bill we do not need to hear about.

Let me tell them if they do not know, we have a bad economy, we have unemployment, there are no jobs and those women who got that work, those were entry-level jobs, those jobs do not exist; and my constituents are telling me not only are they losing their jobs but they are losing health care and child care benefits. If we care about Americans who are trying to transition from poverty into work, we would not put this bill on the floor tonight. This is an outrage of a bill, this is being don in the midnight hour; and it is for people who do not care about the poor people in America who every day all they want is an opportunity. It is a disgrace. Vote against this martial law rule. Let us finally work for the good of all the people of the United States of America. I want to let Members know this as I go to my seat, people are unemployed.

This bill will create more unemployment, because it focuses on work over valuable job training for welfare recipients so they can qualify for jobs they can grow in and keep rather than low-wage temporary jobs.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of this rule and the underlying bill, H.R. 4737. It is good work that this Congress is reauthorizing this program. America needs it.

Today's vote comes at a critical moment in our country. At this time 6 years ago, interest groups were pouring into Washington saying that Congress would impoverish millions of children, that we would cause women and children to starve, that millions of families with children would lose income and be pushed into poverty, that the streets would be filled with the homeless, and that passing welfare reform would lead to increased infant mortality, increased drug and alcohol abuse, increased family violence and increased child and spousal abuse.

Today, those claims are somehow forgotten. They are an embarrassment to the makers of those claims, knowing that welfare reform has led to fewer individuals and families dependent on the government, fewer teen pregnancies and a smaller caseload for State welfare workers. This is great news for America. H.R. 4737 builds on the success of the past and maintains full funding for TANF and investing in new programs that show promise for families and children.

Congress maintains TANF funding, although the need for that funding has decreased. Every State has reported fewer cases of individuals and families needing assistance. But this should not be viewed as an opportunity to cut funds. Instead, Congress is prepared to provide more assistance to those who need it the most. Let me make it clear: the same level of TANF funding plus fewer caseloads means more resources available to those who need it.

Because we know the job is not finished, H.R. 4737 provides additional authority, particularly with respect to promoting stable marriages and promoting and strengthening the role of fathers in the lives of their children. These programs directly speak to the well-being of children because of the toll that broken marriages, father absence, and out-of-wedlock births has on our culture and society. The reason that this vote today is so important is because it confirms that the reforms put in place in 1996 were the right thing and they continue to be the right thing today.

After the last few years of implementation, each of us has heard from our States and talked to our constituents. We have been able to look at the data ourselves. The evidence is in, and welfare reform is a tremendous success.

Here are the facts: 2.3 million fewer children living in poverty; 4.2 million fewer adults living in poverty; the lowest rate of poverty among single mothers in United States history; twice the rate of employment for single young mothers; a 60 percent increase in employment of mothers who lack a high school diploma; fewer children living in single-mother families; more children living in married-couple families; no increase in out-of-wedlock births. I could go on and on and on.

In my State of Florida, an 84 percent reduction in the welfare caseload, the total number of individuals receiving cash assistance, has declined by 76 percent, and the total number of cash assistance cases has dropped from nearly 220,000 Floridians to less than 70,000 needing government assistance. Need I say more?

What is exciting about all these statistics is that they represent people who have transitioned from dependence to independence. They represent children whose lives have been destined in the past to repeat the cycle of poverty but who are now watching their mothers, their fathers work and receive a paycheck. They represent young people who are changing their behavior, avoiding sexual activity and embracing their futures by refusing to be another teenage mother or father. These changes are positive, they breed hope, and they must be continued.

I urge my colleagues to support this rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, this is an amazingly unfair process we are dealing with tonight. It is a continuation of the shameful conduct of the majority in this House last week when we were doing the defense bill. Last week at an unprecedented time in our Nation's history when we are fighting terrorism and we were doing the defense bill, senior members of the Committee on Armed Services were denied the opportunity to offer amendments merely because they were Democrats. Why? To avoid difficult votes in an election year for certain Members. But debate and arguing and voting are democracy. It is the essence of our democracy. If you do not want to be a part of this great debate here, find another job, but do not deny Americans the right to hear their Representative offer amendments to bills, even if they are Members of the minority. Tonight it is a continuation of the same process. No amendments are to be allowed in the consideration of this very important welfare reform bill. This is a corruption of our democracy occurring in this great House tonight, Mr. Speaker. There is a lot going on in the decision-making process of the Republican leaders who make these decisions to deny debate.

□ 1930

The American people will tire of this tyranny, Mr. Speaker, and hold the majority accountable for this corruption of our sacred democracy.

I have many friends on the Republican side of the aisle, and I care about them deeply, but tonight I am embarrassed for them that their leadership forces them to vote for this shameful, shameful process. Vote "no" on this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the Republican leadership is turning what should be a people's House into a one-party House, into a one-party House. I am afraid they do not want a bipartisan bill, they want a partisan issue.

In 1995, there were 13 hours and 20 minutes of debate on welfare reform, but here we have just a pittance. My Republican colleagues dwell on their version of the past instead of building for the future. They speak from a program. They malign President Clinton's efforts. There were two vetoes. Why? Over day care and health care. He had promised in 1992 to reform welfare. The bills that came out of here did not have adequate day care or health care, so he vetoed them. There was adequate day care and health care at that time put into the bills, and then it passed on a bipartisan basis.

Look, my colleagues say their bill just fine-tunes, but of the survey answers, 41 of 47 States said the Republican bill would require "fundamental change."

This is about where welfare goes from here. The Republican bill wants people to work while they are on welfare; our bill says what the States want. We want people off of welfare into long-term, productive work and true independence.

This is a sad day. Debating a major issue in the wee hours, in the wee hours. Why do it? I repeat: my Republican colleagues want a partisan issue instead of a bipartisan product. My Republican colleagues are turning this proud people's House into a one-party institution. In the end, they will fail.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I congratulate the majority. Their degradation of democracy has been so consistent and so thorough and so successful that they have anesthetized the media.

We are in the midst of a disgrace. We are debating very important public policy. Yes, the welfare reform bill was a significant change and it has had some good points. There ought to be a chance to debate it fully and to offer amendments.

I must say I was disappointed to hear the gentlewoman from Ohio say dismissively to the ranking Democrat on the subcommittee well, why are you complaining? We gave you one substitute. And then when he pointed out that there were individual issues of great importance that ought to be debated and that the Members ought to take a public position on, she said to him, well, this is a fair process; we turn down amendments from the Democrats and the Republicans. This is an odd definition of fairness in a democracy. We have shut off the debate on both sides. That is an odd thing about which to be proud, that you have equally suppressed Democrats and Republicans.

I would also congratulate the majority on the submissiveness they have managed to instill in their own Members. In fact, I would like to propose that next year we change the Rules of the House. We call being in recess "being in recess subject to the call of the Chair." It ought to be, obviously, "being in recess subject to the beck and call of the Chair," because that is where the majority Members have placed themselves.

We come in ready to debate a very important issue. There is some dissension over jurisdiction and turf lines. What happens? This majority, which professes to believes in democracy, shuts the doors. They take the only important and relevant debate about this and have it in closed session for many hours. There will have been more hours of private, secret Republican deliberations about this than we will have a public debate. And then, hours later, late in the evening, they come in and rush it through and we cannot have any amendments. Why? People ask what the emergency is. I will tell my colleagues what the emergency is. Tomorrow afternoon. We are due to be out by 2 o'clock tomorrow afternoon.

We are being denied the chance to debate what level of day care we should have. There is a super waiver in there that will change very important public housing policies. There is no chance to debate a vote on those. We are talking about whether the work requirement ought to go up and what education ought to be. We cannot debate those because we have to make planes tomorrow.

Mr. Speaker, this is a terrible derogation of the democratic process. For the gentlewoman to say, well, we are fair, we would not let anybody offer an amendment, this turns the world upside down.

We are here as an elected body of the people to debate and to take votes, and my Republican colleagues revel in the success and the ease with which you extinguish the democratic impulse.

I wish the Republican Members were not quite so submissive. I used to be in the majority. I voted against the rules. Do my colleagues know what? When you vote against the rule because you think it is too unfair, you still get to go to sleep at night and you still have breakfast in the morning. This is the most shameful refusal to allow the democratic process to work that I have encountered and it is, unfortunately, becoming a pattern.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I rise to support the underlying democratic substitute.

Assuring the availability of quality, affordable child care is an essential component of any welfare reform proposal. The current child care system is already severely underfunded. While Los Angeles County spends over 27 percent of its budget on child care, 280,000 children remain on the wait list for child care services.

The $1 billion the Republicans have added in the child care funding only covers inflation for a program that is currently failing to meet the needs of 6 in 7 eligible families. Without restructuring and funding child care, the costs for California are projected to increase an average of $130 million a year for the next 4 years. Simply put, more children will be without proper care while their parents work minimum wage jobs. These children's lives are at risk.

Physical abuse is one of the leading causes of death among small children.

Mr. Speaker, children's lives are valuable. They are our future. We must care for our children. Let us defeat the rule, and let us vote for a bill that is comprehensive and sincerely helps our families and their children.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BECERRA), who had a most important amendment that was not allowed.

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I hope everyone votes against the rule, votes against the previous question and, certainly, we should oppose martial law, because it is not deserved.

We are being asked to vote in the blind because we never had a chance to read this bill. We are having our voices silenced because we have not been offered an opportunity to present amendments in the people's House to debate what is very important to the American people, and we are being told that we should cast a vote in the dark of night when most Americans will be asleep because we have something to hide in this Chamber.

What is it that this majority has to hide with regard to this so-called welfare reform bill that is before us? Well, first of all, we have a bill before us that provides inflexible and unfunded mandates: Inflexible because the States will not have much choice on how to manage their welfare rolls and to use what they have learned through best practices to try to decrease their rolls; and unfunded because those requirements do not give the States the flexibility to use the monies where they believe best.

Two quick examples. This welfare reform bill does child care on the cheap. We should understand that one out of every seven American children who qualifies for day care gets it, the other six do not. It tells American children that you must do with what you have, because the States will be provided a pittance over the next 5 years to try to accommodate that growing number of kids that we know is out there that needs child care, especially for welfare mothers who are being told that they will have a full workweek of 40 hours. How do we do that? Well, in California, with close to 300,000 kids right now not in day care but on waiting lists, we would need over $1 billion to implement this Republican welfare bill, just on child care.

Do we know how much money this welfare bill gives to child care over the next 5 years? One billion dollars. So every single dime that is provided in this bill for child care could be used by one State, the State of California. Mr. Speaker, we need a lot more. We cannot do child care on the cheap the way this bill does.

Inflexible and unfunded mandates. Right now we are trying to undo an injustice that was done 6 years ago in 1996 to legal immigrants; lawful, permanent residents who reside in this country by law, pay taxes, do everything they are supposed to do under the law, some 20,000 to 40,000 right now serving in the Armed Forces as legal immigrants, and we are in this bill not going to do a thing to correct an injustice done in 1996. At least give the States the flexibility to do what 23 of them already do, and that is to provide services under TANF to legal immigrants. But the States will not be allowed to do this under the majority's bill, because it is inflexible and does not permit that to happen. Twenty-three States on their own have already said, let us do this.

Mr. Speaker, in 1996, we told many people in this country who are trying to fight for the American dream, who are fighting for this country, many of whom have gone to Afghanistan; we are talking about people who have won the Medal of Honor in our Armed Services, today who are fighting in our uniform, American uniform, that they do not count. Secretary Thompson of the Health and Human Services Department under the Bush administration has said, we should give States the flexibility to offer legal immigrants that support. The Governors of the States are saying, we should give that flexibility because 23 of our States already do this, and yet this bill does not even give the States that flexibility.

I should say one final thing on that point. This flexibility to allow States to provide legal immigrants with services would cost not a single cent, not a single cent, yet we cannot get that in.

Mr. Speaker, this bill should not go through this House. This rule should not pass, because it is done in the way that we would not be proud as American people.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to my distinguished colleague, the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule and in support of H.R. 4737, the Personal Responsibility, Work, and Family Protection Act.

Mr. Speaker, society benefits from helping the unfortunate lift themselves out of poverty and despair, and society benefits most if we put those people in a position to stay gainfully employed so that they become self-sufficient in as short an amount of time as possible, off the welfare rolls, onto payrolls.

In 1996, this Congress reestablished the notion that welfare was a temporary system to help those who had fallen on hard times, not a way of life. The warnings of what would happen, and we heard them then from the other side, predicted 2.6 million people would be pushed into poverty, 12.8 million people falling further into poverty and homelessness, that welfare reform represented the most brutal act of social policies since Reconstruction, stand in stark contrast to what has happened.

Child poverty has fallen by nearly 3 million people. More parents are working, and dependence has dramatically fallen with caseloads decreasing by 9 million, from 14 million in 1994 to just 5 million today.

□ 1945

These results are encouraging, but there is still much to be done.

Today, 58 percent of recipients are neither working nor training, and 2 million families remain dependent on welfare.

With H.R. 4735, we reinforce the belief that those receiving benefits are expected to work for them. The number of hours one must work or be engaged in job-preparation activities rises to 40 hours from 30. However, we also recognize the challenges that exist for a person to obtain quality work. We give States great flexibility in allowing beneficiaries the opportunity to obtain training or education to increase their marketability. Sixteen of the required 40 hours per week can be used for any purpose that the State deems appropriate, be it vocational training, postsecondary education, or caring for a disabled child. Furthermore, we stipulate that States have total flexibility in designing activities that can be considered work for 3 out of every 24 months, plus an additional month if the individual is pursuing education or training linked to an available job in the local area. I believe these are very generous terms and maintain the kind of State flexibility that has been the key to success for welfare reform so far.

In addition, we recognize that increased work requirements will require increased child care resources. To that end we authorize an additional $2 billion for the Child Care Development block grant.

Since its enactment in 1996, welfare reform has been a success. We have given a boost to many, many families that ultimately want the same things we all want: the dignity of a job that allows them to be self-sufficient, a home of their own, the means to improve the lives of their children. The vast majority of those on welfare want to work, and any system that creates disincentive to do so is not serving anybody.

I am grateful to the gentleman from California (Mr. THOMAS) and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Louisiana (Mr. TAUZIN) for their hard work, and I urge adoption of this bill and rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, as a member of the Committee on Education and the Workforce that has partial jurisdiction over the legislation, I reluctantly rise in opposition to the martial law rule, in opposition to the general rule to the base bill, and opposition to the Republican bill, and in strong support of the Democratic substitute.

Mr. Speaker, this is a serious piece of legislation before our body this year. This affects many, many of our constituents in each of our congressional districts. Many of our Members on this side feel very strongly about the substance of this legislation, the impact it is going to have on individuals and families and young children throughout the country. But since the very beginning of the process of this legislation in the House, the minority party has effectively been shut out and excluded. And this is true at the subcommittee level, at the full committee level, and now at a time when this legislation is brought before the American people for debate and consideration on the House floor.

We were not allowed one amendment to be considered tonight for discussion and for a vote on the minority side. I guess the way the process works we should feel very fortunate and lucky that we are even offered a substitute, based on the way things have worked out. But this is an important piece of legislation. People do feel strongly about it because this is not about the old law now where we are going to hear a lot of speeches about the success of moving people off of welfare and due to the strong economy and due to the innovation in various States, including my own State of Wisconsin, there has been success in the last 5 years moving people off of welfare reform.

This is about the next generation of welfare reform. Dealing with the toughest recipients right now who are still on welfare due to some very good reasons, whether it has been domestic abuse or sexual assaults against them or cognitive disabilities or physical disabilities, these are the tough cases; and we need to think creatively in how we are dealing with that if we are truly interested in talking about individual empowerment and self-sufficiency and lifting people out of poverty. But, unfortunately, we will not have that debate today. We will not be offered the chance to offer constructive amendments to move the process forward on a bipartisan basis. And because of that, I encourage my colleagues to support the substitute and vote "no" on final passage.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 30 seconds remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that on behalf of the Democrat members of the Committee on Rules, we would be most grateful when bills of any magnitude come before the Committee on Rules and are given a hearing, that that bill be ready to go to the floor and that we will not see any more of this sitting around all night and waiting all the next day.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I congratulate her for being the author of this extraordinarily important piece of legislation.

Mr. Speaker, I would like to begin by yielding to my friend, the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, for the purpose of making an announcement.

(Mr. ARMEY asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me just say on this evening when the Colorado Avalanche is going to win the second round of the hockey play-offs, we are all very anxious about the night's events. I should like to announce the schedule for the rest of the evening and the rest of the week.

In just a few minutes, Mr. Speaker, we will be voting on this expedited rule. After that vote we will take up consideration of the welfare reform rule; and when we cast that last vote, it will be the last vote of this evening. We will come back in tomorrow morning and convene at our regular time, at 10 o'clock; and after our regular 1-minutes, we will move on to consideration of the welfare reform bill. We should complete that bill tomorrow with some recess time out of respect for the ceremonies that will be held in the rotunda in which we award the Congressional Gold Medal to Former President and Mrs. Ronald Reagan. Again, let me say we will have this vote, debate the welfare rule, vote the welfare rule, complete our work for the night, commence again at 10 o'clock tomorrow morning, continue with the welfare bill, and the only possibility being a recess out of consideration for those ceremonies in the rotunda, we should complete our work sometime in the neighborhood of 4 o'clock tomorrow afternoon.

Mr. DREIER. Mr. Speaker, I thank my friend for his announcement. I would like to close this debate, Mr. Speaker, by just making a few points.

For starters, if you look at the Great Society welfare program that was put into place, we have seen $5.2 trillion expended from the early 1960s up until the implementation of the 1996 welfare reform bill; $5.2 trillion. And we saw the poverty rate go from 14.7 percent to 15.2 percent during that period of time. So we saw those huge expenditures, obviously, do nothing but increase the poverty level in this country.

Now, I have been listening to rhetoric from my colleagues on the other side of the aisle claiming that we do not care. Well, we care enough that we want to do the single most important thing for the American people who are struggling. We want to give them an opportunity to have a job. The 1996 Welfare Reform Bill is responsible for 7 million new jobs created for people who otherwise would have been relegated to poverty.

One of the most important parts of that bill has been the Child Development and Child Care Act, the provisions that have provided $4.8 billion. If you look at the $4.8 billion that is being provided for child development and child care, this President and this bill calls for an additional $2 billion in expenditures in the area of child care. And so I believe that this is a measure which does show compassion; and it does that most important thing, it is encouraging people to get on to the productive side of our economy. They want to be there. They want that kind of opportunity, and that is exactly what we are doing. We are building on the great success that we saw in the 1996 bill.

Let me make a couple of comments about this rule and the procedure through which we have gone. It is true that we have struggled to ensure that we maintain the opportunity for our Governors across the country for States to have flexibility when we look at the programs that have emerged from five authorizing committees that have worked on this. And I believe that it is the right thing for us to do, to provide flexibility for the States. But, Mr. Speaker, it is also very important for us to maintain our article 1, section 7 prerogative of our control of spending; and we, over the last day or so, have been working on that. That one provision which consists of 26 lines of a 140-page bill has been modified, and that led us to pass a rule calling for same-day consideration of the measure.

Well, based on the announcement that the gentleman from Texas (Mr.

ARMEY) has just given, we will not be considering this bill tonight. We will be considering it during the day tomorrow. And so we are going to have a full opportunity for debate.

Now, someone said, why are we not making in order a wide range of amendments? One of the five authorizing committees involved in this process, Mr. Speaker, happens to be the Committee on Ways and Means. When a measure emerges from the Committee on Ways and Means, what is the procedure that both Democrats and Republicans alike have put in place for management of that measure on the House floor? It is a modified closed rule. We allow a Democrat substitute, which happens to be authored by the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means. And so this is a very fair and standard rule in that way.

So, Mr. Speaker, we are doing one of the most important things that we will address in this Congress: taking the American people who are struggling and we are going to enhance the opportunity for them to get on to the productive side of our economy, and we are going to be considering it in a very fair and balanced way, with 2 hours of debate tomorrow, another hour of debate that we will have on the rule itself; so there will be ample opportunity for Members to raise their concerns and talk about this.

But I have one message: we care, Mr. Speaker. We care because we want people to have the dignity of a job, and that is one of the most wonderful things that we as a body will be able to do. I urge support of this rule.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 200, not voting 15, as follows:

[Roll No. 164]

YEAS—219

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Mollohan
Moore
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Boucher
Burton
Gibbons
Hall (OH)
Kolbe
Mascara
Miller, George
Murtha
Napolitano
Peterson (PA)
Reyes
Stark
Stupak
Thornberry
Traficant

☐ 2020

Mr. SKELTON changed his vote from "yea" to "nay."

Mr. SMITH of Michigan and Mr. YOUNG of Alaska changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4737, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) an amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Cardin of Maryland or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my colleague, the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 is an appropriate, but fair, rule providing for the consideration of H.R. 4737, the Personal Responsibility, Work and Family Promotion Act of 2002.

This rule provides for a total of 2 hours of general debate in the House, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce, and, finally, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

After general debate, it will be in order to consider the substitute amendment, if offered by the gentleman from Maryland (Mr. CARDIN) or his designee, printed in the Committee on Rules report, which is debatable for 1 hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against consideration of the bill as well as against the amendment printed in the report.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, I would like to take a moment to clarify for my colleagues that H.R. 4737 represents a new version of our welfare reform legislation and incorporates one new change. That first bill was filed on Thursday. The new legislation contains two new provisions. It continues to provide broad authority to the executive branch to waive provisions of law in an effort to streamline certain administrative and programmatic requirements of several programs related to welfare assistance. However, this bill now contains a new provision, G, on page 118, and H, on page 119, which basically maintains the congressional responsibility for this country's pursestrings, those set forth in article 1, section 7 of our Constitution.

Mr. Speaker, 6 years ago many of us stood in this very Chamber surrounded by skeptical eyes and wary glares. The debate before us then was welfare reform. The day we voted on the final conference report, August 1, 1996, was also payday for many Americans. But unlike many Americans, and contrary to the central tenet of the American Dream, 14 million people who cashed their check that day did not work for that money. Such was the nature of our welfare state 6 years ago.

On that day, back in 1996, Congress passed one of the most historic reform bills of all time, one that truly changed the culture of the system from one of cynical dependence across generations to one of personal responsibility. Since 1996, we have witnessed welfare rolls drop from 14 million persons to 5 million nationwide.

In my own home State of Ohio, we were passing out welfare checks to the tune of $82 million per month. Post the reforms, the price tag has been reduced to less than $27 million a month, and it is going to those who really need the help. In one State alone that is a savings of $50 million a month of hard-working taxpayer money.

And while I speak with great enthusiasm about the extraordinary achievements of our friends and neighbors, those who have moved onward to the path of independence, I speak with equal pride of the compassionate Nation that we call home. We live in a country that is built on the rewards of hard work and the generosity of a society that offers assistance to those in need of a helping hand. The underpinnings of our democracy give us reason and incentive to take responsibility for our lives, but to ask for assistance if we really need it, and then be ready to get back on our feet, when we can, with the help of our neighbors and our community.

We will not turn our backs on those who need help. Instead, we will provide them with the tools and the resources they need to overcome adversity, to reverse course, and to rebuild their lives. We have before us today a tremendous opportunity to build on the success of welfare reform. H.R. 4737 is a product of strong reflection and cooperation between the House leadership and the committees of jurisdiction.

While I have the honor and distinction of introducing this legislation on behalf of the House, it is the gentleman from California (Mr. THOMAS), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. HERGER), chairmen of the committees and subcommittees of jurisdiction, and many others who have worked the long hours together to craft a bill that truly will protect children, strengthen families, and increase State flexibility. At the same time, it will support further declines in poverty through job preparation, stronger work requirements, and healthy marriages.

First, H.R. 4737 provides $16.6 billion for the Temporary Assistance for Needy Families, or TANF, block grant, which is the program we created in 1996. Funding for this block grant goes directly to state-designated programs to help move more welfare recipients into productive jobs.

H.R. 4737 will require more welfare families to be engaged in work-related activities from the current 50 percent to 70 percent by fiscal year 2007. Increased work requirements are a critical aspect of welfare reform, because according to the Health and Human Services' "Third Annual Report to Congress," 58 percent of welfare recipients are not participating in work activities as designated by Federal law.

Not only will this save money, it will help recipients achieve self-sufficiency, give them that pride that goes with responsibility, and then they can pass it on to their children and their grandchildren.

This bill also offers parents the tools and resources they need to secure a job and provide for their independence. In addition to the $4.8 billion support for child care through the Child Care and Development block grant, we have provided an extra $2 billion in child care money as well as an increase in the amount of money States can transfer to the block grant from 30 percent to 50 percent.

By providing access to reliable child care, recipients will have peace of mind knowing their child is safely cared for as they train for, find, and keep a job.

We all know that training and education are the backbone of advancing one's professional opportunities. Since the average workweek for most Americans is 40 hours, H.R. 4737 brings welfare reform up to par by requiring recipients to be engaged in work activities for 40 hours per week, up from the current 30. While 24 of the 40 hours must be spent in actual work, the remaining 16 hours may be defined by States and can include education and training.

□ 2030

This bill will also allow for up to 4 months during a 24-month period to be counted toward State work rate requirements if the individual engages in education or training programs leading to work.

Additionally, H.R. 4737 directs up to $300 million annually for programs that encourage healthy, stable marriages, and authorizes $20 million grant funds to support community efforts to promote responsible fatherhood.

Finally, H.R. 4737 gives unprecedented flexibility to States by establishing broad new State flex authority which has the support of the Nation's governors because it will provide the States and their governors with new and creative tools to meet their own State's needs. In an attempt to cut down on the arduous, costly and burdensome waiver application process, States will be able to improve program effectiveness by submitting a single application to tailor Federal education, child care, nutrition, labor and housing programs to fit their State's welfare needs.

Mr. Speaker, it is my hope that the reality of welfare reform success will silence the grumbles that echoed throughout this Chamber back in 1996. I wish to extend an invitation to my colleagues who may be hesitant to support this rule for partisan reasons to take a good look at where we were 6 years ago and where we have come today. Members will find hundreds of children and families in their districts that are better off now than they were 6 years ago. They are working, they are proud, they are teaching their children about the dignity of having a job and providing for their families. They see a better future for themselves and their loved ones, and they are encouraged to tell their stories.

A check in the mail every month will not teach responsibility, will not build confidence, and will not break the cycle of intergenerational dependence we witnessed for decades. A check in the mail for a job well done will open up the doors of opportunity and offer all Americans an endless supply of pride and self-worth for generations to come.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes.

Mr. Speaker, the underlying bill is one that impacts millions of Americans. Many of them are our most vulnerable constituents, but the process before us today shuts out any meaningful debate, and blocks consideration of important amendments affecting the elderly, mothers and children. This is not a welfare reform bill; this is spite.

Moreover, the entire legislative body is put on hold. The Committee on Rules, as I said earlier, was shut down at midnight and forced to postpone our vote on the rule until 8 this morning, but then we repeated the process a little while ago with yet another version of the bill. As has been pointed out, in 24 hours this bill has become three. Today's drafting and redrafting makes a mockery of regular order, and Mr. Speaker, this has got to stop.

It is duplicitous for the Committee on Rules to take testimony from our colleagues while they know full well that the bill before us will not be considered in its final form. I oppose this heavy-handed process and the cynicism it embraces, and urge my colleagues to defeat this ill-conceived rule.

In the light of day, we can see that the underlying bill is one that can desperately use some improvement, and is clearly not ready for prime time. In fact, the Committee on Rules went out of its way to ensure that these much-needed changes will not be considered.

Several critical amendments were struck down repeatedly on a party line vote in the Committee on Rules. In a slap to legal immigrants, the committee voted down efforts by the gentleman from California (Mr. BECERRA) to protect legal immigrants from being singled out in the measure.

My colleague, the gentleman from California (Mr. GEORGE MILLER), attempted to provide adequate funding for child care; but he, too, was rebuffed. And the gentlewoman from North Carolina (Mrs. CLAYTON) found her years of work on the farm bill to protect food stamp recipients under attack only days after significant improvements to the program were signed into law by President Bush. The Committee on Rules saw fit to shut her out as well. Most of my colleagues' efforts suffered a similar fate.

Moreover, it is becoming clear that the underlying bill fails to address the most fundamental goal of welfare reform, moving recipients into real jobs and out of poverty. While caseloads since 1996 have fallen over 50 percent nationally, the poverty rate has decreased only 13 percent over the same period. This means that even during a time of historical economic expansion, many who have left welfare remain dependent on food stamps, WIC and other public assistance. Recipients are raising children without the education, training or child care that is necessary to move to real independence.

We have heard from governors, mayors, State legislators, welfare directors and poverty experts who all say the same thing: The bill is a step in the wrong direction. We have heard from a bipartisan group of Senators, led by Senators BREAUX and HATCH, that we should expand access to vocational education, give States credit for placing people in real jobs, maintain State flexibility, increase child care funding, and remove restrictions on serving legal immigrants. But, unfortunately, none of these proposals are contained in this bill. In fact, the legislation eliminates vocational education from the list of activities that count as work-related activity.

The message is clear: Education is the key to every American's future except for poor single mothers with children.

Child care also takes a hit. The new legislation stiffens the work requirements, but fails to increase the child care money beyond the additional $400 million a year that the House majority proposes. Instead, parents get care vouchers, and it is up to them to find the care. And how many welfare parents have been able to find accessible, high-quality child care near their homes, or care available on nights and weekends? How many vulnerable kids in our communities are now in what is known in the welfare reform business as self-care, which is to say, they go home after school, lock the door and stay inside. No one has any idea.

The Congressional Budget Office has informed us that implementing the new work requirements in the bill would cost States between $8–11 billion over the next 5 years. In addition, the Congressional Budget Office has indicated that maintaining the current purchasing power of the child care block grants will cost States another $7 billion over 5 years. This unfunded mandate could force States to cut child care funding for the working poor in order to finance the additional day care costs in the workfare programs.

Moreover, new requirements in this bill will focus States on placing recipients in make-work activities, rather than in real jobs. In fact, 41 of the 47 States surveyed by the National Governors' Association indicated that the proposal would require them to make fundamental changes to their welfare programs.

A recent study by the University of Washington found that States' workfare program had much less impact on the wages of former welfare recipients than preemployment training did.

This research is one of the reasons that very few States have implemented large workfare programs over the last 6 years. Some jurisdictions that did create work experience programs are now beginning to scale them back. For example, New York City enrolled less than 10 percent of its adult caseload in work experience programs at the end of last year compared to 15 percent 2 years ago.

Mr. Speaker, there is a better way, one that maintains State flexibility, one that focuses on real work, and one that seeks to help families escape poverty. My colleagues and I support strong work requirements that seek to move people into real jobs. We believe States should have the flexibility to determine the best mix of services and activities to move welfare recipients towards self-sufficiency.

We want to end discrimination against legal immigrants and provide welfare recipients with access to vocational training so they can find good jobs. And we support providing the necessary resources, especially for quality child care, to help families leave welfare for work. I am afraid this measure fails to do just that.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, assistance to those in need is not only important, it is vital. However, that assistance must be enabling, not disabling. To me, welfare reform success must be measured by how many people no longer need temporary assistance, food stamps, or Medicaid, and how many are moved to a life of self-sufficiency, dignity, opportunity and hope.

Before moving forward, it is useful to review and look back on the welfare reform legislation from 1996. It had three goals. First, reducing welfare dependence and increasing employment. Today 4 million fewer people are living in poverty than when welfare reform was enacted.

Second, reducing child poverty. Since welfare reform, welfare dependence has been cut nearly in half.

Third, reducing illegitimacy and strengthening marriage. For nearly three decades, out-of-wedlock births as a share of all births rose steadily at a rate of almost 1 percentage point per year. Welfare reform has stopped this trend in its tracks.

H.R. 4737 is based on the principles of this past reform. It increases minimum work requirements, but it builds in cushions for sick days and holidays, simulating a typical American work schedule.

It makes special accommodation for parents with infants, and for individuals who need a substance abuse treatment, rehabilitation or special work-related training.

It provides financial incentives to the States to give as much money as possible to mothers and children, and it directs up to $300 million for programs that encourage healthy, stable marriages, including communications and conflict resolution training.

It provides grants to support community efforts to improve parenting skills and promote responsible fatherhood.

It encourages State innovation that will help States design revolutionary programs to help bring welfare reform to the next level.

Mr. Speaker, I encourage all Members to support this rule and to support H.R. 4737.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, this process of the rule shows contempt for poor people and poor children, just as legislation also shows contempt. Welfare legislation should not demonize poor children. Yes, first we must remember that the Temporary Assistance for Needy Families Act is a safety net program for children, for poor children. Helping mothers to find jobs is only a means to accomplish the end of providing necessities for children.

These children are a vital part of the fabric of America. History clearly exposes the fact that poor children of America have grown up to supply the majority of the foot soldiers who have been maimed and killed by the wars of this Nation. The overwhelming majority of the heroes whose names are engraved on the Vietnam War Wall Memorial are soldiers who came from families who would qualify for free school lunches, food stamps and Temporary Assistance for Needy Families.

If we are so unfortunate that we are entrapped into a prolonged war against terrorism and it becomes necessary to institute a draft again, the first and greatest number to be drafted will be the children from the poorest families in America.

Helping children out of poverty and not harassing the so-called welfare mothers should be the goal and mission of the reauthorization of TANF legislation. After 5 years of this program, which has been labeled a great success, why are there more children living in poverty than before? Have the infant mortality rates decreased? Are children who have been pushed off Medicaid receiving adequate health care? Are there more children in juvenile delinquent detention facilities? What proportion of the prison population were teenagers on welfare 5 years ago?

To bring legitimacy and humanity into this lawmaking process, these are a few of the questions that we should answer. We have rushed to declare a success without applying any basic scientific research principles. Instead, we are passing a rule tonight which facilitates a cold-blooded grab for another pound of flesh from the demonized welfare mothers.

Today it is approximately 2 weeks since we passed the largest safety net under congressional jurisdiction, the farm subsidy program. Although it has a few other features, it is primarily to convey $20 billion per year to so-called poor farmers who constitute less than 2 percent of the population.

This is not the only tax dollar give away orgy that we have seen recently. In the nearly $400 billion defense bill, we threw billions of dollars at several unnecessary weapon systems, such as the dangerous Osprey helicopter gadget, a missile defense system that will not protect us from terrorists, and other high-tech overweight gun monsters that the Secretary of Defense has declared obsolete.

□ 2045

There have been other tax giveaway orgies, but the farm bill is the most relevant comparison because the farm subsidy is a safety net program. Most people do not understand; it is a safety net program. The means test for the agriculture safety net benefit is $2.5 million. If you make more than this, you are not eligible for the safety net benefits of the farm program. In any one year, you can only receive $390,000. Do farmers have to work for these taxpayer dollars? Or are they paid not to work to grow food? Farmers are important, but no more important than the families that supply the majority of the foot soldiers who fight and die in the wars of America. Poor children in America are as important as anybody else. We should not continue to demonize them. We should understand what Osama bin Laden and a number of people in the Islamic world understand. They are precious, they take them and they train them to hate; and they have become a resource to be used against America. Our children deserve the same kind of attention, not to be demonized but to be nurtured.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I support the rule and the underlying bill. It seems to me that we often devote most of our time in this body attempting to fix that which is broken and very little time preventing damage before it occurs. The greatest cause of poverty in this Nation is fatherlessness. Children without fathers are five times more likely to live in poverty. They are five times more likely to depend on welfare. The greatest cause of dysfunction among young people is fatherlessness. Fatherless children are three times more likely to have behavioral problems, two times more likely to commit a crime, and much more likely to be involved in teen pregnancy, drugs, suicide and dropout from school. We have 18 million fatherless children in our country today.

The President's welfare reform plan addresses these problems. It eliminates the higher work requirements for two-parent families. It removes a disincentive to marriage. It provides $300 million to allow States to provide marital preparation programs, to provide counseling to strengthen marriages, and to promote fatherhood programs which encourage fathers to take responsibility. This bill strengthens families and attempts to eliminate the root cause of poverty. It is proactive rather than reactive.

I urge support for this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I rise to ask Members to vote against this rule. The American taxpayers who pay our salaries deserve a full and open debate on the most significant piece of legislation concerning the lives of families and children across this country. If this were an open rule, of course, I would try to offer an amendment that does in fact enhance the position of fatherhood and fatherhood programs in a State. But, Mr. Speaker, States around the country are financially strapped. Indiana alone would be affected $211 million with the passage of this incredible legislation. Because it is as significant as it is, it deserves full and open debate. We have pushed unfunded mandates for education of our children from the Federal Government to the States; and the last time I looked at this bill, by whichever number it may be at this particular point, it would even deny persons an opportunity to get vocational education which would push them into the economic mainstream, into the job opportunities that would be afforded them from vocational education.

I think that it is grossly unfair to punish American families and to punish children by this bill. That will be why, Mr. Speaker, I would encourage the Members to vote against the rule and recall the words of Abraham Lincoln, I believe, that a House divided cannot stand. Certainly this particular legislation is very divisive, and we should not support the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I come to the floor tonight to express my great dismay, consternation and disillusionment with the decision of the Committee on Rules to deny every single amendment that had been proffered for debate in this House on this very, very important bill. I cannot fathom the reason why there would be a total rejection of all of these important measures. They could select out some. The four that I proposed could easily have been eliminated. I would have been angry, but at least the process would have been preserved. This House has a world reputation to maintain as a great deliberative body. What are we afraid of in terms of a full debate? There is no way in which you can take a general debate and a debate on a substitute, to have that constitute an amendment on specific provisions of the bill.

An amendment would allow us to single out an issue, to target it, to talk specifically about one particular provision, such as education, why that is so important. It seems to me that the leadership of this House, the Committee on Rules, has completely abdicated its responsibility to preserve the very heart of this Chamber and, that is, to allow the diverse opinions, the discussion and debate to formulate the final outcome of this bill. As it turns out, none of the amendments are going to be considered. We will have just the debate on the main bill and a debate on the substitute. All the other things of importance will be relegated to the trash heap. I think that that is really a disgrace.

I hope that the Members of this House will understand that this is a degrading operation on the integrity of this House, and I hope they will vote down this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, we need to block this block grant proposal. This welfare reauthorization bill that the House leadership has finally brought to the floor still contains a proposal to allow five States to elect a food stamp block grant in lieu of the regular program. And in addition, it allows the food stamp program the opportunity or the provision of a super waiver. This is a bad idea on procedure; it is flawed policy and should be defeated.

I offered an amendment to remove from the bill these two provisions, the five-state block grant provision and the super waiver provision. The Committee on Rules denied that amendment. This rule, therefore, needs to be defeated on process.

This block grant proposal ought to be blocked for a number of valid policy reasons: first of all, this proposal undermines the ability of the food stamp program to respond to human needs during economic downturns. The States will face pressure to transfer food assistance spending to employment and training.

The Congressional Budget Office estimates that between 2002 and 2007, expenditures for food stamp benefits, administrative costs and employment and training programs will increase by 13 percent, from $21 billion to $24 billion. Indeed, if this should occur, where would this money come from? Fixed block granting of food stamps would not allow for those expenditures.

Finally, the restoration of legal immigrants, unlikely under food stamp block grants. Just Monday, I stood beside the President when he bragged about the fact that he was restoring legal immigrants to have the provision of food stamps. Well, they will not have it if five States can block grant, because the immigrant cost is not in the base of it; and that cost, therefore, would be impossible for States to assume, and that provision would not happen.

Mr. Speaker, I encourage my colleagues to act responsibly by indeed responding to the increasing need of food assistance during economic times and not to block-grant food stamps. The States cannot afford it. Therefore, I implore my colleagues not only to defeat this rule but also to defeat this bad proposal.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise today in strong opposition to this unfair rule. I am strongly disappointed that my friends on the other side of the aisle decided that a debate about the future of working families, working poor families in this country does not deserve more than a few hours of discussion. And I am disappointed that they decided that amendments on important issues like child care and restoration of benefits for legal immigrants, legal immigrants, does not deserve to be heard on the floor of this House. These are vital issues to my community.

In Los Angeles County alone, there is a child care crisis. Only 16 percent of the children in my community there receive child care. And for a family earning the minimum wage in my community, it takes about 61 percent of their income just to place one infant in child care. So I attempted to offer an amendment to allow mothers who are receiving welfare benefits and have infant children or a child or a disabled child to stay at home and care for that child because it is so costly to place these children in child care. It is hard to get, and it costs a lot of money. This request was denied.

Mr. Speaker, I also represent a community with a large number of immigrants, many from Mexico, Central America, and Asia. I attempted to offer an amendment with the gentleman from California (Mr. BECERRA), the gentleman from Oregon (Mr. WU), and the gentleman from New York (Mr. CROWLEY) to restore welfare benefits to legal immigrants. But this request was also denied. I cannot support a rule which does not even allow me to debate the issues that matter most to men and women from my district who are struggling to get out of poverty. They want to have dignity. They want to have a job. But they also need assistance from this government.

I urge my colleagues to oppose this unfair rule and oppose the previous question so we can make our voices heard and allow for a free and fair debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, this welfare reform rule should be defeated in that there is really no reformation of welfare here. There are just some glib statements of people who would not know a poor person if they saw them walk by them tonight. They need to get into the shoes of poor people. Then they can realize that this bill does nothing to increase self-sufficiency of poor people.

We use a lot of buzz words here in the Congress. We keep talking about self-sufficiency. You do not find it here.

None of your welfare reform bills or your welfare programs have brought self-sufficiency, because the people you say will be out of poverty are still in poverty. You are not meeting the child care needs. The children are getting poorer and poorer. Poverty resides just away from here, not two blocks from here. Yet you cannot realize that this bill does nothing to address self-sufficiency.

In 1999 in the middle of the economic boom, ex-welfare recipients who worked earned an average of nearly $7,200 a year, approximately $6,000 below the poverty line for a family of three. Think of that. Nearly one out of five children in the United States are still living in poverty. And we are here in this great land, we are able to give away money to everyone; but we cannot look down to the least of those, our small children who need help in this country. Poverty is not so that we cannot overcome it. Other governments have tried it. Why is it that our government is so bitterly opposed to helping poor people? You are helping the rich. Why not put the same measurement on the poor? You are not helping them.

Are we providing recipients with the education and training? I see these women who come in and out like they are on an escalator with all of these training programs. There are people who are getting rich off your poverty program under the guise of bringing about welfare reform. That is why we sit here and make these obsolete kinds of measures, not letting people talk about them. You have got to have some real jobs, not dead-end jobs, so that these people can become self-sufficient and educate and train them. It can be done if we really want to do it.

Defeat this rule.

□ 2100

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to this rule.

A fair rule should give us a chance to build a consensus; this rule does not. Women on public assistance with children under 6 years of age have three full-time jobs. They are expected to work, as they should, in exchange for their welfare benefits; they are expected to get an education so that they can leave welfare and get a better job, and they are expected to be full-time moms 7 days a week, 24 hours a day. Only a magician can pull off that triple-threat problem, unless she has adequate child care.

There are Members in this Chamber who believe strongly that the work requirement should be increased to 40 hours, and there are those of us who believe that that increase is punitive and counterproductive. There is an opportunity and a possibility for compromise, and that compromise would be to guarantee, not to promise, but to guarantee first-rate child care when needed for these moms that we are telling to get out and get an education and go to work. Amendments that would have given us a chance to strike that compromise have been stricken from this rule.

Mr. Speaker, this rule fails the test of serious compromise and it should fail the vote of this House. I would urge my colleagues to defeat the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, there is two words to describe what is wrong with this welfare bill: Rile-ya Wilson, this beautiful baby. Right now, this 5-year-old child from my State is missing somewhere in this country, and this Congress wants to give full responsibility to under-funded State agencies without any Federal oversight.

It is truly an outrage that we are tonight debating how much money to dedicate to the weakest, when the President and the Republicans want to make permanent extending tax credits to the richest in our country to the tune of over $500 billion. And worse, the children of Florida have double jeopardy because we have a governor, Jeb Bush, that gives all of the money to the wealthy businesses instead of making sure that the State can account for all of its children.

Our priorities are all wrong. It is time that we start thinking of the children first. What happened to "Leave No Child Behind?" Well, Mr. Speaker, the Republicans are really good with coming up with catchy statements, but I have one for you: Where is the beef? I say, where is the beef?

The Republicans do nothing to improve the state of children in this country. The Republicans want welfare recipients to work 40 hours a week, but where is the money for child care? This bill does nothing to allow parents to receive an education and training to get good jobs to get off the welfare rolls.

The proof is in the pudding. Do not just talk the talk, walk the walk. Instead of sending money to the States to try to get people to get married, we need to focus all of our energy on what is really important: making sure that the States are equipped to take care of all of the children. We cannot afford another tragedy like this precious, precious baby.

Mr. Speaker, to whom God has given much, much is expected, and they are expecting much from this Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in opposition to the rule. It is an unfair rule, and it does not give the minority party a chance to engage in a meaningful, substantive debate about the base bill by offering amendments.

Now, during the course of this debate as it resumes tomorrow, we are going to hear a lot of fluff and a lot of bluster about empowering individuals with work and jobs, but if we are truly interested in lifting people out of poverty, we must be interested in giving them an opportunity for work. Yet, an amendment that myself and the gentleman from Michigan (Mr. LEVIN) wanted to offer which would have established a work credit, an incentive for States to move people off of welfare into meaningful, respectable paying jobs, is denied an opportunity to be fully heard.

We are also going to be hearing a lot of talk about the importance of two-parent families and the role of fathers with welfare reform. Yet an amendment I wanted to offer with the gentleman from Indiana (Mr. ROEMER) that would create an incentive for States to make sure that noncustodial parents get work and also pay child support payments, which is important for the upbringing of these kids, is denied a meaningful debate during consideration of this legislation.

Also, another important area that needs to be addressed with the base bill, and that is victims of domestic abuse and sexual assault are in a unique situation. They sometimes have deep psychological scars and it is not easy for them to turn their life around. Yet, consideration of those issues, which are very important for a lot of people currently on welfare rolls throughout the country, is not given meaningful attention under the base bill.

These issues, however, have been addressed in the Democratic substitute, one that we will be hearing more about and the differences, the basic differences between the two bills, and that is why I would encourage my colleagues to vote "no" on the rule so that we can open up the base bill for more discussion. But if that fails, support the Democratic substitute and vote "no" on the Republican underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentlewoman from Ohio (Ms. PRYCE) for following the time-honored tradition of allowing the Democrats to have a substitute under the rule, but let me urge my colleagues to vote against the rule, because in a bill of this importance amendments should have been made in order and no amendments were made in order.

Mr. Speaker, I listened to many people who were saying they are going to support the underlying bill talk with pride of what we have accomplished during the past 5 years, but then they are supporting legislation that moves backwards and takes away a lot of tools that States currently have that have been responsible for the success during the past 5 years. Our States have said that if these new requirements become law, it is going to require them to have workfare programs rather than getting people real jobs.

But let me talk about the amendment that I took to the Committee on Rules that deals with education, because I think education is key. The current law allows vocational education training to count towards a State's work participation rate for up to 12 months. That is the current law. The Republican bill takes that out of the law. It says basically that education is important for everyone in this country, except the most vulnerable, the people that are on welfare. Is that the message we really want to give to the American people?

The amendment that I submitted to the Committee on Rules would have continued education as a core requirement under the work participation. It would have expanded it to 2 years. It would have included English as a second language and GED, and expanded the opportunities of using education so people cannot only be lifted out of cash assistance, but can have a good job and lifted out of poverty. That is the type of debate that we should be having tomorrow. But the rule that we have before us denies us that opportunity to debate that issue.

Mr. Speaker, this is a very important issue, TANF reauthorization and welfare. It deserves debate in this Chamber so that we can talk about education and we can talk about the other issues as to whether there is adequate resources for our States but, unfortunately, the rule before us will not let us do it. I urge my colleagues to reject the rule.

Ms. SLAUGHTER. Mr. Speaker, I understand my colleague has no further requests for time, nor do I, so I yield myself the remaining time.

Mr. Speaker, I urge Members to oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow us to consider two important amendments denied in the Committee on Rules.

The first amendment, offered by the gentleman from California (Mr. BECERRA), the gentlewoman from California (Ms. SOLIS), the gentleman from Oregon (Mr. WU) and the gentleman from New York (Mr. CROWLEY), would remove the ban on welfare benefits to legal immigrants. Legal immigrants contribute greatly to our society and they paid an estimated $50 billion in surplus taxes just last year, and 20,000 legal immigrants serve in our Nation's Armed Forces but they are banned from receiving funds in this bill. We would have an opportunity to vote to change this, and the amendment would give us that chance.

The second amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON) would strike the food stamp program from the super waiver in the five-state block grant. Food stamps are often the only source of Federal assistance for many low-income working Americans. This program should not be tampered with by the House.

Please vote "no" on the previous question so that we can have an opportunity to debate and vote on these two very important issues.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House resolution 422.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the remaining time. In closing, I ask my colleagues to look back at the welfare reforms of 1996 and to remind them that we have come a long, long way.

Today we will find children and families in each of our districts better off than they were 6 years ago. We have reduced the welfare rolls and helped those who were once down and out to lift themselves up. Mr. Speaker, H.R. 4737 builds on these efforts to further protect the children, to further strengthen families, to further increase State flexibility, and to further continue the decline in poverty.

It is often said that the best social program is a job. This legislation provides the needed tools for people to move from welfare to work and opens up for them the door of opportunity, pride, and a better future. I urge my colleagues to support this rule and the underlying legislation.

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this rule and bill before us today.

I want to make it clear that I strongly advocate giving the states the flexibility that they need to effectively serve those citizens who strive to break the cycle of welfare dependence. That is why I am troubled by the provisions in the bill before us today that severely restrict the flexibility of states such as Texas to continue the activities that have been successful in their welfare to work programs and place a tremendous unfunded mandate on states.

For my own state of Texas, this bill would create an unfunded mandate of $166 million a year, in addition to the $78 million shortfall they will face under current law by 2007. Under the bill, Texas would be forced to implement policies which Texas has already rejected as unworkable and change parts of its welfare reform effort that have been a success in moving welfare recipients into real jobs because of the mandates in the bill. The welfare reform effort in Texas has been a success. It would be the height of arrogance for me to stand here in Washington and vote to require Texas to implement policies on welfare reform that the Texas legislature has already considered and rejected.

The so-called "super-waivers" advocated in this legislation has the potential to undermine current food stamp policy that has a sound track record of providing nutrition assistance to all eligible citizens if they face economic hardships. The question is not whether states should or should not receive the flexibility under waiver authority to tailor the food stamp program rules. States already have that flexibility. The question is whether states should be allowed even greater flexibility to change the very nature of the food stamp program.

If there are innovative reforms that states would like to implement that are prohibited under current law, we should examine how to address those specific problems. That is what the Committee process is intended to do. Let state administrators testify before the Agriculture Committee about the changes they believe would allow them to run the program better, let the Committee examine the consequences of those changes, and then come up with legislation to address those concerns.

The delay in bringing this bill to the floor today highlights the problems of ignoring the committee process and writing bills in the leadership offices. Welfare reform is too important to consider under a process that has more to do with scoring political points than building on what has been successful.

Mr. BOEHNER. Mr. Speaker, H.R. 4737 is a top priority for President Bush and one of the most important bills we'll consider this year.

The 1996 welfare reform law—one the most successful social policy initiatives in recent memory—is set to expire later this year. In February, President Bush unveiled his principles for reauthorizing this important law; H.R. 4737, the Personal Responsibility, Work and Family Promotion Act, is based on those principles.

Its goal is simple: to put even more Americans on the path to self-sufficiency and independence. While the '96 law has been an unqualified success, there is more work to be done. A majority of TANF recipients—58 percent—still aren't working for their benefits.

That's why H.R. 4737 strengthens current work requirements. It asks welfare recipients to engage in work-related activities for 40 hours a week—16 of which could be in education, job training, or other constructive activities as defined by states.

The measure also gradually increases the work participation rate required of states—by 2007, 70 percent of a state's TANF recipients must be in work-related activities, up from 50 percent in current law.

Moreover, the bill makes significant improvements to the Child Care and Development Block Grant. It adds $1 billion in discretionary funding to the program over five years and requires states to devote more money to improving child care quality. The bill also incorporates key elements of President Bush's Good Start, Grow Smart early childhood education plan, encouraging states to make sure children are developmentally prepared to enter school.

H.R. 4737 also significantly enhances flexibility for states and localities to integrate a variety of federal programs, including TANF, food stamps, housing assistance, the child care block grant, and workforce investment programs.

This innovative plan will give states and localities the opportunity to respond creatively to recipients' needs and improve the efficiency of federal welfare and workforce programs. As a recent Wall Street Journal editorial noted, the State Flex proposal "has the potential to spur the next wave of reform."

With this bill, we have the chance to build on the success of the last five years. I look forward to working with my colleagues on this important issue as we move forward.

This proposal has been approved by three different House Committees; many Members have had the opportunity to consider and amend this bill. The rule today before us is a fair rule, and I urge members to support it.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

Strike all after the resolved clause and insert the following:

That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R.) to reauthorize and improve the program of block grants to State for temporary assistance for needy families, improve access to quality child care, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except the amendment printed in the report of the Committee on Rules accompanying this resolution or the amendments specified in section 2. Each amendment specified in section 2 may be offered only in the order specified. The amendment printed in the report of the Rules Committee may be considered only after the amendments specified in section 2. Each amendment may be offered only by a Member designated in the report or in section 2, as the case may be, shall be considered as read, shall be debatable for the time specified in the report or in section 2, as the case may be, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. The amendments referred to the first section of this resolution are as follows:

(1) Amendment to be offered by Representative Becerra of California or Representative Solis of California or Representative Wu of Oregon or Representative Crowley of New York or a designee, which shall be debatable for 30 minutes.

At the end of the bill, add the following:

TITLE —TREATMENT OF ALIENS

SEC. . TREATMENT OF ALIENS UNDER THE TANF PROGRAM.

(a) EXCEPTION TO 5-YEAR BAN FOR QUALIFIED ALIENS.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

"(L) Benefits under the Temporary Assistance for Needy Families program described in section 402(b)(3)(A).".

(b) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1138a note) is amended by adding at the end the following:

"(12) Benefits under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(h) of the Social Security Act.".

(c) TREATMENT OF ALIENS.—Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

"(h) SPECIAL RULES RELATING TO THE TREATMENT OF 213A ALIENS.—

"(1) IN GENERAL.—In determining whether a 213A alien is eligible for cash assistance under a State program funded under this part, and in determining the amount or types of such assistance to be provided to the alien, the State shall apply the rules of paragraphs (1), (2), (3), (5), and (6) of subsection (f) of this section by substituting '213A' for 'non-213A' each place it appears, subject to section 421(e) of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996, and subject to section 421(f) of such Act (which shall be applied by substituting 'section 408(h) of the Social Security Act' for 'subsection (a)').

"(2) 213A ALIEN DEFINED.—An alien is a 213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed pursuant to section 213A of the Immigration and Nationality Act.".

(d) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2002.

(2) APPLICABILITY.—The amendments made by the provisions of this section apply to benefits provided on or after the effective date of this section.

Amend the table of contents accordingly.

(2) Amendment to be offered by Representative Clayton of North Carolina or a designee, which shall be debatable for 30 minutes.

Page 113, line 10, insert "or" after the semicolon.

Page 113, line 13, strike "; or" and insert a period.

Page 113, strike lines 14 through 16.

Page 118, line 6, insert "or" after the semicolon.

Page 118, strike lines 7 through 18.

Page 118, line 19, strike "(F)" and insert "(E)".

Page 124, strike line 5 and all that follows through line 7 on page 137.

Amend the table of contents accordingly.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 213, nays 204, not voting 17, as follows:

[Roll No. 165]

YEAS—213

Aderholt
Akin
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)

Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bachus
Burton
Cunningham
Gibbons
Gordon
Gutknecht
Hall (OH)
Kolbe
Mascara
Miller, George
Murtha
Reyes
Stump
Stupak
Tauzin
Thornberry
Traficant

☐ 2136

Messrs. LARSON of Connecticut, HILL and MARKEY changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 205, answered "present" 1, not voting 14, as follows:

[Roll No. 166]

AYES—214

Aderholt
Akin
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner

Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Ryan (WI)

NOT VOTING—14

Bachus
Burton
Gordon
Hall (OH)
Harman
Kolbe
Mascara
Murtha
Reyes
Stearns
Stump
Stupak
Thornberry
Traficant

□ 2150

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. HARMAN. Mr. Speaker, I would like the record to show that on the immediate past vote, rollcall 166, I voted; but somehow my vote was not recorded. Had I been recorded, I would have voted "no."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3686

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of H.R. 3686.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3215

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3215.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING THE CHAIR TO POSTPONE FURTHER CONSIDERATION OF H.R. 4737 TO A TIME DESIGNATED BY THE SPEAKER ON THE LEGISLATIVE DAY OF THURSDAY, MAY 16, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4737, pursuant to House Resolution 422, the Chair, notwithstanding the order of the previous question, may postpone further consideration of the bill to a time designated by the Speaker on the legislative day of Thursday May 16, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RAILROAD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, we have had in this Nation in recent weeks several high-profile train accidents, one in Southern California and one in Florida. In light of these accidents and in light of ongoing problems with railroad safety, I have asked the chairman of the Subcommittee on Railroad on the Committee on Transportation and Infrastructure, the gentleman from New York (Mr. QUINN), and his ranking member, the gentleman from Tennessee (Mr. CLEMENT), to hold a hearing and consider new legislation on railroad safety.

As my colleagues know, an Amtrak auto train crashed and derailed near Crescent City, Florida, last month. While the National Transportation Safety Board is still investigating, we have to wonder if the four deaths and over 100 injuries could have been prevented by the previous enactment by this body of real railroad safety legislation.

In the Southern California crash, a Burlington Northern engineer and conductor missed a yellow light that should have signaled them to slow their freight train down. Instead, they barreled head on into a Metrolink commuter train, killing two people and injuring almost 200 more. We simply cannot tolerate any more of these preventable accidents.

Various investigators in the media have looked at these accidents. In Los Angeles, the KCBS station said in a report: "Apparently there was no warning, no audible alarms, no automatic breaking system on the Burlington Northern train in Southern California. It all came down to one yellow traffic light and only two pairs of eyes. If they had seen that yellow signal, they would have had time to stop and prevented the accident."

According to the Federal Railroad Administration, the number one cause of train accidents today, and there is one every 90 minutes in this country, Mr. Speaker, is human error. And most of that human error comes from fatigue. We know that. And yet this body has not acted.

The leading expert in this Congress on railroad safety is my good friend and colleague, the gentleman from Minnesota (Mr. OBERSTAR). He has introduced in the past, and he will introduce again tomorrow, a bill which should have been enacted many, many years ago. This year it is called the Railroad Safety Reform Act of 2002. The gentleman from Minnesota (Mr. OBERSTAR) and I will introduce this tomorrow in this body.

The bill goes into fatigue of employees of railroads; it goes into how employees and witnesses ought to be protected against any intimidation by railroad owners. It talks about grade crossing safety and passenger service safety standards, rulemaking and enforcement, and talks about technology. Unfortunately, my colleagues, the technology on railroads in this Nation today, the freight railroad system specifically, goes back to the 1930s.

We have to do a better job of protecting both the employees and our constituents from railroad accidents in the future. We can regulate, as we do with the airline industry, hours of work, amount of rest that is needed, amount of warning before people have to go on in shifts. Today, there are no such schedules. People can be required to go to work with just 2 hours' notice. If they work less than 12, they only have 8 hours off the next day. If they work more than 12, they are only guaranteed 10 hours off. These rules do not even take into account travel time from the worker's home. So the folks who are driving these trains, who are working as conductors, can be dead tired, literally dead tired, with the rules that we have today.

If I may quote one more time, Mr. Speaker, from the KCBS-TV report. They interviewed several employees from trains that have had accidents, and they acknowledge that they are tired. Their eyes are open, but they are just not there. There was one time a guy had fallen asleep and looked over and found his fellow conductor had also fallen asleep. Both of those in the locomotive were asleep at one time. One of the engineers says he averages 330 workdays a year.

My colleagues, we have to take these accidents seriously. Let us have this hearing. Let us mark up the bill of the gentleman from Minnesota and let us pass the Railroad Safety Reform Act of 2002.

□ 2200

CHILDREN SHOULD NOT BE TREATED WITH CONTEMPT

The SPEAKER pro tempore (Mr. SULLIVAN). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, we have initiated the debate on the Temporary Assistance for Needy Families Act reauthorization. I want to pick up on a point that I made during the discussion of the rule, and that is that poor people are treated with great contempt in this Congress. During the discussions that preceded the preparation for the bill, there has been language that indicated that the poor are held in contempt. Children are treated with contempt. They make the mistake of assuming, speaking as if we are dealing with welfare mothers and women who are unworthy of being helped by the government. Actually most of the aid to families with dependent children is exactly what it says, it is aid to families with children. We are helping children, and to treat children with contempt is a great mistake in humanitarian terms, in national terms and even military terms.

It happens at this point in history there has been a lot of highlighting of the fact that poor children in certain countries like Pakistan and Afghanistan and a few of the Islamic nations are being nurtured and brought into schools called madrassahs, and being given three meals a day, taught to read and write, and they are taught to hate, and then shipped out to military camps which become part of the armies which are supposed to wage jihad against the West.

Recently in the New York City Times there was an article which shows that the right-wing Hindus in India are doing the same thing. They are taking poor children with nowhere else to go, and raising these children up as soldiers. Observing these manifestations in the world of Islam, I began to think about what happens in this country. It dawned on me if we examine the names that are on the Vietnam War Memorial Wall in Washington, and I challenge the Heritage Foundation or anyone else who has the staff to do it to challenge me, the majority who died for the country are poor people.

We know from the Civil War if you got drafted, you could pay for someone to take your place. In Korea and Vietnam, the majority also were poor people. Those were the foot soldiers. If we ever have a situation where we start drafting people again, those are going to be the foot soldiers again. Let us not treat our poor children with contempt. They are as vital to America as anyone else.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman from New York (Mr. OWENS) makes an eloquent point, and I just want to follow up, and I heard the gentleman's comment earlier, it seems they are bragging that this promotes work. My understanding is that we should be promoting children, to have health care and good nutrition. I believe this bill is misdirected because it takes parents away from nurturing children. The gentleman is absolutely correct in saying that this bill does not emphasize the values of helping poor people who just want an opportunity.

Mr. OWENS. Mr. Speaker, this is a program for children. The only able-bodied adults who get safety net benefits are farmers in America. I must mention that because of the fact that we have suddenly decided to become fiscally responsible in this bill. We do not have the money for the kind of day-care we need. Part of the money was spent on our farm bill where in order to be a participant, you can make as much as $2.5 million a year. And we put a cap on the amount of taxpayer dollars that the farmers can receive of $390,000. That is where the obscenity is in terms of the misapplication and misappropriation of taxpayers' dollars. To nurture children makes more sense. The costs are far lower.

If there is anybody in America that ought to be crowned as royalty, and we do not have royalty in America, but it would be the people who have been maimed and killed in all of our wars. They would be designated as the royal class, and we would find that the overwhelming would be poor people, the sons and daughters of poor families.

CHILDREN ARE BEING NEGLECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS) to speak about the provision of the welfare bill which takes away the rights for education and training so people can move up and out of the welfare rolls. Other than that, it sounds like some form of regressive slavery.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman for yielding. That is very much a part of the pattern of contempt I have observed in this bill. We say we want to put Americans to work and off welfare, meaning the mothers of the children. Yet there is a prohibition against higher education in the present law. You cannot go into a junior college or community college to get an associate degree. That is where the jobs are, the technician jobs that pay a decent salary, offer steady and continuous work with fringe benefits, and a health care plan. But no, we will not allow a welfare mother to use, to go into a higher education program.

Ms. BROWN of Florida. Mr. Speaker, I have been elected for 20 years, 10 years in this House, and in that time period I have seen all kinds of welfare. The bill we passed last year, $94 billion to the farmers, the percentage of the farmers is 2 percent of the population. I have got to ask the gentlewoman from North Carolina (Mrs. CLAYTON) because I do not know exactly what percentage will the wealthiest farmers get out the farmers' welfare bill.

Mr. OWENS. If the gentlewoman would continue to yield, it is a safety net program. It was started the same time that Franklin Roosevelt started the Aid to Families with Dependent Children. They were poor farmers at that time, but now a farmer may get as much as $390,000 per year, and you may participate in the program even if your income is $2.5 million.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding, and I think the gentlewoman is right, the farm bill was far too generous to too few wealthy big farmers. Actually 2 percent of the people farm, that is correct. And of those who get resources, 20 percent of the farmers get 80 percent of the resources, so the vast majority of the farmers do not get what my colleague thinks.

Mr. OWENS. Mr. Speaker, if the gentlewoman would yield, that means that the poor farmers are not getting this safety net benefit for the poor. I think this is relevant because now that we are on Temporary Assistance to Needy Families Act, suddenly our colleagues have become frugal. Suddenly they want to become responsible and prove to the public that they are here to protect the treasury. We have already given it away to people who need it the least, and now we are neglecting needy children in our society.

Ms. BROWN of Florida. Mr. Speaker, I held up this picture earlier, and this is Rile-ya Wilson has been missing in the State of Florida for 15 months. Now we are talking about super block granting the money to the State where we have no accountability. In Florida, we have close to 800,000 children living below the poverty line. That is 22 percent of all of the children in Florida. The kids in Florida have double jeopardy.

First of all, we have a President that has given away $500 billion and wants to make it permanent as tax breaks to the richest people in this country, and then we have a governor in the State of Florida that gives the rest of the money away to the businesses. And yet the State of Florida, the average worker that takes care of these kids does not make $20,000 a year, and they have a roll of between 40 and 100 kids that they have to look after.

The Republicans are very, very good with gimmicks. They have Leave No Child Behind, a slogan they stole from the Children's Defense Fund. What does that mean? This is the time we need to look at leaving no child behind; but are we doing that? No, no. We are talking about we cannot afford to take care of our children, but we can afford to take care of everybody else but the children. They talk a great talk, but they do not walk the walk.

Mr. Speaker, there are two words to describe what's wrong with this welfare bill—Rile-ya Wilson. Right now, there is a 5-year-old child from my State missing somewhere in this country because Congress wants to give full responsibility to underfunded State agencies without any Federal oversight. These super blocks grants allow the States to neglect our children.

Let's look at my State of Florida for an example of what happens when States don't take care of our children. There are over 775,000 children living below the poverty line in Florida—a staggering 22 percent of all children in the State. The welfare rolls have gone down, but, not surprisingly, this number has not improved; 77 percent of our fourth graders' reading skills are not up to speed. And although almost 20 percent of our children do not have any health insurance, Florida had to return over $30 million in Federal funds for the Children's Health Insurance Program in 1998 because the State did not want to match the money.

It is truly an outrage that we today have to debate how much money to dedicate to helping our weakest and most vulnerable as the President and the Republican leadership wants to permanently extend tax cuts to the richest in our country to the tune of $500 billion just in this decade and $4 trillion in the next!

And worse, the children in Florida are doubly penalized because our Governor decided to spend the State's money on wealthy businesses instead of making sure the state can account for all of its children.

Our priorities are all wrong when the average worker at the Department of Children and Families in my State makes less than $20,000 a year and handles over 70 cases at a time.

It is time that we start to think of the children first. What happened to "Leave no Child Behind"? The Republicans can come up with lots of catchy slogans, but I've got one for you: Where's the beef? The Republican bill does nothing to improve the state of children in this country. The Republicans want welfare recipients to work 40 hours a week, but where is the money for childcare? This bill does not allow parents to receive education in order to end the cycle of poverty that they find themselves in. They need an education to get a good job to stay off the welfare rolls.

The proof is in the pudding. Don't just talk the talk—walk the walk! Instead of trying to make people all around the country go running to the altar to get married, we need to be making sure that the States are equipped to take care of our children. We cannot have any more tragic cases occur like the one of Rileya Wilson.

MUSHARRAF'S FAILURE TO ROOT OUT TERRORISM IN KASHMIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to reiterate once again that President Musharraf of Pakistan is failing to root out terrorism in Kashmir.

This past Tuesday, more than 30 Indian soldiers and members of their families fell victim to a deadly attack in Kashmir at the hands of three Pakistani-based militants.

Mr. Speaker, this type of terrorism is tragic and is exactly the type of terrorist activity that President Musharraf so valiantly claimed he would eliminate. It seems clear that President Musharraf has paid no regard whatsoever to preventing infiltration of Islamic militants into Kashmir.

As a result of the October 1 attack on the Jammu and Kashmir State Assembly and the December 13 attack on the Indian parliament last year, Musharraf stated that action would be taken against Islamic militants. He proceeded to outlaw two organizations responsible for terrorism in Kashmir, Jaish e-Muhammad and Lashkar-e-Taiba. He also arrested nearly 2,000 men supposedly linked to terrorists and ordered madrassahs to be closed. This supposed crack down on terrorists and closing of extremist religious schools was a sham. Most of the militants that were arrested are now free and madrassahs continue to recruit and train young boys in Islamic fundamentalism and terrorist activities.

Although Musharraf made claims that he is cracking down on terrorists throughout Pakistan, he has always referred to the Pakistani-based militants in Kashmir as freedom fighters. At the times he has referred to these terrorists, with deep, close connections to groups like al Qaeda and the Taliban, I have tried to highlight that Musharraf is operating under a double standard of siding with the U.S. against terrorism, while allowing terrorism to continue in Kashmir.

More and more, the world is able to see that President Musharraf has dedicated himself to continuing military rule in Pakistan and allowing terrorism to occur in Kashmir.

President Bush stressed in his address to Congress after September 11 that there would be no shades of gray. A country either supports us in our war against terrorism, or it does not. The Bush administration praises President Musharraf for joining the U.S. effort against the Taliban, but this support does not extend to countering terrorism in Kashmir.

There are more indications daily that the terrorist elements are regaining ground in Pakistan, and the Musharraf government is doing very little to condition constrain it. I believe the U.S. should rethink its support for Musharraf in light of these events.

□ 2215

TWO HARMFUL FOOD STAMP PROVISIONS IN HOUSE WELFARE BILL

The SPEAKER pro tempore (Mr. SULLIVAN). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I spoke earlier and just want to expound again on the procedure that was engaged in, or the procedure that should have been engaged in, as we brought forth a major piece of legislation that involves several committees. To my surprise, in the welfare reauthorization bill, there were provisions in there that would have given the States, at least five States, the election of having a block grant and also in that bill were provisions that would allow for the super waiver. Giving the super waiver means that you are almost giving States an unlimited amount of flexibility and authority almost that they do not have to follow any rules and regulations. This super waiver really gives sweeping authority to the Governors of the States and the possibility of programs being diverted or the real incentive really as we look at this proposal, in requiring more work, requiring more day care, more transportation.

When you begin to understand that States are in fiscal constraint, you begin to know how that temptation becomes a real possibility if indeed you are giving pots of moneys in the block grant and say, You can do with it as you please, that gives some of us very much concern, particularly when we are concerned about the poor, concerned about those who need food; and it is food stamps which is indeed our Nation's greatest safety net, primarily to families, families who are working.

We have seen in the last 7 months the increase of a large number of people who are unemployed who are now eligible for food stamps and indeed receiving food stamps. More than 1.7 million individuals have now increased the benefit for food stamps because they need it. If we block-grant food stamps, you do not have the ability to respond to this unanticipated need because you have essentially received a certain amount of money. Therefore, you do not have the ability to fluctuate and respond to uncertain needs.

The reason that, I guess, I am really upset or offended by this is the process. When you consider that the farm bill, which my colleagues have been trying to beat up on me for the farm bill, but the farm bill was a 2-year-and-several-months' process; and not one time did we hear this provision being mentioned. I serve on the Subcommittee on Nutrition of the Committee on Agriculture. We did not have any debate. We did not hear any proposal. We did not hear any public announcement at all about this. We went to the Committee on Rules and asked them that they should have had due process. In fact, because they did not have due process, the Committee on Rules should have made this amendment we offered to strike that provision so that we could go back to the appropriate committees and have a full deliberation which this bill so rightly needs.

Why is this important? Not only the procedure, it is important to understand the implication of this proposal.

This proposal would be devastating for unemployment. It would be devastating indeed for its meeting the increased participation that we are trying to have for working families. It would be devastating for meeting our obligations that we have just passed in the farm bill, where we said we are restoring legal immigrants. If you are restoring them and they are not in your base budget and you are block-granting it, you cannot respond to that. You either respond to your legal immigrants or you have to cut funds.

This is really, Mr. Speaker, tantamount to taking food out of our babies' mouths and food out of our elderly. I think our Nation can do better than that. I think we are unworthy of that kind of action where we on Monday morning are signing into law, giving new benefits and new opportunities for people to be fed and responded to as they need. Yet here we are on Wednesday evening and tomorrow, indeed, taking this away.

Mr. Speaker, both of these provisions should be sufficient for us to have great pause and indeed to vote against that when it comes up again tomorrow.

EDUCATION TAX CREDITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, this evening's discussion is on the topic of education. It is a topic which has occupied a lot of time here on the House floor during these Special Orders of the last few weeks. For those who believe, as I do, that America's children warrant a profound amount of attention and resources from the country, I would invite those colleagues who might be monitoring tonight's proceedings to come join us here on the floor this evening.

I specifically want to discuss school choice, trying to create a market-driven education system in America, one where government-owned institutions, or public schools, have the opportunity to compete on an even playing field with other providers of academic services and America's schoolchildren become the beneficiaries through the market forces that ought to exist where education is concerned. We do not have that to a large degree in America today.

We have what is effectively a government-owned, unionized monopoly when it comes to the most important industry in America, that being education. There are pockets around the country where you have a competitive framework for delivery of education services. Those pockets exist in some States. They exist in some community schools and in some cities. They exist for the wealthy, certainly, because only the wealthy in America on any given day can afford to forgo the taxes they pay to the government schools and then pay tuition on top of that to send their child to a school where services are delivered by private professional institutions.

But what we really need to do today is try to eliminate this discrimination that exists in American education today between the extraordinarily wealthy and the extraordinarily poor. Because speaker after speaker after speaker who comes to these microphones or maybe testifies before any of our education committees, committees that deal with education, seem to have a unanimous agreement that we need to have a concerted effort in America involving the Federal Government and the States to elevate the achievement of underserved children, the poor, minority children, those who happen to live in school districts that are just not achieving that much on behalf of children, and they need our focus.

Too often in Washington, the conclusion from those kinds of concerns results in an agreement that we should just spend more money, that we should just take more cash from the American taxpayers and send it to the Department of Education, maybe wave a little magic wand and hope that the speech about poor children preceding the expenditure of cash will somehow help underserved kids in America. We have been doing that for years. Sometimes we get lucky. Sometimes we just manage to have the right combination of devoted teachers, committed school board members, a community that rallies around the poorest children in their neighborhoods and a Federal program or two that provides some of the resources. We see those examples of success from time to time and we celebrate them when they are known to occur, but those are the exception rather than the rule.

In inner city after inner city after inner city, the children who are trapped in failing schools, without the opportunity to choose other options, are the children who are the victims. It is unfortunate because there are several States around the country that have really showed us how to reach down to the neighborhoods and empower families and empower children in a way that makes a meaningful difference in their academic futures.

There are six States that have really gone far above and beyond the rest of their peers among the 50 States in moving forward on a change in the State tax code to benefit children. That solution involves education tax credits. There are some great examples around the country. Some of the best examples include the State of Arizona, the State of Pennsylvania, the State of Illinois, the State of Florida, and a handful of others. It is important to understand that education tax credits allow for a revolutionary approach to public schooling and private schooling, American schooling, on a nondiscriminatory basis that results in a massive cash infusion into America's public education system. And it does so in a way that reaches the children who need it most, the very children that we all profess to care about more than all the rest. This tax credit proposal is really something to be excited about.

I am grateful tonight, Mr. Speaker, for the promise made by our Speaker of our House to move an education tax credit bill through this House, by the commitments from our President to support the education tax credit legislation that we are currently in the process of finalizing here in the House, and to make this concept of education tax credits a high national priority. It is significant from the President's standpoint because this really was the core of his education proposal last year. Not so much education tax credits, to be specific, but the concept of advancing the cause of academic choice, school choice.

When he sent up his proposal, Leave No Child Behind, the core element of that plan was school choice, the bill also entailed a component that dealt with flexibility for States, and a third component that dealt with accountability through a national testing strategy. But the core element of school choice, the most important provision that the President proposed and, in fact, campaigned on, was quickly abandoned by the Congress. I regret to say that, because everybody rallied around the President's proposal. When he took the ribbons off of it and announced he was going to send it up here to Capitol Hill, there was lots of fanfare and celebration, big press conferences, lots of pictures. We even brought all the kids that sat in front of the podium at that press conference and tried to convey the message that school choice, flexibility for States, public accountability, were going to help those kids sitting in front of us.

But as I mentioned, even before that bill had its first full hearing in the education committee here in the House, that core element of the President's proposal, the school choice provisions, were jerked right out of the bill. The people did not want to vote on it. I want to explain why. I want to explain the politics of it for those who are unfamiliar with the rough and tumble nature of education politics. I also want to explain in doing so how dollars get to children in American schools today and why it seems that taxpayers pay and pay and pay and are promised over and over again that money they send to Washington for education is going to help children and yet it never does. It rarely does. And I want to contrast that bureaucratic model, that is, really the framework of American education today, with the new model of freedom and academic liberty that is represented through education tax credits, a model that has now been tried in six different States, has been proposed in almost 40 States, and continues to be debated this very day in the halls of State legislatures across the country.

First, let me start with the status of education funding today. This chart explains how a dollar gets to a child. At the top, we have the hard-working taxpayer that is emblematic of every wage-earning, tax-paying American today. They work hard to raise the money that is confiscated by the Federal Government, taken out of their paychecks and given to the U.S. Treasury and goes through this process till it gets to the child way down here at the bottom. The Treasury Department collects the cash, Members of Congress, politicians, me, others, all of our colleagues, redistribute the wealth that has been collected by the Nation's Treasury Department through the Internal Revenue Service. We distribute that wealth through programs that we have selected, the charities of our choice, in the Department of Education.

□ 2230

The Department and its several office buildings just a few blocks from here distribute those dollars to the States and tie strings to those dollars as well under the pretense of accountability. At the State level these dollars are considered in State legislatures and governors' offices by more politicians, and they redistribute those dollars at the State level, dispensing them through State Departments of Education. The State Departments distribute those dollars to school districts. School districts, of course, are political entities; they are managed by elected officials, school board members, more politicians, who distribute those dollars according to their values to the various schools within a school district. Once we get those dollars in a school, we have a handful of managers, principals, business managers and program chairs who finally manage to get those dollars to teachers, and then to a child. By the time we go through this whole vortex of bureaucracy, the dollar that we work hard for every day to send to Washington to help children gets whittled down as each one of these bureaucracies, these agencies take their cut in order to run their various programs, and by the time these dollars actually reach a child, we only have maybe 60, 70 percent on a good day.

We want to bypass all of this. We are not going to get rid of this. The bureaucracy has lobbyists. All of these agencies hire lobbyists that come to Washington to preserve this system, and we will try to change it as time goes on, and we have for years, but the politics are tough to beat. So we are content to say that you have won. This bureaucracy has won. This empire continues to grow. It does not matter whether Republicans are in charge or Democrats are in charge, this system gets bigger and bigger every year. So we can confront reality. That is going to continue until there is a wave of change around the country that calls for mass reform of this system. It just is not going to happen, and there is not enough of us here. So we are going to leave this in place in exchange for a tax credit proposal that the gentleman from Michigan will describe, which is much more simple, and a proposal to which the gentleman from Michigan has been supremely devoted, and I yield the floor to him.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding. I would like to point out the contrast between the chart that he outlined, which is the money that flows through the Federal Government, where it comes to Washington, goes through this funnel, the dollar gets whittled down to 60 to 70 cents on the dollar, and then that 60 to 70 cents that is left that actually makes it to a child's classroom, not only is that dollar whittled down to 60 to 70 cents, but it also comes with strings attached, meaning that it comes for a reading program, it comes for a math program, it comes for a science program, it comes with a very specific set of requirements attached to it, and then the school has to report back to the Federal Government that they actually spent the money exactly the way that the Federal Government mandated that they use that dollar to help our kids.

The gentleman from Colorado is absolutely correct. That system is going to stay in place. We may reach the same point that we reached finally a few years ago in welfare reform where we found out that it was a failed system and that what we needed to do was to give States flexibility in how they dealt with the individuals who are on welfare to give them hope and to actually structure programs that would move them off of welfare, and that may happen with that system. But what we want to do is we want to put in a system, that number one, takes the dollar from the taxpayer and moves the dollar directly into a classroom, so we do not see that whittling down, and what we also want to do is we want that dollar to get into the classroom, we want that dollar to get into the school and give local officials a great degree of discretion as to exactly how they will spend that money, whether they will use it for a math program, whether they need to use it for English as a second language program, whether they want to use it for a science program, whether they want to use it for class size reduction, or whether they want to use it for technology, but the local school district will have a tremendous amount of flexibility in terms of how they will spend that money.

Here is how it works. We have the one system that says, on April 15 your taxes are due, send in a check to Washington and eventually some of that money will get back to your local school districts. This is much simpler. Here is our taxpayer, a local parent, someone in the community who is passionate about education in their community, they are passionate about the kids in their community, a local business that is passionate about the kids in their community. They are approached by the local school and they say, hey, we have this need in our school district. We want to keep this school open. We want to develop this technology program. We have done an analysis of our kids and we are really weak in this area. We have a program that we want to design for this. Will you help us?

Joe Taxpayer, ABC Business, decides, man, I love this community. This community is built on values; this community is built on each of our kids getting a solid education. They have laid out, the school has laid out a great case for what they want to do for the kids in our community. I am going to write them a check for $1,000 and they get a $500 tax credit.

So instead of whittling that dollar down from a dollar to 60 to 70 cents, what an education tax credit does is it takes the taxpayers' dollar and it grows it. This person says, I am going to invest $2 in education, but I am only going to get a reduction in my taxes of a dollar. That money then goes directly to that school and that school can spend that money on a program as they have identified it to the taxpayer.

If they do a great job, guess what? They can go back to Joe Taxpayer, they can go back to ABC Corporation the next year and say, wow, look at the kind of results and the kind of performance that we are getting. The accountability is directly back to the people in the community. They say, we really want to build on that program, or we have identified another need, and here we get the greatest accountability. Joe Taxpayer of ABC Corporation, they can make the decision as to whether they are going to invest in that school district again.

We have structured this program in such a way that individuals and businesses can contribute to their local public school, a traditional public school, to a local public charter school; they could also contribute to an education scholarship fund, and this scholarship fund would enable parents to apply for scholarships for sending their kids to a nontraditional school, perhaps a private or parochial school.

But what the gentleman from Colorado and I and many others in our conference are trying to do is we are trying to get a significant new investment in education that grows the investment, that grows every dollar of investment into $2 of education investment, make sure that it is under local control, and is available for all of our kids, is available for those kids that go to public schools, private, and parochial, so that these new dollars going into education are driven at the local level, the decisions are made at the local level as to how they will help our kids out, and it is going to be for all of our kids.

There are a lot of advantages to this system, and it has been, as my colleague may want to explain, this has been implemented in a number of States. What we have seen is that there is a significant inflow of new money into education, so that it is not a reallocation of the money that is already being paid into a State government. This is new money coming into education, and it is benefiting all of our kids and putting some local control back into our schools as they have seen local control being eroded by States taking more responsibility and now the Federal Government reaching back into a local school district, reaching back into the States, telling States and local schools exactly how they are supposed to run their local school districts.

Mr. Speaker, I yield back to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Speaker, in the State of Arizona, between 1998 and the year 2000, in the first 3 years since Arizona passed their tax credit language for education, that State raised over $30 million for schoolchildren in Arizona. These are new dollars. These were not dollars taken away from the existing public schools; these were new dollars that were infused into the education system, the overall system, the nondiscriminatory system of Arizona. Because today, when we talk about academic freedom and choice, these qualities of liberty are dispensed on a discriminatory basis. The wealthy get freedom, the children of the wealthy do. Those who happen to live in one of these unique States or neighborhoods where school choice is allowed to occur, they get freedom. But the vast majority of children, especially those who need it the most, are denied the freedom to go to the kinds of schools that they want. Not only that, but the administrators of the public schools have their hands tied behind their back because their ability to access these new funds are limited, and the tax credit proposal puts more money into the education system for private and public schools. It does not discriminate against children. That is the beauty of it and the difference between the bureaucratic model that we have today that I described, and the tax credit liberty model of education that my colleague described.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, the other thing that is different between what we are proposing here in Washington versus what is happening in Arizona is Arizona is a 100 percent tax credit, so it is $30 million of new money flowing into education, and it is a reduction in these individual's taxes of $30 million.

What we are proposing here in Washington is if we get $30 million of new money invested in education that is actually, or if we get $30 million in tax credit, it is actually $60 million of new money that is flowed into education and flowed into our schools at the local level. It is a significant difference in that it shows the power, the multiplier effect of this that says, I am going to put 2 bucks in, but it is only going to reduce the tax bite by $1.

Mr. SCHAFFER. Mr. Speaker, we have done the research, we have done the analysis. Sure, it would be great to have a bigger tax credit and maybe some day we will, but initially we have to start out small. There is a cost to government, there is no doubt about that.

Again, referring to the chart on how money is spent today, this city, Washington, D.C., frankly lacks imagination when it comes to finding new ways to fund schools. The answer for years has always been the same, and that is to just spend more on this system whenever we find a problem. When test scores take a dip, we do not really go fix the problem in Washington; maybe some day we will. I think our new President is committed to changing the management style of schools. But over the last 10 years, we have gone to this model $125 billion worth of times, and that is how much we spent over 10 years. We just keep spending more.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, we talk about the accountability. In fact, through the tax credit models, as we outlined, if the school district goes back to Joe Taxpayer or goes back to ABC Corporation a second year and asks for a tax credit, or asks for a donation, and they have mismanaged the funds, Joe Taxpayer at ABC Corporation says, are you kidding me? No. I gave last year, and you mismanaged it. Until you can demonstrate to me that you are going to use my money wisely, I am not going to give you any more. That is a great accountability measure.

On my colleague's chart here, the third line down we see the Department of Education. Now, I applaud what President Bush is doing in the Department of Education. But as the gentleman and I know that from 1996 on, as he and I are on the Committee on Education and the Workforce, year after year after year we would call in the officials from the Department of Education and ask them where the money went, and that third layer where that $120 billion or $40 billion a year flows through could not even get a clean audit, and the price for not getting a clean audit was what? How much did we cut their spending? We did not cut their spending.

Mr. SCHAFFER. We did not cut it at all.

Mr. HOEKSTRA. The least we could have done is we probably froze it.

Mr. SCHAFFER. We increased their spending.

Mr. HOEKSTRA. We increased their spending each and every year, even though they could not get a clean audit, and that is the bureaucratic model that says, well, being able to go back to the American people and getting a clean audit, that is not an essential requirement and, as a matter of fact, even if we do not get a clean audit, they are going to give us more money. There is a whole list of scandals and fraud within the Department of Education, so it is not only that they could not get a clean audit, the systems that they had in place were actually an open invitation to theft and corruption between the Department of Education. Now, that is rapidly changing under this President and Under Secretary Paige. But it was accepted in the Clinton administration for 4 years, and it was a major disappointment, and the biggest disappointment was when they did not perform. Rather than having their spending frozen or their spending cut, the bureaucratic, the Washington model said, that is okay, we are going to give you more money.

☐ 2245

That would never happen with the tax credit.

Mr. SCHAFFER. They might have thought to fix it too, but what they chose to do is ignore the problems, and that really gets back to the beauty of tax credits. So from our perspective, the politicians here, the Members of Congress who deal with these dollars that come to the Treasury, every dollar spent on education really does come out of our budget. Every dollar spent results in a dollar reduced from the Nation's budget and, therefore, the ability to spend those dollars somewhere else. But by the time those dollars get down to the child, there is just a fraction of those dollars left. So the dollars spent does not have as much buying power as a taxpayer would hope and certainly as taxpayers deserve, certainly as much as children deserve.

The education tax credit, it costs us money as well. We do have the budget for those dollars. The difference is we do not get a negative like you get here. In fact, you double it through the proposal that we are proposing because for every dollar that we have to budget for an education tax credit, because it is a 50 percent tax credit, what that means is that the taxpayer is donating $2 to the education charity of his or her choice. And, again, we have run the surveys. We have done the models, and we know Americans are eager to invest in schools when they know the money is really going to get there, and that is the beauty of tax credits because that is the promise that taxpayers get.

Mr. HOEKSTRA. If my colleague will hold the chart up for a minute, the contrast between the two charts is absolutely phenomenal. My colleague's chart is exactly the way the system here in Washington works. The total emphasis here is on the stuff in red: the Treasury Department, the Department of Education, the State, the politicians, the State Department of Education, the school district and politicians. That is where the whole focus is on the bureaucratic model. What is the process that the dollar is going to make it from Washington down through Lancing to Holland to Lincoln School? What is the process? What are the rules and the regulations that are going to follow it? What are the mandates that are going to follow it? And the child is kind of the footnote, the asterisk at the bottom, saying, oh, yeah, this is about kids; but most importantly this is first and foremost about process.

And what happens with the tax credit, it becomes very, very clear, the focus is on two people. The focus is on the person who has the ability and the desire to contribute to the schools and the focus is on the child. The middle people are cut out. And as soon as the school can demonstrate to the taxpayer that the child is going to benefit, the dollars will flow in because that is exactly what we have seen at the State, that States that have this, the school districts convince Joe Taxpayer that if you give money to this school for that purpose, that child is going to benefit, and this person sees the value, they write the check and that is exactly what we want to have. We want to build that connection between Joe Taxpayer, the local parents and people who are passionate about education in their community and they want to give more money, but they do not want to send it through that process. They want it sent directly to their school, directly for the purpose that that has outlined; and if that school blows it, they will not get a check the second year, but they will have the opportunity to come back in future years and say we have addressed those concerns and these issues. We will fix and improve the system.

Mr. SCHAFFER. I was at the mall this weekend with my family and someone stopped me and said they had seen us a couple of weeks ago having the same discussion on education tax credits. She remembered this chart because I was talking about the politics, the nature of the tough politics that exists within these levels of bureaucracy and how it is played out here in Congress. She said, Oh, Congressman, is it really that bad? And it really is. There is no exaggeration.

Mr. HOEKSTRA. If my colleague will yield, it is not only that bad. It is probably worse than what people actually think.

Mr. SCHAFFER. Right. If we think of this from the administrator's perspective, the guy that runs this school, the principal, this principal, in order to get money for the child because the principals care about the kids. There is no doubt about that in my mind. But the principal who is trying to get money to help the child has to beg to these politicians at the school board to get the cash. In order for the school members to get the cash, they have to beg to the State Department of Education here to get the money. They have to apply for grants. They have to go down to the State capitals. And they have to learn the language of education finance.

Mr. HOEKSTRA. If my colleague will yield, at the bottom level here, if you do not believe the system as my colleague and I are describing it, all you need to do is go to your local school and go to the administration building and ask them if they have got a couple of people. Do you have a grants writer? I mean, the gentleman and I, when we went to I think 20, 21 States and we had the hearings around the country on what is wrong with this process, they all said we have to get grant writers. What is a grant writer? A grant writer works at the local school district level. They take a look at this whole arrangement, an assortment of Federal education programs, and they go through there and they figure out which one their school may qualify for, and they start filling out the grant applications.

Mr. SCHAFFER. The grant writer cares about the children too. All of these people who work in the school, they really do care about the kids. But unfortunately, the system we have created for them over the years, the system is a bunch of nonsense, and we have created it for them, because in order for them to get the money to help the child, they have to first learn almost a foreign language in school finance, and they have to become proficient beggars to all of these different levels of bureaucracy. And if they do not figure that out, if they do not hire the expert who speaks in the bureaucratic language and understands which forms to fill out, the timing of these forms, what to say in the forms, even if it is not true, what to put on the forms in order to get somebody's attention up here, if they do not learn all of these things, then the child suffers. So their motivation is very pure.

Mr. HOEKSTRA. The real question is where does accountability flow in that model? In that model the accountability flows from the school, to the politicians, to the school district, to the State Department of Education. It flows away from the local community. And it flows away from the people who care most about the kids. It starts flowing to the Department of Education. We have always said, I am from Michigan, I wonder if we start with Secretary Paige and you start going down through the hierarchy when we will find the first person from Michigan and then when we will find the first person from the Second Congressional District who really knows my communities, who knows the difference between the needs in Muskegon and Muskegon Heights and Holland and Baldwin and Ludington and Cadillac, and says they are all a little bit different. But where is that person versus a tax credit? The accountability flows immediately from the child through the school to the taxpayer. So the accountability flows into the community, not away from the communities. It flows to the people who care most about the kids and they care most because they know the kids' names.

Mr. SCHAFFER. Just as the gentleman says in the chart, the taxpayer usually knows the children. They know the children in the school. They know the teachers, the administrators; they know the programs that seem to work and which ones fail. I wish I could map this out like a map of the country so we could see where their dollar goes. Let us use my State, for example. This dollar might go from Fort Collins, Colorado, my hometown, to Washington, D.C. From Washington, D.C. we will send it just a few blocks down here to the Department of Education buildings. They are massive. They are just a few blocks away. Those dollars would be shipped to Denver, Colorado. From Denver, Colorado, to another building in Denver, Colorado. From Denver, Colorado to Fort Collins, Colorado, to the office building on La Porte Avenue, and from there to my kid's school and ultimately to my child.

If these dollars got frequent flyer miles, it would be a great thing. But what the tax credit proposal allows to occur is it allows this taxpayer to give directly to the child, and it turns the leaders of the school from beggars of the government and bureaucracy into beggars of the community, people who can relate to taxpayers and speak the language that parents understand, that taxpayers understand, that communities understand, and ultimately the language the Nation needs to maintain its sovereignty as a free Republic.

Mr. HOEKSTRA. I think the language, they do not become beggars. This is a beggar system because it is a bureaucratic system. You have to fill the forms out right. You have to check the exact number of boxes. You have to dot the I's and cross the T's. If you do all that, that really is a beggar system.

Mr. SCHAFFER. This really changes the dynamic entirely to a partnership.

Mr. HOEKSTRA. This becomes a visionary system. That system does not understand vision. It says, no, I can only write them a check if they have filled out this form correctly. And if they after they have spent the money, if they have sent the forms back in correctly telling me that they spent it exactly the way I have told them to, then they have done a good job. They do not ask whether children's performance has actually improved. This is a visionary system where the school board or a superintendent or a local principal or teacher can lay out a vision for their schools and for their kids, and if the community buys into that vision, they will embrace it and they will donate into this system because we have seen it happen at the State level. So they have become visionaries and cheerleaders for their kids and their local school district, and they know if they are successful it will continue.

Mr. SCHAFFER. Here is what it means for students and for States. In Philadelphia, the Philadelphia Inquirer just a few days ago published a story, the headline is "Nonprofit Foundations Ease Schools' Budget Pains," and it talks about the Cherry Hill Education Foundation. According to the Inquirer, this is an article by Kristen Graham, she says, "Across the nation a growing number of districts are relying on grassroots, independent, nonprofit foundations to fund programs and foster business relationships." Here is a quote from somebody named Howie Schaffer, who is the spokesman of the Public Education Network which is a national association of education funds. He says, "The growth is exponential around the country. There are quite a few in Pennsylvania and New Jersey." The article goes on: "An estimated 3,000 to 4,500 school foundations operate in the United States."

These foundation are the ones that benefit from a tax credit that we are proposing. Pennsylvania has really led the way. I am delighted the gentlewoman from Pennsylvania (Ms. HART) is here to tell us about her experiences in Pennsylvania and tell us a little bit about some of these kids, perhaps, that are benefiting from tax credits in her hometown.

Ms. HART. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I am pleased that the gentleman is doing this, bringing people's attention to the realities of how much we can do to help children learn more just by opening up some opportunities, different ideas, opportunities like Pennsylvania is now providing. I was a State senator there for 10 years. We did work long and hard to get somebody to get something to happen, and shortly after I came to Congress actually they passed a wonderful tax credit plan that allows for these foundations to collect money from corporations, money, every dollar of which will go to educational scholarships, every dollar. There is not money wasted in this plan.

So many different organizations have started foundations. They are not all for religious education. They are not all for nonreligious. It is just very different. It gives everybody an opportunity to have all kinds of different options for their children, and it is something we have worked on long and hard in Pennsylvania. We have tried the voucher system. The Senate passed the plan. The House did not. That happens over and over again. But the general theme of it has always been to bring a more dynamic atmosphere to education, to make sure that our students all have the opportunity to get the best education they can.

In Pennsylvania now, as was mentioned, there are, I do not know how many foundations, but there are a lot of folks taking advantage of this tax credit.

Mr. SCHAFFER. Just to name a few that were mentioned in this Philadelphia Inquirer article just a few days ago, in fiscal year 2000 the Chester Education Foundation listed revenue of $1.2 million. The Philadelphia Education Fund had $7.8 million in revenue in fiscal year 2000, collecting more than $50 million since its founding in 1984.

There are more. There is the Pew Charitable Trusts, the William Penn Foundation, the Carnegie Corporation. In Bucks County you have the Centennial Foundation, which has raised about $50,000 since 1997. These are funds that raised money even before the tax credit. When the tax credit in Pennsylvania took place making it easier for Pennsylvanians to contribute to education projects managed by these nonprofits, the revenue shot through the roof. These are dollars that were not taken from the Pennsylvania school budgets. These were new dollars that were added into the education system in a nondiscriminatory fashion.

Mr. HOEKSTRA. If the gentleman will yield, the beauty of this and the amazing part of this is in the States that have established this, these are voluntary contributions to your local public schools, to these education scholarship funds. And it is amazing to watch Americans willing to invest that kind of money in education. As long as they are willing to, as long as the opportunity is there for your local public schools and for all of our kids, different school districts and different schools have different constituencies, but to watch a potentially new massive infusion of dollars into the educational system that builds the linkage between that local school and their community again that they have just seen erode over the last few years.

□ 2300

So what is happening in Pennsylvania, what is happening in Minnesota, what is happening in Arizona, Illinois, Florida, this is one of those areas where Washington really ought to take heed. We are going to keep continuing to feed that beast, the bureaucratic beast, but let us complement it with this tax credit proposal that is working so well and has passed in a number of places on a bipartisan basis.

Mr. SCHAFFER. And how many times do we hear when we as political figures are out campaigning or just in our communities from parents who say I care about the schools, I care about the kids? Even people who have no children in the schools, they are willing to invest and contribute and be part of an education community, but they are sick and tired of the wasted dollars in the programs that do not work. They are sick and tired of seeing the government shovel mountains of cash into schools that do not work and will not improve and the legacy of which is children who have a profound disadvantage in entering the workforce and becoming part of our economy.

These parents tell us all the time if we would just build them a system that works, they will be a part of it. The gentlewoman from Pennsylvania (Ms. HART), this is her first term, and she ran a pretty vigorous campaign and were in touch with thousands of people in her District. What do they say?

Ms. HART. Mr. Speaker, in general, people are not happy with one system, and I think the reality of the tax credit, the voucher, whatever we are talking about, changing the system as it is, we improve each sector of it, and I think that is one of the arguments that has always been made for either a tax credit or school choice.

What people tell me, and unfortunately too many people have told me, is that they cannot afford to send their kid to the school they want to. The individual tax credit that we consider here on the Federal level for parents who send their children to schools that require tuition is a wonderful thing, and it only makes sense for us to do that. Ultimately, a parent that chooses to send his or her child to a public school will end up getting a better education there as well.

I think this is one of the things for many, many years that has been sort of talked about by a lot of people involved in public education. I am not really sure why a lot of them oppose this, because it does give them a number of different things. One, it gives them more opportunity to ease overcrowding which has become a huge burden and, of course, comes to us here in the Congress in the form of requests for dollars for new school construction. We could avoid a lot of that if we would spend much fewer dollars on a tax credit. We would find that we would not need those new school buildings. We probably would not need a lot of things that we are convinced that we need because we are so wedded to a certain system.

Mr. SCHAFFER. Mr. Speaker, if I can interject, if the District really did need a new building and that was the education enrichment project that a school District chose to undertake, the way we have got the tax credit proposal written right now, that is a real priority in a community and the community buys into it, the tax credit can be used as a revenue stream to construct that facility or to buy the new computers or to establish the new curriculum for underserved children.

Ms. HART. If the gentleman would yield, in a community that is truly growing and that is a necessity, I think that is wonderful. However, there are a lot of communities that have convinced themselves that they do need new buildings when they actually do not.

One of the examples we always look at is the city of Philadelphia where they have had a spike in young children, which is going to drop again, and the question is do we need to build a whole bunch of new elementary schools or should we allow more options in education, and if we would allow more options in education and now we do, we will find that they do not have that pressure, and they can spend the money directly on the classroom, having the best quality teachers in that classroom and then ultimately having those children be served better.

The thing is, like the gentleman asked me, what parents say in my District, I am out in the District all the time as are my colleagues, and I think we probably hear a lot of the same things. All parents really want is to make sure that their child is going to be able to succeed down the road. That means he or she needs tools. How do they get those tools? The parents teach them as well as they can at home right from wrong and all the other kinds of things, but they need quality education.

How do they get that? We are part of the cog in the wheel providing it, but we need to provide more freedoms for them, especially on the State, to do what they want, and that has been I think our mantra for a long time in Pennsylvania. It took a long time to get to that point. I know Arizona has been doing a lot of creative things for a long time. What we will see in Pennsylvania, I think we will see results in other places, not just tax credits where it helps families to afford it, but the tax credits for businesses like we have in Pennsylvania where it helps more families to make a decision they were not even considering before because they just did not have the wherewithal to do it.

Then ultimately that competition in the system, where there are options, there is always a more dynamic system. That helps if we expect our kids to do better in a dynamic future and a dynamic economy in the United States and in the world. We certainly better get them adjusted to it all their lives, that way I think they will be comfortable with it. They will be more likely to succeed, and these kinds of programs certainly present to them more of a real world opportunity for them early, to get used to it, to like the competition, to strive harder, which is exactly what we want them to do.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I think what the gentlewoman from Pennsylvania is pointing out, in Pennsylvania they have the tax credit and they have seen this kind of explosion of new funds moving into education. Even in the State of Michigan, where we do not have a tax credit, what we have seen is that some people will say that the tax credit, that money is only going to stay in the wealthier suburbs and those types of things but in education.

I think, again, one of the great things about America, we recognize the importance of education, that a child get a good education. The other thing that I think is happening in a State like Michigan where there is a potential of leaving too many kids behind, the community and really the State is stepping up and businesses are stepping up and saying it is not just okay for kids from this side of the State, to make sure that no child is left behind in this side of the State. We need to make sure that every child in Michigan has the opportunity for a good education.

So even without a tax credit, proposal or model in place in Michigan, there are dollars flowing into education in Michigan because people want to step up, and those dollars are going into Detroit. They are going into all different parts of the State, and what we want to do is we want to accelerate that, and we want to grow that number through a Federal tax credit, and I wish we could do it through a State tax credit so that we could get the same dynamics kind of going on as in Pennsylvania.

We know that when a State does it, we get an infusion of new dollars, and what we want to do is we want to accelerate that process and accelerate the number of dollars and new dollars, and I think that is also the difference between what we are talking about with a tax credit versus a voucher. Too often vouchers are viewed as being, rather than what they do is they say okay, here is the education pie, now if the State does vouchers, it means some people are going to win because they are now going to get a croucher and they did not get one before, and there are going to be certain people that lose because that education pie is going to be split more ways than what it was before.

What a tax credit does it takes this education pie and grows it so that there will be more dollars invested in it, and basically our public schools will win, our kids that go to public schools will win. Our private and parochial schoolers, home schoolers, just they will all now have an opportunity, and we have a much better probability that we will not leave a child behind than what we have under the current system.

Mr. SCHAFFER. Mr. Speaker, every system has these education scholarship foundations that exist but the requests for scholarships, the applications, are far exceeded by dollars available, and usually these foundations are started by some philanthropist who wants to help them and make a difference in one neighborhood or another, but we just need more of them because the record is very clear. These foundations, these scholarship funds work.

I brought with me today some testimony from a little boy in Colorado who testified in the Colorado legislature, before the Colorado legislature as it considered an education tax credit in my State, and here I will just read a couple paragraphs. His name was Joe Ray Sierra, and this testimony was delivered just last February.

He says, "I am really glad that I do not have to go to my old school anymore. There are always people selling drugs there. I was afraid to go to school because I did not want to get beat up anymore at my old school. They gave me answers to the CSAP test," which is the State standardized test in my State. "They gave the kids the answers," and I will go on.

"They were not very helpful to me with math, reading and writing. I did not like my old school at all. I like my new school because they help me better. They teach me in a way that is right for me. The teacher is nice to me and so are the other school kids. I also like that I do not have to switch classes. I like Dove Christian Academy so much that I want to come back again. The new school I go to does help me a lot more. Dove Christian Academy does different things to help me learn. I read a lot better now and I think my math and writing are better, too. I am really thankful to ACE," and ACE is the name of the scholarship foundation, one of them, in Colorado.

"I am really thankful to ACE for the money they have given me. I am so glad I was able to come to the school and learn."

□ 2310

"Now I have that chance to get a good education and maybe even go to college. I never would have ever thought that before, if it weren't for ACE." And Joe's teacher also testified that "Joe Ray was designated learning disabled in the local public school. At the end of his fifth grade year he was reading between a second and third grade level. He hated writing anything.

His distraction level was extremely high. And to complicate things more, he had some fine motor problems.''

So he was basically doomed in the school that the government told him to attend. Some schools are great for kids. Most public schools are great for kids and kids who are just like Joe Ray. But in this case the school was not what he needed. He got the scholarship, and he is at the school that makes more sense for him now, an academy that better meets this child's needs, and the kid is back up to grade level and now he is even talking about going before the State legislature and talking about going to college.

It is kids like this that stand to gain from this tax credit debate. We are going to have some opposition from people who think choice is a bad idea or that liberty tends to threaten the power of the bureaucracy. And that is true to a degree. And if we only care about the bureaucracy, then we are going to keep voting to give it exclusive monopoly status in running schools. But if we decide that kids like Joe Ray Sierra matter more than the government, matter more than the bureaucracy, matter more than programs and the internal language of education generally, then we will make the country better for lots of kids just like him.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I think this really points out a couple of things. Number one, whatever we do in education, the focus has to be on the kids. It has to be focused on Joe Ray. It cannot be focused on the bureaucracy or the system. So we have to keep the focus on the kids.

The second thing is we have to keep the focus on every child. We cannot afford to leave a single child behind.

The third thing is we really have to drive for parental involvement, or adult involvement with every kid to enable them to learn. Somebody has to ask them at the end of the day how their day was at school, what they have to get done, and what they have to get ready for for tomorrow.

And the other thing we need to do is what Joe Ray pointed out here, is that every child has the right to go to a school where the only thing that they have to worry about and be afraid of is the test, the next test, the next exam, not about the drugs or the violence that is going on. Every child deserves and has a right to go to a safe and drug-free school, where the only thing they fear is the exam they are going to get in the afternoon and not walking from class to class or from their locker to their next classroom.

Mr. SCHAFFER. We hear all the time from the defenders of the bureaucracy that if we move forward with these simple choice mechanisms, and we found a way to move forward with a choice mechanism that does not even affect a single penny of the money appropriated to the bureaucratic model, they still tell us this is going to somehow harm education.

The gentlewoman from Pennsylvania has seen that choice makes a difference in the lives of Pennsylvania children.

Ms. HART. The whole situation of labeling a child has become, I think, a big problem in a lot of our government schools. If a child is told at a young age there is something wrong with him or her, then that child is going to believe it. I think the ultimate solution is, as the gentleman suggests and as Joe Ray pointed out, every child who is given an opportunity to excel and encouraged to excel will. They will to the degree that they are able, instead of to the degree someone told them they can.

One of the opportunities tax credits would also gives us is the opportunity for children who would not be able to afford some of the institutions that might believe specialize and be able to help them through a difficulty, whether it is a speech difficulty or some other kind of behavioral problem, that they will have access. I think it is important for their parents to be the ones who can make the choice of which type of educational institution is going to be best for the child.

Unfortunately, right now, cost prohibits them from doing that in a lot of cases and they only have one option. And sometimes that works for the student, but a lot of times it does not. We find some wonderful institutions closing their doors because the parents who would love to send their children there just cannot find the resources to do it. So this is another way to help those unique and diverse institutions that can help a lot of kids to continue to provide those services.

Mr. SCHAFFER. I want to point out again, Mr. Speaker, that the existing bureaucratic structure of education funding in America that is represented by this chart will not be affected by an education tax credit proposal. Now, that is a disappointment to some. I think this needs to be reformed. No doubt about that.

And I want to point out again for those who believe we are giving up, we are not giving up. We are going to continue to work on this at other committees and at other points in time. But the politics of this system is pretty brutal. All of these agencies that relate to one another fight very hard to make sure we here in Congress do not tamper with their line of work and their business. So fairness in the American education system of today is measured by the relationship between all of these agencies, the relationship between different programs within the Department, the relationship between all 50 States and districts.

Mr. HOEKSTRA. If the gentleman will yield for just a second. We had a great example today. The House was in recess for, what, 7 hours today, as we debated welfare reform, or certain people debated welfare reform. And the focus on the debate was not about what is good for the individual recipient at the end of the welfare stream, to give them a helping hand up, the whole debate was between the politicians as to who was going to control the spending and who was going to put the accountability measures in.

We spent a whole day waiting as politicians fought not about what was best, but who was going to be in control, whether it was going to be politicians in Washington or bureaucrats and politicians at the State level. The debate was in the red parts here, without any consideration to the people at the bottom and without any consideration to the people at the top, the taxpayers.

Mr. SCHAFFER. And it is not just about the bills being proposed in Congress. These groups, they have organizations, sometimes they unionize, they raise money, and they spend money on campaigns. Talk about campaign finance reform. These organizations that represent employees of this bureaucratic structure of education are the most powerful political forces in American politics today, especially when you get down to the school level.

These schools are organized, and the employees of them constitute the largest union in America and spend more money on the political process than anyone else. So that is why we get the system we have. It is not by accident. This system was deliberately designed, if you can believe that, and it was because these people have such powerful political influence.

I would ask my colleague from Pennsylvania to tell us about the politics of education. Do people in this vortex of education bureaucracy get involved in your campaign?

Ms. HART. Unfortunately, yes. And I think a lot of us have sort of two different opinions of people involved in the education system. We all know that there are some fantastic educators out there. Some of them we would count probably as our best friends, spouses, family. But there is also this behemoth structure of sort of protecting the bureaucracy folks, and that is a big problem.

Obviously, they have gotten involved in a lot of races, and I am sure they have been involved in the gentleman's as well as they have been involved in mine. The concern I hear from parents has nothing to do with preservation of the education bureaucracy. I never hear them saying, oh, please, can you make sure we still have this very strong bureaucracy in my school district so that we spend more money on the administration than in the classroom. No one ever asks me that. They always say how can we get more dollars to go to directly help the kids.

Well, let us get that bureaucracy to work with us on that goal, and then we will all be on the same page.

Mr. SCHAFFER. And while everybody on this chart has lobbyists, the two people that do not have lobbyists are the taxpayer and the child. That is our job.

Mr. HOEKSTRA. When we went to the 20 States with the Education at a Crossroads, every time we brought in a parent or a local school principal or a teacher, they always focused on the child. And the parents would come in and say, please, do this because we have to help Johnny, we have to help Mary. They would come in with the names, or they would come in with their kids and say this is what it is all about.

When we have the hearings with the bureaucracy, it is all about forms, rules, regulations, mandates, and there is not a name or a face or a child attached to it. And that was the power of going around the country and spending the time. Because when you bring the parents in, our colleague from Pennsylvania is exactly right, parents and teachers and local principals talk about that bureaucratic structure not very fondly. But they get passionate when they start talking about the kids in the classroom, because these principals and these teachers, that is why they went into education. They have got a passion for these kids. What they do not have a passion for is the paperwork, the rules, the mandates and the bureaucracy.

☐ 2320

Mr. SCHAFFER. Mr. Speaker, fairness in education should not be measured by the relationship between all government agencies. It should be measured by the relationship of children.

What we have today is a system where some children win, and some children lose. For one reason or another, the children from the poorest households, who come from inner city areas, who come from communities that do not have a lot in terms of public resources, those are the children that suffer the most. What we have seen through education tax credits that have existed in States through scholarship foundations is that the vast majority of these dollars are distributed on the basis of need, and I know that is true in Pennsylvania as well.

Ms. HART. Mr. Speaker, I actually represent a school district that has been termed academically bankrupt. Any student who goes to that school district is sentenced to not learning anything, and it is not right. A lot of money is spent, and we are getting no results. We do need to change the sytem.

Mr. SCHAFFER. Mr. Speaker, I am grateful to the commitments from our President, who has given his promise to help us get this bill passed, the promise of the Speaker and our leadership here in the House to get this bill to the floor. It is because of their commitment to children and an education tax credit that we are having this debate now. I thank the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from Pennsylvania (Ms. HART) for participating in this Special Order. We will do it again next week to speak about solutions for our children.

COMMUNICATION FROM FIELD COORDINATOR OF THE HON. CHRIS CANNON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. BOOZMAN) laid before the House the following communication from Russell Hillman, Field Coordinator of the Honorable CHRIS CANNON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a deposition subpoena issued by the Third District Court, Salt Lake Department, State of Utah, in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

RUSSELL HILLMAN,
Field Coordinator.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today on account of attending ambassador school.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

ADJOURNMENT

Mr. SCHAFFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Thursday, May 16, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6829. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Limited Ports of Entry for Pet Birds, Performing or Theatrical Birds, and Poultry and Poultry Products [Docket No. 01-121-2] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6830. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Nuclear Explosives Safety Study Process—received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6831. A letter from the Director (FinCEN), Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Money Services Businesses (RIN: 1506-AA28) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6832. A letter from the Director (FinCEN), Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Financial Institutions (RIN: 1506-AA28) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6833. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Capital; Leverage and Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Nonfinancial Equity Investments (RIN: 3064-AC47) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6834. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6835. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 30, 2002, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Financial Services.

6836. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-D-7519] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6837. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B-7426] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6838. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7777] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6839. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6840. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6841. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Electric Motor-Driven Mine Equipment and Accessories and High Voltage Longwall Equipment Standards for Underground Coal Mines (RIN: 1219-AA75) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6842. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Definitions and the Continuous Emission Monitoring Provisions of the Acid Rain Program and the NOx Budget Trading Program [FRL-7207-4] (RIN: 2060-AJ43) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6843. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Great Falls Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes [MT-001-0037a; FRL-7208-8] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6844. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; State of Connecticut [CT-021-1224a; A-1-FRL-7210-9] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6845. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Georgia: 1-Hour Ozone Attainment Demonstration, Motor Vehicle Emissions Budgets, Reasonably Available Control Measures, Contingency Measures and Attainment Date Extension [GA-57-200224; FRL-7206-2] received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6846. A letter from the Acting Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation—received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6847. A letter from the Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements [Docket No. 010313063-1297-02; I.D. 121200A] (RIN: 0648-AO20) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6848. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Agency's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 020802A] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6849. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category [FRL-7206-7] (RIN: 2040-AC90) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6850. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2002 Appropriations Act—received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6851. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Revisions to the Clean Water Act Regulatory Definitions of "Fill Material" and "Discharge of Fill Material" [FRL-7209-2] (RIN: 2040-AD51) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6852. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002-5) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6853. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities in Connection with an Acquisition [TD 8988] (RIN: 1545-BA55) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6854. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Tax-Exempt Organizations' Income From Corporate Sponsorship (RIN: 1545-BA68) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6855. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting (Announcement 2002-37) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6856. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002-21) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6857. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting (Rev. Proc. 2002-39) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6858. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and methods of accounting (Rev. Proc. 2002-28) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Required Distributions from Retirement Plans (RIN: 1545-AY69, 1545-AY70) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6860. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002-6) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice and Opportunity for Hearing upon Filing of Notice of Lien [TD 8979] (RIN: 1545-AW91) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Announcement and Report Concerning Advance Pricing Agreements—received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 422. Resolution providing for consideration of the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes (Rept. 107-466). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LARSON of Connecticut:

H.R. 4736. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System, and for other purposes; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Mr. THOMAS, Mr. BOEHNER, Mr. TAUZIN, Mr. OXLEY, Mr. COMBEST, Mr. YOUNG of Florida, Mr. HERGER, Mr. MCKEON, Mr. UPTON, Mr. BILIRAKIS, Mrs. ROUKEMA, Mr. GOODLATTE, and Mr. SHAW):

H.R. 4737. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Boucher, Mr. Terry, Mr. Pickering, Mr. Towns, and Mr. Rush):

H.R. 4738. A bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers; to the Committee on Energy and Commerce.

By Mr. DOGGETT:

H.R. 4739. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; to the Committee on Resources.

By Mr. KIND (for himself, Mr. Terry, Mr. Barrett, Mr. Gilchrest, Mr. Obey, Mr. Udall of Colorado, and Mr. Kildee):

H.R. 4740. A bill to require the Secretary of the Interior to establish a national research program to address the animal disease known as chronic wasting disease, which is afflicting wild deer and elk herds in many States, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 4741. A bill to amend title XVIII of the Social Security Act to provide affordable prescription drugs to low-income Medicare beneficiaries and stop-loss prescription drug coverage for all Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. Green of Texas, Mr. Bentsen, Mr. Carson of Oklahoma, Mr. Hall of Texas, Ms. Jackson-Lee of Texas, Mr. Frost, and Mr. Smith of Texas):

H.R. 4742. A bill to restore a vision for the United States human space flight program by instituting a series of incremental goals that will facilitate the scientific exploration of the solar system and aid in the search for life elsewhere in the universe, and for other purposes; to the Committee on Science.

By Mrs. LOWEY (for herself, Mr. Farr of California, Mr. Frost, Mr. Conyers, and Ms. Woolsey):

H.R. 4743. A bill to amend title II of the Social Security Act to credit prospectively individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself, Mr. Tancredo, and Mr. Hefley):

H.R. 4744. A bill to make it more likely that the cleanup and closure of the Rocky Flats Environmental Technology Site will be completed on or before December 15, 2006; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY:

H.R. 4745. A bill to provide for the geographic reclassification of a county for purposes of equitable hospital payment rates under the Medicare Program; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 4746. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina (for himself, Mr. Clyburn, and Mr. Spratt):

H.R. 4747. A bill to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era to assess the suitability and feasibility of designating the study area as a unit of the National Park System; to the Committee on Resources.

By Mr. SHOWS (for himself, Mr. Phelps, Mr. Hall of Texas, Mrs. Myrick, Mrs. Jo Ann Davis of Virginia, and Mr. Cannon):

H.J. Res. 93. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

242. The SPEAKER presented a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 603 memorializing the United States Congress to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

243. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 411 memorializing the United States Congress to designate February 6, 2002, as "Ronald Reagan Day" in this Commonwealth; to the Committee on Government Reform.

244. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 490 memorializing the United States Congress to urge the National Park Service to facilitate the placement of a permanent commemorative plaque recognizing the site of the slave quarters and to work for continuing recognition of this historic site; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Berry.

H.R. 122: Mr. Ryan of Wisconsin, Mr. Jenkins, and Mr. Chabot.

H.R. 218: Mr. Watts of Oklahoma and Mr. Pomeroy.

H.R. 239: Mr. Cardin and Mr. Serrano.

H.R. 595: Mr. Murtha.

H.R. 665: Mr. Rothman.

H.R. 778: Mr. Bishop.

H.R. 792: Mr. Horn and Mr. Gutierrez.

H.R. 914: Mr. Stearns.

H.R. 959: Mr. Lewis of California.

H.R. 1017: Mr. Gilman.

H.R. 1184: Ms. Solis, Mr. Duncan, and Ms. McCollum.

H.R. 1256: Mrs. Morella.

H.R. 1262: Mr. Gilman and Ms. Hooley of Oregon.

H.R. 1296: Mr. Schiff, Mr. Mollohan, and Mr. Castle.

H.R. 1341: Mr. Graham.

H.R. 1494: Mr. Hall of Ohio.

H.R. 1556: Mr. Wilson of South Carolina, Mr. Scott, and Mr. Camp.

H.R. 1581: Mr. Stump.

H.R. 1723: Mr. Platts, Mr. Murtha, Mr. LaHood, Mrs. Davis of California, Mr. Sensenbrenner, and Mr. Burton of Indiana.

H.R. 1811: Mrs. Cubin and Mr. Tancredo.

H.R. 1822: Mr. Wilson of South Carolina and Ms. Pryce of Ohio.

H.R. 1859: Mr. LaFalce.

H.R. 1877: Mr. Pomeroy, Mr. Pence, and Mr. Rogers of Michigan.

H.R. 1904: Mr. Stark.

H.R. 2009: Mr. Taylor of Mississippi.

H.R. 2117: Mr. Rogers of Kentucky.

H.R. 2125: Mr. Lampson.

H.R. 2638: Mr. DeFazio, Ms. McCarthy of Missouri, Mr. Barcia, and Mr. Barr of Georgia.

H.R. 2641: Mr. Sanders.

H.R. 2727: Mr. Hoeffel.

H.R. 2874: Mr. Rothman, Ms. McKinney, and Mr. Hall of Texas.

H.R. 3025: Mr. Rogers of Kentucky.

H.R. 3130: Mr. Hoeffel.

H.R. 3215: Mr. Putnam.

H.R. 3238: Mr. Smith of Washington and Mr. Inslee.

H.R. 3259: Mrs. Cubin.

H.R. 3278: Mr. Baldacci, Ms. McCollum, and Mr. Lucas of Kentucky.

H.R. 3321: Mr. Houghton.

H.R. 3335: Mr. Tiahrt.

H.R. 3399: Mr. George Miller of California.

H.R. 3430: Mr. Jenkins.

H.R. 3469: Mr. DeFazio, Ms. Carson of Indiana, and Mr. Rothman.

H.R. 3544: Mr. McGovern and Mr. Baldacci.

H.R. 3569: Mr. Gilman.

H.R. 3661: Mr. Baca, Mr. Pickering, and Mr. Maloney of Connecticut.

H.R. 3673: Mr. Andrews.

H.R. 3710: Mr. Jenkins.

H.R. 3717: Mr. Graham and Mr. Kind.

H.R. 3773: Mr. Rogers of Kentucky.

H.R. 3777: Mr. Petri, Mr. Fletcher, and Mr. Ehrlich.

H.R. 3794: Mr. Menendez and Mr. Waxman.

H.R. 3808: Mrs. Cubin, Mr. Cannon, and Mr. Johnson of Illinois.

H.R. 3838: Mr. Peterson of Minnesota.

H.R. 3857: Mr. Shays.

H.R. 3884: Mr. Kleczka.

H.R. 3895: Mr. Wilson of South Carolina.

H.R. 3915: Mr. Berman and Mr. McNulty.

H.R. 3916: Ms. Hooley of Oregon.

H.R. 3989: Ms. Hooley of Oregon.

H.R. 4037: Mr. Owens.

H.R. 4043: Mr. Terry.

H.R. 4066: Mr. Udall of Colorado, Mr. Schiff, Mr. Scott, Mr. Lewis of Georgia, Mr. Honda, Mr. Jackson of Illinois, Mr. Delahunt, Mr. Hastings of Florida, Mr. Evans, and Mr. Wynn.

H.R. 4078: Mr. Smith of Washington and Ms. DeGette.

H.R. 4103: Mr. Lantos and Mr. Souder.

H.R. 4210: Mr. Hall of Ohio.

H.R. 4446: Mr. Combest and Mr. Ose.

H.R. 4479: Ms. Hart.

H.R. 4483: Mr. Shimkus, Mr. Riley, Mr. Nadler, Mr. Frank, and Mr. Waxman.

H.R. 4582: Mr. Holt.

H.R. 4614: Mr. Murtha, Mr. Kleczka, Mr. Paul, and Mr. Bonior.

H.R. 4620: Mr. Hastings of Washington, Mr. Tancredo, Mr. Doolittle, Mr. Rehberg, Mr. Culberson, Mr. Peterson of Pennsylvania, Mr. Herger, Mr. Paul, Mr. Flake, Mr. Shuster, Mr. Akin, Mr. Tauzin, and Mr. Pence.

H.R. 4635: Mr. Hall of Texas and Mr. Boozman.

H.R. 4642: Mr. Paul.

H.R. 4646: Mr. Snyder, Mrs. Christensen, Mr. Allen, Mr. McHugh, Ms. McCarthy of Missouri, Mr. Stark, Mr. Hall of Ohio, Ms. Eddie Bernice Johnson of Texas, and Mr. Gilman.

H.R. 4658: Mr. Matheson.

H.R. 4660: Ms. Granger and Mr. Castle.

H.R. 4664: Mr. Forbes, Ms. Hart, and Mr. Grucci.

H.R. 4667: Mr. Stenholm, Mr. Frost, and Mr. Kirk.

H.R. 4676: Mr. Saxton and Mr. LaHood.

H.R. 4698: Mr. Lipinski and Mr. McGovern.

H.R. 4704: Mr. Levin.

H.R. 4710: Mr. Davis of Illinois and Mr. Gonzalez.

H.R. 4715: Ms. DeLauro.

H.R. 4716: Ms. Ros-Lehtinen, Mr. Thune, Mr. Watkins, and Mr. Whitfield.

H.R. 4728: Mr. Sanders and Mr. Bonoir.

H.J. Res. 86: Mr. Sam Johnson of Texas and Mr. Ryan of Wisconsin.

H.J. Res. 92: Mr. Farr of California, Mr. McNulty, Mr. Walsh, and Mr. McHugh.

H. Con. Res. 213: Mr. Hyde, Mr. Faleomavaega, Mr. Bereuter, Mrs. Jo Ann Davis of Virginia, Mr. Flake, Ms. Watson, Mr. Chabot, Mr. Meeks of New York, Mr. Green of Wisconsin, Ms. Slaughter, Mr. Wu, Mr. Wolf, Mr. Berman, and Mr. Schiff.

H. Con. Res. 320: Mr. Tierney.

H. Con. Res. 333: Mr. George Miller of California.

H. Con. Res. 385: Mr. Lucas of Kentucky, Mr. Meehan, Mr. Lipinski, Mr. Berman, Mr. Menendez, Mr. Mascara, and Mr. Filner.

H. Res. 346: Mr. Rogers of Kentucky.

H. Res. 418: Ms. Hart, Mr. Pence, and Mr. Green of Wisconsin.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 397: Mr. Tancredo.

H.R. 3215: Mr. Green of Wisconsin.

H.R. 3686: Ms. Millender-McDonald.

H.R. 3799: Mr. Tancredo.

H. Res. 346: Mr. Brady of Pennsylvania.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3994

Offered By: Mr. Blumenauer

Amendment No. 1: Page 14, line 2, strike "and".

Page 14, after line 2, insert the following:

(K) programs for housing, rebuilding urban infrastructure, and supporting basic urban services; and

Page 14, line 3, strike "(K)" and insert "(L)".

EXTENSIONS OF REMARKS

IN HONOR OF THE ASSISTANCE LEAGUE OF GLENDALE, RECIPIENT OF THE 2002 ORGANIZATION OF THE YEAR AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate the Assistance League of Glendale, represented by President Ginger Whitesell, which will receive the 2002 Organization of the Year Award at the 35th annual News-Press Achievements Awards at the Alex Theatre in Glendale, California on May 15, 2002. Each year, this award is given to an organization that demonstrates extraordinary commitment to serving the community of Glendale.

Chartered and incorporated in 1943, for nearly 60 years the 80-member league has spearheaded philanthropic projects to respond to the needs of the community. The group fulfills these needs in several areas. Through its annual Operation School Bell project, clothing is presented to youngsters from low-income families. In 2000, 277 youngsters received two sets of clothes including underwear, a jacket, sweater and one pair of shoes.

The League organizes an Authors and Illustrators Day, which finances visits by published authors and illustrators to five or six elementary schools a year. In addition the League annually donates $1,000 to be used toward the purchase of books at Glendale elementary schools.

For the Senior Neighborhood Fellowship program, members are hosts of a monthly luncheon for senior citizens, who enjoy a special program and fellowship. The group also provides $6,500 annually in scholarships for female seniors at all the high schools in Glendale and two women at Glendale Community College, including a student in the college reentry program. To help students prepare for the Scholastic Assessment Test for entrance into college, League members organize test seminars in the fall and spring and hires instructors to teach skills in math and English.

For extraordinary commitment to philanthropy and worthy projects in Glendale on behalf of young and old alike, I ask all Members of Congress to join me in congratulating the Assistance League of Glendale and its President Ginger Whitesell upon receiving the 2002 Organization of the Year Award.

H. RES. 392

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. CRANE. Mr. Speaker, I would like to thank the distinguished Majority Whip, Mr. DeLay, for his courageous and principled leadership in the House during this time of crisis in the Middle East. This Resolution, which Mr. DeLay authored with Congressman Lantos, is to be commended.

Following the activities of September 11, 2001, we came together as a Congress, and as a country. Standing together we authorized the use of force against "those nations, organizations, or persons" that the President "determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Mr. Speaker, I am proud that we voted for that Resolution. And I am proud that we went into Afghanistan and dismantled the base of the al Quaida.

Why am I proud, Mr. Speaker? Because terrorism, in all its forms, must be defeated. Today we recognize that homicide bombings, practiced by the Palestinian people against innocent Israeli civilians, are acts of terrorism. The number of Israelis killed in the last year and a half by suicide terrorist attacks alone, on a basis proportional to the United States population, is approximately 9,000, three times the number killed in the terrorist attacks on New York and Washington on September 11, 2001.

Mr. Speaker, no one wants a peaceful resolution in the Middle East more than I, but, as this Resolution states, it is clear that Yasir Arafat and members of the Palestinian leadership have failed to abide by their commitments to nonviolence made in the Israel-PLO Declaration of Principles (the 'Oslo accord') of September 1993, including their pledges (1) to adhere strictly to 'a peaceful resolution of the conflict,' (2) to resolve 'all outstanding issues relating to permanent status through negotiations,' (3) to renounce 'the use of terrorism and other acts of violence,' and (4) to 'assume responsibility over all PLO elements and personnel in order to assure their compliance [with the commitment to nonviolence], prevent violence, and discipline violators.'

I would note that the al-Aqsa Martyrs Brigades, which is part of Yasir Arafat's Fatah organization has been designated a Foreign Terrorist Organization by the United States Government, and is responsible for hundreds of murders of Israeli civilians.

This cannot continue, Mr. Speaker. Israel is our friend, our ally, and the only democracy in the Middle East. The very values we share with Israel are under attack by terrorists. Back in September we pledged to fight those who seek to annihilate us. I am pleased that we have the opportunity today to recognize that Israel deserves the same privilege.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 159, H.R. 3694, the Highway Funding Restoration Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 160, H.R. 4069, the Social Security Benefit Enhancements for Women Act of 2002. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 161, on Agreeing to the Journal. Had I been present I would have voted "yea."

HONORING JOSEPH FORLENZA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. KILDEE. Mr. Speaker, I rise today to congratulate Joseph Forlenza who will retire in June of this year after 41 years serving as a teacher, coach, or principal in the Catholic school system. He has spent the last 28 years as principal of Powers Catholic High School in my hometown of Flint, Michigan. He will be honored with a special ceremony on May 18th for his outstanding achievements in education.

Joseph Forlenza graduated with a BA in History and Business from St. Joseph College in Indiana in 1961. That year he become a teacher and a coach at Mendel Catholic High school in Chicago, Illinois. When he first began to work his intention was to earn money for law school. However, a love for teaching and coaching the next generation overcame the desire to follow a career in law. He went on to earn a Masters degree in History in 1967 and a Masters degree in Secondary School Administration in 1971 both from Eastern Michigan University.

As the Powers Catholic High School principal, Joseph Forlenza has made a lasting mark on the educational system. Under his leadership, Powers Catholic High School has earned a reputation as an exceptional institution. The parents, students and staff are continuing the tradition of excellence started by Joe Forlenza. He has created a welcoming atmosphere for students and at the same time worked to support the staff in their classroom roles. He has remained true to the goal of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

helping students learn, analyze, and prepare for life's challenges. He has achieved this by presenting students with real life problems and formal classroom instruction. His commitment to the students has been rewarded as many graduates of Powers Catholic High School have gone on to become leaders in their respective communities and fields. He will leave Powers High School but the traditions that he created will live on.

Mr. Speaker, I ask the House of Representatives to join me in praising Joseph Forlenza for his enthusiasm and pledge to strive for excellence in the development of education and life. I wish him the best in the upcoming years.

IN HONOR OF LEIGH McCREARY, RECIPIENT OF THE 2002 WANDA OWEN YOUTH AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Leigh McCreary, who will receive the 2002 Wanda Owen Youth Award at the 35th annual News-Press Achievements Awards at the Alex Theatre in Glendale, California on May 15, 2002. Each year, this award is given to a youth volunteer who demonstrates extraordinary commitment and dedication to community service.

Leigh is the 17-year-old daughter of Rose Montoya Lona and Fred Lona of Glendale. She was nominated by Mary Ann Baldonado of San Gabriel Mission High School, a private Catholic high school where Leigh is a senior. Leigh has given 86 hours of her time over 3½ years to the Midnight Mission, mostly helping to prepare and serve food to hundreds of homeless people and cleaning the cafeteria following a meal. She also takes time to talk to the homeless people at the mission.

On her own initiative, Leigh sought out an internship with Assemblyman Dario Frommer's office and has volunteered more than 100 hours there. She has assisted his staff with constituent correspondence and casework, speechwriting and press releases and compiled informational packets.

In addition, Leigh has volunteered with Habitat for Humanity for a year. Wielding a hammer and paintbrush, she has helped build homes for low-income families, and says her most challenging chore was using a shovel to level off a garage floor.

She also tutors students after school at Incarnation Elementary School and maintains her grade point average above 4.0.

For her commitment to make Glendale a better place as a youth leader in the community, I ask all Members of Congress to join me in congratulating Leigh McCreary upon receiving the 2002 Wanda Owen Youth Award.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. CRANE. Mr. Speaker, I wanted to take this opportunity to express my full support for House Joint Resolution 87, approving Yucca Mountain as a repository for storage of high-level spent nuclear fuel. It is important to remember that over half the population of this nation lives within 75 miles of a temporary nuclear waste facility and that Illinois is one of the states most dependent on nuclear power. Close to my home in Illinois is the Zion nuclear power plant, though the plant itself is no longer operational, nuclear fuel remains in temporary storage there. The people living near by are anxiously awaiting the Federal Government to fulfill its promise to take possession, and dispose of this material.

In the 37 years that government and private industry has transported nuclear waste, there have been only 4 rail accidents and 4 highway accidents. That represents a 99.7 percent success rate. It also represents 2,700 shipments of 10,000 spent fuel assemblies over a distance of more than 1.6 million miles. It is important to remember also that the states will be actively involved in the route selection process, there will be no shipments through downtown Chicago.

The containers, in which the spent fuel is stored, are quite capable of withstanding a broadside from a locomotive traveling 60 mph, tests have been conducted that prove this. The trucks and trains carrying this spent fuel are accompanied by at least one escort, which must report to the Department of Energy (DOE) every two hours and are continuously monitored and tracked by satellite. This is just the smallest part of the safety precautions being taken by the DOE, the NRC and state and local first responder's nation wide.

After twenty years of spending $8 billion of the taxpayers money the Department of Energy has determined it is safe to store spent nuclear fuel at Yucca Mountain. That being the case, it is high time the Federal Government keeps its long-standing commitment to citizens and utility companies by taking possession of these materials. Passage, by the House, of H.J. Res. 87 is a big step in that direction.

TRIBUTE TO MICHAEL D. BRADBURY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to my longtime friend, Michael D. Bradbury, who will be honored this week by Interface Children Family Services "for his contributions and dedication to youth and to the community throughout his long career as a public servant."

Mike was elected District Attorney of Ventura County, California, in 1978, a year before I was elected to the Simi Valley City Council. We developed a steadfast friendship and mutual respect while working together on a variety of issues over the years. Mike will retire from the District Attorney's Office at the end of the year. He will long be remembered as a no-nonsense prosecutor and a recognized leader in law enforcement both statewide and nationally.

No one person, of course, is responsible for creating a community that is recognized annually as the safest urban area in the western United States. But certainly Mike Bradbury leads the pack. Under his direction, the Ventura County District Attorney's Office adopted a no-plea-bargaining policy. Criminals know if they commit a crime in Ventura County they will be prosecuted to the full extent of the law. Because of his tough stance on crime, Mike was re-elected District Attorney five times.

At the same time, Mike recognizes that crime prevention is more than being tough on criminals. It also requires providing a safe and secure environment for families and children and providing children with the tools they need to become productive members of society. In addition to his work with Interface Children Family Services, Mike was an honorary fund-raising chairman for Big Brothers/Big Sisters; president of the Boy Scouts of America, Ventura County Council; member of the Board of Directors of the Boys and Girls Club of California and the Barbara Sinatra Children's Center; member of the National Advisory Committee of Fight Crime: Invest in Kids; and a member of the Advisory Board of the Assistance League of Ventura County.

Not surprisingly, he has been equally active in law enforcement organizations, and holds the distinction of being the first district attorney in California history to be twice elected president of the California District Attorneys Association. In 1992, Governor Pete Wilson appointed him chairman of the California Council on Criminal Justice and, in 1982, President Ronald Reagan appointed him to the President's Commission on Drunk Driving.

Mr. Speaker, I could go on and on with praise for my respected friend. But let me sum up his achievements by noting the numerous awards he has received for his dedication and accomplishments, note that he is also an educator at prestigious law schools, and that he has published numerous articles on criminal justice.

Mr. Speaker, I know my colleagues will join Interface Children Family Services and me in thanking Michael D. Bradbury for a lifetime of dedication to his community and the criminal justice system, and wish him and his wife, Heidi, and his sons and daughters, many years of rest and relaxation at Hang 'em High Ranch. Although, knowing Mike, he won't be resting long.

JOSEPH PISTILLI RECEIVES COMMUNITY SERVICE AWARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Joseph Pistilli, whose commitment to various community organizations has helped make New York City a better place to live. Mr. Pistilli is a successful businessman who truly understands the importance of giving back to the community. In recognition of his many contributions to the community, Mr. Pistilli will be receiving the Community Service Award from the Astoria Long Island City Kiwanis Club.

Mr. Pistilli is an active member of many organizations. He serves on the Queens Chamber of Commerce, the Queens Builders and Contractor's Association, and the President's Circle of New York Hospital of Queens. He is a member of the Board of Trustees of the NY Public Library, a Board Member of The Boys & Girls Club, and a member of the Queens Museum of Arts.

In 1975, he founded Pistilli Realty Group. As Chief Executive Officer of the Group, he is actively involved in the development, ownership and management of residential and commercial real estate in the metropolitan New York area. The company owns and operates approximately forty commercial and residential buildings in the New York area, containing roughly 3,000 units.

Mr Pistilli is also a co-founder of Pistilli Construction and Development, which constructed an office building in Astoria, Queens, currently the Group's headquarters, which received the First Prize of Excellence from the Queens County Chamber of Commerce in December 1998. The Development Company is beginning alteration of an industrial manufacturing plant into residential apartments, and has completed construction of a four story building on a ten thousand square foot lot in the heart of Astoria, incorporating the original structure of a landmark banking institution. His projects are known for their remarkable quality and attention to detail, reflecting his great professionalism. His projects truly reflect the flavor of the community and his desire to enhance the neighborhood.

On April 5, 1999, Joseph Pistilli opened and chartered the newly formed First Central Savings Bank headquartered in Whitestone, New York. This was the first new-chartered savings bank organized in New York State in excess of ten years. On July 2, 2001, First Central Savings Bank opened its second branch in Astoria. Mr. Pistilli serves as Chairman and Chief Executive Officer of First Central Savings Bank. So far, Mr. Pistilli has brought in $50 million in assets and more than 3,000 customers.

Mr. Pistilli was recognized for his achievements in business by Newsday in 2001 for turning his modest family-held real estate portfolio into a major corporation.

I am particularly pleased to recognize Mr. Pistilli's philanthropic efforts on behalf of SHAREing & CAREing, the only breast cancer awareness and support center in Western Queens. When they needed a permanent home, Mr. Pistilli found them a location, renovated the space and donated all the office furniture. The women who rely on SHAREing & CAREing view him as true friend, who demonstrates a remarkable sensitivity to women's health issues.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Joseph Pistilli for his dedication to improving our community.

IN HONOR OF JASON SABOURY, RECIPIENT OF THE 2002 ELLEN PERRY AWARD FOR SERVICE TO SENIORS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Jason Saboury, who will receive the 2002 Ellen Perry Award for service to seniors at the 35th annual News-Press Achievements Awards at the Alex Theatre in Glendale, California on May 15, 2002. Each year, this award is given to an individual who demonstrates extraordinary commitment to serving the senior community of Glendale.

Jason is the 15-year-old son of Cathy and Massoud Saboury of Glendale and is a ninth-grader at Clark Magnet High School. Last summer, he volunteered 84 hours at the City of Glendale's Glendale Adult Recreation Center for Senior Citizens. Jason was nominated for the Ellen Perry award by Louise Briley, recreation program coordinator.

Jason said he didn't want to face another summer just sitting on the couch at home, so he went through the phone book and saw the listing for the adult center and called to find out what he could do to help. "I wanted to do something good for the community," he said, "I get along well with my grandparents and thought it would be fun and I would learn a lot from the senior citizens too."

His service included cashiering, serving meals to senior citizens at the center, assisting at bingo games and encouraging seniors to participate in table tennis and chess. Each morning he welcomed them and talked with them. Jason said he got a lot of tips on daily life from the seniors. Jason said the seniors were appreciative of his services and company and that he treated everyone with the same cheerful attitude.

When he returned to school after the summer break, Jason discovered he could get school credit for volunteering. This school year, he has volunteered 110 hours. He has helped out at the Brand Park Winter Wonderland snow day, performed clerical work, shelved books and performed other jobs at the Grandview Branch Library and helped with Balboa Elementary School's after-school program.

For extraordinary commitment to serving the senior citizens of Glendale, and his volunteer work with the City of Glendale, I ask all Members of Congress to join me in congratulating Jason Saboury upon receiving the 2002 Ellen Perry Award for service to seniors.

PERSONAL EXPLANATIONS

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 134, on the Motion to Adjourn. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 135, on Ordering the Previous Question on H. Res. 415. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 136, on Agreeing to H. Res. 415, Providing for Consideration of H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 137, on the Motion to Adjourn. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 138, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 139, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 140, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 141, the Markey amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 142, the Weldon (PA) amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 143, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 144, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 145, the Tierney amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 146, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 147, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 148, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 149, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 150, on the Motion that the Committee

Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 151, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 152, on the Motion that the Committee Rise. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 153, the Sanchez amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 154, the Goode amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 155, the Paul amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 156, the Bereuter amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 157, the Motion to Recommit with Instructions Tierney amendment to H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 158, H.R. 4546, Department of Defense Authorization for FY2003. Had I been present I would have voted "yes."

RECOGNIZING THE ARTISTIC TALENTS OF BRENDA ANDERSON

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. DOYLE. Mr. Speaker, I rise today to recognize the tremendous artistic ability of a young woman from my Congressional District, Brenda Anderson of Springdale High School. Brenda is the top winner in the 2002 18th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery."

It gives me great pride and pleasure that Brenda's artwork will be representing the 18th Congressional District of Pennsylvania in the national exhibit in the United States Capitol.

I encourage my colleagues as well as any visitor to Capitol Hill to view Brenda's artwork, along with all of the other winning artwork that will be on display throughout the next year. It is truly amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our nation.

Brenda's piece, entitled, "Paradise," is a picturesque oil painting of a coastal view. Her attention to detail of the waves rolling in to the rocky beach as the dark clouds loom above, emulate a day at the beach and trigger your senses of the taste of the salty air and smell of the fresh ocean breeze.

Brenda's artwork was selected from a number of outstanding entries to this year's competition, I hope that she and her family are proud of her artistic talents as well as this accomplishment.

I would also like to recognize all the other participants in this year's 18th Congressional District High School Art Competition, "An Artistic Discovery." I would like to thank these vibrant young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular.

I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

HONORING BERNICE WILLIAMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Bernice Williams as she retires from teaching after 38 years. Mrs. Williams will be honored at a luncheon on June 1 in my hometown of Flint, Michigan.

Bernice Williams is an example of how hard work and dedication can change one's life. In high school her dreams of becoming a teacher and attending college seemed to be dismissed as nothing more than wishful thinking. Many women did not attend college in the 1950's and 1960's. However, Bernice followed her own dream and attended Michigan State University in 1959. She graduated with a Bachelors degree in English and a teachers certificate in 1963. She was the first person in her family to earn a college degree. In June she attended a march for justice led by Dr. Martin Luther King Jr. His desire for equality was something Mrs. Williams truly thought was a worthy cause. During her teaching career Mrs. Williams has been a strong supporter of multicultural education. She has spent the last 35 years at Holmes Junior High School where she has been trying to incorporate these ideals into her teaching. While doing all this she went on to earn a Masters degree from Marygrove College in Detroit, Michigan. Her endeavors as a teacher are worthy of the honors she is receiving.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Bernice Williams for her devotion to students and their quality of education. Her accomplishments in the face of adversity are a true inspiration.

IN HONOR OF JULIANN BUDIMIR, RECIPIENT OF THE 2002 BETTY PRESTON AWARD FOR CIVIC ACHIEVEMENT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Juliann Budimir, who will receive the 2002 Betty Preston Award for Civic Achievement at the 35th annual NewsPress Achievements Awards at the Alex Theatre in Glendale, California on May 15, 2002. Each year, this award is given to a volunteer who demonstrates extraordinary commitment and dedication to civic achievement.

Juliann Budimir was nominated by the Oakmont League of Glendale. She has served for three years as President, two years as Vice President, and one year as Treasurer of the Northwest Glendale Homeowners Association Board of Directors. She worked with homeowners to identify issues of community concern and then acted as a liaison to city departments to help resolve those issues and concerns. Her major triumph was getting a stop sign installed at the dangerous intersection of Kenneth Road and Sonora Avenue.

Juliann was a representative for the Greater Downtown Glendale Strategic Plan and for the study sessions for Glendale's Hillside Ordinance. She served in many leadership roles for the Glendale Homeowners Coordinating Council and was its representative to the City of Glendale Sign Ordinance Study Session Committee for two years.

She served as Director of the Music Mobile program of the Glendale Junior Philharmonic, teaching elementary school children about classical music by taking a van loaded with instruments to schools for on-stage demonstrations.

She is President of the Oakmont League, a philanthropic organization that sponsors an annual egg hunt party for the Salvation Army Day Care Center and provides scholarships to public high school and Glendale Community College students.

For her laudable civic, philanthropic and music education endeavors that have helped make Glendale a better community, I ask all Members of Congress to join me in congratulating Juliann Budimir upon receiving the 2002 Betty Preston Award for Civic Achievement.

TRIBUTE TO JAMES W. WALKER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to James W. Walker, who will retire this summer as president of Moorpark College, in Moorpark, California.

President Walker has overseen enormous growth at Moorpark College in his ten-year tenure as president. When he arrived in 1992, enrollment stood at 11,900 students. Today it stands at more than 14,500 and is projected to grow to 19,000 students by 2015. To prepare for that growth, President Walker recently led the college through a strategic planning process and the creation of a Moorpark College Facilities Master Plan. The comprehensive document details renovations and new construction that will be necessary to continue providing an outstanding education to Moorpark students.

His work on the Master Plan was instrumental in convincing the Ventura County Community College District Board of Trustees to place a $356 million bond measure on the March 5, 2002, ballot, which passed with 65 percent of the vote.

The Master Plan and successful bond measure are typical of President Walker's leadership. During his tenure, he oversaw construction of the Performing Arts Center and the Kavli Science Center, and planning for the Learning Resource and Telecommunications Center. He established numerous educational and business partnerships, including preparations for off-campus centers in Simi Valley and Thousand Oaks. In 1999, he partnered with the Moorpark Unified School District to create The High School at Moorpark College for high-achieving Moorpark students.

President Walker's retirement caps a 43-year career in public education, which includes teaching at the high school and community college levels and many management positions. In 1994–95, he was tapped to serve as interim chancellor of the College District because of the untimely death of then-Chancellor Thomas Lakin. He is a former member of the Board of Directors of the Chief Executive Officers, California Community Colleges and current board member of Intelecom. He was a founding member of the advisory board for California State University at Channel Islands and is on the Board of Visitors for Pepperdine University.

In his spare time, he served on the boards of the Moorpark Boys & Girls Club and the Southeast Ventura County YMCA. He has also run all 17 Los Angeles Marathons.

Mr. Speaker, I know my colleagues will join me in thanking James W. Walker for his lifelong dedication to the education of our children, and in wishing him and his wife of more than 40 years, Nancy, well-earned quality time with their son and daughter-in-law, Scott and Kerri, and their three daughters; and daughter and son-in-law Laura and Kevin, and their three sons.

LINDA AND GEORGE PERNO NAMED KIWANIANS OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Linda and George Perno who are being honored as Kiwanians of the Year by the Kiwanis Club of Astoria/Long Island City. Their contributions to the community have touched many lives. It is a pleasure to pay tribute to both of these illustrious community leaders.

Linda and George Perno started their business, Lincole Lithograph, in 1975. True partners in business and in life, they are both deeply involved in community activities. Born and raised in Astoria, Queens, Ms. Perno's passion for community service started when she was an office volunteer at her son's kindergarten. Ms. Perno is a current Board Member and Past President of the Astoria Civic Association. She also sits on its Scholarship Committee, and Chairs the Judge Charles J. Vallone Scholarship Dinner Dance which draws over four hundred people annually.

Ms. Perno was recently voted President Elect of Astoria Long Island City Kiwanis. She has been a board member of Community Board 1 for the past ten years, and is currently the Chairperson of Education. She was also appointed to the Board of Directors of SHAREing & CAREing, a support group for breast cancer survivors in western Queens, and is the Chairperson of Fundraising. Ms. Perno's strength in education and youth made her a partner in SHAREing & CAREing's educational and youth outreach program. Ms. Perno serves as President of the Broadway-Astoria Merchants & Professionals Association.

Mr. Perno also joined the fight against breast cancer and provided his input in designing all of SHAREing & CAREing's printed matter.

Mr. Perno is a member of the Board of Directors of Astoria Civic Association and is currently a Vice President. He is Sergeant-at-Arms for the Astoria/Long Island City Kiwanis and is a thirty-five year member and a past Deputy Grand Knight of the Knights of Columbus, Spellman & Colon Councils.

Mr. and Mrs. Perno are the proud parents of two and the grandparents of three. In 2001, they sponsored their grandson's baseball team for Elmjack Little League.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Linda and George Perno as Kiwanians of the Year. The Pernos' dedication to our community serves as a model of commitment to us all.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Mr. MALONEY of Connecticut. Mr. Chairman, as a member of House Armed Services Committee, I fully support H.R. 4546, the Bob Stump National Defense Authorization Act, which was passed by Committee on a bipartisan vote of 57–1. This bill readies our military for threats posed to our national security, now and in the future. I would like to mention four provisions that are particularly important to the people of Connecticut.

First, from my work to provide clinics for veterans in Waterbury and Danbury, I understand the urgency in providing concurrent receipt for disabled veterans. This bill contains a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retirement pay and disability compensation benefit by fiscal year 2007. Through a transition program, military retirees will receive increasing amounts of monthly compensation. Transition payment levels will increase annually until fiscal year 2007, when all retirees with a disability rating of 60 percent or greater will receive their full retired and VA disability pay. The concurrent receipt provision in this legislation could not come soon enough for the veterans of Connecticut.

Second, Connecticut does not currently have a Civil Support Team. Section 1026 of the Authorization contains language I offered in Committee, which is consistent with my legislation (H.R. 3154), to deploy National Guard Civil Support Teams (CST) in each state and territory. CSTs are federally funded assets under state control. To date, Congress authorized only 32 Civil Support Teams. According to a September 2001 GAO report entitled Combating Terrorism, "The Department of Defense plans—and officials suggested—that there eventually should be a team in each state, territory, and the District of Columbia." The war on terrorism makes this a matter of utmost priority. The Civil Support Teams are strategic assets, stationed at the operational level, as an immediate response capability to assist in the event of a weapons of mass destruction emergency. Since September 11, 2001, Civil Support Teams have responded to more than 200 requests for support from civil authorities for actual or potential weapons of mass destruction incidents. Civil Support Teams have also supported national events including the World Series, Super Bowl and the 2002 Winter Olympics. Section 1026 expresses the sense of Congress that the Secretary of Defense should establish 23 additional teams, so as to ensure there is one in each state and territory of the United States. Having one of these critical teams in Connecticut will provide a high degree of preparedness and improve the ability of first responders to act in times of crisis.

Third, the bill contains $56.5 billion in crucial funding for military research and development, $649 million more than the President's request. Outstanding research companies in the 5th District carry out a number of these important programs. Just one example is the new U.S. Army equipment being developed to take advantage of a wide range of battery technology advancements. The bill contains $2 million for rechargeable bipolar wafer-cell Nickel Metal Hydride (NiMH) replacement batteries for the SINGCARS radio system, as well as for the service's fleet of trucks and armored vehicles. This cutting edge battery technology as well as other advanced technology is being developed in Danbury, CT.

Fourth, I am proud to stand in support of this bill as it has $10 billion to improve military construction and housing. This funding is urgently needed to address the conditions under which we force our fighting men and women to reside. If we want to improve readiness we must improve the living conditions of the men and women of the armed services. I have received many letters from constituents over the state of military quarters. Let me quote just one example from Lieutenant Sapiro, a Connecticut Police Officer who has been called up for active duty as part of Operation Noble Eagle . . .

"We are now in our third month of living in quarters that were slated for demolition. The condition of our quarters is relative and varies unit to unit. There may or may not be a mold spore problem in some of our quarters. We cannot get a definitive answer and members of our families at home are concerned for our welfare. In my section alone, I have had sergeants report back from sick call with bronchial pneumonia, bronchitis and chronic sinus and respiratory distress which developed and persists since their arrival here at Fort Leonard Wood. . . . Several of the sergeants I write about are New York City Police Officers who have lost friends at the World Trade Center."

The problem of cramped and unsanitary living conditions cannot be ignored. We ask so much of our troops, like this Lieutenant from Shelton, CT. That is why I support this bill, which increases funding for military construction, including troop housing, by $500 million above the President's budget.

As proud as I am of the readiness provisions in this bill, there are sections of the legislation, which deeply concern me. Specifically, I object to sections 311 and 312, in regard to which I joined Congressman RAHALL in offering an amendment to strike those sections, which provide exemptions to the Migratory Bird Treaty Act and the Endangered Species Act for the Department of Defense. The Endangered Species Act requires, with limited exceptions, the designation of critical habitat for all endangered or threatened species. Federal agencies are required to consult with the U.S. Fish and Wildlife Service in order to avoid actions that destroy or adversely modify critical habitat. Section 7 of the Endangered Species Act already provides an exemption for any agency action for reasons of national security. According to the U.S. Fish and Wildlife Service, the Secretary of Defense has never sought an exemption. A blanket legislative exemption to the designation of military lands as critical habitat for endangered species is not needed. Similarly, section 311, the Migratory Bird Treaty Act, allows for administrative flexibility in regard to the incidental taking of migratory birds, including reference to military training activities. It is regrettable that we did not have the opportunity to debate this issue on the floor.

Despite my concern with these particular environmental exemption provisions, I support the bill as a whole. The $383.4 billion legislation authorizes an approximately $40 billion in funding increase from fiscal year 2002. The bill prioritizes the welfare of our troops by authorizing $20 billion for military health care. $7.3 billion is directed to combat terrorism. The bill raises force end strength and provides for a 4.1 percent pay raise for our troops. Altogether, the bill addresses a range of defense programs that serve our national interest, some of which have particular relevance to Connecticut. It provides for much needed equipment and force modernization. For example, 39 Black Hawk type variant helicopters are authorized, 12 above the President's budget. These helicopters are crucial to meeting our strategic requirements: from helping our troops in the mountains of Afghanistan to performing a medical emergency evacuation here at home. So, for these reasons I commend the legislation to my colleagues and look forward to its passage.

IN HONOR OF STEPHEN ROPFOGEL, RECIPIENT OF THE 2002 NEWS-PRESS MAN OF ACHIEVEMENT AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Stephen Ropfogel, who will receive the 2002 Man of Achievement Award at the 35th annual News-Press Achievements Awards at the Alex Theatre in Glendale, California on May 15, 2002. Each year, this award is given to a volunteer who demonstrates extraordinary commitment and dedication to community service.

Stephen Ropfogel was nominated by the Glendale Association for the Retarded, where he has served as President and Treasurer on the Board of Directors for the past four years. He has been vital in educating the community about people with disabilities and in creating new ideas for fund-raisers for the association. His "Summer in the City" fundraising program, conducted in partnership with local restaurants, is one example of his dedication as an innovative fund-raiser. He also was instrumental in implementing a jewelry-making venture by clients at the association's Self-Aid Workshop.

For the past five years, he has served on the Glendale Safe Place Executive Committee, which now provides 22 safe locations for youngsters to go if they are victims of child abuse or facing other dangers. He has also coordinated efforts between the Glendale Sunrise Rotary Club and Los Angeles County Medical Alliance for the awareness program "Not Even For A Minute," which reminds parents of the dangers of leaving youngsters unattended in a vehicle. Stephen is also credited with helping to save the annual Days of the Verdugos Parade, a terrific community parade honoring Glendale's heritage and an event in which I have been privileged to take part.

For his commitment to making Glendale a better and more caring community that treats people with disabilities with compassion and dignity, I ask all Members of Congress to join me in congratulating Stephen Ropfogel upon receiving the 2002 Man of Achievement Award.

TRIBUTE TO DR. GERALD E. WRIGHT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Gerald E. Wright of Denmark, South Carolina; a man who has dedicated his life to improving the educational opportunities and pursuits of young people in his community. For over thirty-five years, Dr. Wright has served the young people of his community and the State of South Carolina through his roles as a mentor, a teacher, and a superintendent.

Dr. Gerald E. Wright began his quest for higher education at Morehouse College, where he received a degree in Mathematics. He matriculated at South Carolina State College where he earned masters and Doctorate degrees in Education.

Dr. Wright began his career in education as a Mathematics Instructor at Voorhees College in 1965. He later held numerous positions, that included Federal Projects Coordinator, and Director of Support Programs for Denmark-Olar School District Two.

In 1992, Dr. Wright became Superintendent of Denmark-Olar School District Two in Bamberg County, which is currently in my Congressional district. It was as Superintendent that he made some of his most indelible marks on the school system. His accomplishments include: the establishment of a JROTC Unit at Denmark-Olar High School, the initiation of block scheduling, the improvement of parent education through the PEP STEP Program, and the addition of a Coordinator of Student Services, among many others.

He hired additional staff and teachers through Title I funds which included a School-to-Work Coordinator. He reinstated the music program, and reorganized the Gifted and Talented Program. Dr. Wright also implemented "community involvement night" giving parents and members of the community a forum to discuss pertinent issues affecting the school. Because of Dr. Wright's initiatives, High school students in his school district have had the opportunity to receive educational experiences in a more conducive environment. Dr. Wright is currently contributing to his community as an Instructor of Mathematics at Denmark Technical College.

Mr. Speaker, I ask that you and my colleagues join me in honoring Dr. Gerald E. Wright, a man who deserves recognition for his role in improving the educational system of Bamberg County and South Carolina. I commend him on his dedication to others, and wish him Good Luck and Godspeed.

TRIBUTE TO THE DEFENSE SUPPLY CENTER RICHMOND

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. FORBES. Mr. Speaker, it is my honor to represent many of the men and women who serve at the Defense Supply Center Richmond. They perform duties that are absolutely essential to the smooth operations of our armed forces, though they may seem unglamorous to a nation that considers the television show JAG to be a peek into the life of the average servicemember.

And, they perform these duties with great pride in their work—an ethic that is evident in their most recent accomplishment.

These men and women have recently been chosen to receive a 2002 Commander-in-Chief's Annual Award for Installation Excellence. They are only one of five commands to achieve this distinction for their exemplary support of the Department of Defense mission. The Center received this award several times during the last decade—1991, 1993, 1994, and 1997—an unprecedented record. But, particularly now, as men and women in uniform are fighting a war overseas and our national defense at home is on alert, honoring their support of the DOD mission takes on new meaning.

On behalf of all the citizens of Virginia's Fourth District, I wish to thank the men and women of the Defense Supply Center Richmond for their dedication to duty, their quiet dignity, and their ceaseless quest for excellence in their daily labors.

TRIBUTE TO MR. THOMAS JOSEPH NYMAN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate and recognize Mr. Thomas Joseph Nyman of Abington, Pennsylvania. For 30 years Mr. Nyman has taught Social Studies at Abington High School. I recognize him today as he is retiring at the conclusion of the 2001–2002 school year.

Throughout his career, Tom is a pillar in his community and has played an active role in improving his surroundings and bettering the students he taught.

Tom honorably served his country as a sergeant in the United States Air Force where he served on active duty from 1964–1968 as an intelligence analyst. After returning home, Tom received both a bachelor's degree and a master's degree in Education from West Chester University. He then went on to earn a Master of Arts from Villanova University.

Active in his community through the American Red Cross where he has been a volunteer instructor since 1961, Tom also served with the Plymouth Community Ambulance from 1971–1979. He was a coach for his children's teams in the Glenside Youth Athletic Club and served in various parish ministries for St. Luke's Church in Glenside, Pennsylvania. He volunteered in the Abington Community Handicapped Swim program from 1990–1995. He is active in Citizen's and Police Together (CAPT), serving as the Co-Chair of the 24-Hour Relay Challenges in 1994 and 1995. Tom is also a volunteer instructor with the Brigantine, New Jersey Community USLA Junior Lifeguard program.

Tom is the recipient of many awards including the American Red Cross honor for 4,500 hours of volunteer service, the Abington Township Community Service Award, the Pennsylvania Community Crime Prevention Award, the Pennsylvania House of Representatives Citation for Community Service, and the Pennsylvania Association of Student Councils Advisor of the Year Award.

An inspiring force in the Abington community, Tom helped to educate students in both academia and in civil service. He influenced the lives of countless students for more than a quarter of a century and has created a legacy of community-minded citizens. He is a passionate, caring and personal leader who empowers those who learn from him to go forth with confidence and become leaders in their own night.

I thank Tom Nyman for his commitment to his country, community and to Abington High School. I am pleased to recognize Mr. Thomas Joseph Nyman for his many years of dedicated work. Our community is fortunate to have someone of such distinction and we appreciate all that he has done for us and given to us.

IN HONOR OF MARILYN GUNNELL, RECIPIENT OF THE 2002 NEWS-PRESS WOMAN OF ACHIEVEMENT AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Marilyn Gunnell, who will receive the 2002 Woman of Achievement Award at the 35th annual News-Press Achievements Awards at the Alex Theatre in Glendale, California on May 15, 2002. Each year, this award is given to a volunteer who demonstrates extraordinary commitment and dedication to community service.

The YMCA of Glendale nominated Ms. Gunnell for this honor. She is active with the Glendale Sunrise Rotary Club, and has an outstanding record of 12½ years perfect attendance. A longtime AIDS activist, she and four members of the Sunrise Rotary created Glendale Leaders for AIDS Awareness. The group prompted the city to display an AIDS quilt in City Hall for a day.

Later, the City of Glendale applied to become a California Healthy City and received a grant to generate a public questionnaire and lectures on AIDS awareness. Marilyn provided questions, conducted phone interviews and taught classes on AIDS/HIV.

Marilyn helped create the "Not Even For A Minute" program, educating the public on the dangers of leaving children unattended in and around vehicles. She instigated collaboration on the project between the Los Angeles County Medical Association Alliance and the Sunrise Rotary and enlisted the support of the Glendale Unified School District to have related posters, brochures and window decals translated into Spanish, Armenian and Korean.

She was also instrumental in bringing Project Safe Place to Glendale, selecting members for a task force that worked for more than five years to bring this worthy endeavor to fruition. Today, there are 22 Safe Places for children to seek refuge in Glendale, whether they are facing abuse at home or dangers in the community.

For her commitment to making Glendale a better, more caring and safer place, I ask all Members of Congress to join me in congratulating Marilyn Gunnell upon receiving the 2002 Woman of Achievement Award.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. LEE. Mr. Speaker, I missed the vote yesterday on H.R. 3694, the Highway Restoration Fund Act. Had I been present I would have voted "yea."

IN COMMEMORATION OF TEENAGE DRIVER SAFETY AWARENESS DAY AND IN MEMORY OF ANTHONY JOSEPH TELESCA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SAXTON. Mr. Speaker, I rise today to commend the creation of the Teenage Driver Safety Awareness Day at Shawnee High School located in Medford Township, NJ in my district. This annual day was started in memory of one of my constituents, Anthony Joseph Telesca, who died on December 5, 2000, at the young age of 16, as the sole passenger in a one-car accident. Anthony lost his life as a result of reckless driving, and this great tragedy has been a living nightmare for Anthony's family and friends who love and miss him terribly.

Sadly, Anthony is not the only victim of reckless driving. There are some astounding statistics regarding teenage driving that I would like to share with my colleagues: 14 percent of all deaths due to motor vehicle accidents are teen drivers; teen driver deaths due to motor vehicle accidents occur on weekends 53 percent of the time; teen drivers killed in motor vehicle accidents had a youth passenger in automobile 45 percent of the time; more than one-third of drivers fatally injured in automobiles are as a result of speed related accidents; more than any age group, teens are likely to be involved in a single vehicle crash; and this age group makes up 7 percent of licensed drivers, but suffers 14 percent of fatalities and 20 percent of all reported accidents.

As a result of Anthony's tragic death, The Anthony Telesca Memorial Foundation was created to work with local high school and law enforcement officials to increase driver safety awareness amongst teenagers.

I commend Anthony's family and friends for starting this effort towards educating the public, and teens especially, about the dangers of reckless driving. Programs like this one need to take place all over our country in order to reduce the sky-rocketing number of teenage driving accidents. Educating teenagers to drive safe is our only hope to prevent tragic and senseless accidents from happening.

LIONS OF MICHIGAN ALL STATE BAND

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. ROGERS of Michigan. Mr. Speaker, today, I rise in recognition of the individuals of the Lions of Michigan All State Band. An organization known for its hard work and dedication, Lions Clubs have been committed to serving their communities since 1917. With a membership of over 1.4 million members serving in more than 44,600 clubs worldwide, Lions Clubs touch lives throughout the world community.

In July of this year, Lions Clubs International will hold its international convention in Osaka, Japan. As the only band from the U.S. traveling to Japan, the Lions of Michigan All State Band has the privilege of representing over 18,000 Lions Clubs members from the United States at the convention. This year marks the 25th Anniversary of the Lions award winning youth program within Michigan. The honor of traveling to Japan is fitting recognition for the hard work of those involved in this program. I applaud the 123 student members of the band for their willingness to serve and the adult participants that make the program possible.

I commend the community minded endeavors of the Lions of Michigan and applaud the discipline of the Lions of Michigan All State Band. I am pleased that such fine young people will be representing our country on the international level. I invite my colleagues to join me in recognition of the hard work and achievement of the Lions of Michigan All State Band.

TRIBUTE TO THE LINCOLN SCHOOL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Lincoln School on the occasion of its 130th anniversary. Established in 1872, the Lincoln School has provided unique opportunities and brought stability and continuity in the quality of education for students in the West Marin ranching community.

Throughout its history, the Lincoln School Board of Trustees has worked tirelessly to maintain the integrity of the one room school in the one school district. Surviving earthquakes, fires and storms, the Lincoln School has met the changing needs of its students, fulfilling its role as a truly integral and indispensable part of the rural community. While expecting as well as providing excellence in its programs, the school's faculty and staff have demonstrated compassion and concern for all students.

For one hundred and thirty years, the Lincoln School has served a diverse community of learners, educating several generations of students and entire Marin families. This excellence would not have been possible without the dedicated efforts, spirit and generosity of the Lincoln School parent and teacher community.

Mr. Speaker, I am pleased to recognize the Lincoln School for making a significant difference in the lives of its students, families and friends in the West Marin community for one hundred and thirty years.

TRIBUTE TO LT. COLONEL THOMAS FUHRER, USMC

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MURTHA. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding Marine who has dedicated his life to the service of our nation.

Lt. Colonel Thomas Fuhrer has recently completed his Washington service and is being assigned to command the Marine Corps Combat Service Support Schools Training Command at Camp Lejeune, North Carolina.

Lt. Colonel Fuhrer has served on the personal legislative staff of the Chairman of the Joint Chiefs for the past two years. During that time, he has worked closely with senior military, civilian, and Congressional Members and staff in this critical high visibility environment.

His performance has been singularly impressive. He has advised the Chairman, Vice, and senior officers from the Joint Staff as well as Commanders in Chief in a myriad of complex and sensitive issue briefings in addition to their confirmation and annual posture hearings.

Hailing from Pittsburgh, Pennsylvania Lt. Colonel Fuhrer began his career as a enlisted Marine, graduating from the venerable Parris Island in 1980. He entered Clarion University as a drilling reservist and upon graduation was commissioned a second lieutenant in the Marine Corps in 1984.

During Lt. Colonel Fuhrer's career as a Marine, he has excelled at every aspect of operations concentrating on the fiscal, disbursing, travel and logistics support of our active duty and forward deployed Marine Corps. His leadership, management, problem-solving and team-building skills have been recognized in his promotion, personal awards, and assignment to the Naval Postgraduate School in Monterey. He received his Master's Degree in Financial Management in 1986.

Following a successful tour in the Headquarters of the Marine Corps as a budget analyst, he was selected for the prestigious Legislative Fellow Program through Brookings Institution. This program led him to the Office of Congressman JOHN MURTHA, where his tireless service was focused on Defense and Appropriations issues.

Lt. Colonel Fuhrer leaves his present assignment as the Deputy Legislative Assistant for Marine Corps matters to the Chairman of the Joint Chiefs of Staff where he served as liaison between the nation's most senior military officer and the United States Congress. He also leaves the close professional relationship he cultivated specifically with Members and their staff on the House Appropriations Committee subcommittee on Defense.

Throughout a career of distinguished service, he has made innumerable contributions to both the military and our nation. As Lt. Colonel Fuhrer departs to tackle new challenges of Command at Camp Lejeune, we will certainly miss him and wish continued success for both him and his family.

IN MEMORY OF SHARON L. MONSKY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to remember Ms. Sharon L. Monsky, a resident of Santa Barbara, California, who was renowned as an advocate on behalf of persons with the disease scleroderma.

Sharon passed away on the night of May 11, and is survived by her three children Max, Samantha, Montana, and their father, her husband, Mark Scher. The legacy she leaves behind is inspiring to us all.

In her youth, Sharon was a nationally ranked figure skater and a top United States Olympic contender. In 1965, she was the youngest female figure skater to ever have received the Senior Ladies Gold Medal Compulsory Award.

She went on to become a successful international business consultant, and received her MBA from Stanford University Graduate School of Business in 1980.

The distinguished San Francisco management-consulting firm, McKinsey and Company Inc., offered Sharon a coveted position, and she was immediately on track to being one of the youngest women partners in McKinsey's history. When in 1983, she was diagnosed with systemic scleroderma, and was given two years to live.

Defying all odds, Sharon spent the next 21 years educating all of us about scleroderma. Through her timeless efforts she brought national awareness to this debilitating disease, which affects 500,000 people annually. And she helped increase federal support for research on scleroderma.

In 1987, she founded the Santa Barbara-based Scleroderma Research Foundation, which is committed to raising awareness of the disease. The Foundation is one of a kind, the only one in our nation dedicated to finding a cure for the disease; it is a blend of science, research, private funding, and political leadership.

But largely due to Sharon's work, there is now a National Scleroderma Awareness Month, and she initiated the Cool Comedy-Hot Cuisine, a benefit gala designed to raise scleroderma awareness. She also leaves behind two research centers: The San Francisco Bay Area Scleroderma Research Center at UCSF and the East Coast Scleroderma Research Center at Johns Hopkins in Boston. Research for the disease has steadily increased to the current level of $8.3 million, also attributable to Sharon's unwavering efforts. In addition, she served two four-year terms on the National Arthritis and Musculoskeletal and Skin Diseases advisory council of the National Institutes of Health.

At the age of 48, Sharon accomplished in half a century's time what many active individuals in excellent health are not able to achieve in a lifetime. Selflessly she sought out a cure for the disease, on behalf of future scleroderma patients and their families.

She was a beloved daughter, sister, wife, mother, businesswoman, and health advocate. She will indeed be missed but will be remembered for years to come.

PAYING TRIBUTE TO JOHN T. DONLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual who has dedicated his life to serve and protect the citizens of the State of Colorado. Corporal John Donley, of the Pueblo Police Department, has loyally served his fellow Coloradans for over thirty years. After a long and successful career as one of Colorado's finest, John announced his retirement from the force in November of last year. As he enjoys his well-deserved retirement, I would like to take this time to underscore John's service to his community before this body of Congress, and this nation.

John began his service as Motorcycle Burglary Patrol Officer, was honored for his quality service, and reassigned to the Traffic Division in 1974. Receiving a promotion to corporal in 1976, John was recognized for his expertise as a crime scene-diagramming expert and was often called upon by his fellow officers to render aid at the scene of a crime. John also dedicated much of his time to the Pueblo educational system by volunteering his experience and expertise in seat belt safety and safe driving as a School Resource Officer to a local high school. He has been a tremendous asset to the City of Pueblo both as a peace officer and as an educator. I am honored to bring forth his accomplishments today.

Mr. Speaker, today's peace officers face a wide variety of dangers and hazards in their daily duties. These individuals work long hours, weekends, and holidays to guarantee their fellow citizen's rights and protection. They work tirelessly and with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication certainly deserves the recognition and thanks of this body of Congress, and a grateful nation. Thanks for your service John, and I wish you all the best in your well-deserved retirement.

HONORING CLEAR CREEK HIGH SCHOOL'S "WE THE PEOPLE" TEAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to thank and honor the following young people. Hayley Cook, Emilie Hanson, Ryan Johnson, Courtney Lee, Beth Smulow, Lydon Wilkenson, Tim Bennhoff, Heather Grimm, Willie Arnold, Colin Hale, Cameron Marlin, Kristin Bonk, Ashley Gilbert, Paul White, Julie North, Linnea Pearson and Chris Wilson. These students, from Clear Creek High School, recently competed in the national "We the People" competition in Washington, DC. This exceptional group of students, along with their coach, Mr. Bob Warmack, worked aggressively throughout the year studying the U.S. Constitution, the intent of the framers of the Constitution, the origins and intent behind the Bill of Rights and the role of citizenship in our democracy.

After winning the state competition in Colorado in December 2001, this team set their sights on the national competition in Washington, DC. They spent countless hours preparing their presentations, debating the issues and practicing their speeches. Each student was responsible for a brief statement and had to be prepared to answer questions from the judges. As a result of their intensive studies, these students acquired a very high level of proficiency on the subject of the U.S. Constitution, American history and federal case law. I have no doubt that they will use this knowledge to participate more fully in the civic life of their communities, and I wouldn't be surprised if one or several of them eventually serve in Congress.

Mr. Speaker, I would like to thank these young people and Mr. Warmack for taking such a strong interest in their government. I congratulate them on finishing in the top ten in the nation at the "We the People" competition. I am both honored and proud to have such excellent young minds in the 2nd Congressional District.

SPACE EXPLORATION ACT OF 2002

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. LAMPSON. Mr. Speaker, as you know, much of my attention these days has been on the International Space Station. I, along with other Members, am fighting hard to restore the capabilities that the Administration has tried to cut from this important program. We need a Space Station that has the crew size, the research capabilities, the habitation facilities, and the crew rescue vehicles that successive Congresses and Administrations have supported. And we need to keep our commitments to our international partners on this program. It is going to be a tough fight, but as Gene Kranz was fond of saying: "failure is not an option".

However, I don't think that our current struggles over the Space Station should divert us from the fact that we are facing a much deeper crisis—a crisis of commitment. The nation's human space flight program is adrift, with no clear commitment to any goals after the completion of the Space Station. I'd like to talk about that today, and I'd like to offer a way forward for the nation that I think can revitalize our space program, energize our industrial and academic sectors, and inspire our young people.

It was 41 years ago this month that the United States took its first, halting steps in the human exploration of space. On May 5, 1961 Alan Shepard was launched on a fifteen-minute suborbital flight. A month before, the very first human flew in space when the Soviet cosmonaut Yuri Gagarin completed a single orbit of the Earth.

It was an exciting time. At the end of May of that year, a young, energetic President Kennedy announced that the United States intended to land a man on the Moon by the end of the decade. The so-called "Space Race" was on! Yet, five hundred years from now, I don't think our descendants will look back at the Apollo moon landings as just an interesting example of the geopolitical rivalries that marked the twentieth century. Instead, I think that the real significance of Apollo will be that it marked the first major step in humanity's journey outward into the solar system.

Would anyone who watched Neil Armstong step onto the lunar surface for the first time in 1969 believe that three decades later we would still be stuck in Earth orbit? Certainly not me. And I still find it hard to believe.

That is not to diminish what the United States has accomplished in space over the last thirty years. We have sent space probes to every planet in the solar system except Pluto. We have built and continue to operate the world's first reusable space shuttle. And as we speak, we have a permanent crew orbiting overhead in the first truly international space station. We should all take pride in what has been accomplished to date. But we should not be satisfied.

It is now thirty years since the last American—the last representative of Planet Earth—left the surface of the Moon and returned to Earth. And we haven't ventured outward since that time. In my opinion, that's thirty years too long!

We have a solar system to explore. We need to find out if there is life beyond Earth. And we need to build the space-based observatories and research stations that will allow us to search for Earth-like plants around other stars. Space exploration is not about robotic spacecraft versus astronauts. Rather it is about using both robots and humans to explore and to gather knowledge.

I thus am introducing today the "Space Exploration Act of 2002." I am pleased to have bipartisan support with Representatives RALPH HALL, LAMAR SMITH, GENE GREEN, KEN BENTSEN, SHEILA JACKSON-LEE, BRAD CARSON and MARTIN FROST as original cosponsors. Some may say we can't afford a mission to Mars at this time. Maybe so, but my bill says that while Mars is the ultimate destination for a phased program of exploring the inner solar system, there are preliminary voyages of exploration and science that we can and should start preparing for now . . . voyages that will help us prepare for the exploration and eventual settlement of Mars—while having great scientific merit in their own right.

The "Space Exploration Act of 2002" requires the NASA Administrator to set the following goals for the future activities of NASA's human spaceflight program:

Within 8 years of enactment, the development and flight demonstration of a reusable space vehicle capable of carrying humans from low earth orbit to the L1 and L2 Earth-Sun libration points and back, to the Earth-Moon liberation points and back, and to lunar orbit and back.

Within 10 years of enactment, the development and flight demonstration of a reusable space vehicle capable of carrying humans from low Earth orbit to and from an Earth-orbit crossing asteroid and rendezvousing with it.

Within 15 years of enactment, the development and flight demonstration of a reusable space vehicle capable of carrying humans from lunar orbit to the surface of the Moon and back, as well as the deployment of a human-tended habitation and research facility on the lunar surface.

Within 20 years of enactment, the development and flight demonstration of a reusable space vehicle capable of carrying humans from Martian orbit, the deployment of a human tended habitation and research facility on the surface of a Martian moon, and the development and flight demonstration of a reusable space vehicle capable of carrying humans from Martian orbit to the surface of Mars and back.

The bill establishes an Office of Exploration within NASA, headed by an Associate Administrator, which will be responsible for planning, budgeting, and managing activities undertaken to accomplish the above goals.

The Administrator will be required to establish a process for conducting competitions for innovative, cost-effective mission concepts to accomplish the above goals, which will be open to industry, academia, nongovernmental research organizations, NASA Centers, and other government organizations.

International participation and cost sharing will be encouraged. The Administrator will be required to establish an independent panel to conduct a merit-based competitive review of the proposals submitted and an independent external review of the cost estimate and funding profile of the competitively selected proposals. These findings must be reported to Congress.

The implementation plans of the competitively selected proposals must be updated every year by the manager of the project and the Administrator must have an independent external review panel review each of the updated implementation plans and report these findings to Congress.

The bill authorizes $50 million for FY 2003 and $200 million for FY 2004 to carry out these activities.

If we are ever going to break out of Earth orbit and conduct comprehensive human and robotic exploration of our solar system and universe, we need to overcome a serious obstacle. That obstacle is not technical, although human exploration will be very technically challenging. And the obstacle is not financial, although we need to ensure that human exploration is done in as cost-efficient and financially responsible a manner as possible. No, these aren't the real obstacles to success. The real obstacle is the lack of a commitment to get started. We don't need another national commission to come up with goals for human space flight beyond low Earth orbit—what we need is a national commitment to carrying out any one of the many worthy goals that have been articulated to date.

I want the United States to get started. And I hope that we can interest our international friends in working with us on this grand undertaking. Because space exploration is humanity's future—not just America's. But I am an American, and I want to make sure that at a minimum America steps up to the challenge of achieving our destiny in space.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 16, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 17

9:30 a.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings to examine the Sakajawea Golden Dollar Coin.
SD–192

MAY 20

2:30 p.m.
Indian Affairs
To hold oversight hearings to examine the Branch of Acknowledgment, Department of the Interior.
Room to be announced

MAY 21

9:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine difficulties and solutions concerning nonproliferation disputes between Russia and China.
SD–342

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine management improvement of Department of Defense Test and Evaluation Facilities.
SR–232A

Commerce, Science, and Transportation
To hold hearings to examine progress concerning aviation security issues.
SR–253

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Defense.
SD–192

Banking, Housing, and Urban Affairs
Business meeting to markup the Public Company Accounting Reform and Investor Protection Act of 2002.
SD–538

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Paula A. DeSutter, of Virginia, to be Assistant Secretary for Verification and Compliance, Michael Alan Guhin, of Maryland, for the rank of Ambassador during tenure of service as U.S. Fissile Material Negotiator, and Stephen Geoffrey Rademaker, of Delaware, to be Assistant Secretary for Arms Control, all of the Department of State.
SD–419

2 p.m.
Judiciary
To hold oversight hearings to examine the Civil Rights Division, Department of Justice.
SD–226

2:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine strategies for improving nutrition and physical activity in America.
SD–430

Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine U.S./Cuban trade policy.
SR–253

MAY 22

9:30 a.m.
Energy and Natural Resources
To hold hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
Room to be announced

Governmental Affairs
Business meeting to consider S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism; and pending calendar business.
SD–342

Commerce, Science, and Transportation
To hold hearings to examine the promotion of local telecommunication competition, focusing on greater broadband deployment.
SR–253

10 a.m.
Indian Affairs
To hold hearings on S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.
SR–485

1 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the federal regulation of the sport of boxing.
SH–216

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the National Science Foundation budget, focusing on Federal research and development activities.
SR–253

MAY 23

9:30 a.m.
Energy and Natural Resources
To resume hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
Room to be announced

2:30 p.m.
Governmental Affairs
To hold hearings to examine voting representation in Congress for the citizens of the District of Columbia.
SD–342

POSTPONEMENTS

MAY 17

10:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine non-proliferation programs, focusing on U.S. cruise missile threat.
SD–342

HOUSE OF REPRESENTATIVES—*Thursday, May 16, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our guardian and protector, guide and bless all the Members of the House of Representatives this day. Together may they exercise all in their power to assure the security of our homeland; and as individuals may they model good leadership for all who work in public service on behalf of the citizens of this great Nation.

Lord, we praise You and we thank You for all the men and women You have called to serve as police and law enforcement officers throughout the States and the District of Columbia. Renew them in their commitment and protect them as they strive to guarantee safety, order and equal justice in their communities.

Reward with eternal life and Your saving presence all those who in the past year have made the ultimate sacrifice of offering their lives in the effort to serve others. Console and provide for the families of officers fallen but not forgotten.

Surround with a special blessing today each member of the Capitol Police and Secret Service, and answer their prayers. They stand tall and are honored here as our vanguard of protection in the face of terrorism. Be with them, Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 63, answered "present" 1, not voting 40, as follows:

[Roll No. 167]

YEAS—330

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—63

Aderholt
Baird
Baldwin
Bonior
Borski
Brady (PA)
Capuano
Carson (OK)
Costello
DeFazio
Doggett
English
Fattah
Filner
Fletcher
Frost
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
Markey
McDermott
McGovern
McNulty
Menendez
Miller, George
Moore
Moran (KS)
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Phelps
Ramstad
Sabo
Schaffer
Schakowsky
Snyder
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Watts (OK)
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—40

Blagojevich
Brown (FL)
Burton
Clay
Condit
Crane
Culberson
Davis, Tom
Deutsch
Doyle
Edwards
Ehrlich
Engel
Fossella
Gordon
Gutierrez
Hall (OH)
Hulshof
Hunter
LaFalce
Lampson
Leach
Maloney (CT)
Mascara
McKinney
Meek (FL)
Mink
Murtha
Oxley
Pastor
Platts
Pombo
Rangel
Sanders
Slaughter
Stark
Taylor (NC)
Traficant
Vitter
Young (AK)

☐ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SIMPSON). Will the gentleman from

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1613

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1613, a measure referred to the House Subcommittee on National Parks, Recreation and Public Lands.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

CONGRATULATING BARBARA GAYNOR, FOUNDER AND DIRECTOR OF MOTHERS' VOICES OF SOUTH FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate Barbara Gaynor, founder and director of Mothers' Voices of South Florida, for her vision in targeting parents, caregivers and our youth.

Under her leadership, Mothers' Voices has helped scores of families strengthen communication about sexual health. Barbara Gaynor lost her son to HIV. Her inability to save him served as the catalyst in forming Mothers' Voices and in strengthening her resolve to reduce the number of HIV infections among our youth through prevention, education and awareness.

According to the Office of National AIDS, 50 percent of all HIV infections occur in 13 to 26-year-olds. As a mother who was hit at home by HIV-AIDS, Barbara Gaynor knows best the impact that parental involvement can have in preventing children from becoming statistics.

I ask my colleagues to join me in congratulating Barbara and all of the people that work at Mothers' Voices for their commitment to preserve the future of our Nation's youth.

PROVIDING RESOURCES FOR FAMILIES TO GET OFF OF WELFARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, while welfare caseloads have dropped dramatically, the decrease in poverty is marginally less. After 5 years, welfare cash assistance caseloads have decreased by nearly 50 percent, but overall poverty has declined by less than 2 percent.

Today we are going to be visiting this issue of what to do about welfare in America. Work is at the center of the welfare debate, and it was at the center of the debate in 1996.

The work requirements are the most significant part of the debate. If States choose or are mandated a 40 hour a week work requirement, that will mean workfare programs. Workfare is overwhelmingly bad for recipients. It will mean the need for even more child care, on top of the $11 billion that is in the bill now, and it will undermine efforts to place people in good jobs.

We need to be very careful in any vote that we take today to make sure that we are not making it impossible for families who are trying to get off of welfare to be able to have the resources that they will need to be able to care for their children.

REMEMBERING FRANCISCO CHAVIANO GONZALES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise today to talk about the plight of a Cuban man, Francisco Chaviano Gonzales. Francisco is a political prisoner in Cuba. He is the President of the National Council for Civil Rights, an organization dedicated to democracy and human rights.

Francisco was arrested for possessing documents revealing human rights abuses in Cuba. A military tribunal sentenced him to 15 years in prison. He languishes today in isolation where he is deprived of basic medical care and proper food. Ironically, Francisco's captivity proves the existence of human rights abuses in Cuba even more than the documents they arrested him for.

The Cold War is over, but the United States' fight for freedom will never end. This man was arrested for promoting the very things America values.

Francisco, we remember you.

□ 1030

DISTURBING INFORMATION FOR AMERICANS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, last night and this morning, Americans got some very, very disturbing news. America was informed that sometime last August, the President of the United States was informed of efforts by bin Laden and his followers to engage in a hijacking scheme against American citizens. That information, while disturbing, was not acted upon, with no information flowing to the American people.

It is suggested that this was done because it was a hijacking in the normal sense of the word. The fact of the matter is, we know that a major plot was interrupted to crash a number of 747s in Southeast Asia into the Earth simultaneously, and we know that an effort was interrupted to crash a plane into the Eifel Tower. We know that we interrupted the millennium scheme.

While it is disturbing that this effort was not taken as seriously as it should have been, it is also very disturbing that this information and the briefing of the President of this information has not been released to the American people or to the Congress of the United States for over 8 months.

TIME TO END THE POULTRY EMBARGO

(Mr. DEAL of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEAL of Georgia. Mr. Speaker, on March 10 of this year, Russia imposed an export and import ban on United States poultry. Even though an agreement was reached with Russia supposedly on March 30 and they announced that the embargo had been lifted on April 15, the truth is that no American poultry has been shipped into Russia. In fact, over 20,000 metric tons that had been shipped prior to the embargo are still sitting in Russian ports waiting to be unloaded.

In my State of Georgia poultry has a significant impact of some $10 billion a year, the largest segment of our agricultural economy. Over $300 million a year are exported. Mr. Speaker, I think we should understand that the Russian embargo is costing American poultry companies $25 million a day. It is time that this Congress send a message to our trading partners that we expect them to be fair.

Mr. President, as you go to visit with President Putin, I hope you will take the message that this Congress is paying attention and that if Russia wants the lifting of the Jackson-Vanik rules, and if they want admission into the World Trade Organization, it is time to stop playing games with the poultry issue and end the embargo.

WELFARE REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I am from a State that made great progress 5 years before we enacted welfare reform, and it is doubly sad for me to see us poised to turn our back on the principles that helped make my State successful.

The House has proposed new mandates which are unfunded. We are going to impose a new approach for work requirements that most successful States have rejected. But most embarrassing for the Republican leadership and the Bush administration is that this Chamber is not even going to be allowed to discuss a real amendment to provide the need for child care that is so essential to successful welfare reform.

Unfortunately, the House is again going to engage in an empty legislative process. The American public deserves better treatment for the critical major issues of our time.

WELFARE REFORM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today we embark on a vigorous debate relative to welfare reform in America. In 1996 in this Chamber, Congress actively debated how to bring financial independence to millions of Americans. Three times it was vetoed by the President of the United States, finally signed into law. Two years later, President Clinton was bragging about being the author of the welfare reform bill that is now the law of the land.

Millions of Americans are now financially independent, working to bring pride and respect to their families, and today we continue that debate to bring more independence to more Americans. I am proud of that work, and I am proud that this bill contains additional money for child care, job training, and preparing our citizens for the future of this country and its economy.

I will welcome the debate vigorously on this floor today because I believe we are on the right path. My grandmother came from Poland, she was a maid at the Travel Lodge Motel, she worked hard all her life. All she wanted to be is a good citizen and an honest, God-fearing person of this country. I salute people like her, and I know we can do better with the bill on the floor today.

AMERICA NEEDS INFORMATION NOW

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we address the Republican welfare bill that is unsettling and unhelpful to America's children, with very limited money for child care, for working mothers, some startling news has come from the White House.

After September 11, we were united to fight terrorism and we remain united. But it is difficult to understand and it is disturbing to hear about the information that was given to the White House regarding the notice of potential hijackings in the United States of America. I believe the American public needs to have now a full accounting of what occurred, of what was known by the White House, and when did the White House know, and what did they do about it.

Mr. Speaker, this is a question of national security. This is a question of the United States of America and the people of America being informed. This is a question of sunlight and shining the light on giving us the opportunity to fight terrorism united. It is of great importance that we have this information now.

NATIONAL PEACE OFFICERS MEMORIAL DAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, peace officers around the country are in Washington this week to commemorate and honor the 230 officers who died last year in the line of duty. Yesterday was National Peace Officers Memorial Day, where we paid tribute to the commitment to public safety these officers demonstrate on a daily basis.

As we all know, September 11 stands out as one of the most tragic days in American history and law enforcement history. We lost 72 police officers on that Tuesday, the largest loss of law enforcement personnel in a single day ever.

While September 11 offered an extreme glimpse of law enforcement service and sacrifice, acts of heroism and valor are performed every day by police officers across our Nation. Mr. Speaker, 230 police officers who died last year represent the sixth deadliest year in law enforcement history.

Peace officers in every community have an admirable record of service and sacrifice, yet too many Americans lack a true understanding and appreciation of law enforcement's worth. That is why I worked 2 years ago to establish the National Law Enforcement Museum in Washington, D.C. Once construction is complete, the museum will highlight the proud history of the law enforcement profession and educate the public about the dangers and importance of the job.

Unlike most other jobs, peace officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope colleagues will join me in expressing our gratitude for the work these men and women perform.

SOCIAL SECURITY

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, our country is aging. The baby boomer generation is retiring soon. I am part of that generation, and more will be retiring.

Social Security will become a necessity for our seniors. Republicans are trying to bankrupt Social Security, so we will have no choice but to privatize, I say privatize; but privatizing forces benefit cuts, increases risks, and removes the guarantee that Social Security will be there for seniors when they need it.

I believe that working families have earned a secured retirement. Without Social Security, how will our seniors pay for medication, rent, food? They are on a fixed income. Privatizing Social Security breaks a promise to working families that if you work hard and pay into the system, no matter how rich or poor, Social Security will be there for your retirement when it is necessary.

Privatizing Social Security, especially for hard-working minorities, women, and working family folks will mean less savings for them. It is time that we start caring about the 95 percent of the population that do not have a trust fund, who live on a check-by-check basis, feed their families, and pay for expenses with no money to save or invest.

SAUDI ARABIA AND TERRORISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Saudi Crown Prince Abdullah has made a lot of headlines lately promoting his own plan for peace between Israel and the Palestinians. But if Saudi Arabia really wants to help fight terrorism and foster peace in the Middle East, they should take a long look at what is going on in their own country.

The Saudi Government not only permits, but also promotes, radical clerics who teach violence and hatred against Jewish people and the United States. Recently, a prominent Saudi Government cleric held a 2-day telethon that raised over $100 million for the families of Palestinian homicide bombers. The Washington Times reported last week that the Saudi Government itself paid millions of dollars to the families of homicide bombers and to terrorist groups like Hamas. USA Today reported in 1999 that Saudi businessmen had transferred billions of dollars to bank accounts linked to Osama bin Laden. There needs to be an investigation into where all of this money is coming from.

Mr. Speaker, we should welcome Saudi Arabia's peaceful rhetoric, but actions speak louder than words. Saudi Arabia should be careful about lecturing about peace until her own hands are clean.

SOCIAL SECURITY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to speak about Social Security. Since the Social Security Act became law in 1935, it has reduced poverty among our seniors and allowed generations of retirees to live with dignity and with independence. So could there be a better reason not to spend Social Security on anything other than Social Security?

Well, my Republican colleagues have produced a budget that spends hundreds of billions of dollars from the Social Security fund on other programs. Democrats want to strengthen and to preserve Social Security. American families work hard and they pay into that system, and they should be able to count on Social Security when they retire.

That is why privatization is clearly the wrong approach. It forces benefit cuts, it increases the risk, and it removes the guarantee that Social Security will be there when we need it, when we retire.

Do not be fooled. Democrats believe that working families have earned a secure retirement. We want to strengthen and protect Social Security, not spend it on other programs or on tax cuts to the wealthiest.

CONDEMNING TERRORIST ACT IN KASHMIR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise to condemn the recent terrorist attack in Kashmir that killed 30 innocent civilians, including two dozen women and children, and which injured nearly 50 more. This terrorist attack is yet another aimed at civilians, specifically Hindus, in Kashmir. Just last month, the suicide squad attacked and killed innocent worshipers at one of the largest Hindu temples in Kashmir.

Innocent Hindus, Sikhs, and Muslims have been targeted by terrorists in Kashmir. An editorial in yesterday's Washington Post entitled "The General's Broken Promise" states that Pakistani President Pervez Musharraf has not done enough to rein in these terrorists who attack Kashmiri civilians. While President Musharraf has taken steps to assist the American war on terrorism, he must do more to stop these terrorist attacks from occurring in Kashmir and in Indian.

Once Pakistan moves away from the path of supporting terrorism, a real peace initiative can begin between India and Pakistan. After more than 50 years of hostility, it is time for India and Pakistan to live in peace as neighbors. This can only begin after Pakistan stops supporting terrorism in India.

PASS THE CORPORATE PATRIOT ENFORCEMENT ACT

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, today on the House floor we should be considering much-needed marriage penalty relief. However, yesterday the Republican leadership withdrew consideration of the Marriage Penalty Tax Relief Act in order to protect financial traitors. Democrats only wanted to pay for this tax relief by implementing the provisions of H.R. 3884, the Corporate Patriot Enforcement Act, a bill authored by myself and the gentleman from Connecticut (Mr. MALONEY). Fearing that this House would vote overwhelmingly to stop the exodus of American corporations to tax havens, the leadership dropped the Marriage Penalty Tax Relief Act altogether.

While House leaders procrastinate, our constituents around the country want Congress to act. Last week commonsense folks out in Peoria at the Journal Star wrote, "Americans should be outraged, and so should Congress, which should move quickly to pass pending legislation outlawing the dodge." I guess the message was not heard here yesterday in this House.

As Congress does nothing, the exodus of two more corporations who voted this week to reincorporate in tax havens at the expense of honest corporations and hard-working Americans continues. Stop the delay, and close the floodgate to these corporate expatriates by passing the Neal-Maloney Corporate Patriot Enforcement Act.

□ 1045

2002 WELFARE REFORM REAUTHORIZATION

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, prior to 1996 Deborah from California was a single mother caring for her two daughters, a disabled son and a niece. She had no high school diploma. She had no prior work experience. But in 1996 we passed a Republican welfare reform bill which enabled people like Deborah to get off of welfare and into work. The new support services and the new training programs enabled her to become a certified nurse at a hospital close to her home, and that enabled her to take care of her children.

Americans on welfare can now live better lives because of the passage of that bill. There have been 3 million children that have been listed out of poverty since 1996. Welfare caseloads have declined by 9 million and employment of single mothers on welfare rose by 40 percent. We have taken the first step in getting people off of welfare. This year we need to take the second step by decreasing welfare caseloads by promoting work and healthy marriages, by improving child well-being and quality of life and by strengthening families.

SOCIAL SECURITY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of Social Security. Social Security is our Nation's most successful domestic initiative. It has lifted millions of Americans out of poverty. Social Security represents a solemn promise to our seniors that says if you work hard and play by the rules you will not be forced in your golden years into poverty, and no one has a right to break that promise.

The Republican leadership plans to privatize Social Security and replace its guarantee with a risky gamble. This privatization plan jeopardizes the requirement security of our seniors and our working families. Now the Republican leadership is trying to change the subject and duck the word "privatization." The American people will not be fooled by this trick. This House must put aside partisan tricks and the privatization plan, and I call on my colleagues to join me in opposing privatization and work to protect Social Security and the promise to America's seniors.

PRIVATIZATION OF SOCIAL SECURITY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, if you loved what happened to the people who invested their retirement savings in Enron stock, look out. House Republicans have something even better as a sequel, the privatization of Social Security. They can retitle it all they want as personal retirement accounts or personal choice or individual investing options, but it all means the same thing, privatization, taking your hard earned money from Social Security and giving it to the same people who brought us Enron and Global Crossing. No more guaranteed retirement income for seniors, but guaranteed instability.

Should Ken Lay and Ivan Boesky and Michael Milliken be deciding your personal retirement future? Democrats say no. Republicans say yes. Oppose the Republican efforts to privatize social security. It is your money and do not let them forget it.

When Social Security was started in 1935, 40 percent of Americans were dying in a state of poverty. We have not come very far. Today a full 33 percent of Americans rely on Social Security for their only source of income in retirement years.

BIPARTISAN WELFARE REFORM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I am proud to have voted for a successful bipartisan welfare reform in 1996. That bill has worked to get people off of welfare roles into work, and many of them out of poverty.

Now we have a Republican bill that is coming to the floor later today that threatens that very success because it omits three important things. One, instead of emphasizing work it emphasizes simply knocking people off the welfare roles. We want to give a credit to States to get people into jobs, not just off welfare.

Secondly, we need to emphasize child care. I support more work for welfare families. If they are going to work more, their children are going to need more child care. We have 12,757 children on the waiting list today in Indiana for child care.

Thirdly, we emphasized mothers, single mothers and welfare reform in 1996. We largely left out fathers. We should be able to offer an amendment to make fathers, noncustodial parents get back into the workplace. Let us work with that much maligned body on the other side to get real reform that continues the bipartisan success of 1996.

FROM WELFARE TO WORK

(Ms. HART asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HART. Mr. Speaker, we have the opportunity now to reauthorize one of the most successful pieces of legislation this House has ever passed, the welfare reform legislation. I think it is important to focus on one point that has come to be a part of this reauthorization, improvement in this bill. It is one that will be so very helpful to families across the United States who are struggling to move from welfare to work, welfare to independence, welfare to hope for the future. And one of those situations that we have identified that we are improving greatly in this bill is the opportunity for moms to go to work, and that is because we are adding significant amounts of resources for them to get good safe child care for their children.

There have been so many children elevated from poverty because of the welfare reform. We are only going to improve those figures by doing what we are doing here today. And one of the best parts, one that I am very proud to have been part of, is where we will now give more moms the opportunity to move into the independence of work because we are going to help them with safe and competent child care.

SUCCESS FOR AMERICA'S CHILDREN

(Mrs. WILSON of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Mr. Speaker, we are going to go tackle the welfare reform debate here, and there is one very important element and that focuses on children. The real success of welfare reform has been to move people from helplessness to hope and move children out of poverty. There are 3 million fewer children today in poverty because their moms have gotten a job to be able to support their family. We are going to build on that today by adding $2 billion more into child care and giving States the flexibility to move that money from folks who are on welfare to folks who are the low income working poor to support their return to work.

This is a great day for America, a great celebration of all that we have achieved for America's children and we will build on that success.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 422 I call up the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 422, the bill is considered read for amendment.

The text of H.R. 4737 is as follows:

H.R. 4737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility, Work, and Family Promotion Act of 2002".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—TANF

Sec. 101. Purposes.
Sec. 102. Family assistance grants.
Sec. 103. Promotion of family formation and healthy marriage.
Sec. 104. Supplemental grant for population increases in certain States.
Sec. 105. Bonus to reward employment achievement.
Sec. 106. Contingency fund.
Sec. 107. Use of funds.
Sec. 108. Repeal of Federal loan for State welfare programs.
Sec. 109. Universal engagement and family self-sufficiency plan requirements.
Sec. 110. Work participation requirements.
Sec. 111. Maintenance of effort.
Sec. 112. Performance improvement.
Sec. 113. Data collection and reporting.
Sec. 114. Direct funding and administration by Indian tribes.
Sec. 115. Research, evaluations, and national studies.
Sec. 116. Studies by the Census Bureau and the General Accounting Office.
Sec. 117. Definition of assistance.
Sec. 118. Technical corrections.
Sec. 119. Fatherhood program.
Sec. 120. State option to make TANF programs mandatory partners with one-stop employment training centers.
Sec. 121. Sense of the Congress.

TITLE II—CHILD CARE

Sec. 201. Short title.
Sec. 202. Goals.
Sec. 203. Authorization of appropriations.
Sec. 204. Application and plan.
Sec. 205. Activities to improve the quality of child care.
Sec. 206. Report by Secretary.
Sec. 207. Definitions.
Sec. 208. Entitlement funding.

TITLE III—TAXPAYER PROTECTIONS

Sec. 301. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 302. Deposits made to suspend running of interest on potential underpayments.
Sec. 303. Partial payment of tax liability in installment agreements.

TITLE IV—CHILD SUPPORT

Sec. 401. Federal matching funds for limited pass through of child support payments to families receiving TANF.
Sec. 402. State option to pass through all child support payments to families that formerly received TANF.
Sec. 403. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 404. Mandatory fee for successful child support collection for family that has never received TANF.
Sec. 405. Report on undistributed child support payments.
Sec. 406. Use of new hire information to assist in administration of unemployment compensation programs.

Sec. 407. Decrease in amount of child support arrearage triggering passport denial.
Sec. 408. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 409. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 410. Improving Federal debt collection practices.
Sec. 411. Maintenance of technical assistance funding.
Sec. 412. Maintenance of Federal Parent Locator Service funding.

TITLE V—CHILD WELFARE

Sec. 501. Extension of authority to approve demonstration projects.
Sec. 502. Elimination of limitation on number of waivers.
Sec. 503. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
Sec. 504. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
Sec. 505. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
Sec. 506. Availability of reports.
Sec. 507. Technical correction.

TITLE VI—SUPPLEMENTAL SECURITY INCOME

Sec. 601. Review of State agency blindness and disability determinations.

TITLE VII—STATE AND LOCAL FLEXIBILITY

Sec. 701. Program coordination demonstration projects.
Sec. 702. State food assistance block grant demonstration project.

TITLE VIII—ABSTINENCE EDUCATION

Sec. 801. Extension of abstinence education funding under maternal and child health program.

TITLE IX—TRANSITIONAL MEDICAL ASSISTANCE

Sec. 901. One-year reauthorization of transitional medical assistance.
Sec. 902. Adjustment to payments for medicaid administrative costs to prevent duplicative payments and to fund a 1-year extension of transitional medical assistance.

TITLE X—EFFECTIVE DATE

Sec. 1001. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal years 1999 and 2000. In fiscal year 1999, 33 percent of adult recipients were working, compared to less than 7 percent in fiscal year 1992, and 11 percent in fiscal year 1996. All States met the overall participation rate standard in fiscal year 2000, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of September 2001, 2,103,000 families and 5,333,000 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 52 percent and 56 percent, respectively, since the enactment of TANF. These declines have persisted even as unemployment rates have increased: unemployment rates nationwide rose 25 percent, from 3.9 percent in September 2000 to 4.9 percent in September 2001, while welfare caseloads continued to drop by 7 percent.

(D) The child poverty rate continued to decline between 1996 and 2000, falling 21 percent from 20.5 to 16.2 percent. The 2000 child poverty rate is the lowest since 1979. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 6 years. African-American child poverty is at the lowest rate on record and Hispanic child poverty has had the largest 4-year decrease on record.

(E) Despite these gains, States have had mixed success in fully engaging welfare recipients in work activities. While all States have met the overall work participation rates required by law, in 2000, in an average month, only about ⅓ of all families with an adult participated in work activities that were countable toward the State's participation rate. Eight jurisdictions failed to meet the more rigorous 2-parent work requirements, and about 20 States are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The teen birth rate has fallen continuously since 1991, down a dramatic 22 percent by 2000. During the period of 1991-2000, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15–17 years of age is down 29 percent since 1991, and the rate for those 18 and 19 is down 16 percent. Between 1991 and 2000, teen birth rates declined for all women ages 15–19—white, African American, American Indian, Asian or Pacific Islander, and Hispanic women ages 15–19. The rate for African American teens—until recently the highest—experienced the largest decline, down 31 percent from 1991 to 2000, to reach the lowest rate ever reported for this group. Most births to teens are nonmarital; in 2000, about 73 percent of the births to teens aged 15–19 occurred outside of marriage.

(B) Nonmarital childbearing continued to increase slightly in 2000, however not at the sharp rates of increase seen in recent decades. The birth rate among unmarried women in 2000 was 3.5 percent lower than its peak reached in 1994, while the proportion of births occurring outside of marriage has remained at approximately 33 percent since 1998.

(C) The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(D) An estimated 23,900,000 children do not live with their biological father. 16,000,000 children live with their mother only. These facts are attributable largely to declining marriage rates, increasing divorce rates, and increasing rates of nonmarital births during the latter part of the 20th century.

(E) There has been a dramatic rise in cohabitation as marriages have declined. Only 40 percent of children of cohabiting couples will see their parents marry. Those who do marry experience a 50 percent higher divorce rate. Children in single-parent households and cohabiting households are at much higher risk of child abuse than children in intact married and stepparent families.

(F) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living in a single-parent family is nearly 5 times as likely to be poor as a child living in a married-couple family. In married-couple families, the child poverty rate is 8.1 percent, in households headed by a single mother, the poverty rate is 39.7 percent.

(G) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to nearly $19,000,000,000 in fiscal year 2001. The number of paternities established or acknowledged in fiscal year 2002 reached an historic high of over 1,500,000—which includes a nearly 100 percent increase through in-hospital acknowledgement programs to 688,510 in 2000 from 349,356 in 1996. Child support collections were made in over 7,000,000 cases in fiscal year 2000, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2000 were $24,000,000,000, up from $22,600,000,000 for the previous year. This increased spending is attributable to significant new investments in supportive services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and father involvement. Over half the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this Act) is intended to serve these ends.

TITLE I—TANF

SEC. 101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "increase" and inserting "improve child well-being by increasing";

(2) in paragraph (1), by inserting "and services" after "assistance";

(3) in paragraph (2), by striking "parents on government benefits" and inserting "families on government benefits and reduce poverty"; and

(4) in paragraph (4), by striking "two-parent families" and inserting "healthy, 2-parent married families, and encourage responsible fatherhood".

SEC. 102. FAMILY ASSISTANCE GRANTS.

(a) Extension of Authority.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking "1996, 1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2003 through 2007"; and

(2) by inserting "payable to the State for the fiscal year" before the period.

(b) State Family Assistance Grant.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended by striking subparagraphs (B) through (E) and inserting the following:

"(B) State family assistance grant.—The State family assistance grant payable to a State for a fiscal year shall be the amount that bears the same ratio to the amount specified in subparagraph (C) of this paragraph as the amount required to be paid to the State under this paragraph for fiscal year 2002 (determined without regard to any reduction pursuant to section 412(a)(1)) bears to the total amount required to be paid under this paragraph for fiscal year 2002.

"(C) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $16,566,542,000 for grants under this paragraph.".

(c) Matching Grants for the Territories.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking "1997 through 2002" and inserting "2003 through 2007".

SEC. 103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) State Plans.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).".

(b) Healthy Marriage Promotion Grants; Repeal of Bonus for Reduction of Illegitimacy Ratio.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Healthy marriage promotion grants.—

"(A) Authority.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

"(B) Healthy marriage promotion activities.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

"(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

"(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

"(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

"(iv) Pre-marital education and marriage skills training for engaged couples and for couples interested in marriage.

"(v) Marriage enhancement and marriage skills training programs for married couples.

"(vi) Divorce reduction programs that teach relationship skills.

"(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

"(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

"(C) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $100,000,000 for grants under this paragraph.".

(c) Counting of Spending on Non-Eligible Families to Prevent and Reduce Incidence of Out-of-Wedlock Births, Encourage Formation and Maintenance of Healthy, 2-Parent Married Families, or Encourage Responsible Fatherhood.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) Counting of spending on non-eligible families To prevent and reduce incidence of out-of-wedlock births, encourage formation and maintenance of healthy, 2-parent married families, or encourage responsible fatherhood.—The term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).".

SEC. 104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in the subparagraph heading, by striking "OF GRANTS FOR FISCAL YEAR 2002";

(2) in clause (i), by striking "fiscal year 2002" and inserting "each of fiscal years 2002 through 2006";

(3) in clause (ii), by striking "2002" and inserting "2006"; and

(4) in clause (iii), by striking "fiscal year 2002" and inserting "each of fiscal years 2002 through 2006".

SEC. 105. BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.

(a) Reallocation of Funding.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in the paragraph heading, by striking "HIGH PERFORMANCE STATES" and inserting "EMPLOYMENT ACHIEVEMENT";

(2) in subparagraph (D)(ii)—

(A) in subclause (I), by striking "equals $200,000,000" and inserting "(other than 2003) equals $200,000,000, and for bonus year 2003 equals $100,000,000"; and

(B) in subclause (II), by striking "$1,000,000,000" and inserting "$900,000,000"; and

(3) in subparagraph (F), by striking "$1,000,000,000" and inserting "$900,000,000".

(b) Bonus to Reward Employment Achievement.—

(1) In general.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) In general.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is an employment achievement State.

"(B) Amount of grant.—

"(i) In general.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to an employment achievement State for a bonus year, which shall be based on the performance of the State as determined under subparagraph (D)(i) for the fiscal year that immediately precedes the bonus year.

"(ii) Limitation.—The amount payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

"(C) Formula for measuring State performance.—

"(i) In general.—Subject to clause (ii), not later than October 1, 2003, the Secretary, in consultation with the States, shall develop a formula for measuring State performance in operating the State program funded under this part so as to achieve the goals of employment entry, job retention, and increased earnings from employment for families receiving assistance under the program, as measured on an absolute basis and on the basis of improvement in State performance.

"(ii) Special rule for bonus year 2004.—For the purposes of awarding a bonus under this paragraph for bonus year 2004, the Secretary may measure the performance of a State in fiscal year 2003 using the job entry rate, job retention rate, and earnings gain rate components of the formula developed under section 403(a)(4)(C) as in effect immediately before the effective date of this paragraph.

"(D) Determination of State performance.—For each bonus year, the Secretary shall—

"(i) use the formula developed under subparagraph (C) to determine the performance of each eligible State for the fiscal year that precedes the bonus year; and

"(ii) prescribe performance standards in such a manner so as to ensure that—

"(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $100,000,000; and

"(II) the total amount of grants to be made under this paragraph for all bonus years equals $500,000,000.

"(E) Definitions.—In this paragraph:

"(i) Bonus year.—The term 'bonus year' means each of fiscal years 2004 through 2008.

"(ii) Employment achievement state.—The term 'employment achievement State' means, with respect to a bonus year, an eligible State whose performance determined pursuant to subparagraph (D)(i) for the fiscal year preceding the bonus year equals or exceeds the performance standards prescribed under subparagraph (D)(ii) for such preceding fiscal year.

"(F) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2004 through 2008 $500,000,000 for grants under this paragraph.

"(G) Grants for tribal organizations.—This paragraph shall apply with respect to tribal organizations in the same manner in which this paragraph applies with respect to States. In determining the criteria under which to make grants to tribal organizations under this paragraph, the Secretary shall consult with tribal organizations.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on October 1, 2003.

SEC. 106. CONTINGENCY FUND.

(a) Deposits Into Fund.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking "1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2003 through 2007"; and

(2) by striking all that follows "$2,000,000,000" and inserting a period.

(b) Grants.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "fiscal years 1997 through 2002" and inserting "fiscal years 2003 through 2007".

(c) Definition of Needy State.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after "1996" the following: ", and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period,".

(d) Annual Reconciliation: Federal Matching of State Expenditures Above "Maintenance of Effort" Level.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding "and" at the end of subclause (I);

(B) by striking "; and" at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows "section 409(a)(7)(B)(iii))" and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

"(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year; plus"; and

(4) by striking subparagraph (C).

(e) Consideration of Certain Child Care Expenditures in Determining State Compliance With Contingency Fund Maintenance of Effort Requirement.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking "(other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part" and inserting a close parenthesis; and

(2) by striking "excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994,".

SEC. 107. USE OF FUNDS.

(a) General Rules.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking "in any manner that" and inserting "for any purposes or activities for which".

(b) Treatment of Interstate Immigrants.—

(1) State plan provision.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) Use of funds.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) Increase in Amount Transferable to Child Care.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking "30" and inserting "50".

(d) Increase in Amount Transferable to Title XX Programs.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

"(B) Applicable percent.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2003 and each succeeding fiscal year.".

(e) Clarification of Authority of States To Use TANF Funds Carried Over From Prior Years To Provide TANF Benefits and Services.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

"(e) Authority To Carryover or Reserve Certain Amounts for Benefits or Services or for Future Contingencies.—

"(1) Carryover.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

"(2) Contingency reserve.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.".

SEC. 108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) Repeal.—Section 406 (42 U.S.C. 606) is repealed.

(b) Conforming Amendments.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking "406,".

SEC. 109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) Modification of State Plan Requirements.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

"(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

"(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).".

(b) Establishment of Family Self-Sufficiency Plans.—

(1) In general.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

"(b) Family Self-Sufficiency Plans.—

"(1) In general.—A State to which a grant is made under section 403 shall—

"(A) assess, in the manner deemed appropriate by the State, of the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

"(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

"(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

"(D) monitor the participation of each such individual in the activities specified in the self sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

"(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

"(2) Timing.—The State shall comply with paragraph (1) with respect to a family—

"(A) in the case of a family that, as of October 1, 2002, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

"(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

"(3) State discretion.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

"(4) Rule of interpretation.—Nothing in this part shall preclude a State from requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being.".

(2) Penalty for failure to establish family self-sufficiency plan.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting "or establish family self-sufficiency plan" after "rates"; and

(B) in subparagraph (A), by inserting "or 408(b)" after "407(a)".

SEC. 110. WORK PARTICIPATION REQUIREMENTS.

(a) In General.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

"SEC. 407. WORK PARTICIPATION REQUIREMENTS.

"(a) Participation Rate Requirements.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

"(1) 50 percent for fiscal year 2003;

"(2) 55 percent for fiscal year 2004;

"(3) 60 percent for fiscal year 2005;

"(4) 65 percent for fiscal year 2006; and

"(5) 70 percent for fiscal year 2007 and each succeeding fiscal year.

"(b) Calculation of Participation Rates.—

“(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

“(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

“(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

“(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

“(ii) 160 multiplied by the number of counted families for the State for the month.

“(B) COUNTED FAMILIES DEFINED.—

“(i) IN GENERAL.—In subparagraph (A), the term ‘counted family’ means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

“(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term ‘counted family’ shall not include—

“(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance; or

“(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age.

“(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term ‘counted family’ may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

“(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ‘work-eligible individual’ means an individual—

“(i) who is married or a single head of household; and

“(ii) whose needs are (or, but for sanctions under this part that have been in effect for more than 3 months (whether or not consecutive) in the preceding 12 months or under part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.”.

(b) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

“(ii) the average monthly number of families that received assistance under the State program funded under this part during—

“(I) if the fiscal year is fiscal year 2003, fiscal year 1996;

“(II) if the fiscal year is fiscal year 2004, fiscal year 1998;

“(III) if the fiscal year is fiscal year 2005, fiscal year 2001; or

“(IV) if the fiscal year is fiscal year 2006 or any succeeding fiscal year, the then 4th preceding fiscal year.”.

(c) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

“(4) SUPERACHIEVER CREDIT.—

“(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

“(i) the amount (if any) of the superachiever credit applicable to the State; or

“(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

“(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

“(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

“(D) DEFINITIONS.—In this paragraph:

“(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term ‘State caseload for fiscal year 2001’ means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

“(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term ‘State caseload for fiscal year 1995’ means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.”.

(d) COUNTABLE HOURS.—Section 407 of such Act (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

“(c) COUNTABLE HOURS.—

“(1) DEFINITION.—In subsection (b)(2), the term ‘countable hours’ means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

“(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

“(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

“(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

“(3) SPECIAL RULES.—For purposes of paragraph (1):

“(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

“(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

“(ii) QUALIFIED ACTIVITY DEFINED.—The term ‘qualified activity’ means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

“(I) substance abuse counseling or treatment;

“(II) rehabilitation treatment and services;

“(III) work-related education or training directed at enabling the family member to work;

“(IV) job search or job readiness assistance; and

“(V) any other activity that addresses a purpose specified in section 401(a).

“(iii) LIMITATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

“(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

“(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

“(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

“(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

“(d) DIRECT WORK ACTIVITY.—In this section, the term ‘direct work activity’ means—

“(1) unsubsidized employment;

“(2) subsidized private sector employment;

“(3) subsidized public sector employment;

“(4) on-the-job training;

“(5) supervised work experience; or

“(6) supervised community service.”.

(e) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

“(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

“(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

“(i) if the failure is partial or persists for not more than 1 month—

“(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

“(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

“(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

“(B) SPECIAL RULE.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.”.

(f) Conforming Amendments.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking "work activity described in subsection (d)" and inserting "direct work activity".

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting "OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN" after "WORK".

SEC. 111. MAINTENANCE OF EFFORT.

(a) In General.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking "fiscal year 1998, 1999, 2000, 2001, 2002, or 2003" and inserting "fiscal year 2003, 2004, 2005, 2006, 2007 or 2008"; and

(2) in subparagraph (B)(ii)—

(A) by inserting "preceding" before "fiscal year"; and

(B) by striking "for fiscal years 1997 through 2002,".

(b) State Spending on Promoting Healthy Marriage.—

(1) In general.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

"(l) Marriage Promotion.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribal organization under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).".

(2) Federal tanf funds used for marriage promotion disregarded for purposes of maintenance of effort requirement.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 103(c) of this Act, is amended by adding at the end the following:

"(VI) Exclusion of federal tanf funds used for marriage promotion activities.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.".

SEC. 112. PERFORMANCE IMPROVEMENT.

(a) State Plans.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

"(v) The document shall—

"(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

"(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

"(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II), and with respect to subclause (I), include objectives consistent with the criteria used by the Secretary in establishing performance targets under section 403(a)(4)(B) if available; and

"(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

"(vi) Describe any strategies and programs the State may be undertaking to address—

"(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

"(II) efforts to reduce teen pregnancy;

"(III) services for struggling and noncompliant families, and for clients with special problems; and

"(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act."; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 107(b)(1) of this Act) and inserting the following:

"(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996.

"(iv) The document shall describe strategies to improve program management and performance."; and

(2) in paragraph (4), by inserting "and tribal" after "that local".

(b) Consultation With State Regarding Plan and Design of Tribal Programs.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.".

(c) Performance Measures.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

"(k) Performance Improvement.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.".

(d) Annual Ranking of States.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking "long-term private sector jobs" and inserting "private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages".

SEC. 113. DATA COLLECTION AND REPORTING.

(a) Contents of Report.—Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (vii), by inserting "and minor parent" after "of each adult";

(2) in clause (viii), by striking "and educational level";

(3) in clause (ix), by striking ", and if the latter 2, the amount received";

(4) in clause (x)—

(A) by striking "each type of"; and

(B) by inserting before the period "and, if applicable, the reason for receipt of the assistance for a total of more than 60 months";

(5) in clause (xi), by striking the subclauses and inserting the following:

"(I) Subsidized private sector employment.

"(II) Unsubsidized employment.

"(III) Public sector employment, supervised work experience, or supervised community service.

"(IV) On-the-job training.

"(V) Job search and placement.

"(VI) Training.

"(VII) Education.

"(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.";

(6) in clause (xii), by inserting "and progress toward universal engagement" after "participation rates";

(7) in clause (xiii), by striking "type and" before "amount of assistance";

(8) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(9) by adding at the end the following:

"(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

"(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

"(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not then married, whether the paternity of the child has been established.".

(b) Use of Samples.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking "a sample" and inserting "samples"; and

(B) by inserting before the period ", except that the Secretary may designate core data elements that must be reported on all families"; and

(2) in clause (ii), by striking "funded under this part" and inserting "described in subparagraph (A)".

(c) Report on Families That Become Ineligible To Receive Assistance.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

"(6) Report on families that become ineligible to receive assistance.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).".

(d) Regulations.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting "and to collect the necessary data" before "with respect to which reports";

(2) by striking "subsection" and inserting "section"; and

(3) by striking "in defining the data elements" and all that follows and inserting ", the National Governors' Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.".

(e) Additional Reports by States.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

"(b) Annual Reports on Program Characteristics.—Not later than 90 days after the end of fiscal year 2004 and each succeeding fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

"(c) Monthly Reports on Caseload.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

"(d) Annual Report on Performance Improvement.—Beginning with fiscal year 2004, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).".

(f) Annual Reports to Congress by the Secretary.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking "and each fiscal year thereafter" and inserting "and by July 1 of each fiscal year thereafter";

(2) in paragraph (2), by striking "families applying for assistance," and by striking the last comma; and

(3) in paragraph (3), by inserting "and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))" before the semicolon.

(g) Increased Analysis of State Single Audit Reports.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(f) Increased Analysis of State Single Audit Reports.—

"(1) In general.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

"(2) Inclusion of program oversight section in annual report to the congress.—The Secretary shall include in each report under subsection (a) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.".

SEC. 114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) Tribal Family Assistance Grant.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2003 through 2007".

(b) Grants for Indian Tribes That Received JOBS funds.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, and 2002" and inserting "2003 through 2007".

SEC. 115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) Secretary's Fund for Research, Demonstrations, and Technical Assistance.—Section 413 (42 U.S.C. 613), as amended by section 112(c) of this Act, is further amended by adding at the end the following:

"(l) Funding for Research, Demonstrations, and Technical Assistance.—

"(1) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $102,000,000 for each of fiscal years 2003 through 2007, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part.

"(2) Set aside for demonstration projects for coordination of provision of child welfare and tanf services to tribal families at risk of child abuse or neglect.—

"(A) In general.—Of the amounts made available under paragraph (1) for a fiscal year, $2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

"(B) Use of funds.—A grant made to such a project shall be used—

"(i) to improve case management for families eligible for assistance from such a tribal program;

"(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

"(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

"(C) Reports.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.".

(b) Funding of Studies and Demonstrations.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking "1997 through 2002" and inserting "2003 through 2007".

(c) Report on Enforcement of Certain Affidavits of Support and Sponsor Deeming.—Not later than March 31, 2004, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) Report on Coordination.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 116. STUDIES BY THE CENSUS BUREAU AND THE GENERAL ACCOUNTING OFFICE.

(a) Census Bureau Study.—

(1) In general.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

"(a) In General.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.".

(2) Appropriation.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking "1996," and all that follows through "2002" and inserting "2003 through 2007".

(b) GAO Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study to determine the combined effect of the phase-out rates for Federal programs and policies which provide support to low-income families and individuals as they move from welfare to work, at all earning levels up to $35,000 per year, for at least 5 States including Wisconsin and California, and any potential disincentives the combined phase-out rates create for families to achieve independence or to marry.

(2) Report.—Not later than 1 year after the date of the enactment of this subsection, the Comptroller General shall submit a report to Congress containing the results of the study conducted under this section and, as appropriate, any recommendations consistent with the results.

SEC. 117. DEFINITION OF ASSISTANCE.

(a) In General.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

"(6) Assistance.—

"(A) In general.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

"(B) Exception.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).".

(b) Conforming Amendments.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking "assistance" and inserting "aid".

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking "assistance" and inserting "benefits or services".

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking "ASSISTANCE" and inserting "AID".

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking "assistance" and inserting "aid".

SEC. 118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after "appropriate".

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking "section" and inserting "sections".

(d)(1) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 112(c) and 115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking "413(j)" and inserting "413(i)":

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2002".

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

"SEC. 117. FATHERHOOD PROGRAM.

"(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

"'PART C—FATHERHOOD PROGRAM

"'SEC. 441. FINDINGS AND PURPOSES.

"'(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

"'(1) In approximately 90 percent of cases where a parent is absent, that parent is the father.

"'(2) By some estimates, 60 percent of children born in the 1990's will spend a significant portion of their childhood in a home without a father.

"'(3) Nearly 75 percent of children in single-parent homes will experience poverty before they are 11 years old, compared with only 20 percent of children in 2-parent families.

"'(4) Low income is positively correlated with children's difficulties with education, social adjustment, and delinquency, and single-parent households constitute a disproportionate share of low-income households.

"'(5) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

"'(6) Children raised in 2-parent married families, on average, fare better as a group in key areas, including better school performance, reduced rates of substance abuse, crime, and delinquency, fewer health, emotional, and behavioral problems, lower rates of teenage sexual activity, less risk of abuse or neglect, and lower risk of teen suicide.

"'(7) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

"'(8) An estimated 24,000,000 children (33.5 percent) live apart from their biological father.

"'(9) A recent national survey indicates that of all children under age 18 not living with their biological father, 29 percent had not seen their father even once in the last 12 months.

"'(b) PURPOSES.—The purposes of this part are:

"'(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

"'(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

"'(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

"'(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

"'(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

"'(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

"'(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

"'SEC. 442. DEFINITIONS.

"'In this part, the terms "Indian tribe" and "tribal organization" have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

"'SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

"'(a) IN GENERAL.—The Secretary may make grants for fiscal years 2003 through 2007 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

"'(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

"'(1) PROJECT DESCRIPTION.—A statement including—

"'(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

"'(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

"'(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

"'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

"'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

"'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

"'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

“‘(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

“‘(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

“‘(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

“‘(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

“‘(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

“‘(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

“‘(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

“‘(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

“‘(d) CONSIDERATIONS IN AWARDING GRANTS.—

“‘(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

“‘(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

“‘(e) FEDERAL SHARE.—

“‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

“‘(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

“‘(B) up to 100 percent, in the case of a project under subsection (c).

“‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

“SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

“‘(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2003 through 2007 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

“‘(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

“‘(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

“‘(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

“‘(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

“‘(1) QUALIFICATIONS.—

“‘(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

“‘(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

“‘(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

“‘(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

“‘(i) provide for the project to be conducted in at least 3 major metropolitan areas;

“‘(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

“‘(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

“‘(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

“‘(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

“‘(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

“‘(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

“‘(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

“‘(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

“‘(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

“‘(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

“‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

“‘(d) FEDERAL SHARE.—

“‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

“‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

“SEC. 445. EVALUATION.

“‘(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

“‘(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

“‘(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

“‘(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

“‘(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

“‘(c) Evaluation Reports.—The Secretary shall publish the following reports on the results of the evaluation:

“‘(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

“‘(2) A final report on the evaluation to be completed by September 30, 2010.

“‘SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

“‘The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

“‘(1) Collection and Dissemination of Information.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

“‘(2) Media Campaign.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

“‘(3) Technical Assistance.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

“‘(4) Research.—Conducting research related to the purposes of this part.

“‘SEC. 447. NONDISCRIMINATION.

“‘The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

“‘SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

“‘(a) Authorization.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2003 through 2007 to carry out the provisions of this part.

“‘(b) Reservation.—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.’.

“(b) Inapplicability of Effective Date Provisions.—Section 116 shall not apply to the amendment made by subsection (a) of this section.”.

(2) Clerical Amendment.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

“Sec. 117. Fatherhood program.”.

SEC. 120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

“(h) State Option to Make TANF Programs Mandatory Partners With One-Stop Employment Training Centers.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.”.

SEC. 121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

TITLE II—CHILD CARE

SEC. 201. SHORT TITLE.

This title may be cited as the “Caring for Children Act of 2002”.

SEC. 202. GOALS.

(a) Goals.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking “encourage” and inserting “assist”,

(2) by amending paragraph (4) to read as follows:

“(4) to assist State to provide child care to low-income parents;”,

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

“(5) to encourage States to improve the quality of child care available to families;

“(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and”.

(b) Conforming Amendment.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking “through (5)” and inserting “through (7)”.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking “is” and inserting “are”, and

(2) by striking “$1,000,000,000 for each of the fiscal years 1996 through 2002” and inserting “$2,300,000,000 for fiscal year 2003, $2,500,000,000 for fiscal year 2004, $2,700,000,000 for fiscal year 2005, $2,900,000,000 for fiscal year 2006, and $3,100,000,000 for fiscal year 2007”.

SEC. 204. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

“(D) Consumer and Child Care Provider Education Information.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

“(i) the promotion of informed child care choices, including information about the quality and availability of child care services;

“(ii) research and best practices on children’s development, including early cognitive development;

“(iii) the availability of assistance to obtain child care services; and

“(iv) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, and the medicaid and CHIP programs under titles XIX and XXI of the Social Security Act.”, and

(2) by inserting after subparagraph (H) the following:

“(I) Coordination With Other Early Child Care Services and Early Childhood Education Programs.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start, Early Reading First, Even Start, Ready-To-Learn Television, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education without displacing services provided by the current early care and education delivery system.

“(J) Public-Private Partnerships.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

“(K) Child Care Service Quality.—

“(i) Certification.—For each fiscal year after fiscal year 2003, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

“(ii) Strategy.—For each fiscal year after fiscal year 2003, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in child care settings that provide services for which assistance is made available under this subchapter, and include in such strategy—

“(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

“(II) a description of quantifiable, objective measures for evaluating the quality of child care services separately with respect to the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

“(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

“(IV) for each fiscal year after fiscal year 2003, a report on the progress made to achieve such targets during the then preceding fiscal year.

“(iii) Rule of Construction.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

“(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, work nontraditional hours, or require child care services for infants or toddlers.”.

SEC. 205. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

“A State that receives funds to carry out this subchapter for a fiscal year, shall use not less than 6 percent of the amount of such funds for activities provided through resource and referral services or other means, that are designed to improve the quality of child care services for which financial assistance is made available under this subchapter. Such activities include—

“(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

“(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

“(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

“(4) other activities deemed by the State to improve the quality of child care services provided in such State.”.

SEC. 206. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

“SEC. 658L. REPORT BY SECRETARY.

“(a) REPORT REQUIRED.—Not later than October 1, 2004, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

“(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

“(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

“(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

“(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2).

SEC. 207. DEFINITIONS.

Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking “85 percent of the State median income” and inserting “income levels as established by the State, prioritized by need,”.

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by adding at the end the following:

“(G) $2,917,000,000 for each of fiscal years 2003 through 2007.”.

TITLE III—TAXPAYER PROTECTIONS

SEC. 301. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

“SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

“(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

“(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

“(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.”.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139 the following new item:

“Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received after December 31, 2006.

SEC. 302. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

“SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

“(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

“(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

“(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

“(d) PAYMENT OF INTEREST.—

“(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

“(2) DISPUTABLE TAX.—

“(A) IN GENERAL.—For purposes of this section, the term ‘disputable tax’ means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

“(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

“(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

“(A) DISPUTABLE ITEM.—The term ‘disputable item’ means any item of income, gain, loss, deduction, or credit if the taxpayer—

“(i) has a reasonable basis for its treatment of such item, and

“(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

“(B) 30-DAY LETTER.—The term ‘30-day letter’ means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

“(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

“(e) USE OF DEPOSITS.—

“(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

“(2) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

“Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 303. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(A) by striking “satisfy liability for payment of” and inserting “make payment on”, and

(B) by inserting “full or partial” after “facilitate”.

(2) Section 6159(c) of such Code (relating to Secretary required to enter into installment

agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

TITLE IV—CHILD SUPPORT

SEC. 401. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) In General.—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (7)" before the semicolon; and

(2) by adding at the end the following:

"(7) Federal matching funds for limited pass through of child support payments to families receiving TANF.—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

"(A) the State distributes the amount to the family;

"(B) the total of the amounts so distributed to the family during the month—

"(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

"(ii) does not exceed the greater of—

"(I) $100; or

"(II) $50 plus the amount described in clause (i); and

"(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2004.

SEC. 402. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) In General.—Section 457(a) (42 U.S.C. 657(a)), as amended by section 401(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting ", except as provided in paragraph (8)," after "shall"; and

(2) by adding at the end the following:

"(8) State option to pass through all child support payments to families that formerly received TANF.—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2004.

SEC. 403. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) In General.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "parent, or," and inserting "parent or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 404. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) In General.—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding "and" after the semicolon; and

(4) by adding after and below the end the following new clause:

"(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least $500 of support, the State shall impose an annual fee of $25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st $500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and shall be considered income to the program);".

(b) Conforming Amendment.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

"(3) Families that never received assistance.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 405. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 406. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) In General.—Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

"(7) Information comparisons and disclosure to assist in administration of unemployment compensation programs.—

"(A) In general.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

"(B) Condition on disclosure.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

"(C) Use of information.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 407. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) In General.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking "$5,000" and inserting "$2,500".

(b) Conforming Amendment.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking "$5,000" and inserting "$2,500".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 408. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) In General.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 409. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) In General.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows "Armed Forces" and inserting a semicolon; and

(2) by adding at the end the following:

"(3) Limitations with respect to compensation paid to veterans for service-connected disabilities.—Notwithstanding any other provision of this section:

"(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

"(i) for payment of alimony; or

"(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

"(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 410. IMPROVING FEDERAL DEBT COLLECTION PRACTICES.

Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply. Subsection (c)(3)(A) shall apply with respect to past due support being enforced by the State notwithstanding any other provision of law, including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m).".

SEC. 411. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available".

SEC. 412. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available"; and

(2) in the 2nd sentence, by striking "for each of fiscal years 1997 through 2001".

TITLE V—CHILD WELFARE

SEC. 501. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking "2002" and inserting "2007".

SEC. 502. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking "not more than 10".

SEC. 503. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a–9) is amended by adding at the end the following:

"(h) NO LIMIT ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR DEMONSTRATION PROJECTS.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.".

SEC. 504. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

"(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED TO, OR DEMONSTRATION PROJECTS THAT MAY BE CONDUCTED BY, A SINGLE STATE.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.".

SEC. 505. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

"(j) STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS AND EXTENSIONS.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.".

SEC. 506. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

"(k) AVAILABILITY OF REPORTS.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.".

SEC. 507. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a–9(b)(1)) is amended by striking "422(b)(9)" and inserting "422(b)(10)".

TITLE VI—SUPPLEMENTAL SECURITY INCOME

SEC. 601. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003;

"(ii) at least 40 percent of all such determinations that are made in fiscal year 2004; and

"(iii) at least 50 percent of all such determinations that are made in fiscal year 2005 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

TITLE VII—STATE AND LOCAL FLEXIBILITY

SEC. 701. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term "administering Secretary" means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term "qualified program" means—

(A) a program under part A of title IV of the Social Security Act;

(B) the program under title XX of such Act;

(C) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(D) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(E) activities funded under the Wagner-Peyser Act;

(F) activities funded under the Adult Education and Family Literacy Act;

(G) activities funded under the Child Care and Development Block Grant Act of 1990;

(H) activities funded under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), except that such term shall not include—

(i) any program for rental assistance under section 8 of such Act (42 U.S.C. 1437f); and

(ii) the program under section 7 of such Act (42 U.S.C. 1437e) for designating public housing for occupancy by certain populations;

(I) activities funded under title I, II, III, or IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); or

(J) the food stamp program as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) PUBLIC HOUSING AGENCY PLAN.—In the case of an application proposing a demonstration project that includes activities

referred to in subsection (b)(2)(H) of this section—

(A) a certification that the applicable annual public housing agency plan of any agency affected by the project that is approved under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) by the Secretary includes the information specified in paragraphs (1) through (4) of this subsection; and

(B) any resident advisory board recommendations, and other information, relating to the project that, pursuant to section 5A(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(e)(2), is required to be included in the public housing agency plan of any public housing agency affected by the project.

(8) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), with respect to any requirement under section 5A of such Act (42 U.S.C. 1437c–1; relating to public housing agency plans and resident advisory boards);

(D) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(E) in the case of the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), with respect to any requirement under—

(i) section 6 (if waiving a requirement under such section would have the effect of expanding eligibility for the program), 7(b) or 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.);

(F) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(G) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(H) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

(g) AMENDMENT TO UNITED STATES HOUSING ACT OF 1937.—Section 5A(d) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph:

"(18) PROGRAM COORDINATION DEMONSTRATION PROJECTS.—In the case of an agency that administers an activity referred to in section 701(b)(2)(H) of the Personal Responsibility, Work, and Family Promotion Act of 2002 that, during such fiscal year, will be included in a demonstration project under section 701 of such Act, the information that is required to be included in the application for the project pursuant to paragraphs (1) through (4) of section 701(b) of such Act.".

SEC. 702. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 28. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to States in accordance with this section to provide—

"(1) food assistance to needy individuals and families residing in the State;

“(2) funds to operate an employment and training program under subsection (g) for needy individuals under the program; and

“(3) funds for administrative costs incurred in providing the assistance.

“(b) Election.—

“(1) In general.—A State may elect to participate in the program established under subsection (a).

“(2) Election revocable.—A State that elects to participate in the program established under subsection (a) may subsequently reverse the election of the State only once thereafter. Following the reversal, the State shall only be eligible to participate in the food stamp program in accordance with the other sections of this Act and shall not receive a block grant under this section.

“(3) Program exclusive.—A State that is participating in the program established under subsection (a) shall not be subject to, or receive any benefit under, this Act except as provided in this section.

“(c) Lead Agency.—

“(1) Designation.—A State desiring to participate in the program established under subsection (a) shall designate, in an application submitted to the Secretary under subsection (d)(1), an appropriate State agency that complies with paragraph (2) to act as the lead agency for the State.

“(2) Duties.—The lead agency shall—

“(A) administer, either directly, through other State agencies, or through local agencies, the assistance received under this section by the State;

“(B) develop the State plan to be submitted to the Secretary under subsection (d)(1); and

“(C) coordinate the provision of food assistance under this section with other Federal, State, and local programs.

“(d) Application and Plan.—

“(1) Application.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by regulation require, including—

“(A) an assurance that the State will comply with the requirements of this section;

“(B) a State plan that meets the requirements of paragraph (2); and

“(C) an assurance that the State will comply with the requirements of the State plan under paragraph (2).

“(2) Requirements of plan.—

“(A) Lead agency.—The State plan shall identify the lead agency.

“(B) Use of block grant funds.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this section—

“(i) to provide food assistance to needy individuals and families residing in the State, other than residents of institutions who are ineligible for food stamps under section 3(i);

“(ii) to administer an employment and training program under subsection (g) for needy individuals under the program and to provide reimbursements to needy individuals and families as would be allowed under section 16(h)(3); and

“(iii) to pay administrative costs incurred in providing the assistance.

“(C) Assistance for entire state.—The State plan shall provide that benefits under this section shall be available throughout the entire State.

“(D) Notice and hearings.—The State plan shall provide that an individual or family who applies for, or receives, assistance under this section shall be provided with notice of, and an opportunity for a hearing on, any action under this section that adversely affects the individual or family.

“(E) Other assistance.—

“(i) Coordination.—The State plan may coordinate assistance received under this section with assistance provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

“(ii) Penalties.—If an individual or family is penalized for violating part A of title IV of the Act, the State plan may reduce the amount of assistance provided under this section or otherwise penalize the individual or family.

“(F) Eligibility limitations.—The State plan shall describe the income and resource eligibility limitations that are established for the receipt of assistance under this section.

“(G) Receiving benefits in more than 1 jurisdiction.—The State plan shall establish a system to verify and otherwise ensure that no individual or family shall receive benefits under this section in more than 1 jurisdiction within the State.

“(H) Privacy.—The State plan shall provide for safeguarding and restricting the use and disclosure of information about any individual or family receiving assistance under this section.

“(I) Other information.—The State plan shall contain such other information as may be required by the Secretary.

“(3) Approval of application and plan.—During fiscal years 2003 through 2007, the Secretary may approve the applications and State plans that satisfy the requirements of this section of not more than 5 States for a term of not more than 5 years.

“(e) Construction of Facilities.—No funds made available under this section shall be expended for the purchase or improvement of land, or for the purchase, construction, or permanent improvement of any building or facility.

“(f) Benefits for Aliens.—No individual shall be eligible to receive benefits under a State plan approved under subsection (d)(3) if the individual is not eligible to participate in the food stamp program under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).

“(g) Employment and Training.—Each State shall implement an employment and training program for needy individuals under the program.

“(h) Enforcement.—

“(1) Review of compliance with state plan.—The Secretary shall review and monitor State compliance with this section and the State plan approved under subsection (d)(3).

“(2) Noncompliance.—

“(A) In general.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

“(i) there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan approved under subsection (d)(3); or

“(ii) in the operation of any program or activity for which assistance is provided under this section, there is a failure by the State to comply substantially with any provision of this section, the Secretary shall notify the State of the finding and that no further payments will be made to the State under this section (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

“(B) Other sanctions.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

“(C) Notice.—The notice required under subparagraph (A) shall include a specific identification of any additional sanction being imposed under subparagraph (B).

“(3) Issuance of regulations .—The Secretary shall establish by regulation procedures for—

“(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this section; and

“(B) imposing sanctions under this section.

“(i) Payments.—

“(1) In general.—For each fiscal year, the Secretary shall pay to a State that has an application approved by the Secretary under subsection (d)(3) an amount that is equal to the allotment of the State under subsection (l)(2) for the fiscal year.

“(2) Method of payment.—The Secretary shall make payments to a State for a fiscal year under this section by issuing 1 or more letters of credit for the fiscal year, with necessary adjustments on account of overpayments or underpayments, as determined by the Secretary.

“(3) Spending of funds by state.—

“(A) In general.—Except as provided in subparagraph (B), payments to a State from an allotment under subsection (l)(2) for a fiscal year may be expended by the State only in the fiscal year.

“(B) Carryover.—The State may reserve up to 10 percent of an allotment under subsection (l)(2) for a fiscal year to provide assistance under this section in subsequent fiscal years, except that the reserved funds may not exceed 30 percent of the total allotment received under this section for a fiscal year.

“(4) Provision of food assistance.—A State may provide food assistance under this section in any manner determined appropriate by the State to provide food assistance to needy individuals and families in the State, such as electronic benefits. transfer limited to food purchases, coupons limited to food purchases, or direct provision of commodities.

“(5) Definition of food assistance.—In this section, the term ‘food assistance’ means assistance that may be used only to obtain food, as defined in section 3(g).

“(j) Audits.—

“(1) Requirement.—After the close of each fiscal year, a State shall arrange for an audit of the expenditures of the State during the program period from amounts received under this section.

“(2) Independent auditor.—An audit under this section shall be conducted by an entity that is independent of any agency administering activities that receive assistance under this section and be in accordance with generally accepted auditing principles.

“(3) Payment accuracy.—Each annual audit under this section shall include an audit of payment accuracy under this section that shall be based on a statistically valid sample of the caseload in the State.

"(4) Submission.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

"(5) Repayment of amounts.—Each State shall repay to the United States any amounts determined through an audit under this section to have not been expended in accordance with this section or to have not been expended in accordance with the State plan, or the Secretary may offset the amounts against any other amount paid to the State under this section.

"(k) Nondiscrimination.—

"(1) In general.—The Secretary shall not provide financial assistance for any program, project, or activity under this section if any person with responsibilities for the operation of the program, project, or activity discriminates with respect to the program, project, or activity because of race, religion, color, national origin, sex, or disability.

"(2) Enforcement.—The powers, remedies, and procedures set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) may be used by the Secretary to enforce paragraph (1).

"(l) Allotments.—

"(1) Definition of state.—In this section, the term 'State' means each of the 50 States, the District of Columbia, Guam, and the Virgin Islands of the United States.

"(2) State allotment.—

"(A) In general.—Except as provided in subparagraph (B), from the amounts made available under section 18 of this Act for each fiscal year, the Secretary shall allot to each State participating in the program established under subsection (a) an amount that is equal to the sum of—

"(i) the greater of, as determined by the Secretary—

"(I) the total dollar value of all benefits issued under the food stamp program established under this Act by the State during fiscal year 2002; or

"(II) the average per fiscal year of the total dollar value of all benefits issued under the food stamp program by the State during each of fiscal years 2000 through 2002; and

"(ii) the greater of, as determined by the Secretary—

"(I) the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for fiscal year 2002; or

"(II) the average per fiscal year of the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for each of fiscal years 2000 through 2002.

"(B) Insufficient funds.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subparagraph (A) will exceed the amount of funds that will be made available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.".

TITLE VIII—ABSTINENCE EDUCATION

SEC. 801. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

Section 510(d) (42 U.S.C. 710(d)) is amended by striking "2002" and inserting "2007".

TITLE IX—TRANSITIONAL MEDICAL ASSISTANCE

SEC. 901. ONE-YEAR REAUTHORIZATION OF TRANSITIONAL MEDICAL ASSISTANCE.

(a) In General.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking "2002" and inserting "2003".

(b) Conforming Amendment.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking "2002" and inserting "2003".

SEC. 902. ADJUSTMENT TO PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATIVE PAYMENTS AND TO FUND A 1-YEAR EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.

Section 1903 (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

(2) by adding at the end the following:

"(x) Adjustments to Payments for Administrative Costs To Fund 1-Year Extension of Transitional Medical Assistance.—

"(1) Reductions in payments for administrative costs.—Effective for each calendar quarter in fiscal year 2003 and fiscal year 2004, the Secretary shall reduce the amount paid under subsection (a)(7) to each State by an amount equal to 50 percent for fiscal year 2003, and 75 percent for fiscal year 2004, of one-quarter of the annualized amount determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).

"(2) Allocation of administrative costs.—None of the funds or expenditures described in section 16(k)(5)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(5)(B)) may be used to pay for costs—

"(A) eligible for reimbursement under subsection (a)(7) (or costs that would have been eligible for reimbursement but for this subsection); and

"(B) allocated for reimbursement to the program under this title under a plan submitted by a State to the Secretary to allocate administrative costs for public assistance programs;

except that, for purposes of subparagraph (A), the reference in clause (iii) of that section to 'subsection (a)' is deemed a reference to subsection (a)(7) and clause (iv)(II) of that section shall be applied as if 'medicaid program' were substituted for 'food stamp program'.".

TITLE X—EFFECTIVE DATE

SEC. 1001. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided, the amendments made by this Act shall take effect on October 1, 2002.

(b) Exception.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The SPEAKER pro tempore. After 2 hours of debate on the bill, it shall be in order to consider an amendment printed in the House Report 107–466, if offered by the gentleman from Maryland (Mr. Cardin) or a designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. Thomas) and the gentleman from New York (Mr. Rangel) each will control 25 minutes; the gentleman from Ohio (Mr. Boehner) and the gentleman from California (Mr. George Miller) each will control 20 minutes; the gentleman from Louisiana (Mr. Tauzin) and the gentleman from Michigan (Mr. Dingell) each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. Thomas).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there will be a number of claims made on the floor during the debate of this particular piece of legislation. The one thing I hope people keep in mind is that it is my fervent hope that the goals of the legislation are supported by all. It is always possible to argue emphasis, direction, focus, degree of emphasis.

When we debated this bill repeatedly in 1996, there were some rather dramatic claims made by its opponents about dire and Draconian circumstances that would form a dark cloud over America if the legislation passed. I happen to believe one of the bright points of the Clinton administration was his willingness after repeated offers to sign the 1996 legislation. Oftentimes claims are made without the ability to determine whether or not the, if you will, experiment was going to be successful or not. I think there is no question that the general shift in emphasis from welfare to work has been a success.

Has it been an unqualified success? No, but it clearly has been a success, and what we are embarking on now is an attempt to put legislation together that will focus on areas that need greater attention to maximize the opportunity to move people from poverty to productive work, from welfare to a respect for those basic, tantamount, underlying American concepts, and there is no area more important than focusing on the people who are on welfare and the needs they have to be able to assist themselves. Education, and, especially for women who have young children, having available child care are absolutely critical components that need to be focused on in this reauthorization of the program.

And I am pleased to say that in both the subcommittee and the full committee and now additionally on the floor, these areas of concern have been focused on.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland (Mr. CARDIN) may control the time.

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I am one of those who supported the welfare reform bill in 1996, and I think we made the right decision in 1996. I am proud of the progress that we have made for people who are on welfare to try to get them out of the need of cash assistance and get them to real jobs. That is why, Mr. Speaker, I am somewhat surprised as I was listening to the Republican leadership talk about the legislation before us.

I was somewhat surprised because I heard, on one hand, the Republican leadership talk with pride of what we have accomplished during the past 6 years, but then I look at the bill that they have recommended, the underlying bill before us, and I see that they scrap and dismantle the system that we have put in place in 1996. They ignore the lessons learned over the past 6 years.

Over the past 6 years we have learned that if we give the States flexibility and if we give the States the resources, they can get the job done. Instead, the bill before us is a Washington one-size-fits-all, Washington-knows-best mandate on the States.

Every welfare recipient is not the same. In some cases a welfare recipient should go to work immediately, a traditional job. In other cases an individual needs to have English proficiency. And in another case one may need to deal with the overcoming of disabilities. The States need the ability of flexibility to determine what is best.

This bill does not do it. Instead, listen to what our States are saying. The new requirements would require States to take resources away from job training programs and child care programs into workfare programs. The underlying Republican bill will require States to develop workfare programs denying people real jobs and the opportunity to move up in the workplace.

The New York Times said the House bill would almost certainly force States to make jobs in order to meet the new Federal requirements.

Most disturbingly, the Republican bill takes away the flexibility of the States to provide educational services to the people on welfare. They remove education as one of the core ways of meeting the work requirements.

Mr. Speaker, it is surprising to me that all of us in this body talk about education being our top priority. We want for our own children, we want for our own family maximum educational opportunities. We want it to be the top priority for everybody in this country except the people on welfare. For them education cannot be a high priority. That is a mistake.

Mr. Speaker, my Republican friends talk about the fact that we should not be placing unfunded mandates on our States. This is clearly an unfunded mandate. The Congressional Budget Office has estimated that complying with the new requirements in the Republican bill will cost the States anywhere between $15 to $18 billion.

□ 1100

Republicans have provided in their bill $1 billion more in child care and a promise of $1 billion in addition to that over the next 5 years. The Congressional Budget Office indicates that we need $8 to $11 billion alone in child care to meet these new requirements. It does not add up.

For the people of Maryland, the passage of this bill will be an unfunded mandate of $144 million. For the people of my chairman's State of California, it will be a $2.5 billion unfunded mandate.

Mr. Speaker, we can do better. Later in this debate, I will offer a substitute that will correct these shortcomings; and I hope that I will have support as we move forward to the next level of welfare reform. The underlying bill does not do it. We can do better.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I had not expected in the very first comments to find out that, in fact, misrepresentations are rampant on the floor of the House. What the Congressional Budget Office said was, "Because the TANF program affords States such broad flexibility, new requirements would not be considered," would not be considered, "intergovernmental mandates as defined by the Unfunded Mandates Reform Act."

The CBO said they are not unfunded mandates, and now to focus on an area that I think is absolutely critical to the success of this program, which is the expansion in this bill of child care support of between 2 and $4 billion additional to the underlying almost-$5 billion contained in the bill.

Mr. Speaker, I yield 10 minutes of my time to the gentlewoman from Washington (Ms. DUNN), a member of the Ways and Means Committee; and I ask unanimous consent that she control the 10 minutes of time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

In 1996 we made historic changes to the welfare system. We transformed the welfare system from a permanent entitlement that tolerated an average of 13 years of government dependence to a temporary assistance program that gave people the opportunity to start working, gain the necessary skills to retain a job and to become self-sufficient.

This year we have a chance to build upon those successes while improving the program to further assist individuals and families move out of poverty.

I believe, Mr. Speaker, one realistic way to look at the reauthorization that we are debating today is that when we reform such a massive program as welfare, as we did in 1996, there are some people who may fall through the cracks. That, Mr. Speaker, is exactly what we are analyzing in our changes to the bill today, and we have been told by welfare recipients in those early days of 1995 and 1996 that providing adequate child care services would help them move from welfare on to work. In fact, that if they did not have to worry about their children being well taken care of, they could focus all their energies and their skills on what for some was to be a brand-new job.

In fact, child care spending has more than tripled under welfare reform, rising from $3 billion in 1995 to $9.4 billion in the year 2000. Equipped with more funding and greater flexibility to transfer money out of the block grant for child care, States have been able to provide more quality child care options so working mothers can concentrate on these new jobs.

However, Mr. Speaker, our job is not done. As we increase the working hours from 30 to 40 and as more single mothers and dads participate in jobs on weekends and evenings, we must ensure that they can access quality and affordable child care services.

In my State, we are finding that child care for infants, children with disabilities and during evening and weekend hours is expensive and scarce. That is why our bill provides an additional $2 billion over 5 years for child care despite its already historically high levels. Further, we add report language asking States to pay special attention to the needs to expand child care options for infants, children with disabilities and during evenings and weekends.

I hope my colleagues will support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), a distinguished member of our committee.

Mrs. THURMAN. Mr. Speaker, first of all, let me say that my understanding is what CBO said is that it would not be an unfunded mandate, only because my colleagues are asking the States or the States would have to make cuts in other programs. I can tell my colleagues, in Florida, they are already in so much trouble they have been cutting these programs for the last couple of weeks because they have no money; and I would say to the last speaker, she is talking about $289 million in Washington. In Florida, we are looking at $311 million in an unfunded mandate.

I think it is interesting that we are having this conversation. I, like the gentleman from Maryland (Mr. CARDIN) and others, also supported this bill in 1996; and, yes, I too am very proud that we have given hope and that we have given the opportunity for people to go back to work and have dignity. But I also want to remind my colleagues that welfare reform is about children. That is what welfare reform is, children, what happens to their safety net.

In the Republican bill that we are looking at today, we would increase child care funding by $1 billion over the next 5 years. Let me just say to my colleagues, just in my State alone, in Florida, it would require an additional $155.5 million over 5 years in child care funding.

The Republican bill doubles work hours for mothers with children under the age of six from 20 to 40. This means that young children will spend more time in child care. Yet the bill offers insufficient child care funding. How do we ensure that they receive adequate care? More importantly, when will these working mothers be able to spend quality time with their children?

H.R. 4737 fails to answer those questions. If that is not a reason enough to vote against H.R. 4737, listen to what the St. Petersburg Times said: "Even the Nation's Republican governors are chafing under the prospect, for fear the new mandates will prove difficult to meet and counterproductive to the goal of pulling recipients out of poverty, not merely putting them to work. After 5 years, Congress should be solidifying welfare reform's successes, not exacerbating its weaknesses."

The Democratic substitute solidifies those successes.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

I will remind the gentlewoman from Florida that the number that we are increasing child care by is not $1 billion over 5 years, it is $2 billion over 5 years, and that the States are provided with very liberal waiver authority to handle anything that might be a problem to them in their States.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), a lawyer herself, a leader in the State senate before she came to us.

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman from Washington (Ms. DUNN) for yielding me the time.

Mr. Speaker, it is with great pleasure that I join the Republican women of the House in strong support of H.R. 4737. This bill keeps our commitment to America's kids and to America's great promise of welfare reform; and with the addition of at least $2 billion, one in mandatory spending and one in discretionary spending, at least, and extra funding for child care and development block grants, a very good bill has become even better.

Why is that? Well, more funding means more kids covered. More kids covered means more parents working, and that is our ultimate objective, to give every American the opportunity to work and to gain dignity and self-respect that comes with providing for their own family.

The past 6 years of welfare reform have shown us what works and what does not. When I meet with former welfare recipients throughout my congressional district, each and every one tells me that their success simply would not have been possible without child care assistance.

I thank all my colleagues who have worked so hard to include this extra $2 billion-plus in the bill for American kids.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), a distinguished member of the Committee on Ways and Means and on the Subcommittee on Human Resources.

Mr. MCDERMOTT. Mr. Speaker, this whole issue of how much money, I do not know how the American people follow it, but the fact is that the bill makes mandatory $1 billion for child care. Any additional money is subject to appropriation. That second billion dollars is not guaranteed, and we have a terrible budget mess. Those of us sitting on the Budget Committee know that, and the fact is that even that $2 billion is not going to cover the $11 billion in child care that is needed to hold the line.

In the State of Washington, my distinguished colleague from the State of Washington, when she votes for this, is putting a $280 million unfunded mandate on our State, in a State where they are already $1 billion in the hole. The gentlewoman from Illinois, she stands up here and blithely puts $322 million on the Illinois State legislature; they must fund this because they have to have a program for people for more than 30 hours.

That means make-work programs. Never mind what happens to kids and whether they get taken care of or not. We are going to be back to CETA jobs. I do not think there is anybody left in here except a few of us who remember CETA jobs in the 1960s. My colleagues are going to be putting States and counties and cities to making work programs, and my colleagues can stand up here and say that they have all of this in here and all this flexibility. If this was such a flexible bill, I would like to understand why it is they took away vocational training. What possible reason could they take vocational training out as one of the work activities? Do my colleagues not think people ought to train to get a better job or do they want them all to work as maids in hotels or something at a $7-an-hour job with no child care and no health care benefits? That is what my colleagues call lifting them out of poverty.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

I will remind the gentleman from Washington State that we have extended the ability to transfer funds from one portion of the TANF dollars that are granted to the States into child care or any other area. In 1996, there was a 30 percent exchange. Now it is a 50 percent exchange. One of the cores of this bill is the flexibility for States to use money in a way that will make their programs the most effective.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), who is formerly a cabinet Secretary for families and children.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from the State of Washington for yielding me the time. I thank her for her leadership in bringing focus to the problem of child care and the challenge of child care so that we can build on the success that we have already achieved with welfare reform.

There are 2.3 million fewer children who are in poverty today because their moms have gotten good jobs. There are almost 2 million children who are not hungry today because they have been raised out of poverty and their parents can afford food. That is because of welfare reform.

Funding for child care from the Federal Government has tripled over the last 5 years, and that is at the same time that welfare caseloads have been cut in half, so that there is more money per child, and States have been allowed to move that money from those on welfare to the low-income working poor so that they can afford high quality child care.

We are not satisfied with the success we have already seen. We want to build on this success and add more money into child care and focus on a couple of things.

The real key I believe is quality, quality child care. So that we have trained providers, we are paying close to or at or above market rates. We have a stable nurturing workforce and stimulating settings for kids so that those who are growing up in poverty, those whose parents are working off welfare have a fair start at the starting gate of life.

This $2 billion I hope States will use to increase what they pay for child care because so many of our States are underpaying what it really costs, and kids whose parents are working their way off welfare often do not have access to the best child care settings.

This bill will also allow States to move more of this money from those on welfare where they have reduced the rolls to those who never were on welfare but are the low-income working poor.

Child care keeps America working. Child care is everybody's business, and most of our businesses understand that. I commend the gentlewoman from Washington and my colleagues in bringing an emphasis, and increased funding to child care in this country.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out to the gentlewoman from New Mexico that voting for this bill will cost the citizens of her State an extra $100 million.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means and a member of the Subcommittee on Human Resources.

Mr. DOGGETT. Mr. Speaker, parents at every economic level sometimes must balance the demands of being a good parent with being a good employee. This is especially challenging when it is a minimum-wage job with no health insurance and a single parent.

This partisan bill focuses solely on the work aspect, forgetting the value of parenting, not only for our children, who lose irreplaceable opportunities, but for communities, who suffer and bear the burden of neglected children having children of their own and committing adult crimes.

When asked how much of an investment in our children is required to satisfy the new requirements of this new law, the Bush administration responds basically, "don't know and don't care."

□ 1115

But the Republican Congressional Budget Office was forced to estimate this cost of meeting our children's child care needs. It says, at a minimum, $8 billion is required, while the House Republican leadership provides only $1 billion.

Additionally, this bill provides nothing, zero, zip—to meet rising child care costs, to transform the frequently poor quality of child care from what is too often unskilled, minimum wage workers baby-sitting our children into what should be early educational opportunities so that the children can hope for a better future than that of their parents.

With 40,000 Texas children already waiting for child care assistance, and so many of our neighbors confronting a true child care crisis in our State, the members of the Human Services Committee of the Texas House of Representatives, chaired by Representative Elliott Naishtat, have rejected the unreasonable provisions of this bill. Our excellent Texas Center for Public Policy Priorities has explained the extensive harm that this bill will wreak.

This legislation claims to honor fatherhood, motherhood and matrimony, but actually it threatens our neighborhoods by failing to give the state the means to provide the support that families need to feed, to clothe, and to raise our next generation of Americans.

We cannot afford the true cost of neglecting these children. This bill may be good electioneering but it does too little for our country's future. Unless we reject this grossly deficient approach, we will reap tomorrow the bitter harvest that the bill's deliberate neglect of these needy children sows today.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), a leader in her State legislature who has been very effective in increasing the child care support in this bill by $2 billion.

Mrs. CAPITO. Mr. Speaker, I thank my colleagues for joining in the discussion on the much-needed increase in child care funding that is provided through H.R. 4737.

When a mom is going to work for the first time, and she has children, she is thinking to herself, I want to concentrate on my job, I want to do the best thing I can do, but a part of her mind is thinking about her children because she is a good mom and she is trying to do the best for them. The best way to ensure her success in the work force and her success with her family is good solid child care.

As a representative of an economically distressed State, I know that thousands of parents in my district depend on subsidized child care. In my home State of West Virginia, 85 percent of the children in child care are in subsidized child care. I am from a rural State. It is tremendously expensive for parents to transport their children and to provide child care in rural States.

Today, there are over 13,000 parents and children who benefit from this in West Virginia, and this increase will ensure that more parents will have the opportunity to benefit. Parents are in desperate need to find quality, safe, and affordable child care for their children. H.R. 4737 will continue high levels of support for child care while adding, at a minimum, $2 billion in additional funds for child care over 5 years.

Let us ensure the success of the parents and the children and their futures. I urge all my colleagues to stand up and support this increased funding for child care. Parents and children alike need it.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume to point out to the gentlewoman from West Virginia that by voting for this bill her State will actually have $78 million less in resources to deal with the problems of child care.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means and one of the individuals who helped us craft the substitute.

Mr. KLECZKA. Mr. Speaker, welfare programs come in various sizes and shapes. There are good welfare programs and bad welfare programs. A few weeks ago the Congress passed a farm bill, a farm bill that was signed by the President this last weekend. That bill increased farm spending $180 billion, an increase of almost 80 percent, giving growers in this country, large corporate farmers, up to $360,000 a year of taxpayer money. Under a loophole in the bill, they can get as high as $700,000 per year.

Mr. Speaker, welfare to corporate farmers and agribusiness is good welfare. However, welfare to poor people is not good welfare. That is bad welfare.

Mr. Speaker, I voted for the welfare bill back in 1996, and when I did so I indicated to the Members that my major reservations were that we did not do enough to promote education, and clearly the child care funding was inadequate. Now, with 6 years experience, we find out that that I was right. And, the Republican bill does nothing to address these two most serious concerns.

Yes, we have dramatically reduced the welfare rolls over the last number of years, but we have not reduced the poverty rate. The Cardin substitute truly does address the poverty rate.

Right now we say, get a job, and then after you are done working and taking care of your kids, you can also go to school and that will be counted as work. But we have put the cart before the horse. Let us make sure that individuals get adequate training, be it a GED, English as a second language, or a vocational associate degree before mandating the job. We are not going to lift people out of poverty, forcing them to go right to work to get the most menial jobs that we have in this country.

So if my colleagues are really intent on lifting the poverty rate and helping these individuals, vote for the Cardin substitute, which does address education and provides for adequate child care.

Ms. DUNN. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Washington has 2 minutes remaining.

Ms. DUNN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), who is the former Mayor of Fort Worth and who has worked with many folks who have been forced to go on welfare. She brings great knowledge to our effort today.

Ms. GRANGER. Mr. Speaker, I am talking today more as a single parent myself, who worked very hard to support my children from the time they were tiny, and I know that quality child care is absolutely necessary, first of all to meet the needs of the children, last couple of weeks because they have no money; and I would say to the last speaker, she is talking about $289 million in Washington. In Florida, we are looking at $311 million in an unfunded mandate.

I think it is interesting that we are having this conversation. I, like the gentleman from Maryland (Mr. CARDIN) and others, also supported this bill in 1996; and, yes, I too am very proud that we have given hope and that we have given the opportunity for people to go back to work and have dignity. But I also want to remind my colleagues that welfare reform is about children. That is what welfare reform is, children, what happens to their safety net.

In the Republican bill that we are looking at today, we would increase child care funding by $1 billion over the next 5 years. Let me just say to my colleagues, just in my State alone, in Florida, it would require an additional $155.5 million over 5 years in child care funding.

The Republican bill doubles work hours for mothers with children under the age of six from 20 to 40. This means that young children will spend more time in child care. Yet the bill offers insufficient child care funding. How do we ensure that they receive adequate care? More importantly, when will these working mothers be able to spend quality time with their children?

H.R. 4737 fails to answer those questions. If that is not a reason enough to vote against H.R. 4737, listen to what the St. Petersburg Times said: "Even the Nation's Republican governors are chafing under the prospect, for fear the new mandates will prove difficult to meet and counterproductive to the goal of pulling recipients out of poverty, not merely putting them to work. After 5 years, Congress should be solidifying welfare reform's successes, not exacerbating its weaknesses."

The Democratic substitute solidifies those successes.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

I will remind the gentlewoman from Florida that the number that we are increasing child care by is not $1 billion over 5 years, it is $2 billion over 5 years, and that the States are provided with very liberal waiver authority to handle anything that might be a problem to them in their States.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), a lawyer herself, a leader in the State senate before she came to us.

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman from Washington (Ms. DUNN) for yielding me the time.

Mr. Speaker, it is with great pleasure that I join the Republican women of the House in strong support of H.R. 4737. This bill keeps our commitment to America's kids and to America's great promise of welfare reform; and with the addition of at least $2 billion, one in mandatory spending and one in discretionary spending, at least, and extra funding for child care and development block grants, a very good bill has become even better.

Why is that? Well, more funding means more kids covered. More kids covered means more parents working, and that is our ultimate objective, to give every American the opportunity to work and to gain dignity and self-respect that comes with providing for their own family.

The past 6 years of welfare reform have shown us what works and what does not. When I meet with former welfare recipients throughout my congressional district, each and every one tells me that their success simply would not have been possible without child care assistance.

I thank all my colleagues who have worked so hard to include this extra $2 billion-plus in the bill for American kids.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), a distinguished member of the Committee on Ways and Means and on the Subcommittee on Human Resources.

Mr. MCDERMOTT. Mr. Speaker, this whole issue of how much money, I do not know how the American people follow it, but the fact is that the bill makes mandatory $1 billion for child care. Any additional money is subject to appropriation. That second billion dollars is not guaranteed, and we have a terrible budget mess. Those of us sitting on the Budget Committee know that, and the fact is that even that $2 billion is not going to cover the $11 billion in child care that is needed to hold the line.

In the State of Washington, my distinguished colleague from the State of Washington, when she votes for this, is putting a $280 million unfunded mandate on our State, in a State where they are already $1 billion in the hole. The gentlewoman from Illinois, she stands up here and blithely puts $322 million on the Illinois State legislature; they must fund this because they have to have a program for people for more than 30 hours.

That means make-work programs. Never mind what happens to kids and whether they get taken care of or not. We are going to be back to CETA jobs. I do not think there is anybody left in here except a few of us who remember CETA jobs in the 1960s. My colleagues are going to be putting States and counties and cities to making work programs, and my colleagues can stand up here and say that they have all of this in here and all this flexibility. If this was such a flexible bill, I would like to understand why it is they took away vocational training. What possible reason could they take vocational training out as one of the work activities? Do my colleagues not think people ought to train to get a better job or do they want them all to work as maids in hotels or something at a $7-an-hour job with no child care and no health care benefits? That is what my colleagues call lifting them out of poverty.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

I will remind the gentleman from Washington State that we have extended the ability to transfer funds from one portion of the TANF dollars that are granted to the States into child care or any other area. In 1996, there was a 30 percent exchange. Now it is a 50 percent exchange. One of the cores of this bill is the flexibility for States to use money in a way that will make their programs the most effective.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), who is formerly a cabinet Secretary for families and children.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from the State of Washington for yielding me the time. I thank her for her leadership in bringing focus to the problem of child care and the challenge of child care so that we can build on the success that we have already achieved with welfare reform.

There are 2.3 million fewer children who are in poverty today because their moms have gotten good jobs. There are almost 2 million children who are not hungry today because they have been raised out of poverty and their parents can afford food. That is because of welfare reform.

Funding for child care from the Federal Government has tripled over the last 5 years, and that is at the same time that welfare caseloads have been cut in half, so that there is more money per child, and States have been allowed to move that money from those on welfare to the low-income working poor so that they can afford high quality child care.

We are not satisfied with the success we have already seen. We want to build on this success and add more money into child care and focus on a couple of things.

The real key I believe is quality, quality child care. So that we have trained providers, we are paying close to or at or above market rates. We have a stable nurturing workforce and stimulating settings for kids so that those who are growing up in poverty, those whose parents are working off welfare have a fair start at the starting gate of life.

This $2 billion I hope States will use to increase what they pay for child care because so many of our States are underpaying what it really costs, and kids whose parents are working their way off welfare often do not have access to the best child care settings.

This bill will also allow States to move more of this money from those on welfare where they have reduced the rolls to those who never were on welfare but are the low-income working poor.

Child care keeps America working. Child care is everybody's business, and most of our businesses understand that. I commend the gentlewoman from Washington and my colleagues in bringing an emphasis, and increased funding to child care in this country.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out to the gentlewoman from New Mexico that voting for this bill will cost the citizens of her State an extra $100 million.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means and a member of the Subcommittee on Human Resources.

Mr. DOGGETT. Mr. Speaker, parents at every economic level sometimes must balance the demands of being a good parent with being a good employee. This is especially challenging when it is a minimum-wage job with no health insurance and a single parent.

This partisan bill focuses solely on the work aspect, forgetting the value of parenting, not only for our children, who lose irreplaceable opportunities, but for communities, who suffer and bear the burden of neglected children having children of their own and committing adult crimes.

When asked how much of an investment in our children is required to satisfy the new requirements of this new law, the Bush administration responds basically, "don't know and don't care."

□ 1115

But the Republican Congressional Budget Office was forced to estimate this cost of meeting our children's child care needs. It says, at a minimum, $8 billion is required, while the House Republican leadership provides only $1 billion.

Additionally, this bill provides nothing, zero, zip—to meet rising child care costs, to transform the frequently poor quality of child care from what is too often unskilled, minimum wage workers baby-sitting our children into what should be early educational opportunities so that the children can hope for a better future than that of their parents.

With 40,000 Texas children already waiting for child care assistance, and so many of our neighbors confronting a true child care crisis in our State, the members of the Human Services Committee of the Texas House of Representatives, chaired by Representative Elliott Naishtat, have rejected the unreasonable provisions of this bill. Our excellent Texas Center for Public Policy Priorities has explained the extensive harm that this bill will wreak.

This legislation claims to honor fatherhood, motherhood and matrimony, but actually it threatens our neighborhoods by failing to give the state the means to provide the support that families need to feed, to clothe, and to raise our next generation of Americans.

We cannot afford the true cost of neglecting these children. This bill may be good electioneering but it does too little for our country's future. Unless we reject this grossly deficient approach, we will reap tomorrow the bitter harvest that the bill's deliberate neglect of these needy children sows today.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), a leader in her State legislature who has been very effective in increasing the child care support in this bill by $2 billion.

Mrs. CAPITO. Mr. Speaker, I thank my colleagues for joining in the discussion on the much-needed increase in child care funding that is provided through H.R. 4737.

When a mom is going to work for the first time, and she has children, she is thinking to herself, I want to concentrate on my job, I want to do the best thing I can do, but a part of her mind is thinking about her children because she is a good mom and she is trying to do the best for them. The best way to ensure her success in the work force and her success with her family is good solid child care.

As a representative of an economically distressed State, I know that thousands of parents in my district depend on subsidized child care. In my home State of West Virginia, 85 percent of the children in child care are in subsidized child care. I am from a rural State. It is tremendously expensive for parents to transport their children and to provide child care in rural States.

Today, there are over 13,000 parents and children who benefit from this in West Virginia, and this increase will ensure that more parents will have the opportunity to benefit. Parents are in desperate need to find quality, safe, and affordable child care for their children. H.R. 4737 will continue high levels of support for child care while adding, at a minimum, $2 billion in additional funds for child care over 5 years.

Let us ensure the success of the parents and the children and their futures. I urge all my colleagues to stand up and support this increased funding for child care. Parents and children alike need it.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume to point out to the gentlewoman from West Virginia that by voting for this bill her State will actually have $78 million less in resources to deal with the problems of child care.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means and one of the individuals who helped us craft the substitute.

Mr. KLECZKA. Mr. Speaker, welfare programs come in various sizes and shapes. There are good welfare programs and bad welfare programs. A few weeks ago the Congress passed a farm bill, a farm bill that was signed by the President this last weekend. That bill increased farm spending $180 billion, an increase of almost 80 percent, giving growers in this country, large corporate farmers, up to $360,000 a year of taxpayer money. Under a loophole in the bill, they can get as high as $700,000 per year.

Mr. Speaker, welfare to corporate farmers and agribusiness is good welfare. However, welfare to poor people is not good welfare. That is bad welfare.

Mr. Speaker, I voted for the welfare bill back in 1996, and when I did so I indicated to the Members that my major reservations were that we did not do enough to promote education, and clearly the child care funding was inadequate. Now, with 6 years experience, we find out that that I was right. And, the Republican bill does nothing to address these two most serious concerns.

Yes, we have dramatically reduced the welfare rolls over the last number of years, but we have not reduced the poverty rate. The Cardin substitute truly does address the poverty rate.

Right now we say, get a job, and then after you are done working and taking care of your kids, you can also go to school and that will be counted as work. But we have put the cart before the horse. Let us make sure that individuals get adequate training, be it a GED, English as a second language, or a vocational associate degree before mandating the job. We are not going to lift people out of poverty, forcing them to go right to work to get the most menial jobs that we have in this country.

So if my colleagues are really intent on lifting the poverty rate and helping these individuals, vote for the Cardin substitute, which does address education and provides for adequate child care.

Ms. DUNN. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Washington has 2 minutes remaining.

Ms. DUNN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), who is the former Mayor of Fort Worth and who has worked with many folks who have been forced to go on welfare. She brings great knowledge to our effort today.

Ms. GRANGER. Mr. Speaker, I am talking today more as a single parent myself, who worked very hard to support my children from the time they were tiny, and I know that quality child care is absolutely necessary, first of all to meet the needs of the children, but to meet the financial needs of the family.

A job well done adds dignity to the individual but it adds stability to the family. I know we are setting the bar high for welfare recipients. They can make that bar if we provide quality child care, and we are doing that at more than double what we did, a minimum of $2 billion.

But after my children were grown and my business was successful, I served as mayor of my city, so I understand local control, and the flexibility that we are allowing under this bill is extremely important so that States can move the funds where they are needed most. It will allow the States to make their individual decisions.

We have made great progress in welfare, moving people off the rolls, but what is important is the hope we see in the faces of those children and those parents.

I strongly support this legislation. I think it is very important, this minimum of $2 billion, to add a sense of hope to the lives of those people.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I rise against the majority party's proposal. I read someplace, "What does it profit a great Nation to gain a whole world and lose her soul?"

This Republican proposal does not reflect the soul of America. It is out of step and it is out of tune. This proposal turns its back on the basic needs of our poor, our mothers, and our dependent children.

No one, but no one, wants to be on welfare. People want to work. They want to pay their own way. They want training so they can secure a permanent living wage job. Yet this bill throws in the towel. It eliminates education and job training from the list of work opportunities. It does nothing to promote job stability or reduce poverty in our country.

We can spend hundreds, thousands, billions of dollars on missiles, bombs, and even tax breaks for the wealthy individuals, but when it comes to providing a helping hand to our poor and our needy, Republicans want to pass the buck.

When it comes to welfare of our citizens, we must cross every T and dot every I. Do we have the courage to put people who have been left out and left behind back on their feet? Do we have the courage to speak up and speak out for what is morally right? Where is our sense of what is fair? Where is our sense of what is right?

My colleagues, please join me to vote against this reckless bill. We can do better. We must do better.

Ms. DUNN. Mr. Speaker, I yield myself the balance of my time.

I simply want to wrap up, with the time we have left, to say that I think it is very important for us to remember what it is we are trying to do in this welfare legislation.

In 1996, we talked to welfare moms and dads. We said, what can we do to help you bridge the gap between welfare and work? And they said give us the ability to know that our children are well taken care of. Let us put the full focus of our energy and our expertise into going into a job that is going to provide us greater self-respect, greater dignity, and provide for our children that one role model in their life that might have a job.

We were successful there to the point that, as we moved money into TANF, we left, as of last September, $7.5 billion in TANF funds in States throughout the Nation that they could move to child care.

Child care was the answer then and it continues to be the answer now. This is why we are advocating an additional $2 billion to the $4.8 billion we spend each year in dollars for child care.

I think it is our responsibility, Mr. Speaker, to help people who want to hold jobs know their children are taken care of as they move into the workforce. I recommend the support of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume to point out to my colleagues that less than 20 percent of the children who are federally eligible for child care assistance are now being served under the Republican bill. That number will even get smaller.

Mr. Speaker, I am now pleased to yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS), one of the leaders for working people in this country.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when we talk about welfare reform, I would hope that we would include in that discussion many of the largest corporations in this country who rip off tens of billions of dollars from taxpayers every year in subsidies, loan guaranties and tax breaks, while then moving their factories and bank accounts to China, Mexico or Bermuda.

But that is not what we are talking about today. Today, we are talking about low-income women and children. We are talking about a severe crisis in child care that leaves millions of American families unable to afford quality child care or, in some cases, any child care they can afford. We are talking about child care workers who are grossly underpaid, who are undertrained, and who experience a huge turnover rate to the detriment of American babies. Today, we are talking about a child care situation that is a disgrace and a shame to this Nation, and I want anyone over there to deny that reality.

And how have our Republican friends responded to that situation? In real, inflation-accounted-for dollars, the President has actually cut funding for child care, while the House Republicans have offered a proposal that is totally inadequate. They have provided hundreds of billions of dollars in tax breaks for the richest people in this country, but pennies for babies and for the kids who are the future of America.

I urge a strong no vote on the Republican proposal.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

And, of course, the gentleman from Vermont's urging of a "no" vote is not unexpected. He voted against the bill in 1996. As a matter of fact, the gentleman from Washington (Mr. MCDERMOTT) voted against the bill. The gentleman from Georgia (Mr. LEWIS) voted against the bill. There were dire statements made then about what was going to happen to those individuals on welfare.

But I do want to say that there are some Members of the other party who get it, or at least have been willing to admit that they get it. For example, on March 21, 1995, the gentleman from Missouri (Mr. GEPHARDT) said, "A Republican welfare bill will throw millions of children out on the street without doing anything to move people from welfare to work." This was a generally held assumption, based upon the number of Members on that side of the aisle who voted no.

To his credit, on May 9 of this year, the gentleman from Missouri said "Welfare reform has been a good effort. A lot of people have gone back to work. And so it is the right thing to do, to ask them to go back to work and to make them go back to work."

So in terms of the fundamental thrust of the bill, we are pleased that people are beginning to back away from the cataclysmic statements that had been made.

□ 1130

What we now hear is Members who have voted against the bill complaining about the Republican effort because it is going to put approximately $4 billion additional monies into child care when it should be $11 billion. It seems to me that the movement in the direction that we are going under the current circumstances is significant and deserves support. But sometimes some Members on the other side of the aisle cannot bring themselves to admit that they were wrong.

The fact of the matter is they were wrong. We are right, and we are continuing to increase in those areas that need increases. I suppose somebody on the other side of the aisle could ask for

$100 billion in child care. The fact of the matter is they cannot deny the fact that this bill increases by almost $4 billion the amount that was in the bill. That is undeniable. Those are the facts. The program works, and we propose to make it work better.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me point out to the gentleman from California that I am glad to see that he agrees with the fundamental thrust which his bill would not try to fundamentally change a program which I believe has been successful.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), who is not only a member of the Committee on Ways and Means, but is also one of the key architects of many of the provisions in the Democratic substitute.

Mr. LEVIN. Mr. Speaker, let me speak as a Member who worked a couple of years on welfare reform in the mid-1990s, who worked on the legislation to make sure that it had adequate health care and child care, and who voted for the legislation. The majority has apparently decided it wants a political issue rather than a bipartisan product. It did not seriously work with any of us no matter how we voted in 1996. With none of us.

Mr. Speaker, the majority comes here and talks about the past instead of looking at the present and thinking about the future. Shame.

As a result of the majority's lack of any bipartisan effort, they have a very flawed product. Child care, there is a billion guaranteed, that is all; and Members come here saying something else. Oh, and then they say let the States transfer, even though they know from the figures that more and more States are using their TANF funds, and they are not going to have the monies to transfer, and their budgets are in dire straits.

On health care, the bill does not do a darn thing to improve it. In terms of helping people move from welfare to productive work and independence, they clamp down on vocational education. We have a President who says education is the key; and then we come to a welfare reform bill, and the majority clamps down and takes back what is in present law. Again, I say shame.

All right, so then the majority says, and it looks like it is a clever political approach, let us emphasize those people who are on welfare and make sure they are working. So they set up an inflexible proposition, and then the States say, oh no, that is taking away our flexibility. So then the majority says, all right, 24 hours of work and 16 hours, people can do essentially anything they want with the 16 hours. That is how they build flexibility into their inflexible system. So anything counts, and they vitiate their own rhetoric.

Look, in a word, welfare reform is much too important to simply maneuver for political advantage this year or simply talk about 5 years ago. It is too important for a lot of pious platitudes.

The substitute is a serious effort to address the needs of this new face of welfare reform. We will present it proudly; and we will say to the majority, shame on them for not lifting one finger to sit down with us to try to work out a bipartisan product. Welfare reform deserves much better than the majority has given it.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I suppose as a rhetorical device it is useful to come down and point fingers and claim shame. Actually, the bill has been an enormous success. It has reduced the rolls by half; and yet President Bush has said keep the funding at a steady level, i.e., fewer people same amount of money. In this bill, we are putting more money back in.

I guess when we take away from them what they believe is their divine right, to be for people in poverty, and for women with children, and we actually show compassion and we actually put money where our mouth is and we actually put a program out that really works instead of all of the rhetoric that have been used for years about wanting to help these people, and I think helping people is moving them from welfare to work, not saying how desperate they are, making speeches on the floor, and voting against programs that actually work.

We have a program that actually works. We are putting more money in relative to the people available, and we are putting even more money in with this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER) and ask unanimous consent that the gentleman control the balance of the time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Personal Responsibility, Work and Family Promotion Act, which takes the next step in welfare reform. During the welfare debate in 1996, critics predicted 1 million children would be forced into poverty and recipients would be worse off. The opposite occurred. Since 1996, nearly 3 million children left poverty. Overall, 9 million parents and children have left welfare dependence and moved on to a better life.

Today we will again hear from the naysayers. They will say needy families cannot work, they must collect welfare for more than 5 years, that it is cruel to expect them to support themselves and their children like other American families. We have heard it all before.

The bill before us today builds on the successful 1996 reforms. It recognizes that work is the only true path from poverty to self-sufficiency. It expects more work and allows more education and training to count as work. To support more work, we added $2 billion over 5 years for more child care. We also provided States more flexibility in how they can spend cash welfare funds on child care, including for low-income families that have never been on welfare.

The bill does more to promote healthy marriage which will reduce poverty and improve child well-being. Too many children today are raised by single parents, most often by single mothers struggling mightily to get by. Compared with children raised by married parents, their children are at a disadvantage, including in terms of avoiding poverty and welfare as adults. Promoting stronger families will help break the cycle of long-term welfare dependence, and deserves our support.

This legislation allows for new State flexibility, including under the State flex provisions allowing social service programs to be better aligned to better serve needy families. Yet those who now extol flexibility when it comes to not expecting more work of welfare recipients argue that governors cannot be trusted with this expanded authority. Truly amazing.

Mr. Speaker, in these and many other ways, this legislation takes the next step in helping millions of families move from welfare to work. I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman talked about State flexibility; but if the majority is really interested in State flexibility, why do they take away the ability of States to provide educational services for people on welfare?

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, here we go again. Welfare reform is a serious issue, and we should not play politics with it. This is a bad bill, and Members on the other side of the aisle know that.

This President has put forth a bill that will penalize those who are trying so desperately to change their lives. What do they mean by making a welfare mother with children under 6 work for 40 hours while they are trying to get into training programs and change their lives? We need to assess each individual and decide what they need. If they need to be in school for 2 years because they dropped out early, if they need counseling, if they need to have an opportunity to have a substance abuse program to change their lives, we should be doing that.

Instead, what we are doing is taking away vocational education, doing nothing to make sure that the health care needs are taken care.

No, there is not enough money in this budget for child care. Parents cannot go to work and be trained without child care. Yet there is a lot of money in the bill, $300 million, to talk about promoting marriage. Give me a break. Let us give welfare recipients a chance to become independent.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, the 1996 welfare law, which many of us here helped write, really brought us unparalleled success by almost any measure. If we look at the fact that more parents are working, child poverty has declined sharply, dependence has declined dramatically, there is a 60 percent decrease in the case loads of welfare recipients. This bill today builds on that success and improves this legislation.

Let me just talk a little bit about State flexibility because we have received a letter, both the chairmen and ranking members of the Committee on Ways and Means and the Committee on Education and the Workforce from the American Public Human Services Association, which is a bipartisan group of welfare directors around the United States complimenting us on the flexibility in this bill for things like improving and continuing the whole idea of a TANF block grant contingency fund; removing the restrictions on unobligated TANF funds; excluding child care and transportation from the definition of assistance; creating State rainy day funds for unobligated funds under this bill; continuing the transfer of 30 percent to the child care development block grant; restoring full transfer to the social services block grant; and maintaining the TANF block grant free from set-asides. These are somewhat technical provisions, but the State welfare directors from around the country have come together and complimented this committee for putting in these provisions which will bring much more flexibility to this bill. They say, "These provisions will dramatically increase State and local flexibility in the administration of the TANF program."

Mr. Speaker, this is a good bill. This will continue to build on the successes we have had. I urge support for it.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I point out to the gentleman from Michigan that the popular 10-10-10 program in Michigan would not satisfy the requirements of this bill. It would be an unfunded mandate of $377 million to a State.

Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the gentleman from California (Chairman THOMAS) has said we are asking for way too much money. I saw in today's paper that the head of the Congressional Budget Office, Mr. Crippen, has decided not to go on for 4 years. I know why, because they want to get rid of him because it was his memo on February 2, 2002, that says this bill is going to cost between 8 and $11 billion in unfunded liability.

We did not make that number up. That came from the Congressional Budget Office. The director is selected by the majority, and they put him in. Here he is. Now he gives them information they do not want. The chairman is ignoring 280,000 kids in California who are not served.

□ 1145

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of the Democratic substitute and in opposition to the underlying bill. Education and training are the cornerstones upon which we on this floor have built our future. This bill should be stressing basic literacy, English as a second language, GED completion and on-the-job training rather than cynically labeling them welfare scholarships.

In my congressional district, I have seen how education can bring economic prosperity to one of the poorest regions in the country. Our unemployment rates have dropped from over 20 percent to almost 10 percent. Only a few days ago, the President signed the agriculture bill to restore access to food stamps for legal permanent residents and overcame the mean-spirited denial of food for poor families that had been in effect for 5 years.

The Democratic substitute provides significant reforms as well as the resources needed to implement them. I urge my colleagues to vote for the Democratic substitute and against the Republican bill.

Mr. Speaker, I rise in strong support of the Democratic substitute and in opposition to the underlying bill. First, I want to commend my colleagues GEORGE MILLER, PATSY MINK and BEN CARDIN for their hard work and leadership in drafting this substitute. We all agree that we need to encourage work, but people need access to real jobs that will lead them out of poverty. The "make work" approach of workfare in this Republican bill, has only led people into working poor status, and has not improved their economic situation.

Education and training are the cornerstones upon which we on this Floor have built our future. This bill should be stressing basic literacy, English-as-Second-Language, GED completion, and on-the-job training rather than cynically labeling them "welfare scholarships." In my congressional district, I have seen how education can bring economic prosperity to one of the poorest regions in the country. Our unemployment rates have dropped from over 20 percent to almost 10 percent.

Only a few days ago, the President signed the Agriculture bill to restore access to food stamps for legal permanent residents and overcame the mean-spirited denial of food for poor families that had been in effect for 5 years. Yet today we stand here ready to again weaken this program purely for ideological purposes.

The Republican "super waiver" provision would undermine critical programs like the Workforce Investment Program and the Childcare Development block grant. Yet without adequate childcare, transportation and flexible work-hours, what mother can concentrate on work when their child is home alone or in substandard childcare?

The Republican proposal is empty rhetoric because it is critically underfunded. It puts ideological sound bites over real welfare reform. Even the Nation's Governors have expressed their reservations about the poor policy and unfunded mandates in this bill. The Democratic substitute provides significant reforms as well as the resources needed to implement them. I urge my colleagues to vote for the Democratic substitute and against the Republican bill.

Mr. CARDIN. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), one of the real leaders on welfare reform, the architect of the Democratic substitute.

Ms. WOOLSEY. Mr. Speaker, 6 years ago I voted against the welfare reform bill because I had been a welfare mother 35 years ago. I knew what we needed to do to bring families out of poverty. I was right. Unfortunately, we have not brought families out of poverty. Yes, indeed, we have gotten many, many families to go to work. That is the good side of what has gone on. But we had a very good economy. When the economy is dropping, families are losing their jobs. But the worst thing about taking women and their families from welfare to work that we have experienced is they have gone from welfare to poverty, and we are keeping those families in poverty.

The reason I got off welfare is because I was educated. I had a good education, I had good job skills, and I could take advantage of that. We have to provide just that for our families on welfare. Then we will have a successful welfare reform program.

I voted against the bill in 1996 because I feared that moving from welfare to work would leave mothers stuck in poverty—especially during an economic downturn.

Well, 6 years we succeeded in doing just that!! Women are working and women and their families are living in poverty. We have to learn from what didn't work.

Now, we have a new bill . . . one that actually goes backwards on education . . . which, of course, is the way to prepare for a good job, one that pays a "living wage."

And, then the Republicans demand mothers with small children, under 6, go to work without the child care they need . . . especially child care for infants and parents working evenings and weekends.

H.R. 4737 improves nothing . . . it will do one thing and one thing only—keep mothers and their children in poverty.

Mr. HERGER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY), a very active member of our subcommittee.

Mr. MCCRERY. Mr. Speaker, first of all, I want to respond briefly to the remarks by the gentleman from Washington about the unfunded mandates in this bill. This is a report from the same Congressional Budget Office dated May 13, 2002. CBO says the TANF grant program, which is the subject of this bill, affords States broad flexibility to determine eligibility for benefits and to structure the programs offered as part of a State's family assistance program. Consequently, any new requirements to the program as proposed by H.R. 4090 would not be intergovernmental mandates as defined in the Unfunded Mandate Reform Act to the States.

With respect to the question of money, this chart clearly illustrates that we are giving the States more money for welfare on a per-family basis. In 1996, the year prior to welfare reform going into effect, States had about $7,000 per family for welfare. Next year under the first year in this bill, States will have almost $16,000 per family for welfare. Tell me how we are shortchanging the States. They are getting over twice as much money, and that is not counting the $4 billion extra we are giving them in child care. Give me a break.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Democratic substitute. Earlier this Congress passed legislation that heavily subsidized big farms and military contracts. But when it comes to helping poor women and children, the cupboard is bare. How can my colleagues on the other side of the aisle call themselves pro-family when they do not adequately fund training and education to lift welfare recipients out of poverty? How can they call themselves pro-family when they do not provide adequate funding for quality, affordable, available child care so that working moms have a place for their children to go? We need our families to thrive, not just survive.

A welfare recipient wrote me earlier this month and she said, "When you cut off money for education and training, you cut me off, too. You cut my children and myself into a never ending cycle of poverty."

The Democratic substitute provides support to lift families out of welfare.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have listened to my colleagues talk on the other side of the aisle about this bill. Let me at least try to set the record straight. Our chairman the gentleman from California (Mr. THOMAS) said the fundamental thrust of welfare is where we need to continue. Yet the underlying bill changes that. I do not understand it. We trusted the States in 1996. Now we do not trust the States. Now we have to be prescriptive. We have to tell them how to do it.

The gentleman from Louisiana (Mr. MCCRERY) said, well, they are going to have plenty of money to do it. The truth is the States are spending $2 billion more a year than they are currently getting from the Federal Government for their TANF programs. The reason, quite frankly, and the gentleman from Louisiana (Mr. MCCRERY) did not tell the whole factual truth, there are a lot more people receiving TANF services than those in cash assistance, and we should be proud of that. We want people off of cash assistance. We think the programs that lift people out of poverty is where we should go. They do not have the resources.

The gentleman from California (Mr. HERGER) talks about flexibility in resources. The States have far less flexibility on providing educational services for the people on welfare under the Republican bill than current law. They do not move ahead. They take away the ability to have vocational education for 1 year towards the work requirements in the Republican bill. Gone. Is that giving States additional flexibility? No.

That is why the Congressional Budget Office, our scorekeepers, tell us that implementing this bill will cost our States an extra $18 billion, $11 billion in direct cost. That is the unfunded mandate, whatever we want to call it. It is going to cost our States more money to implement the requirements. We are being prescriptive. We are not using the formula that worked 6 years ago that I voted for, flexibility in resources to States so they can work with the people in their State to not only get them off cash assistance but to lift them out of poverty. We can do better and we are going to have a chance to do it when we offer the Democratic substitute.

I urge my colleagues, both Democrats and Republicans, look at the substitute. Support it. It is what we need in order to live up to our commitment to the people of our Nation.

Mr. HERGER. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW), the architect and chairman back in 1996 of the Subcommittee on Human Resources.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida is recognized for 2 minutes.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time. My congratulations to the gentleman from California (Mr. HERGER) for taking what I think is an historic piece of legislation and improving it.

In listening to the debate on the floor today and late into last night, there was an effort, I think, to rewrite history that was going on here on the floor of the House of Representatives. I heard time and time again speakers from this side of the aisle getting up and talking about how President Clinton had input into the bill and finally he signed it after vetoing it three times. That is simply not true. We reached out time and time again to the White House and we were met with silence. They had no interest in working with Republicans on welfare reform. It was not until right before the election that the President decided that it was about time that he looked at this issue that was very much on the conscience of the American voters. On August 22, 1996, President Clinton did finally sign a welfare reform bill.

This historic legislation has pulled 3 million children out of poverty when we were hearing time and time again from the other side of the aisle that they were going to be sleeping on the grates. Yes, half of the Democrats did support us. That is a good thing, because that sent the message out that America expected more of the poor, the economic disadvantaged. But what is separating us on this issue is that we believe in the human spirit so strongly that we feel that if we raise that level of expectation that they will rise up to meet it, and history tells us that we were right.

We were absolutely right, because what we did was take people out of a life of dependence and made them role models for their kids, and they did do better. Now we expect the States to get more of their people on the work rolls. We have lowered the amount of people on welfare across this country by over 50 percent, but we are not through. We are going to do better. Together we will do better.

Vote "yes" on this bill and "no" on the substitute.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4737.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 1996 welfare reform law that we are reauthorizing today has been an unprecedented success, one of the most important pieces of social policy since the civil rights legislation of 1965.

Today with the Personal Responsibility, Work, and Family Promotion Act, we are set to build on that success. The bill marks the beginning of a second phase of reform that will help even more Americans find productive jobs. My friends on the other side of the aisle may say, "The system is working. Why fix it? Why argue with success?"

Here is why. Welfare caseloads have fallen dramatically since 1996, but as this chart right here shows, 58 percent of TANF recipients still are not working for their benefits, according to the Department of Health and Human Services. And we all know that work is essential to help people get the skills that they need to move up the economic ladder.

The bottom line is that approximately 2 million families remain on welfare rolls today and we need to do something about it. Earlier this month, the Committee on Education and the Workforce approved a bill introduced by my friend, colleague and subcommittee chairman the gentleman from California (Mr. MCKEON), the Working Toward Independence Act, which is now part of this overall Republican bill. It strengthens work requirements to ensure that we move these welfare recipients on the path to self-reliance. As Connecticut Governor John Rowland has said, "The most compassionate way to break the cycle of poverty, dependency and hopelessness is through work."

The bill requires welfare recipients to participate in work activities for 40 hours a week. But within these new requirements, there is significant flexibility for States and recipients themselves. Welfare families will have 16 hours a week to pursue education and job training. They can also attend school full-time for up to 4 months during a 2-year period. The measure also increases the percentage of welfare families in each State that must be engaged in work activities; currently, 50 percent, moving to 70 percent by 2007.

Some have questioned whether States can meet these new requirements, suggesting that we are setting the bar too high. But I agree with President Bush who said last week, "If it brings dignity into someone's life, it's not too high of a goal."

And, remember, the bill gives States 5 years to comply with the new work requirements. The bill also includes significant funding increases for child care, boosting discretionary spending for the child care and development block grant by $1 billion over 5 years.

In addition to this new money, it is important to remember that States have half of the caseloads they had in 1996, which means they have got twice as much money available to spend on work programs or on child care.

□ 1200

H.R. 4737 also incorporates key elements of President Bush's Good Start, Grow Smart Plan to improve early childhood education, and encourages States to address the cognitive needs of young children so they are developmentally prepared to enter school.

Finally, the bill includes a promising new plan to empower States and localities to develop innovative solutions to help welfare recipients achieve independence. It will give States and local agencies the opportunity to integrate certain welfare and workforce development programs and try to improve their efficiency.

Mr. Speaker, in closing, I would like to echo the sentiments of President Bush when he said, "No level of despair should be acceptable in our society." With this bill today, we are going to help some of the most vulnerable members of our society achieve self-sufficiency, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, what this debate has come down to is a question of whether or not those individuals who seek to get off of welfare, whether or not those individuals who seek to stay off of welfare, who have been successful in escaping the welfare system, whether or not they will have the means to do so. What this debate comes down to is whether or not a single individual or a family makes a decision about going to work, about participating in the American economic system, whether or not they will have the child care and the training available so they can take the best advantage of what this system has to offer them.

Over the last 5 years we have learned a great deal about welfare reform. There are two things we have learned that are absolutely crucial: First, that good job training and extensive job training in the beginning is better for the employee as they go out on that new job, it is better for their chance of advancing to a second and better job, and it is also better for the employer because it reduces the amount of turnover that the employer must suffer with the employment of individuals. That is very important.

The second thing is that the biggest barrier of people going to work is the care of their children. We ask people on welfare, we mandate that they must go to work, and yet we tell middle class women we want them to stay home and we give them a tax credit to stay home and take care of their child. So the person who is on welfare is asking the question, will my child be safe? Will my child have a chance at child development while I am working? This is what every mother, every father, every brother, every sister thinks about their siblings and their children.

The Republican bill simply does not provide the sufficient resources to the States to provide quality child care for those children and the needs that are now presented today to this Nation, not after you up the work requirement, but today.

Hundreds of thousands of children are on a waiting list for child care, and the Republicans want to continue to tell us that all the care that is necessary is available. Child care lists are frozen. This debate is about whether or not we will enable these individuals to go to work with the security of mind that their child is in a quality placement and their child is receiving child development while they try to engage in the American economic system.

Mr. Speaker, the debate about welfare should be a debate about how to move people—mostly women with young children—from dependency on government assistance to full-time, permanent employment that lifts, and keeps, the family out of poverty.

That is our goal for welfare reform.

Six years ago, Democrats and Republicans agreed that the welfare system of the prior half century was a failure. The new system emphasized moving people from dependence to jobs while providing them with education, training, child care and the other supports that most Americans recognize are essential to achieving the goal.

There have been some successes: welfare rolls are down—dramatically in some states. But let us remember that cutting the rolls alone was not the goal. The evidence gathered in study after study documents that while we have moved many off welfare, we have not achieved the goals of promoting long-term economic independence, jobs that lift and keep families out of poverty, or improved living standards for millions of children.

Since 1996, the welfare rolls have been cut by over 50 percent nationally. But millions of those who have left welfare remain desperately poor, dependent on food stamps, WIC and other public assistance, raising children in deep poverty with all of its harmful impacts, and without the education, training or child care that is necessary to move them to real independence.

In one review of 900 former welfare families, researchers concluded that most still live below the poverty line and have been forced to cut back on food to save money. Another major review of seven Midwestern states also concluded that many of the former recipients remained in poverty while Indiana and Wisconsin's rolls grew by 13 percent last year. In Michigan, 71 percent of those who combined welfare and work, and nearly 50 percent of those former recipients who worked full time, remained poor with many unable to buy food, pay utilities or rent or losing their phone service. Those findings demonstrate clearly that more must be done to move people off welfare and into employment.

We should finish the job begun in 1996, by directing the needed services to those who must leave dependency while still holding them accountable for achieving independence from government aid. Instead, the bill before us today—which we are denied the opportunity to improve—imposes costly new mandates on states without the federal support to pay even a fraction of the additional burden. It also imposes rigid welfare programs that are fundamentally different than the programs the Republicans have been heralding as great successes. We need to make welfare reform work, not punish the governors and the recipients alike because it hasn't moved fast enough yet.

The Republican bill takes a very different approach: massive new work requirements without adequate training, as well as other unfunded mandates and punishing requirements for state administrators and for welfare recipients alike—with little financial assistance for either. And this Republican bill, unlike the Democratic substitute, fails to protect working men and women by fully applying our nation's civil rights, wage, and health and safety laws to welfare recipients who are working. Nor does the Republican bill protect those who currently have jobs from being displaced by subsidized welfare recipients. That is just wrong.

This Republican bill tells the taxpayers of California: you better raise taxes by $2.5 billion, or cut your already deeply reduced spending, because you've got to pay billions to comply with this new bill, or face more punishment. And don't expect any additional help for the 280,000 families already waiting for child care, because the Republicans aren't going to give you more assistance.

But it isn't California. The Republican bill tells Michigan to raise taxes or cut spending by $377 million, a state that has already cut more than half a billion in spending. The Republican bill tells Pennsylvania: your bill is $433 million; Ohio, it's $444 million; New Jersey, $233 million; Connecticut, $133 million; Texas, $688 million; Florida, $311 million; New York, $1.2 billion. State after state, billions upon billions in new mandates piled on by this Republican bill that fails to fund them.

There is no evidence that the harsh and rigid revisions dictated by the Republican bill will increase the success of welfare reform; but they will severely restrict the flexibility the states have been able to use to meet the needs of their residents, as 39 out of 44 states agreed earlier this year.

Some will try to paint those who raise concerns about education, training, workforce protections and child care as "soft on welfare reform." The American people know better than that. We are all for moving people from welfare to work, from dependence to independence, from poverty to self-support. The American people also know we need to get people the flexible tools they need to give them a fair chance to succeed. This bill is grossly unfair, it imposes billions in new costs to the states, and we are not being given the opportunity to improve it, and that is why we will oppose its passage and support the Democratic substitute.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. McKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. McKEON. Mr. Speaker, I rise in strong support of H.R. 4737, the Personal Responsibility, Work and Family Protection Act. I want to thank the leadership and in particular the gentleman from Ohio (Chairman BOEHNER) and other members of the House Committee on Education and the Workforce who have devoted countless hours to putting together a package that every Member of this body should support.

Six years ago, the Nation's welfare rolls bulged with more than 5.1 million individuals and families. Today, the rolls have decreased tremendously. Between 1996 and this very day, over 3 million people have left welfare for work. Over 3 million former welfare recipients know the satisfaction of earning a day's pay for a day's work.

As the debate goes forward on this bill, it is important to remember that the true benefactors of welfare reform are young Americans. Because of welfare reform, young Americans are able to see their parents get up each morning and go to work. Without this very basic ethic, those young people are at a great disadvantage, and it becomes difficult for them to escape the cycle of poverty in which their families have lived for generations. H.R. 4737 helps these families and builds on the success of the 1996 welfare reform.

The work requirements were the centerpiece to welfare reform. It is only through work that individuals can get out of poverty and lead productive lives. The bill before us increases the work requirements to 40 hours of work per week. That is the bare minimum that most Americans work every week. That is only 10 hours more than the current requirements.

For 24 hours, TANF recipients are required to be involved in direct work. For 16 hours, they may take part in educational or job training programs that will lead to self-sufficiency and a better life. The structure of the 16 hours is defined by the State.

Understanding that child care is most important to helping families leave welfare, H.R. 4737 increases the already extremely high levels of funding for the Child Care Development Block Grant. The high level of funding is increased even as the number of families being served has dropped by over 3 million.

The bill also provides State flexibility while maintaining State accountability by permitting States or local entities to integrate a broad range of public assistance and workforce development programs.

At the same time, it is important that local areas created under the Workforce Investment Act be heavily involved in the process. Therefore, I am pleased that the bill provides provisions ensuring that local administering entities join in the flexibility application submitted to the Secretaries. This will, in effect, give the locals veto authority over provisions that they believe will not improve the quality or effectiveness of the programs involved.

The results of welfare reform are clear. The work requirement has led 3 million families to live independent of government handouts. While it is important to talk about the significant reduction in welfare caseloads, the goal is not simply to move families off of welfare; the goal is to help families become self-sufficient, to end generations and generations of welfare dependency. As such, I strongly urge my colleagues to support the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM. Mr. Speaker, I would like to inform the last speaker that the unfunded mandate in this bill would cost the State of California $2.5 billion.

Mr. Speaker, I ask my colleagues on the other side of the aisle why would I, as a Member of Congress, tell working mothers to leave their small children behind and go to work without providing them safe child care?

In Minnesota alone today there are nearly 5,000 families on the waiting list for child care. That is the entire population of the City of St. Paul Park. The Republican bill provides only a slight increase in child care, not even enough to keep up with inflation. It would remove only 300 of the 5,000 children from Minnesota's waiting list.

But then, wait. We are now doubling work requirements for mothers with children under the age of 6. This will add thousands more families to our waiting list, costing Minnesota more than $100 million.

It is completely irresponsible to think that Minnesota and other States facing deficits will be able to provide child care. We owe it to our children, we owe it to their parents that they have safe, reliable places for their children to be while they are working.

I served in the Minnesota Statehouse, where I worked on a bipartisan effort after Congress passed the law 6 years ago. We had success. Minnesota is cited as one of the most successful programs and it is rated top in the Nation for making families self-sufficient.

Today, I am being asked to vote on a bill that seeks to undo the success in Minnesota. The new Federal mandates limit the flexibility and fail to provide needed funding for these new requirements.

We cannot have it both ways. You cannot have it both ways. You cannot say you are trying to move people out of poverty and then not give them the means to accomplish that.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), who will be retiring, a long time Member of the Committee on Education and the Workforce.

Mrs. ROUKEMA. Mr. Speaker, I thank the chairman for yielding me time, and I certainly commend the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Chairman MCKEON) for their hard work and diligent leadership here.

Mr. Speaker, the gentleman has indicated that I have had a long history here in the Congress, certainly on this committee. I go back to 1996 and the welfare reform, and I have got to take the credit for being one of the first, a Northeast moderate Republican, one of the first to be advancing welfare reform, and I think that bill has proven its own success.

But I would like to say that in addressing the need for welfare reform, at that time and again today, I stress what we need is what I call "tough love," and the tough love that is needed is in this bill; namely, that the welfare recipients must become more self-sufficient while at the same time this legislation is sensitive to the genuine family needs and the needs for children to be properly cared for and educated, and I believe that this bill does that.

In fact, my amendment, only one of the portions of the bill, but my amendment, the self-sufficiency plan, gives the authority to the States and the welfare recipients to work together to create these self-sufficiency plans and to address any barriers that are there that are preventing the families and the children from getting the road map that they need to this self-sufficiency, and I am proud that that language is in this bill.

The bottom line is that this bill may not be perfect, it may not be, but it is a significant reform building on the successes of 1996, and passage of this bill today is a vital step to completing the task that we started in 1996 and to restore public assistance to its original purpose, providing a temporary safety net for those in need, and genuine tough love for all the little children. And they are protected in this bill.

I rise in support of this bill. First and foremost, I would like to commend the Education and Workforce Committee Chairman BOEHNER and Subcommittee Chairman MCKEON for their leadership, hard work, and diligence on this important issue. Of course, I commend the President for making welfare reform a priority for our nation.

INTRODUCTION

When we started down this road to welfare reform years ago, the American people were convinced that the welfare system was out of control. They worried that we were wasting billions upon billions in hard-earned taxpayer dollars to support a system that promoted unhealthy, unproductive, dysfunctional families and sentenced children to a lifetime of economic, social, and emotional deprivation. In a system like that, the children were the victims.

In addressing the need for reform we must demonstrate what I characterize as a "tough love" approach. Namely, "tough love" so that welfare recipients can become more self-sufficient while at the same time being sensitive to genuine family needs and that the children are properly cared for and educated.

The 1996 Welfare Reform Act was based on the notion of individual responsibility. The reforms restored public assistance to its original purpose: a temporary safety net for those in need—not a permanent way of life for generations of families. The 1996 Welfare Reform Act was good policy, however we all agree that we have much more to do. We must ensure that welfare recipients are self-sufficient when they leave the system.

The bill before us today represents the next phase of welfare reform. It continues to focus on individual responsibility through work. It provides the necessary mechanisms to help welfare recipients independently support their families when they leave the system. The bill also recognizes that states need flexibility in creating the most effective welfare programs. Finally, I am pleased with the increased funding for child care programs, which allows parents to go to work while their children are provided with the care they need.

SELF-SUFFICIENCY PLANS

Too often, families with significant barriers to full employment are not given appropriate opportunities and adequate services to remove those barriers and allow them to become successful and independent. I am pleased that the bill before us today includes language from an amendment I offered during the Education Committee markup to ensure that states and welfare recipients work together to define what barriers stand in the way of permanent employment and subsequently create "self-sufficiency plans" to address these barriers. These plans will provide welfare recipients the "road map" they need to become independent of government assistance when they leave the welfare rolls while maintaining the proper focus on the purpose of welfare—individual responsibility.

CONCLUSION

The bottom line is that this bill builds on our past successes to ensure that those we move off of welfare have sustainable job opportunities and the ability to secure a promising future for their families. While this legislation is not perfect it is significant reform. Passage of this bill today is a vital step toward completing the task we started in 1996 to restore public assistance to its original purpose: providing a temporary safety net for those in need, genuine "tough love" for all the little children.

EDUCATION AND TRAINING

I believe the bill before us today takes important steps to helping welfare recipients achieve self-sufficiency. However, the bill falls short in one critical way: it fails to ensure that welfare recipients have the skills they need to remain employed in the private sector.

It is of paramount importance that we allow for the education and training of those moving into the workforce. Education and training will enable welfare individuals to hold sustainable quality jobs, rather than menial, low-paying positions that will not provide independence from government assistance when they leave the welfare system.

Research supports the effectiveness of ensuring that welfare recipients have the skills they need to retain a quality occupation. In one study by the U.S. Department of Health and Human Services and the U.S. Department of Education, individuals leaving welfare who were most successful in sustaining employment were twice as likely to have a technical or 2-year degree.

We must recognize that there are basic skills necessary for the occupations that we are hoping welfare recipients will enter into. In fact, the Educational Testing Service reports that nearly 70 percent of the jobs created through 2006 will require workers with education skills that are higher than the levels of most current welfare recipients. As I am sure all of my colleagues have heard, numerous employers in technical fields and healthcare are experiencing workforce shortages and being forced to bring in immigrants to fill their jobs.

Honestly, this makes no sense to me because we have a number of welfare recipients in this country that could fill these positions if they had the appropriate training. As I see it, proper training of welfare workers could have a tremendous impact on welfare recipients AND employers.

Current law allows for 12 months of vocational training for 30 percent of the state's welfare population. While this was an important first step, it did not allow for the education and training of all welfare recipients. It also did not take into account the range of programs offered by community colleges that lead to quality occupations.

The bill before us today wisely removes the 30 percent limit in current law so that all welfare recipients can participate in activities that will help them improve their job training skills. However, the bill falls short because it does not allow for the full participation in these activities for more than 4 months (one semester) in a 2-year period. What this means is that a person can receive up to 8 months (two semesters) of education while they are on welfare but this training can not be consecutive. I do not believe that this is the best approach for helping welfare recipients achieve independence.

We should allow for one consecutive school year of education and training to count as an allowable work activity. This would only be a minor change to the bill but it would achieve the results we are hoping for.

After 1 year of training, welfare recipients will be able to attain a skill or trade and then move on to a good job. According to the American Association of Community Colleges, students can earn certificates at a community college in 1 year if they attend College full time. So by allowing a school year of education, welfare recipients would have the potential to receive an occupational certificate, which would set them on their way toward self-sufficiency.

I firmly believe that welfare families need "tough love". They need a system to provide assistance when there is absolutely no other alternative. But we need to ensure that government assistance is no longer a way of life.

And the best way to achieve true independence for families, we need to make sure they have the skills to retain a job that pays enough to support their family. Moving families back and forth between work and education without a true plan does not help them make their own way in the world.

We must help welfare participants secure high wages, benefits, and steady work by investing in their futures. And we must be realistic. Allowing welfare recipients to enroll in education programs for a limited time is a necessary step in the struggle to transition from poverty to self-sufficiency.

STATE FLEXIBILITY

One of the hallmarks of the 1996 law is the flexibility it gives states and localities. The bill before us today offers states even more flexibility, authorizing them to integrate a variety of federal welfare and workforce investment programs and make them more efficient. While providing flexibility to allow the states to be innovative in their welfare programs, the bill also includes significant protections to ensure that states and localities continue to comply with federal civil rights, labor, and environmental laws, and that no program will lose any funding.

As Chair of the Financial Services Subcommittee on Housing, I want to take a moment to comment on the state flex proposal and how it relates to the housing and homeless programs. Under this bill, states and/or local governments are given the ability to seek new and innovative solutions to old problems of service delivery. Through the hearing in my Subcommittee, we have heard time and time again about the need for coordinated services. Housing and homeless problems cannot be solved merely with brick and mortar. Chances are, if you are in need of housing, you also are in need of a multitude of other services—whether they be medical, food, transportation, childcare or counseling. Programs that fall under the jurisdiction of other agencies like HHS.

The legislation we are considering today will allow entities, such as the public housing authority, and the local and state governments to blend programs various programs to address the problems of services delivery. An example of this waiver could be a child-care center and a local public housing agency jointly petitioning the Federal Review Board to waive the regulations and requirements of their applicable programs to achieve a certain purpose. H.R. 4735 will give community groups and local and state entities the opportunity to cut through some of the red tape that many housing organizations complain about when attempting to blend programs from different agencies.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK), the subcommittee ranking member and a wonderful worker on this issue.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, there is so much that needs to be said about this issue, but I would like to inform the last speaker that the unfunded mandate in this bill would cost the State of New Jersey about $233 million. That is the financial aspect of it. The human aspect is what I want to address.

The people that get up and say what a wonderful thing has happened under the 1996 bill because half of the families have been removed from welfare, we cannot deny those statistics, they remain there. But what has happened to those families? No one can tell us whether indeed they are still working, whether they are out of poverty. Most of the figures we have seen is that those that still work, work for minimum wage. I dare say that people working for minimum wage are not out of poverty. In fact, we have 38 million people considered in poverty.

So, with the requirements today of 30-hours mandated work activity and all of these rave reports about the success of the program acknowledging that the States have done most of this good work, why in the world would the Republicans now want to come and make the work requirement tougher? Why increase the 30 hours to 40 hours? It pays no account to the 2 million families that are on welfare today who are struggling.

Most of those families come to the welfare office with enormous stresses, substance abuse, domestic violence, mental illness in someone in their family, extreme disability of a child, physical illness, perhaps illness of their own, alcoholism. I think that what they have put on are blinders to reality.

Mr. Speaker, I urge this House to be real, to take into account the real essence of these families. They need help. They do not need a requirement to do 40 hours of work. It is a struggle for them to just stay alive and to maintain their families.

I urge this House to consider the people on welfare as real people, as our neighbors and as our friends.

Mr. Speaker, I include for the RECORD a list of groups opposed to H.R. 4737.

GROUPS OPPOSED TO H.R. 4737—AS OF 5/15/02

Alaska Federation of Natives
American Association of University Women
American Civil Liberties Union
American Federation of Government Employees
American Federation of Labor—Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County, and Municipal Employees
American Federation of Teachers
Americans for Democratic Action
American Jewish Committee
Asian Pacific American Labor Alliance
Asian Pacific American Legal Center
Association of University Centers on Disabilities
Center for Community Change
Center for Women Policy Studies
Coalition on Human Needs
Coalition of Labor Union Women
Communication Workers of America
Delta Sigma Theta Sorority, Inc.
Friends Committee on National Legislation (Quaker)
Hmong National Development, Inc.
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
Jewish Council for Public Affairs
Jewish Labor Committee
Labor Council for Latin American Advancement
Laborers International Union of North America
Latino Coalition for Families
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
Mexican American Legal Defense and Education Fund
National Alliance of Postal and Federal Employees
National Asian Pacific American Legal Consortium
National Association for the Advancement of Colored People
National Association for Equal Opportunity in Higher Education
National Association of Counties
National Association of Human Rights Workers
National Association of Social Workers
National Campaign for Jobs and Income Support
National Coalition for Women and Girls in Education
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council of LaRaja
National Education Association
National Employment Lawyers Association
National Federation of Filipino American Associations
National Gay and Lesbian Task Force
National Low Income Housing Coalition
National Partnership for Women & Families
National Urban League
National Women's Law Center
National Workrights Institute
NETWORK: A National Catholic Social Justice Lobby
Organization of Chinese Americans
Presbyterian Church (U.S.A.), Washington office
Service Employees International Union
Southeast Asia Resource Action Center
Unitarian Universalist Association of Congregations
United Auto Workers
United Food and Commercial Workers
United States Student Association
United Steelworkers of America
Washington Ethical Action Office
Welfare Law Center
Welfare-to-Work Project, The Legal Aid Society—Employment Law Center
Women Employed
Women's International League for Peace and Freedom, U.S. Section
Workmen's Circle, Washington DC Area

I urge my colleagues to vote against H.R. 4737.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the chairman very much for this opportunity to speak to this bill.

Actually, this legislation did not begin in 1996; it began in Washington in 1988 with a piece of legislation called the Family Support Act of 1988. In reality, for those who were in State legislatures or in the executive branch of the States, as some of us were, it started earlier than that. It started in 1985, when the States really began to look at welfare reform, with governors like Bill Clinton, for example, and Tommy Thompson, who came along and got involved in this.

Decisions were made there. They were not made in Washington, D.C. It was set up in such a way that people would have the opportunity to be able to be educated and go to work, and eventually Washington went along with it in 1988, and obviously we really encompassed it in 1996.

□ 1215

The arguments were the same then as they are now. It is sort of like the Star Wars business that was talked about last night. It is a rerun, to a degree; and the same people were saying it will work and others were saying it will not work. Yet, each and every time, this program has worked. It is the best social program in terms of improving people's lives that we have ever had, probably in the history of the Congress of the United States, or even this country. Because indeed, if we go out and talk to that 50 percent of the people who in recent years have gone off of welfare and we get their story as to their opportunity to become self-sufficient and to become independent, to be able to live their own lives and stand up for their families, we are going to find out how supportive they are of welfare reform.

In this particular legislation there is a lot of concern about where we are going and what we are doing. There are concerns about the 70 percent requirement, can we meet that. I believe that we can. We have always met them before. Can the 40-hour work week with 26 hours of work and 14 hours of other activities be met? I believe that we can do that as well.

One of the areas is child care. I introduced an amendment in the committee, and we were able to get it done, to add $200 million. Later it was worked out that we would have $2 billion more for child care. About 62 percent of all children in this country who are not in school yet are in child care. How do we take care of that? If one looks at this chart, we get some idea of where we are going and why we are adding $2 billion to the $4.8 billion of the direct child care here. We are going to find that when we look at all of the discretionary funds, the transfers from the TANF block grant, a lot of which goes to child care now, what the States do, and then add in Head Start at the bottom, we get to a point of $18.272 billion that goes into child care in the United States today. That is a large number, and it will be a large increase over what was there before; and my judgment is it is something we are going to be able to live with.

So I totally support this legislation. I believe it will work. I believe perhaps some things need to be addressed, and I think they will be in the Senate and perhaps in conference; and one of those is the transitional medical assistance, a program that provides health coverage for welfare recipients. I would like to see that authorized for 5 years, because if you go off of welfare you are going to need that Medicaid assistance. We did not quite complete that task, but we can resolve that at a later time. I believe that the State flexibility provisions, frankly, were better before the changes were made recently; and I think there should be State flexibility if we can possibly have it.

Mr. Speaker, I hope that as all of this is looked at in terms of jurisdictional aspects of what Congress is doing versus what they are doing in the States, we can give them the flexibility to carry out what they have to do. I am somewhat concerned about some of the programs that we have with respect to dealing with unplanned pregnancies and achieving independence for working men and women. Abstinence education I think is a very important part of this effort. Yet the language in H.R. 4737 provides a simple solution to a very complex problem and I think probably needs some reworking.

Mr. Speaker, these are relatively minor concerns. Overall, this is legislation which, in my view, each of us, and I would appeal to those who, perhaps because of procedural concerns are opposing it, but that each of us would come forward in support. My colleagues will be proud of the fact that they supported it and proudest yet when they go out and meet individuals who have gotten off the rolls of welfare.

I support this bill. This is the beginning of the efforts to empower the next generation of welfare-leavers, and I hope this entire Congress can get behind it and make sure we continue this opportunity for those who live in our districts around the country.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I would like to begin by informing the gentleman from Delaware that the unfunded mandate in this bill would cost the State of Delaware about $33 million. I think it is important to note these unfunded mandates and the higher costs. Maybe the Governors in the States would like to have the farm subsidy bill given to the States so that they could have more flexibility there and return the administration of the TANF program strictly to the Federal Government.

We had our previous speaker from New Jersey, the gentlewoman from New Jersey, who talked about tough love. When she first spoke, I thought she was talking about tough luck is what we are offering to welfare recipients. In the case of the farm subsidy bill, it is tough luck too if we get up to $390,000 in taxpayer safety net benefits if one is a farmer, and if that $390,000 a year is not enough, then tough luck after that. Consider the contrast.

Also, consider the fraud that permeates this legislation and the whole process of discussion. If we really care about children, if we care about getting people out of poverty, then built into the legislation there ought to be some kind of punishment or incentives related to reducing the child care waiting list. There ought to be an incentive for reducing the child care waiting list. The waiting list in New York is so large, they will not even tell us what it is; and yet New York City has one of the best day care systems in the world, one of the largest day care systems, but still the waiting list is so long. The waiting list in Georgia is 46,800; in Mississippi, 10,422; Ohio will not even tell us what theirs is. North Carolina, 25,363. If we had some way to reward them for reducing the waiting list, then children would be better taken care of. There is no real way to see that that happens in the most basic way, and that is in the area of day care.

Mr. BOEHNER. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Children's Defense Fund, which so many of us remember as the original individuals who doctored the slogan "leave no child behind" before it was so unceremoniously expropriated by our President for an education bill that he then went on and left all the children behind because he did not fund it, here we have a welfare bill where they ask recipients to go to work, but they do not give them the tools to really go to work that gets them out of poverty. I think that is why it is necessary to vote against this bill that the majority party is putting forward and look more seriously at the alternative being put in by the substitute by the Democrats.

Essentially, we need to expand the educational opportunities for individuals that are trying to move from welfare to work to make sure that they have the tools to get a job that pays enough to lift their children out of poverty. Vocational training, postsecondary education, work study, internships, job training, English as a second language, GED courses, basic adult literacy, these are all tools necessary for people to be able to do work that, in fact, will pay.

In my State of Massachusetts, we have a business community that understands this. In fact, a joint report issued by the Massachusetts Taxpayer Foundation and the United Way of Massachusetts Bay concluded that at no time in history have they had a greater need for people with a basic education, at least 2 years beyond high school, in order to fulfill their needs for employees to be productive and to have an economy that really moves forward. Their recommendation, as employers generally perceived as to be more conservative than others, was that we need a system that allows people to have those educational tools so that they can hire them now. It is not enough to put them on a temporary education program stretched out over 5 years so that some day down the road they might get a certificate. Our industries in business need them to get it sooner to put them to the level where they can be productive and effective for those companies now.

So we have both the business community and others who are interested in the welfare and well-being of these individuals, indicating that we have to give them the kind of education that really matters, have that educational opportunity be 24 months, lift people from poverty, and truly leave no child behind. Just do not talk about it; do it.

Mr. BOEHNER. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Taxpayers who object to paying for able-bodied people to stay on welfare should object to this bill, because what it is going to lead to in the long run is more people who are able-bodied being back on public assistance.

The flaw in this bill is that it makes mothers choose between pursuing their higher education and taking care of their children. Those mothers will choose, and should choose, to take care of their children. They will work longer hours, but they will not pursue a higher education because the child care that would let them pursue that higher education and take care of their children is not guaranteed in this bill.

This bill will breed a new generation of permanent low-income, public assistance recipients. We should move beyond welfare to work, from poverty to independence. Let us reject this bill.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished gentleman for yielding me this time. I commend him on his hard work, and I rise in support of H.R. 4737.

Mr. Speaker, I have to make an observation. The well-intended birth of aid to families with dependent children and welfare in the 1960s was a temporary assistance to help Americans in need. It became a generational entitlement that trapped generations of Americans in subsistence.

In 1996, Members on both sides of the aisle voted for a bill that some called at that time a bill that would increase the welfare rolls, children in hunger and in poverty. And today, 5 million American families that were on welfare are off and their self-esteem is high. They are now the taxpayers that the gentleman from New Jersey (Mr. ANDREWS) referred to, who would have answered his question with a resounding no. They would have said yes, we do believe the rest of ours who are entrapped in poverty should be uplifted like we have been as well.

I find it unfortunate that Members of this House would condemn a success and try and make the fact that it is not incrementally as good as they would like it to be the reason why we ought to go back to generational entrapment.

One last thing. We gave waivers to States and Governors like Tommy Thompson and Engler and others, and they created programs that work. There have been some questions about waivers, but let me tell my colleagues this. The creativity at the local level in Georgia and in California and in Hawaii and Ohio has made the lives of poor Americans richer and has made welfare-to-work a reality. To that end I would like to engage the gentleman from California (Mr. MCKEON) in a colloquy to make sure the clarifications are clear on the authority at the local level.

Mr. Speaker, this bill stipulates that the entity that administers a qualified program must join in any application proposing to conduct a demonstration program involving such a program. As the gentleman knows, local business-led workforce investment boards administer the adult dislocated worker and youth employment training programs authorized by the Workforce Investment Act.

Is it the gentleman's intent that such boards would need to be a party to any application that is submitted to include WIA programs within a demonstration project?

Mr. MCKEON. Mr. Speaker, will the gentleman yield?

Mr. ISAKSON. I yield to the gentleman from California.

Mr. MCKEON. Mr. Speaker, the gentleman is correct. In order to coordinate those activities funded under the Workforce Investment Act that are administered by local boards with one or more other programs listed in this bill, local boards and the entity that administers the other programs would need to submit a joint application to the appropriate Federal departments. As a result, local boards effectively can veto demonstration projects that the board believes do not enhance workforce development and improved service delivery simply by choosing not to join in the request. A State cannot seek to waive provisions within the Workforce Investment Act that impact the local delivery system without approval of the local boards.

I will submit for the RECORD a letter from the National Association of Workforce Boards supporting the protection language included in the bill.

NATIONAL ASSOCIATION OF
WORKFORCE BOARDS,
Washington, DC, May 9, 2002.

Hon. HOWARD "BUCK" MCKEON,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MCKEON: We are writing on behalf of the Board of Directors of the National Association of Workforce Boards (NAWB) to express our support for your efforts to establish increased linkages between the Workforce Investment and TANF systems. We appreciate your leadership on this and other issues that will ensure the continuation of a business-led system for workforce development. NAWB's Board supports the inclusion of waivers for WIA and other related programs in the TANF reauthorization bill, provided these waivers meet a set of critical principles.

First, the system of waivers needs to clearly and carefully balance the interests of local communities, where services are provided and accountability can best be brought to bear, with state and federal interests. In short, we strongly support your insistence that any waivers must be subject to a joint agreement between the state and the local workforce board where the waiver would apply. By requiring both state local board approval of a proposed waiver you can ensure that both sides will negotiate in good faith, with the local workforce board representing the interests of businesses, education and service providers.

Second, we believe that a sound system of waivers must protect the local strategic planning and governance structure that was set up through painstaking negotiations during passage of the Workforce Investment Act. That is to say that any system of waivers should reference or incorporate the provisions in Section 189(i)(4)(i). In particular we are concerned that the waiver structure protect the authority vested in local boards, as well as the local allocation of funding for the workforce investment system.

Finally, the waiver system needs to be as broad as politically possible. Congress needs to ensure that the waivers include all major federal legislation affecting education, workforce and social service programs as it promotes a workforce system that is focused on the needs of both employers and jobseekers.

We believe that the so called "super waivers" can succeed if they work to create a level playing field between state and local interests as communities grapple with how best to balance their economic development, education and life-long learning strategies. If, on the other hand, waivers are merely a way to shuffle which bureaucracy operates which portion of the workforce development "system" they will lead to disillusionment among our business community about the ability of public programs to respond to the new economy. Because our members serve on local workforce boards, they know first hand how difficult it can be to drive quality and flexibility in the public system. At the same time, they realize that a system of voluntary waivers offers a reasonable option to the gridlock that has too often prevented program integration.

In addition to the inclusion of WIA in the waiver authority of the TANF reauthorization legislation, we encourage you to retain the positive provision of the addition of TANF as a mandatory partner in the WIA system that was added to H.R. 4092 during Education and Workforce Committee consideration. We would like to take this opportunity to support this provision, and urge you to retain it as TANF reform legislation is considered by the full House in the coming weeks.

Again, we appreciate your continued efforts on behalf of the workforce investment system, and particularly in support of local workforce investment boards. We would appreciate the opportunity to review any proposed language to see that it meets the needs of local business-led boards and would be happy to meet with you or otherwise comment as you move forward on this issue.

Sincerely,

KAY GEORGE HOCH,
Chairman.
ROBERT KNIGHT,
President.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for the clarification, and I thank the chairman for his diligent work. I, for one, will vote in favor of this bill to empower the American people.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Mr. Speaker, I just wanted my good friend from Georgia to know that the unfunded mandate in this bill would cost the State of Georgia about $266 million, and Georgia has 16,000 children on the child care waiting list.

The question before us is, Do we stand for the dignity of the poor, or do we believe in tough treatment for the poor? Does Congress want to help poor and low-income families, or does Congress want to push them further into poverty?

Today we are considering the majority's bill, which would push people further into poverty. This bill proposes to reduce poverty while reducing welfare rolls. After 5 years, welfare cash assistance caseloads have decreased by nearly 50 percent; but overall, poverty has declined by less than 2 percent. Do we stand for a welfare system that gives people a chance to pursue education and training without additional make-work mandates? Work is at the center of the debate, but the majority bill will not help people obtain and keep jobs with decent wages.

The bill imposes new requirements and decreases State flexibility. The majority's bill is not what the States support; 41 of 47 States indicate that the administration's proposal, the blueprint for this bill, would cause them to make fundamental changes. The NGA survey found that most States would not be able to meet the new requirements, so we do not stand with the States.

Mr. Speaker, this bill encourages work-fare programs that fail to increase earnings and fail to increase employment.

□ 1230

Recipients want real jobs not workfare. So it is clear that the bill does not stand with low income families. So it does not seem that the majority bill has been crafted with any key group of people in mind that implement the law or are affected by it. The bill shows it is crafted by those who are posturing to look tougher on the poor.

If States are forced to implement the majority bill that will be workfare programs. Workfare is so overwhelmingly bad. It overshadows nearly everything else in the bill. Workfare meets the need for a 25 percent increase in child care, at the very least. This bill before us does not even increase child care to meet the current need, let alone a one-quarter increase. Workfare undermines efforts to place people in good jobs. It undermines efforts to increase education and job skills. Vote against this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, something is seriously wrong here. Last week this House authorized a defense bill that will cost $400 billion, a record increase of $48 billion, this despite the fact that the Inspector General of the Department of Defense has testified publicly that the Department cannot pass an audit and cannot track $1.2 trillion in transactions.

The increase in the defense budget alone is three times greater than the cost of the welfare program, the major program supposedly aimed at lifting poor women and children out of poverty, aimed at fostering responsibility. We are demanding that poor women get a job, any job, even as we lose track of more than a trillion dollars? Bail out the airlines, give huge subsidies to farmers, offer a $254 million tax rebate to Enron? I am for accountability, but for everyone. But the Republican welfare bill is just mean. It makes it harder for most people in need to achieve self-sufficiency, something they want even more than we want from them.

I say vote for the Democratic substitute. Vote no on the Republican bill.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Oklahoma (Mr. SULLIVAN), our newest member.

Mr. SULLIVAN. Mr. Speaker, I stand before you to strongly encourage my colleagues to support this bill.

Six years ago the Members of this body united to pass a bill that revolutionized the lives of welfare recipients. In the 6 years since the passing of that legislation America has witnessed a huge decline in welfare dependence. We must build upon those successes and create new ways for people to become independent and move from welfare to jobs.

This bill is about three things: Compassion, work and marriage. Compassion means encouraging work, which leads to dignity, self-respect and self-sufficiency. Compassion also means focusing on marriage as a key part of the battle against poverty. Compassion in the context of welfare reform means that in the past 6 years over 3 million children have been lifted out of the depth of poverty. Now that is compassion. It also means independence. By focusing on work we not only help reduce caseloads but build people up to be productive members of our society.

This bill directs funding from programs that encourage healthy stable marriages. These programs include premarital education and counseling as well as research so we find more and more ways to make shaky marriages solid again for the sake of both the parents and the children. It also promotes responsible fatherhood, helping men in particular be responsible, respectable models for children.

The House must finish its work it started 6 years ago. We must ensure that success of welfare reform by passing this bill. We must have an opportunity to help people work and give them self-dignity in the process. I believe this legislation will bring genuine improvement in the lives of Americans who are dependent on welfare. I urge my colleagues to support this measure.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD), a member of the committee.

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what we are trying to do here is a good thing, and we are all trying to build on the progress we in the Congress and certainly President Clinton made in reforming welfare.

I think one of the things we believe the substitute will do is an improvement on what the gentleman from Ohio (Mr. BOEHNER) and some of my friends on the other side are attempting to do, is to allow for people to go to work and at the same time pursue some kind of job training. Many of us know we will vote on some kind of fast track or anticipate voting on it soon, and one of the things we are trying to do is ensure there is a reasonable component to help people get additional training for those who may experience dislocations. The same is true here, and that is why we think the substitute is better.

Two, this is an enormous unfunded mandate, as many of us know, and our effort on this side is to try to alleviate some of that pressure on the States. I have been informed the State of Oklahoma, this would cost them $78 million. My home State of Tennessee, this will cost us an additional $100 million in funding when my State is facing a

$400 million budget shortfall. This is not the way to go.

One of the things in which we hope on this side is that people can find ways to create that long-term sufficiency. It is my hope that, although I do not have enough time to say it, that indeed my friends will support this substitute and urge my friend the gentleman from Ohio (Mr. BOEHNER) to go back and negotiate a bill that makes senses for all people, not just his party in their reelection efforts.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) has 2½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 4 minutes remaining.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

Mr. SAM JOHNSON of Texas. Mr. Speaker, since 1996 nearly 9 million people have gone from collecting welfare checks to paychecks thanks to Republicans. One shining example of the success of welfare is a constituent of mine I will call Janice. Janice is a single mother of a 5-year-old. Last spring she lost her job in the soft economy. Thanks to welfare reform and the good people at the Texas Workfare Center in McKinney, Janice found a job and child care, becoming self-sufficient with full benefits and retirement after just 6 months.

Mr. Speaker, she illustrates what many of us have known all along, the 1996 Republican welfare reforms have worked. Child poverty has fallen sharply. Nearly 3 million children are no longer welfare kids, and that is because more parents are working. Employment by mothers most likely to go on welfare has risen by 40 percent. Welfare caseloads have fallen by 9 million. Nine million people. Is that not great news? Nearly 50 percent of Texas welfare recipients have left welfare because of the successful model created by Congress and enacted by then-Governor George Bush.

Critics ask if it is not broken, why fix it. Well, even the best race cars go for tune-ups, and that is what we are doing with this bill. This bill requires States to put 70 percent of their welfare caseloads to work 40 hours a week, 16 of which can be used for education and training. This bill encourages, not discourages work. It reflects the President's plan to encourage healthy, stable marriages.

Today we begin the next step in welfare reform based on the President's priorities. This legislation will help even more low income parents know the dignity that comes with a paycheck instead of a welfare check. By passing this bill we can help even more low income Americans improve their lives for themselves and their children, and that is what welfare reform is all about.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a leader on this issue in our committee and in the House and the Nation.

Ms. WOOLSEY. Mr. Speaker, I would like to inform the last speaker that the unfunded mandate in this bill would cost the State of Texas about $688 million and Texas has 37,000 children on their child care waiting list.

This Republican bill does not reform welfare. It deforms welfare. H.R. 4737 pushes more low income parents into low paying workfare jobs while making it impossible for them to get the education they need to actually prepare themselves for jobs that pay a liveable wage, jobs that they can support their families on.

H.R. 4737 doubles the number of hours that mothers and children under the age of 6 will have to work each week and, even worse, this bill does not adequately fund child care for the children of all the new working parents that are going to have to go into the working world.

Mr. Speaker, I was a welfare mother 35 years ago. My children were 1, 3 and 5 years old. It was bad enough that their father abandoned us, but the worst thing about the whole situation was trying to get adequate child care. We had 13 different child care situations the first 12 months that I went to work. That was the hell year of our lives, and I am going to tell you, it is a miracle that my children are so wonderful. But it was not until our child care situation settled down, and my mother came to our town to take care of them that my job grew. Within a year of having stable child care, I became an executive at the company that I was working for.

I am telling you, child care is the essential ingredient, along with education, for getting moms off welfare and out of poverty.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. Davis).

Mrs. DAVIS of California. Mr. Speaker, I rise in support today of this important Democratic substitute.

Mr. Speaker, as both a former social worker and a former legislator in the California State Assembly, I understand firsthand the importance and the significance of State flexibility in program implementation. In particular, I would like to emphasize the importance of increasing access to educational and training opportunities for welfare recipients.

We have heard a lot today about the need for State flexibility, and I can tell you from my personal experience serving in the State legislature that when the 1996 welfare reform law went into effect, that allowing State and localities the room to tailor programs in their regions and communities is absolutely vital to the overall success of the program.

Under the TANF structure that was implemented in 1996, California was permitted creativity in program design and implementation to best meet the needs of our welfare recipients. The State legislature took advantage of this flexibility by creating a structure that rewarded work, included more opportunities for education and allowed counties to adapt the program to local economic needs and realities.

Please, a one-size-fits-all agenda does not fit for all of Californians or all Michiganites or Pennsylvanians. We need more flexibility.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), the former Whip of the Democratic party.

Mr. BONIOR. Mr. Speaker, I read a story of a woman in Pontiac, Michigan with a 7-year-old son and through the Michigan Family Independent Agency she was able to enroll in a 6-month information training program in information technology at her local community college. After completing her training, she got a full-time job for a local construction company at $11 an hour. Now she is able to provide for her son and for her family.

She would not have been able to do this under this bill. Michigan has a program. It is called 10–10–10, 10 hours of work, 10 hours of class time, 10 hours of study per week. It is a good program. This bill basically says no to that program. It eliminates it.

This bill is a step backwards because it promotes workfare, make-work jobs that do not teach skills, and that have no workplace protections. It is a step backwards because it does not provide adequate funds to help families with child care costs. It is a step backwards because it forces States to abandon successful programs like 10–10–10 in Michigan, and it is a step backwards because it turns this assistance program back into a handout and not a leg up.

I urge my colleagues to vote against this bill.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 1 minute remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we close this part of the debate, I simply want to say that it is rather interesting that the party who took over the Congress on the theory of a Contract on America, of no unfunded mandates is about to foist onto the States of this Nation billions of dollars of additional costs.

Their answer is flexibility. Yes, those States can choose to cut job training.

Those States can choose to cut educational benefits. Those States can choose to cut child care. They can choose to cut the quality of the child care. They can choose to cut the TANF grant to these families. That is not flexibility. That is a failure to meet the task at hand.

☐ 1245

While we increase the requirement of people that need to go to work, and I think we should, the fact of the matter is we do not provide the States the means to support those individuals while they go to work and get off of welfare.

This is an unfunded mandate, it is that simple, because this bill, the Republican bill before us, fails to meet the demands that are going to be placed upon the States to provide the child care services.

The notion that somehow everybody who left welfare is now out of poverty and that children are out of poverty, the average person leaving welfare left and earned $12,000 a year. $12,000 a year, Mr. Speaker. That does not sound like we lifted them out of poverty.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

The success of the 1996 welfare reform law is beyond dispute. Even the New York Times has called it, "An obvious success."

The debate today has been how to build on that success. We believe that further flexibility to the States will, in fact, be helpful to them to package programs to meet the needs of each of those individual families.

The discussion we have heard from the other side about an unfunded mandate is almost laughable. Today, we have less than half the welfare caseload we had in 1996. Yet the amount of money being spent by the Federal Government for welfare block granting to the States is the same amount of money; and in the bill that we are proposing building on that success, this bill calls for $2 billion of additional aid to go into child care.

We know that child care is, in fact, a key component to help make this system work and moving people from welfare to work.

In a recent speech in my home State of Ohio, President Bush captured what this issue is all about: dignity. It is about helping welfare recipients achieve independence, to become self-reliant, and to be able to provide for their own families.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 15 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of the Personal Responsibility, Work and Family Promotion Act of 2002.

Mr. Speaker, this bill extends funding for abstinence-only education and reauthorizes transitional medical assistance, two items of particular interest to the Committee on Energy and Commerce.

The 1996 welfare act included a permanent appropriation of $50 million over 5 years for abstinence-only education under title V of the Social Security Act. With tight State budgets and a requirement that States have to match every $4 Federal with $3 of their own, it is noteworthy that nearly all the States of our Nation have participated in this block grant program.

The participation rates suggest high State interest in using abstinence-only education as one way to address teen pregnancy and even more importantly, in some cases, sexually transmitted diseases.

Last month, my friend and colleague, the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health, held a hearing on abstinence-only education; and at that hearing we learned some pretty interesting things.

We learned that problems stemming from increased sexual activity among teens has not abated. Even though teen birthrates have declined over the past decade, we still have among the highest teen birthrates of any industrialized nation in the world. Sexually transmitted diseases have grown dramatically. Every day in America 10,000 young people contract a sexually transmitted disease; 2,400 become pregnant; and 55 contract HIV.

In the 1960s really only two sexually transmitted diseases were of real concern. Now, our young people, senior population as well, face a population of sexually transmitted diseases that now total 25; and these diseases primarily infecting the young people happen to be viral diseases such as human papillomavirus, HPV virus, herpes and chlamydia. These viral diseases are incurable. So while our generation was concerned with basically two venereal diseases, young kids today face 25, some of which are totally incurable, only managed.

Chlamydia, for example, is a major cause of infertility in young women. It is asymptomatic in about 85 percent of the affected women but can still cause significant problems without the presence of noticeable symptoms. For example, in the population of young people entering the armed services, U.S. Army recruits, for example, we discovered that 9 percent of the female population entering the U.S. Army, 9 percent of these young women were affected with chlamydia and did not even know about it, and this is a sexually transmitted disease that leads very often to infertility in these young women, who were shocked to discover that they had this disease, apparently having been taught all along that if they protected themselves in so-called safe sex that they would be safe, only to discover to their great dismay that they were now infected with an incurable disease that could possibly ruin their chance of ever having a child.

Here is another number that shocked us. Over 50 percent of the sexually-active young women in this country between the ages of 18 and 22, over 50 percent of sexually-active young women in this category are infected with HPV. HPV, the human papillomavirus, is a precursor of cervical cancer. Fifty percent of our young women are affected by it, and here is the awful truth: there is no evidence that condoms reduce the sexual transmission of this infection. And so all the work we do in this country of teaching safe sex and of being careful if a child does become sexually active has never conveyed the notion to these young women that if they took that course they could be subjecting themselves to a disease that is a precursor to cervical cancer, and they did not even know, perhaps, that condoms are not a protection against this disease.

These statistics are terrifying. They show that the safer-sex model does not solve the problem; and despite more than 20 years of a variety of educational programs designed to promote condom and contraceptive use, young ladies are catching these incurable viral diseases that can ruin their lives and kill them, render them infertile and, in effect, take away their chance to ever be a mother.

I urge my colleagues to vote in favor of this bill, which includes a 5-year extension of the abstinence-only education. This bill maintains the status quo. It extends the funding level of $50 million each year for the years 2003 to 2007.

New research is beginning to suggest that abstinence-only education can effectively address the sexually transmitted disease prevalence among young people and the proportion of babies occurring to unmarried mothers, the children that end up being the children of poverty in America all too often.

We must continue this effort begun in 1996 and support abstinence-only education programs that empower students to choose abstinence for themselves for receiving all the relevant facts and information because abstinence in so many ways is a better choice for them.

In 1996, the welfare reform law also included a critical work support for former welfare recipients, something called "transitional medical assistance." Former welfare recipients typically enter the low-wage jobs that are available in this country, and those generally do not offer private health insurance coverage. They offer coverage but only at very expensive premiums. Traditional medical assistance extends up to 1 year of Medicaid coverage to those individuals and their families.

There is strong bipartisan support for this assistance. We provided it in 1996. We extended it in 2000 and 2001, and this bill would extend it again this year for another year. If we do not extend it, it is set to expire on September 30, 2002. This 1-year authorization, however, has a 5-year cost of $355 million. And here is the awful truth: because this money was not included in the budget resolution, we have had to find a way to pay for it.

As my colleagues know, under our pay-go rule, if something is not funded specifically in the budget resolution, we have to find some other way of paying for it. Well, we have had to find that money, and so this bill includes an offset. We recognize the Medicaid budget difficulties that many States are experiencing, and we also understand that important functions are funded with Medicaid administrative costs; and for that reason, the offset included in this bill is merely a partial adjustment that lasts only 2 years to pay for this 1-year extension of this critical program of health coverage, particularly for women in welfare entering the workforce.

Before 1996, a common cost of administering the food stamp program, Medicare and welfare were often charged to the AFDC program, the predecessor of our TANF program. These common costs have been included in the calculation of the States' TANF fund. So in effect, we are double-paying for administrative costs of the States in these programs. The offset we are talking about reduces this double payment, this Federal reimbursement for administrative costs, to reflect the portion of these costs that are indeed already included in the TANF block grant the States receive.

We fully corrected this double reimbursement for food stamps in 1998, but we did not correct it for the Medicaid program. In effect, the States are still getting double the administrative cost reimbursements for the Medicaid program with Federal dollars, and we take some of that back. We take half of it back 1 year, three-quarters of it back the next year for this 2-year take-back in order to pay for this extraordinarily important 1-year extension of health care benefits to welfare folks entering the workforce. So this partial adjustment lasts only for 2 years.

Let me also say that we are all busy seeing if we can find a better offset; and if we can, in the process of negotiating this bill with the Senate, we will certainly look for one, but in the meantime this is the offset that is available. It is a partial one, only lasts 2 years; and it makes this incredibly important program available.

Let me remind my colleagues, there has been a lot of requests for us to do a larger than 1-year extension. If a 1-year extension costs 355 and we did not have the money for it except through this offset, imagine trying to extend it for longer than that at this time. Do we intend to extend it again next year? I can tell my colleagues all on the floor that this program works. By extending medical health coverage under Medicaid to folks leaving welfare and going into work, we have encouraged more and more people out of welfare and into the dignity and self-worth of a paying job and the independence that comes with it; and we will work to extend this program as long as it is necessary to make sure that we continue the progress we have seen in this vital effort in America.

So we have to recognize the careful balance we have achieved with this offset and that 1-year reauthorization; and again, I want to commit we will revisit the issue next year, and, as we have in the past, continue our efforts to extend this program as long as we know it is working and as long as we know it is valuable.

I urge my colleagues to join me in full support of this legislation.

Mr. Speaker, I reserve the balance of our time.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. BROWN) will control the time for the gentleman from Michigan (Mr. DINGELL).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to H.R. 4737, the Republican punishment bill that makes people work 40 hours without a minimum-wage guarantee.

Mr. Speaker, a half century ago, the old miner's song captured the plight of the working underclass—"16 tons and what do you get, another day older and deeper in debt."

Today, author Barbara Eisenreich in her contemporary book, Nickel and Dimed—on Not Getting by in America, reports ⅓ of our workforce toils for $8 an hour or less. Indeed, the fastest growing segment of our job market is part time jobs with no benefits.

Today, I rise in opposition to H.R. 4737, the Republican's punishment bill for needy, working families. It's their latest gimmick to keep our workforce's pay scales down.

Essentially this bill assures that individuals transitioning off welfare will be locked into the lowest paying jobs, 40 hours a week, because not only are Republicans not creating high paying jobs—in fact since George Bush became President we have lost 2 million more good jobs across our Nation—but this bill denies necessary education and training to help workers gain some skills to negotiate troubled employment waters.

Incredibly in this high tech age, this Republican bill restricts work-related training to no more than 3 consecutive months over a 24-month period. Punish them, indeed.

To vividly make my point: in the past 2 decades the poverty rate among working families has shot up 50 percent. The Bush plan doesn't reverse it but makes it worse. Essentially people in our country are working for less because our good jobs—in textiles, steel, automotive parts, electronics, and high tech—are being exported to China, Mexico and Latin America. We are seeing a race to the bottom of the wage scale. Now we have a whole new class of workers who are being relegated to fill these low wage slots, with no hope for a living wage. 16 tons and what have you got. Over 8 million children in the United States live in poor families that work. Half of all parents in working poor families lack health insurance.

Rather than produce a bill that links education and training to create some hope of a ladder of economic opportunity to true self sufficiency, this bill subjugates them to a shadow economy where even minimum wages are not guaranteed. Under the Republican bill, 39 states could not fulfill the bill's work requirement without violating the current minimum wage rate for a 2-person family.

Vote for the Democratic substitute as a life preserver in most difficult economic waters.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

The President and House Republicans' message on welfare reform has been loud and clear. States need greater flexibility, but when it comes to abstinence education, they are unwilling to afford that same flexibility. If States want the Federal match, they must do the Federal Government's bidding and use an abstinence-only curriculum. In other words, Mr. Speaker, schools cannot use these dollars to teach kids about AIDS, about STDs, or about birth control.

The substitute bill we are offering today does not affect the ability of States to use these grants for abstinence-only education if they choose to, if that is the direction they want to take. Our bill gives State and local systems the flexibility, a word that Republicans use on this floor regularly, the flexibility to provide additional information to students that can help protect them against STDs and teen pregnancy.

I would urge my colleagues to remember that more than 80 percent of parents support comprehensive sex education. Why is the Federal Government not listening?

Regarding the transitional Medicaid program, we support the extension of transitional medical assistance which helps working families keep health insurance as they transition from welfare to work. We should make this commonsense program permanent, consistent with the welfare bill.

□ 1300

In the spirit of bipartisanship, we agreed to a 1-year extension in committee to ensure that this provision even made it into the TANF bill.

I commend the chairman, the gentleman from Louisiana (Mr. TAUZIN), who supported this measure despite the fact that House Republican leadership in the House Committee on the Budget included no money for Medicaid, and I appreciate the chairman's comments today that he would continue year after year to authorize this. However, Republican leadership has decided to pay for transitional medical assistance by cutting other parts of Medicaid.

The bill cuts payments to State Medicaid programs. Those dollars are critical. They fund activities like nursing home outreach and oversight and antifraud activities. States cannot afford to lose them. Republican leadership found more than $1.5 trillion in the treasury to give tax cuts to the richest people in this country, but they cannot come up with $355 million to help welfare families reenter and stay in the workplace. Where, Mr. Speaker, are our priorities?

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise in strong support of this legislation. As a member of both the House Committee on Energy and Commerce and the Committee on Education and the Workforce, two of the three House committees with jurisdiction over welfare reform, I have worked very closely with my colleagues and chairmen to further strengthen this legislation so that so many more families can know the benefits of personal responsibility, work, and stronger family units.

I would like to focus on two components of this legislation today. The first one is the Transitional Medical Assistance. One of the most important items in the welfare reform bill that we passed in the Congress back in 1996 was removing the incentive that folks had which otherwise kept them on welfare rather than trying to seek and gain employment. Transitional Medical Assistance provided that bridge and the safety net to encourage people to look for work rather than stay on welfare.

When we passed reform in 1996, we emphasized work and personal responsibility. Important in this legislation is an abstinence program. Sexually transmitted diseases have reached epidemic proportions in our country. In the 1960s, 1 in 47 sexually active teens were infected with a sexually transmitted disease. Today, it is 1 in 4. Please pass this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse and a very active advocate for health care.

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this bill and in support of the substitute.

In the last 6 years, welfare reform has produced some real successes, and now we have the opportunity to build upon these achievements. Unfortunately, the underlying bill does not do this, but the substitute does.

For example, we now know that for single mothers with young children to go to work, we must ensure that quality and affordable child care is available. And we should also ensure that legal immigrants are afforded the same safety net as other working families. The substitute includes these important provisions but the bill does not.

Mr. Speaker, the part of the bill I wish to address is the funding for abstinence-only education. I directed a teen parent and pregnancy program as part of our local high school district in Santa Barbara, California, and for several years worked daily with teenagers struggling with these very issues. These teen parents were the first to urge abstinence to their peers, to their younger brothers and sisters, even though they did not use that word. But their message was all about knowledge, comprehensive sex education. They did not use that term either, but they did know the power it gives when information is not based on fear or incomplete and half-truths.

Young people are quick to pick up on these half-truths and shoddy arguments, and then the trust is gone. This bill sets aside $50 million for unproven abstinence-only programs that do not even ensure that the information they contain is truthful or medically accurate. And, unfortunately, some of these abstinence-only programs use terror tactics to try to keep teens from having sex, they exaggerate the failure rates of condoms, and some federally funded programs denigrate women, suggesting that they are not as smart or as capable as men.

The substitute would allow States the flexibility to support proven abstinence-based programs that are medically accurate. These comprehensive programs will help to reduce teen pregnancy and will give our young people real tools for success. So I urge my colleagues to learn from our teenage parents and support the substitute.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield ½ minute to the gentleman from Rockwall, Texas (Mr. HALL), our great friend.

Mr. HALL of Texas. Mr. Speaker, I am pleased that this legislation contains a provision that extends funding for abstinence-only education. It is a provision that I originally cosponsored.

This funding, a reauthorization of the 1996 program, I think deserves to be continued. Teen pregnancy is a problem that affects the entire country, not just the young women who are forced to make the difficult decisions at an early age.

The number of teen pregnancies and sexually transmitted diseases continues to increase despite the number of family planning style sex education programs that have been offered. It is time to give another approach a chance to succeed.

Abstinence-only education is a viable, traditional program that only first received funding in 1996. There are more than 20 sources of funding for sex education programs. Abstinence-only has only two. Let us give this program a chance to prove its effectiveness.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in the strongest opposition to this irresponsible Republican welfare reform legislation which will devastate poor families, especially women and children.

We talk about family values a lot in this place, so when we have a chance to practice what we preach, we go in just the opposite direction. This bill limits access to education, does not adequately increase child care for millions of needy families, and does not make poverty reduction a real goal of welfare reform.

H.R. 4737 would double the amount of time required for a parent on welfare with children under the age of 6 to work from 20 hours to 40 hours a week, and yet we do not sufficiently increase child care funding to care for these children. What will happen to our children? We will have more latchkey kids at younger and younger ages because their parents are working without the child care they need.

We know that these children are more at risk for future difficulties; crime, drugs and teen pregnancy. This goes totally counter to family values preached by so many. Making welfare recipients spend even more time away from home and their children makes it totally anti-family. It just does not make any sense.

Real family values entails allowing parents on welfare to go to school to get better jobs and to take care of their families. Unfortunately, or fortunately, I have some experience in this area. I can tell my colleagues from personal experience that education does make a difference for those women on welfare.

We must also educate young men and women to prevent unwanted pregnancies, not to mention HIV and AIDS, and yet the GOP welfare bill continues the dangerous abstinence-only until marriage program, which will prohibit any mention of contraception, even in the context of preventing HIV and AIDS.

For all these reasons and many, many more we must defeat H.R. 4737. We cannot continue to put our children at risk. This will be the beginning of the end for any hope for a successful future. Vote "no" on H.R. 4737.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. McCARTHY), a member of the Committee on Energy and Commerce.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in opposition to H.R. 4737, the bill before us today, and in support of the Democratic alternative.

In a time when the States are already facing serious budget cuts, this bill exacerbates their budget woes. Missouri, my State, would have to come up with over $316 million to implement the mandates in this bill, but it is already facing a $536 million budget deficit. The bill before us inadequately funds many of the programs and block grant monies States need in order to carry out welfare reform and improve upon it.

I supported the original welfare reform bill 5 years ago. I worked hard on the issue of ending unfunded Federal mandates in this House and was proud when we adopted it into law, and I am very chagrined and worried about what we are attempting to accomplish in this bill today.

The Democratic substitute provides both inflationary increases in our block grants and increases child care funding by $11 billion over 5 years.

We must, if we are going to expect our welfare recipients to stay in the work force, provide these services.

The progress we have made as a result of the 1996 Welfare Reform Act, which I supported, will be undermined by this measure. It imposes up to $11 billion in unfunded mandates on the States over the next 5 years. Missouri has been recognized nationally for its creative community-based partnerships with youth mentoring, before and after school programs, parenting classes and child development classes, all of which foster independence from public assistance and improve family well-being. Missouri also makes excellent use of case-by-case individual assessments, which assists in making the transition to work by offering job training, post secondary education, and job placement services. H.R. 4737 takes away Missouri's flexibility in providing these programs by eliminating educational and occupational opportunities that contribute to the outreach the State now provides.

The Democratic substitute provides both an inflationary increase in the TANF block grant, and additional $6 billion over 5 years, and increases child care funding by $11 billion over 5 years. H.R. 4737 adds no new money for childcare. My constituent Marcia, a mother of three, came to Missouri's Department of Family Services shortly after she and her family moved to Missouri to escape an abusive husband. The Democratic substitute gives Marcia the comfort in knowing that while she is working to improve her family's quality of life and getting support for her abusive situation her children will be cared for. Without adequate childcare, welfare recipients who find themselves in situations like Marcia's will not be able to meet the increased work requirements mandated on them by H.R. 4737.

If my colleagues on both sides of the aisle truly want self sufficiency I urge them to adopt the Democratic substitute.

Mr. Speaker, stricter work requirements with fewer resources is a losing equation for the welfare mothers of Kansas City and for the children of our Nation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I will limit myself here. The abstinence-only education funds were first included as part of the 1996 welfare reform law, and something that I do not think has been said to date is that 49 of the 50 States have elected to participate in this program.

During our hearing, we heard of a program taking place in Miami-Dade County, Florida, where the lady told us that they have only a 1.1 percent teen pregnancy rate. A 1.1 percent teen pregnancy rate. By continuing this funding for another 5 years, we can encourage the development of more successful programs. It is really, really critically important, as has already been pointed out.

I would like to accent that abstinence-only programs do not, do not prohibit educators from discussing the facts about the effectiveness of contraceptives, the spread of sexually transmitted diseases, or any other topic that might be raised. The only requirement is that the use of contraceptives cannot be advocated. Only abstinence can.

This is not a "just say no" type of a program. It is a program that is designed for the overall individual. It goes into character and all those dignity types of areas.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me say that this legislation that we now have before us, H.R. 4737, renders to those who have fallen upon bad luck bad deeds. This bill should not be passed, and let me just share with my colleagues why.

First of all, this gives to many of the States unfunded mandates. In my State alone, Texas, $688 million will be needed to implement this legislation, and it is not funded. An additional $344 million for child care will be needed, and it is not funded. Right now in the State of Texas we have some 37,000 who are on the waiting list for child care.

With respect to the issue of abstinence, no one opposes it, but we like to have the truth. Teenagers want to know the whole truth and nothing but the truth. This bill is limiting, and my colleagues know that this is wrong.

In addition, we realize if young mothers are to transition from work to employment that provides a career, they need child care. We realize that in this bill there is no real child care.

In my County of Harris, where it is an enormously diverse community with legal immigrants, this is a burden upon our hospital system to discriminate against legal immigrants, taxpaying, hardworking individuals. The bill that we have before us discriminates against legal immigrants.

And let me also mention that this is a midnight hour bill. This is a bill that was brought to the floor without anyone understanding what is in it. That is why I support the substitute offered by the Democrats.

I presented amendments that would help to train teenage parents and give them parenting skills and to provide them with training on financial services or how to deal with finances. That was not ruled in order. I asked to have an inflation factor in increasing the amount of money to our welfare recipients if the economy went bad. Not allowed. I asked to increase child care dollars. Not allowed. I asked to determine whether this bill diminishes child abuse or helps people get off welfare. Not allowed.

This is a bad bill. We need to support the Democratic substitute. It is a shame we would rush to do this when the legislation does not expire until September 2002. I wonder why.

Mr. Speaker, I rise to oppose the adoption of the Republican welfare bill. The bill restructures welfare to focus on caseload reductions rather than poverty reduction. The Republicans offer a bill that does not allow the Democrats to provide one amendment. Democrats care about our less advantaged Americans. The bill would increase mandatory child care funding by only $1 billion over the next 5 years. That's barely enough to keep pace with inflation, and nowhere near enough to implement the bill's new participation requirements. This funding at present does not provide child care coverage to the 15 million children who are now eligible for day care assistance but who are not currently covered because States lack sufficient resources. On Tuesday I attempted to offer an amendment to the legislation that would increase funding to childcare by 20 percent between fiscal years 2003 to 2007. The amendment was not accepted. The Congressional Budget Office estimates that the increased mandatory work hours imposed on States by the legislation will cost States an additional $3.8 billion in child care costs according to the Congressional Research Service.

Many employed recipients surveyed, suffered when they were penalized for earning money which caused them to lose childcare benefits.

The University of Oregon conducted a 2-year study of welfare restructuring post the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. The finding regarding childcare was more Federal funds are needed and expand eligibility for subsidized childcare.

The legislation restricts State discretion to provide education and training to welfare recipients. H.R. 4700 goes so far as to remove vocational education from the current-law list of work-related activities that count toward the core work requirement.

On Tuesday I offered an amendment to offer parenting and financial planning training to teenage parents. The amendment was not accepted. As the chair of the Children's Caucus I am concerned that the Republican bill hurts children, by hurting their parents. We must provide additional funding for childcare. We must provide funds for parenting skills training and financial management training. Last, we must provide funding for the legislation that takes inflation into account. I offered an amendment to provide for this but the Republicans did not accept it.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), a distinguished member of our committee.

Mr. PITTS. Mr. Speaker, the same group of liberals is crying foul the same way they did 6 years ago. There is only one thing that has done more to keep people in poverty than the old welfare system did: Mr. Speaker, I am talking about teen pregnancy.

Statistically speaking, when low-income teenage girls get pregnant, they are dooming themselves to a lifetime of poverty and they are dooming their kids to a lifetime of poverty. Now, some of them escape it and succeed despite the odds, but most do not. And, Mr. Speaker, there is only one way kids can avoid getting pregnant before they are ready, and that is to abstain from sex until they are married.

Some of our liberal friends say it is unrealistic to expect kids to abstain from sex. Some even say that it is dangerous to teach abstinence. That tells me they do not believe in America's kids. They expect them to fail, and when we expect a kid to fail, that kid probably will fail.

Let us be honest, the only real way to prevent our kids from getting STDs is to teach them to abstain until marriage. Now, I know a lot of kids who are saving themselves for marriage. I know them. They are proud of it.

The Commonwealth of Pennsylvania has a good program, and I urge support of the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to raise two issues. I want to raise first the issue of rural development, since my colleague gave me an extra minute. Those of us who live in rural America are always reminding our colleagues that there are differences in terms of our infrastructure and our resources and our institutions, but yet we have the same aspirations as anyone else.

□ 1315

Now we have a welfare bill that indeed requires work. And by the way, work is good for anyone and most of us love to work because we enjoy doing something that gives us satisfaction. In addition, it allows us to bring income into our families.

In rural areas, there are very few jobs. If mothers are forced to leave, we should have day care. In rural areas, there are few qualified day care centers.

Also, if jobs are not available immediately nearby, we need transportation. Unless we speak to those issues that allow for rural areas to make up for that differential, this welfare bill is not adequate.

Let me speak about another issue on which I have been working, and that is teenage pregnancy. Indeed I do not claim any expertise in that area, but it is an issue that I have been engaged in. For 10 years I have been talking about the fact if we want to give our young people an opportunity, we must give them productive, positive alternatives so they do not get involved in destructive activities. Abstinence does work, but it is not the only method.

If Members are interested in teenagers, we will give them information that is based on science and also inspire them to believe in themselves and give them a reason to abstain. We should not say that they must have abstinence. If we are truly committed to our young people rather than ideology, we would do all of these things to make sure that they have a future.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the purpose of this legislation is not just to get people off of welfare, but to reduce poverty in this country and to get people to work.

Mr. Speaker, getting a job also means keeping a job. When we fall short, as this legislation does, as our hearings indicated, as our discussions indicated, as our debate indicates, when we fall short on helping Americans keep jobs, we have missed the point of this legislation. We have fallen far short on education.

The Democratic plan allows education to be counted towards the work requirement. We have fallen far short on child care funding. The Democratic plan provides several billion dollars for child care. We have fallen far short on restoring benefits for legal immigrants. All of those issues will help people not just get jobs, but keep jobs.

At the same time, the other side of the aisle talks about flexibility and giving States flexibility; yet from abstinence education to a whole host of other issues, the Republican bill falls far short on giving States the real flexibility they need to get people not just off the welfare rolls, but to make sure people have good jobs, meaningful work, good training, child care, health care, all of the things that are needed.

Mr. Speaker, especially on health care issues, this Congress has not taken the right approach. We should extend the State medical assistance program more than just 1 year. It should be at least 5 years, as this reauthorization does; or it should be permanent if we really do care about making sure that people can get off welfare and get to work and have meaningful jobs.

In the end, as Republicans have, on this legislation, on prescription drugs, on issue after issue after issue, Republicans have made a choice. They have chosen tax cuts for the wealthiest people in the country rather than providing services to help people keep those jobs, get educated, have the kind of health care benefits they need. They have chosen tax cuts for the richest Americans, to the tune of hundreds of billions of dollars overwhelmingly for the richest 1, 2 and 3 percent of the people in the country instead of a decent prescription drug benefit.

They have chosen tax cuts for the wealthiest people instead of funding adequately the education bill that this Congress passed.

Mr. Speaker, when we think about flexibility, when we think about alleviating poverty and about providing jobs so people can keep those jobs, think about the plan the Democrats have moved towards with flexibility, with support for education, with support for child care funding, and especially with support for medical care.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY) to close.

Mr. TERRY. Mr. Speaker, what we are talking about today at this point is our children; and it is about teaching our children, our boys and girls, it is not men and women, but boys and girls, about abstinence.

For many years this Congress only put dollars aside to teach safe sex, teaching our teenagers the proper way of putting on a condom. Fortunately, 6 years ago this Congress took control and said we will give the option to States and entities to have abstinence-only programs, and we will begin to fund those. It is not a mandate; it is an option for these organizations. It gives them the opportunity.

Since we have implemented this policy, teenage pregnancy has dropped, teenage sexually transmitted diseases have dropped. That is fantastic, yet anecdotal, evidence. Frankly, we have all talked to teenagers in our districts, and we have heard that they want a positive message and they want our support in abstaining from sex until married. President Bush said, "When our children face a choice between self-restraint and self-destruction, government should not be neutral. Government should not sell children short by assuming they are incapable of acting responsibly. We must promote good choices."

Ms. HARMAN. Mr. Speaker, preventing teen pregnancy is a key part of moving people from welfare to work and reducing poverty. Over half of all mothers on welfare had their first child as a teenager, and two-thirds of the families begun by teen mothers are poor.

For all these reasons, preventing teen pregnancy is an issue we all should be able to agree on in Congress. It should not be a Republican issue, not a Democratic issue. But the critical need to reduce the number of teen pregnancies too often gets lost in an ideological debate over abortion, creating federal policies that don't fit the reality of teen pregnancy prevention across the country.

Three weeks ago, the House Commerce Committee engaged in a disappointing debate over the abstinence-only education. The Committee rejected on ideological lines proposals to provide states flexibility in the way they use welfare funds for teen pregnancy, require abstinence-only programs to give out medically accurate information, and require that funds go to programs that have proven effective.

The amendment I offered in Committee would have modified existing law so that states have the option of funding programs according to the existing federal definition of abstinence-only, or another approach to abstinence education that they deem appropriate.

This amendment was not an anti-abstinence amendment—it specifically stated that programs should promote abstinence. But it would have allowed states the option to choose the type of abstinence education they believe will help students, and most importantly, reduce the incidence of teen pregnancy.

Between 1992 and 1994, under a Republican governor, California instituted an abstinence-only education program across the entire state—only to discover through evaluations that this program was not effective. As a result, California turns down the welfare money for abstinence-only education—a loss of approximately $30 million from 1998–2002.

The purpose and spirit of the 1996 welfare reform law I voted for allowed states to craft work promotion and poverty reduction programs that worked best for them. This has worked remarkably well—states should have some flexibility on teen pregnancy prevention programs.

President Bush, in his FY 2003 Budget, argues for the elimination of federal programs that he says have not undergone rigorous evaluation. But this focus proven programs is missing from the Republican approach to welfare reform.

Abstinence is an extremely important message to send students, particularly younger teens. But current research shows that there are no "magic bullets" for preventing teen pregnancy—not sex education alone, not abstinence alone. Indeed, the programs with the strongest evidence for success may work better for some populations and communities than others.

Rather than having ideology drive our teen pregnancy policy, we should focus on local solutions and solid research. This will allow us to make progress on a goal we all agree on—preventing unwanted pregnancy and abortion.

Mr. POMBO. Mr. Speaker, as you may well know, in 1996, Congress was faced with a failing welfare program that did little to assist individuals in the transition from dependence on a government welfare check—to independence to earn a paycheck. For far too many, under the old Welfare program that American dream was out of reach.

In response, the Republican Congress rose to the challenge and produced public policy with remarkable results that created hope and opportunity. In the past 6 years, the reformed Welfare program reduced poverty, child hunger, and dependency on government welfare checks for survival.

Today we have a chance to build upon this success through improving our current welfare program through the passage of the Personal Responsibility, Work, and Family Protection Act.

The challenge of making the transition from welfare to stable jobs is very difficult. Congress must make the commitment to ensure all Americans have a chance of reaching the American Dream. The actions Congress takes today will have a lasting impact as future generations will continue to break the cycle of welfare and enjoy brighter futures.

Mr. CONDIT. Mr. Speaker, I rise today in opposition of H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. Unfortunately, the bill before us today does not live up to its title and will actually undermine the successful reforms enacted in 1996.

For several reasons this proposal does not merit Congress's approval. First of all, the bill would impose an almost $2.5 billion unfunded mandate on the state of California. Without providing the funds necessary to implement the new work requirement provisions in H.R. 4737, this attempt to reform welfare will fail. And these unfunded mandates could not come at a worse time for states struggling to balance their budgets.

This proposal also fails to address the most rudimentary obstacles in attempting to move individuals from welfare to work. We will pay the price for the lack of emphasis on worker training and basic reading and writing skills. It is short sighted to believe welfare recipients will successfully make the transition to self-sufficiency without the necessary literacy skills.

Removing vocational education from the current list of work-related activities that satisfy the core work requirement in current law is an exceptionally bad idea and shortsighted idea. There is also inadequate funding for childcare. We can't expect to break the cycle of poverty, if we are not willing to commit the needed resources.

For all of these reasons, I urge my colleagues to join me opposing H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002.

Mr. CRANE. Mr. Speaker, I rise in strong support of the legislation before us today, H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. I would like to commend Chairmen HERGER, THOMAS and BOEHNER for their work in promulgating this important legislation.

Mr. Speaker, this bill builds upon and improves the historic welfare reforms enacted in 1996. The hallmark of the 1996 legislation was that it changed welfare from an entitlement program to a block grant to the individual states. The significance of this was twofold: states were given a lot of flexibility to spend money where they needed to, but no longer would people receive a welfare check in perpetuity if they refused to work. The success of this is irrefutable: since 1996, welfare rolls have decreased by over 50 percent, and millions of people who were once collecting welfare checks are now collecting pay checks. Historic indeed, Mr. Speaker.

Today we consider legislation that increases work requirements over the next 5 years, and simultaneously rewards states that have been particularly effective in moving people from welfare to work. it also protects children by increasing child care funding by $2 billion and by increasing State flexibility in providing child care for low-income working families. Finally, it encourages healthy marriages and two-parent married families by directing up to $300 million annually for programs such as pre-marital education and counseling. Mr. Speaker, surely that is something we can all support.

I am somewhat concerned about a few provisions in this legislation. While this bill does improve upon some work requirements passed in 1996, in some cases it does not go far enough. For instance, for purposes of TANF, it increases the number of hours a welfare beneficiary must be involved in work or job training programs, but it allows the states to define "work" in almost any way they see fit for some of these additional hours. Thus, a father could coach his son's baseball team and get credit for "work training." Mr. Speaker, I am all for allowing states flexibility in administering welfare programs—flexibility is, after all, the lynchpin of the terrifically effective reforms we enacted in 1996—but in my view we should set some sort of minimal standards and then let the states implement them as they see fit.

In general, the reauthorization bill builds upon the successes of the 1996 legislation, and I believe it will continue to help break the cycle of poverty and dependence that millions of Americans had become stuck in during the period when welfare was an entitlement. It is a very good piece of legislation, and I strongly support it. I urge my colleagues to do the same.

Mr. EVANS. Mr. Speaker, this welfare re-authorization legisation does nothing to prepare welfare recipients to leave welfare and enter the workforce and it is an profound fiscal burden on our state governments.

I believe that since we reformed welfare six years ago, we have been successful in transitioning millions of people off of assistance. But, this remaining group of beneficiaries will be much harder to prepare to enter the workforce. That is why I do not support this "one size fits all" program whose only goal is to drop beneficiaries.

Welfare reform should give beneficiaries the tools they need to enter the workforce. Missing in this Republican legislation is a program that allows welfare recipients to receive a GED and if necessary, learn or improve their English. It also lacks a real increase in child care assistance and the necessary flexibility for innovative state programs to reach out to those on welfare who are least prepared to get a job. Mr. Speaker, it is inevitable this Republican welfare bill will only lead to more families falling between the cracks.

Further, this legislation lacks alternatives to abstinence-only education. We should not put money into these programs before we have real debate on their actual effectiveness. This money could be more wisely spent on education and child care benefits.

This legislation will also cost our state governments $11 billion by imposing costly new mandates and it will force Illinois to direct a much larger share of resources to welfare. My state of Illinois currently has a $1.35 billion budget shortfall. The Governor has threatened to cut student aid, empty prisons, and close mental health centers in order to make up for the shortfall. Illinois simply cannot afford this.

Mr. Speaker, I am proud to support the Democratic alternative because it is a serious attempt to move welfare recipients into jobs and does it humanely without shifting the burden to the states. It provides a real increase in child care benefits and allows beneficiaries to earn a GED and learn or improve their English language skills if needed. The Democratic alternative also allows states the flexibility needed to provide innovative programs to get people into the workforce.

We cannot throw millions of people into the streets when our economy is limping into a recovery and not even give them the incentives and tools they need to enter the workforce. I urge my colleagues to vote no on this legislation and vote yes for the Democratic substitute.

Mr. LAFALCE. Mr. Speaker, I rise in opposition to the procedure under which this welfare bill was put together and brought to the House floor.

Specifically, I object to the fact that without any hearings or markups in the Financial Services Committee, the bill's superwaiver provision would authorize States, with approval of the HUD Secretary, to sweep away all of the rules and regulations that govern our Federal public housing and homeless programs. This is an outrageous usurpation of our committee's authority.

Just 4 years ago Congress enacted a comprehensive bill to reform our public housing laws. Provisions dealing with rent burdens, enhanced local flexibility, resident participation, and other key public housing issues were carefully developed over several years. Notably, the bill was enacted after the 1996 welfare reform bill was passed, and included many provisions designed to complement welfare reform, including eliminating work disincentives.

Now, with a single sweep of the pen, all these provisions could be ignored under the "superwaiver." This could jeopardize carefully crafted protections for the over 1 million low-income families in public housing. Under the superwaiver, rent payments could skyrocket, families with small children could be evicted for technical violations of new rules, resident appeal procedures and lease protections could be wiped away. And, protections for use of housing funds for our Nation's most vulnerable, the homeless, could be eviscerated.

Worse, because this bill has never even seen the light of day within our committee, we cannot even be sure the extent to which existing public housing and homeless laws could be undermined.

Representative FRANK and I offered an amendment to delete the applicability of the superwaiver to housing programs. Of course, the Rules Committee blocked debate on this and other amendments.

This is a terrible way to do business. We ought to send the different sections of this bill back to the relevant committees for consideration the old fashioned way—hold hearings, then mark up the bill in subcommittee and committee.

Mr. HASTINGS of Florida. Mr. Speaker, this is sweeping legislation affecting more than 5 million families and we owe it to them to engage in thoughtful debate about the best ways to help them achieve permanent self sufficiency.

There has been lively and thoughtful discussion on the best ways to do this—more than 43 amendments were submitted to the Rules Committee for consideration. I would have welcomed the opportunity to debate these options on the House floor. However, this closed rule, allowing a substitute but no other amendments, denies us the opportunity. Frankly, this is offensive to me and should be to the whole House as well.

My concerns abut the shortfalls in this legislation are numerous. This bill imposes a huge unfunded mandate on the States and reduces the States' flexibility in determining the optimum mix of activities to help recipients become more self-sufficient. In addition, it doubles the number of required work hours for mothers with young children but provides minimal new child care funding to support this increased work requirement. Two particular items in this legislation are of serious concern to me.

First, this bill fails to provide individuals and families the opportunities and help they require to rise out of poverty and gain self sufficiency. To attain a job with promotion potential and earnings above the poverty level requires experience, education, and job skills. I wish that success could be achieved as easily as the supporters of this bill lead us to believe. But while an entry level or minimum wage job is certainly a laudable start, the only way to get out of poverty and achieve permanent self sufficiency is through education and training. If you train someone for a dead end job, you will lead them to a dead end.

With its emphasis on "make-work" jobs that fail to offer any training or promotion opportunities, couple with its failure to acknowledge the importance of education, this bill fails to offer any substantive solutions to help our Nation's poor out of poverty.

Mr. Speaker, the second issue I have with this bill is that it discriminates against legal immigrants by denying them Federal assistance.

Both the National Governors Association and the National Conference of States Legislatures have recommended that States be given the option to use TANF funds to serve legal immigrants immediately. However, under the Republican bill, legal immigrants must be living in this country for 5 years before they are eligible for Federal aid. Even more distressing is the fact that many of those affected by this discrimination are children who were born in this country and are, in fact, U.S. citizens.

In 1996, the most current year for which records are available, 28,565 refugees were granted permanent residence in the United States.

The responsibility for housing, feeding, and caring for those who require assistance falls to the States—and the top four States carrying this responsibility are California, New York, Texas, and Florida.

I believe that States should be granted the option of using TANF dollars for legal immigrants.

I regret that this closed rule has denied us the opportunity to debate these and a host of other issues on the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to the base bill, and in strong support of the Democratic substitute.

In good conscience, I cannot support H.R. 4737. The Republican base bill, which does not allow for amendments, would increase poverty and its sequelae, instead of reducing it as it purports to do. This bill imposes massive new mandates and additional costs on states at a time when they are struggling and cannot absorb not one penny more of new costs. In light of the fact that 39 States and the territories are struggling to meet work requirements in an atmosphere of recession and lack of available jobs, this bill would create the scenario where precious resources are spent on fines and the safety net becomes full of holes.

This country's offshore areas, would be particularly negatively impacted, because of even less resources, and poor economic conditions with fewer jobs within geographical limitations.

Even worse, Mr. Speaker, this bill tightens the vise on those trying to transition from welfare to work. It eliminates education from the list that count as work related activity and does not provide adequate resources for childcare. On the other hand it doubles the amount of hours that recipients are required to work, creating more hardship for mothers with children under school age.

Mr. Speaker, there is a lot of conservative ideology represented here. Where is the compassion?

The Democratic substitute would give States and territories more flexibility by giving them the option to require 40 hours if childcare and educational resources are available, but would only require 30 hours of work if not. The Democratic substitute would also remove the ban that prohibits states from serving legal immigrants. The Democratic substitute would also give the territories the tools they need to successfully transition people from welfare to work.

Mr. Speaker, H.R. 4737 is a set back, not forward. If the reactionary political climate of an election year precludes us getting a good bill, lets simply extend the current authorization for one more year, and lets sit down again next year and do it right.

Let's this of the people who are most affected by our actions, Let's give our states and territories flexibility and let's give our people hope.

Mr. ALLEN. Mr. Speaker, I rise in opposition to this misguided bill.

If this is welfare reform, our States don't need it. They will have to raise taxes or cut services to compensate for the 5-year, $11 billion State government cost of this one-size-fits-all, heavy-handed Federal policy. Maine will need $56 million to meet the new work requirements.

If this is welfare reform, our families can't take it. The bill requires mothers with children under 6 to double their required work week from 20 hours to 40 hours per week.

For these mothers, this bill means less time with their children, and not enough money to cover expanded child care costs. It probably means at least two jobs for many mothers, because low-wage jobs are usually part time.

For States like Maine, this bill reduces flexibility. For example, Maine's successful "Parents as Scholars" program, which provides access to post-secondary education, has increased the wages and benefits of participants when compared to other strategies. But Maine would probably be forced to divert those dollars to other mandated work activities in order to meet the requirements of this bill.

To all those wealthy individuals who came to Congress last year with their hands out, the Republican party said, "Here are your tax cuts."

To all those families who need a hand up to move from welfare to work, this Republican bill says get off welfare, but do it by yourself, with inadequate child care, longer work hours, and less vocational education.

I urge my colleagues to reject this bill and vote in favor of the Democratic substitute. The Democratic substitute would give States the option of raising the work requirement to 40 hours where adequate childcare and educational resources are available, allow States to credit education toward the work requirement, and increase childcare funding by $11 billion over 5 years.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to urge my colleagues to vote against H.R. 4737, the Republican TANF reauthorization bill. Anyone who looks at this bill can see that the Republican plan does not provide real assistance to needy families. Instead, this bill aims to place further restrictions and requirements on those most in need and those who already face tremendous barriers to work and self-sufficiency.

If the Republican leadership truly cared about providing assistance to needy families, it would have considered the needs of those families—the women, children, and parents who are directly affected by this program. Their bill would have focused on what TANF should really be about—helping families out of poverty so they will have an acceptable standard of living. Instead, this bill only succeeds in defining those families as statistics that should be controlled and told what to do.

First and foremost, the amount of funding this Republican proposal gives to TANF, the primary program in this country to help poor women and children, is pitiful. Last week the House passed a $400 billion Department of Defense authorization bill that included a $48 billion increase. Not only is this the biggest increase in Defense spending since the cold war, but it was also provided despite the fact that the Department cannot pass an audit and cannot account for $1.2 trillion in spending. Yet, this increase is three times greater than the amount the Republicans propose for the TANF block grant. This Congress has bailed out the airlines and given a $254 million rebate to Enron. It is a disgrace that we cannot give more to those in this country that need it most. It is a disgrace that this bill does not provide a single additional dollar in TANF funds. In my State of Illinois, it would cost at least an additional $322 million in order to implement the increased work requirements and meet the child care needs that this bill would require.

Second, this bill neglects to help women get assistance to overcome barriers, such as substance abuse, limited English proficiency, and domestic and sexual abuse. Instead, it requires that recipients work longer hours. Besides causing great hardship on single moms and children, this increase from a 30-hour requirement to one that demands women work 40 hours a week will likely force States to create workfare programs—programs that have been proven not to work and which threaten workers' rights to earn at least minimum wage and have other protections afforded all other workers in this country.

Third, this bill does not provide adequate training for jobs that would open the door for people to earn a living wage so they can support their families. Instead, H.R. 4737 takes away recipients' ability to fully engage in vocational education, often a necessary step in getting a job that pays and provides the opportunity for advancement. This bill also does not provide support to women who care for young children or children with disabilities, and instead it doubles the amount of hours women with children under 6 years old are required to work. Furthermore, H.R. 4737 continues to deny legal immigrants access to benefits, instead of allowing these families who pay taxes and work hard to receive assistance when they hit tough times.

Besides placing further restrictions on TANF recipients, H.R. 4737 also places further restrictions on States. Instead of helping States to be innovative in addressing the particular needs of their low-income population, this bill applies a one-size-fits-all philosophy and dramatically diminishes States rights.

And, if all that was not bad enough, this Republican bill includes a "superwaiver" provision that extends to programs far beyond TANF and could bring greater hardship to low-income people helped by these programs. For example, this provision would have adverse affects on Federal public housing and homelessness programs because the rules and regulations governing them could be swept away at the whim of the Federal agencies. In these cases, the real impact would be felt by families who would then be threatened with losing their housing assistance and being forced onto the streets. Such far-reaching changes are unacceptable, particularly given that the various committees with jurisdiction over programs affected by this "superwaiver" did not have the opportunity to consider them nor to assess their negative impact.

But none of this should come at any surprise. This Republican bill is in line with all the other legislation this leadership and the Bush administration have offered in this Congress, legislation that has aimed to deprive those most in need while giving to those who have plenty.

Fortunately, we have an alternative in a Democratic substitute that actually gives families the tools they need to become self-sufficient. This substitute allows women more opportunity to access vocational or post-secondary education, or go to ESL or GED classes if needed; it restores benefits to legal immigrants; it provides worker protections to all TANF recipients; it provides resources to states to foster employment advancement and promotion among recipients; it makes Puerto Rico and the territories eligible for assistance; it gives States the incentive to actually work toward decreasing poverty. In addition, the Democratic substitute increases child care funding by $11 billion dollars and accounts for inflation in TANF block grant funding.

I urge every one of my colleagues to reject the Republican bill, H.R. 4737, and instead, to think about all the individual lives we are affecting. H.R. 4737 does not provide assistance to needy families, it places arbitrary and restrictive mandates on needy families. If we truly want to help people leave poverty and become self-sufficient we must vote for the Democratic substitute and against H.R. 4737.

Mr. ENGLISH. Mr. Speaker, when I came to Congress, the welfare system was in crisis—a record number of families were on welfare, dependency on the system was enormous and caseloads were rising. But in 1996, in the face of fierce ideological resistance, we reformed the welfare program, establishing work standards and setting time limits while giving states the flexibility to implement them in a way that suited their local situation. We did this after a 30-year period when the Democratically controlled House had spent $5 trillion of taxpayer money on the welfare program, which resulted in skyrocketing poverty rates and welfare cases.

It was compassionate conservatism—and it was marvelously successful. The results speak for themselves: Caseloads have fallen by 60 percent to their lowest levels since 1965 and 9 million recipients have gone from welfare to work—from dependency to independence. In Pennsylvania alone, more than 319,000 people were graduated from the caseloads, working their way out of the welfare system. This change is not only extraordinary, but unprecedented.

It was clear that the welfare system was the biggest, most costly domestic policy failure of our time. And today, we have been hearing complaints from many who consistently opposed welfare reform until just before the bill signing ceremony. But we have learned from experience that you can strengthen work requirements; require states to closely monitor caseloads. And what we have learned is that we can help people prosper and become self-reliant, independent and proud.

We have the opportunity to build on our success without creating a personal entitlement program which deadens individual responsibility, creating incentives for dependency. The Personal Responsibility, Work, and Family Protection Act takes dramatic steps to maintain and strengthen the current program. Despite the enormous declines in caseloads, this bill gives states the same record federal welfare and child care funding, which means more money per family.

H.R. 4737 maintains the flexibility that has allowed states to tailor the program to meet the specific needs of its residents, rewarding states for engaging recipients and reducing caseloads. More importantly, it also provides an additional $2 billion for child care, ensuring that parents who are working hard to improve the lives of their families are not being slammed back to the ground by staggering child care costs.

But my colleagues on the other side of the aisle are not interested in building on the welfare reform of 1996, but rather that they want to dismantle it. They want to allow welfare recipients to work two days per week and stay on welfare forever.

Let me share with you some facts about the Democratic substitute—it allows welfare recipients to work two days per week and stay on welfare forever. It also provides partial credit towards work rates for adults who work as few as 10 hours per week while collecting full welfare benefits. In fact, according to the Department of Health had Human Services, the Democrat's a new "employed leaver credit" would effectively eliminate the work requirements in 2003—reducing from 50 percent to 2 percent the share of the welfare caseload expected to work.

The Democratic proposal increases welfare dependence and poverty while seriously undermining the time limits designed to promote self-sufficiency. But Mr. Speaker, if that is not enough let's look at the cost. For about $70 billion over 10 years, the American taxpayers would see welfare return to a program where able-bodied people do not work for their benefits and bear little personal responsibility. The Democratic substitute is expensive and would increase deficits.

Unlike the Republican bill, the Democratic substitute includes NO offsets for its new spending, so it simply adds to deficits in the future. These are the same Democrats who consistently opposed welfare reform until just before the bill signing ceremony in 1996. The Democrats also want to place additional, burdensome mandates on the states, essentially tying the hands of states who know how best to meet the needs of their residents.

We cannot take a step backward—as the Democrats advocate—returning to a welfare program where able-bodied people do not work for their benefits and bear little personal responsibility. No public policy rationale exists for the additional spending they propose to mandate. This is not to say that at some point in the future more money will be needed for this program but the case for that has not been made today. I urge my colleagues to vote no on the substitute, ensuring that the reforms we enact maintain and strengthen the current program, not return us to an entitlement program with a staggering price tag and even greater social costs.

Six years ago, we changed the way people look at welfare, making it a program that helped people find work, renew their self-sufficiency and gave them financial freedom and personal dignity. We must act responsibly and continue these reforms. Vote yes on H.R. 4737.

Mr. SERRANO. Mr. Speaker, if self-sufficiency can be defined as raising a family just on or below the poverty level, with little or no chance of increasing earning potential because the breadwinner is not equipped with competitive education or job training, then I agree with my colleagues that 1996 welfare reform has been a success. If self-sufficiency means earning a median hourly wage of $6.61 or $13,788 annually, as the Urban Institute reported former welfare recipients earned in 2000, in jobs that 60% of time do not provide health care benefits, according to NOW, then I agree with my colleagues that welfare reform has been a resounding success. However, I am reluctant to believe that my colleagues would consider any of those circumstances to be anything near self-sufficiency and therefor I implore you to rethink this idea that welfare reform has been genuinely successful.

The goal of welfare reform should be to create a system that promotes self-sufficiency, not just lower numbers on the rolls and higher numbers in low-wage, unstable jobs. H.R. 4737 provides a short term solution to a long term problem. We should not be battling welfare dependency as much as we should be battling poverty. H.R. 4737 will only encourage pushing recipients off the rolls and into the league of the working poor, under-educated and constantly struggling to make ends meet. So that one negative circumstance, one setback, such as illness or domestic violence, could see them plummeting back into poverty. Living one paycheck away from homelessness is not self-sufficiency by anyone's standards. We need reform that will arm welfare recipients with the artillery they need to permanently improve their economic situations.

This necessary artillery is education and training for marketable jobs. Improving education never stops paying off for an individual or for society as a whole; 82.2% of high school graduates with parents who attained a bachelor's degree or higher go on to college. This is compared to only 36.6% with parents who attained less than a high school diploma, according to the American Association of University Women. It should be clear that education is hereditary and the more education parents have, the more likely their children are to go on to college. Why in the world would we advocate legislation that impedes access to education for these individuals? H.R. 4737, which imposes a 40-hour work week on single mothers, significantly hinders their chances of furthering their education. It is plainly counterproductive to finding a long-term solution to poverty.

Mr. Speaker, H.R. 4737, says clearly to America's struggling families, "We don't really care about helping you. We don't care that the jobs we are pushing you into will do little to help you provide a better life for your children. What we are most concerned with is no longer having to support you." We are dealing with human beings here, and more importantly, with children, and H.R. 4737 is legislation about numbers. Please vote no on H.R. 4737.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today as the Representative of California's 37th Congressional District and representing some of the country's most impoverished areas! I would like to draw the attention of Congress to one of the key issues relating to the reauthorization of TANF.

My concern is with the mandates imposed by H.R. 4737. By forcing states to absorb costs that will total up to $11 billion over the next 5 years, we are in effect crippling their ability to help people transition to work. The Republicans' emphasis on creating "make work" workfare programs will defeat the purpose of trying to move individuals and families off of welfare. Workfare programs have been problematic for states to implement for years and have in fact been scaled back.

Without guaranteeing minimum wage protections, let alone creating jobs imparting meaningful work experience, we are dooming our states and the people they serve to fail. We can do better. By limiting states' ability to be flexible, and by forcing them to reinstate work requirements that have already been rejected, we're preventing welfare recipients from attaining financial independence.

If we are serious about wanting to move people from welfare to work, we must enact legislation that preserves state flexibility, creates real work, and elevates families from poverty to full-time work. We cannot help anyone become self-sufficient by giving a "super-waiver" authority to the executive branch that would sanction the waiver of any and every federal requirement pertaining to food stamps and housing. The proposed changes to TANF could cause this state of affairs to change.

The reason for this relates to the level of funding, which does not take into account how inflation will negatively impact the $1 billion now proposed by the Republicans to provide for child care. This proposal will require families to work longer hours. In order for California to fulfill its work participation requirements, parents would have to participate in work-related activities for 40 hours each week.

If we double the number of hours mothers with children younger than 6 must work from 20 to 40, we simply must allot a more realistic level of funding for child care.

California now has 280,000 children waiting to be placed into child care programs, and H.R. 4700 would require $1.23 billion in additional child care funding over the next 5 years. With California facing a deficit, due to Enron's rogue statics with our energy, H.R. 4737 will not allow us to help individuals successfully transition to full-time work.

By enacting the Democratic Substitute, we will require states to increase to 70 percent the number of individuals who must work out of the overall population receiving benefits. Further, states will be able to raise the work requirement to 40 hours provided they have sufficient child care and educational resources, as current law permits. Under the Substitute, $11 billion in additional child care funding will be available over the next 5 years so the stringent work requirements will be achieved without hurting children. The Substitute will remove the ban that now prohibits states from serving legal immigrants.

Under the Democratic substitute to H.R. 4737, we would have up to $6 billion in additional funding which must be earmarked in part to provide access to transportation so that individuals can get their children to child care providers and get to work on time. Yet another reason why current funding levels will be insufficient to maintain child care assistance in the future is related to the problem of inflation.

The proposed TANF bill will freeze funding for both the TANF and child care block grants at the current levels. Over the next 5 years, the purchasing power of these funding sources would erode steadily with inflation.

This could occur at the same time that states such as California could be required to meet costly new work requirements.

In the case of California, the non-partisan Legislative Analyst's Office (LAO) estimates that California will have to spend an addition $2.8 billion over 5 years to meet the proposed work requirements. About half the $2.8 billion will go toward increased employment services' costs. The other half, $1.4 billion, will be spent on increased child care costs. An annual rate of inflation of 3 percent would increase costs to California by nearly $250 million between 2003 and 2007.

Mr. Speaker, I believe that the TANF reauthorization provisions do not take into account the points that I have brought up and that the new provisions will not achieve their purpose. In addition, extra burdens will be placed on the states, and, in the long run, children and families will suffer.

I will be voting against the TANF reauthorization bill. It will do nothing to help persons to become self-sufficient who are trying to move from welfare to work.

Mr. REYES. Mr. Speaker, I rise today in strong opposition to H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. The federal restrictions on state flexibility in H.R. 4737 are counter productive to achieving Temporary Assistance for Needy Families (TANF) primary goal to assist impoverished families and to end the dependence of needy parents on government benefits by promoting job preparation. Despite its faults, the 1996 Welfare Reform Act was able to help many families reach self-sufficiency. This was possible largely because of the amount of state flexibility allowed in the TANF program. H.R. 4737 removes that state flexibility and replaces it with unfunded mandates that undermine the state's ability to help needy families achieve sustained self-sufficiency. This bill will destroy the key and successful elements of TANF.

The changes made to the work requirements in this bill eliminate each state's ability to determine the best approach to place their recipients into paying jobs. In particular, this bill will remove current state discretion to assign work requirements and amount of work hours. It mandates that the work participation rate be at 70 percent by 2007, it requires all recipients be assigned 40 hours work or work related activities a week—even for mothers with children under six years of age, and compounds the restrictions by narrowing the definition of work related activities. Rather than allowing states to develop their own plans based on the unique needs of their recipients, this bill restricts what work-related activities can count toward the work participation rate and the mandated 40 hours of work.

States need the flexibility to assign the most appropriate activities to recipients based on an assessment of individual needs. For example, recipients with Limited English Proficiency (LEP) need access to English as a second language programs before they can gain the needed job skills and training that result in lasting jobs that pay livable wages and include benefits. Recipients with children need access to quality child care before they can leave home to work. In 2000, the Department of Health and Human Services (HHS), Administration for Children and Families issued a report stating that only 12 percent of those eligible for federal child care assistance receive this much needed assistance. Instead of providing the funding necessary to offer assistance to the 88 percent of parents in need of child care, this bill doubles their amount of work hours required.

Most importantly this bill does nothing to restore federal assistance to Legal Permanent Residents (LRPs). On the contrary, H.R. 4737 contains two extremely harmful provisions that would further restrict LPR access to federal assistance, including to the food stamp program. The superwaiver provision will allow the Executive Branch to waive virtually all program rules completely disregarding Congressional intent. Additionally, the food stamp block grant provision would allow five states to opt for a fixed amount of food stamp funds for the next five years. The incentive to ensure program participation will be eliminated. These two provisions have the potential of reversing the gains made by the restoration of food stamp benefits for LPRs in the Farm Bill, which was just signed into law earlier this week. In times when states face increasing budgetary deficits, a fixed block grant that can be used for other programs sends the wrong message.

LPRs are disproportionately represented in industries that are most affected during economic downturns. During these times LPRs are often hit the hardest, and they, like all Americans, must be allowed to access the program that can help them to get back to work. States have recognized the importance of providing services to LPRs, but with more and more states running budgetary deficits restrictions on immigrant access to federal programs impose a serious dilemma. The federal government should not continue to ignore the needs of LPRs. Since many LPRs work in the service industries that are affected most acutely by recessions, they are in need of the back to work assistance that TANF can provide.

Mr. Speaker, this bill does nothing to address the barriers that prevent recipients from achieving sustained independence and self-sufficiency. It does nothing to facilitate the education or job skills needed for recipients to gain employment. It does nothing to address the overwhelming backlog of single parents who need adequate child care. It does nothing to restore federal assistance to LPRs. It does nothing to address poverty reduction or advance employment.

For these reasons and more, I urge Members to oppose H.R. 4737.

Ms. BALDWIN. Mr. Speaker, I urge my colleagues to vote against this bill. I believe that the test of success of welfare reform is its capacity to lift families (especially children) out of poverty. This bill fails that test.

I recently attended a listening session at the Vera Court Neighborhood Center in Madison, Wisconsin to hear from people in my district who are affected by the changes being proposed in this TANF reauthorization. The personal stories of those who came to this listening session were powerful, and they made it clear how important child care and education are to enabling people to break the cycle of poverty.

H.R. 4737 would limit opportunities for education and training to 16 hours per week, at the most, and participants would have to be working at least 24 hours per week at the same time—a difficult task for parents caring for infants and young children. For parents to even think about expanding their work hours they need affordable, reliable and safe child care. Unfortunately, the increase in child care funding over the next 5 years in this bill is barely enough to keep up with inflation let alone the expanded work requirements in this bill. It is estimated that in order to implement this bill, it would cost Wisconsin about $44.5 million over 5 years in additional child care funding. Meanwhile, Wisconsin is suffering from a deficit of $1.1 billion. We cannot shift this burden to the states and, more importantly, we cannot let our children be the ones who suffer because of this policy.

As many of my colleagues know, Wisconsin was at the forefront of the welfare reform debate 5 years ago. Today, Wisconsin parents are making a good-faith effort to support their families through work but are not succeeding in raising their families standard of living—even to the poverty level. A Wisconsin Legislative Audit Bureau Report found that of those who left the Wisconsin Works (W–2) program in the first quarter of 1998 (a period when the economy continued to expand), more than two-thirds reported having incomes below the federal poverty level. An even sadder statistic is that one-third of those who left W–2 had no reported earnings at all.

H.R. 4737 would discourage efforts in Wisconsin to change W–2 in order to serve low-income families better. The audit bureau report recommended that legislators, in order to ensure the future success of W–2, focus on increasing former W–2 participants income above the poverty level, addressing the needs of returning participants, and responding to a possible downturn in the economy. We should be helping Wisconsin implement these recommendations by increasing education and training opportunities, not by cutting back on them as this bill does.

Martha Garel could benefit from these educational opportunities. Martha lives in Madison and has received W–2 payments for 3 years. When she first applied in 1999, she had recently left an extremely abusive husband. Martha does not have a college degree, but she would like to obtain a degree in social work. Two of her three children living at home have disabilities. Her 10-year-old son has a disorder that requires him to take medication, and during the summer, Martha cannot find a child care provider who will watch him. Her oldest daughter receives Supplemental Security Income due to brain damage she received at birth.

Martha has been avidly searching for a job and interviewing since last fall, but nothing has come through. The only jobs Martha appears to be qualified for pay only minimum wage, and she knows that a minimum wage job will not meet the needs of her family. The medications her family requires run over $1,000 per month. It is clear that we need to expand the educational and job-training opportunities for people like Martha.

I urge my colleagues to help families escape poverty by giving them the support they need to secure jobs that can support a family. I urge my colleagues to vote against H.R. 4737.

Mr. MOORE. Mr. Speaker, I rise today to discuss my views on H.R. 4737 and explain my reasons for opposing this legislation and supporting a moderate, workable substitute.

I believe in a "work first" policy for welfare recipients—the best path to independence for welfare recipients is a job. I also believe that we should do all that we can to ensure that work pays and remember that the reduction of poverty, especially child poverty, is the ultimate goal of this reauthorization.

I have entered into the RECORD a letter from Janet Schalansky, Secretary of the Kansas Department of Social Services. Ms. Schalansky's letter expresses clearly many of my concerns with H.R. 4737, and I believe that the substitute that I support addresses many of her concerns with the underlying legislation, especially her concerns regarding unfunded mandates and the need for education, training and other supports for individuals leaving welfare.

States, including my own state of Kansas under Secretary Schalansky's leadership, have done a good job implementing the provisions of the 1996 law. Kansas has reduced the cash assistance caseload by more than half, and helped approximately 37,000 adults become employed and retain employment. I want to continue to do what I can to ensure that the states have the tools and flexibility they need to help welfare recipients move from welfare to work, but H.R. 4737 falls far short of that goal.

Education is the path through which welfare recipients will truly find long-term, well-paying, permanent employment. Only education and training will give welfare recipients the skills they need to move permanently to a life of self-sufficiency. Unfortunately, H.R. 4737 greatly reduces the states' discretion to allow welfare recipients to get education and training to pull themselves out of poverty. This legislation removes vocational education from the list of work-related activities that count toward the core work requirement. In addition, the bill does not provide an employment credit to the states when individuals leave welfare for work.

That is why I am supporting a substitute that will allow states to combine successful "work first" initiatives with education and training. The substitute will give states credit when they move individuals from welfare to private-sector jobs, rather than giving them an incentive to create government "make work" programs.

H.R. 4600 imposes an unfunded mandate on the states to the tune of $11 billion—$67 million for the state of Kansas alone. Kansas is currently facing a budget crisis and its leaders are cutting services and raising taxes as we speak just to balance next year's budget. An unfunded mandate of this magnitude could devastate the state budget. If we are going to raise the bar for the states, we must provide support so that states can reach the bar. As Secretary Schalansky notes in her letter, level funding for TANF is not sufficient to accomplish and sustain the goals of the TANF program. Furthermore, H.R. 4737 allocates funding for child care that barely keeps pace with inflation and does not begin to provide the funding necessary to provide the child care that the additional work hours will demand.

For these reasons, I am supporting a substitute that will provide an extra $11 billion for child care funding over five years to help states provide child care for working welfare recipients and provide an inflationary increase for the TANF block grant.

Finally, I have great concerns about the so-called "superwaiver" provisions of this legislation. Although I am pleased that the authors of H.R. 4737 decided to remove some of the most egregious provisions of the superwaiver, I am still concerned that the legislation will permit broad and unaccountable waivers of federal requirements in several programs, including the Food Stamp program, Workforce Investment Act, Adult Education, and the Child Care Development Fund. The states should be given the funds and flexibility they need to run a welfare program, and they should be accountable for the result. The substitute that I support includes no such broad waiver.

Mr. Speaker, the House should reject H.R. 4737 and approve the substitute. Our goal is to move welfare recipients to work and help people lift themselves out of poverty. The substitute gives the states the tools they need to achieve that goal.

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES,
Topeka, KS, March 14, 2002.
Hon. DENNIS MOORE,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE MOORE: As you study the issues surrounding the reauthorization of the Temporary Assistance for Needy Families (TANF) program during this Congressional session, please keep in mind that it is the flexibility afforded the states by TANF that has allowed Kansas to develop programs and initiatives which promote adult self-sufficiency and strengthen families. As a result of this flexibility, Kansas has been able to:

Reduce the cash assistance caseload by 10,000 families since welfare reform began on October 1, 1996.

Help approximately 37,000 adults become employed and retain employment for a year or longer.

Provide cash assistance to approximately 9,030 adults and 22,465 children each month.

Create unique employment preparation strategies and support services for addressing the multiple employment barriers of many TANF recipients.

Provide innovative child care improvements, including an Early Head Start Program; an infant/toddler specialist in each of the sixteen child care resource and referral agencies; and an early care and education professional development initiative.

Integrate child welfare services and TANF to help more children remain in their own home or be returned to their homes more quickly.

On February 26, the Bush Administration introduced the outline of its TANF reauthorization proposal. Although the department supports the President's overall goals for the TANF program, we do not support all of his recommended changes to the program. His proposal to require all families to participate in work activities for 40 hours per week with 24 of those hours mandated to be in subsidized or unsubsidized work is especially problematic. Attached to this letter is a review of the department's position on the key provisions of the President's proposal. I hope you will consider the agency's position when these issues are debated and voted on in Congress.

The Temporary Assistance for Needy Families block grant has been successful in getting families employed and off cash assistance. While much has been achieved, there is an unfinished agenda of welfare reform, one that involves on-going supports to low-income working families as well as one that seeks to remove the barriers for TANF recipients with multiple barriers to employment. The work of the TANF agency does not end when families exit the cash assistance caseload.

SRS supports continued emphasis on the work first approach which is appropriate and integral to continued success. The Department recognizes that the caseload is not homogeneous and some clients can move to work easily while others require more intense interventions. In order for employed clients to remain employed, to increase wages, and to seek and obtain new and better opportunities, the state's work must continue. In order to continue helping families be successful, it is important that the flexibility currently afforded to states be continued and federal funding levels for the program remain adequate. We need to stay the course to accomplish the goals of welfare reform.

If you have any questions about the President's proposal or other TANF reauthorization bills that are introduced, please feel free to contact me. I would like to keep you updated on how these proposals will affect the low income citizens of Kansas.

Sincerely,

JANET SCHALANSKY,
Secretary.

Enclosure.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

On February 26, 2002, the Bush Administration introduced the outline of its TANF reauthorization proposal, called Working Toward Independence. The administration indicates that child well-being is the overall goal of its plan. The plan also incorporates fatherhood and the formation and maintenance of healthy two-parent married families into the fourth purpose of the TANF program. Main components of the President's reauthorization proposal include the following:

Mandates More Stringent Work Requirements. The President's proposal requires that all families engage in constructive activities leading to self-sufficiency for 40 hours per week, at least 24 hours of which must be in unsubsidized or subsidized work, on-the-job training, supervised work experience or supervised community service. Kansas does not support this change. There is overwhelming evidence from states that persons now receiving TANF cash assistance have significant barriers to employment, such as mental illness, IQ's below 75, domestic violence etc. Until these barriers are overcome or accommodated, it is unrealistic to require TANF recipients to work 24 hours per week. Many of the current TANF recipients will always struggle to find and keep even part time jobs in a competitive work environment. States will have to start-up or expand subsidized work, on the job training (OJT), supervised work experience and community service in order to meet the 24 hour per week work requirement. According to recent press releases states will also have to continue paying minimum wage for work experience or community service jobs. The result of these proposals will require increased expenses not funded in the Bush plan. Funding cuts in other TANF services, such as post employment services that assist the working poor to retain or advance in their jobs, will likely be the result. Additionally, employers do not hire employees for twenty-four hour per week jobs. They generally hire for either 20 hours per week or 40 hours per week. The TANF program has been successful due to the design flexibility given states to develop programs tailored to the needs of their recipients. The Department believes the more stringent work requirement is counterproductive and unnecessary to achieving the purposes of the TANF program.

Increases Work Participation Rates. Under the Bush proposal, the state will be required to have 70 percent of its adults participating in 40 hours a week of constructive activities leading to self-sufficiency, 24 of which must be actual work, by the year 2007. There will no longer be a caseload reduction credit or a separate two-parent participation rate. Under the work participation requirements of the current TANF law, Kansas has 86 percent of its families participating 30 hours per week, and 60 percent participating 40 hours per week. Kansas would support the proposed participation rate change only if the 24/40 hour work requirement explained above is removed. Should the Bush plan be passed as is, the state will have to choose between requiring recipients, who may not be ready, to work for 24 hours a week knowing they will fail; or placing them in the right activities and accepting a penalty for failure to meet the participation rate requirement. The right activities might include remedial education, learning disability accommodation training, substance abuse, mental health or domestic violence counseling, or basic job skills training. The penalty for not meeting the work participation requirement would be a loss of $5.095 million in federal funds and a requirement to make up the loss with state funds for a total penalty of $10.19 million. In lieu of the 24 hour work requirement of the Bush plan, Kansas supports retention of the current law which designates that 20 hours of participation must be in primary activities, which include work, on the job training, work experience, and job readiness activities.

Requires universal engagement of all TANF families. States will be required to engage all families in work and other constructive activities leading to self-sufficiency. Within 60 days each family must have a self-sufficiency plan for pursuing their maximum degree of self sufficiency. The family's progress must be monitored. Kansas supports this requirement as we currently develop and monitor self sufficiency plans for all TANF families.

Retains the Current Five Year Time Limit and 20 Percent Exemption Limit. The Department supports retention of these provisions. The five year time limit has been a good motivational tool for those recipients who are capable of working. Continuation of the twenty percent exemption will allow persons with documented hardship conditions to receive assistance past the 60 month limit.

Maintains TANF and Child Care Funding Levels. The President's proposal maintains the current level of funding for both the TANF and Child Care programs with no indexing of grants for inflation. Level funding will not be sufficient to accomplish and sustain the goals of the TANF program for the following reasons: Families now receiving cash assistance face serious work, family, and social barriers which they must overcome before becoming successfully employed. These services are expensive and far exceed the expenditures for cash grants. Working poor families continue to need support services, such as child care, transportation, tools, uniforms and other work related items, long after cash assistance eligibility ends, to retain work, advance in their jobs, and improve their prospects to become self-sufficient. As states transform TANF from cash assistance to work supports, a larger clientele becomes eligible for these benefits. With the additional participation requirements placed on states by the Bush proposal, Kansas will not be able to continue funding all needed child care services. For example, expanding the participation requirement to 24/40 will cost $1.89 million more for child care each year if the parent and child are apart during all of the participation activities. If new work requirements are mandated for TANF, federal child care funding must be increased as well. In Kansas, the cash assistance caseload has increased due to the weakened economy. This trend puts Kansas and other states in a difficult financial position as the increasing demands for cash assistance make it difficult to continue providing the child care, diversion benefits, state income tax credits, and job and transportation assistance to the working poor who are no longer receiving cash assistance. Unless TANF and child care funding levels remain adequate, states will be forced to choose between reducing work support services and turning away some of the neediest families. Kansas, therefore, supports indexing the block grants for inflation and providing increased funding for additional federal mandates. Kansas also supports the continuation of the states' Maintenance of Effort (MOE) requirement as it exists in the current law.

Restores Supplemental and Contingency Funds, Allows for Rainy Day Funds, and Restores Ability to Transfer 10 Percent of TANF Grant to Social Services Block Grant. Although these provisions will be of no help to Kansas, they will greatly benefit some states. Kansas does not have the low rates of unemployment or poverty required to benefit from the supplemental or contingency funds and does not have any carry-over funds to benefit from the rainy day allowance. Since all TANF funds are now obligated, transferring additional TANF funds to the Social Services Block Grant would require cuts to TANF services. Kansas supports restored federal funding of the Social Services Block Grant.

Discontinues State Program Waivers. The Bush administration proposes to discontinue TANF program waivers granted prior to the 1996 welfare reform legislation. Kansas does not support this recommendations. Kansas has received much national recognition for the programs it has developed to address learning disabilities, substance abuse, and domestic violence. The state has been able to accomplish this because of its waiver which allows all participation in job readiness activities to count toward meeting the state's work participation rate. With the administration's proposal to discontinue current waivers, impose a new 24/40 work participation requirement, and limit full time rehabilitative and substance abuse treatment to 3 months out of each 24 months, Kansas will be forced to drop the successful programs described above, or fail the work participation requirement and accept a financial penalty. Kansas does support removing the limitation that exists in current TANF law of not allowing more than 6 weeks of job readiness activities (only 4 of which may be consecutive). The family, social and work barriers faced by TANF recipients require much more than 6 weeks of job readiness activities to resolve.

Promotes Child Well-Being and Health Marriages. The Bush plan includes enhanced funding for research, demonstrations, technical assistance, and matching grants to states. An increased focus on marriage and child well-being will be added to both the purposes of the program and the state plan requirements. This approach is designed to provide states with greater resources to pursue these goals while maintaining flexibility so that states can design programs that work.

Encourages Abstinence and Prevention of Teen Pregnancy. The administration's goal for federal policy is to emphasize abstinence as the only certain way to avoid both unintended pregnancies and STDs. Although the scientific evaluation funded by Congress to study the effectiveness of abstinence-only programs will not be completed until 2003, the administration proposes refunding the Abstinence Education program at the same level as in 1996 and retaining its strong definition of how funds may be spent. The administration also proposes increasing funding for community-based abstinence education grants by 83 percent to $73 million in 2003, including funding for comprehensive evaluations of abstinence education programs. While the government's evaluation of abstinence education programs has not yet been completed, many independent evaluations have found that abstinence-only programs are ineffective in reducing unintended pregnancies, including teen pregnancies, and STD's. Because comprehensive programs which include both abstinence education and birth control information have been found to be the most effective, especially if they have a youth development focus, Kansas does not support dedicating funds exclusively to abstinence education. If the goal is to reduce out-of-wedlock births, teen pregnancies, STD's, and deaths from AIDS and Hepatitis, then states should be allowed the flexibility to develop the programs that work best in reaching the youth and adults in their states.

Focuses More on Program Performance. States will be required to set performance standards in their state plans for addressing each purpose of the TANF program, to annually update their progress in meeting their goals, and to provide data to HHS to allow federal oversight of the program. The Secretary of HHS will annually rank all states in the order of their performance on indicators measuring employment, retention, and wage increase. The administration will establish a $100 million a year bonus to regard employment achievement. Each state will have numerical targets to strive for and will compete against their performance in the previous year. All states could be eligible for a bonus in any given year if their performance meets established targets. Kansas supports this bonus plan which is superior to the current bonuses measuring high performance and reduction of out-of-wedlock births. The state plan requirements, however, will be more stringent and intrusive, and thus is not supported. More authority is given to HHS for oversight in the approval process, which will hinder state flexibility.

Enhances Child Support Enforcement Strategies. The administration's proposal continues rigorous enforcement of child support obligations while targeting additional child support collections to the families with greatest need by: Providing federal matching for states to provide or improve a pass through of child support to families that receive TANF; giving states the option of providing families that have left TANF the full amount of child support collected on their behalf with federal sharing of the costs; collecting a $25 annual user fee from families that have never received welfare; lowering the threshold for passport denial to $2,500; and expanding the federal offset program to allow states to collect past-due child support by withholding a limited amount of Social Security Disability Insurance payments from appropriate beneficiaries if benefits exceed $760 per month. Kansas supports these proposals if they remain options to the state.

Reforms Food Stamp Program. The reforms proposed by the administration, such as simplifying some program rules, will make it easier for states to fashion a food stamp program that is friendlier to working families. However, the President's proposals are not as extensive as those in the recently passed Senate version of the Farm Bill. We support the Senate proposals. Kansas supports the President's proposal to provide food stamps to legal immigrants and to eliminate the cap on EBT costs. Kansas is not supportive of the President's proposals regarding Quality Control. If the proposals had been in place for FY 2000, the impact would have been substantial. Our sanction would have increased from $79,313 to $804,036.

Integration Waivers. Kansas is supportive of the ability to coorindation among agencies that provide services to TANF recipients. Waivers have the potential to increase cost-effectiveness, reduce duplication, improve performance, streamline services, and forge a client-friendly seamless system. Waivers may be a means of: Coordinating data collection and reporting requirements across programs and agencies; developing common goals, policies, and performance measures for relevant aspects of TANF, Food Stamp, Medicaid, child care, child support, child welfare, and workforce development programs; coordinating eligibility standards, definitions, etc., for programs serving similar populations; enhancing federal funding for cross-program information technology initiatives, including the sharing of administrative and program data across agencies; simplifying federal procurement rules to better meet state needs; modifying federal confidentiality rules to allow for client eligibility verification activities and tracking; and integrating federal funding streams at the state level for programs with similar goals for serving common clients.

Mr. CROWLEY. Mr. Speaker, I rise today in opposition to H.R. 4737, the Republican welfare bill. This bill does nothing to improve the welfare system.

Six years ago, Congress passed a sweeping welfare reform bill to fix the failed system of cash payouts that rewarded not working. That bi-partisan bill encouraged work through both job training and child care services and by mandating a cut off of benefits after a fixed period of time for those who refused to find work. The result, millions taken off the welfare rolls and put into jobs. This was good for America and great for working, tax-paying Americans.

But that bill was not perfect. For one, it excluded millions of tax-paying residents from qualifying for these work assistance programs, namely America's legal immigrants.

Today, we have the opportunity to make changes in those sections that failed and improve upon our successes. Unfortunately, that will not happen.

Congressman Xavier Becerra and I planned on offering an amendment that would have rectified this biggest of injustices of the 1996 welfare bill. Our amendment would have allowed legal immigrants—legal, tax paying residents—to participate in the education, job training and pregnancy prevention programs of this personal responsibility bill. But the House Republican leadership overruled us and threw away the hopes of millions of our constituents.

Essentially, this bill discriminates against legal, tax-paying, residents, leaving them hungry and out in the cold without assistance.

I am particularly concerned about the effect this bill will have on my immigrant constituents. Queens is the fastest growing borough of New York City and my Congressional District is one of the most diverse in the world. Over 100 languages are spoken in my part of Western Queens, many by immigrants who came here for a better life for themselves and for their children.

Most of these people are here legally. They pay taxes, and they contribute to the social and economic character of the United States. We are richer for their presence, and I am proud to represent them. However, many need a temporary helping hand to get on their feet, get a job and taste their slice of the American pie.

This bill however would leave these families, and their children, without any resources when in need of a helping hand.

I do not believe that this is right or fair and I am greatly concerned that it will have a significant impact on the one in five children in this country with immigrant parents. This bill undermines the civil rights of the over 35 million Latinos living in the U.S. legally and is not responsive to the needs of all immigrant families struggling through tough times.

This bill limits access to job-training and higher education opportunities, ensuring that individuals on welfare stay on welfare. Under this bill, those who do, by some miracle, manage to get off of public assistance, would not be given any additional support, such as transitional healthcare coverage, to stay off of welfare.

Perhaps most importantly, this bill devotes almost nothing to child care, while increasing work requirements, effectively forcing working mothers to leave their children unattended in order to earn enough money to feed them. In short this bill is a disgrace. However does such a law serve our society?

Every 93 seconds a child is born into poverty in this country, and this bill does nothing to help them. The GOP bill would increase mandatory child care funding by only $1 billion over the next five years, that's barely enough to keep pace with inflation, and nowhere near enough to implement the bill's new work participation requirements, not to mention provide child care coverage to the 15 million children who are now eligible for day care assistance but who are not currently covered because States lack sufficient resources.

Again, I worked to add an amendment to the bill to allow for $20 billion to be invested over the next 5 years for child care for all of those participating in this program, but was again denied by Congressional Republicans. The result, a greater difficulty getting families with children either into jobs and off welfare, or more latch-key kids left alone in the after school hours to do whatever they please without parental supervision.

And so, not only does this bill not give welfare beneficiaries the tools necessary to become economically self-sufficient. But the process of bringing this bill to the floor has been geared towards silencing dissenting voices.

My friends on the other side will try to say that I am trying to give taxpayer money to people who, they claim, refuse to work.

If we are to believe their premise that the 1996 welfare bill was a proven success at providing a temporary helping hand to get people off the dole and into jobs, then why shouldn't Congress extend this same helping hand to all of our residents in need. Shouldn't we encourage, as opposed to discourage, work?

This current bill leaves more of my working constituents paying a greater share of their hard earned taxes to provide for those who are not given the tools to enter the workforce and get off of government assistance.

This Republican bill makes no sense. Let's vote it down and start again. Let's invest in our people and give them the tools to get jobs, get off welfare and contribute to our national economy.

This is not a question of budgets, this is about priorities. I urge the House to reject this Republican bill.

Mr. BLUMENAUER. Mr. Speaker, there's no small amount of irony that just one week after Congress reinstated welfare for some of the largest agricultural interests in this country in the farm bill, the Bush Administration and Republican leadership in the House are imposing new burdens on the poorest and most vulnerable of our citizens. This Welfare Bill denies states the ability to use their own approaches, field-tested and improved by real-world experience, to meet their own citizens' needs. That's why the majority of governors, both Republicans and Democrats, have opposed the approach in the Republican Welfare Bill.

As the national unemployment rate has increased, Oregon has had the highest rate in the country. Welfare reform is no longer propped up by a full-employment economy, and moving from welfare to work has become much more difficult. The Administration and Republican leadership bill offers a rigid, designed-in-Washington, one size fits all approach. Instead, we should focus on supporting what works: flexibility for the states, and total support for families through a combination of work experience, training, education and child care.

I support the substitute offered by my colleague, Ben Cardin, because it meets our goals, and supports efforts in the State of Oregon. Instead of unfunded mandates, the substitute increases flexibility and encourages real work. It also provides increased funding to make a down payment towards the needs of the 15 million unserved children eligible for childcare. Most importantly, it provides guarantees that our poorest and most vulnerable citizens who have the least political power will get real help moving into the workforce, not just more rules and requirements.

Mr. GILMAN. Mr. Speaker, I rise today in support of our Nation's families. As co-chair of the Congressional Child Care Caucus, child care should not be a partisan issue. Every day in this country, thirteen million children under the age of six are cared for by someone other than their parents. And each day, children are needlessly placed in harm's way because parents cannot afford to use high quality child care services.

The need for quality child care and after school care continues to grow throughout the country and with the President's recent call for increased welfare work requirements, which I support, it is imperative that the child care development block grants, CCDBG, are increased by $11 billion over the next 5 years.

In New York State alone, there is a need for an increase of $1.4 billion in CCDBG money over the next 6 years, which would allow an additional 79,000 families to enroll in the program each year.

Without this increase, many families are forced to choose more affordable, yet low quality child care services, and in turn, put their children at an unnecessary risk. In other cases, parents work 3 and 4 jobs in order to pay for child care, which increases their need for child care due to additional work hours.

This endless cycle of working to pay for child care and needing child care because of work, serves no one and in the long run, it only hurts families as the number of hours spent together diminishes.

Each year, hundreds of children are injured or killed as a result of deplorable conditions, unqualified personnel and the blatant lack of respect for the laws intended to protect our children.

Many parents know that they are leaving their children in an unlicensed or unaccredited center, but their hands are tied because this is all that they can afford. By providing additional funds for the CCDBG, We can expand the availability of child care services and increase the amount of assistance to those families already enrolled in the program, allowing them to place their children in safe child care conditions.

There are already too many horror stories on the news about infants left in the hands of unqualified caregivers. This is our opportunity to make a difference and to ensure that every child, regardless of economic background, has access to quality child care opportunities. Accordingly, I urge colleagues to support the $11 billion increase in the CCDBG to provide a better future for our children by making them our priority.

Ms. KILPATRICK. Mr. Speaker, today, the House of Representatives debated key legislation on Welfare Reform Reauthorization. Unfortunately, the legislation we passed does not represent a step forward in welfare policy. Since Congress passed the 1996 Welfare Reform law, many have touted its success in reducing welfare rolls. While this is true, it paints a distorted picture on the realities of welfare. Yes, many States have seen a reduction in welfare rolls, but many of the families that are moving off welfare are moving straight into low-income, minimum wage jobs. Many still rely on federal supports, such as Medicaid and food stamps to stay afloat. Is this success?

We cannot expect families to move forward unless we provide them with the essentials to succeed in life. Unfortunately, the bill that the Republicans introduced does not address or contain sound policies and provisions that will help lift individuals out of poverty and off of welfare. This should be the focus of welfare reform reauthorization—to help lift families out of poverty. If this isn't the main goal, and it is not in the Republican bill, then we are failing the system and more importantly we are failing families.

We need to improve upon what we know from the 1996 Welfare Reform law and work with States to provide them with the funds and flexibility they need to help families and children not simply move off of welfare, but more importantly, move out of poverty. Greater emphasis should be placed on educational opportunities and programs—an approach that would ensure that families are able to move up the economic ladder. Without the opportunity to learn a trade or pursue post-secondary educational options, the outlook for families being able to move off of welfare and improve their economic status is bleak.

Education is the key to success—we all know that. Yet, the Republican bill does not stress the importance of education. Instead of providing States with the flexibility of offering more educational programs, the provisions in the Republican bill put States in a compromising position. In order to adhere to the strict work requirement of a 70 percent participation rate by 2007 and a 40 hour work week requirement, States would need to focus more on pushing recipients into low-income or workfare type programs that offer no chance of a brighter future. This is the wrong choice for families.

While the Republican bill puts forth unrealistic expectations on States and welfare recipients, it does not, at the same time, adequately increase Temporary Assistance for Needy Families (TANF) funding and child care funding to States to help them meet the requirements. In fact, there is no increase in TANF spending and only a $1 billion increase in mandatory child care funding over five years. Currently, many working parents on welfare are not able to find quality child care. How can we expect working mothers to work a 40 hour week if they do not have access to quality child care? Children should be our first priority, but they are not in this bill.

The Republican Welfare Reform bill focuses on a one-size-fits-all policy that is concerned more with moving families off of welfare rolls than providing families with opportunities to succeed. Instead of looking at disingenuous numbers on paper, Congress needs to focus more on looking at individual families when implementing policies. If Republicans did this they would realize how unrealistic their bill truly is. It restricts States instead of providing them with more flexibility to determine what is the right approach for individual families in their State. Helping families to succeed is the Democratic approach—and the right approach. If we fail to enact policies that will give families a chance to create a better life, we fail families and we fail children.

For these reasons, I vote "no" on H.R. 4737.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to this legislation which is falsely named, the Personal Responsibility, Work and Family Promotion Act.

In 1996, when this body passed the "welfare to work" bill, we changed welfare forever and it was a giant step in the right direction. Now 6 years later, we have seen results from this law being put in place. However, this welfare bill is a step in the wrong direction.

No one will argue that the "welfare to work" law isn't successful. I believe that in our hopes to move forward on welfare reform, we are ignoring an important population in our communities: our children. How can we support a bill that wants welfare recipients to work 40 hour work weeks but provides no additional funding for care? And how can we as a body entertain providing tax benefits for stay at home mothers, while at the same time, forcing low-income mothers to work more hours and be separated from their children for longer periods of time? The bottom line is that you cannot expand work requirements without expanding child care.

Should welfare recipients really have to choose between being a good worker or a good parent? The Democratic substitute provides states with the necessary resources, such as child care funding, to meet the stronger work requirements. The Republican bill does not. The Democratic substitute provides recipients with the chance to allow education, vocational education as well as training, as well as participation in English as a second language and GED programs to count toward the participation rate. The Republican bill eliminates vocational education from the list of work-related activities.

Most of us are parents. We know the daily struggles of balancing work and family. Sometimes these struggles prove even more difficult for single-parent families. We need a system that does not discriminate by family type or marital status. The Republican bill does just that.

In a perfect America, children would be raised in two-parent families. In a perfect America, all citizens would be trained and educated in order to choose any job they wanted, not limited to only the ones they are qualified to do. Regrettably, this bill imposes heavier work responsibilities on welfare recipients without providing the tools to protect their families.

Another population that is largely ignored by the Republican bill is our immigrant population. While I still have many concerns with the farm bill that was signed into law on Monday, I was pleased to support the provision which restores food stamp benefits to legal immigrants. Let's do one better for our immigrant population. Let's allow states to be able to provide welfare benefits to legal immigrants. The welfare of all our nation's children, whether they are born here in the United States, or somewhere else, should be today's most important consideration. The Democratic substitute does just that. It will also allow states to provide Medicaid to legal immigrant pregnant women and children, certainly our most underserved citizens.

Today, let's send a message to America that we want citizens on the road to economic independence. Let's arm these citizens with the training and education necessary to sustain and advance employment, while ensuring their family's security by providing child care. Let's protect the welfare of our most important commodity, our children. I urge all my colleagues to vote against H.R. 4700 and vote in favor of the Democratic substitute. Let's pass a meaningful welfare reform bill today.

Mrs. MCCARTHY of New York. Mr. Speaker, as the House debates Welfare Reform, we must focus on how we are going to help families move from welfare and poverty to work and prosperity. As I looked at both the Republican and Democratic bills, I found the Democrat proposal did a lot more to move families from handouts to becoming active workers in today's market.

To begin with, the Democrat substitute strengthens the current work requirements by: Increasing the number of work-focus activity hours from 20 to 24 hours; requiring a minimum of 30 hours of work and provides states the option of increasing the number of required hours to 40 hours a week; and replaces the current caseload reduction credit with an employment credit that reduces states participation rate according to the number of people leaving welfare to work.

In addition, the Democratic substitute provides the state with the necessary resources to meet the stronger work requirements.

The Republican bill places a large unfunded mandate burden on the states. The Democratic substitute raises the bar on the work requirements and provides the states with the resources to meet these changes.

For example, it provides an additional $11 billion for mandatory childcare funding over five years to meet the work requirements. In addition, the bill increases the set-aside for child care quality from 4 to 12 percent.

Furthermore, the Democratic substitute provides states with the flexibility. The most promising state programs that help welfare recipients obtain and advance in a job, combine a "work first" approach with supplemental training and education. The Republican proposal eliminates vocational education training from the list of work related activities that count toward the state's participation rate.

Finally, the Democratic substitute rewards self-sufficiency and gives families the help they need to successfully move from welfare to work. It improves the Individual Responsibility Plan so that every family has a specific plan detailing the steps and work supports needed to move the parent into meaningful work activities and achieve self-sufficiency. It also provides a 5-year extension of Transitional Medical Assistance (TMA) for parents and children leaving welfare. The Republican bill only extends TMA for 1 year.

Mr. Speaker, I urge all my colleagues to support this Democrat alternative and reject the underlying bill that hurts American families.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 4737, the Personal Responsibility, Work and Family Promotion Act.

The 1996 welfare law was the most significant change in American social policy in a generation. By linking benefits to work, the law introduced economic rewards to families isolated in a cycle of dependence and despair.

Welfare reform has changed many lives in dramatic ways, but there is still more to do. Despite the emphasis on work, nearly 58 percent of adult welfare recipients today are not working. Far too many individuals still do not know the satisfaction of a job well-done and the dignity of a steady paycheck. This legislation sets a more challenging standard on work, one that is tough but achievable.

H.R. 4737 requires states to engage at least 70 percent of their welfare recipients in 24 hours of direct work each week, and the other 16 hours in job-related activities like education, training, or counseling. This will allow individuals to work 3 days and go to school 2 days each week. Meaningful work requirements blended with education and training will lead to greater self-sufficiency.

As we set a higher standard of work and require welfare recipients to be active participants in improving their lives, Congress must give families the support necessary to make this transition. A combination of work and social services will provide a more effective approach to fighting welfare dependency and poverty than an approach that relies primarily on government handouts.

We also must remain responsive to people with multiple barriers to employment. As the reauthorization process moves forward, I am hopeful there will be a focus on allowing older individuals to take the time necessary to get a GED, as well as a greater emphasis on helping those who need intensive drug rehabilitation.

I applaud the decision to provide an additional $2 billion in child care funds. Safe, affordable, high-quality child care is an important part of the support network needed to move people from welfare to work. Additional child care funds will allow parents to hold jobs.

I am also pleased this bill helps states address the unique challenges faced by their populations. H.R. 4737 enables states to conduct innovative demonstration projects and coordinate a range of problems in order to improve services. It gives states the freedom to better meet the needs of welfare recipients as they work toward independence.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, no one can deny that welfare programs have undermined America's moral fabric and constitutional system. Therefore, all those concerned with restoring liberty and protecting civil society from the maw of the omnipotent state should support efforts to eliminate the welfare state, or, at the very last, reduce federal control over the provision of social services. Unfortunately, the misnamed Personal Responsibility, Work and Family Promotion Act (H.R. 4737) actually increases the unconstitutional federal welfare state and thus undermines personal responsibility, the work ethic, and the family.

H.R. 4737 reauthorizes the Temporary Assistance to Needy Families (TANF) block grant program, the main federal welfare program. Mr. Speaker, increasing federal funds always increases federal control as the recipients of the funds must tailor their programs to meet federal mandates and regulations. More importantly, since federal funds represent resources taken out of the hands of private individuals, increasing federal funding leaves fewer resources available for the voluntary provision of social services, which, as I will explain in more detail later, is a more effective, moral, and constitutional means of meeting the needs of the poor.

H.R. 4737 further increases federal control over welfare policy by increasing federal mandates on welfare recipients. This bill even goes so far as to dictate to states how they must spend their own funds! Many of the new mandates imposed by this legislation concern work requirements. Of course, Mr. Speaker, there is a sound argument for requiring recipients of welfare benefits to work. Among other benefits, a work requirement can help a welfare recipient obtain useful job skills and thus increase the likelihood that they will find productive employment. However, forcing welfare recipients to work does raise valid concerns regarding how much control over one's life should be ceded to the government in exchange for government benefits.

In addition, Mr. Speaker, it is highly unlikely that a "one-size-fits-all" approach dictated from Washington will meet the diverse needs of every welfare recipient in every state and locality in the nation. Proponents of this bill claim to support allowing states, localities, and private charities the flexibility to design welfare-to-work programs that fit their particular circumstances. Yet, as Minnesota Governor Jesse Ventura points out in the attached article, this proposal constricts the ability of the states to design welfare-to-work programs that meet the unique needs of their citizens.

As Governor Ventura points out in reference to this proposal's effects on Minnesota's welfare-to-welfare work program, "We know what we are doing in Minnesota works. We have evidence. And our way of doing things has broad support in the state. Why should we be forced by the federal government to put our system at risk?" Why indeed, Mr. Speaker, should any state be forced to abandon its individual welfare programs because a group of self-appointed experts in Congress, the federal bureaucracy, and inside-the-beltway "think tanks" have decided there is only one correct way to transition people from welfare to work?

Mr. Speaker, H.R. 4737 further expands the reach of the federal government by authorizing $100 million dollars for new "marriage promotion" programs. I certainly recognize how the welfare state has contributed to the decline of the institution of marriage. As an ob-gyn with over 30 years of private practice, I know better than most the importance of stable, two parent families to a healthy society. However, I am skeptical, to say the least, of claims that government "education" programs can fix the deep-rooted cultural problems responsible for the decline of the American family.

Furthermore, Mr. Speaker, federal promotion of marriage opens the door for a level of social engineering that should worry all those concerned with preserving a free society. The federal government has no constitutional authority to promote any particular social arrangement; instead, the founders recognized that people are better off when they form their own social arrangements free from federal interference. The history of the failed experiments with welfarism and socialism shows that government can only destroy a culture; when a government tries to build a culture, it only further erodes the people's liberty.

H.R. 4737 further raises serious privacy concerns by expanding the use of the "New Hires Database" to allow states to use the database to verify unemployment claims. The New Hires Database contains the name and social security number of everyone lawfully employed in the United States. Increasing the states' ability to identify fraudulent unemployment claims is a worthwhile public policy goal.

However, every time Congress authorizes a new use for the New Hires Database it takes a step toward transforming it into a universal national database that can be used by government officials to monitor the lives of American citizens.

As with all proponents of welfare programs, the supporters of H.R. 4737 show a remarkable lack of trust in the American people. They would have us believe that without the federal government, the lives of the poor would be "nasty, brutish and short." However, as scholar Sheldon Richman of the Future of Freedom Foundation and others have shown, voluntary charities and organizations, such as friendly societies that devoted themselves to helping those in need, flourished in the days before the welfare state turned charity into a government function. Today, government welfare programs have supplemented the old-style private programs. One major reason for this is that the policy of high taxes and the inflationary monetary policy imposed on the American people in order to finance the welfare state have reduced the income available for charitable giving. Many over-taxed Americans take the attitude toward private charity that "I give at the (tax) office."

Releasing the charitable impulses of the American people by freeing them from the excessive tax burden so they can devote more of their resources to charity, is a moral and constitutional means of helping the needy. By contrast, the federal welfare state is neither moral or constitutional. Nowhere in the Constitution is the federal government given the power to level excessive taxes on one group of citizens for the benefit of another group of citizens. Many of the founders would have been horrified to see modern politicians define compassion as giving away other people's money stolen through confiscatory taxation. In the words of the famous essay by former Congressman Davy Crockett, this money is "Not Yours to Give."

Voluntary charities also promote self-reliance, but government welfare programs foster dependency. In fact, it is the self-interests of the bureaucrats and politicians who control the welfare state to encourage dependency. After all, when a private organization moves a person off of welfare, the organization has fulfilled its mission and proved its worth to donors. In contrast, when people leave government welfare programs, they have deprived federal bureaucrats of power and of a justification for a larger amount of taxpayer funding.

In conclusion, H.R. 4737 furthers federal control over welfare programs by imposing new mandates on the states which furthers unconstitutional interference in matters best left to state local governments, and individuals. Therefore, I urge my colleagues to oppose it. Instead, I hope my colleagues will learn the lessons of the failure of the welfare state and embrace a constitutional and compassionate agenda of returning control over the welfare programs to the American people through large tax cuts.

WELFARE: NOT THE FED'S JOB

(By Jesse Ventura)

In 1996, the federal government ended 60 years of failed welfare policy that trapped families in dependency rather than helping them to self-sufficiency. The 1996 law scrapped the federally centralized welfare system in favor of broad flexibility so states could come up with their own welfare programs. It was a move that had bipartisan support, was smart public policy and worked.

Welfare reform has been a huge success. Even those who criticized the 1996 law now agree it is working. Welfare case loads are down, more families are working, family income is up, and child poverty has dropped.

The reason is simple: state flexibility. In six short years the states undid a 60-year-old federally prescribed welfare system and created their own programs which are far better for poor families and for taxpayers.

But now it appears the Bush administration is having second thoughts about empowering the states. The administration's proposal would return us to a federally prescribed system. It would impose rules on how states work with each family, forcing a "one size fits all" model for a system that for the past six years has produced individualized systems that have been successful in states across the country.

I would hope that as a former governor, President Bush would understand that these problems are better handled by the individual states. The administration's proposal would cripple welfare reform in my state and many others.

I know that my friend Health and Human Services Secretary Tommy Thompson did a wonderful job of reforming Wisconsin's welfare system. But that doesn't mean the Wisconsin system would be as effective in Vermont. My state of Minnesota is also a national model for welfare reform. It is a national model, in part because we make sure welfare reform gets families out of poverty. How do we do this? Exactly the way President Bush and Secretary Thompson would want us to do it: by putting people to work.

But here's the rub—it matters how families on welfare get to work. In Minnesota, we work with each family one on one and use a broad range of services to make sure the family breadwinner gets and keeps a decent job. For some families it might take a little longer that what the president is comfortable with, but the results are overwhelmingly positive. A three-year follow-up of Minnesota families on welfare found that more than three-quarters have left welfare or gone to work. Families that have left welfare for work earn more than $9 an hour, higher than comparable figures in other states. The federal government has twice cited Minnesota as a leader among the states in job retention and advancement.

An independent evaluation of Minnesota's welfare reform pilot found it to be perhaps the most successful welfare reform effort in the nation. The evaluation found Minnesota's program not only increased employment and earnings but also reduced poverty, reduced domestic abuse, reduced behavioral problems with kids and improved their school performance. It also found that marriage and marital stability increased as a result of higher family incomes.

The administration's proposal would have Minnesota set all this aside and focus instead on make-work activities. In Minnesota we believe that success in welfare reform is about helping families progress to a self-sufficiency that will last. While it may be politically appealing to demand that all welfare recipients have shovels in their hands, it makes sense to me that the states—and not the feds—are in the best position to make those decisions.

We know what we are doing in Minnesota works. We have evidence. And our way of doing things has broad support in the state. Why should we be forced by the federal government to put our system at risk?

I believe in accountable and responsive government, and have no problem with the federal government holding states accountable for results in welfare reform. But I also believe that in this case the people closest to the problem should be trusted to solve the problem and be left alone if they have.

Secretary Thompson, with the blessing of the president, seems to be taking us down a road that violates the tenets of states' rights.

Say it ain't so, Tommy. As long as it's working, why not let the states do our own thing?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker since the historic overhaul of this country's welfare system in 1996, we have witnessed dramatic changes in how this nation treats our poor children and families. While welfare rolls have dropped by more than 50 percent, many families have lost Food stamp benefits and Medicaid despite continued eligibility. In addition, numerous low-income families remain below the poverty line despite employment.

One of the most important issues Congress must address when considering reauthorization of the 1996 Welfare Reform Act is how race and ethnicity factor in why some welfare recipients have failed to obtain gainful and lasting employment. Research has shown that minorities face significantly more discrimination in the services they receive from welfare agencies as well as in the treatment they receive on the job.

Numerous studies have documented cases of racial disparities in Welfare Reform, and I believe they are worth mentioning.

A recent Chicago Urban League study found that while more than 50 percent of white recipients were referred to education programs, less than 20 percent of African Americans were referred to the same programs.

A statewide study of welfare recipients in Virginia by Professor Susan Gooden of Virginia Tech found that although African American program participants were, on average, better educated than whites, zero African Americans were directed to education programs to fulfill their requirements. At the same time, 41 percent of whites were steered to education programs. The study also found that African Americans were also less likely to receive discretionary support such as transportation assistance, less likely to be placed in jobs by the state employment agency, and more likely to be subjected to drug and background tests, than white recipients.

A Gooden Employer study (1999) found that whites were more likely to have longer interviews than blacks (25 min v. 11 min), less likely to have a negative relationship with their supervisor (29 percent v. 64 percent), and less likely to undergo pre-employment testing (24 percent v. 45 percent).

Cruel and Usual, an Applied Research Center survey of more than 1,500 welfare recipients in 13 states, found that discriminatory treatment on the basis of gender, race, language, and national origin was a common experience. Forty-eight percent of African American women and 56 percent of Native American women who received job training were sent to demeaning "Dress for Success" classes, compared with only 24 percent of white women.

At the same time that people of color are being marginalized by our welfare system, (according to an Applied Research Center study) African Americans and other minorities are disproportionately affected by our current recession:

After September 11, the increase in unemployment rates for African Americans and Latinos was more than double that for whites. Unemployment among African Americans soared to 11.2 percent in April of this year and rose to 7.9 percent for Hispanics. African Americans has reached its highest point in 8 years, while Latino unemployment is its highest in 5.

In New York City, where unemployment has skyrocketed since the events of September 11, the New York Times reported in February that African American workers accounted for only 27 percent of those collecting unemployment insurance benefits, even though they account for about 37 percent of the jobless. For Latinos, the Pew Hispanic Center reports that out of 1.26 million unemployed Latinos in December 2001, only 40 percent are likely to be receiving unemployment benefits, leaving some 756,000 unable to access the benefits to support their families.

Let me be clear: efforts to improve our economy are not reaching people of color. African Americans are losing their jobs at nearly twice the national average. Latino unemployment hovers near 5 year high. These numbers are an outrage and are unacceptable. But, they don't even tell the whole story. While these workers are losing their jobs and their families are suffering, the Bush Administration is proposing cutbacks in job training programs and reductions in education funding that would help put people in a better position to earn a living wage.

Here we are poised to reauthorize welfare reform with Members on both sides of the aisle calling for an increase in the number of hours recipients must work to stay eligible for transitional assistance. I hope that these new unemployment numbers indicating that more Americans are getting laid off will force Members to rethink their positions. How can we look these people in the eye and tell them to work longer hours when there aren't even jobs available to them?

In 1996, we handed the administration of the welfare programs over to states. And who know better than the states that have been administering the TANF programs what will and what won't work?

The National Governors Association (NGA) is very concerned about how the Republican plan takes away the state's flexibility in administering TANF programs. In April of this year the National Governors Association (NGA) and the American Public Human Services Association (APHSA) conducted a joint survey of Governors and state TANF administrators to assess the impact proposed changes to the work requirements would have on current state welfare reform initiatives. This study found that: "As states work with families on a more individualized basis, many states are finding that a combination of activities on a limited basis, such as work, job training, education, and substance abuse treatment, leads to the greatest success for some individuals. Governors believe the federal government should recognize the success of these tailored approaches to addressing an individual's needs by providing states greater discretion in defining appropriate work activities."

Also in the NGA report, "States expressed concerns over the impact of level funding of the TANF block grant; citing inflation having reduced the purchasing power of the block grant, making it unlikely that the block grant will keep pace with the rising costs of services, such as case management, employment and training, transportation and child care."

The majority of states (33) responding cited concerns about meeting the proposed work requirements in rural areas where the economy is often lagging and employment opportunities are limited.

The State of Illinois responded, "A 70 percent participation rate with a 40 hour a week requirement will probably require two things. First, creation of a number of make work activities or greater use of current ones, whether or not warranted, just to fill the requirement. Second, a near total abandonment of allowing any client that is able to work at all to participate in such things as GED programs or post-secondary education."

Once we force States to send all these people to work in 40-hour workweek jobs that don't exist, what are we going to do with their children? Childcare is expensive! The states recognize this. In the NGA report, States were asked to estimate the annual increase in child care costs associated with the proposal to require 70 percent participation in activities totaling 40-hours per week. Of the 32 states responding to the question, 30 states indicated that the costs would increase and two states indicated that there would be no additional costs associated with the proposal.

But the Republican plan doesn't even begin to meet this enormous expense—The CBO estimates the increased mandatory work hours imposed on states by the Republican plan will increase child care cost an additional $3.8 billion—almost 4 times as much as the Republican plan provides! In fact, my state of Texas alone would have an estimate of over 36,000 children on childcare waiting list.

For these reasons, I have introduced legislation that addresses racial inequalities and mistreatment of minorities in welfare program. While we are providing states the flexibility and funding they need to empower welfare recipients and address important issues like access to child care, education, and job training. The key provisions of this legislation include ensuring equal access by expanding education and training opportunities, strengthening fair treatment and anti-discrimination protections and encouraging racial equality.

I believe we should all agree that welfare reform measures should not punish racial and ethnic minorities attempting to better themselves. Every American must be provided with the opportunity and the obligation to be a productive member of society. As we continue to debate welfare authorization, we must make certain that racial and ethnic discrimination are not vehicles used to hinder access to the road from poverty.

I urge my colleagues to vote "no" on the Republican bill.

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this bill before us today. I was proud to be a member of the conference committee that wrote the welfare reform bill that was enacted in 1996. At the time, there were many critics of welfare reform who said that the bill would be a disaster for those truly in need. We found out that they were for the most part wrong about welfare reform. We could move people from dependence to work in a responsible way and not shortchange our commitment to the neediest in our society.

States have proven that if we give them flexibility to develop programs that work in their state they can effectively serve those citizens who strive to break the cycle of welfare dependence. That is why I am troubled by the provisions in the bill before us today that severely restrict the flexibility of states such as Texas to continue the activities that have been successful in their welfare to work programs and place a tremendous unfunded mandate on states.

For my own state of Texas, this bill would create an unfunded mandate of $166 million a year, in addition to the $78 million shortfall they will face under current law by 2007. Texas would be forced to implement a subsidized employment program which it has already rejected as unworkable and change parts of its welfare reform effort that have been a success in moving welfare recipients into real jobs. It would be the height of arrogance for me to stand here in Washington and vote to require Texas to implement policies on welfare reform that the Texas legislature has already considered and rejected.

I must express my strong concern for the process that has brought us to the floor today. On February 7, 8, 9 and 14, 1995 the Committee on Agriculture held hearings on Reforming the Present Welfare System (Serial 104–2). That is 4 days of hearings. That does not include other related hearings that the Committee held on other nutrition issues. A record was built on the issues regarding welfare reform. I will grant you that the eventual path to enactment of Welfare Reform was a tortuous and contentious one, but everyone understood the issues compiling the legislation.

Today is a totally different situation. We are considering a bill that was only recently introduced. The Committee on Agriculture which has jurisdiction over the Food Stamp provisions contained in the Welfare Reform Reauthorization legislation has not even considered the bill. Welfare Reform Reauthorization should be accorded the same consideration as other important legislation. We should hold hearings on the proposals, mark it up in Committee and then bring it to the floor. No one here today can tell us if the provisions concerning food stamps are reasonable. They are concepts that the majority is willing to put into law without asking any of the affected—nutrition advocates, state welfare administrators, and others what the practical effect will be upon the floor stamp program.

We have a largely positive record to build upon with welfare reform. Why are we risking that success for cheap political expediency. If the concepts contained in the legislation are good, public scrutiny will only strengthen them.

I have grave concerns about this process. The people that participate in these programs are the most vulnerable in the country. The programs that they rely on deserve a thorough examination.

The so-called "super-waivers" advocated in this legislation has the potential to undermine current food stamp policy of providing nutrition assistance to all eligible citizens if they face economic hardships. The question is not whether states should or should not receive the flexibility under waiver authority to tailor the food stamp program rules. States already have that flexibility. The question is whether states should be allowed even greater flexibility to change the very nature of the food stamp program.

If there are innovative reforms that states would like to implement that are prohibited under current law, should examine how to address those specific problems. That is what the Committee process is intended to do. Let state administrators testify before the Agriculture Committee about the changes they believe would allow them to run the program better and, let the Committee come up with legislation to address those concerns.

The delay in bringing this bill to the floor today highlights the problems of ignoring the committee process and writing bills in the leadership offices. Welfare reform is too important of an issue to consider under a process that has more to do with scoring political points than building on what has been successful.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of our continued effort to reform welfare. Since 1996, more people across the country and in my state of Kentucky have become independent and free from their dependency on welfare. While in my district and through our work in the Ways and Means committee, I've heard their success stories and also learned that we can do more to build upon the 1996 reforms. That is exactly what we are doing today. Our bill focuses on work and education options, provides more flexibility for states and offers more assistance to strengthen families.

One of the things we do in this bill is allow participants in their state welfare programs to choose between job readiness activities and job search activities. They have flexibility to receive the services they need the most, whether that is job search help, basic education, training for a new skill to help them find a job or recovering from substance abuse. For up to five months, taking part in any of these services fulfills their work requirement. Beyond that time, welfare recipients still are able to receive a combination of education-focused and work-focused services so they can become employed and can be successful on their own. Requiring work helps welfare recipients achieve independence and gives them the ability to care for their families.

Last month I attended the graduation ceremony for the Reach Higher welfare to work program in Bowling Green, Kentucky. The state and local flexibility in the 1996 law allowed Reach Higher to develop services to meet community needs, and the program has turned people's lives around. Participants in Reach Higher must work 32 hours per week. They also spend one day each week in life-skills and job training. Reach Higher asks a lot of the participants, and they respond to the challenge because they want a better life and find out that they are able to succeed.

In 1998, a participant found herself trying to raise two small children in public housing with no money and no job. Then she was assigned to Reach Higher and completed the program. She now holds a full time job with the Bowling Green Housing Authority and was approved for a home loan this year. Here is what she had to say: "I began to accomplish things that I thought I would never accomplish alone. I began to want more out of life for myself as well as my children. I worked hard and had additional training classes that I knew would further my skills."

We have been on the right track with welfare. And this bill continues to build on that success. I encourage all of my colleagues to vote for this legislation that gives more families who need help the chance to succeed.

Mr. BUYER. Mr. Speaker, today the House is considering the Personal Responsibility, Work, and Family Promotion Act, H.R. 4737. In keeping with the strong welfare reform principles outlined by President Bush, this legislation would reauthorize a very successful program that encourages personal responsibility and work. H.R. 4737 builds upon the successful reforms instituted in 1996 that I was pleased to support.

Welfare rolls have sharply declined since reform was enacted in 1996. Poverty rates have declined, employment rates have climbed and wages have increased. H.R. 4737 will build on those successes. This legislation will maintain full funding for the Temporary Assistance for Needy Families (TANF), increase funding by $2 billion for improved child care programs over the next 5 years, increase State flexibility in use of welfare funding, and promote individuals in job preparation, work, and marriage.

Building on the successful work requirements of the 1996 reform, H.R. 4737 requires welfare recipients to work 40 hours per week, either at a job or in a program designed to help them gain independence.

This is important legislation in the monumental task of bringing Americans out of poverty into independence by raising expectations for work and personal responsibility. H.R. 4737 will further strengthen this nation's economy and workforce to prepare all our citizens for the future. I urge the House to approve this legislation so that the Personal Responsibility, Work and Family Promotion Act can be reauthorized without delay.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the Republican Welfare Bill, H.R. 4737.

This welfare bill, of such far-reaching importance, does nothing to help move families out of poverty. In fact, this bill would mean that welfare families would be placed in an impossible situation. The Republican bill requires a 40 hour work week for mothers with children under six. That is twice the current work hour requirement, yet there is an allotment of only $1 billion additional dollars for child care. Can someone please tell me how a working mother of children under the age of six is supposed to work a minimum 40 hour week without a way to fund the care of her children? And too add insult to injury, this bill doesn't even ensure that she will be compensated with minimum wage for her forty hours of work.

A paltry child care allotment of $1 billion dollars over the next 5 years is unconscionable. It does not even keep pace with the current rate of inflation, and there are already 15 million American children eligible for child care who are not receiving it due to inadequate funding. This increase does not address the current need, and will certainly not address the need that will grow exponentially if the 40 hour requirement is imposed.

Also, this bill removes education from the current law-list of work related activities. This measure strips needy families of their ability to participate in GED and English literacy programs. With a mandate which strips the ability to obtain a GED and learn English, the playing field can never be level and the condition of needy Americans will continue to deteriorate.

I cannot leave this debate without also addressing the renewed omission of immigrant families from the welfare bill. For the second time, my Republican colleagues intend to deny immigrant families the tools they require to capture the American dream that brought them here. It is hypocritical to celebrate the tradition of America's melting pot while denying the people who make our rich diversity possible.

All of this has been done in the interest of lowering welfare roles. But, inhumanely forcing people off of welfare rolls by requiring them to adhere to conditions that are both fiscally and practically impossible does not constitute progress. Our constituents want the freedom to work while trusting their children to competent and affordable child care providers. Working families in America deserve better than what this Republican inadequacy has to offer.

It is for this reason that I urge my Democratic colleagues to vote yes for the Democratic substitute. It provides a realistic increase of $11 billion dollars in mandatory child care funding, and increases the role of training and education in improving the condition of our neediest citizens. In addition it includes provisions for our neighbors who have immigrated to this country. Vote "yes" on the Democratic substitute. It is a true step toward ensuring that no child or family is left behind.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to H.R. 4735, a bill to reauthorize the Temporary Assistance for Needy Families program.

Unfortunately, many of the provisions in this bill are unfair and misguided. One of the most egregious examples, is the impact this legislation will have on single mothers with young children. For example, this bill provides insufficient funding for childcare, yet increases the work requirement from 20 hours a week to 40 hours for mothers with children under the age of 6. While the Republican bill touts the $1 billion increase in childcare funding over the next 5 years, they fail to note that this increase barely keeps up with inflation, let alone meets the increased demand for childcare created under the bill.

Mr. Speaker, mothers already find it extremely difficult to find safe and adequate day care. With the current backlog of approximately 15 million children waiting for day care due to a lack of funding, this bill will only make a bad situation worse. Disadvantaged single mothers and children are already a vulnerable population. Without sufficient funding for childcare, many of these mothers will be forced to chose between leaving their young children alone, or losing the benefits that help them provide for their children. Congress should be working to help these families get back on their feet—not penalizing them with unrealistic requirements that keep mothers away from their children.

I urge my colleagues to vote against this punitive, unfair and unrealistic bill.

Mr. PETRI. Mr. Speaker, I rise today in support of this bill, which will build upon the tremendous successes of the 1996 welfare reforms. When those reforms were enacted, opponents predicted apocalyptic scenes of poverty and suffering among America's low-income families. Time has proven, however, that those reforms were right. Child poverty is at its lowest level in 25 years and poverty among African-American children is at its lowest level in history. By requiring welfare beneficiaries to work and engage in productive activities, Congress helped change society. Former welfare beneficiaries now testify that by being pushed into work activities, they are now better members of society and better parents to their children.

Although we have moved millions of families off welfare and into work, the road to advancement and self-sufficiency remains a difficult challenge. For a longtime I have been concerned by the disincentives to working hard, earning more money, and marriage that we have created over time. The lack of coordination between federal programs directed towards low-income families has resulted in what I call "The Poverty Trap." As the earnings of low-income families increase, most of their benefits, such as housing, food-stamps, child-care co-payments, and the Earned Income Tax Credit, phase-out in a manner that discourages working harder and advancing in a job. In some cases a pay raise of a dollar an hour can mean the loss of benefits at a rate that exceeds that raise. This effective marginal tax can exceed 100 percent and trap families in poverty. I am pleased that this bill requires the General Accounting Office to undertake a comprehensive study of the obstacles created by the combined phase-outs of low-income support programs and recommend ways to coordinate and reform these programs.

Because of this "Poverty Trap," I also enthusiastically support provisions within this bill which provide states and local governments with the flexibility to implement demonstration projects that coordinate multiple low-income support programs. Under these provisions states can integrate eligible programs as long as those projects serve the populations and achieve the purposes of the underlying programs. This requirement further ensures that beneficiaries of these underlying programs are going to gain, not lose, as a result of these demonstration projects. While I wish these flexibility provisions went further, they are an important step that will enable needed innovation at the state and local level to help families escape poverty. The states have proven to be the laboratories for successful change in our welfare system, and this flexibility will enhance their capabilities. As a recent Wall Street Journal editorial said, the state flexibility provisions help get Washington out of the way of local progress.

I urge all my colleagues who want to help low-income families leave welfare and achieve self-sufficiency to support this bill and the state and local flexibility provisions within it.

Mr. DINGELL. Mr. Speaker, today we are debating the reauthorization of the welfare program. I believe that we have a responsibility to help families transition into the work force and provide essential support to make work pay. The Democratic substitute will do that. Regrettably, the Republican bill will not.

I focus these remarks on two provisions within this re-authorization that were considered by the Committee on Energy and Commerce: transitional medical assistance (TMA) and abstinence-only education. TMA is a program that provides health insurance coverage for families leaving welfare to go back to work. It is a program that makes good sense. Individuals moving off welfare often wind up in jobs that do not offer health insurance coverage or find that employer-sponsored coverage is too costly on the family's limited budget. TMA allows these families to keep their health insurance coverage in Medicaid so that getting a job doesn't mean losing health coverage. The Republican bill, however, only extends this program for one year; many of us prefer making this common-sense program permanent, as the Democratic substitute provides. Of added concern, Republicans would cut other parts of the Medicaid program in order to pay for this extension. For some reason, Republicans believe the only way they can afford to help working families is if they cut other parts of safety net programs that truly allow the poor to work. This is illogical and I oppose it.

The second provision extends the Title V abstinence-only sex education program, but locks states in to an inflexible curriculum; it is controversial, and rightly so. The Democratic substitute to this bill provides states with the flexibility to offer programs that are best suited to the needs and desires of their citizens and to ensure that federal funds are spent on effective programs that provide medically accurate information. State flexibility allows each state to use federal funds to support the abstinence-based comprehensive sex education program it determines will be most effective in protecting its young people's health. Many leading public and private sector health experts recommend school-based comprehensive sex education programs, yet states are unable to fund these types of programs with federal dollars.

The Democratic substitute also contains a requirement that Title V programs provide information that is determined to be "medically accurate" by leading medical, psychological, psychiatric, and public health organizations. Some abstinence-only programs are actually harmful to teenagers because they provide incomplete, inaccurate, and misleading information with regard to contraceptives, pregnancy, and sexually transmitted diseases. Depriving teens of medically accurate information will not protect them; it will only make them more vulnerable to the very problems that such information is supposed to prevent.

The substitute also requires Title V programs be based on models that have demonstrated effectiveness in reducing teen pregnancies or the transmission of sexually transmitted diseases or HIV/AIDS, and calls for a comparative evaluation of programs so policymakers can determine the relative merits of abstinence-only programs versus comprehensive school-based, age-appropriate, sex education curricula.

The Democratic substitute maintains state flexibility, helps welfare recipients to find real work, helps families escape poverty, removes the sunset on TMA, and makes important changes in the abstinence education provisions. I support it.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 4737—the "Personal Responsibility, Work, and Family Promotion Act."

As Chairman of the Committee on Financial Services, and an original cosponsor of the legislation, I want to lend my support to H.R. 4737's State flexibility authority that cuts statutory and regulatory red tape, to allow States and/or local governments to conduct demonstration projects to integrate Federal programs and funds. Under the plan, entities, such as the public housing authority, and the local and State governments could petition a Federal review board for this broadened authority, with the appropriate Secretary exercising veto authority over the plan.

As example of this waiver could be a childcare center and a local public housing agency jointly petitioning the Federal Review Board to waive the regulations and requirements of their applicable programs to achieve a certain purpose. H.R. 4737 will knock down firewalls and bureaucratic obstacles that many housing organizations complain about when attempting to blend programs from different agencies.

This proposal represents an opportunity to permit some innovation in Federal programs aimed at tackling the problem of service delivery, poverty, and a permanent underclass. Everyone should have the opportunity to move beyond public housing and homeless shelters to fully integrate in the private sector through rental and homeownership opportunities. We have heard time and time again that we need to blend more of the programs from HHS and HUD, for example, to tackle hopelessness. H.R. 4737 gives us that opportunity.

Moreover, to ensure that residents in public housing have an opportunity to comment and participate in the development's strategic plan, H.R. 4737 requires that the concerns of the residents to be incorporated into not only the annual strategic plan submitted by the Public Housing Authority but also the application for State flexibility. This will provide a significant opportunity for collaboration between the public housing authority management, residents and the administrators of other entities to craft demonstrations that will achieve meaningful results, as opposed to a dictate from top-management only. I can't underscore the importance of resident/tenant participation to the eventual success of these applications and demonstrations. For that purpose, H.R. 4737 is noteworthy.

One of the reasons the '96 welfare reforms were so successful is that states had the flexibility and leeway to shape their welfare programs in innovative ways. This bill enhances that flexibility, offering "flexibility" to allow states to integrate funding to improve services.

As Health & Human Services Secretary and former Wisconsin Gov. Tommy Thompson said, flexibility is "what the governors need and that's what the governors will have."

This new flexibility will help States create broad, comprehensive assistance programs for needy families—as long as they achieve the purpose of the underlying program and continue to target those in need. This new flexibility will help States design fully integrated assistance programs that could revolutionize service delivery. The exemptions included in H.R. 4737 should alleviate any concerns that fundamental rights and protections are jeopardized. Those exemptions are: (1) civil rights; (2) purposes or goals of any program; (3) maintenance of effort requirements; (4) health and safety; (5) labor standards under the Fair Labor Standards Act of 1938; or (6) environmental protection.

I urge my colleagues to support H.R. 4737.

Ms. SOLIS. Mr. Speaker, I rise in strong opposition to this welfare bill.

It does nothing to help people get the education and training they need to earn high-paying jobs that will lift them out of poverty and support their families. In California, more than half of our welfare caseload doesn't have a high school degree. And in my community in Los Angeles County, 41 percent of the welfare caseload has limited proficiency in English.

These women and men want to be working, but they need education and training that includes English as a Second Language courses, high school equivalency programs, and college courses first. Only the Democratic substitute allows this kind of education. So I urge my colleagues to vote against the Republican bill.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 4737, the so-called Personal Responsibility, Work and Family Promotion Act of 2002.

This Republican bill is bad public policy and hurts people who really need help. The Republicans, unfortunately, care more about looking tough on welfare than they do about lifting poor people out of poverty. Poor people don't vote, they think, so it's easy to write them off. That's a disgrace. This bill abrogates our responsibility to make laws that protect and lift up all of our citizens.

The bill's added work requirements reduce state flexibility to tailor a work plan for each individual welfare recipient. The Republican plan limits the activities that states can count as work activities for the first 24 hours out of 40 hours of work. This eliminates the capability for poor people to spend most of their first years on welfare building their jobs skills through education. The more skills a worker has, the better job he or she will get. Moreover, this requirement traps poor people in welfare or traps them at the poverty level. In Alabama, Louisiana, Mississippi, Wyoming, and Texas, for example, anyone who works 24 hours a week at minimum wage would not be eligible for welfare at all. In other words, they would earn too much to get state help, but not enough to get out of poverty. It's a catch-22!

The next major flaw in this bill is its paltry, inadequate commitment to child care. Evidence shows that an overwhelming obstacle for welfare parents who want to work is the lack of quality, affordable childcare for their children. This bill totally ignores the current need for childcare funds. Right now, less than one in five children who are eligible for childcare assistance actually get it. Not only does this bill do nothing for the current childcare pitfall, it also increases the amount of hours that welfare recipients must work without providing an equivalent increase in childcare funding.

Finally, the Republican bill spends $300 million dollars to promote marriage between welfare recipients. This misguided policy intrudes on private decisions between adults and takes needed funds away from programs that actually help raise poor people out of poverty. In addition, government interference in promoting or coercing people to marry could have unintended, tragic consequences. According to a joint report by the Departments of Justice and Health and Human Services, 25 percent of women said they have been raped or physically assaulted by their current or former spouse. More alarming still, research shows that 60 percent of women on welfare have suffered from domestic violence. As these statistics confirm, if government were to encourage or coerce someone on welfare to get married, it would not guarantee a healthier or safer family, and it could endanger the lives of mothers and children.

Our Democratic alternative, on the other hand, addresses the real problems facing our welfare system today. Our bill makes poverty reduction an explicit goal of TANF. Republicans just want to kick people off of welfare; Democrats want to lift people out of poverty. Our bill has work requirements that are broad and flexible to allow welfare recipients to spend time job searching, to get vocational and post-secondary education, and to enroll in substance abuse programs, if necessary. The Democratic bill increases our commitment to affordable, quality childcare. If we want welfare parents to work, then they shouldn't have to abandon their kids to do so. Our bill rewards those states who reduce child poverty, giving them an incentive to really act on this issue.

The Republican welfare bill has the wrong priorities, spends money where it shouldn't and does nothing to equip welfare beneficiaries with the tools they need to get out of poverty. I urge my colleagues to vote no on H.R. 4737 and to support the Democratic alternative.

Mr. HONDA. Mr. Speaker, I rise today to express my opposition to H.R. 4737, the Republican welfare reform bill; a bill that will push millions of American families off the welfare rolls into a life of poverty.

America is the land of opportunity and in today's economic market, education is the key to that opportunity. Higher levels of education lead to higher earnings. Greater educational opportunities also increase women's income, raise their children's educational goals, and have a dramatic impact on their quality of life. Research shows that families headed by someone with a high school diploma earn almost 50 percent more than families headed by someone without at least a GED. In California alone, recipients who participate in education and training activities enjoyed earnings almost 40 percent higher than those of untrained recipients after 5 years.

Welfare laws need to emphasize general education as a critical first step to achieving economic security. However, the Republican welfare reform bill goes in the wrong direction by restricting State discretion to provide education and training to welfare recipients. The bill goes so far as to remove vocational education from the current law's list of work-related activities that count toward the core work requirement.

When reviewing our Nation's welfare laws, we must also remember that work first policies do not just affect adult individuals. We are talking about families, with children who require quality and affordable child care while parents are working. It is an unfortunate reality that many of the jobs performed by TANF parents involve late night hours or irregular shifts, when quality child care is hard to find. These circumstances are especially harsh for families with young children and children with disabilities. Even when childcare is available, most jobs do not pay enough to cover food, housing and utilities, let alone cover the child care bill. This is especially critical in my district of San Jose, which has some of the highest child care costs in the State of California.

Congress needs to stand up for working families by making safe, quality child care accessible for all children. Fifteen million children in this country are now eligible for day care assistance, but are not currently covered because States lack sufficient resources. However, the Republican welfare reform bill increases mandatory child care funding by only $1 billion over the next 5 years—barely enough to keep pace with inflation, and nowhere near enough to implement the bill's new participation requirements.

The Republican welfare reform bill also neglects a critical community in this country—legal immigrant families. Legal immigrant families work and pay taxes, yet cannot access TANF benefits. Legal immigrants pay the same taxes as citizens. This country reaps $50 billion from taxes paid by immigrants to all levels of government. Legal immigrants should therefore share equally in taxpayer funded services. Current TANF regulations place undue burdens on State and local governments, who are forced to use state funding to extend benefits to these deserving families. This is especially true for states with large immigrant populations, such as my State of California which has a 25 percent immigrant population. The Republican welfare reform bill does nothing to correct this injustice. In fact, it maintains the current restrictions against legal immigrant families.

Welfare reform will only succeed when it is adequately funded. Our Nation's families cannot be expected to succeed off the welfare rolls if they lack access to TANF benefits, educational opportunities, and affordable child care. That is why I am please to support the Democratic proposal that maintains State flexibility, focuses on real work, and helps families escape poverty and achieve permanent employment. The Democratic proposal has tough work requirements, promotes education as a means of financial stability, and increases childcare funding $11 billion over 5 years, so that the tough work requirements can be met without harming the children of those receiving benefits. The Democratic proposal also lifts the ban on federal funds for legal immigrant families.

Mr. Speaker, accountability is a two-way street. Congress must commit the necessary resources to make welfare reform a success. Only then will we leave no family behind.

Mr. UDALL of New Mexico. Mr. Speaker, let me begin by saying that if we are to be successful with moving people from welfare to work, then we must make sure there are adequate resources for transportation, childcare and training. In rural America, Mr. Speaker, I can tell you these services are critical.

I have several concerns with the H.R. 4737's strict and unrealistic work requirements. These requirements are a bad idea for any area of the country, but particularly in the areas of rural New Mexico that I represent. With the extreme unemployment in rural areas and in tribal lands, the idea of imposing harsher requirements is not just unrealistic, it is bad social policy.

For that reason, I introduced an amendment that would have provided much-needed flexibility to states struggling to cope with extremely poor areas with high unemployment. Unfortunately, the Republican leadership has chosen not to allow Democratic amendments today. As I said before, that is not a democratic process. It does not serve this body well. It does not serve the country well.

TANF recipients in rural or tribal areas who wish to move into gainful employment are faced with a tight job market aggravated by the lack of economic development. The last 6 years have shown that rural and Native American TANF recipients were far less likely to leave the TANF roles, and those who left were far more likely to quickly find themselves unemployed or barely scraping by. Some tribal lands have unemployment rates approaching 80 percent and the national poverty rate on tribal lands is 54 percent. Those who are lucky enough to find jobs must overcome the woeful inadequacy of transportation and childcare that is so common in rural and tribal areas.

In today's economic conditions, it is unreasonable to expect State and tribal TANF programs to enforce the strict and unfair work requirements being proposed by the administration. TANF recipients in these areas cannot be expected to find jobs where there simply are no jobs, or inadequate services to make a working lifestyle possible. Governors, legislatures, TANF caseworkers and the American people all agree that it is unreasonable to demand quick results in areas where residents face such significant barriers to employment.

Even without the new work requirements, Native American tribes that have chosen to run their own TANF programs need assistance. While these programs have made admirable strides in serving their populations, they still face many problems. Many State TANF programs are unable to assist tribal programs, and tribes are left with insufficient funds to provide cash assistance and other programs. Ironically, those that can afford cash payments are often forced to forego programs intended to move people from welfare to work. This is all tribes can afford in the short term, but in the long term this path is extremely expensive, both in terms of dollars and in terms of human suffering.

Many tribal TANF programs need help to develop the infrastructure that state and Federal welfare programs already have. Tribal programs must struggle to provide services from dilapidated buildings, and they do not have the resources to reorganize and modernize their facilities.

The Nation's rural and tribal areas need flexibility and support, not unrealistic work requirements. As we work to bring TANF into the 21st century, let us not forget the obstacles and challenges facing rural areas; let us work to assist them in overcoming those challenges and pursuing a vibrant future.

Unfortunately, Mr. Speaker, the majority's bill falls far short in addressing these problems for rural Americans and those living in Indian country. I urge my colleagues to support the Democratic substitute and vote "no" on final passage of this unfair bill.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition not only to this bill, but to the entire process for its consideration today.

Meaningful democracy in America requires open, honest debate in the U.S. Congress. The Republican leadership has blocked this opportunity by passing a rule that only allows for one substitute amendment. Their new rule just passed today is equally restrictive.

Welfare reform affects every State and locality throughout the country. Members have a right to engage in extended dialogue on this legislation and to offer amendments to strengthen the bill. This is particularly necessary due to the numerous problems with H.R. 4737.

This so-called welfare reform bill level funds one of the most important national programs Congress has ever created and imposes massive, costly new mandates on States that they cannot afford.

Today's economy is vastly different than it was when welfare reform was first enacted. Six years ago, the economy was booming, unemployment was at a 50-year low, and employers were straining to find qualified workers. Today, the unemployment level is higher than it's been in years. Workers are more vulnerable, and employers and struggling to keep costs down by laying people off cutting employee benefits and raising the workers' share of health insurance premiums. In Rhode Island, 35,000 children—15 percent of all the children in the State—are still living in poverty despite the fact that their parents are working. With the economic boon long gone, H.R. 4737 needs to provide increased funding, not level funding with expensive new mandates, for this vital program.

Eighty percent of the States report they would have to implement fundamental changes to their current welfare programs in order to comply with H.R. 4737 which is precisely why I cannot support it.

Rhode Island has developed an effective welfare to work program that moves parents into sustainable jobs as quickly as possible in a way that is consistent with their employment readiness needs. Under the Rhode Island Family Independence Program (FIP), all parents are required to develop and participate in an employment plan within 40 days of applying for cash assistance.

Rhode Island also provides a cash supplement to low-wage-earning families and stops the 5-year clock in any month in which the parent works at least 30 hours. This provides much-needed stability for vulnerable families and ensures that children live in families with enough income to meet their basic needs.

What makes the Rhode Island Family Independence Program so effective is that its employment preparedness activities are tailored to the parents' needs and include a range of education and training services to help parents become job-ready. The program recognizes that 25 to 40 percent of welfare recipients have learning disabilities by identifying such individuals early and providing specialized assistance in preparing for, finding and maintaining a job. In fact, the Rhode Island Learning Disabilities Project, a collaboration between the Department of Human Services and the Vocational Rehabilitation program, has received national recognition for ensuring that parents receive the services they need to become gainfully employed.

Since 1997, Rhode Island has seen a slow but steady decrease in its caseload from 18,904 to 14,972. This progress is not due to harsh cuts in benefits or forcing people to work without access to education and job training, but to prudent State policies that examine the holistic needs of the family and tailor assistance to help individuals gain the skills to obtain and retain meaningful jobs.

Moreover, a recent report, "Rhode Island's Family Independence Act: Research Demonstrates Wisdom of Putting Families First," concluded that the Rhode Island Family Independence Program is working. Among other findings, the report found that parents who participated in education and training had significantly higher levels of both employment and earnings as compared to the period before welfare reform was begun in Rhode Island.

If H.R. 4737 becomes law, the progress Rhode Island has made in helping parents gain sustainable jobs and overcome significant barriers to employment will come to a halt. Rhode Island would need to radically change its program or risk significant fiscal penalty for failing to meet the new participation rates. In addition, since Federal TANF and childcare funds would not be increased, Rhode Island would need to find additional State funds to meet the new requirements. These funds simply do not exist.

If this bill is enacted, the Rhode Island Department of Human Services estimates it would cost an additional $5.6 million in childcare costs—31.2 percent of the current expenditures for childcare—about $3 million more for employment-related and other services designed to offer participation opportunities and get parents into work, and about $1.1 million for additional social work and case management staff. In addition, if Rhode Island does not follow the new participation rates, it will lose $4.5 million per year in TANF funds. The bill also does not include guaranteed minimum wage protections even though 39 States could not fulfill the bill's work requirement without violating the current minimum wage rate for a two-person family.

Further, the bill's requirement that parents spend at least 24 of their 40 hours in "direct work activities" to count toward the participation rate, would turn Rhode Island FIP on its head. It would no longer be able to allow parents to engage in education or training prior to going to work, even though this is the best way to prepare a parent for sustainable employment.

Currently, there are 1,000 parents participating in vocational education programs that would no longer count toward the participation requirement.

Finally, the superwaiver policy in this bill is unnecessary and irresponsible. Allowing the Executive branch to override decisions made by Congress to target funds to specific populations or for specific programs undermines the safety net of services the States have worked so hard to build. Flexibility in Federal funding is precisely what was needed in 1996 to change the system and empower individuals to move from welfare dependence to self-sufficiency. That flexibility spurred the success we see today in States like Rhode Island. Maintaining the ability to waive certain program rules to improve service delivery and coordination makes sense. Giving authority to one branch of government to completely redesign and redirect resources does not.

The Republican so-called welfare reform bill is a sham. It ignores the accomplishments States have already made in moving people from welfare to work. It limits State flexibility and imposes work requirements most States have rejected, while making it much harder for welfare recipients to become economically independent by eliminating education from the list of activities that count as a work-related activity. Education opens the door to higher earnings and a better quality of life. It is critical to effectively move people from welfare to meaningful, long-term employment.

Mr. Speaker, I must encourage my colleagues to oppose this legislation. It does nothing to strengthen our welfare system and imposes costly burdens on our States at a time when they cannot afford it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Step in Reforming Welfare Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Amendment of Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

Sec. 101. Family assistance grants.
Sec. 102. Bonus to reward high performance States.
Sec. 103. Extension of supplemental grants.
Sec. 104. Additional grants for States with low Federal funding per poor child.
Sec. 105. Contingency Fund.
Sec. 106. Eligibility of Puerto Rico, the United States Virgin Islands, and Guam for the supplemental grant for population increases, the Contingency Fund, and mandatory child care funding.
Sec. 107. Direct funding and administration by Indian tribes.

TITLE II—POVERTY REDUCTION

Sec. 201. Additional purpose of TANF program.
Sec. 202. Child poverty reduction grants.
Sec. 203. Review and conciliation process.
Sec. 204. Replacement of caseload reduction credit with employment credit.
Sec. 205. States to receive partial credit toward work participation rate for recipients engaged in part-time work.
Sec. 206. TANF recipients who qualify for supplemental security income benefits removed from work participation rate calculation for entire year.
Sec. 207. State option to include recipients of substantial child care or transportation assistance in work participation rate.
Sec. 208. Effective date.

TITLE III—REQUIRING AND REWARDING WORK

Sec. 301. Effect of wage subsidies on 5-year limit.
Sec. 302. Child care.
Sec. 303. Competitive grants to improve access to various benefit programs.
Sec. 304. Assessments for TANF recipients.
Sec. 305. Applicability of workplace laws.
Sec. 306. Work participation requirements.
Sec. 307. Hours of work-related activities.
Sec. 308. State option to require receipients to engage in work for 40 hours per week.
Sec. 309. Revision and simplification of the transitional medical assistance program (tma).
Sec. 310. Ensuring TANF funds are not used to displace public employees.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

Sec. 401. State plan requirement on employment advancement.
Sec. 402. Employment Advancement Fund.
Sec. 403. Elimination of limit on number of TANF recipients enrolled in vocational education or high school who may be counted towards the work participation requirement.
Sec. 404. Counting of up to 2 years of vocational or educational training (including postsecondary education), work-study, and related internships as work activities.
Sec. 405. Limited counting of certain activities leading to employment as work activity.
Sec. 406. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 407. Definition of assistance.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

Sec. 501. Family Formation Fund.
Sec. 502. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.
Sec. 503. Elimination of separate work participation rate for 2-parent families.
Sec. 504. Ban on imposition of stricter eligibility criteria for 2-parent families; State opt-out.
Sec. 505. Extension of abstinence education funding under maternal and child health program.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

Sec. 601. Treatment of aliens under the TANF program.
Sec. 602. Optional coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 603. Eligibility of disabled children who are qualified aliens for SSI.

TITLE VII—ENSURING STATE ACCOUNTABILITY

Sec. 701. Inflation adjustment of maintenance-of-effort requirement.
Sec. 702. Ban on using Federal TANF funds to replace State and local spending that does not meet the definition of qualified State expenditures.

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

Sec. 801. Extension of funding of studies and demonstrations.
Sec. 802. Longitudinal studies of employment and earnings of TANF leavers.
Sec. 803. Inclusion of disability status in information States report about TANF families.
Sec. 804. Annual report to the Congress to include greater detail about State programs funded under TANF.
Sec. 805. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 806. Standardized State plans.
Sec. 807. Study by the Census Bureau.
Sec. 808. Access to welfare; welfare outcomes.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date.

SEC. 3. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

SEC. 101. FAMILY ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended by striking "1996" and all that follows through "2002" and inserting "2003 through 2007".

(b) INFLATION ADJUSTMENT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking "means the greatest of—" and inserting "means, with respect to a fiscal year specified in subparagraph (A) of this paragraph—

"(i) the greatest of—";

(B) by redesignating each of clauses (i), (ii)(I), (ii)(II), and (iii) as subclauses (I), (II)(aa), (II)(bb), and (III), respectively;

(C) by indenting each of the provisions specified in subparagraph (B) of this paragraph 2 additional ems to the right;

(D) by striking the period and inserting "; multiplied by"; and

(E) by adding at the end the following:

“(ii) 1.00, plus the inflation percentage (as defined in subparagraph (F) of this paragraph) in effect for the fiscal year specified in subparagraph (A) of this paragraph.”; and

(2) by adding at the end the following:

“(F) Inflation percentage.—For purposes of subparagraph (B) of this paragraph, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

“(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on September 30 of the immediately preceding fiscal year; exceeds

“(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on September 30, 2001.”.

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in subparagraph (D), by striking “$1,000,000,000” and inserting “$1,800,000,000”;

(2) in subparagraph (E), by striking “and 2003” and inserting “2003, 2004, 2005, 2006, and 2007”; and

(3) in subparagraph (F), by striking “2003 $1,000,000,000” and inserting “2002 $800,000,000, and for fiscal years 2003 through 2007 $1,000,000,000,”.

SEC. 103. EXTENSION OF SUPPLEMENTAL GRANTS.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking “and” at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting “; and”; and

(C) by adding at the end the following:

“(iii) for each of fiscal years 2003 through 2007, a grant in an amount equal to the amount required to be paid to the State under this paragraph in fiscal year 2001.”;

(2) in subparagraph (E), by striking “1998” and all that follows and inserting “2003 through 2007 $1,597,250,000 for grants under this paragraph.”; and

(3) by striking subparagraph (G).

SEC. 104. ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

“(6) Additional grants for states with low federal funding per poor child.—

“(A) In general.—The Secretary shall make a grant pursuant to this paragraph to a State—

“(i) for fiscal year 2003, if the State is an inadequately poverty-funded State for fiscal year 2002; and

“(ii) for any of fiscal years 2004 through 2007, if the State is an inadequately poverty-funded State for any prior fiscal year after fiscal year 2002.

“(B) Inadequately poverty-funded state.—For purposes of this paragraph, a State is an inadequately poverty-funded State for a particular fiscal year if—

“(i) the total amount of the grants made to the State under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the number of children in poverty in the State with respect to the particular fiscal year is less than 75 percent of the total amount of grants made to all eligible States under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the total number of children living in poverty in all eligible States with respect to the particular fiscal year; and

“(ii) the total of the amounts paid to the State under this subsection for all prior fiscal years that have not been expended by the State by the end of the preceding fiscal year is less than 50 percent of State family assistance grant for the particular fiscal year.

“(C) Amount of grant.—The amount of the grant to be made under this paragraph to a State for a particular fiscal year shall be—

“(i) if the particular fiscal year is fiscal year 2003, an amount equal to—

“(I) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

“(II) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year; or

“(ii) if the particular fiscal year is any of fiscal years 2004 through 2007, an amount equal to—

“(I) the amount required to be paid to the State under this paragraph for the then preceding fiscal year; plus

“(II) if the State is an inadequately poverty-funded State for the then preceding fiscal year—

“(aa) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

“(bb) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year.

“(D) Use of grant.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

“(E) Definitions.—In this paragraph:

“(i) Children in poverty.—The term ‘children in poverty’ means, with respect to a State and a fiscal year, the number of children residing in the State who had not attained 18 years of age and whose family income was less than the poverty line then applicable to the family, as of the end of the fiscal year.

“(ii) Poverty line.—The term ‘poverty line’ has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

“(F) Family income determinations.—For purposes of this paragraph, family income includes cash income, except cash benefits from means-tested public programs and child support payments.

“(G) Appropriations.—

“(i) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

“(I) $65,000,000 for fiscal year 2003;

“(II) $130,000,000 for fiscal year 2004;

“(III) $195,000,000 for fiscal year 2005;

“(IV) $260,000,000 for fiscal year 2006; and

“(V) $325,000,000 for fiscal year 2007.

“(ii) Availability.—Amounts made available under clause (i) shall remain available until expended.”.

SEC. 105. CONTINGENCY FUND.

(a) In General.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking “1997” and all that follows and inserting “2003 through 2007 such sums as are necessary for payments under this subsection”; and

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

“(C) Limitation on monthly payment to a state.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed 20 percent of the State family assistance grant.”.

(b) Application of Regular Maintenance of Effort Requirement.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended by striking “100 percent of historic State expenditures (as defined in paragraph (7)(B)(iii) of this subsection)” and inserting “the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection) of inflation-adjusted historic State expenditures (as defined in paragraph (7)(B)(vi) of this subsection)”.

(c) Modification of Unemployment Test To Become Needy State.—Section 403(b)(5)(A) (42 U.S.C. 603(b)(5)(A)) is amended to read as follows:

“(A) the average rate of total unemployment in the State (seasonally adjusted) for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in the preceding fiscal year; or”.

(d) Modification of Food Stamp Test To Become Needy State.—Section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) is amended to read as follows:

“(B) as determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in the preceding fiscal year.”.

(e) Simplification of Reconciliation Formula.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended to read as follows:

“(6) Annual reconciliation.—

“(A) In general.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

“(i) the maintenance of effort level (as defined in subparagraph (B)(i) of this paragraph) for the fiscal year, plus the State contribution (as defined in subparagraph (B)(ii) of this paragraph) in the fiscal year; exceeds

“(ii) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the fiscal year.

“(B) Definitions.—In subparagraph (A):

“(i) Maintenance of effort level.—The term “maintenance of effort level” means, with respect to a State and a fiscal year, an amount equal to the applicable percentage of historic State expenditures (as defined in section 409(a)(7)(B)) for the fiscal year.

“(ii) State contribution.—The term ‘State contribution’ means, with respect to a fiscal year—

“(I) the total amount paid to the State under this subsection in the fiscal year; multiplied by

“(II) 1 minus the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)), divided by the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)).”.

(f) Increase in Number of Months for Which State May Qualify for Payments.—Section 403(b)(4) (42 U.S.C. 603(b)(4)) is amended by striking “2-month” and inserting “3-month”.

SEC. 106. ELIGIBILITY OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, AND GUAM FOR THE SUPPLEMENTAL GRANT FOR POPULATION INCREASES, THE CONTINGENCY FUND, AND MANDATORY CHILD CARE FUNDING.

(a) SUPPLEMENTAL GRANT FOR POPULATION INCREASES.—

(1) IN GENERAL.—Section 403(a)(3)(D)(iii) (42 U.S.C. 603(a)(3)(D)(iii)) is amended by striking "and the District of Columbia." and inserting ", the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam. For fiscal years beginning after the effective date of this sentence, this paragraph shall be applied and administered as if the term 'State' included the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 1998 and thereafter.".

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by inserting ", or any payment made to the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam under section 403(a)(3)" before the period.

(b) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended by striking "and the District of Columbia" and inserting ", the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.".

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsection (a)(2) of this section, is amended by inserting "or 403(b)" after "403(a)(3)" before the period.

(c) CHILD CARE ENTITLEMENT FUNDS.—

(1) IN GENERAL.—Section 418(d) (42 U.S.C. 618(d)) is amended by striking "and the District of Columbia" and inserting ", the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam".

(2) AMOUNT OF PAYMENT.—

(A) GENERAL ENTITLEMENT.—Section 418(a)(1) (42 U.S.C. 618(a)(1)) is amended by striking "the greater of—" and all that follows and inserting the following:

"(A) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, 60 percent of the amount required to be paid to the State for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990; or

"(B) in the case of any other State, the greater of—

"(i) the total amount required to be paid to the State under section 403 for fiscal year 1994 or 1995 (whichever is greater) with respect to expenditures for child care under subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or

"(ii) the average of the total amounts required to be paid to the State for fiscal years 1992 through 1994 under the subsections referred to in clause (i).";

(B) ALLOTMENT OF REMAINDER.—Section 418(a)(2)(B) (42 U.S.C. 618(a)(2)(B)) is amended to read as follows:

"(B) ALLOTMENTS TO STATES.—Of the total amount available for payments to States under this paragraph, as determined under subparagraph (A) of this paragraph—

"(i) an amount equal to 65 percent of the amount required to be paid to each of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990, shall be allotted to the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, respectively; and

"(ii) the remainder shall be allotted among the other States based on the formula used for determining the amount of Federal payments to each State under section 403(n) of this Act (as in effect before October 1, 1995).".

(3) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsections (a)(2) and (b)(2) of this section, is amended by striking "or 403(b)" and inserting ", 403(b), or 418".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002, and shall apply to expenditures for fiscal years beginning with fiscal year 2003.

SEC. 107. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1) (42 U.S.C. 612(a)(1)) is amended by striking "1997, 1998, 1999, 2000, and 2001" and inserting "2003 through 2007".

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2) (42 U.S.C. 612(a)(2)) is amended by striking "1997, 1998, 1999, 2000, and 2001" and inserting "2003 through 2007".

TITLE II—POVERTY REDUCTION

SEC. 201. ADDITIONAL PURPOSE OF TANF PROGRAM.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) reduce the extent and severity of poverty and promote self-sufficiency among families with children.".

SEC. 202. CHILD POVERTY REDUCTION GRANTS.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

"(7) BONUS TO REWARD STATES THAT REDUCE CHILD POVERTY.—

"(A) IN GENERAL.—Beginning with fiscal year 2003, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

"(B) AMOUNT OF GRANT.—

"(i) IN GENERAL.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

"(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

"(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

"(ii) LIMITATIONS.—

"(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

"(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

"(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

"(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

"(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

"(D) DEFINITIONS.—In this paragraph:

"(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

"(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

"(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

"(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

"(I) begins with the calendar year that, as of October 1, 2002, precedes the then most recently completed calendar year for which such information is available; and

"(II) ends with the calendar year that precedes the calendar year referred to in clause (i)(I).

"(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

"(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

"(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

"(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

"(F) APPROPRIATIONS.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $150,000,000 for grants under this paragraph.

"(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.".

SEC. 203. REVIEW AND CONCILIATION PROCESS.

(a) REQUIREMENT.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) REVIEW AND CONCILIATION PROCESS REQUIREMENTS.—A State to which a grant is made under section 403 shall not impose a sanction against a person under the State program funded under this part, unless the State—

"(A) has attempted at least twice (using at least 2 different methods) to notify the person of the impending imposition of the sanction, the reason for the proposed sanction, the amount of the sanction, the length of time during which the proposed sanction would be in effect, and the steps required to come into compliance or to show good cause for noncompliance;

"(B) has afforded the person an opportunity—

"(i) to meet with the caseworker involved or another individual who has authority to determine whether to impose the sanction; and

"(ii) to explain why the person did not comply with the requirement on the basis of which the sanction is to be imposed;

"(C) has considered and taken any such explanation into account in determining to impose the sanction;

"(D) has specifically considered whether certain conditions exist, such as a physical or mental impairment, domestic violence, or limited proficiency in English, that contributed to the noncompliance of the person; and

"(E) in determining whether to impose the sanction, has used screening tools developed in consultation with individuals or groups with expertise in matters described in subparagraph (D).".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

"(15) PENALTY FOR FAILURE OF STATE TO USE REVIEW AND CONCILIATION PROCESS.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

SEC. 204. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(a) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended by adding at the end the following:

"(2) EMPLOYMENT CREDIT.—

"(A) IN GENERAL.—The minimum participation rate otherwise applicable to a State under this subsection for a fiscal year shall be reduced by the number of percentage points in the employment credit for the State for the fiscal year, as determined by the Secretary—

"(i) using information in the National Directory of New Hires, or

"(ii) with respect to a recipient of assistance under the State program funded under this part who is placed with an employer whose hiring information is not reported to the National Directory of New Hires, using quarterly wage information submitted by the State to the Secretary not later than such date as the Secretary shall prescribe in regulations.

"(B) CALCULATION OF CREDIT.—

"(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

"(I) twice the average quarterly number of families that ceased to receive cash payments under the State program funded under this part during the most recent 4 quarters for which data is available and that were employed during the calendar quarter immediately succeeding the quarter in which the payments ceased, plus, at State option, the number of families that received a non-recurring short-term benefit under the State program funded under this part during the preceding fiscal year and that were employed in during the calendar quarter immediately succeeding the quarter in which the non-recurring short-term benefit was so received; divided by

"(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year, plus, if the State elected the option under subclause (I), the number of families that received a non-recurring short-term benefit under the State program funded under this part during the preceding fiscal year.

"(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that, during the preceding fiscal year, earned at least 33 percent of the average wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

"(C) PUBLICATION OF AMOUNT OF CREDIT.—Not later than August 30 of each fiscal year, the Secretary shall cause to be published in the Federal Register the amount of the employment credit that will be used in determining the minimum participation rate applicable to a State under this subsection for the immediately succeeding fiscal year.".

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

"(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(a)(2).".

(b) ELIMINATION OF CASELOAD REDUCTION CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 205. STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)), as amended by section 307 of this Act, is amended by adding at the end the following flush sentence:

"For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 30 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.".

SEC. 206. TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.

Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting "who has not become eligible for supplemental security income benefits under title XVI during the fiscal year" before the semicolon; and

(2) in subclause (II), by inserting ", and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year" before the period.

SEC. 207. STATE OPTION TO INCLUDE RECIPIENTS OF SUBSTANTIAL CHILD CARE OR TRANSPORTATION ASSISTANCE IN WORK PARTICIPATION RATE.

(a) IN GENERAL.—Section 407(a)(1) (42 U.S.C. 607(a)), as amended by sections 503 and 306 of this Act, is amended by inserting "(including, at the option of the State, a family that includes an adult who is receiving substantial child care or transportation benefits, as defined by the Secretary, in consultation with directors of State programs funded under this part, which definition shall specify for each type of benefits a threshold which is a dollar value or a length of time over which the benefits are received, and take account of large one-time transition payments, except any family taken into account under paragraph (2)(B)(i)(I))" before the colon.

(b) STATE OPTION.—Section 407(b)(1)(B)(i) (42 U.S.C. 607(b)(1)(B)(i)) is amended—

(1) in clause (i), by inserting "plus, at the option of the State, the number of families that include an adult who is receiving substantial child care or transportation benefits, as determined under section 407(a)(1)" before the semicolon.

(2) in subclause (ii)(I), by inserting "including, if the State has elected to include families with an adult who is receiving substantial child care or transportation benefits under clause (i), the number of such families" before the semicolon.

(c) DATA COLLECTION AND REPORTING.—Section 411(a)(1)(A) of such Act (42 U.S.C. 611(a)(1)(A)) is amended in the matter preceding clause (i) by inserting "(including any family with respect to whom the State has exercised its option under section 407(a)(1))" after "assistance".

SEC. 208. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 204 through 207 shall take effect on October 1, 2003.

(b) STATE OPTION TO PHASE-IN REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT AND DELAY APPLICABILITY OF OTHER PROVISIONS.—A State may elect to have the amendments made by sections 204(b) and 205 through 207 of this Act not apply to the State program funded under part A of title IV of the Social Security Act until October 1, 2004, and if the State makes the election, then, in determining the participation rate of the State for purposes of sections 407 and 409(a)(3) of the Social Security Act for fiscal year 2004, the State shall be credited with ½ of the reduction in the rate that would otherwise result from applying section 407(a)(2) of the Social Security Act (as added by section 204(a)(1) of this Act) to the State for fiscal year 2004 and ½ of the reduction in the rate that would otherwise result from applying such section 407(b)(2) to the State for fiscal year 2004.

TITLE III—REQUIRING AND REWARDING WORK

SEC. 301. EFFECT OF WAGE SUBSIDIES ON 5-YEAR LIMIT.

Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR FAMILIES WITH INCOME FROM EMPLOYMENT.—For purposes of this paragraph, at the option of the State, a benefit or service provided to a family during a month under the State program funded under this part shall not be considered assistance under the program if—

"(i) during the month, the family includes an adult or a minor child head of household who has received at least such amount of income from employment as the State may establish; and

"(ii) the average weekly earned income of the family for the month is at least $100.".

SEC. 302. CHILD CARE.

(a) INCREASE IN ENTITLEMENT FUNDING.—Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $3,967,000,000 for fiscal year 2003;

"(H) $4,467,000,000 for fiscal year 2004;

"(I) $4,967,000,000 for fiscal year 2005;

"(J) $5,467,000,000 for fiscal year 2006; and

"(K) $5,967,000,000 for fiscal year 2007.".

(b) AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

"SEC. 658B. AUTHORIZATION OF APPROPRIATIONS; AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter $2,350,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

"(b) AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.—Of the amount made available to carry out this subchapter, $500,000,000 shall be used for each of the fiscal years 2003 through 2007 to make grants under section 658H.".

(2) STATE PLAN REQUIREMENTS.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii) by striking "and" at the end;

(ii) in clause (iii) by adding "and" at the end; and

(iii) by inserting after clause (iii) the following:

"(iv) in order to help ensure that parents have the freedom to choose quality center-based child care services, the State shall make significant effort to develop contracts with accredited child care providers in low-income and rural communities;";

(B) by amending subparagraph (D) to read as follows:

"(D) CONSUMER EDUCATION INFORMATION.—Certify that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices, and describe how the State will inform parents receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other low-income parents about eligibility for assistance under this subchapter.";

(C) by amending subparagraph (H) to read as follows:

"(H) MEETING THE NEEDS OF CERTAIN POPULATIONS.—Demonstrate the manner in which the State will meet the specific child care needs of families who are receiving assistance under a State program under part A of title IV of the Social Security Act, families who are attempting through work activities to transition off of such assistance program, families with children with disabilities and other special needs, low-income families not receiving cash assistance under a State program under part A of title IV of the Social Security Act, and families that are at risk of becoming dependent on such assistance."; and

(D) by adding at the end the following:

"(I) AVAILABILITY OF STAFF.—Describe how the State will ensure that staff from the lead agency described in section 658D will be available, at the offices of the State program funded under part A of title IV of the Social Security Act, to provide information about eligibility for assistance under this subchapter and to assist individuals in applying for such assistance.

"(J) ELIGIBILITY REDETERMINATION.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 1 year before the State redetermines the eligibility of the child under this subchapter.

"(K) SUPPLEMENT NOT SUPPLANT.—Provide assurances that the amounts paid to a State under this subchapter shall be used to supplement and not supplant other State or local funds expended or otherwise available to support payments for child care assistance and to increase the quality of available child care for eligible families under this subchapter.".

(3) PAYMENT RATES.—Section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)) is amended—

(A) by striking "such access" and inserting "equal access to comparable quality and types of services"; and

(B) by adding at the end the following:

"(i) Market rate surveys (that reflect variations in the cost of child care services by locality) shall be conducted by the State not less often than at 2-year intervals, and the results of such surveys shall be used to implement payment rates that ensure equal access to comparable services as required by this subparagraph.

"(ii) Payment rates shall be adjusted at intervals between such surveys to reflect increases in the cost of living, in such manner as the Secretary may specify.

"(iii) Payment rates shall reflect variations in the cost of providing child care services for children of different ages and providing different types of care.".

(4) CHILD CARE ACCOUNTABILITY IMPROVEMENTS.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

"SEC. 658G. CHILD CARE ACCOUNTABILITY IMPROVEMENTS.

"(a) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—A State that receives funds to carry out this subchapter shall reserve and use not less than 12 percent of the funds for improvements in the quality of child care services provided in the State and in political subdivisions of the State.

"(1) Not less than 35 percent of the funds reserved under this subsection shall be used for activities that are designed to increase the quality and supply of child care services for children from birth through 3 years of age.

"(2) Funds reserved under this subsection shall be used for 1 or more activities consisting of—

"(A) providing for the development, establishment, expansion, operation, and coordination of, child care resource and referral services;

"(B) making grants or providing loans to eligible child care providers to assist the providers in meeting applicable State and local child care standards and recognized accreditation standards;

"(C) improving the ability of State or local government, as applicable, to monitor compliance with, and to enforce, State and local licensing and regulatory requirements (including registration requirements) applicable to child care providers;

"(D) providing training and technical assistance in areas relating to the provision of child care services, such as training relating to promotion of health and safety, promotion of good nutrition, provision of first aid, recognition of communicable diseases, child abuse detection and prevention, and care of children with disabilities and other special needs;

"(E) improving salaries and other compensation paid to full-time and part-time staff who provide child care services for which assistance is made available under this subchapter;

"(F) making grants or providing financial assistance to eligible child care providers for training in child development and early education;

"(G) making grants or providing financial assistance to eligible child care providers to support delivery of early education and child development activities;

"(H) making grants or providing financial assistance to eligible child care providers to make minor renovations to such providers' physical environments that enhance the quality of the child care services they provide;

"(I) improving and expanding the supply of child care services for children with disabilities and other special needs;

"(J) increasing the supply of high quality inclusive child care for children with and without disabilities and other special needs;

"(K) supporting the system described in paragraph (2);

"(L) providing technical assistance to family child care providers and center-based child care providers to enable them to provide appropriate child care services for children with disabilities; and

"(M) other activities that can be demonstrated to increase the quality of child care services and parental choice.".

"(b) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—The State shall use a portion of the funds reserved under subsection (a) to support a system of local child care resource and referral organizations coordinated by a statewide, nonprofit, community-based child care resource and referral organization. The local child care resource and referral system shall—

"(1) provide parents in the State with information and support concerning child care options in their communities;

"(2) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

"(3) develop links with the business community or other organizations involved in providing child care services;

"(4) increase the supply and improve the quality of child care in the State and in political subdivisions in the State;

"(5) provide (or facilitate the provision of) specialists in health, mental health consultation, early literacy services for children with disabilities and other special needs, and infant and toddler care, to support or supplement community child care providers;

"(6) provide training or facilitate connections for training to community child care providers; or

"(7) hire disability specialists, and provide training and technical assistance to child care providers, to effectively meet the needs of children with disabilities.

(5) Incentive grants to states.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

"SEC. 658H. INCENTIVE GRANTS TO STATES.

"(a) Authority.—

"(1) In general.—The Secretary shall use the amount made available under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

"(2) Annual payments.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

"(b) Eligible States.—

"(1) In general.—In this section, the term 'eligible State' means a State that—

"(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

"(B) submits an application in accordance with paragraph (2).

"(2) Application.—

"(A) In general.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

"(B) Information required.—Each application submitted for a grant under this section shall—

"(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

"(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i);

"(iii) describe how the State will increase payment rates in accordance with the market survey results, for all types of child care providers who provide services for which assistance is made available under this subchapter;

"(iv) describe how rates are set to reflect the variations in the cost of providing care for children of different ages, different types of care, and in different localities in the State; and

"(v) describe how the State will prioritize increasing payment rates for care of higher-than-average quality, such as care by accredited providers, care that includes the provision of comprehensive services, care provided at nonstandard hours, care for children with disabilities and other special needs, care in low-income and rural communities, and care of a type that is in short supply.

"(3) Continuing eligibility requirement.—The Secretary may make an annual payment under this section to an eligible State only if—

"(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

"(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

"(4) Requirement of matching funds.—

"(A) In general.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 20 percent of such costs.

"(B) Determination of state contributions.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

"(c) Allotments to Eligible States.—The amount made available under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

"(d) Use of Funds.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 150th percentile of the market rate survey described in subsection (b)(1)(A).

"(e) Evaluations and Reports.—

"(1) State evaluations.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

"(2) Reports to congress.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

"(f) Payment Rate.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.".

(6) Administration, enforcement, and evaluation.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

(A) in the heading by striking "and enforcement" and inserting ", enforcement, and evaluation";

(B) in subsection (a)(3) by inserting before the period at the end "and including the establishment of a national training and technical assistance center specializing in infant and toddler care and their families"; and

(C) by adding at the end the following:

"(c) Federal Administration and Evaluation Activities.—The Secretary shall—

"(1) establish a national data system through grants, contracts or cooperative agreements to develop statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, including use of data collected through child care resource and referral organizations at the national, State, and local levels; and

"(2) prepare and submit to Congress an annual report on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, using data collected through State and local child care resource and referral organizations and other sources.".

(7) Reports.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(A) in paragraph (1)(B)—

(i) in clause (ix) by striking "and" at the end;

(ii) in clause (x) by adding "and" at the end; and

(iii) by inserting after clause (x) the following:

"(xi) whether the child care provider is accredited by a national or State accrediting body;"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking "aggregate data concerning";

(ii) in subparagraph (D) by striking "and" at the end;

(iii) in subparagraph (E) by adding "and" at the end; and

(iv) by indenting the left margin of subparagraphs (A) through (E) 2 ems to the right and redesignating such subparagraphs as clauses (i) through (v), respectively;

(v) by inserting after clause (v), as so redesignated, the following:

"(vi) findings from market rate surveys, disaggregated by the types of services provided and by the sub-State localities, as appropriate;"; and

(vi) by inserting before clause (i), as so redesignated, the following:

"(A) information on how all of the funds reserved under section 658G were allocated and spent, and information on the effect of those expenditures, to the maximum extent practicable; and

"(B) aggregate date concerning—".

(8) Definitions.—Section 658P(4)(C) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(C)) is amended—

(A) in clause (i) by striking "or" at the end;

(B) in clause (ii) by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(iii) is a foster child.".

(9) Conforming amendments.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(A) in section 658E(c)(3)—

(i) in subparagraph (B) by striking "through (5) of section 658A(b)" and inserting "through (6) of section 658A(c)"; and

(ii) in subparagraph (D) by striking "1997 through 2002" and inserting "2003 through 2007";

(B) in section 658K(a)(2) by striking "1997" and inserting "2003"; and

(C) in section 658L—

(i) by striking "July 31, 1998" and inserting "October 1, 2004";

(ii) by striking "Economic and Educational Opportunities" and inserting "Education and the Workforce"; and

(iii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions".

(c) Applicability of State or Local Health and Safety Standards to Other

TANF Child Care Spending.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

"(8) Certification of procedures to ensure that child care providers comply with applicable state or local health and safety standards.—A certification by the chief executive officer of the State that procedures are in effect to ensure that any child care provider in the State that provides services for which assistance is provided under the State program funded under this part complies with all applicable State or local health and safety requirements as described in section 658E(c)(2)(F) of the Child Care and Development Block Grant Act of 1990.".

(d) Availability of Child Care for Parents Required to Work.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking "6" and inserting "13".

SEC. 303. COMPETITIVE GRANTS TO IMPROVE ACCESS TO VARIOUS BENEFIT PROGRAMS.

(a) Purposes.—The purposes of this section are to—

(1) inform low-income families with children about programs available to families leaving welfare and other programs to support low-income families with children;

(2) provide incentives to States and counties to improve and coordinate application and renewal procedures for low-income family with children support programs; and

(3) track the extent to which low-income families with children receive the benefits and services for which they are eligible.

(b) Definitions.—In this section:

(1) Locality.—The term locality means a municipality that does not administer a temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this section referred to as "TANF").

(2) Low-income family with children support program.—The term "low-income family with children support program" means a program designed to provide low-income families with assistance or benefits to enable the family to become self-sufficient and includes—

(A) TANF;

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) (in this section referred to as "food stamps");

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(K) any other Federal or State funded program designed to provide family and work support to low-income families with children.

(3) Nonprofit.—The term "nonprofit", as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(c) Authorization of Grants.—

(1) States and counties.—

(A) In general.—The Secretary is authorized to award grants to States and counties to pay the Federal share of the costs involved in improving the administration of low-income family with children support programs, including simplifying application, recertification, reporting, and verification rules, and promoting participation in such programs.

(B) Federal share.—The Federal share shall be 80 percent.

(2) Nonprofits and localities.—The Secretary is authorized to award grants to nonprofits and localities to promote participation in low-income family with children support programs, and distribute information about and develop service centers for low-income family with children support programs.

(d) Grant Approval Criteria.—

(1) In general.—The Secretary, in consultation with the Secretary of Agriculture, shall establish criteria for approval of an application for a grant under this section that include consideration of—

(A) the extent to which the proposal, if funded, is likely to result in improved service and higher participation rates in low-income children's support programs;

(B) an applicant's ability to reach hard-to-serve populations;

(C) the level of innovation in the applicant's grant proposal; and

(D) any partnerships between the public and private sector in the applicant's grant proposal.

(2) Separate criteria.—Separate criteria shall be established for the grants authorized under paragraphs (1) and (2) of subsection (c).

(e) Uses of Funds.—

(1) States and counties.—

(A) Improvements in programs.—Grants awarded to States and counties under subsection (c)(1) shall be used to—

(i) simplify low-income family with children support program application, recertification, reporting, and verification rules;

(ii) create uniformity in eligibility criteria for low-income family with children support programs;

(iii) develop options for families to apply for low-income family with children support programs through the telephone, mail, facsimile, Internet, or electronic mail, and submit any recertifications or reports required for such families through these options;

(iv) co-locate eligibility workers for various low-income family with children support programs at strategically located sites;

(v) develop or enhance one-stop service centers for low-income family with children support programs, including establishing evening and weekend hours at these centers; and

(vi) improve training of staff in low-income families with children support programs to enhance their ability to enroll eligible applicants in low-income family with children support programs, provide case management, and refer eligible applicants to other appropriate programs.

(B) Customer surveys.—

(i) In general.—A grant awarded to a State or county under subsection (c)(1) shall be used to carry out a customer survey.

(ii) Model surveys.—The customer survey under clause (i) of this subparagraph shall be modeled after a form developed by the Secretary under subsection (g).

(iii) Reports to secretary.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the results of the customer survey carried out under clause (i) of this subparagraph.

(iv) Reports to public.—A State or county receiving a grant under subsection (c)(1) and the Secretary shall make the report required under clause (iii) of this subparagraph available to the public.

(v) Public comment.—A State or county receiving a grant under subsection (c)(1) shall accept public comments and hold public hearings on the report made available under clause (iv) of this subparagraph.

(C) Tracking systems.—

(i) In general.—A grant awarded to a State or county under subsection (c)(1) shall be used to implement a tracking system to determine the level of participation in low-income family with children support programs of the eligible population.

(ii) Reports.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the effectiveness of the tracking system implemented under clause (i) of this subparagraph.

(D) In-person interviews.—A State or county awarded a grant under subsection (c)(1) may expend funds made available under the grant to provide for reporting and recertification procedures through the telephone, mail, facsimile, Internet, or electronic mail.

(E) Jurisdiction-wide implementation.—

(i) In general.—A grant awarded to a State or county under subsection (c)(1) shall be used for activities throughout the jurisdiction.

(ii) Exception.—A State or county awarded a grant under subsection (c)(1) may use grant funds to develop one-stop service centers and telephone, mail, facsimile, Internet, or electronic mail application and renewal procedures for low-income family with children support programs without regard to the requirements of clause (i) of this subparagraph.

(F) Supplement not supplant.—Funds provided to a State or county under a grant awarded under subsection (c)(1) shall be used to supplement and not supplant other State or county public funds expended to provide support services for low-income families.

(2) Nonprofits and localities.—A grant awarded to a nonprofit or locality under subsection (c)(2) shall be used to—

(A) develop one-stop service centers for low-income family with children support programs in cooperation with States and counties; or

(B) provide information about and referrals to low-income family with children support programs through the dissemination of materials at strategic locations, including schools, clinics, and shopping locations.

(f) Application.—

(1) In general.—Each applicant desiring a grant under paragraph (1) or (2) of subsection

(c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) States and counties.—

(A) Non-federal share.—Each State or county applicant shall provide assurances that the applicant will pay the non-Federal share of the activities for which a grant is sought.

(B) Partnerships.—Each State or county applicant shall submit a memorandum of understanding demonstrating that the applicant has entered into a partnership to coordinate its efforts under the grant with the efforts of other State and county agencies that have responsibility for providing low-income families with assistance or benefits.

(g) Duties of the Secretary.—

(1) Survey form.—The Secretary, in cooperation with other relevant agencies, shall develop a customer survey form to determine whether low-income families—

(A) encounter any impediments in applying for or renewing their participation in low-income family with children support programs; and

(B) are unaware of low-income family with children support programs for which they are eligible.

(2) Reports.—

(A) Annual reports.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress describing the uses of grant funds awarded under this section.

(B) Results of tracking systems and surveys.—The Secretary shall submit a report to Congress detailing the results of the tracking systems implemented and customer surveys carried out by States and counties under subsection (e) as the information becomes available.

(h) Miscellaneous.—

(1) Matching funds.—Matching funds required from a State or county awarded a grant under subsection (c)(1) of this section may—

(A) include in-kind services and expenditures by municipalities and private entities; and

(B) be considered a qualified State expenditure for purposes of determining whether the State has satisfied the maintenance of effort requirements of the temporary assistance for needy families program under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)).

(2) Limitation on expenditures.—Subject to paragraph (3) of this subsection, not more than 20 percent of a grant awarded under subsection (c) shall be expended on customer surveys or tracking systems.

(3) Reversion of funds.—Any funds not expended by a grantee within 2 years after awarded a grant shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the 2-year time period to expend funds.

(4) Nonapportionment.—Notwithstanding any other provision of law, a State, county, locality, or nonprofit awarded a grant under subsection (c) is not required to apportion the costs of providing information about low-income family with children support programs among all low-income family with children support programs.

(5) Administrative costs of the Secretary.—Not more than 5 percent of the funds appropriated to carry out this section shall be expended on administrative costs of the Secretary.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2003 through 2007.

SEC. 304. ASSESSMENTS FOR TANF RECIPIENTS.

Section 408(b) (42 U.S.C. 608(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Assessment.—The State agency responsible for administering the State program funded under this part shall, for each recipient of assistance under the program who is a head of household, make an initial assessment of the skills, prior work experience, and circumstances related to the employability of the recipient, including physical or mental impairments, proficiency in English, child care needs, and whether the recipient is a victim of domestic violence.";

(2) in paragraph (2)(A), by striking "may develop" and inserting "shall develop"; and

(3) by striking paragraph (4).

SEC. 305. APPLICABILITY OF WORKPLACE LAWS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

"(h) No individual engaged in any activity funded in whole or in part by the TANF program shall be subjected to discrimination based on race, color, religion, sex, national origin, age, or disability, nor shall such an individual be denied the benefits or protections of any Federal, State or local employment, civil rights, or health and safety law because of such individual's status as a participant in the TANF program.".

SEC. 306. WORK PARTICIPATION REQUIREMENTS.

Section 407(a)(1) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended to read as follows:

"(1) In general.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

"(A) 50 percent for fiscal year 2003;

"(B) 55 percent for fiscal year 2004;

"(C) 60 percent for fiscal year 2005;

"(D) 65 percent for fiscal year 2006; and

"(E) 70 percent for fiscal year 2007 and each succeeding fiscal year.".

SEC. 307. HOURS OF WORK-RELATED ACTIVITIES.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by striking "20" and inserting "24".

SEC. 308. STATE OPTION TO REQUIRE RECEIPIENTS TO ENGAGE IN WORK FOR 40 HOURS PER WEEK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following flush sentence:

"At the option of a State, the State may require, a recipient not referred to in paragraph (2)(B) to engage in work for an average of 40 hours per week in each month in a particular fiscal year.".

SEC. 309. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) Option of Continuous Eligibility for 12 Months; Option of Continuing Coverage for Up to an Additional Year.—

(1) Option of continuous eligibility for 12 months by making reporting requirements optional.—Section 1925(b) (42 U.S.C. 1396r-6(b)) is amended—

(A) in paragraph (1), by inserting ", at the option of a State," after "and which";

(B) in paragraph (2)(A), by inserting "Subject to subparagraph (C)—" after "(A) Notices.—";

(C) in paragraph (2)(B), by inserting "Subject to subparagraph (C)—" after "(B) Reporting requirements.—";

(D) by adding at the end the following new subparagraph:

"(C) State option to waive notice and reporting requirements.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement."; and

(E) in paragraph (3)(A)(iii), by inserting "the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if" after "6-month period if".

(2) State option to extend eligibility for low-income individuals for up to 12 additional months.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g); and

(B) by inserting after subsection (b) the following new subsection:

"(c) State Option of Up to 12 Months of Additional Eligibility.—

"(1) In general.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

"(2) Income restriction.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(3) Application of extension rules.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

"(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

"(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.".

(b) State Option To Waive Receipt of Medicaid for 3 of Previous 6 Months To Qualify for TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: "A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.".

(c) Elimination of Sunset for TMA.—

(1) Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2), is repealed.

(2) Section 1902(e)(1) of such Act (42 U.S.C. 1396a(e)(1)) is amended by striking "(A) Nothwithstanding" and all that follows through "During such period, for" in subparagraph (B) and inserting "For".

(d) CMS Report on Enrollment and Participation Rates Under TMA.—Section 1925, as amended by subsections (a)(2) and (c), is amended by adding at the end the following new subsection:

"(g) Additional Provisions.—

"(1) Collection and reporting of participation information.—Each State shall—

"(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

"(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.".

(e) Coordination of Work.—Section 1925(g), as added by subsection (d), is amended by adding at the end the following new paragraph:

"(2) Coordination with administration for children and families.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.".

(f) Elimination of TMA Requirement for States That Extend Coverage to Children and Parents Through 185 Percent of Poverty.—

(1) In general.—Section 1925 is further amended by adding at the end the following new subsection:

"(h) Provisions Optional for States That Extend Coverage to Children and Parents Through 185 Percent of Poverty.—A State may (but is not required to) meet the requirements of subsections (a) and (b) if it provides for medical assistance under this title (whether under section 1931, through a waiver under section 1115, or otherwise) to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.".

(2) Conforming amendments.—Such section is further amended, in subsections (a)(1) and (b)(1), by inserting ", but subject to subsection (h)," after "Notwithstanding any other provision of this title," each place it appears.

(g) Requirement of Notice for All Families Losing TANF.—Subsection (a)(2) of such section is amended by adding after and below subparagraph (B), the following:

"Each State shall provide, to families whose aid under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a one-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid under part A or E of title IV in order to qualify for such medical assistance.".

(h) Extending Use of Outstationed Workers To Accept Applications for Transitional Medical Assistance.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting "and under section 1931" after "(a)(10)(A)(ii)(IX)".

(i) Effective Dates.—(1) Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2001, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The amendment made by subsection (g) shall take effect 6 months after the date of the enactment of this Act.

(3) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 310. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES.

(a) Welfare-to-Work Worker Protections.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(1) by striking clauses (i) and (iv);

(2) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(3) by inserting before clause (ii) the following:

"(i) Nondisplacement.—A State shall establish and maintain such procedures as are necessary to do the following with respect to activities funded in whole or in part under this part:

"(I) Prohibit the placement of an individual in a work activity specified in section 407(d) from resulting in the displacement of any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work wages, or employment benefits, or fill any unfilled vacancy, or performing work when any other individual is on layoff from the same or any substantially equivalent job).

"(II) Prohibit the placement of an individual in a work activity specified in section 407(d) which would impair any contract for services, be inconsistent with any employment-related State or local law or regulation, or collective bargaining agreement, or infringe on the recall rights or promotional opportunities of any worker.

"(III) Maintain an impartial grievance procedure to resolve any complaints alleging violations of subclause (I) or (II) within 60 days after receipt of the complaint, and if a decision is adverse to the party who filed such a grievance or no decision has been reached, provided for the completion of an arbitration procedure within 75 days after receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier. The procedures shall include a right to a hearing. The procedures shall include remedies for violations of the requirement that shall include termination or suspension of payments, prohibition of the participant, reinstatemt of an employee, and other appropriate relief. The procedures shall specifiy that if a direct work activity engaged in by a recipient of assistance under the State program funded under this part involves a placement in a State agency or local government agency pursuant to this section and the agency experiences a net reduction in its overall workforce in a given year, there is a rebuttable presumption that the placement has resulted in displacement of the employees of the agency in violation of this subparagraph.".

(b) State Plan Requirement.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

"(5) A plan that outlines the resources and procedures that will be used to ensure that the State will establish and maintain the procedures described in section 403(a)(5)(I)(i).".

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

SEC. 401. STATE PLAN REQUIREMENT ON EMPLOYMENT ADVANCEMENT.

(a) In General.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Establish goals and take action to improve initial earnings, job advancement, and employment retention for individuals in and individuals leaving the program.".

(b) Inclusion in Annual Reports of Progress in Achieving Employment Advancement Goals.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and" ; and

(3) by adding at the end the following:

"(5) in each report submitted after fiscal year 2003, the progress made by the State in achieving the goals referred to in section 402(a)(1)(A)(vii) in the most recent State plan submitted pursuant to section 402(a).".

SEC. 402. EMPLOYMENT ADVANCEMENT FUND.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

"(8) Employment advancement fund.—

"(A) In general.—The Secretary shall provide grants to States and localities for research, evaluation, technical assistance, and demonstration projects that focus on—

"(i) improving wages for low-income workers, regardless of whether such workers are recipients of assistance under a State program funded under this part, through training and other services; and

"(ii) enhancing employment prospects for recipients of such assistance with barriers to employment, such as a physical or mental impairment, a substance abuse problem, or limited proficiency in English.

"(B) Administration.—

"(i) Allocation of funds.—The Secretary shall allocate at least 40 percent of the funds made available pursuant to this paragraph for projects that focus on the matters described in subparagraph (A)(i), and at least 40 percent of the funds for projects that focus on the matters described in subparagraph (A)(ii).

"(ii) Diversity of projects.—The Secretary shall attempt to provide funds under this paragraph for diverse projects from geographically different areas.

"(C) Aid under this paragraph not 'assistance'.—A benefit or service provided with funds made available under this paragraph shall not, for any purpose, be considered assistance under a State program funded under this part.

"(D) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $150,000,000 for grants under this paragraph.".

SEC. 403. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 404. COUNTING OF UP TO 2 YEARS OF VOCATIONAL OR EDUCATIONAL TRAINING (INCLUDING POSTSECONDARY EDUCATION), WORK-STUDY, AND RELATED INTERNSHIPS AS WORK ACTIVITIES.

Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) not more than 24 months of participation by an individual in—

"(A) vocational or educational training (including postsecondary education), at an eligible educational institution (as defined in section 404(h)(5)(A)) leading to attainment of a credential from the institution related to employment or a job skill;

"(B) a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965 or an internship related to vocational or postsecondary education, supervised by an eligible educational institution (as defined in section 404(h)(5)(A)); or

"(C) a course of study leading to adult literacy, in which English is taught as a second language, or leading to a certificate of high school equivalency, if the State considers the activities important to improving the ability of the individual to find and maintain employment.".

SEC. 405. LIMITED COUNTING OF CERTAIN ACTIVITIES LEADING TO EMPLOYMENT AS WORK ACTIVITY.

(a) In General.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by adding at the end the following:

"(13) Up to 6 months of participation (as determined by the State) in services designed to improve future employment opportunities, including substance abuse treatment services, services to address sexual or domestic violence, and physical rehabilitation and mental health services.".

(b) Conforming Amendment.—Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking "and (12)" each place it appears and inserting "(12), and (13)".

SEC. 406. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking "Assistance" and inserting "benefits or services"; and

(2) after the heading, by striking "assistance" and inserting "any benefit or service that may be provided".

SEC. 407. DEFINITION OF ASSISTANCE.

(a) In General.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

"(6) Assistance.—

"(A) In general.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

"(B) Exception.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State).".

(b) Conforming Amendments.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking "assistance" and inserting "aid".

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking "assistance" and inserting "benefits or services".

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(E)(i)) is amended in the heading by striking "assistance" and inserting "aid".

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

SEC. 501. FAMILY FORMATION FUND.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Family formation fund.—

"(A) In general.—The Secretary shall provide grants to States and localities for research, technical assistance, and demonstration projects to promote and fund best practices in the following areas:

"(i) Promoting the formation of 2-parent families.

"(ii) Reducing teenage pregnancies.

"(iii) Increasing the ability of noncustodial parents to financially support and be involved with their children.

"(B) Allocation of funds.—In making grants under this paragraph, the Secretary shall ensure that not less than 30 percent of the funds made available pursuant to this paragraph for a fiscal year are used in each of the areas described in subparagraph (A).

"(C) Consideration of domestic violence impact.—In making grants under this paragraph, the Secretary shall consider the potential impact of a project on the incidence of domestic violence.

"(D) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $100,000,000 for grants under this paragraph.".

SEC. 502. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) Modification of Rule Requiring Assignment of Support Rights as a Condition of Receiving TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) No assistance for families not assigning certain support rights to the state.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance paid to the family under the program, which accrues during the period that the family receives assistance under the program.".

(b) Increasing Child Support Payments to Families and Simplifying Child Support Distribution Rules.—

(1) Distribution rules.—

(A) In general.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

"(a) In General.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

"(1) Families receiving assistance.—In the case of a family receiving assistance from the State, the State shall—

"(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

"(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

"(C) pay to the family any remaining amount.

"(2) Families that formerly received assistance.—In the case of a family that formerly received assistance from the State:

"(A) Current support.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

"(B) Arrearages.—To the extent that the amount collected exceeds the current support amount, the State—

"(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

"(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

"(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

"(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

"(iii) shall pay to the family any remaining amount.

"(3) Limitations.—

"(A) Federal reimbursements.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(B) State reimbursements.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

"(4) Families that never received assistance.—In the case of any other family, the State shall pay the amount collected to the family.

"(5) Families under certain agreements.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

"(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

"(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family and disregards the payment for purposes of paying benefits under the State program funded under part A.

"(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that the State pays the amount to the family.".

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2002, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

"(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.".

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking "and" at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting "; and"; and

(3) by inserting after paragraph (33) the following:

"(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.".

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) (42 U.S.C. 657(b)) is amended by striking "shall" and inserting "may".

(e) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking "457(a)(1)(B)" and inserting "457(a)(1)".

(2) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following:

"(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.".

(3) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 901(b) of this Act, the amendments made by this section shall take effect on October 1, 2006, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—A State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before the effective date provided in paragraph (1).

SEC. 503. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a), by striking paragraph (2); and

(2) in subsection (b)—

(A) by striking paragraphs (2) and (3);

(B) in paragraph (4), by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraph (1)(B)";

(C) in paragraph (5), by striking "rates" and inserting "rate"; and

(D) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 504. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES; STATE OPT-OUT.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(13) BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

"(A) IN GENERAL.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.

"(B) STATE OPT-OUT.—Subparagraph (A) shall not apply to a State if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.".

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

"(16) PENALTY FOR IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

SEC. 505. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking "2002" and inserting "2007".

(b) PURPOSE OF ALLOTMENTS.—For each of the fiscal years 2003 through 2007, section 510(b)(1) of the Social Security Act is deemed to read as follows: "(1) The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and at the option of the State—

"(A) programs that the State defines as an appropriate approach to abstinence education that educates those who are currently sexually active or at risk of sexual activity about methods to reduce unintended pregnancy or other health risks; and

"(B) where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.".

(c) MEDICALLY AND SCIENTIFICALLY ACCURATE INFORMATION.—For each of the fiscal years 2003 through 2007, there is deemed to appear in the matter preceding subparagraph (A) of section 510(b)(2) of such Act the phrase "a medically and scientifically accurate educational" in lieu of the phrase "an educational", and there is deemed to appear after and below subparagraph (H) of such section the following:

"For purposes of this section, the term 'medically accurate', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.".

(d) EFFECTIVE MODELS FOR PROGRAMS.—For each of the fiscal years 2003 through 2007, section 510 of such Act is deemed to have at the end the following subsection:

"(e)(1) None of the funds appropriated in this section shall be expended for a program unless the program is based on a model that has been demonstrated to be effective in reducing unwanted pregnancy, or in reducing the transmission of a sexually transmitted disease or the human immunodeficiency virus.

"(2) The requirement of paragraph (1) shall not apply to programs that have been approved and funded under this section on or before April 19, 2002.".

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall, in consultation with an advisory panel of researchers identified by the Board on Children Youth and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement which assesses the relative efficacy of two approaches to abstinence education for adolescents. The study design should enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a

similar abstinence program which includes education about contraception. Key outcomes that should be measured in the study include rates of sexual activity, pregnancy, birth, and sexually transmitted diseases.

(2) Report.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress the available findings regarding the comparative analysis.

(3) Funding.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

SEC. 601. TREATMENT OF ALIENS UNDER THE TANF PROGRAM.

(a) Exception to 5-Year Ban for Qualified Aliens.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

"(L) Benefits under the Temporary Assistance for Needy Families program described in section 402(b)(3)(A).".

(b) Benefits Not Subject to Reimbursement.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1138a note) is amended by adding at the end the following:

"(12) Benefits under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(h) of the Social Security Act.".

(c) Treatment of Aliens.—Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

"(h) Special Rules Relating to the Treatment of 213A Aliens.—

"(1) In general.—In determining whether a 213A alien is eligible for cash assistance under a State program funded under this part, and in determining the amount or types of such assistance to be provided to the alien, the State shall apply the rules of paragraphs (1), (2), (3), (5), and (6) of subsection (f) of this section by substituting '213A' for 'non-213A' each place it appears, subject to section 421(e) of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996, and subject to section 421(f) of such Act (which shall be applied by substituting 'section 408(h) of the Social Security Act' for 'subsection (a)').

"(2) 213A alien defined.—An alien is a 213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed pursuant to section 213A of the Immigration and Nationality Act.".

(d) Effective Date and Applicability.—

(1) Effective date.—The amendments made by this section shall take effect October 1, 2002.

(2) Applicability.—The amendments made by this section shall apply to benefits provided on or after the effective date of this section.

SEC. 602. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) Medicaid Program.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) Pregnant women.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) Children.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) as amended by section 803 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2002, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 603. ELIGIBILITY OF DISABLED CHILDREN WHO ARE QUALIFIED ALIENS FOR SSI.

(a) In General.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (3 U.S.C. 1612(a)(2)) is amended by inserting after subparagraph (K) the following new subparagraph:

"(L) SSI exception for disabled children.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraph (1) shall not apply to a child who is considered disabled for purposes of the supplemental security income program under title XVI of the Social Security Act.".

(b) Effective Date.—The amendment made by this section shall take effect on October 1, 2002, and apply to benefits furnished on or after such date.

TITLE VII—ENSURING STATE ACCOUNTABILITY

SEC. 701. INFLATION ADJUSTMENT OF MAINTENANCE-OF-EFFORT REQUIREMENT.

Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by inserting "inflation-adjusted" before "historic State expenditures"; and

(2) in subparagraph (B), by adding at the end the following:

"(vi) Inflation-adjusted historic State expenditures.—The term 'inflation-adjusted historic State expenditures' means, with respect to a fiscal year, historic State expenditures with respect to the fiscal year, multiplied by the sum of 1.00 plus the inflation percentage (as defined in section 403(a)(2)(F)) in effect for the fiscal year.".

SEC. 702. BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE AND LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.

(a) Prohibition.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

"(14) Ban on using Federal TANF funds to replace State or local spending that does not meet the definition of qualified State expenditures.—A State to which a grant is made under section 403 and a sub-State entity that receives funds from such a grant shall not expend any part of the grant funds to supplant State or local spending for benefits or services which are not qualified State expenditures (within the meaning of section 409(a)(7)(B)(i)).".

(b) Penalty.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

"(17) Penalty for using Federal TANF funds to replace State or local spending that does not meet the definition of qualified State expenditures.—

"(A) In general.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

"(B) Penalty based on severity of failure.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

SEC. 801. EXTENSION OF FUNDING OF STUDIES AND DEMONSTRATIONS.

Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking "2002" and inserting "2007".

SEC. 802. LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (h)(1)—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) the cost of conducting the studies described in subsection (k)."; and

(2) by adding at the end the following:

"(k) Longitudinal Studies of Employment and Earnings of TANF Leavers.—

"(1) In general.—The Secretary, directly or through grants, contracts, or interagency agreements shall conduct a study in each eligible State of a statistically relevant cohort of individuals who leave the State program funded under this part during fiscal year 2003 and individuals who leave the program during fiscal year 2005, which uses State unemployment insurance data to track the employment and earnings status of the individuals during the 3-year period beginning at the time the individuals leave the program.

"(2) Reports.—The Secretary shall annually publish the findings of the studies conducted pursuant to paragraph (1) of this subsection, and shall annually publish the earnings data used in making determinations under section 407(b).".

SEC. 803. INCLUSION OF DISABILITY STATUS IN INFORMATION STATES REPORT ABOUT TANF FAMILIES.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended by adding at the end the following:

"(xviii) Whether the head of the family has a significant physical or mental impairment.

SEC. 804. ANNUAL REPORT TO THE CONGRESS TO INCLUDE GREATER DETAIL ABOUT STATE PROGRAMS FUNDED UNDER TANF.

Section 411(b)(3) (42 U.S.C. 611(b)(3)), as amended by section 401(b)(1) of this Act, is amended to read as follows:

"(3) the characteristics of each State program funded under this part, including, with respect to each program funded with amounts provided under this part or with amounts the expenditure of which is counted as a qualified State expenditure for purposes of section 409(a)(7)—

"(A) the name of the program;

"(B) whether the program is authorized at a sub-State level (such as at the county level);

"(C) the purpose of the program;

"(D) the main activities of the program;

"(E) the total amount received by the program from amounts provided under this part;

"(F) the total of the amounts received by the program that are amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7);

"(G) the total funding level of the program;

"(H) the total number of individuals served by the program, and the number of such individuals served specifically with funds provided under this part or with amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7); and

"(I) the eligibility criteria for participation in the program;".

SEC. 805. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) Development of Comprehensive List of Case Closure Reasons.—The Secretary of Health and Human Services shall develop, in consultation with States and policy experts, a comprehensive list of reasons why individuals leave State programs funded under this part. The list shall be aimed at substantially reducing the number of case closures under the programs for which a reason is not known.

(b) Inclusion in Quarterly State Reports.—Section 411(a)(1)(A)(xvi) (42 U.S.C. 611(a)(1)(A)(xvi)) is amended—

(1) by striking "or" at the end of subclause (IV);

(2) by striking the period at the end and inserting "; or"; or

(3) by adding at the end the following:

"(VI) a reason specified in the list developed under section 805(a) of the Next Step in Reforming Welfare Act.".

SEC. 806. STANDARDIZED STATE PLANS.

Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, after consulting with the States, shall establish a standardized format which States shall use to submit plans under section 402(a) of the Social Security Act for fiscal year 2004 and thereafter.

SEC. 807. STUDY BY THE CENSUS BUREAU.

(a) In General.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

"(a) In General.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples.".

(b) Appropriation.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking "1996," and all that follows through "2002" and inserting "2003 through 2007".

SEC. 808. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(c) Annual Reports on Welfare Access and Outcomes.—

"(1) State reports.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

"(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

"(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

"(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

"(2) Use of sampling.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

"(3) Report to the congress.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.".

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) In General.—Except as provided in sections 208 and 502(f) and in subsection (b) of this section, the amendments made by this Act shall take effect on October 1, 2002, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) Delay Permitted if State Legislation Required.—In the case of a State plan under section 402(a) or 454 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to House Resolution 422, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened with interest during the debate, and there is a better way. The substitute that I am submitting is submitted on behalf of myself, the gentlewoman from California (Ms. WOOLSEY), the gentleman from Wisconsin (Mr. KIND), the gentleman from Tennessee (Mr. TANNER), the gentleman from California (Mr. BECERRA), the gentleman from Wisconsin (Mr. KLECZKA), the gentleman from California (Mr. THOMPSON), and the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, it provides for a real-work requirement, a requirement for real jobs. We reward the States for finding real employment for the people that are on welfare. We have put in the substitute an employment credit against the work requirement that was suggested by the gentleman from Michigan (Mr. LEVIN) and the gentleman from Wisconsin (Mr. KIND) that rewards the States for finding employment for the people on welfare.

Unlike the Republican bill, the Democratic substitute provides flexibility to our States, particularly as it relates to education. We increase, not eliminate, the opportunity of States to provide educational opportunities for the people on welfare. We increase the amount of education from 1 year to a maximum of 2 years, no caps on the number of people who can participate, specifically provide for English as a second language and GED.

Mr. Speaker, by opening this up, there are no requirements on the States. The States can then determine what is in the best interest of the people in their own State. We should not mandate how the States respond to the educational needs of their own citizens. It is their decision, not ours under the substitute.

Mr. Speaker, that is flexibility. That is what the States want. The Republican bill moves in the opposite direction and takes away flexibility. The Democratic substitute provides more resources. We do that. We provide $11 billion of new resources in mandatory spending for child care, unlike the Republican bill which is $1 billion in mandatory spending.

The Congressional Budget Office has indicated that is necessary, otherwise we are imposing additional mandates on the States without providing the resources. I thank the gentleman from California (Mr. STARK) and the gentleman from California (Mr. GEORGE MILLER) for bringing forward the child care issue. I regret their amendments were not made in order.

The substitute also provides for an inflationary increase of $6 billion over the next 5 years for the basic grants to our States. If we do not do that, we will have level funding for 10 years, and we would actually have had a decline of a significant amount of dollars available in real purchasing power.

I have heard the Republicans comment the caseload is down. That is not true. Cash assistance is down, but the people being served by TANF funds is actually increasing because we are now providing employment services and day care to Americans who are working.

We also provide additional incentives to States to get people out of poverty. The Democratic substitute moves forward in removing the discrimination against legal immigrants. We allow the States at their discretion to cover legal immigrants with their TANF funds, and we make progress in both SSI and Medicaid in covering children and Medicaid for pregnant women.

Mr. Speaker, the Democratic substitute moves us forward to the next plateau, to the next level of expectation on our States. We provide the flexibility and the resources, but we hold our States accountable to not only get people out of cash assistance off of the welfare rolls, but so American families can also move out of poverty.

Mr. Speaker, let me close this part of the debate by citing two of the groups that are in support of the substitute, and there are many others. First, the Children's Defense Fund when they say: "Children deserve the chance to grow up out of poverty. The Democratic substitute bill represents genuine progress for families with children to escape from poverty. I urge you to take the opportunity to help these working families to ensure that we truly Leave No Child Behind."

From Catholic Charities U.S.A.: "We believe your substitute will help families escape both welfare and poverty, and we offer our strong support."

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 30 minutes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I guess one of the things we could do is run an auction on bills like this in which each provision goes to the highest bidder. If that is the case, our friends on the other side of the aisle would win every time, that is, as long as we were using Monopoly money. But if we were using real money in terms of having to pay for what it is that we say we are offering to the American people, then the proposal that came out of our committees that we have just finished discussing fits within the budget that this House passed.

The program that was partially outlined by the gentleman from Maryland (Mr. CARDIN) adds up to about $70 billion over 10 years. There is no money provided for it. The gentleman got up after virtually every speaker and talked about an unfunded mandate. What the gentleman will not talk about is the fact that they have over a billion dollars imposed upon States in their proposal requiring States to meet an inflation number in the States. That produces a mandate on the States of more than a billion dollars. So what we really want to do as we discuss this is not who is able to stack up the most Monopoly money in front of someone as to show how much they care about this issue, how much of this is real, how much does it have a chance to become law, and how much does it fit within the other spending patterns that we have already committed ourselves to.

Mr. Speaker, that is the real question, and there this substitute is fatally flawed.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

□ 1330

Mr. TAUZIN. Mr. Speaker, I thank my friend for yielding me this time. I simply want to rise in opposition to this alternative offered by the Democrats for one of the many reasons that I hope we oppose it, but for an important one. The Democrats will argue that they want to put flexibility into the title V funding for abstinence-only education programs. What that means is they want to give the States the right to mix messages, to combine their contraceptive-focused programs with the programs that help young people understand that there is another choice called abstinence.

We included the definition of abstinence education in the statute to protect the abstinence-only message from being diluted with the message of promoting condom or contraceptive use. We literally have to oppose an effort that will give the States the flexibility to mix those messages back up again. There are 25 different Federal programs funding contraceptive-focused education. There are only three income streams in the law that fund abstinence-only education programs and they are not mandatory on the States. The States have the flexibility, if they want, to opt out of the abstinence-only programs.

As a matter of fact, 49 States choose to opt in. They like the programs. They put up $3 for every $4 that the Federal Government puts up. And if a State does not really like this program and does not want to be a part of it as the one State, California, does not want to be, they can abstain from the program. The other States like it, choose it, accept it, and the result is that abstinence education is reducing teen pregnancy, reducing the incidence of transmitted diseases from sex and teaching young people that there is a better way, there is a better way to prepare themselves for a life in which they will not be afflicted with awful sexually transmitted diseases or the prospect of having a child in their teen years that they are not prepared to rear and a child that will grow up likely in poverty in our country.

I urge my colleagues not to mix these messages, to continue the great progress of the 1996 act, to allow abstinence-only education programs to work in our country, and to give our States what they already have, the flexibility to opt into these programs or to opt out but never to allow them to confuse the messages. Our kids need positive messages, not confused ones.

I urge my colleagues to oppose the Democratic substitute.

Mr. CARDIN. Mr. Speaker, let me just point out to the gentleman from California (Mr. THOMAS), my chairman, that this bill spends less than half of what the farm bill spent and will not even keep up the share of the Federal spending on these programs with the increase.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), one of the coauthors of the substitute.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for his leadership and the gentleman from Wisconsin (Mr. KIND) for his partnership in putting together this substitute. Our substitute offers Members a clear alternative to H.R. 4737. The Democratic substitute builds on what we have learned in welfare reform over the past 6 years. The most important thing that we learned is that it is not hard to get people off the welfare rolls, particularly in a good economy. But it is especially easy if we do not care where they end up. But if we want people to go from welfare to self-sufficiency, then we have to work a little harder.

The guiding principle of the 1996 welfare reform was that welfare was the enemy. Welfare mothers were demonized. But the enemy is not welfare, Mr. Speaker. The enemy was then, and is now, poverty. This substitute will enable States to give welfare recipients the supports and services they need to get real jobs and lift themselves and their families out of poverty.

First of all, our substitute will allow education and training to count as work for up to 24 months, up to and including an AA employment-related degree. The most recent census report shows that the median income of women who have an associate's degree is just under $24,000 a year. This is more than twice what a woman who works full-time at a minimum wage job earns. We know that education pays, and that is why the Democratic substitute makes education count.

The vast majority of welfare recipients are single mothers. They cannot go to school or work if their children do not have child care. That is why the Democratic substitute adds an additional $11 billion in mandatory funding for child care over 5 years. As many of my colleagues know, 25 years ago, when my children's father left me and my three young children, ages 1, 3 and 5, I had to turn to welfare, even though I was working, in order to pay for child care and other basic necessities.

The first year it was bad enough that I went to work. I had never intended to leave my children and go to work. It was bad enough that their father abandoned us. But the very worst part of the whole thing was trying to find child care. That first year I had 13 different child care arrangements. Can you imagine what that is like? Finding new child care, watching your children make that adjustment, losing that care and starting over again. Thirteen times in 12 months. It is an absolute miracle that my children are the wonderful young adults they are today.

It was only after I was confident that my children were well cared for that I was able to concentrate on my work, and within a year I was promoted to a management position.

Mr. Speaker, this substitute does that for all the other women who need it.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I do want to correct the record, because I indicated that the substitute bill requires a mandatory payment by the States of $1 billion. My understanding is that that is only in the fifth year. My correction is that actually the Congressional Budget Office says that that is an inflation mandate of $3.6 billion over 5 years.

We have fallen into the lexicon of the Federal Government and the State. The State pays, the Federal Government pays. Obviously it is the taxpayer who pays, whether it is at the State or the Federal level. So as we are discussing the costs of these bills, let us remember, somebody has to put up the taxes to pay for them.

In regard to the direction and the thrust, I find it interesting that 6 years ago when we first offered this proposal on the floor, the substitute that was offered, in fact, saved $50 billion over 6 years because they thought the enticement of saving money in this system would convince enough people to vote with them rather than the reform of requiring people to work. Six years later, when they know that requiring people to work works, their substitute now spends $20 billion over 5 years. And so if you cannot beat them, join them, and throw a few more dollars at the problem seems to be the direction that the substitute is going.

Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, I appreciate the words and heartfelt conviction of my friend from California. I do not doubt her intentions. The important thing in terms of public policy is to step back and see what can bring the greatest good. I appreciate that my friend from California is a living embodiment of an exception in a previous policy that just was not working. What we have done over the last decade, or the last half of a decade, is to change this program, to incentivize and require work.

That is why I rise in opposition, not to score political points but to take a look at what we have been able to do in the last 6 years. If we enact the substitute offered by my friends on the other side, we will weaken work requirements. This would provide partial credit toward work rates for adults who work as few as 10 hours a week while collecting full welfare benefits. Their substitute would add a new employed leaver credit. According to estimates from the Health and Human Services, it would effectively eliminate the work requirements in the year 2003, reducing from 50 percent to 2 percent the share of the welfare caseload expected to work.

What I think is important here is that we not reduce work requirements, because, after all, it is incentive to work that brings about true reform, and in the final analysis the best social program is a job.

With all due respect, the substitute offered by my friends, though it is not the intent of the other side, in essence it would promote welfare dependence. It would allow recipients working 2 days a week to stay on welfare forever.

And my chairman mentioned the bottom line, the cost of this substitute. Not only $70 billion over the next 10 years but my friends who on so many different projects say "Let's watch deficit spending," for this program they offer no budgetary offsets. Sound public policy requires under our budget rules offsets to bring this forward. It is not there.

For those reasons, I have to rise in opposition to the Democratic substitute.

Mr. CARDIN. Mr. Speaker, let me remind my friend that just a week ago, we approved over twice as much for the farm bill, without offsets.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), one of the coauthors of the substitute.

Mr. KIND. Mr. Speaker, I am one of the cosponsors of the Democratic substitute and I also rise in opposition to the Republican base bill.

Mr. Speaker, we have a tale of two different visions here between these two bills: Our vision that believes in maintaining the importance of State flexibility and State innovation in implementing the next round of welfare reform, that believes in empowering the individuals on welfare reforms through access to education and job training programs and that believes that we need to be careful in regards to what we do with the children of these families. We provide the resources to help with quality child care services because we know that those on welfare are not going to enter the workforce if they know the kids are not properly being taken care of in a quality environment. That is in contrast to the Republican version, which is very long on conservatism and very short on compassion.

If everyone truly believes that welfare reform should be about welfare to work, then why do we not create an incentive rewarding States that help welfare recipients get decent, meaningful jobs? That is exactly what we accomplish with the Democratic substitute with an employment credit rather than a caseload reduction credit that they want to continue under current law. Their approach is to reward States for merely kicking people off the welfare rolls yet we do not know what happens to them because there is a paucity of data in regards to where the families are, what they are doing and what happens to the kids.

The other important link with this is making sure that there is a greater responsibility for the noncustodial parent. Our bill provides an incentive for States to make sure that noncustodial parents, fathers of these kids, to get a job and contribute with child support payments rather than the entire burden falling on single mothers. Their approach is a $300 million experimental marriage counseling program that we have no information on whether it even works given again the paucity of research in this area.

Finally, we must recognize there are those on welfare that are there for a reason, either because of domestic abuse, sexual assaults, cognitive and physical disabilities. Our legislation recognizes the most vulnerable in our society and gives States the flexibility they need in order to deal with those unique cases. I encourage support for the substitute and reject the Republican alternative.

The Republican bill is a step in the wrong direction; it replaces state flexibility with unfunded mandates, it promotes make-work at the expense of wage-paying employment, and does nothing to help families escape poverty when they leave welfare for work. I worked closely, however, with Representatives CARDIN, WOOLSEY, TANNER, and THOMPSON in crafting a Democratic substitute that better assists the states in moving families from welfare to work and I empower individuals so they can become self-sufficient.

During consideration of welfare reform in the Education and Workforce Committee I offered three amendments that would have improved the base bill. The first amendment was an employment credit; the second amendment would have given states incentives to put fathers to work so they could pay child support; and the third amendment would have allowed states to consider domestic abuse or sexual violence in the development of families' self-sufficiency plan. Unfortunately, I withdrew the fatherhood amendment under the agreement that Leadership would continue to work on the amendment between committee consideration and the floor. They did not, however, stand by their commitment and excluded this amendment from HR 4735. Furthermore, Leadership adopted the domestic violence and sexual abuse amendment by voice vote in committee but did not include it in the final bill.

Yesterday, in the Rules Committee I offered the employment credit amendment with Congressman LEVIN and I offered the fatherhood amendment with Congressman ROEMER. Yet, once again, the House Leadership voted against my amendments and prohibited them from consideration on the House floor.

THE DEMOCRATIC SUBSTITUTE

The Rules Committee did, however, accept the Democratic substitute as part of the Rule for debate on the House floor. As one of the new Co-chairs of the New Democrat Coalition, I am pleased that the substitute incorporated many of the New Democrats' suggestions. In 1996, one of the signature New Democrat initiatives was the successful welfare reform legislation. Centered on the principle of "work first", this approach, coupled with efforts to make work pay, has succeeded where previous attempts to reform welfare failed.

Our Democratic substitutes strengthen the current work requirements. It increases the work participation rate to 70% and increased the number of direct work activities hours from 20 to 24 hours. These increased work requirements are consistent with the president's proposal. In addition, the caseload reduction credit is replaced with the employment credit, which I offered in committee. Our substitute also provides states with an additional $11 billion for mandatory childcare funding over five years; it increases the set aside for child care quality from 4% to 12%; and it provides an inflationary increase for the TANF block grant. Conversely, the Leadership's bill would impose nearly $11 billion over the next five years in unfunded mandate on the states, without the additional resources we include in our substitute. In Wisconsin, my home state, the unfunded mandates would add another $134 million over five years to the state's current $1.1 billion budget deficit.

Our substitute also provides the states with the flexibility and freedom to innovate. Specifically, it allows states to count education and training towards its participation rate for up to 24 months. This is significant because the most promising state programs that help welfare recipients obtain and advance in a job combine a "work first" approach with supplemental training and education. The Republican proposal eliminates vocation educational training from the list of work related activities that count towards the State's participation rate and limits other education and training to a mere four months.

Further, our substitute allows states to assist legal immigrant families with federal TANF funds while the Republican bill would maintain the ban on providing legal immigrants with Federal assistance.

EMPLOYMENT CREDIT AMENDMENT

Current law rewards states for removing people from the rolls. Because the credit does not take into account whether welfare leavers are working, states can win reductions in their participation requirements without actually helping leavers find jobs. Further, because caseloads are at historic low, states will have a difficult time benefiting from the revised caseload reduction credit included in HR 4735. Even the president eliminated the caseload reduction credit in his proposal and replaced it with his own employment credit.

We need to shift the focus and reward states for not only moving families off the rolls but also for moving them into jobs, with a bonus for moving them into higher-paying jobs. The amendment I offered during mark-up in committee would have done just that by replacing the caseload reduction credit with an employment credit. Under the employment credit, for every one percent of welfare recipients that leave the rolls for work, the state's work participation requirement would be reduced by one percent. In addition, it would have increased state flexibility and measured the state's performance along the entire continuum from welfare to work.

NONCUSTODIAL PARENT AMENDMENT

The first round of welfare reform required low-income mothers to work rather than make welfare a way of life. Reauthorization, however, should challenge the fathers of TANF children to also be responsible for raising their children. Thus, I offered an amendment with Congressman ROEMER during committee mark-up that would have rewarded states with a credit towards its worker participation rate if they worked with fathers to increase their employment and pay child support. The additional piece to this amendment would have rewarded states even further, with a bonus to states that achieve or exceed employment performance targets. This bonus was authorized at $100 million, and the money would have come from the funding for the Family Formation and Healthy Marriage program. While very little research exists about marriage and its direct benefit to children, substantial research shows working fathers most effectively improves children's emotional and financial well-being.

DOMESTIC AND SEXUAL VIOLENCE AMENDMENT

Violence is a fact of life for too many poor women; as many as 60% of women receiving welfare have been victims of domestic violence as adults. The incidence and severity of violence in their lives can keep them from escaping poverty. Therefore, the amendment I offered in committee would have required states to screen women on welfare to determine if they have been subjected to domestic or sexual violence and then states may refer them to necessary services. It is unfortunate that this assessment will not be included in the development of families' self-sufficiency plan. It is critical that these women receive the necessary assistance to help them heal and escape poverty.

CONCLUSION

While it is unfortunate that my amendments were not included in the base bill, I am pleased to be a lead sponsor of the Democratic substitute and to have the opportunity to offer it on the floor today. My colleagues and I worked hard to reach a compromise that we think will best serve our nation's various populations and their needs. Most importantly, our alternative will allow states to focus on placing welfare recipients into real jobs and helping them escape poverty. That should be our number one priority, which sadly, the Leadership's bill does not accomplish.

Mr. THOMAS. Mr. Speaker, I would indicate that the gentleman from Wisconsin in his substitute is willing to impose $58.5 million of mandated increases to the taxpayers of Wisconsin.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. I thank my colleague from California for yielding me this time.

Mr. Speaker, the first thing I notice about the Democratic substitute is that, at least on the surface, it has no quarrel with strong work requirements. This really tells me they have come a long way since 1996, when many of my friends on the other side of the aisle made so many doom-and-gloom predictions about how welfare reform would bring about the end of civilization as we know it. Former Senator Pat Moynihan famously said that those who supported the 1996 reforms would "take this disgrace to their graves." Mr. Speaker, I am one who voted for the bill and proud that I did.

This is why I am supporting the underlying bill today. By strengthening the work requirements and expanding flexibility, it builds on what is really best about the 1996 act. And while the Democrat substitute is a sign that my friends on the other side of the aisle are reconciled to welfare reform, it is also a sign they are unwilling to move beyond the status quo.

□ 1345

While caseloads have declined dramatically since 1996, there is room for improvement. Fifty-eight percent of TANF recipients still are not engaged in any work-related activities. Now, there is one place where the substitute offers radical change, and that is in the area of child care. It proposes spending

$11 billion more on child care over the next 5 years.

Mr. Speaker, to say this is generous would be an understatement. After not having even offered a budget here on the floor, our Democrat friends are asking for huge spending increases without even attempting to pay for them. Where would all this additional child care money come from? We have no idea. In contrast to this fiscal irresponsibility, the underlying bill supports a $2 billion increase in child care and development, and we pay for our proposed increases.

The backers of the substitute are making the claim that the underlying bill does not do enough for education. Mr. Speaker, the claim is dead wrong. Under our bill, the welfare recipients can attend school full-time for 4 months in any 2-year period, and can spend up to 16 hours each week getting education and training to help further their ability to obtain gainful employment.

As chairman of the Committee on Education and the Workforce, let me remind my colleagues of the $66 billion Federal education budget already available to low income individuals, including Pell Grants, student loans and Perkins loans. While these programs are taken into account, it is clear that the welfare recipients will have time and the financial help they need to seek an education.

Mr. Speaker, we need to build on the success of the 1996 welfare reform law. I do not think the substitute we have before us does adequately strengthen the work requirements. It includes wildly unrealistic spending increases, and I urge my colleagues to defeat the substitute and vote "yes" on the underlying bill.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know the gentleman from California (Mr. THOMAS), my chairman, wants the record to be accurate, so let me just clarify the point he made about the States' maintenance of effort requirements, which is current law. Wisconsin would receive well over $58 million in additional Federal support over and above the substitute, plus under the Republican bill they would truly have an unfunded mandate of $89 million. So I thank my friend the gentleman from Wisconsin (Mr. KIND) for looking after the citizens of Wisconsin.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), a coauthor of the substitute.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for his good work on this substitute.

Mr. Speaker, I come down this afternoon to the floor to speak in favor of meaningful welfare reform, to speak in support of the substitute measure. The first goal of welfare reform should be poverty reduction, and this bill does reduce poverty by equipping people with the tools they need to find meaningful employment and then be able to keep that job once they get it. Many States have already found what works in their State, what is successful welfare reform, and that is because they have the flexibility to provide specific needs to the people in their State.

My State of California is a prime example of that. We have figured out how to make welfare reform work. We have crafted a plan that puts people to work and works for the people in our State. Under our welfare reform, because of that flexibility, California has tripled the number of welfare recipients who have moved into employment, and their average monthly earnings has significantly increased. We have reduced our caseloads by over 40 percent in California. Unlike the underlying bill, the substitute continues to allow that flexibility to work.

With 45 States experiencing budget problems right now, the unfunded State mandates in the majority's bill are unaffordable to all States. I ask Members to support the substitute bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it ironic that the gentleman from California is supporting a substitute which, if they want to receive the carrot in the bill, they are required to deal with the stick, which is a mandated inflationary payment by the State of almost $1 billion over 5 years, $944 million, in a State which has just discovered under the Democratic Governor we have a $24 billion tub of red ink to begin with, and that my colleagues on the other side of the aisle are more than happy to dump additional red ink into that cesspool in California.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Subcommittee on Health.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, in my brief time, I want to direct myself to the requirements in this bill. First of all, the real work requirement is almost unchanged from current law. Under current law a person must work 20 hours a week. Under this bill they must work 24 hours a week. That is three 8-hour days.

What is really changed in this bill is the opportunity requirement. And let us not miss this. In this bill you are required to plan how you are going to use the other 16 hours of the normal 40-hour workweek to create your own future. If you have substance abuse problems, part of that plan can be to deal with substance abuse. If you have mental health problems, part of that plan can be to deal with your mental health problems. If you have educational deficits, part of that plan can be to deal with your educational deficit.

You have the whole 3 months, even a semester, to start out on your educational issues without any work requirement, even the 3 days a week, and, after that, you have Tuesdays and Thursdays, 2 days a week, to continue to pursue your degree.

You do not have that under current law, and most low income working parents do not have that today. Only women coming off of welfare will have the opportunity, and that is why I call it the opportunity requirement, to plan for the additional 16 hours, working with the State, in such a way that they create for themselves the educational base from which they can develop their careers.

I would point out that in this bill there are employment achievement bonuses. Those will go to States that create career paths for their people; that help people coming off welfare get into minimum wage jobs, but then help them move up through education and through performance and through good recommendations to higher paid jobs.

So the vision in this bill for women is about hope and opportunity, planning one's own individual course of action, so that at the end of your time you not only will be in the workforce, but you will be earning a good living to support your child.

Make no mistake about it: The other bill has no vision for women on welfare now and no vision for our future. The waiver provision in this bill is the only hope of us breaking out of both a committee structure and a series of funding streams that were set 50 years ago. Fifty years ago. How many times have we had hearings that said that? And what did the workforce investment bill do? It block granted job training money so people could benefit more.

We need for States to integrate their systems so we treat people holistically. You have a problem; yes, you need a job, your children may need special assistance, you may need a special kind of food stamp help. We need to move States toward a more holistic approach, a more creative and visionary approach of how to help people in need in America.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if you believe in vocational education, you do not restrict the States, you give them more authority, and that is what the substitute does.

Mr. Speaker, it is my pleasure to yield 2 minutes to my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me time.

Mr. Speaker, our conservative friends must have checked their compassion at the door when they put this bill together.

Make no mistake, government assistance is not a free meal. If you receive assistance, in my opinion, you have the responsibility to work, if you can. Work builds self-esteem, increases independence and strengthens our families, our communities and our society. That is why, Mr. Speaker, I strongly supported bipartisan welfare reform in 1996.

But this Republican bill is a step backwards. It sets up unrealistic requirements, it fails to provide necessary funding and it imposes an $11 billion unfunded mandate on the States.

This bill would double the number of required worker hours for mothers with children under 6. However, it would flat-fund assistance for child care even though 15 million eligible children today go uncovered. It is nice to talk about opportunity, but if you do not have the necessary child care, you will not be able to avail yourself of those opportunities.

This bill, in my opinion, discriminates as well against legal immigrants, prohibiting States from using Federal funds to assist them, not giving them the choice, the option, in Federalism.

It even would eliminate education from the list of activities that count toward work requirements, and it would flat fund temporary assistance to needy families. I ask my Republican friends, where is the compassion in that? You voted a few months ago to give Enron $250 million in corporate welfare and a handful of major corporations billions of dollars more, and now, now you want to crack down on a single mom who is trying her best to work and still take care of her kids.

That is not common sense. It is not compassionate. It is not even conservative. It is, however, shortsighted and punitive, and, therefore, may well be consistent.

I urge my colleagues to vote for the substitute and against the underlying bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note that the gentleman from Maryland at the same time he urges that is telling the hardworking taxpayers of Maryland that he wants to create a $61 million stick for them to receive any of the proposals that he is talking about.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to make it absolutely clear that the opportunity bill is the underlying bill, and I strongly oppose this proposed substitute because it will truncate opportunity for women in our country and undercut the accomplishments in reducing poverty among children and helping women realize their potential that the current program has initiated.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources.

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the Democrat substitute. This substitute weakens work requirements, is fiscally irresponsible and ties the hands of States.

We have found from the successes of the 1996 welfare reform legislation that work is the best path from poverty to self-sufficiency. This substitute resurrects the failed AFDC program, which was weak on work and trapped recipients into a cycle of dependency.

This substitute would increase welfare dependency by allowing a recipient to work as little as 2 days a week and stay on welfare forever. Without work, recipients have no hope to leave poverty and support themselves.

Furthermore, the substitute is fiscally irresponsible. It would cost the working taxpayers about $20 billion over the next 5 years. Unlike the Republican plan, this amendment contains no offsets to pay for the additional spending.

My friends from the other side of the aisle speak of fiscal responsibility, but show none in this substitute. In addition to being fiscally irresponsible and weak on work, the substitute places more burdens on the States and actually limits their flexibility. Over the next 5 years, States would be forced to spend more of their own money on welfare, despite the fact that rolls are going down. States must establish complicated new regulations restricting their ability to place recipients in work experiment and community service programs. Also under the substitute, the States are restricted in enforcing the expectation that recipients work.

Mr. Speaker, I urge my colleagues to oppose this substitute, which represents a step back in welfare reform.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I understand the Republican sensitivity on the dollars because the people of Maryland over the next 5 years will get significantly more Federal help for their $61 million investment. But under the Republican bill they have to lay out $144 million and they get nothing in return. I can understand the sensitivity that you might have on the other side of the aisle on our States.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

□ 1400

Mr. MENENDEZ. Mr. Speaker, today the Republican leadership, the party that wants to be known as the education party and that has gone to great lengths to win Hispanic votes, has proposed a welfare reform bill that proves their rhetoric does not match their reality.

Instead of providing and expanding educational opportunities for all, the Republicans deny poor people the opportunity to get an education, to get a better job, and to get their family out of poverty permanently. Instead of providing an equal opportunity for permanent residents who are here legally and who have worked hard, paid taxes, served in the Armed Forces of the United States in many cases, are veterans of our country, and who have fueled the economic boom of the last decade, Republicans refuse to give them the helping hand they need to get back on their feet. The current recession has not bypassed Hispanics, but the Republican welfare plan does.

It is ironic to me that less than a week before Republicans planned to pour millions of dollars into new Spanish-language infomercials to woo Hispanic voters, they refused to invest any money in helping poor Hispanic families get the education and training they need to lift themselves out of poverty. What family value refuses to invest the money needed to provide child care to those families who are making every effort to work, but still cannot afford the cost of child care?

Today we see the true meaning of "compassionate conservatism," and there is nothing really compassionate about it. The Republicans' new marketing strategy should really be called "la mentira grande" or "the big lie" instead of forging new paths, because today's bill shows that Republicans really have no intention of helping people forge new paths. Their rhetoric simply throws up roadblocks on the highway of opportunity.

I will tell the gentleman before he gets up that Republicans have already left New Jersey with a $6 billion deficit.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I was prepared to yield the gentleman from New Jersey a little more time so that he could cover up his tracks, because 6 years ago he voted to keep people on the program, he was opposed to the program. Now, of course, what they want to do is outbid people with Monopoly money to show how compassionate they are and how people work. They were wrong then and they are wrong now.

Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I appreciate the gentleman yielding me this time. I was not planning to get into the issue of legal immigrants, but I would think that some people might take from the last comments that somehow the underlying legislation takes benefits away from legal immigrants. No es verdad.

The truth is that there is no change with regard to illegal immigrants in this legislation. If anything, we have improved the benefits for legal immigrants because in the farm bill which was just passed we are now providing food stamps for legal immigrants. So I hope the gentleman is not trying to leave the wrong impression.

Mr. Speaker, the underlying bill I think is a great improvement to a great law. Since 1996, there are nearly 3 million children who have been lifted out of poverty. This has been a huge success. What the legislation does before us today, the underlying bill, is it builds on what works.

I had the opportunity last week to go visit one of our great organizations back in my hometown of Cincinnati that is taking the flexibility we gave them in 1996 and helping people move from welfare dependency to the kind of dignity and self-respect they get from work. They fix someone's car if it is broken, they help people with child care, they help people with medical bills. They provide that bridge, and they are flexible about it. They like this new flexibility built into the legislation. They are using this already, and they want more of it.

What has worked is requiring work. What has worked is strengthening families, and the underlying bill does that better, I would say, than the Democrat substitute. What works is protecting children, improving child care, and there is more money in child care in the underlying bill. In the Democratic substitute, there is more money, but it is not paid for. Creating additional opportunities, yes, for education and training, that is important and that is in the underlying bill and, finally, giving the States the tools to encourage self-sufficiency, and that is the flexibility.

I have heard some of my colleagues on this side say gee, to quote the gentleman from Maryland, not the gentleman from Maryland who is here, but the one who left, it fails to provide adequate funding, the underlying bill. Well, I do not know how they can say that. We have had a more than 50 percent reduction in the welfare rolls; and yet we are continuing the Federal commitment. So we are going to be providing over $16 billion a year. We are not cutting the TANF funding, plus we are adding another at least $2 billion on child care. In 1996 we were paying $7,000 per family on average. In the year 2003, we are going to be paying $16,000 per family on average. How is that a cut? How is that not adequate funding?

Then I hear the debate over the unfunded mandate, and I was the author of the Unfunded Mandate Relief Act, and I have to tell my colleagues, I have the letter here from the Congressional Budget Office. This is not an unfunded mandate. The underlying bill is not an unfunded mandate. Why? Because as we all set out, and I know the gentleman from Maryland and my other colleagues voted for the unfunded mandate bill, we said that if you give States the flexibility to be able to move money, transferred monies from agency to agency and give adequate flexibility, then it is not an unfunded mandate, and that is what CBO says.

So with regard to this unfunded mandate, let us just be clear. We have a process here in Congress where the Congressional Budget Office, a nonpartisan part of our congressional organization here, decides whether something is an unfunded mandate or not, and they have told us there is adequate flexibility and adequate funding in here, and it is not an unfunded mandate.

So with all due respect to my colleagues on this side who I know have the best intentions to try to pull more people out of poverty and into work, I think the underlying bill is a better approach to it. I hope that my colleagues today will reject the substitute and stick with what we know works, and that is encouraging work and encouraging sufficiency and doing so, yes, with a compassionate edge and providing more funding per family than has ever been provided by the Federal Government.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I appreciate the gentleman yielding. I just wanted to correct the gentleman in that the caseload has actually gone up significantly. More people are now receiving noncash assistance than cash assistance, and that is good; and therefore the amount of money being spent is being spent on purposes such as job training and child care, which I believe your party supports.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, that is why there is more funding being provided for each welfare family, because as we provide those additional services, there is additional funding needed; and the underlying bill provides that. Yet it sticks to the basic formula that we know works, which is, again, helping people to help themselves and believing in people and trusting people, and understanding that every person has the ability to get on their own feet and to be able to provide for themselves and their families, and that is what they want to do.

Mr. CARDIN. Mr. Speaker, normally the gentleman from Ohio's math is a little better than it was today.

Mr. Speaker, I am proud to yield 1½ minutes to the distinguished gentlewoman from California (Ms. PELOSI), the Democratic whip, formerly from Maryland.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Maryland for yielding me this time and for his leadership on this important Democratic substitute that is on the floor today.

Unfortunately, our Republican colleagues refuse to allow the Democrats to bring an amendment to the floor which would talk about child care, which is one of the most serious deficiencies in their bill. It is loaded with deficiencies; but if I could talk about one, it would be child care.

The Democratic substitute gives women and their families the tools to leave poverty behind. It gives women access to job training, education, and the chance to make better lives for themselves and their families. It gives the States flexibility to implement the best approach. It focuses on real work and helps families escape poverty and achieve permanent employment.

The Republican bill that is on the floor not only short-changes the important component of child care, which is essential to women lifting themselves out of poverty, it also foists on the States additional funding requirements to implement the requirements of H.R. 4737. In my own State of California alone, a $2.5 billion addition in costs to California, costs we can ill afford in a time of deficit, and that is required by this bill.

But I want to talk again about child care. The complete missing link in lifting people out of poverty and putting people to work is the answer to the question, Who is going to take care of the children? We all talk about family values here; and we are all committed, both Democrats and Republicans alike. But why is that not reflected in the Republican bill? The Democratic substitute puts five times more resources to really enable women to get educated, to work, to lift their families out of poverty. I urge a "yes" on the substitute and a "no" on the Republican bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Once again, as a Member from California, California currently, under the Democratic Governor, is $24 billion in the red and this would add another $1 billion over 5 years of an induced stick, if they want to receive the illusory benefits under the bill. Once again, as my colleagues can see in the well, I find it ironic that just 6 years ago, the gentlewoman from California said, "I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass." Indeed, there was offered a substitute which would have saved money in an attempt to not have the legislation go forward. Of course, now that we know the process works, as the gentleman from Missouri (Mr. GEPHARDT) said it works, they are now offering a substitute which throws money at the problem.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, the gentleman is correct, I did not support it, because I thought the bill was harsh to newcomers to our country, and some of those provisions have been corrected over time due to the leadership on this side of the aisle. The gentleman's colleague, the gentleman from Ohio (Mr. PORTMAN), earlier referenced that in the farm bill there would be food stamps for immigrants, yes; again, an initiative from this side of the aisle. So there has been some of the harshness removed from the provisions of the earlier welfare reform bill and, I may say, during the Clinton administration, a thriving and dynamic economy that indeed lifted up our economy and lifted many people out of poverty.

Mr. THOMAS. Mr. Speaker, reclaiming my time, the gentlewoman well knows that the proficiency she just referred to in the farm bill for immigrants was signed by President Bush and moved out of this House. However, in an attempt to make sure that they do not agree with the fundamental thrust of this proposition, they have a substitute that spends $70 billion of money that is not covered in any budget to show that they rate higher on the compassion level, because they will never accept the proposition that Republicans care, Republicans are concerned, and Republicans have programs that work. They prefer illusory solutions to the real thing. Republicans offered the real thing in 1996, and they offer it today.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, the facts show that the economy, as good as it has been, did not bring about the progress in reform and welfare that occurred. In fact, during the 1980s and even through the first 2 years of President Clinton's administration, we created some 18 million new jobs. That is great. But welfare rolls continued to skyrocket. It was not until 1996 when we put these reforms in place that we really started to have able-bodied people, able-minded people, those capable of working getting back to work, because we set such high standards.

I served in the Texas legislature when we did welfare reform just 2 years before Congress took it up. I am convinced this is one of the most successful reforms in history between governments and States working together. We have come such a long way from the days where someone who is capable of working could not work for 15 years or more and still receive welfare benefits. That was giving up on them, and we no longer do that. It is important that as we debate this substitute we not go back to those failed experiments.

My concern is that we take in this substitute an AFDC program that was good in intent and just horribly unimpressive, to say the least, that exempted various recipients; it gave up on too many people. Let us not go back to this. This substitute provides partial credits toward work rates for adults who work very few hours during the week. Again, we are not insisting, not encouraging, not moving them to self-sufficiency. None of us work 10-hour workweeks, and we ought not expect that of those we are trying to help.

Education is so important, but we cannot reward people who will not get a job or cannot get a job by paying them to go to school. It actually ought to be the opposite. Those who make that extra effort to get a job, to learn that skill, and to go to school, we provide help and standards for both of those; and I think long term, that is the route to go.

Finally, I think when we look at the substitute, it is well intentioned; but it actually, I think, increases welfare dependency and poverty and seriously undermines the time limits that have been such a key part to, again, not giving up on any person capable of being self-sufficient and having a job.

My point is that our job is not finished. We have a lot more people that we can help get out of poverty and off of welfare, helping them get an education, helping them develop their skills, and insisting that they move toward what all of us hope to do, to work full time in a job that one can raise one's family and live on and move from welfare to work. The Republican bill does exactly that. It continues what works, invests in success; and that is what we should stick with.

Mr. CARDIN. Mr. Speaker, let me just point out that in the motion to instruct on the agricultural bill concerning food stamps, all of the Members and the Republican leadership voted against it to cover legal immigrants.

Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of the Cardin substitute and against the leave-the-millions-of-children-behind act that is currently before the House of Representatives.

Mr. Speaker, I rise today to support the substitute legislation. We have done a good job with welfare reform in Rhode Island. Our program, one I would have supported implementing nationally, has promoted a steady decrease in our welfare caseload. Today, while other states' caseloads are growing, Rhode Island's continues to drop.

Our steady progress can be attributed to the policy decisions we made to invest in families to help them gain the skills to obtain and retain jobs. It also provides the resources for child care which enables people to work. But the biggest problem with this bill is that while increasing work requirements for recipients, it only provides a modest increase for child care, barely enough to keep up with inflation. Let's examine the logic here. Increase work requirements for mothers with children under six years old, yet not provide enough money to pay for care for their children while they're out working.

Since 1996, there have been tremendous advances in how we understand early childhood development. We know that the preschool years are critical to children's long term success, because that's where they learn the cognitive and social skills needed to succeed in life. Not only does this bill not improve accessibility to quality early childhood programs, it's going to add to the millions of children already on waiting lists who, as a result, are falling behind before kindergarten even starts.

I urge my colleagues to defeat this misguided legislation and support the substitute.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the delegate from Guam (Mr. UNDERWOOD).

□ 1415

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for yielding me time.

Mr. Speaker, I am here to express my opposition to the base bill and to speak on behalf of inclusion, to speak on behalf of child care, to speak on behalf of true compassion, to speak on behalf of the Democratic substitute to H.R. 4737.

There is no compassion in requiring States and Territories to increase workforce requirements when 39 States and all of the Territories are struggling currently to meet work requirements.

In an atmosphere of recession, unprecedented unemployment rates and lack of available jobs, the base bill would create the scenario where precious resources are spent on fines and the safety net becomes full of holes. There is no compassion in continuing to restrict access to programs that are supposed to help all American families get help for work. The base bill denies the insular areas of Puerto Rico, the Virgin Islands, and my home of Guam, which have been required to meet all federally imposed TANF obligations, from accessing all the same TANF program resources available to State. The insular areas are not eligible for TANF supplemental grants for population increases, for many other programs, and the Democratic substitute does so.

I urge my colleagues to support the Democratic substitute.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I am personally offended by the reference by the gentleman from California (Mr. THOMAS) to "that California cesspool." Many of us in a bipartisan fashion worked for many, many months to come up with the California experiment. That was very, very successful.

Why do I support the Democratic substitute to welfare reform? Because the substitute provides the necessary funding to carry out needed revisions in welfare reform. The Republican bill imposes massive and costly new mandates on States that they cannot afford. The billions of new costs that

States are being asked to burden will force many States to raise taxes and cut necessary services. Cutting services will include a reduction in welfare programs such as child care, transportation, and skills training to make recipients job ready.

Is this reform? No, it is not. Implementing the Republican proposals in California will cost the State an additional $2.8 billion over the next 5 years. I am expecting that apology.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Since the gentlewoman from California (Ms. WATSON) wants me to explain the reference about cesspools referred to by me, I referred to it as a cesspool of red ink. And if anybody does not believe $24 billion of State government mismanagement is not a red ink cesspool, then I do not know what you would call it.

Mr. CARDIN. Mr. Speaker, all I can point out to the gentleman is that in California they will be better off without an extra $2.5 billion mandate. They would be better off without that.

Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), the assistant to our leader.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this substitute. We hear much talk of compassion, but the underlying legislation does not address the needs or the aspirations of those who are trying in earnest to make the transition from welfare to work. Compassion is not eliminating education as an activity that counts toward work requirement. Compassion is not replacing the successful food stamp program with a program that puts the nutritional needs of 19 million people at risk. Compassion is not abandoning the 15 million children who are now eligible for child care assistance, but who are not covered because of inadequate funding.

This legislation shortchanges working mothers who need help affording child care. Democrats offered an amendment. It would have increased child care, enhanced child care quality, expanded the services to nearly 1 million additional working families. The Republicans barely increased funding for child care, and the leadership did not even allow us an amendment to consider this critical issue.

This legislation is anything but compassionate. It is disinterested, wrongheaded, and it puts at risk all of the gains that we have made in moving people from welfare to work in the past 6 years. Vote yes on the substitute.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in opposition to the Republican bill. I am deeply troubled by the terrible duplicity on display today. How can a Congress that speaks so eloquently on family values pass legislation that clearly threatens our neediest families?

By increasing work requirements, this bill forces parents to be away from their children for longer hours without providing adequate funding for the day care. The authors of this bill claim it fosters respect and responsibility, then coerces women into abusive marriages based in fear and distrust.

Furthermore, the President has been touting the important role immigrants play in both our economy and our culture. Yet this bill neither extends SSI eligibility for legal permanent residents nor ensures that adequate translation services will be provided for limited English proficient residents to advise them of what services they are eligible for.

It is time that this Congress lives up to its compassionate conservatism and provide not just the promise of responsibility, work and family, but the tools to achieve it.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I serve as a co-chair of the Rural Caucus, so you should expect me to talk about rural America. But I want to say first I strongly support the substitute and believe it is more reflective to making people whole in not only rural America but all America.

This substitute nor the bill or the bills before really went to rural America. Let me tell you that rural America is not the same as urban and our suburban America. Not to say that urban does not have problems but, indeed, we are different.

Consider these facts: In the year 2000 the nonmetropolitan poverty rate exceeded the national rate by 20 percent. Two hundred and thirty-seven of the 250 counties that are the most poor in the Nation are in rural America. One-half of rural American children in female households live in poverty. Therefore, indeed we need different attention.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to respond to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Speaker, we have engaged in this conversation before, but we wanted to make sure that as we address all issues we paid special attention to rural America. Each of a State's governors have to submit a plan to the Secretary stating how they are going to respond to poverty, how they will respond to economic opportunity and employment. I simply want inserted language that said that we would address the issue of rural America as well.

Mr. THOMAS. Reclaiming my time, in response to the gentlewoman I agree with her. Although we often talk about it, there is no reference in the legislation. Notwithstanding the fact the substitute will not pass, the underlying bill, I will pledge to the gentlewoman when we go to conference, representing one of the poorest rural counties in California.

Mrs. CLAYTON. Are there any poor counties in California?

Mr. THOMAS. There are, I can assure you, and I represent the poorest. And agricultural counties by nature of the cyclical work tend to be the poorest and have the highest unemployment and low literacy. Child care needs are very high. That is why we put the provisions in the bill. But we will emphasize that the States should respond with a rural program as well as an urban one. Rather than assuming that they will do that, that language will be in the bill.

Mr. CARDIN. Mr. Speaker, what time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. CARDIN) has 8 minutes remaining. The gentleman from California (Mr. THOMAS) has 2½ minutes remaining.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, it is truly an outrage that we are here today debating how much money that we are going to spend on the weakest when the President and the Republican leadership want to make permanent tax cuts in this country to their country club friends to the tune of over $500 billion. And it is really worse for the poor people of Florida because we have a Governor, Jeb Bush, our own reverse Robin Hooder, deciding to spend the $6 billion on corporate welfare instead of making sure that the State can afford and look after all of its children.

Perhaps I should remind the Governor and the President of Ril-ya Wilson, the poor little girl from Florida. I have a picture here. Ril-ya Wilson, the poor little girl from Florida that has been missing for 15 months.

It is so sad that the Republicans can come up with all of these little slogans, Leave No Child Behind, well, my question is where is the beef? Where are the resources to make sure that this does not happen to other children in this country?

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, first let me thank the gentleman from Maryland (Mr. CARDIN) and his team for an attempt to put together a bill that would wipe out partisanship as we deal with this very sensitive issue.

It is tragic that when we talk about aid to needy families or children that need some assistance from their government, albeit State government, that it gets so political that we start talking about raising the standards, forcing people to work, increasing the hours of work, but we do not concentrate on putting the resources there to see that we can reach these laudable goals that we would want.

It is one thing to say that illegal immigrants and the kids are not entitled to assistance for shelter or for food or for medicine, but great States and great people like those in Florida and California and New York and Texas, somehow we cannot turn our eyes away from children who are in need, and that is why my mayor and my Governor would appeal, notwithstanding their Republican credentials, that more sensitivity would be involved.

They want people to work 40 hours a week, but they do not like the mandatory sense in working when the jobs are not there, when you do not provide the education and the training that the workers are not going to be productive. When you finally think about what we are trying to do is to create a better life for our children, who can do that better than a mother? And if you are saying that the mother with young children should go to work, well, politically we will say yes, but what about the child? Should we not have some concern about what happens to this kid as we feel good and we go to our townhall meetings and tell the voters we were hard on welfare mothers today, but would anyone ask, what about the children? Did you provide money for day care for the kids? Can anyone really work a productive day not knowing whether their child is being taken care of?

If we said that we wanted to let the State work their will, how do we tell them what they cannot do when they are begging as my mayor and as my Governor for the flexibility to do it? Except when it comes to the money questions and you want the governors to be able to play chess with the money, when you want them to be able to do the things that normally the Committee on Appropriations should be doing, then you can go in the basement in the Republican rooms in the middle of the night and work out how you will do this while we do not legislate.

You know how to cook the books when you want to make certain it works for you politically, but it seems to me if we are talking about a better America, more productive families, communities, that can have self-esteem, then when you talk about jobs you are not talking about just makeshift jobs, you are talking about making people feel good about themselves because they learned something, they have had training and they can be productive.

Please vote for the Democratic substitute and reject the Republican political plan and stick with something that you can go back home and be proud of. Not that you beat up on the mothers, that is easy to do in an election year, but you did something for the kids. You did something for the kids.

□ 1430

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I would note that the gentleman from New York voted "no" in 1996; and as a matter of fact, quoted in the People's Weekly World, he said that if Clinton signs the bill, he would be, quote, "throwing 1 million children into poverty."

I have here the most recent edition of the Governor of New York's statement on welfare in New York. It says on page 33: "Teen pregnancy rates and teen births have declined. Child support has increased and fewer children are living in poverty today than in 1994."

What we did was right in 1996, and what we are doing is right today, notwithstanding the gentleman from New York's (Mr. RANGEL) vote against us apparently both times.

Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, what seems to be happening here is a political sock hop; but instead of listening to old Elvis records, we are listening to old Democrat rhetoric. We are hearing it over and over again, over and over again.

The ranking member of the Committee on Ways and Means, 1996: "The only losers we have are the kids." The gentleman from New York (Mr. NADLER), 1996: "I am saddened for today it seems clear that this House will abdicate its moral duty." The president of NOW, who I do not quote very often, again denounced the plan in 1996.

It is the same group over and over again saying not this bill, not this time. But look what happened. Much to their, I guess, chagrin, they are spending on TANF and child care up to $15,888 compared to 1996 where it was $6,900. The number of cases has dropped from 4 million to 2 million, cut in half; and the number of welfare caseloads has fallen from 14 million to 5 million.

Welfare reform works. Just ask Tanya who was on public assistance and now is buying her new home. I wish that we could get some good bipartisan support instead of the old Democratic rhetoric.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. CARDIN) has 4 minutes remaining. The gentleman from California (Mr. THOMAS) has 1 minute remaining.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1¼ minutes to the gentleman from California (Mr. BECERRA), who is one of the co-authors of the substitute.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time.

It seems that too often the 435 Members of this body forget about the real world. We, fortunately, are paid well. We are cared for by our government, and we all try to do the same for our constituents; but somehow this particular bill that is before us forgets about that, because somehow it talks about helping a woman who for the most part is short on education or short on training and expects her to go out to work and earn a wage that will compensate her so she can feed her family because she has got kids, because otherwise she would not be on welfare, and let her survive the daily grind of living well at $16,000, let me tell my colleagues, which is probably what most of these women will be making, $16,000, $20,000, who are going to be putting about a third of that money into day care and a third of that into housing and the rest in food.

They do not have money for health care, they do not have money for any expectancies of life, and what is going to happen is these women will be right back in welfare because this Republican welfare bill does nothing to deal with reality.

My colleagues need to have flexibility. If we had 50 votes here from the Governors of our Nation, they would vote against this bill. My colleagues need to pay for unfunded mandates, and they need to deal with the realities that children must be cared for. No mother is going to let her kid go out there and not be cared for. This bill should not pass. Vote for the substitute.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), one of the co-authors of the substitute.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

I am from one of the States that was involved with welfare reform 5 years before the Federal action, and we made real progress. We made real progress, not with unfunded mandates from the Federal Government, which the bill would be, not with goofy work requirements that are rejected by virtually all the Governors, Republicans and Democrats alike, and not by underfunding child care. That is why there is no enthusiasm for the Republican alternative from our Nation's Governors, whether they are Republican or Democrat.

I strongly urge support for the Democratic substitute which speaks to continuing the strong parts, strengthening the opportunities for child care, rejects the notion of more unfunded Federal mandates, and does not play fiscal roulette with the program at a time when

States are slipping into fiscal disarray across the country.

That is not a prudent step. I strongly urge support for the Democratic alternative.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 15 seconds to the gentleman from New Jersey (Mr. HOLT), and I regret we do not have more time.

Mr. HOLT. Mr. Speaker, empowerment is a word that has become a cliche, but that is what this is about. The bill before us today does not empower people to become self-sufficient. This bill will result in more, not fewer, people ending up in poverty.

I support strongly the substitute amendment, and I urge my colleagues to oppose the underlying bill.

Mr. Speaker, the percentage of Americans on public assistance today—about 2.1 percent—is at its lowest since 1964. The percentage of working recipients is also at its highest ever—at about 33 percent—and according to the best figures available two-thirds of those who've left welfare since 1996 are holding down jobs. Despite those statistics, in many ways welfare reform is still an experiment in progress. We still do not know what happens to people who leave the welfare rolls. Are they working? Are they unemployed? Are they simply off the rolls? No one knows for sure. Another question is what are the factors that contribute to the ability of people to comply with the TANF work requirement?

There are good indications that the 1996 welfare reforms are helping disadvantaged individuals and society at large. We have an opportunity to build on the success of the 1996 welfare reform law, and to make it better; to do the things Congress should have done before. Congress should resist attempts to relax TANF's time limits and work requirements. That means continuing ambitious work and job retention goals while also increasing financial incentives and rewards for those who succeed. We must keep in mind that the goal of welfare is to create productive self-sufficient citizens. There are a number of things we must do to see that people on welfare can and do meet these stronger requirements.

As we go through this reauthorization process it is vitally important that we improve the research and data reporting in TANF. In order to make informed decisions on the direction that TANF and CCDBG should take we need more information on the issue. I offered an amendment in the Rules Committee to begin this process. However, they refused to make it in order.

While maintaining pressure on the states to move people from welfare to work, the renewed TANF should also help families move up the job and income ladders. We should consider a number of amendments to help do this. We should eliminate the caseload reduction credit and phase in an employment credit. For each 1 percent of the caseload that obtains employment, the work participation rate would be reduced by 1 percent. In addition, there would be extra credit for recipients who obtain higher paying jobs. That is a good step.

Another way of assisting families in moving up the income ladder is giving individuals the tools to get a good job. This should be a job with the potential for advancement not a dead-end make-work job. This is the best way to ensure that families will not return to the welfare roles. In order for them to obtain quality jobs we need to provide the training for individuals to qualify for them.

We must also provide the resources for parents to achieve these work requirements. First and foremost this means providing funding for quality childcare. A parent will not make a reliable employee if she is concerned about the quality of her child's care, or cannot get childcare at all. This cannot be over-emphasized. For a positive change in our society welfare recipients must have real jobs that uplift their self-sufficiency and if children are going to have the care and attention they need to grow positively, we must have programs of adequate childcare. The bill before us today does not have adequate programs.

Finally Mr. Speaker, I hope that we will provide the states with the kind of resources and flexibility that has allowed welfare caseloads to fall by 57 percent since 1996. It is not achieved by simply allowing states to do what they want or by eliminating a national safety net for people who need help. Our action on the floor today is not the end of the process aimed at having all Americans support themselves and contribute to our common economy.

I urge my colleagues to support the substitute of Mr. CARDIN, and if that should fail, I urge them to oppose the bill before us today. This bill likely will result in more not fewer people trapped in poverty.

And I must express outrage at how this has been handled. This afternoon the House will go into recess for an awards ceremony. Nearly everyone here has supported and does support that award, but no member should have the nerve to tell us or the public that there just wasn't time to debate and vote on amendments to his major bill on welfare reform, to improve education, childcare, or to gather data.

Mr. CARDIN. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I join my colleagues in urging support for the Democratic substitute in opposition to the base bill for one simple reason, and that is, we cannot ask of a single parent on welfare that they leave their children without adequate child care. Yes, we need to move them to work; and yes, we need to increase the level of that work, but we cannot leave their children out in the street.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I might, I am going to first urge my colleagues to support the substitute. If my colleagues believe in flexibility on education, if they believe States should have the resources and they think we should have fairness to our immigrants, our only opportunity will be this vote.

Mr. Speaker, I yield the balance of our time to the gentleman from Michigan (Mr. LEVIN), one of the co-authors of the substitute.

Mr. LEVIN. Mr. Speaker, I want to say a word about a difference in terms of the employment credit. What the Republican bill does is essentially ignore the important goal of welfare reform, and that is giving incentives to the States to help people move off of welfare into productive work. Instead, their focus is on keeping people on welfare, working even in makeshift jobs. That is a stark difference.

I want to close by saying a word about the very partisan nature of this discussion. My colleagues have forfeited the opportunity to work together to fashion a bipartisan bill, forfeited it. The employment credit is in the Senate bill on a bipartisan basis. They have thumbed their nose at every bipartisan effort. They have thumbed their nose at the efforts of the Clinton administration. They have twisted that legacy. My colleagues also twisted the efforts of Democrats 5 and 6 years ago to move ahead welfare reform in the right direction. Fortunately, there is a Senate to correct the hopelessly partisan effort of this majority.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield the remainder of the time to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on Agriculture, who with their contributions in terms of the food stamp component of this bill have made a significant contribution to make sure that Americans in need have those needs met.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for his good work.

I rise in strong opposition to this substitute and in strong support of the bill.

In 1995, this is what the current Democratic whip said about welfare reform: "I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass." It did pass. It was signed into law by President Clinton. Here is what happened.

Children in hunger went down from 4.5 million to 2.5 million since that time. Black children in poverty went from 42 percent. Of all black children in 1970, rose, rose to nearly 50 percent, and then when this bill was put into effect in 1995, dropped to about one-third of all children, black children.

Welfare caseloads dropped precipitously from 12 million to about 6 million. Welfare reform works: 4.2 fewer million Americans today live in poverty than in 1996; 2.3 million fewer children live in poverty today than in 1996, including 1.1 million African American children.

Build on that success by passing this bill which promotes work, improves a child's well-being and promotes healthy marriages and all families. This is a good bill. Support it.

This welfare reform bill includes provisions for additional state flexibility so that Governors may coordinate welfare programs. The food stamp program is one of the qualified programs under this state flexibility provision, which will allow the Secretary of Agriculture to waive portions of the Food Stamp Act as long as she maintains that all benefits are used for food, as in the current food stamp program. To ensure the integrity of the program states must also complete quality control reviews and cannot expand the food stamp program eligibility standards.

Additionally, the Secretary of Agriculture will be allowed to approve 5-year block grant demonstration projects for up to 5 states. The block grant will promote a competition for excellence among states. Eligible state plans must include a description of the eligibility rules to which a State would adhere when providing assistance. The competition among states would boil down to the selection of states with innovative management plans, quality of program proposals and maximizing benefits to people in need. As in the food stamp state flexibility portion of this bill, states must retain the current law that mandates that all benefits must be used for food.

The temporary assistance for needy families (TANF) program has shown that block grants work. Critics' assumed that the states cared less than people in Washington. States have proven the critics wrong with regard to their successful implementation of this program. The American Public Human Service Association has testified that the continued state success is contingent upon "maintaining and enhancing the flexibility of the TANF block grant." The time has come for us to take the first steps in allowing the same successes to be made with the food stamp program.

This is a small stamp for the food stamp program because only 5 states will be allowed to operate a food stamp block grant. It is up to the Secretary of Agriculture to approve those states asking for a block grant. I expect that the Secretary will seize this opportunity to challenge states to design food stamp programs that will be effective, efficient and ease the burdens of families applying for food benefits and the people who administer the program.

States have proven over the past 5 years, even to the most hardened skeptics, that they can operate good public assistance programs that meet the test of providing what needy families need most—the ability to get and keep a job and provide for their families. We are asking that these same people in the states, at least 5 of them, are able to provide this same proof to skeptics of food stamp block grants.

In addition to these food stamp provisions, I support the bill's flexibility for states. This Bill offers our states more flexibility and allows them to make these welfare programs more efficient by allowing states and localities to combine certain program requirements so they would have to submit only one application. I urge my colleagues to support this bill as it continues welfare as a temporary alternative and not a permanent crutch for folks who are on hard times.

Mr. BENTSEN. Mr. Speaker, I rise in opposition of H.R. 4737, the "Personal Responsibility, Work and Family Promotion Act," the Republican attempt at reforming the current welfare system. Since we enacted welfare reform in 1996, a number of issues have been brought to the forefront of the welfare reform debate including, job training, work requirements, funding, legal immigrant assistance, and poverty reduction, all of which H.R. 4737 fails to adequately address. I believe the true measure of the success of welfare reform is in our ability to reduce poverty and to move recipients off of welfare and into long-term employment. The Cardin Substitute, which I strongly support, builds on the success of the 1996 welfare law by requiring welfare recipients to move toward employment, while providing the resources necessary to escape poverty, to move up the economic ladder.

H.R. 4737 places a huge unfunded mandate burden on the states, while at the same time significantly limiting the flexibility of states to develop their own approaches to moving people off welfare. If enacted over 80 percent of the states will have to implement fundamental changes to their current welfare program The provisions in this bill will cost states an estimated $8.3–11 billion dollars by 2007, almost four times what the Republican bill provides, at the same time states are facing large budget cuts and enormous budget deficits. Under H.R. 4737, the State of Texas alone, would have to provide over $688 million to support such mandates, ultimately forcing the state to either raise taxes or cut benefits.

Mr. Speaker, I also oppose H.R. 4737 because it jeopardizes our ability to protect America's children, by merely providing an additional $2 billion dollars for mandatory child care. H.R. 4737 also imposes major new work requirements on recipients, but made no progress toward reducing the severe child care shortage. The so-called "increase" that its proponents are touting provides only enough money to cover inflation, costing the states an additional $3.8 billion in child care cost. This bill also unfairly continues the existing ban on providing assistance to legal immigrants.

Since the enactment of the 1996 welfare law's, millions of previously dependent families joined the labor force in unprecedented numbers as caseloads fell by more than half and the percentage of working recipients rose to historic heights. However, as one who supported the 1996 reforms, I believe there is a point where we need to accept that those remaining on welfare are likely to be the hardest to place in jobs due to a lack of education, training, or available child care. Mr. Speaker, there is a better way. My colleague from Maryland, Mr. CARDIN has put forth an alternative that focuses on providing opportunity, demanding responsibility and reflect the approach that work itself is the fastest and most effective means of preparing recipients for self-sufficiency. Yet the H.R. 4737 fails to recognize this reality. The Cardin Substitute, provides states with the flexibility and freedom to develop programs which allow recipients to count education and training, including post-secondary training toward participation rates for up to 24 months. this bill raises the bar on the work requirement and provides the states with the resources to meet these challenges by providing an additional $11 billion for mandatory child care funding over five years to meet the work requirement. By requiring those who can work to do so, we recognize the dignity of all labor and the moral imperative of self-reliance. We should insist on work for it's instructional value—it is the only certain route out of dependence and poverty. Additionally, this bill removes the ban on states serving legal immigrants with Federal TANF funds, eliminates the ban on providing Medicaid to pregnant women and children, and it restores Supplemental Security Income (SSI) benefits for disabled legal immigrant children.

The Cardin substitute rewards self-sufficiency and gives families the help they need to successfully move from welfare to work. It is the responsibility of Congress to build on the successes of the 1996 welfare law's and to ensure that low-income families are given a legitimate opportunity to move out of poverty. For this reason, I urge my colleagues to support the Cardin Substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in opposition to the Republican bill.

My home state of Massachusetts has operated a successful welfare program, utilizing a waiver in order to focus mandatory work activities on families without major barriers to work. Through this, we have succeeded in moving most of these families into employment. The current caseload is barely half of what it was before state welfare reform began.

Despite this success, three-quarters of those remaining are families with serious barriers to employment, including a disability or the need to care for a disabled child.

Massachusetts and other states need the ability to decide what is the approximate mix of services and activities in order to move welfare families from poverty to self-sufficiency. Unfortunately, this bill reduces state discretion.

Further, I believe this bill falls short in helping teen mothers break the cycle of welfare and poverty. While only 6 percent of the caseload in my home state of Massachusetts consists of teen parents, historically about 50 percent of welfare mothers started parenting as teenagers. While the 1996 law set strong goals for teen parents, this bill fails to make some modest improvements which would help these families break out of welfare dependency.

I urge my colleagues to oppose the bill and support the Democratic alternative.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 4737 and in support of the Democratic substitute. It is imperative that we provide families with the necessary ingredients to produce self-sufficiency and job stability. The Democratic substitute accomplishes this important goal.

I supported welfare reform under the Clinton Administration and these reforms have been effective in cutting our welfare rolls in half. In my home state of Illinois, the number of welfare recipients has been reduced by 74 percent over the past five years. However, H.R. 4737 will undo the successful strategies states now employ to move Temporary Assistance to Needy Families (TANF) recipients to jobs. While H.R. 4737 is well intended, I am concerned that we will undermine the law's stated goal of ending dependence on government assistance if we do not have adequate resources available for safe and affordable childcare, transportation, and healthcare. The legislation provides no help to states in implementing the new work requirements, which I support, and does nothing to extend childcare to the estimated 15 million children who are currently eligible for such assistance, but lack coverage because states do not have the necessary resources.

The Democratic substitute maintains state flexibility, focuses on real work, and helps families escape poverty and achieve permanent employment. It increases childcare funding by $11 billion over 5 years so that the tough work requirements can be met without harming the children of those receiving benefits. This substitute does not impose massive new mandates on states and work requirements on impoverished mothers without the assistance necessary to make welfare reform work.

Mr. Speaker, although I support responsible welfare reform, the Republican proposal is not sufficient. I do not want to see the federal government take a step backward in our effort to reduce the welfare rolls. For these reasons, I oppose H.R. 4737 and support the Democratic substitute.

The SPEAKER pro tempore. All time for debate on the substitute offered by the gentleman from Maryland (Mr. CARDIN) has expired.

Pursuant to the order of the House of yesterday, further proceedings on H.R. 4737 will be postponed until later this afternoon.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

COMMUNICATION FROM THE HON. NANCY L. JOHNSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY L. JOHNSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2002
Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, nor is it consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,
NANCY L. JOHNSON,
Member of Congress.

COMMUNICATION FROM THE HON. DAVID L. HOBSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAVID L. HOBSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2002.
HON. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, nor is it consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,
DAVID L. HOBSON,
Member of Congress.

COMMUNICATION FROM THE HON. PORTER J. GOSS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PORTER J. GOSS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2002.
HON. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, nor is it consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,
PORTER J. GOSS,
Member of Congress.

APPOINTMENT OF MEMBERS TO UNITED STATES DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 U.S.C. 276d and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the United States delegation of the Canada-United States Interparliamentary Group:

Mr. HOUGHTON, New York, Chairman
Mr. GILMAN, New York
Mr. LAFALCE, New York
Mr. SHAW, Florida
Mr. LIPINSKI, Illinois
Ms. SLAUGHTER, New York
Mr. STEARNS, Florida
Mr. MANZULLO, Illinois
Mr. DAN MILLER, Florida
Mr. SOUDER, Indiana
Mr. ENGLISH, Pennsylvania

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 U.S.C. 276h, notwithstanding the provisions of that section regarding the chairmanship, and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE, Arizona, Chairman
Mr. DREIER, California
Mr. STENHOLM, Texas
Mr. BARTON, Texas
Mr. DOOLEY, California
Mr. PASTOR, Arizona
Mr. FILNER, California
Ms. ROYBAL-ALLARD, California
Mr. CANNON, Utah
Mr. REYES, Texas
Mr. TANCREDO, Colorado
Mr. UDALL, New Mexico

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-211)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2001.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 16, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–212)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 16, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1516

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 16 minutes p.m.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, May 15, 2002, proceedings will now resume on the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

The Clerk read the title of the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARDIN

The SPEAKER pro tempore. Pending is the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 422, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 168]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Sabo
Sánchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton
Buyer
Combest
Davis, Tom
King (NY)
Lampson
Mascara
Millender-McDonald
Murtha
Norwood
Pombo
Shows
Tanner
Traficant

□ 1540

Messrs. NUSSLE, OTTER, TIBERI, CUNNINGHAM, MORAN of Kansas, GARY G. MILLER of California, WATKINS of Oklahoma, COX and RUSH and Mrs. NORTHUP changed their vote from "yea" to "nay."

Mr. GONZALEZ changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SHOWS. Mr. Speaker, I was away from the House floor on official business on Thursday, May 16, 2002, and was unable to cast a recorded vote on rollcall 168, the Cardin substitute to H.R. 4737. Had I been present, I would have voted "yea."

Ms. MILLENDER-MCDONALD. Mr. Speaker, I ask that the RECORD reflect that on rollcall 168, had I been here, I would have voted "yea." I was detained by my constituents, and therefore, I was unable to get to the floor in time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MALONEY OF CONNECTICUT

Mr. MALONEY of Connecticut. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MALONEY of Connecticut. I am opposed, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MALONEY of Connecticut moves to recommit the bill (H.R. 4737) to the Committee on Ways and Means, with instructions to report the bill back to the House promptly, with the following amendment:

Strike section 208 of the bill and insert the following:

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $3,967,000,000 for fiscal year 2003;

"(H) $4,467,000,000 for fiscal year 2004;

"(I) $4,967,000,000 for fiscal year 2005;

"(J) $5,467,000,000 for fiscal year 2006; and

"(K) $5,967,000,000 for fiscal year 2007.".

Mr. MALONEY of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut is recognized for 5 minutes in support of his motion.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to H.R. 4737 in its current form. The bill the proponents have brought to the floor today is totally inadequate in regard to family child care.

H.R. 4737 puts families in an entirely untenable position between their desire and need to work, on the one hand, and their need for quality child care during their working hours on the other hand. In addition, the bill places very costly unfunded mandates on the States.

Currently there are 15 million children in America who are eligible for child care assistance but lack coverage because States do not have the financial resources. Many States are facing budget deficits arising from the recession of 2001–2002.

In my home State of Connecticut, for example, the government is already experiencing a deficit in excess of $500 million, and, accordingly, child care assistance for low-income families who have been off welfare for 2 years or more has already been frozen. Even worse, as of June 1, Connecticut will no longer be able to provide child care assistance to families just leaving welfare. Regardless of income, they will not receive any child care assistance at all.

The unfunded mandates created in this bill add to the States' child care burden without providing the resources required to meet this critical need. Indeed, the child care funding in H.R. 4737 is barely enough to keep up with inflation, never mind provide for the roughly 35 percent increase in work hours called for in this bill.

CBO estimates that the unfunded mandates in this bill will require States to spend an additional $11 billion over the next 5 years. Of that, $3.8 billion is mandated for child care, four times more than the proponents are willing to provide. Connecticut's share will be $66.5 million over 5 years, substantially adding to Connecticut's deficit.

The bill's proponents say that they support child care, but their rhetoric is meaningless when they do not provide the necessary resources.

□ 1545

Without providing more money for child care, this bill will actually keep families and States from meeting the new child welfare requirements and, most regrettably, keep families from getting off and staying off welfare, defeating the very purpose of this legislation.

I supported the original passage of welfare reform in 1996. Work requirements are not the issue. The issue is more work requires more child care. Yet what the proponents ask is more work without child care when every working family knows they need child care if they are going to work. My motion to commit would help more working families afford quality child care.

I support strengthening work requirements, but we must provide families with appropriate child care resources to allow parents to increase their time at work without leaving a child at home alone. I urge my colleagues to vote "yes" on this motion to recommit so that the bill can be returned to us containing the child care funding our families and our States so clearly need.

Mr. Speaker, I yield the remaining time to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we need to send this bill back and report a new one out that really meets the child care needs of families struggling to escape poverty. The Republican bill ignores the fact that only one in seven of the children in this country who need child care are actually getting it. Their proposal sorely underfunds child care at a time when States are faced with huge deficits and waiting lists go on. In fact, I have a list here that says in my own State of California, 280,000 children are now awaiting child care services, and the list continues to grow daily. States are crying out for support and for help in this matter.

How can my friends on the other side of the aisle turn their backs on these children and these families? I urge them to recognize the child care needs of working families and increase child care funding by $11 billion over a 5-year period by voting for this motion to recommit. Voting for this motion will serve an additional 2 million children by the year 2007.

Let us be clear. Let us be clear. Caring for children is not a partisan issue. It does not matter if one has an R or a D behind their name. It is about the kids. It is about the future of our economy and getting these working mothers back on their feet. These mothers want to work. Let us help them get there.

In conclusion, I would just state that I would hope that my friends on the other side of the aisle would understand that the women that I see on welfare now want to have that dignity and respect. Will my Republican colleagues not allow them to have the courtesy to have funding so that when they do choose to spend 40 hours or 35 hours at a work site, that they do not have to leave those children with someone or somewhere that is not a qualified child care center?

Mr. Speaker, I think our children and our families deserve a break and I think now is the time to do it. In fact, many of our Governors across this country support the notion of providing more funding for child care.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I will tell my colleagues I will not take 5 minutes.

We have heard a lot of numbers thrown around. Let me provide my colleagues an accurate picture of exactly what is going on.

As of September of last year, granted it was September of 2001, there was $7.4 billion of TANF money under my committee's jurisdiction that had not been spent. In this legislation we said, you can use whatever is left for child care. As a matter of fact, if you examine this legislation and you utilize TANF money and if the comments of the gentleman from Connecticut and the gentlewoman from California are accurate and the States wish to use the TANF money for child care, they have available $170 billion for child care if they choose to make that decision.

Now, what my colleagues are saying is that they want to put $11 billion additionally in the bill. What my colleagues need to know is that there is $24 billion in this bill already. What we have advocated is taking it to $27.4 billion. They are advocating taking it to $35 billion.

The difference between our position and their position? Ours is paid for and theirs is not. If my colleagues want to fund a program that is not paid for, vote for their motion to recommit. If my colleagues want to have a responsible and appropriate program that is paid for, vote "no" on the motion to recommit and vote for the passage of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MALONEY of Connecticut. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 9, as follows:

[Roll No. 169]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—219

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Buyer
Combest
King (NY)
Lampson
Mascara
Murtha
Pombo
Tanner
Traficant

☐ 1609

Mr. GREENWOOD changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARDIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 197, not voting 9, as follows:

[Roll No. 170]

AYES—229

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox

Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Buyer
Combest
King (NY)
Lampson
Mascara
Murtha
Pombo
Tanner
Traficant

☐ 1620

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4737, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Clerk have the authority to make technical and conforming changes in the engrossment of H.R. 4737, the bill just passed.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO INSERT CORRESPONDENCE FROM COMMITTEE ON WAYS AND MEANS AND COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to insert into the RECORD the correspondence from the Committee on Ways and Means and the Committee on Education and the Workforce regarding jurisdictional matters on H.R. 4737, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEAR MR. SPEAKER: We are writing concerning H.R. 4090, the "Personal Responsibility, Work and Family Promotion Act of 2002," reported by the Committee on Ways and Means, and H.R. 4092, the "Working Toward Independence Act of 2002," reported by the Committee on Education and the Workforce. H.R. 4090 receives a sequential referral to the Committee on Education and the Workforce and H.R. 4092 receives a sequential referral to the Committee on Ways and Means.

As you know, the substance of H.R. 4090 and H.R. 4092 have been merged in H.R. 4737 along with provisions from the jurisdiction of the Committees on Energy and Commerce, Agriculture and Financial Services. H.R. 4737 will be proceeding directly to floor consideration without action by the committees of jurisdiction, while the Committee on Ways and Means and the Committee on Education and the Workforce will be discharged from our sequential referrals on H.R. 4092 and H.R. 4090 respectively. We are writing to confirm that this procedural course will not prejudice the jurisdiction of either Committee with respect to the appointment of conferees or jurisdictional prerogatives on this or similar legislation.

BILL THOMAS,
Chairman.
JOHN BOEHNER,
Chairman.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for next week.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Monday, May 20, at 12:30 p.m. for the morning hour and two o'clock p.m. for legislative business.

On Monday, I will schedule a number of measures under suspensions of the rule, a list of which will be distributed to Members' offices tomorrow. Recorded votes will be postponed until 6:30 p.m. on Monday.

On Tuesday and the balance of the week, I have scheduled the following measures: H.R. 3994, the Afghanistan Freedom Support Act of 2002, and the Supplemental Appropriations Act for fiscal year 2002.

Conferees are also meeting today on H.R. 3448, the Bioterrorism Preparedness Act; and if they are able to complete the conference report, I will likely schedule it for consideration next week as well.

Mr. Speaker, I might add parenthetically, we have a couple of other conferences that seem to be making progress; and should they complete any of their work, we would be advising people as soon as possible for any scheduling of that work, and I want to thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, I thank the distinguished majority leader for that report, and I just would like to inquire more specifically about the timing of some of these bills on the floor.

When will the bioterrorism conference report and the Afghan assistance bills be considered on the floor, more specifically?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry, and if the gentlewoman would continue to yield, we would expect that, if it is all ready to go, on Wednesday morning.

Ms. PELOSI. Wednesday morning for the bioterrorism conference report and then after that the Afghan aid?

Mr. ARMEY. Mr. Speaker, if the gentlewoman would continue yielding, I must caution her that that, of course, is assuming it is ready and then, of course, we would try to do Afghan as quickly thereafter as possible.

Ms. PELOSI. And the Afghan bill, I am sorry I just did not hear the ending?

Mr. ARMEY. Mr. Speaker, we would try to do that on Tuesday. The Afghanistan relief bill would be on Tuesday.

Ms. PELOSI. On what day would the supplemental appropriations bill be considered?

Mr. ARMEY. Mr. Speaker, again, I thank the gentlewoman for her inquiry, and if she would continue to yield, I just spoke to the chairman just minutes ago, and he has assured me he will be ready on Wednesday. We would expect it to be ready and expect it to go on Wednesday.

Ms. PELOSI. Would the gentleman shed some light on the kind of rule that that supplemental might be considered under.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for that inquiry; and quite frankly, I have no particular insight to share with her at this moment. This is an important piece of legislation. I am sure we are going to want to work with everybody regarding the rule, and I will try to find out more and advise her as soon as I can learn some more about it.

Ms. PELOSI. Mr. Speaker, the gentleman mentioned that there are some conferences going on now. Could the gentleman tell us what conference reports might also ripen by next week to come to the floor?

Mr. ARMEY. Mr. Speaker, if the gentlewoman would continue to yield, we have the State Department, bankruptcy, and there is one more from the Committee on Financial Services, the Ex-Im Bank; and I am told that it is likely the Ex-Im Bank might get completed.

Ms. PELOSI. Mr. Speaker, yielding further to the gentleman, I would like to know if there is any other legislation that the majority is considering for floor consideration next week.

Mr. ARMEY. Mr. Speaker, if the gentlewoman would yield, we are continuing to work with Members from both sides of the aisle on the Committee on Financial Services on the FDIC reauthorization bill. It does not seem to be controversial, and it is possible that could get scheduled for next week.

Ms. PELOSI. Would the gentleman tell us if there are going to be votes next Friday.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry. Friday being, of course, as the gentlewoman knows, the day we begin a very important district work period, insofar as we are capable of completing our week before that, we would expect not to. We must be prepared to work on Friday; but right now, I would attach a high probability to our completing our work on Thursday.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, MAY 20, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4163

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4163.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, with Senate amendments thereto, disagree to the amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to insist upon—

(1) the provisions contained in title I of the House bill (relating to a program to provide payments to States and units of local government for replacing and enhancing punch card voting systems); and

(2) the provisions contained in section 232 of the House bill (relating to the formula used to determine the amount of other payments made to States under the bill for carrying out activities to improve the administration of elections).

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

I want to continue to thank the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, who has been so incredibly important in getting us to this point. We passed a very good bill through the House. The Senate has now passed a bill which also, in my opinion, has some very good aspects. It will now be necessary to put those two bills together so that we might in a timely fashion enact election reform.

The effort to correct the problems that surfaced in the 2000 election has been in some respects a long, lean one and often a difficult one; but then, of course, Mr. Speaker, most worthwhile efforts are.

Today, as this House prepares to go to the conference with the other body, I am pleased to say that we are closer than ever to enacting the most comprehensive voting reform legislation since the Voting Rights Act of 1965.

The motion that I am offering today is intended to ensure that as Congress enters this final critical stage of election reform we do not forget to correct the very problem that sparked us to recognize the need for reform in the first place. I am referring, of course, to the infamous punch card machines and their accompanying chads, which were used by approximately one-third of all voters in this country in 2000, more than any other voting system.

My motion would instruct House conferees to insist on title I of the House-passed version of H.R. 3295, which authorizes $400 million for the buyout of punch card voting machines. Numerous authoritative studies issued in the past year, including one by MIT and CalTech have only confirmed what we all knew was the truth in November 2000, that punch card machines must be retired and replaced by a new generation of more accurate, more accessible and more user-friendly voting technology.

H.R. 3295, the Help America Vote Act, which this House passed last December by an overwhelming vote, recognizes that obsolete, poorly maintained punch card machines are a prime threat to our democratic process. Recognizing this threat, title I authorizes a $400 million punch card buyout program that will be available to those States and political subdivisions that used punch card machines in 2000. For States like Florida and Georgia, they have already begun replacing their punch card machines. Title I authorizes assistance in that effort.

□ 1630

Under title I, States or their political subdivisions will receive conditional grants of up to $6,000 for each voting precinct in which punch card machines were used in 2000. The motion also instructs the House conferees to insist on section 232 of the Help America Vote Act, which creates a simple, common sense formula for distribution of funds.

Mr. Speaker, I believe that this is a motion which has been agreed on by the chairman and myself. It does not obviously deal with all aspects on which there is some controversy. I expect us to discuss that in the conference, but I am expecting, as our relationship has been, where not only has the gentleman from Ohio (Mr. NEY) and I worked closely together, but our staffs have worked closely together, that we will reach an historic reform piece of legislation to ensure that every American not only has the right to vote, not only is facilitated in that vote, not only is encouraged and educated as to how to vote, but is assured that their vote will count.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this motion to appoint and the motion to instruct conferees on H.R. 3295, the Help America Vote Act of 2001.

An American citizen's right to vote is our Nation's symbolic cornerstone providing us with the solid foundation on which we built this country. When a person casts his or her vote at the polls on election day, there must be no question that it is counted properly and accurately and that no one is left behind.

As chairman of the Committee on House Administration, I want to commend the working relationship that began from day one when our ranking member, the gentleman from Maryland (Mr. HOYER), approached me about doing a bill. Of course, following a series of hearings, the ranking member and our chief deputy whip, the gentleman from Missouri (Mr. BLUNT), and members of the committee set out on a path together to craft a common sense solution to reforming the way Americans vote.

From the very beginning of the process, the ranking member and I, and the members of the committee and the staff, recognized that any legislative solutions must be bipartisan. The gentleman from Maryland set that tone, we agreed with it, and we all worked together, and that is what enabled what could have been an extremely horrific process to be something that had its give and take of debate but came out in a fair manner because the best interests of citizens in this country was the question that rose to the front of the table.

We worked with State and local officials, listened to experts, reviewed the work of commissions, including the National Commission on Election Reform, chaired by former Presidents Gerald Ford and Jimmy Carter. We then developed a legislative solution that included minimum Federal standards that each State must meet to ensure the integrity of our national election process. We also made certain that States be given time, flexibility and resources, which was a very important element in the discussion, so it did not become an unfunded mandate, to meet these standards. Last December, the House of Representatives passed H.R. 3295 by an overwhelming bipartisan vote of 362 to 63.

I would like to thank the National Association of Secretaries of State, the National Council of State Legislators, the National Association of Counties, the National Federation for the Blind, the Election Center, and the Ford-Carter Commission on Election Reform for their guidance support and endorsements during this process. The bill provides for $2.65 billion to implement provisional voting, statewide registration lists, new technical standards, and assurances that our overseas military personnel have access to the polls, which they so greatly deserve.

Let me say something about the money. Some people at the beginning of the process would come to us and talk about the cost. I really do not think that $2.65 billion, or the $3.2 billion in the Senate version, is too much to ask for confidence in our democracy. I think, in fact, it is a small price to pay. And as I have traveled around different parts of the country, a lot of American citizens want to feel that their vote counts, they want to feel that they are not left behind or disenfranchised.

We have also spent more money, frankly, overseas in promoting democracy in the election process, and that is fine, I do not quibble with that, but we can spend the money here.

Now, the bill goes beyond just a money expenditure. It is a well thought out and crafted bill, but the money is an important part of it, and I think it is an amount of money that the American people will feel very good about to have this process work.

The other body passed their version of election reform. Although there remains some differences between the two bills, I am totally optimistic that we will be able to resolve those differences. At the conclusion of this process, I can assure everyone that there will be provisions to guarantee every eligible citizen the right to vote and that only eligible citizens will be able to vote.

I look forward to the conference committee. I think that with the principals involved we are going to be able to work together in the best interests of the people of this country.

I want to again thank the gentleman from Maryland (Mr. HOYER), the gentleman from Missouri (Mr. BLUNT), members of the Committee on House Administration on both sides of the aisle, also the staff from both sides of the aisle, and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), for his unwavering support of the issue. We also met with the minority leader, the gentleman from Missouri (Mr. GEPHARDT), concerning the economic side of the language and also appreciate that cooperation.

As this bill moves through the legislative process, and I hope it moves quickly through the process, I look forward to working with every member of the general assembly to receive their input.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. CONYERS), one of the very senior Members of this

House, a Member who has risked literally life and limb on behalf of the right of Americans to vote. This is a Member who, long before I got to this House but throughout the years I have been in this House, for over 2 decades, has been one of the strongest voices for the civil rights of all Americans, the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentleman from Maryland (Mr. HOYER), for yielding me this time, and I am delighted to join both the chairman and the ranking member in thanking both of them for this process.

My colleagues, we have come a long way. It has been a long road, many issues, many hearings, many ideas, lots of witnesses, and 17 months have gone by. But the Congress has worked its will in a very important and remarkable way, and I am honored to be named a conferee.

I wish to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), who was working on this with me all the way, and the committee that did so much, under the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), to not only deal with standards and equipment and technical issues, but to determine that we needed resources and standards as well to go into this.

So what we are doing now is adding to the confidence that the American people, I think, were lacking in terms of the electoral process. It is important that we realize that a lot of people were disappointed and disgruntled, and that what we are doing now is adding to the constitutional basis for this very most singular voting right that a citizen has.

We are also filling in the Voter Rights Act of 1965 and a number of statutes that all complement it. What we have done is taken a problem and improved the process, and to that extent I am in complete agreement with Chairman NEY, who observed that the tone and objectives of the conferees make us all confident that we will be able to work this out and get it back to both bodies as soon as possible.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his comments and to tell him that I look forward to working closely with him for the strongest possible bill we can report back to the House and the Senate in a very short period of time.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me give strong commendation to the chairman and the ranking member, but particularly to Chairman NEY, who came to Congress with me in 1994. I am proud of his leadership of this committee and particularly of this bill.

As a Floridian and a Palm Beach County resident, we were embarrassed during the election. We were embarrassed because people felt that their ballots did not count. Whatever side of the coin a person was on, whether an Al Gore supporter or a George Bush supporter, no one's vote should have been called into question. No one should ever feel that their vote has been manipulated or denied. This bill brings us light-years forward in hoping to never revisit that time and that place again.

We are very proud that one of our own Floridians, a member of the delegation, the gentleman from Florida (Mr. DAVIS), was a proud working member and a participant in this product. Florida is thankful for his leadership. We are also particularly delighted that the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), provided the $450 million provided under the supplemental bill.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am glad the gentleman brought that up, because I want to share that not only the gentleman from Florida (Mr. YOUNG) but the gentleman from Illinois (Mr. HASTERT), the Speaker, both committed to the gentleman from Ohio (Mr. NEY) and I over 6 months ago that they understood the importance of this issue and they committed to put $650 million into the supplemental subject to the passage of this legislation.

There was only $450 million in this bill, but that was because we were so late in passing this bill. And I think $450 million is going to be sufficient certainly for certain portions of this bill. But I want to share the gentleman's view in thanking both Speaker HASTERT and Chairman YOUNG for their leadership and their support of getting that money in the supplemental. I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, reclaiming my time, I appreciate the gentleman's underscoring that, because as all of us know, it is easy to come up with an idea, but it is tough to come up with the money. And the gentleman just mentioned who was able to deliver for us: The appropriations process.

This is an important bill. It is a milestone effort in trying to create the inequities that were caused in the election. Florida felt put upon, but we were not the only State. There were many other jurisdictions that had similar voting irregularities. But because of the closeness in our State, all eyes and all attention were upon us.

This bill has the support of a wide bipartisan array of Members; 362 to 63 this bill passed in December. That is phenomenal in this process. National Association of Secretaries of States, Conference of State Legislators, National Association of Counties, I do not think there is a group that is involved with the recordation of votes that did not weigh in affirmatively on this unique product.

We also want to stress that it improves the integrity of the election process. It ensures voter lists are kept accurate and up to date. It ensures voters can correct errors in privacy. It ensures voters are not pressured by election officials. It requires every State to improve its election procedures by providing provisional voting, fully accessible voting machines for the disabled, and this was a very important point to reconcile. That was a great effort on behalf of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY). I want to salute them for recognizing that different people have different needs when it comes to the ballot box.

The legislation also safeguards and protects the voting rights of military voters and overseas citizens. This was another point of contention. We all, Democrats and Republicans, respect and revere those serving in our military and we equally share in wanting to see that every one of their votes counts. No party has a greater fundamental responsibility to ensure that, both parties do, and we have accepted that responsibility together.

We also have uniform standards for what constitutes a vote. That is a tremendous step forward. No longer will we assume a dimple, a hanging chad, a three-hanger, a two-hanger. There will be a standard so no one can question the validity of the outcome.

So again my high praise to both gentlemen, the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), to all the members of the committee, particularly the Members of Congress who allowed us to pursue this dream of making voting rights and voting responsibility synonymous. This bill, the Help America Vote Act of 2002, will ensure integrity, responsibility and the utmost accuracy in the process.

Mr. HOYER. Mr. Speaker, I am pleased to yield 7 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), who has done such an outstanding job in working on election reform, recognizing the problem and working to solve it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and let me offer the compliment to both the chairman and the ranking member on this very momentous occasion.

Truly, I have seen in the efforts of this committee on election reform, from the chairman and the ranking member, the finest work product of bipartisanship, recognizing that out of great pain we had to plunge forward.

□ 1645

Many of us watched the results that might have generated this emphasis. I listened to the gentleman from Florida (Mr. FOLEY), who indicated no matter what position a person took, there was a degree of embarrassment and also a degree of hurt.

That is because we believe in this country we believe one person, one vote. We saw things from a different perspective. We view things differently, from the people in Florida; but in our encounters with individuals, the greatest point they wanted to make was they wanted to be heard.

Mr. Speaker, this opportunity we have to go to conference is particularly important because it says to the American people, we have heard them; and this legislation offers an opportunity to improve the communication vehicle, the vote, that will then emphasize one person, one vote.

Let me also commend the gentleman from Maryland (Mr. HOYER) for his motion to instruct, a very important motion to instruct that asks that we hold to the provision, the buy-out provision, the punch card buy-out provision of $400 million, an extremely important aspect of what we are doing here today, to get rid of what made us ill, and to begin to move us into the 21st century in voting technology. This is an important instruction that I hope we will not step aside from.

This legislation, as we go to conference, creates standards, evenhanded standards, so there are some guidelines to be able to formulate the structures to reinforce or rebuild our voting system.

Also, participating on the Democratic Caucus Election Reform Task Force in hearings around the Nation, I actually heard people crying that they went to the polls with good faith and good intentions to vote. They had voted in years past. They had no intention to commit fraud or vote without documentation; but when they got there, their names were not written. Those of us who adhere to the Christian principles, we know there is something important to having your name on the roll. It was not there.

As we go to conference, I hope we will be concerned about the question of purging, and ask our Secretaries of State in those election offices of the States to find a way to notify individuals that their name may not be on the roll because they have missed a vote.

Mr. Speaker, I yield to the ranking member, who knows that I have raised this issue with him, and I have also mentioned it to the gentleman from Ohio (Mr. NEY). I would like to inquire regarding the interest of the committee on this question of purging of voters.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, of course the Voting Rights Act, obviously, and the Motor Voter Act provides for the removal of people who have died or are not otherwise eligible.

On the other hand, the gentlewoman raises an absolutely critical issue. The committee and the gentleman from Ohio (Mr. NEY) and I were very concerned about that. There are a number of provisions in this bill that deal with that issue. First of all, while we provide under Motor Voter removal of voters who are ineligible under State law, we have a provision that says that the States must take care not to remove persons who are in fact eligible.

Number two, there is a provision in the bill which provides for the adoption of a state-wide registration system so that we have a uniform system of keeping people on the roll and/or removing them. Obviously, some smaller jurisdictions have great difficulty having the technological capability to keep current, and they make mistakes. We hope to move them in that direction.

The third critical provision included in our bill and the Senate bill is the providing of an opportunity for a provisional balloting. That is a critical provision so when someone goes into the polling place, as happens in every voting jurisdiction in America, and their name does not appear, but they say to the election official, we should be registered, we are supposed to be registered, the election official will provide them with a provisional ballot that they will fill out. It will be kept separate and apart, and then in the succeeding days they will check to see whether that person is an eligible voter. If so, they will count that vote.

In all of those different ways we are trying to deal with that, but the gentlewoman raises an area of great concern to the gentleman from Ohio (Mr. NEY), to myself, and to the Senate conferees as well. I thank the gentlewoman for focusing on that point.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), the chairman, because he was certainly open to my concerns as I expressed them. I thank the gentleman from Maryland (Mr. HOYER) for enunciating those three points.

In conclusion, as we move to conference, if there is an opportunity to additionally talk about some form of a media campaign or announcement by our election officers to put people on notice as elections move forward for them to check, whether we say check to see whether you have been purged or check to see whether or not you are still on the roll, we may not get individual notice, and notice is so important so that people will not be surprised even though they have the right to provisional voting, which I think is excellent.

I will conclude by saying if the conferees will look to this whole question of notice as we move to conference, I think that will enhance the whole concept of the Voter Rights Act of 1965; and I will say, life is being added to that legislation through the process which has been made today.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. NEY). The gentleman is a delight to work with. He is open, fair, and wants to achieve the same objective that all of us do of having a system that works well, and as the gentleman from Florida (Mr. FOLEY) said, of every American's confidence that they have the right to vote, and their vote is counted accurately.

Mr. Speaker, I think this is a good motion, and I am looking forward to going to conference as quickly as possible so we can pass this legislation, which I think will be one of the hallmarks of the 107th Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. HOYER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

Messrs. NEY, EHLERS, DOOLITTLE, REYNOLDS, HOYER, FATTAH, and DAVIS of Florida.

From the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill, and section 404 of the Senate amendments, and modifications committed to conference:

Messrs. STUMP, MCHUGH, AND SKELTON.

From the Committee on the Judiciary, for consideration of sections 216, 221, title IV, sections 502, and 503 of the House bill, and sections 101, 102, 104, subtitles A, B and C of title II, sections 311, 501, and 502 of the Senate amendments, and modifications committed to conference:

Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Science for consideration of sections 221-5, 241-3, 251-3, and 261 of the House bill, and section 101 of the Senate amendments, and modifications committed to conference:

Mr. BOEHLERT, Mr. BARCIA, and Mrs. MORELLA.

Provided that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. BARCIA for consideration of sections 251–3 of the House bill, and modifications committed to conference.

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference:

Messrs. THOMAS, SHAW, and RANGEL.

For consideration of the House bill and Senate amendments, and modifications committed to conference:

Mr. BLUNT.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective May 16, 2002, I hereby resign my position on the Science Committee due to my permanent appointment to the Judiciary Committee.

Sincerely,

MIKE PENCE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the House Committee on the Judiciary, effective May 16, 2002.

Sincerely,

ED BRYANT, M.C.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol.

DEAR MR. SPEAKER: It is with deep regret that I must resign my position on the Science Committee, effective immediately. Though I have greatly enjoyed the hearings and briefings during my short time as a member of Science Committee, another committee position has opened up and I have accepted it.

On a personal note, I would like to commend Chairman Boehlert. It has truly been an honor to work with a Chairman so committed to his panel's work. In closing, I would also like to commend the Science Committee staff. They do an outstanding job and reflect very well on Mr. Boehlert's leadership. I would like to thank you for the assistance you have given and courtesy you have shown me as a freshman member.

With Kind Personal Regards, I am,

J. RANDY FORBES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 423) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 423

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Government Reform: Mr. John Sullivan.
Judiciary: Mr. J. Randy Forbes.
Science: Mr. John Sullivan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes.

PEACE TALKS IN CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to discuss the slow progress being made over the Cyprus conflict. Yesterday, United Nations Secretary-General Kofi Annan traveled to Cyprus to meet with both Cyprus President Clerides and Turkish-Cypriot leader Denktash in an attempt to speed up negotiations between the two leaders. Secretary Annan said he hopes an agreement can be reached between the two sides by the end of June.

Secretary Annan's pleas come during the same week that a high-ranking Turkish official said the time has come for Turkey to establish new proposals that would be based "on parameters which are acceptable by Europe and the international community." Turkish Deputy Prime Minister Yilmaz was also critical of Turkish-Cypriot leader Denktash saying "the proposals by Denktash are inadequate."

□ 1700

Mr. Speaker, in the past I have come to the House floor to voice my extreme displeasure over the way Denktash negotiates. Last year when peace negotiations were at a standstill, I criticized the Turkish side's well-known negotiation tactics that can best be described as nothing more than delay tactics. The Turkish side would agree to peace negotiations on the Cyprus problem only for the purpose of undermining them once they began and then blaming the Greek Cypriots for their failure.

In recent months, however, Mr. Speaker, hopes have been raised that a just and durable solution to the Cyprus problem can be reached and Cyprus President Clerides and Denktash have been meeting since the beginning of this year. The third round of these talks resumed last month. I am confident that the leadership of the Republic of Cyprus will continue to negotiate in good faith until a comprehensive settlement is reached as they have tried to do all along.

Mr. Speaker, I now hope the Turkish Cypriot leadership will listen to the statements of the Turkish Deputy Prime Minister and finally respond by putting aside its unreasonable and unacceptable demands and negotiate in good faith. The most effective way for Turkey to expedite its membership into the European Union is for the Nation to finally support Cyprus' own accession into the EU and to drop its threats of annexing the Turkish-occupied northern third of the island if Cyprus' accession occurs. Turkey could also help its cause with the European Union by listening to its own Deputy Prime Minister and undertaking new initiatives on Cyprus.

Mr. Speaker, given the instability in the adjacent region of the Middle East, now is a great time to heal the wounds in Cyprus that have been poisoning the relations between Greece and Turkey for nearly three decades. I am hopeful that the U.N. Secretary's visit to Cyprus and the statements of a high ranking Turkish official will move us closer to a just resolution of the Cyprus problem.

CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, the time has come for us to change our policy toward Cuba. Yesterday, 40 bipartisan Members of this House who comprise the Cuba Working Group, 20 Democrats and 20 Republicans, organized by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Massachusetts (Mr. DELAHUNT), released a set of policy recommendations designed to encourage a more rational, mature and sensible policy toward Cuba. As a member of that working group and as a longtime critic of U.S. policy toward Cuba, I wholeheartedly endorse the recommendations. They are sensible, they are mainstream, and they are an achievable set of policy goals for U.S.-Cuban relations. Among other things, the group urges a repeal of the travel ban imposed by the U.S. Government, which denies Americans the right to travel to Cuba.

Mr. Speaker, freedom to travel is a basic right for all Americans. It goes against our values to tell Americans that they cannot travel to certain destinations.

Further, Americans visiting Cuba in my opinion can help promote democratic values more than all the high-voltage speeches that are regularly delivered on this House floor. The group also calls for more normal relations with regard to exports of U.S. agricultural and medical products to Cuba by eliminating U.S. procedures and restrictions that make such activity virtually impossible. The group also urges better cooperation between our two countries in terms of controlling migration and in terms of combating drug trafficking. We also call for an end to the restrictive and counterproductive Helms-Burton law.

There are other recommendations in this report designed to encourage a better relationship between our two countries. The recommendations in this report should be implemented and are in the best interests of both the American and Cuban peoples.

Mr. Speaker, U.S. policy toward Cuba today is about as relevant as a little piece of the Berlin Wall that you can buy in gift shops. It is a relic of the Cold War that no longer serves any meaningful purpose. Our policy undermines the values and goals the United States cares about, values like freedom and open markets. Thank God for Jimmy Carter. He deserves our praise for speaking the truth about human rights to the Cuban government and the Cuban people and he deserves our praise for advocating the end of the misguided and ineffective U.S. embargo on Cuba. It is frustrating, in my opinion, that the Bush administration does not get it. It is frustrating that for all the rhetoric about democracy, the will of this Congress and the will of the American people to normalize relations with Cuba consistently gets trampled on.

Right here in this Chamber, we have on a number of occasions voted overwhelmingly to lift the travel restrictions now imposed on U.S. citizens, preventing U.S. citizens from being able to travel to Cuba. We have voted numerous times to lift that restriction. Yet in each instance mysteriously these provisions get lost in conference committees. It is wrong. The leadership of this House and indeed the White House should respect the will of the Members of this Congress.

Mr. Speaker, I would hope that the President would engage us in a real dialogue about our policy. The time has come for honest and forthright negotiations between the Congress and the White House on this issue. I fear, however, that next week the President will rattle the same old dusty sabers. He will show the same old unhealthy obsession with Fidel Castro. But he should know, Mr. Speaker, that there is a bipartisan majority in this Congress and there is a bipartisan majority in this country that will continue to advocate for some common sense.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometimes it is necessary to reflect on the day's legislative agenda to frame for yourself and your colleagues and the American people just what occurred. I am disappointed today to have to announce that what occurred today was both unnecessary and, as well, misguided. Today, the House debated welfare reform. It debated it in a rushed atmosphere that was completely unnecessary. First of all, the legislation, originally called H.R. 4700, now called today 4737, does not expire until September of 2002.

There was much debate on what occurred in 1996, when the President of the United States was named William Jefferson Clinton and welfare reform came to light in a larger forum. All of the numbers suggest that it was a success and we should continue on, and there is no debate on that. Certainly there were a lot of strides that were made with transitioning individuals from welfare to work. They were proud of that. In my own district, I know that I attended a number of graduation classes of individuals who had the ability to be in training programs that allowed them to develop skills to move them from welfare to work.

What one would think that we would do today, of course, would be to build on that success story, not tear it down. But I heard someone today on the floor say, you know, this is about tough love, get them out working 40 hours and that is what this is all about. But then I heard someone come back and say, this is about tough luck and tough loss. It is about condemning poor people, that they have no intent to improve themselves, that everybody on welfare is there purposefully and does not want to work and creates a deficit on society. That is not true. Many people have fallen upon hard times. Many people have had hard times in their early lives and the cycle is not broken.

I am so disappointed that we did not do something constructive today, that we did not increase the amount of dollars needed for child care. It is well known through a study that by the increased work that we are now requiring these young women to engage in, that there is a need for increasing child care dollars. In fact, in my own congressional district whenever I go home, young mothers will come to me and say that they are on the waiting list trying to get child care so that they can either go to school or go to work. We did not do that today.

In fact, in my own State, out of the passage of this Republican get-quick bill that did not need to be passed today, we are going to give the State of Texas, along with 50 other States, what we call unfunded mandates. In fact, the State of Texas will have $688 million over the next 5 years to fund this bill which is not funded. $344 million it is going to have to pay for child care, which it does not have, over the next 5 years, which is unfunded through this bill, and in the meantime in the State of Texas we are going to leave 37,000 women, parents, single parents, on the waiting list for child care. What a shame and what a sham.

If we had only been given the opportunity for those of us who are concerned about these issues to reasonably debate what these issues are about. Let me share with my colleagues some amendments that were cast to the side. First of all, if anyone is awake and alert they will know that the unemployment rate is going up. In many of our jurisdictions people are unemployed. That means the jobs, the make-work jobs, the jobs that we used to have in 1996 really are being competed for by those that do not have any work. I should know because I am obviously a victim in our community, in Houston, from terrible tragedies that have occurred, Tropical Storm Allison and in fact, of course, the unfortunate circumstances with Enron where I have got 4,000 of my constituents still laid off. And around the country. So, therefore, this should have been a serious debate.

Did anyone concern themselves about inflation and whether or not the welfare payments are for individuals taking care of children? Remember, this bill used to be Aid to Dependent Children. This is not the promotion to work bill, which none of us are afraid of. I have worked since I was 16 and many others have, but this is about protecting our children. The inflation factor, they did not want to add it. What about teenage parents? Of course we want parents who are mature. Of course we do not want teenage parents. But if you have them and they resort to welfare, would you not want them to have parenting skills and financial skills?

How to manage money? Is that not a simple request to add to this bill? It was totally discarded by my Republican friends. Then of course I have already mentioned the concern for more child care. We had a bill on the floor today, an amendment that would have provided us $11 billion more in child care so that the parents cannot only go to work and therefore get off of welfare completely or go to school and get the kinds of skills that would allow them to get off of welfare and not look back. I cannot imagine why these amendments were not accepted.

Also we have never had a study, Mr. Speaker, as I close, to find out whether welfare parents and the support they get will diminish child abuse and whether or not it allows them to permanently stay off of the welfare system. We could have done a better job. We could have done a better job on behalf of the American people, Mr. Speaker. I am disappointed we have not. I hope that we will come back to this question again.

CONGRATULATING DR. CARLA HAYDEN ON HER ELECTION AS PRESIDENT OF AMERICAN LIBRARY ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to congratulate Dr. Carla Hayden, a community leader and current executive director of the Enoch Pratt Free Library from my district in Baltimore, who has just been elected by a landslide to serve as the President of the American Library Association. She will be the second African-American woman to hold this very prestigious post in the association's 126-year history.

The American Library Association is the oldest and largest library association in the entire world. Dr. Hayden will serve as its President-elect beginning this July and then take over as President in July 2003. In this position, Dr. Hayden will lead an organization of more than 64,000 librarians, library trustees and library supporters. But what is most significant about this association is that it represents the hub of our communities. Libraries connect us to the world around us, help us reflect upon our past and open the doors to our future. All of us remember either visiting our local library or using the facility at school.

Libraries serve people in many ways. They enhance our quality of life by providing a quiet place to sit, read and learn. But that is not what libraries are all about. They are vital community centers that provide Internet access, family literacy classes, homework assistance, mentoring programs, English as a second language classes, job training and writing workshops.

In addition, today's libraries play a critical role in bridging the digital divide. Since Dr. Carla Hayden began to head the Baltimore Library System, which is known as the Enoch Pratt Free Library, the State of Maryland has stood as a national model for other libraries to build upon.

The Enoch Pratt Free Library has served Baltimore and the surrounding communities since 1882. In 1971, the General Assembly designated the Enoch Pratt Library as the Maryland State Library Resource Center because of its outstanding and diverse collection.

□ 1715

It was one of the first libraries that included all Members of the community. Today, Pratt Central Library is in the process of building an annex that will allow the library to be of greater service to the entire community. This new addition will house a Maryland Reading Room, an African American Reading Room, a public computer lab, and a SAILOR Operations Center, just to name a few.

Dr. Hayden was instrumental in establishing the SAILOR Project. The SAILOR Project is the Nation's first library data network with Internet access and an interlibrary loan system that provides Maryland residents access to information any time of the day from any location within the State.

Dr. Hayden is also known as a key player in advancing the E-Rate Program, which was included in the Telecommunications Act of 1996 and signed by President Clinton. This landmark legislation gave libraries access to Internet and information technology at discounted rates.

Dr. Hayden's nationwide experience will greatly contribute to her position as President of the American Library Association. One of Dr. Hayden's goals for the organization is to ensure equal access for all. After winning the election, Dr. Hayden said, "All people who seek knowledge, from birth to college, deserve opportunities for growth and exploration."

Prior to coming to Baltimore in 1993, Dr. Hayden served as the Chief Librarian of the Chicago Public Library System and taught graduate studies as assistant professor in the School of Library and Information Science of the University of Pittsburgh. Currently she is an adjunct faculty member at the College of Library and Information Services of the University of Maryland at College Park.

I continue to be especially impressed by Dr. Hayden's efforts to encourage minority students to enter the field of library science. Since the mid-1990s, she has chaired the American Library Association's Spectrum Initiative, a program that gives financial assistance to students working to obtain their Master's Degree.

Mr. Speaker, that is just one of the reasons that Dr. Hayden was recognized by Library Journal in 1995 as Librarian of the Year and was recognized as one of Maryland's Top 100 Women by Warfield's Business Record in 1996. She also has received the Legacy of Literacy Award from the DuBois Circle of Baltimore, the Andrew White Medal from Loyola College, the President's Medal from Johns Hopkins University and an honorary degree from Morgan State University.

In the words of media celebrity Tavis Smiley, Dr. Hayden stands out because she shows a passion for her work. "Life is too short," he says, "to not do something that you are passionate about." Dr. Hayden exemplifies that passion.

Again, on behalf of all the citizens of the Great State of Maryland and this Congress, we congratulate Dr. Carla Hayden. Baltimore is proud to have her serve in the role she now serves the Nation and, indeed, the world.

SAYING GRACE

The SPEAKER pro tempore (Mr. JIM MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCDERMOTT. Mr. Speaker, people often have the opportunity to do things which bring attention to themselves that they did not really expect, and one such person is a woman named Barbara Kingsolver, one of the most eminent authors in this country.

During the days after 9/11, she wrote a number of essays about what was happening in the United States and was, in some instances, very poorly received by people, and I think that, having met her and listened to her at the Physicians for Social Responsibility 2 weeks ago, I thought it would be good for the House to have an opportunity to think about Ms. Kingsolver's words.

The speech she gave there was entitled "Saying Grace," and it goes this way.

"I never knew what 'grand' really was until I saw the canyon. It's a perspective that pulls the busy human engine of desires to a quiet halt. Taking the long view across that vermillion abyss attenuates humanity to quiet internal rhythms, the spirit of ice ages, and we look, we gasp, and it seems there is a chance we might be small enough not to matter. That the things we want are not the end of the world. I have needed this view lately.

"I've come to the Grand Canyon several times in my life, most lately without really understanding the necessity. As the holidays approached I couldn't name the reason for my uneasiness. We thought about the cross-country trip we had usually taken to join our extended families' Thanksgiving celebration, but we did not make the airplane reservations. Barely a month before, terrorists attacks had distorted commercial air travel to a horrifying new agenda, one that left everybody jittery. We understood, rationally, that it was as safe to fly as ever, and so it wasn't precisely nervousness that made us think twice about flying across the country for a long weekend. Rather, we were moved by a sense that this was wartime, and the prospect of such personal luxury felt somehow false.

"I called my mother with our regrets and began making plans for a more modest family trip. On the days our daughters were out of school we would wander north from Tucson to visit some of the haunts I have come to love in my 20 years as a desert dweller, transplanted from the verdant Southeast. We would kick through the leaves in Oak Creek Canyon, bask like lizards in the last late-afternoon sun on Sedona's red rocks, puzzle out the secrets of the labyrinthine ruins at Wupatki, and finally stand on the rim of the remarkable canyon.

"I felt a little sorry for myself at first, missing the reassuring tradition of sitting down to face a huge upside-down bird and counting my blessings in the grand joyful circle of my kin. And then I felt shame enough to ask myself, how greedy can one person be to want more than the Grand Canyon? How much more could one earth offer me than to lay herself bare, presenting me with the whole of her bedrock history in one miraculous view? What feast could satisfy a mother more deeply than to walk along a creek through a particolored carpet of leaves, watching my children pick up the fine-toothed gifts of this scarlet maple, that yellow aspen, piecing together the picture puzzle of a biological homeplace? We could listen for several days to the songs of living birds instead of making short work of one big dead one, and we would feel lighter afterward too.

"These are relevant questions to ask in this moment when our country demands that we dedicate ourselves and our resources, again and again, to what we call the defense of our way of life: How greedy can one person be? How much do we need to feel blessed, sated and permanently safe? What is safety in this world, and on what broad stones is that house built?

"Imagine that you came from a large family in which one brother ended up with a whole lot more than the rest of you. Sometimes it happens that way, the luck falling to one guy who didn't do that much to deserve it. Imagine his gorgeous house on a huge tract of forest, rolling hills and fertile fields. Your other relatives have decent places with smaller yards, but yours is mostly dust. Your lucky brother eats well, he has meat every day—in fact, let's face it, he is corpulent, and so are his kids. At your house, meanwhile, things are bad. Your kids cry themselves to sleep on empty stomachs. Your brother must not be able to hear them from the veranda where he dines, because he throws away all the food he can't finish. He will do you this favor: He'll make a TV program of himself eating. If you want, you can watch it from your house. But you can't have his food, his house, or the car he drives around in to view his unspoiled forests and majestic purple mountains. The rest of the family has noticed that all his driving is kicking up dust, wrecking not only the edges of his property, but also their less pristine backyards and even yours, which was dust to begin with. He has dammed the rivers to irrigate his fields, so that only a trickle reaches your place, and it's nasty. You are beginning to see that these problems are deep and deadly, and you will be the first to starve and the others will follow. The family takes a vote and agrees to do a handful of obvious things that will keep down the dust and clear the water. All except Fat Brother. He walks away from the table. He says God gave him good land and the right to be greedy.

"The ancient Greeks adored tragic plays about families like this, and their special world for the fat brother was 'hubris.' In the town where I grew up, we called it 'getting all high and mighty,' and the sentence that came next usually included the words 'getting knocked down to size.' For most of my life, I have felt embarrassed by a facet of our national character that I would have to call prideful wastefulness. What other name can there be for our noisy, celebratory appetite for unnecessary things, and our vast carelessness regarding their manufacture and disposal? In the autumn of 2001 we faced the crisis of taking a very hard knock from the outside, and in its aftermath, as our Nation grieved, every time I saw that wastefulness rear its head I felt even more ashamed. Some retailers rushed to convince us in ads printed across waving flags that it was our duty, even in wartime, especially in wartime, to go out and buy those cars and shoes. We were asked not to think very much about the other side of the world, where, night after night, we were waging a costly war in a land whose people could not dream of owning cars or in some cases even shoes. For some, 'wartime' becomes a matter of waving our pride above the waste, with slogans that didn't make sense to me: 'Buy for your country' struck me as an exhortation to 'erase from your mind what has just happened.' And the real meaning of this I can't even guess at: 'Our enemies hate us because we are free.'

"I'm sorry, but I have eyes from which to see, and friends in many places. In Canada, for instance, I know people who are wicked cold in winter but otherwise in every way as free as you and me. And nobody hates Canada.

"Hubris isn't just about luck or wealth, it's about throwing away food while hungry people watch. Canadians were born lucky, too, in a global sense, but they seem more modest about it and more deeply appreciative of their land; it's impossible to imagine Canada blighting its precious wilderness areas with 'mock third-world villages' for bombing practice, as our Air Force has done in Arizona's Cabeza Prieta Range. I know how countries bereft of any wild lands at all view our planks for drilling in the Arctic National Wildlife Refuge, the world's last immense and untouched wilderness, as we stake out our right to its plunder as we deem necessary. We must surely appear to the world as exactly what we are: A nation that organizes its economy around consuming twice as much oil as it produces and around the profligate wastefulness of the wars and campaigns required to defend such consumption. In recent years we have defined our national interests largely in terms of the oil fields and pipelines we need to procure fuel.

"In our country, we seldom question our right to burn this fuel in heavy passenger vehicles and to lead all nations in the race to pollute our planet beyond habitability; some of us in fact become belligerent towards anyone who dares to raise the issue. We are disinclined as a nation to assign any moral value at all to our habits of consumption. But the circle of our family is large, larger than just one nation, and as we arrive at the ends of our frontiers, we can't possibly be surprised that the rest of the family would have us live within our means. Safety resides, I think, on the far side of endless hunger. Imagine how it would feel to fly a flag with a leaf on it, or a bird, something living. How remarkably generous we could have appeared to the world by being the first to limit fossil fuel emissions by ratifying the Kyoto Agreements, rather than walking away from the table, as we did last summer in Bonn, leaving 178 other signatory nations to do their best for the world without any help from the world's biggest contributor to global warming. I find it simply appalling that we could have done this. I know for a fact that many, many Americans were stunned, like me, by the selfishness of that act, and can hardly bear their own complicity in it. Given our societal devotion to taking in more energy than we put out, it is ironic that our culture is so cruelly intolerant of overweight individuals. As a nation we're not just overweight, a predicament that deserves sympathy; I fear we are also, as we live and breathe, possessed of the Fat Brother's mindset.

"I would like to have a chance to live with reordered expectations. I would rather that my country be seen as a rich, beloved brother than the rich and piggish one. If there is a heart beating in the United States that really disagrees, I have yet to meet it. We are by nature a generous people. Just about every American I know who has traveled abroad and taken the time to have genuine conversations with citizens of other countries has encountered the question, as I have, 'Why isn't your country as nice as you are?' I wish I knew. Maybe we're distracted by our attachment to convenience.

□ 1730

"Maybe we believe the ads that tell us the material things are the key to happiness, or maybe we are too frightened to question those who routinely define our national interests for us in terms of corporate profits. Then too, millions of Americans are so strapped by the task of keeping their kids fed and a roof over their heads that it is impossible for them to consider much of anything beyond that. But ultimately, the answer must be that as a Nation, we just have not yet demanded generosity of ourselves.

"But we could, and we know it. Our country possesses the resources to bring solar technology, energy independence, and sustainable living to our planet. Even in the simple realm of humanitarian assistance, the United Nations estimates that $13 billion above current levels of aid would provide everyone in the world, including the hungry within our own borders, with basic health and nutrition. Collectively, Americans and Europeans spend $17 billion a year on pet food. We could do much more than just feed the family of mankind, as well as our cats and dogs. We could assist that family in acquiring the basic skills and tools it needs to feed itself, while maintaining the natural resources on which all life depends. Real generosity involves not only making a gift, but also giving up something, and on both scores, we are well situated to be the most generous Nation on earth.

"We like to say we already are, and it's true that American people give of their own minute proportion of the country's wealth to help victims of disasters far and wide. Our children collect pennies to buy rain forests one cubic inch at a time, but this is a widow's might, not a national tithe. Our government's spending on foreign aid has plummeted over the last 20 years to levels that are, to put it bluntly, the stingiest among all of the developed nations. In the year 2000, according to the Organization of Economic Cooperation and Development, the United States allocated just .1 percent of its Gross National Product to foreign aid, or about one dime for every $100 in its Treasury, whereas Canada, Japan, Australia, Austria, and Germany each contributed 2 to 3 times that much. Other countries gave even more, some as much as 10 times the amount we do; they view this as a contribution to the world's stability and their own peace. But our country takes a different approach to generosity. Our tradition is to forgive debt in exchange for a strategic military base, an indentured economy, or mineral rights. We offer the hungry our magic seeds, genetically altered so the recipients must also buy our pesticides, while their sturdy native seed banks die out. At Fat Brother's house the domestic help might now and then slip out the back door with a plate of food for a neighbor, but for the record the household gives virtually nothing away. Even now, in what may be the most critical moment of our history, I fear that we may seem to be telling the world we are not merciful as much as we are mighty.

"In our darkest hours we may find comfort in the age-old slogan from the resistance movement, declaring that we shall not be moved. But we need to finish that sentence. Moved from where? Are we anchoring to the best of what we've believed in throughout our history, or merely to an angry new mode of self-preservation? The American moral high ground cannot possibly be an isolated mountaintop from which we refuse to learn anything at all to protect ourselves from monstrous losses. It is critical to distinguish here between innocence and naivete: The innocent do not deserve to be violated, but only the naive refuse to think about the origins of violence. A nation that seems to believe so powerfully in retaliation cannot flatly refuse to look at the world in terms of cause and effect. The rage and fury of this world have not notably lashed out at Canada, the Nation that takes best care of its citizens, or Finland, the most literate, or Brazil, or Costa Rica, among the most biodiverse. Neither have they tried to strike down our redwood forests or our fields of waving grain. Striving to cut us most deeply, they felled the towers that seemed to claim we buy and sell the world.

"We do not own the world, as it turns out. Flight attendants and bankers, mothers and sons were ripped from us as proof, and thousands of families must now spend whole lifetimes reassembling themselves after shattering loss. The rest of us have lowered our flags in grief on their behalf. I believe we could do the same for the 35,600 of the world's children who also died on September 11 from conditions of starvation and extend their hearts to the mothers and fathers who lost them.

"This seems a reasonable time to search our souls for some corner where humility resides. Our Nation believes in some ways that bring joy to the world, and in others that make people angry. Not all of those people are heartless enough to kill us for it or fanatical enough to die in the effort, but some inevitably will be, more and more, as desperation spreads. Wars of endless retaliation kill not only people, but also the systems that grow food, deliver clean water, and heal the sick. They destroy the beauty, they extinguish the species, they increase desperation.

"I wish our National Anthem were not the one about bombs bursting in air, but the one about the purple mountain majesties and amber waves of grain. It's easier to sing and closer to the heart of what we really have to sing about. A land as broad and as green as ours demands of us thanksgiving and a certain breadth of spirit. It invites us to invest our hearts most deeply in invulnerable majesties that can never be brought down in a stroke of anger. If we can agree on anything in difficult times, it must be that we have the resources to behave more generously than we do, and that we are brave enough to rise from the ashes of loss as better citizens of the world than we have ever been. We've inherited the grace of the Grand Canyon, the mystery of the Everglades, the fertility of an Iowa plain; we could crown this good with brotherhood. What a vast inheritance for our children that would be, if we were to become a nation humble before our rich birthright, whose graciousness makes us beloved."

Mr. Speaker, I hope all Members take the time to read this.

A TRIBUTE TO A WONDERFUL WOMAN

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the whole 60 minutes.

Mr. Speaker, every once in a while one of our colleagues here has a wife or a child or a husband that dies, and we express our condolences and we tell them how sorry we are; but our colleagues really do not know very much about those people who have passed on. If a Member dies, we have the flag on the Capitol that is lowered to half mast and Members fly out to the district for the funeral and there is a lot of attention paid to it. But behind the people in the Congress are husbands and wives and children that are never really known about, except when a tragedy occurs. They are there to help us get elected, to feed us, to bring us joy when we go home at night; but they do not get much attention.

Well, this is a picture of my wife. We were married 42 years. We laid her to rest yesterday morning. She was one of the most wonderful people that I ever met. I promised her before she died that I would make sure that she would at least be remembered as a footnote in history, if not a little bit more. I told her I would come to the floor and tell a little bit about her life, because it was a very interesting life.

She was born in Flat Creek, Kentucky, up in the mountains, the hills of Kentucky in a two-room shack. They had no water, running water, they had no plumbing, and they had no electricity. She and her grandmother and grandfather and her mother and her uncle lived in that two-room shack while she was a little girl. Her mother got pregnant and was not married, and her father would not marry her mother, so her uncle literally got on a horse, took the shotgun and went over to this guy's house and said, you are going to marry her or you are not going to come out of that house alive, so the proverbial shotgun wedding took place and he married my wife's mother, and he never lived with her again. He went to World War II and died while he was over there; not in combat, he died from some other kind of an illness. My wife's mother literally had a broken heart, because she was really in love with the fellow.

She contracted tuberculosis. When my wife was about 6 years old, her mother died of tuberculosis and then she was left to be raised by her grandmother and grandfather. Her uncle had gone to the war as well. Her grandmother, from taking care of my wife's mother contracted tuberculosis, and she likewise died.

So now my wife was about 7. She had a grandfather, and the uncle came back from the war and said, we cannot let this little girl stay in this house with just two men. So they took her to an uncle who was a superintendent of schools. He had a nice home in Kentucky, but his wife did not like the wildness of this little 7-year-old girl because she had never had any formal training or education, and she said she could not stand having her in the house, so they kept her for about 2 months and then they shuffled her off to another relative.

She went to the other relative who was called her Aunt Jackie who had two children of her own, and she lived there until she was about 17 years old, and she matured and she became a very pretty lady. She was very popular among her fellow students because she was very quiet and withdrawn. I think it was probably because of the toughness of her childhood. She became what was called the band sponsor. She was elected by her classmates, and she was very proud of that. But what they did not know was she had contracted tuberculosis from her grandmother, which had been in her body all of that time.

So in her senior year in high school, she had to go into a sanitarium in London, Kentucky; and she was there for about 6 months, pretty much by herself because they kept people pretty isolated in those days because they did not know how to cure tuberculosis. She did not do too well, so they sent her to Louisville, Kentucky, where she had half of one lung removed, and she was there for about another 3 or 4 months, and she was alone again. But she survived and she got better and then she moved to Cincinnati, Ohio, and lived with another aunt and went to secretarial school.

I was studying for the ministry at the Cincinnati Bible Seminary when I met her at the Westwood Cheviot Church of Christ, and I asked her out and we started dating, and 6 months later we were married. Marriages that take place in 6 months they say do not last too long. We were married 42 years. She was probably, if not the best, one of the best things that ever happened to me.

I ran for Congress four times before I got elected. If my colleagues know anything about spouses, they have to put up with the heartache, the pain, the financial losses and everything else when somebody runs for office. When you have a husband or a wife that runs and loses, you go through the pain with them. You go through the financial hardships with them. She did it once, twice, three times, and finally a fourth time.

I remember the last time I thought we were going to win and everything started going wrong, and I told her we would have to put some of our own money into the campaign, and I told her we would probably have to mortgage the little farm that I had bought and I sold my car and I took our savings in order to be competitive and ended up borrowing and everything else on my land and everything to the tune of $91,000. I never will forget what she said when I told her we were going to have to do that, because I said, I can either do that or get out of the race. She put her arms around me and she said, Don't worry, we can make more money. It was the fourth time.

Anyhow, we were successful; and now I have been in Congress 20 years, but I do not have her anymore. The thing that is interesting about it is, and I wish all of my colleagues were here to hear this, is one never really appreciates somebody like that until it is almost too late. Thankfully, we had the last year and a half together. We went to Germany and went to Florida and the State of Washington and every place we could to try to get her cured, but it was too late. She had metastatic colon cancer.

□ 1745

I would like to say to my colleagues, if you have not had a colonoscopy be sure to get one, because if we had done that earlier she probably would have survived. But nevertheless, we expect our spouse, our loved ones to be there when we go home at night. When we go away on a campaign trip we expect them to be there when we get back. We take them for granted, year in and year out, and we never think that one day we will come home and they will be gone.

Well, I would just like to say to my colleagues from one who knows there is a good possibility they will be gone. So whether you are in politics or whether you are not in politics, pay a little attention to your family and your kids and spend as much time with them as you can, because a car accident, cancer, something can come along real quickly and you will not have them any more and you will rue the day.

I remember I was talking to the gentleman from Illinois (Mr. HYDE), who lost his wife a few years ago. We did not talk about that much on the floor either. I was trying to console him and he said, I would give 2 or 3 years of my life just to walk around the block with her.

That is how hard it was on him, and that is how hard it is on me and my family right now. So I wanted to come down tonight and extol the virtues of a woman that I loved for 42 years. I did not treat her as well as I should have. She deserved a lot better but she was the best, the very best, and she will be missed. I hope that everybody takes a little inspiration from her because she was an inspiration to me, and I think she would be an inspiration to anybody who met her.

On her tombstone we are putting the words, "She was a wonderful wife and mother and an angel to everyone who knew her." And she really was.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of attending a funeral.

Mr. POMBO (at the request of Mr. ARMEY) for today through May 21 on account of attending an international conference in Japan.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. McGOVERN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Member (at the request of Mr. FOLEY) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, May 20, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6863. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 107–213); to the Committee on Appropriations and ordered to be printed.

6864. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $429 million Federal credit instrument for America West Airlines; (H. Doc. No. 107–214); to the Committee on Appropriations and ordered to be printed.

6865. A communication from the President of the United States, transmitting a request to make available funds for the Disaster Relief program of the Federal Emergency Management Agency; (H. Doc. No. 107–215); to the Committee on Appropriations and ordered to be printed.

6866. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Space Based Infrared System (SBIRS) High program exceeds both the 15 percent and 25 percent Nunn-McCurdy Average Procurement Unit Cost threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6867. A letter from the Director (FinCEN), Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Operators of a Credit Card System (RIN: 1506–AA28) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6868. A letter from the Assistant General for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Home Construction and Safety Standards: Smoke Alarms [Docket No. FR–4552–F–02] (RIN: 2502–AH48) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6869. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6870. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6871. A letter from the General Counsel, Frderal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7608] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6872. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—-Special Local Regulations; San Diego Crew Classic [CGD11–02–100] (RIN: 2115–AE46) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6873. A letter from the Acting Chief, Policy and Rules Division, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz [ET Docket No. 98–142] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6874. A letter from the Chief, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Fed. State Jt. Bd on Univ. Serv. [CC Doc. No. 96–45]; 1998 Biennial Reg. Rev. Streamlined Contrib. Rept. Req. Assoc. w/ Admin. of Telecomm. Relay Serv., N. Amer. No. Plan, Loc. No. Portability, & Univ. Serv. Supp. Mechanisms [CC Doc. No. 98–171]; Telecomm. Serv. for Indiv. w/ Hearing & Speech Disab., & the ADA of 1990 [CC Doc. No. 90–571]; Admin. of the N. Amer. No. Plan & N. Amer. No. Plan Cost Recovery Contribution Factor & Fund Size [CC Doc. No. 92–237, NSD File No. L–00–72]; No. Resource Opt. [CC Doc. No. 99–200]; Tel. No. Portability [CC Doc. No. 95–116]; Truth-in-Billing & Billing Format [CC Doc. No. 98–170] Received to the Committee on Energy and Commerce.

6875. A letter from the Acting Chief, Accounting Safeguards Division, Federal Communications Commission, transmitting the Commission's final rule—2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers [CC Docket No. 00–199] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6876. A letter from the Acting Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 15 of the Commission's Rules to allow certification of equipment in the 24.05–24.25 GHz band at field strengths up to 2500 mV/m [ET Docket No. 98–156, RM–9189] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6877. A letter from the Assistant Bureau Chief, Management, Federal Communications Commission, transmitting the Commission's final rule—Establishing Rules and Policies for the use of Spectrum for Mobile Satellite Services in the Upper and Lower L-band [IB Docket No. 96–132] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6878. A letter from the Senior Legal Advisor to the Bureau Chief, MMB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne Wells, Colorado) [MM Docket No. 01–250, RM–10273]; (Flagler Colorado) [MM Docket No. 01–251, RM–10274]; (Stratton, Colorado) [MM Docket No. 01–253, RM–10276] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6879 A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 02–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6880. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 04–02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6881. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 15–02 which informs the intent to sign Amendment Number Three to the Project Arrangement between the United States and Sweden concerning Trajectory Correctable Munitions, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6882. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 16–02 which informs of the intent to sign Amendment Number One to International Test And Evaluation Program For Humanitarian Demining (ITEP) Memorandum of Understanding (MOU) between the United States, Belgium, Canada, the Netherlands, Sweden, the United Kingdom, and the European Commission (represented by the Joint Research Centre), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6883. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 14–02 which informs of the intent to sign a Memorandum of Understanding (MOU) between the United States and the United Kingdom concerning Cooperation on the Future Development, Interoperability and Support of the CH–47 Chinook Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6884. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under contract to Australia [Transmittal No. DTC 028–01], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

6885. A letter from the Executive Secretary and Chief of Staff, Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6886. A letter from the Secretary, Department of State, transmitting a report in response to Section 418 of Public Law 107-56, USA-PATRIOT Act of 2001; to the Committee on the Judiciary.

6887. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Liquefied Natural Gas (LNG) Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, Alaska [COTP Western Alaska-02-007] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6888. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Port of Tampa, Tampa Florida [COTP TAMPA-02-024] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6889. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Boeuf, Louisana [CGD08-02-008] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6890. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, Eastchester Creek, NY [CGD01-01-182] (RIN: 2115-AE47) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6891. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Lawson's Creek and Trent River, New Bern, NC [CGD05-02-012] (RIN: 2115-AE46) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6892. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska-02-005] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6893. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09-02-008] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6894. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Youngs Bay, OR [CGD13-02-004] (RIN: 2115-AE47) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6895. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Chevron Conventional Buoy Mooring, Barbers Point Coast, Honolulu, HI [COTP Honolulu 02-002] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Lake Erie, Toledo, Ohio [CGD 09-01-136] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Patriots Weekend, Dockside Restaurant Fireworks Display, Port Jefferson, NY [CGD01-02-039] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6898. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Administrative Procedure for Imposing Penalties for False or Misleading Statements (RIN: 0960-AF20) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6899. A letter from the Under Secretary, Department of Defense, transmitting a report specifying the projects and accounts to which funds are to be transferred satisfying the requirement pursuant to Section 301 of the Emergency Supplemental Act of 2002 (Division B of P.L. 107-117); jointly to the Committees on Appropriations and Armed Services.

6900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting additional legislative proposals for inclusion in the Foreign Relations Authorization Act for Fiscal Years 2002 and 2003; jointly to the Committees on International Relations and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3717. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 107-467). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1877. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; with an amendment (Rept. 107-468). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2054. A bill to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, and for other purposes, with an amendment (Rept. 107-469). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4466. A bill to amend title 49 United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; with an amendment (Rept. 107-470). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 3253. A bill to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs; with amendments (Rept. 107-471). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4085. A bill to increase, effective as of December 1, 2002, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, with amendments (Rept. 107-472). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4514. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes; with amendments (Rept. 107-473). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4608. A bill to name the Department of Veterans Affairs medical center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical Center"; with amendments (Rept. 107-474). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. KIND, Mr. INSLEE, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. PALLONE, and Mr. FALEOMAVAEGA):

H.R. 4748. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 4749. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Resources.

By Mr. FARR of California:

H.R. 4750. A bill to designate certain lands in the State of California as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mrs. CAPITO:

H.R. 4751. A bill to amend title XVIII of the Social Security Act to provide for a voluntary outpatient prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. WAXMAN, Mr. STARK, and Mr. BROWN of Ohio):

H.R. 4752. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. Boucher, and Mr. Jones of North Carolina):

H.R. 4753. A bill to replace the existing Federal tobacco program with a federally chartered corporation to ensure the stability of the price and supply of domestically produced tobacco, to compensate quota holders for the loss of tobacco quota asset value, to provide transition assistance for active tobacco producers, to increase the competitiveness of domestically produced tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. Rehberg, Mr. DeFazio, Mr. Skeen, Ms. Brown of Florida, Mrs. Meek of Florida, Mr. Foley, Mr. Linder, Mr. Jefferson, Mr. Wexler, Ms. Carson of Indiana, Ms. Ros-Lehtinen, Mr. Cummings, Mr. Udall of New Mexico, Mr. Wynn, Mrs. Wilson of New Mexico, Mr. Deutsch, Mr. Pascrell, and Mr. Hayworth):

H.R. 4754. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOBSON (for himself, Mr. LaTourette, Mr. Portman, Mr. Traficant, Mr. Hall of Ohio, Mr. Gillmor, Ms. Pryce of Ohio, Mr. Ney, Mr. Sawyer, Mr. Brown of Ohio, Mr. Oxley, Mr. Strickland, Mr. Boehner, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Regula, Mr. Chabot, and Mr. Tiberi):

H.R. 4755. A bill to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building"; to the Committee on Government Reform.

By Mrs. JOHNSON of Connecticut:

H.R. 4756. A bill to amend the Internal Revenue Code of 1986 to impose a moratorium on the ability of United States corporations to avoid the United States income tax by reincorporating in a foreign country; to the Committee on Ways and Means.

By Mrs. McCARTHY of New York (for herself, Mr. Dingell, Mr. Kirk, Mr. Conyers, Mr. Moran of Virginia, Mr. Gilman, Mrs. Tauscher, Mrs. Morella, Mr. Andrews, Mrs. Roukema, Mr. Pascrell, Mr. Castle, Mr. Capuano, Mr. Frank, Ms. Norton, Mr. Moore, Ms. Brown of Florida, Ms. Woolsey, Mr. Blagojevich, Ms. Carson of Indiana, Ms. Schakowsky, Mr. Langevin, Mr. Meehan, Mr. Nadler, Mrs. Lowey, Mr. Davis of Illinois, Mr. Hoeffel, Ms. Rivers, Mr. Wexler, Mr. McGovern, Mr. Waxman, Mr. Engel, Mr. Ford, Ms. Lofgren, Mr. Hastings of Florida, Mr. Israel, Mr. Weiner, Ms. Roybal-Allard, Ms. Waters, Ms. Jackson-Lee of Texas, Mr. Towns, Mr. Rush, Mr. Clay, Mr. Rothman, Ms. DeLauro, and Mr. Sherman):

H.R. 4757. A bill to improve the national instant criminal background check system, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE (for himself, Mr. Davis of Florida, Mr. Etheridge, Mr. Israel, Mr. Moran of Virginia, Mr. Pascrell, Mr. Pomeroy, Mr. Sandlin, Mr. Spratt, Mr. Stenholm, Mrs. Tauscher, and Mr. Turner):

H.R. 4758. A bill to provide a responsible increase in the debt limit, restore fiscal discipline, and safeguard Social Security; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Mrs. Maloney of New York):

H.R. 4759. A bill to ratify the Governors Island National Monument and the boundaries thereof, and for other purposes; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 4760. A bill to amend title 5, United States Code, to provide that service performed by an air traffic controller who is transferred or promoted to a supervisory or staff position continue to be treated as controller service for retirement purposes; to the Committee on Government Reform.

By Mr. OBERSTAR (for himself and Mr. Filner):

H.R. 4761. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H.R. 4762. A bill to amend the Fair Labor Standards Act of 1938 to require payment of at least the minimum wage to certain drivers for all hours worked as a condition of exempting such drivers from overtime requirements; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan (for himself, Mr. Towns, Mr. Linder, and Mr. Tom Davis of Virginia):

H.R. 4763. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain cities, and for other purposes; to the Committee on Government Reform.

By Mr. RUSH:

H.R. 4764. A bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS:

H.R. 4765. A bill to reinstate the license and extend commencement of construction deadlines for the Carlyle Hydroelectric Project in the State of Illinois, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THUNE (for himself and Mrs. Cubin):

H.R. 4766. A bill to declare the existence of a fire risk emergency for the Beaver Park Roadless Area and Norbeck Wildlife Preserve of the Black Hills National Forest in the State of South Dakota, to direct the Secretary of Agriculture to endeavor to use expedited alternative processes to address forest health conditions in these areas, and for other purposes; to the Committee on Resources.

By Mr. TOOMEY:

H.R. 4767. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2007; to the Committee on the Budget.

By Ms. VELÁZQUEZ (for herself, Ms. Schakowsky, Mr. Brown of Ohio, Mr. George Miller of California, Mr. Kildee, Mr. Engel, Ms. McKinney, Ms. Solis, Mr. Brady of Pennsylvania, Mr. Bonior, Mr. Lynch, and Ms. Lee):

H.R. 4768. A bill to amend the Fair Labor Standards Act of 1938 to provide access to information about sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WATKINS:

H.R. 4769. A bill to direct the Secretary of the Army to convey a parcel of land located in Pittsburg County, Oklahoma, to the Choctaw Nation; to the Committee on Transportation and Infrastructure.

By Mr. NEY:

H. Res. 423. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

245. The SPEAKER presented a memorial of the House of Representatives of the State of Florida, relative to House Resolution No. 9003C memorializing the President of the United States and the United States Congress to support and commit necessary funding for the continued development, permanent establishment, and future operation of the Center for Coastal and Maritime Security; to the Committee on Armed Services.

246. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 454 memorializing the United States Congress to sustain the President's affirmative decision on Yucca Mountain's suitability as a permanent Federal repository for used nuclear fuel; to the Committee on Energy and Commerce.

247. Also, a memorial of the Senate of the State of Vermont, relative to Senate Resolution No. 21 memorializing the United States Congress in fiscal year 2003, to contribute $1.2 billion to the United Nations' "Global Fund to Fight AIDS, Tuberculosis and Malaria"; to the Committee on International Relations.

248. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 455 memorializing the United States Congress to enact legislation designating the September 11, 2001, United Airlines Flight 93 crash site in Somerset County Pennsylvania, as a National Historic Battlefield; to the Committee on Resources.

249. Also, a memorial of the Legislature of the State of Alabama, relative to House Joint Resolution No. 12 memorializing the United States Congress that both Houses thereof concurring ratify the Seventeenth Amendment to the United States Constitution; to the Committee on the Judiciary.

250. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 187 memorializing the United States Congress to fund the Great Lakes Basin with similar appropriations that have been afforded the Florida Everglades and the South Florida ecosystem; jointly to the Committees on Transportation and Infrastructure and Resources.

251. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 265 memorializing the United States Congress to increase protections for the Great Lakes and to affirm the authority of the Great Lakes governors on matters of the usage of Great Lakes waters; jointly to the Committees on Transportation and Infrastructure and Resources.

252. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the United States Congress to support the Act to Leave No Child Behind; jointly to the Committees on Ways and Means, Energy and Commerce, Education and the Workforce, Agriculture, the Judiciary, and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 199: Mrs. TAUSCHER.

H.R. 257: Mr. RILEY and Mr. LEWIS of Kentucky.

H.R. 435: Mr. MCGOVERN.

H.R. 482: Mrs. MYRICK.

H.R. 510: Mr. ARMEY and Mr. TIAHRT.

H.R. 611: Mr. SKELTON.

H.R. 827: Mr. BISHOP and Mr. MASCARA.

H.R. 831: Mr. BOYD, Mr. NEAL of Massachusetts, and Mrs. CAPITO.

H.R. 858: Mr. MCNULTY, Mr. ROSS, and Mr. GUTIERREZ.

H.R. 912: Mr. CASTLE and Mr. BACA.

H.R. 951: Mr. CARDIN, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. KLECZKA, and Mr. HOBSON.

H.R. 954: Mr. OLVER.

H.R. 1167: Mr. SULLIVAN.

H.R. 1176: Mr. LAMPSON, Ms. LEE, and Ms. HOOLEY of Oregon.

H.R. 1202: Mr. LEWIS of Kentucky, Mr. UDALL of New Mexico, and Mr. CLAY.

H.R. 1220: Mr. BARTON of Texas.

H.R. 1305: Mr. WELDON of Pennsylvania.

H.R. 1400: Mr. LAFALCE.

H.R. 1452: Mr. MEEHAN and Mr. BENTSEN.

H.R. 1517: Mr. BISHOP and Mr. SANDERS.

H.R. 1520: Mr. INSLEE, Mr. SCHIFF, and Mr. BURTON of Indiana.

H.R. 1596: Mr. AKIN.

H.R. 1598: Mr. DOGGETT.

H.R. 1604: Mr. SANDERS.

H.R. 1701: Ms. JACKSON-LEE of Texas, Mr. KINGSTON, Mr. THORNBERRY, and Mr. LATOURETTE.

H.R. 1704: Mr. BARTLETT of Maryland.

H.R. 1795: Mr. COLLINS.

H.R. 1808: Mr. BONIOR.

H.R. 1810: Mr. SMITH of Washington.

H.R. 1987: Mr. MATSUI.

H.R. 2033: Mr. BACA.

H.R. 2037: Mr. DEAL of Georgia and Mr. GREEN of Wisconsin.

H.R. 2143: Mr. SANDLIN and Mr. CONDIT.

H.R. 2357: Mr. SULLIVAN.

H.R. 2422: Mrs. CHRISTENSEN.

H.R. 2442: Mr. LATOURETTE and Mr. UNDERWOOD.

H.R. 2484: Mr. HOYER.

H.R. 2570: Mr. HASTINGS of Florida and Mr. HALL of Ohio.

H.R. 2605: Ms. HOOLEY of Oregon.

H.R. 2649: Mr. JOHNSON of Illinois, Mr. OTTER, Mr. GILLMOR, Mr. HOEFFEL, Mr. ANDREWS, and Mr. ROGERS of Michigan.

H.R. 2662: Ms. MCKINNEY.

H.R. 2663: Mrs. MYRICK.

H.R. 2695: Mr. COX.

H.R. 2820: Mr. DIAZ-BALART.

H.R. 2829: Mr. STENHOLM, Mr. NORWOOD, Mrs. CUBIN, and Mr. DOOLEY of California.

H.R. 2874: Mr. SNYDER and Mr. BONIOR.

H.R. 2974: Mr. BORSKI.

H.R. 3109: Mr. TIERNEY.

H.R. 3253: Mrs. DAVIS of California.

H.R. 3285: Mrs. TAUSCHER.

H.R. 3320: Mr. SCHAFFER.

H.R. 3321: Mr. LANGEVIN.

H.R. 3358: Mr. BENTSEN.

H.R. 3414: Mr. SANDERS.

H.R. 3424: Mr. LANGEVIN, Mr. BERRY, Mr. HYDE, Mr. REGULA, and Mr. SKEEN.

H.R. 3430: Mr. SAXTON and Mr. BONIOR.

H.R. 3530: Mr. MATSUI.

H.R. 3553: Mr. WELDON of Pennsylvania.

H.R. 3561: Mr. BISHOP.

H.R. 3609: Mr. SULLIVAN.

H.R. 3619: Mr. HOUGHTON.

H.R. 3659: Mr. BONIOR, Mr. STUPAK, Ms. NORTON, Mr. BISHOP, Mr. STRICKLAND, Mr. JEFFERSON, Mr. HOEKSTRA, Mr. SHERMAN, Mr. JOHN, Mr. DEAL of Georgia, Mr. WU, and Mr. DAVIS of Illinois.

H.R. 3661: Mr. CARSON of Oklahoma, Mr. DEAL of Georgia, Mr. YOUNG of Alaska, Ms. SLAUGHTER, Mr. MCINNIS, and Mr. HORN.

H.R. 3670: Mr. MEEHAN.

H.R. 3717: Mr. ADERHOLT and Ms. DEGETTE.

H.R. 3804: Mr. HOEFFEL, Mr. STARK, Mrs. MINK of Hawaii, and Mrs. JONES of Ohio.

H.R. 3831: Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. GOODLATTE, and Mr. CARSON of Oklahoma.

H.R. 3834: Ms. DELAURO, Mr. BERRY, Mr. JENKINS, Mr. BONIOR, and Ms. BERKLEY.

H.R. 3882: Mr. KENNEDY of Rhode Island, Mrs. MORELLA, Mr. BONILLA, and Mr. MURTHA.

H.R. 3884: Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. THURMAN.

H.R. 3887: Mr. BACA, Ms. PELOSI, Mr. TIERNEY, Mr. TOWNS, and Mr. HILLIARD.

H.R. 3900: Mr. HALL of Ohio.

H.R. 3911: Ms. LEE.

H.R. 3926: Mr. DAVIS of Illinois.

H.R. 3995: Mr. OSE and Mrs. MYRICK.

H.R. 4018: Mr. JENKINS and Mr. BERRY.

H.R. 4033: Ms. SCHAKOWSKY.

H.R. 4075: Mr. GEORGE MILLER of California and Mr. WAXMAN.

H.R. 4084: Mr. PASCRELL.

H.R. 4085: Mrs. DAVIS of California.

H.R. 4163: Mrs. JO ANN DAVIS of Virginia.

H.R. 4169: Mr. DEAL of Georgia, Mr. AKIN, and Mrs. EMERSON.

H.R. 4194: Mr. OWENS and Mr. CONDIT.

H.R. 4236: Ms. PELOSI.

H.R. 4446: Mr. HOBSON, Mr. REHBERG, Mr. HAYES, and Ms. SLAUGHTER.

H.R. 4514: Mr. EVANS, Mr. JEFF MILLER of Florida, and Mrs. DAVIS of California.

H.R. 4515: Mrs. EMERSON, Ms. BALDWIN, Mr. HASTINGS of Washington, and Mr. BOSWELL.

H.R. 4592: Ms. WATERS, Mr. DOOLEY of California, Mr. SERRANO, Mr. DOOLITTLE, Mr. HERGER, Mr. CONDIT, and Mr. OSE.

H.R. 4600: Mr. GEKAS, Mr. KIRK, Mr. SUNUNU, Mr. HOBSON, Mr. BURR of North Carolina, Mr. MCHUGH, and Mr. WICKER.

H.R. 4608: Mr. EVANS, Mr. JEFF MILLER of Florida, and Mrs. DAVIS of California.

H.R. 4614: Mr. PALLONE.

H.R. 4629: Ms. HARMAN.

H.R. 4635: Mr. STENHOLM and Mr. GOODE.

H.R. 4642: Mr. OTTER.

H.R. 4654: Mr. PASCRELL, Mr. CAPUANO, Mr. FROST, Ms. RIVERS, Mr. SANDERS, and Mr. TOWNS.

H.R. 4658: Ms. HOOLEY of Oregon, Mr. SOUDER, and Mr. OSBORNE.

H.R. 4660: Mr. DICKS, Mr. BRADY of Texas, and Mr. GRAHAM.

H.R. 4665: Mr. REYES.

H.R. 4667: Mr. OSBORNE.

H.R. 4668: Mr. NETHERCUTT, Ms. BALDWIN, Mr. SANDERS, Mr. HOEFFEL, Mr. SCHIFF, Mrs. THURMAN, Mr. FROST, Mr. PASTOR, Mr. BARRETT, Mr. WALDEN of Oregon, and Ms. MCCARTHY of Missouri.

H.R. 4687: Ms. DELAURO.

H.R. 4719: Mr. CAMP.

H.J. Res. 90: Mrs. THURMAN.

H.J. Res. 91: Mr. GEKAS and Mr. SHADEGG.

H.J. Res. 93: Mr. GOODE, Mr. VITTER, and Mr. PITTS.

H. Con. Res. 213: Mr. MALONEY of Connecticut, Ms. WOOLSEY, and Mr. ACKERMAN.

H. Con. Res. 314: Mr. ISRAEL.

H. Con. Res. 345: Mr. SOUDER.

H. Con. Res. 350: Mr. KOLBE.

H. Con. Res. 351: Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, Mr. SMITH of Washington, Ms. BALDWIN, Mr. HOEFFEL, Mr. LIPINSKI, Mr. PAYNE, Mr. SCHIFF, Ms. VELÁZQUEZ, and Mrs. MORELLA.

H. Con. Res. 385: Mr. QUINN, Mr. HOLDEN, Mr. MATHESON, Mr. GILMAN, Mr. BONIOR, Mr. TANNER, Mr. BOYD, Mr. WEINER, Mr. KING, Mr. DEUTSCH, Ms. PELOSI, Mrs. LOWEY, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mrs. BONO, Mrs. EMERSON, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mrs. DAVIS of California, Ms. BALDWIN, Mrs. CLAYTON, Ms. CARSON of Indiana, Mr. MARKEY, Mr. PALLONE, Mr. BROWN of Ohio, Mr. ENGEL, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Mr. CLYBURN, Mr. OBERSTAR, Mr. BECERRA, and Mr. BACA.

H. Con. Res. 394: Mr. BLUMENAUER, Ms. ROS-LEHTINEN, Mr. PITTS, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, Ms. WATSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. NORWOOD, Mr. PENCE, Mr. SPRATT, Mr. HOLT, Mr. CRENSHAW, Mr. BLUNT, Mr. GARY G. MILLER of California, and Mr. SMITH of New Jersey.

H. Con. Res. 398: Mr. RODRIGUEZ.

H. Con. Res. 401: Mr. BAKER.

H. Res. 416: Mr. CHABOT, Mr. JEFF MILLER of Florida, Mr. TANCREDO, Mr. OTTER, Mr. SAM JOHNSON of Texas, and Mr. TERRY.

H. Res. 418: Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1613: Ms. KAPTUR.

H.R. 4163: Mr. MCGOVERN.

SENATE—*Thursday, May 16, 2002*

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we humble ourselves and confess our need for You. You lift us up and grant us opportunities beyond our imagination. Yet, when we try to make it on our own, claiming recognition for ourselves, eventually we become proud and self-sufficiently arrogant. Keeping up a front of adequacy becomes demanding. Our pride blocks our relationship with You and debilitates deep, supportive relationships with others.

Help us accept our humanity. We need You, and life is a struggle when we pretend to have it all together. We honestly confess the times we forgot You went for hours this week, even days without asking for Your help, and endured life's pressures as if we were the source of our own strength.

In the quiet of this moment, we invite You to fill our depleted resources with Your Spirit. We want to allow You to love us, forgive us, renew us, and grant us fresh joy. To this end we admit our need and accept Your power for the work ahead this day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce we will be in a period of morning business until 10 a.m. today, with the first half under the control of the majority leader and the second half under the control of the Republican leader. We expect Senator BOXER momentarily.

At 10 a.m. the Senate will resume consideration of the trade bill, with 90 minutes of debate in relation to the Gregg amendment, followed by a vote in relation to that amendment. I remind all Senators that from 2 to 3 p.m. today we will be in recess for the Reagan gold medal ceremony. President Reagan and Nancy Reagan will be recognized in the Rotunda today for their service to our country.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. Under the previous order, half the time until 10 a.m. shall be under the control of the majority leader or his designee.

Mrs. BOXER. Mr. President, I ask to be advised when 5 minutes remain on our time.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

THE ENVIRONMENT

Mrs. BOXER. Mr. President, I take to the floor this morning to talk about an issue that is very near and dear to the hearts of the American people. It is very near and dear to the hearts of Californians and very near and dear to my heart. That is a clean and healthy environment for our people. I know the Presiding Officer shares my view on this very important issue.

When I was a little girl, my mother would say you can have everything, but if you don't have your health, you really don't have anything. She was right about that. The older I get, the more I realize that is true. You can have a wonderful home, wonderful family, but if someone is ill, someone has chronic problems, it takes over. That is what a clean and healthy environment means. It means clean air; it means clean water, safe drinking water; it means beautiful places to take your family.

In the old days, people used to say only the elitists were environmentalists. In other words, it was a movement about people who had everything. The truth is, it is quite the contrary because the people who have a lot of resources and a lot of money can buy their own environment. They can buy a big piece of property. It can have a lake on it, beautiful trees, and mountains. They can enjoy it forever, as long as they live. But ordinary families cannot do that. They need to rely on the environment that we all share.

Most of our people live in urban areas or near urban areas. In California, about 90 percent of our people live close to urban areas. In the rest in the country as a whole, it is almost 80 percent. The fact is, most of us live near businesses, and some pollute. We live in a shared environment. Sometimes it is an environment that is not as healthy as it should be. We know now what causes the pollution. It is no great surprise.

What brings me here? To say that I am distressed at the record of this administration on the environment. Almost every day we have something else to which we can say: Oh my God, what are they doing? We believe it is time to call attention to it. We think when we call attention to it, they may well change their ways. We have proof of that in one particular issue that I will discuss. But, also, the American people need to know the values of this administration compared to their own values. When so many of our children have asthma, this is not a time to turn away

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

from the Clean Air Act and put up some phony proposal that you say is better but is worse. We have a leader on that issue, Senator JEFFORDS, very clearly saying that is the direction in which this administration is going.

When we have children who are suffering from too much lead in their blood and we know that leads to disability, sometimes coma, blindness, sometimes even death—certainly learning disabilities and mental retardation—it is not a time to float a proposal that says we should stop testing poor kids for lead in their blood.

What has happened as a result of this attack on the environment—and, by the way, I will go through more issues—is that our majority leader, TOM DASCHLE, has appointed what I call the E team, the environmental team. That team comprises several Senators: BILL NELSON, CANTWELL, CLINTON, REID, WYDEN, LIEBERMAN, TORRICELLI, and myself. We are examining on a daily basis what this administration is doing to us on the environment. We have created a Toxic Trophy Award to go to those particular agencies that are doing the most damage.

Two weeks ago, we gave that award to the Department of Health and Human Services for their proposal to consider not testing poor kids for lead in their blood. We pounded away pretty hard and we presented our Toxic Award in a ceremony. They were not there, but in absentia we presented the award. Guess what happened. Yesterday we read in the paper that they decided they are going to back away.

We are really glad. We see this happening all over. My friend is very involved in education issues. Senator KENNEDY and I know that the Presiding Officer, Senator REED, and others were there to point out the administration is going to make it more difficult for our young people to pay back college loans. You pounded on this administration, and guess what happened. They backed away.

We think this administration functions in a very interesting way. They do a lot of things in the dead of night. They hope nobody notices. The newspapers may write a couple of articles, but then they figure the publicity will die down. And the American people, frankly, are worse for it.

The E team and the other teams Senator DASCHLE has set up, be it for prescription drugs or Social Security, the many issues we are looking at, are not going to allow these policy changes to go unnoticed.

Today I want to put on record and share with you, Mr. President, since I see you are the one with whom I can share it, what has happened since this administration took over in terms of the environment.

We think the place to start is an organization called the Natural Resources Defense Council, the NRDC. This is a great organization. They are nonprofit and nonpartisan. They employ about 200-plus lawyers and scientists to follow what various administrations are doing with regard to the environment. As I say, they are very nonpartisan. They did not like a couple of things the Clinton administration did, and they went pretty heavily for it on a few issues. They are unrelenting in their pursuit of a clean environment for our families.

Most of the time they agreed with the Clinton administration because the Clinton administration, I would say, was probably the most pro-environmental administration we have seen in many years. But even then, when they believed the administration was wrong, they went after them.

They have kept a record of this administration's decisions on the environment. That is what I want to talk about. What they have found is that there are more than 90 separate actions this administration has taken that are bad for public health and the environment. Let me repeat that. They have not been in office that long—it seems like yesterday—and already 90 separate actions that this administration has taken are bad for public health and the environment.

I do not have time to put this entire list in, but let me show you the report. It is called "Rewriting The Rules, The Bush Administration's Assault On The Environment." It has a picture of some beautiful land with a used tire in the middle. Everyone should get a copy of this. You can go on their Web site, nrdc.org, and find out what is happening.

I am glad one of the members of my E team is here, Senator NELSON of Florida. I am opening, and when I get to the Superfund, I would like to get into a colloquy with him, if he can.

Does the Senator have time to stay for about 15 minutes?

Mr. NELSON of Florida. Certainly.

Mrs. BOXER. Let's start from the beginning. The administration took over in 2001. One of the first things they did was to hold up proposed rules announced by EPA in December of 2000 that were designed to minimize raw sewage discharges and to require public notification of sewage overflows.

There is nothing more ugly than sewage overflows—without going into any detail. Why on Earth would they reverse the decision to minimize sewage overflows? You will have to ask them. Last year alone, there were some 40,000 discharges of untreated sewage carrying bacteria, viruses and, frankly, fecal matter into basements, streams, playgrounds, and waterways across the country. That rule is still delayed today.

On March 13, 2001, President Bush broke the promise he made during the campaign and he announced he would not regulate carbon dioxide, the chief contributor to global warming. He is not going to go after the powerplants. This is where Senator JEFFORDS is taking this administration on, and I am right by his side, as is the E team.

On May 22, the administration suspended the new standard for arsenic in drinking water. My friend Senator NELSON and I just went wild on that point. When we took to the floor and shined the light on this subject, they changed their mind and they decided to let the Clinton rule go into place: 10 parts per billion. We know the old standard that they seemed to want to have, because they delayed the new standard, causes cancer in 1 in 100 people. So we had to fight very hard on arsenic. By the way, the fight isn't over because now we are learning from scientists that 10 is too high, 10 parts per billion; we need to go down to 3. So we have a fight there.

On May 3, the administration reversed a 25-year-old Clean Water Act rule that restricted the disposal of mining and other industrial solid wastes in our waterways. The EPA then issued a new rule, making it illegal for coal companies to dump "fill material," which includes waste material from mountaintop mining, into our rivers, our streams, our lakes and our wetlands."

I don't know whether the President really listens to the words:

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed his grace on thee.

He doesn't seem to understand beauty that we have been given by God, to be honest. I don't see it. Either that or he has not taken an interest. But, either way, the decisions of this administration—I have just shared a few. There are 90 of them. Go up on the NRDC site and get the rest of them—would make you shudder. That is why Senator DASCHLE set up this E team—to take a light and shine it on what is happening.

I am going to get to the issue I know Senator NELSON is very upset about, and that is the Superfund. Before I yield to him in a colloquy, let me show, in a chart form, what is actually happening. I want to show how many strip mine sites there are across this great land of ours. This is the EPA's own Web site, and this is the NPL sites, which are the priority sites, the worst sites. You don't see much yellow here. Yellow indicates the places that have no Superfund sites. Purple represents the ones that have the sites. So we are talking about an issue that impacts our entire Nation.

The health effects of these sites are very real. What are they? When we say Superfund, it means these are the most toxic sites. When you live near a Superfund site, studies show there are increased birth defects, low birth weights, changes in pulmonary function—that is breathing—neurological damaging—that is the brain—and leukemia.

If you live near one of these sites, you have a better chance of getting really sick, and particularly your children because—what have we said here so many times—children are the most vulnerable when it comes to being exposed to toxins and pollution. Why is that? Their bodies are changing and growing in the midst of these toxins. And they are small, so when they breathe in the air in proportion to their body weight, it is much more of an important factor.

Now, I often say, children are not little adults. I am a little adult. I am stronger. If I lived near one of these sites, I could get sick because I am not as strong as a big 155-pound male, which is always the standard on which we measure progress. But little kids, they are the ones who get hurt.

So there are 1,200 national priority list Superfund sites, NPL sites. And nearly 70 million Americans, including 4 million children, live within 4 miles of a Superfund site. Let me reiterate: 70 million Americans live within 4 miles of a Superfund site. And we know if you live near a site, you are at greater risk of getting very ill. We know 4 million children live near Superfund sites.

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to do so.

Mr. REID. One of the things I have been trying to do is tell people in Nevada we should not be afraid of Superfund sites. Let me give the Senator from California an example.

In northern Nevada, Sparks, which is a suburb of Reno, there was a huge gravel pit, much larger than the Capitol Building. It was huge.

One day, a number of years ago, somebody started seeing black rings around this pit. And months and months went by and the State simply was ill-equipped to handle the many problems involving a Superfund. I thought something might be involved.

So to make a long story short, the Senator from California and I have served on the Environment and Public Works Committee for a long time, and I sent a staff person to look at it.

We held a hearing, and within 2 weeks that was declared an emergency Superfund site because millions of gallons of oil had been spilled by the oil companies into the ground. It could have been extremely dangerous.

Again, I will make this story shorter than it probably should be, but that place now, after having been declared a Superfund site, is one of the most beautiful places in all of northern Nevada. It is called Sparks Marina. There are boats out in this beautiful area which used to be an ugly gravel pit. Now it is a marina with recreation.

They are now going to build some apartments and homes next to it.

So I say to my friend from California, I appreciate very much, as someone from Nevada, that Senators are here this morning talking about the inadequacies and fallacies of this administration relating to the environment. But I also want to pinpoint what Senators are talking about with regard to Superfund sites because we should be spending more money on Superfund sites so we can have, across this country, more Sparks Marinas rather than less Sparks Marinas.

So I appreciate very much the Senator from California bringing this to the Senate's attention.

Mrs. BOXER. I say to the Senator, that is the point. If we can clean up these sites, the Senator is so right—the same way with brownfields—they are then safe, productive land, good for the community. The reason we are on the floor of the Senate today—and the Senator is part of my E team, and he will understand this—this wonderful story occurred because the site was cleaned. If the site sat there, people would have been fearful, and should have been fearful. And that is why I want to get to this next point.

Mr. REID. Before the Senator does, let me make one additional point. That beautiful Sparks Marina was cleaned up without a single penny of taxpayers' money. It was paid for by the polluters who were forced into cleaning that up when it was declared a Superfund site because had they not come forward and then been found guilty, they would have been charged three times the actual damages.

Mrs. BOXER. My friend has now hit on the very two issues that we are going to talk about in the next few minutes. The first one is the importance of cleaning up the sites and what it means when you do that. The second point is the importance of "polluter pays" as a concept that is now being threatened.

So what is happening under this administration, I say to my friends, is this: This administration is going to cut in half the number of sites to be cleaned up. I should not say they are going to; they have so stated.

So we are going from the Clinton administration, where the last cleanups reflected in the year 2000 were 87 sites cleaned up, to now, under this administration, they are talking about cleaning up 47. They did 47 last year. So that means it has already been cut in half. And they want to continue to go down, down, down. So we see here a walking away from the Superfund Program.

I say to my friend from Florida, what is so stunning about this is the only way we found this out was by digging and digging through EPA documents. We have asked in the Environment Committee—I am the chair of the Superfund Subcommittee—for a list of which sites are not going to be cleaned up. They first promised to do 75, and they did 47. Then they said they would do 65, and now they have said they are going to do 40. So they are down, from a high of 88 to 40. We cannot get the list of what sites they will not clean up.

I have a chart in the Chamber showing NPL sites. We do not know where the sites are. Mr. President, they could be in your State. They could be in Florida. They could be in my State. I have over 100 sites—100 sites—in my State, and 40 percent of my people—and that is a big number; we have 35 million people—live within 5 miles of a Superfund site.

So we are all in this together. There is only one State that has no sites, and that is North Dakota. Lucky North Dakota. Well, there are not that many people there. But the people who are there do not live near a Superfund site. Every other State has a site in it, and no one knows where the sites are because the administration will not tell us. By October, they have to expend the money, and the administration says they don't have the list ready.

I believe at some point we are going to have to subpoena this information because how would you feel, Mr. President, if you were a property owner, and you anticipated a site near you was going to be cleaned, and suddenly you were told it would not be? You would want to have some advance notice so you could protest, so you could call your Senator and say to him or her: Fight for me. This isn't right.

We have a site in New Jersey where, honestly, the rabbits there have turned a horrible color of green because of the Agent Orange on the site, arsenic on the site.

The ACTING PRESIDENT pro tempore. The Senator from California has 5 minutes remaining.

Mrs. BOXER. I will yield to my friend some time to ask me some questions. But I will say this: We are in a mess. Half of the sites that we thought were going to be cleaned up will not be cleaned up.

The last point is the point on "polluter pays." I have a chart I will show you, and then I will yield.

"Polluter pays" has been a theory and a practice. Now what the administration is doing—we always had a situation where taxpayer funds only paid for about 18 percent of the cleanup, and 82 percent was paid by the responsible parties and other funds.

Now, under this administration, in 2003, because there is no Superfund fee in place anymore, 54 percent of the program is going to be paid by taxpayers.

So I ask a rhetorical question to this administration: Where have you been, when we have made a point that polluter pays is basic?

I yield to my friend for questions or comments, but I also ask unanimous consent for 5 additional minutes on our side.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair.

Mr. NELSON of Florida. I thank the Senator from California for yielding.

I would like to talk about 1 of those 1,222 sites around the country, 51 of which are in my State, 111 in the State of New Jersey, 100 sites in the State of California. One of those sites is about 12 miles west of Orlando near Lake Apopka at a site called the Old Tower Chemical plant which was shut down in 1980 after a plug of witches' brew that had been created in a holding pond as a result of cooking DDT—I am not making this up; it sounds like a fantasy tale but it is true—after cooking this DDT in order to get a chemical byproduct, all of this residue flowed into a holding pond.

What they didn't know was that the holding pond was a sink hole that allowed that cooked witches' brew to go right into the water supply, the Floridian aquifer and, even with that sink hole, a plug escaped over the top of the holding pond and into a creek which flowed into Lake Apopka.

Lake Apopka is a huge lake west of Orlando. It has had quite a few environmental problems, not the least of which is a lot of agricultural runoff, and so forth. But this Tower Chemical plant was finally shut down by EPA when it found that some of this holding pond brew went into Lake Apopka.

Today Lake Apopka's population of 4,000 alligators is down to 400. And of those 400, they have found deformities in the alligators. You know how tough an alligator is. This site, the Tower Chemical plant, still sits out there, not treated, not cleaned up, and there are traces of these chemicals in the area in the water supply. There are eight residences right in the immediate vicinity. I am trying to get EPA to give filters for the water wells that tap the water supply right next door to the Tower Chemical plant, just for starters, not to speak of the underlying point.

If we don't have a trust fund that is filled with money for that principle that the "polluter pays," there is not going to be any money. The money in the trust fund is going to run out next year. So how are we going to clean up the Tower Chemical site that could be threatening a huge water supply for the State of Florida? There is simply no way.

As to the Bush administration—I said this in Florida the other day—what has happened to them? Have they taken leave of their senses; to say that they are not going to fund, through the principle of the "polluter pays," the trust fund so we can clean up these 51 sites in the State of Florida, the 1,222 sites around the country? If you don't do that, either you don't clean up the sites—and there is just too much environmental risk—ergo, witness the example I have just given you west of Orlando and the Floridian aquifer being threatened—or if you are going to clean them up, guess who is going to pay. The general taxpayer is going to pay instead of the polluter paying.

When we passed this bill in 1980—I was a Member of the House of Representatives, and I voted for it—it was with the understanding that there would be a tradeoff, that the oil companies would trade off their liability in future lawsuits by agreeing to the principle of the polluter paying, and they and the chemical companies over the years would pay into the trust fund. If we don't keep that same principle, then the oil companies get off scot-free. They don't have any lawsuit liabilities now because of their agreement in exchange for paying in to help us clean up these sites. Are we to let them completely off the hook so that they will not pay?

I wanted to bring that one case to the attention of the Senator from California as she is talking about the national implications of this. I thank the Senator for yielding.

Mrs. BOXER. I thank my colleague. We are not talking about theory. We are not talking about an academic proposition. We are talking about sites with horrible pollutants and toxins in them, close to people, that have to be cleaned up.

This is the first time I have taken to the floor on this subject. I intend to come back. Other members of the team include HILLARY CLINTON and RON WYDEN and JOE LIEBERMAN, and we think BOB TORRICELLI may join us. This is a big issue to the people of this country. We are all pulling together on the challenge that was handed to us on 9-11. We will pull together on that.

To me, the most important thing is to understand that there is a balance. On domestic issues, when we see this administration going the wrong way, repealing laws that reflect values of the American people, the value of a healthy environment, the value of a beautiful environment, we are going to be here.

Today we will with Senator SCHUMER give out another Toxic Trophy Award. Senator CANTWELL is also on the E team. I think I have covered then all of the members.

I know how strongly we believe in these issues. If we continue to shine the light on some of these outrageous proposals, we won't stop every one of them, but we will stop some of them. At a minimum, the American people will know what this administration is doing, sometimes in the dead of night when they are not watching. We intend to be here and call attention to these matters in the hope of winning this battle, when we consider that there has been a war waged on the environment. We will be here as soldiers in that war. We intend to win it.

I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 10 a.m. is under the control of the Republican leader or his designee.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I yield myself such time as I may consume.

SOIL CONSERVATION

Mr. GRASSLEY. Mr. President, I come to the floor to comment on an article that was in the Des Moines Sunday Register April 21 which speaks to the point of conservation of farm land. There is nothing in the article that is not accurate, but I think some things that are not included leave the impression that farmers of the United States are not good stewards of the soil. The premise of the article, according to the headlines "Farmers' penalties rarely stick," is that under Federal law farmers must take certain action to conserve soil. If they do not conserve the soil and do it according to a plan, then they would be fined. And the article here is based on the premise that only a Government policeman from the U.S. Department of Agriculture is going to make the farmers conserve soil and that fines that might be imposed are the way of doing that because it says here that farmers' conservation fines rarely stick.

The bottom line of the article is that farmers are not conserving soil, that Government regulation is the only thing that is going to make the farmers conserve the soil, and that there is not enough club on the part of Government because the fines in too many instances, according to the article, are forgiven.

As I said, there is nothing inaccurate in that, but I have prepared remarks in which I want to give both sides of the story. We do have a Government requirement for farmers to participate in farm programs they must take appropriate action to conserve soil. There has been tremendous progress made in the conservation of soil, and it has come not because of Government fines that might be imposed against farmers but it comes because it is in the farmers' best interests to conserve soil because, quite frankly, the soil is very valuable but in the process of growing crops you put tremendously expensive chemicals and fertilizers on the soil.

And when you have soil erosion and that soil washes into the streams, then obviously that investment to produce a bountiful crop goes with it. So it is to the farmers' advantage to keep the soil on their land.

Over the past year, this body, along with our colleagues in the House, has engaged in a protracted discussion about the future of agriculture in the United States and how to best ensure a safe and stable food supply while providing an adequate safety net for farm families. The farm bill was passed and signed by the President very recently, which will be the safety net for the next 6 years.

Now that we have done that, I would like to take a step back and address a concern that has been raised by many people I represent. For those colleagues who have never had the good fortune to visit my State of Iowa, I would like to take a moment to talk about this State. While we in Iowa may not be able to boast about majestic mountains or white sands on beaches along the oceans, my State has one natural resource to which I daresay no other State can compare—our rich, abundant, fertile topsoil. This resource has given birth to a deep-seated agricultural heritage in every corner of my state. In fact, each year communities across Iowa take to the streets to celebrate our rich heritage that comes from this rich natural resource, our topsoil.

For example, the community of Conrad, IA, celebrates what they call "Black Dirt Days." Gladbrook celebrates "Sweet Corn Days," and the little community of Dike celebrates "Watermelon Days." You can go on and on with examples of the people of Iowa worshiping our great natural resource. And no one in Iowa cares more about this rich heritage and our precious natural resources than the farm families who depend on the land for their livelihood and their way of life. That is why I was disturbed, as I already indicated to you, when the Des Moines Sunday Register on April 21 accused Iowa farmers of failing to take adequate steps to protect Iowa's soil and water. The article suggested that the U.S. Department of Agriculture's Natural Resources Conservation Service Program, as well as the Farm Service Agency, both failing to adequately enforce Federal conservation rules, often let our farmers off the hook when conservation violations occur.

The article suggests that the only way to achieve real conservation in rural America is for the Federal Government to carry a very big stick. Even more disconcerting, the article fails to address the significant conservation achievements that Iowa's farm families have already attained in terms of reducing soil erosion and reducing the use of nitrogen fertilizers by using it more efficiently.

The Federal Government first significantly increased the prominence of conservation as a national priority in the 1985 farm bill. For the first time, that Food Security Act of 1985 required farmers to implement sound conservation plans on their farms as a condition for receiving Federal farm subsidies.

We were not controlling the farmers' land, but we were saying in effect, through that bill, if they are going to benefit from the farm safety net, we expect everybody to be good stewards of their soil.

More importantly, the 1985 bill also recognized the desire on the part of farmers themselves to protect the land on which they live and raise their families from abusive farming practices. The bill created the Conservation Reserve Program, sometimes called CRP, which allows farmers to take our countryside's most highly erodible land out of production.

Since the 1985 farm bill, we have expanded the number of opportunities for farmers to voluntarily practice soil conservation programs. Today, farmers have a full arsenal of conservation tools at their disposal, including the Conservation Reserve Program, the Wetlands Reserve Program, the Emergency Watershed Protection Program, and the Wildlife Habitat Incentive Program, to name a few.

The response to these programs by farmers and landowners has been overwhelming. Today, in Iowa alone, the farmers have enrolled 1.8 million acres in the Conservation Reserve Program, including 337,000 acres in the Continuous Conservation Reserve Program, which allows farmers to remove our country's most environmentally sensitive land from production. The Continuous Conservation Reserve Program helps farmers make significant conservation improvements on their land, including riparian buffers, grass waterways, filter strips, and windbreaks.

In addition, Iowa farmers are aggressively working to restore our Nation's wetlands. Today, Iowa farmers have enrolled over 44,000 acres in the Wetlands Reserve Program. Wetlands provide a number of environmental benefits, as I am sure my colleagues understand.

These wetland reserves help filter out nitrates that leech into the surface water from nitrogen fertilizers used by farmers to improve yields, as well as from naturally occurring nitrogen in Iowa's highly organic soil. They filter herbicides that seep into the ground, and they provide valuable habitat for Iowa's wildlife.

As you can see, restoration of wetlands is important to all Iowans, both rural and urban. And that is not all.

Iowa farmers have enrolled more than 60,000 acres in the Watershed Protection Program, and nearly 2,000 acres in the Wildlife Habitat Incentive Program. These programs have proven to be very successful.

According to the Natural Resources Conservation Service, Iowa farmers cut soil erosion in half over the past two decades. We used to lose 10 tons per acre in 1982. By 1997, because of these conservation programs, we had cut that loss down to 5.3 tons per acre, and at 5 tons per acre, it is renewable.

Moreover, according to the Iowa Department of Natural Resources, over 92 percent of Iowa's public water systems meet Federal drinking water standards.

However, some critics of Federal conservation programs have asserted that the 1996 farm bill actually weakened conservation efforts. These critics may be interested to learn that throughout the duration of the 1996 farm bill, over 313,000 acres of conservation buffers have been built in the State of Iowa.

In addition, over 106,000 acres of wetlands have been created, and there continues to be a waiting list of farmers who are eager to enroll fragile cropland in these programs, only kept from doing so because of the amount of money Congress will appropriate for these programs.

It is important to keep in mind that sound conservation practices not only improve the environment in rural areas, but they also can play into the farmers' bottom line. Since 1996, Iowa farmers have increased the use of no-till planting. No-till planting leaves the residue from a previous crop on the ground, significantly reducing erosion. By not tilling the land, farmers reduce the number of trips across the field with their tractors, saving time, reducing the use of limited fossil fuels, and reducing harmful emissions into the air.

In addition, technological advancements have improved the farmer's ability to care for land while improving yields. Today, for example, many farmers have turned away from the old method of applying fertilizer at an equal rate throughout the entire field. In fact, because of global positioning equipment, we can apply variable rates of fertilizer in different parts of the field in different quantities to save money, but not to waste fertilizer as well.

One concern I have expressed about the 1996 farm bill is that it fails to incorporate effective payment limitations that would target Federal assistance to family farmers.

Mr. President, the Senate has now passed the successor to the 1996 farm bill. This legislation should be the incarnation of our principles and our vision for the role we see America's farm families playing in the future.

I was pleased that 64 Members of the Senate joined Senator DORGAN and me in a bipartisan fashion to ensure Federal payments are targeted to small and medium-sized family farmers who produce the food and fiber of our Nation. Our amendment would have helped curb the overproduction and target assistance to family farmers who live on the same land they farm. I am disappointed that the agreement reached in conference significantly weakens our provision.

In conclusion, this discussion raises the question of whether Federal farm program policy should require farmers to conserve through strict enforcement of Federal regulations or whether the Federal Government should encourage farmers to conserve through voluntary conservation programs. In my State, we have witnessed the numerous benefits of voluntary conservation to improving the quality of life and our environment.

It is in every farmer's best interest to conserve the soil, to eliminate excessive use of fertilization, and ensure that chemicals are applied in an environmentally sensitive manner. After all, the farmers live on the same land they farm. Farm families depend on the land for their livelihood and their way of life.

I have to say again, Iowa's rich topsoil is our most prized resource. Our economy and our rural heritage depend on it. We have heard much in recent years about sustaining agriculture. No one cares more about sustaining agriculture in America than our family farmers. Our rich soil is rivaled by only one other resource: the hard-working men and women who, day in and day out, work the land to feed the United States and the world.

Mr. President, I ask unanimous consent to print in the RECORD two articles.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Sunday Register, Apr. 21, 2002]

FARMERS' PENALTIES RARELY STICK

(By John McCormick, Jerry Perkins and Perry Beeman)

In exchange for millions of dollars in federal subsidies, Iowa farmers promise to protect the soil and water.

But a Des Moines Sunday Register analysis shows farmers almost never lose their taxpayer subsidies, even when federal officials discover they have violated their conservation pledge.

Three percent of the $7.8 million in potential fines farmers faced for soil and water conservation violations were actually levied from 1993 through 2000. After appeals, farmers were allowed to keep the rest—about $7.6 million.

"You have to ask just how serious the enforcement effort is," said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. farm policy. "There is almost no chance that you'll lose a penny."

With Congress poised to approve a new farm bill—legislation that among other things will provide about $46 billion over the next 10 years to supplement commodity prices paid to farmers—few changes are planned for enforcing soil conservation regulations.

That's probably best for Iowa farmers and agricultural land owners, who between 1996 and 2001 collected $8.7 billion in subsidy payments, more than any other state.

Federal agriculture officials maintain that they are doing the best they can, within the limits of time and personnel, to ensure that farmers do their part to preserve the environment. Looking merely at enforcement, they say, ignores the impact of effective voluntary conservation programs.

Though difficult to measure on a large scale, there is little argument that soil erosion has left Iowa with dirty water. There are 157 lakes and sections of river in Iowa on the federal government's list of critically polluted waters, and the state's waterways are known for having some of the world's highest nitrate and phosphorus levels.

Soil and fertilizer are Iowa's two biggest waterway pollutants. Much of the pollution comes from the runoff that's gradually washing away the state's greatest asset: its rich topsoil.

After promising starts, no-till farming has leveled off, and conservation tillage has declined. Silt and soil erosion also show few signs of slowing.

"Now we're going backward," said David Williams, a former soil and water district commissioner in Page County. "We're seeing more and more black dirt in the fields and they're losing a lot of it, and that's hurting our water quality."

Williams said conservation compliance requirements worked reasonably well until passage of the Freedom To Farm law in 1996. He said the law made it more difficult to take away farm payments from those who violated their conservation plans, removing the programs's teeth.

There are no national data available on conservation compliance, but environmentalists say enforcement is probably just as lax in other states.

"The problem we have in answering a lot of these questions is that there isn't any real enforcement trace record to base an answer on," said Craig Cox, executive director of the Ankeny-based Soil and Water Conservation Society, a national organization.

Sen. Tom Harkin, chairman of the Senate Agriculture Committee, has requested a review of the U.S. Department of Agriculture's conservation programs by the General Accounting Office, the investigative arm of Congress. He has asked specifically for a look at the enforcement of conservation practices.

"I've been hearing that, quite frankly, we've been backsliding," Harkin said late last week, between conference committee meetings on the 2002 farm bill.

Harkin has pushed for a new conservation initiative in the Senate version of the farm bill. The proposal would base payments to farmers on their level of soil stewardship, essentially paying more to those who voluntarily agree to work harder on conservation.

"They will actually get paid for doing these things," he said. "I think that's a much better way of approaching it than the hammer kind of approach we've had in the past."

ROOTS OF THE PROBLEM

Tying federal farm payments to sound conservation practices started in the depth of the 1980s farm crisis, when farmers agreed to new requirements pushed by environmentalists as part of a deal to secure a greater financial safety net.

In return for taxpayer subsidies, farmers were supposed to protect the land for future generations. That meant taking steps such as planting field borders or leaving corn stubble in a field after harvest. Both techniques can reduce erosion of soil by wind and water.

Farmers who work land prone to erosion are required to follow specifically designed federal conservation plans or risk losing their federal subsidies.

The loss of federal payments is meant to be a huge club to gain the attention of those few farmers who don't want to protect their land for the long run.

The Register's analysis, however, shows that 97 percent of the money Iowa farmers were at risk of losing because of conservation violations was restored through "good faith" and other exemptions often granted by county committees. Those committees are largely composed of neighboring farmers.

Farmers were given several ways to sidestep penalties under the Freedom To Farm law. For instance, they could point to financial problems that might have kept them from following their conservation plans.

Virtually any farmer was given a year to fix problems found by federal inspectors, who say they check about 2 percent of all farmland each year to see whether conservation plans are followed.

In addition to the new exemptions, there has been a dramatic decrease in the number of annual inspections since passage of the Freedom To Farm law, according to data provided to the Register by the Iowa office of the Natural Resources Conservation Service, a branch of the USDA.

In 1993, the agency checked 2,536 tracts of farmland in Iowa. The number rose to 3,407 in 1997 before dropping sharply to 1,430 by 2001. Officials blame limited budgets and other department responsibilities for the decline.

But over the years, farmers haven't been bashful about complaining to members of Congress if their payments were threatened, said Lyle Asell of the Iowa Department of Natural Resources, who also used to work for the conservation service in Iowa.

"If they are going to lose payments, they could lose the farm, and the first thing they do is call their legislators," Asell said, adding that he still believes the program has greatly improved soil conservation in Iowa.

A CARROT, NOT A STICK

Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C., said enforcement statistics don't give a complete picture of what's happening to the environment. For example, they fail to take into account farmers who don't bother to apply for subsidy payments because they know they're in violation of conservation rules.

Given the massive undertaking of policing America's farms, federal farm officials say they've learned that encouraging voluntary conservation improvements can be more effective than dropping the hammer on violators.

"There was a move away from the time spent on compliance in favor of voluntary programs," said Larry Beeler, a conservation worker in the Natural Resources Conservation Service's Des Moines office. "Conservation compliance is important, but so are the voluntary programs."

Beeler said the move reflects a nationwide trend to encourage greater soil protection through voluntary programs such as the conservation reserve and wetland reserve programs. Such programs reward farmers for taking highly erodible land out of production and for protecting and enhancing wetlands.

Beeler said his agency's move toward greater voluntary efforts has not hurt compliance: The proportion of inspected farms found to be in violation in any given year has stayed at 5 percent or less.

Many farmers agree that increasing enforcement isn't the answer. They say most producers know it's in their best interest to practice sound conservation.

"If you don't, you're not going to grow anything," said Tom Kohn, who farms 3,000 acres near Cushing. "It will all go down the river. . . . The farmers who haven't taken care of the land aren't in business anymore."

Changes in 1996 that gave local officials broad discretionary powers can help and hurt a farmer, others say.

Glenn Marsh, who farms 550 acres near Mapleton, said he's found different conservation rules in neighboring Monona and Woodbury counties.

"It has to be the same all over," he said. Marsh called the linking of conservation inspections and farm subsidies "the biggest joke there ever was."

Other farmers expressed concern about enforcement.

"I've had some bad experiences with local, state and national farm officials," said Mort Zenor, who farms 900 acres in Woodbury County. "They've got cold ears."

Zenor, who received more than $225,000 in federal farm subsidy payments from 1996 through 2001, lost $17,000 in the mid-1990s for tilling 40 to 50 acres that conservation officials had designated as no-till.

"I didn't have a no-till planter, and we couldn't afford to buy a new one," he said.

Zenor tried to fight the fine. He hired a lawyer and appealed his case to a county committee, as well as district and state offices, but the fine was upheld.

"It's worse than an income-tax audit," he said. "They're right and you're wrong."

Woodbury County led Iowa for violations of approved conservation plans from 1993 through 2001, according to federal data. Sixty-four tracts of land were discovered to be in violation during those years.

Aster Boozer, a conservation worker for the Natural Resources Conservation Service, said western Iowa's Loess Hills make combining farming and conservation in the area more challenging.

"They are steep and highly erodible," he said of the hills. "It means our conservation plans are very complex."

Jamrog, the program specialist with the Farm Service Agency in Washington, said many violations are accidental.

"FSA's goal is to not penalize producers, if they are willing to get themselves into compliance," he said.

PROGRESS IS SLOW

Even critics of the 1996 changes acknowledge that the evidence that programs aren't working is largely anecdotal.

Measuring erosion is expensive and extremely technical. The Natural Resources Conservation Service tries to measure erosion every five years. Its last survey came in 1997, just a year after the farm bill changes cited by environmentalists. Results of the 2002 survey may not be available until 2003 or 2004.

Jeff Vonk, director of the Iowa Department of Natural Resources and a former top Iowa official for the Natural Resources Conservation Service, said that when he talks to Iowa's local soil and water commissioners, he receives conflicting signals.

"In some counties, they reflect some frustration on their perception of a lack of enforcement," Vonk said. "In other counties, they say enforcement is maintained."

As Vonk drives around Iowa, he can see the good and the bad. Some of the conservation programs begun in the mid-1980s have made a huge difference in soil conservation, but Vonk still sees muddy waters, fish kills and oxygen-robbing algae blooms created by fertilizer runoff.

Others suggest that changes should have been made in the farm bill currently under discussion to address conservation compliance enforcement.

"There seems to have been in this farm bill absolutely no interest in compliance provisions as a way to achieve better environmental progress," said Cox of the Soil and Water Conservation Society.

The answers will undoubtedly come too late for the 2002 farm bill, but Harkin is asking many of the questions that would have to be answered before significant changes can happen. His request to the General Accounting Office asks how the USDA monitors producers' use of conservation plans, how many exemptions are granted, and what the USDA does to "ensure that violations are consistently identified."

While he sees problems in the system, Cox and others say Iowa farmers have made great improvements in soil conservation since the policy was initiated in 1985.

"We're making progress, although it might be a little bit slower for some," said Art Ralston, a soil and water district commissioner in Woodbury County for more than a decade. "We just have to keep plugging away."

EROSION: WAITING FOR ANSWERS

The Natural Resources Conservation Service does an estimate every five years of total erosion on cropland and Conservation Reserve Program land. Environmentalists and farm officials are eagerly awaiting the 2002 results, due sometime in 2003 or 2004, because they might show whether total erosion has been affected by the changes in the 1996 farm bill.

[In billions of tons]

Year	Wind erosion	Sheet and rill erosion*	Total erosion
1982	1.38	1.69	3.07
1987	1.40	1.52	2.92
1992	.95	1.21	2.16
1997	.84	1.06	1.90

*Sheet and rill erosion is removal of soil by water runoff that is a fairly uniform, usually imperceptible thin layer of soil.

Source: Natural Resources Conservation Service.

COMPUTER PROBLEMS PLAGUE AGENCY

Part of the problem in evaluating whether farm subsidiaries are restored too easily for conservation violations lies with the federal computer system.

Flaws: The federal employees charged with monitoring conservation programs have yet to create a comprehensive record-keeping system. That means they can't determine what farmers on even what counties have lost the most money due to violations. It also means federal officials can't say whether the proportion of money returned to Iowa farmers found to be in violation of conservation rules is greater or lower than in other states.

Changes: "We're in the process of developing a database that will allow us to do comparison statistics," said Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C. "I really don't know if that is similar to other states."

SIGNS OF TROUBLE

It's hard to measure the impact of the 1996 changes in the farm bill. Since it passed, the percentage of acres using conservation tillage has started to decrease and while no-till farming seems to be leveling off:

Year	Conservation tillage in the United States (percentage of total planted acres)	No-till adoption in the United States (millions of acres)
1990	26	16.8
1992	31	28.1
1994	34.7	38.9
1996	35.8	42.9
1998	37.2	47.8
2000	36.6	50.7

Source: Conservation Technology Information Center.

REQUESTING RECORDS

The Iowa Farm Service Agency, which administers U.S. Department of Agriculture farm programs in Iowa, denied a Freedom of Information Act request filed by the Des Moines Sunday Register for the release of the names of Iowa farmers who have lost farm program payments because of a failure to comply with their conservation plans.

Next: The Register has appealed the denied to the USDA's general counsel. Tal Day, legal analyst in the USDA's appeals and litigants group, said the appeal was being reviewed by the general counsel's office.

Information: The state Farm Service Agency's Des Moines office did provide the newspaper with an electronic file of farm numbers and the proposed fines and dollars reinstated. That information was used to generate a statewide percentage of reinstated payments.

Appeal denied: Zenor adjust markers on his machinery for planting corn. He appealed the no-till fine to a county committee, as well as district and state offices, but it was upheld. "It's worse than an income-tax audit. They're right and you're wrong."

INSPECTIONS AND VIOLATIONS

The number of Iowa farms inspected by the National Resources Conservation Service, a branch of the U.S. Department of Agriculture, has gone down dramatically since passage of the 1996 Freedom to Farm legislation. As the number of inspections has dropped, so has the number of cases in which farmers have been found to be in violation of their approved conservation plan.

Year	Total inspections	Violations found	Percentage of farmland tracts found in violation
1993	2,536	102	4.0
1994	2,948	256	8.7
1995	2,946	120	4.1
1996	3,387	117	3.5
1997	3,407	63	1.8
1998	1,488	50	3.4
1999	1,517	67	4.4
2000	1,512	51	3.4
2001	1,430	39	2.7

Source: Des Moines Register analysis of data from the National Resources Conservation Service.

[From the Des Moines Sunday Register, Apr. 21, 2002]

CRITICS SEE LOOPHOLES IN CONSERVATION PROVISIONS

(By Blair Claflin)

Environmentalists and others say a handful of changes in the 1996 farm law, combined with the practical problems of turning federal employees into farm police, have undermined efforts to link farm subsidies to sound conservation practices.

"In 1996, Congress put in a whole second set of appeals when somebody got in the penalty box," said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. Farm policy. "There became lots of ways to get out."

The changes included:

So-called good-faith exemptions for farmers who did not have a history of violating conservation provisions.

A one-year grace period for farmers to get into compliance.

An expedited procedure for producers to get variances to conservation plans because of problems deemed to be out of their control.

More authority for local officials to determine that conservation compliance plans included requirements that would cause "undue economic hardships."

"The conservation provisions of the 1996 farm bill simplify existing conservation programs and improve their flexibility and efficiency," said a U.S. Department of Agriculture summary of the legislation.

Craig Cox, executive director of the Soil and Water Conservation Society in Ankeny, says conservation advocates reached a different conclusion.

"The criticism has been that any one of these changes by itself was not a real cause for concern, but together they opened a number of loopholes for the enforcement of conservation provisions," Cox said.

Even critics like Cook, however, acknowledge that the concept of linking farm subsidies to conservation practices, which started in the mid-1980s, was in trouble well before 1996.

By the early 1990s, environmentalist were complaining that the concept wasn't being adequately enforced. USDA officials, in turn, complained they didn't have the staff or the time to monitor farm practices so closely.

And in small, tightly knit farming communities, many federal employees who ultimately were responsible for carrying out the new approach were not comfortable with policing their neighbors.

"Nobody wants to stick it to somebody who is demonstrating good faith," said Dan Towery, natural resources specialist with the Conservation Technology Information Center in West Lafayette, Ind.

Towery is a former farm official in Illinois who had to investigate compliance cases there. "Determining what is 'good faith' is very subjective," he said.

No definitive studies have been done to determine whether erosion has increased significantly since 1997. The Natural Resources Conservation Service looks at that issue every five years, and its next study is scheduled for 2002.

However, survey work by Steven Kraft, chairman of the Department of Agribusiness Economics at Southern Illinois University in Carbondale, suggests farmers don't feel as threatened by the concept of linking conservation practices to subsidy payments.

Kraft, working with other researchers, surveyed farmers' attitudes about conservation between 1992 and 1996. the study looked at farmers in 100 different counties throughout the Midwest.

Producers were asked, for example, how fair they thought federal officials would be in implementing rules linking conservation to subsidies. In the fall of 1992, almost 29 percent said "very fair." By the winter of 1996, the number had increased to nearly 38 percent.

HOW THE SYSTEM WORKS

Two branches of the U.S. Department of Agriculture play roles in enforcing conservation requirements:

NRCS: The Natural Resources Conservation Service helps farmers develop conservation plans for their farms. Then it polices their efforts to follow the plans.

FSA: If the conservation service finds that a farmer has violated a plan, it reports that to the USDA's Farm Service Agency, which can withhold a farmer's government subsidies.

Appeals: A farmer can appeal the penalty to Farm Service Agency county committees, which are composed of farmers elected by other farmers in the county. Adverse determinations by the county committee can be appealed to the state FSA committee and then to the national appeals division of the Farm Service Agency in Washington, D.C.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). Will the Senator withhold his request?

Mr. GRASSLEY. Yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Gregg amendment No. 3427 (to amendment No. 3401), to strike the provisions relating to wage insurance.

AMENDMENT NO. 3427

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate on Gregg amendment No. 3427.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as we go through the details of this debate, I think it would be well for us to take a moment at the beginning to look at the overall situation we face and try to put this debate into some kind of context.

A fundamental principle that we need to remember in all of these conversations and discussions is this: All money comes from the economy. It does not come from the budget. It does not come from the actions of the Congress. It comes from the economy. If there were no underlying economy, there would be no money for the Federal Government to allocate. We have seen governments around the world that have tried to create money with no economy by passing budgets, and we have seen the disaster that occurs.

So the fundamental principle that we need to address, to begin with, is what are we doing that will help the economy grow? What are we doing with trade promotion that will make the American economy stronger? If we can always keep that in mind as we address these various amendments, we will not do harm to our Government or what it is we are trying to accomplish for our citizens.

The next principle that follows from that one is this: The most significant thing we can do to help the economy grow is to increase productivity—increase productivity of capital, of labor, of our money, that it is invested in the right places, so that we do not do things that will cause the economy to be less productive than it would be otherwise.

These are two very strong fundamentals. We must keep the economy strong and growing. The way to keep the economy strong and growing is to increase productivity. That brings us to the Gregg amendment.

The Gregg amendment would strike out a wage subsidy program that is currently in the bill that is clearly antiproductive. That is, the bill as it currently stands, would decrease American worker productivity in ways that we have already seen historically demonstrated in other countries. We can go, particularly, to the European countries and discover that they have problems with productivity, and they have problems with new job creation. One of the reasons they have problems is that they have structurally built into their economy a subsidy for nonproductive worker activity. It sounds very benign—indeed beneficial—to say to a worker: well, you have lost your job and therefore we will tide you over to another situation until you can get back on your feet. We have unemployment compensation for that. We have other safety net provisions.

But the Europeans, by and large, have adopted the notion that we not only tide you over, we make you whole and keep you in your present income circumstance regardless of our employment circumstance. I had this brought home very dramatically when the company that I ran came into difficulties and lost some clients and had to face laying off some people—ultimately including me. One of my employees, who was in our European subsidiary, said this with a complete straight face, not understanding how America works: How many months do we get from the Government in terms of maintaining our present salaries when this company fails?

I said: None.

He said: In the country where I am working, they get a year and a half to 2 years of continuation at present salary.

I said: Sorry, you are working for an American company—and he had come back here from Europe—and you are here in America. You have to find another job.

He did. He not only found another job, he found a better job than the one he had with me. I had to find another job as my company failed. I did.

If we had been under the circumstances of the language that is in this bill, we could have said to ourselves that we did not have any pressure to find another job; we could be subsidized where we were. We did not need to move forward. We could go just as things were, and the economy, as a whole, magnified from this example, would become less productive.

Putting it into context again, looking at it as a general principle, here are the principles: If the economy is not strong, we will not have any money to allocate. If the economy is not seeing increased productivity every year, it will not remain strong, and we can look at our European friends and say, if we do what they have done, in the name of compassion for our workers, we will end up hurting our workers, our economy, and our Government.

Sometimes it takes the spur of a little bit of pressure to keep Americans going. But our historic pattern has been that the strong economy helps not only the people at the top but, foremost, it helps the people at the bottom. Keeping them in a temporary position of stability ultimately produces long-term detriment to the economy and to the individuals themselves. For that reason, I support the Gregg amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise today to oppose the amendment offered by Mr. GREGG.

Let me say, first of all, that this bill represents a very balanced compromise between Democrats and Republicans. I have worked hard to defeat some amendments that I view as killer amendments, I am disappointed that this amendment—which I also view as a killer amendment—has even been offered. This amendment would strike an important provision in the TAA bill—wage insurance. Wage insurance, as many now know, gives an incentive to displaced workers to find employment more quickly. It does this by cushioning them against income losses they might experience after losing a job and starting again in a new field. Now, there have been some misstatements about when wages insurance was added to this bill. I have heard some Members suggest that this was added after the markup. That is simply not true.

Wage insurance was included in the original bill introduced by myself and Senators BINGAMAN and DASCHLE last July. And it was open to debate at the Finance Committee markup last December. As a part of a compromise with Senators GRASSLEY and GRAMM, we have all agreed to make this program a pilot program to see if it works. If it does, I suspect we many want to broaden the program. If it does not, I expect that Congress will end this program. But it is hard to argue against, at a minimum, giving this widely-supported program a chance. So how does it work?

We have drafted this as a pilot program for older workers. Due to their long tenure in a single job or industry, older workers tend to be the hardest TAA participants to reemploy and the most likely to experience significant earnings losses in a new job. So, under our bill, any worker who is at least 50 years old and certified eligible for TAA can choose to participate in the wage insurance program.

To qualify for wage insurance, a worker must take a new job that pays less than the old one within the first 26 weeks of regular unemployment insurance. By opting for wage insurance, a worker agrees to forego the 18 months of additional income support the could get under traditional TAA. Wage insurance lasts 2 years and is capped at $5,000 per year. A worker would not be eligible for wage insurance if he made over $50,000 per year. Now, why should we try a wage insurance program as part of TAA?

First, I would note that this is an issue that has been championed by Both Republican and Democratic leaders, and by academics. A number of Republicans, including Secretary Rumsfeld and Ambassador Zoellick—as members of the Trade Deficit Review Commission—and former USTR Carla Hills, have supported wage insurance. Alan Greenspan has also expressed support for such a program. These prominent individuals support wage insurance because it uses market incentives to shorten the period of unemployment.

Second, this is an innovative way to get hard-to-employ people back to work faster. The idea behind wage insurance is that a worker will be more willing to take a lower paying job—and get back into the workforce sooner—if someone is making up part of the difference between the old and new wage. After a year or two of experience on the job, wages tend to rise, reducing the long-term wage losses.

Third, this program actually saves money. During the 26 weeks a worker receives unemployment insurance, they can choose traditional TAA benefits or they can get a job and opt for wage insurance. The choice is up to the worker, but on average providing wage insurance will cost less than providing traditional TAA benefits. By getting people back into the workforce sooner, wage insurance will reduce unemployment rolls, reduce traditional TAA participation, and reduce overall costs to the government. Basically, if a worker certified for TAA takes a job before the end of his 26-week unemployment insurance period, the money that would have gone to fund income support starting in week 27 is instead used to pay the wage insurance. The difference is that the total amount of wage insurance a worker could receive is much less than the cost of traditional TAA benefits. One year of TAA income support at an average of $250 per week is $13,000, while wage insurance is capped at $5,000 per year. There are additional savings because the government will also not be paying for training.

Fourth, on-the-job training works. Studies show that on-the-job training is better for both employers and employees. Wage insurance gives workers the incentive to take entry level jobs and train on the job and it gives employers more control over the kind of training that employees receive.

I would also like to respond to some of the criticisms raised last night about the wage insurance program. First, critics have suggested that wage insurance will give people an incentive to lower their productivity, that wage insurance will persuade workers to turn down good-paying jobs that use their skills in favor of underpaid dream jobs like a fly-fishing instructor or a Disneyland worker. That seems pretty far-fetched to me. Workers in their 50s have kids in college, retirement nest-eggs to build, and mortgages to pay off. Research shows that older workers are the most likely to have obsolete job skills that do not lead to well-paying jobs they need to meet these obligations. I expect that these workers will take the best job they can get.

We have an example in my own state of Montana. Last year the Asarco lead smelter closed in East Helena. Most of the workers have been with the plant many years and are in their late 40s or older. There are no more lead smelting jobs in the U.S. where they could match their wages and use their skills. Most ended up starting again in jobs that paid much less—if they could find jobs at all. This wage insurance program could have helped many of them get back on their feet faster. In any event, I would emphasize that this is a pilot. If it turns out that critics are right and wage insurance leads to a glut of fly fishing instructors, the program can be ended after the 2-year trial. But I don't think that is what we will see.

The second criticism made of wage insurance is that it is inconsistent with the purpose of TAA, which is to provide retraining. Nothing could be further from the truth. The purpose of TAA is not training for its own sake. The purpose of TAA is to get trade-impacted workers back to work as quickly as possible by helping them get new skills. Wage insurance serves that goal, because it encourages on-the-job training. And on-the-job training is the best way to learn new job skills.

Finally, we have heard that this wage insurance program is a form of age discrimination. Giving older workers first crack at an alternative to traditional TAA is not age discrimination. But if this is truly a serious concern, I would be happy to amend this provision, and expand wage insurance to workers of all ages.

Mr. President, in concluding, let me say that there have been several Members who have criticized TAA in the last several days. They suggest it does not work. Yet they reject new bipartisan ideas—like wage insurance—that are offered as alternatives to TAA. I don't understand that. This amendment puts at grave risk the bipartisan compromise that has been struck in this bill. I oppose the amendment and I hope my colleagues will work hard to defeat it.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in a few moments I believe there are other Members coming over to speak, but let me outline once again some of the problems of this language. Remember, the way this is structured is that if one loses their job as a result of trade activity, they can take another job that pays less, and then the taxpayers pay them $5,000 a year for taking a job that pays less if they are over 50 years of age. There is no training requirement language.

There is no requirement that if there is a similar suitable job that pays the same, you take that. Say you lost your job at a manufacturing industry which was trade affected, and there was another job down the street in the manufacturing industry, in the same business, but that company had been able to compete effectively. You can take a job there at the same amount. There is no requirement you must take that; you can work for your cousin, brother, anyone, take a less paying job, and get paid $5,000 from the taxpayer to do that.

There is no requirement to remain in the community. A key in the trade adjustment language is that workers remain in the community. The concept was to revitalize the community through the trade adjustment language. There is no requirement to do that. I can see a lot of people losing their jobs—hopefully not a lot—in the Northeast or the Chicago area or the northern part of the country. Say they are 50 years old. They will say: Hey, I'm out of here; I'm going south where it is warm. I will get a job being an assistant golf pro, which is what I always wanted to do, and I will get $5,000 from the taxpayers to do that. There is no requirement to remain in the community.

There is no requirement for economic damage. In other words, there is no requirement that you need the money. There is a $50,000 payment level, but if you have a lot of assets or your spouse happens to have a high income, you still can benefit from this program.

There is no arm's length requirement. I can see a situation where an agreement may have been reached in the small business just having tough times. They close the store and open across the street, and they get a $5,000 subsidy. Maybe it is just a family situation and you work the system so you can go to work for your son who is running a construction business. The chances to manipulate the system because there is $5,000 of taxpayer money pouring in to support you are very significant.

There are a lot of structural problems as well as philosophical problems that we as a society are going to begin to pay people to be less productive. That is a concept which goes against American entrepreneurship.

I would like to yield to the Senator from Missouri, but I believe we are going back and forth.

Mr. BAUCUS. Senator GRASSLEY and I have to go to a Finance Committee meeting in 8 minutes. I would like Senator GRASSLEY to have the floor.

Mr. GREGG. Obviously, the Senator is the leader on the floor, and we certainly recognize that right.

I reserve my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Senator from New Hampshire.

The Senator from Montana has laid out very clearly why this amendment must be defeated. This is a carefully crafted compromise. The year 2002 is not like previous years in the Senate when we have devoted a lot of bipartisanship to trade agreements. There is bipartisanship, but it is not as certain that we will pass a bill as in the previous 25 years when similar legislation passed.

I emphasize what Senator BAUCUS said: This is a carefully worked out agreement. It may not be entirely to the liking of Senator BAUCUS or perhaps not entirely to my liking, but we have to stick together to get this legislation passed. It is probably one of the most important pieces of legislation to be considered in the Senate.

Although the Senator from New Hampshire has some valid arguments, I cannot support an amendment that upsets the balance of the package by striking these wage insurance provisions. There are things in the package that Members on each side may not like. It is their prerogative to amend whatever they see necessary. I cannot support stripping out this section of the package.

Another reason is, wage insurance provisions in the legislation have not been tested, as some would say. Somewhere along the line, new ideas become law. Just because this is a new idea does not mean it is a bad idea.

I will read what Ambassador Carla Hills, former U.S. Trade Representative for President George Bush, said last year, a long time after she left her position as Trade Representative, when she appeared before the Senate Finance Committee:

> We should explore the concept of wage insurance to supplement the incomes of displaced workers—whatever the cause—who take an entry-level job in a different, more promising sector at lower pay. This would respond to workers' anxiety over near-term wage loss, encourage them to stay productive in the work force and obtain the training that has proved most effective—which is training on the job.

Carla Hills went on to say in a report called "Getting Over the Fear of Free Trade":

> The key goal of all of these ideas, as unconventional as they may seem at first, especially to the U.S. business community or the Republican Party, is straightforward. It is to educate and motivate more Americans to stand up in defense of open markets lest we lose the benefits that come from the free flow of ideas, capital, and goods.

We should listen to Ambassador Hills. I believe American anxiety about globalization stems in part from job instability. Wage insurance eases those fears.

As we consider voting on this amendment, I ask Members on my side of the aisle to keep their eye on the ball. The ball happens to be trade promotion authority, a contract between the Congress of the United States and the President of the United States, negotiated for 270 million Americans, a better world, a world that creates job opportunities. Trade creates jobs.

As President Kennedy said, trade, not aid, when it comes to helping the rest of the world. The United States has full responsibility to look out for our interests, the interests of the American people, but also to be a leader in the world. Being a leader in the world involves our participation in not only the economic concerns of the world but maintaining the peace. One of the tools of maintaining peace is economic opportunity. The cooperation comes to the world because of people trading. We often brag about political leaders and diplomats doing so much for world peace. We obviously create an environment for world peace, but there is nothing that works more for world peace than opportunities for individuals to interact with other individuals around the world in a commercial way. That does more to break down barriers and establish world peace than anything else.

Trade promotion authority is one of the three or four parts of this legislation. That is the 800-pound gorilla at which we ought to all be paying attention. It takes a carefully crafted compromise to get to that point. Some of the items in the Trade Adjustment Assistance Act that people on my side of the aisle might not like—and wage insurance could be one—are very small compared to the ball that I am asking Members to keep their eye on—trade promotion authority.

As the Chairman of the Federal Reserve Board said regarding trade promotion authority and freeing up trade around the world, as a result of the agreements we last endorsed in this body, the North American Free Trade Agreement, 1993, the Uruguay Round of Tariffs and Trades, 1994, those have helped reduce costs to the American consumer by $4,000 for a family of four.

That is equal to more than we have given in tax cuts in recent years to American families. Think of the good that comes to the economy because we have an opportunity to export and our consumers have an opportunity to import. We have an opportunity to reduce costs because of increased efficiency. That is all going to come in the future, as it has in the past, 50-some years under the GATT arrangements, because we are going to give our President trade promotion authority.

That is what we want our eye kept on. This compromise on trade adjustment assistance is part of that compromise.

Mr. GREGG. Mr. President, I will say this quickly and then I will yield to the Senator from Missouri and then to the Senator from Tennessee, but I rarely disagree with the Senator from Iowa. I consider him to be one of the best Senators in the Senate. He is certainly a thoughtful and effective Member of the Senate and a strong leader, especially for free trade. I certainly support his commitment to the trade promotion authority, but the price of that trade promotion authority should not be the creation of a brandnew entitlement which has explosive potential and is regrettably not a new idea. In fact, it is a very old idea. It is a European industrial socialist policy idea which has failed in Europe, failed in the old countries. We should not bring it to the new country.

I yield to the Senator from Missouri 5 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from New Hampshire. I say to my good friend from Iowa, I know he is a devoted, committed advocate of free trade. Coming from agricultural States such as his and mine, we know our farmers absolutely depend upon access to the world market to make sure they gain their return from the marketplace rather than from the mailbox. When we see trade decline, we see agricultural prices drop to terribly low levels.

I think the problems we have in agriculture are largely attributable to the collapse in Southeast Asia. We are only going to get the markets back and our income back and the costs of the farm bill down when we open up more trade agreements and see healthy trade with our partners throughout the world.

Having said that, I come to the floor as a very strong proponent of free trade. It is not just good for farmers; it is good for the people who work in the industries. The exporting industries pay 13 percent to 15 percent more than the nonexporting industries.

Our service sector is a leader in the world in exporting services of all kinds, and we benefit from that. When I go out to shop every day at home in Mexico, MO, or St. Louis or Kansas City, I have better priced goods and better quality goods because there is competition. I buy American-made goods every chance I can if they are available. But I know I am getting the best price and I am getting the best quality because they have to compete. So every one of us, as a consumer, benefits from the competition through increased choice and lower prices. That is why I think trade promotion is so important.

That is why I am so disappointed today to see the trade promotion bill has been hijacked. This is no longer a trade promotion bill; it is a welfare entitlement bill which talks about trade promotion, gives the President some authority, and then takes it away.

We failed to table the Dayton-Craig amendment. There were strong arguments made for that amendment: We can't give up our sovereignty.

Let me tell you what it does. It essentially says to any country that is even thinking about negotiating a deal with the President or his Trade Representative: Forget about it. Forget about it because whatever you negotiate with the President, the Congress can take it away when they come back. That essentially kills the authority of the President to negotiate a trade agreement, authority that previous Presidents have had in recent years as we made progress toward getting free trade.

I wish we would take the Andean Trade Promotion Act out of this bill. Everybody knows we need it. Today is the day one deadline occurs. We need to reassure our partners in the Andean region that we want free trade with them, to maintain it and not to see the tariffs come back. We ought to pass that and send this turkey back to get some wings and feathers on it so it will fly because this will not fly.

One of the amendments we have before us by the Senator from New Hampshire is just one step we ought to take to clean it up. As the Senator from New Hampshire has so eloquently stated, this is a brandnew subsidy without checks and balances. It does not guarantee that people will get the benefits and the economic opportunities that we should seek. There is no limitation based on necessity. The subsidy would go to an older worker who simply chooses to quit the rat race.

As the Senator from New Hampshire pointed out, you can get a wage subsidy for doing what you want—a former office worker could join her daughter's catering firm or a factory worker who treats a trade-related plant closing as an opportunity not to take an equal job in the community but to take early retirement, move to Florida, and maybe serve as a greeter at Wal-Mart or a groundskeeper at a golf course so he could have a couple of rounds of golf in and have a little wage subsidy.

I have nothing against that. I know some of my colleagues like to play golf, but I would sure hate paying them for their privilege of playing golf. My colleagues in this body who are good golfers do so on their own time, after they put in the 60-hour workweek, so it does not hold for them. But to encourage people without limit to do what they wish and take a subsidy along with the other entitlement programs is a bad precedent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. I thank the Chair and thank my colleague from New Hampshire. There are many other good arguments. I urge my colleagues to support the Senator from New Hampshire and help us go back to the job of cleaning this bill up to make it a trade promotion rather than an entitlement promotion bill.

Mr. GREGG. I thank the Senator from Missouri for his excellent thoughts, and I yield 10 minutes to the Senator from Tennessee.

Mr. THOMPSON. Mr. President, I strongly support the amendment of Senator GREGG. I think the debate on trade promotion authority is a classic example of something that used to be nonpartisan, as I understand it, and that is trade—as was the consensus I thought we developed that I believed was a good thing for our country. It is also an example of how often nowadays it seems we are asked to do some bad things in order to do something that is any good.

We are urged to keep our eyes on the ball, which is trade promotion authority, they say. I hope we all agree that free trade is good, that trade promotion authority is good. I think standing by itself it would pass overwhelmingly. But I am beginning to wonder what the ball is.

If, in fact, we are taking the first steps toward the Federal Government sending somebody a check for their insurance coverage, if we are taking the first step toward the Federal Government providing a wage differential for this group, that group, and then the next group—to me that is the ball. As important as trade promotion authority is, I am not sure I am willing to do that evil in order to do the other good.

If the idea is to load down something that is so clearly beneficial to this economy and this country such as trade promotion authority, the Andean trade agreement, with so many things that are so onerous that it is going to defeat the underlying bill—if that is the purpose, I think those who seek to carry that out are very close to accomplishing their goal.

It would be a pity, it would be a bad thing for this country, but I am afraid that is what we are looking at. Trade promotion authority and the Andean trade agreement are being held as hostages for a series of new entitlement programs, which really have nothing to do with trade but have everything to do with a social agenda which, as the Senator from New Hampshire pointed out, has failed in other parts of the world. While they are scrambling to try to be more like us, we are scrambling to try to be more like them, it seems.

If there is anything we ought to agree to in this body, it is the importance of trade promotion authority and the Andean trade agreement, at a time when our friends to the south of us, the Colombian Government, are about to be taken over by narcotraffickers, if they have their way, and have the first narcogovernment in our hemisphere instead of the democracy that is there now. Is anything more important than stopping that? I don't know.

We have a relationship with the Government of Ecuador where we have a forward operation location to assist us in drug eradication. Fighting drugs, terrorism, there is nothing more important than that. And everyone knows we need to have a trading relationship with these folks who are trying to do the right thing, trying to impose the rule of law and other beneficial things that we stand for in their countries, and yet that is being held hostage to these new entitlement programs.

The amendment of the Senator from New Hampshire, of course, has to do with one of the more onerous ones, which is an open invitation to outright fraud and abuse. Every year we come up with new assessments of how many billions of dollars we pay out to people who are dead or who are defrauding the Government or whatnot. This is an open invitation to do that. It is a program that would make the European leftists blush, and yet we are trying to move in that direction. But it is only one part of the onerous provisions that have loaded up this trade promotion authority bill.

So in order to do something good for our country, good for consumers, good for folks in Tennessee, who go to the store and want to buy goods a little bit cheaper—in order for us to do that, we are being asked to sign off on a bill that would triple the cost of trade adjustment assistance. We all agree that we need some trade adjustment assistance, but now we are being asked, in a time of deficit, in a time of war, to triple this program for this 2 percent of workers.

For this constituent group, in this election year, we are being asked to do that, to give this group of people—this small group of people—an additional 6 months of unemployment compensation. The average guy who gets laid off gets 6 months. So now this 2 percent would get up to 2 years. So this group goes from 6 months to 2 years, and it expands the number of reasons they do not have to undergo any additional training.

Trade assistance was originally designed as a training program to help people get a new job. This bill has over a half dozen exceptions where people do not even have to take training, including a provision that says you do not have to take training if there is another comparable job. If there is another comparable job, why do you need trade assistance anyway?

This bill would expand coverage to secondary workers, double or triple the number of people eligible. It creates a new program to pay farmers when commodity prices are below 80 percent of the previous 5-year average and imports contribute in part to the decline in price.

We just passed $190 billion in entitlement spending for farmers in the farm bill. This, in large part, duplicates that. There is a new program, a new bureaucracy in the office of the Department of Commerce. This program duplicates existing programs that provide assistance for communities. And it is a new bureaucracy in the process.

All of this is at a cost of who knows what. Estimates have been all over the lot, but they are all based on assumptions that people would participate in this new program at the same level as they participated in the old program. This is a much more generous program. It stands to reason a much higher percentage of people are going to participate in it.

So you are probably looking at $1 billion, or between $1 billion and $2 billion a year for a 10-year period, something like that, for something that could never pass on its own, something that no one would have the temerity to put in a piece of legislation. It is only because you are trying to hold free trade hostage, the Andean trade agreement hostage to this new group of entitlement programs.

If this new wage guarantee provision, for example, really works out the way we are talking about—that it is open and rife with waste, fraud, and abuse—what are the chances of this new entitlement program being canceled? Zero. It never happens. It never will happen. What are the chances of it being expanded? Pretty good. It is up to $5,000 now for the wage differential. What are the chances of that coming in and getting more and more generous?

Look at where trade adjustment assistance has gone from when it was first passed to what is being proposed today. No one ever dreamed, when trade adjustment assistance was first passed, that somebody would be proposing that we would do things in terms of 70 percent of their COBRA or wage differential, or all these other things that are being proposed. The same thing will happen with this new list of entitlements.

So I strongly urge adoption of the Gregg amendment. It would make a bad bill a little better. There are many of us who are tussling and grappling with something—and that I think all of America should be grappling with—and that is the balancing off of something so important as giving the President authority to get into the 21st century a little bit, and become a leader in this country, as we are supposed to be, in free trade, put our money where our mouth is, giving him trade promotion authority that our Presidents have had up until President Clinton, and get on with it.

If we cannot compete in this world economy with all the advantages we have, I will be very surprised. We should not be afraid of it. As important as all that is, however, I am afraid there is an effort here to saddle it with things that are bad for this country, that are the camel's nose under the tent, things that would never pass on their own. I say we have to keep our eye on the ball.

We are going to hold free trade hostage. We are going to hold our friends in our hemisphere—whom we ought to be trying to do everything to help—hostage in order to get a new array of social programs and guarantees and things that are old and tired and have failed in other parts of this world and should never be started in this one.

I yield the floor.

Mr. GREGG. Mr. President, I yield 10 minutes to the assistant leader, Senator NICKLES.

The PRESIDING OFFICER. The assistant leader is recognized.

Mr. NICKLES. Mr. President, one, I compliment Senator THOMPSON for the speech he made as well as Senator GREGG from New Hampshire for this amendment.

I urge my colleagues to support this amendment. This amendment would strike the wage subsidy program. I am glad we are going to have an up-or-down vote on it; and I hope this amendment will be adopted overwhelmingly, because this wage subsidy program is a bad idea.

There are a lot of bad ideas floating around. The Senator from Tennessee just mentioned a couple of them. It bothers me that evidently the Democrats who put together this package—and I say that because the Trade Adjustment Assistance Program passed in the Finance Committee without adequate discussion. We spent all day on trade promotion authority, and trade promotion authority passed, 18 to 3 in the Finance Committee. Trade adjustment assistance was rushed through the Committee. The two hour rule was raised and some would even question whether we finished it in time because of this objection, and whether it passed too late. There was not enough discussion. I am on that committee.

Well, what is it? It is the Federal Government saying: if you lose your job, presumably because of trade, and you take another job, the Federal Government will come in and pick up half the difference if your second job is less money.

I would like to have colleagues who support this come and defend it. Why are we doing this for so many people? I question the wisdom of the proposal.

I will just give you an example. What if you are a Senator whose wife just happens to work. Maybe it is a high-tech firm, which closes. Someone could say it was because of trade that it closed. And so she became unemployed, or became reemployed, and took a lesser paying job. So Uncle Sam is going to write my spouse a check for $5,000.

As the Senator from Tennessee said, this is just an opening round. Proponents will attempt to expand this program, should it pass. Why are we going to have the Federal Government setting wage rates? And guaranteeing these wage rates? How ridiculous an idea can it be? How socialistic can it be? Maybe people don't like to use that word, but socialism is the Government setting wages and prices. This is pretty socialistic.

I am embarrassed as to how bad this idea is. I compliment my colleague and friend from New Hampshire for raising this, pointing this out to the Senate.

There is no income test. We could be writing checks for people who could have $1 million in assets. Presumably, if they lost a job and then took a lesser job, Uncle Sam will write them a check for half the difference in many cases, even if they are millionaires. What kind of sense does that make?

I am embarrassed for the Senate. I am bothered by this process the majority leader has put in that says: To take up trade promotion, you also have to take trade adjustment assistance. Incidentally, when we are doing this, we will also put in a new wage subsidy program. We will have a brand-new benefit for trade adjustment assistance, including the Federal Government, for the first time ever, picking up 70 percent of health care costs not only for directly affected workers but for upstream workers as well, defined broadly enough to where no one knows how many hundreds of thousands of people might qualify for that benefit.

In addition, we will have a brand-new wage subsidy paid for by taxpayers. I have an interest. I have a son. I have three daughters. They are all taxpayers, and I am too. They don't want to pay for this benefit. Their taxes are plenty high. All of a sudden, we are talking about new entitlements for people. Where is the money coming from? We have a deficit now.

Somebody said: If passed, this new program is limited to $50 million. What proponents are trying to do is get this new entitlement started. Then we will see how much it costs 10 years from now, and supporters will probably try to raise the limit from $5,000 to such sums as necessary. You name it. Entitlements can grow like crazy. I would hate to think we would adopt this, and then 10 years from now find out we have a multibillion-dollar program and ask: Where did this come from?

This was a partisan proposal jammed in on top of trade promotion, basically extortion, saying, if you don't give us this, we will not give you trade.

The Senate needs to reject this proposal. This is a bad idea. When we talk about other countries, we encourage them to move to free markets. I am embarrassed that some of us are trying to move in their socialistic direction. Wow.

As a matter of fact, I had a constituent in my office a few minutes ago. He was listening to the Senator from New Hampshire. I told him I had to join this debate. I explained the amendment. My constituent's response was: I can't believe they are trying to do this.

This is about income redistribution where the Federal Government is paying wages, we will have a wage guarantee program. This is a wage subsidy program; that is exactly what this is. This is part of a very bad idea, a very bad process. It needs to be resoundingly rejected.

I urge my colleagues, Democrats and Republicans, to support the Gregg amendment and strike this brand-new entitlement program.

If there are proponents, I would love to have a dialog and find out how this will work and find out if a millionaire could benefit from this program; and find out if someone's spouse, who maybe is from a very wealthy family, if they could benefit from this program; or find out, if I was working for $50,000, and I happened to be over 50 and I decided to take a job for $40,000, if I can use that money to cover my golf bets. The Senator from Missouri mentioned maybe this is good for the golfers. I happen to be a golfer. I like that idea. But I have never thought of the Federal Government paying for my golf side bets.

I can't believe we are even considering this. What an embarrassment. This amendment should be passed, and it should be passed overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I understand the other side is going to yield 2 minutes to the Senator from Texas, and then we will go to 5 minutes to the Senator from Arizona. We are alternating.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, we yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as many of my colleagues know, I was asked by the White House and by the Republican leadership to try to negotiate a package that would allow us to pass trade promotion authority. In the process, I found myself in a position of having to either kiss an ugly pig on the mouth or send it off to the barbeque.

Through our negotiations, we were able to drop the steel legacy provision. We also were able to dramatically reduce the proposed wage insurance program, cutting its funding level from $100 million to $50 million and its authorization from 5 years to 2 years. But I am not going to stand here today and argue on behalf of the principle of wage insurance. I can tell my colleagues that as a conferee, I am going to oppose this provision, and I hope it will be removed.

I believe that our leader and Senator GRASSLEY and I are in the position where we have made an agreement, and therefore we must stick to it. I could stand here and say I am very unhappy that those who have entered into the agreement on the other side of the aisle nonetheless have found it convenient to continue to load more and more and more onto this wagon, to the point where the axle is about to break. But in my book, when you give your word, when you try to work out an agreement, when you try to make compromise work, you give up the luxury of coming back later and picking and choosing which provisions to support. In fact, it is sort of like fast track: you make a deal and you must stick by the whole package.

This afternoon we are going to have several votes. First, we are going to have a vote on Senator DODD's amendment, which effectively is the same amendment as the one offered yesterday by Senator LIEBERMAN. If that amendment passes, I am off this wagon. We also are going to have a vote on adding back the steel legacy provision. If steel legacy costs are included in this bill, I am going to do everything in my power to kill this bill, even though I am for fast-track authority and believe it is critical. You simply reach a point where greed and irresponsibility so overwhelm the underlying cause that you just cannot tolerate it.

There's a bigger point to all this, and that is the question of taking ownership. Quite frankly, I don't believe the chairman of the Finance Committee and the majority leader of the Senate have taken ownership of this trade promotion authority bill. I think we have had a game of piracy to try to see what can be gotten in return for this bill since they know that the President wants this bill and that it is in the national interest. They claim to be for the bill, but at every step along the way, we are having piracy committed against this bill.

I gave my word when I signed on to the agreement. Had I been the principal instead of the negotiator, I am not sure I would have agreed to our agreement. In fact, I probably wouldn't have. But I did. However, if these other amendments pass, if the deal is not kept, if it is clear that this piracy is going to continue, then at that point I would feel free to vote my conscience.

The point is that we have made an agreement. As appealing as it is to me to go back and undo the wage insurance part of it—a rotten, stinking part of it—I don't think that that would be responsible. But I will fight to get rid of this provision in conference and I hope that it will be dropped.

I have taken some degree of ownership of this bill, and feel a responsibility for it. For this process to succeed, I believe that those of us who want fast-track authority—the majority leader, the minority leader, the chairman of Finance, the ranking member of Finance, and those Senators who want this bill—have to begin to show some ownership of and responsibility for the bill as negotiated.

If we do not, and instead keep seeing efforts to pile on, we are going to kill this bill. For example, if steel legacy is added to this bill, it is dead. If the Dodd amendment, which is effectively the same vote we had on Lieberman, is added to this bill, we won't have trade promotion authority and I therefore will be off the wagon and out of the deal.

Today, I am in the deal. As I said, I have taken on partial ownership of the bill. When you sign on to a compromise, when you take partial ownership, when you take responsibility, it means you have to stand up for the deal and vote against even those amendments that you otherwise would support.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. DASCHLE. Mr. President, the Trade Adjustment Assistance Program dedicates a very small piece of what we gained from trade to help those people who lose from trade, get back on their feet, and that is really what this amendment does.

The current TAA program helps some people but does not address some of the key problems people face; it leaves out too many other people altogether.

We fix some of these flaws. When a plant shuts down or moves overseas, workers lose their livelihoods and families face the uncertainty of not knowing how they are going to pay for food or a mortgage, or take their child to the doctor.

This bipartisan agreement will provide these workers with the opportunity to go back to community college to learn some new skills. They will receive unemployment insurance and subsidized health care to help them get through the difficult times and help them get a new job.

To a 35-year-old worker facing a difficult circumstance of a lost job, this sounds like a potential lifeline. But for a 53-year-old closer to retirement age, and less likely to be able to transition into a new job or field, those benefits are largely an empty promise. And we know it.

That is why we have worked so hard to keep the wage insurance provision in the bipartisan package we negotiated with Senators GRASSLEY, LOTT, GRAMM, and the White House. This provision was part of our agreement, and it must be retained.

Wage insurance is a pilot program—that is all it is—to test a very powerful idea. It says to older workers, if you take a lower paying job than the one you lost, some of the money that you would have received in unemployment insurance will go to offset a portion of the wage loss you will suffer.

By helping offset the loss of taking a lower paying job, wage insurance discourages dependency and encourages work. Wage insurance is not just compassionate policy, it is smart policy.

By getting people back into the workforce sooner, wage insurance will reduce unemployment rolls and the overall cost to Government. In reality, the provision will cost nothing more than what the Government would have been paying in unemployment insurance because people will have to give up their unemployment benefits to get the wage insurance.

This provision is prowork and it enjoys broad intellectual support on the left and on the right. In 1998, partly because of the unintended effects of trade, Congress established the U.S. Trade Deficit Review Commission. Among the key members of the Commission were President Bush's Trade Representative, Robert Zoellick; Defense Secretary Donald Rumsfeld; and George Becker, former President of the Steelworkers.

This group doesn't agree on much. But wage insurance was one clear area of agreement. Here is what they had to say—a bipartisan commission:

> We recommend that Congress consider new ways to address the broader cost of job displacement. Such consideration should include assessing ways of filling the earnings gaps created when new jobs initially pay less than previous jobs. As discussed, wage insurance is one such option. It has the advantage of encouraging displaced workers to accept new jobs as quickly as possible.

Here is another voice:

> It would be a great tragedy were we to stop the wheels of progress because of an incapacity to assist victims of progress. Our efforts should be directed at job skills enhancement and retraining . . . and, if necessary, selected income maintenance programs for those over a certain age, where retraining is problematic.

That is not a Democratic Senator speaking. That is Federal Reserve Chairman Alan Greenspan. In case my colleagues missed the translation, "income maintenance programs for those of a certain age" is wage insurance. Alan Greenspan is talking about wage insurance. Wage insurance for older workers is exactly what we are talking about this morning.

Finally, from a think tank:

> The proposed wage insurance program would strongly encourage workers to quickly find new jobs.

I will repeat that because it may resonate with some of my colleagues on the floor.

> The proposed wage insurance program would strongly encourage workers to quickly find new jobs.

That quote comes from the Heritage Foundation, and it comes as yet another endorsement of this amendment.

Older workers who lose their jobs and are struggling to find a new one have enough uncertainty to worry about. They should not also have to worry about whether they can afford to take a new job. The wage insurance provision gives workers something more than an empty promise.

We already scaled this proposal back from **$100** million for each of the next 5 years to **$50** million for 2 years. But we cannot afford to lose it entirely. It is a central component of the bipartisan agreement we made with Senators GRASSLEY, LOTT, GRAMM, and the White House.

I urge my colleagues to keep this agreement intact and reject this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I urge my colleagues to support the amendment of the Senator from New Hampshire to strike this wage subsidy provision from the bill. In my view, if it stays in the bill, it could well sink it. It would be difficult for me to support the bill on final passage if this provision is in it, notwithstanding my support for the bill. I admire the Senator from Texas because he was part of a group that negotiated portions of this bill that would be on the floor before us. He feels committed to supporting the version that was negotiated which includes this provision. Of course, he should do that. I think he also makes a good point to suggest that others who may be supporting other amendments need to keep their commitment in mind.

But the statement here reminds me a little bit of the old politician that said that it is important for us to always stand on principle and, in certain situations, to even be able to rise above principle. That is what is involved here unfortunately. The principle is to have a free market with labor and capital, people freely able to be hired. And it is possible sometimes through government decisions that people lose their jobs, through competition that people lose jobs. It is even possible that if there is a tariff reduced as a result of a free trade agreement, that could result in somebody losing their jobs.

People lose jobs for all kinds of reasons. The question, though, is whether or not we should make an exception and provide that certain people who work have rights more than others and are entitled to certain kinds of subsidy benefits in their wages as a result.

If we decide that is a good idea, how are we going to explain to other workers that we are leaving them out in the cold? The reality is that this is a foot in the door that will create an argument for everybody, regardless of their circumstance, to have a wage subsidy like certain other countries in the world of GATT, competitors of ours who cannot compete as well because they have these kinds of government subsidy programs for wages. In fact, it is a transfer of payment from hard-working Americans, middle income Americans, to those who are more wealthy. It is blatant discrimination against hard-working Americans, an invitation to fraud and abuse. As I said, it is a very dangerous step toward Government control. It is theoretically capped, but we know the initial expenses will be a drop in the bucket compared to what it will cost over the years.

Other constituencies will soon demand their own form of wage insurance, whether subsidies or other wage controls, and I think it would be virtually impossible to say no to them once we have established the principle. That is what I am talking about here—principle. There is no limitation in this program based upon necessity. It is available to dislocated workers who simply choose to quit the rat race and take an easier job. There is no training requirement, and that was always a component of the program that has been supported here in the past by the Senate. The Trade Adjustment Act has always included a training component to train displaced workers for new and better jobs.

But this wage subsidy program circumvents that and allows certain workers essentially to opt out.

There is no consideration in this provision of whether there are suitable jobs available in similar circumstances. The older displaced worker is free to take the job, earn an entitlement, regardless of whether equivalent work is readily available. For whatever reason, family health or personal preference, the individual is free to pull up stakes and move anywhere in the country, take a job, and receive the subsidy.

There are some who suggest that would benefit my sunshine State of Arizona. It would be pretty nice to quit the job in the Rust Belt and move to Arizona because of the subsidy provided in this bill.

There is no protection against fraud and abuse. There is a perverse incentive in this provision for employers to reduce the wages they pay knowing the Federal subsidy will supplement their workers' income and make up the difference.

There is no requirement the new employer and employee be at arm's length. This is a very critical provision rife for potential fraud and abuse. There is no inquiry permitted as to whether the new job, perhaps with a family member or friend, is a legitimate consequence of the displaced worker having to leave his former employment. Because the U.S. Government makes up the difference in wages, it is, as I say, rife with potential for fraud and abuse.

We ought to go back to principle and not politics.

The PRESIDING OFFICER. The Senator from Arizona has used 5 minutes.

Mr. KYL. I suggest my colleagues support the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I yield myself 6 minutes.

Mr. President, I thank Chairman BAUCUS and Ranking Member GRASSLEY for their superb work so far on the trade bill.

These are complex matters of policy, with potentially far-reaching consequences, that we are dealing with on this bill, and our two leaders on the Finance Committee have led us with foresight and wisdom. It is so important, as always, that we carefully balanced both the positive and the negatives of the legislation at hand.

As a member of the Finance Committee, I have taken our role, as Americans, in the global economic picture very seriously. Our leadership is crucial to the success of any efforts to open markets, whether in a multilateral forum such as the World Trade Organization, or in a regional context, such as a proposed western hemispheric arrangement. And let us make no mistake about the absolute need to open markets, to ensure the freer mobility of capital, to guarantee everyone a chance at a more prosperous and more stable future.

The underlying trade bill helps us meet this need, helps us fulfill our vital role as the global economic leader, by extending to the president the trade negotiating authority he needs to undertake more effectively the multilateral and other important negotiations that a stable global economy will require.

Once the President has negotiated an agreement, he brings it back to us for our consideration. If we support the agreement he has negotiated, then we take another step into the future by opening more markets and further growing our economy.

But the underlying trade bill also meets another highly important need: it gives us the resources and the authority to respond to those workers and those firms that will inevitably be displaced by the growing, changing economy.

The wage insurance provision of the trade adjustment assistance package helps us do just that. It offers a helping hand to older Americans who have lost their livelihoods to the inevitable dislocations increased trade creates. It does so by recognizing the obvious reality that a time consuming return to school for job retraining may not be in the best interests of older workers who are close to retirement age. It also recognizes the reality that older workers have a much harder time than younger workers re-entering the job market, particularly at the same income level they enjoyed previously. It meets the needs of these older workers by allowing them to insure wage loss. To receive the benefits of wage insurance, the older worker foregoes the additional income support he could otherwise receive if he or she went back to school. Thus, the worker receives benefits while he or she re-enters the job market and without having to go back to school, which, again, for this worker may not be the best option given his or her age.

I strongly support the wage insurance provisions of this bill, and I would also have supported an even more generous version of this provision.

Yet, with this trade bill, we have all made compromises, for the sake of getting a good, comprehensive piece of legislation to send to the President's desk. Wage insurance is a much needed part of the TAA package. It is fair and it is responsible.

I urge my colleagues to vote against the Gregg amendment as we proceed to that vote and remember that there is not a one-size-fits-all, but that all of our workers need the special attention and the ability to move within the workforce in a way that is conducive to them, to their lifestyle, and particularly to their age. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Did the Senator yield back the remainder of time?

Mrs. LINCOLN. Yes, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will make my statement and then we can go to the vote.

First, I thank the many Members who have come to the Chamber and supported this amendment. There have been a number of points made that I think have been extremely appropriate as to the failure of the language in the bill and the need to have this amendment to correct it.

I want to respond to a couple points made by the Democratic leader. First, this issue of the deal. A number of Members spoke and said this is a lousy idea. It is really not a very good policy, the concept of paying people to take less productive jobs, having the taxpayers pay people to take less productive jobs. This is not good policy, but I have to be for it because there was a deal agreed to.

As far as I can tell, there were only six people in that room at the most. So maybe those six people have reached an agreement, and around here, if you give your word, you have to stand by it. I respect the people who came to the Chamber and said they are going to stand by their word.

For the rest of us, we should look at the policy of whether or not this is a good idea, and it is not. It is called a pilot program, and the Democratic leader said it was a pilot program for which they wanted $100 million, and they agreed to $50 million over 2 years. As he described it, it is a central component of the understanding they reached.

Mr. President, $50 million is a lot of money, but around this building, it does not even deserve an asterisk. So there is something more at work. We are not talking about $50 million if it is a central component of the agreement. We are talking about something people expect to expand radically over the years. This is a brandnew major entitlement which will expand dramatically. It is not some benign little pilot program. If it was, it would not be a central component of this agreement. Thus, this attempt to dismiss it is as something marginal clearly does not fly, even though it is alleged to be a pilot program.

There was also a statement made that this is an attempt to benefit older workers. Actually, the language of this bill does the exact opposite. We have on the books the age discrimination language which says you cannot discriminate against somebody in their job who is over 50 years old.

We have on the books laws which say that older workers should be given deference and should be allowed to retain their jobs and should be allowed to improve their position in the workplace and should not be discriminated against because of their age.

This amendment says exactly the opposite. It says to the older worker: When you lose your job due to trade, we are going to say you are not capable of getting a better job; we are going to tell you go find a lesser job, and then we will pay you from the other taxpayers of America $5,000 to do that.

It takes the theory of "you cannot teach old dogs new tricks" and says: Not only can you not teach old dogs new tricks, but we are going to pay you $5,000 to forget everything you have learned and take less of a job.

It makes absolutely no sense in the context of the other laws which we have on the books relative to age discrimination. In fact, it flies in the face of years of attempts to make sure that as people get further into the workforce, they are not discriminated against.

Of course, as has been outlined, it has no structure to it, no controls to it. Under the trade adjustment concept, the whole idea is to train people who lose their jobs as a result of trade activity, to train them to get a better job, to give them opportunities to get a better job. This language says you should get less of a job. It reduces your employment capability. There is no training language in this bill. In fact, you cannot train under this bill. It basically rejects the training language of the trade adjustment language.

There is no requirement that you take a similar and suitable job. So if you have the ability to do something that is unique and you can take it across the street after you lose your job somewhere and get paid just as much or maybe even more, there is no requirement that you do that. If you would rather do something that maybe pays you a lot less because it is more socially acceptable to you, it is more in tune with your lifestyle—the example has been used of going and becoming an assistant pro at a golf course because you would rather play golf rather than work in a steel factory—you can do that; that is your right; you should be able to do that. Pursuit of happiness is part of our culture, but you should not get $5,000 from the taxpayers who are still working somewhere on the line to do it, which is what this bill tells you.

If there is a similar and suitable job, you are not required to take it. You are not required to remain in the community, which means it undermines the community. I talked at length about that last night. You are not required to have a need for the job. Your spouse could be making $100,000, $200,000, or $300,000. If you had a job where you earned $50,000 and you take a lesser job, you still get $5,000 from the taxpayers of America, even though your spouse may have a huge income.

There is no test relative to the manipulation of the system. An employer may be closing down one plant on trade adjustment language, opening up another facility in a different area, moving people into there, and getting a $5,000 payment. There is no language about that. There are no controls.

There is no control in the area of meeting the needs relative to, as I said, staying in the community. And there is no arm's length control. You could work within the family, for example, move from one job to another. Maybe your son runs a construction company and you are working for a steel mill and the steel mill goes out of business; you go to work for your son's construction company and the taxpayers of America would have to pay you $5,000. Those are the technical issues that lie with this question.

The bigger issues are these: No. 1, it is a brandnew entitlement with immense potential. No. 2, and most importantly, it undermines our basic philosophy of how we have had our economy structured the last 200 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Therefore, I hope people will join me in supporting this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from Montana.

Mr. BAUCUS. On behalf of myself, Senator GRAMM of Texas, and Senator GRASSLEY of Iowa, I move to table the Gregg amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

I further announce that if present and voting the Senator from Virginia (Mr. WARNER) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Carnahan
Carper
Chafee
Cleland
Clinton
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Gramm
Grassley
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NAYS—38

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cantwell
Cochran
Collins
Conrad
Craig
Crapo
Domenici

Ensign
Enzi
Fitzgerald
Frist
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Stevens
Thomas
Thompson
Thurmond

NOT VOTING—4

Helms
Lott
Murkowski
Warner

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that immediately following the last vote today, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill, and that it be considered under the following limitations: that there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of the chairman, Senator BIDEN, and ranking member or their designees, 90 minutes under the control of Senator WARNER or his designee; that no amendments or motions be in order—I understand there has been a change in plans. I withdraw that proposed request.

Mr. President, I ask unanimous consent that in the sequence of the amendments to H.R. 3009, the next three Democratic amendments be Nelson of Florida regarding dumping, Corzine regarding services, and Hollings regarding TAA expansion.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, might I inquire of the Senator from Nevada, are these the three amendments that you would put following the list of amendments that were agreed to yesterday?

Mr. REID. The Senator from North Dakota is correct.

Mr. DORGAN. Mr. President, I want to try to understand also, the previous unanimous consent request of the Senator from Nevada, which he has withdrawn—is it the Senator's intent, with the subsequent unanimous consent request, that we move off the fast-track bill and on to NATO expansion? And if so, what would be the length of time we would be off the fast-track bill?

Mr. REID. It is my understanding, I say to the Senator from North Dakota, that we will do 2½ hours on this tonight and return to the fast-track bill tomorrow.

Mr. DORGAN. With votes, Mr. President? I inquire, will there be votes tomorrow?

Mr. REID. The majority leader announced yesterday there likely will be votes tomorrow. So I say to my friend from North Dakota, I know his concern is we have a long list of amendments and are we going to get to all the amendments.

I say to my friend from North Dakota, we are doing our very best to work our way through these. And the majority leader has said publicly, and on a number of occasions, he wants to allow people to have the ability to amend this. I have not heard the leader say at any time that he is contemplating, in the near future, a motion for cloture.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might continue to reserve my right to object, yesterday, we created a sequencing of amendments. I was not consulted in that. I was on the floor expecting to be recognized following the Gregg amendment. And then the Senator brought to the floor a sequencing of amendments that has me somewhere following some very big, lengthy amendments that are going to take a lot of floor time.

I was surprised by that and not consulted about it. So if we are going to sequence amendments—I regretted it all the way to work this morning that I did not object yesterday. I think the way for us to do this, of course, is to consult with each other. Since I was on the floor expecting to be able to offer an amendment, and talked to the appropriate staff about doing so, I was very surprised about the sequencing that came yesterday. But I don't believe it is the fault of the Senator from Nevada. It is not my intention to suggest that. But if we are sequencing things, let's consult with everyone first.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from North Dakota, he is not alone. There are a number of other people who have come to me today asking why they are not higher than the rest. But I do say, we have a lot of amendments, and certainly there was no intent to, in any way, discourage or prevent the Senator from North Dakota having his amendment heard. In fact, it is my understanding that the Senator from North Dakota has other amendments that he wishes to offer. I apologize to him, and others, that perhaps we could have done more consulting with others, but we didn't, and we are now in this posture. We will try to do better in the future.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is not about being higher on the list. It is about, if there is going to be stage management here, then there should be consultation on how we are going to manage the stage. I was expecting to be, and was told I would likely be, recognized following the Gregg amendment.

Look, I am where I am at this point because of the unanimous consent request that I should have objected to yesterday and did not. I only point out, as we proceed, it would be helpful to consult with the rest of us. If not, I will be constrained to object on future unanimous requests.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Connecticut is recognized to offer an amendment.

AMENDMENT NO. 3428 TO AMENDMENT NO. 3401

Mr. DODD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LIEBERMAN, proposes an amendment numbered 3428 to amendment No. 3401.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the principal negotiating objectives of the United States with respect to labor and the environment)

Section 2102(b)(11) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) to ensure that the parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and strive to ensure that such labor principles and the core labor standards set forth in section 2113(2) are recognized and protected by domestic law;

"(D) recognizing the rights of parties to establish their own labor standards, and to adopt or modify accordingly their labor laws and regulations, parties shall strive to ensure that their laws provide for labor standards consistent with the core labor standards and shall strive to improve those standards in that light;

"(E) to recognize that it is inappropriate to encourage trade by relaxing domestic labor laws and to strive to ensure that parties to a trade agreement do not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their labor laws as an encouragement for trade;

"(F) to strengthen the capacity of United States trading partners to promote respect for core labor standards and reaffirm their obligations and commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;".

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my colleague from Connecticut, Senator LIEBERMAN.

Before I get into the details of the amendment and why I think it is an important amendment, let me state what I think many of my colleagues may have been aware of over the years.

I have been a longtime advocate of promoting free and fair trade throughout my tenure in this body of more than two decades. I have historically supported the granting of fast-track authority. I voted for trade agreements that have resulted from that authority. So the Member who offers this amendment is one who has a strong record over the years of advocating and supporting expanding trading opportunities.

I come from a State that has been tremendously dependent over the years on export markets for the health and well-being of the people who live there.

I say that as a background so you understand what my thinking is about this amendment, and why I think this amendment is so important to people such as myself who have been supporters of trade agreement. The adoption or the defeat of this amendment could have a profound effect, I say to my colleagues, on someone such as myself, who likes to believe that we have progressed, over the years, in trade agreements, expanding and fighting for the rights that we demand not only for our own citizenry but in trying to expand around the globe to benefit and improve the quality of life for people elsewhere with whom we have trading agreements.

What I have observed over time is that the evolution and the content and scope of these agreements, their depth and their breadth have grown dramatically since I first arrived in this body more than 20 years ago. No longer are we simply dealing with tariffs and duties and quotas to be levied on tangible goods. That was the case when I arrived. But because good people in this body, of both parties, over the years have fought to expand what would be a part of these agreements, we have improved dramatically these trading accords.

We now deal with virtually every facet of our economy. The process has evolved. And matters once totally outside the realm of trade agreements no longer are. And that is good news for America.

I am thinking, for example, of the NAFTA agreement, which I supported and which passed the Congress only after the Clinton administration negotiated side agreements related to labor and the environment. Those side agreements were controversial to some in this body, but they were so essential to the passage of NAFTA.

Throughout my 20 years in the Senate I have been a strong supporter of trading agreements and fast track.

I am very proud of my record of support for these agreements. It has been a critical issue for my State and the country. You are not listening to a Member who historically has objected every time a trade agreement or fast-track authority has come up. Quite the contrary, I have been one who has stood in support of these agreements because I believed they were in our country's best interest.

Over time there has been an evolution in the content and scope of these trading agreements—that has been wonderful news for the United States—as their depth and breadth have grown dramatically. It used to be we just negotiated agreements that dealt with tariffs, duties, and quotas on tradeable goods. That was it. You didn't consider anything else.

Those days are long since past. We now deal with virtually every facet of our economy in the context of trade negotiations. The process has evolved, and matters once considered totally outside the realm of a trade agreement no longer are. I am thinking of NAFTA, which I strongly supported, which was an important agreement that passed the Congress only after the Clinton administration negotiated side agreements relating to labor and the environment. Those side agreements were controversial to some in this body, but had they not been included, we would never have passed NAFTA.

That is a fact.

What I am saying about the amendment I am proposing—I will get to the details in a minute—for people such as myself, the adoption of this kind of an amendment is critically important to our votes when it comes to final passage. Maybe they are not necessary, but I would hate to think as we begin the 21st century that we would take a step back from exactly the progress we have made in the latter part of the 20th century when it comes to trading agreements. That is all I am suggesting we do here: To maintain this progress as we go forward.

More recently, both the House and the Senate unanimously endorsed the United States-Jordan Free Trade Agreement. The Bush administration in fact urged Congress to do so. The Jordan agreement broke new ground and set a standard, a floor by which other agreements will be judged as they relate to the support and protection of core internationally recognized labor standards.

The United States-Jordan Agreement also contains a mechanism to resolve disputes related to violations of the terms of the agreement, including violations of labor rights equal to violations that in the context of commerce and other economic transactions between our two nations. The Jordan agreement was very forward looking, dynamic, and supported by 100 percent of the Members of the Senate. As part of that agreement, the United States and Jordan pledged not only to uphold existing domestic labor laws in conjunction with the trade agreement, but we also recognized that "cooperation between them provides enhanced opportunities to improve labor standards" in the future.

Last week, King Abdallah of Jordan was in Washington. Many of my colleagues had an opportunity to see him. The Middle East crisis was foremost on his mind for obvious reasons. He also took the time to mention that the implementation of the United States-Jordan Free Trade Agreement was working very well. For those who may say this places onerous burdens on developing countries, Third and Fourth World countries, and this is too difficult a task, King Abdallah of Jordan made the point that the United States-Jordan Free Trade Agreement was working extremely well.

No one expects every country with which we will be entering into negotiations to have the same standards and protections the United States has with respect to protection of workers' rights, just as they don't have as well developed patent and copyright laws or environmental standards. We know that. But we do believe that if every country had identical standards and practices, negotiations would be unnecessary.

The purpose of engaging in negotiations and reaching comprehensive trade agreements is to encourage other nations to stretch themselves to do more in these areas. Trade agreements should be viewed as a dynamic process for ratcheting up global standards across the board.

The Jordan standards, unanimously adopted by Members of this body, are a mechanism for making that happen in the labor sector.

One of the reasons I am offering the Jordan standards as a part of this bill is that they passed 100 to nothing here. There was no debate about whether or not these standards ought to be included in that agreement. My concern is, if we don't raise the level on this trade authority, we will be taking a step back.

My amendment merely takes three provisions of this agreement and incorporates them in the underlying bill. I commend the committee because they took three of the provisions of the Jordan free trade agreement included them in the legislation. But in the absence of these three I will discuss shortly, this is a flawed proposal.

For those reasons, my amendment ought to be adopted. We don't expect everyone to have the exact standards we do. But we think these rights are not just unique to this country. We think the people's right to collectively bargain, the people's right to be protected against child labor are good standards. These are standards we want the rest of the world to try to reach.

We don't want the world to hire children to produce products that are sold in America. We want the environment to improve not just in our own country but around the globe as well. By including the standards in the Jordan agreement in this agreement, we advance the very cause of those ideals which we have championed as a people, regardless of party. In many ways it has been the bipartisan insistence on these inclusions that has made them so important and so dynamic for the rest of the world.

Is there any doubt that it is in the economic and foreign policy interests of the United States to encourage respect for workers' rights, abolish child labor, or to protect the environment? Those ought not belong to a party, they belong to a Nation. Is there any doubt that governments that treat their workers with respect, that allow them to freely associate, that have adopted laws against child labor, that have established minimum wage standards, are governments that tend to be strong and stable democracies, or that governments that don't value and protect their citizens are generally tyrants who are not only a threat to their own citizens but to their neighbors as well?

President John Kennedy once said that a rising tide lifts all boats. The growth in international commerce can certainly be that rising tide. But it will only lift all boats if we ensure that increased trade goes hand in hand with respect for internationally recognized labor rights and have a shared commitment to making the lives of working people better. That is why I believe it is so critical that we send a clear signal that we truly are seeking to get our trading partners to adopt standards that our friends in Jordan readily agreed to and find are working extremely well.

What an irony it would be that we demand it of Jordan, a country with all of its difficulties, with a remarkable leader in King Abdallah who finds he can live with it, and we turn around, after a unanimous vote in the year 2001, passing the United States-Jordan agreement, and adopt a trade accord here that would allow us to take a walk away from the very standards that only months ago we applied to the nation of Jordan.

The Jordan Agreement is living well with the agreements and standards we applied there. To now take a hike on the standards we agreed to under Jordan, and to say to everyone else that they get to adopt a lower standard would be a tragedy. This agreement ought not to be adopted if we exclude these provisions that we have already adopted 100 to nothing in the Senate only a few short months ago.

Let me explain what the amendment does. It is not complicated. It is very straightforward. My colleagues will understand this is not an exaggerated, new idea. I am merely taking the language that already exists, that was adopted unanimously in the year 2001.

The amendment, for those who want to follow the details of this, would modify section 2102(b)(11) of the underlying managers' amendment as it relates to the principle trade negotiations with respect to labor by adding language drawn from the United States-Jordan Free Trade Agreement. The language proposed in my amendment is an addition to the language included in the managers' package.

I commend the managers. They did include language, very specifically, from the United States-Jordan Free Trade Agreement in this bill. That is very helpful.

But we are missing some language here. Let there be no doubt. When you are dealing with traders around the world, they will make clear note that the absence of language was not a mistake, not some oversight; the intentions are quite clear that all of a sudden we are changing the rules of the road. I don't think we want to send that message.

So I know there will be arguments that the United States-Jordan Free Trade Agreement is included entirely in this bill. It is not at all. I commend the managers for what they have done. The managers were working, of course, from the House version of this bill. That placed certain constraints on them in committee. I hope that the full Senate will act on this matter now, so we can be more flexible and fully reflect the important precedent set by the United States-Jordan Free Trade Agreement in the areas of labor and the environment.

I have prepared a chart that replicates article 6 of the United States-Jordan Free Trade Agreement. It relates to the obligations of the United States and Jordan with respect to labor. Let's look to the provisions of that agreement and compare it with the text of the bill and the additions my amendment would make to that text.

Article 6.1 of the U.S. Jordan Agreement, is reflected in section (C) of the pending amendment. This amendment would establish as a principal negotiating labor objective, the reaffirmation by parties of their obligations and commitments as members of the ILO—International Labor Organization—in the context of labor negotiations and in the context of future trade agreements and a commitment to ensure that domestic labor laws are consistent with the ILO Declaration on Fundamental Principles and Rights at Work.

What does that mean? It is a lot of language. It means, in the context of the negotiating process, that governments that are members of the ILO, of which there are 163—virtually everybody we are trading with—must be mindful of the obligations that have already been assumed as members of that organization. That is a radical thought, isn't it? It was signed on to by 163 countries.

We are saying, if you want to trade with us, we want you to live up to the commitment you made when you signed on. That is what we said to Jordan. We said: Look, you are a member of the ILO and we are going to say if you want to have a trading relationship with us—and we want it with you—we want to have clear language in the agreement that says you must live up to those obligations that you already signed on to. That is not exactly a radical point in this context. What are those obligations? To respect, promote, and realize fundamental labor rights, such as freedom of association, elimination of forced labor, abolition of child labor, and the elimination of discrimination with respect to employment.

I hope I will not have to debate in this Chamber, as we begin the 21st century, whether or not it is in the interest of the United States, when we enter trading agreements, that somehow we are going to sit back and remain silent when it comes to discrimination, child labor, and the right to promote respect or fundamental rights and the elimination of forced labor.

I don't think that is terribly radical for the U.S. in this century to be talking about having or advancing those standards in future trading agreements. So if you are going to defeat this amendment, understand we are going to step back to what we agreed to 100 to 0 a few months ago and to say to every trading partner we have, you can disregard this—disregard forced labor, child labor, and the notions of free association and the elimination or discrimination with respect to employment. I don't know of a single Member of this body, Republican or Democrat, who wants to be associated with a trading agreement that retreats from those very principles we have adopted in this body already. We are not asking these countries to do anything more than they are obligated to do as members of the ILO. That is all. This provision is not currently included in the managers' principal negotiating objectives, and I think it should be.

Let's look at the next provision. Article 6.2, embodied in section (E) of my amendment, namely, that the parties recognize it is inappropriate to seek a competitive trade advantage by relaxing or waiving domestic labor laws. I hesitate to even explain this one. We are saying we don't want you to step back in your own domestic laws in order to create a more favorable trade environment. That would be so damaging to our own country. We are saying, if you want to have an agreement with us, if you want to sell your products in America, you cannot start retreating on your own laws and putting American workers and American companies at a disadvantage.

We included this provision in the United States-Jordan agreement. We said we want a guarantee that you are not going to slip back and undo the laws you already adopted. You don't have to trade with us, but if you want to, we insist that you live up to the laws you have already written. That is not a radical thought.

Certainly, it seems to me that by excluding specifically that language from this agreement, having specifically ratified the trading agreement only a few short months ago, that we would be sending a signal with which I don't think many people in this Chamber would want to be associated. So it is extremely important.

What is the harm in including this provision? Do we support other countries gaining a competitive advantage over U.S. industries, businesses, and manufacturers by ignoring their own laws? I don't think so. And I certainly hope not.

Article 6.3 of the Jordan agreement is embodied in section (D) of my amendment; namely, to recognize the rights of parties to establish their own labor standards, but also the commitment to strive to ensure that their laws are consistent with the core labor standards, and that we should be trying to, over time, improve working conditions. Again, this doesn't seem terribly radical to me.

Articles 6.4 and 6.5 of the Jordan agreement are already contained in the underlying bill, as is 6.6, the definition of labor laws. Again, I commend Senators BAUCUS and GRASSLEY, and other members of the committee, for already taking the United States-Jordan Free Trade Agreement and including the provisions I have just mentioned.

So we have already set the precedent of taking the exact language of the United States-Jordan Free Trade Agreement and explicitly included some of the language in this bill. The obvious omission of the articles I have just mentioned, involving the points I have raised, I think, would be glaring in terms of our retreat from those principles we think are extremely important.

My comparison of the agreement with the underlying bill and with the provisions of my amendment show that this bill does not incorporate all of provisions in the United States-Jordan agreement. I believe that only with the adoption of this amendment Senator LIEBERMAN and I have offered can we fairly assert that there is parity between this bill and the United States-Jordan accord. Let's assume for the moment that you agree with the managers of the bill, that they have already accomplished Jordan parity. I might ask, what is the harm of accepting this amendment, which I clearly have shown is no more or less than what is in the United States-Jordan agreement? It seems to me by taking this additional language, we have done nothing to damage the statements made by the authors of this bill. I fail to see what great damage could be done to this bill or to the President's negotiating authority with the addition of a few additional negotiating objectives. There are currently 27 pages of principal negotiating objectives in the pending managers amendment, covering 14 areas, such as trade barriers, services, investment, intellectual property, e-commerce, agriculture, labor, environment, and dispute settlement.

I don't think we believe that U.S. negotiators will be successful in delivering on every single one of these objectives. But the point of including them is to encourage U.S. negotiators to pay attention to the issues of discrimination in employment, forced labor, and child labor. We think those are worthwhile objectives that should be payed attention to. If you can pay attention to e-commerce, to investments, to intellectual property, tell me what your rationale is for taking a hike and walking away when job discrimination, child labor, and forced labor ought to be on the table as well as part of our standards.

If it is OK to watch out for the banks, for the high-tech companies, how about watching out for people who have no one else to watch out for them and to insist that if you want to trade with America, sell your goods in Nevada, or in Connecticut, or in Texas, or anywhere else, at least you have to put these standards on the table.

So we urge adoption of an amendment to incorporate these standards, to encourage our negotiators to pay attention to these objectives that have been delineated, and send a signal to our trading partners that we care about them—at least the Senate does. Republicans and Democrats care about these issues. We care about trade, but we also care about working people. We care about them at home and around the globe. If you are going to have the luxury of selling your products and services here, for the Lord's sake, please pay attention to some things that go to human decency.

That is all we are talking about. That is why we truly believe our negotiators should be attempting to achieve standards that already apply. I suspect if I were offering this language for the first time, people would say I am breaking new ground. I am not breaking new ground.

In the year 2001, this Senate unanimously voted for the agreement. This body, at the urging of President Bush, adopted the United States-Jordan Free Trade Agreement, and the very standards written here are written into that law. Should we say to other countries we insist Jordan do something, but the rest of you can just ignore these important standards?

As I said earlier, our partners in negotiation are not foolish; they are not naive; they are not stupid. They are going to know there is a difference between this bill and the Jordan agreement. They are going to assume rightly—or, more importantly, wrongly—that there is a message sent by that difference. If we do not want to send such a signal—and I do not believe the managers of this bill do—then I think we should be careful with the language we incorporate here.

I believe, without the adoption of this amendment, the Jordan standards will not be fully on the table for discussion, and we will have missed a unique opportunity to insist they be a part of all future agreements.

Madam President, I urge the adoption of this amendment. It is not complicated. It is very straightforward. It is not precedent setting, and I think it is where America is. These are American values. If we can add standards in every other imaginable area to protect every financial interest one can think of, should we not also try to do something about kids who get hired to produce some of the very clothes people are wearing every day; shouldn't we see to it that job discrimination and forced labor are not going to produce the products we sell on the shelves of our small communities and large cities of this country? I do not think that these ideas are radical. They are about as American as it can get. I hope my colleagues will think likewise and support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, for the benefit of Senators, we likely will not have a vote on the Dodd amendment until about 4 o'clock today. The President, if not on the Hill, will be here shortly. A number of people are going to be meeting with him.

Of course, at 2 o'clock we are going to be in recess for the awards ceremony for President Reagan and Nancy Reagan, and we will not be able to vote until 4 o'clock.

I hope that when debate is completed, within whatever period of time it might take, we can have a vote at 4 o'clock, and if Senator KYL, who I understand is going to offer the next amendment for the Republicans, can debate his amendment for whatever time is left until 2 o'clock, and then from 3 to 4, and we can have two votes at 4 o'clock. That is what we would like to do.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I welcome the opportunity to discuss the Dodd-Lieberman amendment. The amendment is very similar to the Lieberman amendment yesterday in terms of its impact, though the approach is very different, so I will not belabor it. But I do want to make several points that I think are relevant to the amendment.

The first point is in response to Senator DODD's argument that the language he wants to impose on all future trade negotiations is identical to the language included in the Jordan free trade agreement approved unanimously by the Senate.

That argument assumes that one size fits all. It is similar to the argument I might make if I were going to try to buy a tire manufacturing company after buying a set of its tires. I might argue: You were willing to sell me a set of tires on credit without collateral. Now that I want to buy your whole company, how come you want collateral?

What worked for Jordan does not necessarily work elsewhere. I want to remind my colleagues that we rushed to approve the free trade agreement with Jordan because it was an important foreign policy action regarding a friend in one of the most unstable and difficult parts of the world in a time of emergency. It was in effect a foreign policy decision, not a trade policy decision. Indeed, our imports from Jordan are twenty-five one-thousandths of 1 percent of all imports coming into the United States. Trade, while not unimportant, clearly did not drive this agreement.

Yet Senator DODD's point is that if this language was good enough for Jordan, why is it not good enough as a general principle for all trading partners? That question kind of answers itself. If a signature on a note to buy a set of tires at a car dealership is good enough, why isn't the signature good enough to buy a car, or the car company? Because the situations are different.

The point is that a trade agreement with, say, Europe would be very different than a trade agreement with Jordan. In terms of trade, a trade agreement with Europe would be shooting with real bullets in terms of trade, jobs, and economic growth, because we already have a well-established economic flow between the United States and Europe. Such a trade agreement would not simply be about foreign policy. In contrast, we are just starting to increase our economic flow between the United States and Jordan, and the agreement quite clearly had a critical foreign policy component. Of course trade with Jordan is not solely about foreign policy. But to say that the principles we set forth in the Jordan agreement ought to be the principles that dictate every agreement we enter into in the future simply is not a valid analogy.

My second point is that the document before us is the result of long hours of labor by the Finance Committee. Now, I am not saying that the Finance Committee has cornered the market on wisdom or is infallible, but I will say that the Committee held numerous hearings and had days of debate. Eventually, we worked out a bipartisan compromise on these issues, and the bill was reported 18 to 3. The trade promotion bill approved by Finance is the bill that is supported by the administration and is broadly supported by every major element of the American economy.

In that bill, we achieved a balance that preserves the flexibility of the administration to negotiate different trade agreements depending on the particular circumstances. To suggest that somehow we do not deal with child labor is simply not valid. Labor issues are a factor through this bill. For the first time, we have an extensive negotiating objective in a fast-track bill dealing with labor and environmental issues. In addition, we have included language that refers to ILO conventions both those we have ratified and those we have not—on forced labor, minimum employment age, and similar matters. However, the bill as reported provides flexibility, rather than assuming that one size fits all.

I do not think there is one size that fits all in almost anything that government does, which is why so many of our programs fail. But even if there were one size that fits all, to suggest that the Jordan Free Trade Agreement, an agreement with a country that produces twenty-five one-thousandths of 1 percent of the products that we import, should serve as the mandate for all future agreements simply does not stand up to scrutiny.

In the Finance Committee bill, we have dealt with labor. We have dealt with the environment. And in both areas we have set standards higher than we have ever set before. To suggest that we ought to go back to one particular trade agreement approved in the midst of a crisis in the Middle East with a country that sells twenty-five one-thousandths of 1 percent of all items we buy from the rest of the world, and make it the ironclad standard for every trade negotiation we enter into again from now on, seems to me to be putting us in the kind of straitjacket that we would not want to put any administration in. That is why the Dodd-Lieberman amendment is opposed by a broad cross-section of American business. It is opposed by the administration. It is opposed by the chairman and ranking member of the Finance Committee.

It is one thing to try to add to the bill a totally new matter that we have not dealt with before. But it is another thing altogether to come in now, on the floor of the Senate, and try to rewrite heart of the bill based on one agreement entered into largely for foreign policy reasons with a key country who happens to sell us just twenty-five one-thousandths of 1 percent of all imports that we buy. Given the current trade flows between the United States and Jordan, any error in the agreement probably would not cause profound economic damage to either country. Our trade flows are just not large enough. Our overall relationship was and is important enough to approve that agreement. It was a good thing to do, and I supported it. But that agreement cannot become the ironclad standard for every trade agreement from this point on.

A few points to sum up. This amendment is unnecessary and undoes the bipartisan compromise on labor issues. It is not as if we do not deal with labor issues in the bill before us. In fact, we dealt with them in great detail. They were negotiated extensively, and as a result we now have strong bipartisan support for the bill. To come in now and rewrite the labor section based on one trade agreement we approved during a foreign policy crisis with a country whose sales to the United States are minimal relative to total world sales is just not sound public policy.

Secondly, the amendment proposes a one-size-fits-all approach that takes the smallest size as the base. The fact is that right now, there are few countries in the world from whom we buy as few goods as we do from Jordan. More imports are bought by some cities in Texas in a month than are bought by the whole Nation from Jordan in a year. We all hope that the agreement will promote greater trade with Jordan. But the fact is that its sales to us will remain relatively small compared to the sales by the rest of the world. To use the Jordan Agreement as the standard and override the bipartisan compromise in a bill written to be as coherent and flexible as possible does not make any sense.

We are not in the welfare business when it comes to trade. It is one thing for a trade agreement to help a government in Jordan. But when we are negotiating trade agreements with the Europeans, or the Japanese, I want the agreements to help us. I want them to benefit from a trade agreement too, but my first concern is to make sure that we benefit. In this case, the negotiation with Jordan was for Jordan. But any negotiation with Europe or Japan should be for America. To apply a foreign policy-driven standard to such negotiations just would not be sound policy.

It boils down to one point: different negotiations require different approaches. Any negotiations with China, for example, would be very different from our negotiation with Jordan, just as buying a set of tires on credit is a little bit different than buying the tire company. When you're buying the tire company, you should expect standards that are vastly different in terms of obtaining credit.

I hope we will defeat the Dodd-Lieberman amendment. It basically tries to change the very heart of the bipartisan trade promotion authority bill through an amendment offered on the floor. This is the second time we are seeing such an effort. Yesterday, we had an effort by Senator LIEBERMAN to undo the bill. Today, we have a second effort by Senator DODD and Senator LIEBERMAN to undo the bill. I hope the same people who voted against the effort to undo it yesterday will vote against undoing it today.

I am proud of the Jordanian agreement, and I gave it my support. But it should not be the be-all, end-all standard for all future trade agreements. I do not think anybody thinks that it should. It may very well be that some colleagues with a certain bent on some issues like the language of the amendment better than the language of the bill. But the language of the bill is something that has been very carefully negotiated. So I would urge those who want a trade bill to vote against this amendment.

Let me conclude by stressing one point of concern. One of the things that has disturbed me for most of this year, and that has become very clear on this trade bill, is that increasingly people are not taking a proprietary position on issues that are of vital national importance. Certainly I am not trying to judge anybody else's motives, but it seems to me that we are seeing votes cast on this trade bill where, from the outside, it looks as if nobody is taking ownership of this critically important bill.

In the 24 years I have served in the Congress, I do not think I have ever witnessed a Finance Committee that could not defend its own legislation on the floor. We are seeing efforts to make wholesale changes that would undo the entire agreement. We have what is close to piracy where people are trying to load one more item on this wagon, and the wagon is now rickety and on the verge of running into the ditch.

Anybody paying attention to this debate knows that trade promotion authority at this point is almost dead. Now we have an effort to rewrite the heart of the bill's bipartisan language on labor, and impose a standard that we negotiated with a country whose trade with the United States is a fraction of the trade we have with the world. Under such circumstances, I will not be willing to pay the already great tributes of health insurance for unemployed that is paid by workers who do not have health insurance, and wage guarantees that are higher for the beneficiaries than the average wage of working people in the country.

If we truly want this bill to become law, then we are going to have to begin to take some ownership of the bill. We can start by defeating this amendment. Well intended though it may be, it is harmful because it makes the assumption that one size fits all, using a standard applied in an agreement driven by foreign policy to a nation whose sales by any measure are minor in the context of overall United States trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that once the debate concludes on the Dodd amendment—we are attempting to have a time set for this vote on the Dodd amendment. As I indicated earlier, we will be out of session from 2 to 3 because of the President Reagan and Nancy Reagan award, and other things will take place at 3 p.m. We will vote at 4 p.m.

Mr. GRAMM. On this matter or any motion related to it?

Mr. REID. Yes.

Mr. DODD. While we are waiting, my good friend from Texas and I have worked on a lot of things together. We disagree on this particular point.

For clarity purposes, we are talking about 27 pages of standards that are part of this trade promotion authority. We are talking about the addition of three principle negotiating objectives. It is not one-size-fits-all any more than it is one-size-fits-all on the other 27 pages of standards. We are taking, what is already partly in the bill, to the credit of the manager of this bill, several provisions in the United States-Jordan Free Trade Agreement. My colleague said this was a foreign policy document, not a trading agreement. If that were the case, why did we add provisions that expanded the concerns about child labor and discrimination in the workplace, forced labor, the rights of free association? If we merely wanted to do a foreign policy document, we would have had a barebones agreement with Jordan, if it was just to send a message that we wanted to be of some help. But, no, we incorporated collective wisdom and included the dynamic principles we care about into the Jordan Agreement.

This is about America. It is not fair to Americans who lose their jobs because of a trading agreement, where some other country can hire children, discriminate in the workplace or disregard the rights they signed on to in the International Labor Organizations. That gives them a tremendous advantage at the expense of America.

Jordan may be small; these principles are not small. They may represent twenty-five one-thousandths of 1 percent, but forced labor, child labor, discrimination in the workplace, and the right of association are not twenty-five one-thousandths of 1 percent of what Americans care about. We care about these principles. And we fight for them. We eliminated them in our own country years ago. We struggle every day to make them work, even in the 21st century. We are saying if you want the right to sell your goods in America, these are principles and objectives we think you ought to try to achieve. They are objectives.

The idea that we would exclude these objectives—I just don't understand the rationale of that. With 27 pages of objectives in this bill, that include objectives on e-commerce, investment, and many other standards—how about including some standards that apply to working people? How about that? Is that so radical a thought?

We have already adopted by 100 to zero a United States-Jordan Free Trade Agreement establishing principles, adding 3 more principles, to a 27-page set of negotiating objectives. Not every country is America. We are not foolish. We do not say you must absolutely meet the standard of the United States when it comes to job discrimination, child labor, forced labor. It would be ludicrous if I were to write and say you must absolutely achieve the same standards we have. That is unrealistic. We have not done that.

If I cannot write this into a trade promotion authority, where do I write it? Do I have to do it agreement by agreement by agreement? Why not just make this part of the principles of our negotiators? These are not radical ideas. All that I am saying is that as part of the principal negotiating objectives, including the provisions you already added from the free trade agreement with Jordan, these three Jordan standards ought to be included. It is not too much to ask.

I appreciate my colleague from Texas and his colleagues on the Finance Committee spending time getting their ideas incorporated into the bill. I am chairman of the Rules Committee, and a bill recently came out of the Committee. I had 100-some-odd amendments; 43 were dealt with on the floor. I was not offended. I prefer that everyone did everything I wanted them to do. I don't know a Senator who doesn't feel that way. The reason we have 100 Members representing 50 States is, people have a right to raise concerns and offer amendments. We are doing that.

I commend the committee for what they have done. The Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, have done a terrific job. It is not easy. They have incorporated parts of the United States-Jordan Free Trade Agreement. But they left out three that I think are important. I am merely suggesting, and I regret this requires a recorded vote. These are objectives, that is all. My Colleague from Texas mentioned Europe. We are worried about trading with Europe? Is this such a difficult job in Europe, with forced labor, child labor, and employment discrimination? I don't think so. The problems arise with smaller countries that are still emerging where the problems exist.

If, by requiring our negotiators to raise these principles, we might improve the quality of life of people in these developing countries, is that such an outrageous suggestion? Is that something that America should retreat from as a nation that takes pride in the fact we try to recognize the rights of all people? When our Founding Fathers wrote the cornerstone documents of this country, they didn't talk about these rights, those inalienable rights, only occurring if you manage to make it to America. Those inalienable rights are rights that are endowed by the Creator to all people. In the 21st century, to try to slow down the abolition of child labor, forced labor, job discrimination, and to suggest we ought to keep it out of this bill, this trade promotion authority, I don't think reflects who we are as a people. It is a step back from where we are as a people.

This is not one size fits all. We know fully well as we enter trading agreements, there will be nations that will do a better job or not as good a job in the areas I have mentioned. I don't think it is so radical to ask our negotiators to have these, along with the other 27 pages of standards. Every business interest in America is guaranteeing their interests are going to be negotiated when it comes to reaching agreements. What about working people? Why can't they be on these 27 pages, as they have in many places? I don't think it is a lot to ask by adding these three.

I urge my colleagues to support this effort. The role of the full Senate is not to be a rubber stamp. What I am offering I think is more of an oversight. The managers were dealing with a House version of the bill, and they added the three provisions of the Jordan agreement, and they left these three out. I think it is the intent of the managers to include the principal negotiating standards of the Jordan agreement. And really denouncing this because the country we negotiated with was small—these principles are not small; the fact we negotiated with a small country does not mean the principles are not large in the minds of the American people. We ought to make them principles, regardless of the size of the country with which we negotiate. It is a great tribute to the nation of Jordan, a small struggling country, one of the most crisis-ridden areas in the world, that they could live with these standards as part of the negotiation we entered with them. If a small, struggling country can accept this, representing one tiny percentage of our trading partners, then certainly larger countries should do no less.

Therefore, the very argument of my colleague from Texas when he says this is like arguing about the price of a tire when you try to buy GM—child labor, forced labor, job discrimination are not tires. Those are not just small consumer items in the list of human principles and values. We think they are important principles and they ought to be given a status—more than a sale of a tire on a car.

I urge my colleagues to join us in this and support this language and put it in the bill. It makes it a stronger bill, a better bill, a bill we can be proud of when we negotiate trading agreements in the future with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I listened very carefully to my good friend from Connecticut. I imagine people, while they are listening to him, are wondering what is this debate all about, really? Certainly none of us want to promote child labor. All of us want to discourage child labor. All of us, as Americans, with the values we have as Americans, want to promote our American values.

The question is, what is in this bill, what is not, what are we debating, and what are we not debating? Essentially, as I listen to my good friend, the Senator is arguing for the bill. What the Senator suggests is virtually what is in the bill. There is really not any difference. When I listen to the Senator, he makes it sound as if there is a huge difference, but there really is not.

First of all, we do incorporate the Jordan provisions in the underlying trade promotion authority fast-track bill that are labor and environmental standards. Let's remember, the Jordan agreement is an actual trade agreement; whereas today we are debating whether to give the President authority—along with passing the trade adjustment assistance and Andean Trade Adjustment Act—whether to give the President the authority to negotiate future trade agreements under a certain procedure.

There is a difference between a current, existing agreement that was negotiated—that is Jordan, on the one hand—and future agreements which have not been negotiated on the other.

The Senator from Connecticut is essentially saying the standards, exact language as in the Jordan standard, essentially should be the language that applies to environmental and labor provisions and dispute settlement provisions in all future trade agreements. Again, I think it is important to note that there is a difference between what is actually negotiated in an agreement and future trade agreements. That difference is very important.

No two trade disputes are exactly alike. No countries are exactly alike. The matters over which they negotiate are different. Each negotiation involves different issues, different complexities, and these require us to be creative, to adapt, and not take—the common phrase is the cookie-cutter approach.

I also want to react to the argument of my friend from Connecticut who implied that ILO negotiating objectives are not in the bill or negotiating to reduce child labor is not in the bill. That is not accurate. It is in the bill.

There are three categories of objectives. This sounds a bit arcane. One is principal objectives, overall objectives, and then other objectives. But the language in the bill makes it clear that each of the objectives has the same priority.

You may ask why they are not all in the same category. I am not sure I can answer that question, but the operating principle is that the language in the bill provides that each of these objectives, although they might be in different categories—one of them includes ILO labor—is a core labor standard. It also includes—promote respect for workers' rights, the rights of children consistent with core labor standards of the ILO, and understanding of the relationship between trade and workers.

The main point, though, is respect for workers' rights and the rights of children consistent with core labor standards of the ILO. That is an objective and it is an objective that has equal weight compared with all the other objectives. It is in the bill. To say it is not is simply not accurate.

In summary, the concerns the Senator from Connecticut voices are met. They are in the bill. They have equal weight.

One can argue: If it is in the bill, why not just accept what the Senator has suggested? We are in this unfortunate situation, though, where we have this bill put together, and it is a bipartisan bill. It passed the committee 18 to 3.

If we are to have trade adjustment assistance enacted into law, which I think is the most important part of this bill, and if we are going to have the Andean Trade Preference Act extended, which is very important to South American countries, and if we are going to have fast-track authority, which I think is necessary for these very complex trade negotiations, otherwise other countries will not enter into negotiations with the United States, this amendment has to be defeated.

The substance of what the Senator talks about is already covered in the bill. It is substantially covered in the bill almost to the degree the Senator wants. But to adopt the Senator's amendment will cause this agreement to unravel. It is already very precarious.

I remind my colleagues the other body passed the fast-track part of this legislation by one vote. I know there are some Senators in the body who do not want to pass fast-track legislation. They are opposed to it. But a very significant majority of Senators wants to pass legislation. They are in favor of it. If this amendment were to succeed, due to the very strong opposition to this amendment by a very substantial number, if not unanimously, of the Members of the other side of the aisle, this amendment could unravel this bill. It is a delicate balance. That phrase is used over and over again, but I can tell you it is a delicate balance.

I wish I could help my friend and accept the amendment, but for all intents and purposes, to take care of all his concerns, if he were to push a little further, it could very well push us over the edge. And I do not think we should take that risk.

We cannot let perfection be the enemy of the good. We can strive for perfection, but if we get too close to trying to get perfection it causes unintended consequences elsewhere.

I urge my colleague to remember it is a very delicate balance we have before us.

I yield the floor.

Mr. DODD. Madam President, I will be very brief. My colleague and friend from Montana has been very patient. He has an awfully difficult job chairing this important committee and dealing with the various issues that are raised.

As I said at the outset of my remarks, I commend the committee for its effort.

I thought this might be an amendment that would be easily accepted. I did not expect it to evoke the kind of debate we have had from my colleague from Texas because it really should not be a huge debate. My colleague from Montana is right, we should just accept this and move on. I will tell you why, very simply. Again, not to be arcane, but the language of the bill, on pages B-4 and B-5, starting at the bottom of page B-4, says:

> to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2113(2)). . . .

Section 2113(2) defines those labor standards. They include:

> the right of association;
>
> the right to organize and bargain collectively;. . . .

It says:

> a minimum age for the employment of children; and
>
> acceptable conditions of work with respect to minimum wages [and the like].

That is very different from the ILO standards.

So the ILO standards, as defined in section 2113(2), are different from the ILO standards. The ILO standards say:

> the effective abolition of child labour; and the elimination of discrimination. . . .

"The elimination of discrimination" is not included in section 2113. So they are different.

I thought the amendment would have just been accepted. It says: ILO "as defined." It is different from ILO. That is the reason we wanted to use the language as the principals in the Jordan agreement, because our trading partners are not foolish. They will understand there is a difference.

So "the effective abolition of child labour" and "the elimination of discrimination" are in the ILO standards but not in the standards we are going to negotiate. So that is the reason we offer the amendment.

I really expected it, as I say, to be something that did not provoke a significant debate. But there is a distinction.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The Senator is absolutely correct. And as the Senator well knows, in this ongoing evolution here, we have worked with the ILO definitions under the extension of GSP. And GSP is also in this bill, and that is the Generalized System of Preferences.

The question is: What are the ILO standards? I am sure the Senator knows better than any other Senator that the ILO standards were changed in 1998. The earlier version was enacted or stated in the early 1950s. We, after great discussion, I might add, were able to get a modern, updated ILO definition in GSP, although it is not in this bill.

My thought is, when we are in conference, that is an issue we can address. The Senator raises a good point.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Connecticut.

Mr. DODD. Madam President, as I understand it, in the unanimous consent agreement, we will come back to this debate, and there will be 5 minutes, where the time will be equally divided, to make summations before the actual vote occurs.

Mr. REID. If the Senator will yield?

Mr. DODD. I am happy to yield.

Mr. REID. Madam President, I do ask unanimous consent that once debate concludes on the Dodd amendment, the amendment be set aside to recur at 3:55 p.m. today; that at 3:55 p.m. there be 5 minutes remaining for debate, with the time equally divided and controlled in the usual form; with no second-degree amendment in order prior to a vote in relation to the amendment; and that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, if this debate concludes before 2 o'clock, Senator KYL will come and offer an amendment. That debate will continue until 2 o'clock, and then from 3 to 4 he will also be debating that. We hope that during that period of time we can complete the deliberations on the Kyl amendment and also set a time, shortly after the Dodd vote, so we can have two votes a little after 4 o'clock. But we ought to see how the Kyl amendment goes before we make that decision.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I do not know if other Members want to be heard on this amendment. I am prepared to yield the floor, and I will suggest the absence of a quorum shortly, unless the Chair, obviously, wants to do something. If others want to speak, or if Senator KYL wants to come over and start his debate, I am perfectly amenable to that.

If other Members, all of a sudden, want to come and discuss the Dodd amendment, the Dodd-Lieberman amendment, there will be a period to do so before we actually get to a vote, I assume, at 4 o'clock.

With that, Madam President, I thank, again, the distinguished chairman of the committee and the ranking member and their staffs for their patience. They demonstrate great patience in these debates, and I thank them for that.

UNANIMOUS CONSENT AGREEMENT—H.R. 3167

Mr. REID. Madam President, I ask unanimous consent that immediately following the last vote today, Thursday, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill; that it be considered under the following limitations: That there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of Senator BIDEN, or his designee; 90 minutes under the control of Senator WARNER, or his designee; further, that no amendments or motion be in order; that upon the use or yielding back of time, the bill be read the third time, and on Friday, May 17, the Senate resume consideration of the bill at 10 a.m., with the time until 10:30 a.m. equally divided and controlled between Senators BIDEN and WARNER, or their designees; and that at 10:30 a.m., the Senate vote on passage of the bill, without further intervening action or debate, notwithstanding rule XII, paragraph 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NATIONAL COMMISSION CONCERNING THE EVENTS OF SEPTEMBER 11, 2001

Mr. TORRICELLI. Madam President, on four occasions since September 11, 2001, I have come to the Chamber to recommend to my colleagues that the Senate immediately consider the establishment of a national commission concerning the events of September 11, 2001.

My request has been based on no motivation but the belief that the American people deserve honest answers and that the only means of preventing another terrorist attack on the United States is a fair, honest, and dispassionate view of what happened and what didn't happen, what was known, and what should have occurred.

The historic basis of such an honest approach to the tragedy of New York and the Pentagon is overwhelming. Ten days after December 7, 1941, Franklin Delano Roosevelt recognized that he could not reassure the American people about their Government and could not unify the country for the war ahead unless he gave them an explanation about what failed at Pearl Harbor. Lyndon Johnson recognized almost immediately the same need to reassure the American people about the operations of their Government and the integrity of its officers after the assassination of President Kennedy in 1963. Ronald Reagan drew upon the same precedent establishing the Challenger Commission to assure the American people that they would receive an honest answer to prevent any recurrence in the loss of life in the *Challenger*.

What I recommend has not only had precedents, it was the rule. Democratic and Republican administrations, for a century, have seen the need to assure the American people about the operation of their Government and that indeed we were a confident enough people under the rule of law to face honestly our own failings—all based on the belief that the only means of assuring that there would not be a recurrence would be to discover the reasons for the failings of the past. On those four occasions, there have been reasons to postpone, excuses to not act, and the debate has continued.

The debate continued after it was revealed that the FBI had in its possession Zacarias Moussaoui, a Frenchman of Moroccan descent who, in August, was discovered in a flight training school. The Justice Department denied access to his computer. The debate continued after it was learned that French intelligence had warned American intelligence officials that they had knowledge of a possible terrorist plot to hijack aircraft.

The debate continued after it was learned that Philippine intelligence and law enforcement authorities had warned United States Government officials of possible targeting of American aircraft.

The debate continued after it was revealed that the FBI office in Phoenix had written a memorandum warning that large numbers of suspicious individuals were seeking pilot and security training at American flight schools. The debate continued.

The debate has to end. Revelations that the Central Intelligence Agency might have intercepted suspicious communications as early as last July indicating a possible terrorist attack on American installations or facilities and that indeed the President of the United States himself was informed of this information should effectively end any debate.

I do not rise to cast blame or aspersions on any individuals or institutions. I believe the officials of this Government have acted honorably, and I would never believe any American institution or individual, for a moment, would not have done everything possible to defend the people of this country if sufficiently warned.

Something is wrong. The United States of America has a defense establishment of over $330 billion a year. Public accounts estimate intelligence budgets at over $30 billion a year. The heart of our greatest city was struck, the center of our military power was hit by 19 people, funded by $250,000. Something is wrong.

I do not know whether there has been a failure to collect intelligence or an inability to share intelligence. I don't know whether law enforcement and intelligence agencies have failed to work together. I don't know whether they acted properly and a reasoned, rational person never could have put these pieces together. I don't know. But neither does anybody else in this Government.

It was always going to be difficult to face the families of those who lost their lives on September 11. It just became impossible. Without some dispassionate and honest review of what was known by this Government and its agencies, without an honest assessment of how agencies performed and coordinated their activities, without a dispassionate assessment of what failed, not only can we not look the victims' families in the eyes and tell them, "Your Government met its responsibility," we cannot assure this country that it will not happen again.

Franklin Delano Roosevelt didn't have a Pearl Harbor commission, Earl Warren didn't have a commission on the Kennedy assassination, and Ronald Reagan didn't have a Challenger commission to assign blame. It wasn't about partisanship. It was about assuring the American people of the future that the Government had taken actions to assure it would never happen again.

Who here would assure one of their constituents in any of our States that we have the confidence or the simple good judgment to undertake such a review?

On March 21 of this year, the Governmental Affairs Committee voted on S. 1867, introduced by Senators LIEBERMAN, MCCAIN, GRASSLEY, and myself, a bill to establish the National Commission on Terrorist Attacks upon the United States. That bill is ready for consideration. What reason do we offer for not acting immediately? What is the excuse to the American people?

I trust that based on current revelations, law enforcement officials of the Justice Department, intelligence officials of the National Security Agency and the Central Intelligence Agency, and, indeed, the national leadership of the White House itself will now end all excuses, stop all efforts to block this legislation or similar reviews, and join with us in one complete analysis of what happened, what went wrong, what was known, and, most importantly, what we do about it.

There will be those who say this is a matter for the Senate and its Intelligence Committee. This is a matter for this Government and all of its representatives. Some secret analysis by a committee reviewing one aspect of the actions of the U.S. Government on classified material making recommendations unto itself is not what the country requires. Every element, every aspect of the Government should be reviewed on how it acted and how it should be changed, including this Congress.

I suggest a reserve of analysis of no one and nothing from law enforcement, to the national intelligence community, to the executive branch, to the operations of this Congress itself. We all share the responsibility for the future of the country. We all share the responsibility for the security of our communities and our families. An honest analysis must involve all of us, including this Congress.

Madam President, I hope the President of the United States and the relevant agencies accept this invitation to work with us. This legislation should be offensive to no one and, if successful, provide reassurance to everyone. There may be attempts to delay this legislation and put this review off for months or years.

History is a demanding master, and ultimately it governs all of us. History will never settle for the excuse that we are not ready or it needed more time or it would offend someone. History will demand an answer of how the greatest Nation on Earth, with the greatest intelligence and military capabilities ever conceived by man, was laid vulnerable by a small band of terrorists who brought destruction to our greatest city and the very seat of our military authority. History will demand it, and we should answer it.

It is not the responsibility of another generation to revisit this matter in 20 years. It is not the responsibility of our successors to return to this in another decade. The responsibility for the safety of the country and governance of its institutions is ours, and this legislation is ours. It should be adopted.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be permitted to speak up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Madam President, I rise to join with my colleague from New Jersey who just addressed the Senate in regard to a proposal that he, Senator McCAIN, Senator GRASSLEY, and I introduced some time ago which would create an independent commission to investigate the horrific attacks against the United States on September 11, 2001, a day that truly also will live in infamy, a day of extraordinary suffering, of heroism, of anguish, of insecurity, of ultimately unity and strength for the United States of America.

The idea of this commission which Senator McCAIN, Senator TORRICELLI, Senator GRASSLEY, and I introduced was to build on the precedents of history, particularly the other day of infamy, Pearl Harbor, which was followed both by congressional investigations and by an independent commission to review what happened and what could have been done, if anything, to prevent the attacks from happening, and what did we learn from Pearl Harbor and all that surrounded it that would enable us to raise our defenses so that nothing such as that would ever happen again.

Sadly, history has turned in a way to put us in a similar position to where the previous generation of Americans was at the outset of World War II. We were attacked on September 11, 2001, with an inhumane brutality and a cunning lack of respect for human life that was shocking.

The other reality that was unsettling, of course, was that in the literal sense, the American government, the great national security apparatus that we have established, intelligence, foreign policy, and law enforcement, failed to protect the American people from the attacks against us on September 11 of last year.

Perhaps there was nothing more that could have been done to prevent them. We understand that in an open society such as ours, a society premised on freedom as our highest value, if we are dealing with an inhumane enemy, lacking in regard for their own lives, let alone the lives of Americans, then there is only so much that can be done to stop such attacks.

Yet we have had the gnawing question: Was there something that could have been done to prevent the attacks of September 11? Understanding that hindsight is always clearer than foresight, is there something we can learn from what happened on September 11 to strengthen ourselves, to raise our guard, to do whatever is humanly possible to make sure that nothing like those terrorist attacks ever happens again to the American people? That was the purpose that my three colleagues and I had in introducing this bill to create an independent, nonpolitical citizens commission to conduct the broadest possible review of what happened on September 11: why did it happen and what can we do to make sure it never happens again?

In the last couple of weeks, there have been a series of revelations, beginning with FBI disclosure of warnings, memos last year, in which agents of the FBI had reason to be concerned about activity of people in this country, particularly at the flight training schools, wondering whether that might be related to a potential terrorist attack, linking it particularly in some minds to Osama bin Laden, who we knew had already struck us in foreign places.

Add to this now the disclosure that President Bush received, as part of a daily intelligence briefing, indication that the Central Intelligence Agency had similar words from a different point of view; the FBI and CIA apparently never coming together in one place to reach the critical mass that would have engendered the kind of action that looking back, painfully now, we wish someone had taken.

The reason why my colleagues and I introduced this bill creating an independent commission, it seems to me, is based on the revelations and disclosures of the last few weeks and are now even more significant and more compelling. Our anxiety about what happened and whether something could have been done by people working for the U.S. Government to have prevented the horrific acts of September 11, and the suffering that resulted therefrom becomes even more gnawing today.

I note the presence of one of the three cosponsors of this legislation, the Senator from Iowa, Mr. GRASSLEY. I indicate to my colleagues that I soon intend, I hope with my cosponsors, to find an early opportunity to submit our proposal for an independent commission to review the events of September 11, and what was learned from them, as an amendment to a bill in the Senate. I think the moment is here.

I received a call about 2 weeks ago from some of the survivors and some of the families of victims of September 11 who had heard about the commission proposal. They are coming actually the first or second week of June—I do not remember the exact date—to lobby Members of the Senate and House to adopt such legislation so that the questions that gnaw at them because of the losses they have suffered of a spouse, of a child, of a relative, a friend, will, to the best of our ability, be answered.

This commission proposal, I am pleased to say, received a hearing before the Senate Governmental Affairs Committee. It was reported out by the committee. I do think, in light of these events, that the greater knowledge we have now of what may have been known before September 11, it becomes even more urgent to move forward on it, and it is why I hope to soon join with my cosponsors in offering it as an amendment to a pending bill.

I understand, of course, that the Intelligence Committees of the Senate and House are proceeding with investigations related to the attacks of September 11. I respect those committees. I support the investigations they are conducting. But the idea in the commission proposal we have made is broader than that. In the first instance, it is an independent, nonpartisan, nonpolitical citizens commission that would conduct this investigation and would have the credibility that would go with that.

Secondly, its purview is beyond intelligence, beyond whatever failures may have occurred in the intelligence apparatus in the U.S. Government. It will go to law enforcement. It will go to the military. It will go to foreign policy. It will go to America's communications policy. I think, in that sense, it will supplement and complement the critical work the Intelligence Committees are doing.

Again, I go back to, unfortunately, the comparable event which was the attack against Americans at Pearl Harbor. There was not just one investigation by one or two committees of Congress; there were congressional investigations and there were independent citizen commission investigations. That is what I think the events of September 11, and particularly the disclosures of the last few weeks, cry out for today if we are to learn in the fullest sense the lessons of recent history and apply them so we can better secure the future of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I would like to respond to some of the comments which my colleague, the Senator from Connecticut, just made, if he has a moment to remain. I caught some of what he said, and I think I caught the gist of what he said.

I want to be very clear about something. I am a member of the Senate Select Committee on Intelligence, and therefore I might be perceived to have a bit of a conflict of interest since, as the Senator from Connecticut noted, we have an ongoing investigation. The investigation has been authorized by the House and Senate committees. We are in the middle of that investigation now and plan to have a report ready around the end of the year as to the full panoply of circumstances and events surrounding the tragedy of September 11, with recommendations for what should be done in the future to ensure, to the extent possible, that event not be repeated, or that we be able to prevent it if it is at all possible.

I am troubled by a couple of the comments the Senator made, and I wanted him to hear this and respond, if he would like. Here is what troubles me: I was accosted by numerous members of the media this morning breathlessly asking me, as a member of the Intelligence Committee, what I thought about the fact that the President had been briefed that terrorists, al-Qaida terrorists, were going to hijack airplanes and didn't this require us to immediately begin some kind of investigation, fill in the blanks. Some of them sounded a little bit like what the Senator from Connecticut is suggesting.

That would be the wrong thing to do, in my view, and there are about three reasons why.

First of all, let us be clear: The President was not briefed in some emergency situation that he should expect al-Qaida terrorists or any other terrorists to hijack an airplane and fly it into the World Trade Center. Nothing like that happened. So we should be very careful before we begin calling for new mechanisms for investigating the September 11 events when we already have a good investigation underway based upon information such as that. It is incorrect information.

I know the Senator from Connecticut is a very thoughtful person and would never predicate his call for this activity on that kind of information. Let me hasten to say I know that is not what he is saying. Part of the impetus for that, and I am afraid part of the emotional reaction, could be to find a home in a suggestion like this of the Senator from Connecticut.

To clarify the record—I think the administration will clarify it in an appropriate way at some time soon—let me put it this way: Every morning, the President of the United States receives a briefing from the intelligence community. As the President just advised some Members, if he had been briefed about a threat that anybody thought was specific and credible and we could do anything about, does anybody doubt that he wouldn't have reacted in the strongest possible way? I know the Senator from Connecticut joins me, and everybody else, in answering that question: Of course he would have reacted.

That should give the first clue about what was actually done. Each morning he receives a briefing. It should come as no surprise that during one of those briefings when the subject is terrorists, al-Qaida was one of the terrorist groups that was mentioned at that time. Terrorists have been hijacking airplanes for over 40 years. It is not exactly big, breathless news that this could happen, hypothetically. That is a far cry from someone suggesting there is credible, specific information about a particular threat of hijacking.

We all need to take a deep breath. I particularly suggest these remarks apply to our friends in the media. Calm down a minute. Don't jump to any conclusions about what the President was told. Don't take from that the intelligence community somehow messed up by not following through or taking sufficiently seriously some kind of threat. That is not the way it happened.

The point the Senator from Connecticut makes, with which I totally agree, is there is a lot of information out there that we need to put together to tell the story about what did happen and determine what kinds of changes, if any, we need to make in the future.

My only concern about his suggestion is two things: One, as the media leaks themselves demonstrate, if it comes out in little dribbles and drabs of incomplete bits of information, it is likely to be counterproductive and to certainly delay the process of putting it all together in a coherent way to present a set of facts to the American people on which conclusions can be based.

Since so much of this has to be done in a classified setting, the place for it is the Intelligence Committee. It will be difficult to even have public hearings to discuss a lot of this while we are right in the middle of, one, the war on terror and, two, prosecutions in which the FBI is engaged.

Second, it is important the investigation already underway, which is already putting demands on the time of the Justice Department and the CIA, not be further complicated by other investigations which would put further demands upon these peoples' time at the very time they are preparing for these prosecutions and conducting the war on terror.

Those are thoughts I have with respect to the Senator's suggestion. I will appreciate the opportunity to visit with him more about them. I wanted the opportunity to express those concerns.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Of course, I thank my dear friend and colleague from Arizona. Let me respond briefly to his thoughtful and thoroughly appropriate comments.

First, to restate: the proposal I am talking about for an independent commission was made some time ago. We held a hearing on it in the Senate Governmental Affairs Committee, and it has been reported out and essentially is ready for action by the Senate.

We have said all along we respect and support the work the Intelligence Committees are doing. As in previous cases, such as Pearl Harbor, post-Pearl Harbor, the country would benefit from an independent citizen commission inquiry—not accusatory but investigatory—which would have the power to obtain information which would have the authority to go into classified, secret session because of the matters being considered. This would likely extend beyond the intelligence function to law enforcement, to foreign policy, to military policy, to immigration policy—anything that might have affected and contributed to the attack of September 11.

My point today is that the leaks, the disclosures of the last couple of weeks, both from the FBI and now the indication of the CIA briefing to the President, just reinforces within me the fact that we need such an independent commission. In fact, in some ways it may argue even in a different more forceful sense for such a commission. If we don't have a comprehensive, public, official investigation, I fear leaks related to September 11 and the tragedy that occurred will continue for months, for years. We ought to try as best we can through the intelligence committee investigations and through such an independent commission to answer all the questions that can possibly be answered.

That is what I intend, I believe, with my colleagues: To offer this as an amendment at an early time.

I respond to the points the Senator from Arizona makes about the most recent disclosures on briefing to the President. They are quite on point. It is very important not to overreact to them. For the record, I have not in this case received any of the classified briefings. I speak based on publicly available sources in the media. Those are the reports of the various FBI memos that went into Washington and now this report of the CIA briefing of the President.

What truly troubles me and gnaws at me is not the President's behavior because, of course, if he had any indication in the briefing that an attack was imminent, he would have acted as Commander in Chief. My concern is about the quality of the information working its way up to the President as Commander in Chief.

More particularly, was there any point of connection between what we now know are the FBI memo's concerns about Moussoui's conduct in Minnesota at the flight school, the agent in Phoenix who had broader concerns, very acute, and unfortunately turns out to be right to the point, did those intersect on anyone's desk with the information that the CIA had which was the basis of a longer briefing to the President last summer in a way that would have led anyone to reach a more specific conclusion that they could have taken to the President?

I agree, there ought not be an overreaction. My reaction is, as I stated, as to whether all the systems underneath the President, as Commander in Chief, worked together as we would want them to, to be able to alert him to what was about to happen. And in a more direct sense, was this in any measure preventable?

I even ask the question with a sense of humility because I know the difficulty in an investigation of this kind. It is that which motivates me, and I am sure would motivate a commission and Intelligence Committees more than any second-guessing on the President's behavior.

I know we have used our time. I thank my colleague. I look forward to talking to him off the floor, and I yield the floor.

RECESS

The PRESIDING OFFICER. Two o'clock having arrived, under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 2 p.m., recessed until 3:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business. We are on the trade bill.

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will proceed.

INVESTIGATE 9–11

Mrs. CLINTON. Mr. President, I rise today out of respect for and to speak on behalf of the people I represent in New York. I am especially mindful today of the memory of those whom we lost on September 11, their family members and their loved ones who, until this very minute, grieve for those who were sacrificed in the terrible attacks we suffered on September 11.

We have learned something today that raises a number of serious questions. We have learned that President Bush had been informed last year, before September 11, of a possible plot by those associated with Osama bin Laden to hijack a U.S. airliner. The White House says the President took all appropriate steps in reaction to that warning. The White House further says that the warning did not include any specific information, such as which airline, which date, or the fact that a hijacked plane would be used as a missile. Those are all very important issues, worthy of exploration by the relevant committees of Congress. The goal of such an examination should not be to assign blame but to find out all of the facts.

I also support the effort by Senators LIEBERMAN and McCAIN to establish an independent national commission on terrorist attacks upon the United States. That was reported out of the Senate Governmental Affairs Committee in March. Such a panel can help assure the people of New York and America that every facet of this national tragedy will be fully examined in hopes that the lessons we learn can prevent disasters in the future.

I very much appreciated the remarks by Senator LIEBERMAN in the Chamber earlier today, indicating his desire to offer this proposal that he and Senator McCAIN have put forth as an amendment at the earliest possible time.

Because we must do all we can to learn the hard lessons of experience from our past and apply them to safeguard our future, I also support the call by the distinguished majority leader, Mr. DASCHLE, for the release of the Phoenix FBI memorandum and the August intelligence briefing to congressional investigators, because, as Senator DASCHLE said this morning, the American people need to get the facts.

I do know some things about the unique challenges faced by the person who assumes the mantle of Commander in Chief. I do not for a minute doubt that any individual who holds that responsibility is the only person who can truly know the full scope of the burdens of that office. Just the other day there was a survey about the most difficult job in America, the most stressful position. It should not come as any surprise that President of the United States ranked at the top.

I have had the privilege of witnessing history up close, and I know there is never any shortage of second guessers and Monday morning quarterbacks, ready to dismantle any comment or critique any action taken or not taken. Having experienced that from the other end of Pennsylvania Avenue, I for one will not play that game, especially in these circumstances. I am simply here today on the floor of this hallowed Chamber to seek answers to the questions being asked by my constituents, questions raised by one of our newspapers in New York with the headline "Bush Knew."

The President knew what? My constituents would like to know the answer to that and many other questions, not to blame the President or any other American but just to know, to learn from experience, to do all we can today to ensure that a 9–11 never happens again.

If we look back, we know that the Phoenix FBI memorandum in early July raised very specific issues about certain people of Arab heritage who were taking flying lessons. For what purpose? To do what?

We know that shortly after there was at least the news report of the Attorney General sending a directive that people of the Justice Department should no longer fly commercially. In fact, the Attorney General took a chartered plane for his own vacation.

We know that in August additional information came forward, including what we learned today about the intelligence briefing provided to the President.

The pain of 9–11 is revisited in thousands of homes in New York and around our country every time that terrible scene of those planes going into those towers and then their collapse appears on television. It is revisited in our minds every time we see a picture of the cleanup at Ground Zero. It is revisited every time the remains of a fallen hero are recovered, as they were yesterday for Deputy Chief Downey. And it is revisited today with the questions about what might have been had the pieces of the puzzle been put together in a different way before that sad and tragic day in September.

I cannot answer the questions my constituents are asking. I cannot answer the concerns raised by the families of the victims. As agonizing as it is even to think that there was intelligence suggesting the possibility of the tragedy that occurred, particularly for the family members who lost their husband, their wife, their son, their daughter, their niece, their nephew, their mother, their father, it is a subject we are absolutely required to explore.

As for the President, he may not be in a position at this time to respond to all of those concerns, but he is in a position to answer some of them, including the question of why we know today, May 16, about the warning he received. Why did we not know this on April 16 or March 16 or February or January 16 or August 16 of last year?

I do hope and trust that the President will assume the duty that we know he is capable of fulfilling, exercise the leadership that we know he has, and come before the American people, at the earliest possible time, to answer the questions so many New Yorkers and Americans are asking. That will be a very great help to all of us.

I know my constituents want those answers, particularly the families who still today wonder why their loved one went to work that beautiful September morning and did not come home from the World Trade Center or the Pentagon or those airplane flights. After all, in the grieving process, it is often the not knowing that hurts the most.

I hope the President will address these issues, will do so as soon as possible, and will also authorize the release of any other information that New Yorkers and Americans have a right to know. I certainly look forward to learning of and being able to share that information with the people I represent.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Connecticut.

Mr. DODD. Mr. President, I have some remarks on another subject I would like to make. I commend our colleague and friend from New York for her comments. I associate myself with her remarks. I think all Americans would.

Obviously, it is critically important we know all that we possibly can of what occurred. If there was, in fact, information that should have been acted on, it is critically important we know about it, what happened, and why actions were not taken, so we minimize the possibility of the events of September 11 from occurring again.

We all realize, as our colleague and friend from New York has pointed out, it is a difficult job being the Chief Executive Officer of this country, the Commander in Chief. And there is a voluminous amount of material that arrives every day from our national security agencies and services. But when you get information this specific, this detailed, arriving from a variety of different sources, then someone should have taken better action, in my view.

So I am hopeful we will get a response. It is critically important for the healing process and for understanding exactly what occurred. So I commend the Senator for her remarks and associate myself with them.

COMMENDING PRESIDENT RONALD REAGAN

Mr. DODD. Mr. President, I commend our former Chief Executive of the country—former President Ronald Reagan. I just attended a ceremony in the Rotunda of the Capitol honoring former President Ronald Reagan and Nancy Reagan. We are from different parties, and we had disagreements during his administration. But one thing can be said about President Ronald Reagan: Whatever disagreements or agreements you may have had on specific policy issues, Ronald Reagan gave this country a strong sense of confidence and optimism.

We had come through a difficult time in the 1970s, with Watergate, the Iranian crisis, and the energy crisis that had been debilitating to our spirit. Ronald Reagan restored our Nation's confidence in itself. I commend the President. I know he is suffering from Alzheimer's, and Mrs. Reagan has taken on the heroic efforts of being his eyes and ears in the sense of speaking for him where appropriate. It was a very moving ceremony in the Rotunda, where both the President and First Lady were recognized with the Congressional Gold Medal.

So as one Democrat, to a former Republican President, but more importantly a great American President, I express my gratitude to him for his service, and Mrs. Reagan for her remarkable service both to her husband and family and this country.

COMMENDING PRESIDENT JIMMY CARTER

Mr. DODD. Secondly, Mr. President, I commend President Carter for his work this week. I have been so impressed with the efforts that President Carter has made in Cuba during the past 4 or 5 days. I think he has spoken for many of us in this country during his visit to Cuba.

While in Cuba, President Carter addressed the Cuban people on national radio and television—a unique opportunity in a country that is a totalitarian regime where democracy has had no expression now for more than four decades.

In having been granted permission to address the Cuban people, President Carter was given a right that no Cuban other than the President of the country, and those who agree with him, has been given—the opportunity to speak freely about democratic values, values that we embrace as a people and the 11 million people of Cuba embrace as well.

In his address, President Carter urged the government of Cuba to allow democracy to be restored, and asked that pro-democracy petitions be allowed to be collected, and respected.

He simultaneously called for the U.S. government to allow free travel to Cuba and stated his belief that our government should begin to lift our embargo. I commend him for those comments.

The only place I know of in the world that we prohibit our citizens from traveling to is the island of Cuba. You can go to Iraq. You can go to North Korea. You can go to Iran. You can go to any other country around the globe, some of which are our most devout enemies when it comes to terrorism. You may be stopped from entering by the governments of those countries, but our Government does not prohibit you from going. Cuba is the only country where Americans are prohibited from entering by our country.

And for the hundreds of thousands of Cuban Americans who have family and loved ones there, who are only allowed to go back once a year, who would like to go and see their family members more than once a year, perhaps to go see an ailing parent or grandparent, I find this to be a particularly onerous provision in American law. I hope it will be changed, just as I am hopeful that change will come to Cuba and democracy will arrive on that island so the people will have the opportunity to elect and choose their political leadership.

In summary, President Carter, by calling upon the Cuban Government to change its ways and our own Government to change some policies, I think gave the appropriate message; one that can be appreciated not only here, but on the island of Cuba by the Cuban people and freedom-loving people around the globe.

So today, I take this moment to express my gratitude to this former President who, in his retirement, has accomplished so many wonderful things and become such a wonderful symbol for human rights and dignity and democracy around the globe.

I am proud to stand here and honor two former Presidents who faced each other in an election 1980, but in their own way have made unique contributions to our Nation. President Carter continues to do so. I commend him for his work in Cuba and look forward to his return and hearing from him. I am hopeful that he will come before us in Congress in some setting in which he might be able to describe his feelings about events in Cuba while sharing his opinion of what the prospects hold for the future.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3429 TO AMENDMENT NO. 3401

Mr. KYL. Mr. President, I send an amendment, No. 3429 to amendment No. 3401, to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

> The Senator from Arizona [Mr. KYL] for himself, Mr. GRAMM, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 3429 to amendment No. 3401.

The amendment is as follows:

> (Purpose: To require that any revenue generated from Custom user fees be used to pay for the operations of the United States Customs Service)
>
> At the end of the matter proposed to be inserted, insert the following:
>
> **SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.**
>
> Notwithstanding any other provision of law, any revenue generated from custom

> user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58C(j)(3)) may be used only to fund the operations of the United States Customs Service.

Mr. KYL. Mr. President, I ask unanimous consent that Senator NICKLES be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I will explain the amendment and discuss the reasons for it. I hope my colleagues will agree that this is an amendment that can be adopted. We don't even have to have a rollcall vote, unless someone asks for it. I think it is fairly straightforward.

The amendment has to do with Custom user fees. Today, Custom user fees come in two separate categories, which I will discuss in a moment. About 300 million of them are statutorily designated to go to a particular set of accounts in the Customs Service. For example, it pays overtime for Customs Service personnel. There is about $1 billion in Custom users fees that takes a somewhat more circuitous route that goes into the general fund—generally money which the Appropriations Committee defines as funds for funding various functions of the Customs Service, hence the name "user fee."

In fact, I will digress for a moment. We have taxes and we have user fees by which we raise revenue. User fees are generally targeted toward people who use a particular service of the Government. So we generally try to spend that money on the things for which they require us to use the money. An example is, if you use the national forest, you are beginning to find that you have to pay a little fee to go camping there. That is because we are kind of hard on the forests when we camp there, and somebody has to clean up the mess we leave behind, and so we pay a little fee for that. It is more fair for those of us who may take our kids camping in the forest to pay for the user fee than it is to charge the taxpayers generally.

The same thing is true with Customs. We charge a fee for people who have their ships and their trucks and other things inspected by the Customs Service, and some bring goods into the United States of America. I am oversimplifying, but that is the general idea. So we take those same moneys and put them back into the inspectors, into the equipment that is used to inspect their train, or boat, or truck, for example, so that instead of waiting at the border for 2 hours, maybe we can get them through in an hour or less, hopefully, so we can expedite commerce at our borders, and for other purposes. That is the concept of a user fee. They pay to have us do this. We take the money and apply it to that.

Now, what the underlying bill did—and I must say that as a member of the Finance Committee, I was unaware of this and I objected to it being done in an earlier bill, and I was distressed to learn it had been done in this bill—they extended the Custom user fees—that part is OK—and the net result of that is to contend that the expenses of the TAA portion—the trade adjustment assistance portion—of these free trade bills is paid for by revenue generated by extending the Custom user fees.

Well, that is not true, and it should not be true. So what my amendment says is, no, Custom user fees are used for Customs. Here is what it says:

> Notwithstanding any other provision of law, any revenue generated from custom user fees . . . may be used only to fund the operations of the United States Customs Service.

That is the idea. That would be a good thing, especially at this time in fighting our war on terror. We are imposing upon the Customs Service more and more responsibilities for doing a really good job of checking all of the modes of conveyance, and containers, and other kinds of shipments into the country. We read in the newspaper a couple days ago where 25 possible terrorists from Arab countries have been smuggled into this country in the holds of ships.

I think the Customs Service can examine only 1 percent of the cargo coming in on ships. They cannot examine every part of every hold of a ship coming into this country, let alone every truck, train, or other mode of conveyance that brings goods into the United States. Yet we are asking them to be sure that nobody smuggles in contraband, drugs, nuclear bombs, biological weapons, chemical weapons, or illegal aliens who could be terrorists.

We are asking a lot of the Customs Service, and we are not giving them enough money to do the job, which is why they have asked for more money. And most of us, I believe, are willing to provide more money for the Customs Service to do what we are asking them to do, not just for their general work but now enhanced by the requirements of the war on terror.

At the same time we are imposing that additional burden on them, somebody had the bright idea to pay for the unrelated parts of this bill having to do with wage subsidies, health benefits, and so on, with Customs user fees. That is not right, and it is actually not even necessary.

Why is it being done? Because somebody had the idea they could avoid a point of order being raised against the underlying bill so that instead of having to get 60 votes to pass the bill, 50 votes, the usual, would suffice. The fact is there is already a different kind of point of order that lies against the bill, so this serves no purpose.

That is why I think even those who wish to say they have a way of paying for the bill by using these Customs fees could easily agree that there is no point in it, there is no purpose in it, and, therefore, rather than muddling up the law, rather than taking money from Customs when we are trying to fight the war on terror, they would be willing to adopt our amendment and not try to pay for the bill with Customs user fees.

This is a technique and, as a matter of fact, it even has a name in the Senate, and it is called a "pay-for." That is pretty inelegant. The idea is when you have a program that is going to cost, say, $10 billion or $11 billion, as this is, it is going to be hard to get it passed unless we show we can pay for it. So we raise taxes $10 billion or $11 billion or find some other source of revenue that will cover that expense.

In this case, the pay-for is the Customs user fees. As I said, that is not necessary because nobody is saying you have to find a way to pay for this. We are assuming that the general revenues of the United States will pay for the expenses of the bill. I am assuming that.

I do not have any objection to the general revenues of the United States paying for the cost for this bill. They are too high, in my view. I wish we did not have all these costs, but to the extent there are costs, the taxpayers of the United States will pay for them through general revenues. We do not have to have a pay-for.

To the extent it is being used to get around a parliamentary point of order, it does not need to either because there is a different point of order that lies against the bill.

Instead of compromising our Customs Service, I plead with my colleagues in the name of the war on terror, in the name of good sense, let's adopt this amendment and eliminate the concept of the pay-for in this legislation.

I have explained this in a more simplified form than it really is. I believe I have been accurate in what I have said.

Actually, there are two specific kinds of Customs user fees, to complicate this just a little bit. What it also illustrates is that for about $300 million of these user fees, we cannot do what this bill purports to do and pay for this bill with these fees.

This is an 8-year extension of two different Customs fees: One, the so-called COBRA user fees which raise approximately $300 million per year; second, the merchandise processing fee. You can see what that is about; it raises approximately $1 billion per year. CBO estimates that the user fee section would increase revenue by about $11.54 billion through fiscal year 2011.

The problem is the COBRA user fees already by statute are designated for use for a variety of other purposes. This is found in title 19, section 58, subsection (f) dealing with Customs duties, titled "Disposition of Fees." I will read a little bit of it:

> There is established in the general fund of the Treasury a separate account which will be known as the Customs User Fee Account.

It goes on to talk about how these fees will be distributed:

> Except as otherwise provided in this subsection, all fees in the Customs User Fee Account shall be used to the extent to pay the costs incurred by the United States Customs Service in conducting commercial operations, including, but not limited to, all costs associated with commercial passenger, vessel, vehicle, aircraft, and cargo processing.

And so on. Then there is a list specifically under section 3(a) of how these COBRA fees are used. The one I specifically want to point out is paying overtime compensation and another is paying premium pay, and there are others—foreign language proficiency awards, and so on.

This is important because earlier this year in the Terrorism Subcommittee of the Judiciary Committee, we had testimony by one of the officials of the Customs Service in which it was pointed out why these fees are so important.

Again, these fees are already designated by statute to go for these specific purposes. We cannot use them again to pay for what is in this bill. Out West, we have a saying: You can only sell your pony once. In effect, somebody is trying to sell this pony twice. It has already been sold: $300 million goes to these specific items in Customs. You cannot take that same money and apply it to fund the underlying expenses of this bill. Again, it is not necessary. Nobody is making you do it. So do not try to sell this pony twice. You cannot do it.

Moreover, it is not good policy. According to testimony on February 26 of this year—the witness was Bonni Tischler, Acting Commissioner of the Office of Field Operations of the Customs Service. She gave some very valuable testimony. I will quote some of her testimony.

I had said there is a lot to do with not only checking out the commercial activities that go on that we ask Customs to do, but to begin to deal better with terrorism. I asked if she had suggestions and, in particular, what the effect might be of taking Customs user fees away from the Customs Service in her ability to perform this task.

She said:

> My personal opinion is it would severely hamper us.

Ms. Tischler identified the numbers, and she was just about exactly on target with respect to the numbers, but regarding the merchandise processing fees, my question was:

> . . . if you were not to have the benefit of that in your appropriations, I presume it would be fairly devastating, would it not?

Her response is:

> It would absolutely be devastating. I think our total budget is closing in on $3 billion thanks to Congress and the administration. So to take that much out, if it were as the offset, would be truly devastating.

I had put this in context and they did, too. This merchandise processing fee is not statutorily designated as the so-called COBRA fee is. This is not a matter of selling the same pony twice legislatively, but it is from a policy standpoint, since as I pointed out in my question and as she pointed out in her answer and as we can document, as a practical matter this is what the Appropriations Committee uses to define what it has available to fund the Customs Service. That is the way it ought to be policy-wise anyway; otherwise, we should just collect taxes from the American people.

Since we are collecting a user fee from the people who use the system, the money they pay in ought to go back to help them in how they are using the system. The commercial people who have trucks that go back and forth across the border all day and pay a fee ought to know the fee they are paying is going to pay the people who are checking their trucks and getting them through the line as quickly as possible. That is what a user fee is all about.

As a matter of policy, we should not be assuming that in order to have some way of paying for the expenses of this legislation that money is now available for that purpose.

Some of my colleagues might say: This is all a ruse; this is all a fiction anyway. Indeed, to some extent, it is a fiction, which goes to show why this is not necessary.

In effect, we are robbing Peter to pay Paul. We are saying: We have to find a way to fund the legislation that is before us, the trade assistance legislation. So instead of raising taxes, we are going to extend these user fees and, voila, we now have it paid for.

As I pointed out, $300 million of it is not paid for because that pony has already been sold, but as to the remaining $1 billion, it should not be that we consider this the appropriate fund to pay for the expenses of the bill because it is user fees paid by people who are using the system.

If you say, But it is all the same pot of money; money is fungible, so we will say we are funding this trade adjustment assistance out of the user fees, but then we will have taxes to pay for that, to pay for Customs, what we are really doing is acknowledging that we are going to have to find the money in the general budget; in other words, taxes are going to have to be found to pay for this.

So it does not matter whether you acknowledge upfront that it is going to require $10 billion or $11 billion in taxes to pay for this bill or you say we are going to get the money from Customs and then we are going to have to find $10 billion or $11 billion in taxes to pay for Customs. It is the same deal. So why go through this fiction?

If, as I said, it is to avoid a point of order on the legislation, I say, A, that is wrong; B, it is bad policy; but, C, it is not necessary.

This was tried earlier with respect to the Patients' Bill of Rights, and I will quote briefly from a memorandum from the Acting Commissioner for James Sloan, the acting Under Secretary for Enforcement:

> The COBRA fees collected by Customs are used both to reimburse Customs appropriation for certain costs, such as overtime compensation, and to offset a portion of the Customs Service salaries and expense appropriation. As an example our FY 2001 collections will offset approximately $1 billion or almost 50 percent of Customs appropriation this year. Authorizing a COBRA extension to offset costs for something other than the Customs Service could negatively impact our available funding. Additionally, the Merchandise Processing Fee authorized in the COBRA is a fee that is paid by importers for the processing of merchandise by the Customs Service. Directing the funds collected from this fee for something other than Customs operations could pose GATT interpretation issues.
>
> While Customs supports the extension of the COBRA fees, we also acknowledge that changes are warranted with the manner in which we collect those fees. We intend to review this in the near term.

In other words, when this issue came up in another context and Customs was asked about it officially as opposed to my unofficial question in the hearing we held earlier this year, the answer was the same. This would be harmful to the Customs Service, and this was prior to September 11, 2001. This was June 20, 2001.

Now that we have imposed this additional burden on the U.S. Customs Service to help us fight the war on terror, it would be unthinkable for us, even as a ruse, to say we are going to use Customs fees to pay for the wage insurance or health benefits under this tariff legislation. Let's be truthful about it and say it is going to cost $10 billion or $11 billion, we will find that money out of general revenues somehow or another, and that is the cost of the program. That would be an honest approach.

Let's not try to suggest it is already being paid for because we found the money in the Customs Service, because unless we are not going to fund the Customs Service, we are going to have to offset that loss by finding $10 billion or $11 billion then in the rest of the budget to pay for the Customs Service obligations.

I do not know what could be more clear, but I will just make this point and then see if any of my colleagues would like to ask any questions about this, or make any comments, because I really do not want to oversell the proposition. Perhaps this amendment could just be taken and we could move on.

I do not mean to force a vote on it if people are willing to take it, but I will begin to discuss this in very thorough terms, with a lot of information that deals primarily with how it would adversely impact the war on terror, if there is going to be opposition to this amendment, if there is going to be an insistence that somehow or another we keep the Customs user fee as a pay-for, and object to my amendment which simply says Customs user fees should go to pay Customs expenses.

If we are not willing to accept the amendment, then get prepared for a lengthy discussion about the impact of the war on terror. I am prepared to engage in that, but it is not going to be necessary, as I say, if there is an agreement on the other side that we are able to take the amendment.

I know it is time to go to the vote on the Dodd amendment, or there will be a brief discussion beforehand, but might I inquire of the distinguished chairman of the Finance Committee what the process would be after the Dodd amendment? Would we go back to the discussion of this amendment or could there be a discussion about whether to take it and move on to another amendment? What would the pleasure of the chairman be at that point?

Mr. BAUCUS. We are prepared to take the amendment.

Mr. KYL. In that case, Mr. President, I learned a long time ago in arguing before the judge when he says, I am inclined to rule for you, you say, thank you, Your Honor.

Could we do that by unanimous consent at this point and then move on to other business?

Mr. BAUCUS. We could voice vote the amendment.

Mr. GRASSLEY. Mr. President, I express my strong support for this amendment.

The amendment sends a strong signal from the U.S. Senate.

Customs user fees should be used solely to fund the U.S. Customs Service, not as some offset for unrelated programs.

Let's put this in context. When Congress first authorized these customs fees the avowed purpose was to underwrite the costs of Customs commercial operations.

We should make sure these fees are being used for customs. That is what this Amendment does.

Allow me to read just a few of the letters I received over the last several months on this issue.

The National Association of Foreign Trade Zones writes:

> [We] recently learned that the Trade Adjustment Assistance Bill . . . includes language that would provide for extension of the Merchandise Process Fee to offset the cost of the TAA program.
>
> As you are aware, the fee was originally established by Congress to cover the costs of the commercial operations of the U.S. Customs Service.
>
> The [National Association of Foreign Trade Zones] is strongly opposed to any extension or reauthorization of the [Merchandise Process Fee] from their congressionally intended purpose.

And the National Association of Foreign Trade Zones is not alone.

The National Customs Brokers & Forwarders Association of America writes:

> [We are] aware of pending legislation due for consideration regarding Trade Adjustment Assistance. While [we] support TAA, we cannot support the use of user fees to "pay for" this program.
>
> Merchandise processing fees need to be directed to the agency for which they were collected—the U.S. Customs Service.

Aligent Technologies, a Fortune 500 company and one of the top 100 importers in the Nation writes:

> The Merchandise Processing Fee is a "user-fee" paid by importers to cover the cost incurred by Customs to process imports. . . . If US Customs is to continue collecting [the fee], it must directly fund Customs processing improvements, specifically for the new Automated Commercial Environment and other initiatives that are greatly needed to improve the trade process.

Members may be under the mistaken impression that extending these fees without ensuring that they go for customs is simply keeping a convenient money stream flowing.

That is not so.

You will hear that extending the fees without ensuring they are used for customs purposes will have no impact on Customs' budget.

If it has no impact, why is it in the bill? It's in the bill because it has an impact on budget scoring. Once CBO scores these funds against trade adjustment assistance, they cannot be used by Customs for Customs modernization.

These funds are no longer available to offset the costs of Customs modernization.

So I think the Senator's amendment is very simple and very reasonable.

I just want to make sure that Customs user fees are being used for their intended purpose.

In fact, we included a similar sense-of-the-Senate resolution during markup of this bill.

This is a commonsense amendment and I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, very briefly, I think we are reaching time for the votes. I think it is proper that the Senate vote in favor of the amendment offered by the Senator from Arizona because basically, under current law, passage of fees does go back to Customs. The merchandise fees that are collected go into the general revenue, but they have always historically been appropriated right back to the Customs Service. So the amendment offered by the Senator from Arizona simply confirms existing practice.

Basically, the Senator is correct on how the actual dollars are collected and should be collected and then transmitted back to the Customs Service. We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3429.

The amendment (No. 3429) was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3428

Mr. DODD. Mr. President, my understanding is that there are 5 minutes of debate equally divided on the Dodd amendment. I was going to ask for the yeas and nays on the amendment, but I understand that it will be a tabling motion, so let me hold on that.

Briefly, I will describe what I thought would be a fairly straightforward, small, uncontroversial amendment, but some have not made it as such. What I tried to do with this amendment was to take three provisions of the United States-Jordan Free Trade Agreement out of the six that are incorporated in the agreement. The three that are missing, are critically important to have as part of the 27 pages of standards that we ask our negotiators to try to pursue as we enter trade negotiations with individual countries.

The United States-Jordan Free Trade Agreement was adopted 100 to zero only a few short months ago in this body, and as part of that agreement we added the three standards that are excluded in this bill. The three standards ensure that other governments will not relax or ignore their own domestic labor laws to gain a competitive advantage, to strive to ensure that other governments' labor laws are consistent with core labor standards that have already been agreed to with the ILO and, thirdly, to agree that core labor principles, freedom of association, prohibitions on child labor, elimination of discrimination in the workplace, are all going to be efforts we would strive to promote. They are goals. They are objectives. Unfortunately, they have been excluded from the underlying bill.

My purpose in offering this amendment is to include those important objectives. If we can include objectives dealing with e-commerce, investments, insurance, is it really asking too much, out of 27 pages of standards, to add 3 that would deal with child labor, job discrimination, and seeing to it your domestic labor laws are not eroded, making it disadvantageous for U.S. workers as we try to compete with these countries? I hope this amendment can be adopted. I regret it has come to a vote of motion to table.

It seems to me we have had a dynamic process with regard to trade negotiations over the years. It used to be in the past we dealt with tariffs and quotas, and that was it. Over the years, we have added a dynamism to that, so we have added other interests that we want our negotiators to pursue when we are allowing countries to have access to our markets.

I do not think it is asking too much to ask our negotiators, in the process of negotiating with countries, that they try to abolish child labor. The International Labor Organization has been signed by 163 countries. We have already agreed to these provisions under the Jordan FTA.

It seems to me that including these provisions in the trade promotion authority legislation now before us is a modest request.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana.

Mr. BAUCUS. Mr. President, to be quite candid, I wish we could accept this amendment. The Senator makes some very good points. The fact is that all those standards that he seeks are in the underlying GSP provision that is a part of the underlying legislation. That just brought our definitions of core worker rights up to date. As I mentioned before, I hope we can bring the definition of core worker rights in the fast track part of the bill also up to date. The overall objectives and the priority objective in the underlying bill have equal weight. We are splitting hairs.

This amendment is very much opposed by many Senators. I am duty-bound as part of the agreement to oppose it. I wish we could accept this amendment because it is one we should be able to accept.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again, repeating what my colleague from Montana has said, this part of this legislation, not only in the Senate but also in the House of Representatives, is so carefully balanced, bringing in the labor and environmental issues, if you do something to pick up one vote on the liberal end, we lose a vote on the conservative end.

I ask my colleagues to not in any way upset that balance. That is why this amendment should be defeated.

The Senator from Connecticut is always a very sincere Senator on any subject. He presents his case well. This is one place where his ideas may be well for the country of Jordan, where we do $40 million a year in business, but it is not good idea when we look globally at negotiations with 142 countries. We cannot use the country of Jordan necessarily as a pattern for the whole organization.

I am strongly opposed to this amendment. I think anyone who wants this President to get trade promotion authority, or trade adjustment assistance for that matter, should be too.

Basically, the amendment takes the very carefully crafted House to compromise language on labor and Add-to it language negotiated by the Clinton administration in a bilateral agreement with Jordan.

In my view this is not thoughtful trade policy. If this language is intended as a broad policy statement, it is unnecessary.

The negotiating objectives in the bipartisan compromise already capture the key trade and labor provisions of the U.S. Jordan Free Trade Agreement.

Taken literally, the language dictates the specific details of future labor provisions—saying that they have to look almost exactly like our bilateral trade agreement with Jordan. This simply does not make sense.

The labor text negotiated with Jordan is not a one-size fits all way to address all labor issues with every U.S. trade partner, nor was it designed to be. The President will be negotiating regional, multilateral, and bilateral agreements using trade promotion authority. Any one of these may require a different approach to labor issues. He needs the flexibility to address labor issues in a variety of situations.

That is what the bipartisan TPA bill does. In fact, I would say if you really want to improve worker rights around the world, you should support the bipartisan compromise. There is more in this bill designed to improve labor rights than any TPA bill that has passed the Senate.

For the first time ever, the "core labor standards" of the ILO will be referenced in U.S. trade negotiating objectives. Further, the bill directs the President to seek a commitment by other governments to effectively enforce their labor laws. These provisions will encourage countries to improve their labor laws, without infringing on their sovereignty.

The bill also directs the President to seek to strengthen the capacity of trading partners to promote core labor standards.

In addition, the Secretary of Labor will be directed to consult with any country seeking a trade agreement with the United States concerning that country's labor law. U.S. technical assistance will be available to help other countries raise their labor standards.

Whenever the President seeks to implement a trade agreement with a country, he will submit a report to the Congress describing the extent to which that country has laws in place to govern the exploitation of child labor. This will focus attention on any problems which will help direct appropriate resources to solve these problems.

Requiring a one-size fits all policy like this amendment does is not going to enhance labor rights. It will upset the careful political balance incorporated into the bipartisan TPA Act and kill the very bill that is best equipped to improve worker rights.

If you want this bill or TAA to ultimately make it to the President's desk, I urge you to oppose this amendment.

There is a fundamental truth about trade that a lot of Senators who are trying to amend this bill ignore—trade in of itself can lift people out of poverty and improve worker rights around the world.

It is no coincidence that the wealthiest nations on Earth are those who embrace trade. And these are the nations that are most likely to have the highest labor standards in the world. The fact is, by passing this bill we can help poorer nations grow.

Trade promotion authority will help us establish trading relationships with many developing nations. The poorest countries in the world desperately want the United States to trade with them and invest in them.

Open trade and investment have helped to raise more than 100 million people out of poverty in the last decade, with the fastest reductions in poverty coming in East Asian countries that were most actively involved in trade. We can see similar results in the next decade if we pass this bill.

A recent report by the World Bank called "Global Economic Prospects and the Developing Countries" shows this to be true. According to this study, a new WTO trade agreement could lift 300 million people out of poverty. Helping nations help themselves is surely a better path to global prosperity than mandates.

The Senator from Connecticut stated several times in his remarks that if you vote against his amendment, then you are voting against the opportunity to do something about slave labor, child labor, and prison labor. This assertion is simply wrong.

The United States already has standards relating to internationally recognized worker rights. We have had these standards for a number of years. In fact, U.S. standards on worker rights are nearly identical to the ILO standards that Senator DODD wants to put into the Finance Committee's trade bill.

For example:

The First ILO standard relates to freedom of association. This is also the same standard the U.S. recognizes.

The second ILO standard relates to the right to bargain collectively. This is the same standard we recognize.

The third ILO standard relates to forced, slave, or bonded labor. This is exactly the same standard that we recognize.

The ILO's fourth standard related to child labor. The fourth United States worker rights standard also relates to child labor.

So to say that the United States needs ILO standards on worker rights because we aren't currently doing anything about these issues, or because we don't have the ability to do anything about the problems addressed by these standards, is simply wrong.

I again urge my colleagues to oppose this bill and support the bipartisan compromise.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. STABENOW). Is there a sufficient second?

There is a sufficient second.

The question is agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Murkowski

The motion was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent to proceed as in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator LEAHY are located in today's RECORD under "Morning Business.")

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3433 TO AMENDMENT NO. 3401

(Purpose: To provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance)

Mr. ROCKEFELLER. Madam President, I send to the desk an amendment which is sponsored by myself, Senators MIKULSKI, WELLSTONE, DEWINE, DURBIN, VOINOVICH, and STABENOW.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DEWINE, Mr. DURBIN, Mr. VOINOVICH, and Ms. STABENOW, proposes an amendment numbered 3433.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3434 TO AMENDMENT NO. 3433

(Purpose: To clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance)

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE] proposes an amendment numbered 3434 to amendment No. 3433.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I rise this afternoon to talk for a few minutes about the need for trade adjustment assistance as a program and also an addition to it, something that meets the real needs of workers as currently contemplated, and then what is also contemplated in our amendment which is to add, at very small cost, about 125,000 steel retirees.

I want to talk about them. Their health benefits have been lost due to the import surge that has taken place. I passionately believe the trade adjustment assistance concept has to be considered an integral part of U.S. trade policy.

When U.S. trade policies result in American workers losing their jobs through no fault of their own, much less Government inaction to protect them in a legitimate forum, then I think we owe them help.

I want to take a moment to highlight the importance of the TAA health provisions that will hopefully be included in the final package the Senate passes.

Majority Leader DASCHLE, Chairman BAUCUS, Senators BINGAMAN, CONRAD, MIKULSKI, WELLSTONE, myself, and many others have fought to include health protection as part of TAA for the first time. Workers want to get it. If workers lose their jobs as a result of imports, they deserve to get something back. They deserve to be on their feet, they deserve to have access to retraining, and they deserve to get cash assistance. They also deserve to have something called health care, which is what everybody talks about and nobody does anything about, but we would like to. What has been lacking has been some help for displaced workers to retain their health care coverage. I am not talking about just steelworkers, I am talking about the general population.

Under the Baucus-Grassley amendment that is under consideration now, they will have that help. I want to extend my sincere appreciation to the majority leader for his advocacy for provisions to provide health care assistance to displaced workers who lose jobs due to imports. This is a tremendous improvement to the existing program.

I also thank him, as I believe all steelworkers do and should, for his support of our upcoming amendment that will extend the new TAA health benefit for steel retirees who have also lost their retirement health coverage due to closure of their former employer.

The majority leader had originally agreed to include this as a provision in his substitute amendment. But as we all know, that effort was undermined by a point of order and a threatened filibuster. So we had to make an adjustment.

The majority leader agreed to support the inclusion of the steel retiree health benefit as part of the overall Trade Adjustment Assistance Program because he understands what is at stake. He understands that steel retirees have lost their health benefits as a direct result of imports—the most ferocious assault of imports, with a blind eye from the U.S. Government and, particularly in the last several years, just as surely as TAA-eligible workers, active workers, lost their jobs because of imports.

If steel retirees have lost their health care coverage because their company closed as a result of this massive insurge of imports, they should get some temporary relief. In fact, we are giving them only bridge relief—1 year's relief—but it is a full year, which they would not now have. I am talking about 125,000 people right now in the country. They would get 1 year's health benefits. This amendment would provide it to them.

As we seek to improve benefits for employees who lose their jobs because unfair—and in many cases illegal—imports have ravaged their industry, we cannot forget the former employees of these same industries—the retirees. Under the current TAA system, an active worker can get help in health care—if we pass it—because they are displaced by imports, but retirees are left behind. The people who have gone belly up and who are no longer working at all but who worked for years and years in the steel mills got nothing; they are shut out.

The pending amendment will eliminate that disparity by affording retirees access to health care coverage that displaced workers hopefully will soon also be able to receive.

If a steelworker retires and they have lost their health care because their company closed, they will now be eligible to receive the same temporary health benefits for 1 year as other workers—active workers who have lost their jobs and health coverage due to imports.

These steelworker retirees are also victims of imports. They have lost health care because their companies closed. Their companies closed because the import crisis in the domestic steel industry became overwhelming. I call it a crisis because the International Trade Commission called it a crisis and said unanimously that it was due to serious damage caused by imports, imports from which our Government—not just this administration but the previous one—failed to defend American interests.

We have national laws on our books. We failed to defend them. They don't allow other countries to dump their steel products into our country. We failed to defend that. That is not true in other cases particularly, but it is true with steelworkers. They have been clobbered by this, and they have no health care retiree ability whatsoever right now.

Health care coverage for steel retirees, who often live on fixed incomes, is incredibly important to them. It can mean the difference between all kinds of things that make their lives miserable or OK. I want to clarify this because it is confusing. Whom are we talking about in this amendment? Active workers and retirees. Active workers is the TAA category; active retirees is the steel category. Those are the people we want to add to the TAA for 1 year.

Active workers who lose their jobs are not retirees, they are unemployed workers. Retirees—the steel folks—have met years-of-service requirements—vested 15 years working and this kind of thing—and they are out in the cold. Now their companies have closed and, for the most part, have filed chapter 7. LTV in Ohio filed for chapter 7—no health benefits, no light bulbs, nothing; everything is shut down. The health benefits they used to plan for in their retirement are now gone. These are not people who can retain and find new jobs, they are retirees who have finished, for the most part, their working years.

Under the new and improved TAA program, for active workers, if a worker loses his job, he will now be eligible for cash assistance, retraining, and health benefits. In the case of a retiree in the steel industry, they may not be eligible for any retirement benefits from the job that they have lost, and under the current plan retirees are eligible for nothing at all—unless my amendment is adopted, and that will only be for health, not for cash, not for training, or anything else. The money will only go to the retiree, not to the company.

Retirees are eligible under my amendment for the TAA health benefits only if they were already eligible, going through this vested process, for retiree health benefits and if their former employer permanently shut down.

We have created a small universe of 125,000 people. When I get to the offset in a minute, people are going to be shocked by how cheap it is, how easy it is to do. But the steel retirees will not be eligible for any of the cash assistance, or anything else that active workers who are otherwise displaced under the TAA will get. Active workers are eligible for TAA health assistance for the duration of the TAA cash assistance, which goes on. On the other hand, eligible steel retirees—the subject of our amendment—would only be eligible for 1 year of health benefits. That was the bridge we talked about, to give everybody a chance to regroup and see what we can do to retain the steel industry and for them to be able to get health care.

So this isn't a Cadillac plan we are talking about. This is a slimmed down version. If retirees don't have health care coverage because companies shut down due to imports, they should not be left behind—particularly when the Government is responsible for not defending their interests over the past 30 years and not protecting the Federal law against dumping and willingly letting people do it. Of course, in the United States we are suckers for anything that is cheaper. It doesn't matter if it was made in America. Well, it matters in the steel industry, and we are about to lose it. Thirty-three companies have shut down in the last couple of years, and most of the others are on the brink. We could very well have no steel industry in 2, 3 years.

Today, there are only about 125,000 retirees. That is what my amendment is about, along with Senator MIKULSKI and Senator WELLSTONE. So 125,000 retirees and their dependents, who worked for companies such as LTV in the steel industry do not have any health coverage. They have not, in fact, had any for the last several months, since March.

These people live in Ohio, Indiana, Michigan, New York, Alabama, Illinois, Utah, Louisiana, North Carolina, Missouri, and they do not at this point live in West Virginia. Without the steel retiree provision in this bill, those retirees will continue to go without health care. Is that what we do here? Is that what we do as a legislative body?

Many of these retirees are not Medicare eligible and have no other recourse. We all know about the terrible human scourge of Americans without health care coverage. We have done a lot of talking about that, but we have not done much to cure it. This is not what retirees who spent a lifetime working in the harsh conditions of a steel mill—which my colleagues, Senators MIKULSKI and WELLSTONE, have been in. Many others have, too. I have not. It is like a coal mine; you do not go in very often. It is dangerous, terrible work. They helped us win the war, and now we have a chance to do something for them.

I come back to the fact that the Federal Government has failed the steel industry by not enforcing our national trade laws against dumping, which is what puts them out of work. Steel companies were forced into bankruptcy—as I said, 33 companies since the year 2000—because our trading partners were dumping steel on our shores, and this is not my opinion. This is what the International Trade Commission found unanimously: That our industry had been seriously injured by imports.

Because of the Government's inaction for so long on those unfair trading practices by our trading partners, our domestic steel industry has suffered irreparable harm. People look at that and say: OK, we do not have steel in our State; maybe it is true, maybe it is not. It is true. The Presiding Officer knows it. It is absolutely true. They are falling like flies. Their stock is selling at $1, $2. It is awful.

Section 201 gave them a little bit of a boost, but it is a boost that will only last 6 or 8 months or a year at most, and then it will go right back down. Here we come to the workhorse.

The provision is simply this. The provision will give retirees, many of whom are entering, as I indicated, their second month without health care coverage—85,000 of these workers are former LTV workers, which went chapter 7. They were in Ohio or they may have moved elsewhere. It tries to give them some breathing room.

They will receive the same benefit we are giving TAA-eligible workers to keep their health care. It will allow these retirees some time to figure out how to secure other forms of health insurance. It will allow us who care about the steel industry to figure out how we keep them together in America so we can consolidate and keep a steel industry which a country such as America ought to have.

The amendment has been officially scored by the Joint Tax Committee as costing—and please listen—$179 million over 10 years. The White House has been putting out figures six, seven times as large. It is dramatically less than what people claim this provision would cost—$179 million over 10 years. It is paid for with two IRS administrative positions. The offset is in. It is there. It allow taxpayers to accelerate their payments to the IRS if they so choose to do that. Under current law, they cannot do that. The House has already passed this. They have already agreed to it. It was one of Chairman BILL THOMAS's ideas.

I do not believe any of my colleagues will object to this pay-for and should understand we worked hard to find agreeable offsets, thanks primarily to Chairman BAUCUS and his staff.

This amendment improves upon an essential reform of our existing TAA program. It gives us health care. It targets temporary assistance to those who really need it.

I urge my colleagues to support this amendment for retirees who are entitled to our help.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

Madam President, I join with pride and enthusiasm my colleagues, Senator ROCKEFELLER and Senator WELLSTONE, in supporting this amendment to provide a safety net for American steelworkers who have been battered by decades of unfair and illegal trade practices.

American steelworkers and their retirees worked very hard and played by the rules. They have served our country in war, building our ships, tanks, and weapons. I was so proud of the fact that in my own hometown of Baltimore, at Bethlehem Steel, we made the steel to repair the U.S.S. *Cole* so it could go back out to sea and continue to defend America.

That is what steel is all about. It builds America. It makes us strong. It has made us strong in war, and it has made us strong in peace, making the steel for our buildings, our cars, our bridges, our roads.

Yet for decades, our Government has watched as the steel industry withered, not because steel was unproductive, not because steel was overpriced, but because of cheap, subsidized foreign steel that has been dumped on our markets and, I might add, below the cost of production. That is what makes it illegal.

The goal of the foreign steelmakers is to destroy our American steel industry. Then foreign producers will be free to raise prices and control production, and the United States of America, the home of the free and the land of the brave, will be dependent on foreign steel for keeping our domestic economy going and keeping America strong.

What would it have been if the U.S.S. *Cole*, banged by a terrorist attack, had had to limp home only while we dialed Russia, Thailand, or Brazil to get the steel parts to send them out to sea? I think it is wrong to let our steel industry die.

While we are going to fight for steel and its future—and we thank our President, President Bush, for the temporary tariffs to give steel a break—our steelworkers are facing a crisis because so many steel companies are in bankruptcy. What that means is, their health care benefits are now at risk. The Rockefeller-Mikulski-Wellstone-Stabenow amendment seeks to help those steelworkers who have suffered the most from unfair trade practices: the retirees whose companies are now bankrupt and whose health care benefits are now at risk.

Our amendment is a simple one, and it is an affordable one. It would provide a 1-year temporary extension of health care benefits for steel retirees who lose their health insurance because of trade-related bankruptcy of their company. Guess what. We have even sunsetted it in the year 2007. This is a bridge to help them.

Madam President, about whom are we talking? Who are the steelworkers? Who are the steel retirees about whom we are talking?

First, the numbers: 600,000 retirees and their dependents; 33,000 in my own home State of Maryland are retired. But it is not about numbers and statistics. It is about people and it is about families. Who are they? Guess what. They have two characteristics in common: One, they all work for steel; two, they have all been good, outstanding citizens of the United States of America.

In my hometown, Bethlehem Steel every year has been the largest contributor to United Way. Those men and those mills, those hot, steamy mills, are the first to sign up for dues checkoff so the Girl Scouts, Boy Scouts, Legal Aid, Meals on Wheels could have their contribution. They are also very often the first to volunteer for any good cause in our community.

When you also look at the data on who are the steelworkers, you find that a high percentage of them are veterans. They were called up and they went to World War II. They went to Korea. They went to Vietnam. And guess what. While they were busy storming Iwo Jima or climbing the cliffs at Normandy, they were fighting for America. When they tried to make their way up Pork Chop Hill to plant the flag, they were fighting for America. When they were in that hell hole of the Mekong Delta in Vietnam, they were fighting for America. Now when is America going to fight for them?

I think it is time America fights for them. The industrial unions had the highest compliance with the draft than any other sector of our society. They did not take academic deferments. They did not go to Harvard to get a theological degree. They did not get a parade when they came home. By God, they ought to at least be able to get their health care in their retirement.

Now that is about whom I am talking. We are talking about the lifeblood of our communities and people who have been giving their red blood for America. This generation has the values that we cherish: Hard work, patriotism, habits of the heart, neighbor helping neighbor. Can we not at least find a couple of million bucks to provide a 1-year bridge to help them get the health care they need?

Last week, I told my colleagues about Gertrude Misterka. Gertrude and I grew up in the same neighborhood. It is a neighborhood called Highlandtown. Our Baltimore neighborhoods have names like that. I know Gertrude because we not only grew up in the same neighborhood, but when I was first running for the city council, going door to door, she and her husband Charlie were living in the neighborhood and said they absolutely would back me.

It was great to see her at my hearing in March, but, my gosh, what an incredible reunion. Gertrude is now a widow. She was married to a Bethlehem Steel worker named Charlie. Charlie worked with Bethlehem Steel for over 35 years. He was also a veteran. Charlie thought that for his 35 years at Bethlehem Steel, he would have a secure pension for himself and his bride. He also believed if he passed away, she would have a widow's benefit, she would have Social Security, and his mind was at peace because she would have her health care.

Even after his death, he thought he could provide for her because the men at the mills believe you ought to really provide for your family.

Well, Gertrude relies on this health care at Bethlehem Steel. She has diabetes, high blood pressure, and asthma.

I said: Gertrude, the naysayers are saying you get gold-plated, lavish health care. Tell me what you get.

She said: BARB, guess what. I get a $100 monthly pension. I do not get a COLA. When you retire at Bethlehem Steel you take what you get, but you do not get a COLA. My pension is frozen.

Out of a $100 monthly pension, she pays $78 each month for her health care premium. So she has this little pension. She has Social Security, but out of her Bethlehem Steel, frozen with no COLA, she pays 78 bucks.

She told me she asked her pharmacist what her medications cost. If she did not have health care, she would have to pay $6,716 for her medication.

Now, she is a diabetic. You do not cheat on your diabetes medicine. What are we going to do if Gertrude goes into a coma? She is going to go into the hospital, and that is mega bucks. You have to take your test. You have to take your insulin. You have to regulate your blood pressure, and you have to take care of that asthma so it does not cause other complications.

I listened to Gertrude that day and my heart went out to her and other steel retirees. I promised her I would fight to help those retired steelworkers. They need a safety net so they do not lose their health care. Then the only reason they will lose their health care is because their companies are in trouble and are going bankrupt because of documented unfair trade practices.

These families worked hard for America, some for nearly 50 years, doing back-breaking work in hot mills and in cold mills. Families now need our help. Retired steelworkers who thought 30 or 40 years of hard work meant security for their families, widows who sent their husbands off to these mills every day: these are the true victims of years of unfair trade practice. So this is why we have our amendment.

American steel is in crisis. Our steel companies are filing for bankruptcy protection; 31 since 1997, 17 last year. Steel mills are shutting down. Steelworkers are losing their jobs. Why are they doing this? Again, this is not happening because of the steelworkers being at fault, the retirees being too greedy, or the companies being poorly managed. The cause of the steel crisis is well-known: Unfair foreign competition has brought American steel to its knees. Foreign steel companies, subsidized by their governments, are dumping excess steel into America's open market at fire sale prices. This is not rhetoric. This is fact, documented by the International Trade Commission.

Last year, they found these violations unanimously.

Let me give an example. The Russian Government keeps about 1,000 unprofitable steel plants open through subsidies. That is not 1,000 steelworkers; that is 1,000 steel companies. Well, it is real easy to compete with them, is it not?

The Russians are our newfound friends, but the Russians will not let us export our chicken legs to them. South Korea has nearly doubled its production capacity since 1990, without the domestic demand to support it. So, zip, in comes their steel. When Asian countries had the collapse of their economies, they again dumped the steel. Was any action taken? Oh, no. The globalizers backed it.

I know we are going global, but while they are going global, we do not have to abandon the people who fought for America. I said earlier in my remarks about why steel is important: The railroads, the bridges, the ships, the tanks. Saving steel is not an exercise in nostalgia. It is a national security issue. We need to maintain production in very important sectors. No more than we want to be food dependent should we be steel dependent.

Our President, George Bush, said steel is an important issue and he said it is an important national security issue. I could not agree with him more. Quoting Senator STEVENS, a great patriot:

> During World War II, we produced steel for the world. We produced steel for the allies. We rebuilt Europe. Could we do it again?

I am not so sure.

America must never become dependent on foreign suppliers such as Russia or China for the steel we need to defend our Nation and keep our country on the go. Tariffs have been imposed by President Bush. I am going to reiterate what I said earlier in my remarks: I really do thank the President for doing that. Those tariffs were temporary, limited to 3 years. They were specific and they were well documented through the ITC. I appreciate the President's action, and that was a very important step, but now we need the next step. Tariffs help the industry. Now it is also time to help the workers and their retirees who will lose their health care if their companies go under.

Senator DASCHLE has led the way to provide a temporary 1-year extension of health benefits to qualified steelworkers. I sure support that. We are also helping with other issues related to current workers. Like the temporary work tariffs gave the companies breathing room to recover, we need a temporary extension of benefits to give workers and retirees breathing room to find health care. This is what we need to do.

I was moved at a hearing by the stories of people such as Gertrude Misterka and others. I have been to the rallies. I have been to the meetings. I feel very close to these workers. I grew up in Baltimore in a neighborhood where most of the people in that community worked either at Bethlehem Steel, Western Electric, or General Motors. Western Electric has since closed. General Motors, we are not sure about its future there. Bethlehem Steel is in bankruptcy. We have real problems. This is our industrial base.

In that neighborhood where I grew up, my father had a neighborhood grocery store. He opened it early every day so that the steelworkers on the early morning shift could come by and buy their lunch. These were the people I knew. These are not numbers and statistics, these are people with names such as Stanley, Henry, and Joe. These workers at Bethlehem Steel were not units of production, they were our neighbors. They were my neighbors, but they are your neighbors.

What did we know about Bethlehem Steel? In Baltimore, we thought it was a union job with good wages and good benefits. Our neighbors could go to work and put in an honest day's work, get fair pay, and come back and build our communities. Right now, most of the Bethlehem Steel workers work very hard. Their commitment to Bethlehem Steel is a commitment to America, doing the work that needs to get done for fair pay and a secure future. We are proud of our workers at Bethlehem Steel. We are proud of what they did at the mill. We are proud of how they defended America. We are proud of the way they helped repair the U.S.S. *Cole*.

I think it is time we repair the agreements to assure our retirees have the health care they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleagues, Senator ROCKEFELLER, Senator MIKULSKI, and other Senators who have joined in this amendment. I thank Senator MIKULSKI for her remarks and for reminding Members we are not talking about statistics, we are talking about men and women whom we know and love and in whom we believe. I thank Senator ROCKEFELLER for his painstaking work putting this amendment together.

I am not the insider politician, but I want steelworkers—and not just steelworkers; I want people in the heartland of America, in industrial America—to know exactly what the situation is. It is 5:10 on Thursday night in the Senate Chamber. Here is what is going on. We had an amendment originally as part of the trade adjustment assistance. It was an amendment that said part of trade adjustment assistance ought to be to build a 1-year bridge where we can at least make sure the steelworker retirees—in the case of Minnesota, taconite workers on the Iron Range—who worked hard all their life, and now over

30 companies have declared bankruptcy, including LTV company, a classic example, receive retiree health care benefits. People are terrified.

We said, let's have a 1-year bridge. This was in the original amendment. Senator ROCKEFELLER worked very hard on it. JAY took the lead. Senator DASCHLE deserves a lot of credit. He is the leader of our party. We have this as part of trade adjustment assistance.

The administration came out Wednesday of last week with a letter. They said the cost would be about $800 million in 1 year. They were downright untruthful with the figures. Actually, we were talking about $180 million over 10 years, not $800 million over 1 year. The administration said it was adamantly opposed. It was crystal clear there was no way to move this package forward, and therefore this provision was removed.

I was presiding in the chair when Senator DASCHLE said: I make it crystal clear that all amendments to try to modify this trade adjustment assistance package, I will oppose—but not the amendment that will deal with steelworkers, trying to give them help; I will support that.

Now we bring the amendment to the floor. What does the amendment say? It says as part of this trade adjustment assistance package, $180 million over 10 years, can't we build this 1-year bridge to provide the help to the people who have worked so hard, now terrified they will lose their health care benefits? It is cost effective. It helps people. It is compassionate liberalism, compassionate conservatism, compassionate Democrats, and compassionate Republicans. We ought to do this. It is the right thing to do.

I want steelworkers and their families to know, this is now being filibustered. There are Senators who I assume will be debating this—I hope; certainly not the majority. The good news, Senator ROCKEFELLER: Clearly, we have the majority of the votes. What we have now is no agreement on time, no agreement for an up-or-down vote. This bill is being filibustered. That is where we are. We are in a filibuster situation. One would think it was a cardinal sin and the most terrible thing in the world to try to provide some help to people—which is what this is about. Therefore, this is being filibustered. Therefore, we are going to continue with this debate. There won't even be a vote until next week. That is what is happening right now.

I am pleased we have a majority of the votes. That is obvious, since the opponents do not want an up-or-down vote. We have a lot of support for this amendment. The question is whether we can overcome the filibuster, whether we can overcome the efforts to block this amendment.

I remember Jerry Fallos, president of Local 4108 on the Iron Range of Minnesota, came here within the last month and testified. I cannot say it as well as he can say it. It is amazing. He has seen 1,300 people out of work. People are out of work, and these are good-paying jobs. And now you wonder how you will support your family, and 6 months or a year later you do not have health coverage, and you worry about that. For a lot of the taconite workers, it is their parents about whom they worry.

That is what we focus on, people who are vested, worked a lot of years for companies, and now they are terrified their health care benefits are going to be canceled. Jerry said the people from the Iron Range are used to hard times: We are survivors, though. We work hard. We have always responded to our country in times of need. This steel industry has always been there for our country in times of war. But now we are asking for some help.

I say to the 100 Senators, as you decide how to vote on this filibuster, this is $180 million over 10 years. That is all it is. If you made the estate tax permanent, which mainly goes to millionaires, plus, you would be talking about $8 billion over 5 years. If we can help out the wealthiest people, if we can have all kinds of tax breaks to multinationals, one would think $180 million over 10 years to provide help to retirees, a 1-year bridge before we finally put together a package that will help these people, would not be filibustered.

I cannot even believe we are now out here fighting a filibuster, but that is the situation. I ask the question, Where are our values? Where is our collective humanity? Are we going to step up to the plate and help people? This is a very modest amendment. We have passion about this because it is people we know and we love and in whom we believe.

I told Senator ROCKEFELLER about one discussion I had with one steelworker. He said to me: Now we are counting on you all. A lot of our lives are at stake. People's lives are at stake.

That is not being melodramatic. Senator MIKULSKI used the example of prescription drugs. Elderly people are terrified. They do not know how they will afford the costs. They worked hard. They did everything for our country. Companies now declare bankruptcy and walk away, and they don't know what they will do.

We say can't we, over 1 year, provide help while we work together and come up with a package to help the retirees and help the steel industry get back on its feet? That is no small issue to the economy of the United States of America.

I want to talk a little bit about the position the administration has taken. I will try to be well behaved.

I do want to say on section 201 that the administration has already entertained all sorts of exemptions. There are now a thousand exemptions to the President's section 201 decision and Secretary O'Neill is reported as saying that a significant portion of them will be favorably decided. So it may not provide us with the trade relief we were hoping for, though as Senator MIKULSKI said, it is surely a step forward.

On the Iron Range it was not. On the Iron Range you have tariff rate quotas, so basically until you have 7 million tons of slab steel, that can come into the country without any help whatsoever. That is what we have right now. That is what has put our taconite workers out of work. So it simply does not help at all.

Then you have 32 U.S. steel companies in the last 2 years that have filed for bankruptcy. That is just unbelievable. That is 30 percent of the domestic steelmaking capacity. When they file for bankruptcy, this is terror that people then have to deal with because then they can walk away, and they do walk away from retiree health benefits. That is what we are speaking to.

Let me just be really clear. There is a bipartisan group of Senators who have been working on the Steel Industry Retirees Benefits Protection Act, Democrats and Republicans. We all know there is a lot of work to do. The question is whether or not we can have this 1-year bridge. We can do something for people who, right now, are flat on their backs, who are terrified, who are worried. We can get some help to them because they are in this position through no fault of their own. Nobody can say that retired taconite workers and steelworkers are in the position they are in right now, worried about how they are going to afford health care costs, because they are slackers or because they are cheaters or because they don't work hard or because they are not loyal or because they are not patriotic or because they don't love America or because they have not done everything to serve our country. They have done all of that and more.

The only thing we are asking is whether or not the Senate and this administration will help these families.

I do not have the years or the savvy of either of my colleagues out here, but I have been here now 11½ years. I can figure out what is going on. This is an amendment that is tough to be against. This is a high moral ground amendment. There is a lot of passion behind this amendment. There is a lot of decency behind this amendment. Frankly, it is all about helping people—people who richly deserve and need the help.

I think we have a majority vote, but the opponents will not give us that vote. They will not agree to a time limit. So we will be at this for the next several days. We will be at this over the weekend.

I hope steelworker families and other families all across the heartland of America are in touch with all Senators because we are going to do everything we can to overcome this obstacle, this filibuster. A good, strong vote is important, and I am delighted because we have that; otherwise, there would not be a filibuster. Now we have to deal with the filibuster. I hope Senators will be there to support these steelworker retirees.

I do not know about my colleagues, but for me, I have been waiting ever since this debate started on fast track for this amendment because here is where I think Tip O'Neill's adage about "all politics is local" is absolutely true. I would not make any apology to anybody about this.

Senator ROCKEFELLER and Senator MIKULSKI, there is nothing I want more in the world than to pass this amendment. We passed it already. We have over 50 votes. That is why it is being filibustered. There is nothing I want more in the world than to make sure we are able to come through for people. That is why this amendment is important: Not because of some strategy, not because of some tactic, but because it is on the floor of the Senate, it is 5:30 Thursday night but, darn it, this amendment is directly connected to the concerns and circumstances of the lives of people we represent.

This is the right amendment. There is no other reason to be in the Senate than to try to pass this kind of legislation to help people—no other reason. Nothing can be more important, and I hope we will have the support of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would like to introduce a few things in the RECORD.

First, I ask unanimous consent Senator ARLEN SPECTER of Pennsylvania be added as a cosponsor. He is the cochair of the steel caucus.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I also ask to have a letter from the vice chairman, president, and CEO of Nucor, which is the largest minimill in the United States, be printed in the RECORD.

In the steel industry you have some conflict between integrated steel mills and minimills which take scrap and turn it into steel. It is an arcane but nevertheless very real conflict.

I called Dan DiMicco in California about this amendment. He has written me a letter saying they have no problem with it at all. In no way will they oppose this proposal.

> Nucor has long advocated consideration must be made for displaced steel workers or retirees in transition due to permanent plant closures.

One of the reasons he is for this is a point I made earlier. This money does not go to companies. It does not go to integrated steel companies or minimills. It goes to human beings.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NUCOR CORPORATION,
Charlotte, NC, May 6, 2002.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: I understand legislation pending before the Senate would make certain steel industry retirees who have lost their health care coverage eligible under the Trade Adjustment Assistance program for federal assistance in obtaining health insurance coverage through COBRA or state sponsored plans for one year.

Nucor Corporation will not oppose this proposal. Nucor has long advocated that consideration must be made for displaced steel workers or retirees in transition due to permanent plant closures. The continued surge of illegally traded steel has devastated communities across America and left many retirees and their families without access to health care.

As I understand the proposal under consideration, it would help the retirees who have lost health care coverage due to permanent closure of capacity directly and is for a limited period of time. As such, I do not believe it would adversely affect Nucor because it would not allow companies to discharge their legacy obligations onto the federal government. We continue to believe that pension and health commitments of surviving mills should remain the responsibility of those mills, not of the taxpayers or the rest of the industry.

Sincerely,

DANIEL R. DIMICCO,
Vice Chairman, President & CEO.

Mr. ROCKEFELLER. Mr. President, I also called Governor Bob Taft of Ohio yesterday afternoon. I told him we have this situation, we have this amendment. Yes, of course, LTV is located in his State, but that doesn't mean necessarily all the 85,000 steel retirees are located in his State. I met Governor Taft back in the 1960s. I don't know him well, but he is a fine Governor. He is a conservative Governor, a responsible Governor, and he did something I thought very unusual.

What I was asking for was a letter of support for my amendment. The Governor gets this phone call from some United States Senator at 6 o'clock in the evening saying: Can I have a letter from you by noon? That is when this Senator thought we were going to be doing this legislation today.

He sent it. He sent it to Senator VOINOVICH, which is what he should have done. He is a cosponsor of the bill. But in it he says:

> Retired steel workers, similar to their currently employed counterparts [active workers], are suffering irreparable harm as a result of unfair trade practices. This amendment offers temporary relief for those retirees in the greatest need.
>
> I urge you to support this amendment and thank you for your attention to this important issue.

He says a lot of good things about the amendment. I ask unanimous consent that also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF OHIO,
Columbus, OH, May 16, 2002.

Hon. GEORGE V. VOINVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: I am writing to express my support for an amendment planned to be included in the trade adjustment assistance section of the trade bill being considered today by the Senate. As you are aware, the health benefits of retired steel workers have been terminated as a result of failed steel companies. Tens of thousands of retired steel workers, concentrated in Northeast Ohio, are now without health care or are struggling to pay expensive premiums.

I commend the President for his imposition of significant remedies to defend our nation's steel industry from the unfair trade practices of some foreign producers. Unfortunately the relief did not come soon enough for some companies. Major steel manufacturers have permanently closed, health care and pension funds are exhausted and retirees are left with few and costly health care options.

The Health Care Benefits Bridge program will allow retired steel workers to receive a health care credit for one year equal to 70 percent of the total cost of premium of health care coverage under COBRA or state established plans. The retirees would be responsible for the remaining 30 percent. The bridge plan would limit eligibility those retirees who have lost health care coverage because of the permanent closure of their former employer.

Retired steel workers, similar to their currently employed counterparts, are suffering irreparable harms as a result of unfair trade practices. This amendment offers temporary relief for those retirees in greatest need.

I urge you to support this amendment and thank you for your attention to this important issue.

Sincerely,

BOB TAFT,
Governor.

Mr. ROCKEFELLER. I also want to make one point clear. Some people say: Why can't the Department of Labor—which sort of decides on TAA matters—why doesn't it just include, administratively, steel retirees?

They cannot. They do not have the power to do that. They do not have the authority to do that. The retirees we are talking about—Senator WELLSTONE, Senator MIKULSKI, myself, and Senator STABENOW, who obviously wants to say something—they do not have the power to do that. They cannot include them on their own. It can only be done through action of the Congress, which is why this amendment is before us.

Back last summer, a number of us were doing the legacy bill, which is sort of the big solution, a $16 or $17 billion solution. And there is a great reason for that; it just did not happen to be a very compelling one at the time we were doing it. But you have to do three things to make steel work.

I apologize to my colleague from Michigan, because I know how much she wants to speak.

You have to invoke section 201. That is the International Trade Commission. The Finance Committee had voted to do that. Oddly enough, the Finance Committee has the same power under the law to invoke the International Trade Commission on the subject of imports and the damage from imports as does the President of the United States. So does the Ways and Means Committee. They did not choose to invoke it. We did. So had the President not invoked section 201, we would have, and already had voted to do so. So the same process would have taken place.

The first thing you have to do is invoke section 201. What does that do for you? It gives a little bit of a lift in the market, as I indicated, for 6 or 8 months. People feel a little bit better. But it does not last. It did buy us time, and we needed time. Because we have to think, how are we going to keep the steel industry together? How can we have a 40 or 50-million-ton steel industry in a place called the United States of America, which sort of started this whole thing?

All around the world, everybody, when they want to get into the United Nations, they start a steel industry and they buy a 747. Now, that is a little crude, and I apologize for saying that, but, frankly, that is what you do to establish yourself as a real country: You have a national airline—it might be one plane—and you have a steel industry. So these imports just come flowing into our country from all over the world. People underestimate the power of that. Of course, they are cheap because they are dealing with $1-an-hour labor, a little more or a little less. And then sometimes our industries have to buy that because they have to survive.

So I want to stress the urgency of particularly what has happened between 1998 and 2000 and 2001, where this enormous import surge overtook the United States in steel at the same time as another surge of total neglect on the part of the Government. This is not a partisan statement about this administration. It was the same thing in the last administration.

I can remember endless hours in the steel commission arguing with Bob Rubin, Gene Spurling, and Charlene Barshefsky, and all kinds of high and mighty people. And they said: No, globalization is the deal. I said: I agree; it is the deal, and I voted for PNTR, and all the rest of it. But, frankly, we have something called a steel industry in Senator STABENOW's State and my State, and it is sort of the heart and soul of America. But they were not interested.

I think Senator WELLSTONE's $800 million figure was, in fact, e-mailed by the White House to a whole lot of Senate offices just as late as this afternoon, trying, again, to scare us away from this amendment based on cost.

I will just end with this thought. It almost seems impossible we would be bringing an amendment to this body, an amendment which only affects 125,000 people at the present time, and they have to go through so much to even qualify. They have to have worked in the mill 15 years, and all the rest of it. And if the mill goes chapter 7—that is, goes belly-up, completely—it has to do so by January of 2001. And then it only lasts until January 1 of 2004. That means, if a West Virginia plant or a Michigan plant went belly-up and shut out the lights, sent out pink slips, with no health benefits, nothing, everything goes. The Pension Benefit Guaranty Corporation does take care of the pensions, but nobody takes care of health care. Nobody takes care of health care for these people.

We still provide this amendment, which is so tightly constricted to 125,000 people, costing $179 million over 10 years. Frankly, I don't know why the White House does not say: We want this. We accept this. We will take credit for it. It is a no-brainer. Yet, obviously, it is the subject of filibustering and all kinds of divisions. And I regret that very much.

There is really nothing quite like a steelworker. They sweat and toil, as you can imagine. It is so dangerous. They lose arms, fingers, legs. They work in 125 to 130-degree heat in the summer. I am not pleading for them. I am just simply saying that when their company goes belly-up because of Government inaction, by not enforcing the Federal laws against imports, they deserve—if not to get cash, if not to get training, if not to get other benefits—at least to get health care benefits.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise with great pride to be a cosponsor of this amendment. I thank my colleague from West Virginia for his passion, his compassion, and his advocacy for great Americans—our great American steelworkers. He has been here over and over again fighting on behalf of the industry, fighting on behalf of workers, many of whom are in Michigan. I thank him for his leadership. I also thank Senator WELLSTONE from Minnesota for his ongoing leadership and advocacy for our steelworkers, as well as thanking Senator MIKULSKI from Maryland.

This is a dynamic trio that I am very proud to join, and I very much appreciate the fact that they are coming back over and over and over again until we can get this done.

I share my colleagues' view that we are coming with a critical yet modest proposal in terms of how we debate in the Senate, covering 125,000 retirees with health benefits at a cost of $179 million over 10 years, which certainly sounds like a lot of money, but in terms that we are debating, it is a very small amount to put aside for a group of people who have worked their whole lives to build America.

I find it so amazing, as we debated other bills—and we have talked about our overreliance on energy and the need to do more domestic production—that we, at this time, would not be up in arms about the possibility, hopefully not probability, of losing an American steel industry. I cannot imagine, in this time that we are focused on national security and war on terrorism, that we would even, in any way, allow the possibility that we might lose our domestic steel industry. Yet that is what is happening in our country.

We have only six iron ore mines in the country: four in Minnesota and two in Michigan. When they are closed, we will no longer have the ability to pull the raw materials out of the ground.

The men and women in the upper peninsula of Michigan work very, very hard. They and their families have gone through layoffs. They have gone through mine closings. They are on the edge. This proposal is simply to say that for those who are already retired, who had health benefits, who were promised health benefits, whose companies closed—and we had over 33 of them closed since the year 2000—we would give them a 1-year reprieve, 1 year of health care benefits, to try to help in the transition.

I very much appreciate the fact that the President has acknowledged the concerns about steel and taken some action. There are efforts right now to help the industry, to address the question of unfair dumping. This is a small bridge for 125,000 people who are retired from an industry that is critical. They built America. And I believe we owe them at least that.

For those who are now working in the great State of Michigan, whether it is in the upper peninsula or whether it is in the lower peninsula of Michigan, down river or metro Detroit, we owe them, as well, to stop the dumping, the unfair competition, so that we can give them an opportunity to succeed and give our steel companies, which are making investments, are efficient, and doing everything they can to stay afloat, the opportunity to succeed because we, as a country, need them to succeed.

The issue of steel in our country today is absolutely critical. While we are working to find ways to stop unfair trade practices and, hopefully, the mechanisms and remedies that have been put into place will have some kind of positive effect—we certainly hope so—while we are working for other ways to support the steelworkers and their families, to support the businesses, this is a small way to acknowledge the significance and the importance of the steel industry and the steelworkers in the United States and to say for those who are retirees, who assumed when they would retire that they would have their health care benefits and who have lost them because of unfair competition, because of dumping in our country from other countries, that we, in fact, will recognize them in this whole question of trade adjustment assistance.

I am proud to stand with my colleagues. I ask that we come together in a bipartisan way. With a small amount of investment, we can make a major statement and help 125,000 great Americans. I hope we will do that.

I urge strong support for the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I see a few of the sponsors of the amendment are present. Maybe either one of the sponsors, since they know more about this amendment than I, might be able to respond.

I am wondering how much this amendment will cost. How much does it cost per family, per beneficiary? Would either the Senator from West Virginia or the Senator from Maryland tell me that? Many times health care per family costs $7,000; sometimes steelworkers have very generous plans. Could they give me some idea of what it costs per family?

Mr. ROCKEFELLER. As to the matter of how much it costs each family, that is not yet available because the circumstances vary enormously. Sometimes there might be a little bit of health care left over. In virtually all cases, there was none left over.

The fact is the Joint Tax Committee, which looked at this in a rather conservative fashion, came out with a $179 million cost over a period of 10 years. I don't think the Senator from Oklahoma would challenge that.

Mr. NICKLES. Per year or $179 million over a 10-year period?

Mr. ROCKEFELLER. Over a period of 10 years.

Mr. NICKLES. Does the program last for 12 months? How many months of health care are we providing for retired steelworkers?

Mr. ROCKEFELLER. If the underlying amendment, referring to the TAA in general and health care, prevailed——

Mr. NICKLES. Just the steelworkers.

Mr. ROCKEFELLER. I am answering, if the Senator would allow me to answer the question the way I would like to. That can provide health care for a couple of years, but not with the steelworker retirees. That is only a 12-month period, and that is it, once.

Mr. NICKLES. I am just trying to learn what is in the Senator's amendment. I am going to debate against it in a minute, but I want to educate myself on what I am debating.

The cost is $179 million over 10 years, but the program for steelworkers only lasts for 1 year, the 12 months' benefits. So it is actually about $179 million for 1 year's benefits for the eligible steelworkers in the Senator's amendment?

Mr. ROCKEFELLER. That is correct. I think I understand what the Senator is also asking. And that is, if it is a 1-year program, we are only talking about 10 years. I would be happy to hand over a chart exactly of what is proposed. In fact, the funding is zero for this year, 86 for next year, 25 for following, 15, 16, 2, and then there is a series of just dots and dashes, not contemplating that there will be anything in the succeeding 10 years. That is what it was done for. It was done for 10 years.

Mr. NICKLES. I will ask either Senator, the duration of the amendment to benefit only the steelworkers is for 12 months. I happen to have great respect for the Senator from Maryland and the Senator from West Virginia. I have a feeling that if that 12 months was expiring, that you would be coming for an extension of the 12 months.

Mr. ROCKEFELLER. The Senator is entirely wrong in that. I apologize to the Senator from Maryland. That is incorrect. This is not a question of something which comes up for reauthorization. This will not happen. One year, once.

Mr. NICKLES. In the underlying Daschle amendment that was introduced a week or so ago, it was a 2-year program; isn't that correct?

Mr. ROCKEFELLER. In the underlying amendment for TAA workers who are different than steel retirees; those are active workers you are talking about. I am talking about steel retirees.

Mr. NICKLES. Correct me if I am wrong, active steelworkers would apply and would benefit under the TAA proposal as any other TAA eligible employee. The Senator's amendment applies only to retired steelworkers?

Mr. ROCKEFELLER. That is correct.

Mr. NICKLES. And correct me if I am wrong, you are talking about retired steelworkers basically in two plants, is that accurate? Or is this retired steelworkers, any steelworker who happens to be retired? Or is it specifically to steelworkers who are in chapter 11 or chapter 7?

Mr. ROCKEFELLER. If I can answer the Senator's question, it is not any steelworker. It isn't anybody in chapter 7 or chapter 11. It is only to those who are vested, which by itself is a 15-year requirement. They get nothing that TAA, if it were to pass, would get in the way of, say, 2 years of health care. They don't get any cash. They don't get any transition. They don't get any retraining. All they get is 12 months of bridge health care, period, once.

Mr. NICKLES. Since we are not going to vote on this today and you are sponsoring the amendment, I have heard the arguments made. We want to help these families. And you are providing health care for the families, 125,000 families, I believe I heard you say. I would like to know, health care costs so much per month, so much per year per family. I would love for my colleagues to tell me how much these plans cost so we would have a little better idea of the per-family benefit.

Mr. WELLSTONE. It is 70 percent of the COBRA cost. That is what this amendment is about. It is the same. COBRA costs on average about $700 a month. This picks up 70 percent. That is what we do for other employees. That is the cost.

Mr. NICKLES. I am happy to know that. So if COBRA costs $700 a month——

Mr. WELLSTONE. That is an average.

Mr. NICKLES. I am just trying to make sure we find out what we are talking about. If COBRA costs $700 a month and you are talking about 70 percent of that, that is $500 a month. And you are talking about 12 months, so you are talking about $6,000 benefit per year. Is that pretty close to accurate? I am just trying to figure this out so I will know, if we are getting ready to give benefits to one particular group—as a matter of fact, a couple of companies—I kind of need to know. I think it would be nice for the taxpayers to know.

I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. First of all, I am so glad that the Senator from Oklahoma is in the Chamber. We are glad that Members who have concerns or even opposition are here. Let's do the clarification.

The Senator asked about the annual cost, $179 million over 10 years. First, in the year 2003, $85 million; 2004, $25 million because of a population dip; then up to $50 million in 2005; $18 million in 2006; and $2 million in 2007. And this is sunsetting at 2007. So the bill has a sunset.

Mr. NICKLES. I think I have the floor.

Ms. MIKULSKI. I just wanted to add about the complexity of going to the family because you see these retirees, and the way this would work is that it is a tax credit to the risk pool that takes this on. So we are not quite sure what the individual family premiums would be. We asked Joint Tax and the Budget Committee, those who advise us, to tell us what would be the annual estimates, and then an estimate between now and 2007.

Mr. NICKLES. Well, I am not a big fan of tax credits, just so the Senator from Maryland knows—and the Senator from West Virginia already knows this about the Senator from Oklahoma. Therefore, I question the wisdom of doing this in tax credit form. It would be a lot more direct, legitimate, for scorekeeping and otherwise, to say we are going to write a check, and here are thousands of people, and say pay for your health care, than to try to go through silly system of tax credits, where it doesn't work very well. I think maybe I will explain that at some point.

I am trying to have a better understanding. If you have a 12-month payment—or assistance in payment, 70 percent—for steelworkers, and we are doing that for 12 months, this is 2002; why are we making payments in 2004 and 2005? I don't understand that.

Mr. ROCKEFELLER. I will be happy to try to answer that. First of all, included in the $179 million—which I assume came as some surprise to the Senator from Oklahoma, because that is the entire cost over the entire amendment—the scoring group took into account what would happen, for example, not with just the 125,000 we have this year, but suppose Bethlehem Steel in Maryland, as could happen, went chapter 7, went belly-up next year; the Senator from Oklahoma should know—and there might be some residuals; there might be a caretaker or grandmother who has a dependent. If that company goes belly-up, that is already included in the $179 million. They looked at the condition of what they adjudged to be the steel industry and its future, and the health care cost attending to that and made their judgment. So your question still comes back to $179 million.

Mr. NICKLES. I appreciate the clarification. If a company went bankrupt in 2004, they could receive benefits under this amendment, is that correct, up to 12 months?

Mr. ROCKEFELLER. If one takes the scoring of this offset, one could posture that, and one could also raise the question that it might not happen. They were trying to figure out as best they could—and who can figure these things out absolutely perfectly—what is likely to happen in the steel industry and what the health care consequences are for retirees. All of that fits within the $179 million.

Mr. NICKLES. I wonder, as well, as the sponsors of the amendment are very close to the steelworkers, if they can provide this Senator, over the next couple of days, what the benefits are and what the benefit package costs for retirees. Those are collectively bargained packages. I could probably find that on the Internet. These are packages they provide for retirees. Given this fact, I would like to know, are we subsidizing plans that are very generous, comparable to Federal employees? I don't know.

Mr. ROCKEFELLER. If I may answer the Senator, unlike the coal industry, the steel industry has a whole series of different bargained health benefit packages. I don't know exactly, but my guess is that right now the steel companies probably pay about 90 percent of the health care costs of the steelworkers, and the steelworkers pay 10 percent. So they have already gone from 90 percent down to 70 percent, and then they have their choice, as the Governor of Ohio, Governor Taft, indicated, of using a variety of risk pools. It could be a variety of programs, but it is not a constant figure. It could vary, and it is definitely not based upon what it is they negotiated. They have made tremendous cuts and sacrifices from the agreements they negotiated with the steel company.

Mr. NICKLES. What age of eligibility can people—when you think of retirees, you think of somebody at age 65. What is the earliest age a retired steelworker might be who might receive benefits under this proposal?

Mr. ROCKEFELLER. As best we can figure, 25 percent of the steelworkers who might receive this proposal are not receiving Medicare. As such, none have prescription drugs.

Mr. NICKLES. Correct me if I am wrong, so you have it that 75 percent of the pool are now Medicare eligible, is that correct?

Mr. ROCKEFELLER. Without the prescription drugs, correct.

Mr. NICKLES. And 75 percent of the beneficiaries—the 125,000 people—are eligible for Medicare, is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. NICKLES. And 25 percent are not eligible for Medicare, so presumably under the age of 62, is that correct.

Ms. MIKULSKI. Under 65.

Mr. NICKLES. I stand corrected, 65. So what is the earliest age that a beneficiary can receive benefits under the Senator's proposal?

Mr. ROCKEFELLER. I don't think it is a question of what is the age. It is a question of what happened to the company, when did it fit into the dates. We have constricted it by saying that the company had to go belly-up, so to speak, by January 1, 2000, until the year January 1, 2004. You cannot tell what the age might be. We could presumably find out what the ages are right now, but you cannot predict that in the future because it does not depend on the age; it depends upon whether the company has gone out of business.

Mr. NICKLES. One additional question. If a young person—say my son, or your son, is twenty-years-old, goes to work for a steel company and works there for 12 years or 15 years. Now they are 35 years old. Company XYZ goes bankrupt, so now that individual would they be eligible for this benefit at the age of 35?

Ms. MIKULSKI. Yes. The eligibility is based on the status of the company, meaning is it bankrupt; No. 2, if the individual has worked for the company for 15 years, not less, and if they have taken retirement. Now, they could be 38 years old. The company could be bankrupt. They could be out of work. That doesn't mean they have become retirees. So your scenario, though I think it would be technically correct, is not operationally correct.

So 75 percent are Medicare-eligible. The other 25 percent usually are over 55, but are primarily between 60 and 65. This is why we are calling part of this a bridge. For some, it would be 1 year to even get them to Medicare.

Mr. NICKLES. Let me ask one other question. To be eligible, then they have to be receiving retirement pay to be called a retiree?

Ms. MIKULSKI. Yes.

Mr. NICKLES. So you could work 15 years and I don't know how many years you have to work—

Mr. ROCKEFELLER. May I correct the Senator for a second? Remember that the company they are working for no longer exists in order for them to qualify.

Mr. NICKLES. I understand. I am trying to figure out who is eligible. So I think I heard the Senator from Maryland say they are eligible if they are receiving retirement checks. They may be receiving the checks from the steel company, which even though the company went bankrupt, it may well still be making payments for pension benefits, or maybe it dumped their liabilities on the Pension Benefit Guarantee Corporation, or there may be some other consortium employer payment plan. But if they are receiving their retirement check, they are classified as retiree. What is the earliest age a person can be receiving a retirement check as a steel worker?

Ms. MIKULSKI. That would vary company by company.

Mr. NICKLES. After 15, 20 years of service?

Ms. MIKULSKI. Usually after 20.

Mr. NICKLES. A couple other questions, and then I will make a few comments.

If we are doing this for the steelworkers, how can you say we should not do this for the textile workers?

Mr. ROCKEFELLER. Can I answer the Senator's question?

Mr. NICKLES. Why shouldn't we do it for the communication workers or the airline workers or the hotel workers in Nevada?

Mr. ROCKEFELLER. May I answer the Senator's question?

Mr. NICKLES. Yes.

Mr. ROCKEFELLER. There has never been a case I know of in American history where the Government, over a period of 30 years, since the passing of the Trade Act in 1974, has been so absolutely unilaterally egregiously negligent of the interests of fulfilling American law which says that steel cannot be dumped at lower than its cost of production by other countries into this country.

As my colleague may remember, President Clinton promised—actually it turns out it was West Virginia—he would not allow dumping to happen. The present administration has made similar types of promises. They and all other administrations have egregiously ignored the law. That is why I keep saying the Government's negligence is what makes the steel retirees so different in what they deserve and what they should get in the way of this modest health benefit for so few, primarily because, one, they have been injured by imports—that is what the International Trade Commission said—and second, the Government has been so totally negligent. Much of this is the Government's fault they are out of work—our Federal Government.

Mr. NICKLES. I appreciate my colleague's response. I want to make a few comments, and I appreciate the patience of my friends and colleagues from Maryland, West Virginia, and Minnesota.

Mr. WELLSTONE. Mr. President, can I say one thing? I am not taking the floor. I know the Senator from Oklahoma wants to speak, and I will have a chance to respond. I thank him for his questions. It is important to get all of this information out. It is important for people to understand the human crisis.

I say to my colleague, there are a lot of people who are really hurting out there, as my colleague from West Virginia has said; people who have been on the short end of the stick for over three decades of negligent policy. I thank my colleague very much for his questions.

Mr. NICKLES. I thank my friend from Minnesota.

Mr. REID. Mr. President, will the Senator yield so I can make an announcement to the Senate?

Mr. NICKLES. I will be happy to yield.

Mr. REID. Mr. President, the majority leader asked me to announce that there will be no more rollcall votes tonight. Also, tomorrow, after we have the vote at 10:30 a.m., there will be ample opportunity for those who are on the list to offer amendments if the Senators involved in the steel issue have nothing more to say and they have no objection to setting aside their amendment.

Also, we will be in session on Monday. People who are complaining about not having an opportunity to offer amendments, tomorrow and Monday there will be adequate opportunity to do that. There will be no votes, but there will certainly be opportunities to offer amendments.

Mr. WELLSTONE. Mr. President, can I ask the whip one question?

Mr. REID. Yes.

Mr. WELLSTONE. I know other Senators have amendments. I gather there will be some opportunity for discussion in the morning on this amendment, and there will be other amendments. On Monday, is it the whip's intention we will be in session Monday evening as well for time to discuss this amendment?

Mr. REID. The Senator should know, there are no votes on Monday, so I do not know how late the leader will want to stay in session. I assume we will come in around 1 o'clock on Monday and work all afternoon. If the Senator from Minnesota wants to talk about steel, that will be the first priority. If Senators no longer want to talk about steel, we can, if Senators agree, set that amendment aside so other amendments can be offered. There will be adequate opportunity Monday evening to talk on this all the Senator wants.

Mr. WELLSTONE. Then Tuesday we will have time for final debate as well.

Mr. REID. We will make sure that is the case.

The PRESIDING OFFICER (Mr. DAYTON). The assistant Republican leader.

Mr. NICKLES. Mr. President, I thank my friend from Nevada. I also urge colleagues if they have amendments to bring them down. I hope and pray we will be ready to conclude this bill soon.

I do not think the amendment my colleagues from West Virginia and Maryland offered should be included in the bill. I think it is a killer amendment. I am concerned what people are trying to do in loading up the trade promotion authority bill. They know President Bush wants trade promotion authority, as every President has wanted trade promotion authority. Every President wants to negotiate trade deals because they realize if we are going to be the world leader in trade, we need to expand trade.

We have been the beacon, the leader for trade all across the world. President Reagan, whom we honored today with a Congressional Gold Medal, was adamant in saying we want to expand trade. We did so, and that greatly contributed to the fall of communism. It opened up markets. It created jobs. It led to a robust world economy. Everybody started realizing that trade is mutually beneficial, we should pass trade promotion authority, and every President has had trade promotion authority going all the way up, including President Clinton. He had it in his first couple years but lost it in 1994, and did not ask for it until after the 1996 election.

When President Clinton asked for it, he could not get it through the House. He could have gotten it through the Senate. We had the votes for it. The Senate traditionally has been more free trade. Unfortunately, he did not get it for the duration of his term, and many of us supported giving it to him.

Whether the President was Republican or Democratic, we felt it was important. We happen to be supporters of free trade enough to know we have to be the leader in free trade if we are going to make it happen. It did not happen. President Bush asked for it and got it through the House. It is always more difficult to get it through the House than the Senate. President Bush got it through the House. Everybody said it was going to go through the Senate.

Senator DASCHLE said: I support trade promotion authority, but we are going to add two other bills to it. Senator BAUCUS agreed. I disagree with it strongly.

When we passed these bills out of the Finance Committee, they were not together. They were individual bills, as they always have been. We have always had trade promotion authority as one bill. We have done the trade assistance bill separately and both passed with large margins, usually a 70-vote margin. We did not have to tie the two together.

Unfortunately, Senator DASCHLE and Senator BAUCUS tied in the Andean trade bill, which actually has to pass today, and it is not passing today. Now we could have imposition of tariffs on poor countries, Andean nation countries. It would be a disgrace for us to let that happen.

Yet the Democratic leadership said we are going to tie all three together. Basically, what they were saying—and not hiding it—is we are going to hold trade promotion authority and Andean trade hostage until we get a lot of other things added to the trade adjustment assistance bill. I supported trade adjustment assistance, but let's look at how they are trying to expand it.

They said: Let's have trade adjustment assistance, which is supposed to train people if they lose jobs due to imports, to learn a new job, new business, new trade. I fully support this. Usually it costs about $10,000 per person. Only one out of four who is eligible applies. The Democrats are saying now we want health care to be a benefit for this and have the Federal Government pay three-fourths of the cost. That was their original proposal. Now it is 70 percent. We do not pay three-fourths for anybody. Why is it a Federal responsibility to pay now a 70-percent tax credit? Most corporations get a deduction. That is 35 percent of a deduction. There is a big difference between a 70-percent credit where the Government is writing a check and under this proposal. This proposal is a refundable credit, it is a welfare payment, it is the Government writing a check. That is very expensive.

Then some people say: Maybe we can do that. That is not enough. Now we are going to have steel legacy costs for one industry, and now we find it is not just one industry, it is not just retired steelworkers, it is retired steelworkers for a couple of bankrupt companies.

These are companies that went bankrupt, and we are going to pick up their health care costs.

Three-fourths of these individuals are already eligible for Medicare. They are in the same Government health care program that my mother is in and that most senior citizens are in, but my colleagues are saying that is not good enough; we have to have the Federal Government provide additional health care.

A lot of companies do offer Medicare supplements. Great. And they do that in a way that says: We do not want anybody to go out of pocket for anything. That is nice. It is a fringe benefit. Only some companies do this, as it is not available for everybody. There are a whole lot of people who only have Medicare. My colleagues want the Federal Government to pay for Medicare supplements for retired steelworkers if their company went bankrupt.

Why are we going to do that? If we do it for them, why not do it for textile workers? They have the same problems. Why do we not do it for communication workers? Senator LOTT—WorldCom is going through a heck of a debacle. They have laid off thousands of people.

What about other communications companies? We see layoffs after layoffs. Is the Federal Government picking up their health care costs? Where are we going to stop this march toward socialism with Government saying: We will benefit this group and this group.

We benefited the railroad retirees. We helped take care of their railroad retirement plan. Yes, we have done that. Let's take care of steel:

We have already imposed tariffs that are supposed to help the steel industry. That is not enough. So even though we are going to have all kinds of tariff protectionism for the steel industry, that is still not enough. Now we are going to pick up the retirement costs for some of the bankrupt companies. Why do we not have a real incentive for people to sign any kind of contract, whether they can afford it or not, because Uncle Sam is going to pick up the cost? Wow, that is terribly irresponsible policy. How can it be done for this group and not for another group?

When we start this policy where Uncle Sam is going to start picking up retiree costs, I am figuring out you can be 35 or 37 years old and get benefits under this proposal. Most people who are 37 years old—my son is about that age. I do not think of him as being retired, but to think my daughter is going to have to be paying taxes for him to get health care benefits is absurd. Yet that is what we are trying to do in this legislation.

I am amazed at the fiscal irresponsibility that people are trying to put on this, and when I say "people," I am thinking right now of the Democrats who are trying to run the trade adjustment assistance and trying to attach more and more stuff on it, and maybe it is because they really do not want trade promotion authority in the first place. Maybe some of the people are saying, we did health care, we did not think some of the Republicans could agree with that, now we will try to see if we can't put steel legacy; let us put more and more on this wagon and see if trade promotion can keep pulling more and more along. They are going too far. This is terrible policy.

I used to run a company that had the steelworkers in our plan. I have negotiated steelworker plans, so I know a little something about health care costs and I know a little something about plans. You can negotiate contracts you cannot afford. That is an easy thing to do. You go along to get along. You sign contracts. You have peace and harmony, and all of a sudden you have a contract you cannot afford, and you go bankrupt. Why in the world should the Federal Government be bailing out?

I do not think you can do that. If you do it here, why don't you do it for every other union contract that has found itself on the wrong side of the economic chain? Why don't we pick up the health care costs for railroad retirees? We took up their pension costs. Why don't we do their health care costs? Why don't we do that for other unions? I do not know where you would stop if we agreed to this.

We have already had a battle on, are we going to have wage insurance on this bill? Unfortunately, Senator GREGG's amendment did not pass. Wage insurance, which is about as socialistic a direction as one could go, was put on this bill. It is almost like people are saying we are going to keep loading up trade adjustment assistance, where we know they cannot swallow it, where we know we are going to bog down this bill, and the bill will not pass. This bill is just going to be loved to death. We are going to keep piling it on, piling it on, and piling it on.

I hope people will step back a little bit and say a couple of things are happening. One, we happen to have a deficit. We do not have a surplus. So we are going to be taking taxes and we are going to be borrowing money to pay for a brandnew benefit for one little group of workers. Now, maybe that group of workers has a lot of political clout, maybe they contribute to a lot of campaigns, maybe they have a lot of influence, but I do not see why we should do it for this group and not do it for others.

Maybe some people think we should do this for everybody. Maybe that is the objective. I do not know. But I do not think it is affordable when I start looking at the costs.

The Senator from Minnesota was very generous to say the cost of COBRA is typically about $700. That is for a family plan. Then you multiply it by 12, and that is $8,400. Seventy percent of that is about $6,000; $6,000 per year for which Uncle Sam is going to be writing a check. That is a lot.

The reason I was trying to compute this was, well, $125,000, and it is going to cost $179 million. Trying to figure that out, it is a lot less than that. The difference is, three-fourths of these people are already on Medicare. They already have health care. They happen to have the same health care my mother has, but my mother is going to be paying taxes so some individuals can get their Medicare supplement? I do not know that that is right.

I do not know why the worker in Wal-Mart, who may not even have health care, has to pay taxes so somebody else can get not only Medicare but a Medicare supplement. This is pretty much a stretch.

There are 40 million Americans who do not have health care insurance. They have health care, possibly through the emergency room or something, but a lot of them pay taxes. They may not be able to afford their own health care, but we are going to increase their taxes or make them go into debt so they can provide health care for somebody else who already has health care, who is already paying a lot because they get Medicare.

Medicare is not a perfect system. I think it needs to be reformed. It needs to be fixed. It needs to include prescription drugs, and we ought to be doing that this year. We ought to be working in a bipartisan way to make it happen. To say we are going to be increasing taxes or debt on the rest of America so one group can have their Medicare supplement or people in their thirties or forties can get health care for a year—and we all know the original proposal was 2 years. I also happen to believe that some people are going to try to extend this year after year, after year, after year. If they get it for 1 year, they will be fighting to get it extended for the next year. I am just guessing that might happen.

I am going to work very hard to see that this bill does not happen, so we will not get started down that slippery slope of ever increasing entitlements, ever increasing expansion of spending, ever increasing loading up the trade promotion authority with things that are not affordable, that frankly should not become law. My guess is that if this amendment is adopted, we will not have trade promotion authority passed this Congress.

Maybe that is the sponsor's objective. Maybe not. I do not know. But some people are trying to kill trade promotion authority. They are trying to load it up with too much. This amendment is too much, and I urge my colleagues to oppose this amendment when we vote on it next Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I do not know if the other side has had an opportunity to speak. I know they have had an exchange of questions. I need 3 or 4 minutes, if I may, and I will use my leader time for that purpose.

I enjoyed Senator NICKLES' remarks, and I associate myself with them. I agree with him, and I certainly hope we can prevail in not adding this amendment to this legislation. It would be a further blow to the legislation that has certain problems now. We need to get the trade legislation done and not further encumber it with other issues such as this one. One can argue about the steel legacy costs one way or the other, and I am sure we could get a pretty good debate here. I personally think we should not go down that trail, certainly not on this legislation.

QUIETING TERRORISM RHETORIC

Mr. LOTT. Mr. President, I did not intend to use my leader time for any purpose today other than to honor a true American hero: Ronald Reagan. We just had a fantastic ceremony in the Rotunda of the Capitol presenting Mrs. Reagan the Congressional Gold Medal for President Reagan and for Nancy Reagan. It was a beautiful ceremony attended by Republicans and Democrats. I think we all agree that he was an unusual President and a great President. He did make us proud again. Democrats were there, and they said, while we may not agree with him philosophically, we agree that he did a great number of good things during his time as President, and I am glad we honored him and Mrs. Reagan this afternoon.

President Reagan lifted our country when we had a lot of despair, morale was low, and freedom was kind of under attack. He banished that. He rose above it. He made us proud again, and he led the way in getting rid of the "blame America first" crowd. He said: That is poisoning the American spirit; let's not do that.

Much to my outrage today, I have heard a chorus reminding me of that "blame America first" that I thought President Reagan had helped us put on the ash heap of history and get rid of once and for all. I think there is nothing more despicable—and that is a tame word compared to what I really feel—in American politics than for someone to insinuate the President of the United States knew that an attack on our country was imminent and did nothing to stop it.

Now, there is a lot of revisionist history, people insinuating that President Roosevelt knew about Pearl Harbor. I do not know all the facts of what went on then, but I do not believe that. I would never believe that. I have to say, does anybody really think that this President, or any President of either party, at any time, would know that we were going to be attacked and not take necessary actions to try to deal with it? I do not believe the American people really think that. I know it is not accurate.

The President, Members of Congress, the Intelligence Committee, leadership, we get threat assessments daily. They come in every day, and they get to be pretty depressing if you get to reading them. When getting the briefings every day, you have to assess them: Are they serious, not serious? Should we take actions? Do we put out a notice? What do we do with them?

I get nervous that we put too much in the press. We tell the terrorists, who may not have an idea of where we are vulnerable: Oh, by the way, why don't you try this?

Why don't you come after our ports? I worry a tramp steamer will come into the Port of Baltimore loaded with explosives and blow half of Baltimore away. I worry about my hometown. These are serious threats. We have a lot of work to do.

I have an expectation that we need to ask our law enforcement agencies—the INS, the Customs Service, the FBI, the CIA—how did this happen? Why didn't we know more? Should we have gone to a higher alert? CIA, were you talking to the FBI? We found out we had laws that made it hard for that to happen. We have taken action to make sure they hand off and communicate and use each other's resources.

I have no doubt in my mind the FBI needs a lot of reform. I don't think they are up to date with technology and other problems. But Director Mueller is trying to correct that. Maybe they knew something in Phoenix they didn't know in Washington. Is there a way to integrate everything?

A couple of days ago, the Director said we will have a superoffice to bring in this information and make sure we look at it all and see if there is a pattern.

I think we should ask questions. We have an Intelligence Committee, House and Senate, meeting; Senator GRAHAM, Senator SHELBY, and the House side will get into this. By the way, I think the FBI and CIA should not delay turning over information. They should cooperate. It should not be about blaming someone.

We could say it goes back to the Church Commission in the 1970s. That is when we did damage to the intelligence communities. Or it was during the Clinton administration. The important thing is not how we get there, but what we are going to do. What are we doing about it today? What actions do we take to make sure the intelligence information is properly accumulated and evaluated and we can take action?

Someone deserves a medal for the fact we have not been hit again since September 11. I have been worried thinking something was going to happen. Why hasn't it happened? Because the INS and the Justice Department, the FBI, picked up people. They have taken certain threats seriously. They picked up mules delivering information. Probably there are commendations in order for the last 6 months, but I am worried about what will happen next. It could happen tomorrow. Then we will say it was the Bush administration, when we need to put more resources into it. We need to help our first responders.

The Intelligence Committee voted to add $1 billion to the intelligence funding. We are still exposed. When we have terrorists, suicide bombers as in Israel, willing to blow themselves up to kill innocent men, women, and children, it is hard to prevent it. When we hear the noise and daily threat assessments, it is worse, and we do not know which should be taken seriously.

To talk as if our enemy is George W. Bush instead of Osama bin Laden is not right. We get partisan and political sometimes around here talking about a delayed bill or stimulus bill, but in the fight against terrorism we have risen above that, for the most part.

Congressman GEPHARDT said yesterday, this has to be bipartisan, nonpartisan. I am disturbed by this attack today that I think is uncalled for. It is very malicious in its sound. I hope we will stop that. Let's not go down that course. Let's keep the pattern of working together. Let's not start impugning the motives of the President of the United States.

Was there anyone here that did not realize we were threatened a year ago by the possibility of an airliner being taken hostage? Hijacked? Who among us thought they might actually use it as a missile to fly into a building? I got a lot of briefings. Is it my fault? Should I have known more? We should knock down the rhetoric. Yes, it is a political season, an election year. But this is serious. We should not be doing this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3433

Mr. WELLSTONE. I will not take more than about 10 minutes. I said to my colleague from Oklahoma as he left, I wanted to respond to his comments. There will be more time for discussion later. What is at issue, the Senator from Oklahoma does not agree with the heart of the trade adjustment assistance package, and he has been clear about this. He does not like the fact that with the trade adjustment assistance we are now going to help people who are out of work, cover health care costs.

People were saying: We are out of work. The COBRA monthly payments could be $700, maybe $900 a month, and they cannot afford it, they are out of work.

I heard the Republican whip say this was like the road to socialism. The ideological objection is in the trade adjustment package we are actually going to provide some help for people to be able to afford health care costs. That is a good part of his indignation. He goes on to say we are extending it to steelworkers.

That is true. We are talking about people who have bled for an industry and have been abandoned by trade policies for the last 30 years, including the taconite workers on the Iron Range.

This small, modest amendment says, for 1 year, let's include these retired workers, whose companies, such as LTV, have declared bankruptcy as a result of Government abandonment and neglect, and who are now under very hard times through no fault of their own. We should at least for 1 year pick up the health care benefits of the retirees because the companies have walked away.

There is a window, all together, 4 years to pick up, if other companies go under; a 1-year bridge for people who are terrified they now are going to incur all the health care costs that they never dreamed they would ever be faced with as they planned the later years of their life.

My colleague has trouble with the numbers. Last week, the administration came out and said it would be $800 million in 1 year, and now we have, from the Joint Tax Committee, $180 million over 10 years.

My colleague from Oklahoma says: Why should we be spending this kind of money? We are helping people. This is the road to socialism. We are helping people. If we help these people, there might be other help for other people on health care benefits.

Maybe someday we will have universal health care coverage, health security for all. Most citizens in the country want that.

I say one thing to the Senator from Oklahoma—and I am sure we will pick up on this debate tomorrow—any day of the year I will stake my political reputation, being a Senator from Minnesota on $180 million over 10 years to help steelworker retirees, people who have given a lot of blood, sweat, and tears to our country over $108 billion—I didn't say $180 million—$108 billion to do away with the estate tax, with the vast majority of the dollars going to millionaires.

Those are the priorities we have here. I hear my colleague say: By gosh, we don't have the money. We are running into budget problems and the question of the deficit. Vote for tax cuts; Robin Hood in reverse; 40, 50 percent to the top 1 percent, and then eliminate the alternative minimum tax; more loopholes for multinationals. On the House side, do an energy bill of $32 billion; about two-thirds of the benefits going to energy companies, oil companies, that made $40 billion in profits; then talk about completely doing away with the estate tax. Give it all away. Then bleed the economy further of another $400, $500 or $600 billion over the second 10 years and then say: We don't have the money. We can't possibly help people who are out of work. We can't help the retired taconite workers. We can't help people who do not have any health care coverage. We can't help senior citizens on prescription drug benefits.

I heard my colleague say we should do that together. Yes, we should. But you watch and see what it is going to be. What I hear so far coming from Republicans is: We will help only those who are low income; we will not help the other 75 percent of senior citizens; and/or: The premiums will be too high, or the copays will be too high, or the deductibles will be too high, or it will not be catastrophic coverage. And they will say we cannot afford to do it and we cannot afford to provide help for education for our schools, for our kids in Minnesota or anywhere in the country. Each time, it is the same argument: We do not have the money.

Here is what is going on tonight. You basically do tax cuts so you don't have the resources, and then you come out and say we don't have any money. Then you come out and say you are opposed to this because it is the road to socialism because you don't like the trade adjustment assistance package because it provides some help for people who are out of work so they can afford health care coverage.

The most terrifying thing for people when they are out of work, next to losing the job, is they know, depending on their seniority, in 6 months or a year they are not going to have any health care coverage. That is one of the best things to this bill. We come up with a small amendment saying we represent steelworkers, taconite workers, and we have this crisis, and we have this industry that has been torn asunder as a result of horrible, horrendous trade policies.

People who bled for the industry, bled for the country, worked hard all their lives, now are terrified. They never thought these companies would declare bankruptcy and walk away from them. Can't we provide them with some help for 1 year?

You would think, from listening to my colleague from Oklahoma, this is just about the most irresponsible, horrible thing that could ever be done on the floor of the Senate. I disagree. I think it is a good thing to help hard-working people. I think it is a good thing to help families. I think it is a good thing to help retirees who now no longer have their health care benefits because the steel companies, the LTVs of this world, have declared bankruptcy and have walked away from them.

I think it is a good thing to have trade adjustment assistance. I think it is a good thing that it is more generous. I think it is a good thing to help people who are flat on their backs through no fault of their own, not because they are slackers or lazy or don't want to work—just the opposite. I think it is a really good thing. I think this should be what our priorities are about. I think it is all about values. I think it is all about helping people.

So I beg to disagree with the Senator from Oklahoma. He has a passion for his point of view. I have passion for my point of view. He argues his case well. I give him full credit. I think it is important that people do that. But any day of the year—any day of the year—I would rather be out here for taconite workers on the Iron Range, as would the Presiding Officer, Senator DAYTON. Any day in the year, I would rather be out here talking about health care benefits and prescription drug benefits, affordable housing, education—and, yes, we have a difference of opinion.

I am sorry my colleague from Oklahoma is not here right now. We will debate it more. I will never say this in a shrill way. I think my colleague from Oklahoma—listening to what he said—states his ideological position. And I don't mean that in a bad way. That is to say he has a set of beliefs which basically say that when it comes to many pressing issues of people's lives, there is not much that government can or should do. I think that is what his position is.

That is not my position. I think this philosophy when it comes to the most pressing issues of people's lives—and we are talking about a very pressing issue for retired taconite workers on the Iron Range, and for retired steelworkers, that there is nothing the Government can or should do—I think it works well when you own your own large corporation and when you are wealthy, but it does not work well for the majority of people in the country.

So I think it is a very good thing we are doing here. I hope we will get support against what is an effort to filibuster this amendment.

Again, I finish tonight because we are going to debate on another bill and this amendment will be out here until Tuesday. Frankly, steelworkers, I will tell you what. Union people, workers, other neighbors, families, hard-working people, people who believe that something ought to be done to help people who are really hurting right now, you are going to need to be in touch with Senators because right now we have a majority of votes but they are filibustering this amendment. They do not want this amendment to pass. I think in the next several days there will be a very important debate, and I hope we will have strong support from our colleagues.

I am delighted there are Republican Senators who are supporting this amendment. Frankly, I think—I hope and pray—almost every single Democratic is supporting this amendment. I think it is very consistent with what Democrats believe.

Maybe that is what this debate is about. Maybe it is just a good, honest difference of opinion between Democrats and Republicans. We believe there is a role for government to provide help for people. We believe it is a good thing to do. Government can play a positive role.

This is 1 year, and, God knows, Senator MIKULSKI was saying we have an identification and connection to people here and we are not going to let up on it.

So I have spoken my piece in response to what the Senator from Oklahoma said. I know there will be more debate and discussion. I know there are Republicans who support this amendment. We are dealing with a filibuster in an effort to block this. We have a majority vote, Senator MIKULSKI, I believe, but now we have to continue to work hard, and I think working families all across the country are going to have to be heard from over the next several days. I believe that will help.

I yield the floor.

Ms. MIKULSKI. Mr. President, before he leaves the floor, I congratulate the Senator from Minnesota. I thank him for his passion. I thank him for his persistence. I thank him for his eloquence on this issue and others on behalf of people from his own State and all over our country who feel pretty powerless. They feel powerless because of forces outside of their control, such as unfair trade practices. We thank you for speaking up about this. I look forward to our continued debate.

Mr. WELLSTONE. Mr. President, I thank the Senator from Maryland and tell her there is nothing I am more proud of than to be on the floor doing this amendment with the Senator from Maryland and Senator ROCKEFELLER and Senator STABENOW and the Presiding Officer, Senator DAYTON, Senator SPECTER, and others.

Ms. MIKULSKI. We know there is an important debate on NATO, so we are not going to continue this discussion until later on, over the weekend.

Mr. REID. Will the Senator yield?

Ms. MIKULSKI. Yes.

Mr. REID. I wanted to get your attention and that of the Senator from Minnesota before he leaves. I have watched this debate all day. Of course, I have listened to these Senators many times off the floor, both of them, as it relates to steelworkers. I would say the same thing on behalf of Senator ROCKEFELLER.

We do not make steel in Nevada. We have some retired steelworkers in Nevada who have conversed with me, and this issue is important to them. But I want everyone within the sound of my voice to understand how the people of Maryland, West Virginia, and Minnesota should feel about the advocacy of these three Senators on this issue.

I haven't been in Congress as long as the Senator from Maryland, but I have been in Congress a long time. I have not seen the passion on an issue, that I can recall, that I have seen on this issue with these Senators. If these three Senators are not true believers on this issue, they do not exist on any issue in the world.

I cannot say enough: I support what you want 105 percent. You have made a case so clear that I cannot imagine that people would in any way want to stop these steelworkers from getting what they are entitled to—what I believe they are entitled to. They went to work for these companies in good faith. I think they should get what they deserve.

I just didn't want these two Senators to leave—I am sorry Senator ROCKEFELLER is not here—without speaking for virtually every Democratic Senator and a few Republican Senators who are supporting us on this issue: I think it is too bad there is a filibuster.

I think it is too bad. I hear all the time—I spend a lot of time on this floor—"give us an up-or-down vote." That is what we want, an up-or-down vote. That is what we want on this issue.

Let's come out here. They are always saying: Let us have a vote. I want to have a vote on this. I would like to test this to see how many votes we can get. I think it is too bad we are going to be forced to try to get 60 votes. And I think, for the work that has been done on this issue, it is too bad.

But I hope with the time that goes by, that by next week people in these States will rise up and say: You better vote for this. I am not counting out, by one second, the fact that we can't get 60 votes. I think we can.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Nevada for not only his kind but encouraging words. You see, I agree with him.

The PRESIDING OFFICER. The Senator will please suspend.

Anyone else who wants to have a conversation, leave the floor. The Senator from Maryland has the floor.

The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

Again, I know Senator BIDEN is bringing a very important NATO debate here, and I do not want to delay it.

What concerns me about our amendment is that we are not going to get an up-and-down vote. It is going to be hidden behind parliamentary procedures. We thank Senator NICKLES for coming and at least engaging in an honest set of questions with us. They were questions worthy of debate: How much does it cost? Is a 35-year-old eligible? All those questions.

But to have an empty Chamber, to threaten a filibuster, and not even come here and talk, and then, again, hide behind a filibuster, where we have to get cloture, and go through so many hoops, I think the discussion of trade is important. I think our amendment is a critical one, but let's have it, and get rid of all this hiding behind parliamentary maneuvers that require 60 votes.

So we really ask our colleagues who agree with us to come to the floor. And for those who don't, let's just have it out. We respect them. We respect their opinions. We think ours are the best. We hope we prevail. We think the Senate way, the American way is, let's just come and let the majority prevail and not need a supermajority to overcome a parliamentary obstacle. Let's have a majority vote on a policy issue.

I thank the Chair and look forward to continuing this conversation later on.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank both Senators.

I say to the majority whip, Senator REID, that the thing I like best about his comments—and I appreciated them all—is that I, too, think we can get to 60. That is now what we have to do because there is an effort to filibuster this bill. But we are going to do everything we can.

There are a lot of working families who are going to be heard from over the next several days. And that is what we are going to do. I appreciate so much what he said. We have the majority.

Now we have to deal with an effort to block this with a filibuster. There will be more debate and more discussion. Believe me, this is going to go on for some time.

I know we are going to move on to other important legislation for tonight.

Mr. President, I yield the floor.

COMMENDING THE PRESIDING OFFICER

Mr. REID. I would just comment, I appreciate very much your presiding. You have done such a great job upon coming to the Senate and presiding. You make sure that the Senate has the dignity that it is supposed to have. And I know you were taught by Senator BYRD. And he is the best teacher we have for Senate procedures.

I personally appreciate your action taken just a few minutes ago. And everyone should understand, the Senator from Minnesota is bipartisan in keeping this place quiet. Whether it is a Democratic Senator or a Republican Senator, Republican staff member or Democratic staff member, you treat them equally. I appreciate that very much. And I speak for all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, now that the debate has concluded—and under the previous order, it indicates that when the last vote occurred, we would move to the NATO matter—I ask the Chair to call it up.

GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Calendar No. 282, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call that I will suggest in just a moment not be charged against the bill. There is 2½ hours. It is not to be charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, may I ask what the business before the Senate is?

The PRESIDING OFFICER. It is H.R. 3167.

Mr. BIDEN. Mr. President, I rise today to support H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001. This bill adds Slovakia to the countries eligible to receive assistance under the NATO Participation Act of 1994 and authorizes a total of $55.5 million in foreign military financing under the Arms Export Control Act to seven countries—Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania.

This bill is a symbolic one. It authorizes funds that have already been appropriated, repackages them in order to highlight the ongoing process of NATO enlargement. Symbolism, however, in this case matters. Millions of central Europeans and east Europeans, and millions of Americans of central and eastern European descent, will welcome this restatement of NATO's so-called open-door policy—the policy of the Clinton administration and which had been continued by the current Bush administration.

At the end of March, Prime Ministers and Presidents of all the NATO candidate countries, plus several leaders from current alliance members, met in Bucharest, Romania, to discuss the next round of NATO enlargement. Deputy Secretary of State Armitage led a high-level U.S. delegation to the meeting, which was characterized by a spirit of cooperation among the aspirant countries, many of which had been ancient rivals, which itself validated the process of enlargement, in my view.

Parenthetically—I note that I have said before—even if the expansion of NATO in the last round did not materially impact upon the capacity of NATO and security of Europe, it did one incredibly important thing: Each of the aspirant countries, in order to be admitted to NATO, had to settle serious border disputes that existed; had to make sure their militaries were under civilian control; had to make sure they dealt with, in some cases, decades-old open sores within their society in order to demonstrate that they were part of the values, as well as the capacity, of NATO; that they shared the values of the West.

I would argue that much of this would not have happened were it not for the aspirant countries seeking so desperately to become part of NATO. I think that, in and of itself, would be rationale enough to move. Much more than that has occurred.

Four years ago, I had the honor of floor managing the resolution of ratification of an amendment to the Washington Treaty of 1949 whereby Poland, Hungary, and the Czech Republic were admitted to membership in NATO. On the night of April 30, 1998, in a dramatic rollcall vote in this Chamber, the resolution passed by a vote of 80 to 19.

In November of this year, there will be an important NATO summit meeting in the ancient Czech capital of Prague. Several fundamental issues will be on the agenda in Prague, among them charting a new course for the alliance in the aftermath of September 11 and the antiterrorist campaign in Afghanistan, a qualitatively new relationship between NATO and Russia and a new round of enlargement of NATO.

Last spring, NATO publicly declared that there would be no "zero option" for enlargement at Prague. Translated from diplo-speak, this means the alliance anticipates there will be at least one candidate country qualified for membership at Prague, and that country, and probably others, will be extended an invitation to join NATO.

I have stated many times, including in the last round, that Slovenia has been qualified for NATO membership for several years and should have been invited to join the alliance as early as at the 1997 Madrid summit or at least at the 1999 Washington summit.

My strong suspicion is that several other countries will be judged qualified for membership as well, but naming names at this time I think would be premature. Later this year, the alliance will evaluate how well each candidate country has fulfilled its so-called membership action plan and, equally important, will judge the strength of its democratic institutions and society. By late summer, the list of qualified aspirant countries should become much clearer than it is today.

Meanwhile, this legislation wisely authorizes military assistance to all seven of the candidate countries generally judged to be in the running at this time and thereby sidesteps the pitfall of prematurely designating those to be invited.

It seems to me this is not the time for lengthy debate on the merits of the next round of NATO enlargement. There will be ample opportunity for a thorough debate after candidates have been invited and their credentials submitted for ratification to the parliaments of the current 19 members of the alliance, including us.

The rationale for enlargement, in my view, remains as valid as it was 4 years ago when this body overwhelmingly ratified the entry of Poland, Hungary, and the Czech Republic. NATO enlargement significantly furthers the process of moving the zone of stability eastward in Europe, thereby hastening the day when the continent will be truly whole and free.

The three new members of NATO have made major contributions to the alliance campaigns in Bosnia and Kosovo and lately in the war against terrorism. Contrary to occasional sensational articles in the press, they are loyal, democratic allies contributing to the security of the North Atlantic area.

Finally, NATO enlargement, contrary to the gloomy predictions of some pundits and some Members of this body, has not worsened our ties with Russia.

A man I admire as much as any and with whom I served in the Senate, the distinguished former Senator from the State of New York, Patrick Moynihan—I hardly disagree with him on foreign policy. The one time we had a serious discussion and debate was on this issue. He was opposed to NATO enlargement. The basis for his rationale for being opposed to enlargement was that this would significantly damage bilateral relations with Russia at the time we needed to nurture that relationship.

I argue—not that I was right—that the end result in 2002, after enlargement—I am not saying because of enlargement—the relationship between the United States and Russia is better than it was before enlargement, and it is as good as it has been since the last czar was in control in Russia. We have a leader in Russia now, who, for his own reasons—and I am not offering him as a Jeffersonian Democrat—is leading his nation to an open democracy. I suggest that not since Peter the Great has any Russian leader looked as far west as this man has and cast his lot with the West as much as he has.

The predictions of doom and gloom relative to the relationship, for whatever reasons, have not turned out to be true. On the contrary, earlier this week, on May 14 at the NATO ministerial meeting in Reykjavik, Iceland, the alliance and Russia put their relationship on an unprecedented cooperative basis for creating a new NATO-Russia Council to deal with a variety of security issues.

The Bush administration strongly supports this Freedom Consolidation Act. In a joint letter to me on May 7, Secretary of State Powell and Secretary of Defense Rumsfeld wrote that the bill would "reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe . . . [and] would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security."

Mr. President, I have no doubt that sometime next year this body will ratify the further enlargement of NATO by an overwhelming vote. For now, I urge my colleagues to join me in voting for the Freedom Consolidation Act as a symbolic gesture to support this so-called open-door policy that has served the alliance and this country so well.

As I said, there will be time for us to debate whether or not the aspirant countries that are picked in Prague should or should not be the ones that are picked. I am sure we will have some disagreement in this Chamber about that. This is not to pick winners and losers. This is picking the aspirant countries that are known to everyone to have the most reasonable prospect of being issued an invitation to better situate themselves in meeting the criteria to be offered that membership.

I look forward to discussion on this issue. I do not know there is all that much to discuss right now, but I look forward to discussion of this issue and to being in the Chamber with my two friends who are here to hopefully usher in a new round of members in the NATO enlargement scheme that will take place later in the year.

I yield the floor.

The PRESIDING OFFICER. Senator WARNER is recognized.

Mr. WARNER. Mr. President, I have under my control as one in opposition to this measure how much time?

The PRESIDING OFFICER. The Senator has 90 minutes.

Mr. WARNER. And my colleagues have an equal amount, I presume.

The PRESIDING OFFICER. They began with 60 minutes.

Mr. BIDEN. If the Senator will yield, how much time does the Senator from Delaware have under his control?

The PRESIDING OFFICER. The Senator from Delaware has 49 minutes remaining.

Mr. BIDEN. If the Senator will continue to yield for just a moment, unless responding to questions, I do not plan on taking any more time. I am happy to yield the remainder of the time to Senator LUGAR and other Senators. I am told Senator DURBIN and others may want to speak.

For the information of my colleagues, I do not plan, other than responding to questions if my good friend from Virginia has any, on using any more time. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I have notified several colleagues who have expressed an interest in utilizing some of the time in opposition. I wish to enter into a colloquy. I must say, in my years in the Senate, I do not know of anyone I enjoy having a colloquy with more than my great friend from Delaware. I hope he does not disappoint us tonight, but just a little rise in temperature at some point as we go along.

Mr. BIDEN. Mr. President, I am sure my temperature will not rise as long as my good friend from Virginia continues to be the gentleman he always is.

Mr. WARNER. I thank my colleague. I see my other dear friend from Indiana. There is no one in this Senate whom I admire more than my dear friend. I regret we have some differences on this issue.

First, I ask unanimous consent to print in this RECORD a letter addressed to me from Secretary of State Colin L. Powell, jointly signed by Secretary of Defense Donald H. Rumsfeld, in which they support, on behalf of the President, the measure before the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 7, 2002.

Hon. JOHN W. WARNER,
Committee on Armed Services,
U.S. Senate.

DEAR SENATOR WARNER: The Administration strongly supports. S. 1572, the Freedom Consolidation Act. This bill, which reinforces the efforts of European democracies preparing themselves for the responsibilities of NATO membership, will enhance U.S. national security and advance vital American interests in a strengthened and enlarged Alliance.

Speaking in Warsaw last June, President Bush said that "Yalta did not ratify a natural divide, it divided a living civilization." From the day the Iron Curtain descended across Europe, our consistent bipartisan committee has been to overcome this division and build a Europe whole, free, and at peace. The 1997 Alliance decision to admit Poland, Hungary, and the Czech Republic brought us a step closer to this vision.

Later this year at NATO's Summit in Prague, we will have an opportunity to take a further historic step: to welcome those of Europe's democracies, that are ready and able to contribute to Euro-Atlantic security, into the strongest Alliance the world has known. As the President said in Warsaw, "As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

We believe that this bill, which builds on previous Congressional acts supportive of enlargement, would reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.

We hope we can count on your support for this bill, and look forward to working closely with you in the months ahead as we prepare to make historic decisions at Prague.

Sincerely,

DONALD H. RUMSFELD,
Secretary of Defense.
COLIN L. POWELL,
Secretary of State.

Mr. WARNER. Mr. President, if I can get my colleague's attention, this debate we are having tonight arose because last fall in December, as our Chamber was quite properly moving towards closing down—the Christmas season was upon us—I discovered we were about to authorize $55.5 million to seven nations without a moment's debate.

The time was not there to have that debate. So I objected.

I do not object to the money proceeding to these seven nations. I have supported it in years before. I support the flow of money. My concern, I say to my colleague from Delaware, is the rhetoric in which that money is wrapped in this resolution.

Mr. BIDEN. Excuse me?

Mr. WARNER. The rhetoric, the verbiage, that is in the House measure. We are about to adopt the House measure, if my understanding is correct.

Mr. BIDEN. Mr. President, I believe that is correct.

Mr. WARNER. It is in honor of a very valued former colleague of the Congress whom I respect. All of that to one side, I believe the rhetoric as written and as framed could send the wrong message. That is the sole reason I am here tonight, because if we were to separate the money from the rhetoric, or portions of the rhetoric—and this, of course, is not open to amendment—I would be voting with the Senator. So it is the verbiage that surrounds this.

I will ask my friend from Delaware a question or two. I am not entirely sure, procedurally, what it is we are going to achieve by this vote because the money has already been appropriated. Even though the Senator from Virginia stopped the authorization, as we know that does not necessarily stop the appropriators. I share a good laugh with my colleague because they are a law unto themselves.

This magnificent Senate is predicated on the rules that we have the authorizing committee, of which my colleague from Delaware is the chairman—I am the ranking on the Armed Services Committee—and we authorize. The appropriators then agree or disagree with regard to the amounts of money, but in this case, as they have done in others, they went ahead and appropriated the funds. So in a sense, we are talking about a hollow victory tonight, but I direct my attention, once again, to the rhetoric.

My friend from Delaware said the open-door policy, but I go to the letter from the Secretaries of State and Defense which says the following:

> Later this year at the NATO summit in Prague we will have an opportunity to take a further historic step to welcome those of Europe's democracies that are ready and able to contribute to Euro-Atlantic security into the strongest alliance the world has ever known.

I agree with that. I am not opposed to any further enlargement, but I do not subscribe to this concept of open door. I say to the distinguished chairman, at what point does the Senate have the opportunity to make an assessment as to what each of these countries bring, so to speak, to the table? How well prepared are they?

What we are doing is saying to the American taxpayer, and we are saying to the men and women of the Armed Forces of the United States, an attack against one is an attack against all. Such new members as we may admit, what do they bring to the table to participate in, first, deterring an attack, and then, if necessary, repelling that attack? Do they bring sufficient to hold their own, or is there going to be an increased dependency, I say to my two good friends, on the American military?

In Kosovo, over 70 percent of the airlift was U.S. Approximately 50 percent of the combat missions in bringing ordnance from air to ground were U.S. Now, that is disproportionate. At another time—I am not going to belabor this tonight, but if one looks at the NATO budgets, they are not all increasing, as our President is increasing, by 44-plus billion dollars, a bill for the American taxpayers, our budget, to strengthen our military.

I say to my colleagues, they cannot point out one single NATO country that proportionately is increasing their military budget as great as ours. So my question to my friend—he used the phrase "open-door policy," but I presume he subscribes to what is in the Secretary's letter; namely, "that are ready and able to contribute to security." Am I correct in that analysis?

Mr. BIDEN. If the Senator will yield for me to answer, the answer is: The Senator is correct in his analysis as it relates to what the Secretary said.

Let me speak to the first question, as I understood the specific question: When will the Senate get an opportunity to ascertain whether or not the countries chosen to be invited to become members of NATO are worthy of invitation and membership, and to answer indirectly the question, able to contribute to our mutual security?

The answer is: We will do that at the time of the ratification debate. In the meantime, as my friend pointed out, the money has already been appropriated. The money is already going to these aspirant countries. I think it should have gone by the authorization process, and then the appropriations process. That is why I was smiling.

We share a similar fate in armed services and foreign relations, more in foreign relations, quite frankly, than armed services, where the appropriators move in the absence of our moving.

Let me be more specific. I argue that, even if not a single state that was, in fact, the recipient of any of this money, was invited to join NATO, it is in our interest that the money goes because the money is going for those aspirant countries to meet criteria we have set out, that we believe to be in the U.S. interest. It is in the U.S. interest that every one of the militaries in aspirant countries is under civilian control. It is in the U.S. interest that they have participatory democracies. It is in the U.S. interest they have no border disputes with their neighbors. It is also in the European interest.

So even if not a single aspirant country meets the criteria that must be met, as cited by the Senator from Virginia quoting the Secretary of Defense, it is money well spent.

The second reason we are doing this now is that it is important, in my view, to continue to display to these European aspirants that we are serious about considering them. What I do not want to see happen is us saying, well, we know only one of you are going to get in, and the other six say, well, what am I doing this for? Why am I making this effort? Why am I engaged in this? I want them to know we are serious about this. So even though the money is going forward, you say, well, they already know we are serious. We have already sent the money. It is being spent; it is being used. This authorization—which is putting, as my grandpop used to say, the sleigh before the horse—demonstrates to these folks that, if and when the President of the United States and NATO pick aspirants to join and the President sends the treaty up for amendment to the Senate, we are serious about it as well.

This is not a game. This is not a game in our separation of powers—most countries do not have the same system as we have. We confuse people a little bit because they have a parliamentary system. We have an executive branch and a legislative branch and never the twain shall meet, and constitutionally you have to get both of our approval. Notwithstanding the fact that the President may say we want to see Slovakia or Slovenia or whomever to join NATO, that is not good enough. It has to have a supermajority of the Senate saying yes as well. This legislation is an authorization after the fact.

I promise there is not a single solitary ambassador representing any one of the countries who does not have C-SPAN on now listening to us. They know it doesn't mean much now. This is not going to resolve anything tonight, tomorrow, or next month, until the meeting in Prague, and it may not resolve anything then.

This is to send the signal that we are serious, we mean it. You go out and do the things that are necessary to meet the criteria set out by the President, and the additional requirements, and we will seriously consider you. We are in the game with the President.

The third point is the issue of whether or not these aspirant countries, if invited by 19 members of NATO to become a member of NATO, the question is, will they contribute to the security of the United States of America? Or will they be, as my friend implies or states—I don't want to put words in his mouth—a drag on our military?

He cites Kosovo. It is true what my friend cites about the percentage of the airlift, the percentage of the air missions, the percentage of the munitions used, et cetera. But I also point out only 10 percent of those forces that remain in Kosovo are American forces. Mr. President, 85 percent are European and other willing nations there, keeping the peace. And I might add that if we do something too well, it is taken for granted and we forget what we did in the first place.

I remind my friend that before we got into Kosovo, before we went to Bosnia, there were over a quarter million people killed, women and children. There were close to half a million people in the hills, freezing in the middle of the winter and we worried about them freezing. Every European capital was on edge worrying about immigration flows. It started this xenophobia about minority portions of the populations of Germany, France, and other countries.

It is in our interest that there be a stable Europe. It is in our interest that a LePen is not getting 50 percent of the vote instead of 15 percent of the vote. It is in our interest that the skinheads in Germany do not become a morph of the neo-Nazi organizations that impact German policy. They have not. But I believe had another million people flowed out of the Balkans into those capitals, it would have further destabilized the political circumstance.

It is true that no nation, none of our NATO allies, have kept their commitment to expand their military capability as we have. None have. He is absolutely right. Where does our interest lie?

A number of our colleagues very much want to see us move into Iraq. It would be very useful if Bulgaria were part of NATO. We don't have to worry about overflight rights. They are part of NATO. We do not have to worry about a little thing like we worry about with our fickle Saudi friends as to whether they allow us to use an airbase we built for them and their protection. So I argue when we were trying to deal with this situation in Kosovo, Hungary became a valued ally.

The issue for me is not so much that I think any aspirant country is going to be able to be the one man for a U.S. Air Force stealth aircraft moving on a precision-guided mission against an enemy. That will not happen. If the measure is, can they keep up with our technological capability, the answer is that none of the countries will ever qualify. I might add that some of our greatest and oldest allies may not qualify.

Conversely, though, if the measure is, does their membership in NATO lend an additional capacity that impacts positively on U.S. interests, and they pay their way, then the answer to that question is, yes, they should be a part of NATO. That is a debate I am sure my friend and I will have when the President of the United States, if he does, comes back from Prague and says, I am sending up to Senator WARNER and company an amendment to the Washington treaty asking for the following—1, or 7, or whatever—nations to become part of NATO. He will because he is so diligent and so knowledgeable about the U.S. military and military matters. I know him too well. And he should do this. We are lucky to have someone who will have the ability to do this.

And then we will debate whether or not they warrant membership. What does Slovenia bring? What does so and so bring? That is the moment when that debate will take place.

I yield the floor.

Mr. WARNER. I say to my good friend, and then I hope our good colleague from Indiana will join, I can see that day. It will be beautifully embossed, a document on every desk. Do you think the Senate in that period of time, in that debate, will turn down one of those countries?

That is the flaw in this process which eventually I will point out in my direct statement. We are going to be handed a fait accompli. We will not have had the opportunity, unless your committee or mine—and I shall press in my committee—have some advance hearings on the likely nominee countries and using the criteria in the Secretary of State's letter "ready and able to contribute to security."

That is what we should be doing, not waiting until that resolution comes up. That is an obligation. We have so much invested in NATO. It is a treaty that has worked beyond expectation. I remember on the 50th anniversary engaging in that marvelous debate we had in the Senate, extolling the virtues of this treaty.

What I am trying to do is to preserve it so it remains strong and any nation that comes in is able, willing, and ready to pick up its share of the load and carry it and not be dependent, as we saw in Kosovo, upon the good old USA, its service persons, and its taxpayers.

Some Members around here with gray hair remember things. Do you remember the Libya operation? Did we get overflights of NATO countries in that operation? Go back and check it, Senator. Go back and check. NATO did not open its airspace for that operation. It was a vital operation at that time.

Do not say to this Chamber that by virtue of a nation joining NATO it will automatically open the skies, automatically open its borders. No, it will be the individual nations that make a decision. That Libya raid is the case in point.

I invite our colleagues, tell me, is it a fait accompli that we will be handed in November all the panoply, the ceremony, and this Chamber will get up and reject the Nation? I don't think it will happen that way.

Mr. BIDEN. Let me respond briefly and then yield to my friend from Indiana or whoever seeks the floor.

What I think we should be straight about here—I am not implying in any way the Senator from Virginia is not being straight—is that there is a growing school of thought that reflects the underlying view of my friend from Virginia—and, I might add, is made up of some of the most seasoned Members of the Senate, some of whom are World War II veterans, men who have been strongly supportive of NATO in the past and of our military—who basically do not think NATO is worth much anymore.

The fact of the matter is, the indictment that the Senator paints is equally applicable to Britain, Germany, Spain, Italy—every NATO nation. Not the new guys. It was the old guys who did not let us have the overflight, remember?

Mr. WARNER. Yes.

Mr. BIDEN. The new guys are so gung ho being part of NATO, they would probably decide to give each of us citizenship if we asked for it. I am not at all worried about the new guys. I am worried about the old guys.

We should have a debate someday on the floor, unrelated to expansion, about the utility of NATO because, in truth, many in the Defense Department and many—some on this floor—think we are misallocating our resources to NATO, period; unrelated to Kosovo, unrelated to anything else.

So I call everyone's attention to the subtext in this debate that really doesn't relate to new members. It relates to whether NATO has outlived its usefulness and whether we should be spending billions of dollars on NATO without any new members. It is a legitimate debate. I think it is dead wrong, but I think it is a legitimate debate.

With regard to the issue of whether there is a fait accompli when an embossed document ends up on our desk, I might point out that my friend from Virginia had no difficulty with an embossed document that was the single most important treaty in the minds of our NATO allies—no difficulty rejecting it. It was called the Comprehensive Test Ban Treaty. It did not slow you up a beat.

Mr. WARNER. Not only didn't it slow me up, it was our committee, not your committee, that held the hearings that adduced the facts and brought them to the floor of the Senate which resulted in the rejection of that treaty. Our committee did that work.

Mr. BIDEN. That may be. We can argue about that.

Mr. WARNER. It is a fact.

Mr. BIDEN. I don't doubt that. You were wrong then, you are wrong now. But that is irrelevant.

The point is this. I was responding to a specific assertion. The Senator said: How will this body ever reject something that is put on our desk that is embossed, that has worldwide publicity, that the whole world is looking at, that all of our European friends are seeing? How could we ever reject anything like that?

I point out that we have done that. We have no problem rejecting things in this place that we don't think we should do. I might add that we had multiple hearings in my committee—I don't remember, but I suspect also in my friend's committee, the Armed Services Committee. We had more than a dozen hearings before we voted on expansion, on whether or not the aspirant countries were qualified.

Some of us, I think including the Senator from Virginia, traveled to the aspirant countries, sat down with their leadership, sat down with their chiefs of staff, sat down with their military and parliamentary leaders, and looked at their books—literally, not figuratively.

I know I spent, with my colleague Dr. Haltzel, about 7 days doing that in the aspirant countries: Hungary, Poland, Slovenia and the Czech Republic. I spent that time as my other colleagues did.

So I have no worry that we are going to have time. I am responding to the point made by the Senator, which is: Hey, look, this is a fait accompli. We are getting set up here. You guys passed this; you authorized this in addition to the money already going. What is going to happen here is we are going to come bouncing along and on December 9, or next January 14, or whatever date, we are going to have an embossed treaty, and it is going to be done, and there is not going to be any real debate, and it is going to be all over.

I would say the past is prologue. The Foreign Relations Committee published a 550-page report on the last round of NATO enlargement. It contained the transcript of the hearings, a lengthy report on the trip that I took to Russia, Poland, the Czech Republic, Hungary, Slovenia, and many other reports. I do not remember—I do not want to state something I am not certain of—but I think the Armed Services Committee had hearings as well.

So there is going to be no doubt there will be hearings. If the Senator, in Armed Services—if they want to hold hearings, I think that is a fine thing; no problem. I think it is premature now to hold those hearings. We had 7 days of debate on the floor the last time on NATO enlargement.

I understand the concern of the Senator that we are going to, in effect, be presented with a fait accompli. Maybe his real worry is it is a fait accompli because he is a Republican and a Republican President would be submitting this. But I tell you, we Democrats are going to have no problem. We didn't have any problem with the last guy who submitted it, and my Republican friends had no problem when the last guy submitted it, a Democrat. I think it is an unfounded worry. If I believed the Senator was correct and the Senate is going to be put in a position of rubber-stamping or walking away, I would say you are right, Senator. But I see nothing from the past NATO enlargement round we went through, and I do not anticipate anything in this round, that will preclude a thorough investigation giving all 100 Members of the Senate and the American public an opportunity to make their own judgments about it, whether or not to accept the President's recommendation.

When I say President's recommendation, if he doesn't sign on in Prague to the expansion, then there is no expansion. All 18 other nations can sign on, it doesn't matter. If he says no—no. Done. Finished. So that is what I mean when I say the President's recommendation.

I have no doubt we are going to have an opportunity to fully explore this. My guess is—I make a prediction, which is a dangerous thing to do. The bulk of the debate on this floor will be why wasn't so-and-so included, as opposed to why did you include such-and-such country.

But that remains to be seen. The bottom line is—and I will yield the floor to whomever seeks it—the bottom line is that we will have plenty of opportunity to debate whether or not the named countries—if there are any named countries, and there will be, I believe—whether they warrant the supermajority of the Senate to say: Yes, you are now a member of NATO because you met all the criteria and including the paragraph read from the Secretary of Defense's letter.

I further state that the criticisms we can debate in other contexts that the Senator from Virginia raises about NATO aspirants are equally applicable to the original NATO members—that is a different story.

I yield the floor.

Mr. WARNER. Mr. President, just a short comment and then I hope others will engage in the debate.

If the Senators from Delaware and Indiana would be willing to just strip out a lot of rhetoric which causes me a problem—because I think for those who do not follow the key debate that we are having, and this is a good debate—I would simply say I would voice vote the authorization for this money and let's get on with it. But just take out this rhetoric which gives rise to expectations in all of these countries. That is my concern. It gives rise to it. Implicitly it says, by the Senate voting on this tomorrow: Oh, the Senate has now said this rhetoric is correct, that all nations should be this, and all nations desiring it—I think it can be misconstrued and misinterpreted.

If you want the money, sever the rhetoric and I will voice vote it tonight.

Mr. BIDEN. Mr. President, we have the votes to win this anyway, notwithstanding the fact I truly appreciate the Senator's generous offer. I would be happy to try to accommodate him if I could. You cannot amend this.

Mr. WARNER. That is by unanimous consent. We could amend it tomorrow.

Mr. BIDEN. The idea of us getting unanimous consent—he can seek unanimous consent. I imagine there are enough people—I don't think that is possible.

The bottom line is I understand the Senator. I do not have the same concerns with any of the rhetoric. The rhetoric of George Bush:

> [a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

That is the most shining rhetoric in here. I am not prepared to support the withdrawal of the President's rhetoric from this legislation.

Mr. WARNER. Then I ask a question of my friend. I realize you have the votes. It is going to stay in, but at least I make the gesture. But I say to my friend, other than the money, which I agree should flow, has flowed, been appropriated, to what does this bill commit the United States and the Congress?

Mr. BIDEN. Mr. President, it does not commit the United States and Congress to anything, except it communicates——

Mr. WARNER. That is an important statement, Mr. President.

Mr. BIDEN. It communicates to all of the European aspirants that if they meet the requirements in the eyes of the Senate, and if they are recommended by our President, we will seriously consider their admission to NATO. We, the U.S. Senate, if they meet what each of us individually thinks is the minimum criteria or the maximum criteria, we take it seriously. This is not just a gesture of sending you money to help you move toward democratization to modernize your military. We, like the President, mean it.

So if the Senator does not agree with—and I understand—the statement by President Bush, which I happen to agree with, which I fully respect, then he should not support this. I happen to agree with President Bush and the other, as the Senator says, "rhetoric" in this piece of legislation.

So all it commits the United States to is to say the same thing President Bush said: We believe that all of Europe should be open and free, and that we will consider NATO membership for all European democracies that seek it and are ready to seek the responsibility NATO brings. That is what it commits us to, and that is why I support this.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I say, then, Mr. President, the purpose for my initiating this debate has been accomplished. I respect my President. I largely agree with him. But you have now stated your views, and I hope my colleague from Indiana will join you.

Beyond the authorization of these funds, this document does not commit us—this Senate, this Congress—to anything beyond the authorization of specific amounts of dollars. It is simply a statement with regard to the future.

I also received the assurances from my colleague that this body, through its committee hearings, and otherwise, will eventually be able to look at each country individually and their criteria by which eventually they can be judged as to become members or not.

I thank my colleague from Delaware.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for the questions as well as the conclusions. I would simply succinctly join my colleague, the chairman of the Foreign Relations Committee, in saying that S. 1572, the legislation before us now, endorses the continued enlargement of the NATO alliance and assists potential members in meeting membership criteria. Very clearly, that leaves open the question of whether they meet the criteria, and who is selected, and when that occurs.

But the President of the United States, in his Warsaw speech, talked about enlargement. He talked about it, but he gave a grand vision. That was important.

Mr. President, before I commence my statement, I ask unanimous consent that Senator COCHRAN be added as a cosponsor of S. 1572.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise today in support of the Freedom Consolidation Act of 2001 because I believe this legislation makes important contributions to the future of European security and trans-Atlantic relations by endorsing the continued enlargement of the NATO alliance and assisting potential members in meeting membership criteria.

Last year, President George Bush delivered a visionary speech in Warsaw Poland on NATO's future. He noted that "all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom."

He went on to say that he believed ". . . in NATO memberships for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings." And he concluded that "we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

Some believe the United States-European relationship should be diminished. I can hardly imagine a more strategically shortsighted or dangerous policy shift by the United States or Europe. Such arguments ignore a basic fact: Europe and America are increasingly intertwined in security, economic, and cultural matters. The cold war may be over, but the security and welfare of America and Europe are closely linked. Our common goal must be to complete the building of a Europe whole and free in strong alliance with the United States of America. Now is not the time to discuss withdrawal. Now is the time to strengthen the NATO alliance. This legislation—the Freedom Consolidation Act—makes important and encouraging strides in that direction.

The last round of enlargement was a tremendous first step. The lines of Yalta have begun to recede. Central Europe is not only free but safe. And now, 10 years after the fall of the Berlin Wall, it is time to finish the job and make Europe whole and free. It is my belief that the continued enlargement of NATO is the best means to achieve this goal. President Bush has laid out such a vision and has committed the United States to its implementation.

I might add that a reason we are debating this issue at this late hour on a Thursday evening is that the President of the United States very much wants to have this legislation as he goes to a historic summit with President Putin of Russia and as he proceeds on to visits with European allies.

The President has not only given a visionary speech in Warsaw, he is about to embark upon an extraordinary trip on behalf of our security and our foreign policy. He has asked us to consider this legislation, and to pass it enthusiastically, to join our colleagues in the House in that endorsement.

Continued enlargement provides an opportunity for NATO to be proactive in shaping a stable security framework in Europe. Potential NATO membership has given countries the incentive to accelerate reforms, to peacefully settle disputes, and to increase cooperation. These hopes have been a tremendous driving force of democratization and peace. Those nations who have made the most progress should be rewarded with an invitation to join NATO. Such a move will ensure that NATO's aspirations will continue to spur reform and purge cold war ideologies and dividing lines.

While maintaining NATO's high standards, we should invite those nations ready to assume membership responsibilities and contribute to European stability and security to be a part of NATO.

If countries such as Slovenia and Slovakia stay the course, they would be among the strongest candidates. Given the importance of stabilizing southern Europe, I also believe we should invite Bulgaria and Romania. I am hopeful they will continue their remarkable progress and become strong members of the alliance.

The defining issue will be the Baltic States, Latvia, Lithuania, and Estonia. They are among the great success stories of Europe's post-Communist transition. Their illegal annexation by the former Soviet Union 60 years ago should not determine Western policy today. If the Baltic States continue to perform and meet our standards, we should bring them in, all of them, at the Prague summit.

I have addressed that issue, at least to give my personal views as a Senator, for the last year. I felt it was important, as the Senator from Virginia has pointed out in this debate, for us to consider individually each of these countries, to initiate that debate a long time before the Prague summit or even before the trip our President is to take to visit with President Putin.

As the distinguished chairman of the Foreign Relations Committee has pointed out, he has made a number of trips to Europe to visit not only with the aspirants in the first round of NATO enlargement but with the current group. I went to Europe last September for a similar purpose. I made it a point to visit each of the Baltic States to meet with the leadership of those countries, with their military people, as well as their diplomats, and continued on to Romania and Bulgaria for an equally interesting and important visit to enlarge my own understanding of where they stood, what they were doing, what kind of criteria they understood membership required.

I visited the NATO headquarters in Brussels in January at the invitation of our Ambassador Burns to address a NATO workshop which included 10 aspiring countries in a roundtable discussion. Of those 10, I have identified 7 that I believe are logical candidates if they fulfill the criteria. But that is a rigorous course. Ambassador Burns, on behalf of this country, has visited each of the countries that I have mentioned recently. He has gone through a rigorous outline of what our anticipations would be. This is not a free ride for any country, and meeting those criteria will take some doing in each of the seven cases that I have cited.

This legislation does not make that decision, even if this Senator and others have come to some conclusions about the merits of various countries. That is a debate still ahead of us. I would simply counsel my friends who are interested in this issue and all who have spoken this evening to continue visitation of the countries, to continue encouragement of meeting the criteria, to show interest on behalf of the United States in these countries. Those are the steps we ought to be taking presently, and they will lead to a formal and, I hope, a wise decision, long before there is a final Prague summit and our President makes a commitment, at least of his own resources, on behalf of the United States.

NATO's open-door policy toward new members, as established in article 10 of the Washington treaty, is truly fundamental. To retract it would risk undermining the tremendous gains that have been made across the region. The result of a closed-door policy would be the creation of new dividing lines across Europe. Those nations outside might become disillusioned and insecure and thus inclined to adopt the competitive and destabilizing security positions of Europe's past.

NATO's decision to enlarge in stages recognizes that not all new applicants are equally ready or equally willing to be security allies, and some states may never be ready. But the maintenance of the open door to future membership will continue to be a powerful motivating force in Europe.

NATO has launched a new initiative to expand cooperation and consultation with Russia. From my perspective, NATO enlargement need not be a zero-sum game. One can be a strong supporter of NATO enlargement and of a new United States-Russian strategic partnership, as I am. We need to continue to invest in the promotion of the security and the stability of Russia and the other newly independent states, and it is in the interest of both NATO and Russia for a democratic Russia to emerge and to regularize its cooperation with the alliance.

For this reason, I support the Bush administration's efforts to draw Russia closer to NATO, to deal with mutual security concerns in reciprocal fashion, and to support Russia's consolidation of a nonimperialist, peaceful democracy.

If NATO is to continue to be an effective organization meeting the security needs of its members, it must play a central role in addressing the major security challenges of our time, which in my judgment are the war on terrorism and the threats posed by weapons of mass destruction.

That will require NATO to change, and in a very large way. But the alliance has demonstrated in the past that with U.S. leadership, it has the capacity to adapt to new challenges. We must take the next logical step in a world in which terrorist "Article V" attacks on our countries can be planned in Germany, financed in Asia, and carried out in the United States. Under these circumstances, old distinctions between "in" and "out of area" have become meaningless. If Article V threats to our security can come from beyond Europe, NATO must be able to act beyond Europe to meet them.

If we cannot organize ourselves to meet this new threat, we will have given the terrorists a huge advantage. There is nothing they would like more than to see Western democracies divided on this key issue. We are now cooperating closely with our European allies. While we don't publicize it for understandable reasons, the security cooperation, the intelligence sharing is unprecedented. Today there are more Europeans on the ground in Afghanistan than Americans. It is Europe, not America, that is going to foot much of the bill for Afghan reconstruction. In those areas, Europeans have been exceptional allies.

But I have a sober understanding of where we differ with our allies and the hurdles we need to overcome if we are going to succeed. The Europeans have neglected their defenses. While I detect a growing willingness to try to remedy that, it is not going to be easy so long as their economies are in recession. It would be a historic mistake to let this opportunity to forge a new transatlantic understanding slip through our fingers. America is at war. The threat we face is global and existential. We need allies and coalitions to confront it effectively, and NATO is our premiere military alliance. Therefore, NATO enlargement should be pursued as part of a broader strategic dialog aimed at establishing common transatlantic approaches to meet the key strategic challenges in Europe and around the globe.

Fifty years ago, NATO's founders made a political decision that the United States and Europe needed a common strategy to meet common threats. Today we need to make a similar commitment with our allies to complete the vision of a united, free Europe, and to defend our common values and interests in Europe and beyond.

President Bush and his administration placed a continued NATO enlargement at the core of the transatlantic agenda. I ask unanimous consent to print in the RECORD a letter sent to leaders of the Senate from Secretary of State Colin Powell and Secretary of Defense Don Rumsfeld.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 7, 2002.

Hon. JESSE HELMS,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR HELMS: The Administration strongly supports S. 1572, the Freedom Consolidation Act. This bill, which reinforces the efforts of European democracies preparing themselves for the responsibilities of NATO membership, will enhance U.S. national security and advance vital American interests in a strengthened and enlarged Alliance.

Speaking in Warsaw last June, President Bush said that "Yalta did not ratify a natural divide, it divided a living civilization." From the day the Iron Curtain descended across Europe, our consistent bipartisan commitment has been to overcome this division and build a Europe whole, free, and at peace. The 1997 Alliance decision to admit Poland, Hungary, and the Czech Republic brought us a step closer to this vision.

Later this year at NATO's Summit in Prague, we will have an opportunity to take a further historic step: to welcome those of Europe's democracies, that are ready and able to contribute to Euro-Atlantic security, into the strongest Alliance the world has known. As the President said in Warsaw, "As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

We believe that this bill, which builds on previous Congressional acts supportive of enlargement, would reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.

We hope we can count on your support for this bill, and look forward to working closely with you in the months ahead as we prepare to make historic decisions at Prague.

Sincerely,

DONALD H. RUMSFELD,
Secretary of Defense.
COLIN L. POWELL,
Secretary of State.

Mr. LUGAR. They write, in part, Mr. President:

> We believe that this bill, which builds on previous congressional acts supportive of enlargement, would reinforce our Nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threat to our common security.

We must seize this unprecedented opportunity to expand the zone of peace and security to all of Europe. It is time to finish the job and the next step in passage of this important legislation is to act, and to act promptly.

Mr. President, I note the presence of the distinguished Senator from Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from Indiana for his courtesy. I am pleased to have the opportunity to speak today on behalf of the Freedom Consolidation Act.

I have long supported expansion of the NATO alliance to include Europe's new democracies, and I believe this piece of legislation sends an important signal to countries aspiring to join the alliance. The U.S. Senate supports the process of enlargement that began in Madrid in 1997, and believes NATO should remain open to Europe's new democracies able to accept the responsibilities that come with membership in the alliance.

During the cold war, as a public official in the State of Ohio, I remained a strong supporter of the captive nations, who were for so many years denied the right of self-determination by the former Soviet Union. That strong support of the captive nations was generated back in my youth. As a matter of fact, the first paper that I wrote in undergraduate school at Ohio University was about how the United States sold out Yugoslavia at Tehran and Yalta. That grieved me, and I wondered whether those nations would ever have the self-determination that they were promised.

When I was mayor of Cleveland during the 1980s, we celebrated the independence days of the captive nations at city hall—flying their flags, singing their songs, and praying that one day those countries would know the freedom that we enjoy in the United States.

In August of 1991, as communism's grip loosened, I wrote a letter to then-President George H.W. Bush urging him to recognize the independence of the Baltic nations. Now these countries are among those being considered for membership in the NATO alliance. I know the President remembers last year when we were in Vilnius, Lithuania, on the square before 2,000 Lithuanians. I could not help but think back 15 years and being at the Lithuanian hall of Our Lady of Perpetual Help and wondering if the Lithuania people would ever enjoy freedom. There they were before us, and I had tears rolling out of my eyes. They wanted to join NATO.

Last month, I had the opportunity to meet with representatives with ties to NATO-aspirant countries at a meeting organized by the Embassy of the Slovak Republic and cosponsored by the Polish American Congress, strong supporters of the Solidarity movement in Poland and great advocates of Poland becoming a member of NATO. The meeting included individuals from nine aspirant countries, including Albania, Bulgaria, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovenia, and Slovakia, as well as Croatia, which was formally invited to join the NATO accession process at the NATO ministerial meeting this week. Representatives from the Czech and Hungarian communities were also there, who were also in favor of continued expansion of the alliance.

They came together to promote the merits of enlargement as a single, unified group, and to deliver the message that NATO expansion is in the best interest of the United States of America, Europe, and the broader international community of democracies.

The spirit of that meeting I think is encapsulated in this bill; it does not divide; it does not endorse one candidate country over another; rather, it encourages emerging Central and Eastern European democracies to continue reforms to promote democracy, the rule of law, the merits of free market economies, respect for human rights, and military reform. These values are the hallmark of the NATO alliance. And I can tell you that the progress that we have seen in those countries toward the issues I have just enunciated would not have been as aggressive if it wasn't involved in their trying to prove to the other NATO members that they were worthy of membership in NATO.

I strongly support that message, and I share the sentiments expressed by President Bush in remarks he delivered in Poland last June, when he was at the NATO summit in Prague. He said:

> We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

When NATO heads of state join in Prague this November for the summit of the alliance, three primary items will fill their agenda: First, discussion about capabilities and the future of the alliance; next, the selection of new members; and, finally, new relationships with Russia, Ukraine, and other members of the international community.

As the Senator from Indiana said, without a doubt, the events of September 11 have dramatically impacted the conversations that will take place in Prague. As the United States and other members of NATO consider each of these issues, it is within the broader context of a changed world post-9-11.

This reality was seen this week when Secretary of State Colin Powell joined his NATO colleagues for a NATO ministerial meeting in Reykjavik, Iceland. New threats facing the alliance in the aftermath of the terrorist attacks against the U.S. influenced discussions on Russia, as NATO foreign ministers reached a historic agreement on a new NATO-Russian Council, and they certainly influenced conversations about the urgent need to address the growing capabilities gap between the United States and our European allies, which I am sure the Senator from Virginia is very much concerned about.

They also influenced discussions on NATO enlargement, as the foreign ministers reaffirmed their support of the alliance at Prague.

Although there are, without a doubt, a number of pressing questions that the alliance must begin to answer, I believe NATO enlargement is still a high priority because of its importance to U.S. national security and peace in the world.

I strongly support a statement made by Under Secretary of State Mark Grossman in his testimony before the Foreign Relations Committee earlier this month, when he said:

> The events of September 11 show us that the more allies we have, the better off we are going to be; the more allies we have to prosecute the war on terrorism, the better off we are going to be. And if we are going to meet these new threats to our security, we need to build the broadest and strongest coalition possible of countries that share our values and are able to act effectively with us. With freedom under attack, we must demonstrate our resolve to do as much as we can to advance our cause.

Since September 11, the United States and NATO have called on members of the international community to provide critical assistance in a number of areas outside of the traditional military realm. While these do not outweigh the need for improved defense capabilities, such as strategic airlift capabilities and improved communication systems, they are nonetheless critical to thwarting future terrorist attacks.

We have seen the benefit of these contributions as the international community continues to engage in a global campaign against terrorism. The nine NATO aspirant countries, as well as Croatia, have reached out to the United States in the aftermath of the September 11 attacks. They have pledged their solidarity, volunteered their resources, and shared intelligence information with the United States and NATO. They have decided to not act as aspirants, but as allies, and their strong support is highly important. Senator LUGAR, in his remarks, pointed out how much help they have given us so far.

As significant as this cooperation has been, the work is not done. It is critical that countries aspiring to join the alliance continue their efforts to make progress in areas outlined in the membership action plan—developing free market economies, promoting democracy and the rule of law, respecting the rights of minorities, implementing military reforms, and committing resources to their defense budgets, just as we are doing.

I have made it clear to all of these countries that are seeking membership in NATO that it is the MAP, the membership application plan—we are going to watch what you do, and there is not going to be any automatic entry into NATO; you are going to have to prove you are worthy and show us through your actions and also in your ability to use a good portion of your budget and invest it in defense.

As a Member of Congress who has long been involved with transatlantic issues, I understand the importance of NATO expansion to strengthening security and stability in Europe. I supported the enlargement of the alliance in 1997, and I will again support enlargement at Prague. I believe NATO should be open to further expansion in the future.

There are probably very few Members of this body who have visited all of the NATO aspirants. I have, with the exception of Slovakia. I have been impressed with what they are doing. I will visit Slovakia, Macedonia, and Slovenia after attending the National Assembly meeting in Bulgaria later this month.

Last year Senator DURBIN and I visited Estonia, Latvia, and Lithuania and were impressed with the commitment they were making to qualify themselves as members of NATO.

I remember before we attended the OSE meeting in Paris we visited with General Ralston at Normandy, and he spoke eloquently about what he had seen when he visited the Baltic countries, with heavy emphasis on communications, the BaltNet they put in place, which he said was better than countries that already belonged to NATO, and then being in Slovenia 2 years ago and seeing the communication system they put in place.

I will never forget General Kronkaitis, a former U.S. Army General who is now the adviser to the Lithuanian army, and how he really made me very proud of how he had inculcated the spirit that he received from being a member of our U.S. military.

I strongly support and believe NATO expansion demonstrates our country's commitment to freedom and democracy in the global arena, and I will continue to promote expansion of the alliance to include Europe's new democracies which demonstrate the ability to handle the responsibility of NATO membership.

Ronald Reagan used to talk about trust but verify. Although we have entered into some new negotiations with President Putin and Russia, my history makes me a little bit uneasy. One of the thoughts I had is that now that these countries, which I so longed to have freedom, have freedom, we verify they will continue to have freedom.

In other words, they have their self-determination, they have freedom, but the only thing that will make me comfortable before I am taken to some other place is that we verify this trustful relationship we have with Russia.

Mr. President, the only way I think we can verify that relationship is to make sure these democracies become part of NATO. That will assure me that the big boot of someone will not again step on those nations that have been through so much during the last century.

I urge my colleagues to join me in support of this important legislation which makes clear the Senate's strong support for NATO enlargement in Prague this November.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my good friend from Ohio. He has a very clear understanding through many long years of travel experience and, indeed, his proud heritage. In many debates we have had in this Chamber, particularly with regard to the Baltics, he has brought an important perspective, and I commend him.

I am glad the Senator spoke with reference to Russia. I join with my colleague from Indiana. I hope our President is able to make further progress with President Putin. They made good progress to date. I am supportive of the arms control initiatives that will soon be brought to this Chamber. Ronald Reagan's credo, "trust but verify," we should all follow.

I remember, I say to my colleagues, by coincidence I was visiting with Secretary of Defense Cohen, our former colleague, in NATO, sitting in the council room of the North Atlantic Council when for the first time a Russian marshal walked in and was seated those many years ago, and they started a relationship with Russia. Does my colleague remember that? I also remember there came a time when Russia abdicated that relationship and walked away from it.

I support the initiatives by the President, but let's be mindful of the past.

I wish to say to my good friends in the Chamber of the Senate tonight, I seem to be the sole vote of the conscience that I worry about this expansion. If we were to admit nine nations, I say to my dear friend from Ohio, nine nations—and that is what this document basically says. It sort of endorses, to use Senator LUGAR's word, this document we are about to adopt tomorrow morning endorses—does my colleague realize that if all nine go in, that will be 28 nations, give a nation or two; that is just about double the original size of NATO.

I am heartened by this debate because we have succeeded in this debate tonight to establish, No. 1, that the Senate will have the facts before it is to act intelligently at such time—I say intelligently, I also mean being well informed to make an intelligent decision about the facts of each of the aspirant countries before we hand them a final document as submitted by our President.

I say to my good friend from Delaware, in his earlier debate he said: We will have a chance to act. The President will send up a list of nations, and I was proud to do it last time. I remind the Senator, that will be too late for the Senate to act in an informed way.

If we examine the record tomorrow of this very fine debate, we will see he now recognizes that we need time, as does the Senator from Indiana, and both Senators committed to bringing the Senate through a hearing process on the facts on which to make a judgment.

Mr. VOINOVICH. Mr. President, will the Senator from Virginia yield for a question?

Mr. WARNER. I yield.

Mr. VOINOVICH. From what the Senator from Virginia just said, is it his understanding that if this bill passes tomorrow, that means we are automatically going to——

Mr. WARNER. No, and I am glad the Senator has raised that point. It was drawn up very skillfully in the House of Representatives, picking selective quotes from our great President, whom I support, but those of us in the Chamber recognize, and as I have elicited from the chairman of the Foreign Relations Committee, and as agreed upon by my distinguished friend from Indiana, the ranking member, this document commits us to nothing more than the authorization of specific amounts of dollars to the nations that are aspiring to join. That is all it is. But as it is reproduced and sent across the ocean to Europe and printed in the papers, I think people can say: Oh, the Senate has now acted; not maybe in finality, but we are one step closer before we have the facts before the body.

Mr. VOINOVICH. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. VOINOVICH. I must tell the Senator that my support does not guarantee I will support all nine of those countries coming in because we are going to distinguish between those that are qualified and not qualified. As I mentioned in my remarks, I made it very clear to the leaders of these aspirant countries that they cannot take for granted that they are going to be admitted into NATO unless they comply with the requirements of the membership application plan.

I was with the President last Friday and discussed this issue with him. He made it very clear to me that in spite of the fact he has made some very strong statements about NATO expansion, he has made it very clear to those aspirant countries, to their Prime Ministers and Presidents, that they had to meet the requirements.

I want to make it clear, no one should assume from my vote on this and I hope a lot of others, that this is a layup shot and all these countries are going to be coming into NATO because they have a long way for that to happen.

Mr. WARNER. Mr. President, I draw to my colleagues' attention, "this act may be cited as the Gerald B. H. Solomon Freedom Consolidation Act of 2001."

What is freedom consolidation? I am not sure. That is what concerns me. There are a number of phrases in here carefully elicited from speeches, documents by our President and others, which portray—I know one of my great loves in life is to paint a little bit. It is like a montage. It is rather pretty. It is like a great painting, but if you look at it from afar you might say, "We hear that we're in."

I am glad tonight the distinguished Senators from Ohio, Indiana, and Delaware have made it very clear in response to my questions, this document upon which we are about to vote tomorrow does nothing more than authorize sums of money.

Mr. LUGAR. May I respond to the distinguished Senator on that point?

Mr. WARNER. Yes.

Mr. LUGAR. I think the Senator is correct. I add that the actual authorization of money will go to seven of the nine countries.

Mr. WARNER. Yes.

Mr. LUGAR. The Senator is correct that the MAP program refers to nine, and therefore vigilantly we are looking at those criteria. I would further offer my assurance that I plan to work with the distinguished chairman of the Foreign Relations Committee so that hearings will elicit from the administration what the findings have been from this MAP program, and that will have some bearing upon the vote of the Senator for various individuals.

My purpose in giving speeches early on this issue—and the distinguished Senator has likewise been doing this—was to make sure the debate was of a better quality than the last time around, when in fact at the summit some decisions were made in what otherwise would be called international horse trading. Granted, criteria had been met, and a lot of debate had occurred, but in fact we are ahead of the game, as we ought to be.

I respect the Senator's questions to make certain we are vigilant in getting the facts and evaluating these countries closely.

Mr. WARNER. Mr. President, I thank my colleague for those comments.

Mr. DURBIN. Mr. President, I strongly support this bill, but at the outset I want to make clear what this bill does and does not do.

This bill makes a clear and unequivocal statement endorsing further enlargement of the North Atlantic Treaty Organization and it authorizes assistance to aspirant countries.

The bill does not choose which countries will be asked to join NATO in Prague in November, nor does it prejudge the vote in the Senate when the treaty changes that includes new members comes before the Senate for its advice and consent.

We want to pass this bill today to make a strong statement prior to the President's trip to Europe that the Senate welcomes another round of enlargement to include those countries that are ready to accept the responsibilities of membership.

Many nations aspire to join NATO including Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, Bulgaria, Macedonia, Croatia, and Albania. It will be up to NATO to decide which countries have met the criteria of democratic governance and military preparedness.

I want to focus my remarks on the Baltic states, not because I oppose the membership of other aspirant states. I always confess my prejudice when I speak about the Baltic states. My mother was born in Lithuania. So when I speak of the Baltic countries, it is with particular personal feeling. I have visited Lithuania on four or five different occasions and have also visited Latvia and Estonia several times.

I went to Lithuania a few years ago, along with my late brother, Bill. We went to see the tiny town where our mother was born, Jurbarkas. When we were there, we found that we had relatives, cousins, that we never knew we had—family separated by the Iron Curtain.

I did not believe in my lifetime that I would see the changes that have taken place in those three tiny countries. When I first visited Lithuania back in 1979, it was under Soviet domination, and it was a rather sad period in the history of that country. The United States said for decades that we never recognized the Soviet takeover of the Baltic States. We always believed them to be independent nations that were unfortunately invaded and taken over by the Soviets.

But in 1979, I saw the efforts of the Soviet Union to impose Russian culture upon the people in Lithuania, Latvia, and Estonia.

The Soviets expatriated many of the local people and sent them off to Siberia and places in the far reaches of Russia; and then they sent Russians into the Baltic states in an effort to try to homogenize them into some entity that was more Russian that it was Baltic.

But it did not work. The people maintained—zealously maintained—their own cultures, and they kept their own religion, their own languages, and their own literature and their own dreams. I did not imagine in 1979 that I would ever see these Baltic states once again free, and yet I lived to see that happen.

On March 1, 1990, Lithuania re-asserted its independence from the domination of the Soviet Union. Latvia and Estonia followed with declarations canceling the Soviet annexation of their countries.

These declarations were not without cost. In January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier. Five hundred people were injured during these attacks. In Latvia, peaceful, but courageous crowds surrounded the parliament building in Riga to prevent a Soviet attack.

The images of crowds of unarmed civilians facing down Soviet tanks to protect their parliaments in Vilnius and Riga was a powerful message of resistance that shocked Moscow and resonated throughout the Soviet Union. Their courage led the way for other Soviet Republics to throw off the yolk of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union in August 1991.

Today these three nations have worked hard to become market economies, to watch their democracies flourish. The fact that they want so much to be part of NATO is an affirmation of great hope and great optimism for the future of Europe. As countries like Lithuania, Latvia, and Estonia, and so many others that were either part of the Warsaw Pact or even Soviet Republics become part of NATO, they show the dramatic transformation into a democratic form and a new democratic vision in Europe, whole and free.

The Baltic countries have nurtured their relations with the West, but they have also worked to have good relations with Russia. Despite the bitter experienced of years of Soviet occupation each Baltic country has worked to be sure that its citizenship and language laws conform to European standards, taking care not to discriminate against ethnic Russians.

As a result of these steps, and because of the United States and NATO's efforts to engage Russia in a positive relationship with NATO, Russia's opposition to Baltic membership in NATO has evaporated, or at least receded to grudging acceptance.

The Baltic countries have also taken steps to fact up to the bitter history of the Holocaust, when hundreds of thousands of Lithuanian, Estonian, and Latvin Jews perished, by setting up a Holocaust museum, teaching about the history of the Holocaust in school, returning Torah scrolls, and working to restore Jewish property.

If we refuse to enlarge NATO further, we would have told these countries that despite their epic and inspiring struggle to liberate themselves from communism, the West had once again turned its back on them. We must make it clear that Russia is welcome to cooperate with the undivided, free, pros, and secure Europe that is being built.

Some people have questioned what these tiny countries would bring to NATO. NATO is not a country club, after all it is a military alliance.

When the Soviet troops finally left the Baltic countries, they took everything. There wasn't even a toilet seat left in a barracks, the drain pipes were cemented shut, and the military hardware was gone. They started from scratch. This has made their effort to building a military harder and more expensive, but in some ways, it has been a blessing. The old Soviet ways disappeared along with their equipment. Western ways of thinking about military organization were welcomed. In 10 years, with the help of the United States, Poland, Great Britain, Germany, the Nordic countries, and others in Europe, these countries have built new militaries on a Western model.

To be sure, they are small countries, but they have their niche. The Baltic countries can and will make a positive contribution to NATO. They are building small militaries with a reserve system that can be called up in time of war. They have specialized in peacekeeping and logical support and have participated in missions in Bosnia, Kosovo, and now in Kyrgyzstan. They each are spending the requisite 2 percent of GDP on defense, but have also pooled their resources and cooperated on a Baltic Naval Squadron, a Baltic Defense College, and a Baltic Peacekeeping Battalion. They have worked together to create a joint air surveillance network that NATO will be able to use and are contributing some facilities, including an important former Soviet airbase.

When we ratified the membership of Poland, Hungary, and the Czech Republic, some in the Senate doubted their contributions, worried about cost burdens, and feared adding these new members would have NATO cumbersome and unworkable. These problems have not materialized; rather, Poland, Hungary, and the Czech Republic have been our staunch allies in NATO.

The model of the last round serves as well for this one. I believe we must complete the job we started in 1999 to expand NATO and cement a stable, democratic, whole, and free Europe.

Mr. HAGEL. Mr. President, I rise today in support of HR 3167, the Gerald B.H. Solomon Freedom Consolidation Act. I am a cosponsor of S. 1572, the Senate companion to this important bill.

Today freedom and democracy flourish from the Balkans to the Black Sea. One cannot help but marvel at the transformation over the last decade in Central and Eastern Europe. These countries have moved from members of the Warsaw Pact to allies of the United States in military operations in Bosinia, Kosovo, and Afghanistan.

An issue that has united these nations during this time of historic transformation has been the commitment to democratic reforms and closer relations with the United States. NATO membership, the strongest link between Europe and the United States, has been a cornerstone of the foreign and security policy goals of each of the member countries.

On May 19, 2000, the Foreign Ministers from nine NATO aspirant countries met in Vilnius, Lithuania to jointly reiterate their desire to firmly entrench their nations in the western community of democracies. Latvia, Lithuanaia, Estonia, Slovenia, Slovakia, Albania, Macedonia, Romania and Bulgaria were at various stages of readiness for membership. But from that day forward, these nations have demonstrated that they could work together to pursue their individual goals for security. In May 2001, Croatia joined this group—now called the "Vilnius 10."

NATO has recognized their aspirations and has made clear its intention to extend invitations for membership at the Prague summit this November. Each candidate nation will be judged on its own merits and progress.

And as the process of NATO enlargement moves forward, it is important to ensure that it does so in a way that enhances NATO and peace and stability in Europe.

The standards for new members are most clearly stated in Article X of the Washington Treaty of 1949 the founding NATO document, which provides two major criteria for membership. First, a nation must be, "in a position to futher the principles of this Treaty." In other words, a nation must have a strong and demonstrated commitment to democratic ideals.

Second, the nation must be in a position "to contribute to the security of the North Atlantic area." NATO is a military alliance, and new allies should strengthen, not weaken, transatlantic security.

Economic stability is part of these two requirements for joining the alliance. Military reforms and military commitments cost money, these nations must be able to pay for the commitments they make to the alliance. And economic stability also means political stability, a theme that has underlined our current debate on trade policy.

Each of the Vilnius nations will be examined on the criteria. I mentioned above. This leglslation does nothing to prejudge the decisions that will be made by the NATO member countries on which of the aspirant nations will be invited to join the alliance.

This legislation unequivocally declares congressional and Presidential support for continued responsible enlargement of NATO.

This legislation also provides financial assistance, in the form of foreign military financing, to NATO candidate countries as they conduct the reform and restructuring of their military forces to meet NATO requirements.

We must be wise enough to seize this moment of dramatic and positive changes in Europe, building onto what has been accomplished during the first 50 years of NATO. NATO expansion will help consolidate the freedom the nations of Central and Eastern Europe have secured by including them in the world's most successful alliance, NATO.

I strongly urge my colleagues to support this important legislation.

Mr. SMITH of Oregon. Mr. President, today we are considering the Gerald B.H. Solomon Freedom Consolidation Act. This bill, which passed overwhelmingly in the House of Representatives is identical to S. 1572 and has over 30 cosponsors here in the Senate was reported out unanimously by the Senate Foreign Relations Committee in December of last year.

The Gerald B.H. Solomon Freedom Consolidation Act reaffirms the Senate's support for continued enlargement of NATO, without naming any names of who should receive an invitation to join. It also demonstrates that extending security and stability in Europe through the enlargement of the most successful military alliance in modern history is not a partisan issue.

The bill endorses the vision of further enlargement of NATO articulated by President Bush on June 15, 2001, when he stated that, "all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom."

It also endorses the statement of former President Clinton, who in 1996, said, "NATO's doors will not close behind its first new members . . . [but] NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership."

While President Bush said we should see how much and not how little we can do, inviting new members into the alliance is a serious exercise requiring careful consideration of applicant countries' capabilities and their commitment to democratic values.

When the time comes to select which countries should receive an invitation to join NATO, we should ensure that the inclusion of a particular candidate will make the alliance stronger.

In other words, does its military, geographic, political and public commitment strengthen the Atlantic alliance and its ability to preserve a stable and secure Europe?

NATO membership is not based solely on military capability. If NATO were only about aligning the worlds greatest militaries then its membership roster would include Israel and Russia or China and North Korea rather than Iceland and Norway.

I think we can all agree that values matter. Democratic values, the rule of law, religious freedoms, protection of minorities.

When the time comes to look at which countries should be invited to join the alliance from those participating in the MAP, Membership Action Plan, process, we certainly should examine what capabilities they bring to European security, the trans-Atlantic relationship and the global war on terror.

However, perhaps what is more important than what contribution they have made to KFOR, SFOR or Operation Enduring Freedom, or more important than their geography or the overflight rights they have granted, is what they are doing within their own country.

Are they advancing a democratic society, working to eliminate government corruption, preventing their country from being used as a transit for the trafficking of women and children, protecting the rights of minorities and settling regional divisions?

Is bigger better? It can be.

The countries actively being considered for NATO membership that are in the MAP process all see the value of revitalizing the Atlantic alliance. They have demonstrated that they are ready to be an ally through contributions in Bosnia, Kosovo and Afghanistan.

Every Slovak, Latvian, or Romanian that is back filling NATO in KFOR or SFOR or engaged in Operation Enduring Freedom means one less American that is in harms way.

The time has come for NATO to address how decisions are made as not to repeat what came to be known in Kosovo as "war by committee" when target selection had to be cleared through the NATO capitals rather than the NATO military commander.

Supporters and opponents to NATO Enlargement agree that the growing capabilities gap between the United States and our European allies must be addressed and will be addressed at the NATO summit in Prague.

We in the United States must be able to turn to our NATO allies as they do us for capabilities to face the threats of today.

The world that we face has in fact changed and we, as well as our NATO allies, must do the real work of building the capabilities to address what Secretary Rumsfeld called asymmetrical threats even prior to September 11.

It seems to me that top on the list of threats that both we and Europe face is the growing threat of weapons of mass destruction.

At the Prague Summit in November, NATO must properly address what we can do together to address the threat posed by weapons of mass destruction in the hands of our new common enemy, global terrorism.

What NATO's mission will be in the future is an important question. Thirty-six years ago, in "The Troubled Partnership," Henry Kissinger wrote of the difficulties in the Atlantic Alliance, and queried whether we and Europe had the same vision for the future of NATO.

Differences still exist, however, we should not jeopardize all that NATO is by focusing on what it is not; rather we should see how NATO can better address the threats that we see so clearly since September 11.

Mr. McCAIN. Mr. President, when I first came to Congress, Slovakia and Slovenia didn't exist at all, Bulgaria and Romania were hostile states in the darkest depths of the Soviet empire, and the Baltic states of Estonia, Latvia, and Lithuania lived only in the hearts and souls of their people, their sovereign nationhood snuffed out by Soviet annexation. This evening, we debate a clear and noncontroversial Sense of the Senate resolution expressing our support for these same nations' aspirations to join the North Atlantic Treaty Organization, the alliance we formed to counter the aggression that once placed each of these nations on the far side of the Iron Curtain, in one of the greatest organized assaults on our values since we claimed them as our own.

Our consideration of these nations' candidacy to join NATO at the Prague Summit in November is a victory for democracy, for freedom, for what we fought from 1941 until 1989 to bring about: a Europe whole and free. Our Alliance reflects Europe's continuing and historic transition from hostile division to a continental zone of enlightened rule within secure borders. But that transition remains incomplete.

NATO's fate, and that of Europe, rests upon completing the job we started at the 1999 Washington summit, and which we will continue in Prague this November. As President Bush stated last summer in Warsaw: all of Europe's new democracies, from the Baltics to the Black Sea, should have a chance to join the North Atlantic Alliance.

The last round of NATO enlargement demonstrated the importance of the alliance as a living, vibrant institution, committed to meeting the security challenges of the Euro-Atlantic region. Cold war-minded critics contended then that we were creating a new dividing line in Europe. But the result of enlargement was to extend stability and security eastwards, into lands where the absence of these qualities has frequently led to armed conflict in the past.

Critics of the last round of enlargement said NATO's consensual decision-making process would become bogged down by the addition of new members. But to the extent that consensus over NATO's response to Slobodan Milosevic's crimes in Kosovo was difficult to achieve, the newest members of the alliance often provided the strongest support within our councils for joint military action. NATO's newest members also made important human, material, and geographic contributions to the alliance's mission.

Now, critics argue that the new threats of terrorism and mass destruction bring NATO's mission and future into question. It is hard to understand why. Yes, America and some of our European allies have disagreed about how best to pursue the war on terrorism. But our shared conviction about the common values that require our defense is not in doubt. NATO is not less important after September 11; it is more important. For the first time in its history, the alliance invoked Article V, the mutual self-defense clause binding upon all members, after the terrorist attacks in New York and Washington. Until very recently, allied aircraft patrolled America's skies. Today, 16 of the existing 19 members of the alliance have boots on the ground alongside American forces in and around Afghanistan. Remarkably, a number of the nations that aspire to NATO membership have also deployed forces to support allied military operations. They don't yet have a treaty commitment, but they are acting like they do, in a gesture of goodwill that transcends mere rhetoric about our common values by putting men in harm's way to defend them.

Our fundamental goal at Prague must be to transform what has become a somewhat divisive trans-Atlantic debate about the role and relevance of our NATO partners in the war on terrorism into a concrete plan of action to align the alliance's purpose of collective defense with the threats of terrorism and weapons of mass destruction—dangers that threaten the people of Europe no less than the American people, as we saw most recently in the tragic bombing in Karachi, Pakistan that took the lives of 11 French nationals.

I believe the hand-wringing in Washington academic circles and the corridors of Brussels about the alliance's existential crisis is misplaced. Rather than engaging in a stifling, bureaucratic debate about NATO's core purpose, we should devote our attention to sustaining the success our Alliance has enjoyed in deterring Soviet aggression, bringing a stable peace to the Balkans, and uniting our community of values. The Bush administration's far-sighted agenda for Prague reflects an effort to build on NATO's successes in concert with our allies, in order that its future in the defense of freedom may be as storied as its past.

The Freedom Consolidation Act addresses the enlargement pillar of this agenda. We do not require the mere ceremonies of enlargement, and the new faces it brings to our councils, for fear of institutional failure, or for lack of some higher purpose. We must enlarge this alliance to complete the task we started in 1949: to create an impregnable zone of stability, security, and peace in Europe that is upheld by our joint military power, rooted in our resolve to defend this territory against aggression, and inspired by our commitment to the principles of liberty, to which we pledge our sacred honor.

In doing so, we replace the containment strategy of the cold war era with the enlargement of our community of values. We relegate Yalta's division of Europe to the history books. We forge a new Euro-Atlantic community, transformed by the values we fought the cold war to defend. And we celebrate the freedom that almost all European peoples enjoy today as a consequence of our mutual sacrifice.

Our task is to invigorate our alliance with this premise: that the Atlantic community is not a group of cold war-era military allies looking for new missions to stay relevant, but a political community of like-minded nations, challenging the cruel dictates of history and geography, that is dedicated to the principles of democracy, and to fostering a continent where war is unimaginable and security, guaranteed—even as it faces new and grave threats to these core principles. The threats have changed since 1949; our commitment to the defense of freedom has not. NATO's purpose remains sound, and its role, indispensable.

Seven nations are serious contenders to receive invitations to join our alliance in November. Three more are engaged in a longer-term process of preparing themselves to meet NATO's membership criteria. I cannot think of a better example of the triumph of our values, and the success of the institutions we have built to serve and protect them, than the urgency with which the aspirant nations now pursue membership in our alliance. We should welcome them, when they are ready. I believe the seven serious candidates for this round of enlargement will be. They hold their destiny in their hands, and we wish them well in working aggressively to meet the criteria for NATO membership. I hope we can soon call these nations our allies, in the truest sense of the word.

While I support a "Big Bang" enlargement of the alliance into northern, central, and southern Europe, I believe the southern dimension of NATO enlargement is perhaps the most compelling on strategic grounds. NATO's southeastern expansion into Bulgaria and Romania would secure Europe's southern flank, enhance stability in the western Balkans, and end Turkey's strategic isolation from the alliance. It would help diminish continuing frictions in Turkey's relationship with the EU, minimizing Turkish grievances over the question of an independent European security identity and opening the door to the development of effective coordination between the EU and NATO. A visionary enlargement of the NATO alliance to the south combined with the EU's historic expansion to the east would bring about a new and welcome cohesion of Turkey to Europe. This is in the interests of Turkey, the European Union, the United States, and NATO.

The most compelling defense of war is the moral claim that it allows the victors to define a stronger and more enduring basis for peace. Just as September 11 revolutionized our resolve to defeat our enemies, so has it brought into focus the opportunities we now have to secure and expand freedom.

Senate passage of the Freedom Consolidation Act sends an important signal to our allies, present and future, about America's commitment to sustaining the success our alliance has enjoyed for 50 years. It provides the administration an enthusiastic vote of confidence in its visionary campaign to enlarge and transform NATO to meet the new threats. It reminds us all that freedom's power is multiplied, not diminished, as more people share in it.

Former Estonian Prime Minister Mart Laar wrote a wonderful book about the Estonian resistance to Soviet occupation. He recalls the fervor with which Estonian patriots resisted Soviet aggression, and their dreadful realization that no outside power would intervene to save their nation from Soviet tyranny. He writes:

> Nobody believed that Estonia would, for decades and decades, be left in the hands of the Soviets. That wasn't even a possibility. It's only a question of time, everybody thought. But after decades went by, the idea about the West coming to their aid disappeared. The fight in the forest became a personal thing. These people fought because they simply wanted to die as free men.

Today, Estonians, Latvians, Lithuanians, Slovenians, Slovakians, Bulgarians, and Romanians live as free men, and women, in testament to the same values for which patriots before them lived, and died. The values we in the U.S. Senate invoke today as we express our support for the right of these nations to choose their destiny in the collective defense of freedom.

Mr. LIEBERMAN. Mr. President, NATO, the North Atlantic Treaty Organization, is an alliance of free, democratic nations, unique in human history for its characteristics and its success. Today, the alliance's principled strength not only protects the peace and freedom of the transatlantic community, but contributes to building a world that is ever more free, more democratic, and more prosperous.

For years, physical defense of member nations' home soil, as defined under Article V of the North Atlantic Treaty, has been the core of our alliance. Since the end of the cold war, NATO has constantly reconsidered the landscape of threats to security and freedom and has responded to that changing landscape by defining new missions and new capability needs. In Bosnia and then Kosovo, NATO applied appropriate force just outside its immediate borders for the common good of stability in Europe. And it did so successfully with partner forces from non-NATO European states.

Partner states are learning from NATO and striving to emulate the alliance's standards of military professionalism, transparent civilian control of military power and resources, and the legal and civil foundations of popular legitimacy. Many of those partner states aspire to full membership in the alliance. I believe that opening membership to a large number of nations will make NATO an even more potent protector of transatlantic and global security from threats including terrorism, a better facilitator of regional conflict resolution, and a more influential incubator of democracy.

Senator WARNER reminds us, correctly, that the alliance is so successful because it provides history's standard for rigorous and professional military planning and execution. But NATO is also the flagship institution in America's post-WWII success in widening the circle of democracy, stability, and prosperity across the transatlantic region. The achievement of "Europe, whole, free and at peace" will likely be remembered as the greatest legacy of American foreign policy in the 20th century, because it is the foundation for greater opportunity in this century, as well as greater collective security.

I believe that any democratic European nation that meets NATO's criteria and can be a net contributor to the security of the alliance should be admitted. I support welcoming into NATO at the Prague summit as many candidate nations as meet these criteria.

Let us focus for a moment on the alliance's adaptation to new missions. The awful events of September 11th prompted NATO to invoke Article V and respond to attacks on American soil by supporting a war against an enemy half a world away from the United States. Technology has collapsed geographical distinctions to the point that today, a plot conceived anywhere in the world can pose just as serious a threat to NATO members' security as an aggressive military movement across a European border. Clearly, NATO accepts this new reality and must embrace a more expansive geographical understanding of its mission. This evolution in alliance thinking is realistic and healthy.

The aspirant states embrace this mission, too. Declaring their intent to act as de facto allies of the United States, partner states have offered enhanced information sharing, overflight rights, transit and basing privileges, military and police forces, medical units and transport support to U.S. efforts. Most of the aspirant states are participating in some fashion in the International Security Assistance Force in Afghanistan, working well with our forces under Central Command.

The North Atlantic Alliance has before it a summit meeting in Prague this November, at which all the crucial issues—adapting methods of operation, refining NATO's mission, committing to achieve the necessary capabilities, and enlargement—require our engagement. I trust that the administration is working with allies to achieve a consensus on enlargement before the Prague Summit. And I take the administration at its word that it will consult the Congress and especially the Senate regularly about summit issues, as it has done in the February 28 hearing of the Armed Services Committee and at staff level in the months before. In due course, the Senate will deliberate over the individual accession agreements that the alliance may negotiate with aspirant states. Our scrutiny of those candidates and their commitments will provide them with added impetus to raise democratic and military standards and be the best allies they can be.

The Freedom Consolidation Act of 2001, which I cosponsored here in the Senate, is our political signal that the Senate welcomes consideration of new members and holds fast to the vision of a Europe whole, free, and at peace, a vision which Presidents Bill Clinton and George W. Bush have articulated. It also authorizes part of the investment our Nation is making in states that share our vision. The bill will do the following: reaffirm Congressional support for continued NATO enlargement; designate Slovakia as eligible to receive U.S. assistance under the NATO Participation Act of 1994; and, endorse the Foreign Military Financing (FMF) levels for the Baltic states, Slovenia, Romania, and Bulgaria that the administration sought for the current fiscal year.

In the Armed Services Committee on February 28 we had a thorough airing of questions about the aspirant states. NATO Supreme Commander General Ralston's testimony in particular illustrated that there is practical work going on with all of them and that they expect further scrutiny of their preparedness. The aspirants know they each have a case to make. They are busy in the Congress and expert community explaining their progress and asking what they need to do more or better. In terms of money and military-to-military cooperation, we are already doing what this bill conveys, both bilaterally and in NATO.

And so I urge my colleagues to join Senator HELMS, the other cosponsors and myself in sending this signal that America values the NATO alliance, that we value the security arrangements and political principles NATO so crucially advances, and that we value friendly states that share our values and vision.

Mr. KYL. Mr. President, I rise in strong support of H.R. 3167, the Freedom Consolidation Act of 2002.

The title of this bill says it all, our goal here today, and our goal when we enlarge NATO this November, is to consolidate the gains that freedom has made in Europe since 1989.

Thirteen years ago, in a series of wonderful evolutions and revolutions, the people of eastern Europe threw off the shackles of communism and sent the Warsaw Pact to the dustbin of history.

Since then, the many nations of eastern and central Europe, some of them brand new, have striven mightily to establish democratic institutions and develop market-based economies. This is nothing short of a Herculean task, given the magnitude of the problems that beset communist systems as they were in their terminal phase.

The people carrying out this difficult and historic transformation need and deserve all the support we can give them. One of the ways we can provide that support is to encourage the further enlargement of NATO. Membership in NATO will ease the strain on these newly free countries and assist in their transformation to market democracies.

This is true for several reasons. First, membership in NATO, with its bedrock security commitment contained in Article V, will promote a stable environment in which these countries can pursue reforms. Second, membership in NATO will foster an ever greater flow of information and ideas between the U.S., western Europe and these new democracies. Third, membership in NATO will require these nations to maintain democratic systems and uphold the rule of law, thus giving them the incentive to continually deepen their reform process.

These benefits of NATO enlargement, the consolidation of freedom, the encouragement of the reform process in former communist countries, and the expansion of the zone of stability and peace in Europe, are all very much in the U.S. interest.

I think that recognition of these benefits is why there has been such strong congressional support for NATO enlargement dating back to at least 1994. By reaffirming past statements of support for enlargement by Congress, by Presidents Bush and Clinton and by NATO itself, and by authorizing assistance to seven aspirant countries, this bill continues that tradition.

At Munich and Yalta, it was decided that, as Neville Chamberlain termed them, "small, far-away" countries could be sacrificed. The ghosts of those two tragic episodes have haunted Europe for over 60 years. A further round of NATO enlargement will help exorcize those ghosts. Therefore, as NATO prepares for its Prague Summit in November, I hope it will heed the words of President Bush, who stated last year that "as we plan to enlarge NATO, . . . we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

In other words, we should seek to offer NATO membership to as many new members as possible. That being said, NATO must of course be judicious in the selection process. NATO is not a club, it's an alliance. And enlargement is not a free pass to security for new members. NATO membership demands commitment from and places obligations upon those new members.

One of those obligations is the maintenance of adequate defense budgets. New members must be able to offer equipment, forces and capabilities that actually make a net contribution to NATO. As has been much discussed of late, NATO already suffers from the so-called capabilities gap. That is, as we have learned from the campaigns in the Balkans and Afghanistan, there is a large and growing gap between the military capabilities of the United States and most of its NATO allies.

Although the United States has reduced defense spending over the past decade or so, the cuts in Europe have been even more severe. This is reflected in the fact that while we devote over 3 percent of our GDP to defense, the European average is now below 2 percent. This simple fact goes a long way toward explaining why NATO, despite its very helpful and much appreciated invocation of Article V after September 11, has not participated in the campaign in Afghanistan. NATO should not exacerbate the capabilities gap by offering membership to countries that are not serious about actually contributing to a military alliance.

Still, NATO must seize this moment. This is a historic opportunity to make Europe whole again after decades of war, division, and tyranny. That is why I support this bill and hope it will pass overwhelmingly.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Virginia.

Mr. WARNER. Mr. President, I will close this debate, unless others seek recognition, by reiterating my concern is for the American service person—soldier, sailor, airman, and marine—who at some point in time, because of the articles of this treaty, "an attack on one is an attack on all", our service persons could be in the foxhole fighting, repelling that attack with someone who is not trained, not equipped, cannot communicate and all the other problems we have had in seeking a uniformity of standards and military capabilities among the NATO forces.

We are putting our people at risk. We are asking our taxpayers, again, to spend enormous sums of money as we did in the Balkan operations. I supported the Balkan operations. We did the right thing: 70 percent of the combat missions, 50 percent of the airlift.

This is not the lone dissenter, I suppose, in the Senate speaking. This is the Secretary General of NATO, Lord Robertson, whom my colleague from Indiana and I have met through many years, former Minister of Defense from Great Britain, now Secretary General of NATO, who said the following. And I will quote from Secretary General Robertson's speech on NATO's future at the February 2000 Wehrkunde Conference in Munich:

> The United States must have partners who can contribute their fair share to operations which benefit the entire Euro-Atlantic community. . . . But the reality is . . . hardly any European country can deploy usable and effective forces in significant numbers outside their borders, and sustain them for months or even years as we all need to do today. For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members—

That is the current 18, our Nation being the 19th. And I remind my colleagues, our military budget is $379 billion, which I am privileged to join with Chairman LEVIN to bring to the floor shortly. The total of all other 18 is $140 billion.

> For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members, we still need U.S. help to move, command, and provision a major operation. American critics of Europe's military incapability are right. So, if we are to ensure that the United States moves neither towards unilateralism nor isolationism, all European countries must show a new willingness to develop effective crisis management capabilities.

I am delighted we have had this debate tonight. I thank colleagues for coming over at this very late hour and participating. It has given me the opportunity to make my points, to elicit very important commitments from colleagues in position of authority. I am not discussing withdrawal from NATO, as may have been inferred by some. I have not reached any conclusion about any one or several countries at this point in time as to whether they should or should not be admitted into NATO. I do not believe this is an open-door policy.

I read article 10. It is quite specific in the treaty. It says again, you must have the capability to contribute and bear your burden for the security of the entire NATO.

I support efforts by our President with regard to Russia. Again, I think we have covered that. To the extent that the additional nations in NATO can help in this war on terrorism, you will have my support. We have had a good debate. I will do everything I can, and now tonight I am assured by others, to see this is done before the final document is voted upon by the Senate.

I would like to add one thing to this debate. Our good colleague from Delaware, the chairman, said he thought perhaps tonight the only people following this debate would be the ambassadors of the aspirant countries and perhaps ambassadors from other countries, but I have found there is a remarkable infrastructure in the Nation's Capital, and perhaps elsewhere. Many of them are volunteers, such as Mrs. Julie Finley, who is a lifetime friend of mine and who has done a lot of hard work and constructive effort on her own initiative to invite members of the aspirant nations, be they the prime ministers or the defense ministers or the foreign ministers, to events so that colleagues can share and have the opportunity to meet them. So I think there is a tremendous infrastructure. They may not be watching this debate tonight, but I think they will make reference to the record that we have put together.

So I thank my good friend from Indiana because I believe what we have contributed tonight is a very important step towards strengthening NATO.

Mr. LUGAR. I agree with the distinguished Senator from Virginia. I would join him in paying tribute to Julie Finley, whose hospitality I have enjoyed. It has been an opportunity, as the Senator has suggested, for an educational experience about NATO members and aspirants to NATO.

I join the Senator also in his comments about Lord Robertson, who visited this country recently. He spoke to the Council on Foreign Relations and was very candid, as the Senator from Virginia has pointed out, about the obligations of European countries, the lack of lift capacity, the lack of sophisticated communication gear, the lack of the ability to bring in aircraft for specific strikes, the ordnance for this equipment. These are recognized problems.

This debate, and other ways we can focus on NATO, are very important in sharpening our own view of the alliance and of the possibilities of this alliance in our mutual fight against terrorism. I thank the Chair. I thank my distinguished colleague. On our side of the argument, I yield back the time allotted to Senator BIDEN and to myself.

The PRESIDING OFFICER. Under the previous order, the bill is considered read the third time.

The Senator from Nevada.

ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent that the next Democrat amendments in the sequence be the following: Feingold amendment regarding extraneous provisions; a Feingold amendment regarding tax increases on fast track.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002 AND LAW ENFORCEMENT TRIBUTE ACT

Mr. LEAHY. Mr. President, yesterday I was honored to attend the 21st Annual National Peace Officers Memorial Day Services at the Capitol.

Sadly, last year was the deadliest year in law enforcement history since 1974. In 2001, 230 law enforcement officers were killed in the line of duty including 72 fallen heroes who were killed on September 11.

These brave public servants risked and sacrificed their own lives so that others might live. Each one of us owes these courageous men and women, and their families, a debt of gratitude that we can never fully repay.

During Police Memorial Week, I hope that Congress will act on two pieces of legislation to appropriately honor the families of brave public safety officers who sacrificed their own lives for their fellow Americans.

First, I urge the House of Representatives to take up the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002, S. 2431.

The Senate passed this bipartisan legislation more than a week ago. It is needed to amend the Public Safety Officers' Benefit Program to permit the families of 10 public safety officers killed on September 11 to retroactively receive $250,000 each in Federal death benefits.

Senator CAMPBELL and I introduced this bipartisan measure, cosponsored by Senators SCHUMER, CLINTON, BIDEN and FEINGOLD, to retroactively restructure the Public Safety Officers' Benefit Program to provide benefits to fallen officers who died without a surviving spouse, child, or parent.

I commend Representatives MANZULLO and NADLER for their bipartisan leadership on the House version of this bill, H.R. 3297.

Named for Chaplain Mychal Judge, who was killed while responding with the New York City Fire Department to the September 11 terrorist attacks on the World Trade Center, our bipartisan legislation recognizes the invaluable service of police and fire chaplains in crisis situations by allowing for their eligibility in the Public Safety Officers' Benefit Program.

Father Judge, while deemed eligible for public safety officer benefits, was survived by his two sisters who, under current law, are ineligible to receive death benefits. This is simply wrong and must be remedied.

Indeed, Father Judge is among 10 public safety officers killed on September 11 whose survivors are ineligible for Federal death benefits because they are not surviving spouses, children, or parents of the officers. This bill would retroactively correct this injustice by expanding the list of those who may receive public safety officer benefits to the beneficiaries named on the most recently executed life insurance policy of the deceased officer. This change would go into effect on September 11 of last year to make sure the families of Father Judge and the nine other fallen heros receive their public safety officer benefits.

By taking up the Senate-passed Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act during Police Memorial Week, the House of Representatives can provide much-needed relief for 10 families of public safety officers who sacrificed their lives on September 11.

Second, I hope that later today the Senate will consider the Law Enforcement Tribute Act, S. 2179, introduced by Senator CARNAHAN.

The Senate Judiciary Committee unanimously approved this legislation to create a $3 million Department of Justice grant program to help States, local governments and Indian tribes establish permanent tributes to fallen public safety officers. I am proud to be an original cosponsor of Senator CARNAHAN's bill to honor officers killed in the line of duty.

During Police Memorial Week, the Senate should pass Senator CARNAHAN's legislation to provide Federal resources to our States and local communities to pay proper tribute to the brave public safety officers.

I hope Congress will act expeditiously on these two important pieces of legislation to salute public safety officers across the country and honor the brave men and women who gave the ultimate sacrifice to serve and protect us.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I had the honor this morning of serving as the commencement speaker for the graduation ceremonies at the Virginia Military Institute. This longstanding commitment was the reason I was necessarily absent for the vote on the motion to table amendment No. 3427 to H.R. 3009 offered by Senator GREGG.

Although my vote would not have affected the outcome, I would have voted against the motion to table.

NOVEMBER 2001 DOHA DECLARATION

MR. GRAHAM. Mr. President, I was unable to deliver this statement during the debate on this amendment Tuesday. However, I want to covey my strong support for the amendment that was offered by my colleagues from Massachusetts and California recognizing the November 2001 Doha Declaration on the TRIPS Agreement and Public Health. I am pleased that this amendment was adopted and included in this trade package.

I supported this amendment because I believe that the Declaration and the amendment, properly reaffirm the commitment of the United States and of all WTO members to the need to maintain strong global standards for intellectual property protection while underscoring that measure necessary to meet genuine public health emergencies in poor countries can and must be pursued within the TRIPS framework. Solving the problem of access to HIV/AIDS medicines lies in overcoming economic and social barriers to distribution and effective treatment. Undermining intellectual property protection is not part of the solution and will, indeed, only aggravate an already progress towards better treatment and, ultimately, a cure. Indeed as was documented in the October 17, 2001 issue of the Journal of the American Medical Association, in the sub-Saharan countries ravaged by AIDS there are very few if any patents on the books for HIV/AIDS medicines. The authors of this exhaustive study concluded that "[T]he data suggest that patents in Africa have generally not been a factor in either pharmaceutical economics or antiretroviral drug treatment access."

If I thought that this amendment's intent was to contribute to the campaign to distort the meaning of the Doha Declaration and erode essential TRIPS protections, I would have opposed it. However, I have been assured that this was not the sponsors' intent, nor the effect of its terms, and I therefore support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 5, 1994 in Seattle, WA. A gay couple was physically assaulted by a group of people shouting anti-gay slurs. Two of the attackers, Candice Underwood and Steven Lee, were charged with malicious harassment in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

HONORING LIEUTENANT COMMANDER WILLIAM MUSCHA

• Mr. DORGAN. Mr. President, almost 20 years ago I had the good fortune of selecting Bill Muscha, a boy from Fargo, ND, as my nominee for the Naval Academy. He had been a member of his high school ROTC, a newspaper carrier, a Merit Scholar, an altar boy, a violinist, an Eagle Scout, a Sunday schoolteacher, a good kid. He was bright, well mannered, disciplined, dedicated to his career choice. I was pleased at the caliber of this youth and proud to be able to send him to Annapolis.

Now, many years later, I have the painful duty of announcing to my colleagues here in the U.S. Senate, that Lieutenant Commander William Muscha has been killed in the line of duty. He was aboard a Navy Saberliner jet, out of the Pensacola Naval Air Station, which went down in the Gulf of Mexico on May 10.

As my colleagues understand so well, one of the great joys of serving in the Congress is being able to appoint young men and women to the Nation's military academies. Inevitably, these are the best and brightest, star scholars, skilled athletes, shining patriots, engaging youngsters who are unusually mature, who already know what they want to do with their lives. When they are selected, their families are exuberant, their schools celebrate, and their hometowns swell with pride, and the students thank us warmly for the great favor we have bestowed on them.

But the truth is that these youngsters are the ones that the Members of Congress should be thanking. Senators don't need any plaudits for doing their job. The tributes always ought go instead to these wonderful teenagers who volunteer to serve their Nation in positions that are difficult, challenging, and dangerous. America is extraordinarily fortunate to have these kids step forward every year and pledge to defend their homeland.

Commander Muscha is a proud symbol of this Nation's tradition of citizen soldiers, the youngsters who come out of our high schools and neighborhoods, and pledge their lives to defend us. His sudden death is a sobering reminder of the hazards of military life. The perils of that career, dangers which led to the unhappy loss of Commander Muscha, are one reason why the men and women of the Armed Services are so respected by the American people. As their representative, I am both humbled and honored to stand here today, and salute this North Dakota patriot, and to send the Nation's sympathies to his grieving family.

He leaves his wife, Tamara, and their six children, Kara, Riley, Andrew, Molly, Zachary, and Emily: his parents, Robert and Carol Muscha; a sister, Major Diane Jones, and her husband, Scott; and the American Nation.•

HONORING BRIGID DEVRIES

• Mr. BUNNING. Mr. President, I rise today to congratulate and honor Brigid DeVries of Lexington, Kentucky, for being named the sixth commissioner of the Kentucky High School Athletic Association. Brigid DeVries, an assistant commissioner with the KHSAA for the past 23 years, is the first female head of the KHSAA and one of only four women across the entire United States to serve as commissioner or executive director of a state athletics association.

Ms. DeVries, a Lexington native, attended the University of Kentucky and graduated with a bachelor's degree in Health, Physical Education and Recreation in 1971. After graduating from UK, Ms. DeVries became a physical education teacher at Nicholas County Elementary School. Her next position took her out of Kentucky to the state of Ohio, where she served as the women's swimming and diving and track and field coach at Ohio University. After three years at Ohio University, Ms. DeVries returned to her alma mater, where she took over as men's and women's diving coach from 1980–1990. In 1979, she was hired as assistant commissioner of the KHSAA, and in 1994 was named executive assistant commissioner. Among other duties, she has directed the organization's gender-equity program, conducted eligibility investigations and assisted in management of the state football and basketball championships.

Ms. DeVries has the experience, education and intensity to fill this position without fear, hesitation, or reluctance. She has been a teacher, coach and administrator for many years now and certainly is qualified to lead the KHSAA for many years to come. I wish her the best of luck throughout her tenure as commissioner and look forward to charting her success.●

TRIBUTE TO MAJOR GENERAL NANCY R. ADAMS

● Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true heroine in the Department of Defense who has honorably served our country for over 34 years: Major General Nancy R. Adams, United States Army Nurse Corps. Major General Adams has had a brilliant career in the military. She quickly rose through the Army ranks as a medical-surgical nurse totally dedicated to caring for people. Her leadership abilities and talents were quickly recognized, and her performance in a variety of roles was exemplary. Her exceptional career includes many prestigious assignments, such as: Chief of the Army Nurse Corps, Commanding General of the Center of the U.S. Army Center for Health Promotion and Preventive Medicine, Commanding General of William Beaumont Army Medical Center and the Southwest Regional Medical Command, and culminated with her assignment as Commanding General of Tripler Army Medical Center and the Pacific Regional Medical Command.

Major General Adams initiated numerous changes that have improved the delivery of health care to our men and women in uniform and their families, and she has led the fight to improve business practices in the Department of Defense. She has played a key role in the delivery of care to our deserving veterans, always emphasizing the need for an integrated system that puts patients' needs first. Such perseverance and commitment to the health of this Nation has garnered her numerous accolades not only from military and civilian health care organizations but from academic institutions as well. She has been a champion for women's rights in the military and holds the distinction of being the senior ranking women on active duty at this time in the United States Army. Major General Adams has fostered the proud and cherished traditions of the military with her unselfish service. Her performance reflects greatly on herself, the United States Army Medical Command, the United States Army, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful Nation for her dedicated service. Congratulations, Major General Nancy Adams. I wish you Godspeed.●

IN MEMORY OF BERNICE BROWN

● Mrs. BOXER. Mr. President, I ask my colleagues today to reflect on the rich life and legacy of Bernice Layne Brown. Mrs. Brown was the matriarch of a remarkable California family, one that has had a profound and positive effect on my State for the past 60 years.

Bernice Brown was the wife of the late Governor of California Pat Brown, and mother of another former Governor, Oakland Mayor Jerry Brown; as well as mother to former California State Treasurer Kathleen Brown; Cynthia Brown Kelly and Barbara Casey Siggins.

A true treasure to the Brown family and to all Californians, Bernice Brown, at the age of 93, died of natural causes on May 8, 2002 at her home in Beverly Hills. Mrs. Brown was the daughter of San Francisco Police Captain Arthur Layne. In her high school years, she met Pat Brown, and eloped with him in 1930 after making her living as a teacher. They were married for an impressive 65 years.

During the beginning of her husband's political career, she focused her time on raising their children. Although liking to avoid the spotlight, she was a wonderful asset to her family's campaigns and political careers and represented her family with dignity, respect and grace. While famous for her elegance and decorum, she was also an experienced campaigner who never shied away from giving frank advice to the various members of her political brood.

Bernice Brown will be missed not only by her loving family, but by the people of California, who grew to respect her quiet ways in the fray of politics. California has lost a remarkable matriarch, and we will never forget the legacy she has left us.●

CONGRATULATIONS TO GERALD K. OLSON

● Mr. DORGAN. Mr. President, I rise today to congratulate Gerald K. Olson on becoming the new Chairman of the American Association of Airport Executives.

One of the most rewarding aspects of being a United States Senator is that I frequently have the opportunity to meet wonderful people who were born and raised in North Dakota and are making a difference in people's lives through their chosen profession. Although he may no longer reside in our great State, Jerry Olson is one of those individuals that North Dakotans are proud to call one of their own.

Jerry grew up on a farm eight miles southwest of Minot where his parents still live and he graduated from the University of North Dakota in 1982. Although the aviation department started out with just two small aircraft and two faculty members, what is now known as the John D. Odegard School of Aerospace Sciences has evolved into one of the great aerospace programs in the country.

It should not surprise anyone that Jerry Olson had a hand in shaping that successful program when he was a student in Grand Forks and when he later managed airports in Williston, ND and Cheyenne, WY. During his entire professional career, Jerry has been a strong advocate for continuing education and has spent a great deal of his time helping and nurturing students studying airport administration at the University of North Dakota.

For approximately twenty years, Jerry has also worked hard to improve air service for those who live in small communities in North Dakota, Wyoming and around the country. People in rural areas who are fighting for better access to the commercial aviation system have no better advocate than Jerry Olson. And despite all the contributions he has made to aviation over the years, I suspect Jerry's most proud of the fact that he is a dedicated husband and father.

I know I speak on behalf of all North Dakotans when I thank Gerald K. Olson for his service and congratulate him on becoming the new chairman of the American Association of Airport Executives.●

TRIBUTE TO DR. FAYE GLENN ABDELLAH

● Mr. INOUYE. Mr. President, I rise to pay tribute to Dr. Faye Glenn Abdellah, who is about to retire after 49 years of service to the Federal Government and the Nation. Dr. Abdellah is currently serving as the Founding Dean of the Graduate School of Nursing, GSN, Uniformed Services University of the Health Sciences, USUHS. It does not seem so long ago that the United States Senate recognized Dr. Abdellah's induction into the National Women's Hall of Fame in October of 2000 for a lifetime spent establishing and leading essential health care programs for our country.

I have had the privilege of knowing Dr. Abdellah for many years, and I would be remiss if I were to focus only on the last nine years of Dr. Abdellah's service as Dean of the GSN. Dr. Abdellah is a nurse, and educator, a researcher, and an internationally recognized leader in nursing. As the first nurse to hold the rank of Rear Admiral, Upper Half, and the title of Deputy Surgeon General of the United States, her incredible leadership abilities have resulted in many truly remarkable accomplishments. Her numerous achievements include: the development of the first tested coronary care unit, which saved thousands of lives, the authorship or co-authorship, of more than 152 publications, some of which have been translated into six languages and which have altered nursing theory and practice, and the receipt of almost 90 professional and academic honors and eleven honorary degrees, all recognizing her innovative work in nursing research and health care. She has the unique honor of being elected as a Charter Fellow of the American Academy of Nursing where she later served as the Academy's Vice President and President.

Dr. Abdellah was also the recipient of the prestigious Allied Signal Award in 1989 and the Institute of Medicine's Gustav O. Lienhard Award in 1992. In 1994, the American Academy of Nursing presented her with "The Living Legend" Award; in 1999, she was elected to the Hall of Fame for Distinguished Graduates and Scholars at Columbia University. On April 30, 2001, she received the "Breaking Ground in Women's Health Award" in Chicago, IL. Her military awards include: the Surgeon General's Medallion and Medal, two United States Public Health Service Distinguished Service Medals; the USUHS Distinguished Service and Meritorious Service Medals, the Secretary of the Department of Health Education and Welfare Distinguished Service Award, and two Founders Medals from the Association of Military Surgeons of the United States. Dr. Abdellah is renowned as an expert in health policies related to long-term care, mental retardation, the developmentally disabled, aging, hospice, and AIDS; her pioneering contributions have substantially and lastingly improved our Nation's health.

In 1993, the Congress directed the initiation of a demonstration program for the preparation of family nurse practitioners to meet the needs of the uniformed services. Of course, the individual who stepped forward to assist the USUHS President, James A. Zimble, M.D., Vice Admiral, Retired, was Dr. Abdellah. In the short time since its establishment, the USUHS Graduate School of Nursing has: recruited and retained a qualified faculty, successfully established curricula for two programs, identified accredited clinical practice sites and completed memoranda of understanding with 19 military treatment facilities, submitted self-studies and received full accreditation for the two GSN programs from three professional accrediting entities, received formal approval and permanent status on February 26, 1996, from Health Affairs, Office of the Secretary of Defense, initiated, implemented, and continuously reviewed the outcomes evaluation process for both academic programs, and has awarded 157 Masters of Science in Nursing Degrees to advanced practice nurse graduates through the Nurse Practitioner and Certified Registered Nurse Anesthesia Programs. All GSN graduates have passed their certification examinations, and 97 percent, of 152, of the GSN graduates remain on active duty.

One of the most successful and innovative programs between the Departments of Defense and Veterans Affairs is the Distance Learning Program established at the USUHS GSN. In 1999, the collaborative efforts of Dr. Abdellah with the Department of Veterans Affairs, VA, in the area of distance learning successfully demonstrated a cost-effective form of advanced education where nursing students can receive advanced training in critically-required specialty areas while maintaining their current positions at the VA medical centers. Twenty-six students, through a "virtual commencement exercise," graduated from the VA/DoD Distance Learning Program on May 18, 1999. The virtual graduation was broadcast from USUHS and linked with eight VA Medical Centers located across the United States, and all graduates were eligible to sit for the American Nurses Association Credentialing Examination for Adult Nurse Practitioners. This graduation marked the first virtual advanced-level graduation for either the VA or DoD. A second class, with students located in ten VA Medical Centers, graduated in May of 2001, for a total of 60 distance learning graduates. A third class is ongoing. The experience gained by both the GSN and the VA will allow future projects in distance learning to benefit from the lessons learned and the technologies tested during the twenty-month program.

I believe that the recent grant of full accreditation by the National League for Nursing Accrediting Commission, NLNAC, sums up Dr. Abdellah's successful leadership at the USUHS GSN. The accrediting commission pointed out in its summary findings to the University that the mission and philosophy of the USUHS GSN is grounded in the University's mission and in the mission of the Uniformed Services. The GSN curriculum is designed to be specific to the unique mission of military service nurses: to serve in times of war and peace. The GSN students expressed a clear understanding that the program keeps them connected to their mission and prepares them to function immediately after completing the program. The GSN is successfully preparing unique advanced practice nurses to deliver care for the Uniformed Services during disaster relief and humanitarian interventions and, by doing so, ensures military readiness.

As my friend Dr. Abdellah reaches the conclusion of her second career of service to our Nation, I take this opportunity to say, without reservation, thank you for all that you have done and will continue to do for our great nation. You may be assured that the Congress, the United States Public Health Service, the Department of Defense, and the Uniformed Services University of the Health Sciences take great pride in all of your accomplishments. Thank you for another job well done and for your tremendous dedication and love for our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of the national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2001.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2002.*

MESSAGE FROM THE HOUSE

At 5:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administrations and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and unites of local government with responsibility for the administration of Federal elections, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members to be the managers of the conference on the part of the House:

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. NEY, Mr. EHLERS, Mr. DOOLITTLE, Mr. REYNOLDS, Mr. HOYER, Mr. FATTAH, and Mr. DAVIS of Florida.

From the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill, and section 404 of the Senate amendments, and modifications committed to conference: Mr. STUMP, Mr. MCHUGH, and Mr. SKELTON.

From the Committee on the Judiciary, for consideration of sections 216, 221, and title IV sections 502, and 503 of the House bill, and sections 101, 102, 104, subtitles A, B, and C of title II, sections 311, 501, and 502 of the Senate amendments, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CHABOT, and Mr. CONYERS.

From the Committee on Science for consideration of sections 221-5, 241-3, 251-3, and 261 of the House bill, and section 101 of the Senate amendments, and modifications committed to conference: Mr. BOEHLERT, Mrs. MORELLA, and Mr. BARCIA.

That Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. BARCIA for consideration of sections 251-3 of the House bill, and modifications committed to conference.

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference: Mr. THOMAS, Mr. SHAW, and Mr. RANGEL.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4737. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4737. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

The Committee on Indian Affairs was discharged from the further consideration of the following title; which was referred to the Committee on Energy and Natural Resources:

S. 934. A bill to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribes to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes.

The following measure, having been reported from the Committee on the Judiciary, was referred to the Committee on Finance:

S. 848. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 4546. To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7074. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Significant Issues Raised in Finalizing Proposed Guidance on Changes in Annual Accounting Period" (Ann. 2002-53) received on May 13, 2002; to the Committee on Finance.

EC-7075. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Under Secretary for Enforcement, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC-7076. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role, a nomination, and a nomination confirmed for the position of Commissioner of Customs, Customs Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC-7077. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Commissioner of Customs, Customs Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC-7078. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant General Counsel (Treasury)/Chief Counsel, Internal Revenue Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC-7079. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination withdrawn for the position of Assistant General Counsel (Treasury)/Chief Counsel, Internal Revenue Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC-7080. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary (Financial Markets), Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7081. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary (Public Affairs), Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7082. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Treasurer of the United States, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7083. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Under Secretary for Domestic Finance, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7084. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7085. A communication from the Senior Attorney Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules and Procedures for Efficient Federal-State Funds Transfer" (31 CFR Part 205) received on May 10, 2002; to the Committee on Finance.

EC–7086. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Automatic Approval of Accounting Period Changes by Flowthrough Entities" (Rev. Proc. 2002–38) received on May 13, 2002; to the Committee on Finance.

EC–7087. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Prior Approval of Adoption, Change, or Retention of and Annual Accounting Period" (Rev. Proc. 2002–39) received on May 13, 2002; to the Committee on Finance.

EC–7088. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for Automatic Approval of Annual Accounting Period Changes by Corporations" (Rev. Proc. 2002–37) received on May 13, 2002; to the Committee on Finance.

EC–7089. A communication from the Executive Director, The District of Columbia Retirement Board, transmitting, pursuant to law, the report of financial disclosure statements for calendar year 2001; to the Committee on Governmental Affairs.

EC–7090. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Annual Report on the National Oceanographic Partnership Program for Fiscal Year 2002; to the Committee on Armed Services.

EC–7091. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 2001 through March 31, 2002; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–243. A engrossed resolution adopted by the Assembly of the State of Wisconsin relative to the authorization of funding for modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System; to the Committee on Environment and Public Works.

2001 ASSEMBLY RESOLUTION 56

Whereas, the state of Wisconsin borders or contains over 360 miles of the upper Mississippi River and 11 navigation locks and dams along those borders; and

Whereas, many of Wisconsin's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

Whereas, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300,000,000 tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, more than 60% of American agricultural exports, including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

Whereas, Wisconsin farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

Whereas, the upper Mississippi and Illinois rivers lock and dam system saves our nation more than $1.5 billion in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

Whereaas, according to the U.S. Army Corps of Engineers, congestion along the upper Mississippi and Illinois rivers is costing Wisconsin and other producers and consumers in the basin $98,000,000 per year in higher transportation costs; and

Whereas, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35% to 60% fewer pollutants than either trucks or trains, according to the U.S. Environmental Protection Agency; and

Whereas, moving away from river transport would add millions of trucks and railcars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

Whereas, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

Whereas, the lakes and 500 miles of wildlife refuge also support a one-billion-dollar per year recreational industry, including hunting, fishing, and tourism jobs; and

Whereas, upgrading the system of locks and dams on the upper Mississippi and Illinois rivers will provide 3,000 construction and related jobs over a 15-year to 20-year period; and

Whereas, in 1999 the state of Wisconsin shipped 1,100,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products; and

Whereas, 3,900,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products, were shipped to, from, and within Wisconsin by barge, representing $313,000,000 in value; and

Whereas, shippers moving by barge in Wisconsin realized a savings of approximately $40,000,000 compared to other transportation modes; and

Whereas, Wisconsin docks shipped products by barge to 6 states and received products from 11 states; and

Whereas, there are approximately 20 manufacturing facilities, terminals, and docks on the waterways of Wisconsin, representing thousand of jobs in the state; and

Whereas, the U.S. Army Corps of Engineers is conducting a collaborative navigation study of the economic and environmental factors to be considered when examining capital improvements to the upper Mississippi River system; and

Whereas, the navigation study will release initial results in a summer 2002 report; now, therefore,

Resolved by the assembly, That the Wisconsin assembly formally recognizes the upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits; and, be it further

Resolved, That the Wisconsin assembly recognizes the importance of timely modernization of the inland waterway transportation infrastructure to Wisconsin agriculture and industry in this state, the region, and the nation and, pending results of the navigation study, urges Congress to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois river system; and, be it further

Resolved, That the assembly chief clerk shall transmit copies of this resolution to the president and secretary of the U.S. senate, the speaker and clerk of the U.S. house of representatives, the chair of the senate committee on commerce, science, and transportation, the chair of the house committee on transportation and infrastructure, and the members of the congressional delegation from this state.

POM–244. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Death Tax; to the Committee on Finance.

SENATE RESOLUTION NO. 195

Whereas, Under tax relief legislation passed in 2001, the federal death tax was temporarily—not permanently—eliminated; and

Whereas, Women and minorities are very often owners of small and medium sized businesses, and the death tax prevents their children from reaping the rewards of a lifetime trying to make a better life; and

Whereas, Farmers will face losing their farms if the federal government resumes the heavy taxation of the estates of people who invested most of their earnings back into their farms; and

Whereas, Employees suffer when they lose their jobs because many small and medium sized businesses are liquidated to pay death taxes and because high capital costs depress the number of new businesses that could offer them a job; and

Whereas, If the federal estate tax had been repealed in 1996, over the next nine years the United States economy would have averaged as much as $11 billion per year in extra output, and an average of 145,000 new jobs would have been created; and

Whereas, the persistent uncertainty created by the sunset provision prevents families and small businesses from taking full advantage of the repeal; and

Whereas, Having passed both houses of the Congress of the United States, elimination of the death tax has proven to hold widespread bipartisan support; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to repeal permanently the federal death tax; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–245. A resolution adopted by the Board of Commissioners of Warren County, Georgia relative to a U.S. Postal stamp honoring the late Senator Tom Watson; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1209: A bill to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes..

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 268: A resolution designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 672: A bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 848: A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2179: A bill to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Christopher C. Conner, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Joy Flowers Conti, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

John E. Jones III, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2530. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 271. A resolution expressing the sense of the Senate regarding the effectiveness of the AMBER plan in responding to child abductions; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 318

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 326

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 454

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 672

At the request of Mr. LEAHY, his name and the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1140

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1383

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1383, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1554

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1554, a bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts.

S. 1572

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1686

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1839

At the request of Mrs. CLINTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2210

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. THOMAS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2428

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2440

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2440, a bill to designate the Department of Veterans Affairs medical and regional office center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center".

S. 2458

At the request of Mrs. HUTCHISON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 2489

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2489, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 2525

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 2525, a bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 258, a resolution urging Saudi Arabia to dissolve its "martyrs" fund and to refuse to support terrorism in any way.

S. RES. 267

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 267, a resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission.

S. RES. 270

At the request of Mr. CAMPBELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Ms. CANTWELL), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 107

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Con. Res. 107, a concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment," as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This "by-request" bill contains four sections, which amend existing sections or provisions of title 38. The first section would expand the Secretary of Veterans Affairs' authority to pay plot and interment allowances to State veterans cemeteries for all eligible peacetime veterans. Currently, the Secretary can only provide a plot allowance if the veteran served during wartime, was discharged for a service-connected disability, was receiving VA disability compensation or pension, or died in a VA facility. This amendment would facilitate States' participation in VA's State Cemeteries Grant Program, SCGP. Under the SCGP, VA pays for the construction of the cemetery, but the States bear the future maintenance costs. This provision would allow States to receive allowances for approximately 1,200 additional interments annually.

The second section of this bill would authorize the Secretary of Veterans Affairs to lease the undeveloped land and unused or underused buildings of the National Cemetery System and retain the proceeds from these leases, as well as agricultural licenses. The National Cemetery Administration, NCA, is endowed with thousands of acres of land, some of which is unused because it is not suitable for NCA development or has not yet been developed for NCA use. Currently, the NCA is authorized to issue limited-term agricultural licenses for these lands, and all profits must be deposited with the U.S. Treasury. However, some NCA land would be suitable for other purposes. This provision is meant to provide the Secretary with greater flexibility in using NCA lands to generate revenues, while allowing the NCA to become more self-sufficient by keeping profits within the administration.

The third section of this bill would modify amendments made by the Veterans' Claims Assistance Act of 2000, VCAA, which imposed a 1-year time limit for veterans to submit evidence—such as medical records—necessary to substantiate their claims for benefits. Prior to the enactment of the VCAA, a 1-year time limitation was imposed on information—such as complete contact information—necessary to complete a veteran's application for benefits. This provision was not included in the VCAA. The Secretary asserts that this requires VA to keep claims open indefinitely if they lack information for the application, while not allowing VA to make a payment on a claim that required the veteran to submit evidence to substantiate it, even if the claim could be granted on other grounds. This provision would reinstate the original time limitation on information for applications and rescind the current limitation on evidence to substantiate.

Section four of this bill would eliminate the reporting requirement on certain advance planning projects. Currently, VA cannot obligate more than $500,000 from its advance planning fund without submitting a report on the proposed obligation to both committees of Congress. However, VA argues that such reports are redundant for projects that have already been authorized by Congress, creating unnecessary and untimely delays. Accordingly, VA proposes that Congress eliminate this reporting requirement for already authorized projects.

Again, Mr. President, I submit this for the review and consideration of my colleagues at the request of the administration.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Programs Amendments Act of 2002".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. BURIAL PLOT ALLOWANCE.

(a) IN GENERAL.—Section 2303(b) is amended—

(1) in the matter preceding paragraph (1), by striking "a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war" and inserting "burial in a national cemetery under section 2402 of this title"; and

(2) in paragraph (2) by striking "(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)" and inserting "is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran".

(b) APPLICABILITY.—The amendments made by section 2(a) shall apply with respect to the burial of persons dying on or after the date of enactment of this Act.

SEC. 3. LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end thereof the following new section:

§2412. Lease of land and buildings; retention of proceeds.

"(a) The Secretary may lease for a term not exceeding 3 years undeveloped land and unused or underutilized buildings, or parts or parcels thereof, belonging to the United States and part of the National Cemetery System established by section 2400 of this title. Any lease made to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection or restoration by the lessee as a part or all of the consideration for the lease. Prior to execution of any such lease, the Secretary shall give appropriate public notice of the Secretary's intention to do so in the newspaper of the community in which the lands or buildings are located.

"(b) Notwithstanding any other provision of law, proceeds from the lease of National Cemetery land or buildings and from agricultural licenses shall be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 24 is amended by adding at the end thereof the following new item:

"2412. Lease of land and buildings; retention of proceeds.".

SEC. 4. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5102 is amended by adding at the end thereof the following new subsection:

"(c) TIME LIMITATION.—(1) If information that claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

"(2) This subsection shall not apply to any application or claim for Government life insurance benefits.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 5103 is amended—

(1) by striking "(a) REQUIRED INFORMATION AND EVIDENCE.—" ; and

(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 5. MODIFICATION OF LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.

Section 8104 is amended by adding at the end thereof the following new subsection:

"(g) Subsection (f) shall not apply with respect to the obligation of funds for a project if the project is specifically authorized by law prior to the obligation of funds.".

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am transmitting a draft bill, the "Veterans' Programs Amendments Act of 2002". I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

BURIAL PLOT ALLOWANCE

Section 2(a) of the draft bill would amend 38 U.S.C. §2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors.

Under current section 2303(b)(1), the Secretary of Veterans Affairs is authorized to pay to a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving Department of Veterans Affairs (VA) compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

This amendment would encourage state participation in the State Cemetery Grants Program (SCGP). In 1978, Congress established the SCGP to complement VA's national cemetery system by assisting states in providing burial plots for veterans in areas where existing national cemeteries cannot satisfy veterans' burial needs. State officials have indicated to VA that they consider future maintenance costs when deciding whether to pursue a state cemetery grant. To the extent that the amendment would help defray those maintenance costs and encourage states to establish veterans' cemeteries, it would make the benefit of burial in such a cemetery an accessible option for more veterans.

This amendment would allow states to receive plot allowance payments for approximately 1,200 additional interments annually. The costs associated with the enactment of this provision would be $360,000 for fiscal year (FY) 2003 and $3.6 million for the ten-year period from FY 2003 through FY 2012.

LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS

Section 3(a) of the bill would authorize the Secretary of Veterans Affairs to lease undeveloped acreage and unused and underutilized buildings of the National Cemetery System and to retain the proceeds from leases or agricultural licenses.

Land is the primary asset entrusted to the National Cemetery Administration (NCA), which currently maintains approximately 14,650 acres. Land dedicated for burial purposes is developed in ten-year increments using a "just-in-time" approach that carefully monitors depletion of gravesites, projected burial requirements and estimated timing for new construction activities. Additionally, certain sections of many national cemeteries are unsuitable for development into burial sections due to the presence of wetlands, rock outcroppings or sloped terrain. Acreage that is unsuitable for burial purposes and land not yet needed for development represents a significant underutilized asset.

Amending existing law to authorize NCA to enter into lease agreements would provide NCA with more flexibility in finding current uses for land that otherwise would remain idle until it was needed for development. It also would permit buildings that are currently not in use to be leased and by so doing, to be maintained by the lessee. This authority is similar to the lease authority given to the Veterans Health Administration (VHA).

NCA already has authority to execute limited-term agricultural licenses and has done so at certain national cemeteries. The license permits grazing, sod farming or planting rotational crops on unused acreage. These activities directly benefit the cemetery by keeping the land cleared, attractive and well maintained. However, receipts for the use of this land must be deposited with the U.S. Treasury. Additionally, NCA has historic lodges and other buildings that could generate revenue for the cemetery if NCA were able to retain the proceeds from leases.

The receipts retained by NCA would assist in maintaining national cemeteries. The money would be deposited in the National Cemetery Administration account to be used for grounds maintenance, e.g., mowing, trimming, and fertilizing, as well as building maintenance. The additional funds will help to maintain national cemeteries as shrines dedicated to our Nation's history, nurturing patriotism and honoring the service and sacrifice veterans have made on behalf of the United States.

We estimate that section 3 of the bill would generate annual proceeds of approximately $100,000.

TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION

Section 4(a) and (b) of the draft bill would make a technical correction to the statutory provisions created by the Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106–475, 114 Stat. 2096. Section 4(c) would make that correction effective as if enacted immediately after the VCAA.

Prior Law

Before the enactment of the VCAA, 38 U.S.C. §5103(a) required VA, if a claimant's application for benefits was incomplete, to notify the claimant of the evidence necessary to complete the application. Section 5103(a) further provided: "If such evidence is not received within one year from the date of such notification, no benefits may be paid or furnished by reason of such application."

In accordance with former section 5103(a), VA regulations provide that, if evidence requested in connection with a claim is not furnished within one year after the date of request, the claim will be considered abandoned. After the expiration of one year, VA will take no further action unless it receives a new claim. Furthermore, should the right to benefits be finally established, benefits based on such evidence would commence no earlier than the date the new claim was filed. 38 C.F.R. §3.158(a).

Before the enactment of the VCAA, title 38, United States Code, contained no provision requiring VA to notify a claimant of the evidence necessary to substantiate a claim.

Current Law

Section 3(a) of the VCAA struck former 38 U.S.C. §§5102 and 5103 and added new sections 5102 and 5103. 114 Stat. at 2096–97. Now section 5102(b) requires VA, if a claimant's application for a benefit is incomplete, to notify the claimant (and his or her representative, if any) of the information necessary to complete the application. Section 5102 contains no provision concerning a time limitation for the submission of information necessary to complete an application.

Now section 5103(a) requires VA, upon receipt of a complete or substantially complete application for benefits, to notify the claimant (and his or her representative, if any) of any information and evidence not previously provided to VA that is necessary to substantiate the claim. Furthermore, that notice must indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, VA will attempt to obtain on the claimant's behalf. Section 5103(b)(1) provides, in the case of information or evidence that the claimant is notified is to be provided by him or her, if VA does not receive such information or evidence within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

Implications

As a result of the amendments made by the VCAA, the statutory provision imposing a one-year limitation now relates to the substantiation of claims rather than to the completion of applications. We do not believe Congress intended this change from prior law. This change raises several potential problems.

Without a statutory limitation of one year to complete an application, VA no longer has a statutory basis for closing an application as abandoned. Thus, if a claimant were to submit an incomplete application for benefits, but not respond to VA's notice of the information necessary to complete it until many years later, the award of any benefit granted on the basis of that application would have to be effective from the date of the application, even though the claimant took no action to complete it for many years. Further, it appears that VA would be unauthorized to close or deny the claim based on the claimant's failure to respond. We do not believe Congress intended this result. Rather, we believe that the former one-year statutory limitation on the time available to complete an application should be restored.

The statutory limitation of one year to substantiate a claim also raises potential problems. One such problem is the possibility that courts will interpret the provision to preclude VA from deciding a claim until one year has expired from the date VA gives notice of the information and evidence necessary to substantiate the claim. Exactly that interpretation has been offered by several veterans' service organizations challenging VA's regulations implementing the VCAA. Under those regulations, as part of VA's notice under section 5103(a), VA will request the claimant to provide any evidence in the claimant's possession that pertains to the claim. We ask for the evidence within 30 days, but tell the claimant that one year is available to respond. If the claimant has not responded to the request within 30 days, VA may decide the claim before expiration of the one year, based on all the information and evidence contained in the file, including information and evidence it has obtained on the claimant's behalf. However, VA will have to readjudicate the claim if the claimant subsequently provides the information and evidence within one year of the date of the request. 38 C.F.R. §3.159(b)(1).

VA issued those rules "to allow for the timely processing of claims." 66 Fed. Reg. 17,834, 17,835 (2001). Once an application had been substantially completed, VA does not want to have to wait one year to decide the claim, given the large backlog of claims awaiting adjudication by VA and the Secretary's commitment to reducing the backlog and shortening the time VA takes to adjudicate claims. What VA considers to be Congress' inadvertent moving of the one–year limitation from the provision relating to completion of applications to the provision relating to the substantiation of claims could impede VA's efforts to improve service to veterans. VA doubts that Congress intended to require VA, after requesting evidence from a claimant, to keep the claim open and pending for a full year if the claimant has not yet responded.

Furthermore, section 5103(b)(1)'s clear and unambiguous language appears to prohibit the payment of benefits even though VA could allow a claim. For example, VA might be able to allow a claim on the basis of evidence VA obtained on the claimant's behalf, even though the claimant has not provided the evidence requested of him or her. Or VA might find clear and unmistakable error in a prior denial and need to grant benefits on the claim that was erroneously denied. Yet section 5103(b)(1) prohibits the payment or furnishing of any benefit if VA does not receive within one year the information or evidence the claimant is to provide according to VA's notice. Surely, Congress did not intend such a result.

Finally, some of VA's pro-veteran regulations will have to be changed unless the one–year time limitation is removed from section 5103. For example, 38 C.F.R. §20.1304(a) permits an appellant to submit additional evidence during the 90 days following notice that an appeal has been certified to the Board of Veterans' Appeals and the appellate record has been transferred to the Board. That 90–day period may extend beyond the one–year period following notice of the information and evidence necessary to substantiate the claim given under section 5103(a), in which case it would conflict with the statutory mandate that "no benefit may be paid or furnished by reason of the claimant's application" if VA does not receive the evidence within one year from the date of the section 5103(a) notice. Another potentially conflicting regulation is 38 C.F.R. §3.156(b), which deems new and material evidence received before expiration of the one-year appeal period (beginning when notice of the decision on a claim is sent) or before an appellate decision is made if a timely appeal is filed to have been filed in connection with the claim pending at the beginning of the appeal period. Because the one–year appeal period necessarily extends beyond the one-year substantiation period, the regulation authorizes the grant of benefits based on evidence not timely received under section 5103(b), contrary to the statutory mandate.

Accordingly, we propose a technical amendment to sections 5102 and 5103 that would prevent these problems. Our draft bill would restore the one-year limitation to section 5102 and remove it from section 5103. It would make these technical amendments effective as if enacted immediately after the VCAA.

LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING

Section 5 of the bill would eliminate the limitation on certain obligations for advance planning.

Section 8104(f) of title 38, United States Code, currently provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advance Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation, and a period of 30 days has passed after the date the committees have received the report.

The reporting requirement was established to ensure that the VA committees were knowledgeable of VA project development activities. At present, these committees participate in the authorization process and, as a result, are knowledgeable of the projects that have already been authorized by Congress. However, because the reporting requirement still applies to projects that have already been authorized by Congress, the Secretary is precluded from funding these projects until after a report is submitted to the committees and the 30–day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress.

The proposed legislation would eliminate the limitation only for those projects that have already been authorized by Congress in accordance with 38 U.S.C. §8104(2). Consequently, the elimination of this limitation would remove the duplication of effort on the part of VA and Congress.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress.

Sincerely yours,

ANTHONY J. PRINCIPI.

Enclosure.

SECTION-BY-SECTION ANALYSIS

DRAFT BILL: "VETERANS' PROGRAMS AMENDMENTS ACT OF 2002"

Section 1. Short Title; References to Title 38, United States Code

Section 1(a) would state the short title to the Act: the Veterans' Programs Amendments Act of 2002. Section 1(b) would provide that all amendments made by the Act, unless otherwise specified, are to a section or other provision of title 38, United States Code.

Section 2. Burial Plot Allowance

Section 2(a) would amend 38 U.S.C. 2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors. Currently, section 2303(b)(1) authorizes VA to pay a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving VA compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

Section 2(b) would make the amendments made by subsection (a) applicable to burial of persons dying on or after the date of the Act's enactment.

Section 3. Lease of Land and Buildings; Retention of Proceeds

Section 3(a) would add to Chapter 24 of title 38, United States Code, new section 2412. Section 2412(a) would authorize the Secretary of Veterans Affairs to lease, for a term not to exceed 3 years, undeveloped land and unused or underutilized buildings, or parts or parcels thereof, of the National Cemetery System. This authority would mirror the Secretary's authority in section 8122 of title 38, to lease land or buildings at a VA medical facility. A lease made to a public or nonprofit organization can be made without regard to the advertising requirements of section 5 of title 41, United States Code, and it can provide for the public or nonprofit to maintain, protect or restore the property in lieu of monetary consideration. Section 2421(b) would authorize the proceeds generated by the lease or the proceeds received from an agricultural license to be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.

Section 3(b) would add to the table of contents at the beginning of chapter 24 a new item to reflect the addition of section 2412.

Section 4. Time Limitation on Receipt of Claim Information Pursuant to Request by Department of Veterans Affairs

Section 4(a) and (b) would remove a time limitation from 38 U.S.C. §5103 and restore it to 38 U.S.C. §5102. The provision, currently in section 5103(b), prohibits VA from paying or furnishing any benefit by reason of an application if VA has not received certain information and evidence within one year of notifying the claimant that the information and evidence is necessary to substantiate the claim and that the claimant is to provide them. If moved to section 5102, the provision would prohibit VA from paying or furnishing any benefit by reason of an application if VA has not received certain information within one year of notifying the claimant that the information is necessary to complete the application.

Section 4(c) would make the amendments made by subsections (a) and (b) effective as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000, Pub. L. No. 106-475, 114 Stat. 2096.

Section 5. Modification of Limitation on Obligations for Advanced Planning

Section 5 would add to the end of section 8104 of title 38, United States Code, a new subsection (g) eliminating a limitation on the obligation of funds from the Advance Planning Fund for certain projects. At present, 38 U.S.C. §8104(f) provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advanced Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation and a period of 30 days has passed after the date the committees have received the report. The reporting requirement applies to projects that have already been authorized by Congress, and the Secretary is therefore precluded from funding these projects until after a report is submitted to the Committees and the 30-day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress. Elimination of this limitation, as contemplated by section 5, would remove duplication of effort on the part of VA and Congress for those projects that have been authorized in accordance with title 38 U.S.C. §8104.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to provide health care coverage under the Federal Employees Health Benefits Program, FEHBP, to individuals enrolled in a health care plan administered by the Overseas Private Investment Corporation, OPIC. I am pleased to be joined by my good friend Senator COCHRAN in this endeavor.

In the 1980s, a number of Federal banking-related agencies—including OPIC, the Office of Comptroller of the Currency, the Office of Thrift Supervision, and the Farm Credit Administration—established separate health insurance plans outside the FEHBP. The agencies were able to offer enhanced benefits at significantly lower costs because of the demographics of their workforce. However, increasing health care costs, an aging workforce, and an overall reduction in the Federal workforce has made it economically impractical for these agencies to maintain their separate programs. As a result, all of these agencies, except OPIC, discontinued their separate programs through legislation and transferred their employees to the FEHBP. Legislative action is needed because current law requires that Federal employees participate in a FEHBP plan for the 5 years prior to retirement in order to retain coverage after retirement.

OPIC established its separate program in 1982 and discontinued offering the plan to new employees on January 1, 1995. There are 21 retirees and 18 near-retirees who would be affected by the change. Due to the large costs involved in covering retirees in the FEHBP, OPIC would be required to pay the employees health benefits fund for the benefits provided by this legislation. OPIC has agreed to pay this amount from its existing appropriated resources. It is estimated that OPIC will save approximately $300,000 per year in premiums when the transfer occurs.

I ask my colleagues to support this legislation and for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, on June 30, 2002, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after June 30, 2002.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, on June 30, 2002, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after June 30, 2002.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, on June 30, 2002, is covered as an unmarried dependent child under a health benefits plan administered by the Overseas Private Investment Corporation and who is not a member of the family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on June 30, 2002, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after June 30, 2002.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the

Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the National Drought Preparedness Act of 2002. Severe droughts are not solely the curse of the Southwest. Lately, it has been apparent that every region in the United States can be hit by drought. We have certainly experienced our share of drought in the Southwest, but we have also seen the phenomenon occur in the Pacific Northwest, California, the Great Basin States, and this year in Maryland, Virginia, Pennsylvania, and Delaware. According to the recent Drought Monitor, a joint production of the National Drought Mitigation Center, USDA, NOAA, and the Climate Prediction Center, nearly a third of the United States is currently in a moderate to extreme drought.

Currently, the State of New Mexico and much of the Rocky Mountain States are near or below 50 percent of normal based on low snow pack. Along the east coast, precipitation in many places is 8–20 inches below normal over the last year.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. If we find ourselves facing a drought, towns could be scrambling to drill new water wells, fire could sweep across bone dry forests and farmers, and ranchers could be forced to watch their way of life blow away with the dust. We must be vigilant and prepare ourselves for quick action when the next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I propose that this bill is the exact tool needed for facilitating better planning.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

While drought affects the economic and environmental well-being of the entire Nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly as is the case with other natural disasters.

In 1996, every part of New Mexico suffered from severe drought. As a result, I convened a special Multi-State Drought Task Force of Federal, State, local, and tribal emergency management agencies to coordinate efforts to respond to drought. The task force was headed up by the Federal Emergency Management Agency, and included every Federal agency that has programs designed to deal with drought. The task force found that although the Federal Government has many drought-related programs on the books, the real problem is that there is no integrated, coordinated system of implementing those programs.

With the recommendations from the Western Governors' Association, the National Governors' Association, and the Multi-State Drought Task Force, I introduced the National Drought Policy Act of 1997. This piece of legislation, which was signed into law, was the first step toward establishing a coherent, effective national drought policy. The legislation created a commission comprised of representatives of those Federal, State, local, and tribal agencies and organizations most involved in drought issues. The bill further charged the commission with providing recommendations on a permanent and systematic federal process to address this particular type of devastating natural disaster.

The commission included representatives from USDA, Interior, the Army, FEMA, SBA and Commerce—all agencies with current drought-related programs. The commission also included non-Federal members such as representatives from the National Governors' Association, the U.S. Conference of Mayors, and four persons representing those groups that are always hardest hit by drought emergencies.

The commission was charged with determining what needs existed on the Federal, State, local, and tribal levels with regard to drought; reviewing existing drought programs; and determining what gaps exist between the needs of drought victims and those programs currently designed to deal with drought. Finally, the commission was charged with making recommendations on how Federal drought laws and programs could be better integrated into a comprehensive national drought policy.

Ultimately, the commission concluded that "we must adopt a forward-looking stance to reduce this nation's vulnerability to the impacts of drought. Preparedness—including drought planning, plan implementation, proactive mitigation, risk management, resource stewardship, consideration of environmental concerns, and public education—must become the cornerstone of national drought policy." The guiding principles of drought policy should be one, favoring preparedness over insurance, insurance over relief, and incentives over regulation; two, setting research priorities based on the potential of the research results to reduce drought impacts; and three, coordinating the delivery of Federal services through cooperation and collaboration with non-Federal entities.

I am pleased to be following through on what I started in 1997. The bill that I am introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

The National Drought Preparedness Act of 2002 does the following: It creates national policy for drought. This will hopefully move the country away from the costly, ad-hoc, response-oriented approach to drought, and move us toward a pro-active, preparedness approach. The new national policy would provide the tools and focus, similar to the Stafford Act, for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

The bill would improve delivery of Federal drought programs. This would ensure improved program delivery, integration, and leadership. To achieve this intended purpose, the bill establishes the National Drought Council, designating USDA as the lead Federal agency. The council and USDA would provide the coordinating and integrating function for Federal drought programs, much like FEMA provides that function for other natural disasters under the Stafford Act.

The act will provide new tools for drought preparedness planning. Building on existing policy and planning processes, the bill would assist States, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate State and local planning, but is intended to facilitate plan development and implementation through establishment of the drought assistance fund.

The bill would improve forecasting and monitoring by facilitating the development of the National Drought Monitoring Network in order to improve the characterization of current drought conditions and the forecasting of future droughts. Ultimately, this would provide a better basis to trigger Federal drought assistance.

Finally, the bill would authorize FEMA to provide reimbursement to States for reasonable staging and prepositioning costs when there is a threat of a wildfire.

Mr. President I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Drought Preparedness Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

Sec. 101. Membership and voting.
Sec. 102. Duties of the Council.
Sec. 103. Powers of the Council.
Sec. 104. Council personnel matters.
Sec. 105. Authorization of appropriations.
Sec. 106. Termination of Council.

Subtitle B—National Office of Drought Preparedness

Sec. 111. Establishment.
Sec. 112. Director of the Office.
Sec. 113. Detail of government employees.

Subtitle C—Drought Preparedness Plans

Sec. 121. Drought Assistance Fund.
Sec. 122. Drought preparedness plans.
Sec. 123. Federal plans.
Sec. 124. State and tribal plans.
Sec. 125. Regional and local plans.
Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

SEC. 2. FINDINGS.

Congress finds that—

(1) regional drought disasters in the United States cause serious economic and environmental losses, yet there is no national policy to ensure an integrated and coordinated Federal strategy to prepare for, mitigate, or respond to such losses;

(2) State, tribal, and local governments have to coordinate efforts with each Federal agency involved in drought monitoring, planning, mitigation, and response;

(3) effective drought monitoring—

(A) is a critical component of drought preparedness and mitigation; and

(B) requires a comprehensive, integrated national program that is capable of providing reliable, accessible, and timely information to persons involved in drought planning, mitigation, and response activities;

(4) the National Drought Policy Commission was established in 1998 to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

(5) according to the report issued by the National Drought Policy Commission in May 2000, the guiding principles of national drought policy should be—

(A) to favor preparedness over insurance, insurance over relief, and incentives over regulation;

(B) to establish research priorities based on the potential of the research to reduce drought impacts;

(C) to coordinate the delivery of Federal services through collaboration with State and local governments and other non-Federal entities; and

(D) to improve collaboration among scientists and managers; and

(6) the National Drought Council, in coordination with Federal agencies and State, tribal, and local governments, should provide the necessary direction, coordination, guidance, and assistance in developing a comprehensive drought preparedness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the National Drought Council established by section 101(a).

(2) CRITICAL SERVICE PROVIDER.—The term "critical service provider" means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term "Director" means the Director of the Federal Emergency Management Agency.

(4) DIRECTOR OF THE OFFICE.—The term "Director of the Office" means the Director of the Office appointed under section 112(a).

(5) DROUGHT.—The term "drought" means a major natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(6) FUND.—The term "Fund" means the Drought Assistance Fund established by section 121(a).

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) MITIGATION.—The term "mitigation" means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NATIONAL DROUGHT MONITORING NETWORK.—The term "National Drought Monitoring Network" means a comprehensive network that collects and integrates information on the key indicators of drought, including stream flow, ground water levels, reservoir levels, soil moisture, snow pack, climate (including precipitation and temperature), and forecasts, in order to make usable, reliable, and timely assessments of drought, including the severity of drought.

(10) NEIGHBORING COUNTRY.—The term "neighboring country" means Canada and Mexico.

(11) OFFICE.—The term "Office" means the National Office of Drought Preparedness established under section 111.

(12) TRIGGER.—The term "trigger" means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

SEC. 4. EFFECT OF ACT.

This Act does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

SEC. 101. MEMBERSHIP AND VOTING.

(a) IN GENERAL.—There is established a council to be known as the "National Drought Council".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) the Director;

(B) the Secretary of the Interior;

(C) the Secretary of the Army;

(D) the Secretary of Agriculture;

(E) 4 members appointed by the Federal cochair appointed under subsection (f), in coordination with the National Governors Association, of whom—

(i) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region I, II, or III;

(ii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region IV or VI;

(iii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region V or VII; and

(iv) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region VIII, IX, or X;

(F) 1 member appointed by the Federal cochair, in coordination with the National Association of Counties;

(G) 1 member appointed by the Federal cochair, in coordination with the United States Conference of Mayors;

(H) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(I) 1 member appointed by the Secretary of Agriculture, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(2) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member of the Council shall be appointed for a term of 2 years.

(2) VACANCIES.—A vacancy on the Council—

(A) shall not affect the powers of the Council; and

(B) shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(2) FREQUENCY.—The Council shall meet at least semiannually.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(f) CO-CHAIRS.—

(1) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(2) APPOINTMENT.—

(A) FEDERAL CO-CHAIR.—The Director shall be Federal co-chair.

(B) NON-FEDERAL CO-CHAIR.—The Council members appointed under subparagraphs (E) through (I) of subsection (b)(1) shall select a non-Federal co-chair from among the members appointed under those subparagraphs.

(g) DIRECTOR OF THE OFFICE.—

(1) IN GENERAL.—The Director of the Office shall serve as Director of the Council.

(2) DUTIES.—The Director of the Office shall serve the interests of all members of the Council.

SEC. 102. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall—

(1) not later than 1 year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(A)(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(B) is consistent with—

(i) this Act and other applicable Federal laws; and

(ii) the laws and policies of the States for water management;

(C) is integrated with drought management programs of the States, Indian tribes, local governments, and private entities; and

(D) avoids duplicating Federal, State, tribal, local, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(2) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(A) discrepancies between the goals of the programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere with the effective operation of the programs;

(3) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(A) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(B) improving the consistency and fairness of assistance among Federal drought relief programs;

(4) coordinate and prioritize specific activities that will improve the National Drought Monitoring Network by—

(A) taking into consideration the limited resources for—

(i) drought monitoring, prediction, and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of an effective drought information delivery system that—

(i) communicates drought conditions and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the Federal, regional, State, tribal, and local levels of government that reflect regional and State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

(6) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(A) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(B) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(C) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks; and

(D) information on State and local laws applicable to drought; and

(8) establish operating procedures for the Council.

(b) CONSULTATION.—In carrying out this section, the Council shall consult with groups affected by drought emergencies, including groups that represent—

(1) agricultural production, wildlife, and fishery interests;

(2) forestry and fire management interests;

(3) the credit community;

(4) rural and urban water associations;

(5) environmental interests;

(6) engineering and construction interests; and

(7) the portion of the science community that is concerned with drought and climatology.

(c) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this title.

(B) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans completed under sections 123 through 125.

(ii) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council under paragraph (2) or (3) of subsection (a).

(2) FINAL REPORT.—Not later than 7 years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(A) amendments to this Act; and

(B) whether the Council should continue.

SEC. 103. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on request of the Federal co-chair or non-Federal co-chair, the head of a Federal agency may provide information to the Council.

(B) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) FEDERAL FACILITIES.—If the Council proposes the use of a Federal facility for the purposes of carrying out this title, the Council shall solicit and consider the input of the Federal agency with jurisdiction over the facility.

SEC. 104. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2003 through 2010.

SEC. 106. TERMINATION OF COUNCIL.

The Council shall terminate 8 years after the date of enactment of this Act.

Subtitle B—National Office of Drought Preparedness

SEC. 111. ESTABLISHMENT.

The Director shall establish directly under the Director an office to be known as the "National Office of Drought Preparedness" to provide assistance to the Council in carrying out this title.

SEC. 112. DIRECTOR OF THE OFFICE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director of the Office shall be a person who has experience in—

(A) public administration; and

(B) drought mitigation or drought management.

(b) POWERS.—The Director of the Office may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

SEC. 113. DETAIL OF GOVERNMENT EMPLOYEES.

(a) In General.—An employee of the Federal Government may be detailed to the Office without reimbursement, unless the Federal co-chair, on the recommendation of the Director of the Office, determines that reimbursement is appropriate.

(b) Civil Service Status.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

Subtitle C—Drought Preparedness Plans

SEC. 121. DROUGHT ASSISTANCE FUND.

(a) Establishment.—There is established within the Federal Emergency Management Agency a fund to be known as the "Drought Assistance Fund".

(b) Purpose.—The Fund shall be used to pay the costs of—

(1) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, and critical service providers for the development and implementation of drought preparedness plans under sections 123 through 125;

(2) providing to States, Indian tribes, local governments, and critical service providers the Federal share, as determined by the Federal co-chair, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(3) assisting States, Indian tribes, local governments, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought;

(4) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques;

(5) developing post-drought evaluations and recommendations; and

(6) supplementing, if necessary, the costs of implementing actions under section 102(a)(4).

(c) Guidelines.—

(1) In general.—The Federal co-chair of the Council shall, in consultation with other members of the Council, promulgate guidelines implementing this section.

(2) Requirements.—The guidelines shall—

(A) ensure the distribution of amounts from the Fund within a reasonable period of time;

(B) take into consideration regional differences; and

(C) prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes described in subsection (b).

SEC. 122. DROUGHT PREPAREDNESS PLANS.

(a) In General.—The Director, in consultation with the Council, shall publish guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, and critical service providers for the development, maintenance, and implementation of drought preparedness plans.

(b) Requirements.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

SEC. 123. FEDERAL PLANS.

(a) In General.—The Director, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Army, and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(b) Requirements.—The Federal plans—

(1) shall be integrated with each other;

(2) may be included as components of other Federal planning requirements;

(3) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(4) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 124. STATE AND TRIBAL PLANS.

States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments and regional water providers may develop and implement drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with corresponding State plans.

SEC. 126. PLAN ELEMENTS.

The drought preparedness plans developed under sections 123 through 125—

(1) shall be consistent with Federal and State laws, contracts, and policies;

(2) shall allow each State to continue to manage water and wildlife in the State;

(3) shall address the health, safety, and economic interests of those persons directly affected by drought;

(4) may include—

(A) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(B) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(C) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(D) provisions for periodic drought exercises, revisions, and updates;

(E) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(F) drought triggers;

(G) specific implementation actions for droughts;

(H) a water shortage allocation plan, consistent with State water law; and

(I) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(5) shall take into consideration—

(A) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(B) economic impacts from water shortages.

TITLE II—WILDFIRE SUPPRESSION

SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

"(a) Findings and Purpose.—

"(1) Findings.—Congress finds that—

"(A) droughts increase the risk of catastrophic wildfires that—

"(i) drastically alter and otherwise adversely affect the landscape for communities and the environment;

"(ii) because of the potential of such wildfires to overwhelm State wildfire suppression resources, require a coordinated response among States, Federal agencies, and neighboring countries; and

"(iii) result in billions of dollars in losses each year;

"(B) the Federal Government must, to the maximum extent practicable, prevent and suppress such catastrophic wildfires to protect human life and property;

"(C) not taking into account State, local, and private wildfire suppression costs, during the period of 1996 through 2000, the Federal Government expended over $630,000,000 per year for wildfire suppression costs;

"(D) it is more cost-effective to prevent wildfires by prepositioning wildfire fighting resources to catch flare-ups than to commit millions of dollars to respond to large uncontrollable fires; and

"(E) it is in the best interest of the United States to invest in catastrophic wildfire prevention and mitigation by easing the financial burden of prepositioning wildfire suppression resources.

"(2) Purpose.—The purpose of this section is to encourage the mitigation and prevention of wildfires by providing financial assistance to States for prepositioning of wildfire suppression resources.

"(b) Authorization.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may reimburse a State for the cost of prepositioning wildfire suppression resources on potential multiple and large fire complexes when the Director determines, in accordance with national and regional severity indices of the Forest Service, that a wildfire event poses a threat to life and property in the area.

"(c) Eligibility.—Wildfire suppression resources of the Federal Government, neighboring countries, and any State other than the State requesting assistance are eligible for reimbursement under this section.

"(d) Reimbursement.—

"(1) In general.—The Director may reimburse a State for the costs of prepositioning of wildfire suppression resources of the entities specified in subsection (c), including mobilization to, and demobilization from, the staging or prepositioning area.

"(2) Requirements.—For a State to receive reimbursement under paragraph (1)—

"(A) any resource provided by an entity specified in subsection (c) shall have been specifically requested by the State seeking reimbursement; and

"(B) staging or prepositioning costs—

"(i) shall be expended during the approved prepositioning period; and "(ii) shall be reasonable.".

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators THOMAS, MURKOWSKI, TORRICELLI, HARKIN, CLINTON, and JOHNSON entitled "The Medicare Incentive Payment Program Improvement Act of 2002" is designed to improve the flow of needed bonus payments to physicians serving Medicare patients in health professions shortage areas, HPSA.

In my own State the flight of physicians from underserved areas has affected both primary care and specialty services alike. In many areas the shortages of specialists exceeds that of primary care physicians. The New Mexico Health Policy Commission reported in its year 2000 report that 22 percent of residents in Los Alamos and Santa Fe were unable to receive needed specialist care.

With only 170 physicians per 100,000 people, New Mexico ranks well behind the national average with regard to primary care and specialist physicians. The physician shortage problem is further compounded by the disproportionate decline in physicians from rural and underserved areas.

New Mexico, like many States, has a growing proportion of its rural population becoming older and sicker. According to the latest census, over 20 million of our citizens live in physician shortage areas.

Lack of adequate reimbursement, in the face of increasing costs, is a critical factor leading to the shortage of physician services in HPSAs. Physicians flee rural and shortage areas for many reasons including inadequate reimbursement, family hardships and quality-of-life issues. Although it is beyond our scope to address all these issues, we can fix the reimbursement component.

The Medicare Incentive Payment Program, MIPP, created by the Omnibus Budget Reconciliation Act of 1987, was meant to assist physicians in defraying the higher costs and burdens of serving Medicare patients in shortage areas. These 10 percent "bonuses" are an essential component in our ongoing effort to ensure Medicare beneficiaries access to medical services.

Unfortunately the Medicare Incentive Payment Program has fared poorly, with few providers choosing to receive the payments. In fact, the total annual physician payments have never exceeded $100 million because of a series of disincentives in the legislation.

The program requires a provider to do a number of things to obtain the bonus payments. First, providers must be aware that NIPP payments are available to them. Many providers are unaware of the program's existence. Next, physicians must find out if the patient's medical care occurred in a shortage area. Following this a unique code must be attached to the Medicare claim, which is then forwarded to the carrier. Finally, after all these steps, providers are subjected to automatic Medicare audits, just for accepting these payments.

Providers committed to serving Medicare patients in underserved areas deserve the support assured by the original legislation's intent.

The Medicare Incentive Payment Improvement Act of 2002 addresses and improves shortcomings in the original legislation by: placing the burden for determining the bonus eligibility on the Medicare carrier; eliminating automatic provider audits; directing the Center for Medicare and Medicaid Services to establish a Medicare incentive payment program educational program for providers; establishing an ongoing analysis of the programs' ability to improve Medicare beneficiaries access to physician services; continue to provide the original 10 percent add-on bonus for Part B physician payments in health provider shortage areas.

Medicare carriers are the logical arbiters to determine whether physician services occurred in a shortage area. Physicians, already overworked, lack sufficient time, resources, and training to research and determine whether a service was provided in a HPSA. By placing the responsibility on carriers, with their sophisticated information systems, the physician's administrative burdens will be reduced.

The automatic audits triggered by this program, costly, time intensive, and unwarranted, will be lifted under our legislation. By placing the responsibility on carriers to determine payment eligibility the need for provider audits is eliminated.

While the MIPP program is intended to improve beneficiaries' access to physician services, there is no measure of the program's effect on physician availability. The legislation offered today directs CMS, to perform, as ongoing analysis, whether these payments actually do improve beneficiaries access to physician services.

I believe these improvements, in addition to others listed above, will greatly improve patient's access to care.

The following organizations have expressed their support for this legislation: American College of Physicians/American Society of Internal Medicine, the American Academy of Family Physicians and the American Geriatrics Society.

Mr. President, I ask unanimous consent that a fact sheet, letters of support, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Incentive Payment Program Improvement Act of 2002".

SEC. 2. PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.

Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).".

SEC. 3. EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.

The Secretary of Health and Human Services shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)).

SEC. 4. ONGOING STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.

(a) ONGOING STUDY.—The Secretary of Health and Human Services shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)). Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) as a health professional shortage area to physicians' services under the medicare program.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

THE MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENT ACT OF 2002—FACT SHEET

The proposed legislation by Sen. Jeff Bingaman (D–NM) will improve the flow of needed bonus payments to physicians serving Medicare beneficiaries in Health Professions Shortage Areas (HPSA's). These providers care for patients under difficult circumstances without the financial or infrastructure resources of their colleagues practicing in non-shortage areas.

The Act streamlines the flow of a 10% bonus payment for all part-B physicians services provided in geographic HPSA's. In addition, the legislation further improves the existing Medicare Incentive Payment Program by reducing the administrative burden to providers and providing an educational program.

The Medicare Incentive Payment Program was initially created and later modified under the Omnibus Budget Reconciliation Acts of 1987 and 1989. The program has fared poorly with little uptake by providers. Total payments fell following the 1997 Balanced Budget Amendment with total payments of $100 million in 1996 and $90 million in 1997.

The present program requires a provider to have knowledge of and perform a number of items in order to obtain the payment.

Have knowledge the program exists. Many providers are unaware of the bonuses.

Determine if the patient encounter took place in a geographic HPSA.

Attach the proper modifier to the claim.

Undergo a stringent audit process by the intermediary. This risk alone deters many providers from participation.

The MIP program although sound in concept has proven difficult to execute. In order for the programs initial goals to be fully realized it must be utilized, i.e., payment to providers serving Medicare beneficiary's in geographic HPSA's

The Medicare Incentive Program Improvment Act of 2002 will:

Continue to provide the 10% add on bonus to all Part-B payments in Geographic HPSA's.

Place the responsibility for determining bonus eligibility on the Medicare carrier.

Eliminate the audit burden.

Call for the Center for Medicare and Medicaid Services to establish a MIP Educational Program for providers.

Establish an ongoing analysis of the programs ability to improve Medicare's patient's access to physician services.

ACP-ASIM,
April 17, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the American College of Physicians-American Society of Internal Medicine (ACP-ASIM), we wish to extend our support for your draft Medicare Incentive Payment (MIP) Program legislation. ACP-ASIM—represents 115,000 physicians and medical students—is the largest medical specialty society and second largest physician organization in the United States. Internists provide care to more Medicare patients than any other physician specialty.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seeks to improve the existing MIP Program by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. In addition, we support provisions in the proposal that require the Center for Medicare and Medicaid Services (CMS) to establish a MIP educational program for providers, and also establish initiatives that provide an analysis of the programs ability to improve Medicare beneficiary's access to physician services. We hope these initiatives will provide needed incentives to recruit and retain physicians into shortage areas.

While we support the draft MIP legislation, we are concerned that unless Congress fixes the overall physician payment update formula within the Medicare program, a 10 percent bonus of a declining payment will not solve the problem of physicians providing services to patients in HPSA. Therefore, we hope you will continue to be supportive of a legislative solution to replace the seriously flawed formula in current law for updating the Medicare physician fee schedule, and base annual updates on changes in physicians' input prices as has been recommended by the Medicare Payment Advisory Commission in its March 1 Report to Congress. If left in place, the current update methodology, tied to the performance of the overall economy, will lower Medicare payments for physician services by 28.1 percent in real terms by 2005.

Thank you again, Senator Bingaman for your continued leadership to the present and future viability of the Medicare program.

Sincerely,
SARA E. WALKER,
President.

THE AMERICAN GERIATRICS SOCIETY,
May 16, 2002.

The Hon. JEFF BINGAMAN,
United States Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health care professionals who are specially trained in the management of care for frail, chronically ill older patients, extends our support for your draft Medicare Incentive Payment (MIP) Program legislation.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in Geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seek to improve the existing MIP by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. Finally, we support provision that would improve our ability to provide Medicare beneficiary access to physician services under the MIP Program.

We look forward to working with you on this and other important Medicare initiatives during this Congress. If you should have comments or questions on this letter, please contact Susan Emmer in our Washington office at 301–320–3873.

Sincerely,
KENNETH BRUMMEL-SMITH, MD,
President.

AMERICAN ACADEMY OF
FAMILY PHYSICIANS,
May 16, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The American Academy of Family Physicians and its 93,500 members nationwide commend you for introducing the "Medicare Incentive Payment Program Improvement Act of 2002." This bill would make any physician practicing in a Health Professional Shortage Area (HPSA) eligible for a ten-percent bonus. The bill would also charge the Secretary of Health and Human Services to conduct an ongoing program to provide education to physicians on the Medicare Incentive Payment (MIP) program. The Secretary would also be directed to conduct an ongoing study of the MIP program, which shall focus on whether such a program increases the access to physicians' services for those Medicare beneficiaries who reside in a HPSA.

Created in 1989, the MIP program provides bonus payments to physicians who practice in HPSAs in an effort to entice more physicians to those areas. According to a Medicare Payment Advisory Commission (MedPAC) report dated June 2001, a recent decline in the bonus payments to physicians has caused concern that several aspects of the program design are compromising its effectivess.

For example, currently the MIP ten-percent bonus is paid to physicians practicing in HPSAs only upon submission of the claim form with a special coding modifier attached to each service identified. Since the bonus payment is predicated upon the use of this special coding modifier, and since, due to the inherent instability of the HPSA designation, physicians cannot always be certain if they are practicing in a shortage area, the use of the MIP has been less than expected.

In 1996, 75 percent of participating rural physicians, or about 18,700 doctors, received less than $1,520 each in bonus payments for the year. In addition to the complexities described above, the low level of payments may be attributable to carriers being required to review claims of physicians who receive the largest bonus payments. A 1999 study by the Health Care Financing Administration (HCFA) suggested this policy may discourage physicians from applying for the MIP program. More importantly, a 1999 General Accounting Office (GAO) report suggested the ten-percent bonus payments may be insufficient to have a significant influence on recruitment or retention of primary care physicians.

The American Academy of Family Physicians urges Congress to pass the "Medicare Incentive Payment Program Improvement Act of 2002," which would make any physician practicing in a HPSA automatically eligible for the ten-percent bonus without having to engage in any special billing or coding processes or submitting to a higher level of claims review. Such action will ensure that rural Medicare patients can continue to receive the care they depend on and deserve. Please let us know how we can assist in the effort to gain support for this important legislation.

Sincerely,
RICHARD G. ROBERTS,
Board Chair.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Medicare Incentive Payment Program Improvement Act of 2002 with my distinguished colleague Senator BINGAMAN. This legislation makes important improvements to the current Medicare Incentive Payment, MIP Program. These refinements will go a long way in ensuring eligible rural physicians receive the Medicare bonus payment to which they are entitled.

The Medicare Incentive Payment Program was created in 1987 under the Omnibus Budget Reconciliation Act to serve as an incentive tool to recruit physicians to practice in Health Professional Shortage Areas, HPSAs, by providing a 10-percent Medicare bonus payment. There are approximately 2,800 federally designated HPSAs—75 percent of which are located in rural areas. In my State of Wyoming, over half of the counties are designated as a health professional shortage area and have a difficult time recruiting physicians.

Unfortunately, this well-intended program has not worked well due to the burden it places on providers. Under the current MIP programmatic structure, physicians are required to determine if the patient encounter occurred in a designated underserved areas, they must attach a code modifier to the billing claim and must undergo a stringent audit. Additionally, there is evidence that many physicians who would be eligible are not even aware of the program.

Therefore, the legislation we are introducing today alleviates the administrative burden on rural physicians by requiring Medicare carriers to determine eligibility. The Medicare Incentive Payment Program Improvement Act of 2002 also requires the Centers for Medicare and Medicaid Services to establish a MIP education program for providers and establishes ongoing analysis of the MIP Program's ability to improve access to physician services for Medicare beneficiaries.

All physicians are currently struggling with the recent Medicare payment reduction of 5.4 percent in addition to the ever-increasing regulatory burden of participating in the Medicare Program. As rural providers tend to be disproportionately impacted by Medicare payment cuts, it has never been more important to ensure that the few rural physician incentive programs that exist have a positive effect on the stability of our rural health care delivery system. I strongly urge all my Senate colleagues interested in rural health to cosponsor the Medicare Incentive Payment Program Improvement Act of 2002.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—EXPRESSING THE SENSE OF THE SENATE REGARDING THE EFFECTIVENESS OF THE AMBER PLAN IN RESPONDING TO CHILD ABDUCTIONS

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 271

Whereas communities should implement an emergency alert plan such as the AMBER (America's Missing: Broadcast Emergency Response) Plan to expedite the recovery of abducted children;

Whereas the AMBER Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas just as in a storm emergency, when warnings are broadcast locally, under AMBER, radio and television stations, as a public service, interrupt programming with a critical message from law enforcement regarding the description of a missing child;

Whereas the AMBER Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the AMBER Plan;

Whereas statistics from the Department of Justice show that 74 percent of kidnapped children who are later found murdered are killed within the first 3 hours of their abduction;

Whereas since the first few hours during which a child is missing are critical, the AMBER plan helps the community respond quickly;

Whereas since the first AMBER alert in 1997, AMBER plans have helped to recover 16 children throughout the country;

Whereas the National Center for Missing and Exploited Children endorses the AMBER Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the AMBER Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the AMBER Plan is a powerful tool in fighting child abductions; and

(2) the AMBER Plan should be used in communities across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3428. Mr. DODD (for himself and Mr. Lieberman) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3429. Mr. KYL (for himself, Mr. Gramm, and Mr. Nickles) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3431. Mrs. BOXER (for herself and Mrs. Murray) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3432. Mrs. BOXER (for herself, Ms. Mikulski, Mr. Durbin, and Mr. Reid) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. Mikulski, Mr. Wellstone, Mr. Durbin, Mr. DeWine, Ms. Stabenow, Mr. Voinovich, and Mr. Specter) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3434. Mr. DASCHLE (for himself, Mr. Rockefeller, Mr. Wellstone, Ms. Mikulski, Mr. Durbin, Mr. DeWine, Mr. Voinovich, and Ms. Stabenow) proposed an amendment to amendment SA 3433 proposed by Mr. Rockefeller (for himself, Ms. Mikulski, Mr. Wellstone, Mr. Durbin, Mr. DeWine, Ms. Stabenow, Mr. Voinovich, and Mr. Specter) to the amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3436. Mr. GRAHAM (for himself and Ms. Mikulski) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3428. Mr. DODD (for himself and Mr. Lieberman) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 2102(b)(11) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) to ensure that the parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and strive to ensure that such labor principles and the core labor standards set forth in section 2113(2) are recognized and protected by domestic law;

"(D) recognizing the rights of parties to establish their own labor standards, and to adopt or modify accordingly their labor laws and regulations, parties shall strive to ensure that their laws provide for labor standards consistent with the core labor standards and shall strive to improve those standards in that light;

"(E) to recognize that it is inappropriate to encourage trade by relaxing domestic labor laws and to strive to ensure that parties to a trade agreement do not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their labor laws as an encouragement for trade;

"(F) to strengthen the capacity of United States trading partners to promote respect for core labor standards and reaffirm their obligations and commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;".

SA 3429. Mr. KYL (for himself, Mr. Gramm, and Mr. Nickles) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.

58c(j)(3)) may be used only to fund the operations of the United States Customs Service.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 2102(b) is amended by striking paragraph (3) and inserting the following new paragraph:

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade distorting barriers to trade-related foreign investment. A trade agreement that includes investment provisions shall—

(A) reduce or eliminate exceptions to the principle of national treatment;

(B) provide for the free transfer of funds relating to investment;

(C) reduce or eliminate performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) ensure that foreign investors are not granted greater legal rights than citizens of the United States possess under the United States Constitution;

(E) limit the provisions on expropriation, including by ensuring that payment of compensation is not required for regulatory measures that cause a mere diminution in the value of private property;

(F) ensure that standards for minimum treatment, including the principle of fair and equitable treatment, shall grant no greater legal rights than United States citizens possess under the due process clause of the United States Constitution;

(G) provide that any Federal, State, or local measure that protects public health, safety and welfare, the environment, or public morals is consistent with the agreement unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments, or demonstrates that the measure violates a standard established in accordance with subparagraph (E) or (F);

(H) ensure that—

(i) a claim by an investor under the agreement may not be brought directly unless the investor first submits the claim to an appropriate competent authority in the investor's country;

(ii) such entity has the authority to disapprove the pursuit of any claim solely on the basis that it lacks legal merit; and

(iii) if such entity has not acted to disapprove the claim within a defined period of time, the investor may proceed with the claim;

(I) improve mechanisms used to resolve disputes between an investor and a government through—

(i) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(ii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iii) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(J) ensure the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(III) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, nongovernmental organizations, and other interested parties.

SA 3431. Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 20 and 21, insert the following:

"(D) SERVICE WORKERS.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under this chapter to domestic operators of motor carriers who are adversely affected by competition from foreign owned and operated motor carriers.

"(ii) DATA COLLECTION SYSTEM.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall put in place a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation for each worker.

"(iii) REPORT.—Not later than 2 years after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall report to Congress the results of a study on ways for extending the programs in this chapter to adversely affected service workers, including recommendations for legislation.

SA 3432. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMPACT OF TRADE ON WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) United States international trade, social development, and international development policy should be linked with the goal of improving women's social and economic status in the United States and abroad.

(2) Enhancing women's status not only improves individual lives, but also eliminates market inefficiencies and leads to greater economic growth and trade.

(b) ADVISORY COMMITTEE FOR TRADE, GENDER, AND DEVELOPMENT POLICY.—

(1) ESTABLISHMENT.—The United States Trade Representative, pursuant to section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(2), shall establish within the Office of the United States Trade Representative a Trade, Gender, and Development Policy Advisory Committee (in this section referred to as the "Advisory Committee") to provide policy advice on issues involving trade, gender, and international development.

(2) DUTIES.—The Advisory Committee shall be responsible for the following:

(A) Providing the Trade Representative with policy advice on issues involving gender, development, and trade.

(B) Advising the Trade Representative on—

(i) positions, text, and other negotiating objectives and bargaining positions before the United States enters into trade agreements;

(ii) the operation of any trade agreement once entered into; and

(iii) any other matter relating to the development, implementation, and administration of United States trade policy, including issues pertaining to gender and development concerns in trade negotiations.

(C) Submitting a report to the President, to Congress, and to the Trade Representative after the bracketed texts have been drafted for bilateral and multilateral negotiations that analyzes the effects of bracketed text on women in the United States and abroad.

(D) Providing an advisory opinion on whether the agreement protects and promotes the interests of women in the United States and abroad and suggesting changes to the text to make it conform to international agreements that the United States has signed.

(E) Submitting a report to the President, to Congress, and to the Trade Representative at the conclusion of negotiations for bilateral and multilateral agreements, including an advisory opinion on the effects of the agreement on the interests of women in the United States, and in the developing world.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of not more than 35 members, appointed by the Trade Representative, who shall include, but not be limited to, representatives from women's interest groups, private voluntary organizations, international aid organizations, and appropriate representatives from Federal departments and agencies. The membership of the Advisory Committee shall be broadly representative of key sectors and groups of the economy with an interest in trade, gender, and international development policy issues.

(B) TERM.—Members of the Advisory Committee shall be appointed for a term of 2 years and may be reappointed for additional terms.

(C) POLITICAL AFFILIATION.—Members may be appointed to the Advisory Committee without regard to political affiliation.

(D) VACANCY.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(E) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be designated by the Trade Representative at the time of appointment.

(4) DESIGNEES.—The Trade Representative may request 1 or more members of the Advisory Committee to designate a staff-level representative for discussions of technical issues related to trade and environmental policy.

(5) SUBCOMMITTEES.—The Advisory Committee may establish such subcommittees as

its members deem necessary, subject to the provisions of the Federal Advisory Committee Act and the approval of the Trade Representative's designee.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 164, between lines 16 and 17, insert the following:

SEC. 604. APPLICATION TO CERTAIN STEELWORKER RETIREES AND ELIGIBLE BENEFICIARIES.

(a) ELIGIBILITY FOR ASSISTANCE WITH HEALTH INSURANCE COVERAGE AND INTERIM ASSISTANCE.—

(1) INTERNAL REVENUE CODE OF 1986.—Section 6429(c) of the Internal Revenue Code of 1986, as added by section 601 of this division, is amended to read as follows:

"(c) ELIGIBLE INDIVIDUAL.—

"(1) IN GENERAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

"(2) STEELWORKER RETIREES.—

"(A) IN GENERAL.—During the period described in subparagraph (B), such term includes an individual who—

"(i) is not described in paragraph (1); and

"(ii) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

"(B) PERIOD DESCRIBED.—For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on the date the individual described in subparagraph (A) first is enrolled in qualified health insurance and ends on the earlier of—

"(i) 1-year after such date; or

"(ii) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

"(C) LIMITATION.—In no event may the period described in subparagraph (B) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) is issued to any eligible individual described in paragraph (1).".

(2) WORKFORCE INVESTMENT ACT OF 1998.—Section 173 of the Workforce Investment Act of 1998, as amended by section 603 of this division, is amended—

(A) in subsection (f)(4), by striking subparagraph (B) and inserting the following:

"(B) ELIGIBLE WORKER.—

"(i) IN GENERAL.—The term 'eligible worker' means an individual who—

"(I) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

"(II) does not have other specified coverage; and

"(III) is not imprisoned under Federal, State, or local authority.

"(ii) STEELWORKER RETIREES.—

"(I) IN GENERAL.—During the period described in subclause (II), such term includes an individual who—

"(aa) is not described in clause (i); and

"(bb) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

"(II) PERIOD DESCRIBED.—For purposes of subclause (I), the period described in this subclause is the period that begins on the date the individual described in subclause (I) first is enrolled in health insurance coverage described in paragraph (1)(A) and ends on the earlier of—

"(aa) 1-year after such date; or

"(bb) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

"(III) LIMITATION.—In no event may the period described in subclause (II) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) of the Internal Revenue Code of 1986 is issued to any eligible worker described in clause (i)."; and

(B) in subsection (g), by striking paragraph (5) and inserting the following:

"(5) DEFINITION OF ELIGIBLE WORKER.—

"(A) IN GENERAL.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).

"(B) STEELWORKER RETIREES.—

"(i) IN GENERAL.—During the period described in clause (ii), such term includes an individual who—

"(I) is not described in subparagraph (A); and

"(II) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

"(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period that begins on the date the individual described in clause (i) first receives assistance under this subsection and ends on the earlier of—

"(I) 1-year after such date; or

"(II) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.".

(b) REVENUE PROVISIONS.—

(1) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(A) IN GENERAL.—

(i) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(I) by striking "satisfy liability for payment of" and inserting "make payment on", and

(II) by inserting "full or partial" after "facilitate".

(ii) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(B) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to agreements entered into on or after the date of the enactment of this Act.

(2) DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.—

(A) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) PAYMENT OF INTEREST.—

"(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) DISPUTABLE TAX.—

"(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

"(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) USE OF DEPOSITS.—

"(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to deposits made after the date of the enactment of this Act.

(ii) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84-58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this paragraph) shall be treated as the date such amount is deposited for purposes of such section 6603.

SA 3434. Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3433 proposed by Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 604. APPLICATION TO CERTAIN STEELWORKER RETIREES AND ELIGIBLE BENEFICIARIES.

(a) ELIGIBILITY FOR ASSISTANCE WITH HEALTH INSURANCE COVERAGE AND INTERIM ASSISTANCE.—

(1) INTERNAL REVENUE CODE OF 1986.—Section 6429(c) of the Internal Revenue Code of 1986, as added by section 601 of this division, is amended to read as follows:

"(c) ELIGIBLE INDIVIDUAL.—

"(1) IN GENERAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

"(2) STEELWORKER RETIREES.—

"(A) IN GENERAL.—During the period described in subparagraph (B), such term includes an individual who—

"(i) is not described in paragraph (1); and

"(ii) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

"(B) PERIOD DESCRIBED.—For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on the date the individual described in subparagraph (A) first is enrolled in qualified health insurance and ends on the earlier of—

"(i) 1-year after such date; or

"(ii) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

"(C) LIMITATION.—In no event may the period described in subparagraph (B) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) is issued to any eligible individual described in paragraph (1).".

(2) WORKFORCE INVESTMENT ACT OF 1998.—Section 173 of the Workforce Investment Act of 1998, as amended by section 603 of this division, is amended—

(A) in subsection (f)(4), by striking subparagraph (B) and inserting the following:

"(B) ELIGIBLE WORKER.—

"(i) IN GENERAL.—The term 'eligible worker' means an individual who—

"(I) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

"(II) does not have other specified coverage; and

"(III) is not imprisoned under Federal, State, or local authority.

"(ii) STEELWORKER RETIREES.—

"(I) IN GENERAL.—During the period described in subclause (II), such term includes an individual who—

"(aa) is not described in clause (i); and

"(bb) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

"(II) PERIOD DESCRIBED.—For purposes of subclause (I), the period described in this subclause is the period that begins on the date the individual described in subclause (I) first is enrolled in health insurance coverage described in paragraph (1)(A) and ends on the earlier of—

"(aa) 1-year after such date; or

"(bb) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

"(III) LIMITATION.—In no event may the period described in subclause (II) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) of the Internal Revenue Code of 1986 is issued to any eligible worker described in clause (i)."; and

(B) in subsection (g), by striking paragraph (5) and inserting the following:

"(5) DEFINITION OF ELIGIBLE WORKER.—

"(A) IN GENERAL.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).

"(B) STEELWORKER RETIREES.—

"(i) IN GENERAL.—During the period described in clause (ii), such term includes an individual who—

"(I) is not described in subparagraph (A); and

"(II) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

"(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period that begins on the date the individual described in clause (i) first receives assistance under this subsection and ends on the earlier of—

"(I) 1-year after such date; or

"(II) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.".

(3) RULE OF CONSTRUCTION.—Nothing in section 6429(c)(2) of the Internal Revenue Code of 1986 (as amended by this subsection) or in subsection (f)(4)(B)(ii) or (g)(5)(B) of section 173 of the Workforce Investment Act of 1998 (as so amended) shall be construed as making an individual described in such section 6429(c)(2), subsection (f)(4)(B)(ii), or (g)(5)(B) eligible for any trade adjustment assistance available to individuals who are qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974 (as amended by section 111 of this division) if an individual described in such section 6429(c)(2), subsection (f)(4)(B)(ii), or (g)(5)(B) would not otherwise be eligible for such assistance.

(b) REVENUE PROVISIONS.—

(1) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(A) IN GENERAL.—

(i) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(I) by striking "satisfy liability for payment of" and inserting "make payment on", and

(II) by inserting "full or partial" after "facilitate".

(ii) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(B) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(C) Effective date.—The amendments made by this paragraph shall apply to agreements entered into on or after the date of the enactment of this Act.

(2) Deposits made to suspend running of interest on potential underpayments.—

(A) In general.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) Authority To Make Deposits Other Than As Payment of Tax.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) No Interest Imposed.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) Return of Deposit.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) Payment of Interest.—

"(1) In general.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) Disputable tax.—

"(A) In general.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) Safe harbor based on 30-day letter.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) Other definitions.—For purposes of paragraph (2)—

"(A) Disputable item.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-day letter.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) Rate of interest.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) Use of Deposits.—

"(1) Payment of tax.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(B) Returns of deposits.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(B) Clerical amendment.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(C) Effective date.—

(i) In general.—The amendments made by this paragraph shall apply to deposits made after the date of the enactment of this Act.

(ii) Coordination with deposits made under revenue procedure 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this paragraph) shall be treated as the date such amount is deposited for purposes of such section 6603.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself, and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended by striking paragraph (3)(D), and inserting the following:

"(D) Special rule for certain tuna products.—

"(i) In general.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels, ATPEA beneficiary country vessels, or Philippine vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country or the Philippines. Such duty-free treatment may be proclaimed in any calendar year for no more than—

"(I) 32,000,000 pounds of tuna harvested by ATPEA beneficiary country vessels or United States vessels, and prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country; and

"(II) 32,000,000 pounds of tuna harvested by Philippine vessels or United States vessels, and prepared or preserved in any manner, in airtight containers in the Philippines.

"(ii) United states vessel.—For purposes of this subparagraph, a 'United States vessel' is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

"(iii) ATPEA vessel.—For purposes of this subparagraph, an 'ATPEA vessel' is a vessel—

"(I) which is registered or recorded in an ATPEA beneficiary country;

"(II) which sails under the flag of an ATPEA beneficiary country;

"(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

"(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

"(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

"(iv) Philippine vessel.—For purposes of this subparagraph, a 'Philippine vessel' is a vessel—

"(I) which is registered or recorded in the Philippines;

"(II) which sails under the flag of the Philippines;

"(III) which is at least 75 percent owned by nationals of the Philippines or by a company having its principal place of business in the Philippines, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of the Philippines and of which, in the case of a company, at least 50 percent of the capital is owned by the Philippines or by public bodies or nationals of the Philippines;

"(IV) of which the master and officers are nationals of the Philippines; and

"(V) of which at least 75 percent of the crew are nationals of the Philippines."

SA 3436. Mr. GRAHAM (for himself and Ms. Mikulski) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself, and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XLII, insert the following:

SEC. 4203. CREATION OF TARIFF-RATE QUOTA FOR ORGANIC SUGAR IMPORTS.

(a) Amendment to Additional United States Notes.—Additional United States Note 5(a)(1) of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) in the second sentence, by striking "may" and inserting "shall"; and

(2) by adding at the end the following: "The quota quantity reserved for the importation of specialty sugars shall include a minimum quantity to be reserved for the importation of certified organic sugar in an amount not less than 12,000 metric tons to be charged against the aggregate quantity for raw cane sugar or against the aggregate quantity for sugars, syrups, and molasses other than raw cane sugar in such proportions as the Secretary shall determine based on information available to the Secretary concerning the polarization of the certified organic sugar imported hereunder.".

(b) Effective Date.—The amendments made by this section shall take effect not later than 15 days after the date of enactment of this Act.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr.

BAUCUS (for himself, and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XI, insert the following:

SEC. 1183. DUTY DRAWBACK FOR CERTAIN ARTICLES.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise was exported from the United States and entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended by striking paragraph (3)(D).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 2:30 p.m. in open session to receive testimony on the Crusader artillery system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 16, 2002, at 9:30 a.m. in SH–216. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President's recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President's recommendation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, May 16, 2002, at 9:30 a.m. to conduct a business meeting to consider S. 1961, the Water Investment Act, and any other business pending before the Committee. The business meeting will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 10:30 a.m. to hear testimony on "Tanf Reauthorization: Building Stronger Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 10:30 a.m. to hold a hearing titled, "The Nuclear Posture Review."

Witnesses

Panel 1: Admiral Bill Owens (USN ret.), Former Vice Chairman of the Joint Chiefs of Staff, Co-CEO and Vice Chairman, Teledesic LLC, Bellevue, WA; and Dr. John Foster, Jr., Former Director, Lawrence Livermore National Laboratory, Former Director, Defense Research and Engineering, Chairman of the Board, Pilkington Aerospace, Inc., St. Helen's UK.

Panel 2: Dr. Steven Weinberg, Winner of the Nobel Prize in Physics (1979), Professor of Physics, University of Texas, Austin, TX; Mr. Joseph Cirincione, Senior Associate and Director, Nonproliferation Project, Carnegie Endowment for International Peace, Washington, DC; and Dr. Loren B. Thompson, Chief Operating Officer, Lexington Institute, Adjunct Professor, Georgetown University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 16, 2002, at 2:30 p.m. to hold a hearing to consider the nominations of Todd Walter Dillard to be United States Marshal for the Superior Court of the District of Columbia and Robert R. Rigsby to be Associate Judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 16, 2002 at 10:00 a.m. in Dirksen Room 226.

Agenda

Nominations

D. Brooks Smith to be a U.S. Circuit Court Judge for the 3rd Circuit, Richard R. Clifton to be a U.S. Circuit Court Judge for the 9th Circuit, Christopher C. Conner to be a U.S. District Court Judge for the Middle District of Pennsylvania, Joy Flowers Conti to be a U.S. District Court Judge for the Western District of Pennsylvania, and John E. Jones, III to be a U.S. District Court Judge for the Middle District of Pennsylvania.

Bills

S. 848, Social Security Number Misuse Prevention Act of 2001 [Feinstein/Gregg].

S. 1742, Restore Your Identity Act of 2001 [Cantwell].

S. 1868, National Child Protection Improvement Act [Biden/Thurmond].

S. 2179, Law Enforcement Tribute Act [Carnahan/Leahy/Schumer].

S. 672, Child Status Protection Act [Feinstein/Boxer/Graham/Kennedy/Hagel/DeWine].

H.R. 1209, Child Status Protection Act [Gekas/Jackson-Lee].

Resolution

S. Res. 268, A resolution designating May 20, 2002 as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens [Dodd/Lieberman].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on May 16, 2002, at 2:30 p.m. on Examining Enron: Consumer Impact of Enron's Influence on State Pension Funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training, be authorized to meet for a hearing on Career Path Training for Low-Skill, Low-Wage Workers: Exploring the Intersections between WIA and TANF during the session of the Senate on Thursday, May 16, 2002 at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that during consideration of H.R. 3167, privileges of the floor be granted to Lauren Marcott, a State Department fellow on the staff of the Senate Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from New Mexico, Mr. BINGAMAN, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

SEQUENTIAL REFERRAL OF S. 934

Mr. REID. I ask unanimous consent that S. 934, the Rocky Boy's/North Central Montana Regional Water System Act of 2001 be discharged from the Committee on Indian Affairs and then referred to the Committee on Energy and Natural Resources; further, that if and when the Committee on Natural Resources reports S. 934, then the measure be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 848

Mr. REID. I ask unanimous consent that S. 848, the Social Security Number Misuse Prevention Act of 2002, reported today by the Judiciary Committee, be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the social security number was originally devised to administer the Social Security program. Despite the limited purpose for which it was intended, the social security number is now widely used by Federal, State and local governments, businesses, health care providers, educational institutions, and others for identification and recordkeeping.

The unintended consequence of this widespread use is that social security numbers have been used to facilitate a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

Because the Federal Government requires virtually every individual in the United States to have a social security number to seek employment, to pay taxes, to qualify for social security benefits, it is necessary and appropriate for the Federal Government to take steps to prevent the abuse of social security numbers.

Last year, Senator FEINSTEIN and Senator GREGG introduced a bill, S. 848, designed to protect social security numbers. Based on the fact that one section of the bill amends Title 18, the so called "criminal code," and another section of the bill gives the Attorney General certain rulemaking authority, the bill was referred to the Judiciary Committee.

However, the purpose of this bill is to protect social security numbers, which as a matter of law falls within the scope of Social Security Act, which as a matter of jurisdiction falls within the purview of the Finance Committee.

The Social Security Act, which led to the creation of the social security number, has been amended numerous times to protect Social Security numbers and the Social Security Office of Inspector General has been given authority to enforce these protections. A careful review of S. 848 clearly shows that the preponderance of its provisions fall within the scope of the Finance Committee's jurisdiction.

Therefore, it is my view that this bill, S. 848, should have been referred to the Finance Committee.

Unfortunately, there is no provision in Senate rules to correct this mistake and refer S. 848 to the Finance Committee once it has already been referred to the Judiciary Committee.

When the Judiciary Committee scheduled a markup of this bill on May 2, Senator GRASSLEY and I sent a letter to the chairman and ranking member of the Judiciary Committee urging them to postpone markup until these questions of jurisdiction could be resolved. Following our discussions with Senator FEINSTEIN, Senator GRASSLEY and I have agreed to withdraw our objections to the Judiciary Committee proceeding to markup S. 848, based on the following three conditions:

First, in the event that S. 848 is reported out of the Judiciary Committee, it will be referred to the Finance Committee.

Second, it should be understood that this agreement to a sequential referral does not cede our claim of jurisdiction to this legislation and should not prejudice the referral of future legislation on this matter.

Third, it is my intention to have the Finance Committee consider S. 848 as soon as the committee schedule permits.

ORDERS FOR FRIDAY, MAY 17, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, Friday, May 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes each, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under the control of the majority leader or his designee; that at 10 a.m. the Senate resume consideration of H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. We appreciate the patience of the Presiding Officer. The Senate will vote on this matter tomorrow morning at approximately 10:30. Following disposition of the bill, the Senate will resume consideration of the trade act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:43 p.m., adjourned until Friday, May 17, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2002:

DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DENNIS L. SCHORNACK, OF MICHIGAN, TO BE COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE THOMAS L. BALDINI, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE NORMA V. CANTU, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL ELECTION COMMISSION

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007, VICE DARRYL R. WOLD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. SANDERS. Mr. Speaker, today, I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I respectfully request that the following testimonials be included in the CONGRESSIONAL RECORD.

ON BEHALF OF STEPHANIE HORVATH, KATIE BLANCHARD, CADY MERRILL, AND JESSE BUTLER REGARDING ABORTION

STEPHANIE HORVATH. We are doing our presentation on abortion.

Abortion is never an easy decision to make, but women have been making these choices for thousands of years, for many different reasons. Whenever society has sought to outlaw abortion, it has driven women to back alleys, where this procedure becomes dangerous and illegal.

Each year 50,000 to 100,000 women die after receiving an abortion in unsafe and unsanitary conditions, and an estimated 20 million unsafe abortions take place each year.

KATIE BLANCHARD. Regardless of what people around you think about a decision such as abortion, it is the ultimate choice of the woman, their doctor, and their god. Parental involvement for minors should be necessary due to the conditions performed in this surgical procedure.

Every woman should have a supportive mentor to turn to in case of an emergency following an abortion. A parent could be there to care for, protect and comfort the child in such a situation. Most women experience such complications as loss of appetite, lack of sleep, persistent crying, isolation from friends, excessive anger and thoughts of suicide.

CADY MERRILL. Although a parent's reaction could be unexpected, it is normal for them to have some emotional feelings about their daughter's pregnancy. It is normal to feel frightened, sad, angry, betrayed and disappointed. Regardless, most parents are and should be beside their child through hard times, and would only help their daughter through an abortion if that was her choice.

JESSE BUTLER. Abortion is a highly sensitive topic. I'm not here to debate whether it is right or wrong. I am here, however, to state that I think, when an abortion is being considered by a minor, at least one parent or the legal guardian of the minor should be required to be involved. The state has already established that minors are not allowed to make many decisions or perform many actions without their parent's or guardian's consent. Abortion should not be any different.

Many questions have to be considered when thinking of having an abortion. Some of those questions included whether or not the abortion or pregnancy or baby can be supported. Another question includes whether or not a minor can deal with the physical and psychological consequences of whichever decision is made. All of those questions are serious questions a minor may not have enough life experience to be able to make good judgments on. Five percent of the time, abortion should involve a doctor's opinion. Adults will also be more inclined to recognize and respect a doctor's opinion. Young women may be afraid to tell their parents that they are pregnant. Requiring parents to be involved in the abortion decision will encourage parents to pay attention to any clues that their child may be pregnant. Overall, I think if an adult is involved in a decision, it is more likely that the best judgment will be made.

ON BEHALF OF ELIZABETH ECHEVERRIA AND DAMON ROONEY REGARDING LABOR EXPLOITATION

DAMON ROONEY. First of all, I would like to thank you, Congressman Sanders, for letting us come here. And I also thank Lamoille; we really appreciate you switching your timeframe with us.

ELIZABETH ECHEVERRIA. We are dealing with labor exploitation, and this touches on a couple of the topics that were already talked about. It ties in with child labor, and it ties in with free trade, and things like that.

Do you wear brand-name clothes? Do you drink coffee? Have you ever wondered where these things came from? The answer may surprise you. Because many of these things are made or picked by malnourished, oppressed and exploited men, woman and children.

DAMON ROONEY. I would like to read a passage written by the National Labor Committee: We went there by chance on an early Friday afternoon, the Muslim holiday, when the garment workers were supposed to have their weekly day off. We met an 18-year-old girl who, minutes before, had just returned from having been forced to work three 20-hour shifts in a row. She had worked 64 hours in the last three days, 120 hours in the last week. She was working seven days a week. Her eyes were more bloodshot than I'd ever seen anyone's before. The entire eyeball was pale, glassy red. She could barely speak. She was not just exhausted, but she had nearly lost her voice, and all that was left was a painful, low harsh rasp. This woman earned 14 cents an hour, $6.83 a week, sewing clothing for U.S. companies.

ELIZABETH ECHEVERRIA. That is just one example of the conditions that our American companies are fostering. People all over the world, in factories like the one this woman works in, are kept in abject misery and poverty. These factories are poorly ventilated, poorly lighted, and, basically, miserable places to be.

In an article from the New York Times, Adelia Pinvata, who investigated conditions in the San Marcos Free Trade Zone in San Salvador, said, and I quote: The wages are not enough to cover the basic food basket. It is a scandal. There are workers who faint because of the heat inside the factories, and because they are badly nourished. Various workers fainted when we were there.

An example of one of these types of factories, the Active Sporting Limited factory in Bangladesh, who makes hats for Rebok, Falcon Headware, Georgetown University, University of Connecticut, and various other U.S. companies and universities.

I came across some disturbing facts. Many workers must put in up to 60 to 70 hours of mandatory overtime a month, "mandatory overtime" being illegal in Bangladesh. They have no regular scheduled holidays. They have a maximum of two days off per month. They don't even get weekends off. Their wages are below the legal minimum. A maternity leave isn't paid. Workers may not talk during their shifts. They must ask permission to use the bathroom. Their bathroom visits are timed, and the water is unsafe to drink. There are no sick days allowed. And they are reportedly slapped and beaten with sticks for misbehavior.

No one could last more than 10 to 15 years. In the end, they are sick, exhausted, and penniless. And it is not an isolated occurrence, it is typical. For example, according to an article from the October 9, 1995, edition of the New York Times, in Central America free-trade zones, many factories are surrounded by 15-foot cinder-block walls, barbed wire, and armed guards.

Yet these workers cannot break out of poverty and degradation, because in most places, anyone who attempts to form a union is methodically fired and blacklisted.

DAMON ROONEY. Labor exploitation is a difficult problem, but we can find solutions. The biggest problem is that wages are too low to even buy adequate food. One obvious solution to this problem is to pass legislation that forces U.S. companies and their contractors to pay higher wages.

But this is tricky, because we don't want to put them out of business. We also should think twice about boycotting for this reason. Because any poor laborer would agree that it is better to be exploited than to have no job at all. But getting them to raise their prices a little won't break them. The U.S. must force them to pay subsistence wages—in other words, earn enough for food, clothing, and adequate shelter. And this is not that big of a demand, considering that the estimated subsistence wage for Bangladesh, for example, is only 34 cents an hour, or day.

ELIZABETH ECHEVERRIA. An hour. And that is a high-end estimate, by the way.

Another approach would be to force the companies to pay the workers a higher percentage of the retail value of the product that they are producing. This would help level out the distribution of wealth. Because, for example, according to Forbes Magazine, Donald Fisher, CEO of GAP and Banana Republic, is worth $1.5 billion, while hat makers in Dacca, Bangladesh, receive an average of 1.6 cents for every $17.43 University hat they make. That means the workers are only receiving .01 percent of the hat's retail price. Double their wages, and the hat cost less than two cents more for us to buy. Where do you think all the money is going?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DAMON ROONEY. Another problem is lack of inspectors to enforce labor laws. Because there are numerous labor laws and U.S. national company protocols in places that are not being followed, there are only eleven for the whole Dacca export zone, which has over one million clothing workers. We must get more inspectors in there, and also raise the penalties. We could have U.S. inspectors inspect the factories that export to the United States, and if the conditions are not satisfactory, then the products cannot be sent to the U.S. That way, factories don't get paid if they don't follow the rules.

ELIZABETH ECHEVERRIA. Before any of these solutions can be put into motion, we must heighten awareness of these injustices. American people have a strong voice. Because only when these companies realize that their profit will go down will they listen.

We are the consumers and we have the power. So the most important thing that all of you in the audience can do is write letters to the CEOs of these places—the GAP, Liz Clayburn, Reebok, et cetera—and let them know that the public is concerned.

DAMON ROONEY. Labor exploitation is a problem that affects us all. We are the ones wearing the clothes and drinking the coffee picked by exploited hands. It is up to us to change these injustices.

Thank you, Mr. Sanders, for your time.

PAYING TRIBUTE TO CROWLEY COUNTY HERITAGE SOCIETY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the vital efforts of an organization that has dedicated its mission to preserving our nation's and Colorado's western values and heritage. This year the Crowley County Heritage Society will celebrate an important accomplishment to settling the West, the emergence of irrigated farming. As the society celebrates this vital piece of Western culture, I would like to commend the society's efforts toward preserving the early Colorado achievements and accomplishments.

This May, the society has chosen to recognize the thoughtfulness and forbearance of our early Colorado settlers. As this country was expanding, the need to create abundant and rich soil became a backbone to ensuring our settlement of Western lands. Using an available water source, the Arkansas River, our forefathers built several reservoirs and canals to gather and transfer large amounts of water that would be used to irrigate otherwise fruitless soil. Through a long duct known as the Colorado Canal, water began to be diverted to Crowley County allowing aspiring farmers to reap the benefits of an otherwise desolate landscape. Years later, more reservoirs would be created, several under the Twin Lakes and Colorado Canal company, who would further construct reservoirs and canals to bring the precious resource of water to several counties throughout Colorado. This was a remarkable accomplishment for those early times in our history and I am thankful organizations such as Crowley County Heritage Society have chosen to honor our early pioneers.

Mr. Speaker, as this country continues to change and forge our future, we will rely upon these heritage societies to remind us of our difficult and humble beginnings. Today many of us in the West take for granted the ability to raise and reap agricultural products from the land and it is imperative that we remember the trials and tribulations of those early days that ensured a future for us all. I would like to extend my thanks to Crowley County Heritage Society and commend them for their fine efforts over the years to preserve our past. I wish you all the best with your celebration and good luck in your future endeavors.

CHF INTERNATIONAL: CELEBRATING 50 YEARS OF BUILDING A BETTER WORLD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. GALLEGLY. Mr. Speaker, in these times of world gloom and heightened concerns for global safety and security, peace and prosperity in the aftermath of the tragedy of September 11, we have come to better understand the stark reality that people and communities who feel powerless and who live in poverty-stricken conditions with little hope for a different future often become frustrated and angry with their lives. These conditions often breed contempt for society in some and eventually can contribute to the corrosion of world stability.

But we also know that human misery, powerlessness and other forms of depravation can be addressed and are being successfully addressed by organizations such as CHF International which is celebrating its 50th Anniversary during this year of 2002.

Begun in 1952 as a housing cooperative building affordable housing in rural America and in low-income neighborhoods of older cities, CHF has grown into a world renown catalyst for sustainable positive change in low and moderate income communities around the world. CHF International works in communities from Africa to Asia to meet the challenges posed by global poverty, complex emergencies and humanitarian crises, social and economic disparities caused by conflict or political transition, and environmental degradation.

Led by the energetic and unselfishly committed team of Chairman Gordon Cavanaugh, President and CEO, Michael Doyle and Vice President Judith Hermanson and hundreds of dedicated staff worldwide, CHF International is clearly making a difference in the lives of ordinary people in over 100 countries.

CHF's formula for success, as recognized by the United Nations on its "Scroll of Honour", has always been a strong belief in the goodness and power of the human spirit, fortified by openness and transparency, fiscal responsibility, continuing education, democratic governance and greater community participation.

Supported in large part by the United States Agency for International Development and other international and domestic benefactors, CHF International, over the past ten years, has been able to leverage over $165 million to provide more than $60 million in microenterprise loans, to create over 500,000 jobs, to train over 103,000 people for community operations, to build or improve close to 100,000 homes, improve the economic standing of over 2 million impoverished women and help form or strengthen some 8,000 local co-ops.

Mr. Speaker, as the former Chairman of the Western Hemisphere Subcommittee and current Chairman of the Europe Subcommittee, I have been aware of CHF's programs in places stretching from El Salvador and Guatemala to Serbia, Kosovo and Azerbaijan. The work of CHF International and its worldwide staff has been impressive and should be recognized, applauded and supported for its extraordinary contribution to humanity.

Once again, congratulations to CHF International for fifty years of working to build a better world.

TRIBUTE TO KENNETH SELDON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. CAPITO. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to and congratulating Kenneth Seldon of Hampshire County, West Virginia. For over 50 years, Mr. Seldon's hard work and dedication to his community have been truly inspiring.

With a work ethic deeply rooted in the American Dream, Kenneth Seldon has faithfully operated Riverside Service and General Store in Yellow Spring, West Virginia since May 22, 1952. In addition to operating the business, Kenneth also served as Yellow Spring Postmaster from 1957 to 1982. Mr. Seldon is also a charter member of the Capon Valley Ruritan and an active member of the Timber Ridge Christian Church.

In honor of Kenneth Seldon's 50 years of hard work, dedication, and commitment to his family and community, I ask my friends in Hampshire County and my colleagues here in the nation's capital to join me in recognizing May 19, 2002 as a day of celebration and recognition for Kenneth Seldon.

BILL TO INCREASE LIKELIHOOD OF COMPLETING CLEANUP AND CLOSURE OF ROCKY FLATS SITE BY 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill dealing with the cleanup and closure of Rocky Flats, a Department of Energy (DOE) site just 15 miles from downtown Denver, Colorado.

Rocky Flats once produced vital components of nuclear weapons. But now production there has ended, and the site is being cleaned up and readied for closure—after which, under legislation enacted last year, it will become a National Wildlife Refuge.

Cleanup at Rocky Flats is proceeding under a plan agreed to by DOE, EPA, and the State of Colorado. DOE's goal is to complete cleanup and close the site on or before December 15, 2006.

Closure of Rocky Flats will mean increased greater safety for Coloradans. But it will also mean reduced demands for funds for security and maintenance of the site as well as for cleanup work. And that can make additional funds available to meet the needs of other nuclear-weapons sites, including sites in Washington, Texas, Ohio, Tennessee, South Carolina, Idaho, New Mexico, and other States.

As a crucial part of the cleanup, DOE intends to relocate several tons of plutonium and other radioactive materials from Rocky Flats. The previous Administration planned to ship the plutonium to the Savannah River site, in South Carolina. There, some of it was to be used to create mixed-oxide (MOX) fuel for commercial nuclear reactors and some was to be immobilized for disposal elsewhere.

This plan was developed to implement an international agreement under which both the United States and Russia agreed to reduce stockpiles of weapons-grade plutonium, This is an important part of our efforts to prevent proliferation of nuclear weapons, which of course is so vital an aspect of our foreign and defense policies. It is also important to our national security to consolidate this surplus plutonium in one location so that it can be effectively guarded and efficiently managed—and since Rocky Flats is slated for closure, it does not make sense to keep the plutonium there.

However, the Bush Administration now has adopted a new plutonium-disposition strategy that does not include immobilization. In turn, that has prompted the Governor of South Carolina to raise objections to having plutonium shipped to that State. The Governor has gone into federal court to prevent that from happening—and as a result, shipments of plutonium from Rocky Flats have been delayed.

Other legislation has been introduced that addresses issues raised in that lawsuit, and the bill I am introducing today does not focus on them—it focuses only on the cleanup and closure of Rocky Flats.

That is because while Coloradans may differ about some things, we all agree that a prompt and effective cleanup and closure of the Rocky Flats site is a matter of highest priority for our state—and we are all concerned that the shipments of plutonium, originally scheduled to begin last fall, are not yet underway. We are worried that unless those shipments begin soon the DOE will be unable to achieve its goal of completing the cleanup and closure of Rocky Flats by 2006.

That is why I was disappointed last week when the House's Republican leadership refused to even allow consideration of including in the defense authorization bill a simple statement of the importance of a timely cleanup. That is why I think it is now essential to act to protect Colorado's interests in case DOE does not soon overcome obstacles to removal of the Rocky Flats plutonium. And that is the purpose of the bill I am introducing today.

The bill is intended to make it more likely that DOE will have the ability and the incentive to meet the 2006 cleanup goal. It provides that if shipments of the Rocky Flats plutonium under the current disposition plan have not begun by July 1 of this year, DOE will be required to examine alternative plans and to report on those alternatives within 6 months. And if shipments have not been completed by November 1 of next year, as called for in current cleanup plans, DOE would be required to compensate Colorado at the rate of $1 million per day—up to $100 million per year—until all the Rocky Flats plutonium has been removed.

These deadlines were not selected arbitrarily. It is essential that the plutonium now stored at Rocky Flats be removed by the fall of next year so DOE can accomplish other essential cleanup work that must be done in order to achieve a 2006 closure. If the plutonium stays at Rocky Flats too long, DOE runs the risk of missing other cleanup and closure milestones and of failing to live up to its commitments to Colorado. That is also why there is an immediate need to explore other alternative locations to which the plutonium can be sent. DOE did look at other alternatives before selecting the South Carolina site, so I think a new examination of alternatives would not take very long, but it must be done soon for DOE to stay on schedule at Rocky Flats.

Admittedly, this is strong medicine. But I think strong medicine is required in this case, because this is a matter of such great importance to the country and particularly to Colorado.

In drafting this bill, I cannot claim great originality. The requirement for a consideration of alternatives is based on legislation that Senator WAYNE ALLARD, Colorado's junior Senator has proposed, and the idea of a $1 million-per-day incentive is based on legislation introduced by our colleague, Representative LINDSEY GRAHAM to protect the interests of South Carolina. My purpose in shaping this proposal was not to be innovative, but to develop legislation that would protect Colorado's interests and advance the national interest in reducing our stockpile of weapons-grade plutonium.

Mr. Speaker, I have supported DOE's efforts to achieve an effective cleanup of Rocky Flats, closure of the site, and its transformation into a National Wildlife Refuge before the end of 2006. I have done so because I have considered that to be in the national interest as well as the interests of all Coloradans—and of that I am still convinced. The bill I am introducing today reflects my continuing determination to do all I can to see that DOE will continue to press forward to achieve those goals.

SEMINOLE HIGH SCHOOL RECOGNIZED FOR EXCELLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. COMBEST. Mr. Speaker, I rise today to commend Seminole High School in Gaines County, Texas for winning the 2002 University Interscholastic League Class AAA State Academic Championship. Students from Seminole High School proved themselves superior to students from throughout the state of Texas at the UIL one-act play and academic meet competition earlier this month. Seminole High School earned 119½ points, which was 10½ points higher than its closest competitor.

Seminole High School has performed well during the state UIL competitions in the past. The school won first place in the state competition in 1993 and 1994. Students of Seminole High School won runner-up honors in 1995 and 2001. The UIL competition requires students to prove their skills and knowledge in a wide range of studies, including mathematics, science, writing, reading and interpretation. Students also must perform a one-act play.

Students at Seminole High School have accomplished a commendable achievement. The students' success in statewide competition reflects highly on their dedication to academic excellence, and it reflects highly on their teachers and administrators to whom their education has been entrusted. It is with great pride that I recognize the Seminole High School students competing in the 2002 UIL competition in Class AAA for their tremendous accomplishment.

Children's academic successes are crucial to our nation's continued growth and prosperity, and students at Seminole High School seem poised to serve this country well. I am proud to represent such a high achieving academic institution as Seminole High School.

HONORING HEBRON BAPTIST CHURCH "HIS KIDS 'N' COMPANY" DACULA, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BARR of Georgia. Mr. Speaker, there are a select group of people who reach out to make the world a better place, and truly make an impact on our lives. These folks keep us aware of what it means to be an American, what our values are and should remain; and keep us ever mindful of the many sacrifices made by courageous Americans to insure future generations enjoy our many freedoms.

Hebron Baptist Church in Dacula, Georgia, not only spreads the Gospel of our Lord and Savior, they are ever mindful of teaching patriotism and the importance of our nation's freedom to openly express the words, "In God We Trust."

I was privileged recently to witness a musical play entitled, "In God We Trust," starring the children of Hebron Baptist Church, "His Kids 'N' Company." It was an excellent portrayal of how important it is to us as a nation to protect ourselves from those who would prefer to abolish from all public view, the words "In God We Trust." The play portrayed the development of our nation, from the ships leaving Europe filled with pilgrims searching for religious freedom, to the many sacrifices made by generations of our citizens in order to maintain such freedom; as well as the attacks being made today to abolish open expression of belief in God.

It was an outstanding musical play with a very serious message, and the "kids" were successful in their effort, not only to get the message across of what being an American patriot is all about, but they truly touched the hearts of everyone in attendance. I believe there is no place more fitting to recognize and honor this most patriotic musical play and its participants, than in the House of Representatives—the very seat of our nation's government.

I wish each of you could have the opportunity to witness this outstanding production, which was created by Jeff Brockelman; with music by Chris and Diane Machen; and script by Jeff Brockelman and Sharon Thorne.

I ask my fellow members to join in congratulating Larry Wynn, Senior Pastor of Hebron Baptist Church; John Williams, Music Ministry Assistant; Billy Britt, Pastor of Church Growth and Institute Training; Pam Turner, Director of the Children's Choir; and Jackie McFarland, Music Ministry Assistant. A special congratulations is in order to all those who were directly involved with the musical play, along with "His Kids 'N' Company" who performed superbly.

REMEMBRANCE OF FALLEN TULARE COUNTY PEACE OFFICERS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. THOMAS. Mr. Speaker, today I rise to join the people of Tulare County and the United States of America as they give thanks to those peace officers who have made the supreme sacrifice while working to enforce our laws, protect our homes, and guard our lives. Events of the past year have served as a poignant reminder of the selfless dedication to duty that peace officers demonstrate every day, and those of us who served in the 105th Congress were the direct beneficiaries of this devotion, when two Capitol Hill Police Officers fell in the line of duty.

The Tulare County Sheriff's Department's Peace Officer Memorial Service and dedication of the Peace Officer Memorial will be held today, May 15, 2002, in Visalia, California. This monument pays tribute to the nineteen Tulare County peace officers who have lost their lives in the line of duty. To honor their noble sacrifices, the people of Tulare County have come together to donate the funds needed to make this lasting tribute to these brave individuals a reality.

This monument honors eight members of the Tulare County Sheriff's Department, three members of the California Highway Patrol, and eight members of various other law enforcement agencies located in Tulare County, including one federal officer from the National Parks Service. The Tulare County peace officers who have been killed in the line of duty are: Deputy John N. Wren, Deputy Oscar A. Beaver, Constable Robert A. Carter, Officer George Owen Barlow, Officer Norman A. Kessler, Officer Richard L. Simpson, Sergeant Charles Garrison, Officer Richard W. Smith, Deputy Ross C. Cochran, Officer John R. Ellis, Deputy Vernon L. Cox, Deputy Carlos Magana, Officer Thomas J. Schroth, Detective Monty L. Conley, Detective Joe R. Landin, Deputy Michael R. Egan, Reserve Officer Ronald Hills, Ranger James Randall Morgenson, and Officer James J. Rapozo.

In closing, I thank these and every other law enforcement officer for their sacrifices made to protect and serve their fellow citizens.

PAYING TRIBUTE TO BUREAU OF RECLAMATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the Bureau of Reclamation and congratulate all of its employees and supporters on reaching an extraordinary milestone. As the bureau celebrates its 100th anniversary, it is my sincere pleasure to congratulate each and every employee on many years of excellence in serving the Western United States and, indeed, the entire nation. The efforts put forth by this organization are truly appreciated by everyone who lives in the seventeen Western states that it serves, and I am honored to stand before you today and bring its many accomplishments to the attention of this body of Congress. For 100 years, this agency has worked diligently to make the Western United States livable, and I, along with the many residents that have benefited from their efforts, am proud and thankful for what you have accomplished.

Started in 1902 by President Theodore Roosevelt in order to permit "homemaking" in the Western states, the Bureau and its employees have long been a vital part of Western life. Colorado could not be the vibrant and majestic state it is today without the hard work and dedication of each and every employee in the hundred year history of the Bureau. From the early beginnings, the employees have been the heart of the agency, involved in numerous projects not only in the administration of the program but assisted in the construction of the dams and canals as well. Today, the Bureau has twenty-two offices that oversee 180 projects and the employees still remain the core of the operation. In addition to the commitment of the supporters and employees of the Bureau of Reclamation, this vision and foresight of the agency have been vital to Colorado and the West.

This agency has long recognized the thoughtfulness and forbearance of our early Colorado settlers. As this country was expanding, the need to create abundant and rich soil became a backbone to ensuring the settlement of Western lands. The Bureau of Reclamation has helped our forefathers build several reservoirs and canals to gather and transfer water that would be used to irrigate otherwise fruitless soil. As a result, the efforts of the Bureau have helped aspiring farmers to reap the benefits of an otherwise desolate landscape. This was a remarkable accomplishment for those early times in our history and I am thankful for the role that the Bureau of Reclamation played in assistance to our early pioneers.

Mr. Speaker, it is my distinct pleasure to be able to congratulate each and every employee and supporter of the Bureau of Reclamation on this historic occasion, and wish each of them all the best in the next one hundred years. I commend each of you for your work in ensuring that the water needs of all of the residents of the Western States, from the early homesteaders to today's modern users, are addressed. I also would like to recognize the successful vision of the agency and I know that the Bureau will continue to provide that vision to take us into the twenty-first century. I am delighted to bring the efforts of such an extraordinary agency to the attention of this body of Congress. Keep up the great work; I look forward to the years to come!

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to oppose the National Defense Authorization Act for FY 2003. This bill provides appropriations for an increase in pay for our armed services personnel, which I believe is very important for the security of our great nation. The authorization provides an across-the-board 4.1 percent pay increase for military personnel. The across-the-board and targeted raises would be the equivalent of a 4.7 percent across-the-board raise and will reduce the pay gap between the military and private sector from 7.5 percent to 6.4 percent. Our service men and women work very hard to protect this country and its way of life. Therefore, I believe that by raising their pay and giving more than a billion dollars more than the President requested, this will increase morale, which is very important.

On the other hand, this Authorization provides funds for flawed defense items. First, the Air Force's controversial F–22 Raptor Fighter, the next-generation premier fighter, which is intended to replace the F–15 and F–16. It is designed to have both air-to-air and air-to-ground fighter capabilities. This aircraft is plagued by cost overruns, technical problems and questions over whether the Air Force should direct its resources to expensive manned aircraft when newer technologies and strategies are more effective and less costly. The bill authorizes $1 billion for unmanned aerial vehicles (UAV) procurement and research and development. UAV's have the ability to provide first-hand reconnaissance of opposition forces without placing lives at risk. Moreover, UAV's have proven particularly valuable in Afghanistan by identifying and tracking enemy targets, and conducting missions too dangerous for manned aircraft. By canceling the F–22, the Air Force can free up substantial funding that can be used to more aggressively pursue programs such as long range bombers. Yet, we fund this flawed and expensive jet fighter.

Another flawed item is the controversial Crusader artillery system. Defense Secretary Rumsfeld signaled his intent to cancel the Crusader program, and to divert the $475 million in research and development funds earmarked for the program to another system. In addition, the President asked this Congress not to revive the $11 billion program, because he fully supported Secretary Rumsfeld's decision to scrap the artillery system and seek alternatives more in keeping with the current threat facing the United States. The Congress ignores the President's request and still proposes funds for this flawed and unwanted item.

Along with these flawed programs, this Authorization will also relax environmental laws. Although, the bill authorizes the President's request for the Energy Department's environmental restoration and cleanup programs. The Defense Department environmental programs, relaxes some current requirements under our environmental laws which protects wildlife habitats on military installations. Here again, the Administration is trying to disrupt our delicate wildlife habitats to benefit its friends.

However, the most problematic item within the authorization is the $7.8 billion ballistic missile defense. The reality with a ballistic missile defense system is that if a country is capable of building a long-range missile, and has the motivation to launch a missile against the United States, it has the capability and motivation to build effective countermeasures to any anti-ballistic missile defense system.

Furthermore, the difficulty in developing a feasible ballistic missile defense system is not getting complex hardware to work as intended. It is that the defense system has to work against an enemy who is trying to thwart the system. Moreover, the attacking country can do so with technology much simpler than the technology needed for the defense system. This means that the attacker has the advantage, despite our technological edge.

A year long study was conducted, that examined, in detail, what countermeasures an emerging missile state could take to defeat the missile defense system the United States is planning. The study showed that effective countermeasures required technology much less sophisticated than is needed to build a long-range ballistic missile. In addition, a high-level commission convened by Congress to assess the ballistic missile threat to the United States, noted that potential attackers could build such bomblets.

I ask "how is it possible that this problem is being ignored?" The Pentagon is balking on how to proceed. It has divided the missile defense problem into two parts: (1) getting the system to work against missiles without realistic countermeasures and (2) getting the defense to work against countermeasures. Few doubt the first step could eventually be done.

The Defense Department has tested and retested this ballistic missile defense system, and each time results have not achieved their desired intentions. But yet, the President wants to continue funding this flawed policy. In almost every case, post-test doubts have been raised. Critics have charged that test results over the past two decades have been exaggerated by false claims of success and promises of performance that later proved false. Many tests were proven to have had their targets significantly enhanced to ensure the likelihood of success. Furthermore, kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage.

There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work. Despite the prowess of American technology, there are no quick, cheap or easy solutions in missile defense. Therefore, we should allocate funds for more pressing defense needs and spend our funds on systems that work and will enhance real security for all Americans. To assume otherwise is to base defense planning on wishful thinking. An effective defense is based on preparing for credible threats with workable systems. Not funding systems that have failed in tests as the Republicans have done in this bill.

THE TANF REAUTHORIZATION

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. ACEVEDO-VILÁ. Mr. Speaker, on behalf of the children and families of Puerto Rican and Hispanic families, I rise today to urge my colleagues to vote in favor of the Democratic proposal.

The Commonwealth of Puerto Rico has successfully implemented TANF. We have met all of the requirements of the Act. We have been successful in reducing our welfare rolls from 55,000 to 21,000.

Puerto Rico has accomplished these goals in an environment of high unemployment. Our unemployment is double that of the mainland. Yet, we still met all of the requirements of TANF.

The Democratic substitute continues to require Puerto Rico to meet all of the same mandates as the states. However, it authorizes Puerto Rico to have access to the same tools as the states. These programs include mandatory daycare funding, supplemental grants, and the contingency funds.

If the Commonwealth of Puerto Rico is expected to succeed in meeting the requirements of TANF, we need access to the same programs that states are provided. We are dedicated to moving families from welfare to work; we are dedicated to reducing our welfare rolls. In order to do so, we need the tools to implement these programs.

Anything short of the Democratic substitute creates additional barriers limiting the ability of Puerto Rican and Hispanic families to make a successful transition from welfare to work.

Mr. Speaker, I would also like to enter into the record a letter from the Chair of the National Hispanic Leadership Agenda endorsing the principles I have just outlined.

Additionally, the National Conference of State Legislators, a Non-partisan organization, recently acknowledged that the circumstances in Puerto Rico and the territories are unique and need to be addressed. Voting in favor of the Democratic substitute is a step in the right direction.

Again, I urge my colleagues to vote for the Democratic substitute to insure that no families or children living under our flag are left without the necessary tools to end the cycle of poverty.

NATIONAL HISPANIC LEADERSHIP AGENDA,
Washington, DC, May 6, 2002.

Hon. TOMMY G. THOMPSON,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY THOMPSON: On behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of national Hispanic civil rights and public policy organizations, I would like to thank you for meeting with us today and for your expressed interest in addressing funding disparities for federal programs in Puerto Rico. Your support and leadership would significantly assist us in our efforts to ensure the needy families and children residing in Puerto Rico have equal access to essential federal programs that are currently underfunded.

All U.S. citizens should have equal access to the tools necessary to exit poverty as they move from welfare to work. Child care, health care, and employment assistance are critical supports that do not only ensure a successful transition to self sufficiency, but also guarantee the continued health and well-being of vulnerable families. Regretfully, needy U.S. citizens residing in Puerto Rico do not share in these benefits equitably.

Welfare spending on the Island stands at $34.78 per poor person compared to the national average of $533.97. With funding limitations on federal child care programs, health insurance programs such as Medicaid, SCHIP and Medicare, and Temporary Assistance for Needy Families (TANF) the obstacles to self-sufficiency are considerable in an economy that already suffers from an unemployment rate that is twice the national average and where the poverty rate is nearly 60 percent.

Given these realities, NHLA believes that the following changes are required to address funding disparities for Puerto Rico:

Removing barriers that exclude Puerto Rico from the TANF Supplementary Grant program and once barriers are removed exclude Supplementary Grants from the current TANF cap;

Removing IV-E Foster Care from the TANF cap;

Removing barriers that exclude Puerto Rico from the Child Care and Development Fund—Mandatory Grant (93.596(a)) and exclude from the cap the Child Care and Development Fund—Matching Grant (93.596(b));

Reimbursing Puerto Rico for providing Transitional Medical Assistance to TANF leavers outside the Medicaid cap imposed on the Island.

We urge you to support legislative proposals that will address the current disparities in poverty assistance programs, and ensure that critical health care and self-sufficiency programs are made available to the U.S. citizens in Puerto Rico.

Low-income families deserve to have the full commitment and assistance of our federal government, if they are to succeed in becoming self-sufficient—regardless of where they may reside in America.

Sincerely,

MANUEL MIRABAL,
Chair.

HONORING RAYMOND BRAUER, M.D.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Dr. Raymond Brauer, who will be honored by The Houston Society of Plastic Surgeons as its first recipient of the "Distinguished Plastic Surgeon Award" 2002. His colleagues, friends and family will honor him at the Society's meeting being held on May 16, 2002, in Houston, Texas.

The Houston Society of Plastic Surgeons was established to promote high ideals of plastic surgery and to improve scientific knowledge in the field of plastic surgery. This organization is composed of practicing plastic surgeons of high moral standing, who exhibit a certain level of professionalism and are actively engaged in the Greater Houston Metropolitan Area for at least two years.

Born on March 3, 1916 in Fresno, California, Dr. Brauer has dedicated his life to the advancement of plastic surgical medicine. He graduated from Pacific Union College in 1941 and obtained his medical degree in 1943 from the College of Medical Evangelists in Los Angeles. Dr. Brauer interned at Santa Clara County Hospital in 1942 and soon after fulfilled his residency training at the St. Francis Hospital in 1944. Being a man of great conviction and devotion to his country, Dr. Brauer joined the Army in 1944, to fight in what has been described as the greatest and most destructive war in history, World War II. More than 17 million members of the armed forces of the various countries perished during the conflict. Upon completion of duty in 1948, Dr. Brauer, relocated to Houston to begin a private practice with a fellow plastic surgeon.

In addition to all that he has done, Dr. Brauer has received several appointments with Baylor College of Medicine and the University of Texas. Throughout his long and distinguished career he has served on several committees and boards, published many articles, and won numerous honors and awards.

Mr. Speaker, I congratulate Dr. Brauer on his tireless efforts toward improving the plastic surgery profession, his many achievements and service to our country. Dr. Brauer is an integral part of the Houston community and has made many strides in the field of medicine. This honor reflects the widespread recognition within the plastic surgery community of Dr. Brauer's important and diverse contributions to the profession. His voice has been a powerful one for those seeking self-enhancement, as well as the professionals who strive to improve their patient's quality of life.

PAYING TRIBUTE TO CARLOS ELIAS AND ANDREA ARESE-ELIAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, it is a great honor to be able to recognize an amazing couple that reside in my district in Colorado. Carlos Elias and Andrea Arese-Elias of Grand Junction are amazing musicians who have taken their passion to the highest level. Through their hard work and dedication to perfection, they have achieved true excellence in their fields—Carlos on the violin and Andrea on the piano. In recognition of their talent and commitment, the couple has recently had the privilege of performing at Carnegie Hall.

Carlos and Andrea began their career in their respective countries of El Salvador and Argentina. Carlos studied the violin at the National Center of the Arts in San Salvador, and at the age of 16, became the youngest violinist to enter the El Salvador Symphony Orchestra. In addition, in 1986 Carlos had the honor of representing El Salvador in the World Philharmonic Orchestra in Brazil. Carlos also holds many degrees in violin performance and artistry including a Master's Degree from the University of Cincinnati College Conservatory of Music. Andrea began studying the piano at the Musical Conservatory in Argentina. She has been performing since the age of eleven and has her Master's and PhD from the University of Cincinnati College Conservatory of Music.

After performing all over the world, the couple has settled down to raise their family in Grand Junction, Colorado. Carlos and Andrea are valued members of Mesa State College where Carlos is on the faculty of the Music Department. Carlos is the Director of Strings and the College Orchestra as well as Concertmaster of the Grand Junction Symphony Orchestra, providing his expertise and experience to the members of the orchestra. The couple also plays another important and vital role; they are the loving parents of two children, Briana who is five, and Melissa who is one and a half years old.

Mr. Speaker, I imagine the chance to play Carnegie Hall is the dream of every musician and I am proud that Carlos Elias and Andrea Arese-Elias have had the opportunity to bask in this honor. They truly deserve this great opportunity and it is their hard work and dedication to achieving the highest level of excellence that I wish to bring to the attention of this body of Congress, and nation. Congratulations Andrea and Carlos, and good luck in your future endeavors.

TRIBUTE TO MASTER SERGEANT RICHARD W. PETRONE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Master Sergeant Richard W. Petrone, who retired from the New York Army National Guard on September 30, 2001, with more than thirty-one years of exemplary service to our nation. It is my pleasure to honor him here today.

Mr. Petrone has enjoyed a long career in public service. He worked with New York Police Department for 23 years, and served in the U.S. Army Reserve for more than two years.

Among several positions at the National Guard, Mr. Petrone served as Chief Training Instructor at the 106th Regiment Headquarters Regional Training Institute. There, he was instrumental in organizing and supervising several outstanding programs, which garnered the Institute several certificates of accreditation. As Battalion Communications Chief with the 206 Corps Support Battalion, Master Sergeant Petrone enacted programs to make the unit act in a more coordinated and efficient fashion. This contributed to a more effective communications program throughout the command.

For his service, Mr. Petrone has received several awards, including the Armed Forces Reserve Medal, the National Defense Service Medal, the Army Achievement Medal, the Army Commendation Medal, the New York State Military Commendation Medal, and the New York State Medal for Humane Service.

For his commitment to his community, his State, and his Country, it is my privilege to congratulate Master Sergeant Richard W. Petrone on this special occasion.

TRIBUTE TO NICOLE LOVE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate a distinguished young lady for attaining the Girl Scout Gold Award. Nicole Love, the daughter of Diane Love, is a member of Senior Girl Scout Troop #349 located in Griffith, Indiana. She will receive this honor at a Girl Scout Gold Award Ceremony on May 16, 2002 at The Center on the campus of Purdue University Calumet, in Hammond, Indiana. This is the highest award in Girl Scouting and it is earned when the girls are committed to working towards the goals they set for themselves. I am honored to have the opportunity to congratulate Nicole for her success, for I know that she has grown during this pursuit. Additionally, Nicole attained the Gold Award in conjunction with her academic achievement at Griffith High School. She will graduate this June and plans to attend college.

Troop #349 is part of the Girl Scouts of the Calumet Council, which serves girls in Whiting, East Chicago, Hammond, Highland, Munster, Griffith, Schererville, St. John, and Dyer in the State of Indiana and Lansing, Lynwood, Calumet City, and Burnham in the State of Illinois. The Council was chartered in 1954 and operates two program centers that serve over 5,700 adults and girls.

A special significance is attached to the title of Girl Scout Gold Award, a significance that accompanies a young woman throughout her life. As she pursues endeavors in higher education, business, industry and community service, she carries with her the lofty goal of success through leadership. To qualify for the Gold Award, each Girl Scout has had to fulfill rigorous requirements in the areas of leadership, career interest and service. Upon completing the above requirements, a prospective Gold Award candidate must find and complete a project that fulfills a need in the community.

Nicole's Gold Award Project involved coordinating a sports weekend for Junior Girl Scouts called "Sports n' More" in October 2001. Over 3,500 Senior Girl Scouts design, implement, and complete Gold Award projects each year. Nicole can be very proud of the success that she has achieved through hard work and dedication to serving her community.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Nicole Love for her commendable achievement. Her mother can be proud of her daughter because it takes a great deal of tenacity and devotion to achieve such an illustrious award. This young lady has a promising future ahead of her, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

PERSONAL EXPLANATION

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I was unavoidably detained in my district on May 14, 2002. Had I been present and voting, I would have voted:

Yea on Rollcall # 161
Yea on Rollcall # 160
Yea on Rollcall # 159

PAYING TRIBUTE TO JAKE SATTERWHITE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to honor the life and memory of Jake Satterwhite of Craig, Colorado. Jake was tragically taken from us at the age of thirteen in a car accident in August of 2001. Although he was very young when he passed away, he touched many lives in the Craig community during his years, including those of his baseball team and his classmates. To honor his memory, the City of Craig has recently dedicated a baseball field in remembrance of Jake.

Jake was known for giving 110 percent to everything that he did and held an optimistic spirit and enthusiasm for life. Jake touched everyone he encountered. The witnesses at the dedication ceremony were moved by their memories of the boy who never gave up in the face of insurmountable odds or defeat. On his baseball team, Jake was a key member on and off the field. He was the spirit of the team and was a constant cheering force for his teammates. He is fondly remembered by the Craig community and is deeply missed by his loving parents, family, and friends.

Mr. Speaker, the people of Craig will remember Jake as a boy whose short life was filled with joy and inspiration every time a team takes his field. This dedication will keep Jake's enthusiasm for life alive in the hearts of those he touched, and I am honored to be able to bring the enthusiasm and optimism of Jake Satterwhite to the attention of this body of Congress and this nation. While his family and friends continue to mourn his loss, I am confident his memory will live on through this wonderful baseball field.

MINNESOTA REP. DARLENE LUTHER'S LASTING LEGACY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. RAMSTAD. Mr. Speaker, we have all learned in the last eight months how fragile life can be, and how nobility and grace can rise from tragedy and sadness.

We have all mourned recently with our colleague Bill Luther the loss of his beloved wife, Darlene, who was a distinguished member of the Minnesota House of Representatives, as well as a loving wife and mother of Alex and Alicia Luther.

Mr. Speaker, I was profoundly moved by a recent story from the Fergus Falls Journal which reflects the great love Darlene and Bill shared for each other, as well as others.

The story, by Mary Mahoney, also speaks volumes about the enduring power of human kindness.

Because I would like to share this beautiful story of love, sacrifice and the enduring bond of friendship, I respectfully submit for the record the enclosed article from the Fergus Falls Journal of February 7, 2002, entitled "Family's gift of life leaves enduring bond," by Mary Mahoney.

More than 25 years before his unexpected death, Gary Bradow told his wife Norma that he wanted his organs donated.

"I told him that if he went first, I didn't know if I could do it," Norma said from her Fergus Falls home. "Gary told me I could, that I would just know it was right."

But nothing could have prepared Norma for the awful day that Gary died. A malformed artery in his brain caused a fatal stroke in March 1998 at the age of 57. Norma was faced with the one decision she didn't want to make.

"People think of 'harvesting' organs as an awful thing," she said. "But I realized we were farmers; harvesting is a wonderful thing for farmers. And in the case of donating Gary's organs, 'harvesting' was wonderful too."

A man in Wisconsin received a kidney. A 63-year-old widow got another kidney. Two others received his eyes.

And State Rep. Darlene Luther was the recipient of Gary's liver, literally occurring hours before she would have died.

A simple thank-you letter written to Norma six months after the transplant established a bond that couldn't be broken—even after Darlene's death on Jan. 30.

"I don't think of myself as one but as two persons," she wrote, signing only her first name.

With those words, Norma knew she had to connect with this woman who had reached out to her.

"Her letter touched my heart in a way I just can't describe and I immediately called LifeSource and said I had to meet her," Norma said. "It took awhile, but two weeks before Christmas 1998, both of them (Darlene and her husband U.S. Representative Bill Luther) were here."

In the four years since Darlene's transplant, the Bradow family became dear and special friends with the Luthers, visiting often and corresponding frequently. Darlene even flew out to Seattle one day to have lunch with Norma and her daughter Pam, who lives in Seattle, and flew back the same afternoon.

"The bond we had was completely beyond words," Norma said. "She was such a kind and generous lady."

Another twist of fate connected the families as well. Bill, who grew up on a dairy farm near Fergus Falls and has relatives in the area, had briefly known Gary before his death.

"I knew of them and had spoken with Gary before all of this happened," Bill said. "And the odds that my wife would receive a liver transplant from a man from my hometown—it's just amazing the way life can bond people together."

To Darlene, it was a sign that more needed to be done to increase awareness of organ donation. She felt she was the perfect person to educate people about the benefits of organ donation as a state representative, and helped enact legislation providing funding for a mobile education unit for LifeSource, the organ donation procurement organization that helped secure her liver.

"She (Darlene) did such a great amount of work, getting families to talk about organ donation," said LifeSource Public Relations manager Susan Mau Larson. "She was a living statement of the wondrous good provided by organ donation."

The mobile unit is similar to a bookmobile, with displays and kiosks about organ donation. In late December, LifeSource presented a plaque that will hang in the mobile unit, thanking Darlene for all the work she's done for organ procurement.

Last week, a bill passed through the House of Representatives—named in honor of Darlene—making a person's organ donation wishes a binding contract, meaning a family member cannot override the decision. The Senate will begin its process on the bill today, Mau Larson said.

But despite the positive work Darlene provided, tragedy struck the Luthers—and the Bradows—once again.

"Darlene called me in late October to let me know she had stomach cancer," Norma said. "The anti-rejection drugs masked the cancer and by the time they found out, it was inoperable."

It was then that the friendship shifted and Norma began helping Darlene the way she had been helped after her husband's death.

"I wrote her weekly notes, little inspirational things to encourage her," she said. "Her inner peace was phenomenal; she was such an inspiration to me—and I was trying to help her."

When Bill called Norma the morning after Darlene died, she said the news was heartwrenching enough. But what came next practically took her breath away.

"Darlene had requested she be buried in Fergus Falls, where she could be near us," Norma said. "I burst into tears when Bill said that."

For Bill and his children Alex and Alicia, it was a natural decision.

"We were so appreciative of those four years Darlene received because of the transplant," Bill said. "The Bradows are part of our family."

He insisted that Norma ride in the lead car during the burial procession and that Gary's family, including his mother, Emma and daughters Tara and Debra, take part in the service held Wednesday afternoon at Oak Grove Cemetery.

"That's what they mean to us," Bill said. "And it's what Darlene would have wanted."

TRIBUTE TO MR. IRA JUNIOR ANDERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the courage and dedication of Mr. Ira Junior Anderson.

Mr. Anderson is a Korean war veteran who was recently recognized for his service and issued the Bronze Star Medal. Mr. Anderson will be honored on May 19, 2002 at Hardin-Central High School where he will also be receiving his honorary high school diploma. I feel honored to have Mr. Anderson living in the Sixth Congressional District of Missouri.

Mr. Anderson's family members and friends should take pride in what he has done for this country to keep it free and strong.

I commend Mr. Anderson for his courage and dedication and for allowing so many people to celebrate with him during this time. Mr. Anderson and other veterans like him have endured hardships and pain that most of us will never know. I again thank Mr. Anderson for his service and dedication to this great country. He makes the sixth district and all Americans very proud.

HONORING MS. JANET C. WOLF ON THE OCCASION OF HER RETIREMENT FROM THE NATIONAL PARK SERVICE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. LoBIONDO. Mr. Speaker, it is with immense pride and accolade that I rise today to honor Janet Wolf, upon her retirement from the National Park Service. Ms. Wolf has distinguished herself with great determination and creativity during her 34 years of service.

Thirty-four years ago, Ms. Wolf began her career as an urban intake employee in Washington, D.C. She has served at numerous sites across the country including: the Catoctin Mountain Park, the Roosevelt-Vanderbilt Headquarters, the Fort McHenry National Monument and as Superintendent of the Fort Frederica National Monument and the Morristown National Historical Park. In addition, after spearheading the planning and implementation efforts to establish the Martin Luther King, Jr. National Historic Site, Ms. Wolf had the distinction of serving as its first Superintendent.

For the past fourteen years she has prevailed with expertise as Project Director for the National Park Service's New Jersey Coastal Heritage Trail. It is in this capacity that I came to know Ms. Wolf. I can attest to the fact that she has labored tirelessly to shepherd this project from concept to reality.

Established in 1988, the Trail has highlighted the natural beauty of over eight counties and six Congressional districts in New Jersey. Since its inception, the Trail has blossomed to its current size boasting over seventy destinations, welcome centers, and local information centers. All sites manifest a theme: Maritime History, Coastal Habitats, Wildlife Migration, Historic Settlements, and Relaxation and Inspiration. The Trail has prospered in part from numerous local partners including: the New Jersey Division of Parks and Forestry, New Jersey Office of Travel and Tourism, and the Pinelands Commission. These partnerships have been successful due to Ms. Wolf's perseverance, experience, and creativity. As a testament to her outstanding work, Ms. Wolf has received countless recognitions, including a Citation for Meritorious Service from the Secretary of Interior.

Ms. Wolf's contributions also extend well beyond her role as Program Manager for the Trail. She has been an active participant in the local community, serving on numerous boards, committees and local foundations.

Mr. Speaker, Janet Wolf's contributions to the National Park Service are indeed numerous and noteworthy. By preserving our nation's environmental heritage, she has left a legacy with benefits too countless to number. Her indefatigable work on the New Jersey Coastal Heritage Trail is portrayed in the eyes of a child upon seeing the ocean for the first time, or in the serenity brought in the solitude and wonder of New Jersey's forests, diverse wildlife, and coastal habitats.

For her many years of dedication and diligent efforts on behalf of our nation's parks, I ask my colleagues to join me in wishing her good health and a very joyous retirement.

A TRIBUTE TO PAUL ECKE, JR.

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the life and accomplishments of my friend, Paul Ecke Jr. who passed away on Monday morning after a long illness. Paul was a devoted husband and father, a leader in the San Diego Community, and a force in the poinsettia industry. While his leadership in the poinsettia business made him an international figure; it was his warm heart and caring personality that made him a community leader, and a friend.

Since I came to Congress, Paul and I have worked together on issues important to our community of San Diego, and to the flower industry worldwide. Paul's boundless leadership and generosity was evident in his support of local charities like the Magdalena Ecke YMCA, the San Diego Museum of Natural History, California State University San Marcos, and the Del Mar Fair Grounds. In addition, Paul's industry has given America and the world the poinsettia for holidays. Nearly 80% of the world's poinsettias are licensed to the Ecke Ranch, and the popularity of this wonderful plant can be traced to Paul's hard work and efforts to grow the poinsettia as an indoor potted plant, and to make the plant suitable for mass production.

I will never forget the first time that I met Paul. He came to meet me in my home when I was a candidate for the U.S. Congress. He walked into my living room, picked up a basket of silk flowers from the coffee table, and immediately threw it into the garbage. He told me that he would replace it with "something better" and later that day sent me an arrangement of fresh flowers. Paul was a man who noticed every detail, never hesitated to tell you what he was thinking, and who always followed through with his promises.

Paul's life exemplified commitment and service to his community, and he leaves behind a legacy for his family, friends, and fellow Americans. Earlier this week, Paul's family released a statement that read, "In tribute to Paul's legendary support of the floral industry, we suggest that you send flowers today to someone you love." I ask my colleagues to join me today in honoring Paul's legacy by sending flowers to their loved ones.

I have attached an editorial from our local paper paying tribute to Paul and his works. I could share countless stories, but words are insufficient to convey the extent of his kind heart, ambition, and lifetime of effort to improve our community.

PAUL ECKE JR. SUCCUMBS TO CANCER

(By Adam Kaye)

ENCINITAS.—Paul Ecke Jr., who expanded both his family's worldwide leadership in the poinsettia growing business and its emphasis on local philanthropy, died Monday at 76 from cancer.

Ecke Jr., who was president of Paul Ecke Ranch from 1963 until turning it over to his son in 1991, assembled the scientists and salesmen that perfected the mass production of poinsettias first developed by his father. Today, an estimated 80 percent of the poinsettias sold each year worldwide got their start, in some form, from the Paul Ecke Ranch.

Together with poinsettias, Ecke Jr. leaves a legacy of philanthropy.

His generosity extended to the Magdalena Ecke Family YMCA, named after Ecke Jr.'s mother, to the Del Mar Fairgrounds, local schools, Planned Parenthood and the Republican Party. Ecke Jr. also was instrumental in saving the landmark Carlsbad Flower Fields from being wiped out in the early 1990s.

"Paul Ecke Jr. was a model of what it means not only to be successful in business but also a good citizen who was almost unique in how much he gave back to the community and in particular the community's youth," said Assemblyman Mark Wyland, who serves on the Ecke Family YMCA board of directors. "San Diego County owes Paul Ecke a great debt of gratitude, and he will be sorely missed."

Ecke Jr. inherited the family poinsettia business his father, Paul Ecke Sr., started in

Encinitas in 1923. The business launched Encinitas as a flower-growing hub and made the family a lowkey royalty.

Ecke Sr., who died in 1991, developed the first poinsettia cultivar from a wildflower native to Mexico, so that it could be successfully grown as an indoor potted plant. Over the years, the family marketed the plant so it became synonymous with the Christmas holidays. In 1963, when Ecke Jr. became president of the family company, production shifted to small cuttings in greenhouses. The company now employs 300 people in Encinitas and 1,000 in Mexico and also has an office in Denmark to handle European distribution.

LOCAL WORKS

Ecke Jr. left his mark in North County in numerous ways, friends and colleagues said Monday. Just down the street from the Ecke Ranch on Saxony Road is Magdalena Ecke Family YMCA, which began as a 5-acre gift from the Ecke family in 1968. Twelve years later, the Ecke family added 15 acres more.

Today it is one of North County's premier recreation centers, with the region's largest skateboard park, only public BMX course, gymnasiums, ballfields and pools for competitive swimming and diving. Much of the facility's growth is due to Ecke Jr.'s prodigious fund-raising efforts, said executive director Susan Hight.

A member of the YMCA's board of directors for many years, Ecke Jr.'s signature fund-raiser was the holiday Poinsettia Ball. The annual benefit would raise about $75,000 a year for scholarships for children from low-income families to use the YMCA, Hight said.

His "attention to detail" at the facility would prompt Ecke to visit regularly, to check on the landscaping, pick up trash, and eat a sack lunch while watching the children play, she said. "He truly treasured the Y," Hight said. "And he will be sorely missed. We came to love him, respect him and treasure him."

From 1992 to 2000, Ecke Jr. was a member of the Del Mar fair board. During his tenure, the fair's flower show expanded to a nationally recognized event.

"Paul's expectations were always a little higher," said Chana Mannen, the fairgrounds' exhibit manager. "He didn't stand for anything that wasn't great."

Ecke Jr. brought to the fairgrounds a penchant for cleanliness and fresh paint. He ordered colorful landscaping for the grounds. And even when he was in his 70s, he rode the scariest rides at the fair. One of his favorites was the heart-stopping 120-foot tall bungee jump.

"He decided he'd go on it every night of the fair," said Andy Mauro, a former fairgrounds administrator. "And true to form, he took great delight in involving us all. At some point during that fair we each had to swallow our fears and brave that bungee jump with Paul. None of us would have done it without him, but we all remember our accomplishment with great pride. Paul inspired those around him to reach a little further."

LEGACY OF INTEGRITY

Ecke Jr.'s son, Paul Ecke III, runs the family business today.

The motto in the Ecke house was, "We never give up," Ecke III said.

That and an ironclad sense of integrity created a system that secured many business deals with a handshake.

"He showed us by example that you don't lie, cheat or steal," Ecke III said.

Ecke III and his father both attended the little elementary school that was once known as Union School on Union Street. The school had two name changes. It became Central School; then, in 1985, became Paul Ecke-Central School, named after Paul Ecke Sr.

Over the years, the family has supported the school's sixth-grade camp and literacy programs, Principal Gregg Sonken said.

This year, Ecke Jr. sponsored a field trip so each of the school's students could visit San Diego Natural History Museum.

"He would frequently call and ask if he could come by the school," Sonken said. "He was just a great benefactor of our school. He really took an interest in our students."

Ecke Jr. himself was a student at San Dieguito High School, where he graduated in 1942.

He soon joined the Navy and served in the Pacific aboard the USS Knapp. He was called back to duty in 1951 to serve as an ensign aboard the USS Perkins in the China Sea during the Korean War. Even then, his green thumb was irrepressible. After a day of heavy shelling, sailors had disposed of dirt that shook loose from planter boxes in the officers' mess hall. "He convinced the captain to send a patrol to (the North Korean) shore to get more soil," Ecke III said.

FLOWER POWER

During the years between his military deployments, Ecke Jr. earned a degree in horticulture from Ohio State University in 1949. From there, Ecke Jr. pioneered the use of greenhouses to grow poinsettias, because the controlled environment produced faster-growing plants that were less susceptible to disease.

His company would become the innovator that set competitive standards in the industry, said Chuck Gainan, president of the Society of American Florists. "People would aspire to do it as well as they do," Gainan said. Gainan and other agriculture experts say Ecke Jr. has given the flower industry political muscle and other support.

Bob Echter is a member of the San Diego County Farm Bureau's board of directors who grows flowers on property he rents from the Eckes. "He has always been very fair with his desire to help farmers grow and compete," he said.

Ecke Jr. was responsible for the construction of the Floral Trade Center in Carlsbad, a trucking and distribution hub for a number of North County flower growers. Beyond North County, he lobbied Sen. Dianne Feinstein and Rep. Randy "Duke" Cunningham to include language protecting flower growers" intellectual property in federal legislation that would become the North American Free Trade Act, said Bob Vice, a former colleague of Ecke Jr.'s on the fair board.

Locally, Ecke Jr. chose not to oppose Encinitas' incorporation in 1986 as long as the family's acreage was not included as part of the city. That decision came at a time when many flower growers were against incorporation, anticipating their property taxes would rise. "He didn't want to get involved in a controversial situation," said former councilman Rick Shea. "In essence we created a city shaped like a doughnut. The Eckes were the hole in the middle." As the city's general plan took shape, the Eckes were open and receptive, Shea said, and eventually annexed their property into the city.

Lola Larson, a longtime neighbor who attended elementary school with Ecke Jr., said he was "very likeable and always on his best behavior." Except on certain days when he walked to school with boys who threw stones at a glass greenhouse. "They eventually broke every pane," she said. "Finally the owner got incensed and came to the school. He said 'Who did this?' Paul jumped right up and said he did it."

THAYNE ROBSON

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MATHESON. Mr. Speaker, the State of Utah has lost one of its favorite sons with the sudden, untimely passing of Thayne Robson.

In a career spanning more than four decades, Thayne Robson counseled governors and local government leaders, dispensing an incomparable blend of wit and wisdom about Utah's economic fortunes. His stature as the dean of an elite cadre of Utah economists is fixed in the state's history. He helped craft the fiscal policies of Governors Cal Rampton, Scott Matheson, Norman Bangerter and Mike Leavitt. Always a gentleman but frequently contrarian, Thayne was known to temper his colleagues' rosy forecasts with a word of caution and to see clear skies where others foresaw storm clouds. His track record was exceptional; his influence immeasurable.

Thayne's word was golden—good enough, in fact, to take to the bank. And that's exactly what Utah officials did. His expert forecasts of Utah's Economic climate contributed to the sterling credit ratings bestowed on the State of Utah by New York rating agencies.

Not only was Thayne a trusted economic forecaster and policy advisor, he was the impetus to restructuring the state's economic development efforts. He forecasted the decline of Utah's mining and agricultural sectors and encouraged government officials to diversify the state's economy through travel, tourism and technology. He spearheaded a move to strategically focus state and local economic development efforts within a single organization, known today as the Economic Development Corporation of Utah.

Thayne's professional credentials include teacher, researcher, respected business economist. But he was also a great civic leader. Not one to live quietly in academia's cloistered halls, Thayne was active in local organizations and community affairs, lending his support and expertise to a host of favorite causes. He demonstrated extraordinary commitment to the betterment of the community and the state he loved so much.

Thayne was a gifted communicator. He had a rare ability to translate complex concepts into language people could understand. Thayne's plainspoken interpretation of economic news was a regular feature in the media's broadcasts and news columns.

Thayne was fond of saying, "If you laid all the economists in the country end to end, they still couldn't reach a conclusion." In at least one instance, he was wrong. I am certain his colleagues join countless other Utahns and me in affirming that Thayne Robson was a man of great intellect, uncommon wisdom and good humor. His passing is a great loss. We will treasure his memory and give thanks for his incalculable contributions to the state of Utah.

IN TRIBUTE TO RUDY FAVILA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BACA. Mr. Speaker, I rise today to pay tribute to a great friend of the Inland Empire, Rudy Favila. Rudy will be awarded the Franklin & Eleanor Roosevelt Democrat of the Year Award for 2002 this Sunday, May 19th at the California ScienCenter in Los Angeles. This honor is being given to Rudy for his dedicated leadership in supporting the Ontario community and the Democratic Party.

Rudy is a California native, born in Sacramento, California, where he got his degree from Sacramento State University in Criminal Justice. Rudy and his wife of 33 years, Claudia, moved to Ontario in 1978. They have two children, Colleen and Cristel, who grew up in Ontario, and now have two young grandchildren.

Rudy has served as a dedicated community servant for the past 25 years. He held positions as both Health and Safety Officer and Treatment Team Supervisor of the California Youth Authority. In these positions he worked to safeguard the health of our youth in correctional facilities and to shape their daily experiences. Through this work he was able to provide these youth with opportunities for a positive future. Rudy made a mark on Ontario by serving as a Council Member of the City of Ontario. He worked hard on efforts to create the Ontario Teen Center, to build the Ontario Convention Center, the Mills Mall and to expand the Ontario Airport Terminal. He was also instrumental in implementing Neighborhood Watch Programs, Community Policing, and programs to recycle and conserve water resources.

Although Rudy recently retired, he has continued to work to improve and support the Inland Empire by promoting outreach, health and wellness. The American Red Cross recognized Rudy's work coordinating resources and funds to rebuild the Red Cross facility in the wake of September 11th by awarding him their Dedication and Leadership Award. Rudy has also been active in the Ontario Democrats, Kiwanis International, the National Association of Latino Elected Officials, and as a member of the Special Education Community Advisory Board.

I extend my heartiest congratulations to Rudy. I thank him for being a model of community service and for contributing so much to improve the quality of life for all the residents of the Inland Empire.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MCINTYRE. Mr. Speaker, on Tuesday, May 14, 2002, I was unavoidably absent for rollcall votes 159 through 161 due to an academic awards ceremony involving my son. Had I been present I would have voted 'yea' on rollcall vote 159, 'yea' on rollcall vote 160, and 'yea' rollcall vote 161.

ACKNOWLEDGMENT OF THE CONTRIBUTIONS OF BARBARA WILLIAMS-SKINNER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. NORTON. Mr. Speaker, I rise to acknowledge, with praise and admiration, Dr. Barbara Williams-Skinner, president of the Skinner Leadership Institute (SLI). Dr. Williams-Skinner has just earned her Doctor of Divinity degree at Howard University while continuing to make generous contributions to the residents of the District of Columbia and to our country. Dr. Skinner was a very effective former executive director of the Congressional Black Caucus, and continues to play an important role in coordinating the Caucus Foundation's Prayer Breakfast, which annually brings together more than 3000 African American leaders in government, business, and entertainment from across the country.

Most recently, under Barbara Skinner's leadership, SLI has helped to prepare hundreds of District youth to become leaders by emphasizing to teenagers the importance of equipping themselves with tools necessary to make important contributions in a new global community. She chairs the Community Equity Empowerment Partnership and Urban Leadership Academy, a program designed to mobilize young citizens to rebuild urban communities through a comprehensive educational-based leadership development initiative. This training program assists youngsters in maximizing their career potential by offering them long-term employment and economic opportunities. Since Fall 2000, the Urban Leadership Academy has trained approximately 500 youth from grades 9 through 12 at Ballou and Anacostia High Schools in the District of Columbia. SLI has also provided financial and technical support to four learning centers throughout the District, serving over 250 students.

Barbara Williams-Skinner's service to the youth of the District of Columbia builds upon the vision she shared with her late husband, Tom Skinner, a renowned evangelist and champion in the struggle against racism, who dedicated his life to promoting morality and understanding among young people. Just as Tom Skinner attempted to bridge the gap between black and white faith communities, Barbara Williams-Skinner continues their joint legacy, finding new and innovative ways to minister to a diverse array of cultures.

Most notable among Dr. Skinner's other significant contributions to the District is her service to Howard University. Dr. Skinner has been intimately involved with the campus ministry at Howard, helping students organize prayer groups and community service activities. She continues to encourage Howard University students to volunteer as mentors to young people in the city's poorest wards. After years of such efforts at Howard, it is most appropriate that she has recently received her Doctorate of Ministry degree from its School of Divinity last Sunday.

Mr. Speaker, I ask the House to join me in honoring Dr. Barbara Williams-Skinner, whose dedication and energy continue to make a significant impact on the youth of the District of Columbia and on our Nation.

TEACHERS OF SELMA OLINDER ELEMENTARY SCHOOL HONORED FOR THEIR DEDICATION AND COMMITMENT TO ACHIEVING ACADEMIC SUCCESS FOR ALL

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. LOFGREN. Mr. Speaker, I rise during National Teacher Appreciation Week to honor the teachers at Selma Olinder Elementary School for their outstanding and tireless efforts to raise academic achievement levels for all students at the school.

Selma Olinder Elementary School is a K–5, inner-city school in downtown San Jose, California with 67% of its student population being English-language learners, meaning that their primary language at home is something other than English. Also, 77% of the student population is identified statistically as "disadvantaged" and qualifies for the federal free lunch program.

From 1999 through 2001, as a result of the diligence of the teachers and their commitment to the "Success For All" reading program, the number of students reading at or above grade level increased by over 14% and within this same period, the Academic Performance Index was raised by more than 25%.

I am proud and grateful to the teachers for their enthusiasm, and for reminding us all that one person can truly make a difference in the lives of many.

I would especially like to recognize Laurel Browning, who has shown admirable dedication to her students at Selma Olinder Elementary School.

IN RECOGNITION OF THE FERNBANK ELEMENTARY SCHOOL CHESS TEAM: 2002 NATIONAL CHESS CHAMPIONS

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. MCKINNEY. Mr. Speaker, I rise today to pay tribute to the exceptional performance of the Fernbank Elementary School Chess Team, who on Sunday, April 28, won the U.S. Chess Federation's National Championship for grades kindergarten through fifth in Portland, Oregon.

The Fernbank Chess Team captured the title after successfully defending their state title and then defeating nearly 100 teams from 37 states during national competition.

I offer special congratulations to Coach Lew Martin and team members Jackson Miller, Aluda Saliashvili, Pikria Saliashvili, Quinn Shallenberger, Cal Shallenberger, Justin Warren and Brennan Zito.

Mr. Speaker, I rise today to highlight the tenacity and excellence displayed by this team as well as the success of this alternative afterschool program in stimulating intellectual curiosity and inciting a wave of community pride.

PASTOR H.J. COOK

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. KIRK. Mr. Speaker, it is with a heavy heart that I come to the floor today to look back upon the life of Pastor H.J. Cook of Waukegan, IL. For 42 years, Pastor Cook served the Gideon Missionary Baptist Church in Waukegan. He was a remarkably committed spiritual leader. In our lives, we rarely meet men so totally devoted to their community, so keenly in touch with their congregations and so passionately inspired in the service of their faith. Pastor Cook was such a man. On Wednesday, May 8, 2002, Pastor Cook died at the age of 75.

H. Judea Cook was born in Varner, Arkansas, on November 5, 1926 to General and Gerilla Cook. He met and married Osa Lee Jones on March 7, 1948. In 1949, Reverend Cook accepted his call to the ministry-serving the Morning View Baptist Church in McCrory, Arkansas for 10 years.

Pastor Cook attended Arkansas Baptist College in Little Rock, the Jackson Theological Seminary in Orlando, FL, and the Mariet Business College in Oakland, CA. During the course of his study, he earned a Bachelor of Science degree in Theology, a Master's of Theology, and is an Honorary Doctor of Divinity and an Honorary Doctor of Letters.

On October 9, 1959, Reverend Cook came to Waukegan as the Pastor for Gideon Missionary Baptist Church. Through four decades of service, he has steadily increased the membership of his congregation and demonstrated outstanding financial leadership. In 1961, Reverend Cook was pastor to little more than 90 people who worshiped in a small concrete building in Indiana. Today, the Gideon parsonage is home to a $1 Million renovation project. The church has moved to Ridgeland Avenue and has added a Christian Education extension, a new library, offices, and sanctuary.

Since 1988, the church has established the Christian Education School for leadership training, and the Baptist for Nurture program. Gideon is home to a departmental church school, a mission ministry, a bus and tape ministry, and an evangelistic program. Still, in spite of all the changes to the physical foundation at Gideon, Pastor Cook has remained faithful to the spiritual mission of the church and is remembered as a centerpiece of Waukegan's own community fabric.

Pastor Cook will be laid to rest this afternoon in North Chicago. He is survived by his devoted wife of 52 years, Sister Osa Cook, by his five daughters and by one son. He is grandfather to thirty-seven children and great-grandfather to twenty-two more. Pastor Cook leaves behind an entire community of friends and family and untold numbers who were touched by his smile, his warmth, and his generosity.

It has been my privilege to serve Pastor Cook and to see his faith and love in action. He will be missed.

HONORING XI GAMMA OMEGA CHAPTER OF ALPHA KAPPA ALPHA SORORITY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. LEE. Mr. Speaker, I rise today to honor and recognize Xi Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Inc. as it celebrates its 20th Anniversary of community service in the greater Oakland/East Bay Area.

Xi Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Inc. was chartered on May 1, 1982, by a group of 28 dynamic women who recognized a need for greater community service. The 28 original members of Xi Gamma Omega pledged themselves to community development, sisterhood, and the ideals which are embodied in Alpha Kappa Alpha Sorority, Inc.

The members of Xi Gamma Omega saw a need for increased participation on the part of community groups in the development of the city of Oakland. They wanted to ensure that Oakland had support services available to the city's African American community, particularly its youth.

For 20 years, Xi Gamma Omega Chapter has carried out the mission and goals set down by its charter members. It has accomplished these goals through a host of services including tutoring and mentoring programs for elementary and secondary school students, visiting the elderly, adopting families in need, providing financial scholarships to deserving college-bound high school seniors, and making contributions to charitable organizations, such as the United Negro College Fund.

In its early years, Xi Gamma Omega held a Healthy Summer program, based at recreation centers, schools, and the Boys and Girls Club, that provided medical and dental screenings to uninsured young people. Doctors, podiatrists, optometrists, and dentists donated their services to this worthy project. In addition, the chapter members taught poison prevention measures to families in their homes.

During the early 1990's, Xi Gamma Omega Chapter proudly participated in many of the Sorority's International program targets. One of the major targets was Partners In Math and Science (PIMS). Xi Gamma Omega held workshops, titled "Turning African American Students on to Mathematics and Science." These workshops focused on alerting students to the need for math and science skills in all professions, as well as everyday life.

In its own right, Xi Gamma Omega has developed an extraordinary reputation in the Far Western Region as a chapter that exemplifies visionary leadership and premier service programs. Over the years this recognition of Xi Gamma Omega's leadership and community service activities has resulted in the receipt of numerous awards at a number of Alpha Kappa Alpha Regional Conferences.

Today, Xi Gamma Omega Chapter continues its rich tradition of community service through ON TRACK, a student nurturing and mentoring program at Martin Luther King, Jr. Elementary School, providing scholarships to talented middle school students to attend summer art camps, participating in and raising funds for the AIDS Walk-A-Thon, as well as the UNCF Walk and Tele-A-Thons; collecting and shipping educational items for young children to countries in Africa; providing food and personal hygiene items to the residents of the Beth Eden Senior Center; as well as continuing its financial scholarships to college-bound high school seniors.

It is with great distinction that Xi Gamma Omega Chapter has proudly continued the 94 year-old tradition of Alpha Kappa Alpha, the first sorority founded by and for African American college women at Howard University in 1908. This legacy of Service to All Mankind has established Alpha Kappa Alpha Sorority, Inc., as a premier service organization both in the United States and abroad in West and South Africa, Europe, and the Caribbean.

I would like to commend the commitment and diligence of my former Senior Staff Assistant and friend Julie Hadnot, who is the President of the Xi Gamma Omega chapter of the Alpha Kappa Alpha sorority. Julie is a strong advocate and leader in Oakland as well as throughout the East Bay.

In the next 20 years and beyond, Xi Gamma Omega has pledged to remain committed to this high standard of service. Xi Gamma Omega Chapter will continue to blaze new trails and provide visionary leadership in the area of community service and programming throughout the city of Oakland and its environs.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Ms. KILPATRICK. Mr. Chairman, while I support the highest standards of equipment and pay for our troops, and acknowledge that the most important function of our national government is to ensure the safety of our citizens, I could not support H.R. 4546, the FY 2003 Defense Authorization Act. The measure over militarizes American goals and policies at our economic and political expense.

Our nation is great. There is no other that can compete with it—particularly on the battlefield. This is true today, it was true yesterday and I will work to ensure that it is true tomorrow and into the future. Yet, the $383.3 billion that we authorized for Defense (which I might add, does not include the $10 billion authorization the President has requested for a terrorism contingency fund) is more than the combined defense budgets of the next closest 25 nations. Surely, we can afford other national priorities.

The bill includes $7.8 billion for a National Missile Defense System that may or may not materialize. After spending more than $100 billion since its inception during the Reagan Administration, National Missile Defense tests have had little success and system requirements continue to be downgraded. Even if successful, a National Missile Defense System would have done nothing to prevent the events of 9–11. Furthermore, the Bush Administration's insistence on this system continues our move away from strategic international laws that have helped maintain nuclear stability since the Second World War.

The $7.8 billion spent on a National Missile Defense System, alone, would shore up our homeland security and provide 21st century classrooms to our nation's children. For these reasons,

Mr. Speaker, I opposed this measure and voted against it on final passage.

MS. LILLIAN SILBERSTEIN HONORED FOR 30 YEARS OF SERVICE TO THE PEOPLE OF SANTA CLARA COUNTY

HON. MICHAEL M. HONDA

OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. HONDA. Mr. Speaker, I rise to recognize the achievements of Lillian Silberstein, the Executive Director of the National Conference for Community and Justice (NCCJ) Silicon Valley Region. I would like to recognize Ms. Silberstein's extraordinary and tireless service to the people of Santa Clara County and thank her for her 30 years as the NCCJ's Executive Director. She will be honored with the Community Service for Exemplary Leadership Award on Friday, May 17, 2002.

NCCJ was known as the National Conference of Christians and Jews when Lil first started in a small office at a tiny desk by herself. The growth of the NCCJ Silicon Valley as one of the largest and most innovative chapters in the nation has been due to her tireless efforts and passionate dedication.

"Lil", as she is affectionately known to all, has succeeded in her mission: to break down barriers, ending the silence of intolerance, and building common understanding between diverse groups of people in the community. She has successfully organized programs across Silicon Valley to open communications concerning the most difficult issues of race, religion, gender, socio-economic issues, ability and disability with the goal of building bridges between people.

She has eased communications between prisoners and their jailers, given at-risk teens a safe place to express their painful struggles and confront their own barriers, and organized countless efforts, large and small, to help people get along more successfully together.

In Silicon Valley, where diversity is the norm, Lillian Silberstein's work has been critical.

As a result of her hard work and unwavering dedication to tolerance and justice, Lillian Silberstein has compiled an impressive record of community achievements, which have earned her the deep respect and admiration from all corners of this complex community. Her vision of justice has been a guiding force throughout the Silicon Valley and an example to many other growing and diverse communities around the country.

Somewhere in the annals of the United States of America we must find a way to register the deeds of those humble architects of our communities whom fame does not reach, because they reach into our hearts and our futures in the most important ways. Lillian Silberstein is among that special group of citizens. We thank her for making a better tomorrow for us all.

IN RECOGNITION OF NATIONAL POLICE WEEK

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today in recognition of National Police Week to thank those men and women serving our country as police officers. These dedicated Americans, our "First Responders," risk their lives every day to keep the streets and neighborhoods in our nation safe.

Preliminary data shows that during 2001, 233 policemen and women died in the line of duty in the United States. That makes last year the most deadly year for law enforcement in over 25 years. This year, three Utahan's names will be added to the over 16,000 men and women memorialized for being slain while on duty: Roosevelt Police Chief Cecil Gurr, Lehi Officer Joseph Dan Adams, and Salt Lake City Police Department Sergeant James E. Faraone. Both Chief Gurr and Officer Adams were shot and killed, while Sergeant Faraone was assisting victims of a traffic accident when a car hit him from behind. These men served their communities, and lost their lives while performing that service.

While officers from throughout the United States descended upon Washington, DC this week, I think of the great sacrifice of the 71 men and women in New York City who died while trying to help those in need on September 11, 2001. The events of that day, both in New York and Washington, have forever sealed our resolve to fight against terrorism around the world and on the home front. That is why we sent troops to Afghanistan, but it is also why Americans must depend upon their local law enforcement and support police officers now more than ever.

The efforts of police departments throughout the State of Utah were especially seen during the 2002 Salt Lake Winter Games. Utah officers worked 16-hour shifts, six days a week without complaint, knowing that their jobs were more important than ever. I commend the efforts of each and every one of the policemen and women who helped keep the greatest Olympic Games safe from terrorism.

Mr. Speaker, though there were few incidents at the Olympics, since 1853, 106 Utah officers have been slain in the line of duty. As a tribute to all those officers from Utah that have lost their lives serving the public, a memorial has been placed in the rotunda of Utah's State Capitol. I would ask permission to name each of them at this time, to honor them and salute the sacrifice that they and their families made for their fellow citizens.

Salt Lake City PD Sgt. James E. Faraone—September 18, 2001, Lehi Officer Joseph Dan Adams—August 4, 2001, Roosevelt PD Chief Cecil Gurr—July 6, 2001, Salt Lake City Officer Michael Dunman—July 17, 2000, UHP Lt. Thomas S. Rettberg—Feb 11, 2000, Nephi PD Officer Tracy Davidson—July 25, 1998, Navajo Div. of Public Safety Officer Esther Todecheene—June 8, 1998, Spanish Fork PD Officer Larry Penrod—Feb 5, 1997, Provo PD Detective Norman Ken Nisson—Jan 11, 1995.

UHP Trooper Randy K. Ingram—Oct 5, 1994, UHP Sgt. Doyle R. Thorne—July 30, 1994, UHP Trooper Charles D. "Chuck" Warren—May 16, 1994, Salt Lake CO SO Deputy Michael S. Welcker—Feb 24, 1994, UHP Trooper Dennis L. "Dee" Lund—June 16, 1993, UHP Trooper Joseph S. "Joey" Brumett III—Dec 11, 1992, Wasatch CO SO Deputy Blake V. Wright—Sept 26, 1990, Utah Dept of Corrections Lt Fred F. House—Jan 28, 1988, Navajo Div. of Public Safety Officer Andy Begay—December 5, 1987, and Navajo Div. of Public Safety Officer Roy Lee Stanley—December 5, 1987.

Murray PD Officer Jackson D. Elmer—Nov 14, 1987, Emery CO SO Deputy Wade A. Hansen—Sept 24, 1987, Duchesne CO SO Deputy Gerry Ivie—July 2, 1987, West Jordan PD Officer Thomas M. Rees—Feb 23, 1986, Park City PD Officer Rodney W. Schreurs—July 4, 1984, Cache CO SO Deputy Charles R. Dickey, Jr.—March 18, 1984, UHP Trooper Daniel W. Harris—Aug 28, 1982, Salt Lake PD Officer Ronald L. Heaps—Jan 13, 1982, Beaver CO SO Sheriff Dale E. Nelson—Sept 8, 1980, and Salt Lake PD Officer David W, Olson—March 22, 1980.

UHP Trooper Ray Lynn Pierson—Nov 7, 1978, Utah DPS Officer Robert B Hutchings—July 20, 1976, Tooele CO SO Sgt. Lauren E. Dow—Aug 26, 1975, UHP Trooper William J. Antoniewiez—Dec 8, 1974, Cache CO SO Lt. James R. Merrill—Jan 5, 1974, Salt Lake CO SO Deputy Melvin C. Colebrook—March 10, 1973, Salt Lake PD Officer Percy Lindsay Clark—Jan 11, 1973, UHP Trooper John R. Winn—Sept 22, 1971, Davis CO SO Deputy Donald Perry Jensen—May 14, 1971, and Utah Dept of Corrections Officer Donald Wagstaff—Dec 12, 1970.

Utah DWR Officer Charles Gilbert "Gil" Porter—May 2, 1970, Ute Tribal PD Officer Adolph F. Bush—Aug 19, 1967, Ogden PD Officer Marshall "Doc" N. White—Oct 13, 1963, Moab PD Officer Lloyd Larsen—Jan 5, 1961, San Juan CO SO Deputy Seth F. Wright—Oct 14, 1960, UHP Trooper George D. Rees—July

2, 1960, UHP Trooper Armond A. "Monty" Luke—Dec 3, 1959, Cache CO SO Deputy Alma P. Sorenson—Aug 27, 1959, Logan PD Officer Edwin L. "Ted" Edwards—Aug 27, 1959, Salt Lake CO SO Deputy MacKay C. Jewkes—June 28, 1959, Utah Dept of Corrections Officer Edwin Fisher—June 1, 1955, Salt Lake PD Officer Harold A. Peterson, Jr.—Oct 27, 1954, Salt Lake PD Officer Owen T. Farley—May 23, 1951, Salt Lake PD Sgt. Thomas W. Stroud—Jan 5, 1951, Mt Pleasant PD Officer Alonzo "Lon" T. Larsen—Oct 15, 1949, Ogden PD Officer Clarence M Bean—May 1, 1945, Carbon CO SO Sheriff S. Marion Bliss—April 23, 1945, Ogden PD Officer Hoyt L. Gates— Feb 11, 1941, Emery CO SO Deputy William Levi Black—Aug 22, 1936, and Salt Lake PD Officer Blaine L. Baxter—Sept 4, 1935.

Ogden PD Officer Joseph H. Quigley—July 12, 1935, UHP Trooper George "Ed" Vanwagenen—May 1, 1931, Grand Co SO Deputy Richard D. Westwood—Sept 5, 1929, Logan PD Officer Willard R. Dahle—May 4, 1929, Salt Lake PD Officer Carl J. Carlson—March 9, 1929, Salt Lake CO SO Deputy Oscar Fullmer—Aug 26, 1928, Castle Gate PD Marshal J. Milton Burns—June 15, 1935, Salt Lake PD Officer Gustave J. "Gus" Lund—Aug 25, 1924, Salt Lake PD Officer Brigham H. Honey—Feb 16, 1924, and Salt Lake PD Officer Nolan W. Huntsman—Feb 15, 1924.

Salt Lake PD Officer David H. Crowther—Oct 12, 1923, Salt Lake PD Officer Nephi P. Pierce—March 26, 1923, Salt Lake CO SO Deputy Gordon Stuart—April 15, 1922, Ogden PD Officer Charles Manzel—May 9, 1921, Salt Lake PD Officer Green B. Hamby—Feb 8, 1921, Ogden PD Officer Albert G. Smalley—April 7, 1920, Nat'l Forest Service Officer Rudolph E. Mellenthin—Aug 23, 1918, Eureka PD Officer Alex J. Robertson—Dec 5, 1915, Salt Lake CO SO Deputy Thomas Manderich—Nov 29, 1913, and Salt Lake CO SO Deputy J. Douglas Hulsey—Nov 29, 1913.

Salt Lake CO SO Deputy Otto Witbeck—Nov 21, 1913, Salt Lake CO SO Deputy Nephi S. Jensen—Nov 21, 1913, Bingham PD Officer J. W. Grant—Nov 21, 1913, Salt Lake PD Officer Thomas F. Griffiths—June 25, 1913, Midvale PD Officer Frank Colclough—Aug 7, 1912. Salt Lake PD Officer John H. Johnston—July 15, 1911, Salt Lake PD Officer Charles C. Riley—Oct 5, 1909, Weber CO SO Deputy Seymour Clark—Nov 27, 1908, Park City Officer Albert Holindrake—Jan 12, 1908, and Salt Lake PD Officer Charles S. Ford—Dec 14, 1907.

Provo PD Officer Frank Tucker—June 16, 1900, Grand CO SO Deputy Jesse Tyler—May 26, 1900, Grand CO SO Deputy Samuel Jenkins—May 26, 1900, Provo PD Officer William Strong—June 27, 1899, Ogden PD Officer William A. Brown—April 30, 1899, Springville City Marshal Silas E. Clark—Nov 18, 1897, Uinta CO SO (WY) Deputy Edward N. Dawes—July 30, 1895, Echo PD Officer Thomas A. Stagg—July 30, 1895, Bingham PD Officer L. C. Morrissey—July 6, 1895, and Spring PD Officer James C. Burns—Sept 26, 1894.

Salt Lake PD Sgt. Alonzo Mispah Wilson—April 12, 1894, Salt Lake PD Officer Andrew H. Burt—Aug 25, 1883, Utah State Prison Warden M.D. Burgher—March 16, 1875, Provo PD Officer Albert H. Bowen—Oct 16, 1873, Deputy U.S. Marshal William R. Storey—May 2, 1870, Salt Lake PD Officer William Cooke—Oct 18, 1858, and Salt Lake CO SO Deputy Rodney Badger—April 29, 1853.

Mr. Speaker, I ask the House to join me in thanking these men and women from Utah, and all those from around the country, that have made the ultimate sacrifice and given their lives as police officers.

TRIBUTE TO RUTH NAGLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Ruth Nagler for her public service on the occasion of her 80th birthday on May 21, 2002. In addition to being a mother and grandmother, Mrs. Nagler has devoted much of her long and full life in service to her community.

Mrs. Nagler was born in Brooklyn, New York, and received her undergraduate degree from the College of the City of New York (now the City University of New York) in 1943, and then a Master of Arts in education from New York University in 1945.

Continuing her inclination towards education, Mrs. Nagler was elected to the San Mateo City Elementary School District Board of Trustees in 1963. She served in that body until 1973, and served as Chairman of the Board from 1965–1967. She was also appointed by the San Mateo City Council to sit on the San Mateo City Library Board of Trustees from 1963 to 1970. She also served as the Director of Community Education for Canada College in Redwood City from June 1968, when the campus originally opened, to June 1980. She then worked as the Director of Community Education for San Mateo County Community College from July 1980 to January 1988.

Mr. Speaker, I believe that the success and vitality of a community is dependent on the actions and involvement of its citizens. I can think of no better example of a concerned and dynamic participant than Ruth Nagler. Ruth has shown a commitment to public service well beyond her enormous contribution in the field of education. She served on the Mills Peninsula Hospitals Board of Trustees from 1975 to the present, and is currently the Chair of the Joint Conference Committee. She is also the chair of the Friends of the Advisory Committee on Women, a position to which she was appointed in November 1986 by the Advisory Council on Women of San Mateo County. She is a member of the Board of Directors of the Women's Center of San Mateo County and is the chair of the San Mateo Performing Arts Center Board of Directors (SAMPAC).

Mrs. Nagler's history of community service is indeed long and distinguished. From 1976 to 1986 she was a member of the Executive Board of the Human Investment Project (HIP) of San Mateo County, and served as the chair of that organization from 1984 to 1985. She was also on the Executive Board of the San Mateo County Women's Recovery Association from 1973 to 1984. Mrs. Nagler was a member of the Communications Committee of the San Mateo County American Cancer Society, aided the San Mateo City Citizens Task Force to Study Needs of Seniors, and participated in the United Crusade Sponsored Citizens Task Force to Study Educational Needs in South San Mateo County. She was also a key member of the Executive Board and Planning Committee for the San Mateo County American Revolution Bicentennial Committee from 1974–1976.

In addition to her elected and appointed leadership in these many community service organizations, Mrs. Nagler has been a member of the League of Women Voters since 1951 and served as president of the San Mateo League from 1959 to 1961. She has also been a member of the San Mateo branch of the American Association of University Women since 1965, and was a member of the San Carlos Branch from 1976 to 1979. Other memberships include Women's Resource Center in Palo Alto (since 1973), the Redwood City Soroptimists Club (1976–1977), the Program Committee of the San Mateo County Planned Parenthood Association (1970–1971), the United Nations Association of San Mateo County, and the San Mateo Parents Cooperative Nursery School (1952–1956). The Naglers also served in 1965 as a host family for the Experiment in International Living.

Mr. Speaker, those who know Ruth Nagler well admire her for her dedication and service. Her years of commitment to community have not gone unnoticed by those with whom she has worked. She has received numerous awards and recognitions, of which I will mention just a few. Mrs. Nagler was admitted to the San Mateo County Women's Hall of Fame in 1988. She received a bicentennial award in 1976 from the Trinity Baptist Church of San Mateo in "recognition of extraordinary accomplishment and outstanding contribution to community education and cultural advancement and strengthening of home and family life." In 1976 she was honored by the Japanese-American Citizens League of San Mateo County with the Community Services Award "for appreciation and recognition for outstanding leadership to the community." She has also received the San Mateo Elementary Teachers Association Community Services Award (1973), the Girls Club of the Mid-Peninsula Community Services Award "for outstanding leadership and contributions to the community" (1973), and the Civil de Hidalgo Certificate of Appreciation for work related to the human rights and education of Hispanic adults and children (1972). She was also given the Special Services Award by minority parents and students of the San Mateo City School District for "long and devoted services to the youth of San Mateo and dedicated service to the integrated learning process" in recognition of her work from 1961 to 1973.

The Park, Foster City and Audubon schools of the San Mateo City Elementary District, the Canada College Patrons Association, and the San Mateo County Community College District have granted Mrs. Nagler honorary life membership in the PTA. Mrs. Nagler's perpetual devotion to education was also duly recognized by friends and supporters who established the Ruth K. Nagler Scholarship Fund at the conclusion of her service on the San Mateo Elementary School Board of Trustees.

Mr. Speaker, it is clear that Ruth K. Nagler's enormous service to our community are worthy of our praise and commendation. As a Member of Congress, I am proud to pay tribute to Ruth K. Nagler, who has taken such a firm and intense interest in those around her in our area. I join her many friends and admirers in the Bay Area in honoring her on her 80th birthday, and wish her many happy, healthy, and successful years to come.

RECOGNIZING MICHAEL E. DEMICHIEI ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Michael E. DeMichiei of Napoleon, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Michael will soon graduate from Napoleon High School. During his high school career, he has maintained a high grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning varsity letters in soccer and track. And, he has clearly demonstrated his leadership ability, serving as a delegate to Buckeye Boys State and as captain of the soccer team.

Michael DeMichiei can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Michael is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the U.S. Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Michael DeMichiei has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

CHANGE IN THE MIDDLE EAST IS POSSIBLE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. ISSA. Mr. Speaker, I am deeply disappointed to learn that the Central Committee of the Likud party in Israel recently voted in favor of a resolution never to allow the creation of a Palestinian state. This decision is so troubling because it refuses to address the paradox that all Israelis have wrestled with since the end of the six-day war in 1967. 1 like to call this the paradox of the occupation. The paradox of the occupation is that the modern state of Israel, post 1967, has not been able to achieve the Zionist dream of a Jewish, democratic state. There are over 3 million men and women who live in land that was occupied by the Israeli Defense Forces in 1967, who are not allowed to take advantage of Israel's nationality law. They are required to carry a special identification card that greatly restricts their freedom of movement throughout the country. They are at the mercy of the Israeli judiciary if they want to become naturalized citizens, regardless of where they were born. They are denied these basic rights of nationality because of their ethnicity. These are Palestinian Muslims and Christians, and they are not citizens in the Jewish state of Israel because they do not have the right ethnic ancestors or religious affiliation. Mr. Speaker, doesn't the current state of affairs in the occupied territories stretch beyond recognition our definition of "democracy?" Isn't the President making the right decision to call for an end to the occupation and the creation of a Palestinian state? According to a public opinion poll taken by the Dahaf Institute in Israel, 67% of all Israelis agree with the President, believing that Israel should withdraw from the occupied territories.

To say, as the Likud party said Sunday night, that there will never be a Palestinian state is to say that Israel will exist either as a Jewish state or a democratic state, but not both. Or it could be implicitly saying that the Palestinian people will somehow cease to exist. This is troubling, particularly in light of the fact that so many in the Israeli government have openly discussed the prospect of driving Palestinians out of their homes as a means to solving this conflict. Mr. Speaker, we should state openly as President Bush has stated, that the United States will never tolerate the forceful removal of Palestinian people. Driving the Palestinian people out of the occupied territories is not an option.

Mr. Speaker, there is a solution to the paradox of the occupation. This solution would allow Israel to be both fully Jewish and fully democratic. It would dispel forever the notion that Israel has no right to exist, and it would take away the fear of so many Palestinians that they will one day be driven out of their homes. This solution is, as the President has articulated so many times, to have "two states living side by side" in a climate of peace and security. For the first time in the history of this conflict, this vision has become possible. Based on the formula of land for peace, Saudi Arabia has led the Arab states in an unequivocal call for peace with Israel in exchange for an end to the occupation of pre-1967 Arab lands. Can you imagine, Mr. Speaker, how different this troubling region could be if all states were to live together in peace and security? The Middle East would change beyond our imagination.

This change is possible, but only if both sides are given a fair shake in working out a lasting agreement. We need to make the right decisions now, without the taint of political agendas, to create a lasting peace for the future children of Israel and Palestine.

HONORING REVEREND JOHN G. SIMMONS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Reverend John G. Simmons. For over 60 years now, Reverend Simmons has dedicated himself to the causes of peace and justice throughout his community and in honor of his achievements, the Reverend John G. Simmons Opportunity House will be dedicated on May 16, 2002. The Opportunity House will serve as a treatment facility for the Mentally Ill Offenders Program.

Born in Mountain Grove, Missouri, Reverend Simmons is a graduate of Drake University, Ruther Seminary, University of Chicago and the University of Southern California. A devoted family man, he is married to Bethend Simmons and together they have three children—Johnny, Ginger and James. Rev. Simmons is also the proud stepfather to four children—Linda, Tylon, Paul and Karen. His eight grandchildren are his great pride.

Reverend Simmons has been an outspoken advocate and proponent for individuals and families in need of affordable housing and health care, specialized health needs and reasoned, caring healthcare practitioners. He has served on the Board of Directors of the Pacoima Memorial Lutheran Hospital, the Sunair Children's Foundation and is the Founder of the Golden State Community Mental Health Center and the Los Angeles Family Housing-Valley Shelter.

Along with his dedication to healthcare and housing, Rev. Simmons has also pledged his support to education. As a founder of Casa Loma College, an institution dedicated to licensing vocational nurses, certified nurses and home health aides, he has ensured that qualified and experienced nurses are available to meet the health needs of at-risk individuals. He is also the founder of California Lutheran University, which is dedicated to the educational needs of students throughout the world.

As a strong advocate of social justice, civil liberties and civil rights, Reverend Simmons has been active in the ACLU, NAACP, Amnesty International, the Lutheran Peace Fellowship, L.A. County Commission on Human Relations and the Medical Committee for Civil Rights.

It is with great honor that I ask all Members to join with me in congratulating the Reverend John G. Simmons for his life's dedication to the social welfare of his community and on the dedication of the Rev. John G. Simmons Opportunity House.

IN RECOGNITION OF "A CHILD IS MISSING"

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SHAW. Mr. Speaker, I have recently come into contact with "A Child Is Missing," a public/private partnership founded by Sherry Friedlander and sponsored by several prestigious organizations such as the City of Fort Lauderdale and the Florida Police Chiefs Association, among others. I am proud of the people of Florida and their support for this organization, and its service to the general public and the law enforcement community of my home state.

A Child Is Missing is an organization currently working in the state of Florida, whose purpose is to aid the law enforcement authorities to locate missing children, elderly, and people with disabilities. Their mode of work: once a report has been filed of a missing child, elderly, or person with disabilities, the law enforcement agency may call "A Child Is Missing" and give the specifics of the case. Within the hour, "A Child Is Missing" calls and relays an automatic phone message to phone numbers located within the area where the person was last seen. The phone message gives a description of the person, informs of their disappearance, and provides the phone number of the closest law enforcement agency in the area.

"A Child Is Missing's" technology is state of the art, their mode of operation simple and impressively fast. Their degree of effectiveness is so high that in a five-year period their radius of action has increased from a local to a state level, and they are currently trying to make their systems operate nationwide.

It is therefore no surprise to me that police Chief Edward Morley has said, speaking of the case of a missing boy, "The role of 'A Child Is Missing' was instrumental in reuniting him quickly with his family."

I applaud the founders, sponsors and workers of "A Child Is Missing." They have given us an opportunity to help the community, and this is why I am a supporter of this initiative. I look forward to seeing this Florida initiative expanded nationwide.

RECOGNIZING KYLE J. FRIES ON HIS APPOINTMENT TO THE U.S. MERCHANT MARINE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Kyle J. Fries of Bellevue, Ohio, who recently accepted his appointment to the U.S. Merchant Marine Academy in Kings Point, New York.

Kyle will soon graduate from Bellevue High School. During his high school career, he has maintained a high grade point average, and currently is attending Firelands Branch of Bowling Green State University under the Post Secondary Education Option. And, he has clearly demonstrated his leadership ability, earning the rank of Eagle Scout and serving as a delegate to Buckeye Boys State.

Kyle Fries can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Kyle is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Maritime Service. As a USMMA midshipman, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Kyle Fries has the character and ability to excel at the U.S. Merchant Marine Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation at Kings Point.

TRIBUTE TO RURAL/METRO MEDICAL SERVICES OF ROCHESTER ON THE OCCASION OF ITS 50TH YEAR IN BUSINESS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise to recognize Rural/Metro Medical Services of Rochester as it celebrates its 50th year of service to our community.

Rural/Metro Medical Services is a Rochester success story that deserves to be shared. Originally founded as National Ambulance of Rochester by George S. Heisel, Jr. in 1952, Rural/Metro has grown into a model of excellence for the delivery of emergency medical services. For half a century, thousands of Rochesterians in need of emergency medical services have experienced firsthand the level of service and care that Rural/Metro exemplifies. Rural/Metro's 400 employees not only serve in Rochester but also provide back-up and mutual aid to Monroe and Livingston Counties' volunteer emergency services agencies. The official 911 ambulance service provider for the City of Rochester, Rural/Metro has garnered a reputation of excellence among our local hospitals, nursing homes and other health care providers. In fact, Rural/Metro holds the distinction of being the only ambulance service in our region to be nationally accredited.

In addition to fulfilling its core mission, Rural/Metro has also endeavored to innovate the field of emergency medical services by developing creative new approaches for the delivery of such service. The Bike Medic program, which enables paramedics and other health care providers to respond rapidly to emergencies at public events, and the Emergency Support Unit, which brings about enhanced coordination during fires and other large-scale emergencies, are true innovations that have made the difference in the lives of countless Rochesterians and serve as a model for other regions.

Mr. Speaker, for these reasons, I am pleased to congratulate Rural/Metro Medical Services on reaching this important milestone. I would like to express my great hope that these past fifty years are merely the beginning of Rural/Metro Medical Service's tenure as the standard-bearer for emergency medical services in the Rochester area.

HONORING THE 25TH ANNIVERSARY OF BOY SCOUTS OF AMERICA TROOP 301, TEMECULA, CALIFORNIA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. ISSA. Mr. Speaker, I rise today to commend Boy Scouts of America, Troop 301, of Temecula, California, for 25 years of service and commitment to their community.

On February 8, 2002, Troop 301 celebrated their 25th anniversary as a member of the California Inland Empire Council. This troop, established in 1977, has shown a strong commitment to training the leaders of tomorrow by teaching service and developing character, today.

Every year, Troop 301 organizes programs to provide food, aid and comfort for those in need: the troop adopts families who are in financial need, decorates senior-citizen homes, and participates in community clean-up events including Temecula's "Make a Difference Days." In addition to teaching community service, Troop 301 emphasizes service to the country. Following the devastating terrorist attacks on the United States of America on September 11, 2001, Troop 301 raised over $1,500 for the Red Cross disaster relief fund.

This troop provides a valuable service to the city of Temecula by providing color guard presentation of the American flag at community events and celebrations such as Memorial Day, Veteran's Day, the Temecula Mayor's Prayer Breakfast and Temecula City Council meetings. Troop 301 is dedicated to supporting the scouting tradition and has helped 39 young men achieve the rank of Eagle Scout

Mr. Speaker, I too was a Boy Scout for much of my early life. I can say that I am very proud to have achieved the rank of Life Scout before entering the Army. Today, my contributions to scouting are at a different level.

I am very proud of what Troop 301 has done for the citizens of Temecula and I would like to extend my congratulations to the troop for a wonderful first 25 years. They should be very proud of what they have accomplished.

SENATE—*Friday, May 17, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable Debbie Stabenow, a Senator from the State of Michigan.

PRAYER

The guest Chaplain, Father Paul Lavin, of St. Joseph's on Capitol Hill, offered the following prayer:

In the book of Tobit we read:

Thank God! Give him the praise and the glory. Before all living, acknowledge the many good things he has done for you, by blessing and extolling his name in song. Before all men, honor and proclaim God's deeds, and do not be slack in praising him. A king's secret it is prudent to keep, but the works of God are to be declared and made known. Praise them with due honor. Do good, and evil will not find its way to you. Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness. A little with righteousness is better than abundance with wickedness.

Let us pray:

Almighty God, we give You thanks for the many and varied ways You have blessed the men and women who serve in the Senate. We ask now, Lord, that they may do Your will in all things and so remain close to You. Lord, Your presence is found where unity and love prevail; grant that they may strive to work together in harmony and peace.

We acknowledge that God is the strength and protector of His people; grant Lord to the Members of the Senate the strength and courage they need to serve the people of the United States.

Grant this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 5 after the hour and that Senator COLLINS be recognized for 15 minutes and Senator SANTORUM be recognized for 10 minutes. Senator STABENOW asked to speak for 15 minutes. That will take us until 10 after.

I hope Senators will complete their debate on H.R. 3167 in 20 minutes because the vote is still going to occur at 10:30.

I ask unanimous consent that be the case as far as those speaking in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2531 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I thank the Senator from Maine for her excellent comments and for her introduction of that legislation.

OUR STEELWORKERS

Mr. SANTORUM. Madam President, I stand in this Chamber as a strong supporter of the steel industry. In fact, I would match my record of support for the steel industry, for steelworkers, and for steel retirees, with any person in this Chamber or in the other Chamber.

We have had a long history in western Pennsylvania—from my days in the House and prior to that—in the steel industry. We have dealt with crises, one after another, in this industry. The most recent crisis has perhaps been the most crippling, costing lots of companies going into bankruptcies, costing lots of steel jobs, and, tragically, lots of steel retirees losing their health care benefits.

In the last session of Congress, I worked with Senator ROCKEFELLER to follow through with the U.S. steelworkers' No. 1 priority, which is to try to get a quota bill passed in the Senate. I worked very hard on my side of the aisle, and we got a majority of our Members to vote for a quota on steel imports.

The other side of the aisle was not so generous. In fact, my recollection is, if we had gotten just half the Democrats, we would have been able to pass that, but we did not. So we failed in the No. 1 request from the United Steelworkers Union.

Last year, at the beginning of this session, management and labor got together, retirees got together, and they came up with their No. 1 priority for this Congress. It was to file a section 201 action, to try to find comprehensive relief for the steel industry.

So like I did the session before, I took on that challenge. I think I am very safe in saying I was the first Member of Congress—certainly the first Member of the Senate—to personally ask the President of the United States to file that action. I did so.

I think in his first month in office he was in Beaver County, PA. I talked with him at length about the importance of this industry to Pennsylvania, to the country, the importance to our steelworkers and to retirees.

I continually worked with the President, the Secretary of Commerce, our Trade Representative, other Secretaries who were involved—Secretary of Treasury—and pushed for the President to file the section 201 case.

After several months of exhorting them to do so, publicly and privately, the President followed through. He followed through and he filed the case. I testified, not once but twice, before the ITC in support of the section 201 case.

When the decision came down, I again went back and worked with the administration on making sure there were adequate remedies. We met on a continual basis, daily basis toward the end, to make sure that there were adequate remedies. Why? Because the steelworkers, the retirees, and the companies understood the most important thing we could do is stop the hemorrhaging, stop the bankruptcies of steel companies, because these companies that were going into bankruptcy now, under the current climate of steel, were not going to go into bankruptcy to reorganize and come back out again. In most cases, they were going to liquidate. That means, when they liquidate, retirees lose their health care benefits, they lose their pension benefits. We lose jobs, too, because they liquidate. They sell off assets. Some are reused; some are not. The ones that are reused, they have new contracts.

The jobs were not as "lucrative" as they are today. This is why it was the No. 1 priority, because it helped retirees; it helped workers, and it helped companies stay alive and pay benefits and have good-paying jobs. I worked and worked and worked, and we got 201 relief that everyone in the steel industry feels very good about. It helped retirees. There are retirees receiving benefits today who would not be receiving them if the President had not enacted the remedies he did under section 201. That is a fact. There are companies in business today that would not be in business today if that had not happened. There are companies that did not file bankruptcy.

Every steel company in America, maybe with the exception of a major steel company, maybe with the exception of Nucor, had said they were going to file bankruptcy if 201 remedies were not sufficient. To my knowledge, there have been no bankruptcies since 201. The fact is, we have done more for the steel industry, I have worked to do more for the steel industry, than anybody else.

There was a second component about which the steelworkers and retirees and companies were concerned. That was legacy costs. What was the issue with legacy? Legacy was important because we wanted to help retirees have security. But the most important part of the legacy cost, picking up the cost, was to encourage the steel industry to consolidate, to become more efficient, to restructure. Why? So they would be stronger entities that would be able to carry those retiree costs in the future and carry those companies in the future.

What we were going to do was to help the consolidation by picking up some retiree costs of some companies to encourage these companies to consolidate with stronger entities.

A few months ago during the energy debate, I worked with Senator STEVENS and others to try to craft a bill that would do just that. It would be a substantial benefit to enough retirees to encourage the steel industry to consolidate and become more efficient, become stronger in competition with foreign competitors.

We had an amendment to the ANWR drilling bill. Why was it an amendment to the ANWR bill? Because ANWR produced billions upon billions of dollars in revenue to the Federal Government that we could use to help pay for retiree benefits. We could fully fund a program that would incentivize restructuring. The whole purpose of doing the retiree benefit was to incentivize restructuring so we could have a more stable industry to take care of retirees for the long term and provide better quality jobs for the long term.

We offered a piece of legislation that did that. Let me be very clear. The steelworkers unions walked away. They walked away. Why? Because it was on a bill they were not in favor of. It was on a bill, ANWR, that they were not in favor of and that the majority leader was not in favor of, and many others from the other side. They walked away. Why? Politics. They walked away from a comprehensive restructuring of legacy costs. Why? Politics.

Of the people who are offering this amendment on which cloture will be voted on Tuesday, of the seven sponsors of that amendment, six voted against a comprehensive legacy cost restructuring; six of the seven voted no on a much more comprehensive benefit that would have incentivized restructuring of the steel industry.

What are we offering today? We are offering a very narrow 1-year benefit that will not only do nothing to encourage restructuring but, from the industry representatives I have talked to, will in fact do the opposite. It will discourage restructuring because of the way it is so limited in its application. It picks winners and losers.

Yes, we will provide retirement benefits to retirees of companies that have gone bankrupt and stopped paying retiree benefits for health care. We will do that for 1 year. But the consequence of it is, we will not get the restructuring we need.

I am opposed to this amendment, not because I am opposed to the Senate doing something to pick up restructuring costs for the industry, not because I am opposed to having something done in the Senate to help pick up retiree health care costs. This is the wrong step. It is politics. It is raw, blatant politics. What is this amendment attached to? It is attached to the bill to which virtually every one of the sponsors of the legislation is opposed. You have heard from many on my side of the aisle and a few on the other who have said if this amendment is included, they will vote against the trade bill. They will sink this bill.

So what are we doing? We are playing a cruel hoax. It is a hoax. We are playing a hoax on retirees. We are playing a hoax on steelworkers. We are playing a hoax on the steel industry. The hoax is that this is somehow going to help retirees. In the long term it will not. It will not lead to the restructuring of the steel industry. What this will do is help sink the trade bill, which I know many who are supporting this amendment would love to see. But that is a hoax. To stand up and say you are for retirees when you are introducing a piece of legislation that is going to be counter to restructuring, which is the best thing we can do for retirees, is a hoax.

Yes, I am opposed to this legislation. It doesn't solve the problem. It is politics in its rawest, in its most crass form. You are preying on retirees who desperately need health care. You are playing politics with their health. It is wrong. It is not the right course.

We had a chance to do the right thing for the industry, for workers, and for retirees, and because of politics, under ANWR, the answer was no. Now we play politics again, and we play with people's lives. The answer should be no.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, as one of the Senators representing the steelworkers in the upper peninsula and throughout Michigan, I wish to indicate, contrary to my colleague who just spoke, that I can't think of a more appropriate place to talk about helping steel retirees who have lost their health insurance, those who have lost and will lose their jobs because of unfair competition, unfair steel dumping, unfair trade practices, than to debate it and attempt to fix it on a trade bill. I hope my colleagues will support standing up for our steel retirees on the trade bill.

PRESCRIPTION DRUG PRICES

Ms. STABENOW. Madam President, I rise to speak about one of the most important issues affecting our families, seniors, the business community, every part of our economy. That is the explosion in the cost of prescription drugs. Prices are skyrocketing, and too many of our seniors who use the majority of prescriptions—our seniors on average are using 18 different prescriptions in a year—find themselves in a situation that is absolutely untenable. We have heard these stories over and over again.

On this side of the aisle, we have two ideas we are putting forward. First, we have to have an updated Medicare to cover prescription drugs. We have to do it in a way that is comprehensive and helps our seniors. I call upon my colleagues from the other side and in the House of Representatives to join us in real prescription drug coverage.

Secondly, we know we have to lower the price. Prices need to go down for everyone. When I talk to our small business community, I talk to farmers in the State of Michigan, I talk to the big three automakers, wherever I am in Michigan talking about the cost of doing business, everyone wants to talk about health care. They understand that the explosion in their health care premium is because of the uncontrollable cost of prescription drugs.

I have been putting forward, and have met with a number of my colleagues, four different ideas. I will speak specifically about a bill we are now introducing that we talked about yesterday with colleagues. There are four different ideas we have been promoting. If we did those things, prices would go down. Prices would go down immediately. Even as we know any kind of comprehensive Medicare prescription drug benefit will take time to phase in, there are things we can do now.

The American people, who subsidize the research, who underwrite the cost for tax credits and deductions for the development of these drugs, deserve to see something happen now.

First is to make sure the generic laws work. I commend my colleagues, Senators SCHUMER and MCCAIN, for their continuing efforts. We have a bill that will close loopholes, that will stop the ability of the drug companies to be able to manipulate the law so that lower priced generics are precluded from the market. We know if that were to pass, we could see a tremendous drop in prices. We know if we opened the border to Canada so that we could in fact see not only individuals but businesses and hospitals and pharmacies developing business relationships across the border to bring back American-made, safe, FDA-approved drugs, we could drop prices almost in half.

I find it ironic, as we are in the middle of a discussion on a trade bill, that the only things you cannot take back and forth across the border from the great State of Michigan into Canada are American-made prescription drugs. So we need to open the border. I welcome colleagues joining us to do that. We could drop prices tomorrow 40 to 50 percent if we did that.

Thirdly, we know that since the FDA changed their rules on advertising, direct consumer advertising, starting back in the mid-1990s, there has been an explosion of excessive advertising. While companies say they spend more on research than advertising, there is great evidence to the contrary. So we have introduced legislation to say simply that you can write off as much advertising and marketing expenses on your taxes, that taxpayers will subsidize advertising and marketing to the same level we subsidize research—the same level. If you want to do more advertising, do more research, because taxpayers want to see the research done.

Then, finally, I joined with my colleagues, Senators DURBIN, LEAHY, LEVIN, BOXER, DORGAN, and others to introduce legislation to give States the flexibility to set up programs to pass a law on Medicaid discounts to their citizens who don't have prescription drug coverage and are not eligible for Medicaid.

There are 30 States that have enacted some kind of a law to help citizens with prescription drug coverage. Unfortunately, we have seen the drugmakers trade association, PhRMA, mounting legal challenges to a number of States that have attempted to lower prices for their citizens. They have fought these efforts. I am specifically referring to lawsuits against Maine and Vermont because the drug lobby doesn't want them to extend the Medicaid discount—the price that is paid for Medicaid—to those who are not Medicaid recipients but need help, who don't have prescription drug coverage. So we have introduced the Rx Flexibility for States Act. We are calling it the Rx Flex Program. It will simply say that what is being done in States, what is innovative, in our attempts to reach out and use the purchasing power of the States under Medicaid to provide additional price reductions to those who don't have insurance, who are not on Medicaid—that those are legal.

We have heard colleagues on both sides of the aisle, both sides of this great Capitol Building, talk about the States as being the place for flexibility, creativity, and new ideas. Well, this legislation says we are going to remove the legal hurdles that are preventing States from providing lower priced prescription drugs to all of their citizens.

Right now, we have States that are spending millions of dollars fighting suits from the drug companies because the companies fight everything that is attempted that would lower prices for our citizens.

This legislation specifically would indicate that those States that are using the clout of Medicaid purchasing power to expand to allow that same price to be given to those without prescription drug coverage, who are in need of prescription drug help in their States, would be able to do that. Right now, the lawsuits have been filed. We know that while Maine's program has been upheld in court, Vermont's program was not, and both States are embroiled in very lengthy appeals processes.

I am very hopeful that as we are working to put together a very strong, effective Medicare prescription drug program, we can also pass this legislation to reinforce that States, on their own, can proceed to do what is necessary to make sure their citizens have access to lower priced prescription drugs and that we will pass those other measures we have been talking about that will allow us to lower prices, create more competition across the border, get a better balance between advertising and marketing expenses and research, and that we will be able to create a system where we in America not only create the best drugs, the new lifesaving medications, where we don't only subsidize and underwrite and fund the research through the National Institutes of Health, and other mechanisms, but our people can actually get those drugs.

Right now, it is not a good deal when we are the ones who are creating, supporting, and subsidizing the creation of these medications. Seniors will sit down this morning, this noon, and tonight and decide: Do I eat, pay the electric bill, pay my rent, or can I get my medicine this week?

We can do better. I am committed to doing better. Colleagues of mine are committed to doing better. We want a prescription drug benefit. We want to lower prices. There are ways to do it. We can do it now. I ask my colleagues to join with us in this effort.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3167. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I ask unanimous consent that the Senator from Wisconsin, Mr. FEINGOLD, be added as a cosponsor of S. 1572.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. As I understand the parliamentary situation, time is controlled by Senator BIDEN and myself for half of the time remaining until 10:30, and Senator WARNER of Virginia controls the other half; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Would that be approximately 12 minutes each at this point?

The PRESIDING OFFICER. It is 11 minutes each.

Mr. LUGAR. Madam President, last evening in the debate, we had a good discussion of the need for the Senate to affirm through this action today that NATO should be expanded as a general principle. We also established that there ought to be very careful criteria for that expansion and examination of each of the candidates, as opposed to a done deal at the end of the trail, in which the Senate then receives a treaty without that careful examination country by country.

I have appreciated the colloquy with the Senator from Virginia, Senator BIDEN, and myself in which I think we established both of those facts—the desirability for a more robust NATO, and that would include more members, likewise—members that in fact carry their weight. As the Senator from Virginia pointed out, Americans may be involved in an article 5 declaration to defend those countries that would come in. In addition, we would anticipate that they would defend us.

Madam President, I point out that we are having this debate at this point very largely because the President of the United States has asked us to have it. Likewise, we have received correspondence from the Secretary of State and the Secretary of Defense pointing out how imperative it is that we take this action to affirm that the United States stands solidly in terms of expansion of NATO and the careful consideration of its membership.

The act we discuss today also has money for seven candidates, on the presumption that these are serious candidates, that this money will make a difference in terms of training, interoperability of equipment, the general proposition as partners for peace. These nations have demonstrated great interest in the alliance and therefore deserve our help.

We pointed out last evening, in fact, the money was appropriated last December—the money is out there. This is the authorization of the money. Some have asked, is the authorization following too far behind? Our response is, no, if we take action.

This is why the President wants this action prior to his taking a very important trip to the summit with President Putin in Russia next week.

Madam President, I hope that today we will join in support of the Freedom Consolidation Act of 2001 because this bill provides assistance to the nations, as I mentioned. It gives us an opportunity for Congress to affirm our solidarity with our allies and our confidence in the future of the alliance.

I point out that our own President, George Bush, gave an important speech last year in Warsaw in which he said:

> All of Europe's new democracies from the Baltic to the Black Sea and all that lie between should have the same chance for security and freedom.

He went on to say he believed "in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibility that NATO brings."

The cold war may be over, but the security and welfare of America and Europe are very closely linked, and our common goal must continue to be the building of a Europe which is whole and free.

I mentioned in the debate last evening my own visits last September to the three Baltic States—Latvia, Estonia, Lithuania—and Romania, and Bulgaria to visit with leadership about the specific criteria. That visit has been replicated by other Senators, most recently by our Ambassador to NATO, Mr. Burns, who has laid out a very concrete plan for each of those nations to affirm their interest and to give us a basis to judge that interest.

I finally point out that NATO is a truly remarkable institution because its members have joined together to assure that the ideals we share—we have a collective, moral, and military strength—are enhanced in the world at a time of the war on terrorism, at a time in which literally the dispute as to whether out of area or out of business has gone by the boards.

The war is out of area, by definition. The threats are all over the world. The need for flexibility and for more of us to be involved is apparent. As President Bush pointed out, that means filling in the geography of Europe—Romania and Bulgaria and the southeast part—which is so important as a link not only to Greece and Turkey, our allies, but to the Middle East. The Baltic States were altogether mischaracterized by the former Soviet Union. They were always independent. We reaffirm that is the case. We see this as a cardinal principle of this legislation.

Finally, I point out that NATO is the alliance that places us in Europe. We are not a part of the European Union. We are a part of the transatlantic military alliance with headquarters in Brussels, with an American who has been in charge for many years. It is tremendously important. We appreciate Europe, and NATO is the major way in which we indicate that appreciation and participation.

The question now is, Should we expand that to countries that have taken on democracy, have taken on defense responsibilities, have shown through the Partnership for Peace their eagerness and their willingness to be with us?

My answer is in the affirmative, and I hope the Senate will vote overwhelmingly in favor of this action today that our President be fortified as he proceeds into important diplomacy.

Madam President, I yield the floor.

Mr. WARNER. Madam President, I yield to our distinguished colleague from Texas 5 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair, and I thank the Senator from Virginia.

It is very important for the United States and Europe to have the kind of alliance that NATO has been. It has been the greatest defensive alliance in the history of the world, but I feel as if I am experiencing deja vu all over again.

The Senate is once again considering a measure to endorse the expansion of NATO without having satisfactorily addressed any of the same questions that loomed over the alliance 4 years ago when we made the first recent expansion.

In April of 1998, this body voted to expand NATO without articulating a rationale for NATO in the post-cold-war era, without calculating a reliable estimate of the cost of the expansion, without establishing an interalliance dispute resolution process, without evaluating the militaries of the respective candidates to see what they offered and where their problems were, and without determining how the alliance can effectively coordinate military action amongst an even larger and more unwieldy membership.

Here we are in 2002 with the same questions unanswered, and yet we are on the cusp of enlarging again. I have never thought that any of my concerns about the structure and purpose of NATO should be directed at any one country. I do intend to vote for this resolution because I think we should expand the Partnership for Peace, we should get countries ready, we should try to bring their militaries up to speed, and the President wants this ability before he goes to Europe. I understand that, and I support the concept of an alliance with Europe.

What is the alliance's purpose? This is a defensive alliance to protect the democracies of Western Europe from the Communist threat of the East. That threat has evaporated. Our President is going to make an agreement with Russia in the next week that will have a mutual disarmament pact that will bring down our stash of nuclear weapons and their stash of nuclear weapons. We are friends with the Russians.

Today the threat for which NATO was first put in place is gone. We should have a strategic military alliance, but we need to talk about what functions it will have. If we are going to go offensive, as we did in Kosovo, how are we going to do it? Everyone knows the problems we had in trying to get unanimity when we were bombing Serbia. Everybody knows that was an almost impossible task. Yet here we are talking about adding new members without talking about what kinds of offensive alliances we are going to have.

In fact, as we are looking now at the hotspots around the world, some of the NATO allies agree with what we are doing in certain places; some have been less helpful. We need to have a purpose for NATO, or are we going to set our alliances according to the operations and interests of different parties involved so that we should stretch our dollars in a way that allows us the flexibility to determine which alliances we will have for any particular operation?

The cost of NATO is a big one for the United States. One-half of our permanent foreign forces are in Europe. We have a commitment to provide 25 percent of the NATO budget. We spend $170 million to $180 million in military construction for NATO, and we have a $500 million commitment for U.S. military construction in NATO countries. So we are talking about almost $1 billion, about three-quarters of a billion dollars in construction costs in European countries and/or NATO. That is a big part of our budget when we also have major commitments in the Middle East, major commitments in Korea in the DMZ, and major commitments, of course, ongoing in Afghanistan, the Philippines, and places regarding the war on terrorism.

We need to assess the costs before we go forward with this kind of process.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I thank the Senator for yielding me the time. I think we are not ready to do this, but I certainly am not against expansion of NATO.

Mr. LEVIN. Madam President, I rise to express my support for the Freedom Consolidation Act of 2001.

I support this bill because I support the enlargement of the NATO alliance to admit qualified nations and that is, at its essence, what this bill does. I would not support this bill if it supported enlargement without conditioning enlargement on nations being willing and able to assume the responsibilities and obligations of membership. I also would not support this bill if it sought to identify one or more nations as being qualified for NATO membership. Since this bill does neither of those things, I support the bill.

Mr. SMITH of New Hampshire. Madam President, I am please to join my distinguished colleague and ranking member of the Senate Armed Services Committee to discuss the merits of the Freedom Consolidation Act.

Like Senator WARNER, I have been deeply troubled by aspects of NATO expansion and by what NATO expansion means in the post-cold-war era. NATO's original mission was clearly understood—we were standing up to the Soviet threat. Today, NATO's mission is very unclear, and the organization itself has become a bloated bureaucracy where politics often dictate military decisions.

NATO's involvement in the Balkans and the manner in which military operations were conducted during the Kosovo air campaign are prime examples of a NATO without a clear mission and with a broken decisionmaking structure.

Let me make one thing clear—I believe every nation deserves the right to self-determination. I am proud to state that I was an early advocate of Baltic independence from the Soviet Union even when some in the U.S. Government were opposed to the breakup of the Soviet Union. I have great admiration for the Baltic people—the Latvians, the Lithuanians, and the Estonians—they all suffered greatly and they deserve to be free nations as do all nations. I can understand their desire to join NATO and to integrate more fully into Western institutions. However, I believe that before we even consider expanding NATO, we must have a clear understanding of the mission of NATO.

For example, just the other day, NATO accepted Russia as a junior partner of sorts. Russia will now participate as an equal partner in many of the discussions and decisions of NATO. How do we reconcile the expansion of NATO to countries that Russia is opposed to admitting to NATO? We also have to consider Russia's own problems, such as the conflict in Chechnya—could NATO and the United States be pulled into the Chechnya conflict? We must also consider, frankly, whether NATO is relevant in today's world.

Hopefully, we are finding that coalitions for the sake of coalitions are not necessary. As European countries continue to downsize their militaries, the burden on the United States becomes greater and greater. Increasing its membership without significant reforms and a better understanding of its mission, does not make sense.

NATO is becoming a mini-U.N., an unwieldy and overgrown organization which will demand much of us, our commitment, our military, our national wealth, but which will return little to us for our investment. Although I understand a country's desire to join NATO, we must first address the many problems in NATO before we even consider expanding its membership. Therefore, I will vote against this legislation, not because I do not support the security needs of the countries of the Baltic and Eastern Europe, but because the mission of NATO and the organization itself need serious work.

Mr. ALLEN. Madam President, I rise today to voice support for Freedom Consolidation Act of 2002 of which I am an original cosponsor.

Over 5 years ago, as Governor of Virginia I visited Poland, the Czech Republic, and Hungary. I supported the admission of these Central European countries into NATO. And, wisely about 4 years ago the U.S. Congress enacted legislation that would ensure that Poland, Hungary, and the Czech Republic were not the last emerging or reborn democracies to join the NATO. That was the right decision then and it is the right decision now. We should bring such aspiring democracies into our fold. And include them in the important decisions and responsibilities that affect the world as a whole. The nations seeking admittance have worked hard to meet the strict requirements. Many of these nations have undergone monumental changes from the days of communist occupation that have positively transformed them into freely elected, legitimate governments. Expanding the alliance to include nations that have made great changes in establishing human freedoms in their laws and practices is consistent with the 1949 NATO Treaty preamble which reads:

> [The Parties] are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law . . .

It is in the best interest of the United States to nurture young democracies around the world. Coach them on the great values and principles stated in the NATO preamble. Working toward fulfilling the requirements of NATO's Membership Action Plan, shows the commitment aspirant nations have made to NATO's basic principles: collective defense; common values; and the promotion of democracy.

NATO membership is a catalyst for Western values, principles and actions. It is to the benefit of the United States and NATO to ensure the security of nations that desire a place among the community of democracies. The Freedom Consolidation Act of 2002 does not predict which nations will be chosen, nor should it. Instead it sends a clear message to nations aspiring to freedom. That message is: Your efforts have been recognized and future progress will be rewarded with admittance to the most effective treaty organization in history.

It is very difficult to consider any issue related to international relations without viewing it in the context of the September 11th terrorist attacks. We must remember the nations that arose to stand with the United States mere hours after the horrifying attacks. When the United States needed support, it did not have to make calls, NATO was there—ready and poised to act along side of our nation. Passing the Freedom Consolidation Act is but one step we can take to ensure continued support through NATO. During this war on terrorism the United States has recognized that we cannot live alone in this world, especially in intercepting terrorist finances, gathering information, as well assisting with personal, equipment, and military operation support. Countries all over the globe have been instrumental in our success and their assistance continues to expose the people that planned and carried out those vile acts.

The varied contributions of NATO allies and aspirants include: reconnaissance, refueling, Special Forces missions and many other significant duties that have aided our troops. This cooperative effort is a great example of the useful necessity of NATO. As we expand this just war into new regions, we need to develop new relationships and allies to ensure the safety of the world's democracies. I know there are many of my colleagues questioning the value of bringing new members into the alliance. There is sentiment that these nations are receiving a great benefit while adding little. I would dispute that argument; NATO is not a free ticket. All who aspire to join NATO work hard to make the kind of military, economic, and democratic reforms necessary to gain membership. This makes them a stable ally, and during these chaotic times we need committed partners. Many of those being considered for membership have proven their mettle. They have seen the cost of war, the value of freedom, and have stood strong with America.

As we consider new members we must also revisit the responsibilities of the existing nations. We must continue to urge our partners to prepare and improve their military capabilities. My colleague and good friend Senator JOHN WARNER said it best, "NATO is first and foremost a military alliance." NATO must address the growing imbalance between the United States and our European partners. It is not in the best interest of the alliance or European nations to have the United States shoulder such a large part of the military burden. Senator WARNER'S insight is important and should be a top priority for the young democracies we hope to bring into the strongest alliance on Earth.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Madam President, last December I watched carefully as the Senate received from the House this legislation which we are about to adopt. I urge Senators to vote for it. There will be one "no" vote, in my judgment. That is the Senator from Virginia. I do so for the following reasons: I believe this subject deserved debate, and that is why I interposed an objection on the UC to have this passed last December, 40-some millions of dollars of taxpayers' money to give to these nations.

If we were able to separate this legislation between authorization for these funds, I would vote for it because I think it is important we expend these funds for these nations which are trying very hard, some nine nations—although the money applied to only seven of the nine—seven nations which are trying to put together, within their respective countries, the fabric and the infrastructure necessary to hopefully qualify for NATO.

I am in favor of some expansion. I am not against any country. I am not for any country. The purpose of my objecting was I believed the Senate should have a debate before we passed it. I thought I was successful, but in the darkness of the Senate, as so often happens, the appropriators appropriated the money. So it was a hollow act on my part.

At long last we had a very good debate last night and I succeeded in my objectives: Clarifying with the two distinguished colleagues on the floor, the chairman and the ranking member, that this language, which I deem as an invitation to join—if one looks at the overall rhetoric, one sees it is very skillfully put together. It commits the Senate and the Congress to nothing other than the authorization of funds, but I think it could be misinterpreted and misleading to the aspirant nations, and the people, the journalists, and all who will cover the actions by the Senate and, indeed, the Congress now to approve that.

I say so for these reasons. The act is entitled the "Gerald B.H. Solomon Freedom Consolidation Act of 2001."

Turning to the dictionary, I read the meaning of "consolidation": To bring together into a single whole, unite and combine.

This is a bad choice of words, in my judgment. This sends a message that all nine, or all seven, should join. I think we lose sight of the purpose of NATO—it is a military organization—which is only if there is a compelling military rationale for additional members, and each member must be fully ready and prepared to take up their responsibilities under article 5, which says an attack on one is an attack on all.

So I will vote no, probably the only one, but I will continue to be a watchdog or, as some of my colleagues said, a "barnyard dog." I am going to make certain this Senate carefully reviews those credentials, and we will not have, I say with respect to my chairman and ranking member, suddenly a beautifully embossed document from the President of the United States as a consequence of meetings abroad, and here they are.

Do you think this Senate is going to go into it with that document for ratification and single out countries? We cannot do it that way. We have to do our work beforehand. I repeat, we have to do careful work. I will move in my committee, the Armed Services Committee. I hope my colleagues will do likewise. To those of us who can travel to these nations, I urge that we do so.

My motives and goals for opposing this legislation are very simple. I am not against an orderly, well thought out process leading to some measure of expansion; my fight is for preservation.

NATO is the most extraordinary military treaty in the history of mankind. Let's not sow the seeds of its demise.

This legislation being voted on today can be divided into two parts: one, authorize appropriations—which I support—for seven of the nine aspirant nations; and two, a compilation of rhetoric, primarily quotes extracted from speeches and documents, which form a matrix that can easily mislead people into believing that the United States Congress, by enactment of this legislation, is sending an invitation to one and all aspirants to join NATO. They need only RSVP in the affirmative.

I think we all agree that we are months away from deciding on which of the aspirant nations meet the criteria to be invited to join NATO. Therefore we should not be on the verge of adopting legislation that implies that aspirants "from the Baltic to the Black Sea and all that lie between" should be invited to join the Alliance.

I speak and vote against this legislation not as a sign that I oppose NATO expansion, but rather as a warning that we simply do not have the facts before us to render an informed judgement on the message this legislation sends across the Atlantic.

In closing, I would urge my colleagues to review the statement my good friend Mr. LANTOS made on November 7, 2001 in the House of Representatives. On page H7867 on that day's CONGRESSIONAL RECORD, Mr. LANTOS stated:

> And I strongly endorse the statements of the 10 applicant countries that eventual NATO membership for all of them will be a success for the United States, for Europe and for NATO.

While I deeply respect my friend's good intentioned views, that statement makes it clear to me that the proponents of this legislation have already reached the conclusion that all applicants should be invited to join NATO. I believe it is to early in the process to reach that conclusion.

The Senator from Delaware.

Mr. BIDEN. How much time is available to the Senator from Delaware?

The PRESIDING OFFICER. Four minutes.

Mr. BIDEN. How much is in the control of the Senator from Virginia?

The PRESIDING OFFICER. One minute, fourteen seconds.

Mr. BIDEN. Madam President, I will let the Senator from Virginia close.

I can assure my distinguished colleague from Virginia that Senator LUGAR, I, and others in the Foreign Relations Committee will have thorough hearings on this, as we did before.

This bill merely reaffirms the open-door policy for NATO enlargement which was first enunciated by the Clinton administration and now has been continued by the Bush administration. It does not authorize new funds that would throw the budget out of whack. It merely authorizes monies that have already been appropriated by the Arms Export Control Act.

Voting for this legislation does not indicate any Member's intention to vote for or against any potential aspirant to NATO. Exactly which countries will be invited by the alliance is a decision that will be made more than 6 months from now at a NATO summit in Prague, and thorough Senate debate on ratification of NATO enlargement will occur sometime at the end of this year and the beginning of the next. Everyone is going to have an opportunity to decide whether they are for or against this.

I remind my colleagues that 4 years ago, the Senate spent 7 lengthy days in floor debate on the ratification of admission to NATO of Poland, Hungary, and the Czech Republic. I managed that resolution, and I am certain the Senate will scrutinize the aspirants invited to Prague, just as we did in 1998. What the bill does mean is that the Senate authorizes the foreign military financing assistance to help those candidate countries meet the alliance's stringent membership requirements.

This bill will help NATO extend the zone of stability eastward and southward on the continent so that sometime within the next decade we will be able to say for the first time, I think, in all of modern history that we have a Europe whole and free.

I urge my colleagues to vote for the Freedom Consolidation Act. I yield the floor to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my two colleagues, the chairman and the ranking member, for an excellent dèbate. Other Members have participated, but let us not forget that this is a military alliance, and in the event troops are called out, our men and women in the Armed Forces will occupy the foxholes, the tanks, the revetments, and take the risks alongside the others.

What concerns me about NATO is this—I quote not the Senator from Virginia but Secretary General Lord Robertson of NATO:

> The United States must have partners who can contribute their fair share to operations which benefit the entire Euro-Atlantic community. . . . But the reality is . . . hardly any European country can deploy usable and effective forces in significant numbers outside their borders, and sustain them for months or even years, as we all need to do today. For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members, we still need U.S. help to move, command and provision a major operation. American critics of Europe's military incapability are right. So if we are to ensure that the United States moves towards neither unilateralism nor isolationism, all European countries must show a new willingness to develop effective crisis management capabilities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. This quote clearly indicates we have to be a watchdog of NATO as we begin to invite in more and more countries.

Mr. BIDEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I yield 1 minute to Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I merely want to say I endorse the statements made by the Senator from Virginia.

I want to explain my rationale for not supporting H.R. 3167, the NATO Expansion Act.

In 1998, I voted to support the last round of NATO enlargement which culminated in the assession of Poland, Hungary, and the Czech Republic.

Over the past 2 years, at least two of these countries have not made much progress in restructuring and modernizing their military forces and infrastructure.

I am concerned that this bill provides an open invitation to the 10 candidate countries, irrespective of their readiness or qualifications.

We should strongly support countries into the alliance that are ready for NATO membership and that can significantly contribute to the European security mission.

We first need to determine what is the long-term mission of NATO, then assess how countries can contribute to that mission, and evaluate each candidate based on that overall criteria.

We need candidate states that can help support the alliance in maintaining peace and stability throughout the region.

For example, the United States flew over 60 percent of the combat missions in the Kosovo conflict. We need to look for capabilities that enhance the alliance and its members, not detract from it nor add substantial costs.

There is also a significant price tag for bringing nations into NATO that are not ready for membership. The alliance, to which the United States already contributes about 25 percent of the costs, will have to provide financial assistance to help these countries modernize their Armed Forces and infrastructure.

We do not know the overall cost to do this, but it is my hope that we should carefully proceed with NATO expansion and weigh each nation's readiness to become a full partner in NATO.

I urge the member nations of NATO to proceed cautiously and address the issue of expansion with great care.

Mr. DASCHLE. Madam President, I come to the floor to express my support for H.R. 3167, the Freedom Consolidation Act. Last week I received a letter from Secretaries Powell and Rumsfeld expressing their support for this bill. President Bush has also requested that the Senate consider this bill before he leaves on his trip to Russia next Wednesday. I am pleased that we could accommodate his request, and I wish the President every success on the visit.

This is a straightforward bill. It cites earlier legislation leading up to the last round of NATO enlargement, quotes President Bush's pro-enlargement June 15, 2001, Warsaw speech, adds Slovakia to the countries eligible to receive assistance under the NATO Participation Act of 1994, and authorizes a total of $55.5 million in foreign military financing, FMF, under the Arms Export Control Act for Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania.

Most importantly, this bill reaffirms the position of the United States on NATO enlargement: that the door to NATO membership remains open, and that those countries that are prepared to meet the obligations of membership—as it relates to defense capabilities and democratic and political readiness—are welcome to join.

NATO enlargement has enjoyed and continues to enjoy bipartisan support in the United States Senate. It is an issue that unites Democrats and Republicans. At a time when we and our allies are engaged in a global war on terrorism, we recognize more than ever the need for allies—and for new allies.

As we face a shared and multidimensional threat, we must recognize that each new ally brings substantial political, economic and military contributions to the effort in Afghanistan and around the world.

The terrorist attacks of September 11 underscore the need to consolidate the peace on the European continent so that North America and Europe, from, as the President has said, the Baltic Sea to the Black Sea, can focus their energies on the new threats of the 21st century.

This is an important message for the President to take on his trip. But another part of the President's trip is also about closing a chapter from the 20th century.

The President announced Monday morning that he and President Putin will sign a new treaty to deal with the nuclear weapons left from the cold war.

The treaty limits the United States and Russia to no more than 1,700–2,200 deployed weapons by 2012.

Any time we can get an agreement to reduce the number of nuclear weapons deployed in the world, that is a positive step, and I commend the President for taking it.

But there are a still a series of questions about that treaty that need to be answered. Does it require destruction of any existing nuclear weapons? Does it include provisions to secure Russian stockpiles? Does it spell out a transparent timetable for when each side must reduce the number of deployed weapons to the agreed upon level? Does it include any new verification provisions? And lastly, does it address the issue of tactical nuclear weapons?

I hope the President will use this historic trip to address these questions, which go to the heart of one of the principal security threats the United States faces today—the proliferation of weapons of mass destruction, and the potential for those weapons to fall into the hands of terrorists.

So let's send the President off on this important trip with the important message contained in H.R. 3167—that we want to continue to remake and improve our relations with the whole of Europe, including Russia.

I urge my colleagues to support H.R. 3167, and ask unanimous consent to print in the RECORD a copy of a letter, dated March 20, that Senator LOTT and I sent to the Romanian Prime Minister, and a letter to me from President Bush, dated April 11, on the same.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, March 20, 2002.

His Excellency ADRIAN NASTASE,
Prime Minister, 1, Victoriei Square,
District 1, Bucharest, ROMANIA.

DEAR MR. PRIME MINISTER: We write to congratulate you on convening this important meeting with the other Prime Ministers of Europe's new democracies. It is an important stepping stone to the NATO summit in Prague next November.

At a time when the United States and its allies are engaged in a global war on terrorism, we are grateful for the support that you and your colleagues have provided. Americans remember who their true friends and allies are at times of war. The threat we face is a shared one, and we appreciate and value the substantial political, economic and military contributions that the countries represented in Bucharest are making to the coalition effort in Afghanistan and around the world. You are demonstrating in practice that you want to be allies of the United States. It is indeed a "Spring of New Allies."

At the NATO Summit in Prague in November, Alliance heads-of-state will be making an important decision about continuing the process of NATO enlargement. We want to take this opportunity to reiterate that NATO enlargement has enjoyed and continues to enjoy bipartisan support in the United States Senate. It is an issue that unites Democrats and Republicans.

We therefore look forward to the Prague summit and the opportunity to take the next step in building a Europe whole and free in alliance with the United States. We urge you and your colleagues to continue to work hard and devote the necessary resources to making your countries the strongest possible candidates. As President Bush put it in Warsaw last June, our vision is to extend the zone of democracy and security to as many qualified countries as possible from the Baltic to the Black Sea, including, as our allies in Greece and Turkey have argued, the important Southern dimension. The terrorist attacks of September 11th have only underscored the need to consolidate the peace on the continent so that North America and Europe can focus their energies on the new threats of the 21st century.

Mr. Prime Minister, once again, we commend you and your colleagues for your contributions to a strong, dynamic and more secure North Atlantic community. Working together we are confident that we can attain our collective vision of a Europe whole and free.

TOM DASCHLE.
TRENT LOTT.

THE WHITE HOUSE,
Washington, April 11, 2002.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I have seen the letter you and Senator Lott sent to Romanian Prime Minister Nastase for the Bucharest Summit of the Vilnius-10 countries. Thank you for your leadership on this issue.

I strongly agree that NATO enlargement has been, and should remain, a bipartisan issue. We must work together on this. I noted the importance you place on the southern European candidate countries.

We have an historic opportunity to intensify reforms and consolidate freedom in nations that were once behind the Iron Curtain. We can do this while building a new NATO-Russia relationship. This is an opportunity that we cannot afford to miss.

Sincerely,

GEORGE W. BUSH.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, of course, we agree with the Senator from Virginia. That is the purpose of this debate, to draw the attention of this Senate to a momentous decision that is to come. We must examine both armed services and foreign relations, and we pledge to do so, and the criteria of each of the countries. NATO is important. It must succeed. Therefore, we ask support for this resolution our President has asked us to give him.

I thank the Chair.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD) would vote "no."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG) the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHISON) the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 6, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—85

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NAYS—6

Craig
Inhofe
Roberts
Smith (NH)
Stevens
Warner

NOT VOTING—9

Conrad
Domenici
Enzi
Gregg
Helms
Hutchinson
McCain
Miller
Murkowski

The bill (H.R. 3167) was passed.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, all week long the average length of time it has taken to have a vote has exceeded 30 minutes. That is just too long. There is no way we are going to continue to accomplish as much as we need to accomplish before the end of next week if we have to be spending 30 and 40 minutes on a vote. We are going to have to start cutting off this time more aggressively. I want to put all colleagues on notice that we are not going to tolerate the extent to which our good will is violated as these amendments are voted upon.

Please come over and vote within the 15 or 20 minutes allotted for the vote. Extending it twice as long is just unacceptable and a real disservice to all our colleagues who are waiting to do their work.

Madam President, as I said, we have all day today and all day on Monday for Senators to offer amendments. I know Senator DORGAN is waiting to offer an amendment. There will be other Senators who will come to the floor.

The authors of the steel amendment have kindly accepted our suggestion to set aside their amendment in order to accommodate other Senators who wish to have their amendments offered. I think it is very important that we use these days for full consideration of other amendments.

It is my intention at this point to file cloture on the bill on Monday in order to have a cloture vote on Wednesday. So amendments will have to be disposed of prior to Wednesday.

It is my expectation that we will be taking up a supplemental appropriations bill, in consultation of course with Senator BYRD, before the end of next week. There is no way we can do that unless we bring our debate on this bill to a successful close.

So we have a lot of work to do next week. We want to finish the bill. We want to finish the supplemental bill. We may take up other issues as well, including some reference to the budget. So it is necessary that we use the days between now and then to the maximum degree possible.

I urge Senators to come over and have their amendments considered. Senator REID will be here, and other members of the leadership, but primarily Senator REID, who has offered to offer the amendments on behalf of Senators who may have travel schedules that will not accommodate their offering of amendments. So there is no reason these amendments cannot be offered. Senator REID will be here to offer them or Senators can come and offer them themselves. But all day today and all day Monday we are open for business and we are determined to use these days to the maximum degree possible.

I thank my colleagues for what I think has been a very productive week on this bill. Their cooperation has been very catalytic in bringing about the final days of debate on the bill—with the one exception that we are spending too much time on the votes themselves.

I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 2179

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 375, S. 2179, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, this legislation was just called to my attention. We have not had a chance to review it and to do a hotline on it to see if there are any problems with it. It looks like something we will be able to clear, but at this time we have not had a chance to do that so I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. CARNAHAN. I find it unbelievable that my colleagues on the other side of the aisle would object to a bill, unanimously passed by the Judiciary Committee, to honor the law enforcement and public safety officers who risk their lives daily to keep us safe. The bill I introduced provides a small amount of money to honor those who have been injured or killed in the line of duty. As we celebrate Police Officers Memorial Week, it is troubling to me that anyone would want to deny them the recognition that they are due.

I hope whoever is blocking this bill from passing will reconsider their opposition and let us honor these brave men and women.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Madam President, there is a process of doing legislation in the Senate. This was just reported, as I understand it, yesterday. I made the point I had not had a chance to review it at all.

I note we should honor, in whatever way possible, men and women who have fallen in the line of duty as law enforcement and public safety officers. But just looking at this preliminarily, it provides Federal grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who are killed or disabled while serving as law enforcement or public safety officers. We have had that happen in my home community. Policemen and highway patrolmen have lost their lives. We should honor them. We should do that locally and privately.

For the Federal Government to encourage and maybe to participate is worth considering, but there is a principle here. I am not sure it is one that we want to just approve without having a chance to take a closer look at it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Expansion Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Rockefeller amendment No. 3433 (to amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance.

Daschle amendment No. 3434 (to amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance.

The PRESIDING OFFICER. The Senator from Nevada.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Rockefeller amendment No. 3433:

Jay Rockefeller, Paul Wellstone, Barbara Mikulski, Charles Shumer, Edward Kennedy, Joseph Lieberman, Richard J. Durbin, John F. Kerry, Barbara Boxer, Harry Reid, Tom Daschle, Christopher J. Dodd, Thomas R. Carper, Paul Sarbanes, Jon Corzine, Patrick Leahy, Debbie Stabenow.

The PRESIDING OFFICER. The Senator from Nevada.

ORDERS FOR TUESDAY, MAY 21, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, May 20, the Senate stand adjourned until 9 a.m., Tuesday, May 21; that on Tuesday, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 9:30 a.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 9:30 a.m., the Senate resume consideration of H.R. 3009, and there be 90 minutes of debate with respect to the cloture motion on the steel amendment, with the time equally divided and controlled between the two leaders or their designees; that the Senate vote on the motion to invoke cloture at 11 a.m., with the mandatory quorum required under rule

XXII being waived, without intervening action or debate; provided further, that the Senate recess on Tuesday from 12:30 to 2:15 p.m., for the respective party conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, might I inquire of my colleague from Nevada, the disposition of the amendment that you just referenced would conclude at what point on Tuesday? In other words, what time would the vote be on the steel amendment?

Mr. REID. At 11 a.m., which would be voting on cloture on the amendment.

Mr. DORGAN. Voting on cloture on the steel amendment?

Mr. REID. Yes.

Mr. DORGAN. Mr. President, could the Senator tell me, is there an established order on recognition following that vote for the purpose of offering amendments?

Mr. REID. Yes. I appreciate the Senator's question. I was going to make a statement on that. We have a list that is already in the RECORD of the order in which amendments will be offered.

The next amendment will be a Republican amendment. We understand Senator ALLEN is the person who is going to offer that. Following that would be the Kerry amendment, then a Republican amendment, then Dorgan amendment, and on down the line.

I would say, however, that I am going to offer some amendments on behalf of other Senators during the day. But anyone who wants to come to the floor—including the Senator from North Dakota, if he is here and wants to debate the Cuba amendment he is going to offer—today would be a good time to do that.

As the majority leader has indicated, today we will stay in session as long as people have something to say. On Monday we are going to come in around 1 o'clock in the afternoon. The same would apply on Monday. People can offer amendments on Monday. There will be no votes, but some of these amendments will be debated. Some of them will be accepted. For other amendments we will schedule votes. And we could schedule those votes, of course, on Tuesday.

So I think a lot of progress could be made today and on Monday. We will work our way on down the list.

Did that answer the Senator's question?

Mr. DORGAN. Mr. President, I believe so. I am only concerned that we have time, prior to the filing of the cloture motion and a vote on cloture on this bill, to offer amendments. I have offered one amendment. I have two additional amendments. I certainly want to be able to offer them.

As I understand it, the Senator from Nevada has indicated that, despite the fact there is a list of amendments, if we are able to be here today and/or Monday to offer additional amendments, nothing will preclude us from offering those amendments. Is that correct?

Mr. REID. If there is no one here to offer an amendment, the agreement is that we would set whatever amendment is next in order aside and go to the next amendment.

Mr. DORGAN. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, now we are on the bill; is that right, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The bill is open for amendment.

As I have indicated, it is my understanding that Senator ALLEN wishes to offer an amendment. He does not appear to be in the Chamber.

The other understanding we certainly need to have is that if the Democrats offer five amendments in a row, the Republicans, when they are ready to offer their amendments, can also offer five amendments to catch up with us. And that is the understanding we have had. And certainly that should be the order of things so we treat people fairly.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3439 TO AMENDMENT NO. 3401

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator ENZI, Senator CANTWELL, Senator HAGEL, Senator JOHNSON, Senator ROBERTS, and Senator MURRAY.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY, proposes an amendment numbered 3439.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit private financing of agricultural sales to Cuba)

At the appropriate place, insert the following:

SEC. . AGRICULTURAL SALES TO CUBA.

(a) IN GENERAL.—Section 908 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Section 908(a) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207(a)) (as amended by subsection (a)), is amended—

(1) by striking "(a)" and all that follows through "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding";

(2) by striking "(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)" and inserting the following:

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)"; and

(3) by striking "(3) WAIVER.—The President may waive the application of paragraph (1)" and inserting the following:

"(c) WAIVER.—The President may waive the application of subsection (a)".

Mr. DORGAN. Mr. President, let me briefly describe this amendment. It deals with the issue of our ability to sell food to Cuba.

Let me give a bit of history. We have had a debate for about 3 or 4 years in the Congress as to whether our country should continue to use food and medicine as a part of the embargo against Cuba.

Many of us in the Congress, Republicans and Democrats, both in the House and the Senate, believe that the use of food or medicine as a weapon in foreign policy is entirely inappropriate.

We have had a number of votes on this issue. About 70 Members of the Senate have said that they do not believe we ought to use food as a weapon. And so, about 2 years ago, we opened just a small crevice in the embargo, for the opportunity of our family farmers in the United States to be able to sell food to Cuba. Virtually every other country in the world already sold food to Cuba. The Canadians did. The Europeans did. But until we opened this aspect of the embargo, our farmers could not sell food to Cuba.

The embargo has been a rather strange one, when you think about other Communist countries that we trade with. We well food to Cuba. That is a Communist country. We sell food to Vietnam, a Communist country.

We allow Americans to travel in both those countries. But with respect to Cuba, we levy fines against Americans who would travel there, and until recently the embargo prohibited the sale of food or medicine to Cuba. As I said, we opened that just a bit, and Cuba can now purchase food from our farmers.

Cuba suffered a hurricane that had a fairly significant impact on the island. The Cubans wanted to purchase American food, and they did. They purchased well over $100 million in food from our country: Corn, wheat, dried beans, eggs, and much more.

However, the legislation that allows us to sell food to Cuba prohibits any financing of these sales—even private financing. Cubans have to pay cash, and it is illegal for U.S. companies or banks to be involved in the transactions.

Now, this should strike most people as rather strange. We will allow our farmers to sell wheat or eggs or dried beans to Cuba, but they can't even use private financing to do the sale.

So the ban on extending credit by U.S. private banks and companies to Cuba means transactions are carried out in cash. And the payments cannot even be made directly. When Alimport, the agency in Cuba that purchases this food on behalf of the Cuban people, makes a purchase, the money has to go through a French bank, in a transaction that takes 40-plus hours.

Well, when we were putting together the Senate version of the Farm Bill, we decided to do something about this problem. We inserted a provision into the Senate version of the Farm bill that allowed private financing of agricultural sales to Cuba. No U.S. government financing—just private financing.

The vast majority of Senators voted for this amendment. Then the House of Representatives, by a vast majority, passed a resolution calling on the House conferees to accept this provision in conference. But the measure was taken out of the conference report anyway.

The amendment we are offering today to the trade bill is identical to the provisions that were in the Senate version of the Farm Bill. Not one word has been changed.

What we are trying to overcome here is a small group of lawmakers that are trumping the will of Congress.

You know, when we passed the legislation that allowed our farmers to sell food from Cuba, a Congressman from Florida was quoted in the Miami Herald as saying that he was satisfied that the language in the legislation was restrictive, making it difficult for United States companies to do business in Cuba because they will have to go through third countries for financing. My colleague in the House of Representatives did not care about the intent of the legislation—he wanted to make sure that it was as difficult as possible for our farmers to sell food to Cuba. He said he was pleased with the outcome.

Well, I am not pleased with that. I think it makes no sense. And it just defies belief that when the Senate recently tried to fix the problem, the will of the Congress was ignored again. The Senate version of the Farm Bill had a provision to allow private financing of agricultural sales to Cuba, which passed by a 2 to 1 margin. The House voted 273 to 143 to endorse the Senate provision for more trade with Cuba, and to have the House conferees accept it. But guess what? It was dumped out of conference anyway.

So we are back, to offer the same amendment, word for word. The Senate has already voted on this. The bipartisan support is substantial. I mentioned cosponsors of this amendment, who are many, Republicans and Democrats. My expectation is we will continue to offer this amendment until the will of the Congress prevails.

This measure is long overdue. Do you think Castro has ever missed a meal because we won't sell food to Cuba? The restrictions on food sales do nothing but hurt poor, sick, and hungry people. It is not a moral thing to do, to use food as a weapon, as a part of our foreign policy. And it is not a smart trade policy, not when we are depriving U.S. farmers of a market for their crops.

In coming months, we are going to have to deal with a separate aspect of Cuba policy: the restrictions on Americans who want to travel to Cuba. I just held a hearing on that.

Let me describe this policy through the eyes of a retired schoolteacher in Illinois. She was reading a cycling magazine published in Canada. She is a retired schoolteacher in her sixties, and she likes to bicycle. She saw an ad about a bicycling trip to Cuba, and she signed up. She went to Cuba with nearly a dozen other people, and they bicycled for 7 or 8 days. She loved it. She came back to this country, back to Illinois, and a year later she got a letter from the U.S. Department of the Treasury saying: guess what, we are fining you $7,500 for bicycling in Cuba.

Is that an unusual story? No, it is happening all across the country. We are slapping around the American people, restricting their travel rights because we are upset with Fidel Castro.

I want to bring democracy to Cuba. The wrong way to do that is to use food as a weapon and to penalize Americans who would travel in Cuba. The effective way to do it is to flood Cuba with American products and visitors.

We are told in the Senate that the way to deal with China and move the Communist government in China in the right direction is to have greater engagement, more trade, more travel. The same is true with Vietnam. That is the way to deal with Communists, because they can't resist the relentless march of capitalism and freedom. But a small pocket of people in our country refuse to apply that same approach to Cuba. That makes no sense. The majority of the Members of the House and Senate know that.

Our amendment today deals only with the private financing of sales of food. This amendment does what the Senate has already done on the previous occasion. There is not a word changed. I hope for its favorable consideration. And we will have more to say on the subject of Cuba policy in the weeks and months ahead.

One final point: My colleague from the State of Washington has worked with me to construct this legislation and put it in this bill. I regret a number of the other cosponsors are not here. I wish we had had an opportunity to offer the amendment when they were all here. They have expressed similar sentiments in the past—Senators HAGEL, ENZI, and ROBERTS, and others who believe as I do and as Senator CANTWELL does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise in support of the Dorgan-Cantwell amendment that removes existing restrictions on United States banks from financing the legal export of American food and medical products to Cuba.

My colleague from North Dakota has very eloquently pointed out that our country cannot use food as a weapon. I applaud him for his leadership in the committee in having hearings about the travel penalties being placed on Americans and also the prohibition of some American farmers from traveling to Cuba to discuss either cash purchases or, if this language is changed, the United States financing of legal agricultural purchases by Cuba.

This amendment is particularly appropriate. If you think about it, just last week we passed a farm package basically dedicating our efforts to try to improve the farm economy in America. We did this with the underlying goal of trying to improve the economic competitiveness of American farmers by helping them open up markets. Today we were in the Chamber talking about how to make it easier to have trade negotiations. With this amendment, we have an opportunity to fix what is really an arbitrary, unjust, and illogical sanction on food exports. In doing so, if we change this procedure, we open up potentially billions of dollars of markets for American farmers.

Our colleagues may remember that in the 106th Congress, Congress passed the Trade Sanction Reform and Export Enhancement Act of 2000 in an effort to preclude unilateral sanctions on the export of American food and medical products. In passing this language, Congress sent an important message through TSRA that food and medicine were not to be used as a political tool of foreign policy. Practically speaking, the legislation made it possible for American farmers to export their products around the world, though the law did require licenses from the executive branch for exports to Cuba, Libya, Sudan, and Iran.

The TSRA not only addresses the importance of humanitarian goals of preventing famine and hunger, but it also provides important markets for U.S. agricultural producers, particularly in Cuba.

Cuba, a market that has been closed to U.S. exports since 1961, currently imports approximately $750 million in agricultural products from countries around the world, including European allies. And one recent study by Texas A&M University suggested a long-term export market potential of up to $1.2 billion for U.S. agricultural products.

However, Mr. President, there was a catch with the legislation as it passed in that it put a restriction on the use of any private financing or letters of credit from U.S. banks for those purchases. The restriction only applied to Cuba—not Sudan, Libya, Iran, or any other country—just Cuba. So as my colleague has suggested, food is being used as a political weapon against Cuba.

This legislation undermines the spirit of the TSRA in that it effectively continues to use food and medicine as a foreign policy tool. As any farmer can tell you, financing is a critical element of selling your products both domestically and throughout the world. We are blocking American food from going to Cuba because of that inability to get private financing.

The potential for the Cuban market to our farmers has been demonstrated over the last months by the announcements of cash purchases of over $90 million in agricultural products that has been made—the first United States-Cuba commercial transaction since 1961. So we know the Cubans are interested and are willing to pay cash. But we cannot finance agricultural sales of this magnitude by cash purchases.

This opening is particularly important in my home State. Washington had a strong trading relationship with Cuba prior to the embargo, and I think we would be in a good position to benefit from opening up these agricultural markets.

Industry experts predict that Cuba's markets could bring substantial revenue to farmers in my State on products like peas, lentils, apples, sweet cherry and pear production, and many other products. I think given the events of the last week, with President Carter opening a new chapter in our history with Cuba, and the positive steps that have been taken by the Cuban Government in allowing him to come there and address that nation, it is critically important that we rethink this limitation we have had on private financing. My colleagues have said we believe that food and medical products should be sold to Cuba. We have agreed to that. Now all that stands in the way is this arbitrary limitation of saying we are not going to allow you to finance it with private banking in the United States. That is a mistake.

We cannot continue this policy and hold not just the Cuban people hostage to food and medical products, but U.S. farmers who have products they can sell there. If we have said we believe they should be able to sell those products into that country, we should be willing to say that there can be financing for those products as well.

As my colleague from North Dakota mentioned, we voted on this amendment. It was part of the farm package that passed out of the Senate. We will keep pushing this until we are successful.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from Washington for her work on this amendment. As I indicated before, this amendment has broad bipartisan support. The Senate has already expressed itself previously. By a wide margin, the Senate says we ought not to use food as a weapon.

I understand that Fidel Castro has been sticking his finger in our eye for a long while. I don't stand here wanting to make life better for Fidel Castro. I want to bring democracy to Cuba. After 40 years of failure with an embargo that doesn't work, it seems that we ought to try something else.

I have been to Cuba. What I learned there is that Fidel Castro says the reason the Cuban economy is in deep trouble is because the United States has its hands around the Cuban economy's neck. This embargo is what they blame for Cuba's economic troubles. I am not saying that Fidel Castro is right. I am just saying this embargo has been Fidel Castro's biggest and best excuse for all of the shortcomings of his regime. He uses it, has continued to use it, and he says to the Cuban people that is the reason they have this trouble.

In any event, it seems to me at some point you would learn a lesson. Fidel Castro has been in power in Cuba through 10 U.S. Presidents. Clearly, what we have been doing has not been working. How about trying something different? My sense is that the more people travel in Cuba and the more investments you have in Cuba, the more Cuba's economy is open, the more likely it is that Castro will lose his grip on power in Cuba. My goal is to bring democracy to Cuba. But we don't, in my judgment, serve our interests, or anybody else's, by saying we want to use food as a weapon.

Because I and others have fought to open the window just a bit, food is now going to Cuba, however slowly. Cuba is able to buy it from our companies and our family farmers. We now have chicken legs, turkey breasts, and dried beans being offloaded in Cuba because they bought them from the United States. Good for them and good for us.

At a time when we are beset by terrorist threats, worrying about future acts of terrorism, those responsible for our nation's safety and welfare have much better things to do than to worry about shutting off the flow of chicken legs, turkey breasts, dried beans, wheat, and eggs to Cuba. We ought to worry a whole lot more about bombs from terrorists than about our farmers selling dried beans to Cuba.

We just held a hearing in which we found that the Office of Foreign Asset Control and the Treasury, which is responsible for tracking down terrorist funding—has at least some of their staff tracking Americans who have traveled in Cuba. A fellow who testified at my hearing on travel to Cuba came from Senator CANTWELL's State of Washington. His parents were missionaries to Cuba, and built a little church there. After Castro came to power, his family returned to America. A few years ago, this poor fellow's parents tragically died in a house fire. He decided to honor their memory by taking their ashes back to Cuba, to bury them in the little church that they had built decades earlier. He went to Cuba for just one day, and did just that. Upon his return, he told the Customs Service that he had been to Cuba, and explained the circumstances. Months later, he got a letter saying, guess what, you have to pay a fine of $7,500.

I am just saying that when government officials responsible for tracking down terrorists are spending their time chasing down folks like this poor fellow, they just don't have their eye on the ball.

The amendment we are offering today having to do with private financing of agricultural sales to Cuba is also a call to reason.

This amendment is an amendment that deserves the support of the entire Senate. I hope we will be able to approve this amendment just as we did in the Senate version of the Farm Bill, and I hope this time the provision will survive conference.

It is time for us to say it is not moral to use food as a weapon. This country is bigger and better than that. I have traveled to refugee camps around the world and I know their misery and share their pain. We all understand that using food as a weapon is not something that represents the best of this country. That is why in this instance, and every instance, I want this country to stop it. This amendment simply opens the door a bit wider so that the flow of food to Cuba—food purchased by Cuba—can be done through normal private financing.

I yield the floor.

Mr. ENZI. Mr. President, I rise in support of the amendment offered by the Senator from North Dakota. I thank the Senator for introducing this amendment, which will directly benefit our American farmers and the citizens of Cuba who have suffered from inadequate access to food.

This amendment would amend a provision that has undeniably hurt the economic viability of our agriculture sector since the passage of the Trade Sanctions and Reform Act, TSRA, in 2001. The TSRA, which prohibited the use of private financing for food and medicine sales to Cuba, instituted an embargo on all exports to Cuba last year. The TSRA provision effectively eliminated one of our nearest and most easily accessible agricultural markets. Our amendment today seeks to remedy this unworkable situation.

Given the crisis in American agriculture, the prospect of selling to a new market is welcome news to U.S. farmers and exporters. In my home State of Wyoming, agriculture is a driving force behind economic sustainability, and I firmly believe this amendment will strengthen the position of local farmers as they work to compete at the international level. Allowing food exports to Cuba will not only transfer critically needed supplies to the suffering Cuban people, but it will also create a potential new market for American farmers and exporters.

Opponents of this amendment will argue that we should not soften our position on the Cuban embargo, that Cuba has not earned the right to trade, and that we should continue to shut off this socially and economically repressed nation from the world. They will reiterate that isolating Fidel Castro's regime is our only hope in forcing him to recognize the error of his ways. I disagree. Our embargo is not working, because we are not the only country in the world that can provide food and medicine to Cuba. As such, Castro does not have to trade with us. The real losers in this battle are the Cuban people and the American farmers. The United States must develop a policy that goes beyond the embargo. Food and medicine are not tools of war, and should not be used as such.

I truly believe this amendment will strengthen our country's role as a promoter of democracy and freedom. Food and medical attention are the most basic of human needs, and until those are satisfied, the Cuban people will not put political reform at the top of their agenda. The U.S. must first help to satisfy the basic needs of the Cuban people, and then push toward full political reform. This amendment takes us one step closer to that goal. As history has proven, political reform comes when individuals are exposed to worlds unlike their own. Take China for example, opening trade and encouraging dialogue with the Chinese has promoted capitalism and democracy in their country. This amendment would increase that exposure and would improve the social and economic well-being of the Cuban population.

As one of the principal sponsors of the 2001 Export Administration Act, which was passed by the Senate last September but has yet to see action in the House, I understand the importance of export controls and I recognize the delicacy of this situation. However, I do not believe food and medicine should be controlled under unilateral sanctions. We need to tightly control some exports, but food should be allowed to pass as freely as possible across our borders. I encourage my colleagues to vote for this amendment, not only for the sake of the Cuban people but for the sake of our own local farmers and their families. Now is the time to chart a new course for United States-Cuba relations.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 3406 TO AMENDMENT NO. 3401

Mr. ALLEN. Mr. President, I wish to call up amendment No. 3406, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself, Mr. EDWARDS, Mr. WARNER, and Mr. THURMOND, proposes an amendment numbered 3406 to amendment No. 3401.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide mortgage payment assistance for employees who are separated from employment)

At the appropriate location, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

SEC. 2. MORTGAGE PAYMENT ASSISTANCE PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a pilot program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be an individual who—

(A) is determined by the Secretary to be a member of a group of workers described in section 250(a)(1) of the Trade Act of 1974 (19 U.S.C. 2331);

(B) is an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of such Act (19 U.S.C. 2271 et seq.); and

(C) is receiving adjustment assistance under such chapter;

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (a) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2003 through 2007.

(g) TERMINATION.—The program established under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

Mr. ALLEN. With the permission of the Chair, I would like to address the amendment.

The PRESIDING OFFICER. The Senator is free to speak.

Mr. ALLEN. Mr. President, this amendment, which is entitled the Homestead Preservation Act, is an amendment to the trade promotion authority/trade adjustment assistance substitute which is currently being considered. First and foremost, I thank my good colleagues, Senator JOHN EDWARDS of North Carolina, Senator JOHN WARNER of Virginia, and Senator STROM THURMOND of South Carolina, for their important cosponsorship of this amendment. Their leadership and understanding of the desirability for this amendment is very important.

I say to my colleagues in the Senate that this is an amendment which is designed to help displaced workers get access to short-term, low-interest loans to help cover monthly home mortgage payments while they are looking for a new job. This is a commonsense, compassionate legislative idea designed to help working families who, through no fault of their own, are adversely affected by international competition.

During the past several months, all Americans have been deluged with news of recessions, plummeting consumer confidence, and rising unemployment. While these are uneasy times for everyone, in States such as North Carolina, South Carolina, Alabama, Georgia, Southside and Southwest Virginia, and every State with heavy concentrations of manufacturing, especially in the textile and apparel industries, they have been especially hard hit.

Nationwide, employment in apparel manufacturing has been just devastating. Factory employment has plummeted just in the last year and a half. One out of every three layoffs in Virginia is from the manufacturing industry, although only one in six jobs in Virginia is in this sector. Virginia's Southside region and Southwest Virginia region are already suffering from the effects of international competition.

Nationwide, an average of 37,500 Americans lose their jobs because of NAFTA-related competition each year. During the 1990s, Virginians saw the loss of 15,400 apparel jobs, a decline of 54 percent, and 15,300 textile jobs, a decline of 36 percent.

That is bad news. However, please understand, Mr. President, I strongly believe that fair and free trade is necessary and desirable if American businesses are to have the opportunity to promote their goods, services, and continue to expand their growth abroad.

NAFTA, despite those negative stories I just went through in Virginia—and it is similar in other States, I suspect—has actually created a net increase in employment. So while on balance it is a net increase, we still do need to recognize there are good, hard-working people who end up losing their jobs.

When NAFTA came into effect, I was Governor of Virginia, and we led trade missions to Quebec, Ontario, and to various places in Mexico, from Veracruz to Mexico City. We were able to bring back an agreement from Mexico and Canada that initially meant a half a billion dollars in new investments and sales for Virginia. These investments were made possible only by fair and free trade.

While trade is helping our economy as a whole, there still are good, hard-working families who have been adversely affected by international competition, especially in the textile and apparel industries.

Anytime a factory closes, it is a devastating blow to all the families in the community and region. Usually to these textile facilities which are not in big urban or suburban areas. They are usually in smaller, more rural communities.

I was especially proud of how the close-knit Southside communities in Virginia came together when people lost their jobs, when companies such as Pluma or Tultex closed their doors. These individuals should not have to go through these hard times alone.

After the Tultex plant closed in Martinsville, right before Christmas in December 1999, people donated toys to the Salvation Army to make sure Christmas came to the homes of thousands of laid-off workers.

I am proposing that the Federal Government do its part to help these people through these tough times. There are already thoughtful programs in place, such as the NAFTA Transitional Adjustment Assistance Program that helps workers obtain additional job skills, training, and employment assistance. That program provides extended unemployment benefits during job training. These programs are the result of a commonsense, logical understanding and the conclusion that people can lose their jobs because of trade agreements. They are not losing their jobs because of anything they did wrong or because they do not want to work. For the most part, these are folks who have worked in these companies for a great number of years. In some cases there are entire families working at these companies. Their parents and their children may all work together in some of these mills.

We ought to find a way to ease the stress and turmoil for people whose lives are unexpectedly thrown into transition after years of steady employment with a company that just suddenly disappears.

While these hard-working families are trying to find appropriate new employment, they should not have to fear losing their homes as well. For most people and their families, the biggest financial investment they make in their lives is their home. Many have considerable equity built up in their homes.

Many Government agencies already have low-interest loan programs that are in place to help families who have met unexpected economic disasters, such as natural disasters—which include floods, tornadoes, and hurricanes.

When I look at the factory closings and literally thousands of jobs being lost, it is an economic disaster to these families and communities, and its effects are just as far-reaching and certainly as economically devastating as floods, tornadoes, and hurricanes.

Like in a natural disaster, families displaced by international competition are not responsible for events leading to the factory closings. The Federal Government, in my view, ought to make similar disaster loan assistance programs available to our temporarily displaced workers. This is the rationale for introducing the Homestead Preservation Act.

This legislation will provide temporary mortgage assistance to displaced workers, helping them make ends meet during their search for a new job. Specifically, the Homestead Preservation Act authorizes the Department of Labor to administer a low-interest loan program, say 4 percent, for workers displaced due to international competition. An individual, who qualifies for the program will be eligible for up to 12 monthly home mortgage payments.

The program is authorized at a maximum of only $10 million a year for 5 years. The loans will be distributed through an account providing monthly allocations to cover the amount of the worker's home mortgage payment. The loans could be paid off once the person finds another job or repaid over a period of up to 5 years. No payments would be required until 6 months after the borrower has returned to work full time.

Again, if someone is laid off and they want to apply for these loans, they can only get a loan for 12 months for monthly mortgage payments, and then 6 months after they get back on their feet, they will have to pay it off over a 5-year period. This program will only be available for workers displaced due to international competition and who also qualify for benefits under the NAFTA Trade Adjustment Assistance Program. Furthermore, they actually have to be participating in such programs.

Like the NAFTA-TAAP and the TAA benefits program, the Homestead Preservation Act recognizes that some temporary assistance is needed as workers take time to become retrained, reeducated, expand upon their skills, and search for new employment.

As Governor, I enjoyed nothing more than being able to recruit and bring new investment, new jobs, and enterprises into Virginia. By recruiting new businesses, we brought in more jobs and better jobs for the hard-working, caring people of Virginia. For example, in the Martinsville, Henry County area, we were able to get Drake Extrusion in Great Britain to open a new facility in Virginia. They chose Martinsville Industrial Park for its new carpet and bedding fiber manufacturing plant. This was announced as a $12 million investment which doubled since its opening in 1995. It brought in additional small businesses, and they now employ about 225 people.

Unfortunately, it can take time to bring new companies and new industries into a region, just as it takes time to learn a new skill or earn a degree. The displaced families, unfortunately, in many cases, do not have the time because they have monthly bills that must be paid in full with no excuses.

The Homestead Preservation Act provides financial assistance necessary to bridge the time it takes to find employment. Without this bridge, many working families would not be able to take advantage of the opportunities that are out there for them. They would be denied the necessary tools to help them succeed in the changing economy.

The current economic situation for our country has made it even more vital that the Federal Government do what is right by our workers in the textile and apparel industries and indeed in all industries suffering high rates of job losses due to international competition.

Because of international competition, textile and apparel workers are even more vulnerable to the current economic situation, making them ill-equipped to weather an economic downturn.

The reason I say this is because in the year 2000, the average wage rates in Virginia for a textile or apparel worker were 77 percent and 57 percent, respectively, compared to the overall wage rate for Virginians. What that means is that their wages are providing them less money for their family's rainy day savings account, and right now it is storming for many of these families.

When these workers are displaced, in many cases meager savings and temporary unemployment benefits are frequently not enough to cover expenses that have previously fit in within the family's budget.

Without immediate help, many of these families, at a minimum, risk losing their credit ratings. And in the worst case scenario, they could lose their home or their car, or both. The biggest financial investment many people make in life is in their home, and when they lose their home, they have lost a great deal. Their credit ratings are obviously damaged. Many have a great deal of equity built up in that home, and much is lost, including their dignity.

It is important that we enable and try to assist people in keeping their homes and protect their credit ratings. We should do so as these people work toward strengthening and updating their skills as they continue a search for a new job.

The Homestead Preservation Act provides the temporary financial tools necessary for displaced workers to get back on their feet. And when they get back on their feet, they not only still have a home, but they also have the ability to succeed.

In my view, it is a caring, logical, and responsible response. I hope my colleagues will vote on this matter, possibly as early as next Tuesday. I hope they support this commonsense, compassionate idea that will help those individuals who have lost jobs due to international competition, while we still go forward with trade promotion authority, the Andean measure, and trade adjustment assistance.

All of these measures are very important, but let's make sure we are helping everyone that is negatively impacted. We need to also understand the balance that is necessary as this country opens up new markets, tears down barriers, which allows our goods, our products and services, and our technology to enter into other areas.

We need to recognize there are some who will need help in transition to get back on their feet. Let's make sure they do not lose their homes because they have been displaced by international competition. They are good families, they are hard-working families, they are diligent, and this is the least I think we can do as we enter into these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—S. 1140

Mr. DASCHLE. Mr. President, I have a couple of unanimous consent requests having to do with the consideration of future legislative items, and I make these requests now.

I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of Calendar No. 210, S. 1140, a bill to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; that it be considered under the following limitation:

Two hours for debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; one relevant amendment for each leader or their designee; that there be 1 hour of debate on each amendment equally divided in the usual form; that no other amendments be in order; and that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote on final passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

UNANIMOUS CONSENT REQUEST—S. 625

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of S. 625, the Local Law Enforcement Enhancement Act, and that it be considered under the following limitations:

There be 4 hours of debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; that each leader or their designee be permitted to offer two relevant first-degree amendments; that there be a time limitation of 1 hour for debate on each first-degree amendment; that no second-degree amendments be in order prior to a failed motion to table; that if a second-degree amendment is offered, it be relevant to the first-degree and be limited to 30 minutes for debate; that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote on passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Massachusetts.

Mr. KENNEDY. I see the majority leader on his feet, so I will wait until he finishes, although I would like to perhaps ask him whether he understands any reason that—as I understand, this is a motion to proceed; is that correct? Was this a motion to proceed to the bill included in the majority leader's request?

Mr. DASCHLE. Mr. President, this is not only a motion to proceed but it would be the circumstances under which we would consider the bill itself.

Mr. KENNEDY. This is the legislation which we have addressed in this body that was passed by a vote of 56 to 42, I believe as an amendment on the Defense authorization bill last year; am I correct?

Mr. DASCHLE. The Senator is correct. We have addressed this legislation in the past. As I will make known for the record, this is identical legislation to what was passed before. It is legislation we will take up either under a unanimous consent agreement or through a motion to proceed at some point in the not too distant future.

My hope was we could work out arrangements whereby we could expedite the consideration of the legislation. As the Senator has accurately noted, we have addressed this successfully in the past and it is critical that we have an opportunity once again to ensure that this time the legislation does not die in conference. That is what happened. The amendment was dropped in the conference committee, even though the Senate had passed on a bipartisan basis this bill as an amendment to the Defense authorization legislation.

Mr. KENNEDY. I stand corrected. The vote was 57 to 42 in the Senate. As the Senator knows, we passed this on a UC in 1999 by 57 to 42. It has been reported out of the Judiciary Committee 12 to 7. In a vote on this issue in the

House of Representatives, there were 232 Republicans and Democrats alike who effectively supported it.

I ask the Senator a final question. This past week we had one of the most extraordinary events that we experience annually, when the police officers gather on the westside of the Capitol. The names were read of 233 officers who died in the line of the duty, a good part of those who died in the terrorist acts. No one asked those law enforcement officials what their race was, what their ethnicity was, what their religion or sexual orientation was. They died.

We all take a great sense of pride in their service to this country. We have all taken a great sense of pride in the work of selfless individuals who tried to help the victims during this period: organized blood drives, organized assistance to the families, without asking about their race or religion or ethnicity or sexual orientation.

Is the Senator perplexed, as we celebrate both the lives that were lost and celebrate the extraordinary heroism and gallantry of the men and women, does the Senator find it somewhat ironic we cannot in this body make sure we are going to protect those individuals from the vicious acts of bigotry and hatred and prejudice taking place in the United States, acts that have actually escalated in recent years?

Does the Senator feel a sense of frustration about why this body cannot come to grips with a reasonable debate and discussion, as we have in the past, and have action, either for or against this?

Does he not share the concern of many families, and the 500 religious leaders from all of the great faiths that urged this body to pass this legislation expeditiously, and share the frustration they are feeling as religious and moral leaders?

Does the Senator feel we have an important responsibility to get to this legislation and consider it and take action and do it in an expedited manner?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has asked some very good questions.

I share his frustration and his utter dismay that a bill of this importance would have difficulty passing the Senate right now. How can anyone be opposed to a bill that is already supported by 500 organizations? How can anyone be opposed to a bill that has already passed on an overwhelming basis—in one case, unanimously?

How can anyone be opposed to a bill that addresses the fact that almost every day at least three hate crimes on the average are committed? How can anyone be opposed to a bill with the title Local Law Enforcement Enhancement Act? For the life of me, I don't understand.

At the end of the day, whatever day it is, this legislation will pass. It will pass the easy way or the hard way, but it will pass. We will not adjourn without having passed this legislation. It is that critical. The time has come and gone for delay, for explanation, for excuse, for anything else. There is no reason why this legislation should not pass by an overwhelming bipartisan margin.

I appreciate the comments of the Senator from Massachusetts and his extraordinary leadership in this issue. I join in acknowledging the importance of this legislation and asking our colleagues to join in ensuring its passage.

Mr. KENNEDY. Those assurances, Mr. President, are enormously important and a tribute to all Americans, one of the great challenges to free ourselves from all forms of discrimination.

I acknowledge the strong support and leadership of Senator GORDON SMITH, a prime mover on this among our Republican colleagues. Also, Senator SPECTER has been a very strong supporter. This is a matter of conscience and a defining value for us as a society.

Since the tragedies of September 11, a new spirit has grown across America—one where individuals and communities come together to help those in need. We have praised the brave actions of the firefighters and police officers who gave their lives to save others, and we have done so without inquiring about their sexual orientation, gender, race, or religion. We appropriately call heroes the men and women who, without regard for their own lives, saved the lives of strangers—and we have never asked if they were gay or lesbian; African American, Asian American, White, or Latino. It is important to take this spirit to the next level, to come together as a nation to stop the perpetration of senseless act of violence against individuals because of the religion they practice, the color of their skin or their sexual orientation.

Hate crimes are a national disgrace—an attack on everything this country stands for. Attorney General Ashcroft recently compared the fight against hate crimes to the fight against terrorism, describing hate crimes as "criminal acts that run counter to what is best in America—our belief in equality and freedom."

Although America experienced a significant drop in violent crime during the 1990s, the number of hate crimes has continued to grow. In fact, according to FBI statistics, in 2000 there were nearly 8,000 reported hate crimes committed in the United States. That's over 20 hate crimes per day, every day.

Hate crimes send a poisonous message that some Americans are second class citizens who deserve to be victimized solely because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. These senseless crimes have a destructive and devastating impact not only on individual victims, but entire communities. If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority.

Yet for too long, the federal government has been forced to stand on the sidelines in the fight against these senseless acts of hate and violence. The hate crimes bill will change that by giving the Justice Department greater ability to investigate and prosecute these crimes, and to help the states do so as well. Now is the time for Congress to speak with one voice, insisting that all Americans will be guaranteed the equal protection of the laws. We must pay more than lip service to this core principle of our democracy. We must give those words practical meaning in our modern society. No Americans should feel that they are second-class citizens because Congress refuses to protect them against hate crimes.

S. 625 is the same bipartisan bill passed two years ago with 57 votes. Over the last 2 years, support for passage of this bill has only grown, as more and more Senators become aware that hate crimes impact every community, every neighborhood and every family across the nation.

We can and should pass this legislation swiftly. Not another day should pass before we take action to fight and prevent these senseless acts of violence.

I thank the leadership for giving the American people the assurances we will take action on this legislation.

Mr. DASCHLE. I thank the Senator again for his presence on the floor and his strong statement.

I add a couple of additional thoughts. In 1996, two women were found murdered, their hands bound, their throats cut, just off the Appalachian trail in Shenandoah National Park. Their deaths were profound tragedies for those families and their loved ones. They also sparked a wave of fear among women and the gay community, that what happened to those two hikers could just as easily happen to them.

That response, that fear, is exactly what makes hate crimes different from all other crimes. They target individuals, but they intimidate and dehumanize entire groups of people. Last month, Attorney General Ashcroft announced that the defendant in this case will be tried using the Hate Crimes Sentencing Enhancement Act. This is the first time a Federal murder prosecution will use this provision of the law.

At his press conference announcing the indictments, Attorney General Ashcroft said:

> Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.

Attorney General Ashcroft is absolutely right. Americans know that hate crimes injure the victim, the community, and the entire Nation. No one should be attacked simply because of his or her race, religion, gender, physical disabilities, or sexual orientation. However, it is ironic to hear the Attorney General say that the Department of Justice will aggressively investigate, prosecute, and punish criminal acts of violence motivated by hate and intolerance. It is ironic because the only reason the Attorney General is able to pursue this case in this manner is because the two women were on Federal property when the crime was committed. Had this tragedy occurred outside the National Park, it would have been up to the State and local authorities, and the sentencing enhancement that the Justice Department is seeking would not have even been a possibility.

As Senator KENNEDY has said, until we pass the hate crimes legislation pending before Congress, the promise to aggressively prosecute hate crimes is an empty promise. For several years now we have attempted to pass the hate crimes legislation that he and others have introduced. I included it as part of our leadership bills introduced at the beginning of this Congress because I believe it is much more than a Democratic priority. It ought to be a national priority.

The Local Law Enforcement Enhancement Act would assist State and local authorities when a hate crime such as the Shenandoah murders occurs within their jurisdiction. The bill would expand current Federal protections against hate crimes based on race, religion, and national origin. It would amend the criminal code to cover hate crimes based on gender, sexual orientation, and disability. It would authorize grants for State and local programs designed to combat and prevent hate crimes, and help the Federal Government to assist State and local law enforcement officials investigating and prosecuting hate crimes.

I might say, Mr. President, this is directed just as much at those who are the perpetrators of hate for reasons of religion. There is a rising and disconcerting trend in anti-Semitism in this country that also ought to be addressed. Hate crimes are committed in the name of anti-Semitism just as they are committed with other motivations. Those who profess to be concerned about anti-Semitism in this country ought to be concerned about the passage of this legislation. That also is why I am troubled by those who now choose, for whatever reason, to oppose this unanimous consent request and oppose moving this legislation forward.

In the fall of 2000 this same legislation passed the Senate as an amendment to the Department of Defense authorization bill, as we noted just a minute ago. There is no more need to delay. If we could pass it before, we can pass it again. We know the need is clear, the support is there. It is time to finish the job we started 2 years ago. We need to pass the Local Law Enforcement Enhancement Act and pass it quickly.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT

Mr. DASCHLE. Mr. President, I am concerned that there has been a Republican objecting to considering the Motor Vehicle Franchise Contract Arbitration Fairness Act, S. 1140. Senator LOTT and I are cosponsors of this bill to provide basic fairness to many small businesses in Mississippi and South Dakota, and thousands more across the country.

This legislation enjoys exceptional bipartisan support. In fact, more than 60 Senators have cosponsored the Motor Vehicle Franchise Contract Arbitration Fairness Act, including, I might add, the chairman and ranking members of the Judiciary Committee.

It enjoys such exceptional bipartisan support because it restores fundamental fairness to the automobile franchising process.

Today, large automobile manufacturers are forcing small business automobile dealers to sign away their legal rights as a condition of entering into a franchise agreement. These franchise contracts are presented by the automobile manufacturers as a "take it or leave it" proposition, without any room for good faith negotiations. It is wrong for one party to take advantage of its raw negotiating power to limit the legal rights of another party.

This bipartisan bill amends the Federal Arbitration Act to right this wrong by simply reserving voluntary arbitration to resolve disputes between the dealers and manufacturers.

Senator JOHNSON and I have heard from many automobile dealers in South Dakota who agree with us that this is an important piece of legislation. They have had enough of being forced into accepting mandatory binding arbitration clauses as part of their franchise contracts. They are just small business owners trying to keep their legal rights and make a living. South Dakota automobile dealers tell me they just want to be treated fairly, and they should be treated fairly.

I hope the minority will soon allow the Senate to consider the bipartisan act. This matter is a matter of basic fairness for thousands of small business owners across the country. The time has come for the majority of the Senate to be heard on this important issue.

Mr. President, I see no one who is seeking recognition, so I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mrs. HUTCHISON. Mr. President, I ask the pending amendment be set aside for the purpose of introducing an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3441 TO AMENDMENT NO. 3401

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3441 to amendment No. 3401.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits, and for other purposes)

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

"Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

"(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism.".

"(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—".

Mrs. HUTCHISON. Mr. President, I am introducing an amendment to the trade package that is currently before us. I strongly support the intent of both the Andean Trade Preference Act and the Generalized System of Preferences. These programs seek to help the Andean countries of Bolivia, Colombia, Ecuador, Peru, and other developing nations, by applying preferential treatment to their exports. We agree to reduce or eliminate tariffs on imports from these countries in order to help them develop a stronger economy.

These programs benefit both sides. They improve the lives of the exporting countries' citizens through improved economic opportunities that result from open access to the U.S. market—the best market in the world.

For example, since the Andean Trade Preference Act went into effect in 1991, the Andean nations have experienced $3.2 billion in new output and $1.7 billion in new exports. This has led to the creation of more than 140,000 legitimate jobs in the region.

But this act expires, and we must renew it. These programs help the United States by developing better markets for our exports. If we can help developing countries increase economic growth and prosperity, they, inevitably, will demand more imports, which provide U.S. manufacturers with more consumers for our products. This, of course, is good for the U.S. economy.

Another important benefit from the Andean Trade Preference Act is that by providing people of these regions with employment opportunities in legitimate businesses, they will, hopefully, not participate in the narcotic business that is rampant in parts of those areas. This will contribute to the stability of their region and the stability of our hemisphere.

It is clear that the Andean Trade Preference Act and the Generalized System of Preferences help both sides. Since we are giving a benefit to these countries, we are also asking something in return, to ensure that we do not help any country that works against our interests in other ways.

For this reason, we have established, in the underlying bill, conditions that a country must meet in order to qualify as a beneficiary. Conditions we have required in the past include that a beneficiary not be a Communist-controlled country. We have insisted that a country not be one that has or will expropriate the property of U.S. citizens. There must be a rule of law so that if an investment is made in that country, they will be safe from having it expropriated.

In the Andean trade bill before us, we add several new conditions. For example, we require that the President consider the extent to which countries are committed to the World Trade Organization and are participating in negotiations for a Free Trade Area of the Americas. This will ensure their commitment to free trade.

The President also must consider the extent to which they have helped us in our counter-narcotics efforts and anti-corruption efforts before providing these trade benefits. These and other conditions play an important role in ensuring we do not help countries that may turn around and work against us or our citizens in the future.

As I reviewed the list of criteria we have established, I noticed a glaring omission. We are in the middle of a war on terrorism, yet there is no requirement that a country support our efforts in this battle for freedom. It is clear we cannot win this war alone. We need the help of our friends around the world to track down terrorists and cut off funds. More than $100 million in assets of terrorists and their supporters have been frozen around the world. The United States has frozen about $30 million of this money. The rest has been cut off by various allies.

We need cooperation like this to defeat this enemy. Therefore, I am offering an amendment to the trade package that establishes a requirement that a country support our efforts in the war on terrorism in order to receive beneficiary status under the Andean Trade Preference Agreement or Generalized System of Preferences.

The kind of help each country can give to us will vary, and it may depend on the circumstances a particular country faces and the opportunities presented to that country. Some will help us militarily. Some will help cut off funds. Others will share intelligence. Some may do so publicly, others privately. It is even possible that a country might not have the opportunity to provide us with anything but moral support. So I do not think it is appropriate to specify the kind of help a country must give. But I do believe we must make it clear that we expect any country receiving these preferences to do what they can, and what they are requested to do, and that the President take that into consideration when determining these preferences.

I hope my colleagues will support this effort to ensure that we are able to prosecute this critical war effectively with the help of nations that will benefit from our preferential treatment.

Also, as we increase commerce with these countries—which we surely will because of these good trade agreements—we want to make sure they are cooperating so that they will help us keep any contraband product out of America, as we would also expect not to take contraband into their country.

So I think these are good additions to this bill. We have certain conditions already. We are in the fight for our life for the freedom of our country, and we want every country with whom we have commerce, and where there is an ingress and an egress, to work with us to make sure we do not have any kind of terrorist activity in our country or in our hemisphere.

We have already suffered enough. September 11 has changed our way of life. It has changed our attitude. It has changed so much about what is necessary to protect our country. So we must ask every country—especially countries in this hemisphere, but every country—that we will have trade with, and commerce with, countries where we will go in and out, and work with them on a basis of trust, to help us in whatever way we request.

I think it is little to ask, and certainly it will be in their best interest, as well as ours, for terrorists not to come in and be active in their countries. That will hurt them in their efforts to represent their people and have free markets in their countries.

So I hope that my colleagues will support this amendment at the appropriate time. I will certainly speak later as we move on with this bill.

I certainly hope we are going to pass this bill. The Andean Trade Preferences and the General System of Preferences are so important to our country. There are 130 free trade agreements in the world. The United States is party to only 3. That hurts our exporters. It hurts our jobs market. And it hurts countries that we could do more trade with if we did not have the tariffs that would keep prices from being as low as possible for all of our consumers.

So we need this bill. We need to give the President the ability to promote trade and to make trade agreements. I hope we will move on toward finishing this bill next week and giving the President another tool to open markets and strengthen our economy and help other countries strengthen theirs.

Mr. President, I ask unanimous consent that my amendment be laid aside so that we can have other amendments offered through the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 3442 TO AMENDMENT NO. 3401

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3442 to amendment No. 3401.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board)

At the appropriate place, insert the following:

SEC. ___. TRADE REMEDIES WITH RESPECT TO CANADIAN WHEAT.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 15, 2002, the United States Trade Representative issued an affirmative finding under section 301 of the Trade Act of 1974 that the acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States commerce.

(2) In its section 301 finding, the United States Trade Representative expressed a desire for long-term reform of the Canadian Wheat Board. However, since concluding on February 15, 2002, that the Canadian Government and the Canadian Wheat Board are engaged in unfair trade practices, the United States Trade Representative has not undertaken any initiative to seek reform of the

Canadian Wheat Board. Moreover, the United States Trade Representative has not imposed any trade remedy that would provide United States wheat farmers with prompt relief from the unfair trade practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should identify specific trade remedies that will provide United States wheat farmers with prompt relief from the unfair trade practices of the Canadian Wheat Board in addition to efforts to seek long-term reform of the Canadian Wheat Board.

(c) REPORTING REQUIREMENT.—No later than October 1, 2002, the United States Trade Representative shall report to Congress a specific plan for implementation of specific trade remedies to provide United States wheat farmers with prompt, real relief from the unfair trade practices of the Canadian Wheat Board, and a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring that there is no undue delay.

Mr. DORGAN. Mr. President, I will describe this amendment very briefly. It deals with the wheat trade dispute we have had with Canada.

Wheat growers in my State, on behalf of wheat growers all around our country, brought a Section 301 case alleging unfair wheat trade by Canada.

Following an investigation by the International Trade Commission, the U.S. Trade Ambassador's office came to the following conclusion, and I quote:

> The [Canadian Wheat Board] has taken sales from U.S. farmers and is able to do so because it is insulated from commercial risks, benefits from subsidies, has a protected domestic market and special privileges, and has competitive advantages due to its monopoly control over a guaranteed supply of wheat. The wheat trade problem is long-standing and affects the entire U.S. wheat industry.

That is from the U.S. Trade Ambassador's office.

When the U.S. Trade Ambassador decided that our farmers were victims of unfair trade from Canada, his office said they were committed to four trade remedies, but they would explicitly not impose tariff rate quotas as a penalty on the Canadians. They said, instead, that they would pursue other approaches.

First, they say they will take the Canadians to the WTO. Of course, that means years and years and years of talk, and likely no action.

Second, they said they would examine the possibility of initiating U.S. countervailing duty and antidumping petitions. They can self-initiate those cases. I don't think they will. They seldom ever self-initiate countervailing duty or antidumping cases. I hope they do. I would encourage them to do it. But I am not holding my breath. I expect they will—as most trade officials have over decades and decades—fail to self-initiate such a remedy.

Third is to identify specific impediments preventing United States wheat from entering Canada and present these to the Canadians. Well, these impediments have been around for a long while. I have seen them firsthand in a trip I took to the Canadian border, riding in a little orange truck with a friend of mine. We were stopped at the border and couldn't take the durum wheat into Canada. We did it just as a demonstration. All the way to the border, we found Canadian 18-wheel trucks bringing wheat south, but you couldn't get any wheat into Canada. I think the Canadians know all about the impediments they have erected they don't need to have the U.S. trade ambassador coming to them with a list.

Fourth, the trade ambassador hopes to seek a solution to the problem of the WTO agricultural negotiations, which are scheduled to be completed by 2005. A fair number of farmers will be out of business by then. My amendment today says what we would like is that a remedy be provided sooner than that.

You know, when the U.S. Trade Ambassador announced that he was not willing to impose tariff rate quotas at this time, here is what the president of the Canadian Wheat Board president said: "Since the United States did not impose tariffs, we have successfully come through our ninth trade challenge." In other words, he said that the fact that the United States found them guilty of violating trade rules meant nothing, because no tariffs have been imposed.

Well, that does not sit right with me. My amendment expresses the sense of Congress that prompt action is in order. And it sets forth a reporting requirement: No later than October 1, 2002, the United States Trade Representative shall report to the Congress, first, a plan for implementation of specific trade remedies to provide United States wheat farmers with prompt relief from the unfair trade practices of the Canadian Wheat Board and, second, a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring there is no undue delay.

It is just not acceptable for the U.S. Trade Representative to tell U.S. farmers who put together their own money to file expensive 301 petitions: Yes, you are right that Canada is playing unfairly, but we are not going to do anything about it anytime soon.

This amendment says we demand action. We will expect a report on October 1 from the trade ambassador about what specific remedies he will propose on behalf of American farmers who are now victims of this unfair trade.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I might offer amendments on behalf of other Senators, and that in each instance the amendments to be set aside and, once the amendment has been reported by number, the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3430 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator KERRY, I call up amendment No. 3430.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, proposes an amendment numbered 3430 to amendment No. 3401.

The amendment is as follows:

(Purpose: To ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under the Bipartisan Trade Promotion Authority Act of 2002)

Section 2102(b) is amended by striking paragraph (3) and inserting the following new paragraph:

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade distorting barriers to trade-related foreign investment. A trade agreement that includes investment provisions shall—

(A) reduce or eliminate exceptions to the principle of national treatment;

(B) provide for the free transfer of funds relating to investment;

(C) reduce or eliminate performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) ensure that foreign investors are not granted greater legal rights than citizens of the United States possess under the United States Constitution;

(E) limit the provisions on expropriation, including by ensuring that payment of compensation is not required for regulatory measures that cause a mere diminution in the value of private property;

(F) ensure that standards for minimum treatment, including the principle of fair and equitable treatment, shall grant no greater legal rights than United States citizens possess under the due process clause of the United States Constitution;

(G) provide that any Federal, State, or local measure that protects public health, safety and welfare, the environment, or public morals is consistent with the agreement unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments, or demonstrates that the measure violates a standard established in accordance with subparagraph (E) or (F);

(H) ensure that—

(i) a claim by an investor under the agreement may not be brought directly unless the investor first submits the claim to an appropriate competent authority in the investor's country;

(ii) such entity has the authority to disapprove the pursuit of any claim solely on the basis that it lacks legal merit; and

(iii) if such entity has not acted to disapprove the claim within a defined period of time, the investor may proceed with the claim;

(I) improve mechanisms used to resolve disputes between an investor and a government through—

(i) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(ii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iii) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(J) ensure the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(III) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, nongovernmental organizations, and other interested parties.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3415 TO AMENDMENT NO. 3401

Mr. REID. On behalf of Senator TORRICELLI, I call up amendment No. 3415.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. TORRICELLI, proposes an amendment numbered 3415 to Amendment No. 3401.

The amendment is as follows:

(Purpose: To amend the labor provisions to ensure that all trade agreements include meaningful, enforceable provisions on workers' rights)

On page 244, beginning on line 19, strike all through page 246, line 15, and insert the following:

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws;

(B) to ensure that parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up;

(C) to ensure that the parties to a trade agreement ensure that their laws provide for labor standards consistent with the ILO Declaration of Fundamental Principles and Rights at Work and the internationally recognized labor rights set forth in section 13(2) and constantly improve those standards in that light;

(D) to ensure that parties to a trade agreement do not weaken, reduce, waive, or otherwise derogate from, or offer to waive or derogate from, their labor laws as an encouragement for trade;

(E) to create a general exception from the obligations of a trade agreement for—

(i) Government measures taken pursuant to a recommendation of the ILO under Article 33 of the ILO Constitution; and

(ii) Government measures relating to goods or services produced in violation of any of the ILO core labor standards, including freedom of association and the effective recognition of the right to collective bargaining (as defined by ILO Conventions 87 and 98); the elimination of all forms of forced or compulsory labor (as defined by ILO Conventions 29 and 105); the effective abolition of child labor (as defined by ILO Conventions 138 and 182); and the elimination of discrimination in respect of employment and occupation (as defined by ILO Conventions 100 and 111); and

(F) to ensure that—

(i) all labor provisions of a trade agreement are fully enforceable, including recourse to trade sanctions;

(ii) the same enforcement mechanisms and penalties are available for the commercial provisions of an agreement and for the labor provisions of the agreement; and

(iii) trade unions from all countries that are party to a dispute over the labor provisions of the agreement can participate in the dispute process;

(G) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 13(2));

(H) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(I) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(J) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(K) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3443 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator REED of Rhode Island, I call up amendment No. 3443.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 3443 to amendment No. 3401.

The amendment is as follows:

(Purpose: To restore the provisions relating to secondary workers)

On page 9, beginning on line 24, strike all through page 10, line 9, and insert the following:

"(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm."

On page 12, beginning on line 19, strike all through line 24, and insert the following:

"(24) SUPPLIER.—The term 'supplier' means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification."

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3440 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator NELSON of Florida, I call up amendment No. 3440.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Florida, proposes an amendment numbered 3440 to amendment No. 3401.

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3445 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I call up amendment No. 3445, offered by Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAYH, proposes amendment No. 3445 to amendment No. 3401.

The amendment is as follows:

(Purpose: To require the ITC to give notice of section 202 investigations to the Secretary of Labor, and for other purposes)

At the end of title VII, insert the following:

SEC. 702. NOTIFICATION BY ITC.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974, as added by section 111, is amended to read as follows:

"SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

"(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.".

(b) INDUSTRY-WIDE CERTIFICATION.—Section 231(c) of the Trade Act of 1974, as added by section 111, is amended by adding at the end the following new paragraph:

"(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.".

(c) COORDINATION WITH OTHER TRADE PROVISIONS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

"(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

"(i) the President shall take all appropriate and feasible action within his power; and

"(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).".

(3) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect the domestic industry in which such worker, farmer, or fisherman was employed.

(d) NOTIFICATION FOR FARMERS AND FISHERMEN.—

(1) FARMERS.—Section 294 of the Trade Act of 1974, as added by section 401, is amended to read as follows:

"SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

"(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.".

(2) FISHERMEN.—Section 299C of the Trade Act of 1974, as added by section 501, is amended to read as follows:

"SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

"(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.".

The PRESIDING OFFICER. The amendment is set aside.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the record remain open today until 2:00 p.m. for the introduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHAN SECURITY FORCE

Mr. BIDEN. Mr. President, I rise to speak on a matter at the very heart of our war on terror: the deteriorating security conditions in Afghanistan. If current trends continue, we may soon find that our hard-won success on the battlefield has melted away with the winter snow.

In the eastern part of the country, brutal warlords are openly defying the authority of the central government and slaughtering innocent civilians.

"Kill them all: men, women, children, even the chickens." Those were the orders of warlord Bacha Khan when a rival drove him out of the city of Gardez in January. Three weeks ago he returned, and rained 200 rockets on the sorry city. About 30 civilians were killed and 70 others wounded, most of them women and children. Today, this thug's tanks still occupy the streets of Gardez, his bandits terrorize the inhabitants of nearby Khost, and the central government can do nothing but watch.

Chairman Karzai, the legitimate leader of Afghanistan, sees his authority openly flouted, while his Defense Minister weighs the pros and cons of obeying his superior's lawful orders. Meanwhile, the helpless governor of the province warns that the chaos is rapidly turning the local population against both the Karzai administration and America. He's hardly alone: journalists quote many local residents blaming the United States for the deterioration of security, and even longing for the order of the Taliban period.

"America has replaced the Taliban with the warlords," one villager told the New York Times, "and what we have is the death of innocents."

Nor is Gardez an isolated example. In Mazar-e Sharif, at the other side of the country, clashes between two rival warlords killed half a dozen people earlier this month. Both of these warlords were, and still are, on the U.S. payroll, but that hasn't brought a cessation of violation. Just last week, the airport at Jalalabad came under missile attack, for the first time since the Taliban vacated the city in November.

What is going on? What happened to the images of Afghans dancing in the street that we all remember from the liberation of Kabul last fall? What happened to the widespread joy and optimism that I encountered during my own visit to Afghanistan in January? Why are people actually looking back on the Taliban era with nostalgia rather than horror? It is simple: the very same conditions that enabled the Taliban to come to power in the mid-1990s are rapidly emerging again. Let's remember why the Taliban were able to make their regime stick. It wasn't their military prowess—we found that out in November. It wasn't the popularity of their oppressive ideology—we found that out last fall as well. What enabled the Taliban to hold power was simply that, for a critical mass of the Afghan people, they represented the least-bad option. For many Afghans, the cruel order of the Taliban was preferable to cruel of warlords.

And now this same disorder is overtaking Afghanistan once again. Not only is the United States failing to rein in the warlords, we are actually making them the centerpiece of our strategy. Unless we take a serious look at our policy, I greatly fear we may be setting the stage for a tragic replay of recent Afghan history.

Why do the people of Gardez blame America for the vicious actions of warlords like Bacha Khan? Well, maybe it is due to the fact that this killer is on the U.S. payroll. He has been taking our money since December, when his troops stood by and let al-Qaeda terrorist escape from Tora Bora; many U.S. military sources believe that Osama bin Laden himself escaped, due to the double-dealing of Bacha Khan and his comrades. Granted, the war effort in Afghanistan forces us to rely on some unsavory characters. I am under no illusions here. Sometimes, in warfare, you have got to make a deal with the Devil. But sometimes the Devil just takes your money and laughs. Bacha Khan is a perfect example. After letting al-Qaeda troops escape from Tora Bora, he conned the U.S. military into bombing his personal rivals—by labeling them al-Qaeda.

He, and other warlords like him, are supposedly helping us hunt down Taliban remnants, but with allies like that who needs enemies? I regret to say that this is exactly the question many Afghans are asking about us. The United States, and the world community, have pledged billions of dollars to the recovery of Afghanistan. But all the money in the world won't do much good without one overriding thing: security.

> Anyone knows that without security, very little else is possible; humanitarian workers can't move around, internally displaced people won't go back to their homes, refugees won't return to the country, the Afghan diaspora won't be willing to send money in and send in themselves to try to help put structure back into that terribly war-torn nation.

This is not just my opinion; it is a direct quote from Secretary of State Rumsfeld, on April 22. So why does the administration steadfastly resist any expansion of the U.N.-mandated International Security Assistance force, or ISAF?

Afghan leader Hamid Karzai, U.N. Secretary-General Kofi Annan, and just about every expert on the map has called for an expansion of ISAF, in both scope—it is currently confined to Kabul—and tenure. Its mandate expires long before the transition to democratic government is scheduled to take place.

The long-term solution is to rebuild Afghanistan's army and police force, and we have taken our first steps in this process. But it can't happen overnight: it will take at least 18 months, more likely several years, just to train and equip a barebones force capable of bringing basic order to the country. In the meantime, there are only three alternatives: having American troops to serve as peacekeepers, building up a robust international force, or permitting Afghanistan to revert to bloody chaos.

The first option can be described as status quo-minus. U.S. forces are currently imposing a rough order in the country, but, as the current chaos in Gardez shows, not on any consistent basis. They are spread thin, and they are not officially tasked to perform this function. "Our mission here is to capture or kill al-Qaeda and senior Taliban," said a U.S. military spokesman, as the rockets fell on Gardez, "But particular factional fighting? I don't think it's for us to get into."

In the coming months, U.S. forces will be even less able to serve as de facto peacekeepers. As large scale offensive operations shift to smaller scale Special Forces deployments, the number of U.S. troops available will drop accordingly. There are currently about 7,000 American soldiers in Afghanistan—far too few to serve as peacekeepers as well as warfighters—and the assets are already being redeployed. In April the Pentagon cut its naval force commitment to Operation Enduring Freedom in half, to one carrier and 2,000 marines afloat. This month, eight B-1 bombers based in Oman began returning home to Dyess Air Force Base in Texas. The redeployment says good things about our success against al-Qaeda—but does not signal a strong commitment to stay the course.

Soon the crunch time could come in a matter of months and our policy will be put to the test. As local warlords keep probing our resolve, we will either have to re-task more and more U.S. troops to de facto peacekeeping operations, or we will have to retreat. Wouldn't it be better to let allies share the burden? An international security force is clearly in our national interest: if we want our military presence in Afghanistan to be focused on fighting al-Qaeda and Taliban holdouts, we should be eager for other countries to take the lead in peacekeeping. We should be lending our full support to ISAF expansion, to view it as a force-multiplier. Instead, the administration treats it as an impediment to ongoing operations. One administration source even described ISAF expansion as a "cancer that could metastasize" throughout the country. Is it any surprise, given this attitude, that other nations are reluctant to help fill the security void? Without strong, decisive U.S. leadership, including, but not limited to, an ironclad commitment to back up our allies militarily if their troops come under enemy attack, no international force can possibly succeed.

So what about option three—placing our trust in the hands of the warlords? Maybe we can bribe and cajole them into turning themselves into good citizens. Maybe they will behave better in the future than they have in the past, better than they are behaving today. Maybe—but I wouldn't bet on it. Yet this bet—the wager that the warlords will halt their deprivations during the 2 years before an Afghan army can be trained—seems to be the totality of the administration's strategy.

Three weeks ago, on April 22, Secretary Rumsfeld essentially admitted as much: "How ought security to evolve in that country depends on really two things," he said. "One is what the interim government decides they think ought to happen, what the warlord forces in the country decide they think ought to happen, and the interaction between those two." I must disagree with the Secretary on this: we should let out policy be dictated by "what the warlord forces think ought to happen."

Did we put American troops in harm's way merely to do the bidding of "the warlord forces"? Did we spend $17 billion in military expenditures in the Afghan campaign merely to serve the interests of "the warlord forces"? Did we decimate al-Qaeda and remove the Taliban from power merely to hand power over to "the warlord forces"? Brutal, bloodthirsty, barbaric warlords are not the solution to Afghanistan's problems. These "warlord forces" are the source of Afghanistan's problems.

Does this matter to America? What about the option of letting Afghanistan degenerate into the state of lawlessness that made way for the Taliban? That is obviously not in the interest of Afghanistan, but is preventing it a national priority for the United States? I submit that it most certainly is.

After the Soviet withdrawal from Afghanistan in 1989, America turned its back as the country disintegrated into chaos. The President was right when, in his speech at the Virginia Military Institute last month, he promised not to repeat this mistake. The brutal disorder of the early 1990s created the Taliban—and if we permit this condition to return, the cycle will almost certainly repeat itself. Let's not forget why we went to war in the first place: Afghanistan had become a haven for the mass-murderers who attacked our homeland on September 11. Without internal security, the country will again become a den of terrorists, narcotics traffickers, and exporters of violent insurgency. The President was right to say, "We will stay until the mission is done"—but I hope he understands what our mission really is. In concrete terms, our mission, in addition to ferreting out remnants of al-Qaeda and the Taliban, is ensuring basic security for the fledgling Afghan Government—providing it protection from the vast array of internal and external threats to its very existence.

For the immediate future, probably 2 years, that means an international armed presence, whether U.S. troops or an expanded ISAF. I believe ISAF makes much more sense, but however the force is constituted it must have the following components: It must be deployed throughout the country, controlling the five to seven major cities and the main highways connecting them. It must have robust rules of engagement, and the weapons to impose order on unruly warlords. These must be peacemakers as much as peacekeepers. It must have the full diplomatic, financial, and military support of the United States.

Whether or not American troops are part of this force—they currently are not, but we shouldn't rule this option out—we must provide an unquestionable commitment to back up ISAF as it fulfils its mission. Other nations are willing to take on the dangerous work of patrolling the front lines—but not unless they know that the cavalry stands ready to ride to the rescue. It must have the assurance that the world community—and particularly the U.S.—will stay the course. We can't cut and run if resistance increases. The greater the uncertainty about American commitment to security, the greater incentive our enemies will have to challenge our resolve.

Secretary of Defense Rumsfeld has suggested that $130 million of funds previously appropriated to the Defense Department be devoted to a fund for quasi-diplomatic endeavors related to the war against terrorism. I suggest that the best use of this money would be to support peacekeeping efforts in Afghanistan, whether conducted by the Defense Department directly or by our coalition partners operating under an expanded ISAF. Funding an effective international security force in Afghanistan would not only free up American military assets for warmaking missions, it would also deter terrorist forces from reclaiming the ground they have so decisively lost. With the Loya Jirga process scheduled to start in mid-June and Afghanistan's nascent government under daily attack by enemies both internal and external, I can think of no better or more urgent use for these funds.

We must, I submit, lead the way in guaranteeing the security of Afghanistan for the relatively brief period before it can stand on its own. We must do this to honor the promise that President Bush made, on behalf of all Americans. We must do this to demonstrate our values to the wrest of the world. We must do this to safeguard our own national security interests, to make sure that our military gains since September 11 are not all wiped away. We must do this because it is smart, because it is necessary, and because it is right.

I believe that the best way to achieve this goal is through an expansion of ISAF. The immediate devotion of $130 million, money which the Defense Department stipulates that it does not require or want for the costs of warfighting operations, would be an excellent place to start.

TRAGIC TOLL

Mr. LEVIN. Mr. President, in just the last 16 weeks, tragically ten children have been murdered in metro Detroit. Eight of these kids have died after being shot. The oldest was 16 years old and the youngest was a mere 3 years old. Three years old, Mr. President. According to the Detroit Free Press, in the last four months in metro Detroit nearly as many children have been murdered by guns as in all of last year. These are truly horrific events made even more so by their randomness. Many of these kids were simply in the wrong place at the wrong time.

Destinee Thomas, one of the youngest victims, only 3 years old, was killed while watching television in her own bedroom when someone fired an AK47 into her home. The Detroit Police Department and the people of Detroit were so outraged by her death that the police department launched Project Destinee, a special effort by law enforcement to aggressively investigate and pursue gang members involved in the shooting.

Eight year old Brianna Caddell was also killed by an AK-47 when an unknown gunman opened fire on her house. This little girl was in bed sleeping.

Another victim, 16 year old Alesia Robinson, was killed by a single gunshot to the face. According to police, her 19 year old boyfriend was playing with a gun on the front porch, firing it into the air. When Alesia asked him to stop, police said, he pointed the gun at her and fired. The 19 year old has been charged with first-degree murder.

These horrific events underline the need for the vigorous enforcement of our gun laws and the overwhelming need for common sense gun safety legislation. In light of these tragic events, I once again urge my colleagues to support gun safety legislation.

I know my colleagues join me in extending our thoughts and prayers to all of those who have lost their friends and family members to gun violence.

I ask unanimous consent that the article from the Detroit Free Press be entered into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[FROM THE DETROIT FREE PRESS, MAY 14, 2002]

10 LIVES CUT SHORT

This year, 10 children ages 16 and younger have died as a result of homicides in the metro area—all of them in Detroit.

JANUARY 13—JAMEISE SCAIFE, 3 DAYS OLD

Doctors performed an emergency cesarean section to deliver Jameise after his pregnant mother jumped from a burning apartment building set ablaze by an arsonist. Jameise died three days later from bleeding in the brain.

FEBRUARY 11—JOSEPH WALKER, 16

Died of multiple gunshot wounds in the parking lot of the Budget Inn on Plymouth Road. Police say Walker and a 19-year-old friend allegedly planned to rob two men as they left the motel. But when they announced the holdup, one of the men pulled out a gun and shot Walker, police said.

FEBRUARY 21—BRENNON CUNNINGHAM, 3

Died of strangulation. Brennon was found dead in a bedroom, wet from a bath. Police allege that his mother, Aimee Cunningham, 34, tried to make authorities believe Brennon drowned. She is charged with first-degree murder.

FEBRUARY 25—AJANEE POLLARD, 7

Fatally shot in the head when a gunman opened fire on her family's car as they were about to go shopping. Her brother, Jason Pollard Jr., 6, lost his pancreas and suffered other internal organ damage from gunshots. Her two sisters, Aerica, 6, and Alyah, 4, also were wounded, as was their mother, Aelizabeth Niebrzydowski. Two men, Joel Allen, 24, and Willie Robinson, 25, are charged with Ajanee's killing and with assault with intent to commit murder. Police say the shooting was prompted by a dispute over a $40 radio.

MARCH 23—DESTINEE THOMAS, 3

Shot and killed while watching television in her bedroom when someone opened fire on her home with an AK47. Two men, Julian Key, 19, and Cedric Pipes, 21, are charged with first-degree murder. Outraged by her death, police and prosecutors launched Project Destinee, an effort to round up all members of the rival gangs they allege were involved in the dispute that led to the shooting.

MARCH 28—ALESIA ROBINSON, 16

Killed by a single gunshot wound to the face. Alesia's boyfriend, Darron Kilgore, 19, is charged with first-degree murder. According to police, Kilgore was playing with a gun on the front porch, firing it into the air. When Alesia asked him to stop, police said, Kilgore pointed the gun at her and fired.

APRIL 3—CHRISTOPHER JAMES, 11

Killed by a single gunshot wound to the head. Christopher's 12-year-old half-brother was charged in juvenile court with manslaughter and possession of a firearm. The suspect's family said the pair were playing with a gun they found in a playground and that the shooting was an accident.

APRIL 10—BRIANNA CADDELL, 8

Shot and killed while sleeping in her bed. A man on foot opened fire on her home with an AK47. No one is in custody.

APRIL 18—IRISHA KEENER, 3

Killed by a gunshot wound to the head in a murder-suicide. Police say Irisha's mother, Ira Keener, 39, shot the little girl as they lay in bed at their home. Ira Keener then turned the gun on herself. Police said Ira Keener, who suffered from severe asthma, had experienced delusions and had a mental breakdown about a month before the shooting. She left a note saying that she had to die, but did not want to leave Irisha behind.

APRIL 30—CHERREL THOMAS, 15

Shot and killed in the backseat of a car, possibly in a dispute over clothing. A 17-year-old suspect, Terrill Johnson, has been charged with first-degree murder and a 21-year-old suspect, Jesse Freeman, has been charged with second-degree murder.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 1, 1995 in Bedford, MA. A gay man and his companion were assaulted by men who used anti-gay slurs. The assailants, Brian Zawatski, 21, and Tim Donovan, were charged with assault and battery and civil rights violations in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

IN RECOGNITION OF MRS. SYLVIA FACTOR ON HER 80TH BIRTHDAY

● Mr. CRAIG. The world was a bustling time in 1922: the tomb of King Tutankhamen was unearthed, Benito Mussolini was granted temporary dictatorial powers in Italy, James Joyce's Ulysses was published, insulin was isolated leading to the first successful treatment for diabetes, and the Lincoln Memorial here in Washington, DC, was opened to the public. It also marked the year that a very special lady was born. Her name is Sylvia Factor.

I want to take this opportunity to recognize Sylvia on the occasion of her 80th birthday on May 17. I have met Sylvia and can say without hesitation she is a truly exceptional woman. She has witnessed a lot in her lifetime and is living proof the American dream can come true. A first-generation American, her parents immigrated to this country from Eastern Europe in the hopes of making a better life for their family.

Sylvia grew up in Wilkes Barre, PA, and the Bronx, NY, and was swept up into the war effort as a young woman. During World War II she answered the call to support her country like so many other "Rosies," by helping manufacture the Corsair airplane for the United States Marines at Chance Vought. She later supported her family by working at Columbia Records in Bridgeport, CT, and then 28 years at Raybestos-Manhattan in Stratford, CT.

Today, she is still an active member of her community, using her retirement years to contribute to the well-being of others in many forms. Sylvia volunteers at the Jewish Home for the Elderly in Fairfield, CT, and the Jewish Family Services of Bridgeport. She sets the kind of example President Bush was seeking in his call for all citizens to volunteer in their communities, and it is an example worth following.

She also enjoys visiting with her friends and family, including her son Mallory, daughter-in-law Elizabeth and grandchildren: India, Mallory III, and Cailley Factor. Today I congratulate Sylvia for all she has done, and continues to do, for her country and community. I only hope that I can be as active and vibrant as she is when I reach 80. I wish her a heartfelt happy birthday, with many more to follow.●

TRIBUTE TO VAL G. HEMMING, M.D.

● Mr. SARBANES. Mr. President, today I pay tribute to Dr. Val G. Hemming, M.D., Dean of the F. Edward Hebert School of Medicine at the Uniformed Services University of the Health Sciences, USUHS. Tomorrow, on May 18, 2002, following the graduation ceremonies at the School of Medicine, Dr. Hemming will mark the end of his 37 year career in Federal service.

Dean Hemming's Federal career began in the United States Air Force where he served for 25 years as a career officer and physician from 1965 through 1990. In 1987, Dr. Hemming was selected to serve as the Chair of the USUHS School of Medicine Department of Pediatrics, a position in which he continued to serve as a civilian upon his retirement from the Air Force, at the rank of Colonel. In 1995, he was appointed interim Dean of the School of Medicine, and following an extensive search process, he was selected as Dean in May of 1996.

As dean, Dr. Hemming has worked to further the established mission and goals of the USUHS School of Medicine. Under his leadership, the University has continued to provide the Nation with highly qualified health professionals dedicated to career service in the Department of Defense and the U.S. Public Health Service. These graduates leave USUHS trained to provide continuity in ensuring medical readiness and the preservation of lessons learned during combat and casualty care. This critical role is, in fact, the significant factor that led the Congress to establish USUHS in 1972.

During his career, Dr. Hemming has served as an advisor to Congress, most recently testifying before the House Veteran's Affairs Committee's Subcommittee on Oversight and Investigations during hearings that resulted from the events of September 11, 2001. Dr. Hemming's knowledge and unique expertise provided valuable insight as the Committee discussed the urgent requirement for civilian physicians to be trained in the medical response to weapons of mass destruction, WMD. Significantly, those hearings resulted in proposed legislation recommending that the USUHS School of Medicine share its WMD-focused curricula with the Department of Veterans Affairs.

It is exceptional leadership such as that of Dean Hemming and the dedicated careers of his uniquely trained School of Medicine graduates, combined with the extraordinary USUHS faculty and staff, which led to the awarding of the Joint Meritorious Unit Award to USUHS by the Secretary of Defense on December 11, 2000. Dr. Hemming's commitment and leadership was also recognized in the tribute paid by the Secretary of Defense Donald Rumsfeld who recently wrote:

> The Department takes great pride in the fact that the USUHS graduates have become the backbone for our Military Health System. The training they receive in combat and peacetime medicine is essential to providing superior force health protection, and improving the quality of life for our service members, retirees, and families. All of us in the Office of the Secretary of Defense place great emphasis on the retention of quality physicians in the military. The USUHS ensures those goals are met.

As Dean Hemming retires from his distinguished career, it is incumbent to point out that amid all of his successes as an academic leader, Dr. Hemming also achieved significant success as a scientist. His research interests have included pathogenesis of Lancefield group B streptococcal infections in the neonate and pathogenesis of lower respiratory tract bacterial and viral infections in infants and young children. Indeed, his research in the Respiratory Syncytial Virus, RSV, infection resulted in the first biological product for the prevention and reduction of RSV infection in children; his product, which was approved by the Food and Drug Administration in January of 1996, has contributed to the fight against an infection that had claimed the lives of 4,500 children and hospitalized more than 90,000 children in our Nation each year.

Our Nation can be proud of Dr. Hemming's long and distinguished career of service and I am pleased to join with his family, friends and colleagues in expressing appreciation for the significant contributions he has made to the health of the uniformed services and that of all citizens, particularly our children. I certainly wish him continued success and happiness in the years to come.●

OREGON HERO OF THE WEEK

● Mr. SMITH of Oregon. Mr. President, I am proud to rise today to pay tribute to a true American Patriot from my home state of Oregon. This week, I want to recognize the service and compassion of Sho Dozono, of Portland, OR.

Mr. Dozono, President and CEO of Azumano Carlson Wagonlit Travel and the Azumano Group, is a respected member of the Portland business community. He continually tries to improve his community and has served on a number of boards and commissions including the Portland Metro YMCA, Portland Multnomah Progress Board, and was recently elected to serve as the chair of the Portland Metropolitan Chamber of Commerce board of directors.

But like so many employers, after September 11, 2001, Mr. Dozono was forced to lay off employees and watch as the effects of the terrorist attacks spread across the country to his west coast home. Mr. Dozono and his wife Loen decided that they would not allow their own financial difficulties to keep them from showing their love and support to the victims in New York City.

What started as an idea of a bus convoy across the United States grew into an inspirational display of patriotism and compassion, aptly named the "Flight for Freedom". Mr. Dozono brought together over 1,000 Oregonians to answer the call of Mayor Rudy Giuliani for tourists. Not only did the group lend a healing hand to the broken economy of New York City, but the "Flight for Freedom" was instrumental in convincing Americans everywhere to travel again. The week-long trip, which included marching in the Columbus Day Parade, attracted worldwide publicity and earned recognition from New York and national officials. At a crucial time, Dozono persevered to share his belief in the American dream with those whose light had been tragically dimmed.

I rise to salute Sho Dozono, not only for his inspirational efforts after 9/11, but because his desire to improve his community is a life-long commitment. In 1997, Dozono traveled to Philadelphia to represent the City of Portland at the Presidential Summit on Volunteerism in America, chaired by then-retired General Colin Powell. He is a former chair of the Portland Public Schools Foundation and co-chaired a march that raised over $11 million to save teaching positions that would have otherwise been cut because of reduced funding.

This month as we honor and celebrate Asian Pacific American Heritage Month, I find it very appropriate to rise and recognize the efforts of Sho Dozono. I believe Mr. Dozono is to be commended for his ongoing efforts to serve his community and country, and I salute him as a true hero for Oregon.•

TRIBUTE TO HENRY WOODS

• Mrs. LINCOLN. Mr. President, today I pay tribute to the life of Henry Woods, a great scholar and beloved Federal judge in Arkansas. Judge Woods passed away unexpectedly in March, and I wish to take a moment today to honor his many achievements and express sorrow for his loss. There is no question but that his legal expertise, unique perspective and commanding presence will be sorely missed by so many in my home State.

Henry Woods was born on March 17, 1918, in Abbeville, MS. He attended the University of Arkansas, Fayetteville, where he received a bachelor's degree in 1938 and a law degree in 1940. Following his formal education, Judge Woods served in a variety of positions, including as a special agent in the Federal Bureau of Investigation, a trial attorney in Texarkana and Little Rock and as coordinator for the successful gubernatorial campaigns of both Sid McMath and Dale Bumpers. Henry was also past president of the Arkansas Bar Association and Arkansas Trial Association. At 62, he was nominated U.S. District Judge, Eastern District of Arkansas, by President Carter and began a new chapter in his professional life while most of his peers were planning for retirement.

Like so many Arkansans who had the good fortune to know Judge Woods, I will always remember him for his intellect and commitment to social justice. Whether Judge Woods was in the courtroom or the classroom, he never wavered in his passion for fairness and equality, even when he endorsed positions he knew would ignite strong criticism. As long as Judge Woods believed what he did was right, he was prepared to take the heat. This was true when he spoke loudly and openly against Gov. Orval Faubus' use of the National Guard at Central High and later when he issued several controversial court rulings in his role as presiding Judge in the Pulaski County school desegregation case.

As I have reflected on Judge Woods' prolific life, I am comforted by the fact that his towering legacy and impassioned spirit will live on through the countless individuals he inspired. Death has ended Henry Woods' life, but it hasn't extinguished his invaluable contribution to public service in Arkansas. I and others who were raised to believe that serving in public office is a high and noble calling owe a deep debt of gratitude to Judge Woods and others from his generation. I, for one, have been deeply moved by his life and will always be mindful of the example and high standard he set.•

SALEM NEW HAMPSHIRE MARCHING BAND

• Mr. SMITH of New Hampshire. Mr. President, I rise here today to honor the achievements of the Salem High School Band and Color Guard on their exemplary show in the competition leading to their selection to play in the nationally televised Macy's Thanksgiving Day Parade.

Congratulations are in order for Salem High, as they have also played in the 2001 Tournament of Roses parade, which is attributed with some of the success this time around in the granting of the New York parade. There were only 12 bands chosen nationwide between nearly 300 high schools or colleges competing for the honor. The country was dazzled by the Salem High band at the Macy's Day parade in 1977 and once again has the opportunity to please onlookers this year.

Salem is the only high school in the state of New Hampshire that has marched in this, one of the largest parades in America. The band will have to march for 2½ miles with an estimated live gathering of almost 2 million. Best wishes to them in a successful march and once again congratulations.•

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to the outstanding successes of the recipients of the New Hampshire Excellence in Education Awards. This annual event, which began in 1994, recognizes the hard work of teachers from throughout the state.

This serves as one of the largest ceremonies acknowledging the positive difference these professionals are making in the lives of students. Praiseworthy public schools, programs, and educators are used as incentives for others. These individuals demonstrate their worthiness in six areas: curriculum, teaching/learning process, student achievement, community/parental involvement, leadership/ decisionmaking, and climate.

Teachers with these qualities are exactly what is needed to guide our youth today. With the attitude and hard work brought to the table by these individuals I am confident that they will provide the best education possible lending to a spectacular future for our children. It is an honor and privilege to serve these individuals in the U.S. Senate.•

TRIBUTE TO MANCHESTER AIRPORT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the outstanding growth of the Manchester Airport. Recently it has completed the changes and additions that have been underway for the last 8 years helping pave its path as one of the premier airports in the state. These changes include a 158,000-square-foot passenger terminal with a 70,000-square-foot terminal addition, and a six level parking garage and connecting pedestrian walkway. These drastic improvements have taken this once small, and seldom used airport and turned it into a legitimate point of travel. With all this advancement it has been a point of destination for more than 3.2 million passengers in 2001.

In addition, cargo shipping has become a growing factor at the Manchester airport as it is now ranked the third largest cargo airport in New England. A recent impact report has shown that the business related to the airport added 500 million in 1998 and is estimated at more than 1 billion annually by 2010.

Factors such as convenience, ample parking, and greater customer service has created an airport that the citizens of Manchester can be proud of. I commend Kevin Dillion, airport director of Manchester for being named the Travel Person of the Year in 2001. The outstanding services available at Manchester will surely be a factor in the growth of the airport. This project has truly added to the appeal Manchester holds for all travelers. It is an honor and privilege representing the good people of Manchester.●

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to a pillar in the entrepreneurial community of New Hampshire. Mrs. Annalee Davis Thorndike, the creator and manufacturer of the collectible Annalee Dolls, passed away Sunday April 7, 2002, at the age of 87. The Annalee Mobilitee Dolls are considered some of the most famous manufactured items to come from New Hampshire in the 20th century.

Beginning in 1930, Annalee and her husband took the first step in turning her dollmaking hobby into a business. Flourishing, the business reached a total of 250 to 300 employees in the Lakes Region. Displaying her dolls in the White House at times, Thorndike was awarded the "Collectibles and Gift Industry Pioneer Award" in 1997. Epitomizing the American spirit and following through with her dreams, Annalee's dolls will always be a proud part of the communities as the greatest collectible dolls to ever come from New Hampshire.

Five years ago Thorndike stepped down from head of operations and turned the business over to her sons. New Hampshire is excited to see the Annalee Mobilitee Dolls continue to be manufactured in the same location they have been since 1955 when Annalee founded the company. Today a museum of dolls can be visited at the manufacturing site. A true spirit and friend of New Hampshire, Annalee David Thorndike will be sorely missed by all citizens of the great state. It is an honor and privilege to have represented Mrs. Annalee Davis Thorndike in the U.S. Senate.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3694. An act to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

H.R. 4560. An act to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

*Harold D. Stratton, of New Mexico, to be Chairman of the Consumer Product Safety Commission.

*Harold D. Stratton, of New Mexico, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2006.

*Coast Guard nominations beginning Rear Adm. (lh) Vivien S. Crea and ending Rear Adm. (lh) Charles D. Wurster, which nominations were received by the Senate and appeared in the Congressional Record on April 22, 2002.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Mikeal S. Staier.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 2531. A bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2532. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of Oregon (for himself and Mrs. FEINSTEIN):

S. 2533. A bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. DORGAN, Mr. INOUYE, Mr. CORZINE, Mr. JOHNSON, Ms. CANTWELL, Mr. BREAUX, Mr. INHOFE, Mr. FIRST, Mr. EDWARDS, Ms. COLLINS, Mr. TORRICELLI, Ms. SNOWE, Mr. CAMPBELL, Mr. BUNNING, Mr. VOINOVICH, Mr. MURKOWSKI, Mr. BAUCUS, Mr. AKAKA, Ms. MIKULSKI, Mr. KERRY, Mr. BAYH, MR. JEFFORDS, Mr. MURRAY, Mr. BINGAMAN, Mr. SARBANES, Ms. STABENOW, Ms. LANDRIEU, Mrs. CARNAHAN, Mr. DAYTON, Mrs. HUTCHISON, Mrs. Clinton, Mr. LEAHY, Mr. GRAHAM, Mr. MILLER, Mr. CLELAND, Mr. WELLSTONE, Mr. WYDEN, Mr. THOMAS, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. BENNETT, Mr. GRASSLEY, Mr. DEWINE, Mr. FEINGOLD, Mr. THURMOND, Mr. BROWNBACK, Mr. BOND, Mr. CHAFEE, Mr. ROCKFELLER, Mr. LIBERMAN, Mr. SMITH of Oregon, Mr. LEVIN, and Mr. DASCHLE):

S. Con. Res. 112. A concurrent resolution expressing the sense of Congress regarding the designation of the week beginning May 19, 2002, as "National Medical Services Week"; considered and agreed to:

By Mrs. CLINTON:

S. Con. Res. 113. A concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1572

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the

NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1924

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2452

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2452, a bill to establish the Department of National Homeland Security and the National Office for Combating Terrorism.

S. 2462

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2462, a bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve to make such rates commensurate with scheduled increases in rates for basic educational assistance under section 3015 of title 38, United States Code, the Montgomery GI Bill.

S. RES. 244

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 244, a resolution eliminating secret Senate holds.

S. RES. 248

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 248, A resolution concerning the rise of anti-Semitism in Europe.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 2531. A bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the Human Tissue Transplant Safety Act of 2002, which would provide a much needed regulatory framework to help ensure the safety of transplanted human tissue. In 1997, the U.S. Food and Drug Administration, FDA examined the public health issues posed by human tissue transplantation and concluded that the existing regulatory framework was insufficient and needed to be strengthened. Yet more than 5 years later, the agency has failed to implement critical regulatory changes and strengthen oversight of tissue processors, known as tissue banks. The legislation I am introducing today is designed to help remedy the gaps in the regulatory safety net.

While people are familiar with the concept of organ donation, tissue donation is not well understood by most Americans. Yet the tissue industry is very diverse and is growing rapidly. In fact, tissue donations now make possible about 750,000 transplants per year. The recovery and medical use of tissue, including skin, bone, cartilage, tendons, ligaments, and heart valves, are unlike organ transplants because the tissue is usually not transplanted "as-is" from the donor's body into that of the recipient. Rather, donated tissue frequently undergoes considerable processing before it can be used. Bone from a donor's femur, for example, can be reshaped into a component designed to give support to a recipient's spine. Technology that greatly reduces the risk of rejection now allows surgeons to use actual bone in their patients rather than metal or other synthetic substances. In addition, donated tissue, once it is processed, can frequently be stored for a period of time. In contrast, organs must be transplanted into the recipient's body within hours of their recovery.

The organizations that make up the tissue industry are collectively referred to as tissue banks. Some are engaged in tissue recovery, while others process, store, and distribute human tissue. Tissue donation is a generous, selfless act that improves the lives of many Americans. Just one donor, in fact, can help a large number of people in various ways. Skin donations, for instance, can be used to heal burn victims or aid in reconstructive surgical procedures. Ligaments and tendons can be used to repair worn-out knees. Bone donations can be used in hip replacements or spinal surgery enabling recipients to regain mobility. Donated arteries and veins can restore circulation, and heart valves can be transplanted to save lives.

The phenomenal growth and increasing competitiveness of the industry in its search for new sources of donated tissue, however, have resulted in some problems. Tissue obtained from unsuitable donors has been allowed to enter the American tissue supply, raising serious doubts about the adequacy of federal regulations. Other concerns involve whether or not the practices of some tissue banks are sufficient to reduce the danger of spreading such illnesses as the human variant of mad cow disease. Because communicable diseases such as HIV and hepatitis, among others, can also be transmitted through tissues, it is vital that potential donors be screened for suitability and tissue be tested effectively, to make sure it is safe.

FDA recognized these issues in 1997, and the agency published its "Proposed Approach to the Regulation of Cellular and Tissue-Based Products." The FDA proposed to: (1) require infectious disease screening and testing for cells and tissue transplanted from one person to another; (2) require that cells and tissues be handled according to procedures designed to prevent contamination and preserve tissue function and integrity; and (3) require all tissue processing facilities to register with the agency. Thereafter, FDA promulgated three separate regulations that address these requirements. But of those, only a registration requirement has been implemented.

Five years later, the majority of the proposed regulatory changes still have not been adopted, and, remarkably, FDA officials recently advised me that the agency cannot even tell me when the remaining regulations will be made final.

The FDA's failure to act in this area that affects public health and safety is simply inexcusable. It is a case, apparently, of bureaucratic inertia at its worst.

I have long been concerned about the vulnerabilities that exist in the tissue industry and the adequacy of the Government's oversight.

Last year—exactly a year ago—as the chairman of the Senate Permanent Subcommittee on Investigations, I held a hearing to look at tissue banks and the efficacy of the current regulatory framework. The testimony was deeply troubling.

For example, one witness testified that some unscrupulous tissue banks have engaged in a practice in which tissues that were initially tested positive for contamination were simply tested over and over again until the technicians achieved the negative result they wanted.

Let me explain that again. This is human tissue that has tested positive for contamination, and the reaction to that was to keep testing it until a negative result came up. You cannot keep testing into compliance. Obviously, there is a problem if, even once, the tissue tests positive for contamination; and it should not be used.

The FDA official in my hearing called this "testing tissue into compliance" a practice that is obviously unsafe and must be stopped.

The hearing also revealed that scores of tissue banks have never once been inspected by the FDA. And of those that have been inspected, some were found to have had deficiencies, but they were never reinspected to see that the problems had been corrected.

Moreover, the FDA had no concept, prior to the registration requirement, of how many tissue banks were actually operating. The FDA thought there were possibly 150. More than 350 registered as a result of the one requirement that the FDA did put into effect.

As a result of the subcommittee's indepth investigation, I concluded that serious gaps existed in the FDA's regulation. But I also thought, and hoped, and have received promises from the agency, that it would act. After all, it had developed a good, sound strategy back in 1997.

So last year, in the hearings that I held a year ago this month, the FDA promised me that the regulations would be made final.

Unfortunately, I have been proven wrong about the FDA's commitment to reform. And the lack of action has had serious, indeed, tragic consequences.

In November of last year, a 23-year-old man died in Minnesota after undergoing routine knee surgery in which tissue was transplanted into his body. It contained a deadly bacteria which ultimately killed this young man. Others have fallen seriously ill because of the tainted tissue transplants.

In March of this year, the Centers for Disease Control and Prevention released findings that linked bacterial infections in donated human tissue to allografts that had been used for transplants in 26 cases. And the number, undoubtedly, is going to increase since the CDC's investigation is still ongoing.

I have tried to work with the FDA to expedite the implementation of the proposed regulations. I have asked, repeatedly: What does the FDA need? Are more resources needed? Just tell us what you need. But, unfortunately, the threat to public health that the FDA identified so long ago continues to exist today.

In an effort to prevent any further tragedies, I am today introducing legislation to require the FDA to go forward and issue these much needed regulations.

First, my legislation will explicitly authorize the FDA to regulate any entity that engages in the recovery, screening, testing, processing, storage, or distribution of human tissue, or human tissue-based products. In other words, all tissue banks would be required to adhere to the standards that the FDA has identified as necessary for ensuring public safety. This provision would remove any doubt about the FDA's authority to regulate tissue banks.

Second, the legislation will make it mandatory for all tissue banks to register with the FDA. If any tissue bank is out of compliance with FDA requirements, the agency will be authorized to suspend and, if necessary, revoke the tissue bank's registration, to prevent the bank from operating.

Third, the legislation will require tissue banks to report adverse incidents, including the detection of an infection within 15 days. Currently, tissue banks are not required to report adverse incidents to the Federal Government. And if they do not voluntarily report incidents, it is very difficult for the Federal Government to take effective action.

Finally, the bill also requires the Secretary of Health and Human Services to develop a database to store the adverse incident reports. That central repository of information would be very useful to the CDC.

I want to emphasize that the vast majority of tissue banks operate in a safe, professional manner. We are now very fortunate that advances in technology allow tissue to be used in ways that truly enhance lives for thousands of Americans.

This legislation will help ensure that the transplantation of human tissue saves lives, not ends them.

By Mr. SMITH of Oregon (for himself and Mrs. FEINSTEIN):

S. 2533. A bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Finance.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce The Social Security Benefit Enhancements for Women Act of 2002. I am proud to be joined by my colleague from California, Senator FEINSTEIN. This legislation makes fiscal improvements in benefits for women under the current Social Security system. These improvements will increase the benefits for disabled widows, divorced retirees, and widows whose husbands died quickly after an early retirement.

While these benefit changes are small in scope, they represent a bipartisan effort to provide more economic security for women who work hard, sacrifice much and yet still live near poverty. Women comprise the majority of Social Security beneficiaries, representing almost 60 percent of all Social Security recipients at age 65 and 71 percent of all recipients by age 85. Those impacted by this legislation, the disabled, divorced and elderly widows are more likely to live near the poverty line.

Clearly we would like to do more for these beneficiaries. Yet there is a limit in the number and scope of improvements we are able to make as we face broader Social Security reform issues. This small benefit package passed the House on May 14, 2002, by a stunning vote of 418 to 0. We feel that a similar vote can send these changes to the President and we can show that bipartisanship is a route that will work when it comes to future Social Security reform.

I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Benefit Enhancements for Women Act of 2002".

SEC. 2. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY FOR WIDOW'S AND WIDOWER'S INSURANCE BENEFITS BASED ON DISABILITY.

(a) WIDOW'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (4)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (4) and (II)";

(C) by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(D) in paragraph (4)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which her application is filed".

(2) Conforming amendments.—

(A) Section 202(e)(1)(F)(i) of such Act (42 U.S.C. 402(e)(1)(F)(i)) is amended by striking "paragraph (5)" and inserting "paragraph (4)".

(B) Section 202(e)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(e)(2)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(C) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(D) Section 226(e)(1)(A)(i) of such Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking "202(e)(4),".

(b) Widower's Insurance Benefits.—

(1) In general.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (5)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (5) and (II)";

(C) by striking paragraph (5) and by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(D) in paragraph (5)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which his application is filed".

(2) Conforming amendments.—

(A) Section 202(f)(1)(F)(i) of such Act (42 U.S.C. 402(f)(1)(F)(i)) is amended by striking "paragraph (6)" and inserting "paragraph (5)".

(B) Section 202(f)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(f)(2)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(C) Section 226(e)(1)(A)(i) of such Act (as amended by subsection (a)(2)) is further amended by striking "202(f)(1)(B)(ii), and 202(f)(5)" and inserting "and 202(f)(1)(B)(ii)".

(c) Effective Date.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SEC. 3. EXEMPTION FROM TWO-YEAR WAITING PERIOD FOR DIVORCED SPOUSE'S BENEFITS UPON OTHER SPOUSE'S REMARRIAGE.

(a) Wife's Insurance Benefits.—Section 202(b)(5)(A) of the Social Security Act (42 U.S.C. 402(b)(5)(A)) is amended by adding at the end the following new sentence: "The criterion for entitlement under clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the applicant during the 2-year period referred to in such clause.".

(b) Husband's Insurance Benefits.—Section 202(c)(5)(A) of such Act (42 U.S.C. 402(c)(5)(A)) is amended by adding at the end the following new sentence: "The criterion for entitlement under clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the applicant during the 2-year period referred to in such clause.".

(c) Conforming Amendment to Exemption of Insured Individual's Divorced Spouse From Earnings Test as Applied to the Insured Individual.—Section 203(b)(2)(B) of such Act (42 U.S.C. 403(b)(2)(B)) is amended by adding at the end the following new sentence: "The requirement under such clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the individual referred to in paragraph (1) during the 2-year period referred to in such clause.".

(d) Effective Date.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SEC. 4. MONTHS ENDING AFTER DECEASED INDIVIDUAL'S DEATH DISREGARDED IN APPLYING EARLY RETIREMENT RULES WITH RESPECT TO DECEASED INDIVIDUAL FOR PURPOSES OF LIMITATION ON WIDOW'S AND WIDOWER'S BENEFITS.

(a) Widow's Insurance Benefits.—Section 202(e)(2)(D)(i) of the Social Security Act (42 U.S.C. 402(e)(2)(D)(i)) is amended by inserting after "applicable," the following: "except that, in applying paragraph (7) of subsection (q) for purposes of this clause, any month ending with or after the date of the death of such deceased individual shall be deemed to be excluded under such paragraph (in addition to months otherwise excluded under such paragraph),".

(b) Widower's Insurance Benefits.—Section 202(f)(3)(D)(i) of such Act (42 U.S.C. 402(f)(3)(D)(i)) is amended by inserting after "applicable," the following: "except that, in applying paragraph (7) of subsection (q) for purposes of this clause, any month ending with or after the date of the death of such deceased individual shall be deemed to be excluded under such paragraph (in addition to months otherwise excluded under such paragraph),".

(c) Effective Date.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 112—EXPRESSING THE SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE WEEK BEGINNING MAY 19, 2002, AS "NATIONAL MEDICAL SERVICES WEEK"

Mr. HATCH (for himself, Mr. Dorgan, Mr. Inouye, Mr. Corzine, Mr. Johnson, Ms. Cantwell, Mr. Breaux, Mr. Inhofe, Mr. Frist, Mr. Edwards, Ms. Collins, Mr. Torricelli, Ms. Snowe, Mr. Campbell, Mr. Bunning, Mr. Voinovich, Mr. Murkowski, Mr. Baucus, Mr. Akaka, Ms. Mikulski, Mr. Kerry, Mr. Bayh, Mr. Jeffords, Mr. Durbin, Mrs. Murray, Mr. Bingaman, Mr. Sarbanes, Ms. Stabenow, Ms. Landrieu, Mrs. Carnahan, Mr. Dayton, Mrs. Hutchison, Mrs. Clinton, Mr. Leahy, Mr. Graham, Mr. Miller, Mr. Cleland, Mr. Wellstone, Mr. Wyden, Mr. Thomas, Mr. Schumer, Mrs. Feinstein, Mr. Bennett, Mr. Grassley, Mr. DeWine, Mr. Feingold, Mr. Thurmond, Mr. Brownback, Mr. Bond, Mr. Chafee, Mr. Rockefeller, Mr. Lieberman, Mr. Smith of Oregon, Mr. Levin, and Mr. Daschle) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 112

Whereas emergency medical services are a vital public service;

Whereas the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week;

Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;

Whereas these emergency medical services teams served our country with bravery and heroism on September 11, 2001;

Whereas emergency medical personnel (emergency physicians, nurses, and emergency medical technicians) courageously defended the Nation when called upon to identify and treat anthrax, the bioterrorist weapon released in October 2001;

Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;

Whereas providers of emergency medical services have traditionally served as the safety net of America's health care system;

Whereas approximately ⅔ of all emergency medical services providers are volunteers;

Whereas the members of emergency medical services teams, whether career or volunteer, undergo thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas injury prevention and the appropriate use of the emergency medical services system will help reduce health care costs and save lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the week beginning May 19, 2002, as "National Emergency Medical Services Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 113—RECOGNIZING AND SUPPORTING THE EFFORTS OF THE STATE OF NEW YORK TO DEVELOP THE NATIONAL PURPLE HEART HALL OF HONOR IN NEW WINDSOR, NEW YORK, AND FOR OTHER PURPOSES

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. Con. Res. 113

Whereas George Washington, at his headquarters in Newburgh, New York, on August 7, 1782, devised the Badge of Military Merit to be given to enlisted men and noncommissioned officers for meritorious action;

Whereas the Badge of Military Merit became popularly known as the "Purple Heart" because it consisted of the figure of a heart in purple cloth or silk edged with narrow lace or binding and was affixed to the uniform coat over the left breast;

Whereas Badges of Military Merit were awarded during the Revolutionary War by General George Washington at his headquarters, in Newburgh, New York, on May 3 and June 8, 1783;

Whereas the Badge of Military Merit, an award for valor in the Revolutionary War, is the inspiration for today's Purple Heart medal;

Whereas on the bicentennial of General Washington's birthday in February 1932, the Badge of Military Merit was redesignated by General Douglas MacArthur, then Chief of Staff of the Army, as the Purple Heart, to be awarded to persons killed or wounded in action against an enemy of the United States;

Whereas more than 800,000 members of the Armed Forces have been awarded the Purple Heart;

Whereas the Nation, as it fights the forces of evil that would undermine those democratic principles upon which the Nation was founded, continues to add brave members of the Armed Forces to the ranks of those who have received the Purple Heart;

Whereas the State of New York has dedicated substantial resources to the creation of the National Purple Heart Hall of Honor to be constructed at the New Windsor Cantonment, a New York State Historic Site, in New Windsor, New York, to honor those individuals who have been awarded the Purple Heart and to inform and educate the people of the United States about the history and importance of this distinguished combat award;

Whereas the National Purple Heart Hall of Honor will be a permanent place of remembrance of the service and sacrifices made by the members of the Armed Forces wounded or killed in service to America from World War I through the current war against terrorism, both at home and abroad; and

Whereas as the Nation continues to defend the American way, there will be a need for a distinguished place to honor those who in the future are awarded the Purple Heart for their service and sacrifice: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and supports the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York;

(2) encourages the people of the United States to participate in the development of the National Purple Heart Hall of Honor; and

(3) encourages Federal departments and agencies to cooperate, assist, and participate in the development of the National Purple Heart Hall of Honor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3439. Mr. DORGAN (for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3440. Mr. REID (for Mr. NELSON, of Florida (for himself and Mr. GRAHAM)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3441. Mrs. HUTCHISON proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3442. Mr. DORGAN proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3443. Mr. REID (for Mr. REED (for himself, Mr. BINGAMAN, and Mr. CORZINE)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3444. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3445. Mr. REID (for Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3446. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3447. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3448. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3449. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3450. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3451. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3452. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3453. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3454. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3455. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3439. Mr. DORGAN (for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. AGRICULTURAL SALES TO CUBA.

(a) IN GENERAL.—Section 908 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Section 908(a) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207(a)) (as amended by subsection (a)), is amended—

(1) by striking "(a)" and all that follows through "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding";

(2) by striking "(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)" and inserting the following:

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)"; and

(3) by striking "(3) WAIVER.—The President may waive the application of paragraph (1)" and inserting the following:

"(c) WAIVER.—The President may waive the application of subsection (a)".

SA 3440. Mr. REID (for Mr. NELSON of Florida (for himself and Mr. GRAHAM)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

SA 3441. Mrs. HUTCHISON proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

"Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

"(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism.".

"(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—".

SA 3442. Mr. DORGAN proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and

Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TRADE REMEDIES WITH RESPECT TO CANADIAN WHEAT.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 15, 2002, the United States Trade Representative issued an affirmative finding under section 301 of the Trade Act of 1974 that the acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States commerce.

(2) In its section 301 finding, the United States Trade Representative expressed a desire for long-term reform of the Canadian Wheat Board. However, since concluding on February 15, 2002, that the Canadian Government and the Canadian Wheat Board are engaged in unfair trade practices, the United States Trade Representative has not undertaken any initiative to seek reform of the Canadian Wheat Board. Moreover, the United States Trade Representative has not imposed any trade remedy that would provide United States wheat farmers with prompt relief from the unfair trade practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should identify specific trade remedies that will provide United States wheat farmers with prompt relief from the unfair trade practices of the Canadian Wheat Board in addition to efforts to seek long-term reform of the Canadian Wheat Board.

(c) REPORTING REQUIREMENT.—No later than October 1, 2002, the United States Trade Representative shall report to Congress a specific plan for implementation of specific trade remedies to provide United States wheat farmers with prompt, real relief from the unfair trade practices of the Canadian Wheat Board, and a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring that there is no undue delay.

SA 3443. Mr. REID (for Mr. REED (for himself, Mr. BINGAMAN, AND MR. CORZINE)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

On page 9, beginning on line 24, strike all through page 10, line 9, and insert the following:

"(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

On page 12, beginning on line 19, strike all through line 24, and insert the following:

"(24) SUPPLIER.—The term 'supplier' means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3444. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, line 21, insert "expeditious" after "providing for".

SA 3445. Mr. REID (for Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of title VII, insert the following:

SEC. 702. NOTIFICATION BY ITC.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974, as added by section 111, is amended to read as follows:

"SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

"(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.".

(b) INDUSTRY-WIDE CERTIFICATION.—Section 231(c) of the Trade Act of 1974, as added by section 111, is amended by adding at the end the following new paragraph:

"(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.".

(c) COORDINATION WITH OTHER TRADE PROVISIONS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

"(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

"(i) the President shall take all appropriate and feasible action within his power; and

"(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).".

(3) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect the domestic industry in which such worker, farmer, or fisherman was employed.

(d) NOTIFICATION FOR FARMERS AND FISHERMEN.—

(1) FARMERS.—Section 294 of the Trade Act of 1974, as added by section 401, is amended to read as follows:

"SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

"(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.".

(2) FISHERMEN.—Section 299C of the Trade Act of 1974, as added by section 501, is amended to read as follows:

"SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

"(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

"(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.".

SA 3446. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEMOCRACY AND FREEDOM THROUGH TRADE ACT.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is now engaged in a war against terrorism, and it is vital that

the United States respond to this threat through the use of all available resources.

(2) Open markets between the United States and friendly nations remains a vital component of our Nation's national security for the purposes of forming long, lasting friendships, strategic partnerships, and creating new long-term allies through the exportation of America's democratic ideals, civil liberties, freedoms, ethics, principles, tolerance, openness, ingenuity, and productiveness.

(3) Utilizing trade with other nations is indispensable to United States foreign policy in that trade assists developing nations in achieving these very objectives.

(4) It is in the United States national security interests to increase and improve our ties, economically and otherwise, with Russia, Central Asia, and the South Caucasus.

(5) The development of strong political, economic, and security ties between Russia, Central Asia, the South Caucasus, and the United States will foster stability in this region.

(6) The development of open market economies and open democratic systems in Russia, Central Asia and the South Caucasus will provide positive incentives for American private investment, increased trade, and other forms of commercial interaction with the United States.

(7) Many of the nations in this region have secular Muslim governments that are seeking closer alliance with the United States and that have diplomatic and commercial relations with Israel.

(8) The nations of Russia, Central Asia and the South Caucasus could produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(9) Normal trade relations between Russia, Central Asia, the South Caucasus, and the United States will help achieve these objectives.

(b) Sense of Congress.—(1) Prior to extending normal trade relations with Russia and the nations of Central Asia and the South Caucasus, the President should—

(A) obtain the commitment of those countries to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") regarding human rights and humanitarian affairs;

(B) ensure that those countries have endeavored to address issues related to their national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(C) ensure that those countries have also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism; and

(D) ensure that those countries have continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of each of those countries and establishing the legal framework for completion of this process in the future.

(2) Earlier this year the Governments of the United States and Kazakhstan exchanged letters underscoring the importance of religious freedom and human rights, and the President should seek similar exchanges with all nations from the region.

(c) Permanent Normal Trade Relations for Russia.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President, after certifying to Congress that all outstanding trade disputes have been resolved with Russia, may—

(A) determine that such title should no longer apply to Russia; and

(B) after making a determination under subparagraph (A) with respect to Russia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Russia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(d) Permanent Normal Trade Relations for Kazakhstan.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kazakhstan; and

(B) after making a determination under subparagraph (A) with respect to Kazakhstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kazakhstan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(e) Permanent Normal Trade Relations for Tajikistan.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Tajikistan; and

(B) after making a determination under subparagraph (A) with respect to Tajikistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Tajikistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(f) Permanent Normal Trade Relations for Uzbekistan.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Uzbekistan; and

(B) after making a determination under subparagraph (A) with respect to Uzbekistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Uzbekistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(g) Permanent Normal Trade Relations for Armenia.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Armenia; and

(B) after making a determination under subparagraph (A) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Armenia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(h) Permanent Normal Trade Relations for Azerbaijan.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Azerbaijan; and

(B) after making a determination under paragraph (1) with respect to Azerbaijan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Azerbaijan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(i) Permanent Normal Trade Relations for Turkmenistan.—

(1) Presidential determination and extension of nondiscriminatory treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Turkmenistan; and

(B) after making a determination under subparagraph (A) with respect Turkmenistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) Termination of application of title iv.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Turkmenistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

SA 3447. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Strike section 2107 (a) and (b)(1) and insert the following:

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly establish and convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The Speaker of the House of Representatives.

(B) The Majority Leader of the House of Representatives.

(C) The Minority Leader of the House of Representatives.

(D) Eight additional members appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party. Four members shall be selected from the minority party, after consultation with the Minority Leader of the House of Representatives. None of the eight members appointed under this paragraph may be members of the Committee on Ways and Means.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The President Pro Tempore of the Senate.

(B) The Majority Leader of the Senate.

(C) The Minority Leader of the Senate.

(D) Eight additional members appointed by the President pro tempore of the Senate. Four members shall be selected from the majority party, after consultation with the Majority Leader of the Senate. Four members shall be selected from the minority party, after consultation with the Minority Leader of the Senate. None of the eight members appointed under this paragraph may be members of the Committee on Finance.

(4) APPOINTMENT OF CO-CHAIRMEN AND STAFF.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each designate a member to serve as a co-chairman of the Congressional Oversight Group.

(5) COORDINATION WITH CONGRESSIONAL ADVISERS FOR TRADE POLICY.—All briefings, consultations, conferences, negotiations, and meetings attended by the Congressional Oversight Group shall be open to the congressional advisers for trade policy appointed pursuant to section 161 of the Trade Act of 1974 (19 U.S.C. 2211). All documents, materials, and other information provided to the Congressional Oversight Group shall be made available to the congressional advisers for trade policy appointed pursuant to such section 161. The co-chairmen of the Congressional Oversight Group shall regularly meet with the congressional advisers for trade policy to ensure that each group is afforded equal access to the meetings, information, and consultative processes provided to the other.

(6) SENATE STAFF AND EXPENSES.—

(A) IN GENERAL.—The Senate co-chairmen are authorized to employ such staff and incur such expenses as may be necessary or appropriate to carry out the duties and functions of the Congressional Oversight Group. Payment for meals and food-related expenses may be reimbursed only to the extent such expenses are incurred in the conduct of official duties.

(B) APPOINTMENT OF STAFF.—The two Senate co-chairmen shall designate professional staff to work on the Congressional Oversight Group. The professional staff shall serve all members of the Congressional Oversight Group.

(C) SPECIAL RULE FOR SENATE STAFF.—In the case of any staff member who is an employee of a Member of the Senate (or a committee of the Senate), designated to perform duties for Congressional Oversight Group, the staff member shall continue to be paid by the member or the committee. The member and the committee shall be reimbursed by funds authorized under subparagraph (D).

(D) EXPENSES.—Expenses shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items. For any fiscal year, not more than $200,000 shall be expended for staff and expenses (excepting expenses for foreign travel).

(7) HOUSE STAFF AND EXPENSES.—The House of Representatives may establish its own rules for the staffing, compensation, and expenses of the House co-chairmen and staff of the Congressional Oversight Group.

(8) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraphs (2) and (3) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the co-chairmen of the Congressional Oversight Group—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

SA 3448. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 287, beginning on line 16, strike all through page 288, line 12, and insert the following:

(bb) shall be referred to the Committee on Finance and to the Committee on Rules and Administration; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement, except that subsection (e)(2) of such section 152 shall be applied by substituting "6 hours" for "20 hours".

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) In the Senate, the Committee on Finance and the Committee on Rules and Administration shall report the procedural disapproval resolution not later than 10 days after the date the resolution is introduced. If any Committee, to which a resolution is referred, fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar.

(v) Once the procedural disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

SA 3449. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 266, beginning on line 17, strike all through page 267, line 19, and insert the following:

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House;

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(iii) shall be referred, in the Senate, to the Committee on Finance and the Committee on Rules and Administration.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—

(i) REPORT AND DISCHARGE OF COMMITTEES.—Each Committee to which an extension disapproval resolution is referred, shall report the resolution not later than 10 days after the date of introduction of the resolution. If any Committee fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar. Once the extension disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

(ii) APPLICATION OF TRADE ACT.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions except that subsection (e)(2) of such section 152 shall be applied by substituting "6 hours" for "20 hours".

(D) LIMITATIONS.—It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(ii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

SA 3450. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed an to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(b), insert the following:

(4) LIMITATIONS.—Notwithstanding any other provision of law, trade authorities procedures shall apply, if at all, only to an implementing bill that implements a single agreement obtained as a result of the global trade negotiations launched at the Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November, 2001.

SA 3451. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF INVESTMENTS AND TRANSACTIONS IN CERTAIN FOREIGN COUNTRIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(i) DISCLOSURE OF INVESTMENTS IN CERTAIN FOREIGN ENTITIES.—

"(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) disclose in each report or other document required to be filed under this section, including all annual filings, and in each registration statement required under section 14, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

"(B) display all disclosures required by subparagraph (A) prominently for investors.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

"(i) that is subject to sanctions by the Office of Foreign Assets Control; or

"(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.".

"(B) the term 'designated issuer'—

"(i) means any issuer of a security registered pursuant to section 12, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

"(ii) includes any subsidiary or other affiliate of such an issuer.".

(b) SECURITIES ACT OF 1933.—Section 10 of the Securities Act of 1933 (15 U.S.C. 77j) is amended by adding at the end the following new subsection:

"(g) DISCLOSURE OF INVESTMENTS OR TRANSACTIONS IN CERTAIN FOREIGN ENTITIES.—

"(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) disclose in each prospectus required or permitted by this section, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

"(B) display all disclosures required by subparagraph (A) prominently for investors.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

"(i) that is subject to sanctions by the Office of Foreign Assets Control; or

"(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.".

"(B) the term 'designated issuer'—

"(i) means any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

"(ii) includes any subsidiary or other affiliate of such an issuer.".

SA 3452. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page   , between lines   and   , insert the following:

SEC.   . CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means an energy supply or end-use technology that, over the lifecycle of the technology, compared with a comparable technology in commercial use in a trade partner country—

(A) results in the emission of substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) TRADE PARTNER COUNTRY.—The term "trade partner country" means a developing country, country in transition, or other country with which United States exporters engage in trade.

(b) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a trade partner country shall, as part of the program, support, to the maximum extent practicable, the transfer of United States clean energy technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal agencies and Government corporations described in (b) such sums as are necessary to carry out this section.

SA 3453. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . CERTIFICATION REGARDING FORCED LABOR.

(a) SHORT TITLE.—This section may be cited as the "Labor Certification Act of 2002".

(b) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall require that any person importing goods into the United States from a country identified as using forced labor provide a certificate to the United States Customs Service that the goods being imported comply with the provisions of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and that no part of the goods were made with prison, forced, or indentured labor, or with labor performed in any type of involuntary situation.

(2) DEFINITIONS.—In this section:

(A) COUNTRY IDENTIFIED AS USING FORCED LABOR.—The term "country identified as using forced labor" means a country identified as using forced labor by the Department of State in the most recent Country Reports on Human Rights Practices.

(B) GOODS.—For purposes of this section, the term "goods" includes goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country.

(C) INVOLUNTARY SITUATION.—The term "involuntary situation" includes any situation where work is performed on an involuntary basis, whether or not it is performed in a penal institution, a re-education through labor program, a pre-trial detention facility, or any similar situation.

(D) PRISON, FORCED, OR INDENTURED LABOR.—

(i) IN GENERAL.—The term "prison, forced, or indentured labor" includes forced child labor or any labor performed for which the worker does not offer himself voluntarily.

(ii) FORCED CHILD LABOR.—The term "forced child labor" means forced or indentured child labor that includes the use of children under the age of 18 in any form of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor.

(c) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Commissioner of Customs, shall report to Congress on the implementation of the existing 1992 Memorandum of Understanding and 1994 Statement of Cooperation with the People's Republic of China regarding the use of forced labor to make goods destined for the United States. The report shall include information on requests by the United States to visit suspected forced labor facilities in China and the outcome of those requests. The report shall also make specific recommendations on how the Memorandum and Statement can be improved, and discuss the status of efforts to improve those agreements.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Customs shall initiate an inspection program. Pursuant to the inspection program, whenever the Commissioner receives credible evidence that a facility in the People's Republic of China is using forced labor to make goods destined for the United States, the Commissioner shall request United States officials be allowed to inspect the facility. If an inspection is not permitted within 60 days of the request, goods made at that facility shall not be permitted entry at any of the ports of the United States, and importation of such goods shall be prohibited until the inspection is carried out. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the enforcement of this provision.

(2) FORCED LABOR.—For purposes of this subsection, the term "forced labor" means convict or prison labor, forced labor, indentured labor, or labor performed in any type of involuntary situation.

(e) AUTHORIZATION OF CUSTOMS PERSONNEL.—Section 3701 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended by striking "for fiscal year 1999" and inserting "for each of fiscal years 2002 and 2003".

SA 3454. Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

SA 3455. Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 17, 2002, at 10:30 a.m. to hold a business meeting.

The Presiding Officer. Without objection, it is so ordered.

MEASURES PLACED ON CALENDAR—H.R. 4560 AND H.R. 3694

Mr. REID. Mr. President, I understand there are two bills at the desk, H.R. 4560 and H.R. 3694, that have been read the first time.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order, en bloc, for these bills to receive a second reading, and then I will object to any further consideration of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered. The bills will be placed on the calendar.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, pursuant to the authority of the majority leader under Public Law 107–106, announces the appointment of the following individuals as members of the National Museum of African American History and Culture Plan for Action Presidential Commission: Henry L. Aaron, of Georgia, Howard Dodson, of New York, Cicely Tyson, of New York, and Robert L. Wilkins, of Washington, D.C.

The Senator from Georgia (Mr. CLELAND) (non-voting member) and announces, pursuant to the authority of the majority leader and upon the recommendation of the Republican Leader, the appointment of the following additional individuals as members of the above commission: Robert Bogle, of Pennsylvania, Beverly Thompson, of Kansas, and the Senator from Kansas (Mr. BROWNBACK) (non-voting member).

NATIONAL EMERGENCY MEDICAL SERVICES WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 112, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 112) expressing the sense of Congress regarding the designation of the week beginning May 19, 2002, as "National Emergency Medical Services Week."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 112) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 112

Whereas emergency medical services are a vital public service;

Whereas the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week;

Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;

Whereas these emergency medical services teams served our country with bravery and heroism on September 11, 2001;

Whereas emergency medical personnel (emergency physicians, nurses, and emergency medical technicians) courageously defended the Nation when called upon to identify and treat anthrax, the bioterrorist weapon released in October 2001;

Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;

Whereas providers of emergency medical services have traditionally served as the safety net of America's health care system;

Whereas approximately ⅔ of all emergency medical services providers are volunteers;

Whereas the members of emergency medical services teams, whether career or volunteer, undergo thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas injury prevention and the appropriate use of the emergency medical services system will help reduce health care costs and save lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the week beginning May 19, 2002, as "National Emergency Medical Services Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

DESIGNATING A DAY FOR AMERICANS TO RECOGNIZE IMPORTANCE OF TEACHING CURRENT EVENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 376, S. Res. 268.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 268) designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas, since its founding in 1902, the Weekly Reader has reported current events in a manner that is accessible to children, thereby helping millions of children learn to read, which is an indispensable foundation for success in school and in life;

Whereas the Weekly Reader's accessible style has helped children understand many of the important events that have shaped the world during the past 100 years, including World War I, the Great Depression, World War II, the Civil Rights movement, Vietnam, the first Moon landing, the collapse of the Soviet Union, and the tragic events of September 11, 2001;

Whereas a citizenry well informed about national and international current events is critical to a strong democracy;

Whereas the Weekly Reader is read by nearly 11,000,000 children each week in every State, and in more than 90 percent of the school districts in the United States; and

Whereas on May 20, 2002, children around the country will join the Weekly Reader in celebrating its 100th birthday: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe that day with appropriate activities.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business now be closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is now closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mr. REID. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The trade promotion authority bill is pending before the Senate.

Mr. REID. It need not be reported, it is pending; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3447 THROUGH 3453 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendments at the desk on behalf of Senator BYRD; that the amendment be reported by number and then set aside.

I call up those amendments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, proposes amendments numbered 3447 through 3453 to amendment No. 3401.

The amendments are as follows:

AMENDMENT NO. 3447

(Purpose: To amend the provisions relating to the Congressional Oversight Group)

Strike section 2107 (a) and (b)(1) and insert the following:

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly establish and convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The Speaker of the House of Representatives.

(B) The Majority Leader of the House of Representatives.

(C) The Minority Leader of the House of Representatives.

(D) Eight additional members appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party. Four members shall be selected from the minority party, after consultation with the Minority Leader of the House of Representatives. None of the eight members appointed under this paragraph may be members of the Committee on Ways and Means.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The President Pro Tempore of the Senate.

(B) The Majority Leader of the Senate.

(C) The Minority Leader of the Senate.

(D) Eight additional members appointed by the President pro tempore of the Senate. Four members shall be selected from the majority party, after consultation with the Majority Leader of the Senate. Four members shall be selected from the minority party, after consultation with the Minority Leader of the Senate. None of the eight members appointed under this paragraph may be members of the Committee on Finance.

(4) APPOINTMENT OF CO-CHAIRMEN AND STAFF.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each designate a member to serve as a co-chairman of the Congressional Oversight Group.

(5) COORDINATION WITH CONGRESSIONAL ADVISERS FOR TRADE POLICY.—All briefings, consultations, conferences, negotiations, and meetings attended by the Congressional Oversight Group shall be open to the congressional advisers for trade policy appointed pursuant to section 161 of the Trade Act of 1974 (19 U.S.C. 2211). All documents, materials, and other information provided to the Congressional Oversight Group shall be made available to the congressional advisers for trade policy appointed pursuant to such section 161. The co-chairmen of the Congressional Oversight Group shall regularly meet with the congressional advisers for trade policy to ensure that each group is afforded equal access to the meetings, information, and consultative processes provided to the other.

(6) SENATE STAFF AND EXPENSES.—

(A) IN GENERAL.—The Senate co-chairmen are authorized to employ such staff and incur such expenses as may be necessary or appropriate to carry out the duties and functions of the Congressional Oversight Group. Payment for meals and food-related expenses may be reimbursed only to the extent such expenses are incurred in the conduct of official duties.

(B) APPOINTMENT OF STAFF.—The two Senate co-chairmen shall designate professional staff to work on the Congressional Oversight Group. The professional staff shall serve all members of the Congressional Oversight Group.

(C) SPECIAL RULE FOR SENATE STAFF.—In the case of any staff member who is an employee of a Member of the Senate (or a committee of the Senate), designated to perform duties for Congressional Oversight Group, the staff member shall continue to be paid by the member or the committee. The member and the committee shall be reimbursed by funds authorized under subparagraph (D).

(D) EXPENSES.—Expenses shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items. For any fiscal year, not more than $200,000 shall be expended for staff and expenses (excepting expenses for foreign travel).

(7) HOUSE STAFF AND EXPENSES.—The House of Representatives may establish its own rules for the staffing, compensation, and expenses of the House co-chairmen and staff of the Congressional Oversight Group.

(8) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraphs (2) and (3) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the co-chairmen of the Congressional Oversight Group—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

AMENDMENT NO. 3448

(Purpose: To clarify the procedures for procedural disapproval resolutions)

On page 287, beginning on line 16, strike all through page 288, line 12, and insert the following:

(bb) shall be referred to the Committee on Finance and to the Committee on Rules and Administration; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement, except that subsection (e)(2) of such section 152 shall be applied by substituting "6 hours" for "20 hours".

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) In the Senate, the Committee on Finance and the Committee on Rules and Administration shall report the procedural disapproval resolution not later than 10 days after the date the resolution is introduced. If any Committee, to which a resolution is referred, fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar.

(v) Once the procedural disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

AMENDMENT NO. 3449

(Purpose: To clarify the procedures for extension disapproval resolutions)

On page 266, beginning on line 17, strike all through page 267, line 19, and insert the following:

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House;

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(iii) shall be referred, in the Senate, to the Committee on Finance and the Committee on Rules and Administration.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—

(i) REPORT AND DISCHARGE OF COMMITTEES.—Each Committee to which an extension disapproval resolution is referred, shall report the resolution not later than 10 days after the date of introduction of the resolution. If any Committee fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar. Once the extension disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

(ii) APPLICATION OF TRADE ACT.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions except that subsection (e)(2) of such section 152 shall be applied by substituting "6 hours" for "20 hours".

(D) LIMITATIONS.—It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(ii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

AMENDMENT NO. 3450

(Purpose: To limit the application of trade authorities procedures to a single agreement resulting from DOHA)

At the end of section 2103(b), insert the following:

(4) LIMITATIONS.—Notwithstanding any other provision of law, trade authorities procedures shall apply, if at all, only to an implementing bill that implements a single agreement obtained as a result of the global trade negotiations launched at the Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November, 2001.

AMENDMENT NO. 3451

(Purpose: To address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations)

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF INVESTMENTS AND TRANSACTIONS IN CERTAIN FOREIGN COUNTRIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(i) DISCLOSURE OF INVESTMENTS IN CERTAIN FOREIGN ENTITIES.—

"(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) disclose in each report or other document required to be filed under this section, including all annual filings, and in each registration statement required under section 14, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

"(B) display all disclosures required by subparagraph (A) prominently for investors.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

"(i) that is subject to sanctions by the Office of Foreign Assets Control; or

"(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.".

"(B) the term 'designated issuer'—

"(i) means any issuer of a security registered pursuant to section 12, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

"(ii) includes any subsidiary or other affiliate of such an issuer.".

(b) SECURITIES ACT OF 1933.—Section 10 of the Securities Act of 1933 (15 U.S.C. 77j) is amended by adding at the end the following new subsection:

"(g) DISCLOSURE OF INVESTMENTS OR TRANSACTIONS IN CERTAIN FOREIGN ENTITIES.—

"(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) disclose in each prospectus required or permitted by this section, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

"(B) display all disclosures required by subparagraph (A) prominently for investors.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

"(i) that is subject to sanctions by the Office of Foreign Assets Control; or

"(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.".

"(B) the term 'designated issuer'—

"(i) means any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

"(ii) includes any subsidiary or other affiliate of such an issuer.".

AMENDMENT NO. 3452

(Purpose: To facilitate the opening of energy markets and promote the exportation of clean energy technologies)

On page ___, between lines ___ and ___, insert the following:

SEC. ___. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means an energy supply or end-use technology that, over the lifecycle of the technology, compared with a comparable technology in commercial use in a trade partner country—

(A) results in the emission of substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) TRADE PARTNER COUNTRY.—The term "trade partner country" means a developing country, country in transition, or other country with which United States exporters engage in trade.

(b) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a trade partner country shall, as part of the program, support, to the maximum extent practicable, the transfer of United States clean energy technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal agencies and Government corporations described in (b) such sums as are necessary to carry out this section.

AMENDMENT NO. 3453

(Purpose: To require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States)

At the appropriate place, insert the following:

SEC. ___. CERTIFICATION REGARDING FORCED LABOR.

(a) SHORT TITLE.—This section may be cited as the "Labor Certification Act of 2002".

(b) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall require that any person importing goods into the United States from a country identified as using forced labor provide a certificate to the United States Customs Service that the goods being imported comply with the provisions of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and that no part of the goods were made with prison, forced, or indentured labor, or with labor performed in any type of involuntary situation.

(2) DEFINITIONS.—In this section:

(A) COUNTRY IDENTIFIED AS USING FORCED LABOR.—The term "country identified as using forced labor" means a country identified as using forced labor by the Department of State in the most recent Country Reports on Human Rights Practices.

(B) GOODS.—For purposes of this section, the term "goods" includes goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country.

(C) INVOLUNTARY SITUATION.—The term "involuntary situation" includes any situation where work is performed on an involuntary basis, whether or not it is performed in a penal institution, a re-education through labor program, a pre-trial detention facility, or any similar situation.

(D) PRISON, FORCED, OR INDENTURED LABOR.—

(i) IN GENERAL.—The term "prison, forced, or indentured labor" includes forced child labor or any labor performed for which the worker does not offer himself voluntarily.

(ii) FORCED CHILD LABOR.—The term "forced child labor" means forced or indentured child labor that includes the use of children under the age of 18 in any form of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor.

(c) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Commissioner of Customs, shall report to Congress on the implementation of the existing 1992 Memorandum of Understanding and 1994 Statement of Cooperation with the People's Republic of China regarding the use of forced labor to make goods destined for the United States. The report shall include information on requests by the United States to visit suspected forced labor facilities in China and the outcome of those requests. The report shall also make specific recommendations on how the Memorandum and Statement can be improved, and discuss the status of efforts to improve those agreements.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Customs shall initiate an inspection program. Pursuant to the inspection program, whenever the Commissioner receives credible evidence that a facility in the People's Republic of China is using forced labor to make goods destined for the United States, the Commissioner shall request United States officials be allowed to inspect the facility. If an inspection is not permitted within 60 days of the request, goods made at that facility shall not be permitted entry at any of the ports of the United States, and importation of such goods shall be prohibited until the inspection is carried out. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the enforcement of this provision.

(2) FORCED LABOR.—For purposes of this subsection, the term "forced labor" means convict or prison labor, forced labor, indentured labor, or labor performed in any type of involuntary situation.

(e) AUTHORIZATION OF CUSTOMS PERSONNEL.—Section 3701 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended by striking "for fiscal year 1999" and inserting "for each of fiscal years 2002 and 2003".

The PRESIDING OFFICER. The amendments are now set aside.

Mr. REID. Mr. President, I appreciate your patience. We know it is late in the day and we have things to do, but we appreciate your doing overtime duty as the Presiding Officer.

ORDERS FOR MONDAY, MAY 20, 2002

Mr. REID. I ask unanimous consent when the Senate completes its business today, it adjourn until 1 p.m. Monday, May 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half hour of time under the control of Senator DORGAN or his designee and the second half hour under the control of the Republican leader or his designee; and that at 2 p.m. the Senate resume consideration of the trade act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday. The next rollcall vote will occur at approximately 11 a.m. on Tuesday on cloture on the steel amendment to the trade act.

I would say all staff members and all Senators should understand that the majority leader, in consultation with the Republican leader, today announced we are going to do a much better job of condensing the votes. Votes will be 15 minutes, and we have, over months, said that we would extend those 5 minutes. But that extension has now gone 15 minutes, so our votes have now become 30-minute votes.

People are going to start missing votes. I know they are going to be upset, but people are going to miss votes. We are not going to continually waste everyone else's time. We have numerous votes to conduct next week, as indicated by all these amendments that have been offered. Even if we did not have a lot of votes, there is no need to have people, when there is a vote, stand around waiting for other people to complete their business. People waste lots of time.

One reason people are not here when they are supposed to be is they know the votes do not take the amount of time they are supposed to take. So I hope people cooperate. If not, they are going to have a voting record not as good as they would like.

ADJOURNMENT UNTIL MONDAY, MAY 20, 2002, AT 1 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:13 p.m., adjourned until Monday, May 20, 2002, at 1 p.m.

EXTENSIONS OF REMAKS

IN HONOR OF FORMER MEMBER GEORGE E. BROWN, JR. AND THE 50TH ANNIVERSARY OF THE FOUNDING OF THE MONTEREY PARK DEMOCRATIC CLUB

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SCHIFF. Mr. Speaker, I rise to today in great honor to ask the House of Representatives to pause to remember a former Member of Congress, George E. Brown, Jr, and to pay tribute to him and to the Monterey Park Democratic Club, which he helped found 50 years ago.

As a new Representative to Congress, I know that I stand on the shoulders of many giants who have come before me, including the longest serving Member of Congress in the history of my state—George Brown.

Fifty years ago, in his early thirties, George Brown had settled in the Los Angeles suburb of Monterey Park. With several other civicly-active residents, he helped found the Democratic Club of that community. George was its first President. Today, the Club is headed by President Irving Willner, a Club member for 48 years and its longest serving President at "only" 18 years of service.

From being Club President, George ran for public office. Like many here in this body, he lost his first race. But he had persistence and conviction, ran again, and was elected to the Monterey Park City Council, became Mayor, then was elected to the California State Assembly in 1958. He ran and was elected to the U.S. House of Representatives in 1962. In 1970, he left his House seat to run for the U.S. Senate. He lost in a close Democratic primary. He then ran again for the House in 1972, and won. And he continued to win. Even though he had some of the most consistently close races in the nation, George won 14 more times, winning his last race in 1998, before passing away in 1999. A tremendous electoral record.

George Brown had an impressive public policy record. He was known in Congress for his support for anti-poverty programs, for peace, for space and scientific advancement, and for civil rights and tolerance of diversity—a cause that he shared deeply with the Monterey Park Democratic Club.

George remains deeply remembered and appreciated in Monterey Park and by the past and current members of the Monterey Park Democratic Club. As social commentators have long noted about America, it is our freedom to form voluntary clubs and associations that keeps America vibrant and gives Americans a good part of our ability to exercise our political rights and participate in our political system. Through their 50 years of organizational life, the Monterey Park Democratic Club and its members have helped the people of Monterey Park become civicly active in the cause of a continually better city, a better nation, and a better world.

Mr. Speaker, I ask that the House of Representatives join me today in honoring the 50th anniversary of the Monterey Park Democratic Club and in paying tribute to their first president, the Honorable George E. Brown, Jr., and all the members of the Club.

RECOGNIZING BRIAN C. KARHOFF ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Brian C. Karhoff of Pandora, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Brian will soon graduate from Pandora-Gilboa High School. During his high school career, he has maintained a 4.0 grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning a varsity letter in football. And, he has clearly demonstrated his leadership ability, earning the rank of Eagle Scout, class treasurer and treasurer of the National Honor Society.

Brian Karhoff can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Brian is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the U.S. Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Brian Karhoff has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. MASCARA. Mr. Speaker, on May 15, 2002, I was absent for personal reasons and missed roll call votes numbered 165 and 166. For the record, had I been present I would have voted no on both of these votes.

THE MANY VALUES OF MUSIC EDUCATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Ms. SLAUGHTER. Mr. Speaker, as a member of the House, and as Chairwoman of the Congressional Arts Caucus, I constantly work to support and expand the enjoyment of artistic and musical expression for all Americans. I especially recognize the positive educational and economic aspects of the arts and, because of these benefits, have worked on a bipartisan basis to secure additional funding for the National Endowment for the Arts and the National Endowment for the Humanities.

It is because of my interest in the arts that I was pleased to read Tim Wendel's article "Healing Harmonies" (USA Weekend 10/28/01). It now appears that the arts—and music specifically—offer additional benefits that are closely related to my professional training as a microbiologist. While microbiology strives to benefit public health both through research and treatment, Wendel now shows that music similarly benefits public health. In his article, Wendel shows that top neuroscientists have found music aids in pain relief, in battling cancer, and by accelerating the healing process for stroke victims and victims of Parkinson's disease. Music has even been tied to the retrieval of lost memory for Alzheimer's patients, and to improved concentration in children with Attention Deficit Hyperactivity Disorder.

One may conclude from Wendel's "Healing Harmonies" that the benefits of music are indeed extraordinary. I would like to note, however, that it is in great part because of the talent and dedication of music educators that we are able to reap the diverse rewards of music. Not only do these educators bring to us an aesthetic appreciation of music, they also create, through music, benefits that spill over to other educational disciplines as well.

MENC—The National Association for Music Education provides data illustrating some of these advantages. In its official publications, MENC reports that students involved in music earn better grades than their peers and score

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

higher on their SATs. Music study also correlates directly with a proficiency in language acquisition and mathematical reasoning.

The Congress has recognized the powerful impact of music education. In the recently-passed "No Child Left Behind Act," music educators such as the members of MENC are entrusted not only with the important role of nurturing music and the arts in our schools, but have also been given by Congress a statutory voice in the educational policy process. Working with school administrators, music educators will help ensure that our students receive the many positive benefits of music, which eventually benefit us all.

I invite my colleagues to take this opportunity to review selected excerpts from both Wendel's article and the Music In Our Schools Month (MIOSM) Advocacy Update, and I ask that these selections be inserted at this point in the CONGRESSIONAL RECORD.

[From Music In Our Schools Month (MIOSM) Advocacy Update, Issue 1, 2002]

MAKING DECISIONS ON MUSIC EDUCATION

RESEARCH SHOWS POSITIVE IMPACT OF MUSIC EDUCATION

As a major distributor of educational research, MENC has published a peer-reviewed music education publication, the Journal of Research in Music Education, for 50 years. In 1998, NAMM-International Music Product Association founded the International Foundation for Music Research, which actively supports research work that explores music's role in various stages of life. This research identifies how music contributes to children's cognitive development and learning.

It is important to call on government to seriously seek out the information that can shape the curriculum in American schools to the benefit of American children. More than ever before, there is an urgent need for research to underpin the inherent value and importance of music in education. Studies have shown music education is correlated with success in other areas of school. Students involved in music are less likely to be involved in disciplinary infractions than their peers and they are more likely than non-music students to get good grades, as shown by SAT scores. Research has also indicated that music study correlates with spatio-temporal intelligence, which is important in proportional mathematical reasoning, and new research suggests that music study and language acquisition, including reading readiness and early literacy skills, seem to go together.

[From USA Today, Oct. 28, 2001]

HEALING POWERS

RESEARCHING THE LINKS BETWEEN MELODY AND THE MIND

(By Tim Wendel)

New studies indicate that listening to and playing music actually can alter how our brains, and thus our bodies, function. Scientists use the sound of music to do everything from battling cancer and mining the memories of Alzheimer's patients to relieving severe pain and boosting kid's test scores. Doctors believe music therapy in hospitals and nursing homes not only makes people feel better, but also makes them heal faster . . . Across the nation, a growing number of nursing homes has hired music therapists to help geriatric patients maintain motor coordination and socialization skills. Among the beneficiaries: Some stroke and Parkinson's patients have recovered more rapidly with musical accompaniment during physical therapy.

"We're only beginning to understand the value of music," says Deforia Lane, a music therapist at Cleveland's University Hospital. "We are tapping into the fundamental ways our brain interprets [it] and drinks it in . . ."

MUSIC THERAPY HELPS MEDICAL PATIENTS, BRAIN TRAUMA, ALZHEIMER'S DISEASE

Doctors are just starting to apply the new revelations about music's impact on the brain to treating patients. [Michael] Thaut composes and plays original compositions with a specific beat to help victims of stroke, cerebral palsy and Parkinson's disease recover body functions. He and his colleagues observe patients in physical therapy, then compose music tailored to their movements. Speed, symmetry and music activity improve faster than when the sounds are synchorized to individuals' gait patterns. In a recent study, Thaut's team detailed how patients who worked to music took bigger, more balanced strides than those whose therapy had no accompaniment.

Other researchers have found the sound of drums may influence how bodies work . . . Suzanne Hasner, chairwoman of the music therapy department at Berklee College of Music in Boston, says even those with dementia or head injuries retain musical ability. "Deep in our long-term memory is this rehearsed music," Hasner says. "It is processed in the emotional part of the brain, the amygdala. Here's where you remember the music played at your wedding, the music of your first love, that first dance. Such things can still be remembered even in people with progressive diseases. It can be a window, a way to reach them . . ."

Earlier this year, researchers from the Mind-Body Wellness Center in Meadville, Pa., reported the results of an experiment in which 111 cancer patients played drums for 30 minutes a day. They found strengthened immune systems and increased levels of cancer-fighting cells in many of the patients . . .

And just this month, the American Academy of Pediatrics published a study showing music may help children with attention deficit hyperactivity disorder. Kids tried to match various musical tones by tapping their hands and feet. The exercises improved their concentration and control of aggression . . .

It seems now more than ever the healing power of music, over body and spirit, is being put to the test . . . Science is just now beginning to understand how.

IN RECOGNITION OF NATIONAL POLICE WEEK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SHAW. Mr. Speaker, I rise in recognition of National Police Week. This year, we honor our law enforcement officers during the week of May 13th. Police officers from all over the nation have assembled in Washington to honor their fallen brethren with this year's National Peace Officers' Memorial Service.

This year, Mr. Speaker, National Police Week comes with a greater sense of pride and reflection. Following the tragic events on September 11th, our nation's law enforcement officers were thrust onto the front lines as America quickly focused on our national security. Our nation was quickly reminded of these dedicated men and women committed to preserving and protecting public safety during those perilous times.

It is also a privilege to recognize a group of police officers from my hometown of Fort Lauderdale. I'm delighted to welcome the Fraternal Order of Police, Fort Lauderdale Lodge #31 to Washington. Led by Detective Tom Mangifesta, these first-class men and women serve the residents of Fort Lauderdale and Broward County with diligence and honor.

May we never take for granted the responsibility local law enforcement has accepted, guarding our safety and security as we go about our daily lives.

REFORM OF THE MINING LAW OF 1872

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. RAHALL. Mr. Speaker, today I am introducing legislation which I have sponsored in one form or another since 1991 to reform the Mining Law of 1872.

Last Friday was the 130th anniversary of the May 10, 1872, date President Grant signed into law the legislation that became known as the Mining Law of 1872. I first introduced reform legislation in 1991, during the 102nd Congress. And today, along with our colleagues Chris Shays, George Miller, Ed Markey, Ron Kind, Jay Inslee, Tom Udall, Mark Udall, Frank Pallone and Eni Faleomavaega, will reintroduce a comprehensive reform measure once again.

Having been at it for over a decade, without gaining enactment of a bill, a logical reaction would be a sense of frustration. However, I do take heart in the fact that the effort to reform the Mining Law of 1872 started just seven years after its enactment, in an 1879 recommendation of the first major Public Land Commission established by the Congress. In relative terms, I have been at it a short period of time.

Certainly, the mining law has withstood countless reform efforts over its 130-year history. Its privileges—and it is a privilege to be deemed the highest and best use of public domain lands—have been protected by some powerful forces. These are the folks who benefit from the production of valuable hardrock minerals such as gold, silver and copper from federal public domain lands without paying a royalty to the American public. They are those who benefit from the hodgepodge of State regulation governing the reclamation of these federal lands and the lack of suitable environmental safeguards to protect the American public and the lands which we all own.

Yet there are others, others who will view the introduction of our reform legislation as a ray of hope. They are those who are concerned that in the dawn of the 21st Century the United States still actually allows multinational conglomerates to mine valuable minerals from our federal lands for free. They are those, countless citizens, who live in the vicinity of these operations who must contend with a legacy of maimed landscapes and polluted streams.

The bill we are introducing today is similar to the measure which passed the House of Representatives by a three-to-one margin during the 103rd Congress.

Unfortunately, a House-Senate Conference Committee in 1994 failed to arrive at a final product before adjournment.

Today, even under a Republican majority I remain convinced that if allowed to proceed to the House floor, this bill or something similar to it would pass the full House of Representatives.

In fact, reform proponents have prevailed on every single occasion that an amendment dealing with the Mining Law of 1872 has been offered on the House Floor in recent years, usually within the context of the annual Interior Appropriations measure. For instance, the House has approved amendments to limit the issuance of patents, to limit the number of acreage available for waste disposal under millsite claims, as well as to uphold Clinton-era environmental requirements referred to as the '3809 regulations.'

Indeed, perhaps the times are changing. Interior Secretary Norton, while rescinding most of the reforms contained in those '3809 regulations' has endorsed certain reform principles such as the concept of a production royalty and revisions to the patent system. And even the youthful president of the National Mining Association, Jack Gerard, has been discussing reform options as well.

The fact of the matter is that the issue of insuring a fair return to the public in exchange for the disposition of public resources, and the issue of properly managing our public domain lands, is neither Republican nor Democrat. It is simply one that makes sense if we are to be good stewards of the public domain and meet our responsibilities to the American people.

This means that the Mining Law of 1872 must be reformed.

MINERAL EXPLORATION AND DEVELOPMENT ACT OF 2002

SUMMARY OF PROVISIONS

MAINTAINS existing claim location system.

GIVES holders of hardrock mining claims exclusive right of possession and use of the claimed land for mineral activities if claim held in compliance with the Act.

MAKES PERMANENT the $25 location and $100 annual claim maintenance fees with an inflation adjustor. All monies received from such fees would be dedicated to clean up of old, abandoned hardrock mines in the West.

PROHIBITS the issuance of patents for mining and mill site mining claims except for those with grandfather rights.

Reserves an 8 percent of the net smelter return royalty on the production of hardrock minerals from any mining claim under this Act; all moneys dedicated to the clean-up of abandoned hardrock mines in the West.

Requires mineral activities on Federal lands to be conducted in a manner that minimizes adverse impacts to the environment.

Prescribes surface management guidelines for the granting of permits. Requires applications for such permits to contain both an operations plan and a reclamation plan, and evidence of financial assurances.

Mandates reclamation of lands subject to mineral activities to a condition capable of supporting their prior uses, or to other beneficial uses.

Establishes national reclamation standards for hardrock mining.

Allows State standards for reclamation, bonding, inspection, and water or air quality which either meet or exceed Federal standards to be used in place of national standards.

Allows cooperative agreements for surface management responsibilities between the States and the Interior Department but prohibits outright delegation.

Requires land use plans to identify areas unsuitable for hardrock mining.

Authorizes government to deny or condition permit approvals as needed to protect special resources.

Requires withdrawal of areas unsuitable for hardrock mining from future mineral exploration and development.

Declares persons in violation of the Act ineligible for future permits.

Establishes the Abandoned Locatable Minerals Mine Reclamation Fund to be administered by the Secretary of the Interior for the reclamation and restoration of land and water resources adversely affected by past hardrock mineral activities on public lands.

Authorizes user fees to reimburse the United States for expenses incurred in administering this Act.

Prescribes procedural guidelines for public participation requirements.

Sets forth Inspection and Enforcement requirements.

Authorizes citizen suits to enforce compliance.

GABRIEL EREM'S "LETTER FROM THE BALCONY" ON THE CRISIS FACING JEWS IN EUROPE AND THE MIDDLE EAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. LANTOS. Mr. Speaker, I recently received an insightful essay entitled "Letter From the Balcony" from my dear friend Gabriel Erem, the editor and publisher of Lifestyles magazine and a prominent journalist. In this document, Mr. Erem discusses the current situation facing Jews in Israel and in Europe and their treatment by their Arab neighbors in the Middle East and their treatment by their fellow citizens in western Europe.

The American people have watched in horror and dismay as the people of Israel have suffered terrorist attack after terrorist attack. We have voiced our outrage at the increasing number and violence of the racist atrocities that have been perpetrated against Jews by our allies in western Europe. As Americans, we have a responsibility to support those who uphold the institutions and the principles of democracy—and, as we have repeatedly emphasized, Israel is the only democracy in the Middle East. There is a commonality of values that binds us inextricably with the people of Israel. As Americans, we have a firm commitment to tolerance and understanding, and for us the brutal intolerance we have seen from our European allies toward their own citizens is truly sickening.

Mr. Speaker, the tone of Mr. Erem's essay is sorrow, not anger. He brings to this discussion a personal feeling that I understand at the most fundamental level. Gabriel Erem lost 186 relatives in the notorious Nazi extermination camp at Auschwitz. He has suffered first-hand the horrendous consequences of intolerance and hate.

Sadly, our world has not seen the end of such intolerance and violence. As we continue the struggle against the forces of chaos, prejudice and terrorism thrust upon us by the tragic events of September 11th, we have seen the blind and vicious hatred against Israel increase. We have seen anti-Semitism in Europe erupt. We have watched in amazement as the governments of our European allies have supported the perpetrators, not the victims, as blood and horror are unleashed against our democratic ally, Israel. We have watched as these same European governments have stood silent while their own Jewish citizens have been targeted and abused and as Jewish institutions and businesses are attacked by mobs.

Mr. Speaker, Gabriel Erem's essay, "Letter From the Balcony" is of great significance, and I would like to share it with my colleagues in the House. I ask that it be placed in the RECORD. I urge all of my colleagues in the House to read and carefully consider his valuable words.

"LETTER FROM THE BALCONY"

by Gabriel Erem

I can't sleep tonight. It is a rainy, gloomy night in Basel, Switzerland. I have just seen heart-breaking news photos of the funeral of the 18-year-old niece of Israel's soft-spoken United Nations Ambassador Yehuda Lancry, victim of the recent suicide bombing in Haifa. She was a pretty girl. She was in the wrong place at the wrong time. Now she is one of 466 victims of Arab terror murdered in cold blood since former Prime Minister Barak offered Arafat a deal for a Palestinian State. The response from Arafat and his ilk has also been 3,827 innocent Israelis maimed for life while they were in cafes, supermarkets, pizzerias and buses.

I step out to take a deep breath. I am standing on the balcony of the 976-year old Drei Konige Hotel, on the exact same spot where Theodor Herzl once stood back in 1896. At the time, as a journalist, he was covering the infamous Dreyfus trial and was so revolted by the rabid anti-Semitism of 19th century Europe that he wrote Der Judenstaat (The Jewish State), the book that became the blueprint for the creation of the modern State of Israel. Who would have thought that in 2002 Jews living in the former Soviet Union and Poland and Germany are safer than those living in Jerusalem, Tel Aviv and Haifa?

I am looking at the murky waters of the Rhine, thinking of how little the world has changed. Behind me in my hotel room a strange Arabic language music video is blaring on my TV set. I return to the room to watch how Egypt's Nile TV (one of at least eight Arabic language channels offered via satellite in Switzerland) is repeatedly running a strange video clip backed by a hundred-piece orchestra, with a singer in a wailing voice extolling the struggle of Palestinian "freedom fighters." In a masterfully edited video montage, Israeli soldiers are firing at innocent Palestinian children as if they were target practicing. A Palestinian child is hit by a hail of bullets and in grainy, documentary-like slow motion falls to the ground to the wailing sounds of the orchestra in the background.

The lead singer weeps and a new "martyr" is born.

I flip the channel. There is an Arabic language documentary, showing a Palestinian suicide-kindergarten, where the curriculum focuses mainly on marching to patriotic war songs and preparing children for "martyrdom operations" against the Jewish enemy. The classroom walls are wallpapered with posters of young Palestinian youngsters who blew themselves up as human bombs. In one shot there is a placard next to the blackboard, depicting a swastika and the Star of David dripping in blood side by side.

On the next channel, the master media manipulator Saeb Erakat is shouting at the camera, with a wall-size poster of Jerusalem behind him, declaring Yasser Arafat the "democratically elected leader of his people." And the world believes him!

The kaffiyeh-clad commentator on the Kuwaiti channel is shedding crocodile tears for their suffering Palestinian brothers, conveniently forgetting the fact that his country promptly cleansed itself of nearly all of its Palestinians in the wake of the Gulf War in which Yasser Arafat characteristically took the side of Saddam Hussein.

The next news item is more cheerful however; it speaks of the upcoming opening of Villa Moda, a super-luxury shopping mall, one of the most opulent in the Middle East, owned by the Majed al Sabah, the nephew of the Emir of Kuwait, where those believers—who no longer want to mingle with the riff-raff and travel to increasingly dangerous places like London, Paris and New York—can spend their American petro dollars to buy the latest Chanel bags.

Then there is a commentary on why the Kuwaitis and their Saudi brothers should not allow the American "infidels" to use Arab soil to attack their Iraqi brethren. It would upset the peace of their own fiefdoms. CNN's commentator laments Iraqi children dying of hunger due to food shortages. On the next Arabic channel Saddam Hussein's recently increased premium payments to suicide bombers' families and his announcement to give $25,000 to each homeless Palestinian are praised with admiration.

I can't fall asleep, so I keep changing the channels. The European television stations are showing news footage of French synagogues being burned at the hands of unseen perpetrators and the unbelievable news that the French convict Jean Marie Le Pen, who called the gas chambers of Auschwitz a "detail of history," came in second in the first round of the French presidential election. "Austrians remember the times when the mass media of Paris fell all over themselves calling Austria a hopeless Nazi-land," remarks the Austrian journalist Ernst Trost in a rapid-fire commentary aimed at the French.

There is an item on German TV about a young Hasidic man beaten savagely by "persons unknown." British commentators on the BBC are giving lessons in morality to Israeli Jews who "militarily conquered other peoples' land." I wonder, "What a blatant double standard! What was Great Britain doing two decades ago sending its fleet half a world away to fight a war in defense of its claims of conquest on the Falklands?"

I turn off the TV set and try to make sense of it all. How little has changed in more than a century, since the days of Herzl and Dreyfus. Firebombs hurled at Jewish schools and synagogues in France. A school bus carrying Jewish students in Paris bombarded with stones. Protestors at a Rome demonstration dressed as suicide bombers. Orthodox Jews assaulted on the streets of north London. In France police reported nearly 360 crimes against Jews and Jewish institutions in the first two weeks of April alone. A kosher butcher's shop was shot at. Teenagers on an amateur Jewish soccer team were assaulted with sticks and metal bars. Attackers broke into the Finsbury Park District Synagogue in north London, smashing windows, painting a swastika on a lectern and throwing holy books, skullcaps and prayer shawls on the floor. A British flag was left on the altar, prompting speculation that right-wing nationalists were responsible.

German Jews appeal to authorities to stop a spiral of violence against Jewish targets. An assailant threw a Molotov cocktail at a synagogue, a homemade bomb exploded at a Jewish cemetery and two Jewish women were assaulted at a Berlin subway station. A Berlin police official suggests that Jews should stop wearing religious symbols to avoid attacks.

Vandals throw red paint at a Holocaust memorial in the northern Greek city of Thessaloniki, in the second attack on Jewish monuments in Greece. In Canada, the land of tolerance, synagogues are burning, Jews are being beaten. The German and British governments are imposing a quiet boycott of Israel. The Swiss are talking of putting punitive tariffs on Israeli goods in public. Arafat and Kofi Annan are speaking of moral equivalency. And while 21 Arab states sit on their hands and their petrol billions instead of trying to better the conditions of their Palestinian brethren, the newly freed Yasser Arafat is screaming hateful insults, calling Jews "Nazis".

President Bush called for an all-out war on terrorism. Yet due to great pressures from America's un-democratic but oil-rich allies in the Middle East, his Secretary of State pays a visit to the arch-terrorist Yasser Arafat in Ramallah. Along with many, Arafat regards Zionism as a way of making Palestinians pay for the Holocaust. Just a decade after he established al Fatah, the predecessor of the PLO, the "leader of the Palestinian people" consistently stated the purpose of his life: "The end of Israel is the goal of our struggle, and it allows for neither compromise nor mediation." As he explained to Italian journalist Oriana Fallaci in 1972: "We don't want peace. We want war, victory. Peace for us means the destruction of Israel and nothing else."

It is dawn in Basel. A young couple are walking their dog by the Rhine. The pretty blond lady holding the leash is in about her eighth month of pregnancy. I look at her from my hotel window and suddenly I am filled with envy. That child who is about to be born into the world of this tiny nation will never see war. After all, there has been no war in this part of the world for centuries. There is no September 11th lurking in the future and their baby carriage will not likely be blown up by anyone.

I think of the hundreds of Jews who were murdered and the thousands maimed by Arab terror since the peace deal that they demanded was offered to them. I think of the Six Million who died in the Holocaust. The world never learns.

RECOGNIZING CLAYTON M. MEALER ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Clayton M. Mealer of Defiance, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Clayton will soon graduate from Defiance Senior High School. During his high school career, he has maintained a high grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning a varsity letter in football. And, he has clearly demonstrated his civic awareness, generously volunteering his time as a tutor, and in support of Habitat for Humanity and Clean the City Parks.

Clayton Mealer can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Clayton is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the U.S. Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Clayton Mealer has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation.

COMMENDING THE PUERTO RICAN CHAMBER OF COMMERCE OF SOUTH FLORIDA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend the Puerto Rican Chamber of Commerce of South Florida, which celebrates its 10th Anniversary on June 8, 2002 with a salute to Federal Service Employees of Puerto Rican heritage at a Gala Dinner Dance in Miami, Florida.

The keynote speaker for the event is highly decorated naval aviator, Vice-Admiral Diego E. Hernandez, (Retired) U.S. Navy.

An Honor Roll listing will recognize the highest-ranking Puerto Ricans in each of the Federal agencies in South Florida, and additionally will pay tribute to the four Puerto Rican Medal of Honor recipients.

Three valuable and distinguished South Florida U.S. Government officials, Gilbert

Colon, Deputy Director, SBA, Federico Costales, District Director, Florida, EEOC and Hector M. Pesquera, Special Agent in Charge, FBI, will serve as Honorary Co-chairs of the event.

Event Sponsor Vista Magazine and other corporations sponsor this Celebration, including: American Airlines and Unibank among others, the net proceeds of the event will benefit the Raul Julia Scholarship Fund for exemplary Puerto Rican Youth in need of financial assistance to realize their dreams of a college education.

The Puerto Rican Chamber of Commerce of South Florida has been an important factor in the development of Puerto Rican entrepreneurs in South Florida as well as a catalyst for increased trade between Florida and the Commonwealth of Puerto Rico.

The Chamber has a partnership agreement with the U.S. Small Business Administration (SBA) for the dissemination of valuable business information to new and existing businesses, including education on how to access capital markets for small business loans guaranteed by the SBA programs.

Concurrently, the Chamber has achieved working relations with the Miami-Dade County departments of Procurement, Economic and Business Development, and is a promoter of Mayor Alex Pinelas's "Business Express Action Team." By their deeds, the Puerto Rican Chamber of South Florida has demonstrated their commitment to deliver outstanding services in developing minority businesses in cooperation with corporate America and the units of government dedicated to improving and facilitating business prosperity.

The Founding Board of Directors under the leadership and vision of Melvin "Skip" Chaves, the First Chairman, and all subsequent Board members, along with their first and current President Luis De Rosa, are to be commended for their dedication to make this Chamber responsive to the needs of their members and community.

I urge all our colleagues to join me in paying tribute to the Puerto Rican Chamber of Commerce of South Florida and its leadership.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. MASCARA. Mr. Speaker, on May 14, 2002, I was absent for personal reasons and missed rollcall votes numbered 159, 160 and 161. For the record, had I been present I would have voted aye on all three of these votes.

TRIBUTE TO CARLOS NAVA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. BERMAN. Mr. Speaker, I rise today to recognize an outstanding educator, Carlos Nava. On Friday, May 17, 2002, Los Angeles Mission College will honor Carlos for his 33 years of service with the Los Angeles Community College District; 27 of those with Los Angeles Mission College in Sylmar, California.

Carlos was one of the founding administrators who helped open Los Angeles Mission College in storefronts in the City of San Fernando in 1975. He has been with the college ever since. Initially, Carlos held the position of Associate Dean of Academic Affairs. He was later appointed as the Acting Chief Instructional Officer in 1985. He then gained a quick promotion a year and a half later and became the Chief Student Services Officer—a position which he still holds today. As a member of the senior staff, Carlos is responsible for all student support programs including those of Admissions and Records, Financial Aid, EOP&S, the Child Development Center and Student Government. Carlos is also in charge of recruitment and marketing, an area where he has proven very effective as enrollment has grown steadily over the last five years.

A charismatic leader, Carlos has successfully organized and implemented many projects, always working inclusively with faculty, students, community, and various organizations to achieve success. He pioneered curriculum for Chicano Studies and has implemented several community service programs. His familiarity with the diverse populations that the college serves has been extremely valuable to its growth and success.

Carlos's integrity, enthusiasm and strong consensus building abilities have made him a role model to many and an inspiration to many more. Over the years I have attended and enjoyed many programs at Mission College and have witnessed firsthand Carlos's genuine concern for students, the campus and the surrounding community. He has earned the respect of his students, his colleagues, and the community and its leaders.

Mr. Speaker, it is my distinct pleasure to ask my colleagues to join me in saluting Carlos Nava for his extraordinary service with the Los Angeles Community College District.

RECOGNIZING CORY J. McCOLLOW ON HIS APPOINTMENT TO THE U.S. COAST GUARD ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Cory J. McCollow of Venedocia, Ohio, who recently accepted his appointment to the U.S. Coast Guard Academy in New London, Connecticut.

Cory will soon graduate from Spencerville High School. During his high school career, he has maintained a high grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning varsity letters in football, basketball and track. And, he has clearly demonstrated his leadership ability, serving as captain of the basketball team.

Cory McCollow can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Cory is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Coast Guard. As a USCG Academy Cadet, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Cory McCollow has the character and ability to excel at the U.S. Coast Guard Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation.

HONORING FREDDYE DAVIS ON HER APPOINTMENT AS CHAIRPERSON OF RACIAL/HATE INJUSTICE DISCRIMINATION FOR THE CALIFORNIA NAACP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. STARK. Mr. Speaker, I rise today to recognize Freddye Davis on her appointment as chairperson of the racial/hate injustice discrimination division of the California chapter of the National Association for the Advancement of Colored People.

Freddye Davis also serves as president of the Hayward chapter of the NAACP. She counts the creation of a Dr. Martin Luther King, Jr. Street in Hayward as one of her greatest accomplishments in this position. Her reputation as a tenacious leader, and her sensitivity in responding to police brutality and hate crimes in Hayward make her the ideal person for her new position.

As chairperson, Freddye Davis will handle complaints of racial discrimination from all over California. One of her primary goals is to train NAACP members to identify and respond to racism. She plans to revitalize the NAACP state conference, to return it to the large, vibrant annual gathering it once was, and to hold forums for law enforcement officials and young African-Americans. Also, she will address the racially biased downsizing that some companies have engaged in by firing people of color and then offering their jobs to non-colored employees.

Freddye Davis's devotion to fighting for equal rights started when she was a young girl in Birmingham, Alabama. She took part in civil rights marches led by Dr. Martin Luther King, Jr., gaining experience in organizing nonviolent demonstrations that has proven valuable during her career. Several years ago, when the Ku Klux Klan was planning to meet at the Hayward Main Library, Freddye helped stop the meeting, and she dispersed an angry group of African Americans preparing to protest.

I join the colleagues of Freddye Davis in congratulating her on her new position. Her persistence and determination have enabled countless Hayward residents to enjoy a better quality of life. Now, the entire state of California will benefit from Freddye Davis's dedication to fighting for civil rights.

IN SUPPORT OF CHET "THE JET" WALKER'S NOMINATION TO THE NBA HALL OF FAME

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. BONIOR. Mr. Speaker, I rise today to lend my voice to the many who are supporting Chet Walker's nomination to the National Basketball Association (NBA) Hall of Fame.

Chet "The Jet" Walker is from Benton Harbor, Michigan. Now for those of you who don't know about Chet Walker, you need to know a little bit about Benton Harbor first. It is one of the untapped gems of our state, resting along the shores of Lake Michigan. It is a community filled with spirit, grit and determination and that's exactly how Chet Walker played the game.

Chet Walker left Bradley University as the school's all-time leading scorer and re-bounder. He led Bradley to the NIT title in 1960. After his college days were done, he began a 13-year professional career with the Syracuse Nationals, Philadelphia 76ers and Chicago Bulls. During his NBA career, Walker averaged 18.2 points per game and 7.1 rebounds per game. He was a member of the NBA's All-Rookie team in 1963 and was a seven-time NBA All-Star. He was a key member of the 1967 Philadelphia 76ers who only lost 13 games—considered by many to be the greatest NBA team ever.

When he retired in 1975, Chet Walker was only the eighth player in NBA history to play in more than 1,000 games. One of the most remarkable highlights of his career was that he only missed 21 games in 13 NBA seasons. He was there, night after night, for his teammates, his coaches and the fans. I think many of us who have competed in athletics, politics or in business, understand that having someone you can count on day after day as part of your team is one of the most valuable contributions a person can make to a group effort. Chet Walker is that kind of person. He is a contributor, a leader and a team-player.

Chet Walker is also a man of character and integrity. In his current career as an independent film producer, he is working on a documentary for Katherine Drexel. She was a nun who taught freed slaves as they worked toward independence. He won an Emmy for a movie he produced about Isiah Thomas' mother called "A Mother's Courage." These are films that capture real world feelings about challenging issues. They are, indeed, films that make you think. It wouldn't surprise me if one day "Hall of Famer" Chet Walker wins an Oscar. He has set that as his next personal goal, and knowing the way he takes on a challenge, I believe he will meet that goal.

But we should never forget just how skilled Chet Walker was at the game he loved. He was a great basketball player. On one hand, he could lead a team, like Bradley, to a title. On the other hand, he could play a key role in scoring nearly 15 points a game on a team, the Philadelphia 76ers, with Wilt Chamberlain, Hal Greer, Lucious Jackson and Billy Cunningham which not only won the title, but was one of the best NBA teams of all time. Chet Walker could rise to the occasion when he had to, but he always knew that to be a winner the team had to come first. A lesson for all of us to remember.

For his skills and for his character, Chet Walker has earned his place in the NBA Hall of Fame, and I sincerely hope the Honors Committee selects him as part of the 2002 Hall of Fame class.

TRIBUTE TO ELSBETH WILLIAMS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SCHAFFER. Mr. Speaker, I rise to recognize Miss Elsbeth Williams of Fort Collins, Colorado. Elsbeth has been selected to be a member of the prestigious performance organization, The Sound of America Honor Band and Chorus. For this, Mr. Speaker, the United States Congress commends Elsbeth and wishes her the best of luck.

Throughout Elsbeth's high school career she has been a member of the wind ensemble, symphony orchestra, marching band, and choir programs. In addition, Elsbeth is also a member of the Colorado State Honor Band, Larimer County Youth Festival Orchestra, and the Colorado All-State Band. Elsbeth has demonstrated a commitment to musical achievement, leadership and service to her school. As a result of her hard work and dedication, Elsbeth was chosen to become part of The Sound of America Honor Band and Chorus.

This summer, Elsbeth will join the esteemed performance organization for its 2002 European Concert Tour of six European Countries.

As a citizen of Colorado's Fourth Congressional District, Elsbeth Williams is truly a positive role model for the youth of America. She not only makes her community proud, but also her state and country. I ask the House to join me in extending our warmest congratulations to Miss Elsbeth Williams.

RECOGNIZING DEAN J. ROSIAR, II ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Dean J. Rosiar, II of Marblehead, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Dean will soon graduate from Danbury High School. During his high school career, he has maintained a high grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning varsity letters in football, basketball, and track and field. And, he has clearly demonstrated his leadership ability, serving as Sophomore Class President, delegate to Buckeye Boys State and as a captain of the football team.

Dean Rosiar can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Dean is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the U.S. Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Dean Rosiar has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

MICHAEL SINCO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the lifetime of community service provided by my good friend and neighbor, Michael E. Sinco Sr. of Nanticoke, Pennsylvania. This Tuesday, I will cast my vote in the Pennsylvania primary at the Pope John Paul II Elementary School gymnasium in Nanticoke, and I know I will see Mr. Sinco steadfastly performing his duty at the poll, as he has for so many years. At the age of 90, Mr. Sinco continues to be one of the most active members of the community in Nanticoke, and I know I can always count on him for unvarnished and insightful information about the community.

Last fall at its annual recognition dinner, the Northeastern Pennsylvania Council of the Boy Scouts of America presented Mr. Sinco with a certificate of appreciation for his lengthy service to Scouting.

Mr. Sinco joined the Scouts in 1931. Today he is registered with Troop 418, which meets at the American Legion in Nanticoke.

In 1932, he organized and supervised Boy Scouts in Nanticoke for the Russian relief drive and participated as a member of the steering committee in the development of an athletic meet for Nanticoke Boy Scouts, which was held at Kirby Park that May. He has also supervised athletic meets at the park.

He organized and participated in rescue activities carried out by Boy Scouts in floods that took place in the Nanticoke and West Nanticoke areas, taught Red Cross first aid classes to Scouts in his area and supervised an ecological project in the Nanticoke, Glen Lyon and Sheatown areas in which trees were planted in high runoff areas.

In addition, he initiated a program of afterschool activities for Boy Scouts, implemented the first marble tournament for Scouts in the Nanticoke area and organized a drum and bugle corps which was instructed in drill and formations at Falcon's Hall, Nanticoke. He organized a Boy Scouting program for newspaper scribes in 1936 and organized three troops in the council in 1976.

Mr. Sinco also served as chairman of a Scouting effort to provide gifts to children who were in hospitals on Christmas Day and took the gifts to the children. He also worked with the local American Legion on a program of placing flags on servicemen's graves and also organized the placing of flags on the graves of Scouts.

Last but certainly not least, he has worked with his son, Michael E. Sinco Jr., a psychologist, to develop a Scouting program for children with mental retardation or physical disabilities.

Mr. Speaker, as you can see, Michael E. Sinco Sr. is a tremendous example of how one person truly can make a difference in the lives of numerous other people. I congratulate him on receiving this well-deserved honor from the Northeastern Pennsylvania Council of the Boy Scouts of America, and I send him and his family my best wishes.

IN RECOGNITION OF REVEREND HOMER DEWITT WILLIAMS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Reverend Homer D. Williams, on the occasion of his retirement from his pastoral duties at Blueridge United Methodist Church located in Houston, Texas. In recognition of his hard work and dedication to Blueridge United Methodist Church, the congregation is hosting a Roast n' Toast at the Jesse H. Jones Conference Center on May 24, 2002.

A native Houstonian, Reverend Williams graduated from Jack Yates Senior High School before receiving his B.A. in Sociology from Texas Southern University, where he graduated Cum-Laude. While attending Texas Southern University, Reverend Williams received several accolades and honors including, Who's Who of American Colleges and Universities and remained a permanent fixture on the Dean's List. Reverend Williams also received a Masters of Divinity degree from Perkins School of Theology at Southern Methodist University, an advanced five-year Conference Course of Study. He served the nation for four years of in the United States Navy and was honorably discharged in 1963.

Reverend Williams has established a legacy by designing and implementing programs to enhance the education and spiritual needs of the youth in the Houston community. He believes that simple instruction and guidance from the church can make a huge difference in the lives of young people, leading him to serve on the Board of Directors of One Church-One Child; Advisory Committee of Sunnyside Multi-Purpose Center and Health Center; and the Prison Ministry-Innnerchange Freedom Initiative program, Jester II Unit, Sugarland Texas. Additionally, he has served on numerous boards and conferences, including the Board of Directors of the Wesley Foundation of Texas Southern University and the University of Houston; Conference Board of Stewardship; and the Finance Committee of Black Methodist for Church Renewal.

In all that he has done, Reverend Williams has remained very active in the United Methodist Church (UMC) at the state level, having served in State Conferences for the past 27 years under six appointments. His prior appointments include, Adkins Memorial UMC; East Hempstead Circuit, Harper UMC; St. Thomas UMC; Shaw Tabernacle; St. Andrews UMC; and Blueridge UMC where he has served 12 years. In honor of his dedication to successfully cultivating and building spiritual foundations throughout the State of Texas, Reverend Williams was ordained Deacon in 1989 at the UMC Annual Conference and then Elder in 1997.

Mr. Speaker, Reverend Williams has been a leader in our community and I congratulate him on providing 28 years of service within the United Methodist Church and for his successful spiritual guidance to many.

COMMENDING MR. CAMILO DUARTE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. DIAZ-BALART. Mr. Speaker, I would like to recognize and commend a constituent of mine, Mr. Camilo Duarte, for the work he is doing to help Colombian Americans and Colombian immigrants in the United States. Mr. Duarte is in Washington, DC this week, meeting with Members and congressional staff, to discuss the worsening crisis in Colombia, and specifically, activities by the FARC terrorist group in Colombia.

Mr. Speaker, my community perhaps more than any other in the United States, is witness to the crisis in Colombia. There is a growing Colombian immigrant community in the United States, numbering more than 280,000 in just Dade, Broward, and Palm Beach Counties of South Florida. Many of them have already become U.S. citizens. They are mothers and fathers, children, students, businessmen, middle class professionals, and workers all seeking a better life. They are hard-working immigrants which I welcome to my community just as I have welcomed others fleeing communist insurgencies in Latin America, or coming to America seeking a better life for their children.

These immigrants are fleeing the violence in Colombia in ever-increasing numbers and the migration will not stop until the terrorists are defeated in Colombia. These immigrants are firsthand witnesses to terrorism, narcotrafficking, kidnapping and random violence by the Colombian terrorists, which seek to overthrow, with assistance from the Cuban dictatorship, the elected government of Colombia.

Mr. Speaker, we should listen to what the Colombian American community, and their leaders, can tell us. I welcome Mr. Duarte to Washington, DC and look forward to working with him on issues of mutual concern.

TRIBUTE TO MIRIAM (PAT) ESTELLE LAPPLE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Miriam (Pat) Estelle Lapple, a dear friend, constituent, community leader and public servant who will be celebrating her 70th birthday on June 9.

Pat was born in St. Bernard, Ohio on June 9, 1932. She grew up during the Great Depression in the town of Woodlawn, attended Woodlawn Elementary, and then went on to Reading High School. Without a doubt, Pat has lived an active and full life over the past 70 years.

Following high school, Pat married and started a family. She stayed home with her children for 12 years before going back to work for the next 40 plus years.

Pat has always been very dedicated to our community. Among her work and activities, Pat was a member of the Order of the Eastern Star for over 30 years, serving as Worthy Matron (President) in 1970 and again in 1972. Pat also wrote the Reading Social News, a column which appeared in the Valley Courier for 19 years. For the past 9 years, she has served as Clerk of Council for the Reading City Council.

Pat also has been a member of the Reading Republican Club since 1989. She was President of the Club in 1992. In 1995, she was the Reading Republican of the Year.

Other activities include her past volunteer work at Hilltop School, where she taught disadvantaged kindergarteners in the Early I.D. program, and her service as a liturgist at St. John United Church of Christ.

Pat has a great sense of humor, and 5 children, 11 grandchildren, 2 great grandchildren and, in her words, "two really spoiled dogs." She is a wonderful person, and her beloved Reading, Ohio is fortunate to have her. All of us in the Cincinnati area recognize Pat's outstanding service and contributions to our community.

AIR TRAFFIC RETIREMENT REFORM ACT OF 2002

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. OBERSTAR. Mr. Speaker, today I rise to introduce the Air Traffic Retirement Reform Act of 2002. This legislation will grant air traffic controllers, and more specifically air traffic controller supervisors, the same treatment that federal firefighters and law enforcement officers (LEOs) receive under the Civil Service

Retirement System (CSRS) and the Federal Employment Retirement System (FERS).

Both the CSRS and the FERS provide early retirement benefits and require mandatory separation for safety-related occupations, including federal firefighters, LEOs and air traffic controllers. Under both CSRS and FERS, firefighters/LEOs and controllers are eligible for retirement after 25 years of service or after becoming 50 years old and completing 20 years of service. Additionally, the annuities for firefighters, LEOs and controllers are higher than ordinary federal employees under CSRS and FERS.

However, the current definition of an air traffic controller in both CSRS and FERS is limited to people who are actively engaged in directing air traffic or their immediate supervisors. As a result, air traffic controllers who are promoted to staff specialists or second level managers before they are eligible to retire lose all benefits currently guaranteed controllers under CSRS and FERS. Yet, firefighters and LEOs that are promoted to management positions do not need to make a similar sacrifice.

The Air Traffic Retirement Reform Act of 2002 amends the CSRS and FERS to provide a more expansive two-tier definition of air traffic controllers. The new definition will include both employees covered under the current definition of air traffic controllers and second level supervisors. Second level supervisors would be eligible for the same retirement benefits available to line-controllers.

The Air Traffic Retirement Reform Act of 2002 provides fairness and parity, between air traffic controllers and other federal safety professionals.

THE FEDERAL LAW ENFORCEMENT PAY EQUITY AND REFORM ACT OF 2002

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today, during National Law Enforcement Memorial Week, to introduce the Federal Law Enforcement Pay Equity and Reform Act of 2002.

Mr. Speaker, this week in our nation's capital and around America, a variety of events are being held to honor law enforcement officers who lost their lives in the line of duty and those who continue to serve. The very real dangers faced by the dedicated men and women who protect us every day was brought home as never before last September 11.

While we cannot turn back the clock and undo what was done, we can and must do everything within our power to ensure that it never happens again. And it is our law enforcement officers, and, in particular, our federal law enforcement agencies, that are charged with that paramount mission. The bill I am introducing today will help accomplish this goal by enhancing and modernizing the compensation system for our nation's federal law enforcement officers.

The bill will do three things, each of which is absolutely necessary to continue to attract and retain the very best and brightest to our federal law enforcement agencies. First, the bill will eliminate certain existing limits on the amount of overtime pay federal law enforcement agents can receive. Second, the bill will bring up-to-date outmoded increases in the pay received by agents who work in certain high-cost metropolitan areas. Third, the bill directs the Office of Personnel Management, which oversees pay and benefit issues for federal employees, to study and, if warranted, implement a separate pay structure for federal law enforcement officers who are now evaluated, promoted, and paid under the same system as all other federal employees.

The first two provisions are essentially technical adjustments aimed at fairly compensating federal agents for the overtime they put in (and they have put in A LOT of it since 9/11) as well as the higher cost of living in the nation's larger metropolitan areas, like New York, San Francisco, and here in Washington, D.C. where the price of real estate has risen so sharply in recent years that many federal agents cannot afford to purchase even a modest home.

The third provision will address the long-standing need for an examination and ultimate implementation of a separate pay and promotion system for federal law enforcement. The individuals who devote their lives to front-line enforcement of the laws of the United States and the protection of our national security should be functioning under a personnel system tailored to the demands of their work, which is fundamentally different than that done by civil servants in other agencies.

Mr. Speaker, now is the right time for Congress to take action in this area. Just last week, OPM Director Kay Coles James outlined the Bush Administration's initiatives for improving the antiquated system of pay and promotion for all federal employees. OPM reported that the antiquated General Schedule ("GS") that sets forth pay and promotion levels does not adequately compete with pay levels in the private sector, nor does it encourage individual accomplishment and innovation or grant individual agencies with the flexibility they need to address their particular human capital needs. I support this effort to reform and modernize our federal civil service pay system for all federal employees, in whatever agency they serve.

However, nowhere are these criticisms of the GS system more pronounced than among our federal law enforcement agencies. As Congress continues to hold hearings and review a wide array of reforms to the GS system, I believe we should take the interim steps called for in the Federal Law Enforcement Pay Equity and Reform Act to ensure that we do not lose an unacceptable number of quality law enforcement officers.

A law enforcement pay system is not a new idea. The last three administrations have supported the concept. In fact, in 1993, the OPM released a study and report to Congress which found that the GS system created largely for white collar civil servants simply does not fit the role, mission, or demands of modern federal law enforcement agencies. It found that the GS system does not adequately allow for promotion and advancement based on the individual training, scope of work, danger level, or personal ambition and innovation of federal agents.

Nor does it adequately compensate mid-and upper-level management within the agencies. The so-called "pay compression" at these agencies, the report found, sees many agents hit a pay ceiling mid-way through their careers. Thus, just at the time when these agents become the most experienced, seasoned, and valuable to the U.S., they are left with very little financial incentive to continue advancing in their careers.

Mr. Speaker, in no way am I suggesting that these agents do what they do solely, or even largely, for the money. If money were all that motivated them, they would have chosen a different career from the outset. Far from it, most the federal agents I know do what they do and put their lives on the line because they have a burning desire to serve their country and to protect Americans from crime. But they must also make ends meet and provide for their families, and for many agents, that is becoming harder and harder to do.

Mr. Speaker, at no time before have these inadequacies of the GS system for law enforcement officers been more pronounced than today. We are facing a "perfect storm" of personnel demands at these agencies: as the demands on these agents skyrockets, the private sector is aggressively seeking to recruit those agents.

Mr. Speaker, since 9/11, agents are working tremendous amounts of overtime. I have met and spoken with many federal law enforcement agents and agencies, and in particular with the FBI and its members' association, the FBI Agents Association. They have told me that it is not uncommon for an average FBI agent, for example, to today be working 60 to 80-hour work weeks, or even more. Now long hours at the FBI is nothing new. As a former FBI agent myself, I can tell you that marathon sessions of investigation, surveillance, research, and apprehension go with the territory. Agents know this, and they accept it. More importantly, their spouses and children must accept it as part of the job.

But today, a significant number of the nation's FBI agents have been assigned to anti-terrorism-related jobs. Not only are these agents working day and night to identify and apprehend terrorists, but the other agents at the FBI are pulling double-duty as they maintain crime-fighting efforts in the many other jurisdictional areas. At the same time, private sector companies are aggressively recruiting security experts as they, too, seek to address terrorist and other threats. Corporations across America are offering big salaries and big signing bonuses to anyone who has demonstrable experience in terrorism and security. Invariably, they recruit from the ranks of our national law enforcement agents to fill that need.

If America is to win, and I mean WIN the war against terrorism and crime, then we simply must be able to recruit and retain intelligent, talented, and highly motivated men and women. The FBI or any other agency you look at is no better and no worse than the people who work there. I believe that we have the very best people and the very best national law enforcement agencies to be found anywhere in the world. But if we want to maintain that exceptional level of quality in the face of new threats and new challenges to our national security, we must pay these people what they're worth and we must provide the flexibility to promote them on criteria more than simply how long they have worked in their particular job. This legislation goes a long way toward accomplishing these goals, and I urge my colleagues to support it.

IN CELEBRATION OF ACHIEVEMENTS OF TAIWANESE AMERICANS DURING TAIWANESE AMERICAN HERITAGE WEEK

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize and celebrate the achievements of Taiwanese Americans during Taiwanese American Heritage Week, which will be held from May 11th to May 18th of this year. This Heritage Week serves as a vehicle to promote the image and welfare of Taiwanese Americans to society, as well as to enhance a mutual understanding and consolidation among different generations of Taiwanese Americans. During this special week, we are able to embrace America's diversity and celebrate the spirit of community that binds us together as one nation.

Two weekends ago, I had the pleasure of attending a Taiwanese American Heritage day at the St. Louis Zoo. During this event, I learned more about the outstanding contributions that Taiwanese Americans have made to our nation and to the world. I was truly impressed to meet so many Taiwanese Americans that were passionate about preserving the value of democracy, freedom, and the rule of law for their mother country while building stronger ties with their new homeland.

With all that Taiwanese Americans have accomplished, there can be no complete satisfaction until Taiwan's status and global contributions are respected and appreciated by the international community. I hope that the various Heritage Week celebrations around the nation will help further the positive contributions of Taiwanese Americans as they continue to make great strides in bringing together the best of the East and West. Mr. Speaker, together we can make the Taiwanese American Heritage Week a valuable and enduring means for celebration.

RECOGNIZING STEPHEN T. FERGUSON ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Stephen T. Ferguson of Elyria, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Steve will soon graduate from Keystone High School. During his high school career, he has maintained a high grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning a varsity letter in football. And, he has clearly demonstrated his leadership ability, serving as class president and vice president, as president of the National Honor Society and as captain of the football team.

Steve Ferguson can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Steve is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the U.S. Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, "The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve."

I am confident that Steve Ferguson has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation.

FINANCIAL INSTITUTIONS REGULATIONS

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. LATOURETTE. Mr. Speaker, I was glad to see that a subcommittee of the House Financial Services Committee marked up legislation this week to help ease regulatory burdens placed on our nation's financial institutions—including credit unions. As a member of the Financial Services Committee and one of the authors of the Credit Union Membership Access Act, which was signed into law on August 7, 1998, I would like to bring an article recently published in the American Banker to the attention of my colleagues and submit it for the record.

It is important to remember that credit unions were created to exist solely for the purpose of offering financial services to folks within their defined field of membership. Unlike other financial institutions that can provide services to the general public, credit unions cannot. Also, as nonprofit entities that are member-owned, credit unions have consistently delivered to their members quality personal services at the lowest possible cost.

On April 25, 2002, the Financial Services Committee Subcommittee on Financial Institutions and Consumer Credit held its second hearing on regulatory relief. At that time I heard testimony from witnesses representing the credit union community and the issues they face, such as the trend of credit union conversions from federal to state charters. Just as the Credit Union Membership Access Act was much needed at the time of its enactment, I believe that true regulatory relief for insured depository institutions and for our nation's credit unions is now both necessary and appropriate.

With that in mind, Mr. Speaker I would like to submit for the record the text of an article from the American Banker website which comes from an interview with Fred Becker, President of the National Association of Federal Credit Unions.

D.C. SPEAKS: TO CREDIT UNION ADVOCATE, SERVICE RECORD SAYS IT ALL

(By Nicole Duran)

WASHINGTON.—Credit unions do a better job of serving their communities than other types of financial institutions and could do even more if they were not hamstrung by regulatory impediments, said Fred Becker, the president and chief executive officer of the National Association of Federal Credit Unions.

"Credit Unions are better at serving everyone than banks," Mr. Becker said, referring to an American Banker survey last July that revealed credit unions are on a 10-year run for drawing the loudest applause from customers.

Critics accused credit unions and their regulator, the National Credit Union Administration, of not caring enough about low- and moderate-income people when the agency—with support from Mr. Becker's organization and others—pulled the plug on a community reinvestment rule in December before it took effect.

The rule, known as the Community Action Plan, would have required credit unions with community charters, to file plans on how they intended to serve all segments of their membership.

Mr. Becker said that the statistics show that credit unions already reach out to minorities and underserved individuals.

Credit unions approved mortgages for 84% of applicants with household incomes of $40,000 or less, while banks approved 62% and thrifts 72%, said Mr. Becker, citing 2000 Home Mortgage Disclosure Act data. Also, credit unions lent to 70% of the minorities in that income bracket who applied for mortgages, while banks granted 56% of similar applications and thrifts 63%, he said.

There is a fundamental misunderstanding among critics—namely the National Community Reinvestment Coalition and the Woodstock Institute, Mr. Becker said.

"Credit unions don't serve the general public," he said. "You can't just walk in and join a credit union. Only recently have they been able to expand their membership fields."

The critics "may want to take a different approach in dealing with us and work with us." he said. "Anyone can always do better."

The sole purpose of the tax-exempt, nonprofit institutions is to serve members, and most offer higher-quality loans at a lower cost than consumers can get at any other type of institution, he said.

But Mr. Becker said he envisions credit unions doing even more to reach those who are not well served by mainstream and fringe financial institutions, if Congress will allow it. For example, credit unions could aid small-business owners who find it difficult to have their lending needs met, he said.

Credit unions' business-loan portfolios cannot exceed roughly 13% of an institution's total assets. If that limit were raised or lifted, credit unions could fill the void in small-business lending, he said.

Mr. Becker also wants lawmakers to allow more credit union participation in the Small

Business Administration's 7(a) loan program. Right now only community-chartered credit unions may participate, and each must get individual permission. Credit unions, as an entire class, should be allowed to make SBA-backed loans, he says.

Rep. Stephanie Tubbs-Jones, D–Ohio, has written a proposal to broaden SBA participation for credit unions, but her attempts to attach it as an amendment to other legislation have so far failed.

Credit unions are in a Catch-22, Mr. Becker said—they cannot participant in the program because they do not serve the general public, but they are barred from serving the general public by law. That logic is "ludicrous," he said.

Mr. Becker also called for the removal of other restrictions, such as the rule that credit unions cannot cash checks for nonmembers. If that rule were changed, consumers without checking accounts could have a cheaper alternative check-cashing outlets, he said.

A House Financial Services subcommittee is scheduled to vote Wednesday on a regulatory relief bill that would eliminate the prohibition and grant other items on Mr. Becker's wish list.

PERSONAL EXPLANATION

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SWEENEY. Mr. Speaker, on May 14, 2002, I missed the rollcall vote No. 159. If I had been present I would have voted "yea."

IN APPRECIATION OF MARTY RUSSO'S CONTRIBUTIONS TO OUR COUNTRY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this spring, the newspaper "Roll Call" ran a story on our former colleague Marty Russo. Marty was our colleague for 18 years. During that time, he was an outstanding Member of Congress, with his service on the Commerce and the Ways & Means Committees. He played a crucial role for the Democrats in Congress as a Deputy Whip where he was our most effective vote counter. Marty was a complete Member of Congress in meeting his responsibilities to his constituents, to his fellow members of the House and to his party. The House of Representatives is richer for his service to our country.

The newspaper "Roll Call" also makes it clear that the personal and professional skills that Marty demonstrated as a Member of the House are serving him well in the private sector as he helps lead Cassidy & Associates in a top position among governmental representation firms in Washington, DC. The article also makes it clear that Marty is finding the time out of Congress to enjoy his beautiful family.

Mr. Speaker, I want to share the "Roll Call" article with our colleagues and express my appreciation for my former colleague's important contributions to our country.

SECOND-GREATEST JOB IN THE WORLD

(By Courtney Thompson)

Upon entering former Illinois Rep. Marty Russo's (D) D.C. office, one immediately notices the myriad of photos covering the walls.

There are shots of Russo in a golf foursome with former Presidents Bill Clinton, George Bush and Gerald Ford; Russo smiling with Michael Jordan; Russo with his arm around Speaker Tip O'Neill; Russo and Arnold Palmer posing on the golf course; Russo stealing home plate at the Congressional baseball game; and Russo giving the elder George Bush putting tips on Air Force 2.

And one of Russo's newborn granddaughter.

No, Marty Russo doesn't take his famous friends or his family for granted.

"When I sit back and think about where I grew up, the neighborhood I came from and what a tough struggle my parents had, I am overwhelmed," the 58-year-old said. "I am a first-generation Italian American, and for me to have friends like the president of the United States is a pretty big deal."

Russo was elected to Congress in 1974 as part of the post-Watergate, reform-oriented class. In a win that Russo himself describes as "extremely lucky," the 6-foot-3 native of Chicago's Little Italy section embarked on what would become an 18-year stint in the House.

But what Russo deemed the "best years of my life" came to a bitter end in the 1992 Illinois primary. Redistricting forced him to run against fellow Democratic incumbent and commuting friend Rep. William Lipinski. After losing the tightest race of his career, Russo finished out his term while contemplating the inevitable: What next?

Following in the path paved by many before him, Russo entered the realm of lobbying by accepting a position with Cassidy & Associates, a government relations lobbying firm based in Washington.

"Two wonderful things happened to me in my life," Russo said recently. "One was winning an election, one was losing an election. I had the greatest job in the world when I was a Member in Congress, and now I have the second-greatest job in the world."

Prohibited by law from lobbying Members for a year, Russo advised clients on political strategy, while learning the ins and outs of business development and lobbying White House officials.

About making the transition to lobbying, Russo said, "The one thing you have to get good at is learning how to ask."

Although Cassidy boasts clients such as VoiceStream Wireless, Ocean Spray Cranberries Inc. and the Taiwan Studies Institute, it is the Chicago hospital where he was treated as a boy that he holds closest to his heart.

Rush-Presbyterian-St. Luke's Medical Center, located on Chicago's West Side, has been the beneficiary of many government dollars thanks to Russo's dedicated lobbying efforts. In a joint effort with Cook County Health Services of Chicago, the two hospitals created the Core Center, a four-story facility that provides outpatient care to individuals and families with HIV/AIDS. The center features a screening clinic, pharmacy, counseling services and children's playroom.

"I've seen [Cassidy & Associates] do a lot of good for a lot of people," Russo said. "And it's been great working with Jerry Cassidy, he's like the Tip O'Neill of the lobbying business."

In 2000, Russo was promoted to vice chairman, president and chief operating officer at Cassidy. The key to Russo's success? Drawing from the many lessons he learned during his days in the House.

"One of the critical things you learn when in Congress is that your word is very important," Russo said. "It's all you have around here. So when I talk to Members I tell them the truth, because if you don't, the next time you come back, they aren't going to listen to you."

Russo advocates bipartisanship, saying a Congressman's sole purpose is to make the government function better.

"One of the key things was that I had was friends on both sides of the aisle. We could argue and battle on the floor as much as we wanted, but then we got together afterwards—went to dinner, played golf, baseball, basketball. Because we were all personal friends, we were able to get a lot more accomplished."

Stretching the idea of fraternizing with one's colleagues to the limits, Russo and three other Democrats lived together five days a week for 10 years. He was the first to move into his friend Rep. George Miller's (D-Calif.) two-bedroom house at 127 D St. S.E. in 1982, claiming the last bedroom. Shortly after, then Rep. Charles Schumer (D-N.Y.) abandoned his basement quarters to inhabit Miller's living room. Believing that three Congressmen in one house just wasn't enough, Miller moved his piano out of the bay window to make room for then Rep. Leon Panetta (D-Calif.).

"It was the best 10 years ever spent; it was like a little fraternity house with the four of us. Now Chuck is a Senator, George is still in the House, and Leon became Clinton's chief of staff. So I guess the house did all right."

Russo and his wife, Karen, moved to McLean, Va., in September 1997, capping off 24 years of weekly commutes.

Russo never believed that he would permanently make the move from his beloved hometown of Chicago. When his eldest son, Tony, moved to Washington to begin working with Sen. Joseph Biden (D-Del.) and his youngest son, Danny, was attending Georgetown University, both Russo and his wife realized it was an easy decision to make.

Now, less than a month after the birth of his first grandchild, the former lawmaker happily lives just six minutes from his son's family. An adoring grandfather, Russo finds himself stopping by every night on his way home from work.

"I am really enjoying my granddaughter," Russo said. "I saw this bumper sticker a couple of years ago that said, 'If I'd known grandkids would be this great, I would have had them first!' And now I feel the same way!"

FIVE QUESTIONS

What are you most proud of from your tenure in Congress?

One of my proudest moments was when I introduced the national health care bill in 1991, which then became a major issue in the 1992 presidential election.

I think it . . . helped Democrats take back the White House.

What do you miss the most?

I miss the friendship on the Hill. Whether you were a Democrat or a Republican, we really got a lot of stuff done, and we did it together. And I miss doing the policy. It's an enormous responsibility, but what a deal.

What do you miss the least?

I don't miss the travel, being away from home.

Was there a particular Member whom you admired the most?

The Member I admired most in the House was [then] Speaker Tip O'Neill [D-Mass.]. And a close second was Rep. Danny Rostenkowski [D-Ill.]

Do you have any advice for current Members?

The best advice I can give is to understand that compromise is very important. As Danny Rostenkowski always said, "You don't have to throw a touchdown pass every time you move legislation. You've just got to move it down the field and eventually get it in the end zone."

GERMAN FOREIGN MINISTER JOSCHKA FISCHER'S REMARKABLE DISCUSSION OF ANTI-SEMITISM AND GERMANY'S UNIQUE RELATIONSHIP WITH ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. LANTOS. Mr. Speaker, I would like to share with my colleagues a particularly insightful article by Joschka Fischer, Federal Foreign Minister of Germany. He discusses the unique relationship between the Federal Republic of Germany and the State of Israel. The article was published on May 13 of this week in the Frankfurter Allgemeine Zeitung, one of Germany's most distinguished newspapers.

The Federal Republic of Germany is not the Nazi Germany that perpetrated the Holocaust, and the democratic and pluralistic government that has emerged in Germany since 1945 is rightfully one of our closest and most important allies and friends. Nevertheless, because of Germany's history, the German government has a special responsibility and a special relationship with the state of Israel. It also has a special responsibility to fight against intolerance and racism.

Mr. Speaker, I urge all of my colleagues to read Foreign Minister Fischer's perceptive comments thoughtfully and carefully. His sensitivity to the relationship between Germany and Israel and his criticism of the atmosphere of anti-Semitism welling up in western Europe reflects the finest of German culture and tradition. I commend Foreign Minister Fischer for his courageous and outspoken article. I wish with all my heart that there were other such prominent individuals who would be as bold and outspoken and honest as Joschka Fischer. I wish there were others who would speak out with such clarity and force against the anti-Israel hysteria that is fast becoming anti-Semitic frenzy in France and elsewhere in western Europe.

Mr. Speaker, I ask that Foreign Minister Fischer's article be placed in the RECORD, and again I urge my colleagues to read it thoughtfully.

The Question Facing Germany: Can We Criticize Israel?

(By German Foreign Minister Joschka Fischer)

BERLIN.—Germany remained silent, conspicuously silent considering the unspeakable statements made recently by Jurgen Mollemann, the chairman of Free Democrats in the state of North Rhine-Westphalia and the head of the German-Arab Society, and those of like mind.

In his statements, Mr. Mollemann showed that he was a verbal resistance fighter against corporation and bravely announced that he, of course, would also attack the aggressor in his own country. The heroic talk was directed at Israel, and Mr. Mollemann was referring to the Palestinian struggle against the occupation. We, therefore, can safely assume that he was not calling on Hamas to distribute leaflets to Israel, but justifying their terrorist bomb attacks. There was no national outcry, no resignation, nothing of the kind. Instead, Mr. Westerwelle said it should be possible to criticize Israel without being accused of anti-Semitism.

Something seems to have changed in Germany, and nobody notices this with greater authority and distress than German Jews. They feel alone, again, and that ought not be so. Not in Germany.

"Given anti-Semitism in Germany and Europe that is becoming more manifest in the context of the Middle East conflict, the old Damocles sword question once again hangs over the heads of Jews living in Germany: Was it right to stay in Germany?" When this kind of warning comes from the pen of such an attentive and sensitive observer of German-Jewish relations as Solomon Korn (Frankfurter Allgemeine Zeitung on May 6), it raises a question for each and every one of us and, indeed, the question of whether German democracy is credible.

Mr. Korn, the leader of the Jewish community in Frankfurt, notes that many German Jews have felt abandoned in recent months. He describes how it feels to be viewed as "collectively liable" for any action taken by Israel against the Palestinians. And he also refers to the very understandable "old traumas" and "barely healed emotional wounds" that German criticism of Israel never ceases to evoke there. "Were the same criticisms of Israel expressed by Americans, for instance, it would hurt far less than when expressed by the Germans . . ." Why do such obvious things need to be explicitly stated again today?

Strictly speaking, what is at issue is the conflict between Israel and its Arab neighbors. But on a different level, whenever Israel is discussed in Germany, the fundamental debate about German identity is never far behind. "Can we criticize Israel?" The mere question raises suspicion because, of course, we can and indeed sometimes must criticize the politics of the Israeli government. Nowhere is this done more forcefully than in Israel itself. Every democratically elected government makes mistakes and is, by definition, subject to criticism.

In the Middle East, a tragic conflict is escalating. Two peoples are fighting for the same land, and only a historical compromise based on the formula "two states, one peace", will be able to solve this conflict. The current situation inspires little hope. Israel feels threatened by continuing Palestinian terror. At Camp David in the summer of 2000, so the Israeli view, Israel offered the Palestinians a state of their own and was given the second Intifada in return. Since then, Israel has been fighting for its survival once again, for a life in safety and in recognized borders. The Palestinians finally want an end to the Israeli occupation, to the continued building of Israeli settlements and to the loss of territory. They are fighting for their own state, for a life in dignity. However, after the Camp David talks broke down, the agonizing question in Israel remains whether the Palestinian leadership in the end does not want more and indeed something entirely different.

The right of pre-1967 refugees to return to Israel, the terror deployed to force Israel to accept false compromises, the demographic factor that works against Israel, the fear for the Jewish character of Israel and the fear of a bi-national Palestine and the dissolution of Israel as a Jewish state as the long term goal of Yasser Arafat's Palestine Liberation Organization—these are Israeli fears right across the political spectrum.

The Palestinians fear that Israel wants to force them to make further territorial concessions, though in their view, by accepting the borders of June 4, 1967, they are contenting themselves with 22 percent of the land. Land for peace is the only possible compromise formula. Radical Israelis want peace and land, while radical Palestinians want land without peace. Neither will work.

This tragic and extremely dangerous situation is not really appropriate for a German identity debate, but for coordinated action by the international community, led by the United States and supported by Europe, to break the spiral of violence and lead the parties of the conflict back to the negotiating table step by step.

So why is there such fierce criticism of Israel here in Germany and in Europe? Why is there such widespread bias? This is exactly what Mr. Korn's warning addresses, and quite rightly. Given Germany's history, criticism of Israel always also reflects the mental state of our country.

Fifty years ago, West German Chancellor Konrad Adenauer and Israel's first prime minister, David Ben Gurion, laid the foundations for relations between Israel and a democratic Germany that still apply today. Since then, German democracy has—occasionally in the face of some resistance—accepted Germany's continuing historical responsibility for the genocide of German and European Jewry, and this responsibility is the firm and central founding stone of German democracy after 1945.

This was the only way for trust to grow between the former perpetrators and victims. Only on this basis could a chance for new coexistence emerge from what historian Dan Diner called the "negative symbiosis." No line can be drawn under Germany's historical and moral responsibility for the destruction of European Jewry. It forms the basis of Germany's social obligation to uphold the right of existence and security for Israel and its citizens. This responsibility is not a matter of current political constellations, but a permanent principle of German policy.

Israel can rely on democratic Germany as a partner and friend, now and in the future. Our obligations, our ties and the fact the ice remains thin even after 50 years must be respected by all criticism in Germany that does not aim to destroy what has been built since Konrad Adenauer and David Ben Gurion began.

Otherwise, criticism not only would cause harm, but also increasingly compromise Germany's capacity to help the search for a just peace in the Middle East. Or, to put it differently: Criticism is possibly only on the firm foundation of indelible solidarity—and there have been things in recent months that do compel Israel's friends to express criticism in the interest of Israel itself.

But there is a second issue that weighs just as heavily as Germany's special relationship with Israel. It concerns ourselves, Germany and us Germans. Do we actually comprehend what Nazi barbarism and its genocidal anti-

Semitism did to us, to Germany, its people and its culture? What Hitler and the Nazis did to Germany's Jews they did first and foremost to Germans, to Germans of the Jewish faith! Albert Einstein was as much a German as was Max Planck. The Nazis excluded an entire group of our own people, deprived them of their rights, dispossessed them, humiliated and then finally expelled or murdered them.

This is why the question whether German Jews feel secure in our democracy and, though even today this can only be a hope, might one day be able to feel "at home" in it again, is not a minor one, but a question par excellence about the credibility of German democracy.

When Germany sent its Jewish citizens to Auschwitz and other extermination camps from platform 17 of the Berlin-Grunewald station and countless other ramps and enriched itself with their worldly good, it robbed itself, its culture and society. Germany has been unable to close this wound inflicted by the Nazis to the present day. The Holocaust monument will be a symbol of this loss that Germany inflicted on itself through its barbarity to its own citizens, the effects of which are still being felt today.

Jewish communities in Germany have grown perceptibly since German unification in 1990, largely as a result of immigration from the former Soviet Union. New Jewish schools are being built, German-speaking rabbis are once more being trained at the Jewish University in Heidelberg and the Abraham-Geiger College in Potsdam. And still Mr. Korn calls the Jews in Germany a "source of continuing unease that is hard to define." An unease, that some possibly try to overcome by unconsciously—on the issue of the Middle East crisis—turning the descendents of the victims into perpetrators, believing this could salve one's conscience. But this is a dangerous misconception, that, under the slogan of presumed "normalization," can end only in the abyss of anti-Semitism.

The unconscious mechanism of transferring guilt to Israel's policy in the Middle East will not release Germany from responsibility for its history. One should not even attempt that, for it will end in disaster. The only response to our history must be a positive one: a growing Jewish community in Germany with Jewish people who can live here in freedom and safety as citizens—and not as "fellow citizens!"—of our republic. The extent to which we succeed in supporting and promoting the life and well-being of Jewish communities in Germany is also a yardstick of our ability to create an open and tolerant society. For that reason, each and every instance of anti-Semitism is not only a threat to Jews in Germany, but also to our society and our democracy as a whole. "Is it right to stay in Germany?" The ease or difficulty with which our Jewish compatriots are able to answer yes to this question depends crucially on whether they can live perfectly "normally" as Jews in Germany and as Germans.

Nevertheless, the German-Jewish relationship will always remain a very special thing. This is why there is a need for sensitivity and unrelenting self-scrutiny. Only once there is natural togetherness can there be criticism that does not attack the precarious German-Jewish relationship at its roots. And hence, silence about current events in the Middle East, Germany and Europe, which rightly distresses many Jews in Germany, is impossible.

Are the Jews in our own country strangers to us? Even today? What can we do against this mixture of unsparing frankness and speechlessness that Mr. Korn complains of between Jews and non-Jews in Germany? This challenge cannot be turned into a historical issue; it will not fade with time. On the contrary, criticism of Israel that is founded on the obligation imposed on us by our history, on trust and friendship is not anti-Semitism—and it does not force German Jews to unconditionally support everything that is democratically decided in Israel.

Under no circumstances can we permit the tragic conflict in the Middle East that pits the legitimate aspirations and rights of two peoples apparently irreconcilably against each other to be used as an instrument for domestic political ends. Those who practice such methods to capture a mood and votes, those who wish to dispose of German history, as it were, by a detour to the Middle East, and those who hit the wrong note by misconceived reaction must be opposed by all those who perceive German unity as freedom to accept responsibility and not act as an escape into a supposedly harmless "normality."

PAYING TRIBUTE TO CHRIS NICHOLS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the contributions a man has made to his community, his state, and his nation. Chris Nichols, a resident of Craig, Colorado, has selflessly donated his time, establishment, and energy to educating Craig, Colorado's youth on the terrible effects of drug abuse. For his efforts, the Substance Abuse Prevention Program, an organization dedicated to promote anti-drug messages throughout the community, recently honored him. As he accepts his award, I would like to commend his efforts to improving the community before this body of Congress, and this nation.

In an effort to ensure our nation's children are educated on the dangers of drug abuse, Chris has provided consistent support to SAPP. As the owner of a local McDonald's restaurant, he has hosted the organization's annual pancake breakfast that provides SAPP with its financial means and funding. He began this effort after the local police chief began advertising his concern over the effects that drugs play in our schools and children. Answering the call to service, Chris began volunteering his establishment as a place to hold the fundraisers to create the financial support for the program.

Mr. Speaker, our nation's communities and schools are fighting a long and difficult battle to rid their populations of drugs and the terrible impacts drugs have on people's lives. To combat this epidemic, we will rely upon men and women such as Chris Nichols to answer the call to community service, take initiative, and help win this war on drugs. Chris serves as a model citizen in this fight and I am honored to bring his efforts before this body of Congress, and this nation. Congratulations Chris, keep up the good work, and good luck in your future endeavors.

HONORING ALICE GREENFIELD MCGRATH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to Alice Greenfield McGrath, an extraordinary woman who has continuously fought for social justice, on this very special occasion, her 85th birthday.

Ms. McGrath holds a special place in the hearts of countless individuals and her actions as a social justice activist and advocate will not be forgotten. She has dedicated a tremendous amount of her time to both the struggles for economic and legal rights for poor people and against the prejudices and discriminations suffered by people of color.

Since her first semester at Los Angeles Community College, Ms. McGrath has immersed herself in social activism. In 1942, she became involved in the Sleepy Lagoon Case, the event that soon after triggered the "Zoot Suit Riot". The riot is a significant event in Los Angeles history, as it represents the first time the political involvement of the Mexican American community made a difference, as it brought the mistreatment of Chicanos by police officers, sailors and other servicemen to light. And of course, Alice McGrath was right there with the community, fighting for the justice that all Mexican Americans deserve.

Ms. McGrath's activism continued to expand over the years. In 1986 she developed a pro bono program for the Ventura County Bar Association, and currently she is active with the Mexican American Bar Association and the Black Attorneys Association. She additionally serves on a California Judicial Council subcommittee for Access and Fairness in the Courts. She has been honored by El Concilio del Condado de Ventura, the Mexican American Bar Association of Los Angeles, and is a recipient of the Joyce Yoshioka award, which is presented by the Ventura County Criminal Defense Bar.

It is only fitting that we pay tribute to Alice Greenfield McGrath today. She has contributed so much to so many people over the years and is such an inspiration to us all. Our community is blessed to have a woman as wonderful as Ms. McGrath in its midst. I urge you to join me in wishing Ms. McGrath a wonderful birthday.

HONORING CHEROKEE COUNTY EMS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. BARR of Georgia. Mr. Speaker, Most of us rarely give a thought to who would provide us with medical assistance in an emergency situation. Those of us in northwest Georgia, are proud to know one such emergency care organization is the Cherokee County Emergency Medical Services. This group of individuals was recently awarded the Service of the

Year award by the Region I Emergency Medical Services Council. This prestigious award is based on many characteristics, such as community service programs, training opportunities, and commendations from patients. The Cherokee County EMS shines in each of these categories, which accounts for their being recognized and honored for their work.

The Cherokee County EMS was formed in 1995, and has since been the sole provider of 9–1–1 Emergency Medical Services in the county. During its first year of operation, the division received the Director of the Year award from not only the state of Georgia, but also the Region EMS. It was also recognized for the best Safe Kids Campaign, and received the Service of the Year award in 1996. This is the third time this outstanding EMS provider has been recognized as Service of the Year, allowing it to permanently keep the trophy.

The group not only provides a transportation service to those with medical needs, but also spends numerous hours volunteering within the community. These activities include fundraisers for the March of Dimes, interaction with the Boy and Girl Scouts, and taking blood pressure at senior centers. This group of individuals deserve recognition for not only the exemplary services they provide, but also for their dedication to the community.

TANF REAUTHORIZATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. DAVIS of Illinois. Mr. Speaker, We began the preamble to our constitution by stating, "We hold these truths to be self-evident, that all men are created equal," and then proceeded unnecessarily to leave out women, and they still have not reached parity.

We declared the right to vote as almost being sacred, and then placed restrictions that left out non-landholders, women, Black Slaves and other categories of human beings.

We started counting people, but reduced Black Slaves to being counted as only 3/5 of a person.

Mr. Speaker, I am afraid that with this program, we are following the same philosophy and same trends.

We have a program, Temporary Assistance to Needy Families. It does say temporary assistance to needy families and then we move promptly, piously and insensitively to give states the option to cut out or deny participation to individuals who are sick and have been convicted of felonious drug possessions.

Mr. Speaker, we are talking about hundreds, thousands and perhaps even millions of people who are in great need, have limited education, no marketable skill, an arrest record and cannot find a job; Who will hire them?

And quite frankly many of them will return to the penitentiary, destitute, hopeless and sentenced to a lifetime of poverty, broken promises, unfulfilled dreams and a cost item or liability to the rest of society.

I could cite any number of other concerns that I have about this legislation such as not enough opportunity for real training such as degree granting college programs, not enough emphasis on childcare and not enough emphasis on transportation so that people in inner city and rural communities can get to and from where the bulk of new jobs are, suburbia America.

And so . . .

Mr. Speaker, I hope that when the dust settles and we have a new TANF bill, I hope that ex-offenders, including those who have been convicted of drug offenses and otherwise qualify, I would hope that they too will be eligible to participate.

I hope that we would allow for programs to help people clear their records so that their chances of finding a job will be increased.

When we do this, we are indeed providing assistance to needy people and at the same time we will be helping the rest of society just as much.

H.R. 4652, THE CONSUMER PROTECTION FOR ON-LINE GAMES ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Ms. KILPATRICK. Mr. Speaker, on May 2nd, I introduced H.R. 4652, the Consumer Protection for On-line Games Act. I am one who has never been an advocate of the gaming industry. The City of Detroit has legalized gaming, and now it is a fixture in our economy.

The gaming industry has broadened its exposure over on-line and wireless communications networks. People do not have to go to casinos in Las Vegas, Reno, Detroit, Atlantic City or other gaming sites to gamble. They can play games of chance over the Internet from the privacy of their own homes.

According to one financial analysis, Internet gambling is a $1 billion industry and is forecasted to grow to $5 billion by 2005. There are nearly 1 million paying users of the largest network games and free sweepstakes sites which are among the most popular Internet destinations.

Many of the network gaming sites originate from offshore websites, and are beyond the reach of States and local authorities, even those authorities that prohibit Internet gaming in their jurisdictions. Local and state governments devote few resources to regulate or enforce laws, against network gaming. No protections exist to ensure the integrity of the game, protection from minors seeking to patronize games, or protection from excessive financial loss. Therefore, network gaming continues with very little regulation and with very few guarantees that the games of chance or sweepstakes one finds on internet sites are above board.

My bill will allow U.S. consumers to know if the games they are playing are fraudulent. It will permit U.S. consumers to participate in online games with the security of knowing they are playing from a straight deck of cards. Specifically, H.R. 4652 proposes the following:

1. Establishes the Federal Trade Commission as the agency responsible for monitoring games of chances offered on the Internet or wireless network.

2. Prohibits network game operators subject to U.S. law from making false or misleading claims regarding the fairness of such games.

3. Requires self-regulatory organizations to comply with specific minimum requirements.

4. Specifies that States must notify the FTC when it brings action against a network game provider and allows the FTC to intervene in any action brought on by the state and file petitions for appeal.

I know feelings run strong on both sides of the gaming question. It is a policy area with which I have some issues. The fact exists, however, that gaming websites are available for everyone's entertainment. It is my hope that this legislation will prevent present and future abuses and reduce the incidence of fraud. America has a chance to become a leader in this emerging global industry, but we presently lag behind other countries which are dealing honestly and openly with the issue of on-line gaming.

This bill is not perfect, but it offers a proposal for a regulatory structure that does not impose its will over the States, especially those States who want to effectively regulate network gaming operations within their borders. I hope that Congress will seriously study this proposal and raise the level of debate on this issue. I look forward to working with my colleagues to improve this measure as it travels through the legislative process.

PAYING TRIBUTE TO DOUGLAS CRAIG FRAZIER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Douglas Craig Frazier who recently passed away in Cortez, Colorado on March 27, 2002. Douglas, known to most as Doug, will always be remembered as a true inspiration and contributor to his community. For some time, Doug battled a long and difficult disease that threatened to tax his body to the limit, but never was allowed to affect his spirit. After a long and demanding struggle, he eventually succumbed to the effects of bone cancer. His passing is a great loss for a town that relied on Doug for his kind heart, strong spirit, and unwavering friendship.

Mr. Speaker, not long ago I stood before this body of Congress to honor the Montezuma-Cortez Boys Basketball team and their well-deserved state championship. Today, I pay tribute to a source of inspiration for that title, a source of motivation to a young man, and a source of pride to a school's hometown community. As the Panthers moved forward in their quest for a state title, Doug Frazier was present every step of the way by providing support to the young players and of course, his son Layne. As the Panthers progressed through the season, Doug tried to attend every game, despite his pain, to see the team capture its ultimate prize. The young men succeeded in their goal and brought home the first state title for the school in nearly forty years, and Doug Frazier, confined to a wheelchair and medication as a result of the pain, was present with his support until the end. He passed away soon thereafter, but he achieved one of his final goals, to see his son and teammates claim the championship.

Mr. Speaker, Doug will be missed by the many lives he touched in the Cortez community. It has always been known that his greatest passion was his love and dedication to his family. He is survived by wife Paula, daughter Amanda, son Layne, and a grateful community. It is with a solemn heart that we say goodbye and pay our respects to an inspiration of a Colorado community. Doug Craig Frazier dedicated the final days of his life to his family and the Cortez community, and his spirit continues to provide inspiration to those he affected with his drive and determination. Doug was a kind and generous soul, and he will be greatly missed.

HONORING SHIRLEY WRIGHT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay special tribute to a woman who has been an inspiration to so many schoolchildren throughout the last 40 years. Today, on her retirement from the Santa Barbara School District, I would like to honor Mrs. Shirley Wright.

Mrs. Wright began her career in 1958, at Lincoln School, when she was the first African American teacher to be hired in the district. Since then, she has taught at two other local schools, Franklin School, where she was in the classroom for 25 years, and Washington School, where she teaches today. Throughout her career, countless students and faculty alike have benefited from Mrs. Wright's exemplary teaching styles.

A native of Santa Barbara, it was Shirley Wright's dream to teach in the Santa Barbara schools. Yet in the 1950s, it was difficult for African Americans to get hired in many occupations. The Santa Barbara Police Department did not have any black officers and the school district did not have any black teachers. However, Mrs. Wright's determination broke down the barrier, as, after interviewing with three principals, she was offered a position at the Lincoln School.

Today, over 40 years later, Mrs. Wright has often found herself teaching the children of her former students. Parents who have either experienced Mrs. Wright's compassionate yet challenging teaching styles themselves, or have heard about her from friends or neighbors, often line up in the principal's office months in advance as they attempt to secure a spot for their child in Mrs. Wright's first grade class.

We are blessed to have such a wonderful educator in our midst, and I am certain that she will be sorely missed upon her retirement. Yet the legacy of Shirley Wright will continue on, as she will be fondly remembered by the thousands of children who have passed through her classrooms. I urge you to join me today in thanking Mrs. Wright for her invaluable contributions to the Santa Barbara School District, and wishing her the best in all of her future endeavors.

SALUTING LAW ENFORCEMENT

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. CHAMBLISS. Mr. Speaker, in commemoration of National Law Enforcement Week, I would like to take this opportunity to recognize our nation's law enforcement personnel.

In the course of our lives, certain events serve as reminders of the daily comforts we grow accustomed to and will mark for all time a change in our daily attitudes towards those comforts we enjoy as Americans. For Georgians—as for all Americans—September 11 changed us. We became more aware of our neighbors both down the street and around the globe. The world stopped briefly and we all stopped with it to look at each other and grieve with each other, then finally to help each other. Leading the charge to help were America's police officers, firefighters, and emergency medical personnel.

We are all reminded of the sacrifice and devotion of our law enforcement. Each day, they leave their families and put their very lives in danger to make our neighborhoods, our schools and our communities a safer place for our children. Each day, they risk potential harm in order to protect and preserve the institutions and freedoms we all enjoy.

Whether it is a city policeman, sheriff's deputy, or state patrolman, law enforcement officers are owed a tremendous debt of gratitude by our nation.

We in Congress must continue to make sure that law enforcement personnel have the training and equipment they need to ensure their safety but we must also make sure that they have the tools necessary to be effective in fighting and preventing crime. To do this I have introduced legislation that will improve information sharing between local, state and federal officials—this will ensure that they will have the facts they need to fulfill the duty they have selflessly accepted.

Mr. Speaker, I hope you will join me in honoring these brave men and women.

NATIONAL POLICE WEEK

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SHOWS. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing National Police Week.

On September 11th, and the days that followed, the images of our police officers and firefighters rushing towards the toppling World Trade Center towers, as others fled for their lives, remained a constant image on our television screens. As hundreds of these valiant men and women perished on that terrible day, I was reminded of the thousands of police officers in Mississippi and across our nation, who each day put their lives in danger in the interest of our nation's welfare.

It is important that we take opportunities to commend our officers and their equally brave families for their commitment to public safety. I was proud that President Bush visited the United States Capitol yesterday to attend the 21st annual National Peace Officers' Memorial Service to honor and remember the 230 law enforcement officers who lost their lives in the line of duty last year.

This week I have thought a lot about Officer Ron Jones, of the Prentiss Police Department in Jeff Davis County, which is also my home county. Officer Jones lost his life the day after Christmas last year, while participating in a drug raid to halt the flow of narcotics into a city of only 1500 people. Ron Jones was a four year veteran K–9 officer who loved his job. He had a great role model. His father is the Police Chief of the same Police Department. And this family, who has devoted their life to fighting crime, and improving the very community they've grown up in, has now lost one of their own. This is a tragedy in itself. But the heartbreaking truth is that this happens in communities across our great nation every week of the year.

Mr. Speaker, I respectfully request that my colleagues join me in paying tribute to the legions of heroes-our police officers—who serve our country with faith, diligence and honor. We should mourn the thousands of lives unjustly lost, and honor those officers who continue to serve.

TRIBUTE TO JERRY REIMANN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. UPTON. Mr. Speaker, Jerry Relmann is retiring after 36 years of service to the Berrien County Intermediate School District in Southwest Michigan. His commitment to kids and their education will not be forgotten. Jerry has been an invaluable colleague in helping craft education policy and ensuring that our kids receive a quality education.

Jerry began his career in 1966 as a school psychologist for the Berrien County Intermediate School District. Dedicated, principled, and hard-working, Jerry's love for education led him to embrace a career within Michigan's public school system. Jerry has held a number of posts within the Berrien County ISD, including Director of Special Education and his current position as Superintendent. Under his administration, students of Berrien County have thrived. We owe him a tremendous debt of gratitude.

I would like to personally extend my regards to Jerry for his counsel on the reauthorization of the Elementary and Secondary Education Act as well as his commitment to special education funding for Michigan's children. Jerry was able to bring to the table a local perspective during this debate over federal education initiatives. I will truly miss working with this great individual.

Good luck and God Bless.

TRIBUTE TO MR. RICHARD "DICK" W. DILLON OF HUTCHINSON, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a man who affected the lives of many people in Kansas and across the country. This month we honor the life of Mr. Richard "Dick" Dillon of Hutchinson, Kansas. Dick fulfilled many important roles in his life—each of them with integrity, passion and enthusiasm.

Dick proudly served his country in the United States Air Force for two stints, culminating in active duty service during the Korean War.

Dick's dedication to his hometown was unsurpassed. Throughout his life, he took a lead role in making certain his community of Hutchinson was progressive in pursuits of education, culture and other quality of life issues. His leadership and service on the board of directors for the community foundation, school district, hospital and church were always marked with trademark humor and a keen emphasis on questioning and listening.

Dick was, by every account, a successful businessman. Along with his brother, Ray "Ace" Dillon, Jr., and his cousin, Paul, Dick worked to develop Dillons Stores—his father's grocery business—into a nationwide retailer. It later became part of the Kroger Company family. Those whom he interacted with for over 40 years wholeheartedly agree on the impact of his vision and dedication to the business. His colleagues summed up their goodbye this way: "Dick was short on ceremony and long on giving credit to others. He helped us all walk a little taller." I can think of no finer compliment.

Most important to Dick was his family. Over the course of 50 years, he and his wife, Carolyn, raised three sons, Brad, Reed and Steve, and devoted endless love and attention to their six grandchildren.

Dick fulfilled many important roles in his life, and in each of those roles made his community, state and nation a better place. I join his many friends and admirers in extending my deepest sympathies to Carolyn and her family during their time of loss.

PAYING TRIBUTE TO WILLIAM T. WARD, III

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. McINNIS. Mr. Speaker, it is with great honor I take this opportunity to recognize William T. Ward, III as an exceptional individual whose contributions to the University of Southern Colorado have helped shape a positive future for the University and its students. On June 28th, William, known as Bill, will retire, leaving behind a legacy of accomplishments. It is with great pleasure that I applaud an individual who has selflessly committed his time and energy to the betterment of his community.

Bill and his family have lived in Pueblo since 1946 and their hard work helped build and uphold the principles and values of the Pueblo community. Because of Bill's devotion and dedication, it is fitting that he was elected as the President of the CSU Alumni in 1973. In 1986 he pursued a real estate career, and he ends his duties with dignity and integrity by retiring from his current position as the Director of Development and Alumni Relations at the University of Southern Colorado.

Mr. Speaker, today we honor an individual who closes a chapter on a very fruitful and successful career. I commend the hard work and dedication Bill has provided to the association, and I am confident his experience and wisdom will benefit all of his future endeavors. Bill has been a model community member, and that is why I bring forth his accomplishments before this body of Congress and the nation. Bill's hard work is greatly appreciated and we salute his diligence to his community.

CONGRATULATIONS TO ST. JOHN'S UNIVERSITY MEN'S GOLF TEAM

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor the St. John's University mens' golf team. As I speak, they are competing in the NCAA Division Three National Championship for the 3rd consecutive year.

As a St. John's alum, I take special pride in paying tribute to Coach Bob Alpers and the players on this year's team: Sammy Schmitz, Farmington; Nathan Proshek, New Prague; Paul Ponath, St. Cloud; Josh Sherlin, Glenwood; Ben Goodman, Stillwater.

This year's team is currently ranked 13th nationally and won their third-consecutive MIAC title.

The best part about the team is that none of the guys are seniors and will, I hope be back again next year.

Again, my congratulations to the Johnnies' mens' golf team. May their drives be long and straight and their putts roll true.

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SANDERS. Mr. Speaker, I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

REGARDING SCHOOL CHOICE

(By Kristy Lamb, Peter Hicks, Halie Paradee, and Nick Smith)

Kristy Lamb: School choice is an issue that our Vermont legislature is currently voting on. What we are here to discuss is how choice within school is as important as choice between schools, and its importance on all levels.

A school is made up of both faculty and students. As a part of that school, students should be allowed to help in the process of making decisions that affect us. Choices are made every day about scheduling, open campus, and many other things, but hardly ever are the students asked what they want and how they feel. It seems as if no one thinks our opinions are valid. But it is our education, it is our learning environment, so we should have a choice.

Peter Hicks: With this, we would like to have the statewide student body count as one vote in Vermont in the House of Representative.

Halie Paradee: And we would also like the student body to count as one vote in the local decision-making. And students should receive credits for hours on incentives for any involvement in the specific process, like being here today, we should be recognized for it by our school.

Nick Smith: I'm discussing another section of education reform. High school students across the state and nation have a serious lack of interest in interest and stamina in high school that has encouraged a serious look at education reform.

The average day of a high school student about is about seven hours long. This can be broken down into three parts: Six hours and 45 minutes of sitting, sometimes sleeping; 13 minutes of moving; and 2 minutes of actual decision-making. We are all familiar with the reading of boring books, reading the seemingly useless notes, hand cramps, headaches, and overall lack of stamina contribute to the long school day.

No matter how many hours of sleep the night before, a day like this is still tiring. What is the use of education if the student is not awake? One may go to school with a determined attitude to learn, but soon the constant work causes them to give in and see school as a tedious chore.

Opponents to the idea of recess will argue that free time will encourage tardiness, illegal behaviors, or longer days. But this isn't necessarily so. The proposed recess would consist of a small break, maybe 15 minutes in length, in which students could be somewhat free and active for one time in their day. This activity would result in the revitalization of energy, creating a higher interest in the boring books and a higher stamina to take the seemingly useless notes. These measures will reduce the headaches and increase the effectiveness of education.

Students are often told the high school is preparing us for today's society. The President of UVM informed us this morning that choices are an important part of today's society. But how with can he prepare for reality if we're not given the chance to make choices for ourselves. How can the leaders of the group define themselves? How can we solve the rising problem of lower test scores and higher dropout rates? We can do it with a small reform reaping large benefits. We can do it with a 15-minute recess.

REGARDING GENETICALLY MODIFIED FOODS

(By Travis Buck)

TRAVIS BUCK: I am going to talk about genetically modified foods, and also their organisms.

Let's start out with a definition of what genetically modified organisms are, to make sure everyone knows what I'm talking about. They're plants that have been modified by inserting genes of another organism that's been engineered to change that original plant in some way.

GMOs are quite dangerous to the environment and peoples' health, and also to the rural economy of Vermont and other states. GMO studies have shown that they damage good insects that help plants grow, and create produce, and they also pollute the ground and transport genetic pollution to other plants around the area. And they create superweeds, and superweeds can't be killed by conventional chemicals, so you have this breed of plants that are taking over the crops.

And in human health, there are many risks, such as allergic reactions that are increased, and resistance to antibiotics. And antibiotics are—it's been a lot of genetically engineered plants and chemicals used in antibiotics, and people aren't as resistant to them. And there has also been some studies that proved that growth and internal organs of humans have been damaged due to the intake of genetically engineered products.

With GMO seeds, which are the main concern, it increases the cost of farming the seeds will be more expensive. And the seeds are going to make more food, but in the end, that will decrease the price of the produce, so the farmer can't make as much money, putting him or her in a hardship.

Other countries, many other countries, like Europe and Asia, look to the United States for the effects of genetically modified foods, and we have been sort of an experimental subject, without our consent, which is illegal and hasn't really been looked as an issue.

Many markets for the U.S. farmers have decreased significantly from the use of GMO products. The markets in Europe and Asia reject these products, seeing what has happened in the United States, and from their studies, they found they have harmful effects.

And another issue is, many people have said, or many companies say we need to, or the GMOs will help stop world hunger all over, and that is actually incorrect. Right at this point, we are producing more food per person than ever before, and all we need to do is make the food more accessible to the people that need the food, rather than trying to create more food, and wrongly use—create more food with genetically engineered products. It is not going to help anyone; it is just going to hurt the environment.

And a metaphor similar to this is that the Pandora's box has been opened, and now all these genetically engineered products and foods and organisms have leaped out, and out there to do bad, in most cases. And it is very hard to put it back into the box. And if we would have waited many years and done studies to learn more about what the effects could be, it would be better, and we could bring the genetically modified foods out into the community with more knowledge, and it would help the community more than bringing them out so early, at this point.

TRIBUTE TO GEORGE ANDROS UAW REGION 1-D

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize a man who has dedicated over 32 years to the United Automobile Workers, George Andros. As the director of UAW Region 1–D, his dedication and leadership have brought many families and communities together in an effort to educate and promote political action and community service. As members of UAW Region 1–D gathered together on May 18, 2002, they honored and shared memories of their friend and leader, George Andros.

George received one of the highest honors on June 14, 1995 when his peers elected him as the director of UAW Region 1–D at the Union's 31st Constitutional Convention. This was truly a sign of respect, as his friends acknowledged his hard work on behalf of the labor movement in the past and chose him to lead them in change in the future. He has served as director of UAW Region 1–D for over six years, and for that, he has my personal thanks and that of friends of labor throughout our state.

Back in 1969, George Andros began his life of dedication to bettering labor practices when he joined Local UAW 467 at the Delphi Chassis System as a journeyman toolmaker. His appointment as an International Representative in 1986 was a testament to the many hours he had put in as the chair of the shop committee, as the local's representative for master mechanic skilled trades and as the vice-chair of the Region 1–D Saginaw Area Skilled Trades Council. During this time he also served as a committee member for the Zone Committee, the Fair Employment Practices Committee and the Region 1–D Resolutions Committee.

George's leadership did not stop with the UAW. He has sat on the Board of Directors of U.S. Graphite Corp and the Board of Directors of Michigan United Way, and is currently a member of the Board of Directors of Blue Care Network of Michigan. He has been a role model for his community, and will continue to be one after his retirement, as a lifetime member of the NAACP, the Democratic party, and The National Council of Senior Citizens. George's achievements in political activism and community service will be remembered by the citizens of Michigan for years to come.

I applaud George Andros for his leadership and commitment, and thank him for dedicating his life to serving UAW Local 467 and UAW Region 1–D. I urge my colleagues to join me in saluting him for his exemplary years of service.

YEAR 2002 TAIWANESE-AMERICAN HERITAGE WEEK

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I would like to take the opportunity during Taiwanese-American Heritage Week to congratulate the Taiwanese American community in Connecticut. Taiwanese Americans have made enormous contributions to the diversity and prosperity of American society. They have succeeded in American society because they are instilled with the values that make this country great. Both here and in Taiwan they have demonstrated a commitment to democracy. They also realize the rewards of education, with more than 40 percent of Taiwanese Americans attaining college degrees. They work to develop communities, with home ownership amongst Taiwanese Americans above 70 percent. Their personal achievements are another expression of the secure and fruitful friendship between the United States and Taiwan.

THE NATIONAL DROUGHT PREPAREDNESS ACT OF 2002

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Drought Preparedness Act of 2002. I am fortunate to have the support of the many bipartisan original cosponsors. In addition, this bill is the companion bill to the Domenici-Baucus bill also being introduced in the Senate today. I do hope that both bodies will work together and pass this bill immediately.

I became interested in drought relief last summer when Florida found itself in the most prolonged drought it had seen in nearly 20 years. The water level in Lake Okeehobee, our country's 2nd largest fresh water lake and located in my District, had decreased by nearly 25 percent.

Not only did the water shortage in the lake cause problems for agriculture and water management, but it also destroyed the economic well being of small businesses around the Lake who depend on it for income. Realize this too, the clear majority of these businesses are owned by minorities or families who struggle to get by every day.

As I began to try and help the towns and businesses surrounding the Lake in locating temporary assistance, even if it was only low interest loans, I found that unless you were involved in agriculture, assistance is virtually impossible. When it is possible, the loops folks need to jump through just to get it are so discouraging that they don't even try.

Realize, drought is not just an agriculture issue, nor is it only a water management issue. When droughts occur, forest fires erupt, small businesses close, and in many instances, people die.

Congress and FEMA define drought as a natural disaster, and it's about time that we start treating them as such.

Yesterday, while I was attending the Florida Congressional Delegation meeting, the entire meeting focused on hurricanes and the plans that are currently in place in Florida, which are the framework of how we respond to hurricanes. The bill we are introducing today provides a new focus on an otherwise often ignored natural disaster.

The creation of a coordinated and comprehensive National Drought Council will provide efficient and time sensitive coordination between federal agencies in preparing for and responding to droughts, as well as assisting Congress in identifying our immediate and long term needs in providing drought relief.

Mr. Speaker, we must move the country away from the costly, ad-hoc, response-oriented approach to drought, and toward a proactive, preparedness approach. Coordination between federal, state, and local governments is the only way we will accomplish this difficult task.

I am looking forward to working with my colleagues and moving this bill forward. Americans are hurting throughout this country today because of water shortages and prolonged droughts. Congress must act immediately, time is of the essence.

350TH ANNIVERSARY OF LANCASTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. MCGOVERN. Mr. Speaker, it gives me great pleasure to rise today to recognize the town of Lancaster, Massachusetts on its upcoming 350th anniversary. Lancaster was incorporated in 1653, and is the oldest town in Worcester County. Lancaster is the town from which the surrounding towns of Harvard, Bolton, Leominster, Sterling, Berlin, and Clinton were formed. Lancaster was the home to Mary Rowlandson, whose 1682 narrative of her captivity during King Philip's War was one of the most popular books of the 17th century.

Mr. Speaker, the fifth meetinghouse of the First Church of Christ in Lancaster was designed by Boston architect Charles Bullfinch and is a nationally recognized gem of American architecture. The well-known publishing firm of Carter and Andrews issued illustrated children's books and textbooks in Lancaster between 1828 and 1834. Lancaster was the birthplace in 1849 of horticulturist Luther Burbank, the progressive Industrial School for Girls, the first reform school set up on the cottage system, was established in Lancaster in 1854. The South Lancaster Village Church of the Seventh-Day Adventists was dedicated in 1878 and the South Lancaster Academy (predecessor of Atlantic Union College) was opened in 1882. Henry Stedman Nourse, noted historian and public servant at the state and local levels, spent the greater part of his life in Lancaster. The Rev. Edmund Hamilton Sears, who wrote the Christmas hymn "It Came Upon a Midnight Clear," was the seventh minister of Lancaster's First Church of Christ. The Lancaster Town Library, established in 1862, offers a rich and unusual collection of valuable research materials, including a copy of the Nuremberg Chronicle of 1493 and a folio edition of Audubon's The Birds of America. Citizens of Lancaster have served America honorably in all wars and conflicts since the 17th century.

Mr. Speaker, these are just a few of the many great things about the Town of Lancaster, which I am honored to represent in Congress. I ask that the whole House join me in congratulating the people of Lancaster as they celebrate the town's 350th anniversary. Thank you, Mr. Speaker.

ALL PARTIES MUST ACT NOW TO STOP ESCALATING VIOLENCE IN MIDDLE EAST

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to express my support for the State of Israel and for the security of both the Israeli and Palestinian people and condemn the violence suffered by both communities.

If there is to be a safe and stable environment in the Middle East, the rights and safety of all people in the region must be protected.

Continued military attacks and terrorist activities will only lead to escalating violence and potential destabilization of the Middle East and neighboring regions. For that reason, I believe the United Nations Security Council Resolution 1397 calling for the immediate cessation of all acts of violence between Israel and the Palestinians must be honored.

The United States must do its part and work vigorously and fairly with the Israeli government and the Palestinian Authority to help establish a just, lasting, and comprehensive peace in the Middle East, as outlined in House Resolution 394, sponsored by my colleague PETER DEFAZIO.

All parties must act now to put a stop to the escalating violence because all people in the region deserve to live in lasting peace.

MINNESOTA REP. DARLENE LUTHER'S LASTING LEGACY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. RAMSTAD. Mr. Speaker, we have all learned in the last eight months how fragile life can be, and how nobility and grace can rise from tragedy and sadness.

We have all mourned recently with our colleague Bill Luther the loss of his beloved wife, Darlene, who was a distinguished member of the Minnesota House of Representatives, as well as a loving wife and mother of Alex and Alicia Luther.

Mr. Speaker, I was profoundly moved by a recent story from the Fergus Falls Journal which reflects the great love Darlene and Bill shared for each other, as well as others.

The story, by Mary Mahoney, also speaks volumes about the enduring power of human kindness.

Because I would like to share this beautiful story of love, sacrifice and the enduring bond of friendship, I respectfully submit for the record the enclosed article from the Fergus Falls Journal of February 7, 2002, entitled "Family's gift of life leaves enduring bond," by Mary Mahoney.

[From Fergus Falls Journal Feb. 7, 2002]

FAMILY'S GIFT OF LIFE LEAVES ENDURING BOND

(By Mary Mahoney)

More than 25 years before his unexpected death, Gary Bradow told his wife Norma that he wanted his organs donated. "I told him that if he went first, I didn't know if I could do it," Norma said from her Fergus Falls home. "Gary told me I could, that I would just know it was right."

But nothing could have prepared Norma for the awful day that Gary died. A malformed artery in his brain caused a fatal stroke in March 1998 at the age of 57. Norma was faced with the one decision she didn't want to make. "

"People think of 'harvesting' organs as an awful thing," she said. "But I realized we were farmers; harvesting is a wonderful thing for farmers. And in the case of donating Gary's organs, 'harvesting' was wonderful too."

A man in Wisconsin received a kidney. A 63-year-old widow got another kidney. Two others received his eyes.

And State Rep. Darlene Luther was the recipient of Gary's liver, literally occurring hours before she would have died.

A simple thank-you letter written to Norma six months after the transplant established a bond that couldn't be broken—even after Darlene's death on Jan. 30.

"I don't think of myself as one but as two persons," she wrote, signing only her first name.

With those words, Norma knew she had to connect with this woman who had reached out to her.

"Her letter touched my heart in a way I just can't describe and I immediately called LifeSource and said I had to meet her," Norma said. "It took awhile, but two weeks before Christmas 1998, both of them (Darlene and her husband U.S. Representative Bill Luther) were here."

In the four years since Darlene's transplant, the Bradow family became dear and special friends with the Luthers, visiting often and corresponding frequently. Darlene even flew out to Seattle one day to have lunch with Norma and her daughter Pam, who lives in Seattle, and flew back the same afternoon.

"The bond we had was completely beyond words," Norma said. "She was such a kind and generous lady."

Another twist of fate connected the families as well. Bill, who grew up on a dairy farm near Fergus Falls and has relatives in the area, had briefly known Gary before his death.

"I knew of them and had spoken with Gary before all of this happened," Bill said. "And the odds that my wife would receive a liver transplant from a man from my hometown—it's just amazing the way life can bond people together."

To Darlene, it was a sign that more needed to be done to increase awareness of organ donation. She felt she was the perfect person to educate people about the benefits of organ donation as a state representative, and helped enact legislation providing funding for a mobile education unit for LifeSource, the organ donation procurement organization that helped secure her liver.

"She (Darlene) did such a great amount of work, getting families to talk about organ donation," said LifeSource Public Relations manager Susan Mau Larson. "She was a living statement of the wondrous good provided by organ donation."

The mobile unit is similar to a bookmobile, with displays and kiosks about organ donation. In late December, LifeSource presented a plaque that will hang in the mobile unit, thanking Darlene for all the work she's done for organ procurement.

Last week, a bill passed through the House of Representatives—named in honor of Darlene—making a person's organ donation wishes a binding contract, meaning a family member cannot override the decision. The Senate will begin its process on the bill today, Mau Larson said.

But despite the positive work Darlene provided, tragedy struck the Luthers and the Bradows—once again.

"Darlene called me in late October to let me know she had stomach cancer," Norma said. "The anti-rejection drugs masked the cancer and by the time they found out, it was inoperable."

It was then that the friendship shifted and Norma began helping Darlene the way she had been helped after her husband's death.

"I wrote her weekly notes, little inspirational things to encourage her," she said. "Her inner peace was phenomenal; she was such an inspiration to me and I was trying to help her."

When Bill called Norma the morning after Darlene died, she said the news was heartwrenching enough. But what came next practically took her breath away.

"Darlene had requested she be buried in Fergus Falls, where she could be near us," Norma said. "I burst into tears when Bill said that."

For Bill and his children Alex and Alicia, it was a natural decision.

"We were so appreciative of those four years Darlene received because of the transplant," Bill said. "The Bradows are part of our family."

He insisted that Norma ride in the lead car during the burial procession and that Gary's family, including his mother, Emma and daughters Tara and Debra, take part in the service held Wednesday afternoon at Oak Grove Cemetery.

"That's what they mean to us," Bill said. "And it's what Darlene would have wanted."

FINDING A CURE FOR FRIEDREICH'S ATAXIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. COX. Mr. Speaker, I rise today to make my colleagues aware of Friedreich's Ataxia Awareness Day, which is recognized each year on the third Saturday in May.

Friedreich's ataxia Is a life-shortening neurological disorder that is usually diagnosed in childhood. It causes muscle weakness and loss of coordination in the arms and legs; impairment of vision, hearing and speech; scoliosis, diabetes; and a life-threatening heart condition. Most patients need a wheelchair full-time by their twenties. Life expectancy is reduced to early adulthood. There is currently no effective treatment or cure for Friedreich's ataxia.

Although there is no treatment or cure available, Friedreich's ataxia patients and families have more and more reason for real hope. An extraordinary explosion of research findings has followed the identification of the Friedreich's ataxia gene in 1996. Since that discovery, research scientists have learned a great deal about the disorder. We now know what defects in the gene cause the disease, what protein the gene is supposed to produce, what that protein is supposed to accomplish, and why a shortage of the protein results in the cell death that leads to the disease symptoms. Investigators are increasingly optimistic that they are drawing closer to understanding more fully the causes of Friedreich's ataxia and to developing effective treatments.

At the National Institutes of Health and around the world, clinical trials for Friedreich's ataxia are being conducted on drugs that hold real promise. Intensifying cooperation among organizations supporting the research and the multidisciplinary efforts of thousands of scientists and health care professionals provide powerful evidence of the growing hope and determination to conquer Friedreich's ataxia. There is a growing conviction that treatments can and will be developed for this disease and that the resulting insights will be broadly applicable across a wide range of neurological disorders.

On the third Saturday of May, events will be held across our country to increase public awareness of Friedreich's ataxia and to raise funds to support the research that promises treatments for this disease. I applaud the Friedreich's Ataxia Research Alliance for its contributions to these efforts and ask my colleagues to Join me in recognizing May 18, 2002, as Friedreich's Ataxia Awareness Day to show our concern for all those families affected by this disorder and to express our support and encouragement for their efforts to achieve treatments and a cure.

CHILDREN'S HEALTH COVERAGE IMPROVEMENT ACT OF 2002

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. RUSH. Mr. Speaker, I rise today to address the plight of low-income uninsured children with the introduction of the Children's Health Coverage, Improvement Act of 2002.

Throughout the United States there are over 11 million uninsured children under the age of nineteen. Over two-thirds of these children live in families with household incomes below 200% of poverty. In my home state of Illinois alone 435,000 children have no insurance, ranking Illinois 24th in the nation in the percentage of uninsured. Over 102,000 of these uninsured children reside in Cook County.

In hope of enrolling those low-income children who are eligible for SCHIP, I am introducing the Children's Health Coverage Improvement Act of 2002 which: Provides $100 million in grants annually from unspent SCHIP allocations to community-based public or nonprofit organizations for the purposes of conducting innovative outreach and enrollment efforts; and It is my hope that through this legislation we can ensure that every low-income child has the health insurance they qualify for and deserve.

RETIREMENT OF GUY SIMS MUSCOGEE COUNTY SCHOOLS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. COLLINS. Mr. Speaker, today I would like to recognize and commend Guy Sims of Muscogee County.

Mr. Sims has spent the last 36 years working to strengthen and build the minds of young people in the Greater Columbus, Georgia region.

In 1966, Mr. Sims began a teaching career at Wood Elementary School. In the twenty years between 1971 and 1991, he served as principal of Rose Hill, Fox, and Carver Elementary schools. For the past five years he has served with distinction as Superintendent of the Muscogee County School District.

During his time working with young people, he has demonstrated his dedication to education by serving as President of the Georgia Association of Elementary School Principals, served on the Georgia Department of Education committees for State Standards Evaluation, Performance Based Education, Personnel Development, and Teacher of the Year Selection.

In his spare time, Mr. Sims has been a faithful community servant working with the Muscogee Educational Excellence Foundation, the Leadership Morality Institute, the United Way, Columbus Communities in Schools, the Columbus Literate Community, the Georgia Early Learning Initiative, the Rotary Club, Advisory Partnership Groups, and the Chamber of Commerce.

Mr. Sims has been instrumental in establishing the Reading Recovery Program, a Special Purpose Local Option Sales Tax, construction of new libraries, Georgia's Choice, raising teacher salaries, magnate and alternative schools, and an improved District Technology Plan.

Mr. Sims has exemplified the behavior of a dedicated teacher and administrator during a time when not enough recognition is given to those who educate children. He has stayed the course when so many are leaving our schools for better paying jobs in the private sector.

So, on the occasion of his retirement, I would like to thank Mr. Sims for his service to countless young people. In fact, if you were to gather together all of the young people whose lives have been touched by this man, you could not fit them all in the Capitol.

Mr. Sims, I wish you a happy retirement and thank you for your service to your nation and to the children and community of Muscogee County.

HONORING MR. PAUL ECKE

HON. DARRELL E. ISSA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 16, 2002

Mr. ISSA. Mr. Speaker, I rise today to honor the memory of Mr. Paul Ecke, a friend whom I have known for many years. Mr. Ecke, who passed away on May 13th, led a truly remarkable life.

Although he was only 16 years of age when America entered World War II in 1941, Paul Ecke served courageously aboard a Navy Destroyer in the Pacific theater. Following the war's conclusion in 1945, Mr. Ecke attended the Ohio State University where he graduated with a degree in horticulture. After graduation, when America found itself embroiled in a war against communist aggression in Korea, Mr. Ecke again answered America's call by serving as a damage control officer in the China Sea for the Navy's 7th Fleet.

Despite his heroic service in the Navy, Paul Ecke did not choose to pursue a career in the military. There is, perhaps, a slight taste of irony that this military hero pioneered and championed a symbol, the poinsettia, which is synonymous with Christmas and the Holiday season; a time when people of many faiths pray for peace among nations and good will towards men.

Mr. Ecke found new techniques of cultivating, genetically engineering, and marketing poinsettias. Today, thanks to Mr. Ecke's legacy, approximately 60 percent of the world poinsettia market consists of licensed varieties developed at the Ecke Ranch. This figure includes over 65 million poinsettias sold nationwide last year.

Mr. Ecke shared the success of his business with many charitable causes. His philanthropy in the San Diego area was particularly generous: he shared his wealth with local schools and universities, deeded land to the state of California for preservation, and took the North Coast Family YMCA, which was later renamed after his mother Magdalena, under his wing.

Mr. Speaker, Paul Ecke was my friend. Although I am grieved by his passing I, along with the many other lives he touched, take solace in knowing that Mr. Ecke's legacy lives on: in the County of San Diego and in every home that takes in a poinsettia for the Holiday season.

HONORING NATIONAL POLICE WEEK

HON. ERIC CANTOR

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 16, 2002

Mr. CANTOR. Mr. Speaker, I rise today to honor National Police Week. Police officers provide for the public safety, and their contributions to our communities truly epitomize public service. This week we are proud to recognize those who put themselves in danger day in and day out for our protection.

The terrorist attacks of September 11th highlighted the importance of law enforcement officers in every day life. These tragic events demonstrated how vulnerable we are and how indispensable police are in maintaining order in emergency situations. The law enforcement officers who lost their lives in the line of duty that day impress us with their sense of duty and dedication to public safety.

As we honor fallen officers, we need to remember that all law enforcement officials put their lives on the line everyday. Too often we take for granted our community police and the sacrifices they make for our safety. This week we should show our appreciation to these officers and their families and especially to the families of those who have made the ultimate sacrifice in the line of duty.

As we observe National Police Week, we pledge that we will never forget the selfless dedication of these men and women on behalf of our communities. Their bravery, dedication and commitment to public service are qualities of which every American can be proud. Today, I join the residents of the 7th District of Virginia in honoring and remembering these brave men and women and say thank you to America's police officers.

I am proud to stand today to honor these real American heroes.

NATIONAL HOSPITAL WEEK

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 16, 2002

Mr. CAPUANO. Mr. Speaker, it is with great pleasure that I rise today to recognize May 12–18, 2002 as National Hospital Week. This year's theme, "Where Miracles Happen Every Day" is a fitting tribute to our nation's hospitals and their dedicated staffs of health care professionals. This week, we should all recognize the service of these health care workers, volunteers and other professionals who are committed to providing quality care to communities throughout the country.

National Hospital Week was first celebrated eighty years ago in an effort to encourage more Americans to rely on the care provided at health care facilities. It has now become a powerful way to honor a remarkable industry. This year, we celebrate the impact of quality health care on our nation's families.

Hospitals are at the cutting edge of our health care system. From supporting groundbreaking research in new therapies to advancing new technologies in patient care, hospitals are at the forefront of diagnosing, understanding, treating, curing and preventing disease. These continuing improvements in medical care have helped patients recover faster from injuries and sickness while allowing many people to live happier and healthier lives.

I believe that it is important to recognize our health care system and the instrumental role it plays in ensuring quality, comprehensive care in all of our communities. From life saving surgeries to routine physicals, hospitals continuously provide quality health care to patients and their families.

The people of my Congressional District are fortunate to have some of the best research, teaching and community hospitals right in their backyard. Patients from New England, across the nation, and throughout the world come to these care centers seeking hope for better lives. Those of us from the Boston region must never take these hospitals and their staffs for granted. National Hospital Week is the perfect opportunity to recognizing the miracles that are performed in these hospitals each day.

Mr. Speaker, I urge my colleagues to join me as we celebrate National Hospital Week and recognize the success and dedication of our nation's hospitals.

HONORING KATHERINE CLOSE, REGIONAL SPELLING BEE CHAMPION

HON. FRANK PALLONE, JR.

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 16, 2002

Mr. PALLONE. Mr. Speaker, I rise today to recognize an exceptional young woman from my district that has distinguished herself by winning the March Spelldown 2002, allowing her to advance to the 75th Annual Scripps Howard National Spelling Bee.

Katherine "Kerry" Close, a fourth grader from Spring Lake, New Jersey, beat 100 other students in Monmouth, Middlesex and Ocean Counties to make it to the final round of the regional spelling bee held in Asbury Park, New Jersey. Winning the bee qualified her and a guardian for a paid trip here to Washington to compete with 249 other nationwide winners who will compete in the four-day national bee beginning May 26.

Her study strategies include listening to a couple hundred words each day, then having her parents quiz her on those words. In reality, the possible words she may face can be any word in the English language, a daunting task for a nine-year old. Kerry will also be one of the few contestants her age, but insists that she is not nervous about the event.

I and all the residents of the Sixth Congressional District of New Jersey would like to once again congratulate Kerry on her achievement. I urge my colleagues to join me in wishing the best of luck to Kerry and all her fellow spelling bee champions from around the nation as they compete at the national spelling bee championships.

HIGHWAY FUNDING RESTORATION ACT

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 14, 2002

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 3694 a bill to restore critically needed federal highway funds. I am a cosponsor of this important piece of legislation.

As you know, the President's budget includes a cut of nearly 27 percent or $8.5 billion to the Federal highway program in Fiscal

Year 2003. The impact of such a cut would be devastating to state and local transportation programs and to the economy in general. Every $1 billion invested in the Federal highway program supports an estimated 42,000 jobs. A cut of the magnitude in the President's budget would result in the loss of hundreds of thousands of jobs at a time when the economy is slowly pulling out of a recession.

The Highway Funding Restoration Act increases funding for roads bridges and safety programs by $4.5 billions in Fiscal Year 2003, the level authorized by the Transportation Equity Act for the 21st Century (TEA–21). Since the enactment of TEA–21, the nation's transportation infrastructure has benefitted immensely. To halt this progress by cutting funding by 27 percent would hurt communities and the men and women whose livelihood depends on transportation-related projects.

Mr. Speaker, without the passage of this important legislation, my state of Texas will lose $297 million dollars in Federal transportation funds. Texas simply cannot afford cuts of this magnitude. H.R. 3694 is a good piece of legislation and is supported by 317 cosponsors. I urge the adoption of this important bill and ask my colleagues to vote in favor of it.

RECOGNIZING THE 50TH ANNIVERSARY OF THE MONTEREY PARK DEMOCRATIC CLUB

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize the 50th anniversary of the Monterey Park Democratic Club. Founded on May 19, 1952, the Monterey Park Democratic Club has made many achievements over the years.

One of their most important efforts has been to increase voter turn out. This has given a voice to numerous residents of Monterey Park who otherwise would not have had one. Since the 1950s, the Monterey Park Democratic Club has also sponsored and promoted several important community events, including roundtable discussions on local issues. Club members are not afraid to tackle sensitive issues like the Nuclear Freeze campaign of the 1980s, lobbying to close the nearby landfill or opposing billboard signs and gambling. Their passion and leadership is commendable. I applaud President Irv Wilner and other club leaders for their leadership.

It is clear that the Monterey Park Democratic Club has done much to enhance people's confidence in government and faith in democracy. I ask you to join me in honoring their celebration.

REMEMBRANCE OF FALLEN TULARE COUNTY PEACE OFFICERS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. THOMAS of California. Mr. Speaker, today I rise to join the people of Tulare County and the United States of America in thanking those peace officers who have made the supreme sacrifice while working to enforce our laws, protect our homes, and guard our lives. Events of the past year have served as a poignant reminder of the selfless dedication to duty that peace officers demonstrate every day, and those of us who served in the 105th Congress were the direct beneficiaries of this devotion, when two Capitol Hill Police Officers fell in the line of duty.

The Tulare County Sheriff's Department's Peace Officer Memorial Service and dedication of the Peace Officer Memorial was held yesterday, May 15, 2002, in Visalia, California. This monument pays tribute to the nineteen Tulare County peace officers who have lost their lives in the line of duty. To honor their noble sacrifices, the people of Tulare County have come together to donate the funds needed to make this lasting tribute to these brave individuals a reality.

This monument honors eight members of the Tulare County Sheriff's Department, three members of the California Highway Patrol, and eight members of various other law enforcement agencies located in Tulare County, including one federal officer from the National Parks Service. The Tulare County peace officers who have been killed in the line of duty are: Deputy John N. Wren, Deputy Oscar A. Beaver, Constable Robert A. Carter, Officer George Owen Barlow, Officer Norman A. Kessler, Officer Richard L. Simpson, Sergeant Charles Garrison, Officer Richard W. Smith, Deputy Ross C. Cochran, Officer John R. Ellis, Deputy Vernon L. Cox, Deputy Carlos Magana, Officer Thomas J. Schroth, Detective Monty L. Conley, Detective Joe R. Landin, Deputy Michael R. Egan, Reserve Officer Ronald Hills, Ranger James Randall Morgenson, and Officer James J. Rapozo.

In closing, I thank these and every other law enforcement officer for their sacrifices made to protect and serve their fellow citizens.

RECOGNITION OF AARON SIMMONS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Aaron Simmons, founder and president of TreePots, Incorporated, in the Second Congressional District of West Virginia. Mr. Simmons has achieved the title of Young Entrepreneur of the Year. The West Virginia Division of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Mr. Simmons began TreePots, Incorporated, with the idea of creating a planter to place around trees. Mr. Simmons' enterprising concept has provided a three-year corporate success for him. Mr. Simmons truly embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend him for his contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Mr. Simmons' tremendous achievement as the West Virginia Small Business Administration's Young Entrepreneur of the Year.

A TRIBUTE TO DR. CALVIN W. BURNETT

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. EHRLICH. Mr. Speaker, we rise today to pay special tribute to Dr. Calvin W. Burnett, President of Coppin State College in Baltimore, Maryland. On May 17th, we will join many of Dr. Burnett's admirers in a tribute to his 32 years of outstanding leadership at Coppin.

Dr. Burnett earned his bachelor's degree and Ph.D. from St. Louis University. He was a faculty member and administrator at the Catholic University of America and Southern Illinois University prior to his tenure at Coppin.

Since becoming Coppin's president in 1970, Dr. Burnett has guided the college from a teacher education institution to a comprehensive college in a challenging urban setting. The school places an emphasis on the problems, needs, and aspirations of Baltimore City and offers instructional programs for its students to meet these needs.

Dr. Burnett is also active in many charitable and civic organizations and through his work has become a respected leader in Baltimore and the entire state of Maryland. A few of the organizations he has been associated with include the Black/Jewish Forum for Maryland; the Baltimore Area Council—Boy Scouts of America; the Metropolitan YMCA; the Walters Art Gallery; the State NAACP Jubilee Day Committee; and the State of Maryland Civil Rights Commission.

Last year, Coppin State held its first public hearing on a comprehensive strategic revitalization plan. We were encouraged when we first heard that the State of Maryland had entered into a partnership agreement with the U.S. Department of Education Office of Civil Rights. This particular partnership was formed to ensure equal access to higher education for all citizens. The partnership agreement, in part, calls for Coppin to implement a vision for its future that reflects an enhanced mission, campus expansion, teacher recruitment and student retention.

We are pleased that Coppin's comprehensive strategic revitalizing plan was started when Dr. Burnett was at the helm.

Mr. Speaker, we wish Dr. Burnett very best wishes as he retires from Coppin State College. His achievements will be longstanding; his career has touched the lives of thousands of students who have benefitted from his leadership.

Retirement will mean spending more time with his wife, Dr. Gretta L. Burnett, and his children and grandchildren. We are confident, however, that his commitment to Coppin and to the City of Baltimore will keep him active in many civic and educational activities. Today, we celebrate Dr. Burnett's contributions, and thank him for a job well done.

THANKS AND FAREWELL TO DR. CHRISTINE EHRENBERG, DIRECTOR HOUSE OF REPRESENTATIVES CHILD CARE CENTER

HON. STENY H. HOYER

OF MARYLAND

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. HOYER. Mr. Speaker, on the occasion of her departure at the end of this month for a teaching position in the Empire State, we rise to thank Dr. Christine Greer Ehrenberg for her exemplary service to this House.

For the past four and one-half years, Dr. Ehrenberg has served as the Director of the House of Representatives Child Care Center. Since 1985, the Center has provided outstanding preschool and educationally enriching care for children of Members and staff of the House, enabling parents to work free of worry about their children's welfare. We are grateful to Dr. Ehrenberg, and her dedicated staff, for making this possible, and for the many improvements which she has initiated and implemented for the Center during her tenure.

Christine is only the second director of HRCCC. When she arrived in 1997, she brought a wealth of experience in the educational field. Her direction of the Center, and her guidance to those who oversee it, have been invaluable. But we are supremely confident that the greatest beneficiaries of Christine's talents and efforts, by far, have been the children enrolled in the Center. Christine's has not always been an easy job—the events of the dreadful morning of September 11 come immediately to mind, together with the logistics of relocating the Center, once permanently to its current location, and once temporarily. But despite difficult circumstances, Christine always kept the Center on an even keel and moving in the right direction.

Through her work here, Christine has earned the respect and gratitude of dozens of House families whose children started their educational careers at the Center. We join them in thanking Christine for her tireless efforts in their behalf. We wish Christine and her husband Dale all the best as they set out for New York State. May they always look back fondly upon their days with the House, as we surely will.

NATIONAL TRANSPORTATION WEEK

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. CUMMINGS. Mr. Speaker, as you may be aware, this week May 12–18, we celebrate National Transportation Week. The 2002 theme is "Transportation . . . It Keeps America Moving." National Transportation Week is an opportunity to celebrate the successes of our transportation system and to promote transportation-related careers.

As a member of the Transportation and Infrastructure Committee and the Chair of the Congressional Black Caucus Transportation Braintrust, I would like to share with you the concerns I have about our dwindling transportation workforce. I would like to point out the opportunities we have to increase the transportation workforce through initiatives underway by local universities and the U.S. Department of Transportation.

When we discuss transportation, we focus on the more tangible aspects of the system that we see everyday, like the physical road, railroad tracks, and transit systems. We often overlook the very people who make the system work—the professionals and laymen who have established the U.S. transportation system as one of the safest and most efficient in the world. Transportation and traffic engineers, transportation planners, construction and work zone crews, intelligent transportation systems specialists, and transit operators to name just a few of the positions in a fast-paced, dynamic environment. These jobs require personnel with the skills and talent to build, operate, and maintain a vast network of systems. Guaranteeing an efficient and smoothly operating transportation system requires the best and brightest in our workforce.

Despite a recent US. News and World Report cover story that highlighted transportation engineering as one of the eight most secure jobs and the immersion of new technologies that are expanding career opportunities in the transportation industry, much of the seasoned transportation workforce is slowly disappearing. According to the Federal Highway Administration, 40 percent of the State and local transportation workforce is between the ages of 45–64. In the next 5 to 15 years, 40 to 50 percent of all transportation workers will begin to retire. An article in the July/August 2001 issue of Public Roads, entitled, Help Wanted: Meeting the Need for Tomorrow's Transportation Workforce, by Clark Martin, amply illustrates these concerns. I would like to submit the article for the record.

These statistics, compounded by an increased demand on our transportation system, amplify the need for the development of a skilled transportation workforce to manage and operate the system. We must look at increased funding for programs that ensure an expanded pool of transportation personnel as-well-as gender and ethnic diversity within the current and future transportation workforce.

Some programs that promote transportation jobs include: Dwight David Eisenhower Transportation Fellowship Program; Technology Transfer Centers; National Summer Transportation Institute for Secondary School Students; Garrett A. Morgan Technology and Transportation Futures Program; Summer Transportation Internship Program for Diverse Groups; and The University Transportation Centers Program.

In my district of Baltimore, Maryland, the Morgan State University Transportation Center (UTC) is making strides to meet society's needs for transportation professionals. The theme of Morgan's UTC is "Transportation: A Key to Human and Economic Development." The Center promotes transportation-related careers, and provides training and research opportunities to equip future transportation professionals with the knowledge and skills required to plan, develop and manage transportation systems. These skills include, but are not limited to, designing and implementing intermodal transportation facilities, advanced highway construction, magnetic levitation technology and smart growth community planning.

The Department of Transportation is taking a strong stand on this issue. Just this week, the DOT Modal Administrators and influential leaders in the transportation professional community attended the inaugural National Transportation Workforce Summit in Washington, D.C. The attendees participated in workshops focusing on the Workforce Pipeline, Training and Development, and Institutionalizing Workforce Development. The signing of "A Partnership for Educating, Training and Developing the Nation's Transportation Workforce" by Summit participants on May 13, 2002, was an important outcome of the meeting. The signers of the document agreed to work in partnership to:

1. Provide, within their own agencies and organizations, a focus on implementing programs and policies that will assure the development, support and management of an efficient and effective workforce;

2. Support partnership efforts in the transportation and education communities that will help build young people's interest in transportation careers, and will support continuing education, training and professional development opportunities for today's and tomorrow's workers; and

3. Promote a greater understanding that an efficient, well-trained workforce is critical to developing, operating, and managing the Nation's transportation system, and it is vital to National security, U.S. economic growth, and the quality of life for all Americans.

As we continue to review issues related to TEA–21 and prepare for its reauthorization, I hope that we will begin to look at how we can assist the Department of Transportation and the transportation professional community in meeting these goals to address the transportation development needs of our nation.

PAYING TRIBUTE TO JOANNE KLEPINGER DITMER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2000

Mr. McINNIS. Mr. Speaker, it is my honor today to pay tribute to Joanne Klepinger Ditmer. Joanne has been an advocate for preservation for over 40 years. She has been instrumental in preserving not only the building and landmarks that make my state of Colorado so great but also the spirit of the Western frontier.

In 1962, Joanne began her column "Raising the Roof" in the Denver Post. Not only was the column the longest running column in the history of the paper, only ending this year, but it also it was enormously effective in promoting action on land use issues and historical preservation. Clearly, Joanne knows the value of preserving our traditions and heritage—a past—from which future generations can learn. Joanne's approach to the subjects for which she is so passionate has inspired the everyday man, the civil servant, and the environmental advocate alike. Due to this, and the respect that she has gained from her colleagues, Joanne is being recognized for her efforts by Colorado Preservation, Inc. with the Dana Crawford Award for Excellence in Preservation.

I am proud of the history of my state and I known the value of the work that Joanne does to preserve that history. Mr. Speaker, I am honored to bring the hard work and dedication of Joanne Klepinger Ditmer to the attention of this body of Congress and of this nation. On behalf of the people of Colorado and indeed this nation, thank you Joanne for all that you have done and will continue to do in the future.

SENATE—*Monday, May 20, 2002*

The Senate met at 1 p.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Julian of Norwich in the 15th century prayed,

"God of Your goodness, give me Yourself, for You are sufficient for me . . . If I were to ask anything less I should always be in want, for in You alone do I have all."

Father, in this quiet moment we seek the ultimate joy of life: We simply come to abide in Your presence. We would not interrupt what You have to say to us with chatter. More than anything that You can provide us—we need You. Make us as ready to listen as we are to talk. You have created us for communion with You. We thank You for speaking to us in our souls. Now we hear what You have been seeking to tell us: We are loved, forgiven, and cherished by You. You have plans for us: A personal will for each of us and a will for our Nation. Bless the Senators now as they wait on You. Inspire the rest of us to follow their leadership as far as they follow You. We open our minds and hearts to receive You—our Lord, Saviour, Peace, and Power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, you will announce shortly that we will be in a period of morning business until 2 o'clock today. The first one-half hour will be under the control of Senator DORGAN, and the second one-half hour will be under the control of the Republican leader or his designee. At 2 p.m. today, we are going to resume consideration of the trade act. There are no rollcall votes scheduled today. The next rollcall vote will occur tomorrow at about 11 a.m. on the cloture motion on the steel amendment to the trade act. There are numerous amendments pending, and others will be filed today. Of course, the leader has indicated that he is going to file cloture tomorrow on the bill itself.

Senators who have amendments to be offered should do so. We are going to do our very best to work out arrangements so we can have as many votes as possible prior to the cloture vote which will take place on Wednesday sometime.

There is a lot of work to do on this trade bill. The leader wants to finish it this week. We have been on it for a week. It is very possible that we could have some long days this week. There is some talk that the chairman of the Committee on Appropriations, Senator BYRD, is going to be able to mark up the supplemental appropriations bill. The House has not acted on it yet. It is my understanding they are going to take this matter to the Committee on Rules and rule on it to see if they can get it over to us sometime late Wednesday.

This will be a very busy week, especially with the Memorial Day 1-week recess facing us in a few days.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

The Senator from North Dakota.

THE NEW HOMESTEAD ECONOMIC OPPORTUNITY ACT

Mr. DORGAN. Madam President, I will not be taking the full half hour. So the Senator from Nevada, if he wishes to make comments, might want to make comments following mine.

It was 140 years ago today that the original Homestead Act was signed into law. I want to comment for a moment about that act and about legislation that was introduced in the Congress.

Here is a copy of the stamp that was issued in 1962—a postage stamp commemorating the original Homestead Act. A sod house from North Dakota was commemorated on that postage stamp.

President Lincoln signed the Homestead Act into law. The purpose of that was to encourage people who wanted to seek new opportunity to populate the middle part of our country—the heartland of our country. And people did go to the heartland of America.

My great-grandmother, a Norwegian immigrant who lost her husband to a heart attack, along with her six children, got on a train and went to Hettinger County, ND, and pitched a tent. She raised her family, built a home, started a farm, and ran a family farm.

That courageous Norwegian immigrant widow did what many Americans did. They just made an opportunity out of something that was there for them—the Homestead Act.

Then she had a son. That son had a daughter and that daughter had me. And that is how I came from Hettinger County, ND.

A lot of Americans have a similar story in their background about how they are living in this country.

But the Homestead Act was successful in moving people out to start farms, ranches, and small communities in this country.

One-hundred forty years later, this is what is happening to our country. You will notice that in the middle of our country—in the heartland of America—we are being systematically and relentlessly depopulated once again. As you will see, North Dakota has a substantial loss of population in almost all of its rural counties. In North Dakota, the chart shows what is happening. Ninety-one percent of our counties are suffering from substantial out-migration: Montana, 54 percent; South Dakota, 73 percent; and, Nebraska, 66 percent.

There is this relentless depopulation of the central part of our country.

Some wring their hands, gnash their teeth, and ask what they can do, and say perhaps nothing. I happen to think we can do something.

Last March, the Bismarck Tribune ran an Associated Press story talking about the cycle of what is happening in many of these States, from North Dakota to Texas. Schools are closing. Farmers are giving up. Young people are moving out, leaving behind the elderly in communities struggling to keep their names on the map.

The latest census number shows dozens of counties in South Dakota, North Dakota, Missouri, Nebraska, Kansas, and Illinois have lost people in the 1990s. The question is, What, if anything, can we do about that?

I have introduced a piece of legislation here in the Congress with my colleague Senator HAGEL from Nebraska. Very simply, our legislation is similar to the Homestead Act of 140 years ago, except we don't have land to give away anymore. So we say to people who would move in and stay in these local areas that are rural by nature and which have been losing population, here are the reasons for you to stay. There are incentives for you to stay.

Much of the country aspires to have what they have in many of these rural counties and local communities: good places in which to live, great places to raise a family, good neighborhoods, safe streets, strong schools and other things that people aspire to have. Yet we are trying to recreate that in other areas of the country, even as we are losing it in the heartland.

Again, the question is, What can we do about that? Senator HAGEL and I have introduced a piece of legislation called the New Homestead Economic Opportunity Act.

It says to people, if you live and work in these out-migration counties after you graduate from college, we will forgive part of your college loan.

We will provide a tax credit for a home purchased by individuals living in these counties that are suffering from out-migration.

We will protect home values by allowing losses in home value to be deducted from your Federal income tax. In many of these small towns, when you build a home, it is worth less immediately after it is built than the cost of construction.

We will establish Individual Homestead Accounts to help build savings and increase access to credit if you are living in one of these rural counties.

Then there are business incentives as well. Say you create or keep a business in one of these rural counties losing population, States can offer investment tax credits for newly constructed buildings and accelerated depreciation for equipment purchases. There are a whole series of things that represent business incentives, either to stay there and start a business or come there and create a business.

The New Homestead Economic Opportunity Act also recognizes in order to be successful in starting or keeping business in rural areas, you have to have venture capital. Our legislation would establish a national venture capital fund in order to do that.

The National Association of Counties has endorsed the New Homestead Economic Opportunity Act, saying:

> As you are aware, some of America's rural counties are facing critical hurdles . . . many rural counties are experiencing an out-migration of youth to more urbanized areas of the country due to a lack of economic opportunities . . . Your legislation is a good attempt to ameliorate this out-migration from rural America and we fully support your efforts.

The same is true with many other organizations. I will put up a chart showing just a few of them: The National Telecommunications Cooperative Association, the North Dakota Association of Builders, the North Dakota Association of Realtors, bank groups, credit unions, and more.

The question for this Congress is, Will we do something about what is happening to rural areas in the heartland of our country?

When America's cities were suffering a crisis and inner-city blight, America went right to work. It put on its work clothes and said: All right, we're going to help America's cities, we're going to do a model cities program and an urban renewal program, and we will not allow our cities to fail.

I supported that. Good for us. The fact is, many of our big cities have turned around completely, and they now have economic life and vitality. The question for the Congress and the country is, Will we do something to restore economic opportunity in the heartland of this country? I hope we will.

So I wanted, on the 140th anniversary today of the original Homestead Act, to point out there is a new Homestead Act that has been introduced in Congress by Senator HAGEL and myself. And we have done that for a very important reason. We hope our colleagues will join us in allowing us to move that piece of legislation in this Congress.

CUBA

Mr. DORGAN. Madam President, I want to say a word on another matter, if I might, about a speech given by President Bush this morning.

President Bush, this morning, gave another speech about Cuba and said: No, our 40 years of embargo against Cuba really work. We want to continue this embargo. And we want to get even tougher now.

The President is going to Florida this evening for a $25,000-per-person fundraiser. I suspect there is a lot of politics and probably very little policy in this speech. But let me say this: I do not think it does anything to hurt Fidel Castro to continue an embargo that has failed for 40 years.

An embargo that punishes Americans for traveling in Cuba, an embargo that makes it impossible, and now difficult, for our farmers to sell into Cuba, is not an embargo, in my judgment, that represents this country's best policy interests. It does not make any sense for me to embrace policies that don't allow Fidel Castro to ever miss a meal. He has never missed breakfast, lunch, supper, or dinner because of these embargoes. It is just poor, sick, and hungry people in Cuba who have been injured by these policies.

This 40-year embargo is at odds with everything else we are doing. We say, let's trade with Communist China. Why? Because China is a Communist country, yes. But trading with them will actually open up opportunities and bring democracy to China more quickly. We say, let's do that same thing with Vietnam. Yes, it is a Communist country, but engaging with Vietnam will have more impact than not engaging.

If that is the case, why is that not the case with Cuba? The answer is, of course it is the case. It is just that there is a barrelful of politics and a teaspoonful of policy in these pronouncements we have heard this morning.

My hope is just as the Senate has expressed itself with 70 percent of the Senate, saying that what we ought to do with Cuba is what we do with China and Vietnam: Open up that market. The quickest way to get rid of Fidel Castro, in my judgment, and move to democratic reforms is for Americans to travel in Cuba, for Americans to trade with Cuba, and that replacing the policy of failure for 40 years makes much more sense for this country.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATOR JIM JEFFORDS

Mr. REID. Madam President, I come to the floor today to pay tribute to my friend and my colleague, JIM JEFFORDS.

Although he made news and history last year—and it will be widely discussed again this week because, of course, it is the anniversary of his changing political parties—JIM JEFFORDS really prefers to be outside the limelight, though he has been in the limelight this past year. As a result, few people knew much about him before a year ago, despite his many accomplishments in Congress and contributions to our country during this remarkable career he has had in public service.

JIM JEFFORDS grew up in Vermont where the Jeffords family first settled during the 1700s.

After graduating from Yale University, he served in the Navy, on active duty for 4 years, from 1956 to 1959. He later served in the Naval Reserve, retiring as a captain in 1990.

Senator JEFFORDS' late father was a distinguished attorney who served as chief justice of the Vermont Supreme Court. No doubt this influenced Senator JEFFORDS' decision to study law.

After graduating from Harvard Law School, he returned to Vermont to practice. This very quiet, soft-spoken man is a person who has a tremendous education: Yale undergraduate degree, Harvard Law School degree.

Within a few years after returning to Vermont to practice law, he was elected to the Vermont State Senate and then the attorney generalship of that State. From 1975 to 1988, he represented the Green Mountain State in the House of Representatives. That is where I first met him. I had the opportunity to serve with him in the House of Representatives. I was impressed then by his knowledge of the issues and his dedication to the public well-being.

He has served in the Senate since 1989 where he has continued to be a strong advocate for dairy farmers and other Vermonters but also someone from whom people in Nevada have benefited because of his legislative record. He does not focus only on issues dealing with Vermont, even though these issues come first. He has been a champion of disabled Americans, an outspoken proponent of international environmental protection. He is a person who has dealt heavily in education. While serving as chairman of the Health, Education, Labor, and Pensions Committee, Senator JEFFORDS developed a lot of legislation.

One bill I would like to pinpoint is a bill to allow the importation of prescription drugs from other countries in an attempt to help make medicine more affordable to Americans. His bill passed overwhelmingly in July of 2000 and was ultimately signed into law.

He has also proposed a "DrugGap" program to help low-income Medicare recipients get prescription drug coverage. He has worked to double funding for the Ryan White CARE Act.

Senator JEFFORDS has been a leading supporter of funding for services for the developmentally disabled and assisting disabled workers. He has been a key cosponsor of hate crimes legislation and antidiscrimination legislation.

He is now chairman of the Environment and Public Works Committee. There his work has been exemplary. He has always been a defender of the environment. I have been either chairman or ranking member for the Energy and Water Subcommittee of Appropriations for a number of years. No matter what we did dealing with renewables, we thought we had done a lot; JIM JEFFORDS wanted more. He always kept us on our toes. We had to come forward with something that would show we were doing more than the normal for renewable energy. He was visionary, as indicated by the energy bill we just passed.

He has been a defender of the environment. He has fought against the Bush administration to roll back protections. Some that come to mind are arsenic, allowing toxic levels of arsenic to be in the water, he has fought that. He, of course, has fought, along with Senator BOXER, to make sure that children are tested for lead poisoning; that the water is tested that children drink.

He has called on President Bush to honor America's commitment to reduce greenhouse gas emissions to include carbon dioxide in laws addressing air quality and aggressively enforce laws against polluters.

Clearly, JIM JEFFORDS has demonstrated to me and, of course, to the people of Nevada that one person can make a difference. If we ever think what can one person do, it is a huge world, a big country, we come from States with thousands and millions of people in them; what difference can one person make. He has certainly shown that one person can make a difference. When he announced almost a year ago, on May 24, that he would no longer be a Republican, he made a difference. For months after, the impact of Senator JEFFORDS' switch was defined for many of us by a changed Senate agenda, changed chairmanships, and a return to divided government, some said.

But it wasn't until about 4 months later that we fully appreciated the import of what Senator JEFFORDS really did. When the attacks of September 11 shook our Nation, the service he did for our country became very clear.

Just days after the attacks, Congress, Democrats and Republicans, came together to craft an unprecedented response to the terrorist act and threats. Together we approved $40 billion in aid to New York and Virginia to recover and to help protect the Nation from future threats. Roughly 1 month after that, we enacted sweeping antiterrorism legislation to improve law enforcement to respond to terrorist threats. That was led by Senator PAT LEAHY, chairman of the Judiciary Committee.

Both of these measures—these are two of many—were incredibly important. We passed them swiftly in response to a national emergency. Because of what Senator JEFFORDS did, these measures were balanced and reflected the will of all Americans, not just the will of this administration. There was a check; there was a balance. That is all because of JIM JEFFORDS. We afforded the President the power to respond to a national crisis, preserved important checks on his authority and important protections for the civil liberties that make America great.

Every Senator has a list of issues they consider important which were affected by JIM JEFFORDS' principled and courageous decision last May. From protecting national treasures such as the Arctic National Wildlife Refuge, ANWR as it is known, to preserving the balance on the Federal judiciary, providing a voice for the unemployed, campaign finance reform—we could not have done it without him—preserving Social Security, he has allowed us to have a platform to talk about the fact that we did have a $4.7 trillion surplus 10 years ago. We don't now. We are now spending Social Security surpluses. Election reform, Medicare, education, he has allowed us to have a voice on these issues and not simply ram them down the throats of the Senate.

For me, his greatest contribution was in preserving the essence of democracy, debate, consensus, and representation during an unprecedented national crisis.

JIM JEFFORDS is my friend. More than my friend, he is someone I will always look to for inspiration, knowing that one person, one of us, and anyone within the sound of my voice, can make a difference. It was a difficult decision he made. He did it on a matter of principle. People may not agree with what he deems as principled, but he did it because it was the right thing to do. That is the story of JIM JEFFORDS' life, doing what he thinks is right.

This highly educated man is really a common person, a person to whom anyone can speak. I am very proud of him and what he did and what he has allowed our country to do.

If the Senator from Kansas wishes to speak on our time, he is welcome to do that.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

(The remarks of Mr. BROWNBACK pertaining to the submission of S. Con. Res. 114 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mrs. BOXER. What is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Rockefeller amendment No. 3433 (to amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance.

Daschle amendment No. 3434 (to amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance.

Dorgan amendment No. 3439 (to amendment No. 3401), to permit private financing of agricultural sales to Cuba.

Allen amendment No. 3406 (to amendment No. 3401), to provide mortgage payment assistance for employees who are separated from employment.

Hutchison amendment No. 3441 (to amendment No. 3401), to prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits.

Dorgan amendment No. 3442 (to amendment No. 3401), to require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Kerry) amendment No. 3430 (to amendment No. 3401), to ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under the Bipartisan Trade Promotion Authority Act of 2002.

Reid (for Torricelli/Mikulski) amendment No. 3415 (to amendment No. 3401), to amend the labor provisions to ensure that all trade agreements include meaningful, enforceable provisions on workers' rights.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from DohA.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

AMENDMENTS NOS. 3431 AND 3432 TO AMENDMENT NO. 3401

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent the pending amendment be set aside and I ask unanimous consent that two amendments be called up which I will explain: Amendment No. 3431, the Boxer-Kerry-Murray amendment, and amendment No. 3432.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, and Mr. KERRY and Mrs. MURRAY, proposes an amendment numbered 3431 to amendment No. 3401.

The Senator from California [Mrs. BOXER], for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID, proposes an amendment numbered 3432 to amendment No. 3401.

The amendments are as follows:

AMENDMENT NO. 3431

(Purpose: To require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers, and for other purposes)

On page 31, between lines 20 and 21, insert the following:

"(D) SERVICE WORKERS.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under this chapter to domestic operators of motor carriers who are adversely affected by competition from foreign owned and operated motor carriers.

"(ii) DATA COLLECTION SYSTEM.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall put in place a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation for each worker.

"(iii) REPORT.—Not later than 2 years after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall report to Congress the results of a study on ways for extending the programs in this chapter to adversely affected service workers, including recommendations for legislation.

AMENDMENT NO. 3432

(Purpose: To ensure that the United States Trade Representative considers the impact of trade agreements on women)

At the appropriate place, insert the following:

SEC.   . IMPACT OF TRADE ON WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) United States international trade, social development, and international development policy should be linked with the goal of improving women's social and economic status in the United States and abroad.

(2) Enhancing women's status not only improves individual lives, but also eliminates market inefficiencies and leads to greater economic growth and trade.

(b) ADVISORY COMMITTEE FOR TRADE, GENDER, AND DEVELOPMENT POLICY.—

(1) ESTABLISHMENT.—The United States Trade Representative, pursuant to section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(2), shall establish within the Office of the United States Trade Representative a Trade, Gender, and Development Policy Advisory Committee (in this section referred to as the "Advisory Committee") to provide policy advice on issues involving trade, gender, and international development.

(2) DUTIES.—The Advisory Committee shall be responsible for the following:

(A) Providing the Trade Representative with policy advice on issues involving gender, development, and trade.

(B) Advising the Trade Representative on—

(i) positions, text, and other negotiating objectives and bargaining positions before the United States enters into trade agreements;

(ii) the operation of any trade agreement once entered into; and

(iii) any other matter relating to the development, implementation, and administration of United States trade policy, including issues pertaining to gender and development concerns in trade negotiations.

(C) Submitting a report to the President, to Congress, and to the Trade Representative after the bracketed texts have been drafted for bilateral and multilateral negotiations that analyzes the effects of bracketed text on women in the United States and abroad.

(D) Providing an advisory opinion on whether the agreement protects and promotes the interests of women in the United States and abroad and suggesting changes to the text to make it conform to international agreements that the United States has signed.

(E) Submitting a report to the President, to Congress, and to the Trade Representative at the conclusion of negotiations for bilateral and multilateral agreements, including an advisory opinion on the effects of the agreement on the interests of women in the United States, and in the developing world.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of not more than 35 members, appointed by the Trade Representative, who shall include, but not be limited to, representatives from women's interest groups, private voluntary organizations, international aid organizations, and appropriate representatives from Federal departments and agencies. The membership of the Advisory Committee shall be broadly representative of key sectors and groups of the economy with an interest in trade, gender, and international development policy issues.

(B) TERM.—Members of the Advisory Committee shall be appointed for a term of 2 years and may be reappointed for additional terms.

(C) POLITICAL AFFILIATION.—Members may be appointed to the Advisory Committee without regard to political affiliation.

(D) VACANCY.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(E) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be designated by the Trade Representative at the time of appointment.

(4) DESIGNEES.—The Trade Representative may request 1 or more members of the Advisory Committee to designate a staff-level representative for discussions of technical issues related to trade and environmental policy.

(5) SUBCOMMITTEES.—The Advisory Committee may establish such subcommittees as its members deem necessary, subject to the provisions of the Federal Advisory Committee Act and the approval of the Trade Representative's designee.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have a number of problems with the fast-track legislation. It has only been confirmed as I read the Robert Caro book, "Master of the Senate," which is a biography of Lyndon Johnson. The first 100 pages talk about the role of Senators. One of the very strong points made in the book is that our Founders wanted to make sure there was a check against executive power. This was, of course, the reason we have a Constitution and we have a balance of powers. The trade issue, and assuring Congress is part of that process, is mentioned over and over again in this biography as one of the issues on which the Founders focused.

The underlying premise of fast track is to write Congress out of the equation, to pat us on the head and say: Be good boys and girls; just give the President the right to do whatever he wants, and then you give up your right to amend; you can vote up or down. There are some occasions where I can see it makes sense if we are talking about a specific treaty and we want to give the President some flexibility, this is really overarching authority to the President.

I knew this President when he was the Governor of Texas, supporting a minimum wage of $3.35 an hour. I don't want to see that for our people. This is a very serious point.

I have also seen this President attack the environment such as I have never seen before. All you have to do is get on the NRDC site, the National Resources Defense Council, and there are 90 times where this administration, under this President, has in the dead of night attacked the environment by weakening clean air, Superfund cleanup, trying to stop testing kids for lead poisoning, and on and on and on. Why on Earth would we, who care about our own people and their standard of living and our environment and the health and safety of our people, give away the store to this particular administration? I am sorry, I don't get it.

I am also very concerned that there will be a cloture vote which means a lot of the amendments Members are putting forward will not get a chance for an up-or-down vote. I will talk briefly about two of those amendments. I will do everything I can to get a vote on these amendments. If I can't, there will be a lot of noise about it. One has to do with truckdrivers, the Boxer-Kerry-Murray amendment which I will talk about first, No. 3421.

AMENDMENT NO. 3431

On June 30, trucks that do not meet U.S. safety standards will be allowed into the United States to deliver products from foreign countries. That affects your State and it affects my State.

The safety issue is a problem in and of itself. We have talked about that quite extensively in our transportation bill. Trucks from Mexico simply do not have the same standards. We are letting those trucks in because of NAFTA.

We also know, in addition to these safety issues and safety problems, American truckdrivers will lose their jobs. Why do I say that? Because under the law today, if there are goods being produced in Mexico and they come to the border, the trucks stop there and an American trucking company, with American drivers, will take the product and deliver it to the rest of the country. There is nothing in this bill as it stands now to protect those truckdrivers and any others in future trade agreements.

Here is the situation. These workers deserve our help. If we are talking about trade adjustment assistance and we have a situation where in just a month from now we will have a lot of truckdrivers out of work, it seems cruel that we would not cover that issue in this trade adjustment assistance that is part and parcel of this bill.

Now, originally, as Senator DASCHLE wrote this trade adjustment assistance, we had protections for our truckdrivers. My amendment reasserts that language, directing the Department of Labor to establish a program to provide TAA assistance to truckers who lose their jobs because we are opening the border to foreign truckers to operate in the United States of America. This was part of the bill of the Presiding Officer, the original Bingaman TAA bill, as well as the Daschle substitute amendment. Very sadly, it is no longer included because our friends on the other side of the aisle did not like it. They said: Get rid of it or we are not going to go forward with this bill.

That is the kind of hard-ball tactics being played on the other side of the aisle with the lives of American workers and American truckdrivers. There is no reason on God's green Earth why such workers should not receive trade adjustment assistance. They are losing their jobs because of past trade agreements and perhaps future trade agreements. They should be covered.

This is not some theoretical issue; these are real people. I recently received a letter from Carlos Cervantes, a trucker from California. He writes:

> I am worried if Mexican trucks are allowed to drive through the United States, I will lose my job. Mexican drivers make a lot less money than U.S. drivers do. And if U.S. trucking companies can use those drivers to move their loads then I will be out of work in no time. If that happens, I will have to take two jobs to provide for the income, health, and welfare of my family. It will be extremely helpful if the U.S. truckers were provided some sort of assistance if they lost their jobs.

That is what our amendment tries to do. It tries to help people such as Carlos Cervantes who want to do nothing more than take care of their families. Where are our family values? We talk about them every single day. We are not doing anything to help truckers in this Trade Adjustment Assistance Act. That is wrong.

Take the case of Guy Adams, a trucker in Kansas. He drives the I-35 corridor which stretches from the United States-Mexican border far into the interior of the United States. He is eligible to retire, but he has not done so because his wife is unable to work because of a heart condition, and the treatment and the prescription drug costs are too high to handle without the full insurance his job provides.

We have the coming together of a lack of a prescription drug benefit, forcing a trucker to work past retirement age, and now he may well lose his job because of the competition from Mexican truckdrivers. He will not receive the TAA benefits under this bill. His wife's medical needs will not be met. So, again, this is not theory. This is reality. That is why your amendment originally did the right thing. I am heartsick that the folks on the other side said: Do you want to do this bill? Take this trade adjustment assistance out for truckers.

U.S. truckdrivers are some of the hardest working people in the world. They make between $35,000 and $50,000 a year—that is their starting salary. Those fortunate enough to be represented by a union earn the higher end and get good benefits.

Compare these figures with the salaries of Mexican drivers, and you will see a major difference. Mexican drivers make about $18,000 a year at best. They do not receive any benefits outside of their own Social Security Program. Here is the really incredible fact: There are no time limits on how long they can drive. The Mexican Government has no hours of service regulations, so theoretically a Mexican driver could drive 20 hours to the border and drive another 10 in the United States.

A reporter for the San Francisco Chronicle recently rode with a Mexican driver on a 1,800-mile run. The 46-year-old driver drove 3 straight 21-hour days, sleeping only 7 hours in all. Another Mexican driver just quoted in the Kansas City Star said:

> U.S. truckers are lazy. In Mexico you can drive 24 hours straight. I do it all the time.

Mr. President, you know if there are workers who are willing to work 24 hours straight and work at half the wages that our good people do, they are going to get hired as soon as the June 20 date has passed, and we are going to have our good people out of work. We know it is inevitable, and U.S. drivers cannot compete.

So Senators BINGAMAN and BAUCUS, once again, recognized that when they drafted S. 1209, the original trade adjustment assistance bill that moved out of the Finance Committee. Again, Senator DASCHLE recognized it when he included this program in a substitute bill. But he was forced to delete it if he wanted to go ahead with this bill.

Finally, my amendment will direct the Department of Labor to put in place a system to collect data on adversely affected service workers who work under contract with firms closed or downsized. These workers include the janitors at a plant that closes, the cafeteria workers there, and those who work at companies, which have contracts with the plants, who also lose their jobs. For example, there are plants that shut down that, instead of hiring the janitors themselves, contract out to another company. So because of that quirk, the service worker loses a job.

We want a study to get to the bottom of this. We want to help these workers. We want to help truckers like Guy and Carlos.

I am deeply disappointed that this important assistance was taken out of the bill. I am even more disappointed that we may not get a chance to vote on this issue if cloture is invoked, and I am going to fight against invoking cloture on this bill. Why should this not be voted upon? Because people are afraid to be seen voting the wrong way, to do the right thing? I do not think that ought to stand. So I am going to do everything I can.

AMENDMENT NO. 3432

Mr. President, turning to my other amendment, amendment No. 3432, it would help the U.S. Trade Representative make trade work for women. What we mean by that is that women's organizations and labor groups have made a convincing case that increased trade and trade rules have different implications for women and men, and the U.S. Trade Representative is not taking these effects into account.

For example, a little village in Mexico, Felicitas Villalobos, creates intricately woven needle baskets. On the export markets these baskets could fetch from 40 cents to $1.25, but trade rules require women to produce an official invoice and official identification in order to export. Since she lives in a poverty-stricken area of Mexico with little access to government services, she does not have an official identification and cannot export her goods.

This situation is one that an advisory committee on gender and trade at the USTR could have foreseen and prevented. They could have produced recommendations to exempt women who are caught in this bind where they cannot export their products.

In order to help the USTR take the needs of women in account in the agreements they negotiate, I am introducing this amendment with Senators MIKULSKI, DURBIN, and HARRY REID. Our amendment would create an advisory committee on gender and trade at the USTR in order to help our negotiators understand and mitigate the negative consequences of trade for women and also help women share in the opportunities that trade creates.

Now that I have talked about a woman in Mexico, let me talk about a woman, Joyce Ruthier, who is a garment worker in Maine. She will lose her job when the plant closes due to foreign competition, as so many others have over the last decade. She has worked at the plant for 23 years. We know the USTR is not doing a good enough job in looking at the impact of trade on Joyce. It is exceedingly clear that trade affects women and men differently, creating opportunities for some and causing others to lose their jobs. The GAO found that, nationally, 66 percent of the workers qualifying for NAFTA trade adjustment assistance were women. That kind of job loss concentration has implications for how we design job training and assistance programs and can help us predict which communities will suffer job losses as a result of trade.

The advisory committee I and my colleagues are proposing would include representatives from the private sector, nonprofits, academia, and the public sector. Their viewpoints, focused on the interests of women and trade, would add a much needed perspective to trade negotiations.

So it is very important that we look at the facts. Of the 134-member country delegations to the World Trade Organization, only 9 member countries have delegations led by women. Yet women make up 45 percent of the world's workforce and make up 70 percent of the world's poor. Let's make sure these women have a place at the table on trade.

The AFL/CIO, Women's Edge, the Feminist Majority, and other fair trade organizations strongly support this amendment. We want a place at the table for women when it comes to trade.

When I was in the House of Representatives we took a look at what was happening with health issues in the Congress. We found that women were not being used in clinical trials. Whenever the NIH or CDC made a recommendation, that was based on studies where only men were included. They pointed out this is so unfair to the women of our country who make up a majority of the population. We changed things.

On trade, we have a parallel situation. Where the people making decisions are predominantly male, overwhelmingly women in foreign countries and women in this country are disproportionately hurt.

My understanding is there is no objection to this amendment on the Democratic side of the aisle, but there is objection on the other side. I am very distressed, again. We have to admit that in this kind of trade agreement there are winners and losers. One time or another, we have to stand up and say we are going to look at who is losing out and what we can do to better understand what is happening. Why the other side of the aisle cannot accept a simple amendment that sets up a commission to look at this is beyond me. I, frankly, think the result of this is going to be a more mean-spirited bill than it has to be.

On both of these issues, on both of these amendments, I hope we can get some strong support from colleagues. We know truckers are going to suffer. We know women are going to suffer. The least we can do is stand up and fight for the people in our country who are going to be adversely impacted.

With that, I yield the floor.

Mr. REID. Before yielding the floor, will the Senator allow a question to be asked?

Mrs. BOXER. I will be happy to respond.

Mr. REID. I have been listening to the Senator making her statement. Of course, I hope, also, we can figure out a way to get votes on a number of these amendments.

I have been looking for an opportunity to talk to the Senator from California about some of the things she has done. It is not easy to be an advocate as the Senator from California has been ever since I have known her. I want the Senator to know how much I appreciate and how much the people appreciate her advocacy on environmental issues.

I know the famous Erin Brockovich was from California. I think the Senator from California is the Erin Brockovich of the Senate because with her advocacy we have been able just in recent days to put a stop to the prevention of children being tested for lead in their water. The Senator from California was the first to have raised that issue. She is also the one who raised the concern about chromium, and she in fact appeared at an event with Erin Brockovich's lawyer, Ed Masry, who allowed her to do what she did. The Senator alerted us to that and introduced legislation in that regard and, of course, the famous arsenic-in-the-water subject that the Bush administration started. She said they have 90 violations. I have narrowed it down to six or seven about which we haven't talked.

But I want the Senator from California to know that being out front on these issues is sometimes difficult for her because we have a very popular President. It is not in vogue to criticize anything he or his administration does. But had it not been for the loud voice of the Senator from California, we might not have been able to accomplish the things we did accomplish.

Mrs. BOXER. I thank my friend so much. As my friend knows, the majority leader, Senator DASCHLE, and Senator REID, the majority whip, have set up the task forces in the Senate to look at different issues. We know that, for example, Senator LIEBERMAN is working on pension reform and pension protection. I was given the assignment to look at the environment.

I really thank my friend because I think we are finding out that when we shine the light of truth on an issue, the country is better for it. Senator KENNEDY headed up an education team on a proposal that would make it very difficult for students in this country to pay back their loans. This President was about to put that policy in place. Senator KENNEDY roared like a lion on the point. He came here and roared like a lion on the point. Guess what. They backed off and the people won.

We came down and said, for years we had been testing poor children for lead in their blood. We know that if there is so much lead in their blood—as a baby, or as a child—they are going to have mental difficulties. They could even go into a coma and even die; they could go blind; they could have kidney failure. We pointed it out and, by God, a couple of weeks after they backed off.

I want to pick up on what my friend said. We are speaking the truth as we believe it. That is why we are in the Senate.

My friend compliments me. I am so grateful. To me, it is why we are here. It isn't our job to come here and button up our lips and not talk because we are afraid the administration will attack us.

I know my friend is reading a Robert Caro book, "Master of the Senate." I mentioned it to the President of the Senate before. The first 100 pages deal with what Senators do and how we were sent here not just for fun but to make sure there is a check and balance on whatever the executive power is being asserted here. It is not politics. It is our job. It is not partisan. I opposed President Clinton on a number of issues dealing with what I considered to be unfair trade. It is our job.

So I thank my friend. I hope he takes to the floor time and time again pointing out to the American people what our job is. If we don't do it, if we don't speak the truth as we see it, if we don't challenge the executive, if we believe perhaps they can do more, or if they are leading us down the wrong path, then we don't deserve to be here.

I thank my friend.

Mr. REID. Also, before the Senator leaves the floor, I would like to say that I am a great fan of public radio. I cannot listen to it as much as I would like. But every morning when I go running, I have my little radio and I listen to public radio. I don't run as far and as fast as I used to. So I probably listen to the radio more. It takes me longer to get from one place to another. But that is one of the good things.

This morning, they had a wonderful program about what the Senator just talked about. Senate Democrats are making progress. They talked about a poll by a Republican pollster and a Democratic pollster. They joined together in this poll. They came up with an interesting fact—that what we are trying with our messages through our task forces and other ways to communicate to the American public is really reverberating through the American public. By almost 10 percentage points, the American people like what we are doing more than what the Republicans are doing. Tax cuts are not the name of the game. Privatizing Social Security isn't what the American people want. They want to do something about real education. They want to do something about environmental issues. One of the issues is pensions. The Presiding Officer is leading that task force. Dealing with medical care, prescription drugs, and making things affordable for people who go to the doctor are what people care about. That is what we have been talking about.

We fought those tax cuts. I tell people that if I had to vote again, I would vote the same way. I didn't have a single rich person in Nevada come to me and say we should cut their taxes.

Today, I had a half-hour interview on public radio, KECP Radio. On that program were some women who are working with the Head Start Program. In Las Vegas, there are fewer than 2,000 children who benefit from the Head Start Program. That is a school district with 240,000 kids. This year, the Head Start Program around the country is being straight-lined with not even inflation. We have to fight to bring the Head Start Program up to inflation. Fewer than 2,000 children benefit from the Head Start Program in this huge metropolitan area of Las Vegas.

My friend, the Senator from California, and I voted against the tax cut. It is not easy to vote against tax cuts. But people in the country are suffering as a result.

The top 1 percent of the income earners in America are doing extremely well.

Mrs. BOXER. It is good that my friend raises the point. Tax cuts for the middle class are one thing. Tax cuts for the people who earn a million dollars a year are another thing. People who are earning $1 million a year don't want to see this tax. They are going to get back $50,000 a year for every year. That is more than twice as much as a person earning minimum wage gets. A person earning $20,000 or $30,000 a year gets back $150 a year.

I am all for focusing on the people who need it—people who tell me, I am doing fine. I want to make sure there is no crime. I want cops on the street—a program the administration has cut. I want to make sure children don't get in trouble after school, which my friend knows has been one of my priorities. The fact is, after the President signed the education bill with great flourish, he has flat-lined afterschool.

Mr. REID. If I could interrupt the Senator, I talk to the women about afterschool programs. They are desperate for more afterschool programs because that is when kids get into trouble. We are desperate for afterschool programs. The Senator is absolutely right.

Mrs. BOXER. That is the point. In other words, all of life involves shortages.

The Presiding Officer has worked for so many years, ever since I have been here, to help provide for dropout kids. And he has won approval on many amendments.

But it does not do any good if this President does not fund those programs. It does not do any good when we pass an authorization for afterschool, and the President does not fund those programs. It does not do any good if we have money for rebuilding our schools, and the President does not fund the programs or fund Head Start or fund special education.

The reason he cannot do it is because of the tax cut to the people earning over $1 million a year. That is the bottom line. I think if we go to the people earning $1 million a year—and I have a lot of those people in my State, I say to my friend, because we have 35 million people in my State, and we have people who do very well—they will tell me to do all I can to redirect their tax cut, that they do not need, to those things that the communities need: prescription drugs for our seniors; education for our children; a clean, healthy environment; beautiful parks that are maintained.

I say to my friend, the majority whip, who holds such a high position here, I am so proud he is on this floor day after day, bringing us back to the reality of why we are here, which is to help the people do the best they can do: live long, healthy, productive lives, being well educated, and able to breathe clean air and drink clean water, and not have kids get in trouble by dropping out of school where then their future is destroyed.

So I thank my friend.

The more the administration says, shame on you, saying something against what we believe, the more I have decided that is why I am here, and that is why I came here. I promised the people when I walked up those steps and those doors opened up, and I came in this magnificent Chamber, that I would never forget those who cannot put on the Gucci suits and shoes and beautiful ties and come up here and lobby. I think about them. And the more the administration fights against them, and fights for those who have so much more—whether it is Enron executives or anyone else; and that is a whole other story we can't get into—the more I will speak up for them. And I know my friend will be there with me.

Mr. REID. The Senator from California understands that last year at this time we had a $4.7 trillion surplus projected over the next 10 years. Today, 1 year later, we are spending Social Security money surpluses, Medicare money. The surplus is gone. Sure, 20 to 25 percent of that is due to the war. We recognize that. The other 75 percent is because of economic policies of this administration.

Remember, we had surpluses the last 3 years of the Clinton administration. We were spending in the black, not in the red. We were making money. We were doing fine. We were starting to pay down the $5 trillion debt. It is going to go up now.

So the Senator is right. We have to focus on issues that are important. The people of Nevada are very concerned about prescription drug benefits. The average senior citizen fills 18 prescriptions a year. And with managed care kind of going out of style, these people are suffering a lot.

So I say to my friend, the Senator from California, thank you very much for not forgetting why you came here.

Mrs. BOXER. I thank my friend and yield the floor.

I suggest the absence of a quorum.

Mr. REID. Will the Senator withhold suggesting the absence of a quorum.

Mrs. BOXER. I withhold my suggestion.

Mr. REID. Will the Presiding Officer indicate what the matter before the Senate is now?

The PRESIDING OFFICER. The matter pending before the Senate is H.R. 3009.

AMENDMENT NO. 3456 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator DURBIN, I send an amendment to the desk. And I, of course, ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DURBIN, proposes an amendment numbered 3456 to amendment No. 3401.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the temporary duty suspensions with respect to certain wool, and for other purposes)

At the end of title XXXII, insert the following:

SEC. 3204. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) TRUST FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Worsted Wool Fabric Manufacturer Trust Fund" (in this paragraph referred to as the "Wool Fabric Trust Fund"), consisting of $32,000,000 transferred to the Wool Fabric Trust Fund from funds in the general fund of the Treasury.

(B) GRANTS.—

(i) GENERAL PURPOSE.—From amounts available in the Wool Fabric Trust Fund, the Secretary of Commerce is authorized to provide grants to manufacturers of worsted wool fabric to assist such manufacturers in maximizing employment in the production of textile products, and meeting their obligations to workers, former workers, and retirees in the textile industry.

(ii) APPLICATION FOR GRANTS.—Qualified applicants shall apply for such grants no later than 30 days after enactment of this paragraph in accordance with guidelines prescribed by the Secretary and the Secretary shall award such grants no later than 60 days after receiving a completed application.

(C) DISTRIBUTION OF FUNDS.—Of the amounts in the Wool Fabric Trust Fund—

(i) $16,000,000 shall be made available to manufacturers of worsted wool fabric whose aggregate domestic production of fabric of the kind described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 equals or exceeds 60 percent of all worsted wool fabric produced by all such manufacturers, and shall be allocated based on the percentage of each such manufacturer's production of the fabric described in such heading for such 3 years compared to the production of such fabric for all such applicants who qualify under this clause; and

(ii) $16,000,000 shall be made available to manufacturers of worsted wool fabric who do not qualify under clause (i), and shall be allocated based on the percentage of each such manufacturer's aggregate domestic production of the fabric described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 compared to the production of such fabric during such years for all applicants who qualify under this clause.

(D) NO APPEAL.—Any grant awarded by the Secretary under this paragraph shall be final and not subject to appeal or protest.

(4) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) REQUESTS FOR MODIFICATION OF LIMITATION ON QUANTITY OF FABRICS.—

(1) GENERAL RULE.—Manufacturers may request modifications to the limitation on the quantity of imports of worsted wool fabrics under heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States pursuant to section 504(b) of Public Law 106–200, only upon a finding by the United States International Trade Commission that domestic fabric manufacturers have reduced their capacity from the levels existing at the end of calendar year 2002 to produce the fabric described under such heading by 25 percent, or have reduced their sales of such fabric by 50 percent.

(2) REQUEST FOR FINDING.—The United States International Trade Commission shall

make a finding regarding the extent of any such reduction in capacity or sales upon the request of a manufacturer of apparel products made of such worsted wool fabric.

(3) Limitation.—No modification may be made pursuant to section 504(b) of the Trade and Development Act of 2000 (Public Law 106–200) for fabric imported during calendar years 2002 or 2003.

(e) Effective Date.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SEC. 3205. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) In General.—

(1) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement to Review Partial Payment Agreements Every Two Years.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

AMENDMENT NO. 3457 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator Durbin, I send an amendment to the desk. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. Durbin, proposes an amendment numbered 3457 to amendment No. 3401.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the temporary duty suspensions with respect to certain wool, and for other purposes)

After section 3201, insert the following:

SEC. 3202. DUTY SUSPENSION ON WOOL.

(a) Extension of Temporary Duty Reductions.—

(1) Heading 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) Heading 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) Heading 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) Heading 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) Limitation on Quantity of Imports.—

(1) Note 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) Note 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) Extension of Duty Refunds and Wool Research Trust Fund.—

(1) In general.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) Conforming amendment.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) Trust fund.—

(A) In general.—There is established in the Treasury of the United States a trust fund to be known as the "Worsted Wool Fabric Manufacturer Trust Fund" (in this paragraph referred to as the "Wool Fabric Trust Fund"), consisting of $32,000,000 transferred to the Wool Fabric Trust Fund from funds in the general fund of the Treasury.

(B) Grants.—

(i) General purpose.—From amounts available in the Wool Fabric Trust Fund, the Secretary of Commerce is authorized to provide grants to manufacturers of worsted wool fabric to assist such manufacturers in maximizing employment in the production of textile products, and meeting their obligations to workers, former workers, and retirees in the textile industry.

(ii) Application for grants.—Qualified applicants shall apply for such grants no later than 30 days after enactment of this paragraph in accordance with guidelines prescribed by the Secretary and the Secretary shall award such grants no later than 60 days after receiving a completed application.

(C) Distribution of funds.—Of the amounts in the Wool Fabric Trust Fund—

(i) $16,000,000 shall be made available to manufacturers of worsted wool fabric whose aggregate domestic production of fabric of the kind described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 equals or exceeds 60 percent of all worsted wool fabric produced by all such manufacturers, and shall be allocated based on the percentage of each such manufacturer's production of the fabric described in such heading for such 3 years compared to the production of such fabric for all such applicants who qualify under this clause; and

(ii) $16,000,000 shall be made available to manufacturers of worsted wool fabric who do not qualify under clause (i), and shall be allocated based on the percentage of each such manufacturer's aggregate domestic production of the fabric described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 compared to the production of such fabric during such years for all applicants who qualify under this clause.

(D) No appeal.—Any grant awarded by the Secretary under this paragraph shall be final and not subject to appeal or protest.

(4) Authorization.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) Requests for Modification of Limitation on Quantity of Fabrics.—

(1) General rule.—Manufacturers may request modifications to the limitation on the quantity of imports of worsted wool fabrics under heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States pursuant to section 504(b) of Public Law 106–200, only upon a finding by the United States International Trade Commission that domestic fabric manufacturers have reduced their capacity from the levels existing at the end of calendar year 2002 to produce the fabric described under such heading by 25 percent, or have reduced their sales of such fabric by 50 percent.

(2) Request for finding.—The United States International Trade Commission shall make a finding regarding the extent of any such reduction in capacity or sales upon the request of a manufacturer of apparel products made of such worsted wool fabric.

(3) Limitation.—No modification may be made pursuant to section 504(b) of the Trade and Development Act of 2000 (Public Law 106–200) for fabric imported during calendar years 2002 or 2003.

(e) Effective Date.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

AMENDMENT NO. 3458 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I send another amendment to the desk on behalf of Senator Durbin. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. Durbin, proposes an amendment numbered 3458 to amendment No. 3401.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish and implement a steel import notification and monitoring program, and for other purposes)

At the appropriate place, insert the following new title:

TITLE —STEEL IMPORT NOTIFICATION AND MONITORING; EARLY RELEASE OF IMPORT DATA

SEC. 01. STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this title, the Secretary of Commerce, in consultation with the Secretary of the Treasury, shall establish and implement a steel import notification and monitoring program. The program shall include a requirement that any person importing a product classified under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States obtain an import notification certificate before such products are entered into the United States.

(2) EXPIRATION.—The program established under paragraph (1) shall expire on March 5, 2005.

(b) STEEL IMPORT NOTIFICATION CERTIFICATES.—

(1) IN GENERAL.—In order to obtain a steel import notification certificate, an importer shall submit to the Secretary of Commerce an application containing—

(A) the importer's name and address;

(B) the name and address of the supplier of the goods to be imported;

(C) the name and address of the producer of the goods to be imported;

(D) the country of origin of the goods;

(E) the country from which the goods are to be imported;

(F) the United States Customs port of entry where the goods will be entered;

(G) the expected date of entry of the goods into the United States;

(H) a description of the goods, including the classification of such goods under the Harmonized Tariff Schedule of the United States, including chapters 72 and 73;

(I) the quantity (in kilograms and net tons) of the goods to be imported;

(J) the cost insurance freight (CIF) and free alongside ship (FAS) values of the goods to be entered;

(K) whether the goods are being entered for consumption or for entry into a bonded warehouse or foreign trade zone;

(L) a certification that the information furnished in the certificate application is correct; and

(M) any other information the Secretary of Commerce determines to be necessary and appropriate.

(2) ENTRY INTO CUSTOMS TERRITORY.—In the case of merchandise classified under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States that is initially entered into a bonded warehouse or foreign trade zone, a steel import notification certificate shall be required before the merchandise is entered into the customs territory of the United States.

(3) ISSUANCE OF STEEL IMPORT NOTIFICATION CERTIFICATE.—The Secretary of Commerce shall issue a steel import notification certificate to any person who files an application that meets the requirements of this section. Such certificate shall be valid for a period of 30 days from the date of issuance.

(c) STATISTICAL INFORMATION.—

(1) IN GENERAL.—The Secretary of Commerce shall compile and publish on a weekly basis information described in paragraph (2).

(2) INFORMATION DESCRIBED.—Information described in this paragraph means information obtained from steel import notification certificate applications concerning steel imported into the United States and includes with respect to such imports the Harmonized Tariff Schedule of the United States classification (to the tenth digit), the country of origin, the port of entry, quantity, value of steel imported, and whether the imports are entered for consumption or are entered into a bonded warehouse or foreign trade zone. Such information shall also be compiled in aggregate form and made publicly available by the Secretary of Commerce on a weekly basis by public posting through an Internet website. The information provided under this section shall be in addition to any information otherwise required by law.

(d) FEES.—The Secretary of Commerce may prescribe reasonable fees and charges to defray the costs of carrying out the provisions of this section, including a fee for issuing a certificate under this section.

(e) SINGLE PRODUCER AND EXPORTER COUNTRIES.—Notwithstanding any other provision of law, the Secretary of Commerce shall make publicly available all information required to be released pursuant to subsection (c), including information obtained regarding imports from a foreign producer or exporter that is the only producer or exporter of goods subject to this section from a foreign country.

(f) REGULATIONS.—The Secretary of Commerce may prescribe such rules and regulations relating to the steel import notification and monitoring program as may be necessary to carry the provisions of this section.

SEC. 02. AMENDMENTS TO SECTION 332 OF THE TARIFF ACT OF 1930.

Section 332 of the Tariff Act of 1930 (19 U.S.C. 1332) is amended by adding at the end the following:

"(h)(1) Any entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of a domestic industry that produces an article that is like or directly competitive with an imported article, may file a request with the President pursuant to paragraph (2) for the monitoring of imports of such article under subsection (g).

"(2) If the request filed under paragraph (1) alleges that an article is being imported into the United States in such increased quantities as to cause serious injury, or threat thereof, to a domestic industry, the President, within 45 days after receiving the request, shall determine if monitoring is appropriate.

"(3) If the determination under paragraph (2) is affirmative, the President shall request, under subsection (g), the Commission to monitor and investigate the imports concerned for a period not to exceed 2 years.".

SEC. 03. EARLY RELEASE OF IMPORT DATA.

In order to facilitate the early identification of potentially disruptive import surges, the Director of the Office of Management and Budget may grant an exception to the publication dates established for the release of data on United States international trade in goods and services in order to permit public access to preliminary international trade import data, if the Director notifies Congress of the early release of the data.

AMENDMENT NO. 3459 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I ask unanimous consent the pending amendment be set aside, and I send to the desk an amendment by Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 3459 to amendment No. 3401.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States)

At the end of section 2102(b), insert the following:

(15) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) attaining universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, particularly with respect to meeting enforcement obligations under that Convention and related international agreements;

(ii) reinforcing the right under Article XX(a) and (b) of GATT 1994 to enact and enforce national measures that are necessary to protect public morals and to protect animal or plant life and health, including measures that limit or ban the importation of goods or services rendered in international trade that are produced through the use of the worst forms of child labor;

(iii) ensuring that any multilateral or bilateral trade agreement that is entered into by the United States obligates all parties to such agreements to enact and enforce national laws that satisfy their international legal obligations to prevent the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) providing for strong enforcement of international and national laws that obligate all trading nations to prevent the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Baucus-Grassley substitute amendment for Calendar No. 295, H.R. 3009, the Andean Trade Act:

Max Baucus, Chuck Grassley, Orrin Hatch, Zell Miller, Blanche L. Lincoln, John Breaux, Mitch McConnell, Chuck Hagel, Robert F. Bennett, Christopher Bond, Ron Wyden, Ben Nelson of Nebraska, Patty Murray, Jeff Bingaman, Pete Domenici, Pat Roberts, Harry Reid.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

AMENDMENT NO. 3433

Mr. SARBANES. Mr. President, tomorrow morning, at 11 o'clock, we will have a cloture vote on amendment No. 3433, which has been offered by my colleague, Senator ROCKEFELLER, and my dear colleague from Maryland, Senator MIKULSKI, with respect to the issue of health benefits for retired steelworkers.

I rise in strong support of that amendment, but especially to urge my colleagues to vote to put cloture into place so we can move to the amendment and vote on its merits, on its substance.

I know there is some difference of opinion in this Chamber about the substance of this amendment, and I obviously respect that difference of opinion, although I disagree with those who oppose the amendment. But at least the body ought to be allowed to move forward and actually vote on the amendment itself. In order to do that, we have to invoke cloture in the morning because, up until now, we have been precluded from having a vote on this amendment.

The amendment itself is straightforward and simple. It would give a health insurance credit for eligible steel retirees. Actually, it is a credit covering 70 percent of the total cost of health care coverage.

The retirees would have to pay 30 percent of the cost of their health care coverage. But this is an effort to get at the problem of what is going to happen to people who are now retired, who have been getting their health benefits covered through the company and their companies have now shut down. It covers companies' operations before January 1 of 2000 that are either now closed or closed before January 1, 2004, and are operating under the protection of the bankruptcy code.

The setting for this problem is: The steel industry has been severely hit by a flood of imports coming into the country, and they are coming in on an unfair basis. These imports are being, in effect, subsidized either directly or indirectly, and they simply undercut the American producers.

The steel industry went through a major restructuring in which they eliminated a lot of inefficient producers and downsized. Active workers were encouraged to take early retirement in order to slim down the workforce. Having taken retirement and being dependent on the company plan for their health benefits, now they find that the company is no longer able to pay the benefits. What is to happen to the retired worker? What is to be done for these retired workers and their dependents?

The International Trade Commission found unanimously there was serious injury done to the U.S. steel industry by the unprecedented flood of imports coming into the country. In fact, the President has undertaken a program of imposing tariffs on steel imports as a consequence. That decision was not simply made out of the thin air. It was a decision based on these findings about the harm being done to the steel industry and based on the fact that we know that this steel has been coming in at underwritten cost, which makes it impossible for our producers to compete with. So that is the context. In other words, you have individuals and their families in the end who are sort of victimized, and the reason they are victimized is because we have been taken advantage of with respect to the trading relationship and steel producers in other countries.

This is a very limited amendment. There are other amendments that were under consideration that were much more far reaching. This is really what they call a bridge amendment. It is to provide 1 year of support to these retirees in order to give them some breathing space while they try to straighten out their situation, so they do not simply fall off the edge of the cliff with respect to health care coverage for themselves and for their dependents.

This goes only to eligible retirees. Most steel contracts require 15 years of service in order for the benefit to vest, so they, in effect, would have been long-term permanent employees. It is for the retirees and dependents and spouses who qualify for the retiree health benefit but have lost their coverage because of the closure of their former employer.

Unless Members are simply going to walk away from this human problem, they must face up to what is to be done for them. This amendment that has been put forward by my colleagues, Senator MIKULSKI and Senator ROCKEFELLER, is an effort to address that in a sensible way. They have provided offsets for the cost of the amendment. It is being offered in the context of what has been done to our steel industry by unfair competition.

It seems to me the least we can do in trying to address this situation is to provide for this 1-year bridge coverage for these eligible retirees and their families with respect to their health care costs.

People may have different ideas about how this ought to be done. Conceivably, some people may think nothing should be done. I find that difficult to comprehend. From my point of view, it is impossible to support the idea we should simply do nothing. I think this represents a very sensible effort to try to help people through a very difficult transition period.

I will close by again observing, the vote we are talking about at 11 a.m. is not a vote on the substance of the amendment. It is a vote as to whether we should end this extended debate that has been going on about this amendment so we can then get to a vote.

Obviously, under the rules of the Senate, as long as the extensive debate goes on, we are frustrated from getting to the amendment and actually having a vote on it. So I implore my colleagues to let us move on, let us get beyond this unlimited debate situation so we can then get to the amendment in a reasonable period of time and have a vote up or down on it in order to try to address the very difficult situation in which our steel industry retirees find themselves with respect to their health care costs.

In some ways, it is unfortunate. We have a system in this country in which the health care costs in certain industries, in fact in many industries—and steel is one example—is borne by the employer and/or the employee dependent. This puts an extra burden on our companies when they compete with foreign companies.

In many countries, they do not finance the health care plans in that respect, and they do not have to build it into the cost of the product. We do it the other way, and that is one of the reasons it is very difficult for us in a global economy.

In any event, in this instance it is very clear that the companies encounter these difficulties because of the unfair competition. Our Government failed, in effect, to respond to that challenge, although President Bush has now made a response, and we are left with a situation that we have thousands of retirees who find themselves facing imminently, in some instances already, a situation of how are they going to provide for these health care costs.

I think Senators MIKULSKI and ROCKEFELLER have drafted a carefully crafted amendment. I very much hope we will be able to get to it. I am supportive of the amendment, and I certainly hope my colleagues will support the cloture motion tomorrow morning in order to bring the debate on the amendment to an end and allow us to move forward and deal with the substance of this issue.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3461 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I ask unanimous consent the present amendment be set aside, and I send an amendment to the desk on behalf of Senator CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CORZINE, proposes an amendment numbered 3461 to amendment No. 3401.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help ensure that trade agreements protect national security, social security, and other significant public services)

Amend section 2102(b)(2) to read as follows:

"(2) Trade in Services.—(A) The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers, except that trade agreements should not include a commitment to privatize significant public services, including services related to

(i) national security;

(ii) social security;

(ii) public health and safety; and

(iv) education.

(B) Privatize.—In subparagraph (A), the term 'privatize' includes the transfer of responsibility for, or administration of, a government function from a government entity to a non-government entity."

AMENDMENT NO. 3462 TO AMENDMENT NO. 3401

Mr. REID. I ask unanimous consent the present amendment be set aside, and I send an amendment to the desk on behalf of Senator CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CORZINE, proposes an amendment numbered 3462 to amendment No. 3401.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the section dealing with border search authority for certain contraband in outbound mail)

Strike section 1143.

AMENDMENT NO. 3463 TO AMENDMENT NO. 3401

Mr. REID. I ask unanimous consent the pending amendment be set aside, and I send an amendment to the desk on behalf of Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3463 to amendment No. 3401.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income tax)

At the appropriate place, insert the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) In General.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) New Benefits.—If this Act, by amendment or otherwise, makes additional or different trade adjustment assistance or health benefits available to groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act, then any individual described in subsection (a) is deemed to be eligible for such additional or different trade adjustment assistance or health benefits without regard to any eligibility requirements that may be imposed by law under this or any other Act.

(c) Additional or Different Benefits Defined.—In this section, the term "additional or different trade adjustment assistance or health benefits" means—

(1) adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) that was not available under that subchapter on the day before the date of enactment of this Act but that becomes available under that subchapter thereafter; and

(2) health care benefits for which groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act are eligible under this Act or any amendment made by this Act.

(d) Limitation on Duplicate Benefits.—Subsection (a) does not apply to any individual who received adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) before the date of enactment of this Act with respect to a loss of employment in the textile or apparel industry.

(e) Effective Date.—This section takes effect on October 1, 2003.

SEC. . PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) In General.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

"(4) Domestic.—

"(A) In general.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulation.

"(B) Certain corporations treated as domestic.—

"(i) In general.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) Corporate expatriation transaction.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) Lower stock ownership requirement in certain cases.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) Partnership transactions.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

AMENDMENT NO. 3464 TO AMENDMENT NO. 3401

Mr. REID. I ask unanimous consent the present amendment be set aside, and I send an amendment to the desk on behalf of Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3464 to amendment No. 3401.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that ISAC Committees are representative of the producing sectors of the United States economy)

At the appropriate place, insert the following:

SEC. . TO ENSURE THAT ISAC COMMITTEES ARE REPRESENTATIVE OF THE PRODUCING SECTORS OF THE UNITED STATES ECONOMY.

Section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(2)) is amended as follows:

(1) by striking "and" in paragraph (a);

(2) by striking "related" in subparagraph (B) and inserting "related; and"; and

(3) by adding at the end the following:

"(C) in the case of each such sectoral committee identified with a particular product sector or commodity grouping (such as textiles and apparel), ensure that a majority of its members consist of manufacturers, or representatives of manufacturers, whose value added in the United States in that industry comprises more than 50 percent of the firm's sales value in that industry."

AMENDMENT NO. 3465 TO AMENDMENT NO. 3401

Mr. REID. I ask unanimous consent the pending amendment be set aside, and I send an amendment to the desk on behalf of Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3465 to amendment No. 3401.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) IN GENERAL.—Notwithstanding any provision of law, the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.). For purposes of this subsection, the term "preferential tariff program" means benefits received under the General System of Preferences, the Caribbean Basin Initiative, the African Growth and Development Act, or the Andean Trade Preference Act.

(b) ANNUAL CERTIFICATION REQUIRED.—The President shall annually provide certification to the Senate and to the House of Representatives that all countries receiving preferential tariff access to the United States are assisting the United States in the war against drugs.

Mr. BINGAMAN. Mr. President, I rise today to speak in strong support of the trade adjustment assistance legislation. I will keep my comments short and to the point.

I want to begin by emphasizing the positive. From what I have heard on the floor over the last couple of weeks there is a substantial majority of Senators in the Senate that believe a strong and expanded trade adjustment assistance is essential for our country. They understand it is a fair and appropriate approach for those Americans who lose their jobs as a result of trade. They understand that these Americans are not looking for hand-outs. They are looking for a chance to provide for their families and contribute to our country's economic welfare. This program offers them a chance to do just that. I find the increasing consensus on trade adjustment assistance to be encouraging.

But I have also heard some tough criticism of trade adjustment assistance lately, and since this is a bill that I introduced, I feel compelled to respond to it.

There are two points that have been repeated by opponents of trade adjustment assistance. The first is that it should not be tied to fast-track legislation. I strongly disagree. In fact, I think the two bills complement each other. Passing fast-track suggests that the U.S. government supports a multilateral trading system because it provides long-term advantages for the United States and its people. Passing trade adjustment assistance suggests that the U.S. government recognizes that its trade policies have short-term costs for Americans.

Taken together, the bills suggest that we have a real strategy on trade policy, one that shows we are committed to expanding the international trading system, but equally committed to the American people.

I have said this before and I want to say it again because it matters: Contrary to the assertions of some of my colleagues, we cannot measure the success of our trade policy only by the cost of the products we buy. We also have to look at whether or not our trade policies make Americans more economically secure. By this I mean whether they have a high-wage job, whether they can buy a home, whether they can afford an education for their children, and whether they have retirement security. Without these things, we are poor by any measure.

The second criticism is that the trade adjustment assistance program is too expansive. I disagree. I believe that the program offers only the basics for people who are trying desperately to make ends meet. $1000 or so a month in unemployment insurance is not going to make anyone rich. It certainly does not make them complacent, as some of my colleagues have suggested. Giving someone funds so they can get training, and the support services they need to get training, and the health care they need to get through hard times, is hardly unreasonable. It is common sense, and it's the least we can do for our neighbors and friends back home.

For some of my colleagues to suggest that workers would want to lose their job just to take advantage of the trade adjustment assistance program is troubling. To suggest that individuals actually use the trade adjustment assistance program to "step backwards" into other, lesser jobs impugns their integrity, honesty, and effort.

I ask my colleagues to keep in mind that the people on trade adjustment assistance did not ask to be dislocated. U.S. trade policy did that. Contrary to what some of my colleagues have said, the trade adjustment assistance bill does not distort the market. It does allow us to correct for market failure, and helps Americans hurt by trade to get back on their feet again.

Some of the comments about trade adjustment assistance imply that the legislation was created without any discussion with experts about what the benefits of specific parts of the program might be. The comments are incorrect and misleading. These comments also minimize the suffering of real people in real communities across my state and the United States.

At this stage of the game, it is important for my colleagues to remember that the core components of S. 1209—

coverage for secondary workers and workers injured by shifts in production, the extension of benefits and allowances, health care and support service coverage, wage insurance, and TAA for communities—were derived from the needs of people I have spoken to who have been hurt by trade. These were people across my state, from Albuquerque, to Questa, to Las Cruces, to Roswell, to Silver City. These elements of the bill were reinforced by objective analyses from the Department of Labor, the General Accounting Office, the Trade Deficit Review Commission, and other groups and organizations.

When I drafted the bill, it was not my intent to push a partisan agenda. It was my intent to help the people in my state and across the country that needed to be helped. This bill does that in a modest way.

It is time to move forward and do what has to be done to get trade adjustment assistance legislation passed. There is too much at stake for American workers and communities to wait any longer. The program expired last September, and it is time to get trade adjustment assistance to those that need it.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TUNA INDUSTRY IN MINDANAO

Mr. INOUYE. Mr. President, I rise today to discuss a matter of grave national importance, the canned tuna industry in Mindanao. As I was listening to the debate last week, I heard my friend, the gentleman from Texas, advocating rejection of the Dodd amendment that sought to apply the same labor and environmental standards used in the Jordan Free Trade Agreement to trade agreements negotiated under Trade Promotion Authority.

During the debate, the Senator from Texas attempted to distinguish between the Jordan Free Trade Agreement and future trade agreements by saying "that free trade agreement was a foreign policy action, not a trade action." I would say to you that all trade actions are foreign policy actions.

We are currently debating a multifaceted trade package that includes expansion of the Andean Trade Preference Act. The reasons given for expansion of the current ATPA include the need to expand the economies of the Andean region to provide alternatives to the illegal drug trade. The United States would like to provide alternatives to drug production in order to reduce the drug supply reaching our nation. This is the essence of foreign policy conducting relations with other nations in a manner intended to improve our Nation.

An element of the expansion under consideration would provide limited duty-free access to the U.S. market for canned tuna from the Andean region. This provision, intended to complement our war on drugs, conflicts squarely with our Nation's efforts to fight international terrorism. This point is eloquently described in an article that recently appeared in the New York Times entitled, "Drugs, Terror and Tuna: How Goals Clash."

The article describes the canned tuna industry in the Philippines, which is entirely based in Mindanao, where the Philippine Government is waging a war against Muslim terrorists and the poverty that breeds them. Damaging the Philippines' export of canned tuna to the United States would seriously harm many workers in Mindanao. Morever, American commitments made by the United States to President Gloria Macapagal-Arroyo, and the common struggle against worldwide terrorism would be in jeopardy.

At present, at the invitation of the Philippine government, we have American troops in Mindanao advising and training Philippine troops. Much of the success of our efforts depends on the outcome of the Andean Trade debate. Our trade policy must not undermine our foreign policy efforts to fight terrorism worldwide and protect our citizens.

I have filed amendments that I will not call up today, but that I have submitted to ensure the continued cooperation of one of our most vital partners in the international war against terrorism, the Philippines.

I urge my colleagues to read the article and to study this situation.

I ask unanimous consent that a copy of the article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 16, 2002]

DRUGS, TERROR AND TUNA: HOW GOALS CLASH

(By Keith Bradsher)

GENERAL SANTOS CITY, THE PHILIPPINES, May 15.—This industrial city on the southern coast of Mindanao Island illustrates how America's various strategic aims in the wars on drugs and terrorism can clash, alienating important allies engaged in battling terrorism.

Among leaders of the Philippines' important tuna industry here, resentment is running high over trade legislation now on the Senate floor in Washington. The bill includes a provision to eliminate steep import taxes on canned tuna from Andean nations while keeping taxes in place for other countries like the Philippines.

The provision has attracted Congressional support because it is seen as bolstering America's war on drugs. The idea is that the bill will help create well-paid jobs in Ecuador and Colombia as an alternative to the drug trade.

But in another war—the one against terrorism—the legislation is causing anger in a country that has become an important part of the administration's plans.

It comes at a time when 600 American soldiers are helping the Philippine Army track Abu Sayyaf Muslim insurgents in the southernmost Philippines, and President Gloria Macapagal Arroyo has staked much political capital on helping the United States fight terrorism.

Virtually all of the tuna industry of the Philippines is located here and it employs thousands of migrant workers from small Muslim fishing communities that used to be bastions of various Muslim insurgencies. Local officials warn that the legislation could wipe out the tuna industry.

President Arroyo said that passage of the trade provision would deal a severe blow to the economy here while handing a propaganda victory to the Abu Sayyaf movement.

The combination would create heavy domestic pressure for the Philippines to retreat from its active support for the American war on terrorism, she warned in a telephone interview tonight.

"I will try very hard not to, but I will be under tremendous pressure," she said.

In much of the developing world, including Latin America and Africa, trade restrictions or tariffs on products ranging from steel to textiles are causing growing resentment toward the United States. The perception that the Bush administration is a protectionist one is growing.

President Arroyo argued that General Santos, the main city on the southern coast of Mindanao and home to most of the Philippines' tuna fishing fleet and canneries, was central both to the economic future of this region and to the fight against terrorism.

A powerful pipe bomb packed with nails exploded on a crowded sidewalk outside a supermarket here on April 21, killing 15 people and wounding dozens. A second pipe bomb was safely defused before it exploded at another supermarket the same day, and two shopping complexes have recently burned down here in the middle of the night in separate, unexplained incidents.

Police detectives here say that they are still unsure whether the attacks were terrorist incidents, criminal attempts at extortion or some combination of the two. But President Arroyo expresses no such doubts, saying tonight, "The Abu Sayyaf has been trying to get into General Santos and it has been very difficult for us to justify our support for the United States."

In a city where tunas festoon everything from billboards to restaurant signs, and where even the golf tournament is the Tuna Cup, the fishing industry's influence is impossible to miss.

Workers heave baskets of fish onto crude steel carts, which they then pull by hand over a long open-sided shed. Women wash and sort the fish on long tables, the concrete floor beneath them dark and slippery with fish blood. A few larger tuna, some the size of a man, are carried individually to large, white boxes packed with half-melted ice, to be shipped directly to Japan to be turned into sashimi.

Renato Alonzo, 47, a fisherman in a ragged T-shirt and flip-flops whose boat had just docked after two weeks at sea, said that he had sold his tiny farm and joined a boat crew 10 years ago after learning he could nearly double his income, to roughly $4,000 a year. Now he can afford to send his two sons, aged 12 and 8, to school.

The bustling fishing port here and the nearby row of tuna canneries contrast sharply with most of Mindanao, where peasants still toil on subsistence farms or on large pineapple and coconut plantations. Years of drought, coupled with inadequate irrigation, have crippled agriculture while the global glut of low-priced steel has forced the closing of a big steel mill in northern Mindanao.

The tuna industry here barely existed until the late 1980's when the United States led Japan, Italy and other donor nations in an ambitious foreign aid program aimed at rebuilding the Philippines after the fall of Ferdinand Marcos.

A full-scale guerrilla war was being waged in Mindanao then, a far broader conflict than the handful of kidnappings and possibly bombings linked to Abu Sayyaf now. General Santos City was nearly surrounded by several very large insurgencies that attracted poor youths from the island's Muslim minority. The city had a small fishing fleet, but it mostly caught fish for local consumption.

But the world's richest tuna fishing grounds lay between here and Indonesia, although boats from Thailand mainly fished them then. Foreign donors built the fishing port here as well as a large cargo airport, a container port, extensive roads and a modern phone system, hiring security guards from rebel forces and buying sand, gravel and other construction materials from rebel leaders' businesses.

With ready transportation to foreign markets, six big canneries were built, each employing more than 1,000 workers. The only two other tuna canneries in the Philippines are in Zamboanga City in southwestern Mindanao, the staging area for American troops pursuing Abu Sayyaf. Some 30,000 fishermen now supply the canneries.

The tuna boom has helped persuade all the rebel movements except the Abu Sayyaf splinter group to lay down their arms under armistices with the government. Many former rebel commanders and foot soldiers have taken jobs at the canneries, which have had no problem with the bombings that have afflicted shopping centers.

Abuhasan Jama is a former major in the Moro National Liberation Front who studied guerrilla warfare in Malaysia in 1979 and 1980 and then spent 13 years fighting the Philippine government in the jungles of Mindanao.

Now he is the security chief at Ocean Canning here, his eldest daughter is in college and he has found jobs at the same cannery for three cousins who are also former guerrillas. "I like to work," said Mr. Jama, 41, recalling that in the jungle "sometimes you'd just eat leaves, the roots."

Mariano M. Fernandez, the general manager of Ocean Canning, said that he used to carry two Smith & Wesson handguns, one strapped on each hip. "It was like the Wild West here," he said, adding that he carries only a cellphone now.

Most of the tuna canned here is sold in the United States under less famous brands like Geisha and Dagim. Bumble Bee and Starkist used to buy large quantities of tuna here but have recently begun relying on Ecuador instead, allowing that country to edge past the Philippines last year to become the second-largest foreign supplier of tuna to the United States, after Thailand Starkist in particular is now pushing for the elimination of import tariffs on canned tuna from Ecuador.

THE 100TH ANNIVERSARY OF CUBA'S INDEPENDENCE FROM SPAIN

Mr. GRAHAM. Mr. President, today I joined President Bush and the Cuban-American community in Miami to observe the 100th anniversary of Cuba's independence from Spain. This is a bittersweet celebration because Cubans today are not free.

Centuries ago, when Spaniards first arrived on Cuban shores, they marveled at the breathtaking beauty of the island and recognized the importance of its geographical location. It is no wonder why this island became known as the "Pearl of the Antilles."

After years of Spanish control, Cuban patriots such as Carlos Manuel de Cespedes, Maximo Gomez, Antonio Maceo, and Jose Marti, gave unselfishly of themselves to ensure that Cuba would become free and independent. But it was not until May 20, 1902, that Cuba's first sovereign government was established and Tomas Estrada Palma became Cuba's first President.

As the years passed, Cuba prospered and was recognized around the world for its many educational, cultural and financial accomplishments. Regrettably, many of these advances came to a halt with the arrival of Fidel Castro's revolution. Sadly, this regime is notorious for its repression and tyranny, and its human rights record has been so deplorable that the United Nations Human Rights Commission continues to condemn the Cuban government year after year.

On this day, when all Cubans should be celebrating the many accomplishments of the past 100 years, you cannot help but wonder how many more achievements could have been attained in a free, democratic and prosperous Cuba.

Today, I want to take the opportunity to recognize the many contributions of our Cuban-American friends whose hard work and sacrifices have added so much to our nation. At the same time, we cannot forget those brave individuals in Cuba who are at risk for promoting democracy and human rights in their homeland.

Here in America, we look forward to the day when Cubans are able to speak freely without fear of retribution and when democratic reforms will replace the only remaining dictatorship in our hemisphere. Viva Cuba Libre!

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE 7TH ANNUAL ASIAN SPRING FESTIVAL

• Mr. TORRICELLI. Mr. President, I rise today to recognize the 7th Annual Asian Spring Festival. This special event was initiated by the Asian American Civic Association in 1996.

The Asian Spring Festival is annually held in conjunction with Asian Pacific American Heritage Month in May. This event provides a unique opportunity for members of this diverse community to come together and celebrate the unique aspects of their culture. It is also an opportunity to honor outstanding Asian-Americans within their communities.

Throughout its history, our Nation has grown and evolved in a positive way as peoples of many backgrounds, beliefs, and ideas have come together to make America the greatest Nation on Earth. With this in mind, it is important to honor the special aspects of our society that create this unique whole.

I wish the Asian-American community the best on this special occasion.•

TRIBUTE TO INTERNATIONAL PAPER'S MADISON LUMBER MILL

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to International Paper's Madison Lumber Mill of Madison, NH, which was named this year's Manufacturing Business of the Year by the New Hampshire Chamber of Commerce and Business NH Magazine.

As the ranking Republican member of the Senate Environment and Public Works Committee, I applaud Madison Lumber Mill on its outstanding environmental efforts. As the neighbor to 1,800 acres of conservation land owned by the Nature Conservancy, the mill makes extraordinary efforts to create a minimum impact on the environment. Through courtesy and a shared commitment to land conservation, the two neighbors have developed a solid relationship. Along with a dedication to conservation, the mill is constantly looking to reduce any environmental impact, and their environmental compliance goes above and beyond the requirements of the law. One of the mill's main goals is to operate under the principles of the Sustainable Forestry initiative program, which ensures the perpetual growth and harvesting of trees while protecting wildlife, plants, soil, air and water quality.

I commend the dedication Madison Mill exemplifies within the community and surrounding areas. Not only does the mill purchase 90 percent of its log supply from predominantly private land owners within a 60 mile radius of the plant, but they also require their loggers to complete safety training courses. Continuing a tradition of community service, Madison Mill annually grants $10,000 to local libraries, schools and civic organizations. Along with donations, the mill has developed a Community Advisory Council partnership to keep the lines of communication between the mill and local community open. One of the council's main goals is to facilitate community economic development and awareness. The 13 member council meets quarterly to discuss regional issues, raise concerns with the mill and discuss plans for the future.

I applaud Madison Lumber Mill and their dedication to surrounding communities and the environment. Their environmental efforts and positive additions to the community exemplify why Madison Mill was this year's award recipient. It is an honor to represent you in the United States Senate.●

TRIBUTE TO RIVERWOODS AT EXETER

● Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to the Riverwoods at Exeter healthcare facility. Riverwoods was named this year's Health Care Business of the Year by the New Hampshire Chamber of Commerce and Business NH Magazine.

I applaud the Riverwoods community on their positive impact in their surrounding community. By consistently giving back to their community, the 350 residents set a superb example for all Granite Staters to follow. Before the facility had even been built, Riverwoods set the tone of their philanthropic efforts by donating land to the Town of Exeter for baseball and soccer fields for the town youth programs. The tradition of giving has continued over the years as Riverwoods has been named by the Exeter Area Chamber of Commerce as one of the Top 10 Corporate Citizens for 1999, 2000 and 2001.

Alongside the acclaim Riverwoods has received, one of their biggest rewards is being actively involved in their community. More than 50 percent of the residents and staff contribute to the United Way of the Greater Seacoast. Their contributions have grown from $2,381 to an astounding $28,544 in the past six years. The children of Exeter are enjoying their new "Planet Playground" thanks in part to the road race which the Riverwoods organized and sponsored to benefit the playground. The road race profits exceeded $35,000 and helped build Exeter's newest playground. The children of Exeter were not the only residents to benefit from Riverwood's generosity, the local teen center was bought and refurbished with the gala dinner which Riverwoods organized and co-chaired. The benefit dinner raised $63,000 for the teens, and gave the center its first real "home."

I commend the residents, staff and philosophy of the Riverwoods community, and thank them on behalf of Exeter and the Seacoast communities. It is with continued dedication to the community that Riverwoods has been named this year's award recipient. It is an honor to represent you in the United States Senate.●

TRIBUTE TO VILLAGE BANK & TRUST COMPANY

● Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Village Bank & Trust Company of Gilford. Named this year's Financial Services Business of the Year by the New Hampshire Chamber of Commerce and Business NH Magazine, Village Trust has established a unique niche in New Hampshire.

Disguised as a typical bank, Village Trust couldn't be further from traditional financial institutions. Their unique relationship with the community has made them an extremely deserving candidate for this award. From the Bank's beginning in 1982, Founder and President Gregory Dickinson has focused on giving to the community. As Gregory said, "We are committed to the community and the community is loyal to us." Village Bank's track record with their community includes sponsoring the first affordable housing project for the Laconia Area Community Land Trust, being among the first contributors to the Belknap County Economic Development Council, financing the bond for the Main Street Project in Laconia as well as numerous other housing authority projects. Along with these projects, Village Bank is known for its commitment to economic initiatives and its consistent support for local businesses.

I applaud the dedicated efforts in improving the community which Village Bank continually demonstrates. They are a positive example to the Granite State not only in their business practice, but also their philanthropic efforts. I wish them continued success in the coming years, and thank them for their contributions to New Hampshire. It is an honor to represent you in the United States Senate.●

TRIBUTE TO JACK B. MIDDLETON

● Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Jack B. Middleton, recently named Business Leader of the Year 2002, by the NH Chamber of Commerce and Business NH Magazine. Jack's efforts both in his profession and in his community are unsurpassed, and set an impressive standard for his peers to follow.

Jack currently serves as President of the New Hampshire based law firm McLane, Graf, Raulerson & Middleton. Joining the firm in 1956, he entered a tradition of community service and dedicated practice. He became a partner in 1962 and later became President. His countless accomplishments both in his professional career and philanthropic efforts have led him to a position of mentor, friend and leader.

I applaud Jack's continued service to the legal profession and willingness to accept leadership roles in numerous organizations. His service extends to state and regional bar associations, legal foundations, the Interest on Lawyer's Trust Account, IOLTA, program, and his own firm. He is the longest serving Chair of the NH Bar Foundation and Secretary of the Board of Governors of the American Bar Association. His position on the American Bar Association is one of great pride to the New Hampshire legal community, as he is only the second person from New Hampshire to hold a position at the national level of the ABA. He is the former President of the New Hampshire Bar Association, the New England Bar Association, the National Conference of Bar Foundations, the National Conference of Bar Presidents and a Fellow of the American College of Trial Lawyers. Along with these positions of service, Jack has also received numerous awards such as Citizen of the Year 1994 by the Greater Manchester Chamber of Commerce, New Hampshire's Distinguished Citizen of the Year 2000 by the Daniel Webster Council and has twice been awarded the President's Award for Special Service to the Profession by the New Hampshire Bar Association.

Jack's community service sets a positive example for all Granite Staters and his dedication to improving his community is beyond compare. His role in developing the IOLTA program, which offers legal assistance for the needy as well as public education about the law, was critical to helping the people of New Hampshire. This program allows lawyers to place money that they are holding for short periods of time into a pooled interest-bearing account. The proceeds of which fund the program. Since the start of the program in 1982, the account has raised more than $13 million dollars. Jack's efforts to develop this already existing program in New Hampshire as well as his many contributions in other fundraising efforts and community service have led the Bar Foundation to name Jack an "Honorary Fellow."

Jack Middleton is an extraordinary example of someone who serves his community as he would serve his career. By continuing the long-standing tradition of philanthropy that his firm has set forth, Jack has shown once and again why he is such a deserving candidate of this year's award. I congratulate him and wish him continued success in future years. It is an honor to represent Jack Middleton in the United States Senate.●

TRIBUTE TO MANCHESTER NEIGHBORHOOD HOUSING SERVICES, INC.

● Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Manchester Neighborhood Housing Services, MNHS, of New Hampshire. MNHS is this year's recipient of the Real Estate/Construction Business of the Year Award by the New Hampshire Chamber of Commerce and Business NH Magazine.

I commend the efforts of MNHS to improve the City of Manchester and provide affordable housing to low-income residents. Founded in 1992, MNHS began as a revitalization project for

Manchester's inner city neighborhoods. One of the largest and most visible projects thus far has been the $11 Million Elm Street Restoration Project, which created 68 affordable apartments in two of the historic downtown brownstones. This project is one of the largest nonprofit affordable housing projects in New Hampshire's history.

I would also like to recognize the Renaissance, a 24 unit family rental project and the first Low Income Housing Tax Credit project, created for first-time home buyers. Among these many accomplishments, MNHS has also loaned or granted more than $6.5 million dollars for home purchase and rehabilitation. The outstanding performance by this organization is not only making positive changes to the community but more importantly to peoples lives. There is nothing more important to me than to make sure that people are taken care of. It is an honor and privilege to represent the fine people that make these advancements possible.•

TRIBUTE TO UNITIL CORPORATION

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Unitil Corporation of Hampton, which has been named the Business Services Business of the Year 2002 by the New Hampshire Chamber of Commerce and Business NH Magazine.

I applaud Unitil's unique and innovative approach to business and their customers. By taking a fresh approach to the utility industry, Unitil has proven that quantity does not necessarily reflect quality. Unitil was established after a union between Concord Electric Company and Exeter & Hampton Electric Company in 1984. The company now employs 333 people as well as servicing 110,000 customers.

Unitil was among the frontrunners of the industry with the creation of their program, USource, which matches buyers on the Internet with pre-qualified energy suppliers. Unitil's approach to business has resulted in the lowest electric rates available in New England as well as excellent performance ratings from the majority of their clients.

Aside from Unitil's low rates and high quality of service, the real treasure of the company lies within its employees and their dedication to community service. By operating with an emphasis on giving and volunteering in their local communities, Unitil has encouraged employees to volunteer their time and make a positive impact. Led by example, Unitil's CEO Bob Schoenberger is President of the Board of the United Way of the Greater Seacoast. Employees are each granted eight hours of paid leave for volunteering. Last year, Unitil's employees volunteered 1,000 hours of community service and raised more than $8,000 in a matched contribution program. Unitil also donated $90,000 to 200 local nonprofit organizations in 2001.

Unitil serves as a positive example for all Granite Staters, and I applaud their dedication to improving their community, both in the personal and the business arena. I commend their leadership as well as their employees and wish them continued success in the coming years. It is an honor to represent you in the United States Senate.•

TRIBUTE TO COURT APPOINTED SPECIAL ADVOCATES OF NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to the Court Appointed Special Advocates, CASA, of New Hampshire. Named this year's Education/Non-Profit Business of the Year by the New Hampshire Chamber of Commerce and Business NH Magazine.

The CASA program is crucial to New Hampshire's abused and neglected children, offering support, guidance, and a sound outlook on the children for New Hampshire's Family and District Court judges. Started in New Hampshire in 1988 by Marcia Sink, CASA has advocated for 3,045 young victims in 2,276 cases within district and family court during the past 14 years. A national program, CASA trains volunteers to advocate for abused and neglected children in the court system. Typically taking just one case at a time, CASA volunteers gain an intimate knowledge of the children, family situation and current arrangements which proves invaluable to judges upon their rulings.

Aside from the Business of the year award, CASA has been the recipient of the Citadel Broadcasting Company's 2001 Year of Service Award, Brown and Company's Pro Bono Award, the Walter J. Dunley Award for Excellence in Non-Profit Management and WMUR Channel Nine's Community Champion award. Along with these distinguished awards for their service and contributions, CASA has made an impact in the lives of numerous children which is the greatest award of all. New Hampshire thanks you for your continued service to the children of the Granite State.

I applaud the dedication to New Hampshire's youth that CASA has shown over the years. Currently representing more than 75 percent of New Hampshire's abused and neglected children, these volunteers have spent countless hours defending the best interest of these children. They offer a unique and innovative approach to placing children in the best possible situation and their efforts are crucial during these trying times. I commend the CASA program of New Hampshire and wish them continued success in the coming years. It is an honor to represent you in the United States Senate.•

HONORING THE TOWN OF WILTON, CT, ON ITS BICENTENNIAL ANNIVERSARY

• Mr. DODD. Mr. President, I rise today to commemorate the Town of Wilton, CT, on celebrating its bicentennial anniversary as a separate municipality.

Incorporated by the Connecticut General Assembly from the parent Town of Norwalk, CT, on Monday, May 20, 1802, Wilton is a vibrant community steeped in both history and culture, and a paradigm of the quintessential New England town. Settled as early as 1640, Wilton grew from 40 recorded families in 1726 to its present population of over 17,000. While the town has been successful in maintaining a small tight-knit community atmosphere, it has greatly benefitted from its location in Fairfield County and proximity to New York City. Modern Wilton is blessed with a diverse population, a strong economy, and a plethora of different industries.

From the day 263 residents volunteered to fight to uphold American liberty in the Revolutionary War, the people of Wilton have continually demonstrated admirable patriotism during many different eras. Over the years, the town has also become keenly aware of its own heritage. Through a variety of innovative preservation efforts undertaken by the Wilton Historical Society, dozens of historical houses and buildings dating from the 17th, 18th, and 19th centuries have been protected for the benefit of future generations. One of these estates happens to be the only National Park in Connecticut, the Weir Farm National Historic Site. Home to impressionist painter Julian Alden Weir for over 40 years, the residence is considered a birthplace of the American Impressionist movement in the 1890s.

To celebrate the town bicentennial, the people of Wilton will be holding several different traditional festivities during the month of May. In addition, 20 Wilton residents will be cycling from Washington, DC, to Wilton in a special "BikeCentennial." The entourage will travel across Maryland, New Jersey, New York, and part of Connecticut before arriving at Wilton on July 4.

Once again, I would like to commemorate the town of Wilton on its bicentennial anniversary. I wish the town and its residents continued vibrancy and success for many generations to come.•

IN RECOGNITION OF REVEREND DAVID ARIAS

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Rev. David Arias, Auxiliary Bishop of Newark and Regional Bishop of Hudson County on the occasion of the 50th anniversary of his Ordination.

Rev. Arias' background is as wide and as varied as the United States.

Born and ordained to the priesthood in Spain, he has worked in Spain, Mexico City, Texas, Kansas City, California, and now Hudson County, NJ.

In 1996, as a member of the Archdiocese of New York, Rev. Arias was named head of the Spanish Cursillo Movement and later named director of Hispanic Affairs for the Archdiocese of New York by Cardinal Terrence Cooke. He was named the Auxiliary Bishop of Newark, NJ in 1983 and has served as Pastor of St. Joseph of the Palisades in West New York, NJ since 1994.

The Archdiocese of Newark has been fortunate to have the services of Rev. Arias and I wish him the best in his continued ministry.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

2002 COMPREHENSIVE REPORT ON U.S. TRADE AND INVESTMENT POLICY TOWARD SUB-SUBHARAN AFRICA AND IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

As required by section 106 of title I of the Trade and Development Act of 2000 (Public Law 106–200), I am providing a report prepared by my Administration entitled, the 2002 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 20, 2002.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7092. A communication from the Regulations Coordinator, Indian Health Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Tribal Self-Governance Amendments of 2000" (RIN0917–AA05) received on May 16, 2002; to the Committee on Indian Affairs.

EC–7093. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Management, received on May 14, 2002; to the Committee on Governmental Affairs.

EC–7094. A communication from the Deputy Secretary, Office of General Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Mandated EDGAR Filing for Foreign Issuers" (RIN3235–AI08) received on May 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7095. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Arkansas Abandoned Mine Land Reclamation Plan and Regulatory Program" (AR–036–FOR) received on May 14, 2002; to the Committee on Energy and Natural Resources.

EC–7096. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled "Illinois Regulatory Program" (IL–101–FOR) received on May 14, 2002; to the Committee on Energy and Natural Resources.

EC–7097. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more to the Government of Austria; to the Committee on Foreign Relations.

EC–7098. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Temporary Assistance for Needy Families (TANF) program for Fiscal Year 2000; to the Committee on Finance.

EC–7099. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—March 2002" (Rev. Rul. 2002–10) received on May 17, 2002; to the Committee on Finance.

EC–7100. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2001–71) received on May 15, 2002; to the Committee on Finance.

EC–7101. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mid-Contract Change in Taxpayer" ((RIN1545–AY31)(TD8995)) received on May 15, 2002; to the Committee on Finance.

EC–7102. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electing Small Business Trust" ((RIN1545–AU76)(TD8994)) received on May 15, 2002; to the Committee on Finance.

EC–7103. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April-June 2002 Bond Factor Amounts" (Rev. Rul. 2002–24) received on May 14, 2002; to the Committee on Finance.

EC–7104. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "New User Fee Airport" (TD02–27) received on May 14, 2002; to the Committee on Finance.

EC–7105. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "2002 Integrated Section 305(b) Reports and 303(d) Lists and the Impact of the 305(b) Reports on Annual S106 Grant Funding Targets"; to the Committee on Environment and Public Works.

EC–7106. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Allocation of Fiscal Year 2002 Operator Training Grants" received on May 14, 2002; to the Committee on Environment and Public Works.

EC–7107. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Grants for Counter-Terrorism Coordination Activities by States and Territories" received on May 14, 2002; to the Committee on Environment and Public Works.

EC–7108. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Approval and Promulgation of State Implementation Plan; Utah; Revisions to Air Pollution Regulations" (FRL7201–3) received on May 14, 2002; to the Committee on Environment and Public Works.

EC–7109. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permit Program Revision; Indian" (FRL7212–6) received on May 14, 2002; to the Committee on Environment and Public Works.

EC–7110. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Marine Sanitation Devices (MSDs) Regulation to Establish a NonDischarge Zone (NDZ) for State Waters Within the Boundary of the Florida Keys National Marine Sanctuary (FKNMS)" (FRL7212–4) received on May 14, 2002; to the Committee on Environment and Public Works.

EC–7111. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Bay Area Air Quality Management District" (FRL7202–1) received on May 14, 2002; to the Committee on Environment and Public Works.

EC–7112. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2002 Diversion Program" (Doc. No. FV02–989–2FIR) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7113. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Undersized Regulations for the 2002–03 Crop Year" (Doc. No. FV02–993–1FR) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7114. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Increased Assessment Rate" (Doc. No. FV02–915–2FR) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7115. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Slovakia and Slovenia Because of BSE" (Doc. No. 01–122–2) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7116. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Areas" (Doc. No. 01–080–2) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7117. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Addition to Quarantined Areas" (Doc. No. 01–081–2) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7118. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Used Farm Equipment from Regions Affected with Foot-and-Mouth Disease" (Doc. No. 01–037–1) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7119. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Quarantined Areas" (Doc. No. 02–029–1) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7120. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Braking Systems Airworthiness Standards to Harmonize with European Airworthiness Standards for Transport Category Airplanes" (RIN2120–AG80) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7121. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: PIAGGIO AERO INDUSTRIES SpA Model P 180 Airplanes" ((RIN2120–AA64)(2002–0229)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7122. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2002–0230)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7123. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes" ((RIN2120–AA64)(2002-0231)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7124. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT9D Series Turbofans Engines" ((RIN2120–AA64)(2002-0232)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7125. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2002-0225)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7126. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4; A300 B4-600, B4-600R, and F4 600R and A310 Series Airplanes" ((RIN2120–AA64)(2002-0226)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7127. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes" ((RIN2120–AA64)(2002-0227)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7128. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; Equipped with General Electric CF6–50 Engines" ((RIN2120–AA64)(2002–0228)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7129. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller, Inc. Compact Series Propellers" ((RIN2120–AA64)(2002–0218)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7130. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International, Inc. Former Military T53 Series Turboshaft Engines" ((RIN2120–AA64)(2002–0219)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7131. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B16 (CL 601 3R and CL 604) Series Airplanes" ((RIN2120–AA64)(2002–0220)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7132. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" ((RIN2120–AA64)(2002–0224)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation

EC–7133. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9 81, 82, 83, and MD 88 Airplanes" ((RIN2120–AA64)(2002–0214)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7134. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney 4000 Series Turbofan Engines" ((RIN2120–AA64)(2002–0215)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7135. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model CESSNA 441 Airplanes" ((RIN2120–AA64)(2002–0216)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7136. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFC Company Model CFE738-1-1B Turbofan Engines" ((RIN2120–AA64)(2002–0217)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7137. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, 320, 321, 330, and 340 Series Airplanes" ((RIN2120–AA64)(2002–0212)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7138. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6 80A, 80C2, and 80E1 Series Turbofan Engines" ((RIN2120–AA64)(2002–0213)) received on May 16, 2002 ; to the Committee on Commerce, Science, and Transportation.

EC–7139. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 31 Airplanes" ((RIN2120–AA64)(2002–0211)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7140. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company GE90 Series Turbofan Engines; CORRECTION" ((RIN2120–AA64)(2002–0209)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7141. A communication from the Administrator of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "New Entrant Safety Assurance Process" (RIN2126–AA59) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C Series Airplanes" ((RIN2120–AA64)(2002–0210)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Green Bay, WI" ((RIN2120-AA66)(2002-0083)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Mosinee, WI" ((RIN2120–AA66)(2002–0082)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Federal Airway V–220; NE" ((RIN2120–AA66)(2002–0086)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Boyceville, WI" ((RIN2120–AA66)(2002–0078)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Manistee, MI" ((RIN2120–AA66)(2002–0079)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace; Bloomington, IL" ((RIN2120–AA66)(2002–0084)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lake Geneva, WI" ((RIN2120–AA66)(2002–0075)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Winona, MN" ((RIN2120–AA66)(2002–0076)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Walhalla, ND" ((RIN2120–AA66)(2002–0077)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; St. James, MN" ((RIN2120–AA66)(2002–0072)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Columbus, OH" ((RIN2120–AA66)(2002–0073)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7154. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Greenville, MI" ((RIN2120–AA66)(2002–0074)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7155. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Greely, CO; CORRECTION" ((RIN2120–AA66)(2002–0068)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7156. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway V–385; TX" ((RIN2120–AA66)(2002–0069)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7157. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Daggett, CA" ((RIN2120–AA66)(2002–0070)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7158. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Greenville Donaldson Ctr, SC" ((RIN2120–AA66)(2002–0071)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7159. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (114); Amdt. No. 3001" ((RIN2120–AA65)(2002–0031)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7160. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (51); Amdt. No. 3004" ((RIN2120–AA65)(2002–0030)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7161. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 3003" ((RIN2120–AA65)(2002–0023)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7162. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (8); Amdt. No. 435" ((RIN2120–AA63)(2002–0003)) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7163. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Relief for Participants in Operation Enduring Freedom" (RIN2120–AH58) received on May 16, 2002; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon) as indicated:

By Mr. NELSON of Florida:

S. Res. 272. A resolution expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. KENNEDY):

S. Con. Res. 114. A concurrent resolution expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 948

At the request of Mr. LOTT, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for

2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1967

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2051

At the request of Mr. REID, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking effect, and for other purposes.

S. 2246

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2509

At the request of Mrs. HUTCHISON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. CON. RES. 109

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 109, a concurrent resolution commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, and for other purposes.

AMENDMENT NO. 3431

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 3431 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 272—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SUCCESS OF THE VARELA PROJECT'S COLLECTION OF 10,000 CERTIFIED SIGNATURES IN SUPPORT OF A NATIONAL REFERENDUM AND THE DELIVERY OF THESE SIGNATURES TO THE CUBAN NATIONAL ASSEMBLY

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 272

Whereas Article 88 of the Cuban Constitution states that the Cuban National Assembly should schedule a national referendum if it receives the verified signatures of 10,000 legal voters;

Whereas on May 10, 2002, a group of Cuban citizens led by Oswaldo Paya delivered 11,020 verified signatures to the Cuban National Assembly in support of a referendum;

Whereas Mr. Paya's petition drive is inspired by the 19th-century priest and Cuban independence hero, Padre Felix Varela, and is known as the Varela Project;

Whereas the Varela Project seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas the Varela Project is supported by 140 opposition organizations in Cuba and has received no money or support from foreign citizens or foreign governments;

Whereas the Varela Project is the largest petition drive in Cuban history;

Whereas the Varela Project seeks amnesty for all of those who have been detained, sanctioned, or jailed for political motives and who have not participated in acts directly threatening the lives of others;

Whereas the Varela Project seeks to guarantee citizens the right to form private businesses, to carry out economic activities that could be productive and of service, and to establish contracts between workers and businesses for the development of these businesses in fair and just conditions so that no one may obtain profits by exploiting the work of others;

Whereas the Varela Project is a step in moving Cuba toward achieving international standards for human rights;

Whereas the goal of United States policy in Cuba is to promote a peaceful transition to democracy through an active policy of supporting the forces of change on the island; and

Whereas the Varela Project is engaged in the promotion of a peaceful transition to democracy in Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) supports the constitutional right of the citizens of Cuba who have signed the Varela Project to petition the Cuban National Assembly for a referendum;

(2) calls on the Cuban government to accept the Varela Project petition and, in accordance with its obligation under Article 88 of the Cuban Constitution, to hold a referendum on civil liberties, including freedom of speech, an amnesty for political prisoners, support for private business, a new electoral law, and a general election;

(3) praises the bravery of Oswaldo Paya and his colleagues in collecting 11,020 verified signatures in support of the Varela Project;

(4) calls on the Cuban government to provide its citizens with internationally accepted standards for civil and human rights, and the opportunity to vote in free and fair elections;

(5) urges the President and his representatives to take all appropriate steps to support the Varela Project and any future efforts by the Cuban people to assert their constitutional right to petition the National Assembly in support of a referendum; and

(6) urges the President to pursue an action-oriented policy of directly assisting the Cuban people and independent organizations to strengthen the forces of change and to improve human rights in Cuba.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE CONCURRENT RESOLUTION 114—EXPRESSING THE SENSE OF CONGRESS REGARDING NORTH KOREAN REFUGEES WHO ARE DETAINED IN CHINA AND RETURNED TO NORTH KOREA WHERE THEY FACE TORTURE, IMPRISONMENT, AND EXECUTION

Mr. BROWNBACK (for himself and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 114

Whereas the Government of North Korea is one of the most oppressive regimes and was identified by the President of the United States as one of the three countries forming an "axis of evil";

Whereas the Government of North Korea is controlled by the Korean Workers Party, which does not recognize the right of North Koreans to exercise the freedoms of speech, religion, press, assembly, or association;

Whereas the Government of North Korea imposes severe punishments for crimes such as attempted defection, slander of the Korean Workers Party, listening to foreign broadcasts, possessing printed matter that is considered reactionary by the Korean Workers Party, and holding prohibited religious beliefs;

Whereas at least 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea and because of severe drought;

Whereas the combination of political, social, and religious persecution, economic deprivation, and the risk of starvation in North Korea is causing many North Koreans to flee to China;

Whereas between 100,000 and 300,000 North Korean refugees are estimated to be residing in China without the permission of the Government of China;

Whereas the Governments of China and North Korea have reportedly begun aggressive campaigns to locate North Koreans who reside without permission in China and to forcibly return them to North Korea;

Whereas North Koreans who seek asylum in China and are refused, are returned to North Korea where they have reportedly been imprisoned and tortured, and in many cases killed;

Whereas the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, defines a refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country";

Whereas despite China's obligations as a party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967, China routinely classifies North Koreans seeking asylum in China as "economic migrants" and returns the refugees to North Korea without regard to the serious threat of persecution they will face upon their return;

Whereas the Government of China is party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967 and must respect the term of these agreements;

Whereas in recent weeks, Chinese authorities have increased security around diplomatic properties and reportedly have stepped up detentions of North Koreans hiding in the country, in response to 28 North Koreans seeking asylum who rushed several foreign embassies;

Whereas on May 9th, eight North Koreans seeking political asylum rushed the United States and Japanese consulates in the northeastern Chinese city of Shenyang, including three who scaled a wall and made it into the United States mission; and

Whereas Chinese police captured the other five, including a toddler, allegedly by entering the Japanese Consulate compound without permission, and dragging five people out, in clear violation of the provisions of the Vienna Convention on Consular Relations ensuring the inviolability of consular missions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress encourages—

(1) the Government of China to honor its obligations under the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, by—

(A) making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing the refugees with a reasonable opportunity to petition for asylum;

(B) allowing the United Nations High Commissioner for Refugees to have access to all North Korean asylum seekers and refugees residing in China;

(C) halting the forced repatriations of North Korean refugees seeking asylum in China; and

(D) cooperating with the United Nations High Commissioner for Refugees in efforts to resettle the North Korean refugees residing in China to other countries;

(2) the Government of China to permit access to the United Nations High Commissioner for Refugees in order to evaluate the asylum claims and to facilitate the resettlement of the North Korean refugees residing in China in other countries; and

(3) the United States Government to consider asylum claims and refugee claims of North Koreans arising from a well-founded fear of persecution.

Mr. BROWNBACK. Madam President, I appreciate the opportunity to speak a few minutes ahead of the Republican time. I want to draw my colleagues' attention to an issue Senator KENNEDY and I are working on together and that is increasing in importance and focus. And that is what is taking place in North Korea and its border with China.

We have in that area approximately 150,000 to 300,000 North Korean refugees who have fled North Korea and the very oppressive regime there and are now being hunted down and sent back to North Korea to prison camps, to, in some cases, death and other circumstances that are horrible that may be just short of death in North Korea.

I want to outline what is taking place and a couple of action items this body can take up.

If a picture is worth 1,000 words, this picture says it all. On May 9, eight North Koreans were rushed inside the United States and Japanese consulates in Shenyang in northeastern China some 125 miles from the North Korean border. Five of those sought refuge in the Japanese consulate, including this 2-year-old girl who has the beautiful pigtails and in any other sitting you might think is cute—she is cute in this one as well—sought refuge in the Japanese consulate. They were forcibly removed from inside the consulate compound by the Chinese paramilitary security forces—two of whom you see arresting this girl's mother and why she is crying—and placed in Chinese police detention.

This morning's news came out that a Korean-American pastor had been detained by Chinese authorities for protecting 14 North Korean orphans in this same area.

Pastor Joseph Choi, 47, an American citizen, was detained in Yanbian, northeastern China, on May 9 along with 14 North Korean children. He was protecting these 14 orphans and providing them food and shelter. He was arrested, and that news came out this morning.

As you may know, the facts regarding this particular child and her family are at dispute, although the videotape of the incident, which I have reviewed, leaves no doubt that the Chinese authorities trespassed on the Japanese consulate compound. Chinese authorities allege that these five persons in Shenyang never made it inside the Japanese consulate compound. Once inside that compound, this is Japanese sovereign territory. They said the consulate had requested that the Chinese security forces remove the asylum seekers. Japanese consulate officials deny these allegations. A videotape filmed by a Japanese journalist documents their entry into the Japanese consulate compound and the forcible removal that took place.

Tokyo has demanded that Beijing apologize, release the detainees, and assure safe passage for these asylum-seekers and a promise that such intrusions won't happen again. As of this morning, China continues to detain the five individuals including the 2-year-old child, including the pastor and 14 other orphans.

A large-scale problem exists of North Koreans fleeing political and religious oppression and starvation and seeking refuge in northeastern China. There are an estimated 150,000 to 300,000 North Korean refugees living illegally in China. China has a treaty with North Korea under which China agrees to view these individuals as illegal immigrants or "economic migrants" and to send them back, without consideration of the persecution they may face upon their return. The Chinese Government refuses to permit the UNHCR to screen fleeing North Koreans to determine whether they deserve political asylum. Furthermore, under Chinese law, anyone aiding a fleeing North Korean is subject to a fine, and bounties are paid to Chinese citizens who turn in North Koreans to the Chinese authorities—bounty hunting.

Since the end of April, Chinese authorities have increased the use of the People's Armed Police, a paramilitary security force guarding foreign diplomatic properties, in order to thwart further asylum attempts. An estimated 312 North Koreans have defected to South Korea to date.

The United States is the leading donor of food to North Korea, which cannot feed its 22 million people.

American negotiators should insist on assurances that this aid is reaching those most in need.

Since 1995, the United States has provided more than $500 million in food and other commodities to North Korea—up to 350,000 metric tons of food each year. This year this aid is down to 155,000 metric tons because of demands for aid in Afghanistan; other countries are also sending less to North Korea. But American deliveries of food and fuel remain critical to Pyongyang.

More than 2 million North Koreans are reported to have died from starvation and related diseases between 1994 and 1998, and large pockets of hunger and starvation remain. At least 40 percent of children under 5 are malnourished, according to the World Food Program, a United Nations agency.

No one really knows, however, how much donated food is diverted to the North Korean military, police, Communist Party officials, essential workers, and those loyal to the regime. The World Food Program argues that food aid is not going to the military because the military has the first cut from national harvests. But the agency has no evidence because there is no independent monitoring of donated food.

In the coming negotiations, the United States should insist upon unrestricted access to all areas of the country where food is delivered. It should require lists of the actual institutions to which food and medicines are going and uncontrolled access for the World Food Program. It should press the North Korean Government to allow international aid groups to set up feeding stations of their own that are accessible to all hungry North Koreans.

More importantly, the precarious situation of the North Koreans who have crossed into China should also be on the table. These desperate people foraging for food are treated as illegal immigrants and hunted down. When forcibly returned to North Korea, they may face imprisonment or worse. And we should demand of the Chinese government to let these people go—let them go to a third country.

The Government of Korea is one of the most repressive regimes in the world and was identified by the President as one of three countries forming an "axis of evil." It is also an economic disaster in which a centralized agricultural system has led to millions starving to death. Yet it is flanked on all sides by some of the most successful economies in the world.

This picture and the video tape that has been played continuously in Japan, Korea, and around the world has shocked the conscience of people everywhere. Yet, we should be reminded it was not so long ago that the world at times ignored similar pictures and stories—during World War II, Cambodia, and Kosovo, to mention just a few. In North Korea today, we are facing a similar evil.

I am reminded of a story during World War II about a church along a railroad track that routinely carried people in trains on their way to the Nazi concentration camps. When members of the congregation could no longer ignore the cries for help from those trains, some insisted that they sing louder. I hope we will listen, learn and act. What we should be afraid of is not the deeds of "evil" but the conscience of the world. This child is watching us, judging us. I hope China does the right thing.

At this time, I ask unanimous consent to submit a sense-of-the-Senate resolution, along with Senator KENNEDY, my colleague and chairman of the Immigration Subcommittee, where I serve as the ranking member. The purpose of this resolution is simple and direct: under both international laws and on humanitarian grounds, China should release this girl and her family as well as the Korean American pastor and 14 orphans immediately and provide them safe passage to a third country. I encourage my colleagues in joining Senator KENNEDY and myself in supporting this resolution and getting quick passage so that we can send a strong message to China to let these people go.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The resolution will be received and appropriately referred.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3456. Mr. REID (for Mr. DURBIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3457. Mr. REID (for Mr. DURBIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3458. Mr. REID (for Mr. DURBIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3459. Mr. REID (for Mr. HARKIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3460. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3461. Mr. REID (for Mr. CORZINE) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3462. Mr. REID (for Mr. CORZINE) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3463. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3464. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3465. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3466. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3456. Mr. REID (for Mr. DURBIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of title XXXII, insert the following:

SEC. 3204. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106-200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) TRUST FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Worsted Wool Fabric Manufacturer Trust Fund" (in this paragraph referred to as the "Wool Fabric Trust Fund"), consisting of $32,000,000 transferred to the Wool Fabric Trust Fund from funds in the general fund of the Treasury.

(B) GRANTS.—

(i) GENERAL PURPOSE.—From amounts available in the Wool Fabric Trust Fund, the Secretary of Commerce is authorized to provide grants to manufacturers of worsted wool fabric to assist such manufacturers in maximizing employment in the production of textile products, and meeting their obligations to workers, former workers, and retirees in the textile industry.

(ii) APPLICATION FOR GRANTS.—Qualified applicants shall apply for such grants no later than 30 days after enactment of this paragraph in accordance with guidelines prescribed by the Secretary and the Secretary shall award such grants no later than 60 days after receiving a completed application.

(C) DISTRIBUTION OF FUNDS.—Of the amounts in the Wool Fabric Trust Fund—

(i) $16,000,000 shall be made available to manufacturers of worsted wool fabric whose aggregate domestic production of fabric of the kind described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 equals or exceeds 60 percent of all worsted wool fabric produced by all such manufacturers, and shall be allocated based on the percentage of each such manufacturer's production of the fabric described in such heading for such 3 years compared to the production of such fabric for all such applicants who qualify under this clause; and

(ii) $16,000,000 shall be made available to manufacturers of worsted wool fabric who do not qualify under clause (i), and shall be allocated based on the percentage of each such manufacturer's aggregate domestic production of the fabric described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 compared to the production of such fabric during such years for all applicants who qualify under this clause.

(D) NO APPEAL.—Any grant awarded by the Secretary under this paragraph shall be final and not subject to appeal or protest.

(4) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) REQUESTS FOR MODIFICATION OF LIMITATION ON QUANTITY OF FABRICS.—

(1) GENERAL RULE.—Manufacturers may request modifications to the limitation on the quantity of imports of worsted wool fabrics under heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States pursuant to section 504(b) of Public Law 106–200, only upon a finding by the United States International Trade Commission that domestic fabric manufacturers have reduced their capacity from the levels existing at the end of calendar year 2002 to produce the fabric described under such heading by 25 percent, or have reduced their sales of such fabric by 50 percent.

(2) REQUEST FOR FINDING.—The United States International Trade Commission shall make a finding regarding the extent of any such reduction in capacity or sales upon the request of a manufacturer of apparel products made of such worsted wool fabric.

(3) LIMITATION.—No modification may be made pursuant to section 504(b) of the Trade and Development Act of 2000 (Public Law 106–200) for fabric imported during calendar years 2002 or 2003.

(e) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SEC. 3205. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SA 3457. Mr. REID (for Mr. DURBIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

After section 3201, insert the following:

SEC. 3202. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) TRUST FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Worsted Wool Fabric Manufacturer Trust Fund" (in this paragraph referred to as the "Wool Fabric Trust Fund"), consisting of $32,000,000 transferred to the Wool Fabric Trust Fund from funds in the general fund of the Treasury.

(B) GRANTS.—

(i) GENERAL PURPOSE.—From amounts available in the Wool Fabric Trust Fund, the Secretary of Commerce is authorized to provide grants to manufacturers of worsted wool fabric to assist such manufacturers in maximizing employment in the production of textile products, and meeting their obligations to workers, former workers, and retirees in the textile industry.

(ii) APPLICATION FOR GRANTS.—Qualified applicants shall apply for such grants no later than 30 days after enactment of this paragraph in accordance with guidelines prescribed by the Secretary and the Secretary shall award such grants no later than 60 days after receiving a completed application.

(C) DISTRIBUTION OF FUNDS.—Of the amounts in the Wool Fabric Trust Fund—

(i) $16,000,000 shall be made available to manufacturers of worsted wool fabric whose aggregate domestic production of fabric of the kind described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 equals or exceeds 60 percent of all worsted wool fabric produced by all such manufacturers, and shall be allocated based on the percentage of each such manufacturer's production of the fabric described in such heading for such 3 years compared to the production of such fabric for all such applicants who qualify under this clause; and

(ii) $16,000,000 shall be made available to manufacturers of worsted wool fabric who do not qualify under clause (i), and shall be allocated based on the percentage of each such manufacturer's aggregate domestic production of the fabric described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States during calendar years 1999, 2000, and 2001 compared to the production of such fabric during such years for all applicants who qualify under this clause.

(D) NO APPEAL.—Any grant awarded by the Secretary under this paragraph shall be final and not subject to appeal or protest.

(4) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) REQUESTS FOR MODIFICATION OF LIMITATION ON QUANTITY OF FABRICS.—

(1) GENERAL RULE.—Manufacturers may request modifications to the limitation on the quantity of imports of worsted wool fabrics under heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States pursuant to section 504(b) of Public Law 106-200, only upon a finding by the United States International Trade Commission that domestic fabric manufacturers have reduced their capacity from the levels existing at the end of calendar year 2002 to produce the fabric described under such heading by 25 percent, or have reduced their sales of such fabric by 50 percent.

(2) REQUEST FOR FINDING.—The United States International Trade Commission shall make a finding regarding the extent of any such reduction in capacity or sales upon the request of a manufacturer of apparel products made of such worsted wool fabric.

(3) LIMITATION.—No modification may be made pursuant to section 504(b) of the Trade and Development Act of 2000 (Public Law 106-200) for fabric imported during calendar years 2002 or 2003.

(e) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SA 3458. Mr. REID (for Mr. DURBIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following new title:

TITLE —STEEL IMPORT NOTIFICATION AND MONITORING; EARLY RELEASE OF IMPORT DATA

SEC. 01. STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this title, the Secretary of Commerce, in consultation with the Secretary of the Treasury, shall establish and implement a steel import notification and monitoring program. The program shall include a requirement that any person importing a product classified under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States obtain an import notification certificate before such products are entered into the United States.

(2) EXPIRATION.—The program established under paragraph (1) shall expire on March 5, 2005.

(b) STEEL IMPORT NOTIFICATION CERTIFICATES.—

(1) IN GENERAL.—In order to obtain a steel import notification certificate, an importer shall submit to the Secretary of Commerce an application containing—

(A) the importer's name and address;

(B) the name and address of the supplier of the goods to be imported;

(C) the name and address of the producer of the goods to be imported;

(D) the country of origin of the goods;

(E) the country from which the goods are to be imported;

(F) the United States Customs port of entry where the goods will be entered;

(G) the expected date of entry of the goods into the United States;

(H) a description of the goods, including the classification of such goods under the Harmonized Tariff Schedule of the United States, including chapters 72 and 73;

(I) the quantity (in kilograms and net tons) of the goods to be imported;

(J) the cost insurance freight (CIF) and free alongside ship (FAS) values of the goods to be entered;

(K) whether the goods are being entered for consumption or for entry into a bonded warehouse or foreign trade zone;

(L) a certification that the information furnished in the certificate application is correct; and

(M) any other information the Secretary of Commerce determines to be necessary and appropriate.

(2) ENTRY INTO CUSTOMS TERRITORY.—In the case of merchandise classified under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States that is initially entered into a bonded warehouse or foreign trade zone, a steel import notification certificate shall be required before the merchandise is entered into the customs territory of the United States.

(3) ISSUANCE OF STEEL IMPORT NOTIFICATION CERTIFICATE.—The Secretary of Commerce shall issue a steel import notification certificate to any person who files an application that meets the requirements of this section. Such certificate shall be valid for a period of 30 days from the date of issuance.

(c) STATISTICAL INFORMATION.—

(1) IN GENERAL.—The Secretary of Commerce shall compile and publish on a weekly basis information described in paragraph (2).

(2) INFORMATION DESCRIBED.—Information described in this paragraph means information obtained from steel import notification certificate applications concerning steel imported into the United States and includes with respect to such imports the Harmonized Tariff Schedule of the United States classification (to the tenth digit), the country of origin, the port of entry, quantity, value of steel imported, and whether the imports are entered for consumption or are entered into a bonded warehouse or foreign trade zone. Such information shall also be compiled in aggregate form and made publicly available by the Secretary of Commerce on a weekly basis by public posting through an Internet website. The information provided under this section shall be in addition to any information otherwise required by law.

(d) FEES.—The Secretary of Commerce may prescribe reasonable fees and charges to defray the costs of carrying out the provisions of this section, including a fee for issuing a certificate under this section.

(e) SINGLE PRODUCER AND EXPORTER COUNTRIES.—Notwithstanding any other provision of law, the Secretary of Commerce shall make publicly available all information required to be released pursuant to subsection (c), including information obtained regarding imports from a foreign producer or exporter that is the only producer or exporter of goods subject to this section from a foreign country.

(f) REGULATIONS.—The Secretary of Commerce may prescribe such rules and regulations relating to the steel import notification and monitoring program as may be necessary to carry the provisions of this section.

SEC. 02. AMENDMENTS TO SECTION 332 OF THE TARIFF ACT OF 1930.

Section 332 of the Tariff Act of 1930 (19 U.S.C. 1332) is amended by adding at the end the following:

"(h)(1) Any entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of a domestic industry that produces an article that is like or directly competitive with an imported article, may file a request with the President pursuant to paragraph (2) for the monitoring of imports of such article under subsection (g).

"(2) If the request filed under paragraph (1) alleges that an article is being imported into the United States in such increased quantities as to cause serious injury, or threat thereof, to a domestic industry, the President, within 45 days after receiving the request, shall determine if monitoring is appropriate.

"(3) If the determination under paragraph (2) is affirmative, the President shall request, under subsection (g), the Commission to monitor and investigate the imports concerned for a period not to exceed 2 years.".

SEC. 03. EARLY RELEASE OF IMPORT DATA.

In order to facilitate the early identification of potentially disruptive import surges, the Director of the Office of Management and Budget may grant an exception to the publication dates established for the release of data on United States international trade in goods and services in order to permit public access to preliminary international trade import data, if the Director notifies Congress of the early release of the data.

SA 3459. Mr. REID (for Mr. HARKIN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2102(b), insert the following:

(15) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) attaining universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, particularly with respect to meeting enforcement obligations under that Convention and related international agreements;

(ii) reinforcing the right under Article XX(a) and (b) of GATT 1994 to enact and enforce national measures that are necessary to protect public morals and to protect animal or plant life and health, including measures that limit or ban the importation of goods or services rendered in international trade that are produced through the use of the worst forms of child labor;

(iii) ensuring that any multilateral or bilateral trade agreement that is entered into by the United States obligates all parties to such agreements to enact and enforce national laws that satisfy their international legal obligations to prevent the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) providing for strong enforcement of international and national laws that obligate all trading nations to prevent the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

SA 3460. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXEMPTION OF CERTAIN UNITED STATES INTERNATIONAL PORTS FROM HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Paragraph (2) of section 4462(a) of the Internal Revenue Code of 1986 (defining port) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR CERTAIN PORTS LOCATED NEAR FOREIGN INTERNATIONAL CONTAINER PORTS.—

"(i) IN GENERAL.—The term 'port' does not include any port—

"(I) which is located within 200 miles of a container port of a country contiguous to the United States, and

"(II) at which no Federal funds received in the Treasury under section 4461 (relating to the harbor maintenance tax) are used for construction, maintenance, or operation in the port authority area after the date of the enactment of this subparagraph.

"(ii) CONTAINER PORT.—For purposes of clause (i)(I), the term 'container port' means a port at which during the period January 1, 2001, through December 31, 2001, not less than 400,000 cargo containers were loaded or unloaded on or from vessels.

"(iii) CARGO CONTAINER.—For purposes of clause (ii), no container shall be treated as a cargo container unless the inside volume of such container is not less than a 20-foot equivalent measure.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to the loading or unloading of cargo after the date of enactment of this Act.

SA 3461. Mr. REID (for Mr. CORZINE), proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Amend section 2102(b)(2) to read as follows:

(2) TRADE IN SERVICES.—(A) The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers, except that trade agreements should not include a commitment to privatize significant public services, including services related to (i) national security; (ii) social security; (iii) public health and safety; and (iv) education.

(B) PRIVATIZE.—In subparagraph (A), the term "privatize" includes the transfer of responsibility for, or administration of, a government function from a government entity to a non-government entity.

SA 3462. Mr. REID (for Mr. CORZINE) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Strike section 1143.

SA 3463. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) NEW BENEFITS.—If this Act, by amendment or otherwise, makes additional or different trade adjustment assistance or health benefits available to groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act, then any individual described in subsection (a) is deemed to be eligible for such additional or different trade adjustment assistance or health benefits without regard to any eligibility requirements that may be imposed by law under this or any other Act.

(c) ADDITIONAL OR DIFFERENT BENEFITS DEFINED.—In this section, the term "additional or different trade adjustment assistance or health benefits" means—

(1) adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) that was not available under that subchapter on the day before the date of enactment of this Act but that becomes available under that subchapter thereafter; and

(2) health care benefits for which groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act are eligible under this Act or any amendment made by this Act.

(d) LIMITATION ON DUPLICATE BENEFITS.—Subsection (a) does not apply to any individual who received adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) before the date of enactment of this Act with respect to a loss of employment in the textile or apparel industry.

(e) EFFECTIVE DATE.—This section takes effect on October 1, 2003.

SEC. . PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

"(4) DOMESTIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

"(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) or clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership.

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transportations shall be treated as 1 transportation, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

SA 3464. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . TO ENSURE THAT ISAC COMMITTEES ARE REPRESENTATIVE OF THE PRODUCING SECTORS OF THE UNITED STATES ECONOMY.

Section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(2)) is amended as follows:

(1) by striking "and" in paragraph (a):

(2) by striking "related" in subparagraph (B) and inserting "related; and"; and

(3) by adding at the end the following:

"(C) in the case of each such sectoral committee identified with a particular product sector or commodity grouping (such as textiles and apparel), ensure that a majority of its members consist of manufacturers, or representatives of manufacturers, whose value added in the United States in that industry comprises more than 50 percent of the firm's sales value in that industry."

SA 3465. Mr. REID (for Mr. HOLLINGS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) IN GENERAL.—Notwithstanding any provision of law, the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.). For purposes of this subsection, the term "preferential tariff program" means benefits received under the General System of Preferences, the Caribbean Basin Initiative, the African Growth and Development Act, or the Andean Trade Preference Act.

(b) ANNUAL CERTIFICATION REQUIRED.—The President shall annually provide certification to the Senate and to the House of Representatives that all countries receiving preferential tariff access to the United States are assisting the United States in the war against drugs.

SA 3466. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, insert the following:

SEC. 3104. TREATMENT OF CERTAIN FOOTWEAR UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(1)(B) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(1)(B)) is amended to read as follows:

"(B) Footwear provided for in any of subheadings 6402.91.90, 6402.99.30, 6402.99.80, 6402.99.90, 6403.91.60, 6403.91.90, 6403.99.60, 6403.99.90, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.80, and 6404.19.90 of the Harmonized Tariff Schedule of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 23, 2002, in SE–106 at 3 p.m. The purpose of this hearing will be to discuss disaster assistance.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 29, beginning at 11 a.m. at the Deschutes County Fairgrounds, located at 3800 SW Airport Way in Redmond, Oregon.

The purpose of the hearing is to explore the relationship between how public lands are managed and the impact on rural economies, review the environmental health of national forests, evaluate economic assistance to natural resource-dependent communities, and assess the implementation of the Steens Mountain Act (Public Law 106–399).

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should bring it to the hearing or fax it to (202) 224–4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, May 20, 2002, from 1 p.m.–5 p.m. in Dirksen 215 for the purpose of conducting a hearing entitled: "Financial Exploitation of the Elderly."

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 21, 2002

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn under the previous order until 9 a.m. tomorrow, Tuesday, May 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the Senate will convene on Tuesday at 9 a.m. with a period of morning business until 9:30. At 9:30 the Senate will resume consideration of the trade act, with 90 minutes of debate in relation to the steel amendment prior to a rollcall vote on cloture on the amendment at approximately 11 a.m.

The Senate will recess from 12:30 to 2:15 p.m. for our regular weekly party conferences.

ORDER OF PROCEDURE—H.R. 3009

Mr. REID. Cloture was filed on the Baucus substitute amendment earlier today. I ask unanimous consent to waive the mandatory quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also ask unanimous consent that, notwithstanding the recess, Senators have until 1 p.m. tomorrow to file first-degree amendments to the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in addition, I ask unanimous consent that Senators have until 10 a.m. to file second-degree amendments to the Rockefeller steel amendment. That is also tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:34 p.m., adjourned until Tuesday, May 21, 2002, at 9 a.m.

NOMINATIONS

Executive nomination received by the Senate May 20, 2002:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD J. NAUGHTON, 8886

HOUSE OF REPRESENTATIVES—*Monday, May 20, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BEREUTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 20, 2002.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 112. Concurrent resolution expressing the sense of Congress regarding the designation of the week beginning May 19, 2002, as "National Emergency Medical Services Week".

The message also announced that pursuant to sections 276d–276g, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Seventh Congress, to be held in Newport, Rhode Island, May 16–20, 2002:

The Senator from Hawaii (Mr. AKAKA), Chairman.

The Senator from Montana (Mr. BURNS).

The Senator from Ohio (Mr. DEWINE).

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Minnesota (Mr. DAYTON) as a member of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the One Hundred Seventh Congress.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from New Mexico (Mr. BINGAMAN) as a member of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the One Hundred Seventh Congress.

The message also announced that pursuant to Public Law 103–227, the Chair, on behalf of the President pro tempore, reappoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Democratic Leader—

Tim C. Flynn, of South Dakota, Representative of Human Resource Professionals.

Jerald A. Tunheim, of South Dakota, Representative of Human Resource Professionals.

The message also announced that pursuant to the authority of the Majority Leader under Public Law 107–106, the Chair announces the appointment of the following individuals as members of the National Museum of African American History and Cultural Plan for Action Presidential Commission—

Henry L. Aaron, of Georgia;

Howard Dodson, of New York;

Cicely Tyson, of New York;

Robert L. Wilkins, of Washington, D.C.;

the Senator from Georgia (Mr. CLELAND) (non-voting member);

and announces, pursuant to the authority of the Majority Leader and upon the recommendation of the Republican Leader, the appointment of the following additional individuals as members of the above Commission—

Robert Bogle, of Pennsylvania;

Beverly Thompson, of Kansas;

the Senator from Kansas (Mr. BROWNBACK) (non-voting member).

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, this weekend both Jews and Christians have celebrated great feasts by which Your people are freed and purified, renewed and given a sense of direction. Be with the 107th Congress in this same spirit.

We see the medallion of Moses high above this Chamber and thank You, Lord God, for the Torah given to Moses on Mount Sinai. May the guidance of this law and the spirit of the Upper Room be fulfilled in all the actions of the House of Representatives.

Your word revealed to Your chosen ones long ago accompanies us on our journey now and directs us in making decisions for our day. May Your Spirit empower us always so that with loving trust we may turn to You in all our troubles and give You thanks in all our accomplishments and in all our joys.

To You be the glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS RESEARCH, EDUCATION, AND BIOTERRORISM PREVENTION ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3253) to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 3253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002”.

SEC. 2. ESTABLISHMENT OF EMERGENCY MEDICAL PREPAREDNESS CENTERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7325. Medical emergency preparedness centers

“(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish at least four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

“(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established pursuant to this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

“(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary for Veterans Affairs with responsibility for operations, preparedness, and security.

“(b) MISSION.—The mission of the centers shall be—

“(1) to carry out research on and develop methods of detection, diagnosis, vaccination, protection, and treatment for chemical, biological, and radiological threats to the public health and safety;

“(2) to provide education, training, and advice to health-care professionals, including health-care professionals outside the Veterans Health Administration; and

“(3) to provide contingent rapid response laboratory assistance and other assistance to local health care authorities in the event of a national emergency.

“(c) CENTER DIRECTORS.—Each center shall have a Director with (1) expertise in managing organizations that deal with threats referred to in subsection (b), (2) expertise in providing care to populations exposed to toxic substances, or (3) significant research experience in those fields.

“(d) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process and a finding under paragraph (2). The centers selected shall be located in different regions of the Nation, and any such center may be a consortium of efforts of more than one medical center. At least one of the centers shall be established to concentrate on chemical threats, at least one shall be established to concentrate on biological threats, and at least one shall be established to concentrate on radiological threats.

“(2) The finding referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, and security, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

“(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical centers so as to provide those persons with training in the diagnosis and treatment of illnesses induced by exposures to toxins, including chemical and biological substances and nuclear ionizing radiation.

“(B) An arrangement with an accredited graduate program of epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

“(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

“(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, vaccination, protection, or treatment of persons exposed to chemical, biological, or radiological substances.

“(3) For purposes of paragraph (2)(A)—

“(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

“(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

“(e) FUNDING.—(1) Amounts appropriated for the activities of the centers shall be appropriated separately from amounts appropriated for the Department for medical care.

“(2) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.

“(3) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (2), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, and security.

“(f) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

“(g) PEER REVIEW PANEL.—(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section. The peer review shall be established in consultation with the Assistant Secretary with responsibility for operations, preparedness, and security.

“(2) The peer review panel shall include experts in the fields of toxicological research, bio-hazards management education and training, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department.

“(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

“(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(h) RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, and security shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to health-care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

“(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

"(i) Assistance to Other Agencies.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

"(j) Detail of Employees From Other Agencies.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other Departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request. The duration of any such assignment or detail shall be subject to approval by the Office of Personnel Management.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

"7325. Medical emergency preparedness centers.".

SEC. 3. ESTABLISHMENT OF EMERGENCY MEDICAL EDUCATION PROGRAM.

(a) In General.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a), the following new section:

"§ 7326. Emergency health and medical education

"(a) Education Program.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

"(b) Implementing Entity.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, and security.

"(c) Content of Programs.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebért School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

"(1) Recognition of chemical, biological, and radiological agents that may be used in terrorist activities.

"(2) Identification of the potential symptoms of those agents.

"(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents.

"(4) Emergency treatment for exposure to those agents.

"(5) An appropriate course of followup treatment, supportive care, and referral.

"(6) Actions that can be taken while providing care for exposure to those agents to protect against contamination.

"(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

"(d) Potential Trainees.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals at various levels. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

"(e) Consultation.—In establishing the education and training program under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(b), the following new item:

"7326. Emergency health and medical education.".

(b) Effective Date.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) Increase.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking "six" in the first sentence and inserting "seven".

(b) Functions.—subsection (b) of such section is amended by adding at the end the following new paragraph:

"(11) Operations, preparedness, security, and law enforcement functions.".

(c) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended by striking "(6)" after "Assistant Secretaries, Department of Veterans Affairs" and inserting "(7)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the prime sponsor of H.R. 3253, as amended, I rise to urge all of my colleagues to join me in supporting this vital legislation that will expand the role of the Department of Veterans Affairs in homeland security.

It may come as a surprise to many that the Department of Veterans Affairs operates the world's largest integrated health care network, with over 200,000 health care professionals, 163 medical centers, more than 800 outpatient clinics, 115 medical research programs, affiliations with over 100 schools of medicine, and a $25 billion budget annually.

Dedicated to providing health care to America's military veterans, the VA is now the Federal Government's leading provider of direct medical services, with over 4.5 million patients treated last year. From providing top-quality medical care to veterans to performing comprehensive cutting-edge research, such as for prosthetics and Alzheimer's disease, the VA health care system has become a unique national resource and a unique national treasure.

That is why we fought so hard to increase its health care budget for next year. With bipartisan support from our committee and with the leadership of the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE); the conference Chair, the gentleman from Oklahoma (Mr. WATTS); the majority whip, the gentleman from Texas (Mr. DELAY); the majority leader, the gentleman from Texas (Mr. ARMEY); and our distinguished Speaker, the gentleman from Illinois (Mr. HASTERT), I am pleased to say that the budget that passed the House increased the VA discretionary health care funding by a record $2.8 billion for next year.

However, there are still too many people who do not understand the capabilities of the VA health care system. I know from extensive research and from personal experience during the anthrax crisis that the VA is ready, willing, and able to play a significant role in homeland security; but it is often overlooked.

When my post office in Hamilton Township, New Jersey, was attacked with anthrax, and is still closed, and many of the postal employees, in excess of 1,400 postal employees, were at risk of contracting that horrible disease, they were advised to take Cipro. The VA was there as a backup, ready to provide that life saving antibiotic. When I brought the VA's capabilities to the attention of the health commissioner. In New Jersey he was unaware of this important resource. I say with all respect to him, that this was a resource he could count on. And it should not be that way. The VA should be much more integrated, and the knowledge of what the VA can do must be more widely utilized.

The Cipro was finally made available. Thankfully, at the last minute, the CDC came through and we were able to provide Cipro, which was lifesaving to so many. But, Mr. Speaker, the VA health care system must be an integral component of any homeland security strategy, especially on matters of biological, chemical, and radiological threats and terrorism.

In fact, the VA today does have some defined roles in both the National Disaster Medical System and the Federal Response Plan in the event of national emergencies. Among the VA's current specialized duties are conducting and evaluating disaster and terrorist attack simulation exercises; managing the Nation's stockpile for pharmaceuticals of biological and chemical toxins; maintaining a rapid response team for radiological releases; and training public and private EMS medical center personnel around the country and properly responding to biological, chemical, and radiological disasters.

Yet despite the VA's capacity and unique capabilities, their experience and their expertise in public health matters, it is almost routinely overlooked when it comes to discussions of homeland security, even those concerning bioterrorism, which is, I believe, just plain foolish and counterproductive.

Mr. Speaker, in the administration's budget submission, almost $6 billion was requested to address bioterrorism, including $2.4 billion for additional research; yet not $1 was earmarked for the Veterans Administration. A month ago, I would just say parenthetically, we asked Tom Ridge to come and appear before our committee. He used to be a member. And like he has with all the other committees, he declined to come. But he too needs to be more aware of the VA's unique capabilities in this terrorism war.

In fact, when we look at the administration's latest strategy document on homeland security, which can be found on their Web page, the VA is not even mentioned once. The VA can and must be asked to do more. That is why I introduced H.R. 3253, the legislation pending before the House.

H.R. 3253 will create four national medical preparedness centers to be operated by the VA, with at least one concentrating on biological threats, at least one on chemical, and one on radiological threats. In coordination with DOD, Health and Human Services, FEMA, CDC, the NIH, and other agencies or organizations with appropriate expertise, these centers would research and develop new methods to detect, diagnose, vaccinate, and treat potential victims of chemical, biological, and radiological terrorism.

The centers would serve both as direct research centers and as coordinating centers for ongoing and promising new research at other government agencies and research universities. Furthermore, these centers would serve as training resources for thousands of community hospitals that would be first responders to future bioterrorism attacks.

Let me also point out that when anthrax hit my area, I was amazed, I was deeply dismayed that there was no protocol that could be taken off the shelf to prescribe what the course that ought to be followed in the event this happened. CDC was flying by the seat of their collective pants. Some very good scientists from CDC and other government agencies were deployed to New Jersey, and I sat in on some of those meetings. At first, they said no cross-contamination can occur. And I said, have you ever seen an envelope go through the processing machines? It is almost a violent procedure as it makes its way through. If you put a highly refined powder, in this case a weapons grade anthrax powder, surely a cloud of dust containing those harmful contaminants are likely to escape.

Turns out, they did. A couple of weeks later, we found that other post offices were contaminated as well. Four of our area post offices were "hot" with Anthrax. My point? The experts need to move effectively to work this issue, and we need to do it well in advance of any future contamination.

Again, when we look at the threats that are possible—perhaps probable, and how do we deal with them, how do the first responders deal with them, the question arise as to whether we have worked with the kind of focus that will protect first responders, employees and then the public at large.

Finally, let me just say that the centers would be charged with establishing state-of-the-art labs to help local health care authorities quickly determine the presence of dangerous biological and chemical toxins such as anthrax.

Mr. Speaker, I want to make it clear that H.R. 3253 calls for the cost of these new centers to be taken from additional funds provided to combat terrorism and not from already hard-pressed VA health care dollars. Mr. Speaker, there is ample precedent and experience within the VA for undertaking this expanded mission. The VA's extensive medical research programs are renowned for expertise in diagnosing and treating viral diseases with devastating health consequences, such as groundbreaking work on HIV and hepatitis C.

Just a couple months ago, Dr. Karl Hostetler and his VA colleagues in San Diego announced significant progress has been made on a new oral treatment for smallpox, one of the most deadly bio-terror threats confronting the world today.

Furthermore, the VA already operates two war-related illness centers tasked with developing specialized treatments for illnesses and injuries related to combat. In essence, these new national medical preparedness centers would work similarly to study illnesses and injuries most likely to come from a terrorist attack and develop new treatments and protocols to mitigate their dangers.

H.R. 3253 also contains important provisions from H.R. 3254, legislation authored by the chairman of the Subcommittee on Oversight and Investigations, the gentleman from Indiana (Mr. BUYER), to require the VA to work with military physicians to develop and disseminate education and training programs on the medical responses to the consequences of terrorist activities. Under this provision, the VA would also disseminate training programs to health professions, students, graduate medical education trainees, and active health practitioners.

H.R. 3253 also contains an internal organizational provision proposed by the VA to add an additional Assistant Secretary for preparedness, security and law enforcement functions.

Mr. Speaker, in the ongoing war on terrorism, America must take every precaution to protect our citizens from all dangers and especially from biological, chemical, and radiological threats. H.R. 3253 is just one way, I think it is an important way, to use the existing strength of the VA in homeland security while continuing to meet its primary mission of providing care to our veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3253, the Department of Veterans Affairs Emergency Preparedness Research, Education, and Bioterrorism Prevention Act of 2002. Many Members have contributed to the development of this important legislation. In particular, I want to commend our chairman, the gentleman from New Jersey (Mr. SMITH); the gentleman from Kansas (Mr. MORAN) and the gentleman from California (Mr. FILNER), the chairman and ranking member of the Subcommittee on Health; and the gentleman from Indiana (Mr. BUYER).

H.R. 3253, as amended, would establish at least four medical emergency preparedness centers in VA facilities. These centers would conduct research and develop methods to detect, diagnose, vaccinate, protect, and treat chemical, biological, and radiological threats to our public health and safety.

Under H.R. 3253, the VA will also provide education, training and advice to health care professionals, including health care professionals outside the Veterans Health Administration on these matters. The VA will also provide rapid response laboratory assistance to local health care authorities.

The VA is authorized to develop a series of model education and training programs on medical responses to the consequences of terrorist activities.

□ 1415

H.R. 3253 also increases the number of Assistant Secretaries within the VA from six to seven. The responsibilities of the new Assistant Secretary will include operations, preparedness, security, and law enforcement functions.

This is sound legislation. This is sensible legislation. This is needed legislation. I urge my colleagues to strongly support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Health.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the chairman of the full committee, the gentleman from New Jersey (Mr. SMITH), for his enthusiastic and incredible farsightedness in sponsoring this legislation which will set up, as we have heard, four new emergency medical preparedness centers within the Department of Veterans Affairs. These centers obviously expand what is already a leadership role in the areas of emergency preparedness, research, education and prevention of bioterrorism and is consistent with the challenges that VA is already meeting at both the local and national level.

In the immediate aftermath of the events of September 11, the VA, of course, was front and center, contributing its expertise wherever possible, especially in the treatment of post-traumatic stress disorder in New York City and right here in our own backyard. VA research has long been recognized as ground breaking, with benefits that extend beyond our reach and improve the lives of veterans and countless others. As we have heard from our chairman at the VA medical center in my hometown of San Diego, they have found a promising treatment for smallpox. This kind of effort will save potentially thousands of lives and highlights the kind of contributions that the VA is already making to our public health and safety.

We should take VA's existing infrastructure and strengths to even greater heights. That is what H.R. 3253 does. At earlier meetings of our subcommittee and committee, concerns were expressed whether the funding for these new centers would impinge on the funding of our already-strapped funds for our veterans and their medical and benefit needs now. I was glad to hear that the chairman has said that the cost of these centers will come from antiterrorist funds already appropriated.

With that concern met, I think we should all vote for H.R. 3253. It will help us prepare for the future. Let us support this measure.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the distinguished chairman of the Subcommittee on Health.

Mr. MORAN of Kansas. Mr. Speaker, since September 11, our Nation has been made to reevaluate every action we undertake on a daily basis. What we once considered a safe Nation has become a people concerned about security, and they look to Congress and the President for answers.

With the bill we will pass today, H.R. 3253, the Committee on Veterans' Affairs is challenging the Veterans Administration with the task to address some of our new concerns: to use a fraction of the assets of the Department of Veterans Affairs to help protect the people of the United States from terrorists.

We will charge the administration with this task because we believe it is one that they can readily handle. We must be proactive in preparing the United States for a future terrorist attack. As our Vice President said just yesterday, "The prospects of a future attack against the United States are almost certain. Not a matter of if but when. It could happen tomorrow, it could happen next week, it could happen next year, but they will keep trying." Those are sobering thoughts.

We must respond in a timely, effective, and comprehensive manner to protect the American people if and when an attack occurs. This bill would do just that.

Under this bill at least four geographically separated national medical emergency preparedness centers would be established. Each center would independently study and work toward solutions to health consequences that arise from exposure to chemical, biological, and nuclear substances used as weapons. What makes the VA a good host for such a new and important mission? In addition to meeting its medical care mission to millions of veterans, the VA health care system is the Nation's largest provider of graduate medical education and a major contributor to biomedical and other scientific research. Because of this widely dispersed, integrated health care system, the VA can be an essential asset in responding to national emergencies.

Not only would the four special centers conduct research and develop methods of detection, diagnosis, vaccination, and treatment for chemical, biological, and radiological threats but they would also be charged with dissemination of the latest information to other public and private health care providers to improve the quality of care for patients who may be exposed to these deadly elements.

This bill would also require the Secretary of Veterans Affairs to carry out a program to develop and disseminate model education and training programs on the medical responses to terrorist activities. VA's infrastructure, which includes affiliations with over 107 medical schools and other schools of health professions, would enable current and future medical professionals in this country to be knowledgeable and medically competent in the treatment of casualties from terrorist attacks.

Mr. Speaker, this bill is a definite win-win proposition. The people who need to be trained in saving lives will be properly armed with current information and education. Mechanisms will be put in place to study the likely avenues and methods of chemical, biological, and radiological poisoning; and the VA will be a part of a firm foundation for rapid response by local and Federal officials in types of emergency that only 18 months ago we could have scarcely imagined.

H.R. 3253 is a good bill, Mr. Speaker. I commend the gentleman from New Jersey for his efforts in this regard. I urge all my colleagues to support this effort and hope that it will pay a large dividend in our war on terrorism.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3253, as amended.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude and thank the gentleman from Mississippi (Mr. SHOWS) for managing the bill on the floor; I thank my good friend and colleague, the chairman of the Subcommittee on Health for his leadership; I thank the gentleman from California (Mr. FILNER) for his leadership; and I thank the gentleman from Illinois (Mr. EVANS) who is our ranking member. We have worked hand in glove on these veterans issues. It has been a delight to work with him on this important legislation.

I also want to thank our staff. As we all know, Mr. Speaker, without the staff, committees would not function. They are hard working and very, very competent. They are professionals in every sense of that word. I want to thank Pat Ryan, our chief counsel and chief of staff; Kingston Smith; Jeannie McNally, who is our coordinator for legislation—by the way, it is her birthday, and I want to extend her a happy birthday—I also want to thank Summer Larson; John Bradley, who is the staff director for the subcommittee; Kimberly Cowins; Stacy Zelenski; Mike Durishin; Kathleen Grove; Art Wu; Veronica Crowe; Johnathan McKay; Bernadine Dotson; Andy Napoli; and Peter Dickinson; and others, all of whom played a vital role in this legislation. I hope I did not leave anyone out.

Mr. BUYER. Mr. Speaker, today I am pleased to rise in support of H.R. 3253, the "Department of Veterans Affairs Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002," introduced by Chairman CHRIS SMITH. As a cosponsor of this legislation, I want to thank Chairman SMITH for his leadership in moving this legislation forward.

H.R. 3253 will establish at least four medical emergency preparedness centers at designated VA medical centers. These centers will be charged with carrying out research related to bio-terrorist activities such as the detection, diagnosis, and treatment of chemical, biological, and radiological threats posed by these agents.

Section 3 incorporates legislation that I introduced—H.R. 3254, the "Medical Education for National Defense (MEND) Act in the 21st Century." I want to thank Chairman SMITH for incorporating this language into H.R. 3253. I also want to thank the members who cosponsored my original piece of legislation, Chairman SMITH, and Representatives MICHAEL BILIRAKIS, JOHN MCHUGH, VIC SNYDER, CLIFF STEARNS, DAVE WELDON, ROBERT UNDERWOOD, MARK KIRK, and ELLEN TAUSCHER.

This provision would establish an education program to be carried out through the Department of Veterans Affairs. The education and training curriculum developed under the program shall be modeled after the F. Edward Herbert School of Medicine of the Department of Defense's Uniformed Services University of Health Sciences (USUHS) core curriculum, which includes a program that teaches its students how to diagnose and treat casualties that have been exposed to chemical, biological, or radiological agents.

As a nation, we must be prepared for the new face of terror as we confront the aftermath of the September 11th attacks. What has become all too clear is that our health care providers are neither resourced nor trained with the proper tools to diagnose and treat casualties in the face of nuclear, biological, and chemical weapons.

It is imperative that a program be disseminated to the nation's medical professionals and current medical students. This bill takes advantage of the nexus that already exists between the medical education community and the VA. Currently, 107 medical universities are affiliated with a VA medical center. This nexus is already in place and that is what we plan to tap into.

The VA's extensive infrastructure of 163 medical centers, 800 clinics, and satellite broadcast capabilities, will enable the current and future medical professionals in this country to become knowledgeable and medically competent in the treatment of casualties that we all hope they will never materialize.

Mr. Speaker, we cannot afford to assume that our country will never again experience a biological, chemical, or radiological attack on the American people. We must, as elected Members, sent by our constituents to Washington to represent their interests, act to ensure that if the worst of fears are realized, our medical professionals will be ready and able to deal with these situations.

It is not the intent of this legislation to create new community standards of practice. We must recognize that diseases such as smallpox, botulism, and the plague are not normally seen around the country. I think it is extremely important that we disseminate the expertise that we have, so that doctors, in their diagnostic analysis, begin to think about other things from what they normally see in their family practices.

The American Medical Association endorsed H.R. 3254, and the American Association of Medical Colleges has thrown its full weight behind this plan. These two organizations know how vital it is to receive an educational curriculum, and they have recognized that the VA is in a unique position to be able to disseminate this information to the Nation's medical community.

It is often said that knowledge is power, and in this instance nothing could be truer. The knowledge resulting from the implementation of this act is critical. Our medical professionals need to be exposed to training methods that would enable them to save lives . . . and I can think of no greater power than that.

Please, join with me and support this important piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to lend my voice to the National Medical Emergency Preparedness Act.

This bill directs the Secretary of Veterans Affairs to establish up to four medical emergency preparedness centers within VA medical centers. These preparedness centers are established to research diagnosis and treatment for any chemical, biological, and radiological threats to public health and safety. In addition, these centers will train and advise as well as educate health-care professionals about chemical, biological, and radiological threats to public health and safety.

This bill would authorize $20 million a year over the 2003–2007 period to operate these centers. As part of the requirement to provide education and training, this bill would require the Department of Veterans Affairs to carry out a joint program with the Department of Defense (DoD) to develop and disseminate a series of training programs on the medical responses to terrorist activities. This bill would increase the number of Assistant Secretaries within the Department of Veteran Affairs from six to seven with the new assistant secretary being responsible for operations, preparedness, security, and law enforcement functions. As a member of the Democratic Caucus Homeland Security Task Force, I believe our focus should continue to promote effective homeland preparedness and security.

The CBO estimates that implementing this bill would cost $12 million in this FY2003 and $87 million over the period 2003–2007. This bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The Department of Veterans Affairs operates the nation's largest integrated health care network with over 200,000 health care professionals, 163 medical centers, 800 outpatient clinics, 115 medical research centers, affiliations with more than 100 medical schools and has a $25 billion annual budget.

The VA medical centers are dedicated to providing health care to U.S. military veterans. VA is the federal government's leading provider of direct medical services. The VA medical centers has treated more than 3.4 million patients in 2001.

The VA also operates two War-Related Illness Centers responsible for developing specialized treatments for illnesses and injuries resulting from veterans' wartime exposures, and through its extensive medical and prosthetic research and clinical care programs the department has expertise in diagnosing and treating dangerous viral or bacterial illnesses, such as hepatitis C, human immuno deficiency virus (HIV), and in earlier generations, tuberculosis.

I urge my colleagues to vote "yes" on H.R. 3253.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3253, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' MAJOR MEDICAL FACILITIES CONSTRUCTION ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4514) to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Major Medical Facilities Construction Act of 2002".

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs Medical Center, Palo Alto, California, as follows:

(A) Building Number 2, $14,020,000.

(B) Building Number 4, $21,750,000.

(2) Seismic correction at the Department of Veterans Affairs Medical Center, San Francisco, California, $31,000,000.

(3) Seismic correction at the Department of Veterans Affairs Medical Center, West Los Angeles, California, $27,200,000.

(4) Seismic correction and clinical improvement at the Department of Veterans Affairs Medical Center, Long Beach, California, $24,600,000.

(5) Seismic correction for Building Number 1 at the Department of Veterans Affairs Medical Center, San Diego, California, $47,100,000.

(6) Ambulatory Surgery and Clinical Consolidation at the Department of Veterans Affairs Medical Center, Cleveland, Ohio, $32,500,000.

(7) Consolidation of Department of Veterans Affairs and Department of Defense health and benefits offices, Anchorage Alaska, $59,000,000.

(8) Ward Renovation at the Department of Veterans Affairs Medical Center, West Haven, Connecticut, $15,300,000.

(9) Ambulatory Care Expansion at the Department of Veterans Affairs Medical Center, Tampa, Florida, $18,230,000.

SEC. 3. AUTHORIZATION OF A MAJOR MEDICAL FACILITY LEASE.

The Secretary of Veterans Affairs may enter into a lease for a Satellite Outpatient Clinic, Charlotte, North Carolina, in an amount not to exceed $2,626,000.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2003—

(1) for the Construction, Major Projects, account $285,000,000 for the projects authorized in section 2; and

(2) for the Medical Care account, $2,626,000 for the lease authorized in section 3.

(b) LIMITATION.—The projects authorized in section 2 may only be carried out using—

(1) funds appropriated for fiscal year 2003 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2003 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2003 for a category of activity not specific to a project.

SEC. [4.] 5. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS.

(a) INCREASE IN THRESHOLD.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking "$4,000,000" and inserting "$6,000,000".

(b) APPLICABILITY TO PROJECTS ALREADY FUNDED.—The amendment made by subsection (a) shall apply with respect to any facility project of the Department of Veterans Affairs, except for a project for which the Secretary obligated funds before October 1, 2002.

SEC. [5.] 6. CRITERIA FOR MINOR CONSTRUCTION PROJECTS.

Section 8103 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e) PURPOSE OF MINOR CONSTRUCTION PROJECTS.—In selecting medical facilities (including research facilities) for projects under subsection (a) other than major medical facility projects subject to section 8104 of this title, the Secretary [shall] *shall, to the extent practicable,* select projects to improve, replace, renovate, or update facilities to achieve one or more of the following:

"(1) Seismic protection improvements related to patient safety (or, in the case of a research facility, patient or employee safety).

"(2) Fire safety improvements.

"(3) Improvements to utility systems and ancillary patient care facilities (including such systems and facilities that may be exclusively associated with research facilities).

"(4) Improved accommodation for persons with disabilities, including barrier-free access.

"(5) Improvements at patient care facilities to specialized programs of the Department, including the following:

"(A) Blind rehabilitation centers.

"(B) Inpatient and residential programs for seriously mentally ill veterans, including mental illness research, education, and clinical centers.

"(C) Residential and rehabilitation programs for veterans with substance-use disorders.

"(D) Physical medicine and rehabilitation activities.

"(E) Long-term care, including geriatric research, education, and clinical centers, adult day care centers, and nursing home care facilities.

"(F) Amputation care, including facilities for prosthetics, orthotics programs, and sensory aids.

"(G) Spinal cord injury centers.

"(H) Traumatic brain injury programs.

"(I) Women veterans' health programs (including particularly programs involving privacy and accommodation for female patients).

"(J) Facilities for hospice and palliative care programs.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4514, as amended, the Veterans' Major Medical Facilities Construction Act of 2002. I want to commend the distinguished chairman of our subcommittee for authoring this very important piece of legislation.

H.R. 4514, as amended, Mr. Speaker, would authorize $285 million in major medical appropriations for 10 construction projects at VA health care facilities, and would also authorize a capital lease at the VA outpatient clinic in Charlotte, North Carolina. At the outset, let me remind my colleagues that we included funding in the budget resolution that was approved in March to cover the costs of this much-needed construction.

Mr. Speaker, last year this body passed H.R. 811, the Veterans Hospital Emergency Repair Act, to provide emergency funding to VA health care and research facilities for repairs and renovations. H.R. 811 would have provided $550 million over 2 years to make needed repairs at the VA hospitals where patient safety could be compromised, such as for seismic dangers. Under that legislation, the decision of which projects would be funded was left to the Secretary with the advice of an expert panel. Unfortunately, Mr. Speaker, the Senate has not acted on this measure and as a consequence, VA's health care infrastructure continues to deteriorate, which is unacceptable.

Mr. Speaker, a recent Price Waterhouse study estimated that the physical assets of the VA were worth more than $35 billion and that normal replacement, repair and nonrecurring expenses of such a large infrastructure should normally be between 2 and 4 percent annually, for a total of between $700 million and $1.4 billion per year. We are nowhere near that. As a matter of fact, we have not been doing any of that for the last several years, or at least not much of it. It would be irresponsible to allow such a massive and valuable national asset as the VA health care system to decline for want of care. Since the Senate has not moved on our 2-year authorization, I am so glad and pleased that our chairman has decided to step up to the plate and offer this important legislation today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the chairman of the Subcommittee on Health.

Mr. MORAN of Kansas. I thank the gentleman for yielding time.

Mr. Speaker, I recently introduced H.R. 4514, the Veterans' Major Medical Facilities Construction Act of 2002, a bill to improve, renovate and update 10 VA medical facility construction projects with $285 million in authorizations to fund them in fiscal year 2003. This bill will help provide safe, accessible VA medical centers for veterans to receive their health care.

Some of these VA medical centers have been around for more than 100 years. The Veterans Administration cares for millions of veterans. These aging facilities are deteriorating and must be maintained. As Chairman SMITH indicated, the VA is not moving fast enough with the CARES system to meet their infrastructure needs. The facility improvement projects we would authorize with this bill are VA's highest construction priorities: corrections to fire safety and seismic risks in Palo Alto; replacement of mechanical and electrical equipment in Cleveland; seismic bracing in San Francisco, Los Angeles and San Diego; asbestos abatement and various in-patient facility improvements in Tampa; patient privacy improvements in West Haven.

These are but a few of the VA's most pressing capital investment needs. Many projects involve seismic correction or systemic improvements, and all of them focus on patient safety, more efficient delivery of health care services and a better VA health care system.

Mr. Speaker, I urge my colleagues in the House to favorably consider this measure and to approve these projects for these 10 hospitals and clinics in which veterans receive their health care. This bill is paid for, Mr. Speaker, because the concurrent resolution on the budget includes sufficient funding to support this level of construction and maintenance activity in fiscal year 2003.

This bill is a reasonable and responsible measure to improve the VA's health care infrastructure at these 10 sites. America's veterans deserve and need quality health care in modern facilities. This will help us attain those modern facilities.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support H.R. 4514, as amended, the Veterans' Major Medical Facilities Construction Act of 2002. This measure authorizes funding required for 10 of the most important major construction projects identified by the Department of Veterans Affairs. I particularly want to thank the gentleman from New Jersey (Mr. SMITH) for his strong leadership in support of major VA construction projects. Improving the infrastructure of VA medical centers has been a high priority of our chairman; and his concern and commitment to veterans is recognized and appreciated. I also thank the gentleman from Illinois (Mr. EVANS), the ranking member; the chairman of the Subcommittee on Health, the gentleman from Kansas (Mr. MORAN); and the gentleman from California (Mr. FILNER), the ranking member of the subcommittee, for their important contributions to this important legislation.

Mr. Speaker, veterans should not be forced to obtain the medical care they need in unsafe and potentially dangerous facilities. While this is a good measure deserving the support of all Members, it only begins to address the need for major construction in our VA medical care facilities.

□ 1430

Veterans are not second-class citizens and their health care facilities should not be second class or worse. I am hopeful that construction projects authorized by this legislation will proceed without undue delay and that the administration will request and provide more funding in its next budget so other serious building deficiencies can also be corrected.

Mr. Speaker, I urge my colleagues to support H.R. 4514, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume just to thank our professional staff again for the hard work that they have done on all of these bills before us. I especially want to call the attention of the House to, and thank, Mrs. Kimberly Cowins, who will be leaving the committee's majority staff at the end of this month for a new opportunity in Southern California.

Mrs. Cowins has been the consummate professional as a staff member of our Subcommittee on Health of the Committee on Veterans' Affairs. She was instrumental in our work last year that led to passage of the Homeless Assistance and Health Care Benefits Acts, and she has been a major contributor this year to the health legislation that we are considering today.

Mr. Speaker, Mrs. Cowins devoted 10 years in serving as a medic in the United States Navy, including duty at facilities in Great Lakes, Jacksonville, Corpus Christi, my own facility of Lakehurst, New Jersey, and Orlando Navy hospitals.

After leaving active duty, she worked in the health care systems of the VA and in the private sector prior to joining our staff. She holds a bachelor's degree in biology from Ryder University, which used to be in my district, and a master's in public administration from Texas A&M University.

Mrs. Cowins is returning to the Navy in San Diego as the business manager of pediatrics at the Balboa Navy Hospital. Mr. Speaker, Balboa's gain is a significant loss for our committee, because of her intelligence, positive attitude, experience and good humor.

We wish Mrs. Cowins and her family every blessing under heaven, and good fortune in her future endeavors. We know with confidence she will achieve the same level of excellence in her work at Balboa Navy Hospital as she did in her congressional service to America's veterans.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4514, as amended.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time, I thank the chairman for bringing us this bill, and I thank especially the chairman of the Subcommittee on Health of the Committee on Veterans' Affairs, the gentleman from Kansas (Mr. MORAN), for making sure that we had this bill passed in the coming year.

Mr. Speaker, I also thank the chairman for his kind words about Ms. Cowins. We are looking forward to seeing her in San Diego. I am sorry the Navy got her. I wanted to hire her for a job here. But we will see if they can keep her there.

Mr. Speaker, we have heard about how necessary this construction is for the VA and how critical the construction needs are for our health facilities. There has been a gross underfunding of VA facilities for the past decade, and this is meant to start to catch up.

The average age of our VA facilities is over a half century old. An aging infrastructure, like aging bodies, needs more than a band-aid and an aspirin. So this would allow the VA to carry out 10 major construction projects.

I was pleased to know that 3 of these are in California, as the chairman of the Subcommittee on Health of the Committee on Veterans' Affairs said, in San Francisco and Los Angeles and in my hometown of San Diego, and I am pleased and relieved that we are able to do this for the San Diego Medical Center in San Diego County. In fact, this is one of the 6 health care facilities that will be authorized to meet safety codes in the event of an earthquake. The projects would improve the structural integrity of a building that serves a growing metropolitan veteran population each year and houses almost 2,500 VA employees.

This bill would also raise the threshold for what are called major construction projects to those that cost more than $6 million, thus allowing the Secretary more flexibility for approving minor construction projects and keeping pace with the rising cost of construction across the country. I believe that we have an obligation to help the VA maintain a safe and decent health care system.

I would also urge our committee to consider legislation down the line to meet new needs in our National Cemetery System. While the VA does not have enough funds to meet the needs around the country, I would urge upon our committee to examine new ways of looking at this. For example, in San Diego, 2 private cemeteries have agreed to cede over to the Veterans Administration land on which veterans from San Diego could be buried. We have called these satellite cemeteries, and we will be introducing legislation to try to get these authorized in the coming year.

While the VA administration has tentatively said that that gives them new bureaucratic problems, I believe that veterans around this Nation deserve an honorable burial right in their hometowns. If we have to find new ways to do that, then this House ought to do that.

So, Mr. Speaker, we are here to approve H.R. 4514. Our veterans deserve no less, and I urge my colleagues to support this important measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4514, the Veterans Major Medical Facilities Act.

This bill authorizes ten projects to improve, renovate and update patient care facilities at Veterans' Affairs (VA) medical centers.

H.R. 4514 establishes criteria for selection of minor construction projects. These criteria would provide a higher priority for seismic protection and fire safety, as well as improvements to VA utility systems and ancillary patient care facilities.

Moreover, I am especially supportive of the provisions that provide additional accommodations for persons with disabilities; blind rehabilitation centers; programs for the seriously mentally ill patients; rehabilitation programs for substance abuse; physical medicine and rehabilitation activities; amputee care; spinal cord injury centers; traumatic brain injury programs; women's health programs; and facilities for hospice and palliative care.

These medical problems plague many in the 18th Congressional District of Texas and many around the nation. Let us support this legislation to improve healthcare for our veterans.

Mr. HASTINGS of Florida. Mr. Speaker, this bill on the floor today will significantly improve the lives of the veterans who have served us so honorably.

H.R. 4514, Veterans Major Medical Facilities Construction Act, provides an increase to the Veterans Administration to improve patient care facilities. This bill is targeted at specified medical facility projects in California, Ohio, Alaska, Connecticut and Florida. It authorizes ten projects to improve, renovate and update patient care facilities at VA medical centers in these five states. The measure sets specific authorizations for each project in FY 2003 and an overall authorization of $285 million in FY 2003 for all ten projects. The much needed improvements in patient care at these facilities will include accommodations for veterans with disabilities, blind rehabilitation centers, programs for seriously mentally ill patients, rehabilitation programs for substance abuse, and facilities for hospice care.

My colleagues may recall that when we were debating the rule for the Defense Authorization Act earlier this month, I expressed concerns about the projected rise in the number of veterans and retirees over the next few years, especially those over the age of 65.

Caring for these Americans in the coming years will be one of the greatest challenges facing the military health care system and the Veterans Administration.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4514, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOBS FOR VETERANS ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4015) to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes, as amended.

The Clerk read as follows:

H. R. 4015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Jobs for Veterans Act".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code.
Sec. 2. Priority of service for veterans in Department of Labor job training programs.
Sec. 3. Performance incentive awards for quality veterans employment, training, and placement services.
Sec. 4. Refinement of job training and placement functions of the Department.
Sec. 5. Additional improvements in veterans employment and training services.
Sec. 6. Committee to raise employer awareness of skills of veterans and benefits of hiring veterans.
Sec. 7. Sense of Congress commending veterans and military service organizations.
Sec. 8. Study on economic benefits to the United States of long-term sustained employment of veterans.

SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

(a) VETERANS' JOB TRAINING ASSISTANCE.—

(1) IN GENERAL.—Chapter 42 is amended by adding at the end the following new section:

"§4215. Priority of service for veterans in Department of Labor job training programs

"(a) DEFINITIONS.—In this section:

"(1) The term 'covered person' means any of the following individuals:

"(A) A veteran.

"(B) The spouse of any of the following individuals:

"(i) Any veteran who died of a service-connected disability.

"(ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.

"(iii) Any veteran who has a total disability resulting from a service-connected disability.

"(iv) Any veteran who died while a disability so evaluated was in existence.

"(2) The term 'qualified job training program' means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:

"(A) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).

"(B) Any such program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.

"(C) Any such program or service that is a workforce development program targeted to specific groups.

"(3) The term 'priority of service' means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

"(b) ENTITLEMENT TO PRIORITY OF SERVICE.—(1) A covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

"(2) The Secretary of Labor may establish priorities among covered persons for purposes of this section to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate.

"(c) ADMINISTRATION OF PROGRAMS AT STATE AND LOCAL LEVELS.—An entity of a State or a political subdivision of the State that administers or delivers services under a qualified job training program shall—

"(1) provide information and priority of service to covered persons regarding benefits and services that may be obtained through other entities or service providers; and

"(2) ensure that each covered person who applies to or who is assisted by such a program is informed of the employment-related rights and benefits to which the person is entitled under this section.

"(d) ADDITION TO ANNUAL REPORT.—In the annual report required under section 4107(c) of this title for the program year beginning in 2002 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs, and whether the levels of service of such programs are in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 42 is amended by inserting after the item relating to section 4214 the following new item:

"4215. Priority of service for veterans in Department of Labor job training programs.".

(b) EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS.—

(1) IN GENERAL.—Section 4212(a) is amended to read as follows:

"(a)(1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This section applies to any subcontract entered into by a prime contractor in carrying out any such contract.

"(2) In addition to requiring affirmative action to employ such qualified covered veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

"(A) each such contractor for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system (as defined in section 4101(7) of this title), and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery points, or America's Job Bank (or any additional or subsequent national electronic job bank established by the Department

of Labor), except that the contractor may exclude openings for executive and senior management positions and positions which are to be filled from within the contractor's organization and positions lasting three days or less;

"(B) each such employment service delivery system shall give such qualified covered veterans priority in referral to such employment openings; and

"(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or any private entities or organizations under contract to carry out employment, training, and placement services under chapter 41 of this title.

"(3) In this section:

"(A) The term 'covered veteran' means any of the following veterans:

"(i) Disabled veterans.

"(ii) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.

"(iii) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 Fed. Reg. 1209).

"(iv) Recently separated veterans.

"(B) The term 'qualified', with respect to an employment position, means having the ability to perform the essential functions of the position with or without reasonable accommodation for an individual with a disability.".

(2) CONFORMING AND TECHNICAL AMENDMENTS.—(A) Section 4212(c) is amended—

(i) by striking "suitable"; and

(ii) by striking "subsection (a)(2) of this section" and inserting "subsection (a)(2)(B)".

(B) Section 4212(d)(1) is amended—

(i) in the matter preceding subparagraph (A), by striking "of this section" after "subsection (a)"; and

(ii) by amending subparagraphs (A) and (B) to read as follows:

"(A) the number of employees in the workforce of such contractor, by job category and hiring location, and the number of such employees, by job category and hiring location, who are qualified covered veterans;

"(B) the total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are qualified covered veterans; and".

(C) Section 4212(d)(2) is amended by striking "of this subsection" after "paragraph (1)".

(D) Section 4211(6) is amended by striking "one-year period" and inserting "three-year period".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act.

(c) EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT.—

(1) PURPOSE.—The second sentence of section 4214(a)(1) is amended—

(A) by inserting ", competent" after "effective"; and

(B) by striking "major" and inserting "uniquely qualified".

(2) APPOINTMENTS.—Section 4214(b) is amended—

(A) in paragraph (1), by striking "readjustment" and inserting "recruitment";

(B) in paragraph (2), by striking "to—" and all that follows through the period at the end and inserting "to qualified covered veterans.";

(C) in paragraph (3)—

(i) by striking subparagraphs (A) and (B);

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(iii) in subparagraph (B), as so redesignated, by striking "The limitations of subparagraphs (A) and (B) of this paragraph" and inserting "The limitation of subparagraph (A)";

(iv) in subparagraph (C), as so redesignated, by striking "clause (i) of subparagraphs (A) and (B) of this paragraph" and inserting "subparagraph (A)"; and

(v) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

"(A) Except as provided in subparagraph (B), a qualified covered veteran may receive such an appointment only within the 10-year period that begins on the date of the veteran's last discharge or release from active duty.".

(3) TECHNICAL AMENDMENTS.—(A) Section 4214(a) is amended—

(i) in the third sentence of paragraph (1), by striking "disabled veterans and certain veterans of the Vietnam era and of the post-Vietnam era" and inserting "qualified covered veterans (as defined in paragraph (2)(B))"; and

(ii) in paragraph (2), to read as follows:

"(2) In this section:

"(A) The term 'agency' has the meaning given the term 'department or agency' in section 4211(5) of this title.

"(B) The term 'qualified covered veteran' means a veteran described in section 4212(a)(3) of this title.".

(B) Clause (i) of section 4214(e)(2)(B) is amended by striking "of the Vietnam era".

(C) Section 4214(g) is amended by striking "qualified" the first place it occurs and all that follows through "era" the first place it occurs and inserting "qualified covered veterans".

SEC. 3. PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.

(a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—

(1) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

"§4112. Performance incentive awards for quality employment, training, and placement services

"(a) PROGRAM OF PERFORMANCE INCENTIVE AWARDS.—(1) The Secretary shall carry out a program, consistent with the provisions of this section, of performance incentive awards to States to encourage the improvement and modernization of employment, training, and placement services provided under this chapter. The Secretary shall carry out the program through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(2) The Secretary shall make performance incentive awards for each program year, beginning with the program year that begins in fiscal year 2004, with respect to services provided under this chapter during the preceding program year.

"(b) CRITERIA FOR ELIGIBILITY FOR AWARDS.—The Secretary shall establish criteria for eligibility for performance incentive awards for purposes of this section in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance measures established under section 4102A(b)(7) of this title.

"(c) DETERMINATION OF AMOUNT OF AWARD.—(1) The Secretary shall determine the amount of performance incentive awards in a State under this section by measuring the performance of the State in providing employment, training, and placement services furnished veterans and eligible persons in each State through employment service delivery systems, through disabled veterans' outreach program specialists, and through local veterans' employment representatives during the previous program year based on the measures of performance established under section 4102A(b)(7) of this title.

"(2) In determining the amount of awards under paragraph (1), the Secretary shall—

"(A) provide greater amounts to those States which the Secretary determines furnished, during the preceding fiscal year, the highest quality employment, training, and placement services based on measures of performance;

"(B) provide awards to those States that have made significant improvements in the delivery of such services, as determined by the Secretary, but do not meet the criteria under subparagraph (A); and

"(C) consider the applicable annual unemployment data for the State and other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

"(d) USE OF AWARD.—Amounts received by a State under this section may be used—

"(1) to hire additional State veterans employment and training staff; or

"(2) for such other purposes related to the provision of employment, placement, and training services as the Secretary may approve for such services furnished under this chapter to veterans and eligible persons.

"(e) RELATIONSHIP OF AWARD TO GRANT AMOUNTS OR OTHER COMPENSATION.—A performance incentive award under this section is in addition to amounts made available to a State under section 4102A(b)(5) of this title.

"(f) AVAILABILITY FOR OBLIGATION.—Amounts received in a performance incentive award under this section may be obligated by the State during the program year in which the award was received and the subsequent program year.

"(g) APPROPRIATIONS.—The Secretary shall carry out the program under this section from amounts appropriated pursuant to the authorization under section 4106(b)(2) of this title. Such amounts shall only be available to carry out the program under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"4112. Performance incentive awards for quality employment, training, and placement services.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4106(b) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) In addition to amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated to the Secretary to carry out the program of performance incentive awards under section 4112 of this title the following:

"(A) For the program year beginning during fiscal year 2004, $10,000,000.

"(B) For the program year beginning during fiscal year 2005, $25,000,000.

"(C) For the program year beginning during fiscal year 2006, $50,000,000.

"(D) For the program year beginning during fiscal year 2007, $75,000,000.

"(E) For the program year beginning during fiscal year 2008, $100,000,000.

"(F) For the program year beginning during fiscal year 2009 and each subsequent fiscal year, such sums as are necessary.".

SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT.

(a) REVISION OF DEPARTMENT LEVEL SENIOR OFFICIALS AND FUNCTIONS.—

(1) IN GENERAL.—Sections 4102A and 4103 are amended to read as follows:

"§4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

"(a) ESTABLISHMENT OF POSITION OF ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans' Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall formulate and implement all departmental policies and procedures to carry out (A) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (B) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans. The Assistant Secretary of Labor for Veterans' Employment and Training shall be a veteran.

"(2) The employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans' Employment and Training.

"(3)(A) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes. The Deputy Assistant Secretary shall be a veteran.

"(B) No individual may be appointed as a Deputy Assistant Secretary of Labor for Veterans' Employment and Training unless the individual has at least five years of continuous service in the Federal civil service in the executive branch immediately preceding appointment as the Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by the individual in a position—

"(i) of a confidential, policy-determining, policy-making, or policy-advocating character;

"(ii) in which the individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

"(iii) to which the individual was appointed by the President.

"(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

"(1) Except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished under this chapter.

"(2) In order to make maximum use of available resources in meeting such needs, encourage all such programs, and all grantees and contractors under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns owned by veterans or disabled veterans), educational institutions, trade associations, and labor unions.

"(3) Ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under section 3687 of this title, and rehabilitation and training activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

"(4) Ensure that employment, training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service officials.

"(5) Subject to subsection (c), make available for use in each State by grant or contract such funds as may be necessary to support—

"(A) disabled veterans' outreach program specialists appointed under section 4103A(a)(1) of this title,

"(B) local veterans' employment representatives assigned under section 4104(b) of this title, and

"(C) the reasonable expenses of such specialists and representatives described in subparagraphs (A) and (B), respectively, for training, travel, supplies, and other business expenses, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 4109 of this title.

"(6) Monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5).

"(7) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f)) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, through disabled veterans' outreach program specialists, and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter.

"(c) CONDITIONS FOR RECEIPT OF FUNDS.—(1) The distribution and use of funds under subsection (b)(5) in order to carry out sections 4103A(a) and 4104(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 4103A or 4104 of this title.

"(2)(A) A State shall submit to the Secretary an application for a grant or contract under subsection (b)(5). The application shall contain the following information:

"(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of—

"(I) duties assigned by the State to disabled veterans' outreach program specialists and local veterans' employment representatives consistent with the requirements of sections 4103A and 4104 of this title; and

"(II) the manner in which such specialists and representatives are integrated in the employment service delivery systems in the State.

"(ii) The veteran population to be served.

"(iii) Such additional information as the Secretary may require to make a determination with respect to awarding a grant or contract to the State.

"(B)(i) Subject to the succeeding provisions of this subparagraph, of the amount available under subsection (b)(5) for a fiscal year, the Secretary shall make available to each State with an application approved by the Secretary an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulation, including civilian labor force and unemployment data, for the State on an annual basis. The proportion of funding shall reflect the ratio of—

"(I) the total number of veterans residing in the State that are seeking employment; to

"(II) the total number of veterans seeking employment in all States.

"(ii) The Secretary shall phase in over the three fiscal-year period that begins on October 1, 2002, the manner in which amounts are made available to States under subsection (b)(5) and this subsection, as amended by the Jobs for Veterans Act.

"(iii) In carrying out this paragraph, the Secretary may establish minimum funding levels and hold-harmless criteria for States.

"(3)(A) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered-employment rate for veterans that is deficient for the preceding program year, the State shall develop and implement a corrective action plan to improve that rate for veterans in the State. The State shall submit the corrective action plan to the Secretary.

"(B) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national threshold entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A).

"(C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

"(4) In determining the terms and conditions of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall take into account—

"(A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and

"(B) the monitoring carried out under this section.

"(5) Each grant or contract by which funds are made available to a State shall contain a provision requiring the recipient of the funds—

"(A) to comply with the provisions of this chapter; and

"(B) on an annual basis, to notify to Secretary of, and provide supporting rationale for, each nonveteran who is employed as a disabled veterans' outreach program specialist and local veterans' employment representative for a period in excess of 6 months.

"(6) Each State shall coordinate employment, training, and placement services furnished to veterans and eligible persons under this chapter with such services furnished with respect to such veterans and persons under the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

"(d) PARTICIPATION IN OTHER FEDERALLY FUNDED JOB TRAINING PROGRAMS.—The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998 and other federally funded employment and training programs.

"(e) REGIONAL ADMINISTRATORS.—(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region. A person may not be assigned after October 9, 1996, as such a Regional Administrator unless the person is a veteran.

"(2) Each such Regional Administrator shall carry out such duties as the Secretary may require to promote veterans employment and reemployment within the region that the Administrator serves.

“(f) ESTABLISHMENT OF PERFORMANCE STANDARDS AND OUTCOMES MEASURES.—(1) By not later than 3 months after the date of the enactment of this section, the Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, disabled veterans' outreach program specialists, and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).

“(2) Such standards and measures shall—

“(A) be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998; and

“(B) be appropriately weighted to provide special consideration for placement of (i) veterans requiring intensive services (as defined in section 4101(9) of this title), such as special disabled veterans and disabled veterans, and (ii) veterans who enroll in readjustment counseling under section 1712A of this title.

“§4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

“(a) DIRECTORS AND ASSISTANT DIRECTORS.—(1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

“(2) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

“(b) ADDITIONAL FEDERAL PERSONNEL.—The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.”.

(2) CLERICAL AMENDMENTS.—The items relating to sections 4102A and 4103, respectively, in the table of sections at the beginning of chapter 41 are amended to read as follows:

“4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators.
“4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel.”.

(3) CONFORMING AMENDMENT RELATING TO PERFORMANCE STANDARDS.—(A)(i) Section 4104A is repealed.

(ii) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4104A.

(B) Section 4107(b) is amended by striking “The Secretary shall establish definitive performance standards” and inserting “The Secretary shall apply performance standards established under section 4102A(f) of this title”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 1, 2002, and shall apply to appointments made on or after that date.

(b) REVISION OF STATUTORILY DEFINED DUTIES OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—

(1) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A is amended by striking all after the heading and inserting the following:

“(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

“(A) Special disabled veterans.

“(B) Other disabled veterans.

“(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

“(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

“(b) REQUIREMENT FOR QUALIFIED VETERANS.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.”.

(2) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 is amended by striking all after the heading and inserting the following:

“(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF REPRESENTATIVES.—Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

“(b) PRINCIPAL DUTIES.—As principal duties, local veterans' employment representatives shall—

“(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

“(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

“(c) PREFERENCE FOR QUALIFIED VETERANS.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a).

“(d) REPORTING.—Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 1, 2002, and shall apply to appointments made on or after that date.

(c) REQUIREMENT TO PROMPTLY ESTABLISH ONE-STOP EMPLOYMENT SERVICES.—By not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall provide one-stop services and assistance to covered persons electronically by means of the Internet, as defined in section 231(e)(3) of the Communications Act of 1934, and such other electronic means to enhance the delivery of such services and assistance.

(d) REQUIREMENT FOR BUDGET LINE ITEM FOR TRAINING SERVICES INSTITUTE.—

(1) IN GENERAL.—The last sentence of section 4106(a) is amended to read as follows: “Each budget submission with respect to such funds shall include a separate listing of the amount for the National Veterans' Employment and Training Services Institute together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and apply to budget submissions for fiscal year 2004 and each subsequent fiscal year.

(e) CONFORMING AMENDMENTS.—(1) Section 4107(c)(5) is amended by striking “(including the need” and all that follows through “representatives)”.

(2) Section 3117(a)(2)(B) is amended to read as follows:

“(B) utilization of employment, training, and placement services under chapter 41 of this title; and”.

SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EMPLOYMENT AND TRAINING SERVICES.

(a) INCLUSION OF INTENSIVE SERVICES.—

(1) IN GENERAL.—(A) Section 4101 is amended by adding at the end the following new paragraph:

“(9) The term ‘intensive services’ means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998.”.

(B) Section 4102 is amended by striking “job and job training counseling service program,” and inserting “job and job training intensive services program,”.

(C) Section 4106(a) is amended by striking “proper counseling” and inserting “proper intensive services”.

(D) Section 4107(a) is amended by striking “employment counseling services” and inserting “intensive services”.

(E) Section 4107(c)(1) is amended by striking “the number counseled” and inserting “the number who received intensive services”.

(F) Section 4109(a) is amended by striking “counseling,” each place it appears and inserting “intensive services,”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) ADDITIONAL VETS DUTY TO IMPLEMENT TRANSITIONS TO CIVILIAN CAREERS.—

(1) IN GENERAL.—(A) Section 4102 is amended by striking the period and inserting “, including programs carried out by the Veterans' Employment and Training Service to implement all efforts to ease the transition of servicemembers to civilian careers that are consistent with, or an outgrowth of, the military experience of the servicemembers.”.

(B) Such section is further amended by striking “and veterans of the Vietnam era” and inserting “and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) MODERNIZATION OF EMPLOYMENT SERVICE DELIVERY POINTS TO INCLUDE TECHNOLOGICAL INNOVATIONS.—

(1) IN GENERAL.—Section 4101(7) is amended to read as follows:

“(7) The term ‘employment service delivery system’ means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(d) INCREASE IN ACCURACY OF REPORTING SERVICES FURNISHED TO VETERANS.—

(1) IN GENERAL.—(A) Section 4107(c)(1) is amended—

(i) by striking "veterans of the Vietnam era,"; and

(ii) by striking "and eligible persons who registered for assistance with" and inserting "eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by,".

(B) Section 4107(c)(2) is amended—

(i) by striking "the job placement rate" the first place it appears and inserting "the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998)"; and

(ii) by striking "the job placement rate" the second place it appears and inserting "such rate of entered employment (as so determined)".

(C) Section 4107(c)(4) is amended by striking "sections 4103A and 4104" and inserting "section 4212(d)".

(D) Section 4107(c) is amended—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(6) a report on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title, including an analysis of the amount of incentives distributed to each State and the rationale for such distribution.".

(E) Section 4107(b), as amended by section 4(a)(3)(B), is further amended by striking the second sentence and inserting the following: "Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of this title. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to reports for program years beginning on or after July 1, 2002.

(e) CLARIFICATION OF AUTHORITY OF NVETSI TO PROVIDE TRAINING FOR PERSONNEL OF OTHER DEPARTMENTS AND AGENCIES.—Section 4109 is amended by adding at the end the following new subsection:

"(c)(1) Nothing in this section shall be construed as preventing the Institute to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training of personnel of such departments, agencies, or organizations in the provision of services referred to in subsection (a).

"(2) All proceeds collected by the Institute under a contract or agreement referred to in paragraph (1) shall be applied to the applicable appropriation.".

SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS.

(a) ESTABLISHMENT OF COMMITTEE.—There is established within the Department of Labor a committee to be known as the President's National Hire Veterans Committee (hereinafter in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall establish and carry out a national program to do the following:

(1) To furnish information to employers with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills.

(2) To facilitate employment of veterans and disabled veterans through participation in America's Career Kit national labor exchange, and other means.

(c) MEMBERSHIP.—(1) The Secretary of Labor shall appoint 15 individuals to serve as members of the Committee, of whom one shall be appointed from among representatives nominated by each organization described in subparagraph (A) and of whom eight shall be appointed from among representatives nominated by organizations described in subparagraph (B).

(A) Organizations described in this subparagraph are the following:

(i) The Ad Council.

(ii) The National Committee for Employer Support of the Guard and Reserve.

(iii) Veterans' service organizations that have a national employment program.

(iv) State employment security agencies.

(v) One-stop career centers.

(vi) State departments of veterans affairs.

(vii) Military service organizations.

(B) Organizations described in this subparagraph are such businesses, small businesses, industries, companies in the private sector that furnish placement services, civic groups, workforce investment boards, and labor unions as the Secretary of Labor determines appropriate.

(2) The following shall be ex officio, nonvoting members of the Committee:

(A) The Secretary of Veterans Affairs.

(B) The Secretary of Defense.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(D) The Administrator of the Small Business Administration.

(E) The Postmaster General.

(F) The Director of the Office of Personnel Management.

(3) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(d) ADMINISTRATIVE MATTERS.—(1) The Committee shall meet not less frequently than once each calendar quarter.

(2) The Secretary of Labor shall appoint the chairman of the Committee.

(3)(A) Members of the Committee shall serve without compensation.

(B) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

(4) The Secretary of Labor shall provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. The Secretary shall assure positions on the staff of the Committee include positions that are filled by individuals that are now, or have ever been, employed as one of the following:

(A) Staff of the Assistant Secretary of Labor for Veterans' Employment and Training under section 4102A of title 38, United States Code as in effect on the date of the enactment of this Act.

(B) Directors for Veterans' Employment and Training under section 4103 of such title as in effect on such date.

(C) Assistant Director for Veterans' Employment and Training under such section as in effect on such date.

(D) Disabled veterans' outreach program specialists under section 4103A of such title as in effect on such date.

(E) Local veterans' employment representatives under section 4104 of such title as in effect on such date.

(5) Upon request of the Committee, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of that department or agency to the Committee to assist it in carrying out its duties.

(6) The Committee may contract with and compensate government and private agencies or persons to furnish information to employers under subsection (b)(1) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) REPORT.—Not later than December 31, 2003, 2004, and 2005, the Secretary of Labor shall submit to Congress a report on the activities of the Committee under this section during the previous fiscal year, and shall include in such report data with respect to placement and retention of veterans in jobs attributable to the activities of the Committee.

(f) TERMINATION.—The Committee shall terminate 60 days after submitting the report that is due on December 31, 2005.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor from the employment security administration account (established in section 901 of the Social Security Act (42 U.S.C. 1101)) in the Unemployment Trust Fund $3,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 7. SENSE OF CONGRESS COMMENDING VETERANS AND MILITARY SERVICE ORGANIZATIONS.

It is the sense of Congress that—

(1) veterans and military service organizations are to be commended for the continued assistance the organizations provide veterans; and

(2) veterans and military service organizations are encouraged to provide job placement assistance to veterans who are job-ready by making personal computers with access to electronic job placement services and programs available to veterans at local posts and through other means.

SEC. 8. STUDY ON ECONOMIC BENEFITS TO THE UNITED STATES OF LONG-TERM SUSTAINED EMPLOYMENT OF VETERANS.

(a) STUDY.—The Secretary of Labor shall enter into a contract with an appropriate organization or entity to conduct a study to quantify the economic benefit to the United States attributable to the provision of employment and training services under chapter 41 of title 38, United States Code, in assisting veterans to attain long-term, sustained employment. Such study shall include analyses on the impact of such employment on Federal, State, and local tax generated by reason of such employment, the contributions of such employment on the domestic gross national product, and such other indicators of the effect of such employment on the economy of the United States.

(b) REPORT.—A condition of the contract under subsection (a) shall be that the organization submit to the Secretary of Labor a report on the study conducted by the organization not later than 18 months after the date on which that Secretary enters into such contract.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor $1,000,000 to carry out the provisions of this section, such sums to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. SMITH) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON), the distinguished chairman of our Subcommittee on Benefits of the Committee on Veterans' Affairs.

Mr. SIMPSON. Mr. Speaker, we all agree our veterans are a unique national resource. H.R. 4015 provides us the opportunity to approve legislation that helps them get jobs. That is the bottom line of this legislation.

The Jobs for Veterans Act essentially creates a new Department of Labor delivery system for veterans' employment and training services in light of the Government Performance and Results Act, the new One-Stop Career Centers under the Workforce Investment Act of 1998 and the availability of self-service job assistance by way of the Internet.

H.R. 4015 can be described in four words: Incentives, results, flexibility and accountability in the delivery of employment and training services for veterans through individual States and counties.

The bill we are considering will (1) give the States more program delivery flexibility and a new performance incentive program, (2) create a 3-year phase in period for the new funding formula, (3) create a "hold harmless" provision for small States with respect to the funding formula, (4) clarify intent regarding the hiring of veterans for Disabled Veteran Outreach Specialists and Local Veterans Representatives, (5) create the President's National Hire Veterans Committee, and (6) create a one-stop, full-service job service office on the Internet for service members and veterans.

The Subcommittee on Benefits of the Committee on Veterans' Affairs has been working on this veterans' employment legislation for 2 years now, and I applaud the hard work of the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER) and the gentleman from Arizona (Mr. HAYWORTH) on earlier versions of this bill. I also want to recognize the ranking member of the Subcommittee on Benefits of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. REYES), for his leadership on this issue, as well as the chairman and the ranking member of the full committee, the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS) for their support.

Mr. Speaker, with about 215,000 service members estimated to separate from the armed forces in fiscal year 2003, this bill is a win-win situation for both our veterans and the economy. I urge my colleagues to support H.R. 4015.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor of H.R. 4015, I rise in strong support of this measure, the Jobs for Veterans Act. This important legislation will improve the delivery of job services to veterans and the percentage of veterans who are placed in meaningful employment.

H.R. 4015 is a product of dedicated work by many people. In particular, I want to recognize and thank our chairman, the gentleman from New Jersey (Mr. SMITH), the ranking Democrat member, the gentleman from Illinois (Mr. EVANS), the gentleman from Idaho (Mr. SIMPSON), the gentleman from Texas (Mr. REYES) and the gentleman from New York (Mr. QUINN) for their many contributions.

For years, outdated provisions of law hampered the delivery of employment services to veterans. H.R. 4015, as amended, provides needed flexibility in providing job services to members. This new flexibility, combined with performance incentives and improved measures of performance provided by this legislation, will result in improved employment opportunities for our Nation's veterans.

We have a national responsibility to assist our veterans in their efforts to find and maintain stable, permanent employment. I know firsthand that there are a lot of hard-working, caring people providing employment services to veterans. Every day, these dedicated people strive to fulfill our national commitment. They are the Disabled Veterans Outreach Program Specialists, the Local Veterans Employment Representatives, community-based nonprofits and veterans' service organizations. Many, in fact, are veterans themselves.

I applaud the cooperative effort that has transpired among my colleagues, the veterans' community and the Secretary of Labor to evaluate the roles and functions of veterans' employment specialists. Changes in the number and responsibilities of these important positions must always be made very carefully and with consensus among the veterans and employment service communities.

In this regard, I am pleased that the new funding formula contemplated in H.R. 4015 focuses on the number of job-seeking veterans in each State and each State's unemployment rate. This seems to be a good way to factor in the unique economic and labor conditions that might otherwise be overlooked.

I believe it is important to provide incentives to States to improve employment services to veterans. This bill provides for financial incentives to both States which have high quality programs and those who show marked improvement. We have heard complaints that the current system does not recognize the achievements of States who work hard to place severely disadvantaged veterans, including disabled veterans, in quality employment. I hope these incentives will encourage such efforts.

I want to stress that although the committee has introduced some flexibility in hiring non-veterans as Disabled Veterans Outreach Program Specialists and Local Employment Veterans Representatives, the committee expects those positions will ordinarily be held by veterans, including disabled veterans. In order to monitor the flexibility granted, States are required to report and provide supporting rationale to the Department of Labor whenever a non-veteran is employed as a DVOP or LVER for a period of more than 6 months.

Mr. Speaker, it is my understanding that in some cases veterans have gone without services because no qualified veteran was available to serve as a DVOP on even a temporary basis while efforts were under way to recruit and train a qualified veteran. The flexibility in this bill is intended to assure that the needs of the veterans do not get unmet in such situations.

The provision also provides some ability to utilize the services of non-veterans. For example, due to a geographically dispersed veterans' population in a large State, it may not be feasible to hire veterans for limited hours of service.

Mr. Speaker, H.R. 4015 will result in improved service to our Nation's unemployed and underemployed veterans. I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank our distinguished chairman for his leadership in authoring this bill and working it through the committee hearings and markup, and the gentleman from Texas (Mr. REYES) as well, the ranking member, and the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee.

It has been, again, an effort made by so many. I want to thank a few other people on the staff again. Pat Ryan and Kingston Smith, Jeannie McNally, Summer Larson, Darryl Kehrer, who has done yeoman's work on this, Paige McManus, Devon Siebert, Jerry Tan, Mary McDermott, Mary Ellen McCarthy and Beth Kilker.

Again, so much has gone into this. The distinguished chairman talked about the 2-year effort, and that the previous chairman of the subcommittee worked on this as well. This bill, we hope, will be very seriously and quickly considered by the Senate side. This has to be enacted into law as soon as humanly possible. Again, I thank him for his leadership.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4015, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD.)

□ 1445

Ms. MILLENDER-MCDONALD. Mr. Speaker, as we embark upon this Memorial Day weekend and pay homage to our veterans, I rise in strong support of H.R. 4015, the Jobs for Veterans Act.

I appreciate the commitment and diligent work of the Committee on Veterans' Affairs and the distinguished gentleman from New Jersey (Mr. SMITH) and the distinguished gentleman from Illinois (Mr. EVANS) and all others who have partaken of this piece of legislation on behalf of our Nation's veterans.

It is a familiar principle among veterans in our armed services that we do not leave our wounded behind. Jobless and homeless veterans are our Nation's wounded, and we cannot afford to leave them without support. H.R. 4015 reflects the debt of gratitude we owe to those who have served our country with honor. It also signals our enduring commitment to the men and women in uniform who today defend our freedom throughout the world.

Veterans represent a unique and invaluable human resource for American society and the economy. Service personnel leave the military knowing that they have made a vital contribution to our country. Veterans want to continue making meaningful contributions as they return to civilian life. However, in 21 States, fewer than 10 percent of veterans between the ages of 22 and 44 were placed in employment after seeking job search assistance from State service providers. During 2001, there was an average of 519 unemployed veterans; and in the same time period, 32 percent of unemployed veterans experienced 15 or more consecutive weeks of unemployment. This is unacceptable.

Mr. Speaker, we have to do better. I urge everyone to support this legislation.

Ms. CARSON of Indiana. Mr. Speaker, I would like to thank Chairman SIMPSON and Ranking member REYES of the Benefits Subcommittee for their hard work to bring this bill to the floor of the House.

This bill will allow the State of Indiana to tailor our veterans programs to provide the greatest benefit to the greatest number of veterans. These include eligible veterans who have served since the Vietnam War, including; Lebanon, Bosnia, Desert Storm, and Enduring Freedom.

All 567,000 Indiana veterans and spouses of certain veterans will be eligible for priority of service for employment, training, and placement services in any job training program directly funded by the Department of Labor.

It will also make eligible for federal contracts: disabled veterans; veterans who served on active duty during a war or in a campaign or expedition in which a campaign badge has been authorized; veterans who participated in military operation for which an Armed Services medal was awarded; or veterans discharged or released from military service within the past three years.

It is important that those veterans who served their country and settled around the country, like my home State of Indiana, should not be penalized for their military service. In fact, it should be celebrated.

This will allow the experience of these veterans to enrich Indiana and add to the quality of life for all Hoosiers

All states would now have an incentive to make that extra for their veterans, like the effort these veterans have made for our country.

Mr. Speaker, this legislation can only help the veterans in Indiana and around the country and urge all my colleagues to join in my support.

Mr. HASTINGS of Florida. Mr. Speaker, this bill on the floor today will significantly improve the lives of the veterans who have served us so honorably.

H.R. 4015, the Jobs for Veterans Act, grants priority placement in certain job training programs for veterans and their spouses. Beginning with $10 million in FY 2004, this bill authorizes increasing amounts through FY 2008, and such sums as may be necessary in FY 2009 and succeeding years, for a new performance incentive awards program to encourage states to improve their employment, training, and placement programs for veterans. This incentive program will award the states that have the best record in helping veterans find work. The awards will take the form of new contracts for veterans employment programs.

This bill also establishes the President's National Hire Veterans Committee to take actions to facilitate the employment of veterans and disabled veterans.

Mr. REYES. Mr. Speaker, I thank Chairman SMITH, Democratic Ranking Member EVANS, and the Chairman of our Subcommittee, MIKE SIMPSON, for their work on H.R. 4015. This bill is the product of a lot of hard work by our present Benefits Subcommittee as well as its former Chairman, JACK QUINN, and Ranking Member BOB FILNER.

When enacted, this measure will result in increased and improved job placements for veterans who use the public labor exchange and receive assistance from Disabled Veterans Program Outreach and Local Veterans Employment Representatives.

Mr. Speaker, during our hearing on this bill, I was particularly disturbed that March 2002, data from the Bureau of Labor Statistics (BLS) indicated a very high rate of unemployment for young male veterans, especially minority veterans. In March 2002, male veterans aged 20 to 24 had an unemployment rate of 26 percent compared to 12 percent of all males. For African Americans, the rate was 54 percent and for Hispanic veterans, 30 percent. At this point in time, it is not clear if the data from March 2002, which is considerably worse than that reported during all of Fiscal Year 2001, is an anomaly or a trend. I expect the Department of Labor, under the provisions of this bill, to pay special attention to areas where minority veterans are disproportionately represented in the unemployed labor force. I hope that by providing more flexibility to the States, intensive services will be directed to such veterans.

During the hearing on the bill, some concerns were raised concerning increased flexibility to the states in permitting nonveterans to be employed as Disabled Veterans Outreach Program Specialists (DVOP) and Local Veterans Employment Representatives (LVER). I requested that certain changes be made in the bill and I appreciate Chairman Simpson's cooperation in strengthening this section of the bill.

In order to emphasize the Committee's expectation that these positions ordinarily be filled by veterans, the language in the bill now indicates that to "the maximum extent practicable", veterans be employed in these positions. Since the bill allows for part time as well as full time employees in these positions, the States may find circumstances under which a qualified veteran may not be available to provide services most effectively or efficiently. In order to assure compliance with the Committee's intention that permanent positions ordinarily be filled by veterans, the States are required to submit information and supporting rationale to the Secretary whenever nonveterans are employed in these positions for more than six months. I intend to monitor this provision closely.

I believe that H.R. 4015 will provide the states with the flexibility that they need in order to effectively meet the needs of veterans in the 21st century. I urge all Members to support this bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4015, the Jobs for Veterans Act, and I commend the distinguished Chairman of the Veterans Affairs Committee, the gentleman from New Jersey, Mr. SMITH.

This legislation provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in party by the Department of Labor. This bill also provides, with respect to Federal contracts and subcontracts in the amount of $100,000 or more, the contractor to take affirmative action to employ and advance in employment qualified veterans, including listing employment openings immediately through the appropriate employment delivery system.

This measure also changes "Veterans Readjustment Authority (VRA)" to "Veterans Recruitment Authority" and changes eligibility for such appointment from Vietnam ERA and post-Vietnam ERA veterans to qualified covered veterans within the 10-year period that begins on the date of the veterans' last discharge; the 10-year period will not apply to a veteran with a service-connected disability of 30 percent or more.

Additionally, the bill requires the Secretary to carry out a program of performance incentive cash awards to States to encourage the improvement and modernization of employment, training and placement services to veterans; such program begins with the program year that begins in FY 2004, with respect to services provided during the preceding program year.

Funding for this incentive program is authorized to be appropriated for the Secretary to carry out a program of performance incentive awards of $10 million for the program year beginning in FY 2004 (for performance in FY 2003); $25 million for the program year beginning in FY 2005; $50 million for the program year beginning in FY 2006; $75 million for the program year beginning in FY 2007; and $100 million for the program year beginning in FY 2008.

This bill also makes a number of adjustments to the manner in which the Secretary of the VA furnishes veterans job training funds to the States. The primary goal of the change is to fund States in proportion to the level of veterans who are seeking employment with it. This change will be phased in over a three year period beginning in October 2002.

Finally, this measure directs the VA to develop and implement comprehensive accountability system to measure the performance of training programs within the States.

Mr. Speaker, like the other veterans measures being considered by the House today, this bill is appropriately paying tribute to the service and sacrifice for our Nation's veterans, by offering improvements to existing job training programs. Accordingly, I urge my colleagues to give H.R. 4015 their unqualified support.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4015, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' AND SURVIVORS' BENEFITS EXPANSION ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4085) to increase, effective as of December 1, 2002, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' and Survivors' Benefits Expansion Act of 2002".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2002, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2002.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2003, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to that section.

SEC. 3. RETENTION OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES REMARRYING AFTER AGE 65.

(a) EXCEPTION TO TERMINATION OF BENEFITS UPON REMARRIAGE.—Paragraph (2) of section 103(d) of title 38, United States Code, is amended by striking "if the remarriage" and all that follows and inserting "if—

"(A) the remarriage occurs after the surviving spouse attains age 65 ;

"(B) the remarriage has been terminated by death; or

"(C) the remarriage has been terminated by divorce, unless the Secretary determines that the divorce was secured through fraud or collusion.".

(b) CONFORMING AMENDMENTS.—Paragraph (4) of such section is amended—

(1) by striking "The first month" and all the follows through "shall be" and inserting the following "When eligibility for benefits for a surviving spouse is restored by reason of this subsection, the first month of eligibility for such benefits shall be"; and

(2) in subparagraph (A), by striking "described in" and inserting "with a remarriage described in subparagraph (B) or (C) of".

(c) INCLUSION OF DEATH COMPENSATION AMONG RESTORED BENEFITS.—Subparagraph (A) of paragraph (5) of such section is amended to read as follows:

"(A) Sections 1121 and 1311, relating to death compensation and dependency and indemnity compensation, respectively.".

(d) APPLICATION FOR BENEFITS.—In the case of an individual who but for having remarried would be eligible for dependency and indemnity compensation under section 1311 of title 38, United States Code, or death compensation under section 1121 of such title, and whose remarriage was before the date of the enactment of this Act and after the individual had attained age 65, the individual shall be eligible for such compensation by reason of the amendments made by subsection (a) only if the individual submits an application for such compensation to the Secretary of Veterans Affairs not later than the end of the one-year period beginning on the date of the enactment of this Act.

(e) COORDINATION OF BENEFITS.—Section 1311 of such title is amended by adding at the end the following new subsection:

"(e) In the case of an individual who is eligible for dependency and indemnity compensation under this section by reason of section 103(d)(2)(A) of this title who is also eligible for benefits under another provision of law by reason of such individual's status as the surviving spouse of a veteran, then, notwithstanding any other provision of law, no reduction in benefits under such other provision of law shall be made by reason of such individual's eligibility for benefits under this section.".

SEC. 4. UNIFORM HOME LOAN GUARANTY FEES FOR QUALIFYING MEMBERS OF THE SELECTED RESERVE AND ACTIVE DUTY VETERANS.

(a) IN GENERAL.—Paragraph (2) of section 3729(b) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by inserting "for any loan closed after September 30, 2005" after "paragraph (1)"; and

(3) by adding at the end the following:

"(B) The loan fee table referred to in paragraph (1) for any loan closed during the period beginning on October 1, 2002, and ending on September 30, 2005, is as follows:

"LOAN FEE TABLE

Type of loan	*Veteran*	*Other obligor*
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2008)	*2.00*	*NA*
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2008)	*1.25*	*NA*
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2008)	*3.00*	*NA*
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2008)	*1.25*	*NA*
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2008)	*1.50*	*NA*
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2008)	*0.75*	*NA*
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2008)	*1.25*	*NA*
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2008)	*0.50*	*NA*
(E) Interest rate reduction refinancing loan	*0.50*	*NA*
(F) Direct loan under section 3711	*1.00*	*NA*
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	*1.00*	*NA*
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	*1.25*	*NA*
(I) Loan assumption under section 3714	*0.50*	*0.50*
(J) Loan under section 3733(a)	*2.25*	*2.25".*

(b) CONFORMING AMENDMENT.—Paragraph (4)(A) of such section is amended by inserting before the period at the end the following: ", and the term 'veteran' means any veteran eligible for the benefits of this chapter".

SEC. 5. LIFE INSURANCE PROGRAMS.

(a) INCREASE OF VETERANS' MORTGAGE LIFE INSURANCE COVERAGE TO $150,000.—(1) Section 2106(b) of title 38, United States Code, is amended by striking "$90,000" and inserting "$150,000".

(2) The amendment made by paragraph (1) shall apply with respect to insurance payable under section 2106 of title 38, United States Code, in the case of a veteran insured under that section who dies on or after the date of enactment of this Act.

(b) AUTHORITY FOR VETERANS' MORTGAGE LIFE INSURANCE TO BE CARRIED BEYOND AGE 70.—Section 2106 of such title is amended—

(1) in subsection (a), by inserting "age 69 or younger" after "any eligible veteran"; and

(2) in subsection (i), by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 6. INCREASE IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES FOR FISCAL YEARS 2003, 2004, AND 2005.

Section 3674(a)(4) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: ", and for each of fiscal years 2003, 2004, and 2005, $18,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4085, the Veterans' and Survivors' Benefits Expansion Act of 2002 will expand and increase a number of important benefits for veterans and their surviving spouses. With more than 2.3 million veterans relying on disability compensation payments, H.R. 4085 provides a much-needed cost-of-living adjustment (COLA), the same as that which is given to Social Security recipients, currently estimated to be about 2.3 percent next year. Surviving spouses and children of veterans who qualify for dependency and indemnity compensation (DIC) would also see their payments increased by the same COLA amount.

For a 100 percent service-connected disabled veteran, this increase would take effect December 1 and will total about $600 next year in increase. In total, H.R. 4085 will increase disability compensation payments by about $300 million next year and by more than $1.5 billion over the next 5 years.

Mr. Speaker, H.R. 4085 would also make a historic change in current law to allow surviving spouses who remarry after the age of 65 to retain their dependency and indemnity compensation as well as health insurance, home loan, and education benefits. Under current law, a surviving spouse of a veteran who is currently eligible for dependency and indemnity compensation, and who remarries, loses his or her eligibility for this and other VA benefits. Sadly, this economic penalty has prevented thousands of older women from enjoying the comforts that come from marriage later in their lives.

Mr. Speaker, as my colleagues know, when a man and woman serve our Nation in the Armed Forces, we not only benefit from their service, but also from that of their spouse, who make their own sacrifices supporting their family on the home front. We should stop penalizing these brave women and men who have already lost so much, and are now looking for companionship in their twilight years.

This provision has been championed in the House by the Committee on Veterans' Affairs vice chairman, the gentleman from Florida (Mr. BILIRAKIS). I want to commend him for his continuing work, and his commitment on behalf of veterans and their spouses.

Let me say to my colleagues that we had hoped to bring forward legislation that contained a lower age limit; we wanted to get to 55 years, but budgetary constraints and questionable CBO scoring have prevented us from doing that. Instead, our legislation in essence would make a down payment to these Gold Star wives who have given our Nation so much. We will be monitoring the actual implementation costs of this provision so that we can revisit it in the future. While today's action is historic, let me assure these brave women that it is just the beginning of the process and not the end of the process. H.R. 4085 also contains several other provisions which the distinguished chairman of the Subcommittee on Benefits will be outlining in a moment.

Finally, I just want to say that I am grateful to the chairman, the gentleman from Idaho (Mr. SIMPSON), gentleman from Texas (Mr. REYES), the ranking member, and again my good friend, the gentleman from Illinois (Mr. EVANS), for working with us on this legislation and for helping to bring it to the floor today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time and for his unwavering support of our veterans.

Mr. Speaker, many veterans and their survivors will be served as a result of the enhancements included in H.R. 4085, the Veterans' and Survivors' Benefits Expansion Act of 2002.

Section 2 provides an annual cost-of-living adjustment effective December 1, 2002, to service-connected veterans as well as those survivors receiving dependency and indemnity compensation. The Congress has approved a COLA every fiscal year since 1976; and as in the past, the percentage increase will mirror the COLA the Social Security recipients receive.

Section 3 would allow surviving spouses who remarry after age 65 to retain their dependency and indemnity compensation, death compensation, VA health insurance, and education and home loan benefits. Additionally, those spouses who remarry after age 65, but prior to enactment of this bill, will have 1 year to reapply for their benefits. DIC is the only Federal survivor annuity that terminates when the spouse remarries.

It is important, as the chairman stated, that I reiterate that this is the first step in enhancing the benefits for these spouses. The Subcommittee on Benefits considered a number of ways to enhance these benefits, including lowering the age at which spouses could remarry and retain benefits; but with the budget constraints we are working under, we just could not do more at this time. I want to thank the vice chairman of the committee, the gentleman from Florida (Mr. BILIRAKIS), for his leadership on this provision.

Section 4 would lower the home loan fees that members of the Selected Reserve pay to equal the fees paid by the active duty veterans. Again, because of budget constraints, we have had to sunset this provision in fiscal year 2005. We will reexamine the policy at that time.

Section 5 would increase coverage from $90,000 to $150,000 under the Veterans' Mortgage Life Insurance program, as well as permit coverage of this insurance to veterans beyond age 70. Currently, the coverage is terminated after the veteran's 69th birthday.

Lastly, section 6 would increase the funding for State approving agencies from $14 to $18 million for the next 3 fiscal years.

Mr. Speaker, I want to recognize the subcommittee's ranking member, the gentleman from Texas (Mr. REYES), for the opportunity to work with him in writing this bill. I also want to thank the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER) for their input on the home loan insurance provisions and, again, the gentleman from Florida (Mr. BILIRAKIS) for his support for the Gold Star Wives. I urge my colleagues to support H.R. 4085.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from New Jersey (Mr. SMITH), our committee chairman; and the gentleman from Idaho (Mr. SIMPSON), our Subcommittee on Benefits chairman; and the gentleman from Texas (Mr. REYES), ranking member, for their important bipartisan work on this important measure. This is a bill strongly supported by Members of both sides of the aisle.

Mr. Speaker, H.R. 4085, the Veterans' and Survivors' Benefits Expansion Act of 2002, provides a cost-of-living adjustment to veterans receiving service-connected disability compensation and the survivors in receipt of DIC. This ensures the value of their hard-earned benefits will not be reduced because of cost-of-living increases.

The bill contains provisions derived from measures introduced by my colleagues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from California (Mr. FILNER), two outstanding advocates for our Nation's veterans.

The bill also includes a provision of H.R. 2095, which I introduced. For the next 3 years, the additional funding fee now imposed upon members of the Selected Reserve for the use of the home loan guarantee program will be eliminated. In addition, the bill increases the maximum amount of VMLI to $150,000. This will enable about 90 percent of veterans' families to have their mortgage paid off in the event of a veteran's death.

I am pleased to support additional funding for State approving agencies provided in this measure so that they can fulfill their responsibilities to ensure the quality of education and training provided by the Montgomery GI Bill.

I want to thank the gentleman from New Jersey (Mr. SMITH), our chairman; and the gentleman from Florida (Mr. BILIRAKIS), our vice chairman; and our chairman of the subcommittee, the gentleman from Idaho (Mr. SIMPSON); and the ranking member of the subcommittee, the gentleman from California (Mr. FILNER) for their contributions to this very important legislation.

Mr. Speaker, what we are seeing here today is the best of bipartisanship under the leadership that we have come together on to help our veterans. It not only is a reflection of this committee and its leadership, but also I think an example for the other committees; and I salute again our chairman and I thank him for his hard work.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend for his comments and for working so well with us on these important bills, the whole package.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. BILIRAKIS), the vice chairman of the Committee on Veterans' Affairs.

Mr. BILIRAKIS. Mr. Speaker, I thank the chairman for yielding me this time, and I thank him and the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Illinois (Mr. EVANS) for their kind remarks.

I rise in strong support, Mr. Speaker, of all of the veterans bills we are considering today; however, I do want to focus my remarks, as so many others already have done, on H.R. 4085, the bill at hand.

In addition to providing an annual cost-of-living adjustment to disabled veterans and their survivors, this bill addresses an issue that I have been working on for a number of years. Dependency and indemnity compensation, DIC, is the benefit accorded to the surviving dependents of those members of the Armed Forces who died while on active duty or a service-connected cause. DIC is the only Federal annuity program that does not allow a widow who is receiving compensation to remarry at an older age and retain her annuity. Last year, I reintroduced legislation which provides that the remarriage of the surviving spouse of a veteran after age 55 should not result in termination of dependency and indemnity compensation.

I have heard, and I am sure we all have, Mr. Speaker, from military widows from across the country who have found someone they would like to spend the rest of their lives with, but cannot afford to do so because of the current law. They have expressed deep frustrations about not being able to remarry. Mr. Speaker, these are people who have sacrificed, who have suffered. I have always said that it is the families who really sacrifice even more and have even more of a burden than the actual person in the military. Many of these women lost their husbands at a very young age and have been alone for a long, long time. They have finally found someone to share their lives with, but they are afraid to remarry because they will lose their DIC benefits.

I would like to thank the gentleman from New Jersey (Mr. SMITH), the chairman of the committee; the gentleman from Illinois (Mr. EVANS), the ranking member; the gentleman from Idaho (Mr. SIMPSON), the chairman of the Subcommittee on Benefits; and the gentleman from Texas (Mr. REYES), the ranking member of the subcommittee; and primarily the majority and minority staffs for working with me to include a DIC remarriage provision in H.R. 4085. Due to funding constraints, my original provision had to be modified. The legislation we are considering today provides that remarriage of a surviving spouse of a veteran after age 65 should not result in termination of DIC or eligibility for CHAMPVA medical care, education and housing loan benefits.

Those surviving spouses that remarried after age 65, prior to the enactment of this legislation, will have 1 year, and I hope that we will continue to get this word to them, will have 1 year from the date of enactment to reapply for benefits.

While we all would have preferred to be able to allow for remarriage at an earlier age, I do believe that the bill before us will provide a significant benefit to the surviving spouses of veterans. As I understand it, there will be report language requiring the VA to track the number of spouses applying for reinstatement of benefits, which should provide our committee with more accurate data than is currently available.

□ 1500

It is my hope that we will be able to readdress this issue in the future, and adjust the remarriage age from 65 to 55 to bring the DIC program in line with other Federal annuity programs.

I also urge my colleagues to support H.R. 4085 and other veterans' bills before us today.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4085, the Veterans Compensation Cost-of-Living Adjustment Act of 2002. I commend our distinguished chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), and the gentleman from Florida (Mr. BILIRAKIS), for their strong support of this measure.

This measure authorizes a cost-of-living adjustment to the veterans who receive disability compensation and dependency and indemnity compensation to the surviving spouses of our prisoners of war who received complete disability at time of death due to service-related injuries. This will be effective as of December 1 of this year.

Congress has approved an annual cost-of-living adjustment to these veterans and survivors since 1976.

This legislation also provides that remarriage of the surviving spouse of a veteran after age 65 will not result in any termination of any dependency and indemnity compensation eligibility for CHAMPVA medical care, education, and housing loan benefits.

Those surviving spouses who remarried after age 65 prior to enactment of the bill will have 1 year from the date of enactment to reapply for these benefits.

This measure also provides that, through fiscal year 2006, the home loan fees charged qualifying members of the selected reserve be equal to those fees charged to active duty veterans.

Finally, the measure increases veterans' mortgage life insurance coverage from $90,000 to $150,000, allowing veterans over the age of 70 to continue coverage under veterans' mortgage life insurance, a very important measure.

Mr. Speaker, I believe this is meritorious legislation, and an appropriate and deserving response by this legislative body to the sacrifices made by our Nation's veterans and their families, especially those recently engaged in our war on terrorism.

I urge my colleagues to fully support this measure.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Chairman GILMAN) for his comments. Although not a member of the committee, he is ever faithful on veterans' legislation, always here, and we thank him for his contribution.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4085.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, this bill on the floor today will significantly improve the lives of the veterans who have served us so honorably. H.R. 4085, the Veterans Compensation Cost-of-Living Adjustment Act, provides an annual cost-of-living increase for veterans, and increases compensation for disabled veterans and their dependents and survivors. The committee estimates that the increase will be 2.3%. This bill also increases indemnity compensation for survivors of certain service-connected disabled veterans. Of significance in this legislation is the measure providing that the surviving spouse of a veteran who remarries after the age 65 would not lose his or her dependency and indemnity compensation payments, eligibility for medical care, or education and housing loan benefits. Also, that veterans over age 70 could maintain coverage under this program, which currently is canceled at age 70.

This bill before us supports our veterans and I believe this legislation will significantly improve their lives. I urge my distinguished colleagues on both sides of the aisle to join me in supporting this legislation.

Ms. CARSON of Indiana. Mr. Speaker, I would like to thank Chairman SMITH and Ranking Member EVANS for their hard work in corralling all these important and diverse provisions and including them into one bill that covers all aspects of veterans and their survivors life.

Increasing the funding for the state approving agencies by $4 million a year will help the Indiana State Department of Veterans Affairs determine if the beneficiaries of the Montgomery GI Bill are getting the education promised to them when they entered service for our nation. The 5,216 Hoosier veterans who used GI Bill payments for their education deserve the best education we can give.

Reservists would be offered VA home loans at the same cost that active duty military receive. Today's military is more dependent on our nation's citizen soldiers serving in the Reserves than ever. They could be called up to serve overseas or across the country, away from their families and their homes for extended periods of time. It is only right that all men and women who put their lives on the line for this country be eligible for these home loans. The men and women from Indiana, who live and work there, whose kids go to school and they pay taxes deserve the same rights as active duty military.

The spouse of a veteran suffered and served for our country almost as much as the veteran. They took care of the family and moving the house from base to base across the country so the servicemember could focus on his or her job for this nation. If widowed, and they find someone special with whom to spend the rest of their days, one worry they should not have is about their benefits. This bill will rectify that worry by allowing surviving spouses to retain benefits if they remarry at 65.

Most importantly, Mr. Speaker, is the increase in the cost of living adjustment for disabled veterans. The veterans of Indiana with service connected disabilities will appreciate an increase in their cost of living allowance, to allow them to be able to afford what could be considered the smaller things in life, but which make the quality of life more enjoyable. This increase will be tied to the increase in Social Security benefits, which is estimated to be 2.3% on December 1, 2002, when this COLA will go into effect.

Mr. Speaker, I support this bill and support the veterans of Indiana and this country.

Mr. REYES. Mr. Speaker, I thank our Committee Chairman, CHRIS SMITH, our Democratic Ranking Member, LANE EVANS, and my good friend MIKE SIMPSON, Chairman of the Subcommittee on Benefits, for their work in promptly bringing H.R. 4085 to the floor. It is always good to see members of this Committee from both sides of the aisle working together to improve benefits for our Nation's veterans and their family members.

I am pleased that we will again be increasing the monthly benefit paid to disabled veterans and their survivors according to increases in the consumer price index. We must never allow the value of compensation paid to our Nation's veterans to decrease because of changes in the cost of living.

I support the provision drawn from H.R. 1108 which would allow the surviving spouses of veterans who remarry after age 65 to retain their Dependency and Indemnity Compensation (DIC) and related benefits. I am pleased that the amended bill includes, as I requested, the small number of survivors receiving benefits under the older death compensation program. I also believe that surviving spouses who have already remarried after age 65 should have an opportunity to have benefits reinstated if they request reinstatement within one year after enactment of the bill. I would prefer that the age at which remarriage would be allowed be 55, as Mr. BILIRAKIS, the author of the original bill, requested. Nonetheless, I recognize the difficulty in obtaining accurate cost estimates from the Congressional Budget Office (CBO) when a new program, without historical data is proposed. As CBO stated the cost of this program "could be much higher or much lower, depending upon the portion of eligible people that apply for this benefit." I believe that the cost will be much lower and expect that data concerning the new program will provide us with a more realistic basis on which to cost future legislation to make the age at which remarriage is allowed, consistent with other federal programs.

I agree with my friend the distinguished Ranking Member of the Full Committee, LANE EVANS, that Members of the Selected Reserve should not be required to pay an extra fee in order to qualify for a home loan through the Department of Veterans Affairs. As the attached sheet "Comparison of Fiscal Year Liquidation Rates Reservists vs All Others" indicates, the foreclosure rates for reservists is more than a full percentage point lower than all others. As we ask Members of the Selected Reserve to assume more and more responsibility for national defense, we must provide them with commensurate benefits. I support removing the additional and unjustified funding fee imposed on the Selected Reserve, as provided by H.R. 2095, for three years and hope that funding will enable us to make this reduction permanent in the future.

Mr. Speaker, no one has a stronger claim on the public fisc, than those veterans who have been severely disabled as a result of their military service. The provisions in H.R. 4085, drawn from Mr. FILNER'S bill, H.R. 2222, will provide veterans who qualify for the Veterans' Mortgage Life Insurance (VMLI) programs, closer toward the goal of meeting the needs of these veterans in the 21st century. By increasing the amount of the mortgage insurance to $150,000, and by eliminating the current requirement that the insurance be terminated at age 70, our severely disabled veterans will be assured that in the event of their death, their home mortgage can be paid off. If we can not afford to help our Nation's most severely disabled veterans, who can we afford to help?

As an original cosponsor with our Subcommittee Chairman, MIKE SIMPSON, our Full Committee Chairman CHRIS SMITH, and our Ranking Democratic Member, LANE EVANS, I fully support additional funding for the State Approving Agencies. When we ask that agencies assume additional responsibilities, Congress must provide the resources to see that those responsibilities can be met.

I urge all Members of the House to support our Nation's veterans and this bipartisan bill.

COMPARISON OF FISCAL YEAR LIQUIDATION RATES RESERVISTS VERSUS ALL OTHERS AS OF END OF MONTH, MARCH 2002

Fiscal year*	Total guaranteed	Total foreclosed	%	All others				Reservists				Reservist rate compared to All Others Rate
				Total No.	% of total	Frcl		Total No.	% of total	Frcl		
						No.	%			No.	%	
2001	265,306	83	0.03	256,858	96.8	82	0.03	8,448	3.2	1	0.01	62.9% Lower
2000	184,494	1,227	0.67	177,645	96.3	1,196	0.67	6,849	3.7	31	0.45	32.8% Lower
1999	403,936	5,508	1.36	391,069	96.8	5,385	1.38	12,867	3.2	123	0.96	30.6% Lower
1998	408,930	9,946	2.43	395,332	96.7	9,707	2.46	13,598	3.3	239	1.76	28.4% Lower
1997	260,326	10,946	4.20	250,310	96.2	10,668	4.26	10,016	3.8	278	2.78	34.9% Lower
1996	314,825	19,427	6.17	303,878	96.5	18,939	6.23	10,947	3.5	488	4.46	28.5% Lower
1995	249,670	17,110	6.85	240,345	96.3	16,645	6.93	9,325	3.7	465	4.99	28.0% Lower
1994	493,441	29,018	5.88	483,474	98.0	28,534	5.90	9,967	2.0	484	4.86	17.7% Lower
1993	475,038	27,593	5.81	469,346	98.8	27,327	5.82	5,692	1.2	266	4.67	19.7% Lower
	3,055,966	120,858	3.95	2,968,257	97.1	118,483	3.99	87,709	2.9	2,375	2.71	32.2% Lower

*Based on Date of Loan. (AMH–26A2B) 5/02/2002.
Source: SAS GILFYLIQ. File: H:/lgy–26/265/26A2b/excel/reservist and service frcl rates.xls

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4085, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

* * *

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4608) to name the Department of Veterans Affairs medical center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical Center," as amended.

The Clerk read as follows:

H.R. 4608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL OFFICE CENTER, WICHITA, KANSAS.

The Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, shall after the date of the enactment of this Act be known and designated as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the chief sponsor of this legislation and chairman of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. MORAN of Kansas. Mr. Speaker, I am proud to sponsor H.R. 4608 to name the Department of Medical Affairs Medical and Regional Office Center in Wichita, Kansas the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center.

Though he is often remembered today for his service to our country as a congressman, a U.S. Senator, and a Presidential contender, Bob Dole's courage and determination on the field of battle in World War II as a second lieutenant is what we are here today to recognize. His bravery in battle truly reflects the character of this Kansan.

Dole is a native of Russell, Kansas, population 4,500, just 25 miles from my hometown. As an energetic young man, Dole gained popularity with the young and old in that Russell community while working at the local soda fountain. A good student and a good athlete in high school, Dole had little trouble enrolling at the University of Kansas to pursue his lifelong dream of becoming a physician.

But Dole's life, like the lives of millions of other men and women of his generation, was changed when the U.S. entered World War II. Never before had there been such an assault on our country's way of life, and America was calling on its young men and women to fight to defend our freedoms.

In 1942, while a sophomore at the University of Kansas, Dole enlisted in the U.S. Army. After attending basic training in Texas, he was eager to defend his country, and transferred to the Army Specialized Training Program in New York City. It did not take long for Dole to establish himself as a leader. He was accepted into Officer Candidate School, and traveled to Georgia for his training. He entered as a corporal and graduated 2 years later in 1944 as Second Lieutenant Robert J. Dole. He was then sent to Italy in the midst of some of the fiercest fighting toward the end of World War II.

That next spring, Dole was assigned to head a platoon in the Tenth Mountain Division after the previous lieutenant in charge had been killed. On an April morning that spring, Dole led his troops into battle in northern Italy. In his own words, Dole describes that day, a day that would forever change his life. I quote Bob Dole:

"On the morning of April 14, we were part of a major assault. Pinned down by sniper and small-arms fire, I chose a small squad to help me find a safer route up the slope. We ran into a hail of German machine gunfire. I tossed a grenade at a farmhouse from which the bullets were spraying, and then pulled the lifeless form of my platoon's radioman into a foxhole. Scrambling back out again, I felt a sharp sting in my back. Most likely it was an exploding shell that smashed my right shoulder, scattering metal fragments along its path.

"I lay down in the dirt, paralyzed from the neck down, until Technical Sergeant Frank Carafa dragged me to safety. My second in command, Sergeant Stan Kuschik, gave me a shot of morphine. With my own blood Stan made a cross on my forehead, a precaution to warn medics who might happen by against administering a second and fatal dose of that powerful drug. Nine hours later, I was at the Fifteenth Evacuation Hospital. My war ended there, or so I thought. Actually, my war . . . was only beginning."

Dole continues: "Don't believe that wars are concluded by treaties signed by diplomats between gilded chandeliers. Each veteran has his own war, which lives on not just in scrapbooks or at reunions where old stories get retold, but in midnight memories and sudden flashbacks. For me, it all comes back each morning getting dressed, tying a knot, or even looking in the mirror."

For his service and bravery in World War II, Senator Dole was honored with two Purple Hearts and a Bronze Star medal. This week is a fitting time for us in the House of Representatives to consider this legislation, the week of Memorial Day.

Bob Dole is one of the millions of brave men and women who have defended our country during war. A tireless advocate for veterans and veterans' rights, Dole's story is one we should memorialize. Despite the fact that his injuries in World War II left him partially paralyzed, he became one of the most influential American political figures in the latter half of the 20th century. Part of that greatest generation, Dole is an example of an ordinary American who was called upon to meet extraordinary challenges.

Throughout his time as a congressman and senator, his appreciation for the doctors and nurses who assisted him in recovery was never forgotten. Dole authored and had passed legislation to improve the conditions and services offered to veterans, as well as the disabled.

Each year, in April, on the anniversary of his World War II injuries, Dole would make special recognition of the disabled by discussing the status of the disabled in America. His understanding of those less fortunate led Senator Dole to become a leader in efforts to pass the Americans with Disabilities Act, a landmark piece of legislation.

Dole's work to recognize and honor veterans continues today. Most recently, Dole chaired the committee that raised $160 million to construct a memorial on the National Mall honoring the hundreds of thousands of men and women who fought in World War II.

This legislation is sponsored by many Members of Congress, has the full support of the Kansas delegation, the gentlemen from Kansas, Mr. MOORE, Mr. TIAHRT, and Mr. RYUN, and has been endorsed by the major veterans' service organizations in Kansas.

Today, I ask the House of Representatives to join me in honoring Bob Dole for his military service and for his bravery and dedication to his country in time of battle in this legislation that will further recognize Bob Dole by naming the Wichita VA hospital the Robert J. Dole Department of Veterans Affairs Medical Center and Regional Office Center.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in strong support of this legislation that renames the Medical and Regional Office Center in Wichita, Kansas, in honor of Robert J. Dole, a tireless advocate for our Nation's veterans.

This honor is certainly well-deserved. During his sophomore year in college, Bob Dole set aside his studies to enlist in the Army. Like many others of his generation, Bob Dole set aside personal plans to fight in World War II.

Though severely injured in action in Europe, after 3 long years of convalescence in 1948 Senator Dole was separated from the service and returned to Kansas. In 1950 he was elected to the State legislature. The rest, as they say, is history.

I thank and want to commend the chairman of the Subcommittee on Health of the Committee on Veterans' Affairs, the gentleman from Kansas (Mr. MORAN), for his leadership on this legislation. I urge all my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to my good friend and colleague, the gentleman from Kansas (Mr. RYUN), former world record-holder in the mile.

Mr. RYUN of Kansas. Mr. Speaker, I thank my friend, the gentleman from New Jersey, for yielding time to me.

Mr. Speaker, I am pleased to support this legislation renaming the Wichita Veterans Medical and Regional Office Center for Senator Bob Dole. As we wage war against terrorism, it is particularly appropriate that we in Congress recognize the service and sacrifice of Senator Dole. Senator Dole's service in combat during World War II, his leadership in the Senate, and his commitment to America serve as examples for each of us to emulate.

Senator Dole joined the Army's Enlisted Reserve Corps in 1942 to fight in World War II. After graduating from Officer Candidate School at Fort Benning, Lieutenant Dole was sent to Italy to join the Tenth Mountain Division.

As a result of his service in World War II, Senator Dole has sacrificed in many ways, in ways that all of us can imagine. In April, 1945, while Dole crawled from a foxhole to rescue a wounded radioman, German machine gunfire tore through Dole's back and right arm.

His injuries were so severe that he was not expected to live. However, Senator Dole never gave up. Through his faith in God, his determination, the support of his family, and the people of his hometown of Russell, Kansas, Senator Dole fought back to recover from his wounds.

Through adversity, Senator Dole has exhibited an overcoming spirit that should inspire all of us. Perhaps the successes of his political career were gained through the tenacity that can only come through hardship.

Senator Dole was twice decorated for his action in combat, receiving two Purple Hearts and a Bronze Star. Senator Dole first entered politics in 1951, when he was elected to the Kansas legislature in 1960. Dole sought and won election to the House of Representatives, where he served four terms before entering the Senate. For the next 27 years, Senator Dole served the Nation and Kansas in the Senate. Through his service there, he became the longest-serving Republican leader in that Chamber's history.

In a speech he gave in 2000 as part of the Senate Leadership Lecture Series, Senator Dole remarked that those in politics have a unique opportunity to use their personal experiences to make a difference in the lives of others.

Throughout his career, Senator Dole did just that. Senator Dole's first Senate floor speech highlighted the challenges faced by disabled Americans. Never forgetting the people of Russell and his Kansas roots, he tirelessly championed for farmers in rural America. Understanding the importance of America's leadership, he worked to ensure that the Nation remained strong, able to protect freedom and peace. And knowing of the sacrifices of those who served in our military, he worked to ensure that America kept its promise to its veterans.

President Reagan once said of Senator Dole, "The title of leadership is not just a job title, it is the description of the man."

Throughout his service to our country, Senator Dole has exemplified commitment, courage, and integrity, and it is only fitting that we honor him in this way. I urge my colleagues to support this bill.

□ 1515

Mr. EVANS. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 4608, the Robert Dole Department of Veterans Affairs Medical Center Designation Act; and I commend the distinguished gentleman from our Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), and the gentleman from Kansas (Mr. MORAN) for their support of this important legislation.

This measure names a VA medical and regional office center in Wichita, Kansas, the Robert J. Dole Department of Affairs Medical and Regional Office Center. Our distinguished former colleague in the Senate served in World War II as a second lieutenant in the Army's Tenth Mountain Division. His unit was sent to Italy where as a platoon leader on April 14, 1945, his platoon was attacked by German force, and while aiding a wounded soldier in his platoon, Lt. Dole was seriously injured by mortar fire. He recovered during a period of 3 years of hospitalization in Army and VA hospitals, surviving numerous surgeries and undergoing rehabilitation.

Bob Dole was awarded the Bronze Star for his heroism and selfless effort to aid a fellow soldier and two Purple Hearts for injuries he sustained. He was further awarded the European-African Middle Eastern Campaign Medal with two Bronze Stars for participation in the Po Valley and Northern Apennines campaigns. Additionally Bob Dole is the recipient of the American Campaign Medal and World War II Victory Medal.

Following the war, Senator Dole entered a life of public service, culminating in his tenure as Senate majority leader. He has been a lifelong advocate for the disabled and was a leader in the passage of the Americans With Disabilities Act, a landmark piece of legislation that significantly expanded the rights of disabled individuals in all walks of life. Moreover, he has been a tireless champion of our Nation's veterans and has been instrumental in fostering the right to build a national World War II memorial on the Mall in Washington.

Given his commitment to the interest and causes of all veterans, it is entirely appropriate that the VA Medical and Regional Office Center in Wichita be named after former Senator Bob Dole. Accordingly, I urge my colleagues to join in fully supporting this measure.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of H.R. 4068, as amended, the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center.

Mr. Speaker, American history is filled with men and women who have made great sacrifices and performed great services on behalf of our Nation. It is one of the privileges that we in the House and Senate, the Congress, have to be able to recognize these individuals before our fellow countrymen and for all future generations. One such American worthy of honor is former soldier and Senator Bob Dole of Kansas.

Bob Dole was probably one of the best known World War II veterans. As a young officer in the famed Tenth Mountain Division, he was severely wounded during fighting in Italy and spent 3 years in Army and Veterans Administration Hospitals recovering. He was permanently disabled with a shattered shoulder; yet by his personal courage and persistence, he overcame a boatload of crushing obstacles. He went on to become a national leader as a United States Senator, he was a presidential candidate, and a tireless advocate for veterans and the disabled.

So it is extremely fitting that in his home State of Kansas, the VA facility in Wichita be named the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center.

I would especially commend the gentleman from Kansas (Mr. MORAN), who is the author of the bill, to honor Bob Dole. The gentleman from Kansas (Mr. MORAN) is chairman, as we know, of the Subcommittee on Health of the Committee on Veterans' Affairs; and I am very proud to be a co-sponsor of this bill, which he has spoken about with great eloquence earlier.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my team.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4608, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the 'Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4608, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS RESEARCH, EDUCATION AND BIO-TERRORISM PREVENTION ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays on the motion to suspend the rules and pass H.R. 3253, as amended, be vacated to the end that question be put de novo.

The SPEAKER pro tempore. Without objection the gentleman's request to vacate the yeas and nays on H.R. 3253 is granted and the Chair will put the question de novo.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3253, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.".

A motion to reconsider was laid on the table.

AMVETS NATIONAL CHARTER DAY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 314) recognizing the members of AMVETS for their service to the Nation and supporting the goals of AMVETS National Charter Day.

The Clerk read as follows:

H. CON. RES. 314

Whereas on July 23, 1947, AMVETS (American Veterans of World War II, Korea, and Vietnam) was chartered by the United States as a not-for-profit corporation;

Whereas membership in AMVETS is open to veterans who have honorably served, or are serving, in the Armed Forces, including the Coast Guard, National Guard, and Reserves, during or since World War II;

Whereas the veterans of the Armed Forces have made great sacrifices to ensure the peace and security of the United States;

Whereas the members of AMVETS are dedicated to providing important services to their local communities and to their fellow veterans;

Whereas the motto of AMVETS is "We fought together, now let's build together";

Whereas the members of AMVETS consistently honor that motto through countless hours of patriotic service, including providing services to hospitalized veterans, assisting veterans with their problems regarding housing and employment, marching in parades, participating in color guards and burial details, and educating the Nation's youth;

Whereas the war on terrorism has emphasized the sacrifices that veterans have made, and continue to make, for the benefit of the Nation;

Whereas AMVETS has designated July 23 as AMVETS National Charter Day; and

Whereas the goal of AMVETS National Charter Day is to raise public awareness regarding AMVETS's commitment and service to veterans, the families of veterans, and the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the members of AMVETS (American Veterans of World War II, Korea, and Vietnam) for their service to the Nation and supports the goal of AMVETS National Charter Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GRUCCI), the prime sponsor of this resolution.

Mr. GRUCCI. Mr. Speaker, I thank the gentleman for yielding me time.

Throughout history, young men and women in uniform have fought to protect America's freedoms and liberties. They have served our Nation during war and peace and have consistently illustrated their dedication to the United States of America. Today, we look at these brave men and women as heroes and appreciate their past service as soldiers, sailors and airmen. However, the great service of these heroes has never stopped after their days in uniform. As veterans, these same men and women continue to serve their communities and their fellow veterans.

On July 23, 1947, President Harry S. Truman chartered AMVETS, a veterans' organization that seeks to serve veterans and their communities.

Today, with more than 1,300 posts throughout the country, AMVETS members help their fellow veterans in many ways, including helping veterans with housing and employment problems, providing services to hospitalized veterans, and assisting their fellow veterans in obtaining their entitlement benefits.

From raising funds for VA facilities, to marching in local parades, members of AMVETS dedicate countless hours of service to America and to American vets. Their motto, "We fought together. Now let's build together," could not be more appropriate when observing the American pride and dedication behind every member of AMVETS. The same heroes that saved the lives of fellow soldiers in battles ended long ago, now work to help their fellow veterans and those veterans that are sure to follow after the battles of today come to an end.

One of my constituents, Ron Fox, is one such American that typifies the members of AMVETS. Mr. Fox, a former corporal in the Army during the Korean War, is a member of AMVETS Post 111 in Patchogue, New York. Mr. Fox volunteers at local hospitals, serves as the chaplain of his post, and proudly participated as a member of the colorguard. We owe him and his fellow members a great amount of gratitude for their commitment to our communities.

H. Con. Res. 314 highlights the importance of AMVETS throughout America and supports the goals of a national charter day. July 23 will mark the 55th anniversary of AMVETS. The invaluable service provided by these American heroes for the last 55 years cannot be matched in appreciation or gratitude; but it is my hope that we will continue to honor AMVETS and its members for their services to this country beyond their years in uniform.

As we continue to keep the soldiers pursuing the war on terrorism in our thoughts and our prayers, let us also remember the fathers and grandfathers of those soldiers who fought similar battles years ago that now serve our communities, help their fellow veterans, and advocate for those in the military today.

I would like to thank Ron Fox and all the AMVETS members whose pride for America and continued service to our veterans serves as the inspiration for this resolution. I would also like to thank the gentleman from Texas (Mr. ARMEY) and the gentleman from New Jersey (Mr. SMITH) for helping to bring this legislation to the floor.

I ask my colleagues to join me in voting in favor of this resolution and supporting AMVETS and the goals of AMVETS National Charter Day.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 314. This measure recognizes the members of AMVETS for their service to our Nation, provides important support for AMVETS National Charter Day.

AMVETS has designated July 23 as AMVETS National Charter Day to encourage greater public awareness of their commitment and service to veterans, the families of veterans, and the Nation as a whole.

I commend and applaud the members of AMVETS for their past, present, and future service to our country. As a lifelong member of that organization, I strongly support this concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 314, legislation recognizing the members of the AMVETS for their service to the Nation, and supporting the goals of AMVETS National Charter Day. I want to especially recognize and thank the prime sponsor of the legislation, the gentleman from New York (Mr. GRUCCI), for his fine work on this legislation, and for his very strong support of the many veterans bills that we have moved in this Congress.

From its origin in the middle of the World War II, Mr. Speaker, AMVETS has had a long and distinguished history of service to our Nation. They held their first national convention in Chicago in October of 1945; and just 2 years later, on July 23, 1947, President Harry Truman signed the AMVETS charter.

Originally organized for World War II veterans, AMVETS had their charter amended in 1966 to include veterans who served honorably during the Korean conflict and the Vietnam War and, again, in 1984 to include those who served honorably during peacetime as well.

From its humble origins, AMVETS has grown into a national organization with over 250,000 members, in addition to another 60,000 members of their ladies' auxiliary. As chairman of the Committee on Veterans' Affairs, I can attest to the important role that AMVETS plays in Washington in advocating stronger Federal policies for supporting veterans, their surviving spouses and dependents as well. Their legislative staff is among the finest, and they have played a key role in many important public policy debates. I know I can count on AMVETS for advice, counsel, and support as we continue developing national policies to benefit our veterans.

Mr. Speaker, I want to recognize and commend their national commander, Joseph Lipowski. He should be proud of the success AMVETS has achieved and continues to achieve, not just in Washington but also in communities across America. In addition to providing benefits and services to their fellow veterans, they also play an important role in the civic life of their communities.

Mr. Speaker, again, I urge strong support for passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to recognize with gratitude the contributions made to the work of our committee by Kathleen Greve. Kathleen has been a pinch-hitter with our Democratic staff and has earned the respect and help of the Republicans as well. I am grateful for her assistance to the veterans of this country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for yielding me time and commend him as the distinguished chairman of our Committee on Veterans' Affairs; along with the ranking minority member, the gentleman from Illinois (Mr. EVANS); and the gentleman from New York (Mr. GRUCCI) for their support for this very important measure.

On July 23, 1947, AMVETS was officially chartered by our Nation as a not-for-profit corporation, and that organization has been open to veterans who have honorably served or are serving in the armed services, including Coast Guard, National Guard, and the Reserves during or since World War II.

The members of AMVETS are committed to providing important services to their communities and to their fellow veterans. Their motto is: "We fought together. Now let's build together."

The members of AMVETS have honored their motto through countless hours of patriotic service, including providing services to hospitalized veterans, assisting veterans with their concerns regarding housing and employment, participating colorguards, burial details, and educating our Nation's youth about the sacrifices made to our veterans.

□ 1530

The events of the past year that coincide with our ongoing war on terrorism have underscored the important role played by our veterans in the defense of freedom. Many Americans now recognize veterans in a new light, one of greater respect than ever before. This resolution expands this improved view, declaring July 23 to be AMVETS National Charter Day. There is no finer tribute to our Nation's esteemed veterans' service organizations than by honoring them in this manner.

Accordingly, I urge my colleagues to support this timely and appropriate measure.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 314.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GRUCCI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 314.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EXPRESSING SENSE OF CONGRESS THAT CONTINUAL RESEARCH AND EDUCATION INTO CAUSE AND CURE FOR FIBROID CANCER BE ADDRESSED

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 165) expressing the sense of the Congress that continual research and education into the cause and cure for fibroid cancer be addressed.

The Clerk read as follows:

H. CON. RES. 165

Whereas the vast majority of fibroids occur in women of reproductive age, and between 20 and 40 percent of women are diagnosed;

Whereas African American women are twice as likely to be diagnosed with fibroids than Caucasian women;

Whereas fibroids are the most frequently diagnosed tumor of the female pelvis and range in size from 1mm to more than 20cm (8 inches) in diameter;

Whereas they are not associated with cancer and almost never develop into cancer (less than one percent becoming malignant);

Whereas the symptoms of fibroids can include excessive bleeding during menstrual periods, spotting or bleeding between periods, frequent urination, and/or lower back pain;

Whereas the preferred method of treatment for fibroids is a hysterectomy, which is the complete removal of the uterus, leaving the woman unable to bear children for the rest of her life;

Whereas diets rich in fatty foods have been a contributing factor to an increased risk in fibroid tumors;

Whereas there are alternative methods to a hysterectomy available, but they are less permanent, and have menopausal symptoms;

Whereas, in cases of hormonal treatment, the fibroids will regrow should the treatment cease; and

Whereas research conducted by the National Institute of Environmental Health indicated that while estrogen and progesterone are contributing factors, fibroids can be targeted by environmental chemicals whose effects are mediated through the estrogen and/or progesterone receptors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress recognizes the health and educational needs of women in the United States who may be suffering from fibroids;

(2) it is the sense of the Congress that the medical community should explore alternatives to hysterectomies in greater detail, so that women who choose to bear children in their lives may do so, while eliminating recurring fibroids; and

(3) the Congress—

(A) encourages women to pay greater attention to their reproductive health by making regular visits to their OB/GYNs; and

(B) encourages women and their physicians to know all safe options available for the prevention and cure of fibroids.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H. Con. Res. 165, which expresses the sense of the Congress that research and education on fibroid tumors be increased. This resolution was unanimously approved by the full Committee on Energy and Commerce on April 24. I urge my colleagues to join me in supporting this resolution, which will help place a much-needed focus on fibroid tumors and their prevention.

As a firm believer in prevention, I am pleased that this resolution places such an emphasis on providing women with the information they need to make smart decisions about their health. For example, fibroid tumors are linked to diets rich in fatty foods. Women need this important information so they can modify their eating habits to reduce their risks of developing fibroid tumors.

The vast majority of fibroid tumors occur in women of reproductive age. Today, a hysterectomy is the most common treatment for women with fibroid tumors. This procedure has devastating consequences for women as they are unable to have children, as we know, after a hysterectomy.

The resolution calls on the medical community to explore alternatives to hysterectomies for the treatment of fibroid tumors. We must focus research efforts on the development of alternative therapies that will increase the treatment options for women. Therapeutic advances are the surest way to enable women to receive care and preserve their ability to bear children.

I would like to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her good work on this issue, and I urge my colleagues to support H. Con. Res. 165.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD.. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased that today the House is considering my bill, H. Con. Res. 165, which deals with uterine fibroid tumors. I want to express my gratitude to the House leadership and to the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) of the Committee on Energy and Commerce and the Subcommittee on Health.

My thanks also to the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) and my dear friend, the gentleman from California (Mr. WAXMAN), for their efforts to bring this measure to the floor for consideration.

I also want to recognize the respective majority and minority committee professional staff for their work.

This resolution, Mr. Speaker, expresses a sense of Congress that continual research and education must be directed to the causes and cures for noncancerous uterine fibroid tumors. These tumors afflict women of reproductive age and affect African-American women 2 to 3 times more frequently than other women. Although the tumors are usually benign, they are quite painful, troublesome and dangerous, depending upon their size and their location.

It has been estimated that 20 to 30 percent of women experience fibroid tumors, even though many of the cases are not diagnosed. Although these tumors can be quite small, they can multiply and cause great physical discomfort. For many years a surgical procedure known as a hysterectomy, the removal of the uterus, has been used to eliminate the tumors. This surgery unfortunately also eliminates a woman's ability to have children. Therefore, it is imperative that women become more educated about the nature of fibroid uterine tumors and the possible implications for women who suffer from this debilitating health problem.

The best approach for women to effectively deal with this unique health dilemma involves regular exams by their doctor. Furthermore, it is paramount that the medical community explore alternatives to eliminate recurring fibroids by other than a woman having to undergo a hysterectomy.

Therefore, Mr. Speaker, I am pleased that H. Con. Res. 165 has been brought before the House for consideration. For much too long women have suffered terribly with uterine fibroid tumors. I applaud my colleagues for bringing this bill before the House for a vote. This legislation, when enacted, will be implemented to encourage women to seek early detection of uterine fibroid tumors and will further enable doctors to pursue research concerning better treatment to avoid unnecessary and painful surgery.

Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 165.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING IMPORTANCE OF GOOD CERVICAL HEALTH AND DETECTING CERVICAL CANCER DURING EARLIEST STAGES

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 309), recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages.

The Clerk read as follows:

H. CON. RES. 309

Whereas approximately 12,900 women are diagnosed with, and 4,400 women die from, cervical cancer in the United States each year;

Whereas women who are members of certain racial or ethnic minorities and women who have a low income are more likely than other women to die from cervical cancer;

Whereas cervical cancer is primarily caused by the human papillomavirus (HPV) and can be detected by a Papanicolaou test (Pap test) or other early detection tests;

Whereas the earlier cervical cancer is detected the better chance a woman has of surviving cervical cancer;

Whereas women of certain racial or ethnic minorities, women who have less than a high school education, and women who have a low income are less likely than other women to receive a Pap test or other early detection test for cervical cancer; and

Whereas cervical cancer survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of good cervical health and of detecting cervical cancer during its earliest stages;

(2) urges health care facilities and other medical institutions to continue to raise public awareness about cervical cancer and the importance of early detection;

(3) urges the people of the United States to learn about cervical cancer and the importance of early detection; and

(4) recognizes the survivors of cervical cancer for their tremendous courage and determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from California (Ms. MILLENDER-McDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 309, which recognizes the importance of good cervical health and detecting cervical cancer during its earliest stages. This resolution, which was unanimously approved by the full Committee on Energy and Commerce on April 24, would help increase the public's awareness of cervical cancer and the importance of early detection.

Approximately 12,900 women are diagnosed with, and 4,400 women die from, cervical cancer in the United States each year. I was pleased to sponsor legislation in the 105th Congress, the Women's Health Research and Prevention Amendments of 1998, that included provisions to increase the emphasis on the early detection of this terrible disease. I am, therefore, pleased we are considering this important resolution today that will help us to continue focusing on prevention and early detection of cervical cancer.

Since many vulnerable groups of women are less likely to receive screening tests for cervical cancer, it is critical that we continue our commitment to education programs so that these women increase their utilization of these important preventative services. This resolution is another positive step in that direction.

We are again indebted to the gentlewoman from California (Ms. MILLENDER-McDONALD) for this legislation, and I urge my colleagues, Mr. Speaker, to join me in support of H. Con. Res. 309.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise representing the 62 women Members of the House who have worked tirelessly to address these issues, thereby choosing the theme in this 107th Congress, The Wellness of Women.

Today, the House is considering H. Con. Res. 309 as one of these important pieces of legislation. This resolution recognizes the importance of good cervical health and detecting cervical cancer during its earliest stages.

I want to thank the Committee on Energy and Commerce chairman, the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Florida (Mr. BILIRAKIS), for their leadership, and also the ranking member, the gentleman from Michigan (Mr. DINGELL), and the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. WAXMAN) for their efforts in the committee to report this bill favorably out of that committee.

I also want to commend the committee staff for their work.

H. Con. Res. 309 is important because cervical cancer can be fatal for a woman if it is not detected in its earliest stages. In 2002, the American Cancer Society estimates that there will be approximately 13,000 new cases of cervical cancer and, of that number, approximately 4,100 American women will die from this disease.

Cervical cancer can be detected by screening via a Pap smear test. Public awareness of utilizing Pap smear tests is especially important for racial and ethnic minority groups, and those segments of women who exist at or below the poverty level.

I cannot overemphasize the need for early screening because statistical data indicates that the 5-year survival is 70 percent for all stages of cervical cancer when it is detected early. Early screening can also detect pre-cancerous lesions, which can ultimately protect against a woman's contracting cancer.

Mr. Speaker, today the House has taken a huge step forward in educating women and potentially saving lives by passing this legislation. It is often said that acquiring knowledge can be empowering. In the case of cervical cancer, this is absolutely true.

Women throughout America can and will be destined to gain more peace of mind and even greater longevity by virtue of enhanced awareness and greater application of Pap smear technology once this measure is enacted. Furthermore, generations of women will be able to experience more wholesome and productive lives devoid of cervical cancer.

Mr. DINGELL. Mr. Speaker, I rise today in support of House Concurrent Resolution 309, recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages.

According to the National HPV & Cervical Cancer Campaign, each year approximately 12,900 women are diagnosed with cervical cancer, with 4,400 dying from this dreadful disease.

Mr. Speaker, I rise not to cite statistics, important though they are, but rather to talk about how cervical cancer affected my life. I lost my mother to this dreaded disease.

I can remember the great strength and courage my beloved mother showed even though she was in great pain as she battled for her life.

When she passed away, medical breakthroughs to detect cervical cancer were still far in the future. However, as science progressed we were able to identify that the Human Papillomavirus (HPV) causes this disease and, better yet, able to create tests for early detection. If detected early enough, most women have a good chance of defeating this disease, and living long productive lives.

Mr. Speaker, I stand in support of this resolution. I urge our health care facilities to help raise public awareness about the importance of early cervical cancer screening. In addition, I urge all citizens to learn about cervical cancer, and the importance of early detection.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today before you and my colleagues in support of H. Con. Res. 309, which recognizes the importance of good cervical health and its early detection.

Cervical cancer is nearly 100 percent preventable, yet according to the American Cancer Society, an estimated 13,000 new cases of invasive cervical cancer will be diagnosed in 2002 and about 4,100 women will die of the disease. The good news is that cervical cancer is preventable and curable if it is detected early; in fact, the occurrence of deaths from cervical cancer has declined significantly over the last 20 to 30 years.

Screening younger women using the Pap test is an importance strategy that can actually prevent cervical cancer from developing almost 100% of the time. Research and studies have been found to note that minority populations and persons of low socioeconomic status are affected disproportionately as well.

Early detection of cervical cancer can be the first major victory in the fight against cancer. Research is being done to develop a vaccine, but in the meantime, early detection is the key. The primary purpose of the Pap test screening program is to detect abnormal cellular changes that are not yet cancer. These changes, and very early invasive cancer, are virtually 100% curable. When preventative tests are used following an abnormal Pap test, the rate of detection of cervical cancer can be increased. The majority of deaths from cervical cancer are unnecessary and preventable. The key is early detection.

Mr. Speaker, my message is simple. Go for screening! I encourage women to make their January calendars each year with this message. With early detection and prevention, no woman need die from cervical cancer.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

2002 COMPREHENSIVE REPORT ON U.S. TRADE AND INVESTMENT POLICY TOWARD SUB-SAHARAN AFRICA AND IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–216)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

As required by section 106 of title I of the Trade and Development Act of 2000 (Public Law 106–200), I am providing a report prepared by my Administration entitled, the 2002 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 6 o'clock and 31 minutes p.m.

COMMUNICATION FROM DISTRICT STAFF ASSISTANT OF HONORABLE ED BRYANT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Woody Parker, district staff assistant of the Honorable ED BRYANT, Member of Congress:

CLARKSVILLE, TN,
April 24, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony issued by the Circuit Court of Montgomery County, Tennessee.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

WOODY PARKER,
District Staff Assistant.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the following motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Concurrent Resolution 314, by the yeas and nays;

House Concurrent Resolution 165, by the yeas and nays; and

House Concurrent Resolution 309, by the yeas and nays.

Votes on the remaining motions to suspend the rules considered earlier today will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AMVETS NATIONAL CHARTER DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 314.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 314, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 0, not voting 74, as follows:

[Roll No. 171]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky

Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—74

Baker
Becerra
Blagojevich
Borski
Brady (PA)
Brown (FL)
Bryant
Burton
Callahan
Cannon
Clay
Clement
Conyers
Cooksey
Cox
Coyne
Davis (IL)
Deutsch
Diaz-Balart
Doyle
Emerson
Fattah
Flake
Greenwood
Harman
Hayworth
Herger
Hilleary
Hilliard
Hinchey
Holden
Hulshof
Jefferson
Jenkins
John
Johnson, Sam
Kanjorski
Keller
Kilpatrick
King (NY)
Knollenberg
LaHood
Lantos
Lewis (GA)
Lipinski
Mascara
Matsui
Murtha
Neal
Nethercutt
Olver
Owens
Payne
Pombo
Pryce (OH)
Rahall
Riley
Ros-Lehtinen
Sanders
Schaffer
Sessions
Simmons
Snyder
Stump
Tauzin
Taylor (NC)
Terry
Towns
Traficant
Watkins (OK)
Watts (OK)
Weiner
Weldon (PA)
Young (FL)

□ 1857

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS THAT CONTINUAL RESEARCH AND EDUCATION INTO CAUSE AND CURE FOR FIBROID CANCER BE ADDRESSED

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 165.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 165, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 71, as follows:

[Roll No. 172]

YEAS—363

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—71

Baker
Becerra
Blagojevich
Borski
Brady (PA)
Brown (FL)
Bryant
Burton
Callahan
Cannon
Clay
Clement
Conyers
Cooksey
Cox
Coyne
Davis (IL)
Deutsch
Diaz-Balart
Doyle
Emerson
Fattah
Flake
Greenwood
Harman
Hayworth
Herger
Hilliard
Hinchey
Holden
Hulshof
Jefferson
Jenkins
John
Johnson, Sam
Kanjorski
Keller
Kilpatrick
King (NY)
Knollenberg
LaHood
Lantos
Lewis (GA)
Lipinski
Mascara
Matsui
Murtha
Neal
Nethercutt
Olver
Owens
Payne
Pombo
Pryce (OH)
Rahall
Riley
Ros-Lehtinen
Schaffer
Sessions
Snyder
Stump
Tauzin
Taylor (NC)
Terry
Towns
Traficant
Watkins (OK)
Watts (OK)
Weiner
Weldon (PA)
Young (FL)

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Expressing the sense of the Congress that continual research and education into the cause and cure for fibroid tumors be addressed.".

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF GOOD CERVICAL HEALTH AND DETECTING CERVICAL CANCER DURING EARLIEST STAGES

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 309.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 361, nays 0, not voting 73, as follows:

[Roll No. 173]

YEAS—361

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
Kingston
Kirk
Kleczka
Kolbe
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—73

Baker
Becerra
Blagojevich
Borski
Brady (PA)
Brown (FL)
Bryant
Burton
Callahan
Cannon
Clay
Clement
Conyers
Cooksey
Cox
Coyne
Davis (IL)
Deutsch
Diaz-Balart
Doyle
Emerson
Fattah
Flake
Greenwood
Harman
Hayworth
Herger
Hilliard
Hinchey
Hoeffel
Holden
Hulshof
Jefferson
Jenkins
John
Johnson, Sam
Kanjorski
Keller
Kilpatrick
King (NY)
Knollenberg
Kucinich
LaHood
Lantos
Lewis (GA)
Lipinski
Mascara
Matsui
Murtha
Neal
Nethercutt
Olver
Owens
Payne
Pombo
Pryce (OH)
Rahall
Riley
Ros-Lehtinen
Schaffer
Sessions
Snyder
Stump
Tauzin
Taylor (NC)
Terry
Towns
Traficant
Watkins (OK)
Watts (OK)
Weiner
Weldon (PA)
Young (FL)

□ 1915

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed recorded votes on Monday, May 20, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On. H. Con. Res. 314, Recognizing the Members of AMVETS for Their Service to the Nation, I would have voted "yea"; on H. Con. Res. 165, Sense of the Congress regarding Fibroid Cancer, I would have voted "yea"; on H. Con. Res. 309, Recognizing the importance of Good Cervical Health, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to business in the District I was unavoidably detained. Had I been present, I would have voted as follows. I would have voted "yea" on H. Con. Res. 314, Recognizing and Supporting American Veterans, H. Con. Res. 165, Support for Continued Fibroid Cancer Research and H. Con. Res. 309, Importance of Good Cervical Health & Early Detection of Cervical Cancer.

PERSONAL EXPLANATION

Mr. FLAKE. Mr . Speaker, I respectfully request the opportunity to record my position on rollcall votes 171, 172 and 173. I was regrettably absent from the chamber today during rollcall votes 171, 172 and 173. Had I been present, I would have voted "yea" on all three votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4187

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4187, Presidential Records Act amendments.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE FOUNDERS AND MEMBERS OF THE U.S. PROFESSIONAL VOLLEYBALL LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to give a special tribute to some very special athletes and to an incredibly important entrepreneur. To paraphrase one of my favorite Presidents: "Those who say that there are no more American heroes, well, they just don't know where to look."

For too long, there have been too few women athletes for girls to look up to. A brave entrepreneur named Bill Kennedy decided to change all that. He created the U.S. Professional Volleyball League. This was their inaugural season.

They assembled some of the finest women athletes and put together an exciting season. If you thought 30-inch vertical jumps were only for the NBA, you would be wrong. Fans responded by filling arenas and cheering to the top of their lungs.

Now, I admit that we are especially proud of Coach Tore Aleksandersen, General Manager Kevin Rueten, and all the members of the Minnesota Chill. They won both the regular season and the playoff championship. Rochester is proud to call them our home team.

Perhaps even better than seeing the Chill win the championship was to see the adoration in the eyes of young girls who came to cheer for their local heroes.

We all need heroes and role models. We were blessed to find a new group in the Chill and in the entire league. We saw little of the bad behavior which has become so commonplace in modern day sports. We were treated to spirited competition that parents could be proud to take their children to. I have little doubt that the league will grow and prosper.

Congratulations again to all the members of the Minnesota Chill for their championship in this inaugural season and thank you again to Bill Kennedy for giving us this new league and a wonderful group of new heroes.

EAST TIMOR'S INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, this week, on the other side of the globe, the world celebrates the creation of a new democracy, the Democratic Republic of East Timor. I congratulate and honor the people of this island nation for their perseverance and for the triumph of freedom over oppression.

The effort to bring self-determination to East Timor was a dream back in 1994, when I first came to the House. But now, today, it is a reality. Since coming to Congress, I have seen how the East Timorese people have stood against tremendous odds, resisted military rule, despite the killing of one-third of the population in the 1970s and the oppression and massacres of subsequent years.

There have been many of us in Congress dedicated to the plight of the East Timorese largely because of the information we learned over years of meetings and visits with the residents of East Timor. I personally had the opportunity to go to East Timor to visit with Bishop Belo, one of the two Nobel Peace prize winners. They and others were willing to give me their stories, tell me what was going on.

In that context, Mr. Speaker, and with the work of groups such as Human Rights Watch, Amnesty International, U.S. Catholic Conference of Bishops, and I might add the Catholic Conference of Bishops was a tremendous help in this effort, as well as the Indonesian Human Rights Network, and, of course, East Timor Action Network, all who were instrumental, everyone should feel very proud of this effort and outcome.

Let me just conclude by saying we are at a critical time now with this new democracy. We need to give it all the support it can get so that it can establish itself and make a difference for the people of East Timor.

As we move forward, however, we cannot forget the need to continue to show our support for East Timor's sustainable development and a positive future.

The United States should work with the United Nations and its members to make sure that the job of preparing East Timor for self-rule is completed.

Enough proper expertise and funds must be provided to ensure a smooth transition in government services and to train East Timorese to fully manage their own affairs.

After decades of tremendous suffering under military occupation, we need to give generously to East Timor to ensure that children are guaranteed a quality education, adequate healthcare and shelter, and that other needs for a decent standard of living are met.

This is especially crucial in light of the recently released United Nations Development Program Report that classified East Timor as one of the twenty poorest countries in the world and the poorest in Asia.

Life expectancy in the island nation is just 57 years, and nearly half the population lives on less than 55 American cents ($.55) per day.

This burgeoning democracy will need our hand as we move into the 21st Century.

I look forward to working with my Colleagues in Congress on these issues and these challenges.

But today, we celebrate the perseverance and the spirit of the East Timorese and we celebrate the creation of democracy.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2002

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tonight, May 20, 2002, to file a privileged report on a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under clause 1 of rule XXI, points of order are reserved.

SUPPORT OUR COMMANDER IN CHIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, last week, a number of Members came on the floor during 1-minute speeches, based on a report that was on CBS News reporting that there was some speculation, if you will, that President Bush actually knew the events of September 11 would happen and that he did nothing to prevent them. To say I was outraged would minimize my feelings on this issue.

I wanted to address this Chamber late Thursday because, as I heard these speakers one by one mount the podium to challenge the Commander in Chief of this country, I was not only shocked but chagrined that, in the middle of a fight against terrorism, while our men and women are in Afghanistan and our soldiers are standing vigil around the world, that Members would actually speculate not only openly but antagonistically impugn the President's reputation.

I heard this weeks ago, when a Member of this body speculated that not only did he know but he kept the information quiet so people could profit from their knowledge; that investors and people who bought defense stock and others, and this Member actually singled out a few and suggested they were in fact in on the game. Now, clearly, I thought that was so far out in left field that I would not even give it credence. But then respected Members of this body got up and continued the assault this week, including a gentleman from New York, who even speculated that the President, if he knew, was personally responsible for the deaths in New York.

Now, talk about shock, talk about outrage, talk about reckless commentary. We all want to know what happened September 11, and we all want to talk about the failures potentially of intelligence, and we all want to look at the system and try to perfect it so it does not happen again. The warnings in the last 24 hours are shocking and are of great concern to every American and should be to every Member of this body. But for a Member to sit here and randomly speculate that he or she believes that this President, or any President, would know of this information and sit on it, is just sheer lunacy, and it is regrettable. I think those that made those comments should seek to have them taken down, because I think they are not only reprehensible but they diminish our united efforts on terrorism.

There is one thing certain in America, as we all think about the tragedy that began in New York and spread to Washington and to the fields of Pennsylvania, that many lives were lost due to people who did not respect our country. They do not respect what we stand for. They do not respect democracy. But to have our own Members of this

Congress speculate alongside them and question the dedication of a President?

I remember when there was an invasion of Bosnia, and there was speculation because of a scandal enveloping the President that he may have proceeded to bomb Bosnia because he was trying to deflect the attention from the scandal in Washington. I myself, as a Republican, took umbrage to that. I was outraged by that comment as well, because I felt to speculate that a good, kind man, like President Clinton or President Bush, would knowingly risk innocent lives, one to deflect criticism from themselves and one because they were not paying attention to the job, is just the height of irresponsibility.

We have a lot to do in this body, and we have a lot of questions to ask. Seems like those questions are fired fast and furious at the other end of this hall by those who want to interview Governor Ridge; they want answers to all these questions; they want to see the detailed briefings; they want to lay out all of this for the world to see. And the ones I am concerned about seeing this the most are the terrorists that may still be residing in this country.

So rather than be divisive, let us pull ourselves together. There will be plenty of time to lead inquiry; but we are actively engaged right now in the pursuit of freedom, we are actively engaged in protecting our citizens from terrorism, we are actively engaged in trying to get all agencies of the Federal Government to cooperate, the FBI, the CIA, Border Patrol, and Immigration. So I think our collective efforts, rather than to see who can point fingers and accuse the Commander in Chief and the President of this great country, we should be focusing our efforts to strengthen our common resolve against our enemy.

Our enemy is not at the other end of Pennsylvania Avenue. Our enemy should not be the Republican or Democratic Party, or who controls this Chamber. This fight is not over who runs this place. It is a fight for democracy, and it is a fight for freedom. And I hope my colleagues will be cautious when they seek to accuse this fine President of shirking his responsibility and his duty.

I am proud of him. I think he has done a masterful job. And I continue to give him 100 percent of my support.

CRISES IN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I am quoting from a recent report called, "A Future With Hope," prepared by Bread for the World. It says, under the policy to address world hunger, and I quote, "The terrorist attack of September 11, 2001, profoundly affected the United States. Psychologically the Nation was wounded, the vulnerability exposed, and its sense of security shattered. The attack pushed an already faltering economy into recession, yet much of the developing world would suffer even greater devastation as a result of the attacks. A World Bank study reported that the ripple effect from September 11 would hurt economic growth in developing countries, especially in Africa."

Mr. Speaker, in the last years, there has been much discussion about assistance to Africa by Western countries, including the United States and Europe. With the crisis of AIDS and other infectious diseases continuing to grow ever more menacing, the wealthy countries of the world are finally, though still inadequately, taking notice, and we support them, taking notice of a pandemic and the devastation directed every day upon our African brothers and sisters.

□ 1930

AIDS does not discriminate. Killing off entire generation of Africans, both adults and children, it empties rural communities, towns and villages and professional urban classes indiscriminately, without regard for class or clan. However, the level of newfound interest in Africa remains insufficient and indeed grossly lacking. AIDS is not the only crisis that is causing great harm on the continent of Africa right now. As AIDS devastates African nations with frightening speed, so too do the specter of hunger and the shadows of famine fall across southern Africa.

I ask my colleagues, in our newfound interest in Africa, to consider the widespread incidence of hunger in Africa. The reports are arriving with greater frequency and they are chilling. As many as 20 million people in the region of southern Africa are suffering from hunger and insecurity of food. My friends, this is equal to the population of the entire State of Texas. Let us just consider for one moment that we knew the entire State of Texas was dying for insufficient food. We indeed would do something.

Please consider The Washington Post article, and I quote. I want to just read a part of that:

"'Please forgive my ramblings,' said the old man, stooped and still as he sat on a wooden stool in front of his mud hut. The hunger makes my mind wander."

"In his lucid moments, Lucas Lufuzi recites the numbers, calibrating his catastrophic situation. Three days since he's eaten. Thirty-one cobs of unripe, green corn. One son: 29 years alive and 21 days dead. Two seasons of crops spoiled by erratic weather, rain one year, drought the next."

"What is taking place across southern Africa is the perfect famine, a disastrous collaboration between nature and man that has caused the region's worst food shortage in nearly 60 years."

The worst food shortage in 60 years. Let us remember that we had the Biafran tragedy, the Ethiopian famines of the eighties, the long hunger march of the Sudanese which continues to this day. Sixty years, Mr. Speaker. We can do better.

We will consider a bill on emergency funding, and I ask my colleagues to consider no better cause than to respond to the hunger of the world. Until this is done, we cannot claim to be really concerned about our brothers and sisters in Africa.

In the last year, there has been much discussion about the assistance to Africa by Western nations including the United States and Europe. With the crisis of AIDS and other infectious diseases continuing to grow ever more menacing, the wealthy countries of the world are finally, though still inadequately, taking notice of the pandemic and the devastation that it wreaks every day upon our African brothers and sisters. AIDS does not discriminate. Killing off entire generations of Africans, it empties rural villages and professional urban classes indiscriminately, without regard for class or clan. However the level of newfound interest in Africa, it remains insufficient and is grossly lacking.

However, AIDS is not the only crisis causing great harm on the continent of Africa right now. As AIDS devastates African nation's with frightening speed, so too is the specter of hunger and the shadow of famine fall across Southern Africa. I ask my colleagues in our newfound interest in Africa to consider the widespread hunger? The reports are arriving with greater frequency and they are chilling. As many as 20 million people in the region of Southern Africa are suffering from hunger and insecurity of nutrition. My friends, this is equal to the population of Texas. Let us imagine that the entire state of Texas were suffering through an extreme shortage of food. What would our response be then?

Last week the Washington Post ran an article on this horrible situation. I would like to read the first part of it.

"Please forgive my ramblings," said the old man, stopped and still as he sat on a wooden stool in front of his mud hut. "The hunger makes my mind wander."

"In his lucid moments, Lucas Lufuzi recites the numbers, calibrating his catastrophe. Three days since he's eaten. Thirty-one cobs of unripe green corn. One son: 29 years alive and 21 days dead. Two seasons of crops spoiled by erratic weather—rain one year, drought the next."

"What is taking place across southern Africa is the perfect famine, a disastrous collaboration between nature and man that has caused the region's worst food shortage in nearly 60 years."

The worst food shortage in 60 years! Let us remember the Biáfran tragedy, the Ethiopian famines of the 80s, the long hunger March of the Sudánése, which continues to this day. For someone to contend that this is the worst food shortage in the region in nearly 60 years is no small statement, it is a call to action.

I see very little action. Relief organizations estimate that they will need 145,000 tons of food, or about $70 million worth, to prevent widespread starvation. According to the Washington Post, donors have thus far pledged only $3 million.

This week the House of Representatives will consider a supplemental appropriations bill that will cost over $25 billion. Much of the spending in this bill will be legitimate.

But to the best of my knowledge this bill will not contains funds to address the looming crisis in Southern Africa. It will not provide the resources necessary to prevent suffering and misery in Malawi, in Zambia, in Zimbabwe.

Let there be no doubt. This body would be hard pressed to find a better, more humane, and more necessary way to spend $50 million to address the famine that is ravaging Southern Africa.

My colleagues, let us not mistake idle chatter for a real concern about Africa. Let us not believe that a minor increase in African development assistance is an adequate response to the cries for help now coming from Southern Africa. My friends, until the suffering of Africa is brought to a halt, until AIDS is contained, until the ravages of famine are dispersed like dust—until that day—our concern for Africa, no matter how real or how genuine, will not be concerned enough.

[From the Washington Post, May 10, 2002]

FAMINE LOOMS FOR SOUTHERN AFRICA—MILLIONS SUFFERING IN CRISIS CREATED BY NATURE, EXACERBATED BY MAN

(By Jon Jeter)

MCHINJI, MALAWI.—"Please forgive my ramblings," said the old man, stooped and still as he sat on a wooden stool in front of his mud hut. "The hunger makes my mind wander."

In his lucid moments, Lucas Lufuzi recites the numbers, calibrating his catastrophe. Three days since he's eaten. Thirty-one tiny cobs of unripe, green corn. Two grandchildren to feed. One son: 29 years alive; 21 days dead. Two seasons of crops spoiled by erratic weather—rain one year, drought the next.

"I have never seen such starvation," said Lufuzi, who does not know his age but says he believes he is close to 60. "Our family relied on my son to work the farm and for the income he earned [working part time on commercial farms].

"When my grandchildren's feet began to swell from hunger, I had no choice but to harvest the crops before they were ready. This," he said, nodding to a basket of shriveled corn, "is all that keeps us from death."

What is taking shape across southern Africa is the perfect famine, disastrous collaboration between nature and man that has caused the region's worst food shortage in nearly 60 years.

Officials in the region say as many as 20 million people are suffering from hunger and malnutrition. The U.N. World Food Program is already feeding more than 2.6 million in Malawi, Zimbabwe, Zambia and other countries in the region, and agency officials say that number will at least double in the coming months as peasants finish off the meager yields from this season's harvest.

Overall, relief workers anticipate they will need roughly 145,000 tons of food, worth about $69 million, to plug the immediate shortfall in domestic crop production in the region. So far, donors have pledged only about $3 million.

Officials with the Southern African Development Community (SADC), a coalition of 14 nations, say they will need to import 3.2 million tons of corn—the region's staple food—to offset the deficit, about double the amount imported last year.

"We've got a full-scale famine on our hands," said Kerran Hedland, a spokeswoman for the World Food Program in Malawi.

A year of flooding followed by a year of drought are largely to blame for the widespread crop failure. But international donors, Western diplomats and civic organizations say the crisis has been aggravated by graft—or at least mismanagement—in Malawi and by political upheaval in neighboring Zimbabwe, usually one of the continent's most reliable food producers.

Malawian officials last year inexplicably sold the country's 167,000-ton emergency grain reserve and have not accounted for the proceeds. Officials have denied any wrongdoing and promised an investigation, but the International Monetary Fund, Britain, the European Union and other sources have frozen at least $75 million in aid payments as a result.

President Robert Mugabe's seizure of white-owned commercial farms in Zimbabwe has hurt not only that country's crop yields but those of its neighbors. With one of the region's most robust agricultural sectors, Zimbabwe for years sold or donated surplus crops to other African countries that needed help.

But Mugabe's violent, two-year-old campaign to redistribute farms to poor, landless blacks has disrupted farming and cut off routes used to transport food to neighboring countries. Food production in Zimbabwe has dropped by nearly 40 percent this year, according to SADC officials, and last week Mugabe joined Malawi's president, Bakili Muluzi, in declaring a state of emergency.

"Land acquisitions in Zimbabwe have had a dramatic effect on the amount [of food] that should have been produced in the country," said Judith Lewis, the World Food Program's regional director for eastern and southern Africa. "Much needs to be done. The time is running out."

The food reserve scandal in Malawi and Zimbabwe's political turmoil have compounded the problem by depleting stocks and driving up the price of corn by as much as 300 percent here in Malawi and in Zambia. What food is available is simply unaffordable to many people in the region.

Tipilire Kasingiro and her three small children ran out of corn from last year's harvest in December, and the shortage of food has kept her busy caring for her 18-month-old daughter, Marizani, who has frequently been sick. That left her unable to work part time as a housekeeper and earn spare money in the months before the harvest.

"Even if I had worked, it wouldn't be enough to buy the maize like I did last year," she said, as she held Marizani, a wraith of a girl, sunken-eyed and unmoving. "The maize is so expensive this year."

So she foraged the village for fruit, and when she was unable to find more, she and her neighbors dug up the roots of a banana tree, pounded them in a bowl and made a foul-tasting porridge, knowing that it would eventually make them ill.

"We were desperate, and we knew it would fill our bellies, if only temporarily," she said. "My babies were swelling up like they were going to burst. I had to do something."

Southern Africa has endured widespread food shortages before, most recently a decade ago when drought struck the region. But the situation now is far worse, many Africans say, partly because famished peasants are eating tree stems, sawdust and wild leaves, causing an increase in disease.

"You would see people eating green maize" during the drought in the early 1990s, "but you didn't see people eating the roots of trees," said Sister Agnes Eneyasicio, of St. Mary's Catholic Church in the village of Ludzi, in Mchinji district near the border with Zambia.

When St. Mary's opened a feeding center for 600 children in January, "our two schools were completely empty," she said. 'The children were too hungry to come to school. You'd go and find whole villages empty because everyone was out searching for food. We've never experienced anything like this in Malawi."

The AIDS epidemic, which was only beginning to surface in southern Africa a decade ago, is deepening the misery. An estimated one of every six adult Malawians is infected with HIV, the virus that causes AIDS, and hunger has accelerated the onset of debilitating diseases and even death among many household breadwinners here, according to relief and medical workers.

The epidemic has further cut into the country's crop production by leaving the elderly, children and orphans to care for the sick, assume the responsibilities of planting and harvesting crops, or take odd jobs for extra income.

Herein Mchinji, AIDS, and other illnesses have compounded the food problems, Lufuzi's son, James, fell ill and died three weeks ago, though his father does not know exactly what caused his death. "He did not discuss that with me," Lufuzi said.

James Lufuzi had sporadic bouts of illness, but when the family ran short of food late last year, his condition deteriorated. He died at home last month, leaving his father, a widower himself, to care for his two daughters, 9 and 7.

When asked if his son may have had HIV, he nods. "I believe that may have been the case. The hunger fed his illness until he could not hold on any longer."

Amid such privation, food is precious to those who have it and tempting to those who do not. When Goodson Mussa was accused of stealing corn from a field near the capital, Lilongwe, three men used a razor blade to cut off one of his ears.

"They beat me and spit on me, and one of them threatened to douse me with [Kerosene] and set me alight," said Mussa, 33. Asked several times if he was indeed trying to steal corn, Mussa refused to answer directly.

"Hunger is terrible," he said, holding his hand up to his bandaged head. "What man wouldn't steal if he's watching his own children starve to death before his very eyes?"

CORPORATIONS SEEK TAX DODGE IN BERMUDA

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, on April 15, not that long ago, more than 88 million Americans dutifully filed their individual income taxes. But now we find out that a growing number of United States corporations have developed a new tax dodge, a new sort of Bermuda

Triangle to disappear their tax obligations to the Federal Government and the United States of America.

That is not too surprising, given the attitude of the Secretary of the Treasury, Mr. O'Neill. He said that absolutely he backs the abolition of taxes on corporations. "The clear economic truth is that businesses and corporations don't pay taxes, they just collect them for the government," he told the Financial Times. He is part right. Many corporations do not pay taxes anymore. The burden is growing on individual Americans. Thirty years ago when our corporations were the envy of the world and we were the manufacturing capital of the world, 25 percent of the taxes of the United States were paid by corporations. Today, it is less than 10. Of course, most of our manufacturing has fled overseas and now those companies that have remained here are hoping to move their tax obligations offshore to places where they do not pay taxes. They say, as Stanley Works did in defending this practice when they held a recent vote of stockholders, it is all about the stockholders.

From today's New York Times, it is not about the stockholders. It is about the CEOs. It is all about the CEOs. According to the New York Times, the CEO of Stanley Works will get 58 percent of the $30 million they expect to not pay in Federal income taxes by moving the corporation to Barbados and Bermuda. So we screw the American taxpayers. We screw the stockholders, too, because they are going to have to pay capital gains taxes. But the gentleman who runs the company will get a huge bonus. He might still have to pay some U.S. income taxes, but he probably has some smart accountants who will figure out how he can get around that, too.

What is the reaction of the United States Congress to this scandal? We had hoped here in the United States House of Representatives, the people's House, that there would be some outrage about this shift of taxes from large, profitable corporations and their CEOs on to individual Americans and small businesses. But instead, on the Republican side, the reaction is protect these tax dodges at any cost.

We were going to take up a bill on the marriage penalty, which is a real problem for American families. But on the Democratic side we were going to offer an amendment, an amendment to close this tax loophole, to break up the new Bermuda Triangle, to not allow companies that are based in, manufacture in, employ people in the United States of America to pretend that they are in Barbados and pretend that they are in Bermuda in order to avoid their tax obligations.

It should not be very controversial, should it? This is a time, as we heard so eloquently from the gentleman before me, of great threat to our Nation where people should not be asking questions about who knew what, when, where and how. But this is something we know, and we should be asking, why should we allow these corporations to avoid their tax obligations? Why should they not join in the great patriotic need to raise funds to fight the threat of terrorism? Why should they enjoy all the privileges of American citizenship and pay not a whit for it? But the reaction of the House leadership was to cancel the consideration of the marriage penalty on another day as a regular bill and bring it up instead as a suspension tomorrow with no amendments allowed. God forbid that the United States House of Representatives should break up this little scam. I mean, after all, this CEO of Stanley Works will probably send a good part of his little take there, his $17.8 million to one of their fund-raisers in gratitude, maybe 10 percent, maybe 20. Who knows what the share will be.

This is absolutely outrageous. The American people are paying their taxes. The country is under attack. We are in a huge deficit. We are spending the Social Security trust fund. The lockbox for Social Security is long gone. We are piling up a huge and growing deficit. We have enough controversy over the proposals by the Republicans to make permanent the tax cuts for the largest estates and the wealthiest Americans, but to allow this outrage, companies based in the United States of America, in all reality, to rent a post office box in Bermuda and a filing cabinet in Barbados and pretend they are not U.S. corporations anymore and not pay any taxes.

I am ashamed of the Republican leadership.

CONTROVERSIAL ASPECTS OF SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, when the supplemental appropriation bill comes up this week, largely for defense purposes, the Republican majority will try to play games and use sleight of hand to slip an increase in the debt ceiling past the American people. These issues should not be linked. They should be voted separately.

Yes, America has returned to the days of a growing budget deficit. The President's economic policy will reduce our surplus by nearly $1.7 trillion. That is 42 percent. The government, therefore, is about to bump its head against the debt ceiling.

This situation makes it all the more irresponsible, Mr. Speaker, for this Congress in the same bill to throw more than $100 million in taxpayer money to the wind to protect a private oil pipeline in the nation of Colombia. Yes, that is right. American taxpayers are being asked to pony up over $100 million to protect a private oil pipeline in a foreign country. This oil pipeline is owned by two multinational corporations and also by the Government of Colombia.

I will be offering an amendment to strike the first $6 million down payment in funding in this bill to protect what is called the Cano Limon oil pipeline. Most Americans do not even know about this pipeline; but they should, because the Bush administration wants to use their tax dollars to protect it. This pipeline that pipes Colombian oil is owned by U.S.-based Occidental Petroleum, along with Repsol, a Spanish-Argentine combine, and Ecopetrol, which is an arm of the Government of Colombia.

Can you believe it? This is where our lack of a national energy policy has led us, into the jungles of a Colombian war and into the middle of a civil war that has raged for two generations. The Bush administration wants Congress to spend American tax dollars to defend a pipeline that is owned by the Government of Colombia, a Spanish-Argentine multinational corporation and Occidental Petroleum, an American-based multinational giant, to pump Colombian oil.

When you think about it, this first $6 million is but a down payment on $104 million which is supposed to come later. This particular pipeline has been repeatedly attacked in Colombia's 38-year-long civil war.

Occidental Petroleum is not a poor company. In fact, it earned profits of more than $2 billion over the last 2 years. So why in the world should the American people have to foot this bill? This gift to Big Oil is a waste of our taxpayers' money and will only lead to other Big Oil giants lining up for similar corporate handouts. We are going backwards. We have gone from shoveling money into the pockets of American multinationals like Enron, that is outrageous enough, to shoveling money into the pockets of foreign multinational corporations and foreign governments.

Where does it stop? Where do we draw the line? When do we adopt a real energy policy in this country that promotes biodiesel, ethanol and other renewable fuels and cures our addiction to foreign oil? How many wars do we have to fight? How many people have to die? How many taxpayer dollars have to be wasted to keep the foreign oil flowing?

The Colombian army brigade that will be trained with these funds will protect a pipeline that, when operational, will pump about 35 million barrels per year. This adds up to $3 per barrel in costs to U.S. taxpayers to protect a pipeline for which Occidental currently pays security costs of about 50 cents per barrel. Very interesting. Moreover, as military Occidental Oil spokesman Larry Meriage admitted before Congress in February 2000, "This pipeline is 483 miles long, and so there aren't enough troops in all of Colombia to protect that pipeline along its corridor."

Americans should not be in the business of paying for the protection of privately owned foreign oil pipelines abroad. We must act now to defeat this dangerous and wasteful pipeline protection proposal. If this $6 million down payment is provided now, it will be extremely difficult to stop the $98 million that is still due when the 2003 foreign operations bill is debated later this year.

Mr. Speaker, it is time to just say no. Say no to the Cano Limon pipeline. Say no to foreign oil. And say no to the Bush administration policy to keep our Nation addicted to foreign oil.

REGARDING EVENTS OF SEPTEMBER 11

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, you have to have some patience to be sitting over here and listening to the last 20 minutes of Democratic rhetoric. Let us start with a little rebuttal because under the rules of the House, as you understand, they do not have to yield time and, of course, they would not yield time so their remarks all tell one side of the story.

Let us start with the gentleman from Oregon (Mr. DEFAZIO). In the West we would call the gentleman from Oregon on this subject kind of a Johnny come lately. Where has he been? I noticed he just ran onto the House floor, still in his Levi's, puts a suit coat on and starts talking about what the Republicans have not done with a company called Stanley Works which makes Stanley tools up there in Connecticut and is trying to avoid U.S. tax by registering with a post office box in Bermuda. He says nobody has heard anything about this. He acts as if he is breaking new ice.

The gentleman from Oregon should have signed on to my bill. I have got the first bill on that to close that loophole. It is a terrible loophole. I had the chairman of that corporation in my office, and I gave that chairman a list of the American soldiers that lost their lives in Afghanistan trying to defend this country and the interests of this Nation. I said that any corporation that does business in America has more than an economic interest in this country. They have a moral responsibility to their community.

□ 1945

They have an inherent obligation to their country that provides them with the freedoms and the fruits of freedoms that this Nation offers to business people.

This country provides the defense for Stanley Tool Company. And, by the way, Stanley Tool Company, which is registering in Bermuda, has zero sales in Bermuda. They freely admit all they are going to do is get a post office box and save $30 million.

What bothers me about this, I think we can all agree on the issue, Stanley Tool Works, and many of you today, by the way, if you buy Stanley tools, you ought to quit buying them, because Stanley Tools is no longer that American company. They will keep all their manufacturing here, for a while, anyway, but they are going to put that post office box so they do not have to pay taxes, like any of the rest of you in this room. So keep that in mind. Next time you go down and want to buy a tool, you need a tool, do not buy Stanley tools.

What bothers me about the comments of the gentleman from Oregon (Mr. DEFAZIO), he comes in here strictly on a partisan issue and starts bashing the Republicans. I would say to the gentleman from Oregon (Mr. DEFAZIO), we have had this bill in place, it is my bill, I know a lot about it, we have had this bill in place for a couple of months. I did not see the gentleman at any of the meetings. I have not seen the gentleman at the Committee on Ways and Means. We have had several meetings in regards to this tax issue.

For the gentleman to come up to the floor, just like a greenhorn, that is what we would call you in the West, somebody that pops on the scene, you know, is kind of fresh to the thing and thinks they know everything, before the gentleman starts up here giving these blasphemous words and language and partisanship against the Republican leadership, the gentleman ought to look up his bill directory, and I think the gentleman would be surprised. Not only do I have a bill there, the gentlewoman from Connecticut (Mrs. JOHNSON) has a bill, and the gentleman might be surprised there are a couple of people on his side of the aisle that have bills.

To the best of my knowledge, the gentleman from Oregon (Mr. DEFAZIO) has not been at any of these meetings in regards to our effort to stop corporations like Stanley Tool Company from incorporating in Bermuda for the simple reason of avoiding taxes in this country.

So if the gentleman from Oregon (Mr. DEFAZIO) would spend more time working with us on our side, we are the majority. You were the majority. You could have shut this loophole when you were the majority; you did not. I hope we as the majority, in combination with people like the gentleman from Oregon (Mr. DEFAZIO) who want to work with us, will shut this loophole.

The gentleman from Oregon (Mr. DEFAZIO) was correct, it is not fair to the American people what this corporation is doing. I hope that the chairman of that corporation who the gentleman from Oregon (Mr. DEFAZIO) says will make many, many millions of dollars, and I happen to believe he probably is correct, I hope the chairman of that corporation has that list that I gave him of the soldiers who have given their lives so far. Now, this is up to a week ago. I know we lost a soldier yesterday. But up to a week ago, those soldiers who had given their lives so you would be free to do business in this country. I hope that chairman is having second thoughts ever since the moment he left my office. My guess would be that he has not.

But the gentleman from Oregon (Mr. DEFAZIO), in my opinion, next time the gentleman wants to start blasting, it is obvious it is a political year, next time the gentleman wants to start blasting us, he ought to figure out if we have not already done the work on it.

I think it gives the gentleman a little more credibility to come in here, not as Johnny-come-lately, but come in here and really come up with some new information and come up with something positive that will help us move the ball.

Now, how interesting, I see in regards to the second speaker that attacks on a very partisan basis and says it is Bush's policy that we have to rely in the future on foreign oil, how little knowledge that individual, in my opinion, has on ethanol, for example.

Take a look at I think today's Wall Street Journal. I would ask my colleague to take a look at that column, on the editorial, guest column on ethanol. Do you know it takes more fossil fuel to generate the Btus of ethanol, to provide a gallon of ethanol, than a gallon of ethanol can give off?

This article points out there is a reason that the people who produce ethanol use fossil fuels for the generation of the ethanol. It is because fossil fuels are cheaper to produce, and ethanol, in the long run, you are better off to pour the gasoline in the ground than replace it with ethanol, because you use more gas, more Btus, to produce less Btus through ethanol.

My colleague goes on and says all we have to do is have alternative energy. She ignores the facts, either intentionally or accidentally, ignores the facts of alternative energy in this country. Today if we took all of the alternative energy known to the world, all of the alternative energy known to the world, and were able to somehow magically put it in the United States of America, it would only meet about 4 or 5 percent of our energy demand. The fact is that alternative energy is the future of this country, but that future is still 15 or 20 years out there, and, in the meantime, you have got to have oil production in this country.

Now, if you do not support that kind of thing, then you yourself ought to quit driving an automobile. You yourself ought to quit appearing in a Chamber like this, look how many lights are lit in this Chamber, so you can present your point of view. You ought to quit using anything that has an oil base to it, which includes, by the way, prescriptions, medicine, clothes, you know the gambit. Our everyday life is very dependent on those fossil fuels.

The Republicans have led the way, in my opinion, with the help from Democrats, and there are a lot of things we have had a bipartisan effort on, of trying to work off fossil fuels. But before we leave fossil fuels, we had better figure out something that is going to work. We had better figure out something that is going to work. And today, throughout the whole world, as I said, everything that works outside of fossil fuels, including solar power, would only provide about 4 percent of our needs.

What I would suggest to my good colleague from the State of Ohio, instead of coming up here hollering about alternative fuels and about this President, which is a direct misstatement, about how President Bush's policy is to remain committed to foreign oil, what my colleague would be much better, much better off doing is talking about conservation.

If you want to save energy immediately, it is not alternative fuels, it is conservation. Put out every fourth light up there in that ceiling. Drive your car a little less. Do not idle your car. Turn off your light when you leave the room. Make sure your dishwasher is full when you wash your dishes. If you want to make a real dent in U.S. consumption of foreign oil, conservation is the answer, not come up here with some kind of partisan bashing of the Republican Party, which seems to be a favorite thing of the Democrats in this election year.

Now I want to move on to another topic. I hope this evening, I really, really want to spend some time with my colleagues talking about the land issues in the West. My district is in Colorado. I am very proud of the State of Colorado. Colorado is a very unique State when it comes to whether it is energy issues, whether it is water issues or land issues or forest fire issues. I want to spend some time this evening talking about that.

But I feel compelled, I feel compelled to come up and give the other side of the story. And there is something else that I want to give the other side of the story. Last week as we were about to adjourn, colleagues, oh boy, guess what happened? We had a media circus around here. We had a media circus. And I am not trying to be partisan here, but the fact is, just like this energy thing, just like this Bermuda tax shelter thing, the Democrats last week were jumping for joy as we were about to get out of here thinking that Bush knew that this country was going to be attacked on September 11 and he did nothing about it.

That is, on its face, absolutely unfounded, absolutely ridiculous, and, in my opinion, scandalous. Show me one colleague, whether it is the most liberal Democrat we have in the House Chamber, whether it is the most conservative Republican we have in the House Chamber, whether it is the one independent or socialist, whatever he is, that we have in the House Chamber, show me one person, one person in here, that has ever served in here, that would get information about something happening like September 11 and would sit on it and do nothing about it.

There is not a person that holds public office in America, whether it is the local mayor, whether it is the county commissioner, State legislator, governor, congressman or senator or the President, that would get information that September 11 was about to happen and sit on it, which was exactly the implication the Democrats tried to paint on our President last week. And guess what happened? You know, they accomplished their goal.

Here is the kind of headlines we see coming out in this weekly magazine. "What Bush Knew." One of the senators over there stood over there with the New York Post, I think, "Bush knew about September 11."

You know, the problem we have got, and let us talk about these briefings and the information we get. I got information not too long ago from a fortune teller, and she swore to me that there was a bomb that was going to go off on a cruise ship. I mean, what do you do with this kind of stuff?

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I would be happy to yield to the gentleman in a moment, if he will just give me a couple of minutes, because I would like to have a conversation about this.

I am very upset about this. I am trying to say come on, instead of running right over here, and I will tell you, the minority leader did not even have time to put his suit coat on before he was over there preaching about what did the President know? We need to have a task force. The United States Congress ought to get a task force to find out what the President knew, when he knew it.

Look, we are not investigating the President. Why are we trying to eat our own? The President did not know September 11 was going to occur. For God's sake, he is a Texan. Have you ever seen a Texan that knew a fight was coming that did not stand up to give the first slug? He did not sit there. He did not have the information September 11 was going to happen.

Now, we all wish that our intelligence network would have been better, and it is always easy, it is always easy after a fire to figure out where the fire trucks should be, and it has never failed. I used to be a police officer, and I can tell you every serious crime I ever investigated, I would have people come up as we were doing the investigation that would say, you know, I told them there was going to be a murder over here in this neighborhood. I told them they were going to have a car accident at this intersection and they needed to put more traffic lights in here. I told them this school child was going to get hit and they needed to have intersection guards 8 hours a day instead of 7½ hours a day.

It is always easy to second-guess. But what does this do to our country, what does it do to our Nation, when on a Friday we can get a little partisan pool of people speaking up, and the next week it leads to these kind of headlines? What do you think the foreign press does with that kind of stuff?

We have a war to fight here. We ought to stick together, instead of coming up with this hodgepodge stuff about, well, Bush must have known, and Congress ought to be privy to all of this intelligence. Oh, yes, see how long a secret could remain if you had a task force made up of congressmen with highly sensitive material.

Let the President do his job, and rest assured, not one Democrat or not one Republican in the Senate or in the House or any level of government would have sat on information that said you are about to lose 3,000 of your citizens on September 11, and say, well, let us put it in this drawer. I do not want to act on that.

I would be happy to yield to the gentleman.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my distinguished colleague from Colorado for yielding. I understand the gentleman's concern and passion.

I would just like to share with the gentleman that some of us feel the same as does the gentleman, and that is that the President would not have sat on information, had he known.

My criticism, and I have been critical, and I might add I think it is legitimate, is the way they choose to do business in secrecy, and that is why some of us call for an independent commission such as the Kerner Commission or the Watergate Commission to go forward and make an investigation in this matter.

Finally, I do genuinely feel that most Democrats do not impugn the integrity of the President. I certainly do not. But I do believe that in this instance, with information that was available, not to the President's desk, but the

CIA and the FBI, that they did not serve him well by coordinating that information, for had he had the information, he may have acted in a different manner.

I thank my colleague very much for yielding, and I will do likewise when I get an opportunity.

Mr. McINNIS. I would like to ask the gentleman if he would stay around. I have the gentleman from Florida that would like to join in the conversation.

Mr. HASTINGS of Florida. Does the gentleman mean my buddy, the gentleman from Florida (Mr. FOLEY)?

Mr. McINNIS. The gentleman's buddy, the gentleman from Florida (Mr. FOLEY).

Mr. Speaker, I think we can have a good, legitimate conversation right here. Let me tell Members, the gentleman is well spoken and well thought. I agree with the gentleman, I do not think the President was well served. I do not think the dots were connected that maybe could have been connected. That is not my point here.

My point is for people to come out here, and I agree with the gentleman, not all the Democrats did this, but the gentleman would agree with me, I think, it was your minority leader in that room over there, talking to the media, what did the President know, when did he know it, et cetera, et cetera.

The implication of that, and, of course, one can see what the implication of it is as in Newsweek and all the newspapers throughout the weekend. That is what concerns me.

First I will yield to the gentleman from Florida and then we can just kind of all join in, if you do not mind. Let us talk about what level of intelligence we should put out here in the U.S. Congress.

My concern is that several of these memos, for example, may release innocently, may release the name of individuals, or somebody brighter than us can connect some dots out there and we are going to blow the cover of people, like Condaleeza Rice says, who are trying to protect these people. So I would look forward to just a few minutes, if the gentleman does not mind, to talk constructively about, okay, what should our role be and what, by necessity for the security of the people of this Nation, has to remain secret with the President and cannot be disclosed with 535 Members of the Congress.

I yield to the gentleman from Florida (Mr. FOLEY).

□ 2000

Mr. FOLEY. Mr. Speaker, let me underscore the comments of the gentleman from Florida (Mr. HASTINGS); I agree. I think we need to find out what the agencies knew at the time and why they were not, if you will, cross-pollinating that information, because that is one of the problems we have to review.

What I take umbrage with is I think there was a certain amount of glee in some of the voices here in this Capitol because they had sensed that finally, they thought they found a weakness in the President to exploit for political purposes. That is what troubled me. I sense that we do have a lot of work to do, and the gentleman from Florida (Mr. HASTINGS) is on the Select Committee on Intelligence; and he probably is privy to a lot more than I.

We do have to find out the failures of the FBI, the CIA, Border Patrol, Immigration and Naturalization, student visas. I mean, we have a tremendous amount of activity that we have to undertake collectively as Democrats and Republicans. But I just in my heart of hearts was so startled when we left here last Thursday. I know politics, believe me. Both sides play it; our side played it in the prior administration, and I am sure that when one is the target of it, one becomes somewhat anxiety-ridden, as I was, over the weekend.

I cannot tell my colleagues how much more distressed I became as the days went on when I felt in my heart that individual Members had actually not just speculated, but impugned the President, suggesting that he not only knew, he almost knew the date, time and sequence of events. That is what I found startling. I thought that was launched strictly to weaken him up and to potentially create the political atmosphere that we currently find ourselves in.

Mr. McINNIS. Mr. Speaker, I might add that the President himself, President Clinton, our previous President, his comments were when they asked him, what do you think about these reports, he said, it was nothing to do with intelligence. He said, generally what those reports are used for is public sources to speculate on what bin Laden might do. A lot of that is pure speculation.

Our government every day, as the gentleman from Florida knows, especially on the Committee on Intelligence, we get thousands, thousands of reports every day about this could happen, that could happen; and I have had a number of my colleagues, and then I will yield to the gentleman from Florida, not my colleagues, but a number of citizens from Colorado who have come up and said, look, I think they are going to get our water supply here, or I think they are going to blow up the tunnels on the mountain.

I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I especially am appreciative of both of the gentlemen, and I thank the gentleman for yielding. I know my colleague's district abuts mine, and we have 50 percent of all of the vegetables grown in the United States, or grown in my and the gentleman from Florida's district. So when the gentleman talked about the failure to cross-pollinate between two of our agencies responsible to report to the President, I know he knows that from agriculture, our cross-pollination.

I always say that for humor, I say to the gentleman from Colorado. I want the gentleman to know that I think the Vice President was correct when he said that we need to lower the volume. But I think the Vice President is incorrect when he advises the President that this matter should not be made known, particularly having to do with the briefing that he received; it could be appropriately redacted. The gentleman from Florida (Mr. FOLEY), our colleague that is involved in this colloquy, was involved in the Florida legislature when we passed the sunshine law in the State of Florida. And do my colleagues know what? The executive branch of government moaned and groaned, and they were Democrats in the executive branch then, they moaned and groaned all the way to openness.

When I go with the gentleman from Pennsylvania (Mr. WELDON) next week in Russia and in Beijing and in Korea, do my colleagues know what we are going to say to those people? That they should be transparent with reference to their government and that they should have openness. The one thing I caution is, and I think the gentleman from Colorado got it right, that a media circus can develop; and those of us who serve our own egos find ourselves in a position of being consumed by the media. That Newsweek report did not come from the gentleman from Missouri (Mr. GEPHARDT); that came from the minds of some editor who quoted what the gentleman from Missouri (Mr. GEPHARDT), as the gentleman from Colorado correctly pointed out, said.

I thank the gentleman so much for yielding, and I must take my leave; but I will come back another time to discuss this matter with the gentleman.

Mr. McINNIS. Mr. Speaker, I thank the gentleman; and I would say to the gentleman, he is a member of the Committee on Intelligence, and if he does not mind staying for a couple of more minutes, maybe the gentleman could very briefly advise the rest of us of the differences in the secrecy levels, we are classified top secret, the secrecy levels between the gentleman from Florida and I. I take some comfort in what the gentleman is saying as far as it goes with the Committee on Intelligence, because the gentleman is trained; the gentleman knows he cannot do that. But when it goes beyond to the general body, our life rotates around the media; and that is where the media circus starts. So if the gentleman would just explain a little for the rest of us the difference between his secrecy and my secrecy.

Mr. HASTINGS of Florida. First, I appreciate the continuing compliment, and I do likewise. I want the gentleman to know that a month ago I took leave from the Committee on Intelligence to allow the gentleman from Alabama (Mr. CRAMER), our colleague, to go on the committee. That does not mean that all that time before then that I was not a full member.

To answer the gentleman specifically, there are 1,000 people that get a general report on a regular basis that are in the loop, so to speak, about classified information. There are 20 individuals who get a higher clearance and a more detailed and specific report. The report that the President of the United States receives, unless the President determines, and those determinations are made by him and his advisors, are not to be made public, nor at any point in time are they to be revealed unless they become unclassified. And there is dispute about even that unclassified portion as to whether or not they should be in the public realm.

What I am saying is that in this case, so many people were victimized that we would be very wise to take it out of our political hands. The gentleman from Georgia (Mr. KINGSTON) who just came in, he and I get along extremely well until we start talking about politics; and when we start talking about politics, we have a different point of view.

What we need this thing to be is in the hands of some people that can look at the CIA and the FBI and, guess who else? They need to look at the Committee on Intelligence members and all of us and see whether or not we were discharging our oversight responsibilities. The secrecy part of it can be handled with open meetings and closed meetings where necessary. We did it every day in Federal court; every day, and we protected the source and methodology of our very critical intelligence-gathering apparatus.

The gentleman has been very generous with his time, and I hope I get an opportunity to do likewise.

Mr. McINNIS. Mr. Speaker, I appreciate the gentleman joining in on a constructive conversation during Special Orders.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I appreciate joining the gentleman from Colorado and the gentleman from Florida. I wanted to speak about this notion of an independent investigation, which I think, unfortunately, if we look at those who are supporting that, Senator DASCHLE, the gentleman from Missouri (Mr. GEPHARDT), there is a real partisan question, along with Senator LIEBERMAN, for crying out loud. Senator LIEBERMAN, incidentally, is actually on the committee and does not show up. That is a matter of record. But he is calling for an independent investigation.

I think there are three reasons we do not need it. Number one, we already have it; number two, it is going to drain the sources of the Committee on Intelligence; and, number three, it would become a political football. And I will explain why.

Since February, and earnestly since January, the chairman of the House Committee on Intelligence, the gentleman from Florida (Mr. GOSS), a Republican, and the chairman of the Senate Committee on Intelligence, who is a Democrat, BOB GRAHAM, have been talking, and are forming what is a bicameral, both House and Senate, and a bipartisan, one Democrat, one Republican chair, investigation of what went wrong on 9–11. They have hired 100, maybe 200, staffers, all have been given top secret security clearance. They have the cream of the cream of the intelligence community together, some of the best minds that are available; and they have been looking into what went wrong, what lessons have been learned, what can we do right, what can we do better, all of the good stuff. So this blue ribbon committee is already going on, and it is balanced.

Number two, if my colleague can imagine already, there is something like 184,000 documents that have already been turned over to this committee, and they have the cooperation and the work of over 200 FBI agents who are right now working on that. I think it is good for them to. But what seems to be suggested is that we take even more FBI agents and put them to yet another committee doing the exact same thing. Well, somebody has to make sure that the world is being watched and we have our surveillance going. I would rather leave the soldiers on the frontline fighting the battle than coming back to the headquarters and hobnobbing with the desk jockeys, but that seems to be the assertion.

Number three, the other reason we do not need this is that who in the heck do people in this town think will control this? Congress funds all committees. It would become a political football because Congress would ultimately control what decisions are made through the appropriations process, and what appointments are made through our powers. I am sure that the gentleman from Missouri (Mr. GEPHARDT), for example, would have a different view than the gentleman from Florida (Mr. HASTINGS), a Democrat who seems to be a little bit more balanced, who just left. I am sure the gentleman from Colorado and I would have a different view of who should be on that committee, but Congress would be the ones appointing it. Then, since we already have this bipartisan, bicameral committee working, what are we going to do, take the resources away from them? It is ridiculous. It is purely politically motivated.

Yesterday in Afghanistan, we lost yet another American soldier. We are really getting down to the tough part of this war, because the ones who are left in al-Qaeda are survivors, they are smaller in numbers, harder to find, harder to identify. The fact that they are still around shows something, and so this is not the time for the Democrat leadership to jump ship with soldiers in the war theater and start their political sniping. Do they really think that George Bush would sit on information and knowingly endanger lives of Americans? There are a lot of Republicans who had some tough opinions of President Clinton, yet I never heard any Republican say that President Clinton would sit on information.

Mr. Speaker, if the American people elect somebody in the Oval Office who would do such a thing, there is also the CIA and the FBI. Is the gentleman from Missouri (Mr. GEPHARDT) saying, and he seems to be, that members of the Select Committee on Intelligence, the CIA, the FBI, the national security advisors, knew about something and sat on it?

One can play partisan with the President, and that is maybe fair game; but I think it is pretty low when someone starts picking on members of the intelligence community, who are nonpartisan, patriotic, professional men and women.

Mr. McINNIS. Mr. Speaker, reclaiming my time, I agree with the gentleman. I do not think we need another task force. My main focus here this evening was the allegations and the points that were made by the minority, frankly, last week as we were getting out of session. If the gentleman will recall, there was media running all over the place, the headlines: What did Bush know, as if Bush knew something.

This media circus was fed by the minority leader, frankly, the Democratic leader on the other side of the aisle. That is not fair game. I mean, it is so preposterous to think that any Member of Congress, let alone the President of the United States, who I think has performed admirably since September 11 in response to September 11, it is out of line to come up here and for the sake of media and an election year, start saying, well, the President knew about this before September 11 and we could have avoided it. As the gentleman knows, we have a very active Democrat here on the House floor who goes so far as to allege that the President not only knew about September 11, but let it happen because he was somehow benefiting from military contracts that were going to friends of his in the defense contract. This thing is getting out of hand.

As the gentleman from Georgia has very correctly stated, we lost another American yesterday or the day before. We have a war going on here. We have a very capable President. We have a very capable Vice President, DICK CHENEY. We have Condoleezza Rice; we have Colin Powell. We have our Joint Chiefs of Staff of the military, our military soldiers, from the private on up. Let them do their jobs.

□ 2015

They are not back holding secrets from the American people that would cause harm to the American people, but by necessity, there are secrets that the Permanent Select Committee on Intelligence knows that we should not know in order to protect the lives of the American people.

The security of America is number one. I cannot think of a job, I say to the gentleman from Georgia, and he would agree with me, I cannot think of a responsibility that is higher in its calling to the gentleman and I as Congressmen, elected by the people of this country, I cannot think of any other issue that is more important than for us to provide for the security of the people of this Nation, not only today but in the future, whether we talk about missile defense, whether we talk about the war in Afghanistan.

When we start eating up each other, people would think we were Siamese fish. Friday or Thursday over here with this media circus going on, it was like putting 2 Siamese fish in the same bowl together. We are the same team. Siamese fighting fish are bred to fight each other. We should not be bred to do that. These allegations against the President were strictly for Democratic partisan purposes.

As the gentleman from Florida said, not all of the Democrats agreed with that, and I agree that that is right. So I am not labeling all of our colleagues, but that is their leader. They need to get him back in the corral, in my opinion. We need to get on with the business at hand, which is not creating new task forces or so-called blue ribbon panels to oversee the Permanent Select Committee on Intelligence, and then pretty soon we'll need a task force to oversee the blue ribbon committee that oversees the task force that oversees the intelligence force that shares intelligence with the President.

Wake up. Common sense will tell us the American public wants us to get on with the business of protecting the people of this country and settling the score, frankly, of what happened on September 11.

Mr. KINGSTON. Mr. Speaker, if the gentleman will continue to yield, I think the gentleman is certainly right.

One of the things that is important to remember is that when a committee is briefed in a classified manner so that that information does not get outside the room, and they have all taken an oath to that effect, some of the reasons for keeping that information quiet are not just to protect our own soldiers on the ground, but the informants in various places of the world, all of the countries in the world. I am not sure if they number 170, or something. We have intelligence coming in from every corner of the globe. We cannot endanger those networks.

But another factor that is equally as important, some of this has to do with the judicial sensitivity, prosecuting folks. We do not go out when we are investigating and tell all to the other camp because they can cover their tracks, so sometimes we just have to be quiet. This idea that everything has to be on the front page of The New York Times in order for it to be real is absolutely absurd.

Mr. McINNIS. I might say to the gentleman, The New York Times is not charged with the protection of the people of the United States of America. In fact, we saw during the Afghanistan war several reporters, including Walter Cronkite, were critical of the media because they were taking too much of America's side.

They are Americans. They are U.S. citizens. But we can see that several people in the media take it as their responsibility, although they are American citizens, although they receive all the privileges of this Nation, that they should be neutral parties.

The fact is, if they want to assume that role, their utmost responsibility is not to provide for the security of the people of this Nation. That is our responsibility, and we do it at different levels.

The President obviously has to know secrets. We do not allow everybody access to the nuclear codes, for example. We allow a very, very thought-out, delicate system to have that occur, and we do not have 435 congressmen and 100 senators who have that capability. We structure this thing.

Last week we saw very quickly where I think several Members were perhaps envious of the fact that they are not the President; or for political purposes, they just got out of line. That is what I am saying tonight, that we have to come back together.

This war is a war that is going to last for a long time. The tough part of the war has not even begun. We have not been hit twice. We got hit once. We got hit with the embassies and so on, but I mean since September 11. We know it is going to happen again. We have to be on our toes.

On the other hand, we have to be reasonable about this. Every time somebody calls an office and says, hey, I think they are going to hit the Sears Tower today in Chicago, if they know that every time somebody puts an anonymous phone call in that they are going to blow up the Sears Tower, that the Sears Tower has to be evacuated, they can paralyze this country.

It is like calling in bomb threats to a school. If we call one in day after day after day, there are lots of these kinds of things that go on every day in this country.

What we do, what our responsibility is at the congressional level, is to make sure we have properly funded and properly provided for the staffing and properly provided other resources that are necessary for our Federal Bureau of Investigation and for our intelligence agencies to go out, pick up the dots, put the dots together, and present those dots, put together, to the President and to the Security Council and to our national security adviser, et cetera. That is what needs to occur.

Mr. KINGSTON. If the gentleman will continue to yield, Mr. Speaker, the other thing is what the gentleman is saying is there is such a thing as a specific threat. A specific threat is when we know the time and place and what method of weapon or destruction that is going to be used against us and we can act very quickly against the specific threat, if given all the information.

But a general threat, which there must be hundreds of them that go out each year.

Mr. McINNIS. Thousands.

Mr. KINGSTON. Thousands, it does not give a time specific, a place specific, or a method specific. So what happens is we are guessing.

Okay, there is going to be something that happens to the water system in New York. Do we close down all the drinking water that day? That is a general threat, and what is the practical way out of it? There are so many things, like the gentleman is saying, are like a bomb scare. The gentleman will know that the intelligence-gathering system is not perfect.

I remember that we evacuated on September 11. When we were in the Longworth Building we were not told actually to evacuate. There was confusion. In fact, I personally went downstairs to the police and said, I have some employees here. Are we evacuating? And they said no, because at that time nobody knew what was going on.

We went outside the United States office buildings, outside of the Capitol, and we were told that the Capitol had been hit. This was just the rumor, not by the police, but this was the rumor on the street, that the Capitol had been hit, the mall area had been hit, the State Department had been hit, and the Sears Tower. That was the street discussion, because no one could get out on their cell phones because all the communication was jammed.

Later in that day, Congress gathered in a safe spot. The gentleman will remember that. And those Members of Congress who still had their beepers on that could get the word to gather in this particular location, we were given our first post-morning of 9–11 briefing. I think it was about 2 or 3 o'clock on September 11.

At that time, there were still a few airplanes in the air unaccounted for.

Some of them were off track. Nobody knew for sure what to do with those airplanes.

We were also told at that time that there were 5 airplanes that had been involved; that along with the one that had crashed in Pennsylvania, another one had crashed just outside of Kentucky. That is the information level that was available at that time to Members of the United States House and Senate. It is not classified information, but that is what we were told.

So this is a very inexact science. And again, that was from the best sources to people who wanted to have the best information. So it is not—for anybody who knows anything about intelligence, they know that we cannot always trust the sources. It is an inexact science.

For somebody at a time of national tragedy to grab this, this question, this uncertainty in the name of partisanship is just disgusting and disturbing.

Mr. McINNIS. Mr. Speaker, we saw it on Thursday. I am telling the gentleman, we saw when the minority leader, and this was strictly for political purposes, went out there and did this little media circus. That is the kind of thing that I speak so strongly about up here.

Let me also point out that we have sources that are bad sources. We have false rumors. We have people who want to paralyze us by calling in false alarms.

But the fact is, we have good sources out there. Maybe the most important key we can talk about here is the necessity to protect the good sources. The President has access through our intelligence network to many, many people. I think Condoleezza Rice said it yesterday, that many, many people throughout the world care about the United States of America. They have good information to give to the United States of America, and they share it. Those sources need to be protected.

Those names should not be given to a task force or a blue ribbon committee here in the United States Congress. They should not be given to us at all, except under extraordinary circumstances. These sources need to be protected.

It is a part of the structure of the protection blanket that we are trying to form over the United States of America and for our allies. It is just as important as our missile defense system to keep our sources secure, and we have a structure in place that does it. We have got to let that structure work, and we have got to refrain from making the kind of partisan attack that we saw that took place against President Bush when he was, as our local newspaper in Colorado said, bushwhacked. Then they went on to say, what did Bush know prior to September 11? Their conclusion was, very little, let him do his job, get off his back, and this is nothing but a political distraction.

That is what has happened. That is exactly why I took the podium this evening. We have to call it as we are seeing it. What we are calling here is what took place last week was not right. They hurt the efforts of the country.

It seems to me that apparently there has been some backpedaling by the minority leader and some of the leadership of the Democratic party, although I must say there is a colleague from the gentleman's State who certainly has not backpedaled from her allegation that Bush did this on purpose to assist military contractors.

But the realization is, we have to come back to our senses. We have to get back to steady as she goes. We have good guidance of this country with President Bush. He is doing a remarkable job under these kinds of circumstances. He is leading this country in a time of war, and he is fully and completely focused. DICK CHENEY is completely and fully focused in responding to the President. Condoleezza Rice is fully aware, as the national security adviser; Colin Powell, as our Secretary of State. I could go through all the list of names.

We have probably the most experienced team by far anywhere in the world in a government and military structure protecting this country over any other country in the world, but it still has some holes in it. So we can talk about how we patch the holes, but in the process of doing that, in the process of figuring out how to get our goose to lay a better egg, we do not pull the goose's neck off.

So this is the point, that I think we are well prepared, and I think we have had a good discussion this evening. I might add, I would ask if the gentleman has any concluding remarks. Our time is narrowing.

Mr. KINGSTON. Let me say that this House has taken a lot of action on a bipartisan basis to try to analyze 9/11, some of it that is appropriate to have in the open, and some of it is secret. It has been bipartisan. It has also been bicameral.

But we, Members of Congress, Democrats and Republicans, we want to avoid any possible terrorism, not just America but anywhere in the world. So it is in all of our interests at this time to keep the shoulders to the grinder and to fight this war in a unified manner, and keep the partisan politics in a back room somewhere and let us just get this job done.

Mr. McINNIS. I might say to the gentleman, take a look since last Thursday when this media circus began, take a look at how much time President Bush and his staff and his intelligence organization, our country's intelligence organization, take a look at how much time they had to devote to rebutting some of the allegations that were implied by the minority leader of this House.

Look how much time was devoted from our national leaders to address these kinds of headlines. This is exactly what our enemy wants to see us do. They want to see us so confused within our own government. They want to see us like Siamese fighting fish, fighting each other within our own government. That is exactly what happened over this last weekend.

We can bet that the President of the United States, instead of having his full attention focused on the war and on the possible threats against this country, they had to prepare for talk shows on Sunday, they had to defend themselves, and they had to get all of their staff to spread them out to talk to the media to try and defend themselves, that our President did not have knowledge prior to September 11 that this country was going to receive a surprise attack that killed 3,000 people.

Let me conclude with this. I dare any of my Democratic colleagues, I challenge them, any of them, I challenge my Republican colleagues, I challenge anybody in America, show me one elected official today that would take information, knowing that one of the most horrible events in the history of this Nation was going to occur, and they would sit on it. Show me one. It does not exist.

So before any of my colleagues go out there and make the implication or the allegation or the outright statement that the President of this country, who has done a tremendous job in his leadership as a result of September 11, show me, just show me one time where any of these people would have gone out and in effect have been a traitor to the country. It does not exist. We all care about the security of this Nation. It is incumbent upon us to provide for the security of the people of this country, and we are doing the best job we can.

If we can improve our job in a constructive fashion, I am all for it. Last week, instead of contributing to or initiating the media circus, in my opinion, the minority leader maybe even could have called the President himself and said, Mr. President, I do not want to go out and talk to the media implying you knew something prior to September 11. How can I help?

☐ 2030

That phone call did not take place, and that is what ought to be happening. Instead of making our President spend an entire weekend trying to defend this position, we should have had our President spending the entire weekend doing what he was going to do, and that was focus on the immediate needs of all of the citizens of the United States instead of having to focus on political defense strategy throughout the weekend.

I will yield to my colleague but would advise we are probably down to the last few minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to say we have heard so much from the gentleman from Missouri (Mr. GEPHARDT), Senator DASCHLE, and the partisans about the August 6 memo; but there was not a warning in there and it was not a threat report. What it was it was an analysis of al Qaeda and Osama bin Laden, and it talked in general terms about the threat that they posed to general world problems; and they did not mention anything about using aircraft as missiles. It did say they could hijack a plane, but up until then no one had used an airplane as a missile.

So all of this stuff sounds really great for Senator DASCHLE and the Democratic National Committee to sit around and say this is what they should have done, but the reality is nobody knew this information. But, again, if he wants to criticize President Bush; let him attack him for health care, Social Security, whatever, but a war effort while we have soldiers on the ground and a very unstable situation in the Middle East with our ally, Israel, is very poor judgment, not just bad politics but poor judgment.

Mr. MCINNIS. The gentleman agrees with me there is something to be learned by September 11. We have learned a lot of things, whether it the design of our skyscrapers, what we could have done to assist our firefighters and our policemen more, maybe what we could have done for our fighter jets that scramble out there. There are lots of things we could learn from that. That was not the effort that was being made on Thursday. It was not an approach that said let us get together and figure this out. Maybe put our minds together and think out what constructively we could do to improve the situation.

Instead, it was a very targeted attack on the President of the United States alleging or implying or outright saying the President of the United States had knowledge prior to September 11 that would have allowed us to avoid September 11. That did not exist. And there is not anybody in these Chambers that had that kind of information. And to the best of our knowledge only the hijackers and bin Laden and his organization knew what was going to happen on September 11.

If we come together as a team, we can continue to put together or march forward to do, again, what was our number one calling. And our number one calling is to provide for the security and the protection and safety of the people of the United States of America.

LIFT THE RUSSIAN POULTRY BAN

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I am actually here tonight in cooperation with the gentleman from Georgia (Mr. DEAL), who I understand to be on his way over here, but wanted to talk about an issue to Georgia that has become a big economic issue; but it is also one of international trade having to do with Russia and its trade embargo against United States poultry.

I wanted to make a few points about that, Mr. Speaker, that according to the U.S.A. Poultry and Ag Export Council no U.S. poultry exports shipments have moved since the ban on American poultry was lifted in Russia. And Russia because of the competition used a non-tariff trade barrier to stop American chickens from coming into Russia, and then that ban was lifted. However, nothing has happened since then. And because of Russian paperwork, at least 20,000 metric tons of U.S. poultry shipped prior to the ban that was imposed on March 10 now sit in Russian ports waiting to be unloaded. The import ban is costing the U.S. poultry industry more than $25 million a week.

Although Russia has issued few import permits, it is abundantly clear that Russia wants to stop or substantially reduce the United States poultry program. Again, it is such a huge issue to our area, a big employer in Georgia.

Here are some of the impediments that Russia is using to stop the poultry: all previously issued import permits have been rescinded by Russia, even though these licenses were valid for additional quantities.

Russian importers are being advised that not only must they apply for new import permits to import poultry from the United States, they are also being told they must apply for new import permits for products currently waiting unloading at the port.

The Russian minister of agriculture told the U.S. that permits would be issued more or less automatically. That is not the case. Russia issues an import license but it is only a portion, sometimes as little as 25 percent of the requested quantity. So one cannot get in there with this.

Russia has issued as few of these import permits as possible. Even though they are not adequate standing alone, they still will not issue all of them. Despite the fact that on March 31, U.S. and Russia protocol does not call for the original USDA export certificate to be on board the ship that is transporting the poultry, the Russian minister of agriculture is demanding that the original certificate be on the transport ship. This is extremely costly and cumbersome. No other nation does these kinds of things.

Mr. Speaker, I can go on because there are lots of other issues that Russia is using as basically a paper tiger to stop American imports, but it is something that we urge the President to bring up on his trip to Russia and do something about it.

Mr. Speaker, the gentleman who has been a lead on this. The gentleman from Georgia (Mr. DEAL) is from the poultry country of Georgia. He is the one that has been leading our experts to try to get Russia to quit playing games and open their borders.

RUSSIAN POULTRY BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, many of us have lived through some very interesting times in the international political atmosphere. I think all of us were very pleased, of course, years ago when we saw the Berlin Wall collapse and when we saw the Soviet Union literally dissolve. And over the years that have passed, one of the things that many of us have been encouraged about is the fact that Russia has become a new partner with the United States.

I know personally I was very pleased with the past visit with President Putin with our own President Bush and the relationship that they developed. I think that is certainly an encouraging sign, certainly something that our two nations will benefit from in the short term as well as the long term.

But I am here tonight to talk about a subject that I believe the Russian Government must address if they are to lay a foundation for a continued good working relationship with our country; and that is a result of a ban that was placed by the Russian Government on March 10 of this year on the import of all American poultry.

Poultry is somewhat unique in the agricultural scheme of things. It is totally unsubsidized. We have debated a farm bill, and it was a controversial bill in many respects in which we were attempting to do what we could to support production agriculture in this country. Much of it did involve subsidies; it involved quotas and allocations of production capacity. But the poultry industry stands on its own.

It is a very successful industry, and it has proven that it can compete all around the world. What has happened, though, is that Russia with this import ban has placed a tremendous burden on American poultry companies. In fact, it is estimated that they are currently losing in the neighborhood of $25 million a week. Now, even though the ban has been supposedly lifted, as the gentleman from Georgia (Mr. KINGSTON) referred to, there have been all sorts of artificial barriers that have been placed that as a practical matter have made it impossible for us to be able to ship any poultry. In fact, the indications are from the United States Poultry and Ag Export Council that no United States poultry export shipments have been moved since this ban was supposedly lifted. And, further, due to the Russian paperwork impediments, at least 20,000 metric tons of United States poultry that was shipped prior to the ban on March 10 are still sitting in Russian ports awaiting being unloaded or disbursed. And it is costing approximately $10,000 a day for those shipments to remain there in the Russian ports.

There is a serious problem. It is one that the United States Poultry Industry needs the assistance of the President and his visit to Russia to talk with President Putin to stress on him the importance of taking affirmative action to remove these impediments.

Currently there are still bans on some States in the United States, namely, North Carolina, Virginia, Maine, and Pennsylvania; and that is because of an avian influenza outbreak and they are on the restricted list. My State of Georgia, which currently is the largest poultry producer in the United States, supplying somewhere in the neighborhood of 42 percent of all poultry produced in the United States and the exports from my State of Georgia alone are about $300 million a year.

It is a tremendous issue economically and one that impacts not only poultry but it has a spillover effect because as poultry prices continue to decline and supplies continue to build up domestically, it begins to affect the beef industry, the pork industry, the turkey industry, and, likewise, the grain producers who supply the feed that goes into feeding the poultry flocks. So it does have a very detrimental effect overall unless Russia is willing to make some changes and to live up to their trade agreements.

They have done that before. I believe it was in 1998 that Russia first imposed an embargo on American poultry. And as a result of that, it had tremendous economic impacts on the poultry industry in the United States. And the industry, even though it is heavily located in my State and in other southern States, it is an industry that employs people in 38 of our States. And half of the poultry exports of the United States are actually going to Russia. So when we see this import ban being placed by Russia, we know that it has long-term consequences.

Now, we also know that Russia wants some things from the international community. From the United States they want the repeal of the Jackson-Vanick statute. They also want admission into the World Trade Organization. All of these are issues that I think we are all willing to consider. But we expect them to do so as they approach international trade with a fair and even hand, and that is what we are asking.

LIFTING THE RUSSIAN POULTRY EMBARGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS. Mr. Speaker, I appreciate what the gentleman has said and what he brings before the House here tonight about the embargo and how the Russians are holding up the shipment of poultry products from Georgia.

☐ 2045

We all in Georgia have poultry plants within our districts, and I do have a letter I would like to submit to the RECORD, a letter that the delegation has sent to the President asking him to involve with the President of Russia on his visit later this week to talk about this very important issue because not only will it have an effect on the poultry business, but it will have an effect on trade between our two countries and could be negative, but it could also be turned into a positive position.

At this point, I will insert the letters into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2002.

President GEORGE W. BUSH,
The White House, Pennsylvania Ave., Washington, DC.

DEAR PRESIDENT BUSH: We, the members of the Georgia Congressional delegation, appreciate your Administration's active engagement to restore U.S. poultry exports to Russia to normal, pre-embargo trade levels. Since there remain a number of hurdles in achieving this goal, we are writing to request your continued personal involvement so that this issue can be resolved as timely as possible.

With poultry contributing one-fourth of total U.S. exports to Russia, the severe trade disruption has exacerbated the trade imbalance Russia has with the United States. The disruption of poultry exports to Russia has caused U.S. chicken companies to experience a cost of over $25 million per week in terms of lost sales opportunities overseas and depressed domestic prices for chicken. Further, the price impact has rippled to competing meats, such as pork and beef, because the chicken leg quarters originally destined for Russia are now competing with other meats in U.S. supermarkets. Corn and soybean farmers are beginning to feel the economic impact too, as chicken companies start to adjust their production plans in the wake of the depressed Russian market for U.S. poultry.

Georgia is the Nation's leading poultry state so the economic damage is being felt more severely than in many other states. Also, with much of Georgia's exports being shipped to Russia, the problem is compounded.

Of particular concern is Russia's demand that a new U.S./Russian veterinary agreement be negotiated and agreed-upon by June 29, 2002. Such a demand will be very difficult to meet for a number of reasons. On April 30, 2002, Russia proposed a new, revised veterinary agreement to replace the 1996 agreement. This version contains many unworkable provisions, such as prohibition against the feeding of genetically modified grains and oilseeds, banning of many FDA-approved antibiotics, and other so-called sanitary requirements that do not improve food safety but are, in fact, potential non-tariff trade barriers for U.S. poultry.

We are very concerned that Russia has not accepted the idea that international trade is a two-way path. Russia has a more than two to one favorable trade balance with the United States.

Sincerely,

Jack Kingston, Johnny Isakson, John Linder, Charlie Norwood, Cynthia McKinney, John Lewis, Saxby Chambliss, Mac Collins, Bob Barr, Nathan Deal, Sanford Bishop, Members of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2002.

Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative, Department of State, Washington, DC.

DEAR AMBASSADOR ZOELLICK: I am writing today to express my concerns about the continuing ban by Russia on U.S. poultry and poultry products. The Russian government, despite an announcement that it was ending its embargo on April 15, 2002, is continuing to prevent U.S. poultry and poultry products form entering the country. According to some estimates, no U.S. poultry products have been imported into Russia since the announcement was made that the ban was being lifted. Also, at least 20,000 metric tons of U.S. poultry products, shipped before the embargo was announced on March 10, are still at Russian ports waiting to be unloaded. This ongoing ban on U.S. poultry is costing producers in this country at least $25 million dollars per week.

Sending $308 million in poultry and poultry products abroad in 2000, Georgia is the leading exporter of poultry and poultry products in the United States. On behalf of the growers and 18,000 employees who process chicken in Georgia. I request that you contact the Russian government and urge them to quickly end this de facto embargo of U.S. poultry.

I appreciate your on going efforts to ensure fair trade practices and international market access for U.S. products.

Sincerely,

MAC COLLINS,
Member of Congress.

GEORGIA POULTRY FEDERATION,
Gainsville, GA, May 15, 2002.

Hon. MAC COLLINS,
Member of Congress, Longworth House Office Bldg., Washington, DC.

DEAR CONGRESSMAN: On Monday, Congressman Jack Kingston volunteered to coordinate a Georgia delegation letter to the President and other key officials about the Russian situation and we were very appreciative of this.

Russia continues to ban U.S. exports of poultry through various unreasonable trade demands. This unfair situation is having a tremendous impact on the poultry industry in Georgia and if not reversed will have a serious impact on all agriculture in our State and Nation.

As mentioned before, even with full poultry exports, Russia ships produces valued at $6.5 billion to the U.S. while receiving goods valued at only $2.7 million from the U.S. This 2.4 times ratio is not good for the U.S. balance of payments or for poultry and agriculture. It is a very dangerous trend.

We hope that you will join with Congressman Kingston and others and sign this very important letter.

Sincerely yours,

ABIT MASSEY.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would like to take the time this evening during this special order to discuss the need for a Medicare prescription drug benefit.

Mr. Speaker, I have been to the floor many times in the last few weeks, within the last few months, concentrating on the need for a Medicare prescription drug benefit, and the reason I say that is because I get more and more calls every day, every week, every month from my constituents, my senior constituents, complaining about the cost of prescription drugs, the inadequacy of Medicare or whatever kind of health insurance they have to cover prescription drugs, because Medicare generally does not provide for a prescription drug benefit, and most seniors do not have it through any kind of other supplemental health insurance that they might have.

The need for an affordable, adequate prescription drug coverage, in my opinion, continues to grow, and I am very concerned about the failure of the Republican leadership in this House to address this concern in any meaningful way.

The House Republican leadership presented itself to the media a few weeks ago in a way that would suggest that they intended to bring up a prescription drug proposal. In fact, they promised to mark up the legislation in committee last week and to have it on the floor of the House by Memorial Day, by the Memorial Day recess, which most likely will begin this Thursday or Friday.

Obviously, the time has come, and once again promises have come and gone unfulfilled. I do not hear anything from the House Republican leadership about addressing or bringing up a prescription drug proposal this week. The legislation that has been announced for the floor this week is the supplemental appropriations bill, bioterrorism conference, a few other suspensions, but no mention of prescription drugs, even though it was much heralded just a few weeks ago.

It makes me believe that the Republican leadership does not want to even address this issue, but what concerns me even more is that when they do talk about it, and again, they are not talking about it much right now, what they seem to be planning to introduce is a proposal that they claim is under Medicare and that will cover all seniors but, in reality, is not under Medicare. It covers very few seniors and is administered in a way to give money to private insurance companies in the hope that they will insure seniors, and I do not think that will ever happen. I do not think that will ever occur.

Based on what I know about the GOP prescription drug proposal that was discussed, not in any detail a couple of weeks ago, but what was discussed at a press conference, I think that there is very little likelihood that their proposal would provide any kind of meaningful relief in terms of prescription drug coverage for most of the 30 million seniors who have no prescription drug coverage.

It appears that what they have in mind is trying to provide a benefit for very low income seniors, maybe about 6 percent of the seniors, but even if that were to be the case, even if they did try to pass such a bill, I think because of the way they go about it, as I said before, in just trying to throw some money to private insurance companies and hoping that they will take care of these very low income seniors is not likely to even help those very low income seniors that maybe they are trying to help.

The problem is that when my colleagues talk about privatization, when they talk about trying to give money to insurance companies so that they offer a drug-only, a prescription drug policy, most of the health insurance companies will tell us that they do not want to provide that type of coverage. In other words, they tend to provide coverage that is more broad-based, not just for prescription drugs, and we even had representatives of the Health Insurance Association of America testify before the Committee on Energy and Commerce and the Committee on Ways and Means in the last session of Congress when the Republican leadership tried to bring up a similar type of privatized drug-only policy for seniors. We even had the representatives of the Health Insurance Association of America say that they wanted nothing to do with this kind of a proposal.

What I would like to explain in a little bit of detail, if I could, is that right now when someone has Medicare, Medicare covers every senior, about 40 million seniors, and they have their hospitalization covered in Part A. They have their doctor bills covered in Part B if they choose to participate. They pay a premium of maybe $44, $45 a month for their doctor bills and 80 percent of their doctor bills are paid for by Medicare but they can go to any doctor if they are in a traditional program. If they are not in an HMO, they do not have to go any HMO, they can go to any doctor, and 80 percent of the doctor's care is covered.

What the Democrats have been saying is that the easiest way to expand Medicare or to provide a prescription drug benefit is to simply expand Medicare and add another part, maybe call it Part C to Medicare and use Part B for their doctor's care. As an example, in other words, have a very low premium that they pay per month, $25, $30, $40, then say that the Federal Government will pay, if they use Part B, as an example, about 80 percent of the cost of their prescription drug coverage, very low deductible, very low copayment, just like Part B, and all seniors get a prescription drug benefit, and most of it is paid for by the Federal Government.

It is a very simple concept. It is what Medicare does now, as I said, with doctor bills, but what we are finding is that the Republicans do not like that. They never liked Medicare from the beginning. When Medicare was passed back in the 1960s, most of the Republican Members of the House then voted against it, and I think from an ideological, rather than a practical perspective, most of the people, most of the Members who were in the leadership of the Republican party do not like Medicare. So they do not want to expand Medicare, a program they do not like in order to cover prescription drugs, and give all seniors a guaranteed prescription drug benefit. Instead, they are trying, through their ideological mischief, to come up with some kind of program outside of Medicare where they would throw money to private insurance companies and hope that they will be able to provide policies for low income seniors.

The problem is it does not work, and last week, Mr. Speaker, there was a report that was put out by Families USA, which is one of the senior organizations that is the biggest advocate for a prescription drug benefit under Medicare, and I am not going to read the whole report, but I just wanted to run through sort of a summary of what it said about trying to cover prescription drugs through private insurance or through privatization.

I am reading from the report from last week. It says, "The report is failing America's seniors. Private health plans provide inadequate Rx drug coverage. The United States House of Representatives will soon consider legislation to provide prescription drug coverage for America's seniors. The proposal that will be considered, developed by Republican Ways and Means Committee Chairman William Thomas, relies on private health insurance companies to provide drug coverage and to bear the financial risk entailed. Insurance companies will be expected to offer drug only insurance policies that cover no other health services.

"In its reliance on the private sector to provide coverage, the pending bill is similar to H.R. 4680, the Medicare Rx 2000 Act which passed the House of Representatives on a partisan basis during the last Congress. At that time when H.R. 4860 was being considered, the insurance industry, acting through the Health Insurance Association of America, made clear that it had no intention of offering drug-only policies.

"The industry reasoned that drug-only insurance policies would be subject to adverse risk selection, that is, they would disproportionately attract consumers who have existing health conditions or are sick or disabled. As a result, the policies would be very expensive and would have few takers among younger, healthier Medicare beneficiaries."

I do not want to go through the whole thing, but I want to read a little more here. It says, "The reliance on drug-only policies is not the only troubling feature of the pending Republican proposal. In the traditional Medicare program, beneficiaries can count on a uniform benefit no matter where they live.

"As the following analysis demonstrates, relying on private insurance companies to deliver drug coverage for Medicare beneficiaries, rather than incorporating a drug benefit into the Medicare program, virtually guarantees that coverage will be uneven in availability, cost and value."

Now, the last point that this Families USA report makes is that the problem with privatization in terms of providing drugs already exists when we look at the Medicare Plus choice, the HMO program, under Medicare. It says in the report, "This unevenness is common both in the Medicare Plus choice program under which HMOs offer Medicare coverage, often with some drug coverage, and in medigap policies which provide supplemental coverage for seniors. Experience under Medicare Plus choice and medigap policies shows that those that offer prescription drugs are very expensive, are not always available and, when available, offer vastly different coverage in their costs from one geographic area to another. In addition, the coverage diminishes and the prices increase significantly over time. Because of these limitations, such private insurance policies provide an unreliable mechanism for delivering much-needed prescription drug coverage to America's seniors."

There is a whole report, Mr. Speaker, about 20 pages here, where they have done an in-depth survey to show why the privatization does not work. Yet we hear the Republicans talk about it like it is the panacea for tomorrow and for all the problems that seniors have with prescription drugs.

I do not understand where the Republicans are coming from other than that ideologically they are in some sort of straitjacket that determines that they cannot add a Medicare benefit because of some right-wing ideology against government.

I see that one of my colleagues is here who has been out in front on this issue, particularly on the rising cost of prescription drugs which I have not even mentioned so far tonight. So I would yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding. I was interested in what he was saying.

We are going to see sometime eventually here over the next week or two or three the unveiling of a Republican prescription drug benefit plan. It will be dressed up. It will be described as a Medicare prescription drug benefit, but it will not be real. That will be the paint, that will be the veneer, that will be the cover, but it will not be real, and it will not be real for a couple of reasons.

First, as my colleague mentioned, the Republican plans that we have heard of so far are plans which say to the American public, we are going to tell my colleagues here is the plan, these will be the benefits, and this will be the cost. Of course, we are not going to provide it to seniors, they will not be able to get it through Medicare; we are going to rely on private insurance companies to come in and offer seniors these benefits at this cost.

In the true private sector, those decisions about benefits and costs are made by private insurance companies. They are made by the private sector, but the Republican prescription drug plan will basically say here they are and now we put all our faith in the insurance industry to come in and give seniors these benefits at that cost. That is the first problem.

It is not the real world, and as my colleague pointed out so well, this is great theater down here in Washington right now. We have the two biggest lobbies in this city, the pharmaceutical industry and the health insurance industry. The pharmaceutical industry says what we need to do is rely on the health insurance industry. They will provide people with stand-alone prescription drug coverage.

□ 2100

And the health insurance industry says, well, we really do not want to do that. And the response of the House Republicans is, well, we think you will if we just pass this plan. And it will never happen.

Back in Maine, I say over and over again to people, you know, if 85 percent of the people in Maine filed a claim for flood insurance every year, you would not be able to buy flood insurance in Maine at any price. But 85 percent of our seniors use prescription drugs, and it just is not possible for insurance companies that have 20 percent overhead and profit that they have to earn, it is not possible for them to provide prescription drug coverage to seniors at a price lower than Medicare could provide.

What we are working on is a real prescription drug plan, a Medicare prescription drug plan, a plan that will provide a benefit that is generous enough to attract everyone, get everyone into the pot. Medicare's overhead is generally around 2 or 3 percent, not 20 percent, because they do not pay huge salaries to their executives and they do not have the same kind of overhead. That is the kind of efficient plan that we really, I think, need to pass. But I do not think we will see it coming out of the Republican majority right now.

The gentleman from New Jersey was talking not so long ago about the issue of price. Here is another case. If you want to have an affordable prescription drug benefit, and by that I mean affordable to seniors on the one hand and affordable to the Federal Government on the other, you have to contain price. As the gentleman knows, I have a bill that would reduce prescription drug prices for seniors by about 35 percent simply by saying we will not let you charge our seniors more than you charge people in Britain, in France, in Germany, in Italy, in Canada, and Japan. That is it, end of story. 35 percent average discount.

Every time this comes up, the House majority, the Republicans, or the pharmaceutical industry will stand up and say you cannot do that. If we have discounts of that size, then we will not be able to do research and development anymore. We will not be able to develop new drugs, and people in this country will not be able to get the medicines that they need. And yet these companies have just started promoting their discount cards. And what do they say the discount will be? Oh, 25 to 40 percent.

One company is out there with a card for a significant percentage of Medicare beneficiaries; and they are saying to that group, we will charge you $15 a month for all of our drugs. For any of our drugs, $15 a month. Now, the average cost of those drugs right now at the pharmacy is $61 or $62. They are not talking about a 35 percent discount, they are talking about a huge discount, from roughly $61, $62 to $15 for all their drugs.

Now, it turns out that, according to them, that discount will not affect the bottom line. That discount will not affect their research and development. But here is this discount card, here is another discount card. What are we really talk about here?

The bottom line is this, and then I will yield back to the gentleman, the bottom line is that if we are to contain drug prices for our seniors, all of whom are in a Federal health care plan called Medicare, if we are to do that, Medicare has to have the negotiating power to drive down price for the benefit of our seniors and for the benefit of our taxpayers. That is what we need to do. And if we do that, we can have the kind of Medicare prescription drug benefit that will not be just a veneer, just a sort of painting, something that will never happen in the real world; but it will be something that will be of great benefit to all Medicare beneficiaries.

At some point here I think what we will hear from the other side is smoke and mirrors and surface, anything to avoid a confrontation with the pharmaceutical industry. But, frankly, we cannot help our seniors without doing something that the pharmaceutical industry will not like.

Mr. PALLONE. Well, I want to thank my colleague from Maine. I am so glad the gentleman constantly brings up the cost issue, because I think it really is the key. The bottom line is, when my constituents are calling, and they do not even have to be seniors, and they are complaining about their inability to get prescription drugs, it is because of the cost. The cost is the main issue. I think if anyone around here, on the Republican or Democrat side of the aisle, thinks that we are going to be able to address this issue in a meaningful way without reducing costs, they are from another planet.

As the gentleman knows, in putting together a benefit under Medicare, which we as Democrats want, we have to be mindful of how much it is going to cost. If you do not find some way for the Secretary of Health and Human Services or the government in general to reduce cost, then the price of the benefit will skyrocket. It has to be an important part of this; otherwise we are kidding ourselves in saying we are going to provide a meaningful benefit.

The Republicans have just totally ignored this. Again, they have the press conference in the same way that they say, oh, this is going to be a Medicare benefit, and then we find out it is not; in the same way they say everyone is going to get this benefit, and then we find out it is not, it is maybe just a few low-income people; and then they say, oh, and we are going to lower cost, and there is nothing in it to lower cost.

The only thing we have seen so far, which the gentleman has mentioned, was President Bush's pronouncement about the drug discount cards. And that is a sham, first of all, because they are already available. On closer reflection, when asked by some reporters about what the government was going to do, the President actually said we are going to promote the existing cards. He was not proposing some new program or new benefit, just promotion of what drug companies already offer. So what is there? There is nothing. The government is doing nothing.

I guess he announced this about a year ago, this discount card promotion; and at that point he said, well, this is just an interim measure until we come up with a prescription drug benefit. But now, when the Republicans talk about cost, they talk about the discount card only. So the interim measure, which was nothing, has now become their permanent solution to cost. And, obviously, it is no solution at all.

There are many ways of going about the cost, and I would just like to address a few of them. I think the gentleman's bill is great, and I have cosponsored it, and I think now the gentleman links it, he said, to the cost in other developed countries. Is that how it is done?

Mr. ALLEN. Basically, it works the way other companies hold down the cost to their citizens. It is really simple. It would allow pharmacies to buy drugs for Medicare beneficiaries at what is called the average foreign price. That is defined in the bill to be the price at which that drug can be purchased in Britain, in France, Germany, Italy, Canada and Japan, the rest of the G–7 countries, industrialized countries.

It would obviously hold down costs, because in those countries the average foreign price for any particular drug is typically about $60, $63 or $64 compared to $100 a month here. So it is about a 35 to 40 percent reduction that we would be talking about.

Mr. PALLONE. And the fact of the matter is, and the thing that really bothers me, and the gentleman is in Maine so he really sees it, and those in Michigan and other border States with Canada, you see people taking buses on a regular basis to go to Canada to buy the drugs at a significant reduction. It is outrageous they have to do that.

My understanding is that in some of the border States, like Maine, that is routine. People take a bus once a month or whatever.

Mr. ALLEN. If the gentleman will continue to yield, in my office we are helping people all the time purchase their drugs at discount, and there are ways to purchase drugs through a Canadian physician and get that help.

But let me tell my colleague about the last bus trip that seniors took to Canada from Maine. It was a few months ago. There were 25 seniors on this trip. Twenty-five. They went over the border. They checked in with a Canadian doctor. They got their prescriptions written, and they went to the pharmacy and came back. Those 25 people saved $16,000 on their prescription drugs; $16,000 for 25 people in one bus trip.

Let us talk about one important drug, Tamoxifen. Tamoxifen, as the gentleman knows, for 15 or 16 years has been the standard accepted treatment for breast cancer in this country. Well, in Maine, as in I assume most of the United States, if someone does not have health insurance, a month's supply of Tamoxifen is about $112, $114. In Canada, it is $13 or $14. There is a ten-to-one differential. Now, that is greater than the average of other drugs, but it gives us some indication.

Here are people out there fighting for their lives, needing Tamoxifen in order to get by, low-income people, middle-income people; and they have to worry about how on Earth they are going to pay for their drugs.

I heard a story the other day, an older couple in Maine, both of them have significant drug expenses, so what do they do? How do they manage to both eat and pay the bills and then purchase their prescription drugs? Well, one month he takes his medicine and she does not. The next month she takes her medicine and he does not. There is not a doctor on the planet that thinks that is the way you should manage your prescription drugs. But they have no choice.

I have talked to people who are basically slowly sliding into bankruptcy because of the cost of their prescription drugs. Through my office, we do everything we can for them, but what they need is what working Americans have. Working Americans who have health insurance typically have prescription drug coverage through their health insurer. For seniors, the health insurer is Medicare. And yet, on the Republican side of the aisle, the thought of strengthening Medicare, strengthening Medicare, because it is a Federal Government program, the thought of strengthening it to provide a significant additional benefit seems to be something they just cannot abide. So they try to find out how possibly the private sector could do something that they cannot possibly do as efficiently as Medicare itself.

Mr. PALLONE. It is an ideological problem, I am convinced of that. They have a problem with Medicare because it is a government-run program, and they do not believe in government-run programs.

I always say that when you come down here you cannot be that ideological. You have to be practical about what works, and Medicare works. So we should expand it to include prescription drugs.

I hate to say this, and I do not want to cast aspersions, but at least in Maine there is an option to go someplace. If you are in New Jersey, it is too far. And I think that is the unfortunate part of this. We are looking at these options, but they are not options really for most people.

The gentleman's bill is great, and I certainly support it and would love to see it enacted, but there are many other ways we could reduce costs that the Republicans have essentially rejected. Obviously, if you have a Medicare benefit, and all 39 or 40 million American seniors are in that program, that gives the Department of Health and Human Services tremendous bargaining power, like we do with the VA or like we do with the military hospitals; and they should be able to negotiate prices that would bring costs down.

There are other things. I know that my colleague, the gentleman from Ohio

(Mr. BROWN), has a bill with regard to generics to try to encourage generics, which is another way of bringing costs down. But we do not see that happening. Republicans do not like that too much. Some do, but the leadership does not, so we do not see anything on that.

In the other body a couple of weeks ago, one of our former House Members, the gentlewoman from Michigan (Mrs. STABENOW), introduced a bill, which I will introduce in the House, which basically says you cannot get any tax credit or deduction on your advertising expenses. In other words, as the gentleman said before, most of the pharmaceuticals say, well, we need to drive up prices in the U.S. because you are paying for the research.

Well, I do not know if I agree with that. I do not know why we should be paying for all the research here in the United States and no one else does in these other countries. But right now they are mixing the advertising cost and the research, and they are getting some kind of tax deduction or credit for it; and there is absolutely no reason why they should get that kind of credit or deduction on the advertising portion, which I think is a huge part of it. So her bill says that you cannot get the tax credit or the deduction on the advertising.

There are so many ways to reduce costs, but so far we cannot even get the bill in committee at this point. We cannot even get a markup on the bill, so they are not even considering some of these cost measures.

□ 2115

Mr. ALLEN. I am glad the gentleman brought up the question of TV advertising. A few months ago the Kaiser Foundation came out with a study. They looked at the difference in cost, the difference in spending on prescription drugs in the year 2000 as compared to the year 1999, just that 1-year differential. They found a 20 percent increase in expenditures on prescription drugs. Then they started looking more closely at particular drugs. They surveyed almost 10,000 drugs and looked at the price increases and increased spending on prescription drugs. They found that half of that 20-percent increase was related to just 50 drugs. Fifty drugs accounted for half of the increase. They were the 50 drugs that were most heavily advertised. Those were the drugs that were on television all the time. So half of the increased expenditure came with 50 drugs and the other half of the increased expenditure came with 9,950 drugs. Fifty drugs over here; 9,550 drugs over here. Each of those accounted for half of the increased expenditure.

There is no question that pharmaceutical spending on advertising is driving up the cost of prescription drugs in this country at an alarming rate. That is why they do it. Let us face it. That is why they do this heavy advertising. Part of the problem has nothing to do with Medicare. Part of it has to do with our businesses. Health care costs for small businesses and large businesses in this country are skyrocketing. We have got small businessmen and women in Maine who just cannot abide 20, 30 percent, 40 percent increases this year. I have been talking to them. I have got a piece of legislation that I think would help. But that kind of increase is going to drive the small business community out of small business entirely if we are not really careful. One of the major drivers is the high cost of prescription drugs and one of the drivers for that, it is not really research. It is really the advertising.

Look, the pharmaceutical industry has to maximize the bottom line. God bless them, that is the American way. There is nothing wrong with that. What is wrong is for government to sit back and do nothing to protect our consumers from inflated prices. This is not a free market. This is a case where we provide money, tax credits. We do half of the basic research through the National Institutes of Health for the development of new drugs. Then we provide a research and experimentation tax credit to encourage the development of new drugs. Through that mechanism, the pharmaceutical industry winds up paying one of the lowest taxes as an industry in the country. Yet they are the most profitable industry. And we do not do a thing. We give extended lengths of time in the patents.

This is not about them. This is a good industry. They make a good product. But the Federal Government has fallen down. We have not protected our people. That is why we need a Democratic prescription drug benefit, one that works through Medicare, that covers everyone, that provides a generous enough form of coverage so everyone will sign up. If we do that, we will finally, I think, get this problem of our seniors and ultimately of the business community as well, start to get this problem of health care costs under control. I get a little wound up about this.

Mr. PALLONE. I appreciate it. I am amazed how people do not even know about generics. We know, for example, when we talk about generics that in many cases, probably in most cases, there is a generic alternative to some of the name-brand drugs; but the problem is that people, physicians and seniors just get hit and bombarded with all this advertising, they do not even have any education about generics, they do not even know whether there is an equivalent, the fact that it is just as good, they have no knowledge whatsoever.

Then, as you say, you get the companies coming in trying to extend the patents and using all kinds of gimmicks to prevent the generics from even coming to market, using procedural tactics and lawsuits and everything else half the time; and if that does not work, then they invite a Member of Congress to sponsor a private bill to just extend the patent. There is getting to be less of that because it has been brought out into the light; but for years that was happening on a regular basis, and it is probably still happening.

But I think the ultimate irony is that they get some kind of a tax break for the advertising. Here they are, convincing people that this is the only alternative, which is not true; and then they get to take some sort of a tax break to pay for the advertising. It is unbelievable.

If I could maybe just conclude, and the gentleman may want to join me on this, I just wanted to explain again what we have in mind as a Democratic alternative, because I spent a lot of time criticizing what I think the Republican plan is going to be, and my biggest concern is that they have not unveiled it and they have not moved on it. Maybe I will get criticized for saying this, but the way they have handled themselves in the last 2 weeks in promising that they were going to come out with this, and then promising it was going to come to committee and promising it was going to be on the floor before the Memorial Day recess and all of a sudden there is quiet and a big hush, I have not heard anything for a week and the Memorial Day recess is in a couple of days. I am beginning to think they are never going to bring this up in this session of Congress, between now and the end of this session. I hope I am wrong.

Mr. ALLEN. We should be so lucky and the American people should be so lucky. We would be better off if we got a real plan. There is no reason to put up a plan which is just a shell, the kind of plan which is going to be supposedly funded or operated by an insurance industry that does not want to do it; that purports to cover everyone, but in fact will only make economic sense for people at the lower-income levels and at the end of the day will not be a Medicare prescription drug benefit at all. It will be some sort of shell of a benefit. Many of the proposals seem to be saying that one way to pay for this is to drag money out of other health care providers. But the doctors and the home health care agencies, they cannot keep going.

When you really think this through, it is worth remembering a little bit of history. The reason in 1965 that Medicare was created was because the private insurance market would not cover people who were older and sicker than the general population, people over 65. In 1965, half of all seniors in this country had no hospital coverage. It was the trip to the hospital and surgery that would drive people into bankruptcy. That is still true today for people who do not have health insurance. But our seniors have it. They have Medicare. The problem, of course, is they do not have the kinds of prescription drug coverage they need. Almost 40 years ago, the answer of the Republican Party, the position of the Republican Party, is that somehow the private sector will provide; and that is still the same answer today. But if you look at the Medicare+Choice, managed care under Medicare, that is not working. That is not working. It costs more according to the GAO to fund Medicare+Choice, Medicare managed care plans, than it does clunky old ordinary Medicare.

And what are we talking about here? The way to do real Medicare reform is to provide seniors with a Medicare benefit that they need, not to try to go back to pre-1965 times when it was the insurance companies, that we are going to rely on insurance companies to provide health insurance and prescription drug coverage to a population that they did not want to cover then and do not want to cover now.

Mr. FRANK. If the gentleman will yield, I appreciate the leadership, Mr. Speaker, that both of my colleagues from New Jersey and Maine have shown on this issue, but I do not want us to appear too partisan. I do want to acknowledge that the Republican Party, the President, Members of this body, have not been totally neglectful of the health problems of older people. The difficulty is that they really have so far only tried to deal with the health problems after they are quite severe, in fact, after they are fatal.

So far, what we have to deal with the problems of elderly people who are severely ill is a total repeal of the estate tax. Now we are told that we cannot afford to have a Medicare drug prescription benefit because there is no room for it in the Republican budget. One of the things that crowded it out was the ability of an older person worth $47 million to die and have the heirs who inherit this pay no tax at all. Obviously, older people who have died have had severe health problems; and it is not as if, as I said, the Republicans have ignored them. They have chosen, however, to focus all of the financial relief on those people who were elderly and quite wealthy who died, and that has left us no money for the people who were middle class and sick.

So we do not want to suggest that there was no concern whatsoever. If, in fact, we would have adopted a plan that, for example, exempted the first $5 million of someone's estate from taxation and put a reasonable level of graduated taxation above that, we would have, as my colleagues know, a significantly larger amount of money. And simply doing a reasonable reform of the estate tax rather than a total repeal would free up this money so you could have a meaningful prescription drug program.

So we are deciding at what stage in the illness cycle to intervene. I think this is a case where our Republican colleagues have waited far too long, literally after people have unfortunately passed away, and they have taken that money and that is the money that could have been used to make a prescription drug benefit a significant one.

Mr. PALLONE. That is a good point. I think it also dovetails with what my colleague from Maine said before, and one of the reasons I believe why the Republicans are having difficulty coming up with a plan and probably have postponed this at least until after Memorial Day if not indefinitely is because they have insisted that if they are going to pay for it, they have to take money from other parts of Medicare, in other words, cut back on the amount of money that goes to hospitals, cut back on payments to doctors. They cannot do those things, practically speaking, because hospitals will close, doctors will simply close the door and they have put themselves in this financial box, if you will, that has made it impossible for them to offer any kind of generous plan the way the Democrats feel we need to have it.

Before we close tonight, I think we should talk a little bit about what the Democrats have in mind.

Mr. ALLEN. Before the gentleman describes the Democratic plan, and I know he wants to do that, but the gentleman from Massachusetts made a good point and I cannot resist going back to it for a moment, because back in the campaign for President, the current President said during a time of great economic prosperity that what this country needed was a huge tax cut. He said, "It's not the government's money. It's your money." Eventually, 5 months after he was put in office, the tax cut went through. Of course by the time the tax cut went through, we were slipping into a recession. And then the argument was not that the tax cut will not overstimulate the economy, it was that the tax cut will help stimulate the economy. So whether we were talking in times of prosperity and budget surpluses or whether we are talking about a time of a bit of a recession and budget deficits, in any case the solution is always the same, "What we really need is a tax cut." I should have brought down my chart that I have got here, but it is remarkable. The gentleman from Massachusetts was talking about the benefits to someone who dies with millions and millions and millions of dollars from that estate tax. The Republican majority was down here recently saying, We have got to make this tax cut permanent. That is what is needed for this economy.

When you look at the numbers, which they will not show you, but when you look at the numbers, here is what it shows: the bottom 60 percent of people in this country in terms of income run from $44,000 on down. Sixty percent of the entire country comes from households of $44,000 or less. From the tax cuts that have been passed but not implemented, that group will get an average annual tax cut of $104. $104. When you look at the top 1 percent, the people in this country who earn over $370,000 a year, the top 1 percent in income, they will get from tax cuts passed but not yet implemented an average annual tax cut of $50,000.

In other words, the tax cuts that the Republican majority is rushing to make permanent, if they can, those tax cuts will give a tax cut on an annual basis to people earning over $370,000 a year. They will get a tax cut that is more than roughly 60 percent of the people in this country even earn in a year. That is somehow described as a notion of fairness. But if we are going to do that, if that is a higher priority than making sure that seniors struggling to get by on 20 or $25,000 a year, struggling to pay for their prescription drugs, if tax cuts for those wealthy people are more important than prescription drugs, I have to say that is a value system I do not understand.

I am actually anxious to hear the gentleman's description of the Democratic plan which is a real plan, a real Medicare prescription drug plan for seniors.

Mr. PALLONE. I think that what we need to point out is that we are talking about expanding Medicare to include a prescription drug benefit for all seniors because, practically speaking, we know that Medicare works. The reason this works is it makes sense. If you take the 39 or 40 million seniors that now are eligible for Medicare, all seniors are eligible for Medicare, and you make a huge pool that includes all these seniors, then it basically goes along with the whole idea of insurance. In other words, the idea with insurance policies is to have as many people participate in the plan as possible because then those who run up huge costs are in it, but those who spend very little if anything on drug costs are also in it.

□ 2130

That evens the cost. We know that the Republicans have boxed us in, so to speak, in terms of the financing of this.

But if you think about it from a practical sense, the best thing to do is to pool all the people, which is really what Medicare is all about. The Republican proposal, which says give a little money to private insurance companies and hope that they will attract some low-income seniors to this benefit, does not make sense, and the insurance companies have said it, because the only people that will seek out that option will be people who have huge drug costs and who figure by paying so much a month, or whatever, they are going to get a huge windfall in terms of their drug benefit.

If you do what the Democrats are proposing, which is to analogize our proposal to Part B, where you pay a very low premium per month, I don't know if it will be $25, $35, $40 a month, you get 80 percent under Part B of your doctor bills paid for by the Federal Government, the deductible, I think, is $100, and, of course, the copay is the other 20 percent that the Federal Government is not paying, then you are going to create an incentive for almost every senior to join. I do not know what the percentage is, but it is something like 90-something percent of seniors pay the premium and join Part B, because it is worth doing.

So if you have the same phenomena, where you have a very low premium and you get 90-something percent of the seniors to participate in this Part C or Part D Medicare benefit, you have created this huge pool, which I think from a financing point of view makes sense. That is what the insurance pool is all about.

Then you go ahead and you say through some way, either you give the Secretary of Health and Human Services the authority to negotiate prices, I do not know if you do something like what the gentleman is proposing, or just give a negotiation ability with a mandate to reduce prices, he or she is going to have the ability to go out with the 40 million seniors and really get a good deal, presumably because he has such bargaining power. So we are trying to address the costs by giving the Secretary that power.

We are trying to come up with a guaranteed Medicare benefit that everyone would be able to take advantage of, which is generous enough for people so that they would sign up for it, so that you would have everyone participate in it, and I have no doubt it would be as successful as what we have under Medicare now with Parts A and B.

The one thing I would say, because sometimes people say what about the seniors who cannot afford the premium, the Democrats would do the same thing we do with Part B. If you are below a certain income, then the Government pays for your premium, or if you are a little better off, you have to pay a little less than the average premium and the Government subsidizes your premium. Those people would have the advantage now, as they do with Part B.

Mr. ALLEN. Could the gentleman describe the catastrophic coverage.

Mr. PALLONE. The catastrophic would also be very low. I will not get into the details, but you have to have a very low catastrophic figure, too. In other words, above a certain point, whether it be $2,000 or $3,000, whatever it is, if your out-of-pocket expenses exceed that, then all your costs would be paid for by the Federal Government. That should be fairly low as well, if it is going to be meaningful, I would say.

Again, this is not rocket science here. We are just basically talking about what we already have for your hospital bills, and we are just saying we want to build on a very successful Medicare program to provide coverage for all seniors. There is no magic here. I believe that with the cost factor and the large pool, that the cost probably would not be that much, considering what we are spending on everything else, as our colleague from Massachusetts pointed out.

So if I could just conclude and thank my colleagues for participating tonight, the main concern I have right now, to be perfectly honest, is that we do not have any action by the Republicans on this issue. They talked about it 2 or 3 weeks ago and promised they were going to bring it up before Memorial Day. They have not.

I disagree with the gentleman in the sense that I would just as soon they bring some bill to the floor and have a debate, because I am fearful we are not going to get to it at all. Clearly when that debate occurs, what the Republican leadership talked about is not acceptable. It is not going to do anything. It is not going to provide any meaningful coverage for anybody. Hopefully we will have the ability as Democrats to bring up a proposal similar to what we outlined today and have a debate on something so important to the American people. I would say we are going to come back here. I know the gentleman from Maine is going to come back here, and we are going to keep talking about this over and over again until the Republicans bring it up and allow an opportunity to address the issue.

SUPPORTING ISRAEL

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes. [H20MY2-338]¦H2654¦FRANK

Mr. FRANK. Mr. Speaker, I apologize to the hard-working members of our staff for keeping them here at this hour. I do not often indulge in long speeches at this time of night, but I do feel an obligation to talk about the situation in the Middle East, particularly the security of Israel and the position of Israel vis-a-vis the United States, for 2 reasons.

First, it is a subject both very important and very emotional. A large number of people in my district, as in every other, care deeply about this. I believe the people who feel the most strongly and the largest number are people who, like myself, have both an emotional attachment to Israel and also a strong intellectual degree of support for it. There are others who are troubled by what is happening in the Middle East and are somewhat critical or harshly critical of the Israeli government.

I think it is an obligation of those of us in elected office when an issue is of this importance to explain ourselves, and I find here, given the complexity of the issue, I think it is an essentially simple one. I believe that simplicity consists of the fact that for more than 50 years, until maybe recently, and we still do not know this, there has been an unwillingness on the part of the Arab community in the Middle East to allow Israel to exist.

The troubles began when the UN voted in a resolution, UN resolutions have become the currency in the Middle East of late, but the most important UN resolution, the one which said that there should be 2 states, Israel and Palestine, was not only disregarded by the Arab world at that time, but became the occasion for violent attack, and it always ought to be remembered if the Arab world had abided by UN resolutions 50-some years ago, we would have the 2-state solution which so many, including myself, think is the best ultimate answer, without a lot of killing and without a lot of misery and pain. But while there is essential simplicity to the issue, there are, when things have been going on for 55 years, a great deal of complexity, and that needs to be addressed.

But I also want to talk about it because precisely because I do believe very strongly that the continued existence of Israel as a free, democratic society, with secure boundaries, is important morally for the world, as well as in our interests as a country. I worry that some people, particularly within Israel, may have misinterpreted recent events in the United States.

I think there continues to be very strong support for Israel's right to exist and for its right to have secure boundaries. I think there is a great deal of admiration, as there should be, for what Israel has accomplished economically and socially and politically in the broadest sense, that is, maintaining a democracy.

The excuse we often hear from violators of human rights, people who disregard democratic procedures, is that democracy is kind of a luxury for a nation that is at peace, but we are often told when a nation is at war, it really cannot afford to be democratic, it cannot afford such luxuries as electing a government and then throwing it out of office by open means, a freely critical parliament, open press, free speech.

In fact, Israel, from the moment of its existence, was under siege, indeed, people were attacking it before it existed as a sovereign nation. It has been in a war-like state, unfortunately, I think not through its own choice, for its entire existence, and, despite that, has brought forward one of the most flourishing democracies in the world and, sadly, the only democracy of any consistency in that part of the world. So I am grateful to the people of Israel for showing that democracy is not a source of weakness, not something to be put aside when things are tough, but a source of great strength.

That respect for Israel, that admiration for it, that understanding that it has played a very important role as an ally of America, all contribute to a great deal of American support for Israel, as does the fact as it is, as we know, the successor state to that horror, the Holocaust, in which an organized state tried to wipe out a people, and came closer than anyone would have thought before could have been done.

Yes, there is a moral obligation to the remnants of the Holocaust and they were given a safe haven. As we know, had there been such a place during the time of the Holocaust, many who died, many who escaped only to be sent back because no one would take them, would still be alive.

So there is legitimately a great deal of support for Israel. What I fear, however, is that some within Israel will assume that that support is there, here in America, no matter what, despite policy decisions Israel might take.

Now, Israel is a democracy, as I said, and people will say, you know, a democracy has a right to make its own choices. Of course it does. The people of Israel have a right to elect governments, advocate positions, as any democracy does. I will note that there is a certain inconsistency from some who now say that because when Ehud Barak was prime minister and trying very hard with the support of former President Clinton to reach a reasonable peace, some of those who now tell me that it is inappropriate to differ with the government of Israel were much less reluctant to do that under Prime Minister Barak or under the martyred Prime Minister Yitzak Rabin. But Israel has a right to make decisions.

On the other hand, it is also the case that the United States is a democracy and it has a right to make decisions.

Now, American support at a very high level is essential, I believe, for Israel to be able to survive as a free and secure society. It is a small population. They have done wonders. But they are so heavily outnumbered, they are devoid of the kind of resources that many of their historic enemies have had, and there has been, for reasons that do the rest of the world no credit, a great deal of unfair criticism, I think, of Israel, so Israel has really found itself consistently bereft of friends in many cases when it counted, with the consistent exception of the United States.

It is entirely valid for the United States, in my judgment, to provide a degree of military assistance to Israel. This is a nation which is forced to survive to spend a very high percentage of its own income on the military. I think America plays a very useful role in helping them deal with that.

It is a nation which has had a policy of taking in people from the former Soviet Union, from Ethiopia, from Arab countries who were driven out, Yemen, Morocco and elsewhere. It is very important that they be able to play that role, and I think the money we provide is helpful.

We should note, of course, Israel is the number one recipient of American foreign aid, and Egypt is the second largest recipient of foreign aid, and that is probably because 25 years ago the leaders of Egypt and Israel, Menachem Begin and Anwar Sadat, took great risks for peace and engaged in a great transfer of land, really a somewhat extraordinary example in history, where the victorious nation, Israel, gave back to the defeated nation a very large piece of land, the Sinai desert, so that you could begin to have peace.

While there have been problems and difficulties, peace has in fact survived there, and I think the work of Menachem Begin and Anwar Sadat was vindicated. People should note that Menachem Begin, who was one of the intellectual and political founders of the current conservative movement in Israel, not only made peace with Egypt, not only gave back land, but presided over the dismantlement of a settlement, a Jewish settlement, in the Sinai, so that it could be given back. I think that is a very important precedent that I will get back to.

But we should understand that the United States gives high levels of aid to Israel and Egypt in part because of a perception that these are allies, in part because of the great admiration we have for Israeli society, but also since 1977–78 because these two nations undertook that peace agreement, and I think it was an entirely constructive policy begun in the Carter administration and carried through Presidents Reagan and Bush and Clinton, and now President Bush again, to say that if countries in an area that is very important to America take risks for peace and try very hard to overcome these difficulties, the United States will try to help out. That was an entirely fitting situation and people should understand.

□ 2145

That is the biggest single reason why there was this ongoing degree of aid. So I think that is entirely appropriate. I look forward to continuing to support a level of aid appropriate to Israel until and unless there is a peace; and if and when peace is achieved, yes, it will be possible to reduce the level of aid.

For a variety of reasons, then, it is clearly important for Israel to be able to maintain this degree of support in America. I worry that there are people in the United States, some of whom are genuine, strong, emotional supporters of Israel; some of whom are unable to resist the temptation to use Israel for domestic American political purposes, who may be giving Israel the wrong kind of support. It is no service to a friend to encourage that friend to misunderstand the situation and, in particular, to feel that it has a degree of invulnerability when there may be some vulnerability.

In particular, Mr. Speaker, I think the recent resolution by the Likud Party to say that under no circumstances would they support, if they were in control, those who passed that resolution of the Government of Israel that under no circumstances would they support a Palestinian state in the West Bank and the Gaza Strip. I think that was a grave error.

Now, I think it was a grave error from the policy standpoint. As I have said, one of the great sources of strengths of Israel is that it is a democracy. I mentioned how democratic Israel is, even in the face of all these attacks. I recently got a great example of Israel's commitment to human rights in an area that probably would not have gotten much attention 20 years ago; it probably would have not been able to be something to be discussed 20 years ago.

But when I was in Israel in January of this year, having participated for 5 days in various political discussions with Israeli officials and others, including the Palestinians, about the state of peace, I then spent a few days meeting with people in Israel's gay and lesbian community. I was very pleased to be at a meeting in Tel Aviv of a city council member in Israel who is a lesbian and able to be open about it. I went to the Jerusalem Open House, a community center, for gay and lesbian people of Arab or Jewish background in Israel. I met with the head of the Aguda, the overall umbrella Israeli activist organization.

I was pleased to learn that not only do gay and lesbian people serve openly in the Israeli Army; by the way, for those who think that having open gay and lesbian military people undermines the morale and the effectiveness of the Army, I think they will have a hard time explaining that to people in the Israeli Defense Force whose morale and effectiveness I do not think has recently been questioned and where openly gay and lesbian officers not only serve, but whose domestic partners have benefits.

I contrast that, Mr. Speaker, sadly, with the degree of oppression of the gay and lesbian people that takes place in the Arab world. I have recently had occasion to write several letters along with my colleague who is the ranking Democrat on the Committee on International Relations and my colleague, who is the Republican Chair of the subcommittee of the Committee on International Relations, the gentleman from Florida, and some others, the gentleman from Connecticut. We have had to complain to the government of Egypt because of a pattern of systematic oppression of gay people simply because they were gay. They gave other excuses, but that is clearly not what is at issue. Nobody was imposing himself on anyone else, no one was molesting young people. These were gay men who were being prosecuted.

Well, the contrast between an Israel in which, frankly, Palestinians who are gay who live in the occupied territories come to Israel proper because they can get protection, because they get a degree of security within Israel that they cannot get at home. I am very proud of that. I am very proud of the democracy of Israel. I am proud, I say, because I have been a supporter of that state, and I believe it is a very important example it gives to the world about how to be democratic. And let me repeat, the Israeli Defense Forces, there are few militaries in the world that have been under consistently a greater strain, and they have openly gay and lesbian military officials, and they serve with great distinction and no negativism whatsoever.

Now, it is important, I believe, for Israel's position that it continue to be democratic. When we have a major political party say that they do not want to see a Palestinian state, the implication there is that Israel continues to be a nation which has a democratic population, a democratic legal population, which includes, of course, a considerable Arab population; and while there are shortcomings in the way in which Israel has dealt with its Arab population, the fact is that Arabs have been in the parliament, Arabs have full political rights, and the democracy that exists even regarding Arabs in Israel sadly exceeds that in terms of democracy for most of the Arabs in the Middle East who are not allowed the freedom to criticize the government. I hope that the Israelis will understand the importance of preserving that. I believe that they do.

But in addition to a democratically ruled society within Israel, Israel has found itself presiding over territories inhabited by Palestinians outside Israel who do not have those kinds of rights.

Now, at this point I do think it is important to look at history. One of the problems that has affected, unfairly, it seems to me, negatively, the opinion people have had of Israel is that history is not always known to people. If one just turns on the television today or picks up a newspaper and sees a situation where this nation, Israel, is ruling over Arabs in the Gaza Strip and West Bank, if one believes in democracy and self-rule, that does not look good. And if, in fact, Israel had gratuitously simply marched into those territories at some point and established some deal with them, Israel would have been wrong. It is, therefore, important at this point to look at the history.

I mentioned that the history here begins with a universal Arab rejection by Iraq, by Jordan, by Egypt, by Syria. A universal rejection of these nations of Israel's right to exist, and an invasion of this small group of Jews, many of whom are recently come from the Holocaust, others, of course, who had been there for some time; and the new Nation of Israel managed without a lot of help at that point to defend itself and establish its position. So at that point in 1948, when Israel was able to declare its independence right about this time of year, we had the State of Israel.

Now, I have a question for those who say, well, what we really need is a two-state solution. Why did the Arab world not implement one 54 years ago? The U.N. called for a two-state solution, Palestine and Israel. The Arabs attacked and tried to prevent that from happening. The nation that became Israel was able to defend itself. At that point, there was an Israel. Also at this point, the lands that we now refer to as being occupied by Israel, the Gaza Strip and the West Bank, were under the control of Arabs. Jordan controlled the West Bank, including eastern Jerusalem, the Old City. Egypt controlled the Gaza Strip.

From 1948 to 1967, the Gaza Strip, the West Bank in east Jerusalem, were controlled by Arab nations. Why, and I really think this is a valid question not often enough asked, why did they not create a Palestine then? If the Arab world genuinely believes in a two-state solution, why did they not implement one when they had the chance? There was certainly a period when Israel did not have the strength, even if it had the interest, in trying to prevent that from happening. I do not understand why the Egyptians and Jordanians did not get together and create that two-state solution. They talk about how much of the West Bank they had; they had it all, by definition, before 1967.

The reason, I am afraid, is, and this is very relevant and continues to be, the reason the Arab world did not implement the two-state solution is that they were not for a two-state solution. They were for a one-state solution. Palestine, no Israel. They did not use their ability to implement an Arab nation of Palestine in the Gaza Strip and the West Bank from 1948 to 1967 because to do so would have meant accepting the reality of Israel, and they were not ready to do that. Instead, what they did was to use the Gaza Strip and the West Bank and the Golan Heights of Syria and other lands as a basis for continuing to attack Israel. There was a continuing effort to undo Israel's existence militarily.

So in 1967, I believe entirely in self-defense, Israel moved into those adjacent areas, which had been used as places from which Israel was attacked. That is when Israel moved into the Gaza Strip and the West Bank, after the Arab nations, for 19 years, declined to create a state there and, instead, preferred to use them as bases to attack Israel. Israel wound up with the Sinai Peninsula from Egypt, the Gaza Strip, the West Bank, and the Golan Heights.

Since that time, the Israelis and, obviously, a lot of history goes back to the 1973 war, which was more of a standoff, although it was again an effort by the Arabs to destroy Israel, the 1973 war was the Arabs taking another chance, as they did in 1948, of trying to dismantle Israel and they made some gains at first but were ultimately unable to do that with some help from the Nixon administration; the Israelis were able to defend themselves and maintain that status quo. Then ensued a period of people feeling each other out.

The next thing that happened was that Menachem Begin met with Anwar Sadat; Menachem Begin, the leader of the right in Israel and the man who undid the previously uninterrupted rule of the left in Israel politically, and what he did was to proceed to give the Sinai Peninsula back to Egypt, not for any material gain, but remember what the deal was. Israel gave back the Sinai Peninsula and dismantled a settlement of Jews in that peninsula solely for Egypt's recognition of Israel's right to exist. Until then, that did not exist.

That was a big deal when Anwar Sadat, the leader of Egypt said yes, okay, there can be an Israel. That took from 1948 to 1978. Sadat, of course, was reviled by many of the Arabs and ultimately murdered within his own country. Why? Because he dared accept back a big chunk of Egyptian territory and said, in return, it is okay, they can be in Israel. That is a sign of how, as recently as 21 years ago when he was murdered, how deeply rooted the unwillingness to even allow Israel to exist was.

Things evolved further. Obviously, many Israelis believed, I think accurately, that while they had the right to defend themselves, if they could come to some peaceful agreement, that would be preferable to living the way they were living. If they could find a way for there to be some self-rule in the Gaza Strip and the West Bank that would relieve them of the need to be there, would relieve them of the contradiction in their democratic idealogy of ruling over people in a way that was necessarily undemocratic, if they could refrain from the military attacks on both sides, that would be healthy.

So they began a process, ultimately, of trying to negotiate a global peace. It culminated, most recently, in the

Barak administration offering to give back almost all of the Golan Heights to Syria, a hostile nation not just to Israel, but to the U.S., a nation whose record of harboring terrorists is one of the worst, run by one of the most brutal dictators, and now his son is in power and there appears to be no significant improvement from any human rights rule, but still Israel was willing to try. That culminated with the offers made by Prime Minister Barak, with the support of President Clinton, to Yasar Arafat in the year 2000.

There was a lot of debate about why there was an agreement, but we do know this. Prime Minister Barak offered a significant return of territory that had been captured in what I think were legitimate defensive wars, including almost all of the Golan Heights. By the way, he had previously, of course, drawn away from Lebanon where Israel had gone in before, and he offered a great deal more with regard to the West Bank than people had thought previously would happen.

□ 2200

At the time, I remember the argument was not that this was an unfair deal, but I ask people to go back and look at this. We were told this was a mistake because Arafat was not ready to make peace. Arafat, we were told, could not at that point really still sell to the rest of the Arab world a deal which, once again, meant the entire acceptance of Israel's right to exist.

It is significant here to remember what a fuss was made a couple of months ago when Saudi Arabia said, do you know what, if Israel totally withdraws from every inch that it captured in 1967, we will recognize its existence. Now, that was considered to be a major breakthrough in 2002, and given the eternal hostility that they had pledged to Israel, it was.

But understand this point: If, in fact, it was a breakthrough for Saudi Arabia in 2002 to say that there should be an Israel, what that means is that in 2000, when Bill Clinton and Ehud Barak were trying to get Yasser Arafat to make a deal, the Saudis were on the other side. The Saudis obviously, by their own acknowledgment, were not ready to support that in 2000. It could not have been a big deal in 2002 for them to say, okay, we are ready to recognize you, if they had been ready to do that in 2000.

In fact, by the closing days of the Clinton administration, an offer was made to Arafat which obviously from one standpoint was not perfect, it was made by the military victor in a more generous way than victors usually are, but it did not become the basis for negotiation. It still was essentially rejected.

Then, of course, the Clinton administration was out of office and the Barak administration soon after that, and I think the Bush administration made then the very grave error of instead of picking up where it had left off trying to find out if things were close enough, the Bush administration decided to just let things alone, incredibly thinking somehow this would make it better.

I do not think there is a worse prediction in recent diplomatic history than the Bush administration view that walking away from any effort to bring the Israelis and Palestinians into a negotiation early in 2001 would somehow make things better. Clearly, the consequence has been that things were much worse.

At any rate, that is where we now are. And it is in this context that I think it is a mistake for former Prime Minister Netanyahu and his allies in the Likud party to announce that they are no longer interested in trying to reach an agreement that would lead to a Palestinian State in the West Bank and Gaza. And as I said, from the standpoint of Israel's own interest, that seems to me a mistake, but I have no authority to make that decision for the Israelis.

On the other hand, a continued strong degree of support in the United States is important to Israel if it is going to be able to continue to live as a free and prosperous society, which it has become through its own extraordinarily successful efforts.

And here is where the problem is. I think people within Israel, particularly within the Likud, and obviously former Prime Minister Netanyahu, misunderstand the nature of American support for Israel. It is strong, it is morally based, it is based on a recognition of a common strategic interest, it is based on an admiration of what Israel has done, it is based on a recognition of the debt on the Holocaust, but it is not infinite. It is not a support that will be there in the same degree, no matter what Israel's policy is.

The one area where I think there is a danger that the degree of American support that Israel deserves and needs could erode has to do with the policy of settlements, and whether or not there should be ultimately a willingness on Israel's part to withdraw from the Gaza strip and most of the West Bank.

I would remind people that in recent times, there was one occasion when those of us who were strong supporters of Israel in Congress were unable to accomplish a policy of American assistance to Israel. It was when former Prime Minister Shamir made a pronouncement that sounded like he was saying that he had no intention of giving up any of the West Bank or Gaza strip to a Palestinian state; that he intended to maintain all of the settlements and that the land would remain under Israeli control indefinitely.

It was at that point that President George Bush, the President's father, was able to revoke what people had thought was a commitment to provide loan guarantees to Israel. Remember, this is a time when the Soviet Union had collapsed and there was massive immigration possible from the former Soviet Union, from Jews who had enough of the anti-Semitism in their areas. There was a continuation of the policy of taking Ethiopian Jews from Ethiopia. There was really great need for absorption of the immigrants. The U.S. had promised to guarantee some loans.

When George Bush became angry at the settlement policy and for other reasons, not just the settlement policy, but when it became the perception that Israel was no longer interested in a negotiated settlement in which it would withdraw from much of the West Bank and from the Gaza strip, George Bush said no to the loan guarantees.

While people talk about the great power of the friends of Israel in Congress, this was a time when that did not avail. George Bush won that fight: There were no loan guarantees. He won that fight because on that issue, American public opinion was not sympathetic to Israel.

It is important for people in Israel to understand that there is, as there should be, a great deal of sympathy and support and admiration for Israel, but it is not unconditional. Indeed, it is based on aspects of Israeli government and society which include its democracy and its openness. If it can be made to appear that Israel forever might be maintaining, or indefinitely, a situation in which it is an occupying power in the West Bank and Gaza strip without any effort to implement an ultimately democratic solution, that will cause trouble for Israel within the United States.

Now, I want to be very clear: I do not believe that the critical elements in American public opinion will hold Israel responsible if it fails to reach an agreement on setting up a Palestinian state. It may not be possible to do that. As I have said, from 1948 until fairly recently, there did not seem to me to be a willingness on the part of the Arab world to accept the legitimate needs of Israel to the point where such a state could be accomplished.

Maybe that has changed. The Saudi offer is a step forward, but it is far from an acceptable offer for Israel. People who talk about a right of return, which would allow millions of Arabs hostile to the very notion of Israel to move back into Israel, cannot seriously think Israel would accept that, or be critical of Israel for turning that down.

While the Gaza strip does not appear to me to pose strategic problems, there are legitimate concerns about the West Bank, particularly in the areas close to Jerusalem. There is the great sensitivity of Jerusalem. I think if Israel tries sincerely to reach an agreement and it fails over some of the specifics in the areas closest to Jerusalem, that is a sustainable position politically in America.

But I do not think it is sustainable, and I must say that I think people here should note that while Prime Minister Sharon is a member of Likud, this resolution was adopted to embarrass him and his government, and it is not the policy of Prime Minister Sharon and his government, but a major political party led by a very popular political figure, Benjamin Netanyahu, said this.

And that is, I think, a mistake; a mistake, as I said, not from the standpoint of what is good or bad policy for Israel. I have my views on that, but I acknowledge that the democratic country of Israel has a right to make its own decisions. But I believe it is a mistake from the standpoint of maintaining within the United States the degree of support Israel ought to have.

Now, I think part of the misunderstanding came because of the terms in which we debated a resolution a couple of weeks ago. I voted for the resolution that spoke out for Israel's right to defend itself. I must say that I do not believe Israel has behaved any differently with regard to the suicide bombings that have plagued it than the United States would.

Indeed, we have been very aggressive in Afghanistan, thousands of miles away, and sadly, some innocent people have been killed. Some appear to have been killed just recently who were quite innocent. That is a terrible incident of war. When people are in a warlike situation, innocent people die. We can try to minimize that, but it cannot be totally avoided.

Thus, we had that situation in Afghanistan and we had it to some extent in Israel. The basic right of self-defense is there. It needs to be exercised very carefully. But when a nation has its young people at war defending it, they are not going to err wholly on the side of avoiding any collateral damage to innocent civilians.

I believe there was a great deal of support for Israel's defending itself in that way, as Americans felt we had a right to defend ourselves. I think it helped that it showed that some of the arguments about how many people had been killed in Jenin were in fact greatly exaggerated.

So overwhelmingly the House of Representatives voted to support Israel's right to defend itself. But I think that the leadership of the House made a mistake. That resolution came before the House unamendable. I voted for the resolution, but I voted against the procedural motion which brought it forward. It is not, it seems to me, appropriate that this great democratic institution, the United States House of Representatives, ought to be expressing its support for the democratic nation of Israel in an undemocratic fashion. I do not think it was a good idea to come to the defense of democracy in Israel by degrading it in the United States.

And I think it has contributed to a misunderstanding. There was overwhelming support for that resolution. I was glad to join in. A number of people voted present, 20 or so. Some others who voted for it voted for it with misgivings.

I think much of the difficulty came not from people who disagreed with what the resolution said, but who disagreed with what it was not allowed to say; that is, I think many of us believed, as I did, that Israel, given the history of that part of the world, had the right to defend itself and was by and large doing the best it could to exercise that right in a reasonable way, but we also felt that it ought to be reiterated, particularly in that context, that our hope would be for an ultimate solution of a 2-state solution.

Now, again, I do not think anybody should say that the Israelis have to come to that deal. It may not be possible. Making a deal with Yasser Arafat has to be one of the least attractive propositions put before any important group of people, and he is under a great deal of attack from people, Hamas and others, Jihad, Islamic Jihad, who are still as viciously opposed to Israel's existence, who want to drive the Jews into the sea. These are societies that have perpetuated vicious anti-Semitic slurs.

So it is important to make this distinction: It is not essential for Israel to reach a deal that will lead to a 2-state solution to maintain support in America, but I think it is essential that Israel be seen to be willing to try. I do not think support for Israel was ever stronger in the United States than when Ehud Barak took some real risks for peace.

So my view is that we made a mistake, and I voted against this, so I should not say we, they made a mistake, Mr. Speaker, those in control of the House, by bringing forward that resolution in an up-or-down fashion. Yes, it got support because so many of us agreed with Israel's right of self-defense, but I think some people in Israel may have misinterpreted it, misinterpreted the silence on a 2-state solution, and that may have contributed to what I think was a mistaken decision by Likud to say, "We are not going to have any support for a Palestinian state in the West Bank and Gaza."

Israel is not under any obligation to accept an unreasonable and unfair deal, but if it wishes to maintain maximum support in America, precisely because its democratic internal rule was an important part of this and for other reasons, then I think it is important that it be seen to be willing to try.

Mr. ISSA. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from California.

Mr. ISSA. Mr. Speaker, I thank the gentleman for yielding. I would like to second not only everything the gentleman has said so far, but perhaps go one step further. I voted, as the gentleman did, for the bill last week. I was concerned that it came unamendable, and it came around our committee of jurisdiction. It never had an opportunity, even in the Committee on International Relations, where we deal on a day-to-day basis with the good, the bad, and the ugly of the situation in the Middle East.

I also would add that whenever we do these resolutions, we have to remember that we are giving confidence to one side, but we cannot allow ourselves to take away hope from the other side. As the gentleman so aptly said, when we did not talk about the desire and the conviction of this country to keep working toward a lasting and sustainable peace, we took away some of the hope of the very people whose adverse behavior we wanted to dissuade.

Mr. FRANK. And not just the hope, but no society is monolithic. They may pretend they are in North Korea, but we know they are not even there. Israel is obviously not monolithic, it is democratic. It is fractious to, I think, a wonderful degree.

Palestinian society is not monolithic. It is in our interest to discourage the rejectionists in Palestinian society. It is in our interest to find responsible Palestinians who understand that the tactics I think they have followed so far have had the major negative impact on Palestinians, and who will not continue to insist on an unachievable goal, but will think about an achievable one.

But when we pass a resolution that does not mention that as well, I think we make a mistake. I think it was inaccurately perceived in both places.

Again, I want to be clear. Yes, the people in Israel should understand that America supports its right of self-defense, and the resolution accurately reflected that. I also believe that that support could be endangered. And, you know, the easiest thing to do with a friend is to say, yes, everything is wonderful. A true friend will tell the other friend when things may be reaching a danger point.

Anyone who encourages the Israeli people to believe that if that Likud resolution became official policy there would be no erosion of support for Israel is doing Israel a great disservice.

□ 2215

And I regret the fact that that resolution was sent forward. Frankly, I think political calculations were involved. People said, well, let us put people on the spot. Make them vote yes or no. Well, if we are playing with a local domestic issue, that is one thing; but we should not send a partial answer, and that was a partial answer.

And I think it is not unrelated that shortly after we passed the resolution; and I saw an earlier draft of the resolution, and from the earlier draft I saw, some of the Israel's strongest supporters acknowledged that part of the ultimate solution ideally would be a Palestinian state if that could be agreed to. If I knew it, everyone knew it. It was not a secret. When that disappeared from the resolution, I think that may have encouraged people who took what I think was a position which would ultimately be damaging to Israel's abilities to maintain the kind of support it should have to the United States.

Mr. Speaker, I would yield to the gentleman again.

Mr. ISSA. I would like to second what the gentleman said and go one step further. We did some good with that resolution, but we could have done more. There was no question that had we encouraged the Palestinians to get their house in order, what is now kind of a whisper the idea that there needs to be a shifting of Chairman Arafat's position to more symbolic and the strengthening of the support of real leaders who do not have to be on both sides of issues, especially on security. That whisper could be a roar if we had included that kind of support there. And I hope that with the gentleman and I speaking tonight we are going that direction of encouraging the Saudi Crown Prince to continue his agenda, but also speaking to the Palestinians and letting them know that this body, I am sure to a person, still believes that solution that includes two separate people able to determine their own future.

Mr. FRANK. I agree and I have to say, again, I think people need to understand as they contemplate what Israel has been doing that for a very long time there was not a willingness to have a two-state solution in the Arab world. The rejection of a two-state solution came from the Arab world. I had hoped we had reached a period where there was now a willingness in the Arab nation to have a two-state solution. We know there was for a while, very actively in the Israeli government. Prime Minister Sharon to his credit has said he is still ultimately for that. It in effect invoked that favorite Nixon-going-to-China metaphor. And Prime Minister Sharon has said, given my background I could get the Israeli people to accept some things that maybe other people do not. We should be clear that includes, it has to include, telling people who live in settlements in Gaza and in much of the West Bank that they cannot continue to live under Israeli rule.

We talk about the dismantlement of the settlements. Settlements do not have to be dismantled, but people who live there have to be told that they are now going to be Palestinian citizens. And it was Menachem Begin who did that. Menachem Begin who dismantled the settlement. I was at the settlement that was dismantled in Yamit in the Sinai and met with people there. So that can be painful. It has to be done. It does not mean every inch. It does not mean that you do not count security. But it is important for us to do both.

I do fear the temptation of Israel is a wonderful success story. It is properly the repository of a great deal of admiration, and it invokes a great deal of emotion. Israel is entitled to be taken seriously as a country, not a political tool. It is entitled to be given a great deal of support, which I think it has earned; and it is entitled to realism in the political advice it gets. It should not be manipulated.

Let me speak now anticipatorily. We are about to get a supplemental appropriations bill that will have a number of things in it that I think will be bad public policy. I can predict now we will be told that because it includes some money for Israel and some money to aid Palestinians, although not through the Palestinian Authority, that if you support Israel you must vote for the appropriation. I resent the notion that Israel exists to shine up the sneaker. I resent the notion that you can put public policy that I find very wrong into a bill and then put in money for Israel and expect people to vote for that.

I just want to make this one statement that I have been here 22 years. Over the years I have often been told that I had to vote for an appropriations bill that included money I did not want for this program or that money because it also included money for Israel; and on several occasions when I voted no because I would not be extorted that way, the appropriation was defeated. What happened? A new appropriation came up and guess what was in the new appropriation? The money for Israel.

The notion that because there is money for Israel in the appropriation you have to vote for it or you will hurt the cause of Israel is simply flatly historically nonsensical because the money for Israel will be there. That is an example. Bringing that resolution up unamended, trying to use Israel as kind of a cat's paw to get an appropriations bill through, those are wrong.

I want to support Israel as I have all my life. I want to continue to see Israel get the kind of support it deserves from America. Part of that support is in honest assessment. And that honest assessment says Israel has a right to self-defense. It has a right to say no deal for a second state unless we have a reliable partner who means it, unless we will get secure boundaries, unless we will get other things we need. But to not let Israel understand that the policy recently adopted by Likud will in the long term cause them, maybe not in such a long term, the same kind of problems they encountered under Prime Minister Shamir and President Bush, I think that is doing them a disservice.

Mr. Speaker, I yield to the gentleman.

Mr. ISSA. I thank the gentleman for yielding.

I think that tonight two friends of Israel, two people who in fact do support and will continue to support all the legitimate needs of Israel coming to the floor, and I know the gentleman does not come to the floor very often. This is a very unusual appearance. I think what the gentleman is doing is he is sending the message that has to be sent, not just to the men and women of Israel who may hear or read about this, but also to the American Jewish community who does not always understand that it is not Israel right or wrong. It is Israel's survival protected, while at the same time our money has to have some suggestions to it.

Mr. FRANK. Let me say as a member myself of the American Jewish community, I understand there are people who may think that I am Jewish. I represent a significant number of Jewish people. I believe that people in the American Jewish community do understand that.

Yes, those of us who are Jewish are emotionally attached to Israel. I was 5 years old when World War II ended, so I was not conscious myself of the Holocaust as it was happening; but obviously I was raised by parents who lived through it and uncles and aunts and others. And the horror of the Holocaust and then the shock of living through this and knowing what was happening to people just because they shared that with you, that is deeply searing. So we have this emotional commitment.

Over and above that, I believe that the American Jewish community is proud of Israel, proud of its democracy, proud of its economic achievement. We are proud of the Israel that is, not of the Israel that becomes the tool of other people's domestic politics.

So I really believe in speaking out this way I am speaking a position that I think is largely supported by Israel's truest defenders, both Jewish and non-Jewish.

We are for an Israel that represents the best in the Jewish traditions as we see it. We support Israel as Americans which carries out those values that America expresses support for in the world and that has been cooperative. I come here tonight very much because I am afraid that maybe from some good motives, maybe from some partisan motives, some people are giving Israel bad advice. And the worst thing you can do is sit by quietly and let a good friend get bad advice.

Mr. Speaker, I yield to the gentleman.

Mr. ISSA. Once again, I want to thank the gentleman for giving that good advice.

The gentleman and I often vote differently, but we discuss that there are at least two ways to look at every single bill that comes to the floor. And I think that this is a good example that rather than the way we did it with the vote from Israel where it came to the floor as though there was only one opinion, the gentleman has said let us look at some additional ideas.

Mr. FRANK. Mr. Speaker, I thank the gentleman for making that point. Obviously, we all cannot take an hour. But it seems clear how much better it would have been for the United States, for Israel, for the cause of an ultimate peace in the Middle East if the discussion that we are having now could have been had a couple weeks ago.

I would plead with the leadership of the House do not put us again in the position where we have this inadequate up or down vote on these complicated subjects. We are not all that busy. This is our main job. We could have taken a few more hours. I think if we had the kind of discussion on the floor of the House that we are able to have today, there would be a better understanding everywhere of what America's position is.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Ms. HARMAN (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today and May 21 on account of personal reasons.

Ms. ROS-LEHTINEN (at the request of Mr. ARMEY) for today on account of official business.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. EMERSON (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. FLAKE (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KENNEDY of Rhode Island) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes, May 21.

Mr. GUTKNECHT, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 21.

Mr. FOLEY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, today.

ADJOURNMENT

Mr. FRANK. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 21, 2002, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6901. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Revision to Container and Pack Requirements [Docket No. FV02-925-2 IFR] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6902. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rates [Docket No. FV02-930-2 FR] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6903. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV02-932-1 FIR] received April 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6904. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2002-2003 Marketing Year [Docket No. FV-02-985-1 FR] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6905. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development Program (CEDP) Projects Funded During Fiscal Year 1997; to the Committee on Education and the Workforce.

6906. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Clinical Preventive Services for Older Americans"; to the Committee on Energy and Commerce.

6907. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Interior Trunk Release [Docket No. NHTSA-01-10381] (RIN: 2127-AI69) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6908. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Holly Springs, Mississippi) [MM Docket No. 01-211 RM-10221]; (McBain, Michigan) [MM Docket No. 01-213 RM-10226] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6909. A letter from the Legal Advisor to Chief, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review-Streamlining of Cable Television Services Part 76 Public File and Notice Requirements [CS Docket No. 98-132] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6910. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Transmittal No. 18-02 which informs the intent to sign a Project Arrangement concerning Phases II and III of the Joint Anti-Armor Weapon System (JAAWS) Project between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6911. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6912. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in Kosovo; (H. Doc. No. 107-217); to the Committee on International Relations and ordered to be printed.

6913. A letter from the Director, Trade And Development Agency, transmitting the Agency's annual financial audit; to the Committee on International Relations.

6914. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance Report of the National Endowment for the Humanities for Fiscal Year 2001; to the Committee on Government Reform.

6915. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6916. A letter from the Chairman, Tennessee Valley Authority, transmitting the FY 2001 Annual Program Performance Report; to the Committee on Government Reform.

6917. A letter from the Secretary, Department of the Interior, transmitting a report required by the Hoopa-Yurok Settlement Act, pursuant to 25 U.S.C. 1300i–11; to the Committee on Resources.

6918. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York [Docket No. 010208032-1109-02; I.D. 112601D] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6919. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 2 [Docket No. 010319071-1103-02; I.D. 111401C] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6920. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period [Docket No. 001121328-1041-02; I.D. 110801E] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6921. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 102201D] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6922. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 101501B] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Waters adjacent to Diablo Canyon Nuclear Power Plant, Avila Beach, California [COTP Los Angeles—Long Beach 02-006] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Jennifer Heyman's Wedding Fireworks Display, Greens Farm, CT [CGD01-02-014] (RIN: 2115-AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6925. A letter from the General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule—Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration (RIN: 2700-AC45, 3209-AA15) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6926. A letter from the General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule—Standards of Conduct (RIN: 2700-AC37) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6927. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Safety permanency Well-Being, Child Welfare Outcomes 1999: Annual Report," pursuant to Public Law 105–89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

6928. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth annual report on the Temporary Assistance for Needy Families (TANF) program; to the Committee on Ways and Means.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 16, 2002]

Mr. BOEHLERT: Committee on Science. H.R. 3929. A bill to provide for the establishment of a cooperative Federal research, development, and demonstration program to ensure the integrity of pipeline facilities, and for other purposes; with an amendment (Rept. 107–475 Pt. 1). Ordered to be printed.

[Submitted May 20, 2002]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1448. A bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; with an amendment (Rept. 107–417 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4015. A bill to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; with an amendment (Rept. 107–476). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3375. A bill to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001 (Rept. 107–477). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3180. A bill to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact (Rept. 107–478). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2068. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works"; with an amendment (Rept. 107–479). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 4775. A bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–480). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of May 16, 2002]

H.R. 3929. Referral to the Committees on Transportation and Infrastructure and Energy and Commerce extended for a period ending not later than July 1, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. LaTourette, and Mr. Costello):

H.R. 4770. A bill to amend the Act of June 1, 1948, to enhance homeland security and the public property protection capabilities of the Federal Government, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 4771. A bill to amend the Act popularly known as the Declaration of Taking Act to require that all condemnations of property by the Government proceed under that Act; to the Committee on the Judiciary.

By Mr. ISAKSON:

H.R. 4772. A bill to suspend temporarily the duty on Cerium Sulfide; to the Committee on Ways and Means.

By Mr. ISAKSON:

H.R. 4773. A bill to suspend temporarily the duty on 1,8 Dichloroanthraquinone; to the Committee on Ways and Means.

By Mr. MALONEY of Connecticut:

H.R. 4774. A bill to direct the Secretary of Education to make grants to States to establish antibullying programs; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.R. 4775. A bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

By Mrs. MINK of Hawaii:

H.R. 4776. A bill to prohibit the President and the spouse of the President from accepting certain gifts for personal use; to the Committee on Government Reform.

By Mr. ROEMER (for himself, Mr. Gephardt, Ms. Pelosi, Mr. Skelton, Mr. Spratt, Mr. Hastings of Florida, Mr. Taylor of Mississippi, Mr. Andrews, Mr. Tierney, Mr. Rothman, Mr. Ford, Mrs. Clayton, Mr. Towns, Mr. Wynn, Mr. Farr of California, Ms. Schakowsky, Mr. Jackson of Illinois, Mr. Filner, Mr. Blumenauer, Mr. Langevin, Mr. Strickland, Mr. Sabo, and Mr. Israel):

H.R. 4777. A bill to establish the National Commission on Terrorist Attacks Upon the

United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on the Judiciary, International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. HINCHEY, Mr. GUTKNECHT, Ms. MCKINNEY, Ms. DELAURO, Ms. WOOLSEY, Mr. OWENS, Mr. FRANK, Ms. SCHAKOWSKY, Mr. BORSKI, Mr. KENNEDY of Rhode Island, and Mr. KILDEE):

H.R. 4778. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for more effective enforcement by the Department of Labor of the requirements of such title relating to participation, vesting, benefit accrual, and funding; to the Committee on Education and the Workforce.

By Mr. RADANOVICH (for himself, Mr. ROHRABACHER, Mr. HOLDEN, and Mr. KENNEDY of Rhode Island):

H. Con. Res. 406. Concurrent resolution honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

253. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5014 memorializing the Congress of the United States to enact revisions to the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow interstate shipment and marketing of meat products by state inspected meat processing facilities; to the Committee on Agriculture.

254. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1681 Joint Resolution memorializing the President of the United States and the Congress of the United States to either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; to the Committee on Education and the Workforce.

255. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 115 memorializing the President and Congress of the United States to amend 42 CFR Section 435.1009 to permit the use of Federal Medicaid funds for prison mental health and mental retardation treatment programs and drug and alcohol rehabilitation programs and thereby afford states throughout the nation the ability to reduce recidivism and lower crime through Prison-administered treatment and rehabilitation programs; to the Committee on Energy and Commerce.

256. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 143 memorializing the Congress of the United States to enact legislation to provide a convenient means for consumers to choose not to receive unsolicited telemarketing calls; to the Committee on Energy and Commerce.

257. Also, a memorial of the Legislature of the State of Vermont, relative to Joint House Resolution 219 memorializing the Congress of the United States that the General assembly condemns, in the strongest possible terms, the most outrageous and brutal attack against the United States that occurred on September 11, 2001; to the Committee on International Relations.

258. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1701 Joint Resolution memorializing the Congress of the United States to encourage all of the United States of America to observe Patriots' Day on April 15, 2002 in remembrance of the founding of this nation and the patriotism shown by Americans after September 11, 2001; to the Committee on Government Reform.

259. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1722 Joint Resolution memorializing the Congress of the United States to support the repeal of the government pension offset and the windfall elimination provision from the federal Social Security Act; to the Committee on Ways and Means.

260. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution 6013 memorializing the Congress of the United States to pass legislation to provide federal funding for the placement of ultrasound equipment in crisis pregnancy centers and not-for-profit health care centers providing services to pregnant women and to require operation of such equipment by qualified persons who possess any required certification or licensure to operate such equipment; jointly to the Committees on Energy and Commerce and Ways and Means.

261. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 147 memorializing the Congress of the United States to enact legislation that would coordinate Federal and regional actions to prevent and control biological pollution, particularly through management of ballast water discharges, elimination of unintentional introductions of nonnative invasive species and reduction of the dispersal of nonnative species within Pennsylvania's ecosystems through the development of timely, effective, scientifically based, environmentally sound and economically viable management programs; jointly to the Committees on Transportation and Infrastructure and Resources.

262. Also, a memorial of the House of Representatives of the State of Georgia, relative to House Resolution 12EX2 memorializing the Congress of the United States to support the proposed study of southern rural poverty and assist the Southern Black Belt in meeting its educational, economic, and health challenges; jointly to the Committees on Education and the Workforce, Energy and Commerce, Transportation and Infrastructure, and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. JONES of North Carolina, Ms. MILLENDER-MCDONALD, Mr. WOLF, Mr. DEAL of Georgia, Mr. MCKEON, Mr. BARTON of Texas, Mr. BISHOP, Mr. YOUNG of Alaska, Mr. GUTIERREZ, Mr. PASTOR, and Mr. DEUTSCH.

H.R. 488: Mr. MENENDEZ and Ms. CARSON of Indiana.

H.R. 658: Mr. WILSON of South Carolina.

H.R. 765: Ms. VELÁZQUEZ.

H.R. 1086: Mr. BARCIA.

H.R. 1091: Mr. SCHIFF.

H.R. 1110: Mr. GORDON.

H.R. 1205: Mrs. MEEK of Florida.

H.R. 1212: Mrs. JO ANN DAVIS of Virginia.

H.R. 1464: Mr. SCHIFF.

H.R. 1701: Mr. BALLENGER and Mr. OTTER.

H.R. 1808: Mr. RODRIGUEZ.

H.R. 2020: Mr. WILSON of South Carolina.

H.R. 2322: Mr. SHAYS.

H.R. 2357: Mr. BURTON of Indiana.

H.R. 2521: Mr. WILSON of South Carolina.

H.R. 2570: Mr. SHERMAN and Mr. ENGEL.

H.R. 2612: Mr. LUTHER.

H.R. 2629: Mr. HOEFFEL and Mr. MURTHA.

H.R. 2670: Mr. OBERSTAR.

H.R. 2874: Ms. SÁNCHEZ, Mr. PETERSON of Minnesota, Mr. MOORE, Mr. OBERSTAR, Mr. PLATTS, and Mr. CARSON of Oklahoma.

H.R. 2908: Mr. HINCHEY and Mr. KILDEE.

H.R. 2953: Mr. SCHIFF.

H.R. 3130: Mr. SMITH of Michigan.

H.R. 3131: Mrs. CLAYTON and Ms. HARMAN.

H.R. 3252: Mr. SCHAFFER.

H.R. 3321: Mr. TOWNS and Mr. DEUTSCH.

H.R. 3363: Mr. HOEFFEL, Mr. COYNE, Mr. BOEHNER, and Mr. ROGERS of Kentucky.

H.R. 3382: Mr. MEEHAN.

H.R. 3424: Mr. SULLIVAN, Mr. NADLER, and Mr. PRICE of North Carolina.

H.R. 3478: Mr. WILSON of South Carolina.

H.R. 3616: Ms. VELÁZQUEZ.

H.R. 3710: Mr. WHITFIELD.

H.R. 3719: Mr. FOLEY, Ms. BROWN of Florida, and Ms. LEE.

H.R. 3770: Mr. DEAL of Georgia.

H.R. 3781: Mr. WEXLER, Mrs. MINK of Hawaii, Mr. UDALL of Colorado, Mr. OLVER, and Mrs. LOWEY.

H.R. 3884: Mr. SCHIFF, Ms. BALDWIN, and Mr. WAXMAN.

H.R. 3897: Mr. SANDLIN.

H.R. 3915: Mr. GUTIERREZ, Ms. BROWN of Florida, and Mrs. MINK of Hawaii.

H.R. 3917: Mr. WATTS of Oklahoma.

H.R. 3929: Mr. SHAYS and Mr. COSTELLO.

H.R. 3973: Mr. HAYWORTH, Mr. BUYER, Mr. BOYD, Mr. WILSON of South Carolina, Mr. SAXTON, and Mr. SHOWS.

H.R. 4015: Mrs. DAVIS of California and Ms. LOFGREN.

H.R. 4017: Mr. DOYLE.

H.R. 4018: Mr. DINGELL.

H.R. 4058: Ms. MCKINNEY and Mr. MCDERMOTT.

H.R. 4066: Mr. MCHUGH, Mr. LUCAS of Kentucky, Mr. ISRAEL, Mr. ENGLISH, and Mr. NEAL of Massachusetts.

H.R. 4100: Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. SANDERS, and Ms. BALDWIN.

H.R. 4113: Mr. WEXLER, Ms. RIVERS, Mr. LARSEN of Washington, Mr. FILNER, Mr. FRANK, Mr. GONZALEZ, Ms. LEE, Mr. WU, Mr. INSLEE, Mr. THOMPSON OF CALIFORNIA, Mr. GILCHREST, Mr. SAWYER, Ms. PELOSI, and Ms. WOOLSEY.

H.R. 4114: Mr. BERMAN, Mr. DAVIS of Illinois, and Ms. CARSON of Indiana.

H.R. 4134: Mr. DINGELL, Mr. SANDERS, and Ms. LEE.

H.R. 4169: Mr. LAHOOD.

H.R. 4187: Mr. INSLEE, Mr. ENGEL, and Ms. WATSON.

H.R. 4561: Mr. STUMP, Mr. FILNER, Mr. SENSENBRENNER, Mr. PETERSON of Minnesota, Mr. STENHOLM, and Mr. MCGOVERN.

H.R. 4592: Mr. THOMAS, Mr. HORN, Mr. KOLBE, Mr. BACA, and Ms. SÁNCHEZ.

H.R. 4600: Mrs. BIGGERT and Mrs. ROUKEMA.

H.R. 4611: Mr. BALDACCI, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Ms.

LEE, Ms. LOFGREN, Mr. MARKEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Ms. PELOSI, Ms. RIVERS, Mr. SANDERS, Ms. SOLIS, Mr. TIERNEY, Mr. WEINER, Ms. WOOLSEY, Mr. MALONEY of Connecticut, Mrs. JOHNSON of Connecticut, Mrs. MORELLA, Mr. SHAYS, and Mr. WALSH.

H.R. 4633: Mr. SMITH of Washington.

H.R. 4642: Mr. BARR of Georgia.

H.R. 4645: Mr. STENHOLM, Ms. CARSON of Indiana, and Mr. OSBORNE.

H.R. 4647: Mr. WATT of North Carolina.

H.R. 4669: Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. SERRANO, Mrs. CLAYTON, Mrs. MEEK of Florida, and Mr. LANTOS.

H.R. 4687: Mr. UDALL of Colorado.

H.R. 4691: Mr. ISSA, Mrs. MYRICK, Mr. RYUN of Kansas, and Mr. TERRY.

H.R. 4699: Mr. PAUL and Mr. WEINER.

H.R. 4719: Mr. PAUL and Mr. RANGEL.

H.J. Res. 93: Mr. GRAHAM and Mr. WILSON of South Carolina.

H. Con. Res. 33: Mr. REYNOLDS.

H. Con. Res. 213: Mr. ABERCROMBIE, Mr. HOEFFEL, Mr. EHLERS, Mr. WILSON of South Carolina, and Mr. PITTS.

H. Con. Res. 314: Mr. FOSSELLA, Mr. BACA, and Mr. SAWYER.

H. Con. Res. 315: Mr. POMBO.

H. Con. Res. 345: Mr. DOYLE.

H. Con. Res. 364: Mr. MURTHA, Mr. KENNEDY of Rhode Island, Mr. PUTNAM, Mr. MICA, Mr. WHITFIELD, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. FORBES, and Mr. KERNS.

H. Con. Res. 382: Ms. WOOLSEY.

H. Con. Res. 385: Mr. DOYLE, MR. DAVIS of Illinois, Mr. GRUCCI, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. LAMPSON, and Mr. HASTINGS of Florida.

H. Con. Res. 394: Mr. BROWN of Ohio.

H. Con. Res. 400: Mr. PHELPS, Ms. ESHOO, Mr. FROST, Mr. RODRIGUEZ, Mr. HILL, Mr. STENHOLM, Mr. BALLENGER, Mr. TURNER, Mr. HALL of Texas, Mr. LUCAS of Kentucky, Mr. FLETCHER, Mr. CRAMER, Mr. SCOTT, Mr. GOODE, Mr. LARSEN of Washington, Mr. BAKER, Ms. JACKSON-LEE of Texas, Mr. GEPHARDT, Mrs. JO ANN DAVIS of Virginia, Mr. EDWARDS, Mr. BOYD, and Mr. PICKERING.

H. Con. Res. 405: Mr. LANTOS, Mr. CROWLEY, Mr. SERRANO, and Mrs. NAPOLITANO.

H. Res. 259: Mr. MCINTYRE.

H. Res. 393: Mr. ABERCROMBIE.

H. Res. 416: Mr. KINGSTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4187: Mr. SHAYS.

DISCHARGE PETITION—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. CUNNINGHAM on House Resolution 271: Gerald D. Kleczka.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3994

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 14, line 2, insert before the semicolon the following: ", with particular emphasis on health care for children who are orphans".

Page 14, line 17, insert before the semicolon the following: ", with particular emphasis on basic education for children who are orphans".

H.R. 3994

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: Page 14, line 17, insert before the semicolon the following: ", with particular emphasis on basic education for children".

H.R. 3994

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 5: Page 26, line 3, insert before the semicolon the following: "and prohibits the use of children as soldiers or combatants".

H.R. 3994

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 6: Page 29, line 9, strike "Assistance" and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), assistance

Page 29, after line 11, insert the following:

(2) LIMITATION.—Amounts made available to carry out this title for a fiscal year may be made available for assistance to the Government of Afghanistan only if the President first determines and certifies to Congress that the Government of Afghanistan prohibits the use of children as soldiers or combatants.

H.R. 4775

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 1: In section 307 (relating to Department of Defense assistance to Colombia), strike "to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and".

H.R. 4775

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 2: In section 307 (relating to Department of Defense assistance to Colombia), strike "to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and".

In section 601 (relating to Department of State assistance to Colombia), strike "to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and".

H.R. 4775

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 3: In section 601 (relating to Department of State assistance to Colombia), strike "to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and".

EXTENSIONS OF REMARKS

SENSENBRENNER'S NET WORTH

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2002, a matter of public record. I have filed similar statements for each of the twenty-three preceding years I have served in the Congress.

Property Assets	
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 785,000). Ratio of assessed to market value: 100% (Encumbered)	$785,000.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessors estimated market value. (Unencumbered)	111,800.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $807,800.	458,977.27
Total real property	$1,355,777.25

2002 DISCLOSURE

Common and preferred stock	No. of shares	Per share (Dollars)	Value
Abbott Laboratories, Inc.	12200	$52.80	$644,160.00
Allstate Corporation	370	37.77	13,974.90
American Telephone & Telegraph	1194.445	15.70	18,752.79
AT&T Wireless	414	8.95	3,705.30
Avaya, Inc.	58	7.38	428.04
Bank One Corp.	3439	41.78	143,681.42
Bell South Corp.	1280.7747	36.86	47,209.36
Benton County Mining Company	333	0.00	0.00
BP Amoco	3604	53.10	191,372.40
Chenequa Country Club Realty Co.	1	0.00	0.00
Pharmacia (Cognizant)	2500	40.08	100,200.00
Covanta Engery (Ogden)	910	0.72	655.20
Darden Restaurants, Inc.	1440	40.59	58,449.60
Delphi Automotive	212	15.99	3,389.88
Dunn & Bradstreet, Inc.	2500	40.01	100,025.00
E.I. DuPont de Nemours Corp.	1200	47.15	56,580.00
Eastman Chemical Co.	270	48.79	13,173.30
Eastman Kodak	1080	31.17	33,663.60
El Paso Energy	150	44.03	6,604.50
Exxon Mobil Corp.	9728	43.83	426,378.24
Gartner Group	651	12.90	8,397.90
General Electric Co.	15600	37.45	584,220.00
General Mills, Inc.	2280	48.85	111,378.00
General Motors Corp.	304	60.45	18,376.80
Halliburton Company	2000	17.07	34,140.00
Highlands Insurance Group, Inc.	100	3.30	330.00
Imation Corp.	99	26.53	2,626.47
IMS Health	5000	22.45	112,250.00
Kellogg Corp.	3200	33.57	107,424.00
Kimberly-Clark Corp.	18978	64.65	1,226,927.70
Lucent Technologies	696	4.73	3,292.08
Merck & Co., Inc.	34078	57.58	1,962,211.24
Minnesota Mining & Manufacturing	1000	115.01	115,010.00
Monsanto Corporation	8360	31.59	264,092.40
Moody's	2500	41.10	102,750.00
Morgan Stanley/Dean Whitter	312	57.31	17,880.72
NCR Corp.	34	44.75	1,521.50
Newell Rubbermaid	1676	31.96	53,564.96
One Group Prime Money Market Fund			604,179.00
Pactiv Corp.	200	20.02	4,004.00
PG&E Corp.	175	23.56	4,123.00
Pfizer	18711	39.74	743,575.14
Qwest	571	8.22	4,693.62
Reliant Energy	300	25.79	7,737.00
RH Donnelly Corp.	500	30.43	15,215.00
Sandusky Voting Trust	26	85.00	2,210.00
SBC Communications	2247.11	37.44	84,131.80
Sears Roebuck & Co.	200	51.27	10,254.00
Solutia	1672	8.70	14,546.40
Synavant	250	3.37	842.50
Tenneco Automotive	182	4.00	728.00
Unisys, Inc.	167	12.63	2,109.21
US Bank Corp.	3081	22.57	69,538.17
Verizon (Bell Atlantic)	1105.0593	46.10	50,943.23
Vodaphone Airtouch	370	27.15	10,045.50
Weenergies (Wisconsin Energy)	1022	24.88	25,427.36
Total common and preferred stocks and bonds			8,243,100.22

2002 DISCLOSURE

Life insurance policies	Face (Dollars)	Surrender (Dollars)
Northwestern Mutual #4378000	$12,000.00	$51,961.02
Northwestern Mutual #4574061	30,000.00	134,238.33
Massachusetts Mutual #4116575	10,000.00	8,884.61
Massachusetts Mutual #4228344	100,000.00	208,399.96
Old Line Life Ins. #5-1607059L	175,000.00	34,437.84
Total life insurance policies		437,921.76

2002 DISCLOSURE

Bank and savings and loan accounts	*Balance*
Bank One, Milwaukee, N.A., checking account	$2,558.74
Bank One, Milwaukee, N.A., preferred savings	66,531.53
M&I Lake Country Bank, Hartland, WI, checking account	10,941.39
M&I Lake Country Bank, Hartland, WI, savings	358.66
Burke & Herbert Bank, Alexandria, VA, checking account	5,246.64
Firstar, FSB, Butler, WI, IRA accounts	85,449.49
Total bank and savings and loan accounts	171,086.45

Miscellaneous	*Value*
1994 Cadillac Deville—retail value	$8,290.00
1989 Cadillac Fleetwood—retail value	4,525.00
1996 Buick Regal—retail value	8,285.00
1991 Buick Century automobile—retail value	2,885.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	170,000.00
Stamp collection (estimated)	65,000.00
Interest in Wisconsin retirement fund	257,696.66
Deposits in Congressional Retirement Fund	138,871.52
Deposits in Federal Thrift Savings Plan	151,855.24
Traveller's checks	7,418.96
20 ft. Manitou pontoon boat & 40 hp Yamaha outboard motor (estimated)	4,000.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,500.00
Total miscellaneous	827,327.38
Total assets	10,999,288.25

Liabilities	
Bank of America Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758-77	$24,511.10
Miscellaneous charge accounts (estimated)	0.00
Total liabilities	24,511.10
Net worth	10,974,777.15

Statement of 2001 taxes paid	
Federal income tax	$152,137.00
Wisconsin income tax	28,288.00
Menomonee Falls, WI property tax	2,231.00
Chenequa, WI property tax	17,096.00
Alexandria, VA property tax	7,837.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of four trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

HONORING WILLIE RUFF AS HE RECEIVES AN HONORARY DOCTORATE OF HUMANE LETTERS FROM ALBERTUS MAGNUS COLLEGE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. DELAURO. Mr. Speaker, I am pleased to rise today to join Albertus Magnus College

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in recognizing the achievements of Willie Ruff as they honor him with an Honorary Doctorate of Humane Letters. The City of New Haven has been fortunate to be home to this composer, musician, film maker, recording artist, writer and teacher for over fifty years.

Born in Sheffield, Alabama, Willie Ruff was first inspired by the words of legendary blues artist, W.C. Handy—the father of the blues. He came to New Haven to study at the Yale School of Music and our great City has never been the same. Throughout his career, he has blended both his passion for music and his love for teaching—bringing his own unique magic to performances and classrooms alike.

For nearly five decades, Willie Ruff and his collaborator and pianist, Dwike Mitchell, have enchanted audiences across the globe with the sweet tones of his French horn and bass. The duo has accomplished much in their time together, perhaps most notably for introducing jazz to both the Soviet Union and China. Perhaps even more impressive is that Mr. Ruff mastered Russian and Chinese—his seventh and eighth languages—so that he could bring the international language of music to them in their own tongues.

In addition to his outstanding achievements as a musician, Mr. Ruff has been a professor of music and Afro-American studies at Yale University for over thirty years. As the founder of the Duke Ellington Fellowship, he is also credited with bringing legendary jazz musicians to New Haven to teach at Yale and in the city's public schools. His work in establishing this unique program has brought the likes of Duke Ellington, Dizzy Gillespie, Pearl Bailey, Charlie Mingus and Ahmad Jamal among others, to perform for more than 150,000 city schoolchildren—providing an extraordinary opportunity for children who would not otherwise have the opportunity to experience such wonderful artistry.

I have often spoke of my firm belief in the importance of educating our young people in the arts in any medium. Over the course of his career, whether through his inspirational melodies or his dedication to teaching, Willie Ruff's generosity and commitment has touched the lives of thousands—making a real difference in their lives. I am honored to join with Albertus Magnus College as they bestow upon him an honorary Doctorate of Humane Letters in recognition of his many contributions to our community.

AMENDING THE ENDANGERED SPECIES ACT TO ESTABLISH REQUIREMENTS FOR THE DESIGNATION OF CRITICAL HABITAT IN HAWAII

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mrs. MINK of Hawaii. Mr. Speaker, on May 2, 2002, I introduced H.R. 4656, which calls on the government to produce scientific support for the taking of 99,000 acres of land on the island of Kauai as critical habitat for the protection, preservation, and rehabilitation of specific endangered species.

The Endangered Species Act calls for a recovery plan for the preservation of each of the endangered species prior to the designation of critical habitat. I have read the 1998 so-called recovery plans for the endangered species on Kauai and found that the basic plan for all were to fence in the areas, keep the pigs, goats, rats, and other animals out of the area, keep the alien plants that are encroaching the areas under control, and to harbor the seeds, germplasm, and plants at the National Tropical Botanical Gardens. I hardly consider this a "recovery" plan. My conclusion is the Fish and Wildlife Service, FWS, merely produced a textbook variety plan for all the species and drew arbitrary lines around the sites and came up with a compound consisting of 99,000 acres, nearly one third of the island of Kauai.

My bill merely seeks compliance to the Endangered Species Act by requesting scientific basis for each designation of the critical habitat for each species, endangered or threatened. Further, it asks for peer review by the National Academy of Science of both the recovery plan as well as the final designation.

With H.R. 4656, I do not seek an exemption for Hawaii. All I seek is fairness.

A PROCLAMATION HONORING RICHARD SCHOOL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. NEY. Mr. Speaker, whereas, Richard School has reached the safety milestone of One Million Miles driven without a preventable accident; and

Whereas, Richard School has been awarded the rank of "Individual Million Mile Safe Driver", a rank of accomplishment reached by only a few professional drivers; and

Whereas, Richard School must be commended for his service to the community, providing safe transportation on our nation's highways;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing Richard School as a recipient of the Individual Million Mile Safe Driver award.

BOYER GRADUATE SCHOOL OF EDUCATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to support the Boyer Graduate School of Education as it continues its efforts to obtain accreditation by accrediting bodies recognized by the U.S. Department of Education.

The School, which offers a Doctor of Education program, was founded in 1999 and relocated to California's 46th Congressional District in 2001.

The mission of the Boyer Graduate School of Education is to offer distance learning educational opportunities at a reasonable cost to qualified English-speaking applicants throughout the world. The school has a particular focus on adults, employed on a full-time basis, and for those whose place of residence, travel requirements, or finances are constraining factors.

The mission of the institution is accomplished through a course of instruction presented on a directed independent study basis supplemented by short-term focused seminars leading to a Doctor of Education degree. While material and instruction are presented primarily through indirect methodology, program content and academic standards are consistent with, and comparable to, regionally accredited resident programs in the same discipline at the same degree level.

The institution acts to fulfill the purposes of the Doctor of Education Program through appropriate coursework, coupled with continuing direction, evaluation of student progress, and regular assessment of student learning outcomes, by qualified faculty.

Recognizing the importance of accreditation to the credibility of the institution, I urge the accrediting bodies to review the Boyer Graduate School of Education, its faculty, and curriculum in an objective and timely manner.

HONORING SISTER MARY FAITH GEELAN AS SHE RECEIVES AN HONORARY DOCTORATE OF HUMANE LETTERS FROM ALBERTUS MAGNUS COLLEGE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. DELAURO. Mr. Speaker, is with great pleasure that I rise today to join Albertus Magnus College in congratulating Sister Mary Faith Geelan as she is awarded an honorary Doctorate of Humane Letters. Sister Mary Faith was born and raised in New Haven and later entered into the Dominican Sisters of Saint Mary, Albertus' founding order, where she currently serves as prioress—leading the 300-member international congregation.

The daughter of former U.S. Congressman James Patrick Geelan, Sister Mary Faith followed his example of public service throughout her life. A teacher, principal, administrator, social worker, and spiritual leader, Sister Mary Faith has generously dedicated her life to making a difference in the lives of others. As a teacher and administrator, she touched the lives of thousands of children, providing them with a strong academic foundation on which to build their futures. In her role as a social worker, she worked in family therapy, bringing families closer together and helping to strengthen the bonds between them. Her good work with children and families is a reflection of her continued commitment to enrich the community.

First and foremost, Sister Mary Faith has committed herself to service within the Dominican Sisters of Saint Mary. Their mission is to fulfill the motto of the Dominicans—"to contemplate and to give to others the fruits of contemplation." Past president of the Dominican Leadership Conference, vice chairperson of the Leadership Conference of Women Religious, Region VI, member of New York City's

Dominican Academy, Mohun Health Care Center, Ohio Dominican College, and Albertus Magnus College—Sister Mary Faith certainly continues to exemplify the Dominican motto. Her dedication, generosity, and commitment are unparalleled and her good work continues to inspire others throughout the Order.

In joining Albertus' founding order, Sister Mary Faith found a way to use her chosen path to benefit her hometown community. Albertus Magnus College has been fortunate to have Sister Mary Faith Geelan as a member of their Board and I am honored to join with them today as they bestow upon her an Honorary Doctorate of Humane Letters in recognition of all of her good work.

IN HONOR OF THE ORATORIO SOCIETY OF QUEENS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to honor and pay tribute to The Oratorio Society of Queens on the occasion of its 75th anniversary.

As one of the oldest performing arts institutions of Queens, The Oratorio Society has established itself as a leading chorus group in the County. Since its establishment in the Spring of 1927, its membership has grown in number and programs have increased in quality.

Among its many accomplishments, The Oratorio Society of Queens offers outlets for the interests of amateur musicians in the community; assists local schools with their musical programs and development; promotes an appreciation of classical music in the community; and contributes to the overall quality of life in Queens County by providing the residents of New York's premier borough with first-class cultural entertainment.

Practicing and performing without interruption through the Great Depression and briefly interrupted during World War II, this choral society illustrated early on its commitment to providing quality entertainment to the borough of Queens. Through diligent work, and with beautiful voices, the choral group has helped countless New Yorkers forget about their troubles and live life as usual during some of our nation's most trying times.

Mr. Speaker, I rise today to honor the members of The Oratorio Society of Queens and to pay tribute to an organization that has made Queens a much richer and more enjoyable place to live. I ask that all of my colleagues in the United States House of Representatives join me now in congratulating The Oratorio Society of Queens President, Ardelle Donohue, Artistic Director, David Close and all members, both past and present, on their 75 years of enriching the lives of the people of Queens.

HONORING DR. RICHARD D. NICHOLS, ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. DINGELL. Mr. Speaker, I rise today to recognize Dr. Richard D. Nichols on the occasion of his retirement from the Henry Ford Health System.

Dr. Nichols began his career with the Henry Ford Health System on July 1, 1967, when he became a member of the Otolaryngology. He received both his undergraduate degree and medical degree from the University of Michigan. Dr. Nichols completed his internship and General Surgery residency at St. Joseph Mercy Hospital in Ann Arbor and graduated from his Otolaryngology residency from the University of Michigan in 1967.

In 1971 Dr. Nichols was named Chairman of Otolaryngology, one of the youngest physicians to chair a clinical department at Henry Ford Hospital. He has continued to be a pioneer in his field. Dr. Nichols performed the first cochlear implants at Henry Ford Hospital.

Dr. Nichols has a wide variety of clinical interests, but is best known for his expertise in salivary gland disease and tumors of the head and neck. He has excelled in his department, but Dr. Nichols' leadership extended to the administration of both the medical staff and hospital. He also played a major role in establishing the first medical staff compensation committee, serving as chairman for many years.

Mr. Speaker, not only has Dr. Nichols had a deep impact within the Henry Ford Health System, but he has also been recognized for his contributions to teaching. He was instrumental in creating the first regular specialty rotation at Henry Ford Hospital for students from the University of Michigan.

Mr. Speaker, as Dr. Nichols leaves the Henry Ford Health System, and in honor of his many professional achievements, I would ask that all my colleagues rise and salute his service to the people of Southeast Michigan.

INTRODUCING A BILL REGARDING PRESIDENTIAL GIFTS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mrs. MINK of Hawaii. Mr. Speaker, today I introduce a bill to help eliminate the appearance of quid-pro-quos that always arise when the President accepts a gift.

The President of the United States accepts over 15,000 gifts every year on behalf of the people of the United States. These gifts are expressions of goodwill and a sign of respect for the office of the Presidency. Surprisingly, the President may accept gifts from citizens with little government oversight.

Federal employees who receive gifts must abide by the Ethics Reform Act of 1989. Representatives and Senators must follow the code of ethics established by their respective Ethic Committees. The President should have a similar code regarding all domestic gifts.

My bill will cover the President and First Lady by the gift rules currently used by Senators. Under my bill, the President or the spouse of the President may accept a gift that has a value of less than $50. Other gifts will be accepted on behalf of the United States and will be treated as the property of the people of the United States.

I urge my colleagues to cosponsor this bill and help eliminate even the appearance of impropriety that could come from accepting gifts.

HANK STRAM-TONY ZALE AWARDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, will be hosting the 29th Annual Hank Stram-Tony Zale Sports Award Banquet on May 20, 2002, at the Radisson Hotel in Merrillville, Indiana. Fourteen outstanding Northwest Indiana High School athletes will be honored at this notable event for their dedication and hard work. These exceptional students were chosen to receive the award by their respective schools on the basis of academic and athletic achievement. All proceeds from this event will go toward a scholarship fund to be awarded to local students.

This year's Hank Stram-Tony Zale Award recipients include Sandra Bolles of Lake Station Edison High School, Michael Cieslak of Highland High School, Meredith Cusic of Lowell High School, Adam Itczak of Hanover Central High School, Jeremy Krzekotowski of Bishop Noll High School, Lisa Matie of Hobart High School, Katie Mosca of Hammond Morton High School, Rebecca Nelson of Lake Central High School, Craig Olis of Merrillville High School, Ryan Orzechowicz of Crown Point High School, Brandon Powell of Griffith High School, Francis Raycroft of Whiting High School, Kristy Siminski of Portage High School, and Anne Wirtz of Andrean High School.

The featured speaker at this gala event will be Mr. Mike Adamle. A Chicago NFL star turned broadcaster, Adamle serves as Sports Director for CBS 2 News. He joined the station in the fall of 2001 and covers sports for the evening newscasts. Adamle's Chicago roots date back to 1968, when he came to the "Windy City" to play football for Northwestern University. After Adamle graduated in 1971, he went on to play for the Kansas City Chiefs (1971–72) and the New York Jets (1973–74), before returning home to play for the Chicago Bears (1975–77). Adamle has been recognized for excellence in journalism throughout his career. His many honors include the Illinois Associated Press Award for "Best Feature" (2001), a Peter Lisagor Award for outstanding sports coverage (2001), and two local Emmy Awards for his coverage of the Chicago Auto Show (2001, 2000).

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, for hosting this celebration of success in sports and academics. The effort of all those involved in planning this worthwhile event is indicative of their devotion to the very gifted young people in Indiana's First Congressional District.

A PROCLAMATION RECOGNIZING TIMOTHY L. CURRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. NEY. Mr. Speaker, Whereas, Timothy L. Curry has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Timothy L. Curry has shared his time and talent with the community in which he resides; and

Whereas, Timothy L. Curry must be commended for the hard work and dedication he put forth in earning the first Eagle Scout Award for Troop 257 since 1944;

Therefore, I join with Troop 257 and the entire 18th Congressional District in congratulating Timothy L. Curry as he receives the Eagle Scout Award.

HONORING JOHN QUINCY ADAMS PRIMARY SCHOOL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to honor the John Quincy Adams Primary School for their admirable job in raising money for St. Jude Children's Research Hospital. Since 1991 the John Quincy Adams School has generated $73,197.57 for the hospital through their Math-A-Thon program. This program has continued to grow; in just the last year they raised over $10,000 to aid children who suffer from heartrending illnesses.

Through the considerable funds raised by the faculty, students, and parents of John Quincy Adams, over 160 children are provided with the best medical care possible. These funds have gone towards research, patient care, and educational programs at St. Jude's. Parents of the children are also provided for; money is given to these families to provide for their children's medical expenses.

Mr. Speaker, I am pleased to recognize the students, faculty, and parents of John Quincy Adams Primary School for making a significant difference in the lives of numerous children at the St. Jude Children's Research Hospital who suffer from the most tragic childhood diseases. They have made a commendable and estimable contribution to others in their community.

100TH ANNIVERSARY OF CHMURA'S BAKERY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, it is a privilege for me today to pay tribute to a landmark in the western Massachusetts community as it celebrates its centennial celebration this year.

Since 1902, Chmura's Bakery has provided the folks in Indian Orchard, Ludlow, and a variety of surrounding villages and towns with the highest quality, handmade baked goods. Started by John Chmura a century ago, the bakery has for years served the community not only as its baker of rye bread, danish, and other Polish and Portuguese delicacies, but also as a central hub of conversation and community activity.

In the early days, Chmura's Bakery distinguished itself from others with its quality food and by bringing its baked goods directly to the community. In fact, Chmura's logo today reflects back to a day gone by, as it adorns the horse-drawn delivery carriage that made daily delivery runs throughout the surrounding neighborhoods.

Chmura's bakery continued for years to be run as a family-owned business. The Chmuras are known throughout western Massachusetts not only as successful business people, but also as dedicated and committed public servants. The Chmura family has served in many capacities as community leaders.

In 1988, the Chmuras sold their bakery to a group of owners which include Joe Anselmo, the operating owner who for years worked at and operated the bakery; Yvette Anselmo, Joe's wife; Fred and Kelley Salvador; Antonio and Maria Salvador; Horacio and Linda Salvador; Julio and Vera Rodrigues; and Gus and Maria Zina. In 1989, Chmura's II, as it is affectionately referred to, opened its doors in Palmer, Massachusetts, and it too has been an extremely successful undertaking.

Mr. Speaker, at this time, I would like to recognize and congratulate before the U.S. Congress Chmura's bakery on its 100th anniversary. On Wednesday, May 22, at the Gremio Lusitano Club in Ludlow, there will be a celebration to mark this momentous occasion. Sadly, I anticipate that due to the Washington voting schedule I will be unable to attend this event. I extend my congratulations and best wishes to all of the folks at Chmura's. As John Chmura's Polish ancestors would say, I wish Chmura's Bakery "Stolat"—or 100 more years of success.

HONORING SIDNEY AND LIBBY GLUCKSMAN AS THEY RECEIVE AN HONORARY DOCTORATE OF HUMANE LETTERS FROM ALBERTUS MAGNUS COLLEGE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. DELAURO. Mr. Speaker, I am very proud to rise today to pay tribute to two outstanding members of the New Haven community, and my dear friends, Sidney and Libby Glucksman, as they receive Honorary Doctorates of Humane Letters from Albertus Magnus College.

Theirs is a compelling story as both Sidney and Libby survived the darkest of times and triumphed in spite of the gravest of circumstances. As a young woman, Libby was a member of an underground group who delivered messages for Russian Partisans. Sidney was born in Chwonow, Poland and was just twelve years old when his homeland was taken by Nazi Germany. Taken out of school, he spent the next six years as a prisoner in labor and concentration camps and would never again see his parents, brother or sister. He remained a prisoner until American servicemen liberated Dachau in 1945. Sidney and Libby met in a displaced persons camp in Bad Reichenholen, Germany and soon made their way to America where they married and began a new life together. Settling in New Haven, where they have made their home for over fifty years, Sidney opened a successful tailoring business which has been thriving for four decades. It is also the center of Greater New Haven community.

Sidney and Libby boldly faced one of the darkest times in our history. Few of us can truly comprehend the reality of Gross-Rosen, Dachau, Auschwitz and the many other camps where Jews were held prisoner for so many years. Even fewer want to relive these memories. I am continually inspired by Sidney and Libby's dedication to ensure that future generations will never forget the unspeakable horrors of the Holocaust. For many years, they have been very active in both national and local Holocaust organizations. Sidney often shares his experiences with students and community groups. Just two years ago, he was asked by the Justice Department to recount his story at the trial of a former Nazi camp guard with the Waffen SS "Death Head" Battalion at Gross-Rosen. His testimony detailing the guard's treatment of prisoners was the crucial evidence needed for his conviction. Sidney, once again, gave a strong voice to the millions lost in the Holocaust.

Today, survivors of the Holocaust are aging and soon we will not have many who can recount that which we should never forget. It is people like Sidney and Libby, who willingly share their stories, that ensure future generations will remember. It is with great pleasure that I stand today and join their children, grandchildren, friends and colleagues in congratulating them as they are honored with Honorary Degrees from Albertus Magnus College. The Glucksmans are an inspiration to us all and this honor is a reflection of all that they have brought to our community.

WILLIAM HOWARD TAFT UNIVERSITY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to recognize William Howard Taft University for providing quality distance education programs to adults and professionals for over 25 years.

The University, which offers graduate degree programs in law and business, was founded by its current president, David L. Boyd, in Fountain Valley. The school relocated to Santa Ana in 1995. The mission and purpose of William Howard Taft University is to offer unique and innovative distance learning educational programs at a reasonable cost to qualified applicants, with a particular focus on those who are mature adults, employed on a full-time basis, or for whom place of residence, travel requirements, or finances are constraining factors.

The University is committed to providing a quality education responsive to the needs of society, now and into the future. Valuing the rich variety of cultures, races, ages, religions and ethnic backgrounds in the world today, the University seeks students from all regions of the United States, and English-speaking students from around the world.

The University's first degree program was the Juris Doctor Program that was first offered through its School of Law in 1984. Since July, 1987 more of its graduates have passed the California Bar Examination on the first attempt than any other distance education law school.

Its Graduate School of Business was established in 1987 and presently offers three Master of Business Administration Programs emphasizing entrepreneurship, health care administration, and professional practice management. The MBA–PPM (Professional Practice Management) is believed to be the first program of its kind in the country. The School also offers a Master of Science in Taxation Program to certified public accountants and other tax professionals.

In 1994 and 1999 the University's efforts in developing quality education programs were rewarded with the receipt of full institutional approval for a period of five years by the California Bureau for Private Postsecondary Education. Full institutional approval is the highest status awarded by the State of California and the five-year approval period is the maximum permissible under California law.

Recently the University became eligible to seek accreditation by a national accrediting body recognized by the United States Department of Education. Recognizing the importance of accreditation to the credibility of the University, I urge the accrediting body to review William Howard Taft University in an objective and timely manner.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

SPEECH OF

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. CLAY. Mr. Speaker, I voted against the rule and H.R. 4700 because they do not address the transportation needs of TANF program participants and this rule does not provide any opportunity for members to support a Mobile Allowance program for TANF participants.

It is time to admit that the working poor cannot keep their jobs if they cannot get to work. The working poor are fighting to overcome poverty. They are hard working Americans who are struggling to keep low paying jobs, hoping to find a way out of their poverty. Their family resources are most limited. These households can barely meet their basic needs. Very often they have no chance of ever accumulating the savings needed for unexpected financial needs. TANF recipients have few assets and very often a poor credit history. These circumstances make it almost impossible for the working poor to ever acquire automobiles. And yet, we know that transportation is the key to helping people keep their jobs. Without transportation, the working poor risk losing their jobs and remaining confined to the cycle of poverty. Studies have shown that when the working poor are given the help they need to stay employed, their use of public assistance drops significantly.

If this body is going to authorize a Temporary Assistance for Needy Families program we must at the very least, recognize that such a program should address the transportation needs of the working poor or we must admit that TANF has very little chance of genuinely helping families overcome poverty.

The role of transportation in the successful transition from welfare to work cannot be overstated. It is time to include the transportation issue in the debate about how to improve Temporary Assistance to Needy Families. TANF is meant to provide a safety net for the poor and a lifeline to economic stability. The TANF program cannot achieve this goal without addressing the critical link between jobs and transportation. Some states have already established programs to help TANF participants meet their transportation needs. It is time to ensure that all States address this need and establish a Mobile Allowance program.

HONORING MS. ALLISON GLOVER

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. McKINNEY. Mr. Speaker, I rise today to recognize a constituent of mine from the Fourth Congressional District of Georgia, Ms. Allison Glover of Stone Mountain. On Tuesday of this week, Ms. Glover testified in front of the Labor, Health and Human Services and Education Appropriations Subcommittee in support of increased funding for the National Institutes for Health. The purpose of Ms. Glover's testimony was to raise congressional awareness of the silent killer, Sudden Infant Death Syndrome SIDS. Those familiar with Sudden Infant Death Syndrome understand that despite scientific research no direct cause has been found for the deaths of close to 3,000 infants a year in the United States.

Ms. Glover is not your average government relations professional or lobbyist. Ms. Glover and her family are survivors. In May 2000, Ms. Glover and her husband lost their happy and healthy first-born son, Garrett, to SIDS. Garrett was peacefully sleeping in his cradle next to his parents, when he passed away.

However, Ms. Glover channeled her grief and pain into activism. Ms. Glover's perseverance despite the loss of her child serves as a role model for all of us. Ms. Glover has since become an activist for SIDS research, working toward a goal of the eradication of SIDS.

Today, Allison Glover is the SIDS Training Coordinator with the Georgia SIDS/OID Information and Counseling Program. This program offers comprehensive bereavement support services to all Georgia families who have experienced an infant death. The program also offers SIDS training courses to parents, healthcare professionals, first responders and child care providers. All of these programs are offered to the public at no cost. Ms. Glover honorably works to prevent her tragedy from becoming the tragedy of others.

I salute Ms. Allison Glover for her courage in turning a terrible personal tragedy into positive public service for her community.

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this Spring at the University of Vermont. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

JESSICA PREDOM AND AUTUMN ROZON REGARDING TEENAGE STEREOTYPES

JESSICA PREDOM. People, when they hear the word "teen," think of bombs, fires, smoking, sex. Although some teens have experience with these things at a young age doesn't mean we all have. People these days are so hypocritical. Everyone was a teen, but it is like, if people hit 30, they forget what being 18 is like. I know some kids have sex and do drugs, but a majority do not. just because some teens do, teens like us get classified into a group we would rather not be in.

AUTUMN ROZON. Just the other day, I was looking at the back of Glade air freshener bottle, and it said: "Warning. Flammable. Keep away from small children and teens to avoid substance abuse." I can see where the small-children statement comes in, but keeping air freshener away from teens? I mean, come on. I didn't know our reputation was that bad. It's almost painful to see someone be turned down for a job because he or she has green hair and two piercings. Automatically, when you see a teen like that, you automatically think: Druggie. What most people think is not the true story. It is almost like an instance where someone hears part of your conversation and reacts before they know the whole thing. Now, my town is small, so when you are driving down Main Street, you see some kids sitting outside the grocery store, you think to yourself: They're up to no good. When, really, they're just waiting for their friend who works there.

A few years ago, there was an incident that we all remember. The tragedy at Columbine was one of the biggest scares to our country. Because of the shooting at Columbine, teens around the world were looked as something that could explode at any time. The headlines focus on the teen part of the shooting, and not on the main issue of the two kids who did it. By stereotyping like this, teens feel the need to rebel. Rebellion is the cause of most kid's sexual experiences and drug abuse.

The way our world looks at teens causes them to do certain things. If people could stop looking at us as teens, and look at us as young adults, we would start to accept ourselves and our community more. I think everyone has a good side, and people in our world are not letting teens express their good side. Don't judge us because of what we wear or what we look like. Take time to get to know us, and you will see that most of us do not do drugs, do not have sex, and do not drink. We have lives and we are trying to live them while we still can.

Daniel May Regarding Student Representation on School Boards

DANIEL MAY. Good afternoon, Congressman Sanders.

I am presenting the issue of student representation on local school boards.

In our state of Vermont, there are 18 high schools that have at least one student representative on their board, while other high schools don't. I pity these schools who don't, because, by having at least one student on the school boards, there ought to be three impacts.

First, the boards will be able to make better decisions and be able to implement them more easily. Second, members of the student body will have raised political awareness of their school and the surroundings of their city. And third, the student representative will be provided with opportunities to assume leadership roles and gain skills.

Students should have a right for making their voices heard, because they are the people being affected by the school board's decisions. Silencing the voices of people you control isn't in the best interest of those governing bodies. Encouraging participation is a lesson that teachers need to take from the students.

I want to make sure that the students get their voices heard. I fear that some school boards may be inconsistent in allowing a student on the board. First of all, I'm concerned that some school boards will fail to provide orientation from the student-trustees. Some student reps may begin their terms without any training. They will just attend their first meeting, not understanding the meeting procedures, nor jurisdictions, nor their own rules, rights and responsibilities. Then they will spend their first month learning how the board operates, and only be able to play a more meaningful role towards the end of term.

My other concern is that student reps be excluded from the debate and compromise that it is a part of decisionmaking. Many student reps that feel their participation in the decision-making process is limited to their formal role during public meetings. They feel that their input is not sought out formally when the trustees discuss issues and seek support for their positions.

As long as these two issues do not become a concern, school boards will become more efficient with a student representative.

Jamie Walbridge Regarding Graduated License

JAMIE WALBRIDGE. The issue that we, the teens of the community of Barre, are raising today is the new graduated driver's license. This is an issue that has been raised among many households, and we feel it should be raised once again to the Vermont legislators. We feel the graduated driver's license law has many faults that affect the young teens as well as their families.

The effect of this law on families in our community is that the teens who have recently gotten their license and fall under this law are restricted from bringing even their siblings to school. There are some schools in Vermont, such as Spaulding, that do not provide a bussing system, forcing parents to go when one of the children is already going. Parents still have to be present when their child and a group of friends carpool to any sort of event.

In the next few years, all teenagers will be under this law. Therefore, no one can carpool, and there will be more cars on the road. With more cars on the road, the chance of getting into an accident will increase, as well as an increase in pollution going into the air. Here at Spaulding High School, parking is already a major issue. Students are having trouble finding a parking spot, and that's with approximately half the drivers under the law. Can you imagine the parking problems when every student has their own car?

Another problem we found with the graduated license is that Vermont's restrictions are more harsh and for a longer period of time than most other states that have issued the law, as well. In Vermont the law states that we have our permits for a year, then have passenger restrictions for six months. The first three months of having your license include the following restrictions: By yourself, or if there are other people in the car with you, you need to have a licensed driver of 25 years of age or older. For the second three months of your license, you can only have immediate family with you. In Wyoming, teens have their permits for ten days, and no restrictions when they get their license. Do you think that those teens are ready to drive at all? Kansas, Montana, Nevada, Oklahoma, and Alabama have no restrictions at all.

When we were researching this law, we called the Department of Motor Vehicles to get statistics, and we were told that nothing could be released because they could not prove that the graduated license was the reason for the decrease in teenage driving fatalities.

Another problem with the law is that police officers are not even familiar with the graduated license. To us, this seems very unorganized. I was pulled over for having a light out, and I got an $80 ticket for having passengers in my car. I am grandfathered from the law, but I had no proof to show the officer. I contested the ticket and got it voided, but it was a big hassle for no reason.

We don't think that every aspect of this law is negative or bad. We agree one hundred percent that, without having our permit for a full year, we would not be ready to face the responsibilities and the unexpected problems of the open road. Our solution to this problem is to shorten the restrictions after getting your license, shorten it from six months to two or three months. We don't want to completely abandon the whole law.

We think that, with all these restrictions on driving, that it has taken away the fun of being 16 and having your license. When you are a little kid, there are three birthdays that you took forward to: When you are 15, you get your permit. At 16, you get your license and can drive around with your friends. At 18, you are officially an adult. The excitement and freedom of turning 16 feels like it is being taken away.

ON PRESIDENT BUSH'S CUBA POLICY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to support President Bush's policy on Cuba. The Bush Initiative, which says the United States will work with Cuba once Fidel Castro takes concrete measures to improve the abysmal human rights situation and lack of freedoms granted to his people, is the correct course for us to take.

The Bush policy clearly places the ball in Castro's court. Unlike comments made by former President Jimmy Carter last week, the Bush policy recognizes that Castro is a dictator who represses his people and that he, therefore, must take the first steps if he is serious about normalizing ties to the U.S.

I concur completely with the President that Castro must free his political prisoners, legalize political activity, permit free elections, and cease discriminating against Cuban workers before Congress can begin to even consider lifting the economic embargo. Until the Cuban people are free, trade and other favorable relations with Cuba will not help the people. Rather, it will enrich and empower Castro and his cronies so they can maintain an iron clasp on freedom.

Until Castro makes a lasting commitment to freedom, the U.S. cannot engage in activity that would prop him up.

LEHIGH VALLEY HERO—LEHIGH VALLEY REGIONAL TEAM DUI TASK FORCE

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others. I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today I would like to recognize the Lehigh Valley Regional Team DUI Task Force. This organization has truly made a difference in their community.

The most recent statistics from 2000 show 1,520 people died in traffic crashes in Pennsylvania. One-third of those were alcohol related and many involved teenagers. Obviously this is an alarming statistic.

The purpose of Team DUI is to reduce these alcohol-related traffic crashes, fatalities and injuries related to seatbelt non-use, speeding and impaired driving among the youth of Allentown, Bethlehem and Easton. Recently, the Lehigh Valley Regional Team DUI received a two-year, $250,000 grant from the National Highway Traffic Safety Administration to educate area teenagers on the dangers of mixing alcohol with driving. Team DUI will use the money for educational programs, public awareness activities and law enforcement.

Team DUI is determined to do what they can to curb this dangerous and deadly phenomenon and therefore they are Lehigh Valley Heroes in my book.

Mr. Speaker, this concludes my Report from Pennsylvania.

IN RECOGNITION OF CAPTAIN CHARLES BULLOCK

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Captain Charles Bullock, upon the occasion of his retirement from the Houston Police Department (HPD). On May 21, 2002, the HPD Fondren Storefront Citizens Advisory Council will join his friends and family in honoring him at the Chancellor's Family Center located in Houston, Texas.

Originally from the small town of Shepherd, Captain Bullock possesses an undying love for the State of Texas. He graduated from Allen High School in 1954, before receiving his undergraduate degree from the University of Houston. He served the Nation for four years in the United States Air Force before being honorably discharged. In 1959, Captain Bullock entered HPD's Police Academy and soon after was sworn in as an officer. As a result of his hard work and devotion to the city of Houston, Captain Bullock was promoted to the rank of Captain on October 9, 1976.

Throughout his tenure at the Houston Police Department, Captain Bullock has maintained a stellar record, which reflects his commitment and dedication to serving both the Houston community and its police department. While working in the Emergency Communications Dispatch Division, he was instrumental in implementing the Computer Aided Dispatch (CAD) system, which has helped emergency operators respond efficiently to crisis situations.

Captain Bullock's exemplary model of community activism has earned him the respect and praise of community leaders, such as Houston Mayors Lee Brown and Bob Lanier, former Chiefs of Police and countless community organizations. Captain Bullock is a community minded captain who has played an integral role in the revitalization of the Fondren area of southwest Houston. His suggestions and continuous support for the community's fundraising events have substantially contributed to the growth of the Fondren economy. Additionally, Captain Bullock's successful efforts to establish the Fondren Division of the HPD in 1998 exemplifies his concern for the safety of the community, as well as his drive and determination to improve the quality of life in the Houston area.

Mr. Speaker, I would like to congratulate Captain Bullock on his 43 years of exceptional service to the Houston Police Department and applaud his leadership in the development and enhancement of the Fondren community.

HONORING COMMUNITY VETERANS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor and give thanks to Latino veterans across the nation and in New York's 12th District—those brave soldiers who served in our Armed Forces during times of turmoil and crisis in our nation's history.

Today, the National Federation of Puerto Rican Pioneers, Inc., also known as Los Pioneros, of Williamsburg, Brooklyn celebrates another anniversary to honor the many Puerto Ricans who so bravely served in our Armed Services.

Given the war against terrorism our great nation is now waging both here and overseas, I believe we must take time to honor and give thanks to a few of our nation's Latino veterans from the 12th District. Many of these men were young men, unaware of how war would change them when they enlisted in the Armed Forces during World War II, the Korean War, and the Vietnam War. They joined the service with hopes of strengthening our nation's security, fighting for the ideals of democracy and freedom, and ensuring a more peaceful world. Although many returned home with lasting wounds, their spirit was never broken. These Puerto Rican veterans answered the call to duty. That is why I have been a strong advocate for them during my service in the United States Congress. These soldiers did not disappoint this nation when we needed their service, and it is our solemn obligation to guarantee that they are remembered and cared for in their time of need.

Therefore, it is with much appreciation that I honor my Puerto Ricans brothers in spirit on their special day: Luis A. Fantauzzi, 1941–49; Victor Garcia, 1952–58; Jesus Rivera, Sr., 1954–58; Jesus Rivera, Jr., 1954–58; Victor L. Robles, 1954–58; Jose R. Torres, 1954–56; Herbert Zayas, 1954–56; Israel Perez, 1954–56; Nelson Cora, 1954–56; Pedro Colon, Jr., 1960–64; Edward Elba, 1960–64; Robert Guilbe, 1960–62; Roberto Maldonado, 1966–68; Guillermo Martinez, 1966–68; Gilberto Mercardo, 1966–68; Felix Lopez, 1966–69; Hector L. Soto, 1975–78; Ismael Torres, Jr., 1975–78; Nelson Torres, 1975–78; Edison P. Rivera, 1975–78; Eugenio Maldonado, 1975–78; Gilbert Figueroa, 1979–82; Felix W. Ortiz, 1984–86; and Walter Figueroa, 1985–90.

TRIBUTE TO REVEREND DR. SHELLIE SAMPSON JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Reverend Dr. Shellie Sampson, Jr., a remarkable spiritual counselor and community leader, on his 20th anniversary as Pastor of the Thessalonia Baptist Church in the Bronx.

Reverend Sampson was born and raised in Newark, New Jersey, but his extensive education has taken him all over the Northeast. He received a Bachelor of Arts from Rutgers University and went on to receive his Masters of Divinity and Doctorate of Ministry from Drew University. Reverend Sampson studied at the prestigious Princeton Theological Seminary and New York University. As if he had not achieved enough academically already, Reverend Sampson also received an Honorary Doctorate of Law from Virginia University and is currently a Doctoral Candidate at Temple University.

Mr. Speaker, since his arrival to New York's religious community 20 years ago, Reverend Sampson has made many unforgettable changes. He played a major role in the construction of the Thessalonia Cultural Conununity Center which has helped to unite the community and provide recreation and a number of services. Also, as a result of his efforts, the Thessalonia Elementary Academy and the Thessalonia Institute of Education were established to provide people of faith with exceptional educational opportunities.

The man I am honoring today has been an example of leadership for his congregation and many community members. The community programs that he has spearheaded dealing with education, homelessness, senior citizens, and youth are too numerous to mention. As a result of all that he does and has done, Reverend Sampson has been the recipient of a number of awards and has been placed in many leadership positions throughout his 30 years in ministry. Reverend Sampson has served as a religious guide, friend, confidant, and teacher. He has maintained not only the spiritual strength of his church, but has made sure that its physical foundation remained sound as well with renovations. Along with his intensive studies, Reverend Sampson is somehow still able to successfully lead and uplift his congregation and be a loving husband and father to his eight children. He is truly a remarkable individual.

Mr. Speaker, I ask my colleagues to join me in celebrating Reverend Dr. Shellie Sampson, Jr.'s 20 years of exceptional service to the Thessalonia Baptist Church congregation and to the entire Bronx community.

RECOGNIZING WEST VIRGINIA SMALL BUSINESS ADMINISTRATION'S SMALL BUSINESS EXPORTER OF THE YEAR, EWELL A. FERGUSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Ewell A. Ferguson, owner of GTR LABS, Incorporated, in the Second Congressional District of West Virginia. Mr. Ferguson has achieved the title of Small Business Exporter of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Mr. Ferguson incorporated GTR LABS in 1994 in Gassaway, West Virginia with an idea to produce a new and innovative high frequency x-ray generator. His products are exported to over 15 countries worldwide. Mr. Ferguson embodies the values that created the American success story: self-reliance, hard work, perseverance, and optimism. I commend him for his contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Mr. Ewell's tremendous achievement as the West Virginia Small Business Administration's Small Business Exporter of the Year.

IN HONOR OF THE 75th ANNIVERSARY OF THE NAACP BAYONNE BRANCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Bayonne branch of the NAACP on its 75th Anniversary. The "Freedom Fund Dinner " took place on Saturday, May 17, 2002, at the Hi-Hat Caterers. In addition to celebrating this momentous anniversary, the Bayonne NAACP honored eight exemplary citizens, including: Mario Joseph Depeine, Howard Fitch, Jane R. Roberts, Nancy Barnes, Willie J. Graham, Kathleen R. McQuilla, Richard Burroughs, and John R. McGee. Nationally renowned Emmy Award-winner Gil Noble was the featured speaker.

Founded in 1927 by Mr. Ferdinand Smith, the NAACP Bayonne branch has helped gain political, educational, and economic status for minority groups, and continues to actively promote social justice and a better life for all Americans.

Over the past 75 years, the Bayonne branch has proved to be an integral part of the Civil Rights Movement by successfully facilitating tile integration of several institutions and organizations throughout New Jersey. This dynamic Association participated in the March on Washington in 1963, organized numerous desegregation demonstrations, and helped introduce multi-ethnic textbooks in schools. It continues to serve as a resource that preserves the legacy of the Civil Rights Movement and educates younger generations on the profound influences of this time in history.

I ask my colleagues to join me in honoring the NAACP for 75 years of making real differences in the lives of our people. I wish them well in the future as we continue to make Bayonne a community that fosters social justice and equality for all.

PAYING TRIBUTE TO FATHER JOHN S. TRIMBUR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. TRAFICANT. Mr. Speaker, as Representative to the citizens of the 17th Congressional District of Ohio, it brings me great pleasure to pay tribute to Father John S. Trimbur, as he is honored on this date, May 20, 2002.

Born in Warren, Ohio on January 15, 1947, Father John Trimbur graduated from Niles McKinley High School in 1964. He entered the seminary after graduation, receiving degrees from Duquesne University in Pittsburgh and St. Thomas Seminary in Denver, Colorado. Father Trimbur was ordained for the Archdiocese of Denver on May 25, 1974. He then served as an Associate Pastor of Notre Dame Parish in Denver, St. Thomas Moore in Englewood and the Cathedral of the Immaculate Conception, also in Denver.

Father Trimbur transferred to the Youngstown Diocese in 1978, and served as Associate pastor at Warren St. James, Canton St. Joan of Arc, Austintown St. Joseph and Immaculate Heart of Mary Parishes. From 1987 through 1988, Father Trimbur served as Administrator of St. Joseph's Mantua. He was then appointed as Pastor of St. John's Baptist in Campbell in 1989, where he resides at the current time. Father Trimbur also served as Pastor of St. Stephen of Hungary Parish from 1991 through 1995, and St. Lucy in Campbell from 1995 to 1996.

Father John Trimbur served on the diocesan "Walking Together" committee, and currently serves on the diocesan Board of Education, and recently served on the committee to rewrite the Diocesan curriculum for catechesis. He is a member of Poland Council #4471, where he serves Chaplain, and is also a member and Faithful Friar of Msgr. John Lettau Assembly.

In the City of Campbell Father Trimbur served on the advisory board for Campbell Commons Partnership Program and is President of Ecumenical Council, the Diocese Cemetery Board, the St. John's Cemetery Board, as well as a member of ACTION.

I join with the citizens of this district in honoring Father John Trimbur. He is to be commended for his dedication and commitment to the diocese, the City of Campbell and to the community as a whole. Today, and everyday, we are so very thankful for Father John Trimbur's presence in our lives. I wish him well in his future endeavors, and may God bless him in the years to come.

COMMENDING THE NORTH AMERICAN BOARD OF RABBIS AND THE GERMAN EDUCATIONAL MINISTRY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. ACKERMAN. Mr. Speaker, on Saturday, April 6th, ten high school students from Berlin, Germany, arrived at New York's Kennedy Airport to spend two weeks with their Jewish counterparts and families in a pilot program designed to foster a better understanding between young Germans and the Jewish community in the United States.

Organized by the North American Board of Rabbis and the Padogischer Austauschdient (PAD), the German Educational Ministry in Bonn, the exchange was conceived as a means to bridge the gulf that sometimes exists between the United States Jewish community and Germany. Some 57 years have passed since the end of World War II, and Germany has become a dynamic and tolerant society that now contains the third largest Jewish population on continental Europe. It has also been a stalwart friend of Israel and one of America's closest allies.

The students were warmly received by their host families, and new friendships were immediately established. During their time in New York City, they had occasion to visit synagogues, learn about Jewish traditions, attend local schools, and even engage in the great American pastime of enjoying hot dogs while watching the Mets at Shea Stadium. Most important, was what the students learned from each other as they were embraced by all with whom they came into contact. The German students experienced the dynamism of the United States Jewish community and came away impressed by both its spirit and commitment to universal justice.

In late August the ten American students who served as hosts will go to Berlin, where they no doubt will be as warmly received and will have the opportunity to experience the German community.

Particular praise for this effort should be extended to Rabbi Jay Rosenbaum with the North American Boards of Rabbis, Dr. Stefan Schleuter, who is Deputy Consul General for Germany in New York, and Allienze AG from Munich, Germany, the corporation that fully funded the pilot program.

In closing Mr. Speaker, I want to commend all of the parties involved for making this program a huge success. To our young people from Berlin and New York, I hope and trust that this experience had expanded your horizons and that the exposure will prove enlightening as you soon begin your adult life venture.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. POMEROY. Mr. Speaker, I rise today to say that I will be voting for H.R. 4737, the majority's plan for reauthorizing the welfare program, but doing so with some reluctance. We have made significant progress in reducing the welfare rolls since Congress authorized Temporary Assistance for Needy Families, TANF, in 1996, and we must build on those successes as we reauthorize this program. However, we must not ignore the important lessons learned since 1996.

H.R. 4737 is founded on the appropriate philosophy of time-limited assistance and mandated annually increasing levels of work participation by welfare recipients. I strongly support this approach to providing assistance—we don't just offer handouts, we promote self-sufficiency through work, and we offer assistance for a defined amount of time. I believe this combination of progressing milestones, assistance with an end in sight, and work requirements is a good formula for success in reducing poverty. The North Dakota Department of Human Services shares this sentiment, stating their support for "keeping work the primary focus of TANF reauthorization."

However, Mr. Speaker, I want my colleagues in Congress and my constituents to know that I believe the majority plan falls short in a couple of key areas and that I plan to work to correct these shortcomings as the legislation moves forward. Specifically, I want to see improvements in the areas of job training and child care. We must be realistic in setting goals for reducing poverty, and this can best be done by providing beneficiaries better access to skills and resources that will help them permanently escape poverty. I support providing substantially greater resources for child care to help states and welfare recipients meet the work requirements in this legislation. It just makes sense that if we are going to expect more hours at work from beneficiaries, then we should also expect to make available the necessary child care resources to allow beneficiaries to meet those higher standards. Likewise, if we expect welfare recipients to move off assistance and become self-sufficient, then we should equip them with the training and skills they need by encouraging job training and vocational education. H.R. 4737 does not go far enough to this end.

Providing states with greater discretion and flexibility to determine the best mix of activities needed to move recipients toward self-sufficiency should also be a key component of this plan, and I think it is inadequate in that regard. Flexibility to the States is very important because one size does not fit all in welfare reform and what works well in California may not work at all in North Dakota. Welfare policy must recognize these differences by providing discretion and flexibility to the state agencies that will ultimately implement this policy. We have to correct these deficiencies, and I am confident we can do that by working with the Senate before this bill becomes law.

Mr. Speaker, common sense dictates that by removing hurdles to job training and education, by providing better access to child care, and by providing flexibility to those who will implement this policy, we greatly enhance the potential for welfare recipients to achieve self-sufficiency. I will vote in favor of H.R. 4737, but I urge my colleagues to join me in making these important improvements as the legislation moves to the Senate.

IN RECOGNITION OF THE FLOOD RELIEF ASSISTANCE GIVEN BY THE STUDENTS OF KEYSTONE COLLEGE, PENNSYLVANIA TO THE RESIDENTS OF KEYSTONE, WEST VIRGINIA

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. SHERWOOD. Mr. Speaker, it is an honor to rise today in praise of the efforts of the students and faculty of Keystone College, LaPlume, Pennsylvania, who recently came to the aid of the residents of Keystone, West Virginia. Due to recent devastating flooding in West Virginia, Keystone College President, Dr. Edward (Ned) G. Boehm, Jr., put out the call and challenge for his students and college to rally to the aid of the flood victims. I am pleased to report that they all met that challenge head on.

On May 14, Keystone College representatives delivered a check for $1,000, food and clothing, which they had collected, to Mayor Larry Martin at the Keystone Town Hall for distribution to the flood victims. It is clear that the communities of Keystone College and Keystone, West Virginia, share more than a common name. They share a bond which was formed out of adversity and need.

Community service is part of the curriculum taught at Keystone College. It is one thing to be taught an idea or concept, such as community service, but it is through its implementation that true learning occurs. The students and faculty are to be commended for their thoughtful and giving deeds. But the story does end with this one finite act. This fall, a group of Keystone students will travel to Keystone, West Virginia, to help with the repair and recovery efforts.

Truly, community service is the "keystone" which brings all our communities closer together. It is through such selfless deeds and acts that we see our true reflection.

IN HONOR OF THE 25TH ANNUAL JOSÉ MARTÍ STUDENT AID FUND AWARD DINNER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 25th annual José Martí Student Aid Fund Award Dinner, which was held on May 18, 2002, at the Radisson Hotel in Secaucus, NJ. Two important individuals were honored at this event, Carmen Pardo and Clara Garcia, for their many years of dedicated service to the José Martí Student Aid Fund.

In 1975, Mrs. Carmen Pardo and Mrs. Clara Garcia began recognizing students who excelled in the study of the Spanish language. In 1978, the resulting scholarship fund was legally registered as a nonprofit organization. Today, it is a scholarship for high school students graduating from Union Hill, Emerson, and Memorial High Schools, which promotes the understanding and appreciation of the Spanish language, heritage, and culture.

Thanks to charitable contributions, and various civic and social activities organized by the institution, the José Martí Scholarship Fund has awarded over $120,000 in scholarships. Over two hundred outstanding students have been honored.

Today, I ask my colleagues to join me in honoring the José Martí Student Aid Fund Award for its positive influence and the important role it plays in celebrating our Nation's Hispanic heritage.

RECOGNITION OF SBC COMMUNICATIONS FOR RECEIVING THE RON BROWN AWARD FOR CORPORATE LEADERSHIP

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. RODRIGUEZ. Mr. Speaker, today it is my privilege to recognize SBC Communications for receiving the Ron Brown Award for Corporate Leadership. This award highlights SBC Communications' commitment to South Texas and many other communities it serves. It is a tribute to SBC's desire to expand small business and volunteer opportunities in America.

Few companies have matched SBC's efforts to foster economic development in the communities it serves. By creating and maintaining relationships with diverse companies, the Supplier Diversity Program, an initiative developed to ensure minority-owned companies are an integral part of SBC's supply chain, has been extremely successful in integrating local minority entrepreneurs into its economic development strategy. In 2001, SBC spent $2.8 billion, or 23.5 percent of all procurement, the companies highest level of diversity spending ever, with companies owned by minorities, women, and disabled veterans. SBC continues to be a model of corporate responsibility.

SBC has not only been recognized by Commerce Secretary Donald L. Evans with this Presidential award, but it has also been recognized by the Women's Business Enterprise Council, the National Minority Business Council, Working Woman magazine, Fortune magazine, and the National Minority Supplier Development Council, NMSDC, for its tireless efforts to provide opportunities for minorities. The company has set the standard for minority involvement and has never shied away from its responsibility to facilitate community involvement and service.

As evidence of this commitment, SBC spends more than $1 billion annually with diverse businesses and was one of 10 companies inducted into the Billion Dollar Roundtable, an initiative of the publishers of Minority Business News U.S.A. and Women's Enterprise Magazine to recognize corporations that make investments in minority owned enterprises a priority. In addition, SBC challenged its fellow telecommunications companies to improve their supplier diversity and, because of that challenge, 70 telecommunications companies have pledged to do so.

We should all commend SBC for its 30 years of dedication to creating opportunities for minority business owners. I am proud that SBC calls San Antonio home. The city is a better place because of SBC's efforts, and our communities across America are stronger because of its service. I wish SBC Communications the best in its future endeavors and urge it to continue to reach out to minority communities.

THE PROMPT COMPENSATION ACT OF 2002

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. HUNTER. Mr. Speaker, I wish to bring to my colleagues' attention an issue that is extremely important to all of our constituents: private property rights. We have all heard from constituents in our districts who are frustrated with the process by which the federal government provides compensation to landowners for property it obtains through condemnation proceedings. While the federal agencies obtain land for a variety of reasons, the acquisition process often takes years to complete. Though legally the property owner may develop their property during this process, realistically they are discouraged from doing so. In essence, they are being held at the federal govenmnent's whim. It is for this reason that I have introduced The Prompt Compensation Act of 2002.

Currently, the federal government has two available procedures for obtaining property. The first is "straight condemnation," wherein a federal agency requests that the Justice Department file a "complaint in compensation" with a district court. It is the court's responsibility to ascertain the value of the land. Once the court has come to a decision, the federal government has the option of compensating the property owner with the adjudicated price or moving for dismissal. However, the landowner is compensated only if the federal government accepts the adjudicated price. While the federal government forfeits its interest in the property if they move for a dismissal, the property owner has been deprived of time, revenue, and in some cases, the overall value of their land.

The second and more expeditious procedure is commonly referred to as "quick take." In this procedure, the United States assumes title of the property immediately by simply filing a "declaration of taking" along with the complaint in condemnation and depositing with the court an amount of money equal to the estimated value of the land. Normal protocol is then followed with the court ascertaining the value of the property and the balance being issued to the landowner.

The Prompt Compensation Act will ensure that private land holders are not held in limbo by the federal government during a land purchase. My bill will require the government to obtain land only through the "quick take" procedure. The Prompt Compensation Act will make a significant impact in curbing the abuses of the federal takings proceedings, while at the same time strengthening the private property rights of America's landowners. I urge my colleagues on both sides of the aisle to cosponsor this important legislation and take the power from the federal government and place it back in the hands of the private property owners.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mrs. MINK of Hawaii. Mr. Speaker, welfare rolls have been cut in half. In 1996 we had over 5 million families on welfare. Today, there are about 2.2 million families on welfare. The work requirement has forced over 3 million families to leave welfare. Most States will advise that they are not certain whether these parents are working. The guess is that about half are not. We are not sure how these families are doing. Just getting off welfare does not mean that the family is no longer in need. We certainly don't know whether the children have adequate food, clothing, or shelter. Reports tell us that most are still in poverty.

Welfare should be about children. But sadly this debate is not about what is good for children in poverty. Congress and the White House have turned welfare into a hardball game aimed at the single moms. Few have turned their questions to the children.

There is no real dispute that preschool age children are better off if they can be cared for by their own mothers. If their mothers must work then these children must be placed in quality child care programs. Secretary Tommy Thompson says they must be provided with child care. Anticipating this work requirement Congress has provided some child care funds under this program, but not nearly enough. A child care program is made available for all low income working families. Currently there are over 15 million preschool age children eligible for federally funded child care programs. But only 1.8 million are actually provided with help.

Welfare mothers mostly have to fend for themselves in finding child care. They ask neighbors or family to help if they live close by. It is a myth to say that welfare mothers are made to work and that child care is provided. Any wonder that 30 percent of these moms work nights and another 30 percent work weekends to make their work hours as required under TANF. They obviously have to work these odd hours because they can't find child care and by working nights or weekends they can leave their small children in the care of the older children in the family or with acquaintances in the building. This is a far cry from quality child care.

Poor children are already at risk. Keeping them apart from their mothers is pushing them further into harm. If welfare is about children, we need to pay special attention to the fragile frames upon which their lives are built.

When children are of school age, it is reasonable to expect that the mother could use her free time to work or to improve her chances of getting a good paying job by stepping into various education career-building opportunities.

Legislation must be designed to make this possible. Education must be considered a work activity. As such, it would qualify for child care support. The parent could qualify for a Pell grant, work study program, or a subsidized student loan.

The reports indicate that 42 percent of welfare recipients today lack a high school diploma. Their first priority must be to get a GED diploma. After that further post secondary options should be considered.

Any reauthorization of TANF must provide for educational opportunity. If Welfare to Work is about ending poverty, education is the best tool to make that happen.

It is important to recognize that many on welfare come for help because of the dire circumstances they face. Personal problems like divorce, husbands sent to prison, serious illnesses in the family, substance abuse, domestic violence, severe depression and mental illness in the family are some of the reasons families have been forced into welfare. All of the above are barriers to getting a job and to holding on to one. With good intentions they find a job, but find that they can't keep it. Without work, they soon find themselves pushed off of welfare.

We should be helping these families. We should be referring them to other programs that can help them recover, offer treatment, counseling, etc. The Republican bill provides only three months of treatment once in two years. Without help these families will be locked into poverty and the children will pay the price of our neglect. Those that cannot be helped should be moved into permanent assistance programs like SSI.

In the long run, if we help them overcome these barriers, they will be able to hold down a job, and support their families as society expects them to.

All we are talking about today is continued eligibility for cash assistance for a welfare family. Current law says the longest they can stay on welfare is 5 years. But please note that 21 States have enacted much lower time limits. Texas for one has a limit of 1 to 3 years, Tennessee is 18 months, Connecticut is 21 months, Arkansas, Idaho, Indiana, Nevada, North Carolina, Nebraska, Arizona, Florida, Louisiana, Massachusetts, Virginia, Oregon, and South Carolina all have 2-year time limits. Delaware, Ohio, and Utah have a 3-year limit and Georgia is four.

And what about the cash assistance?; 24 states pay a family of three $141 to $291 a month. At $291 a month that's not even $3,500 a year that a family of three would receive.

Under current law that welfare family is expected to work at least 30 hours a week. At minimum wage the total monthly income would be about $700 a month.

Often the states will reduce the cash benefit when the single mother finds a job, or drop her entirely.

There are two ways to reduce the welfare rolls: the single mom gets a minimum wage job or fails to find or hold a job and is sanctioned. That is basically how the rolls were so dramatically cut in half in the past 5 years.

Yet the Republican bill complains that the States have not done enough. They haven't kicked the welfare families off fast enough. They complain that of the current case load 57 percent are not working. Consequently their new bill increases the work participation rate to 70 percent in 5 years. This means that the heat will be on, and the States will have to press harder for the welfare mothers to find work or be pushed off of welfare.

The 70 percent work rate is an unconscionable demand upon the States who all have made good faith efforts up to now. This pressure coupled with the increased hours to 40 of approved activity leaves little room for any mother to nurture and care for her children.

Two weeks ago, in Missouri, a 9-year-old girl died a horrible death in a fire caused by a lit candle. Her mother could not pay her electric bill. Without electricity, she used candles to light her apartment that housed 11 people.

This tragic end of a child's life, because the family was too poor to pay the electric bill is a reminder that we must think of our children as we write laws that purport to benefit them.

Sadly I had prepared four basic amendments to offer for this debate which the Rules Committee refused to allow.

The first would have provided services for single mothers who were victims of domestic violence so that they could comply with the work requirements, and while being treated would not be sanctioned. Reports advise that perhaps as many as 60 percent of the women on welfare have suffered from domestic violence at some point in their lives, and that 30 percent report abuse within the last year. Many live in shelters and are still in danger for their lives.

The second amendment would have prohibited sanctions against mothers who could not work because they could not find child care.

The third amendment would have allowed all education programs as a work activity.

The fourth amendment would have included participation in services and programs to help recipients with barriers to employment as allowable work activity. The barriers are mental and physical illness, substance abuse, literacy and learning disabilities. A GAO report states that 38 percent of the adult welfare recipients have severe physical impairments. Further it reports that 20 percent of the families have a child with a disability, and that 20 percent have a substance abuse problem. Four out of ten mothers report severe clinical depression. Help for all these conditions are prerequisites for successful work experiences.

Until we face the reality of why people apply for welfare, and help them we are not fulfilling our responsibility to provide a safety net for the neediest of this country.

I urge a "no" vote against H.R. 4737.

TRIBUTE TO HONORABLE KATHLEEN O'FERRALL FRIEDMAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor the Honorable Kathleen O'Ferrall Friedman whose legal career and civic works have made life better and safer for all Marylanders.

A 1962 graduate of the College of Notre Dame of Maryland, Judge Friedman received her LLB from the University of Maryland School of Law and was awarded an MSW from the University of Pennsylvania School of Social Work.

She began her legal career in January 1971 as a staff attorney at the Legal Aid Bureau. For the next six years, she specialized in domestic law, becoming the Managing Attorney of the Domestic Law Unit. In private practice from 1977–1985, she specialized in domestic law, and was named in the Seaview/Putnam Book The Best Lawyers in America.

Active in professional and civic organizations, Judge Friedman is a founding member of both The House of Ruth, Inc. Baltimore, and the Women's Law Center. As a member of the Women's Law Center she wrote the first manual for battered women and her work on domestic violence became the foundation for Baltimore's House of Ruth.

From 1975–1978, Judge Friedman was the Chair of the Governor's Commission to Study Implementation of the Equal Rights Amendment in Maryland. As Chair, she led and organized effort to improve the legal status of both men and women with the enactment of major legislation in criminal law, domestic law, employment, education, insurance, credit and house.

March 1, 2001, marked Judge Friedman's 16th year as an Associate Judge of the Circuit Court for Baltimore City. For nine years between 1987 and 1996, she served as the Judge in Charge of the Domestic Dockets. During this period, Judge Friedman sought to continue efforts to create a Family Court in Maryland. As Judge in Charge, she instituted a variety of innovative projects, including a Domestic Violence Project, Parenting Seminars, and Differential Case Management. Judge Friedman's visions of a family court was realized on Oct. 18, 2001 with the dedication of the Circuit Court Family Division.

I hope that my colleagues will join me in wishing Judge Friedman a well deserved retirement and thanking her for her commitment to justice and to public service.

HONORING COMMUNICATING FOR AGRICULTURE AND SELF-EMPLOYED ON ITS 20TH ANNIVERSARY

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. PETERSON of Minnesota. Mr. Speaker, one of our country's leading rural organizations, Communicating for Agriculture and the Self-employed, is celebrating their 30th anniversary this year.

In the beginning, CA stood for Creamery Association and was made up largely of dairy farmers in cooperative creameries in western Minnesota and eastern North Dakota. In 1972 Milt Smedsrud founded the modern CA in Fergus Falls, Minnesota and the organization has since grown into a highly-respected national non-profit association representing tens of thousands of members, including farm, ranch, small business and self-employed members nationwide.

CA is a non-partisan organization known for legislative advocacy of common sense public policy, support of the private market system, dependable information, and for effective service programs for its members.

One example of CA's advocacy work is their push for rural Americans' access to affordable, quality health care. In 1976, they were a lead supporter of legislation passed by the Minnesota legislature that established one of the first two state high-risk health insurance pools. Today, 30 States have passed legislation to establish health insurance risk pools guaranteeing that every one of their citizens has an opportunity to purchase health insurance protection. CA continues to work with several states to provide reliable information about risk pools.

As a strong voice for family agriculture, CA continues to work for an effective farm economic safety net. In particular, they've been known for work on federal and state finance programs helping beginning farmers and ranchers. Sixteen States operate Aggie Bond tax-exempt beginning farmers programs today, largely with CA's efforts. More than 6,000 young farmers and ranchers have been assisted through these programs since the first program was started in Iowa in 1981.

Throughout their history, CA has been a forceful advocate for small business, and a particularly strong voice for fair tax policies for the self-employed, small business and agriculture.

CA has also been a strong supporter of the education of young people. In 1985, the CA International Exchange Program was initiated to provide young people the opportunity to train and experience life and personal growth overseas. Today, CA exchange program has become the largest program of its kind in the country. Through CA's Scholarship and Education Foundation, more than $1.5 million has been raised and distributed to help young rural Americans throughout the country to further their education or take part in the international exchange program.

Mr. Speaker, In the recent past, there's been a simple slogan used to describe CA's mission—"Good Ideas for Rural America." I urge my colleagues to join me in recognizing the past achievements of Communicating for Agriculture and the Self-Employed and wish them continued success in the future.

A TRIBUTE TO THE LIFE AND ACHIEVEMENTS OF WILLARD B. SIMMONS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to a distinguished constituent and colleague, a leader in the pharmacy profession, who passed away earlier this year just two weeks shy of his 96th birthday, Mr. Willard B. Simmons. Mr. Simmons' 96 years in this world were spent serving his profession, his community, and his family.

Simmons was born in Myrtis, Louisiana, on February 22, 1906. His father, Hardy A. Simmons, Sr., was a pharmacist who owned his own drugstore, a profession the younger Simmons chose to follow. He graduated from the Little Rock College of Pharmacy in 1924 and was licensed to practice in both Arkansas and Texas. He worked in his father's pharmacy in Bloomburg, Texas, for several years, and then the two formed a partnership and bought a store in Texarkana, naming it the Modern Simmons Drug Company.

In his career, Simmons assumed a position of leadership on committees in the Texas Pharmaceutical Association, serving three times as president of the Texarkana Retail Druggists Association. He served as vice president of the Arkansas Pharmaceutical Association and was a two-time president of the Texarkana Chamber of Commerce.

Willard Simmons is best remembered for his work as executive secretary and general manager of the National Association of Retail Druggists (NARD), the former namesake of National Community Pharmacists Association (NCPA). He assumed this role in 1961, and over the course of his tenure, helped the association overcome many challenges facing the pharmacy industry in the 1960's and early 1970's.

Simmons also left his mark on our Nation's Capital. He established both the NARD annual legislative conference in Washington and the NARD Political Action Committee, with its motto "Get Into Politics or Get Out of Pharmacy." Simmons seemed to live that motto and became personal friends with then Representatives Wright Patman and Jake Pickle, as well as former President Lyndon B. Johnson. He was a frequent visitor to the White House and was responsible for extending the association's lobbying efforts throughout Washington. His work influenced legislation and fair trade issues affecting not only the pharmaceutical industry, but small businesses just like his across the Nation.

The NCPA has fittingly recognized Willard Simmons' outstanding career and exemplary life by establishing the Willard B. Simmons Independent Pharmacist of the Year award, which recognizes an independent pharmacist for exemplary leadership and commitment to independent pharmacy and to the community.

While Willard Simmons may no longer be with us, his legacy and spirit will live on in all whose lives he touched. I wish to extend my continued sympathies to his wife, Eloise, his son Willard, Jr., his granddaughter, Savannah, his brother and sisters, Hardy Simmons, Dorothy Simmons, and Mary Blizzard, and all his family and friends. They can take great pride in his lifetime of accomplishment and service to the pharmacy profession and his fellow citizens.

IN RECOGNITION OF DONALD W. JONES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize Donald Wallice Jones, and his brother Jack V. Jones, both veterans of World War II. The Jones brothers both left high school early to join the Navy and fight for the United States during World War II. After the war, Donald Jones continued his education by receiving a GED, taking courses at the University of Houston, and completing a 5-year apprenticeship program in plumbing, but he never received his high school diploma. That will change on June 1, 2002, as a result of a Texas Senate bill, passed in May, 2001, that authorizes certain WWII veterans to apply for and receive a high school diploma. Donald W. Jones will participate in graduation ceremonies and receive his high school diploma from Davis High School in the Houston, Texas Independent School District, along with his brother, Jack V. Jones. The two brothers will share their proud moment with friends and family who are arriving for the ceremony from all over the country. Two of Donald Jones' granddaughters work in my office in Washington, DC, and will fly to Texas to see their grandfather receive his honorary degree. Jean E. and Laura Jones are extremely proud of their grandfather and great uncle and their service to the United States.

Donald Wallice Jones enlisted in the U.S. Navy in January, 1942, at the age of sixteen. His first mission was aboard the USS *Pennsylvania*, which participated in the Coral Sea–Midway Battle. In July, 1943 he was transferred to the newly commissioned Fred C. Davis 136, which eventually received high security radio control jamming equipment that was used during the Invasion of Sicily. Jones later served as gun pointer in Anzio and was responsible for shooting down 13 planes and one mini-submarine. He was next transferred to Guantanamo Bay, Cuba in 1945 and boarded the DE195-Thornhill. The Thornhill traveled through the Panama Canal headed to Pearl Harbor ready to engage again, but before the ship reached its destination, President Truman announced his decision to bomb Japan. When the second bomb was dropped on August 9, 1945, Jones had just reached his 20th birthday. He returned to the United States on a "victory ship" and was honorably discharged on October 17, 1945 from the U.S. Navy. Donald W. Jones volunteered almost four years of his life in service to his country.

Jack Jones enlisted in the U.S. Navy in January, 1941, at seventeen years of age. He went to Dearborn, Michigan to the Ford Motor Company to train as a motor machinist. Jack was then transferred to the USS *Tennessee* where he served over 2 years. He survived the December 7, 1941 Japanese invasion of Pearl Harbor, and had the difficult job of burial detail following the attack. He, along with his brother Donald, was in the Coral Sea–Midway Battle. He then continued to serve his country on a Troop Carrier ship during the European Theater in the Mediterranean. He also experienced the Sicily Invasion and Salerno, Italy Invasion. Jack was finally transferred to the *Viviane* in the Atlantic, where he served before he was honorably discharged in Jacksonville, Florida at the end of 1947. He proudly served his country for 7 years.

Mr. Speaker, I want to commend Donald and Jack Jones for their contributions during World War II, and congratulate them as they receive their honorary high school diplomas from Davis High School on June 1, 2002.

HONORING DR. WILLIAM D. LAW, JR.

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. BRADY of Texas. Mr. Speaker, I am pleased to rise today to honor Dr. William D. Law, Jr., a constituent and more importantly, a good friend. Bill Law has served North Harris Montgomery Community College District and Montgomery College as a president and executive officer with unmatched energy and care since 1992.

Dr. Law created the vision and leadership for the founding and significant growth and success of Montgomery College; oversaw the planning, management and construction of the campus; directed a nationwide recruitment effort for faculty and staff; created the organizational structure and led the development of the college's academic programs.

Dr. Law's commitment to breaking the geographic barriers within Montgomery County to better serve its entire population—uniting the north and south, east and west of the county to create a better climate for economic prosperity for all—will leave a lasting legacy.

Bill Law has provided critical leadership in helping to establish The University Center adjacent to the Montgomery College campus and helping to provide increased access to higher education, including bachelor's and master's degrees.

Bill Law has participated in and provided leadership for many civic, business, political, and community development groups contributing important ideas and energy to all of his affiliations; serving with distinction on the boards of numerous organizations, including Montgomery County Youth Services, the Education for Tomorrow Alliance, The John Cooper School, and the Montgomery County United Way.

Bill Law has made significant efforts to reach the underserved populations in the area, including the growing number of Hispanics in the county, as well as the Tamina community. He created programs and services to better meet the needs of potential first-generation college students.

Dr. Law's success at Montgomery College helped by example to lead to the expansion of the North Harris Montgomery Community College District service area, with the successful elections of Splendora and Willis ISDs in 1996, Klein ISD in 1999, and Magnolia and Cy-Fair ISDs in 2000.

Bill Law has worked tirelessly to establish a much-needed, comprehensive technology training center for all the citizens of Montgomery County; partnering with business, industry and education to create the Center for Business & Technology Training, which will train workers for the kinds of careers on which they can raise a family.

Bill Law has earned numerous recognitions for his service to the community, and was twice selected as Citizen of the Year by the South Montgomery County Woodlands Chamber of Commerce, and Key Person of the Year by the Greater Conroe/Lake Conroe Area Chamber of Commerce.

Dr. Law's vision for Montgomery College has resulted in significant achievements and recognitions for the college, including selection as a "Showcase College" by the Consortium for Community College Development, a "21st Century Learning College Champion" by the League for Innovation in the Community College, and various other honors.

Mr. Speaker, this statement shall serve as a permanent record in the United States House of Representatives of the esteem and respect accorded to Dr. William D. Law, Jr. by his colleagues, faculty, staff, students, and community. His many contributions to Montgomery College and the North Harris Montgomery Community College District will not be soon forgotten.

Like many others, I consider Bill Law a good and true friend. He is as near to irreplaceable as a leader can be, and I speak for our entire community when I say that he is a well-loved and will be sorely missed. Bill Law enriched our lives by our mere association with this remarkable education leader.

THE SCREENING OF THE TURKISH HOLOCAUST DOCUMENTARY "DESPERATE HOURS"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. LANTOS. Mr. Speaker, I am honored today to mark a special occasion, the screening of the film documentary "Desperate Hours," the story of Turkish assistance to European Jews seeking to flee the Holocaust. Produced and directed by Victoria Barrett, the film will be shown at 7:15 p.m. in room HC–7 in the Capitol. I am proud to be a co-sponsor of this event.

Mr. Speaker, I first visited Turkey as a young man in 1956. My wife Annette and I have returned to enjoy Turkish hospitality many times since. When I first visited Turkey, it was just a few short years after Turkey had made the crucial decision to join NATO, where it has always been a loyal Western ally, first against Soviet tyranny, later against ethnic cleansing in the Balkans, and now against global terrorism.

But what most ennobles Turkey for me is its role as a savior of so many Jews during the two greatest Jewish tragedies of the past millennium, the Inquisition and the Holocaust. During the Inquisition of the late fifteenth century, the Ottoman Sultan Bayezit invited the fleeing Jews of Spain and Portugal to find comfort in his realm. The 500th anniversary of this episode—both sad and redemptive—was marked by Turkish Jews and non-Jews alike in 1992.

The documentary "Desperate Hours" commemorates Turkey's rarely cited role in that other Jewish tragedy—the greatest crime of the bloody twentieth century—the Holocaust. Turkey's efforts were as important and dramatic as they are little known. Turkey offered refuge to hundreds of Germans—non-Jews as well as Jews—during the 1930s. Its diplomats in France, often without waiting for instructions from the capital, conferred Turkish citizenship on thousands of desperate Jews trapped in Nazi-occupied and Vichy France. In some cases Turkish diplomats, at great personal risk, stared down Gestapo officers to protect their new fellowcitizens, as was the case with the saintly Necdet Kent. All this, while Nazi troops stood poised on Turkey's borders.

My wife and I were saved by Raul Wallenberg. I am pleased that the Turkish versions of Wallenberg are at last receiving their due.

The intimate links between Turks and Jews continue, of course, to this day. A community of some 25,000 Jews thrives in contemporary Turkey. Tens of thousands of Turkish Jews living nearby in Israel cherish their links to Turkey. All of this is a testament to the Muslim-Jewish friendship that has been a hallmark of the Turkish historical experience.

In recent times, Turkish-Jewish friendship has been enriched and deepened by the close relations Israel and Turkey have forged in recent years. Journalists have focused on the security relationship—and that indeed is important—but the non-security aspects of this relationship are growing even more rapidly: burgeoning commercial trade now worth over a billion dollars a year, Israeli tourists by the hundreds of thousands flocking annually to Turkey, and a vibrant intellectual exchange between Turkish and Israeli universities.

No other Muslim society rivals Turkey's record regarding the Jews; in fact, few societies of any type anywhere in the world do. I congratulate my dear friend former Ambassador Baki Ilkin, who so strongly supported this documentary project, and my dear friend the current Turkish ambassador Faruk Logoglu. I strongly commend all those associated with the film "Desperate Hours" for helping to elucidate and publicize one of the most important chapters in the long, dramatic, and mutually rewarding history shared by the Jewish and Turkish peoples.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, on May 16, 2002, 1 was absent for rollcall Vote No. 167. Had I been present, I would have voted "yea" on rollcall No. 167.

CONGRESS SHOULD CLOSE THE LOOPHOLE ON CORPORATE TAX DODGING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I believe most taxpayers will share my deep concern at the ongoing practice of American corporations reincorporating offshore to avoid their tax responsibilities to state and federal taxpayers.

Several months ago, the New York Times broke the story that more and more American companies are avoiding U.S. corporate income taxes by reincorporating in tax havens like Bermuda and the Cayman Islands. This means they can keep their headquarters and all of their operations in the United States, continue to benefit from the "Made in the USA" label, but also pay a small fee to maintain a mail drop in another country (like Bermuda) and dodge tens of millions of dollars in U.S. taxes.

By dodging their tax responsibilities, these companies claim they are acting in the best interests of their shareholders. But now it turns out that even their investors—like taxpayers—are getting the short end of the stick.

Now the New York Times reports today that "the government's loss in taxes is the chief executives' gain." I am inserting for my colleagues a complete copy of today's article.

Top executives at Connecticut-based Stanley Works, for example, will take home up to fifty-eight cents for every dollar the company avoids in taxes. These executives will reap millions of dollars through huge bonuses and stock option windfalls, leaving workers, shareholders, and the rest of taxpaying America to pay the bill.

Today's article provides further justification for bringing to a vote in the House a bill by my colleagues JIM MALONEY of Connecticut and RICHARD NEAL of Massachusetts—the Corporate Patriot Enforcement Act of 2002. There is no reason for Republican leaders to deny Congress—and the American people—the opportunity to correct this gross injustice.

We don't need a temporary prohibition to this practice, as some are suggesting. We need to end it immediately. If Stanley Works and other companies are indeed proud to be American companies, they should stay American—in both practice and in name and pay their fair share for the benefits of being an American company.

[From the New York Times, May 20, 2002]

OFFICERS MAY GAIN MORE THAN INVESTORS IN MOVE TO BERMUDA

(By David Cay Johnston)

The parade of companies that in recent months have proposed incorporating in Bermuda to reduce their American taxes usually provide the same rationale. They are doing it, they say, to increase their profits and, in turn, to benefit their shareholders.

But left unsaid is another fact: the biggest beneficiaries could actually be the chief executives of these companies. At a minimum, these executives could pocket millions in additional pay. In some cases, they could well take home extra pay equal to half the company's tax savings or more. In effect, the government's loss in taxes is the chief executives' gain, in the form of higher pay, bonuses and profits on the sale of stock options.

While each company's Bermuda strategy differs in details, chief executives always profit because their compensation is based partly on the profitability of the company or its stock price. If taxes fall, both would be expected to rise.

But, in some cases, like that of Stanley Works, other shareholders may not fare nearly so well, because many would owe taxes that the chief executive does not.

Eugene M. Isenberg, of Nabors Industries; John M. Trani, of Stanley Works, H. John Riley Jr., of Cooper Industries; Herbert L. Henkel, of Ingersoll-Rand, and Bernard J. Duroc-Danner of Weatherford International are among the chief executives who stand to benefit.

At Nabors Industries of Houston, the world's largest operator of land-based oil drilling rigs, Mr. Isenberg could see his pay rise by tens of millions of dollars each year if shareholders approve on June 14 his plan to incorporate in Bermuda and establish the company's legal residency in Barbados, said Brian Foley, an executive compensation lawyer who analyzed Mr. Isenberg's employment contract.

Mr. Isenberg is already well paid. Over the past two years, he made more than $126 million, including profits from the sale of stock options, from a company with $2 billion in annual revenues. That is partly because his contract pays him 6 percent of the company's cash flow—a measure of profits before certain charges are subtracted—once cash flow exceeds a certain amount. The company's No. 2 executive gets 2 percent of this cash flow.

The company expects the Bermuda move to increase cash flow significantly. Mr. Foley and five other compensation lawyers said that beginning in the year after the Bermuda move, the related payments to Mr. Isenberg and his deputy also should begin rising.

What is more, Mr. Foley said, details of the Nabors stock option plan indicate that Mr. Isenberg will make an additional $100 million on the exercise of his 10.3 million options of Nabors shares, currently at $42.99, rise by $9.72. The company has said that lower taxes and higher cash flow should increase share prices, but has not said by how much.

Mr. Isenberg owns 1.1 million shares outright, but it is not known how many of these are in retirement and charitable accounts, which would shield his gains from taxes. Mr. Isenberg declined to comment, as did a spokesman for the company.

At Stanley Works, the New Britain, Conn., tool maker, Mr. Trani stands to pocket an amount equal to 58 cents of each dollar the company would save in corporate income taxes in the first year after its proposed move to Bermuda.

Mr. Trani has estimated that, as a result of the tax savings alone, the company's stock should rise 11.5 percent. Corporate income taxes would fall $30 million annually, while the value of his existing options would increase $17.5 million if the stock rises as much as he expects.

In a presentation to Wall Street analysts, Mr. Trani estimated that 60 percent of Stanley shares are held in retirement and charitable accounts where no tax will be due. Investors holding Stanley shares in taxable accounts, however, would suffer losses during that first year. They would have to pay $150 million in capital gains taxes, he estimated, on holdings worth $1.6 billion, so the deal can go through. Even if their shares rise 11.5 percent, they will barely break even after taxes.

At the time of the move, Mr. Trani, however, would owe less than $50,000, less than he earns each week in salary and bonuses, on his 16,688 shares where the gains are taxable. The rest of his holdings are in options and retirement accounts, neither of them taxable in the move. Mr. Trani has campaigned hard for the Bermuda vote, personally calling pension fund trustees and having executives call Stanley employees at home.

Mr. Trani, in an interview, said that, to avoid any taxes, he might give his taxable holdings to charity. He would then be able to reduce his federal income taxes by about $300,000.

Mr. Trani has said that building wealth for all shareholders is his only motive in proposing the move to Bermuda.

The move is more likely to greatly benefit Stanley shareholders over the longer run, which is how Mr. Trani prefers to look at it. If the move to Bermuda doubles the company's stock price in eight years—a prospect that the company has no quarrel with—all shareholders will increase their wealth by about $3.3 billion. The government will lose $240 million of corporate income taxes.

Such an increase would no doubt mean a bigger salary and bonus for Mr. Trani. In addition, if he receives all the additional options he is eligible for under the company's current plan, he could gain at least $385 million from exercising those options, or far more than the taxes the company would save.

On May 9, Stanley shareholders approved the Bermuda move by the slimmest of margins. But after union officials accused the company of rigging the outcome, and the state of Connecticut sued to throw the election out, the company announced a new election to be held later this year. The company denied any wrongdoing.

Spokesmen for Cooper Industries, Ingersoll-Rand and Weatherford International all said that increased pay for executives was the inevitable result of packages that reward executives for lowering costs, including taxes, and increasing share prices. John Breed, the Cooper spokesman, noted that none of the company's executives received bonuses last year.

Simply by changing their corporate addresses to Bermuda, which has no income tax, a growing number of large American businesses are saving tens of millions each in United States taxes on profits made overseas. Also establishing a separate legal residence in another tax haven, like Barbados, allows companies to save on taxes on their United States profits as well.

By reducing their tax bills, companies can increase their profits and better compete against rivals both in the United States and abroad. Many American companies assert that some profits are taxed twice, at home and abroad, putting them at an unfair disadvantage against rivals in countries abroad with lower or no taxes.

But the corporate flight from taxes has raised concerns among some members of both parties in Congress. Bipartisan legislation to block such moves has been proposed, but House Republican leaders have refused to allow it to reach a vote.

Congress permits companies to move their headquarters outside the United States, but it requires shareholders to pay taxes on capital gains earned until that time. These taxes can be paid by the company or by the shareholders. The Stanley board decided that shareholders should foot the bill.

NATIONAL DEFENSE AUTHORIZATION ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. DEFAZIO. Mr. Speaker, over the next few days, I will be taking time to comment on legislation recently approved by the House of Representatives, H.R. 4546, the fiscal year 2003 National Defense Authorization Act.

I voted against this legislation because it perpetuates the misguided spending priorities and lack of accountability that is ingrained at the Pentagon.

In my upcoming series of floor statements, I will be outlining some of the reasons I opposed this bill. I will also be describing several common sense amendments I drafted to H.R. 4546 that were blocked from consideration on the floor by the House Rules Committee.

Before I get into some of specific reasons why I opposed this bill, I wanted to mention a few of the provisions I felt are worthwhile.

I am pleased H.R. 4546 continues the effort begun a few years ago to improve the pay and benefits for our men and women in uniform. This legislation includes a 4.1 percent pay raise, with other targeted raises of 6.5 percent for mid-grade and senior noncommissioned officers and mid-grade officers.

The bill also reduces out-of-pocket housing costs for military personnel by increasing housing allowances to cover 92.5 percent of all housing costs. The ultimate goal is to eliminate out-of-pocket expenses by 2005.

The bill extends the practice of authorizing special pay and bonus incentives for key personnel. These incentives will also be extended to National Guard and Reserve members.

H.R. 4546 also includes long overdue provisions to assist military retirees. For example, for individuals with a disability rating of at least 60 percent, the bill would eliminate the requirement that retirement pay be reduced by an amount equal to any disability compensation received through the Department of Veterans Affairs. Congress should now work toward repealing the disability compensation offset for all veterans.

Important enhancements to TRICARE were also included in the bill.

I was pleased these quality-of-life improvements for active duty and retired personnel were proposed. I have consistently worked throughout my congressional career to ensure our military men and women are not forgotten in military budget debates. After all, having adequately compensated, fed, and trained troops is arguably more important to our national security than gold-plated weapons systems.

Unfortunately, these worthy provisions were heavily outweighed by the many problems in the rest of the bill.

The problems with the bill include the gag rule under which it was brought to the floor.

There were more than 80 amendments submitted to the Rules Committee for the defense authorization bill. Only 25 were allowed on the House floor. Of those 25, around half were noncontroversial amendments that were eventually rolled into a manager's amendment.

What would be the harm in providing 10 minutes of debate on all of the amendments submitted to the Rules Committee? That would allow approximately six amendments to be debated per hour, which would mean it would take 2–3 days to finish the bill, assuming we actually would work a full day. Is that really too much to ask—that we should have 2–3 days to debate Pentagon spending which, after all, accounts for $1 of every $2 available to Congress for discretionary spending?

This House used to debate the defense authorization bill for a week or more at a time. Apparently, the Rules Committee believes that Congress doesn't have the right to debate Pentagon priorities during a time of war. Stifling debate does a disservice to the American people and does not constitute national security readiness for our country.

Under the gag rule on H.R. 4546, Congress was authorizing $833 million in spending for the Pentagon for every minute of debate. It was an expensive debate, but not an extensive debate.

So what type of issues did the Rules Committee and the House Republican leadership believe the American people did not deserve to have a debate about?

I offered five amendments questioning the merits of weapons systems like the Crusader artillery system, the Comanche helicopter, and the F-22 fighter jet. I also offered an important amendment with Representative RON PAUL to reinforce Congress' constitutional prerogatives relating to war.

The Rules Committee blocked all of these amendments from even being debated on the House floor.

Since the Rules Committee wouldn't allow a debate during floor consideration of the bill, over the next several days, I will take time on the House floor to explain my amendments and why the House should have adopted them.

Two of my amendments were offered on behalf of Secretary Rumsfeld to help him carry out his stated intention of terminating the unjustifiable $11 billion Crusader artillery system.

Even President Bush has lambasted the program. During the campaign, when asked for an example of a wasteful Pentagon program that would be sacrificed in the name of military transformation, he said, "I'll give you an example—the Crusader Howitzer program. It looks like it's too heavy, it's not lethal enough."

Even soldiers on the front line know the Crusader is a turkey. I recently met the father of an Army artillery soldier. I asked him what his son thought of the Crusader. He said his son considered it "a joke."

Despite universal support among independent military analysts as varied as the CATO Institute, the Center for Defense Information, and the Center for Strategic and Budgetary Assessments for terminating the Crusader, some powerful Members of Congress have decided that they know best and included nearly half a billion dollars for the Crusader in H.R. 4546 as well as report language prohibiting the cancellation of this ridiculous program.

My amendments sought to overturn this misguided effort to keep the Crusader program.

One of my amendments would have cut the $475.2 million from the Army's research, development, test and evaluation account that was provided by the House Armed Services Committee for the Crusader.

My other Crusader-related amendment would have prohibited the funds in H.R. 4546 from being spent on the Crusader program until the Secretary of Defense submitted a report to Congress certifying his continued support for the program as well as an analysis of a number of problematic aspects of the Crusader program.

Proponents of the Crusader claim it is faster and can fire farther than the system it's replacing, the Paladin. The Army even faxed talking points to some select members of the House Armed Services Committee with the disingenuous, outrageous claim that U.S. soldiers would be killed if the Crusader program was cancelled.

The Crusader is essentially a computer simulation. I think there have been a few laboratory tests. But, make no mistake, the Crusader essentially doesn't exist. It's still on the drawing board. It's not scheduled for deployment until 2008. For the Army to make the claim that terminating the continued development of a computer simulated artillery system threatens the lives of U.S. soldiers is pathetic and misleading, to say the least.

So, what's wrong with the Crusader? In short, everything.

Let's start with the mission. Planning for the Crusader began after the Gulf War when the Army discovered the Paladin system had trouble keeping up with our tanks and fighting vehicles. But, the Crusader's mission—blowing holes in massive lines of approaching soldiers—is irrelevant to the real world threats we face. The Soviet Union doesn't exist. There are not going to be lines of communist troops marching across the plains of Europe.

Further, in Kosovo and Afghanistan, the two largest post-Gulf War military engagements, it became clear that aircraft with smart bombs and, in Afghanistan, on-the-ground human spotters, can effectively take out enemy positions just as effectively as any artillery system. In fact, probably more effectively since the Crusader would likely have trouble negotiating tough terrain like that found in Afghanistan.

Besides, the Army is already developing the Future Combat Systems (FCS), a portion of which has the same artillery mission and deployment date—2008—as the Crusader. So, as the Crusader is being deployed, it is immediately made obsolete by its more high-tech successor, the FCS.

The Crusader also has a number of technical problems.

A June 1997 GAO report found the cannon cannot fire if the automated loading system fails. There is no manual backup system.

The automation of the Crusader has been one of its key selling points because it would allow troops to remain under the protection of armor. But, as GAO has noted, if the automated system fails, the crew will be forced to resupply the vehicle by a "time consuming hand process, making them more vulnerable to counterfire."

Another key selling feature—the Crusader's theoretical rapid rate of fire—would drop dramatically if the cooling system fails.

A lot has also been written about the weight of the Crusader. While the weight has been reduced from 60 tons to about 40 tons, as GAO reported in February 2002, "the deployability advantage gained does not appear significant." GAO also warns that development is not done and the weight could again increase.

Not exactly the faster, more mobile force the Pentagon says it wants.

At its current weight and size, the only possible way to load two Crusaders onto a single C–17 is back to back. But, that only leaves mere inches of room, not enough space to properly restrain them with heavy chains.

There is also some concern on how the Army has reduced the weight. The Army reduced the size and payload of the system. The Army also plans to remove the heavy armor and road wheel protection and turn them into kits that can be applied when needed in combat situations. Weight reduction by removing armor is probably not much comfort to the soldiers.

There have also been development problems.

For example, the cost of the Crusader program has increased by $1.5 billion.

Testing to date has been restricted to modeling and simulation, hardly sufficient to determine if the Crusader can operate in real-world operational environments.

As GAO noted in its February, 2002 report, many critical Crusader technologies are not sufficiently mature to start product development. GAO wrote, "If, after starting product development, the Crusader technologies do not mature on schedule and instead cause delays, the Army may spend more and take longer to develop, produce and field the Crusader system. Crusader performance goals may be at risk."

GAO also wrote, "Confining delays in maturing technology to a time prior to the start of product development . . . is critical to saving time and money . . . a delay during product development costs several times more than a similar delay that occurs before product development."

Despite all of these problems, and Secretary Rumsfeld's stated intention to kill the program, Congress fully funded the Crusader program in H.R. 4546.

The conference committee that will be created to resolve differences between the House and Senate versions of the DOD authorization bill should kill the Crusader program. If they don't, and if money is included in the upcoming DOD appropriations bill for the Crusader, I will do my best to eliminate its funding.

The Crusader is not necessary for our national security. Rather, it is a corporate welfare boondoggle for a well-connected defense firm.

100TH ANNIVERSARY OF THE WEEKLY READER

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. SHAYS. Mr. Speaker, I rise today to commemorate the 100th anniversary of the Weekly Reader, the nation's oldest and most widely-circulated periodical for school children.

The Weekly Reader dates to 1902, when Charles Palmer Davis visited his daughter's one-room schoolhouse and found only two students who knew William McKinley was the President of the United States. After this experience, Charles Davis decided to create a children's newspaper.

Beginning with the first publication of Current Events on May 20, 1902, Weekly Reader has brought world and national news into classrooms in ways young people can understand. It has helped children learn to read and understand how events affect their lives and define their role in society.

I have a particular affection for Weekly Reader because my third grade teacher, Mrs. Kapella, encouraged me to become a member of the Weekly Reader Book Club. Over the course of the school year, I became the proud owner of seven books of my very own. This set me on a wonderful course of loving to read and sparked a lifelong interest in American history, how we became a nation, how we settled the West and how we became a world power.

The Weekly Reader's accessible style has helped students appreciate many of the important events that have shaped our world during the past century, including World War I, the Great Depression, World War II, the Civil Rights Movement, the first Moon landing, the collapse of the Soviet Union and the tragic events of September 11, 2001.

Present in 90 percent of school districts in the United States, Weekly Reader is read by nearly 11 million students each week. Weekly Reader does more than report the news; it teaches tolerance and encourages children to speak their minds about important topics.

I applaud Weekly Reader for connecting our children to the world, encouraging them to become critical and imaginative thinkers and helping them grow into the leaders of tomorrow.

The longevity and popularity of Weekly Reader speaks volumes about its importance as a learning tool, and I join with others who cherish the publication in congratulating them on their centennial anniversary.

* * *

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 21, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 22

9:30 a.m.
Governmental Affairs
Business meeting to consider S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism; and pending calendar business.
SD–342

Commerce, Science, and Transportation
To hold hearings to examine the promotion of local telecommunication competition, focusing on greater broadband deployment.
SR–253

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues surrounding Parkinson's disease.
SH–216

Energy and Natural Resources
To hold hearings on S.J. Res.34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
SD–106

10 a.m.
Indian Affairs
To hold hearings on S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.
SR–485

10:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine Federal cocaine sentencing policies.
SD–226

1 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the federal regulation of the sport of boxing and boxing regulation.
SH–216

2 p.m.
Conferees
Meeting of conferees on H.R. 333, to amend title 11, United States Code.
S–211, Capitol

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the National Science Foundation budget, focusing on Federal research and development activities.
SR–253

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

MAY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine equal opportunity in American schools.
SD–430

Aging
To hold hearings to examine challenges women face concerning retirement and security.
SD–628

Energy and Natural Resources
To continue hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold oversight hearings to examine banking and financial holding company engagement in real estate brokerage and property management.
SD–538

Judiciary
Business meeting to consider pending calendar business.
SD–226

2 p.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

2:30 p.m.
Governmental Affairs
To hold hearings to examine voting representation in Congress for the citizens of the District of Columbia.
SD–342

3 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine disaster assistance issues.
SD–106

POSTPONEMENTS

MAY 22

10 a.m.
Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings to examine the development of biological weapons in Cuba.
SD–419

SENATE—*Tuesday, May 21, 2002*

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, You give the day and show the way. You guide what we are to do and say and help us without delay. Whatever challenges we must face, You promise us Your strength and grace. You never give us more than we can take, and guide the decisions we must make. Help us to look for vision from above and rejoice in Your unlimited love. When this day comes to an end, may we praise You for being our Father and our Friend. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The senior assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the duties of the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will shortly begin with a period for morning business that will last for 30 minutes. The Senate will then resume consideration of the trade act. There will be 90 minutes of debate in relation to the Rockefeller-Mikulski-Wellstone steel amendment prior to a rollcall vote on a motion to invoke cloture on the amendment at approximately 11 o'clock.

Senators have until 10 a.m. this morning to file second-degree amendments to the steel amendment and until 1 p.m. to file first-degree amendments to the Baucus substitute amendment.

A cloture motion was filed last night on the bill itself, and the vote will take place tomorrow.

The Senate will recess from 12:30 until 2:15 p.m. for the weekly party conferences.

There are numerous amendments now pending on this trade bill. We will do our best to work through those amendments. It will be difficult to do that. As we know, we can do about three votes an hour. It will take a lot of hours to complete all of those amendments. We will do our best to work through that. We hope the managers can accept some of these amendments. That would save a lot time. There are other amendments that Senators wish to offer. The key amendment, I am told, is the Kerry amendment which is the fifth in order of the amendments pending. I hope we can get to that quickly. If we can work out some limited debate on it, that would be beneficial. But unless we have a unanimous consent agreement, it will be very hard to get time even for debate on that.

There is a lot of work to do.

I understand that today the House is trying to get a rule on the supplemental appropriations bill. If they do that, it is possible we could get the supplemental sometime late tomorrow. That being the case, I am confident Senator BYRD and Senator DASCHLE would like to do the supplemental bill prior to our leaving for the Memorial Day recess. There is a lot of work to do with the limited number of days.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be for 30 minutes so that debate on the Mikulski matter could start at about 25 minutes until 10, rather than 9:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:35 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time to be equally divided between the two leaders or their designees.

The Senator from New Jersey.

Mr. CORZINE. Thank you, Mr. President.

SOCIAL SECURITY

Mr. CORZINE. Mr. President, I rise today to talk about an issue that I have spoken about a number of times in this Chamber—one that is of great importance to the people of the State of New Jersey, but, even more importantly, to the people of the country; that is, Social Security, and the arguments that will be made about the privatization of Social Security, and those proposals developed by the Bush Social Security Commission.

As I have repeatedly explained when I talked about this issue, those proposals include deep cuts in guaranteed Social Security benefits, and that would force many Americans to extend the period of time before they retire.

Again, as I have repeatedly said, I think this is an issue that needs to be debated in front of the American people before we go to the polls this November. It is not one of those issues that should be decided by discussions between policy wonks and politicians. It needs to be understood by the American people, and they should have the right to express their opinions by those they have chosen to represent them.

Three weeks ago, I had the honor of representing the Democrats on our Saturday morning radio address, and I tried to make the case that benefit cuts proposed by the Bush Commission was a serious mistake in policy direction. Afterwards, the Cato Institute—one of the leading organizations pushing for privatization—issued a long treatise criticizing my statement.

Today, the Cato Institute is going to have another policy forum on privatization, particularly as it impacts minorities, and specifically Hispanics. So I thought it would be appropriate for me to deal with some of the arguments that have been made in response to my radio address. That is what I would like to do this morning.

In that radio address, I pointed out that President Bush's Social Security Commission developed privatization plans that would require drastic cuts in

Social Security benefits that could exceed 25 percent for many people working today and more than 45 percent in the longer term.

Cato responded by claiming:

> Charges of "cuts" are simply false.

In fact, it is the Cato Institute claim that is false. The truth is that the cuts I cited are based on the estimates of the independent, nonpartisan Social Security actuaries and are published in the Bush Commission's own report. I invite my colleagues, and certainly the academics at Cato, to take a look at page 75 in the report where those specific numbers are cited. These cuts apply to all Social Security beneficiaries, including retirees, the disabled, and survivors.

Moreover—this is an important point—the cuts would apply even to those who choose not to contribute to private accounts. Those people who choose to contribute to private accounts would get more serious cuts, but even those who continue to choose to be in Social Security would experience serious cuts as well.

Having argued the Bush Commission is not cutting benefits, the Cato Institute at another point backed off and said only that benefit cuts would not affect "current and near-retirees."

That is one of those discussions we will definitely have in the political debate this fall. But even this narrower claim is also false. Cato refers to the Bush Commission's "Plan 2," which explicitly calls for cuts in guaranteed benefits for all beneficiaries who retire beginning in 2009. This may create the impression that those who retire in the next 7 years are protected from benefit cuts. But, frankly, that is just not true.

First, to the extent that individuals contribute to private accounts, these contributions would trigger cuts in guaranteed benefits under the Commission's so-called "clawback" provisions. In other words, on the one hand the Bush Commission is offering up the promise of private accounts, with another they are cutting Social Security benefits for every dollar contributed to those accounts. That is what the clawback is all about; that amounts to playing, as far as I am concerned, bait and switch with America's retirees, and particularly the ones who are in near-term progress towards retirement.

I note that the cuts in guaranteed benefits would apply even if the value of a private account collapsed. Markets do go up and down. We have seen the value of the stock market decline as much as 30 or 50 percent in periods of time. Some may believe that the stock market only goes up. I am here to tell you, from my experiences in life, that is just not true. I certainly know that people are empathetic with what Enron employees have experienced. The fact is, markets move around, up and down. If the Bush Commission's proposals are adopted, those unlucky enough to lose money in their private accounts would have fewer Social Security benefits on which to fall back.

Keep in mind the average level of Social Security benefits today, for the average retiree, is less than $10,000—about $9,000 on average. And it is about $7,500 for women, which is an issue we talked about last week. That is before the "clawback." And I promise you, $7,500 or $10,000 is not enough in my home State of New Jersey to have a satisfactory and safe environment in your retirement. It is just inadequate to support even a basic standard of living in most parts of the country.

It is also important to emphasize that the Bush Commission avoids calling directly for deeper and more immediate cuts in guaranteed benefits only—only—by assuming general revenue subsidies of the Social Security trust fund worth up to $6.5 trillion in today's dollars. Yet now that the Bush tax cut has been enacted—and we have had a recession, and some other events have impacted Government—we are again running very serious deficits.

Just yesterday, the Treasury announced we are at $66 billion in deficit this fiscal year. It is highly unlikely, in a period of serious fiscal deficit that we are going to be able to come up with $6.5 trillion to subsidize the general account of Social Security.

Without those subsidies, the Bush Commission would force the Social Security trust fund into a negative cashflow by 2010—not 2017, 2010—and the trust fund would be insolvent in 2025—not the 2041 that is now projected by the actuaries of the Social Security trust fund. At that time, many of today's middle-aged and older Americans will be retired, and many of those people will be dependent on Social Security.

In other words, current and near-term retirees are not protected under the Bush plan, notwithstanding the Cato claims to the contrary. Even the deep cuts proposed by the Bush Commission for all beneficiaries assume general fund subsidies that are unlikely to materialize. In fact, actual cuts are likely to be even greater.

Mr. President, let me turn to another related claim by the Cato Institute.

As I explained in my radio address, plans to privatize Social Security would take trillions of dollars from the Social Security trust fund. But Cato disputes that. They argue that personal accounts should be considered as part of Social Security. Taking the money out, giving it to the individual to manage, they are going to call that a part of the Social Security fund. They would go even further and say that is going to build the assets of the fund because they are going to presume that markets always go up.

It is ironic to hear advocates of privatization argue that private accounts should be considered a part of Social Security, considering that the arguments they make repeatedly emphasize such accounts would be owned and controlled by individuals. There is a failure of logic involved.

Beyond this apparent inconsistency, the more fundamental point is that private accounts would not guarantee the basic benefits that Social Security is designed to provide. It would only provide those benefits they would be able to purchase with the provision of those accounts. So those guaranteed benefits that are funded from the Social Security trust fund today would be challenged because that money is withdrawn. The Bush Commission undeniably would drain the trust fund of trillions of dollars that are needed to pay those guaranteed benefits.

The trust fund already has a $3.7 trillion shortfall, according to the actuaries, over its adjusted life. Taking money out of the trust fund only makes that shortfall worse.

I think it is highly misleading to argue that general fund subsidies will "build the system's assets." It just does not jibe with common sense. These general revenues are not budgeted for and may never materialize. We have to do that each year as we go along. If they do, they can be used to avoid the deep cuts, of course, but there is no guarantee that is going to happen, and there is no certainty that the level of Social Security benefits will be maintained the same if those revenues are not appropriated.

I will not take the time of my colleagues to respond to each of Cato's claims—I am putting out a written statement today that deals with each of the points they have made in a sort of 15-, 16-page report—which they put out in a 5-minute morning radio address.

When you cut through all the misleading arguments, there are a few simple truths to keep in mind about the privatization of Social Security as proposed by the Bush Commission. It would cut guaranteed benefits by 25 percent for current workers and up to 45 percent for many workers in the future. Those cuts would apply to everyone, even those who choose not to take on the responsibility of private accounts. And the cuts would force many Americans to delay their retirement to make sure they had adequate resources in their retirement years.

For these reasons, I believe the Bush Commission's plans to privatize Social Security would be a mistake for our country. Notwithstanding attacks from folks at the Cato Institute and other privatization advocates, I intend to continue to make this argument over and over so that we can raise this issue and have a real debate about the direction for Social Security before this year's election. We really need to have that.

This is a fundamental shift in American policy. We Democrats, and most Americans, are very secure with the idea that Social Security provides one of those three legs to the retirement of every individual. It is one of those initiatives that has worked. Americans feel very comfortable knowing that there is a baseline to their retirement security.

I hope we can have a real debate demonstrating that changing its nature, therefore, would undermine people's retirement security in the years ahead. So that is why it is important to speak on this issue over and over, to engage this as a debate the American people need to hear.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FBI FAILURE

Mr. SPECTER. Mr. President, I have sought recognition to comment about the failure of the FBI to act on the Phoenix memorandum in a timely way—that memorandum had reasonably explicit warnings about a terrorist attack, al-Qaida, and a sneak attack—and especially about the failure of the Federal Bureau of Investigation to call that matter to the attention of the Judiciary Committee as a matter of oversight.

We have since learned that the FBI had information, in 1995 and 1996, which referenced the possibility of a hijacking and hitting the CIA headquarters or some other building in Washington, DC, and apparently that information was not transmitted to the White House. It was not transmitted to the Senate Intelligence Committee either at that time because I chaired the Intelligence Committee in 1995 and 1996.

According to reports, when the President was briefed on August 6 of last year, there were only generalized warnings given, and the CIA, which reportedly gave the briefing, did not have the information about the matters known to the FBI back in 1995 and 1996.

It is my view that the Director of the FBI ought to be called upon by the Senate Judiciary Committee to answer some very fundamental questions. I say the Judiciary Committee because the Judiciary Committee has the primary responsibility for oversight on the FBI.

It was the Judiciary Committee which confirmed Director Mueller, and I spent considerable time with Director-designate Mueller before he was confirmed, meeting with him in a so-called courtesy call, and then questioned him at some length before the Judiciary Committee. At that time we received commitments that the new Director would not make the same mistakes which had been made in the past by the FBI and would, in fact, turn over his own information which was proper for Judiciary Committee oversight.

One of the subjects I discussed with Director-designate Mueller at that time was a key memo in the FBI file going back to December of 1996 when the Department of Justice was pulling its punches because of concern that Attorney General Reno might not be retained for President Clinton's second term. It was my view that this memo should have been turned over on a voluntary basis as a matter of appropriate disclosure.

The Judiciary Committee did not receive that memorandum until a subpoena was issued by a subcommittee that I chaired, and not until April of 2000. While the Intelligence Committees do have the primary responsibility for investigating the intelligence failures of September 11, 2001, the Judiciary Committee has the responsibility on FBI oversight and on the question of reorganization of the FBI. There are major issues that have to be answered as to why the FBI did not tell the CIA about the 1995 and 1996 incidents so that the CIA would have that material available when they briefed the President.

This is reminiscent of a major intelligence failure that goes back to September of 1997, when the Senate Governmental Affairs Committee was investigating campaign finance reform. At a joint hearing with the FBI and CIA, the CIA disclosed what the FBI had in its files, which the FBI had not disclosed, saying they had not realized it was in their files.

So there are some very fundamental questions to be answered, which do not get into any of the confidential memos and any sources and methods; and that is why Director Mueller of the FBI did not turn over the Phoenix memo to the Judiciary Committee on their own before it was sought after, and why the FBI did not tell the CIA this fundamental information so that the CIA would have it when they were briefing the President.

Last Thursday, I wrote to FBI Director Mueller calling on him to answer these questions, and I sent a copy of the letter to Director Tenet of the CIA asking him similar questions. When I saw the reports in the New York Times on Saturday morning about the information from 1995 to 1996 which, I repeat, I had not been told about when I chaired the Intelligence Committee, I called Senator LEAHY and Senator HATCH and urged that we have hearings very promptly to find out these basic questions about communications. It is not even necessary to see the Phoenix memorandum to question why it was not disclosed, to find out why the FBI does not communicate with the CIA.

I then called Director Mueller to ask if he would be willing to come in to testify early this week. He said he would have to take the matter up with someone else and get back to me. In a second telephone conversation on Saturday, he said he was not prepared to testify until there had been negotiations completed between the Judiciary Committee and the Department of Justice about the disclosure or production of certain documents. I replied that it was not a matter of production of documents; these fundamental questions ought to be answered and ought to be answered promptly for the American people, for Congress, and for the Judiciary Committee in our oversight function.

I then reminded Director Mueller that he had a 10-year term. The Congress has given the FBI Director a 10-year term so that he does not have to ask permission from anybody—not the Attorney General, not the President, not anybody—when it comes to a matter where there may be a conflict of opinion between congressional oversight and what the Department of Justice may have in mind. It is up to Director Mueller to make an independent judgment. That is why he has a 10-year term.

I did not tell Director Mueller he was subject to a subpoena. That is a matter only for the committee. I did discuss that possibility with the chairman, Senator LEAHY, and with the ranking member, Senator HATCH. I then called all of my Republican colleagues on the Judiciary Committee to discuss the situation and discuss the possibilities of a subpoena. However, I did not—I repeat, I did not—talk to Director Mueller about a subpoena. That is a matter for the committee to decide and on which to take the lead. It is not something that I would do. Nor did I ask Director Mueller, or anybody else, for a copy of the notes of the briefing materials that went to President Bush in the purported briefing back on August 6, 2001. No request was made for that.

My view—and it is a very strong one, as you can tell from my tone—is that the FBI has questions to answer, and it is a matter for the Judiciary Committee because we confirmed Robert Mueller. We are the ones who asked him the questions and laid down certain parameters for his expected conduct as Director of the FBI, the most important of which is to tell the Judiciary Committee on his own when there are matters such as the Phoenix memorandum; just as the FBI should have told the Judiciary Committee about the Department of Justice memorandum in December of 1996, which was a smoking gun, with the Department of Justice pulling its punches on the campaign finance investigation because of the concern of Attorney General Reno's retention in the second term.

I make these comments very briefly this morning, and I know the assistant majority leader is waiting to proceed to the business at hand. I think these matters are of the utmost importance; the American people need to know about them. I hope Director Mueller will appear promptly before the Judiciary Committee and not wait until after our lengthy recess to take up the issues that require answers now.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, what is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Rockefeller amendment No. 3433 (to amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance.

Daschle amendment No. 3434 (to amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance.

Dorgan amendment No. 3439 (to amendment No. 3401), to permit private financing of agricultural sales to Cuba.

Allen amendment No. 3406 (to amendment No. 3401), to provide mortgage payment assistance for employees who are separated from employment.

Hutchison amendment No. 3441 (to amendment No. 3401), to prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits.

Dorgan amendment No. 3442 (to amendment No. 3401), to require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Kerry) amendment No. 3430 (to amendment No. 3401), to ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under the Bipartisan Trade Promotion Authority Act of 2002.

Reid (for Torricelli/Mikulski) amendment No. 3415 (to amendment No. 3401), to amend the labor provisions to ensure that all trade agreements include meaningful, enforceable provisions on workers' rights.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from DOHA.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Boxer/Murray amendment No. 3431 (to amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3401), to ensure that the United States Trade Representative considers the impact of trade agreements on women.

Reid (for Durbin) amendment No. 3456 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3457 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC Committees are representative of the Producing sectors of the United States Economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes of debate in relation to amendment No. 3433, to be equally divided. The time will expire at 11 a.m.

The Senator from Nevada is recognized.

AMENDMENT NO. 3470 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU, and I ask unanimous consent that after it is reported it be laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 3470.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide trade adjustment assistance benefits to certain maritime workers)

On page 86, between lines 17 and 18, insert the following new section:

SEC. 113. TRADE ADJUSTMENT ASSISTANCE FOR MARITIME EMPLOYEES.

Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary of Labor shall establish a program to provide health care coverage assistance under title VI of that Act, and program benefits under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to longshoremen, harbor and port pilots, port personnel, stevedores, crane operators, warehouse personnel, and other harbor workers who have become totally or partially separated, or are threatened to become totally or partially separated, as a result of the decline in the importation of steel products into the United States caused by the safeguard measures taken by the United States on March 5, 2002, under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

The ACTING PRESIDENT pro tempore. The amendment will be laid aside.

The Senator from West Virginia is recognized.

AMENDMENT NO. 3433

Mr. ROCKEFELLER. Mr. President, we are now on the retired steelworkers amendment. I urge my colleagues to vote for cloture. We are basically allowing a very small group of steel retirees who, through no fault of their own—we are going to allow them to get the TAA health credit for 1 year only, and for 1 year only once. So it is a highly restricted amendment, more so than TAA benefits generally. No transitional costs, no cash benefits, no retraining, none of that.

If you support trade adjustment assistance for workers who lost jobs because of imports, you must support some temporary assistance—1 year and only once—of just health benefits for steel retirees who lost their coverage because of the same types of imports.

The fact is, the American steel industry has suffered more than any other industry that I can think of. If you check the record, no other industry has suffered and been such a victim of a flood of imports as has the steel industry. It is very well documented. In the Presidentially initiated section 201 initiative, which involved the investigation of the International Trade Commission, and Republican and Democratic Senators are members, recently unanimously declared that the steel industry had been seriously injured by imports. Nobody else has gone through that process. They studied it and found out the steel industry had been clobbered by imports over a long period of years.

Steel has been besieged by unfair trade and subsidy practices. One of the things that so wrenches my gut is that the U.S. Government has done nothing about it. We have done nothing about unfair trade practices, about dumping, countervailing duties, cartels, or predatory pricing. We have just let it continue because somehow the steel industry, I guess, does not count as much as a number of other industries in the minds of various administrations. I am talking not just about this administration, but previous ones also.

For 30 years, it is not just that bad things have been happening, but we have been breaking our own trade laws, as well as international rules. We have been ignoring them.

We passed a law saying there shall be no dumping. We did that in 1974. Administrations constantly ignore that law. So we have unfair foreign trade practices that have led us to this crisis. There was insufficient action against foreign dumping.

Do people know what "dumping" means? It means selling a product to another country at less than the cost of producing it in that country. So they are dumping it, so to speak, into the American markets.

There was insufficient action, again, under U.S. law—we were breaking our own laws—and international trade rules against decades of foreign subsidies to steelmakers. We do not subsidize our steelmakers. We never have. Everything they have done, they have done on their own—everything. Other countries subsidize their steelmakers. They underwrite their steel industries.

Our Government has turned a blind eye to the foreign steel cartels. Anybody who has anything to do with steel understands that. Those cartels have served as protectionist barriers to protect foreign steelmakers. Those barriers have protected them from international competition, from fairness, even from quality, and our Government declined to pursue endless reports that foreign steelmakers from different countries were operating in collusion.

What do I mean by that? These other countries that are producing steel decided they were not going to compete with each other; they were going to take all of their steel with this huge global overcapacity because our Government was not enforcing trade laws and they would send it all to America. Hence, our steelworkers were put out of work.

Somehow we, in our innocence and belief that everything will work out, did not view steel as a vital national asset. Every other country does. They have used all kinds of policies, all kinds of unfair policies, all kinds of illegal policies to promote their domestic steelmakers at our expense, and our Government never aggressively pursued any of those illegal practices. That is not to criticize the Government. The point of this amendment is that it has penalized the steelworkers who are now in chapter 7 and retired, out of work, lights out, with no health care.

I can think of no other sector where an American industry that is organized along commercial lines has had to engage in the brutal competition with what is called "national champion"—foreign steelmakers that are state protected, that are state subsidized and, in many cases, state owned. How does one cope with that? You do not because we will not enforce our own laws.

That is the trade case. The other side is the human case. Senator WELLSTONE said this very well the other day. Why is it we have such trouble when a few select people—we are talking about 125,000 here—are in trouble through no fault of their own, through no protection of their Government, and we have trouble giving them any help?

The Presiding Officer and this Senator voted for a farm bill. It is embarrassing when we look at the help we gave soybeans in this country and then compare it to what this would cost to help 125,000 steelworkers who are retired because their companies went belly up and our Government would not do anything to help them.

We have to think about people, Mr. President. It is not unfair to think about people in the Chamber of the Senate. It is not unfair to think about helping people who are in dire need when we help them for 1 year and only one time with health benefits. That is less than trade adjustment assistance in the underlying amendment. That is probably closer to 2 years. We are only asking for 1 year for 125,000 retired steelworkers.

The human toll is enormous. Somebody explain this to me: How does the Senate sit by while steelworker retirees and their families bear the brunt of our collective Government failure to adequately enforce our laws?

After the administration's refusals to support any comprehensive solution for our steel industry during the ANWR debate—we had a much broader amendment then—we scaled it way back. Senators MIKULSKI, WELLSTONE, SPECTER, DEWINE, VOINOVICH, STABENOW, and others decided we would only work for a temporary solution of 1 year of health care coverage for steel retirees who lost their health benefits when their companies permanently closed. What is wrong with 1 year of benefits? What is wrong with that?

It is a bipartisan amendment. Workers who lose their jobs due to imports have some temporary health care coverage under this bill. Steel retirees who lost their health care coverage because of imports do not have health care coverage, and we are trying to get them some—1 year of TAA health credit and only once. It is not too much to ask for a group of American workers. I hope and pray my colleagues in the Senate will vote to support cloture.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I rise to urge my colleagues to support the Rockefeller-Mikulski-Wellstone amendment and to vote for cloture to provide a safety net for American steelworkers. These steelworkers and retirees have been battered by decades of unfair illegal trade practices.

I thank Senator ROCKEFELLER and his staff for the excellent leadership they have provided in crafting this amendment. This amendment is simple, straightforward, and affordable. Our amendment would simply provide a 1-year temporary extension of health care benefits to steel retirees who have lost their health insurance because of documented, trade-related bankruptcy of their company and documented predatory practices that caused their companies to go into bankruptcy. Our amendment seeks to help those steelworkers who suffered the most from these predatory trade practices.

We use the term "unfair" to the point where nobody pays any attention to it anymore. I want to make clear what happened to them. These practices were predatory. They were predatory practices against American steel in which there were foreign countries engaged in practices of dumping their steel below the cost of production in the American markets.

When Asia had its economic crisis, they dumped. When Russia was trying to get out of its economic crisis, they dumped. Often this dumping was strategic, subsidized, and predatory.

Who were the casualties of this trade? We did not even declare it a trade war. We just wimped, whined, and surrendered while all this foreign steel came in.

Mr. President, I am so proud of our country. We keep winning Nobel Prizes, but we keep losing markets, and one of the markets we have lost is steel.

Our amendment seeks to help those who have been injured because of these predatory and internationally illegal actions against us. Whom are we trying to protect? Simply the retirees, many who were laid off or forced to take early retirement because their companies are now bankrupt and their health care is now at risk.

American steelworkers and their retirees worked hard, played by the rules, served their country in war, served the armed services building our ships and our tanks, and in peace they made steel for our buildings, our bridges, and our cars.

Steel built the United States of America. Steel helped save the United States of America. Should we not honor this by providing a safety net for the retired steelworkers who are victims of international predatory practices?

For nearly 50 years, our Government has watched the steel industry wither. It accelerated particularly in the 1970s and then in the 1990s, not because steel was unproductive, not because steel was overpriced, but because of these documented predatory practices: Dumping cheap, subsidized foreign steel into our markets.

Our opponents say we should not put this amendment on the trade bill; and look for something else; do not tie up trade. I disagree. Illegal trade created the problem, so let's solve it in the trade bill. Unfair competition brought American steel to its knees. These foreign steel companies are subsidized by their government. They dumped excess steel into our markets.

Let me just give an example about our new friends, the Russians. I thank the Russians for cooperating with President Bush in the war against terrorism, but while we are dealing with one predator, they should look at themselves. Russia keeps open 1,000 unprofitable steel plants through their subsidies. That is not 1,000 steelworkers. That is 1,000 steel factories are kept open by their subsidies. What do they do with what they produce? Dump, dump, dump. I think we ought to dump the unfair trade practices.

We have to remember whose steel is in our country and the fact that we need to be steel independent. Maybe we can call one of those Russians the next time our Navy needs steel.

The Presiding Officer might be interested to know that Bethlehem Steel in my own hometown of Baltimore produced the steel to repair the U.S.S. *Cole*. If we needed steel to repair the U.S.S. *Cole*, I am sure the Russians would get right on it and we would pay any price for it, but I really do not want to have to turn to foreign steel to build the weapons to protect America as we reinvigorate our military. Somehow or another this is not right, it is not logical, it is not strategic, and I think we are going to really rue the day we let steel go down.

For some people in this body that is okay. There are those outside who say we do not need American steel, and they do not even worry about the American steelworker. Opponents of our amendment say it is unfair to target a specific group of Americans for assistance. Well, our steelworkers have been targeted, but it is by decades of these illegal trading practices.

This problem has been ignored by Presidents of both parties. However, I thank President Bush for taking the first step to impose temporary limited tariffs on imported steel to give us a breather. Now we need President Bush to take the next step to support us as we try to work our way out of something called legacy costs, the costs of pensions and health care. We wanted a temporary 1-year bridge to do this in the same way that the tariffs are temporary. We are not looking for handouts, give-backs, giveaways. We are looking for the opportunity to work our way out of it, and I think we could do it in a bipartisan way.

I am really disappointed the President is working directly against me. He had to call in some Republicans to try to convince them to vote otherwise. This should not be about those kinds of battles because I think the President took the first step. I think he is getting bad advice, and I am sorry he is opposing us on this amendment. Hopefully, we can change his mind on the long-range issues. But if President Bush had joined us in the fight, as I say, I would be the first to applaud him.

Opponents of our amendment say a specific industry should not be singled out. Well, we do that in this Congress. We single out specific industries and then talk about their value to America. I agree with that. Our Government singles out specific industries all the time when it is in our national interest. We single out industries when it is in our national interest because we need them as part of our economy or as part of our national production. That way, we can talk about the fact that when we help farmers or airlines. The national interest means national responsibility. I absolutely agree with that.

I have been in the Senate when I have heard my colleagues speak eloquently about the need to save the family farm. Why do we talk about saving the family farm? Because it is important to food production in the United States of America and it is part of our core values. It is part of our heartland. Absolutely, we should look out for saving the family farms.

At the same time, how about the steelworker families? We need to be steel independent. We need to find ways to help the steel industry to consolidate, and that means temporary tariffs in dealing with the health care benefits.

Farmers are important. So are steelworkers. Now let's talk about the airlines. Airlines, again, turned to us at a time of national crisis. Gosh knows, they took a terrible hit, and indeed it was a situation where we were concerned that our airline industry would go bankrupt because of the terrorist attacks on the United States of America: We need to look out for our economy. We need to look out for the airlines, the people who work for them, and the people who depend on them. I supported that.

What about steel? Are they not in the same category? Are they not part of our national economy? Are they not part of the fact we have to be independent? Were they not, too, hit by predatory practices? I do not mean to say that the two are parallel, but there has been direct documented injury.

In a few minutes, the Senate will vote on cloture. I am so sorry the Senate has come to this. Opponents of this amendment are afraid to bring it for a vote. Two weeks ago, everybody said we did not have a chance; we did not have a vote; who cared? Well, America cares; my colleagues care; and I really want to thank my colleagues who listened to Senator ROCKEFELLER, Senator WELLSTONE, and myself as we have talked on the floor, as we have talked in the halls, as we have talked in our offices. I thank my bipartisan colleagues such as Senator SPECTER, Senator VOINOVICH, and Senator DEWINE. We thank our colleagues for listening to our arguments.

We wanted to have a discussion, a debate, and do it the Senate way and let's see where the votes came out. But instead of doing it in what I consider the majority way, we are going to hide behind a complicated procedure called cloture.

For those watching on C-SPAN, cloture means debate is shut off, which essentially means the amendment is shut off, the amendment is ended. In a regular vote, we only need a majority. I think we are going to have that majority because I think the majority of the Senate acknowledges the rationale of our argument both in terms of trade and human cost.

Instead, we are going to hide behind a parliamentary procedure that creates an obstacle of 60 votes in order to overcome it. I am disappointed in that, and I am disappointed there is no one present to argue with us.

Are there no real arguments against us? Are there no real bona fide arguments? I came today with something called a battle book. I was all set to debate, refute, and argue about what is in the best interest of our national economy, in both the short-range interest of our steelworkers and their health care and the long-range needs of America.

But hello, empty Chamber. Where are my colleagues? Is there no one to dispute us? If no one is present to dispute us, then give us a straight up-or-down vote. Maybe we are too far down the line for that, but the fact is we are going to have our vote, and we very likely might win it.

We have been working very hard, and so have those who support steel, the American labor movement, the steel unions, the families and districts such as in Pennsylvania, Minnesota, Indiana, Utah, and Ohio.

We will take our vote, though. I want to think about for whom I am here. One hundred and twenty-five thousand steel retirees have already lost their health care. They worked for many years in our Nation's steel mills. Veterans and widows of veterans, senior citizens who live on as little as $10,000 a year. Americans who thought that promises made should be promises kept. These are Americans who did not run off to Bermuda to avoid paying taxes. When their country needed them, they were there.

The American steelworkers have one of the greatest histories of generosity, of give and take, the American way, than any other corporate organizational entity. The American labor movement had the highest rate of compliance, particularly during the Vietnam war, in service to their country. They did not run away. They fought. When they came back, they did not get a parade. Now they ought to at least get their health care. When their country needed them, they were there, working hard every day, serving their country and their community, believing they would have a secure retirement and health care.

This issue is here to stay. This is a very real issue. It will not go away. There is a need for the steelworkers who have diabetes; the diabetes will not go away. The high blood pressure will not go away. The prostate cancer will not go away. All that will happen is steelworkers will go to emergency rooms, a place already overburdened, placing the responsibility on the emergency rooms.

I ask my colleagues to stand up for working Americans who are on the verge of losing everything they worked for.

I urge Members to vote for cloture for the Rockefeller-Mikulski-Wellstone amendment. Stand up for steel, America, the way the workers stood up for America over the last several generations.

I yield the floor.

Mr. REID. Madam President, I have watched the Senators for several days, and I am convinced how right they are. I ask unanimous consent on amendment No. 3433 to be named a prime sponsor.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. I suggest the absence of a quorum, and I ask unanimous consent the quorum call be charged to the opponents of this amendment. I want some debate out here.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ask my distinguished colleague from Minnesota to yield 5 minutes.

Mr. WELLSTONE. Madam President, I am pleased to yield.

I say again to the opponents, after the Senator has completed his remarks, I will ask unanimous consent, again, that we have a quorum call and it be charged to the opponents.

We want people out here to be held accountable for their position.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the pending amendment of which I am a cosponsor. In my view, it is a modest request to ask that health benefits be extended to this category of steelworker retirees for a period of 1 year because these steelworkers, men and women, have been victimized by unfair foreign trade—subsidies, dumping, subsidized and dumped steel, which has come into the United States in violation of U.S. trade laws and in violation of international trade laws.

I compliment the President again, as I have on many occasions, for his invocation of tariffs which give the steel companies in America an opportunity to regroup and to reorganize. The tariffs will also give the steel companies an opportunity to compete with steel manufacturers and steelmakers around the world, which are much larger.

We have seen the demise of more than 30 steel companies in the past several years, which have gone into bankruptcy proceedings because they simply cannot compete with steel that is dumped and steel that is subsidized coming into the U.S. markets.

I am pleased to say that two weeks ago yesterday when I visited the Irvin Steel plant in Pittsburgh, they were in full capacity. They had hired some 65 additional steelworkers and they had plans to hire more steelworkers because the tariffs have given them some relief. However, in order for the steel industry to reorganize and reconstitute itself, there is going to have to be something done about these so-called legacy costs for health benefits for retirees. These are obligations of the steel companies which are in bankruptcy reorganization proceedings. The plan is to have one steel company in the United States take over all of these steel companies which are tottering, and to reorganize and regroup, with one steel company emerging as a powerful steel company to compete with enormous steel companies in foreign countries. They cannot take over these companies if they have to take over these legacy costs.

That is why, one way or another, we are going to have to work it out. I believe in the long run it will be cheaper for the Federal Government to undertake these legacy costs; that is, to pay unemployment compensation, trade assistance, the many other benefits, and Medicare which will be paid in any event.

I regret we could not get the cash loan from ANWR proceeds. However, that is yesterday. There is no use crying over that spilled milk.

The steelworkers in America have taken it on the chin. Not long ago, there were 500,000 steelworkers in the United States. Today, there are fewer than 140,000. Pennsylvania, my State, is the cradle of the steel industry. In western and central Pennsylvania, there are many steel companies. In Bethlehem, PA, there is the Bethlehem Steel Company. These retirees are hurting.

When we are considering legislation for trade promotion authority for the President, I think the President is right, he needs trade promotion authority to negotiate trade deals to increase prosperity all around the world. In so many countries, it is so much better to have trade than to give them foreign aid. Trade promotion authority will also help the economy of the United States. It is not without some problems with NAFTA, and some other problems as well, however in the long run, trade promotion authority will be very helpful.

Just as this bill takes up trade adjustment assistance, it is fair and reasonable that this modest approach for a single year ought to be incorporated in this bill. I think the amendment is very well placed.

I thank my colleague from Minnesota for yielding time. I thank the Chair. I yield the floor.

Mr. WELLSTONE. Madam President, how much time is there on our side?

The PRESIDING OFFICER. Ten minutes.

Mr. WELLSTONE. The majority leader is speaking under leader time; is that correct?

I thank him.

If I may have one second, I certainly want to have a chance to speak and join my colleagues, Senator ROCKEFELLER, Senator MIKULSKI, and Senator SPECTER.

Since I think there is a lot at stake with this amendment, sometimes we forget about what this means. Personally, I am extremely disappointed that the opposition has not come forth. After the majority leader speaks, I will suggest the absence of a quorum and will ask that all time be charged to the opponents because people need to be held accountable for their positions on such an important question which is crucial to environmental quality or lack of quality of life for the people we represent.

I thank the majority leader for being present.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, in order to accommodate the time constraints, I will use my leader time to make some remarks with regard to this.

I will begin by complimenting and thanking my colleagues for the extraordinary job they have done. I will say for the record—and I want all to know—that I have never seen a more passionate or a more determined effort on the part of my colleagues on any issue than I have by my colleagues on this one. Senator WELLSTONE, Senator ROCKEFELLER, and Senator MIKULSKI in caucus, in leadership, in private meetings, and in every conceivable forum have made this an issue that we now clearly understand. I am grateful to them for enlightening us, for sensitizing us, and for making this the kind of cause it deserves to be, not only within our caucus but within the Senate and within the Congress itself. Everyone should know that were it not for their passionate defense, we would not be here this morning.

Second, I don't know if there is a more important issue as it relates to the well-being of workers who are vulnerable. We can talk about wages, we can talk about all the other issues involving displacement and the effects of trade, but when you talk about health, you are talking about the well-being of individuals who have no other choice but to seek remedy as these Senators seek it in this amendment.

This is a powerful message. We have people out there who have no access to health care, through no fault of their own, and who have no opportunity to avail themselves of any health option, in large measure because they have fallen victims in many cases to the trade challenges, the trade problems, and the trade issues that are the very basis for the debate we have had on trade throughout the last several weeks. I do not know how you look at those people in the eye and say: Look, I understand you have a problem. I understand you can't go to a doctor. I understand your wife is sick and you can't go to a hospital. I understand you can't go to an emergency room. I understand the humiliation and all of the pain you must suffer and all of the anxiety. But I am not going to support their amendment. Go talk to somebody else, tell them about your problem, because I am not going to deal with it.

If we turn down this amendment, that is the message we are sending to every one of those people who are out of work and who have no health insurance. That is the message: We don't care.

We shouldn't be doing that. That is why this amendment is so critical. We should be saying: Look, we understand. For those of us who embrace trade legislation, it is all the more imperative that we do it.

There are a lot of my colleagues who, for understandable reasons, are saying: Look, I don't want to see trade promotion authority because all it does is displace workers, all it does is cause pain.

There are those of us who say: Well, there is a lot to be said about that, but the overall good of the country depends on trade promotion authority. But if we say this, we also ought to say that when those people are displaced, they are going to get help. When they are displaced, they are going to get the kind of care they need. When they are displaced, they can see a doctor or go to a hospital. Then, by God, we have to find a way to make that happen, or this country doesn't deserve to pass any trade legislation.

Let us deal with the victims as well as the prize winners here. Let us understand that. Let us not look at the big numbers, let us look at the faces of the human beings affected by this. That is what this amendment does.

This is an important vote. I hope everybody pays very careful attention to the consequences of their vote this morning.

Some say this is an easy "yes" or "no" vote. Maybe that is right. Maybe that is right. But if it is an easy no, I daresay—and I will challenge my colleagues who haven't thought about this—they haven't given it the kind of care and consideration it deserves.

At times, I wish we had a chair right in the middle of the well, right here. I would like to have a steelworker sitting right here as we vote. And I would like to have every Member walk by and say: You know I am going to look you in the eye, and then I am going to vote no.

I think if we forced someone to have a chair down here with a steelworker and his family sitting here, the vote would be 100 to zero. But they are out there somewhere. Nobody has to look at faces, or names, or victims. Let us understand those families are right outside these doors. Those families are glued to their televisions this morning, hoping and praying that we can do something about this. Hoping. Let's give them cause for hope. Let's give them the ability to understand that we hear them, that we care about them, and that we want to make a difference in their lives.

Madam President, America's steelworkers have literally built this nation—from the skyscrapers that define us, to the military that defend us.

But today, those steelworkers who have defined and defended us need our help.

The last few years have been among the worst in history for the American steel industry. In 1997, the Asian financial crisis disrupted global steel trade and diverted much of the world's excess steel capacity to the U.S. market.

That started a decline that has only gotten worse. In just the last 2 years, 31 steel companies have filed for bankruptcy. Since January of 2000, more than 50 steelmaking or related plants have shut down or been idled. And steel prices are now at their lowest levels in 20 years.

This crisis has been devastating for steelworkers, their families, and their communities. Over 43,000 steelworkers have lost their jobs, and another 600,000 retirees and their surviving spouses are in danger of losing their health care benefits because the companies that once employed them are now facing bankruptcy.

This amendment provides 1 year of subsidized health benefits for those retired steelworkers now in danger of losing them.

Last month, many of our Republican colleagues in the Senate said they supported a much more generous assumption of legacy costs as part of an effort to open the Arctic Refuge to drilling.

I said to them, at the time, if you are serious about helping steelworkers, you will have a chance to do it.

This is your chance.

This is a modest, stopgap measure—far more modest than what Republicans claimed last month they would support.

It covers 70 percent of retired steelworkers' health care costs for just 1 year. That is all it does. It does not cost the taxpayers a penny. It does not solve the larger issue of so-called legacy costs. It does not create a new entitlement.

There is a lot this amendment does not do. But what it does do, is show that we understand how much these workers are suffering. We understand that after a lifetime of hard work, they deserve better than uncertainty.

No one can afford to be without health insurance, but that is particularly true for people who have spend a lifetime in jobs that demand hard, physical labor. For these people, sometimes health insurance means the difference between self-sufficiency and poverty.

I know that the administration has come out against health insurance for steel retirees. I hope the administration will reconsider.

Last year, we agreed we would leave no child behind. This year, let's make sure we leave no worker behind as America moves into the new, globalized economy.

This amendment is cost-effective, it helps people, it is compassionate. I can see no reason to oppose this amendment. I hope my colleagues will join me in supporting it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Believe me, I so much want to speak and respond. But, again, just listening, first, to my colleague from West Virginia, and then my colleague from Maryland, and then the majority leader, and the way in which this affects people's lives, and how can people vote against helping people, what is the other position?

I want some debate. I want to respond. I don't want us to use all our time and then have opponents come out here and speak and speak and speak, without being held accountable for their comments in debate.

So, again, I suggest the absence of a quorum. I ask unanimous consent that the time be charged to the opposition, which has been unwilling to even speak on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator let me take a second?

Mr. MURKOWSKI. Sure.

Mr. REID. I appreciate the Senator doing that.

Madam President, I send an amendment to the desk and ask unanimous consent the pending amendment be set aside. This is for Senator JEFFORDS.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. I object, Madam President.

Mr. REID. Object to setting the amendment aside? OK. I understand.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I rise in opposition to the amendment offered by my good friend, the junior Senator from West Virginia.

My understanding of the amendment is that it provides a 1-year eligibility period for steelworker retirees and eligible beneficiaries. The problem is it does not offer a way to pay for it.

Some of you may recall we had an extended debate on this floor a few weeks ago on aspects associated with energy development and the energy bill and proceeds from the proposed sale of opening ANWR. In that amendment offered by Senator STEVENS and myself, we proposed to fund the steel legacy issue relative to retirement.

This matter has been discussed in this body. My understanding is that Senator SANTORUM has spoken against the Rockefeller amendment. And I believe Senator SPECTER did as well.

I think we have to go back——

Mr. WELLSTONE. Will the Senator yield for a second, a split second?

Mr. MURKOWSKI. I am going to yield after my entire statement.

Mr. WELLSTONE. Just for the record——

Mr. MURKOWSKI. I am not going to yield.

The PRESIDING OFFICER. The Senator from Alaska has the floor and has declined to yield.

Mr. MURKOWSKI. I thank the Chair. And I thank my colleague. But I do want to continue uninterrupted because my statement is going to be very short.

I think the basis for the opposition is the illusionary effect that it has rather than the practical reality associated with a resolve of this issue.

As I indicated, Senator SANTORUM took the floor to decry the amendment. I recognize that Senator SANTORUM is as strong an advocate of the steel industry as any Member of this body, and his credibility is certainly unchallenged. I have listened to the Senator from Pennsylvania describe this amendment as a "cruel hoax" on the workers and on the future for U.S. steelworkers.

I happen to agree with his description of the amendment because it fails to fund the benefits and leads workers and retirees of the steel industry down a blind alley. It is going to authorize something—get their hopes up—but you are not going to fund it.

It is a shame because, as I indicated in my opening remarks, a month ago, the Senate had a chance to pass a comprehensive fix for the so-called steel legacy cost. And that is the issue that threatens the benefits of retired workers and the future, in my opinion, of today's steelworkers.

In that debate we challenged America's steel industry and America's steel unions and America's steel caucus to the reality of coming aboard on a major project that could rejuvenate America's steel industry; and that is associated with the building of approximately 3,000 miles of 52 to 54-inch pipe that would go from my State of Alaska to the Chicago city gate—an order that would be worth approximately $5 billion.

What would that do to stimulate America's steel industry? Well, one can only guess. But that was basically turned down. It was ignored by the steel unions, ignored by members of the steel caucus because evidently the interest is not rejuvenating America's steel industry, but it is addressing the obligation of retired workers and their benefits. I understand that. But I see in the legislation we offered an opportunity for both.

The tragedy is that when this pipeline is going to be built, it will be built with Japanese steel, with Korean steel, with, perhaps, Italian steel. Evidence of that was in the 1970s, when we were constructing the Trans-Alaska 800-mile pipeline. What was the condition of America's steel industry then? It was in decline. That was unfortunate. That entire pipeline was built with Japanese, Korean, and Italian steel. The reason offered was, we didn't make it anymore.

Now there is an opportunity to rejuvenate the industry. These are U.S. jobs. These are union jobs in U.S. steel mills, a major order, $5 billion. Is there any interest? No. The contribution of the proceeds from the sale of ANWR in the billions of dollars was offered in the Stevens amendment, but it was objected to by America's environmental community. It was not a case of whether we could open it safely. It was an issue of politics. It was a charade.

We even reached out to the coal mining beneficiaries by helping them with shortfalls in their health care benefit program, something the present proposal does not do.

The main difference between our fix and the proposal before us is our proposal was comprehensive and, most importantly, it was funded. The amendment offered by Senator STEVENS and myself a month ago would have used a significant portion of the money from the oil and gas leasing in ANWR to help workers and the industry reorganize itself to compete in world markets.

This is an extremely important distinction because the Senator from West Virginia rejected an opportunity to embrace the future. Instead, he would rather put another burden on taxpayers and leave our workers and the industry, in effect, in the dark. When he rejected the amendment, the Senator from West Virginia and his supporters claimed they could not support it because they couldn't get a positive guarantee in writing from the President and the House of Representatives that they would support it.

Now, a month later, we introduce a hollowed out version of the Stevens amendment with no support, no assurance from either the President or the House of Representatives, and no money to pay for it. It doesn't take a mindreader to determine where you would have been better off. It is an outrage to the steelworkers and retirees who are being used, and it is an insult to the American taxpayer who will be asked to place yet another burden on their shoulders.

Make no mistake, this amendment is about politics. It has nothing to do with the men and women of the steel industry, who are certainly struggling.

My greatest disappointment is not with the authors of the amendment but with the leadership of the steelworkers union. Most of its members helped build this country. They made steel what it was, a significant factor in democracy and the growth of our Nation. They made steel for the tanks and the guns that turned the tide in Europe and the Pacific during World War II. They worked in the arsenal of democracy. Yet today their union leaders are turning their backs on the workers and the retirees in favor of hanging out with environmental extremists who are opposed to the very steel plants and iron mines in which their workers were so proud to work.

They would rather support phantom efforts such as the amendment today than obtain real benefits for workers and retirees and beneficiaries. They know this amendment will not pass because it is just a political statement. Evidently they don't care. It is appalling, but they apparently don't care if the plants close, the workers are idle, and the benefits don't get paid because the companies go under.

A month ago, Senators were given the opportunity to decide whose side they would be on: environmental fundraising groups, rich kids who protest everything about America that the steel industry built, or the workers and retirees themselves, plus the coal miners and beneficiaries. The choice was easy: limited, environmentally responsible development of only 2,000 acres of land in Alaska in return for paying for the benefits for hundreds of thousands of workers and offering the industry a chance to rebuild itself, or party politics, which is merely the equivalent to a press statement or two and showing support for the corporate environmentalists that made the issue a test of their vision for the Democratic Party.

Unfortunately, most of the Members chose party politics and the special interests of corporate environmentalists over the working men and women of this Nation. It is times such as these, when our Nation is at war and our steel industry and our workers are suffering, that Washington has ceased to be a serious place. The workers deserve better than this hoax, this empty gesture. They need a real plan.

Again, as I have indicated, to suggest that what we had to have in order for this to go was support from the President and the House of Representatives, and now we find ourselves with no money to pay for it, I question the necessity of those earlier guarantees. What we have today is no money, no funding, no assurance from the White House. If the authors are serious about solving this problem, I am willing to sit down today and discuss real options that could get a majority of votes in the body and rejuvenate the steel industry and get it going.

If I were in the industry and I were involved in the union and I had the opportunity for a $5 billion domestic order in this country, I would gear up for it. I would open the iron mines. I would expand the steel industry. I would insist that U.S. firms have an opportunity to participate in the largest single order ever outlined in the country. It is going to go to our foreign friends.

I believe the membership of the steelworkers union, the beneficiaries and retirees, are smart enough to figure out when they are being used for political purposes. I hope they will cry out to the leaders in the union and to the Senate and let them know that they do not appreciate having their futures used for political purposes.

Needless to say, I oppose the amendment and ask my colleagues to do the same.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Mr. ROCKEFELLER. The Senator from Alaska has mentioned politics and that the steel industry evidently decided not to take advantage of this multibillion-dollar offer that he and I talked about a number of times. I made it very clear to the Senator from Alaska during our conversations that whereas we do make pipe in the United States, we only have about 40 million tons of production left. And we don't make pipe of the size that was required for what the Senator was talking about at ANWR. That was the only reason. It was not politics.

The Senator talks about letters from the White House. I don't know if the Senator disagrees, but the Senator talks about letters from the White House. There was a reason for that. That was that the White House was and still is—they have been e-mailing all over the country and getting other people to e-mail because they have opposed this from the very beginning. They have opposed legacy costs. They made it very clear. All of their Cabinet officers made it very clear. The President made it clear. That is the reason we are reduced to simply having 1 year of health benefits because we have no other alternative. I would have, as the Senator from Alaska knows, voted probably for ANWR if Senator STEVENS, who was equally as angry as I was over what transpired, had been allowed to proceed. But it was simply bludgeoned.

I hope that the Senator would agree with that.

Mr. MURKOWSKI. If I may respond to my good friend, the Senator from West Virginia, first, we are both aware of the fact that the President did support opening ANWR. He would have signed an energy bill with ANWR in it. Clearly, the intent of the amendment, had it passed, was that the proceeds would go for the steel legacy fund—a significant portion of it. I know the Senator from West Virginia wanted an ironclad commitment from the White House.

I simply share that had we passed the amendment, we would have identified the funds as flowing to the steel legacy as compared to where we are today, which is we are talking about a 1-year proposal with an authorization only and no identification of funds. It seems to me we were much better off previously, had you accepted the deal. Had it passed, that is where the funds would have gone.

Ms. MIKULSKI. Will the Senator yield?

Mr. MURKOWSKI. Yes.

Ms. MIKULSKI. Madam President, I want to bring to the Senator's attention that this amendment is paid for by offsets that had been cleared and verified by the Budget Committee. So it is paid for. I wanted to have that said for the Senator's clarification. I thank my colleague for his sympathetic comments about steelworkers.

Mr. MURKOWSKI. Madam President, I don't want any more time to run on my side.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I yield myself such time as I may consume.

It is not appropriate to include the steel legacy program on the trade adjustment assistance legislation and I urge my colleagues to oppose it.

This is a trade bill and inclusion of this amendment will doom the legislation. This is not just a helping hand for retired steel workers. It is the largest and boldest corporate welfare proposal I have seen in quite a while.

Not only is it corporate welfare but acceptance of this proposal is an invitation to others to come in to government largess in the same way: Promise the workers anything but give your promises to the taxpayers.

This legislation gives a free pass to companies and unions to bargain for benefits as irresponsibly as they would like. They may do this with the knowledge that they will never have to keep their promises. Instead, they can foist their benefit packages on the backs of the hard-working taxpayers. That includes many who have no insurance or retiree health because their employers cannot afford to purchase it.

My additional arguments against inclusion of the steel legacy program are as follows: Neither the costs of nor the implications of including steel legacy costs have been examined in the Senate Finance Committee.

The Senator from West Virginia introduced his bill, S. 2189, on steel legacy costs on April 17, 2002. That is barely a month ago. The GOP members and staff on the Senate Finance Committee have asked repeatedly that hearings be held on this issue but none has been held or contemplated.

This suggests that there are individuals on the Finance Committee who may not want this issue of steel legacy costs seriously examined. A generic hearing was held on March 14, 2002, in the HELP Committee. It was a very nice hearing but it consisted solely of one panel and steel labor and management and one panel of affected steel workers. There were no opposing views, no academics, no thoughtful examination of the implications of the proposal, no discussion of the fact that other industries with unsustainable benefit promises to retirees are hoping to get in on this deal.

Now the Senator from West Virginia has altered his proposal a little in order to slip it into the Trade Act. He says it is designed to cover just 125,000 workers and just for 1 year. But bear in mind that a 1-year bridge benefit is not the long-term intention of the amendment. Once you grant this benefit it will never sunset.

The ultimate solution for the proponents of this program is to cover all steel workers in a permanent entitlement program. The steel workers, themselves, have suggested that as many as 600,000 retired steelworkers will be picked up by such a permanent program. In addition, current steelworkers, as they retire, would come into the system, making the pool of covered individuals much larger.

How many more individuals does that add to the pool? We don't know. We have some basis for comparison, but on a much smaller scale.

But our experience with the Coal Industry Retiree Health Benefits Act is just one-tenth the size, around 60,000 individuals, of the steel proposal. We have no reliable cost data on this proposal. Though Joint Tax told us that it only costs $179 million over 1 year.

The truth is that experience tells us two things: No. 1, estimates of program costs are always too optimistic. No. 2, mortality estimates are unduly pressimistic.

One estimate is that the full program, covering all steel retirees, would cost around $13 billion. But experience tells us that the estimate is probably too low. The legislation also creates a moral hazard. By allowing the parties to dump legacy costs they couldn't afford, it sends a message to all other industries. It tells them that they should make unsustainable benefit promises and lay them on the taxpayers.

In order to avoid this "moral hazard" in the future, this proposal would have to contain incentives to get the parties to change the way they bargain for benefits. We can see how that moral hazard still exists in the coal industry today.

Coal miners are still bargaining for, and the Bituminous Coal Operators Association is still promising, the same expensive benefit package that they dumped on the system 10 years ago.

Shifting their irresponsible collective bargaining costs to other parties did nothing to change the way they bargain for or promise benefits in the coal industry.

The coal workers and companies got away with making someone else pay for their unsustainable promises, so they keep on doing the same thing.

The "moral hazard" is happening in steel but on a much larger scale. Steel is 10 times the size of coal. The steel retirees are similar to any group of retirees who lose their health care coverage; they are a sympathetic group. But so are the retirees from countless other industries who lost or did not receive retiree health benefits because their company could not afford them.

The proposal before us creates a new Federal entitlement program for this particular "sympathetic group" that would cost billions of dollars.

My staff heard from a lobbyist from a major manufacturer in the transportation industry this week. That lobbyist said to "get ready" because they wanted to unload their retiree health costs on the taxpayers, too. This lobbyist suggested that their industry is much larger than the steel industry.

If you vote for this amendment, you will be ushering in an era other special retiree health care programs for all the other industries who have their own lobbyists.

Steel retirees should be considered in the context of deliberations on the uninsured. For several years we have been debating what to do about the uninsured and about prescription drug coverage under Medicare. We may decide that steel retirees fit into our deliberations. Ultimately, we may decide otherwise.

But we at least ought to explicitly consider the implications of the legislation. Bear in mind that there is another irony with the steel legacy costs proposal. Some very large steel companies—LTV and Bethlehem—went bankrupt, in part, because the 1992 energy tax bill mandated them to pay the retiree health care obligations for former coal employees under the Coal Industry Retiree Health Benefits Act.

Over the past 10 years these now bankrupt steel companies have spent hundreds of millions of dollars paying for the irresponsible health care promises of the Bituminous Coal Operators Association and the UMWA. Think about that.

The shifting of retiree health costs is a vicious circle. The amendment expands the TAA health insurance assistance to steelworkers whose companies permanently closed operations while in bankruptcy. Think about who ends up holding the bag. It is the rest of America. It is the taxpayers—from the single-mother waitress with children who does not have health care. It is the white collar workers in Silicon Valley who do not have health care. It is the Midwestern farmer who pays for his family's health care. It is all the other retirees who pay tax on their Social Security benefits. This amendment creates a double standard. There is one standard, guaranteed health care for one class of folks, retired steel workers of a few companies. There is another standard for everyone else. Is that fair? Does that make sense?

This bizarre proposal is compounded further by the double standard it creates for steel industry retirees. That's right. What we have here is a "rifle shot" for a couple of companies.

I have been one who has fought rifle shots in the Tax Code. Well, fellow Senators, you have got a rifle shot in front of you.

We do not know all the companies that will benefit from this but certainly LTV Steel which is in chapter 7 liquidation and Bethlehem Steel that is in chapter 11 bankruptcy.

Let me take a minute to review our TAA health insurance compromise and what the implications of the steel retiree health language would mean for the TAA health credit.

The agreement we worked out gives TAA workers an advanceable, refundable tax credit, set at 70 percent, that can be applied to the purchase of selected qualified health insurance in either COBRA or State insurance pools.

The compromise also includes funds for National Emergency Grants, so that States can provide subsidized coverage to workers before State insurance pools are established.

With no company left to provide COBRA benefits, and very few State insurance pools ready early on, steelworkers will wind up being covered through the interim National Emergency Grant program, not the tax credit.

I happen to support this important interim Emergency program. But I strongly believe the addition of new categories of workers is a mistake. It sends a signal to all industries, not just steel, that nearly full Federal support for unmet health insurance promises is available from the Federal Government.

You should also know that the bill introduced by the proponents of this amendment provides that steel retirees will each receive a cash life insurance payment of $5,000. You may be thinking that is not very much life insurance. But multiplied by 600,000 that is $3 billion.

In conclusion, I would be remiss if I didn't reiterate that I believe this is a sympathetic group. But I don't know that it is so sympathetic that we will be able to afford their bad debts, all $13 billion of them. Why? because the transportation lobbyists will be here next thing you know asking that we cover their bad debts.

I urge my colleagues to vote against this proposal.

To vote for this amendment will doom the trade bill. We must examine proposals such as this carefully and deliberately, weighing the implications of our action.

Since most workers and retirees, including early retirees do not have any retiree health many policy questions are raised by this new Federal entitlement program.

The "sunset" of the Senator from West Virginia in this provision is simply a temporary bridge to permanent program.

I have many, many more concerns regarding this proposal. I will not go into them here.

Madam President, this is a very serious amendment. It does tremendous damage to the possibility of getting trade promotion authority to the President. I can better say this if I would read from some rough notes that I made in regard to a speech that my friend, Senator BAUCUS, made against the Gregg amendment on wage insurance when it was up last week. These are not direct quotes, but Senator BAUCUS made the best argument on the Gregg amendment that I can make against the amendment by the Senator from West Virginia.

First of all, you have to remember the words "very balanced compromise," three words that Senator BAUCUS used. We have a very balanced compromise before us. We ought to think in these terms: If we want trade promotion authority to go to the President, we don't want to upset that balanced compromise.

A second point he made on the Gregg amendment is: I worked very hard to kill crippling amendments that would kill TPA.

This is one of those crippling amendments that could kill trade promotion authority.

He expressed in another statement his "disappointment about the amendment before us," meaning the Gregg amendment, again upsetting a bipartisan compromise.

Then, lastly: If this amendment passes, there will be no bill.

That was said about the Gregg amendment. We defeated—Senator BAUCUS and I working together—the Gregg amendment on wage insurance. I worked to preserve that compromise, although a majority of my caucus was against it, the same way Senator BAUCUS has worked to kill a lot of amendments that have upset this compromise by being in the minority of his caucus.

What we are talking about is the center of the Senate. If anything is going to get done in the Senate on the controversial issue that we have before us—trade promotion authority, passing the House by a one-vote margin, 215–214—we are going to have to preserve the very balanced compromise that Senator BAUCUS and I have brought to the floor. Then we have the Senator from West Virginia with his amendment.

I think in the same way that Senator BAUCUS believed the Gregg amendment would upset this very carefully crafted compromise on trade promotion authority, the amendment of the Senator from West Virginia does the same thing. So that is the reason I ask for the defeat of this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Madam President, how much time do the opponents have?

The PRESIDING OFFICER. The Senator from Iowa has 13 minutes.

Mr. WELLSTONE. We have less time. I would be pleased to defer to the opponents if they want to speak.

Mr. GRASSLEY. We are not quite ready to speak. I ask that the Senator use a little bit of his time.

Mr. WELLSTONE. Madam President, let me, first of all, thank my colleagues for being here. I especially thank Senators ROCKEFELLER and MIKULSKI. I also thank Senator DASCHLE for his remarks. They were powerful and they were personal and they were on point.

My colleague from Alaska spoke, and I will echo what my colleague from West Virginia had to say in response. The only other thing I want to say is my colleague from Alaska said the proponents know this amendment will not pass, and it is really not enough. Frankly, we don't know it won't pass, and it will pass if the votes are there. Every steelworker and every worker and every family and every citizen in our country believes this is a matter of elementary justice—that is to say, in the trade adjustment assistance package of this legislation. Let's also provide some help to retired steelworkers who worked hard all their lives, be it in Maryland or the iron workers or the taconite workers on the range in Minnesota. They have worked for companies that have declared bankruptcy, and they thought they had retiree health care benefits. It is very important to them and their spouses.

Health care costs are a huge issue to the elderly population, and now the companies declare bankruptcy, walk away from it, and they are terrified and they don't know what they are going to do. They have worked hard all their lives for an industry that has been absolutely critical to our national defense. You could not find people more patriotic or more hard-working—people who are, frankly, asking for less.

All we are asking for in this amendment is a 1-year bridge so that we can put together legislation for the future that will not only deal with these retirees and help them but also help the steel industry get back on its feet.

This is the extension of trade adjustment assistance, and 70 percent of the COBRA costs would apply to these retirees. It would be a huge help. Now, my colleagues come out here on the floor and speak against it—some do—and they act as if we are presenting something that is egregious, almost sinful, when we are talking about helping people.

This is one of these sort of "buddy, you are on your own" philosophies. If you have been working hard all your life for a company, you are working in an industry for 30 years, the Government did nothing to deal with unfair trade practices, now the company declares bankruptcy and you have no help and you are terrified they say, buddy, you are on your own. That is basically what we are hearing.

Some colleagues come out here and say we should have done it on ANWR, although the House Republican leadership would not sign off on it, the White House would not sign off on it, and it didn't look like it was going to happen or like it was a very serious proposal. Now there is this effort to bring people together. Republicans support this. Senators SPECTER and VOINOVICH came out here and spoke as well. Senator DEWINE supports this.

I think this is a matter of elementary decency, elementary justice. We are trying to provide some help to people. That is what this is about. I, frankly, am amazed that we are now going through this. I think my colleague from Maryland said this, but I want everybody to know this is a filibuster. One Senator said they don't have the support. I think we have a majority of support. We are going to have majority support and we should have more than the majority support.

We should not be in this situation where we come to the floor to advocate for people we represent for a minor expenditure of resources, to provide some help to people who worked hard all their lives, as a part of trade adjustment assistance, only for 1 year, an interim measure, and this is being filibustered, being blocked.

I cannot think of any reason to block this except for just absolute ideological opposition that, my God, when it comes to helping people who are really struggling, through no fault of their own, there is not anything the Government can or should do.

How much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes 10 seconds.

Mr. WELLSTONE. I reserve the last 2½ minutes to respond to my friend from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Madam President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I thank my colleague, Senator GRASSLEY, for his leadership and for his desire for us to pass a trade adjustment bill. Unfortunately, we have to pass three bills at once. We should be passing one bill. I have spoken about that issue a couple of times.

This is the legislation we have before us. It is pretty thick and comprehensive legislation. It has three bills in it. I venture to say a lot of my colleagues do not know the substance of the bill. I have been doing a little homework on it, and the more I find out about the amendment that is pending the less I like about it.

For example, I do not think we should combine trade adjustment assistance in the same package as trade promotion authority. Historically, we have never done that, and we do not need to do it now. Some people are trying to take trade promotion authority hostage, which they know the President wants, and say: We will not give it to you unless you pay our ransom, and our ransom is enormous new entitlements, one of which is trade adjustment assistance; that includes not just training, but also the Federal Government picking up three-fourths of the health care costs, compromised down to 70 percent.

Interestingly enough, if one qualifies for the health benefits under trade adjustment assistance, looking at page 147, where it starts, to page 155, it says if you are going to get the health care tax credits—and they are refundable, so Uncle Sam will write you a check—you cannot have other coverage. You cannot have Medicare, Medicaid or S-CHIP. It is in the bill. Maybe our colleagues did not know that.

What they are trying to do for the steelworkers is to pick up health care costs for their retirees, and, incidentally, they can have Medicare or Medicaid. I do not find that to be fair. This is like saying we are going to give qualifying individuals trade adjustment assistance; we are going to give them health care or help them with their health care expenses, but the steelworkers can have Medicare, too, and everybody else cannot.

Three-fourths of the beneficiaries under this proposal, according to the sponsors, are now Medicare eligible. Everybody else is going to be excluded—they cannot have both—but, incidentally, steelworkers can have both.

I asked the question last week: If we are going to do it for steelworkers, why not do it for textile workers; why not do it for auto workers; why not do it for airline workers? All these industries have lost thousands of jobs. What about communications workers? They have lost thousands of jobs too. Are we not concerned about their health care costs? We are going to single out one industry, one union and say: We are going to give you enormous benefits.

Some people have said the cost of this benefit is $179 million over 10 years. The bill says the benefit period is for 12 months, but they say the total cost is $179 million. What they did not include is another $58 million which is included in the same CBO number that says cost and outlays are actually $237 million. That was omitted in the debate we had last week.

I am looking at the amendment. I have stated a couple of times that I want the Senate to work and I want the Senate to work effectively and efficiently, and it is not doing so. It is not doing so when we take up a bill such as this with three bills in one.

The trade promotion authority section of the bill was passed out of the Finance Committee. The Andean Trade Act was passed out of the Finance Committee. Trade adjustment assistance was passed out of the Finance Committee, but the trade adjustment assistance proposal included in this did not pass out of the Finance Committee. Senator DASCHLE and maybe Senator BAUCUS revised it and included a lot of new items.

Now I am looking at the pending amendment that deals with steel on which we are going to be voting momentarily. Talk about a crummy way to legislate. This is the amendment Senator DASCHLE and others offered. It talks about eligibility for assistance. I am trying to comprehend who is going to be eligible, and the other day I asked questions about who is going to be eligible.

It says on page 2 of this amendment: Referred to the Trade Act of 1974 as amended by S. 2189 as introduced on April 17, 2002. Here is S. 2189 as introduced by several individuals—Senator ROCKEFELLER, I believe, is the principal sponsor—on April 17. This was introduced a month ago. It has never had a hearing, and two or three times in the pending amendment, it refers to S. 2189 as if it is law.

The cost of S. 2189 has never been formally estimated by CBO, but I heard estimates up to $13 billion. Its eligibility is much broader than the pending amendment, but the pending bill continues to refer to S. 2189, as if that is the statute we are going to follow for eligibility. There is a lot of confusing nonsense between these two, neither of which have had a hearing before the Finance Committee in the Senate, and they are enormously expensive. They are brandnew entitlements.

I am troubled by the fact that we would ask taxpayers, many of whom do not have health care but they pay taxes, to be subsidizing retirees who have health care and are in the Medicare system. We already pay for their Medicare. Now we are saying we want to pay for their Medicare supplement. We have never done that.

Picking up an individual's Medigap policy has not been a responsibility of the Federal Government. That is what we are doing under this proposal for three-fourths of the individuals. Many other people who are a lot younger than age 65 will also qualify.

I question the wisdom of whether or not we should be asking all taxpayers to be benefiting one particular union and say: We are going to bail you out; we are going to take care of your retirees' health care costs, but we are not going to do it for textile workers, we are not going to do it for communications workers, we are not going to do it for auto workers.

Wait, maybe we are going to. Maybe this is the camel's nose under the tent and we will do this industry by industry. Whoever has the stronger lobby, whoever puts the money forward, whoever asks Congress, maybe has the most organized proponents: Let's have a bailout and pick up the cost of health care for our retirees; we cannot afford it so, please, taxpayers, you take care of us.

We already have taxpayers picking up Medicare and Medicaid, and now we are telling people: Yes, now we are going to pick up all extraneous benefits. Unions and management, you do not need to worry about what you negotiate because Uncle Sam, if you cannot afford it, if you go bankrupt, we will pick it up for you; just be irresponsible as can be, and we will pick it up for you.

I do not think that makes a lot of sense. This also is detrimental to a lot of companies in the steel industry who are not in this situation, who have been responsible, who are trying to make ends meet, fulfilling their commitments and abiding by their contracts. We are asking them to subsidize their competitors. I fail to see the wisdom in this effort.

I urge my colleagues to vote no on this cloture motion. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. WELLSTONE. Madam President, I will take 1 minute, and there will be 1 minute for Senator MIKULSKI and 1 minute for Senator ROCKEFELLER.

The PRESIDING OFFICER. The Senator has that right.

Mr. WELLSTONE. Madam President, I do not know how to do this in a minute, but I have listened to my colleague from Oklahoma. I think his problem is he just does not like trade adjustment assistance. His problem is he just does not think, when it comes to some of the most pressing issues of people's lives—in this particular case retired steelworkers and taconite workers—there is not anything the Government can and should do. That is his position.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. WELLSTONE. I will be willing to yield on my colleagues' time.

Mr. NICKLES. I will be happy to yield the time. I point out, it is against Senate rules ever to impugn a Senator's motive. I want to make sure the Senator does not violate that rule.

Also, I will be happy to explain my position. Trade adjustment assistance never included health care and I think it is a mistake without having any idea, and I think it is a serious mistake to do so for one industry. The Senator is correct.

Mr. WELLSTONE. I thank my colleague. Actually, I was not talking about personal motives. I said I think my colleague does not like the trade adjustment assistance as part of this legislation because I think that is what he said.

The PRESIDING OFFICER. There are 2 minutes remaining.

Mr. WELLSTONE. Madam President, I think this is the right thing to do, and I hope colleagues will support it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I want to close for our side, if that is all right with my colleagues.

I say to the Senator from Oklahoma he is using the classic, sort of nose-under-the-tent approach. No other industry has ever gone before the ITC in the last 20 years and come out with a unanimous vote proving injury because of imports as has the steel industry. No other industry has ever been so totally and entirely neglected by the U.S. Federal Government, under Republican and Democratic leadership, allowing cartels and state-owned subsidies to simply crush our steel industry. What we are talking about, and what we are voting on, is whether steel retirees who lost the health coverage they earned because their company shut down permanently due to an import crisis should get the benefit of 1 year of health care, and only get it once. We understand that we pay for the cost, that the pay-go is taken care of. The essence of the vote is before the Senate.

I further say that the Senator from Oklahoma, I am sure, misunderstands one thing: Other industries—I think he refers to the minimills—the minimills support this amendment, and we have a letter from Nucor, the largest, to so say. This is a matter of people, only 125,000. It is paid for in a tax-friendly way.

I urge my colleagues to support the cloture vote.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

The Senator from Iowa has 4 minutes.

The Senator from Oklahoma.

Mr. NICKLES. I wish to correct the RECORD. I think I stated in the RECORD earlier that the total cost was $179 million, plus the pay. Now I am told by staff that the $58 million is already included in the $179 million, so I wish to correct that. The total cost estimate by CBO is $179 million, not $237 million. I misread.

I ask unanimous consent that this chart be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. NICKLES. Let me reiterate to my friend from Minnesota, I have already supported trade adjustment assistance. Trade adjustment assistance is to provide assistance to people who lose their jobs in training. That is the purpose of the program. The average cost has been about $10,000 a year. About one out of three who are eligible have participated in the program to be retrained to get a job. I support that.

Now our colleagues are saying, in addition to that, we want to offer health care, and health care up to 2 years. If people believe we are going to take a program such as this and say to retired steelworkers, we are going to give this benefit for 1 year, I do not believe it. The bill they referred to, S. 2189, is a permanent program and its cost is estimated to be $13 billion, not a 1-year program, not a couple-hundred-million-dollar program. It is a permanent program. That is their objective, to have the Federal Government pick up retired steelworkers' health care costs. I do not think that is fair to taxpayers. I do not think it is fair to other industries such as textiles, the auto industry, airlines, and others that have also suffered losses.

So I urge my colleagues to vote no.

ESTIMATED REVENUE EFFECTS OF TAA HEALTH COVERAGE PROVISIONS AND MISCELLANEOUS REVENUE OFFSET PROVISIONS

[Fiscal years 2002–2012; in millions of dollars]

Provision	Effective	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2002–07	2002–12
Provide a Refundable Income Tax Credit for 70% of the Cost of the Purchase of Qualified Health Insurance by Persons Who are Certain Steelworker Retirees (includes outlay effect).	ppa 12/31/01	....	−86	−25	−50	−16	−2	....	....	....	....	....	−179	−179
Miscellaneous Revenue Offset Provisions:														
1. Authorize IRS to enter into installment agreements that provide for partial payment	iaeio/a DOE	11	30	14	5	(1)	(1)	(1)	(1)	(1)	(1)	(1)	61	63
2. Deposits to stop the running of interests on potential underpayments	dma DOE	19	76	47	−4	−4	−4	−4	−5	−5	−5	−6	130	104
Total of Miscellaneous Revenue Offset Provisions	....	30	106	61	1	−4	−4	−4	−5	−5	−5	−6	191	167
Total	....	30	20	36	−49	−20	−6	−4	−5	−5	−5	−6	12	−12
Increase in Outlays Due to refundable Income Tax Credit for 70% of the Cost of the Purchase of Qualified Health Insurance by Persons Who are Certain Steelworker Retirees.	ppa 12/31/01	....	26	8	17	6	1	....	....	....	....	....	58	58
Total revenue effect (excludes outlay effect of refundable steelworker health insurance credit)	....	30	46	44	−32	−14	−5	−4	−5	−5	−5	−6	70	46

[1] Gain of less than $500,000.

Legend for "Effective" column: dma=distributions made after; DOE=date of enactment; iaeio/a=installment agreements entered into on or after; ppa=premiums paid after.

Note.—Details may not add to totals due to rounding.

Source: Joint Committee on Taxation.

Mr. GRASSLEY. How much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Iowa has 2 minutes 50 seconds.

Mr. GRASSLEY. I yield myself the remainder of that time.

Madam President, for several years we have been debating what to do about the millions of people without health insurance coverage and about prescription drug coverage for seniors under Medicare. We may decide that steel retirees fit into our deliberations on the uninsured. We could otherwise decide as well. But we at least ought to be debating the issues of this legislation and their implication on the uninsured in regard to those bigger issues and not on this legislation.

Bear in mind that there is another irony with the steel legacy cost proposal. Some very large steel companies, LTV and Bethlehem as examples, went bankrupt in part because the 1992 energy tax bill mandated them to pay retiree health care obligations for former coal employees under the Coal Industry Retiree Health Benefit Act. Over the past 10 years, these now-bankrupt steel companies have spent hundreds of millions of dollars paying for the irresponsible health care promises of the Bituminous Coal Operators Association and the United Mine Workers. Think about that.

The shifting of health retiree costs is a vicious circle. This amendment expands the trade adjustment health insurance assistance to steelworkers whose companies permanently closed operations while in bankruptcy. Think about who ends up then paying for it. It is the rest of America. It is the taxpayers, from the single-mother waitress with children who does not have health care for those children and herself; it is the white-collar worker in Silicon Valley who does not have health care; it is the Midwestern farmer who pays for his family's health care out of his own pocket as a self-employed person; it is the other retirees who pay tax on their Social Security benefits.

This amendment then creates a double standard. There is one standard, guaranteed health care for one class of folks, retired steelworkers for a few companies. Then there is another standard for everyone else. Is that fair? Does that make sense?

This bizarre proposal is compounded further by the double standard it creates for steel industry retirees. That is right. What we have is a rifleshot for a couple of companies. I have been one who has fought rifleshots in the Tax Code. Well, my fellow Senators have a rifleshot in front of them, and I hope we can stop it.

The PRESIDING OFFICER (Mr. NELSON of Florida). The time of the Senator has expired.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will read.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Rockefeller amendment No. 3433:

> Jay Rockefeller, Paul Wellstone, Barbara Mikulski, Charles Schumer, Edward Kennedy, Joseph Lieberman, Richard J. Durbin, John F. Kerry, Barbara Boxer, Harry Reid, Tom Daschle, Christopher J. Dodd, Thomas R. Carper, Paul Sarbanes, Jon Corzine, Patrick Leahy, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on amendment No. 3433 to H.R. 3009, an act to extend the Andean Trade Preference Act to grant additional trade benefits under that act, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

The yeas and nays resulted—yeas 56, nays 40, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Specter
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NAYS—40

Allard
Allen
Bennett
Bond
Brownback
Burns
Chafee
Cochran
Collins
Craig
Crapo
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchison
Kyl
Lott
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—4

Helms
Hutchinson
Inhofe
Miller

The PRESIDING OFFICER. On this vote, the yeas are 56; the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Nevada.

AMENDMENT NO. 3433 WITHDRAWN

Mr. REID. Mr. President, I withdraw amendment No. 3433.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I call for the regular order.

AMENDMENT NO. 3406

The PRESIDING OFFICER. Amendment No. 3406, offered by the Senator from Virginia, is the pending business.

Mr. BAUCUS. Mr. President, I inquire of my good friend from Virginia if he is willing to enter into a time agreement on this amendment of, say, 10 minutes.

Mr. ALLEN. I will agree to that.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Reserving the right to object, Mr. President, I ask——

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, who has the floor now?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. Mr. President, I move to table the Allen amendment.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? At the moment, there is not a sufficient second. A motion to table has been made.

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Allen
Baucus
Carnahan
Dorgan
Gramm
Grassley
Gregg
Nelson (FL)
Reid
Roberts
Snowe

The PRESIDING OFFICER (Mrs. CARNAHAN). A quorum is not present.

Mr. REID. Madam President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring the vote?

The result was announced—yeas 58, nays 35, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NAYS—35

Allard
Allen
Bennett
Bond
Breaux
Bunning
Burns
Campbell
Collins
Craig
Crapo
DeWine
Ensign
Enzi
Fitzgerald
Frist
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thurmond
Warner

NOT VOTING—7

Harkin
Helms
Hutchinson
Inhofe
Kerry
Reed
Thompson

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. DASCHLE. Madam President, I ask for the yeas and nays on the motion to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Madam President, I ask unanimous consent that if a point of order lies against the Allen amendment, the motion to table be withdrawn, and the Senate vote at 2:15 on the Allen motion to waive the Budget Act with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, the Senate at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CLINTON).

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3406

Mr. LOTT. Parliamentary inquiry, Madam President. What is the pending order of business?

The PRESIDING OFFICER. There is a motion to table the Allen amendment.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—49

Allard
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cochran
Conrad
Craig
Crapo
Daschle
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Santorum
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Torricelli
Voinovich
Wyden

NAYS—49

Akaka
Allen
Bayh
Biden
Bingaman
Boxer
Bunning
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Miller
Murray
Reed
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Thurmond
Warner
Wellstone

NOT VOTING—2

Helms
Hutchinson

The VICE PRESIDENT. On this question, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes "yes," and the motion to table is agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent there be 30 minutes equally divided in the usual form prior to a vote in relation to the Hutchison amendment No. 3441; that upon disposition of the Hutchison amendment, the Kerry amendment No. 3430, be the pending business, with 60 minutes for debate equally divided and controlled in the usual form prior to a vote in relation to the amendment; that upon disposition of the Kerry amendment, the Senate resume the Dorgan amendment No. 3439, there be 30 minutes of debate controlled by Senator DORGAN, and that at the use or yielding back of that time, the amendment be withdrawn without further intervening objection or debate; that no second-degree amendments be in order to either the Hutchison or Kerry amendments covered under this unanimous consent agreement prior to a vote in relation to the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. This last vote took a long time; the vote this morning took a long time. The Democrats and the Republicans are now even. We will have 25 minutes, the majority said, before we will cut off the votes. Everyone should be on notice. That means whether we have a hearing with the Defense Department or we are in a car wreck in front of the Labor Department, it doesn't matter, after 25 minutes we will cut off the vote.

Mr. LOTT. Having been in the same position on how long these votes require, I understand and support what the assistant majority leader stated. We need to bring these votes to a conclusion.

I must add, though, in the last vote we did have a Senator who had been involved in a little accident and had to take a little extra time to get here; otherwise, we would not have asked it be held so long. I think it is fair notice that everyone realize we have a lot of work to do. We cannot hold every vote open 20 or more minutes. We will try to cooperate with the democratic leadership in that effort.

Mr. REID. If the Republican leader will yield, the votes are 15 minutes; we will extend them an extra 10 minutes. The votes are still 15 minutes.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3441

Mrs. HUTCHISON. Madam President, I call up amendment No. 3441 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas is recognized.

Mrs. HUTCHISON. I introduce this amendment to the trade package. I strongly support the bill on the floor, including the Andean Trade Preference Act and the Generalized System of Preferences. These programs seek to help the Andean countries of Bolivia, Columbia, Ecuador, and Peru, and other developing nations, by applying preferential treatment for their exports.

We want to reduce and eliminate tariffs on imports from these countries to help them develop stronger economies. These programs benefit both countries. They improve the lives of the citizens of the exporting countries through improved economic conditions. These programs give open access to the U.S. market, the best market in the world.

For example, since the Andean Trade Preference Act went into effect in 1991, the Andean nations have experienced $3.2 billion in new output and $1.7 billion in new exports. This has led to the creation of more than 140,000 legitimate jobs in the region. These programs help the United States by developing better markets for our exports. If we can help developing countries increase economic growth and prosperity, they, then, will demand more imports, which will, of course, provide U.S. manufacturers with more consumers for their products.

Another important benefit of the Andean Trade Preference Act is that by providing for the people of these regions employment opportunities in legitimate businesses, we hope to keep them from needing or wanting or in any way being drawn to narcotics businesses. This contributes greatly to promoting stability in the area and to our efforts to reduce the flow of illegal drugs across our borders.

It is clear that the Andean Trade Preference Act and the Generalized System of Preferences help both sides. Since we are giving a benefit to these countries, however, we do have the right to expect something in return to ensure that we do not help countries that may work against our interests in other ways. For this reason, we have established conditions that a country must meet in order to qualify as a beneficiary.

Conditions we have required in the past include that a beneficiary not be a Communist-controlled country; that it has not nationalized or expropriated property of U.S. citizens; that it enforce the protection of intellectual property of U.S. citizens; certainly we want it to recognize binding arbitration awards in favor of U.S. citizens; we want to make sure they give preferential treatment to the United States if they give it to other developed nations; we want to make sure that any country with which we have these preferences is a signatory to an extradition treaty with the United States; and we want to make sure they recognize workers' rights.

In the bill before the Senate today we add seven more criteria that the President must consider before designating a country a beneficiary, including whether the country has demonstrated a commitment to the WTO and to negotiating a Free Trade Area of the Americas; that the protection of intellectual property rights is consistent with the Uruguay Round agreement; that the country provides specific workers rights; demonstrates a commitment to eliminating the worst forms of child labor; that the country has met counter-narcotics certification criteria; that the country has taken steps to implement an anti-corruption convention; and that government procurement procedures are transparent and nondiscriminatory.

As I have looked at this list of criteria, I noticed a glaring omission. We are in the middle of a war on terrorism; yet there is no requirement that a country with which we would have fair trade and give preferences would support us in that war. It is clear we are fighting a war for freedom itself. We can't win this war alone. We need the help of our friends and allies around the world, for example, to track down terrorist cells or to cut off funds. More than $100 million in assets of terrorists and their supporters have been frozen around the world. Of that $100 million, the United States has frozen about $30 million. The other $70 million has been cut off by various allies. We must have the cooperation of allies and friends if we are going to defeat the enemy of freedom.

I am introducing an amendment today that establishes a requirement in addition to the seven new requirements that we have included in the bill before the Senate that the country support our efforts in the war on terrorism in order to receive beneficiary status under the Andean Trade Preference Act or Generalized System of Preferences. The kind of help that each country can give will vary and it may depend on the circumstances a particular country faces, the opportunity presented to it. Some will help us militarily, some will cut off funds, while others will share intelligence which can be very helpful, very important. Some may do so publicly, some privately. It is even possible a country may not have an opportunity to provide anything but moral support, but we want that moral support.

We want the country to be on the record helping us in the fight for freedom and making sure that a terrorist network cannot gain a foothold in any country with whom we have trade preferences.

I don't think it would be appropriate to try to specify the kind of help that a country must give. But I believe we must make it clear that we expect the country receiving preferences from the United States with whom we will start trade, we will have commerce, we will send goods in, and we will hopefully export goods from that country to the United States—there will be a lot of commerce. We need to make sure that the people with whom we are trading will respect this war on terrorism and be helpful to our country in rooting out terrorism wherever it may be.

I hope my colleagues will support this effort. I certainly think it is going to be very important for us to have the help of every nation on Earth. Every nation that is freedom loving is also a nation that is at risk, if we don't win this war on terrorism. If these terrorists can defeat the United States of America, they will try to take over the world and wipe out freedom wherever it may be. We are in this together. We must have the full cooperation of every country with whom we are trading.

The bill before us today is going to put America, I hope, in a much better position to have better trade relations with countries around the world. The Andean Trade Preference Act has been in place but has lapsed. These poor countries are certainly good partners. We want to continue to have good trade relations with these countries and help them build democracies and stable governments.

There are 130 free trade agreements in the world. The United States is party to only three. The Andean Trade Preference Act has lapsed. We will hopefully renew it with passage of this legislation. But there are 130 agreements in the world, and the United States is party to only three. That is not a tenable situation.

We need to open our markets. We need to provide more jobs in America by exporting products. We need to help other countries have access to the great market of the United States of America which has the greatest consumer capacity in the world. We need to be open to these countries that need this kind of help to stabilize their own governments. It is in everyone's best interest that we have free and fair trade. It promotes freedom and democracy.

If we are going to have free and fair trade to promote freedom and democracy, we should certainly require that people help us in the war on terrorism. The war on terrorism is the war to protect freedom in the world. It goes hand in hand with free and fair trade, democracy, free enterprise, and open government. But we must also win the war on terrorism and protect freedom for ourselves, our allies, and our trading partners throughout the world.

I urge my colleagues to support this amendment to add the eighth criteria to the seven that the President would use to select countries that would receive the preferences of our country.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? At the moment, there is not a sufficient second.

The Senator from Montana.

Mr. BAUCUS. Mr. President, parliamentary inquiry.

Mrs. HUTCHISON. I asked for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, I inform the Senator from Montana that if there is no one on the other side, I am prepared to yield back the time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think the Senator from Texas has a good idea. Under current law, there is discretion but this would extend benefits. Certainly strong consideration should be given to a country's support or lack of support for our war on terrorism.

I think the Senator has added a very valuable additional criteria to the President's which should be considered. I urge all Senators to support the amendment.

I yield the remainder of our time. We are ready for a vote.

The PRESIDING OFFICER. All time is yielded. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—4

Gregg
Helms
Hutchinson
Thompson

The amendment (No. 3441) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3430

The PRESIDING OFFICER. Under the previous order, there is 60 minutes on the Kerry amendment No. 3430.

Mr. BAUCUS. Mr. President, the next amendment is the Kerry amendment, as the Chair announced, with 60 minutes evenly divided. I am just going to take a few minutes until the Senator from Massachusetts is back, so he can speak on his amendment.

Very briefly, this amendment may sound good on the surface, but for very compelling reasons it is not a good idea. It is a very bad idea. I will tell you why. It is true that under current law, one has the argument that foreign investors are at an advantage compared to domestic investors in seeking to protect their rights, say, in a fifth amendment takings question regarding, say, an environmental statute. The Methanex case dealing with MTBEs in California has not yet been resolved, but there is an argument that foreign investors in this case are in a more advantageous position than a U.S. investor with respect to the same kind of proceeding, and that is because of the way investor-state relationship rights are written under chapter 11 of NAFTA.

There are many treaties which govern investor-state relations that are causing some question. One is the one I mentioned. I will not get into great detail as to why the amendment offered by the good Senator from Massachusetts should not be adopted. Suffice it to say that in this underlying bill we have made major changes to "level the playing field" between foreign and domestic investors, as well as the rights of those seeking to uphold municipal and State regulations with respect to public health, safety, and the environment. It is totally a level playing field.

To make that point even further, we adopted in the underlying bill a provision suggested by the Senator from Massachusetts, Mr. KERRY, which made it crystal clear the rights of foreign investors in America do not enjoy an advantageous position over the rights of American investors to make sure the playing field is exactly level.

As a matter of comity, I can now let the Senator from Massachusetts go ahead and explain his amendment. I thought I would get started while we were waiting for the Senator to come to the Chamber. He has had some other matters to attend. He is here immediately, and we are glad to have him here to speak to the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, are we operating under any time constraints?

The PRESIDING OFFICER. There is 60 minutes of debate equally divided.

Mr. KERRY. Mr. President, I yield myself such time as I may use.

I want to acknowledge the hard work the chairman and ranking member and those who are trying to press this issue have made. The issue I am raising does not threaten the capacity of investor-state relationships to be protected.

Let's be very clear about what is happening. As is so often the case on the floor of the Senate, especially when we are limited in time as to how much debate we are going to have, and when we get into these pressure situations, big arguments are thrown out. People raise these red herrings and these notions of sort of a threat to business or to treaties or other things. I respectfully submit that a careful analysis of what we do does not in any way threaten the capacity of the investor-state relationships to be protected under treaties and, specifically, for this trade relationship that somehow we are going to approve on the floor—and I am going to vote for it. I am not trying to disrupt the process. I am here trying to make this process fair and sensible.

The fact is that chapter 11 of NAFTA is designed to provide foreign investors with the means to seek compensation when a government takes action to decrease the value of the investment. We obviously want that; other investors want that. If a government takes an action that decreases the value of the investment, people have a right to recourse. Either the action of the government might be through the direct physical seizure of property or it might be indirect regulatory action of some kind. That process, which we set up in this legislation, is the model for how that will be done. So it is appropriate that we do that here.

But I am not coming to the floor expressing a concern that is mine alone. The U.S. Conference of Mayors supports this amendment. The National Council of State Legislatures supports this amendment. The National Association of Attorneys General supports this amendment, and countless other State and government entities do. The attorney general of the chairman's home State of Montana supports it.

On May 14 he wrote:

> I applaud the Baucus amendment, but remain concerned that the amendment would not be adequate to protect United States sovereign interests and preserve the authority of the U.S. Government at all levels to enact and enforce reasonable measures to protect the public welfare.

A lot of people have grown upset and concerned about the effect of NAFTA's investment settlement dispute process and the effect it has had on the ability of those States to promulgate legitimate health and safety laws. The National Association of Manufacturers—no supporter of this amendment—has acknowledged that investment provisions such as you find in chapter 11 of NAFTA merit improvement. They have even acknowledged it needs improvement.

So the test here is not whether we ought to be doing this, but whether we are improving it. The reason it is so important is the following: When we passed NAFTA, there wasn't one word of debate on the subject of the chapter 11 resolution—not one word. Nobody knew what was going to happen. Nobody knew what the impacts might be. And, steadily, foreign investment in the United States is increasing. That trend will be accelerated as we have a free trade area of the Americas agreement that is being developed. A recent report by the Taxpayers for Common Sense at Tufts University shows that, unless we change the chapter 11 model, claims against the United States will average $32 billion annually. That is just in terms of claims. It doesn't even address the millions of dollars the Federal Government is going to spend defending against these claims.

Let me explain this in sort of graphic terms. I want to add that among the groups supporting the amendment are the National Conference of State Legislatures, Conference of Mayors, National League of Cities, Conference of Chief Justices, Taxpayers for Common Sense, Consumers Union, League of Conservation Voters. All of them support the notion that we have to change this particular amendment.

The letters of the attorneys general of New York, California, and Montana are particularly instructive.

The attorney general of New York wrote:

> The rights granted foreign investors under H.R. 3005 could go far beyond the carefully fashioned taking and due process jurisprudence articulated by the U.S. Supreme Court under the 5th and 14th amendments.
>
> In other words, unless we change this, we are giving to foreign investors the right to have an application of standards that go well beyond the fourth and fifth constitutional amendments, which are applied to businesses here at home.

It has the ability to apply a takings standard, an expropriation standard that, in effect, is subject to a whole looser standard than that required by the Constitution of the United States.

What my colleagues are being asked to vote on is, Do you believe that American businesses ought to be subject to a fair playing field and that foreign investors should not be advantaged over American investors and the standards by which our businesses do business at home?

There are a lot of examples. Let me share quickly the concern of Montana Attorney General Mike McGrath. He wrote:

> I frankly believe an overwhelming majority of American people and Montanans would react with outrage to the idea that an otherwise final and definitive ruling of our domestic courts would be reversed by foreign arbitration panels and could provide the basis for monetary claims against United States taxpayers.

He could not put it better. That is exactly already what is happening. It is happening right now. Let me share with my colleagues a few of the cases in which that is now happening.

First of all, there is the Methanix case, the most notorious of the cases, in which a Canadian corporation is suing for California's ban on MTBE. The details are fairly straightforward.

In 1998, the Governor of California banned the fuel additive MTBE because it has a tendency to leak out of gasoline storage tanks at a much faster rate than other blended gasoline, such as ethanol. We have just been through an ethanol fight on the floor of the Senate. We decided that we think it is preferable to use ethanol to MTBE. MTBE travels quickly through the ground water, contaminating drinking water, leaving it foul smelling and bad tasting. It is also a known carcinogen and suspected carcinogen in humans.

Methanix, whose subsidiaries produce methanol, which is the M in the MTBE, filed a chapter 11 claim on the grounds that the ban diminishes their expected profits. Methanix claims that this public health law discriminates against the flow of capital and therefore discriminates against the goals of NAFTA.

I am not sure any of us would say that makes a lot of sense, but the arbitration panel has yet to agree, and the case demonstrates exactly why we need to protect legitimate health and welfare laws.

The Methanix case is the most expensive of any pending claim. They are seeking compensation and almost $1 billion in damages. It is not just California that would suffer. All of us as a consequence would suffer because each State is subject to the same kind of problem, and that State, California in particular, would lose money out of education funds, highway funds, or other grants from the Federal Government were that case to succeed.

A less well known case, but perhaps more egregious, is the case against a jury finding by a Mississippi court against the Lowen Group, which is a Canadian-owned funeral parlor chain. Lowen was sued by a Biloxi funeral home for unlawful anticompetitive actions designed to drive up local insurance costs, forcing smaller funeral parlors into selling. A Mississippi State court agreed with the Biloxi funeral home and awarded $500 million in damages.

Lowen appealed to the State supreme court which refused to reduce the bond amount needed to receive a stay. Instead of paying a bond, Lowen settled the case for $175 million. It then proceeded to the NAFTA tribunal to file a claim. Lowen's chapter 11 case is predicated on the argument that the trial court's refusal to vacate the verdict was tantamount to an expropriation, and the case is now pending.

The message of this case and of the Methanix case could not be more clear: Anytime a foreign corporation dislikes the outcome of a U.S. jury trial, it can run to an international arbitration panel and try to get the ruling reversed. That is not what we wanted to have or intended to have happen in NAFTA, but the only way to protect it is to change that law now.

There are other cases. Let me call attention to the Mondev case which has nothing to do with the environment but everything to do with our sovereignty. The doctrine of sovereign immunity is centuries old in this country, and it holds that you cannot sue a government unless such a lawsuit is expressly permitted. But a claim against an action taken by the city of Boston by Mondev International, a Canadian real estate developer, has challenged this concept before a NAFTA tribunal.

The Mondev case is an example of those cases where we ultimately see the sovereignty of the Supreme Court of the United States being subjected to second-guessing and questioning by a secret tribunal of NAFTA, over which we have no control of the standards because the standards have not been set to respect the Constitution of the United States.

I can remember how many times Senator **HELMS** from North Carolina has come to the Senate Chamber and said we should not sign a treaty that somehow obviates the demands of the Constitution of the United States. It seems to me that is precisely the principle which is at stake here, which is why Senator **HELMS**, who I know will not be here to vote, supports this amendment as others who believe the Constitution should not be subjected to second-guessing by an international tribunal.

These second-guessing efforts will have a chilling effect in the end on investment. They create expensive litigation. Just the threat of the litigation is, in and of itself, a chilling effect. I believe, based on these claims, chapter 11, as it currently stands, can be used to threaten governments from enacting public health measures.

The Canadian Government has now sought to ban the use of the words "light," "mild," and "low tar" from cigarette advertising. Philip Morris recently issued a warning to Canada under NAFTA that Canada must compensate investors when measures expropriate investments in Canada. We are going to go back and forth on this. We are going to have a constant second-guessing and a constant challenging of these standards.

It seems to me we ought to recognize that the Baucus bill, as amended, does not ensure that long-held U.S. case law on expropriation is upheld. The Baucus bill allows cases still to be decided against the United States when regulatory or statutory actions result in a partial taking. Such a case would stand on far more tenuous grounds in U.S. courts based on U.S. law and legal precedents.

My amendment would ensure that foreign companies could use investment dispute mechanisms. We do not say they cannot do it. We honor the concept of NAFTA or any treaty creating a dispute mechanism, but when a Government action causes physical invasion of property or denial of economic use of that process, that should be consistent with U.S. Supreme Court holdings.

In the Concrete Pipe case which was decided by the Supreme Court in 1993, the Court said:

> Our cases have long established that the mere diminution of a value of property, however serious, is insufficient to demonstrate a taking.

We should not subvert that holding of the Supreme Court by refusing to embrace in this legislation a recognition of American sovereignty in court procedure.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Mr. President, we just heard a wonderful dissertation on the trade equivalent of single-entry bookkeeping. Our dear colleague has talked on and on about investment protections in the United States, but he has not said one word about investment protections in other countries for American investors.

I want to take a moment to remind my colleagues of a little history that I think is critically important in understanding this issue.

At the end of World War II, we negotiated a series of treaties known as Friendship, Commerce, and Navigation Treaties. Later, in the 1980s, we began entering into what are known as bilateral investment treaties, and today we have 45 such treaties. In both the FCN treaties and the bilateral investment treaties, we established procedures to protect our investors overseas. These protections, which were modeled on familiar concepts of American law, became the standard for protection of private property and investment around the world. And they made sure that our investors were protected from unfair treatment by foreign nations.

Why does the business community in America adamantly oppose the Kerry amendment? It is not because of concerns about foreign investor protections here in America. It is because they are concerned about protections for Americans overseas. Investment is a reciprocal process. We negotiated 45 bilateral investment treaties in order to protect American investment from being confiscated by actions of other countries.

As for foreign investment in America, our colleague argues that billions of dollars will be lost to foreign investors. But he fails to point out that never, ever, have we lost a case since these 45 treaties have been in effect. Not once since chapter 11 of NAFTA has been in effect have we ever lost a case. Not once has there ever been a judgment against the United States of America for failing to protect private property or investments.

The problem with this amendment is very simple and straightforward. The problem is that we are not talking only about foreign investors in America. We are talking about American investors around the world as well. These investment agreements are reciprocal.

In countries all over the world, if an investor is a large American company, for the most part that company is protected. The governments of those countries are not likely to mess with the company's investments. Nor are they likely to let their local units of government mess with those investments. But a real problem arises when smaller American businesses want to invest abroad. They may not be granted the protections they need.

If we take away the investor protections we have worked for years to establish, if we carve out certain areas where investor protections will not apply, if we narrow the scope of investor protections, we will be leaving American investors vulnerable to actions by foreign governments. And in turn we will be discouraging our businesses from investing around the world. Keep in mind that United States investment abroad helps create a market for American goods, promote capitalism, promote democracy, and do everything else that we in the United States want to see done around the world. It is critically important that that investment be protected.

Every day these investment treaties protect American investment around the world. Meanwhile, we have never lost a case under these same investment treaties.

Let me explain further to my colleagues what happens if we do not provide investment protections. American businesses in certain countries often end up being forced to deal with government corruption. Congress passed the Foreign Corruption Practices Act to try to stop such corruption. But under this amendment to lower investor protections, hundreds of billions of dollars of American investment abroad would be jeopardized. We are the largest investor in the world, and these protections are critically important to us.

Let me just recap, then. Today, we have 45 bilateral investment treaties in effect, and each one of them contains a procedure whereby if American investors have their property taken, if they are discriminated against, if they cannot send their earnings back to their home country, they have in place procedures under which they can get access to justice.

In 57 years since we have had investment treaties, never, ever has the United States of America lost a case. But every day these same treaties protect American investments in Central and South America, in Africa, in Asia, in the developing world, in the very countries we say we want to see develop capitalist and democratic systems.

If we adopt the Kerry amendment, not only would we be responding to a circumstance that has never existed, since America has never lost a case, but we would be undercutting protections for the hundreds of billions of dollars' worth of American investments abroad. And, because of the massive economic damage that would result, we would lose the support of the business community for the trade promotion authority bill.

What would we gain if we adopted the Kerry amendment? We simply would gain some "degree of protection" in cases that seem silly on their face. It is hard for me to imagine that any of the cases mentioned could possibly result in an affirmative judgment, but that is speculation since no judgment has been made. In 57 years we have never had a judgment against the United States of America.

Remember, investment agreements are reciprocal. If the Kerry amendment applied only to investment in America, this would be a largely symbolic but not a very harmful amendment because American protections are solid. But investment protections are reciprocal. Therefore, whatever protections we pledge to apply to foreign investors in America are going to apply to our investors in Mexico, our investors in Africa, our investors in South America, and our investors in developing countries in Asia. Since the Kerry amendment would affect not only foreign investors here but our investors there, we would be stripping away the protections that American investment now have. We would be hurting American companies, and their hundreds of billions of dollars of potential investment, and we would lose the jobs, economic growth, and economic opportunity that has resulted from our status as the world's largest investing nation and the world's largest exporting nation.

The Kerry amendment should not be adopted. There is no basis for adopting it. It does our interests virtually no good in America, but it does massive harm to our interests everywhere else in the world.

I reserve the remainder of my time.

Mr. KERRY. How much time do I have remaining?

The PRESIDING OFFICER (Mr. JOHNSON). Fifteen minutes twenty-four seconds.

The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that the underlying time agreement be extended an additional 30 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me answer my friend from Texas. There is no stronger debater, there is nobody obviously we know who is more capable of making an argument, but this is an argument in which the Senator is flat, dead wrong.

Only five cases are pending today that were brought against the United States in which we are a defendant under chapter 11. No case has yet been decided. When he says we have never lost a case, no case has been decided in which the United States is a defendant. We are currently a defendant in five cases, and there were only six cases until 1998. Since then, there have been another five cases. What the attorneys general of our States and the conference of mayors of our States and those responsible for the taxpayer—I mean, the businesses are sitting there, many of them with offshore interests, many of them not paying any taxes. It is not going to come out of their pocket, but the average American taxpayer is going to feel the bite if we have an expropriation case decided against an American company that comes against, say, the State of California or another State, and that is going to come out of the pockets of our citizens.

Secondly, the Senator from Texas is absolutely incorrect when he suggests this is going to leave our companies defenseless abroad. Let me be very specific. If a foreign government overreaches, the same investor-state mechanism will exist. We do not take away the investor-state relationship. We honor it. We do not take away the investor-state mechanism for resolution of disputes. We leave it in place. All we do is say the standard by which it should apply should not be less than the standard applied by the Constitution of the United States. It is very simple. Our businesses, our States, our taxpayers, should not have another country or another business from another country suing us and claiming that one of our health laws or one of our environmental laws has taken away the profits of that company and then some international arbitration panel, without any American judge who applies the standards of the American courts' case law that has been settled, are going to decide, oh, yes, we think that is a great idea. Let's hit the taxpayers of California to pay us because our investors are losing a lot of money.

No one should doubt this is coming down the road. Chapter 11 has yet to be put to the test. Before it is put to the test, we ought to have the courage to say we are happy to honor the concept of an international standard, but don't undo the case law established by the Supreme Court of the United States. That is all we are saying.

My colleague from Texas tries to say we will undo years of settled procedure for companies doing business abroad. That is just not true. That is not what we are going to do. We are suggesting a U.S. investor abroad can still win a claim, provided the investor can show they are discriminated against on the grounds of national treatment, which is the international standard we have agreed to; a performance requirement is the basis of the offensive State action; the offending legislation as enacted or applied is discriminatory in purpose; and if there is a wrongful expropriation under the standards by the Supreme Court.

I remind my colleague that under the standards of the Supreme Court is Justice Scalia who has argued what that appropriate standard ought to be. Let me be specific. In the 1999 case College Savings Bank vs. Florida Prepaid Postsecondary Education Expense Board, the Supreme Court ruled the activity of doing business or the activity of making a profit do not constitute forms of property that can be the basis of takings claims.

That is an opinion authored by Justice Scalia. We are suggesting what the Senator from Texas is allowing for is some arbitration panel with a group of people who do not believe in the Supreme Court standard, to suddenly say we will apply a different standard to the takings. That does a disservice to our businesses and a disservice to the American taxpayer.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I have 2 minutes, and I would like to respond very briefly.

First, under the Kerry amendment, if you were an American investor, you could not even file a claim against a developing country that has taken your property unless the U.S. Government agrees to it. And what if the U.S. Government were in some sensitive negotiation with that country? They would want you to simply go away. Whoever heard of having investor protections that are determined on a case by case basis by a government rather than pursuant to an agreement?

Second, it is one thing for an amendment to say that we should borrow part of the evolving takings standard—and we all know that the takings doctrine is evolving—from the Supreme Court. But it is another thing to convert that evolving standard into a new international principle, with the result that if a developing country takes only 99.9 percent of an investor's property, the investor has no claim or protections.

Clearly, governments that are interested in shaking down American investors are not interested in taking the investor away; they are interested in being paid off for the right to do business in their country. A key purpose of the investment treaties we negotiated over the past 57 years was to prevent our investors from being forced to pay off corrupt governments abroad. That is what we have been trying to stop. Through the Cold War, where we did not have these agreements in place, American businesses had no choice but to pay off corrupt local governments, which the Communists then pointed to as capitalism. That caused us problems all over the world. We negotiated these agreements to put an end to those problems and instill the rule of law worldwide.

When we start imposing these limits requiring compensation only for total confiscation, requiring governmental approval in order to claim your protections, and then carving out specific areas where your protections and the rule of law do not apply, it does not take a corrupt government long to figure out that they can impose "regulations" or "special fees" or "targeted taxes" in the unprotected areas.

The net result is to extract money from American businesses. Not only is that profoundly wrong, not only is it corrupt, it discourages investment, it hurts American companies, and it hurts American jobs.

It is one thing to say we do not need these protections for people who invest in America. But it is another to say that we do not need them for Americans who invest overseas. The plain truth is America has never had a judgment against it under our investment treaties in some 57 years. There has never been a judgment against the United States of America for violating investor protections.

We can't adopt the Kerry amendment so that it would apply only to investment in the United States and would not affect protections for our investments around the world. If we could, it would be a useless amendment. And we should not adopt the Kerry amendment and carve out areas where American investors are not protected. If we did, we would be asking for big-time problems with corruption. This is why every business group in America is adamantly opposed to this amendment, and why I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Once again, I say with respect to the Senator from Texas, he is both missing and distorting the point at the same time. I hope my colleagues notice for the first time in history since I have known the Senator from Texas to be in the Senate he is defending the right of lawyers to sue without any kind of screening or any kind of effort to restrict a frivolous suit.

I have never heard the Senator from Texas do that. I am delighted that he is protecting the right of lawyers to sue without any screening. This screening is exactly what was recommended, I might add, in a letter from Chairman BAUCUS to Ambassador Zoellick on March 26. Here is what the letter said:

> It may be prudent to establish screening mechanisms in other sensitive areas such as environmental regulation as a way to ensure that frivolous or inappropriate claims can be dismissed as early as possible. In general, I view this concept as consistent with the objective of the TPA bill to eliminate frivolous claims and deter their filing in the first place.

The amendment I have offered includes a small screen to help weed out the frivolous lawsuits, and it would require the approval of the home government to do that, which only works to our benefit. If someone is going to sue in another country they are going to sue anyway. But in order to sue in our country it seems to me we would like to have, once again, the standard applied as to what is frivolous or not.

I used to practice law. I remember when we did medical malpractice cases we finally set up a screening mechanism. Many States in America have set up a board which reviews cases using members of the profession to make a determination of whether or not it is a legitimate claim so we don't tie up the court system with a whole set of illegitimate claims. That is all this seeks to do. It does not change the standard whatsoever. We are not changing the standard with respect to any capacity of our companies to be protected abroad or otherwise. We are simply applying, frankly, a standard that most of them can understand; that most would have a full expectation of receiving if they were being tried in a court in our country.

I am surprised the Senator from Texas does not want American companies to know that if they are engaged in one of these processes abroad, they are going to have a higher standard applied to them. The standard as developed by the court system of our country, in which most of us believe, we think, is one of the highest standards in the world.

Our businesses are better protected by having the continuity of that standard and the certainty of the way in which our case law has been interpreted.

I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, this amendment jeopardizes foreign investment and seeks to place unnecessary and harmful restrictions on the protections afforded to U.S. investors abroad. The amendment would substitute the carefully crafted language of the managers' amendment for language that would bind the Administration to a set of negotiating mandates.

The stated purpose of the Kerry amendment is to "ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under" trade promotion authority. Unfortunately, the amendment language would do just the opposite.

Foreign investment is critical to international trade and vital to the development of economies around the world. Foreign direct investment provides for the expansion of industries and infrastructure while promoting economic development and the rule of law.

As the world's largest foreign investor, the United States invests an average of $150 billion a year in private capital in foreign nations. This involvement not only benefits the countries receiving such investments, it also results in the creation of more American jobs and new markets for U.S. products abroad.

American companies investing in foreign nations are generally more successful and typically pay employees higher salaries than those that do not. Not surprisingly, these companies are also among America's top exporters, comprising over 75 percent of U.S. exports over the past 25 years. American companies invest abroad to expand market share, establish local relationships, promote visibility, and establish a more efficient means of distribution to foreign consumers—enabling these companies to become more competitive globally.

Because many nations lack legal systems that afford protections similar to those afforded in the United States, the U.S. has entered into investment agreements for over 70 years in order to provide U.S. companies that invest abroad with the same level of protection they enjoy under U.S. laws. Without these investment agreements, the risk of investing in developing nations would simply be too great for most U.S. companies.

This amendment would restrict investment agreements from providing the full investor protections granted to them under U.S. law. In turn, the amendment would weaken the protections granted by the 45 bilateral investment treaties negotiated by the U.S., in addition to the protections under NAFTA and the U.S. Vietnam Trade Agreement.

Should the Kerry amendment pass, foreign investing in the U.S. will retain access to the protections granted to investors by U.S. laws, regardless of the terms of an investment agreement, but U.S. investors abroad will not be afforded these same protections.

Under the amendment, in order for environmental, health, or safety laws to be considered in violation of an investment agreement, an investor must demonstrate that a foreign country enacted such laws solely to discriminate against foreign investors. This high burden of proof that a foreign country intended to discriminate will enable foreign nations to arbitrarily use or establish environmental, health, or safety laws as a veiled means of protectionism. This is precisely the type of action that U.S. investment protections have historically attempted to prevent.

Legitimate concerns have been raised regarding the investor-state dispute settlement procedures contained within NAFTA's chapter 11. Last summer, Ambassador Zoellick met with the NAFTA ministers to discuss these concerns. Progress was made and the ministers agreed to work to improve the tribunals, particularly in the area of transparency.

The managers of this legislation have dedicated themselves to addressing concerns regarding the protections given to investors, and, in particular, investor-state dispute settlement procedures. They should be complimented for establishing a valuable set of investment negotiating objectives which will improve future investment agreements while not tying the hands of our trade negotiators in the process.

Through both the Trade Act of 2002 and the Baucus-Grassley-Wyden amendment which passed the Senate last week, Senators Baucus and Grassley made considerable efforts to address concerns regarding investment agreements while strengthening the negotiating position of the U.S. The Trade Act instructs U.S. negotiators to adhere to a list of well-founded objectives while crafting investment provisions. Among those objectives are instructions to "establish protections consistent with U.S. legal principles and practice" and not to afford foreign investors greater rights than those currently enjoyed by U.S. citizens and companies domestically.

To address concerns regarding the lack of oversight of tribunal decisions, the managers appropriately recommend the establishment of an appellate body to review tribunal decisions.

In order to prevent potential abuse of process, the Trade Act encourages the creation of a mechanism to eliminate frivolous claims. Further, it addresses concerns regarding transparency, by encouraging that tribunal hearings be open to the public, with a mechanism for accepting amicus curiae briefs.

The thorough principles established by the managers of this bill are unprecedented in breadth and scope. No such principles have ever been written into previous trade promotion authority bills, and I believe this language will result in an improvement of the protections that are afforded to U.S. companies in future agreements and the process by which investor-state disputes are mediated.

The Kerry amendment represents a continuation of the trade-distorting, protective measures we have dealt with recently. Not only is this amendment potentially damaging to U.S. companies, it once again calls into question our nation's dedication to our trade-related commitments.

Existing U.S. investment agreements and the negotiating objectives included in the compromise Trade Act provide more than adequately for the legitimate concerns regarding investor-state dispute settlement procedures. This amendment could seriously damage U.S. interests and I strongly urge my colleagues to oppose it.

Mr. BIDEN. Mr. President, I support Senator KERRY's amendment to strengthen the protections for State and local government to achieve their environmental and other important priorities. The Kerry Amendment adds to the objectives that our negotiators will seek to achieve in future trade discussions. While we cannot mandate specific outcomes in those negotiations, we here in Congress will be able to look at future trade agreements to make sure that they include additional safeguards for the kinds of regulations that some international investors have challenged under NAFTA's Chapter 11.

We all agree that to make trade work, to bring the benefits of expanding markets to American workers and consumers, we must give investors the confidence that the countries they move into will not discriminate against them. They need to know that they will not have plants and equipment expropriated, or rendered worthless through some government regulation or other action.

But such protections can go too far, as many observers of actions taken under NAFTA investor-state provisions have concluded. The Kerry Amendment makes sure that our negotiators will be careful to balance the need for investor protections with the need for state and local governments to protect their citizens as they see fit. That is the kind of balance that will help to restore popular support for the many real benefits of expanded trade, and will help to secure Congressional support for future trade agreements.

Mr. ALLEN. Mr. President, I rise to oppose the amendment that Senator KERRY has offered. The Kerry amendment unfortunately seeks to impose highly detailed negotiating mandates on the President, and would give those mandates the force of law in the United States.

The bipartisan bill that is currently before us provides balanced guidance to U.S. negotiators both to protect U.S. investors abroad and to address the legitimate concerns that have been raised about investment rules.

The purpose of our investment agreements, and the dispute resolution provisions in them, is to level the playing field; to ensure that Americans operating abroad obtain the same benefits and protections provided to Americans and foreign investors operating in the United States.

NAFTA's rules on investment—the so-called chapter 11—are not novel or unusual; they are modeled on long-standing international and U.S. practice. Arbitral dispute-resolution panels were not invented by NAFTA; they have been in use for more than 40 years.

Chapter 11 is only one of over 1,600 bilateral investment treaties worldwide, the vast majority negotiated by the European Union's member-states, Japan, and Canada. These investment agreements ensure that investors are treated fairly when operating abroad.

These treaties contain an arbitral dispute-resolution process similar to that found in chapter 11. The arbitrators selected on these panels frequently are distinguished lawyers, jurists and statesmen including Warren Christopher, Benjamin Civiletti, Attorney General for President Carter, and Abner Mikva former Member of Congress and White House Counsel for President Clinton.

The United States has thus far entered into 43 bilateral investment treaties of this nature. If not for these treaties, U.S. investors operating in these countries could be disadvantaged, especially in comparison to their competitors from the European Union, Japan, and Canada.

Many U.S. companies and major trade associations tell us that these provisions are extremely important to protecting Americans against abuses in other countries. U.S. investors invest $3 trillion abroad and these investments account for more than a quarter of all U.S. exports. In short, foreign investment by U.S. firms keeps us competitive and builds jobs for Americans.

Several domestic constituencies, including environmental groups, have expressed great concern about the potential for use of these provisions to undermine important U.S. laws and regulations especially those protecting health, safety and the environment. The U.S. Government is vigorously defending U.S. environmental laws against any such charges.

The current administration is working with all interested parties in an effort to address these concerns for NAFTA and future investment agreements while continuing to protect American companies against abuse in other countries.

Steps have already been taken. For example, in July, 2001, the United States, Canada, and Mexico, through the NAFTA Trade Commission, issued an interpretation on two matters relating to chapter 11.

Some have concerns regarding the confidentiality of the panels.

It has been agreed that the parties would make publicly available all documents issued by or submitted to a NAFTA arbitration panel.

Others have complained that one type of investment protection called "general treatment" provides rights to foreign investors beyond U.S. law.

It was clarified that this provision affords no more than the minimum standard of treatment under customary international law and that provisions of other agreements (WTO) do not form part of the minimum standard, as some claimants were arguing in chapter 11 cases.

The United States, Canada, and Mexico have and will continue to utilize of our right under NAFTA to provide guidance to arbitral panels. Chapter 11 does not provide novel rules on what constitutes an expropriation beyond that covered by traditional investment agreements or by U.S. courts.

The truth of the matter is that overall trade helps the American family. The lower tariffs and higher incomes that followed the signing of the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) resulted in benefits of $1,300 to $2,000 a year for the average American family of four.

According to a recent University of Michigan study, a new trade round could deliver an annual benefit of $2,450 for this same family. Trade does not discriminate against the rich or the poor; it seeks to elevate all economic levels.

Contrary to popular belief, trade on balance, provides American workers with more opportunities to obtain higher-paying jobs than are lost due to international competition.

It gives more people the chance to make a better life for themselves and their family.

The U.S. Department of Commerce reports that, on average, jobs tied to exports earn 13 percent to 18 percent more than earned in other jobs.

In other words, trade brings prosperity and opportunity to more workers than are lost.

The effect of the North American Free Trade Agreement are as follows.

U.S. exports to our NAFTA partners increased 104 percent between 1993 and 2000, while U.S. trade with the rest of the world grew only half as fast.

In the 8 years since NAFTA's implementation, U.S. exports to Mexico and Canada have grown to support nearly 3 million American jobs today—one-third more than in 1993.

We trade about $2 billion a day with our NAFTA partners—that's almost $1.4 million a minute.

As U.S. government data indicate, without NAFTA, the United States would have lower-paying jobs and would export less, and Mexico and the United States would have lower environmental standards.

In the Commonwealth of Virginia, export sales of merchandise in 2000 totaled $10.5 billion, up nearly 30 percent from the 1993 export total of $8.1 billion. Virginia businesses recorded export sales of $1,490 for every person in the State.

And, unlike what some of my colleagues may have you believe, trade is also beneficial for the environment.

Studies have shown that countries that open their markets actually spend more money in efforts to preserve and protect the environment as a result of gains through trade. Attempts to impose environmental regulations have often been self-defeating because they have stifled the trade necessary for economic growth, which would enable countries to afford to adopt environmental protection policies. The overall track record of the United States in promoting initiatives to protect the environment provides evidence that environmental freedom and the economic development it engenders are correlated with sound environmental policies.

Fair and free trade agreements must not and will not compromise American sovereignty.

In response to concerns that trade deals may be unconstitutional and could undermine U.S. sovereignty.

It should be stressed that the United States will always determine our own domestic laws.

Even if future trade agreements allowed some disputes to be submitted to an international tribunal for initial determination, no trade agreement could grant an international organization the power to change U.S. laws.

Proper trade agreements foster adherence to the rule of law and protect private property and intellectual property rights.

Free trade forces participating countries to play fair. For example, because of its membership in the World Trade Organization, China will now have to crack down on software piracy, which has been a growing problem for sometime to many U.S. manufacturers.

China has long been the world's largest source of pirated compact disks and software.

In China last year, software firms lost over $1 billion in profits to piracy.

Furthermore, while many criticized China's WTO membership, American industry will benefit because, to comply with agreements of the organization, China now has to lower tariffs and non-tariff barriers.

The bottom line is that the United States needs to negotiate more free trade agreements. Of the more than 130 trade and investment agreements that exist throughout the world, the United States is party to only three: specifically, with Jordan, Israel, and the NAFTA countries of Canada and Mexico.

Free and fair trade and the chapter 11 issues are immensely important to the high-tech sector as well. The U.S. high-tech sector invests more abroad than any other industry. Leading, innovative U.S. companies have benefited from a set of stable and predictable rules governing investment in overseas markets.

Investments in foreign markets by high-tech companies, which support manufacturing and rapidly growing information technology services, are an integral part of a virtuous cycle that keeps this sector growing and strong.

The fact that large and small companies alike can reach customers in other countries with goods and services means that they can continue to provide great opportunities here at home for our engineers, researchers and other highly-paid and highly-skilled workers.

The bipartisan trade package includes a number of needed reforms that have arisen out of cases of foreign investors bringing actions in the U.S. These reforms include provisions for increased transparency, consistency in the rights afforded to foreign and domestic investors in the U.S., and improvements to dispute settlement procedures. And, it includes clarification of the definition of expropriation, although, Mr. President, Senator KERRY's amendment is not one of them.

The Kerry amendment would go far beyond these important and necessary changes and would impose new negotiating mandates in the area of investor protections.

These rigid requirements would tie U.S. negotiators' hands while giving our trading partners greatly increased leverage to make demands on their own.

The bipartisan trade package includes needed changes in the area of investment provisions and these should be passed by the Senate and implemented in trade agreements.

The Kerry amendment, in its attempt to address these concerns, goes too far and will create uncertainty and undermine the investment protections for U.S. companies as they do business in overseas markets.

These are only a few of the many reasons that my colleagues should join me in opposing this amendment and press forward to pass this trade legislation in order to benefit America.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BAUCUS. Mr. President, we sympathize with the general concern of the Senator from Massachusetts; namely, making sure that foreign investors do not have greater rights in the United States compared to domestic investors in challenging whether an action by a government body, say a State, city or county, is a takings under the Constitution of the United States. We all recognize that.

This is an area that is complex. It requires us to step back a little bit and find a "level playing field" between foreign investors and U.S. investors.

The Senator from Texas is absolutely correct. The main reason we are addressing this situation really began years ago when U.S. investors were being discriminated against overseas. It caused quite a few problems in many countries. So over the years, various treaties have been written between the United States and other countries trying to create a balance between foreign and domestic investors in the United States and in other countries. That is the whole goal here.

When NAFTA was written, including chapter 11, there probably was too much emphasis given to protecting U.S. investors' rights overseas rather than the interests of government here at home because that was the biggest concern at that time. Since then, there has been a rising concern that perhaps NAFTA went too far and gave too great a protection to foreign investors versus domestic investors in the United States, which led to concerns raised by the Senator from Massachusetts.

In this bill, we attempted to correct that problem with various provisions. We have lots of provisions in the bill to even the playing field.

We also took a provision suggested by the Senator to make it crystal clear that there is absolutely no favoritism given to domestic versus foreign investors who sued the United States challenging whether certain regulations were takings under the fifth amendment. It makes no difference whether it is foreign or domestic investors; an investor will be treated exactly the same whether he or she were in the other category. We took that language and added to that the amendment in the underlying bill to make that very clear.

But we have to make sure that American investors—while we are protecting ourselves by making sure foreign investors don't have an advantage over U.S.

domestic investors in the United States—overseas are treated fairly and are not discriminated against.

There are some very glaring problems with the amendment offered by the Senator from Massachusetts.

First, he tries to define what constitutes a taking under the fifth amendment. His definition, first, is simplistic and, second, it is wrong.

First, it is simplistic, because all of us who have studied these issues know—believe me; I spent quite a bit of time a few years ago on the Environment and Public Works Committee—that the Supreme Court's definition of what constitutes a taking, and, therefore, requires compensation is extremely complicated. It is extremely complex. It depends totally upon the facts and circumstances of the case.

I will not take the Senate's time to quote all of the language of the Supreme Court opinions on takings which makes this point very clear. But that is the case.

The Senator from Massachusetts, however, wants to define in a sentence what "takings" is. His definition is wrong. With all due respect to my good friend from Massachusetts, it is also irrelevant because we can't define takings. The Supreme Court says what takings is. The Supreme Court under Marbury v. Madison interprets the Constitution. The Congress doesn't say what the Constitution says. We could say a lot. When it comes to what constitutes a fifth amendment taking, the Supreme Court decides that; we can't make that decision.

Here is how the Senator from Massachusetts defines takings. It is wrong. He says a measure is not a taking if it causes a mere diminution in the value of property. You can't define takings like that. It is wrong. You can't define it here in the statute. The Supreme Court is going to define what a taking is.

With the Senator's language, we are adding a huge incorrect and irrelevant complexity. It just shouldn't happen. It just fouls things up. It is not the right thing to do.

He has in his amendment another provision which is a real problem; namely, that investors—in the United States or any country—who want to bring an action in the other country—say a Canadian investor in the United States is claiming that actions are takings. That Canadian investor has to get permission from his country. Turn that around. Obviously, other countries are going to do the same thing, or turn that around in our case. We Americans would have to get permission from the U.S. Government to bring an action against another country claiming expropriation, an additional hurdle which the Senator from Massachusetts places in the way of a U.S. investor seeking redress overseas.

Now, I ask you. The Senator from Texas made the point: What if the U.S. State Department is in negotiations with, let us say, France over some matter, no matter what it is. Maybe it has to do with the Middle East; who knows what it is. Let us say a major American investor wants redress because he believes the French Government took action which was an expropriation of his property. He would have to get the approval of the U.S. Government. Knowing the State Department as we do, they are going to get very involved, or could get very involved, and impede or prevent that American from exercising his rights.

The Kerry amendment requires the investor to get permission from his host country before he can bring an action before the dispute panel where the investor thinks the action of the other country amounts to expropriation. There is another problem. It is a huge loophole. Essentially, this loophole says a foreign investor in the United States has to first prove that the primary purpose of the regulation was not discriminatory.

No U.S. investor is going to be able to prove that the primary purpose of a foreign regulation was not discriminatory. That creates a huge additional burden for the U.S. investor that a foreign investor in the United States does not have.

Most Americans say: Gee, what is wrong with that? Let us make those foreigners have to prove a much higher and an almost impossible standard compared with the domestic investors. It is going to happen. Do you think other countries are going to just sit back and take that? They are going to do the same thing. They are going to say: Wait a minute. In France, in Canada, or in whatever country, an American investor who wants to come to that country, assuming he can first get permission from his own United States State Department has to show that the primary purpose in France, or in Canada, or in whatever country is to discriminate against Americans. The American investor cannot prove that. It is almost impossible to prove that the primary purpose in that country was to discriminate against Americans. It is almost impossible.

That is why this amendment, while on the surface it talks about all these cases—and there are going to be cases. There are always going to be cases pending for a dispute settlement action. There will always be. But the mechanism which the Senator from Massachusetts prescribes here, when one reads the exact language of his amendment, has all these very deep flaws. To say there are unintended consequences is to say blithely that there will be dramatic consequences as a result in the consequence of this action, if we are so foolish enough to pass this amendment.

I know that is strong language. I have the utmost respect for my good friend from Massachusetts. But that is what this language does. One has to read the language.

As I said from the outset, we have gone overboard to take the earlier language suggested by the good Senator to make sure that the playing field is in fact level. We have done that. That is in the bill. That is in the bill. But to go further and adopt the provisions now offered by the Senator will have very dire consequences for American investors overseas, and also boomerang against the various municipalities and States.

I hear about a letter stating that the States basically are a little fearful Uncle Sam might do some things that will override their prerogatives. But I don't think the persons who wrote that letter really thought through the full implications of this amendment offered by the Senator from Massachusetts because, if they had, I doubt very seriously many of them would have signed the letter.

I reserve the remainder of my time.

Mr. KERRY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 22 minutes 24 seconds.

Mr. KERRY. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, I will speak to what the distinguished chairman has just said because, once again, this amendment does not do the things that have just been alleged. Let me be very specific about it.

First of all, the chairman sort of brushes off the serious consequences to U.S. interests by the status quo. I would ask him, and I would ask my colleagues, does anybody here believe that the Governor of California made the decision he made with respect to methanol on a discriminatory basis? There isn't anybody in America who would suggest that he did. Yet that case is being brought now. It exists.

The fact is we do nothing to change the standard by which a business would have the opportunity to resolve its investor-state relationship. In fact, we are not declarative as to the issue of expropriation.

What we do in this amendment is seek to define over 80 years of Supreme Court decisions as to what is not an expropriation. We do not say what it is, which is what the Senator was just arguing. We do not define "expropriation." All we do is point out what it is not. We clarify exactly what the Supreme Court has said in the 1993 Concrete Pipe case, where they said: Our cases have long established—this isn't hard to define; these are the words of the Supreme Court—we have long established that mere diminution in the value of property, however serious, is insufficient to demonstrate a taking.

So the Supreme Court of the United States has established a standard which they say we have long established, which Justice Scalia reaffirmed as recently as 1999 in the College Savings Bank case.

So all we are doing is saying that is not an expropriation. But if you allow this law to stand as it does today, it could be an expropriation by the standard that an arbitration panel decides to apply. So we are subjecting our States and ourselves to the resolution of a dispute by a standard that we know has long been established by the Supreme Court to be otherwise. They might define an expropriation to be exactly what the Supreme Court has said it is not.

All I seek to do in this amendment is to say we embrace the definition of the Supreme Court as to what it is not. We do not try to establish what it is beyond what it is not. So, once again, people are grabbing at things to try to make this seem more perilous than it really is.

Moreover, with respect to the screening, the screening applies to a U.S. company applying to a U.S. screening process. It is in our interest to have knowledge that we are not, in fact, engaging in some wholesale discriminatory process that works contrary to the intent of the treaty and that there is a legitimate claim.

But what happens in another country is up to that country. It is up to that country now. If they want to go ahead and bring suit against us, just like the Canadian corporation has done, suing California for $1 billion because they are trying to protect its citizens from the effects of MTBE—and now they are at risk for $1 billion under this silly law the way it stands. It is silly law, and nobody even debated it when it was put into place originally. It has not even been debated. This is the first time we have debated it on the floor of the Senate.

We are seeing a growing number of lawsuits now where companies are coming in and saying: Hey, we don't like that health law. We don't like the definition of "cigarettes." We are going to come in and tell you you can't use those words; you are diminishing our ability to sell cigarettes in your State. So you are taking away our property. Your citizens owe us money.

This is common sense. Sure, we have a lot of people who like the status quo because they profit from the status quo. But that doesn't mean it is good law. And that doesn't mean it protects the interests of the United States. And that doesn't mean it is based on common sense.

I respectfully suggest that what we are doing is a sensible way of trying to establish the high standards of the court system of the United States. What other people want to do in their countries is their business, but this is the way we should set up the screening in ours.

There isn't anybody here who is going to argue that the international business structure is the cleanest or most devoid of corruption today. The United States is one of the few countries that has the anticorrupt businesses practice. As far as I know, in recent years, the French were allowed to deduct bribes on their income taxes. And there are a whole bunch of folks who run around the country offering money under the table, all kinds of different ways.

This will be the first time I have heard people on the floor of the Senate defending the capacity of these other countries to do clean business.

I think we ought to raise the standard. That is precisely what I am trying to do.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Massachusetts has 16 minutes. The Senator from Montana has 19 minutes.

Mr. BAUCUS. Mr. President, I yield to my good friend from Nebraska—how many minutes?

Mr. HAGEL. Seven minutes.

Mr. BAUCUS. Mr. President, I yield 7 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today in opposition to the Kerry amendment. Almost every American who has a pension plan has an interest in maintaining strong investment protections, the kind that we now have in the current trade promotion authority bill.

Almost every pension plan carries company portfolios that invest overseas. If those investments lose value due to unfair, arbitrary, or discriminatory action by a foreign government, then the U.S. company deserves compensation. It is what the U.S. courts offer American companies invested in the United States. It is what U.S. courts offer foreign companies invested in the United States.

The current TPA bill ensures that U.S. companies abroad are afforded the same fair and transparent arbitration procedures that are consistent with U.S. law, practice, and principles.

The Kerry amendment puts into jeopardy this protection. U.S. companies that invest overseas make important contributions to the U.S. standard of living that, in many cases, are greater than those of purely domestic firms. These contributions help to increase U.S. productivity and include: research and development, exports, and investments in capital equipment.

Since 1982, these companies have performed well over half of all U.S. research, and not only research but significant development as well.

Since 1977, these companies have shipped over half to three-quarters of all U.S. exports. Their affiliates are important recipients of these exports and accounted for nearly half of these shipments in 1997.

These companies undertake the majority of all U.S. investment in physical capital in the manufacturing sector; as much as 57 percent in that sector. More than 70 percent of the net income earned by overseas affiliates of American companies returns to the United States. It is a significant number.

More than 70 percent of the net income earned by overseas affiliates of American companies returns to the United States. That means jobs, opportunity, and growth for this country—not overseas, not other markets, but this country. The well-being of these companies is important, obviously, to our economy.

Investing abroad has similar risks that investing in the U.S. has. There is a chance that a local regulation may change the value of your property or your asset. No one wants to have their property expropriated but sometimes the Government determines a public policy need to do so. When that happens, U.S. law and these investment protection provisions in the TPA bill say that the company is entitled to at least compensation.

The purpose of the investment protections is to afford the same protections to U.S. companies in foreign countries that foreign investors get in U.S. courts. Given the developing world's lack of sound judicial systems, there is a need for an investor-state dispute mechanism that is based on U.S. law, practice and legal principles.

The investment provisions in the current TPA bill direct U.S. negotiators to obtain the following, clearly: protections for U.S. companies invested abroad against discrimination in expropriatory actions by foreign governments or for their unfair and inequitable treatment; transparent and open investor-state panels; mechanism to weed out frivolous claims and deter the filing of such claims; procedures for the efficient selection of arbitrators and the expeditious disposition of claims; enhanced public input into the development of government positions; a review mechanism to deal with potential aberrant decisions; protections on expropriation consistent with U.S. legal principles and practice; and protections on fair and equitable treatment consistent with U.S. legal principles and practice.

The TPA bill contains mechanisms that address the legitimate criticisms we have heard over the past year about the investment provisions in the North American Free Trade Agreement chapter 11 investment section. We have heard much about that in the debate this afternoon.

As plainly and clearly as I can say it, there is no need for the Kerry amendment. I urge my colleagues to oppose the Kerry amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my friend from Nebraska. I might go further and say, not only is there no need for the Kerry amendment but it would create huge problems for Americans in America and problems for Americans overseas. Whether they are intended or unintended consequences, I am not sure, but those consequences are real.

I must repeat, the underlying bill was changed in the Chamber to include language suggested by the Senator from Massachusetts, Mr. KERRY, that solves all the problems he has now been talking about.

What are they? Essentially if you listened closely to the cases he has been talking about, the concern is that a foreign investor might have superior rights compared to a domestic investor. The language we adopted says clearly that foreign investors have no greater rights than a domestic investor. That is the language in the underlying bill. We are talking about trade promotion authority. We are talking about fast track. We are talking about negotiating objectives. We are talking about what we would like our executive branch trade negotiators to work toward, the guidelines under which we are giving them to work.

One of the guidelines in the current bill is that foreign investors would have no greater rights than domestic investors in investor-state dispute settlements. That is clear. All the problems the Senator from Massachusetts talked about are already taken care of. That is why in many respects the statement by the Senator from Nebraska is true. It is unneeded. The problem is already cured in the bill with the inclusion of the language that foreign investors enjoy no greater rights than domestic investors.

If you look at the actual language of the amendment, not only is it not needed, it creates a whole host of additional problems we just don't need to have. One is when we try to define what expropriation is. We can't redefine the Supreme Court's definition of what expropriation is. That is up to the Supreme Court to define so long as it applies equally to domestic and foreign as the underlying language provides.

Second, he creates an initial hurdle that a domestic investor has to get approval from his host government before he or she could seek redress of rights in the foreign country. For an American investor that means the United States Government and the State Department and, who knows, the Treasury Department can get involved and say, we have problems with the other country. We don't know if we want you to proceed with your case in the other country; we don't want you to do that. That is what is called for by the Senator's language.

In addition, he suggests that a foreign investor cannot bring a claim presumably in the United States unless that foreign investor can prove that the underlying action by the municipality or the State was primarily to discriminate against the foreign investor, an almost impossible burden to meet. Clearly, if we create that almost impossible burden for foreign investors in the United States, other countries can do the same. This means that other countries, under the guise of public health and safety and environmental protection, could discriminate against the United States in a very subtle way and discriminate against U.S. investors as opposed to their own investors, but make it very difficult, if not impossible, for the U.S. investor to prove that the primary purpose of that other country was to discriminate against the United States. That is what this language says.

I am not talking about potential problems. I am talking about the exact language of the bill. I will run through them again. It tries to define—incorrectly—what constitutes a taking under the fifth amendment of the Constitution and, B, it requires that a host investor get permission of the host government and, C, sets the impossible standard that a foreign investor must show that the primary purpose was to discriminate against him in seeking redress in a foreign country.

That is going to boomerang against the United States. The main point, taking care of all the problems suggested by the Senator from Massachusetts, there are no problems left. We handled it. It is in the bill. Second, the additional language that he suggests is just going to cause a whole host of problems that we don't need, to put it mildly.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Montana has 8 minutes, and the Senator from Massachusetts has 16 minutes.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank Senator BAUCUS for how he has worked in a team with those of us who worked this compromise out to defeat a lot of crippling amendments. I see this as the last crippling amendment. Senator BAUCUS and my colleagues on this side of the aisle have already made strong arguments why the amendment ought to be defeated. I add my thoughts to theirs.

Senator BAUCUS and I took great care to address concerns raised about potential abuse of the investor-state dispute process. At the same time, the bill recognizes that protecting U.S. citizens abroad is also an extremely important objective.

This amendment threatens to undermine the bill's careful balance in two ways.

First, it ignores the delicate political compromises needed to pass this bill. In doing so, it jeopardizes passage of both trade adjustment assistance and trade promotion authority.

Second, the bill undermines the careful substantive balance outlined in the bill. Under the guise of protecting Government's ability to apply health, environmental and safety regulations, it takes away the rights of U.S. citizens to receive a fair and impartial hearing when their property is confiscated overseas.

Let me give you an example. In 1972, the Pakistani Government nationalized ten schools belonging to the Presbyterian Church of America. For the past 30 years, the Presbyterian Church has been trying to recover their investment. Even after the Pakistani Supreme Court ruled in 1992 that the state could not take their land, Pakistan continued to deny the church its property.

It should not take 30 years for a church to recover its own property, but that is what the current state of play in too many parts of the world. And that is why we need strong investor-state dispute settlement procedures. Let me give another example.

Nearly 30 years ago, Richard Bell, a U.S. citizen living in Costa Rica, had his property expropriated by the Costa Rican Government for a national park. Despite assurances from several Costa Rican administrations that the matter would be resolved, it took until October 2001 before Costa Rica entered into a framework agreement with Mr. Bell to submit the issue to arbitration. And that agreement would never have been reached without hundreds of hours of U.S. government assistance. Mr. Bell declined to use the Costa Rican courts due to extensive delays associated with the judicial system. In hindsight, 10 years in the judicial system does not seem so bad.

Not every country in the world provides quick access to justice like the United States. The amendment would hurt our ability to help these citizens. And I think that is a mistake.

As Stuart Eizenstat, former deputy Secretary of the Treasury during the Clinton administration wrote recently in an editorial:

> By demanding that the Senate both reduce investors' protection against expropriation and force investors to obtain permission to file claims before tribunals, the critics would

> strip U.S. investors of key protections and potentially to politicize the dispute settlement process.

The ability of U.S. citizens to invest abroad and foreign citizens to invest in the United States is not something to be taken for granted. For the last 25 years, each successive administration has recognized that it is critical to negotiate strong, objective and fair investment protections in our international agreements to continue to promote such investment. These traditional investment protections are largely based on U.S. law and policy and established international law.

The bill carefully balances concerns about the investor-state dispute settlement process without weakening core investment rules that serve America's interests. The degree of support for the final product is demonstrated by a strong bipartisan committee vote of 18 to 3 in favor of the bill.

I urge my colleagues not to upset this careful balance. Again, let me quote from a recent editorial by Stuart Eizenstat:

> The Senate should approve the Baucus-Grassley Fast Track bill without delay and should resist attempts to weaken investment protection rules that embody core values of the United States: respect for private property, nondiscrimination, and the right to appear before an independent and impartial tribunal.

This amendment undermines these core values. I urge my colleagues to reject it.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Massachusetts has 16 minutes.

Mr. KERRY. And the opponents?

The PRESIDING OFFICER. They have 4 minutes.

Mr. KERRY. Mr. President, I yield myself such time as I may use.

Let me respond to the distinguished ranking member. What he read was a Supreme Court case about eminent domain. That is completely separate from what I am seeking to address. It has nothing to do with what my amendment does. He talked about the Supreme Court and the standard with respect to the right of our companies to seek redress if a government takes their property. That stays exactly the way it is today. That is expropriation by eminent domain.

What we are talking about is exclusively regulatory action, when a government takes regulatory action, passes a law to implement environmental standards, or a health standard, and a company then comes in and claims that the particular regulation was purposefully to discriminate against that company, not for the welfare of its citizens.

Now, are the Senators saying we should not require that appropriate standard, that you ought to be able to win a regulatory expropriation when it is discriminatory? That is not a problem; that is a standard. That is an appropriate way to measure whether or not a regulation reaches too far or is appropriate.

Let me be very precise about how this works. Consider the MTBE ban in California. Nine States have now followed California's lead. California—and the Governor or the State—is being sued by a Canadian company claiming their removal of methanol is discriminatory. It is geared as an expropriation that has taken their value. Nine States have now done the same thing. Are they all going to be subjected to suit? Are we going to have every company have the ability to come in and say, we think you are just passing this, whether or not you have hurt our business, so they settle for just $175 million? That is what I talked about—a nuisance settlement of $175 million that comes out of the taxpayers.

Chapter 11, as it currently stands, is being used to threaten governments from enacting public health measures. Here is an example: The Canadian Government has sought to ban the use of the words "light," "mild," and "low tar" from cigarette packaging, and Philip Morris recently issued a warning to Canada that, under NAFTA, Canada must compensate foreign investors when measures expropriate investments in Canada. So Philip Morris is warning Canada that their use of the words "light," "mild," and "low tar"—banning those words—is taking value away from Philip Morris. Should that be subjected to a standard of being discriminatory against Philip Morris, or to a standard of, is that a legitimate health concern of the Canadian Government? It works both ways. It absolutely works both ways.

Now, there are three significant areas where the Baucus bill, as amended, falls short. No. 1, it does not ensure that the long-held U.S. Supreme Court case law on expropriation on what is not expropriation is upheld. I reiterate, we are not defining expropriation. We are simply saying that under the long-held U.S. case law this particular kind of reduction of business is not when an expropriation ought to apply because otherwise a secret—we don't have any right to know what the deliberations are, we don't know what the standards are. It is an arbitration panel of three judges of another country that is going to decide. We think that is an expropriation.

The second thing is that I do not rule out the possibility that an investor could bring an expropriation case. We simply limit the use of an expropriation standard to those cases in which U.S. case law recognizes regulatory taking. Secondly, we provide a protection for legitimate public interest law.

The amended bill does not guarantee that a legitimate domestic law is protected. My amendment provides safe harbor for Federal, State, and local laws and regulations protecting public health and safety and the environment, except when the action taken is primarily discriminatory. That is an appropriate standard to apply, and that is what we ought to vote for.

The current bill allows claims to be decided on a question of whether the free flow of goods or capital is impeded by public health. That is not a standard we should want to adopt in our country.

Thirdly, we uphold the principle of due process. The principle of due process is somewhat close to the international law of what is called fair and equitable treatment. But fair and equitable treatment is completely vague. We don't know what it means. We don't know how that standard has been applied. It can mean many things. One thing we have tried to do over the years in this country is define clearly under the due process clause of the U.S. Constitution what process is, what rights attach to people. If the concept of fair and equitable treatment remains the guiding principle of the investor-state dispute panels, without further clarification, then you have a very real risk that those panels import a different legal standard into their consideration than that which our U.S. companies have a right to expect.

I believe American companies win with the passage of this amendment because, in fact, it has the practical effect of making future investor-state arbitration panels have their rulings based on concrete, well-defined U.S. laws, rather than nebulas, uncertain, unclear, international precedents.

Under my amendment, an American investor can win before an arbitration panel if they show they were discriminated against on the grounds of national treatment or if the offending regulation is enacted or applied in a discriminatory, purposeful fashion.

If a foreign government passes legislation that is discriminatory, of course, an investor will be able to seek compensation. There is nothing in this legislation that diminishes their capacity.

What I sought to do in my amendment originally was to guarantee that no foreign investor would have greater rights than a U.S. investor. The amendment by the chairman simply says they will not have lesser rights. It does not protect their right to guarantee that a foreign investor will not have greater rights. That is what this is about.

I hope my colleagues will help American businesses to be properly and adequately protected and our States to be protected with their laws of public purpose: to protect the environment and protect our health standards.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to both sides.

The Senator from Montana.

Mr. BAUCUS. Mr. President, there are many statements the Senator made with which I take issue because they are inaccurate. One of the most inaccurate is the last statement the Senator made, that there is nothing in the bill to make sure foreign investors are not accorded greater rights than domestic investors. This is the Kerry language which we provided for in the underlying bill—not the Kerry amendment now being offered, but Kerry language he suggested earlier.

Let me read it:

> Insert the following: foreign investors in the United States are not accorded greater rights than United States investors in the United States.

That is what is in the bill. So his statement to the contrary, that there is nothing in the bill that assures foreign investors do not have greater rights than domestic investors, is inaccurate. We already include it in the underlying bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the Senator is correct, that is the language that was used, but it is preamble language. It is in the preamble. It has no teeth. There is no substance to it. What I am trying to do is guarantee in each of these categories that there are teeth, there is substance in the law that, in fact, guarantees you will not have those greater rights because still all of this is subject to the international panel's application of standards; they ultimately will decide.

Unless we establish some standard by which to measure it, that is literally a statement without any enforcement mechanism whatsoever.

I reserve the remainder of my time.

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes to the Senator from Massachusetts and 2 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I will take 1 minute. This debate is devolving into little details. In my 1 minute, let me say, again, the Senator is inaccurate because we are talking about negotiated objectives in the bill. They all have the same force and effect. That is, the language referred to has the same effect as it would for another part of the bill. We are talking about negotiated objectives given to our negotiators as they try to negotiate other agreements.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. GRAMM. Mr. President, I will take just 1 minute of time. Let me first say there is much about the argument by the Senator from Massachusetts that, first, I do not understand and, second, I do not agree with.

First, let me say I was puzzled by his reference to lawsuits and Republican opposition thereto. If there is any principle I believe in, it is the right of people to protect their property.

Second, it seems to me that the Senator has written an amendment that addresses no legitimate concern because in the 57 years we have had investment treaties giving investors in America the right to go to arbitration to have their investment protected, no one has ever won a suit against the United States of America.

And meanwhile, American investors use these rights every day in every developing country in the world. They make the difference between confiscation and destruction of American investments, and the protection of American investments and the jobs that flow from them.

The Senator argues that nothing in his amendment lessens the rights of American investors. Nothing could be further from the truth. His amendment would require investors to get government permission to protect their basic property rights. Governments would have to sign off in order for investors to obtain protection of their property. Nothing could be more alien to the American system than that notion.

His amendment also deems exempt those State and local laws and ordinances related to a series of issues—such as health, safety, environment, or public morals, whatever that is—unless the laws and ordinances were intended solely to take investor property. That new standard would run counter to our notion of discrimination—which looks at impact not intent—and would be much harder to breach. Finally, the Kerry amendment says that your property is protected only if the taking is complete. That is little consolation to an American investor.

I urge the rejection of the Kerry amendment.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator's time has expired.

All time remaining is that of the Senator from Massachusetts.

Mr. KERRY. Madam President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. KERRY. I will not use all that time.

The Senator from Montana is correct, we are reaching the end. Let me once again answer my friend from Texas and say we have established screening mechanisms with respect to certain kinds of cases all through our country. Lawyers have accepted the notion—we even have rules in the Federal court under rule 11, if I recall it correctly, which seek to deal with the question of frivolous lawsuits.

What we are trying to do is recognize that we want to establish some order in the system. I think most people would agree that the challenge by the Canadian company to the California statute with respect to MTBE is frivolous. No one here would believe that is somehow discriminatory or a taking; nevertheless, we have a lawsuit. California taxpayers are exposed for the potential of $1 billion for what was a legitimate health effort.

If people think that ought to be tying up the arbitration panels of rule 11, go ahead and vote for it, but I do not think it should. There ought to be some kind of mechanism by which you have a signoff on whether there is a legitimacy to the claim. Since it is your own Government making that judgment, particularly with respect to a U.S. business interest, it is really hard to conjure up a scenario within which they are not going to be pretty permissive if there is some legitimacy to a claim.

What we really see here is resistance to the notion that we should raise the standard of international behavior with respect to the potential of what is or is not a cause for action in an expropriation. I submit to my colleagues that the standard here is vague. The standard is now carried out in secret. It is carried out according to standards that our businesses do not know and cannot anticipate.

It is carried out by a standard that is less than the rights afforded our businesses under the U.S. Constitution; less than those rights, according to the due process clause, the fourth and fifth amendments; and less than those rights according to the settled case law of the Supreme Court of the United States for a long period of time, to quote the Supreme Court itself.

I believe we should put in some objectives which state clearly what we would like to have negotiated. All of this is a negotiating objective. I do not deny what the Senator has said. These are goals. But why not be precise about what we want negotiated and the standards that we think ought to apply?

If they find the kind of problems the Senator from Texas is saying, they will not negotiate it the same way. These are all objectives. Let us vote for a standard and an objective in the negotiations so we arrive at the better protection of American businesses with respect to expropriation and we do not submit our States to a series of frivolous lawsuits as they are currently and we do not allow a process of intimidation to take place between company and government as we see in the Philip Morris-Canada situation with respect to smoking.

That is what this vote is about. Since this is not the meat and potatoes in the end anyway, what we vote is not the final word. What we are voting is an intent and a direction, and I hope my colleagues will vote the intent and direction of raising the standard by which the U.S. businesses are going to be treated in the trade resolution process.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, is all time yielded back?

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Madam President, I move to table the Kerry amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—55

Allard
Allen
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Cochran
Craig
Crapo
DeWine
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—41

Akaka
Bayh
Biden
Boxer
Byrd
Carnahan
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—4

Domenici
Gregg
Helms
Hutchinson

The motion was agreed to.

Mr. REID. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. REID. Mr. President, on rollcall vote No. 121, Senator BIDEN voted "aye." It was his intention to voted "no." Therefore, I ask unanimous consent that Senator BIDEN be permitted to change his vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Madam President, the Senator from West Virginia, Mr. ROCKEFELLER, wishes to speak in morning business in regard to the American soldier who was killed the day before yesterday in Afghanistan. I ask unanimous consent that the Senator from West Virginia be recognized for up to 10 minutes to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. ROCKEFELLER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that amendment No. 3442 be temporarily set aside. I have spoken to Senator DORGAN, and he is in agreement. The managers of the bill are trying to work something out on this amendment. So I ask that it be set aside.

I also say, for the edification of Members, that immediately Senator DORGAN is going to speak, as there is a unanimous consent agreement pending allowing him to do so, for up to half an hour on the Cuba amendment he offered. Following that, Senator TORRICELLI is going to offer amendment No. 3415, under a half-hour time agreement, evenly divided. Then we are going to go to a Grassley amendment that he is going to offer.

This is about as far as we will be able to get this evening, the majority leader has indicated. So that is where we are. We will have something more definite as soon as Senator DORGAN finishes his statement on Cuba. We will have something written up so people know more definitely what this will be.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 3439 WITHDRAWN

Mr. DORGAN. Madam President, it is my intent not to take the 30 minutes. But I do want to make some comments about an amendment I have offered that is now pending, amendment No. 3439. This amendment deals with language that was in the farm bill that passed the Senate and went to conference dealing with the ability to sell food to Cuba.

As my colleagues know, we have had an embargo with respect to the country of Cuba for some four decades. That embargo included, for most of those four decades, an embargo on the shipment or sale of food to Cuba. That changed a couple years ago because my colleagues and I decided that an embargo ought not include an embargo on food shipments, that using food as a weapon is not the appropriate thing to do.

So we lifted that embargo with respect to food, though it was lifted in a very narrow way. And the Cubans have been able to buy American food, especially following the hurricane in Cuba. They have purchased $75 to $90 million worth of food from this country now. It has to be purchased with cash, and they have to do it through a French bank in order to accomplish the transaction.

In fact, following the vote in September of 2000, where we allowed food to be sold to the Cubans, one of the people who opposed that, a Congressman from Florida, said he was satisfied that the language in the legislation was restrictive, making it difficult for the United States companies to do business in Cuba because they will have to go through third countries for financing. In point of fact, he was saying it is going to make it very difficult for us to sell food to the Cubans.

We agree that it is difficult. As a result of that, we put legislation on the farm bill in the Senate by a very significant vote. That legislation says that Cuba could access private financing in this country for the purchase of food from the United States. No government subsidies at all, just private financing, if they can find private financing. We included that in the farm bill that left the Senate and went to conference and got stripped out of the conference, even though the House of Representatives had a vote. They voted 273 to 143 to endorse the Senate plan for more trade with Cuba.

So the House has spoken on this issue. The Senate has spoken on it. By far, the vast majority of both the House and the Senate said we do not want to use food as a weapon. Let's be able to sell food to the Cubans, if they want to buy food. If they want to access private financing, they can access private financing, if they can find it somewhere. But let's not make it more difficult for those in the world who need access to that which our farmers grow in such abundance to have access to that food—let's not make that more difficult.

There are some who still are rooted in the 1960s. This 40-year embargo with Cuba has not succeeded through 10 United States Presidents. It just has not succeeded.

I do not stand here suggesting that I have any sympathy for the Castro regime. We need to, as a country, persuade Cuba to move towards democracy, move towards greater human rights. I believe we will best do that by doing just as we do with China and Vietnam—both Communist countries—

engaging them with trade and commerce and travel.

I believe we will best do that in Cuba in exactly the same manner. That is why I believe that changing our laws with respect to trade, especially with respect to food, and also with respect to travel, will be the method by which we move Cuba and move the Castro government towards a day when there will be open elections in Cuba, democracy, and a better record on human rights in Cuba.

There are some in this town who do not agree with me. And I respect that. But I tell you, I wonder, for the life of me, how does someone really believe that our selling chicken gizzards, turkey legs, pork lard, wheat, and dried beans to Cuba undermine the interests of the United States? Does anybody really believe that, that the sale of these agricultural products to Cuba undermines the economic interests or the security interests of the United States? No one really believes that any longer.

So I do not believe we ought to use food as a weapon anywhere in the world, under any circumstance. That does not hurt Fidel Castro. He has never missed breakfast or dinner because this country decided it will not sell food to Cuba. But the poor, sick, and hungry people in Cuba, who have missed a lot of meals, they are the ones who hurt from this country's policy of using food as a weapon.

So this amendment is very simple. It lifts, ever so narrowly, that portion of the embargo that deals with food and allows Cuba to purchase food from this country with private financing—not public financing, just private financing.

Why should our farmers be the victims of a foreign policy that doesn't work? Why should our farmers be told that they cannot sell their crops to Cuba using the kinds of private financing that are common to agricultural sales involving other countries? That doesn't make any sense to me.

I know my colleague from New Jersey has a different view on this. Let me, if I might, out of my time, yield to my colleague from New Jersey for 4 minutes.

(Mr. REED assumed the chair.)

Mr. TORRICELLI. Mr. President, I thank my colleague from North Dakota for yielding me this time.

There are profound differences in the Senate over American policy towards Cuba, as there are divisions in the United States. For 40 years, the Cuban people have seen their nation enslaved by an alien ideology. The Cuban people, who by their nature are independent, industrious people, entrepreneurial in spirit, strong of faith and nationalism, have seen their country's independence compromised by foreign alliances, their sense of entrepreneurship compromised by communism, and the free spirit of the Cuban people dampened by state control over almost every facet of life.

Ten years ago, this Congress recognized that America was maintaining a fiction in its policy toward Cuba. We pretended to have an embargo but allowed American corporations to trade with Cuba through Europe. We said we were offended at human rights violations in Cuba, the denial of all basic rights, but we maintained normal economic enterprise through our allies. The Cuban Democracy Act and then the Helms-Burton Act, under the Clinton administration, changed these circumstances. That issue is now before the Congress again, and it is a good debate.

As certainly as Senator DORGAN feels the need for change, I rise in the belief that what is required is not change but more time. It has admittedly been a long time. I cannot say with any satisfaction that the policy has yielded any results. I can only tell you that American policy is justifiable, morally and strategically, and that the burden of change is not with us. The United States Government has no argument with the Cuban people. It is for this reason that American law has exempted food and medicine and cultural exchanges and media visits from the embargo.

For 10 years since the modern embargo was written, the U.S. Government has made concession after concession. To the Castro government we allowed the opening of news bureaus in the hope that Castro would institute some reform, and there was none. The Clinton administration allowed charter flights so tourists could visit in the hope there would be some concession from Castro, and there was none. We believed that if we would loosen up visas for tourists to begin to visit in some small numbers, we would get some reciprocal action by Castro, and there was none—time and time and time again. Indeed, in the licensing of food deliveries and other economic enterprise, every single request that was made of the Treasury Department was granted, concession after concession.

What is it we sought? Some small indication from Havana of change. If Fidel Castro had done anything, a single opposition newspaper, one; an election in a small town, one province; a single political party in opposition—anything—there would be no embargo today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TORRICELLI. I ask for 1 more minute.

Mr. DORGAN. I yield an additional minute.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. TORRICELLI. Under American law, the moment the President of the United States has certified there is a free election in Cuba, by law there is no embargo. I know Senator DORGAN and I will address the Senate on this issue at another day, another time, on another piece of legislation. It is an important debate for the Senate. On this day I did not want Cuban Americans to believe that this Senate is of one mind. I believe in defeating Fidel Castro. I believe the Cuban people can still live to see a free day. I don't intend to yield the fight until we reach that day.

I thank the Senator from North Dakota for yielding the time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague and I share the goal of democratic reforms in Cuba and human rights in Cuba. It is just that I believe that the quickest route to changing the Government of Cuba is not through a policy that for 40 years has been a failure but, instead, by developing policies that we have decided work in China, Vietnam, and elsewhere, policies of engagement.

I believe very strongly that having unfettered trade with Cuba and United States citizens traveling in Cuba is the quickest way that exists in order to bring democratic reform and human rights to Cuba.

It is interesting to me that in the early 1970s, it was Richard Nixon who went to China. When he went to China, do you know who was the leader of China? Mao Tse Tung, a repressive Communist leader who virtually obliterated human rights in China. Richard Nixon went to China and began an engagement with China to open and expand trade and travel with China over a period of years.

Now in the Senate we hear people say, when we have these votes, engagement with China is the way to bring China along on human rights and democratic reforms. Engagement with China, a Communist country, is the way for us to accomplish that goal. They say that with Vietnam as well, a Communist country. Engagement with Vietnam, more trade, more travel, more engagement will move us towards greater human rights and greater democratic reforms in China and Vietnam. But they say that logic does not exist with respect to Cuba. Why? For 40 years this policy has existed, and for 40 years it has failed.

Despite the fact we have opened a crevice dealing with the sale of agricultural products to Cuba, the State Department and the administration are not helping us move food to Cuba when Cuba wants to buy it for cash. The head of Alimport, which is the agency that buys food for Cuba, applied for a visa to come to the United States. That visa was revoked. Why? Because they indicated on a previous visit to the United States, the head of Alimport, Mr. Pedro Alvarez, seemed to do things that were undermining our country's interests. What were these things? He said in the United States that he hoped Cuba could buy more food from the United States. That undermines our country's vital interests? I think not.

I always find it interesting the way our country handles these issues, not just this but trade issues generally. We use trade as a way of creating foreign policy to punish and reward. I have spoken before about this. We have this little trade disagreement with Europe. Europe slaps some prohibitions on hormone beef coming from the United States. What is our response to Europe? We slap big penalties on Europe. We take aggressive, tough action against goose liver, truffles, and Roquefort cheese. That is enough to scare the devil out of anybody. We are going to take action against your goose liver.

Going to Cuba, Pedro Alvarez wants to come to this country because he wants to buy—if you don't mind my reading a few of these things—chicken innards, chicken gizzards, chicken entrails, pork trimmings, yes, pork loins, wheat, corn, soybeans, dried beans, eggs. The list is a long list.

Does anybody really think that any part of this as a sale to Cuba is going to undermine the interests of our country? Does anybody really think that? I don't think so.

My colleague from New Jersey always states his case well. I understand his point. Neither he nor I wants to give comfort to a government that doesn't respect human rights.

But this isn't about giving comfort to the government. This is about our responsibility. Our responsibility, in my judgment, is to decide as a country that it is not a moral policy to use food as a weapon. I hope we never again use food as a weapon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. In the final 30 seconds I have remaining, I intend to withdraw my amendment No. 3439, and I will explain why that is the case. Some of those who have cosponsored amendment No. 3439, and who support us on all of these issues when we vote on Cuba issues, have indicated to me they would feel constrained to support a tabling motion only because it would exist on trade promotion authority, and they don't want to jeopardize that legislation in any way. They have indicated they would support this proposition that I offer on future legislation. So it is my intention to offer it on an appropriations bill.

I ask unanimous consent to withdraw amendment No. 3439 at this moment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 3415

Mr. REID. Mr. President, it is my understanding now that the business before the Senate would be No. 3415, the Torricelli-Mikulski amendment.

The PRESIDING OFFICER. That is correct.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, for more than a century, American workers have made enormous progress in their working conditions and securing their most basic rights in the sale of their labor. It is the foundation of our very economy that the United States uniquely created circumstances where those who made products had decent enough wages to buy them. Those who were engaged in the production had sufficient leisure time to enjoy the fruits of their own labor. People fought and died for these rights in the labor movement. They were not given easily, not simply established, but fought for by a generation of workers.

Those rights are very much now at issue as the Senate debates the expansion of international trade and fast-track authority for the President in new bilateral agreements.

The question arises on the sanctity of these rights and their ability to be defended in an international context. What does it mean to American workers to have the right of association, the right to organize and bargain collectively, the prohibition of forced or compulsory labor, minimum wage, prohibitions on child labor, maximum hours, or safety conditions?

Regarding the issue before the Senate, if we are to engage in these new international labor agreements, are we creating a situation where Americans can continue to have pride that we afford these things to our own people, to our own workers, while seeking the benefits of lower prices and cheaper goods through cheaper labor? Are we sending American workers into competition with those who enjoy none of these rights?

Is there not some degree of hypocrisy? We want these things for our workers, but we put our workers in a situation of competition with workers in China, Latin America, or Africa who enjoy none of these rights. Indeed, what meaning will it have to claim these things for ourselves if we allow products into America from nations that guarantee none of these rights?

The examples around the globe are as striking as they are compelling. Human Rights Watch recently released a report documenting child labor; and obstacles to unionizing on banana plantations in Ecuador, the world's largest exporter of bananas. The report noted "children as young as 8 years old working long hours in hazardous conditions, exposed to toxic pesticides, drinking contaminated water, using sharp tools, hauling heavy loads and, in some cases, suffering sexual harassment."

I am told that it is progressive to be arguing on the Senate floor for fast track, for labor agreements with all nations, with no conditions on labor rights. I am told that is progressive.

What is progressive in allowing products into the United States made from child labor, exploited children? What is progressive about not insisting that these basic rights be afforded to those whose products will come into America, those who use the products. Nations who import these goods cannot morally separate themselves from the means of production. If you buy it, if you import it, if you negotiate with the countries that cast a blind eye to the sexual harassment, the exploitation, the long hours, the unsafe conditions, the contamination, the sickness, and the death, you are part of the problem. You are not only condoning it, you are encouraging it by providing a market for it.

So I rise today not only for our own workers who will be forced into competition with these conditions to survive, making the right for minimum wage, to organize, for health benefits, for retirement, for safe conditions meaningless given the competitive circumstances in which we place our own companies; I also rise for their people because in this competition no one succeeds. It is a competition of exploitation. Everybody loses.

The same human rights report documenting abuses in Ecuador found that workers feared dismissal if they even attempted to unionize and are replaced by "permanent temporary" workers. So not only are these conditions horrific, there is no chance through collective bargaining, through the exercise of union rights, to redress the grievance. If you told me that conditions in these nations were abhorrent but that through trade workers would organize themselves, they would be guaranteed better rights, conditions, and labor, it would be something worth attempting. The marketplace will not improve these conditions. Forcing American workers to compete with these companies in these circumstances will become a near permanent condition.

There are many industries that are facing these same circumstances. It is not simply agriculture. It is the garment industry, it is the footwear industry, and it is not simply Latin America.

Indeed, China in some cases may be the most egregious, offering low wages, weak labor laws, and suppression or control of all trade activity. In China, this has been particularly true in garments and footwear in which retailers subcontract orders to the absolutely lowest bidders with no inquiry, no control, perhaps not even any interest, in the degree of exploitation.

There is something wrong with this system, and I do not know how it is corrected. Amendment after amendment is lost on this Senate floor. People rise for footwear, but it can be lost for garments and for agriculture. If it was exploitation of somebody else in another country, it is their problem, not ours. On the contrary.

I want affordable goods for the constituents of my State as much as any Senator. I believe in free, fair, open competition as much as anybody. I believe in the ability of the American worker, American business to compete with anybody, anywhere, anytime on a free and fair basis. But who here believes there is something to be gained by competing with what amounts to slave labor in conditions of death and exploitation? Who believes any American worker in any industry could survive that competition? And, indeed, are we not replete with examples of the fact that they cannot?

I do not know how these circumstances ever change. I know that if America were going to the lowest bidder for businessmen, I know if we were looking around the world for the cheapest possible bankers and financiers, I know if there were no working conditions for lawyers in India, Pakistan, or Latin America and we were importing that labor, it would get someone's attention. But garment workers, footwear workers, agricultural workers, have they no advocates? Is there no concern for the competition in which we put our people in these circumstances? There is concern, but there is a minority.

I have heard enough of this debate. I have watched enough votes. I have seen every Member defeated on every amendment to know mine will be no different. They are hollow words, but they will be read again. We do an injustice to the American workers. We do an injustice to those in developing countries who only want the right to form their own unions, the basic protection of themselves and their families.

The monarchies of Europe in the 18th and 19th centuries faced similar circumstances. Europeans, even in those governments, could have raised their standard of living by getting cheaper products from nations that practiced slavery, and very often they would not; they would not be part of it.

What, I say to my colleagues, is the difference from importing products during that exploitation—from the exploitation of children who are worked at 8 years old for little or no wages; people who are locked in dormitories at night so they cannot leave the factory; people who are paid in script, not money; people who work because they have no choice or die? Different centuries, different words, same results: Human exploitation.

The President wants authority to negotiate with a series of Third World nations to enter into free trade agreements with the United States. If we were here on a different basis, I not only would vote for that authority, I would offer the bill. I would be here arguing for it every day. What separates us is not a desire to open markets or have free trade, it is the simple conditions of doing so.

If I believed George W. Bush would negotiate free trade agreements insisting on the rights of foreign workers to organize, or a minimum wage, or child labor, this would be the right thing to do.

The language before this Senate does not contain any requirements to bring the domestic laws of any nation into the compliance of the ILO conventions, guaranteeing protection against the most egregious violations of workers. It requires nothing, so that is exactly the kind of support I intend to give it: Nothing.

Under my amendment, workers' rights provisions would be assured just as we are protecting intellectual property or investor rights because it is not as if there are not some assurances to some Americans in fast track. If you own a patent, we will defend you. If you have intellectual property, the U.S. Government will respect it. But if you are the heirs of garment workers and agricultural workers, the rights you fought for—protection from being in competition with a child for labor, not to compete with someone who earns under the minimum wage—you will get none of those protections at all.

I regret the Senate has come to this point, and I regret that we could not come to common terms in how to engage in international agreements to open borders. It did not have to be. While I know my amendment may not succeed, I assure the Senate we will visit this subject again. There is just so much we can lose, so many industries that can be lost, so many American workers we put in competition with people in desperate circumstances.

The downward spiral of living circumstances of working families in America, the loss of benefits, wages, industries, communities, is just so much of a burden that can be borne until we insist not simply on opening markets, but opening them on some common basis of respect for human rights and human dignities in international labor.

I thank my colleagues for the opportunity to offer the amendment and to address this subject.

Mr. CORZINE. Mr. President, I rise to lend my support to Senator TORRICELLI's amendment which would require prospective trading partners to ensure that their domestic laws provide adequate labor protections. The amendment calls on countries interested in trading with the United States to conform their labor protection regime to the labor standards of the International Labor Organization's Declaration. The amendment would further require that the worker rights protections including in the underlying legislation be subjected to the same dispute resolution mechanism as other areas.

For far too long American businesses have been operating at a comparative disadvantage. Through years of improvements, the United States today provides its workers with a market basket of protections: the 40-hour workweek, the minimum wage, OSHA standards. But, as the business community has long pointed out, each of those protections comes with a cost as well as a benefit. It costs more to provide workers with a fair wage. It costs more to provide a safe workplace and allow workers to associate freely. It costs more to treat workers with dignity. It is a cost of doing business in a democratic society.

Other countries take advantage of lax worker protections to attract manufacturing companies away from pro-worker regulatory regimes. Developing countries desperate for economic improvement are in a regulatory race to the bottom, putting downward pressure on international wages and working conditions. Sacrificing decent working conditions and base salaries may give these countries an edge in industry, but it puts their workers at risk.

The Baucus-Grassley bill was correct to put worker rights on the agenda of U.S. trade negotiators, but it did not go far enough. This amendment would guarantee that the worker protections included in the bill can be enforced through the dispute resolution process. If it makes sense to enforce the investment protections included in international agreements, it makes as much sense to enforce labor protections.

We must establish a level playing field for all countries. No country should feel pressured to exploit children or undermine worker safety in an effort to attract development dollars. And no country should be put at a competitive disadvantage for providing its workers with basic protections or with basic dignity.

I urge my colleagues to support Senator TORRICELLI's amendment, which seeks to ensure that the United States puts its national values into practice and considers the rights of workers throughout the world when it frames international trade agreements.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 3415.

The amendment (No. 3415) was rejected.

Mr. GRAMM. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding, pursuant to the previous order, that the Republicans have indicated they want to offer an amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are waiting for Senators GRASSLEY and BROWNBACK with respect to a sense of the Senate regarding granting Russia PNTR benefits. I hope those Senators can come fairly quickly because as soon as they do we can take up that resolution.

In the meantime, I will say a few words about the health provisions included in the pending legislation. I say from the outset that I am extremely pleased about these provisions. They represent, first, a true bipartisan compromise, the result of months of negotiations, and, I might add, lots of concessions on both sides.

After all that effort, I believe we have reached an agreement that will provide real, genuine help to families affected by new trade policies.

Before describing the proposals, I commend Senator GRASSLEY from Iowa. Many people spend a lot of time talking about bipartisanship in this town, but Senator GRASSLEY does more than just talk. He is bipartisan. His efforts on this issue and others were crucial to getting a workable bipartisan compromise. I am happy to have him as my partner on the Finance Committee.

What is the proposal? The proposal provides a 70 percent tax credit for health insurance premiums to workers who participate in trade adjustment assistance, known as the TAA program. This tax credit is advanceable and it is refundable. That means workers displaced by trade will not have to pay the full cost of their health insurance and then wait to be reimbursed when they file their tax returns the next year. They get the help up front, when they need it.

Employees can also use this credit for a number of health insurance options. Those include maintaining their existing health insurance under what is known as COBRA coverage; purchasing insurance through a State high-risk pool or comparable coverage that the State has established; a State employee benefit plan or comparable coverage; they can purchase through a State-operated health plan; or coverage purchased through a private pool.

Some Senators expressed concern about the impact on workers with individual market policies. And they argue it will take a long time to establish a State group coverage option. These are good points. They are valid. We attempted to address them.

Workers covered by individual market policies before losing their jobs will be able to keep those policies and take full advantage of the 70 percent tax credit. In addition, because we believe it will take some time for the Treasury Department to set up the tax credit mechanism and because it will take States some time to establish group purchasing agreements, we have included interim coverage under the National Emergency Grant Program.

In short, it is not everything that Senators on either side of the aisle wanted. There are some provisions and concessions made on both sides of the aisle. We dropped on our side the Medicaid provisions. We yielded on the issue of requiring those eligible for COBRA to purchase only COBRA coverage. Most importantly, we moved from a premium subsidy to a tax credit, something that Republicans and centrists support.

Similarly, the compromise is not everything the other side wanted. There is a tax credit, but not for the purchase of individual coverage. Indeed, the size of the tax credit, 70 percent, represents a sacrifice on both sides. Those on our side started at 75 percent; the other side wanted 60 percent. In the end, we split the difference at 70 percent—not exactly an even split, but a good split.

None of the sacrifices were easy. Each side had to swallow a bit of their pride. While we may have given up a little, displaced workers and their families gained a lot. I am proud we proved our ability to work together and compromise to help Americans in need.

The trade adjustment assistance provisions are very significant. They are a huge improvement over current law. These provisions give health insurance benefits to displaced employees. They give substantial benefits for a couple of years to employees displaced because of trade. They are a main driver of this bill. In addition, we are giving fast track negotiating authority to the President under certain negotiating objectives. But the real substance of the legislation that is about to be passed here that has immediate legislative effect is the trade adjustment assistance provisions. They are significant. That is the legislation that will be enacted as a consequence of the trade bill we are now negotiating. I urge all colleagues to remember that.

When we hear complaints of displaced employees, rest assured there are significant provisions that help those employees that will be displaced because of trade.

The underlying bill develops a greater consensus on trade so more and more Americans are able to gain the benefits of trade—not just the multinational companies, but small business, so all the people that work in America so diligently to try to improve their income and have health insurance for their family and children can live a good life, take vacations and so forth.

In the past, there has not been sufficient consensus on trade, and there still is not sufficient consensus, but the provisions help move us in that direction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3446 TO AMENDMENT NO. 3401

Mr. BROWNBACK. I call up amendment 3446 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3446 to amendment No. 3401.

Mr. BROWNBACK. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend permanent normal trade relations to the nations of Central Asia and the South Caucasus, and Russia, and for other purposes)

At the appropriate place, insert the following:

SEC. ___ . DEMOCRACY AND FREEDOM THROUGH TRADE ACT.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is now engaged in a war against terrorism, and it is vital that the United States respond to this threat through the use of all available resources.

(2) Open markets between the United States and friendly nations remains a vital component of our Nation's national security for the purposes of forming long, lasting friendships, strategic partnerships, and creating new long-term allies through the exportation of America's democratic ideals, civil liberties, freedoms, ethics, principles, tolerance, openness, ingenuity, and productiveness.

(3) Utilizing trade with other nations is indispensable to United States foreign policy in that trade assists developing nations in achieving these very objectives.

(4) It is in the United States national security interests to increase and improve our ties, economically and otherwise, with Russia, Central Asia, and the South Caucasus.

(5) The development of strong political, economic, and security ties between Russia, Central Asia, the South Caucasus, and the United States will foster stability in this region.

(6) The development of open market economies and open democratic systems in Russia, Central Asia and the South Caucasus will provide positive incentives for American private investment, increased trade, and other forms of commercial interaction with the United States.

(7) Many of the nations in this region have secular Muslim governments that are seeking closer alliance with the United States

and that have diplomatic and commercial relations with Israel.

(8) The nations of Russia, Central Asia and the South Caucasus could produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(9) Normal trade relations between Russia, Central Asia, the South Caucasus, and the United States will help achieve these objectives.

(b) SENSE OF CONGRESS.—(1) Prior to extending normal trade relations with Russia and the nations of Central Asia and the South Caucasus, the President should—

(A) obtain the commitment of those countries to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") regarding human rights and humanitarian affairs;

(B) ensure that those countries have endeavored to address issues related to their national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(C) ensure that those countries have also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism; and

(D) ensure that those countries have continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of each of those countries and establishing the legal framework for completion of this process in the future.

(2) Earlier this year the Governments of the United States and Kazakhstan exchanged letters underscoring the importance of religious freedom and human rights, and the President should seek similar exchanges with all nations from the region.

(c) PERMANENT NORMAL TRADE RELATIONS FOR RUSSIA.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President, after certifying to Congress that all outstanding trade disputes have been resolved with Russia, may—

(A) determine that such title should no longer apply to Russia; and

(B) after making a determination under subparagraph (A) with respect to Russia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Russia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(d) PERMANENT NORMAL TRADE RELATIONS FOR KAZAKHSTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kazakhstan; and

(B) after making a determination under subparagraph (A) with respect to Kazakhstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kazakhstan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(e) PERMANENT NORMAL TRADE RELATIONS FOR TAJIKISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Tajikistan; and

(B) after making a determination under subparagraph (A) with respect to Tajikistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Tajikistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(f) PERMANENT NORMAL TRADE RELATIONS FOR UZBEKISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Uzbekistan; and

(B) after making a determination under subparagraph (A) with respect to Uzbekistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Uzbekistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(g) PERMANENT NORMAL TRADE RELATIONS FOR ARMENIA.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Armenia; and

(B) after making a determination under subparagraph (A) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Armenia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(h) PERMANENT NORMAL TRADE RELATIONS FOR AZERBAIJAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Azerbaijan; and

(B) after making a determination under paragraph (1) with respect to Azerbaijan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Azerbaijan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(i) PERMANENT NORMAL TRADE RELATIONS FOR TURKMENISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Turkmenistan; and

(B) after making a determination under subparagraph (A) with respect Turkmenistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Turkmenistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. BROWNBACK. Mr. President, I thank my colleagues and I thank the chairman of the Finance Committee and the ranking member for the consideration of this amendment.

This amendment is particularly important in light of what has taken place recently in this country and around the world. The attack on September 11 has been an issue that is front and center of our minds since that date.

I came from a secure briefing where we were talking about what was known prior to that time period. This week, the President of the United States heads to Russia to work with the Russians on several issues. One is reduction of nuclear weaponry.

A two thirds reduction of missiles announced last week was an incredible reduction of nuclear missile material and nuclear missile capacity. There are United States troops in regions of the former Soviet Union that prior to September 11 we probably would not have dreamed of having present, in places such as Uzbekistan, Kazakhstan, and Georgia. the United States has troops there, training or on missions, dealing with the war on terrorism.

We have had a great deal of cooperation from these countries in the war on terrorism. It is an important point. It is an incredible point of safety for our people in the United States, and it is an incredible moment for the United States and the world that are seeing taking place post-cold war when you consider where we are with Russia. Even last week in the NATO meeting, Russia said, OK, we will come closer to joining in with NATO. This is something that 5 years ago could not have even been contemplated. Yet we are seeing that growing closeness taking place between the United States and Russia. We see a growing cooperation on terrorism taking place there and in central Asia. We are seeing the United States troops in this region.

We need to reduce our dependence on Middle East oil. A key part of that is what is taking place in Russia and central Asia.

Our Nation was brutally and callously attacked September 11, 2001. We continue to mobilize with diplomatic and military action abroad, as well as bolstering defenses at home. We are facing a sustained war effort against international terrorism and a sustained readiness at home not seen since World War II. Let there be no doubt those individuals and organizations responsible for terrorism against the United States will be found and brought to justice and America's shores will be safe again.

As America continues to mobilize military, intelligence, and law enforcement assets to confront our enemy, there is one asset we have yet to mobilize which can be just as valuable as a bomb or a bullet. I believe that is trade. Trade with America can be an effective catalyst for the long-term viability of the institutions of democracy, the economic strength that bolsters them and our friends abroad.

Economic prosperity, civil rights, and liberties are an extension of the democratic society, which, in turn, ameliorate internal strife and dissatisfaction that can lead to extremism, evil, and terror.

By reaching out to our friends and struggling nations, by opening our markets to their products and vice versa, we can deploy the entrepreneurship of America as a weapon to help solidify the foundations of democracy, civil liberty, human right and economic prosperity abroad.

As we continue to debate trade promotion authority, it is also important we take this opportunity and ensure the nations seeking the benefits of increased and improved economic relations with the United States also benefit from certainty in their trading relationship with us; certainty that we will remain committed to their continued development, and certainty that, while the path of democratic and market reforms will not always be smooth, our commitment to their efforts will remain unwavering.

Today I offer an amendment that would make such a clear, strong, and principled statement. My amendment would extend permanent normal trade relations to Russia and the nations of Central Asia and the South Caucasus: Kazakhstan, Tajikistan, Uzbekistan, Turkmenistan, Armenia, and Azerbaijan, which will join Georgia and Kyrgystan in this regard.

Title IV of the Trade Act of 1974, the Jackson-Vanik provision, denies unconditional normal trade relations to certain countries, Russia and the former Soviet Republics in particular, that had non-market economies and that restricted immigration rights. Given the importance of strengthening our economic relationships, and encouraging continued democratic and market reforms, I believe that now is the time to permanently waive Jackson-Vanik for Russia and all of the nations of Central Asia and the South Caucasus.

Unfortunately, not everyone agrees.

Currently, the United States and Russia are engaged in a poultry trade dispute. Earlier this year Russia implemented a comprehensive ban on U.S. poultry imports, apparently in an effort to protect its developing domestic poultry industry. Some are concerned that Russia is contemplating similar actions on other products.

Russia should have strong domestic industries. However, we have learned the hard lesson throughout the first half of the twentieth century that nations cannot build lasting economic strength through protectionism. I am pleased to have signed letters along with many of my colleagues in support of the U.S. poultry industry on this issue. The statement inherent in those letters is that nations cannot make unilateral, anti-trade decisions as if they operate in a vacuum.

Unilateralism, or more specifically bypassing unilateralism in favor of open markets and cooperation, is the very reason that we are debating trade promotion authority today. Theoretically we have come to recognize that open markets, not protectionism, best serves the common good. Even though, in practice, our debate over trade promotion authority demonstrates even an American interest in at least some forms of protectionism, I hope that my colleagues who have also opposed Russia's actions on poultry keep these important principles in mind as we finish our debate on trade promotion authority.

Some are also concerned that Russia, Central Asia, and the South Caucasus are not yet ready to graduate from Jackson-Vanik. Jackson-Vanik was intended to ensure that Soviet Jews could freely emigrate, but has also come to symbolize human rights more generally. The process of graduation from Jackson-Vanik has come to include several steps that nations operating under Jackson-Vanik must take to protect human rights, religious freedom, and equality for ethnic and religious minority groups. Jackson-Vanik graduation also includes the return of communal property confiscated from national and religious minorities during the Soviet period, which is intended to facilitate the reemergence of those communities in the national life of each such country, as well as the establishment of a legal framework for the completion of this process in the future. Finally, graduation has come to require an exchange of letters between nations under Jackson-Vanik and U.S. representatives at the most senior levels, which underscore the importance of human rights and religious freedom.

I have worked closely with organizations such as the National Council on Soviet Jewry, B'nai B'rith, and others, organizations I have the utmost respect for, to help bring this region into the Western community. I believe these important steps towards supporting human rights and religious freedom should be pursued by all nations, and I will continue to work towards that end. Progress has been made in the nations we are discussing here today.

In February of this year, Assistant Secretary of State Beth Jones secured the commitment from Uzbek President Islam Karimov that his government would allow the International Committee of the Red Cross, ICRC, to view the conditions of detainees. This is an important step that will allow the international community to identify potential human rights violations.

In Kazakhstan prison conditions are harsh, however, the Government is taking an active role in efforts to improve prison conditions and the treatment of prisoners, and observers have noted significant improvements in prison conditions.

In Azerbaijan, though the Government largely controls radio and television, the primary source of information for most of the population, the Government took significant steps towards improving the media. These steps include the announcement that five private television stations would be granted long sought-after operating licenses by the frequencies committee.

In Armenia, prison conditions are Spartan and medical treatment is inadequate, however, according to domestic human rights organizations, conditions continue to improve.

I do not rise today in support of permanent normal trade relations with Central Asia and the South Caucasus because they are perfect—far from it. I do so because they continue to demonstrate a commitment to improving human rights and religious freedom, and the extension of permanent normal trade relations will only create an impetus for further reforms through increased economic and political association with the United States. By continuing to grow our relations with these countries, together we are going to improve their human rights and religious freedom conditions.

For years Congress went through the process of debating the merits of extending normal trade relations to the Peoples Republic of China, and just last year the Congress approved China's accession to the World trade Organization. Trade with China has always been conditioned on the premise that increasing trade with China would increase China's contact and acceptance of the values, liberties, and fundamental beliefs that make our nation great. I do not believe anyone in the Senate is prepared to suggest China has a commendable record on human rights. Certainly not this Member, particularly in view of what is taking place even today in their dealing with the North Koreans entering China, to be forced back, sometimes with bounties. If trade can achieve these goals in regard to China, the positive impact of trade on Russia, Central Asia, and the South Caucasus is no less than a foregone conclusion. If a trading relationship with China will improve their human rights record, the same will hold true for Central Asia, the South Caucasus, and Russia as well.

In addition to improvements over human rights and religious freedom, we must also be mindful of the remarkable developments that have taken place in this region of the world since September 11.

This week President Bush travels to Moscow and will sign an historic agreement between our nations to eliminate two thirds of our nuclear weapons stockpiles. Five years ago that would have been world news for a month. Today it is hardly passing news for a day. Just last week the North Atlantic Treaty Alliance and Russia announced the formation of the NATO-Russia council, a decision-making body to counter terrorism and other security threats to our common interests.

Think, where would we be today if we didn't have the bases and the operations that took place out of Uzbekistan, Kazakhstan, bases to be able to land in Azerbaijan, troops right now working on counterterrorism in Georgia?

Today in Central Asia and the South Caucasus, multiple nations are seeking to embrace democracy, make market reforms, and build a closer relationship with the United States. Our friends in this region have been instrumental in our ability to bring the war effort directly to enemy al-Queda forces in Afghanistan. These nations represent immediate targets for increased economic ties with the U.S., and are representative of the types of nations that must have strong economic ties to the U.S. to help address internal difficulties. Plus, if they are not building ties with the U.S. they will be building them with nations in the region, some much less friendly towards the U.S., some of which have significant internal militant Islamic forces that want to move forward in these countries today. Clearly, we don't want that to take place.

In light of these crucial developments, I continue to believe that now is the right time to send the strong message to Russia, Central Asia, and the South Caucasus that they are on the right path, that we recognize the importance of the steps they have taken, and we are committed to continue working with them to strengthen democracy within their borders and open their markets to the world around them. I continue to feel that extending permanent normal trade relations with these important nations is the right way to make such a statement, and it is in the best interests of the United States that we do so now.

Permanently waiving Jackson-Vanik for these important allies would cost us nothing. Yet we have much to gain from the certainty created in our economic relationship with these nations to permanent normal trade status. Particularly, if we can do this with China, given their human rights record, we can do that in this region. Russia itself owns immense fossil fuel reserves which could reduce our reliance on oil from the volatile Middle East. Kazakhstan, Turkmenistan, Uzbekistan, and Azerbaijan are also valuable sources of oil. Kyrgyzstan has made impressive progress in making market reforms since its days as a Soviet Republic, which can provide fertile ground for American investment. Georgia is making significant progress towards market reforms as well.

It is also the case that several of these Central Asian and south Caucasus nations are suffering from internal strife caused by corruption and extremist Islamic fundamentalists. Kyrgyzstan's and Uzbekistan's Governments are currently targets of the terrorist organization, Islamic Movement of Uzbekistan, which seeks to create Islamic states in the region. Tajikistan is especially vulnerable in this regard as the flow of narcotics and refugees from Afghanistan, its neighbor to the south, have weakened that nation.

These nations are in dire need of American influence. They need access to our markets, as well as investment from American industry. By providing them with permanent normal trade relations, we will send a clear signal that the United States is prepared to engage this region permanently through trade and help bolster the democratic, market-opening reforms that are currently underway.

As strong as I believe that on balance extended permanent normal trade relations to these nations is the right thing to do today, I again recognize the difference of opinion held by some of my colleagues. It seems clear to me that however appropriate such action might be, permanent normal trade status will not be approved by this Senate today. Senator GRASSLEY has filed a second-degree amendment to mine, which expresses the sense of the Senate supporting the President's trip to Russia to meet with President Putin and deepen the friendship between our nations. I certainly thank Senator GRASSLEY for offering this amendment, and I endorse it.

I suggest, however, that some additions might be made to this sense of the Senate, if possible. I think it is fully appropriate, as well as consistent with the provision, that we include language recognizing the considerable efforts the nations of central Asia and the south Caucasus have made in assisting our antiterrorism efforts. I remind my colleagues that we have troops based in some of these nations.

Finally, I also encourage my colleagues to support including language supporting the extension of permanent normal trade relations to our friends at the appropriate time.

I think this is an important and significant geopolitical issue for the United States. This goes beyond trade. It is an important trade issue, but it is important geopolitically for us to do this.

While I recognize the votes are not here today, I hope in the near future the votes will be there for us to extend PNTR to the countries which I have identified. They are on the front lines of our war on terrorism. They will be countries that will fight terrorism internally, and they will increasingly do so in the future. If the United States is not dramatically engaged in this region, you can pay me now or pay me later. They are going to be involved in this fight, and we are going to have more difficulty doing it in the future if we don't engage these nations now. Their populations are hungry for us to say: Yes, the United States wants to help. Work with us. Work with us in a positive way so we can have jobs and some opportunities and not be pulled by a militant Islamic group that says: Look, the West doesn't care for you. The West is opposed to you. The West doesn't like you. They do not believe in you.

We shouldn't be saying that. We should be engaging them as rapidly as we possibly can. Certainly, in the case of the former Soviet Union, we would be welcoming them with open arms as fast as we possibly could. They have already taken action. Do not quibble about that. Instead, let us engage these countries that seek our engagement, and let us do it in a constructive manner so we can help them. We will be helping ourselves as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3474, AS MODIFIED, TO AMENDMENT NO. 3446

Mr. GRASSLEY. Mr. President, I would like to offer a second-degree amendment to Senator BROWNBACK's amendment. I send a modified amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3474, as modified, to amendment No. 3446.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce American and Russian stockpiles of nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Permanent Joint Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

Mr. GRASSLEY. Mr. President, before I talk about my approach and my feelings on this whole issue of our relationship with the former Soviet Union countries, I commend Senator BROWNBACK for the very thoughtful approach that he has on these issues, and the attention he has given this foreign policy consideration, as well as foreign trade-connected issues of the former Soviet Union.

I understand his interest in seeing normal trade relations extended to Russia, central Asia, and the south Caucasus.

The Democracy and Freedom Through Trade Act introduced today may be an appropriate vehicle to do just that. I certainly think this issue deserves a hearing. But I am not sure it is appropriate for this bill. Instead, I offer this sense-of-the-Senate amendment on the upcoming U.S.-Russian Federation Summit. It expresses a sense of the Senate in support of our President's efforts to strengthen our relations with Russia. The amendment itself seeks to build upon that relationship by expressing the Senate's support for restoring permanent normal trade relations with Russia.

Given the upcoming meeting between President Bush and Russian President Vladimir Putin, this resolution is a timely opportunity for the Senate to express its support for recent developments between our two countries, and also to express encouragement for these two Presidents when they meet later this week.

Since September 11, a new partnership has grown between the United States and Russia as a result of our close cooperation and common efforts in the fight against international terrorism.

This enhanced relationship recently produced a new strategic framework between Russia and the United States to significantly reduce stockpiles of nuclear weapons by the year 2012.

In addition, the United States and Russia, along with our NATO partners, have further institutionalized the U.S.-Russian security cooperation through the establishment of the NATO-Russia Permanent Joint Council. That Council meets for the first time May 28 of this year in Rome. It is clear that historic progress is being made between the United States and Russia, and that even more forward movement would be beneficial for both countries. I hope that movement continues.

I am not oblivious to the fact that there have been decades of tension between our countries. And I don't think we can be so naive as to think that there are not problems down the road. But it surely is important, particularly when there are opportunities such as the last few months to grow our relationship based upon those opportunities. Since there is this opportunity for benefit to both countries, I believe the time has come for Congress to seriously consider the elimination of Jackson-Vanik requirements with regard to Russia, and, thus, begin debate on the extension of normal trade relations.

President Bush has recently asked Congress to restore permanent normal trade relation status for Russia based on this policy of free and unfettered immigration. However, there are important issues that must be addressed during this discussion that go beyond just the issue of the Helsinki accords as it dealt with the subject of immigration. For example, there are some outstanding trade issues that need to be addressed. Among these are recent problems dealing with the U.S. poultry exports to Russia.

We also need to see greater progress on religious freedom and human rights, and the concerns of many people within Russia and also people outside of Russia who have concerns that Russia have more religious freedom.

I am pleased that President Bush has stated his commitment to work with Russia to help freedom and tolerance become fully protected in Russian law and Russian life.

President Bush has also stated his commitment to work with Russia to advance free immigration, safeguard religious liberty, and enforce legal protections for ethnic and religious minorities. I am surely hopeful that President Bush will further address these concerns openly and candidly in his discussions with President Putin during his upcoming visit.

So I believe the best hope for a positive future between our two countries is to develop an understanding of, and appreciation for, each culture, with both personal and business relationships. The development of commerce, international trade, and the sharing of ideas will further advance economic and political stability for both Americans and Russians.

I have said so many times on the floor of the Senate—particularly when trade issues are before this body, and even sometimes when trade issues are not before this body—that we political leaders and diplomats should not be so smug as to think that the only way we are going to have peaceful relations between us—between the United States and some other country—is if political leaders and diplomats do it.

In fact, I have expressed the view that our efforts are kind of a spit in the ocean compared to the efforts that can be made through commerce. That is why I have stated that this trade promotion authority bill is so important to world peace, to the development of relationships, because as we break down the barriers of trade, as we enhance opportunities for commerce, individual businesspeople in one community doing business in another country, and vice versa, we are going to build relationships that will enhance opportunities for peace much greater than what political leaders can do, not denigrating the efforts of political leaders in the process.

This is particularly true as we look forward to doing away with Jackson-Vanik vis-a-vis Russia, as we look forward to Russia coming into the World Trade Organization, very much as we have looked at improving our relationship with China, with China now being a member of the World Trade Organization.

So what the Senator from Kansas is doing may be a small step by political leaders, but it is an important small step. I just think his doing it on this trade promotion bill is not the ideal place to do it. So that is why I have offered this second-degree amendment.

I encourage my colleagues to support this resolution which, in turn, supports President Bush's policy objectives with respect to the Russian Federation and calls for the termination, in an appropriate and timely manner, of the application of Jackson-Vanik provisions to Russia.

When it comes to the issue of this substitute that is before us, I hope we can get it adopted in a consensus way because this is one opportunity for us to show support for the President. Whether we are Republicans or Democrats, we have to admit that when it comes to enhancing our relationships with Russia, it has to be done through our head of state, through our chief diplomat, our Chief Executive, the President of the United States.

We should do everything we can to support the President at the time of his trip to Europe, to Moscow and St. Petersburg to further refine our relationships with the President of the Russian Federation and, in turn, with the Russian people.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no more rollcall votes tonight. The managers may have some other business to do. But basically this is the end of rollcall votes for tonight.

Mr. President, I ask unanimous consent—I have cleared this on the other side—the pending amendment be set aside temporarily to offer an amendment. I have cleared this with Senator GRAMM.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3521 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I send an amendment to the desk. This would be the Democrats' next in order.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. JEFFORDS, proposes an amendment numbered 3521 to amendment No. 3401.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize appropriations for certain staff of the United States Customs Service)

At the end of the title relating to Customs Reauthorization, insert the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR CUSTOMS STAFFING.

There are authorized to be appropriated to the Department of Treasury such sums as may be necessary to provide an increase in the annual rate of basic pay—

(1) for all journeyman Customs inspectors and Canine Enforcement Officers who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332; and

(2) for the support staff associated with the personnel described in subparagraph (A), at the appropriate GS level of the General Schedule under such section 5332.

The PRESIDING OFFICER. The Senator from Nevada.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 295, H.R. 3009, the Andean Trade Preference Act.

Max Baucus, Zell Miller, Harry Reid, Tom Carper, Joseph Lieberman, Tom Daschle, Jeff Bingaman, Christopher Bond, Larry E. Craig, Gordon Smith of Oregon, Chuck Grassley, Orrin Hatch, Pete Domenici, Pat Roberts, Chuck Hagel, and Robert F. Bennett.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF SGT. GENE VANCE IN AFGHANISTAN

Mr. ROCKEFELLER. Mr. President, we received confirmation yesterday that Sergeant Gene Vance of Morgantown, West Virginia, was killed on Sunday in an exchange of gunfire near the village of Shkin, near Afghanistan's border with Pakistan. Sergeant Vance was a member of the 19th Special Forces Group of the West Virginia National Guard. His unit was patrolling southeastern Afghanistan in an effort to locate and eliminate any pockets of al Qa'eda and Taliban resistance. Sergeant Vance was the first American killed in combat in Afghanistan since March.

On behalf of all the Members of the Senate—I believe I can so speak—I want to express to Sergeant Vance's wife, Lisa, and daughter, Amber, our deepest sympathy at their loss and ours.

I extend those condolences to other members of Sergeant Vance's family who must be going through the kind of grief to which some people have become accustomed, but not many.

He was a member of the West Virginia National Guard. I had the honor to be Governor of West Virginia for 8 years. I know it just so happens that the West Virginia National Guard has top rankings all across the country in all respects—professionally audited, so to speak. There is no stronger embodiment of the patriotism that runs so deep in the mountains of my State of West Virginia.

America's early success in the war in Afghanistan, and in driving the Taliban from power, has created for many Americans the illusion that things have returned to normal. A few more metal detectors, a few more security guards, a longer line to board airplanes, but otherwise life seems to be getting back to the way it was before September 11. That is foolhardy thinking.

Sergeant Vance knew it, and he was doing his duty. The Vice President asserted, I think correctly, that there will be more attacks, that we are foolish if we are not prepared, if we are not mindful of this fact.

But if we Americans are managing to live our daily lives without fear, that may bring us some comfort, but it is entirely due to the courageous efforts being made by men such as Sergeant Vance and women in uniform in Afghanistan and elsewhere. Their efforts are not always the lead stories anymore, but they are taking the time to do the job right—eliminating the terrorists who perpetrated the attacks on this country on September 11.

In an era, as they say, of asymmetric threats, when small groups can develop weapons of mass destruction—and now we are looking at the probability of suicide bombers—and a group of 19 fanatics can carry out with relative ease an attack of unprecedented devastation on American soil, it is clear that our security will not be assured until we eliminate—not defeat but eliminate—the terrorists who are committed to hurting us.

Our forces in Afghanistan continue to perform a vital national task, and we had all darn well better recognize that. The death of Sergeant Vance is a reminder that they continue to put themselves at considerable risk, in unbelievably hostile territory, and often in a hostile society.

I do not know what it is that makes fine Americans feel so deeply the love of their country that they are prepared to risk their life for it. I want to say that I know what it is. But I think it is a mystery that all of us revere, and it is within the soul and the heart of each individual person who goes over to fight and to defend our way of life. In other words, we can never know that entirely. But we can know, and what we must never forget, is that we Americans, who enjoy the freedoms and comforts our society provides, only do so because men such as Sergeant Vance are willing to do what they did: Engage in firefight and lose their life.

So we mourn the death of Sergeant Vance in Afghanistan, and we are reminded yet again that America's strength is built on the individual decisions of hundreds of thousands of people who make those decisions in their own individual ways. Sometimes, of course, they cannot foresee what will happen. They sign up. They go. They cannot foresee what is going to happen. Sometimes what happens brings great sadness to many people.

To Sergeant Vance's wife and daughter, as you grieve, let your sense of loss be joined by the knowledge that Gene Vance died for a just and noble cause. He was prepared to put himself on the line for America, for Americans, and for the society that he wanted you, Lisa, and you, Amber, to be able to live in, in peace.

I thank the Presiding Officer and yield the floor.

REPORT TO THE NATION ON CANCER

Mrs. FEINSTEIN. Mr. President, this past February Senator GORDON SMITH and I introduced the National Cancer Act of 2002 with a bipartisan group of 28 cosponsors. This comprehensive bill, based largely on the recommendations of an advisory committee of cancer experts, is meant to update and reinvigorate the nation's war on cancer; a war President Nixon launched in 1971.

The need for our bill is greater and more urgent than ever before. Last week, the American Cancer Society, the National Cancer Institute, the North American Association of Central Cancer Registries, the Centers for Disease Control and Prevention, and the National Institute on Aging collectively released their joint Annual Report to the Nation on the Status of Cancer, 1973–1999.

The bottom line is that cancer death rates are declining—that's the good news. People are living longer with cancer; we are increasing the ranks of "cancer survivors." In 1997, we had approximately 8.9 million cancer survivors. This number continues to increase. But the incidence of cancer is increasing. That is the bad news. As our population ages, more and more people are being diagnosed with the disease. Researchers suggest that if this pattern continues, by the year 2050 there could be twice as many people being diagnosed with cancer each year as there are now. This year, about 1.3 million people will be diagnosed with cancer. By 2050, this number could reach 2.6 million.

That is why I introduced the National Cancer Act of 2002. It is a new battle plan for conquering cancer. My legislation focuses on finding better treatments and a cure for cancer by investing more funding in cancer research and clinical trials, and ensuring access to early detection and prevention measures. The challenges are plenty. But I believe, now more than ever, that a cure is within our reach.

This report being released today represents the fifth report of its kind, but it is the first report issued that documents a decline in cancer death rates. This is good news. While routine screening has improved the prognosis for cancer patients, and more people are getting screened, cancer still occurs disproportionately among older persons. As baby boomers age, the incidence of cancer will undoubtedly increase among this population. This population presents us with certain challenges and an increased burden on the system. More people will require cancer treatment, supportive and palliative care, home health services, general medical attention, and nursing services.

Finding cures and better treatments for cancers will demand more attention to be placed on the biology of older persons. For example, older persons are less likely to be enrolled in a clinical trial. There is also limited knowledge of drug interactions. Will a person's cancer medication interact with that person's heart medication? These are just a few of the challenges. Finding a cure is within our reach. We must continue to focus funding on this goal. At the same time, there is an increased need for developing new strategies for prevention and early detection, looking in particular at age-specific interventions.

For 8 years I have co-chaired the Senate Cancer Coalition. We have held eight hearings on cancer. With each hearing, I become more and more convinced that with adequate resources we can find a cure. Polls by Research America show that the public wants their tax dollars spent on medical research. In fact, people will pay more in taxes for more medical research.

Cancer affects everyone. Everyone knows someone who has had cancer or will have cancer. I am thoroughly convinced that if we just marshal the resources, we can conquer cancer in the 21st century. The report released today is a clarion call for making the effort.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 14, 1991 in Eugene, OR. A gay man was attacked outside a bar by two people using offensive language about his sexual orientation. Pamela Joanne Richardson, 28, and Michael James Hughes, 21, were arrested in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FOREIGN AFFAIRS DAY 2002

Mr. AKAKA. Mr. President, on May 10, 2002, our Nation celebrated Foreign Affairs Day, which honors the dedication and accomplishments of the men and women in the Foreign Service, the Civil Service, and as Foreign Service Nationals. It is also a day to remember those who have died in the line of duty.

We know that international problems can quickly become problems at home. American diplomats and their staff are on the front lines addressing these problems before they reach our shores, and these Federal employees are just as critical to our national security as modern weaponry and soldiers. Just as members of our armed services risk their lives everyday in defense of freedom, civilians in the Federal foreign affairs workforce stand with the military on the front lines of the war on terrorism.

Those in the Civil Service and Foreign Service have protected America's interests overseas and the freedoms we enjoy at home since the earliest years of our Republic. Many have worked in perilous environments. The first to die was a diplomat in 1780, traveling to his duty post.

The attacks on Civil Service and Foreign Service personnel have risen in recent years. This month, 13 new names were added to the American Foreign Service Association Memorial honoring Foreign Service, Civil Service, and Foreign Service National employees who lost their lives in the line of duty or under heroic or inspirational circumstances. Among those heroes is a U.S. embassy employee who was killed with her daughter this year in a terrorist bombing during church services in Pakistan. As of today, a total of 209 men and women have lost their lives serving the United States as employees of the Civil Service and the Foreign Service.

Although not a member of the Foreign Service, a civilian Central Intelligence Agency case officer was among the first Americans to lose his life in Afghanistan in our Nation's fight against terrorism since September 11th.

Foreign Affairs Day reminds us all of the heroic dedication and sacrifices from people in the Foreign Service and Civil Service. They serve their country abroad using their talent and skills to defend freedom at home. Their service contributes enormously to our national security. As their personal safety is sacrificed for our freedom, we should always remember that they are the first line of defense in protecting the light of freedom which shines from America.

CELEBRATION OF EAST TIMOR'S INDEPENDENCE

Mr. REED. Mr. President, I rise to recognize the new nation of East Timor.

I want to congratulate and honor the people of East Timor for their perseverance and triumph of freedom in the face of tremendous odds. However, while we celebrate this victory we also must remember the long and arduous road by which they arrived here and recognize the challenging road which lies ahead. East Timor's road to independence—achieved on May 20, 2002—has been marked by years of suffering. Indonesia invaded East Timor shortly after Portugal withdrew in 1975 and forcefully tried to subdue a resentful people. Many suffered and died during Indonesia's 25-year occupation which ended in 1999.

Indonesia finally agreed 2 years ago to a referendum on independence for the East Timorese people. When the referendum showed overwhelming support for independence, Indonesian loyalists murdered hundreds and reduced towns to ruins.

An international peacekeeping force halted the mayhem and paved the way for the United Nations to help East Timor back onto its feet. With U.N. assistance, the East Timorese have been rebuilding their nation. They have held their first democratic election, drafted and adopted their country's first constitution, and adopted their national flag and national anthem. On May 20, 2002, the United Nations handed over the reins to the newly established democratic government, and East Timor stands on its feet as the first new, free nation of the millennium.

Although the rebuilding of East Timor has been one of the U.N.'s more successful stories, East Timor is expected to remain reliant on outside help for many years since its poor infrastructure has been destroyed and it is drought-prone. According to a recent report, 41 percent of East Timorese live in poverty and 48 percent are illiterate. East Timor also faces the challenge of repatriating a large refugee population—approximately 55,000 East Timorese refugees continue to live in deplorable conditions in an environment of intimidation in Indonesia.

With this situation in mind, the world community's support for East Timor's future is critical over the next several years. The U.S. should work with the U.N. and its members to make sure the job of preparing East Timor for self-rule is completed. The U.S. and the world should ensure that children receive a quality education, adequate healthcare and shelter, and that other needs for a decent standard of living are met. This is especially crucial in light of the recently released UNDP report that classified East Timor as one of the 20 poorest countries in the world and the poorest in Asia.

It is equally important though, for East Timor to focus on the future. Now that the East Timorese people have their own independent nation they will need peaceful and constructive relations with their neighbor Indonesia and the international family of peaceful nations. I wish their new president, Mr. Xanana Gusmao, well as he continues to advocate a policy of reconciliation with Indonesia. He has said that his country must move on from the past and focus on issues such as education and healthcare.

Mr. Gusmao's vision and the will of the East Timorese people provide great hope and potential for East Timor as it faces these challenges. And as they do, let them know that the U.S. and other free, democratic nations will continue to offer our friendship and steadfast support.

So it is with great pride and honor that I recognize the dogged determination and perseverance of the East Timorese people, congratulate them on the birth of their free and democratic nation—the first new nation of this new millennium, and welcome them into the family of peaceful nations.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mr. TORRICELLI. Mr. President, on October 19, 2000, more than 50 years after the end of World War II, Congress passed the Wartime Violation of Italian American Civil Liberties Act. I am pleased to have been the Senate sponsor of that bill which directed the U.S. Department of Justice to study the treatment of Italian-Americans at the hand of the Federal Government during the War and to deliver a report on its findings to the Congress.

This report has now been completed. The 42-page report, prepared by the Department's Civil Rights Division concludes: "After the December 7, 1941 attack on Pearl Harbor, citizens and aliens of Italian-American descent were subjected to restrictions, including curfews, searches, confiscations of property, the loss of livelihood, and internment." While the report can obviously not undo the injustices suffered by Italian Americans in the past, it is important that mistakes of the past be understood and acknowledged so that they are not repeated. This report will finally shine light on a largely unknown era of this nation's history—the injustices perpetrated by our government against thousands of Americans of Italian descent during the war.

While most Americans are aware of the mass evacuation and internment of Americans of Japanese descent shortly after the bombing of Pearl Harbor on 1941, very few are aware that because the United States was also at war with Mussolini's Italy, approximately 250 Americans of Italian descent were arrested and detained in internment camps throughout the United States. Like Japanese Americans, the internees were not informed of the charges against them or provided legal counsel, and the vast majority were arrested and detained without any evidence that they had done anything wrong. Their only crime was their Italian heritage or their involvement in Italian organizations.

By early 1942, all Italian immigrants, estimated to be approximately 600,000 people, were labeled "enemy aliens" and were forced to register at local post offices around the country. They were fingerprinted, photographed and required to carry photo-bearing "enemy alien registration cards" at all times. Their travel was restricted to no further than five miles from their home and any "signaling devices"—cameras shortwave radios, flashlights—or weapons were considered contraband and had to be turned in to authorities or were confiscated.

Italian Americans living on the West coast were subject to a curfew from 8:00 p.m. to 6:00 a.m. and some were forced to evacuate areas the military deemed sensitive military zones, leaving their homes and jobs behind. Ironically, in areas where Italian Americans were the majority population, these restrictions caused serious employment and food-supply problems at a time when all human and food resources were needed for the war effort.

The injustices suffered by Italian Americans during the war touched all socioeconomic classes. The parents of baseball legend Joe DiMaggio were forbidden to go any further than five miles from their home without a permit. Enrico Fermi, a leading Italian physicist who was instrumental in America's development of the atomic bomb, could not travel freely along the East Coast. The most disturbing irony was that at the time these injustices were being perpetrated, Italian Americans were the largest immigrant group in the United States Armed Forces and were fighting abroad to defend this country.

Twelve years ago, Congress passed the Civil Liberties Act of 1988 and rightfully admitted and apologized for the atrocities committed against American citizens and immigrants of Japanese ancestry during World War II. With the passage of the Wartime Violation of Italian American Civil Liberties Act, the truth has now been told about the mistreatment of Americans of Italian descent during the war. This should not only be important to the Italian-Americans whose rights were violated and unjustly disrupted during the war but to every American who values our Constitutional freedoms. By increasing our Nation's awareness of these tragic events, we ensure that such discrimination will never happen again in this country.

NOTICES OF INTENTION

Mr. HOLLINGS. Mr. President, in accordance with rule V of the standing rules of the Senate, I hereby give notice of my intention to suspend rule 22 paragraph (2) for the purposes of offering amendment No. 3465.

In accordance with rule V of the standing rules of the Senate, I hereby give notice of my intention to suspend rule 22 paragraph (2) for the purposes of offering amendment No. 3463.

ADDITIONAL STATEMENTS

JOSEPH LIMPRECHT, U.S. AMBASSADOR TO THE REPUBLIC OF ALBANIA

• Mr. HAGEL. Mr. President, I rise today to offer my thanks, the thanks of the U.S. Senate, and the thanks of the American people, to a dedicated public servant, Ambassador Joe Limprecht.

Ambassador Limprecht served as America's representative to Albania from 1999 until his death last week. At a challenging time in history, he was on the front lines of U.S. international outreach. He died while serving our Nation.

Joe Limprecht brought a strong Nebraska common sense and perspective to the daunting challenges facing our Ambassador in Albania. Joe was a fifth-generation Nebraskan. His wife, Nancy is also a native-born Nebraskan.

In 1964, Joe graduated from Omaha Westside High School. His wife also attended Westside, where she graduated in 1966. Joe then went on to get his undergraduate degree at the University of Chicago. He received a doctorate in history from Berkeley. During his Foreign Service Career, he also earned a Masters Degree in Public Administration from the Kennedy School at Harvard.

Joe entered the Foreign Service in 1975, but his ties to Nebraska remained strong. He remained a member of the Nebraska Historical Society. I knew his father well. Hollis Limprecht was an institution in Omaha. He worked at the Omaha World Herald for 40 years. For 23 of those years he edited the paper's "Midlands Magazine."

Joe took an unusual path up through the ranks of the Foreign Service. From 1985 to 1988, he essentially served as West Berlin's Chief of Police under the Four Powers Agreement. His formal title was the Public Safety Advisor to the U.S. Mission in Berlin. In this role, Joe was involved in law enforcement, intelligence, and national security issues at a level rarely available to members of the Foreign Service.

He followed this posting with another unusual assignment. From 1988 to 1991, Joe was the Counselor for Narcotics Affairs at the U.S. Embassy in Pakistan. This job also required strong problem-solving capabilities and a certain toughness. In recent months, Americans have gained a much greater understanding for the challenges this post had to have presented.

After 1991, Joe's career followed a more traditional route that emphasized his diplomatic and management skills. From 1993 to 1995 he served as Chief of Career Development and Training at the State Department. Prior to becoming Ambassador to Albania, he served as the Deputy Chief of Mission at the U.S. Embassy in Uzbekistan.

Joe Limprecht was the complete foreign service officer. He represented our nation on the front lines, in very difficult international territory. America owes him, and his family, a debt of gratitude for their selfless service.

Joe leaves behind his wife Nancy, and two daughters, Alma Klein and Eleanor Limprecht. But he also leaves behind a record of service that stands as a model to young Americans.

I am proud to say Joe Limprecht was a fellow Nebraskan, a friend, and an outstanding American.•

IN RECOGNITION OF THE RETIREMENT OF WILLIAM S. HARTSOCK

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in commending William S. Hartsock for his 28 years of service on the Farmington City Council. Originally elected to the city council in 1973, Bill has long been known for his diplomacy and commitment to community and his retirement will be celebrated on May 30.

When Bill first ran for City Council in 1971, he had to petition for permission to run because he was under 21, the voting age at the time. Though he lost his first election, he was not deterred and won 2 years later. Since that time, he has devoted countless hours to his community as an elected official, including four terms as Mayor of Farmington.

During his tenure on the City Council, Farmington has faced many of the same challenges which confront small towns and cities across the country. One of the most trying challenges is the emigration of business out of the downtown area to large malls on the fringes of Farmington. Despite this trend, he remains optimistic and has long worked to attract small business to the downtown area and enhance its appearance.

Bill has also invested a tremendous amount of time serving on local and national boards. He has been a board member of the Founders Day Festival, the Botsford Hospital Development Fund, and the Farmington YMCA. He also founded and was past president of the Farmington Area Division for the American Heart Association, and past president of the Farmington Exchange Club, and the Huron River Hunting and Fishing Club.

In these days of power politics, Bill's was concerned solely with what was best for his community. He believed that local government had the greatest impact on peoples everyday lives, and commented "All local politics are very personal." I believe that many of my Senate colleagues would concur with Bill's belief that the most enjoyable part of his job was talking to young people. He loved to travel to local schools and talk to students about government.

Bill has helped guide Farmington for nearly three decades. All of those whom he so faithfully served will miss his integrity and good humor. I know my Senate colleagues will join me in thanking William S. Hartsock for his distinguished career wish him well in the years ahead.•

HONORING THE STUDENTS OF DOBSON HIGH SCHOOL FROM MESA, AZ

• Mr. KYL. Mr. President, earlier this month, more than 1,200 students from across the United States were in Washington, D.C. to compete in the national finals of the "We the People . . . The Citizen and the Constitution" program. This program was designed specifically to educate young people about the Constitution and the Bill of Rights, and this year's event was, yet again, testament to its success.

The 3-day national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

I am proud to announce that the class from Dobson High School from Mesa, AZ was selected as the national winner of this year's competition. These young scholars worked diligently to reach the national finals and I commend them on their fine accomplishment. Through their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy, and hopefully, they have also helped to encourage other young students around the country to follow in their footsteps.

I would like to take a moment to mention the names of those students who competed for Dobson High: Dean Anderson, Nikki Best, Diana Capozzi, Adam Cronenberg, Adam Ekbom, Ashley Emmons, Tammy Ho, Candice Howden, Chi-Chi Hsieh, Katherine Jennings, Amanda Keim, Brianne Kiley, Jimmy Martinez, Jr., Jordan Pendergrass, Ashley Rogers, Jake Seybert, Hiral Shah, Ashley Wearly, and Jeff Yost. I would also like to acknowledge their teacher, Abby Dupke, the district coordinator, Kathleen Williams, and the state coordinator, Debbie Shayo. Congratulations.

It is inspiring to see these young people advocate the fundamental principles of our government. These are ideas that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values which we hold as standards, especially in our endeavor to preserve the promise of our constitutional democracy.

All of the students who participated in this program worked extremely hard, and they are all to be commended for their research and preparation. I wish all these budding constitutional experts the best of luck in their futures. They represent tomorrow's leaders of our Nation.•

CONGRATULATING THE STUDENTS OF WEST WARWICK SENIOR HIGH SCHOOL

• Mr. REED. Mr. President, I rise in recognition of the students of West Warwick Senior High School for representing the State of Rhode Island in the national competition for the We the People . . . The Citizen and the Constitution program. This year's national competition took place on May 4 to 6, 2002.

The We the People program and the competition is administered by the Center for Civic Education. The competition is modeled after hearings in the U.S. Congress and consists of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

It is inspiring to see these young people advocate the fundamental ideals and principles of our government. These are the ideals that bind us together as a nation. It is important for our next generation to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

On behalf of all Rhode Islanders, I would like to congratulate Najiya Abdul-Hakim, Janice Abueg, Peter Calci III, Kristin Capaldo, Elizabeth Champagne, Tara Cooney, Tara Czop, Paul DiMartino, Thomas Driscoll, Christopher Ellis, Tinisha Goldson, Kenneth Halpern, Sarah Johnson, Alyssa Lavallee, Robert Martin, Michael Muschiano, Lindsay Nagel, Michael Ouellette, Anthony Politelli, Michael Ryan, Kendall Silva, Sarah Smith, Corey St. Sauveur, Kate Studley, Erin Watson, Shane Wilcox, and their teacher Marc Leblanc. I would also like to acknowledge Rhode Island State Coordinator Henry Cote and District Coordinators Carlo Gamba and Michael Trofi for their dedication to this program over the years. These students truly represent the future leaders of our Nation.•

TRIBUTE TO DEPUTY COOPER STEELE

• Mr. BUNNING. Mr. President, I rise today to pay tribute to a true hero; Deputy Cooper Steele of Kenton County, Kentucky. The Northern Kentucky Police Chiefs Association recently recognized Deputy Steele as the 2002 Outstanding Police Officer of the Year for his performance in the line of duty. Today, Court TV in conjunction with the Women's Caucus and several congressional members recognized Deputy Steele and six other heroic individuals around the Nation as a part of Court TV's "Everyday Heroes" Initiative. This is certainly a special day for Deputy Steele and the entire Commonwealth of Kentucky.

On November 2, 2001, while on what appeared to be a routine patrol, Deputy Steele observed black smoke coming from an apartment building. Without hesitation or fear, Deputy Steele immediately stopped his patrol car in front of the building and noticed a woman on the third floor desperately screaming for help. Deputy Steele attempted to enter the apartment building but was violently driven back by the thick and suffocating smoke. With complete disregard for his own well-being, Deputy Steele heroically climbed onto a second story balcony and directed the evacuation of the four member family from the third floor balcony by handing them down one-by-one to anther officer and out of harm's way. There were many other families still trapped in the burning building, but they refused to attempt a floor-to-floor transfer as the first family had done. Once again demonstrating his selfless and heroic nature, Deputy Steele refused to leave the scene, continuing to place himself in harm's way. He remained with the other tenants advising, encouraging and keeping them calm until the fire department equipment arrived to safely extricate the people from the building.

I am truly honored and humbled to be representing amazing individuals such as Deputy Cooper Steele in the United States Senate. In these trying and turbulent times, men like Deputy Steele should serve as an inspiration to us all. His heroic actions saved lives. His selfless nature shed a ray of light on a seemingly hopeless situation. I ask that my fellow colleagues join me in thanking Deputy Steele for having the instincts and the heart to do what he did. This man is a true hero and deserves our sincerest admiration.•

RECOGNITION OF OLDER AMERICANS MONTH

• Mr. SARBANES. Mr. President, in 1963, President Kennedy began an important tradition of designating a time for our country to honor our older citizens for their many accomplishments and contributions to our Nation. I rise today to continue that tradition and recognize May as "Older Americans Month." Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their later years, welcome this opportunity to pause and reflect on the contributions of those individuals who have played such a major role in shaping our great Nation. We honor them for their hard work and the countless sacrifices they have made throughout their lifetimes, and look forward to their continued contributions to our country's welfare.

Today's older citizens have witnessed more technological advances than any other generation in our Nation's history. Seniors today have lived through times of extreme economic depression and prosperity, times of war and peace, and have seen incredible advancements in the fields of science, medicine, transportation and communications. They have not only adapted to these changes remarkably well, but they have continued to make meaningful contributions to this country.

Recent Census figures reveal that the number of older Americans continues to grow. The population of those 85 and older grew 37 percent during the 1990s, while the Nation's overall population increased only 13 percent. Approximately 35 million people 65 and older were counted in the 2000 Census as well as 50,500 Americans who were 100 or older. Baby boomers, who represented one-third of all Americans in 1994, will enter the 65-years-and-older category over the next 13 to 34 years, substantially increasing this segment of our population.

At the same time the number of older Americans is skyrocketing, they are in much better health and far less likely than their counterparts of previous generations to be impoverished, disabled or living in nursing homes. Older Americans are working and volunteering far beyond the traditional retirement age to give younger generations the benefit of their wisdom. In 2000, those 65 and over comprise 14 percent of the U.S. labor force.

These positive figures show that commitment to programs such as Medicare and Social Security, and investment in biomedical research and treatment are improving the quality of life for older Americans. One of our national goals must be to ensure all older Americans benefit from these improvements. In Congress, we must ensure our legislative priorities reflect the dedication that older Americans have provided to this country. This includes expanding and strengthening those programs that effectively aid older Americans, and addressing those that fall short of assisting this valuable and constantly expanding segment of our society.

By 2020, Medicare will be responsible for covering nearly 20 percent of the population. Though Medicare meets the health care needs of millions of Americans, it was created in a different time before the benefits of prescription medicines had become such an integral part of health care. Three in 5 Medicare beneficiaries lack affordable, prescription drug coverage. Although people 65 and older are 12.5 percent of the population, they fill 34 percent of all prescriptions. Today it is difficult to imagine quality healthcare coverage without including medicines that treat and prevent illnesses.

I have and will continue to fight for Medicare prescription drug coverage for all seniors. As a cosponsor of the Medicare Prescription Drug Coverage Act of 2001, I recognize the predicament of many older Americans as they struggle to live independently on a fixed income and afford costly prescription drugs. The huge advances in biomedical research that have led to the life saving drugs and treatment are of little use if the population that stands to benefit the most cannot afford them. It is imperative that we address the needs of the Americans who have devoted so much of their life experience and achievement to better our society. Like all Americans, they deserve access to comprehensive health care.

One of the strengths that I admire most about older generations is their devotion and concern for younger Americans. As we face the dilemma of funding Social Security and investigate proposals to privatize the program, older Americans have been the most outspoken advocates of ensuring its existence for future generations. Their determination to preserve this important social insurance program is not weakened by reports that privatization proposals would not alter or reduce their benefits. Instead, they fight on, trying to ensure the benefits of Social Security will be there for others for years to come.

I have always been impressed with the degree to which our elders contribute to American society. Our Nation's older generations are an evergrowing resource that deserve our attention, our gratitude, and our heartfelt respect. As observance of Older Americans Month comes to a close, I look forward to working with my colleagues in the Senate to implement public policies that affirm the contributions of older Americans to our society and ensure that they all live their later years in dignity.•

FALLOUT FROM ENRON: LESSONS AND CONSEQUENCES

• Mr. HOLLINGS. Mr. President, when I was chairman of the Senate Budget Committee I worked closely with Henry Kaufman, who has, in my judgment, the most respected opinion on the economy. We can all benefit from his views, and I encourage my colleagues to read this speech that he gave last month to the Boston Economic Club, entitled "The Fallout from Enron: Lessons and Consequences."

I ask that the speech be printed in the RECORD.

The speech follows.

THE FALLOUT FROM ENRON: LESSONS AND CONSEQUENCES—AN ADDRESS BY HENRY KAUFMAN, PRESIDENT, HENRY KAUFMAN & CO., INC. TO THE BOSTON ECONOMIC CLUB, APRIL 3, 2002

Today I would like to talk about an event that has rocked the financial community: the collapse of the Enron Corporation. Much has been said and written about Enron in recent weeks, but it seems to me that too little attention has been paid to either the underlying issues posed by the demise of the Enron Corporation, or to the likely consequences of this failure for financial markets.

Not very long ago, Enron was widely heralded in the business and financial community for its spectacular growth, its innovative achievements, and its future potential. All of that changed suddenly and dramatically late last year. Since then, many pundits have pointed the finger of blame at Arthur Andersen. But it would be wrong to conclude that Enron's failure stemmed chiefly from the accounting shortcomings of its outside auditors. To be sure, Andersen probably was derelict in carrying out its responsibilities. No accounting firm should have the kind of intimate and conflicting relationship that Andersen had with Enron. Auditing and concurrent consulting arrangements with clients just don't mix, for they pose very real conflicts of interest that compromise objectivity and independence.

Even so, I am not convinced that a complete dismantling of Arthur Andersen would serve the larger interests of all stakeholders. To be sure, any senior officers and managers at Andersen found to have compromised sound accounting standards should be fired. But from a social perspective the thousands of Andersen employees who were innocent of high-level misdeeds do not deserve to be displaced.

The issue here is even more complicated. On the one hand, dismantling Andersen would push forward by a giant step the concentration in the accounting business that already is quite high. On the other hand, no business organization should be considered to be too-big-to-fail. Otherwise, competition, which should be the market equalizer, will be distorted. In addition to these considerations is the fact that focusing on Andersen simply deflects the spotlight away from the misdeeds of Enron itself. It offers Enron's officials and all the others involved in the Enron relationship, from the private sector to people in government, a convenient scapegoat, and increases the likelihood that we will fail to learn important lessons from the energy trader's debacle. That would be very unfortunate.

The failure of Enron is a drama with many dimensions. It encapsulates a remarkable number of the kind of misbehaviors, shortcomings, and excesses that have plagued business and financial life in the last few decades. Even if we look back over financial crises in the half-century since World War II, it is difficult to find one with as many salient elements as the Enron failure.

Consider, for example, the volatile decade of the 1970s. The calamities began in 1970, with the staggering collapse of the Penn Central Railroad. The Pennsy was derailed by its excessive short-term borrowing, mainly in the form of commercial paper, supported by weak earnings. Later on, the Hunt brothers succeeded in cornering the silver market, but financed their manipulations with heavy short-term borrowings. Many of their lenders used silver as collateral, which led to a massive sell-off in the silver market when the hunts exhausted their borrowing capacity. Then there were the oil crises of the 1970s, which set off a crippling around of defaults among key Latin American nations that had borrowed heavily from large money market banks. Because these banks had failed to exercise prudent credit judgment, the financial pressure of the oil shocks plunged debtors and creditors alike into serious trouble.

The 1980s had its share of financial excesses. The decade's economic boom had been fed in large measure by the liberal lending policies of banks—especially savings and loan associations—and by the massive leveraging of many corporations through junk bond financing. These financial splurges later made it initially difficult to jumpstart the economic recovery in the early 1990s.

As for the 1990s: the serious financial strains in Mexico and in several Asian countries, as well as the recent debt default of Argentina—all remain fresh in our memories. Then, as the decade drew to a close, the financial world was rocked by a financial debacle that threatened the very viability of key money market institutions. I am referring here, of course, to the dramatic fall of Long Term Capital Management in late 1998. Enron's collapse, however, did not pose a *systemic* risk to the financial system the way LTCM's failure did, although some of Enron's senior managers and creditors have suggested as much during their negotiations with government officials. To their credit, regulators and central bankers did not step in to rescue the faltering energy giant from its own misdeeds.

Which brings us back to the lessons to be derived from the Enron case. It seems to me that Enron—by bringing together a range of issues and problems that have plagued the U.S. financial system for decades—raises a host of questions that we simply must address:

How effectively do boards of directors discharge their responsibilities?

What are the inadequacies of senior managers?

Are lenders conducting effective due diligence?

Are sell-side analysts objective in their analysis, or are they compromised?

Should employees be permitted to invest a high portion of their pensions in the equity of the corporations that employ them?

Is official oversight adequate?

Can elected officials be objective in dealing with financial excesses given that they may be conflicted by contributions?

Should the public accounting firm serve client as both an auditor and a consultant?

These vexing questions lie at the heart of the Enron debacle. To a large extent, they point to a fundamental problem that has been festering for some time, namely, the separation of corporate ownership and control. This problem has become more acute in recent decades because of structural changes in finance and investments. But this issue hardly is new. In fact, it is a symptom of advanced industrial capitalism, in which firms become too large to be owned and managed by individuals or even wealthy families.

One of the most penetrating critiques of the concentration of corporate control appeared back in 1932, when Adolf Berle, a law professor and reformer, and economist Gardiner Means published their landmark book, The Modern Corporation and Private Property. As Berle and Means noted vividly:

"It has often been said that the owner of a horse is responsible. If the horse lives he must feed it. If the horse dies he must bury it. No such responsibility attaches to a share of stock. The owner is practically powerless through his own efforts to affect the underlying property. The spiritual values that formerly went with ownership have been separated from it. . . . [T]he responsibility and the substance which have been an integral part of ownership in the past are being transferred to a separate group in whose hands lies control."

In the financial markets of the last few decades, this problem has become more acute with the rise of hostile takovers, leveraged buyouts, golden parachutes, green mail, and many other financial innovations that are associated with corporate control. Many corporate raiders have become instant celebrities.

At the same time, there have been some significant changes in the role that senior managers play within the corporation. In recent years, many are given incentives that encourage them to strive to achieve near-term objectives through a variety of compensation schemes. Rarely is management actually penalized for failing to achieve their objectives. Their cash bonuses may be reduced, but they still are entitled to stock options. If the price of the company's stock is down, many firms in the past lowered the exercise price of the outstanding options. More recently, many corporations simply issue more options at the lower prevailing price level. The gatekeepers for many of the compensation awards are outside consultants who rarely exercise strong control over the compensation process. Very often they merely codify what others are doing in the industry.

For their part, equity investors rarely are involved in the affairs of a corporation. Indeed, portfolio practices today have a short-term fuse. Portfolio performance is measured over very short-term horizons—monthly, quarterly, or at most yearly. Underperformance is penalized very quickly. Today, day trades and portfolio shifts based on the price momentum of the stock are commonplace. Institutional investors now hold a majority of outstanding stocks, but they rarely want to be involved in their portfolio companies. Instead, a novel but powerful alliance often exists between the highest bidder in a corporate takeover and many of its institutional shareholders. Thus, stockholders are largely temporarily holders of a certificate that legally is called "equity."

This is clearly demonstrated by the huge increase in the turnover of the stocks listed on the New York Stock Exchange. As shown in the accompanying Figure 1, the turnover of these stocks has escalated sharply over the last forty years—from an average of 20% from 1960 to 1980, to 75% times in the 1990s, with last year's average reaching 94%. Only a few large investors, such as Warren Buffett, truly are involved as stockholders. In today's financial marketplace, they are a rare breed.

Because corporate control typically rests in the hands of senior managers, they and directors assume responsibilities that are difficult to fill in the current structure of the marketplace. Let me try to explain what I mean here by referring to the management of large financial institutions, where I spent a good part of my career. And much of what I have to say in this regard is applicable to the problems of Enron.

I first realized the enormity of the challenge of managing large financial institutions when I joined Salomon's board following our merger with Phibro in 1981. The outside members of the board brought diverse business backgrounds to the table. With the exception of Maurice "Hank" Greenberg, none had strong first-hand experience in a major financial institution. How, then, could they possibly understand, among other things: the magnitude of risk taking at Salomon, the dynamics of the matched book of securities lending, the true extent to which the firm was leveraging its capital, the credit risk in a large heterogeneous book of assets, the effectiveness of operating management in enforcing trading disciplines, or the amount of capital that was allocated to the various activities of the firm and the rates of return on this capital on a risk-adjusted basis? Compounding the problem, the formal reports prepared for the board were neither comprehensive enough nor detailed enough to educate the outside directors about the diversity and complexity of our operations.

Today, this problem is magnified as firms extend their global reach and their portfolio of activities. In recent years, quite a few major U.S. financial institutions have become truly international in scope. They underwrite, trade currencies, stocks, and bonds, and manage the portfolios and securities of industrial corporations and emerging nations. Some of the largest institutions contain in their holding company structures not only banks but also mutual funds, insurance companies, securities firms, finance companies, and real estate affiliates.

The outside directors on the boards of such firms are at a major disadvantage when trying to assess the institution's performance. They must rely heavily on the veracity and competency of senior managers, who in turn are responsible for overseeing a dazzling array of intricate risks undertaken by specialized, lower-level personnel working throughout the firm's wide-flung units. Indeed the senior managers of large institutions are beholden to the veracity of middle managers, who themselves are highly motivated to take risks through a variety of profit compensation formulas. It is easy for gaps in management control to open up between these two groups.

Unfortunately, the accounting profession has been of little help to outside board members. Few audit reports truly reflect a firm's range of risk taking. Reports on assets and liabilities would be far more meaningful if they were shown in gross terms instead of net figures. The off-balance-sheet activities most often cited in footnotes should be integrated into reports to reveal the total flow of activities and liabilities. Unfortunately, when the FASB proposes conservative accounting rules, operating managers generally oppose them. This is because such rules tend to reduce stated profits and encourage conservative lending and investing policies, thus infringing on the stated profits. But managers should recognize that such rules, over the long run, will strengthen their institution's credit quality.

What often is missing for new directors is an intensive orientation program. Large financial institutions are very complex. As I noted earlier, they engage in a wide range of activities—traditional banking, underwriting and trading of securities, insurance, risk arbitrage, financial derivatives from the simple to the complex, and domestic and foreign transactions. The new directors should be given a detailed analysis of the institution's accounting procedures. They should be educated about exactly the kind of activities that Enron directors failed to appreciate: (1) transactions with affiliated companies, (2) transfer of assets/debts to special-purpose entities in order to achieve "off balance sheet" treatment; (3) related-party and insider transactions; (4) aggressive use of restructuring changes and acquisition reserves; and (5) aggressive derivative trading and use of exotic derivatives; and (6) aggressive revenue recognition policies.

Directors of financial institutions also should be familiarized with their institution's quantitative risk analysis techniques. Indeed, the risk analysis group should be independent of the trading and underwriting department. It should be well compensated and have reporting responsibilities to the chief executive, to the chief operating officer, and to the board of directors itself. As part of the orientation process, new directors should be required to meet with members of the official supervisory agencies such as the Federal Reserve, the Comptroller of the Currency, and the Securities and Exchange Commission, all whom should explain what these agencies require from the institution. Legal counsel should also meet with new directors to explain their responsibilities and liabilities from a legal perspective.

But this kind of orientation process alone is not enough to achieve effective board oversight. Board meetings should be allotted more time. Directors should be given more detailed information than highly sanitized and summarized financial information. Board expertise in accounting, quantitative risk analysis, and information technology will become more and more essential in our complex world of finance.

To be sure, the primary task of boards is to define strategy and set policy, to represent the interests of the shareholders and creditors, not to operate the institution. But unless boards devote enough time to handle their responsibilities, the financial industry will suffer even more upheavals, forcing government to step in to clean up messes—and, increasingly, to regulate and control.

I want to turn now to the question, "Can sell-side research be objective?" As many of you here know, when I was at Salomon I managed for many years a large research group that grew to more than 450 professionals by the time I left in 1988. In formulating my own forecasts over those many years, I was never urged to modify my views to confirm with the immediate underwriting or trading activities of the firm, and I know of no researcher in my department who was coerced to change his analytical conclusion.

To be sure, there were occasional complaints from trading and underwriting desks because of one or another view I expressed publicly (usually in written form); but as head of research, I was in a unique position to fend off any criticism. I was a senior partner and a member of the firm's Executive Committee, where no member ever asked that research accommodate the underwriting or trading activity.

In recent decades, however, the objectivity of sell-side research has been compromised more and more. One obvious result is that it is hard to find negative reports these days. Few, for instance, warned of the speculative bubble in the high tech industry. Many analysts wrote glowingly about companies with no earnings, high cash burn rates, and shares selling at high prices relative to sales volume and distant profit prospects. In place of rigorous analyses of firms and industries, one usually saw reports that parroted the views of corporate management and that of historical evaluation norms.

And the scope of the problem is vast. Public attention is most focused on the role that sell-side analysts play in attracting new issues of securities. But very few, if any, seem concerned about the potential for the sell-side institution to front-run trading positions on the basis of soon-to-be-released research reports. The fact is, traders typically have many opportunities in their conversations with equity analysts to ferret out a change in the analyst's view or to learn of the timing of upcoming press releases.

I believe that these problems facing the sell-side analyst can at best be mitigated. To begin with, my experience strongly suggests that the head of research should be a member of senior management. This would establish his authority to deal with research issues at the highest level. Of course, I agree with the suggestion that the relationship of the sell-side institution with the company being analyzed should be stated in the report in bold letters. But it would also be helpful if the analyst stated the performance of the company and the price movement of the stock since the last report, and drew explicit conclusions.

The logical solution to this conflict is for sell-side institutions to provide no research reports to clients. Research would serve only an in-house function by providing analyses that would help the institution assess the merits of the securities it is underwriting and trading. Institutional investors and independent research firms would then fill the gap. This method presumably would lower the cost of research at sell-side firms, which in turn would lower trading and underwriting costs and offset a healthy portion of the increased research costs on the buy side.

Let me also comment briefly on another matter raised by the Enron debacle. Should employees be required to limit their employee retirement investments in the stock of their company? Considering the losses suffered by the Enron employees, the tendency is to respond positively. There is, however, no simple quantitative rule that will be an equitable solution for all employees. They possess vast differences in ages, compensations, personal responsibilities, health, and person net worth. What government regulation can do justice to all of these factors? The alternative solution is for the employer to provide investment counseling where these characteristics are reviewed and discussed before the employee decides on the size of the investment to be made in the shares of the corporation.

While many of the consequences of the Enron's demise already are manifest in the market, it seems to me that the most important one is really unpredictable. This is whether more "Enrons" will surface in the near future. If they do, market participants will pull away from equity markets and high yield bonds, because new doubts will be raised about the quality of earnings and the accuracy of other reported financial information.

But already we can see other repercussions from Enron's fall quite clearly. In the securities industry, merger activity has slowed and—by the standards of recent years—will remain at a low volume for the foreseeable future. No conglomerate that is on the brink of going below a credit rating of "below investment trade" will be able to gain ready access to funds for sometime to come. And while initial public offerings of stock are trickling into the market again, I think we have seen the end of the kind of huge speculative offerings that have been fairly common in recent years. Meanwhile, financial institutions, with lower near-term profit margins, will be encouraged to shed more overhead. Research analysts will be particularly vulnerable if institutions cannot use them to help market new issues and trading positions.

For business corporations, financing costs are rising. This began last year when corporations issued a huge volume of bonds and reduced short-term debt, mainly outstanding commercial paper. In doing so, they paid off lower-cost debt and increased higher-cost debt. The financial problems of Enron and of a handful of other companies late last year has inspired commercial paper investors to become more discerning, thereby forcing corporate issuers to activate bank lines or new bond issuance to pay off maturing paper. The paper market is now virtually closed to all issuers below the top credit rating.

The liquidation of outstanding commercial paper held by nonfinancial corporations has taken place on an unprecedented scale (see Figure 2). Since 2000, it has declined by $175 billion, or a remarkable 49%. This trend has reduced commercial paper to levels that were outstanding in 1997. Moreover, this $175 billion shift in borrowing probably has boosted corporate financing costs by anywhere from $6 billion to $8 billion. Financing costs probably also will rise, as banks raise their fees for back-up lines of credit, although these lines have an uncertain value. On the one hand, they do provide liquidity for the corporate issuer of paper when investors want their money. On the other hand, the runoff of paper tends to accelerate when market participants become aware of the utilization of the bank line.

While creditors generally will increase their alertness to corporate credit quality as a result of Enron, credit rating agencies surely will intensify the scope of their work and the speed of their responsiveness to changing corporate credit conditions. Already, we hear of the likely issuance of corporate liquidity ratings by the ratings agencies. This closer scrutiny will occur on top of another year in which more corporate credit ratings will be lowered rather than raised.

Yet another likely outcome from the Enron Episode is improved accounting standards. This will lower reported corporate profits in the short term, but the more conservative profit data will enhance investor confidence in the long run. Let us also hope that there may be an effort to put some of the off-balance-sheet financing onto the balance sheet. If so, the corporate debt data that I spoke about earlier will look worse—but again, the long-term effect for investors will be positive.

Incidentally, two other costs not related to financing costs are likely to rise as a consequence of Enron's travails. These are audit fees and the cost of liability insurance for directors and officers.

Of course, all of these costs could be more than offset through a sharp increase in corporate profits. I suspect that this is unlikely. Business does not have pricing power. Excess capacity is high here and around the world. Unfortunately, Enron unraveled at a time when the general financial condition of nonfinancial corporations was probably the worst—for the end of a recession and the start of a new economic recovery—for the entire post-World War II period. From 1995 to 2001, the equity position (retained earnings plus new issuance or minus retirement of stock) of non-financial corporations has contracted by $423 billion, while net debt has increased by $2.3 trillion in the same period. Indeed, this exceeded the debt-leveraging binge in the 1984–90 period when net equity contracted by $457 billion and debt rose by $1.3 trillion. Due to time constraint, the chart can't be printed in the RECORD. (See table.)

The combination of the cyclically weak financial position of corporations, moderate profit recovery, and closer scrutiny of corporate activity by management, auditors, creditors, rating agencies, and officially supervisory agencies will—in the near term—inhibit corporate activity, especially capital expenditures. Thus, once the current inventory restocking ends a few months from now, the economic recovery will moderate significantly.

In short, there are likely to be some difficult adjustments in the near-term horizon, several of them a direct result of Enron's wayward ways. But all would be a modest price to pay for a return to more reasonable and responsible conduct in business and financial markets.

FIGURE 3.—NET CHANGE IN EQUITY BOOK VALUE AND IN DEBT U.S. NONFARM NONFINANCIAL CORPORATE BUSINESS, 1982–2001

[In billions of dollars]

	1982–83	1984–90	1991–94	1995–99	2000	2001
Pre-Tax Profits	$291.4	$1,446.1	$1,163.5	$2,303.8	$502.2	$379.3
Less:						
Taxes	105.6	606.7	409.0	768.4	186.0	141.8
Dividends	116.9	589.3	565.0	1,074.8	267.3	302.7
Plus:						
IVA	(19.1)	(66.3)	(14.5)	8.8	(12.4)	4.4
Net New Equity	21.9	(640.7)	21.7	(652.7)	(159.7)	(55.7)
Net Change In Equity	71.7	456.9	196.7	(183.3)	(123.2)	(116.5)
Net Increase In Debt	186.1	1,274.1	129.9	1,547.6	429.1	267.9

Source: Federal Reserve Board, Flow of Funds.●

IN RECOGNITION OF THE VALOR, DEDICATION, AND PATRIOTISM OF THE KERR FAMILY VETERANS

● Mr. LEVIN. Mr. President, this weekend communities will gather to pay tribute to the men and women who lost their lives while in service to our Nation. Throughout America, parades will be held on Memorial Day which will honor the soldiers, sailors, airmen and Marines who have served to protect our Nation and preserve our freedoms. The City of Royal Oak, in my home State of Michigan will be hosting its annual Memorial Day parade on Monday, May 27, 2002, and this year four brothers from the Kerr family, who are all Vietnam veterans will serve as the Grand Marshals of this parade. These four brothers all voluntarily joined the U.S. military, and went to Vietnam to bravely serve in our nation's armed services. These brothers have proudly carried the "Warrior" American flag in the Royal Oak parade in past years to honor their tribe, the Chippewa Tribe of Sault Sainte Marie, and to honor all of the American heroes who fought so fearlessly and valiantly in past conflicts to preserve our liberty and democratic values.

John Kerr, U.S. Marine Corps, Tom Kerr, U.S. Air Force, and Harvey Kerr, U.S. Navy, served in Vietnam simultaneously. Upon their safe return, a fourth brother, Michael Kerr, U.S. Army, voluntarily served in Vietnam and returned safely. These brothers reportedly owe their courage to their beloved mother, Rena Kerr, whose strength and conviction moved her to persevere beyond her personal challenges as a young widow and mother of nine children, to serve the needs of her fellow Americans. She was a devoted civil rights activist and committed herself to helping others. She taught her seven sons and two daughters to highly value their priceless freedoms and the proud Chippewa heritage of their late father, Ted Kerr. With so great a legacy, four Kerr sons were impressed to respond courageously and patriotically to the wartime call, and chose to stand and valiantly serve their country in the Vietnam War. Tom Kerr, who bravely flew a State Flag of Michigan in a F-4 on a combat mission over North Vietnam, was honored to present that flag after his return to Governor William Milliken in 1968.

The Kerr brothers have made it a tradition to annually salute America's fallen heroes of past conflicts and wars on the national day of observance. They proudly carry the flag to honor those who gave the ultimate sacrifice in service to our country, and to join with their many families and friends to honor their memory. The Kerr brothers march as an expression of reverence for those who fought along side them in Vietnam, but did not return. And the Kerr brothers have called our attention to the importance of cherishing our great freedom that has come through the "blood of heroes."

The Kerr brothers can be proud of their dedication to their country, and their great commitment to honor the values of their family and the principles of democracy and freedom. We as a nation have benefitted from the sacrifices, extraordinary contributions and example of these four brothers who bravely went off to war after having lost their father. I know that my Senate colleagues join me and the Royal Oak Parade Council in paying tribute to the Kerr brothers for their service in our nation's armed forces and their great bravery and valor as Vietnam veterans.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that it has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3253. An act to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

H.R. 4608. An act to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Center."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that continual research and education into the cause and cure of fibroid tumors be addressed.

H. Con. Res. 309. Concurrent resolution recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages.

H. Con. Res. 314. Concurrent resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day.

The message further announced that pursuant to 22 U.S.C. 276h, notwithstanding the provisions of that section regarding the Chairmanship, and clause 10 of rule I, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman, Mr. DREIER of California, Mr. STENHOLM of Texas, Mr. BARTON of Texas, Mr. DOOLEY of California, Mr. PASTOR of Arizona, Mr. FILNER of California, Ms. ROYBAL-ALLARD of California, Mr. CANNON of Utah, Mr. REYES of Texas, Mr. TANCREDO of Colorado, and Mr. UDALL of New Mexico.

The message also announced that pursuant to 22 U.S.C. 276d and clause 10 of rule I, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. HOUGHTON of New York, Chairman, Mr. GILMAN of New York, Mr. LAFALCE of New York, Mr. SHAW of Florida, Mr. LIPINSKI of Illinois, Ms. SLAUGHTER of New York, Mr. STEARNS of Florida, Mr. MANZULLO of Illinois, Mr. DAN MILLER of Florida, Mr. SOUDER of Indiana, and Mr. ENGLISH of Pennsylvania.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3253. An act to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that continual research and education into the cause and cure for fibroid tumors be addressed; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 309. Concurrent resolution recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 314. Concurrent resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7164. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the law, a report relative to a Determination and Certification under Section 40A of the Arms Export Control Act; to the Committee on Foreign Relations.

EC–7165. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for January 2002; to the Committee on Governmental Affairs.

EC–7166. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, the OMB Cost Estimate for Pay-As-You-Go Calculations for report numbers 575 and 576; to the Committee on the Budget.

EC–7167. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–7168. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Employment, Business Opportunity, and Training Act of 2002; to the Committee on Veterans' Affairs.

EC–7169. A communication from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the Hoopa-Yurok Settlement Act; to the Committee on Indian Affairs.

EC–7170. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes in Accounting Periods" ((RIN1545–AX15)(TD8996)) received on May 16, 2002; to the Committee on Finance.

EC–7171. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule "Ridge and Marjory Harlan v. Commissioner" received on May 17, 2002; to the Committee on Finance.

EC–7172. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of the Remedial Amendment Period" (Rev. Proc. 2001–55) received on May 17, 2002; to the Committee on Finance.

EC–7173. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Valuation of Option for Golden Parachute Payment" (Rev. Proc. 2002–13) received on May 17, 2002; to the Committee on Finance.

EC–7174. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Reporting Forms Implementing FEC Rule Transmitted on March 15, 2002" received on May 9, 2002; to the Committee on Rules and Administration.

EC–7175. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, twenty-three recommendations for legislative action; to the Committee on Rules and Administration.

EC–7176. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nicotine; Tolerance Revocations" (FRL6836–7) received on May 16, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7177. A communication from the Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Forest System Land and Resource Management Planning; Extension of Compliance Deadline; Interim Final Rule" (RIN0596–AB87) received on May 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7178. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pink Bollworm Regulated Areas; Removal of Oklahoma" (Doc. No . 02–031–1) received on May 17, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Post-1996 Rate of Progress Plans" (FRL7171–7) received on May 16, 2002 ; to the Committee on Environment and Public Works.

EC–7180. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Grating of Two Site-Specific Treatment Variances to U.S . Ecology Idaho, Incorporated in Grandview, Idaho and CWM Chemical Services, LLC in Model City, New York" (FRL7214–4) received on May 16, 2002; to the Committee on Environment and Public Works.

EC–7181. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards to Hazardous Air Pollutants: Surface Coating of Metal Coil" (FRL7214–6) received on May 16, 2002; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs:

Report to accompany S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes. (Rept. No. 107–153).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1742: A bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Anthony Lowe, of Washington, to be Federal Insurance Administrator, Federal Emergency Management Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 2534. A bill to reduce crime and prevent terrorism at America's seaports; to the Committee on Finance.

By Mrs. BOXER:

S. 2535. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Conservation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LEVIN, Mr. DORGAN, Mr. SCHUMER, and Mr. JOHNSON):

S. 2536. A bill to amend title XIX of the Social Security Act to clarify that section 1927 of that Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. ENSIGN):

S. 2537. A bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. Res. 273. A resolution recognizing the centennial of the establishment of Crater Lake National Park; considered and agreed to.

By Mr. KENNEDY:

S. Con. Res. 115. A concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families; considered and agreed to.

ADDITIONAL COSPONSORS

S. 281

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 701

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes.

S. 782

At the request of Mr. ALLARD, his name was added as a cosponsor of S. 782, a bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1329

At the request of Mr. JEFFORDS, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Florida (Mr. NELSON), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1339, supra.

S. 1742

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1742, a bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

S. 1777

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 1839

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1859

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1859, a bill to extend the deadline for granting posthumous citizenship to individuals who die while on active-duty service in the Armed Forces.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1924

At the request of Mr. SANTORUM, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1957

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1957, a bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2017

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2017, a bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

S. 2085

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2116

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2249

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2249, a bill to amend the Public Health Service Act to establish a grant program regarding eating disorders, and for other purposes.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2428

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2430

At the request of Mr. NICKLES, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

S. 2444

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2444, a bill to amend the Immigration and Nationality Act to improve the administration and enforcement of the immigration laws, to enhance the security of the United States, and to establish the Office of Children's Services within the Department of Justice, and for other purposes.

S. 2484

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2484, a bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

S. 2489

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2489, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 2492

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2492, a bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

S. 2505

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2505, a bill to promote the national security of the United States through international educational and cultural exchange programs between the United States and the Islamic world, and for other purposes.

S. 2525

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2525, a bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. CON. RES. 77

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 77, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor coal miners.

S. CON. RES. 107

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 107, a concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment," as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

AMENDMENT NO. 3430

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3430 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3431

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3431 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3433

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 3433 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 2534. A bill to reduce crime and prevent terrorism at America's seaports; to the Committee on Finance.

Mr. BIDEN. Mr. President, I rise today to introduce the "Reducing Crime and Terrorism at America's Seaports Act." This important legislation will update Federal law to address critical security issues at seaports in the United States and, in concert with recent efforts by my good friend Senator HOLLINGS and others, will help keep America safe and secure.

Last October, I chaired a hearing of the Senate Judiciary Subcommittee on Crime and Drugs on "Defending America's Transportation Infrastructure." At the hearing, we heard testimony from experts that confirmed what many of us have known and preached for years: this Nation's transportation infrastructure, our railways, our highways, our seaports, is especially vulnerable to terrorist threats and other nefarious activity. Our trains, trucks and sea vessels, and the systems that carry them, are ripe targets and, if compromised, could jeopardize American lives and devastate the American economy.

The U.S. Government has known of this tremendous vulnerability but, until the tragic events of September 11, assessed the risk of an actual attack, at least with respect to seaports, as relatively low. Well, we all know how mistaken that assessment is now. While no one can predict with certainty where the next attack might be, most clear thinkers agree that there will be another attempt. The real question before us is will we cower in a web of fear and bureaucratic inaction, or will we focus on creative problem-solving, building partnerships, and collaboratively fighting the well-funded and well-organized network of criminals that seek to topple us. The choice, my friends, is clear.

In the aftermath of September 11, Congress moved expeditiously to bridge the gaps in homeland security, passing landmark anti-terrorism legislation, strengthening security at airports, and providing additional funding for emergency law enforcement and domestic preparedness. Despite our early efforts, however, there is much that remains to be done. We have tackled the obvious and the easy. We must now move as swiftly to resolve the more difficult, but no less pressing, problems. And, as gateways to our largest cities and industries, the protection of U.S. seaports must be at the top of our priority list.

Failing to protect our Nation's ports will jeopardize American lives, as well as property. It threatens to undermine national security, especially where terrorists and other criminals illegally traffic weapons, munitions and critical technology. And it will significantly disrupt the free and steady flow of commerce.

Let me say a word about the threat to commerce. Ports connect American consumers with global products, and U.S. farmers and manufacturers with overseas markets. The U.S. marine transportation system moves more than 2 billion tons of domestic and international freight and imports 3.3 billion tons of oil. By some estimates, the port industry generates more than 13 million jobs and $494 billion in personal income; it contributes nearly $743 billion to the Nation's gross domestic product, and $200 billion in Federal, State and local taxes. These extraordinary numbers underscore the critical role that seaports play in fueling economic growth. More importantly, they make the point, more forcefully than any number of speeches or platitudes, that port security will be a key element to building and sustaining a stable national economy.

With that in mind, I introduce legislation today that would substantially improve the inadequate protections currently contained in the Federal code: first, the effectiveness of Federal, State and local efforts to secure ports is compromised in part by criminals' ability to evade detection by underreporting and misreporting the content of cargo, with little more than a slap on the wrist, if that. The existing statutes simply do not provide adequate sanctions to deter criminal or civil violations. As a consequence, vessel manifest information is often wrong or incomplete, and our ability to assess risks, make decisions about which containers to inspect more closely, or simply control the movement of cargo is made virtually impossible. This bill would substantially increase the penalties for non-compliance with these reporting requirements.

Second, we know that cargo is especially vulnerable to theft once it arrives at shore and is transported between facilities within a seaport. To deter such larceny, this bill would significantly increase penalties for theft of goods from Customs' custody.

Third, there currently exists no standard system for safeguarding cargo; no requirement that all containers be sealed; and no consistent guidance or protocol to direct action in the event that a container's seal is compromised. This legislation would require the U.S. Customs Service to develop a uniform system of securing or sealing at loading all containers originating in or destined for the U.S.

Fourth, my friends at the Customs Service tell me that their ability to conduct "sting" operations to detect illicit arms trafficking is significantly curtailed by onerous pre-certification requirements. This bill would give Customs agents the flexibility they need to conduct these investigations where American lives and property are threatened.

Fifth, the bill would impose strict criminal penalties for the use of a dangerous weapon or explosive with the intent to cause death or serious bodily injury at a seaport. Notably, such a provision already exists with respect to international airports and other mass transportation systems. If my bill is enacted, we would take the commonsense step of extending that same coverage to seaports.

Finally, while by all accounts the amount of crime at U.S. seaports is great, there exists no national data collection and reporting systems that capture the magnitude of serious crime at seaports. Indeed, the Interagency Commission on Crime and Security in U.S. Seaports concluded that it was unable to determine the full extent of serious crime at the nation's 361 seaports, primarily because there is no consolidated database. This legislation would help correct this dearth of reliable information by authorizing pilot programs at several seaports that would enable victims to report cargo theft and direct the Attorney General to create a database of these crimes, which would be available to appropriate Federal, State and local agencies.

Let me be clear: my legislation is not a cure-all. Comprehensive and effective port security will require an interagency, intergovernmental strategy that works to prevent and deter criminal and terrorist activity, and, where those efforts fail, detect any wrongdoing before harm or destruction results. The Federal Government, with my support and oftentimes at my insistence, has established formal strategies and protocols to address drug trafficking, domestic and international crime, and airport security. But seaport security remains largely unaddressed. If we are to win this new war and truly secure the homeland, not just in word, but also in deed, we must focus the attention of both the public and private sectors on safeguarding America's seaports. We must do it now, and we must do it without sacrificing the country's economic health.

My friends, September 11 was our clarion call. How we respond to that call to action will be the real challenge of leadership, and citizenship, in the 21st century.

By Mrs. BOXER:

S. 2535. A bill to designate certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Conservation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, history books written about California always comment on the natural beauty of the State because our natural treasures have always been one of the things that makes California unique. But that beauty must not be taken for granted. That is why I am introducing the California Wild Heritage Act of 2002, the first statewide wilderness bill for California since 1984.

This legislation will protect more than 2.5 million acres of public lands in 81 different areas, as well as the free-flowing portions of 22 rivers. Every acre of wild land is treasure. But the areas protected in this bill are some of California's most precious, including: the old growth redwood forest near the Trinity Alps in Trinity and Humboldt Counties; 35 miles of pristine coastline in the King Range in Humboldt and Mendocino Counties; the Nation's sixth highest waterfall, Feather Falls, in Butte County; the ancient Bristlecone Pines in the White Mountains in Inyo and Mono Counties; and the oak woodlands in the San Diego River area.

The bill protects these treasures by designating these public lands as "wilderness" and by naming 22 rivers, including the Clavey in Tuolumne County, as "wild and scenic" rivers. These destinations mean no new logging, no new dams, no new construction, no new mining; no new drilling, and no motorized vehicles. Protection of the areas in this bill is necessary to ensure that these previous places will be there for future generations. Because much of our State's drinking water supply is made up of watersheds in our national forest, this bill also helps ensure California has safe, reliable supply of clean drinking water. This bill would also mean that the hundreds of plant and animal species that make their homes in these areas will continue to have a safe haven. Endangered and threatened species whose habitats will be protected by this bill include: the bald eagle; Sierra Nevada Red Fox, and Spring Run Chinook Salmon among others.

In short, this bill preserves, prevents, and it protects. It preserves our most important lands, it prevents pollution, and it protects our most endangered wildlife. That is why so many supporters are throwing their weight behind this bill. Thousands of diverse organizations, businesses, and others see the importance of this legislation and have given it their support. Additionally, hundreds of local elected officials have voiced support for the protection of their local areas. Unfortunately, despite the tremendous support of this bill, it is not without opponents. They will say this bill is too large and goes too far. Yet this bill is similar in size to other statewide wilderness bills that have already passed Congress. The 1984 California Wilderness Act protected approximately 2 million acres and 83 miles of the Tuolume River. The most recent Wilderness bill, the California Desert Protection Act, protected approximately 6 million acres. And this must be taken in context. Only 13 percent of California is currently protected as wilderness. This bill would raise that amount to 15 percent.

The question is, how much wilderness is enough? For every Californian, there is currently less than half an acre of wilderness set aside. I think this is too little. During the last 20 years, 675,000 acres of unprotected wilderness, approximately the size of Yosemite National Park, lost their wilderness character due to activities such as logging and mining. As our population increases, and California becomes home to almost 50 million people by the middle of the century, these development pressures are going to skyrocket. If we fail to act now, there simply will not be any wild lands or wild rivers left to protect.

We must reverse this. Many of the areas in this bill would have been protected by the Clinton administration's Roadless Rule, but this rule has been gutted by the Bush Administration, leaving these lands with no guarantee of protection. That just makes the need for this bill even greater. The other big question that has been raised is whether this bill will limit public access to these areas. I do not believe this will be the case. While wilderness designation means the wilderness areas are closed to mountain bikers, they remain open to a myriad of recreational activities, including: horseback riding, fishing, hiking, backpacking, rock climbing, cross country skiing, and canoeing. Mountain bikers and motorized vehicles have 100,000 miles of road and trails in California that are not touched in my bill. Furthermore, numerous economic studies suggest wilderness areas are a big draw that attract outdoor recreation visitors, and tourism dollars, to areas that have received this special designation.

Those of us who live in California have a very special responsibility to protect our natural heritage. Past generations have done it. They have left us with the wonderful and amazing gifts of Yosemite, Big Sur and Joshua Tree. These are places that Californians cannot imagine living without. Now it is our turn to protect this legacy for future generations, for our children's children, and their children. This bill is the place to start and the time to start is now.

By Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LEVIN, Mr. DORGAN, Mr. SCHUMER, and Mr. JOHNSON):

S. 2536. A bill to amend title XIX of the Social Security Act to clarify that section 1927 of that Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the medicaid program; to the Committee on Finance.

Ms. STABENOW. I am pleased to rise today to introduce the Rx Flexibilty for States Act along with Senators DURBIN, LEAHY, JEFFORDS, BOXER, LEVIN, DORGAN, SCHUMER and JOHNSON.

This legislation would give States the flexibility to set up programs to pass along Medicaid rebates and discounts to their citizens who do not have prescription drug coverage and who are not currently eligible for Medicaid.

One of the biggest challenges facing businesses, senior citizens, families and State governments is the rising cost of prescription drug prices. From 2000–2001, prescription drug prices rose 17 percent. This is causing health expenditures and health insurance premiums to go up rapidly.

In an attempt to respond to these skyrocketing prices, 30 States have enacted laws providing some type of prescription drug coverage to those without insurance, according to the National Governors' Association, NGA.

However, the drug makers' trade association, PhRMA, has mounted legal challenges against several States because it opposes State efforts to lower prescription drug prices and increase coverage for those without it. Specifically, they have filed lawsuits against Maine and Vermont because the drug lobby does not want to extend Medicaid rebates and discounts to non-Medicaid recipients.

While Maine's two programs have been upheld in Court, Vermont's has not and both States are embroiled in lengthy appeals processes. These legal challenges are very costly and may have deterred other States from establishing similar demonstration projects.

In the absence of a Federal Medicare prescription drug benefit and soaring price of prescription drugs, States should have the unfettered ability to pass on Medicaid rebate to their residents! We need this legislation now, because even if Congress passes a Medicare prescription drug program, it will be several years before it is fully phased in.

The Rx Flexibility for States Act would seek to remove the legal hurdles that are preventing States from providing lower priced prescription drugs to all their citizens.

Specifically, States would be able to extend Medicaid rebates and discounts for prescription drugs to non-Medicaid eligible persons.

State governments are closer to the people and deserve the flexibility to set up their own programs to lower the costs of prescription drugs for their citizens.

This bill will give them that flexibility. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rx Flexibility for States Act".

SEC. 2. CLARIFICATION OF STATE AUTHORITY RELATING TO MEDICAID DRUG REBATE AGREEMENTS.

Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following:

"(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from—

"(1) directly entering into rebate agreements that are similar to a rebate agreement described in subsection (b) with a manufacturer for purposes of ensuring the affordability of outpatient prescription drugs in order to provide access to such drugs by residents of a State who are not otherwise eligible for medical assistance under this title; or

"(2) making prior authorization (that satisfies the requirements of subsection (d) and that does not violate any requirements of this title that are designed to ensure access to medically necessary prescribed drugs for individuals enrolled in the State program under this title) a condition of not participating in such a similar rebate agreement.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—RECOGNIZING THE CENTENNIAL OF THE ESTABLISHMENT OF CRATER LAKE NATIONAL PARK

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas Crater Lake, at 1,943 feet deep, is the deepest lake in the United States;

Whereas Crater Lake is a significant natural feature, the creation of which, through the eruption of Mount Mazama 7,700 years ago, dramatically affected the landscape of an area that extends from southern Oregon into Canada;

Whereas legends of the formation of Crater Lake have been passed down through generations of the Klamath Tribe, Umpqua Tribe, and other Indian tribes;

Whereas on June 12, 1853, while in search of the legendary Lost Cabin gold mine, John Wesley Hillman, Henry Klippel, and Isaac Skeeters discovered Crater Lake;

Whereas William Gladstone Steele dedicated 17 years to developing strong local support for the conservation of Crater Lake, of which Steele said, "All ingenuity of nature seems to have been exerted to the fullest capacity to build a grand awe-inspiring temple the likes of which the world has never seen before";

Whereas on May 22, 1902, President Theodore Roosevelt signed into law a bill establishing Crater Lake as the Nation's sixth national park, mandating that Crater Lake National Park be "dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States" (32 Stat. 202);

Whereas Crater Lake National Park is a monument to the beauty of nature and the importance of providing public access to the natural treasures of the United States; and

Whereas May 22, 2002, marks the 100th anniversary of the designation of Crater Lake as a national park: Now, therefore, be it

Resolved, That the Senate recognizes May 22, 2002, as the centennial of the establishment of Crater Lake National Park.

SENATE CONCURRENT RESOLUTION 115—EXPRESSING THE SENSE OF THE CONGRESS THAT ALL WORKERS DESERVE FAIR TREATMENT AND SAFE WORKING CONDITIONS, AND HONORING DOLORES HUERTA FOR HER COMMITMENT TO THE IMPROVEMENT OF WORKING CONDITIONS FOR CHILDREN, WOMEN, AND FARM WORKER FAMILIES

Mr. KENNEDY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 115

Whereas Dolores Huerta is a preeminent civil rights leader who has been fighting for the rights of the underserved for more than 40 years;

Whereas Dolores Huerta was born on April 10, 1930, in Dawson, New Mexico;

Whereas Dolores Huerta was raised, along with her 2 brothers and 2 sisters, in the San Joaquin Valley town of Stockton, California, where she was witness to her mother's care and generosity for local, poverty-stricken farm worker families;

Whereas after earning a teaching credential from Stockton College, Dolores Huerta was motivated to become a public servant and community leader upon seeing her students suffer from hunger and poverty;

Whereas Dolores Huerta defied cultural and gender stereotypes by becoming a powerful and distinguished champion for farm worker families;

Whereas in addition to her unyielding support for farm workers' rights, Dolores Huerta has been a stalwart advocate for the protection of women and children;

Whereas notwithstanding her intensity of spirit and her willingness to brave challenges, Dolores Huerta has always espoused peaceful, nonviolent tactics to promote her ideals and achieve her goals;

Whereas Dolores Huerta established her career as a social activist in 1955 when she founded the Stockton chapter of the Community Service Organization, a Latino association based in California, and became involved in the association's civic and educational programs;

Whereas in 1962, together with Cesar Chavez, Dolores Huerta founded the National Farm Workers Association, a precursor to the United Farm Workers Organizing Committee, which was formed in 1967;

Whereas Dolores Huerta is the proud mother of 11 children and has 14 grandchildren; and

Whereas Dolores Huerta was inducted into the Women's Hall of Fame in 1993 for her relentless dedication to farm worker issues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that all workers deserve fair treatment and safe working conditions; and

(2) the Congress honors Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3467. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3468. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3469. Mr. WELLSTONE (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3470. Mr. REID (for Ms. LANDRIEU) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3471. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3472. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3473. Mrs. LINCOLN (for herself and Mr. BUNNING) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3474. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3446 proposed by Mr. BROWNBACK to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3475. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3476. Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3478. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3479. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3480. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3481. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3482. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3483. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3484. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3485. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3486. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3487. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3488. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3489. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3490. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3491. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3492. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3493. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3494. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3495. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3496. Mr. EDWARDS (for Mr. HELMS) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3497. Mr. EDWARDS (for Mr. HELMS) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3498. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3499. Mr. HATCH (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3500. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3501. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3502. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3503. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3504. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3505. Mr. DURBIN (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3506. Mr. CORZINE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3507. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3508. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3509. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3510. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3511. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3512. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3513. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3514. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3515. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3516. Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3517. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3518. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3519. Mr. FEINGOLD (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3520. Mr. FEINGOLD (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3521. Mr. REID (for Mr. JEFFORDS) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3522. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3523. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3524. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3525. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3526. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3527. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3528. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3529. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3530. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3467. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, between lines 15 and 16, insert the following new paragraph:

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect intentionally recognized civil, political, and human rights.

SA 3468. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 224, strike line 1, and all that follows through page 345, line 19.

SA 3469. Mr. WELLSTONE (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Title XLII is amended by adding at the end the following new section:

SEC. 4203. PROHIBITION ON USE OF TANF FUNDS FOR CONTRACTING WITH ENTITIES THAT EMPLOY WORKERS LOCATED OUTSIDE OF THE UNITED STATES TO CARRY OUT THE CONTRACT.

(a) IN GENERAL.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) CONTRACTING WITH ENTITIES THAT EMPLOY WORKERS LOCATED OUTSIDE OF THE UNITED STATES.—

"(A) IN GENERAL.—Subject to subparagraph (B), a State to which a grant is made under section 403 shall not use any part of the grant to enter into a contract with an entity that employs workers who are located outside of the United States to carry out the activities required under the contract.

"(B) WAIVER.—The Secretary may waive the application of subparagraph (A) with respect to a State upon certification from the State that the State has taken good faith steps to enter into a contract with an entity that employs United States workers to carry out the activities required under the contract.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act and applies to contracts entered into or renewed by a State on or after that date.

SA 3470. Mr. REID (for Ms. LANDRIEU) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, between lines 17 and 18, insert the following new section:

SEC. 113. TRADE ADJUSTMENT ASSISTANCE FOR MARITIME EMPLOYEES.

Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary of Labor shall establish a program to provide health care coverage assistance under title VI of that Act, and program benefits under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) to longshoremen, harbor and port pilots, port personnel, stevedores, crane operators, warehouse personnel, and other harbor workers who have become totally or partially separated, or are threatened to become totally or partially separated, as a result of the decline in the importation of steel products into the United States caused by the safeguard measures taken by the United States on March 5, 2002, under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SA 3471. Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 303. COMMUNITY WORKFORCE PARTNERSHIPS.

(a) SHORT TITLE.—This section may be cited as the "Community Workforce Development and Modernization Partnership Act".

(b) GENERAL AUTHORITY.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) (as amended by sections 401 and 501) is further amended by inserting after chapter 7 the following:

"CHAPTER 8—COMMUNITY WORKFORCE PARTNERSHIPS

"SEC. 299K. AUTHORIZATION.

"(a) IN GENERAL.—From amounts made available to carry out this chapter, the Secretary of Labor (referred to in this chapter as the 'Secretary'), in consultation with the Secretary of Commerce and the Secretary of Education, shall award grants on a competitive basis to eligible entities described in subsection (b) to assist each entity to—

"(1) help workers improve those job skills that are necessary for employment by businesses in the industry with respect to which the entity was established;

"(2) help dislocated workers find employment; and

"(3) upgrade the operating and competitive capacities of businesses that are members of the entity.

"(b) ELIGIBLE ENTITIES.—An eligible entity described in this subsection is a consortium (either established prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act or established specifically to carry out programs under this chapter) that—

"(1) shall include—

"(A) 2 or more businesses (or nonprofit organizations representing businesses) that are facing similar workforce development or business modernization challenges;

"(B) labor organizations, if the businesses described in subparagraph (A) employ workers who are covered by collective bargaining agreements; and

"(C) 1 or more businesses (or nonprofit organizations that represent businesses) with resources or expertise that can be brought to bear on the workforce development and business modernization challenges referred to in subparagraph (A); and

"(2) may include—

"(A) State governments and units of local government;

"(B) educational institutions;

"(C) labor organizations; or

"(D) nonprofit organizations.

"(c) COMMON GEOGRAPHIC REGION.—To the maximum extent practicable, the organizations that are members of an eligible entity described in subsection (b) shall be located within a single geographic region of the United States.

"(d) PRIORITY CONSIDERATION.—In awarding grants under subsection (a), the Secretary shall give priority consideration to—

"(1) eligible entities that serve dislocated workers or workers who are threatened with becoming totally or partially separated from employment;

"(2) eligible entities that include businesses with fewer than 250 employees; or

"(3) eligible entities from a geographic region in the United States that has been adversely impacted by the movement of manufacturing operations or businesses to other regions or countries, due to corporate restructuring, technological advances, Federal law, international trade, or another factor, as determined by the Secretary.

"(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"SEC. 299L. PARTNERSHIP ACTIVITIES.

"(a) USE OF GRANT AMOUNTS.—Each eligible entity that receives a grant under section 299K shall use the amount made available through the grant to carry out a program that provides—

"(1) workforce development activities to improve the job skills of individuals who have, are seeking, or have been dislocated from, employment with a business that is a member of that eligible entity, or with a business that is in the industry of a business that is a member of that eligible entity;

"(2) business modernization activities; or

"(3) activities that are—

"(A) workforce investment activities (including such activities carried out through one-stop delivery systems) carried out under subtitle B of title I of the Workforce Investment Act of 1998 (42 U.S.C. 2811 et seq.); or

"(B) activities described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

"(b) ACTIVITIES INCLUDED.—

"(1) WORKFORCE DEVELOPMENT ACTIVITIES.—The workforce development activities referred to in subsection (a)(1) may include activities that—

"(A) develop skill standards and provide training, including—

"(i) assessing the training and job skill needs of the industry involved;

"(ii) developing a sequence of skill standards that are benchmarked to advanced industry practices;

"(iii) developing curricula and training methods;

"(iv) purchasing, leasing, or receiving donations of training equipment;

"(v) identifying and developing the skills of training providers;

"(vi) developing apprenticeship programs; and

"(vii) developing training programs for dislocated workers;

"(B) assist workers in finding new employment; or

"(C) provide supportive services to workers who—

"(i) are participating in a program carried out by the entity under this chapter; and

"(ii) are unable to obtain the supportive services through another program providing the services.

"(2) BUSINESS MODERNIZATION ACTIVITIES.—The business modernization activities referred to in subsection (a)(2) may include activities that upgrade technical or organizational capabilities in conjunction with improving the job skills of workers in a business that is a member of that entity.

"SEC. 299M. SEED GRANTS AND OUTREACH ACTIVITIES.

"(a) SEED GRANTS.—The Secretary may provide technical assistance and award financial assistance (not to exceed $150,000 per award) on such terms and conditions as the Secretary determines to be appropriate—

"(1) to businesses, nonprofit organizations representing businesses, and labor organizations, for the purpose of establishing an eligible entity; and

"(2) to entities described in paragraph (1) and established eligible entities, for the purpose of preparing such application materials as may be required under section 299K(e).

"(b) OUTREACH AND PROMOTIONAL ACTIVITIES.—The Secretary may undertake such outreach and promotional activities as the Secretary determines will best carry out the objectives of this chapter.

"(c) LIMITATIONS ON EXPENDITURES.—The Secretary may not use more than 10 percent of the amount authorized to be appropriated under section 299P to carry out this section.

"SEC. 299N. LIMITATIONS ON FUNDING.

"(a) REQUIREMENT OF MATCHING FUNDS.—The Secretary may not award a grant under this chapter to an eligible entity unless such entity agrees that the entity will make available non-Federal contributions toward the costs of carrying out activities funded by that grant in an amount that is not less than $2 for each $1 of Federal funds made available through the grant.

"(b) IN-KIND CONTRIBUTIONS.—The Secretary—

"(1) shall, in awarding grants under this chapter, give priority consideration to those entities whose members offer in-kind contributions; and

"(2) may not consider any in-kind contribution in lieu of or as any part of the contributions required under subsection (a).

"(c) SENIOR MANAGEMENT TRAINING AND DEVELOPMENT.—An eligible entity may not use any amount made available through a grant awarded under this chapter for training and development activities for senior management, unless that entity certifies to the Secretary that expenditures for the activities are—

"(1) an integral part of a comprehensive modernization plan; or

"(2) dedicated to team building or employee involvement programs.

"(d) PERFORMANCE MEASURES.—Each eligible entity shall, in carrying out the activities referred to in section 299L, provide for development of, and tracking of performance according to, performance outcome measures.

"(e) ADMINISTRATIVE COSTS.—Each eligible entity may use not more than 20 percent of the amount made available to that entity through a grant awarded under this chapter to pay for administrative costs.

"(f) MAXIMUM AMOUNT OF GRANT.—No eligible entity may receive—

"(1) a grant under this chapter in an amount of more than $1,000,000 for any fiscal year; or

"(2) grants under this chapter in any amount for more than 3 fiscal years.

"(g) SUPPORT FOR EXISTING OPERATIONS.—

"(1) IN GENERAL.—In making grants under this chapter, the Secretary may use a portion equal to not more than 50 percent of the funds appropriated to carry out this chapter for a fiscal year, to support the existing training and modernization operations of existing eligible entities.

"(2) ENTITIES.—The Secretary may award a grant to an existing eligible entity for existing training and modernization operations only if the entity—

"(A) currently offers (as of the date of the award of the grant) a combination of training, modernization, and business assistance services;

"(B) targets industries with jobs that traditionally have low wages;

"(C) targets industries that are faced with chronic job loss; and

"(D) has demonstrated success in accomplishing the objectives of activities described in section 299L.

"(3) APPLICATION.—Paragraph (1) shall not apply to support for the expansion of training and modernization operations of existing eligible entities.

"(4) DEFINITIONS.—In this subsection:

"(A) EXISTING TRAINING AND MODERNIZATION ACTIVITY.—The term 'existing training and modernization activity' means a training and modernization activity carried out prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act.

"(B) EXISTING ELIGIBLE ENTITY.—The term 'existing eligible entity' means an eligible entity that was established prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act.

"SEC. 299O. EVALUATION.

"Not later than 3 years after the date of enactment of the Community Workforce Development and Modernization Partnership Act, the Secretary shall prepare and submit to Congress a report on the effectiveness of the activities carried out under this chapter.

"SEC. 299P. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter—

"(1) $10,000,000 for fiscal year 2003;

"(2) $15,000,000 for fiscal year 2004;

"(3) $20,000,000 for fiscal year 2005;

"(4) $25,000,000 for fiscal year 2006; and

"(5) $30,000,000 for fiscal year 2007.".

(c) TABLE OF CONTENTS.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) (as amended in section 701(a)) is further amended by inserting after the items relating to chapter 7 of title II the following:

"CHAPTER 8—COMMUNITY WORKFORCE PARTNERSHIPS

"Sec. 299K. Authorization.
"Sec. 299L. Partnership activities.
"Sec. 299M. Seed grants and outreach activities.
"Sec. 299N. Limitations on funding.
"Sec. 299O. Evaluation.
"Sec. 299P. Authorization of appropriations.".

SA 3472. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)92)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism.".

(b) DEFINITIOIN OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—

SA 3473. Mrs. LINCOLN (for herself and Mr. BUNNING) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF INCOME DERIVED FROM CERTAIN WAGERS ON HORSE RACES FROM GROSS INCOME OF NONRESIDENT ALIEN INDIVIDUALS.

(a) IN GENERAL.—Section 872(b) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and inserting after paragraph (4) the following new paragraph:

"(5) INCOME DERIVED FROM WAGERING TRANSACTIONS IN CERTAIN PARIMUTUEL POOLS.—Gross income derived by a nonresident alien individual from a legal wagering transaction initiated outside the United States in a parimutuel pool with respect to a live horse race in the United States.".

(b) CONFORMING AMENDMENT.—Section 883(a)(4) of such Code is amended by striking "(5), (6), and (7)" and inserting "(6), (7), and (8)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceeds from wagering transactions after September 30, 2002.

SA 3474. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3446 proposed by Mr. BROWNBACK to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce American and Russian stockpiles of nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Permanent Joint Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

SA 3475. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division B, add the following:

SEC. ___. MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE.

(a) IN GENERAL.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

"(a) PROPER CELLAR TREATMENT.—

"(1) IN GENERAL.—Proper cellar treatment of natural wine constitutes—

"(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of using various methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice, and

"(B) subject to paragraph (3), in the case of imported wine, those practices and procedures acceptable to the United States under an international agreement or treaty with respect to wines produced subject to that international agreement or treaty.

"(2) RECOGNITION OF CONTINUING TREATMENT.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

"(3) CERTIFICATION OF PRACTICES AND PROCEDURES FOR IMPORTED WINE.—

"(A) IN GENERAL.—In the case of imported wine which is not subject to an international agreement or treaty under paragraph (1)(B), the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

"(i) the importer provides the Secretary with a certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1), or

"(ii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1).

"(B) AFFILIATE DEFINED.—For purposes of this paragraph, the term 'affiliate' has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(4)) and includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has an ownership interest.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SA 3476. Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subheading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking "4.9%" and inserting "Free"; and

(2) by striking "12/31/2003" and inserting "12/31/2006".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 2, 2002.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (4), the entry of any article—

(A) that was made on or after January 1, 2002, and

(B) to which duty-free treatment would have applied if the amendment made by this section had been in effect on the date of such entry,

shall be liquidated or reliquidated as if such duty-free treatment applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(3) ENTRY.—As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(4) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, strike lines 1–13 and insert the following:

(5) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term "import sensitive agricultural product" means an agricultural product—

(A) with respect to which, as a result of the Uruguay Round Agreements the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) which was subject to a tariff-rate quota on the date of enactment of this Act.

SA 3478. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 278, between lines 6 and 7, insert the following:

(4) CURRENCY STABILITY.—Not later than 60 calendar days after the date on which the President transmits the notification described in paragraph (3)(A), if the President intends to enter into an agreement or change an existing agreement, the President shall provide written assurance to Congress that the President has sufficient information regarding the macro-economic position of the other party to the agreement to determine that the currency of the other party is stable and that the President does not expect a significant reduction in the value of the currency of the other party that could significantly offset the value of any tariff or nontariff concessions achieved by the United States in the proposed agreement.

SA 3479. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2103(b), insert the following:

(4) DISAPPROVAL OF NEGOTIATIONS.—Except with respect to the agreements set forth in section 2106(a), the trade authorities procedures shall not apply to any implementing bill that contains a provision approving of any trade agreement which is entered into under this subsection if the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives disapproves of the negotiation of such agreement before the close of the 60-day period which begins on the date notice is provided under section 2104(a)(1) with respect to the negotiation of such agreement.

SA 3480. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXII, insert the following new section:

SEC. 3204. TUNA PRODUCTS.

(a) STUDY AND REPORT.—

(1) REQUIREMENT.—Within 90 days of the date of enactment of this Act, the ITC shall study the issues set forth in paragraph (2), and submit a report to the President setting forth the results of the study.

(2) ISSUE TO BE STUDIED.—The issues to be studied pursuant to paragraph (1) are—

(A) the probable economic effect of providing preferential trade treatment for Philippine tuna on the United States tuna industry; and

(B) the probable impact of providing preferential trade treatment for Philippine tuna on the success of achieving the objectives of the Andean Trade Preference Act.

(b) PREFERENTIAL TRADE TREATMENT FOR PHILIPPINE TUNA.—After receiving the report described in subsection (a), the President is authorized to proclaim preferential trade treatment for Philippine tuna, if the President determines that providing such treatment—

(1) will not cause serious injury to the United States tuna industry;

(2) will not significantly impair the ability of the United States to achieve the objectives of the Andean Trade Preference Act; and

(3) is in the national interest.

(c) Modified Trade Benefit.—If the President does not proclaim preferential trade treatment for Philippine tuna as described in subsection (b), the President shall seek further advice from the ITC to determine if a modified trade benefit for tuna products may be extended to the Philippines. The President is authorized to proclaim such a modified trade benefit if the President determines that providing such a modified trade benefit would satisfy the criteria described in paragraphs (1), (2), and (3) of subsection (b).

(d) Expiration.—Preferential trade treatment proclaimed under subsection (b) or a modified trade benefit proclaimed under subsection (c) shall expire at the end of the transition period.

(e) GATT Waiver.—If the President proclaims preferential trade treatment under subsection (b) or a modified trade benefit under subsection (c), the President shall request, at the earliest possible opportunity, a waiver from the World Trade Organization of the United States obligations under paragraph 1 of Article I of the GATT 1994 with respect to such preferential trade treatment or modified trade benefit.

(f) Definitions.—In this section:

(1) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) ITC.—The term "ITC" means the International Trade Commission.

(4) Modified trade benefit for tuna products.—The term "modified trade benefit for tuna products" means any trade preference provided to tuna that is harvested by a Philippine vessel, and prepared or preserved in any manner, in airtight containers in the Philippines, other than the preferential trade treatment for Philippine tuna described in paragraph (6).

(5) Philippine vessel.—The term "Philippine vessel" means a vessel—

(A) which is registered or recorded in the Philippines;

(B) which sails under the flag of the Philippines;

(C) which is at least 75 percent owned by nationals of the Philippines or by a company having its principal place of business in the Philippines, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of the Philippines and of which, in the case of a company, at least 50 percent of the capital is owned by the Philippines or by public bodies or nationals of the Philippines;

(D) of which the master and officers are nationals of the Philippines; and

(E) of which at least 75 percent of the crew are nationals of the Philippines.

(6) Preferential trade treatment for Philippine tuna.—The term "preferential trade treatment for Philippine tuna" means duty-free treatment for tuna that is harvested by Philippine vessels, and is prepared or preserved in any manner, in airtight containers in the Philippines for a quantity of such tuna in any calendar year that does not exceed 20 percent of the domestic United States tuna pack in the preceding calendar year.

(7) Transition period.—The term "transition period" has the meaning given that term in section 204(b)(5)(D) of the Andean Trade Preference Act, as amended by section 3102.

(8) Tuna pack.—The term "tuna pack" means tuna pack as defined by the National Marine Fisheries Service of the United States Department of Commerce for purposes of subheading 1604.14.20 of the HTS as in effect on the date of enactment of the Andean Trade Preference Expansion Act.

(9) United States tuna industry.—The term "United States tuna industry" means the industry in the United States, including American Samoa, that prepares or preserves tuna, in any manner, in airtight containers.

SA 3481. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) In General.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1993—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) New Benefits.—If this Act, by amendment or otherwise, makes additional or different trade adjustment assistance or health benefits available to groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act, then any individual described in subsection (a) is deemed to be eligible for such additional or different trade adjustment assistance or health benefits without regard to any eligibility requirements that may be imposed by law under this or any other Act.

(c) Additional or Different Benefits Defined.—In this section, the term "additional or different trade adjustment assistance or health benefits" means—

(1) adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) that was not available under that subchapter on the day before the date of enactment of this Act but that becomes available under that subchapter thereafter; and

(2) health care benefits for which groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act are eligible under this Act or any amendment made by this Act.

SA 3482. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table, as follows:

In lieu of the matter proposed insert the following;

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) In General.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1993—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) New Benefits.—If this Act, by amendment or otherwise, makes additional or different trade adjustment assistance or health benefits available to groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act, then any individual described in subsection (a) is deemed to be eligible for such additional or different trade adjustment assistance or health benefits without regard to any eligibility requirements that may be imposed by law under this or any other Act.

(c) Additional or Different Benefits Defined.—In this section, the term "additional or different trade adjustment assistance or health benefits" means—

(1) adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) that was not available under that subchapter on the day before the date of enactment of this Act but that becomes available under that subchapter thereafter; and

(2) health care benefits for which groups of workers with respect to whom the Secretary makes a certification under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) after the date of enactment of this Act are eligible under this Act or any amendment made by this Act.

SA 3483. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) In General.—The benefits provided under any preferential tariff program authorized by this Statute shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.).

SA 3484. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr.

BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) In General.—The benefits provided under any preferential tariff program authorized by this statute shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.)

SA 3485. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Title XI is amended by adding at the end of chapter 3 of subtitle A, the following new section:

SEC. 1137. VESSEL REPAIR DUTIES.

Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) in paragraph (1), by striking the comma at the end, and inserting a semicolon;

(2) in paragraph (2), by striking the comma at the end and "or" and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end, and inserting a semicolon and "or"; and

(4) by adding at the end the following new paragraph:

(4) the cost of repairs to a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, made by members of the regular crew of such vessel while the vessel is on the high seas.

SA 3486. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3203.

SA 3487. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. . EXTRANEOUS MATTER IN IMPLEMENTING BILLS.

"(a) In General.—Notwithstanding any other provision of law, upon a point of order being made by any Senator against material extraneous to trade (as defined in subsection (b)) which is contained in any provision of an implementing bill, and the point of order is sustained by the Presiding Officer, any part of said provision that contains material extraneous to trade shall be deemed stricken from the bill and may not be offered as an amendment from the floor.

"(b) Extraneous Provisions.—A provision of an implementing bill shall be considered extraneous if it—

"(1) is not directly related to a trade negotiating objective specified in section 2102 of this Act; or

"(2) produces effects related to a trade negotiating objective that are merely incidental to the effects of the provision that are not related to a trade negotiating objective.

"(c) Listing of Possibly Extraneous Materials.—Upon the reporting or discharge of an implementing bill or upon the receipt by the Senate of a message conveying an implementing bill from the House of Representatives, the Committee on Finance of the Senate shall submit for the record a list of material considered to be extraneous under subsection (b) to trade negotiating objectives. The inclusion or exclusion of a provision shall not constitute a determination of extraneousness by the Presiding Officer of the Senate.

"(d) Conference Reports and Amendments Between Houses.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to an implementing bill, upon—

"(1) a point of order being made by any Senator against extraneous material meeting the definition of subsection (b), and

"(2) such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed, without intervening action or motion, to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable for 2 hours. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

"(e) General Point of Order.—Notwitstanding any other law or rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of an implementing bill or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(f) Waiver.—Any provision of this section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(g) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the implementing bill. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section."

SA 3488. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

After section 2103(b), insert the following:

(5) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) In general.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 shall not apply to any provision in an implementing bill that increases revenue.

(B) Point of order in senate.—

(i) In general.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) Waivers and appeals.—

(I) Waivers.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(II) Appeals.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless three-fifths of the Members, duly chosen and sworn, vote not to sustain the ruling.

(III) Debate.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

SA 3489. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"ANALYSES OF THE EFFECTS OF TRADE LEGISLATION OF AMERICAN JOBS

"Section 308 of the Congressional Budget Act of 1974 (2 U.S.C. §639) is amended by inserting at the end thereof the following new subsection:

"(d) ANALYSES OF THE EFFECTS OF TRADE LEGISLATION ON AMERICAN JOBS.—

"(1) Whenever a committee of either House reports to its House a bill or resolution, or committee amendment thereto, providing for the implementation of a trade agreement, the report accompanying that bill or resolution shall contain a statement, or the committee shall make available such a statement in the case of an approved committee amendment which is not reported to its House, prepared after consultation with the Director of the Congressional Budget Office—

"(A) analyzing the effect of such agreement on employment in the United States, in affected regions of the United States, and in affected industries of the United States; and

"(B) containing a projection by the Congressional Budget Office of how such measure will affect the levels of such employment for such fiscal year (Or fiscal years) and each of the four ensuing fiscal years, if timely submitted before such report is filed.

"(2) Whenever a conference report is filed in either House and such conference report or any amendment reported in disagreement or any amendment contained in the joint statement of managers to be proposed by the conferees in the case of technical disagreement on such bill or resolution provides for the implementation of a trade agreement, the statement of managers accompanying such conference report shall contain the information described in paragraph (1), if available on a timely basis. If such information is not available when the conference report is filed, the committee shall make such information available to Members as soon as practicable prior to the consideration of such conference report.

"(3) The Director of the Congressional Budget Office shall prepare estimates required under this subsection in the same fashion as the Director prepares budgetary cost estimates for legislation under this Act, and the Director may combine the analyses under this subsection with the budgetary cost estimates that the Director prepares under this Act."

SA 3490. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2103(b)(3)(A), and insert the following:

"(A) APPLICATION OF EXPEDITED PROCEDURES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the provisions of section 151 of the Trade Act of 1974 (in this title referred to as 'trade authorities procedures') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an 'implementing bill'.

"(ii) VOTE TO INVOKE TRADE AUTHORITIES PROCEDURES.—Notwithstanding any other provision of law, upon the adoption of a motion to proceed to an implementing bill, the Senate shall immediately consider the question of whether to invoke trade authorities procedures. Debate in the Senate on the question of whether to invoke trade authorities procedures shall be limited to not more than 2 hours, which shall include any debate on any debatable motion or appeal in relation to the question of whether to invoke trade authorities procedures. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees, except that in the event that the minority leader favors invoking trade authorities procedures, the time in opposition thereto shall be controlled by the first Senator recognized by the Presiding Officer (in accordance with rule XIX of the Standing Rules of the Senate) who opposes invoking trade authorities procedures. No amendment to the question of whether to invoke trade authorities procedures shall be in order. Debate on any debatable motion or appeal shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the majority leader or the majority leader's designee. The Senators who control time on the question of whether to invoke trade authorities procedures may, from the time under their control on the question, allot additional time to any Senator during the consideration of any debatable motion or appeal. A motion to further limit debate is not in order. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Upon the expiration or yielding back of time on the question of whether to invoke trade authorities procedures, the Senate shall proceed, without any intervening action, to vote on the question. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to invoke trade authorities procedures. If the Senate votes to invoke trade authorities procedures, trade authorities procedures shall apply to the bill as provided in clause (i). If the Senate fails to invoke trade authorities procedures, then the bill shall be fully debatable in accordance with the Standing Rules of the Senate.

SA 3491. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2103(b)(3)(A), and insert the following:

"(A) APPLICATION OF EXPEDITED PROCEDURES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the provisions of section 151 of the Trade Act of 1974 (in this title referred to as 'trade authorities procedures') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such actions 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an 'implementing bill'.

"(ii) CERTIFICATION THAT TRADING PARTNERS ARE DEMOCRACIES.—Notwithstanding any other provision of law, before trade authorities procedures may apply to a bill under clause (i), the President must certify that all parties to the trade agreement that is the subject of the implementing bill are democracies.

SA 3492. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1143.

SA 3493. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 231(a) of the Trade Act of 1974, as amended by section 111, insert the following:

"(5) ADDITIONAL RULE FOR TEXTILE AND APPAREL WORKERS.—

"(A) PRESUMPTIVE CERTIFICATION.—A group of workers at a textile or apparel firm shall be presumptively certified by the Secretary as adversely affected and eligible for trade adjustment assistance benefits under this chapter and benefits under title VI of the Trade Adjustment Assistance Reform Act of 2002 during the period described in subsection (c)(1) if—

"(i) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

"(ii)(I) the sales or production of the workers' firm has decreased; or

"(II) the workers' plant or facility has closed or relocated; and

"(iii) the occurrence described in clause (ii) contributed importantly to the workers' separation or threat of separation.

"(B) PERMANENT CERTIFICATION.—The presumptive certification under subparagraph (A) shall become permanent 40 days after the submission of a petition under subsection (b) unless the Secretary determines within such period, after giving the group of workers notice and an opportunity to be heard, that the workers do not satisfy the criteria for certification in paragraph (1), (2), or (3) of subsection (a).

SA 3494. Mr. EDWARDS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX of division A add the following:

SEC. . DESIGNATION OF AND TAX INCENTIVES FOR ECONOMIC REVITALIZATION ZONES.

(a) IN GENERAL.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter Z—Economic Revitalization Zones

"Sec. 1400M. Designation of economic revitalization zones.

"Sec. 1400N. Incentives for economic revitalization zones.

"SEC. 1400M. DESIGNATION OF ECONOMIC REVITALIZATION ZONES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'economic revitalization zone' means any area—

"(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as an economic revitalization zone (hereafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Labor designates as an economic revitalization zone.

"(2) NUMBER OF DESIGNATIONS.—Not more than 40 nominated areas may be designated as economic revitalization zones.

"(3) AREAS DESIGNATED BASED ON DEGREE OF UNEMPLOYMENT, ETC.—The nominated areas designated as economic revitalization zones under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (A) and (B) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—The Secretary of Labor shall prescribe by regulation no later than 4 months after the date of the enactment of this section—

"(i) the procedures for nominating an area under paragraph (1)(A), and

"(ii) the parameters relating to the size characteristics of an economic revitalization zone.

"(B) TIME LIMITATIONS.—The Secretary of Labor may designate nominated areas as economic revitalization zones only during the period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed and ending on December 31, 2002.

"(C) PROCEDURAL RULES.—The Secretary of Labor shall not make any designation of a nominated area as an economic revitalization zone under paragraph (2) unless—

"(i) the local governments and the States in which the nominated area is located have the authority to nominate such area for designation as an economic revitalization zone,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Labor shall by regulation prescribe, and

"(iii) the Secretary of Labor determines that any information furnished is reasonably accurate.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an economic revitalization zone shall remain in effect during the period beginning on January 1, 2003, and ending on the earliest of—

"(A) December 31, 2012,

"(B) the termination date designated by the State and local governments in their nomination, or

"(C) the date the Secretary of Labor revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Labor may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located has modified the boundaries of the area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Labor may designate a nominated area as an economic revitalization zone under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of one or more local governments in one or more trade-affected States, and

"(B) the boundary of the area is continuous.

"(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the States and the local governments in which it is located certify in writing (and the Secretary of Labor, after such review of supporting data as the Secretary deems appropriate, accepts such certification) that—

"(A) the unemployment rate in the area during 2001 was at least 150 percent of the national unemployment rate during 2001,

"(B) of the total employment in the area during 1993—

"(i) more than 10 percent consisted of employment in a trade-affected industry located in such area, or

"(ii) more than 15 percent consisted of employment in all of the trade-affected industries located in such area, and

"(C) employment in a trade-affected industry located in such area decreased by more than 20 percent during the period from 1993 through 2001.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

"(1) TRADE-AFFECTED STATE.—The term 'trade-affected State' means any State in which the total number of workers located in such State who were certified through the trade adjustment assistance and the NAFTA transitional adjustment assistance programs under chapter 2 of title II of the Trade Act of 1974 during the period from 1994 through 2001 was not less than an amount equal to 2.5 percent of the State's total labor force in 1994.

"(2) TRADE-AFFECTED INDUSTRY.—The term 'trade-affected industry' means any 2-digit Standard Industrial Code industry—

"(A) which had a total labor force of at least 500,000 during 1994, as determined by the Bureau of Labor Statistics, and

"(B) in which the total number of workers who were certified through the trade adjustment assistance and the NAFTA transitional adjustment assistance programs under chapter 2 of title II of the Trade Act of 1974 during the period from 1994 through 2001 was not less than an amount equal to 10 percent of such industry's total labor force in 1994.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Labor.

"(4) GOVERNMENTS.—If more than one government seeks to nominate an area as an economic revitalization zone, any reference to, or requirement of, this section shall apply to all such governments.

"SEC. 1400N. INCENTIVES FOR ECONOMIC REVITALIZATION ZONES.

"(a) IN GENERAL.—An economic revitalization zone shall be treated for the period of its designation as an empowerment zone for purposes of applying—

"(1) section 1394 (relating to tax-exempt enterprise zone facility bonds),

"(2) section 1396 (relating to empowerment zone employment credit),

"(3) section 1397A (relating to increase in expensing under section 179), and

"(4) section 1397B (relating to nonrecognition of gain on rollover of empowerment zone investments).

"(b) NEW MARKETS TAX CREDIT.—An economic revitalization zone shall be treated for the period of its designation as a low-income community for purposes of applying section 45D (relating to new markets tax credit).".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Subchapter Z. Economic Revitalization Zones.".

SEC. . ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY TO COMMUNITY TECHNOLOGY CENTERS.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO COMMUNITY TECHNOLOGY CENTERS.—Section 170(e)(6)(B)(i)(II) of the Internal Revenue Code of 1986 (relating to qualified computer contribution) is amended by striking "or" at the end of subclause (II), by adding "or" at the end of subclause (III), and by inserting after subclause (III) the following:

"(IV) a nonprofit or governmental community technology center located in an economic revitalization zone (as defined in section 1400M(a)(1)), including any center within which an after-school or employment training program is operated,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2002.

SA 3495. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEBT LIMIT INCREASE.

Subsection (b) of Section 3101 of title 31, United States Code, is amended by striking "$5,950,000,000,000" and inserting "$6,128,000,000,000".

SA 3496. Mr. EDWARDS (for Mr. HELMS) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, after line 25, insert the following new section:

SEC. 1137. TRANSSHIPMENTS.

(a) IN GENERAL.—The Commissioner of Customs shall report on a quarterly basis to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding all instances of transshipments of textiles and apparel articles occurring in the 3-month period preceding the report. The report shall detail with respect to each instance of transshipment—

(1) the amount of textiles and apparel articles involved;

(2) the names of the exporter and importer of the articles;

(3) each country through whose territory the transshipment has occurred; and

(4) any action taken with respect to the transshipment.

(b) Penalties.—

(1) In general.—In addition to any other penalty, if the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph (3), the President shall permanently suspend export privileges for such exporter, any successor of such exporter, any other entity owned or operated by the principal of the exporter, and any entity employing a factory manager who was a manager of a production facility or exporter found to have engaged in the transshipment.

(2) Quota charge-backs.—To the extent consistent with United States international obligations, in addition to any other penalty, the country of origin of the transshipment pursuant to paragraph (1) shall have its quota for the category of the transshipment textiles or apparel charged in an amount equal to three times the amount of the goods involved in the transshipment.

(3) Transshipment described.—Transshipment has occurred when preferential treatment for a textile or apparel article under any provision of law has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for such preferential treatment.

SA 3497. Mr. EDWARDS (for Mr. Helms) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following new section:

SEC. 4203. MARKING OF IMPORTED FURNITURE PRODUCTS.

Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall require all furniture products imported into the United States to be clearly marked with respect to the country of origin consistent with the provisions of section 304(a) of the Tariff Act of 1930 (19 U.S.C. 1304(a)).

SA 3498. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows;

On page 31 after line 12 add the following:

(vi) The extent to which the country reaches an agreement with the United States to require the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.).

SA 3499. Mr. HATCH (for himself and Mr. Leahy) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed, insert the following:

TITLE XLIII—INTELLECTUAL PROPERTY RIGHTS PROTECTION

SEC. 4301. USTR DETERMINATIONS IN TRIPS AGREEMENT INVESTIGATIONS.

(a) In General.—Section 304(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(2)(A)) is amended by inserting after "agreement," the following: "except an investigation initiated pursuant to section 302(b)(2)(A) involving rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights (defined in section 101(d)(15) of the Uruguay Round Agreements Act) or the GATT 1994 (referred to in section 101(d)(1) of such Act) relating to products subject to intellectual property protection,".

(b) Timeframe for TRIPS Agreement Determinations.—Section 304(a)(3)(A) of the Trade Act of 1974 is amended to read as follows:

"(A) If an investigation is initiated under this chapter by reason of section 302(b)(2) and—

"(i) the Trade Representative considers that rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights or the GATT 1994 relating to products subject to intellectual property protection are involved, the Trade Representative shall make the determination required under paragraph (1) not later than 30 days after the date on which the dispute settlement procedure is concluded; or

"(ii) the Trade Representative does not consider that a trade agreement, including the Agreement on Trade-Related Aspects of Intellectual Property Rights), is involved or does not make a determination described in subparagraph (B) with respect to such investigation, the Trade Representative shall make the determinations required under paragraph (1) with respect to such investigation by no later than the date that is 6 months after the date on which such investigation is initiated.".

(c) Conforming Amendment.—Section 305(a)(2)(B) of the Trade Act of 1974 is amended by striking "section 304(a)(3)(A)" and inserting "section 304(a)(3)(A)(ii)".

SEC. 4302. PETITIONS FOR REVIEW UNDER ATPA AND CBERA.

(a) ATPA.—Section 203 of the Andean Trade Preference Act (19 U.S.C. 3202) is amended by adding at the end the following new subsection:

"(g) Petitions for Review.—The President shall promulgate regulations regarding the filing, review, and timely disposition of petitions from any interested party requesting that action be taken with regard to the status of a country as a beneficiary country under this Act.".

(b) CBI.—Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end the following new subsection:

"(g) Petitions for Review.—The President shall promulgate regulations regarding the filing, review, and timely disposition of petitions from any interested party requesting that action be taken with regard to the status of a country as a beneficiary country under this Act.".

SEC. 4303. WITHDRAWAL AND SUSPENSION OF TREATMENT UNDER ATPA.

Section 203(e)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(e)(1)) is amended by striking "should be barred" and all that follows through the end period and inserting: "no longer satisfies one or more of the conditions for designation as a beneficiary country under subsection (c) or such country insufficiently fulfills one or more of the factors set forth in subsection (d).".

SEC. 4304. WITHDRAWAL AND SUSPENSION OF TREATMENT UNDER CBERA.

Section 212(e)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)(1)) is amended by striking "would be barred" and all that follows through the end period and inserting: "no longer satisfies one or more of the conditions for designation as a beneficiary country under subsection (b) or such country insufficiently fulfills one or more of the factors set forth in subsection (c).".

SEC. 4305. COUNTRIES ELIGIBLE UNDER ATPA AND CBERA.

(a) ATPA.—Section 203(c) of the Andean Trade Preference Act (19 U.S.C. 3202(c)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and";

(3) by inserting after paragraph (7), the following new paragraph:

"(8) if any act, policy, or practice of such country violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, any bilateral trade agreement."; and

(4) in the flush paragraph at the end, by striking "and (7)" and inserting "(7), and (8)".

(b) CBERA.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and";

(3) by inserting after paragraph (7), the following new paragraph:

"(8) if any act, policy, or practice of such country violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, any bilateral trade agreement."; and

(4) in the flush paragraph at the end, by striking "and (7)" and inserting "(7), and (8)".

SEC. 4306. ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER GSP.

Section 502(c) of the Trade Act of 1974 (19 U.S.C. 2462(c)) is amended by striking the semicolon at the end of paragraph (5) and adding the following: "notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;".

SEC. 4307. ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER CBI.

(a) In General.—Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by striking the semicolon at the end of paragraph (9) and adding the following: "notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;".

(b) CBTPA BENEFICIARY COUNTRY.—Section 213(b)(5)(B)(ii) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)(B)(ii)) is amended to read as follows:

"(ii) The extent to which the country provides adequate and effective protection of intellectual property rights notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;".

SEC. 4308. ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER THE ATPA.

Section 203(d) of the Andean Trade Preference Act (19 U.S.C. 3202(d)) is amended by striking the semicolon at the end of paragraph (9) and adding the following: "notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act;".

SA 3500. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, strike lines 11 through 14, and insert the following:

"or discharged from the Committee on Finance;

"(ii) the House of Representatives to consider any extension disapproval resolution not reported by or discharged from the Committee on".

SA 3501. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following new section:

"SEC. . WILD FISH AND SHELLFISH.

"Section 2106 of the Organic Foods Production act of 1990 (7 U.S.C. 6505) is amended by adding the following new subsection (c) and renumbering accordingly:

"(c) Notwithstanding section 6506(a)(1)(A)), domestically produced wild fish and shellfish products may be labeled as organic if the secretary finds that they meet standards for wholesomeness that are equivalent to standards adopted for fish and shellfish produced from certified organic farms. In the event that standards do not exist for fish or shellfish produced from certified organic farms, the Secretary shall establish appropriate standards to allow labeling of wild fish and shellfish as organic. In establishing such standards for wild fish and shellfish, the Secretary shall consult with wild fish and shellfish producers, processors and sellers, as well as other interested members of the public.'"

SA 3502. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 310, strike lines 1 through 5, and insert the following:

"(B) footwear provided for in any of subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.90, 6404.11.90, or 6404.19.20 of the Harmonized Tariff Schedule of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

On page 328, strike lines 1 though 13, and insert the following:

"(II) ARTICLES DESCRIBED.—An article described in this subclause means an article described in subheading 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.90, 6404.11.90, or 6404.19.20 of the HTS.

At the end of title XXXI, insert the following:

SEC. 3104. CBI.

Section 213(b)(1)(B) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(1)(B)) is amended to read as follows:

"(B) Footwear provided for in any of subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.90, 6404.11.90, or 6404.19.20 of the Harmonized Tariff Schedule of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system preferences under title V of the Trade Act of 1974.".

SA 3503. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 288, strike lines 7 through 12, and insert the following:

"approval resolution not reported by or discharged from the Committee on Ways and Means and, in addition, by the Committee on Rules.

"(iv) It is not in order for the Senate to consider any procedural disapproval resolution not reported by or discharged from the Committee on Finance.".

SA 3504. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, line 11, insert "or discharged from" before "the".

On page 267, line 14, insert "or discharged from" before "the".

On page 288, line 7 insert "or discharged from" before "the".

On page 288, line 12, insert "or discharged from" before "the".

SA 3505. Mr. DURBIN (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act; to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

After section 3201, insert the following:

SEC. 3204. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.— Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(2) HEADING 9902.51.12.— Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "2003" and inserting "2005"; and

(B) by striking "6%" and inserting "Free".

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking "2003" and inserting "2005".

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "from January 1 to December 31 of each year, inclusive"; and

(B) by striking ", or such other" and inserting the following: "in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater".

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) Conforming amendment.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking "2004" and inserting "2006".

(3) Authorization.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) Effective Date.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

SA 3506. Mr. CORZINE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 1143, and insert in lieu thereof, the following:

"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL."

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) Examination.—

"(1) In general.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

"(2) Provisions of law described.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) Search of Mail Not Sealed Against Inspection and Other Mail.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

(c) Search of Mail Sealed Against Inspection.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778)."

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other laws enforced by the Customs Service."

SA 3507. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 24, after the comma, insert "environmental, employment opportunity,".

SA. 3508. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 24, after the comma, insert "environmental, employment opportunity, gender equity,".

SA. 3509. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert "environmental, employment opportunity,"

SA. 3510. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert "environmental, employment opportunity, gender equity,".

SA. 3511. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFINITION OF SHIFT IN PRODUCTION.

In this Act, the term "shift in production" means the transfer of a firm or subdivision of a firm to a foreign country, or the transfer of the means of importing articles (including agricultural products) to foreign owned and operated motor carriers.

SA. 3512. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . DEFINITION OF SHIFT IN PRODUCTION.

(a) In General.—In this Act, the term "shift in production" means the transfer of a firm or subdivision of a farm to a foreign country, or the transfer of the means of importing articles (including agricultural products) to foreign owned and operated motor carriers.

(b) Effective Date.—This section shall be effective one day after the enactment of this Act.

SA. 3513. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following new section:

SEC. 113. INFORMATION TECHNOLOGY TRAINING.

Section 240 of the Trade Act of 1974, as amended by section 111, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by inserting ", including a program that trains an adversely affected worker for employment in a new career field" after "customized training";

(B) in subparagraph (D), by striking "and" at the end;

(C) by redesignating subparagraph (E) as subparagraph (F);

(D) after subparagraph (D), by inserting the following new subparagraph:

"(E) information technology training."; and

(E) in the flush language following subparagraph (F), as redesignated, by striking "(E)" and inserting "(F)";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) MULTIPLE TRAINING PROGRAMS.—The Secretary may pay the costs of multiple training programs for an adversely affected worker covered by a certification issued under section 231, provided that those training programs are not duplicative."; and

(3) in subsection (f), by striking paragraph (3), and inserting the following new paragraph:

"(3) DEFINITIONS.—For purposes of this section:

"(A) SUITABLE EMPLOYMENT.—The term 'suitable employment' means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

"(B) INFORMATION TECHNOLOGY TRAINING.—The term 'information technology training' means a training program that is designed to result in the awarding of an industry-accepted information technology certification that is provided by—

"(i) any information technology trade association or corporation to the employees of such association or corporation;

"(ii) the employer of an adversely affected worker;

"(iii) a State;

"(iv) a school district, university system, or an institution of higher education (as defined in section 101 of the Higher Education Act of 1965) (20 U.S.C. 1001); or

"(v) a certified commercial information technology training provider.".

SA 3514. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following new section:

SEC. 113. INFORMATION TECHNOLOGY TRAINING.

Section 240 of the Trade Act of 1974, as amended by section 111, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by inserting ", including a program that trains an adversely affected worker for employment in a new career field" after "customized training";

(B) in subparagraph (D), by striking "and" at the end;

(C) by redesignating subparagraph (E) as subparagraph (F);

(D) after subparagraph (D), by inserting the following new subparagraph:

"(E) information technology training."; and

(E) in the flush language following subparagraph (F), as redesignated, by striking "(E)" and inserting "(F)";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) MULTIPLE TRAINING PROGRAMS.—The Secretary may pay the costs of multiple training programs for an adversely affected worker covered by a certification issued under section 231, provided that those training programs are not duplicative."; and

(3) in subsection (f), by striking paragraph (3), and inserting the following new paragraph:

"(3) DEFINITIONS.—For purposes of this section:

"(A) SUITABLE EMPLOYMENT.—The term 'suitable employment' means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage.

"(B) INFORMATION TECHNOLOGY TRAINING.—The term 'information technology training' means a training program that is designed to result in the awarding of an industry-accepted information technology certification that is provided by—

"(i) any information technology trade association or corporation to the employees of such association or corporation;

"(ii) the employer of an adversely affected worker;

"(iii) a State;

"(iv) a school district, university system, or an institution of higher education (as defined in section 101 of the Higher Education Act of 1965) (20 U.S.C. 1001); or

"(v) a certified commercial information technology training provider.".

SA 3515. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXI, insert the following:

SEC. 2114. REPORT FROM THE INTERNATIONAL TRADE COMMISSION ON IMPORT SENSITIVE PRODUCTS.

(a) IMPORT SENSITIVE LIST.—Notwithstanding any other provision of law, at least 90 days before initiating negotiations on import sensitive products, the President shall publish and furnish the International Trade Commission with a list of import sensitive products which may be considered for modification or continuance of duties, continuance of duty-free or excise treatment, or additional duties.

(b) REPORT.—Within 120 days after receipt of the list described in subsection (a) or on the day the President enters into negotiations, whichever is later, the Commission shall, with respect to each import sensitive product, provide a written report to the President and Congress as to the probable economic effect of modifying duties or removing nontariff measure on United States industries producing like or directly competitive product. The report may include the advice of the Commission as to whether any reduction in the rate of duty should take place over a longer period of time than the minimum period provided for in section 2103(a)(2) of this title.

(c) ACTIONS OF THE COMMISSION.—

(1) REPORT.—In preparing the report to the President and Congress, the Commission shall, to the extent practicable, act in accordance with section 131 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2151).

(2) PUBLIC COMMENT.—Notwithstanding any other provision of law, the Commission shall, in preparing the report required by this section seek public comment through public hearings, written statements, or any other method practicable.

(d) DEFINITION.—The term "import sensitive product" means a product or industry to which section 2104(b)(2)(A)(i) applies and as defined in section 503(b)(1) of the Trade Act of 1974.

SA 3516. Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 24, and all that follows through page 12, line 24, and insert the following:

"(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

"(12) EXTENDED COMPENSATION.—The term 'extended compensation' has the meaning given that term in section 205(4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(13) JOB FINDING CLUB.—The term 'job finding club' means a job search workshop which includes a period of structured, supervised activity in which participants attempt to obtain jobs.

"(14) JOB SEARCH PROGRAM.—The term 'job search program' means a job search workshop or job finding club.

"(15) JOB SEARCH WORKSHOP.—The term 'job search workshop' means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques, and techniques for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

"(16) ON-THE-JOB TRAINING.—The term 'on-the-job training' has the same meaning as that term has in section 101(31) of the Workforce Investment Act.

"(17) PARTIAL SEPARATION.—A partial separation shall be considered to exist with respect to an individual if—

"(A) the individual has had a 20-percent or greater reduction in the average weekly hours worked by that individual in adversely affected employment; and

"(B) the individual has had a 20-percent or greater reduction in the average weekly wage of the individual with respect to adversely affected employment.

"(18) REGULAR COMPENSATION.—The term 'regular compensation' has the meaning given that term in section 205(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(19) REGULAR STATE UNEMPLOYMENT.—The term 'regular State unemployment' means unemployment insurance benefits other than an extension of unemployment insurance by a State using its own funds beyond either the 26-week period mandated by Federal law or any additional period provided for under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"(20) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(21) STATE.—The term 'State' includes each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(22) STATE AGENCY.—The term 'State agency' means the agency of the State that administers the State law.

"(23) STATE LAW.—The term 'State law' means the unemployment insurance law of the State approved by the Secretary under section 3304 of the Internal Revenue Code of 1986.

"(24) SUPPLIER.—The term 'supplier' means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3517. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 135, line 9, strike all through page 164, line 16, and insert the following:

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

"SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 70 percent of the amount paid by the taxpayer during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

"(b) ELIGIBLE COVERAGE MONTH.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible coverage month' means any month if, as of the first day of such month—

"(A) the taxpayer is an eligible individual,

"(B) the taxpayer is covered by qualified health insurance,

"(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

"(D) the taxpayer does not have other specified coverage.

"(2) SPECIAL RULES.—

"(A) JOINT RETURNS.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

"(B) EXCLUSION OF MONTHS IN WHICH INDIVIDUAL IS IMPRISONED.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(3) OTHER SPECIFIED COVERAGE.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) SUBSIDIZED COVERAGE.—

"(i) FOR TAA PROGRAM INDIVIDUALS.—In the case of an individual described in subsection (c)(1), such individual is covered under any qualified health insurance (other than insurance described in subparagraph (A), (B), or (F) of subsection (d)(1)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4)) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) FOR WAGE INSURANCE PROGRAM INDIVIDUALS.—In the case of an individual described in subsection (c)(2), such individual is either—

"(I) eligible for coverage under any qualified health insurance (other than insurance described in subparagraph (A), (B), or (F) of subsection (d)(1)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4)) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse, or

"(II) covered under any such qualified health insurance under which any portion of the cost of coverage (as so determined) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(iii) TREATMENT OF CAFETERIA PLANS.—For purposes of clause (i) or (ii), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d)).

"(B) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(C) CERTAIN OTHER COVERAGE.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code,

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code, or

"(iii) is entitled to receive benefits under chapter 17 of title 38, United States Code.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

"(1) would be eligible to participate in the trade adjustment allowance program under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002, if section 235 (as so amended) were applied without regard to subsection (a)(3)(B) thereof; or

"(2) is participating in the wage insurance program under section 243(b) of such Act (as so amended).

"(d) QUALIFIED HEALTH INSURANCE.—

"(1) IN GENERAL.—For purposes of this section, subject to paragraph (2), the term 'qualified health insurance' means health insurance coverage or coverage under a group health plan through—

"(A) COBRA continuation coverage,

"(B) continuation coverage under a similar State program,

"(C) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative,

"(D) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees,

"(E) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees,

"(F) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 414(f)), an issuer of health insurance coverage, an administrator of health insurance coverage or a group health plan, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents,

"(G) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated health plan that does not receive any Federal financial participation,

"(H) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool,

"(I) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage, or

"(J) enrollment of the eligible worker and the eligible worker's spouse and dependents in coverage under a group health plan that is available through the employment of the worker's spouse and is not described in subsection (b)(3)(A)(i).

"(2) REQUIREMENTS.—Health insurance coverage or coverage under a group health plan shall not be treated as being described in any of subparagraphs (B) through (H) of paragraph (1) unless, with respect to such coverage provided to eligible workers and the eligible worker's spouse or dependents—

"(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 and who pay the remainder of the premium for such enrollment,

"(B) no pre-existing condition limitations are imposed with respect to such eligible workers,

"(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for an individual who is not an eligible worker who has comparable coverage,

"(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to individuals who are not eligible workers who have comparable coverage,

"(E) the standard loss ratio for the coverage is not less than 65 percent,

"(F) in the case of coverage provided under paragraph (1)(E), the premiums and benefits are comparable to the premiums and benefits applicable to State employees, and

"(G) such coverage otherwise meets requirements established by the Secretary.

"(3) DEFINITIONS.—For purposes of this section:

"(A) COBRA CONTINUATION COVERAGE.—The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to section 4980B.

"(B) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5001(b)(1).

"(C) HEALTH INSURANCE COVERAGE.—Except to the extent provided by the Secretary, the term 'health insurance coverage' has the meaning given such term by section 9832(b)(1) (other than insurance if substantially all of its coverage is of excepted benefits described in section 9832(c) or provided under a flexible spending arrangement, as determined under section 106(c).

"(D) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(E) Qualified state high risk pool.—The term 'qualified State high risk pool' has the meaning given that term in section 2744(c)(2) of the Public Health Service Act (42 U.S.C. 300gg–44(c)(2)).

"(F) Standard loss ratio.—The term 'standard loss ratio', with respect to the pool of insured individuals under coverage described in subparagraph (B) through (H) of paragraph (1) for a year, means—

"(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

"(ii) the premiums paid for enrollment in each such coverage for such year.

"(e) Coordination With Advance Payments of Credit.—

"(1) Recapture of excess advance payments.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) Reconciliation of payments advanced and credit allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

"(f) Special Rules.—

"(1) Coordination with other deductions.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(2) MSA distributions.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(3) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) Credit treated as refundable credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

"(5) Expenses must be substantiated.—A payment for qualified health insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.".

(b) Information Reporting.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) Requirement of Reporting.—Every person—

"(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

"(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

"(b) Form and Manner of Returns.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

"(C) the number of months for which such advance credit amounts are so provided, and

"(D) such other information as the Secretary may prescribe.

"(c) Statements To Be Furnished to Individuals With Respect to Whom Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) Advance Credit Amount.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.".

(2) Assessable penalties.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit).".

(3) Clerical amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to trade adjustment assistance health insurance credit.".

(c) Criminal Penalty for Fraud.—

(1) In general.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

"SEC. 7276. PENALTIES FOR OFFENSES RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for trade adjustment assistance health insurance under section 6429 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.".

(2) The table of sections for subchapter B of chapter 75 of such Code is amended by adding at the end the following:

"Sec. 7276. Penalties for offenses relating to trade adjustment assistance health insurance credit.".

(d) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 6429 of such Code".

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6429. Trade adjustment assistance health insurance credit.".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(2) Penalties.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) In General.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) General Rule.—The Secretary shall establish a program for making payments on behalf of eligible individuals (as defined in section 6429(c)) to providers of health insurance for such individuals for whom a qualified health insurance credit eligibility certificate is in effect.

"(b) Qualified Health Insurance Credit Eligibility Certificate.—For purposes of this section, except as provided by the Secretary, a qualified health insurance credit eligibility certificate is a statement certified by a designated local agency (as defined in section 51(d)(11)) (or by any other entity designated by the Secretary) which—

"(1) certifies that the individual was an eligible individual (as defined in section 6429(c)) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section.".

(b) Clerical Amendment.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of trade adjustment assistance health insurance credit.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 603. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) Eligibility for Grants.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) from funds appropriated under section 174(c)—

"(A) to a State to provide the assistance described in subsection (f) to any eligible worker (as defined in subsection (f)(4)(B)); and

"(B) to a State to provide the assistance described in subsection (g) to any eligible worker (as defined in subsection (g)(5)).".

(b) Use of Funds for Health Insurance Coverage.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

"(f) Health Insurance Coverage Assistance for Eligible Workers.—

"(1) In general.—Funds made available to a State under paragraph (4)(A) of subsection (a) may be used by the State for the following:

"(A) Health insurance coverage.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage or coverage under a group health plan through—

"(i) COBRA continuation coverage;

"(ii) continuation coverage under a similar State program;

"(iii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative;

"(iv) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees;

"(v) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

"(vi) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37))), an issuer of health insurance coverage, an administrator of health insurance coverage or a group health plan, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents;

"(vii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated health plan that does not receive any Federal financial participation;

"(viii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool;

"(ix) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage; or

"(x) enrollment of the eligible worker and the eligible worker's spouse and dependents in coverage under a group health plan that is available through the employment of the worker's spouse and is not described in paragraph (4)(C)(i)(I).

"(B) Establishment of health insurance coverage mechanisms.—To establish or administer—

"(i) a qualified State high risk pool for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents;

"(ii) a State-based program for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents that is comparable to the State health insurance program for State employees; or

"(iii) a program under which the State enters into arrangements described in subparagraph (A)(vi).

"(C) Administrative expenses.—To pay the administrative expenses related to the enrollment of eligible workers and the eligible workers spouses and dependents in health insurance coverage or coverage under a group health plan described in subparagraph (A), including—

"(i) eligibility verification activities;

"(ii) the notification of eligible workers of available health insurance coverage options;

"(iii) processing qualified health insurance credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(iv) providing assistance to eligible workers in enrolling in health insurance coverage;

"(v) the development or installation of necessary data management systems; and

"(vi) any other expenses determined appropriate by the Secretary.

"(2) Requirements.—With respect to health insurance coverage or coverage under a group health plan provided to eligible workers under any of clauses (ii) through (viii) of paragraph (1)(A), the State shall ensure that—

"(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 of the Internal Revenue Code of 1986 and who pay the remainder of the premium for such enrollment;

"(B) no pre-existing condition limitations are imposed with respect to such eligible workers;

"(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for a individual who is not an eligible worker who has comparable coverage;

"(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to individuals who are not eligible workers who have comparable coverage;

"(E) the standard loss ratio for the coverage is not less than 65 percent;

"(F) in the case of coverage provided under paragraph (1)(A)(v), the premiums and benefits are comparable to the premiums and benefits applicable to State employees; and

"(G) such coverage otherwise meets requirements established by the Secretary.

"(3) Availability of funds.—

"(A) Expedited procedures.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) Availability and distribution of funds.—The Secretary shall ensure that funds made available under section 174(c)(1)(A) to carry out subsection (a)(4)(A) are available to States throughout the period described in section 174(c)(2)(A).

"(4) Definitions.—For purposes of this subsection:

"(A) COBRA continuation coverage.—The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

"(B) Eligible worker.—The term 'eligible worker' means an individual—

"(i) who—

"(I) would be eligible to participate in the trade adjustment allowance program under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002, if section 235 (as so amended) were applied without regard to subsection (a)(3)(B) thereof; or

"(II) is participating in the wage insurance program under section 243(b) of such Act (as so amended);

"(ii) who does not have other specified coverage; and

"(iii) who is not imprisoned under Federal, State, or local authority.

"(C) Other specified coverage.—With respect to any individual, the term 'other specified coverage' means—

"(i) Subsidized coverage.—

"(I) For TAA program individuals.—In the case of an individual described in subparagraph (B)(i)(I), such individual is covered under any qualified health insurance (other than insurance described in clause (i), (ii), or (vi) of paragraph (1)(A)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4) of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(II) For wage insurance program individuals.—In the case of an individual described in subparagraph (B)(i)(II), such individual is either—

"(aa) eligible for coverage under any qualified health insurance (other than insurance described in clause (i), (ii), or (vi) of paragraph (1)(A)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4) of such Code) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse; or

"(bb) covered under any such qualified health insurance under which any portion of the cost of coverage (as so determined) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(III) Treatment of cafeteria plans.—For purposes of subclause (I) or (II), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d) of such Code).

"(ii) Coverage under medicare, medicaid, or SCHIP.—Such individual—

"(I) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title; or

"(II) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(iii) Certain other coverage.—Such individual—

"(I) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

"(II) is entitled to receive benefits under chapter 55 of title 10, United States Code; or

"(III) is entitled to receive benefits under chapter 17 of title 38, United States Code.

"(D) Group health plan.—The term 'group health plan' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)), section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)), and section 5001(b)(1) of the Internal Revenue Code of 1986.

"(E) Health insurance coverage.—Except to the extent provided by the Secretary, the term 'health insurance coverage' has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg–91(c)) or provided under a flexible spending arrangement, as determined under section 106(c) of the Internal Revenue Code of 1986.

"(F) Individual health insurance coverage.—The term 'individual health insurance coverage' means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(G) Qualified State high risk pool.—The term 'qualified State high risk pool' has the meaning given that term in section 2744(c)(2) of the Public Health Service Act (42 U.S.C. 300gg–44(c)(2)).

"(H) Standard loss ratio.—The term 'standard loss ratio', with respect to the pool of insured individuals under coverage described in clauses (ii) through (viii) of subparagraph (A) for a year, means—

"(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

"(ii) the premiums paid for enrollment in each such coverage for such year.

"(g) Interim Health Insurance Coverage and Other Assistance.—

"(1) In general.—Funds made available to a State under paragraph (4)(B) of subsection (a) may be used by the State to provide assistance and support services to eligible workers, including health care coverage, transportation, child care, dependent care, and income assistance.

"(2) Income support.—With respect to any income assistance provided to an eligible worker with such funds, such assistance shall supplement and not supplant other income support or assistance provided under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) or the unemployment compensation laws of the State where the eligible worker resides.

"(3) Health insurance coverage.—With respect to any assistance provided to an eligible worker with such funds in enrolling in health insurance coverage or coverage under a group health plan, the following rules shall apply:

"(A) The State may provide assistance in obtaining such coverage to the eligible worker and to the eligible worker's spouse and dependents.

"(B) Such assistance shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

"(4) Availability of funds.—

"(A) Expedited procedures.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) Availability and distribution of funds.—The Secretary shall ensure that funds made available under section 174(c)(1)(B) to carry out subsection (a)(4)(B) are available to States throughout the period described in section 174(c)(2)(B).

"(5) Definition of eligible worker.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002, under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who would be determined to be participating in the trade adjustment allowance program under such chapter (as so in effect) if such chapter were applied without regard to section 231(a)(3)(B) of the Trade Act of 1974 (as so in effect).".

(c) Appropriations.—Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2919) is amended by adding at the end the following:

"(c) Assistance for Eligible Workers.—

"(1) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $60,000,000 for each of fiscal years 2003 through 2007; and

"(B) to carry out subsection (a)(4)(B) of section 173—

"(i) $50,000,000 for fiscal year 2002;

"(ii) $100,000,000 for fiscal year 2003; and

"(iii) $50,000,000 for fiscal year 2004.

"(2) Availability of funds.—Funds appropriated under—

"(A) paragraph (1)(A) for each fiscal year shall, notwithstanding section 189(g), remain available for obligation during the pendency of any outstanding claim under the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002; and

"(B) paragraph (1)(B), for each fiscal year shall, notwithstanding section 189(g), remain available during the period that begins on the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 and ends on September 30, 2004.".

(d) Conforming Amendment.—Section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) is amended by inserting ", other than under subsection (a)(4), (f), and (g)" after "grants".

(e) Temporary Extension of COBRA Election Period for Certain Individuals.—

(1) In general.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage (as defined in section 6429(d)(3)(A) of the Internal Revenue Code of 1986) with respect to any eligible individual (as defined in section 6429(c) of such Code) for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual becomes such an eligible individual.

(2) Preexisting conditions.—If an individual becomes such an eligible individual, any period before the date of such eligibility shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)), section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)), and section 9801(c)(2) of the Internal Revenue Code of 1986.

SA 3518. Mr. BAUCUS (for himself, and Mr. Grassley) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 135, line 9, strike all through page 164, line 16, and insert the following:

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

"SEC. 6429. TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 70 percent of the amount paid by the taxpayer during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

"(b) Eligible Coverage Month.—For purposes of this section—

"(1) In general.—The term 'eligible coverage month' means any month if, as of the first day of such month—

"(A) the taxpayer is an eligible individual,

"(B) the taxpayer is covered by qualified health insurance,

"(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

"(D) the taxpayer does not have other specified coverage.

"(2) Special rules.—

"(A) Joint returns.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

"(B) Exclusion of months in which individual is imprisoned.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(3) OTHER SPECIFIED COVERAGE.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) SUBSIDIZED COVERAGE.—

"(i) FOR TAA PROGRAM INDIVIDUALS.—In the case of an individual described in subsection (c)(1), such individual is covered under any qualified health insurance (other than insurance described in subparagraph (A), (B), or (F) of subsection (d)(1)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4)) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) FOR WAGE INSURANCE PROGRAM INDIVIDUALS.—In the case of an individual described in subsection (c)(2), such individual is either—

"(I) eligible for coverage under any qualified health insurance (other than insurance described in subparagraph (A), (B), or (F) of subsection (d)(1)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4)) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse, or

"(II) covered under any such qualified health insurance under which any portion of the cost of coverage (as so determined) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(iii) TREATMENT OF CAFETERIA PLANS.—For purposes of clause (i) or (ii), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d)).

"(B) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

"(C) CERTAIN OTHER COVERAGE.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code,

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code, or

"(iii) is entitled to receive benefits under chapter 17 of title 38, United States Code.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

"(1) is participating in the trade adjustment allowance program under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002, or would be eligible to participate in such program if section 235 (as so amended) were applied without regard to subsection (a)(3)(B) thereof; or

"(2) is participating in the wage insurance program under section 243(b) of such Act (as so amended).

"(d) QUALIFIED HEALTH INSURANCE.—

"(1) IN GENERAL.—For purposes of this section, subject to paragraph (2), the term 'qualified health insurance' means health insurance coverage or coverage under a group health plan through—

"(A) COBRA continuation coverage,

"(B) continuation coverage under a similar State program,

"(C) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative,

"(D) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees,

"(E) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees,

"(F) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 414(f)), an issuer of health insurance coverage, an administrator of health insurance coverage or a group health plan, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents,

"(G) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated health plan that does not receive any Federal financial participation,

"(H) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool,

"(I) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage, or

"(J) enrollment of the eligible worker and the eligible worker's spouse and dependents in coverage under a group health plan that is available through the employment of the worker's spouse and is not described in subsection (b)(3)(A)(i).

"(2) REQUIREMENTS.—Health insurance coverage or coverage under a group health plan shall not be treated as being described in any of subparagraphs (B) through (H) of paragraph (1) unless, with respect to such coverage provided to eligible workers and the eligible worker's spouse or dependents—

"(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 and who pay the remainder of the premium for such enrollment,

"(B) no pre-existing condition limitations are imposed with respect to such eligible workers,

"(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for an individual who is not an eligible worker who has comparable coverage,

"(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to individuals who are not eligible workers who have comparable coverage,

"(E) the standard loss ratio for the coverage is not less than 65 percent,

"(F) in the case of coverage provided under paragraph (1)(E), the premiums and benefits are comparable to the premiums and benefits applicable to State employees, and

"(G) such coverage otherwise meets requirements established by the Secretary.

"(3) DEFINITIONS.—For purposes of this section:

"(A) COBRA CONTINUATION COVERAGE.—The term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to section 4980B.

"(B) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5001(b)(1).

"(C) HEALTH INSURANCE COVERAGE.—Except to the extent provided by the Secretary, the term 'health insurance coverage' has the meaning given such term by section 9832(b)(1) (other than insurance if substantially all of its coverage is of excepted benefits described in section 9832(c) or provided under a flexible spending arrangement, as determined under section 106(c).

"(D) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

"(E) QUALIFIED STATE HIGH RISK POOL.—The term 'qualified State high risk pool' has the meaning given that term in section 2744(c)(2) of the Public Health Service Act (42 U.S.C. 300gg–44(c)(2)).

"(F) STANDARD LOSS RATIO.—The term 'standard loss ratio', with respect to the pool of insured individuals under coverage described in subparagraph (B) through (H) of paragraph (1) for a year, means—

"(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

"(ii) the premiums paid for enrollment in each such coverage for such year.

"(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH OTHER DEDUCTIONS.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(2) MSA DISTRIBUTIONS.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(3) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) CREDIT TREATED AS REFUNDABLE CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

"(5) EXPENSES MUST BE SUBSTANTIATED.—A payment for qualified health insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal

Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) REQUIREMENT OF REPORTING.—Every person—

"(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

"(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

"(C) the number of months for which such advance credit amounts are so provided, and

"(D) such other information as the Secretary may prescribe.

"(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) ADVANCE CREDIT AMOUNT.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to trade adjustment assistance health insurance credit).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to trade adjustment assistance health insurance credit.".

(c) CRIMINAL PENALTY FOR FRAUD.—

(1) IN GENERAL.—Subchapter B of chapter 75 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

"SEC. 7276. PENALTIES FOR OFFENSES RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for trade adjustment assistance health insurance under section 6429 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.".

(2) The table of sections for subchapter B of chapter 75 of such Code is amended by adding at the end the following:

"Sec. 7276. Penalties for offenses relating to trade adjustment assistance health insurance credit.".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 6429 of such Code".

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6429. Trade adjustment assistance health insurance credit.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(2) PENALTIES.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 602. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

"(a) GENERAL RULE.—The Secretary shall establish a program for making payments on behalf of eligible individuals (as defined in section 6429(c)) to providers of health insurance for such individuals for whom a qualified health insurance credit eligibility certificate is in effect.

"(b) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, except as provided by the Secretary, a qualified health insurance credit eligibility certificate is a statement certified by a designated local agency (as defined in section 51(d)(11)) (or by any other entity designated by the Secretary) which—

"(1) certifies that the individual was an eligible individual (as defined in section 6429(c)) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of trade adjustment assistance health insurance credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 603. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) ELIGIBILITY FOR GRANTS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) from funds appropriated under section 174(c)—

"(A) to a State to provide the assistance described in subsection (f) to any eligible worker (as defined in subsection (f)(4)(B)); and

"(B) to a State to provide the assistance described in subsection (g) to any eligible worker (as defined in subsection (g)(5)).".

(b) USE OF FUNDS FOR HEALTH INSURANCE COVERAGE.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

"(f) HEALTH INSURANCE COVERAGE ASSISTANCE FOR ELIGIBLE WORKERS.—

"(1) IN GENERAL.—Funds made available to a State under paragraph (4)(A) of subsection (a) may be used by the State for the following:

"(A) HEALTH INSURANCE COVERAGE.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage or coverage under a group health plan through—

"(i) COBRA continuation coverage;

"(ii) continuation coverage under a similar State program;

"(iii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative;

"(iv) the enrollment of the eligible worker and the eligible worker's spouse and dependents in the health insurance program offered for State employees;

"(v) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

"(vi) a direct payment arrangement entered into by the State and a group health plan (including a multiemployer plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37))), an issuer of health insurance coverage, an administrator of health insurance coverage or a group health plan, or an employer, as appropriate, on behalf of the eligible worker and the eligible worker's spouse and dependents;

"(vii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in a State-operated health plan that does not receive any Federal financial participation;

“(viii) the enrollment of the eligible worker and the eligible worker's spouse and dependents in health insurance coverage offered through a State arrangement with a private sector health care coverage purchasing pool;

“(ix) in the case of an eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage; or

“(x) enrollment of the eligible worker and the eligible worker's spouse and dependents in coverage under a group health plan that is available through the employment of the worker's spouse and is not described in paragraph (4)(C)(i)(I).

“(B) ESTABLISHMENT OF HEALTH INSURANCE COVERAGE MECHANISMS.—To establish or administer—

“(i) a qualified State high risk pool for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents;

“(ii) a State-based program for the purpose of providing health insurance coverage to an eligible worker and the eligible worker's spouse and dependents that is comparable to the State health insurance program for State employees; or

“(iii) a program under which the State enters into arrangements described in subparagraph (A)(vi).

“(C) ADMINISTRATIVE EXPENSES.—To pay the administrative expenses related to the enrollment of eligible workers and the eligible workers spouses and dependents in health insurance coverage or coverage under a group health plan described in subparagraph (A), including—

“(i) eligibility verification activities;

“(ii) the notification of eligible workers of available health insurance coverage options;

“(iii) processing qualified health insurance credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

“(iv) providing assistance to eligible workers in enrolling in health insurance coverage;

“(v) the development or installation of necessary data management systems; and

“(vi) any other expenses determined appropriate by the Secretary.

“(2) REQUIREMENTS.—With respect to health insurance coverage or coverage under a group health plan provided to eligible workers under any of clauses (ii) through (viii) of paragraph (1)(A), the State shall ensure that—

“(A) enrollment is guaranteed for workers who provide a qualified health insurance credit eligibility certificate described in section 7527 of the Internal Revenue Code of 1986 and who pay the remainder of the premium for such enrollment;

“(B) no pre-existing condition limitations are imposed with respect to such eligible workers;

“(C) the worker is not required (as a condition of enrollment or continued enrollment under the coverage) to pay a premium or contribution that is greater than the premium or contribution for a individual who is not an eligible worker who has comparable coverage;

“(D) benefits under the coverage are the same as (or substantially similar to) the benefits provided to individuals who are not eligible workers who have comparable coverage;

“(E) the standard loss ratio for the coverage is not less than 65 percent;

“(F) in the case of coverage provided under paragraph (1)(A)(v), the premiums and benefits are comparable to the premiums and benefits applicable to State employees; and

“(G) such coverage otherwise meets requirements established by the Secretary.

“(3) AVAILABILITY OF FUNDS.—

“(A) EXPEDITED PROCEDURES.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

“(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

“(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

“(iii) develop procedures to expedite the provision of funds to States with approved applications.

“(B) AVAILABILITY AND DISTRIBUTION OF FUNDS.—The Secretary shall ensure that funds made available under section 174(c)(1)(A) to carry out subsection (a)(4)(A) are available to States throughout the period described in section 174(c)(2)(A).

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) COBRA CONTINUATION COVERAGE.—The term ‘COBRA continuation coverage’ means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

“(B) ELIGIBLE WORKER.—The term ‘eligible worker’ means an individual who—

“(i) is—

“(I) participating in the trade adjustment allowance program under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002, or would be eligible to participate in such program if section 235 (as so amended) were applied without regard to subsection (a)(3)(B) thereof; or

“(II) participating in the wage insurance program under section 243(b) of such Act (as so amended);

“(ii) does not have other specified coverage; and

“(iii) is not imprisoned under Federal, State, or local authority.

“(C) OTHER SPECIFIED COVERAGE.—With respect to any individual, the term ‘other specified coverage’ means—

“(i) SUBSIDIZED COVERAGE.—

“(I) FOR TAA PROGRAM INDIVIDUALS.—In the case of an individual described in subparagraph (B)(i)(I), such individual is covered under any qualified health insurance (other than insurance described in clause (i), (ii), or (vi) of paragraph (1)(A)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4) of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

“(II) FOR WAGE INSURANCE PROGRAM INDIVIDUALS.—In the case of an individual described in subparagraph (B)(i)(II), such individual is either—

“(aa) eligible for coverage under any qualified health insurance (other than insurance described in clause (i), (ii), or (vi) of paragraph (1)(A)) under which at least 50 percent of the cost of coverage (determined under section 4980B(f)(4) of such Code) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse; or

“(bb) covered under any such qualified health insurance under which any portion of the cost of coverage (as so determined) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

“(III) TREATMENT OF CAFETERIA PLANS.—For purposes of subclause (I) or (II), the cost of coverage shall be treated as paid or incurred by an employer to the extent the coverage is in lieu of a right to receive cash or other qualified benefits under a cafeteria plan (as defined in section 125(d) of such Code).

“(ii) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

“(I) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title; or

“(II) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

“(iii) CERTAIN OTHER COVERAGE.—Such individual—

“(I) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

“(II) is entitled to receive benefits under chapter 55 of title 10, United States Code; or

“(III) is entitled to receive benefits under chapter 17 of title 38, United States Code.

“(D) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a)), section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)), and section 5001(b)(1) of the Internal Revenue Code of 1986.

“(E) HEALTH INSURANCE COVERAGE.—Except to the extent provided by the Secretary, the term ‘health insurance coverage’ has the meaning given that term in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg-91(c)) or provided under a flexible spending arrangement, as determined under section 106(c) of the Internal Revenue Code of 1986.

“(F) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term ‘individual health insurance coverage’ means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

“(G) QUALIFIED STATE HIGH RISK POOL.—The term ‘qualified State high risk pool’ has the meaning given that term in section 2744(c)(2) of the Public Health Service Act (42 U.S.C. 300gg-44(c)(2)).

“(H) STANDARD LOSS RATIO.—The term ‘standard loss ratio’, with respect to the pool of insured individuals under coverage described in clauses (ii) through (viii) of subparagraph (A) for a year, means—

“(i) the amount of claims incurred with respect to the pool of insured individuals in each such type of coverage for such year; divided by

“(ii) the premiums paid for enrollment in each such coverage for such year.

“(g) INTERIM HEALTH INSURANCE COVERAGE AND OTHER ASSISTANCE.—

“(1) IN GENERAL.—Funds made available to a State under paragraph (4)(B) of subsection (a) may be used by the State to provide assistance and support services to eligible workers, including health care coverage, transportation, child care, dependent care, and income assistance.

“(2) INCOME SUPPORT.—With respect to any income assistance provided to an eligible worker with such funds, such assistance shall supplement and not supplant other income support or assistance provided under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) or the unemployment compensation laws of the State where the eligible worker resides.

"(3) Health insurance coverage.—With respect to any assistance provided to an eligible worker with such funds in enrolling in health insurance coverage or coverage under a group health plan, the following rules shall apply:

"(A) The State may provide assistance in obtaining such coverage to the eligible worker and to the eligible worker's spouse and dependents.

"(B) Such assistance shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

"(4) Availability of funds.—

"(A) Expedited procedures.—With respect to applications submitted by States for grants under this subsection, the Secretary shall—

"(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

"(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance, at the request of the State, in a timely manner to enable the State to submit an approved application; and

"(iii) develop procedures to expedite the provision of funds to States with approved applications.

"(B) Availability and distribution of funds.—The Secretary shall ensure that funds made available under section 174(c)(1)(B) to carry out subsection (a)(4)(B) are available to States throughout the period described in section 174(c)(2)(B).

"(5) Definition of eligible worker.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002, under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and is participating in the trade adjustment allowance program under such chapter (as so in effect) or who would be determined to be participating in such program under such chapter (as so in effect) if such chapter were applied without regard to section 231(a)(3)(B) of the Trade Act of 1974 (as so in effect).".

(c) Appropriations.—Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2919) is amended by adding at the end the following:

"(c) Assistance for Eligible Workers.—

"(1) In general.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $60,000,000 for each of fiscal years 2003 through 2007; and

"(B) to carry out subsection (a)(4)(B) of section 173—

"(i) $50,000,000 for fiscal year 2002;

"(ii) $100,000,000 for fiscal year 2003; and

"(iii) $50,000,000 for fiscal year 2004.

"(2) Availability of funds.—Funds appropriated under—

"(A) paragraph (1)(A) for each fiscal year shall, notwithstanding section 189(g), remain available for obligation during the pendency of any outstanding claim under the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002; and

"(B) paragraph (1)(B), for each fiscal year shall, notwithstanding section 189(g), remain available during the period that begins on the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 and ends on September 30, 2004.".

(d) Conforming Amendment.—Section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) is amended by inserting ", other than under subsection (a)(4), (f), and (g)" after "grants".

(e) Temporary Extension of COBRA Election Period for Certain Individuals.—

(1) In general.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage (as defined in section 6429(d)(3)(A) of the Internal Revenue Code of 1986) with respect to any eligible individual (as defined in section 6429(c) of such Code) for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual becomes such an eligible individual.

(2) Preexisting conditions.—If an individual becomes such an eligible individual, any period before the date of such eligibility shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)), section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)), and section 9801(c)(2) of the Internal Revenue Code of 1986.

SA 3519. Mr. FEINGOLD (for himself and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that act, and for other purposes, which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert in lieu thereof the following:

"Notwithstanding any other provision of this Act, section 1143 of this Act shall not take effect."

SA 3520. Mr. FEINGOLD (for himself and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that act, and for other purposes, which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

"Notwithstanding any other provision of this Act, section 1143 of this Act shall not take effect."

SA 3521. Mr. REID (for Mr. Jeffords) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of the title relating to Customs Reauthorization, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR CUSTOMS STAFFING.

There are authorized to be appropriated to the Department of Treasury such sums as may be necessary to provide an increase in the annual rate of basic pay—

(1) for all journeyman Customs inspectors and Canine Enforcement Officers who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) for the support staff associated with the personnel described in subparagraph (A), at the appropriate GS level of the General Schedule under such section 5332.

SA 3522. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) In General.—The benefits provided under any preferential tariff program authorized by this Act shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.).

(b) Effective Date.—Subsection (a) shall take effect on the day after the date of enactment of this Act.

SA 3523. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) In General.—The benefits provided under any preferential tariff program authorized by this Act shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled substances Act (21 U.S.C. 101 et seq.).

(b) Effective Date.—Subsection (a) shall take effect on the day after the date of enactment of this Act.

SA 3524. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTRADITION REQUIREMENT.

(a) IN GENERAL.—The benefits provided under any preferential tariff program authorized by this Act shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicated by a Federal grand jury for a crime involving a violation of the Controlled Substances Act (21 U.S.C. 101 et seq.).

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the day after the date of enactment of this Act.

SA 3525. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following;

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

SA 3526. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following;

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

SA 3527. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following;

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

SA 3528. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

SEC. . SENSE OF THE SENATE REGARDING PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—It is the sense of the Senate that paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) should be amended to read as follows:

"(4) DOMESTIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

"(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Sub-clause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign (referred to in this subparagraph as the acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliation group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) EFFECTIVE DATES.—It is further the sense of the Senate that—

(1) such an amendment should not apply to corporate expatriation transactions completed after September 11, 2001;

(2) such an amendment should also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003; and

(3) that any revenues attributable to such an amendment should be used to pay for benefits for textile and apparel workers deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) under this Act.

SA 3529. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

SEC. . SENSE OF THE SENATE REGARDING PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—It is the sense of the Senate that paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) should be amended to read as follows:

"(4) DOMESTIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

"(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of Clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) EFFECTIVE DATES.—It is further the sense of the Senate that—

(1) such an amendment should apply to corporate expatriation transactions completed after September 11, 2001;

(2) such an amendment should also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003; and

(3) that any revenues attributable to such an amendment should be used to pay for benefits for textile and apparel workers deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) under this Act.

SA 3530. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; while was ordered to lie on the table; as follows:

In lieu of the matter proposed insert the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

SEC. . SENSE OF THE SENATE REGARDING PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—It is the sense of the Senate that paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) should be amended to read as follows:

"(4) DOMESTIC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

"(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

"(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

"(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

"(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

"(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

"(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

"(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

"(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

"(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

"(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

"(v) SPECIAL RULES.—For purposes of this subparagraph—

"(I) a series of related transactions shall be treated as 1 transaction, and

"(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

"(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

"(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

"(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b))."

(b) EFFECTIVE DATES.—It is further the sense of the Senate that—

(1) such an amendment should apply to corporate expatriation transactions completed after September 11, 2001;

(2) such an amendment should also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003; and

(3) that any revenues attributable to such an amendment should be used to pay for benefits for textile and apparel workers deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) under this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a field hearing in Bloomfield, NM to identify issues related to the inspection and enforcement of Bureau of Land Management oil and gas wells in the Farmington area and attempts to remedy computer problems affecting Minerals Management Service payments in New Mexico.

The hearing will take place on Friday, May 31, at 9:00 a.m. at the Bloomfield Cultural Complex at 333 S. First Street, Bloomfield, NM.

Those wishing to submit written statements on the subject matter of this hearing should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510.

For further information, please call John Watts at 202/224-5488.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 22, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1340, a bill to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 6, 2002, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the City of Fallon, Nevada;

S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment;

S. 1385, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act, to participate in the design, planning, and water construction of the Lakehaven water reclamation project for the reclamation and reuse of water,

S. 1824/H.R. 2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes;

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes;

S. 1999, to re-authorize the Mni Wiconi Rural Water Supply Project; and

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, NM.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patty Beneke or Mike Connor of the committee staff at (202–224–5451) or (202–224–5479).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 21, 2002, immediately following the first rollcall vote, to conduct a mark-up on the nomination of Mr. Anthony Lowe, of Washington, to be Federal Insurance and Mitigation Administrator of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 21, 2002, at 4:30 p.m., to host the House and Senate conferees on S. 1372 and H.R. 2871, Export-Import Bank Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 21, 2002, at 9:30 a.m., on implementation of the Aviation and Transportation Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 21, 2002 at 10:30 a.m., to hold a nomination hearing.

Witnesses

Mrs. Paula A. DeSutter, of Virginia, to be Assistant Secretary of State for Verification and Compliance, to be introduced by: The Honorable Jon Kyl, United States Senate, Washington, DC.

Mr. Michael A. Guhin, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Fissile Material Negotiator, and Mr. Stephen G. Rademaker, of Delaware, to be Assistant Secretary of State for Arms Control, to be introduced by: The Honorable Henry Hyde, U.S. House of Representatives, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Getting Fit, Staying Healthy: Strategies for Improving Nutrition and Physical Activity in America" during the session of the Senate on Tuesday, May 21, 2002. At 2:30 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Oversight of the Department of Justice—Civil Rights Division" on Tuesday, May 21, 2002 in Dirksen Room 226 at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND FOREIGN COMMERCE AND TOURISM

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs and Foreign Commerce and Tourism be authorized to meet on Tuesday, May 21, 2002, at 2:30 p.m. on U.S. Trade Policy with Cuba.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 21, 2002, at 9:30 a.m. in open session to receive testimony on improved management of Department of Defense test and evaluation facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following: Calendar No. 831; and the nominations placed on the Secretary's desk, Coast Guard promotions; that the nominations be confirmed; the motions to reconsider be laid on the table; the President be immediately notified of the Senate's action; any statements thereon be printed in the RECORD as though read; and the Senate return to legislative session without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Vivien S. Crea, 9704.
Rear Adm. (lh) Robert F. Duncan, 3843.
Rear Adm. (lh) Kevin J. Eldridge, 5421.
Rear Adm. (lh) Thomas J. Gilmour, 0516.
Rear Adm. (lh) Jeffrey J. Hathaway, 9612.
Rear Adm. (lh) Charles D. Wurster, 3540.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN1751 Coast Guard nomination of Mikeal S. Staier, which was received by the Senate and appeared in the Congressional Record of May 13, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR WEDNESDAY, MAY 22, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, May 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 10:30 a.m. with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m., the Senate resume consideration of the trade bill for debate only until 11:30 a.m., with the time equally divided between the two leaders or their designees; further that the Senate vote on cloture on the Baucus substitute amendment at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF CONGRESS THAT WORKERS DESERVE FAIR TREATMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 115 submitted earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 115) expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if read without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, few people have done as much for America's workers as Dolores Huerta. She is a preeminent labor and civil rights leader who has worked tirelessly and skillfully to enhance and improve the working conditions for farm workers and their families for more than 40 years. She is the heart and soul—and the muscle—of the farm worker labor movement. And I join those in lauding her for all she has accomplished. No injustice and no wrong is too big or too small for Dolores's attention. And we are all so proud of all she does so well.

Born in Dawson, NM, on April 10, 1930, Dolores Huerta was raised, in Stockton, CA, in the San Joaquin Valley. Growing up, she saw first-hand the poverty that local farm workers endured. She also saw the generosity that her mother showed in providing free food and housing to local farm workers.

Dolores earned a teaching degree from Stockton College, but she left the profession because she could not stand to see her students the children of farm workers come to school hungry and without shoes. Convinced that she could be more helpful to their children by organizing farm workers, she founded the Stockton Chapter of the Community Service Organization in 1955, a Latino association to educate and assist these families.

In 1962, Dolores Huerta joined Cesar Chavez in founding the National Farm Workers Association which eventually became the famous United Farm Workers Organizing Committee.

As a co-founder of UFWOC, Ms. Huerta's efforts have led to wide-ranging reforms for farm workers and their families. For example, Ms. Huerta negotiated a contract which established the first health and benefit plan for farm workers. In addition, her consumer boycotts resulted in the enactment of the Agricultural Labor Relations Act, the first United States law that granted workers to collectively bargain for better working conditions. Ms. Huerta also fought hard against toxic pesticides which were destructive to farm workers and the environment, and negotiated agreements to ensure that dangerous pesticides were not used in the fields.

Ms. Huerta has already been recognized by many for the groundbreaking work that she has done. She has received several honorary doctorate degrees and was honored as one the "100 Most Important Women of the 20th Century." In addition, Ms. Huerta was recently named one of six Women Sustaining the American Spirit. We here in the Senate thank Ms. Huerta for her passion and commitment to children, women and farm worker families. All workers deserve fair treatment and safe working conditions. The American people are better off today because of all she has done, and it is a privilege to be able to offer her this tribute from the United States Senate.

The concurrent resolution (S. Con. Res. 115) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 115

Whereas Dolores Huerta is a preeminent civil rights leader who has been fighting for the rights of the underserved for more than 40 years;

Whereas Dolores Huerta was born on April 10, 1930, in Dawson, New Mexico;

Whereas Dolores Huerta was raised, along with her 2 brothers and 2 sisters, in the San Joaquin Valley town of Stockton, California, where she was witness to her mother's care and generosity for local, poverty-stricken farm worker families;

Whereas after earning a teaching credential from Stockton College, Dolores Huerta was motivated to become a public servant and community leader upon seeing her students suffer from hunger and poverty;

Whereas Dolores Huerta defied cultural and gender stereotypes by becoming a powerful and distinguished champion for farm worker families;

Whereas in addition to her unyielding support for farm workers' rights, Dolores Huerta has been a stalwart advocate for the protection of women and children;

Whereas notwithstanding her intensity of spirit and her willingness to brave challenges, Dolores Huerta has always espoused peaceful, nonviolent tactics to promote her ideals and achieve her goals;

Whereas Dolores Huerta established her career as a social activist in 1955 when she founded the Stockton chapter of the Community Service Organization, a Latino association based in California, and became involved in the association's civic and educational programs;

Whereas in 1962, together with Cesar Chavez, Dolores Huerta founded the National Farm Workers Association, a precursor to the United Farm Workers Organizing Committee, which was formed in 1967;

Whereas Dolores Huerta is the proud mother of 11 children and has 14 grandchildren; and

Whereas Dolores Huerta was inducted into the Women's Hall of Fame in 1993 for her relentless dedication to farm worker issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that all workers deserve fair treatment and safe working conditions; and

(2) the Congress honors Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

CENTENNIAL OF ESTABLISHMENT OF CRATER LAKE NATIONAL PARK

Mr. REID. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of S. Res. 273 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 273) recognizing the centennial of the establishment of the Crater Lake National Park.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 273) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 273

Whereas Crater Lake, at 1,943 feet deep, is the deepest lake in the United States;

Whereas Crater Lake is a significant natural feature, the creation of which, through the eruption of Mount Mazama 7,700 years ago, dramatically affected the landscape of an area that extends from southern Oregon into Canada;

Whereas legends of the formation of Crater Lake have been passed down through generations of the Klamath Tribe, Umpqua Tribe, and other Indian tribes;

Whereas on June 12, 1853, while in search of the legendary Lost Cabin gold mine, John Wesley Hillman, Henry Klippel, and Isaac Skeeters discovered Crater Lake;

Whereas William Gladstone Steele dedicated 17 years to developing strong local support for the conservation of Crater Lake, of which Steele said, "All ingenuity of nature seems to have been exerted to the fullest capacity to build a grand awe-inspiring temple the likes of which the world has never seen before";

Whereas on May 22, 1902, President Theodore Roosevelt signed into law a bill establishing Crater Lake as the Nation's sixth national park, mandating that Crater Lake National Park be "dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States" (32 Stat. 202);

Whereas Crater Lake National Park is a monument to the beauty of nature and the importance of providing public access to the natural treasures of the United States; and

Whereas May 22, 2002, marks the 100th anniversary of the designation of Crater Lake as a national park: Now, therefore, be it

Resolved, That the Senate recognizes May 22, 2002, as the centennial of the establishment of Crater Lake National Park.

NEXT ROLLCALL VOTE

Mr. REID. Mr. President, the next rollcall vote will occur at approximately 11:30 a.m. tomorrow morning on cloture on the Baucus substitute.

ORDER TO ADJOURN

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statements of Senator VOINOVICH and Senator INHOFE. I understand that Senator VOINOVICH's statement will take approximately 30 minutes and Senator INHOFE's statement will take about 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

NATO ENLARGEMENT

Mr. VOINOVICH. Mr. President, Last week, May 14–15, Secretary of State Colin Powell joined foreign ministers from all 19 members of the NATO Alliance in Reykjavik, Iceland, where they began to lay the groundwork for the Summit of the NATO Alliance in Prague this November.

As many of my colleagues are aware, three themes have emerged to fill the agenda in Prague: first, discussion of NATO's capabilities and the ability to respond to today's most urgent threats; second, the selection of new members; and third, the beginning of new relationships with Russia, Ukraine and other members of the international community.

During the two-day ministerial meeting in Reykjavik, Secretary Powell and his NATO colleagues addressed each of these issues, beginning with the announcement of a new NATO-Russia Council. As the British foreign minister put it, we saw the end of the cold war—again.

The agreement, which is to be finalized in Rome on May 28th, puts Russia and the 19 members of the NATO Alliance at the same table, as equal partners, to discuss a number of issues, including counterterrorism, military cooperation, nonproliferation and peacekeeping. While establishing new areas in which NATO and Russia will work together, the agreement makes certain that NATO will maintain complete control over enlargement and core military issues.

This news is even more significant when coupled with the recent announcement that President Bush and Russian President Putin will sign a treaty to reduce their nuclear arsenals by nearly two-thirds when they meet in Moscow later this month. As Secretary Powell remarked in Reykjavik, our relationship with Russia seems to be on sound footing as we look toward the 21st century. It is my hope that conversations continue to be productive, and I look forward to further discussion about the implementation of these two agreements. However, I remain a little bit skeptical that this will substantially change our relationship with Russia.

In addition to discussion about NATO's relationship with Russia, the ministerial meeting highlighted the urgent need to address the widening gap in military capabilities between the United States and our NATO allies. As Under Secretary of State for Political Affairs Marc Grossman remarked in testimony before the Senate Foreign Relations Committee on May 1, "The growing capabilities gap between Europe and the United States is the most serious long-term problem facing NATO, and must be addressed."

This message is not new to members of the Alliance. We've talked about it before. NATO developed the Defense Capabilities Initiative, DCI, at the Washington Summit in 1999 to begin to address deficiencies in technology and military equipment. But there has been little progress, and as the events of September 11th have made all too clear, the Alliance must have the ability to respond in times of crisis.

While the United States and our NATO allies have begun to identify new threats in Europe and beyond, as

Secretary Grossman remarked, "There has to be lots more done at NATO to meet them."

The United States has identified shortfalls in four key areas of NATO's military capabilities, which Under Secretary of Defense for Policy Doug Feith outlined in Senate testimony earlier this month. These include: first, nuclear, biological and chemical defenses to protect allied troops and territory; next, the capability to transport troops to the battlefield—in short, we need the right aircraft to get our troops where they need to be; third, communication and information systems to allow allied countries to work together effectively; and finally, modern weapons systems, such as precision-guided munitions and capabilities to suppress enemy air defense.

In a NATO Communiqué released on May 14th, the NATO foreign ministers recognized the need to take steps to improve military capabilities. They note that "To carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed, sustain operations over distance and time, and achieve their objectives." In order to fulfill these objectives, they further note that "This will require the development of new and balanced capabilities within the Alliance, including strategic lift and modern strike capabilities, so that NATO can more effectively respond collectively to any threat of aggression against a member state."

While this statement is important, I am hopeful that these words will be followed by action and the financial commitments necessary to make this vision a reality. The United States has acted to increase its investment in defense. And as Secretary Powell remarked to reporters last week, "We think that all of our colleagues in NATO should be doing likewise."

The United States will spend more than 3.5 percent of its GDP on defense in Fiscal Year 2002. While we ask NATO aspirant countries to spend 2 percent of their GDP on defense, nearly half of NATO's current members do not meet this benchmark. Though we sought to address this issue with the Defense Capabilities Initiative in 1999, defense spending in many countries has actually decreased since that time. If NATO is going to stay relevant, members of the Alliance must do better with their defense budgets. At the NATO Parliamentary Assembly meeting in Sofia, Bulgaria next week, I will be asking them why they have not kept commitments on their defense spending.

NATO Secretary General Lord Robertson underscored the importance of making substantial contributions to military capabilities during the meeting in Reykjavik, saying the Alliance must change if it is to be effective. Further, he was clear in his message: NATO must "modernize or be marginalized."

Without the ability to communicate and work together in the field, NATO cannot be effective. And without the fundamental ability to get forces to the frontline to provide for the defense of NATO interests when the time comes, NATO cannot fulfill its basic mission of collective security. I look forward to continued discussion on this issue in the months leading to Prague, and I am hopeful that as NATO defense ministers and heads of state discuss viable options for closing the capabilities gap, they come prepared to make financial commitments to finally get the job done.

In addition to driving home the need for improved military capabilities, the events of 9/11 and the U.S.-led military campaign in Afghanistan have raised serious questions about NATO's ability to respond to terrorist threats, which may likely originate outside of the Alliance's traditional area of operations. This has already generated much debate, and I believe this will be an important item on the agenda in Prague. It will also be important in Bulgaria. I am hopeful there will be productive dialogue as NATO considers action in this realm in the future.

Finally, in addition to new capabilities and new relationships, the question of new members will be on the forefront of the agenda this fall. This is a big deal.

I have been a proponent of enlargement of the NATO Alliance to include Europe's new democracies for many years, and I look forward to a robust round of enlargement in Prague.

In March, I spoke to a gathering of individuals with ties to every country aspiring to join the NATO Alliance, including: Albania, Bulgaria, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia, as well as Croatia. They came together to promote the merits of enlargement as a single, unified group—working together to deliver the message that NATO expansion is in the strategic interest of the United States, Europe, and the broader international community of democracies.

As the meeting concluded, the delegation passed a resolution in support of enlargement, reaffirming the importance of NATO to the security and stability of Europe.

Mr. President, I ask unanimous consent that a copy of the Joint Statement prepared at that meeting be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Joint Statement of the Representatives of Ethnic Communities on the Enlargement of the North Atlantic Treaty Organization, Washington, DC, March 16, 2002

1. We, the Representatives of the American ethnic communities of the Albanian, Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Macedonian, Polish, Romanian, Slovak and Slovenian descent, have gathered in Washington, D.C. to endorse the vision of a Europe whole and free as presented by President George W. Bush on June 15, 2001 and by former president William J. Clinton on October 22, 1996.

2. We believe that NATO is the backbone of the transatlantic community and has been an effective bulwark in the defense of freedom, democracy and human rights. We further believe that a strong involvement of the United States in Europe serves the vital interest of the United States.

3. We thank the United States House of Representatives for overwhelmingly passing the Freedom Consolidation Act of 2001 and we urge its expeditious passage by the United States Senate.

4. We believe that the accession of the Czech Republic, Hungary and Poland to NATO has contributed to transatlantic security and strengthened and expanded the zone of peace, stability, democracy and cooperation in Europe.

5. We share President Bush's belief that "All of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have." Furthermore, we believe that the almost 55 million people who live in Europe's aspirant nations should contribute to and share in the benefits of the family of European nations.

6. We commend Europe's new democracies for their progress in solidifying democracy, establishing market economies and building strong and just civil societies. We believe that the invitation to join NATO will be a major achievement in the struggle for freedom. In this regard, we honor all who have suffered in this cause and we thank the United States for its abiding support.

7. We recognize the significant progress that has been made by Europe's new democracies in their preparation to shoulder the responsibilities that membership in NATO requires.

8. We commend Europe's new democracies for their solidarity with the American people after the terrorist attacks of September 11, 2001 and for their willingness to act as de facto allies of the United States and NATO. We recognize the contributions of Europe's new democracies for opening their air and land facilities to the United States and NATO and for sharing their resources in promoting global security and in the fight against terrorism.

9. We applaud Europe's new democracies for their commitment to cooperation which was initiated in Vilnius, Lithuania in May, 2000.

10. We urge Europe's new democracies to accelerate needed reforms to enable their invitations to join NATO at the Prague Summit. We also understand that this continued commitment to shared values is an essential component of such membership.

11. We express our thanks to the Czech Republic, Hungary and Poland for their support of the Vilnius process, to Denmark and Norway for their work in the security of the Baltics and to Greece and Turkey for their support of their closest neighbor nations.

12. We commit ourselves to support and promote the fulfillment of the vision of a Europe whole and free and respectfully urge the President of the United States and the United States Senate to support invitations to all aspirant nations who have demonstrated their preparedness for admission to NATO.

Mr. VOINOVICH. In the resolution, they note: "We believe that NATO is the backbone of the transatlantic community and has been an effective bulwark in the defense of freedom, democracy and human rights. We further believe that a strong involvement of the United States in Europe serves the vital interest of the United States."

I strongly support that message, and I share the sentiments expressed by President Bush in remarks he delivered in Poland last June, when he said that as the NATO Summit in Prague approaches, "We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom."

During the cold war, as a public official in the State of Ohio, I remained a strong supporter of the captive nations, who were for so many years denied the right of self-determination by the former Soviet Union.

When I was mayor of Cleveland during the 1980s, we celebrated the independence days of the captive nations at city hall—flying their flags, singing their songs and praying that one day the people in those countries would know freedom.

In August 1991, as communism's grip loosened, I wrote a letter to then-President George H.W. Bush urging him to recognize the independence of the Baltic nations. Now, these countries are among those being considered for membership in the NATO alliance.

Last May, I had the opportunity to visit Estonia, Latvia and Lithuania as part of a Senate delegation traveling to the meeting of the NATO parliamentary assembly, and I—along with my colleagues—was very impressed with what I saw.

Our observations were confirmed when many of us visited with General Ralston. He spoke very eloquently about what he has seen in the Baltic nations—with heavy emphasis on their communication systems. He spoke about BALTnet, and said the communication system in place in the Balts is as good as any system within NATO. So is the network in Slovenia they are ready to plug into NATO immediately.

As I stood with my colleagues in the streets of Lithuania—surrounded by thousands of Lithuanian citizens all rallying in support of NATO enlargement—I remembered the celebrations we had in Cleveland years earlier, when Lithuania was still part of the Soviet empire. It was a remarkable feeling for me to stand in a free Lithuania, and to talk about making the country part of the NATO alliance.

After I returned to the United States, I sent a letter to President Bush conveying my impressions of some of the work done in those countries. I encouraged him to guarantee the freedom of those once subjected to life under Communism by making clear his strong support for NATO enlargement.

I was pleased when the President outlined his vision for NATO enlargement in Warsaw last summer, noting that "All of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have."

During my time in the Senate, I have been privileged to travel to a number of other NATO aspirant countries—Macedonia and Albania during the war in Kosovo in 1999, and Slovenia, Romania, and Croatia in 2000. I will visit Bulgaria over the Memorial Day recess to take part in the meeting of the NATO parliamentary assembly, and I also hope to visit Slovenia and Slovakia—the only country on the list that I have yet to visit—later this month.

As we approach the Prague summit in November, the NATO alliance finds itself at pivotal point in world history.

More than a decade ago, the fall of the Berlin Wall and the collapse of the Soviet empire marked a moment of profound change for millions of people in Europe and the world at large. It was clear that the global political scene was changed forever.

As we look toward Prague, it is evident that the world is again a changed place. We face new challenges, and we must rise to meet them.

It is clear that the events of September 11 have given all of us a new focus. They have opened our eyes to issues that must not be ignored. I am grateful for the support that the United States has received from our NATO allies and those countries aspiring to join the alliance. This assistance is critical for the international community to be successful in carrying out a comprehensive campaign to fight terrorism, and it is important that these collaborative efforts continue.

NATO's decision to invoke article V—signifying that an attack on one was an attack on all—sent a strong message of solidarity to the people of the United States, and the world at large. The world is different not just for us in America, but for all of Western civilization. NATO has begun to examine the role the alliance will play in efforts to protect the world against threats associated with terrorism and weapons of mass destruction.

Without a doubt, the events of September 11 dramatically impacted the conversations that took place in Iceland last week, and they will certainly influence the agenda in Prague this November. As the United States and other members of NATO consider enlargement of the alliance in the six months leading to Prague, it is within the broader context of a changed world post-9-11.

I believe this debate is still very relevant. In fact, as some have said, discussion about NATO enlargement is perhaps more important now than ever before.

I strongly agree with remarks made by Under Secretary of State Grossman in testimony before the Foreign Relations Committee earlier this month. While acknowledging that some people have argued that after September 11, expansion of the alliance should not remain a priority, Secretary Grossman said he does not agree.

He remarked, "I believe that enlargement should remain a priority . . . The events of September 11th show us that the more allies we have, the better off we're going to be; the more allies we have to prosecute the war on terrorism, the better off we're going to be. And if we're going to meet these new threats to our security, we need to build the broadest and strongest coalition possible of countries that share our values and are able to act effectively with us. With freedom under attack, we must demonstrate our resolve to do as much as we can to advance our cause."

While NATO is a collective security organization, formed to defend freedom and democracy in Europe, we cannot forget that common values form the foundation of the alliance.

When we consider enlargement to include Europe's new democracies, we must answer a central question: how would each country contribute to the collective security of the NATO alliance? When we answer that question, our response should certainly factor in the military attributes of each aspirant country, which continue to be evaluated by U.S. and NATO military officials. At the same time, as NATO evaluates its needs for the future, we should take into consideration other ways in which aspirant countries can contribute to the collective defense of Europe.

Since September 11, the United States and NATO have called on members of the international community to provide critical assistance in a number of areas outside of the traditional military realm. While these do not outweigh the need for improved defense capabilities, such as strategic airlift capabilities and improved communication systems, they are nonetheless critical to thwarting future terrorist attacks.

Deputy Secretary of State Richard Armitage outlined a number of these areas in remarks to leaders of the NATO aspirant countries at the V-10 summit in Bucharest, Romania 2 months ago. Secretary Armitage said, "The threats we now face have changed the way we think about defending ourselves and broadened the scope of possible contributions to the common defense. Forces in the field remain indispensable, but other contributions are just as important. Law enforcement, intelligence sharing, controlling the flow of terrorist financing are essential weapons in responding to today's threats."

We have seen the benefit of these contributions as the international community continues to engage in a global campaign against terrorism. The nine NATO aspirant countries, as well as Croatia, have reached out to the United States in the aftermath of the September 11 attacks.

They have pledged their solidarity, volunteered their resources, and shared intelligence information with the United States and NATO. They have decided to act not as aspirants, but as allies, and their support is highly important.

As significant as this cooperation has been, the work is not done. It is critical that countries aspiring to join the alliance continue their efforts to make progress in areas outlined in the membership action plan—developing free market economies, promoting democracy and the rule of law, respecting the rights of minorities, and implementing military reforms. These values are the hallmark of the NATO alliance, and they must not be neglected.

Secretary Armitage underscored this point to NATO aspirant countries at the V–10 summit in Bucharest. He reaffirmed President Bush's commitment to enlargement, which the President made clear in his remarks in Warsaw, Poland last June. Secretary Armitage called on the aspirant countries to continue their work, saying, "We believe that the conditions are better than ever to pursue a robust enlargement. Now it's up to you. You have worked hard on your Membership Action Plans . . . You have pursued political and economic reform programs; and you have continued to restructure your militaries. These efforts must continue."

I was pleased when NATO foreign ministers again confirmed their belief in the importance of NATO enlargement at the ministerial meeting last week, noting "At their Prague Summit in November this year, our Heads of State and Government will launch the next round of NATO enlargement. This will confirm the Alliance's commitment to remain open to new members, and enhance security in the Euro-Atlantic area."

As the U.S. Government has done, NATO foreign ministers called on aspirant countries to continue their work to join the alliance not only in the upcoming months, but in the years beyond November's summit.

As we approach the Prague Summit, I look forward to continued discussion about the key issues facing the NATO Alliance. I am pleased that the Secretary of State's visit to Reykjavik was productive, providing a solid foundation for the ambitious agenda to be tackled in Prague. I am confident that our visit to Bulgaria for the meeting of the NATO parliamentary assembly will also serve as a forum to further discussion on the subjects of new capabilities, new members and new relationships.

I am pleased that the Senate voted overwhelmingly in favor of the Freedom Consolidation Act last week, which passed by a vote of 85 to 6. This bill puts the Senate on record in support of enlargement of the alliance in Prague, expressing the belief that NATO should remain open to Europe's new democracies able to accept the responsibilities that come with membership.

At the same time, as I expressed last week and many of my colleagues made clear during Senate debate of the measure, this does not guarantee Senate support for the extension of invitations to all nine candidate countries in Prague. There is still work to be done, and NATO aspirants should continue to make progress on their membership Action Plans in the months leading to Prague.

As a member of Congress who has long been involved with Euro-Atlantic issues, I understand the importance of NATO expansion to strengthening security and stability in Europe. I supported enlargement of the alliance in 1997; I will again support enlargement at Prague. And I believe NATO should be open to further expansion in the future.

It is clear that the selection of new members this year will take place in a world vastly different than it was during the last round of enlargement; nonetheless, we should continue to explore questions on enlargement as NATO moves forward to strengthen its ability to provide for the collective defense of Europe in the post September 11th security environment.

I strongly believe that supporting NATO expansion demonstrates our country's commitment to freedom, democracy and peace, and I will continue to promote expansion of the Alliance to include Europe's new democracies which demonstrate the ability to handle the responsibility of NATO membership.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized.

PRESIDENT BUSH'S KNOWLEDGE OF SEPTEMBER 11

Mr. INHOFE. Mr. President, I take a moment to add my voice to those who were outraged and offended last week at these idle attempts by some Members of Congress to impugn the integrity of our President, George W. Bush. Sure, they all now will deny that was their intent because they have been home and they have heard from their people, and the people do not believe it. They know it is cheap politics.

Let's not kid ourselves. The statements some of our colleagues made on this floor, in the other body, and in the press had one clear inference and insinuation: They were suggesting, even charging, that President Bush had prior knowledge about what was going to happen on September 11, that he could have done something to prevent the terrorist attacks in New York and Washington, and he did not do anything about it.

While they were making these accusations based on leaks from classified intelligence briefings, they were clearly questioning the competence, the truthfulness, and the integrity of our President. As Vice President DICK CHENEY said Sunday, these charges made through these kinds of statements were outrageous and beyond the pale. Anyone who has the slightest understanding of intelligence briefings knows that raw scraps of information, of which there are hundreds and thousands at any given time, cannot be equated with knowing the details of a specific plot.

I have served on the Senate Intelligence Committee since 1994. We get briefings, and the briefings come in sometimes daily, sometimes weekly, sometimes monthly, where they have an assessment of accusations, a threat assessment, and there is kind of a summary page on top for people who do not want to wade through all of that material. In any given report, there are sometimes over a thousand threats, and the threats having to do with this never made it to the executive summary.

While these people were making these accusations based on leaks about classified intelligence briefings, they were clearly questioning the competency of this President.

I am heartened that the American people have so resoundingly repudiated the suggestion that President Bush is somehow culpable for what happened on September 11. Let's also be clear that any truly thorough investigation of what happened on September 11 must extend back into the actions and inactions of the previous administration and what it did and did not do in addressing terrorism on its watch.

Today's editorial in the Washington Times spells out a few things we need to remember in order to put September 11 in context. In the February 1993 World Trade Center bombing, six people were killed, a thousand wounded; Ramsey Youseff, attack mastermind, connected to Iraq intelligence. In October 1993, during the Somalia firefight, we remember so well the 18 American Rangers who were killed in Mogadishu, their naked bodies dragged through the streets. Militia were trained at that time by the al-Qaida. We know that today.

June 1996, Khobar Towers bombing: 19 U.S. soldiers killed in Saudi Arabia, al-Qaida terrorists among those involved. August of 1998, two U.S. Embassy bombings in Africa: 224 people were killed. Al-Qaida terrorists were involved again. Then-President Clinton launched 75 cruise missiles at an empty Afghan camp and a Sudanese pharmaceutical factory.

October 2000, the U.S.S. *Cole* bombing: 17 U.S. sailors were killed. Again, al-Qaida was involved. All evidence points to the fact that they were involved.

In each case, the Clinton administration sought to avoid taking firm steps against Osama bin Laden and other terrorist groups that have targeted U.S. interests, U.S. soldiers, and U.S. citizens. Certainly, any investigation of failures in the war on terrorism will take these issues into careful consideration.

As the Washington Times editorial says today:

> Given the abysmal performance of the Clinton administration in combating terrorism during the 1990s, it would be a huge mistake for Democrats to attempt to gain political mileage by blaming September 11 on President Bush.

I ask unanimous consent that the entire editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. INHOFE. A few of the quotes that came from Senators, and I am only going to quote four Members of Congress, one House Member and three Senators. Although I could quote about 10 of them, I think my point is made by these four. One Senator said:

> I am gravely concerned about the information provided us just yesterday that the President received a warning in August about the threat of hijackers by Osama bin Laden and his organization. It clearly raises some very important questions that have to be asked and have to be answered.

Another Senator said:

> We have learned something today that raises a number of serious questions. We have learned that President Bush had been informed last year before September 11 of a possible plot by those associated with Osama bin Laden to hijack a U.S. airline.

Another Senator:

> I don't know, again, what he knew and what the White House knew and when they knew it and what they did about it . . .
>
> . . . but if prior information had been warnings were there . . .

Another Member on the floor said:

> Yet we have had the gnawing question: was there something that could have been done to prevent the attacks on September 11?

I am very proud of the Senator occupying the chair now because he refrained from trying to engage in this type of political activity.

What do all four Members who made these statements on the floor of the House and Senate have in common? They are all four running for President of the United States. It is unconscionable that anyone would imply our God-fearing President, George W. Bush, might have known something about this and not done everything he could to prevent it. This is simply politics at its worst.

EXHIBIT 1

DEMAGOGUING SEPTEMBER 11

Just a few days ago, Democrats on Capitol Hill seemed quite eager to make political hay out of news reports suggesting that President Bush might have known in advance about the September 11 attacks. Prominent Democrats like Sens. Tom Daschle, Hillary Rodham Clinton and House Minority Leader Dick Gephardt have loudly demanded investigations into what the administration knew about the possibility that terrorists were preparing to attack the United States.

By Sunday, however, some of the harshest Democratic critics were clearly having second thoughts about such a brazen attempt to use September 11 to score political points against Mr. Bush. "I never, ever thought that anybody, including the president, did anything up to September 11 other than their best," Mr. Gephardt said. This is a politically prudent move on Mr. Gephardt's part. Given the abysmal performance of the Clinton administration in combatting terrorism during the 1990s, it would be a huge mistake for Democrats to attempt to gain political mileage by blaming September 11 on President Bush.

Time and time again, the Clinton White House tried to avoid taking firm steps against Osama bin Laden's al Qaeda and other terrorist groups that have targeted the United States. As David Horowitz noted on The Washington Times' op-ed page yesterday, the Clinton administration did nothing in response to al Qaeda's February 1993 bombing of the World Trade Center, in which six persons were killed and nearly 1,000 wounded. Moreover, President Clinton and his aides sought to play down the fact that the mastermind of the attack was Ramzi Youssef, an Iraqi intelligence agent. Journalist Andrew Sullivan quotes Clinton aide George Stephanopoulos as saying that the Clinton administration ignored the implications of the WTC attack because "it wasn't a successful bombing."

Nine months later in Somalia, Mohammed Farah Aideed's militiamen, who were trained by al Qaeda, killed 18 American soldiers and dragged their bodies through the streets of Mogadishu. Mr. Clinton's response was to end the U.S.-led humanitarian mission in Somalia and send veteran diplomat Robert Oakley to negotiate surrender terms. In June 1996, 19 American servicemen were killed when al Qaeda joined forces with the Iranian- and Syrian-backed Hezbollah to bomb the Khobar Towers apartment complex in Saudi Arabia. The Saudis refused to cooperate with FBI agents sent to investigate the matter, so Washington just forgot about it. Mr. Sullivan notes that in October, a former Clinton administration official told The Washington Post that, had Mr. Clinton made a serious effort to rein in al Qaeda then, "We probably would have never seen a September 11."

In 1998, as Mr. Clinton was preparing to inform the nation of his affair with Monica Lewinsky, al Qaeda killed 224 persons in bombings of U.S. embassies in Kenya and Tanzania. So Mr. Clinton responded by firing 75 missiles at suspected bin Laden training camps in Afghanistan (bin Laden escaped unharmed) and to mistakenly destroy a "nerve gas factory" in Khartoum which was actually making pharmaceutical products. Two years later, the United States did nothing of consequence in response to the bombing of the USS Cole in Yemen, in which 17 Americans died. "Clearly, not enough was done" to combat terrorism during the Clinton years, former Deputy Attorney General Jamie Gorelick acknowledged shortly after the September 11 attacks. Mrs. Gorelick added that even though President Clinton doubled the size of the FBI's counterterrorism budget, the bureau was so slow to hire agents that the money was never used.

As for Mrs. Clinton, investigative journalist Steven Emerson notes that she and her husband "repeatedly wined and dined at the White House" members of the American Muslim Council (AMC), including Abdulrahman Alamoudi, an apologist for Hamas, which has repeatedly denied it is a terrorist group. The AMC, Mr. Emerson adds, provided talking points for Mrs. Clinton's syndicated newspaper column and speeches and was even permitted to organize a reception for itself at the White House. In short, the Democrats are in no position to smear Mr. Bush on September 11 or terrorist in general.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Wednesday, May 22, 2002.

Thereupon, the Senate, at 7:51 p.m., adjourned until Wednesday, May 22, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 21, 2002:

DEPARTMENT OF JUSTICE

JAMES THOMAS ROBERTS, JR., OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE JOHN W. CALDWELL, TERM EXPIRED.

JAMES ROBERT DOUGAN, OF MICHIGAN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE BARBARA C. JURKAS, TERM EXPIRED.

DAVID SCOTT CARPENTER, OF NORTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE BRIAN C. BERG, TERM EXPIRED.

JAMES MICHAEL WAHLRAB, OF OHIO, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE ROY ALLEN SMITH, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 2002:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) VIVIEN S. CREA
REAR ADM. (LH) ROBERT F. DUNCAN
REAR ADM. (LH) KEVIN J. ELDRIDGE
REAR ADM. (LH) THOMAS J. GILMOUR
REAR ADM. (LH) JEFFREY J. HATHAWAY
REAR ADM. (LH) CHARLES D. WURSTER

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COAST GUARD NOMINATION OF MIKEAL S. STAIER.

HOUSE OF REPRESENTATIVES—*Tuesday, May 21, 2002*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. KIRK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 21, 2002.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

CORPORATIONS MAKING FAKE MOVES OFFSHORE TO AVOID TAXES AKIN TO TREASON

Mr. DEFAZIO. Mr. Speaker, today the United States House of Representatives will take up legislation to accelerate and phase in relief from the marriage penalty. This is meritorious legislation, which I intend to support. The House was supposed to take up this legislation last Thursday. Strangely enough, it was postponed until today. The reason it was postponed until today was so it could be brought up under an extraordinary procedure which does not allow amendments because the Republican leadership feared the Democratic amendment to that bill.

Mr. Speaker, we wanted to close a huge new corporate loophole which has been discovered by people who make Arthur Andersen and Enron look kind of honest. Major U.S. corporations have found, and they have known for years, that they can go to Bermuda and avoid taxes on their overseas earnings. Now they have found if they do a new Bermuda triangle, they can avoid all taxes in the United States of America while living here, being protected by our military and firefighters and police, but not pay one penny in Federal income taxes. This is a great country.

This, of course, has the support of the administration, quietly. They are quick to accuse people of being unpatriotic, and God forbid they accuse corporations of being unpatriotic for failing to contribute their fair share and going under a flag of convenience and making a phony move offshore to avoid paying taxes in this time of crisis. This is extraordinary to me.

Mr. Krugman explained it very well in the New York City Times. "By incorporating itself in Bermuda, a U.S.-based corporation can, without moving its headquarters or anything else, shelter its overseas profits from taxation. Better yet, the company can then establish 'legal residence' in a low-tax jurisdiction like Barbados, and arrange things so that its U.S. operations are mysteriously unprofitable, while the mail drop in Barbados earns money hand over fist." And, it is exempt from any tax anywhere in the world. That is just great.

That is what Secretary O'Neill calls competition. I call it tax evasion, skulduggery, and unpatriotic; and the Republican leadership should be ashamed that they are not willing to vote about keeping this loophole open. If that is what they feel, allow us to offer our amendment and vote in favor of this tax loophole. Admit that they have thrown in with Secretary O'Neill who says corporations should not pay any taxes in the United States of America.

Yes, that is true. The Secretary of the Treasury, appointed by George Bush, says that corporations should pay no taxes in this country, that working people should pay all of the taxes, a shift that has been going on over 30 years, where 30 years ago corporations paid one-quarter of the taxes in this country. Today it is down to a little less than 10 percent. He says that is too much. The American people should carry that burden, not corporations.

People say they have stockholders and they will do well. Under this new scam with Stanley Works, the company that is most known for this recently, actually the stockholders are going to have to pay taxes when the company makes its fake move to Barbados, but the CEO is going to get 58 percent of the tax savings. So over 8 years, the CEO could potentially profit by $385 million with his stock options, one individual, while the stockholders pay more in taxes, while the U.S. Government was deprived of $240 million in taxes. If they had just cut his stock options and salaries down to $140 million, they could have paid their taxes to the United States of America. Of course, he would have had to scrimp by on $140 million over the next 8 years. Pretty tough to make ends meet in Connecticut on $140 million over 8 years. I know the cost of living is way up.

This is just an absolute new low both for this body, this administration, and such an unbelievable fraud on the American people. This practice must be brought to a screeching halt. In a time of deficit and crisis, for a profitable U.S. corporation to make fake moves overseas to avoid their patriotic obligation to pay taxes is, I believe, akin to treason.

THANKING WORLD WAR II VETERANS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, as we prepare to celebrate Memorial Day, I would ask that we pause and reflect on what some have called our greatest generation. Over 16 million Americans answered the call, and now we are losing over 1,000 World War II vets every day. We owe all our vets.

Perhaps one of the greatest tributes was offered by President Ronald Reagan when he went to Normandy to observe the 50th Anniversary of that amazing invasion. He said, "Those men of Normandy were men of great faith. They had faith that they fought for all humanity. They had faith that they fought for a just cause. They had faith in a loving God that would grant them His tender mercy on this beachhead, or the next. They somehow knew that word of the invasion was spreading through the darkness back home. That in Georgia, they were filling the churches at 4 a.m. That in Kansas, they were kneeling and praying on their porches. And in Philadelphia, they were ringing the Liberty Bell."

To all our vets, and especially the World War II vets, let us say a special thanks to them this Memorial Day.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to stress again, as I have many times over the last 2 weeks, the fact that the Republican leadership has not brought up any type of prescription drug benefit. Two or 3 weeks ago we saw members of the Republican leadership in both the committees and various leadership positions say they were going to bring up a prescription drug benefit for seniors. They committed to the fact that that would be in committee last week. It would be reported out to the floor of the House, and would be voted on the floor this week before the Memorial Day recess. All of a sudden we hear nothing about it, no mention of trying to bring any action in committee, no specifics about what they might bring up, certainly no effort to bring anything to the floor.

I have said over and over again, this is the biggest crisis facing the American people, particularly seniors. I have seniors every day that call me up and say they cannot afford prescription drugs. What we need to do and what the Democrats have been saying over and over again is that we should simply provide a prescription drug benefit under Medicare so that every senior has a guaranteed benefit, and in the same way they have their hospital bills paid for by Medicare, or doctor bills paid for by Medicare Part B, there should be a new Part C or D under Medicare where they pay a very low premium, a very low deductible per month, and the Federal Government pays at least 80 percent of the cost of their prescription drug bills.

We need to bring the cost of prescription drugs down. Seniors and people in general, Americans in general, cannot afford prescription drugs because of the increased costs. We have had double-digit inflation with regard to drug prices for the last 6 years. The Republicans refuse to provide a Medicare prescription drug benefit for seniors, and refuse to address the issue of cost. If we had all seniors under a Medicare program, as the Democrats have proposed, 40 million seniors, the Secretary of Health and Human Services would be able to negotiate reduced prices for prescription drugs because the government would have the negotiating power of all of the seniors in the United States, 40 million strong.

We must address the issue of cost and provide a Medicare benefit that includes prescription drugs. I do not understand why my colleagues continue to drag on the issue. Some of the talk is maybe they will provide a low-income benefit for just the poorest seniors, under 10 percent of the seniors. Other times we hear about their proposals to privatize, in other words, take some money and throw it to insurance companies and hope that they will provide some sort of drug-only policy for those seniors who might be able to find an insurance company that will sell them such a policy.

But these ideas on the Republican side about throwing some money to insurance companies, trying to help those with low income, they do not get to the real problem and the real solution, and that is a nationwide Medicare prescription drug benefit that every senior has and every senior is guaranteed. We have seen now for 30 years how effective the Medicare program is in terms of taking care of hospital bills and taking care of doctors' bills.

Mr. Speaker, why not just expand the program to include prescription drugs. It is a program that works. This is not an ideological problem. We are not trying to figure out who is on the right or left, who is a Democrat or Republican. We want to do something that is practical, that is meaningful for the average American, particularly for the average American senior.

The Democrats are going to be up here every day and every night asking the Republicans to bring up a prescription drug benefit, to have a debate and do something about this between now and the end of this session. The number of days that we are going to be here gets shorter and shorter. If this is not brought up soon, certainly after the Memorial Day recess, it is very unlikely that we will see action on it before the end of the session. Bring up a prescription drug benefit, put it under Medicare, make sure that it applies to all seniors and we have a cost mechanism to reduce cost. Anything less than that is not fair to America's seniors.

* * *

NEW YORK DONATES WORLD TRADE CENTER STEEL TO SACRED HEART CATHOLIC CHURCH

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from New Mexico (Mrs. WILSON) is recognized during morning hour debates for 5 minutes.

Mrs. WILSON of New Mexico. Mr. Speaker, this is a very special day. Something special is happening in New York City this morning. There is a small church in Barelas in the old part of Albuquerque, New Mexico called Sacred Heart Roman Catholic Church. In the 1970s, they had to tear down their church because it was structurally unsound. It had two bell towers. They rebuilt the church across the street, but the bells were lost until recently, and they found one of the huge bells and they are now going to rebuild the bell tower.

Some leaders in the community contacted me and the Archbishop and wrote to the mayor of the City of New York and asked for two beams from the World Trade Center to incorporate into the design of the new bell tower. Some people from New Mexico, including Father Moore and John Garcia and Sosimo Padilla and a member of my staff, are in New York this morning at ground zero picking up those two beams that were given to us by the City of New York.

Those bells at the Barelas bell tower rang when World War II ended. They rang for weddings and funerals. They rang every Sunday morning over the City of Albuquerque to call people to worship. We are pleased in Albuquerque and thankful to the people of New York that the bell towers will be rebuilt and the bells will ring again. They will ring in remembrance, and they will ring in the call to worship.

Sacred Heart Roman Catholic Church in Albuquerque is a beautiful church where about 800 people meet to worship. The Church, including twin bell towers, was razed in the mid-1970s because of structural problems, and its two bronze bells disappeared. One bell was found recently in a back yard, the other remains missing. The Church has been rebuilt and plans to build a new bell tower. This need and an inspired idea were the beginning of a wonderful journey that has brought together the people of New Mexico and the citizens of New York.

The bells in Barelas rang when the war ended. They rang for weddings and for funerals. They rang to call people to prayer. Now they will ring again in remembrance.

New Mexico Archbishop Michael Sheehan and I wrote to New York Mayor Bloomberg in January about the community's hopes to use steel from the World Trade Center to rebuild a bell tower for the Church. The Barelas Community Development Center spearheaded this effort to revitalize the neighborhood with this landmark as the center of the community.

New York City has agreed to donate two 20-foot steel beams from the World Trade Center for a Bell Tower at the Sacred Heart Church. The beams will be incorporated into the design of the tower and memorialize victims of the September 11 terrorist attacks.

Many people deserve a lot of credit for making this a reality. John Garcia and Sosimo Padilla thought they could make this happen, and they sought assistance from me and others. And they did it.

We saw the face of evil on September 11th. And in the aftermath, we saw the depth of America's goodness and a return to simple faith. New Mexico will rebuild this bell tower and remember. We are a strong, loving people and a faithful people. This bell tower will remind us and call us to worship for many years to come.

After the attacks on September 11, President Bush said that terrorism cannot dent the steel of American resolve. I agree. These beams, this parish, this community, represent the strength of our American character and all the best our Nation has to offer. I'm honored to be a part of this.

Today, a delegation of New Mexicans are in New York to accept the beams in a ceremony.

Traveling to New York are John Garcia; the Rev. James Moore of the Sacred Heart Church; Sosimo Padilla, head of the church's bell committee; Sam Tinker, a local business owner who volunteered to transport the steel, and a representative from my staff, Dawn Petchell, who assisted in this request.

I also want to thank Southwest Airlines who donated airfare for the New Mexico delegation to go to New York, and to Bob Turner's Ford Country who donated a large flag to drape over the steel beams as they travel to the State. The Albuquerque Hispano Chamber of Commerce is planning a celebration to welcome the steel beams to New Mexico.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. RODRIGUEZ) is recognized during morning hour debates for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, it is shameful that our seniors are still without a workable prescription drug benefit program. Because of the rapid increase in the price of prescription drugs, and the costs related to medical care, the price of medicine is now out of reach of millions of seniors. Tragically, many of our seniors are now faced with a choice between food and prescription drugs.

I go home, and every weekend people continue to reach out and tell me they have a problem with buying their prescriptions. I had a lady come to me and say I have to buy the prescription for my husband, and I choose not to buy for myself. We continue to hear that day in and day out. It is shameful that we have not taken a position on this.

As Democrats, we support a prescription drug benefit plan that covers all seniors that is voluntary and universal. No senior would be faced with a prospect of not being able to afford medicine regardless of income. We understand back in the 1960s when we established Medicare that if Lyndon B. Johnson had known that prescriptions were needed at that time, and now we know that they are needed for care, they would have been included in the Medicare process.

We also know that the insurance companies, even back then, the reason why we have Medicare is because the insurance companies, as soon as the elderly were getting sick, they were being dumped. As soon as they were not making a profit on the senior citizens, they were being let go. We know now that the proposal that the Republicans have, and that is to try to provide an additional insurance to our seniors who have a fixed income who cannot afford additional insurance, who the insurance companies do not want because if they get sick, they are going to be dumped again, very similar to what the HMOs are doing now in those situations where they are not making a profit.

We looked at Medicare, and we know that we tried to bring down the cost and we established HMOs so that we would bring down the cost, but we know now that the HMO has actually cost us more than Medicare services. We need to stop playing around and respond to this serious issue before us, and that is meeting the needs of our seniors and the prescription drugs that they need.

We also recognize that those same prescriptions, and this is a crime, those same prescriptions are sold outside this country for cheaper prices, and our seniors who can least pay for them are the ones that are having to carry the burden. This is where the profits are being made from the pharmaceutical companies. It should be a crime for this to be occurring.

Mr. Speaker, we need to pass a meaningful prescription drug plan that uses Medicare to make drugs affordable and provide universal voluntary benefits for all seniors. Congress can vote to bail out Enron, and they can also vote to help the most wealthy of this country by providing them tax cuts, but we do not take care of our elderly, and that is shameful. While the Republican proposals claim to help seniors, it does not cover all seniors, and it provides no real guarantees for coverage.

The much more narrowly constructed House Republican plan would not reach many middle class Americans. Less than 6 percent would be covered. The reality is when you get sick and are in need, those private companies are not going to be there for us. They are not going to be there for our seniors. We need to make sure that Medicare provides this service. We need to make sure that we treat our seniors in an appropriate manner when they reach their twilight years.

Also, the Republican plan forces seniors to shop and buy a private insurance plan, making it a hassle for older Americans who will have to contend with insurance plans which come and go. As I have indicated, even the insurance companies are going to be trying to get those more healthy seniors out there so they can make a profit. We know most of our seniors, when they get ill, are going to need not 1, not 2, but some cases up to 8 to 10 prescriptions. Insurance companies are not going to want to cover those. The administration knows that, and we need to recognize that and be able to do the right thing when it comes to our seniors and treat them in a manner of dignity as we should.

In addition, the Republican plan does not address the rising cost of prescription drugs. We have talked about those costs. The pharmaceutical companies, it angers me because we know they are selling that same prescription in Canada and Europe for much less than what it is sold for to our seniors here. We ask and plead that we pass a prescription drug plan that benefits all.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 20 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

Pastor Ken Wilde, Capital Christian Center, Meridian, Idaho, offered the following prayer:

Dear Heavenly Father:

Today we rise with humility and thankfulness before our Creator and ask for divine assistance from Heaven. We are of all people grateful for the bountiful blessings that You have bestowed upon our great land. As this body of legislators now begins its day of deliberations, we ask that You send to them a supernatural ability to discern heaven-sent solutions; that there would come such divine breakthroughs in areas of legislative logjams that we all would say with one voice, the Lord God Almighty, He has helped us.

We pray that You would extend Your hand of health, strength, endurance, and grace to each Representative and their family members. As these men and women help steward our Nation we ask, as Jesus Christ asked, Your kingdom come, Your will be done in their earthly endeavors today. Give us all now a vision and a hope and a faith to lead this Nation into the divine destiny that You have ordained that America achieve. May we be pleasing in Your sight and may there come a voice of unity that erupts from this corporate body saying as Nehemiah of the Bible said: The God of Heaven Himself will prosper us; therefore, we His servants will arise and build. Thank You for Your continued favor, aid and grace in this challenging hour. In Jesus' name, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO PASTOR KENNETH WILDE

(Mr. SIMPSON asked and was given permission to address the House for 1 minute.)

Mr. SIMPSON. Mr. Speaker, I want to introduce to the House of Representatives Pastor Kenneth Wilde. Pastor Wilde is the founder and executive director of the National Prayer Center headquartered in Washington, D.C. This important facility's primary function is to be a place of prayer for our Nation and its leaders. The center is open to Members of Congress and their staffs for times of prayer, devotion and spiritual encouragement.

Pastor Wilde is also the senior pastor at Capital Christian Center in Meridian, Idaho, where he and his wife Connie have served for over 18 years. The Capital Christian Center is one of the largest churches in the State of Idaho. In addition, he has served as the Chaplain of the Idaho State Senate.

Pastor Wilde is a graduate of Idaho's Northwest Nazarene College where he received a bachelor's degree in political science and history. He has a passion to see churches and believers of all denominations rally together in unified prayer for a revival in our Nation.

Mr. Speaker, I want to commend Pastor Wilde for his thoughtful words this morning and let him know that I am honored to have a fellow Idahoan share his faith and wisdom with the House of Representatives during these trying times in our Nation's storied history.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. ISAKSON). This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SARABETH M. DAVIS, ROBERT S. BORDERS, VICTOR MARON, IRVING BERKE, AND ADELE E. CONRAD

The Clerk called the resolution (H. Res. 103) referring the bill (H.R. 1258) entitled "A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad," to the chief judge of the United States Court of Federal Claims for a report thereon.

There being no objection, the Clerk read the resolution as follows:

H. RES. 103

Resolved,

SECTION 1. REFERRAL.

Pursuant to section 1492 of title 28, United States Code, the bill (H.R. 1258), entitled "A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad", now pending in the House of Representatives, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDINGS AND REPORT.

Upon receipt of the bill, the chief judge shall—

(1) proceed under section 2509 of title 28, United States Code; and

(2) report back to the House of Representatives, at the earliest practicable date, providing—

(A) findings of fact and conclusions of law that are sufficient to inform the Congress of the nature, extent, and character of the claim for the compensation referred to in the bill as a legal or equitable claim against the United States; and

(B) the amount, if any, legally or equitably due from the United States to the claimants.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BARBARA MAKUCH

The Clerk called the bill (H.R. 486) for the relief of Barbara Makuch.

There being no objection, the Clerk read the bill as follows:

H.R. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT.

In consideration of the fact that Barbara Makuch—

(1) served 22 years as a foreign counterintelligence agent and dedicated her life to assist the Federal Bureau of Investigation in its efforts at the height of the Cold War to combat communism, the Komitet Gosudarstvennoy Bezopasnosti (KGB), and the Soviet Union,

(2) was presented the Louis E. Peters Memorial Service Award, the highest civilian award presented by the Federal Bureau of Investigation, for her valorous service, and

(3) has not received employment assistance or health, social security, or pension benefits, despite assurances that she would receive such benefits upon her retirement,

the Secretary of the Treasury shall pay, out of funds not otherwise appropriated, the sum of $1,000,000 to Barbara Makuch of East Amherst, New York, in compensation for the lifetime aggregate value of benefits earned but not received by Barbara Makuch.

SEC. 2. SATISFACTION OF CLAIM.

The sum paid under section 1 shall be in full satisfaction of any claims that Barbara Makuch may have against the United States arising out of her service for the Federal Bureau of Investigation.

SEC. 3. LIMITATION ON ATTORNEY FEES.

Not more than 10 percent of the sum paid under section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sum. Any person who violates this section shall be fined under title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EUGENE MAKUCH

The Clerk called the bill (H.R. 487) for the relief of Eugene Makuch.

There being no objection, the Clerk read the bill as follows:

H.R. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT.

In consideration of the fact that Eugene Makuch—

(1) served as a foreign counterintelligence agent and dedicated his life to assist the Federal Bureau of Investigation in its efforts at the height of the Cold War to combat communism, the Komitet Gosudarstvennoy Bezopasnosti (KGB), and the Soviet Union, and

(2) has not received employment assistance or health, social security, or pension benefits, despite assurances that he would receive such benefits upon his retirement,

the Secretary of the Treasury shall pay, out of funds not otherwise appropriated, the sum of $1,000,000 to Eugene Makuch of East Amherst, New York, in compensation for the lifetime aggregate value of benefits earned but not received by Eugene Makuch.

SEC. 2. SATISFACTION OF CLAIM.

The sum paid under section 1 shall be in full satisfaction of any claims that Eugene Makuch may have against the United States arising out of his service for the Federal Bureau of Investigation.

SEC. 3. LIMITATION ON ATTORNEY FEES.

Not more than 10 percent of the sum paid under section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sum. Any person who violates this section shall be fined under title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider is laid upon the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

IMMEDIATE DISASTER RELIEF FOR AMERICA'S FARMERS

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, I again come to the well of this great Chamber to implore my colleagues to extend immediate and desperately needed disaster relief to tens of thousands of American farmers and ranchers now suffering from years of drought.

If Congress is to keep alive the American family farmer, we must act this year to provide immediate and necessary disaster assistance. Help is necessary for more than a dozen States crippled by the devastating one-two punch of adverse weather conditions and depressed commodity prices.

I ask my colleagues from ag-producing States and from ag-consuming States to join our fight to secure disaster assistance this year for our farm families before it is too late.

MAY IS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, today I rise to invite my colleagues to join me in celebrating May as Asian/Pacific American Heritage Month.

The theme of this year's celebration is unity and freedom, which is an appropriate reminder that America is strong when people of all cultures and backgrounds unite.

Asian Americans have proudly contributed to America's culture, its physical landscape, and to its defense. Along the way, Asian Americans have had to endure many hardships, including the unnecessary internment of 120,000 Japanese Americans during World War II and the exclusion of Chinese immigrants beginning in 1882.

The lessons we learned then and the challenges we now face show us that in order to maintain the freedoms we enjoy today, we must unite as a country and face our challenges together as a Nation.

As the proud representative of the largest Vietnamese community outside of Vietnam, I salute my constituents and all Asian/Pacific Islander Americans during the month of May for their contributions and achievements that have helped to make America strong.

MEDICARE PHYSICIAN REIMBURSEMENTS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, we are always being asked, what are you hearing out there? What are you hearing out there in your district? I will tell my colleagues what I am hearing. I am hearing, "I cannot find a doctor."

I receive countless calls and letters from people in Colorado regarding Medicare physician reimbursements and how it is affecting their access to doctors. Physicians have either decided to no longer accept any new Medicare patients or not see their current Medicare patients because they are losing money due to reimbursement payments not covering the costs. In Colorado Springs 2 months ago, one-third of all doctors under the Colorado Springs Health Partners program dropped all of their Medicare, Medicaid and Tricare patients.

So much focus over the last several years has been on preserving and strengthening the Medicare trust fund that we have lost sight of the fact that if a Medicare recipient cannot find a doctor, we have a program in name only. Unfortunately, in Colorado and many other parts of the country, that is what has happened. Reforms need to be implemented now to restore Medicare, the Medicare program, as it was intended to be.

I believe that reducing Medicare's physician payments will have a devastating impact on physician reimbursement and put at risk seniors' access to medical services.

PICTURES ON ENVELOPES

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, National Missing Children's Day is coming up on May 25. I want to remind my colleagues about what we can do in our offices to help find missing children.

According to the FBI's National Crime Information Center, nearly 2,000 children are reported missing every day in our Nation. One in 6 children is recovered as a result of their picture being distributed, and it is vital that we do more to bring missing children home and safeguard our youth.

Printing the pictures of missing children on our envelopes is a simple way we can get involved and help take a stand against child abduction and victimization, making our districts safer for our constituents. It is simple. For more information on how to get pictures printed on your envelopes, contact the National Center for Missing and Exploited Children at 703-274-3900, and ask to speak to the Public Affairs Department.

By adding pictures to our office envelopes, we can help picture them home. Please, I say to my colleagues, let us not forget Ludwig Koons. He is being held in a compound in Italy where there is pornography and prostitution. We need to bring our children home, and we need help.

SEPTEMBER 11 PROGNOSTICATING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there are people in Washington who treat politics like a sport, and sometimes it gets rough. That should be no surprise. But some things should be off limits.

Mr. Speaker, for 8 months our country has been at war. It is a war that began when 19 evil men turned jumbo jets into missiles and killed 3,000 innocent people because they were Americans. Our President has led the world in a quest for justice. American soldiers are fighting and dying to keep the world safe, and President Bush has the awesome and heavy responsibility of commanding them.

But there is an election around the bend and some of our friends on the other side of the aisle have decided it is time to start attacking the President. They are attacking him for not making predictions he could not reasonably have made. They are attacking him for not connecting the dots between thousands of intelligence briefings that none of them could have connected either.

Mr. Speaker, this is wrong. When our fighting men and women are risking everything to keep us safe, the least we can do is to put partisanship aside.

SECRET PLAN FOR INCREASE IN DEFICIT SPENDING

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, rumor has it that the Republican leadership has a secret plan to allow an increase in deficit spending by $750 billion without even requiring a vote on it in the House. To do so would be wrong, and for several reasons.

First, we have a responsibility to our children and grandchildren to try to balance our budget and not break their backs with the burden of an ever-increasing national debt, which is already $6 trillion, the interest on which cost taxpayers last year alone $360 billion in taxes paid.

Second, deficit spending puts at risk Social Security and Medicare. We have a responsibility to our seniors to protect these 2 vital programs, but $750 billion in deficit spending would certainly undermine them.

I can understand why the Republican leadership would want to allow an enormous increase in deficit spending in secret and without a public vote, but to do so would be wrong; wrong for our children, wrong for our seniors, and wrong for Americans who believe in an open democracy.

MEMORIAL DAY MEMORIAL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I come to the well here to express my concerns that Memorial Day is losing its true meaning. It has degenerated into a day where only token nods of the head toward our honored dead are given, if at all.

Many people do not know that at 3 p.m. on Memorial Day, we should take a moment of silence in recognition for the lives lost for freedom's sake. But we cannot blame the American public. After all, it was Congress that made the day into a 3-day weekend in the early 1970s. By comparison, Mr. Speaker, Veterans' Day is celebrated on November 11, regardless of which day of the week it falls on, and Memorial Day should also be the same.

Mr. Speaker, in honor of the thousands of men and women who have given their lives fighting for the freedom we enjoy today, and those currently fighting for the freedom we will enjoy tomorrow, let us restore Memorial Day to its original date, May 30. We owe our loved ones and friends who died in service to our country a restored Memorial Day.

CHICKENS COME HOME TO ROOST

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, tomorrow the chickens come home to roost for the Republicans. After destroying a $5 trillion surplus and giving away $4 trillion in tax cuts to the wealthiest people in the country, tomorrow the Republicans must take the first step in authorizing an additional $750 billion in deficit spending, Mr. Speaker; $750 billion that this Nation does not have because of the Republican giveaways in the tax cut, and $750 billion that unfortunately now must come directly out of the Social Security Trust Fund.

Remember all of those promises about a lock box, about a super lock box, how they would never use Social Security for any other purpose? All of those promises go by the wayside tomorrow, because tomorrow is the first step when the Republicans vote to increase by $750 billion of spending that is taken directly from Social Security.

□ 1015

What does that mean to Social Security recipients? It means that Social Security is less secure. Eventually, it means that the age limit is going to have to be raised, and then the Republicans will have to work on their plan to privatize Social Security. The last time they privatized something, it was the energy markets; and the next thing we saw was the Enron Corporation.

REPUBLICAN TAX CUT MEANS LOWER TAXES FOR THE POOR

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, before our tax cut, the top 50 percent of taxpayers paid 96 percent of all the taxes paid in the country. After this tax cut, the top 50 percent of taxpayers pay 97 percent of all the taxes paid in this country.

Let us say it another way, Mr. Speaker. Before the tax cut, the lower 50 percent of taxpayers paid 4 percent of all the taxes in the country. After the tax cut, they pay only 3 percent of all the taxes in the country.

Help me understand, Mr. Speaker, how this tax cut was a tax break for the rich. It seems to me it was a tax break for the poor, because the lower 50 percent of taxpayers now pay only 3 percent of the total taxes, rather than 4 percent. Mr. Speaker, that is a 25 percent decrease in the taxes paid by the lower 50 percent.

REPUBLICAN PLAN TO PRIVATIZE SOCIAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the American people deserve to know what the Republican Congress and the President are going to do to Social Security. They have proposed a vague plan, a plan they say is voluntary, that would create individual accounts for those who choose to invest a portion of that money in the stock market. They say that these accounts will earn retirees a higher rate of return.

But what they do not tell the voters and they do not tell the American seniors about is that changing to this new system will result in cutting benefits, cutting benefits for Social Security retirees across the board.

So even though the accounts themselves may be technically voluntary, the benefit cuts are very much mandatory; and if a retiree does not want to risk his or her benefits in an increasingly shaky stock market, fine, but his or her guaranteed monthly check will not equal what it is today. If they have a higher rate of return on their account than the government will allow, what they do not tell us is that in fact the government is going to tax that rate of return at 100 percent.

Mr. Speaker, the simple fact is that the Republican plan cuts benefits for today's retirees, those in the future, and puts them at risk. Let us not let them do it.

COMMENDING THE 106TH RESCUE WING OF THE NEW YORK AIR NATIONAL GUARD

(Mr. GRUCCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRUCCI. Mr. Speaker, on May 16 the 106th Rescue Wing of New York's Air National Guard completed their 292nd successful life-saving rescue. Based out of Gabreski Airport in West Hampton Beach on the East End of Long Island, the 106th Rescue Wing was called to rescue three people whose sailboat mast had broken in the rough North Atlantic seas about 600 miles south of Long Island. The members of the 106th Rescue Wing are nothing short of heroes: 292 people owe their lives to the heroic efforts of the brave members of the 106th Rescue Wing, currently under the command of Colonel Robert J. Stack. The 106th Rescue Wing epitomizes the bravery and professionalism of our men and women in uniform.

Mr. Speaker, on behalf of the First District of New York, home to the 106th Rescue Wing, a grateful Nation and 292 people who would not be here today without the efforts of the 106th, I ask my colleagues to join me in congratulating the 106th Rescue Wing of the Air National Guard.

PATRIOTISM REQUIRES OPPOSING PRIVATIZATION OF SOCIAL SECURITY TRUST FUND AND INVESTIGATING SEPTEMBER 11 TRAGEDY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues with their concerns about the undermining of Social Security preservation and safety for our seniors; and we must fight against both the privatization and the invading of the trust fund, which will happen tomorrow, unfinished business that we must stand up and be counted for and be patriotic on behalf of our seniors.

Might I, Mr. Speaker, suggest that it would be unpatriotic as well if we stood by and did not understand what happened on September 11. It would be unpatriotic, not to talk about politics and who is in the White House and who is not, but to find out why the INS failed in its duty in giving two dead terrorists visas.

It would be derelict on the part of Congress not to find out what FBI Director Mueller is talking about when he speaks about the potential of a suicide bomber. What information does Congress need to have in a confidential and executive session manner to protect the American people? What happened with the August and July memo?

Mr. Speaker, as a member of the Committee on the Judiciary, I would say it would be unpatriotic if we did not establish what happened so we could save lives and begin to have a road map that would make sure that we understood what happened here in America. It would be unpatriotic, Mr. Speaker; and we in Congress must do our job.

TOMORROW THE HOUSE WILL TAKE ONE MORE STEP TOWARDS UNDERMINING SOCIAL SECURITY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I think that this is a very important day for people to be paying attention. Tomorrow, we are going to come out here, and we are going to take one more step toward undermining Social Security.

Now, the majority has said for a long time they wanted to privatize it; and certainly if we do not fund it, there is not going to be anything left except people doing it privately.

But tomorrow is the day we start. We have not dealt with any of the issues that are before this Congress of any import. We have not dealt with the pharmaceutical benefit for seniors. We have not dealt with a whole bunch of other things.

But what are they doing tomorrow? They are passing more money out the door to fund the tax cuts for the rich. That is the reason they are borrowing tomorrow, is because the bill is coming due. In fact, today we are going to actually make another move to raise the debt some more.

Why do we not face the fact that we ought to think about the poor and the elderly and what their benefits are going to be in the future?

TRIBUTE TO SERGEANT GENE ARDEN VANCE AND THE WEST VIRGINIA NATIONAL GUARD

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, over the weekend the war on terrorism claimed another casualty, the first casualty of a National Guardsman and the first casualty from my home State of West Virginia.

Sergeant Gene Arden Vance of Morgantown, West Virginia, was killed in eastern Afghanistan after his unit came under heavy fire. Sergeant Vance served in the 19th Special Forces Unit of the West Virginia National Guard and has been stationed in the Middle East for the past 5 months.

Like many National Guardsmen, Sergeant Vance lived a productive life in his local community, working at the local bicycle and kayak outfitting shop in Morgantown while maintaining his training and skill to be called on to serve his country on a moment's notice.

On September 11, newly married and just beginning a new semester at West Virginia University, he put his studies and his honeymoon on hold to fight terror in the name of freedom. As an American, it is difficult to hear of any soldier dying in the name of freedom, but in this instance it is especially sad to me and my fellow West Virginians because Sergeant Vance was one of our own.

Sergeant Vance died honorably in service to his country. His story of leaving his home to be called to help fight the war on terrorism is the story of many other men and women who serve in our National Guard. Their heroic and noble dedication is an invaluable part of America's work in defending liberty.

On behalf of the men and women of the Second Congressional District of West Virginia, I would like to extend our deepest condolences to Sergeant Vance's family and loved ones. Our thoughts and our prayers are with them at this very difficult time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions may be taken in two groups, the first occurring before the debate has concluded on all motions to suspend the rules, and the second after the debate has concluded on the remaining motions.

DOT KIDS IMPLEMENTATION AND EFFICIENCY ACT OF 2002

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3833) to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dot Kids Implementation and Efficiency Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the World Wide Web presents a stimulating and entertaining opportunity for children to learn, grow, and develop educationally and intellectually;

(2) Internet technology also makes available an extensive amount of information that is harmful to children, as studies indicate that a significant portion of all material available on the Internet is related to pornography;

(3) young children, when trying to use the World Wide Web for positive purposes, are often presented—either mistakenly or intentionally—with material that is inappropriate for their age, which can be extremely frustrating for children, parents, and educators;

(4) exposure of children to material that is inappropriate for them, including pornography, can distort the education and development of the Nation's youth and represents a serious harm to American families that can lead to a host of other problems for children, including inappropriate use of chat rooms, physical molestation, harassment, and legal and financial difficulties;

(5) young boys and girls, older teens, troubled youth, frequent Internet users, chat room participants, online risk takers, and those who communicate online with strangers are at greater risk for receiving unwanted sexual solicitation on the Internet;

(6) studies have shown that 19 percent of youth (ages 10 to 17) who used the Internet regularly were the targets of unwanted sexual solicitation, but less than 10 percent of the solicitations were reported to the police;

(7) children who come across illegal content should report it to the congressionally authorized CyberTipline, an online mechanism developed by the National Center for Missing and Exploited Children, for citizens to report sexual crimes against children;

(8) the CyberTipline has received more than 64,400 reports, including reports of child pornography, online enticement for sexual acts, child molestation (outside the family), and child prostitution;

(9) although the computer software and hardware industries, and other related industries, have developed innovative ways to help parents and educators restrict material that is harmful to minors through parental control protections and self-regulation, to date such efforts have not provided a national solution to the problem of minors accessing harmful material on the World Wide Web;

(10) the creation of a "green-light" area within the United States country code Internet domain, that will contain only content that is appropriate for children under the age of 13, is analogous to the creation of a children's section within a library and will promote the positive experiences of children and families in the United States; and

(11) while custody, care, and nurture of the child reside first with the parent, the protection of the physical and psychological well-being of minors by shielding them from material that is harmful to them is a compelling governmental interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to facilitate the creation of a second-level domain within the United States country code Internet domain for the location of material that is suitable for minors and not harmful to minors; and

(2) to ensure that the National Telecommunications and Information Administration oversees the creation of such a second-level domain and ensures the effective and efficient establishment and operation of the new domain.

SEC. 3. NTIA AUTHORITY.

Section 103(b)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)(3)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) shall assign to the NTIA responsibility for providing for the establishment, and overseeing operation, of a second-level Internet domain within the United States country code domain in accordance with section 157.".

SEC. 4. CHILD-FRIENDLY SECOND-LEVEL INTERNET DOMAIN.

The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended in part C by adding at the end the following new section:

"SEC. 157. CHILD-FRIENDLY SECOND-LEVEL INTERNET DOMAIN.

"(a) RESPONSIBILITIES.—The NTIA shall require the registry selected to operate and maintain the United States country code Internet domain to establish, operate, and maintain a second-level domain within the United States country code domain that provides access only to material that is suitable for minors and not harmful to minors (in this section referred to as the 'new domain').

"(b) CONDITIONS OF CONTRACT RENEWAL.—The NTIA may not renew any contract to operate and maintain the domain with the initial registry, or enter into or renew any such contract with any successor registry, unless such registry enters into an agreement with the NTIA, during the 90-day period beginning upon the date of the enactment of the Dot Kids Implementation and Efficiency Act of 2002 in the case of the initial registry or during the 90-day period after selection in the case of any successor registry, as applicable, which provides for the registry to carry out, and the new domain operates pursuant to, the following requirements:

"(1) Written content standards for the new domain, except that the NTIA shall not have any authority to establish such standards.

"(2) Written agreements with each registrar for the new domain that require that use of the new domain is in accordance with the standards and requirements of the registry.

"(3) Written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to use the new domain in accordance with the standards and requirements of the registry.

"(4) Rules and procedures for enforcement and oversight that minimize the possibility that the new domain provides access to content that is not in accordance with the standards and requirements of the registry.

"(5) A process for removing from the new domain any content that is not in accordance with the standards and requirements of the registry.

"(6) A process to provide registrants to the new domain with an opportunity for a prompt, expeditious, and impartial dispute resolution process regarding any material of the registrant excluded from the new domain.

"(7) Continuous and uninterrupted service for the new domain during any transition to a new registry selected to operate and maintain new domain or the United States country code domain.

"(8) Procedures and mechanisms to promote the accuracy of contact information submitted by registrants and retained by registrars in the new domain.

"(9) Operationality of the new domain not later than one year after the date of the enactment of the Dot Kids Implementation and Efficiency Act of 2002.

"(10) Written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to prohibit two-way and multiuser interactive services in the new domain, unless the registrant certifies to the registrar that such service will be offered in compliance with the content standards established pursuant to paragraph (1) and is specifically constructed and operated to protect minors from harm.

"(11) Written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to prohibit hyperlinks in the new domain that take new domain users outside of the new domain.

"(12) Any other action that the NTIA considers necessary to establish, operate, or maintain the new domain in accordance with the purposes of this section.

"(c) TREATMENT OF REGISTRY AND OTHER ENTITIES.—

"(1) IN GENERAL.—Only to the extent that such entities carry out functions under this section, the following entities are deemed to be interactive computer services for purposes of section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)):

"(A) The registry that operates and maintains the new domain.

"(B) Any entity that contracts with such registry to carry out functions to ensure that content accessed through the new domain complies with the limitations applicable to the new domain.

"(C) Any registrar for the registry of the new domain that is operating in compliance with its agreement with the registry.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall be construed to affect the applicability of any other provision of title II of the Communications Act of 1934 to the entities covered by subparagraph (A), (B), or (C) of paragraph (1).

"(d) EDUCATION.—The NTIA shall carry out a program to publicize the availability of the new domain and to educate the parents of minors regarding the process for utilizing the new domain in combination and coordination with hardware and software technologies that provide for filtering or blocking. The program under this subsection shall be commenced not later than 30 days after the date that the new domain first becomes operational and accessible by the public.

"(e) COORDINATION WITH FEDERAL GOVERNMENT.—The registry selected to operate and maintain the new domain shall—

"(1) consult with appropriate agencies of the Federal Government regarding procedures and actions to prevent minors and families who use the new domain from being targeted by adults and other children for predatory behavior, exploitation, or illegal actions; and

"(2) based upon the consultations conducted pursuant to paragraph (1), establish such procedures and take such actions as the registry may deem necessary to prevent such targeting.

The consultations, procedures, and actions required under this subsection shall be commenced not later than 30 days after the date that the new domain first becomes operational and accessible by the public.

"(f) COMPLIANCE REPORT.—The registry shall prepare, on an annual basis, a report on the registry's monitoring and enforcement procedures for the new domain. The registry shall submit each such report, setting forth the results of the review of its monitoring and enforcement procedures for the new domain, to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(g) SELECTION OF CONTRACTOR.—

"(1) WITHDRAWAL OF REGISTRY.—

"(A) ELECTION BY REGISTRY.—Upon a good faith showing by the registry of the new domain to the NTIA of extreme financial hardship in the operation of the new domain occurring any time after the date of the enactment of the Dot Kids Implementation and Efficiency Act of 2002, the registry may elect to relinquish the right to operate and maintain the new domain. Notwithstanding the time of occurrence of such extreme financial hardship or the time of such election, the registry may not relinquish such right before the expiration of the 3-year period beginning upon such date of enactment.

"(B) SELECTION OF NEW CONTRACTOR.—If the registry elects to relinquish such right pursuant to subparagraph (A), the NTIA shall select a contractor to operate and maintain the new domain under the competitive bidding process established pursuant to paragraph (2).

"(C) EXTREME FINANCIAL HARDSHIP.—For purposes of this paragraph, the term 'extreme financial hardship' means that each quarter, for a period of 6 or more consecutive quarters, the costs of establishing, operating, and maintaining the new domain exceed the revenues generated from registrants by more than 25 percent.

"(2) COMPETITIVE BID SELECTION PROCESS.—The NTIA shall establish a process for soliciting applications and selecting a contractor to operate and maintain the new domain pursuant to this subsection), which process shall comply with the following requirements:

"(A) TIMING.—The selection process shall commence and complete not later than (i) 120 days after the registry elects to relinquish the new domain for extreme financial hardship, or (ii) the expiration of a contract referred to in paragraph (4), as applicable.

"(B) NOTICE.—The selection process shall provide adequate notice to prospective applicants of—

"(i) the opportunity to submit such an application; and

"(ii) the criteria for selection under subparagraph (C).

"(C) CRITERIA.—The selection shall be made pursuant to written, objective criteria designed to ensure—

"(i) that the new domain is operated and maintained in accordance with the requirements under subsection (b); and

"(ii) that the contractor selected to operate and maintain the new domain is the applicant most capable and qualified to do so.

"(D) REVIEW.—Not more than 60 days after the conclusion of the period established for submission of applications, the NTIA shall—

"(i) review and apply the selection criteria established under subparagraph (C) to each application submitted; and

"(ii) based upon such criteria and subject to submission of an application meeting such criteria, select an application and award to the applicant a subcontract for the operation and maintenance of the new domain.

"(E) FAILURE TO FIND CONTRACTOR.—If the NTIA fails to find a suitable contractor pursuant to the process under this paragraph, the NTIA shall permit the registry to cease operation of the new domain.

"(3) RIGHTS AND DUTIES.—A contractor selected pursuant to this subsection shall have all of the rights and duties of the registry specified under this section, except that such duties shall not include the technical maintenance of the new domain.

"(4) CONDITIONS OF CONTRACT RENEWAL.—In the case of the expiration of a contract for operation and maintenance of the new domain with a contractor selected pursuant to paragraph (2), the NTIA may renew such contract or, subject to paragraph (2), rebid the contract to a new contractor. Nothing in this section shall be construed to prevent the registry of the United States country code Internet domain from bidding to become the contractor of the new domain.

"(h) SUSPENSION OF NEW DOMAIN.—If the NTIA finds, pursuant to its own review or upon a good faith petition by the registry, that the new domain is not serving its intended purpose, the NTIA shall instruct the registry to suspend operation of the new domain until such time as the NTIA determines that the new domain can be operated as intended.

"(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) HARMFUL TO MINORS.—The term 'harmful to minors' means, with respect to material, that—

"(A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, that it is designed to appeal to, or is designed to pander to, the prurient interest;

"(B) the material depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

"(C) taken as a whole, the material lacks serious, literary, artistic, political, or scientific value for minors.

"(2) MINOR.—The term 'minor' means any person under 13 years of age.

"(3) REGISTRY.—The term 'registry' means the registry selected to operate and maintain the United States country code Internet domain.

"(4) SUITABLE FOR MINORS.—The term 'suitable for minors' means, with respect to material, that it—

"(A) is not psychologically or intellectually inappropriate for minors; and

"(B) serves—

"(i) the educational, informational, intellectual, or cognitive needs of minors; or

"(ii) the social, emotional, or entertainment needs of minors.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, sometimes I think that the World Wide Web should be renamed perhaps the World's Wicked Web. I woke up this morning listening to the Today Show, and I heard this very sad case of a young girl in Danbury, Connecticut. I read from CNN: "The body of a 13-year-old girl missing since Friday has been found. The FBI has arrested a Brazilian national living in Connecticut who allegedly met the girl on the Internet, the agency said Monday. Christina Long's body was found Monday. She had been missing since Friday evening." She had been contacted through a chat room on the Internet.

Last week in Kalamazoo, Michigan, we held a hearing on chat rooms. We know as parents that there is no better way to watch over our children than with parental involvement. The story, whether it be in Danbury Connecticut, or other communities across the country, is a nightmare waiting to happen in virtually anyplace in the country.

Last Friday, I visited an elementary school just outside of Kalamazoo, Northeastern Elementary School, where I spoke to about 80 or 90 sixth grade children. I asked the question, as I often do as I go to an elementary school, how many of you use the Internet on a fairly routine basis? They all raised their hands, every one of them.

I then asked the question: How many of you have seen something that is inappropriate coming into your house or your classroom on that Internet? And again, virtually every hand went up.

Mr. Speaker, what this legislation does is creates a new domain for the Internet. Like we have a dot-org and a dot-com and a dot-gov, we are now going to have a dot-kids. Actually, it may be a dot-kids dot-U.S. It may be a dot-Disney dot-kids; it may be a dot-Boy Scouts or dot-Girl Scouts, it may be a dot-games. But whatever it is, it will be aimed and earmarked towards children that are 12 and under. In essence, it will be a children's section of the library.

When my 10-year-old son, Stephen, goes to the library in my hometown, I know that that children's library in the basement of the Maud Preston Palenske Memorial Library has children's books and he is safe in that area. We know that as 10- and 12-year-olds and even 9-year-old children, they often have their own Internet identity name. They use the Internet for their school and home. They chat with their friends.

As parents, we want to make sure that they are safe, because that Internet will be their tool of learning for business and school the rest of their lives. But obviously, for so many of those young minds, they are not ready for some of those folks that would like to lure and prey on them.

That is what this legislation does. By setting up a new domain, we as parents will know that that road map for them is a safe, safe place.

□ 1030

This legislation, Mr. Speaker, is bipartisan. It passed in the subcommittee and full committee without dissent. We had great leadership from the author of the bill, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the subcommittee, my chairman, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), the ranking member, the gentleman from Nebraska (Mr. TERRY) and other members of the subcommittee who were very involved in making sure this legislation passed and moved.

I would note that the bill has been endorsed by the National Center for Missing and Exploited Children, the Family Research Council, the American Center for Law and Justice, the National Law Center for Children and Families and a Safe America for Everyone, SAFE. And I want to thank them all for their support.

Mr. Speaker, this legislation is needed. As parents, as members in a community, we know that we can stop some of this awful stuff that comes to our homes. Mr. Speaker, when someone rings the doorbell or knocks on a door, often as we go to that door we look through the peephole, we look through the windows to see who is there before they come in. On the Internet you are not able to do that.

In so many cases we see other folks masquerading maybe as 12 or 13 or 15-year-old children. Maybe they are in their 40s or 50s looking to prey on our kids. We had an arrest last week in Kalamazoo, and they found out just in 72 hours that that individual had 20 other victims that he will probably be charged with as he moved across county lines to try and seek and prey on kids just like this very sad story of the young girl in Danbury, Connecticut.

Mr. Speaker, as Chairman of the House Energy and Commerce Subcommittee on Telecommunications and the Internet, I rise in strong support of H.R. 3833, the "Dot Kids Implementation and Efficiency Act of 2002". This bill was introduced by the gentleman from Illinois, Mr. SHIMKUS, the gentleman from Massachusetts, the ranking member of the Telecommunications and Internet Subcommittee, Mr. MARKEY, and myself—and the bill has 40 bipartisan cosponsors.

Mr. Speaker, more and more parents have recognized that they are losing some control over what enters their home as their children spend more and more time on the home computer surfing the Internet. While the Internet is an excellent tool for children to learn, there are all sorts of inappropriate material that—with just one wrong click—comes right into your living room, den, or bedroom—wherever the computer is located. I visit a school every week in my district, and at every middle school I ask for a show of hands about how many kids use the Internet, and about every hand goes up. I then ask how many have seen inappropriate material—pornography or bad language—and virtually every time about 80 percent of the hands stay in the air. This has got to stop.

While there is no substitute for proper parental supervision, responsible parents want more tools to assist them in protecting their kids on the Internet. Filters are one solution, but we believe more must be done to help.

The "Dot Kids Implementation and Efficiency Act of 2002" (H.R. 3833), would enable the establishment of a kid-friendly space on the Internet. We have made passage of this important bipartisan legislation, a top priority of the House Energy and Commerce Committee and its Telecommunications and Internet Subcommittee, and I want to thank Chairman TAUZIN and Ranking Member DINGELL for their assistance in moving this legislation forward.

Just like ".com", or ".gov", or ".org"—".kids" will be an Internet address code, but the difference is that only websites with content which is both "not harmful to minors" and "suitable for minors" could get access. Under the bill, a "minor" is defined as a person 12 years old and under. The ".kids" space would be a safe place devoted solely to material which is appropriate for kids—where parents could choose to send their kids. This is really no different in concept than the children's section at the public library—which is the only part of the library where kids are allowed to check out books.

More specifically, the ".kids" space would be housed within our country's Internet code, otherwise known as ".us", which would result in ".kids.us.". For instance, if the Boy Scouts of America, whose website currently is: www.scouting.org, decided to set up an additional mirror site in the ".kids.us" space it would be: www.scouting.kids.us. The U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) would oversee the implementation of ".kids.us", and while the bill stipulates that only websites with content that is "not harmful to minors" and is "suitable for minors" can get into the ".kids.us" space, the written content standards and rules of the road would be developed and enforced by the private sector, under the direction of the registry which has the contract from the Department of Commerce to manage the ".us" country code.

While the Supreme Court has cited the First Amendment as the basis for striking down previous efforts by Congress to protect kids on the Internet, H.R. 3833 is drafted in a manner which is consistent with the First Amendment. First, the proposal doesn't affect anyone's ability to put whatever kind of speech they want on the World Wide Web, on a "dot com," "dot net," "dot org" or anywhere else. This bill only addresses a subset of Internet—the "dot us" space. Moreover, it doesn't even curtail speech throughout the entirety of the "dot us" space. Speech more appropriate for adults or teenagers will not be affected by this bill and can appear elsewhere in the "dot us" space. The bill solely says that if you want to operate in the "dot kids" area—a subset of the "dot us" country code domain—you have entered a kid-friendly zone—where the content is suitable for children 12 and under. Again, this is completely voluntary for parents to use if they wish and content providers to avail themselves of if they are so inclined.

Moreover, now more than ever, parents recognize the dangers posed to their children in Internet chat rooms, where pedophiles can prey on children right in the comfort of the family living room. This is why the bill also bans chat rooms and instant messaging in the ".kids.us" space—unless such can be done without jeopardizing the safety of kids, through effective monitoring for example. Also, hyperlinks, which would take kids outside of the ".kids.us" space, would be banned.

Mr. Speaker, I would note that this bill has been endorsed by the National Center for Missing and Exploited Children, the Family Research Council, the American Center for Law and Justice, the National Law Center for Children and Families, and a Safer America For Everyone (SAFE), and I want to thank all of them for their support.

Again, I want to thank the gentleman from Illinois and the gentleman from Massachusetts for all of their hard work and perseverance on this bill, and I urge an "aye" vote on the bill on this measure which will help protect children and families on-line.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. I am an original co-sponsor, along with the gentleman from Illinois (Mr. SHIMKUS), of this legislation as well as many other Members. I want to commend the gentleman from Louisiana (Mr. TAUZIN), the ranking member, the gentleman from Michigan (Mr. DINGELL) and everyone else who is involved with this excellent process that has led to a consensus, a bipartisan proposal.

The bill was approved unanimously by the House Committee on Energy and Commerce, and I want to congratulate the subcommittee chairman, the gentleman from Michigan (Mr. UPTON) for his fine work in the processing of this legislation. It is, in fact, a very good bill.

As many parents today know, the Internet often appears to be a veritable jungle of websites. When a child logs on to search for games, stories or educational material, search engines often churn up pages for kids laden with pornography, violence or other content that is simply not appropriate for young children. To give children their own playground on the Internet and to facilitate the easier browsing and filtering of contents that many parents desire, we have introduced H.R. 3833, the Dot Kids Implementation and Efficiency Act. This bill directs the Department of Commerce through the National Telecommunications and Information Administration to accelerate the creation of a dot kids domain by making it a secondary domain under our Nation's country code top level domain which is dot U.S. The Department of Commerce awarded a free contract last October to authorize private sector management and commercialization of dot U.S. Therefore, what we are talking about here today is the creation of a place on the Internet for websites that end in dot kids-dot U.S.; for example, www.example.Kids.U.S. The proposed "dot kids" domain will be a cyber space sanctuary for content that is suitable for kids and will be an area devoid of content that is harmful to such minors.

I want to address at this point very briefly some of the free speech concerns that any endeavor of this type will inevitably raise. First, let me emphasize how this approach departs from previous congressional activities in this policy area. First, the proposed legislation will not subject all of the Internet communications to a harmful-to-minors standard. If you are in Tennessee, Taiwan, or Timbuktu, you can publish or speak any content you want on the Internet. This proposal does not affect your ability to do so on a dot com, dot net, dot org or anywhere else. This proposal now only addresses a subset of Internet commerce, the dot U.S. space.

Moreover, it does not even curtail speech through the entirety of the dot U.S. country code domain. If you are in Providence, Rhode Island or Provo, Utah, under this bill you are free to exercise your constitutional rights and this legislation contains no proposal which would subject anyone utilizing the dot U.S. space to a standard suitable only for kids. Speech more appropriate for adults or teenagers will not be affected by this bill and can appear anywhere else in the dot U.S. domain.

The bill solely stipulates that if you want to operate in the dot kids areas, a subset of dot U.S. country code domain, you have entered a kid-friendly zone, a green light district, where the content is suitable for children 12 and under. The dot kids proposal is not aimed at censoring Internet contents, per se; rather, it is crafted to help organize content suitable for kids in a safe and secure cyber zone where the risk of young children clicking outside of that zone to suitable contents or being preyed upon or exploited online by adults posing as kids is vastly diminished.

Organizing kid-friendly contents in this manner will enhance the effectiveness of filtering software and enable parents to set their children's browsers so their kids only surf within the dot kids domain. I also want to emphasize that use of the dot kids domain is not compulsory. Signing up for a dot kids domain or parents sending their kids to websites in that location remains completely voluntary and the free choice of both speakers and parents.

Finally, I want to note that this bill is not meant in any way to diminish or thwart the many laudable private sector efforts to create new and affirmative ways for kids to have a safe and educational online experience. Our efforts here today are meant to supplement, not supplant, initiatives underway elsewhere by ensuring that our dot kids country code reflects our public interest goals as a society in a way that hopefully can harness the best of advanced technology for kids across the country.

Again, I want to thank the gentleman from Illinois (Mr. SHIMKUS) for his leadership on this legislation, and I want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Michigan (Mr. UPTON) for his excellent work in this area.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee.

Mr. TAUZIN. Mr. Speaker, I, too, want to join my friend, the gentleman from Massachusetts (Mr. MARKEY) in congratulating the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Michigan (Mr. UPTON) for the loving care they have given this legislation. And I think it is going to be landmark legislation for the kids of America in dealing with the Internet. And I want to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) in particular for the great assistance they have played in putting this together and making something very good happen for the families of America.

Like other filtering tools, this is just another great tool that American families will have to have their children go to a site that is monitored and where they can enjoy, indeed, the tremendous potential of the Internet without being assaulted by so many of the bad features we find on the Internet. And I think this is exactly the right kind of response to the Supreme Court which has recently ruled that virtual pornography is somehow protected under our Constitution. When you live on the Internet in a digital age, 1's and O's can be real. They can be virtual. They can be anything. And to say while one form of presentation is legally protected while another is not was a rather strange decision for our high court.

This is a good answer. This says regardless of what the court says about it, here is going to be a safe place for kids to go and enjoy, indeed, the tremendous educational entertainment features of the Internet without running into the bad features that somehow afflict their lives.

Again, I want to thank the chairman of our subcommittee, the gentleman from Michigan (Mr. UPTON), for his great work in working with us and, most importantly, to the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Massachusetts (Mr. MARKEY) for the excellent work they have done in putting this together.

We should also thank Senator Byron and Senator DORGAN on the Senate side who have done such a great job in advancing this legislation and give them great credit for, again, working across the two bodies and perfecting it.

Again, Mr. Speaker, that is a good day for kids in America, and I think the Committee on Energy and Commerce, particularly its Subcommittee on Telecommunications and the Internet, deserves a great deal of credit for bringing this legislation to the floor. I commend it to all Members. It deserves passage.

Mr. MARKEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Silicon Valley, California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my wonderful colleague, the gentleman from Massachusetts (Mr. MARKEY) for yielding me time.

Mr. Speaker, I rise in support of the bill, the Dot Kids Implementation and Efficiency Act. I think it takes a very important step of trying to provide a kid-safe zone on the Internet. We know that in raising our children that we always wanted to keep them out of tough, rough neighborhoods, and I think that this important step will do that on the Internet for our Nation's children.

When we considered this bill at the subcommittee, I expressed my support for the intent of the bill, but I also raised some questions as to whether this approach was totally realistic. Through the efforts and the cooperation of the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. UPTON), and the bill's sponsors, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Massachusetts (Mr. MARKEY), changes were made that in my view make the dot kids space a safe and more effective domain. And that is the way it should be as we work these bills from subcommittee to full committee to the floor.

To make the site more secure, the bill now contains language that prohibits interactive services in the domain. This protects users, the young children under the age of 13, from inappropriate emails, online discussions in chatrooms, and from intentionally or unintentionally being able to hyperlink their way to inappropriate contents.

For the agency and the companies charged with establishing the standards and securing the site, this is a monumental task. They must find a way to operate a domain that is educational and entertaining for young children and at the same time keep it secure from inappropriate outside influences. I am very pleased that the substitute now gives NTIA the authority to suspend operation of the new domain if it is not serving its intended purposes. The revised bill also gives Neustar the ability to relinquish its right to operate the domain if it suffers from extreme financial hardship. Because the costs of maintaining this domain are still imprecise, I think the allowance of an exit strategy is an important addition to the bill.

As this very well intended bill stands, it is still my strong belief that one of the best Internet filters for children is an involved parent. Nothing takes the place of that, not even government action and legislation. So I want to thank the sponsors of the bill, the work of the committee, certainly the full committee chairman, the ranking member, the gentleman from Michigan (Mr. DINGELL), certainly the gentleman from Massachusetts (Mr. MARKEY), one of the most eloquent and knowledgeable Members of Congress in this area, and the gentleman from Illinois (Mr. SHIMKUS). I think we are taking an important and a correct step today.

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), the sponsor of the legislation, the one who shepherded this bill through the subcommittee and full committee. We appreciate his leadership on this with so many others.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it is with great pride that I rise today to speak on H.R. 3833, the Dot Kids Implementation and Efficiency Act of 2002.

First, I would like to thank my friend and colleague, the gentleman from the Commonwealth of Massachusetts (Mr. MARKEY) for his great work and efforts in education as we move this process forward.

□ 1045

Of course, my chairman, the gentleman from Michigan (Mr. UPTON), for believing in this concept and joining the team, I appreciate that, along with the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for their great work.

We do our best work in the committee when we work together; and this floor, this House, does our best work together when we work together; and this is a perfect example of doing that.

Of course, we are only as good as the other members of our team. I have said this before in the committee briefings. Full committee staff Kelly Zerzan and Mike O'Rielly, I want to thank them. Chairman UPTON's staff, Will Nordwind, I thank him for his help; of course, the impeccable Collin Crowell from the staff of the gentleman from Massachusetts (Mr. MARKEY); Brendan Kelsay from the gentleman from Michigan's (Mr. DINGELL) staff; and my own Courtney Anderson who did a lot of lifting. Again, we are only as good as those people around us, and we have got a good team of staffers that do that well.

The development of the Internet has been a mixed blessing. It has moved our economy forward and provides us with a wealth of information after only a few strokes of the keyboard. Unfortunately, this new medium also has a dark side that holds a lot of danger for kids 12 and under.

In addition to adult content and violence that kids inadvertently stumble on as they surf the net, the recent well-publicized FBI sting of the Candyman child porn news group reminds us that child predators are running rampant in chat rooms and other places where they have the opportunity to interact and entice minors.

Following the logic of a child's section of a library, the Dot Kids Act will create a safe place for children on the Internet. H.R. 3833 facilitates the subdomain ".KIDS.US," on our Nation's country code that will host content that is especially intended for children.

A number of safeguards were put in this bill. ".KIDS.US" will be monitored for content and safety; and should objectionable material appear, it will be taken down immediately. The legislation does not allow chat rooms, instant messaging or e-mails unless the entity hosting the site certifies that they will be done safely. Furthermore, hyperlinks, which would take children out of the safe ".KIDS.US" base are expressly prohibited.

Knowing that this child-friendly subdomain is a grand experiment, we have embedded in the bill an opt-out provision. If ".KIDS.US" turns into something it was not intended to be, the bill requires the Department of Commerce to take it down. While I believe strongly that there is a huge demand for a child friendly domain, if ".KIDS.US" is a place no one visits, then it can be eventually taken down.

Finally, ".KIDS.US" will cost the taxpayers nothing. When it comes to the Internet, there is no replacement for good parenting. However, ".KIDS.US" will promote good Internet content for children and will be a tool for parents to use to help keep their children safe online.

I urge my colleagues to join me this morning in voting to pass H.R. 3833. Again, I want to thank everyone that has been involved, especially my good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY). It has been a long road. We still have additional hurdles to overcome, but I am confident that we can get our friends in the other body to take this up expeditiously, get it passed, and get it to the President's desk.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

The goal of this legislation is to try to harness the best of the new technology and to put it at the fingertips of kids and parents and teachers across the country.

One of the things we have to remember about technology and innovation is that the technology itself is neither good nor bad in and of itself. It only becomes so after it is animated by human values. The great truth of the Information Age is that the wondrous wire that brings cyberspace into the home or the school or the business will have a certain Dickensian quality to it. It will be both the best of wires and the worst of wires simultaneously.

The Internet can debilitate and debase core values, but it also can educate and ennoble us as well. The bill is designed to create a haven, a cyberspace playground to ennoble, educate and entertain children 12 and under in a safe and secure way. It is an additional tool that we can put into the hands of parents, and then each parent who decides to do so can use it as another weapon to fight off the debasing effect that parts of our culture can have upon children as they are growing up.

It is about time that Congress and the Federal Government put something on the books that gives this kind of a tool to the parents of the country.

My friend, the gentleman from Illinois (Mr. SHIMKUS), already went down the litany of saints, the staff who worked on this bill: Kelly Zerzan, Will Nordwind, Brendan Kelsay, Mike O'Rielly, and on my staff, Collin Crowell, who worked very closely with the majority in crafting this bill, and he mentioned Courtney Anderson on their side. My mother was a Courtney, and she always told me that the Courtneys are very intelligent people. And we have Courtney Johnson on our side who worked with Courtney Anderson on this bill, and I just did not want there to be a Courtney intelligence gap that opened up between the Democrats and Republicans on this bill. We were equally represented by these highly-intelligent people.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, might I inquire how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Michigan (Mr. UPTON) has 9 minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 7½ minutes remaining.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), a co-sponsor of the legislation, a very valuable member of the subcommittee.

Mr. TERRY. Mr. Speaker, I am an enthusiastic supporter and original cosponsor. In fact, this is one of the reasons why I joined the Committee on Energy and Commerce and the Subcommittee on Telecommunications and the Internet is trying to find a safe harbor, a constitutional way of protecting our children on the Internet; and I was proud that two of my colleagues, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Massachusetts (Mr. MARKEY), were already lapping me in there and allowed me to join them in that process, and I thank them for that because it is important that we establish a safe haven, a secure area for our children on the Internet.

We have heard of a story of an 11-year-old boy looking for computer games, typed in fun.com and unknowingly brought up a pornographic Web site. Two elections ago, my opponent was Michael Scott and any junior high physics class that typed in MichaelScott.com got a porn site. My 7-year-old, yes, 7-year-old, loves to get on the Internet, especially this weekend after we saw "Spiderman." I stand over him. I type it in first because I fear that typing in something as simple as "Spiderman" or "fun" or a political name may bring up a pornographic Web site.

Nearly 24 million youths today use the Internet. By the year 2005, it is expected that 77 million youth will regularly log on. This bill will help preserve our children's innocence and prevent these types of sexual encounters and predators and pornography online. It will create a child-friendly zone within the United States. All contents of this zone will be appropriate for children 12 and under.

An independent firm will methodically monitor and immediately remove any content which is harmful to minors. No access to chat rooms, and this is an important fact, because it is not that we were just putting all the children in one safe, what we believe is a safe, area, so all the predators know where they are. We bar that. That is an important part of this bill, that there will not be any interactive component here where a predator can break in. This is so our children can have a safe haven.

Sexual predators, not only is it the pornographic Web sites that we are trying to keep away from our children, but it is the predators.

In my closing remarks here, I want to point out to my colleagues that the Crimes Against Children Research Center reported that one in five teenagers who regularly use the Internet have received an unwanted sexual solicitation, and one out of 33 youths have received what is classified as an aggressive sexual solicitation where they are directly trying to solicit a sexual meeting with a teenager. That is what we are trying to prevent with this legislation; and I appreciate the efforts of the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Illinois (Mr. SHIMKUS), and our chairman.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), a fellow member of the Committee on Education and the Workforce, and one who is also very supportive of this legislation.

Mr. OSBORNE. Mr. Speaker, I would like to commend the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Illinois (Mr. SHIMKUS) and others on the committee for this legislation.

Yesterday, a young woman who had been sexually assaulted asked me what Congress was going to do to address the problem. I mentioned my support of the Dot Kids legislation. As was made mention, Dot Kids provides a safe haven for children from Internet predators and sexually explicit material.

Certainly this legislation is a step in the right direction. However, it does not address the whole problem.

A few months ago my name, used as an Internet search vehicle, brought up a porn site. Children wanting to find out about their Congressman were exposed to graphic material.

We have done a good job of proving the link between smoking and cancer and heart disease, and we have aggressively attacked the tobacco problem with advertising, higher taxes and legislation. The connection between pornography and sexual abuse of women and children is equally clear. Yet we have done very little until now to address the problem.

Fifteen years ago, a Nebraska Senator, Jim Exon, sponsored legislation to outlaw pornography on the Internet. He was laughed at at the time and the legislation went nowhere. Today, pornography is a $15 billion industry per year in the United States. It is the most lucrative endeavor on the Internet of all other projects and commercial attempts.

In attempting to protect free speech, we have badly trampled the rights of women and children to be protected from exploitation and physical harm. Dot Kids is an excellent start. I urge its support. I also hope that this is just a beginning in attacking the pornography industry.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), someone who is just as equally concerned about kids and their lives, a cosponsor of the legislation.

Mr. WAMP. Mr. Speaker, it is an awesome responsibility to serve in this House, but I have no more awesome a responsibility in my life than to be a father of a 15-year-old son and a 13-year-old daughter. The Internet is a powerful tool. It is also a very dangerous tool.

I was reminded of F.S. Oliver's poem about politics when he speaks of it being a noble profession. He says, and I paraphrase, there is no other profession where someone can do more good for their fellow man nor is there another profession where you can do such widespread harm, and the Internet has the same potential for good or bad.

Dot Kids Act gives young people a domain for use under tight guidelines with standards for content and registration; and as has been stated, it is like a children's section in a library. It is only appropriate. Recent Supreme Court rulings underscore the need to pursue multiple approaches to protecting our children from pornographers and demented individuals like pedophiles.

This is illegal pornography that we are trying to protect people from. There is a difference between what is legal and protected under the first amendment and what is illegal and not protected. It needs to be pursued. It is a cancer on our culture that requires aggressive treatment.

A journey of 1,000 miles begins with a single step and this is just one step, but it is an important step; and we have got miles to go to continue coming to this floor and finding new, creative and innovative ways to protect our children from the dangers of the Internet.

I applaud the authors of this legislation and the committees for working together in a bipartisan way to do what is right for the children of America in a very dangerous world.

□ 1100

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Again I want to recommend to all the Members that they support this legislation. It is a real step forward in giving parents a tool they can use to protect their kids under 12 when they are on-line. The sooner we pass this is the sooner we can put this additional protection in place.

I want to thank again the majority for their cooperation in working with us in a way in which we can craft a bill that we can honestly recommend to every Member, Democrat, Republican, liberal or conservative, that will move forward to help the families in our country.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

I would note that at our very first hearing as chairman of the Subcommittee on Telecommunications and the Internet, we talked about "I Can" and the various domain names that were out there. All of us jumped on the name of Dot Kids and how it could be protective of our kids. The stories we hear virtually every day, whether it be this morning, this young girl killed in Danbury, Connecticut, stories in our own districts across the country, we know that we need something that can protect our children from a nightmare that no family, no community ever wants to experience. I would reiterate that groups who spend literally every waking hour trying to protect families across this country, groups like the National Center for Missing and Exploited Children, Family Research Council, American Center for Law and Justice, the National Law Center for Children and Families, a Safer America For Everyone, all of them as well as every parent that serves in this House, every Member of Congress that has watched some of this junk that has come in unasked for, we know that Dot Kids can be a savior for all of us. We compliment those Members of the Senate that are wishing to pursue this legislation. We look forward to when this can be enacted into law by President Bush. We know that the administration supports this legislation.

Mr. WYNN. Mr. Speaker, I am pleased that the House of Representatives is considering H.R. 3833, the "Dot Kids Implementation and Efficiency Act of 2002." I am a cosponsor of this legislation, which is important to parents and their young children exploring the Internet.

This legislation makes good sense. As a parent of a 7-year-old who surfs the net, I am concerned, as many parents across this Nation are, about the unseemlier side of the Internet, which our children can be exposed to, through a couple of mouse clicks, or the misspelling of a website name.

Where monitoring our children's use and installing filtering software helps, in the real world neither method is perfect. By creating the domain ".kids.us" and setting up guidelines on what is unacceptable in this domain, we go a long way to improving the safety of our children on the Internet. This bill creates a safe space on the Internet for our children, which is free from stalkers and free from the harmful imagery to which we do not want our children exposed.

I applaud the work of the sponsors of this bill for this valuable legislation that will help make the Internet safer for our kids.

Mr. PAUL. Mr. Speaker, as a parent, grandparent, and ob-gyn who has delivered over three thousand babies, I certainly share the desire to protect children from pornography and other inappropriate material available on the internet. However, as a United States Congressman, I cannot support measures which exceed the limitations on constitutional power contained in Article one, Section 8 of the Constitution. The Constitution does not provide Congress with the authority to spend taxpayer funds to create new internet domains.

Furthermore, Mr. Speaker, the federal government is singularly unqualified to act as the arbiter of what material is inappropriate for children. Instead, this is a decision that should be made by parents. Most of the problems pointed to by proponents of increased government control of the internet are the result of a lack of parental, not governmental, control of children's computer habits. Expanding the government's control over the Internet may actually encourage parents to disregard their responsibility to monitor their child's computer habits. After all, why should parents worry about what websites their children is viewing when the government has usurped this parental function?

The market is already creating solutions to many of these problems through the development of filtering software that responsible parents can use to protect their children from inappropriate materials. The best way to address this problem is by allowing this market process to develop, not by creating new government regulations.

In addition to creating new Internet domains, Congress is also expanding federal wiretapping powers. Mr. Speaker, my colleagues should also remember that the Constitution creates only three federal crimes, namely treason, piracy, and counterfeiting. Expansion of federal police power for crimes outside these well-defined areas thus violates the Constitution. In addition, expansion of federal wiretapping powers raises serious civil liberties concerns, as such powers easily can be abused by federal officials.

I therefore hope my colleagues will respect the constitutional limitations on federal power. Instead of usurping powers not granted the federal government, Congress should allow state and local law enforcement, schools, local communities, and most of all responsible parents to devise the best measures to protect children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we enter the new millennium the Internet has become a playground for our children. In today's' playground there are many dangers, some examples are child pornography and sexual predators to name a few. In the past we have drafted legislation to insure the safety of our most precious resources, children. The Dot-Kids Implementation and Efficiency Act is this House's attempt to safeguard children.

The bill before the House today will go far to create a safer environment for children to explore the Internet. The legislation will create, within the United States a top-level "dot-us" country code domain and a "dot-kids" subdomain. The Web address of any site registered under the new subdomain would end with a ".kid.us" suffix. The dot-kids subdomain would ban sexually explicit material and other content deemed harmful for children under 13. The bill's definition of "harmful" includes any material that "lacks serious, literally, artistic, political or scientific value" for children.

The legislation would authorize the Commerce Department's National Telecommunications and Information Administration to remove from the dot-kids subdomain any content that does not meet the bill's "child-friendly" standards. That means that NeuStar, Inc.—the company that manages the dot-us domain under a contract with Department's National Telecommunications and Information Administration—would be required to monitor the content of all Web sites registered with a ".kid.us" address.

According to the Congressional Budget Office there are no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The Act would impose no costs of state, local, or tribal governments. Based on information from the Department of Commerce, CBO estimates that launching a publicity and education campaign for the new domain would cost less than $500,000 per year, subject to the availability of appropriated funds.

Another provision in the bill would permit the Department's National Telecommunications and Information Administration to pull the plug on the subdomain if it fails to adequately protect children. This gives the Department of Commerce the needed enforcement mechanism to maintain a safe Internet environment for children. As the Chair of the Children's Caucus and a mother I rise to support the passage of H.R. 3833.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 3833, the "Dot Kids Implementation and Efficiency Act." I am proud to be a cosponsor of this important legislation, which was introduced by Representatives SHIMKUS and MARKEY, and commend the efforts of this House to protect our children on the Internet.

While the Internet has afforded our children amazing opportunities for learning and discovery, it has also posed serious dangers. The Internet makes it easy for children to gain access to inappropriate materials, turning simple searches into avenues for pornographic or violent web pages. As a parent of a young daughter, my hope is that she will be able to search the Internet freely and use it as a tool to explore books, stories, and educational games without worrying about what might turn up. This bill will make this possible.

H.R. 3833 creates a safehaven for children using the Internet by creating a separate domain name for content that is appropriate for kids under 13, while filtering any subject matter that may be harmful or threatening to this audience. By directing the National Telecommunications and Information Administration (NTIA) to establish and oversee the structure and rules for the new domain name, we are ensuring that the criteria for the "dot.kids" domain meet the necessary standards to protect children using the Internet. Further, this bill requires that the NTIA publicize the availability of the new domain and educate parents on how filter and block inappropriate material.

In today's web-based environment, it is vitally important that we work together with parents to ensure that our kids are safe in cyberspace. Congress is taking a remarkable step forward in this endeavor by passing this legislation. I urge my colleagues to support the "Dot Kids Implementation and Efficiency Act" on the House floor today.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3833, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHILD SEX CRIMES WIRETAPPING ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1877) to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Sex Crimes Wiretapping Act of 2002".

SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) IN GENERAL.—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by striking "2251 and 2252" and inserting "2251, 2251A, 2252, and 2252A"; and

(2) by inserting "section 2423(b) (relating to travel with intent to engage in a sexual act with a juvenile)," after "motor vehicle parts),".

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (q);

(2) by inserting after paragraph (q) the following:

"(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or"; and

(3) by redesignating paragraph (r) as paragraph (s).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1877, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1877, the Child Sex Crimes Wiretapping Act of 2002, will help protect our children from the growing threat of sexual predators by assisting law enforcement officers in thwarting those predators who are intent on sexually abusing children. To do so, the bill amends title 18, United States Code, section 2516 to authorize the interception of wire, oral, or electronic communications in the investigation of: (1) the selling and buying of a child for sexual exploitation under title 18, United States Code, section 2251A; (2) child pornography under title 18, United States Code, section 2252A; (3) the coercion and enticement to engage in prostitution or other illegal sexual activity under title 18, United States Code, section 2422; and (4) the transportation of a minor or traveling to meet a minor with intent to engage in a sexual act with the minor under title 18, United States Code, section 2423.

Technology has precipitated a significant increase in sexual exploitation crimes against children. In fact, child pornography was nearly extinct until the increased use of the Internet provided a new medium where the viewers, producers and traders are virtually anonymous. The Internet provided these depraved individuals with new access to their victims. In 2000, a U.S. Customs Service representative testified before the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on Judiciary that the Customs Service had seen a dramatic rise in child exploitation investigations. During fiscal year 1999, these types of investigations increased 36 percent, and in 2000 the number rose an alarming 81 percent.

Additionally, the growth of international travel has helped sexual predators to exploit children throughout the world. According to a 2002 Congressional Research Service report, trafficking in people, especially women and children, for prostitution and forced labor is one of the fastest growing areas of international criminal activity. According to that report, under conservative estimates the scope of the problem involves more than 700,000 victims per year worldwide. We must do more to prevent children and women from being forced into prostitution, the sex tourism industry, and other sexually exploitative criminal markets.

The goal of H.R. 1877 is to provide law enforcement with the tools necessary to prevent the ultimate harm these depraved individuals plan for the innocent children they target. Wiretaps are key to stopping those crimes before the predators can physically harm children. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 1877, the Child Sex Crimes Wiretapping Act. I believe the bill represents an unnecessary expansion of Federal wiretap authority, a procedure so pervasive of the rights of citizens in a free society that it can only be made available for use under circumstances specifically approved by Congress.

The current congressionally approved wiretap authority dates back to the 1968 crime bill. The primary intent of the law was to permit a limited use of electronic surveillance of organized crime syndicates, but even under those circumstances, as a tool of last resort. Since that time the act has been amended over a dozen times to meet the demands of law enforcement officials for more power to eavesdrop on our citizens. We now have over 50 predicate crimes for which wiretap authority may be obtained. Regrettably, a number of these predicates involve relatively minor criminal activity. But now the argument goes that if we amended the wiretap authority to add one crime, we should certainly amend it to add another. As a result, the wiretaps are becoming a routine rather than an extraordinary procedure used as a last resort.

Eavesdropping on conversations from a household or a pay phone or a cell phone is a very intrusive law enforcement activity. Once a wiretap, or a bug, is in place, it captures all conversations, innocent as well as criminal. Estimates I have seen indicate that over 80 percent of the information obtained by wiretaps is innocent information, often involving family members and others who are not even targets of the investigation.

As Members will remember from the debate after September 11, some wiretaps are the so-called roving wiretaps where bugs can be placed on any phone the target uses, at his home, at his workplace, at the pay phone on the corner, at his neighbor's house or country club, and many innocent people will have their private, unrelated conversations listened in on by government employees.

At a hearing on this bill in the Subcommittee on Crime, Terrorism, and Homeland Security, an FBI witness testified about certain successful investigations in which wiretap authority would have been helpful. Given the intrusive nature and many innocent individuals and conversations it will necessarily ensnare, it is not enough justification for it to be merely helpful to law enforcement. It ought to be necessary.

Even without this expansion, the use of wiretap authority is rapidly growing. For example, in 1980, 81 Federal wiretaps were issued. In 1999, 601. That is 81 to 601 wiretaps were issued. Most of the crimes covered by this bill also involve activities that are State crimes. Indeed, over 98 percent of all criminal prosecutions are conducted at the State level. Each State can authorize wiretaps and most do. However, the total number of all State wiretaps amounts to almost the same number as the Federal wiretaps, 749 in the whole country in State wiretaps to 601 Federal wiretaps in 1999. The fact that a few States have chosen not to authorize wiretaps at all and the limited number of State wiretaps that are authorized as compared to the number of Federal wiretaps attests to the level of concern citizens have with law enforcement officials having power over their private conversations.

Mr. Speaker, as we address this bill, we see that much of the activity for which the proponents of the legislation are seeking to justify this wiretap authority is already covered by Federal wiretap authority. Moreover, most, if not all, of the activity under the sections added by H.R. 1877 for wiretap authority are covered by the general wiretap authority in the Federal law for crimes against child exploitation. And all of it is already covered by e-mail, fax and other electronic eavesdrop authority and investigatory techniques. And so, Mr. Speaker, to understand the impact of the legislation, we have to focus on those crimes not currently covered under present law which will be covered by additions under this bill.

One provision allows wiretap when probable cause exists that a person is producing sexually explicit computer-generated images of children. This very month, the Supreme Court said that computer-generated images of children that are not obscene and do not involve real children are not criminal. This bill would allow wiretaps for those situations. Wiretaps should be used only in extraordinary situations. We certainly should not be adding wiretap authority to investigate something that is not even a crime.

I attempted improvements to the bill in committee by offering amendments to limit the application to its stated objective of protecting children. One amendment which was not adopted would have limited the extension of wiretap authority to cases involving actual as opposed to virtual children in keeping with the recent Supreme Court decision. That was not adopted. Another limited the application of the act to cases involving children as opposed to adults. There is absolutely no justification in a bill purportedly designed to protect children to authorize wiretap authority for the FBI to listen in on garden-variety adult prostitution cases. Prostitution is actually legal in some places. Yet under Federal law it is a felony punishable by up to 10 years in prison to persuade, induce or entice or attempt to, or to conspire to have someone cross a State line to engage in this legal activity. If this bill becomes law, the FBI will be able to wiretap conversations to determine if there is such persuasion, enticement or inducement or attempt or conspiracy.

There are other situations involving consensual activities involving high school students that we see routinely on prom night which would provide a Federal wiretap under this bill.

With such shortcomings, Mr. Speaker, this bill should not be on the suspension calendar but should be fully debated and open to amendment. I urge my colleagues to defeat this motion to suspend the rules so that the bill may be considered under regular rules of order subject to full debate and amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the author of the bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this important legislation. I thank the chairman for bringing it forward.

Passage of this bill is not an effort to just be helpful to the FBI. It is a necessary tool that the FBI must have if they are to track down these predators and to reduce the threat to our children. The threat to our children is real. The need to address it is urgent.

□ 1115

In talking with Ernie Allen, president and CEO of the National Center for Missing and Exploited Children, he tells a compelling story. In visiting a classroom, he and a reporter asked the children, How many of you have been approached sexually on the Internet? Every single hand went up. And then the kids were asked, And how many of you told your parents? Not a single hand went up.

The children are terrified. They are afraid to tell their parents because this threat is so both nebulous and mysterious. They are frightened by it but think they are protected by the computer and don't need to tell their parents. In fact these criminals are very clever, weedle information from children, earn their trust, and then they are vulnerable kids also are afraid that their parents will deny them access to the computer if they acquaint their parents with the dangers that lurk there.

Our children need our protection. These conversations on the Internet that lure and entice them lead them to telephone conversations that set up meetings. Just yesterday, a 13-year-old girl in my home State, a beautiful young woman, an honor student, a cheerleader, was found murdered. She met her murderer online. He lured her from her home, sexually abused her and killed her.

This is real. It is present, and all of our children are experiencing it. In 1999, and this is old data now, one in five children reported having been sexually solicited on the Internet. That is 5 million children. Today we believe this is the most under-reported crime in the Nation.

It is just simply a terrible situation, it is urgent, and if our FBI agents are not able to track the conversation they spot beginning on the Internet when it transfers to the telephone, which it always does before meeting, then they are weakened in their ability to prevent the sexual molestation and possible murder of our children.

They just want the same tools that the predators have. That is all. They want to be able to interrupt those conversations before the meeting takes place or be there when the meeting takes place, and they want the evidence off the tape recording of the wiretap to use in court because it is tangible, and it will protect many of our children from having to testify.

Mr. Speaker, this is a long-overdue bill. I appreciate the concern of those who are worried about extending wiretap authority; but this is a concrete, demonstrated need that the courts have to approve. I urge support of this legislation.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, cases of kidnapping and murder can already be predicates for a wiretap.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of this legislation that will help to protect our Nation's children. We need to give law enforcement, the FBI, the tools that they need to crack down on child sex crimes.

This particular wiretapping act will add four additional crimes for which law enforcement officials may seek wiretapping authority. These crimes include selling or buying a child for sexual exploitation, child pornography, coercing or enticing a child for prostitution, and transporting minors to engage in prostitution or traveling with the intent to engage in a sexual act with a juvenile.

Recent news reports, my colleague cited one, but you read about them every day where young children are enticed or the Internet is used in some way to traffic women and children; and it is something we need to crack down on. There are some estimates that the number of victims that are in trafficking now worldwide is over 700,000.

This exploitation of young children into sex trafficking is a tragic human rights offense. Sex tour operators such as Big Apple Oriental Tours in New York City provide a full-service travel package over the Internet, including air fare, hotel and entertainment for their customers. We must act to stop this growing industry.

Under this legislation, law enforcement will be better able to protect innocent children from the predators who would exploit them and destroy their childhood. I am also pleased to note that this legislation does not weaken the strict limitations on obtaining wiretaps; rather, the bill expands the areas for which the wiretap can be acquired, while requiring the law enforcement officials do not intercept noncriminal conversations. Our interest is in prosecuting sexual predators, not innocent citizens.

The Internet has revolutionized the ways in which people communicate, not only with their friends and family but with people and businesses around the world. Unfortunately, with great advances in technology come new dangers and new means for criminals to target their victims.

The statistics are startling. In 2001, one in five children was solicited over the Internet for sexual purposes, and we must expand the options available to law enforcement to find these sexual predators.

I must tell you that I feel very strongly about this bill. I am proud to be the lead Democrat on it. I have a 14-year-old daughter; and many times on the Internet she is approached, as is practically every young person on the Internet. It has met with tragedy in many cases.

We must act. This bill does protect the rights of people. We are only going after sexual predators. I urge a "yes" vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, it is very appropriate that the House is considering H.R. 1877, the Child Sex Crimes Wiretapping Act of 2002, before May 25, the National Missing Children's Day. This bill will provide law enforcement officials with the tools they need to prevent or punish sexual exploitation of children.

Federal law authorizes the use of wiretaps to stop some sex crimes against children, but not others. This is clearly a gap in our current law. The interception of oral communications through wiretaps significantly enhances investigations and can prevent children from being harmed.

This bill authorizes wiretaps to investigate the selling and buying of children for sexual exploitation, child pornography, coercing and enticing children into prostitution, and the transportation of minors to engage in sexual activity. These are serious crimes that require a serious response.

With 24 million children surfing the Internet, child molesters have easy access to a large number of potential victims. The American Medical Association released a study last summer that surveyed children who regularly used the Internet. The study found nearly one in five children surveyed received an unwanted sexual solicitation online just in the last year. Technology is making it more and more difficult for law enforcement officials to protect our children from pedophiles. This is why we need to authorize the use of wiretaps by law enforcement officials to fight this growing threat against our children.

Wiretaps will significantly enhance law enforcement capabilities to prevent the sexual exploitation of children. This is the goal of H.R. 1877.

Mr. Speaker, I support the bill, and urge my colleagues to do the same.

Mr. Speaker, let me reassure the few of my colleagues who might have concerns about this bill.

This bill does create new wiretap predicates. But those crimes will be treated like any other wiretap predicate. This in no way changes the strict limitations on how and when wiretaps may be used.

Congress enacted Title III of the Omnibus Crime Control and Safe Streets Act of 1968 that outlines what is and is not permissible with regard to wiretapping and electronic eavesdropping. Title III restrictions go beyond Fourth Amendment constitutional protections and include a statutory suppression rule to exclude evidence that was collected in violation of Title III. Except under limited circumstances, it is unlawful to intercept oral, wire and electronic communications. Accordingly under the Act, Federal and state law enforcement may use wiretaps and electronic surveillance under strict limitations. Congress created these procedures to allow limited law enforcement access to private communications and communication records for investigations while protecting Fourth Amendment rights. In addition to these restrictions, Congress has only provided authority to use a wiretap in investigations of specifically enumerated crimes, commonly called "wiretap predicates."

H.R. 1877 adds new predicates but does not affect the procedures on wiretap use.

Title 18 U.S.C. §2516 requires that the Department of Justice authorize all applications for Federal wiretaps and the principal prosecuting attorney of any state or any political subdivision must apply for wiretaps by state law enforcement officials.

Title 18 U.S.C. §2518 also sets strict procedures for the use of a wiretap. Section 2518(1) requires the application to be made under written oath or affirmation to a judge of competent jurisdiction. Section 2518(1)(b) requires that the application set forth "a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued. . . ." These facts should include, among other things, the details "as to the particular offense that has been, is being, or is about to be committed" and "the identity of the person, if known, committing the offense and whose communications are to be intercepted."

Section 2518(3) also includes requirements that the Judge believe (1) "there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 2516 of [title 18];" (2) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception; and (3) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous.

Additionally, law enforcement is required "to minimize the interception of communications not otherwise subject to interception [that is non-criminal conversations] under this chapter, and must terminate upon attainment of the authorized objective." The Department of Justice's U.S. Attorney's Manual—Title 9 of the Criminal Resource Manual provides the minimization requirements to obtain a court order.

The affidavit "must contain a statement affirming that monitoring agents will minimize all non-pertinent interceptions in accordance with Chapter 119 of Title 18, United States Code, as well as additional standard minimization language and other language addressing any specific minimization problems (e.g., steps to be taken to avoid the interception of privileged communications, such as attorney-client communications) in the instant case. (18 U.S.C. §2518(5) permits non-officer government personnel or individuals acting under contract with the government to monitor conversations pursuant to the interception order. These individuals must be acting under the supervision of an investigative or law enforcement officer when monitoring communications, and the affidavit should note the fact that these individuals will be used as monitors pursuant to 18 U.S.C. §2518(5).)"

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for both his leadership and his kindness in yielding me time. I also thank the sponsors of this legislation and the chairman and ranking member of the committee, both for the timeliness of this legislation moving, the chairman of the subcommittee; and I rise to support this legislation on one large key word, and that word is "deterrence."

I hope as we move the legislation through this body that the concerns of the ranking member are addressed and considered. But I believe that the deterrent factor is a must. It is key. It is an absolute.

What struck me most, Mr. Speaker, was the testimony that I heard in our hearings that child predators often gain the confidence of children on the Internet and then set up meetings by telephone. In a recent report it has been noted that 40 hours of a child's time is taken up with electronic kinds of equipment; only 17 hours are taken up with the interaction with the child's parent; and maybe 30 hours or more in school.

Clearly we have a predator's paradise, with the Internet being the enticing instrument and then the telephone nailing it down. What a tragedy.

Might I add to my colleague from Connecticut's outrage, in reading a headline, "Man confesses to killing girl he met on the Internet." This did happen in Danbury, Connecticut. Investigators found the body of a missing 13-year-old girl Monday after she met a man over the Internet and told them where to look. The U.S. Attorney identified the man as a 25-year-old individual who had confessed to killing the girl, Christina Long. She was last seen Friday at a Danbury shopping center.

Relationships developed over the Internet, and then, as we might expect, and might speculate, might I say, nailed down the coffin nail by a phone call as to where to meet me. This beautiful young girl is now dead. Thousands upon thousands have access to the Internet, our very innocent children; and thousands upon thousands of predators, vicious and violent as they are, are utilizing the Internet and then the telephone.

I would offer to say that this legislation gives law enforcement an additional tool, if you will, along with other law enforcement agencies, to monitor these telephone calls, overcoming a legal barrier now facing crime fighters in tapping these phone calls, geared specifically to sexual activities with respect to a minor.

I would hope as this legislation makes it way, we will consider the issue that deals with extraneous conversation and individuals not engaged in these terrible, heinous acts. We are a Nation of laws, Mr. Speaker. It is important to recognize the rights and privileges, the civil liberties and due process of others not engaged in criminal activity; but this is a vital tool that will assist in fighting these heinous and horrific sexual crimes.

H.R. 1877 would add certain sexual crimes against children to the list of offenses for which wiretaps and other interceptions of communications can be authorized. Implementing the bill could result in more successful investigations and prosecutions in cases involving such crimes.

It is not always easy, Mr. Speaker, to have someone stand up and say "I did it." Our children are under attack. They are under siege. These sexual crimes are prolific, and they are all over the Nation. What a tragedy, Mr. Speaker, to have this young girl as an example of the violence that happens over the Internet. What a tragedy to recognize that our children are before these electronic media entities, meaning whether it is the CDs or whether or not it is the boom box or whether or not it is the Internet, for more than 40 hours of their life a week without an adult attending to them or counseling with them or participating with them on the Internet. That means there is ample opportunity to entice our young girls and young boys.

Let me conclude by saying in my own district just a few weeks ago a person from Detroit, Michigan, enticed a 12-year-old to leave his home in Texas; and by the time they were found through the Internet, they were halfway back to Michigan, enticing the 12-year-old for sexual activities, terrible sexual activities as relates to a minor.

This legislation will begin the deterrence, and I hope as it makes its way through this House and makes its way through the Senate, we will be concerned as well about the issues of due process and privacy.

Mr. Speaker, as a member of the House Judiciary Subcommittee on Crime, I heard testimony during the hearings that child predators often gain confidence of children on the Internet and then set up meetings by telephone. The new authority in the legislation would give power to the FBI or other law enforcement agencies to monitor those telephone calls, overcoming a legal barrier now facing crime fighters in tapping those phone calls. This bill would have more than a deterrent affect it would also contain enforcement muscle.

Because those prosecuted and convicted under H.R. 1877 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would be negligible because of the small number of cases involved. CBO estimates that implementing H.R. 1877 would not result in any significant cost to the federal government. Enacting H.R. 1877 could affect direct spending and receipts; therefore, pay-as-you-go procedures would apply to the bill, but CBO estimates that any such effects would not be significant. H.R. 1877 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

H.R. 1877 would add certain sexual crimes against children to the list of offenses for which wiretaps and other interceptions of communications can be authorized. Implementing the bill could result in more successful investigations and prosecutions in cases involving such crimes. CBO expects that any increase in costs for law enforcement, court proceedings, or prison operations would not be significant because of the small number of cases likely to be affected. Any such additional costs would be subject to the availability of appropriated funds. The bill would add four crimes to a list of those that qualify for wiretaps or other electronic monitoring—child pornography, enticing children to engage in illicit sex, transporting children to engage in sex and selling or purchasing children for prostitution or other sexual exploitation.

The bill amends the Federal criminal code to authorize the interception of wire, oral, or electronic communications in the investigation of child pornography, felony coercion and enticement to engage in prostitution or other illegal sexual activity. As the Chair of the Children's Caucus and a mother I rise to support the passage of H.R. 1877.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I believe it was in the first week in which I operated as an assistant district attorney in Dauphin County in Pennsylvania when I had the duty of supervising an investigation and a court setting for a case evolving from wiretapping; and it happened to be a sex case, although not one involving children. That is when I learned for the first time in on-the-job training that no wiretap will be used in court or is usable in court if it is not predicated by a court order. So the judge has the ability to look over and has oversight on every single phase of the reaching out to the telephone wires by a wiretap.

This I think is the answer to the concern of the gentleman from Virginia when he relates that it should be more than helpful to the law enforcement agencies, but absolutely necessary in his description of when a wiretap should be used.

□ 1130

I say to him that it is the court which will decide whether it is merely helpful or necessary. It is when the court determines the necessity of the wiretap that it finally signs into the ability of the law enforcement to use that wiretap.

So with all of the advances made over the years from that first week of my incumbency as an assistant district attorney, with the cell phones and now the vast Internet, what is attempted by this bill is to keep up with the pace of the technology. But then it still falls back on the ancient, now ancient prospect of a court-reviewed request for a wiretap. So all of the safeguards, the greatest one of all, meaning the review by the court, is still in place; and yet we are now in a position if we pass this bill to expand the authority of the law enforcement community.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to commend my colleague, the gentleman from Virginia (Mr. SCOTT), for taking on a very difficult issue. It is very easy for all of us to stand here and talk about how we will do anything to protect our children. We are parents and we are grandparents; and of course we are concerned about predators and placing our children at risk, and we know that the Internet opens up opportunities that we never dreamed of.

However, I am taking the floor today to say to my colleague that I appreciate the very difficult work of trying to focus us on the fact that there is a Constitution and that there are hard-won gains in civil rights and civil liberties that we must always be reminded of. This is very tough work, and we do not have all of the answers. But we do have some Members of this Congress who are courageous enough to talk about what it means to live in a free society and what it means to live in a police state where one is being wiretapped, where one is under surveillance, where one is being wiretapped and one is not even aware of it because we keep expanding and expanding and expanding the ability to be wiretapped and to have our citizens under surveillance.

Let me remind all of my colleagues, even though this bill is going to pass, and it is going to pass almost with every Member of Congress supporting it, because we wish to show that we want to protect our children, let us not forget that when those people came to the shores from Britain, they came because they wanted to get out from under tyranny. They wanted to get away from the fact that they could not speak and they could not be free from being under police watch all of the time.

So I thank the gentleman from Virginia (Mr. SCOTT) for his attempts to at least keep us focused.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Much of what is in the bill is already covered by present law. Obviously, conspiracy, kidnapping, and murder is already covered. There are some provisions that are helpful; there are also some that I think are very loosely drawn. For example, legal adult activity is covered as a predicate for wiretap. If one is calling into an area where prostitution is legal, that may be a crime, a Federal crime here in Washington, D.C., but not in Nevada. There is activity covered by this bill which was declared legal by the Supreme Court just this month as a predicate for a Federal wiretap. Consensual activities by young high school students is a predicate to a Federal wiretap.

This bill is not narrowly drawn; and, therefore, we should not suspend the rules and pass the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we have heard an impassioned plea about civil rights. This is about civil rights for children. It is about protecting minors who cannot protect themselves from the sexual exploitation over the Internet.

There are some in this House that do not believe that wiretaps are proper at any time. I respect that position, even though I disagree with it. But I think we ought to make it clear in the legislative history of this bill that under the law, law enforcement is authorized to use a wiretap to intercept wire or electronic communications that may provide evidence of a crime under 18 U.S.C. section 2516, and that no wiretap, regardless of the crime that is being investigated, can legally be done in this country without a court order.

So that provides the protection against unmitigated, unrestrained surveillance by wiretaps of citizens by law enforcement.

This is a good bill. It is a bill that has bipartisan support. It is a bill that plugs a loophole in our present laws, and it ought to become the law of the United States of America. The House can do so by suspending the rules in just a few minutes, and I urge my colleagues to support this motion.

Ms. KILPATRICK. Mr. Speaker, today, I voted against H.R. 1877, the Child Sex Wiretapping Act. Let me be clear in that I do support the goals of the bill which seek to provide law enforcement with the tools necessary to apprehend those who sexually exploit children. It is clear that persons who use the Internet or any other means for the sexual exploitation of children deserve to have the full force of the law brought against their activity. My concern, however, is that the measure before us sweeps too broadly and will unduly burden the legitimate rights of Americans.

There are provisions of the bill that allow wiretapping where consenting adults engage in activity that, although questionable, may in fact be legal. The protection of children is of paramount importance, but in protecting children, we should not impugn the potentially legitimate rights of many of our Nation's citizens.

We have already granted the Justice Department, the FBI and other police authorities unprecedented authority to wiretap in our efforts to combat the war on terrorism. I argue that wiretap authority already exists for child sexual exploitation. These same authorities also possess the power to intercept e-mail and other electronic communications. Furthermore, States already have the authority to wiretap for the crimes specified in the bill.

We are living in a trying time and we should take every precaution before granting any additional power to police authorities. I fear that Congress will give away many of the freedoms we cherish. As such, Mr. Speaker, I voted against this measure.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1877, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMBASSY EMPLOYEE COMPENSATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3375) to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

The Clerk read as follows:

H.R. 3375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Embassy Employee Compensation Act".

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) CLAIMANT.—The term "claimant" means an individual filing a claim for compensation under section 5(a)(1).

(2) COLLATERAL SOURCE.—The term "collateral source" means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the bombings of United States embassies in East Africa on August 7, 1998.

(3) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(4) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual determined to be eligible for compensation under section 5(c).

(5) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(6) SPECIAL MASTER.—The term "Special Master" means the Special Master appointed under section 404(a) of the September 11th Victim Compensation Fund of 2001 (title IV of the Air Transportation Safety and System Stabilization Act (Public Law 107–42; 115 Stat.)).

SEC. 3. PURPOSE.

It is the purpose of this Act to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the bombings of United States embassies in East Africa on August 7, 1998.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through the Special Master, shall—

(1) administer the compensation program established under this Act;

(2) promulgate all procedural and substantive rules for the administration of this Act; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this Act.

SEC. 5. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this Act with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the bombings of United States embassies in East Africa on August 7, 1998;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such bombings; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such bombings.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 7.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this Act.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the bombings of United States embassies in East Africa on August 7, 1998.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) a citizen of the United States who—

(i) was present at the United States Embassy in Nairobi, Kenya, or the United States Embassy in Dar es Salaam, Tanzania, at the time, or in the immediate aftermath, of the bombings of United States embassies in East Africa on August 7, 1998; and

(ii) suffered physical harm or death as a result of such a bombing; or

(B) in the case of a decedent who is an individual described in subparagraph (A), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this Act by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this Act, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the bombings of United States embassies in East Africa on August 7, 1998. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this Act unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 7.

SEC. 6. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this Act, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This Act constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this Act.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this Act, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

SEC. 7. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this Act, including regulations with respect to—

(1) forms to be used in submitting claims under this Act;

(2) the information to be included in such forms;

(3) procedures for hearing and the presentation of evidence;

(4) procedures to assist an individual in filing and pursuing claims under this Act; and

(5) other matters determined appropriate by the Attorney General.

SEC. 8. RIGHT OF SUBROGATION.

The United States shall have the right of subrogation with respect to any claim paid by the United States under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3375, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3375 would allow U.S. citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, or their surviving family, to receive the same compensation as the victims of the September 11 terrorist attacks.

The September 11 Victim Compensation Fund Act of 2001 created a compensation program administered by the Attorney General, through a Special Master, for people killed or injured as a result of the September 11 terrorist attacks.

On August 7, 1998, agents of Osama bin Laden orchestrated near simultaneous vehicular bombings of the United States embassies in Nairobi, Kenya, and Dar Es Salaam Tanzania. Twelve American Government employees and family members were killed and several others were injured as a result of these bombings.

Mr. Speaker, H.R. 3375, the Embassy Employee Compensation Act, directs the Attorney General to provide compensation for those American government employees and family members through the Special Master appointed to administer the September 11 Victim Compensation Fund of 2001. The bill would authorize payments under the same standards for payments that are applied to people receiving payment under the September 11 fund. In the case of a deceased individual, the bill would allow relatives of that individual to be compensated under the same standards as well.

Mr. Speaker, H.R. 3375 is a matter of fairness and equity. It allows victims of the bombings of the U.S. embassies access to the same compensation system available to those killed or injured during the September 11 attacks in the United States by agents of Osama bin Laden.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank both the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Missouri (Mr. BLUNT) for helping to rescue this legislation. There have been several unsuccessful attempts over the past 4 years to recognize and compensate the families of those who lost their loved ones.

Mr. Speaker, I rise as an original cosponsor in support of H.R. 3375, because this bill provides much-needed, but long-delayed, compensation for the victims of U.S. embassy bombings several years ago.

In 1998, two U.S. embassies were bombed in Africa, one in Kenya and one in Tanzania. Agents of Osama bin Laden orchestrated these bombings, costing the lives of over 220 persons, including 12 American citizens. These attacks represent attacks against America and need our attention.

As we all know, embassy personnel are often targeted because they represent the United States in a foreign country. The families of those victims have never been compensated. While foreign service officers assume a reasonable level of risk in accepting a foreign assignment, they should not have to bear the burden of murder at the hands of terrorists without compensation for their surviving families.

The fact that those families have, to date, received no compensation is even more alarming in light of the fact that the families of those killed in the accidental bombing of the Chinese embassy in Serbia in 1999 received $1.5 million each. I agree with the United States decision to provide compensation for these families, but we must not neglect the families of Americans lost in Kenya and Tanzania.

Regrettably, in East Africa the State Department failed to comply with its own regulations to warn embassy personnel that intelligence information confirmed the existence of active terrorist activity in that area. The State Department also disregarded the repeated requests of the Kenya ambassador for greater security to protect the embassy and its personnel. It is a travesty that these disregards of policy may have contributed to a loss of American life. It is a shame that we have not acted sooner to compensate these families.

This bill will provide that the embassy bombing victims will receive compensation on the same basis as compensation is provided to victims of the September 11 terrorist attacks. They would go through the process administered by the Special Master that is used by all victims of the September 11 terrorist attacks.

Any person filing a claim under H.R. 3375 would waive all rights to civil suit in Federal or State court, except as to suits to collect collateral source obligations such as life insurance, pension funds, and death benefits. Any award received under the fund will be reduced by any other amount of compensation of the claim it has received or is entitled to receive as a result of the bombings.

Mr. Speaker, I urge my colleagues to support this bill. It provides a logical approach to this long-awaited compensation.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished deputy majority whip.

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me this time and for bringing this bill to the floor today. I also want to thank the gentlewoman from California (Ms. WATERS), my good friend, for her comments about this bill and her support of this bill, and the gentleman from Maryland (Mr. WYNN), who, along with me, initiated this legislation. We were joined by over 40 of our colleagues as we look at one of the real forgotten results of the terrorism of Osama bin Laden.

This is the same group that attacked our citizens on September 11. It is led by the same person. They took credit for these embassy bombings. These embassies, as all embassies anywhere in the world, are considered U.S. territory, American soil. So Americans were killed on American soil. Al Qaeda and Osama bin Laden immediately came to the forefront and took credit for what happened in Kenya and what happened in Tanzania, what happened that ripped the lives of the families of these 12 individuals apart, just as what happened on September 11 ripped the lives of families apart in ways that can never be fully compensated.

□ 1145

What we do in this legislation is respond in a way that is fair, respond in a way that is equitable, respond in a way that I believe to be appropriate, as August 7, 1998, is exactly analogous to September 11, 2001. It did not affect Americans in the same way at the moment because it was not next door, it was halfway around the world; but it was halfway around the world on American soil. It was halfway around the world with cowardly terrorists who immediately stepped forward to say, We did this and we are proud of it. It was halfway around the world because our country and our citizens were targets.

From my district, Army Staff Sergeant Kenneth Hobson, the son of Kenneth and Bonnie Sue Hobson of Lamar, Missouri, was a victim of this attack.

One of my daughter Amy's law school classmates, Edith Bartley, lost her father and her brother in these bombings; and since a time shortly after the bombings many of us have talked with the victims' families about what we could do and what we could encourage the State Department to do.

Prior to September of last year, there was no formula in place for this exact same kind of incident. This is only fairness to include these 11 families, 12 victims from 11 families, and others who were injured in what happened, other Americans who were injured in what happened at these two embassies, to include them under the same compensation review that we created last September.

There is no reason for these families to have to go to court unless they choose to go to court. That is available to all the families from September 11, and it is available to these families, as well; but this gives families an opportunity to have some appropriate compensation without having to once again challenge their lives by needlessly going to court, having to prove that there is some damage by some institution when we know who the damage is from. The damage was from al Qaeda, and the damage was from Osama bin Laden.

This treats these 11 families and others of injured Americans exactly as we are treating the families that were affected by September 11. We did not do it as quickly, but hopefully we will do it as well.

Families who have a case in court today can say, if they choose to, I want to walk away from this case in court. I want to go to the Special Master. All we want is fairness and equity. We want to get on with our lives, but we also want to do that with a government that appreciates the lives of Americans representing their country overseas who gave their lives in a cowardly attack on Americans at work representing us on August 7, 1998.

I am, again, grateful to all those who have worked to get this to the floor today. I urge my colleagues to vote for it. I appreciate all my colleagues who have joined with me as cosponsors to try to bring equity and fairness to these families, and that will be the result of this debate today, I hope.

Ms. WATERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for both her leadership and her persistence in the effort, along with the sponsors of the bill, the chairman and ranking member on this legislation.

Mr. Speaker, this legislation came through the Subcommittee on Immigration and Claims of the Committee on the Judiciary, on which I serve as ranking member; and I realize the journey it has had to travel. I want to applaud the persistence, as I said earlier, of the gentlewoman from California (Ms. WATERS), but particularly I want to emphasize that this is a question of equity and fairness. I saw the tears and the pain of the families who came before us, who had lost their loved ones in the tragic event, I guess sort of the indicator of what might come, the tragedy of the bombings of the embassies in Kenya and Tanzania.

We were somewhat unfamiliar with this kind of assault on American lives, and I believe this legislation, H.R. 3375, says two things: first, that there is no unequal American under the sun; and as our hearts go out to the victims of September 11, we could do no less in providing a master procedure for these families, some of whom or one particular young lady who lost a father and a brother. I will never forget Edith Bartley, a constant fighter helping to bring justice to these families. She constantly came to present her case, not only for her family, but on behalf of the families of all of the victims.

We know that the notice, if you will, the information did not descend to the ambassadors of those particular embassies to realize that there was some indication of an attack. We now know that Osama bin Laden has his hand everywhere. Whether he lives or not, he lives to do terrible, horrific, and deadly crimes. Because he lives to do that, we must stand with those who have suffered.

So I ask my colleagues to support this out of fairness. I do want to note that the monies given to those who lost their lives in the accidental bombing of the Chinese embassy got $1.5 million. We can do no less for these particular Americans.

I want to again applaud those whose initiative kept this legislation in the forefront of the legislative agenda. I ask my colleagues to unanimously support H.R. 3375.

Mr. Speaker, I rise to support H.R. 3375. This legislation would make whole the victims of the bombings at the U.S. Embassy in Nairobi, Kenya, and of the U.S. Embassy in Dar es Salaam, Tanzania, on August 7, 1998. The legislation is a form of equity for more than 260 persons killed in these bombings. The measure would apply the same system to pay for the Africa bombing victims as the methods used to compensate families of victims of the September 11 suicide attacks.

Since the September 11 attacks, victims of the Africa bombing victims have noted the discrepancies between their compensation and that given to families of September 11 victims and themselves. Under the legislation, the Africa bombing victims and families—who have not received Federal compensation to date—could receive money determined by a special master who would figure the amounts. In turn, families would forego their rights to sue for punitive damages.

Let us pass this bill and provide the aid that we should have done earlier.

Ms. WATERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 3375, the Embassy Employee Compensation Act. The acts of terrorism against United States citizens and other innocent persons unfortunately did not begin on September 11. In 1998, the U.S. embassies in Kenya and Tanzania were bombed and destroyed by terrorists associated with al Qaeda and Osama bin Laden. U.S. citizens and many Kenyan and Tanzanian residents were killed in these bombings. This bill would allow those victims to be treated the same way as other victims of the same terrorist organization on September 11.

This bill goes a long way to try to close a sad incident in our history; but this bill would not have become a reality without the work of Edith Bartley, and I would like to take a moment to recognize her efforts.

In 1998, Ms. Bartley's father, Julian Bartley, Sr., was a counsel general in the Kenyan embassy. Her younger brother, Julian Bartley, Jr., was interning in the Kenyan embassy that summer. Both were killed during that bombing.

In the memory of all of the victims of those bombings, Edith Bartley started a campaign to remember and pay tribute to them. She was the driving force behind the bill we are considering today, which would treat the victims of the two embassy bombings in East Africa and their families the same way as our other more recent victims of the same terrorist organization.

I would like to commend and recognize the gentlewoman from California (Ms. WATERS) for her hard work on this bill, and also the chairman of the Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his efforts in passing the bill. There are many others who are associated with the bill that we would also like to thank.

But on this day, when we remember all of the victims of the embassy bombings, we reaffirm our commitment to treating all of our victims of terrorism and their families equally. I urge my colleagues to support the bill.

Ms. WATERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. BOYD), a gentleman who has worked very hard and has several constituents that were lost in that bombing.

Mr. BOYD. Mr. Speaker, I thank the gentlewoman for yielding time to me. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), along with the gentlewoman from California (Ms. WATERS), for their efforts to get us to this point today, and also thanks to the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. WYNN) for their efforts on behalf of this legislation.

As an original cosponsor of this legislation, I am honored to speak in support of H.R. 3375. We have heard a lot about why we have the legislation and what it does, so what I want to do is I would like to focus my comments on telling Members a little bit about two of the 12 Americans that gave their lives on behalf of our country on that day, on August 7, 1998. Both of these service people, these servants, American servants, were killed in Nairobi, Kenya.

Air Force Master Sergeant Sherry Lynn Olds of Panama City has often been described by friends and family as very independent, industrious, caring, and thoughtful. She joined the Air Force after graduating from junior college, followed in the footsteps of her father, who is a retired civil servant.

According to her mother, Sergeant Olds had at least two ambitions: she wanted to see the world, and she wanted to finish her education. Sergeant Olds did both, eventually receiving a degree from the University of South Carolina. She had been assigned to the embassy in Kenya for 1 year, and had just returned to Nairobi in June, 1998, after spending 2 months attending the NCO school in Alabama. This course would make Sergeant Olds eligible for an eventual promotion to achieve Master Sergeant.

At the time of her death, she was assigned to the Air Force Security Element at the embassy in Kenya, and was 40 years old. Sergeant Olds is survived by her parents, Delbert and Mary Olds of Panama City.

Marine Sergeant Jesse N. Aliganga of Tallahassee was born in Oakland, California, and grew up in Pensacola, Florida. He was an energetic and ambitious young man who liked drawing, reading, Greek mythology, playing the saxophone in his high school band, and collecting comic books.

Sergeant Aliganga had wanted to make sergeant in his first tour of duty in the Marine Corps, and he accomplished that goal in July of 1998. He had recently signed a 30-month extension in the service to become an embassy guard.

After postings in Okinawa, Japan, and Camp Pendleton, California, Sergeant Aliganga completed the security guard school in Quantico, Virginia, and was sent to Nairobi. At the time of his death, he was assigned to the Marine Security Unit at the embassy in Kenya and was 21 years old. Sergeant Aliganga is survived by his mother, Clara, and his sister, Leah Colston, both of Tallahassee.

In light of the attacks of September 11, Mr. Speaker, this is obviously a very painful and difficult time for many of these families that were affected by past terrorist attacks. Several of us in Congress have been trying for the past 3 years to enact a just-compensation system for the families of the embassy bombings.

I am grateful, again, to the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentlewoman from California (Ms. WATERS), and the gentleman from Missouri (Mr. BLUNT), and my other colleagues here today for coming together and devising a system that will simply use the process that is in place for the victims of the attacks on the World Trade Center and the Pentagon.

It is only fair, given that the evidence for responsibility of these horrible events points to Osama bin Laden and the al Qaeda network, that the victims of the attacks on our embassies and the victims from New York, Pennsylvania, and Virginia are treated equally.

Therefore, I urge my colleagues to vote for H.R. 3375.

Ms. WATERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Maryland (Mr. WYNN), another gentleman who has worked very hard.

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, let me begin by also thanking her for her leadership in this very important effort. I would also like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his outstanding work, but I would particularly like to note the work of the gentleman from Missouri (Mr. BLUNT) in making this legislation possible and in getting it to the floor today.

Mr. Speaker, as we compensate the many families who have suffered and lost loved ones on September 11, we must never forget the American families who lost loved ones in the African embassy bombings.

On August 7, 1998, two truck bombs exploded minutes apart, killing 224 people at the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. The victims of the embassy bombings were killed by a madman under the same cold-blooded direction that resulted in the deaths of thousands of people on September 11: Osama bin Laden and his terrorist network.

I strongly support H.R. 3375, the Embassy Employee Compensation Act, which would allow the American family members of the African embassy victims to receive compensation under the same procedure provided for the families of the victims from the September 11 attacks.

The September 11 Victims Relief Fund was authorized under the aviation bailout bill enacted in September. Under that bill, the victims or the families of those killed may apply for tax-free relief from the Federal Victims Compensation Fund.

□ 1200

Like the September 11 Victims Compensation Fund, the African Embassy Victims Compensation Act would authorize a special master established by the current victims' funds to consider appropriate compensation for the families of embassy victims under the same process as the families of the victims of September 11.

Three embassy bombing victims with strong ties to Maryland lost their lives in the horrific bombing in Nairobi, Kenya. Jean Dalizu, age 60, was an executive assistant in the U.S. Liaison's Office killed in the embassy. She is survived by her son, Lawrence Hicks, a resident of Capital Heights, Maryland, in my district. Two victims from Bowie, Maryland, Consul General Julian Bartley, 55, and his son, Jay Bartley, 20, were killed in the embassy as well. Mr. Bartley had 3 decades of government service in several countries and his son was working in the embassy during the summer. Mr. Bartley had also worked as a congressional fellow on Capitol Hill which is where I met him.

I urge my colleagues to vote in favor of H.R. 3375. We must do everything to assist the families of the African embassy bombings. While monetary compensation will not bring back the lives of loved ones, it will help families move forward. This is a case of fairness, equitable compensation but, most importantly, it is a case of compassion.

Ms. WATERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LINDER). The gentlewoman from California (Ms. WATERS) has 6 minutes remaining.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE) who has worked hard on this issue.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 3375.

Mr. Speaker, it has been 4 years since the Kenyan and Tanzanian embassy bombings and it is long past the time that the United States compensates the individuals or the families of those who were injured or killed in the bombings. This is way overdue and I thank the gentlewoman from California (Ms. WATERS) for her leadership.

These individuals and families will forever suffer. This is the least that we should do. As we seek to compensate the embassy employees, the United States must not forget over 4,000 Tanzanian and Kenyan nationals who were also injured in the embassy bombings. These foreign nationals were a productive part of their countries' labor force. Now many of them also have been injured so severely that they are physically unable to contribute to their communities or provide for their own livelihood.

I am introducing legislation that would provide relief for those individuals and urge my colleagues to join us also in supporting the African nationals who have been equally affected by the embassy bombings. Once again, I thank my colleague from California for her persistence and steadfastness in working in a bipartisan way. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for working together to make sure that this legislation came to the floor.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in strong support of this act and hope that it will be administered very much in the same way that the Victims Compensation Act that already exists is administered.

I think the Victims Compensation Act that we passed several months ago was a great landmark for America, a great landmark in terms of celebrating the spirit of the Great Angels. I think I have said before that there is a schizophrenic personality in our Nation, the Great Angels and the Giant Scrooges. The Giant Scrooges' spirit is expressed in the fact that we sometimes demonize welfare mothers and children and we refuse to pass a minimum wage bill. On the other hand, we do have great generous acts that are unparalleled in history, and throughout the world you will find people no more generous than Americans and America as a nation. I think the Victims Compensation Act that was passed in connection with the September 11 tragedy was an example of that generosity.

The formulas that were worked out by the master for that should stand for all time, and it should be the pattern. There are people who have some difficulties with certain aspects of it but they are working it through.

And, finally, I hope we will have a pattern that we can use in the future and we will not have a situation where the victims of the embassy bombings in Kenya and Tanzania have had to wait for 4 years to get a hearing on the floor of Congress, and even now it is not certain what the procedure will be.

Let us let the Great Angels spirit that prevails in the case of September 11 victims stand for all time as an example of how generous our Nation can be, recognizing that all Americans are in this together. And when we make sacrifices, we are willing to take care of those who are left behind.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) is recognized for 2½ minutes.

Ms. WATERS. Mr. Speaker, I have no other speakers and I would just like to say in closing that this is one of our finer moments. We have a lot of problems in our society and there are many of us who are oftentimes criticizing this body and even some of our colleagues; but it is moments like this that help you to understand that no matter how long it takes, no matter how difficult it is, that if we are persistent we can indeed do the right thing.

I would like to thank one young lady who is not a Member of this House, who happens to be the daughter of and the sister of two of the victims, Miss Edith Bartley. She worked so very hard. She never gave up. She went from Member to Member to Member, telling the story over and over again. And whenever we had a failed attempt in some committee, she never despaired. She came back and she would start all over again.

So I am delighted, Mr. Speaker, that on this day on the floor of this House we have the opportunity to pass this legislation that will take care of those bombings that took place in Africa 4 years ago. That was the tip of the iceberg for the work of Osama bin Laden and al Qaeda. And I guess if we had been wise enough, if we had been visionary enough to be able to follow what was happening and to connect the dots, perhaps things would have been a little bit different here in the United States. But let me just say today we kind of make up for the long wait for the families of those victims. And in saying that, again, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership. He did not have to take this bill up. He did. And he provided assistance to all of us. I would like to thank my colleague, the gentleman from Missouri (Mr. BLUNT) and all of the other Members who are original co-sponsors and who have worked so hard to make sure there is some justice for these families.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is a matter of simple equity. That is to give the United States citizens who are the victims of the al Qaeda strike in East Africa in 1998 the same rights to get funds from the special master as those who are the victims of the al Qaeda strikes on September 11 in New York City and at the Pentagon.

Now, perhaps the al Qaeda strikes in East Africa went under the radar screen with most Americans as well as many Members of Congress. But those two embassy properties, one in Nairobi, Kenya, and the other in Dar es Salaam, Tanzania, are just as much the sovereign territory of the United States of America as the land on which the World Trade Center rested and the land on which the Pentagon rests today. So passing this bill will mean that we do not have different strokes for different folks depending upon whether the people were killed by al Qaeda in East Africa or whether they were in New York City or in Northern Virginia. So, as a matter of equity, as a matter of fairness, and as a matter of preventing different strokes from happening for different folks, I would urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3375.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENCOURAGING WORK AND SUPPORTING MARRIAGE ACT OF 2002

Mr. WELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4626) to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit, as amended.

The Clerk read as follows:

H.R. 4626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Encouraging Work and Supporting Marriage Act of 2002".

TITLE I—ACCELERATION OF MARRIAGE PENALTY RELIEF

SEC. 101. ACCELERATION OF INCREASE IN STANDARD DEDUCTION FOR JOINT RETURNS.

(a) In General.—Paragraph (7) of section 63(c) of the Internal Revenue Code of 1986, as amended by section 301 of the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended to read as follows:

"(7) Applicable percentage.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable percentage is—***
2003 or 2004	*170*
2005	*174*
2006	*184*
2007	*187*
2008	*190*
2009 and thereafter	*200.".*

(b) Conforming Amendment.—Subsection (d) of section 301 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "December 31, 2004" and inserting "December 31, 2002".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

TITLE II—MODIFICATIONS TO WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT

SEC. 201. MODIFICATIONS TO WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Eligibility of Ex-Felons Determined Without Regard to Family Income.—Paragraph (4) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(b) Increase in Maximum Age for Eligibility of Food Stamp Recipients.—Clause (i) of section 51(d)(8)(A) of such Code is amended by striking "25" and inserting "30".

(c) Clarification of Treatment of Individuals Under Individual Work Plans.—Subparagraph (B) of section 51(d)(6) of such Code (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met."

(d) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2002.

SEC. 202. CONSOLIDATION OF WORK OPPORTUNITY CREDIT WITH WELFARE-TO-WORK CREDIT.

(a) In General.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following new subparagraph:

"(I) a long-term family assistance recipient."

(b) Long-Term Family Assistance Recipient.—Subsection (d) of section 51 of such Code is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) Long-term family assistance recipient.—The term 'long-term family assistance recipient' means any individual who is certified by the designated local agency—

"(A) as being a member of a family receiving assistance under a IV–A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

"(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

"(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

"(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

"(ii) as having a hiring date which is not more than 2 years after the date of such cessation."

(c) Increased Credit for Employment of Long-Term Family Assistance Recipients.—Section 51 of such Code is amended by inserting after subsection (d) the following new subsection:

"(e) Credit for Second-Year Wages for Employment of Long-Term Family Assistance Recipients.—

"(1) In general.—With respect to the employment of a long-term family assistance recipient—

"(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 40 percent of the qualified second-year wages for such year, and

"(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed $10,000 per year.

"(2) Qualified second-year wages.—For purposes of this subsection, the term 'qualified second-year wages' means qualified wages—

"(A) which are paid to a long-term family assistance recipient, and

"(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

"(3) Special rules for agricultural and railway labor.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

"(A) such subparagraph (A) shall be applied by substituting '$10,000' for '$6,000', and

"(B) such subparagraph (B) shall be applied by substituting '$833.33' for '$500'."

(d) Repeal of Separate Welfare-to-Work Credit.—

(1) In general.—Section 51A of such Code is hereby repealed.

(2) Clerical amendment.—The table of sections for subpart F of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 51A.

(e) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. WELLER) and the gentleman from Massachusetts (Mr. NEAL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring H.R. 4626, legislation sponsored by my friend, the gentleman from New York (Mr. HOUGHTON) and myself, legislation called the Encouraging Work and Supporting Marriage Act of 2002 to the floor today.

This is important legislation because it helps American families in two ways. First, it makes marriage penalty relief more quickly available to 21 million low and moderate income married working couples. Second, it facilitates the transition from welfare to work by simplifying the work opportunity and welfare-to-work tax credits and making them easier for employers as well as employees to use.

This past year, in what we know as the Bush tax cut, last year's tax law, which President Bush signed into law June of 2001, it phased out the marriage tax penalty for 43 million married working couples. It included a phaseout of marriage penalty relief particularly targeted to low and moderate income married couples which we include in today's legislation which resulted from the doubling of the standard deduction which was to begin in the year 2005.

This legislation before us today accelerates this relief for low and moderate income married working couples by increasing the standard deduction for joint filers to twice that for singles and reducing the marriage penalty by many low and middle income Americans beginning next year in 2003. It is estimated that 9 million American married couples currently use the standard deduction. With this legislation they will begin to see marriage tax relief next year instead of in 2005 as originally planned.

H.R. 4626 will also help simplify the tax code. With an earlier phaseout of the marriage tax penalty, 300,000 married working couples who now use the standard deduction instead of itemizing their taxes next year will be able to use the standard deduction and no longer need to itemize. Again, 300,000 married working couples will see their taxes simplified as a result of this marriage tax penalty relief in this legislation.

Besides affecting the marriage taxes penalty, H.R. 4626 will also help simplify the work opportunity and welfare-to-work tax credits, two very successful programs which have given hundreds of thousands of low income Americans the opportunity to go back to work. As we have often said in this House Chamber, the best solution to welfare is a job.

And I would also note that President Bush recently traveled to Chicago, to my home State, and visited a United Parcel Services facility to highlight the success of this program which has given tens of thousands of Chicago area residents the opportunity to have a job, to have a chance to go to work and get off welfare. Current law provides a work opportunity tax credit to employers who hire individuals from 8 target groups that are considered hard to hire. Employers who hire long term TANF recipients can claim a separate welfare-to-work tax credit. The proposal would simplify the tax code to combine the 2 tax credits and conform most of their rules, making the credits easier for employers to use.

Additionally, this bill eliminates the family income tax for ex-felons under work opportunity tax credit. Under current law, employers can claim the work opportunity tax credit for hiring ex-felons only if he or she meets a complicated family income test which requires a State to document the income of all members in the ex-felon's household.

H.R. 4626 eliminates the family income tax for this group, thus simplifying the work opportunity tax credit and helping ex-felons transition into the workplace.

Finally, H.R. 4626 increases eligibility age limit for food stamp recipients. Under current law, employers can claim the work opportunity tax credit for hiring certain food stamp recipients between the ages of 18 to 25.

□ 1215

This proposal would increase the age to 3 and give more low-income individuals the opportunity to go to work.

Mr. Speaker, H.R. 4626 is a good bill. It has bipartisan support, and I would note that this legislation passed the House Committee on Ways and Means on a unanimous voice vote.

This legislation encourages the values we hold most dear: marriage, family, and hard work. I encourage my colleagues to vote for this bill to eliminate the marriage tax penalty more quickly for low-income and moderate-income married working couples and also help facilitate an easier transition from welfare to work.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I want to agree with what the gentleman from Illinois (Mr. WELLER) said a couple of moments ago, that this measure did indeed pass through the Committee on Ways and Means on a unanimous vote. So for the purpose of this moment, I think that we are really discussing the benefits of this legislation for the American citizenry.

What we should be debating, as opposed to just discussing here, is how we are going to pay for this tax relief. I am a supporter of the measure that is in front of us, and indeed the Committee on Ways and Means voted for it as well. But what we are not voting on here today, Mr. Speaker, and what we should be voting on here today, and what we have been prohibited from voting on for the last few weeks is a way to ensure that while providing for this tax relief that we do not steal from the Social Security and Medicare trust funds. That is what this House has to have a debate about, not simply a discussion.

Last week, the Republican leadership in the House withdrew consideration of this very important legislation, in my judgment, to protect a certain group that has been characterized as being financial traitors. We wanted to pay for this legislation, because we agree with the merit of what has been offered by the gentleman from Illinois (Mr. WELLER), by implementing provisions of H.R. 3884, the Corporate Patriot Enforcement Act, a bill authored by myself and the gentleman from Connecticut (Mr. MALONEY).

Knowing that this House would vote overwhelmingly to stop the exodus of American corporations to tax havens, the leadership of this House opted to impose procedural barriers to preclude our amendment.

Mr. Speaker, once again the New York Times highlighted yesterday morning on its front page what precisely is happening. The leadership in this institution continues to procrastinate. Our constituents around the country want Congress to act now to stop these corporations from shelving their patriotism to save a few bucks. And as we discovered yesterday, not only to save what they have claimed to be money for the shareholders, but we have now discovered what will happen to the salaries of the executives once they leave. It is unconscionable to have this occur at the same time when we could be taking a vigorous and measured response to end it.

The Neal-Maloney Corporate Patriot Enforcement Act would immediately and permanently shut down the exodus of American corporations to tax havens, and end benefits for those who set up shell headquarters in island countries to avoid U.S. corporate income taxes.

Again, the gentleman from Illinois (Mr. WELLER) is right. Hardworking American families are entitled to tax relief, but I am sure these families do not want to burden their children by placing our Social Security and Medicare trust funds and our budget at risk.

Let us pay up front for the Marriage Penalty Relief Act. Let us stop the procedural games and pass the Neal-Maloney bill to stop the corporate expatriates.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Briefly, in response to my friend from Massachusetts, I would note today's legislation before us is about giving welfare recipients the opportunity to go to work and providing greater marriage tax relief.

The issue of inversions that the gentleman from Massachusetts (Mr. NEAL) has brought up is an issue of bipartisan concern. I particularly want to commend my colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), for her leadership on this issue and sponsorship of H.R. 4756.

I would note the flaws in the gentleman from Massachusetts' (Mr. NEAL) proposal, some suggest may even promote foreign takeover of U.S. companies under the proposal that he has offered, and that is why out of fairness a hearing has been scheduled by the House Committee on Ways and Means on June 13. Also, as part of that hearing, we will be looking at a Treasury review and study which was released this past Friday.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HOUGHTON), one of the leaders of the welfare-to-work initiative.

Mr. HOUGHTON. Mr. Speaker, I would like to rise in support of H.R. 4626, and I would like to thank the gentleman from Illinois (Mr. WELLER) for all the great work he has done and also thank the gentleman from California (Mr. THOMAS) for his support and the whole broad parameter of encouraging work and supporting marriage.

This is a very simple and a straightforward piece of legislation. It improves the Work and Opportunity Act. It reduces the marriage penalty for lower-middle income people, and this is it. There are lots of things I would have gone over, but the gentleman from Illinois (Mr. WELLER) has described those very eloquently, and I will not try to duplicate his words. However, I would just like to mention several facts.

First of all, this bill combines the work and opportunity and the welfare-to-work credit, and while it increases the welfare-to-work credit from 35 to 40 percent, for the first year, very, very important feature here, it would also extend this 40 percent credit into the second year for employers who retain the workers. Also, it would expand incentives for vocational rehabilitation.

This is important. It would eliminate family income tests for ex-felons, which the gentleman from Illinois (Mr. WELLER) mentioned, and the test is a really significant impediment to hiring ex-felons.

Finally, the legislation would increase the age limitation for food stamps recipients from 25 to 30; and what this is going to do, it is going to assist many people, many men who should be taking advantage of the work opportunity tax credit, but where the current age limit prevents their eligibility.

So, Mr. Speaker, let me say this legislation is a good piece of work. It will increase the opportunity for those who want to work and the need to save and leave welfare for steady, long-term employment.

I appreciate my colleagues' understanding of this, and I appreciate the gentleman from Illinois' (Mr. WELLER) leadership.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), who has been a leader on this issue and question as well.

Mr. LEVIN. Mr. Speaker, I want to congratulate the gentleman from Massachusetts (Mr. NEAL) for bringing up this issue of how we pay for this legislation and urging that we use the Neal-Maloney bill to pay for it.

Once again, the Republican majority has come forth with an idea, in this case a good one, without paying for it except to divert Social Security and Medicare moneys. That is how they are paying for everything. As we dip more and more into debt, we use more and more moneys that are payroll taxes for Social Security and Medicare.

So what the gentleman from Massachusetts (Mr. NEAL) has suggested is let us pay for it with a good idea, and that is the Neal-Maloney bill; but my colleagues abuse our House rules by not letting us bring it up.

Once again, what they are saying is we will bring it up on suspension so there is no way to propose a good pay-for for a good idea. So they have a bad pay-for for a good idea. Why? They do not want up and down votes on these issues. They are going to do the same apparently or try to do the same on debt relief.

Look, we do not really need hearings. My colleagues have not held many hearings on many of these issues in the Committee on Ways and Means, and now the dodge for not taking up Neal-Maloney is let us hold a hearing. What I suggest is let us have some action.

The gentleman from Connecticut (Mr. MALONEY) has been out on the streets working this issue, right? The gentleman from Massachusetts (Mr. NEAL) has been talking about this issue for how long? A long time. It is time for action.

These are paper reincorporations, purely filing some paper to duck paying taxes to the United States of America. So if my colleagues really care about the American taxpayer, as they claim, they will let us bring up this proposal and it will pass; but instead, to kind of help out some people who are escaping taxes, they delay action on this, and it hurts the American taxpayer, the people that we represent.

So I want to salute the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Connecticut (Mr. MALONEY) for pressing this issue. Ultimately, we will prevail.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

I would remind my colleagues that today we are focusing on eliminating the marriage tax penalty and giving welfare recipients the opportunity to go back to work.

I would also note this legislation is paid for through the budget which the House has adopted which allows for an additional $28 billion in tax provisions. It is estimated this provision will cost $1 billion or less. So it fits well within those parameters and does not need to be paid for under the House-adopted budget.

Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH), one of our leaders on the Committee on Ways and Means, a distinguished gentleman who has been a real leader on bringing tax fairness to those married working couples, as well as giving opportunity to those who need to work.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for the recognition.

Listening with interest to the debate; and indeed those who may join us, either in the gallery, Mr. Speaker, or electronically across the country, and indeed, around the world, may view with curiosity the debate thus far.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). The gentleman will suspend. The gentleman will refrain from referencing the gallery or the TV audience.

Mr. HAYWORTH. Mr. Speaker, I apologize. Those who listen to our debate, and I thank the gentleman. It was not intentional to violate House rules. I thank the Speaker for his attention to discourse, and I will return to it right now.

Perhaps as the Speaker listens to the debate and as our colleagues in the Chamber listen to the debate, they might be mystified that what we have done is transform a debate on expanding opportunities for welfare to work and to lift the burden of the marriage tax penalty on those who need that help and thereby help bolster the institution of marriage to be caught up in the debate on other bills and other issues that we indeed will address in the days ahead. It is an interesting concept to focus on process in the House rather than content of the legislation.

The legislation before us today helps us simplify the Tax Code. It increases the standard deduction for married couples, 300,000 married couples, would allow them to claim the standard deduction on their tax return rather than itemize. That, in itself, is a major simplification.

It seems to me, Mr. Speaker, that we should work to emphasize policies that are family friendly, policies that would support marriage when we offer this economic incentive. It allows us to accelerate the lifting of the burdensome marriage tax penalty. It accelerates relief for 21 million married couples, and that is vitally important to offer them access to the American dream.

My friend from New York was here just moments ago in this Chamber, Mr. Speaker, addressing the entire concept of welfare to work, indeed to complement the legislation passed last week, to build upon a major success over the last half decade. We need to offer opportunities for people to get to work.

My colleague from Illinois said it best. The best social program, the best opportunity to lift the burden of poverty is to offer people jobs, to get them into the workforce, and enhancing the welfare-to-work tax credit increases an employer's incentive to hire long-term recipients of the temporary assistance to needy families.

□ 1230

This allows us to put people back to work.

Mr. Speaker, I would be remiss if I did not address something that has been repeated here time and again. It is important to clear up any misconception that may have been offered on the floor by my friends on the other side of the aisle. I appreciate their newfound adherence to what they believe to be sound fiscal policy, but the fact is this reasonable, rational, bipartisan reduction in taxes is allowed for in our House-passed budget resolution. Indeed, the budget resolution allows for a $28 billion reduction in taxation. We are not taking a penny, nor a dollar, nor a quarter nor a nickel, we are not going into Social Security and Medicare revenues to pay for this.

Indeed, as disturbing as it is, if that indeed is the charge, would our friends on the other side vote "no" to expand this tax relief, an opportunity for those who look to seize it? I hope that would not be the case.

I would hope, Mr. Speaker, that at the end of the day, they will rise and join us in support of this legislation.

Mr. NEAL of Massachusetts. Mr. Speaker, the previous speaker is quite correct. He did use the word welfare. It occurred to me that you will not catch that bunch that are currently moving to Bermuda sleeping on the grates when they get there. You can bet on that. The point that we raised earlier is this is merely a discussion of the issue, but we want, as Democrats, to have a substantive debate about these companies that are moving to Bermuda to avoid taxes, and who better to speak about it than the distinguished gentleman from Washington (Mr. MCDERMOTT) to whom I yield 3 minutes.

Mr. MCDERMOTT. Mr. Speaker, I was glad to come out here and join in the preparing the press-release-of-the-week event. The Republicans say, well, every week we have got to have something to put out in the press to confuse the public, so let us go vote another tax cut. It reminds me of that old saying, "Tonight we drink, tomorrow we'll fix the truck."

What are you drinking from? You are drinking from the tax cut cup. You are putting another billion dollars in the hole. And for anybody to get up at that other side of the well and say that that does not come out of Social Security means he has paid no attention to the fact that we are going to end this year $300 billion in debt.

Why add one more? Well, we have to have the press release, right? Even more, though, let me tell you what is going on here. The reason this is out here on the suspension calendar, with no hearings in the committee, just out on the suspension calendar, is because they did not want to bring it to the committee. They did not want to give the gentleman from Massachusetts (Mr. NEAL) the opportunity to raise the question of the runaway companies and paying for this particular option. There is no payment in here. This is just taken out of the Social Security. So the leadership on the Committee on Ways and Means said, I know how we can get around this uncomfortable situation that the gentleman from Massachusetts is going to put us in, forcing us to vote about whether we want people running away, creating paper companies and taking tremendous profits because they are no longer an American company. Why, one of them even in Connecticut, just recently, makes hand tools. They decided they would go to Bermuda, create a paper company. As luck would have it, there might be a member on the Committee on Ways and Means who would be embarrassed by having to vote on that issue. So the chairman said, "Don't worry, we'll never let it come up in the committee. We will send this directly to the floor."

At some point, somebody has got to talk seriously out here. You cannot blame the fact that a tool company goes to Bermuda on 9/11 or on the war on terrorism. Why would they be moving from Connecticut to Bermuda? Is it to get away from the terror in this country? They went there for tax purposes and everybody knows it. I could give you a list as long as my arm of companies doing it all the time to avoid paying taxes in this country. They want the protection of the United States, they want the military, they want us patrolling the oceans so that they can send their exports everywhere, but they do not want to pay for it.

I wish that I would hear the President of the United States say, "We all have to make a sacrifice, we all have to pay taxes," and that he would say it to his friends in Bermuda, "Come on home. Pay your share."

This is a terrible bill.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Responding briefly to my colleague from Washington State, a friend of mine on my committee, being a member of the House Committee on Ways and Means, I would note that today's debate is whether or not we more quickly phase out the marriage tax penalty, and do we make it easier for those on welfare to go to work. I realize that with a hearing coming up on June 13 that the gentleman from Massachusetts (Mr. NEAL) requested and agreed to and, of course, on an issue that the gentlewoman from Connecticut (Mrs. JOHNSON) has been a leader on, that we are planning to have plenty of debate and discussion of the issue that they are raising. The bottom line is today we want to eliminate the marriage tax penalty, and today we want to help those who are on welfare go to work.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH), a worthy successor to McCormick and O'Neill, newly elected here from South Boston.

Mr. LYNCH. Mr. Speaker, in response to my esteemed colleague from Arizona, I think this is a perfect time to talk about correct tax policy in this country. I think you will find widespread agreement that there is support for reducing the marriage penalty. It is a sensible adjustment to our tax code. However, I think you will also find widespread agreement here that stopping American companies from avoiding their fair share of taxes by incorporating into offshore tax havens is also a sensible adjustment to our tax code.

Mr. Speaker, I rise in support of the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Connecticut (Mr. MALONEY) and their recommendation entitled the Corporate Patriot Enforcement Act. Unfortunately, the Republican leadership is not allowing us to debate that bill today. We quite frankly are in a time of great challenge in this country. It is a time when we should set aside our partisan squabbling and pull together and do what is necessary, do what is right for this country.

There are some Americans, however, Mr. Speaker, who seem to feel that the burden of defending our country should fall rather lightly on them. In the last few years, we have seen a growing epidemic of companies voting to, quote, unquote, reincorporate themselves in Bermuda, in Barbados, in offshore tax havens, asking us to believe that buying a post office box in Bermuda or Barbados is a legitimate way to avoid paying to support our efforts against terrorism, paying to support our troops overseas. Profits and jobs are shipped abroad by this process. Those profits are not reinvested in the United States. And it leaves their share, these runaway corporations, it leaves their share of the tax burden to fall unfairly on those companies and individuals who are too honest and are too patriotic to engage in these kinds of schemes.

Mr. Speaker, the executives of these companies have practically dared Congress to shut down their offshore tax schemes. I believe we should take them up on that challenge.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

To briefly respond to my friend and colleague from Massachusetts, again today's debate is about do we more quickly eliminate the marriage tax penalty, and do we give thousands, if not millions, more of those who are on welfare the opportunity to go to work? I would note that the issue that has been raised, of course, has been an issue that has been led on by the gentlewoman from Connecticut (Mrs. JOHNSON), and as the gentleman from Massachusetts (Mr. NEAL) and the gentlewoman from Connecticut (Mrs. JOHNSON) have both requested, the committee will be addressing this on June 13.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

They won't give us a vote in this institution on this measure, the Corporate Patriot Enforcement Act. This is the way we have to do it. I will assure the folks on the other side of the aisle this is the way we are going to continue to do it until we get an up-or-down vote on this question.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MALONEY) who has been a leader on this issue. He knows it firsthand and indeed has been a passionate critic of what these corporations are doing in an effort to scheme to avoid taxes.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of H.R. 4626, the legislation before us today. It is a good measure, but it could be substantially better. This debate is about our tax policy. Tax policy very much is in question. Last month while citizens of this country were paying their income taxes, some of America's largest corporations decided they no longer wanted to pay their fair share of U.S. taxes. Instead, they sought out a loophole and are trying to exploit it for their own gain. For little more than the cost of a post office box in an offshore tax haven like Bermuda, U.S. companies are trying to avoid millions of dollars in Federal taxes. The tax dodgers may set up paper headquarters in Bermuda, but they continue to operate in the United States. They still receive Federal, State and local services such as police, fire and schools and, of course, they still rely on the protection of our courageous armed services here at home and around the world. The only difference is they now get it all for free while U.S. citizens and loyal U.S. companies continue to pay the bill. This is unpatriotic, especially in light of our current economic situation. We are now seeing a major growing budget deficit, expected to be as much as $100 billion this year. The huge Federal surplus we had only a year ago has been entirely wiped out, mostly because of erroneous, irresponsible tax policy. So critical programs like Social Security and Medicare are in serious jeopardy just as the largest generation in the history of this country is getting ready to retire.

Stanley Works in Connecticut, which has been alluded to previously, stamps "USA" on its products while at the same time ships its jobs overseas, ships its corporate entity to Bermuda, and will end up evading virtually all of its U.S. taxes. But that is not the end of the outrage that we face. I had previously noted that the U.S. Treasury and small shareholders will have to bear the brunt of this unfair tax scheme. In fact, if this tax dodge goes through, individual Stanley shareholders will have to pay an estimated $150 million in additional capital gains taxes. But yesterday's New York Times reported on the real scope of this outrage, and I quote:

"Even if their shares rose 11.5 percent, they, the shareholders, will barely break even after taxes. At Stanley Works, the CEO stands to pocket an amount equal to 58 cents of each dollar the company would save in corporate income taxes in the first year."

That is $17.4 million of an estimated $30 million in savings out of the Treasury into the CEO's individual pocket. Additionally, the CEO, if he receives all of the options he is eligible for under the current plan, would gain $385 million by exercising those options. The CEO is raiding the U.S. Treasury at a time of war at the expense of the taxpayers of this country and the shareholders that the CEO is supposed to represent. The gentleman from Massachusetts (Mr. NEAL) and I have offered legislation on this issue. We call on the majority to allow it to be brought forward for a vote.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

I would briefly like to remind the gentleman from Connecticut that the Committee on Ways and Means will be conducting a hearing on this subject which he raises. I also note that the gentlewoman from his home State Connecticut (Mrs. JOHNSON) has been a leader on this issue with the legislation that she has offered, H.R. 4756. That legislation, as well as the gentleman from Massachusetts' legislation, will be the subject of the Committee on Ways and Means hearing on June 13.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

We have a request for $48 billion more for national defense which the President is going to largely get, $38 billion more for homeland security, and these corporations are moving to Bermuda rather than joining in with the rest of the American family and paying their share.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the tragedy of September 11 really brought out the best of the American spirit, with so many people across this country asking, "What can I do to help my country? What can I do to help my neighbors?" But unfortunately that spirit did not extend to some of the larger multinationals in this country. Recognizing that there would be additional costs for national security, for homeland security, their first concern seems to have been, "What can I do to dodge my fair share of the cost of additional security, which, as a multinational operating around the globe, I particularly need?

□ 1245

So we have seen a series of companies decide that their sacrifice for America would be buying a mailbox in Bermuda or some other country and would shift the responsibility of paying for our enhanced national security needs on to ordinary taxpaying families.

Stanley Tool Company, which the gentleman from Connecticut (Mr. MALONEY) and the gentleman from Massachusetts (Mr. NEAL) have taken the lead in focusing attention on the problem and demanding action now. Our Republican colleagues prefer studying the problem until so many corporations have departed.

Stanley Tool Company has hammered the American taxpayer. Who do you think is going to pick up the cost of this additional national security? It will not be Stanley Tool. They renounced their American citizenship like these other companies and decided they would go abroad, or at least send their mailbox abroad.

For our Republican colleagues, who never seem to have met an abusive tax shelter that they did not like, this is only one of many types of corporate tax shelters that are abusive and they have avoided taking any action on, but instead tell us that what we need is a study. Well, I have here the study that the Treasury Department just completed on Friday, and if you look in the fine print of that study, you will find one very significant conclusion. The conclusion of the Treasury Department is that we ought to keep multinational corporations from having to send their mailbox abroad by awarding further corporate tax breaks. Treasury's answer is, cut Stanley Tool Company's taxes here so they do not have to pay for a mailbox abroad.

That is not sharing the sacrifice. "Study" has been an excuse for inaction, and the call for study this morning invites more inaction. If we keep studying, as they recommend, the only appropriate legislation for this Congress to enact would call to erect a big sign that says: "Let the last multinational flip off the lights in America."

I would say that the gentleman from Illinois (Mr. WELLER) is absolutely right about saying that today this debate is about the marriage penalty. It is about the marriage penalty that all of America suffers when the House Republican leadership and this Administration are married to special interests, even to the extent that they let them totally dodge their tax responsibility and instead turn to the Social Security and Medicare trust funds to pick up the tab. That is wrong. That is the kind of a marriage penalty we need to be addressing today by adopting the Neal-Maloney legislation.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, briefly responding to the dialogue of my colleague and member of the Committee on Ways and Means, I would note again that he is absolutely right. Today's debate is about eliminating the marriage tax penalty, simplifying the Tax Code for low- and moderate-income working married couplings.

This debate is also about whether or not we give hundreds of thousands, if not millions, of welfare recipients the opportunity to have a job, to have a chance. That is what this debate is about.

I realize there are some who came here to practice campaign rhetoric; it is a campaign season. And the Committee on Ways and Means is conducting a hearing on the issue that the gentlemen and women on the other side have raised this morning.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself the balance of my time to close.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Massachusetts is recognized for 1½ minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, an editorial from the Hartford Courant on May 14 said: "Guess who will wind up picking up the tab as a result of Stanley's tax avoidance? Other American taxpayers, of course."

The New York Times on May 13 wrote: "Even in the best of times, it is outrageous for companies to engage in offshore shenanigans to avoid paying their fair share of taxes. Doing so after the Enron scandal, in dire fiscal times and when the Nation is at war is unconscionable."

How about the Houston Chronicle on May 9 which stated: "American companies that have no headquarters, no employees or operations in foreign tax havens should not be able to lower their taxes by acquiring an island post office box. Basic fairness to American companies that remain incorporated in America is at stake."

How about the Springfield Union News editorial on May 7: "When a U.S.-based corporation decides to reincorporate, basing its operations in, say, the Cayman Islands when the company has little more than a mailbox there, it can legally avoid millions of dollars in taxes, there will come no better moment than this one as an opportunity to right a wrong. We look forward to a floor vote on this matter."

How about Paul Krugman writing in the New York Times: "Flying the flag of convenience and seeking rewards."

Or columnist Jeff Brown in the Philadelphia Inquirer: "Yet Stanley won't have to pay its fair share for the good life and safe business climate that we have created for all of them. It shouldn't be allowed to get away with this."

And one might ask, will it play in Peoria? Let us try the editorial from the Peoria Journal Star as well: "Tax policy of this sort is outrageously offensive, if not masochistic. It penalizes businesses that have ethically and responsibly done their part and rewards those that do not."

Mr. Speaker, we would like a vote on our side on the question of these companies moving to Bermuda in this time of war. We want an opportunity to voice to the American people the concerns that they have expressed to us through a vote in this Chamber to stop corporate expatriation.

Mr. WELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in support of the Encouraging Work and Supporting Marriage Act of 2002, legislation that accomplishes two goals, that is, a quicker phase-out of the marriage tax penalty for low- and moderate-income workers, and increasing the opportunity for those who are on welfare to have a chance to have a job. That is what this debate is all about.

I know there are other issues that have been raised by some that are in the "excuse caucus" of the Democratic Party, who believe there is always an excuse not to do these things. But today we wanted to eliminate the marriage tax penalty. Today we want to increase the opportunity to help those who are on welfare go to work.

Let me give you an example of a couple from the district that I represent who suffer the marriage tax penalty, a result of the complicated Tax Code that we have had and, until President Bush became President, was in place, and thanks to President Bush and the Republican leadership as well as Republican majority in this House of Representatives, we eliminated the marriage tax penalty. Unfortunately, it had to be phased out, we could not do it all at once; but we passed legislation to accomplish that.

Jose and Magdalena Castillo are two laborers from Joliet, Illinois. They are both in the workforce. Because they are married, they file their taxes jointly, it pushes them into a higher tax bracket, they pay the marriage tax penalty, about $1,150 in higher taxes just because they are married. But thanks to the Bush tax cut, which resulted from a Republican majority in this House, Jose and Magdalena Castillo no longer pay the marriage tax penalty.

Today we want to help millions of couples such as Jose and Magdalena Castillo by phasing out the marriage tax penalty more quickly. For those who are low- and moderate-income taxpayers, those who do not itemize, in the phase-in they were not going to receive the full impact of the elimination of the marriage tax penalty to them until 2005.

What we have before us today is legislation that eliminates the marriage tax penalty for low- and moderate-income taxpayers in 2003, next year. As a result of that, 9 million married couples will receive immediate relief, and I will note that 300,000 low- and moderate-income married working couples will no longer have to itemize their taxes as a result of this legislation. That is progress, and I am proud to say this is good legislation.

I would also note that this legislation helps hundreds of thousands of other hard-working, low-income families. This legislation simplifies the Work Opportunity and Welfare-to-Work tax credits. President Bush was in my home area of Chicago just this past week. President Bush went to a facility, it was a UPS, United Parcel Service, facility. They are one of the leading companies in helping those on welfare with an opportunity to go to work. The President highlighted the Work Opportunity Tax Credit, how it has been a successful tool in our effort to give those on welfare a chance, a chance for a job.

Well, the President drew attention to a very successful program that we need to continue to improve. Today's legislation simplifies the Work Opportunity and Welfare-to-Work tax credits. In fact, it combines the two so there is only one, to make it much more simple for those that use, the private business that hires and gives opportunities for welfare recipients.

But also I would note that this legislation gives more low-income welfare recipients the opportunity to participate. If they have a criminal past and they are trying to make right, if they have been an ex-felon, we give greater opportunity because they want to do the right thing and go to work. If they are on food stamps, we raise the eligibility age limit for those on food stamps to participate in the Work Opportunity Tax Credit. We also expand incentives for vocational rehabilitation referrals, again giving more opportunity for low-income individuals to have a chance to go to work and get off of welfare.

This is good legislation, and regardless of some of the rhetoric we have heard today, it is about two things: eliminating the marriage tax penalty and giving those on welfare an opportunity to go to work. Those are two very noble goals, and I am proud to say that this legislation passed the Committee on Ways and Means unanimously. Regardless of the rhetoric we have heard from the other side from the "excuses caucus," it passed unanimously. They voted for it. My hope is they will vote for it again, because this legislation to eliminate the marriage tax penalty, to give those on welfare a chance, an opportunity to go to work, deserves bipartisan support.

Mr. Speaker, I ask for bipartisan support for this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and pass the bill, H.R. 4626, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING INDEPENDENCE OF AND EXPRESSING SENSE OF CONGRESS THAT THE PRESIDENT SHOULD ESTABLISH DIPLOMATIC RELATIONS WITH EAST TIMOR

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 405) commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, as amended.

The Clerk read as follows:

H. CON. RES. 405

Whereas on May 20, 2002, East Timor became the first new country of the millennium;

Whereas the perseverance and strength of the East Timorese people in the face of daunting challenges has inspired the people of the United States and around the world;

Whereas in 1974 Portugal acknowledged the right of its colonies, including East Timor, to self-determination, including independence;

Whereas East Timor has been under United Nations administration since October 1999 during which time international peacekeeping forces, supplemented by forces of the United States Group for East Timor (USGET), have worked to stabilize East Timor and provide for its national security;

Whereas the people of East Timor exercised their long-sought right of self-determination on August 30, 1999, when 98.6 percent of the eligible population voted, and 78.5 percent chose independence in a United Nations-administered popular consultation despite systematic terror and intimidation by the Indonesian military and its militia;

Whereas the East Timorese people again demonstrated their strong commitment to democracy when 91.3 percent of eligible voters peacefully participated in East Timor's first democratic, multiparty election for a Constituent Assembly on August 30, 2001, and when 86.3 percent of those eligible participated in the first presidential election on April 14, 2002;

Whereas East Timor adopted a constitution in March 2002;

Whereas East Timor is emerging from over 400 years of colonial domination and a 24-year period of occupation by the Indonesian military;

Whereas, as the people of East Timor move proudly toward independence, many still struggle to recover from the scars of the military occupation and the 1999 scorched-earth campaign that resulted in displacement which, according to the United Nations and other independent reports, exceeded 500,000 in number and widespread death, rape, and other mistreatment of women, family separation, and large refugee populations and the destruction of 70 percent of the country's infrastructure;

Whereas efforts are ongoing by East Timorese officials and others to seek justice for the crimes against humanity and war crimes that have been perpetrated in recent years, efforts which include the work of the United Nations Serious Crimes Investigation Unit and the East Timorese Commission for Reception, Truth, and Reconciliation to document and assess responsibility for these crimes;

Whereas recommendations by the Indonesian National Human Rights Commission and the United Nations Security Council to investigate and prosecute senior Indonesian military and civilian officials for their roles in promoting the 1999 anti-independence violence in East Timor have not yet been fully implemented;

Whereas, although the people of East Timor are working toward a plan for vigorous economic growth and development, the Government of East Timor faces a substantial shortfall in its recurrent and development budgets over the first 3 years of independence, and is seeking to fill the gap in full with grants from donor countries;

Whereas a large percentage of the population of East Timor lives below the poverty line with inadequate access to health care and education, the unemployment rate in East Timor is estimated at 80 percent, and the life expectancy in East Timor is only 57 years; and

Whereas Nobel Peace Laureate Carlos Ximenes Belo, Roman Catholic Bishop of Dili, East Timor, has appealed to the international community and the United States for increased economic and development assistance for the fledgling nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) congratulates and honors the courageous people of East Timor and their leaders;

(B) welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;

(C) supports United Nations and international efforts to support reconstruction and development in East Timor, and United Nations and international peacekeeping forces to safeguard East Timor's security;

(D) remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;

(E) expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;

(F) strongly supports prompt, safe, voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially reunification of East Timorese children separated from their parents through coercion or force;

(G) expresses a commitment to maintaining appropriate restrictions and prohibitions in law on military assistance, training relations, and technical support to the Indonesian Armed Forces;

(H) acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is "fundamental for the future social and political stability of East Timor", and remains deeply concerned about the lack of justice in the region; and

(I) commends the President for immediately extending to East Timor diplomatic relations afforded to other sovereign nations, including the establishment of an embassy in East Timor; and

(2) it is the sense of Congress that the President and the Secretary of State should—

(A) maintain a level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;

(B) work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;

(C) focus bilateral assistance for East Timor on the areas of employment creation, job training, rural reconstruction, micro-enterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;

(D) strongly urge the Indonesian Government to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and

(E) review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation and use all diplomatic resources at their disposal to ensure that those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable and that the Indonesian Government fully cooperates with the East Timorese judicial system.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 405.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just let me say at the outset, I want to welcome the Bais Faiga Lakewood school eighth grade students who are here and Mrs. Faigy Uhr, who is the assistant principal, notwithstanding the admonishment from the Speaker, and let them know how welcome they are to be here today.

Mr. Speaker, I rise to extend my congratulations in support of the brave and courageous people of East Timor. Yesterday May 20, 2002, was their independence day. East Timor is now officially the first new nation of the third millennium.

The people of East Timor have every right, Mr. Speaker, to be proud of their newly won independence, because their road to freedom was long and arduous, full of intense suffering and death. It entailed not only 400 years of colonial rule, but also 24 years of brutal military occupation by Indonesia that included massacres, forced sterilization, and attempts at cultural annihilation.

Indonesia's tyrannical rule over East Timor reached its zenith during the 1999 Scorched Earth campaign conducted by the Indonesian-backed militia with ties to the Indonesian military. Women were beaten and raped, families were separated, and nearly three-fourths of the nation's infrastructure was destroyed. According to U.N. estimates, over 500,000 people were displaced.

Against tremendous odds, however, the brave people of East Timor persevered and triumphed. Despite terror, beatings and threats from the Indonesian military, the East Timorese people overwhelmingly chose independence in August of 1999. Ninety-eight percent of the eligible population voted, and almost eight out of ten chose independence.

Under almost 3 years of U.N. guidance, they continually embraced democracy with very high voter turnouts, electing an assembly in August of 2001 and on April 14, their first President, their heroic independence leader, Xanana Gusmao.

Mr. Speaker, when I was chairman of the Subcommittee on International Operations and Human Rights, my good friend, the gentleman from California (Mr. LANTOS), and I worked on held hearings on Indonesia and East Timor.

□ 1300

I had the privilege of joining Joseph Reese, the general counsel and staff director of the subcommittee, on a visit with Xanana Gusmao in Cipinang prison. I was struck by his sense of poise. He radiated strength and confidence. I was struck by his determination, and his fervent belief that one day East Timor would be an independent, free state where democracy would flourish. I found that even the warden of that prison in Jakarta had an enormous amount of respect and admiration for this man who is now president.

Mr. Speaker, I introduced this resolution, H. Con. Res. 405, and I am very proud that the distinguished Democratic leader, the gentleman from California (Mr. LANTOS), also a cosponsor, along with the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Virginia (Mr. WOLF), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Rhode Island (Mr. KENNEDY) and other Members of this body who have joined us in this effort to say, in a bipartisan way, congratulations on a job well done. I especially want to thank Chairman Henry Hyde for both his strong support of this resolution and his indefatigable and tenacious promotion of human rights everywhere.

Mr. Speaker, while our resolution commemorates East Timor's independence, it also addresses the serious challenges this new nation faces. It is not going to be easy. These include development of a stable economy, holding accountable those who carried out crimes against humanity and the crime of genocide during Indonesia's reign of terror, and caring for those many victims who still suffer tremendously from the scars of war and poverty.

Obviously, the United States has an interest, Mr. Speaker, in ensuring that those who carried out war crimes are brought to justice. Crimes committed against the East Timorese have been well documented by the United Nations and other international organizations, yet most of their perpetrators reside in Indonesia with impunity, while the Indonesian government fails to cooperate with the international justice system.

Indonesia refuses, for example, to extradite alleged war criminals, and the jurisdiction of its own ad hoc tribunal is so severely limited that Indonesian human rights advocates seriously doubt whether the most egregious violators of human rights will be brought to justice. H. Con. Res. 405 expresses deep concern over the lack of justice in the region, and calls on the President to use all diplomatic resources necessary to ensure that those responsible for these grave human rights abuses are held accountable.

Similarly, given the well-documented linkages between human rights abuse in East Timor and the Indonesian military, our resolution expresses the need for continued restrictions on U.S. military assistance and training for Indonesia's military in the Foreign Operations Appropriation Act for fiscal year 2003.

Mr. Speaker, the humanitarian needs of the East Timorese people are as great as anyone in the world. U.S. foreign aid dollars can do much to assist East Timor in developing agricultural programs, building solid education, health care, and judicial systems, aiding refugees, and repairing the country's infrastructure. Our resolution expresses our hope that Congress and the President will adamantly support these endeavors.

I would point out that in fiscal year 2001 and fiscal year 2002, Congress approved approximately $25 million in aid to East Timor. The President's request for 2003 is about $19 million, and my hope is that we can work together with the President in making sure that that which is needed, and it will probably be more than that, the $19 million, will be made available.

Mr. Speaker, several amendments to the original resolution have been submitted today. These amendments commend the President for immediately establishing diplomatic relations with East Timor and include other technical changes made for the sake of clarity.

Finally, Mr. Speaker, let me say that, as Americans, we will forever honor the brave leaders who founded our Nation by fighting valiantly for freedom and democracy, the great ideals we cherish so greatly. They guided a revolution based on these ideals that is continued on through the ages in so many places throughout the world and, in our time, it has been so ably displayed, so nobly, by the East Timorese. The desire to live in freedom cannot be extinguished, and they are again another people who have risen to that challenge to say we will be free.

Again, I want to congratulate the people and also especially President Gusmao on their independence, because they have set another example for those who continue to live under dictatorship to follow.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, first, I would like to commend my good friend and distinguished colleague, the gentleman from New Jersey (Mr. SMITH), for introducing this important resolution, as well as my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Virginia (Mr. WOLF), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Rhode Island (Mr. KENNEDY) for their leadership roles in moving it forward.

Mr. Speaker, when the Indonesian military invaded East Timor in 1975, it seemed that the hope of the East Timorese people to live in freedom and with dignity had been extinguished forever. Those who subsequently spent more than 2 decades fighting for East Timor's independence, both in East Timor and internationally, were dismissed as hopeless dreamers. East Timor was gone, the argument went, and the United States Congress, nongovernmental organizations, and others were only causing unnecessary tension in our relationship with Indonesia by continuing to fight for justice.

I might point out, Mr. Speaker, that it was our Congressional Human Rights Caucus which held the first hearing on the outrages against East Timorese and spoke out for independence and freedom and religious freedom in East Timor.

Well, Mr. Speaker, standing up for human rights and democracy in East Timor was the right and moral course of action and, as a result of the bravery of the East Timorese people and concerted international pressure, we stand here today welcoming East Timor as the first new nation of the new millennium.

When the United Nations first entered East Timor in the brutal aftermath of the 1999 independence referendum, they found burned-out buildings, a devastated infrastructure, and hundreds of thousands of refugees who desperately wanted to return home. Many questioned whether the international community and the United Nations were up to the task of nation-building.

Mr. Speaker, I am pleased to report that the U.N.'s record in East Timor since October 1999 demonstrates the relevance of the United Nations when it is not blinded by mindless hostility to the state of Israel. I want to pay special tribute to our friends in Australia who led the International Security Force that enabled East Timor to be created.

Mr. Speaker, all this was accomplished in slightly over 2 years. The resolution before us today not only welcomes East Timor into the community of nations, but also expresses strong congressional support for the United Nations' peacekeeping forces, which are safeguarding East Timor's security.

Some administration officials recently threatened to hold up the renewal of the enormously successful East Timor peacekeeping mission because of professed concerns regarding the International Criminal Court. I am very pleased that with the passage of this resolution, Congress is standing strongly in support of the U.N. mission which does include U.S. personnel.

There is much work left to be done, Mr. Speaker. The House has already approved the East Timor Transition to Independence Act, legislation I introduced last year, to guide the U.S. political security and economic relationship with East Timor in the coming years. Our bill will ensure that the United States provides the foreign assistance and investment that East Timor so desperately needs, as well as help in establishing adequate armed forces so it can defend its own borders. I hope that our legislation will be signed into law as part of the State Department authorization bill in the very near future.

Mr. Speaker, I strongly believe that East Timor has a bright future. East Timor citizens have a democratic government; they enjoy the rule of law; they have the support of the international community and the strong desire to succeed. I am confident that the United States will have a strong friend in East Timor's people and its government. I strongly support H. Con. Res. 405, and I urge all of my colleagues to do so.

Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), my good friend and distinguished colleague.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

One of the most inspirational moments that I enjoyed as a Member of this body was meeting with now-President Gusmao when he was in prison in Jakarta in Indonesia, having an opportunity to join with some of my congressional colleagues to give, hopefully, in a small way, testimony of support and interest in this struggle of a gentleman who is one of great courage, great dignity, and insight, and to see what has transpired in the course of the last couple of years.

The gentleman from California (Mr. LANTOS) outlined the focus of the people around the world who have been engaged in this. I was struck by the dozens of people in Oregon, this little State on the West Coast, where there were people that invested personally in this, who traveled, who ministered to the people, who helped with humanitarian efforts, and helped to put the world spotlight on the atrocities that were occurring there; to be able to reflect on the dozens of people who sacrificed their lives simply to vote on behalf of independence.

I am having an Election Day in my State today, Mr. Speaker. Oregon is a State where we send out the ballots to people, they get it in their home, they can vote at their leisure, drop it into mailbox. No risk, no harm. Luckily, maybe we will have 25 percent, 30 percent of the people dealing with issues that are so critical to the future of our community.

In contrast, I think about what happened in East Timor where people literally gave their lives to be able to cast a vote to move that country towards democracy.

I am hopeful, Mr. Speaker, that we will move forward. This resolution today is a symbol of our efforts to be focused on making sure that we finish the job on behalf of the people in East Timor; that we continue to be a strong friend, a supporter; that we help provide with the rest of the international community some modicum of resources to help them rebuild this shattered country and, last but not least, that this is a signal that we will continue to engage the country of Indonesia.

Sadly, Indonesia at times appears to be defined by basically the concept of whatever the Dutch ruled 50 years ago is an appropriate nation state. Well, there are issues that are going on in Irian Jaya, in Atjeh, that will test whether that vast country is going to be able to adopt a system to deal with those individual differences.

What we have seen in East Timor is that one can make a modest adjustment and not have the whole country spun apart, but it also means that the United States is going to have to continue to be engaged.

It was my privilege to journey to Indonesia with my colleague, the gentleman from Nebraska (Mr. BEREUTER), whom I see on the floor, who helped lead this effort, along with the gentleman from Arizona (Mr. KOLBE), and it underscored the need for us to be vigilant for these needs in Southeast Asia, in Indonesia, helping the transition. It is not just East Timor, but it is really the stability of this vast stretch of the world that is a source of problems with terrorism, problems of threats to the environment, and governmental instability, and I hope this is a chapter of how we can do it right.

□ 1315

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute.

Again, Mr. Speaker, I want to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, for his leadership in bringing this resolution to the floor today. Without his personal and strong support, there would not be a resolution.

But that is only the half of it. I have been in Congress now 22 years, Mr. Speaker, and I have known Chairman HYDE all those years. He is a champion of human rights anywhere and everywhere. Including East Timor. He is also a champion in the cause of promoting the sanctity of life wherever and whenever it is threatened.

East Timor, finally, Mr. Speaker, has an extraordinary future. Its leadership has overcome incredible odds, and they possess an indomitable spirit and an enormous amount of courage. Our prayers and hopes are with President Gusmao and Nobel Peace Prize winner Bishop Belo and so many others who are now on the cutting edge of ensuring that a beleaguered population which has suffered so much finally enjoys the blessings of liberty and freedom.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. BEREUTER) and ask unanimous consent that he be permitted to control the time.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend and distinguished colleague, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding time to me. I also want to thank him for his strong advocacy for human rights, and especially in East Timor.

I also want to acknowledge the leadership of the gentleman from New Jersey (Mr. SMITH); and I, too, appreciate his long leadership on behalf of the people of East Timor. I want to thank the leadership of this House, including the gentleman from Illinois (Chairman Hyde), for helping to move this bill to the floor in such a timely manner.

Mr. Speaker, May 20 was a day of celebration when the people of East Timor joined the international community as a sovereign, independent nation. This bill congratulates and honors the courage of the East Timorese people and calls upon the United States and the international community to provide the necessary resources to help develop this fledgling nation.

As many of my colleagues know, the Bush administration announced yesterday that the United States will open a full embassy in Dili, which is the capital of East Timor. This bill commends the administration for this important act.

In September of 1999, the people of East Timor voted for their independence. I had the great privilege to be in East Timor 10 days before this historic referendum took place. I witnessed the escalating violence and the intimidation against the people and the voters of East Timor.

I traveled to the area bordering West Timor to the communities of Suai and Maliana. In Suai, I met with Father Hilario Madeira and Father Francisco Soares, who were protecting nearly 2,000 people in the compound of their church. These were people hoping to participate in this historic vote for independence.

These people introduced me to their world, one filled with worry and tension and daily violence; yet they were filled with hope and looked forward to voting for their independence. Ten days later, the East Timorese people went to the polls. Over 78 percent voted for independence.

Their courage and commitment to freedom were met with a deliberate and planned campaign of slaughter. Father Hilario and Father Francisco are not with us today to celebrate East Timor's entry into the community of nations. Rampaging militias following the 1999 vote murdered them and most of the others who were seeking refuge in their church.

As we vote today to honor the courage and spirit of the East Timorese people, I want to also remember and honor all of the East Timorese whose lives were lost during the long decades of struggle to make East Timor free. I want to remember and honor these two dedicated priests who died protecting their people.

The subsequent rebuilding of East Timor demonstrates how vital it is that the international community, especially the United States, remain involved and engaged in East Timor. East Timor faces many challenges, including the economic development of the country, establishing an effective judicial system, and securing the safe return of those refugees still held in camps in West Timor.

The international community, along with East Timor, must also find a way to bring to justice those accountable for the campaign of violence leading up to and following the 1999 referendum.

This resolution calls upon the United States and other nations to provide East Timor with the necessary resources and support to successfully meet these challenges.

Nobel Peace Laureate Bishop Carlos Belo has called upon the international community to increase the level of development aid to help his country through its first years. I hope that this Congress will respond to Bishop Belo's call and increase our own levels of aid.

Mr. Speaker, in closing, let me also pay tribute to the many human rights activists in the United States and around the world who refused to let the East Timorese struggle fade from our memory. They also deserve our praise on this special day. My prayers and my good wishes are also with President Gusmao and the people of East Timor.

Mr. Speaker, this is a proud time for East Timor, and I urge my colleagues to support this bill.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding me the time.

Mr. Speaker, I rise today in support of House Concurrent Resolution 405 commemorating the independence of East Timor.

I would also like to take the opportunity to commend the leadership of the gentleman from New Jersey (Mr. SMITH) for his support of the resolution, and to thank our colleagues, the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from Nebraska (Mr. BEREUTER), for their unyielding support and leadership in the effort by the East Timorese in their struggle for independence.

Yesterday, May 20, 2002, marked the celebration of the birth of the world's newest democracy and is a triumph of the full exercise of the unalienable right of self-determination. It is also a triumph for the work of the United Nations in seeking the right of self-determination for non-self-governing territories. East Timor, like my home island of Guam, has been on the list of the U.N. list of non-self-governing territories.

As has been already recounted, East Timor had been annexed by Indonesia for nearly 2 decades, until September of 1999. In 1999, the East Timorese exercised their voice for freedom by overwhelmingly voting in favor of independence from Indonesia, despite all the terrible things that the Indonesian Government was doing, officially and unofficially, to dissuade them from that effort.

Today we join in our support for East Timor, which has become the first new country of the millenium and stands as a beacon of democratic values. East Timor had been under U.N. administration since October 1999, during which time international peacekeeping forces, supplemented by the forces of the U.S. Group for East Timor, have worked to stabilize East Timor and provide for its national security.

The international community and the U.S. Congress have been active and vocal in their support for the political freedom of the East Timorese. As the Member who represents the closest U.S. jurisdiction to East Timor, the independence is of special interest to our region.

There is much work to be done. There is the need to help them mature as a democracy. Mr. Speaker, I urge Members to continue their support for the new East Timorese government and urge that the resolution be passed unanimously.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend and distinguished colleague, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in joining to celebrate this event. It is a wonderful event to see people determine what they want to be and have the opportunity to become independent.

But there is a cautionary tale here. There are not very many of us in this House who were here when the Indonesians marched in and took East Timor. And we did not do anything then. We let that happen because we felt that our relationship with Mr. Sukharno or whomever was such an important thing that we were not going to tell them that we did not approve of what they were doing to the East Timorese.

Only because of human rights activists in this country has that issue been alive at all. They are to be commended. Sometimes they think that they are not heard, they think no one is paying attention, but in fact we have come to the point where in fact Congress actually supported the East Timorese in becoming independent. It happened because grassroots people had a desire to make this wrongness right, or right this wrong, and they did it by talking to their Members of Congress.

We as Americans have to think carefully about what kinds of decisions we make in order to keep a certain leader in place in a certain place, when we have other concerns at the same time about the people who are experiencing that leadership. It is a very difficult task that the United States has, but we cannot overlook what is happening at something like East Timor. We did for almost 20 years, until it got out of control. Then, the Australians took the lead, and we are grateful for that, and we followed.

I think that it is a happy day for everybody who lives in East Timor, but it is not over. They still have a long way to go in developing their economy.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the sponsors of this legislation for bringing it to us here today. We do commend and congratulate East Timor on their independence.

The gentleman from Oregon (Mr. BLUMENAUER) reminded me of the time when we met Mr. Gusmao in prison; he was very obviously a very calm, and distinguished man. We knew that, given an opportunity, he could lead his home region of East Timor when it became a nation.

East Timor is not a wealthy country, and that is stating the obvious. They have very few developed resources. The devastation that was brought to the infrastructure of the country means they have an even worse condition. Therefore, the international community, with the United States playing a significant part, does need to assist East Timor in these early days of its nationhood.

Hopefully, the agreement now concluded between Australia and East Timor with respect to potential offshore oil will be a source of revenue that is very important to that country's continued prosperity. We certainly hope that is the case.

In any case, I believe that the independence of East Timor can now lead us to improved relations with Indonesia. The East Timor problem certainly had a negative effect upon our relationship, and understandably so. But I would suggest that we have taken a step in the right direction by supporting independence for East Timor. Certainly we wish them the very best in their independence.

Mr. KUCINICH. Mr. Speaker, I rise in support of H. Con. Res. 405, an act which congratulates the people of East Timor on the occasion of their national independence and establishes official U.S. relations with the new country.

We, in the United States, should take proper account of the enormous accomplishment East Timor independence represents, and with great humility, honestly recognize America's role in the suppression of East Timor.

The United States government was not a reliable ally of the Timorese independence cause. Quite the opposite, in fact. The United States government consistently sided against the East Timorese people. Recently declassified documents reveal that Secretary of State Kissinger gave the go ahead to Indonesia's then-President Suharto to invade East Timor in 1975. The United States furnished Indonesia with about 90 percent of its military hardware. Over the course of the next 23 years, Indonesia occupied East Timor, and the United States continued to furnish arms and provide training to Indonesia. In all, more than 200,000 East Timorese were murdered by the Indonesian military during the occupation. The proportional scale of the killing was without rival in the 20th century. One-third of the East Timorese population was murdered. Unfortunately, in the name of anti-communism, then later global stability, the United States abetted mass murder.

Apart from official Washington, the American people have been a reliable friend of the East Timorese. Americans established the East Timor Action Network, participated in Peace Brigades International, dedicated their personal savings through individual foundations and trusts—all with the goal of helping the East Timorese people overcome great odds. Americans gathered in living rooms and lecture halls throughout the country to learn the truths about the oppression of East Timor; they demonstrated on sidewalks and lobbied their Congress, they met with newspaper editors and other journalists in order to bring out the truth; and a few brave Americans sacrificed their personal safety in East Timor to shed light on the reality of Indonesian government oppression.

Constructive change in U.S. policy came in late 1999, after the East Timorese had voted for independence, and after the Indonesian military invaded again to punish the people for daring to choose independence. Over 2,000 East Timorese were killed, and a large share of the population was forcibly relocated to refugee camps in Indonesia. But the impact of the American people and the confluence of world events finally forced a change in U.S. policy. The effect was dramatic. The U.S. barred Indonesia from further purchases of weapons and training, and immediately the Indonesian Government withdrew from East Timor and permitted international peacekeepers to enter. This demonstrates the importance and effectiveness of withholding U.S. military support from anti-democratic governments that oppress their people.

The United States government has a moral debt to repay the East Timorese people. I consider today's Concurrent Resolution as a very modest down payment on that debt. We should faithfully make the next installations. We should start with generous, unconditional financial grants to the newly independent government of East Timor for healthcare, education, rural reconstruction, refugee resettlement, reconciliation and conflict resolution, environmental protection and the judicial system. The United States should further use its influence with international financial institutions to guarantee Timorese sovereignty and, in a departure from IFI practice, permit the Timorese to design and implement their own economic policies as they see fit. This is the least the United States can do. Let us repay our moral debt to the East Timorese people fully and expeditiously.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H. Con. Res. 405, Commemorating the Independence of East Timor on May 20, 2002. Yesterday's independence of East Timor will make it the first new country of the millennium. I extended my full congratulations to all of the people of East Timor, their new President, Xanana Gusmao, and Nobel Peace Prize Laureates Carlos Xinenes Belo, the Roman Catholic Bishop of Dili, and Jose Ramos-Horta who have both worked tirelessly on behalf of the people of East Timor. Yesterday was a day which many of us thought would never come in our lifetimes.

Mr. Speaker, I want to take this opportunity to acknowledge the extraordinary contributions of one individual—Arnold S. Kohen—who has made a difference in working for peace and justice in East Timor. He is not often recognized but Arnold has worked behind the scenes or over 20 years raising the issue of East Timor within the U.S. Congress and throughout the world. He wrote a book documenting the epic struggles of Bishop Belo. Arnold's work has made a contribution to this historic day and is a model for me on how one individual can truly make a difference in the world. I also want to recognize the hard work and dedication of the East Timor Action Network.

The work in East Timor is not yet finished. (Bishop Belo clearly points this out in the following the Washington Post editorial.) However, yesterday was a day in which we all can rejoice because an oppressed people have now been set free.

[From the Washington Post, May 18, 2002]

FREEDOM IS NOT ENOUGH

(By Carlos Ximenes Belo)

DILI, East Timor.—East Timor will become independent on Monday, the first new nation of the 21st century. We are most fortunate to have reached this juncture: In 1999, ours was an utterly devastated land, after militia forces sponsored by the Indonesian military went on a calculated rampage. Their action was in response to a vote in which nearly 80 percent of the registered voters of East Timor opted for independence after nearly a quarter-century of Indonesian occupation.

As the United Nations flag comes down and the banner of our new nation ascends, these long-suffering people face a new set of challenges. East Timor is becoming independent at a time when issues of foreign assistance, poverty and debt are high on the international agenda. Efforts should be greatly increased to eradicate poverty from this martyred nation while peace and security are reinforced.

Militia groups remain in Indonesian territory, vowing to strike once international peacekeeping forces have left. After the terrible price East Timor has paid for its independence, the world must not permit such attacks to take place. It must never be forgotten that 24 years of armed conflict and the tragic loss of more than 200,000 lives—one-third of our original population—from war-related causes were followed by further killing and destruction in 1999 that left few families unaffected. Hundreds of thousands were forcibly uprooted while militias destroyed most of their meager possessions. And most of the territory's buildings and infrastructure were also razed.

The people of East Timor are grateful for the generous support provided by the United Nations and many countries, including the United States, to protect and rebuild their homeland over the past 2½ years. But the scale of the destruction in 1999 was so huge that much of East Timor, especially the countryside, remains in ruins, with most of the population unemployed. This devastation will require many years to overcome, and any sensible development plan must first focus on putting people to work in reconstruction and road-building.

Treasury Secretary Paul O'Neill was right when he said recently that American carpenters and plumbers shouldn't be asked to pay for ill-conceived foreign aid projects. But what I am suggesting is something practical and of proven value that is in the spirit of what my religious order, the Salesians of St. John Bosco, has done for more than a century: job training. Let us train East Timorese as carpenters, plumbers, auto mechanics, electricians and the like.

Subsidizing on-the-job training for companies willing to invest in East Timor would also foster a good atmosphere for business. This is important not only because of the dignity of work but because unemployment, especially among youth, breeds instability.

Many areas in our small but beautiful island nation are rich in species of wildlife and plants. Jobs for youths to protect the environment in these sensitive rural areas, and to beautify the devastated towns, would make a wonderful contribution to the development of our new nation.

Our national budget provides little money for employment or job training. At independence, East Timor will be one of the poorest nations in the world, with few resources. Most East Timorese will have less-than-adequate food, housing and health facilities; our country has one of the highest infant mortality rates in the world. Closely related to the question of jobs and sustained economic growth in East Timor and many other places is the need to create the capacity to develop. That means there is a need for strong support of basic literacy, putting all young children in primary school, and for health efforts aimed at preventing easily preventable diseases.

The last thing that East Timor needs is to incur debt, which would make it much more difficult to rebuild our country and eradicate poverty. If the Untied States could increase the $25 million it provided last year in bilateral assistance to East Timor to $40 million per year over the next three years, it would be of great help in creating jobs and encouraging others to do the same.

Finally, an independent body should be set up to coordinate employment-related efforts in East Timor on the basis of merit and common sense. By now, many developing nations have learned hard lessons about the costs of corruption. I am determined to fight these maladies before they arise. If we are asking for support from the international community, we must be prepared to meet high standards of performance and transparency in all areas. Nothing less will suffice.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H. Con. Res. 405, commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor. As the first new nation of the millennium, East Timor now strives to leave behind the effects of an oppressive occupation by the Indonesian military and Indonesian-backed militias.

Today's important resolution honors this very struggle, and calls on the President to begin diplomatic relations and make the U.S. a partner to promote freedom. East Timor, a former Portuguese colony invaded by Indonesia in 1975, now celebrates its independence from the brutal Indonesian military and Indonesian-backed militias, and a promise of a better life for all its citizens. As a member of the Congressional Human Rights Caucus, I have been concerned about the situation for East Timor for quite some time. I am pleased to note that this resolution embodies legislation I cosponsored in the 106th Congress, the East Timor Repatriation and Security Act of 2000 (H.R. 4357), which prohibited resumption of U.S. military assistance to Indonesia until the President certified to Congress that the government of Indonesia recognizes the territorial integrity of East Timor. Additionally, this legislation called for the safe return of refugees, and the prosecution of the militias and government supported forces responsible for the violence following a September 1999 United Nations-sponsored referendum where the people voted to relinquish Indonesian rule. H.R. 4357 built on legislation I introduced in September 1999, H.R. 2822, to direct the U.S. representative to the International Monetary Fund and the World Bank to oppose any new monetary assistance to Indonesia including until the President certified that the crisis in East Timor has been resolved.

More importantly, today's resolution recognizes an end to the reign of terror of Indonesia, a regime that employed armed militia violence and slaughter as its method of rule. During years of combat and armed conflict, the Indonesian military and armed militias displaced the East Timorese, prevented their settling in housing camps, murdered U.N. workers, and refused to hold accountable those who caused this widespread harm. Now that this oppressive regime no longer reigns and East Timor begins its independence, I am hopeful that the people of East Timor will prosper as a nation, and can count on the support of the United States in preserving their newfound freedom.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H. Con. Res. 405, to honor the will and determination of the people of East Timor, and to support their efforts to foster new hope for all East Timor citizens.

Mr. FALEOMAVAEGA. Mr. Speaker, I am honored to rise in strong support of House Concurrent Resolution 405, which commemorates the independence of East Timor and supports the establishment of diplomatic relations with the newest member state of the international community.

Mr. Speaker, I congratulate the good people and leaders of East Timor for their perseverance in overcoming centuries of colonization and decades of occupation by Indonesia to gain independence yesterday. With a tremendous sacrifice of blood and lives, the East Timorese people fought to exercise their right to self-determination, voting overwhelmingly in 1999 for independence. Today, their dream has become reality.

Through the legislation before us, the Congress honors the achievement of the people of East Timor, urges diplomatic relations with the new government, and pledges continued U.S. support and assistance for the nation's economic and political development. The legislation further calls upon Indonesia for the release of East Timorese refugees held captive in West Timor camps and that our nation should maintain appropriate restrictions and prohibitions on engagement with Indonesia's military until accountability for the atrocities committed against the East Timorese people is reached.

Mr. Speaker, while I share in the international community's joyous celebration for the East Timorese people, it is unfortunate that little attention has been paid to the people of West Papua New Guinea, who have similarly struggled in Irian Jaya to throw off the yoke of Indonesian colonialism.

As in East Timor, Indonesia took West Papua New Guinea by force in 1963. In a truly pathetic episode, the United Nations in 1969 sanctioned a fraudulent referendum, where only 1,025 delegates handpicked by Jakarta were permitted to participate in an "independence" vote. The rest of the West Papuan people, over 800,000 strong, had absolutely no voice in the undemocratic process. Recently, the U.N. official in charge of the West Papua referendum, United Nations Undersecretary-General Chakravarthy Narasimhan, stated that the process which resulted in a unanimous vote was a "sham" and "whitewash."

Since Indonesia subjugated West Papau New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century. Like in East Timor where 200,000 East Timorese are thought to have died, the Indonesian military has been brutal in Irian Jaya. Reports estimate that between 100,000 to 300,000 West Papuans have died or simply vanished at the hands of the Indonesian military.

While we in Congress celebrate the attainment of independence, peace and justice in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to play out today in West Papua New Guinea. I would urge my colleagues, our great nation, and the international community to revisit the status of West Papau New Guinea to ensure that justice is also achieved there.

Mr. Speaker, I strongly support the legislation before us and request that it be adopted by our colleagues.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in strong support of H. Con. Res. 405.

This week, on the other side of our Globe, the world celebrates the creation of a new democracy, the Democratic Republic of East Timor.

I congratulate and honor the people of this island nation for their perseverance and for their triumph of freedom over oppression.

The effort to bring self-determination to East Timor was a dream back in 1994 when I arrived in Congress, but now it is a reality.

Since coming to Congress, I have seen how the East Timorese people, against tremendous odds, resisted military rule despite the killing of one-third of the population in the 1970s and the oppression and massacres of subsequent years.

There have been many of us in Congress dedicated to the plight of the East Timorese largely because of the information we learned over years of meetings and visits with the residents of Timor.

They were willing to risk their lives and futures to share their stories with those of us in the Congress who had the ability to help.

It has been a team effort, and the Members who have been leaders on this issue have been assisted in our efforts by the international support movement led by groups such as Human Rights Watch, Amnesty International, the US Catholic Conference of Bishops, the Indonesian Human Rights Network, and of course the East Timor Action Network.

As we move forward, however, we cannot forget the need to continue to show our support for East Timor's sustainable development and a positive future.

The United States should work with the United Nations and its members to make sure that the job of preparing East Timor for self-rule is completed.

Enough proper expertise and funds must be provided to ensure a smooth transition in government services and to train East Timorese to fully manage their own affairs.

After decades of tremendous suffering under military occupation, we need to give generously to East Timor to ensure that children are guaranteed a quality education, adequate healthcare and shelter, and that other needs for a decent standard of living are met.

This is especially crucial in light of the recently released United Nations Development Program Report that classified East Timor as one of the twenty poorest countries in the world and the poorest in Asia.

Life expectancy in the island nation is just 57 years, and nearly half the population lives on less than fifty five American cents per day.

This burgeoning democracy will need our hand as we move into the Twenty First Century.

I look forward to working with my Colleagues in Congress on these issues and these challenges.

But today, we celebrate the perseverance and the spirit of the East Timorese and we celebrate the creation of democracy,

I urge my colleagues to support H. Con. Res. 405.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time, and I urge my colleagues to support the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 405, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today. Votes will be taken in the following order:

H.R. 3833, by the yeas and nays;

H.R. 1877, by the yeas and nays;

H.R. 3375, by the yeas and nays;

H.R. 4626, by the yeas and nays; and House Concurrent Resolution 405, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

DOT KIDS IMPLEMENTATION AND EFFICIENCY ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3833, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3833, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 2, not voting 26, as follows:

[Roll No. 174]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Filner
Paul

NOT VOTING—26

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Callahan
Conyers
Cox
Deutsch
Emerson
Frank
Greenwood
Johnson, Sam
Lewis (GA)
Lipinski
Mascara
Matsui
Menendez
Morella
Murtha
Pombo
Riley
Snyder
Stump
Traficant
Watkins (OK)

□ 1354

Messrs. COLLINS, TANCREDO and FLAKE changed their vote from "nay" to "yea."

Mr. ADERHOLT changed his vote from "present" to "yea."

So, (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CHILD SEX CRIMES WIRETAPPING ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1877, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1877, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 11, not voting 27, as follows:

[Roll No. 175]

YEAS—396

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Dingell
Hastings (FL)
Jackson (IL)
Kilpatrick
McDermott
Olver
Owens
Paul
Scott
Stark
Watt (NC)

NOT VOTING—27

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Callahan
Conyers
Cox
Deutsch
Emerson
Farr
Frank
Greenwood
Johnson, Sam
Lewis (GA)
Lipinski
Mascara
Matsui
Menendez
Murtha
Pombo
Riley
Sandlin
Snyder
Stump
Traficant
Watkins (OK)

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EMBASSY EMPLOYEE COMPENSATION ACT

The SPEAKER pro tempore (Mr. GILLMOR). The pending business is the question of suspending the rules and passing the bill, H.R. 3375.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3375, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 18, not voting 25, as follows:

[Roll No. 176]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler

Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Ballenger
Bartlett
Coble
Collins
Deal
Everett
Flake
Goode
Gutknecht
Jones (NC)
Kingston
Manzullo
McInnis
Norwood
Paul
Smith (MI)
Terry
Thornberry

NOT VOTING—25

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Conyers
Cox
Deutsch
Emerson
Frank
Greenwood
Johnson, Sam
Lewis (GA)
Lipinski
Mascara
Matsui
Menendez
Murtha
Pombo
Riley
Schrock
Snyder
Stump
Traficant
Watkins (OK)

☐ 1413

Mr. JONES of North Carolina changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHROCK. Mr. Speaker, on rollcall No. 176 I voted and checked my vote, but apparently the computer didn't register my vote. I would like the RECORD to reflect I intended to vote, "yea."

ENCOURAGING WORK AND SUPPORTING MARRIAGE ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4626, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and pass the bill, H.R. 4626, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 24, as follows:

[Roll No. 177]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Mollohan

NOT VOTING—24

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Cox
Deutsch
Emerson
Frank
Greenwood
Johnson, Sam
Lewis (GA)
Mascara
Matsui
Menendez
Murtha
Pombo
Riley
Snyder
Stump
Traficant
Watkins (OK)

☐ 1421

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING INDEPENDENCE OF AND EXPRESSING SENSE OF CONGRESS THAT THE PRESIDENT SHOULD ESTABLISH DIPLOMATIC RELATIONS WITH EAST TIMOR

The SPEAKER pro tempore (Mr. GILLMOR). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 405, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 405, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 28, as follows:

[Roll No. 178]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—28

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Collins
Conyers
Cox
Delahunt
Deutsch
Emerson
Frank
Greenwood
Johnson, Sam
Lewis (GA)
Mascara
Matsui
Menendez
Murtha
Olver
Pombo
Riley
Snyder
Spratt
Stump
Traficant
Watkins (OK)

☐ 1430

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 3994, the Afghanistan Freedom Support Act.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3994.

☐ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3994) to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries, with Mrs. BIGGERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 3994, the Afghanistan Freedom Support Act of 2002.

The gentleman from California (Mr. LANTOS), the ranking Democratic member of the committee, and I introduced this bipartisan bill in support of the President's agenda in Afghanistan. The bill authorizes a broad range of development, economic, and security assistance over a 4-year period through fiscal year 2005.

The United States is currently supporting peace and recovery in Afghanistan through its assistance efforts on the ground and through its leadership in international organizations and among the members of the coalition against terrorism. Since the beginning of fiscal year 2002, the United States has provided more than $374 million in food, humanitarian, refugee and other nonmilitary assistance provided to support the relief and recovery of the Afghan people. In order to be fully successful, this recovery effort must be sustained in the months and years ahead. Legislation is required to provide the President with a framework to ensure our success in meeting U.S. objectives in Afghanistan and in the region.

H.R. 3994 authorizes an additional $300 million in assistance for fiscal years 2002 through 2004, with $250 million authorized for fiscal year 2005. The additional $300 million authorized for fiscal year 2002 is consistent with provisions included in the emergency appropriations bill currently under consideration by the Committee on Appropriations and represents a $50 million increase over the President's request of $250 million.

H.R. 3994 will assist the administration in developing a strategic approach to the assistance needs of Afghanistan. By authorizing a significant 4-year fund for the purpose of dealing with the special situation we find in Afghanistan, this legislation will give the administration great flexibility to design and implement a comprehensive assistance strategy in line with U.S. priorities and objectives in that troubled country.

Madam Chairman, H.R. 3994 was drafted in consultation with the administration and provides the President with great flexibility, taking into account the fluid situation in Afghanistan and the variety of economic, humanitarian, and security assistance needs. H.R. 3994 was reported out of the Committee on International Relations with broad bipartisan support.

The President has asked Congress to make available funds to support the reconstruction and development of Afghanistan and has requested $250 million in emergency supplemental fiscal 2002 appropriations for Afghanistan. This supplemental assistance, if appropriated by Congress, will be in addition to the fiscal year 2002 funding already announced and allocated from existing accounts this fiscal year.

H.R. 3994 will promote the reconstruction of an independent, prosperous, and democratic Afghanistan. The primary goal of this legislation is to provide for the national security of the United States and other nations by eliminating Afghanistan as a source of terrorism and instability in the region. By providing assistance to the people of Afghanistan, the United States will alleviate suffering, aid recovery, bolster stability, and promote democratic civil government. By reducing the amount of narcotics grown in or trafficked through Afghanistan, the U.S. will assist in Afghanistan's recovery, but will also provide for the security of the United States and other nations.

This bill authorizes assistance to meet urgent humanitarian needs, such as the provision of food aid and disaster relief. It also emphasizes the need to assist refugees in returning to their home communities in Afghanistan when it is safe to do so.

H.R. 3994 provides for aid in reconstruction and rehabilitation of basic infrastructure and assistance to the civil society and interim authority in Afghanistan. It underscores the importance of eradicating poppy cultivation in order to reduce supply and demand for illicit narcotics in Afghanistan and the region. The bill emphasizes the importance of supporting stability through employment programs and of improving food security, the health system, and the agricultural sector. This act will promote efforts already under way to improve the education system and support the transparency, accountability, and participatory nature of governmental institutions in Afghanistan.

Madam Chairman, H.R. 3994 also supports the President's plan for equipping and training an indigenous Afghan force, as well as efforts by other countries, in providing security assistance for Kabul by authorizing the provision of security assistance to Afghanistan, as well as to countries and international organizations supporting efforts to control terrorism.

H.R. 3994 exercises proper congressional oversight of U.S. foreign assistance programs by establishing 2 conditions for providing reconstruction development assistance to Afghanistan, exempting humanitarian, human rights and refugee assistance from conditionality. The first condition is that the government of Afghanistan must fully support counternarcotics efforts. The second is that the people of Afghanistan must follow through on commitments to peace made in Bonn, Germany in December 2001.

The U.S. has an essential role to play in Afghanistan's recovery from the horrific conflict and devastation of the past 30 years, but the administration needs a coherent strategy and structure in place in order to achieve our objectives of eliminating terrorism, securing the peace, combating drugs, and safeguarding the human and civil rights of all, particularly women and children. I urge Members to support H.R. 3994.

Madam Chairman, I reserve the balance of my time.

Mr. LANTOS. Madam Chairman, I yield myself such time as I may consume.

I want to thank my good friend and distinguished colleague, the gentleman from Illinois (Mr. HYDE), the chairman of our committee, for his leadership in bringing this bill to the floor. I also want to commend the bipartisan manner in which he and his staff have worked with us to draft this legislation.

Our legislation includes many of the ideas and issues put forward in legislation which was introduced last December by myself and the gentleman from New York (Mr. ACKERMAN), my friend and colleague, and some 15 members of the Committee on International Relations of both political parties. I thank the chairman for working with us in including these provisions.

Madam Chairman, the legislation we are considering today is essential for America's national security. We have a strong interest in ensuring the reconstruction of Afghanistan and the establishment of democratic governmental institutions. An economically viable and democratic Afghanistan will no longer serve as an incubator for homegrown extremists such as the Taliban. It will no longer be a base of operations for foreign terrorists such as al Qaeda. It will no longer be the source of a huge proportion of the heroin that destroys lives around the world.

The United States, Madam Chairman, made a grave foreign policy mistake in 1991. After the implosion of the Soviet Union, the United States simply withdrew from Afghanistan. With the Soviet Union no longer a threat, the first Bush administration mistakenly assumed that there was no longer a threat to America. On September 11, our Nation suffered a horrendous blow for that misguided assumption.

Madam Chairman, as we move into the next phase in the war against terrorism, we must finish the job that our military forces have begun in Afghanistan. The legislation we are considering today is a critical element in that effort.

Our bill authorizes funding and makes statutory changes necessary for us to assist in establishing an economically viable, stable, and democratic Afghanistan. Our legislation authorizes $1.3 billion over a 4-year period, a modest sum in relation to the amounts we are spending currently every single month for our military forces to continue this vital struggle. These funds and programs are essential to assure that our young men and women will not have to remain in Afghanistan to protect the security of Americans in New York and Washington and San Francisco, and everywhere throughout our Nation.

Madam Chairman, this bill comes before the U.S. House of Representatives at a critical time. As soon as this week, our House will consider supplemental appropriations for the current fiscal year. The President has requested $250 million for Afghanistan in this supplemental. However, only $40 million of these funds are requested for USAID to fund the humanitarian and development needs in Afghanistan. It is my understanding that the Committee on Appropriations will increase the amount of money for USAID in Afghanistan, and I strongly support such a move.

Our bill emphasizes the development of Afghanistan's agricultural sector by promoting land mine removal, quick-impact public works programs to divert labor from narcotics production, and the development of water and sanitation systems in rural areas.

□ 1445

We expect that this aid will help stem further poppy cultivation.

Our legislation also contains strong language on the provision of assistance to meet the educational, health, and vocational needs of Afghanistan's long-abused and discriminated-against women, and it will promote the participation of women in government and civil society.

Finally, Madam Chairman, our bill underscores the need for security in Afghanistan, and provides military assistance to help establish a modern Aghan military and police force. It also provides support for those countries that are participating in the International Security Assistance Force in Afghanistan, and it authorizes military assistance to other countries helping in the war effort against al Qaeda.

Madam Chairman, the lack of security is perhaps the single biggest challenge facing the government and people of Afghanistan as they try to rebuild their lives and reclaim their country from the grasp of terrorists. It is vital to the United States that we work for a security environment in Afghanistan in order to prevent the return to power of al Qaeda and the Taliban.

Our bill makes a contribution to providing security in Afghanistan, but since the markup of this legislation in the Committee on International Relations, it has become clear that we must do more. Later in this debate, I will be offering an amendment to address this critical issue; and I hope all of my colleagues will support it. As the situation evolves, the needs in Afghanistan will change. Our legislation gives the administration the flexibility to adapt our assistance to the changing needs and priorities.

Madam Chairman, I believe this legislation will help ensure that the United States remains engaged to provide a secure future for Afghanistan. We can and we must play a critical role in Afghanistan's transformation into a stable, prosperous, and pluralistic nation.

Madam Chairman, I reserve the balance of my time.

Mr. HYDE. Madam Chairman, I am pleased to yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Madam Chairman, I rise in strong support of H.R. 3994. I thank the chairman for yielding me this time, and for crafting, along with the distinguished ranking member, very important bipartisan legislation.

Specifically, I would also express my appreciation that the modest Bereuter amendment will be included in the en bloc manager's amendment. Specifically, this Member's amendment encourages the administration to maximize the use of the research capacity and technical expertise of U.S. land grant colleges and universities as it provides U.S. humanitarian assistance to Afghanistan.

Madam Chairman, this legislation includes important provisions which would authorize assistance to help the people of Afghanistan rebuild the capability to feed themselves. Indeed, the long-term stability of Afghanistan greatly depends on the country's ability to at least restore the subsistence level of agriculture in the area of food production.

Unfortunately, over 20 years of civil war and political unrest have destroyed nearly all of the indigenous tools and infrastructure for food production and rural development in Afghanistan. The people of this country have eaten their feedstocks, and most have slaughtered all of their livestock to meet their immediate food needs. Additionally, the country's limited basic irrigation systems largely have been destroyed.

Until these very basic components are restored, the people of Afghanistan will turn to other endeavors to survive, including the cultivation of poppies for producing drugs.

Madam Chairman, many land grant institutions have conducted very relevant world-class research in agricultural and rural development. Therefore, the following represents only a few of the areas in which the highly trained professions at these institutions could contribute to the assistance programs for Afghanistan: soil rehabilitation, water conservation, livestock breeding and herd maintenance, irrigation, and basic rural infrastructure constructions.

Furthermore, these professionals will have strong incentives to find innovative solutions for the massive challenges facing Afghanistan, and to continue their research if these land grant institutions are given a substantial opportunity to contribute to the reconstruction efforts.

Additionally, the use of land grant colleges and universities in assistance will serve, by experience, various similar projects in communities across our country. Too frequently, USAID grants are distributed among contractors based within the Beltway, or with those entities that have the best connections within the Beltway.

Madam Chairman, this legislation makes a very important contribution in so many areas, but I think it also helps provide the basis for the people of Afghanistan to begin to feed themselves again and avoid drug production. I urge support of the legislation.

Madam Chairman, it is clear that using U.S. land grant colleges and universities to implement U.S. assistance projects in Afghanistan would benefit the people of Afghanistan as they would be advised and trained by some of the world's leading experts in the fields of agriculture and rural development. In turn, land grant colleges and universities would benefit from participation in these projects, as they would have an opportunity to share their expertise and to encourage their professors and researchers to pursue creative projects. Finally, U.S. foreign policy certainly would benefit with U.S. land grant colleges and universities implementing assistance projects, as Americans from across the country would be contributing to the programs and subsequently feel a higher interest and satisfaction in the success of those programs.

Madam Chairman, before concluding this statement, this Member would like to bring to the attention of his colleagues other provisions within H.R. 3994 which would authorize the use of overseas cooperatives and microenterprise systems as development mechanisms in Afghanistan. For several decades, United States cooperative development organizations which operate overseas as well as microenterprise institutions, have served as effective grassroots mechanisms to promote democratic development and build economies in underserved areas. Certainly, rural areas of Afghanistan would benefit from experience with Americans from community-owned, member-controlled cooperative and microenterprise programs, particularly those which focus on micro-savings and credit, village infrastructure, and such community services as rural electrification and rural telecommunications. Indeed, these projects also would serve to complement the agriculture and other rural reconstruction activities which would involve America's land grant colleges and universities.

Madam Chairman, in conclusion, this Member encourages his colleagues to vote for H.R. 3994.

Mr. LANTOS. Madam Chairman, I am delighted to yield 3 minutes to my distinguished friend and colleague, the gentleman from New York (Mr. ACKERMAN), who has played such a pivotal role in shaping intelligent, far-sighted foreign policy vis-a-vis Afghanistan.

Mr. ACKERMAN. Madam Chairman, I rise in strong support of H.R. 3994, the Afghanistan Freedom Support Act.

At the outset, I want to thank the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their tremendous efforts to craft a bipartisan bill supporting rehabilitation and reconstruction assistance in Afghanistan.

It is important for the Congress to speak loudly and clearly regarding a long-term commitment to Afghanistan, and I think the bill before us today does just that. In addition, the bill answers the President's call last October for the Congress to support reconstruction assistance for Afghanistan.

As has been noted, the bill provides over $1 billion for humanitarian relief, refugee assistance, rehabilitation, and reconstruction in Afghanistan. This assistance is linked to adherence to the Bonn process and to progress on eradicating poverty, but in neither case is the aid so closely linked that it deprives the President of the flexibility necessary to pursue U.S. objectives in that country.

Throughout the bill, the importance of the role of women is emphasized, from the structure of the future government to health care and education programs specifically for women and girls. In addition, the assistance has a particular focus on the agricultural economy in Afghanistan. I think this is especially important given that the vast majority of Afghans live in rural areas and depend on agriculture for their livelihood.

The emphasis also dovetails nicely with our efforts to eradicate poppy by giving farmers a viable alternative to the narcotics trade.

Madam Chairman, the bill also authorizes military assistance to support the formation of an Afghan police force and a national army. In addition, this assistance is available to foreign countries or international organizations who are directly supporting our military activities in Afghanistan, or are participating in peacekeeping or policing operations there. I believe that the military assistance provisions are appropriate and are focused on the needs of U.S. policy.

Madam Chairman, this bill is an excellent example of what can be accomplished through bipartisan efforts. I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their leadership on this issue, and I urge all of our colleagues to support the bill.

Mr. HYDE. Madam Chairman, I am pleased to yield 2 minutes to the distinguished the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Madam Chairman, I thank the chairman for yielding time to me.

Madam Chairman, I want to thank our distinguished chairman, the gentleman from Illinois (Mr. HYDE), and the ranking minority member, the gentleman from California (Mr. LANTOS), for bringing this measure so expeditiously to the floor.

The Afghan Freedom Support Act is an important measure. Afghanistan and the Afghan people are at a critical crossroads today in their survival. Afghanistan has been torn apart by hostilities, by drought, by regional disputes. It has caused a humanitarian crisis that has left millions of Afghans with little hope and too much despair.

The Afghanistan Freedom Support Act before us attempts to help Afghans help themselves. This bill authorizes $1.05 billion over a 4-year period for a broad range of development, economic, anti-narcotics, and security assistance for Afghanistan that will assist its administration in its efforts to build a better future for their people.

Madam Chairman, the former King of Afghanistan, Zahir Shah, recently returned to Afghanistan to help lead a Loya Jirga, a grand assembly. The Afghanistan Freedom Support Act will help the former King and will help Chairman Karzai, Dr. Abdullah, the Afghan foreign minister, and other representatives of the Afghan community to start a long-needed process and a discussion of renewal on all of their issues.

The Afghan Freedom Support Act will also help bring stability to Afghanistan and to the region. Accordingly, I urge my colleagues to fully support this important legislation, H.R. 3994, the Afghanistan Freedom Support Act.

Mr. LANTOS. Madam Chairman, I am pleased to yield 3 minutes to my good friend and distinguished colleague, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise today in strong support of H.R. 3994, the Afghanistan Freedom Support Act, and the Lantos amendment addressing the immediate security concerns in Afghanistan.

Last March I had the opportunity to accompany a delegation led by the gentleman from California (Chairman ROHRABACHER) to Afghanistan and assess some of the desperate needs of that country.

The challenges there were immediate and were very apparent. The day after our arrival, 300 people were arrested for attempting to overthrow the Karzai government. Three days after that, there was an effort to blow up the defense minister. Two weeks after that, a bumper opium crop was ready for harvest. As we drove through the country, rocks were painted red and painted white, one side that had been demined, another side that had not.

The challenges before that country are immense, but none was pointed out I think more graphically than the reports we received while we were there that al Qaeda and Taliban were circulating pamphlets in some of the small villages that said, "The Americans will leave. They will be here a few years and then they will leave. We are Muslims; we do not leave. If we find you working with the Americans, talking with the Americans, we will kill you and we will kill your family. We do not leave."

This, indeed, is the challenge for this country. The challenge for us is to support to rebuild the economy in Afghanistan, the infrastructure in Afghanistan, the educational system in Afghanistan, to make sure that this country never again becomes a haven for terrorists like al Qaeda and the Taliban.

The rap on any democracy and the rap on the United States is that we have no staying power, and we must prove this wrong. We must demonstrate that we have the commitment; that we have seen history and we are determined not to repeat it. This act goes a long way to providing the building blocks to restore that nation to its people and to protect our country from any future September 11.

Mr. HYDE. Madam Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the Vice Chair of the Committee.

Mr. SMITH of New Jersey. Madam Chairman, I thank my good friend for yielding time to me and applaud him for this very, very important piece of legislation, H.R. 3994. The gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) have crafted a very important piece of pro-democracy humanitarian legislation.

Were Members here in 1989 when the Soviet Union withdrew its troops from Afghanistan, those who were, will remember that with the Soviet expansionist designs thwarted at the end of the Cold War, most Americans, including Congress, promptly forgot about Afghanistan. Foreign aid levels were slashed, and interest in the region plummeted.

For over a decade, Madam Chairman, Afghanistan festered in a mire of factional in-fighting, international neglect, and drug trafficking. Untold thousands were killed and others were crippled by landmines and unexploded ordnance left over from the Soviet occupation. Women were systematically degraded and exploited and reduced to chattel.

While Kabul was systematically reduced to rubble, the United States and the rest of the international community essentially stood by on the sidelines. While the West was trying to spend the peace dividend on other priorities, the vacuum of Afghanistan was filled with extremists who thrived on conditions of hopelessness.

One of the lessons, and especially post-September 11, that America has learned is that we can no longer afford to sit by and watch as developing nations collapse into chaos and anarchy.

This legislation, Madam Chairman, and the money that it will provide, will tangibly assist a suffering people. The Bush administration has it right and is doing a magnificent job in Afghanistan. They will help the people of Afghanistan to realize their hopes, their aspirations, and their dreams.

□ 1500

The people of Afghanistan deserve to be one of the nations among the democracies. Now they have the opportunity, this legislation will help to facilitate that.

Mr. LANTOS. Madam Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE), my good friend and distinguished colleague.

Ms. LEE. Madam Chairman, I thank the gentleman for yielding me time.

I rise today in full support of the Afghanistan Freedom Support Act. This bill provides very important humanitarian, development and economic assistance. Afghanistan is a country that has been torn apart by war for decades. The seeds of terrorism grow where there is despair and poverty.

Manmade disasters have been compounded by nature. Afghanistan has been suffering from a terrible drought, for example, for several years, adding to the already extreme misery in that country. So we must remain committed to Afghanistan's reconstruction. It is not only for humanitarian reasons, but it is also in the United States' security interests as well.

We also must make sure that our assistance to Afghanistan recognizes the suffering of Afghan women in particular and in the importance of reintegrating women into the civic life of the country.

I submitted an amendment in committee authored by my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD) calling for resources to be sent to the Afghan Ministry of Women's Affairs to carry out its responsibilities for legal advocacy, education, vocational training and women's health programs. I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) who is the vice chair of the Women's Caucus for her leadership and also for the bipartisan support of the committee's adoption.

I want to thank the gentleman from Illinois (Mr. HYDE) and our ranking member, the gentleman from California (Mr. LANTOS), for crafting this very common-sense, yet, I believe far-reaching legislation. I urge support for the bill. The United States must remain engaged in helping support the nation-building efforts in Afghanistan.

Mr. HYDE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Chairman, I rise in support of the bill. I commend the chairman of the committee and the ranking member for their work.

Last March I traveled to Afghanistan to meet with our troops there and to meet with government officials. I think Americans are rightly proud over the efforts of our servicemen and women. But one thing was absolutely clear; the battle in Afghanistan is far from over. We met with Interim Chairman Hamed Karzai, and he has struck a delicate balance in heading up the multi-ethnic Afghan administration. A Loya Jirga will soon be held to appoint a transitional authority there. The United States must stand firmly behind Chairman Karzai and the interim government.

This legislation that the chairman and the ranking member have directed to us, this will help us better do this. I had the opportunity to travel to Kabul and visit a local orphanage where I spoke with a little girl who told me she wanted to be a doctor when she grew up. Now with the liberation of her country from the Taliban regime, this dream has a chance.

Madam Chairman, thanks to the work of our armed services and thanks to Chairman Karzai, there is a window of opportunity there. The battered Afghan people are desperate for a brighter future, for a unified country that they can believe in. But that window is closing. And suspicion, cynicism, and self-interest are filling the gap. There are too many characters looking to bring Afghanistan back into chaos. The other week our forces fired a missile from an unmanned Predator plane that just missed Hekmatyar. Hekmatyar has been plotting attacks against the interim government and against American troops.

The U.S. training of an Afghan national army formally started this week. Although this is a welcome development, it will take some time to develop this force into one that can provide security nationwide. Turkey will be assuming command of the international security assistance force. Now that is confined to the Afghan capital. It is critical that we encourage Turkey to expand its force outside of Kabul to counter the regional warlords.

Mr. LANTOS. Madam Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY), our good friend and distinguished colleague.

Mr. CROWLEY. Madam Chairman, I am pleased to rise today in support of the Afghan Freedom Support Act. I thank the chairman and the ranking member for their work on this very, very important act.

The Afghanistan Freedom Support Act is a critical step towards the reconstruction of Afghanistan. Among its notable provisions, the bill calls for a significant amount of humanitarian assistance to help deliver food, medical care and basic supplies to the people of Afghanistan; provisions to promote counternarcotics efforts; the need to develop the agricultural sector, both as a step towards economic development and self-sufficiency, but also as a means of stemming poppy cultivation; the furtherance of a bond process which provides a framework for Afghanistan's political factions to decide their country's political future; and strong language on the provision of assistance to meet the educational, health and vocational needs of women.

I am also strongly supporting the measures required by the amendment introduced by my good friend and colleague, the gentleman from California (Mr. LANTOS). While giving the President broad latitude to craft the most effective approach, this amendment would require the administration to develop a strategy to meet the immediate and long-term security needs of Afghanistan in order to promote the delivery of humanitarian assistance, further the rule of law and support the formation of a representative government in Afghanistan.

Improved security is a necessary precondition for achievement of the U.S. pledge to help build a stable and peaceful Afghanistan. Since the current government led by Hamed Karzai is not able to provide security throughout the country outside of Kabul, in fact, other parts of the country seem like the Wild Wild West, fighting between rival factions who are vying for regional control, human rights abuses and corruption, and the problems will continue to hinder the delivery of humanitarian aid, delay economic reconstruction and development, and undermine the delicate process by which factions are trying to create a stable, democratic, central government.

Uncontrolled violence also puts U.S. and allied soldiers throughout Afghanistan at risk. It is, therefore, critical for the administration and Congress to work together to find ways to improve security in Afghanistan. I believe the Lantos amendment provides a reasonable and speedy method for addressing this important issue, but once again I rise in support of the Afghanistan Freedom Support Act and I thank the chairman and ranking member again for their work on this important piece of legislation.

Mr. HYDE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Madam Chairman, I thank the chairman for yielding me time.

Madam Chairman, I rise in opposition to this bill. The President has not asked for this piece of legislation; he does not support it. We do not anticipate that it will be passed in the other body. But there is one good part of the bill, and that is the title, "Freedom Support." We all support freedom. It is just that this bill does not support freedom. Really, it undermines the liberties and the taxes of many Americans in order to pump another in $1.2 billion into Afghanistan.

One of the moral justifications, maybe, for rebuilding Afghanistan is that it was the American bombs that helped to destroy Afghanistan in our routing of the Taliban. But there is a lot of shortcomings in this method. Nation-building does not work. I think this will fail. I do not think it will help us.

I do not think for a minute that this is much different than social engineering that we try here in the U.S. with a lot of duress and a lot of problems; and now we are going to do it over there where we really do not understand the social conditions that exist, and it is not like here. Some, especially those in that part of the world, will see this as neo-colonialism because we are over there for a lot of different reasons. And even in the bill it states one of the reasons. It says, "We are to design an overall strategy to advance U.S. interests in Afghanistan."

Well, I wonder what that means? Over 10 years ago there was an explicit desire and a statement made by the administration that until we had a unified government in Afghanistan, we could not build a gas pipeline across northern Afghanistan. And that is in our interests. Does that mean this is one of the motivations?

I imagine a lot of people here in the Congress might say no, but that might be the ultimate outcome. It is said that this bill may cut down on the drug trade. But the Taliban was stronger against drugs than the Northern Alliance. Drug production is up since we've been involved this past year in Afghanistan.

Madam Chairman, I think it is important to state first off that while it is true that the administration has not actively opposed this legislation, it certainly has not asked for nor does it support the Afghanistan Freedom Support Act. It did not support the bill when we marked it up in the International Relations Committee, it did not support the bill after it was amended in Committee, and it does not support the bill today.

Madam Chairman, perhaps the "Afghanistan Freedom Support Act" should more accurately be renamed the "Afghanistan Territorial Expansion Act," because this legislation essentially treats that troubled nation like a new American territory. In fact, I wonder whether we give Guam, Puerto Rico, or other American territories anywhere near $1.2 billion every few years—so maybe we just should consider full statehood for Afghanistan. This new State of Afghanistan even comes complete with an American governor, which the bill charitably calls a "coordinator." After all, we can't just give away such a huge sum without installing an American overseer to ensure we approve of all aspects of the fledgling Afghan government.

Madam Chairman, when we fill a nation's empty treasury, when we fund and train its military, when we arm it with our weapons, when we try to impose foreign standards and values within it, indeed when we attempt to impose a government and civil society of our own making upon it, we are nation-building. There is no other term for it. Whether Congress wants to recognize it or not, this is neo-colonialism. Afghanistan will be unable to sustain itself economically for a very long time to come, and during that time American taxpayers will pay the bills. This sad reality was inevitable from the moment we decided to invade it and replace its government, rather than use covert forces to eliminate the individuals truly responsible for September 11th. Perhaps the saddest truth is that Bin Laden remains alive and free even as we begin to sweep up the rubble from our bombs.

I am sure that supporters of this bill are well-intentioned, but judging from past experience this approach will fail to improve the lives of the average Afghan citizen. Though many will also attempt to claim that this bill is somehow about the attacks of 9/11, let's not fool ourselves: nation-building and social engineering are what this bill is about. Most of the problems it seeks to address predate the 9/11 attacks and those it purports to assist had nothing to do with those attacks.

If we are operating under the premise that global poverty itself poses a national security threat to the United States, then I am afraid we have an impossible task ahead of us.

As is often the case, much of the money authorized by this bill will go toward lucrative contracts with well-connected private firms and individuals. In short, when you look past all the talk about building civil society in Afghanistan and defending against terrorism, this bill is laden with the usual corporate welfare and hand-outs to special interests.

Among other harmful things, this legislation dramatically expands the drug war. Under the group we have installed in Afghanistan, opium production has skyrocketed. Now we are expected to go in and clean up the mess our allies have created. In addition, this bill will send some $60 million to the United Nations, to help fund its own drug eradication program. I am sure most Americans agree that we already send the United Nations too much of our tax money, yet this bill commits us to sending even more.

The drug war has been a failure. Plan Colombia, an enormously expensive attempt to reduce drug production in that Andean nation, has actually resulted in a 25 percent increase in coca leaf and cocaine production. Does anyone still think our "war on drugs" there has been successful? Is it responsible to continue spending money on policies that do not work?

The bill also reflects a disturbing effort by the Washington elite to conduct experiments in social engineering in Afghanistan. It demands at least five times that the Afghans create a government that is "broad-based, multi-ethnic, gender-sensitive, and fully representative." We are imposing race and gender quotas on a foreign government that have been found inappropriate and in some cases even illegal in the United States. Is this an appropriate activity to be carried out with taxpayer funds?

Madam Chairman, the problem with nation-building and social-engineering, as experience tells us time and time again is that it simply doesn't work. We cannot build multi-ethnic, multi-cultural, gender-sensitive civil society and good governance in Afghanistan on a top-down basis from afar. What this bill represents is a commitment to deepening involvement in Afghanistan and a determination to impose a political system on that country based on a blueprint drawn up thousands of miles away by Washington elites. Does anyone actually believe that we can buy Afghan democracy with even the staggering sum of 1.2 billion dollars? A real democracy is the product of shared values and the willingness of a population to demand and support it. None of these things can be purchased by a foreign power. What is needed in Afghanistan is not just democracy, but freedom—the two are not the same.

Release of funds authorized by this legislation is dependent on the holding of a traditional Afghan assembly of tribal representatives—a "loya jirga"—as a first step toward democratization. It authorizes $10 million dollars to finance this meeting. That this traditional meeting will produce anything like a truly representative body is already in question, as we heard earlier this month that seven out of 33 influential tribal leaders have already announced they will boycott the meeting. Additionally, press reports have indicated that the U.S. government itself was not too long ago involved in an attempted assassination of a non-Taliban regional leader who happened to be opposed to the rule of the American-installed Hamid Karzai. More likely, this "loya jirga" will be a stage-managed showpiece, primarily convened to please Western donors. Is this any way to teach democracy?

Madam Chairman, some two decades ago the Soviet Union also invaded Afghanistan and attempted to impose upon the Afghan people a foreign political system. Some nine years and 15,000 Soviet lives later they retreated in disgrace, morally and financially bankrupt. During that time, we propped up the Afghan resistance with our weapons, money, and training, planting the seeds of the Taliban in the process. Now the former Soviet Union is gone, its armies long withdrawn from Afghanistan, and we're left cleaning up the mess—yet we won't be loved for it. No, we won't get respect or allegiance from the Afghans, especially now that our bombs have rained down upon them. We will pay the bills, however, Afghanistan will become a tragic ward of the American state, another example of an interventionist foreign policy that is supposed to serve our national interests and gain allies, yet which does neither.

Mr. LANTOS. Madam Chairman, I yield myself such time as I may consume.

Before yielding time, I would like to comment on the previous speaker's observations. It is very much in the U.S. national interests not to allow the Taliban and al Qaeda to reestablish their bases in Afghanistan. Unless I am mistaken, it is their activities that resulted in the deaths of 3,000 of our fellow citizens in New York and at the Pentagon. It is very much in the U.S. national interest to put an end to opium production in Afghanistan. It is very much in the U.S. national interest to have a stable, prosperous, and democratic society in that part of the world. And I believe the overwhelming majority of Members of this body and the American people see that as clearly as the gentleman from Illinois (Mr. HYDE) and I do.

Madam Chairman, I am pleased to yield 2 minutes to my good friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Madam Chairman, I thank the ranking member for his kindness, I believe that is what it is when we are allowed to bring very important issues to this floor, as well as his leadership, and the chairman of the Committee on International Relations for leadership they have shown together in bringing us this legislation which is a combined work of both the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE).

The reason I say that is because echoing the words of the gentleman from California (Mr. LANTOS), "This legislation is both long overdue and essential."

Having visited Afghanistan in March and visited our troops who were doing a very able and needed job, even in speaking to our military personnel, they applauded the desire of America to help rebuild this nation.

It is important to note that we have evidence that we can help build nations. Just a few days ago Sierra Leone had a democratically held election and we hope that that democracy will last.

The Afghani people want democracy and they want to be able to have a strong nation. That was evident by our travels around the country. When we saw the children, a thousand of them in an orphanage, they desired an education and opportunity. When we saw the sick children and sick people in hospitals, they wanted resources to help them create a better health system. When I spoke to the women there, they wanted to make sure that they did have the opportunity for creating businesses so that microcredits would be an important concept for them.

This legislation combines the fight against opium-growing along with an investment in humanitarian needs. That means education and health care. It means teaching the government and teaching the people how to govern themselves. We did the wrong thing some years ago when Russia was fighting there, and what happened was a terrible, oppressive leadership of the Taliban. Might I change that word, not leadership, oppressiveness. We must weed out the oppressiveness of the Taliban by continuing to fight against those terrorists, but at the same time we must strengthen Chairman Karzai's government and encourage the growth and development and enhancement for the people of Afghanistan so that the 3 million who are refugees can return home.

□ 1515

Mr. HYDE. Madam Chairman, I am pleased to yield 2 minutes to the learned gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Chairman, I rise in support of this bill since I strongly support our continued engagement in Afghanistan. The people of Afghanistan have suffered for too long, and lawlessness and international neglect have caused their country to become a haven for terrorists, but not anymore.

During my recent visit to Afghanistan, our delegation was often overwhelmed by the gratitude of the Afghani people to America for freeing them from the Taliban's chains of oppression and ignorance. It lies in America's interest to make sure that the darkness of those chains never returns to Afghanistan.

Madam Chairman, we helped the Afghan interim government get formed, and it is important that we continue to support the Loya Jirga process and those chosen by that body to represent the Afghan people for the next 18 months. These are Afghanistan's first steps towards democracy, and America should stand shoulder to shoulder with the Afghan people as they strive for freedom, prosperity, and self-representation.

Security, of course, is still an issue in Afghanistan. Without security, the terrorists can find a way back into Afghanistan. Peacekeepers are currently only located in the Kabul area; and outside the capital rogue elements, as we know, continue to challenge the central government. Our troops should be there to fight the al Qaeda for everyone's interest. However, the overall security of Afghanistan, and indirectly the United States, would all significantly be enhanced if non-American peacekeepers were stationed in other areas of the country. Countries such as Turkey, Bahrain, Jordan, Sweden, and Britain have already shown interest in providing peacekeeping to those areas of our vast interest.

Madam Chairman, prosperity and stability go hand in hand. Hopefully, one day the U.S. private sector will return.

America has helped bring a new beginning to the people of Afghanistan. This bill reconfirms our determination to not let this new beginning slip out of our hands and represents the best of American ideals.

Mr. LANTOS. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HINCHEY), my friend and distinguished colleague.

Mr. HINCHEY. Madam Chairman, I wish to express my appreciation to the gentleman from Illinois (Mr. HYDE), our chairman, and to the gentleman from California (Mr. LANTOS), our ranking member, for fabricating this bill and bringing it to the floor here so that we all have an opportunity to support authorizing $1 billion of support for humanitarian and reconstruction aid for Afghanistan.

I was in Afghanistan in January of this year. At that time I had an opportunity to meet with Hamid Karzai and members of his cabinet, also with many of the people in that country, our new charge d'affaires there, the men and women of the 10th Mountain Division who are stationed there in that country and on its perimeter.

In our conversations with Hamid Karzai, I asked him what was most important to him. Without hesitation or equivocation he said security. He then said we need to rebuild our educational system; we need to refashion our transportation system; we need to rebuild our agriculture, which is the foundation of their economy. But none of that will be done unless we are able to maintain security.

The authorization that is contained in this bill provides the means for us to begin to do that in a meaningful way. We are going to have to stay involved in Afghanistan and committed and helpful to those people for some time in the future. I hope we have the staying power to do it, and I hope that this legislation which is here before us this afternoon will provide for us the solid foundation from which we can proceed on into the future.

The security of Afghanistan is critical to the people of that country, to the establishment of a new democratic government, as well as to the security of ourselves and other freedom-loving peoples in other parts of the world.

We need to do this today. We need to remain involved with this new government that is developing there, and we need to continue to carry the people of Afghanistan in our hearts and in our purses.

Mr. HYDE. Madam Chairman, I am very pleased to yield 3 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Chairman, I rise in support of H.R. 3994, the Afghanistan Freedom Support Act.

I do want to thank the gentleman from Illinois (Mr. HYDE) for his leadership in crafting this bill and the gentleman from California (Mr. LANTOS) for his commitment to helping the Afghan people. I rise to thank them both for working with me and the gentlewoman from New York (Mrs. MALONEY) to incorporate much of H.R. 3342, the Access for Afghan Women Act, into this bill. Their cooperation enables this body to continue our support for improving the lives of Afghan women and children.

H.R. 3994 will provide over $1 billion in United States assistance to Afghanistan for humanitarian and reconstruction projects, as well as Afghan military and police assistance, and funds to stem poppy production. While the bill provides the President with broad flexibility, key aspects of humanitarian and reconstruction assistance are targeted toward Afghan women.

The bill reflects that it is the United States' policy that the United States and international community should support a broad-based, multi-ethnic, gender-sensitive and fully representative government in Afghanistan. In order to meet this goal of improving the human rights of all Afghans, particularly women, emphasis must remain on meeting the educational, health and sustenance needs of women and children to better enable their full participation in Afghan society.

Assistance should increase the participation of women at the national, regional and local levels in Afghanistan, wherever feasible, by enhancing the role of women in decision-making processes, as well as by providing support programs that aim to expand economic educational opportunities and health programs for women and girls. In addition, an amendment was added for resources to be sent to the Afghan ministry of women's affairs to carry out its responsibilities for legal, advocacy, education, vocational training and women's health programs.

H.R. 3994 prioritizes maternal and child health services as an urgent humanitarian need, especially programs to reduce child mortality. Assistance is authorized to recruit and train teachers in order to meet the desperate need in Afghanistan to make up for the lost time in the classroom. Thousands of children returned to school in March, some for the first time in many years, and some had never been to school. By September, all Afghan children will have access to education.

Also authorized in this bill are programs establishing financial institutions capable of providing microenterprise credits and other income-generating programs for the poor with emphasis on women. Microenterprise loans have proven successful throughout the developed and developing world by providing an opportunity for self-sufficiency.

I support the Afghanistan Freedom Support Act and the conditioning of U.S. aid on presidential certification that Loya Jirga has convened and decided on a broad-based, multi-ethnic, gender-sensitive, fully represented transitional government.

I thank all my colleagues for this bill. I urge support.

Mr. LANTOS. Madam Chairman, I am delighted to yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), my good friend and good neighbor.

Ms. MILLENDER-MCDONALD. Madam Chairman, let me thank the gentleman from Illinois (Mr. HYDE), the chairman; and my good friend and neighbor, the gentleman from California (Mr. LANTOS), the ranking member, for their leadership in bringing this very important issue, along with the Congressional Caucus on Women's Issues, which the chairwoman and I cochair that caucus, and to bring this piece of legislation to the floor. We thank our colleagues so much.

Today, we bring to conclusion an unrivaled bipartisan process in support of war-weary Afghanistan. We are about to vote on this important measure that will provide material resources to support the rebuilding and reconstruction of a country that has touched the popular imagination over the past years.

As democratic chair of the Congressional Caucus on Women's Issues, I am proud to add my voice in support of this defining bill. It cannot come too soon to help the interim administration as it moves forward to the next stage of instilling a spirit of sound governance in Afghanistan.

When the Loya Jirga assembly meets in June, the provisional government will begin setting out the key principles of the rule of law that will help bring about stability and security where even now disorder and ethnic conflict too often prevail.

At least 160 women will be instrumental in playing a central role in this assembly. It may not be enough, but it is a start. As I stated on the House floor in December, the future of women in Afghanistan and ultimately the stability of any provisional settlement will rest upon a foundation of inclusion, not exclusion.

Madam Chairman, the comprehensive package of assistance before us today for final passage affirms the important aspirations being sought by Afghanis, both inside and outside of that country. Helping Afghan women to regain their rightful place in national life is one of the best ways I know to combat terrorism in Afghanistan and to lessen the sense of peril of the global community everywhere.

This historic bill also specifically calls for providing resources to the ministry of women's affairs to ensure that the ministry can carry out its responsibilities for legal, advocacy, educational and vocational training. I am pleased to have authored this provision and to have had the cooperation of the gentlewoman from California (Ms. LEE), my distinguished colleague, my fellow Californian and friend, and the successful effort at the House Committee on International Relations markup last month.

Afghan women must be assured of their basic human rights once more to gain access to safe drinking water and sufficient food, to receive decent health and maternal care, and foremost, to again move freely in their society without being subjected to harassment and abuse.

The role of the women's ministry in realizing these objectives will be critical in building a new sense of nationhood and in helping to secure peace and democratic order. Restoring women's level of participation in the rebirth of Afghanistan after 22 years of warfare is a noteworthy contribution towards shaping a meaningful future for that country.

Mr. HYDE. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), a member of the committee.

Mr. PITTS. Madam Chairman, I rise today in support of this legislation. In January, on January 2, with my colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from Ohio (Mr. HALL), I traveled to Afghanistan, met with Chairman Karzai and leaders. And let me offer my observations.

Despite the fact that the Taliban are out of power, the people of Afghanistan continue to suffer. Many people still do not have enough to eat. Food aid is needed. Medical, educational assistance is needed. However, the Afghan people do not want to subsist on handouts. Instead, they desire the opportunity to work, to use their skills to provide for their families.

Prior to the 1979 Soviet invasion, Afghanistan was self-sufficient and exported agriculture products to its neighbors. Before 1979, 80 percent of the society farmed the land. The skills are there, but development is needed in animal husbandry, irrigation system repair, drought assistance, and alternative crops to replace narcotics production.

As we continue to help the people of Afghanistan in rebuilding their nation, our development assistance should focus on providing employment opportunities; helping with demining so that families can return to their homes and plant their fields; investing in rebuilding infrastructure so that people can get their goods to market; and supporting education, for children's needs are great.

Predictions were that 5,000 refugees would return to their homes this year. Over 500,000 refugees have already returned, and the year is not even half over. Most refugees are returning to homes in rural areas and will need help to get back on their feet. In addition, our government should continue to clearly express its support for the interim government led by Chairman Karzai and the June Loya Jirga.

As Chairman Karzai said in January during our meeting regarding our Nation's partnership, he said, "Think of the help as help to our children. The families will do well if the children do well."

Madam Chairman, in order to avoid another environment in which warlords and terrorists flourish, we must help the Afghan people as they rebuild their society. If the Afghan people do well, then our Nation will do well, their nation will do well; and we will avoid the situation that will produce more Taliban and terrorists.

Mr. LANTOS. Madam Chairman, I am very pleased to yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Chairman, I am honored to rise as an original cosponsor of H.R. 3994, the Afghanistan Freedom Support Act; and I would be remiss if I do not express my deepest appreciation to the chairman of our committee, the gentleman from Illinois (Mr. HYDE), and our own ranking member, the gentleman from California (Mr. LANTOS), also, the chairman of our subcommittee on the Middle East and South Asia, and the gentleman from New York (Mr. GILMAN) and the ranking member, the gentleman from New York (Mr. ACKERMAN).

□ 1530

They have made such a tremendous contribution and leadership in bringing this vital legislation to the floor.

Madam Chairman, now that the people of Afghanistan have been released from the repressive regimes of al Qaeda and the Taliban, they face a daunting task and desperately need the international community's support to rebuild their government, their society and their nation.

While I support the body of the legislation, Madam Chairman, it glaringly fails to address the deteriorating security environment throughout Afghanistan which has become a crisis. Once outside Kabul, no one is safe, as humanitarian relief workers have been threatened, Loya Jirga election delegates murdered, and Afghan women and girls assaulted.

I deeply commend the gentleman from California (Mr. LANTOS) for focusing on this urgent problem and offering an amendment at a later point in time that requires the administration to submit a plan of action to address the immediate security crisis in Afghanistan, in addition to long-term security concerns. We cannot afford any longer to ignore this cancer that significantly threatens to derail Afghanistan's recovery.

If we are truly serious about aiding the people of Afghanistan and that nation's development as a democracy, I urge my colleagues to adopt the Lantos amendment as well as this legislation, as amended, for final passage.

Mr. HYDE. Madam Chairman, I am delighted to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Ms. ROS-LEHTINEN. Madam Chairman, the bill that we are debating today serves as a symbol, a measure of the commitment and guarantees by the United States and, indeed, the international community to support the Afghan people so that they can quickly stand on their own. As the bill title reflects, it is intended to create the necessary conditions and environment for stability and peace to take root in Afghanistan. With the Loya Jirga, the seeds of freedom were planted. However, without the targeted assistance described in this legislation, democracy and respect for human rights cannot fully develop and flourish in this nation which has been devastated by decades of war and oppression.

Of foremost importance is the support for security during the transitional period in Afghanistan. This country has undergone great internal turmoil and tremendous brutality in recent history, resulting in deeply embedded scars in the psyche of its people, a people worried about the recurrence of violence. Sporadic incidents throughout the course of the last several months underscore the potential for such a negative outcome.

In providing for such security assistance, we are responding to and reflecting the demands of the Afghan people who want, as Chairman Karzai stated earlier this year, to ensure that "people will not have an opportunity any more to try to meddle in Afghan affairs or to cause trouble or civil strife." The Lantos amendment will expand later upon this.

In further addressing the internal situation, this bill also provides a multiyear authorization to finance a variety of necessary programs to meet urgent humanitarian needs, to assist in the development of civil society, and guaranteeing the full participation and reintegration of women in all sectors of Afghan life.

My dear colleagues, if we do not want a return to the grim past when Afghans were tortured and beaten, when they were repressed, when Afghanistan was a safe harbor and training ground for international terrorists, then we must render our support to this important legislation.

Let us not abandon the Afghan people. Vote "yes" on the Afghan Freedom Support Act.

Mr. LANTOS. Madam Chairman, I am delighted to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I thank my dear friend and colleague for yielding time and I thank Chairman HYDE and Ranking Member LANTOS for their leadership on this important legislation.

This bill authorizes over $1 billion over the next 4 years for humanitarian and reconstruction projects as well as military and police assistance to help rebuild this nation. I am very pleased that the bill incorporates language from H.R. 3342, the Access for Afghan Women Act, a bill I authored along with my good friend and colleague the gentlewoman from Maryland (Mrs. MORELLA).

As a result, H.R. 3994 recognizes and now supports Afghan women and children by placing an emphasis on meeting the educational, health and sustenance needs of women and children so that they can participate fully in Afghan society. It also states that U.S. assistance should increase the participation of women and girls at all levels in decision-making areas.

Finally, this bill requires that resources be sent to the Afghan Ministry of Women's Affairs. Each of these provisions are extremely important because they recognize the importance of including women's participation in all areas of Afghan life.

Unfortunately, the underlying bill does not provide adequately for the safety and security of women living in Afghanistan, particularly in the areas outside of Kabul. That is why I support strongly the Lantos amendment which I understand Chairman HYDE likewise supports, which will help meet the immediate security needs of Afghanistan by calling upon the administration to come forward with a security plan for the entire country within 45 days.

In order to achieve participation in all aspects of life, women must feel safe when leaving their homes and their daughters must feel safe when they go to school, something they have been waiting for for 8 long years under the Taliban rule. And women must not be intimidated by troops and local warlords when they are finally on their way to gaining and getting their lives back.

We must continue to support Afghanistan and the women in Afghanistan. I urge a strong vote for the bill and for the Lantos amendment.

Mr. HYDE. Madam Chairman, I am pleased to yield the balance of my time to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. LANTOS. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

The CHAIRMAN. The gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Chairman, I would like to thank the chairman for all the hard work that he has put in on this over not just this time since September 11 but the time before as well, as well as Ranking Member LANTOS. This has been an issue of importance to us all even before 9/11. And the gentleman from New York (Mr. GILMAN) Chairman GILMAN has been heart and soul behind the efforts to free the Afghan people even before it became clear that it was a threat to the United States.

There has been a great deal of discussion as of late as to how much President Bush knew about the terrorist threat that took the lives of 3,000 Americans on September 11. What is most pertinent, however, is how the terrorist monsters in Afghanistan came to power and how they held power, and, more urgently, how can we prevent this from happening again.

The legislation we vote on today is vital not only to the Afghans but to the peace and stability of the world. We are committing ourselves to this generous aid package in cooperation with other donor countries and, in doing so, sending a message to the Afghan people, and that is, put down your guns and pick up your tools and this time America and the decent people of the world will be with you and will help you rebuild your country and rebuild the lives of your people.

This message and the assistance that we are giving is long overdue. It repays a debt to the Afghan people which I am sorry that my friend from Texas does not recognize. The people of Afghanistan bled and died by the hundreds of thousands in the war against the Soviet Union, and in doing so helped us win the Cold War, bring peace to the world, and afterwards we walked away from them, owing them this vast debt.

This new package should provide the resources necessary to repay that debt, or at least begin repaying that debt, and the resources necessary to begin the process of uplifting the Afghan people and bringing them into the family of nations. Their well-being and a humane quality of life is the surest way to prevent a repeat of the tragedy of 9/11, a tragedy that not only affected them, of course, but has affected the entire world.

This aid package comes at a pivotal moment, because Afghanistan's course is now being determined. The aid program from the western countries must be implemented in a way to ensure that the brutal sectarian forces that are still present and still threaten the peace and stability of that area understand our strength of purpose. Our message again should be we will help you rebuild your country but only if the new Afghanistan is a responsible member of the family of nations, and we expect the rights of the Afghan people, men and women, to be respected by their leaders.

This bill addresses specific humanitarian needs, such as my amendment to the original bill encouraged by the gentleman from California (Mr. LANTOS) and his efforts to direct extra resources towards land mine clearance. The gentleman from California and I have been deeply concerned for a number of years about the enormous number of land mines in Afghanistan. We, at the end of that war, after they had fought for us, not only left them to sleep in the rubble, these poor Afghan people who had lost so many members of their family, but we left them in a country that was inundated with land mines. We did not even help them clear the land mines that we had given them to help defeat the Soviets. That was immoral and it is a totally moral basis for our insistence now that we help the Afghan people and help them rebuild their country.

We also in this bill have directed money to women and to other local programs and we have expressed our desire to make sure that the resources are necessary to make sure that the national security and humanitarian relief efforts that are going on in Afghanistan are well funded, not only by us, but by our allies who are also contributing a great sum.

Let me just say there has been some discussion as to whether or not we should be helping those people who were caught in the crossfire, and we will have a colloquy on this later, supposedly that we are making compensation to those people whom we accidentally hurt in trying to free Afghanistan. This is not a controversial position. This goes to the heart and soul of America. If we did not intend to hurt people and they were caught in the crossfire, of course, we are going to help these poor innocent people, and in doing so we are going to send a message to the people of the world: Yes, we are for freedom and we are going to stand by you, and if war is necessary, or conflict is necessary, we are not coming in like the 800-pound gorilla in caring less about the rights of others. We care about people. That is why we are engaged in this. That is what this aid package is all about, repaying a debt and telling the people of the world we care about their freedom and we care about their human condition. In doing so, we will have peace and our country will be secure.

Mr. LANTOS. Madam Chairman, I yield myself the balance of my time.

I want to commend my friend from California for his powerful and thoughtful statement. The Congress is always at its best when it speaks in a bipartisan fashion. We have done so today. I again want to commend Chairman HYDE for his leadership on this issue. I want to commend my colleagues across the political spectrum who have spoken on behalf of this legislation. It embodies the finest values of the United States and it represents hardheaded, rational, farsighted foreign policy.

I urge all of my colleagues to support the legislation.

Mrs. CHRISTENSEN. Madam Chairman, I rise in support of H.R. 3994, the Afghanistan Freedom Support Act of 2002.

The people of Afghanistan have not known freedom or peace for quite some time. They are not our enemies, and I commend the sponsors of this bill for reaching across the oceans to them with a hand of assistance in rebuilding not only the physical but also the educational, social and economic fabric of their nation.

Madam Chairman, I want to call particular attention to the portions of the Act that promote the inclusion of women in the decision-making and nation building processes.

I want to add the voice of the people of the U.S. Virgin Islands as expressed in the attached resolution introduced by Senator Lorraine Berry, and passed by the 24th Legislature of the U.S. Virgin Islands, which expresses the sense of the legislature that women be a part of the total resolution in the ongoing process of normalization that the country of Afghanistan will be going through for a very long time.

And so on behalf of all of the people of my district, I urge my colleagues to pass H.R. 3994.

RESOLUTION NO. 1630

BILL NO. 24-0200

TWENTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS OF THE UNITED STATES

REGULAR SESSION, 2002

To petition the United States Congress and the White House to enact appropriate legislation, that would require future international aid to Afghanistan and other foreign countries, be conditioned, in part, upon the countries' elimination of discrimination against women.

Whereas, the history of Afghanistan is replete with women aiding the development of that country in the authorship of its constitution, serving in governmental positions, providing leadership in the academic world and serving as professionals; and

Whereas, the world has witnessed the gradual oppression of women in Afghanistan by varied male-dominated warring groups; and

Whereas, the eradicated Taliban Government had institutionalized total oppression of women as evident by edicts prohibiting women from working or being educated, by public flogging, stoning and killing; and

Whereas, some allies of the United States in the Middle East and elsewhere who receive aid continue to turn a blind eye to those who would oppress women in one form or the other, even to the extent of mutilation of sexual organs; and

Whereas, Tahmeena Faryal, Representative of the Revolutionary Association of the Women of Afghanistan (RAWA), graphically described the past horror visited upon the people of Afghanistan as "bullets instead of food and graves instead of houses"; and

Whereas, the International Covenant on Civil and Political Rights states, in part, that "no one shall be subject to cruel, inhuman, or degrading treatment or punishment"; and

Whereas, we have observed the fact that women of Afghanistan had been virtually imprisoned in their homes; they were required to wear burquas, which cover the entire head and body, with a mesh-like covering over the eyes, thereby creating certain health problems, and optical problems, and we have witnessed in the media credible news coverage of public flogging of women by so-called religious police when women walked too quickly, laughed loudly or, accidentally or otherwise, showed their face in public; and

Whereas, such cruel, inhumane and degrading treatment of women has no rational nor credible sanction in any religious teaching or holy book; and

Whereas, the violation of human rights cannot be cloaked, rationalized or condoned as a cultural difference; and

Whereas, the harsh punishment reserved for women is more about control than religion; and

Whereas, the above-noted oppressive practices have left their mark on most women who remain fearful of availing themselves of even small concessions, especially since members of the former Taliban have been permitted to join the governing factions; and

Whereas, in outlining areas, away from western scrutiny, women continue to be oppressed and abide under intolerable restrictions; and

Whereas, there can be no true democracy without the participation of women; Now, Therefore,

Be it resolved by the Legislature of the Virgin Islands:

Section 1. The Legislature of the Virgin Islands, on behalf of the people of the Virgin Islands, hereby resolves to petition the United States Congress and the White House to enact appropriate legislation that would henceforth require that future foreign aid to Afghanistan and other foreign countries be conditioned, in significant part, upon the recipient's active commitment to eliminate discrimination against women.

Thus passed by the Legislature of the Virgin Islands on January 30, 2002.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this   Day of February, A.D., 2002.

ALMANDO "ROCKY" LIBURD,
President.
DONALD G. COLE,
Legislative Secretary.

Mr. SHADEGG. Madam Chairman, I rise to address the inclusion of my amendment in the Manager's Amendment to H.R. 3994, the Afghanistan Freedom Support Act of 2002. The gentleman from Illinois, Mr. HYDE, has drafted an important piece of legislation that will help significantly in efforts to rebuild Afghanistan's economic infrastructure, create durable institutions of government that are representative and accountable to the people of Afghanistan, and reduce the production of narcotics. The bill helps the people of Afghanistan to help themselves by providing the seed money needed to establish the necessary base of physical infrastructure and stable government upon which they can build a modern economy and thus a peaceful and prosperous society.

I believe that this legislation offers an excellent opportunity to allow the natural generosity of the American people and businesses in America to play a role in this effort. That is why I proposed an amendment, which the gentleman from Illinois has included in the Manager's Amendment, that states that the President should encourage donations from U.S. corporations and small business of manufacturing and other types of excess or obsolete, but usable, equipment to help rebuild the infrastructure of Afghanistan. Currently, the Federal Government does not solicit donations of usable equipment from U.S. corporations and small businesses. My amendment rectifies this problem and asks the Federal Government to look to all sources to provide the needed machinery and equipment to begin the rebuilding process. U.S. corporations continually replace old but reusable equipment and are faced with relatively few choices for disposing of it. My amendment expands their choices and helps them contribute directly to a people who are in dire need. This equipment can be used to help start small businesses and begin entrepreneurship in Afghanistan that will lead to the creation of jobs and start the country on the long path to recovery.

I thank the gentleman from Illinois and look forward to working with the Chairman and the Administration to see that this important provision is enacted into law and fully implemented. With that I yield back the balance of my time.

Mr. DICKS. Madam Chairman, I am pleased to come to the floor today in support of H.R. 3994, the Afghanistan Freedom Support Act. I believe it is critical that we fulfill the commitment made by the President and by the Congress to provide significant resources to help the nation of Afghanistan rebuild after more than 20 years of war.

After winning World War II, President Truman and the Congress took a bold step, committing enormous U.S. resources to help the nations of Europe rebuild after the devastation of total war. The Marshall Plan, as it is known, was not politically popular at the time—it languished in Congress for several months and passed through the other body with just a one-vote margin. But I believe nearly everyone today would argue that it was the right thing to do—for Europe, for the United States and the entire world.

Many of my colleagues decry Federal spending on foreign aid, arguing that it is a misappropriation of money that could be better spent domestically. But foreign aid was the genius of the Marshall plan—targeted investments to rebuild the economies of nations devastated by war, poverty, famine, and disease.

The continuing importance of foreign aid is underscored by the extreme need for such help now in Afghanistan. Afghan rebels, with significant financial and military support from the United States, succeeded in throwing off the yoke of Soviet occupation. Once finished, however, U.S. support evaporated. Perhaps we thought our work was done or that Afghanistan was too far away from the U.S. to be of any real concern once the Soviets had limped home. But we learned last September that our work had not been completed. And we learned that Afghanistan, despite its perceived isolation, could certainly cause us harm.

Clearly, there is a need for a continued U.S. presence to help Afghanistan rebuild its economy, establish a stable government, and encourage participation in the international community. Such spending is an important investment we can make to try to prevent a repeat of September 11. But is this need exclusive to Afghanistan?

Even if we are completely successful in Afghanistan, reconstructing that nation and eliminating the terrorist presence, we can be sure that these terrorist organizations will reappear somewhere. How can we best deal with this threat?

Strengthening and re-equipping our military, shoring up our borders and improving domestic security are certainly parts of the solution, but an equally important component is foreign aid. By helping other nations establish stable democratic governments and market economies, they will join us in the fight against terrorism.

I think most would agree that it would have been far cheaper to have appropriated the financial and technical assistance to Afghanistan 15 years ago to help them create a free nation than it has been to deal with the attacks on September 11 and their aftermath. I also believe that it is in our best financial interest to increase our foreign aid commitments and help struggling nations today rather than wait for them to deteriorate to the point where we are forced into military intervention.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITION.

(a) SHORT TITLE.—This Act may be cited as the "Afghanistan Freedom Support Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

Sec. 101. Declaration of policy.
Sec. 102. Purposes of assistance.
Sec. 103. Principles of assistance.
Sec. 104. Authorization of assistance.
Sec. 105. Promoting cooperation in major opium producing regions of Afghanistan.
Sec. 106. Coordination of assistance.
Sec. 107. Administrative provisions.
Sec. 108. Authorization of appropriations.

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

Sec. 201. Support for security during transition in Afghanistan.
Sec. 202. Authorization of assistance.
Sec. 203. Eligible foreign countries and eligible international organizations.
Sec. 204. Reimbursement for assistance.
Sec. 205. Authority to provide assistance.
Sec. 206. Sunset.

(c) DEFINITION.—In this Act, the term "Government of Afghanistan" includes the government of any political subdivision of Afghanistan, and any agency or instrumentality of the Government of Afghanistan.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title 1.

The text of title 1 is as follows:

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

SEC. 101. DECLARATION OF POLICY.

Congress makes the following declarations:

(1) The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.

(2) The United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs, fight the production and flow of illicit narcotics, and aid in the reconstruction of Afghanistan's agriculture, health care, and educational systems.

(3) By promoting peace and security in Afghanistan and preventing a return to conflict, the United States and the international community can help ensure that Afghanistan does not again become a source for international terrorism.

(4) The United States should support the objectives agreed to on December 5, 2001, in Bonn, Germany, regarding the provisional arrangement for Afghanistan as it moves toward the establishment of permanent institutions and, in particular, should work intensively toward ensuring the future neutrality of Afghanistan, establishing the principle that neighboring countries and other countries in the region do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal.

(5) The special emergency situation in Afghanistan, which from the perspective of the American people combines security, humanitarian, political, law enforcement, and development imperatives, requires that the President should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in the broader Central Asia region.

SEC. 102. PURPOSES OF ASSISTANCE.

The purposes of assistance authorized by this title are—

(1) to help assure the security of the United States and the world by reducing or eliminating the likelihood of violence against United States or allied forces in Afghanistan and to reduce the chance that Afghanistan will again be a source of international terrorism;

(2) to support the continued efforts of the United States and the international community to address the humanitarian crisis in Afghanistan and among Afghan refugees in neighboring countries;

(3) to fight the production and flow of illicit narcotics, to control the flow of precursor chemicals used in the production of heroin, and to enhance and bolster the capacities of Afghan governmental authorities to control poppy cultivation and related activities;

(4) to help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women, including authorizing assistance for the rehabilitation and reconstruction of Afghanistan with a particular emphasis on meeting the educational, health, and sustenance needs of women and children to better enable their full participation in Afghan society;

(5) to support the Government of Afghanistan in its development of the capacity to facilitate, organize, develop, and implement projects and activities that meet the needs of the Afghan people;

(6) to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multiethnic, gender-sensitive, fully representative government freely chosen by the Afghan people, without prejudice to any decisions which may be freely taken by the Afghan people about the precise form in which their government is to be organized in the future, as may be decided through the convening of a traditional Afghan assembly or "Loya Jirga" as agreed to on December 5, 2001, in Bonn, Germany;

(7) to support the reconstruction of Afghanistan through, among other things, programs that create jobs, facilitate clearance of landmines, and rebuild the agriculture sector, the health care system, and the educational system of Afghanistan; and

(8) to include specific resources to the Ministry for Women's Affairs of Afghanistan to carry out its responsibilities for legal advocacy, education, vocational training, and women's health programs.

SEC. 103. PRINCIPLES OF ASSISTANCE.

The following principles should guide the provision of assistance authorized by this title:

(1) TERRORISM AND NARCOTICS CONTROL.—Assistance should be designed to reduce the likelihood of harm to United States and other allied forces in Afghanistan and the region, the likelihood of additional acts of international terrorism emanating from Afghanistan, and the cultivation, production, trafficking, and use of illicit narcotics in Afghanistan.

(2) ROLE OF WOMEN.—Assistance should increase the participation of women at the national, regional, and local levels in Afghanistan, wherever feasible, by enhancing the role of women in decisionmaking processes, as well as by providing support for programs that aim to expand economic and educational opportunities and health programs for women and educational and health programs for girls.

(3) AFGHAN OWNERSHIP.—Assistance should build upon Afghan traditions and practices. The strong tradition of community responsibility and self-reliance in Afghanistan should be built upon to increase the capacity of the Afghan people and institutions to participate in the reconstruction of Afghanistan.

(4) STABILITY.—Assistance should encourage the restoration of security in Afghanistan, including, among other things, the disarmament, demobilization, and reintegration of combatants, and the establishment of the rule of law, including the establishment of a police force and an effective, independent judiciary.

(5) COORDINATION.—Assistance should be part of a larger donor effort for Afghanistan. The magnitude of the devastation—natural and man-made—to institutions and infrastructure make it imperative that there be close coordination and collaboration among donors. The United States should endeavor to assert its leadership to have the efforts of international donors help achieve the purposes established by this title.

SEC. 104. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance for Afghanistan for the following activities:

(1) URGENT HUMANITARIAN NEEDS.—To assist in meeting the urgent humanitarian needs of the people of Afghanistan, including assistance such as—

(A) emergency food, shelter, and medical assistance;

(B) clean drinking water and sanitation;

(C) preventative health care, including childhood vaccination, therapeutic feeding, maternal child health services, and infectious diseases surveillance and treatment;

(D) family tracing and reunification services; and

(E) clearance of landmines.

(2) REPATRIATION AND RESETTLEMENT OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—To assist refugees and internally displaced persons as they return to their home communities in Afghanistan and to support their reintegration into those communities, including assistance such as—

(A) assistance identified in paragraph (1);

(B) assistance to communities, including those in neighboring countries, that have taken in large numbers of refugees in order to rehabilitate or expand social, health, and educational services that may have suffered as a result of the influx of large numbers of refugees;

(C) assistance to international organizations and host governments in maintaining security by screening refugees to ensure the exclusion of armed combatants, members of foreign terrorist organizations, and other individuals not eligible for economic assistance from the United States; and

(D) assistance for voluntary refugee repatriation and reintegration inside Afghanistan and continued assistance to those refugees who are unable or unwilling to return.

(3) COUNTERNARCOTICS EFFORTS.—(A) To assist in the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan and the region, with particular emphasis on assistance to—

(i) eradicate opium poppy, establish crop substitution programs, purchase nonopium products from farmers in opium-growing areas, quick-impact public works programs to divert labor from narcotics production, develop projects directed specifically at narcotics production, processing, or trafficking areas to provide incentives to cooperation in narcotics suppression activities, and related programs;

(ii) establish or provide assistance to one or more entities within the Government of Afghanistan, including the Afghan State High Commission for Drug Control, and to provide training and equipment for the entities, to help enforce counternarcotics laws in Afghanistan and limit illicit narcotics growth, production, and trafficking in Afghanistan;

(iii) train and provide equipment for customs, police, and other border control entities in Afghanistan and the region relating to illicit narcotics interdiction and relating to precursor chemical controls and interdiction to help disrupt heroin production in Afghanistan and the region;

(iv) continue the annual opium crop survey and strategic studies on opium crop planting and farming in Afghanistan; and

(v) reduce demand for illicit narcotics among the people of Afghanistan, including refugees returning to Afghanistan.

(B) For each of the fiscal years 2002 through 2005, not less than $15,000,000 of the amount made available to carry out this title should be made available for a contribution to the United Nations Drug Control Program for the purpose of carrying out activities described in clauses (i) through (v) of subparagraph (A). Amounts made available under the preceding sentence are in addition to amounts otherwise available for such purposes.

(4) REESTABLISHMENT OF FOOD SECURITY, REHABILITATION OF THE AGRICULTURE SECTOR, IMPROVEMENT IN HEALTH CONDITIONS, AND THE RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To assist in expanding access to markets in Afghanistan, to increase the availability of food in markets in Afghanistan, to rehabilitate the agriculture sector in Afghanistan by creating jobs

for former combatants, returning refugees, and internally displaced persons, to improve health conditions, and assist in the rebuilding of basic infrastructure in Afghanistan, including assistance such as—

(A) rehabilitation of the agricultural infrastructure, including irrigation systems and rural roads;

(B) extension of credit;

(C) provision of critical agricultural inputs, such as seeds, tools, and fertilizer, and strengthening of seed multiplication, certification, and distribution systems;

(D) improvement in the quantity and quality of water available through, among other things, rehabilitation of existing irrigation systems and the development of local capacity to manage irrigation systems;

(E) livestock rehabilitation through market development and other mechanisms to distribute stocks to replace those stocks lost as a result of conflict or drought;

(F) mine awareness and demining programs and programs to assist mine victims, war orphans, and widows;

(G) programs relating to infant and young child feeding, immunizations, vitamin A supplementation, and prevention and treatment of diarrheal diseases and respiratory infections;

(H) programs to improve maternal and child health and reduce maternal and child mortality;

(I) programs to improve hygienic and sanitation practices and for the prevention and treatment of infectious diseases, such as tuberculosis and malaria;

(J) programs to reconstitute the delivery of health care, including the reconstruction of health clinics or other basic health infrastructure; and

(K) disarmament, demobilization, and reintegration of armed combatants into society, particularly child soldiers.

(5) REESTABLISHMENT OF AFGHANISTAN AS A VIABLE NATION-STATE.—(A) To assist in the development of the capacity of the Government of Afghanistan to meet the needs of the people of Afghanistan through, among other things, support for the development and expansion of democratic and market-based institutions, including assistance such as—

(i) support for international organizations that provide civil advisers to the Government of Afghanistan;

(ii) support for an educated citizenry through improved access to basic education;

(iii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(iv) programs to enable the Government of Afghanistan to develop school curriculum that incorporates relevant information such as landmine awareness, food security and agricultural education, human rights awareness, and civic education;

(v) support for the activities of the Government of Afghanistan to draft a new constitution, other legal frameworks, and other initiatives to promote the rule of law in Afghanistan;

(vi) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance;

(vii) support for an independent media;

(viii) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels;

(ix) programs to strengthen civil society organizations that promote human rights and support human rights monitoring;

(x) support for national, regional, and local elections and political party development; and

(xi) support for the effective administration of justice at the national, regional, and local levels, including the establishment of a responsible and community-based police force.

(B) For each of the fiscal years 2002 through 2005, not less than $10,000,000 of the amount made available to carry out this title should be made available for the purposes of carrying out a traditional Afghan assembly or "Loya Jirga" and for support for national, regional, and local elections and political party development under subparagraph (A)(x).

(6) MARKET ECONOMY.—To support the establishment of a market economy, the establishment of private financial institutions, the adoption of policies to promote foreign direct investment, the development of a basic telecommunication infrastructure, and the development of trade and other commercial links with countries in the region and with the United States, including policies to—

(A) encourage the return of Afghanistan citizens or nationals living abroad who have marketable and business-related skills;

(B) establish financial institutions, including credit unions, cooperatives, and other entities providing microenterprise credits and other income-generation programs for the poor, with particular emphasis on women;

(C) facilitate expanded trade with countries in the region;

(D) promote and foster respect for basic workers' rights and protections against exploitation of child labor;

(E) develop handicraft and other small-scale industries; and

(F) provide financing programs for the reconstruction of Kabul and other major cities in Afghanistan.

(b) LIMITATION.—

(1) IN GENERAL.—Amounts made available to carry out this title (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of subsection (a)) may be provided only if—

(A) with respect to assistance for fiscal year 2003, the President first determines and certifies to Congress that a traditional Afghan assembly or "Loya Jirga" has been convened and has decided on a broad-based, multiethnic, gender-sensitive, fully representative transitional authority for Afghanistan; and

(B) with respect to assistance for fiscal years 2004 and 2005, the President first determines and certifies to Congress with respect to the fiscal year involved that substantial progress has been made toward adopting a constitution and establishing a democratically elected government for Afghanistan.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the application of subparagraph (A) or (B) of paragraph (1) if the President first determines and certifies to Congress that it is in the vital national interest of the United States to do so.

(B) CONTENTS OF CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include—

(i) a full and complete description of the vital national interest of the United States that is placed at risk by reason the application of subparagraph (A) or (B) of paragraph (1), as the case may be; and

(ii) an analysis of the risk described in clause (i) versus the risk to the vital national interest of the United States by reason of the failure to exercise the waiver authority of subparagraph (A).

SEC. 105. PROMOTING COOPERATION IN MAJOR OPIUM PRODUCING REGIONS OF AFGHANISTAN.

(a) IN GENERAL.—Except as provided in subsection (b), a portion of the amount made available to carry out this title for a fiscal year shall be available for assistance in the major opium producing regions of Afghanistan, including areas within the Badakshan, Helmand, and Qandahar provinces with the goal of assisting in the elimination of poppy cultivation. Assistance under the preceding sentence shall be provided in coordination with the Government of Afghanistan, in consultation with the local leaders of such regions, and in coordination with the counter-narcotics efforts of other donors, particularly the United Nations Drug Control Program (UNDCP), and the European Union and its member states.

(b) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), amounts made available to carry out this title for a fiscal year (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of section 104(a)) may not be provided to an opium producing region if, with respect to such region, the Government of Afghanistan does not actively, effectively, and vigorously participate in illicit narcotics suppression activities or if, beginning on September 30, 2003, opium is produced (other than in a de minimis amount, as measured by surveys conducted by the United States Government, the United Nations Drug Control Program, or other reliable sources) in such region. Amounts withheld from an opium producing region by reason of the application of the preceding sentence shall be redistributed to qualifying opium producing regions.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the restriction on assistance under the first sentence of paragraph (1) with respect to an opium producing region if the President first determines and certifies to Congress that it is in the vital national interest of the United States to do so.

(B) CONTENTS OF CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include—

(i) a full and complete description of the vital national interest of the United States that is placed at risk if assistance to the opium producing region involved is not provided under this section; and

(ii) an analysis of the risk described in clause (i) versus the risk to the vital national interest of the United States by reason of the failure to exercise the waiver authority of subparagraph (A).

(c) ADDITIONAL REQUIREMENT.—The coordinator designated by the President pursuant to section 106(a) and other appropriate officers of the Department of State and the United States Agency for International Development shall ensure that assistance under this title is provided, in appropriate amounts, to opium producing regions of Afghanistan consistent with the requirements of subsections (a) and (b).

SEC. 106. COORDINATION OF ASSISTANCE.

(a) DESIGNATION OF COORDINATOR.—The President is strongly urged to designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to advance United States interests in Afghanistan;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title;

(3) pursuing coordination with other countries and international organizations with respect to assistance to Afghanistan;

(4) ensuring that United States assistance programs for Afghanistan are consistent with this title;

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for Afghanistan; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for Afghanistan.

(b) ADDITIONAL REQUIREMENT.—An individual designated by the President as coordinator pursuant to subsection (a) may only be an individual who is appointed by the President by and with the advice and consent of the Senate.

SEC. 107. ADMINISTRATIVE PROVISIONS.

(a) APPLICABLE ADMINISTRATIVE AUTHORITIES.—Except to the extent inconsistent with the provisions of this title, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this title to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(b) USE OF THE EXPERTISE OF AFGHAN-AMERICANS.—In providing assistance authorized by this title, the President should—

(1) maximize the use, to the extent feasible, of the services of Afghan-Americans who have expertise in the areas for which assistance is authorized by this title; and

(2) in the awarding of contracts and grants to implement activities authorized under this title, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to a Federal department or agency to carry out this title for a fiscal year may be used by the department or agency for administrative expenses in connection with such assistance.

(d) MONITORING.—

(1) COMPTROLLER GENERAL.—The Comptroller General shall monitor the provision of assistance under this title.

(2) INSPECTOR GENERAL OF USAID.—

(A) IN GENERAL.—The Inspector General of the United States Agency for International Development shall conduct audits, inspections, and other activities, as appropriate, associated with the expenditure of the funds to carry out this title.

(B) FUNDING.—Not more than $1,500,000 of the amount made available to carry out this title for a fiscal year shall be made available to carry out subparagraph (A).

(e) CONGRESSIONAL NOTIFICATION PROCEDURES.—Funds made available to carry out this title may not be obligated until 15 days after notification of the proposed obligation of the funds has been provided to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

(f) AUTHORITY TO PROVIDE ASSISTANCE.—Assistance under this title may be provided notwithstanding any other provision of law.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title $200,000,000 for fiscal year 2002, $300,000,000 for each of the fiscal years 2003 and 2004, and $250,000,000 for fiscal year 2005. Amounts authorized to be appropriated pursuant to the preceding sentence for fiscal year 2002 are in addition to amounts otherwise available for assistance for Afghanistan.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including, with respect to food assistance under section 104(a)(1), funds available under title II of the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and section 416(b) of the Agricultural Act of 1949.

Mr. HYDE. Madam Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of the bill is as follows:

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN AFGHANISTAN.

It is the sense of Congress that, during the transition to a broad-based, multi-ethnic, gender-sensitive, fully representative government in Afghanistan, the United States should support—

(1) the development of a civilian-controlled and centrally-governed standing Afghanistan army that respects human rights;

(2) the creation and training of a professional civilian police force that respects human rights; and

(3) a multinational security force in Afghanistan.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) TYPES OF ASSISTANCE.—

(1) IN GENERAL.—(A) To the extent that funds are appropriated in any fiscal year for the purposes of this Act, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to the Government of Afghanistan.

(B) To the extent that funds are appropriated in any fiscal year for these purposes, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, and other support (including training) to eligible foreign countries and eligible international organizations.

(C) The assistance authorized under subparagraph (B) shall be used for directly supporting the activities described in section 203.

(2) DRAWDOWN AUTHORITY.—The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for the Government of Afghanistan, eligible foreign countries, and eligible international organizations.

(3) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, other support, and military education and training that are acquired by contract or otherwise.

(b) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under subsection (a)(2) may not exceed $300,000,000, provided that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 204(b)(1).

SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.

A foreign country or international organization shall be eligible to receive assistance under section 202 if such foreign country or international organization is participating in or directly supporting United States military activities authorized under Public Law 107–40 or is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country, except that no country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) shall be eligible to receive assistance under section 202.

SEC. 204. REIMBURSEMENT FOR ASSISTANCE.

(a) IN GENERAL.—Defense articles, defense services, and military education and training provided under section 202(a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations under subsection (b)(1).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under section 202(a)(2).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this title.

SEC. 205. AUTHORITY TO PROVIDE ASSISTANCE.

(a) GOVERNMENT OF AFGHANISTAN.—Assistance to the Government of Afghanistan under this title may be provided notwithstanding any other provision of law.

(b) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—

(1) AUTHORITY.—The President may provide assistance under this title to any eligible foreign country or eligible international organization notwithstanding any other provision of law (other than provisions of this title) if the President determines that such assistance is important to the national security interest of the United States and notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination at least 15 days in advance of providing such assistance.

(2) NOTIFICATION.—The report described in paragraph (1) shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

SEC. 206. SUNSET.

The authority of this title shall expire on December 31, 2004.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE:

Page 3, line 16, insert "civil service, financial," after "health care,".

Page 10, line 9, insert before the period the following: ", and humanitarian assistance to internally displaced persons, including those persons who need assistance to return to their homes, through the United Nations High Commissioner for Refugees and other organizations charged with providing such assistance".

Page 11, line 23, strike "not less than".

Page 11, line 24, strike "should" and insert "is authorized to".

Page 14, line 2, strike "and".

Page 14, after line 2, insert the following:

(K) programs for housing, rebuilding urban infrastructure, and supporting basic urban services; and

Page 14, line 3, strike "(K)" and insert "(L)".

Page 15, line 21, strike "and" the second place it appears.

Page 15, line 25, strike the period and insert "; and".

Page 15, after line 25, insert the following:

(xii) support for establishment of a central bank and central budgeting authority.

Page 18, strike line 4 and all that follows through line 23 and insert the following:

(2) Waiver.—

(A) In general.—The President may waive the application of subparagraph (A) or (B) of paragraph (1) if the President first determines and certifies to Congress that it is important to the national interest of the United States to do so.

(B) Contents of certification.—A certification transmitted to Congress under subparagraph (A) shall include a memorandum of justification that explains the basis for the determination of the President to waive the application of subparagraph (A) or (B) or paragraph (1).

Page 19, strike line 1 and all that follows through line 13 on page 21 and insert the following:

SEC. 105. PROMOTING COOPERATION IN MAJOR OPIUM PRODUCING REGIONS OF AFGHANISTAN.

(a) In General.—Notwithstanding any other provision of law (except as provided in subsection (c)), subsections (a) through (g) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), as in effect on January 9, 2002, shall apply with respect to United States bilateral and multilateral assistance to Afghanistan for each of fiscal years 2003 through 2005.

(b) Authority To Apply Section 490 of the Foreign Assistance Act of 1961.—

(1) In general.—The President is authorized and encouraged, to the maximum extent practicable, to apply the provisions of subsections (a), (b), (c), and (e) of section 490 of the Foreign Assistance Act of 1961 to United States bilateral and multilateral assistance to major opium producing regions of Afghanistan, including regions within the Badakshan, Helmand, and Qandahar provinces.

(2) Redistribution.—The President is authorized and encouraged to redistribute any United States assistance withheld from an opium producing region pursuant to this subsection to other major opium producing regions of Afghanistan with respect to which United States assistance has not been withheld pursuant to this subsection.

(3) Major opium producing regions.—The President may define or redefine the boundaries of major opium producing regions of Afghanistan for purposes of this subsection.

(c) Requirement to Supersede.—The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or otherwise supersedes the provision of this section.

Page 21, line 15, strike "(a) Designation of Coordinator.—".

Page 22, strike line 9 and all that follows through line 13.

Page 23, after line 9, insert the following (and redesignate subsequent subsections accordingly):

(c) Donations of Manufacturing Equipment; Use of Land Grant Colleges and Universities.—In providing assistance authorized by this title, the President, to the maximum extent practicable, should—

(1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and

(2) utilize research conducted by United States land grant colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

Page 24, beginning on line 18, strike "$200,000,000 for fiscal year 2002, $300,000,000 for each of the fiscal years 2003 and 2004," and insert "$300,000,000 for each of the fiscal years 2002 through 2004".

Mr. HYDE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1545

Mr. HYDE. Madam Chairman, I have a bipartisan amendment that I am very pleased to present. It was worked out with the cooperation, and that word describes the gentleman from California (Mr. LANTOS) perfectly, the ranking minority member.

This is primarily technical, but it does make several substantive changes in the bill. For example, it deletes language which would require that $15 million of the amount authorized in the bill for counternarcotics be made available for use by the United Nations Drug Control Program. The amount of $15 million remains authorized, but it would not be earmarked. This was the only earmark in the bill. We fully expect that at least that much money will go to the United Nations Drug Control Program, which has been very helpful in our counternarcotics effort.

This amendment also modifies language in the committee-reported bill to conform the amount of assistance authorized to be appropriated for Afghanistan for fiscal year 2002 to the amount proposed to be appropriated in the House version of the Supplemental Appropriations Act. That is $300 million, instead of $200 million, which was authorized to be appropriated for fiscal year 2002 in the version of H.R. 3994 reported by the Committee on International Relations.

In addition, this amendment deletes language which requires that if the President designates a coordinator of assistance for Afghanistan, that individual shall be appointed with the advice and consent of the Senate. This amendment was requested by the administration, which has already named a coordinator, who is now in place. The administration does not want to pull that individual off his job to wait the many months a Senate confirmation may well require.

Finally, Madam Chairman, we included in this en bloc amendment several recommendations made by Members. At the suggestion of the gentleman from Nebraska (Mr. BEREUTER), we included language that would assure, to the maximum extent practicable, that our President utilize research conducted by U.S. Land Grant Colleges and Universities in the area of agriculture and rural development.

A similar amendment was included at the suggestion of the gentleman from Arizona (Mr. SHADEGG) that our President encourage the donation of appropriate excess manufacturing equipment by United States businesses for the reconstruction of Afghanistan.

Also at the suggestion of the gentleman from New Jersey (Mr. SMITH), we expanded the assistance for voluntary refugee repatriation to include humanitarian assistance to internally displaced persons.

Finally, at the suggestion of the gentleman from Oregon (Mr. BLUMENAUER), we made it clear by adding a new subsection that money should be used for programs for housing, rebuilding urban infrastructure and supporting basic urban services.

I again would like to thank the gentleman from California (Mr. LANTOS) and other Members for their significant contributions. I urge Members to vote in favor of this amendment.

Mr. LANTOS. Madam Chairman, I rise in support of the amendment.

Madam Chairman, I first want to commend my good friend, the chairman of the committee, the gentleman from Illinois (Mr. HYDE), for his amendment. As the gentleman from Illinois knows, our staffs have worked closely together on the text of this amendment, which I believe addresses all of the various concerns expressed by the administration on H.R. 3994; and it conforms this legislation to recent developments.

I do not believe there are any objections on our side to the Hyde amendment, and I urge all of my colleagues to support it.

Mr. BLUMENAUER. Madam Chairman, I move to strike the last word.

Madam Chairman, I deeply appreciate the work that has been done on behalf of the majority and minority, the Chair, the ranking member, and their staffs.

Part of the reason we are in Afghanistan today is because the world turned its back on Afghanistan after the collapse of the former Soviet Union. The Taliban and other thugs and warlords and misfits filled the power vacuum left after the country was devastated. The lesson from past efforts is that you cannot leave a shattered country to its own devices and the tender mercies of the most corrupt and violent.

We have a good start before us today, and it is made better by the elements of the manager's amendment. The Afghanistan Freedom Support Act of 2002 will provide $1.05 billion of reconstruction aid to Afghanistan over 4 years.

The bill focuses on creating a stable environment for Afghanistan, addressing a wide variety of issues we have already heard related to on the floor.

It is, however, only a start. The United Nations and the World Bank estimate that reconstruction of Afghanistan will require at least $1.7 billion in the first year, $10 billion over the next 5 years, and $15 billion in the next decade. Given that the world is still reeling, and, indeed, shots are still being fired, others argue that these numbers are far too low and put the overall cost at closer to $30 billion over the next decade. But whatever the amount, we must be sensitive to a critical issue in the long-term political and social economic stability of Afghanistan, and that is the viability of its urban areas.

This is something, Madam Chairman, that really does not get the attention of people in this Chamber, in fact by the Federal Government, as we deal with issues of international security; but the CIA has ranked the problems of urbanization in the developing world as one of the seven top security concerns, suggesting that cities will be sources of crime and instability as ethnic and religious differences exacerbate the competition over scarcer jobs and resources.

The problems of poverty, unsafe drinking water, inadequate access to medical care and sanitation, too often we ignore these as we look at what happens in the rural areas of these developing countries. While we all recognize the importance that agriculture plays in Afghanistan's redevelopment, the role of its cities are critical. It is an important component of rebuilding this war-torn country. It is necessary that the appropriate balance be reached between urban and rural development.

Through many years of civil war and the war on terrorism, the cities of Afghanistan have been devastated. With the real possibility of an influx of people into cities looking for work, especially if the drought continues to damage the agricultural sector, extraordinary challenges will be facing the cities, and these will only be compounded.

Yes, Afghanistan is largely rural. Only 22 percent of the country is urbanized. But with an annual growth rate of 5.3 percent projected over the next 12 years, this problem is going to compound. I had offered up an amendment, which I deeply appreciate having been made a part of the manager's amendment, that seeks an appropriate level of foreign aid to be targeted to restoring the urban infrastructure.

Any attempt to provide assistance to help foster political stabilization and economic development must recognize the critical role that these cities are going to play. This is the area that is the cultural center, of governmental interests, where the politics are going to be played out and where things that in the countryside are difficult, when you are talking about disease, sanitation, lack of potable water, in a city, these become devastating.

In addition, Afghanistan faces a series of challenges that are unique to its history of conflict and war that has devastated the country, the relocation of refugees and the environmental challenges linked to 2 decades of warlike land mines. It is important to recognize the capital city of Kabul is going to be critical to foster the support for the newly restored political regime and help build its new economy.

Today's bill is an important step, and I applaud the work of our committee leadership, the chairman and ranking member, in ensuring Afghanistan's urban areas are included in our aid to this country. It is vital to our long-term political interest and to the economic success of the people of Afghanistan to rebuild their war-torn country and to become an important ally of the United States in years to come.

When we are approaching a period in the next year or two when half of the world's population is going to move to cities, this is a model for the rest of our aid as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LANTOS

Mr. LANTOS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANTOS:

Insert after section 205 of the bill the following (and make such conforming amendments as may be necessary):

SEC. 206. PROMOTING SECURE DELIVERY OF HUMANITARIAN AND OTHER ASSISTANCE IN AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it never again becomes a haven for terrorism.

(2) The delivery of humanitarian and reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the fostering of the Afghan Interim Authority and the traditional Afghan assembly or "Loya Jirga" process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5) The violence and lawlessness may jeopardize the "Loya Jirga" process, undermine efforts to build a strong central government, severely impede reconstruction and the delivery of humanitarian assistance, and increase the likelihood that parts of Afghanistan will once again become safe havens for Al-Qaeda, Taliban forces, and drug traffickers.

(6) The lack of security and lawlessness may also perpetuate the need for United States Armed Forces in Afghanistan and threaten the ability of the United States to meet its military objectives.

(7) The International Security Assistance Force in Afghanistan, currently led by Turkey, and composed of forces from other willing countries without the participation of United States Armed Forces, is deployed only in Kabul and currently does not have the mandate or the capacity to provide security to other parts of Afghanistan.

(8) Due to the ongoing military campaign in Afghanistan, the United States does not contribute troops to the International Security Assistance Force but has provided support to other countries that are doing so.

(9) The United States is providing political, financial, training, and other assistance to the Afghan Interim Authority as it begins to build a national army and police force to help provide security throughout Afghanistan, but this effort is not meeting the immediate security needs of Afghanistan.

(10) Because of these immediate security needs, the Afghan Interim Authority, its Chairman, Hamid Karzai, and many Afghan regional leaders have called for the International Security Assistance Force, which has successfully brought stability to Kabul, to be expanded and deployed throughout the country, and this request has been strongly supported by a wide range of international humanitarian organizations, including the International Committee of the Red Cross, Catholic Relief Services, and Refugees International.

(11)(A) On January 29, 2002, the President stated that "[w]e will help the new Afghan government provide the security that is the foundation of peace".

(B) On March 25, 2002, the Secretary of Defense stated, with respect to the reconstruction of Afghanistan, that "the first thing . . . you need for anything else to happen, for hospitals to happen, for roads to happen, for refugees to come back, for people to be fed and humanitarian workers to move on the country . . . [y]ou've got to have security".

(b) STATEMENT OF POLICY.—It should be the policy of the United States to support measures to help meet the immediate security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

(c) PREPARATION OF STRATEGY.—Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

Mr. LANTOS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Chairman, my amendment declares that it should be the policy of the United States to support measures to meet the immediate security needs of Afghanistan and requires the President to submit a strategy for meeting the immediate security needs in Afghanistan.

I want to put my amendment in its proper context, Madam Chairman. There has been no one on either side of the aisle more in support of the President's global war on terrorism than this Member, and that support continues. But I think it is important that while we support the President in this major global bipartisan effort we do not suspend our critical qualities. Our amendment deals with one such issue.

The United States and its coalition partners have freed Afghanistan from the chokehold of all the al Qaeda terrorists and the repressive regime of the Taliban. With the support of the international community, a new interim authority is now in place and the country is now on a path uncertainly towards peace and stability.

That very peace and stability is being threatened as the new government of Afghanistan under Chairman Karzai is being undermined by lawlessness and insecurity. Afghanistan is in grave danger of relapsing to the very conditions of violence and warlordism that created the Taliban and attracted al Qaeda to operate in Afghanistan.

Virtually the only safe place in Afghanistan where people can move freely, where humanitarian organizations and government ministries can deliver much-needed relief assistance and services, is Kabul, the capital, which is under the protection of the International Security Assistance Force known as ISAF. ISAF, soon to be under the leadership of the government of Turkey, has demonstrated how effectively an international security presence contributes to stability and safety.

But Kabul itself is in danger of being overrun as refugees and displaced people continue to flood the capital in search of security. Nearly half of all the returning refugees are going to Kabul, and the city is already struggling to cope with this horrendous influx.

Outside of Kabul, Madam Chairman, Afghanistan continues to be a land of lawlessness, a land where every thug with a rifle can set up an illegal checkpoint to extort money from travelers, while the unarmed and outnumbered police cower in their makeshift headquarters. It is a land where women are still too fearful to remove their burqas and where relief workers risk their lives or have to offer hefty bribes to warlords and drug barons just to provide food and medicine to those in desperate need of assistance.

This is not the vision we had for Afghanistan as we sought to help to liberate it from the grasp of the terrorists and the Taliban. President Bush has pledged to help restore security and rebuild Afghanistan, and Secretary Rumsfeld himself noted on numerous occasions that security is fundamental to all other issues and objectives in Afghanistan. This is certainly not the Afghanistan that Chairman Karzai promised to his people when he asked them to rally behind him and behind the international war on terrorism.

□ 1600

In fact, Chairman Karzai has repeatedly pleaded with the United States and the international community to expand the mandate of the International Security Assistance Force beyond Kabul, and to help address the security situation.

Madam Chair, the purpose of the Afghanistan Freedom and Reconstruction Act is to help transform Afghanistan from a land of repression and chaos into a safe and secure environment where freedom, human rights and democracy can grow and terrorism and opium production will disappear.

The CHAIRMAN. The time of the gentleman from California (Mr. LANTOS) has expired.

(By unanimous consent, Mr. LANTOS was allowed to proceed for 3 additional minutes.)

Mr. LANTOS. Madam Chairman, none of this can be accomplished without security. The United States is providing critical assistance to create a new professional, multi-ethnic Afghan army that will address Afghanistan's long-term security needs. I support this assistance, and the bill before the House today authorizes military assistance to contribute to this effort.

However, building Afghan security forces to the point where they can meet the security needs of Afghanistan will take at least a year-and-a-half and probably considerably longer. The period between now and the time that the Afghan military force can assume its duties is the critical period to assure the future of a secure Afghanistan. Something must be done now, Madam Chairman, whether it is the expansion of a multinational force or through some other mechanism to stabilize the countryside. Neither we nor our Afghan friends have the luxury to wait until a future security force, as yet only dreamed of, becomes fully trained and deployed.

My amendment requires the administration to address this issue in a constructive manner. It requires the administration to formulate a strategy to increase security in the country during the transition to a fully functioning national army and police force.

I fear that a failure to do so may lead to a failed Afghanistan. It will reduce international assistance. It will delay the accomplishment of our military objectives far longer. It will compel our military to stay in the region.

Madam Chairman, it is for all of these reasons that I offer my amendment, and I urge my colleagues to join me in supporting it, in supporting the people of Afghanistan. Without security, our courageous military's effort will be in vain. We must provide security throughout the whole of the country, not just in the capital city of Kabul. This makes common sense. It makes military sense. It will advance and promote U.S. national security.

Mr. HYDE. Madam Chairman, I rise in support of the amendment.

Madam Chairman, I want to enthusiastically accept the amendment offered by the gentleman from California (Mr. LANTOS). It improves the bill greatly. It emphasizes the importance of creating a secure environment in Afghanistan to ensure that humanitarian agencies will have access to meet the emergency needs of the Afghanistan people, and it calls on the President to develop a plan to address security concerns in Afghanistan.

To those people who might think this is too prescriptive, too interventionist, I think otherwise. I think it is only prudent to suggest to the President that we are authorizing a lot of money and we have a lot of things to be done, and we are expressing our hope and our request really that he come up with a strategy for employing the funds and the resources we are authorizing, because it is vitally important that we not flounder over there, that we know what we are doing, and that people think about an orderly way to bring security and stability to that part of the country. This is prudent, it is wise, and I hope my colleagues will accept it.

Madam Chairman, I congratulate the gentleman from California (Mr. LANTOS) for adding it to our bill.

Mr. ACKERMAN. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the Lantos amendment.

Madam Chairman, I congratulate the gentleman from California for offering his amendment, because it highlights a particularly important aspect of our current efforts in Afghanistan. Everything we have achieved to the present time is dependent on the security situation in Afghanistan. No level of assistance will be effective if aid workers cannot reach those in need.

Indeed, the Committee on International Relations received testimony from AID administrator Andrew Natsios that the current security situation on the ground is unsuitable for rapid or sustainable change. The Secretary of Defense has also said that before anything else can happen in Afghanistan, there must be security.

Yet, humanitarian aid organizations have reported threats to their workers and attempts at extortion by local commanders. These conditions will not only threaten the delivery of humanitarian assistance, but they will make it impossible to establish an effective program of reconstruction.

Recent events such as the assassination attempt on Defense Minister Fahim, the foiled plot to kill Afghanistan's King Zahir Shah, which delayed his return to his country, and the tragic killing of a United Nations aid worker are all part of a disturbing pattern of rising violence, a pattern that threatens to undermine the Loya Jirga process. In fact, Human Rights Watch reports that insecurity in certain provinces has caused the cancellation of Loya Jirga elections in portions of those provinces.

Madam Chairman, there are immediate security needs that as of now are going unmet. If we do not address the situation now, U.S. troops who are on the ground will have to stay in Afghanistan even longer. Such insecurity aspects put our troops at greater risk and threaten our ability to meet our military objectives in Afghanistan.

I know that the administration is opposed to expanding the International Security Force beyond the boundaries of Kabul, and I know the President supports the training of an Afghan police force and a national army. I support the President in the rebuilding of these institutions. Afghanistan should ultimately be responsible for their own security. But these are long-term solutions. Even the Department of Defense acknowledges that it will be at least 18 months before a national army is ready. What are the citizens of Afghanistan to do in the meantime?

We need a strategy to bridge the gap between now and the time when the Afghans can truly provide their own security across the country and that, Madam Chairman, that is what the amendment asks for.

Since the President has already foreclosed the option of expanding the International Security Assistance Force, I believe that it is incumbent upon him and the administration to provide an alternative solution. Without U.S. leadership on this question, nothing will be done to address it. The President has said, and I agree, that Afghanistan's persistent poverty, war, and chaos laid the groundwork for the Taliban to seize power. If nothing is done now to address the security situation in Afghanistan, we risk plunging that nation back into the conflict from which it has so recently emerged.

Madam Chairman, the Lantos amendment can help us to avoid that fate, and I urge all of our colleagues to support it.

Mr. PAUL. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment. The President has not been interested in this legislation. I do not see a good reason to give him the burden of reporting back to us in 45 days to explain how he is going to provide for Afghan security for the long term. How long is long term? We have been in Korea now for 50 years. Are we planning to send troops that provide national security for Afghanistan? I think we should be more concerned about the security of this country and not wondering how we are going to provide the troops for long-term security in Afghanistan. We should be more concerned about the security of our ports.

Madam Chairman, over the last several days and almost continuously, as a matter of fact, many Members get up and talk about any expenditure or any tax cut as an attack on Social Security, but we do not hear this today because there is a coalition, well built, to support this intervention and presumed occupation of Afghanistan. But the truth is, there are monetary and budget consequences for this.

After this bill is passed, if this bill is to pass, we will be close to $2 billion in aid to Afghanistan, not counting the military. Now, that is an astounding amount of money, but it seems like it is irrelevant here. Twelve months ago, the national debt was $365 billion less than it is today, and people say we are just getting away from having surpluses. Well, $365 billion is a huge deficit, and the national debt is going up at that rate. April revenues were down 30 percent from 1 year ago. The only way we pay for programs like this is either we rob Social Security or we print the money, but both are very harmful to poor people and people living on a limited income. Our funds are not unlimited.

I know there is a lot of good intention; nobody in this body is saying we are going over there to cause mischief, but let me tell my colleagues, there is a lot of reasons not to be all that optimistic about these wonderful results and what we are going to accomplish over there.

Madam Chairman, earlier the gentleman from California (Mr. ROHRABACHER) came up with an astounding reason for us to do this. He said that we owe this to Afghanistan. Now, I have heard all kinds of arguments for foreign aid and foreign intervention, but the fact that we owe this to Afghanistan? Do we know what we owe? We owe responsibility to the American taxpayer. We owe responsibility to the security of this country.

One provision of this bill takes a $300 million line of credit from our DOD and just gives the President the authority to take $300 million of weapons away from us and give it to somebody in Afghanistan. Well, that dilutes our defense, that does not help our defense. This is not beneficial. We do not need to have an occupation of Afghanistan for security of this country. There is no evidence for that.

The occupation of Afghanistan is unnecessary. It is going to be very costly, and it is very dangerous.

My colleagues might say, well, this is all for democracy. For democracy? Well, did we care about democracy in Venezuela? It seemed like we tried to undermine that just recently. Do we care about the democracy in Pakistan? A military dictator takes over and he becomes our best ally, and we use his land, and yet he has been a friend to the Taliban, and who knows, bin Laden may even be in Pakistan. Here we are saying we are doing it all for democracy. Now, that is just pulling our leg a little bit too much. This is not the reason that we are over there. We are over there for a lot of other reasons and, hopefully, things will be improved.

But I am terribly concerned that we will spend a lot of money, we will become deeply mired in Afghanistan, and we will not do a lot better than the Soviets did.

Now, that is a real possibility that we should not ignore. We say, oh, no, everything sounds rosy and we are going to do this, we are going to do it differently, and this time it is going to be okay. Well, if we look at the history of that land and that country, I would think that we should have second thoughts.

It has been said that one of the reasons why we need this legislation is to help pay for drug eradication. Now, that is a good idea. That would be nice if we could do that. But the drug production has exploded since we have been there. In the last year, it is just going wild. Well, that is even more reason we have to spend money because we contributed to the explosion of the drug production. There is money in this bill, and maybe some good will come of this; there is money in this bill that is going to be used to teach the Afghan citizens not to use drugs.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PAUL) has expired.

(By unanimous consent, Mr. PAUL was allowed to proceed for 2 additional minutes.)

□ 1615

Mr. PAUL. Mr. Speaker, if this is successful, if we teach the Afghan people not to use drugs, that would be wonderful. Maybe then we can do something about the ravenous appetite of our people for drugs which is the basic cause of so much drug production.

So to spend money on these kinds of programs I think is just a little bit of a stretch. Already there have been 33 tribal leaders that have said they will not attend this Loya Jirga, that they are not going to attend. The fact that we are going to spend millions of dollars trying to gather these people together and tell them what to do with their country, I think the odds of producing a secure country are slim.

Already in the papers just a few weeks ago it was reported in The Washington Post that our CIA made an attempt to assassinate a former prime minister of Afghanistan. He may have been a bum for all I know, but do Members think that sits well? He was not an ally of bin Laden, he was not a Taliban member, yet our CIA is over there getting involved. As a matter of fact, that is against our law, if that report is true. Yet, that is what the papers have reported.

So I would say that we should move cautiously. I think this is very dangerous. I know nobody else has spoken out against this bill, but I do not see much benefit coming from this. I know it is well motivated, but it is going to cost a lot of money, we are going to get further engaged, more troops are going to go over there; and now that we are a close ally of Pakistan, we do know that Pakistan and India both have nuclear weapons, and we are sitting right next to them. So I would hardly think this is advantageous for our security, nor advantageous for the American people, nor advantageous to the American taxpayer.

I see this as a threat to our security. It does not reassure me one bit. This is what scares me. It scares me when we send troops into places like Vietnam and Korea and other places, because it ultimately comes back to haunt us.

Mr. SAWYER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, it is a privilege here today to rise on behalf of the Lantos amendment and to express my gratitude, both to him and to the chairman of the Committee, for their bipartisan work on this overall bill, and to rise in support of this amendment.

I think it is very clear that if we are to accomplish the worthwhile goals that have been expressed in the body of this bill and in the previous Hyde amendment, that the substance embodied in the Lantos amendment is a requisite to achieve that.

In an interesting kind of way, I have to say that I find something to agree with in the previous speaker's remarks. We do not have to look much further than our own hemisphere, south to Colombia, to see the consequences of failing to address the importance of stabilizing conditions before we attempt to achieve real reform.

All we have to do is to look at what is going on with refugees and internally displaced populations there to understand the enormously destabilizing effect that those populations have in a country where we have not achieved the kind of security that is contemplated in the Lantos amendment.

In Afghanistan, the U.N. High Council on Refugees estimates that there are some 1 million internally displaced persons. There are some 3.7 million refugees in Iran and Pakistan that may well return. Of those displaced persons, some 1.5 million children have lost a parent, and over half a million of those have lost both parents. The strain that that places on a society attempting to stabilize itself is extraordinary.

We need to understand, though, that for those who would argue that dealing with that kind of problem is addressing the symptom rather than the cause, we need to understand that when it comes to instability, those kinds of displaced persons and populations straining at the infrastructure of a nation are not only a symptom of instability, but are in themselves a cause and exacerbator of that kind of instability.

We will not be able to address those kinds of problems until we have the kind of stability that is anticipated in the Lantos amendment.

So in conclusion, I would suggest that the lessons that we have learned over a difficult time in this hemisphere give us guidance as to the kinds of problems that we are capable of avoiding with the kind of wisdom, careful analysis, insight, and action that is contemplated in the Lantos amendment. I rise in support of that amendment.

Ms. WOOLSEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I also rise in strong support of the Lantos amendment. The Lantos amendment encourages the President of our country to improve security in Afghanistan and to support that effort. With women's security being most at risk, this amendment is especially critical for their quality of life and for their future.

A secure and stable Afghanistan is important for all the international community and for all Americans who value human rights and value democracy. Taliban rule in Afghanistan has illustrated how systematic violations against women, sanctioned by the governing authorities, can lead to danger and instability in those areas. Clearly, a country is not stable and/or democratic if half of its population remains oppressed.

Recent events have opened the door to a restoration of the rights of Afghan women, and today a fledgling government is forming; yet unacceptable violations against women continue. Afghanistan may soon enjoy its new democratic legislature; yet Afghan women are daily threatened with sexual violence and public intimidation.

The Lantos amendment seeks to improve the lives of Afghan women, and that is why I urge all of my colleagues to support it. I thank the gentleman from California (Mr. LANTOS) for providing this amendment.

Mr. ROHRABACHER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of the Lantos amendment.

Just to mention a few of the points that have been made here that might need a little bit of clarification, when we talk about the money that is being spent here, yes, it does cost us money to do something. I think the American people need to consider exactly how much money we are talking about. They also need to consider how much money we have already spent because we were not responsible in the years past.

I think the $2 billion that this project will cost us, $2 or $3 billion, I am not sure at the end exactly how much it is going to cost, but I am sure that it is far less expensive than what it has cost us in rebuilding lower Manhattan and the Trade Center, and I am sure it cost us a lot more for not being responsible in the years past. If we would have spent this money 10 years ago or 5 years ago, perhaps we would have saved hundreds of billions of dollars, which is what this will cost us in the end.

When we left, yes, it is very difficult for one to imagine that we would owe a people who fought for our freedom a debt. Yes, it is very difficult for us to imagine that a group of people like the people of Afghanistan, who lost a huge percentage of their population in fighting the Soviet Army, in alliance with the United States, that we owe them a debt, because after what they did with their courage, their blood, the sacrifices of their families and homes, it made the world safer because it broke the will of the Soviet leadership, and shortly thereafter the Soviet Union disintegrated. It probably would not have done so if it was not for the courage and the tenacity and the sacrifice of the people of Afghanistan, who we encouraged to go and do our fighting for us.

Yes, we owe the people of Afghanistan a debt, and when we did not repay that debt, and when we walked away and told them to sleep in the rubble and let their children continue to be blown apart by land mines that we had given them to plant during the war against the Soviets, but we did not bother to stick around to help them clear them after the war was over, yes, there was a void. That void was filled by the Taliban and that void was filled by bin Laden and that void was filled by evil. When good people are not responsible and walk away, that void is usually filled by the evil people of this world. If there is any lesson of history, that is the lesson of history.

It is not the "loyal jerga," however you pronounced it, I say to the gentleman from Texas (Mr. PAUL). It is called a Loya Jirga. It is not a gathering of people who are being gathered for us to tell them what to do; this is a noble effort on our part to have all of the tribal leaders and local leaders of

Afghanistan to gather together so they can determine what they want for their country, and it is something we should be proud of.

Yes, there is a $300 million cost, military cost, to that. That $300 million is a drawdown so that the government of Afghanistan can create a military force that will permit Afghanistan to again be a unified country, rather than torn apart by warlords who are more powerful than the government, which is committed to the rights and liberties of their people at the center. We need to work with those people who want to rebuild a free and democratic Afghanistan.

For 10 years, I tried to struggle to get the King of Afghanistan back, who was dedicated to serving the role that other monarchs have served in situations like that, in Spain and in Greece and elsewhere, as a transition figure to democracy. I was opposed by our State Department, who undermined that effort. I am sure there are a lot of regrets now in our government that what we did not do in the past ended up creating this horrible situation on September 11, where thousands of Americans died.

But I can assure my colleagues that we will not have to have that same regret if we do what is right today, because, yes, there will be problems in the future, but those problems will be much greater if we do not act. If we do not back those people who are positive and want to have more democracy and want to respect the rights of their people, other people will fill the void, and then our challenges and problems and costs will be much greater.

What we are proposing today is a good deal. Yes, it costs money. It is a good deal. Also, let us not forget that other people around the world are joining us, and if we refrain from picking up our share of the load to help rebuild Afghanistan, our neighbors throughout the world will note that and they will not do their share. So this is a good deal in order to achieve a safer planet for our people, a safer country here, and also to pay that debt that we owe to the people of Afghanistan.

Mrs. TAUSCHER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would speak in support of the Lantos amendment. I would like to state my strong support for the Lantos amendment on improving security in Afghanistan. The Afghanistan Freedom Support Act provides critical economic and humanitarian assistance to Afghanistan; but without a security component to this aid, we have no means of assuring that our help will be effective or promote Afghanistan's long-term reconstruction.

The defeat of the Taliban and of all the positive social and political changes that came with it could not have taken place without United States leadership. I am seriously concerned, however, that our investment will be wasted if we do not directly consider how the United States can improve long-term security in Afghanistan.

In February, during testimony before the Committee on Armed Services, General Tommy Franks, Commander in Chief of the United States Central Command, restated President Bush's pledge to build "a lasting permanent solution for Afghanistan's security needs." The President's words have never been more relevant.

Since Chairman Karzai took the head of the interim government, one of his ministers has been killed, militia factions are fighting for influence, the refugee situation is worsening, and general lawlessness throughout the country is threatening the government's effectiveness.

By the end of the month, over 400 districts throughout Afghanistan must elect 16,000 delegates. They in turn will choose about 1,000 local leaders to participate in the new Afghan parliament. This is a delicate process that can easily be derailed.

The requirement in the amendment that the President submitted to Congress of the strategy for meeting Afghanistan's security needs is essential. This strategy should consider the use of U.S. military assets. At a time when U.S. troops are engaged in conflicts across the globe, from the Philippines to Georgia, it would be irresponsible for us to walk away from the one country where we have achieved victory without securing peace. A safe and secure Afghanistan is in the United States' national interest.

I applaud the acceptance by the gentleman from Illinois (Chairman HYDE), and I urge my colleagues to support the bill. It was a good bill, and it is a better bill with the Lantos amendment.

□ 1630

Mr. FORD. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of this Lantos amendment. Never before, at least in my short time, I am just 32 years old, Madam Chairman, has America's standing been more precarious than it is today. In a lot of ways our need and responsibility to lead has never been greater. I have listened to some of my colleagues, particularly my friend, the gentleman from Texas (Mr. PAUL), who raised some interesting points about national security and whether or not we should shoulder the President with this burden when, in fact, he has not asked for it. We in this Congress have a tendency of burdening different agencies and departments with things that they did not ask for. That should not be a reason to defeat this amendment.

We have developed a reputation across the globe, whether we like it or not, and I see my friend, the gentlewoman from Texas (Ms. JACKSON-LEE) and I was proud to join her and 7 other colleagues on a trip to Kurdistan, Uzbekistan, Afghanistan some several months ago. We have developed, I think wrongly, as a Nation that being a country that supports things that narrowly benefit us or that is convenient to us and withdrawing in times when it may be inconvenient in the smallest ways. The rules of globalization call that we be better citizens. Part of that citizenship, I believe, is supporting this amendment; and coming to understand that for Chairman Karzai, whom the gentleman from Ohio (Mr. HOBSON) and the ranking member on the Subcommittee on Military Construction, Committee on Appropriations, the gentleman from Massachusetts (Mr. OLVER), and the gentleman from Maine (Mr. ALLEN), and the gentleman from California (Mr. ROYCE), and my friend, the gentleman from Ohio (Mr. NEY), and the gentleman from Michigan (Mr. ROGERS), and the gentleman from North Carolina (Mr. HAYES). Part of what we learned on this trip from Chairman Karzai is that he cannot accomplish the many things we all heard the President speak so eloquently about back in January and have heard Defense Secretary Rumsfeld talk about at length every day in his news conferences. We cannot accomplish the kind of peace and stability and bring about conditions for progress until we create a very stable and secure environment, not only there in Kabul but outside of that area as well.

We traveled there, as I said, and gained a greater appreciation for our men and women serving us there. For anyone who believes that young people are incapable of doing monumental things, I say one needs look no further than the U.S. military, and certainly the young men and women who are protecting and defending not only our interests but the free world's interests there in Baghram and all of our air bases in Manaos and certainly there at K–2.

It is my hope that we in this Congress will have the courage to urge the President and the administration to do all that is laid out here in this Lantos amendment.

I close on this note. We have made so many great strides in this country over the last several years in science and medicine and technology and we will continue to do those things. One of the challenges that my generation, I think, will have, Madam Chairman, is to figure out ways in which not only we use all of that technology and science and advancements here in America but around the globe, but also to figure out how we take the human spirit and try to transfer that as well. Because I think the way we are thought about in other parts of the world, particularly Central Asia, is unfair to all Americans, certainly to the good works of this Congress, this Senate and even this President is attempting and have been done in the past. There has been no greater citizen for freedom and no greater advocate for freedom and voice for freedom over the years than the gentleman from California (Mr. LANTOS) whether it is the Middle East or Africa or other parts of the world.

It is my hope that this amendment is passed and that this Congress will take a harder and more thoughtful look and have a kind ear when it comes to foreign aid and issues affecting foreign countries. Because if, indeed, we want to contain or limit terrorism, we must come to grips with the fact that winning the war in Afghanistan alone will not accomplish that. Until we are willing to reach out and educate and close some of the awful gaps that exists between men and women, some of the awful disparities that exist between the children of our country and children around the globe, we will continue to be bedeviled with the challenges we saw on September 11 and continue to hear the kinds of threats that even Director Mueller and General Ashcroft are issuing today.

Madam Chairman, I urge support for the Lantos amendment.

Mr. FARR of California. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in strong support of the Lantos amendment and the underlying bill, the Afghanistan Freedom Support Act.

The Afghanistan Freedom Support Act makes good on America's promise not to abandon Afghanistan. Our commitment to Afghanistan will be a testament to America's commitment to its allies in the war on terror. The most important commitment that the United States can make, however, is to support the security of our Afghan allies and friends. Without security, there can be no infrastructure rebuilding, no eradication of narcotics cultivation, no economic revitalization, no improved education and health care. None of our well-intentioned programs, which ultimately will be assumed by the Afghans themselves, will find any success without adequate security measures.

Security is most certainly not a partisan issue. Here we all agree that security is fundamental to prosperity. I am sure then that many of my colleagues shared my dismay when President Bush announced that the U.S. would not support an extension of Internal Security Assistance Force, the ISAF, to other major cities in Afghanistan besides Kabul. It contradicted the President's announcement that he would like to see the Peace Corps' Crisis Corps and eventually the Peace Corps volunteers back in Afghanistan as soon as possible.

Everybody in this body knows that I am one of the strongest supporters of the Peace Corps, having served as a volunteer in Colombia in the 1960s. I advocated strongly for expansion of the Peace Corps. I was the loudest to cheer when the President boldly committed himself to double the number of Peace Corps volunteers by the year 2007. I am also supportive of the President's intention to call upon the Peace Corps to help rebuild and revitalize Afghanistan. As their Peace Corps brothers and sisters went before them, the new volunteers will bring the great American gifts of optimism and enthusiasm to their important work in the Afghanistan villages. Nonetheless, we can not expect Peace Corps volunteers, even the Crisis Corps volunteers, to operate in a climate of insecurity that now reigns in Afghanistan.

I would like to bring our attention to an editorial from The Washington Post from April 27 of this year. I will submit this document for the RECORD.

The article was written by Anna Seleny, a political science teacher at Princeton, but also the last Peace Corps volunteer to be evacuated from Afghanistan in 1987 before the Soviet invasion. Miss Seleny believes, as I do, that the Peace Corps can play an important role in restoring peace and prosperity to Afghanistan. However, the ability of volunteers to play that role will be seriously compromised by the violence and impunity that still reigns there. Without security, the volunteers' mission will fail. Miss Seleny fears that they will be withdrawn again, and I fear worse.

What is required now is to be realistic. Without security and order, there can be no peace and prosperity. If we want the latter, we must also provide the former. I think that helping Afghanistan is the right thing to do. But let us do the job right. Let us expand the security mission beyond Kabul to cover other cities to other provinces. Let us help the Afghanistan democratic process by protecting the Loya Jirga from threats and intimidations. Let us help make it safe for women and girls to go outside and walk the streets without fear of attack. Let us help create an environment where Afghans can afford to stop dwelling on the past and worrying about the present, and allow them to think about the future, to dream and to build better lives for themselves and their families.

The Lantos amendment most reasonably asks the administration to prepare a strategy to meet the security needs of Afghanistan. It is an important first step towards meeting our obligations and laying the foundations for its successful U.S. policy in the region.

I thank my colleagues for their attention and consideration and urge them to support the Lantos amendment and the underlying Afghan Freedom Support Act.

[From the Washington Post, Apr. 27, 2002]

THE PEACE CORPS WILL NEED SOME BACKUP

(By Anna Seleny)

If things go according to the Bush administration's plan, the Peace Corps will be back in Afghanistan soon. This makes sense; it could spur Afghan reconstruction while teaching idealistic young Americans about the realities of life in the developing world.

But these laudable aims can be accomplished only if the administration agrees to extend the mandate of the international peacekeeping force there, and expand it to cover the provinces. I speak from experience; I was the last Peace Corps volunteer evacuated from Afghanistan in 1979 before the Soviet invasion.

I arrived in Kabul in January 1978 and was assigned to work in a health clinic north of Mazar-e-Sharif, near the Uzbek border. Three months later bombs started to fall, as part of a Soviet-backed coup in which the Communist "People's Democratic Party" murdered President Mohammed Daoud, the last ruling member of the Mohammedzai dynasty. After several days of intense fighting, an eerie calm settled over a capital now under strict military curfew. My most vivid memory of the following weeks is of riding my bicycle past ever-lengthening lines of people waiting outside prisons for news of relatives who had disappeared. Many never got answers, and the new regime's duplicity and brutality were only the beginning of the country's long nightmare.

Like other Peace Corps volunteers, I was given the option of leaving without dishonor or continuing my work. About a dozen of us stayed (out of approximately 150). It was no longer considered safe to work in the provinces, so I was reassigned to the Afghan Institute of Technology in Kabul. As the new regime tightened its grip, some of my friends and colleagues began to distance themselves from anything American, for self-protection; one even adopted Marxist rhetoric overnight. Others overcame their fears and continued to insist that I come to their homes. Eventually, after the assassination of American Ambassador Adolph Dubs, the rest of us were withdrawn, along with all but a skeleton embassy staff.

Today, after more than two decades of war and poverty, most Afghans want U.S. help in restoring a measure of peace, prosperity and normality to their country. The Peace Corps can play an invaluable role in this delicate task: serving as goodwill ambassadors and helping communities provide basic services to a population in desperate need. For quite some time, however, the Peace Corps volunteers will have to go about their tasks in a highly unstable local and geopolitical context. Afghan internal rivalries are still erupting in fierce vendettas, and no national government can exercise credible authority, let alone punish the perpetrators of violence. Some regions of the country remain dominated by former warlords. Without an expanded international peacekeeping force, there could be a major conflagration between dominant groups holding power in Kabul and their provincial rivals.

The administration is right to stress the need for reconstruction aid. But it seems poised to repeat America's mistakes in the region: committing too few resources for too short a time, and thus ultimately failing to secure hard-won gains. Before angry groups in Afghanistan can cooperate to put their country back on its feet, the peace must be fully secured—something beyond the power of the interim government, and probably the first post-conflict government as well. This is why the Afghans themselves have asked that the international peacekeeping force be significantly expanded in both time and scope.

Without some kind of force in place capable of maintaining order, moreover, any new Peace Corps volunteers will probably have to be withdrawn as things fall apart, just as we were in 1979. This would not only be a public relations disaster and a waste of substantial rhetorical, military and political capital; it would also be a historic lost opportunity.

Some speak of Afghanistan as if it had always been in turmoil, as if its ethnic and tribal groups had never reached a workable accommodation. Don't believe them. Before 1979 Afghanistan was miserably poor, but people did not starve. Daoud's government had serious flaws, but it was a moderate republic. There was increasing political and social pluralism, including enhanced freedoms and a range of professional careers for women. By the late 1970s Afghanistan had achieved a kind of rough tribal democracy that might well have developed into something better with time. The country also had a professional, multi-ethnic army of which many Afghans were justly proud, and a growing middle class.

The potential for a more prosperous and peaceful Afghanistan is there. The Peace Corps is at its best when helping distressed nations dig out from under. But for the Corps to do its job, somebody else must first keep the peace. And keeping the peace requires a firm commitment that, like the mission of the Peace Corps itself, conveys to Afghans and the world the patient determination that is the hallmark of true world leadership.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The question was taken; and the Chairman announced that the ayes appear to have it.

Mr. LANTOS. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. LANTOS) will be postponed.

Mr. BLUMENAUER. Madam Chairman, I move to strike the last word for purposes of entering into a colloquy.

Madam Chairman, once again I appreciate the efforts of our diligent colleagues, the chairman of our committee, the gentleman from California (Mr. LANTOS), the ranking member, and the gentleman from California (Mr. ROHRABACHER) in their work with me on an important issue for assistance for the unintended victims of the war in Afghanistan.

The current military operations in the United States Armed Forces and other allied forces in Afghanistan are directed against the members of Taliban and other terrorist organizations, not against the people of Afghanistan. Although the United States and our allies have demonstrated enormous good will towards the people of Afghanistan who have suffered under the former Taliban regime, there have been numerous unintended victims of the current military operations by us and other allied countries.

In the past the United States has provided aid to civilian casualties of military operations. Assistance should be provided to individuals who are unintended victims of the current military operation as well. The men and women of our armed forces are well trained and there is no question that they do their job very, very well. Nonetheless, even in the most justified of wars, civilians will suffer and some will be killed.

In the aftermath of the Afghanistan campaign, we feel it is important for the United States to assist these people and particularly to help unintended victims who have suffered directly due to our munitions. There are children that have been injured or left to fend for themselves because adult members of their families have been mistakenly killed; widows who have been left to care for children without means to provide for food, health and clothing. Other victims have suffered property loss or personal injury.

Despite humanitarian efforts, women and children remain victims of this war and desperately, desperately need our help. I believe that providing this assistance speaks to the highest values of our Nation and of our people. It would be an important good will gesture for us to help these unintended victims of the war against terrorism that was appropriately and ably spearheaded by our country in Afghanistan.

Madam Chairman, I yield to the gentleman from Illinois (Mr. HYDE) to respond.

Mr. HYDE. Madam Chairman, I thank the gentleman for yielding.

My colleague from Oregon reminds us of the sad situation that unfortunately comes along with any war, unintended victims. Facing one's enemy in battle is hard enough; knowing that others may have perished without participating in the war is tragic. I am pleased, however, that the legislation before us will help the people of Afghanistan in a substantial way. It provides serious economic, democratic development and military aid. It will assist in meeting the urgent humanitarian needs of the Afghan people including food, shelter, medical care, family reunification services and the clearance of land mines. It will also assist refugees and internally displaced persons, eradication of illicit narcotics, and reconstruction efforts.

I am hoping these efforts will provide some comfort to the innocent people of Afghanistan who have had to bear witness to the evils of terrorism and this war.

If history was our guide, we are assured that the United States will undertake a serious investigation, examining these matters, and act accordingly to directly assist those injured or killed by tragic mistakes or accident.

I would be pleased to support the gentleman in moving legislation through the Committee on International Relations that would achieve those ends at the appropriate time. In the meantime, I agree with the gentleman that the unintended victims and their families should receive priority in receiving assistance under this legislation, if at all possible.

I hope this has satisfied the gentleman's inquiry.

Mr. BLUMENAUER. Madam Chairman, I thank the gentleman. I appreciate the gentleman's leadership and his words of direction. At this point I would yield to the ranking member of the committee, my good friend, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Madam Chairman, I thank the gentleman for yielding and I thank him for his thoughtful remarks and for his very genuine and sincere interest in this matter.

Clearly there have been unintended innocent victims during our military operations, and I fully agree with my friend, the gentleman from Oregon (Mr. BLUMENAUER), that U.S. assistance should be provided to such victims and their families.

I also strongly endorse the commitment of our chairman to bring forward appropriate legislation on this issue, and I look forward to working with him and with my friend from Oregon on this matter and I thank the gentleman for yielding.

□ 1645

Mr. BLUMENAUER. Madam Chairman, I yield to the gentleman from California (Mr. ROHRABACHER) to seek his comments on the subject of this colloquy.

Mr. ROHRABACHER. Madam Chairman, I thank the gentleman for yielding to me.

I agree with both of my colleagues, or all three of my colleagues, of the tragedy of unintended victims of the war and when we have a situation we are fighting against terrorism.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. BLUMENAUER was allowed to proceed for 1 additional minute.)

Mr. BLUMENAUER. Madam Chairman, I continue to yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Chairman, the tragedy of unintended victims in this war against terrorism should be investigated in order to determine the best manner of assisting them, and their claims should be dealt with if they are shown to be valid claims.

Afghan's civilians who have lost family members or homes due to being caught in a crossfire during the hostilities between the coalition forces and the Taliban or al Qaeda fighters need our help. This legislation is a big step in the right direction. It is my strong desire to see that these people, the unintended victims of this war, are granted a priority consideration for reconstruction assistance under this legislation.

This is the moral and the right thing to do, and I thank the gentleman for his efforts to make sure that we do the right thing.

Mr. BLUMENAUER. Madam Chairman, reclaiming my time, I deeply appreciate the strong words of comfort and support and wisdom from my three colleagues. I know this will make a huge difference, not just to people in Afghanistan, but from what we have been hearing, of an outpouring of concern by Americans who are concerned about unintended victims, and this is an important step forward.

AMENDMENT OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOEFFEL:

Page 21, beginning on line 15, strike "is strongly urged to designate" and insert "shall designate".

Page 21, line 17, insert "who shall report to the Assistant Secretary for South Asian Affairs and" after "coordinator".

Page 22, after line 8, insert the following:

(b) ADDITIONAL REQUIREMENT.—An individual designated by the President as coordinator pursuant to subsection (a) may only be an individual who is appointed by the President by and with the advice and consent of the Senate.

Mr. HOEFFEL (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOEFFEL. Madam Chairman, the original bill, the Afghanistan Freedom Support Act, urged the creation of a coordinator at the Department of State for aid to Afghanistan and mandated that this coordinator be appointed with the advice and consent of the Senate. I am disappointed that these two provisions have been removed from the bill by the chairman's amendment.

My amendment would do three things. It would mandate that the President designate a coordinator for Afghanistan aid within the State Department. It would mandate that the coordinator report to the Assistant Secretary for South Asian Affairs, and it would mandate that this coordinator be designated with the advice and consent of the Senate.

Madam Chairman, one of the biggest problems in planning and implementing an Afghan aid program is the plethora of agencies and operations within the United States Government, each responsible for a portion of the overall program, a piece of the pie. There is a lack of a central coordinating authority to provide direction to these agencies.

A Senate-confirmed coordinator would establish prominent State Department leadership for this new program. The stature of this person would automatically command, would help the State Department rein in all of the 13 agencies that currently work on aid and policy affecting Afghanistan.

H.R. 3994 is a solid bill that will do very well to address the development needs of Afghanistan. It is a good start. It is not enough. If we want to eradicate terrorism, that fight will have to extend beyond Afghanistan's borders.

I want to thank the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, for supporting the insertion of my language into the declaration of policy section during committee consideration, that the U.S. should implement a broader comprehensive aid program that extends beyond the borders of Afghanistan into central Asia, to best foster stability and democratization and to effectively eliminate the causes of terror.

President Bush recently outlined his vision for a modern day Marshall Plan at the Virginia Military Institute on April 17, 2002. The President stated, "Marshall knew that our military victory against enemies in World War II had to be followed by a moral victory that resulted in better lives for individual human beings." I applaud the President and his vision of seeking hope and opportunity for all people.

The successful rebuilding of Afghanistan can only happen if we invest in the surrounding countries and help bring stability to the region.

Mr. HYDE. Madam Chairman, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Chairman, I thank the gentleman for these thoughtful remarks and for his interest in this bill; and with regard to the issue of coordinator for Afghanistan policy, I fully agree with the gentleman of the importance of this position. Where the State Department and I disagree, however, is on the question of mandating such a position.

As I am sure my colleague knows, the State Department has appointed an individual to this position who is already performing the onerous task of coordinating aid and policy relating to Afghanistan. It seems to me, therefore, that in this instance mandatory language appointing a coordinator is unnecessary.

With regard to the issue of a broader comprehensive aid program that extends beyond the borders of Afghanistan and into central Asia, it is a laudable objective and is something I would be pleased to work with the gentleman in crafting solutions toward this end.

Mr. HOEFFEL. Madam Chairman, reclaiming my time, I thank the gentleman from Illinois (Mr. HYDE) for his comments. I am particularly pleased by the chairman's interest in working with me and others in the future on these important issues.

Madam Chairman, out of deference to Secretary Powell and to the gentleman from Illinois (Mr. HYDE), I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENTS NO. 3 AND NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer two amendments, and I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments No. 3 and No. 4 offered by Ms. JACKSON-LEE of Texas:

AMENDMENT NO. 3: Page 14, line 2, insert before the semicolon the following: ", with particular emphasis on health care for children who are orphans".

Page 14, line 17, insert before the semicolon the following: ", with particular emphasis on basic education for children who are orphans".

AMENDMENT NO. 4: Page 14, line 17, insert before the semicolon the following: ", with particular emphasis on basic education for children".

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, first of all, it is important to again thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for working with me and my staff for an interest that I have as a Chair of the Congressional Children's Caucus.

As I rise to support not only the amendments that I intend to offer today, I do want to add my support to the gentleman from Illinois' (Mr. HYDE) amendment that he just offered and as well the Lantos amendment which I will vote enthusiastically for.

As my colleagues have indicated, a number of us had both the privilege and the challenge to visit Afghanistan during these trying times after the horrific act of September 11. The first order of business for those of us in this Nation after September 11 was to mourn, but also to help heal the terrible and horrific acts that took the lives of so many Americans. We wanted to comfort, and we wanted to show that we would not stand for this happening again. Then we rallied and we said we will stand united to fight against terrorism.

It is important that that is done; but as we look to fight against terrorism, it was clear as we visited Afghanistan that there are people there who simply want a better way of life. The Lantos amendment acknowledges that there cannot be peace without security, and so I support his intentions and effort to ensure that Afghanistan is secure.

I also refute those who would think that we cannot build a nation and create democracy because, as we all know, we must eliminate the incubator of terrorism; but at the same time, we must balance that with giving the Afghanistan people the tools that they need to build a government and also to build a nation securely.

I, therefore, believe it is additionally important to focus on the children, and so I offer these amendments to deal with two of the groups of children in Afghanistan.

As society breaks down during conflict, children have no access to school and are driven from their homes. Worst yet, they are separated from their family. Afghan children perceive armed groups as their best chance for survival. Others seek to escape from poverty while others join military forces to avenge family members who have been killed.

My amendments emphasize basic education for the orphan children, almost a million in Afghanistan and for the children of Afghanistan; and the reason I say this is because one of the sites we visited was an orphanage with 1,000 children needing basic education. I believe the right to an education for children in Afghanistan would develop not only the child's personality but all their talents and mental and physical abilities to their fullest potential.

Education serves as a much broader function. It gives shape and structure to a child's life. Education can also instill community values, promote justice and peace, and respect for human rights, and enhanced peace, stability and independence. Likewise, the psychological impact of the past 20 years has left an immutable scar in over 1 million Afghan orphans' memories.

Two generations of Afghan children know only war, deprivation, homelessness, hunger, suffering and loss; and therefore they need good education and good health care. In addition, there are estimated to be 10 to 15 million land mines scattered in the landscape exploding and injuring at a rate of 20 to 25 people per day. They kill or injure predominantly children who sometimes are victims of demise because of their disguise or they are disguised as toys.

Can my colleagues think of how horrible it is living in a country where any moment a person could lose a leg or their life as a child? Their future seems bleak in a world that has largely forgotten them. We need to help them.

Let me for a moment applaud the Houston Independent School District, Madam Chairman, because they are working with me on a books, pens and pencils campaign for the end of the year to send these books and pencils and pens to the Afghan children. We all are trying to help.

The amendment I offer will emphasize in this legislation that children need educating and good health care. The stage of physical, psychological and cognitive and moral development that a child has reached directly affects his or her ability to cope with these impacts. We must promote the physical and psychological recovery and social reintegration of children affected by armed conflict. That means basic education, open schools, teachers who are teaching and good health care.

Another important issue, as I indicated, is children's health. Thousands of children are killed every year as a direct result of fighting, and we need to ensure that they have food supplies. Because of the destruction of food crops and agricultural infrastructures, these children are in need of good health care.

One of the most telling stories was going to the hospital and seeing children with no medication, seeing malnourished children; and so this legislation with the humanitarian funds that are allotted can now emphasize immunization resources. It can now emphasize health professionals that will provide the care for our children. It can now provide the care for the 1,000 children in the orphanage who needed basic health care to get rid of the sores on their faces and bodies.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Madam Chairman, as I close these two amendments en bloc, I emphasize in this legislation the need to focus on children's education for both orphanages and the children of Afghanistan and children's health and to provide the resources to the nation to ensure that our children are our priority.

Might I just lift the face of a child who evidences the need for helping our children. The United Nations focused on children in the last week for the first time in 12 years, but we can focus on this child to help her have a better education and better health care.

Madam Chairman, I ask my colleagues to support these two amendments, Nos. 3 and 4 en bloc.

Mr. HYDE. Madam Chairman, the majority is very pleased to accept the two amendments offered by the gentlewoman en bloc. They are worthy additions to the bill, and we accept them.

Mr. LANTOS. Madam Chairman, on the Democratic side, we strongly support the amendments, and I want to commend our friend from Texas.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendments were agreed to.

□ 1700

AMENDMENTS NOS. 5 AND 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer amendment Nos. 5 and 6, and I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments Nos. 5 and 6 offered by Ms. JACKSON-LEE of Texas:

AMENDMENT NO. 5: Page 26, line 3, insert before the semicolon the following: "and prohibits the use of children as soldiers or combatants".

AMENDMENT NO. 6: Page 29, line 9, strike "Assistance" and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), assistance

Page 29, after line 11, insert the following:

(2) LIMITATION.—Amounts made available to carry out this title for a fiscal year may be made available for assistance to the Government of Afghanistan only if the President first determines and certifies to Congress that the Government of Afghanistan prohibits the use of children as soldiers or combatants.

The CHAIRMAN. Without objection, the amendments will be considered en bloc.

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, these two amendments are so important, I believe, to a future in Afghanistan and around the world that I first express my appreciation to the chairman of the committee and the ranking member for listening to my concerns and having their own commitment to human rights, recognizing that we will not begin the 21st century in the right way as long as we put children to war.

Children are at war around the world. Clearly, there are hundreds of thousands of children who are put at war. And might I again refer us to this wonderful face, this wonderful young girl, because girls and boys are subjected to combat. I would simply ask, as we listen to this debate and pass this legislation, that my colleagues support me in the prohibition against using children as soldiers and combatants. These children have no other future, no other opportunity, no other goals, no other challenges, no other hope. That is what we do to children when we put them in combat for our disputes.

I believe children must get the best possible start in life. Their survival and protection, as well as their growth, are the essential foundation for proper human development. I believe we should fight for them, and we should make a concerted effort to fight infectious diseases, tackle major causes of malnutrition, and nurture children in a safe environment that enables them to be physically healthy, mentally alert, emotionally secure, socially competent, as well as able to learn.

However, the experience of the past decade does not allow this. Consequently, this confirms that the needs and rights of children must be a priority. Every moment that we stand by and silently watch Afghanistan crumble, more children will suffer and die. As I stated, my amendments ask, in the first, to prohibit the use of children as soldiers or combatants. My second amendment, amendment number 6, asks that the President certify that this has not occurred and as well that the money is limited.

One of the most deplorable developments in recent years has been the increasing use of children as soldiers. What is frightening today is the escalation of children used as fighters. Children soldiers are used as lethal weapons. Children are used because they have advantages as soldiers; they are easier to intimidate and do as they are told. Children soldiers are also less likely than adults to run away or demand salaries. Children who have grown up surrounded by violence see this as a permanent way of life.

It is important to note that when schools are closed and families fragmented, there are few influences that can compete with a child's life. The military soldiering becomes their family. I believe children deserve the greatest protection, but as child soldiers they are often considered the most expendable.

There was a story recently about a child soldier in Afghanistan, barely 12 years old, and he had started at age 8. As an example of this, during the Iran-Iraq war, children soldiers were sent out ahead in waves over mine fields.

Children have been used as soldiers by all warring factions throughout 20 years of resistance and civil war in Afghanistan. Can we not do better? Is there not a better role for children? Two generations of Afghan children have been raised in a highly militarized culture. In schools, both inside the country and refugee camps, textbooks and teaching methods have used images of tanks, guns and bullets in mathematics and reading classes.

On October 2, 2001, The New York Times reported that children as young as 12 will be recruited as soldiers for the Taliban. I fear that without this amendment the current Afghan crisis could see unprecedented levels of conscription and mobilization of children.

In meeting with Chairman Karzai, let me say I believe he has the best intent and the best opportunity to bring Afghanistan together. With the amendment of the gentleman from California (Mr. LANTOS), the amendment of the gentleman from Illinois (Mr. HYDE), and with this legislation, we can secure Afghanistan and give him the support he needs, but at the same time we have to make sure that the country knows that children at war is wrong.

Children have become a direct participant in the war. Denied a childhood, and often subjected to horrific violence, Afghan children are serving as soldiers in current armed conflicts. These young combatants participate in all aspects of contemporary warfare. They wield AK-47s and M-16s on the front lines of combat. They serve, as I said, as human mine detectors; they participate in suicide missions; they carry supplies, and act as spies, messengers, or lookouts.

The primary reason for this or these amendments is to ensure that this legislation moves forward in order to protect the innocent child. Again, I bring my colleagues' attention to an innocent face. This is the face for education and as well good health care and a good quality of life.

I believe it is enormously important that we do what we can to protect against child soldiers.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Madam Chairman, I have worked with the chairperson and ranking member of this committee. I am so committed to this issue that I really wanted to ensure that resources were kept from Afghanistan on the basis of using child soldiers. However, I am fully aware that it is important that any resource we have to help build this country is not reserved, if you will, it is not limited, and that with the confidence of having the legislation structured as it is, that this would provide for enough reinforcement against using children as combatants.

Madam Chairman, I rise today to speak for the children of Afghanistan. We are blessed with the privileges of living in a country as great as the United States. But we, too, often forget about the millions of people around the world whose daily life is a struggle for survival. In particular, the children of Afghanistan, who have seen the unspeakable pain and agony of over twenty years of war and crimes that have inflicted untold miseries.

I believe children must get the best possible start in life. their survival and protection as well as their growth are the essential foundation for proper human development. I believe that we should fight for them. We should make a concerted effort to fight infectious diseases, tackle major causes of malnutrition, and nurture children in a safe environment that enables them to be physically healthy, mentally alert, emotionally secure, socially competent as well as able to learn. However, the experience of the past decade does not allow this. Consequently, this confirms that the needs and rights of children must be a priority. Every moment that we stand by and silently watch Afghanistan crumble, more children suffer and die.

One of the most deplorable developments in recent years has been the increasing use of young children as soldiers. What is frightening today is that the escalation in the use of children as fighters.

Children soldiers are used as lethal weapons. Children are used because they have advantages as soldiers. They are easier to intimidate, and do as they are told. Children soldiers also are less likely than adults to run away or demand salaries. Children who have grown up surrounded by violence see this as a permanent way of life. It is important to note that when schools are closed and families fragmented, there are few influences that can compete with a child's life. I believe that children deserve the greatest protection, but as children soldiers they are often considered the most expendable. An example of this was during the Iran-Iraq war, children soldiers were sent out ahead in waves over minefields.

Children have been used as soldiers by all warring factions throughout 20 years of resistance and civil war in Afghanistan. Two generations of Afghan children have been raised in a highly militarized 'kalashnikov culture'. In schools, both inside the country and refugee camps, textbooks and teaching methods have used images of tanks, guns and bullets in mathematics and reading classes.

On October 2, 2001, The New York Times reported that children as young as twelve were being recruited as soldiers for the Taliban. I fear that without this amendment the current Afghan crisis could see unprecedented levels of conscription and mobilization of children.

In Afghanistan, children have become direct participants in the war. Denied a childhood and often subjected to horrific violence, Afghan children are serving as soldiers in current armed conflicts. These young combatants participate in all aspects of contemporary warfare. They wield AK-47s and M-16s on the front lines of combat. They serve as human mine detectors. They, also, participate in suicide missions, carry supplies. They act as spies, messengers or lookouts. The primary reason for this is the fact that children are physically vulnerable and easily intimidated, children typically make obedient soldiers. The issue of child soldiers is shocking and horrifying. Both boys and girls in Afghanistan, some as young as eight years old, are recruited (either kidnapped or forced) to join armed groups.

As a society breaks down during conflict, children have no access to school, and are driven from their homes. Worse yet, they are separated them from their family. Afghan children perceive armed groups as their best chance for survival. Others seek to escape from poverty. While others join military forces to avenge family members who have been killed.

This is why, I believe, the right to an education for children would develop, not only, the child's personality, but all their talents and mental and physical abilities to their fullest potential. Education serves as a much broader function. It gives shape and structure to a child's life. Education can, also, instill community values, promote justice and respect for human rights and enhance peace, stability and interdependence.

Likewise, the psychological impact of the past twenty years has left an immutable scar in over one million Afghan orphan's memories. Two generations of Afghan children know only war, deprivation, homelessness, hunger, suffering, and loss. In addition, there are estimated to be between 10 and 15 million land mines scattered in the landscape, exploding and injuring at a rate of 20 to 25 per day. They kill or injure predominantly children who are sometimes victims of mines disguised as toys. Can you think of how horrible it is living in a country where any moment you could lose a leg or your life or a child? Their future's seem bleak in a world that has largely forgotten them. We need to help them.

The effects of armed conflict on child development accumulate and interact with each other. The stage of physical, psychosocial, cognitive and moral development that a child has reached directly affects his or her ability to cope with these impacts.

We must promote the physical and psychological recovery and social reintegration of children affected by armed conflict.

Another important issue we must address, it that of children's health. Thousands of children are killed every year as a direct result of fighting, but many more die from malnutrition and disease caused or increased by armed conflicts. The interruption of food supplies, the destruction of food crops and agricultural infrastructures, the disintegration of families and communities, the displacement of populations, the destruction of health services and programs and of water and sanitation systems all take a heavy toll on children.

Many die as a direct result of diminished food intake that causes acute and severe malnutrition, while others, compromised by malnutrition, become unable to resist common childhood diseases and infections. Given their vulnerability, it is no surprise that around 2 million children are estimated to have died as a result of armed conflict in the last decade.

Many of today's armed conflicts take place in some of the world's poorest countries, where children are already vulnerable to malnutrition and disease, and the onset of armed conflict increases death rates up to 24 times. All children are at risk when conflicts break out, but the most vulnerable are those who are under fire and already malnourished.

In conjunction with a child's health is education. The right to education for children should develop the child's personality, talents and mental and physical abilities to their fullest potential. Education serves as a much broader function. It gives shape and structure to children's lives. It also can instill community values, promote justice and respect for human rights and enhance peace, stability and interdependence.

Education is particularly important during armed conflicts. While the surrounding environment may be in chaos, schooling can represent a sense of normalcy. School children have the chance to be with friends and enjoy support and encouragement. They benefit from regular contacts with teachers who can monitor their physical and pschological health. Teachers can also help children to develop new skills and knowledge that is necessary for survival and coping, including mine awareless, negotiation and problem solving, and information about HIV/AIDS and other health issues. Formal education also benefits the community as a whole. The ability to carry on schooling in the most difficult circumstances demonstrates confidence in the future: communities that still have a school feel they have something durable and worthy of protection.

Schools are targeted during war, in part because they have such high profiles. In rural areas, the school building may be the only substantial permanent structure, making it highly susceptible to shelling, closure or looting.

The destruction of educational infrastructures represents one of the greatest developments setbacks for countries affected by conflict. Years of lost schooling and vocatiocal skills will take equivalent years to replace and their absence imposes a greater vulnerability on the ability of societies to recover after war.

Formal education is also generally at risk during war because it relies on consistent funding and administrative support that is difficult to sustain.

Even where services are maintained, however, education is usually of lower quality. Funds are short and the supply of materials slow or erratic. In addition, fear and disruption make it difficult to create an atmosphere conductive to learning and the morale of both teachers and pupils is likely to be low.

Though still inadequate, relief programs direct most attention in times of armed conflict to the education of refugee children. This is party because, when children are massed together in camps, it is easier to approximate a classroom situation. In some countries, this reality simply reflects the dominance of inflexible formal education systems that persist despite growing doubts about this quality, relevance and content. Insufficient attention to the education needs of non-refugees during armed conflict is also attributable to the fact that some of the donors most active during conflicts are constrainted by their mandates to work exclusively with refugees. Other donors have been reluctant to use emergency funds for what they interpret as long-term development activities.

When children have been forced to leave their homes and are crowed into displaced camps, re-establishing schooling systems as soon as possible reassures everyone by signaling a degree of stability and a return to normal roles and relationships within the family and the community.

As Chair of the Congressional Children's Caucus, I am always concerned about the welfare of children here and abroad, because children are our future.

World leaders have made a joint commitment and issue an universal appeal to give children a better future. Children's rights are an effective rallying point.

A world fit for children is one in which all children get the best possible start in life and have access to a quality basic education. All children must have an ample opportunity to develop their individual capacities in a safe and supportive environment.

I was always taught that the family is the basic unit of society and as such should be strengthened. The primary responsibility for the protection, upbringing and development of children rests with the family.

War violates every right of a child—the right to life, the right to be with family and community, the right to health, the right to development of personality and the right to be nurtured and protected.

This bill does not specifically address the crisis of children soldiers or the need for basic education for children or their health in Afghanistan.

I have, therefore, proposed four amendments to be added to the bill for the protection and education for children:

(1) prohibit the use of children as soldiers or combatants;

(2) require the President to determine and certify that the Government of Afghanistan is not using children as soldiers or combatants.

(3) would put emphasis on basic education and health care for children who are orphans.

(4) would emphasize basic education for children.

I therefore urge my fellow members to vote for these amendments.

MODIFICATION TO AMENDMENT NOS. 5 AND 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I ask unanimous consent to modify my amendment, which would mean withdrawing amendment number 6, and that is the amendment that deals with the certification by the President and the limitation of funds.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment Nos. 5 and 6 offered by Ms. JACKSON-LEE of Texas:

Strike the portion of the amendment that was originally printed in the CONGRESSIONAL RECORD as amendment No. 6

The CHAIRMAN. Without objection, the modification offered by the gentlewoman from Texas is accepted.

There was no objection.

Mr. HYDE. Madam Chairman, I move to strike the last word, and I am pleased, on behalf of the majority, to accept the gentlewoman's amendment number 5. It makes a worthy addition to the bill, and I appreciate her withdrawing amendment number 6.

Mr. LANTOS. Madam Chairman, I move to strike the requisite number of words, and on behalf of the Democratic side I want to accept the gentlewoman's amendment, and I want to commend her for her indefatigable support for children everywhere.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, before taking this vote, I just wish to thank both gentlemen very much.

The CHAIRMAN. The question is on the amendments, as modified, offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS:

Page 30, after line 8, add the following (and conform the table of contents accordingly):

TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR AFGHANISTAN

SEC. 301. GENERAL PROHIBITION ON ASSISTANCE.

Notwithstanding any provision contained in title I or II of this Act, assistance authorized by this Act may not be provided to any agency or instrumentality of the Government of Afghanistan, or any other individual (including an individual who exercises civil power by force over a limited region) or organization in Afghanistan, that is engaged in poppy cultivation or illicit narcotics growth, production, or trafficking, unless the agency, instrumentality, individual, or organization (as the case may be) agrees to cease the poppy cultivation or illicit narcotics growth, production, or trafficking (as the case may be).

SEC. 302. PROHIBITION ON UNITED STATES INVOLVEMENT IN POPPY CULTIVATION OR ILLICIT NARCOTICS GROWTH, PRODUCTION, OR TRAFFICKING.

No officer or employee of any Federal department or agency who is involved in the provision of assistance under this Act may knowingly encourage or participate in poppy cultivation or illicit narcotics growth, production, or trafficking in Afghanistan. No United States military or civilian aircraft or other United States vehicle that is used with respect to the provision of assistance under this Act may be used to facilitate the distribution of poppies or illicit narcotics in Afghanistan.

SEC. 303. REQUIREMENT TO REPORT BY CERTAIN UNITED STATES OFFICIALS.

(a) REQUIREMENT.—An officer or employee of any Federal department or agency involved in the provision of assistance under this Act and having knowledge of facts or circumstances that reasonably indicate that any agency or instrumentality of the Government of Afghanistan, or any other individual (including an individual who exercises civil power by force over a limited region) or organization in Afghanistan, that receives assistance under this Act is involved in poppy cultivation or illicit narcotics growth, production, or trafficking shall, notwithstanding any memorandum of understanding or other agreement to the contrary, report such knowledge or facts to the appropriate official.

(b) DEFINITION.—In this section, the term "appropriate official" means the Attorney General, the Inspector General of the Federal department or agency involved, or the head of such department or agency.

SEC. 304. REPORT BY THE PRESIDENT.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the President shall transmit to Congress a written report on the progress of the Government of Afghanistan toward the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this Act.

Ms. WATERS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Madam Chairman, I rise to speak in favor of my amendment to H.R. 3994, the Afghanistan Freedom Support Act of 2002, but first I would like to thank the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for the work that they have done to bring this comprehensive piece of legislation to the floor. I think it has been well structured and that it speaks well to our intentions. And I think that the people of Afghanistan, for the most part, are going to be very, very pleased to receive the assistance that is so indicated in this bill.

Madam Chairman, my amendment would ensure that the United States government policies in Afghanistan work to eliminate the harmful trafficking and illegal drugs that destroy communities throughout the world. My amendment has been structured so that it is in 4 sections. The amendment would prohibit foreign assistance to any Afghan agency, organization, warlord, or other individual who is engaged in poppy cultivation or the growth, production, or trafficking of illegal drugs unless there is an agreement to cease all poppy cultivation or drug trafficking activities.

I know this portion of my amendment is going to present some concerns, because, on the one hand, how do you uplift this devastated nation and begin to get them out of poppy cultivation; how do you deal with the many factions who have been involved in the cultivation as the only way that they know to earn a living and, at the same time, say to them that we will not help them if they are involved? This portion of the amendment would simply say that we raise it as a concern and have people respond to say, okay, I will not do it any more. And that allows them to get the assistance that we would like to give them.

This does not prohibit this country from exercising its assistance, but it simply gets all of those agencies and individuals understanding that this is a top priority of this government; that we would like to stop the cultivation and trafficking of illegal drugs. That is section 301.

Section 302 would prohibit Federal officers and employees who are involved in the provision of assistance under this bill from encouraging or participating in drug trafficking activities in Afghanistan. It would also prohibit the use of American aircraft and any other vehicles to facilitate the distribution of poppies and illegal drugs.

There are some people who would look at this portion of my amendment and say, well, no one representing our country would be involved in assisting with drug trafficking, no one would use our aircraft, no one would be involved in distribution. Let me just say to my colleagues, we all know enough now about trafficking and illegal drugs to know that many innocent people get caught up in drug trafficking because it is so lucrative. Many folks just lose their sense of what they are all about when they get thrown into situations where there is drug trafficking all around them, and some are tempted to take a chance, to try something. We want to send the message that we do not want anybody that we are putting on the ground in Afghanistan to take a chance, to be tempted to get involved.

The other portion of the amendment would require all Federal officers and employees who are involved in the provision of assistance under this bill to report known or suspected drug trafficking activities by recipients of foreign assistance in Afghanistan to the appropriate authorities.

Why am I doing this? Because I try and learn from our experiences. I spent almost 3 years dealing with the drug trafficking aspect of the war that we were engaged in when the Contras were fighting the Sandinistas down in Nicaragua. We discovered several things: We discovered that the warring factions on both sides, the Contras and the Sandinistas, were involved in drug trafficking, and we kind of turned a blind eye. It was just a way of doing things.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 1 additional minute.)

Ms. WATERS. So, Madam Chairman, we want to discourage that.

And, finally, the amendment would require the President to submit an annual report toward the eradication of poppy cultivation and the elimination of drug trafficking activities in Afghanistan.

Let me just say that with all of the information that we have about what went on down in Nicaragua, too many people were involved. There was a Memorandum of Understanding between the CIA and the Justice Department that they did not have to support drug trafficking. We think we have done away with that, but we want to assure that we do not make the same kinds of mistakes as we move in to help this devastated country.

They need us and we need to do the right thing.

□ 1715

I think that we can change this country. We can change the direction. We can help very, very poor people in a devastated country. We can improve education. We can improve the infrastructure. But let us do it without drugs and drug trafficking being a part of it. We do not need the assistance of drugs in doing all of this.

I would ask for an "aye" vote on my amendment.

Mr. HYDE. Madam Chairman, I move to strike the last word.

If I might address the gentlewoman from California, I believe she understands that we support the gentlewoman's amendment, except section 301 as originally offered because of difficulties in interpretation and implementation. We are prepared to accept the remainder of the gentlewoman's amendment and praise it as a worthy addition to the bill. But I cannot accept 301 as originally offered. If the gentlewoman has a modification of that, we would be pleased to accept that.

Ms. WATERS. Madam Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from California.

Ms. WATERS. Yes. Let me just say that 301 as originally authored did not have the proviso in it that said unless there is an agreement to seize all poppy cultivation or drug trafficking activities, which modifies the original 301 which did not have that in there. This would simply say that they could get assistance if they simply agree that they will not continue the activities as we know it. Is that what the gentleman is referring to?

Mr. HYDE. Does the gentlewoman have a modification she wishes to offer in lieu of section 301 as originally filed? A modified amendment?

Ms. WATERS. Yes, I do.

Mr. HYDE. Very well. If the gentlewoman will offer it.

I thank the Gentlewoman from California for her remarks. As you know, the underlying bill recognizes that local authorities in various regions of Afghanistan need incentives to cooperate in illicit narcotics eradication and provides assistance to opium growing regions. Such assistance, other than for humanitarian purposes, is to be transferred away from these opium-growing regions where the authorities don't cooperate in narcotics suppression activities.

I agree with the provisions in the Gentlewoman's amendment that require United States officials to report knowledge of any involvement in illicit narcotics growth, production or trafficking by beneficiaries of this Act. Similarly, I support the report requirement on the Afghanistan government's progress in the eradication and reduction of supply of illicit narcotics. It also goes without saying that the prohibition of United States' involvement in the illicit narcotics trade is a measure that we all support vigorously.

I do not support Section 301 of the amendment, however. This section provides, without qualification, that all assistance would be cut off to any official entity in Afghanistan that is involved in the illicit drug trade. Arguably, aid would be ceased to any entity if one person within that organization is determined to be involved in the drug trade. All innocent beneficiaries of the aid would then be prohibited from receiving assistance.

Additionally, while this section raises a valid concern on its face, it is impossible to monitor. It virtually would require that each individual involved in the aid process would have to be certified as to not being involved in the drug trade. There is no standard or process outlined for determining who is involved in illicit narcotics and to what extent. As written, it could also cut off humanitarian and counternarcotics aid—which is contrary to the intent of the bill. I also believe that the amendment does not provide for the flexibility that the President needs in this effort.

The people of Afghanistan need to be rewarded for the progress that has been made in this effort—not punished. Certainly, we don't want to give aid to anyone involved in the drug trade, and this legislation has already been crafted with several mechanisms that would divert the aid in the event that it is determined to be going to an area which is not cooperating with these eradication efforts.

I am happy to support the Gentlewoman on the remaining portion of her amendment.

In no way in accepting this modified amendment do we concede there has been any evidence that the federal government here or anywhere else around the globe has ever been engaged in drug trafficking.

MODIFICATION TO AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Madam Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Ms. WATERS:

Page 30, after line 8, add the following (and conform the table of contents accordingly):

TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR AFGHANISTAN

SEC. 301. PROHIBITION ON UNITED STATES INVOLVEMENT IN POPPY CULTIVATION OR ILLICIT NARCOTICS GROWTH, PRODUCTION, OR TRAFFICKING.

No officer or employee of any Federal department or agency who is involved in the provision of assistance under this Act may knowingly encourage or participate in poppy cultivation or illicit narcotics growth, production, or trafficking in Afghanistan. No United States military or civilian aircraft or other United States vehicle that is used with respect to the provision of assistance under this Act may be used to facilitate the distribution of poppies or illicit narcotics in Afghanistan.

SEC. 302. REQUIREMENT TO REPORT BY CERTAIN UNITED STATES OFFICIALS.

(a) REQUIREMENT.—An officer or employee of any Federal department or agency involved in the provision of assistance under this Act and having knowledge of facts or circumstances that reasonably indicate that any agency or instrumentality of the Government of Afghanistan, or any other individual (including an individual who exercises civil power by force over a limited region) or organization in Afghanistan, that receives assistance under this Act is involved in poppy cultivation or illicit narcotics growth, production, or trafficking shall, notwithstanding any memorandum of understanding or other agreement to the contrary, report such knowledge or facts to the appropriate official.

(b) DEFINITION.—In this section, the term "appropriate official" means the Attorney General, the Inspector General of the Federal department or agency involved, or the head of such department or agency.

SEC. 303. REPORT BY THE PRESIDENT.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the President shall transmit to Congress a written report on the progress of the Government of Afghanistan toward the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this Act.

Ms. WATERS (during the reading). Madam Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. LANTOS. Madam Chairman, I move to strike the requisite number of words.

I want to thank the gentlewoman from California (Ms. WATERS) for her interest and concern on this issue and for her tireless efforts on behalf of the poor and disenfranchised not only in Afghanistan but around the world, and on our side we strongly support her modified amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. WATERS. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentlewoman from California (Ms. WATERS) will be postponed.

Mr. LANTOS. Madam Chairman, I move to strike the last word.

I want to take this opportunity to highlight one of the most important aspects of this legislation, which is that it creates a separate account and authorizes additional funds for Afghanistan. Until now, Madam Chairman, funding for Afghanistan has been carved out of existing programs with cuts in important programs in other parts of the world.

What this legislation has done, and I want to commend our distinguished chairman for his idea, is to establish a new account with new money to fund the relief, rehabilitation, and reconstruction of Afghanistan. So we do not have to dip into child survival funds or other accounts to fund health or education or reconstruction programs in Afghanistan.

With Chairman HYDE's bill, we no longer have to rob Peter to pay Paul; or more appropriately, we do not have to take funds from health programs in India or elsewhere in the world to provide health services for women in Afghanistan. We do not have to choose between HIV/AIDS in Honduras or education in Afghanistan.

I want to commend my friend, Chairman HYDE, for his foresight and his leadership in bringing new ideas and new resources to this important undertaking. I will work closely with him and with the other body to ensure that this additional provision is included in their version of the legislation.

Mr. HYDE. Madam Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Chairman, I just want to say two things: number one, I want to thank the gentleman for his superb cooperation and concede that so much would not be done in our committee without the gentleman's cooperation and enlightened farsightedness.

Let me say, number two, your staff and my staff are superbly qualified people who make this place work, and I salute all of them.

Mr. LANTOS. I thank my good friend for his very generous statement.

Madam Chairman, I would be remiss if I did not take this opportunity to thank all of the staff who have worked on the Afghanistan Freedom Support Act. Their efforts have been truly bipartisan in the best tradition of this body.

I want to acknowledge the work of Peter Smith, Hillel Weinberg, Steve Rademaker, and Walker Roberts on the staff of Chairman HYDE. On the Democratic staff of the Subcommittee on the Middle East and South Asia, David Adams has made many contributions to this legislation. In particular, I want to thank the members of my own staff who have worked so tirelessly on this important bill. Nisha Desai has been creatively and actively engaged on this legislation from the very beginning. I want to pay special tribute to her efforts. Our Democratic chief counsel, David Abramowitz, has shown his usual careful attention to detail and made important contributions to the quality of our legislation. I also want to acknowledge the efforts of Peter Yeo, David Fite, Carol Doherty, Keith O'Neil, and Matt Gobush of the Democratic staff. I want to express my personal appreciation to our extraordinary chief of staff, Dr. Bob King.

It is not often that a piece of legislation involves so many staff on both sides, but I think in this instance it is an indication of the importance of this issue and it is reflected in the quality of the legislation we have produced which would not have been possible without Chairman HYDE's leadership.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. LANTOS); amendment Nos. 5 and 6 offered en bloc, as modified to consist of amendment No. 5 offered by the gentlewoman from Texas (Ms. JACKSON-LEE); and the amendment, as modified, offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. LANTOS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LANTOS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 4, not voting 23, as follows:

[Roll No. 179]

AYES—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Goode
Hostettler
Jones (NC)
Paul

NOT VOTING—23

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Deutsch
Emerson
Greenwood
Kirk
Lewis (GA)
Mascara
Menendez
Murtha
Nadler
Pombo
Riley
Smith (MI)
Snyder
Traficant
Watkins (OK)
Watts (OK)

□ 1748

Mr. JONES of North Carolina changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENTS NO. 5 AND NO. 6, AS MODIFIED, OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 21, as follows:

[Roll No. 180]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Deutsch
Emerson
Greenwood
Lewis (GA)
Mascara
Menendez
Murtha
Nadler
Pombo
Riley
Snyder
Traficant
Watkins (OK)
Watts (OK)

□ 1756

So the amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MS. WATERS OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 22, as follows:

[Roll No. 181]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest

Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Deutsch
Emerson
Greenwood
Lewis (GA)
Mascara
Menendez
Murtha
Nadler
Pombo
Reynolds
Riley
Snyder
Traficant
Watkins (OK)
Watts (OK)

☐ 1805

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mrs. BIGGERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3994) to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries, pursuant to House Resolution 419, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this vote will be followed by three 5-minute votes on motions to suspend the rules on which further proceedings were postponed yesterday.

The vote was taken by electronic device, and there were—ayes 390, noes 22, not voting 22, as follows:

[Roll No. 182]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern

McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam

Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder

Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—22

Bartlett
Berry
Coble
Collins
Condit
Deal
Duncan
Everett

Flake
Goode
Hall (TX)
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Miller, Jeff

Norwood
Paul
Sensenbrenner
Stearns
Taylor (NC)
Terry

NOT VOTING—22

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Deutsch

Emerson
Greenwood
Lewis (GA)
Mascara
Menendez
Murtha
Nadler
Pombo

Reynolds
Riley
Snyder
Traficant
Watkins (OK)
Watts (OK)

☐ 1825

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 3994, AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3994, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed yesterday.

Votes will be taken in the following order:

H.R. 4515, by the yeas and nays;

H.R. 4015, by the yeas and nays;

H.R. 4085, by the yeas and nays.

The Chair will reduce to 5 minutes the time for all electronic votes in this series.

VETERANS' MAJOR MEDICAL FACILITIES CONSTRUCTION ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4514, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4514, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 183]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop

Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot

Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt

DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins

John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter

Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)

Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Davis (FL)
Deutsch
Emerson
Greenwood
Lewis (GA)
Mascara
Menendez
Murtha
Nadler
Pombo
Reynolds
Riley
Snyder
Traficant
Watkins (OK)
Watts (OK)

□ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Florida. Mr. Speaker, I was detained from voting on rollcall vote number 183. Had I been present, I would have voted in the affirmative.

JOBS FOR VETERANS ACT

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4015, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4015, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 184]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Cox
Deutsch
Emerson
Gillmor
Greenwood
Hart
Lewis (GA)
Mascara
Menendez
Murtha
Nadler
Pombo
Reynolds
Riley
Snyder
Traficant
Watkins (OK)
Watts (OK)

□ 1842

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS' AND SURVIVORS' BENEFITS EXPANSION ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4085, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4085, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 24, as follows:

[Roll No. 185]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom

Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Blagojevich
Bonior
Borski
Brady (PA)
Burton
Cannon
Conyers
Deutsch
Emerson
Greenwood
Lewis (GA)
Lowey
Mascara
Menendez
Moran (VA)
Murtha
Nadler
Pombo
Reynolds
Riley
Snyder
Traficant
Watkins (OK)
Watts (OK)

□ 1850

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably called back to my district and missed Recorded Votes on Tuesday, May 21, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On the Lantos Amendment to H.R. 3994, Roll Call Vote #179, I would have voted YEA;

On the Jackson-Lee Amendment to H.R. 3994, Roll Call Vote #180, I would have voted YEA;

On the Waters Amendment to H.R. 3994, Roll Call Vote #181, I would have voted YEA;

On Passage of H.R. 3994, Roll Call #182, I would have voted YEA;

On Passage of H.R. 4514, Roll Call #183, I would have voted YEA;

On Passage of H.R. 4015, Roll Call #184, I would have voted YEA;

On Passage of H.R. 4085, Roll Call #185, I would have voted YEA;

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the ayes and nays are ordered, or on which a vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

BOB HOPE VETERANS CHAPEL

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4592) to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel."

The Clerk read as follows:

H.R. 4592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF CHAPEL LOCATED IN THE NATIONAL CEMETERY IN LOS ANGELES, CALIFORNIA.

Notwithstanding section 531 of title 38, United States Code, the chapel located in the national cemetery located in Los Angeles, California, shall after the date of the enactment of this Act be known and designated as the "Bob Hope Veterans Chapel". Any reference to such chapel in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Hope Veterans Chapel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the prime sponsor of this bill.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to thank my colleagues for bringing this legislation immediately to the floor to name the chapel at the national cemetery in Los Angeles as the Bob Hope Veterans Chapel.

This national cemetery, for those who have so faithfully served their country, is sometimes called the Arlington Cemetery of the West. It is fitting to name the chapel there in honor of the Armed Services' best friend, a man who has served America's veterans proudly for over 60 years.

Before I extol the virtues of the man we intend to honor with this legislation, I would like first to thank my distinguished colleague, the gentleman from California (Mr. WAXMAN), with whom I have jointly authored this bill. It has been a pleasure working with the gentleman from California. He has worked actively to gather support for this important legislation as well.

I would like also to thank the gentlewoman from California (Mrs. BONO) for her active support of Bob Hope and his family, who have long been her constituents in Palm Springs, California. And again I thank the chairman of the committee, the gentleman from New Jersey (Mr. SMITH) as well as the members of the Committee on Veterans' Affairs for their strong support and for allowing this bill to come straight to the floor today.

I would be remiss, Mr. Speaker, if I did not also thank the Secretary of

Veterans Affairs, the Honorable Anthony Principi, as well as the many veterans' service organizations who have worked across the country in support of this legislation.

I am also extremely grateful to my good friend from Southern California, Tom Saltarelli, the former mayor of Tustin, California, who now serves as chairman of the Veterans Park Conservancy, the group that first proposed to name the chapel after Mr. Hope.

Last, but certainly not least, I want to thank Bob and his loving family, especially his wife Dolores, and their children, Linda, Tony, Nora, and Kelly, and his granddaughter Miranda, who is with us here in the Chamber today.

Mr. Speaker, we are here to honor Leslie Townes Hope or, as he is better known to people around the world, Bob Hope. He was born on May 29, 1903 in Eltham, England. He moved with his family to Cleveland, Ohio, in 1907 and shortly thereafter became a naturalized U.S. citizen in 1920.

It was while he was making his start in entertainment on vaudeville that he first met the woman he would soon marry, his wife of 68 years, Dolores. They now have 4 children, as well as 4 grandchildren. Throughout his illustrious and prolific career, Mr. Hope made over 700 television programs, he wrote 7 best-selling books, starred in 60 motion pictures, and he is cited in the Guinness Book of World Records as the most honored entertainer. And with good reason.

His talent has always appealed to Americans of all ages, across many generations. Without a doubt, Bob Hope is best known as GI Bob, a man whose life was dedicated to honoring and raising the spirits of our men and women in uniform. Through an act of Congress in 1997, Bob Hope became the Nation's first and still only honorary veteran for his lifetime of service to America's soldiers. Whether the United States was at war or at peace, Bob Hope was always there.

After nearly 60 years boosting the morale of U.S. armed forces through goodwill tours, USO shows, and his world-famous Christmas specials, Mr. Hope's status among American servicemen and women is now legendary. His globe-trotting spirit and his zeal for entertainment earned him worldwide status as the Ambassador of Goodwill. From his very first performance, for U.S. soldiers during World War II in May 1941, to his Christmas show in Saudi Arabia during the Persian Gulf War in 1990, Mr. Hope has performed before an estimated 10 million American GIs.

Mr. Speaker, Memorial Day is this weekend. Two days later, Bob Hope will celebrate his 99th birthday, on Wednesday of next week. I do not think there could be a better time to bring forward this act of Congress honoring a man whom our veterans and our Nation owe so much. H.R. 4592 permits us to honor Bob Hope in a way that will endure, even when he is no longer with us.

The Los Angeles National Cemetery is dedicated solely to veterans and their families. Through this act of Congress we will officially name the chapel at the national cemetery where over 85,000 veterans are buried. I will submit for the Record, Mr. Speaker, letters of endorsement from many veterans' service organizations across the country. These endorsements include the California chapters of the Veterans of Foreign Wars, Vietnam Veterans of America, the Military Order of the Purple Heart, the American GI Forum, the American Legion, Paralyzed Veterans, Jewish War Veterans, Disabled American Veterans, AMVETS, and the California Association of County Veteran Service Officers.

Bob Hope has become such an institution that across the street from this Capitol, in the original Jefferson Building of the Library of Congress, he is the subject of an exhibit, the "Bob Hope Gallery of American Entertainment." This gallery, described in this brochure which I brought with me to the floor, shows visitors to Washington, D.C. Bob Hope's early life, his career on vaudeville, in motion pictures, television, and radio, his USO shows, and his public service.

In so many ways Bob Hope is an American institution, and with this act of Congress we will memorialize it in such a fitting way for those men and women of our armed services who have already passed. I know all my colleagues will join with me in bestowing on our country's most beloved supporter of America's armed forces this valuable and important honor.

Mr. Speaker, the letters of support I referred to earlier are as follows:

The Secretary of Veterans Affairs,
Washington, March 29, 2002.
Hon. Christopher H. Smith,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

Dear Mr. Chairman: In a February 22, 2002, letter, Congressman Christopher Cox requested the views of the Department of Veterans Affairs (VA) on legislation to be introduced that would name the chapel at the national cemetery in Los Angeles, California, as the Bob Hope Veterans Chapel. VA supports this bill.

The bill would name the chapel at the national cemetery in Los Angeles, California, as the Bob Hope Veterans Chapel. Leslie Townes (Bob) Hope tirelessly served America's servicemembers for 50 years. Beginning in May 1941, when he performed his radio show for airmen at March Field, California, and continuing through his Christmas show in Saudi Arabia in 1990 during Operation Desert Storm, Mr. Hope has taken to the road to entertain U.S. troops, no matter where they were located, and through laughter helped them to forget for a brief period their distance from home. This legislation would honor Mr. Hope's selfless devotion to America's protectors.

There would be no significant costs associated with enactment of this legislation.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,
Anthony J. Principi.

The Bob and Dolores Hope
Charitable Foundations,
North Hollywood, CA, October 23, 2001.
Ms. Mary Jane Wick,
Veterans Park Conservancy,
Los Angeles, CA.

Dear Mary Jane, Though I know that you have spoken with my mother and you and I have talked, I wanted to let you know "officially" on behalf of The Bob and Dolores Hope Charitable Foundation and the entire Hope family how very proud and honored we are that you want to name the chapel at the West Los Angeles Veterans Cemetery for Bob Hope. What a wonderful and meaningful tribute to a man who has found strength and inspiration in the courage and selflessness of the American GI. To be there with those he admires most is a special accolade indeed. We all want to thank you for making this possible.

We will try to set a time for my mother to visit the cemetery just as soon as she is feeling better. Thanks again for everything.

Sincerely,
Linda Hope.

Bob Hope,
November 16, 2001.
Ms. Susan C. Young,
Executive Director, Veterans Park Conservancy,
Los Angeles, CA.

Dear Ms. Young. This letter will serve as confirmation that Mr. Bob Hope agrees to the use of his name for the Veterans Chapel (the "Chapel") located on the premises of the National Cemetery in Westwood, with the understanding that the Chapel will be renamed as "The Bob Hope Veterans Chapel."

The permission granted herein is conditioned on the following:

1. Mr. Hope's name will be used only as the name of the Chapel and in publicity regarding the Chapel and the renaming thereof.
2. Your organization agrees that there shall be no use of his name, logo or likeness or material concerning him for any other purposes whatsoever, except with the prior written consent of Mr. Hope or his authorized attorney-in-fact or successors in interest. Any authorization received by your organization from the federal government, or any agency thereof, to rename the Chapel shall be conditioned on this limitation.

Your proceeding with the securing of Federal authorization for the renaming of the Chapel as permitted hereunder will constitute your agreement with the foregoing.

Sincerely,
Bob Hope
(by Dolores Hope, attorney in fact).

Disabled American Veterans,
Santa Fe Springs, CA, May 14, 2002.
Hon. Christopher Cox,
Congressman,
California 47th District.

Dear Congressman Cox, The Disabled American Veterans—Department of California proudly supports the naming of the Chapel in the National Cemetery in Los Angeles as the "Bob Hope Veterans Chapel". This recognition is over due for a man that has devoted his entire adult life supporting the men and women in the military. Bob Hopes' efforts to bring happiness and joy to those stationed far from home can never be repaid, however, this Chapel will be a reminder for years to come of what he did for those who served.

Sincerely,

GARY CROSSLAND,
State Commander.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington DC, March 6, 2002.

Hon. CHRISTOPHER COX,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE COX: It is our understanding that you are going to introduce legislation that would honor Bob Hope by designating the chapel located in the National Cemetery of Los Angeles, California, as the "Bob Hope Veterans Chapel". On behalf of the 2.7 million members of the Veterans of Foreign Wars, I would like to take this opportunity to express our enthusiastic support for this measure.

For more than fifty years, Bob Hope toured with the U.S.O. giving our troops a supportive reminder of home wherever they were stationed. He has earned the honor of being designated "an honorary veteran" for his humanitarian services to the United States Armed Forces by Congress. He has also received the VFW's prestigious Eisenhower Distinguished Service Award for individual contributions to the cause of American security, unity, and world peace. All those who visit the chapel will once again be reminded of his tireless service to our military and our veterans.

We look forward to working with you and your staff on this legislation. Thank you for your continued support on behalf of all America's veterans.

Sincerely,

DENNIS M. CULLINAN,
Director, National Legislative Service.

THE AMERICAN LEGION,
San Francisco, CA, May 7, 2002.

Hon. CHRISTOPHER COX,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN COX: On behalf of The American Legion, Department of California it gives me great pleasure to support HR 4592 to rename the Chapel at the Los Angeles National Cemetery the "Bob Hope Veterans Chapel."

What a wonderful tribute to a Great American who has provided so much support to the veterans of this great Nation, both during periods of war and during peacetime.

You are to be commended for your vision and leadership in sponsoring this legislation to express the gratitude and deep regard felt for Bob Hope by the veterans of this Country.

Sincerely,

RONALD J. HANSON,
State Commander, Department of California, The American Legion.

THE RETIRED OFFICERS ASSOCIATION,
Riverside, CA, May 10, 2002.

Representative C. CHRISTOPHER COX,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COX, I have been asked by Colonel Jay Vargas, USMC, (Ret) if my organization would write to you in support of the renaming of the Chapel on the grounds of the West Los Angeles Veterans Administration Hospital in honor of Bob Hope. I believe the name he proposed to me was "The Bob Hope Memorial Chapel."

I have discussed this proposal with members of my Board of Directors and we are unanimously in favor of memorializing this edifice to honor this great Patriot and great American. Bob Hope has given so much of his life to bring humor and a bit of home to American G.I. wherever we have been stationed in defense of Liberty around the world. We strongly support this proposal and find it a fitting tribute to Bob Hope and the hundreds of thousands of American service members whose lives he has enhanced.

I was in Danang in the winter of 1965 66 when Bob and his USO troop came and performed at the base of I Iill 327 in the pouring rain on the west side of the Danang Air Base runway. Bob was great and Joey Heatherton looked pretty good all wet, too.

I speak for the 49,460 members of TROA who live in California plus their spouses and families and can tell you that without reservation we endorse this proposal.

Thank you for carrying the ball on this project.

Respectfully,

WILLIAM F. GAVITT, Col., USAF (Ret),
President.

CALIFORNIA PARALYZED
VETERANS ASSOCIATION,
Long Beach, CA, May 8, 2002.

Re: Naming Chapel.

Hon. CHRISTOPHER COX,
Rayburn House Office Bldg.,
Washington, DC.

DEAR CONGRESSMAN COX: California Paralyzed Veterans Association supports the chapel at Greater Los Angeles VA Healthcare System being named "The Bob Hope Chapel".

Thank you for your consideration. California Paralyzed Veterans Association 1100 members thank you in advance.

Sincerely,

RONALD P. AMADOR,
President, National Director.

DEPARTMENT OF CALIFORNIA
JEWISH WAR VETERANS, USA,
Los Angeles, CA.

Congressman CHRIS COX,

DEAR CONGRESSMAN COX: The Jewish War Veterans Department of California wholeheartedly supports HR 4952. The naming of the Chapel at the National Los Angeles Cemetery in Honor of "Bob Hope" to be named the Bob Hope Veterans Chapel and urge the Congress to unanimously pass HR 4952.

Sincerely,

RALPH LEVENTHAL,
Commander.
STEVE ROSMARIN,
PDC National Executive Committee,
ALVIN SELNICK,
PDC National Executive Committee.

CALIFORNIA ASSOCIATION OF COUNTY
VETERANS SERVICE OFFICERS, INC.,
Fairfield, CA, May 8, 2002.

Hon. CHRISTOPHER COX,
House of Representatives, Rayburn Building, Washington, DC.

DEAR CONGRESSMAN COX: I am writing on behalf of the California Association of County Veterans Service Officers (CACVSO). The CACVSO is an organization of professional veterans advocates. In California, the County Veterans Service Officer plays a critical role in the veteran's advocacy system and is often the initial contact in the community for veterans' services. Through the County Veterans Service Officer the CACVSO is committed to provide a vital and efficient system of services and advocacy to veterans, their dependents, and survivors.

I would like to express our enthusiastic support of your recently introduced legislation, H.R. 4592. This legislation to honor Mr. Bob Hope by naming the chapel located at the National Cemetery in Los Angeles, California is a fitting way to honor a life-long friend and supporter of the men and women who have served and are currently serving in the Armed Forces of the United States.

Mr. Hope's service to this country by his many years of providing entertainment and moral support to the troops has always been held in the highest regard by the veterans who had the opportunity to see or hear him in some of the most far flung places on the earth. From his first benefit in 1941 at March Field in California, to his first foray into a combat zone in 1943 during World War II when he and a small USO troupe performed for battle-weary troops in England, Africa, Sicily and Iceland, and for the nearly forty years thereafter when he would spend Christmas entertaining military men and women somewhere in the world, Bob Hope had a way of bringing a little bit of home to troops in faraway places.

Congress has previously acknowledged Bob Hope's invaluable service to the men and women of the US Armed Forces by honoring him with the title "Honorary Veteran of the United States Armed Forces" during a 1997 tribute and by dedicating the USNS Bob Hope (T-AKR300)—lead ship in a new class of Strategic Sealift vessels—in the comedian's honor. Your legislation is one more way to recognize a truly great American and to say "Thanks for the Memories."

Sincerely,

WILLIAM P. REARDON,
President, CACVSO.

MILITARY ORDER OF THE PURPLE
HEART, DEPARTMENT OF CALIFORNIA,
May 8, 2002.

Congressman CHRISTOPHER COX,
Rayburn Building,
Washington, DC.

DEAR CHRISTOPHER COX: There are approximately 68,000 combat wounded veterans located in the State of California. They are Purple Heart Medal recipients from bygone wars. Those that are members of the Military Order of the Purple Heart, want to endorse your House bill H.R. 4592, Bob Hope legislation dedication of a chapel in the West Los Angeles area.

Thank you for introducing H.R. 4592 before the U.S. Congress for a special person as Bob Hope.

Yours in patriotism,

CHARLES L. LINDEN,
Department Commander, Department of California, Military Order of the Purple Heart.

AMVETS,
DEPARTMENT OF CALIFORNIA,
Tulare, CA, May 14, 2002.

Hon. CHRISTOPHER COX,
Washington, DC.

DEAR SIR: The Department of California AMVETS are supportive of the House Bill naming the chapel located in the National Cemetery in Los Angeles as the "Bob Hope Veterans Chapel".

Sincerely yours,

DONALD G. MCDONALD,
State Commander.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would name the chapel in the national cemetery located in Los Angeles, California as the Bob Hope Veterans Chapel.

Bob Hope has entertained American servicemen and women throughout the world. During the nearly 60 years of goodwill tours and USO shows, Bob Hope entertained an estimated 10 million members in the armed forces. In recognition for his support for America's armed forces in 1997, he was designated an honorary veteran. With the passage of this legislation, Bob Hope will receive another well-earned recognition.

Mr. Speaker, I urge my colleagues to support this measure and I commend the gentleman from California (Mr. COX) and the gentleman from California (Mr. WAXMAN) for their bipartisan leadership on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. And first I want to thank the gentleman from California (Mr. COX) for his very eloquent remarks and for his sponsorship of this very important and, I think, very timely recognition of the great work that Bob Hope has done.

Mr. Speaker, Bob Hope is famous for entertaining all Americans, but we all know his most significant contribution to the United States has been in improving the morale of members of our armed forces by entertaining our troops overseas, especially during the holidays.

Leslie Townes, also known as Bob Hope, was born in Eltham, England on May 29, 1903. In 1907, he moved to Cleveland, Ohio, and became a naturalized U.S. citizen in 1920. During World War II, Bob Hope attempted to enlist in the armed forces, so he could serve his adopted country, but was informed that his greatest service would be as a civilian entertainer for the troops.

□ 1900

Whether at war or at peace, from World War II through the Persian Gulf War, Bob Hope committed himself for nearly 60 years to boosting the morale of the U.S. Armed Forces. It began in 1941 when Mr. Hope and a group of performers went to March Field in California to do a radio show for the troops in training there. During World War II, his weekly radio show was broadcast from Armed Forces installations around the United States and at U.S. bases overseas. During this period he developed a rapport that led the United Service Organization, USO, to ask him to lead 45 tours in more than 40 countries to entertain American servicemen and women. His spirit of selflessness was especially notable during his annual Christmas specials which began in 1948 and kept him on the road during this Christian holiday for more than 20 years in a row. He has entertained, as the gentleman from California (Mr. COX) pointed out, an estimated 10 million American GIs.

Mr. Speaker, here is a quote from a lonely sailor in France who had received a letter and some photos from a recent Bob Hope visit during World War II. His words portray the feelings of so many Americans fighting at that time:

"Your programs are the kind that make us think of home but they also make us feel that home is much closer than it really is. It is people like you and Mr. Colona and Miss Langford besides the one we love back home that makes it worth winning this war and believe me we are going to do it. I want to say thanks from the bottom of my heart for all the trouble you have gone through to make this strange sailor have a pleasant time for being so far away from home."

Mr. Speaker, Bob Hope made over 700 television appearances. As we all know, he is a best-selling author, he starred in 60 motion pictures, and the "Guinness Book of Records" cites him as the most honored entertainer in the world. Mr. Hope has received more than 50 honorary doctorates and is the recipient of innumerable awards, including prestigious honors from the major veterans service organizations. His humanitarian work, Mr. Speaker, was recognized, and fittingly, with the Congressional Gold Medal.

Public Law 105-67, Mr. Speaker, bestowed on Mr. Hope status as an honorary veteran of the United States Armed Forces. As we know, he resides in California with his bride of 68 years, Delores.

Mr. Hope, what an appropriate name for all that he has done to boost the morale of American fighting men and women. We say to him, "Thanks for the memories."

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4592, which would designate the chapel in Los Angeles National Cemetery located in the congressional district I represent as the Bob Hope Veterans Chapel. I want to thank the gentleman from California (Mr. COX) for his assistance with this legislation and the Committee on Veterans' Affairs for allowing it to reach the floor in time for the chapel naming to coincide with Bob Hope's 99th birthday on May 29.

Bob Hope has been named the most honored entertainer of all time with more than 1,500 awards and citations. His career in vaudeville, Broadway, radio, motion pictures, and television has made him an icon of American entertainment. But he will forever be loved for traveling the globe to entertain American GIs.

Starting with his World War II radio broadcast for the Armed Forces, Bob Hope dedicated more than 50 years to the USO, delivering holiday cheer and raising the morale of servicemen and women serving throughout the world. He made his first trip to a combat area in 1943 when he and a small USO troupe visited U.S. military facilities in England, Africa, Sicily and Iceland. His commitment to those in uniform is legendary; and he set an example that inspired his peers, his fans and the entertainers who have followed in his path.

As many of my colleagues know, Bob Hope and his wife, Delores, recently donated the Bob Hope Collection to the Library of Congress to preserve his invaluable joke files, sound recordings, films, photos and other memorabilia. Now exhibited through the Bob Hope Gallery of American Entertainment, the collection is truly a national treasure. Naming this veterans chapel in his honor is a special way for Congress to express the deep gratitude that all Americans have for Bob Hope. He is the man we awarded the Congressional Gold Medal in 1962 and designated in 1997 as the only person in history to become an honorary veteran.

I appreciate the opportunity to pay tribute once again when we ascribe his name to this historic chapel, which is being restored with the help of the Veterans Park conservancy. It will also be a tribute to the 85,000 brave soldiers who are buried at the L.A. National Cemetery.

It is a great privilege for me to represent Bob and Delores Hope in Congress. I know other Members of Congress claim them as well; but they live, as Delores Hope told me, and vote in my congressional district and to me that has always been a great honor for me to have them as constituents. I want to take this opportunity to congratulate them on this special honor and to extend my best wishes to them and their family.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, permit me to thank our good friend, the gentleman from New Jersey, the distinguished chairman of our Committee on Veterans' Affairs; the gentleman from California (Mr. COX); the gentleman from California (Mr. WAXMAN); and the gentleman from Illinois (Mr. EVANS) for affording us this opportunity to pay tribute to a dedicated patriot, a man who has devoted his life to providing laughter to our Nation, and, most notably, to our troops overseas, Bob Hope.

Bob Hope's lifelong commitment to public service has made him one of the most honored and esteemed performers in our Nation's history. He spent nearly 60 years boosting the morale of our servicemen and women through goodwill tours, USO shows, and his world famous Christmas specials. Bob Hope's status among our Armed Forces as GI Bob is legendary. Through an act of Congress in 1997, he has the distinction of being the Nation's first and only honorary veteran, a fitting tribute to his life and service.

His charitable work and his tours on behalf of our Armed Forces have brought him the admiration and the gratitude of millions and the friendship of every U.S. President since President Roosevelt.

In a recent act of generosity, Bob donated his personal papers, radio and television programs, his scripts and his treasured joke file to the Library of Congress and the people of the United States. Preserved at the library is the full record of Bob Hope's extraordinary creativity, his unselfish contributions to his Nation, and the testimonials and thanks he has received from those whose lives he has enriched.

Bob Hope is a role model, a patriot, a man who used his gift to lift the spirits of our Nation and of our Nation's troops. This measure, H.R. 4592, names the chapel located at the national cemetery in Los Angeles as the Bob Hope Veterans Chapel. While this is only a small symbol of our thanks, I know that our Nation will forever extend its gratitude to Bob Hope, an entertainer, a patriot and a friend and to his devoted wife, Delores.

Accordingly, I urge all of our colleagues to support this measure. I thank the gentlemen from New Jersey and from California for this opportunity to pay tribute to GI Bob.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, as a Representative of Cleveland, Ohio, I am proud to join with my colleagues from across the country in this well-deserved tribute to Bob Hope for his service to the veterans of our country, to the servicepersons who for generations put themselves on the line to protect America and Bob Hope was there time after time whenever his country called him. And so now his country is prepared to honor him in a very special way by showing its appreciation for the years of work, the years of his own life he put into celebrating the work of our servicemen and women.

As a Representative from Cleveland, Ohio, I take great pride in the fact that the first city that Bob Hope moved to, his family moved to, when he came to the United States was the city of Cleveland. The city of Cleveland claims him as one of their favorite sons and has named a major bridge after him and celebrated his whole career during our bicentennial. We recognize that his contribution, though, belongs to the Nation as well as to our community. It is that way, I think, with Bob Hope's life in that so many parts of our Nation are grateful to the service that he has given to, to the joy he has brought into people's lives, through his unselfish approach, through his dedication to our country, and to the men and women who have served.

Mr. Speaker, when I was mayor of Cleveland, I had the privilege of meeting Bob Hope on many occasions, having had the opportunity to share very special moments with him and to see that this person whom we honor here this evening was warm, and is warm, and funny and is someone who had a view of life, and has a view of life, which really appreciates the beauty of life and the humor in life.

To Bob and Delores Hope, this is an important moment for both of you, because you have shared your marriage with this country and with the servicemen and women who have served America. In this moment when through the work of our colleagues your name is going to be on this special veterans memorial chapel, through this moment we show that we have not forgotten what you have done for our country and that you will always be remembered and that we join, each Member of this Congress, in celebrating your life as you look towards your 99th year.

In the Polish community in Cleveland, there is a phrase called stolot which, translated, is "May you live a hundred years and more." Bob, keep going strong. We love you. Thanks to you and Delores. Cleveland is glad to join in this special honor.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4592.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS ADVOCACY IMPROVEMENT ACT OF 2002

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4231) to improve small business advocacy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Advocacy Improvement Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Excessive regulations continue to burden the Nation's small businesses.

(2) Federal agencies continue to propose regulations that impose disproportionate burdens on small businesses.

(3) An independent office of small business advocacy will help to ensure that Federal agencies are responsive to small businesses and that those agencies comply with their statutory obligations with respect to small businesses.

(4) The independence of an office that acts as an advocate for small businesses is essential to ensure that it can serve as an effective advocate without being restricted by the views or policies of the Small Business Administration or any other Federal executive branch agency.

(5) To be effective an office that acts as an advocate for small businesses needs sufficient resources to conduct creditable economic studies and research which are necessary for the maintenance of small business databases and for the accurate assessment of the impact of regulations on small businesses, the role of small business in the Nation's economy, and the barriers to the growth of small businesses.

(6) The research, information, and expertise provided by an independent office of small business advocacy will be a valuable source of information and advice for Congress and Federal agencies with which the office will work on behalf of small businesses.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that there exists an entity that has the statutory independence and adequate financial resources to effectively advocate for and on behalf of small business;

(2) to require that such an entity report to the Chairmen and Ranking Members of the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate, and to the Administrator of the Small Business Administration in order to keep them fully and currently informed about issues and regulations affecting small business concerns and the necessity for corrective action by the regulatory agency or Congress;

(3) to provide a separate authorization for appropriations for such an entity; and

(4) to strengthen the role of the Small Business and Agriculture Regulatory Enforcement Ombudsman by ensuring greater cooperation between the Ombudsman and the Office of Advocacy of the Small Business Administration.

SEC. 3. APPOINTMENT OF CHIEF COUNSEL OF ADVOCACY.

(a) IN GENERAL.—Section 201 of Public Law 94–305 (15 U.S.C. 634a) is amended—

(1) by inserting "(a)" before "There is established";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(b) The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be appointed from civilian life by the

President, by and with the advice and consent of the Senate, and who should be appointed without regard to political affiliation and on the basis of fitness to perform the duties of the office.

"(c) No individual may be appointed under subsection (b) if such individual has served as an officer or employee of the Small Business Administration during the 5-year period preceding the date of such individual's appointment.

"(d) Any Chief Counsel appointed after the date of the enactment of this subsection shall be paid at a rate not to exceed the rate of basic pay for level III of the Executive Schedule.

"(e) After the expiration of the term of a President, the Chief Counsel may continue to serve at the pleasure of the President for a period of not to exceed one year until such date as a successor to the Chief Counsel is nominated.".

(b) INCUMBENT CHIEF COUNSEL FOR ADVOCACY.—The individual serving as the Chief Counsel for Advocacy of the Small Business Administration on the date of the enactment of this Act shall continue to serve in that position after such date in accordance with section 201 of Public Law 94–305 (15 U.S.C. 634a), as amended by this section.

SEC. 4. PRIMARY FUNCTIONS OF OFFICE OF ADVOCACY.

Section 202 of Public Law 94–305 (15 U.S.C. 634b) is amended—

(1) in paragraph (6) by striking "to minority enterprises" and inserting "to small business concerns owned and controlled by socially and economically disadvantaged individuals, to small business concerns owned and controlled by women, and to small business concerns owned and controlled by veterans";

(2) in paragraph (7) by striking "minority enterprises" and inserting "small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, and small business concerns owned and controlled by veterans";

(3) in paragraph (8) by striking "minority and other small business enterprises" and inserting "small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, and other small businesses";

(4) in paragraph (9) by striking "complete" and inserting "compete";

(5) by striking paragraph (11);

(6) by redesignating paragraph (12) as paragraph (11);

(7) in paragraph (11) (as so redesignated)—

(A) by striking "serviced-disabled" and inserting "service-disabled"; and

(B) by striking the period at the end and inserting "; and"; and

(8) by adding at the end the following:

"(12) make such recommendations and submit such reports as the Chief Counsel determines appropriate to the President, to the Chairmen and Ranking Members of the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate, and to the Administrator of the Small Business Administration, with respect to issues and regulations affecting small businesses and the necessity for corrective action by any Federal agency or by Congress.".

SEC. 5. ADDITIONAL FUNCTIONS.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) by inserting "(a)" before "The Office of Advocacy shall also perform"; and

(2) in subsection (a) (as so designated)—

(A) in paragraph (4) by striking "and" at the end;

(B) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) maintain economic databases and make the information contained therein available to the Administrator of the Small Business Administration and to Congress;

"(7) carry out the responsibilities of the Chief Counsel under chapter 6 of title 5, United States Code; and

"(8) enter into a memorandum of understanding with the Small Business and Agriculture Regulatory Enforcement Ombudsman regarding methods and procedures for cooperation between the Ombudsman and the Office of Advocacy and transmit a copy of such memorandum to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.".

(b) APPROPRIATION REQUEST.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is further amended by adding at the end the following:

"(b)(1) For each fiscal year, the Chief Counsel shall transmit the Office of Advocacy's appropriation estimate and request to the Office of Management and Budget, the Committee on Small Business of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

"(2) Each budget of the United States Government submitted by the President shall include a separate statement of the amount of appropriations requested for the Office of Advocacy.".

SEC. 6. DEPUTY CHIEF COUNSELS AND REGIONAL ADVOCATES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended—

(1) by inserting "(a)" before "In carrying out"; and

(2) by adding at the end the following:

"(b)(1) The Chief Counsel may appoint 2 individuals to serve as Deputy Chief Counsels.

"(2) Notwithstanding any other provision of this section, the pay rate for each Deputy Chief Counsel may not exceed the rate of basic pay for level III of the Senior Executive Service.

"(3) Individuals appointed to positions under this subsection shall not be counted toward the limitation contained in subsection (a)(1) regarding the number of individuals who may be compensated at a rate in excess of the lowest rate for GS–15 of the General Schedule.

"(c) The Chief Counsel may appoint regional advocates within each Standard Federal Region as appropriate. Such regional advocates shall—

"(1) assist in examining the role of small business in the economy of the United States by identifying academic and other research institutions that focus on small business concerns and linking these research resources to research activities conducted by the Office of Advocacy;

"(2) assist in representing the views and interests of small business concerns before Federal agencies whose policies and activities may affect small business;

"(3) in coordination with the Small Business and Agriculture Regulatory Enforcement Ombudsman, assist the functioning of regional small business fairness boards;

"(4) assist in enlisting the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government that are of benefit to small business concerns and the means by which small business concerns can participate in or make use of such programs and services; and

"(5) carry out such duties pursuant to the mission of the Office of Advocacy as the Chief Counsel may assign.".

SEC. 7. OVERHEAD AND ADMINISTRATIVE SUPPORT.

Section 205 of Public Law 94–305 (15 U.S.C. 634e) is amended by inserting before "Each department" the following:

"(a) The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations of the Administration, together with such equipment, office supplies, communications facilities, and personnel and maintenance services as may be necessary for the operation of such offices.

"(b)".

SEC. 8. REPORTS.

Section 206 of Public Law 94–305 (15 U.S.C. 634f) is amended by striking "The Chief Counsel may" and all that follows through "on his activities." and inserting the following:

"(a) Not less than annually, the Chief Counsel shall submit to the President, the Committee on Small Business of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Government Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives, and the Administrator of the Small Business Administration a report on agency compliance with chapter 6 of title 5, United States Code.

"(b) In addition to the reports required by this title, the Chief Counsel may prepare and publish such other reports as the Chief Counsel determines appropriate.

"(c)".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of Public Law 94–305 (15 U.S.C. 634g) is amended by striking "not to exceed $1,000,000" and inserting "$10,000,000 for fiscal year 2003, $12,000,000 for fiscal year 2004, and $14,000,000 for fiscal year 2005".

SEC. 10. CONFORMING AMENDMENTS.

(a) EXECUTIVE PAY SCHEDULE.—Title 5, United States Code, is amended—

(1) in section 5314 by adding at the end the following:

"Chief Counsel for Advocacy, Small Business Administration."; and

(2) in section 5315 by striking the following:

"Chief Counsel for Advocacy, Small Business Administration.".

(b) RURAL TOURISM TRAINING PROGRAM.—Section 311 of the Small Business Administration Reauthorization and Amendments Act of 1990 (15 U.S.C. 653 note; 104 Stat. 2832) is amended by striking "Chief Counsel for Advocacy" and inserting "Administrator".

(c) SMALL BUSINESS AND AGRICULTURE REGULATORY ENFORCEMENT OMBUDSMAN.—Section 30(b)(2) of the Small Business Act (15 U.S.C. 657(b)(2)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(F) enter into a memorandum of understanding with the Office of Advocacy regarding methods and procedures for cooperation between the Ombudsman and the Office of Advocacy.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 weeks ago we celebrated National Small Business Week and the entrepreneurial spirit that makes this Nation great. Small business drives our Nation's economy and the heart of our communities. Small businesses account for 99.7 percent of the Nation's employers. Small businesses employ 53 percent of the private workforce and are responsible for over 50 percent of the private gross domestic product. During this time of economic uncertainty, it is important to remember that small businesses have pulled this Nation out of every downturn. Small businesses create about three-fourths of the new jobs in this country.

☐ 1915

That is why it is critically important that we in Congress do all we can to foster the entrepreneurial spirit in America.

After all the festivities are over, it is especially important that we carry on the legacy of National Small Business Week throughout the year by strengthening and making the Office of Advocacy at the Small Business Administration more independent. Advocacy is a very small, but unique and dynamic, government office. Mr. Speaker, I encourage my colleagues that if you do not know too much about this office, it is time you became more familiar with its mission and its hard-working personnel.

Advocacy is staffed with public servants who truly have a heart for small business. It is a great resource, particularly for caseworkers that may not know to whom to turn in order to resolve a complex small business problem. It is one of the few offices in the executive branch that can take positions contrary to the administration on behalf of small business. Advocacy serves as an internal government watchdog in our regulatory process to make sure that the interests of small businesses are not ignored as agencies develop, propose and finalize their regulations.

Advocacy has concluded that Federal regulations cost small businesses about 60 percent more per employee than it costs large businesses. Compliance with regulations averages about $7,000 per employee. That is a huge burden. The Regulatory Flexibility Act was passed in 1980 to require agencies to factor into their analysis the impact of proposed regulations on small businesses prior to their implementation, and, if necessary, modify the proposal to soften the impact on small businesses.

Last March the President gave a historic address before our Nation's women entrepreneurs. The President said, "Every agency is required to analyze the impact of new regulations on small businesses before issuing them. That is an important law. The problem is it is oftentimes being ignored. The law is on the books; the regulators don't care that the law is on the books. From this day forward, they will care that the law is on the books."

The main mission of the Office of Advocacy is to carry out the President's vision by making sure that all regulators finally take seriously the obligations contained in the Regulatory Flexibility Act to respect the interests of small business. Part of the President's small business agenda is to enhance the Office of Advocacy.

The bill before us today strengthens and improves the office to ensure that there is an entity within the executive branch that has the statutory independence and adequate financial resources to be an effective fighter for small business. Many small business groups, including the National Federation of Independent Business, the Small Business Legislative Council, the U.S. Chamber of Commerce, National Small Business United and the National Association for the Self-Employed have endorsed this bill.

The Small Business Advocacy Improvement Act raises the rank of the Chief Counsel for Advocacy one level in the executive service schedule to be on par with many of his colleagues in other agencies. The legislation would permit the appointment of two deputy chief counsel, one responsible for regulations, the other for economic research and studies. The bill also defines for the first time the duties of regional advocates, one at each of the 10 Federal regions. The SBA is also required to provide adequate office space, equipment, and personnel to the Office of Advocacy.

In addition, this legislation encourages more cooperation and coordination through a memorandum of understanding between the SBA's Office of Ombudsman, which oversees how Federal agencies implement regulations after they are adopted, and the Office of Advocacy, which aims to make proposed regulations more friendly to small businesses prior to their final adoption.

Most importantly, this bill protects the budget of the Office of Advocacy by allowing Congress to see the chief counsel's initial budget request to the Office of Management and Budget. Unfortunately, Advocacy has been threatened in the past with budget cuts unless the chief counsel changed his policy with respect to small business to be more in line with the administration. This provision is crucial to maintaining the independence of the Office of Advocacy, because, without it, other executive branch agencies could threaten its budget to influence a particular course of action. This bill would shed light on that practice in order to put enough pressure to end it.

Finally, the legislation authorizes modest increases in the budget of the Office of Advocacy over the next 3 years in order to increase its role and visibility within the executive branch to advocate for and on behalf of small businesses.

Mr. Speaker, I want to thank the ranking minority member, the gentlewoman from New York (Ms. VELÁZQUEZ), for working with me over the past 14 months on this issue. I urge my colleagues to support the Small Business Advocacy Improvement Act.

Mr. Speaker, passage of this bill is particularly appropriate today, shortly after National Small Business Week, because H.R. 4231 will produce untold benefits for our small business constituents for years to come.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, even though small businesses serve as the engine of the economy, the critical role they play is often overlooked during the development and implementation of Federal policies. This oversight often results in a myriad of problems and regulations that have little benefit, or, in some cases, negative impact on this Nation's small businesses.

To make sure small business has a voice in the Federal Government, Congress created the Small Business Administration Office of Advocacy 25 years ago to defend, strengthen and represent small businesses in the legislative and executive rule-making process. To accomplish this, Advocacy, and in particular the chief counsel, has the unique power to take positions that are contrary to the administration. This ability to "call them as he sees them" allows Advocacy to put aside much of the partisan tone that all too often creeps into policy, and has just one standard: is it good for this Nation's small businesses?

Under this charge, the Office of Advocacy works to reduce legal and regulatory mandates that disproportionately burden small businesses. By bringing together Federal agencies, small businesses and interest groups, Advocacy then attempts to reach a mutually beneficial consensus. The result is an improved regulation that reduces regulatory and paperwork burdens so that small businesses can get back to the work they do best.

In addition, Advocacy highlights policies that support the development and growth of small businesses and produces studies and research aiding legislators and rule-makers in the decisions that affect small businesses.

As the complexity of Federal regulations has increased, so has the need to ensure that Advocacy's independent voice is in no way muffled. To do its job and do it well, Advocacy must point out problems and shortcomings of administration policy, not a particularly popular job to have, but a critical one. This often pits them against agencies and many times opposes the Office of Management and Budget, the very agency that sets Advocacy's funding levels each year.

Criticizing the very entity that holds its fate could compromise Advocacy's ability to be truly independent. Given the recent mishandling by OMB of such matters as the SBA loan program subsidy rates and size standards for disaster assistance, shielding Advocacy from OMB's heavy hand is more important than ever.

To that end, the Committee on Small Business provided the Office of Advocacy the ability to submit its own budget to Congress in our original bill. Unfortunately, this critical guarantee of Advocacy's independence has been removed from the final version under consideration today. I find this curious. The Office of Advocacy already submits testimony, correspondence and reports to Congress without any vetting by the administration. It only makes sense that this independence should be extended to the budget it submits to Congress. The power of a subordinate agency to submit a budget item is not without precedent. Currently, FDIC and the International Trade Commission, among others, submit their budget without change.

Testimony by experts before our hearings, committee reports and surveys of small business interest groups have all influenced the bipartisan proposal to secure Advocacy's independence. In fact, all the business groups supported the bill as it was reported by the committee, not as it was amended. We know that OMB's current budgetary power over the Office of Advocacy can hurt, co-opt or weaken the office, which will be less likely to raise issues with OMB that directly harm small businesses.

We should have retained the original language of this bill. I am afraid today's proposal is not a step forward, but a step back, in the drive to protect small businesses from disproportionate government regulations and compliance burdens. The Office of Advocacy has been successful because we have given it the flexibility to work with agencies to find creative solutions to the problems facing this country's small businesses.

Small businesses are powerful creators of growth and jobs, something to keep in mind as our unemployment rate peaks at 6 percent. The Office of Advocacy is a strong voice for small business, and we can make it stronger so that small businesses can get back to work. We should be strengthening it, not weakening it, as this legislation does today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 4231, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY OF EXPORT-IMPORT BANK UNTIL JUNE 14, 2002

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4782) to extend the authority of the Export-Import Bank until June 14, 2002.

The Clerk read as follows:

H.R. 4782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXPORT-IMPORT BANK.

Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103-428, the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through June 14, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4782.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is a simple extension of the authority of the Export-Import Bank until June 14, 2002. Mr. Speaker, this is a rather routine extension. The conference committee is meeting literally as I speak, and we would hope to have a bill to the floor. But in case we do not, it is important that the activities of the Export-Import Bank maintain until June 14. I ask that the House would pass this.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks of my friend, the gentleman from Ohio (Mr. OXLEY). The conferees are meeting as we speak, but it might be very difficult to come to conclusion and bring a conference report to the floor before there is a recess, especially since I understand we might be recessing tomorrow evening. Since the legislation we passed last time expires on May 31 of this month, I think it is prudent for us to pass this resolution now, extending it until June 14.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1930

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 4782.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2002

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3717) to reform the Federal deposit insurance system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Deposit Insurance Reform Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Merging the BIF and SAIF.
Sec. 3. Increase in deposit insurance coverage.
Sec. 4. Setting assessments and repeal of special rules relating to minimum assessments and free deposit insurance.
Sec. 5. Replacement of fixed designated reserve ratio with reserve range.
Sec. 6. Requirements applicable to the risk-based assessment system.
Sec. 7. Refunds, dividends, and credits from Deposit Insurance Fund.
Sec. 8. Deposit Insurance Fund restoration plans.
Sec. 9. Regulations required.
Sec. 10. Studies of FDIC structure and expenses and certain activities and further possible changes to deposit insurance system.
Sec. 11. Technical and conforming amendments to the Federal Deposit Insurance Act relating to the merger of the BIF and SAIF.
Sec. 12. Other technical and conforming amendments relating to the merger of the BIF and SAIF.

SEC. 2. MERGING THE BIF AND SAIF.

(a) In General.—

(1) Merger.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) Disposition of assets and liabilities.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) No separate existence.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) Repeal of Outdated Merger Provision.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) Effective Date.—This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 3. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) In General.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) Net amount of insured deposit.—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3)."; and

(2) by adding at the end the following new subparagraphs:

"(E) Standard maximum deposit insurance amount defined.—For purposes of this Act, the term 'standard maximum deposit insurance amount' means—

"(i) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2002, $100,000; and

"(ii) on and after such effective date, $130,000, adjusted as provided under subparagraph (F).

"(F) Inflation adjustment.—

"(i) In general.—By April 1 of 2005, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

"(I) $130,000; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, as of December 31 of the year preceding the year in which the adjustment is calculated under this clause, to the value of such index as of the date this subparagraph takes effect.

"(ii) Rounding.—If the amount determined under clause (ii) for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

"(iii) Publication and report to the Congress.—Not later than April 5 of any calendar year in which an adjustment is required to be calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

"(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

"(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

"(iv) 6-month implementation period.—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.".

(b) Coverage for Certain Employee Benefit Plan Deposits.—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

"(D) Coverage for certain employee benefit plan deposits.—

"(i) Pass-through insurance.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

"(ii) Prohibition on acceptance of benefit plan deposits.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(iii) Definitions.—For purposes of this subparagraph, the following definitions shall apply:

"(I) Capital standards.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 38.

"(II) Employee benefit plan.—The term 'employee benefit plan' has the same meaning as in paragraph (8)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(III) Pass-through deposit insurance.—The term 'pass-through deposit insurance' means, with respect to an employee benefit plan, deposit insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.".

(c) Doubling of Deposit Insurance for Certain Retirement Accounts.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking "$100,000" and inserting "2 times the standard maximum deposit insurance amount (as determined under paragraph (1))".

(d) Increased Insurance Coverage for Municipal Deposits.—Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by moving the margins of clauses (i) through (v) 4 ems to the right;

(B) by striking, in the matter following clause (v), "such depositor shall" and all that follows through the period; and

(C) by striking the semicolon at the end of clause (v) and inserting a period;

(2) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor who is—" and inserting the following:

"(2) Municipal depositors.—

"(A) In general.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available to any 1 depositor—

"(i) a municipal depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed to be a depositor separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in subparagraph (E); and

"(ii) except as provided in subparagraph (B), the deposits of a municipal depositor shall be insured in an amount equal to the standard maximum deposit insurance amount (as determined under paragraph (1)).

"(B) In-state municipal depositors.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured depository institution, such deposits shall be insured in an amount not to exceed the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) Municipal deposit parity.—No State may deny to insured depository institutions within its jurisdiction the authority to accept deposits insured under this paragraph, or prohibit the making of such deposits in such institutions by any in-State municipal depositor.

"(D) In-state municipal depositor defined.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held.

"(E) Municipal depositor.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(3) by striking "(B) The" and inserting the following:

"(F) Authority to limit deposits.—The"; and

(4) by striking "depositor referred to in subparagraph (A) of this paragraph" each place such term appears and inserting "municipal depositor".

(e) Technical and Conforming Amendment Relating to Insurance of Trust Funds.—Paragraphs (1) and (3) of section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking

"$100,000" and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(f) Other Technical and Conforming Amendments.—

(1) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(2) Subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended to read as follows:

"(a) Insurance Logo.—

"(1) Insured depository institutions.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

"(2) Regulations.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

"(3) Penalties.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.".

(3) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(4) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(A) by striking "$100,000" each place such term appears and inserting "an amount equal to the standard maximum deposit insurance amount"; and

(B) by adding at the end the following new subsection:

"(e) Standard Maximum Deposit Insurance Amount Defined.—For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act.".

(g) Conforming Change to Credit Union Share Insurance Fund.—

(1) In general.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking "(k)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(k) Insured Amounts Payable.—

"(1) Net insured amount.—

"(A) In general.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

"(B) Aggregation.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

"(C) Authority to define the extent of coverage.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

(II) in the matter following clause (v), by striking "his account" and all that follows through the period; and

(III) by striking the semicolon at the end of clause (v) and inserting a period;

(ii) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor or member who is—" and inserting the following:

"(2) Municipal depositors or members.—

"(A) In general.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available to any 1 depositor or member, deposits or shares of a municipal depositor or member shall be insured in an amount equal to the standard maximum share insurance amount (as determined under paragraph (5)), except as provided in subparagraph (B).

"(B) In-state municipal depositors.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured credit union, such deposits shall be insured in an amount equal to the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) Rule of construction.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of a municipal depositor in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(D) In-state municipal depositor defined.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured credit union at which the deposits of that depositor are held.

"(E) Municipal depositor.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(iii) by striking "(B) The" and inserting the following:

"(F) Authority to limit deposits.—The"; and

(iv) by striking "depositor or member referred to in subparagraph (A)" and inserting "municipal depositor or member"; and

(C) by adding at the end the following new paragraphs:

"(4) Coverage for certain employee benefit plan deposits.—

"(A) Pass-through insurance.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan.

"(B) Prohibition on acceptance of deposits.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(C) Definitions.—For purposes of this paragraph, the following definitions shall apply:

"(i) Capital standards.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c).

"(ii) Employee benefit plan.—The term 'employee benefit plan'—

"(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

"(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(iii) Pass-through share insurance.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.

"(D) Rule of construction.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of an employee benefit plan in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(5) Standard maximum share insurance amount defined.—For purposes of this Act, the term 'standard maximum share insurance amount' means—

"(A) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2002, $100,000; and

"(B) on and after such effective date, $130,000, adjusted as provided under section 11(a)(1)(F) of the Federal Deposit Insurance Act.".

(2) Doubling of share insurance for certain retirement accounts.—Section 207(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking "$100,000" and inserting "2 times the standard maximum share insurance amount (as determined under paragraph (1))".

(h) Effective Date.—This section and the amendments made by this section shall take effect on the date the final regulations required under section 9(a)(2) take effect.

SEC. 4. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) Setting Assessments.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) In general.—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

"(B) Factors to be considered.—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

"(i) The estimated operating expenses of the Deposit Insurance Fund.

"(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

"(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

"(iv) the risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

"(v) Any other factors the Board of Directors may determine to be appropriate."; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) BASE RATE FOR ASSESSMENTS.—

"(i) IN GENERAL.—In setting assessment rates pursuant to subparagraph (A), the Board of Directors shall establish a base rate of not more than 1 basis point (exclusive of any credit or dividend) for those insured depository institutions in the lowest-risk category under the risk-based assessment system established pursuant to paragraph (1).

"(ii) SUSPENSION.—Clause (i) shall not apply during any period in which the reserve ratio of the Deposit Insurance Fund is less than the amount which is equal to 1.15 percent of the aggregate estimated insured deposits.".

(b) ASSESSMENT RECORDKEEPING PERIOD SHORTENED.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(5) DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

"(A) the end of the 3-year period beginning on the due date of the assessment; or

"(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.".

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

"(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

"(1) IN GENERAL.—Any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount not more than 1 percent of the amount of the assessment due for each day that such violation continues.

"(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

"(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

"(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

"(3) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.".

(d) ASSESSMENTS FOR LIFELINE ACCOUNTS.—

(1) IN GENERAL.—Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834) is amended by striking subsection (c).

(2) CLARIFICATION OF RATE APPLICABLE TO DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.—Section 7(b)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(H)) is amended by striking "at a rate determined in accordance with such Act" and inserting "at ½ the assessment rate otherwise applicable for such insured depository institution".

(3) REGULATIONS.—Section 232(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking "Board of Governors of the Federal Reserve System, and the".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the 3d sentence and inserting the following: "Such reports of condition shall be the basis for the certified statements to be filed pursuant to subsection (c).".

(2) Subparagraphs (B)(ii) and (C) of section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) are each amended by striking "semiannual" where such term appears in each such subparagraph.

(3) Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(A) by striking subparagraphs (E), (F), and (G);

(B) in subparagraph (C), by striking "semiannual"; and

(C) by redesignating subparagraph (H) (as amended by subsection (e)(2) of this section) as subparagraph (E).

(4) Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by striking paragraph (4) and redesignating paragraphs (5) (as amended by subsection (b) of this section), (6), and (7) as paragraphs (4), (5), and (6) respectively.

(5) Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended—

(A) in paragraph (1)(A), by striking "semiannual";

(B) in paragraph (2)(A), by striking "semiannual"; and

(C) in paragraph (3), by striking "semiannual period" and inserting "initial assessment period".

(6) Section 7(g)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1817(g)(6)) (as amended by subsection (c) of this section) is amended by striking "(b)(5)" and inserting "(b)(4)".

(7) Section 8(p) of the Federal Deposit Insurance Act (12 U.S.C. 1818(p)) is amended by striking "semiannual".

(8) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by striking "semiannual period" and inserting "assessment period".

(9) Section 13(c)(4)(G)(ii)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)(II)) is amended by striking "semiannual period" and inserting "assessment period".

(10) Section 232(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "the Board and";

(B) in subparagraph (J) of paragraph (2), by striking "the Board" and inserting "the Corporation";

(C) by striking subparagraph (A) of paragraph (3) and inserting the following new subparagraph:

"(A) CORPORATION.—The term 'Corporation' means the Federal Deposit Insurance Corporation."; and

(D) in subparagraph (C) of paragraph (3), by striking "Board" and inserting "Corporation".

(f) EFFECTIVE DATE.—Except as provided in subsection (c), this section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(5) take effect.

SEC. 5. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

"(3) DESIGNATED RESERVE RATIO.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—The Board of Directors shall designate, by regulation after notice and opportunity for comment, the reserve ratio applicable with respect to the Deposit Insurance Fund.

"(ii) NOT LESS THAN ANNUAL REDETERMINATION.—A determination under clause (i) shall be made by the Board of Directors at least before the beginning of each calendar year, for such calendar year, and at such other times as the Board of Directors may determine to be appropriate.

"(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

"(i) may not exceed 1.4 percent of estimated insured deposits; and

"(ii) may not be less than 1.15 percent of estimated insured deposits.

"(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

"(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

"(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

"(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

"(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

"(D) PUBLICATION OF PROPOSED CHANGE IN RATIO.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended—

(1) by striking "(y) The term" and inserting "(y) DEFINITIONS RELATING TO DEPOSIT INSURANCE FUND.—

"(1) DEPOSIT INSURANCE FUND.—The term"; and

(2) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraph:

"(2) DESIGNATED RESERVE RATIO.—The term 'designated reserve ratio' means the reserve ratio designated by the Board of Directors in accordance with section 7(b)(3).".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(1) take effect.

SEC. 6. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

"(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS.—

"(i) SOURCES OF INFORMATION.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

“(ii) CONSULTATION WITH FEDERAL BANKING AGENCIES.—

“(I) IN GENERAL.—Except as provided in subclause (II), in assessing the risk of loss to the Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

“(II) TREATMENT ON AGGREGATE BASIS.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

“(iii) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

“(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2002, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.”.

SEC. 7. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

“(e) REFUNDS, DIVIDENDS, AND CREDITS.—

“(1) REFUNDS OF OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

“(A) refund the amount of the excess payment to the insured depository institution; or

“(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

“(2) DIVIDENDS FROM EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND.—

“(A) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.4 PERCENT OF ESTIMATED INSURED DEPOSITS.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.4 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at the designated reserve ratio in effect at such time, as dividends to be paid to insured depository institutions.

“(B) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.35 PERCENT OF ESTIMATED INSURED DEPOSITS AND LESS THAN 1.4 PERCENT.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is less than 1.4 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

“(C) BASIS FOR DISTRIBUTION OF DIVIDENDS.—

“(i) IN GENERAL.—Solely for the purposes of dividend distribution under this paragraph and credit distribution under paragraph (3)(B), the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend or credit declared under this paragraph or paragraph (3)(B), taking into account the factors described in clause (ii).

“(ii) FACTORS FOR DISTRIBUTION.—In implementing this paragraph and paragraph (3)(B) in accordance with regulations, the Corporation shall take into account the following factors:

“(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

“(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to the Deposit Insurance Fund (and any predecessor deposit insurance fund).

“(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

“(IV) Such other factors as the Corporation may determine to be appropriate.

“(D) NOTICE AND OPPORTUNITY FOR COMMENT.—The calculation, declaration, and payment of dividends under this paragraph shall be made at such times, in such manner, and on such conditions as the Corporation shall prescribe by regulation, after notice and opportunity for comment.

“(3) CREDIT POOL.—

“(A) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

“(i) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2002, the Board of Directors shall, by regulation, provide for a credit to each eligible insured depository institution, based on the assessment base of the institution (including any predecessor institution) on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the Board of Directors may determine to be appropriate.

“(ii) CREDIT LIMIT.—The aggregate amount of credits available under clause (i) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 12 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

“(iii) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term ‘eligible insured depository institution’ means any insured depository institution that—

“(I) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

“(II) is a successor to any insured depository institution described in subclause (II).

“(iv) APPLICATION OF CREDITS.—

“(I) IN GENERAL.—The amount of a credit to any eligible insured depository institution under this paragraph may be applied by the Corporation to those portions of the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under clause (i).

“(II) REGULATIONS.—The regulations prescribed under clause (i) shall establish the qualifications and procedures governing the application of assessment credits pursuant to subclause (I).

“(v) CRITERIA FOR DETERMINATION.—In determining whether to provide assessment credits under this paragraph and the amounts of any such credits, the Board of Directors shall take into account the factors for designating the reserve ratio under subsection (b)(3) and the factors for setting assessments under subsection (b)(2)(B).

“(vi) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

“(vii) PREDECESSOR DEFINED.—For purposes of this paragraph, the term ‘predecessor’, when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.

“(B) ON-GOING CREDIT POOL.—

“(i) IN GENERAL.—In addition to the credit provided pursuant to subparagraph (A) and subject to the limitation contained in clause (vi) of such subparagraph, the Corporation shall, by regulation, establish an on-going system of credits to be applied against future assessments under subsection (b)(1) on the same basis as the dividends provided under paragraph (2)(C).

“(ii) LIMITATION ON CREDITS UNDER CERTAIN CIRCUMSTANCES.—No credits may be allowed by the Corporation under this subparagraph during any period in which—

“(I) the reserve ratio of the Deposit Insurance Fund is less than the designated reserve ratio of such Fund; or

“(II) the designated reserve ratio of the Fund is less than 1.25 percent of the amount of estimated insured deposits.

“(4) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—The regulations prescribed under paragraph (2)(D) and subparagraphs (A) and (B) of paragraph (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

“(B) ADMINISTRATIVE REVIEW.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.”.

(b) DEFINITION OF RESERVE RATIO.—Section 3(y) of the Federal Deposit Insurance Act (12

U.S.C. 1813(y)) (as amended by section 5(b) of this Act) is amended by adding at the end the following new paragraph:

"(3) Reserve ratio.—The term 'reserve ratio', when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.".

SEC. 8. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1917(b)(3)) (as amended by section 5(a) of this Act) is amended by adding at the end the following new subparagraph:

"(E) DIF restoration plans.—

"(i) In general.—Whenever—

"(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will fall below the designated reserve ratio within 6 months of such determination; or

"(II) the reserve ratio of the Deposit Insurance Fund actually falls below the designated reserve ratio without any determination under subclause (I) having been made,

the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within 30 days that meets the requirements of clause (ii) or (iii), as the case may be, and such other conditions as the Corporation determines to be appropriate.

"(ii) Requirements of plan if reserve ratio does not fall below 1.0 percent.—If the reserve ratio of the Deposit Insurance Fund is not projected to or has not fallen below an amount equal to 1.0 percent of the aggregate estimated insured deposits, a Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the designated reserve ratio that was in effect before the occurrence of the event described in subclause (I) or (II) of clause (i) before the end of the 3-year period beginning upon implementation of the plan.

"(iii) Requirements of plan if reserve ratio falls below 1.0 percent.—If the reserve ratio of the Deposit Insurance Fund has fallen below an amount equal to 1.0 percent of the aggregate estimated insured deposits, a Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund—

"(I) will meet or exceed an amount equal to 1.0 percent of the aggregate estimated insured deposits before the end of the 2-year period beginning upon implementation of the plan; and

"(II) will meet or exceed the designated reserve ratio that was in effect before the occurrence of the event described in subclause (I) or (II) of clause (i) before the end of the 3-year period beginning on the date the reserve ratio first meets or exceeds an amount equal to 1.0 percent of the aggregate estimated insured deposits after the implementation of the plan.

"(iv) Transparency.—Not more than 90 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.".

SEC. 9. REGULATIONS REQUIRED.

(a) In General.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 5 of this Act);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 3 of this Act;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 7 of this Act).

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 7 of this Act, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this Act.

(b) Rule of Construction.—No provision of this Act or any amendment made by this Act shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments before the effective date of the final regulation prescribed under subsection (a).

SEC. 10. STUDIES OF FDIC STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) Study by Comptroller General.—

(1) Study required.—The Comptroller General shall conduct a study of the following issues:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act by the Federal banking agencies (as defined in section 3 of such Act), including the degree of effectiveness of such agencies in identifying troubled depository institutions and taking effective action with respect to such institutions, and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the organizational structure of the Federal Deposit Insurance Corporation for the mission of the Corporation taking into account—

(i) the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act);

(ii) the extent to which the organizational structure contributes to or reduces operational inefficiencies that increase operational costs; and

(iii) the effectiveness of internal controls.

(2) Report to the congress.—The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) Internal Study by the FDIC.—

(1) Study required.—Concurrently with the study required to be conducted by the Comptroller General under subsection (a), the Federal Deposit Insurance Corporation shall conduct an internal study of the same conditions and factors included in the study under subsection (a).

(2) Report to the congress.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(c) Study of Further Possible Changes to Deposit Insurance System.—

(1) Study required.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) Report.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(d) Study Regarding Appropriate Deposit Base in Designating Reserve Ratio.—

(1) Study required.—The Federal Deposit Insurance Corporation shall conduct a study of the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund and designating a reserve ratio for such Fund.

(2) Report.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(e) Study of Reserve Methodology and Accounting for Loss.—

(1) Study required.—The Federal Deposit Insurance Corporation, in consultation with the Comptroller General, shall conduct a study of the reserve methodology and loss accounting used by the Corporation during the period beginning on January 1, 1992, and ending December 31, 2002, with respect to insured depository institutions in a troubled condition (as defined in the regulations prescribed pursuant to section 32(f) of the Federal Deposit Insurance Act).

(2) Factors to be included.—In conducting the study pursuant to paragraph (1), the Federal Deposit Insurance Corporation shall—

(A) consider the overall effectiveness and accuracy of the methodology used by the Corporation for establishing and maintaining reserves and estimating and accounting for losses at insured depository institutions, during the period described in such paragraph;

(B) consider the appropriateness and reliability of information and criteria used by the Corporation in determining—

(i) whether an insured depository institution was in a troubled condition; and

(ii) the amount of any loss anticipated at such institution;

(C) analyze the actual historical loss experience over the period described in paragraph (1) and the causes of the exceptionally high rate of losses experienced by the Corporation in the final 3 years of that period; and

(D) rate the Corporation's efforts of the Corporation to reduce losses in such 3-year period to minimally acceptable levels and to historical levels.

(3) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress before June 30, 2003, containing the findings and conclusions of the Corporation, in consultation with the Comptroller General, with respect to the study required under paragraph (1), together with such recommendations for legislative or administrative action as the Board of Directors may determine to be appropriate.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) by striking subparagraph (B) of subsection (a)(1) and inserting the following new subparagraph:

"(B) includes any former savings association."; and

(B) by striking paragraph (1) of subsection (y) (as so designated by section 5(b) of this Act) and inserting the following new paragraph:

"(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the Deposit Insurance Fund established under section 11(a)(4).";

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund,";

(3) in section 5(c)(4), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking "reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7" and inserting "the reserve ratio of the Deposit Insurance Fund";

(B) by striking subparagraph (B) and inserting the following:

"(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.";

(C) by striking "(1) UNINSURED INSTITUTIONS.—"; and

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(8) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)(C), by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in paragraph (1)(D), by striking "each deposit insurance fund" and inserting "the Deposit Insurance Fund"; and

(C) in paragraph (5) (as so redesignated by section 4(e)(4) of this Act)—

(i) by striking "any such assessment" and inserting "any such assessment is necessary";

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking "(A) is necessary—";

(II) by striking "Bank Insurance Fund members" and inserting "insured depository institutions"; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by inserting "that" before "the Corporation"; and

(II) by striking "; and" and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(11) in section 11 (12 U.S.C. 1821)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) by striking paragraph (4) of subsection (a) and inserting the following new paragraph:

"(4) DEPOSIT INSURANCE FUND.—

"(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

"(i) maintain and administer;

"(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

"(iii) invest in accordance with section 13(a).

"(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to insured depository institutions the deposits of which are insured by the Deposit Insurance Fund.

"(C) LIMITATION ON USE.—Notwithstanding any provision of law other than section 13(c)(4)(G), the Deposit Insurance Fund shall not be used in any manner to benefit any shareholder or affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of—

"(i) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

"(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

"(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.

"(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited into the Deposit Insurance Fund.";

(C) by striking paragraphs (5), (6), and (7) of subsection (a); and

(D) by redesignating paragraph (8) of subsection (a) as paragraph (5);

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking ", except that—" and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as so redesignated), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)";

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking "institution, any" and inserting "institution, the";

(15) in section 11A(a) (12 U.S.C. 1821a(a))—

(A) in paragraph (2), by striking "LIABILITIES.—" and all that follows through "Except" and inserting "LIABILITIES.—Except";

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund";

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund (or any predecessor deposit insurance fund)";

(19) in section 13 (12 U.S.C. 1823)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (a)(1), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund";

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking "FUNDS" and inserting "FUND"; and

(ii) in clause (i), by striking "any insurance fund" and inserting "the Deposit Insurance Fund";

(D) in subsection (c)(4)(G)(ii)—

(i) by striking "appropriate insurance fund" and inserting "Deposit Insurance Fund";

(ii) by striking "the members of the insurance fund (of which such institution is a member)" and inserting "insured depository institutions";

(iii) by striking "each member's" and inserting "each insured depository institution's"; and

(iv) by striking "the member's" each place that term appears and inserting "the institution's";

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(G) in subsection (k)(4)(B)(i), by striking "Savings Association Insurance Fund member" and inserting "savings association"; and

(H) in subsection (k)(5)(A), by striking "Savings Association Insurance Fund members" and inserting "savings associations";

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(B) by striking "each such fund" and inserting "the Deposit Insurance Fund";

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking "Bank Insurance Fund member" each place that term appears and inserting "insured depository institution";

(B) by striking "Bank Insurance Fund members" each place that term appears and inserting "insured depository institutions";

(C) by striking "Bank Insurance Fund" each place that term appears (other than in connection with a reference to a term amended by subparagraph (A) or (B) of this paragraph) and inserting "Deposit Insurance Fund";

(D) by striking the subsection heading and inserting the following:

"(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS.—";

(E) in paragraph (3), in the paragraph heading, by striking "BIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(F) in paragraph (5), in the paragraph heading, by striking "BIF MEMBERS" and inserting "INSURED DEPOSITORY INSTITUTIONS";

(24) in section 14 (12 U.S.C. 1824), by adding at the end the following new subsection:

"(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

"(2) TERMS AND CONDITIONS.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

"(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

"(B) be adequately secured, as determined by the Federal Housing Finance Board;

"(C) be a direct liability of the Deposit Insurance Fund; and

"(D) be subject to the limitations of section 15(c).";

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place that term appears and inserting "the Deposit Insurance Fund"; and

(B) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(26) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) in paragraph (1)—

(i) by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (D), by striking "each insurance fund" and inserting "the Deposit Insurance Fund";

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking ", the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund";

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(A) by striking "Savings Association Insurance Fund" in the 1st sentence of subparagraph (A) and inserting "Deposit Insurance Fund";

(B) by striking "Savings Association Insurance Fund member" in the last sentence of subparagraph (A) and inserting "savings association"; and

(C) by striking "Savings Association Insurance Fund or the Bank Insurance Fund" in subparagraph (C) and inserting "Deposit Insurance Fund";

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking "deposit insurance funds" and "deposit insurance fund" each place those terms appear and inserting "Deposit Insurance Fund";

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(31) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (e)(2)(A), by striking "risk to" and all that follows through the period and inserting "risk to the Deposit Insurance Fund."; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking "the insurance fund of which such bank is a member" each place that term appears and inserting "the Deposit Insurance Fund";

(32) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking "insurance funds" and inserting "Deposit Insurance Fund";

(36) in section 38 (12 U.S.C. 1831o), by striking "the deposit insurance fund" each place that term appears and inserting "the Deposit Insurance Fund";

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking "FUNDS" and inserting "FUND";

(38) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(B) in paragraph (2), by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(C) in paragraphs (2)(A) and (3)(B), by striking "the deposit insurance fund's outlays" each place that term appears and inserting "the outlays of the Deposit Insurance Fund"; and

(39) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking "ASSOCIATIONS.—" and all that follows through "Subsections (e)(2)" and inserting "ASSOCIATIONS.—Subsections (e)(2)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 12. OTHER TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) SECTION 5136 OF THE REVISED STATUTES.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(b) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(c) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(d) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(1) by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) by striking "Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51–4066–0–3–373);".

(e) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking "SAIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(A) in the subparagraph heading, by striking "SAIF-INSURED BANKS" and inserting "CHARTER CONVERSIONS"; and

(B) by striking "Savings Association Insurance Fund member" and inserting "savings association";

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund";

(7) in section 21B(e) (12 U.S.C. 1441b(e))—

(A) in paragraph (5), by inserting "as of the date of funding" after "Savings Association Insurance Fund members" each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))—

(A) by inserting before the colon ", the following definitions shall apply";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(5)(A), by striking "that is a member of the Bank Insurance Fund";

(B) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply:";

(C) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(D) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(E) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(F) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(G) in subsection (v)(2)(A)(i), by striking "the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking "this title" and inserting "this Act";

(B) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(C) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(D) in subsection (e)(4)(B), by striking "subsection (1)" and inserting "subsection (l)";

(E) in subsection (g)(3)(A), by striking "(5) of this section" and inserting "(5) of this subsection";

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E) and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking "during period" and inserting "during the period"; and

(I) in subsection (o)(3)(D), by striking "sections 5(s) and (t) of this Act" and inserting "subsections (s) and (t) of section 5".

(g) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f-14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(h) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by inserting "and after the merger of such funds, the Deposit Insurance Fund," after "the Savings Association Insurance Fund,"; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(i) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking "appropriate deposit insurance fund" and inserting "Deposit Insurance Fund".

(j) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking "any Federal deposit insurance fund" in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting "the Deposit Insurance Fund".

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OSE. Mr. Speaker, I am in opposition to the bill, and I have a procedural question to ask as to who would claim the time in opposition.

The SPEAKER pro tempore. Is the gentleman from New York (Mr. LAFALCE) opposed to the motion?

Mr. LAFALCE. Mr. Speaker, I am not opposed to the motion.

The SPEAKER pro tempore. The gentleman from California (Mr. OSE) will control 20 minutes in opposition to the motion.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in strong support of H.R. 3717, the Federal Deposit Insurance Reform Act of 2002. The U.S. has the largest, most complex, most stable banking system in the world. Deposit insurance is one of the major reasons for this stability. Today we will strengthen this system so that it continues to serve as a model for the world.

Depositors, taxpayers, and depository institutions will be well served by this legislation which will modernize the Federal deposit insurance system. Federal deposit insurance was created by Congress in 1934 and it has successfully served the American people for 68 years. Public confidence has been maintained and the stability of the Nation's banking system has been preserved during periods of financial uncertainty.

The deposit insurance system has been significantly modified only twice since 1934, both times in response to the savings and loan crisis of the late 1980s and early 1990s. During this crisis, the FDIC and the RTC resolved 2,363 failures of insured institutions involving more than $700 billion in assets. As FDIC Chairman Powell stated, "There were no bank runs, no panics, no disruptions to financial markets, and no debilitating impact on overall economic activity." The existence of Federal deposit insurance was a critical factor in the financial markets remaining relatively stable.

Mr. Speaker, H.R. 3717, though technical in nature, seeks to apply the experiences of the last decade to today's banking marketplace. It is 21st century legislation for a 21st century banking industry. While the purpose of deposit insurance remains the same, industry growth, bank expansion from new powers, and the integration of banking and securities activities require that the scope and coverage of deposit insurance evolve so as to reflect the realities of a modern financial services industry.

Moreover, the presence of Federal deposit insurance continues to be a key consideration for consumers in their decisions about where they do their banking and what level of deposit risk they are willing to assume.

Mr. Speaker, there is broad consensus in this body. The Bush administration and the Federal banking and thrift regulators and business and consumer groups are in favor of improving and strengthening the deposit insurance system and making it more responsive to the cyclical nature of banking activities in the post-Gramm-Leach-Bliley financial and economic environment. This legislation fulfills our commitment to the American public. Indeed, H.R. 3717 was reported out of the committee on a bipartisan vote of 52 to 2, a testimony to its responsiveness and timeliness.

This legislation is both responsive and responsible. It recognizes that depositors, savers, and investors have integrated financial needs, and that the deposit insurance system must be stronger, more flexible, and adaptable to changing depositor behaviors in "real time."

This bill allows the FDIC to do just that. It provides the FDIC with the necessary authority and supervisory tools to manage the deposit insurance fund in a way that balances all affected interests. It recognizes that all financial institutions present some type of risk, and that deposit insurance benefits all stakeholders, consumers, institutions and taxpayers, and that its associated benefit and costs should be allocated evenly and fairly. It expands benefits for depositors based upon their current needs and ensures premiums are assessed on insured financial institutions based upon their applicable risks.

Finally, this bill has mechanisms to ensure that the deposit insurance fund grows responsibly, that it remains at a more than adequate level during good and bad times, and that excess funds are returned to communities for loans and other economic growth programs.

I want to thank the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Financial Services, for taking on this challenging, highly technical legislative project and for engaging all of the major stakeholders in developing a bipartisan piece of well-balanced, highly effective 21st century legislation. I also want to thank all of the bipartisan cosponsors of this bill.

Mr. Speaker, I strongly urge my colleagues to support this bill. By doing so we ensure the public continues to maintain its confidence in the U.S. financial services industry, by far the most stable in the world.

Mr. Speaker, I ask unanimous consent that the gentleman from Alabama (Mr. BACHUS) be permitted to control the remainder of my time for consideration of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I rise today to oppose this legislation, and I yield myself such time as I may consume.

Much of this bill is useful, and it is needed reform, and I do want to commend the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY), and the chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS) for their hard work. In fact, I fully support most of the reforms in this bill that will provide needed flexibility and stability to the insurance corporation and the deposit insurance fund. I support merging the Bank Insurance Fund and the Savings Association Insurance Fund. I support the flexibility provided to adjust reserve ratios to reflect risk, and I support the increases in protection that are provided for retirement fund accounts.

However, there is something here that I cannot support, and it, frankly, in balance, outweighs the rest of the bill. That is that I cannot support a bill that places the taxpayers at greater risk without any benefit for consumers.

This bill, in part, would increase the insured levels of individual accounts from $100,000 per account to $130,000 per account, and also it includes future automatic increases that would result from inflation. The fact of the matter is I do not understand why this particular provision was included when every expert has testified or written that this is, in fact, a bad idea.

Let me just highlight a few quotes from some of our Nation's top experts on fiscal policy.

The first I would cite is Alan Greenspan, the chairman of the Federal Reserve Board, who testified in opposition to these particular increases in deposit insurance coverages in front of both the House and Senate committees and followed up his testimony with a written letter. In his most recent testimony, Chairman Greenspan said, "In the Board's judgment, it is unlikely that increased coverage, even by indexing, would add measurably to the stability of the banking system today. Macroeconomic policy and other elements of the safety net, combined with the current, still significant level of deposit insurance, continue to be an important bulwark against bank runs. Thus, the problem that increased coverage is designed to solve must be related to either the individual depositor, the party originally intended to be protected, or to the individual bank or thrift. Clearly, both groups would prefer higher coverage if it costs them nothing, but Congress needs to be clear about the nature of a specific problem for which increased coverage would be the solution."

Clearly he is suggesting in no uncertain terms that this is a solution in search of a problem.

The Bush administration also opposes increases in the coverage. Both Secretary of the Treasury Paul O'Neill and Under Secretary of the Treasury for Domestic Monetary Policy Peter R. Fisher have testified on this issue. Secretary O'Neill also wrote to the committee noting that, "However, the administration continues to believe that the deposit insurance coverage level should remain unchanged. There is no evidence that an increase in the coverage level would promote competition or materially improve the ability of community banks to obtain funds. Moreover, raising coverage could weaken market discipline and increase risk to the FDIC and, ultimately, the taxpayers."

Under Secretary Fisher said just 2 weeks ago, "Given the lack of potential benefits for consumers or of potential improvement in banking system competition, we cannot justify the increase in the government's off-balance sheet liabilities that would result from higher deposit insurance coverage limits. These higher contingent liabilities enlarge the exposure of the insurance fund and ultimately of taxpayers to potential future losses. Moreover, increasing the overall coverage limit could weaken market discipline and further increase the level of risk to the FDIC and taxpayers."

My colleagues will note the similarity between that last piece of quote of Mr. Fisher and Mr. O'Neill, Secretary O'Neill's. Again, I repeat, Secretary O'Neill said, "Raising coverage could weaken market discipline and increase risk." Mr. Fisher said, "Increasing the overall coverage limit could weaken market discipline and further increase the level of risk."

However, this is not all of the people who have testified. Other leaders have also spoken up. The Comptroller of the Currency, John D. Hawke, Jr. testified, "We see no compelling evidence that increased coverage levels would offer depositors substantial benefits. Anyone who wants to use insured bank deposits as a means of holding their wealth can do so virtually without limits, subject only to the minor inconvenience of having to open accounts at multiple banks. Despite the ability of depositors to achieve almost unlimited coverage at banks, money market mutual funds, which have some of the same features as bank transactions accounts and generally offer higher returns than bank deposits, today hold over $2 trillion. Because these funds could easily be placed in insured accounts, these facts suggest that many depositors are not concerned about the additional risk involved in holding their liquid funds in uninsured form, and that households are comfortable with the status quo."

The Director of the Office of Thrift Supervision, Mr. James Gilleran, also testified on this subject saying, "While I applaud efforts to increase the ability of institutions, particularly small community-based depositories, to attract more deposits, I am not convinced that increasing the insurance cap will achieve this result. I do not think this approach can be supported from a cost-benefit standpoint. Increasing the current insurance coverage level to $130,000 would incur significant costs for insured institutions, since premiums would necessarily be increased. The benefits of an increase are unclear. I have heard from many of our institutions that they see no merit to bumping up the current limit for standard accounts. In their view, projected increases in insured deposits would not lead to a substantive increase in new accounts. Moreover, individuals with amounts in excess of $100,000 already have numerous opportunities to invest their funds in one or more depository institutions and obtain full insurance coverage for their funds."

Mr. Speaker, I want to again just repeat, the Comptroller of the Currency John Hawke says people have the ability to open multiple accounts to hold their money, and that, in fact, they seem to have personally gotten comfortable with the level of risk in excess of $100,000; and Director of the Office of Thrift Supervision James Gilleran says people have significant and ample opportunities to open accounts at multiple depository institutions and provide themselves with the insurance coverage that they might otherwise seek.

Now, interestingly enough, it is not just the administration officials who are speaking out. The Financial Services Roundtable wrote to the chairman, the gentleman from Ohio (Mr. OXLEY), with their concerns noting, "We are writing in opposition to the provisions of H.R. 3717 that would raise deposit insurance coverage levels and increase premiums on all institutions. Raising coverage could weaken market discipline and increase risk to the FDIC, all insured institutions and, ultimately, taxpayers. The FDIC has said that these coverage increases could dilute the fund by as much as 13.6 basis points or $6.1 billion," $6.1 billion. "We believe that this is too high a price to pay for something that could yield minimal, if any, benefit." This letter was signed by a former Congressman, Steve Bartlett.

In addition, the Association for Financial Professionals, which represents many of the men and women in the business community who deal with finances every day, wrote just this week that, "The deposit insurance coverage level should remain unchanged. It is not clear to us that a higher coverage limit would address funding concerns at smaller institutions. But, more importantly, we do not believe that the use of the deposit insurance system for the competitive purpose of trying to help some banks with their funding is an appropriate public policy position. Deposit insurance coverage is not a competitive issue. Coverage is intended to benefit the depositors, not banks."

□ 1945

The Association of Financial Professionals chair also testified before the subcommittee of the gentleman from Alabama (Mr. BACHUS) on this very issue. George Kauffman, a professor of banking and finance at Loyola University in Chicago, Illinois, also wrote on the issue, noting that an increase in coverage "is likely to encourage some depositors to become less concerned about the financial health of their banks, and banks to take more risks, which would increase the chances of bank losses and failures."

Many of the expert witnesses who testified before the subcommittee of the gentleman from Alabama spoke at great detail in opposition to an increase in coverage. I do not know why Members disregarded the advice they solicited.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LaFALCE), the ranking member of the Committee.

Mr. LaFALCE. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Financial Institutions and Consumer Credit for yielding time to me.

Mr. Speaker, our Federal deposit insurance system is a critically important element in our economic stability, and it has served our people quite well for almost 70 years. I do believe that H.R. 3717 makes some very important improvements to that system.

Among the bill's strong points: it would merge the bank insurance fund, the BIF, and the savings association insurance fund, the SAIF. It would make the system less pro-cyclical by permitting the FDIC to charge risk-based assessments at all times, and it would eliminate the so-called "cliff" of extremely high required assessments should the fund fall below the Designated Reserve Ratio for an extended period.

It also deals with the so-called "free rider" problem. It also provides the FDIC with enhanced flexibility to manage the fund.

Now, for years I and a number of other Members and industry leaders and regulators have been calling for these reforms; and I am pleased, very pleased, that these reforms are included in this legislation that we consider today.

I am also very pleased that the long-standing law encouraging life-line banking that the gentlewoman from California (Ms. WATERS) has promoted since she has been in Congress will be made operational by a provision in this bill that she drafted. All those factors persuaded me to support going forward on this bill.

On the other hand, there are some provisions of the bill, most of them articulated by the gentleman from California (Mr. OSE), that do give me some concern. I hope we will be able to give closer attention to them in conference, should we ever get to a conference. These are features that could result in increased risk to the Federal deposit insurance funds and the banking system.

Specifically, I am concerned that the increase in the coverage limits for standard bank deposits and the increase in the limits for municipal deposits, especially, could create increased incentives for risk-taking by banks, thrifts, and credit unions without an appropriate compensating benefit for depositors, and without any assurance that the increased limits will result in a net increase in deposit in the institutions that claim these increases are needed to fund loans to their customers.

My concerns are not isolated. They are shared by Federal Reserve Chairman Alan Greenspan, by the FDIC chairman, by the former Secretary of the Treasury, Larry Summers, and by the present Secretary of the Treasury, Paul O'Neill. Mr. O'Neill points out that "an increase in coverage would primarily benefit high net worth individuals, and do little for the great majority of savers who have deposit balances far below the current coverage limit."

To raise the general coverage level to $130,000 would, the FDIC estimates, reduce the fund balance by almost four basis points immediately, and more than an additional four basis points in the future. Now, eight basis points may not seem like much, but it would be the difference today between a combined fund ratio of 1.29 above today's statutory designated reserve ratio and 1.21, which is below the current DRR of 1.25.

Under current law, a fund ratio at that level would definitely result in increased premiums and under this legislation would likely prompt the FDIC to begin to assess higher insurance premiums.

Every basis point of premiums takes money out of the banking system and away from lending to communities. The CBO predicts that the bill will result in a net premium increase to banks, thrifts, and credit unions of $3.5 billion over 10 years. That is $3.5 billion that could be used for community lending.

I am encouraged that the gentleman from Ohio (Chairman OXLEY) and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), have been willing to address some of my concerns about the increased coverage by agreeing to reduce the maximum municipal deposit insurance limit from $5 million to $2 million. The lower limit reduces risk to the deposit insurance fund and the banking system, but it still permits more than 80 percent of the Nation's local governments to place all their cash in their local community banks, while enjoying the maximum FDIC protection provided by the bill.

On balance, however, especially because of the merger of the BIF and the SAIF, the Federal Deposit Insurance Reform Act of 2002 represents a serious effort to reform our current deposit insurance system, and it should be taken to the next step in the legislative process.

I look forward to working with the chairman of the full committee, the subcommittee, the ranking members, and the Members of the other body to reduce the legislation's potential increased risk to the Federal insured deposit system, and hence, the American taxpayer.

Mr. OSE. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague and friend, the gentleman from California (Mr. OSE), for yielding me the time.

Mr. Speaker, today we are considering one of the most important reforms to our Nation's banking system that Congress will vote on for many years. It was at our Nation's darkest economic hour that the deposit insurance system was founded to save our country's banking system. The bill we are considering on the floor today makes many positive changes to the system, but also includes one provision that in my opinion is seriously damaging.

As other Members have stated, the underlying bill takes some very important steps forward. We increase the long-term stability of the deposit insurance funds by combining the BIF and the SAIF. This merger is long past due.

We also eliminate the 23 basis point "cliff" that mandated a massive potential charge to the system at the worst possible time. Additionally, the bill contains language added during the full committee markup in the amendment in the nature of a substitute dealing with calculating dividends and credits that I authored with the gentleman from Nebraska (Mr. BEREUTER).

Minor changes to the language of this provision have been made, in full agreement with the FDIC and the bill on the floor before us today.

At its heart, the provision ensures that any excess funds that are returned to financial institutions under the bill, either through assessment credits or dividends, be given in proportion to the contributions these institutions have made to capitalize the insurance funds. Banks and thrifts have made sizeable contributions to the deposit insurance funds over the years. Those contributions should be given great weight when determining what proportion of any excess in the deposit insurance fund those institutions are entitled to.

Importantly, not only do these provisions recognize the contributions of those institutions that originally capitalized insurance funds, but they also recognize the new capital put in by institutions now and in the future. In this way, a fair distribution of any excess capital in the insurance fund will occur. This is a very positive step, and I thank the gentleman from Nebraska (Mr. BEREUTER) and his staff for working with me and my staff on this language.

Unfortunately, this bill also plays a dangerous game by increasing deposit insurance coverage by 30 percent, and increasing risk to the deposit insurance fund.

I sat through many hearings on this issue and listened to all the testimony. Today, I am in general agreement with statements by FDIC Chairman Don Powell, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Paul O'Neill, and many if not most in the banking industry itself who do not see a reason for a major increase in basic insurance coverage.

As Secretary O'Neill wrote to the committee, and I quote, "An increase in coverage would primarily benefit high net worth individuals and do little for the great majority of savers."

Alan Greenspan weighed in writing that "The FDIC's recent projections of losses suggest that any expansion in coverage would have to be matched by increases in premiums in order to raise the reserve coverage of the fund."

Accordingly, I had planned to offer an amendment with my good friend, the gentleman from California (Mr. OSE), to keep the coverage level at the $100,000 level. This is a huge issue that Congress should have to decide on the record, and I would have preferred that this bill come to the floor under such a rule.

While I strongly oppose this increase in coverage, I am supporting the bill on the floor today because I believe it improves the system overall. I am truly hopeful that the Senate is able to fix the coverage level as the process moves forward; and I want to thank the ranking member, the gentleman from New York (Mr. LAFALCE), and the gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Chairman OXLEY) and the gentleman from Alabama (Mr. BACHUS) for moving this very important bill forward. I hope the final product that returns from the Senate repairs the flaws with the legislation we are voting on today.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY) to speak in support of the legislation.

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Alabama for yielding me the time.

Mr. Speaker, I rise today in strong support for H.R. 3717, the Federal Deposit Insurance Reform Act. This legislation should be supported for two important reasons: first, it increases deposit insurance coverage for the first time since 1980; and, second, the bill introduces flexibility into the designated reserve ratio.

As we are all aware, the FDIC insurance plays a critical role in our Nation's financial system, ensuring both consumer confidence in banks and stability in the system. Today, community banks are facing serious funding challenges due to the lack of core deposits, which is why an increase in the deposit insurance coverage levels is such an important issue.

While I support higher deposit insurance levels, I also support the increase in the bill which raises the Federal deposit coverage to $130,000. It provides for automatic inflation adjustments and provides for up to $2 million in municipal deposit coverage.

Increasing coverage levels would benefit communities, retirees, consumers, farmers, the economy, and small business customers by enabling depositors to keep more of their money in local banks where it can be reinvested for community projects and local lending.

In addition, the legislation removes the current hard target of the designated reserve ratio and replaces it with a flexible range. This change will allow banks to do their job and provide credit when it is most important: when the economy is struggling.

This is an acknowledgment of the harsh effect these assessments can have on the economy and allows the FDIC to coordinate the imposition of such assessments with the Federal Reserve. This legislation enjoys strong bipartisan support, having passed the Committee on Financial Services by a vote of 52 to 2.

I ask all my colleagues to join me in support of strong legislation which will enhance the effectiveness of the FDIC and help consumers and our communities.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume. I feel like Churchill up here when I hear the 52 to 2 vote.

Mr. Speaker, I do want to say, one of the things that the gentlewoman from New York (Mrs. KELLY) mentioned was the impact on, in particular, rural communities, where we have such trouble keeping deposits in the community because of the ability to go get higher returns outside.

Representing a rural community, we could have dealt with this particular issue by crafting, in my opinion, some sort of vehicle whereby banks in rural communities, under some set of conditions, could have addressed that. I regret that this idea only came to me late in the process, but I would hope that the conference committee would at least consider that in their deliberations.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

□ 2000

PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Speaker, parliamentary inquiry.

Mr. Speaker, the gentleman consumed about a minute on that explanation, and that does go towards his time, does it not?

The SPEAKER pro tempore (Mr. SIMPSON). It does.

Mr. OSE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to H.R. 3717. The last speaker, my colleague, the gentlewoman from New York (Mrs. KELLY), mentioned that this proposal would be the first major increase in the Federal deposit insurance in 20 years. Well, let us take a look at what happened 20 years ago when we had a major increase in federal deposit insurance. What happened? Let us think about it.

What happened 20 years ago when there was a major increase? There was a complete meltdown of the savings and loan industry and it ended up costing us, the taxpayers, tens of billions, if not hundreds of billions, of dollars. I am not sure exactly what it was, but it was one of the worst economic catastrophes this country has had to deal with.

So here we are again. We want to have a major increase in Federal deposit insurance. Now, let us make this clear, what Federal deposit insurance is supposed to be all about. Federal deposit insurance came about in the 1930s as a way of trying to protect the little guy and give the little guy some confidence to put his or her money into a small bank so that that person would have some confidence and their savings would be protected. I think it started out at $3,500. For a long time it stayed at $10,000. It stayed there for a long time at $10,000 because that is how much regular Americans could expect to try to save.

Well, guess what? Back in 1980 they took it up to $100,000 for a deposit insurance; and then on top of that, it is not just one account of $100,000 we are talking about.

Now, we are talking about not just protecting the little guy who wants to save 5 or $10,000 in an account, we are talking about rich people taking advantage of a program that was established to help little guys, so you have multiple accounts. As the gentleman from California (Mr. OSE) pointed out, rich people can take $100,000 and just pour it into account after account after being in various different banks. And, in fact, your own bank, one bank can sort of manipulate the system so that an individual, a wealthy individual, can have seven individual accounts in one bank.

Now, this was not set up to try to protect people who are multi, multimillionaires, but that is what it has turned into. And, by the way, this increase, this increase in the level will only make that matter worse. What we could do is we should be going in the opposite direction. What this has evolved into and what this continues to evolve into is the little guys now are being taxed in order to take away the risk for the big guys.

So what we now have is a Federal deposit insurance program that taxes the little guy in order to protect the fat cats from any risk. That is not the way it was supposed to be. And by increasing that deposit insurance, we are making that even worse.

And by the way, the gentleman from California (Mr. OSE) quoted expert after expert after expert saying that this would have the same destabilizing effect that it had in 1980, to increase this deposit insurance. It takes away from people's consideration of where they are placing their money. It takes risk off their shoulders so it makes them more irresponsible even to a certain degree. We do not want to put more irresponsibilities into our system. Let us do the opposite. Let us decrease Federal deposit insurance so it only protects the little guy instead of opening up our system to be exploited by a bunch of fat cats at the expense of the little guy.

I would ask all of my colleagues to oppose this dramatic increase in Federal deposit insurance even though there are some reforms that were part of this legislation that are certainly good reforms.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE) in support of the legislation.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the Deposit Insurance Reform Act and I am pleased that it has been brought to the floor. I credit the gentleman from Alabama (Mr. BACHUS) for his hard work and leadership as well as colleagues on both sides of the aisle and the Committee on Financial Services for getting this bill to the House floor for a vote.

Deposit insurance helps banks keep local deposits at work in local communities. In the communities of South Dakota, deposit insurance helps banks attract deposits to fund consumer and small business loans, community development projects, mortgages, education assistance and small business start-ups.

As we know, this legislation increases deposit insurance coverage to $130,000 and that indexes it for inflation. This will be helpful to rural communities as it helps to mitigate the impact of the declining rural population and fewer depositors. I believe that local dollars should be invested locally and this bill will make that happen. Rural banks often find depositors see the current $100,000 insurance limit as a deposit cap, limiting their ability to grow, thrive and serve their communities. Additional deposits over $100,000 often force rural residents to send deposits to other banks outside of their area. Rural residents, oftentimes elderly, should not have to send their deposits elsewhere. They ought to feel safe and secure depositing their funds in the local banks where the money can be used to support local lending and local economies.

If it stays in the community, this money can serve as lendable funds for local projects in development in a small community. When depositors send their money to other communities, the cycle of reduced investment and opportunity and increased population flights only continues.

This legislation will also help farmers keep on pace with the dynamically changing agricultural economy. As production input costs and technology increase, local banks are constrained by artificially low deposit insurance caps, while at the same time being asked to make loans for increasingly costly farming operations. These loans can easily exceed what the business or farming operation can have insured at that banking institution.

Mr. Speaker, I believe H.R. 3717 is common-sense legislation. It will provide security for bank customers and diversify the economies of small communities. I ask my colleagues to vote yes. This reform will be good for rural communities across this country that many of us represent.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. BACHUS) has 6½ minutes remaining. The gentleman from California (Mr. OSE) has 1 minute remaining.

Mr. OSE. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. WATERS) to speak in support of the legislation.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 3717. Deposit insurance has served America well for over 65 years. It has maintained public confidence in our banking system throughout times of prosperity and times that were not so good.

The bill we reported out of the Committee on Financial Services is designed to maintain and strengthen today's system for tomorrow's consumers so that we can ensure that we have a deposit insurance system that will serve us well throughout the new millennium. I am particularly concerned about our small independent community banks and I believe they will benefit from this legislation.

Not everyone agrees with this increase in FDIC. However, the Senate will continue to reconcile some of the differences that have been articulated, but I believe we should vote to pass this bill off the floor. This legislation merges the bank insurance funds and the savings association insurance funds into one deposit insurance fund. It also grants the FDIC increased flexibility to manage the funds, particularly in replacing the hard trigger designated reserve ratio with a range which will permit the FDIC to respond to economic conditions in setting the designated reserve ratio.

I am particularly pleased that the legislation includes an amendment that I offered during subcommittee consideration. This amendment represents a small but important change that will implement a law that has been on the books since 1991. During the consideration of the FDIC Improvement Act, then-Congressman Tom Ridge and Floyd Flake sponsored legislation to provide for a discount in deposit insurance assessment for deposits attributable to lifeline for basic banking accounts.

Basic banking is just what it sounds like. At least one quarter of low income families are currently unbanked, that is, they exist outside of the traditional banking system, often relying on check-cashing services or notorious payday lenders to facilitate basic transactions, generally paying exorbitant fees in the process.

We all take for granted the ease and convenience of having a checking account, but many families lack that luxury because they are unable to maintain large minimum balances in these accounts. These lifeline accounts, by their very nature, do not hold large deposits.

Furthermore, the FDIC concedes that any effect on the fund would be negligible. However, implementation of the Flake/Ridge provision was wholly dependent on appropriated funds which never materialized.

My amendment simply removes the requirement for appropriated funds so that this provision, after more than a decade on the books, can finally be implemented. My amendment was adopted by voice vote at subcommittee and upheld at full committee by a bipartisan vote. It attracted the support of both industry and consumer groups, including AARP, the Independent Community Bankers of America, the New Jersey League of Community Bankers, the Consumer Federation of America, U.S. Public Interest Research Group, Consumers Union and the National Consumer Law Center.

I would like to thank all of my colleagues on the Committee on Financial Services who supported the amendment, especially the gentleman from Alabama (Mr. BACHUS). He has worked tirelessly in support of this provision because he truly understands that providing a small incentive for banks to offer these accounts can make all the difference in the world for millions of American families. I thank him once again.

Mr. BACHUS. Mr. Speaker, we had several speakers that wanted to speak out in favor of this measure and we have only got a limited amount of time. I ask unanimous consent that both sides be given an additional 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. BACHUS) now has 13 minutes remaining. The gentleman from California (Mr. OSE) has 11 minutes remaining.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to stress the great consensus of opinion on most aspects of this deposit insurance legislation, and I mean that sincerely. There is broad support from the administration. There is broad support from the regulatory agencies. There is broad support from Members of the House and members of the Senate, from those of the Democratic party and the Republican party for most aspects of this bill. And as I think this debate has pretty clearly identified, it is 10 percent of this bill that has caused 90 percent of the problems for certain members of the committee.

What I want to address, first of all, is that 90 percent of the bill which I find really no opposition for, and I want to stress those things because I think they are the heart of this bill. The first one is that we merge the bank and thrift insurance funds. That would not only diversify the risk, and everyone agrees on that, the Treasury, the Federal Reserve, both the Senate and the House, because the BIF reserve ratio has recently declined to 1.26. So by combining these funds it reduces the risk that any of our financial institutions will have to pay any premiums in the future. It reduces that risk. So whatever else happens, this legislation will reduce the risk of paying premiums to the majority of our institutions.

Now, Mr. Speaker, there are certain rapid insured deposit growth, well, what I am saying is sweep programs have caused a reduction of four basis points in the BIF program or the BIF reserve ratio funds.

□ 2015

This is from a very few financial institutions that have set up multiple subsidiary banks and they are using sweep accounts, and they are sweeping all that money into FDIC, and they are not compensating the FDIC and the Federal Reserve, the Treasury, the administration; and I think every Member of our committee agrees that this should not go on. We have addressed this.

We have reforms in this bill that compensate banks for the adverse effect of these so-called free riders. We give transition assessment credits, recognizing the contribution of those banks to the insurance reserves that they made during the early and mid-1990s, and those credits will offset future premiums for all but the newest and the most recent new institutions and also those fast-growing institutions.

The premium-setting reforms prevent future free rider inequity, and there is consensus on this and there is consensus that that ought to be done.

Finally, we have eliminated the hard trigger in the current system that can force banks to pay significantly higher premiums during economic downturns. That promotes economic stability and the well-being of the financial system. I have not heard a dissenting voice from us doing that. So those are the main components of the bill.

Where the disagreement is is the coverage rates; and Mr. Speaker, let me simply point out these things about the coverage rates, and I am going to go back for a minute to those few large institutions, financial institutions that have established sweep accounts and have established multiple subsidiary banks.

What those institutions are doing is they are going out and they are advertising $700,000, $800,000, $1 million worth of coverage, and my colleagues have heard testimony from those who oppose a coverage increase, that the people do not want an increase of coverage, they do not need an increase of coverage. The same Treasury Department that says people do not want it have also come to us and said these very institutions that are offering $700,000 worth of coverage or $800,000 worth of coverage, "that they have reduced these large financial companies controlling multiple industry banks, have reduced the BIF reserve ratio by four basis points to an alarming level without compensating the FDIC."

Now, I ask all the Members this question: If they are sweeping all this money into these accounts by offering additional coverage, where is the money coming from if it is not coming from people who want additional coverage? How can the Treasury and how can the Federal Reserve and how can certain Members of the House and Senate say that people do not need additional coverage, they will not use additional coverage, and yet at the same time agree that these, really a couple of financial institutions mainly, are sweeping millions and millions and millions of dollars into these accounts? Well, obviously the people are using these accounts, and obviously they feel the need for this protection; and that is why we need additional coverage.

In 1974, we increased coverage. We over-doubled coverage. Was there a crisis then? No, there was no crisis then. So increasing it 150 percent did not cause any crisis then. In 1980 we increased the coverage for all the banks in this country. Did banks fail? No, banks did not fail. It was savings and loans that fell. Yes, we increased it for savings and loans; but if it was because of increase of coverage, do my colleagues not think banks would have failed, along with the savings and loans? Of course they would have, but it was only the savings and loans.

Yes, we got a lot of testimony about, oh, the last time we did this there was the savings and loans, several of them failed, but they do not say the banks did not fail and we increased it for banks. It just does not fly.

In 1974, the coverage was at $40,000. If we went back to 1974 and we increased it allowing for inflation, we would have gone to $140,000. We only go to $130,000. So we are not even keeping pace with 1974 when the chairman of the Federal Reserve said we had a safe amount and it was at a safe level. Well, if that is the case, then I guess he is advocating for $140,000, not $130,000. When we increased it to $100,000, if we only adjusted for that inflation today, it would be $200,000, not $130,000. What we do in this bill is increase it to $130,000, which is less coverage than the people of the United States had enjoyed in 1974, in 1980 and at any time.

We do not take care of all the inflationary loss, and we hear a lot of strange talk up here in Washington. We hear talk that the people do not need this coverage, but Mr. Speaker, we heard that every time there was a bank failure, there were people who lost a great amount of their retirement funds because the coverage was not there. Five thousand Americans every day sell their home, and the vast majority of them deposit the proceeds from those sales in their bank account.

The gentleman from California would tell us, and the Federal Reserve and the Treasury would tell us, that people have an opportunity to open multiple accounts and establish that money in multiple accounts. Well, I ask my colleagues, Mr. Speaker, I ask the Members of this body, When people sell their home, how many of them go out and establish three bank accounts and deposit that money in three different accounts? Experience tells us that almost no one does that, and when they deposit it, when they deposit that $200,000 or $300,000 in a bank account and that bank fails, they lose two-thirds of their life savings.

Retirement accounts, $150,000, $200,000, not unusual. How many people go out and establish multiple IRA accounts? Well, I think we know the answer to that. The AARP has strongly, in fact, they have urged a greater increase in coverage than we give, because people do not run around all over town establishing one account here, another account there, another account there; and they should not have to do that.

They should not have to rely on a couple of large financial institutions of this country that have come in here and battled against this bill, and they have said we do not need over $100,000; but those same companies and the financial services roundtable that has represented their interests have come up here and told them they do not need $100,000. Those same companies that were on this hill lobbying against an increase were going out and buying six or eight banks and advertising $800,000 worth of coverage, bankrupting the funds; and then they had the audacity to come up here and oppose this bill and oppose our efforts to stop their raid on the FDIC.

Thank goodness in committee, thank goodness in subcommittee and thank goodness in the morning when we vote on this legislation we will pass it, and we will stop the abuse that we have seen in the last couple of years on free riders who not only free ride on the FDIC, they come to the Members of this body and lobby against our efforts to stop their efforts to, as Peter Fisher said, to reduce the BIF reserve ratio by four basis points without compensating the fund.

That is what they have done. Certainly they have gimmicked the system. They are getting a free ride. They are paying nothing; and they are going to communities like the communities in South Dakota, like communities in Alabama, communities all over the Nation, and they are saying we will offer $700,000 worth of coverage; and then they and friends and supporters that they have at the Federal Reserve and the Treasury are coming over here and telling us to do something about these free riders but do not do anything about the free riders which would interfere with a free ride, do not do anything which allows the community banks to increase coverage, we do not need an increase of coverage.

Well, the marketplace is demanding it. The marketplace is getting it. The free riders have gone out and gotten an increase in coverage, and it is absolutely ludicrous for us to let this continue to go on.

Mr. Speaker, I reserve the balance of my time.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Lacking any other speakers, I do want to make a few remarks. I think the gentleman from Alabama started out very accurately reflecting the broad consensus on 90 percent of this bill, and I think he closed here just this moment with a very eloquent case as to why we need to stop the free rider practice from continuing, but the free rider issue is not related to the deposit insurance level issue. They are two separate issues, and they need to be considered separately.

I would just for clarification, I think the gentleman from Alabama did say that few, if any, banks had failed; and I will say that to my recollection that Continental Bank failed and that there were a lot of banks in agricultural areas around this country that failed. Manufactures Hanover I think had its doors closed, related to the risk that they undertook in taking the increase in deposits, they received subsequent to the jump up in 1982 and trying to put them to work to defray the added costs that they bore from carrying those deposits.

So I agree with him on the free rider thing. But the free rider issue is separate from the deposit insurance increase issue, and I want to be clear about that.

The average size in a deposit account, a demand account across this country is about $10,000, $10,000, not $100,000, not $130,000. The market sector that the gentleman from Alabama referred to as "known as a high income sector," they get a lot of preferential treatment from many financial institutions. It is a marketing aspect of what those institutions do, and it works very well; but this is not about the free rider issue. This is about the added risk that comes by increasing deposit insurance levels and the cost that goes with that that a bank would have to confront.

I do think, going back to the gentleman from Alabama's (Mr. BACHUS) point about the retirement accounts, absolutely concur about increasing the level of coverage for retirement accounts. That money is very conservatively managed. It is a very stable source of funds. The fact of the matter is the bill takes it to a certain level I would actually advocate for taking it even further, if I had thought to put an amendment in at the committee. So I concur with the gentleman that 10 percent of the bill is causing 90 percent of the heartache here.

I do want to complete my statement from earlier, and then I would be happy to reserve the balance of my time after that. Mr. Speaker, let me just point out two witnesses who presented extensive, in addition to all these others that I cited earlier, presented extensive scholarly materials to the subcommittee in opposition to an increase in the coverage levels.

First was Mr. Richard Carnell who is an associate professor of law at Fordham University School of Law who testified: "I urge Members to take a skeptical view of proposals to index or otherwise increase the $100,000 limit on deposit insurance coverage. Proponents of increasing the coverage limits stress the effects of inflation since 1980. But the 1980 level was by no means normal; adjusted for inflation, it amounted to an all-time high."

Professor Carnell was joined by Dr. Kenneth Thomas who is a lecturer in finance at the Wharton School at the University of Pennsylvania, who listed 21 major reasons, I will not cite all 21, Mr. Speaker, but 21 major reasons to oppose an increase in the coverage limit. Among those reasons were, Dr. Thomas spoke at length on the savings and loan bailout and how increases in 1980 in the deposit insurance coverage levels led to risky behavior and even larger bailouts.

□ 2030

Dr. Thomas highlighted the historical perspective from former FDIC and Resolution Trust Corporation chairman, and if my colleagues will recall, the Resolution Trust Corporation was the entity the Federal Government used to solve the early 1980s problem in the financial industry, the Resolution Trust Corporation Chairman Seidman, who said, "The original intent of deposit insurance, which began with a $2,500 insurance limit, was to protect 'small savers.' The primary beneficiaries of the 1980 increase to $100,000 were Wall Street firms and deposit brokers. The currently proposed increase to $200,000," which is not what we are talking about today, we are talking about $130,000, but the premise still holds, "the currently proposed increase to 200,000 has nothing to do with small or even midsized savers. Besides Wall Street and other money brokers, the only beneficiaries would be very wealthy and high net worth depositors, a far cry from the small savers originally envisioned by the FDIC."

This speaks directly to the comments of the gentleman from Alabama a moment ago about the sweeps. Dr. Thomas also noted that, "Considering the present environment's increased level of risk exposure for the deposit insurance funds, good public policy dictates consideration of proposals that reduce, not increase, risk exposure. Any increase in the deposits covered by the FDIC will increase risk exposure to the funds."

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Alabama (Mr. BACHUS) has three-quarters of 1 minute remaining and the gentleman from California (Mr. OSE) has 5 minutes remaining.

Mr. BACHUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I rise in strong support of the bill, particularly the municipal deposit part.

I rise today in strong support of H.R. 3717, the Federal Deposit Insurance Reform Act of 2002. I am very proud to be an original cosponsor of this legislation and commend Chairman OXLEY and Subcommittee Chairman BACHUS for their diligent work and dedication in crafting this reform package and delivering it to the full House for consideration. Significant reform of the Federal Deposit Insurance system is long overdue, specifically with regard to municipal deposit coverage.

I have worked hard with the cooperation of several other members of the Financial Services Committee to see a meaningful increase in FDIC coverage for public deposits included in HR 3717. The Federal Deposit Insurance Reform Act will provide full FDIC coverage for 80% of all in-state municipal deposits at an FDIC insured institution up to two million dollars. This is a vast improvement from the current coverage cap of 100,000 dollars on each account.

Providing this essential coverage will help local communities keep public moneys in their area, which will improve the economic climate by enabling local banks to offer more loans for cars, homes, education and community needs.

Currently, municipalities are faced with a hard choice when deciding where to place their deposits. Local officials care about their communities and would like to foster economic development by putting their funds in local banks. However, without the guarantee of FDIC coverage, they are often instead forced to put the money in large out of state institutions.

It may also be the case that small banks are not even in a position to accept such deposits. Many states require institutions to collateralize municipal deposits. This makes it harder for community and small banks to compete for these funds with larger banks. Many community banks are so loaned-up that they do not have the available securities to use as collateral.

Just a few months ago, the FDIC closed a bank in my congressional district: the Oakwood Deposit Bank in Oakwood, OH. Local municipalities and other public entities that held deposits at this institution are now put at risk due to the $100,000 cap in FDIC coverage. In cases of fraud such as this one, securitization may not have been adequate insurance as many bonds and securities appearing on the bank's balance sheet may not still be held. The expansion of FDIC coverage is the only way to truly alleviate this risk to local public entities.

Again, I would like to thank Chairman OXLEY and Chairman BACHUS for their leadership on this important issue and ask all my colleagues to strongly support this legislation.

Mr. BACHUS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. OSE. Mr. Speaker, I yield 1 minute as well to the gentleman from Tennessee (Mr. FORD).

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 2 minutes.

Mr. FORD. Mr. Speaker, there is nothing like bringing your colleagues together. I appreciate both the gentleman from California (Mr. OSE) and the gentleman from Alabama (Mr. BACHUS) for yielding me this time, and I thank my friend, the gentlewoman from California (Ms. WATERS), and certainly the ranking member, the gentleman from New York (Mr. LAFALCE), for all their hard work. I stand here in support of this legislation and thankful the subcommittee decided to take up the issue concerning the FDIC's treatment of loss reserves in its calculation of its reserve ratio, Mr. Speaker. With that issue resolved, I think many of us feel more comfortable in supporting this legislation.

I want to take this opportunity to discuss one final issue, and I hope that at some point we can take this up. As enthusiastic as I am about supporting the legislation, I am disappointed in one decision the FDIC has made in recent weeks involving a proposed reorganization of the regional office structure. In particular, the FDIC has proposed to fold the Memphis regional office, which is in my district, and the Boston regional office, which is represented by many of my colleagues here in the Congress. The Memphis office would be folded into the Dallas region and Boston into New York. I believe this proposed change would lessen the FDIC's responsiveness to the concerns of financial institutions presently within the region of the country in which I live.

Moreover, it would not save much money at all. I think it is estimated to save somewhere around $100,000 to $150,000, which is a decent chunk of change, but when you consider the relationship that has developed over the years between bankers in the Mississippi, Arkansas, Kentucky, and Tennessee area, and then having to move that office to Dallas, I do not think the benefits outweigh the cost to those in this area of the country.

It is my hope that my colleagues in the New England area, as well as in those 4 or 5 States covered in my region, can work together to persuade Chairman Powell and those in the FDIC that this is not the right move nor is it the right time to make this move.

With that, Mr. Speaker, I again wish to thank both the gentleman from California (Mr. OSE) and the gentlemen from Alabama (Mr. BACHUS), and would close by saying that I do think this increase of $130,000 is fair, though I hear some of the concerns being raised by the gentleman from California.

And I might add, the University of Pennsylvania professor, I think I had him when I was there. He did not give me a good grade, so he may not be right all the time.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume, and I want to go back, finally, to Dr. Thomas' 21 citations. Again, I am not going to cite the remaining 18 or 19 of them, but I do want to run through his testimony here.

Dr. Thomas raises the issue that "There is absolutely no public outcry over or even widespread interest in the proposal to," he says, "double the FDIC insurance limit. Most people know or should know from their banks that any couple can get multiple account coverage, and singles need only open another account at any bank via a personal visit, a telephone call, or even the Internet. There is no shortage of $100,000 insured deposit investment opportunities. Some seniors may have a preference to keep their jumbo CDs spread out among several banks in $100,000 or less amounts, even if they have the opportunity to keep $200,000 at one bank."

This speaks directly to what the current situation is. The current situation allows people to protect themselves under the current $100,000 limit. The testimony we have had at the subcommittee from high ranking government officials, from people in the business to academia, is that increasing this limit significantly increases the risk to the insurance funds.

Speaking from personal experience, I actually weathered the last time we went through this. Many of my colleagues in the real estate business did not. The fact of the matter is, it was a wholesale winnowing of the real estate business in California and it took us years to recover. My colleagues, increasing the deposit insurance coverage limit will lead to a potential for repeating that.

California leads this country's economy up and down. If we increase the risk to the insurance fund by placing on our bankers the requirement to put more money to work in a quick or hasty fashion, we are going to replay the nightmare of the early 1980s and pay billions more the next time this occurs. This body does not need to fund additional billion dollar bailouts.

I am in favor of 90 percent of this bill. There are good things in this bill. But when we look at the hands of Lady Justice balancing, in her case justice, in this case we are talking about the security and sanctity of the economy and deposits across this country, if we look at how that is balanced, in Lady Justice's case her hands are even. In the case of today's bill, the increase in deposit insurance skews that balance. We do not need to do this, my colleagues. This is unnecessary.

Unfortunately, I am forced to go against my chairman, and I ask my colleagues to oppose this bill in its current form.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 45 seconds remaining.

Mr. OSE. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding me this time, and let me just close by saying that there has been a rapid insurance deposit growth. In other words, people are putting a lot of money in accounts, in 2 or 3 financial institutions in this country, which have gone out and bought multiple subsidiaries and are advertising $500,000, $600,000, and $700,000 worth of coverage.

Now, where is that money coming from, those hundreds of millions of dollars? It is coming from community banks in small towns and mainstream banks. People ought to have an option not to put that money in a Wall Street financial institution. A small business that has $300,000 or $400,000 deposited, they ought to have the option of putting that in their hometown bank.

We talk about $100,000. Yes, $10,000 may be the average account, but there are a lot of small businesses in this country that maintain one bank account in their local bank. They ought to have more coverage.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 3717, the Federal Deposit Insurance Reform Act of 2002, legislation that will reform our federal deposit insurance programs. As a member of the Financial Services Committee, I am pleased that the House of Representatives is now acting to consider this legislation.

H.R. 3717 would combine the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF) into one insurance Fund. This legislation would also permit the Federal Deposit Insurance Fund greater flexibility in setting the designated reserve ratio (DRR). Under current law, the BIF and SAIF have target DRR ratios of 1.25 percent. Today, both the BIF and SAIF have DRR levels which are higher than this target rate with the DRR for BIF at 1.26 percent and the DRR for SAIF at 1.37 percent. I believe another important part of this bill would allow the FDIC to set the DRR between the range of 1.15 percent to 1.4 percent in order to ensure that the new insurance fund is counter cyclical and avoid sharp rate swings. When the insurance fund is in distress under current law, it is likely that premiums would be increased on those institutions which may be facing increased costs and financial pressures. By charging premiums when institutions are healthy, they will be better prepared to deal with any unforeseen financial hardships.

Finally, this bill increases the maximum deposit insurance coverage for an individual from $100,000 to $130,000. I believe that this higher insurance coverage is long overdue. The deposit insurance coverage limit has not been changed since 1980. I believe that this higher coverage will help smaller financial institutions to compete for customers. Another important provision in this bill would permit consumers to get insurance coverage of $260,000 for their Individual Retirement Accounts (IRAs). In this time when we are working to encourage consumers to save for their futures, I believe that this higher IRA coverage will ensure that consumers have several options for where to keep their IRAs.

I am also pleased that this legislation includes a provision to increase the number of "lifeline" accounts for underserved consumers. This provision is based upon an amendment offered by Rep. MAXINE WATERS (D–CA) to ensure that the underserved consumers have access to low-cost accounts. Many poor elderly do not currently have checking accounts and may be able to use this lifeline accounts to receive electronic transfers of their social security and other direct deposits.

I urge my colleagues to support H.R. 3717, legislation to improve our federal deposit insurance program.

Mrs. ROUKEMA. I rise in strong support of HR 3717, the Federal Deposit Insurance Reform Act of 2002. This is an important bill and I want to commend the Chairman OXLEY of the Full Committee and Chairman BACHUS of the Subcommittee for pushing this bill forward. This is the most opportune time for Congress to implement these changes—when the industry is still strong and healthy.

There is no doubt that the passage of Gramm-Leach-Bliley created a brave new financial world—with new challenges for the regulators and our deposit insurance fund. This legislation makes adjustments that will not only enhance the safety and soundness of the entire financial service industry by preserving the value of insured deposits, advancing the national priority of enhancing retirement savings for all Americans, and ensuring that the value, benefit and cost of deposit insurance is fair to consumers and institutions alike.

Many of the provisions in HR 3717 are provisions that I have long supported. In fact, I introduced legislation including many of these provisions in the last Congress. For example, HR 3717 mergers the two insurance funds. Merging the funds will create a more stable, actuarially strong insurance fund, and reduce the risk of fund insolvency.

Second, the bill increases the standard maximum deposit insurance limit from $100,000 to $130,000 and indexes future coverage limits to inflation. The $100,000 coverage limit was set in 1980 and it is time to increase that coverage for consumers. In addition, Federal Credit Unions are provided with parity in general standard maximum deposit insurance coverage, coverage for retirement accounts and municipal deposits.

This bill provides double coverage limits for certain types of IRAs & 401(k)s—up to $260,000. Finally, this bill provides rebates requiring that ½ of the excess funds be returned to banks when the DRR is above 1.35 percent, and all of the excess reserves when the DRR reaches 1.4 percent. With the current fund balances, much above the 1.2 designated reserve ratio, certainly this is appropriate.

This is important legislation that deserves our support. The Federal Deposit Insurance Fund has served this Nation well for the last 68 years—public confidence and stability in the Nation's banking system were preserved through one of the largest banking crises—the 1980 Savings and Loan crisis. HR 3717 makes the necessary changes that will protect not only depositors but our financial system in times of crisis.

Mr. PAUL. Mr. Speaker, H.R. 3717, the Federal Deposit Insurance Reform Act, expands the federal government's unconstitutional control over the financial services industry and raises taxes on all financial institutions. Furthermore, this legislation could increase the possibility of future bank failures. Therefore, I must oppose this bill.

I primarily object to the provisions in H.R. 3717 which may increase the premiums assessed on participating financial institutions. These "premiums," which are actually taxes, are the premier sources of funds for the Deposit Insurance Fund. This fund is used to bail out banks who experience difficulties meeting their commitments to their depositors. Thus, the deposit insurance system transfers liability for poor management decisions from those who made the decisions, to their competitors. This system punishes those financial institutions which follow sound practices, as they are forced to absorb the losses of their competitors. This also compounds the moral hazard problem created whenever government socializes business losses.

In the event of a severe banking crisis, Congress will likely transfer funds from the general revenue into the Deposit Insurance Fund, which could make all taxpayers liable for the mistakes of a few. Of course, such a bailout would require separate authorization from Congress, but can anyone imagine Congress saying "No" to banking lobbyists pleading for relief from the costs of bailing out their weaker competitors?

Government subsidies lead to government control, as regulations are imposed on the recipients of the subsidies in order to address the moral hazard problem. This is certainly the case in banking, which is one of the most heavily regulated industries in America. However, as George Kaufman, the John Smith Professor of Banking and Finance at Loyola University in Chicago, and co-chair of the Shadow Financial Regulatory Committee, pointed out in a study for the CATO Institutes, the FDIC's history of poor management exacerbated the banking crisis of the eighties and nineties. Professor Kaufman properly identifies a key reason for the FDIC's poor track record in protecting individual depositors: regulators have incentives to downplay or even cover-up problems in the financial system such as banking facilities. Banking failures are black marks on the regulators' records. In addition, regulators may be subject to political pressure to delay imposing sanctions on failing institutions, thus increasing the magnitude of the loss.

Immediately after a problem in the banking industry comes to light, the media and Congress will inevitably blame it on regulators who were "asleep at the switch." Yet, most politicians continue to believe that giving the very regulators whose incompetence (or worst) either caused or contributed to the problem will somehow prevent future crises!

The presence of deposit insurance and government regulations removes incentives for individuals to act on their own to protect their deposits or even inquire as to the health of their financial institutions. After all, why should individuals be concerned with the health of their financial institutions when the federal government is insuring banks following sound practices and has insured their deposits?

Finally, I would remind my colleagues that the federal deposit insurance program lacks constitutional authority. Congress' only mandate in the area of money, and banking is to maintain the value of the money. Unfortunately, Congress abdicated its responsibility over monetary policy with the passage of the Federal Reserve Act of 1913, which allows the federal government to erode the value of the currency at the will of the central bank. Congress' embrace of fiat money is directly responsible for the instability in the banking system that created the justification for deposit insurance.

In conclusion, Mr. Speaker, H.R. 3717 imposes new taxes on financial institutions, forces sound institutions to pay for the mistakes of their reckless competitors, increases the chances of taxpayers being forced to bail out unsound financial institutions, reduces individual depositors' incentives to take action to protect their deposits, and exceeds Congress' constitutional authority. I therefore urge my colleagues to reject this bill. Instead of extending this federal program, Congress should work to prevent the crises which justify government programs like deposit insurance, by fulfilling our constitutional responsibility to pursue sound monetary policies.

Mr. NEY. Mr. Speaker, I rise in support of H.R. 3717, the "Federal Deposit Insurance Reform Act of 2002."

I want to commend my colleagues, MIKE OXLEY, the chairman of the House Financial Services Committee and SPENCER BACHUS, the chairman of the House Financial Institutes Subcommittee, for crafting sound legislation to improve the federal deposit insurance system. This bill will reform the FDIC so that it can continue to provide the stability that Americans have depended on for years.

Last year, I introduced H.R. 1293, the "Deposit Insurance Stabilization Act." This bipartisan piece of legislation addressed three of the most pressing needs of the deposit insurance system. My legislation merged the Bank Insurance Fund and the Savings Association Insurance Fund into a single sounder deposit insurance fund. My legislation also eliminated the 23 basis point cliff facing FDIC-insured institutions if the deposit insurance fund were required by law to be recapitalized. I am pleased that both of these provisions are included in the bill before us today.

My legislation included a third important component, commonly referred to as the "free rider" provision. This provision would give the FDIC statutory authority to assess a special premium on any insured institution with excessive net deposit growth. It was drafted to address the possible dilution of the deposit insurance fund by a handful of institutions. It was not meant to serve as a penalty or impediment to legitimate growth, but rather as an equitable to ensure that the cost of doing the business of deposit insurance is borne by those who benefit from that business.

I was pleased that the Ney free rider provision was included as part of this bill, as reported by the Financial Services Committee. It represented a good faith effort to fairly resolve a problem first brought to my attention by bankers in my state and across the country.

Unfortunately, because of the controversy it generated, this provision is not part of the managers' amendment before us today. While other provisions of the managers' amendment address the free rider problem, the absence of statutory authority for the FDIC to deal with prospective free riding could remain a problem. I am anxious to work with my colleagues in Congress and organizations like America's Community Bankers to adequately address this problem as this bill moves forward.

Again, I would like to commend the sponsors of this bill for addressing the challenges facing the federal deposit insurance system, and urge my colleagues to support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3717, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have not voted in the affirmative.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. TAUZIN (during consideration of H.R. 3717) submitted the following conference report and statement on the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

See pages H2691 of the RECORD of May 21, 2002.

PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EFFORTS AT SITE OF WORLD TRADE CENTER

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 424) paying tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center.

The Clerk read as follows:

H. RES. 424

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City;

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, claiming the lives of more than 3,000 innocent people;

Whereas in the aftermath of the attacks, without showing any hesitation, public safety officers, steel workers, electricians, construction workers, and thousands of skilled workers and volunteers spent endless days and nights, many without sleep for over 36 hours, risking their own lives to assist in the search for and rescue of anyone that might have survived the devastation at the site of the World Trade Center, which has come to be known as "Ground Zero";

Whereas the resolve of our nation was strengthened by the courage of the thousands of brave rescue and recovery workers who used their own hands in the hours and days after September 11th to this day to remove rubble from the site to locate those trapped and buried beneath the debris of the World Trade Center;

Whereas these workers inspired the American people with their extraordinary bravery and heroism, often risking their own life and limb to help find the remains of those who perished on September 11th;

Whereas many rescue and recovery workers were not just searching for a stranger but rather their lost son, daughter, aunt, uncle, brother, sister, husband, wife, mother, father, lifelong friend, or co-worker; each of these workers were helping to clear the debris just hoping to come across any one of their loved ones;

Whereas people, not only in New York but across the nation, worked to supply Ground Zero workers with such things as food and water, clothing, and medical supplies, surmounted numerous challenges and difficulties in securing and distributing these goods, and made it happen within hours and continuing still today, never once looked at how difficult it might be to get supplies, but rather went out and did whatever it took to ensure that the needs for those supplies were met;

Whereas local businesses, churches, and citizens opened their doors to police, fire, and other workers with places to sleep, eat, or even simply pray;

Whereas the selflessness displayed by the rescue and recovery workers helped unify our nation, bringing together good people to demonstrate to the forces of terror that good would triumph over evil;

Whereas all involved in the efforts at Ground Zero were working unselfishly beyond the point of exhaustion without regard for food, water, or sleep, simply to save and recover anyone and everyone possible; and

Whereas the recovery effort will conclude after more than nine months of hard work, removing over 1.6 million tons of debris while at the same time taking great care to collect all victims' remains, thereby allowing more than 1,000 families to lay their loved ones to rest: Now, therefore, be it

Resolved, That the House of Representatives pays tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center, which was destroyed by the terrorist attack of September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 424.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. FOSSELLA) be permitted to control the time on House Concurrent Resolution 424.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding me this time.

Mr. Speaker, my colleague, the gentlewoman from New York (Mrs. MALONEY), and I join, I think, with the entire country to introduce a House resolution to pay tribute to the hundreds, if not thousands, of workers who have responded to the World Trade Center since that fateful day on September 11.

As a Nation, we need not be reminded, but in a way we always need to be reminded, of what happened that day; of the loss of life, of those who lost loved ones, aunts, uncles, sons, daughters who were lost, fathers, mothers. We know the tragedy, and it will forever be written of. But out of that tragedy really came a resilience and strength in this country, and some of that was demonstrated by the workers who reported immediately to ground zero and have been there almost every day since.

Believe it or not, Mr. Speaker, the recovery and ultimate redevelopment of the World Trade Center, which just a few months ago was thought to be almost impossible, will be coming to a close. In just the next few short days there will be a ceremony in New York City to honor and to pay tribute to those who have responded.

For someone who was there on September 11, I can tell my colleagues that the dedication and the commitment of these individuals has been unbelievable. But with all that, all the work that they have done, the 1.6 million tons of debris, some of it, sadly, tragically, containing the remains of those who perished in the Trade Center, a lot of it ending up on Staten Island, so it hits close to home for all of us, I cannot tell you how proud we should be of them. They responded. They give their time, sometimes working 16, 18, 20 hours a day, many of them looking for their loved ones.

You can just read the papers. Take the time necessary and see of those fathers who responded day in and day out hoping to find their sons, or those hoping to find a sister or a wife. Perhaps as we look back, this will be one of the darkest, if not the darkest, spot in American history. But if we look for a silver lining to it, it is the fundamental belief that there were those who responded heroically, with honor, with a sense of purpose to rebuild this country.

When we were attacked on September 11 at the Trade Center, we began the process of rebuilding almost immediately, all with the sense of honor to those who lost their life.

I can only tell my colleagues, as someone who lost almost 300 people from the district that I am very privileged to represent, and I think I can speak for a lot of those families, that each one of those individuals who have been at the Trade Center, Ground Zero as it has become known, we say thank you.

□ 2045

I think the entire Congress of this country has said thank you. Everybody across this country has responded wonderfully, Members on both sides. All 50 States have offered their advice, guidance, support, financial, emotional, spiritual, and it is not underappreciated. But this is the way we formally say thank you.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume. I am very pleased to join with the gentleman from New York (Mr. FOSSELLA) in support of this very important resolution. I also would like to take this opportunity to thank my colleagues in Congress for their support of New York, for voting for the $20 billion to help us restore our site, and for all of their support that continues each day in this Congress for our constituents and for our city.

I rise in support of this important resolution in praise of the workers at Ground Zero. After many months of around-the-clock work, the clearing of debris from the attacks on the World Trade Center has neared completion. The cleanup efforts in response to the attacks on the World Trade Center involved unprecedented, selfless acts of heroism by thousands of men and women from the construction and building trades who worked in an extremely dangerous atmosphere as they cleared the disaster site. In total they have cleared more than 1.6 million tons of debris in 8 months.

In the immediate aftermath of the attack, volunteers from the construction unions, iron and steelworkers and many others, toiled alongside firefighters and police officers and volunteers digging tunnels and gaining access to victims by operating cranes, burning steel, driving trucks, and moving debris by hand as part of the famous Bucket Brigade. Over the many months, the workers completed the cleanup of Ground Zero in an atmosphere which was filled with danger and in the midst of still burning fires and deadly debris. They completed their work ahead of schedule and with safety as an ultimate concern. I think that it is remarkable that they toiled in such dangerous conditions, yet there was not one serious injury of the volunteers and the construction workers who worked at the site.

Despite these dangerous conditions, the contracting firms themselves began the rescue and cleanup of the site without any government guarantee that they would be compensated for legal liability that they might incur during the cleanup. Nevertheless, the workers of Ground Zero and the contracting companies embraced this unprecedented and perilous challenge. Their actions personified the enduring determination to get New York back on its feet and to restore Lower Manhattan's majesty.

Throughout this heartbreaking cleanup, they worked tirelessly, many times away from their families for days. Of all of the things that I remember the most about Ground Zero, having gone there that night and the next day on September 12 and many other days, was the absolute silence at the site, the hushed silence at the site which lasted for many days after the bombing. It reflected an appreciation for the magnitude of the horror and the fact that they were working on the surface of a mass grave.

I want to extend my deepest gratitude to the Tully Construction Company who at my request preserved a segment of the ruins to be transformed into a national monument at an appropriate time in the future. We all remember the images of steel fragments from the towers that plunged upright into the pavement like arrows into the hearts of all New Yorkers, and I would say all citizens of America, and nearby fire trucks that were partially submerged and ruined in the rubble.

Thanks to the care and respect that workers have demonstrated in dismantling and removing the wreckage, these images will be preserved in honor of those who were lost, and in remembrance of a black Tuesday that this Nation must never forget. The scores of companies, organizations and union members who have cooperated in clearing the site with extraordinary speed, efficiency and safety include, but are not limited to, a special team of the New York City Office of Emergency Management and the New York City Department of Design and Construction; with main contractors Turner Construction, Plaza Construction, Bovis Construction, Amec Construction and Tully Construction; and dozens of subcontractors, including Thornton-Tomasette Engineering, LZA Engineering, New York Crane, Bay Crane, Cranes Inc., Slattery Association, Grace Industries, Big Apple Demolition, Regional Scaffolding & Hoisting, Atlantic-Heydt Scaffolding, York Scaffolding, Weeks Marine and Bechtel Corp.

Mr. Speaker, many Members of Congress and the Senate have gone to Ground Zero. They have seen the devastation but also resilience and redemption in the work that is being done there. I know I speak for this entire body in expressing our country's deep appreciation for the risks taken and sacrifices made by the unsung heroes at Ground Zero who have reminded us what the American spirit is all about.

We will be having a ceremony soon that will mark the completion of the cleanup. I join my colleagues tonight in honoring all that participated, the police, the fire, the emergency medical, the volunteers and the construction trades who toiled selflessly to help our city and this country.

Mr. Speaker, I reserve the balance of my time.

Mr. FOSSELLA. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from New York (Mrs. MALONEY) for really articulating, I think, the sentiments of many. As we saw those firefighters rush in or the police officers, the Port Authority police officers or the construction trades, the ironworkers, the steelworkers, the carpenters, as she has indicated, selflessly, without fear for their own life in an attempt to help others, they have been there since day one. There is no question that this was a terrible, terrible moment. There is no question that so many lives were lost and that we need to honor them every day. There is also no question that we need to pay tribute as so many Americans really have come to Ground Zero to pay their respects, to really offer a helping hand to the good people of New York, New York City. This is one way really Congress just does it formally.

To the local businesses that had opened their doors to those volunteers to sleep on cots or on the floor, to have a meal, or to get something to drink or just simply to sit and pray, we say thank you to them. I thank my colleagues on both sides for being so supportive of New York financially, in helping us to rebuild, and also paying honor to those at the Fresh Kills Landfill on Staten Island where so much of this, of the trade center, is sent on a daily basis and continues to be sent on a daily basis, 24 hours a day, 7 days a week. We have hundreds of professionals and volunteers going through with the utmost delicacy and utmost respect for the human beings that were lost on that fateful day. They should be honored as well.

But tonight we pay tribute to those at the trade center. As we have indicated, there will be a ceremony and they will know that the United States House of Representatives says thank you.

Mr. Speaker, I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I join my colleagues in thanking the gentleman from New York (Mr. FOSSELLA). We have stood in this well practically every day to thank our colleagues for their support, for their aid, for their friendship, for their concern. We can never say thank you enough for being there for New Yorkers in our time of greatest need. We appreciate so much the actions of this body. We appreciate the honorable work of all that were involved in the cleanup and in saving lives.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the resolution offered by my friend and colleague from Staten Island, VITO FOSSELLA, in honor of all of the people who served at Ground Zero, whether looking for survivors to aid, helping to locate remains that would allow a family some closure, or rebuilding our City.

After September 11, the terrorists responsible thought they could scare America into submission, but the faces of the people working at Ground Zero—the public safety officers, the volunteers, the contractors, clean-up crews and union members—everyone there proved them wrong. In the face of the worst of humanity, New York displayed the best of humanity. America witnessed the bravery of its people that day as thousands of people rushed to the scene to help find survivors. Not just our brave firefighters, police and emergency medical technicians who were working that day, but office workers, students, construction workers, vendors, tourists and off-duty public safety officers.

There were so many but I would like to highlight one, Michael Weinberg of Maspeth, Queens. He was a 34-year-old firefighter who was off duty on September 11 and engaging in his passion—golf. It was on the course that he first learned of the news at the World Trade Center. Concerned for the people in the building, including his older sister Patricia, he rushed to his station house where he joined Fire Department Chaplain Rev. Mychal Judge and Capt. Daniel Brethel to go to the Towers. As the towers collapsed, all three perished in the building trying to aid victims.

His sister, who did escape safely from the Tower, remembered him with the simple but telling phrase "He loved to help people." This was a phrase used to describe so many people that day.

Our City was overwhelmed with offers of support from all over the Country, from people like Michael Weinberg who loved to help other people. Such as the welders who came to Manhattan from all over the area—not just the City or the State but all over; they jumped in their trucks to help at Ground Zero. Police and Fire fighters had to be convinced to take time off—even just a few minutes—from the rescue and recovery efforts; people who had been working for several days straight whether on duty or not. So many people rushed to the scene to join our firefighters, police, emergency medical technicians, court officers and Port Authority Police among so many already there to help.

Many of us remember the horribly tragic sight of seeing families waving pictures of missing loved ones on posters, or photos of the missing on telephone polls and windows in the City. What we didn't see were the people who tried to help find these people—we salute them today.

Blood banks had lines going for blocks from those citizens who couldn't go down to Ground Zero and help, but felt the need to contribute to the effort. People opened their wallets for the Twin Towers Fund and other relief charities for the families.

But this sense of volunteerism did not end after a few days—workers toiled day and night at Ground Zero—and still do. The fires at the World Trade Center could not be completely extinguished until December, with firefighters battling them daily; with police combing the wreckage; and with construction workers starting the clean-up and rebuilding process. They worked in some of the most horrible conditions known to humans—conditions that are unfathomable to all those except the few who were down there.

It was these workers that voiced the initial anger in the attacks and the pride in our nation shortly after that day when President Bush visited Ground Zero. People like that construction workers at Ground Zero, who shouted that he could not hear the President. At which the President responded with the memorable and inspirational line that while he may not be heard by all of those at Ground Zero, the people at Ground Zero were being heard by him, by the American people and soon by the terrorists that knocked those buildings down.

We honor their work today—work that took them into the most gruesome place imaginable. They are the people who make our country work and have helped us restore our sense of being—and showed the world what it is to be an American.

But while we salute our workers at Ground Zero, we must also work to remember their courage and their work everyday. The crowds that saluted and cheered our firefighters, are no longer there, but our respect and admiration for them must continue—both through encouraging words and also through support and assistance. All of the people who went to Ground Zero and worked there are a true inspiration for all of us.

This is a timely resolution and I am pleased it will coincide with the events being held next week, by Mayor Bloomberg to honor those at Ground Zero who worked to clean up the rubble and helped repair a broken City. They have removed almost 2 million tons of debris in less time then expected. They worked for us and we owe them a debt of gratitude. While the terrorists may have broken buildings we will never be a broken people.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 424.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOSSELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE 61st ANNIVERSARY OF THE BATTLE OF CRETE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to mark the 61st anniversary of the Battle of Crete. This is a historic event with direct significance to the allies' victory of World War II.

On May 20, 1941, thousands of German paratroopers and gliders began landing on the island of Crete. Both the allies and Nazis wanted Crete because of its strategic location. At the time the British controlled the island. It was a very strong point on the lifeline to India and protected both Palestine and Egypt. The Nazi invasion force included the elite German paratroopers and glider troops. Hitler felt that this would be an easy victory. Yet he is quoted to have said shortly after the invasion, "France fell in 8 days. Why is Crete free?"

The invasion of Crete lasted 11 days. It resulted in more than 6,000 German troopers listed as killed, wounded or missing in action. The losses to the elite 7th parachute division were felt so hard by the German military, it signified the end of large scale airborne operations. They did not have another parachute division invasion in the rest of the war. This valiant fight by the Cretan people began in the first hour of the Nazi airborne invasion, in contrast to the European underground movements that took a year or more after being invaded to activate. Young boys, old men and women displayed breathtaking bravery in defending their Crete. German soldiers never got used to Cretan women fighting against them. They would tear the dress from the shoulder of suspected women to find bruises from the recoil of the rifle. The penalty was death.

The London Times of July 28, 1941 reported, and I quote, that "500 Cretan women have been deported to Germany for taking part in the defense of their native island."

Another surprise for the German soldiers who invaded Crete was the heroic resistance of the clergy. A priest leading his parishioners into battle was not what the Germans anticipated. At Paleochora, Father Stylianos Frantzeskis, hearing of the German airborne invasion, rushed to his church, sounded the bell, took his rifle and marched his volunteers toward Maleme to write history. This struggle became an example for all Europe to follow in defying German occupation and aggression.

The price paid by the Cretans for their valiant resistance to Nazi forces was extremely high. Thousands of civilians died from random executions, starvation and imprisonment.

□ 2100

Entire communities were burned and destroyed by the Germans as punishment for the Cretan resistance movement. Yet this resistance lasted for 4 years.

The Battle of Crete was to change the final outcome of World War II. The Battle of Crete significantly contributed in delaying Hitler's plan to invade Russia. The invasion was delayed from April to June of 1941. The 2-month delay in the invasion made Hitler's forces face the harsh Russian winter. The Russian snow storms and the subzero temperatures eventually stalled the Nazi invasion before they could take Moscow or Leningrad. This was the beginning of the downfall of the Nazi reign of terror.

This significant battle and the heroic drive of the Cretan people must always be remembered and honored. Democracy came from Greece, and the Cretan heroes exemplify the courage that it takes to preserve it.

Today, the courage of the Cretan people is seen in the Members of the Pancretan Association of America and the Cretan Association "Omonoia" that is located in Astoria-Queens, which I have the honor of representing.

The Pancretan Association officers are Theodore Panagiotakis, president; Michael Papoutsakis, vice president; John Stavroulakis, secretary; and Emmanuel Kavrakis, treasurer. They are assisted by outstanding board members George Bassias, George Bombolakis, Nikos Chartzoulakis, George Fradelakis, George Kokonas, George Malandrakis, and Vassilis Manrangoudakis.

The Cretan people fought a seen enemy. Today we need the courage they displayed to fight the unseen enemy that struck on 9–11 and that continues to threaten our freedom and democracy.

I request my colleagues to join me in honoring the Cretans in the United States, Greece and the Diaspora.

THE SIXTY-FIRST ANNIVERSARY OF THE HEROIC BATTLE OF CRETE

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I too rise proudly to celebrate the 61st anniversary of the Battle of Crete, a World War II event that had a profound impact on the ultimate result of the war.

Amidst the cataclysm that had engulfed the countries of Europe at the time, it seems now preposterous that a small island dared to stand up to such a powerful enemy. For the benefit of future generations, I will share a brief account of these events as they unfolded.

In early April 1941, Greece was invaded by the German Army rushing to the aid of their defeated and humiliated ally, Italy. Following a valiant struggle against overwhelmingly superior German forces in and among the mountains to the north, Greek forces had been pushed entirely off the continent and were forced to take refuge on the Island of Crete.

The German Army then looked across the sea to Crete because of the British airfields on the island, which could be used by the allies for air strikes against the oil fields of Romania, thereby denying this vital war commodity to Hitler's forces. If captured, it would also provide air and sea bases from which the Nazis could dominate the eastern Mediterranean and launch air attacks against Allied forces in northern Africa. In fact, the Nazi high command envisioned the capture of Crete to be the first of a series of assaults leading to the Suez Canal.

Finally, as a result of the battle, Hitler's master plan to invade Russia before the coming of winter had to be postponed, thus directly resulting in the deaths of many of their troops as a consequence of not being properly prepared to survive the harsh Russian winter.

On May 20, 1941, Crete became the theater of the largest German airborne operation of the war, code named Operation Mercury. On that day, more than 8,000 paratroopers were dropped on the island. They were met with ferocious resistance by the Allied troops waiting for them and by the Cretan population.

Cretans fought bravely with whatever was at hand during the invasion. Even though the Allied forces had decided not to arm them, old men, women and children used whatever makeshift weapons they could find. They pointed their rusty guns at the descending German paratroopers. They used sticks, sickles and even their bare hands to fight those soldiers already on the ground. Most of them were illiterate villagers, but their intuition led them to fight with courage and bravery. "Aim for the legs and you will get them in the heart" was the popular motto that summarized their hastily acquired battle experience.

Although a tactical victory for the Germans, the Battle of Crete proved to be rather costly to them in terms of casualties and loss of aircraft. Of the 8,100 paratroopers involved in this operation, close to 4,000 were killed and 1,600 were wounded. So injured were the German units in fact that they never again, never again, attempted an airborne assault of the magnitude of that launched at Crete.

In retaliation for the losses they incurred, the Nazis spread punishment, terror and death on the innocent civilians of the island. More than 2,000 Cretans were executed during the first month alone, and thousands more the following 4 years. Despite these atrocities, the people of Crete put up a courageous guerrilla resistance.

Mr. Speaker, there are historical reasons why we Americans are very appreciative of the sacrifices of the Cretan people in defending their island during the Battle of Crete. We have a history replete with similar heroic events, starting with our popular revolt that led to the birth of our Nation more than 2 centuries ago.

We must always remember that as long as there are people willing to sacrifice their lives for the just cause of defending the integrity and freedom of their country, there is always hope for a better tomorrow. May we take inspiration from the shining example of the people of Crete in ensuring that this is indeed the case.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to commemorate the 61st anniversary of one of the most critical battles of the World War II—the Battle of Crete. I want to thank Congressman BILIRAKIS, co-chairman of the Congressional Caucus on Hellenic Issues, for organizing today's recognition of the resilience of the Cretan people in May 1941—a resilience that lasted long after the battle ended, and played an instrumental role in the downfall of Hitler and his Nazi regime.

In October of 1940, Mussolini's Italy invaded Greece. Shortly thereafter, the British rushed to Greece's aid and quickly sent army and Royal Air Force units to the island of Crete. With Italian troops bogged down in Greece and delaying his brutal campaign of world domination, Hitler sent German troops into Greece and directed the Nazi war machine to take control of Crete.

On the morning of May 20, 1941 the Nazis began executing Hitler's directive and launched an airborne invasion on a scale unprecedented in history. The Germans dropped some 20,000 troops on the island by air. In addition, the Germans and Italians launched a land invasion, sending troops by sea from the Greek, mainland, which had fallen to the Nazis a few weeks earlier.

The ensuing battle put up by the people of Crete and other allied forces against the superior Nazi war machine was one of the most significant of World War II. And though the Germans won the battle and took the island, they did so at the highest possible cost. Karl Student, the Nazi General in charge of the invasion, called the battle "the fiercest struggle any German formation had ever had to face." The German High Command would never again attempt an operation of its size again, and because of the loss of nearly 6,000 paratroopers, the Germans never used the parachute arm of their force again in large scale operations.

The unanticipated heroism and ferocity with which the people of Crete fought delayed Hitler's planned invasion of Russia for three months. There were heavy losses on both sides. Strengthened by the knowledge that they were defending a concept—democracy—that had originated from their homeland, Cretan civilians, including women, children and the elderly, joined in the battle against the Nazis, wielding pitchforks and fashioning homemade weapons. By the Battle's end, the Cretans and the Royal Air Force had inflicted so much damage on Hitler's elite 7th Air Division that it was rendered useless to the Nazi effort to conquer the Middle East.

The battle, moreover, continued long after the 11 days it took Hitler to finally take the Greek Island. The Cretans organized a resistance movement, which for the remaining four years of the war zealously fought the occupying Nazi force. They suffered horrendously for their resistance; the Germans executed thousands of civilians and randomly decimated entire towns, villages and communities. They did not, however, suffer in vein.

The resistance the people of Crete mounted against the invasion forced the Germans to attempt to invade Russia during the oppressive Russian winter—a task that proved to be too much for the Nazis.

We here in Congress should do our best to ensure Americans never forget the role the citizens of Crete played in defeating fascism.

Mr. Speaker, I am proud to participate in the remembrance of a historical even as important as the Battle of Crete. As the sacrifices the Cretans made 55 years ago demonstrate, we are indebted to Greece not only for giving the world the system upon which our country was founded, but for shedding the blood of their sons and daughters to protect that system as well. I strongly encourage all Americans to join me in honoring Greek-Americans of Cretan decent, and our friends in Greece and Crete, for their contribution to one of the most important battles of the 20th Century.

Mr. DIAZ-BALART. Mr. Speaker, I rise today to speak about the famed Battle of Crete which occurred at the beginning of World War II. I would like to thank my colleague from Florida, Mr. BILIRAKIS for helping to keep alive the memory of this important battle.

Following the Allied loss of Greece, on May 20th, 1941, the Battle of Crete began in earnest. German forces were far better equipped than the Allied forces left on the island. Described by British Prime Minister Winston Churchill as "A head-on collision with the very spearhead of the German lance" the Battle of Crete displayed the early valiant efforts of Allied forces to stem the tide of the Nazi onslaught.

The majority of the resistance fighters on Crete were natives of the island as well as forces from New Zealand, Australian, and British forces. Having fallen back from defeat in Greece, many of the soldiers came ready to defend the island with little more than small arms.

As is now known, through the monitoring and decoding of German Enigma traffic, the British forces were well aware of the German intentions against Crete, and thus how to wreak havoc against the overwhelming number of paratroopers. Superior intelligence combated superior force numbers and provisions. Initially the Allied defenders had great success against the Nazi war machine—delaying the Axis foothold on the island.

Despite the eventual loss of Crete to the Nazis due to the overwhelming number of oppressor soldiers and supplies streaming to the island, the nearly 4000 killed and missing German paratroopers from the assault served as a significant blow to the myth of German invincibility. After Crete the German parachute arm was never used again in large scale airborne operations.

Aside from its military importance, the main reason we rise today to commemorate the Battle of Crete is to herald the brave stand that the many brave fighters from Crete and Allied forces made in the face of the Nazi onslaught. Rather than capitulate to Nazi tyrannical will, the defenders of Crete fought not only for their land and for their liberty, but for the world's freedom as well. Their sacrifice will never be forgotten.

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor to join my colleagues today in rendering a salute to the heroic men and women who fought tirelessly for the sake of freedom 61 years ago at the Battle of Crete.

As we come upon this anniversary which marks an incredible turning point in what would become the Allied victory of World War II, we are once again reminded of the current and unabated commitment of our Greek allies to the defense of freedom, especially today as we wage a global campaign against terrorism.

Sixty-one years ago, over a 10-day period, Nazi Germany committed a grave error: it underestimated the might and will to resist repression amongst the people of this quiet island nestled in the Mediterranean waters.

Lured to Crete by its strategic amidst three continents, the Axis Powers believed this island, the temporary station of retreating Allied units and home to an unarmed local community, would be an easy victory. That was not the case.

The battle Hitler thought would take a few hours took many days. Nazi Germany launched its first and most substantial airborne attack during the WWII at Crete.

The outcome was a disastrous and shameful loss of strength for the Germans. Over 4,000 Axis Powers troops died.

This loss rendered the German airborne division a faint tool in the War, never again to be used with the same intensity.

The great blow suffered by the Germans at Crete prevent the Axis Powers ability to penetrate the Middle East, but most importantly delayed their invasion of Russia—a determining moment in the victorious end of WWII.

Mr. Speaker, what makes the Battle of Crete such a remarkable moment in the history of our modern time, is that it epitomized the resilience of people when left with no other choice but to fight against repression.

The people of Crete took on the fight for their homeland. Faced with a weak Allied presence and the mounting invasion of the Germans, the people of Crete—men and women, farmers, local police, townspeople—armed with mere pistols, pitchforks, hand grenades, knives, their bare hands created a resistance against the Germans that began the Battle of Crete and lasted until the end of German occupation of Crete in 1945.

Thus, Mr. Speaker, it is with solemn honor and respect that I stand here today to render this tribute to a people who fought with every bit of might and kept the spirit of freedom alive through their resistance.

Their unwavering struggle represented to a world engaged in war hope in the face of despair and the promise of a more peaceful existence.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Special Orders on the 61st anniversary of the Battle of Crete.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A FAILURE TO IMAGINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today I went up before the Committee on Rules and, not knowing the rule that would be allowed on the supplemental appropriations bill that will be coming up later this week, I asked that I be allowed to offer a motion to strike $6 million that is included in the supplemental appropriation bill to fund the Colombian Army to protect the pipeline, the oil pipeline owned by that country, but operated in conjunction with Occidental Petroleum and two other multinational oil companies. I am hoping I will be able to offer that amendment here on the floor, because I do not think that U.S. taxpayers should be paying for the protection of private oil when in fact Occidental, for example, made over $2 billion over the last 2 years. Why should the American people be asked to pay $6 million or $100 million to protect that particular facility?

I was reminded of how very difficult it is to get America and certain decision-makers to think beyond the petroleum age. Sometimes you wonder if you can ever win this fight and wean us off our terrible, terrible strategic vulnerability to imported petroleum.

Then I come upon an article this past Sunday in the New York Times by Thomas Friedman that is so good I want to read it into the RECORD tonight. It is called "A Failure to Imagine." Wherever Mr. Friedman is in the world, believe me, he has my thanks, because he is an ally in our cause to get America refocused on what is really important and to no longer use oil as our proxy for foreign policy in the Middle East or Venezuela or Colombia or anywhere else.

He says: "If you ask me, the press has this whole story about whether President Bush had a warning of a possible attack before 9–11, and didn't share it, upside down.

"The failure to prevent September 11 was not a failure of intelligence or coordination. It was a failure of imagination. Even if all the raw intelligence signals had been shared among the FBI, the CIA and the White House," Mr. Friedman writes, he is convinced that "there was no one there who would have put them all together, who would have imagined evil on the scale that Osama bin Laden imagined it.

"Osama bin Laden was (or is) a unique character." He says, "He is a combination of Charles Manson and Jack Welch, a truly evil, twisted personality, but with the organizational skills of a top corporate manager who translated his evil into a global campaign that rocked a superpower. In some ways, I am glad that America (outside Hollywood) is not full of people with bin Laden-like imaginations. One Timothy McVeigh is enough.

"Imagining evil of this magnitude simply does not come naturally to the American character, which is why, even after we are repeatedly confronted with it, we keep reverting to our natural, naively optimistic view. Because our open society is so much based on trust, and that trust is so hard-wired into the American character and citizenry, we can't get rid of it, even when we so obviously should.

"So someone drives a truck bomb into the U.S. Embassy in Beirut, and we still don't really protect the Marine barracks there from a similar, but much bigger, attack a few months later. Someone blows up two U.S. embassies in east Africa with truck bombs, and we still don't imagine that someone would sail an exploding dinghy into a destroyer, the U.S.S. *Cole*, a few years later. Someone tries to blow up the World Trade Center in 1993 with a truck bomb, and the guy who did it tells us he had always wanted to slam a plane into the CIA, but we still couldn't imagine someone doing just that to the Twin Towers on 9–11.

"So I don't fault the President for not having imagined evil of this magnitude. But given the increasingly lethal nature of terrorism, we are going to have to adapt. We need an 'Office of Evil' whose job would be to constantly sift all intelligence data and imagine what the most twisted mind might be up to."

No, the author, Mr. Friedman, does not blame President Bush at all for his failure to imagine evil, but he blames him for "something much worse: his failure to imagine good." Mr. Friedman blames him for "squandering all the positive feeling in America after 9–11, particularly among young Americans who wanted to be drafted for a great project that would strengthen America in some lasting way, a Manhattan Project for energy independence. Such a project could have enlisted young people in a national movement for greater conservation and enlisted science and industry in a crash effort to produce enough renewable energy, efficiencies and domestic production to wean us gradually off oil imports.

"Such a project not only would have made us safer by making us independent of countries who share none of our values. It would also have made us safer by giving the world a much stronger reason to support our war on terrorism."

Mr. Speaker, I will include the remaining part of this article in the RECORD and would say that America, our country and the planet would be a whole lot greener, cleaner, and safer in the broadest sense if America were truly energy independent.

Mr. Speaker, I include the balance of the article for the RECORD.

There is no way we can be successful in this war without partners, and there is no way America will have lasting partners, especially in Europe, unless it is perceived as being the best global citizen it can be. And the best way to start conveying that would be by reducing our energy gluttony and ratifying the Kyoto treaty to reduce global warming.

President Bush is not alone in this failure. He has had the full cooperation of the Democratic Party leadership, which has been just as lacking in imagination. This has made it easy for Mr. Bush, and his oil-industry paymasters, to get away with it.

We and our kids are going to regret this. Because a war on terrorism that is fought only by sending soldiers to Afghanistan or by tightening our borders will ultimately be unsatisfying. Such a war is important, but it can never be definitively won. Someone will always slip through. But a war on terrorism that, with some imagination, is broadly defined as making America safer by also making it better is a war that could be won. It's a war that could ensure that something lasting comes out of 9/11, other than longer lines at the airport—and that something would be enhanced respect for America and a country and a planet that would be greener, cleaner and safer in the broadest sense.

Too bad we don't have a president who could imagine that.

PROJECT VARELA, A HISTORIC STEP TOWARD DEMOCRATIC REFORM IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to draw attention to Project Varela, a historic step towards democratic reform in Cuba.

On Friday, May 10, over 11,000 citizens of Cuba took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties.

Named for the nineteenth century priest and Cuban independence hero, Padre Felix Varela, the Varela Project received no funding or support from foreign organizations or foreign governments. This was a grassroots effort by the Cuban people to call on their government to provide them with internationally accepted standards of human and civil rights, including freedom of speech, the right to own a business, electoral reform and amnesty for political prisoners. This is the largest nonviolent challenge to Castro's decade-long, single-party control of the Cuban Government.

With its 11,000-plus signatures, the project qualifies under article 88 of the Cuban constitution, which states if the Cuban National Assembly receives the verified signatures of 10,000 legal voters, a referendum on the issue should be scheduled. Unfortunately, Cuban officials have given little hope for the project's success, stating that the national assembly is unlikely to agree to accept the petition and follow through with their constitutional obligation to hold a referendum vote.

□ 2115

Mr. Speaker, the ultimate goal of U.S. policy towards Cuba has always been to promote the island's peaceful transition to democracy. Many of my colleagues have varying views on the best approach to achieve the democracy; however, we can all agree on the importance of a grass-roots democratic effort like Project Varela.

That is why I plan to introduce, Mr. Speaker, a resolution praising Project Varela and calling on the Cuban government to accept the petition and to hold the referendum. I urge all of my colleagues to join with me in commending the citizens of Cuba for actively exercising their constitutional rights and taking a stand for the rights of all Cubans.

WORLD BANK PLANS MORE LOANS TO IRAN OVER U.S. OBJECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, where you sit now or stand now, the President of the United States told this Nation right after September 11 that there are those who are with us and those who are with the terrorists. I was not surprised to hear our President indicate that the government of Iran is on the side of the terrorists. Yes, it is true that there is a nominal, though impotent, figurehead reformist posing as President of Iran, but, of course, the real power is exercised by unelected officials who take the most extreme pro-terrorist views. So I was not surprised when our President used the term "axis of evil" and included the government of Iran, not the people of Iran who have given us one of the world's great civilizations, but the current unelected real power in the government of Iran.

I was not surprised today when the United States State Department identified the Iranian government as the number one sponsor of terrorism, but there was something that surprised me. I am surprised that we are about to finance those who finance terrorism. Yes, we do not have to comb the mountains of Afghanistan to find Mohammed Omar, because here in Washington down on K Street are those who are ready to finance those in the government of Iran who are the number one sponsors of terrorism.

This entity does not only enjoy the protection of the American government, but surprise further, they are about to receive over 800 million of our tax dollars this year, just as they did in prior years. I refer to the World Bank, an organization that does many worthy projects. Of course, Osama bin Laden built hospitals as well. Now they are about to fund the number one sponsor of terrorism.

Let us reflect that money is fungible. The government in Tehran spends the minimum they have to on domestic affairs in order to secure their power. Whatever is left over goes for nuclear weapons development and to finance terrorism, and to help meet those domestic needs the World Bank financed by our taxpayers.

I want to skip a little ahead in my speech to make sure I identify this point. I am currently working on legislation, and I hope others will join me in drafting it, not as mere cosponsors, but as genuine coauthors, to say to the World Bank: Enough is enough. That if you make further loans to Iran, you will not be allowed to receive any additional monies from the United States and, perhaps further, that if you make additional loans to Iran, we will withdraw the capital that we have already invested. This is because weak protests, a mere vote and voice, virtually guarantees that the World Bank will send over $700 million, $755 million, to be more precise, over the next year to the government in Tehran.

Two years ago when the World Bank proposed a loan, we weakly voted against it. We told them we were against it. We voted all of our shares. It did not matter. And if this House is willing to settle for nothing more than a weak protest, then let us remember that when Iran develops nuclear weapons, they are not going to be smuggling them in to Paris or Rome; those nuclear weapons, scarcely the size of a human being, will be smuggled into Washington or New York or Los Angeles. And those European governments that stood with Tehran and demanded that they get funded will not be the immediate targets of Iranian nuclear terrorism. We will.

So perhaps we need to do more than weakly protest and get outvoted than have tea with the diplomats who are sending our money to Tehran.

Now, we will be told that the World Bank is 5 different entities and we are funding the right hand and the money to Tehran is coming out of the left hand. Let us not be fooled. There is one staff, there is one president, there is one group of directors making one group of decisions, and if we are going to send over $800 million this fiscal year alone in this upcoming appropriations bill, not the supplemental, but the annual, if we are going to send that money to the very people who delight in the financing of the Tehran regime, and we can get outvoted as to how it is spent, a mere change in the bylaws, then even the right hand could send money to Tehran or to Khartoum in Sudan.

Mr. Speaker, let us hope that this Congress has the courage to upset the diplomats at their tea parties and say no money for the World Bank if that World Bank is financing the government in Iran.

[From Dow Jones International News, May 17, 2002]

WORLD BANK, OVER US OBJECTIONS, PLANS MORE LOANS TO IRAN

(By Joseph Rebello)

WASHINGTON (DOW JONES).—The World Bank, undeterred by President George W.

Bush's condemnation of Iran as part of an "axis of evil, arming to threaten the peace of the world," is pressing ahead with a plan that would provide as much as $755 million in loans to the country over the next two years.

Since the bank began preparing the plan, Iran has mostly disappointed Western expectations that political reformers would succeed in making it more democratic and liberal. Reformers were silenced, and public executions and public floggings increased last year, according to Human Rights Watch. Iran remained the world's "most active" state sponsor of terrorism, according to the U.S. government.

But inside the bank support for more loans to Iran has only grown, officials say. In January, just as Bush identified Iran as a key threat to U.S. security in his State of the Union address, a team of bank directors returned from a visit to Tehran. Its recommendation: "deeper and faster involvement of the bank" in Iran, said Jean-Louis Sarbib, the bank's vice president for the Middle East and North Africa.

STAFF EXPECTS TO SEEK APPROVAL FOR NEW LOAN BY DEC.

"We have been quite impressed with the way they have gone about some of their macroeconomic reforms," said Sarbib, citing the country's success in building its foreign reserves, in reducing poverty and in ensuring basis education for all Iranian girls. "What we see on the economic side are people who are really trying to build economic democracy, who are trying to build a market system."

The bank's staff intends to seek approval for a new loan—worth about $150 million—by the end of the year. That loan is an element of a tentative plan, endorsed last year by the bank's board of directors, that advocates the approval of $755 million in loans to Iran in fiscal 2002 and 2003. Iran could eventually be eligible for more than $500 million a year, if it continues to satisfy the bank's requirements, officials said.

For the U.S. government, the bank's biggest shareholder, the courtship of Iran has been a lingering source of embarrassment. The U.S. contributes 29% of the bank's capital. It control 16% of the votes cast by the bank's directors—usually a decisive share. It is forbidden by Congress from supporting loans to Iran. But it has been powerless to stop them in recent years.

U.S. HASN'T BEEN ABLE TO STOP LOANS TO IRAN RECENTLY

Two years ago, the bank's directors ended a seven-year lull in lending to Iran and approved two loans worth $232 million. The U.S. objected strenuously. Madeline Albright, the secretary of state, lobbied leaders of other governments, asking them to oppose the loans because of Iran's human-rights record. She made little headway: the U.S. cast the sole no vote. Canada and France abstained.

James Wolfensohn, the bank's president, told U.S. officials at the time that the loans addressed "basic human needs" and were designed to support the reform efforts of Mohammad Khatami, a moderate cleric who had been elected Iranian president in a landslide in 1997. But any future loans, he told the bank's U.S. representative, would be considered only after a "review of all aspects of the economic and governance programs of his government."

Iran's performance since then has been mixed. Khatami was reelected to a second four-year term last June. His government briefly warmed toward the U.S. after the terrorist attacks of Sept. 11—it offered, at one point, to rescue U.S. pilots downed in the war in Afghanistan. But Khatami's influence soon faded amid a crackdown by the country's conservative clerics, who control Iran's judiciary and security forces.

"Even after his sweeping election victory in June, when he increased his share of the popular vote, (Khatami) continued to shy away from open confrontation with his opponents and made no discernible progress in implementing his promised reforms," Human Rights Watch said in a report in January that warned of "mounting" social and economic problems. "Increasingly . . . he appeared to represent more of a safety valve than an agent of tangible change," it said.

The World Bank, however, measures Iran's performance differently. It considers itself apolitical: The bank's mandate, officials say, is simply to reduce poverty and promote sustainable economic development among poorer countries. In deciding to make loans, accordingly, it avoids making official judgments abut the borrower's stance on human rights, terrorism or nuclear weapons. Instead it keeps a close eye on economic and social indicators and the speed with which governments improve those statistics.

By those measures, Iran has performed splendidly. The poverty rate has fallen to 15.5% from 47% in 1978. The infant mortality rate dropped to 26 for every 1,000 births from 47 in 1990. Iran has also built up $17 billion in foreign reserves, partly because of the recent rebound in oil prices and partly because it has paid off much of its debt. It has lowered tariffs, removed most non-tariff trade barriers and unified its system of multiple exchange rates—all well ahead of schedule.

"We are seeing concrete results—in terms of economic and social reforms," Sarbib said. Last year, the bank's staff completed the review that Wolfensohn and the bank directors had called for, and advanced a short-term plan calling for the launch of a half-dozen development projects in 2002 and 2003. With the exception of the bank's U.S. representative, all of the bank's 24 directors supported the proposal. The bank's staff plans to present a long-term lending plan to the directors next year.

"The general sense among executive directors is that they are supportive of the bank's engagement with Iran, with the exception of the U.S.," said one director who asked not to be named. "It's difficult to see how the U.S. position could influence other countries. My sense is there is not widespread support for the U.S. position."

U.S. LAWMAKER CRITICIZES BANK; SAYS U.S. LACKADAISICAL

At least one U.S. lawmaker is incensed, saying the loans will merely bolster Iran's repressive leadership. "Money is fungible," said Rep. Brad Sherman, D-Calif. "The money that the World Bank is providing to Iran's government is not particularly benefiting its people. That government will engage in the minimum domestic expenditures necessary to maintain power. Whatever is left over they'll spend on terrorism and nuclear weapons."

Sherman said he has been trying to get the Bush administration to take a harder line with World Bank, with little success. "Nobody's blood pressure is up on this," he said. "The problem is the U.S. bureaucracy. They say, 'Oh, gee, we'll vote no. If we get outvoted, que sera sera.' It's as if they hadn't listened to the State of the Union address. It's as if they were unaware of what happened on Sept. 11."

A Treasury Department spokeswoman, Michele Davis, said the U.S. government has regularly expressed its displeasure with the World Bank's plans for Iran. "The U.S. opposes World Bank lending to Iran and has consistently communicated this position to Bank management, including in May of 2002, when the World Bank approved two loans to Iran despite U.S. opposition," she said.

World Bank officials, meanwhile, said they can see no reason why Iran should be deprived of loans. Sarbib rejects the argument that World Bank loans for humanitarian and development purposes allow Iran to spend its own resources to develop nuclear weapons and promote terrorism. "Look, they have $17 billion of reserves," he says. "If they want to do all these things, they can do it. They don't need World bank funds to do that kind of stuff."

Besides, he said, "Iran is a member in good standing of the World Bank. They are current on all their obligations. As a member in good standing of the cooperative, they are entitled to the services of the cooperative."

BLUE DOG COALITION TAKES STRONG POSITION REGARDING DEBT CEILING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, it is good to be here tonight to address a very important issue, the issue of fiscal responsibility, and I am joined tonight by some of my colleagues who are members of the Blue Dog Democrat coalition. That group of 33 Democrats in the House who believe in fiscal responsibility, who believe in balanced budgets, who believe in controlling spending, who believe in paying down our national debt, which now consumes, just to pay the interest, 14 cents out of every tax dollar. In fact, $1 out of every $4 of individual income tax payments made into the Treasury every year goes solely to pay the interest on our national debt.

The Blue Dogs have taken a very strong position with regard to an issue that is pending before this House and may very well be debated this week, and that is the issue of the debt ceiling. As we all know, there is a law on the books that controls the amount of debt that the United States Government can incur. That statutory debt ceiling has now been reached and, just in the last few days, the Secretary of the Treasury has been manipulating our Federal accounts to ensure that we do not go into default with regard to the obligations of the Federal Government. In fact, the Secretary of the Treasury has used the Federal Employees Retirement Fund as a means of avoiding, violating the statutory debt ceiling. And for a period of time, until the Congress acts to increase the statutory debt ceiling, the employees of the Federal Government will have their retirement funds being used to avoid the default in the obligations of this Federal Government.

The Blue Dog Democrats believe that we need to address the issue of the debt limit in an honest and responsible way. We believe that the debt ceiling, rather than an arbitrary amount that has no great significance, as some would suggest when they propose that we raise the debt ceiling by $750 billion, we believe that that debt ceiling is one of the last tools that this Congress has to promote fiscal responsibility and to require balanced budgets.

Just a year ago when this Congress voted the largest tax cut in recent history, we were projecting over the next decade record surpluses. Here we are just one year later and we no longer project surpluses, but we are projecting deficit spending and ever-growing national debt.

In 1997, this Congress passed the Balanced Budget Act. The Balanced Budget Act was one of the first pieces of major legislation that I voted on as a freshman member of this Congress. It put us on the road to fiscal responsibility and for 4 years this Congress produced balanced budgets. In fact, we produced budgets with surpluses, and we were able to begin the process, the slow process of paying down our national debt which totals close to $6 trillion today. That act was one of the most significant pieces of legislation that this Congress has dealt with in an effort to end the practice of deficit spending. In fact, the Congress, for 30 years prior to 1997, engaged in deficit spending and accumulated this almost $6 trillion national debt.

This year, the Congress, once again, is back into deficit spending. In fact, if we look at the first 7 months of this fiscal year, we will see that we have accumulated a $66.5 billion deficit, and many estimate that the deficit for this fiscal year will be as high as $150 billion. That means that we are spending the trust funds of the Federal Government to run the rest of the government's operations. We are doing what this Congress pledged in previous years not to do, and that is, we are raiding the Social Security Trust Fund, the retirement fund of the American people, to run the rest of the government. We believe that is wrong. We believe that is fiscally irresponsible.

Mr. Speaker, that $66.5 billion deficit that we already run in this fiscal year for the first 7 months compares to a surplus that we had at this point in time one year ago when, 7 months into the previous fiscal year, we were running $166 billion surplus. We clearly have seen a dramatic change in the financial picture of the Federal Government.

The Blue Dog Democrats believe that we must return to balanced budgets, and we have a plan to get us there.

Mr. Speaker, I am pleased to have on the floor of the House with me tonight the gentleman from Utah (Mr. MATHESON), who has been a member of the Blue Dogs and who has stood up consistently for fiscal responsibility, who has represented his district in the way that I think most Americans want this Congress to be represented and that is, he has fought for balanced budgets and for paying down the debt. It is a privilege to have him on the floor tonight and to yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER) for taking the lead tonight on what has been a continuing effort on the part of the Blue Dog Coalition to raise consciousness about this issue, because we are about to approach what we have been talking about for the last few weeks.

Let me just briefly review the circumstances that we have gotten into at this point.

By law, Congress has to set the debt limit for how much debt this country can have. We have had the benefit in the last few years of running some surpluses, so Congress has not had to vote on the debt limit for a while.

□ 2130

Now, I am a newcomer to this Congress. This is my first term. I came in with a stated desire to carry on with the Blue Dog agenda of being fiscally responsible, of trying to pay down our debt. Those are critical issues for me.

Now, circumstances have changed and some of these things, of course, no one could predict. With the events of September 11, the ensuing war on terrorism, the need for additional resources for homeland security, and a recession that this country has faced, the projections have turned around. We are running deficits, as the gentleman from Texas (Mr. TURNER) just indicated.

We understand that as Blue Dogs that there may very well be, and in fact I think there is, a legitimate call to increase that debt limit by some degree because we have encountered these tough times right now.

A number of us have cosponsored legislation that calls for an increase of $150 billion in the debt limit, coupled with the fact that we have to sit down and identify with the President and Congress a budget that is going to put us on a path back to balance by 2007.

We as Blue Dogs support the war on terrorism. We support efforts to upgrade homeland security. We support those efforts wholeheartedly. We recognize that is a need this country must address. We understand that in that context of the short term we are going to be running a deficit right now.

But the concern we have is this request came in, and this request came in to raise the debt limit by $750 billion. We throw numbers around Washington all the time, but $750 billion is a lot of money. The gentleman from Texas (Mr. TURNER) just indicated that maybe the projections this year are maybe the deficit will be $150 billion. So why do we need to raise the debt limit by $750 billion?

The real concern, and it is something that as Blue Dogs we have been talking about for week after week after week on the House floor, is that we are being asked to increase this limit by this huge amount with no indication of a plan on how we are going to get out of this deficit spending. There is no indication of a plan that someday we are going to turn this around and not saddle future generations with more and more debt.

There are a lot of people in this body on both sides of the aisle who strongly desire a reduction in the tax burden on our society. Well, in terms of future generations we are not doing them any favors, because we are piling up debt, and the tax burden is going to be laid on them to pay the interest on that debt.

So that is really the issue we have been trying to raise over the last few months: Why, why $750 billion? Why give Congress and the administration in effect a blank check to run up that much more debt over the next few years with no plan to turn it around?

We have come on the House floor, and we have talked about how, in the private sector, when you go out and borrow money, whether it is for a car or a home mortgage, or whether you are a business getting a loan, when you go to the bank you have to be able to tell the bank a story, a credible story about how you are going to pay the debt back. They are not just going to give you the loan without you justifying your capability and identifying a plan for how you are going to pay that back.

Blue Dogs do not claim to have every answer in the book, but we certainly claim to have the desire to sit down, put the papers and numbers out on the table, and let us articulate a way, let us identify a way to turn this financial ship around, so instead of running more deficits we can get back to balanced budgets.

As I said, we have been talking about this for many weeks. That really brings us to where we are today. What is really disturbing is perhaps we have got a lot of people thinking about this, and they do not want to have this vote on whether we should increase the debt limit by $750 billion. What we hear from reports is we are going to sneak this debt limit increase in on the supplemental appropriations bill.

Now, this is a bill that is an important bill. The supplemental appropriations bill is for emergency spending, and it contains significant spending regarding defense issues that are important to this country. Some would describe it as a "must pass" bill. When you have a "must pass" bill, maybe there is a desire to tuck in another provision that otherwise you do not want to have to put in front of us for a straight up-or-down vote.

That is not the way we should be working here. That is not what democracy is about. That is not what my constituents elected me to do, and that is not what constituents across the country elected their Members of Congress to do. They elected us to take on the issues and stand up and be counted.

What is really interesting is this is being done in a very innocuous way. The language that is going to be added to the supplemental appropriations bill does not really say $750 billion. All it says, well, there is some innocuous language about maintaining the full faith and credit of debt obligations that this country can incur.

Then the idea is, and this is where we are getting into total inside-Washington process discussions, and I hate to have to go into that, but that is what is going on here, is that it is going to go to the conference committee with the Senate and we are going to have a debt limit increase happen, where here on the House floor, as a stand-alone item, we will never have voted for it.

I find that a shame. I find that a shame, because we are going to set ourselves on a path for running up massive amounts of debt. If we are going to set ourselves on that path, then by golly, we ought to all stand up and see who wants to vote to do that.

That would be my request of people on both sides of the aisle here in this body, that we take the time to have a good debate and discuss fiscal policy, fiscal responsibility, how this government is going to move ahead in the next few years, how we can take actions to stop running up more debt, to stop saddling the next generation with so much debt, and to do what our constituents expect us to do.

When you come to this job, you know you are not always going to have easy votes. You face tough votes a lot. But this is a tough vote I hope we can face, because I fear we are not going to face that tough vote. It is getting tucked into this other bill. It is getting tucked in where we cannot even force an up-or-down stand-alone vote on that item.

So that really is why we are here tonight. After many weeks of talking about this, my Blue Dog colleagues have come to the floor Tuesday after Tuesday after Tuesday to try to raise consciousness about this. It is something we believe in so much.

I have been so proud to be associated with the Blue Dog Coalition because of their position on this very issue. And I pledge, first of all, and I speak for me and for the Blue Dogs, we are ready to work with people. We really are. We want to roll up our sleeves and try to come up with solutions.

I would make a request that everyone on both sides of the aisle try to join us in this effort. It is too important to play with election year and partisan politics. This is too important, when we take a look at the next generation. It is important we take on this issue. Let us make sure we have a true up-or-down vote on this issue. Let us articulate what our policy is going to be.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Utah. I appreciate his strong stand for fiscal responsibility. He is so right: we have the supplemental appropriations bill which is being considered as we speak by the Committee on Rules of this House, and it has been rumored that there will be an effort to sneak into that supplemental appropriations bill, which contains needed spending to fight the war on terrorism, language that would allow the debt ceiling to be raised without a full and adequate debate.

Because of the significance of the growing deficit and the ever-increasing national debt that results from that, Blue Dogs believe very strongly that that issue should have a straight up-or-down vote by the entire Congress and should not be tucked away out of the light of day in some other piece of legislation.

I am pleased that we are also joined on the floor tonight by the gentleman from Texas (Mr. STENHOLM), one of the most respected spokespersons that we have in the House on fiscal matters, a gentleman who has fought his entire career in the Congress, over 20 years, for fiscal responsibility, and who has gained the respect of all his colleagues for his consistency with regard to his interest in balancing our budget and paying down our debts.

Mr. Speaker, it is a pleasure to yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank my friend, the gentleman from Texas, for the overly generous words of introduction.

Straight from the gentleman from Mississippi (Mr. TAYLOR), I want to report that our total public debt outstanding on April 30, 2002, is $5,984,677,357,213.86. That is up $323,329,559,211.21 in the last 12 months. That is up. We have borrowed a public debt of $323 billion. That is what we are here tonight to talk about.

We have now reached the debt ceiling of $5.95 trillion. In fact, we are past it as of April 3, and Secretary of the Treasury Mr. O'Neill has asked that this debt ceiling be increased $750 billion.

The Blue Dogs have said for the last month or 6 weeks that we are perfectly willing to give a clean up-and-down vote on increasing the debt ceiling, not by a $750 billion blank check to spend more money, but to pay for the war and to pay for the necessary spending, and all that we ask is that we have a new budget plan submitted by the administration and taken up by this Congress.

The respected Concord Coalition has come out just yesterday and urged Congress to have swift action on increasing the debt ceiling and not to play games with something as serious as default on the United States of America's debt.

They are right in that, and the action that will perhaps be completed in the Committee on Rules any moment now is suggesting that rather than have a clean up-and-down vote on the budget ceiling, we are going to hide it in a supplemental appropriation. And not only are we going to hide that, we are also going to hide some additional spending.

I would predict to the gentleman tonight, we will not know it tomorrow because this is going to be added tonight, or sometime before we vote tomorrow, but sometime in the next 2 or 3 or 4 days we are going to find out there was some more spending, millions and millions and millions of dollars that was added to this supplemental emergency spending bill. It is going to be embarrassing for all who vote for it.

Back in 1993, I participated at that time with John Kasich and Tim Penny, and that was back when we were in the majority, Republicans were in the minority, and many of us on both sides of the aisle had grown quite tired of having emergency spending bills loaded up with nonemergency spending.

We introduced a bill, and I was proud to introduce the bill, and John Kasich, who later became chairman of the Committee on the Budget, Tim Penny, and it passed. It was thought to be such a good rule, and it is pretty simple: emergency spending, since it comes outside of the normal budget rules and regulations, should not have nonemergency spending added to it.

In fact, people thought it was so good that when my friends on the Republican side of the aisle became in the majority, they adopted this as one of their first rules, and it is a good rule.

My question tonight, Mr. Speaker, is why would we waive a rule, a rule that says that only emergency spending should be on an emergency spending bill? Why would we waive that rule and allow additional spending? Why not stick with the House rules? Why not say to everyone that wants to add a little extra spending to this bill: Is it an emergency? If it is not, wait your turn on the regular appropriation process.

That is a good question. We will ask it again tomorrow. We have a little more time tonight, because I suspect that this rule tomorrow and the debate will be very controlled. I suspect that there will be no amendments allowed. I wrote a letter that I sent to the chairman of the Committee on Rules (Mr. DREIER) today saying "Should you choose to waive this rule, then why not also make it consistent to those of us who would like to take the debt ceiling and separate it from the supplemental, and have a clean up-and-down vote on the debt ceiling—why not allow the rule to permit that? You are playing with fire."

In fact, we are playing with the very economy of the United States when we take a chance that somehow in the conference that will come back from the Senate that the debt ceiling will be applied to that conference. That is not a given. In fact, I hope that it does not come back with the debt ceiling attached to it.

It is amazing how some of us stay inconsistent in this body. Less than 6 years ago, 225 Republicans voted to soundly reprimand and prohibit then Secretary Rubin from taking precisely the actions outlined by Secretary O'Neill again this week.

The silence of the 147 Republicans who remain in the House today implies far less anxiety about the same actions today.

□ 2145

The fact that Secretary O'Neill must resort to short-term emergency measures to meet our Nation's obligation drives home the fact that not only that Congress failed to perform its duties, but also that budget surpluses were a short-lived success which have now been replaced by more deficit spending.

Again, lest people not understand what we are saying tonight, we Blue Dogs are perfectly willing, in fact, we have sent letters to the President, to the Speaker, in which we indicate we are willing to vote to increase the debt ceiling. Not by $750 billion but enough to get us through the August, well, the July reestimate of where we really are on the economy. And then in October let us pass a new budget. We Blue Dogs have suggested spending caps. In fact, we have already stated that we are willing to live with the spending levels that are present in the House-passed budget resolution. We are ready to go with that one and we believe that is a reasonable amount of spending. But what we are opposed to is hiding a very important and significant vote, hiding it in the supplemental emergency spending, spending that is necessary to pay for the war, something we are for.

I remember a speech my friend, the gentleman from Texas (Mr. TURNER) gave a few weeks ago on this subject and I have borrowed considerably from the thought that he had that night in which the gentleman acknowledged a little bit of concern in his own mind as to why we, this generation, are sending our youngest and finest to risk their lives, and we find that several have lost their lives in Afghanistan this week, why we do that and we do it on borrowed money.

We are having to pay $1 billion a day now for interest on the national debt. We have increased the national debt $323 billion in the last year, and under the budget plan that we are now under that the majority refuses, refuses to even reconsider, we are going to borrow another trillion dollars in the next couple of years. Why would we do that and then when our youngest and finest come home from defending this country in the fight against terrorism, why would we do that and then ask them to work and pay in taxes so that the interest on the debt that we sent them over to fight with? It does not make us kind of like the Greatest Generation, Tom Brokaw's book.

I remember the gentleman from Texas (Mr. TURNER) making that speech and he was just as right as he could be. And I find that others are kind of agreeing to that. I do not understand why our colleagues, particularly some of them who purport to be conservatives and challenge us and chastise us every time we take to the floor, at least there will be one coming after us and saying, well, you Blue Dogs do this, you Blue Dogs do that, but you really do not mean this. Well, judge us by our actions and by our deeds, not by our words.

What we are saying tonight again, the Concord Coalition is right. They urge swift action to avoid a debt crisis. By the end of June, Mr. O'Neill will not be able to juggle the books. He will not be able to borrow from the civil service retirement fund, from the military retirement fund, from the Medicare trust fund. It will be fish-or-cut-bait time.

We can avoid that tomorrow. We can avoid that tomorrow with a simple, simple resolution that increases the debts by a smaller amount than $750 billion, of which every Blue Dog will join with our colleagues on the other side in doing that, provided they are willing to put a new economic game plan in place. We think it is time to do that.

Mr. Speaker, I yield back to the gentleman.

Mr. TURNER. Mr. Speaker, I thank the gentleman for sharing his thoughts.

I know that all of us feel very strongly that this issue of the statutory debt ceiling deserves a full and open debate of this House. And with the national debt rising, with deficit spending back upon us, somebody has to put on the brakes. Somebody has to say that we need to control spending. Somebody needs to say that we ought to do the same thing in Congress that we all have to do at our own households, and that is we have to pay the bills. And as the gentleman from Texas (Mr. STENHOLM) suggested, I have been very concerned about the fact that we are asking young men and women to fight the war against terrorism, and yet we are doing it on borrowed money, which means that when they get back home and they are in their better income-earning years, they will be the ones that will have to pay for the war that they fought.

So it seems to me that the right thing to do in Washington is the same thing that we all try to do in our own households, and that is, we pay our bills. We meet our obligations. We do not say that we are going to incur debt without having a plan for repaying that debt. And that is all that the Blue Dogs are asking with regard to the statutory debt ceiling is to say that, yes, the economy is on the downturn. We are in a war. Congress passed a major tax cut just a year ago and all the surpluses that were heralded at the time we took that vote are no longer there, and so the circumstances have changed.

Unfortunately, there seem to be many in Washington today who suggest that even though the circumstances have changed, we do not want to do anything differently. And we know that when our financial circumstances change, we have to change our spending patterns. We have to change our economic circumstances in a way that allows us to live within our means, and Congress is not doing that today. So I am hopeful that we will get a chance to have an honest and open debate about this debt ceiling and we will, as Blue Dogs, support an increase of $150 billion to account for the fact that there has been additional expenditures as a result of war. But we have gone a long way from just a year ago when the administration and the Secretary of the Treasury said that we will not have to deal with the statutory debt ceiling for 7 years, to today when we already know we have hit the statutory debt ceiling, and were it not for the Secretary of the Treasury manipulating the employees' retirement funds to keep the obligations of the United States government from going into default, that we would have a catastrophe on our hands today. And even after he pulls out all the tricks in the bag, those are going to run out by the end of June, and this Congress will have to raise the statutory debt ceiling in order to avoid a default on the obligations of the United States government, in order to pay a Social Security check, in order to be sure we pay the bills that are keeping the military of our country operating today in Afghanistan, we will have to raise the debt ceiling. We understand that. But we just do not believe it is right to raise it $750 billion. In essence, giving a blank check to this Congress and this President for ever-increasing spending.

So we feel very strongly that we have got to draw the line here and use this opportunity to remind this Congress and the American people that it is important to pay your bills. It is important to control spending. It is important to have a budget that moves us back to a balanced budget within the next 5 years. And even to say that is being generous because, in fact, most of us would like to see us move back to a balanced budget next year. The problem is the Congress, through its spending, and the Congress through the changed circumstances, and through the large tax cut that was enacted last year, has put us in a ditch. We are in a deficit ditch. And we have got to get ourselves out of it, and to fail to do so is an injustice to the next generation because the truth of the matter is the folly of unrestrained spending today, the folly of ever-increasing national debt and deficit spending means that our children and our grandchildren will be left to deal with the consequences of our inability to control our own spending and to balance our own budget.

Mr. Speaker, I would like to yield again to the gentleman from Texas (Mr. STENHOLM). I know that there is a plan that we have laid out as Blue Dogs and I think it is important for us to talk a little bit about that plan. Just the day before yesterday several of us met together with the ranking Democrat on the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT), who does an excellent job of trying to persuade this Congress to move back towards balanced budgets and to end deficit spending. We also had several Blue Dogs there. The gentleman from Kansas (Mr. MOORE) co-sponsored the legislation; the gentleman from Indiana (Mr. HILL), one of the co-sponsors of the legislation, along with the gentleman from Texas (Mr. STENHOLM) and myself and the gentleman from Utah (Mr. MATHESON). And that plan was a sensible plan. That was a plan that should be supported in a bipartisan way by this Congress and by every Member of this Congress who calls themselves a fiscal conservative.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM) to allow him to talk a little bit about that plan so we can have the people understand tonight that what we are really trying to do is restore fiscal responsibility.

Mr. STENHOLM. Mr. Speaker, I thank my friend for yielding back.

We have the Blue Dog ABC plan. It is as simple as ABC. I have already mentioned one tonight. We are prepared, in fact, we have indicated our support for the House budget spending levels as indicated in the budget, those numbers we tried to offer in our own budget this year, but once again we are denied even having an opportunity to have an alternative budget. But the spending levels are fine.

We need to recognize that strong budget enforcement rules are important. The provisions of the Budget Enforcement Act of 1990 expire this year and one of the things we have learned over the last 10 years is that meaningful caps on discretionary spending which tell our appropriators this is how much you can spend and if you spend more, you must offset it, it has worked. The appropriators have been responsible when the caps were there and when they were meaningful. But the 1997 Budget Act got off, a little bit off of what would be considered meaningful caps, particularly in the area of health care and rural health care and what has happened when you put unrealistic caps on without doing the policy changes.

Something else that the Blue Dogs have suggested in our plan is we think we ought to have a vote on the balanced budget amendment to the Constitution again; believing that as much as we would prefer not amending the Constitution from such purpose, we believe that it would be very helpful to have that amendment added to the Constitution so no future president and no future Congresses can again do what is now happening regarding the debt and borrowing money, borrowing money and spending the money. It used to be it was tax and spend. It is now borrow and spend. And the biggest difference between tax and spend and borrow and spend, with the borrow and spend, our children and grandchildren do not have a vote on it. If you tax, everyone in this body will get unelected. If you propose taxing to pay for the spending, that is different. But borrow and spend on our grandchildren, they do not have a vote and that is easy to do; and that is what we will, again, do tomorrow. And we will hide it in the supplemental emergency spending, so that we do not have the guts to stand up and say that is what we are going to do.

Well, some of us will not do that but, again, I repeat we are perfectly willing to increase the debt ceiling to dig us out of the ditch that we have dug ourselves into, even though some of us will say we did not vote for the budget. It matters not. We are all responsible, all 435 of us. We are perfectly willing to increase that debt ceiling.

The gentleman mentioned also the gentleman from South Carolina (Mr. SPRATT). One of the areas here, restore fiscal discipline, again, that is in the bill and it will be offered. Perhaps we will have to do it on the recommittal, perhaps we will have to do it in talking about defeating the rule so that we might have an opportunity to provide for a smaller debt increase. $150 billion, that would get us through to September and then in September when we come back after the August break, we will have a little, a little better idea of where the economy of this country is. And we can then, in fact, deal with a new economic game plan.

But, again, we do not seem to be getting through to our friends on the other side. They do not seem to be willing to change the economic game plan which will require that for the next 10 years we are going to have to borrow at least 2.75 trillion more dollars. This $750 billion down payment or installment is just the tip of the iceberg as to what is going to be needed.

□ 2200

I do not understand why our friends on the other side do not accept the hand that the Blue Dogs are offering to them and saying let us deal with deficit spending openly and honestly, let us deal with the debt ceiling openly and honestly, let us put spending caps back on, but let us revise the economic game plan that we are on so that we do not have to borrow the full $750 billion.

And do not hide it, do not hide it in an emergency supplemental and do not waive the rules of which I agreed with my friends on the other side of the aisle about 8 years ago when I said emergency spending should be emergency spending. If it is not emergency spending do not put it on an emergency spending bill. My colleagues will be surprised the million, tens if not hundreds of millions of dollars that will be voted on in this emergency supplemental that a careful analysis will show is not emergency, and we will have to have a rule that waives, waives, the rules in order to pass it.

We do not think that is the proper way to go. We will give my colleagues a clean up-and-down vote on increasing that debt ceiling. We will do what the Concorde Coalition is urging us to do. Let us not have a debt crisis.

This plan does not work and it does not get added to the conference coming back. Come about mid-June we are going to be in a crisis because Secretary O'Neill cannot juggle the books forever without having an economic crisis facing our country. It is too important for us to play with that game, especially when there can be bipartisan support; and all we have got to do is sit down and revise our budget.

Just like September 11, 9/11/01 changed America forever, and no one could foresee that and, yes, it has added increased spending needs for this country; but why if we need to have the increased spending do we not see the need to change the economic game plan that we are under? Why does the other side insist on staying with the same game plan while at the same time saying everything has changed? I do not understand that.

I yield back to my friend from Texas.

Mr. TURNER. Mr. Speaker, I thank the gentleman for sharing some of the elements of the Blue Dog plan for restoring fiscal discipline, and I am particularly pleased my colleague mentioned the constitutional amendment to require a balanced budget. That amendment was introduced by one of our fellow Blue Dogs, the gentleman from Arkansas (Mr. BERRY).

I had the opportunity to serve in the Texas legislature, the Texas House and Texas Senate, for 10 years; and in Texas, as in most every other State in the Union, we have a requirement in law, in Texas it is in our constitution, that we have a balanced budget. So every year when the legislature convenes, they are required to not spend anymore than is estimated to come into the next budget cycle; and if they fail to do that, they have violated the Texas constitution.

If we had such a restraint in our Federal Constitution, we would not be here tonight talking about a five, almost $6 trillion national debt. We would have solved that problem a long time ago, and the gentleman from Arkansas' (Mr. BERRY) constitutional amendment makes sure that we have a balanced budget by including that requirement in our Constitution.

We know that when we amend the United States Constitution, it takes a two-thirds vote of both Houses and then the States have to ratify it, three-quarters of them, and we all know that could take a long time. So we also have other elements in the Blue Dog legislative package to restore fiscal responsibility in the shorter term, and those bills, one by the gentleman from Indiana (Mr. HILL), restores the budget rules that this Congress has had in place for some years which now are expiring, simply requiring that we set discretionary spending caps and that we abide by them, requiring that any legislation that deals with mandatory spending or revenues that increase the deficit be offset with some savings in some other area. Those kinds of basic rules are important to maintaining fiscal responsibility, and that bill by the gentleman from Indiana (Mr. HILL) would ensure that those rules continue.

Another piece of legislation introduced by the gentleman from Kansas (Mr. MOORE) makes sure that we have a limit on how much we increase this statutory debt ceiling and ensures that once we go beyond the $150 billion that we all acknowledge would be the appropriate amount, that covers in the short term, that any further increases in the statutory debt ceiling would be preceded by the Congress enacting a budget that returns us to balance within 5 years without using Social Security trust fund moneys to balance the budget.

Finally, our legislation that was introduced by another Blue Dog, the gentleman from Tennessee (Mr. TANNER), says that we ought to require this Congress have a two-thirds vote if we are going to incur debt.

All of those pieces of legislation as a package will move this Congress back into balanced budgets and to reducing the national debt. Some people say, well, what is the big deal about this national debt? Well, I do not know if anybody can tell my colleagues for sure how big the national debt can be before it gets us in trouble. I think the folks in Argentina knew that they accumulated too big a debt and they certainly had a crisis; but here in the Congress, we seem to be oblivious to the size of the national debt.

Most Americans do not recognize and realize that one of the biggest areas of government waste is the national debt, because it takes a billion dollars of our hard-earned tax dollars every day just to pay the interest on the national debt. When people pay their individual income taxes every April 15, do they know that $1 out of every $4 paid into the government goes to cover the interest on the national debt? What a waste. What a waste.

So if we are really interested in cutting out government waste, the first thing we have got to do is to get our debt under control. We have got to begin to run surpluses in our annual budget because when we run surpluses in our annual budget, that surplus pays down our national debt; and the best gift we could give to our children and grandchildren is be sure that we do not hand them this $6 trillion and growing national debt.

We are here tonight to ask our colleagues in the Congress to deal seriously with this issue of the statutory debt ceiling, to not try to slip it in this supplemental appropriations bill that is coming to the floor this week and hide it and tuck it away in there as if it is not important, but to put it out in the light of day and have an honest debate on it and to acknowledge to the American people that this country, in terms of its finances, is going in the wrong direction.

Americans have been more patriotic since September 11 than I have seen them in my lifetime. Some of those who fought in the Second World War say that we are seeing an era of patriotism today that is like they felt when they were young people during the Second World War; but if we have a true spirit of patriotism in our country, we are going to be sure that when we send our young men and women into battle that those of us back home are going to be willing to make an equal sacrifice which is to pay the bills, and if we cannot stand here tonight and acknowledge that we should pay the bills for fighting the war and not pass those bills on to the next generation, it would give reason and give cause to question the sincerity of our patriotism.

Anytime that this country has been at war, Americans have been willing to sacrifice; and the sacrifice that every American is going to be called upon and should be called upon today to make as we find ourselves in this war against terrorism is those of us here at home should be willing to pay the bills. That is the least we can do.

So I am here tonight on behalf of our Blue Dog Democrat coalition to urge our colleagues to return us to fiscal responsibility; to be sure that we enact policies that allow this Congress and as an institution to observe honesty in budgeting; to be willing to say that we are going to balance the budget rather than to ignore it; to be big enough to say that even though a year ago when we passed a major tax cut, which I voted for at the time, when we were projecting a $5 trillion surplus over the next decade, that today as we stand here tonight, when that surplus is gone, that we have to be big enough to admit to the American people that the circumstances have changed.

Every American family understands that. Every American family has been through hard times. Folks have lost their jobs and had to make readjustments on their spending patterns. The Federal Government has to do the same thing if we are going to be honest with the American people.

In just a few years, somewhere between 12 and 15, we are going to see a tremendous increase in the population of our country that are over the age of 65. The Federal Government will face one of the biggest fiscal crises that we have ever seen, as those seniors will be ready to receive their Social Security payments, they will be ready to receive the benefits of the Medicare program that they have paid for in their Social Security and Medicare taxes that they have paid all these years.

If this Congress is going to be able to deal with the retirement of the baby boomers and the costs that are associated with those retirees, we have got to get the financial house in order today. Is it not wonderful that as we approach the crisis in the Nation that we were looking back at 4 years of surpluses, so that we could deal with the problems of the declining economy and the lost Federal revenues that flowed from that and to deal with the cost of the war on terrorism? What is it going to be like 12 and 15 years from now when the baby boomers retire and all of those costs are on the Federal Government and we look back to years of deficit spending?

Now is the time to get the financial house in order. Now is the time to balance our budget and to pay our bills, and that is what we are asking our colleagues in this Congress to join with us in doing.

I thank the members of the Democrat Blue Dog Coalition who have joined me on the floor of this House tonight, and I appreciate their stance for fiscal conservatism; and we look forward to the days ahead as we work together to try to balance the budget and pay down our debt.

MAJOR CHALLENGES CONFRONTING AMERICANS

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. My colleagues, I come here tonight not as a champion or a representative of party, but as a Member of the Congress of the United States, a constitutional officer, a husband, a father, a brother, a son and a grandson to discuss issues of great importance in what is quite literally, Mr. Speaker, our national health.

I champion the fact that in this Chamber people of goodwill can from time to time disagree, and there are those who would come to champion one specific philosophy or approach of a political party or even an approach within a political party; but I think, Mr. Speaker, when we confront major challenges, we do so much better and much more effectively not as Republicans or as Democrats but as Americans first; and it is in that spirit that I come to the well of the House tonight.

We confront many challenges, Mr. Speaker. Mention was made earlier by my colleagues from Texas of the fact that we are a Nation at war, and yet we are also a Nation blessed with unparalleled prosperity, and with what some would bill as problems, others view as unique opportunities.

Why do I say that at this time in this place? Well, Mr. Speaker, one need only look so far as the prevalent statistics for the United States of America a century ago, 100 ago, 1902.

□ 2215

Mr. Speaker, in 1902, the average life expectancy in the United States of America was 47. The average lifespan, 47 years of age. More than 95 percent of all births in the United States took place at home. Ninety percent of all U.S. physicians had no college education. Instead, Mr. Speaker, they attended so-called medical schools, many of which were condemned in the press and condemned by the government as substandard.

Mr. Speaker, I mentioned just a moment ago the shocking statistic that the average life expectancy a century ago was only 47 years. Mr. Speaker, it might interest my colleagues to know what the 5 leading causes of death were in the United States 100 years ago. Mr. Speaker, leading the list at number 1 among the causes of death in the United States in the year 1902 was pneumonia and influenza; number 2, tuberculosis; number 3, diarrhea; number 4, heart disease; and the fifth leading killer among Americans one century ago was stroke.

What is also interesting is not only the lack of a formal college education for more than 90 percent of our physicians a century ago but also an incredible change of pace and different outlook and attitude among those running the corner drugstores. One century ago in the United States of America, heroin and morphine were available over the counter at corner drugstores. Mr. Speaker, according to one pharmacist, "Heroin clears the complexion, gives buoyancy to the mind, regulates the stomach and the bowels, and is, in fact, a perfect guardian of health." So said a neighborhood druggist one century ago in the United States of America when the average life expectancy was only 47 years and when the leading killer of Americans was pneumonia and influenza.

Mr. Speaker, we are blessed indeed with the passage of time and the progress in medical science that we stand here in the year 2002 and we see the life expectancy close to doubling. It is commonplace to see men and women in the United States live at least until their 70s, and much longer in my household. I am blessed with a grandfather who is 98 years young. He has doubled what was his life expectancy.

At the dawn of the 20th century, Americans by and large are living healthier, happier, longer lives. That is not a problem, Mr. Speaker, that is a challenge. Almost 40 years ago, the United States of America introduced Medicare to help seniors, to help those over the age of 65 deal with the challenges confronted by those of advancing age in terms of health care. But health care in 1965 and, indeed, the Medicare program introduced that year, reflects a medical science that even 40 years ago was substantially different.

At that point in time, medical doctors were dealing primarily with what we call acute care; with responding to symptoms and outbreak of acute disease. Indeed, at that time, Mr. Speaker, gone was that nonsense about morphine and heroin, long regulated, and relegated, I should say, if not to the dustbin of history, at least, quite properly, to the dustbin of abuse. New prescription drugs were on the market.

But, Mr. Speaker, compared with the decade of the 1990s, or now in the 21st century, those pharmaceuticals were relatively few and far between. The course of action pursued by medical science in 1965 quite often involved invasive or exploratory surgery, or a medical procedure involving a long stay in a hospital. But as medical science has changed, as improvements have come to our way of life, so too has there been a change in treatment.

And, indeed, nowhere is that more clearly reflected than in the actual treatment received by today's seniors, and indeed, Mr. Speaker, by all Americans in terms of health care. Because now, Mr. Speaker, as we know, the emphasis is on prevention, on taking prudent preventive steps to delay or perhaps eliminate the need for acute care; the establishment of long-term conditions, changes in diet, improvement in exercise and, oh, yes, as the first line of defense in medical science, an exponential increase in the reliance on prescription drugs, or prescription medications.

The reason? Well, it flows out of the whole notion of preventive medicine and the admonition and observation that an ounce of prevention is worth a pound of cure.

The changes we have seen brought about by research, the miracle drugs that now exist to deal with so many different conditions, have risen exponentially. And, indeed, through the decade of the 1990s and now into the 21st century, it is safe to say, Mr. Speaker, that prescription drug coverage, that medications prescribed by physicians, have, in fact, conjoined with preventive steps to be our first line of defense and our first line of treatment in modern medical science.

Accordingly, Mr. Speaker, even as we confront the challenge of a new type of war, of the very real challenges to our society externally by the threat of foreign enemies, we also face a challenge within our borders borne by our very prosperity and the change in the type of health care treatment we now receive. For, Mr. Speaker, we must strengthen and reform Medicare to bring it into the 21st century to reflect the changes and the advances in medical science. And nowhere is that more prevalent, for my parents, who are now in their 70s, for my granddad, who is now 98 years young, than in the realm of prescription drug coverage.

Mr. Speaker, I am honored to be the first Arizonan to serve on the House Committee on Ways and Means. It is the committee with jurisdiction quite literally over those matters that become the crossroads of American life here in the early 21st century, the tax code. Because it has been written, Mr. Speaker, the power to tax is the power to destroy. I believe, conversely, that the power to reduce taxation is the power to employ.

And in stark contrast to those who preceded me in the well of the House tonight, I believe that we can fire the economic engines of America, that we can lead to growth by reducing taxation, and by so doing we can grow and build and prosper, but also we deal with topics of trade and human resources, and especially the issue of health, along with the issue of Social Security and fulfilling America's commitment to its seniors.

And so the House Committee on Ways and Means is working now to fashion changes in Medicare to offer a prescription medication benefit as a part of Medicare, to usher Medicare into the 21st century and to reflect the changes we have seen in the realm of medical science and recognizing the reality of prescription drugs and their necessity.

Mr. Speaker, there are 4 principles which guide us. Yesterday, Mr. Speaker, in addition to innumerable conversations with my parents, I was pleased yesterday at noontime to visit the senior center in Mesa, Arizona, to sit down for a town hall meeting, a dialogue, if you will, Mr. Speaker, on the whole notion of prescription medication coverage through the eyes of those who today rely and depend on the Medicare system. I was pleased to see so many seniors, indeed hundreds of seniors, a living embodiment of what some have referred to as our greatest generation, those who experienced the Great Depression, those who led us through a world war, those who built a powerful postwar economy and ushered in an era of freedom and prosperity unlike any the world has seen.

Mr. Speaker, I know you find this to be true when you visit your district. You understand what deTouqueville pointed out early in our history, that America is great because America is good. And the quality of our citizens continues to show through regardless of their age, but with a lifetime of experience. Our honored seniors have a perspective and a common sense philosophy that those of us who are honored to represent them should keep in mind always in fashioning decisions for the future.

Mr. Speaker, those of us on the Committee on Ways and Means, moving forward with a common-sense plan to strengthen Medicare with prescription drug coverage, have come to rely on 4 bedrock principles that will be embodied in the plan that we will introduce. Number 1, and I heard this yesterday loudly and clearly from the senior citizens in the Sixth Congressional District from Arizona, Mr. Speaker, when they said to me unequivocally, lower the cost of prescription drugs now.

You see, in this land of prosperity, it just will not do. As the seniors told me yesterday, as we asked for a show of hands, they knew of some, indeed some of them gathered in that lunchroom in Mesa, Arizona, knew of friends who would cut their medication in two, actually reducing the dosage their doctors had prescribed to make the medicines go further. Others would make a choice between paying a utility bill or paying for their prescription drug coverage.

□ 2230

Mr. Speaker, as hard as it may be for some to perceive, there are those yesterday who even told me they had friends who were forced to make a stark choice to determine whether to purchase the prescription medications they need or to purchase their groceries. A choice between food and medicine for our most vulnerable is something that no one in this country can or should countenance. And so the message came through loudly and clearly, principle number 1, lower the cost of prescription drugs now.

Principle number 2, to update Medicare for the 21st century to reflect the changes we have seen. Mr. Speaker, there is a call and there is a recognition of our second principle and, that is, that we should guarantee all senior citizens prescription drug coverage. A fair and responsible Medicare plan for the 21st century must guarantee a prescription drug benefit under Medicare for all seniors and provide additional assistance for low-income seniors and those facing runaway drug costs because of long-term severe illness. It only makes sense, Mr. Speaker. It is the key to retirement security and peace of mind.

But understand, many seniors with whom I met yesterday are pleased with the current insurance plan they enjoy under their current Medicare coverage. And while there should be a guarantee for all seniors who want it to seek out this new form of coverage, there should not be the heavy hand of government or a specific mandate requiring all seniors to take it if they choose another course of action or want to keep what they have right now.

Mr. Speaker, the Medicare+Choice plans so prevalent in Arizona and in other parts of our Nation, as I mentioned earlier, many with whom I met yesterday have embraced those plans, they appreciate those plans, they want to maintain them, which leads me to principle number 3. We can improve Medicare, Mr. Speaker, with more choices and more savings. The right to choose the prescription drug plan that is best for you, Mr. or Mrs. Senior, Mr. Speaker, that is what we are dealing with, not to invite confusion or a plethora of paperwork or being snowed under by regulations but simply to give seniors the peace of mind and the freedom of choice to select what is best for them.

I mentioned earlier the Medicare+Choice programs which so many seniors in Arizona have come to embrace and depend on. They should be allowed to keep that. But something else that we should note as part and parcel of these principles. We need to understand this. Seniors understand true compassion. They believe those below the poverty line, those who have to make that stark choice between food or medicine or paying other bills or cutting their dosage in half to make the medicine go further, they believe those people should be cared for first, that should be the priority, but there should be a program open to all and all should have the right and the option to choose it.

Our fourth principle really undergirds all which I have spoken of earlier, and that is the realization that in updating Medicare for the 21st century, that in making the recognition that prescription medication coverage is a key, that we can strengthen Medicare for the future by offering this benefit as part of Medicare by utilizing this new front line assault on disease and on sickness and in so doing lower the long-term costs, eliminate in many cases the need for major surgery, see an improvement in lifestyle, and overall not only improve public health but be good stewards of the public purse because in the long term we actually hold down costs, and in so doing, that undergirding fourth principle, strengthening Medicare for the future, will be accomplished because we will ensure that the program can deliver necessary health care services, including this all-important addition of an affordable and voluntary prescription drug benefit under Medicare.

Mr. Speaker, one of the great honors of serving in this Congress and especially in the House Committee on Ways and Means is to work with talented men and women across the width and breadth of America. I am honored tonight to welcome to the floor for this discussion of the prescription drug benefit a lady who has toiled long and hard on this issue and other issues involving public health and the common good, the gentlewoman from Connecticut (Mrs. JOHNSON). I welcome her to the floor, Mr. Speaker.

I yield to my friend from Connecticut.

Mrs. JOHNSON of Connecticut. I thank the gentleman from Arizona very much. As members of the Committee on Ways and Means, we work together on many, many issues, but no issue more important than prescription drugs for seniors. I am proud to say that our bill is an entitlement. It is going to be available to all seniors. It is going to be in my estimation, I think this is something that is rarely remembered, that the prescription drug benefit is going to be the greatest leap forward in women's health since the founding of Medicare. We all know that our grandmothers have lived longer than our grandfathers, that in general women tend to live quite a lot longer than men. What we are less aware of is that older women tend to have a lot less income than older men. The mean annual income of men over 65 is about $30,000 nationwide. The mean annual income of women over 65 is about $15,000 nationwide, exactly half. So women live longer but have much less disposable income. In fact, in the under-85 and the over-85 senior population, women are almost twice as likely as men to have incomes below $10,000 a year. What this tells you is that our retired women in America are very unlikely to be able to afford expensive prescription drugs, and they are very unlikely to be able to afford MediGap policies and those other supplementary insurance plans that are available but cost money and that fill that gap between what Medicare covers and what seniors have to pay. It is particularly a problem in prescription drugs, because in today's medicine, you cannot recover from most diseases without taking a prescription drug. So for us to pay for our seniors to be able to go to the doctor and get a diagnosis, which is increasingly expensive with the sophisticated tests and diagnostic technologies that are now available, wonderful medicine, wonderful world, but what is the good of being diagnosed if you cannot get the treatment?

But it is not just about medicines to cure illness that makes prescription drugs in Medicare so important, it is the need to have prescription drugs to manage chronic illness. And there the statistics are incredible. Of the seniors over 85, 72 percent are women and most have multiple chronic illnesses. So they need drugs more than any other single group of our population and that is women with multiple chronic illnesses. So it is important to remember that, frankly, prescription drugs in Medicare is the number one women's issue in America today.

I am determined to work with the gentleman from Arizona and to work with the rest of those on our committee to bring prescription drugs in Medicare to the floor of this House. I thank you for going through the principles that must underlie this bill. We are going to have a bill that is a more generous benefit than we were able to bring to the floor 2 years ago, that is more thoroughly thought out than any bill that has been introduced in this body or the other to this point, and that will be practical, workable, and because it involves a discount card that will be out there right away, it will help seniors from day one till the time the program is thoroughly established in 2 years and that is a unique aspect of our bill.

I would be happy to go into any aspect of this really important subject that you have not already explored. I am sorry I had to be late, but it is a pleasure to be with you tonight to talk about really the most important legislative initiative that this body will consider this session of Congress. If we do it by the end of June, I hope the other body will have the courage to move in July so that we can have a bill on the President's desk in the fall.

Mr. HAYWORTH. I thank my friend from Connecticut for pointing out why she is properly regarded as one of the foremost authorities and legislators in the field of public health and especially seniors' health care in the way in which we strengthen Medicare through a prescription drug benefit.

Mr. Speaker, as I share this information with my colleague from Connecticut, I know that she has conducted innumerable town hall meetings and chances just to sit down with the honored citizens, the seniors of her district in Connecticut. Mr. Speaker, I think it is a safe assumption that she has heard, as I heard yesterday at the seniors' center in Mesa, Arizona, not only do seniors want to see the neediest cared for first, not only do seniors want to see a voluntary program available to all, but seniors first and foremost want to see the cost of prescription medications lowered right now, today.

The gentlewoman quite properly, Mr. Speaker, referenced without characterizing the action of the other body sharing this magnificent citadel of our constitutional republic with us in the legislative branch, but we want to make sure that as a House, as the people's house, we move in a practical, no-nonsense fashion to craft this bill, including our principles, so that, as my friend from Connecticut points out, the other body will have time to work on this and not become slaves to a political calendar. Because we are all mindful it is a strength, not a weakness, of our constitutional republic that all 435 of us must stand at the bar of public opinion on the first Tuesday following the first Monday in November. The danger comes when temptation so overtakes others not to respond to the needs of the people but instead to twist and turn and attempt to leverage or mischaracterize what can be done for the public good.

Mr. Speaker, in more straightforward language, the American people welcome a chance to put politics aside and move forward on this common-sense policy. I mentioned earlier, my colleague from Connecticut, the times we sit down with seniors. I think, Mr. Speaker, you have seen this. I just asked the question yesterday among the 300 seniors gathered for lunch in Mesa, Arizona, "How many of you spend at least $100 a month on prescription drugs?" Every hand in the auditorium went up. I said, "How many of you spend $200 a month for prescription drugs?" Most of the hands stayed up. I said, "How many spend $300?" A lady's voice said, "Try $400 a month." Hands still remained aloft. According to the Centers for Medicare and Medicaid, the average Medicare recipient spends about $2,150 per year on their prescription drugs.

Mrs. JOHNSON of Connecticut. I visited a seniors' center in Oakville, which is a part of Watertown in my district. A couple got up and said, "Our income now is $18,000 a year. Our drug bills are $16,000 a year." This couple has used their IRA savings, they are working on everything else, and their drug costs will force them into poverty and into dependence on Medicaid. What good will that do us? Then the taxpayers will be picking up not only the cost of their medications but also the cost of their support. It was really sad to see the sorrow in their eyes of this sort of inevitable march toward poverty, just because they needed prescription drugs.

☐ 2245

This bill that we are addressing, the gentleman is right, it is voluntary; and it does help the neediest the most, because the neediest get their premiums paid and their copayments paid as well, and for that first $1,000 people will get an 80 percent subsidy and only have to pay 20 percent, and that is off a discounted price.

This bill will drive costs down for seniors right off the bat almost 30 percent, and it will do it by just simply bringing the power of all the seniors of America to the bargaining table to bargain down those prices. They are the only group in the whole country that are not at the bargaining table. Every employer and employee is at the bargaining table, and they get a cut rate price. Only the seniors in our great country get no discounts on drugs, and this bill will put that discount in place right away while we are working on getting the subsidy in place in addition, which will take a little bit longer.

So I will tell the gentleman, when you ask those questions of seniors, there is no doubt, there can be no doubt in your mind, that this is not a burden that seniors can bear; and it is particularly not a burden that elderly, the widowed, divorced, single elderly can bear, because their incomes are really on average $15,000 or less.

So I thank the gentleman for bringing this to the attention of the American people tonight. It is such an important issue, it is the most important thing we could accomplish in this Congress, and I believe we are going to have an excellent bill that will keep doctors out there serving our seniors, that will give seniors the help they need to buy prescription drugs and manage chronic illness, and in general will make advances on every front in offering seniors higher-quality health care, prescription drug coverage, more choices of plans that are better suited to their needs. And because it is going to be such a good bill, I think the other body is going to have to move and the President will be able to sign a bill before we adjourn this session of Congress. That is my fondest hope. That is the only thing I am going to work for. If we all put as much effort in as the gentleman and I will, I know we are going to be able to accomplish this.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Connecticut for offering her unique perspective and the experience that she brings to this issue and the heartfelt personal stories of real folks from the State of Connecticut, just like the real folks I sat down with yesterday in Mesa, Arizona, and just like my parents, now in their seventies, and my granddad, blessed with a long and healthy and accomplished life, to be just 2 years short of a century, of becoming a centurion.

Certainly it is unfair to categorize what is before us as a "problem." It is a tremendous challenge, as we live longer, healthier, more productive lives. And the key, as my friend pointed out, this is not a time to be penny-wise and pound foolish, but to take reasonable steps, as we have done within our budget plan, to accommodate this prescription drug benefit in dealing with a variety of priorities.

My colleague from Connecticut mentioned this, and via videotape the President of the United States joined us yesterday in Mesa with introductory remarks embracing the principles that we have espoused here on the floor of the Congress.

Mr. Speaker, it is so wonderful to work with a President who, yes, as commander in chief is dealing with a stark threat to freedom and survival, but yet at the same time a President who is forward thinking, to understand what he calls truly compassionate conservatism, a commonsense approach that says not only must we survive, we must thrive in this new century, and that the most vulnerable among us, just as my friend from Connecticut pointed out, the seniors who earn $18,000 a year but find in the current situation $16,000 of that income taken up with prescription drugs, we cannot let that happen.

The mandate for change is clear. The executive branch in the person of the President of the United States understands this. The people's House understands this. Now we will look to the other body to join with us to get this change made.

Now, Mr. Speaker, my colleague pointed out something else that is important, and, indeed, one is tempted almost to lapse into a parody of one of the old ads I would hear on top 40 radio in the 1970s talking about discounts at certain merchants: "How do we do it? Volume."

Mr. Speaker, it may be a parody; but it is absolutely correct. My friend from Connecticut, who has been both an accomplished legislator and a proud housewife, sitting around the kitchen table, making ends meet, I know at my house in Arizona one of our favorite places to visit is one of the big warehouse discount centers where we purchase items in bulk, in volume. As groups purchase these items, the prices are held down. We are able to do it with volume.

At the risk of a poor impersonation of a parody of an antiquated radio ad, the principle still holds true, "How do we do it? Volume." As more and more Americans are living longer lives, they form a tremendous resource for group buying power.

I would invite my friend from Connecticut to expound on that notion.

Mrs. JOHNSON of Connecticut. Well, it is very, very important, and it is ironic that all the seniors of America, 40 million, have not been at the bargaining table to use their volume power to drive prices down on something as expensive and as critical to their lives as prescription drugs.

But there is another question I get asked a lot by my seniors, because a lot of seniors have some drug coverage provided by their former employers. They say to me, Will this drive my employer to drop his plan? I say to them that this is the only hope that your employer will keep his plan, because as prescription drugs get more and more expensive, the burden of retiree health plans on employers grows rapidly. Ultimately they begin to say, well, you will have to do a copayment, we will cut coverage here and there. That is a real threat to senior health.

But if we do this prescription drug bill, then those employers will know that if your drug costs get over a certain amount, then the government will take the whole amount, and in fact below that will provide a generous subsidy for $2,000 worth. Then they will know they just have a small, what we call a "donut hole" to insure, and even in that hole seniors will get that deep discount of 25 to 30 percent. So employers will be encouraged to stay in the business of providing employee health plans for retired employees, rather than to leave it. Without this prescription drug bill, I fear employers will begin dropping their retiree health plans rapidly.

So this is a real big plus for those who have employer-provided retiree health plans; and, boy, I will tell you, we cannot get this done soon enough.

Mr. HAYWORTH. Mr. Speaker, my colleague from Connecticut points this out, and we should make this clear to those who join us this evening, to those, like my parents, looking with interest at what may be available to them, now in their seventies. It is simply this realization: if we are able to pass a plan this year, if the House, with all due deliberation and sense of purpose, is able to move this forward in the coming weeks and months in a very defined period of time, and the other body takes action, it can be on the President's desk and the President signs it into law. Simply stated, if we pass a plan this year, seniors can reap the benefits this year.

It is what we hear again, prescription drug coverage now. Lower the cost of prescription drugs now.

My colleague from Connecticut, Mr. Speaker, offered another real point. To lower those costs, imagine what a 25 percent discount up front in a prescription drug bill would mean to a senior? I spoke earlier of the average Medicare beneficiary, the average senior, spending $2,150. Imagine an instant benefit of over $500, of $540. Think about that, in terms of purchasing groceries, in terms of paying utility bills and other commitments, or money that can be saved so that seniors have the peace of mind to pay their bills on time, to continue to be responsible, productive, honored individuals. In the great tapestry that is America, that is what we seek to do.

Again, we need to stress that under the plan we contemplate, we will guarantee prescription coverage as an entitlement under Medicare; strengthening, sustaining, reflecting the changes in health care; bringing Medicare into the 21st century with a prescription drug benefit that cannot be taken away. That is so important to so many senior Americans.

We want to make sure we are doing something now to make a positive difference in the lives of seniors and their families today, right now, because we understand that sets the framework for the future.

As that great demographic group nicknamed the baby boomers moves into retirement, we understand that we have to make changes to reflect the changes in medical science and in medical treatment and bringing Medicare into the 21st century. Our plan will help all seniors facing runaway drug costs because of a long-term serious illness.

It is a simple precept that we cannot repeat often enough, Mr. Speaker: no senior should lose their life savings simply to pay for their prescription medications.

Now, there will be some who offer plans that are under strict time limits, "now you see it, now you don't." It is our goal to introduce something with no catches, no gimmicks, no expiration dates, allowing senior Americans to choose the plan they believe to be right for them, voluntary, but a plan that can help all seniors, but especially the neediest among our seniors. Under our plan, it is our goal to guarantee a drug benefit under Medicare, no ifs, ands or buts.

Mr. Speaker, it is a challenge and a great honor to serve in the Congress of the United States. Indeed, as many reflect to me, sometimes in conversation, I guess the first time it really happened was one morning one weekend back in Arizona out for breakfast with my wife and children, and the young woman was of high school age behind the counter.

She said, "J.D. HAYWORTH, you were on my history test last week. I got extra credit because I know you are my Congressman." And I say that not out of some form of megalomania, though goodness knows those of us that get involved in public life do so for a variety of reasons, and for purposes of full disclosure we all have a healthy, strike that, perhaps many of us have an excessive dose of self-esteem, to be candid about that. But also whatever temporal pomposities must come along with it, it is a tremendously humbling experience to serve in the capacity of a constitutional officer; to be one of 435 charged with making laws; with making decisions that affect the lives of every American.

As we think about life's lessons learned, we think about those who imparted those lessons to us. Yes, teachers in classrooms across the years; but our first teachers came in our family, our parents, our grandparents, those who look to us now to be custodians of our future; to make the right decisions; to reflect the changes that need to come based on the remarkable advances we have seen in terms of health care to update and strengthen and bring Medicare into the 21st century; to renew the promise and the principle behind it, that to truly be compassionate we can hold down health care costs in the long term by adding this prescription drug coverage, and that we should not succumb to the temptation of being pennywise and yet pound foolish.

□ 2300

One of the great gifts of our forefathers, and what Catherine Drinker Bowen called "the miracle at Philadelphia," was not only giving us a remarkable document, the Constitution, and what Dr. Franklin charged was "a Republic, if you can keep it," but also the means through the amendment process, through the legislative process, to make changes based on the priorities and the changes in lifestyle that Americans would undoubtedly encounter as we have encountered some 200 years later.

Indeed, in these last few minutes, Mr. Speaker, I would point out that when we got together at the outset of this time, we spoke of the world as it existed in 1902, a very different America, still embodying the principles of constitutional governance, but a very different time in our history, not only in terms of the march of technology, but likewise in health care.

It bears repeating, Mr. Speaker, for those who may have just joined us, and Mr. Speaker, I hope those folks have found a seat, because some of this information is shocking, in 1902, let me repeat what I began our time together with, Mr. Speaker, in 1902 the average life expectancy in the United States was 47 years of age. The average life expectancy was 47 years of age. More than 95 percent of all births in the U.S. took place at home, not in a hospital, but at home. Ninety percent, 90 percent of all U.S. physicians had no college education. Instead, they attended so-called medical schools, many of which were condemned by the press and by our government as substandard.

The five leading causes of death were, No. 1, pneumonia and influenza; No. 2, tuberculosis; No. 3, diarrhea; No. 4, heart disease; No. 5, stroke.

We have a new set of challenges and opportunities. In this imperfect human existence, illness will be with us. We cannot completely conquer illness, but we can continue to improve the lifestyle conditions in terms of public health for all Americans, especially our honored seniors.

It is not a political gimmick or a short-term, cynical fix we seek; instead, it is a change that should be reflected in Medicare, to bring Medicare into the 21st century. This is the challenge we confront, Mr. Speaker, working together, men and women of good will across the panorama of political philosophies, across the partisan divide, to heed the message of our seniors who say they need and want prescription drug coverage now; that the cost of medicines can be lowered, that we can usher in a new age of Medicare for the 21st century reflecting the changes in medical technology, utilizing some of the commonsense proposals and principles our parents taught us about the value of a dollar, weaning out waste, fraud and abuse, making the effort to continue to improve lives, to continue to improve the quality of life, and set a prudent public policy based on true compassion that is not only more effective, more responsive, but in the long term, more economical for all Americans.

That is the challenge we confront, and we do not shrink from that challenge. Daunting though it may be, we welcome it; we embrace it. It is our intent to move this people's House forward to work with our President to get this done, to see action taken in the other body, and leaving plenty of time for the other body to get the work done on this legislation, as well.

If we move forward this year, seniors can reap the benefit this year. Mr. Speaker, our parents, our grandparents, our Nation's seniors deserve nothing less.

Mr. Speaker, I offer a word of thanks for my colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), who joined me for this time of dialogue on prescription drug coverage as part of Medicare, a new, stronger Medicare for the 21st century.

Mr. SULLIVAN. Mr. Speaker, I appreciate the opportunity to discuss the importance of prescrition drugs to seniors. I have talked to the seniors in my district about this, and I can tell you from my experience that this is of utmost importance to them. And it should be of utmost importance to us too. I am honored to be a part of the Speaker's Prescription Drug Action Team, working to achieve the best benefit possible for our seniors.

It is important that we provide prescription drug coverage for today's seniors while shoring up Medicare at the same time. The two go hand in hand. Unfortunately, Medicare is built around formulas that are outdated. We have a big job ahead of us, but it is one of the most important pieces of legislation to come before this body. We have to update Medicare at the same time we provide prescription drug coverage, so that both remain sound now and into the future.

But let's be clear about the prescription drug benefit: our seniors need coverage and they need it now, not later. We must act immediately to give them coverage such as 25% off the top of the first $1000 they spend. Their monthly premium and yearly deductible have got to be as low as we can get them, so that those living on a fixed income can afford their medications without worrying about whether or not they can afford food. And they have to be able to count on catastrophic coverage.

No senior should have to decide between prescription drugs and food, or prescription drugs and turning on the air conditioner in the middle of a brutal Oklahoma summer. That's just not fair. Our parents, and grandparents, deserve better than that. That's why I'm so excited to be on the Speaker's team, to help advise him on the concerns facing today's seniors. We have to be realistic about how we structure the plan, but the bottom line is that: seniors must be able to afford their prescriptions. I hope that my colleagues on both sides of the aisle would agree. This is our goal, and one we should reach across the aisle on, to help seniors. We must create policy, not politics. We must provide worthwhile prescription drug coverage for our parents and grandparents, and we must do it immediately.

DEFENDING PRESIDENT BUSH REGARDING KNOWLEDGE OF SEPTEMBER 11, 2001, THREAT, AND DETAILING UPCOMING TRAVEL TO RUSSIA, UZBEKISTAN, CHINA, AND NORTH KOREA

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized provisionally for half the time remaining until midnight.

Mr. WELDON of Pennsylvania. Mr. Speaker, I take the time this evening, and thank the Speaker and the staff for bearing with me, to basically perform two functions.

First of all, I will respond to those critics of President Bush who have taken unfair shots at him over the 9-11 situation, and will factually refute what people like the minority leader, the gentleman from Missouri (Mr. GEPHARDT), have said publicly about this President somehow not heeding evidence that was provided to him.

I am going to present the true facts of what we could have and should have done prior to September 11 that I think would have allowed us to both understand what was about to occur and to have done something about it.

The second action I am going to discuss this evening is an upcoming trip that I will be leading to Russia, Uzbekistan, Beijing, China, as well as Pyongyang, North Korea, the first delegation going into that country, and Seoul, South Korea, at the end of this week.

Mr. Speaker, let me start out by saying, first of all, in response to many of the media pundits who have spent the last week or 10 days criticizing President Bush and have publicly said that he had indications that should have alerted him to the upcoming attack on the World Trade Center, nothing could be farther from the truth. The facts are all in. The data the President got were basically individual elements provided by individual agencies about potential acts that might be against our country, nowhere near the immensity of what we actually saw on September 11.

They were bits of information, like the CIA saying there might be an attempt to hijack an airplane, but no linkage of that act to an attack on the Trade Center; or the fact that other agencies were looking at pilots that were obtaining licenses and had no intention of landing an airplane. Each of these bits of information, while being provided to the upper levels of our government, in and of themselves would not lead anyone to believe that an imminent attack was about to occur on the Trade Center.

But Mr. Speaker, as I said on September 11 on CNN live at 12 noon from the roof of a church across from the Capitol, on that day the government did fail the American people. Now, the President did not fail the American people, but the government failed the American people.

I am going to document for our colleagues today, and for the American public and the media, steps that we took in the years prior to September 11 when our agencies and the government did not respond. This started back in the Clinton administration and continued during the Bush administration.

In fact, Mr. Speaker, during the late 1990s, I chaired the Committee on Research for our national security, which meant that my job was to oversee about $38 billion a year that we spend on cutting-edge technology for the military.

One of those projects that I helped get additional funding for was the Information Dominant Center that the Army was standing up down at Fort Belvoir, technically known as the LIWAC. This Land Information Warfare Assessment Center was designed to monitor on a 24-hour-a-day basis 7 days a week all of our military classified systems, those systems used to run the Army. Each of our services was in the process of standing up an entity like the one that the Army stood up at Fort Belvoir.

Back in 1997, as I was supporting increased funding for this capability, I was amazed in two trips that I took to Fort Belvoir that the Army was not just able to maintain security over their information systems, but they were able to use new software tools and high-speed computers to do what is commonly called "profiling," to take vast amounts of information about the classified and unclassified information and process it and analyze it so that a picture could be drawn and a threat could be developed, proliferation could be monitored.

□ 2310

Now, this was back in 1997. In fact, I had a chance to use these capabilities and I think this story, more than any other, underscores the inabilities of our agencies on September 11 to really understand the threat that was emerging.

As you might recall, back in 1997 we had gotten into a war in Kosovo to remove Milosevic from power. All of Congress was not supportive of that conflict. In fact, I opposed the initial involvement with President Clinton by our troops, not because I have supported Milosevic but because I felt that we did not force Russia or allow Russia to play a more vibrant role in helping us to get Milosevic out of power.

Two weeks after the bombing campaign started, I started to receive telephone calls and started to receive emails from my Russian colleagues in the State Duma. People who are senior leaders who called me and e-mailed me and said we have a real problem. Your policy of bombing Milosevic and innocent Serbs is causing the Russian people to lose confidence in what America's real intent is, and you are driving Russia further away from our country. And I said what do you want me to do? They said we need you to convince your president that Russia can help play a role in ending the war and getting Milosevic out of office. And the Russians told me that they wanted me to go to Belgrade in the middle of the conflict, that they would arrange a meeting with Milosevic.

Well, I told them that that was very much undoable because we were in the middle of a war. We were bombing Serbia at the time. But I asked them to put that request in writing and they did. Within the next few days I got a letter on official Duma stationery where the Russians outlined their desire to take me and a delegation of Members of Congress to Belgrade, Yugoslavia. They outlined who would come from the Russian side and they committed that they would have a meeting with Milosevic personally with a date and time certain. They also agreed to visit a refugee camp of our choosing so we could show them the damage that Milosevic had caused innocent people, and they also agreed to release the three American POWs that were being held hostage.

When the letter came, it also included the name of an individual I did not know. His name was Dragomir Kric. The Russians had told me that this individual was very close to Milosevic personally, that the Russians trusted him, and that he was the guy that would get Milosevic to agree to the terms to end the hostilities against the Serbian, Yugoslavian people.

The Russian request I then took to the State Department with my colleague, the gentleman from Maryland (Mr. HOYER) on the other side. We had a 1 hour and 30 minute meeting in the Office of Deputy Secretary of State Strobe Talbott. We outlined for him what the Russians had requested for us and that we were willing to lead a delegation into Belgrade in spite of the war going on. Strobe Talbott listened and he said, I do not think it is a good idea. He said we cannot guarantee your safety and we do not think Milosevic will do what the Russians say he will do, and we think he will just use you. So my advice is not to go, but as citizens in America you can do what you want.

I said that we would not violate the request of our State Department and would not go. But the gentleman from Maryland (Mr. HOYER) suggested that perhaps we should meet the Russians in a neutral city and he suggested Vienna. Strobe Talbott said that was fine. So I came back to Capitol Hill and I sent a letter to all 435 members of the House outlining for them what the Russians had asked, what the administration response was, and invited every Member of this body to attend a meeting if they were interested in going with us to Vienna. From the meeting that we held 1- Members of Congress, 5 Democrats and 5 Republicans, volunteered to go with me to Vienna to meet with our Russian counterparts and Mr. Kric.

Now, before we left on that trip I wanted to know something about Kric so I called the CIA director, George Tennant. I said I do not know who this guy is. The Russians are convinced that he can give us information that will allow us to get Milosevic to agree to our terms. Can you tell me something about him as the director of the CIA?

He called me back the next day and gave me 2 or 3 sentences about Dragomir Kric and said that they thought he was tied in with the corruption in Russia but did not know much else about him.

Without telling anyone, Mr. Speaker, I went back to my friends at the Army Information Dominence Center, and I said can you run me a profile of a Dragomir Kric and tell me something about him. They ran a profile and they came back to me with 8 pages of information about this man, the profile of someone who was very close to Milosevic personally.

With that information, we left on a military plane on a Thursday afternoon after votes and flew all night to Vienna, arrived on Friday morning, and began our discussions in the hotel in Vienna with the 11 members of Congress, a State Department representative, the 5 Russians and Dragomir Kric.

We worked all through Friday into the night and into Saturday. And by Saturday midday something historic had happened. The Russians had agreed to the terms that we wanted to end the conflict. The Russians had agreed to things they had never agreed to. During the time when we were meeting, Kric was calling back to Belgrade talking to Milosevic on the phone personally. He would come back in the room and he would tell us what Milosevic was happy with and what he was not, but we were not there to negotiate with Milosevic. We were there to get the Russians to agree with us on an end to the conflict.

By 2 o'clock on Saturday afternoon we reached agreement. It was word for word read by the Russian and American side and we all signed off on an end to the war. It was an historic time for us because we thought we could stop the bombing and stop killing innocent people and get Milosevic out of power.

Kric immediately left the room and made a phone call. He came back in the room and said I just talked to Milosevic personally, and he has assured me that if we go down as a group right now to Belgrade, and I will hire the bus, and we all go down together, Milosevic will meet with us, he will agree to this framework which ends his reign. He will agree to accept international peacekeeping force to disarm the Serbs, and he will agree to allowing a U.N. or NATO force to bring stability to this country. And he will also release the 3 POWs that have not been heard from since they were captured by Milosevic.

Well, that was pretty historic, Mr. Speaker. So my colleagues on the other side called the White House from Vienna. They get on the White House operation center phone line and talked to John Podesta, the chief of staff for the President. And they said we have something that you have to get to President Clinton immediately. We have negotiated what we think is the end of the Kosovo war with the Russians, with a representative of Milosevic agreeing to the terms.

Another representative with us of the State Department called the State Department operations center and he told them what had transpired. So he notified both the White House and the State Department. The State Department said let me talk to Congressman WELDON. So I got on the phone. On the other end of the line was Steven Sestanovich who was at that time in charge of the Russia desk at the State Department.

I outlined for him what had occurred. He said, Curt, this is amazing but it is above my pay grade. I cannot tell you what to do. Hold on and I will have someone else call you back. Thirty minutes later, Mr. Speaker, I got a call from Tom Pickering. Tom Pickering was at that time number three in the State Department and had been the ambassador for us to Russia. I had known him in that capacity. He said, Curt, what is going on? And I explained to him that we had met with the Russians and Kric. We had reached agreement, and that Milosovic through Kric was saying that he was prepared to end the war if we went down to Belgrade. So I said to Tom Pickering, what do you think we should do?

He said, Curt, first of all, we do not trust Milosevic. We do not think that he will live up to what he is telling you through this guy Kric; and, furthermore, Curt, I do not even know who Kric is. I never heard of this guy and how could you believe that somehow he speaks for Milosevic?

I said, Tom, I did not know Kric either before I came here, but I know the Russians. They are my friends, and they have convinced me that he is the person that can get Milosevic to do what we want. He said, I do not think it is a good idea. In fact, let me tell you, the Reverend Jesse Jackson has been in Belgrade for a week. We have been in constant communication with him. In fact, he is coming home today. His delegation has been unsuccessful. They were trying to get the three POWs released, he said, but their mission has failed.

□ 2320

What makes you think that you can do something that the Reverend Jesse Jackson could do? I do not know, Tom. All I am telling you is what the Russians are saying based upon Kric's taught discussions with Milosevic. He said I do not think you should go, and I said okay, then we will not, because we are a Nation of laws and not of people.

I came back to the room where the Members of Congress were seated with our Russian counterparts. I told them the story, and they immediately became incensed at me. Kric called me a coward for not taking a delegation to Belgrade. He said, You just lost a chance to end the war and bring home your POWs.

I had Members of Congress from both parties telling me they were going to go on their own, and I said, Oh no, you are not; we came in a military plane that I acquired; you are going back to America with me.

So the 11 Members of Congress and the Russians and our State Department official sat down and discussed how we would implement our plan instead of going to see Milosevic in Belgrade. Kric went out of the room and came back in after making a phone call, and said, You just blew it; Milosevic had said you had a chance to end the war, to get him to publicly accept this agreement and he would release the POWs.

We continued to meet. Two hours later, our Navy escort came into the room, and he said to the 11 Members of Congress that CNN has just announced that Milosevic is releasing the POWs to Jesse Jackson's delegation. Kric told us that Milosevic did not want to keep them because he was fearful they would be harmed and we would blame him for their injuries. Even though he did not want to release them to Jesse Jackson, he did.

To continue the story and make my point, Mr. Speaker, we all came back home to America. We briefed our colleagues. We briefed the administration. We presented the framework that we negotiated, and 8 days later, or 2 weeks later, that became the basis of the G-8 agreement to end the war. So our work was fruitful, but something interesting happened that applies to September 11.

I got a call from the FBI in my office asking my staff to allow two agents to come over for me to brief them, for me to brief them, on a fellow named Dragomir Kric. I said, Fine, set it up for Monday afternoon in my office in the Rayburn Building. I went back to Pennsylvania, and on the Friday before that Monday, my office paged me with a 911 page. I called them and they said, You must call CIA congressional affairs immediately. I did.

The CIA said, Congressman, we are going to fly two agents to Philadelphia right now. They will meet you at the airport, they will come to your home, they will come to a hotel, wherever you want to meet them, but they have to talk to you immediately. I said, What is the urgency? They said, We have been tasked by the State Department to brief them on Dragomir Kric and we want you to tell us what you know about him. I said, Well, the FBI already asked for that information, why can't we do it together on Monday afternoon?

So that Monday afternoon I had four agents in my office: two CIA agents, one CI person and two FBI agents. For two hours they grilled me with four pages of questions about Kric.

I answered all their questions. I told them that there were four Kric brothers, that they were the owners of the largest banking system in the former Yugoslavia; that they employed some 60,000 people; that their bank had tried to finance the sale of an SA-10 from Russia to Milosevic; that their bank had been involved in a $4 billion German bond scam; that one of the brothers had financed Milosevic's election; that the house Milosevic lived in was really their house; that, in fact, Krics' wives were best of friends with Milosevic's wife; and that they were the closest people to this leader.

I told them all the information. When I got done, Mr. Speaker, I said, Now, do you want to know where I got my data from? They said, Yeah, you got it from the Russians. I said, No. They said, Well, then you got it from Kric. I said, No. I said, Before I went over there I had the Army's information dominant center run a profile for me of Dragomir Kric.

The FBI and the CIA in 1997 said to me, what is the Army's information dominant center? The FBI and the CIA had no knowledge that our military was developing a capability that would be able to do massive data mining of information to allow us to do a profile of a person or an event that was about to happen.

We took that model, based on that lesson which infuriated me as a Member of Congress to be asked to brief the CIA and the FBI, and working with people in the intelligence agencies, I developed a plan. This plan was to create a national collaborative center.

Back in 1997, Mr. Speaker, the national collaborative center where there were articles written, published in the media, technical media here was called the NOAH, N-O-A-H. It stands for National Operations and Analysis Hub. The function of the NOAH would be to have all 32 Federal agencies that have classified systems have a node of each of those systems in one central location managed by one of their employees, and when tasked by the national command authority, the President or the National Security Council, their data would be entered into a massive computer using new software tools like STARLITE and SPIRES and six others that are used by the private sector to do data mining.

In addition to classified information systems, they would also run through massive amounts of unclassified data, newspaper stories, magazine story, TV broadcasts, radio broadcasts. A person cannot do that manually, but they can do it through high-speed computers, as the Army did for me in developing the profile of Kric.

We took this plan and we said to the intelligence community, this is what we need to have to be prepared for threats in the 21st century, because the threats we are going to see over the next several decades will not come only from one nation state, they will come from terrorist organizations. We need to be able to pool all this data together and be able to profile it, analyze it and then come back with a true picture of what may be about to occur.

Mr. Speaker, this was in 1997. I briefed John Hamre. Dr. John Hamre was then the Deputy Secretary of Defense. I said, John, you have got to go down to Fort Belvoir and see this facility; it is amazing. He went down twice. He called me back and he said, Curt, it is amazing what they are doing there. This profiling worked, and they could do it because unofficially some other secret lines were running through Fort Belvoir that the Army could unofficially access. So it really was an official process.

He said, But you know, Curt, I cannot get to where you want to go because the CIA and the FBI will not cooperate and neither will the other agencies. He said, So I have a suggestion for you. Why do you not host a meeting in your office? I will come and you invite my counterparts at the FBI and the CIA.

So, Mr. Speaker, in my office, in 1998, I had the Deputy Secretary of Defense, the Deputy Director of the CIA and the Deputy Director of the FBI, four of us met for 1 hour. We briefed them on the NOAH. We talked about the need for a national collaborative center, national data fusion center; and the response was, We do not need to do that right now, we are doing our own systems in our own agencies; so thank you for your recommendations, and we are trying to share but not the way you want because that is too bold. That is too aggressive. This was 1998, Mr. Speaker.

Not satisfied with that, we held hearings. We did briefings for our colleagues; and in two consecutive defense bills, I put language in the bill that basically said the Defense Department and our intelligence agencies had to create a national collaborative center. So it became a part of the law; but Mr. Speaker, the agencies refused. They said we do not need to do that, we do our job very well.

Each of them does their job very well, but the problem is the threats in the 21st century will be seen from a number of different sources. It may be information coming from the Customs Department or from the Defense Intelligence Agency or from the NSA or from the CIA or the FBI or Commerce, State and Justice, all of which have classified systems; or it may come from some public statements in articles in other countries. We can only have the capability to understand all of that if we have a national fusion center.

□ 2230

We did not have that capability before September 11. That is why I stood up on September 11, at 12 p.m. in the afternoon and said, "Today our government failed the American people." Because, Mr. Speaker, we knew what we should have done. We knew what we could have done. And we did not do it.

In fact, Mr. Speaker, I firmly believe that if we would have implemented the NOAH, which John Hamre offered to pay for with DOD dollars, back when we first recommended it, I am convinced we could have stopped or known about and prevented September 11 from ever happening.

Let me give an example. CIA information on terrorism, combined with what the FBI knew about training pilots and open-source information on remarks by al Qaeda, would have helped the intelligence community and enforcement agencies focus better on the threat. For example, in August of 2000, an al Qaeda member had been interviewed by an Italian newspaper and reported that al Qaeda was training kamikaze pilots. The intelligence community and enforcement agencies, however, do not read open-source information. Yes, they read all the classified stuff, but this interview in 2000 was in an open-source newspaper account in Italy.

If we would have had a fusion center, all of that data would have been processed, and in very real quick time, through massive high-speed computers, and we would have seen the linkages between what was occurring. But with each agency doing its own thing, it is impossible to see the linkages. And that is why when President Bush before September 11 got a bit of information from the CIA and a bit from the FBI, and something else, and nothing from open sources, there is no way he could have foretold what was about to occur.

If we would have had the NOAH in place, an idea that was developed with the intelligence community, an idea that was briefed to the FBI, briefed to the CIA and briefed to the Defense Department, I think we could have done something to prevent al Qaeda.

In fact, Mr. Speaker, there is another interesting development that occurred. After the Army showed the capability of the LIWAC model at Ft. Belvoir, other services began to take interest. Special forces command down in Florida contacted the Army and said, hey, we hear you are doing some neat things. We want to build a mini version of what you are doing down at our headquarters.

I did not find out about this until October of 2001, after the attack on the trade center. A year before, special forces command developed their own mini version of a data processing or collaborative center with very limited capabilities. But what they did, Mr. Speaker, they did a profile of al Qaeda 1 year before 9–11.

The SPEAKER pro tempore (Mr. ISSA). The gentleman from Pennsylvania (Mr. WELDON) is recognized to continue until midnight.

Mr. WELDON of Pennsylvania. Mr. Speaker, here is the chart, the unclassified chart of what special forces command had 1 year before 9–11. Interesting. The entire al Qaeda network is identified in a graphic chart with all the linkages to all the terrorist groups around the world.

In fact, Mr. Speaker, I was told by the folks who developed the capability for special forces command that this chart and the briefing that was supposed to be given to General Shelton, Chairman of our Joint Chiefs, had a recommendation to take out 5 cells of bin Laden's network. Mr. Speaker, this was 1 year before 9–11. This was not during President Bush's administration. This occurred in the fall of the remaining term of President Bill Clinton.

The key question I have been trying to get at is why was this 3-hour briefing, which I also got, I got General Holland to bring his briefers up from Florida with special forces, I went in the Pentagon, went in the tank, and they gave me the briefing, as much as they could give me, because part of it is being used for our operational plan, why was that 3-hour briefing with the recommendations to take out 5 cells of bin Laden's network condensed down to a 1-hour brief when it was given to General Hugh Shelton in January of 2001? And why were the recommendations to take out 5 cells not followed up on? That is the question we should get answered, Mr. Speaker.

Because 1 year before 9–11, the capability that special forces built actually identified to us the network of al Qaeda. And they went beyond that and gave us recommendations where we could take out cells to eliminate their capability. So for those pundits out there sitting in their armchairs criticizing President Bush, they have it all wrong.

Facts are a tough thing to refute, and the fact is that back in 1997, we told the administration at that time what to do. In 1998, we briefed the agencies. In 1999, we put language in a defense bill. In 2000, we put language in a defense bill. In 2000, special forces command built another mini version of that capability. And in 2000 they briefed General Shelton telling him to take out 5 cells of bin Laden's network. All of that activity could have prevented or helped to prevent 9–11 from ever occurring. I challenge my colleagues, Mr. Speaker, to review the facts. I challenge the media to report the truth.

We still do not have a national collaborative center. That capability still does not exist. We are getting there, but it has been a long road. I briefed our Homeland Security Director Tom Ridge, with the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, about 4 months ago. He agreed with us, but he has not yet been able to achieve this new interagency collaborative center, and that is an indictment of our government that the American people deserve to be outraged over.

We need this kind of capability in the 21st century, because these bits of pieces of information have to be pieced together, both classified and unclassified, so that our analysts can get the clear picture of what may be about to occur against our people and our friends.

So, Mr. Speaker, I seek to clarify the charges against the President and to answer them, and I encourage my colleagues to learn more about the need for a national collaborative center, a national data fusion center or, as I call it, a national operations and analysis hub.

Mr. Speaker, I will enter into the RECORD the documentation from as far back as 1998, 1999, and 2000 with our recommendations to implement this kind of capability:

of an Office of Transformation within the Office of the Secretary of Defense to advise the Secretary on—

(1) development of force transformation strategies to ensure that the military of the future is prepared to dissuade potential military competitors and, if that fails, to fight and win decisively across the spectrum of future conflict;

(2) ensuring a continuous and broadly focused transformation process;

(3) service and joint acquisition and experimentation efforts, funding for experimentation efforts, promising operational concepts and technologies and other transformation activities, as appropriate; and

(4) development of service and joint operational concepts, transformation implementation strategies, and risk management strategies.

(c) SENSE OF CONGRESS OF FUNDING.—It is the sense of Congress that the Secretary of Defense should consider providing funding adequate for sponsoring selective prototyping efforts, wargames, and studies and analyses and for appropriate staffing, as recommended by the director of an Office of Transformation as described in subsection (b).

SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(A) REVISED REPORT.—At the same time as the submission of the budget for fiscal year 2003 under section 1105 of title 31, United States Code, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a revised report assessing alternatives for the establishment of a national collaborative information analysis capability.

(b) MATTERS INCLUDED.—The revised report shall cover the same matters required to be included in the DOD/CIA report, except that the alternative architectures assessed in the revised report shall be limited to architectures that include the participation of All Federal agencies involved in the collection of intelligence. The revised report shall also include a draft of legislation sufficient to carry out the preferred architecture identified in the revised report.

(c) OFFICIALS TO BE CONSULTED.—The revised report shall be prepared after consultation with all appropriate Federal officials, including the following:

(1) The Secretary of the Treasury.
(2) The Secretary of Commerce.
(3) The Secretary of State.
(4) The Attorney General.

DEFENSE INFORMATION AND ELECTRONICS REPORT

WELDON: DOD NEEDS MASSIVE INTELLIGENCE NETWORK FOR SHARED THREAT INFO

Senior Pentagon officials are mulling over an idea proposed by Rep. Curt Weldon (R–PA) that would link classified and unclassified documents in a massive intelligence clearinghouse that could be accessed by 33 federal agencies—a concept similar in some ways to one floated by DOD intelligence officials but with significantly fewer players involved.

"Our problem with intelligence is that we're stove-pipped," said Weldon, chairman of the House Armed Services military research and development subcommittee, during a Nov. 8 interview. "Each agency has its own way of collecting data and analyzing it, but they don't share that information with other agencies. The need is to have a better system of analyzing and fusing data sets across agencies and services—certainly within the Pentagon and the military, but my opinion is that we have to go further than that."

Weldon first proposed the concept of a "National Operations Analysis Hub" to Deputy Defense Secretary John Hamre last June, although the congressman said he kept his initiative quiet until a stronger plan could be developed.

The Pentagon-funded network of agencies would be operated by DOD. According to Weldon, it would pull together large amounts of information to produce intelligence profiles of people, regions and national security threats, such as information warfare and cyber-terrorism.

"The NOAH concept of a national collaborative environment supporting policy and decision-makers mirrors the ideas you have expressed to me in recent discussions, and it is a tangible way to confront the growing asymmetrical threats to our nation," Weldon wrote in his July 30 letter to Hamre.

The NOAH concept, however, was not wholeheartedly embraced by Hamre, who met with Weldon last summer and told the congressman his suggested use of the Army's Land Information Warfare Activity at Ft. Belvoir, VA, as a model for NOAH, would never stick.

Because LIWA is already short of resources, the Army is apprehensive about taking on any new tasks, Hamre told Weldon.

Weldon, in a July 21 letter to Hamre, also urged the Pentagon to support additional future funding for LIWA, citing critical budget shortfalls that he said have kept the agency from fulfilling a barrage of requests for intelligence files from Army commanders (Defense Information and Electronics Report, July 30, p1).

"There's massive amounts of data out there, and you have to be able to analyze it and create ways to focus on that data so its relevant to whatever you're interested in," he said this week about his support for LIWA. "Well, the Army has already done that."

While Weldon continues to push for NOAH to be patterned after LIWA, he sees it operating on a much larger scale. Impressed by its ability to pull together huge amounts of both unclassified and classified data, Weldon noted LIWA's Information Dominance Center can create in-depth profiles that could be useful to the CIA, FBI and the White House. Yet most federal agencies don't even know LIWA exists, he added.

"Right now the military is limited to [its] own sources of information," Weldon said. "And in the 21st century, a terrorist group is more than likely going to be involved with terrorist nations. So the boundaries are crossed all the time. We don't have any way to share that and get beyond the stove-pipping."

Meanwhile, officials within the Defense Department's intelligence community have been considering another way to amass intelligence information through a concept called the Joint Counter-intelligence Assessment Group. A DOD spokeswoman said proponents of the idea, for now, are unwilling to disclose details about it. She was also unable to say whether a formal proposal to Hamre had been made yet.

In Weldon's July 30 letter to Hamre, however, Weldon alludes to an ongoing, "initiative to link counterintelligence groups throughout the community."

"I have heard of an attempt to connect the Office of Drug Control Policy (ONDCP) and [Office of the Secretary of Defense] assets with federal, state and local law enforcement agencies," Weldon wrote.

However, Weldon said in the interview he believes JCAG is simply more "stove-pipping."

"I also have seen what the Army has done at LIWA, which has created a foundation for creating a higher-level architecture collaborating all of these efforts," his July letter states.

NOAH would link together almost every federal agency with intelligence capabilities, including the National Security Agency, the National Imagery and Mapping Agency, the Energy Department, the CIA and the FBI. Both Congress and the White House would be offered a "node" for briefing capabilities, meaning intelligence agencies could detail situations on terrorist attacks or wartime scenarios.

"It's mainly for policymakers, the White House decisionmakers, the State Department, military, and military leaders," he said.

Although information-sharing among the intelligence community has yet to be formalized through NOAH or JCAG or a similar system, military officials have said they need some kind of linked access capability.

Intelligence systems need to be included within the Global Information Grid—the military's vision of a future global network that could be accessed from anywhere in the world, said Brig. Gen. Marilyn Quagliotti, vice director of the Joint Staff's command, control, communications and computers directorate, during a Nov. 5 speech on information assurance at a conference in Arlington, VA.

"We need a more integrated strategy, including help from [the Joint Staff's intelligence directorate] with intelligence reports or warnings of an attack," she said.

Quagliotti said the toughest challenge for achieving "information superiority" is the need to unite networks and network managers under one command structure with stronger situational awareness capabilities.

"Part of [the challenge] is the overwhelming amount of information, the ability to access that information, and the ability to reach back and get that information, which means that networks become more crucial to the warfight," she said.

[From Signal, Apr. 2000]

Fusion Center Concept Takes Root As Congressional Interest Waxes

Creation of a national operations and analysis hub is finding grudging acceptance among senior officials in the U.S. national security community. This fresh intelligence mechanism would link federal agencies to provide instant collaborative threat profiling and analytical assessments for use against asymmetrical threats. National policy makers, military commanders and law enforcement agencies would be beneficiaries of the hub's information.

Prodded by a resolute seven-term Pennsylvania congressman and reminded by recent terrorist and cyberthreat activities, the U.S. Defense Department is rethinking its earlier aversion to the idea, and resistance is beginning to crumble. Funding to establish the national operations and analysis hub (NOAH), which would link 28 federal agencies, is anticipated as a congressional add-on in the Defense Department's new budget. An initial $10 million in funding is likely in fiscal year 2001 from identified research and development accounts.

Spearheading the formation of NOAH is Rep. Curt Weldon (R-PA), chairman of the U.S. House of Representatives National Security Committee's military research and development subcommittee. He emphasizes that challenges facing U.S. leaders are beginning to overlap, blurring distinction and jurisdiction. "The increasing danger is both domestic and international."

Conceptually, NOAH would become a national-level operations and control center with a mission to integrate various imagery, data and analytical viewpoints. The intelligence products would support U.S. actions. "I see NOAH as going beyond the capability of the National Military Command Center and the National Joint Military Intelligence Command. NOAH would provide recommended courses of action that allow the U.S. to effectively meet emerging challenges in near real time," the congressman illustrates.

"This central national-level hub would be composed of a system of agency-specified mini centers, or 'pods,' of participating agencies and services associated with growing national security concerns," Weldon reports. "NOAH would link the policy maker with action recommendations derived from fused information provided by the individual pod." Automation and connectivity would allow the pods to talk to each other in a computer-based environment to share data and perspectives on a given situation.

The congressman believes that NOAH should reside within the Defense Department and is modeling the hub's concept on a U.S. Army organization he closely follows. He says the idea for NOAH comes from officials in several federal agencies. However, it is also based on his own experiences with the U.S. Army's Intelligence and Security Command's (INSCOM's) Land Warfare Information Activity (LIWA) and Information Dominance Center, Fort Belvoir, Virginia.

Patterned after LIWA, (SIGNAL, March, page 31), NOAH would display collaborative threat profiling and analysis. With the aid of a variety of electronic tools, the hub would support national actions, Weldon discloses.

The congressman is conscious of other initiatives such as linking counterintelligence groups throughout the community. He also is aware of the Central Intelligence Agency's (CIA's) counterterrorism center, the Federal Bureau of Investigation's (FBI's) National Infrastructure Protection Center and a new human intelligence (HUMNIT) special operations center. "We don't need another analytical center. Instead, we need a national-level fusion center that can take already analyzed data and offer courses of action for decision making," he insists.

Weldon's wide experience in dealing with officials from the FBI, CIA and the National Security Agency (NSA) convince him that policy makers are continuing to work in a vacuum. "Briefings and testimonies are the primary vehicles for transmitting information to leaders. The volume of information germane to national security issues is expanding so rapidly that policy makers are overwhelmed with data," he claims.

Robust situational awareness of asymmetric threats to national security is a key in assisting leaders, Weldon observes. "Policy makers need an overarching information and intelligence architecture that will quickly assimilate, analyze and display assessments and recommend courses of action for many simultaneous national emergencies," he declares. The concept of NOAH also calls for virtual communications among policy makers.

Weldon's plan is for White House, Congress, Pentagon and agency-level leaders each to have a center where they receive, send, share and collaborate on assessments before they act. He calls NOAH the policy maker's tool. In the collaborative environment, the hub would provide a multiissue, multiagency hybrid picture to the White House situation room and the Joint Chiefs of Staff.

NOAH's concept also includes support for HUMINT and peacekeeping missions along with battle damage assessment. The same system could later help brace congressional committees and hearings. The new capability would allow application of foreign threat analyses to policy, while providing a hybrid situational awareness picture of the threat, Weldon relates. Industrial efforts of interest to the policy maker could be incorporated, and academia also could be directly linked.

In meetings with high-level FBI, CIA and defense officials, Weldon stressed the need to "acquire, fuse and analyze disparate data from many agencies in order to support the policy maker's actions against threats from terrorism, [ballistic missile] proliferation, illegal technology diversions, espionage, narcotics [trafficking], information warfare and cyberterrorism." He is convinced that current collection and analysis capabilities in various intelligence agencies are stovepiped. "To some extent, this involves turf protection, but it clearly hinders policy making."

Weldon, who was a Russian studies major, offers some of his own recent experiences as examples of why there is a strong need for NOAH. He maintains close contact with a number of Russians and understands their programs and technologies. The congressman is quick to recall vignettes about Russian officials and trips to facilities in the region.

During the recent U.S. combat action involvement in Kosovo, Weldon was contacted by senior Russian officials. Clamoring for Russia to be involved in the peace process they claimed that otherwise upcoming elections could go to the communists. The Russians proposed a Belgrade meeting with Weldon, congressional colleagues, key Serbian officials and possibly Yugoslave President Slobodan Milosevic.

After the first meeting with key officials from the departments of State and Defense and the CIA, Weldon and other members of Congress went to Vienna, Austria. The State Department objected to a meeting in Belgrade, suggesting instead a neutral site. Before the departure, the Russians informed Weldon that Dragomir Karic, a member of a powerful and wealthy Kosovo family, would attend the meeting. Karic's brother was a member of the Milosevic regime.

At the end of the Vienna meeting, the Russians and Karic told Weldon that if he would accompany them to Belgrade, Milosevic was prepared to meet with them and publicly embrace a peace agreement concept reached during the Vienna meeting. The agreement would have directly involved Russia in the peace process. A diplomatic official with the U.S. delegation telephoned Washington, D.C., and the State Department objected to the Belgrade trip. The congressman and his colleagues returned home.

As soon as he arrived in Washington, D.C., the FBI telephoned to request a meeting with Weldon to gather details on Karic. It was clear, Weldon reports, they had very little information on him or his family. The following day, the CIA telephoned the congressman and asked for a meeting "about Karic." Instead, the congressman proposed a joint meeting with CIA and FBI agents in his office. Two officials from each agency attended with a list of questions.

Weldon learned from the agents that they were seeking information on Karic to brief the State Department. When he explained that the information came from the Army and LIWA, the CIA and FBI agents had no knowledge of that organization, he confirms. Before his departure for Vienna, the congressman received a six-page LIWA profile of Karic and his family's links to Milosevic.

"This is an example of why an organization like NOAH is so critically necessary," Weldon contends. "LIWA's Information Dominance Center provides the best capability we have today in the federal government to assess massive amounts of data and develop profiles. LIWA uses it contacts with other agencies to obtain database information from those systems," he explains. "Some is unclassified and some classified."

Weldon cites an "extraordinary capability by a former CIA and Defense Intelligence Agency official, who is a LIWA profiler, as one of the keys in LIWA's success. She does the profiling and knows where to look and which systems to pull information from in a data mining and extrapolation process," he proclaims. "She makes the system work."

Weldon intends to use LIWA's profiling capability as a model for building NOAH. "My goal is to go beyond service intelligence agencies and integrate all intelligence collection. This must be beyond military intelligence, which is too narrow in scope, to provide a governmentwide capability. Each agency with a pod linked to NOAH would provide two staff members assigned at the hub, which would operate continuously. Data brought together in "this cluster would be used for fusion and profiling, Which any agency could then request," he maintains.

NOAH would not belong to the Army, which would continue with its own intelligence capabilities as would the other services. There would only be one fusion center, which would handle input from all federal agencies and from open sources. Weldon explains. "NOAH would handle threats like information operations and examine stability in various regions of the world. We need this ability to respond immediately." The congressman adds that he recently was briefed by LIWA on very sensitive, very limited and scary profile information, which he describes as "potentially explosive." In turn, Weldon arranged briefings for the chairman of the House National Security Committee, the Speaker of the House and other key congressional leaders.

"But this kind of profiling capability is very limited now. The goal is to have it on a regular basis. The profiling could be used for sensitive technology transfer issues and information about security breaches," the congressman allows. LIWA has what he terms the fusion and profiling state-of-the-art capability in the military, "even beyond the military." Weldon is pressing the case for NOAH among the leaders in both houses of Congress. "It is essential that we create a govenmentwide capability under very strict controls."

Weldon adds that establishing NOAH is not a funding issue; it is a jurisdictional issue. "Some agencies don't want to tear down their stovepipes. Yet, information on a drug lord, as an example, could be vitally important to help combat terrorism." He makes a point that too often, federal agencies overlap each other in their efforts to collect intelligence against these threats, or they fail to pool their resources and share vital information. "This redundancy of effort and confusion of jurisdiction only inhibits our nation's capabilities," he offers.

NOAH would provide high-bandwidth, virtual connectivity to experts to agency pod sites. Protocols for interagency data sharing would be established and refined in links to all pod sites. The ability to retrieve, collate, analyze and display data would be exercised to provide possible courses of action. A backup site would be established for redundancy, and training would begin on collaborative tools as soon as it is activated.

This hub system would become part of the national policy creation and execution system. The tools available at LIWA would be shared so that every agency would have the same tools. Weldon explains that all agencies would post data on the National Reconnaissance Office (NRO) highway in a replicated format sensitive to classification. NOAH's global network would use the NRO system as a backbone.

NOAH optimizes groups of expertise within each organization—experts who are always on hand regardless of the issue. This approach ties strategic analysis and tactical assessment to a course of action."Before the U.S. can take action against emerging threats, we must first understand their relationship to one another, their patterns, the people and countries involved and the level of danger posed to our nation," Weldon says, "That is where NOAH begins."

STEPS TO ACHIEVE NOAH CAPABILITY

Establish baseline capability by building initial Hub Center and congressional virtual hearing room. Equip White House Situation Room to Collaborate with these sites.

Staff the Hub Center with two reps from each of the 28 key participating agencies.

Link up NOAH internal and external collaborative environment.

Hook in Back up Site for redundancy and begin training on collaborative tools.

Build the 28 Key Agency Pod Sites along model of the Information Dominance Center at Fort Belvoir, VA.

Link all Pod Sites to NOAH hub center.

Establish Protocols for Inter-agency data sharing.

Exercise live ability to retrieve, collate, analyze, display disparate data and provide policy makers course of action analysis at the NOAH Hub Center.

Refine procedures and Protocols.

AGENCIES REPRESENTED IN THE NATIONAL COLLABORATIVE CENTER

Central Intelligence Agency
Defense Intelligence Agency
National Imagery and Mapping Agency
National Security Agency
National Reconnaissance Office
Defense Threat Reduction Agency
Joint Chiefs of Staff
Army/LIWA
Air Force
Navy
Marine Corps
Joint Counter-Intelligence Assessment Group
ONDCP
FBI
Drug Enforcement Agency
U.S. Customs
National Criminal Investigative Service
National Infrastructure Protection Center
Defense Information Systems Agency
State Department
Five CINCs
Department of Energy
Department of Commerce
Department of the Treasury
Justice Department
Office of the Secretary of Defense
National Military Command Center
National Joint Military Intelligence Command

Elements to be connected to the national collaborative center would include the White House Situation Room, a Congressional Virtual Hearing Room and a possible redundant, or back-up site.

Mr. Speaker, the second topic I want to touch upon briefly is the President's summit, which will take place in Russia this week. When the President travels to Moscow and St. Petersburg this week, he will have something that no other president has had before in our relationship with Russia. This President will take with him a document that was prepared by a bipartisan group of our colleagues in the House and the Senate, supported by all the major U.S.-Russia thinktanks to broaden our relationship with Russia.

A year ago, I started working on trying to forge a new direction for our relationship with Russia. I contacted all the thinktanks from Harvard and Columbia to Monterrey, to the U.S.-Russia Business Council, the Tolstoy Foundation, Georgia Tech, and all those schools doing work with Russia and all those nonprofits and NGOs. I said, first of all, tell me what you are doing with Russia. Because, surprisingly, Mr. Speaker, not one Federal agency had a complete list of all the initiatives between the U.S. people and the Russian people, U.S. agencies and Russian agencies, U.S. NGOs and Russian NGOs.

That document became a 9-page appendix in the back of the report we prepared for President Bush, for the first time listing all the activities that we are engaged in with Russia on. How can we have a relationship when we do not even know what we are doing with that country and its people?

□ 2340

I also asked those groups to make recommendations for me of what new things we could be doing with Russia to expand our relationship beyond the issues where we disagree. Because you see, Mr. Speaker, in the past our Presidents would meet and they would argue over issues that we disagree on, how many missiles we had, how many nuclear weapons, the ABM treaty, and we argue when neither side trusts the other.

My point is before we can get to those difficult issues, we have a new President in Russia, a new President in America, a new Congress, why do we not expand our relationship based on the new direction Putin is taking Russia and truly become friends with the Russian people?

The resultant recommendations that we produced are contained in this document. Members can get it on my Web site, both in Russian and in English. It is also being transmitted over in Russia to the Duma, and I presented it to Putin himself in October of last year. This document, Mr. Speaker, says, and I hope that the upcoming summit will build on this and I am confident it will, that our relationship with Russia should be expanded to 11 areas, not just defense. They include agriculture, culture and education, economic development, energy and natural resources, the environment, health care, judicial and legal, local government, science and technology, space and aeronautics and defense and security. There are 108 recommendations. Some do not require any new programs, simply changes legislatively, like ratification of the Law of the Sea Convention basically elevating Russia out of Jackson-Vanik, supporting Russia's accession to the WTO, restructuring of the London and Paris Club debt.

Other recommendations require action on the part of the administration and the Congress. Many of these recommendations do not involve public money. They involve simply the support of existing private relationships, school to school, company to company, NGO to NGO. In fact, in the area of culture, that entire document was written by the Tolstoy Foundation. They receive no public money. All of their work is done with foundation and donations. In the economic area, we dealt with the U.S.-Russia Business Council. They gave us their recommendations. In health care I went to the Academy of Physicians. They are doing work in Russia in training doctors and nurses. They wrote that recommendation. The resultant document, 45 pages long, gave this President something no other President had, a detailed blueprint to expand the relationship between Russia and the U.S. to a new level.

In giving this to the President, Mr. Speaker, I did not want it to come from me. So I went to our colleagues in the House and the Senate. I had 2 days prior to the October summit to get signatures. Every Member I went to agreed to sign on as a supporter of this document and its recommendations. In the Senate, I went to CARL LEVIN, JOE BIDEN, and DICK LUGAR. They signed the front page with me. In the House I went to the far left, my good friend DENNIS KUCINICH who chairs the Progressive Caucus who immediately signed on. He has been with me to Russia three times. I went to my good friend BERNIE SANDERS who has traveled to Russia with me, who is our only socialist in the Congress. I went to the chairman of the Hispanic Caucus, SILVESTRE REYES, who signed the document responding and representing all the Hispanic Members and moderate Democrats like HOWARD BERMAN, NORM DICKS, JACK MURTHA, all signed on in support of this new relationship.

On the conservative side I went to our colleagues and friends ROSCOE BARTLETT and JOE PITTS, JOHN DOOLITTLE, they all signed on, as well as the leadership, DICK ARMEY, CHRIS COX, J.C. WATTS, and HENRY HYDE.

In the end, Mr. Speaker, when this document was given by me to President Bush, Condoleezza Rice, and to President Putin before he left for Crawford, Texas, by me, it had the signatures of one-third of the Congress. So as President Bush travels to St. Petersburg and Moscow this week, he now has the unified support of this Congress to broaden our relationship with Russia like we have never done before. It is up to our President and the Russian President to stake out new territory.

The arms control agreement they have reached is historic. I commend President Bush overwhelmingly for what he has done to reduce the nuclear weapons from 6,000 to 2,000 on both sides. That in itself is a historic item, as is the new relationship with Russia and NATO. But, Mr. Speaker, that is not enough. The stars are all aligned this week. We have a new President in Russia who has done some dramatic things, things that would never have been thought of over the past 10, 15 years in Russia. He shut down Russia's largest listening station against us in Cuba without our asking. He ordered the pullback of trainloads of Russian military supplies in Moldova on the European border without our request. He offered us his airport that used to be a Soviet military base in Uzbekistan where our troops are currently housed.

He was the first elected official on September 11 to call President Bush to say Russia will give you whatever you need to fight terrorism. It was not Tony Blair. It was Putin. And he has given us full access to Russia's intelligence.

So we have a president in Russia who is taking some dramatic steps. He is being criticized for that back home. In fact, just a month and a half ago, 41 retired generals and admirals and two former defense ministers in Russia took out a full page ad in a Russian publication called Nezavizimaya Gazeta, one of the largest publications in Moscow. That full page ad criticized Putin for moving too close to America, for getting too friendly with the West.

You see, Mr. Speaker, there are hard-liners in Russia that want to take us back to the Cold War, that do not like America and Russia coming together; but it is not just in Russia, Mr. Speaker. There are hard-liners in our country that do not like the direction we are going in, either. President Bush and President Putin have got to pull away from the Cold War mentality, those hard-liners in both countries, and have a historic opportunity to move our two nations into a new relationship, a relationship of trust, of understanding, and of mutual engagement, in the areas of health care, education, environment, energy, to show the Russian people that we truly want them to be a successful nation, that we want to be partners with them; and I am convinced now more than ever that we need Russia.

We need to reduce our dependency on Middle Eastern crude oil which is the reason why we have the major problem in the Middle East today, in Israel. If we reduce our dependency on Middle Eastern crude, the Russians have vast amounts of crude and gas that we can help them develop. We must work with them together.

So, Mr. Speaker, I wish the President well. I will lead a 19-Member delegation into Moscow the day that President Bush comes back home. We will follow up his meetings with Putin with members of the Duma and the Federation Council. We will follow up on the recommendations of the document and on Monday morning we will listen to President Putin give us a summary of his feeling about the summit. I am optimistic, Mr. Speaker, because I think these two Presidents are going to fundamentally change the face of the world security relationship. Russia and America, two archenemies for 70 years, I think in the 21st century will become two partners that will work to stabilize the world. Russia can assist us in dealing with Iran and Iraq because of their ties to those countries. In fact, Russia can assist us in a number of areas, in energy, in technology. It is in our interest and in theirs to work together.

Just 2 weeks ago on the floor of this Chamber, we took another historic vote. I offered an amendment to the defense bill that was supported by 362 Members of Congress from both parties to challenge the Russians to provide full transparency on their nuclear weapons, their nuclear testing, their nuclear program. That same day in my office, I was meeting with the Russian minister of atomic energy. He is a friend of mine. I have known him for the past 5 years when he worked at Kurchatov Institute for my friend Yevgeny Velakof. The minister of atomic energy was in my office when we voted on an historic measure that I offered to provide full transparency in our nuclear relationship with Russia. My hope is that this too will become a point of discussion between Presidents Bush and Putin, because if we truly want further arms reductions, if we truly want to have a more secure world, it has got to start by building a trust that we have not had for the past 10 years.

And if I were a Russian, I would not have trusted us either during the 1990s. After all, we turned our back when Yeltsin's friends were stealing billions of dollars of IMF money. We pretended we did not see it, because we did not want to embarrass Boris Yeltsin. And when we saw evidence of technology being transferred out of Russia, by disgruntled generals and admirals, we pretended that we did not see that because we did not want to embarrass Yeltsin. So the Congress misread that and blamed the Russian Government and said we do not want to work with this country. So during the 1990s, we lost the trust and confidence of the Russian people. The best evidence of that to me was comparing what I saw in 1992 when Boris Yeltsin stood on a tank outside the Moscow White House waving the Russian flag with 20,000 or 30,000 Russians surrounding him, declaring the Soviet Union was dead, Communism had ended, Russia was a new country.

□ 2350

During that same speech, Yeltsin said America and Russia will be partners together, and the Russian people cheered. That was in 1992 when Yeltsin gave that speech.

Compare that to 1999. Yeltsin has health problems, drinking problems. Russia is filled with corruption, which we ignored. 1999, Yeltsin is being railroaded out of office, his popularity is down to 2 percent. The only people supporting Yeltsin was the United States leadership. That is why in the fall of 1999, two months before Yeltsin left office, 20,000 new Russians gathered outside our embassy in Moscow and burned the American flag, fired weapons at our embassy, and threw paint at the walls of our embassy compound. In seven short years we had gone from Russia's partner to the Russian people saying "we don't trust you, America."

This week, President Bush and President Putin have a chance to change all that, and unlike any other time, they have got the Congress behind them, the Duma behind them, the Federation Council behind them. Members of Congress will be in Moscow right following the summit telling the Russian people that this truly is a new time, a new beginning.

I ask and I urge all of my colleagues to thank the President for his leadership and to continue to support those efforts, especially passage of the Jackson-Vanik legislation, that will truly allow Russia to become a close partner and ally of our Nation.

Mr. Speaker, following our trip to Russia, we are going to do a few other historic things I want to highlight for our colleagues. We will leave Russia on Monday, after meeting with Putin in the morning and the Members of the Duma and the Federation Council, and we will fly in our military plane to Uzbekistan. In Taskent we will meet with the President of the country and leaders of their parliament.

Uzbekistan is a shining example of a former Soviet State that has now become one of our strongest allies, opening up its territory for our troops. We will visit with their parliament and we will challenge them to start a new relationship between their parliament and our Congress like we have done with the Russian Duma, the Ukrainian Rada, the Moldavian Parliament.

While in Uzbekistan, after meeting with their leaders, we will go to our military base, we will meet with our troops, we will give them home-baked cookies from the kids and families of America, we will give them 6,000 handmade greeting cards from elementary school children, we will give them Hershey candy bars and TastyKakes from Pennsylvania, and talk to them about what life is like back here in the States.

We may also visit one of our base camps in Afghanistan to show our support there for our troops as well.

Then we will leave Uzbekistan and we will travel to Beijing, China. In Beijing we will meet with the incoming leader, Mr. Hu, who was just recently in the U.S. I will speak at the National Defense University of the People's Liberation Army, the third time I have spoken there. I will give a speech on a major university campus in Beijing and interact with the up and coming leaders of that country.

We will also meet with the chairman and leadership of the People's Congress to talk about areas of mutual concern and interest between the U.S. and China.

We will leave Beijing on Thursday and fly into Pyongyang, North Korea, the first time ever that a U.S. Congressional delegation in a bipartisan, open way has visited North Korea. What a historic opportunity for us to open the door for dialog with the leaders of North Korea.

We will not be there to endorse them, we will not be there to support their government, because it is a communist dictatorship. We will be there to tell them as human beings we have to talk, we have to meet, we have to speak and exchange our views. And we want to tell them that we care about their people, we care about the education of their kids, the ability for them to feed their people and the ability of them to provide a stable quality of life for North Korean citizens. We will not reach any landmark agreements. We will do something that needs to be done, we will open the door to North Korea.

I will be taking a letter with me, Mr. Speaker, from the President of Drexel University in Philadelphia, a school with a huge population of foreign and Korean students, and the president of Drexel, Constantine Papadakis, will invite the President of the largest university in North Korea to establish an academic relationship between the two schools.

We will also be carrying a letter from the Foreign Policy Research Institute in Philadelphia offering to host a conference in America on U.S.-North Korean relations.

I will be carrying a third letter signed by students of Drexel to students of the largest university in North Korea asking to have a student exchange of letters and eventually trips back and forth. We will also discuss our relations with the People's Congress in North Korea and ways we can work together. Hopefully this will be the start of the opening up and the thawing of the relations between our country and North Korea.

Following our trip to Pyongyang, we will travel to Seoul, Korea. In Seoul we will brief the South Koreans who are enthusiastically supporting our trip about our discussions. We will brief the incoming candidates for the presidency of that country in the elections later this year. We will brief the parliamentary leaders, and give a press conference to the world about the trip and the implications of building peace with the Russians, the Uzbekis, the Chinese, the North Koreans, and our good friends, the South Koreans.

Mr. Speaker, what this all says is this Congress plays a vitally crucial role in not just helping to prevent incidents like 9/11 with recommendations that the administration needs to listen to, but this Congress also plays a constructive role in building peaceful relations with those countries that would be our enemy. I thank our colleagues for their support of this effort.

Mr. Speaker, I will insert in the RECORD a summary of our New Time, New Beginning document, as well as the accompanying letter signed by one-third of the Congress that was hand-delivered to President Bush and to President Putin prior to the Crawford Summit, which we hope will be the basis of the St. Petersburg summit.

I thank the staff and you for your indulgence in allowing me to present this information today.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 2001.

President GEORGE W. BUSH,
Washington, DC.

DEAR PRESIDENT BUSH: As you prepare for the upcoming summit with President Putin, we commend the positive approach you have established with Russia. Too often, the focus of our bilateral relations has been on defense and security—precisely the issues on which our interests often collide. It would be more useful, as we move forward with a Russian policy for the 21st century to take a more holistic approach—one that takes into account Russia's myriad concerns as well as our own.

Therefore, in consultation with many of the leading experts on Russia, we propose a series of bipartisan initiatives to engage Russia on issues such as the environment, energy, economic development, health care—as well as defense and security. We call this proposal "A New Time, A New Beginning." Some of these are new ideas, but many are not. Many of these initiatives are already underway, and need additional support to make even greater progress.

Such engagement is in the U.S. interest as well as Russia's. If the United States and Russia cooperate on issues across the board, Russia will be more likely to work closely with America on the national security issues that matter most to us—missile defense, the war against terrorism, and proliferation.

We encourage you to review the enclosed proposal and hope that some of these initiatives will prove useful to you in the ongoing discussions between Russia and America. We look forward to working with you to forge a new relationship that will benefit both our countries.

Thank you for your consideration of this request.

Sincerely,

Connie Morella, Jim Maloney, Cass Ballenger, Nathan Deal.

Jerry Weller, Jim Gibbons, Jim Ryun, Judy Biggert, Jerry Costello, Eddie Bernice Johnson, Stephen Horn, Kay Granger, Ed Schrock, Tom Davis, Randy Cunningham, Gary Condit, Randy Forbes, Steven LaTourette, Joe Skeen, Bob Borski, Lincoln Diaz-Balart, Chris Smith.

Adam Putnam, Frank Pallone, Johnny Isakson, Robert Andrews, Bernie Sanders, Nick Lampson, Rod Blagojevich, Jim Saxton, Jim Turner, Mike Ferguson, Van Hilleary, Ed Royce, Bob Filner, Luis Gutierrez, Danny Davis.

Jane Harman, Rick Boucher, Christopher John, Todd Akin, Dave Weldon, Bart Gordon, Virgil Goode, Jr., Alan Mollohan, Frank Wolf, Hilda Solis, Rush Holt, Carrie Meek, Amo Houghton, Paul Kanjorski, Bob Goodlatte, Doug Bereuter, John Shimkus, J.D. Hayworth.

James Greenwood, Kevin Brady, Bob Brady, Melissa Hart, Phil English, John Thune, Tom Allen, George Gekas, Robert Andrews, Mike Doyle, Shelly Moore Capito, Rob Simmons, Todd Akin.

A NEW VISION FOR U.S.-RUSSIAN RELATIONS

INTRODUCTION

Those of us who value the U.S.-Russian relationship have been on a roller-coaster ride for the past decade. During the heady days of the fall of the Berlin Wall and the ensuing collapse of the Soviet Union, it appeared that our two countries would cooperate as never before. The world cheered when Presidents Bush and Yeltsin hailed a new "strategic partnership" between America and Russia.

There followed, however, a dark period—marked by misguided American policies and rampant Russian corruption. The Russian economy sagged as American aid—money meant for the Russian people—was siphoned off and stashed in Swiss banks and American real estate investment. At the same time, NATO's war in Kosovo strained the already sinking bilateral relationship. What were the results of this increasingly bitter disenchantment? A more aggressive Russian foreign policy, increased proliferation from Moscow to rogue states, and the final coup de grace: Russia and China announcing last year a new "strategic partnership"—against the interests of America and the West.

Now is the time, with new leaders in Washington and Moscow, to improve the relationship for the long-term.

My interest in this relationship began when I was nineteen years old, when a college professor convinced me to switch my major to Russian Studies. Since that time, I have been fascinated with the Soviet Union and Russia—and have traveled there more than twenty-five times.

I began my travels when I was a member of my local County Council and was invited to travel to Moscow by the American Council of Young Political Leaders. I have continued to visit Russia since my election to Congress, as a member of the House Armed Services Committee, and later as co-chairman of the Duma-Congress Study Group, the official interparliamentary exchange between the U.S. and Russia.

My interactions with leaders across Russia have taught me that the Russians are a proud people, historically aware, and mindful of Russia's unique global role. Increasingly, they are becoming aware of the limitless possibilities of U.S.-Russian cooperation on a host of issues.

This brief paper, then, is an effort to weave together a comprehensive program of U.S.-Russian cooperation across a wide-range of issues.

Too often, the focus of our bilateral relations has been on defense and security—precisely the issues on which our interests often collide. It would be more useful, as we move forward with a Russian policy for the 21st century, to take a more holistic approach—one that takes into account Russia's myriad concerns as well as our own.

Therefore, in consultation with many of the leading experts on Russia, I propose a series of initiatives to engage Russia on issues like the environment, energy, economic development, and health care—as well as defense and security. Some of these are new ideas, but many are not. Many of these initiatives are already underway, and need additional support to make even greater progress.

Such engagement is in the interest of the U.S. as well as Russia. For if the U.S. and Russia are cooperating on issues across the board, Russia will be more likely to work closely with America on the national security issues that matter most to us—missile defense, the war against terrorism, and proliferation.

This is not, and will never be, a finished product. The contours of our bilateral relationship change daily with world events. Nor will it likely be turned into a grand legislative proposal, although certainly parts of it may be. I hope that it is a starting point for discussions between Russia and America on ways that we can forge a new relationship that will benefit both our countries.

For if we make a new American-Russian relationship, one based on common interests that benefit the citizens of both countries, then we will make great progress—not just for America and Russia alone, but for peace and stability across the globe.

Rep. Curt Weldon (R-PA)

U.S.-RUSSIA PARTNERSHIP

A NEW TIME A NEW BEGINNING

Summary of recommendations

Agricultural Development: Assist in agricultural production; expand private-sector investment; and enhance capacity to purchase essential agricultural inputs, commodities and equipment.

Cultural/Education Development: Expand cultural ties outside the major cities; assist regional museums in generating tourism; and provide for more Russian language and cultural studies in U.S. schools.

Defense and Security: Initiate new bilateral talks similar to the Ross-Mamedov talks on a Global Protection System; move forward with joint talks on a new nonproliferation regime; and encourage progress on the RAMOS program and restructure the Nuclear Cities Initiative.

Economic Development: Help facilitate Russia's accession to the WTO and its acceptance of all WTO agreements; increase funding for OPIC and EX-IM Bank projects in Russia; and work with Russia to improve intellectual property rights.

Energy/Natural Resources: Foster cooperative pilot projects, starting with oil and gas exploration in Timan Pechora; convene bilateral task force to discuss the energy ramifications of the war on terrorism; and eliminate bureaucratic obstacles to joint cooperation on energy.

Environmental Cooperation: Develop a revolving fund to assure development of promising Russian technologies; expand debt for nature swaps; and dramatically expand cooperation on marine science research.

Health Care: Increase emphasis on chronic disease like cardiovascular disease and diabetes; develop more extensive physician exchange programs; and augment existing cooperation between NIH and appropriate Russian research institutes.

Judicial/Legal Systems: Support expansion of jury trials into all Russian regions; expand Environmental Public Advocacy Centers into Russia; and encourage a doubling of the number of legal clinics.

Local Governments: Propose ways to expand the tax base available to local governments; encourage political participation by increasing local partisan affiliations; and encourage the gradual devolution of services to the local level.

Science and Technology: Increase cooperation in the area of nuclear fuel cycles; expand cooperative fusion research on nonpolluting energy solutions; and involve Russian industry in embryonic U.S. nanotechnology efforts.

Space and Aeronautics: Utilize commercial joint ventures to enable Russia to meet its Space Station obligations; increase joint projects on space solar power, propulsion technology, and weather satellites; and cooperate on mutually-beneficial planetary defense tracking technologies.

AGRICULTURAL DEVELOPMENT

Summary

United States government resources are employed in Russia to enhance Russia's capacity to purchase essential agricultural inputs, commodities, and equipment in order to assist agricultural production and expand private-sector investment to improve Russia's agricultural infrastructure. Neither Russia's government nor the private sector alone are willing or able to meet these needs. There are a number of programs carried out through USDA and USAID to benefit Russian agriculture. USDA and USAID officials have stated that there are no cooperative efforts between Russia and the U.S. in any third countries. Most programs are administered by private voluntary organizations (PVOs) which utilize USDA and USAID resources to carry out development activities within Russia. Additionally, private-sector efforts such as the U.S.-Russia Business Council utilize government resources through these programs in order to expand and enhance the U.S.-Russian commercial relationship.

Those PVOs involved in Russian that are actually working at ground level believe that greater efforts are required to improve the country's ability to provide for its citizens. Regarding USDA's programs, the Administration's food aid review, especially with regard to the 416(b) surplus disposal program, has thrown into question the amount of resources available for Russia, since many PVO projects are funded through monetized 416(b) donations. This situation may become clearer once U.S. food aid programs are reauthorized and/or altered through a new farm bill and once the Administration releases its food aid proposals as part of its FY03 budget request. As for USAID, PVOs express the concern that the agency's activities in Russia Require a greater focus on agriculture.

The programs designed as a solution would require U.S. governemnt resources (primarily, through USDA and USAID) because the Russian government and private capital markets cannot or will not provide the resources necessary to improve the Russian agriculture infrastructure. A number of proposals exist, and the number of proposals would increase with a greater commitment to Russian agriculture through USDA and USAID. Such efforts through USDA and USAID would play a key role not only in improving the ability of Russia agriculture to meet the critical needs of its citizens, but in enhancing the Russian private sector and improving the prospects for future earnings of U.S. agribusiness.

Recommendations

Improving credit availability and production practices and attracting investment in Russian agribusiness are the areas of focus for redeveloping Russian agriculture. CNFA's Agribusiness Partnerships Program seeks to build financially and economically viable private sector agricultural systems within Russia and the former Soviet states.

For example, in 1993, the Russian baby food manufacturing industry was supplying less than half of the country's annual baby food required to assure minimum levels of health and nutrition to Russian infants and children. CNFA entered into a partnership with Heinz to increase domestic manufacturing output. Using USAID-funded technical assistance, CNFA and Heinz worked to develop and introduce more nutritious baby food products and enhance local production to increase the Russian baby food sector's ability to meet its domestic demand.

The recovery of Russian domestic production capacity may require foreign equity investment in production facilities and businesses along with access to credits for the purchase of production inputs. Without proactive PVO involvement, neither the Russian government nor private capital markets will be willing or able to meet these needs.

(a) CNFA has a proposal that would establish a fund which will provide long-term investment capital for the development of agricultural production, processing, packaging, and distribution businesses and establish a trade finance facility. This fund would address Russia's inability to purchase critical agriculture inputs and commodities and the lack of investment capital to develop the private sector agricultural infrastructure. The fund would be established through the monetization of USDA food aid commodities within Russia.

(b) Similarly, another PVO, ACDI–VOCA, has submitted a large project proposal to improve rural credit availability and facilitate investment in medium-sized Russian food processing companies. Thus far, the proposal has not received approval. ACDI–VOCA believes the approval has been stalled at the interagency food aid review process due to what it perceives as OMB's unease at utilizing 416(b) donations for monetizing. Again, this proposal would seek to address two principle problems: inadequate access to credit and inadequate capital investment.

CULTURAL/EDUCATIONAL DEVELOPMENT

Summary

Cultural cooperation is known to be one of the best ways to overcome mutual distrust, insularity, and conflict among nations. By working together with artists, writers, musicians, and cultural institutions we can promote artistic freedom, good will, and international exposure, as well as support economic viability in the cultural sector. Additionally, in sharing knowledge, specific techniques, and skills—and in broadening horizons—we are investing positively and constructively toward greater mutual understanding and a more peaceful and stable world for ourselves and coming generations.

Recommendations

Encourage expansion of cultural ties and initiatives outside the major centers. In recent years too much emphasis has been placed by Western institutions on the major centers of Moscow and St. Petersburg. This policy fails to serve the rest of the country as reasons grapple with a range of challenges, from economic problems to the need to regain their own identity.

Create viable links with other like-minded institutions to promote cultural cooperation. Example: With the support of the Soros Foundation through their Open Society project entitled "Transformation of Russian Society," the L.N. Tolstoy Museum/Estate at Yasnaya Polyana (LNM/E) established the first association of museum/estates in Russia. In the mid 1990s, this project assisted in the development of regional museums as focal centers for the preservation and promulgation of local culture, with programs on literature, music, and the arts.

Link regional museum centers to promote much-needed tourism and other support for the economically-depressed heartland of Russia outside the major centers of Moscow and St. Petersburg.

Help to stimulate programs by supporting grassroots initiatives. Example: LNM/E in Tula has been involved for many years now in a project to encourage local artisans and musicians in this economically-depressed region. With assistance from the Soros Foundation, the LNM/E has been able to provide a forum for exhibitions and concerts to help stimulate local talent and find a market for them as well.

Foster interest in and greater appreciation of Russian language and culture among youth in the U.S. and provide Russian language and cultural immersion programs for secondary school students in preparation for college.

Increase funding for collaborative academic and research programs between Russian and American scholars, local government leaders, journalists, heads of NGOs, and researchers.

Allocate more federal funding for cultural initiatives to the private sector. There are many small non-profit organizations in the U.S. which have both cultural sensitivity and proven track records, yet cannot compete for AID funding because of current bureaucratic restrictions.

Support initiatives to create a U.S. clearinghouse for the identification and consolidation of U.S.-Russian cultural initiatives and exchange programs. There is no central point that can identify and help consolidate programs or facilitate student exchanges. Many programs today—both government and private—are being duplicated.

The U.S. should follow through with funding promised by former President Bush for the establishment of the American University in Moscow. Support initiatives like the Soros Foundation linking U.S. schools with Russian schools. Expand education exchanges between teachers, administrators, and educators at all levels. Establish a university to university relationship between American and Russian universities. Every school should have a partner.

DEFENSE AND SECURITY

Summary

United States defense and security cooperation and assistance involving the Russian Federation should contribute to defining a new bilateral strategic framework that is not rooted in the notion of Mutual Assured Destruction. Instead, the new security framework should be based upon improving U.S. and Russian security by working with Russia to combat terrorism and to halt the spread of missiles and weapons of mass destruction (WMD).

America and Russia must forge an alliance beneficial to both, or face the near certainty that historical suspicions will reassert themselves and plunge the world into a new Cold War. Such an eventuality would be especially tragic since the United States and Russia have more in common than not. Indeed, given that the gravest and most imminent threats to both nations are terrorism and WMD proliferation, these great common enemies should make the United States and Russia natural allies.

The Cold War era model of bilateral relations and arms control is predicated on mutual antagonism and nuclear threats: a situation that is unacceptable as the basis for 21st Century U.S.-Russian relations. Russia and the United States each have unique security concerns, but have more security concerns that are shared in common. U.S. policy should encourage Russia to recognize the advantages of U.S.-Russian cooperation in areas like counter-terrorism, nonproliferation and missile defense—and the dangers of pursuing a confrontational foreign policy. There is some evidence to suggest that Russia may grudgingly compromise on U.S. missile defense goals. However, the main thrust of current Russian foreign policy and military strategy is actively seeking to curtail American influence and enhancing Russia's status by trying to diminish the United States. U.S. policy must recognize the existence of both positive and negative strains in Russian foreign policy, and then encourage the positive strain that is consistent with U.S. national security interests.

There should be a clear intent in U.S. policy to transition from near-term measures rooted in U.S. nonproliferation goals to a long-term solution. For example, one component of a long-term solution might be transitioning the Russian economy from defense to non-military production so that scientists can participate in sustainable nonweapons work that benefits the Russian economy. Achieving this will require integration of defense and security cooperation, with broader social and economic assistance focused on regional economies—programs administered outside the U.S. security community.

This is consistent not only with U.S. nonproliferation goals, but Russian interests as well. According to President Putin, Russia must speed up its integration into the Western community. If Putin is serious, Russia should not be involved in activities that undermine the security of the West. While Russia has formed an alliance with China, President Bush and President Putin have since found mutual interests in fighting terrorism as a result of September 11, 2001.

The key to forging a U.S.-Russian alliance is to do it now, before U.S.-Russian relations deteriorate further. The United States must offer Russia a relationship that clearly benefits Russian as well as U.S. interests, and begin as soon as possible, working jointly toward mutually beneficial goals. As the victor in the Cold War, the greater burden for taking the initiative and building trust between the sides falls upon the United States. In its relations with Russia, the U.S. holds an array of levers—strategic, military-technical, economic, and social—that can be used as positive and negative inducements to move Russia toward cooperation, and ultimately toward alliance, with the United States. Even the most modest proposals and programs already underway should be viewed as means to the larger end of reforging the still adversarial relationship between Washington and Moscow into a new American-Russian alliance that will defeat terrorism, halt WMD proliferation, and establish a more stable global order for the growth of political and economic freedom everywhere.

Recommendations

Strategic

Begin a new, high-level dialog similar to the Ross-Mamedov talks of 1992 to discuss U.S. and Russian proposals for a Global Protection System. Transitioning the security dialog with Russia to a "normal" one primarily conducted by lower-level officials is a laudable goal, but you can't "get there from here" without an interim step. That step is to initiate a high-level process that has a broad mandate and will provide "cover" for lower levels of the Russian defense and security establishment to talk productively about these issues. The resulting cooperative approach to BMD deployment could encompass U.S. NMD, the Russian proposal for a European missile shield, and new initiatives like a feasibility study of boost-phase intercept involving Russia, Israel, and Turkey.

Moscow has repeatedly proposed working with Washington against terrorism. Washington should propose a formal alliance with Moscow in a global war against terrorism that will involve military and intelligence cooperation and joint operations. The U.S.-Russian alliance against terrorism will help Russia by gaining U.S. support for Russia's war against terrorism in Central Asia, which will go far toward achieving the U.S. goal of crushing terrorism globally. Unless Central Asia is stabilized, the region threatens to continue to spiral toward chaos and become, like Afghanistan, a breeding ground for terrorism. Moreover, a U.S.-Russian alliance against terrorism would preempt the emergence of an anti-Western Sino-Russian alliance, pull Russia closer to the West, and give a second chance to Russian democracy.

Russia has advocated an expanded international nonproliferation regime that would, among other things, involve countries of proliferation concern to the United States. The Departments of State and Defense should begin detailed discussions with the Russian Foreign and Defense Ministries on this proposal to determine if a new regime could establish more stringent nonproliferation and arms trade criteria. According to these criteria, Russia would limit its sales of arms, military technology, weapons of mass destruction, and dual-use military-civilian technology to China and Iran, cease such sales to rogue states, and severely limit them to countries in conflict, such as India and Pakistan. U.S. support for the effort, which, if successful, would enhance Moscow's diplomatic prestige, should also depend on Russia's willingness to advocate the return of U.N. weapons inspectors to Iraq. Russia has proposed this regime as an alternative to U.S. NMD and the U.S. must make it clear that it does not accept that argument: missile defense and international cooperation on nonproliferation are not mutually exclusive (indeed, they actually reinforce each other).

Direct the Department of Defense and the Ballistic Missile Defense Organization to develop a strategy to evaluate the feasibility of increasing technical cooperation with Russian military industry on missile defense technologies. The strategy should include a risk assessment (e.g., the spread of knowledge to China) and an assessment of the possible benefits (technical and political) to U.S. programs of projects like co-development of the Russian S-500. For example, Russian scientists might participate in developing high-speed boosters for interceptor rockets and airborne and space-based lasers.

Demonstrate to Russia that the U.S. is not interested in taking advantage of Russian weakness. Traditional nuclear arms control only makes sense if the U.S. and Russia remain adversaries. The U.S. should immediately begin efforts to demonstrate that American policy seeks to support transparency rather than numerical equivalencies as a measure of our shared interest in "stability." We also seek to take a fuller account of each side's nuclear arsenals and infrastructure—including tactical nuclear weapons and nuclear weapon production facilities—in any future nuclear agreement between the U.S. and Russia. We understand that both the U.S. and Russia increasingly have different force structure requirements as determined by our respective threat perceptions, geography, and technical abilities. The Departments of Defense, State, and Energy should articulate a strategy for communicating our interest in transparency to the Russians and fulfilling our part of such transparency dialog. We cannot force the Russians to accept that our motives are benign and that such a dialog is in Russian interests. However, the offer, coupled with the array of economic and political outreaches inherent in our broader Russian Policy, would be a good faith effort.

Make clear to Russia that the potential for cooperation in areas like counterterrorism, joint operations with NATO, regional defenses for Europe, etc. are greatly undermined by the way Russia has chosen to wage its war in Chechnya.

Military-Technical

Encourage and continue the Russian-American Observation Satellite (RAMOS) program. The innovative U.S.-Russian space based remote sensor R&D program addresses defense and environmental concerns. Initial concept of co-orbiting U.S. and Russian satellites for simultaneous stereo observations should be continued.

Restructure CTR Nuclear Cities Initiative (NCI) funding to other more effective efforts. The NCI's near-term goal of providing nonweapon work for Russian scientists if more flexibly addressed by other programs (e.g., ISTC, IPP) while its longer-term goal of converting the nuclear cities to sustainable nonweapons work cannot be achieved without a broader focus on the economies of the respective regions.

Economic

Support the rescheduling of Russia's $150 billion debt to the Paris Club if Russia demonstrates active cooperation in cutting the flow of advanced military technology to rogue states.

A sustained effort to increase the percentage of Cooperative Threat Reduction money actually being spent in Russia. The perception is that in too many programs inordinate amounts of money are spent on administration, U.S. contractors, and consultants. Program offices must be made aware that this issue is a congressional priority and reporting requirements should reflect that concern.

A more rigorous joint program accounting effort to monitor how U.S. funds are spent in Cooperative Threat Reduction and associated programs. This improves U.S. confidence that monies are being spent appropriately and gives Russians experience in the application of modern accounting methods. Waste, fraud and abuse of CTR funding is a serious concern to both governments and a vehicle like this is necessary lest the process devolve into an adversarial one of accusation and denial.

Insist that Russia stop taxing U.S. assistance provided to scientists through cooperative programs. The Administration should suspend all Export-Import Bank and Overseas Private Investment Corporation Insurance and Credits to U.S. companies that do business with Russian entities that are linked to Iran's military build-up activities. Russian government-controlled companies, such as the natural gas monopoly Gazprom, should not be allowed to raise funds from U.S. investors for energy schemes in Iran, since they could fund Iran's military build-up, which ultimately could be used to threaten U.S. interests in the region.

Task the interagency WMD working group at the National Security Council with designing a strategy for sanctioning Russia and Iran because of their proliferation activities. The intelligence community should be tasked with a comprehensive assessment of the ongoing technology transfer and weapons programs, and with providing recommendations identifying "choke points" that might be vulnerable to sanctions. The current WMD working group at the NSC should be tasked with developing a sanctions strategy that targets Russian and Iranian officials, businesses, and individuals involved in the proliferation of WMD technologies, material, or know-how, as well as their sources of financing.

Establish a vehicle, preferably through a Congressionally mandated organization like USIP, to target support to U.S. non-governmental initiatives that interface directly with official or semi-official Russia in a productive way. These initiatives need a level of analytical freedom and the ability to shape the agenda of their dialog that is sometimes not possible within more traditional Department or Agency sponsorship (it needs to be easy to "think outside the box" established by Administration policy). The Russians would almost certainly be responsive to an effort with this sort of background and it would serve to broaden the bilateral dialog at a time when Russian voices appear to be more reticent. Efforts supported should be conscious of congressional interest in spending money in Russia. For example, Congress could create a vehicle for funding unofficial academic research that would, of necessity, involve significant Russian participation at the official or senior unofficial level. Projects could be chosen for their potential to be "spun on" to the official foreign policy or House-Duma dialogs.

Encourage U.S.-Russian military officer exchange programs and greatly increase the numbers. Encourage joint participation in U.S., Russian, and NATO military exercises. This will help allay Russia's residual fear of the West and promote a climate of trust.

Ratify the Law of the Sea Convention to establish guidelines for international maritime waters.

ECONOMIC DEVELOPMENT

Summary

Since the collapse of the Soviet Union, Russia has experienced widespread economic dislocation and a drop of about 50 percent in GDP. However, after more than a decade of virtually uninterrupted decline, the Russian economy demonstrated many promising signs of recovery.

The year 2000 was one of the most successful years for Russia in over three decades.

The growth of GDP was 7.7 percent, fixed assets grew more than 18 percent, unemployment fell by more than 9 percent, real income of the population increased, and pensions increased by 38 percent in real terms.

Recommendations

Work to facilitate Russia's accession and its implementation of WTO agreements. The U.S. government can help Russia to realize its enormous economic potential and enable the country to become a more significant participant in the global economy. Specifically, these efforts will support the growth of the Russian private sector by permitting Russia to negotiate the elimination of trade barriers faced by its exporters and to challenge the WTO-consistency of measures taken by other member countries.

Increase the budgetary allocations for EX-IM, OPIC, and TDA. To help solidify the policy transition from aid to trade, these program funds must be maintained and increased. Where feasible, U.S. institutional financial risk on appropriate large-scale projects should be shared with multilateral agencies such as the World Bank and the EBRD.

Provde targeted financing opportunities for small- and medium-sized U.S. companies. The practices of various U.S. government-sponsored funds should be reviewed to ensure that they promote access to capital for the development of small- and medium-size enterprises.

The continuing development of the Tax Code will greatly benefit Russia if it creates a tax system that encourages, rather than discourages, investment.

Investors in Russia continue to express concern over weakness in protecting the property rights investors are afforded under Russian law. Amendments to the current legal framework should address gaps and ambiguities associated with some of these risks.

Support Russian efforts to strengthen Intellectual Property Rights protection and enforcement. Anti-counterfeit legislation should be strengthened and penalties enforced, while training law enforcement and judicial officials in this area.

Currency control laws have failed to stop capital flight and instead have damaged the reputation of the Russian business community. The current framework, which acts as a disincentive to Western investment, should be replaced by control and monitoring arrangements that will encourage investment and allow Russian capital freedom of movement in the global economy, while protecting the Russian tax base and treasury.

Russia should be graduated from Jackson-Vanik. This would remove a longstanding irritant in our relationship with Russia and help foster a sense of "normal" trade relations between our countries.

Authorize and appropriate funds to achieve the goal of awarding 10,000 Masters of Business Administration degrees in Russia.

Revitalize the enterprise fund concept in Russia as a means of U.S. support to Russian entrepreneurs. Additional funding from the U.S.-Russia Investment Fund or other vehicles would be necessary.

ENERGY/NATURAL RESOURCES

Summary

Russia, as the world's second largest oil producer and a major supplier of gas to Western Europe, represents an important stabilizing force for global energy security. U.S. polity makers have long understood that in the post-Cold War era, bilateral energy cooperation can provide mutual benefits that go well beyond enhanced energy security. Cooperation in the energy sphere contributes to economic development in Russia, commercial opportunities for U.S. and Russian firms, and a highly positive foundation for the bilateral political relationship.

As our two countries proceed to re-engage across a broad range of important policy and cultural arenas, energy can claim its critical position as the centerpiece in the relationship, strengthening global energy security and promoting mutual economic growth.

Recommendations

Development of U.S.-Russian cooperation in energy should become a priority for international policy because of its capacity to address this risk of uncertain supplies and unnecessary dependence. The U.S. and Russia should initiate the development of a sustained institutional structure to move forward on critical areas hindering mutual development of Russian energy resources.

A high level Presidential task force with representation from both the Putin and Bush administrations should be immediately established as part of the partner offer in addressing the economic and energy components of the anti-terrorism campaign.

The institutional structure for moving forward on critical energy policy and projects should be established to eliminate bureaucratic tendencies that are delaying the implementation of a favorable investment climate in Russia and positive economic responses from the United States. On the U.S. side, this will require the direct involvement of the Secretaries of Energy and Commerce, as well as the Vice President. Members of Congress should be involved and regularly consulted.

The bilateral group should proceed with specific remedies to move projects forward. Official U.S. financial organizations, such as OPIC and U.S. Ex-Im Bank should play a prominent and ongoing role in the bilateral discussions.

An expanded program of energy cooperation will provide a critical reinforcement of the positive aspects of the bilateral relationship. One such project, for example, is the development of the oil and gas resources of the Timan Pechora region which offers enormous challenges in project development and investment, but also enormous rewards in new petroleum supplies for the world market.

Work of the Duma-Congress inter-parliamentary group should be intensified for purposes of using this efficient mechanism of bilateral consultation to encourage approval in Russia, at the parliamentary level and to promote investment and taxation laws that provide a positive environment for investment, such as full and appropriate finalization of PSA legislation.

This bilateral energy initiative should engage both official and non-governmental groups committed to moving forward on energy cooperation. The Moscow International Petroleum Club, a nongovernmental and consultative organization, is prepared to lend all assistance to "jump start" the process and provide ongoing support as a well-known and well-respect NGO in the energy area.

ENVIRONMENTAL COOPERATION

Summary

With Russia's economy ailing, substantial environmental improvements will necessarily be connected with socioeconomic, institutional, and cultural changes. This represents a challenge as well as an opportunity. While environmental protection cannot reasonably be regarded as a priority, it can as a consequence be a driver of societal changes on the whole.

It has been demonstrated that Russia's population suffers from environmental pollution to a degree that makes it not just a quality-of-life issue. The environmental pollution threatens Russia's economic well-being and public health, especially for poor families.

Western governments and international financial institutions should support projects to improve Russia's environmental infrastructure. Based on a market approach, Western donors should provide expertise and oversight to avoid excesses, lawlessness, and abuse. The Russian government should provide the appropriate incentives. Nothing would better mobilize the forces of capitalism for positive change while at the same time bring Russian and Western interests under one umbrella.

Recommendations

Russians have a strong bias in favor of engineered solutions (hardware) to problems, while advanced economies are taking a software approach (planning and organization). The hardware bias has been adopted in international assistance projects. This trend must be reversed.

Russia's scientific institutes and scientists have developed state-of-the-art technology to prevent and clean up environmental problems. For lack of funding these technologies have not been deployed in Russia and have not been commercialized in international markets. A revolving fund should be created to deploy the technologies and solve the problems.

If trade benefits were extended to certified sustainably-produced products in Europe and North America, this alone could open markets wide enough for investors to take the risk of improving the degraded and polluting infrastructure. Trade rules benefiting sustainable production would also give an incentive to the Russian government, which bets heavily on export earnings from natural resource extraction, to enforce its laws.

By enlarging the concept of debt-for-nature swaps to environmental protection more generally, Russia's government would get real incentives and financial tools to tighten and enforce its rules. Oversight over environmental protection would thus move from the resource extraction agencies to less directly interested ones. Existing legislative proposals such as the Russian Economic Restoration and Justice Act of 1999 and the Nuclear Threat Reduction Act of 2001 could, if modified, serve as cornerstones for financial cooperative assistance.

Financial tools such as a mortgage or a bond system must be developed for a market economy to flourish and be sustained. Issuing bonds to finance local environmental projects could be acceptable to Russians, especially where the environmental problems are clear and their impact severe.

Increase participation with groups such as Global Legislators Organization for a Balanced Environment (GLOBE) and the Advisory Committee on the Protection of the Seas (ACOPS). Both organizations work with Russia to help conserve the world's most valuable ecosystems. A shared annual legislative agenda for Members of Congress and their colleagues in the Duma can bring attention to the threats to ecosystems such as ill-conceived development projects and poor environmental policy.

Increase cooperation in marine science research to better address the problems of the ocean where maintenance of stable fisheries is becoming a source of conflict. Such cooperation can increase our knowledge of the oceans, boast our ability to manage the oceans' rich resources, and enhance our understanding of ocean effects on climate and carbon sequestration.

Expand cooperation between the U.S. and Russian navies to help assist with preserving the environment.

Promost the DOE and the Ministry of Atomic Energy for the Russian Federation (MinAtom) to cooperate on the Nuclear Cities Initiative (NCI). NCI seeks to increase U.S. national and global security through economic diversification and weapons complex down-sizing in Russia's Nuclear Cities.

Encompass all forms of energy in a comprehensive energy plan that includes attention to global warming and environmental impacts.

Establish a mechanism for the exchange of information and to assist in the implementation of initiatives that result from these recommendations.

HEALTH CARE

Summary

Since the collapse of the USSR, public health and the state of the medical care system in Russia have been deeply troubled. Mortality trends, which began to worsen in the late 1960s, accelerated downward in the past decade, leading to a decline in longevity unknown outside parts of the developing world. Russia sustained a net loss of 750,000 persons last year. Of the two factors behind this trend—decreased fertility and premature mortality—mortality is the more important. The major contributor to premature mortality is an excessive incidence of fatal cardiovascular disease—heart attacks and strokes, due, in turn, to a high prevalence of unrecognized and unmanaged hypertension, an easily treatable disease but one that requires an innovative and sustained program of prevention and education. This record, unprecedented in time of peace for a developed country, reveals conditions that threaten to cause serious social and economic consequences for the nation. President Putin has acknowledged it as a key security issue for Russia.

For Russia as well as the West, the health issue is both a challenge and an opportunity. The history of U.S. and Western health assistance for Russia reveals a record of thin support, episodic contributions and, at times, counterproductive efforts. There has been a lack of appropriate leadership, absence of a coherent strategy, and a resignation generated by a feeling that the job was simply too overwhelming. Yet there are opportunities for constructive engagement for both professional contributions and community-based efforts in partnership with Russian colleagues in a well-conceived plan that builds on the strengths of the existing Russian resources.

Recommendations

An effective health assistance program for the Russian Federation should concentrate on important health issues and serious, life-threatening diseases—those which make the most prominent contribution to premature mortality and where effective intervention and prevention are possible. This implies a much increased emphasis on chronic diseases—especially cardiovascular disorders and diabetes. An effective program should combine clinical medicine, public health, and public education.

Develop, implement, and evaluate cooperative physician exchange programs for the sharing of knowledge and skills that improve the Russian medical profession's ability to meet the challenges of the burden of disease.

Develop and implement cooperative programs aimed at efficient use of medical care resources for treatment and prevention of disease.

Serve as a clearinghouse for privately and publicly sponsored programs designed to improve the health of Russians and improve the quality and effectiveness of preventive and therapeutic efforts there.

Develop close working relationships with private American and European philanthropic institutions interested in both security and health issues in the former Soviet republics.

Establish close working relationships with key commercial entities whose interests involve issues of health and medicine in the Russian Federation.

Assist professional education—continuing medical education for Russian physicians—by organizing exchanges in both directions, based in regional academic medical centers in several regions of the Russian Federation.

Support Russian versions of the American Medical Association, Center for Disease Control, etc.

Collaborate among compelementary organizations on behalf of disease management and prevention by combining clinical medicine, public health, and public education. Key examples include cardiovascular disease, diabetes, and tuberculosis.

Assist in the selective provision of therapeutic drugs and medical equipment.

Increase cooperative biomedical research between the National Institutes of Health and research institutes in Russia.

A joint announcement by Presidents Bush and Putin for close bilateral cooperation on the eradication of AIDS, cancer, etc. would build support for these types of programs.

JUDICIAL/LEGAL SYSTEMS

Summary

Russia's judiciary is the least developed of the three branches. Reform has begun but some of the old structure and personnel are still in place. Trial by jury is being introduced and President Putin declared that it would become the norm nationwide by 2003. A major overhaul of the Soviet-era criminal code is nearing approval in the Duma.

Recommendations

Jury trials were a feature of the pre-revolutionary Russian legal system. Few initiatives have had such a concrete impact in promoting the rule of law in Russia and in promoting human rights. Putin will almost certainly succeed in his new effort to expand jury trials to other regions of the Russian Federation. The U.S. technical assistance community can and should play a critical role in promoting Putin's practical and high-minded initiative.

The Central and East European Law Initiative's (CEELI) much-heralded Environmental Public Advocacy Center (EPAC) in Ukraine, Moldova, and Uzbekistan has successfully litigated high-impact environmental cases on behalf of citizens in the courts and has promoted citizen participation in advocacy and environmental decision-making. Russia would benefit from a proliferation of NGOs able to advocate on behalf of the public through proper, legal channels (as opposed to settling disputes through extra-judicial means). Average citizens should be involved in settling environmental disputes with businesses and the government in a manner that is familiar to Americans but wholly unfamiliar to most Russians.

Russia adopted a new system last year to expand judicial power to a group of magistrates, commonly referred to as Justices of the Peace. Work with these magistrates will prove to be critical because they will be the court of first instance for most common citizen complaints. These courts also will be the first in Russia to implement an abbreviated trial, pursuant to the current draft code of criminal procedure, which includes for the first time a system of plea bargaining. Likewise, the justices will have greater discretion under the draft code to determine the conditions of pre-trial release (bail).

The expansion of legal clinics in the last five years has proven to be successful in reforming the Russian legal education system. Encouraging the doubling of these clinics in the next 3–5 years will have a salutary effect on the legal education system in Russia, as well as facilitate access to justice for Russia's poor.

Russian law students and law professors continue to use outdated textbooks from Soviet times. The dearth of textbooks on newer subjects (particularly on commercial law) has hampered curriculum reform and the ability of professors to prepare their students to practice in a market economy. Through small grant programs targeting individual professors or groups of professors, this need could be addressed relatively inexpensively.

The Law on Advocates has passed its first reading in parliament and appears destined to be passed in final form in the near term. The new law will represent the legislative backbone for the restructuring of the legal profession in Russia. New, higher qualification standards, ethics standards, etc. will be mandated by the new law. A great deal of assistance and training will be needed in order to properly implement the law.

Continue to promote the passage of a modern criminal procedure code in Russia. The Code itself mandates of expansion of jury trials throughout the entire Federation by 2003 and sets other timetables for the transfer of the responsibility from prosecutors to judges for issuing arrest warrants, search warrants, wiretap orders, and setting conditions for pretrial release.

Encourage American law schools to provide tuition for at least one Russian student and establish a U.S. government program to cover all other costs. Additionally, Russian students should be able to apply for J, I (section 212E) visas.

Fully support and expand institutional relationships between the Russian and American local governments. State-to-state, city-to-city, and mayor-to-mayor initiatives should be further encouraged.

Support and expand training programs for local officials in Russia.

LOCAL GOVERNMENTS

Summary

A successful transition to democracy in Russia cannot take place only at the national level. The democratization of national political institutions without corresponding changes taking place locally would be a prescription for political instability. Furthermore, there are a number or reasons why the attempt to build democracy at the sub-national level in Russia is conducive to a successful transition to democracy nationally.

In stable federal systems, legitimate and effectively functioning local governments can act as a balance to central power; their absence creates greater opportunity for abuse of power by the center.

Popular participation at the local level gives people a knowledge of the mechanics of democracy. Among the lessons to be learned through participation in local politics are tolerance for the opinions of others, majority rule, representation, and accountability.

Popular participation in local government also leads to stronger feelings of political efficacy—the sense that people have some control over the decisions that directly effect their lives. As such, democratically run local governments can instill greater support for democratic institutions nationally and so contribute to the development of a democratic political culture.

Finally, national policies must be implemented locally; local governments that are responsive and are perceived as legitimate are likely to be more effective in doing so. Local knowledge and proximate interest may improve the effectiveness of local service delivery.

The Constitution of the Russian Federation adopted in 1993 envisages two levels of government below the national level, both operating in accordance with democratic principles. The upper level consists of 89 federal subdivisions, considered part of the Russian state system. Below them are institutions of Local Self Government, generally municipalities. Chapter Eight of the Constitution is devoted to these institutions and accords them an essential role in promoting public participation in all local decision making. However, despite the high ideals expressed in the Constitution, democracy at the sub-national level in Russia has been slow to develop. Efforts to promote these ideals are crucial to building democracy in Russia.

Recommendations

Together with Russian specialists, assess the degree to which efforts to develop institutions of local self government in Russia have succeeded and identify areas of weakness which could benefit from American cooperation.

Propose ways to improve the tax base of local government in Russia and explore ways in which revenues might best be shared between levels of government.

Consider ways to encourage political participation locally, including efforts at building stronger political parties and organizations that represent elements of civil society.

Focus on strengthening local legal institutions, including the courts, the judiciary, and legal services for those who can least afford them, while encouraging legal education.

SCIENCE AND TECHNOLOGY

Summary

Under the existing 10-year Umbrella Agreement on S&T Cooperation between the Russian Federation and the United States signed in 1993, a large number of projects have been underway involving more than 15 federal agencies. Areas of research have included space, the environment, agricultural science, energy, public health and medicine, infectious diseases, earth sciences, nuclear and molecular physics, information technology, and a wide range of basic science disciplines. Cooperative endeavors between U.S. and Russian scientists have resulted in numerous scientific and political breakthroughs.

Participating U.S. government agencies include: ARS, CDC, DOD, DOE, DOS, DOT, EPA, HHS, NASA, NIH, NIST, NOAA, NRC, NSF/CRDF, ONR, USDA, and USGS. In addition, private funds, such as the Soros and Turner Foundations, have made or are about to make sizable investments in the Russian science community.

Under the various programs administered by these agencies, thousands of Russian scientists and engineers have been involved in commercial and scientific relationships. Numerous areas of cooperation can be expanded and new areas can be explored. The U.S. needs to determine which areas of cooperation require focused attention. The goals of these programs should be self-sustained.

Recommendations

DoD/DoE should cooperate with MinAtom in the area of nuclear fuel cycles, including development of proliferation resistant fuel cycles for possible application in advanced nuclear countries and appropriate repositories for final disposition of spent fuel.

Stimulate arms control thinking by training the next generation of Russian nuclear weapons and public policy specialists in programs for natural and social sciences.

Encourage private firms and NGOs to utilize current technology to respond to and mitigate natural and environmental disasters.

Encourage industry by way of taxes and other incentives to develop and use Russian technology and to support the institutes that create the technology.

Continue and expand cooperative fusion research that began over 25 years ago because it is expected that fusion energy could become the long-term non-polluting solution to the world's energy needs.

Involve Russia in nanotechnology projects because materials research is an area of traditional Russian R&D strength.

Cooperate with Russia in the area of food safety and food security—in the production as well as processing and storage stages. This could provide significant benefits not only to the U.S. and Russia, but to developing countries as well.

Increase cooperation in marine science research to better address the problems of the ocean, where maintenance of stable fisheries is becoming a source of conflict. Such cooperation can increase our knowledge of the oceans, boost our ability to manage the oceans' rich resources, and enhance our understanding of oceanic effects on climate and carbon sequestration.

Further develop commercial relations in the high-tech area of information technology using the strong mathematical and software development skills of Russian computer scientists. The existing NCI and IPP programs could serve as facilitators for this further development.

Restructure our scientific aid programs so that there are economic drivers for investments in science that complement the political issues and scientific advancements for the project. The existing NCI and IPP programs could serve as economic drivers.

Establish a mechanism for the exchange of information and to assist in the implementation of initiatives that result from these recommendations.

SPACE AND AERONAUTICS

Summary

At the dawn of the post-Cold War era, U.S. industry feared that Russia's vast rocket resources would disrupt the international satellite launch services market following the end of Soviet Communism. By formulating a framework for cooperative space activities, the U.S. and Russian governments opened the door for the creation of strategic partnerships between their respective aerospace companies. Today, the once secretive Russian Proton Rocket, now marketed alongside other western launch vehicles, is the result of joint ventures between U.S. and Russian space launch service providers. Such ventures, however, will not be limited to only marketing space transportation services as we enter the 21st century.

The push for greater commercialization of government space assets and operations is characteristic of new challenges for the 21st Century, as well as greater improvements in space-related technologies for the benefit of near-Earth space development and space exploration. Some members of Congress view a newly formulated partnership with Russia as a potential solution to the cost-related problems we now face with the International Space Station (ISS) and other future undertakings such as the colonization of Mars. Undoubtedly, the ISS, space exploration, and improvements in aerospace technology appear to be the major elements that will come to characterize U.S.-Russian cooperation in space and aeronautics activities in the mid-term.

Recommendations

International Space Station—Currently, Russia provides Progress re-supply cargo ships to support ISS refueling and logistics and Soyuz capsules for crew return. Russia is also expected to provide modules for docking and stowage, critical power, and research modules. Although Russia has invested large sums of money in the program, it is unclear whether it can continue as a viable partner in this effort due to schedule delays, funding shortages, and national security concerns. Additionally, the U.S. estimate of a growing projected Station cost overrun only compounds the problem. Joint commercialization ventures, however, may provide Russia with opportunities for meeting its ISS obligations. SpaceHab, Inc. has approached Russia regarding a cooperative arrangement to develop its Enterprise module, which would have the capability to meet Russia's docking and stowage obligations as well as provide a near-term solution for new habitation. Similarly, Boeing is interested in developing the Russian FGB–2 as an alternative means for providing habitation capability. Both proposals require substantial U.S. payments, which are not currently budgeted.

Space-Related Technologies and Missions—In the case of rocket engine development, Pratt & Whitney, Inc. currently imports Russia's RD–180 engines to power the new U.S. commercial Atlas III and Atlas V launchers. Pratt & Whitney is developing a U.S.-based capability for manufacturing RD-180 engines for use on military launches of these systems. Additionally, American and Russian scientists were working to define a new space-based stereo viewing research project called the Russian-American Observation Satellite (RAMOS). The goal of RAMOS was to build confidence between the United States and the Russian Federation by cooperating on a defense research and development program. This program has currently received an increase in funding. Potential joint U.S.-Russian cooperation programs are focused on a wide range of technologies and space operational needs.

(a) Space Solar Power: Russia and U.S. could further this joint technology risk reduction program. (b) Cooperative Aeronautics Research Program: This joint research program in advanced aeronautics and propulsion technologies could benefit both nations. (c) Advanced Space Propulsion technology: We should build on previous U.S.-Russian cooperative activities on Russian electric propulsion technology for deep space missions. (d) Joint Weather Satellites: The U.S. and Russia could jointly develop polar and geostationary weather satellites and solar monitoring satellites. (e) Planetary Defense: Joint U.S.-Russian cooperative program to detect, monitor, and track potential Earth-crossing asteroids and develop capabilities to rapidly respond. There is an unmet need to develop a comprehensive catalogue of Earth-threatening objects and the means to rapidly respond to the threat they pose. (f) Aerospace and Aeronautics Research: Achievement of the goal of low-cost access will depend upon significant improvements in launch vehicle technology development. It must be understood that U.S.-Russian partnership on space initiatives will require U.S.-Russian partnership in the areas of aeronautics as well. The state of art in aircraft engine technology for both countries would benefit from an exchange in manufacturing techniques and materials science.

Further Space Exploration—The focus of joint programs involving humans exploring the solar system and beyond must involve launch vehicle technology development. Concentration in this area would allow cooperative programs to move forward in exploring and determining whether there is life in the oceans beneath the ice on Europa, for example. Although NASA abandoned its Pluto mission earlier this year due to a lack of funds, a joint mission to Pluto and the Kuiper asteroid belts may make it feasible.

Support and expand private sector relationship. The Lockheed Krunachev Space Launch is an example of this partnership.

RECESS

The SPEAKER pro tempore (Mr. ISSA). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 12:10 a.m.

Accordingly (at 11 o'clock and 57 minutes p.m.), the House stood in recess until approximately 12:10 a.m.

□ 2430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 12 o'clock and 30 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3129, CUSTOMS BORDER SECURITY ACT OF 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–482) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–483) on the resolution (H. Res. 427) waiving points of order against the conference report to accompany the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–484) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT (H. REPT. 107–481)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448), to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of the Act is as follows:

TITLE I—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting

Sec. 101. National preparedness and response.
Sec. 102. Assistant Secretary for Public Health Emergency Preparedness; National Disaster Medical System.
Sec. 103. Improving ability of Centers for Disease Control and Prevention.
Sec. 104. Advisory committees and communications; study regarding communications abilities of public health agencies.
Sec. 105. Education of health care personnel; training regarding pediatric issues.
Sec. 106. Grants regarding shortages of certain health professionals.
Sec. 107. Emergency system for advance registration of health professions volunteers.
Sec. 108. Working group.
Sec. 109. Antimicrobial resistance.
Sec. 110. Supplies and services in lieu of award funds.
Sec. 111. Additional amendments.

Subtitle B—Strategic National Stockpile; Development of Priority Countermeasures

Sec. 121. Strategic national stockpile.
Sec. 122. Accelerated approval of priority countermeasures.
Sec. 123. Issuance of rule on animal trials.
Sec. 124. Security for countermeasure development and production.
Sec. 125. Accelerated countermeasure research and development.
Sec. 126. Evaluation of new and emerging technologies regarding bioterrorist attack and other public health emergencies.
Sec. 127. Potassium iodide.

Subtitle C—Improving State, Local, and Hospital Preparedness for and Response to Bioterrorism and Other Public Health Emergencies

Sec. 131. Grants to improve State, local, and hospital preparedness for and response to bioterrorism and other public health emergencies.

Subtitle D—Emergency Authorities; Additional Provisions

Sec. 141. Reporting deadlines.
Sec. 142. Streamlining and clarifying communicable disease quarantine provisions.
Sec. 143. Emergency waiver of Medicare, Medicaid, and SCHIP requirements.
Sec. 144. Provision for expiration of public health emergencies.

Subtitle E—Additional Provisions

Sec. 151. Designated State public emergency announcement plan.
Sec. 152. Expanded research by Secretary of Energy.
Sec. 153. Expanded research on worker health and safety.
Sec. 154. Enhancement of emergency preparedness of Department of Veterans Affairs.
Sec. 155. Reauthorization of existing program.
Sec. 156. Sense of Congress.
Sec. 157. General Accounting Office report.
Sec. 158. Certain awards.
Sec. 159. Public access defibrillation programs and public access defibrillation demonstration projects.

TITLE II—ENHANCING CONTROLS ON DANGEROUS BIOLOGICAL AGENTS AND TOXINS

Subtitle A—Department of Health and Human Services

Sec. 201. Regulation of certain biological agents and toxins.
Sec. 202. Implementation by Department of Health and Human Services.
Sec. 203. Effective dates.
Sec. 204. Conforming amendment.

Subtitle B—Department of Agriculture

Sec. 211. Short title.
Sec. 212. Regulation of certain biological agents and toxins.
Sec. 213. Implementation by Department of Agriculture.

Subtitle C—Interagency Coordination Regarding Overlap Agents and Toxins

Sec. 221. Interagency coordination.

Subtitle D—Criminal Penalties Regarding Certain Biological Agents and Toxins

Sec. 231. Criminal penalties.

TITLE III—PROTECTING SAFETY AND SECURITY OF FOOD AND DRUG SUPPLY

Subtitle A—Protection of Food Supply

Sec. 301. Food safety and security strategy.

Sec. 302. Protection against adulteration of food.
Sec. 303. Administrative detention.
Sec. 304. Debarment for repeated or serious food import violations.
Sec. 305. Registration of food facilities.
Sec. 306. Maintenance and inspection of records for foods.
Sec. 307. Prior notice of imported food shipments.
Sec. 308. Authority to mark articles refused admission into United States.
Sec. 309. Prohibition against port shopping.
Sec. 310. Notices to States regarding imported food.
Sec. 311. Grants to States for inspections.
Sec. 312. Surveillance and information grants and authorities.
Sec. 313. Surveillance of zoonotic diseases.
Sec. 314. Authority to commission other Federal officials to conduct inspections.
Sec. 315. Rule of construction.

Subtitle B—Protection of Drug Supply

Sec. 321. Annual registration of foreign manufacturers; shipping information; drug and device listing.
Sec. 322. Requirement of additional information regarding import components intended for use in export products.

Subtitle C—General Provisions Relating to Upgrade of Agricultural Security

Sec. 331. Expansion of Animal and Plant Health Inspection Service activities.
Sec. 332. Expansion of Food Safety Inspection Service activities.
Sec. 333. Biosecurity upgrades at the Department of Agriculture.
Sec. 334. Agricultural biosecurity.
Sec. 335. Agricultural bioterrorism research and development.
Sec. 336. Animal enterprise terrorism penalties.

TITLE IV—DRINKING WATER SECURITY AND SAFETY

Sec. 401. Terrorist and other intentional acts.
Sec. 402. Other Safe Drinking Water Act amendments.
Sec. 403. Miscellaneous and technical amendments.

TITLE V—ADDITIONAL PROVISIONS

Subtitle A—Prescription Drug User Fees

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Definitions.
Sec. 504. Authority to assess and use drug fees.
Sec. 505. Accountability and reports.
Sec. 506. Reports of postmarketing studies.
Sec. 507. Savings clause.
Sec. 508. Effective date.
Sec. 509. Sunset clause.

Subtitle B—Funding Provisions Regarding Food and Drug Administration

Sec. 521. Office of Drug Safety.
Sec. 522. Division of Drug Marketing, Advertising, and Communications.
Sec. 523. Office of Generic Drugs.

Subtitle C—Additional Provisions

Sec. 531. Transition to digital television.
Sec. 532. 3-year delay in lock in procedures for Medicare+Choice plans; change in Medicare+Choice reporting deadlines and annual, coordinated election period for 2003, 2004, and 2005.

TITLE I—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting

SEC. 101. NATIONAL PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following title:

"TITLE XXVIII—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

"Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting

"SEC. 2801. NATIONAL PREPAREDNESS PLAN.

"(a) IN GENERAL.—

"(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—The Secretary shall further develop and implement a coordinated strategy, building upon the core public health capabilities established pursuant to section 319A, for carrying out health-related activities to prepare for and respond effectively to bioterrorism and other public health emergencies, including the preparation of a plan under this section. The Secretary shall periodically thereafter review and, as appropriate, revise the plan.

"(2) NATIONAL APPROACH.—In carrying out paragraph (1), the Secretary shall collaborate with the States toward the goal of ensuring that the activities of the Secretary regarding bioterrorism and other public health emergencies are coordinated with activities of the States, including local governments.

"(3) EVALUATION OF PROGRESS.—The plan under paragraph (1) shall provide for specific benchmarks and outcome measures for evaluating the progress of the Secretary and the States, including local governments, with respect to the plan under paragraph (1), including progress toward achieving the goals specified in subsection (b).

"(b) PREPAREDNESS GOALS.—The plan under subsection (a) should include provisions in furtherance of the following:

"(1) Providing effective assistance to State and local governments in the event of bioterrorism or other public health emergency.

"(2) Ensuring that State and local governments have appropriate capacity to detect and respond effectively to such emergencies, including capacities for the following:

"(A) Effective public health surveillance and reporting mechanisms at the State and local levels.

"(B) Appropriate laboratory readiness.

"(C) Properly trained and equipped emergency response, public health, and medical personnel.

"(D) Health and safety protection of workers responding to such an emergency.

"(E) Public health agencies that are prepared to coordinate health services (including mental health services) during and after such emergencies.

"(F) Participation in communications networks that can effectively disseminate relevant information in a timely and secure manner to appropriate public and private entities and to the public.

"(3) Developing and maintaining medical countermeasures (such as drugs, vaccines and other biological products, medical devices, and other supplies) against biological agents and toxins that may be involved in such emergencies.

"(4) Ensuring coordination and minimizing duplication of Federal, State, and local planning, preparedness, and response activities, including during the investigation of a suspicious disease outbreak or other potential public health emergency.

"(5) Enhancing the readiness of hospitals and other health care facilities to respond effectively to such emergencies.

"(c) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and biennially thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning progress with respect to the plan under subsection (a), including progress toward achieving the goals specified in subsection (b).

"(2) ADDITIONAL AUTHORITY.—Reports submitted under paragraph (1) by the Secretary (other than the first report) shall make recommendations concerning—

"(A) any additional legislative authority that the Secretary determines is necessary for fully implementing the plan under subsection (a), including meeting the goals under subsection (b); and

"(B) any additional legislative authority that the Secretary determines is necessary under section 319 to protect the public health in the event of an emergency described in section 319(a).

"(d) RULE OF CONSTRUCTION.—This section may not be construed as expanding or limiting any of the authorities of the Secretary that, on the day before the date of the enactment of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, were in effect with respect to preparing for and responding effectively to bioterrorism and other public health emergencies.".

(b) OTHER REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning—

(A) the recommendations and findings of the National Advisory Committee on Children and Terrorism under section 319F(c)(2) of the Public Health Service Act;

(B) the recommendations and findings of the EPIC Advisory Committee under section 319F(c)(3) of such Act;

(C) the characteristics that may render a rural community uniquely vulnerable to a biological attack, including distance, lack of emergency transport, hospital or laboratory capacity, lack of integration of Federal or State public health networks, workforce deficits, or other relevant characteristics;

(D) the characteristics that may render areas or populations designated as medically underserved populations (as defined in section 330 of such Act) uniquely vulnerable to a biological attack, including significant numbers of low-income or uninsured individuals, lack of affordable and accessible health care services, insufficient public and primary health care resources, lack of integration of Federal or State public health networks, workforce deficits, or other relevant characteristics;

(E) the recommendations of the Secretary with respect to additional legislative authority that the Secretary determines is necessary to effectively strengthen rural communities, or medically underserved populations (as defined in section 330 of such Act); and

(F) the need for and benefits of a National Disaster Response Medical Volunteer Service that would be a private-sector, community-based rapid response corps of medical volunteers.

(2) STUDY REGARDING LOCAL EMERGENCY RESPONSE METHODS.—The Secretary shall conduct a study of effective methods for the provision of emergency response services through local governments (including through private response contractors and volunteers of such governments) in a consistent manner in response to acts of bioterrorism or other public health emergencies. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of

the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the findings of the study.

SEC. 102. ASSISTANT SECRETARY FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS; NATIONAL DISASTER MEDICAL SYSTEM.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act, as added by section 101 of this Act, is amended by adding at the end the following subtitle:

“Subtitle B—Emergency Preparedness and Response

“SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.

“(a) ASSISTANT SECRETARY FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS.—

“(1) IN GENERAL.—There is established within the Department of Health and Human Services the position of Assistant Secretary for Public Health Emergency Preparedness. The President shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

“(2) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Public Health Emergency Preparedness shall carry out the following duties with respect to bioterrorism and other public health emergencies:

“(A) Coordinate on behalf of the Secretary—

“(i) interagency interfaces between the Department of Health and Human Services (referred to in this paragraph as the ‘Department’) and other departments, agencies, and offices of the United States; and

“(ii) interfaces between the Department and State and local entities with responsibility for emergency preparedness.

“(B) Coordinate the operations of the National Disaster Medical System and any other emergency response activities within the Department of Health and Human Services that are related to bioterrorism and other public health emergencies.

“(C) Coordinate the efforts of the Department to bolster State and local emergency preparedness for a bioterrorist attack or other public health emergency, and evaluate the progress of such entities in meeting the benchmarks and other outcome measures contained in the national plan and in meeting the core public health capabilities established pursuant to 319A.

“(D) Any other duties determined appropriate by the Secretary.

“(b) NATIONAL DISASTER MEDICAL SYSTEM.—

“(1) IN GENERAL.—The Secretary shall provide for the operation in accordance with this section of a system to be known as the National Disaster Medical System. The Secretary shall designate the Assistant Secretary for Public Health Emergency Preparedness as the head of the National Disaster Medical System, subject to the authority of the Secretary.

“(2) FEDERAL AND STATE COLLABORATIVE SYSTEM.—

“(A) IN GENERAL.—The National Disaster Medical System shall be a coordinated effort by the Federal agencies specified in subparagraph (B), working in collaboration with the States and other appropriate public or private entities, to carry out the purposes described in paragraph (3).

“(B) PARTICIPATING FEDERAL AGENCIES.—The Federal agencies referred to in subparagraph (A) are the Department of Health and Human Services, the Federal Emergency Management Agency, the Department of Defense, and the Department of Veterans Affairs.

“(3) PURPOSE OF SYSTEM.—

“(A) IN GENERAL.—The Secretary may activate the National Disaster Medical System to—

“(i) provide health services, health-related social services, other appropriate human services, and appropriate auxiliary services to respond to the needs of victims of a public health emergency (whether or not determined to be a public health emergency under section 319); or

“(ii) be present at locations, and for limited periods of time, specified by the Secretary on the basis that the Secretary has determined that a location is at risk of a public health emergency during the time specified.

“(B) ONGOING ACTIVITIES.—The National Disaster Medical System shall carry out such ongoing activities as may be necessary to prepare for the provision of services described in subparagraph (A) in the event that the Secretary activates the National Disaster Medical System for such purposes.

“(C) TEST FOR MOBILIZATION OF SYSTEM.—During the one-year period beginning on the date of the enactment of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the Secretary shall conduct an exercise to test the capability and timeliness of the National Disaster Medical System to mobilize and otherwise respond effectively to a bioterrorist attack or other public health emergency that affects two or more geographic locations concurrently. Thereafter, the Secretary may periodically conduct such exercises regarding the National Disaster Medical System as the Secretary determines to be appropriate.

“(c) CRITERIA.—

“(1) IN GENERAL.—The Secretary shall establish criteria for the operation of the National Disaster Medical System.

“(2) PARTICIPATION AGREEMENTS FOR NONFEDERAL ENTITIES.—In carrying out paragraph (1), the Secretary shall establish criteria regarding the participation of States and private entities in the National Disaster Medical System, including criteria regarding agreements for such participation. The criteria shall include the following:

“(A) Provisions relating to the custody and use of Federal personal property by such entities, which may in the discretion of the Secretary include authorizing the custody and use of such property to respond to emergency situations for which the National Disaster Medical System has not been activated by the Secretary pursuant to subsection (b)(3)(A). Any such custody and use of Federal personal property shall be on a reimbursable basis.

“(B) Provisions relating to circumstances in which an individual or entity has agreements with both the National Disaster Medical System and another entity regarding the provision of emergency services by the individual. Such provisions shall address the issue of priorities among the agreements involved.

“(d) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

“(1) IN GENERAL.—For the purpose of assisting the National Disaster Medical System in carrying out duties under this section, the Secretary may appoint individuals to serve as intermittent personnel of such System in accordance with applicable civil service laws and regulations.

“(2) LIABILITY.—For purposes of section 224(a) and the remedies described in such section, an individual appointed under paragraph (1) shall, while acting within the scope of such appointment, be considered to be an employee of the Public Health Service performing medical, surgical, dental, or related functions. With respect to the participation of individuals appointed under paragraph (1) in training programs authorized by the Assistant Secretary for Public Health Emergency Preparedness or a comparable official of any Federal agency specified in subsection (b)(2)(B), acts of individuals so appointed that are within the scope of such participation shall be considered within the scope of the appointment under paragraph (1) (regardless of whether the individuals receive compensation for such participation).

“(e) CERTAIN EMPLOYMENT ISSUES REGARDING INTERMITTENT APPOINTMENTS.—

“(1) INTERMITTENT DISASTER-RESPONSE APPOINTEE.—For purposes of this subsection, the term ‘intermittent disaster-response appointee’ means an individual appointed by the Secretary under subsection (d).

“(2) COMPENSATION FOR WORK INJURIES.—An intermittent disaster-response appointee shall, while acting in the scope of such appointment, be considered to be an employee of the Public Health Service performing medical, surgical, dental, or related functions, and an injury sustained by such an individual shall be deemed ‘in the performance of duty’, for purposes of chapter 81 of title 5, United States Code, pertaining to compensation for work injuries. With respect to the participation of individuals appointed under subsection (d) in training programs authorized by the Assistant Secretary for Public Health Emergency Preparedness or a comparable official of any Federal agency specified in subsection (b)(2)(B), injuries sustained by such an individual, while acting within the scope of such participation, also shall be deemed ‘in the performance of duty’ for purposes of chapter 81 of title 5, United States Code (regardless of whether the individuals receive compensation for such participation). In the event of an injury to such an intermittent disaster-response appointee, the Secretary of Labor shall be responsible for making determinations as to whether the claimant is entitled to compensation or other benefits in accordance with chapter 81 of title 5, United States Code.

“(3) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—

“(A) IN GENERAL.—Service as an intermittent disaster-response appointee when the Secretary activates the National Disaster Medical System or when the individual participates in a training program authorized by the Assistant Secretary for Public Health Emergency Preparedness or a comparable official of any Federal agency specified in subsection (b)(2)(B) shall be deemed ‘service in the uniformed services’ for purposes of chapter 43 of title 38, United States Code, pertaining to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in chapter 43 of title 38, United States Code.

“(B) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—Preclusion of giving notice of service by necessity of Service as an intermittent disaster-response appointee when the Secretary activates the National Disaster Medical System shall be deemed preclusion by ‘military necessity’ for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Secretary, in consultation with the Secretary of Defense, and shall not be subject to judicial review.

“(4) LIMITATION.—An intermittent disaster-response appointee shall not be deemed an employee of the Department of Health and Human Services for purposes other than those specifically set forth in this section.

“(f) RULE OF CONSTRUCTION REGARDING USE OF COMMISSIONED CORPS.—If the Secretary assigns commissioned officers of the Regular or Reserve Corps to serve with the National Disaster Medical System, such assignments do not affect the terms and conditions of their appointments as commissioned officers of the Regular or

Reserve Corps, respectively (including with respect to pay and allowances, retirement, benefits, rights, privileges, and immunities).

“(g) DEFINITION.—For purposes of this section, the term ‘auxiliary services’ includes mortuary services, veterinary services, and other services that are determined by the Secretary to be appropriate with respect to the needs referred to in subsection (b)(3)(A).

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing for the Assistant Secretary for Public Health Emergency Preparedness and the operations of the National Disaster Medical System, other than purposes for which amounts in the Public Health Emergency Fund under section 319 are available, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.”.

(b) SENSE OF CONGRESS REGARDING RESOURCES OF NATIONAL DISASTER MEDICAL SYSTEM.—It is the sense of the Congress that the Secretary of Health and Human Services should provide sufficient resources to entities tasked to carry out the duties of the National Disaster Medical System for reimbursement of expenses, operations, purchase and maintenance of equipment, training, and other funds expended in furtherance of the National Disaster Medical System.

SEC. 103. IMPROVING ABILITY OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended to read as follows:

“SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

“(a) FACILITIES; CAPACITIES.—

“(1) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention has an essential role in defending against and combatting public health threats and requires secure and modern facilities, and expanded and improved capabilities related to bioterrorism and other public health emergencies, sufficient to enable such Centers to conduct this important mission.

“(2) FACILITIES.—

“(A) IN GENERAL.—The Director of the Centers for Disease Control and Prevention may design, construct, and equip new facilities, renovate existing facilities (including laboratories, laboratory support buildings, scientific communication facilities, transshipment complexes, secured and isolated parking structures, office buildings, and other facilities and infrastructure), and upgrade security of such facilities, in order to better conduct the capacities described in section 319A, and for supporting public health activities.

“(B) MULTIYEAR CONTRACTING AUTHORITY.—For any project of designing, constructing, equipping, or renovating any facility under subparagraph (A), the Director of the Centers for Disease Control and Prevention may enter into a single contract or related contracts that collectively include the full scope of the project, and the solicitation and contract shall contain the clause ‘availability of funds’ found at section 52.232–18 of title 48, Code of Federal Regulations.

“(3) IMPROVING THE CAPACITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary, taking into account evaluations under section 319B(a), shall expand, enhance, and improve the capabilities of the Centers for Disease Control and Prevention relating to preparedness for and responding effectively to bioterrorism and other public health emergencies. Activities that may be carried out under the preceding sentence include—

“(A) expanding or enhancing the training of personnel;

“(B) improving communications facilities and networks, including delivery of necessary information to rural areas;

“(C) improving capabilities for public health surveillance and reporting activities, taking into account the integrated system or systems of public health alert communications and surveillance networks under subsection (b); and

“(D) improving laboratory facilities related to bioterrorism and other public health emergencies, including increasing the security of such facilities.

“(b) NATIONAL COMMUNICATIONS AND SURVEILLANCE NETWORKS.—

“(1) IN GENERAL.—The Secretary, directly or through awards of grants, contracts, or cooperative agreements, shall provide for the establishment of an integrated system or systems of public health alert communications and surveillance networks between and among—

“(A) Federal, State, and local public health officials;

“(B) public and private health-related laboratories, hospitals, and other health care facilities; and

“(C) any other entities determined appropriate by the Secretary.

“(2) REQUIREMENTS.—The Secretary shall ensure that networks under paragraph (1) allow for the timely sharing and discussion, in a secure manner, of essential information concerning bioterrorism or another public health emergency, or recommended methods for responding to such an attack or emergency.

“(3) STANDARDS.—Not later than one year after the date of the enactment of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the Secretary, in cooperation with health care providers and State and local public health officials, shall establish any additional technical and reporting standards (including standards for interoperability) for networks under paragraph (1).

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FACILITIES; CAPACITIES.—

“(A) FACILITIES.—For the purpose of carrying out subsection (a)(2), there are authorized to be appropriated $300,000,000 for each of the fiscal years 2002 and 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006.

“(B) MISSION; IMPROVING CAPACITIES.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a)(1), for carrying out subsection (a)(3), for better conducting the capacities described in section 319A, and for supporting public health activities, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.

“(2) NATIONAL COMMUNICATIONS AND SURVEILLANCE NETWORKS.—For the purpose of carrying out subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.”.

SEC. 104. ADVISORY COMMITTEES AND COMMUNICATIONS; STUDY REGARDING COMMUNICATIONS ABILITIES OF PUBLIC HEALTH AGENCIES.

(a) IN GENERAL.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsections (b) and (i);

(2) by redesignating subsections (c) through (h) as subsections (e) through (j), respectively; and

(3) by inserting after subsection (a) the following subsections:

“(b) ADVICE TO THE FEDERAL GOVERNMENT.—

“(1) REQUIRED ADVISORY COMMITTEES.—In coordination with the working group under subsection (a), the Secretary shall establish advisory committees in accordance with paragraphs (2) and (3) to provide expert recommendations to assist such working groups in carrying out their respective responsibilities under subsections (a) and (b).

“(2) NATIONAL ADVISORY COMMITTEE ON CHILDREN AND TERRORISM.—

“(A) IN GENERAL.—For purposes of paragraph (1), the Secretary shall establish an advisory committee to be known as the National Advisory Committee on Children and Terrorism (referred to in this paragraph as the ‘Advisory Committee’).

“(B) DUTIES.—The Advisory Committee shall provide recommendations regarding—

“(i) the preparedness of the health care (including mental health care) system to respond to bioterrorism as it relates to children;

“(ii) needed changes to the health care and emergency medical service systems and emergency medical services protocols to meet the special needs of children; and

“(iii) changes, if necessary, to the national stockpile under section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 to meet the emergency health security of children.

“(C) COMPOSITION.—The Advisory Committee shall be composed of such Federal officials as may be appropriate to address the special needs of the diverse population groups of children, and child health experts on infectious disease, environmental health, toxicology, and other relevant professional disciplines.

“(D) TERMINATION.—The Advisory Committee terminates one year after the date of the enactment of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

“(3) EMERGENCY PUBLIC INFORMATION AND COMMUNICATIONS ADVISORY COMMITTEE.—

“(A) IN GENERAL.—For purposes of paragraph (1), the Secretary shall establish an advisory committee to be known as the Emergency Public Information and Communications Advisory Committee (referred to in this paragraph as the ‘EPIC Advisory Committee’).

“(B) DUTIES.—The EPIC Advisory Committee shall make recommendations to the Secretary and the working group under subsection (a) and report on appropriate ways to communicate public health information regarding bioterrorism and other public health emergencies to the public.

“(C) COMPOSITION.—The EPIC Advisory Committee shall be composed of individuals representing a diverse group of experts in public health, medicine, communications, behavioral psychology, and other areas determined appropriate by the Secretary.

“(D) DISSEMINATION.—The Secretary shall review the recommendations of the EPIC Advisory Committee and ensure that appropriate information is disseminated to the public.

“(E) TERMINATION.—The EPIC Advisory Committee terminates one year after the date of the enactment of Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

“(c) STRATEGY FOR COMMUNICATION OF INFORMATION REGARDING BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.—In coordination with working group under subsection (a), the Secretary shall develop a strategy for effectively communicating information regarding bioterrorism and other public health emergencies, and shall develop means by which to communicate such information. The Secretary may carry out the preceding sentence directly or through grants, contracts, or cooperative agreements.

“(d) RECOMMENDATION OF CONGRESS REGARDING OFFICIAL FEDERAL INTERNET SITE ON BIOTERRORISM.—It is the recommendation of Congress that there should be established an official Federal Internet site on bioterrorism, either directly or through provision of a grant to an entity that has expertise in bioterrorism and the development of websites, that should include information relevant to diverse populations (including messages directed at the general public

and such relevant groups as medical personnel, public safety workers, and agricultural workers) and links to appropriate State and local government sites.''.

(b) STUDY REGARDING COMMUNICATIONS ABILITIES OF PUBLIC HEALTH AGENCIES.—The Secretary of Health and Human Services, in consultation with the Federal Communications Commission, the National Telecommunications and Information Administration, and other appropriate Federal agencies, shall conduct a study to determine whether local public health entities have the ability to maintain communications in the event of a bioterrorist attack or other public health emergency. The study shall examine whether redundancies are required in the telecommunications system, particularly with respect to mobile communications, for public health entities to maintain systems operability and connectivity during such emergencies. The study shall also include recommendations to industry and public health entities about how to implement such redundancies if necessary.

SEC. 105. EDUCATION OF HEALTH CARE PERSONNEL; TRAINING REGARDING PEDIATRIC ISSUES.

Section 319F(g) of the Public Health Service Act, as redesignated by section 104(a)(2) of this Act, is amended to read as follows:

''(g) EDUCATION; TRAINING REGARDING PEDIATRIC ISSUES.—

''(1) MATERIALS; CORE CURRICULUM.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

''(A) develop materials for teaching the elements of a core curriculum for the recognition and identification of potential bioweapons and other agents that may create a public health emergency, and for the care of victims of such emergencies, recognizing the special needs of children and other vulnerable populations, to public health officials, medical professionals, emergency physicians and other emergency department staff, laboratory personnel, and other personnel working in health care facilities (including poison control centers);

''(B) develop a core curriculum and materials for community-wide planning by State and local governments, hospitals and other health care facilities, emergency response units, and appropriate public and private sector entities to respond to a bioterrorist attack or other public health emergency;

''(C) develop materials for proficiency testing of laboratory and other public health personnel for the recognition and identification of potential bioweapons and other agents that may create a public health emergency; and

''(D) provide for dissemination and teaching of the materials described in subparagraphs (A) through (C) by appropriate means, which may include telemedicine, long-distance learning, or other such means.

''(2) CERTAIN ENTITIES.—The entities through which education and training activities described in paragraph (1) may be carried out include Public Health Preparedness Centers, the Public Health Service's Noble Training Center, the Emerging Infections Program, the Epidemic Intelligence Service, the Public Health Leadership Institute, multi-State, multi-institutional consortia, other appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

''(3) GRANTS AND CONTRACTS.—In carrying out paragraph (1), the Secretary may carry out activities directly and through the award of grants and contracts, and may enter into interagency cooperative agreements with other Federal agencies.

''(4) HEALTH-RELATED ASSISTANCE FOR EMERGENCY RESPONSE PERSONNEL TRAINING.—The Secretary, in consultation with the Attorney General and the Director of the Federal Emergency Management Agency, may provide technical assistance with respect to health-related aspects of emergency response personnel training carried out by the Department of Justice and the Federal Emergency Management Agency.''.

SEC. 106. GRANTS REGARDING SHORTAGES OF CERTAIN HEALTH PROFESSIONALS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319G the following section:

''SEC. 319H. GRANTS REGARDING TRAINING AND EDUCATION OF CERTAIN HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Secretary may make awards of grants and cooperative agreements to appropriate public and nonprofit private health or educational entities, including health professions schools and programs as defined in section 799B, for the purpose of providing low-interest loans, partial scholarships, partial fellowships, revolving loan funds, or other cost-sharing forms of assistance for the education and training of individuals in any category of health professions for which there is a shortage that the Secretary determines should be alleviated in order to prepare for or respond effectively to bioterrorism and other public health emergencies.

''(b) AUTHORITY REGARDING NON-FEDERAL CONTRIBUTIONS.—The Secretary may require as a condition of an award under subsection (a) that a grantee under such subsection provide non-Federal contributions toward the purpose described in such subsection.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.''.

SEC. 107. EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF HEALTH PROFESSIONS VOLUNTEERS.

Part B of title III of the Public Health Service Act, as amended by section 106 of this Act, is amended by inserting after section 319H the following section:

''SEC. 319I. EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF HEALTH PROFESSIONS VOLUNTEERS.

''(a) IN GENERAL.—The Secretary shall, directly or through an award of a grant, contract, or cooperative agreement, establish and maintain a system for the advance registration of health professionals for the purpose of verifying the credentials, licenses, accreditations, and hospital privileges of such professionals when, during public health emergencies, the professionals volunteer to provide health services (referred to in this section as the 'verification system'). In carrying out the preceding sentence, the Secretary shall provide for an electronic database for the verification system.

''(b) CERTAIN CRITERIA.—The Secretary shall establish provisions regarding the promptness and efficiency of the system in collecting, storing, updating, and disseminating information on the credentials, licenses, accreditations, and hospital privileges of volunteers described in subsection (a).

''(c) OTHER ASSISTANCE.—The Secretary may make grants and provide technical assistance to States and other public or nonprofit private entities for activities relating to the verification system developed under subsection (a).

''(d) COORDINATION AMONG STATES.—The Secretary may encourage each State to provide legal authority during a public health emergency for health professionals authorized in another State to provide certain health services to provide such health services in the State.

''(e) RULE OF CONSTRUCTION.—This section may not be construed as authorizing the Secretary to issue requirements regarding the provision by the States of credentials, licenses, accreditations, or hospital privileges.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

SEC. 108. WORKING GROUP.

Section 319F of the Public Health Service Act, as amended by section 104(a), is amended by striking subsection (a) and inserting the following:

''(a) WORKING GROUP ON BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture, the Attorney General, the Director of Central Intelligence, the Secretary of Defense, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Federal Emergency Management Agency, the Secretary of Labor, the Secretary of Veterans Affairs, and with other similar Federal officials as determined appropriate, shall establish a working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies. Such joint working group, or subcommittees thereof, shall meet periodically for the purpose of consultation on, assisting in, and making recommendations on—

''(A) responding to a bioterrorist attack, including the provision of appropriate safety and health training and protective measures for medical, emergency service, and other personnel responding to such attacks;

''(B) prioritizing countermeasures required to treat, prevent, or identify exposure to a biological agent or toxin pursuant to section 351A;

''(C) facilitation of the awarding of grants, contracts, or cooperative agreements for the development, manufacture, distribution, supply-chain management, and purchase of priority countermeasures;

''(D) research on pathogens likely to be used in a biological threat or attack on the civilian population;

''(E) development of shared standards for equipment to detect and to protect against biological agents and toxins;

''(F) assessment of the priorities for and enhancement of the preparedness of public health institutions, providers of medical care, and other emergency service personnel (including firefighters) to detect, diagnose, and respond (including mental health response) to a biological threat or attack;

''(G) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, development and enhancement of the quality of joint planning and training programs that address the public health and medical consequences of a biological threat or attack on the civilian population between—

''(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

''(ii) hospitals, primary care facilities, and public health agencies;

''(H) development of strategies for Federal, State, and local agencies to communicate information to the public regarding biological threats or attacks;

''(I) ensuring that the activities under this subsection address the health security needs of children and other vulnerable populations;

''(J) strategies for decontaminating facilities contaminated as a result of a biological attack, including appropriate protections for the safety of workers conducting such activities;

"(K) subject to compliance with other provisions of Federal law, clarifying the responsibilities among Federal officials for the investigation of suspicious outbreaks of disease and other potential public health emergencies, and for related revisions of the interagency plan known as the Federal response plan; and

"(L) in consultation with the National Highway Traffic Safety Administration and the U.S. Fire Administration, ways to enhance coordination among Federal agencies involved with State, local, and community based emergency medical services, including issuing a report that—

"(i) identifies needs of community-based emergency medical services; and

"(ii) identifies ways to streamline and enhance the process through which Federal agencies support community-based emergency medical services.

"(2) CONSULTATION WITH EXPERTS.—In carrying out subparagraphs (B) and (C) of paragraph (1), the working group under such paragraph shall consult with the pharmaceutical, biotechnology, and medical device industries, and other appropriate experts.

"(3) USE OF SUBCOMMITTEES REGARDING CONSULTATION REQUIREMENTS.—With respect to a requirement under law that the working group under paragraph (1) be consulted on a matter, the working group may designate an appropriate subcommittee of the working group to engage in the consultation.

"(4) DISCRETION IN EXERCISE OF DUTIES.—Determinations made by the working group under paragraph (1) with respect to carrying out duties under such paragraph are matters committed to agency discretion for purposes of section 701(a) of title 5, Unites States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as establishing new regulatory authority for any of the officials specified in paragraph (1), or as having any legal effect on any other provision of law, including the responsibilities and authorities of the Environmental Protection Agency.".

SEC. 109. ANTIMICROBIAL RESISTANCE.

Section 319E of the Public Health Service Act (42 U.S.C. 247d–5) is amended—

(1) in subsection (b)—

(A) by striking "shall conduct and support" and inserting "shall directly or through awards of grants or cooperative agreements to public or private entities provide for the conduct of"; and

(B) by amending paragraph (4) to read as follows:

"(4) the sequencing of the genomes, or other DNA analysis, or other comparative analysis, of priority pathogens (as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a)), in collaboration and coordination with the activities of the Department of Defense and the Joint Genome Institute of the Department of Energy; and";

(2) in subsection (e)(2), by inserting after "societies," the following: "schools or programs that train medical laboratory personnel,"; and

(3) in subsection (g), by striking "and such sums" and all that follows and inserting the following: "$25,000,000 for each of the fiscal years 2002 and 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006.".

SEC. 110. SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.

Part B of title III of the Public Health Service Act, as amended by section 107 of this Act, is amended by inserting after section 319I the following section:

"SEC. 319J. SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS

"(a) IN GENERAL.—Upon the request of a recipient of an award under any of sections 319 through 319I or section 319K, the Secretary may, subject to subsection (b), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(b) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subsection (a), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.".

SEC. 111. ADDITIONAL AMENDMENTS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq) is amended—

(1) in section 319A(a)(1), by striking "10 years" and inserting "five years";

(2) in section 319B(a), in the first sentence, by striking "10 years" and inserting "five years"; and

(3) in section 391F(e)(2), as redesignated by section 104(a)(2) of this Act—

(A) by striking "or" after "clinic,"; and

(B) by inserting before the period following: ", professional organization or society, school or program that trains medical laboratory personnel, private accrediting organization, or other nonprofit private institution or entity meeting criteria established by the Secretary".

Subtitle B—Strategic National Stockpile; Development of Priority Countermeasures

SEC. 121. STRATEGIC NATIONAL STOCKPILE.

(a) STRATEGIC NATIONAL STOCKPILE.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), in coordination with the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

(A) consult with the working group under section 319F(a) of the Public Health Service Act;

(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

(F) ensure the adequate physical security of the stockpile.

(b) SMALLPOX VACCINE DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by the Secretary to be sufficient to meet the health security needs of the United States.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

(c) DISCLOSURES.—No Federal agency shall disclose under section 552, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

(d) DEFINITION.—For purposes of subsection (a), the term "stockpile" includes—

(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to the Secretary supplies described in subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

SEC. 122. ACCELERATED APPROVAL OF PRIORITY COUNTERMEASURES.

(a) IN GENERAL.—The Secretary of Health and Human Services may designate a priority countermeasure as a fast-track product pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) or as a device granted review priority pursuant to section 515(d)(5) of such Act (21 U.S.C. 360e(d)(5)). Such a designation may be made prior to the submission of—

(1) a request for designation by the sponsor or applicant; or

(2) an application for the investigation of the drug under section 505(i) of such Act or section 351(a)(3) of the Public Health Service Act.

Nothing in this subsection shall be construed to prohibit a sponsor or applicant from declining such a designation.

(b) USE OF ANIMAL TRIALS.—A drug for which approval is sought under section 505(b) of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act on the basis of evidence of effectiveness that is derived from animal studies pursuant to section 123 may be designated as a fast track product for purposes of this section.

(c) PRIORITY REVIEW OF DRUGS AND BIOLOGICAL PRODUCTS.—A priority countermeasure that is a drug or biological product shall be considered a priority drug or biological product for purposes of performance goals for priority drugs or biological products agreed to by the Commissioner of Food and Drugs.

(d) DEFINITIONS.—For purposes of this title:

(1) The term "priority countermeasure" has the meaning given such term in section 319F(h)(4) of the Public Health Service Act.

(2) The term "priority drugs or biological products" means a drug or biological product that is the subject of a drug or biologics application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997.

SEC. 123. ISSUANCE OF RULE ON ANIMAL TRIALS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall complete the process of rulemaking that was commenced under authority of section 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act with the issuance of the proposed rule entitled "New Drug and Biological

Drug Products; Evidence Needed to Demonstrate Efficacy of New Drugs for Use Against Lethal or Permanently Disabling Toxic Substances When Efficacy Studies in Humans Ethically Cannot be Conducted" published in the Federal Register on October 5, 1999 (64 Fed. Reg. 53960), and shall promulgate a final rule.

SEC. 124. SECURITY FOR COUNTERMEASURE DEVELOPMENT AND PRODUCTION.

Part B of title III of the Public Health Service Act, as amended by section 110 of this Act, is amended by inserting after section 319J the following section:

"SEC. 319K. SECURITY FOR COUNTERMEASURE DEVELOPMENT AND PRODUCTION.

"(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Secretary of Defense, may provide technical or other assistance to provide security to persons or facilities that conduct development, production, distribution, or storage of priority countermeasures (as defined in section 319F(h)(4)).

"(b) GUIDELINES.—The Secretary may develop guidelines to enable entities eligible to receive assistance under subsection (a) to secure their facilities against potential terrorist attack.".

SEC. 125. ACCELERATED COUNTERMEASURE RESEARCH AND DEVELOPMENT.

Section 319F(h) of the Public Health Service Act, as redesignated by section 104(a)(2) of this Act, is amended to read as follows:

"(h) ACCELERATED RESEARCH AND DEVELOPMENT ON PRIORITY PATHOGENS AND COUNTERMEASURES.—

"(1) IN GENERAL.—With respect to pathogens of potential use in a bioterrorist attack, and other agents that may cause a public health emergency, the Secretary, taking into consideration any recommendations of the working group under subsection (a), shall conduct, and award grants, contracts, or cooperative agreements for, research, investigations, experiments, demonstrations, and studies in the health sciences relating to—

"(A) the epidemiology and pathogenesis of such pathogens;

"(B) the sequencing of the genomes, or other DNA analysis, or other comparative analysis, of priority pathogens (as determined by the Director of the National Institutes of Health in consultation with the working group established in subsection (a)), in collaboration and coordination with the activities of the Department of Defense and the Joint Genome Institute of the Department of Energy;

"(C) the development of priority countermeasures; and

"(D) other relevant areas of research;

with consideration given to the needs of children and other vulnerable populations.

"(2) PRIORITY.—The Secretary shall give priority under this section to the funding of research and other studies related to priority countermeasures.

"(3) ROLE OF DEPARTMENT OF VETERANS AFFAIRS.—In carrying out paragraph (1), the Secretary shall consider using the biomedical research and development capabilities of the Department of Veterans Affairs, in conjunction with that Department's affiliations with health-professions universities. When advantageous to the Government in furtherance of the purposes of such paragraph, the Secretary may enter into cooperative agreements with the Secretary of Veterans Affairs to achieve such purposes.

"(4) PRIORITY COUNTERMEASURES.—For purposes of this section, the term 'priority countermeasure' means a drug, biological product, device, vaccine, vaccine adjuvant, antiviral, or diagnostic test that the Secretary determines to be—

"(A) a priority to treat, identify, or prevent infection by a biological agent or toxin listed pursuant to section 351A(a)(1), or harm from any other agent that may cause a public health emergency; or

"(B) a priority to diagnose conditions that may result in adverse health consequences or death and may be caused by the administering of a drug, biological product, device, vaccine, vaccine adjuvant, antiviral, or diagnostic test that is a priority under subparagraph (A).".

SEC. 126. EVALUATION OF NEW AND EMERGING TECHNOLOGIES REGARDING BIOTERRORIST ATTACK AND OTHER PUBLIC HEALTH EMERGENCIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall promptly carry out a program to periodically evaluate new and emerging technologies that, in the determination of the Secretary, are designed to improve or enhance the ability of public health or safety officials to conduct public health surveillance activities relating to a bioterrorist attack or other public health emergency.

(b) CERTAIN ACTIVITIES.—In carrying out this subsection, the Secretary shall, to the extent practicable—

(1) survey existing technology programs funded by the Federal Government for potentially useful technologies;

(2) promptly issue a request, as necessary, for information from non-Federal public and private entities for ongoing activities in this area; and

(3) evaluate technologies identified under paragraphs (1) and (2) pursuant to subsection (c).

(c) CONSULTATION AND EVALUATION.—In carrying out subsection (b)(3), the Secretary shall consult with the working group under section 319F(a) of the Public Health Service Act, as well as other appropriate public, nonprofit, and private entities, to develop criteria for the evaluation of such technologies and to conduct such evaluations.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities under this section.

SEC. 127. POTASSIUM IODIDE.

(a) IN GENERAL.—Through the national stockpile under section 121, the President, subject to subsections (b) and (c), shall make available to State and local governments potassium iodide tablets for stockpiling and for distribution as appropriate to public facilities, such as schools and hospitals, in quantities sufficient to provide adequate protection for the population within 20 miles of a nuclear power plant.

(b) STATE AND LOCAL PLANS.—

(1) IN GENERAL.—Subsection (a) applies with respect to a State or local government, subject to paragraph (2), if the government involved meets the following conditions:

(A) Such government submits to the President a plan for the stockpiling of potassium iodide tablets, and for the distribution and utilization of potassium iodide tablets in the event of a nuclear incident.

(B) The plan is accompanied by certifications by such government that the government has not already received sufficient quantities of potassium iodide tablets from the Federal Government.

(2) LOCAL GOVERNMENTS.—Subsection (a) applies with respect to a local government only if, in addition to the conditions described in paragraph (1), the following conditions are met:

(A) The State in which the locality involved is located—

(i) does not have a plan described in paragraph (1)(A); or

(ii) has a plan described in such paragraph, but the plan does not address populations at a distance greater than 10 miles from the nuclear power plant involved.

(B) The local government has petitioned the State to modify the State plan to address such populations, not exceeding 20 miles from such plant, and 60 days have elapsed without the State modifying the State plan to address populations at the full distance sought by the local government through the petition.

(C) The local government has submitted its local plan under paragraph (1)(A) to the State, and the State has approved the plan and certified that the plan is not inconsistent with the State emergency plan.

(c) GUIDELINES.—Not later than one year after the date of the enactment of this Act, the President, in consultation with individuals representing appropriate Federal, State, and local agencies, shall establish guidelines for the stockpiling of potassium iodide tablets, and for the distribution and utilization of potassium iodide tablets in the event of a nuclear incident. Such tablets may not be made available under subsection (a) until such guidelines have been established.

(d) INFORMATION.—The President shall carry out activities to inform State and local governments of the program under this section.

(e) REPORTS.—

(1) PRESIDENT.—Not later than six months after the date on which the guidelines under subsection (c) are issued, the President shall submit to the Congress a report—

(A) on whether potassium iodide tablets have been made available under subsection (a) or other Federal, State, or local programs, and the extent to which State and local governments have established stockpiles of such tablets; and

(B) the measures taken by the President to implement this section.

(2) NATIONAL ACADEMY OF SCIENCES.—

(A) IN GENERAL.—The President shall request the National Academy of Sciences to enter into an agreement with the President under which the Academy conducts a study to determine what is the most effective and safe way to distribute and administer potassium iodide tablets on a mass scale. If the Academy declines to conduct the study, the President shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(B) REPORT.—The President shall ensure that, not later than six months after the date of the enactment of this Act, the study required in subparagraph (A) is completed and a report describing the findings made in the study is submitted to the Congress.

(f) APPLICABILITY.—Subsections (a) and (d) cease to apply as requirements if the President determines that there is an alternative and more effective prophylaxis or preventive measures for adverse thyroid conditions that may result from the release of radionuclides from nuclear power plants.

Subtitle C—Improving State, Local, and Hospital Preparedness for and Response to Bioterrorism and Other Public Health Emergencies

SEC. 131. GRANTS TO IMPROVE STATE, LOCAL, AND HOSPITAL PREPAREDNESS FOR AND RESPONSE TO BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319C the following sections:

"SEC. 319C-1. GRANTS TO IMPROVE STATE, LOCAL, AND HOSPITAL PREPAREDNESS FOR AND RESPONSE TO BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.

"(a) IN GENERAL.—To enhance the security of the United States with respect to bioterrorism *and other public health emergencies, the Secretary shall make awards of grants or cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).*

"(b) Eligible Entities.—

"(1) In general.—To be eligible to receive an award under subsection (a), an entity shall—

"(A)(i) be a State; and

"(ii) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including an assurance that the State—

"(I) has completed an evaluation under section 319B(a), or an evaluation that is substantially equivalent to an evaluation described in such section (as determined by the Secretary);

"(II) has prepared, or will (within 60 days of receiving an award under this section) prepare, a Bioterrorism and Other Public Health Emergency Preparedness and Response Plan in accordance with subsection (c);

"(III) has established a means by which to obtain public comment and input on the plan prepared under subclause (II), and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public at large as well as from other State and local stakeholders;

"(IV) will use amounts received under the award in accordance with the plan prepared under subclause (II), including making expenditures to carry out the strategy contained in the plan; and

"(V) with respect to the plan prepared under subclause (II), will establish reasonable criteria to evaluate the effective performance of entities that receive funds under the award and include relevant benchmarks in the plan; or

"(B)(i) be a political subdivision of a State or a consortium of 2 or more such subdivisions; and

"(ii) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require.

"(2) Coordination with statewide plans.—An award under subsection (a) to an eligible entity described in paragraph (1)(B) may not be made unless the application of such entity is in coordination with, and consistent with, applicable Statewide plans described in subsection (d)(1).

"(c) Bioterrorism and Other Public Health Emergency Preparedness and Response Plan.—Not later than 60 days after receiving amounts under an award under subsection (a), an eligible entity described in subsection (b)(1)(A) shall prepare and submit to the Secretary a Bioterrorism and Other Public Health Emergency Preparedness and Response Plan. Recognizing the assessment of public health needs conducted under section 319B, such plan shall include a description of activities to be carried out by the entity to address the needs identified in such assessment (or an equivalent assessment).

"(d) Use of Funds.—An award under subsection (a) may be expended for activities that may include the following and similar activities:

"(1) To develop Statewide plans (including the development of the Bioterrorism and Other Public Health Emergency Preparedness and Response Plan required under subsection (c)), and community-wide plans for responding to bioterrorism and other public health emergencies that are coordinated with the capacities of applicable national, State, and local health agencies and health care providers, including poison control centers.

"(2) To address deficiencies identified in the assessment conducted under section 319B.

"(3) To purchase or upgrade equipment (including stationary or mobile communications equipment), supplies, pharmaceuticals or other priority countermeasures to enhance preparedness for and response to bioterrorism or other public health emergencies, consistent with the plan described in subsection (c).

"(4) To conduct exercises to test the capability and timeliness of public health emergency response activities.

"(5) To develop and implement the trauma care and burn center care components of the State plans for the provision of emergency medical services.

"(6) To improve training or workforce development to enhance public health laboratories.

"(7) To train public health and health care personnel to enhance the ability of such personnel—

"(A) to detect, provide accurate identification of, and recognize the symptoms and epidemiological characteristics of exposure to a biological agent that may cause a public health emergency; and

"(B) to provide treatment to individuals who are exposed to such an agent.

"(8) To develop, enhance, coordinate, or improve participation in systems by which disease detection and information about biological attacks and other public health emergencies can be rapidly communicated among national, State, and local health agencies, emergency response personnel, and health care providers and facilities to detect and respond to a bioterrorist attack or other public health emergency, including activities to improve information technology and communications equipment available to health care and public health officials for use in responding to a biological threat or attack or other public health emergency.

"(9) To enhance communication to the public of information on bioterrorism and other public health emergencies, including through the use of 2-1-1 call centers.

"(10) To address the health security needs of children and other vulnerable populations with respect to bioterrorism and other public health emergencies.

"(11) To provide training and develop, enhance, coordinate, or improve methods to enhance the safety of workers and workplaces in the event of bioterrorism.

"(12) To prepare and plan for contamination prevention efforts related to public health that may be implemented in the event of a bioterrorist attack, including training and planning to protect the health and safety of workers conducting the activities described in this paragraph.

"(13) To prepare a plan for triage and transport management in the event of bioterrorism or other public health emergencies.

"(14) To enhance the training of health care professionals to recognize and treat the mental health consequences of bioterrorism or other public health emergencies.

"(15) To enhance the training of health care professionals to assist in providing appropriate health care for large numbers of individuals exposed to a bioweapon.

"(16) To enhance training and planning to protect the health and safety of personnel, including health care professionals, involved in responding to a biological attack.

"(17) To improve surveillance, detection, and response activities to prepare for emergency response activities including biological threats or attacks, including training personnel in these and other necessary functions and including early warning and surveillance networks that use advanced information technology to provide early detection of biological threats or attacks.

"(18) To develop, enhance, and coordinate or improve the ability of existing telemedicine programs to provide health care information and advice as part of the emergency public health response to bioterrorism or other public health emergencies.

Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

"(e) Priorities in Use of Grants.—

"(1) In general.—

"(A) Priorities.—Except as provided in subparagraph (B), the Secretary shall, in carrying out the activities described in this section, address the following hazards in the following priority:

"(i) Bioterrorism or acute outbreaks of infectious diseases.

"(ii) Other public health threats and emergencies.

"(B) Determination of the secretary.—In the case of the hazard involved, the degree of priority that would apply to the hazard based on the categories specified in clauses (i) and (ii) of subparagraph (A) may be modified by the Secretary if the following conditions are met:

"(i) The Secretary determines that the modification is appropriate on the basis of the following factors:

"(I) The extent to which eligible entities are adequately prepared for responding to hazards within the category specified in clause (i) of subparagraph (A).

"(II) There has been a significant change in the assessment of risks to the public health posed by hazards within the category specified in clause (ii) of such subparagraph.

"(ii) Prior to modifying the priority, the Secretary notifies the appropriate committees of the Congress of the determination of the Secretary under clause (i) of this subparagraph.

"(2) Areas of emphasis within categories.—The Secretary shall determine areas of emphasis within the category of hazards specified in clause (i) of paragraph (1)(A), and shall determine areas of emphasis within the category of hazards specified in clause (ii) of such paragraph, based on an assessment of the risk and likely consequences of such hazards and on an evaluation of Federal, State, and local needs, and may also take into account the extent to which receiving an award under subsection (a) will develop capacities that can be used for public health emergencies of varying types.

"(f) Certain Activities.—In administering activities under section 319C(c)(4) or similar activities, the Secretary shall, where appropriate, give priority to activities that include State or local government financial commitments, that seek to incorporate multiple public health and safety services or diagnostic databases into an integrated public health entity, and that cover geographic areas lacking advanced diagnostic and laboratory capabilities.

"(g) Coordination with Local Medical Response System.—An eligible entity and local Metropolitan Medical Response Systems shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities that are carried out by local Metropolitan Medical Response Systems.

"(h) Coordination of Federal Activities.—In making awards under subsection (a), the Secretary shall—

"(1) annually notify the Director of the Federal Emergency Management Agency, the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office, as to the amount, activities covered under, and status of such awards; and

"(2) coordinate such awards with other activities conducted or supported by the Secretary to enhance preparedness for bioterrorism and other public health emergencies.

"(i) Definition.—For purposes of this section, the term 'eligible entity' means an entity that

meets the conditions described in subparagraph (A) or (B) of subsection (b)(1).

"(j) FUNDING.—

"(1) AUTHORIZATIONS OF APPROPRIATIONS.—

"(A) FISCAL YEAR 2003.—

"(i) AUTHORIZATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,600,000,000 for fiscal year 2003, of which—

"(I) $1,080,000,000 is authorized to be appropriated for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)); and

"(II) $520,000,000 is authorized to be appropriated—

"(aa) for awards under subsection (a) to States, notwitstanding the eligibility conditions under subsection (b), for the purpose of enhancing the preparedness of hospitals (including children's hospitals), clinics, health centers, and primary care facilities for bioterrorism and other public health emergencies; and

"(bb) for Federal, State, and local planning and administrative activities related to such purpose.

"(ii) CONTINGENT ADDITIONAL AUTHORIZATION.—If a significant change in circumstances warrants an increase in the amount authorized to be appropriated under clause (i) for fiscal year 2003, there are authorized to be appropriated such sums as may be necessary for such year for carrying out this section, in addition to the amount authorized in clause (i).

"(B) OTHER FISCAL YEARS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006.

"(2) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated under paragraph (1) shall be used to supplement and not supplant other State and local public funds provided for activities under this section.

"(3) STATE BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE BLOCK GRANT FOR FISCAL YEAR 2003.—

"(A) IN GENERAL.—For fiscal year 2003, the Secretary shall, in an amount determined in accordance with subparagraphs (B) through (D), make an award under subsection (a) to each State, notwithstanding the eligibility conditions described in subsection (b), that submits to the Secretary an application for the award that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards. No other awards may be made under subsection (a) for such fiscal year, except as provided in paragraph (1)(A)(i)(II) and paragraphs (4) and (5).

"(B) BASE AMOUNT.—In determining the amount of an award pursuant to subparagraph (A) for a State, the Secretary shall first determine an amount the Secretary considers appropriate for the State (referred to in this paragraph as the 'base amount'), except that such amount may not be greater than the minimum amount determined under subparagraph (D).

"(C) INCREASE ON BASIS OF POPULATION.—After determining the base amount for a State under subparagraph (B), the Secretary shall increase the base amount by an amount equal to the product of—

"(i) the amount appropriated under paragraph (1)(A)(i)(I) for the fiscal year, less an amount equal to the sum of all base amounts determined for the States under subparagraph (B), and less the amount, if any, reserved by the Secretary under paragraphs (4) and (5); and

"(ii) subject to paragraph (4)(C), the percentage constituted by the ratio of an amount equal to the population of the State over an amount equal to the total population of the States (as indicated by the most recent data collected by the Bureau of the Census).

"(D) MINIMUM AMOUNT.—Subject to the amount appropriated under paragraph (1)(A)(i)(I), an award pursuant to subparagraph (A) for a State shall be the greater of the base amount as increased under subparagraph (C), or the minimum amount under this subparagraph. The minimum amount under this subparagraph is—

"(i) in the case of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, an amount equal to the lesser of—

"(I) $5,000,000; or

"(II) if the amount appropriated under paragraph (1)(A)(i)(I) is less than $667,000,000, an amount equal to 0.75 percent of the amount appropriated under such paragraph, less the amount, if any, reserved by the Secretary under paragraphs (4) and (5); or

"(ii) in the case of each of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, an amount determined by the Secretary to be appropriate, except that such amount may not exceed the amount determined under clause (i).

"(4) CERTAIN POLITICAL SUBDIVISIONS.—

"(A) IN GENERAL.—For fiscal year 2003, the Secretary may, before making awards pursuant to paragraph (3) for such year, reserve from the amount appropriated under paragraph (1)(A)(i)(I) for the year an amount determined necessary by the Secretary to make awards under subsection (a) to political subdivisions that have a substantial number of residents, have a substantial local infrastructure for responding to public health emergencies, and face a high degree of risk from bioterrorist attacks or other public health emergencies. Not more than three political subdivisions may receive awards pursuant to this subparagraph.

"(B) COORDINATION WITH STATEWIDE PLANS.—An award pursuant to subparagraph (A) may not be made unless the application of the political subdivision involved is in coordination with, and consistent with, applicable Statewide plans described in subsection (c)(1).

"(C) RELATIONSHIP TO FORMULA GRANTS.—In the case of a State that will receive an award pursuant to paragraph (3), and in which there is located a political subdivision that will receive an award pursuant to subparagraph (A), the Secretary shall, in determining the amount under paragraph (3)(B) for the State, subtract from the population of the State an amount equal to the population of such political subdivision.

"(D) CONTINUITY OF FUNDING.—In determining whether to make an award pursuant to subparagraph (A) to a political subdivision, the Secretary may consider, as a factor indicating that the award should be made, that the political subdivision received public health funding from the Secretary for fiscal year 2002.

"(5) SIGNIFICANT UNMET NEEDS; DEGREE OF RISK.—

"(A) IN GENERAL.—For fiscal year 2003, the Secretary may, before making awards pursuant to paragraph (3) for such year, reserve from the amount appropriated under paragraph (1)(A)(i)(I) for the year an amount determined necessary by the Secretary to make awards under subsection (a) to eligible entities that—

"(i) have a significant need for funds to build capacity to identify, detect, monitor, and respond to a bioterrorist or other threat to the public health, which need will not be met by awards pursuant to paragraph (3); and

"(ii) face a particularly high degree of risk of such a threat.

"(B) RECIPIENTS OF GRANTS.—Awards pursuant to subparagraph (A) may be supplemental awards to States that receive awards pursuant to paragraph (3), or may be awards to eligible entities described in subsection (b)(1)(B) within such States.

"(C) FINDING WITH RESPECT TO DISTRICT OF COLUMBIA.—The Secretary shall consider the District of Columbia to have a significant unmet need for purposes of subparagraph (A), and to face a particularly high degree of risk for such purposes, on the basis of the concentration of entities of national significance located within the District.

"(6) FUNDING OF LOCAL ENTITIES.—For fiscal year 2003, the Secretary shall in making awards under this section ensure that appropriate portions of such awards are made available to political subdivisions, local departments of public health, hospitals (including children's hospitals), clinics, health centers, or primary care facilities, or consortia of such entities.

"SEC. 319C–2. PARTNERSHIPS FOR COMMUNITY AND HOSPITAL PREPAREDNESS.

"(a) GRANTS.—The Secretary shall make awards of grants or cooperative agreements to eligible entities to enable such entities to improve community and hospital preparedness for bioterrorism and other public health emergencies.

"(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

"(1) be a partnership consisting of—

"(A) one or more hospitals (including children's hospitals), clinics, health centers, or primary care facilities; and

"(B)(i) one or more political subdivisions of States;

"(ii) one or more States; or

"(iii) one or more States and one or more political subdivisions of States; and

"(2) prepare, in consultation with the Chief Executive Officer of the State, District, or territory in which the hospital, clinic, health center, or primary care facility described in paragraph (1)(A) is located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary, will—

"(1) enhance coordination—

"(A) among the entities described in subsection (b)(1)(A); and

"(B) between such entities and the entities described in subsection (b)(1)(B); and

"(2) serve the needs of a defined geographic area.

"(d) CONSISTENCY OF PLANNED ACTIVITIES.—An entity described in subsection (b)(1) shall utilize amounts received under an award under subsection (a) in a manner that is coordinated and consistent, as determined by the Secretary, with an applicable State Bioterrorism and Other Public Health Emergency Preparedness and Response Plan.

"(e) USE OF FUNDS.—An award under subsection (a) may be expended for activities that may include the following and similar activities—

"(1) planning and administration for such award;

"(2) preparing a plan for triage and transport management in the event of bioterrorism or other public health emergencies;

"(3) enhancing the training of health care professionals to improve the ability of such professionals to recognize the symptoms of exposure to a potential bioweapon, to make appropriate diagnosis, and to provide treatment to those individuals so exposed;

"(4) enhancing the training of health care professionals to recognize and treat the mental health consequences of bioterrorism or other public health emergencies;

"(5) enhancing the training of health care professionals to assist in providing appropriate health care for large numbers of individuals exposed to a bioweapon;

"(6) enhancing training and planning to protect the health and safety of personnel involved in responding to a biological attack;

"(7) developing and implementing the trauma care and burn center care components of the State plans for the provision of emergency medical services; or

"(8) conducting such activities as are described in section 319C–1(d) that are appropriate for hospitals (including children's hospitals), clinics, health centers, or primary care facilities.

"(f) LIMITATION ON AWARDS.—A political subdivision of a State shall not participate in more than one partnership described in subsection (b)(1).

"(g) PRIORITIES IN USE OF GRANTS.—

"(1) IN GENERAL.—

"(A) PRIORITIES.—Except as provided in subparagraph (B), the Secretary shall, in carrying out the activities described in this section, address the following hazards in the following priority:

"(i) Bioterrorism or acute outbreaks of infectious diseases.

"(ii) Other public health threats and emergencies.

"(B) DETERMINATION OF THE SECRETARY.—In the case of the hazard involved, the degree of priority that would apply to the hazard based on the categories specified in clauses (i) and (ii) of subparagraph (A) may be modified by the Secretary if the following conditions are met:

"(i) The Secretary determines that the modification is appropriate on the basis of the following factors:

"(I) The extent to which eligible entities are adequately prepared for responding to hazards within the category specified in clause (i) of subparagraph (A).

"(II) There has been a significant change in the assessment of risks to the public health posed by hazards within the category specified in clause (ii) of such subparagraph.

"(ii) Prior to modifying the priority, the Secretary notifies the appropriate committees of the Congress of the determination of the Secretary under clause (i) of this subparagraph.

"(2) AREAS OF EMPHASIS WITHIN CATEGORIES.—The Secretary shall determine areas of emphasis within the category of hazards specified in clause (i) of paragraph (1)(A), and shall determine areas of emphasis within the category of hazards specified in clause (ii) of such paragraph, based on an assessment of the risk and likely consequences of such hazards and on an evaluation of Federal, State, and local needs, and may also take into account the extent to which receiving an award under subsection (a) will develop capacities that can be used for public health emergencies of varying types.

"(h) COORDINATION WITH LOCAL MEDICAL RESPONSE SYSTEM.—An eligible entity and local Metropolitan Medical Response Systems shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities that are carried out by local Metropolitan Medical Response Systems.

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 through 2006.".

(b) CERTAIN GRANTS.—Section 319C of the Public Health Service Act (42 U.S.C. 247d–3) is amended by striking subsection (f).

Subtitle D—Emergency Authorities; Additional Provisions

SEC. 141. REPORTING DEADLINES.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

"(d) DATA SUBMITTAL AND REPORTING DEADLINES.—In any case in which the Secretary determines that, wholly or partially as a result of a public health emergency that has been determined pursuant to subsection (a), individuals or public or private entities are unable to comply with deadlines for the submission to the Secretary of data or reports required under any law administered by the Secretary, the Secretary may, notwithstanding any other provision of law, grant such extensions of such deadlines as the circumstances reasonably require, and may waive, wholly or partially, any sanctions otherwise applicable to such failure to comply. Before or promptly after granting such an extension or waiver, the Secretary shall notify the Congress of such action and publish in the Federal Register a notice of the extension or waiver.".

SEC. 142. STREAMLINING AND CLARIFYING COMMUNICABLE DISEASE QUARANTINE PROVISIONS.

(a) ELIMINATION OF PREREQUISITE FOR NATIONAL ADVISORY HEALTH COUNCIL RECOMMENDATION BEFORE ISSUING QUARANTINE RULES.—

(1) EXECUTIVE ORDERS SPECIFYING DISEASES SUBJECT TO INDIVIDUAL DETENTIONS.—Section 361(b) of the Public Health Act (42 U.S.C. 264(b)) is amended by striking "Executive orders of the President upon the recommendation of the National Advisory Health Council and the Surgeon General" and inserting "Executive orders of the President upon the recommendation of the Secretary, in consultation with the Surgeon General,".

(2) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS.—Section 361(d) of the Public Health Act (42 U.S.C. 264(d)) is amended by striking "On recommendation of the National Advisory Health Council, regulations" and inserting "Regulations".

(3) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS IN WARTIME.—Section 363 of the Public Health Act (42 U.S.C. 266) is amended by striking "the Surgeon General, on recommendation of the National Advisory Health Council," and inserting "the Secretary, in consultation with the Surgeon General,".

(b) APPREHENSION AUTHORITY TO APPLY IN CASES OF EXPOSURE TO DISEASE.—

(1) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS.—Section 361(d) of the Public Health Act (42 U.S.C. 264(d)), as amended by subsection (a)(2), is further amended—

(A) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively;

(B) by striking "(d)" and inserting "(d)(1)";

(C) in paragraph (1) (as designated by subparagraph (B) of this paragraph), in the first sentence, by striking "in a communicable stage" each place such term appears and inserting "in a qualifying stage"; and

(D) by adding at the end the following paragraph:

"(2) For purposes of this subsection, the term 'qualifying stage', with respect to a communicable disease, means that such disease—

"(A) is in a communicable stage; or

"(B) is in a precommunicable stage, if the disease would be likely to cause a public health emergency if transmitted to other individuals.".

(2) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS IN WARTIME.—Section 363 of the Public Health Act (42 U.S.C. 266), as amended by subsection (a)(3), is further amended by striking "in a communicable stage"

(c) STATE AUTHORITY.—Section 361 of the Public Health Act (42 U.S.C. 264) is amended by adding at the end the following:

"(e) Nothing in this section or section 363, or the regulations promulgated under such sections, may be construed as superseding any provision under State law (including regulations and including provisions established by political subdivisions of States), except to the extent that such a provision conflicts with an exercise of Federal authority under this section or section 363.".

SEC. 143. EMERGENCY WAIVER OF MEDICARE, MEDICAID, AND SCHIP REQUIREMENTS.

(a) WAIVER AUTHORITY.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1134 the following new section:

"AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES

"SEC. 1135. (a) PURPOSE.—The purpose of this section is to enable the Secretary to ensure to the maximum extent feasible, in any emergency area and during an emergency period (as defined in subsection (g)(1))—

"(1) that sufficient health care items and services are available to meet the needs of individuals in such area enrolled in the programs under titles XVIII, XIX, and XXI; and

"(2) that health care providers (as defined in subsection (g)(2)) that furnish such items and services in good faith, but that are unable to comply with one or more requirements described in subsection (b), may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.

"(b) SECRETARIAL AUTHORITY.—To the extent necessary to accomplish the purpose specified in subsection (a), the Secretary is authorized, subject to the provisions of this section, to temporarily waive or modify the application of, with respect to health care items and services furnished by a health care provider (or classes of health care providers) in any emergency area (or portion of such an area) during any portion of an emergency period, the requirements of titles XVIII, XIX, or XXI, or any regulation thereunder (and the requirements of this title other than this section, and regulations thereunder, insofar as they relate to such titles), pertaining to—

"(1)(A) conditions of participation or other certification requirements for an individual health care provider or types of providers,

"(B) program participation and similar requirements for an individual health care provider or types of providers, and

"(C) pre-approval requirements;

"(2) requirements that physicians and other health care professionals be licensed in the State in which they provide such services, if they have equivalent licensing in another State and are not affirmatively excluded from practice in that State or in any State a part of which is included in the emergency area;

"(3) sanctions under section 1867 (relating to examination and treatment for emergency medical conditions and women in labor) for a transfer of an individual who has not been stabilized in violation of subsection (c) of such section if the transfer arises out of the circumstances of the emergency;

"(4) sanctions under section 1877(g) (relating to limitations on physician referral);

"(5) deadlines and timetables for performance of required activities, except that such deadlines and timetables may only be modified, not waived; and

"(6) limitations on payments under section 1851(i) for health care items and services furnished to individuals enrolled in a Medicare+Choice plan by health care professionals or facilities not included under such plan.

Insofar as the Secretary exercises authority under paragraph (6) with respect to individuals enrolled in a Medicare+Choice plan, to the extent possible given the circumstances, the Secretary shall reconcile payments made on behalf of such enrollees to ensure that the enrollees do not pay more than would be required had they received services from providers within the network of the plan and may reconcile payments to the organization offering the plan to ensure that such organization pays for services for which payment is included in the capitation payment it receives under part C of title XVIII.

"(c) Authority for Retroactive Waiver.—A waiver or modification of requirements pursuant to this section may, at the Secretary's discretion, be made retroactive to the beginning of the emergency period or any subsequent date in such period specified by the Secretary.

"(d) Certification to Congress.—The Secretary shall provide a certification and advance written notice to the Congress at least two days before exercising the authority under this section with respect to an emergency area. Such a certification and notice shall include—

"(1) a description of—

"(A) the specific provisions that will be waived or modified;

"(B) the health care providers to whom the waiver or modification will apply;

"(C) the geographic area in which the waiver or modification will apply; and

"(D) the period of time for which the waiver or modification will be in effect; and

"(2) a certification that the waiver or modification is necessary to carry out the purpose specified in subsection (a).

"(e) Duration of Waiver.—

"(1) In general.—A waiver or modification of requirements pursuant to this section terminates upon—

"(A) the termination of the applicable declaration of emergency or disaster described in subsection (g)(1)(A);

"(B) the termination of the applicable declaration of public health emergency described in subsection (g)(1)(B); or

"(C) subject to paragraph (2), the termination of a period of 60 days from the date the waiver or modification is first published (or, if applicable, the date of extension of the waiver or modification under paragraph (2)).

"(2) Extension of 60-day periods.—The Secretary may, by notice, provide for an extension of a 60-day period described in paragraph (1)(C) (or an additional period provided under this paragraph) for additional period or periods (not to exceed, except as subsequently provided under this paragraph, 60 days each), but any such extension shall not affect or prevent the termination of a waiver or modification under subparagraph (A) or (B) of paragraph (1).

"(f) Report to Congress.—Within one year after the end of the emergency period in an emergency area in which the Secretary exercised the authority provided under this section, the Secretary shall report to the Congress regarding the approaches used to accomplish the purposes described in subsection (a), including an evaluation of such approaches and recommendations for improved approaches should the need for such emergency authority arise in the future.

"(g) Definitions.—For purposes of this section:

"(1) Emergency area; emergency period.—An 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

"(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

"(B) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act.

"(2) Health care provider.—The term 'health care provider' means any entity that furnishes health care items or services, and includes a hospital or other provider of services, a physician or other health care practitioner or professional, a health care facility, or a supplier of health care items or services.".

(b) Effective Date.—The amendment made by subsection (a) shall be effective on and after September 11, 2001.

SEC. 144. PROVISION FOR EXPIRATION OF PUBLIC HEALTH EMERGENCIES.

(a) In General.—Section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), is amended by adding at the end the following new sentence: "Any such determination of a public health emergency terminates upon the Secretary declaring that the emergency no longer exists, or upon the expiration of the 90-day period beginning on the date on which the determination is made by the Secretary, whichever occurs first. Determinations that terminate under the preceding sentence may be renewed by the Secretary (on the basis of the same or additional facts), and the preceding sentence applies to each such renewal. Not later than 48 hours after making a determination under this subsection of a public health emergency (including a renewal), the Secretary shall submit to the Congress written notification of the determination.".

(b) Applicability.—The amendment made by subsection (a) applies to any public health emergency under section 319(a) of the Public Health Service Act, including any such emergency that was in effect as of the day before the date of the enactment of this Act. In the case of such an emergency that was in effect as of such day, the 90-day period described in such section with respect to the termination of the emergency is deemed to begin on such date of enactment.

Subtitle E—Additional Provisions

SEC. 151. DESIGNATED STATE PUBLIC EMERGENCY ANNOUNCEMENT PLAN.

Section 613(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) include a plan for providing information to the public in a coordinated manner.".

SEC. 152. EXPANDED RESEARCH BY SECRETARY OF ENERGY.

(a) Detection and Identification Research.—

(1) In general.—In conjunction with the working group under section 319F(a) of the Public Health Service Act, the Secretary of Energy and the Administrator of the National Nuclear Security Administration shall expand, enhance, and intensify research relevant to the rapid detection and identification of pathogens likely to be used in a bioterrorism attack or other agents that may cause a public health emergency.

(2) Authorized activities.—Activities carried out under paragraph (1) may include—

(A) the improvement of methods for detecting biological agents or toxins of potential use in a biological attack and the testing of such methods under variable conditions;

(B) the improvement or pursuit of methods for testing, verifying, and calibrating new detection and surveillance tools and techniques; and

(C) carrying out other research activities in relevant areas.

(3) Report.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate, and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives, a report setting forth the programs and projects that will be funded prior to the obligation of funds appropriated under subsection (b).

(b) Authorization.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2002 through 2006.

SEC. 153. EXPANDED RESEARCH ON WORKER HEALTH AND SAFETY.

The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the National Institute of Occupational Safety and Health, shall enhance and expand research as deemed appropriate on the health and safety of workers who are at risk for bioterrorist threats or attacks in the workplace, including research on the health effects of measures taken to treat or protect such workers for diseases or disorders resulting from a bioterrorist threat or attack. Nothing in this section may be construed as establishing new regulatory authority for the Secretary or the Director to issue or modify any occupational safety and health rule or regulation.

SEC. 154. ENHANCEMENT OF EMERGENCY PREPAREDNESS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Readiness of Department Medical Center.—(1) The Secretary of Veterans Affairs shall take appropriate actions to enhance the readiness of Department of Veterans Affairs medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack and so as to enable such centers to fulfil their obligations as part of the Federal response to public health emegencies.

(2) Actions under paragraph (1) shall include—

(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

(B) the provision of training in the use of such equipment to staff of such centers.

(b) Security at Department Medical and Research Facilities.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary shall carry out an evaluation of the security needs at Department medical centers and research facilities. The evaluation shall address the following needs:

(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

(D) Any other needs the Secretary considers appropriate.

(2) The Secretary shall take appropriate actions to enhance the security of Department medical centers and research facilities, including staff and patients at such centers and facilities. In taking such actions, the Secretary shall take into account the results of the evaluation required by paragraph (1).

(c) Tracking of Pharmaceuticals and Medical Supplies and Equipment.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks.

(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency, establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System.

(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group under section 319F(a) of the Public Health Service Act.

(f) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall, in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group under section 319F(a) of the Public Health Service Act, develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, to local and community emergency response providers, veterans, active duty military personnel, and individuals seeking care at Department medical centers following a bioterrorist attack or other public health emergency.

(2) The strategies under paragraph (1) shall include the following:

(A) Training and certification of providers of mental health counseling and assistance.

(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in that paragraph.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs amounts as follows:

(1) To carry out activities required by subsection (a)—

(A) $100,000,000 for fiscal year 2002; and

(B) such sums as may be necessary for each of fiscal years 2003 through 2006.

(2) To carry out activities required by subsections (b) through (f)—

(A) $33,000,000 for fiscal year 2002; and

(B) such sums as may be necessary for each of fiscal years 2003 through 2006.

SEC. 155. REAUTHORIZATION OF EXISTING PROGRAM.

Section 582(f) of the Public Health Service Act (42 U.S.C. 290hh-1(f)) is amended by striking "2002 and 2003" and inserting "2003 through 2006".

SEC. 156. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) many excellent university-based programs are already functioning and developing important biodefense products and solutions throughout the United States;

(2) accelerating the crucial work done at university centers and laboratories will contribute significantly to the United States capacity to defend against any biological threat or attack;

(3) maximizing the effectiveness of, and extending the mission of, established university programs would be one appropriate use of the additional resources provided for in this Act and the amendments made by this Act; and

(4) the Secretary of Health and Human Services should, as appropriate, recognize the importance of existing public and private university-based research, training, public awareness, and safety related biological defense programs when the Secretary makes awards of grants and contracts in accordance with this Act and the amendments made by this Act.

SEC. 157. GENERAL ACCOUNTING OFFICE REPORT.

(a) IN GENERAL.—The Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a report that describes—

(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

(2) the coordination of the activities described in paragraph (1);

(3) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population;

(4) the activities and costs of the Civil Support Teams of the National Guard in responding to biological threats or attacks against the civilian population;

(5) the activities of the working group under subsection (a) and the efforts made by such group to carry out the activities described in such subsection; and

(6) the ability of private sector contractors to enhance governmental responses to biological threats or attacks.

SEC. 158. CERTAIN AWARDS.

Section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)) is amended in the matter after and below paragraph (2) by striking "grants and" and inserting "grants, providing awards for expenses, and"

SEC. 159. PUBLIC ACCESS DEFIBRILLATION PROGRAMS AND PUBLIC ACCESS DEFIBRILLATION DEMONSTRATION PROJECTS.

(a) SHORT TITLE.—This section may be cited as the "Community Access to Emergency Defibrillation Act of 2002".

(b) FINDINGS.—Congress makes the following findings:

(1) Over 220,000 Americans die each year from cardiac arrest. Every 2 minutes, an individual goes into cardiac arrest in the United States.

(2) The chance of successfully returning to a normal heart rhythm diminishes by 10 percent each minute following sudden cardiac arrest.

(3) Eighty percent of cardiac arrests are caused by ventricular fibrillation, for which defibrillation is the only effective treatment.

(4) Sixty percent of all cardiac arrests occur outside the hospital. The average national survival rate for out-of-hospital cardiac arrest is only 5 percent.

(5) Communities that have established and implemented public access defibrillation programs have achieved average survival rates for out-of-hospital cardiac arrest as high as 50 percent.

(6) According to the American Heart Association, wide use of defibrillators could save as many as 50,000 lives nationally each year.

(7) Successful public access defibrillation programs ensure that cardiac arrest victims have access to early 911 notification, early cardiopulmonary resuscitation, early defibrillation, and early advanced care.

(c) PUBLIC ACCESS DEFIBRILLATION PROGRAMS AND PROJECTS.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by Public Law 106–310, is amended by adding after section 311 the following:

"SEC. 312. PUBLIC ACCESS DEFIBRILLATION PROGRAMS.

"(a) IN GENERAL.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to develop and implement public access defibrillation programs—

"(1) by training and equipping local emergency medical services personnel, including firefighters, police officers, paramedics, emergency medical technicians, and other first responders, to administer immediate care, including cardiopulmonary resuscitation and automated external defibrillation, to cardiac arrest victims;

"(2) by purchasing automated external defibrillators, placing the defibrillators in public places where cardiac arrests are likely to occur, and training personnel in such places to administer cardiopulmonary resuscitation and automated external defibrillation to cardiac arrest victims;

"(3) by setting procedures for proper maintenance and testing of such devices, according to the guidelines of the manufacturers of the devices;

"(4) by providing training to members of the public in cardiopulmonary resuscitation and automated external defibrillation;

"(5) by integrating the emergency medical services system with the public access defibrillation programs so that emergency medical services personnel, including dispatchers, are informed about the location of automated external defibrillators in their community; and

"(6) by encouraging private companies, including small businesses, to purchase automated external defibrillators and provide training for their employees to administer cardiopulmonary resuscitation and external automated defibrillation to cardiac arrest victims in their community.

"(b) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give a preference to a State, political subdivision of a State, Indian tribe, or tribal organization that—

"(1) has a particularly low local survival rate for cardiac arrests, or a particularly low local response rate for cardiac arrest victims; or

"(2) demonstrates in its application the greatest commitment to establishing and maintaining a public access defibrillation program.

"(c) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received through such grant to—

"(1) purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration;

"(2) provide automated external defibrillation and basic life support training in automated external defibrillator usage through nationally recognized courses;

"(3) provide information to community members about the public access defibrillation program to be funded with the grant;

"(4) provide information to the local emergency medical services system regarding the placement of automated external defibrillators in public places;

"(5) produce materials to encourage private companies, including small businesses, to purchase automated external defibrillators; and

"(6) further develop strategies to improve access to automated external defibrillators in public places.

"(d) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) shall—

“(A) describe the comprehensive public access defibrillation program to be funded with the grant and demonstrate how such program would make automated external defibrillation accessible and available to cardiac arrest victims in the community;

“(B) contain procedures for implementing appropriate nationally recognized training courses in performing cardiopulmonary resuscitation and the use of automated external defibrillators;

“(C) contain procedures for ensuring direct involvement of a licensed medical professional and coordination with the local emergency medical services system in the oversight of training and notification of incidents of the use of the automated external defibrillators;

“(D) contain procedures for proper maintenance and testing of the automated external defibrillators, according to the labeling of the manufacturer;

“(E) contain procedures for ensuring notification of local emergency medical services system personnel, including dispatchers, of the location and type of devices used in the public access defibrillation program; and

“(F) provide for the collection of data regarding the effectiveness of the public access defibrillation program to be funded with the grant in affecting the out-of-hospital cardiac arrest survival rate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006. Not more than 10 percent of amounts received under a grant awarded under this section may be used for administrative expenses.

“SEC. 313. PUBLIC ACCESS DEFIBRILLATION DEMONSTRATION PROJECTS.

“(a) IN GENERAL.—The Secretary shall award grants to political subdivisions of States, Indian tribes, and tribal organizations to develop and implement innovative, comprehensive, community-based public access defibrillation demonstration projects that—

“(1) provide cardiopulmonary resuscitation and automated external defibrillation to cardiac arrest victims in unique settings;

“(2) provide training to community members in cardiopulmonary resuscitation and automated external defibrillation; and

“(3) maximize community access to automated external defibrillators.

“(b) USE OF FUNDS.—A recipient of a grant under subsection (a) shall use the funds provided through the grant to—

“(1) purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration;

“(2) provide basic life training in automated external defibrillator usage through nationally recognized courses;

“(3) provide information to community members about the public access defibrillation demonstration project to be funded with the grant;

“(4) provide information to the local emergency medical services system regarding the placement of automated external defibrillators in the unique settings; and

“(5) further develop strategies to improve access to automated external defibrillators in public places.

“(c) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a political subdivision of a State, Indian tribe, or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) may—

“(A) describe the innovative, comprehensive, community-based public access defibrillation demonstration project to be funded with the grant;

“(B) explain how such public access defibrillation demonstration project represents innovation in providing public access to automated external defibrillation; and

“(C) provide for the collection of data regarding the effectiveness of the demonstration project to be funded with the grant in—

“(i) providing emergency cardiopulmonary resuscitation and automated external defibrillation to cardiac arrest victims in the setting served by the demonstration project; and

“(ii) affecting the cardiac arrest survival rate in the setting served by the demonstration project.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than 10 percent of amounts received under a grant awarded under this section may be used for administrative expenses.”.

TITLE II—ENHANCING CONTROLS ON DANGEROUS BIOLOGICAL AGENTS AND TOXINS

Subtitle A—Department of Health and Human Services

SEC. 201. REGULATION OF CERTAIN BIOLOGICAL AGENTS AND TOXINS.

(a) BIOLOGICAL AGENTS PROVISIONS OF THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996; CODIFICATION IN THE PUBLIC HEALTH SERVICE ACT, WITH AMENDMENTS.—Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351 the following:

“SEC. 351A. ENHANCED CONTROL OF DANGEROUS BIOLOGICAL AGENTS AND TOXINS.

“(a) REGULATORY CONTROL OF CERTAIN BIOLOGICAL AGENTS AND TOXINS.—

“(1) LIST OF BIOLOGICAL AGENTS AND TOXINS.—

“(A) IN GENERAL.—The Secretary shall by regulation establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

“(B) CRITERIA.—In determining whether to include an agent or toxin on the list under subparagraph (A), the Secretary shall—

“(i) consider—

“(I) the effect on human health of exposure to the agent or toxin;

“(II) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

“(III) the availability and effectiveness of pharmacotherapies and immunizations to treat and prevent any illness resulting from infection by the agent or toxin; and

“(IV) any other criteria, including the needs of children and other vulnerable populations, that the Secretary considers appropriate; and

“(ii) consult with appropriate Federal departments and agencies and with scientific experts representing appropriate professional groups, including groups with pediatric expertise.

“(2) BIENNIAL REVIEW.—The Secretary shall review and republish the list under paragraph (1) biennially, or more often as needed, and shall by regulation revise the list as necessary in accordance with such paragraph.

“(b) REGULATION OF TRANSFERS OF LISTED AGENTS AND TOXINS.—The Secretary shall by regulation provide for—

“(1) the establishment and enforcement of safety procedures for the transfer of listed agents and toxins, including measures to ensure—

“(A) proper training and appropriate skills to handle such agents and toxins; and

“(B) proper laboratory facilities to contain and dispose of such agents and toxins;

“(2) the establishment and enforcement of safeguard and security measures to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

“(3) the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of such an agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguard and security measures established under paragraph (2); and

“(4) appropriate availability of biological agents and toxins for research, education, and other legitimate purposes.

“(c) POSSESSION AND USE OF LISTED AGENTS AND TOXINS.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of listed agents and toxins, including the provisions described in paragraphs (1) through (4) of subsection (b), in order to protect the public health and safety.

“(d) REGISTRATION; IDENTIFICATION; DATABASE.—

“(1) REGISTRATION.—Regulations under subsections (b) and (c) shall require registration with the Secretary of the possession, use, and transfer of listed agents and toxins, and shall include provisions to ensure that persons seeking to register under such regulations have a lawful purpose to possess, use, or transfer such agents and toxins, including provisions in accordance with subsection (e)(6).

“(2) IDENTIFICATION; DATABASE.—Regulations under subsections (b) and (c) shall require that registration include (if available to the person registering) information regarding the characterization of listed agents and toxins to facilitate their identification, including their source. The Secretary shall maintain a national database that includes the names and locations of registered persons, the listed agents and toxins such persons are possessing, using, or transferring, and information regarding the characterization of such agents and toxins.

“(e) SAFEGUARD AND SECURITY REQUIREMENTS FOR REGISTERED PERSONS.—

“(1) IN GENERAL.—Regulations under subsections (b) and (c) shall include appropriate safeguard and security requirements for persons possessing, using, or transferring a listed agent or toxin commensurate with the risk such agent or toxin poses to public health and safety (including the risk of use in domestic or international terrorism). The Secretary shall establish such requirements in consultation with the Attorney General, and shall ensure compliance with such requirements as part of the registration system under such regulations.

“(2) LIMITING ACCESS TO LISTED AGENTS AND TOXINS.—Requirements under paragraph (1) shall include provisions to ensure that registered persons—

“(A) provide access to listed agents and toxins to only those individuals whom the registered person involved determines have a legitimate need to handle or use such agents and toxins;

“(B) submit the names and other identifying information for such individuals to the Secretary and the Attorney General, promptly after first determining that the individuals need access under subparagraph (A), and periodically thereafter while the individuals have such access, not less frequently than once every five years;

“(C) deny access to such agents and toxins by individuals whom the Attorney General has identified as restricted persons; and

“(D) limit or deny access to such agents and toxins by individuals whom the Attorney General has identified as within any category under

paragraph (3)(B)(ii), if limiting or denying such access by the individuals involved is determined appropriate by the Secretary, in consultation with the Attorney General.

"(3) SUBMITTED NAMES; USE OF DATABASES BY ATTORNEY GENERAL.—

"(A) IN GENERAL.—Upon the receipt of names and other identifying information under paragraph (2)(B), the Attorney General shall, for the sole purpose of identifying whether the individuals involved are within any of the categories specified in subparagraph (B), promptly use criminal, immigration, national security, and other electronic databases that are available to the Federal Government and are appropriate for such purpose.

"(B) CERTAIN INDIVIDUALS.—For purposes of subparagraph (A), the categories specified in this subparagraph regarding an individual are that—

"(i) the individual is a restricted person; or

"(ii) the individual is reasonably suspected by any Federal law enforcement or intelligence agency of—

"(I) committing a crime set forth in section 2332b(g)(5) of title 18, United States Code;

"(II) knowing involvement with an organization that engages in domestic or international terrorism (as defined in section 2331 of such title 18) or with any other organization that engages in intentional crimes of violence; or

"(III) being an agent of a foreign power (as defined in section 1801 of title 50, United States Code).

"(C) NOTIFICATION BY ATTORNEY GENERAL REGARDING SUBMITTED NAMES.—After the receipt of a name and other identifying information under paragraph (2)(B), the Attorney General shall promptly notify the Secretary whether the individual is within any of the categories specified in subparagraph (B).

"(4) NOTIFICATIONS BY SECRETARY.—The Secretary, after receiving notice under paragraph (3) regarding an individual, shall promptly notify the registered person involved of whether the individual is granted or denied access under paragraph (2). If the individual is denied such access, the Secretary shall promptly notify the individual of the denial.

"(5) EXPEDITED REVIEW.—Regulations under subsections (b) and (c) shall provide for a procedure through which, upon request to the Secretary by a registered person who submits names and other identifying information under paragraph (2)(B) and who demonstrates good cause, the Secretary may, as determined appropriate by the Secretary—

"(A) request the Attorney General to expedite the process of identification under paragraph (3)(A) and notification of the Secretary under paragraph (3)(C); and

"(B) expedite the notification of the registered person by the Secretary under paragraph (4).

"(6) PROCESS REGARDING PERSONS SEEKING TO REGISTER.—

"(A) INDIVIDUALS.—Regulations under subsections (b) and (c) shall provide that an individual who seeks to register under either of such subsections is subject to the same processes described in paragraphs (2) through (4) as apply to names and other identifying information submitted to the Attorney General under paragraph (2)(B). Paragraph (5) does not apply for purposes of this subparagraph.

"(B) OTHER PERSONS.—Regulations under subsections (b) and (c) shall provide that, in determining whether to deny or revoke registration by a person other than an individual, the Secretary shall submit the name of such person to the Attorney General, who shall use criminal, immigration, national security, and other electronic databases available to the Federal Government, as appropriate for the purpose of promptly notifying the Secretary whether the person, or, where relevant, the individual who owns or controls such person, is a restricted person or is reasonably suspected by any Federal law enforcement or intelligence agency of being within any category specified in paragraph (3)(B)(ii) (as applied to persons, including individuals). Such regulations shall provide that a person who seeks to register under either of such subsections is subject to the same processes described in paragraphs (2) and (4) as apply to names and other identifying information submitted to the Attorney General under paragraph (2)(B). Paragraph (5) does not apply for purposes of this subparagraph. The Secretary may exempt Federal, State, or local governmental agencies from the requirements of this subparagraph.

"(7) REVIEW.—

"(A) ADMINISTRATIVE REVIEW.—

"(i) IN GENERAL.—Regulations under subsections (b) and (c) shall provide for an opportunity for a review by the Secretary—

"(I) when requested by the individual involved, of a determination under paragraph (2) to deny the individual access to listed agents and toxins; and

"(II) when requested by the person involved, of a determination under paragraph (6) to deny or revoke registration for such person.

"(ii) EX PARTE REVIEW.—During a review under clause (i), the Secretary may consider information relevant to the review ex parte to the extent that disclosure of the information could compromise national security or an investigation by any law enforcement agency.

"(iii) FINAL AGENCY ACTION.—The decision of the Secretary in a review under clause (i) constitutes final agency action for purposes of section 702 of title 5, United States Code.

"(B) CERTAIN PROCEDURES.—

"(i) SUBMISSION OF EX PARTE MATERIALS IN JUDICIAL PROCEEDINGS.—When reviewing a decision of the Secretary under subparagraph (A), and upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may review and consider ex parte documents containing information the disclosure of which could compromise national security or an investigation by any law enforcement agency. If the court determines that portions of the documents considered ex parte should be disclosed to the person involved to allow a response, the court shall authorize the United States to delete from such documents specified items of information the disclosure of which could compromise national security or an investigation by any law enforcement agency, or to substitute a summary of the information to which the person may respond. Any order by the court authorizing the disclosure of information that the United States believes could compromise national security or an investigation by any law enforcement agency shall be subject to the processes set forth in subparagraphs (A) and (B)(i) of section 2339B(f)(5) of title 18, United States Code (relating to interlocutory appeal and expedited consideration).

"(ii) DISCLOSURE OF INFORMATION.—In a review under subparagraph (A), and in any judical proceeding conducted pursuant to such review, neither the Secretary nor the Attorney General may be required to disclose to the public any information that under subsection (h) shall not be disclosed under section 552 of title 5, United States Code.

"(8) NOTIFICATIONS REGARDING THEFT OR LOSS OF AGENTS.—Requirements under paragraph (1) shall include the prompt notification of the Secretary, and appropriate Federal, State, and local law enforcement agencies, of the theft or loss of listed agents and toxins.

"(9) TECHNICAL ASSISTANCE FOR REGISTERED PERSONS.—The Secretary, in consultation with the Attorney General, may provide technical assistance to registered persons to improve security of the facilities of such persons.

"(f) INSPECTIONS.—The Secretary shall have the authority to inspect persons subject to regulations under subsection (b) or (c) to ensure their compliance with such regulations, including prohibitions on restricted persons and other provisions of subsection (e).

"(g) EXEMPTIONS.—

"(1) CLINICAL OR DIAGNOSTIC LABORATORIES.—Regulations under subsections (b) and (c) shall exempt clinical or diagnostic laboratories and other persons who possess, use, or transfer listed agents or toxins that are contained in specimens presented for diagnosis, verification, or proficiency testing, provided that—

"(A) the identification of such agents or toxins is reported to the Secretary, and when required under Federal, State, or local law, to other appropriate authorities; and

"(B) such agents or toxins are transferred or destroyed in a manner set forth by the Secretary by regulation.

"(2) PRODUCTS.—

"(A) IN GENERAL.—Regulations under subsections (b) and (c) shall exempt products that are, bear, or contain listed agents or toxins and are cleared, approved, licensed, or registered under any of the Acts specified in subparagraph (B), unless the Secretary by order determines that applying additional regulation under subsection (b) or (c) to a specific product is necessary to protect public health and safety.

"(B) RELEVANT LAWS.—For purposes of subparagraph (A), the Acts specified in this subparagraph are the following:

"(i) The Federal Food, Drug, and Cosmetic Act.

"(ii) Section 351 of this Act.

"(iii) The Act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading 'Bureau of Animal Industry' in the Act of March 4, 1913; 21 U.S.C. 151-159).

"(iv) The Federal Insecticide, Fungicide, and Rodenticide Act.

"(C) INVESTIGATIONAL USE.—

"(i) IN GENERAL.—The Secretary may exempt an investigational product that is, bears, or contains a listed agent or toxin from the applicability of provisions of regulations under subsection (b) or (c) when such product is being used in an investigation authorized under any Federal Act and the Secretary determines that applying additional regulation under subsection (b) or (c) to such product is not necessary to protect public health and safety.

"(ii) CERTAIN PROCESSES.—Regulations under subsections (b) and (c) shall set forth the procedures for applying for an exemption under clause (i). In the case of investigational products authorized under any of the Acts specified in subparagraph (B), the Secretary shall make a determination regarding a request for an exemption not later than 14 days after the first date on which both of the following conditions have been met by the person requesting the exemption:

"(I) The person has submitted to the Secretary an application for the exemption meeting the requirements established by the Secretary.

"(II) The person has notified the Secretary that the investigation has been authorized under such an Act.

"(3) PUBLIC HEALTH EMERGENCIES.—The Secretary may temporarily exempt a person from the applicability of the requirements of this section, in whole or in part, if the Secretary determines that such exemption is necessary to provide for the timely participation of the person in a response to a domestic or foreign public health emergency (whether determined under section 319(a) or otherwise) that involves a listed agent or toxin. With respect to the emergency involved, such exemption for a person may not exceed 30 days, except that the Secretary, after review of whether such exemption remains necessary, may provide one extension of an additional 30 days.

"(4) AGRICULTURAL EMERGENCIES.—Upon request of the Secretary of Agriculture, after the granting by such Secretary of an exemption under section 212(g)(1)(D) of the Agricultural Bioterrorism Protection Act of 2002 pursuant to a finding that there is an agricultural emergency, the Secretary of Health and Human Services may temporarily exempt a person from the applicability of the requirements of this section, in whole or in part, to provide for the timely participation of the person in a response to the agricultural emergency. With respect to the emergency involved, the exemption under this paragraph for a person may not exceed 30 days, except that upon request of the Secretary of Agriculture, the Secretary of Health and Human Services may, after review of whether such exemption remains necessary, provide one extension of an additional 30 days.

"(h) DISCLOSURE OF INFORMATION.—

"(1) NONDISCLOSURE OF CERTAIN INFORMATION.—No Federal agency specified in paragraph (2) shall disclose under section 552 of title 5, United States Code, any of the following:

"(A) Any registration or transfer documentation submitted under subsections (b) and (c) for the possession, use, or transfer of a listed agent or toxin; or information derived therefrom to the extent that it identifies the listed agent or toxin possessed, used, or transferred by a specific registered person or discloses the identity or location of a specific registered person.

"(B) The national database developed pursuant to subsection (d), or any other compilation of the registration or transfer information submitted under subsections (b) and (c) to the extent that such compilation discloses site-specific registration or transfer information.

"(C) Any portion of a record that discloses the site-specific or transfer-specific safeguard and security measures used by a registered person to prevent unauthorized access to listed agents and toxins.

"(D) Any notification of a release of a listed agent or toxin submitted under subsections (b) and (c), or any notification of theft or loss submitted under such subsections.

"(E) Any portion of an evaluation or report of an inspection of a specific registered person conducted under subsection (f) that identifies the listed agent or toxin possessed by a specific registered person or that discloses the identity or location of a specific registered person if the agency determines that public disclosure of the information would endanger public health or safety.

"(2) COVERED AGENCIES.—For purposes of paragraph (1) only, the Federal agencies specified in this paragraph are the following:

"(A) The Department of Health and Human Services, the Department of Justice, the Department of Agriculture, and the Department of Transportation.

"(B) Any Federal agency to which information specified in paragraph (1) is transferred by any agency specified in subparagraph (A) of this paragraph.

"(C) Any Federal agency that is a registered person, or has a sub-agency component that is a registered person.

"(D) Any Federal agency that awards grants or enters into contracts or cooperative agreements involving listed agents and toxins to or with a registered person, and to which information specified in paragraph (1) is transferred by any such registered person.

"(3) OTHER EXEMPTIONS.—This subsection may not be construed as altering the application of any exemptions to public disclosure under section 552 of title 5, United States Code, except as to subsection 552(b)(3) of such title, to any of the information specified in paragraph (1).

"(4) RULE OF CONSTRUCTION.—Except as specifically provided in paragraph (1), this subsection may not be construed as altering the authority of any Federal agency to withhold under section 552 of title 5, United States Code, or the obligation of any Federal agency to disclose under section 552 of title 5, United States Code, any information, including information relating to—

"(A) listed agents and toxins, or individuals seeking access to such agents and toxins;

"(B) registered persons, or persons seeking to register their possession, use, or transfer of such agents and toxins;

"(C) general safeguard and security policies and requirements under regulations under subsections (b) and (c); or

"(D) summary or statistical information concerning registrations, registrants, denials or revocations of registrations, listed agents and toxins, inspection evaluations and reports, or individuals seeking access to such agents and toxins.

"(5) DISCLOSURES TO CONGRESS; OTHER DISCLOSURES.—This subsection may not be construed as providing any authority—

"(A) to withhold information from the Congress or any committee or subcommittee thereof; or

"(B) to withhold information from any person under any other Federal law or treaty.

"(i) CIVIL MONEY PENALTY.—

"(1) IN GENERAL.—In addition to any other penalties that may apply under law, any person who violates any provision of regulations under subsection (b) or (c) shall be subject to the United States for a civil money penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person.

"(2) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of section 1128A of the Social Security Act (other than subsections (a), (b), (h), and (i), the first sentence of subsection (c), and paragraphs (1) and (2) of subsection (f)) shall apply to a civil money penalty under paragraph (1) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act. The Secretary may delegate authority under this subsection in the same manner as provided in section 1128A(j)(2) of the Social Security Act, and such authority shall include all powers as contained in section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(j) NOTIFICATION IN EVENT OF RELEASE.—Regulations under subsections (b) and (c) shall require the prompt notification of the Secretary by a registered person whenever a release, meeting criteria established by the Secretary, of a listed agent or toxin has occurred outside of the biocontainment area of a facility of the registered person. Upon receipt of such notification and a finding by the Secretary that the release poses a threat to public health or safety, the Secretary shall take appropriate action to notify relevant State and local public health authorities, other relevant Federal authorities, and, if necessary, other appropriate persons (including the public). If the released listed agent or toxin is an overlap agent or toxin (as defined in subsection (l)), the Secretary shall promptly notify the Secretary of Agriculture upon notification by the registered person.

"(k) REPORTS.—The Secretary shall report to the Congress annually on the number and nature of notifications received under subsection (e)(8) (relating to theft or loss) and subsection (j) (relating to releases).

"(l) DEFINITIONS.—For purposes of this section:

"(1) The terms 'biological agent' and 'toxin' have the meanings given such terms in section 178 of title 18, United States Code.

"(2) The term 'listed agents and toxins' means biological agents and toxins listed pursuant to subsection (a)(1).

"(3) The term 'listed agents or toxins' means biological agents or toxins listed pursuant to subsection (a)(1).

"(4) The term 'overlap agents and toxins' means biological agents and toxins that—

"(A) are listed pursuant to subsection (a)(1); and

"(B) are listed pursuant to section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002.

"(5) The term 'overlap agent or toxin' means a biological agent or toxin that—

"(A) is listed pursuant to subsection (a)(1); and

"(B) is listed pursuant to section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002.

"(6) The term 'person' includes Federal, State, and local governmental entities.

"(7) The term 'registered person' means a person registered under regulations under subsection (b) or (c).

"(8) The term 'restricted person' has the meaning given such term in section 175b of title 18, United States Code.

"(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2007.".

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 351A of the Public Health Service Act (as added by subsection (a) of this section), including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the actions to date and future plans of the Secretary for updating the list of biological agents and toxins under such section 351A;

(3) describes the actions to date and future plans of the Secretary for determining compliance with regulations under such section 351A and for taking appropriate enforcement actions;

(4) evaluates the impact of such section 351A on research on biological agents and toxins listed pursuant to such section; and

(5) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 351A.

SEC. 202. IMPLEMENTATION BY DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) DATE CERTAIN FOR NOTICE OF POSSESSION.—Not later than 90 days after the date of the enactment of this Act, all persons (unless exempt under subsection (g) of section 351A of the Public Health Service Act, as added by section 201 of this Act) in possession of biological agents or toxins listed under such section 351A of the Public Health Service Act shall notify the Secretary of Health and Human Services of such possession. Not later than 30 days after such date of enactment, the Secretary shall provide written guidance on how such notice is to be provided to the Secretary.

(b) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim final rule for carrying out section 351A of the Public Health Service Act, subject to subsection (c). Such interim final rule shall take effect 60 days after the date on which such rule is promulgated, including for purposes of—

(1) section 175b(c) of title 18, United States Code (relating to criminal penalties), as added by section 231(a)(5) of this Act; and

(2) section 351A(i) of the Public Health Service Act (relating to civil penalties).

(c) TRANSITIONAL PROVISION REGARDING CURRENT RESEARCH AND EDUCATION.—The interim final rule under subsection (b) shall include time frames for the applicability of the rule that minimize disruption of research or educational projects that involve biological agents and toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act and that were underway as of the effective date of such rule.

SEC. 203. EFFECTIVE DATES.

(a) IN GENERAL.—Regulations promulgated by the Secretary of Health and Human Services under section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 are deemed to have been promulgated under section 351A of the Public Health Service Act, as added by section 201 of this Act. Such regulations, including the list under subsection (d)(1) of such section 511, that were in effect on the day before the date of the enactment of this Act remain in effect until modified by the Secretary in accordance with such section 351A and with section 202 of this Act.

(b) EFFECTIVE DATE REGARDING DISCLOSURE OF INFORMATION.—Subsection (h) of section 351A of the Public Health Service Act, as added by section 201 of this Act, is deemed to have taken effect on the effective date of the Antiterrorism and Effective Death Penalty Act of 1996.

SEC. 204. CONFORMING AMENDMENT.

Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

Subtitle B—Department of Agriculture

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Agricultural Bioterrorism Protection Act of 2002".

SEC. 212. REGULATION OF CERTAIN BIOLOGICAL AGENTS AND TOXINS.

(a) REGULATORY CONTROL OF CERTAIN BIOLOGICAL AGENTS AND TOXINS.—

(1) LIST OF BIOLOGICAL AGENTS AND TOXINS.—

(A) IN GENERAL.—The Secretary of Agriculture shall by regulation establish and maintain a list of each biological agent and each toxin that the Secretary determines has the potential to pose a severe threat to animal or plant health, or to animal or plant products.

(B) CRITERIA.—In determining whether to include an agent or toxin on the list under subparagraph (A), the Secretary shall—

(i) consider—

(I) the effect of exposure to the agent or toxin on animal or plant health, and on the production and marketability of animal or plant products;

(II) the pathogenicity of the agent or the toxicity of the toxin and the methods by which the agent or toxin is transferred to animals or plants;

(III) the availability and effectiveness of pharmacotherapies and prophylaxis to treat and prevent any illness caused by the agent or toxin; and

(IV) any other criteria that the Secretary considers appropriate to protect animal or plant health, or animal or plant products; and

(ii) consult with appropriate Federal departments and agencies and with scientific experts representing appropriate professional groups.

(2) BIENNIAL REVIEW.—The Secretary shall review and republish the list under paragraph (1) biennially, or more often as needed, and shall by regulation revise the list as necessary in accordance with such paragraph.

(b) REGULATION OF TRANSFERS OF LISTED AGENTS AND TOXINS.—The Secretary shall by regulation provide for—

(1) the establishment and enforcement of safety procedures for the transfer of listed agents and toxins, including measures to ensure—

(A) proper training and appropriate skills to handle such agents and toxins; and

(B) proper laboratory facilities to contain and dispose of such agents and toxins;

(2) the establishment and enforcement of safeguard and security measures to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

(3) the establishment of procedures to protect animal and plant health, and animal and plant products, in the event of a transfer or potential transfer of such an agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguard and security measures established under paragraph (2); and

(4) appropriate availability of biological agents and toxins for research, education, and other legitimate purposes.

(c) POSSESSION AND USE OF LISTED AGENTS AND TOXINS.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of listed agents and toxins, including the provisions described in paragraphs (1) through (4) of subsection (b), in order to protect animal and plant health, and animal and plant products.

(d) REGISTRATION; IDENTIFICATION; DATABASE.—

(1) REGISTRATION.—Regulations under subsections (b) and (c) shall require registration with the Secretary of the possession, use, and transfer of listed agents and toxins, and shall include provisions to ensure that persons seeking to register under such regulations have a lawful purpose to possess, use, or transfer such agents and toxins, including provisions in accordance with subsection (e)(6).

(2) IDENTIFICATION; DATABASE.—Regulations under subsections (b) and (c) shall require that registration include (if available to the person registering) information regarding the characterization of listed agents and toxins to facilitate their identification, including their source. The Secretary shall maintain a national database that includes the names and locations of registered persons, the listed agents and toxins such persons are possessing, using, or transferring, and information regarding the characterization of such agents and toxins.

(e) SAFEGUARD AND SECURITY REQUIREMENTS FOR REGISTERED PERSONS.—

(1) IN GENERAL.—Regulations under subsections (b) and (c) shall include appropriate safeguard and security requirements for persons possessing, using, or transferring a listed agent or toxin commensurate with the risk such agent or toxin poses to animal and plant health, and animal and plant products (including the risk of use in domestic or international terrorism). The Secretary shall establish such requirements in consultation with the Attorney General, and shall ensure compliance with such requirements as part of the registration system under such regulations.

(2) LIMITING ACCESS TO LISTED AGENTS AND TOXINS.—Requirements under paragraph (1) shall include provisions to ensure that registered persons—

(A) provide access to listed agents and toxins to only those individuals whom the registered person involved determines have a legitimate need to handle or use such agents and toxins;

(B) submit the names and other identifying information for such individuals to the Secretary and the Attorney General, promptly after first determining that the individuals need access under subparagraph (A), and periodically thereafter while the individuals have such access, not less frequently than once every five years; and

(C)(i) in the case of listed agents and toxins that are not overlap agents and toxins (as defined in subsection (g)(1)(A)(ii)), limit or deny access to such agents and toxins by individuals whom the Attorney General has identified as within any category under paragraph (3)(B), if limiting or denying such access by the individuals involved is determined appropriate by the Secretary, in consultation with the Attorney General; and

(ii) in the case of listed agents and toxins that are overlap agents—

(I) deny access to such agents and toxins by individuals whom the Attorney General has identified as within any category referred to in paragraph (3)(B)(i); and

(II) limit or deny access to such agents and toxins by individuals whom the Attorney General has identified as within any category under paragraph (3)(B)(ii), if limiting or denying such access by the individuals involved is determined appropriate by the Secretary, in consultation with the Attorney General.

(3) SUBMITTED NAMES; USE OF DATABASES BY ATTORNEY GENERAL.—

(A) IN GENERAL.—Upon the receipt of names and other identifying information under paragraph (2)(B), the Attorney General shall, for the sole purpose of identifying whether the individuals involved are within any of the categories specified in subparagraph (B), promptly use criminal, immigration, national security, and other electronic databases that are available to the Federal Government and are appropriate for such purpose.

(B) CERTAIN INDIVIDUALS.—For purposes of subparagraph (A), the categories specified in this subparagraph regarding an individual are that—

(i) the individual is within any of the categories described in section 175b(d)(1) of title 18, United States Code (relating to restricted persons); or

(ii) the individual is reasonably suspected by any Federal law enforcement or intelligence agency of—

(I) committing a crime set forth in section 2332b(g)(5) of title 18, United States Code;

(II) knowing involvement with an organization that engages in domestic or international terrorism (as defined in section 2331 of such title 18) or with any other organization that engages in intentional crimes of violence; or

(III) being an agent of a foreign power (as defined in section 1801 of title 50, United States Code).

(C) NOTIFICATION BY ATTORNEY GENERAL REGARDING SUBMITTED NAMES.—After the receipt of a name and other identifying information under paragraph (2)(B), the Attorney General shall promptly notify the Secretary whether the individual is within any of the categories specified in subparagraph (B).

(4) NOTIFICATIONS BY SECRETARY.—The Secretary, after receiving notice under paragraph (3) regarding an individual, shall promptly notify the registered person involved of whether the individual is granted or denied access under paragraph (2). If the individual is denied such access, the Secretary shall promptly notify the individual of the denial.

(5) EXPEDITED REVIEW.—Regulations under subsections (b) and (c) shall provide for a procedure through which, upon request to the Secretary by a registered person who submits names and other identifying information under paragraph (2)(B) and who demonstrates good cause, the Secretary may, as determined appropriate by the Secretary—

(A) request the Attorney General to expedite the process of identification under paragraph (3)(A) and notification of the Secretary under paragraph (3)(C); and

(B) expedite the notification of the registered person by the Secretary under paragraph (4).

(6) PROCESS REGARDING PERSONS SEEKING TO REGISTER.—

(A) INDIVIDUALS.—Regulations under subsections (b) and (c) shall provide that an individual who seeks to register under either of such subsections is subject to the same processes described in paragraphs (2) through (4) as apply to names and other identifying information submitted to the Attorney General under paragraph (2)(B). Paragraph (5) does not apply for purposes of this subparagraph.

(B) OTHER PERSONS.—Regulations under subsections (b) and (c) shall provide that, in determining whether to deny or revoke registration by a person other than an individual, the Secretary shall submit the name of such person to the Attorney General, who shall use criminal, immigration, national security, and other electronic databases available to the Federal Government, as appropriate for the purpose of promptly notifying the Secretary whether the person, or, where relevant, the individual who owns or controls such person, is within any of the categories described in section 175b(d)(1) of title 18, United States Code (relating to restricted persons), or is reasonably suspected by any Federal law enforcement or intelligence agency of being within any category specified in paragraph (3)(B)(ii) (as applied to persons, including individuals). Such regulations shall provide that a person who seeks to register under either of such subsections is subject to the same processes described in paragraphs (2) and (4) as apply to names and other identifying information submitted to the Attorney General under paragraph (2)(B). Paragraph (5) does not apply for purposes of this subparagraph. The Secretary may exempt Federal, State, or local governmental agencies from the requirements of this subparagraph.

(7) REVIEW.—

(A) ADMINISTRATIVE REVIEW.—

(i) IN GENERAL.—Regulations under subsections (b) and (c) shall provide for an opportunity for a review by the Secretary—

(I) when requested by the individual involved, of a determination under paragraph (2) to deny the individual access to listed agents and toxins; and

(II) when requested by the person involved, of a determination under under paragraph (6) to deny or revoke registration for such person.

(ii) EX PARTE REVIEW.—During a review under clause (i), the Secretary may consider information relevant to the review ex parte to the extent that disclosure of the information could compromise national security or an investigation by any law enforcement agency.

(iii) FINAL AGENCY ACTION.—The decision of the Secretary in a review under clause (i) constitutes final agency action for purposes of section 702 of title 5, United States Code.

(B) CERTAIN PROCEDURES.—

(i) SUBMISSION OF EX PARTE MATERIALS IN JUDICIAL PROCEEDINGS.—When reviewing a decision of the Secretary under subparagraph (A), and upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may review and consider ex parte documents containing information the disclosure of which could compromise national security or an investigation by any law enforcement agency. If the court determines that portions of the documents considered ex parte should be disclosed to the person involved to allow a response, the court shall authorize the United States to delete from such documents specified items of information the disclosure of which could compromise national security or an investigation by any law enforcement agency, or to substitute a summary of the information to which the person may respond. Any order by the court authorizing the disclosure of information that the United States believes could compromise national security or an investigation by any law enforcement agency shall be subject to the processes set forth in subparagraphs (A) and (B)(i) of section 2339B(f)(5) of title 18, United States Code (relating to interlocutory appeal and expedited consideration).

(ii) DISCLOSURE OF INFORMATION.—In a review under subparagraph (A), and in any judical proceeding conducted pursuant to such review, neither the Secretary nor the Attorney General may be required to disclose to the public any information that under subsection (h) shall not be disclosed under section 552 of title 5, United States Code.

(8) NOTIFICATIONS REGARDING THEFT OR LOSS OF AGENTS.—Requirements under paragraph (1) shall include the prompt notification of the Secretary, and appropriate Federal, State, and local law enforcement agencies, of the theft or loss of listed agents and toxins.

(9) TECHNICAL ASSISTANCE FOR REGISTERED PERSONS.—The Secretary, in consultation with the Attorney General, may provide technical assistance to registered persons to improve security of the facilities of such persons.

(f) INSPECTIONS.—The Secretary shall have the authority to inspect persons subject to regulations under subsection (b) or (c) to ensure their compliance with such regulations, including prohibitions on restricted persons and other provisions of subsection (e).

(g) EXEMPTIONS.—

(1) OVERLAP AGENTS AND TOXINS.—

(A) IN GENERAL.—

(i) LIMITATION.—In the case of overlap agents and toxins, exemptions from the applicability of provisions of regulations under subsection (b) or (c) may be granted only to the extent provided in this paragraph.

(ii) DEFINITIONS.—For purposes of this section:

(I) The term "overlap agents and toxins" means biological agents and toxins that—

(aa) are listed pursuant to subsection (a)(1); and

(bb) are listed pursuant to section 315A(a)(1) of the Public Health Service Act.

(II) The term "overlap agent or toxin" means a biological agent or toxin that—

(aa) is listed pursuant to subsection (a)(1); and

(bb) is listed pursuant to section 315A(a)(1) of the Public Health Service Act.

(B) CLINICAL OR DIAGNOSTIC LABORATORIES.—Regulations under subsections (b) and (c) shall exempt clinical or diagnostic laboratories and other persons who possess, use, or transfer overlap agents or toxins that are contained in specimens presented for diagnosis, verification, or proficiency testing, provided that—

(i) the identification of such agents or toxins is reported to the Secretary, and when required under Federal, State, or local law, to other appropriate authorities; and

(ii) such agents or toxins are transferred or destroyed in a manner set forth by the Secretary by regulation.

(C) PRODUCTS.—

(i) IN GENERAL.—Regulations under subsections (b) and (c) shall exempt products that are, bear, or contain overlap agents or toxins and are cleared, approved, licensed, or registered under any of the Acts specified in clause (ii), unless the Secretary by order determines that applying additional regulation under subsection (b) or (c) to a specific product is necessary to protect animal or plant health, or animal or plant products.

(ii) RELEVANT LAWS.—For purposes of clause (i), the Acts specified in this clause are the following:

(I) The Federal Food, Drug, and Cosmetic Act.

(II) Section 351 of the Public Health Service Act.

(III) The Act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading 'Bureau of Animal Industry' in the Act of March 4, 1913; 21 U.S.C. 151-159).

(IV) The Federal Insecticide, Fungicide, and Rodenticide Act.

(iii) INVESTIGATIONAL USE.—

(I) IN GENERAL.—The Secretary may exempt an investigational product that is, bears, or contains an overlap agent or toxin from the applicability of provisions of regulations under subsection (b) or (c) when such product is being used in an investigation authorized under any Federal Act and the Secretary determines that applying additional regulation under subsection (b) or (c) to such product is not necessary to protect animal and plant health, and animal and plant products.

(II) CERTAIN PROCESSES.—Regulations under subsections (b) and (c) shall set forth the procedures for applying for an exemption under subclause (I). In the case of investigational products authorized under any of the Acts specified in clause (ii), the Secretary shall make a determination regarding a request for an exemption not later than 14 days after the first date on which both of the following conditions have been met by the person requesting the exemption:

(aa) The person has submitted to the Secretary an application for the exemption meeting the requirements established by the Secretary.

(bb) The person has notified the Secretary that the investigation has been authorized under such an Act.

(D) AGRICULTURAL EMERGENCIES.— The Secretary may temporarily exempt a person from the applicability of the requirements of this section with respect to an overlap agent or toxin, in whole or in part, if the Secretary determines that such exemption is necessary to provide for the timely participation of the person in a response to a domestic or foreign agricultural emergency that involves such an agent or toxin. With respect to the emergency involved, the exemption under this subparagraph for a person may not exceed 30 days, except that the Secretary, after review of whether such exemption remains necessary, may provide one extension of an additional 30 days.

(E) PUBLIC HEALTH EMERGENCIES.—Upon request of the Secretary of Health and Human Services, after the granting by such Secretary of an exemption under 351A(g)(3) of the Public Health Service Act pursuant to a finding that there is a public health emergency, the Secretary of Agriculture may temporarily exempt a person from the applicability of the requirements of this section with respect to an overlap agent or toxin, in whole or in part, to provide for the timely participation of the person in a response to the public health emergency. With respect to the emergency involved, such exemption for a person may not exceed 30 days, except that upon request of the Secretary of Health and Human Services, the Secretary of Agriculture may, after review of whether such exemption remains necessary, provide one extension of an additional 30 days.

(2) GENERAL AUTHORITY FOR EXEMPTIONS NOT INVOLVING OVERLAP AGENTS OR TOXINS.—In the case of listed agents or toxins that are not overlap agents or toxins, the Secretary may grant exemptions from the applicability of provisions of regulations under subsection (b) or (c) if the Secretary determines that such exemptions are consistent with protecting animal and plant health, and animal and plant products.

(h) DISCLOSURE OF INFORMATION.—

(1) NONDISCLOSURE OF CERTAIN INFORMATION.—No Federal agency specified in paragraph (2) shall disclose under section 552 of title 5, United States Code, any of the following:

(A) Any registration or transfer documentation submitted under subsections (b) and (c), or

permits issued prior to the date of the enactment of this Act, for the possession, use or transfer of a listed agent or toxin; or information derived therefrom to the extent that it identifies the listed agent or toxin possessed, used or transferred by a specific person or discloses the identity or location of a specific person.

(B) The national database developed pursuant to subsection (d), or any other compilation of the registration or transfer information submitted under subsections (b) and (c) to the extent that such compilation discloses site-specific registration or transfer information.

(C) Any portion of a record that discloses the site-specific or transfer-specific safeguard and security measures used by a registered person to prevent unauthorized access to listed agents and toxins.

(D) Any notification of a release of a listed agent or toxin submitted under subsections (b) and (c), or any notification of theft or loss submitted under such subsections.

(E) Any portion of an evaluation or report of an inspection of a specific registered person conducted under subsection (f) that identifies the listed agent or toxin possessed by a specific registered person or that discloses the identity or location of a specific registered person if the agency determines that public disclosure of the information would endanger animal or plant health, or animal or plant products.

(2) COVERED AGENCIES.—For purposes of paragraph (1) only, the Federal agencies specified in this paragraph are the following:

(A) The Department of Health and Human Services, the Department of Justice, the Department of Agriculture, and the Department of Transportation.

(B) Any Federal agency to which information specified in paragraph (1) is transferred by any agency specified in subparagraph (A) of this paragraph.

(C) Any Federal agency that is a registered person, or has a sub-agency component that is a registered person.

(D) Any Federal agency that awards grants or enters into contracts or cooperative agreements involving listed agents and toxins to or with a registered person, and to which information specified in paragraph (1) is transferred by any such registered person.

(3) OTHER EXEMPTIONS.—This subsection may not be construed as altering the application of any exemptions to public disclosure under section 552 of title 5, United States Code, except as to subsection 552(b)(3) of such title, to any of the information specified in paragraph (1).

(4) RULE OF CONSTRUCTION.—Except as specifically provided in paragraph (1), this subsection may not be construed as altering the authority of any Federal agency to withhold under section 552 of title 5, United States Code, or the obligation of any Federal agency to disclose under section 552 of title 5, United States Code, any information, including information relating to—

(A) listed agents and toxins, or individuals seeking access to such agents and toxins;

(B) registered persons, or persons seeking to register their possession, use, or transfer of such agents and toxins;

(C) general safeguard and security policies and requirements under regulations under subsections (b) and (c); or

(D) summary or statistical information concerning registrations, registrants, denials or revocations of registrations, listed agents and toxins, inspection evaluations and reports, or individuals seeking access to such agents and toxins.

(5) DISCLOSURES TO CONGRESS; OTHER DISCLOSURES.—This subsection may not be construed as providing any authority—

(A) to withhold information from the Congress or any committee or subcommittee thereof; or

(B) to withhold information from any person under any other Federal law or treaty.

(i) CIVIL MONEY PENALTY.—

(1) IN GENERAL.—In addition to any other penalties that may apply under law, any person who violates any provision of regulations under subsection (b) or (c) shall be subject to the United States for a civil money penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person.

(2) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 423 and 425(2) of the Plant Protection Act (7 U.S.C. 7733 and 7735(2) shall apply to a civil money penalty or activity under paragraph (1) in the same manner as such provisions apply to a penalty or activity under the Plant Protection Act.

(j) NOTIFICATION IN EVENT OF RELEASE.—Regulations under subsections (b) and (c) shall require the prompt notification of the Secretary by a registered person whenever a release, meeting criteria established by the Secretary, of a listed agent or toxin has occurred outside of the biocontainment area of a facility of the registered person. Upon receipt of such notification and a finding by the Secretary that the release poses a threat to animal or plant health, or animal or plant products, the Secretary shall take appropriate action to notify relevant Federal, State, and local authorities, and, if necessary, other appropriate persons (including the public). If the released listed agent or toxin is an overlap agent or toxin, the Secretary shall promptly notify the Secretary of Health and Human Services upon notification by the registered person.

(k) REPORTS.—The Secretary shall report to the Congress annually on the number and nature of notifications received under subsection (e)(8) (relating to theft or loss) and subsection (j) (relating to releases).

(l) DEFINITIONS.—For purposes of this section:

(1) The terms "biological agent" and "toxin" have the meanings given such terms in section 178 of title 18, United States Code.

(2) The term "listed agents and toxins" means biological agents and toxins listed pursuant to subsection (a)(1).

(3) The term "listed agents or toxins" means biological agents or toxins listed pursuant to subsection (a)(1).

(4) The terms "overlap agents and toxins" and "overlap agent or toxin" have the meaning given such terms in subsection (g)(1)(A)(ii).

(5) The term "person" includes Federal, State, and local governmental entities.

(6) The term "registered person" means a person registered under regulations under subsection (b) or (c).

(7) The term "'Secretary" means the Secretary of Agriculture.

(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2007, in addition to other funds that may be available.

SEC. 213. IMPLEMENTATION BY DEPARTMENT OF AGRICULTURE.

(a) DATE CERTAIN FOR PROMULGATION OF LIST.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture (referred to in this section as the "Secretary") shall promulgate an interim final rule that establishes the initial list under section 212(a)(1). In promulgating such rule, the Secretary shall provide written guidance on the manner in which the notice required in subsection (b) is to be provided to the Secretary.

(b) DATE CERTAIN FOR NOTICE OF POSSESSION.—Not later than 60 days after the date on which the Secretary promulgates the interim final rule under subsection (a), all persons (unless exempt under section 212(g)) in possession of biological agents or toxins included on the list referred to in subsection (a) shall notify the Secretary of such possession.

(c) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate an interim final rule for carrying out section 212, other than for the list referred to in subsection (a) of this section (but such rule may incorporate by reference provisions promulgated pursuant to subsection (a)). Such interim final rule shall take effect 60 days after the date on which such rule is promulgated, including for purposes of—

(1) section 175b(c) of title 18, United States Code (relating to criminal penalties), as added by section 231(a)(5) of this Act; and

(2) section 212(i) of this Act (relating to civil penalties).

(d) TRANSITIONAL PROVISION REGARDING CURRENT RESEARCH AND EDUCATION.—The interim final rule under subsection (c) shall include time frames for the applicability of the rule that minimize disruption of research or educational projects that involve biological agents and toxins listed pursuant to section 212(a)(1) and that were underway as of the effective date of such rule.

Subtitle C—Interagency Coordination Regarding Overlap Agents and Toxins

SEC. 221. INTERAGENCY COORDINATION.

(a) IN GENERAL.—

(1) COORDINATION.—The Secretary of Agriculture and the Secretary of Health and Human Services shall in accordance with this section coordinate activities regarding overlap agents and toxins.

(2) OVERLAP AGENTS AND TOXINS; OTHER TERMS.—For purposes of this section:

(A) The term "overlap agent or toxin" means a biological agent or toxin that—

(i) is listed pursuant to section 315A(a)(1) of the Public Health Service Act, as added by section 201 of this Act; and

(ii) is listed pursuant to section 212(a)(1) of this Act.

(B) The term "section 351A program" means the program under section 351A of the Public Health Service Act.

(C) The term "section 212 program" means the program under section 212 of this Act.

(b) CERTAIN MATTERS.—In carrying out the section 351A program and the section 212 program, the Secretary of Health and Human Services and the Secretary of Agriculture shall, to the greatest extent practicable, coordinate activities to achieve the following purposes:

(1) To minimize any conflicts between the regulations issued under, and activities carried out under, such programs.

(2) To minimize the administrative burden on persons subject to regulation under both of such programs.

(3) To ensure the appropriate availability of biological agents and toxins for legitimate biomedical, agricultural or veterinary research, education, or other such purposes.

(4) To ensure that registration information for overlap agents and toxins under the section 351A and section 212 programs is contained in both the national database under the section 351A program and the national database under the section 212 program.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Promptly after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of Health and Human Services shall enter into a memorandum of understanding regarding overlap agents and toxins that is in accordance with paragraphs (2) through (4) and contains such additional provisions as the Secretary of Agriculture and the Secretary of Health and Human Services determine to be appropriate.

(2) SINGLE REGISTRATION SYSTEM REGARDING REGISTERED PERSONS.—The memorandum of understanding under paragraph (1) shall provide for the development and implementation of a single system of registration for persons who possess, use, or transfer overlap agents or toxins and are required to register under both the section 351A program and the section 212 program. For purposes of such system, the memorandum shall provide for the development and implementation of the following:

(A) A single registration form through which the person submitting the form provides all information that is required for registration under the section 351A program and all information that is required for registration under the section 212 program.

(B) A procedure through which a person may choose to submit the single registration form to the agency administering the section 351A program (in the manner provided under such program), or to the agency administering the section 212 program (in the manner provided under such program).

(C) A procedure through which a copy of a single registration form received pursuant to subparagraph (B) by the agency administering one of such programs is promptly provided to the agency administering the other program.

(D) A procedure through which the agency receiving the single registration form under one of such programs obtains the concurrence of the agency administering the other program that the requirements for registration under the other program have been met.

(E) A procedure through which—

(i) the agency receiving the single registration form under one of such programs informs the agency administering the other program whether the receiving agency has denied the registration; and

(ii) each of such agencies ensures that registrations are entered into the national database of registered persons that is maintained by each such agency.

(3) PROCESS OF IDENTIFICATION.—With respect to the process of identification under the section 351A program and the section 212 program for names and other identifying information submitted to the Attorney General (relating to certain categories of individuals and entities), the memorandum of understanding under paragraph (1) shall provide for the development and implementation of the following:

(A) A procedure through which a person who is required to submit information pursuant to such process makes (in addition to the submission to the Attorney General) a submission, at the option of the person, to either the agency administering the section 351A program or the agency administering the section 212 program, but not both, which submission satisfies the requirement of submission for both of such programs.

(B) A procedure for the sharing by both of such agencies of information received from the Attorney General by one of such agencies pursuant to the submission under subparagraph (A).

(C) A procedure through which the agencies administering such programs concur in determinations that access to overlap agents and toxins will be granted.

(4) COORDINATION OF INSPECTIONS AND ENFORCEMENT.—The memorandum of understanding under paragraph (1) shall provide for the development and implementation of procedures under which Federal personnel under the section 351A program and the section 212 program may share responsibilities for inspections and enforcement activities under such programs regarding overlap agents and toxins. Activities carried out under such procedures by one of such programs on behalf of the other may be carried out with or without reimbursement by the agency that administers the other program.

(5) DATE CERTAIN FOR IMPLEMENTATION.—The memorandum of understanding under paragraph (1) shall be implemented not later than 180 days after the date of the enactment of this Act. Until the single system of registration under paragraph (2) is implemented, persons who possess, use, or transfer overlap agents or toxins shall register under both the section 351A program and the section 212 program.

(d) JOINT REGULATIONS.—Not later than 18 months after the date on which the single system of registration under subsection (c)(2) is implemented, the Secretary of Health and Human Services and the Secretary of Agriculture shall jointly issue regulations for the possession, use, and transfer of overlap agents and toxins that meet the requirements of both the section 351A program and the section 212 program.

Subtitle D—Criminal Penalties Regarding Certain Biological Agents and Toxins

SEC. 231. CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 175b of title 18, United States Code, as added by section 817 of Public Law 107–56, is amended—

(1) by striking "(a)" and inserting "(a)(1)";

(2) by transferring subsection (c) from the current placement of the subsection and inserting the subsection before subsection (b);

(3) by striking "(c)" and inserting "(2);

(4) by redesignating subsection (b) as subsection (d); and

(5) by inserting before subsection (d) (as so redesignated) the following subsections:

"(b) TRANSFER TO UNREGISTERED PERSON.—

"(1) SELECT AGENTS.—Whoever transfers a select agent to a person who the transferor knows or has reasonable cause to believe is not registered as required by regulations under subsection (b) or (c) of section 351A of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

"(2) CERTAIN OTHER BIOLOGICAL AGENTS AND TOXINS.—Whoever transfers a biological agent or toxin listed pursuant to section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002 to a person who the transferor knows or has reasonable cause to believe is not registered as required by regulations under subsection (b) or (c) of section 212 of such Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

"(c) UNREGISTERED FOR POSSESSION.—

"(1) SELECT AGENTS.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration required by regulations under section 351A(c) of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

"(2) CERTAIN OTHER BIOLOGICAL AGENTS AND TOXINS.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a biological agent or toxin listed pursuant to section 212(a)(1) of the Agricultural Bioterrorism Protection Act of 2002 for which such person has not obtained a registration required by regulations under section 212(c) of such Act shall be fined under this title, or imprisoned for not more than 5 years, or both.".

(b) CONFORMING AMENDMENTS.—Chapter 10 of title 18, United States Code, is amended—

(1) in section 175b (as added by section 817 of Public Law 107–56 and amended by subsection (a) of this section)—

(A) in subsection (d)(1), by striking "The term" and all that follows through "does not include" and inserting the following: "The term 'select agent' means a biological agent or toxin to which subsection (a) applies. Such term (including for purposes of subsection (a)) does not include"; and

(B) in the heading for the section, by striking "**Possession by restricted persons**" and inserting "**Select agents; certain other agents**"; and

(2) in the chapter analysis, in the item relating to section 175b, by striking "Possession by restricted persons." and inserting "Select agents; certain other agents.".

(c) TECHNICAL CORRECTIONS.—Chapter 10 of title 18, United States Code, as amended by section 817 of Public Law 107–56 and subsections (a) and (b) of this section, is amended—

(1) in section 175(c), by striking "protective" and all that follows and inserting "protective, bona fide research, or other peaceful purposes.";

(2) in section 175b—

(A) in subsection (a)(1), by striking "described in subsection (b)" and all that follows and inserting the following: "shall ship or transport in or affecting interstate or foreign commerce, or possess in or affecting interstate or foreign commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act, and is not exempted under subsection (h) of section 72.6, or Appendix A of part 72, of title 42, Code of Federal Regulations."; and

(B) in subsection (d)(3), by striking "section 1010(a)(3)" and inserting "section 101(a)(3)";

(3) in section 176(a)(1)(A), by striking "exists by reason of" and inserting "pertains to"; and

(4) in section 178—

(A) in paragraph (1), by striking "means any micro-organism" and all that follows through "product, capable of" and inserting the following: "means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance, capable of";

(B) in paragraph (2), by striking "means the toxic" and all that follows through "including—" and inserting the following: "means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes—"; and

(C) in paragraph (4), by striking "recombinant molecule," and all that follows through "biotechnology," and inserting "recombinant or synthesized molecule,".

(d) ADDITIONAL TECHNICAL CORRECTION.—Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "section 229F)" and all that follows through "section 178)—" and inserting "section 229F)—"; and

(2) in subsection (c)(2)(C), by striking "a disease organism" and inserting "a biological agent, toxin, or vector (as those terms are defined in section 178 of this title)".

TITLE III—PROTECTING SAFETY AND SECURITY OF FOOD AND DRUG SUPPLY

Subtitle A—Protection of Food Supply

SEC. 301. FOOD SAFETY AND SECURITY STRATEGY.

(a) IN GENERAL.—The President's Council on Food Safety (as established by Executive Order 13100) shall, in consultation with the Secretary of Transportation, the Secretary of the Treasury, other relevant Federal agencies, the food industry, consumer and producer groups, scientific organizations, and the States, develop a crisis communications and education strategy with respect to bioterrorist threats to the food *supply. Such strategy shall address threat assessments; technologies and procedures for securing food processing and manufacturing facilities and modes of transportation; response and notification procedures; and risk communications to the public.*

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of implementing the strategy developed under subsection (a), there are authorized to be appropriated $750,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

SEC. 302. PROTECTION AGAINST ADULTERATION OF FOOD.

(a) INCREASING INSPECTIONS FOR DETECTION OF ADULTERATION OF FOOD.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following subsection:

"(h)(1) The Secretary shall give high priority to increasing the number of inspections under this section for the purpose of enabling the Secretary to inspect food offered for import at ports of entry into the United States, with the greatest priority given to inspections to detect the intentional adulteration of food.".

(b) IMPROVEMENTS TO INFORMATION MANAGEMENT SYSTEMS.—Section 801(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section, is amended by adding at the end the following paragraph:

"(2) The Secretary shall give high priority to making necessary improvements to the information management systems of the Food and Drug Administration that contain information related to foods imported or offered for import into the United States for purposes of improving the ability of the Secretary to allocate resources, detect the intentional adulteration of food, and facilitate the importation of food that is in compliance with this Act.".

(c) LINKAGES WITH APPROPRIATE PUBLIC ENTITIES.—Section 801(h) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b) of this section, is amended by adding at the end the following paragraph:

"(3) The Secretary shall improve linkages with other regulatory agencies of the Federal Government that share responsibility for food safety, and shall with respect to such safety improve linkages with the States and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))).".

(d) TESTING FOR RAPID DETECTION OF ADULTERATION OF FOOD.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (a) of this section, is amended by adding at the end the following:

"(i)(1) For use in inspections of food under this section, the Secretary shall provide for research on the development of tests and sampling methodologies—

"(A) whose purpose is to test food in order to rapidly detect the adulteration of the food, with the greatest priority given to detect the intentional adulteration of food; and

"(B) whose results offer significant improvements over the available technology in terms of accuracy, timing, or costs.

"(2) In providing for research under paragraph (1), the Secretary shall give priority to conducting research on the development of tests that are suitable for inspections of food at ports of entry into the United States.

"(3) In providing for research under paragraph (1), the Secretary shall as appropriate coordinate with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture.

"(4) The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the progress made in research under paragraph (1), including progress regarding paragraph (2).".

(e) ASSESSMENT OF THREAT OF INTENTIONAL ADULTERATION OF FOOD.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall ensure that, not later than six months after the date of the enactment of this Act—

(1) the assessment that (as of such date of enactment) is being conducted on the threat of the intentional adulteration of food is completed; and

(2) a report describing the findings of the assessment is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and the amendments made by this section, there are authorized to be appropriated $100,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006, in addition to other authorizations of appropriations that are available for such purpose.

SEC. 303. ADMINISTRATIVE DETENTION.

(a) EXPANDED AUTHORITY.—Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended by adding at the end the following subsection:

"(h) ADMINISTRATIVE DETENTION OF FOODS.—

"(1) DETENTION AUTHORITY.—

"(A) IN GENERAL.—An officer or qualified employee of the Food and Drug Administration may order the detention, in accordance with this subsection, of any article of food that is found during an inspection, examination, or investigation under this Act conducted by such officer or qualified employee, if the officer or qualified employee has credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death to humans or animals.

"(B) SECRETARY'S APPROVAL.—An article of food may be ordered detained under subparagraph (A) only if the Secretary or an official designated by the Secretary approves the order. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

"(2) PERIOD OF DETENTION.—An article of food may be detained under paragraph (1) for a reasonable period, not to exceed 20 days, unless a greater period, not to exceed 30 days, is necessary, to enable the Secretary to institute an action under subsection (a) or section 302. The Secretary shall by regulation provide for procedures for instituting such action on an expedited basis with respect to perishable foods.

"(3) SECURITY OF DETAINED ARTICLE.—An order under paragraph (1) with respect to an article of food may require that such article be labeled or marked as detained, and shall require that the article be removed to a secure facility, as appropriate. An article subject to such an order shall not be transferred by any person from the place at which the article is ordered detained, or from the place to which the article is so removed, as the case may be, until released by the Secretary or until the expiration of the detention period applicable under such order, whichever occurs first. This subsection may not be construed as authorizing the delivery of the article pursuant to the execution of a bond while the article is subject to the order, and section 801(b) does not authorize the delivery of the article pursuant to the execution of a bond while the article is subject to the order.

"(4) APPEAL OF DETENTION ORDER.—

"(A) IN GENERAL.—With respect to an article of food ordered detained under paragraph (1), any person who would be entitled to be a claimant for such article if the article were seized under subsection (a) may appeal the order to the Secretary. Within five days after such an appeal is filed, the Secretary, after providing opportunity for an informal hearing, shall confirm or terminate the order involved, and such confirmation by the Secretary shall be considered a final agency action for purposes of section 702 of title 5, United States Code. If during such five-day period the Secretary fails to provide such an opportunity, or to confirm or terminate such order, the order is deemed to be terminated.

"(B) EFFECT OF INSTITUTING COURT ACTION.—The process under subparagraph (A) for the appeal of an order under paragraph (1) terminates if the Secretary institutes an action under subsection (a) or section 302 regarding the article of food involved.".

(b) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(bb) The transfer of an article of food in violation of an order under section 304(h), or the removal or alteration of any mark or label required by the order to identify the article as detained.".

(c) TEMPORARY HOLDS AT PORTS OF ENTRY.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 302(d)of this Act, is amended by adding at the end the following:

"(j)(1) If an officer or qualified employee of the Food and Drug Administration has credible evidence or information indicating that an article of food presents a threat of serious adverse health consequences or death to humans or animals, and such officer or qualified employee is unable to inspect, examine, or investigate such article upon the article being offered for import at a port of entry into the United States, the officer or qualified employee shall request the Secretary of Treasury to hold the food at the port of entry for a reasonable period of time, not to exceed 24 hours, for the purpose of enabling the Secretary to inspect, examine, or investigate the article as appropriate.

"(2) The Secretary shall request the Secretary of Treasury to remove an article held pursuant to paragraph (1) to a secure facility, as appropriate. During the period of time that such article is so held, the article shall not be transferred by any person from the port of entry into the United States for the article, or from the secure facility to which the article has been removed, as the case may be. Subsection (b) does not authorize the delivery of the article pursuant to the execution of a bond while the article is so held.

"(3) An officer or qualified employee of the Food and Drug Administration may make a request under paragraph (1) only if the Secretary or an official designated by the Secretary approves the request. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

"(4) With respect to an article of food for which a request under paragraph (1) is made, the Secretary, promptly after the request is made, shall notify the State in which the port of entry involved is located that the request has been made, and as applicable, that such article is being held under this subsection.".

SEC. 304. DEBARMENT FOR REPEATED OR SERIOUS FOOD IMPORT VIOLATIONS.

(a) DEBARMENT AUTHORITY.—

(1) PERMISSIVE DEBARMENT.—Section 306(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)(1)) is amended—

(A) in subparagraph (A), by striking "or" after the comma at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ", or"; and

(C) by adding at the end the following subparagraph:

"(C) a person from importing an article of food or offering such an article for import into the United States.";

(2) AMENDMENT REGARDING DEBARMENT GROUNDS.—Section 306(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is amended—

(A) in paragraph (2), in the matter preceding subparagraph (A), by inserting "subparagraph (A) or (B) of" before "paragraph (1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following paragraph:

"(3) PERSONS SUBJECT TO PERMISSIVE DEBARMENT; FOOD IMPORTATION.—A person is subject to debarment under paragraph (1)(C) if—

"(A) the person has been convicted of a felony for conduct relating to the importation into the United States of any food; or

"(B) the person has engaged in a pattern of importing or offering for import adulterated food that presents a threat of serious adverse health consequences or death to humans or animals.".

(b) CONFORMING AMENDMENTS.—Section 306 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a) is amended—

(1) in subsection (a), in the heading for the subsection, by striking "MANDATORY DEBARMENT.—" and inserting "MANDATORY DEBARMENT; CERTAIN DRUG APPLICATIONS.—";

(2) in subsection (b)—

(A) in the heading for the subsection, by striking "PERMISSIVE DEBARMENT.—" and inserting "PERMISSIVE DEBARMENT; CERTAIN DRUG APPLICATIONS; FOOD IMPORTS.—"; and

(B) in paragraph (2), in the heading for the paragraph, by striking "PERMISSIVE DEBARMENT.—" and inserting "PERMISSIVE DEBARMENT; CERTAIN DRUG APPLICATIONS.—";

(3) in subsection (c)(2)(A)(iii), by striking "subsection (b)(2)" and inserting "paragraph (2) or (3) of subsection (b)";

(4) in subsection (d)(3)—

(A) in subparagraph (A)(i), by striking "or (b)(2)(A)" and inserting " or paragraph (2)(A) or (3) of subsection (b)";

(B) in subparagraph (A)(ii)(II), by inserting "in applicable cases," before "sufficient audits";

(C) in subparagraph (B), in each of clauses (i) and (ii), by inserting "or subsection (b)(3)" after "subsection (b)(2)(B)"; and

(D) in subparagraph (B)(ii), by inserting before the period the following: "or the food importation process, as the case may be".

(c) EFFECTIVE DATES.—Section 306(l)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(l)(2)) is amended—

(1) in the first sentence—

(A) by striking "and" after "subsection (b)(2),"; and

(B) by inserting ", and subsection (b)(3)(A)" after "subsection (b)(2)(B)"; and

(2) in the second sentence, by inserting ", subsection (b)(3)(B)," after "subsection (b)(2)(B)".

(d) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by section 303(b) of this Act, is amended by adding at the end the following:

"(cc) The importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of, a person debarred under section 306(b)(3).".

(e) IMPORTATION BY DEBARRED PERSONS.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 303(c) of this Act, is amended by adding at the end the following subsection:

"(k)(1) If an article of food is being imported or offered for import into the United States, and the importer, owner, or consignee of the article is a person who has been debarred under section 306(b)(3), such article shall be held at the port of entry for the article, and may not be delivered to such person. Subsection (b) does not authorize the delivery of the article pursuant to the execution of a bond while the article is so held. The article shall be removed to a secure facility, as appropriate. During the period of time that such article is so held, the article shall not be transferred by any person from the port of entry into the United States for the article, or from the secure facility to which the article has been removed, as the case may be.

"(2) An article of food held under paragraph (1) may be delivered to a person who is not a debarred person under section 306(b)(3) if such person affirmatively establishes, at the expense of the person, that the article complies with the requirements of this Act, as determined by the Secretary.".

SEC. 305. REGISTRATION OF FOOD FACILITIES.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 415. REGISTRATION OF FOOD FACILITIES.

"(a) REGISTRATION.—

"(1) IN GENERAL.—The Secretary shall by regulation require that any facility engaged in manufacturing, processing, packing, or holding food for consumption in the United States be registered with the Secretary. To be registered—

"(A) for a domestic facility, the owner, operator, or agent in charge of the facility shall submit a registration to the Secretary; and

"(B) for a foreign facility, the owner, operator, or agent in charge of the facility shall submit a registration to the Secretary and shall include with the registration the name of the United States agent for the facility.

"(2) REGISTRATION.—An entity (referred to in this section as the 'registrant') shall submit a registration under paragraph (1) to the Secretary containing information necessary to notify the Secretary of the name and address of each facility at which, and all trade names under which, the registrant conducts business and, when determined necessary by the Secretary through guidance, the general food category (as identified under section 170.3 of title 21, Code of Federal Regulations) of any food manufactured, processed, packed, or held at such facility. The registrant shall notify the Secretary in a timely manner of changes to such information.

"(3) PROCEDURE.—Upon receipt of a completed registration described in paragraph (1), the Secretary shall notify the registrant of the receipt of such registration and assign a registration number to each registered facility.

"(4) LIST.—The Secretary shall compile and maintain an up-to-date list of facilities that are registered under this section. Such list and any registration documents submitted pursuant to this subsection shall not be subject to disclosure under section 552 of title 5, United States Code. Information derived from such list or registration documents shall not be subject to disclosure under section 552 of title 5, United States Code, to the extent that it discloses the identity or location of a specific registered person.

"(b) FACILITY.—For purposes of this section:

"(1) The term 'facility' includes any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food. Such term does not include farms; restaurants; other retail food establishments; nonprofit food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations).

"(2) The term 'domestic facility' means a facility located in any of the States or Territories.

"(3)(A) The term 'foreign facility' means a facility that manufacturers, processes, packs, or holds food, but only if food from such facility is exported to the United States without further processing or packaging outside the United States.

"(B) A food may not be considered to have undergone further processing or packaging for purposes of subparagraph (A) solely on the basis that labeling was added or that any similar activity of a de minimis nature was carried out with respect to the food.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to require an application, review, or licensing process.".

(b) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 304(d) of this Act, is amended by adding at the end the following:

"(dd) The failure to register in accordance with section 415.".

(c) IMPORTATION; FAILURE TO REGISTER.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 304(e) of this Act, is amended by adding at the end the following subsection:

"(l)(1) If an article of food is being imported or offered for import into the United States, and such article is from a foreign facility for which a registration has not been submitted to the Secretary under section 415, such article shall be held at the port of entry for the article, and may not be delivered to the importer, owner, or consignee of the article, until the foreign facility is so registered. Subsection (b) does not authorize the delivery of the article pursuant to the execution of a bond while the article is so held. The article shall be removed to a secure facility, as appropriate. During the period of time that such article is so held, the article shall not be transferred by any person from the port of entry into the United States for the article, or from the secure facility to which the article has been removed, as the case may be.".

(d) ELECTRONIC FILING.—For the purpose of reducing paperwork and reporting burdens, the Secretary of Health and Human Services may provide for, and encourage the use of, electronic methods of submitting to the Secretary registrations required pursuant to this section. In providing for the electronic submission of such registrations, the Secretary shall ensure adequate authentication protocols are used to enable identification of the registrant and validation of the data as appropriate.

(e) RULEMAKING; EFFECTIVE DATE.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate proposed and final regulations for the requirement of registration under section 415 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section). Such requirement of registration takes effect—

(1) upon the effective date of such final regulations; or

(2) upon the expiration of such 18-month period if the final regulations have not been made effective as of the expiration of such period, subject to compliance with the final regulations when the final regulations are made effective.

SEC. 306. MAINTENANCE AND INSPECTION OF RECORDS FOR FOODS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act, as amended by section 305 of this Act, is amended by inserting before section 415 the following section:

"SEC. 414. MAINTENANCE AND INSPECTION OF RECORDS.

"(a) RECORDS INSPECTION.—If the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article that are needed to assist the Secretary in determining whether the food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals. The requirement under the preceding sentence applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

"(b) Regulations Concerning Recordkeeping.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, may by regulation establish requirements regarding the establishment and maintenance, for not longer than two years, of records by persons (excluding farms and restaurants) who manufacture, process, pack, transport, distribute, receive, hold, or import food, which records are needed by the Secretary for inspection to allow the Secretary to identify the immediate previous sources and the immediate subsequent recipients of food, including its packaging, in order to address credible threats of serious adverse health consequences or death to humans or animals. The Secretary shall take into account the size of a business in promulgating regulations under this section.

"(c) Protection of Sensitive Information.—The Secretary shall take appropriate measures to ensure that there are in effect effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section.

"(d) Limitations.—This section shall not be construed—

"(1) to limit the authority of the Secretary to inspect records or to require establishment and maintenance of records under any other provision of this Act;

"(2) to authorize the Secretary to impose any requirements with respect to a food to the extent that it is within the exclusive jurisdiction of the Secretary of Agriculture pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq);

"(3) to have any legal effect on section 552 of title 5, United States Code, or section 1905 of title 18, United States Code; or

"(4) to extend to recipes for food, financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales).".

(b) Factory Inspection.—Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following new sentence: "In the case of any person (excluding farms and restaurants) who manufactures, processes, packs, transports, distributes, holds, or imports foods, the inspection shall extend to all records and other information described in section 414 when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals, subject to the limitations established in section 414(d)."; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "second sentence" and inserting "third sentence".

(c) Prohibited Act.—Section 301 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 331) is amended—

(1) in paragraph (e)—

(A) by striking "by section 412, 504, or 703" and inserting "by section 412, 414, 504, 703, or 704(a)"; and

(B) by striking "under section 412" and inserting "under section 412, 414(b)"; and

(2) in paragraph (j), by inserting "414," after "412,".

(d) Expedited Rulemaking.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall promulgate proposed and final regulations establishing recordkeeping requirements under subsection 414(b) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

SEC. 307. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) In General.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 305(c) of this Act, is amended by adding at the end the following subsection:

"(m)(1) In the case of an article of food that is being imported or offered for import into the United States, the Secretary, after consultation with the Secretary of the Treasury, shall by regulation require, for the purpose of enabling such article to be inspected at ports of entry into the United States, the submission to the Secretary of a notice providing the identity of each of the following: The article; the manufacturer and shipper of the article; if known within the specified period of time that notice is required to be provided, the grower of the article; the country from which the article originates; the country from which the article is shipped; and the anticipated port of entry for the article. An article of food imported or offered for import without submission of such notice in accordance with the requirements under this paragraph shall be refused admission into the United States. Nothing in this section may be construed as a limitation on the port of entry for an article of food.

"(2)(A) Regulations under paragraph (1) shall require that a notice under such paragraph be provided by a specified period of time in advance of the time of the importation of the article of food involved or the offering of the food for import, which period shall be no less than the minimum amount of time necessary for the Secretary to receive, review, and appropriately respond to such notification, but may not exceed five days. In determining the specified period of time required under this subparagraph, the Secretary may consider, but is not limited to consideration of, the effect on commerce of such period of time, the locations of the various ports of entry into the United States, the various modes of transportation, the types of food imported into the United States, and any other such consideration. Nothing in the preceding sentence may be construed as a limitation on the obligation of the Secretary to receive, review, and appropriately respond to any notice under paragraph (1).

"(B)(i) If an article of food is being imported or offered for import into the United States and a notice under paragraph (1) is not provided in advance in accordance with the requirements under paragraph (1), such article shall be held at the port of entry for the article, and may not be delivered to the importer, owner, or consignee of the article, until such notice is submitted to the Secretary, and the Secretary examines the notice and determines that the notice is in accordance with the requirements under paragraph (1). Subsection (b) does not authorize the delivery of the article pursuant to the execution of a bond while the article is so held. The article shall be removed to a secure facility, as appropriate. During the period of time that such article is so held, the article shall not be transferred by any person from the port of entry into the United States for the article, or from the secure facility to which the article has been removed, as the case may be.

"(ii) In carrying out clause (i) with respect to an article of food, the Secretary shall determine whether there is in the possession of the Secretary any credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death to humans or animals.

"(3)(A) This subsection may not be construed as limiting the authority of the Secretary to obtain information under any other provision of this Act.

"(B) This subsection may not be construed as authorizing the Secretary to impose any requirements with respect to a food to the extent that it is within the exclusive jurisdiction of the Secretary of Agriculture pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq).".

(b) Prohibited Act.—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by section 305(b) of this Act, is amended by adding at the end the following:

"(ee) The importing or offering for import into the United States of an article of food in violation of the requirements under section 801(m).".

(c) Rulemaking; Effective Date.—

(1) In general.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate proposed and final regulations for the requirement of providing notice in accordance with section 801(m) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section). Such requirement of notification takes effect—

(A) upon the effective date of such final regulations; or

(B) upon the expiration of such 18-month period if the final regulations have not been made effective as of the expiration of such period, subject to compliance with the final regulations when the final regulations are made effective.

(2) Default; minimum period of advance notice.—If under paragraph (1) the requirement for providing notice in accordance with section 801(m) of the Federal Food, Drug, and Cosmetic Act takes effect without final regulations having been made effective, then for purposes of such requirement, the specified period of time that the notice is required to be made in advance of the time of the importation of the article of food involved or the offering of the food for import shall be not fewer than eight hours and not more than five days, which shall remain in effect until the final regulations are made effective.

SEC. 308. AUTHORITY TO MARK ARTICLES REFUSED ADMISSION INTO UNITED STATES.

(a) In General.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as amended by section 307(a) of this Act, is amended by adding at the end the following:

"(n)(1) If a food has been refused admission under subsection (a), other than such a food that is required to be destroyed, the Secretary may require the owner or consignee of the food to affix to the container of the food a label that clearly and conspicuously bears the statement: 'UNITED STATES: REFUSED ENTRY'.

"(2) All expenses in connection with affixing a label under paragraph (1) shall be paid by the owner or consignee of the food involved, and in default of such payment, shall constitute a lien against future importations made by such owner or consignee.

"(3) A requirement under paragraph (1) remains in effect until the Secretary determines that the food involved has been brought into compliance with this Act.".

(b) Misbranded Foods.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(v) If—

"(1) it fails to bear a label required by the Secretary under section 801(n)(1) (relating to food refused admission into the United States);

"(2) the Secretary finds that the food presents a threat of serious adverse health consequences or death to humans or animals; and

"(3) upon or after notifying the owner or consignee involved that the label is required under section 801, the Secretary informs the owner or consignee that the food presents such a threat.".

(c) Rule of Construction.—With respect to articles of food that are imported or offered for import into the United States, nothing in this section shall be construed to limit the authority of the Secretary of Health and Human Services or the Secretary of the Treasury to require the marking of refused articles of food under any other provision of law.

SEC. 309. PROHIBITION AGAINST PORT SHOPPING.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(h) If it is an article of food imported or offered for import into the United States and the article of food has previously been refused admission under section 801(a), unless the person reoffering the article affirmatively establishes, at the expense of the owner or consignee of the article, that the article complies with the applicable requirements of this Act, as determined by the Secretary.".

SEC. 310. NOTICES TO STATES REGARDING IMPORTED FOOD.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following section:

"SEC. 908. NOTICES TO STATES REGARDING IMPORTED FOOD.

"(a) In General.—If the Secretary has credible evidence or information indicating that a shipment of imported food or portion thereof presents a threat of serious adverse health consequences or death to humans or animals, the Secretary shall provide notice regarding such threat to the States in which the food is held or will be held, and to the States in which the manufacturer, packer, or distributor of the food is located, to the extent that the Secretary has knowledge of which States are so involved. In providing notice to a State, the Secretary shall request the State to take such action as the State considers appropriate, if any, to protect the public health regarding the food involved.

"(b) Rule of Construction.—Subsection (a) may not be construed as limiting the authority of the Secretary with respect to food under any other provision of this Act.".

SEC. 311. GRANTS TO STATES FOR INSPECTIONS.

Chapter IX of the Federal Food, Drug and Cosmetic Act, as amended by section 310 of this Act, is amended by adding at the end the following section:

"SEC. 909. GRANTS TO STATES FOR INSPECTIONS.

"(a) In General.—The Secretary is authorized to make grants to States, territories, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) that undertake examinations, inspections, and investigations, and related activities under section 702. The funds provided under such grants shall only be available for the costs of conducting such examinations, inspections, investigations, and related activities.

"(b) Notices Regarding Adulterated Imported Food.—The Secretary may make grants to the States for the purpose of assisting the States with the costs of taking appropriate action to protect the public health in response to notification under section 908, including planning and otherwise preparing to take such action.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.".

SEC. 312. SURVEILLANCE AND INFORMATION GRANTS AND AUTHORITIES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317P the following:

"SEC. 317R. FOOD SAFETY GRANTS.

"(a) In General.—The Secretary may award grants to States and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) to expand participation in networks to enhance Federal, State, and local food safety efforts, including meeting the costs of establishing and maintaining the food safety surveillance, technical, and laboratory capacity needed for such participation.

"(b) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $19,500,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.".

SEC. 313. SURVEILLANCE OF ZOONOTIC DISEASES.

The Secretary of Health and Human Services, through the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, and the Secretary of Agriculture shall coordinate the surveillance of zoonotic diseases.

SEC. 314. AUTHORITY TO COMMISSION OTHER FEDERAL OFFICIALS TO CONDUCT INSPECTIONS.

Section 702(a) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 372(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)";

(2) by striking "In the case of food packed" and inserting the following:

"(3) In the case of food packed";

(3) by striking "For the purposes of this subsection" and inserting the following:

"(4) For the purposes of this subsection,"; and

(4) by inserting after paragraph (1) (as designated by paragraph (1) of this section) the following paragraph:

"(2)(A) In addition to the authority established in paragraph (1), the Secretary, pursuant to a memorandum of understanding between the Secretary and the head of another Federal department or agency, is authorized to conduct examinations and investigations for the purposes of this Act through the officers and employees of such other department or agency, subject to subparagraph (B). Such a memorandum shall include provisions to ensure adequate training of such officers and employees to conduct the examinations and investigations. The memorandum of understanding shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations or investigations performed under this section by the officers or employees of the other department or agency.

"(B) A memorandum of understanding under subparagraph (A) between the Secretary and another Federal department or agency is effective only in the case of examinations or inspections at facilities or other locations that are jointly regulated by the Secretary and such department or agency.

"(C) For any fiscal year in which the Secretary and the head of another Federal department or agency carries out one or more examinations or inspections under a memorandum of understanding under subparagraph (A), the Secretary and the head of such department or agency shall with respect to their respective departments or agencies submit to the committees of jurisdiction (authorizing and appropriating) in the House of Representatives and the Senate a report that provides, for such year—

"(i) the number of officers or employees that carried out one or more programs, projects, or activities under such memorandum;

"(ii) the number of additional articles that were inspected or examined as a result of such memorandum; and

"(iii) the number of additional examinations or investigations that were carried out pursuant to such memorandum.".

SEC. 315. RULE OF CONSTRUCTION.

Nothing in this title, or an amendment made by this title, shall be construed to alter the jurisdiction between the Secretaries of Agriculture and of Health and Human Services, under applicable statutes and regulations.

Subtitle B—Protection of Drug Supply

SEC. 321. ANNUAL REGISTRATION OF FOREIGN MANUFACTURERS; SHIPPING INFORMATION; DRUG AND DEVICE LISTING.

(a) Annual Registration; Listing.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended—

(1) in subsection (i)(1)—

(A) by striking "Any establishment" and inserting "On or before December 31 of each year, any establishment"; and

(B) by striking "shall register" and all that follows and inserting the following: "shall, through electronic means in accordance with the criteria of the Secretary, register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such drug or device in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug or device to the United States for purposes of importation."; and

(2) in subsection (j)(1), in the first sentence, by striking "or (d)" and inserting "(d), or (i)".

(b) Importation; Statement Regarding Registration of Manufacturer.—

(1) In general.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 308(a) of this Act, is amended by adding at the end the following subsection:

"(o) If an article that is a drug or device is being imported or offered for import into the United States, and the importer, owner, or consignee of such article does not, at the time of offering the article for import, submit to the Secretary a statement that identifies the registration under section 510(i) of each establishment that with respect to such article is required under such section to register with the Secretary, the article may be refused admission. If the article is refused admission for failure to submit such a statement, the article shall be held at the port of entry for the article, and may not be delivered to the importer, owner, or consignee of the article, until such a statement is submitted to the Secretary. Subsection (b) does not authorize the delivery of the article pursuant to the execution of a bond while the article is so held. The article shall be removed to a secure facility, as appropriate. During the period of time that such article is so held, the article shall not be transferred by any person from the port of entry into the United States for the article, or from the secure facility to which the article has been removed, as the case may be.".

(2) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by section 307(b) of this Act, is amended by adding at the end the following:

"(ff) The importing or offering for import into the United States of a drug or device with respect to which there is a failure to comply with a request of the Secretary to submit to the Secretary a statement under section 801(o).".

(c) EFFECTIVE DATE.—The amendments made by this section take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

SEC. 322. REQUIREMENT OF ADDITIONAL INFORMATION REGARDING IMPORT COMPONENTS INTENDED FOR USE IN EXPORT PRODUCTS.

(a) IN GENERAL.—Section 801(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(d)(3)) is amended to read as follows:

"(3)(A) Subject to subparagraph (B), no component of a drug, no component part or accessory of a device, or other article of device requiring further processing, which is ready or suitable for use for health-related purposes, and no article of a food additive, color additive, or dietary supplement, including a product in bulk form, shall be excluded from importation into the United States under subsection (a) if each of the following conditions is met:

"(i) The importer of such article of a drug or device or importer of such article of a food additive, color additive, or dietary supplement submits to the Secretary, at the time of initial importation, a statement in accordance with the following:

"(I) Such statement provides that such article is intended to be further processed by the initial owner or consignee, or incorporated by the initial owner or consignee, into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by the initial owner or consignee from the United States in accordance with subsection (e) or section 802, or with section 351(h) of the Public Health Service Act.

"(II) The statement identifies the manufacturer of such article and each processor, packer, distributor, or other entity that had possession of the article in the chain of possession of the article from the manufacturer to such importer of the article.

"(III) The statement is accompanied by such certificates of analysis as are necessary to identify such article, unless the article is a device or is an article described in paragraph (4).

"(ii) At the time of initial importation and before the delivery of such article to the importer or the initial owner or consignee, such owner or consignee executes a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury.

"(iii) Such article is used and exported by the initial owner or consignee in accordance with the intent described under clause (i)(I), except for any portions of the article that are destroyed.

"(iv) The initial owner or consignee maintains records on the use or destruction of such article or portions thereof, as the case may be, and submits to the Secretary any such records requested by the Secretary.

"(v) Upon request of the Secretary, the initial owner or consignee submits a report that provides an accounting of the exportation or destruction of such article or portions thereof, and the manner in which such owner or consignee complied with the requirements of this subparagraph.

"(B) Notwithstanding subparagraph (A), the Secretary may refuse admission to an article that otherwise would be imported into the United States under such subparagraph if the Secretary determines that there is credible evidence or information indicating that such article is not intended to be further processed by the initial owner or consignee, or incorporated by the initial owner or consignee, into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by the initial owner or consignee from the United States in accordance with subsection (e) or section 802, or with section 351(h) of the Public Health Service Act.

"(C) This section may not be construed as affecting the responsibility of the Secretary to ensure that articles imported into the United States under authority of subparagraph (A) meet each of the conditions established in such subparagraph for importation.".

(b) PROHIBITED ACT.—Section 301(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(w)) is amended to read as follows:

"(w) The making of a knowingly false statement in any statement, certificate of analysis, record, or report required or requested under section 801(d)(3); the failure to submit a certificate of analysis as required under such section; the failure to maintain records or to submit records or reports as required by such section; the release into interstate commerce of any article or portion thereof imported into the United States under such section or any finished product made from such arricle or portion, except for export in accordance with section 801(e) or 802, or with section 351(h) of the Public Health Service Act; or the failure to so export or to destroy such an article or portions thereof, or such a finished product.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

Subtitle C—General Provisions Relating to Upgrade of Agricultural Security

SEC. 331. EXPANSION OF ANIMAL AND PLANT HEALTH INSPECTION SERVICE ACTIVITIES.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary") may utilize existing authorities to give high priority to enhancing and expanding the capacity of the Animal and Plant Health Inspection Service to conduct activities to—

(1) increase the inspection capacity of the Service at international points of origin;

(2) improve surveillance at ports of entry and customs;

(3) enhance methods of protecting against the introduction of plant and animal disease organisms by terrorists;

(4) develop new and improve existing strategies and technologies for dealing with intentional outbreaks of plant and animal disease arising from acts of terrorism or from unintentional introduction, including—

(A) establishing cooperative agreements among Veterinary Services of the Animal and Plant Health Inspection Service, State animal health commissions and regulatory agencies for livestock and poultry health, and private veterinary practitioners to enhance the preparedness and ability of Veterinary Services and the commissions and agencies to respond to outbreaks of such animal diseases; and

(B) strengthening planning and coordination with State and local agencies, including—

(i) State animal health commissions and regulatory agencies for livestock and poultry health; and

(ii) State agriculture departments; and

(5) otherwise improve the capacity of the Service to protect against the threat of bioterrorism.

(b) AUTOMATED RECORDKEEPING SYSTEM.—The Administrator of the Animal and Plant Health Inspection Service may implement a central automated recordkeeping system to provide for the reliable tracking of the status of animal and plant shipments, including those shipments on hold at ports of entry and customs. The Secretary shall ensure that such a system shall be fully accessible to or fully integrated with the Food Safety Inspection Service.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

SEC. 332. EXPANSION OF FOOD SAFETY INSPECTION SERVICE ACTIVITIES.

(a) IN GENERAL.—The Secretary of Agriculture may utilize existing authorities to give high priority to enhancing and expanding the capacity of the Food Safety Inspection Service to conduct activities to—

(1) enhance the ability of the Service to inspect and ensure the safety and wholesomeness of meat and poultry products;

(2) improve the capacity of the Service to inspect international meat and meat products, poultry and poultry products, and egg products at points of origin and at ports of entry;

(3) strengthen the ability of the Service to collaborate with relevant agencies within the Department of Agriculture and with other entities in the Federal Government, the States, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) through the sharing of information and technology; and

(4) otherwise expand the capacity of the Service to protect against the threat of bioterrorism.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

SEC. 333. BIOSECURITY UPGRADES AT THE DEPARTMENT OF AGRICULTURE.

There is authorized to be appropriated for fiscal year 2002, $180,000,000 for the purpose of enabling the Agricultural Research Service to conduct building upgrades to modernize existing facilities, of which (1) $100,000,000 shall be allocated for renovation, updating, and expansion of the Biosafety Level 3 laboratory and animal research facilities at the Plum Island Animal Disease Center (Greenport, New York), and of which (2) $80,000,000 shall be allocated for the Agricultural Research Service/Animal and Plant Health Inspection Service facility in Ames, Iowa. There are authorized to be appropriated such sums as may be necessary for fiscal years 2003 through 2006 for the purpose described in the preceding sentence, for the planning and design of an Agricultural Research Service biocontainment laboratory for poultry research in Athens, Georgia, and for the planning, updating, and renovation of the Arthropod-Borne Animal Disease Laboratory in Laramie, Wyoming.

SEC. 334. AGRICULTURAL BIOSECURITY.

(a) SECURITY AT COLLEGES AND UNIVERSITIES.—

(1) GRANTS.—The Secretary of Agriculture (referred to in this section as the "Secretary") may award grants to covered entities to review security standards and practices at their facilities in order to protect against bioterrorist attacks.

(2) COVERED ENTITIES.—Covered entities under this subsection are colleges or universities that—

(A) are colleges or universities as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103); and

(B) have programs in food and agricultural sciences, as defined in such section.

(3) LIMITATION.—Each individual covered entity may be awarded one grant under paragraph (1), the amount of which shall not exceed $50,000.

(4) CONTRACT AUTHORITY.—Colleges and universities receiving grants under paragraph (1) may use such grants to enter into contracts with independent private organizations with established and demonstrated security expertise to conduct the security reviews specified in such paragraph.

(b) GUIDELINES FOR AGRICULTURAL BIOSECURITY.—

(1) IN GENERAL.—The Secretary may award grants to associations of food producers or consortia of such associations for the development and implementation of educational programs to improve biosecurity on farms in order to ensure the security of farm facilities against potential bioterrorist attacks.

(2) LIMITATION.—Each individual association eligible under paragraph (1) may be awarded one grant under such paragraph, the amount of which shall not exceed $100,000. Each consortium eligible under paragraph (1) may be awarded one grant under such paragraph, the amount of which shall not exceed $100,000 per association participating in the consortium.

(3) CONTRACT AUTHORITY.—Associations of food producers receiving grants under paragraph (1) may use such grants to enter into contracts with independent private organizations with established and demonstrated expertise in biosecurity to assist in the development and implementation of educational programs to improve biosecurity specified in such paragraph.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.

SEC. 335. AGRICULTURAL BIOTERRORISM RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary") may utilize existing research authorities and research programs to protect the food supply of the United States by conducting and supporting research activities to—

(1) enhance the capability of the Secretary to respond in a timely manner to emerging or existing bioterrorist threats to the food and agricultural system of the United States;

(2) develop new and continue partnerships with institutions of higher education and other institutions to help form stable, long-term programs to enhance the biosecurity and food safety of the United States, including the coordination of the development, implementation, and enhancement of diverse capabilities for addressing threats to the nation's agricultural economy and food supply, with special emphasis on planning, training, outreach, and research activities related to vulnerability analyses, incident response, detection, and prevention technologies;

(3) strengthen coordination with the intelligence community to better identify research needs and evaluate materials or information acquired by the intelligence community relating to potential threats to United States agriculture;

(4) expand the involvement of the Secretary with international organizations dealing with plant and animal disease control;

(5) continue research to develop rapid detection field test kits to detect biological threats to plants and animals and to provide such test kits to State and local agencies preparing for or responding to bioterrorism;

(6) develop an agricultural bioterrorism early warning surveillance system through enhancing the capacity of and coordination between State veterinary diagnostic laboratories, Federal and State agricultural research facilities, and public health agencies; and

(7) otherwise improve the capacity of the Secretary to protect against the threat of bioterrorism.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $190,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

SEC. 336. ANIMAL ENTERPRISE TERRORISM PENALTIES.

(a) IN GENERAL.—Section 43(a) of title 18, United States Code, is amended to read as follows:

"(a) OFFENSE.—Whoever—

"(1) travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility in interstate or foreign commerce for the purpose of causing physical disruption to the functioning of an animal enterprise; and

"(2) intentionally damages or causes the loss of any property (including animals or records) used by the animal enterprise, or conspires to do so,

shall be punished as provided for in subsection (b).".

(b) PENALTIES.—Section 43(b) of title 18, United States Code, is amended to read as follows:

"(b) PENALTIES.—

"(1) ECONOMIC DAMAGE.—Any person who, in the course of a violation of subsection (a), causes economic damage not exceeding $10,000 to an animal enterprise shall be fined under this title or imprisoned not more than 6 months, or both.

"(2) MAJOR ECONOMIC DAMAGE.—Any person who, in the course of a violation of subsection (a), causes economic damage exceeding $10,000 to an animal enterprise shall be fined under this title or imprisoned not more than 3 years, or both.

"(3) SERIOUS BODILY INJURY.—Any person who, in the course of a violation of subsection (a), causes serious bodily injury to another individual shall be fined under this title or imprisoned not more than 20 years, or both.

"(4) DEATH.—Any person who, in the course of a violation of subsection (a), causes the death of an individual shall be fined under this title and imprisoned for life or for any term of years.".

(c) RESTITUTION.—Section 43(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) for any other economic damage resulting from the offense.".

TITLE IV—DRINKING WATER SECURITY AND SAFETY

SEC. 401. TERRORIST AND OTHER INTENTIONAL ACTS.

The Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by inserting the following new section after section 1432:

"SEC. 1433. TERRORIST AND OTHER INTENTIONAL ACTS.

"(a) VULNERABILITY ASSESSMENTS.—(1) Each community water system serving a population of greater than 3,300 persons shall conduct an assessment of the vulnerability of its system to a terrorist attack or other intentional acts intended to substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water. The vulnerability assessment shall include, but not be limited to, a review of pipes and constructed conveyances, physical barriers, water collection, pretreatment, treatment, storage and distribution facilities, electronic, computer or other automated systems which are utilized by the public water system, the use, storage, or handling of various chemicals, and the operation and maintenance of such system. The Administrator, not later than August 1, 2002, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall provide baseline information to community water systems required to conduct vulnerability assessments regarding which kinds of terrorist attacks or other intentional acts are the probable threats to—

"(A) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water; or

"(B) otherwise present significant public health concerns.

"(2) Each community water system referred to in paragraph (1) shall certify to the Administrator that the system has conducted an assessment complying with paragraph (1) and shall submit to the Administrator a written copy of the assessment. Such certification and submission shall be made prior to:

"(A) March 31, 2003, in the case of systems serving a population of 100,000 or more.

"(B) December 31, 2003, in the case of systems serving a population of 50,000 or more but less than 100,000.

"(C) June 30, 2004, in the case of systems serving a population greater than 3,300 but less than 50,000.

"(3) Except for information contained in a certification under this subsection identifying the system submitting the certification and the date of the certification, all information provided to the Administrator under this subsection and all information derived therefrom shall be exempt from disclosure under section 552 of title 5 of the United States Code.

"(4) No community water system shall be required under State or local law to provide an assessment described in this section to any State, regional, or local governmental entity solely by reason of the requirement set forth in paragraph (2) that the system submit such assessment to the Administrator.

"(5) Not later than November 30, 2002, the Administrator, in consultation with appropriate Federal law enforcement and intelligence officials, shall develop such protocols as may be necessary to protect the copies of the assessments required to be submitted under this subsection (and the information contained therein) from unauthorized disclosure. Such protocols shall ensure that—

"(A) each copy of such assessment, and all information contained in or derived from the assessment, is kept in a secure location;

"(B) only individuals designated by the Administrator may have access to the copies of the assessments; and

"(C) no copy of an assessment, or part of an assessment, or information contained in or derived from an assessment shall be available to anyone other than an individual designated by the Administrator.

At the earliest possible time prior to November 30, 2002, the Administrator shall complete the development of such protocols for the purpose of having them in place prior to receiving any vulnerability assessments from community water systems under this subsection.

"(6)(A) Except as provided in subparagraph (B), any individual referred to in paragraph (5)(B) who acquires the assessment submitted under paragraph (2), or any reproduction of such assessment, or any information derived from such assessment, and who knowingly or recklessly reveals such assessment, reproduction, or information other than—

"(i) to an individual designated by the Administrator under paragraph (5),

"(ii) for purposes of section 1445 or for actions under section 1431, or

"(iii) for use in any administrative or judicial proceeding to impose a penalty for failure to comply with this section,

shall upon conviction be imprisoned for not more than one year or fined in accordance with *the provisions of chapter 227 of title 18, United States Code, applicable to class A misdemeanors, or both, and shall be removed from Federal office or employment.*

"(B) Notwithstanding subparagraph (A), an individual referred to in paragraph (5)(B) who is an officer or employee of the United States may discuss the contents of a vulnerability assessment submitted under this section with a State or local official.

"(7) Nothing in this section authorizes any person to withhold any information from Congress or from any committee or subcommittee of Congress.

"(b) Emergency Response Plan.—Each community water system serving a population greater than 3,300 shall prepare or revise, where necessary, an emergency response plan that incorporates the results of vulnerability assessments that have been completed. Each such community water system shall certify to the Administrator, as soon as reasonably possible after the enactment of this section, but not later than 6 months after the completion of the vulnerability assessment under subsection (a), that the system has completed such plan. The emergency response plan shall include, but not be limited to, plans, procedures, and identification of equipment that can be implemented or utilized in the event of a terrorist or other intentional attack on the public water system. The emergency response plan shall also include actions, procedures, and identification of equipment which can obviate or significantly lessen the impact of terrorist attacks or other intentional actions on the public health and the safety and supply of drinking water provided to communities and individuals. Community water systems shall, to the extent possible, coordinate with existing Local Emergency Planning Committees established under the Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11001, et seq.) when preparing or revising an emergency response plan under this subsection.

"(c) Record Maintenance.—Each community water system shall maintain a copy of the emergency response plan completed pursuant to subsection (b) for 5 years after such plan has been certified to the Administrator under this section.

"(d) Guidance to Small Public Water Systems.—The Administrator shall provide guidance to community water systems serving a population of less than 3,300 persons on how to conduct vulnerability assessments, prepare emergency response plans, and address threats from terrorist attacks or other intentional actions designed to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water provided to communities and individuals.

"(e) Funding.—(1) There are authorized to be appropriated to carry out this section not more than $160,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal years 2003 through 2005.

"(2) The Administrator, in coordination with State and local governments, may use funds made available under paragraph (1) to provide financial assistance to community water systems for purposes of compliance with the requirements of subsections (a) and (b) and to community water systems for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health and the supply of drinking water as determined by a vulnerability assessment conducted under subsection (a). Such basic security enhancements may include, but shall not be limited to the following:

"(A) the purchase and installation of equipment for detection of intruders;

"(B) the purchase and installation of fencing, gating, lighting, or security cameras;

"(C) the tamper-proofing of manhole covers, fire hydrants, and valve boxes;

"(D) the rekeying of doors and locks;

"(E) improvements to electronic, computer, or other automated systems and remote security systems;

"(F) participation in training programs, and the purchase of training manuals and guidance materials, relating to security against terrorist attacks;

"(G) improvements in the use, storage, or handling of various chemicals; and

"(H) security screening of employees or contractor support services.

Funding under this subsection for basic security enhancements shall not include expenditures for personnel costs, or monitoring, operation, or maintenance of facilities, equipment, or systems.

"(3) The Administrator may use not more than $5,000,000 from the funds made available under paragraph (1) to make grants to community water systems to assist in responding to and alleviating any vulnerability to a terrorist attack or other intentional acts intended to substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water (including sources of water for such systems) which the Administrator determines to present an immediate and urgent security need.

"(4) The Administrator may use not more than $5,000,000 from the funds made available under paragraph (1) to make grants to community water systems serving a population of less than 3,300 persons for activities and projects undertaken in accordance with the guidance provided to such systems under subsection (d).

SEC. 402. OTHER SAFE DRINKING WATER ACT AMENDMENTS.

The Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by inserting the following new sections after section 1433 (as added by section 401 of this Act):

"SEC. 1434. CONTAMINANT PREVENTION, DETECTION AND RESPONSE.

"(a) In General.—The Administrator, in consultation with the Centers for Disease Control and, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall review (or enter into contracts or cooperative agreements to provide for a review of) current and future methods to prevent, detect and respond to the intentional introduction of chemical, biological or radiological contaminants into community water systems and source water for community water systems, including each of the following:

"(1) Methods, means and equipment, including real time monitoring systems, designed to monitor and detect various levels of chemical, biological, and radiological contaminants or indicators of contaminants and reduce the likelihood that such contaminants can be successfully introduced into public water systems and source water intended to be used for drinking water.

"(2) Methods and means to provide sufficient notice to operators of public water systems, and individuals served by such systems, of the introduction of chemical, biological or radiological contaminants and the possible effect of such introduction on public health and the safety and supply of drinking water.

"(3) Methods and means for developing educational and awareness programs for community water systems.

"(4) Procedures and equipment necessary to prevent the flow of contaminated drinking water to individuals served by public water systems.

"(5) Methods, means, and equipment which could negate or mitigate deleterious effects on public health and the safety and supply caused by the introduction of contaminants into water intended to be used for drinking water, including an examination of the effectiveness of various drinking water technologies in removing, inactivating, or neutralizing biological, chemical, and radiological contaminants.

"(6) Biomedical research into the short-term and long-term impact on public health of various chemical, biological and radiological contaminants that may be introduced into public water systems through terrorist or other intentional acts.

"(b) Funding.—For the authorization of appropriations to carry out this section, see section 1435(e).

"SEC. 1435. SUPPLY DISRUPTION PREVENTION, DETECTION AND RESPONSE.

"(a) Disruption of Supply or Safety.—The Administrator, in coordination with the appropriate departments and agencies of the Federal Government, shall review (or enter into contracts or cooperative agreements to provide for a review of) methods and means by which terrorists or other individuals or groups could disrupt the supply of safe drinking water or take other actions against water collection, pretreatment, treatment, storage and distribution facilities which could render such water significantly less safe for human consumption, including each of the following:

"(1) Methods and means by which pipes and other constructed conveyances utilized in public water systems could be destroyed or otherwise prevented from providing adequate supplies of drinking water meeting applicable public health standards.

"(2) Methods and means by which collection, pretreatment, treatment, storage and distribution facilities utilized or used in connection with public water systems and collection and pretreatment storage facilities used in connection with public water systems could be destroyed or otherwise prevented from providing adequate supplies of drinking water meeting applicable public health standards.

"(3) Methods and means by which pipes, constructed conveyances, collection, pretreatment, treatment, storage and distribution systems that are utilized in connection with public water systems could be altered or affected so as to be subject to cross-contamination of drinking water supplies.

"(4) Methods and means by which pipes, constructed conveyances, collection, pretreatment, treatment, storage and distribution systems that are utilized in connection with public water systems could be reasonably protected from terrorist attacks or other acts intended to disrupt the supply or affect the safety of drinking water.

"(5) Methods and means by which information systems, including process controls and supervisory control and data acquisition and cyber systems at community water systems could be disrupted by terrorists or other groups.

"(b) Alternative Sources.—The review under this section shall also include a review of the methods and means by which alternative supplies of drinking water could be provided in the event of the destruction, impairment or contamination of public water systems.

"(c) Requirements and Considerations.—In carrying out this section and section 1434—

"(1) the Administrator shall ensure that reviews carried out under this section reflect the needs of community water systems of various sizes and various geographic areas of the United States; and

"(2) the Administrator may consider the vulnerability of, or potential for forced interruption of service for, a region or service area, including community water systems that provide service to the National Capital area.

"(d) Information Sharing.—As soon as practicable after reviews carried out under this section or section 1434 have been evaluated, the

Administrator shall disseminate, as appropriate as determined by the Administrator, to community water systems information on the results of the project through the Information Sharing and Analysis Center, or other appropriate means.

"(e) FUNDING.—There are authorized to be appropriated to carry out this section and section 1434 not more than $15,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal years 2003 through 2005.".

SEC. 403. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

The Safe Drinking Water Act is amended as follows:

(1) Section 1414(i)(1) is amended by inserting "1433" after "1417".

(2) Section 1431 is amended by inserting in the first sentence after "drinking water" the following: ", or that there is a threatened or potential terrorist attack (or other intentional act designed to disrupt the provision of safe drinking water or to impact adversely the safety of drinking water supplied to communities and individuals), which".

(3) Section 1432 is amended as follows:

(A) By striking "5 years" in subsection (a) and inserting "20 years".

(B) By striking "3 years" in subsection (b) and inserting "10 years".

(C) By striking "$50,000" in subsection (c) and inserting "$1,000,000".

(D) By striking "$20,000" in subsection (c) and inserting "$100,000".

(4) Section 1442 is amended as follows:

(A) By striking "this subparagraph" in subsection (b) and inserting "this subsection".

(B) By amending subsection (d) to read as follows:

"(d) There are authorized to be appropriated to carry out subsection (b) not more than $35,000,000 for the fiscal year 2002 and such sums as may be necessary for each fiscal year thereafter.".

TITLE V—ADDITIONAL PROVISIONS

Subtitle A—Prescription Drug User Fees

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Prescription Drug User Fee Amendments of 2002".

SEC. 502. FINDINGS.

The Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for the review of human drug applications and the assurance of drug safety;

(3) the provisions added by the Prescription Drug User Fee Act of 1992, as amended by the Food and Drug Administration Modernization Act of 1997, have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration, including—

(i) strengthening and improving the review and monitoring of drug safety;

(ii) considering greater interaction between the agency and sponsors during the review of drugs and biologics intended to treat serious diseases and life-threatening diseases; and

(iii) developing principles for improving first-cycle reviews; and

(4) the fees authorized by amendments made in this subtitle will be dedicated towards expediting the drug development process and the process for the review of human drug applications as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the chairman of the Committee on Energy and Commerce of the House of Representatives and the chairman of the Committee on Health, Education, Labor, and Pensions of the Senate, as set forth in the Congressional Record.

SEC. 503. DEFINITIONS.

Section 735 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g) is amended—

(1) in paragraph (1), in the matter after and below subparagraph (C), by striking "licensure, as described in subparagraph (D)" and inserting "licensure, as described in subparagraph (C)";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting ", and";

(C) by inserting after subparagraph (B) the following subparagraph:

"(C) which is on the list of products described in section 505(j)(7)(A) or is on a list created and maintained by the Secretary of products approved under human drug applications under section 351 of the Public Health Service Act."; and

(D) in the matter after and below subparagraph (C) (as added by subparagraph (C) of this paragraph), by striking "Service Act," and all that follows through "biological product" and inserting the following: "Service Act. Such term does not include a biological product";

(3) in paragraph (6), by adding at the end the following subparagraph:

"(F) In the case of drugs approved after October 1, 2002, under human drug applications or supplements: collecting, developing, and reviewing safety information on the drugs, including adverse event reports, during a period of time after approval of such applications or supplements, not to exceed three years."; and

(4) in paragraph (8)—

(A) by striking the matter after and below subparagraph (B);

(B) by striking subparagraph (B);

(C) by striking "is the lower of" and all that follows through "Consumer Price Index" and inserting "is the Consumer Price Index"; and

(D) by striking "1997, or" and inserting "1997.".

SEC. 504. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 1998" and inserting "fiscal year 2003";

(2) in paragraph (1)(A)—

(A) in each of clauses (i) and (ii), by striking "in subsection (b)" and inserting "under subsection (c)(4)"; and

(B) in clause (ii), by adding at the end the following sentence: "Such fee shall be half of the amount of the fee established under clause (i).";

(3) in paragraph (2)(A), in the matter after and below clause (ii)—

(A) by striking "in subsection (b)" and inserting "under subsection (c)(4)"; and

(B) by striking "payable on or before January 31" and inserting "payable on or before October 1"; and

(4) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person who is named as the applicant in a human drug application, and who, after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall pay for each such prescription drug product the annual fee established under subsection (c)(4). Such fee shall be payable on or before October 1 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "The listing" and all that follows through "filed under section 505(b)(2)" and inserting the following: "A prescription drug product shall not be assessed a fee under subparagraph (A) if such product is identified on the list compiled under section 505(j)(7)(A) with a potency described in terms of per 100 mL, or if such product is the same product as another product approved under an application filed under section 505(b)".

(b) FEE AMOUNTS.—Section 736(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), fees under subsection (a) shall be established to generate the following revenue amounts:

"Type of Fee Revenue	Fiscal Year 2003	Fiscal Year 2004	Fiscal Year 2005	Fiscal Year 2006	Fiscal Year 2007
Application/Supplement	$74,300,000	$77,000,000	$84,000,000	$86,434,000	$86,434,000
Establishment	$74,300,000	$77,000,000	$84,000,000	$86,433,000	$86,433,000
Product	$74,300,000	$77,000,000	$84,000,000	$86,433,000	$86,433,000
Total Fee Revenue	$222,900,000	$231,000,000	$252,000,000	$259,300,000	$259,300,000

If, after the date of the enactment of the Prescription Drug User Fee Amendments of 2002, legislation is enacted requiring the Secretary to fund additional costs of the retirement of Federal personnel, fee revenue amounts shall be increased in each year by the amount necessary to fully fund the portion of such additional costs that are attributable to the process for the review of human drug applications.".

(c) ADJUSTMENTS.—Section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "fees and total fee revenues" and inserting "revenues";

(B) in subparagraph (A)—

(i) by striking "during the preceding fiscal year"; and

(ii) by striking ", or" and inserting the following: "for the 12 month period ending June 30 preceding the fiscal year for which fees are being established, or";

(C) in subparagraph (B), by striking "for such fiscal year" and inserting "for the previous fiscal year"; and

(D) in the matter after and below subparagraph (B), by striking "fiscal year 1997"; and inserting "fiscal year 2003";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (1) the following paragraphs:

"(2) WORKLOAD ADJUSTMENT.—Beginning with fiscal year 2004, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications. With respect to such adjustment:

"(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of human drug applications, commercial investigational new drug applications, efficacy supplements, and manufacturing supplements submitted to the Secretary. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

"(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the fee revenues for the fiscal year established in subsection (b), as adjusted for inflation under paragraph (1).

"(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2007, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than three months of operating reserves of carryover user fees for the process for the review of human drug applications for the first three months of fiscal year 2008. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2007. If the Secretary has carryover balances for such process in excess of three months of such operating reserves, the adjustment under this paragraph shall not be made."; and

(4) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by amending such paragraph to read as follows:

"(4) ANNUAL FEE SETTING.—The Secretary shall, 60 days before the start of each fiscal year that begins after September 30, 2002, establish, for the next fiscal year, application, product, and establishment fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.".

(d) FEE WAIVER OR REDUCTION.—Section 736(d)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by inserting "or" after the comma at the end;

(B) by striking subparagraph (D); and

(C) by redesignating subparagraph (E) as subparagraph (D); and

(2) in paragraph (3), in each of subparagraphs (A) and (B), by striking "paragraph (1)(E)" each place such term appears and inserting "paragraph (1)(D)".

(e) ASSESSMENT OF FEES.—Section 736(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(f)) is amended—

(1) in the heading for the subsection, by striking "ASSESSMENT OF FEES.—" and inserting "LIMITATIONS.—"; and

(2) in paragraph (1), by striking the heading for the paragraph and all that follows through "fiscal year beginning" and inserting the following: "IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning".

(f) CREDITING AND AVAILABILITY OF FEES.—

(1) IN GENERAL.—Section 736(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)(1)) is amended by striking "Fees collected for a fiscal year" and all that follows through "fiscal year limitation." and inserting the following: "Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended.".

(2) COLLECTIONS AND APPROPRIATION ACTS.—Section 736(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)(2)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking "(2) COLLECTIONS" and all that follows through "the amount specified" in clause (i) (as so redesignated) and inserting the following:

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—The fees authorized by this section—

"(i) shall be retained in each fiscal year in an amount not to exceed the amount specified";

(C) by moving clause (ii) (as so redesignated) two ems to the right; and

(D) by adding at the end the following subparagraph:

"(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of human drug applications—

"(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

"(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in such subparagraph; and

"(II) such costs are not more than 5 percent below the level specified in such subparagraph.".

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 736(g)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)(3)) is amended by striking subparagraphs (A) through (E) and inserting the following:

"(A) $222,900,000 for fiscal year 2003;

"(B) $231,000,000 for fiscal year 2004;

"(C) $252,000,000 for fiscal year 2005;

"(D) $259,300,000 for fiscal year 2006; and

"(E) $259,300,000 for fiscal year 2007;".

SEC. 505. ACCOUNTABILITY AND REPORTS.

(a) PUBLIC ACCOUNTABILITY.—

(1) CONSULTATION.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the process for the review of human drug applications for the fiscal years after fiscal year 2007, and for the reauthorization of sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry.

(2) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry; shall present such recommendations to the congressional committees specified in such paragraph; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

(b) PERFORMANCE REPORT.—Beginning with fiscal year 2003, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the President, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 502(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(c) FISCAL REPORT.—Beginning with fiscal year 2003, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (b), the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 506. REPORTS OF POSTMARKETING STUDIES.

Section 506B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356b) is amended by adding at the end the following subsections:

"(d) DISCLOSURE.—If a sponsor fails to complete an agreed upon study required by this section by its original or otherwise negotiated deadline, the Secretary shall publish a statement on the Internet site of the Food and Drug Administration stating that the study was not completed and, if the reasons for such failure to complete the study were not satisfactory to the Secretary, a statement that such reasons were not satisfactory to the Secretary.

"(e) NOTIFICATION.—With respect to studies of the type required under section 506(b)(2)(A) or under section 314.510 or 601.41 of title 21, Code of Federal Regulations, as each of such sections was in effect on the day before the effective date of this subsection, the Secretary may require that a sponsor who, for reasons not satisfactory to the Secretary, fails to complete by its deadline a study under any of such sections of such type for a drug or biological product (including such a study conducted after such effective date) notify practitioners who prescribe such drug or biological product of the failure to complete such study and the questions of clinical benefit, and, where appropriate, questions of safety, that remain unanswered as a result of the failure to complete such study. Nothing in this subsection shall be construed as altering the requirements of the types of studies required under section 506(b)(2)(A) or under section 314.510 or 601.41 of title 21, Code of Federal Regulations, as so in effect, or as prohibiting the Secretary from modifying such sections of title 21 of such Code to provide for studies in addition to those of such type.".

SEC. 507. SAVINGS CLAUSE.

Notwithstanding section 107 of the Food and Drug Administration Modernization Act of 1997, and notwithstanding the amendments made by this subtitle, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of *the enactment of this Act, continues to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that, on or after October 1, 1997, but before October 1, 2002, were accepted by the Food and Drug Administration for filing.*

SEC. 508. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect October 1, 2002.

SEC. 509. SUNSET CLAUSE.

The amendments made by sections 503 and 504 cease to be effective October 1, 2007, and section 505 ceases to be effective 120 days after such date.

Subtitle B—Funding Provisions Regarding Food and Drug Administration

SEC. 521. OFFICE OF DRUG SAFETY.

Of the amounts appropriated for the Food and Drug Administration for a fiscal year, the Secretary of Health and Human Services shall reserve for the Office of Drug Safety (within such Administration), the following amounts:

(1) For fiscal year 2003, an amount equal to the sum of $5,000,000 and the amount made available under appropriations Acts for such Office for fiscal year 2002.

(2) For fiscal year 2004, an amount equal to the sum of $10,000,000 and the amount made available under appropriations Acts for such Office for fiscal year 2002.

(3) For each subsequent fiscal year, an amount equal to the sum of the amount made available under appropriations Acts for such Office for fiscal year 2004 and an amount sufficient to offset the effects of inflation occurring after the beginning of fiscal year 2004.

SEC. 522. DIVISION OF DRUG MARKETING, ADVERTISING, AND COMMUNICATIONS.

For the Division of Drug Marketing, Advertising, and Communications (within the Office of Medical Policy, Food and Drug Administration), there are authorized to be appropriated the following amounts, stated as increases above the amount made available under appropriations Acts for such Division for fiscal year 2002:

(1) For fiscal year 2003, an increase of $2,500,000.

(2) For fiscal year 2004, an increase of $4,000,000.

(3) For fiscal year 2005, an increase of $5,500,000.

(4) For fiscal year 2006, an increase of $7,500,000.

(5) For fiscal year 2007, an increase of $7,500,000.

SEC. 523. OFFICE OF GENERIC DRUGS.

For the Office of Generic Drugs (within the Food and Drug Administration), there are authorized to be appropriated the following amounts, stated as increases above the amount made available under appropriations Acts for such Office for fiscal year 2002:

(1) For fiscal year 2003, an increase of $3,000,000.

(2) For fiscal year 2004, an increase of $6,000,000.

(3) For fiscal year 2005, an increase of $9,000,000.

(4) For fiscal year 2006, an increase of $12,000,000.

(5) For fiscal year 2007, an increase of $15,000,000.

Subtitle C—Additional Provisions

SEC. 531. TRANSITION TO DIGITAL TELEVISION.

(a) PAIR ASSIGNMENT REQUIRED.—In order to further promote the orderly transition to digital television, and to promote the equitable allocation and use of digital channels by television broadcast permittees and licensees, the Federal Communications Commission, at the request of an eligible licensee or permittee, shall, within 90 days after the date of enactment of this Act, allot, if necessary, and assign a paired digital television channel to that licensee or permittee, provided that—

(1) such channel can be allotted and assigned without further modification of the tables of allotments as set forth in sections 73.606 and 73.622 of the Commission's regulations (47 CFR 73.606, 73.622); and

(2) such allotment and assignment is otherwise consistent with the Commission's rules (47 CFR part 73).

(b) ELIGIBLE TRANSITION LICENSEE OR PERMITTEE.—For purposes of subsection (a), the term "eligible licensee or permittee" means only a full power television broadcast licensee or permittee (or its successor in interest) that—

(1) had an application pending for an analog television station construction permit as of October 24, 1991, which application was granted after April 3, 1997; and

(2) as of the date of enactment of this Act, is the permittee or licensee of that station.

(c) REQUIREMENTS ON LICENSEE OR PERMITTEE.—

(1) CONSTRUCTION DEADLINE.—Any licensee or permittee receiving a paired digital channel pursuant to this section—

(A) shall be required to construct the digital television broadcast facility within 18 months of the date on which the Federal Communications Commission issues a construction permit therefore, and

(B) shall be prohibited from obtaining or receiving an extension of time from the Commission beyond the construction deadline established by paragraph (1).

(2) PROHIBITION OF ANALOG OPERATION USING DIGITAL PAIR.— Any licensee or permittee receiving a paired digital channel pursuant to this section shall be prohibited from giving up its current paired analog assignment and becoming a single-channel broadcaster and operating in analog on such paired digital channel.

(d) RELIEF RESTRICTED.—Any paired digital allotment and assignment made under this section shall not be available to any other applicant unless such applicant is an eligible licensee or permittee within the meaning of subsection (b).

SEC. 532. 3-YEAR DELAY IN LOCK IN PROCEDURES FOR MEDICARE+CHOICE PLANS; CHANGE IN CERTAIN MEDICARE+CHOICE DEADLINES AND ANNUAL, COORDINATED ELECTION PERIOD FOR 2003, 2004, AND 2005.

(a) LOCK-IN DELAY.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(1) in paragraph (2)(A), by striking "THROUGH 2001" and "during 1998, 1999, 2000, and 2001" and inserting "THROUGH 2004" and "during the period beginning January 1, 1998, and ending on December 31, 2004", respectively;

(2) in the heading to paragraph (2)(B), by striking "DURING 2002" and inserting "DURING 2005";

(3) in paragraphs (2)(B)(i) and (2)(C)(i), by striking "2002" and inserting "2005" each place it appears;

(4) in paragraph (2)(D), by striking "2001" and inserting "2004"; and

(5) in paragraph (4), by striking "2002" and inserting "2005" each place it appears.

(b) CHANGE IN REPORTING DEADLINE.—

(1) IN GENERAL.—Section 1854(a)(1) of such Act (42 U.S.C. 1395w–24(a)(1)) is amended by striking "Not later than July 1 of each year" and inserting "Not later than the second Monday in September of 2002, 2003, and 2004 (or July 1 of each other year)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to information submitted for years beginning with 2003.

(c) DELAY IN ANNUAL, COORDINATED ELECTION PERIOD.—

(1) IN GENERAL.—Section 1851(e) of such Act (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (3)(B), by striking "means" and all that follows and inserting the following: "means, with respect to a year before 2003 and after 2005, the month of November before such year and with respect to 2003, 2004, and 2005, the period beginning on November 15 and ending on December 31 of the year before such year."; and

(B) in paragraph (6)(A), by striking "each subsequent year (as provided in paragraph (3))" and inserting "during the annual, coordinated election period under paragraph (3) for each subsequent year".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to the annual, coordinated election period for years beginning with 2003.

(d) CHANGE TO ANNUAL ANNOUNCEMENT OF PAYMENT RATES.—

(1) IN GENERAL.—Section 1853(b)(1) of such Act (42 U.S.C. 1395w–23(b)(1)) is amended by striking "not later than March 1 before the calendar year concerned" and inserting "for years before 2004 and after 2005 not later than March 1 before the calendar year concerned and for 2004 and 2005 not later than the second Monday in May before the respective calendar year".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall first apply to announcements for years after 2003.

And the Senate agree to the same.

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
MICHAEL BILIRAKIS,
PAUL E. GILLMOR,
RICHARD BURR,
JOHN SHIMKUS,
JOHN D. DINGELL,
HENRY A. WAXMAN,
SHERROD BROWN,

Provided that Mr. Pallone is appointed in lieu of Mr. Brown of Ohio for consideration of title IV of the House bill, and modifications committed to conference:

FRANK PALLONE, Jr.,

From the Committee on Agriculture, for consideration of title II of the House bill and sec. 216 and title V of the Senate amendment, and modifications committed to conference:

LARRY COMBEST,
FRANK D. LUCAS,
SAXBY CHAMBLISS,
CHARLES STENHOLM,
TIM HOLDEN,

From the Committee on the Judiciary, for consideration of title II of the House bill and secs. 216 and 401 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR SMITH,
JOHN CONYERS, Jr.,
Managers on the Part of the House.

EDWARD KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JIM JEFFORDS,
JUDD GREGG,
BILL FRIST,
MIKE ENZI,
TIM HUTCHINSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448), to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

As approved by the conference Managers, Title I addresses core public health concerns associated with preparedness for and effective response to bioterrorism and other public health emergencies in a number of different ways. First Title I improves communications between and among all levels of government, public health officials, first responders, and health care providers and facilities during emergencies. The Managers have authorized substantial sums in FY 2002 and beyond in grants to States, local governments, and other public and private health care facilities and other entities to improve planning and preparedness activities, and educate and train health care personnel. Under Title I, the Department of Health and Human Services (HHS) will have a new focus, and improved coordination and accountability, through a new Assistant Secretary for Public Health emergency preparedness. The legislation also authorizes the National Disaster medical system, new planning and reporting provisions, training exercises, and improved communications strategies and networks. The Managers also believe that the provisions of Title I will ensure that the nation has sufficient drugs, vaccines, and other supplies for our emergency health security. The Managers intend for activities under Title I to enhance the Nation's public health infrastructure at the national, state, and local levels. The Managers believe that an effective public health system is essential to responding effectively to bioterrorism and other public health emergencies.

Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting

Section 101. National Preparedness and Response

House provision: The House provision requires the Secretary of HHS to continue the process of developing and implementing a coordinated strategy, including the preparation of a national plan for carrying out health-related activities to prepare for and respond effectively to bioterrorism and other public health emergencies. The plan would be in consultation with other Federal agencies and other appropriate public and private entities. The plan also would be coordinated with activities of State and local governments to meet preparedness goals set out under the Act. National preparedness goals include providing effective assistance to State and local governments to ensure that they and their health care facilities have adequate capacity and properly trained response personnel; a coordinated plan, effective communications networks, and laboratory readiness, training and surveillance; developing and maintaining medical countermeasures against biological agents; and effective coordination at all levels of government. There would be evaluations and reports of progress.

Senate amendment: The Senate amendment contains similar provisions.

Conference substitute: The Conference adopts the House provisions with certain modifications to clarify the provision does not expand regulatory or other authority, and to incorporate various advisory committee and study provisions. A study to emergency response services and their use during public health emergencies, formerly located in section 114 of the House bill, is now located in this section.

Section 102. Assistant Secretary for Public Health Emergency Preparedness; National Disaster Medical System

House provision: The House provision establishes the new position of Assistant Secretary for Emergency Preparedness to coordinate HHS activities under the new Act. The provision also would authorize the National Disaster Medical System, under the new Assistant Secretary to provide for further National capacity during public health emergencies.

Senate amendment: The Senate amendment contains a similar provision in section 211 of the Senate amendment.

Conference substitute: The Conference substitute uses the House language with modification. The managers believe that there is a need to increase coordination of the Department of Health and Human Services' efforts in responding to bioterrorism and other public health emergencies, and thus has provided for the creation of an Assistant Secretary for Public Health Emergency Preparedness. The substitute also formally establishes the National Disaster Medical System (NDMS), recognizing the important role already played by the NDMS in the Federal government's response to all types of emergencies and disasters. The substitute also addresses a number of critical personnel issues within the NDMS, including liability protections, employment rights, and compensation for work injuries. In addition, the Secretary shall take into account the role and expertise of the Agency for Toxic Substances and Disease Registry.

Section 103. Improving Ability of Centers for Disease Control and Prevention

House provision: The House bill provides authorization and multi-year contracting authority for the renovation, development and security at facilities for the Centers for Disease Control and Prevention (CDC). The House bill also enhances training and nationwide laboratory capacity, and the establishment of integrated, national public health communications and surveillance networks.

Senate amendment: The Senate amendment, in section 202, also contains provisions for upgrading CDC's activities and facilities.

Conference substitute: The Conference substitute adopts the House provision with modifications. The substitute recognizes the critical role played by CDC in the nation's efforts to defend against bioterrorism and other public health emergencies. The Managers are concerned by extreme disrepair at many CDC laboratories and believe that repair and modernization funds are desperately needed. To that end, the substitute has provided multi-year contracting authority for CDC and has authorized an accelerated program of facilities funding. The substitute also recognizes the central role played by CDC in maintaining robust public health alert communications and surveillance networks, and has provided for grants, contracts, and cooperative agreements to further strengthen a national network that includes public health laboratories and other health care facilities. Provisions concerning priorities for public health lab enhancements have been moved to the general grants section, section 131, of the Conference substitute.

Section 104. Advisory Committees and Communications; Study Regarding Communications Abilities of Public Health Agencies

House provision: Section 104 of the House bill establishes an advisory committee on children and terrorism and also one on emergency public information and communications. The provision also requires a coordinated strategy on public health communications during a bioterrorism attack. Section 111 also contains a provision for a study regarding the communications ability of public health agencies and to improve telecommunications infrastructure and connectivity during public health emergencies.

Senate amendment: Section 213 of the Senate amendment contains similar provisions. Section 214 of the Senate amendment also contains a provision establishing the official Federal Internet Site on Bioterrorism.

Conference substitute: The Conference substitute adopts, with minor modification, the provisions from the House and Senate establishing an advisory committee on children and terrorism; an advisory committee on emergency public information and communications; a coordinated strategy on public health communications during a bioterrorism attack; and the official Federal Internet Site on Bioterrorism.

Section 105. Education of Health Care Personnel; Training Regarding Pediatric Issues

House provision: The House bill requires the establishment of core curriculum materials for public health emergencies, for the purpose of education and training of health care personnel.

Senate amendment: Section 105 of the Senate amendment contains a similar provision.

Conference substitute: The Conference substitute adopts the House provision with minor modification. The Managers intend that the eligible entity phrase "other appropriate educational entities" includes medical schools that have established departments of medical education.

Section 106. Grants Regarding Shortages of Certain Health Professionals

House provision: The House bill provides grants for training and education to certain categories of health care professionals for which there exist shortages impacting the ability to respond to bioterrorism and other public health emergencies.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference adopts the House provision without modification.

Section 107. Emergency System for Advance Registration of Health Professions Volunteers

House provision: The House bill establishes a national system to help verify the licenses, credentials and hospital privileges of health professionals who volunteer to respond during public health emergencies.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference adopts the House provision with modifications to make clear that use of the verification database is entirely voluntary, and that nothing in the section changes the roles of States in licensing or hospitals in establishing privileging requirements.

Section 108. Working Groups

House provision: House section 108 makes modifications to the existing working groups in section 319 of the Public Health Service Act (PHSA).

Senate amendment: The Senate amendment also makes modifications and additions to the working group provisions. The Senate amendment also consolidates the two existing working groups in sections 319F of the Public Health Service Act.

Conference substitute: The Conference substitute adopts a single working group, but allows for subcommittees to represent the working group with respect to particular matters. The authority of the working group is limited through various savings clauses. The primary purposes of the working group are consultation, assisting in coordination, and making recommendations on a variety of topics related to preparedness for and response to bioterrorism and other public health emergencies. The Managers expect the working group to take into account the role and expertise of the Agency for Toxic Substances and Disease Registry. Additionally, the Managers encourage the working group to recognize the role of private ambulance services, especially when they may be the only ambulance services in the area.

Section 109. Antimicrobial Resistance

House provision: The House bill authorizes further research and DNA analysis of priority pathogens that may be used by bioterrorists, and contains other provisions concerning antimicrobial resistance.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision on antimicrobial resistance. The provision concerning priority pathogens has been moved to section 125 of the Conference substitute.

Section 110. Supplies and Services in Lieu of Award Funds

House provision: The House bill provides flexibility to allow the Secretary of HHS to supply actual supplies, equipment, or services instead of, or in conjunction with, grants.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision.

Section 111. Additional Amendments

House provision: The House bill makes revisions to time frames to accelerate preparedness planning.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision.

Subtitle B—Strategic National Stockpile; Development of Priority Countermeasures

Section 121. Strategic National Stockpile

House provision: The House bill authorizes a national stockpile or stockpiles of drugs, vaccines, biologic products, medical devices and supplies to meet the health security needs of the United States. It requires enhanced procedures for coordination, maintenance, delivery, and distribution. House authorization language in section 151 of the House bill specifies specific sums for smallpox vaccines.

Senate amendment: Section 201 of the Senate amendment also authorizes a national stockpile, and separately has a provision under section 402 for authorizing smallpox vaccines for the stockpile.

Conferece substitute: The Conference substitute adopts the House provision with modifications and inclusion of a specific provision on smallpox vaccines. The Managers believe that antiviral products may be appropriate for the strategic national stockpile and may include antiviral products reviewed by the Food and Drug Administration (FDA) or National Institutes of Health (NIH).

Section 122. Accelerated Approval of Priority Countermeasures

House provision: The House bill clarifies certain fast-track authority for drug priority countermeasures under the Federal Food, Drug, and Cosmetic Act.

Senate amendment: Section 405 of the Senate amendment contains a similar provision.

Conference substitute: The Conference substitute adopts the Senate provision with modification.

Section 123. Issuance of Rule on Animal Trials

House provision: The House bill requires the FDA to issue a final rule within six months allowing reliance on animal trials for certain priority countermeasures for public health emergencies.

Senate amendment: The Senate amendment contains a similar requirement with a 30-day time frame.

Conference substitute: The Conference substitute adopts the House provision with modifications to provide the rule within 90 days of the date of enactment.

Section 124. Security for Countermeasure Development and Production

House provision: The House bill authorizes the Secretary, in consultation with the Attorney General and Secretary of Defense, to provide technical or other assistance to enhance security at facilities that conduct development, production, distribution, or storage of priority countermeasures.

Senate amendment: Section 402 of the Senate amendment contains a similar provision and also provides for best practices guidelines.

Conference substitute: The Conference substitute adopts the House provisions without a requirement for best practices guidelines.

Section 125. Accelerated Countermeasure Research and Development

House provision: The House bill directs the Secretary to conduct an accelerated countermeasure development program, and to award grants for biomedical research, development of vaccines, and diagnostic tests for priority countermeasures.

Senate amendment: Section 404 of the Senate amendment contains similar provisions.

Conference substitute: The Conference substitute adopts the Senate provisions with modifications. The House provision concerning priority pathogens is included. The Managers encourage the Secretary to consider novel methods for detecting and identifying viral and bacterial pathogens, and developing and manufacturing effective therapeutic responses, including both vaccines and antibiotics. The Managers also encourage the Secretary to consider the use of emerging biophysical and biomanufacturing technologies that hold the promise of producing rapid detection/response programs that can achieve accelerated responses to bioterrist attacks or threats. In addition, the Managers encourage the Secretary, in coordination with the Administrator of the Environmental Protection Agency, to develop protocols for and enhance facilities for testing technologies used to decontaminate facilities contaminated as a result of bioterrorism.

Section 126. Evaluation of New and Emerging Technologies Regarding Bioterrist Attack and Other Public Health Emergencies

House provision: The House bill requires the Secretary to evaluate new and emerging technologies to help detect, identify, diagnose, or conduct public health surveillance activities for public health emergencies, and prioritize development and deployment where warranted.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision with limiting modifications.

Section 127. Potassium Iodide

House provision: The House bill requires the Secretary to make potassium iodide available to States and local governments that submit a plan for local stockpile and distribution for the population within 20 miles of a nuclear power plant.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision with modifications that include authority provided to the President; additional restrictions on the eligibility of local governments; and a different schedule for effective dates, and other modifications.

Subtitle C—Improving State, Local, and Hospital Preparedness for and Response to Bioterrorism and Other Public Health Emergencies

Section 131. Grants to Improve State, Local, and Hospital Preparedness for and Response to Bioterrorism and Other Public Health Emergencies

House provision: The House bill modifies current authorities under section 319 of the PHSA and otherwise authorized grant funding to improve State, local, and hospital preparedness for and response to bioterrorism and other public health emergencies through the existing mechanisms of the PHSA. Authorization was provided from FY 2002–2006.

Senate amendment: The Senate amendment contains a provision for State block grants for fiscal years 2002–2003 for bioterrorism activities only, and the authorization would not continue past FY 2003. It also provides an authorization for bioterrorism medical centers with authorization from FY 2002–2006, limited to bioterrorism activities. Finally, the Senate amendment maintains and authorizes a portion of funding under section 319 for a broader list of purposes and eligible entities.

Conference substitute: The Conference substitute reflects a compromise between House and Senate approaches. For FY 2003, there is a modified State block grant provision. Beyond FY 2003, greater flexibility is provided to the Secretary to either continue the same approach or modify the approach without the restrictions of the FY 2003 formulas. The substitute also provides authorization for the purpose of enhancing the preparedness of hospitals (including children's hospitals), clinics, health centers, and primary care facilities, and for planning and administrative purposes relating to such authorizations. For FY 2004–2006, there is a new section 319 C–2.

The Managers want to ensure that section 131 does not delay or disrupt the current grants and cooperative agreements that the Administration has been using in FY 2002, including those programs administered by CDC and the Health Resources and Services Administration (HRSA). It is the Managers' intent to allow the Administration to continue this approach. The Managers expect the Administration to evaluate the effectiveness of the program and make revisions where necessary to improve effectiveness and accountability.

The Managers intend that a permissible use of funds under this section includes grants to one or more centers of excellence to develop appropriate innovative technology projects—for example, the development of a web-based computerized planning application that incorporates standardized language and utilizes wireless mobile technology. The Managers intend that training programs pursuant to this section could include the use of virtual reality training methods, human patient simulators, computer-assisted training modalities, and internet-based training and modeling capabilities. One or more centers of excellence could be established to develop, deploy, and evaluate virtual and augmented reality-based, internet-ready training capabilities.

Subtitle D—Emergency Authorities; Additional Provisions

Section 141. Reporting Deadlines

House provision: The House bill provides extensions for certain reporting deadlines during a public health emergency, and for transfer authority for funds during a public health emergency.

Senate amendment: The Senate amendment contains an analogous provision on reporting deadlines and no new transfer authority.

Conference substitute: The Conference substitute adopts the Senate provision on reporting deadlines with minor modifications.

Section 142. Streamlining and Clarifying Communicable Disease Quarantine Provisions

House provision: The House bill changes existing law to expand the authority of the Secretary, in consultation with the Surgeon General, and under certain conditions, to specify diseases that are subject to individual detention orders.

Senate amendment: The senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision with modifications to the standards required before the Secretary may exercise this authority.

Section 143. Emergency Waiver of Medicare, Medicaid, and SCHIP Requirements

House provision: Section 143 allows the Secretary of Health and Human Services to waive certain requirements (and related regulations) in of titles XVIII, XIX, and XXI of the Social Security Act (as well as requirements and regulations under title XI of the Social Security Act, only as necessary to effectuate the waiver of the enumerated requirements of titles XVIII, XIX, and XXI to meet the purposes of this section) in the event of an emergency or disaster in order to: (1) facilitate the provision of health services in the emergency or disaster area, and (2) ensure that health care providers who furnish care in good faith to individuals enrolled in these programs during an emergency or disaster may be reimbursed without penalty. The Secretary can waive requirements pertaining to: conditions of participation for providers; provider licensing requirements; sanctions for physician self-referral; sanctions relating to transferring patients in an emergency; and deadlines for filing reports for periods of up to 90 days.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision with modifications. The Managers agree that the Secretary shall provide written notice to Congress, including a certification that a waiver is necessary. This notice shall be issued before the waiver authority is exercised. Additionally, the Secretary must report to Congress within a year evaluating the effectiveness of the approaches used during the operation of the waiver. The time frame for such waivers shall be 60 days.

Section 144. Provision for Expiration of Public Health Emergencies

House provision: The House bill provides that public health emergencies expire by announcement of the Secretary, or after 90 days. The Secretary may renew emergency declarations at his or her discretion.

Senate amendment: Section 212 of the Senate Amendment contains a similar provision, but with a 180-day expiration period.

Conference substitute: The Conference substitute adopts the House provision with amendments, including clarifying the status of any existing declaration of public health emergencies.

Subtitle—Additional Provisions

Section 151. Designated State Public Emergency Announcement Plan

House provision: Section 135 of the House bill amends the Stafford Act to provide for coordinated communications response.

Senate amendment: Section 312 of the Senate amendment contains an identical provision.

Conference substitute: The Conference substitute adopts the identical House and Senate provisions.

Section 152. Expanded Research by Secretary of Energy

House provision: The House bill expands current research at the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) on rapid detection of pathogens likely to be used in bioterrorist attacks or other agents that may cause a public health emergency.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision.

Section 153. Expanded Research on Worker Health and Safety

House provision: The House bill authorizes the National Institutes of Occupational Safety and Health (NIOSH) to expand research on health and safety of workers who are at risk for bioterrorist threats or attacks in the workplace.

Senate amendment: The Senate amendment contains an analogous provision.

Conference substitute: The Conference substitute adopts the Senate Amendment with minor modification.

Section 154. Enhancement of Emergency Preparedness of Department of Veterans Affairs

House provision: The House bill has no analogous provision.

Senate amendment: The Senate amendment has no analogous provision.

Conference substitute: The Conference substitute instructs the Secretary of Veterans Affairs to take appropriate actions to enhance the readiness of the Department's medical centers and research facilities for a chemical or biological attack, based on the results of an evaluation to be conducted by the Secretary on the security needs at these facilities.

Section 155. Reauthorization of Existing Program

House provision: The House bill has no analogous provision.

Senate amendment: The Senate amendment has no analogous provision.

Conference substitute: The Conference substitute amends section 582(f) of the Public Health Service Act by reauthorizing a grant program through 2006 that provides awards to public and private entities, as well as Indian tribes and tribal organizations, that develop programs focusing on the behavioral and biological aspects of psychological trauma response and research that will help treat psychiatric disorders of children and youth resulting from witnessing or experiencing a traumatic event.

Section 156. Sense of Congress

House provision: The House bill has no analogous provision.

Senate amendment: The Senate amendment states that Congress recognizes that many university-based programs are already functioning and developing important biodefense products and solutions. Congress should recognize the importance of supporting work done at university centers and laboratories. In addition, Congress should recognize the importance of existing public and private university-based research, training, public awareness, and safety-related biological defense programs in the awarding of grants and contracts made in accordance with this Act.

Conference substitute: The Conference substitute contains one modification to the Senate amendment, which clarifies that the Secretary of Health and Human Services may recognize the importance of existing public and private university-based efforts in grants and cooperative agreements.

Section 157. General Accounting Office Report

House provision: The House bill has no analogous provision.

Senate amendment: The Senate amendment requires a General Accounting Office (GAO) report to Congress on Federal bioterrorism-related activities.

Conference substitute: The Conference substitute amends section 319F of the Public Health Service Act to require GAO to report on Federal bioterrorism-related activities, including research, preparedness, and response, to the following committees: Senate Health, Education, Labor, and Pensions; Senate Appropriations; House Energy and Commerce; and House Appropriations.

Section 158. Certain Awards

House provision: The House bill has no analogous provision.

Senate amendment: The Senate amendment has no analogous provision.

Conference substitute: The Conference substitute amends section 319(a) of the Public Health Service Act by inserting after "grants," "providing awards for expenses, and."

Section 159. Public Access Defibrillation Programs and Public Access Defibrillation Demonstration Projects

House provision: The House bill contains no such analogous provision.

Senate amendment: The Senate amendment contains no such analogous provision.

Conference substitute: The Conference substitute amends section 243 of title 42, United States Code, to enact the "Community Access to Emergency Defibrillation Act of 2002." The Conference substitute directs the

Secretary to establish a new grant program for States, political subdivisions of States, Indian tribes, and tribal organizations to develop and implement public access defibrillation programs. These grants may be used to purchase automated external defibrillators (AEDs), to provide automated external defibrillation and basic life support training in AED usage, to provide information to community members about the public access defibrillation program, to provide information to the local emergency medical system regarding the placement of AEDs, and to produce materials to encourage private companies to purchase AEDs. For this new grant program, the Conference substitute authorizes the appropriation of $25 million in fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2004 through 2006. The Conference substitute also establishes a new grant program for political divisions of States, Indian tribes, and tribal organizations to develop and implement innovative, comprehensive, community-based public access defibrillation demonstration projects. These grants may be used to purchase AEDs, to provide basic life training in automated external defibrillator usage, to provide information to community members about the public access defibrillation demonstration project, and to provide information to the local emergency medical services system regarding the placement of AEDs. For these demonstration projects, the Conference substitute authorizes the appropriation of $5 million for fiscal years 2003 through 2006. The Managers intend that the "Good Samaritan" protections regarding emergency use of AEDs outlined in section 238(q) of title 42, United States Code will apply to this section. It is the intent of the Managers that this new program coordinates its activities with the Rural AED program and avoid duplication of effort.

TITLE II—ENHANCING CONTROLS ON DANGEROUS BIOLOGICAL AGENTS AND TOXINS

Subtitle A—Department of Health and Human Services

Section 201. Regulation of Certain Biological Agents and Toxins

House provision: The House bill requires all persons who possess, use or transfer "select agents"—the 36 biological agents or toxins currently determined by the Secretary of the Department of Health and Human Services (HHS) to pose "a severe threat to public health and safety"—to register with the Secretary and be subject to reasonable safety and security requirements and inspections. Current law requires registration only of those entities transferring such agents. The House bill also directs that the Secretary maintain a national database of all such agents, with sufficient information to facilitate their identification and traceability. The Secretary, in consultation with the Attorney General, must establish specific security requirements for registered facilities and a personnel screening protocol to ensure that access to such agents is not permitted by individuals who are "restricted persons" under the USA PATRIOT Act (18 U.S.C. 175b), are named in a warrant for violent criminal or terrorist activity, are under investigation for involvement in domestic or international terrorist or criminal organizations, or suspected of spying for the military or intelligence operations of a foreign nation. The Secretary is granted authority to assist public and nonprofit private entities in meeting such security requirements. The House bill also imposes civil penalties for those who violate the regulations, up to $500,000.

The House bill grants the Secretary discretion to make exemptions to the registration requirements only where those exemptions are consistent with protecting the public health and safety—for example, with respect to inactivated or attenuated strains of select agents used in vaccines or other products for legitimate medical research or use—or when the agent is presented for diagnosis, verification or proficiency testing purposes at a clinical laboratory and is promptly destroyed or transferred to a registered facility after such identification. The House bill also exempts from mandatory disclosure under the Freedom of Information Act (FOIA) site-specific or identifying information submitted under these regulations concerning registered persons, select agents, and security mechanisms.

Senate amendment: The Senate amendment is substantially similar to the House bill but differs in a few respects. First, in developing the list of select agents, the Secretary is directed to consider the needs of children and other vulnerable populations. Second, individuals who seek access to select agents are screened only to identify if they are "restricted persons" under the USA PATRIOT Act, or are named in a warrant for participation in a domestic or international act of terrorism. Third, the Secretary is permitted to exempt certain attenuated or inactive biological agents or toxins and certain approved medical products from the list of select agents.

Conference substitute: The Conference substitute adopts provisions of both bills, with significant modifications. The primary goals of this subtitle are to ensure the prompt reporting to the Federal government of possession of select agents (including by those who were in possession prior to April 15, 1997, the effective date for reporting transfers of select agents), to increase the security over such agents (including access controls and screening of personnel), and to establish a comprehensive and detailed national database of the location and characterization of such agents and the identities of those in possession of them. To effectuate these goals, the substitute requires that, at a minimum, all possession of select agents (unless exempt under the provisions of this subtitle) must be registered with the Secretary. The Managers expect that most "persons" who register under this subtitle will be public and private entities, rather than individuals. But these provisions also will cover individuals possessing, using or transferring select agents who have not been granted authority to do so by registered persons. If an individual has not been granted such authority, then that individual would be a person required to register under this subtitle. If an individual has been granted such authority without proper authorization from the Secretary, as required by this subtitle, then the registered person is subject to any penalties provided for violation of such regulations. The Managers emphasize that the primary responsibility for registration and the screening of employees working with select agents is with the entity or employer, not the individual employee. The Secretary also is required to promulgate regulations establishing safety requirements for the possession, use, and transfer of select agents. These regulations must include procedures to protect the public safety in the event the safety requirements for possession, use or transfer are violated.

The Managers recognize that some select agents may pose a greater threat to the public health and safety than others. Accordingly, the Conference substitute amends the security requirements of both bills by adding the phrase "commensurate with the risk such agent or toxin poses to public health and safety (including the risk of use in domestic or international terrorism)." The Secretary will have flexibility to impose different levels of security requirements on different select agents based on his or her evaluation of the level of threat to the public, as is currently done with respect to laboratory biosafety levels. Because an agent must pose a severe threat to human health to be placed on the select agent list, the Secretary may not decide that security requirements or registration of possession are unnecessary for a particular select agent.

The substitute also modifies the existing statutory requirements for the transfer regulations by adding "and security measures" after "safeguards" in the term "safeguards to prevent access . . . for use in domestic or international terrorism or for any other criminal purposes" to clarify that such regulations include the imposition of security requirements. The substitute also requires that registered persons promptly notify the Secretary whenever a select agent is lost, stolen, or released outside of a biocontainment area of a facility. Current HHS regulations do not mandate such notifications.

The Conference substitute adds new provisions regarding the screening of entities and individuals seeking to register their possession, use or transfer of select agents. While both the House and Senate bills mandate screening of individuals seeking access to agents through a registered person, neither bill required screening of the registered persons themselves. The substitute provides for such screening in a similar manner to that performed for individuals working at the facilities of registered persons. Further with respect to screening, the substitute drops the provision in both bills relating to outstanding warrants, as duplicative of the fugitive provision in the restricted person categories of the USA PATRIOT Act, and adds a screening category that was in neither bill—those reasonably suspected of committing Federal crimes of terrorism. The substitute includes but makes revisions to the two additional screening categories contained in the House bill to ensure an objective basis for governmental suspicion of involvement with terrorist or criminal organizations, or with foreign powers. In the case of restricted persons, the substitute mandates that access to select agents be denied, because of the criminal prohibition on possession by such persons. In the case of persons falling within the other three specified categories, the substitute grants the Secretary and Attorney General discretion in determining how to proceed, given the law enforcement sensitivity of such situations. By making this distinction between the handling of restricted persons and other screening categories, the Managers do not intend that potential terrorists or foreign agents should be subject to a less strict screening standard than restricted persons. The substitute also clarifies that the screening performed by the Attorney General is for the sole purpose of identifying—through the use of official, electronic databases available to the Federal government—whether an individual or entity falls within any of the specified categories, and for notifying the HHS Secretary of such identification. It is the Managers' intent that the term "electronic databases" is not meant to preclude the use of other databases or files by the Attorney

General to clarify or confirm information obtained during the electronic database search.

To address concerns within the academic and research communities about the timeliness and accuracy of the background screening process, the Conference substitute amends both bills by requiring "prompt" action by the Attorney General and the Secretary with respect to screening of and notification to affected individuals, and by providing for an expedited review process where good cause has been demonstrated by the registered person. The substitute also provides for a review of denials by the Secretary based on the screening process, and subsequent judicial review—with provisions to ensure that classified or sensitive law enforcement information is not compromised during such reviews. Specifically, the substitute allows for ex parte review by the Secretary in administrative proceedings, and the court during judicial review, whenever a denial is challenged. In providing the right for ex parte review, the Managers intend to protect classified and law enforcement sensitive information, including through the use of in camera proceedings. Moreover, the Managers intend that a reviewing court should not order the disclosure of any information that the United States believes may compromise national security or an ongoing law enforcement investigation without affording the United States an opportunity for further review in accordance with this subtitle. It is the Managers' overall expectation that the screening process be conducted in a timely and fair manner, and that the Secretary and the Attorney General will work closely together to effectuate such intent.

With respect to the national database of select agents that the Secretary must develop pursuant to this section, the Conference substitute slightly alters the language used in both bills with respect to the database's purpose. The object of the registration and database requirements is to provide information about all persons possessing, using or transferring select agents, and to collect sufficiently detailed characterization information on the registered select agents so that the database can differentiate between and within strains of a given agent or toxin. Such information should be in a format that public health and law enforcement officials can use to identify the origin or source of an agent or toxin that is used to cause harm to the public. Because of concerns over the potential for misconstruction, the term "traceability"—which could imply a chain of custody or tracking requirement—was eliminated, and was replaced with the concept of "source."

Significant modifications were made to both bills with respect to exemptions from the statutory and regulatory requirements governing select agents. The Conference substitute establishes several exemptions from the regulatory regime for select agents, most of which are consistent with the Secretary's current regulations and practices. First, the Conference substitute adopts, with modifications, the Senate amendment's language with respect to product exemptions. The substitute directs the Secretary to exempt from such regulations products that are, bear or contain a select agent and are licensed or approved under several specified Federal laws, unless the Secretary determines that additional regulation is necessary for a specific product to ensure protection of public health and safety. The Managers intend that the Secretary will exempt by regulation categories of products, consistent with current regulations, and will act to regulate a specific product, or a particular application of a specific product, only when existing regulation under other Federal laws is inadequate. For example, HHS currently exempts the FDA-approved medical product Botox, which is the select agent botulinum toxin, when it is used by licensed physicians in the treatment of patients. However, when it is used in purely research settings or as part of early-stage clinical trials, HHS has chosen not to exempt Botox from current regulations. The Managers do not intend to alter this flexibility.

Second, the Conference substitute adds a provision granting the Secretary discretionary authority to exempt, on a case-by-case basis, investigational products when they are being used in investigational or clinical trials authorized under other Federal laws, such as the Federal Food, Drug, and Cosmetic Act. Given the time sensitivity of such trials, the substitute also includes a provision mandating a prompt determination by the Secretary of such an exemption request—within 14 days after the applicant has submitted a complete exemption request and has notified the Secretary that the investigation may proceed as authorized under Federal law.

Third, with respect to clinical or diagnostic laboratories that may come into possession of select agents when conducting specimen diagnosis, verification or proficiency testing, the substitute adopts with minor changes the comparable provisions in the House and Senate bills. The Secretary shall exempt such laboratories from registration requirements, but only if they report the identification of select agents to the Secretary and either promptly transfer the agent to a registered person or destroy the agent on site, in accordance with regulations established by the Secretary. While HHS currently exempts such laboratories, existing regulations permit them to transfer, destroy, or store the agent on site for reference purposes. The Conference substitute expressly rejects that regulatory approach, as it is inconsistent with the fundamental premise of this title—that all those who maintain possession of a select agent must register and be subject to appropriate security and safety requirements. The Secretary may not exempt laboratories that possess select agents for reference purposes, or any other clinical or diagnostic laboratories that do not qualify for an exemption under the terms of this title. In addition, the Conference substitute creates two temporary exemption authorities to deal with public health emergencies and agricultural emergencies, whether domestic or foreign.

With respect to funding, the Conference substitute authorizes such sums as may be necessary to carry out these new and expanded functions. The Managers note that, historically, HHS has had insufficient resources to properly run the existing select agent transfer program. While current regulations permit inspections, only 20 percent of all registered facilities have been inspected since the inception of the program in 1997, and virtually none of these inspections were conducted prior to registration. The Managers also note that HHS received a large increase in funding for this program in the Fiscal Year 2002 supplemental appropriations bill. Given the broader, but uncertain scope of the new regulatory regime, it is unclear whether additional funds beyond current appropriations will be necessary for Fiscal Year 2003. Once all persons possessing select agents notify the Secretary of such possession 90 days after enactment of this title, the appropriations level may need to be re-evaluated.

Section 202. Implementation by Department of Health and Human Services

House provision: The House bill requires notification to the Secretary by all persons possessing select agents within 60 days of enactment, and an interim final rule establishing a regulatory structure to be issued within 120 days of enactment.

Senate amendment: The Senate amendment requires the Secretary to issue an interim final rule within 180 days of enactment, and requires all persons possessing select agents to register within 60 days of issuance of the rule.

Conference substitute: The Conference substitute adopts the House bill with modifications. The substitute requires notification to the Secretary by all persons possessing select agents within 90 days of enactment, based on guidance issued by the Secretary within 30 days of enactment, and the issuance of an interim final rule within 180 days of enactment. The substitute also provides that the interim final rule shall include time frames for applicability of the rule that minimize disruption of research or educational projects that involves select agents and that were underway as of the effective date of such rule. The Managers note that the interim final rule and effective date provisions will result in these new regulations going into effect at approximately the same time as the National Institutes of Health (NIH) begins to award Fiscal Year 2003 grants for research, some of which will be in the select agent area. The Managers expect that the Secretary will encourage those seeking such grants to begin the registration and screening process under this title concurrently with the NIH grant process, and that the Secretary will ensure the timely registration and screening of such grantees, so as not to delay this important research.

Section 203. Effective dates

House provision and Senate amendment: both the House bill and the Senate amendment provide that regulations promulgated by the Secretary under section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 are deemed to have been promulgated under section 351A of the Public Health Service Act, as added by this Act. They both also provide that the FOIA exemptions apply retroactively to the effective date of the Antiterrorism and Effective Death Penalty Act of 1996.

Conference substitute: The Conference substitute adopts the same provisions.

Section 204. Conforming Amendment

House provision and Senate amendment: Both the House bill and the Senate amendment repeal those provisions of the Antiterrorism and Effective Death Penalty Act of 1996 that have been codified in section 351A of the Public Health Service Act by this Act.

Conference substitute: The Conference substitute adopts the same provisions.

Subtitle B—Department of Agriculture

Section 211. Short Title

House provision and Senate amendment: Neither the House bill nor the Senate amendment contain any analogous provision.

Conference substitute: The Conference substitute includes a new subtitle, with its own short title—the Agricultural Bioterrorism Protection Act of 2002.

Section 212. Regulation of Certain Biological Agents and Toxins

House provision and Senate amendment: Neither the House bill nor the Senate amendment contain any analogous provision.

Conference substitute: The Conference substitute adopts provisions that would grant comparable regulatory authorities to the U.S. Department of Agriculture (USDA) as those granted to HHS under subtitle A of this title for the regulation of possession, use or transfer of listed biological agents and toxins that present a severe threat to plant or animal health, or animal or plant products. In an effort to minimize regulatory duplication and burden, the substitute seeks to ensure, to the greatest extent practicable, uniformity in the statutory authority that the two departments will administer. Exceptions exist in the criteria to be used by the Secretary of Agriculture in developing a list of agriculturally significant biological agents and toxins; considerations to be made in granting exemptions from regulation under the statute; procedures related to civil monetary penalties; and the time frames for promulgation of a biological agents and toxins list and the accompanying requirement that individuals who possess these agents notify the Secretary of such possession. In addition, with respect to the screening of persons registering or accessing listed agents, the substitute uses the same screening categories as are in subtitle A, but does not mandate any denials of access, given that possession of USDA-listed agents by restricted persons is not a Federal crime. Instead, the Secretary and Attorney General are granted discretion as to how to proceed in such situations.

The Managers recognize that, under provisions of current law, biologics manufacturers have had to register, maintain associated paperwork, and be subject to inspections and requirements from both USDA and HHS. Likewise, the Managers are aware that the inadequacy of the penalty provisions of the Virus-Serum-Toxin Act—enacted in 1913 and under which USDA currently regulates these dangerous agents—as well as the lack of authority for the Secretary of Agriculture to regulate possession of biological agents and toxins that pose a severe threat to plant or animal health may expose the United States to potential acts of bioterrorism that could have a devastating impact on animal and plant health, or the domestic agricultural economy.

The Managers intend that, in developing the list of agents and toxins to be regulated under this subtitle, the USDA Secretary shall consult with other appropriate Federal agencies. With regard to zoonotic agents, which pose a threat to both animals and humans, the Managers expect that the USDA Secretary will consult with the HHS Secretary in developing such a list. The Managers also intend that the USDA Secretary will develop the list of regulated agents and toxins based solely on the risk to animals or plants, or to animal or plant products, including consideration of the effect of exposure on the production and marketability of such products. The Managers do not intend that the USDA Secretary will include an agent or toxin on the USDA list because of the effect of that agent or toxin on human health, which is governed by the statutory provisions of section 351A of the Public Health Service Act, as amended by this title.

The Managers expect that most "persons" who register under this subtitle will be public and private entities, rather than individuals. But these provisions also will cover individuals possessing, using or transferring listed agents who have not been granted authority to do so by registered persons. If an individual has not been granted such authority, then that individual would be a person required to register under this subtitle. If an individual has been granted such authority without proper authorization from the Secretary, as required by this subtitle, then the registered person is subject to any penalties provided for violation of such regulations. The Managers emphasize that the primary responsibility for registration and the screening of employees working with listed agents is with the entity or employer, not the individual employee.

Procedures for the registration of persons, review of individuals, and inspection of facilities have been described in the statutory language in some detail. Of equal importance to the Managers are the regulations, to be established by the Secretary, which, to ensure compliance with this substitute, shall include provisions for the revocation and suspension of registrations for failure to maintain safe and secure facilities.

Section 213. Implementation by the Department of Agriculture

House provision and Senate amendment: Neither the House bill nor the Senate amendment contain any analogous provision.

Conference substitute: The Conference substitute provides that, within 60 days of enactment, the Secretary of Agriculture shall promulgate an interim final rule that establishes an initial list of agents and toxins meeting the statutory criteria for enhanced regulation. Within 60 days of the publishing of the interim final rule, all persons (unless exempt) must notify the Secretary of such possession. Within 180 days of enactment, the Secretary shall promulgate an interim final rule for carrying out the remainder of section 212, which such rule shall include time frames that minimize disruption of ongoing research and education with listed agents and toxins.

Subtitle C—Interagency Coordination Regarding Overlap Agents and Toxins

Section 221. Interagency Coordination

It is the Managers' intent that the two Secretaries will coordinate closely with respect to exemptions from these new regulatory regimes for overlap agents, so as to create a uniform and consistent approach. The Managers also intend that, under the Memorandum of Understanding, a regulated party will interact with one agency with respect to all matters—including registration, screening, and inspections—so as to avoid confusion and forum shopping. The Managers also expect that the two Departments will coordinate and consult with respect to overlap agent registration, screening, and exemptions in a timely manner, particularly in situations of public health or agricultural emergencies.

Within 18 months of the implementation of a Memorandum of Understanding between USDA and HHS, the Managers intend that a formal, joint regulatory system shall be implemented by the two Departments for agents and toxins that appear on both the USDA and HHS lists. Once implemented, the Managers intend that these joint regulations shall supercede the Memorandum of Understanding with respect to matters covered by such regulations.

Subtitle D—Criminal Penalties Regarding Certain Biological Agents and Toxins

Section 231. Criminal Penalties

House provision: The House bill authorizes amendments to current law to require all persons who possess, use of transfer biological agents or toxins that have been listed as select agents by the HHS Secretary to register with the Secretary. To enforce these new regulatory provisions, subsection (a) of section 231 of the House bill provides that any person who knowingly transfers a select agent to any person without first verifying such registration with the Secretary could be fined or imprisoned up to five years, or both. The subsection also provides that any person who knowingly possesses a biological agent or toxin, where such agent or toxin is a select agent for which such person has not obtained a registration required by the Secretary, could be fined or imprisoned for up to five years, or both.

The House bill makes technical changes to 18 U.S.C. 175b to renumber current subsection (a) as (a)(1), and to redesignate subsection (c) as (a)(2). This change will result in the description of the possible penalties being placed immediately following the description of the unlawful conduct. The House bill also redesignates subsection (b) as subsection (d). The two new criminal provisions added under this bill are designated subsections (b) and (c) of section 175b. The House bill also makes conforming amendments to clarify the definition of the term "select agent." The House bill also changes the title of section 175b from "Possession by restricted persons" to "Select Agents."

Senate amendment: The Senate amendment includes the same criminal provision relating to those who possess select agents without being registered, but differs with respect to the criminal penalty for unauthorized transfers. The Senate amendment criminalizes transfers to unregistered persons when the transferor has reason to believe that the recipient is not registered. The Senate amendment also differs by including the unlawful conduct in 18 U.S.C. 175, rather than 175b. The Senate amendment makes conforming changes to 18 U.S.C. 175 to make the sections technically correct and to eliminate a definition that is already provided in another section. The Senate amendment provides that current 18 U.S.C. 175(b) and (c) are redesignated as (c) and (d). New subsection (b) creates the criminal penalties referenced above. New subsection (d), which contains the definitions, amends current law to provide new definitions for the following terms: "biological agent," "for use as a weapon," and "select agent."

Conference substitute: The Conference substitute adopts the House language with regard to technical changes to 18 U.S.C. 175b, but adopts the Senate language with respect to new criminal penalties with modifications. The Conference substitute adopts the common language dealing with unlawful possession. However, the Conference substitute amends the Senate language regarding transfers to provide that any person who transfers a select agent to any person one knows or has reasonable cause to believe has not registered with the HHS Secretary could be fined or imprisoned up to five years, or both.

The Conference substitute also amends both bills by adding language that requires all persons who possess, use or transfer biological agents that have been listed as agents that pose a threat to agriculture by the Secretary of Agriculture to register with such Secretary. The Conference substitute provides that knowing possession of a biological agent or toxin, where such agent or toxin is listed by the Secretary of Agriculture under this Act and for which a required registration has not been obtained, is punishable by a fine or up to five years imprisonment, or both. Similarly, transfer of a biological agent or toxin listed by the Secretary of Agriculture to a person one knows or has reasonable cause to believe has not registered with the Secretary is punishable by a fine or up to five years imprisonment, or both.

The Conference substitute also makes additional conforming and technical amendments to title 18, including providing a comma in 18 U.S.C. 175(c); specifically describing what activities restricted persons are prohibited from engaging in under this section; referring to the correct code section for the definition of "alien"; replacing legislative language in 176(a)(1)(A); modifying the definitions in 18 U.S.C. 178 for "biological agent", "toxin", and "vector" to make each more accurate; and modifying 18 U.S.C. 2332a regarding use of weapons of mass destruction to make it clear it refers to use of biological agents or toxins.

The Managers expect that most "persons" who register under this title will be public and private entities, rather than individuals. When an entity fails to register as required, the new criminal possession statutes will apply to that entity. These provisions also will cover individuals possessing select or listed agents who are unregistered and who have not been granted access to such agents by registered persons. If an individual has not been granted access by a registered person, then that individual would be a person required to register under this title for purposes of these criminal possession provisions. If an individual is granted access to a select or listed agent by a registered person without proper authorization from the Secretary, as required by this title, then the registered person is subject to any penalties provided for violation of such regulations. The Managers emphasize that the primary responsibility for registration and the screening of employees working with select or listed agents is with the entity or employer, not the individual employee. This same analysis applies to the criminal transfer provisions set forth in this section.

TITLE III—PROTECTING THE SAFETY AND SECURITY OF THE FOOD AND DRUG SUPPLY

Subtitle A—Protection of Food Supply

For purposes of this Title, the term "Secretary" refers to the Secretary of Health and Human Services, unless otherwise indicated.

Section 301. Food Safety and Security Strategy

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment expands the responsibilities of the President's Council on Food and Safety (established by Executive Order 13100) by directing the Council, with the Secretary of Commerce and the Secretary of Treasury to develop a crisis communications and education strategy with respect to bioterrorist threats to the flood supply. The Senate amendment authorizes to be appropriated **$500,000** to develop such a strategy.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute expands the scope of consultation between the President's Council on Food Safety and other entities to include any other relevant Federal agencies, including law enforcement and intelligence related agencies, and scientific organizations. The Conference substitute also expands the scope of the food safety and security strategy to address technologies, threat assessments, risk communication, and procedures for securing food processing and manufacturing facilities and modes of transportation. The Conference substitute increases the amount of funds that are authorized to be appropriated for fiscal year 2002 to $750,000 to develop such a strategy.

Section 302. Protection Against Adulteration of Food

House provision: The House bill authorizes to be appropriated $100,000,000 for fiscal year 2002, and such sums as may be necessary for each year from fiscal year 2003 thorugh fiscal year 2006, for the Secretary to carry out increased activities to ensure the safety of the food supply. Specifically, the House bill amends section 801 of the Federal Food Drug and Cosmetic act (FFDCA) directing the Secretary to give high priority to increasing the number of food safety inspections at ports of entry, with highest priority on inspections to detect intentional adulteration of food. The House bill also directs the Secretary to give a high priority to improving the information management systems that support food safety inspection programs for the purpose of improving the ability of the Secretary to detect intentional adulteration of food and to facilitate the importation of food that is in compliance with the Act. Further, the House bill directs the Secretary to give high priority to researching and developing improved tests and sampling methods for the purpose of rapidly detecting adulterated foods, with highest priority on detection of intentional adulteration. Finally, the House bill directs the Secretary to complete an assessment of potential threats to the food supply posed by efforts to intentionally adulterate food, and to report the findings on such assessment to Congress within six months.

Senate amendment: The Senate amendment authorizes to be appropriated $59,000,000 for fiscal year 2002 and such sums as may be necessary for each year thereafter to expand the capacity of the Food and Drug Administration (FDA) to increase inspections to ensure the safety of the food supply and to improve linkages between the FDA and other Federal regulatory agencies, the States, and Indian tribes.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute directs the Secretary to improve linkages with other Federal regulatory agencies that share responsibility for food safety, and directs the Secretary to improve linkages with the States and Indian tribes with respect to food safety. The Managers intend that the Secretary in making improvements to the information management systems that support food safety inspection programs, including the OASIS system, may include improvements that assist food importers and filers in providing accurate and timely information on entries filed on food import shipments. The Managers also intend that in conducting research to develop improved tests and sampling methods for the purpose of rapidly detecting adulterated foods, the Secretary may involve institutions of higher education, including such institutions that receive Federal funding to operate consortiums within the food industries, for the purpose of conducting research and development in food safety and food security. Finally, it is the understanding of the Managers that FDA already has underway (under agreement with Battelle Laboratories) an assessment of potential threats to the food supply posed by efforts to intentionally adulterate food. For purposes of this section, the requirement to conduct an assessment of potential threats to the food supply posed by efforts to intentionally adulterate food refers to such threat assessment that is already underway or very recently completed.

Section 303. Administrative Detention

House provision: The House bill amends section 304 of the FFDCA by authorizing the Secretary to administratively detain an article of food that is found during an inspection, examination or investigation under this Act if the Secretary has credible evidence or information indicating that the article presents a threat of serious adverse health consequences or death to humans or animals. Such food may be detained for a reasonable period of up to 20 days, and where needed up to 30 days, for the purpose of enabling the Secretary to institute a seizure action under section 304(a) or injunctive relief under section 302, as warranted. The House bill authorizes the Secretary to move detained food from the place at which it has been detained to a secured facility, as appropriate, for the period of detention or until released by the Secretary. The House bill also authorizes a claimant of an article of food that has been detained under this section to appeal the detention of the article. In addition, where the Secretary already has credible evidence or information indicating that an imported article of food presents a threat of serious adverse health consequences or death to humans or animals, this section also requires the Secretary to request the Secretary of Treasury to temporarily hold imported food at a port of entry for up to 24 hours to enable the Secretary to inspect, examine or investigate the food. For an article of food temporarily held under this section, the Secretary is also required to notify the State in which the port of entry is located about such request or that such food is being temporarily held.

Senate amendment: The Senate amendment provides authority to administratively detain food that is similar to the House bill. The Senate amendment allows the Secretary to detain food that violates the FFDCA and that presents a threat of serious adverse health consequences or death, and requires that the Secretary provide an opportunity for a hearing (and to confirm or to revoke) a detention order within 15 days of the filing of an appeal by a claimant. Unlike the House bill, the Senate amendment does not include additional authority to temporarily hold food, nor does it require the Secretary to notify a State regarding the port of entry within such State at which food is being temporarily held.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute clarifies that food that is detained under this section may not be delivered pursuant to an execution of a bond in accordance with section 801 of the FFDCA (if the detained food is imported) or otherwise (if the detained food is domestically produced), while the food is subject to the detention order, unless released by the Secretary. The Conference substitute requires the Secretary in response to an appeal filed by a claimant challenging the detention of an article of food to conduct an informal hearing and confirm or terminate a detention order within five days after an appeal is filed, at which time the Secretary's determination is subject to judicial review in accordance with section 702 of title 5, United States Code. The Conference substitute amends section 304 of the FFDCA by authorizing the Secretary to detain an article of food for the purpose of enabling the Secretary to institute a seizure action under section 304(a) or to seek injunctive relief under section 302 of the Act. This section provides a claimant of the food the right to appeal a detention order, but that right of appeal terminates if the Secretary institutes either a seizure action under section 304(a) or injunctive relief under section 302 of the Act. The Managers do not intend to terminate the claimant's right to appeal a detention order under paragraph 4(B) of such subsection, unless the basis for the seizure action instituted under section 304(a) or the injunctive relief sought under section 302 is related to the original basis for detention under this section.

The Conference substitute provides that an article of food subject to detention shall be held in a secure facility, as appropriate. Under this title, in instances where the Secretary moves food that has been refused admission to a secure facility, the Secretary should ensure that such food will be held under appropriate conditions of cleanliness, temperature, humidity and other such considerations that are necessary so as not to erode the safety and wholesomeness of the detained article.

The Managers recognize that perishable foods may be detained under this section. As a result, the Secretary is required to promulgate a rule to establish expedited procedures for instituting an action under section 304(a) or section 302 of the FFDCA for perishable foods, such as fresh produce, fresh fish and fresh seafood products. The Secretary should promptly complete such rule making.

The Conference substitute requires the Secretary to temporarily hold food for not longer than 24 hours, where the Secretary has credible evidence or information indicating that such article of food presents a threat of serious adverse health consequences or death to humans or animals. The period of temporary hold is intended to allow the Secretary time to dispatch an inspector to the port of entry in order to conduct the needed inspection, examination or investigation.

Section 304. Debarment For Repeated or Serious Food Import Violations

House provision: The House bill provides authority to the Secretary to debar from importing articles of food, any person that is convicted of a felony relating to food importation or any person that repeatedly imports food and who knew, or should have known, that such food was adulterated. The House bill treats the importation or offer for importation of an article of food by a debarred person as a prohibited act under section 301 of the FFDCA.

Senate amendment. The Senate amendment includes permissive debarment authority for food importers that is similar to the permissive debarment authority of the House bill, but replaces the standard in the House bill, allowing debarment for repeatedly importing unsafe food, with a different standard allowing debarment of food importers for engaging in a pattern of importing unsafe food. Unlike the House bill, the Senate amendment treats food that is imported by a debarred person as adulterated.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. Unlike the Senate amendment, the Conference substitute does not treat food that is imported by a debarred person as adulterated solely on the basis of its importation by a debarred person. Rather the Conference substitute treats the importation or offering for importation into the United States of an article of food by, and with the assistance of, or at the direction of, a debarred person as a prohibited act under section 301 of the FFDCA. In addition, the Conference substitute requires food imported by a debarred person to be refused admission and held in a secure facility as appropriate, unless a person, other than a debarred person, affirmatively establishes that such food complies with the requirements of the FFDCA. The Conference substitute also clarifies that imported food that is refused admission may not be delivered pursuant to the execution of a bond under subsection (b) of section 801 of the FFDCA. For purposes of this section, the person other than the debarred person who may established that food, which has been refused admission under this section, is in compliance with this Act is intended to be an innocent purchaser of food, not a person that is engaged in the improper importation of food with a debarred person. In addition, the classification as a prohibited act (under section 301 of the FFDCA) of the importation or offer for importation of food "with the assistance of" a debarred person is not intended to include an innocent purchaser who did not have knowledge, actual or constructive, of the importer's debarred status. Finally, the Conference substitute clarifies that the Secretary has the authority to terminate the debarment of corporations or persons under this subsection.

Section 305. Registration of Food Facilities

House provision: The House bill requires facilities (excluding farms) that manufacture, process, pack or hold food for consumption in the United States to file with the Secretary, and keep up to date, a registration that contains the identity and address of the facility and, when the Secretary determines appropriate the general category of food manufactured, processed, packed or held at the facility. The House bill also authorizes the Secretary to exempt certain retail establishments only if the Secretary determines that the registration of such facilities is not needed for effective enforcement. Enforcement of this section is delayed one hundred and eighty days from the date of enactment, and this section requires the Secretary to notify and issue guidance within sixty days identifying facilities that are required to register under this section.

Senate amendment: The Senate amendment includes a requirement for certain food facilities to register with the Secretary that is similar to the registration requirement for food facilities that is contained in the House bill. The Senate amendment exempts types of farms or retail establishments but, unlike the House bill, farms can be exempted only if the Secretary determines that the registration of such facilities is not needed for effective enforcement of the FFDCA. The Senate amendment also lacks the requirements of the House bill relating to notice to those who must register and relating to electronic registration.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute requires the Secretary to establish registration requirements for specified food facilities by regulation not later than eighteen months after the date of enactment of this Act. If such regulations are not effective prior to the conclusion of such eighteen-month period, the requirements of this section are self-executing and enter into effect at such time and remain in effect unless superseded by such final regulations. The Managers strongly encourage the Secretary to complete this rule making in a timely manner in order to enable the efficient operation of these registration requirements.

The Conference substitute treats the failure of a specified facility to register under this section as a prohibited act under section 301 of the FFDCA. The Conference substitute requires the Secretary to refuse admission to food imported from foreign facilities that have failed to register in accordance with this section until such facility is registered, and requires the Secretary to remove such food to a secure facility, as appropriate. The Conference substitute clarifies that imported food that is refused admission under this section shall not be delivered pursuant to the execution of a bond under subsection (b) of section 801 of the FFDCA.

The Conference substitute exempts from the requirements of registration farms, restaurants, other retail food establishments, non-profit food establishments in which food is prepared for, or served directly to, the consumer, and fishing vessels not engaged in processing, as defined in section 123.3(k) of title 21, Code of Federal Regulations. The Managers intend that, for purposes of this section, the term "retail food establishments" includes establishments that store, prepare, package, serve or otherwise provide articles of food directly to the retail consumer for human consumption, such as grocery stores, convenience stores, cafeterias, lunch rooms, food stands, saloons, taverns, bars, lounges, catering or vending facilities, or other similar establishments that provide food directly to a retail consumer. The term does not include a warehouse that does not provide articles of food directly to a retail consumer as its primary function. The Managers intend that, for purposes of this section, the term "non-profit food establishments" includes not-for-profit establishments in which food is prepared for, or served directly to the consumer, such as food banks, soup kitchens, homebound food delivery services, or other similar charitable organizations that provide food or meals for human consumption. In addition, the Managers intend that, for purposes of this section, "facility" does not include trucks or other motor carriers, by reason of their receipt, carriage, holding, or delivery of food in the usual course of business as carriers. In addition, nothing in this section shall be construed to alter or amend the treatment of carriers under section 703 of the FFDCA.

Finally, the Conference substitute calls for one-time registration of covered facilities, rather than annual registration of such facilities. Once a facility is registered it should amend its original registration in a timely manner to reflect any changes. The Conference substitute encourages electronic registration to help reduce paperwork and reporting burden, but registration is also promitted using a paper form.

Section 306. Maintenance and Inspectionse informa of Records for Foods

House provision: The House bill provides the Secretary with authority to inspect and copy all records relating to an article of food if the Secretary has credible evidence or information indicating that an article of food presents a threat of serious health consequences or death to humans or animals. The House bill contains certain limitations on the Secretary's authority, including limitations to ensure the protection of trade secrets and confidential information. The House bill provides the Secretary with the discretion to issue a regulation requiring maintenance of additional records that are needed to identify the source and chain of distribution of food, in order to address credible threats of serious adverse health consequences or death to humans or animals. The House bill excludes restaurants and farms, and the Secretary is provided the authority to take into account the size of the business when imposing any record keeping requirements.

Senate amendment: The Senate amendment includes records access authority that is similar to the records access authority granted to the Secretary in the House bill. The Senate amendment authorizes the Secretary to inspect and copy records relating to the violation when he has a reason to believe that an article of food is adulterated or misbranded and presents a threat of serious adverse health consequences or death. The Senate amendment also includes record keeping authority that is similar to the record keeping authority in the House bill. The Senate amendment requires the Secretary to issue a regulation to require the maintenance and retention of records to trace the chain and distribution of food within 18 months of enactment of the Act. In addition, the Senate amendment allows the Secretary to require maintenance and retention of records necessary to determine if a food may be adulterated or misbranded to the extent that it presents a threat of serious adverse health consequences or death. The Senate amendment limits the Secretary's authority to require the retention of either type of records for not longer than two years. The Senate amendment also criminalizes the release of trade secret information obtained by inspection of records under this section.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute replaces the standard for records acccess in the House bill with a different standard that grants the Secretary records access if the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals. The Conference substitute limits access to those records relaitng to such artricle of food that are needed to assist the Secretary in determining whether food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals.

The Conference substitute amends the scope of record keeping authority contained in the House bill by clarifying that the authority under this section applies to both the establishment and maintenance of records that meet the standard under this section and by limiting the record retention requirement to a period of not longer than 2 years. The Conference substitute also adopts the requirement of the Senate amendment to criminalize the disclosure of trade secrets obtained under this section.

The Conference substitute authorizes the issuance of regulations to require establishment and maintenance of chain of distribution records. This authority should not be used to require a business to maintain records regarding transactions or activities to which it was not a party. The Managers intend that those records that document the person from whom food was directly received, and to whom food was directly delivered, are adequate to enable identification of the source and distribution of food. As a result, for purposes of this section, the terms "immediate previous sources" and "immediate subsequent recipients" refer to the person from whom the food was received and the person to whom the food was delivered, respectively.

The Managers did not adopt a Senate proposal to authorize the Secretary to require the maintenance and retention of other records for inspection relating to food safety, because the Secretary has authority under section 701(a) of the FFDCA to issue regulations for the "efficient enforcement of this Act" and this authority, in combination with other provisions (such as section 402), gives the Secretary the authority to require appropriate record keeping in food safety regulations.

Section 307. Prior Notice of Imported Food Shipments

House provision: The House bill directs the Secretary by regulation to require importers of articles of food to provide up to seventy-two hours, but not less than twenty-four hours, prior notice that food will be imported or offered for import into the United States. The House bill requires that the notice contain the following information: a description of food to be imported; the identity of the manufacturer and shipper; and, if known within the specified period of time that notice is required to be provided, the identity of the grower; the country of origin of the article; the country from which the food is being shipped; and the anticipated port of entry into the United States. In the event notice is not provided in advance of importation in accordance with the Secretary's regulation, the food shall be held at the port of entry until notice is properly provided and the Secretary determines whether there is credible evidence or information in his possession indicating that the article presents a threat of serious adverse health consequences or death to humans or animals.

Senate amendment: The Senate amendment, like the House bill, includes a requirement that food importers provide prior notice to the Secretary of incoming food imports. The Senate amendment differs from the requirement in the House bill, because the prior notice requirement in the Senate amendment is self-effectuating upon enactment of the Act and requires at least four hours minimum prior notice and no limitation on the maximum notice allowable. The Senate amendment requires that the notification contain the identity of the food, the food's country of origin, the quantity imported, and other information that the Secretary may require by regulation. Finally, if an importer fails to provide the required prior notice, under the Senate amendment the Secretary is provided with discretion to refuse admission into the United States of the food.

Conference substitute: The Conference substitute adopts the House amendment with modification. The Conference substitute requires the Secretary to establish by regulation the period of time for prior notice, that must be no less than the minimum amount of time necessary for the Secretary to receive, review, and appropriately respond to the notice, but that may not exceed five days. In determining the specified period of time for prior notice, by regulation, the Conference substitute identified several factors the Secretary may take into account, including the effect on commerce, the locations of various ports of entry, the various modes of transportation, the types of food imported into the United States, and other such considerations. Nothing in the preceding sentence may be construed as a limitation on the obligation of the Secretary to receive, review, and appropriately respond to any notice under this section.

The Conference substitute treats the failure to provide adequate prior notice under this section as a prohibited act under section 301 of the FFDCA. The Conference substitute requires the Secretary to refuse admission to food imported without properly providing prior notice in accordance with this section until such prior notice is properly provided. In addition, the Conference substitute requires the Secretary to remove such food to a secure facility, as appropriate and clarifies that imported food that is refused admission under this section shall not be delivered pursuant to the execution of a bond under subsection (b) of section 801 of the FFDCA.

The Conference substitute directs the Secretary to establish prior notice requirements for imported foods by regulation not later than eighteen months after the date of enactment of this Act. If such regulations are not effective prior to the conclusion of such eighteen-month period, the requirements of this section are self-executing and enter into effect at such time and remain in effect unless superseded by such final regulations. In addition, at the conclusion of the eighteen-month period, if such final regulations are not effective, the Conference substitute establishes a default period of time for prior notice of not less than 8 hours and not more than 5 days that remains in effect unless superseded by such final regulations. The Managers strongly encourage the Secretary to complete this rule making in a timely manner in order to enable the efficient operation of these requirements.

The Managers intend that the requirements of this section should not be construed to apply to packaging materials if, at the time of importation, such materials will not be used for, or in contact with, food as defined under section 201 of the FFDCA. Nothing in this section shall be construed to alter or amend the regulatory treatment of food packaging materials or food contact substances under the FFDCA. Also, the Conference substitute requires the importer of an article of food to provide information about the grower of the article of food, but this provision only requires the importer to provide the identity of the grower of the article of food if known during the period of time in which prior notice is required to be provided. Finally, the Secretary shall consult and coordinate with the Secretary of Treasury in developing the prior notice regulation. This section of the Conference substitute contains prior notice requirements for imported food and is not intended as a limitation on the port of entry for an article of food.

Section 308. Authority to Mark Articles Refused Admission into United States

House provision: The House bill requires that food that has been refused admission to the United States, but has not been ordered destroyed, may have a label affixed to its container at the expense of the owner or consignee indicating that it has been refused admission.

Senate amendment: The Senate amendment, similar to the House bill, includes authority regarding the marking of food that has been refused admission into the United States. Unlike the House bill, the Senate amendment provides the Secretary with a broader authority than the House bill to mark foods as refused admission, including foods that have not been determined to present a threat of serious adverse health consequences or death to humans or animals. The Senate contains an enforcement provision under which food that has been refused admission but that has not been properly marked as refused admission is treated as misbranded if it is determined that it presents a threat of serious adverse health consequences or death to humans or animals.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute provides the Secretary with discretionary authority to require that items that have been refused admission to the United States under section

801 of the FFDCA shall be so marked. The Conference substitute clarifies that the marking of such items may be applied to the container of the food. The Conference substitute also requires the Secretary to notify the owner or consignee of an article of food that has been refused admission and that has been required to be so marked under this section, if at some time subsequent to requirement to mark the food, the Secretary determines that the food is misbranded and presents a threat of serious adverse health consequences or death to humans or animals.

Nothing in this section shall be construed to alter or amend the authority of the Secretary to authorize the admission of an article of food that has been relabeled, reconditioned or otherwise brought into compliance with the Act in accordance with subsection (b) of section 801 of the Act.

Section 309. Prohibition Against Port Shopping

House provision: The House bill requires any person attempting to re-offer for admission an article of food at a port of entry into the United States, after it has been previous refused admission at another port of entry into the United States, to affirmatively establish that the food is not adulterated.

Senate amendment: The Senate amendment contains a prohibition against port shopping that is comparable to the prohibition contained in the House bill. The Senate amendment prohibits a person from port shopping with respect to food that has been refused admission, by requiring that the person show that food that has been refused admission previously, has been brought into compliance with the applicable requirements of the FFDCA.

Conference substitute: The Conference substitute adopts the Senate amendment without modification.

Section 310. Notice to States Regarding Imported Food

House provision: The House bill requires that where the Secretary has credible evidence or information indicating that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary shall provide notice regarding the threat posed by such food to those States in which the food is held or will be held and shall request that such States take appropriate remedial action.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute clarifies the scope of the rule of construction included in subsection (b) of this section.

Section 311. Grants to States for Inspections

House provision: The House bill authorizes the Secretary to make grants for increased food safety inspections, examinations, investigations and related activities and to assist States in taking appropriate actions to respond to any Federal notice received pursuant to section 309 (governing notice to States) of the House bill. The House bill authorizes to be appropriated such sums as may be necessary for fiscal year 2002 through fiscal year 2006 to establish and carry out the grants under the section.

Senate amendment: The Senate amendment authorizes the Secretary to make grants to States, territories, and Federally recognized tribes to cover the cost of food safety examinations, inspections, investigations, and related activities under section 702 of the FFDCA, and it authorizes to be appropriated $10 million in fiscal year 2002 and such sums as may be necessary for each year thereafter for such purpose.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute extends the grants made available under this section to Indian tribes to the extent they undertake inspections, investigations or examinations under section 702 of the FFDCA. The Conference substitute authorizes to be appropriated $10 million in fiscal year 2002 and such sums as may be necessary for each fiscal year 2003–2006 for such purpose.

Section 312. Surveillance and Information Grants and Authorities

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment authorizes the Secretary to award grants to States to increase participation in Pulsenet, the Foodborne Diseases Active Surveillance Network, and other such networks, and authorizes to be appropriated $19.5 million in fiscal year 2002, and such sums as may be necessary each year for such purpose from fiscal year 2003 through fiscal year 2006.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Managers intend that funds awarded under this section shall be used by States and Indian tribes to assist in meeting the costs of establishing and maintaining the food safety surveillance, technical and laboratory capacity needed to participate in programs, including Pulsenet, Foodborne Diseases Active Surveillance Network, and other networks to enhance Federal, State, and local food safety efforts.

Section 313. Surveillance of Zoonotic Disease

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment requires the Secretary of Health and Human Services and the Secretary of Agriculture to develop and implement a plan for the surveillance of zoonotic and human disease.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute directs the Secretary, through the Commissioner of FDA and the Director of the Centers for Disease Control and Prevention (CDC), and the Secretary of Agriculture to coordinate the surveillance of zoonotic diseases.

Section 314. Authority to Commission Other Federal Officials to Conduct Inspections

House provision: The House bill does contain no analogous provision.

Senate amendment: The Senate amendment includes authority that is not included in the House bill that allows the Secretary to commission officers and qualified employees of other Federal Departments or Federal agencies to conduct examinations and inspections for the Secretary under section 702 of the FFDCA.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute clarifies that the authority of the Secretary to commission other Federal officials to conduct inspections, examinations and investigations under section 702 of the FFDCA shall be carried out pursuant to a memorandum of understanding between the Secretary and the head of the Department or agency of such other Federal employees.

Section 315. Rule of Construction

House provision: The House bill does contain no analogous provision.

Senate amendment: The Senate amendment includes a rule of construction that applies to the amendments made in Title V of the Senate amendment that provides that such amendments do not provide the FDA with additional authority over meat, poultry, and egg products, nor do such amendments limit the authority of the Department of Agriculture over such products.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute clarifies that nothing in this Title, or an amendment made by this Title, shall be construed to alter the jurisdiction between the Secretary and the Secretary of Agriculture, under applicable statutes and regulations.

Subtitle B—Protection of Drug Supply

Section 321. Annual Registration of Foreign Manufacturers; Shipping Information; Drug and Device Listing

House provision: The House bill mandates annual registration of foreign manufacturers engaged in the import of drug and device products into United States. The House bill also requires that the annual registration include information on each importer or carrier transporting the foreign manufacturer's drug or device products. The House bill also directs that the registration and listing numbers be included in the declaration for the products when offered for import.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House bill with modification. The conference substitute requires registration through electronic means. The Conference substitute deletes carrier in the annual registration and replaces with "person who imports or offers for import." The Conference substitute makes non-registration a prohibited act rather than deeming it misbranded. Non-registration is a failure to comply with the Secretary's request to submit registration information. The Conference substitute provides for a non-registered drug or device to be removed to a secure facility until non-registration is cured. For purposes of this section, the Managers intend "person who imports or offers for import" to capture import brokers and other persons who file import-related paperwork with the U.S. Customs Service or the FDA.

Section 322. Requirement of Additional Information Regarding Import Components Intended for Use in Export Products

House provision: The House bill mandates a chain of possession identification and a customs bond for those firms that seek to import components of drugs, devices, food additives, color additives, or dietary supplements for further processing and export. The House bill requires certificates of analysis for components containing any chemical substance or biological substance intended for export.

Senate provision: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House bill with modification. The Conference substitute deletes reference to carriers in chain of possession identification. The Conference substitute exempts devices and products covered by section 801(d)(4) of the FFDCA from the certificate of analysis requirement. The Conference substitute clarifies that the provisions permitting import-for-export do not apply to articles for which the Secretary of Health and Human Services determines that there is credible evidence or information indicating the article is not intended to be imported for export.

The Managers understand this section does not change any definitions of regulated articles or the scope of regulation of those articles as set forth in the FFDCA and its implementing regulations.

The Managers intend that this section shall not be construed to restrict or facilitate the entry of articles imported for research and development or quality assurance purposes under subsection 801(d)(3) of the FFDCA beyond the existing authority.

For the purposes of articles subject to subsection 801(d)(4) of the FFDCA, the Managers understand that the collection agency would be considered the first manufacturer under subsection 801(d)(3)(A)(i)(II) of the FFDCA, relating to the chain-of-possession.

The Managers agree that certificates of analysis are not required if the only chemical or biological component of the article imported under subsection 801(d)(3) of the FFDCA is de minimis, incidental and poses no danger to human or animal health. Further, the Managers expect that the Secretary will understand that "certificate of analysis" is a widely understood and utilized document to assure the identity of the substance and its components in the chemical and drug industries. However, the Secretary in consultation with other affected industries may accept documents that convey equivalent assurance as to the identity of the article and its components or substances. For example, the Secretary may determine that for an article of food additive or color additive, a document indicating specification of purity serves as the functional equivalent of a certificate of analysis and meets the requirement of a certificate analysis for purposes of this section. This section exempts devices and blood and blood products covered under subsection 801(d)(4) of the FFDCA from the certificate of analysis requirement.

The Managers do not intend the Secretary of the Treasury to engage in a new rulemaking to specify the requirement for the bonding of goods imported under subsection 801(d)(3) of FFDCA. Existing requirements for the bonding of goods imported for further processing and export should be applied.

The Managers agree that articles imported for export under this section 322 which otherwise meet the requirements of this section should be permitted entry unless the Secretary determines there is credible evidence or information that an article offered for import is not intended to be imported for export. In this regard, the Managers believe that refusal of entry should not involve shipments between known shippers and known recipients unless the Secretary has received credible evidence or information that suggests such shipments may not be legitimate. The Managers intend to permit the Secretary to refuse admission of articles if the Secretary determines there is credible evidence or information that the articles may be used as instruments of terror. Such evidence might include highly toxic or otherwise exceptionally dangerous products going to recipients unknown to the Secretary or to recipients believed to lack the capacity to further process such dangerous articles, for example, nitroglycerin imported under this section for delivery to a business other than a pharmaceutical manufacturer. Such standard may also include, for example, presentation for entry of articles not consistent with the accompanying documentation.

Subtitle C—General Provisions Relating to Upgrading of Agricultural Security

Section 331. Expansion of Animal and Plant Health Inspection Service Activities

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment requires the Secretary of Agriculture to enhance and expand the capacity of the Animal and Plant Health Inspection Service (APHIS) to protect against the threat of bioterrorism, including through increased inspection capacity internationally, improved surveillance at ports of entry, and enhanced protections against terrorist use of plant and animal disease organisms. The Senate amendment also requires the Secretary of Agriculture to implement and then expand a high-tech agriculture early warning and emergency response system, as well as an automated record keeping system to track animal and plant shipments. The Senate amendment authorizes the appropriation of $30 million in fiscal year 2002 and such sums in each year thereafter, as may be necessary for such purposes.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute clarifies that this section provides additional authorization of appropriations to the Secretary of Agriculture to utilize existing authorities to give high priority to enhancing and expanding the capacity of APHIS to conduct the specified activities and to otherwise improve the capacity of APHIS to protect against the threat of bioterrorism. The Conference substitute authorizes to be appropriated $30 million for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

Section 332. Expansion of Food Safety Inspection Service Activities

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment requires the Secretary of Agriculture to enhance and expand the capacity of the Food Safety Inspection Service (FSIS) to protect against the threat of bioterrorism, including through enhanced ability to inspect meat and poultry products and increased inspections of meat and meat products, poultry and poultry products, and egg products at ports of entry. The Senate amendment authorizes the appropriation of $15 million in fiscal year 2002 and such sums in each year thereafter, as may be necessary for such purposes.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute authorizes to be appropriated $15 million in fiscal year 2002 and such sums in each year thereafter, as may be necessary for the the purpose of providing additional authorization to the Secretary of Agriculture to utilize existing authorities to give high priority to enhancing and expanding the capacity of FSIS to conduct the specified activities and to otherwise improve the capacity of FSIS to protect against the threat of bioterrorism.

Section 333. Biosecurity Upgrades at the Department of Agriculture

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment authorizes to be appropriated $180 million in fiscal year 2002 to update, renovate, and expand the Department of Agriculture laboratory and research facilities at Plum Island Animal Disease Center and the Agricultural Research Service and Animal and Plant Health Inspection Service facility in Ames, Iowa, and also authorizes such sums as may be necessary in each year from fiscal year 2003 through fiscal year 2006, for those facilities, and for similar improvements at two other Department of Agriculture facilities, one in Athens, Georgia, and the other in Laramie, Wyoming.

Conference substitute: The Conference substitute adopts the Senate amendment without modification. In addition to the biosecurity upgrades at the Department of Agriculture authorized in this section, the Managers intend that the Secretary of Health and Human Services shall also continue to take such actions as may be necessary to secure existing facilities of the Department of Health and Human Services where potential animal and plant pathogens are housed and researched.

Section 334. Agricultural Biosecurity

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment requires the Secretary of Agriculture to establish minimum security standards and award grants of up to $50,000 to land grant universities to assess security needs and plan upgrades of both security of facilities where hazardous biological agents or toxins are stored or used, and communication networks about such agents or toxins, as well as to develop a national inventory of such agents and toxins. The Senate amendment also requires the Secretary of Agriculture to provide for screening of personnel who require access at agricultural research facilities, and to develop and implement educational programs directed at biosecurity at agricultural facilities, including farms, livestock confinement operations, and crop producers, handlers, processors, and transporters, as well as educational programs related to animal quarantine and testing. The Senate amendment authorizes to be appropriated $20 million in fiscal year 2002 and such sums in each year thereafter, as may be necessary for such purposes.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute authorizes to be appropriated such sums as may be necessary for the Secretary of Agriculture to award grants of up to $50,000 each, to colleges and universities that have food and agricultural science programs to review security standards and practices at their facilities in order to protect against bioterrorist threats. The Conference substitute also authorizes the Secretary of Agriculture to award grants, of up to $100,000 per association, to associations of food producers or consortia of such associations for the development and implementation of educational programs to improve bio-security on farms against bioterrorist attacks.

Section 335. Agricultural Bioterrorism Research and Development

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment requires the Secretary of Agriculture, to the maximum extent practicable, to expand research and development programs of the Agricultural Research Service and the Cooperative State Research Education and Extension Service to protect the nation's food supply from bioterrorism, including by enhancing their capability to respond to the needs of other food and agricultural regulatory agencies, continuing existing partnerships with institutions of higher education with programs related to agricultural biosecurity, and by strengthening linkages with the intelligence community. The Senate amendment authorizes the appropriation of $190 million in fiscal year 2002 and such sums in each year thereafter, as may be necessary for such purposes.

Conference substitute: The Conference substitute adopts the Senate amendment with modification. The Conference substitute authorizes to be appropriated $190 million in fiscal year 2002 and such sums in each year thereafter, as may be necessary for the Secretary of Agriculture to utilize existing research authorities and programs to protect the food supply of the United States by conducting various research activities, including developing new and continuing partnerships with institutions of higher education and other institutions to establish and enhance bio-security and food safety programs, with special emphasis on vulnerability analyses, incident response, detection and prevention technologies. The Conference substitute also authorizes the Secretary of Agriculture to continue research to develop improved rapid detection field test kits to detect biological threats to plants and animals for use in responding to bioterrorism, and to develop an agriculture bioterrorism early warning surveillance system by enhancing the capacity of and coordination between State veterinary diagnostic laboratories, Federal and State agricultural research facilities, and public health agencies.

Section 336. Animal Enterprise Terrorism Penalties

House provision: The House bill contains no analogous provision.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute amends section 43(a) of title 18, United States Code, establishing a Federal criminal offense against a person traveling in interstate or foreign commerce for intentionally damaging or causing the loss of any property used by the animal enterprise, or conspiring to do such activities. The Conference substitute establishes penalties for such criminal offense and authorizes restitution for economic damage resulting from the loss.

TITLE IV—DRINKING WATER SECURITY AND SAFETY

The conference agreement builds upon title IV of the House bill to ensure that drinking water systems across the country assess their vulnerability to terrorist attack and develop emergency plans to prepare for and respond to such attacks. Americans deserve to know that the water they drink everyday is safe. The legislation will lay the groundwork for developing the necessary information, and emergency planning and response efforts that are needed to address potential terrorist attacks at drinking water systems.

Section 401. Terrorist and Other Intentional Acts

House provision: The House bill requires community water systems serving over 3,300 persons to conduct vulnerability assessments. These requirements are phased-in, depending on the size of the community water system. Community water systems serving over 100,000 persons must complete a vulnerability assessment by December 31, 2002; community water systems serving over 50,000 persons must complete a vulnerability assessment by June 30, 2003; community water systems serving over 3,300 persons must complete a vulnerability assessment by December 31, 2003. Each community water system must certify to the Administrator of the Environmental Protection Agency (EPA) that they have conducted a vulnerability assessment. The Administrator of EPA is also required to provide baseline information by June 1, 2002 regarding which kinds of terrorist attacks or other intentional acts are probable threats.

The House bill also requires community water systems to prepare or revise emergency response plans that incorporate the results of the vulnerability assessments. Community water systems must certify to the Administrator of the Environmental Protection Agency within 6 months of the completion of a vulnerability assessment that they have completed an emergency response plan. To the extent possible, community water systems are to coordinate with Local Emergency Planning Committees when preparing or revising an emergency response plan. The House bill additionally requires EPA to provide guidance to community water systems serving under 3,300 persons on how to conduct vulnerability assessments and prepare emergency response plans.

In order to carry out the provisions of the section, the House bill authorized $120 million in Fiscal Year 2002 and such sums as necessary in Fiscal Years 2003 and 2004. The funds are made available for purposes of complying with vulnerability assessment and emergency response plan requirements and to address basic security enhancements of critical importance and significant threats to public health as determined by a vulnerability assessment.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision with modifications. The Conference substitute extends dates for certifying that systems have completed a vulnerability assessment by three months for systems serving over 100,000 persons and by six months for all other systems. The substitute also extends the time for EPA baseline information to August 1, 2002 to reflect the passage of time between House action and conference agreement.

The Conference substitute also adds the requirement that community water systems provide a copy of their vulnerability assessment to the Administrator of the EPA. Under the conference substitute, however, information that is provided by a community water system to EPA and information that is derived thereof is exempt from disclosure under the Freedom of Information Act except for information that identifies the community water system and the date on which a community water system certifies to EPA that it has completed a vulnerability assessment. In addition, no community water system shall be required under State or local law to provide an assessment to any State, regional or local governmental authority solely by reason of the requirements to submit such assessment to the Administrator of EPA.

The Administrator of the EPA is also required, by November 30, 2002 to develop protocols to protect the assessments from unauthorized disclosure. These protocols shall ensure that all assessments and information are kept in a secure location, only individuals designated by the Administrator have access and that assessment in whole or in part or information contained or derived from such assessments shall not be available to anyone other than individuals designated by the Administrator.

The Conference substitute also provides that any individual designated by the Administrator who acquires assessments or information derived from assessments and who knowingly or recklessly reveals such information other than to an individual designated by the Administrator shall be subject to up to 1 year imprisonment, or a fine in accordance with 16 U.S.C. 227 and shall be removed from Federal office or employment unless the information is revealed for purposes of section 1445 of the Act, or actions taken under section 1431 of the Act, or for use in any administrative or judicial proceeding to impose a penalty to failure to comply with section 1433 of the bill. The substitute further provides that an individual designated by the Administrator who is an employee or officer of the United States may discuss the content of a vulnerability assessment submitted under this section with a State or local official. The Conference substitute provides that nothing authorizes any person to withhold any information from Congress.

The Conference substitute adds the requirement that each community water system maintain a copy of the emergency response plan it has completed for 5 years after it certifies to the Administrator of the EPA that it has completed such plan. The Conference agreement also increases authorized funding for Fiscal Year 2002 to $160 million and adds additional specification of basic security enhancements. The Conference Agreement also extends authorizations in this section through Fiscal year 2005. Finally, the Conference agreement provides that not more than $5,000,000 of the funds made available under the section may be used by the Administrator of EPA for immediate and urgent security needs and for grants for community water systems under 3,300 in accordance with the guidance provided by EPA under the section.

Section 402. Other Safe Drinking Water Act Amendments

House provision: The House bill provides for a review of current and future methods to prevent, detect and respond to the intentional introduction of chemical, biological and radiological contaminants into community water systems and source water for community water systems. The review is to encompass methods and means to detect contaminants, to provide sufficient notice of contaminated drinking water, to negate or mitigate deleterious effects on public health and to conduct biomedical research.

The House bill also provides for a review of methods and means by which terrorists or other individuals or groups could disrupt the supply of safe drinking water or render a public water system significantly less safe for human consumption. The House bill required a review of the methods and means by which pipes, constructed conveyances, collection, pretreatment, storage or distribution facilities would be destroyed or otherwise prevented from providing adequate supplies of drinking water and methods and means by which they could be protected. The House bill also required a review of methods and means by which such items could be subjected to cross-contamination and a review of methods and means by which alternative supplies of water could be provided in the event of destruction, impairment or contamination of public water systems. The House bill authorized $15,000,000 in Fiscal Year 2002 to carry out sections 1434 and 1435 and such sums as may be necessary for Fiscal Years 2003 and 2004.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The Conference substitute adopts the House provision with modifications. The Conference substitute includes further specification in section 1434 as to the detection of various levels of contaminants and indicators of contaminants using methods, means and equipment that include real time monitoring systems. The Conference substitute additionally requires methods and means for developing education and awareness programs for community water systems.

The conference substitute also adds additional specification to the reviews undertaken under section 1435 to include methods and means by which information systems, including process controls, supervisory control and data acquisition and syber systems could be disrupted by terrorists or other groups. The Conference substitute also includes additional requirements and considerations that are applicable in the implementation of sections 1434 and 1435. These requirements and considerations include the assurance that reviews reflect the needs of various community water system sizes and geographical locations, the vulnerability of regions or service areas, including the National Capitol area, and that the Administrator of EPA disseminate certain information through the Information Sharing and Analysis Center. The Conference substitute also provides such sums as may be necessary in Fiscal Year 2005.

Section 403. Miscellaneous and Technical Amendments

House provision: The House bill provides that section 1433 be included as a cross-reference in section 1414(i)(1) on the Safe Drinking Water Act (SDWA), that section 1431 of the SDWA be amended, that existing penalties for tampering with drinking water systems under section 1432 be increased and that section 1442 of the SDWA be amended to provide authorization for $35 million in Fiscal Year 2002 and such sums as may be necessary in fiscal years thereafter.

Senate amendment: The Senate amendment contains no analogous provision.

Conference substitute: The conference substitute adopts the House provisions. The conferees encourage the committees of jurisdiction in the House and Senate to develop comparable legislation covering publicly owned treatment works in this legislative session. The conferees encourage EPA to work closely with organizations representing small and rural water systems to implement the provisions of this Title.

TITLE V—ADDITIONAL PROVISIONS

The Managers agree to the following provisions.

Subtitle A—Prescription Drug User Fees

Section 501. Short Title

Designates the name of this title as the "Prescription Drug User Fee Amendments of 2002."

Section 502. Findings

Declares the findings of Congress related to the reauthorization of prescription drug user fees.

Section 503. Definitions

The following terms in section 735 of the Federal Food, Drug, and Cosmetic Act (FFD&C Act) (21 U.S.C. 379g) are modified by this section: human drug application, prescription drug product, process for the review of human drug applications, and adjustment factor. These modifications are necessary to give effect to the changes instituted by the reauthorization of the Prescription Drug User Fee Act (PDUFA).

The term "human drug application" is modified to make a technical correction.

The term "prescription drug product" is modified to allow the Secretary to use the Prescription Drug Product List (the active portion) in the "Approved Drug Products with Therapeutic Equivalence Evaluations," (the Orange Book) as the basis for identifying which products should be considered to be prescription drug products for fee assessment purposes. The Managers expect that these proposed changes will lead to a more efficient, less burdensome, billing procedure. Under current law, any prescription drug product eligible for drug listing is subject to product fees. Determining eligibility for listing is administratively complex and sometimes resource intensive. In addition, listing is often controlled by a re-packer or distributor rather than by the sponsor, but the sponsor must nonetheless pay the product fee. The Managers expect that the use of the Orange Book, which is found on FDA's Internet site, as the basis to identify products for user fee assessment purposes will not be construed to affect the legal status of the book or the products in the book. The purpose of using this method is merely a tool for the Secretary to provide a public, efficient billing process. It also provides sponsors an easier way to remove products from the list that is the basis for billing.

Also, the addition of the reference to the list of products approved under human drug applications under section 351 of the Public Health Service Act created and maintained by the Secretary refers to the current FDA method of identifying biological products considered to be prescription drug products for fee assessment determinations. The Managers do not intend this to be a change in practice; rather it documents FDA's current practice. The list is to be provided on FDA's Internet site.

A further change to the term "prescription drug product" deletes the clause "does not include a large volume parenteral drug product approved before September 1, 1992." As a result, any large volume parenteral (LVP) product is treated as a prescription drug product and is subject to a fee. However, when coupled with a corresponding change proposed to section 736(a)(3)(B), all LVP's would be exempt from product fees in this reauthorization, including products approved after September 1, 1992. The Managers intend this change to decrease FDA's administrative burden in determining which products should be billed.

The term "process for the review of human drug applications" is modified to allow the use of funds, for a period of up to three years after approval, to cover risk management activities for products approved after October 1, 2002. This change is highly important to the Managers, as improving drug and biological product safety is a goal shared by all.

The term "adjustment factor" is modified to eliminate obsolete provisions.

Section 504. Authority to Assess and Use Drug Fees

Subsection (a) of this section allows fees authorized by the Act to be assessed beginning on October 1, 2002. With respect to prescription drug establishment fees and prescription drug product fees, the subsection advances the date by which fees are payable to October 1 of each year.

Under the second Prescription Drug User Fee Act (PDUFA), prescription drug establishment and product fees, which represent two-thirds of PDUFA fees were due January 31, four months into the fiscal year. This necessitated carrying forward funds from a previous year to sustain operations for the first four months of each new fiscal year. By advancing the date for annual fees to be paid to FDA, the necessity of carrying forward these large cash surpluses from year to year is eliminated. Also, by making this change effective for FY 2003, FDA will have access to revenue as early in FY 2003 as invoices can be issued and fees collected rather than having to wait until January 31 to collect funds. This is especially important for FDA operations in FY 2003 because the agency does not expect to have any appreciable carryover funds at the end of FY 2002.

Making the fee due and payable on October 1 necessitates other changes to the FFD&C Act that are executed in subsection (e) and (f) of this section.

This section sets forth a table containing the application, establishment, and product fee revenues, and total fee revenue, for fiscal years 2003 through 2007. The subsection further authorizes an increase in fee revenue amounts to fully fund the portion of additional costs attributable to the cost of the retirement of Federal personnel. This provision would go into effect, if, after the enactment of the Prescription Drug User Fee Amendments of 2002, legislation is enacted requiring the Secretary to fund additional costs of the retirement of Federal personnel.

This section also authorizes inflation adjustments, workload adjustments, and a final year adjustment. Under present law, annual inflation adjustments were based on the higher of the federal pay raise applicable for employees in the fiscal year for which the fees were set or the CPI for the previous year. In order to collect fees on October 1, FDA will have to set fees and issue invoices in August of each year well before the payraise determination for the next fiscal year is made. For this reason the inflation adjustment factors have been changed to the Federal pay raise for employees in the Washington, D.C., area for the previous fiscal year or the change in the CPI for the 12 month period ending June 30, whichever is higher. Both of these figures will be available in August when fees must be set. As has been the case in the past, these inflationary changes will continue to be cumulative and compounded.

Under the workload adjustment, annual revenue adjustments are made that reflect changes in review workload, after inflation adjustments. the workload adjustment is to be determined by the Secretary based on a weighted average of the changes in the total number of (1) human drug applications, (2) commercial investigational new drug applications, (3) efficacy supplements, and (4) manufacturing supplements. The subsection provides that the Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies. Each of the 4 components used to develop the workload adjustment is a defined category of applications that FDA currently counts. Each component will be given a weighting factor that corresponds to its percent of FDA review workload.

The workload adjustment envisioned for each component has as its base the average number of applications of each particular type that FDA received over the five-year period of current law. It requires that a rolling average of submissions also be calculated each year for the latest five-year period that ends on June 30 before the end of each fiscal year beginning on or after October 1, 2002. The percent change in the latest five-year average, compared to the base year is then multiplied by the weighting factor for that component. Then all four components of the workload adjuster are added together and the total percent that results is the workload adjuster that will be used to further adjust the inflation-adjusted statutory revenue levels each year after FY 2003. Use of five year rolling averages in this process dampens the impact of revenue fluctuations—both up and down.

Under this section, the revenue adjuster will never result in lower revenues than the inflation-adjusted statutory revenue levels.

Nonetheless, in years when fee-paying applications fall below projections, FDA will automatically experience a shortfall in revenues due to the shortfall in fee-paying applications. Further downward adjustment of the revenues would over-compensate for such a decline in workload and is not authorized under the subsection. This is a lesson learned from experience during 1998 through 2002. If such a model had been in place for the past five years, revenues during PDUFA II would have been much more predictable year to year rather than exhibiting the volatility FDA experienced.

Also under this section, FDA is allowed to make a one-time increase in fees in FY 2007, if necessary, to assure that the agency will have no less than three months of operating reserves on hand at the end of FY 2007, when this legislation will expire. This final year adjustment will allow the agency sufficient fees to operate for up to 3 months in FY 2008 if there is any delay in the reauthorization of PDUFA at the end of FY 2007. Further, delaying this payment from industry until FY 2007 minimizes the need for FDA to carry large balances over from year to year, reducing industry outlays until they are necessary to support operations.

Finally, this section provides that application, product, and establishment fees are to be established 60 days before the start of the fiscal year based on the revenue amounts previously established in this section.

Under subsection (d), the waiver or fee reduction for supplements filed under section 505(b)(1) of the FFD&C Act is eliminated.

In this section the word "assessed" in section 736(f) of the FFD&C Act has been changed to "retained." This change is part of a series of changes made to permit FDA to issue invoices and collect fees before an appropriation is actually made for the fiscal year. The change maintains the original intent of this and related provisions, however, by providing that the conditions originally specified in these sections must be fulfilled once all appropriations for the fiscal year, including any supplemental appropriations, are enacted. If the conditions are not fulfilled, FDA may not retain the fees it collects. Further, under this section, the word "collected" in section 736(g)(2)(A) of the FFD&C Act is changed to "retained." Once again, this change is part of a series of changes made to permit FDA to issue invoices and collect fees before an appropriation is actually made for the fiscal year. The change maintains the original intent of this and related provisions by asserting that the conditions originally specified in these sections must be fulfilled once all appropriations for the fiscal year, including any supplemental appropriations, are enacted.

This section also responds to the problems associated with FDA's inability under the FFD&C Act to collect and spend fees in any year that FDA fails to spend from appropriations as much as it spend in FY 1997, adjusted for inflation. Failing to meet this obligation by as little as one dollar causes FDA to lose the authority to collect application, product and establishment fees for a given fiscal year. The consequence of failing to meet this "trigger" would be catastrophic. Since the trigger is based on the amount FDA spends, the agency can never identify exactly how much it has actually spend until after the end of the fiscal year. As a result, FDA consistently overspends by a substantial amount to be certain that FDA expenditures do not fall below the trigger amount and thereby cause the agency to lose the authority to collect fees.

Modifications to section 736(g)(2)(B) are proposed to provide FDA a margin of error in its effort to meet this requirement of the law. This section is being modified so that if FDA's spending is within five percent of the amount required by this section of the Act, the requirement of this section is considered to be satisfied. If FDA under-spends by three percent or less, there are no consequences. If FDA under-spends by more than three percent but not more than five percent, FDA will be required to reduce collections in the fiscal year following the subsequent fiscal year by the amount in excess of three percent by which FDA under-spent from appropriations. The intent is to relieve FDA of the need to overspend from appropriations each year, as it has done consistently since 1993 to assure that this trigger is met. Spending from appropriations on the drug review process each year is still expected to be at or very close to the amount specified by this trigger, and may never be more than five percent below the trigger amount.

This section also authorizes appropriations for fiscal years 2003 through 2007 in amounts consistent with the total fee revenue amounts set forth in subsection (b).

Section 505. Accountability and Annual Reports

This section for the first time requires the agency to meet with interested public and private stakeholders when considering the reauthorization of this program before its expiration. The Managers believe that the agency will be in the best position to recognize what best serves the public health by meeting with representatives of consumer and patient advocacy groups, industry, the Congress, health care professionals, and academic experts prior to the next reauthorization of PDUFA. Further, the Managers believe that it is very important for the agency to make any recommendations to the Congress public, so this section requires that the FDA both publish the recommendations, as well as hold a public hearing at which time the agency can receive public feedback.

This section also requires an annual Performance Report and a Financial Report.

Section 506. Reports of Postmarketing Studies

Under this section, the Managers intend that in instances wherein a study subject to the reporting requirements of Section 130 is not completed by the original or otherwise negotiated deadline agreed upon by the sponsor and if the reasons for such failure to complete the study were not satisfactory to the Secretary, the Secretary shall so note on the agency website. The Managers intend that the Secretary would not find the delay or termination of a study unsatisfactory if the Secretary determined that the delay or termination occurred through no fault of the sponsor (such as ethical concerns, or the study is no longer needed).

This section also empowers the Secretary to require a sponsor of a study required under section 505(b)(2)(A) or sections 314.510 or 601.41 of Title 21, Code of Federal Regulations, to notify health care practitioners who prescribe such drugs or biological products of the sponsor's failure to complete the study, and the questions of clinical benefit and, where appropriate, questions of safety, that remain unanswered as a result of such failure. The Managers intend that this authority not be utilized in cases where, through no fault of the sponsor (such as ethical concerns, or the study is no longer needed), the study has been delayed or terminated.

Section 507. Savings Clause

This section authorizes user fees to be assessed and collected after October 1, 2002 for human drug applications and supplements accepted for filing prior to October 1, 2002. For example, in the event that application fees are owed but have not been collected prior to the expiration date for PDUFA II established by section 107 of the Food and Drug Administration Modernization Act (FDAMA), the section will allow these fees to be collected after October 1, 2002. The section further authorizes assessment and collection of product and establishment fees after October 1, 2002 that are owed but have not been collected.

Section 508. Effective Date

Section 508 provides that the Prescription Drug User Fee Amendments of 2002 shall take effect October 1, 2002.

Section 509. Sunset Clause

Section 509 provides that the amendments made by sections 503 (relating to definitions) and 504 (relating to the authority to assess and use drug fees) shall cease to be effective on October 1, 2007.

The section further provides that the amendments made by section 505 (relating to annual reports) shall cease to be effective 120 days after October 1, 2007. The additional 120 days will allow the prescription drug user fee reports for fiscal year 2007 to be prepared and submitted.

Subtitle B—Additional Authorizations of Appropriations Regarding Food and Drug Administration

Section 521. Office of Drug Safety

This section will help the FDA fulfill its vitally important role of ensuring drug safety. The Managers are highly supportive of the postmarket surveillance activities conducted by the Office of Drug Safety (ODS), and to that end other provisions in this legislation ensure for the first time that user fee monies will be available for postmarket purposes. This section complements those efforts by ensuring that not only will new user fee monies be available for this very important purpose, but so will new appropriated monies.

Section 522. Division of Drug Marketing, Advertising, and Communications

This section provides an increased authorization for the Division of Drug Marketing, Advertising, and Communications (DDMAC) within the Office of Medical Policy, Center for Drug Evaluation and Research at the FDA. DDMAC plays a vital role in ensuring that promotional drug material is not false or misleading, and they do so on a limited budget. The authorized amounts will better ensure that DDMAC can perform its mission.

Section 523. Office of Generic Drugs

This section provides an increased authorization for the Office of Generic Drugs (OGD) within the Center for Drug Evaluation and Research at the FDA. OGD is vitally important to ensuring that Americans have access to safe, effective generic drugs. This Office needs increased funding, however, due to the fact that it presently takes OGD nearly 18 months to review the typical ANDA. This section will lead to increased funding, so that these review times can be decreased without compromising health and safety.

Subtitle C—Additional Provisions

Section 531. Transition to Digital Television

In an effort to further promote the orderly transition to digital television, and to promote the equitable allocation and use of digital channels by television broadcast permittees and licensees, the Managers direct the Federal Communications Commission, at the request of an eligible licensee or permittee, to, within 90 days after the date of enactment of this Act, allot, if necessary, and assign a requested and identified paired digital television channel to that licensee or permittee. In order to avoid any undue burden to the Commission, which is required to allot and assign the paired digital television channel within a short timeframe, the Managers expect all eligible applicants to file their applications as soon as practicable after the date of enactment. The FCC shall only do this if such channel can be allotted and assigned without further modification of the tables of allotments as set forth in sections 73.606 and 73.622 of the Commission's regulations (47 CFR 73.606, 73.622) and such allotment and assignment is consistent with the Commission's technical rules (47 CFR part 73). The only licensees or permittees eligible for this digital allotment are those that are full power television broadcast licensee or permittees (or their successors in interest) that had an application pending for an analog television station construction permit as of October 24, 1991, which application was granted after April 3, 1997; and as of the date of enactment of this Act, is the permittee or licensee of that station. This provision enables such licensees or permittees an opportunity to realize their expectations created by prior FCC action to foster a digital audience during the transition period to digital television without having to terminate abruptly analog service now enjoyed by their viewers. Without this change, those broadcast licensees or permittees would be denied the flexibility to operate an analog and a digital facility simultaneously in the near term, especially in a major market. This is contrary to the Congressional goals of increasing competition and accelerating the digital television transition. The Managers are ensuring that eligible licensees or permittees will meet the intended objectives by doing two important things. First, the Managers impose an unequivocally hard 18-month deadline for the construction of the digital facility from the time of the FCC's issuance of the construction permit for the new digital channel. In this regard, eligible licensees are absolutely prohibited from obtaining or receiving an extension of time from the Commission pursuant to 47 C.F.R. 73.624(d)(3). Second, the Managers safeguard against eligible licensees from using the newly granted "in-core" digital channel allotment and assignment to provide analog service.

Section 532. 3-Year Delay in Lock in Procedures for Medicare+Choice Plans; Change in Medicare+Choice Reporting Deadlines and Annual, Coordinated Election Period for 2003, 2004, and 2005

This section changes the deadline for Medicare+Choice plans to submit information to the Secretary on Medicare benefits, premiums, cost sharing, supplemental benefits, and actuarial values of such coverage from July 1 to the second Monday in September for the years 2002, 2003, and 2004. It would also delay the annual election period for Medicare enrollees to select a M+C plan to the period of time beginning on November 15 and ending on December 31 in 2002, 2003, and 2004. This section also delays the phase in of the limitation on Medicare beneficiaries changing health plans more than once a year (the "lock-in"). This requirement, enacted in the Balanced Budget Act of 1997, was scheduled to phase in incrementally beginning in 2002. The substitute would postpone the lock-in requirements until 2005.

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
MICHAEL BILIRAKIS,
PAUL E. GILLMOR,
RICHARD BURR,
JOHN SHIMKUS,
JOHN D. DINGELL,
HENRY A. WAXMAN,

Provided that Mr. Pallone is appointed in lieu of Mr. Brown of Ohio for consideration of title IV of the House bill, and modifications committed to conference:

SHERROD BROWN,
FRANK PALLONE, Jr.,

From the Committee on Agriculture, for consideration of title II of the House bill and sec. 216 and title V of the Senate amendment, and modifications committed to conference:

LARRY COMBEST,
FRANK D. LUCAS,
SAXBY CHAMBLISS,
CHARLES STENHOLM,
TIM HOLDEN,

From the Committee on the Judiciary, for consideration of title II of the House bill and secs. 216 and 401 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR SMITH,
JOHN CONYERS, Jr.,
Managers on the Part of the House.

EDWARD KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JIM JEFFORDS,
JUDD GREGG,
BILL FRIST,
MIKE ENZI,
TIM HUTCHINSON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. ARMEY) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:

Mr. WILSON of South Carolina, for 5 minutes, May 23.

Mr. GEKAS, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, May 22.

Mr. SMITH of Michigan, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 20, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 1840. To extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 32 minutes a.m.), the House adjourned until today, Wednesday, May 22, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6929. A letter from the Congressional Review Coordinator Animal and Plant HealthInspection Service, transmitting the Department's final rule—Karnal Bunt Compensation (RIN: 0579–AB45) [Docket No. 01-112–1] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6930. A letter from the Under Secretary, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

6931. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Bonus Payments in Medically Underserved Areas (RIN: 0720–AA60) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6932. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Changes to Profit Policy [DFARS Case 2000-D018] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6933. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Balance of Payments Program [DFARS Case 2000–D020] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6934. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Balance of Payments Program [DFARS Case 2000–D020] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6935. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense

Federal Acquisition Regulation Supplement; Research and Development Streamlined Contracting Procedures [DFARS Case 2001-D002] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6936. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Codification and Modification of Berry Amendment [DFARS Case 2002-D002] received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6937. A letter from the Register Liasion Officer, Department of Defense, transmitting the Department's final rule—TRICARE Prime Remote for Active Duty Family Members (RIN: 0720-AA68) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6938. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Mandated Edgar Filing For Foreign Issuers (RIN: 3235-AI08) received May 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6939. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Household Products Containing Hydrocardons; Final Rules—received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6940. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

6941. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6942. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the Corporation's Semiannual Report for the period ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6943. A letter from the Senior Attorney Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Rules and Procedures for Efficient Federal-State Funds Transfers (RIN: 1510-AA38) received May 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6944. A letter from the Secretary, Department of Agriculture, transmitting the Department's Consolidated Financial Statements for Fiscal Year 2001; to the Committee on Government Reform.

6945. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Employee Elections to Contribute to the Thrift Savings Plan and Methods of Withdrawing Funds from the Thrift Savings Plan—received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6946. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "City Charges DCPS Nearly $1 Million in Utility Expenses That Should Have Been Charged To Other Entities"; to the Committee on Government Reform.

6947. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Firefighter Pay (RIN: 3206-AI50) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6948. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Technical Amendments To Election Cycle Reporting [Notice 2001-17] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6949. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Subsistence Management Regulations for Public Lands in Alaska (RIN: 1018-AH85) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6950. A letter from the Regulatory Specialist, Department of the Interior, transmitting the Department's final rule—Trust Management Reform: Probate of Indian Trust Estates (RIN: 1090-AA78) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6951. A letter from the Regulatory Specialist, Department of the Interior, transmitting the Department's final rule—Trust Management Reform: Probate of Indian Trust Estates (RIN: 1090-AA78) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6952. A letter from the Regulations Coordinator, Department of Health and HumanServices, transmitting the Department's final rule—Tribal Self-Governance Amendments of 2000 (RIN: 0917-AA05) received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6953. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period [Docket No. 001121328-1041-02; I.D. 102901B] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6954. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Mid-Atlantic Fishery Management Council (Council); Request for Research Proposals (RFP) [Docket No. 020306047-2047-01; I.D. 020402E] (RIN: 0648-ZB14) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6955. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest [Docket No. 010313064-1064-01; I.D. 103101B] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6956. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery [Docket No. 010413094-1094-01; I.D. 060701A] (RIN: 0648-AP10) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6957. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fraser River Sockeye and Pink Salmon Fisheries; 2001 Inseason Orders [I.D. 110801F] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6958. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administation's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 011602C] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6959. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of Directed Fishery for Pacific Mackerel [Docket No. 000831250-0250-01; 111601D] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6960. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants and Nonimmigrants under the Immigration and Nationality Act, As Amended—Visa Fees: Proposed Rule—received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Savannah River, Georgia [CGD07-01-037] (RIN: 2115-AE84) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones; Port Neches Riverfest, Neches River, Port Neches, Texas [COTP Port Arthur-02-002] (RIN: 2115-AA97) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Cruise Ships, San Pedro Bay, California (RIN: 2115-AA97) [COTP Los Angeles-Long Beach 02-009] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6964. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Maumee River, Lake Erie, Ohio (RIN: 2115-AA97) [CGD09-02-015] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6965. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Potomac River, Washington Channel, Washington, DC [COTP Baltimore 02-002] (RIN: 2115-AA97) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6966. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Air Transportation Safety and System Stabilization Act; Air Carrier Guarantee Loan Program—received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6967. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Grant and Cooperative Agreement Handbook—Limitations on Incremental Funding and Deobligations on Grants, and Elimination of Delegation of Closeout of Grants and Cooperative Agreements to Office of Naval Research (ONR) (RIN: 2700–AC51) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6968. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA FAR Supplement—Conformance with FACs 01–01, 01–02, and 01–06; and Miscellaneous Administrative and Technical Revisions (RIN: 2700–AC33) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6969. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Size Regulations; Size Standards for Programs of Other Agencies (RIN: 3245–AE42) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6970. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards; Travel Agencies; Economic Injury Disaster Loan Program (RIN: 3245–AE93) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6971. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Delegation of Authority for Part 25 [T.D. ATF–437] (RIN: 1512–AC07) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6972. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods [TD 8996] (RIN: 1545–AX15) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6973. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2002–4) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6974. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting (Rev. Proc. 2002–38) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6975. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Mid-contact Change in Taxpayer (RIN: 1545–AY31) received May 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6976. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electing Small Business Trust [TD 8994] (RIN: 1545–AU76) received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6977. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Payment by Credit Card and Debit Card [TD 8969] (RIN: 1545–AW37) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6978. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—PHedging Transactions [TD 8985] (RIN: 1545–AY02) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6979. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and methods of accounting (Rev. Proc. 2002–19) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6980. A letter from the Social Security Administration Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments (RIN: 0960–AF31) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee of Conference. Conference report on H.R. 3448. A bill to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies (Rept. 107–481). Ordered to be printed.

[Filed on May 22 (Legislative day of May 21), 2002]

Mrs. MYRICK: Committee on Rules. House Resolution 426. Resolution providing for consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes (Rept. 107–482). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 427. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies (Rept. 107–483). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 428. Resolution providing for consideration of the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–484). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 4779. A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. RANGEL, and Mrs. THURMAN):

H.R. 4780. A bill to reject proposals to partially or completely substitute private saving accounts for the lifelong, guaranteed, inflation-protected insurance benefits provided through Social Security; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 4781. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. OXLEY:

H.R. 4782. A bill to extend the authority of the Export-Import Bank until June 14, 2002; to the Committee on Financial Services. considered and passed.

By Mr. BRADY of Texas (for himself, Mrs. MYRICK, Mr. PITTS, Mr. TERRY, Mr. SOUDER, Mr. ISTOOK, Mr. BARR of Georgia, and Ms. HART):

H.R. 4783. A bill to authorize States under Federal health care grant-in-aid programs to require parental consent or notification for purpose of purchase of prescription drugs or devices for minors; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 4784. A bill to direct the Secretary of the Interior to replace the U.S. Fish and Wildlife Service as the Federal agency responsible for the administration, protection, and preservation of Midway Atoll, and for other purposes; to the Committee on Resources.

By Mr. FERGUSON (for himself, Mr. SOUDER, Mr. LATOURETTE, Mr. SMITH of New Jersey, and Mr. SAXTON):

H.R. 4785. A bill to establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. RANGEL, Mr. FROST, Mr. MCNULTY, Mr. MCGOVERN, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr. FATTAH, Mr. GILMAN, Mr. KINGSTON, Mr. SOUDER, Ms. SLAUGHTER, and Mr. CAPUANO):

H.R. 4786. A bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative program, and for other purposes; to the Committee on Resources.

By Mrs. MINK of Hawaii:

H.R. 4787. A bill to amend the impact aid program under section 8003 of the Elementary and Secondary Education Act of 1965 to include children who are citizens of the freely associated states in the computation of the amount of basic support payments to local educational agencies under the program; to the Committee on Education and the Workforce.

By Mr. SIMMONS:

H.R. 4788. A bill to extend the deadline for commencement of construction of a hydroelectric project in Connecticut, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H. Con. Res. 407. Concurrent resolution expressing the sense of the Congress that all people in the United States should take an active role in the fight against Huntington's disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOSSELLA:

H. Res. 424. A resolution paying tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center; to the Committee on Government Reform.

By Mrs. THURMAN:

H. Res. 425. A resolution providing for the consideration of the bill (H.R. 3497) to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of personal Social Security guarantee accounts ensuring full benifits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. McKinney.

H.R. 285: Mr. Bonior.

H.R. 436: Mr. Otter.

H.R. 448: Mr. Carson of Oklahoma.

H.R. 488: Mr. Gephardt.

H.R. 633: Mr. Crowley.

H.R. 840: Mr. Tom Davis of Virginia, Mr. Kennedy of Rhode Island, and Ms. Watson.

H.R. 854: Mr. Meehan, Mr. Lampson, and Mr. Doggett.

H.R. 858: Mr. Bishop, Mr. Maloney of Connecticut, and Mr. Holt.

H.R. 877: Mr. Lampson.

H.R. 898: Mr. Davis of Illinois and Mr. Lantos.

H.R. 1043: Mr. Lynch.

H.R. 1073: Mr. Bishop.

H.R. 1109: Mr. Combest.

H.R. 1143: Mrs. Lowey.

H.R. 1144: Mr. Lantos.

H.R. 1274: Mr. Wilson of South Carolina, Mr. Mica, Mr. Paul, and Mr. Horn.

H.R. 1305: Mr. Brown of South Carolina and Mr. Hoekstra.

H.R. 1310: Mr. Stark.

H.R. 1460: Mr. Thune.

H.R. 1522: Mr. Lampson.

H.R. 1556: Mr. Doggett.

H.R. 1581: Mr. Wilson of South Carolina.

H.R. 1637: Mr. LaFalce.

H.R. 1650: Ms. Carson of Indiana.

H.R. 1704: Mr. Sessions.

H.R. 1733: Mr. Meeks of New York and Mr. Owens.

H.R. 1779: Ms. Velázquez.

H.R. 1808: Mr. Rush.

H.R. 1897: Mr. Capuano.

H.R. 1904: Ms. Pelosi.

H.R. 1911: Mr. Wilson of South Carolina.

H.R. 1919: Mr. Hoekstra and Mr. Royce.

H.R. 1935: Mr. Callahan, Mr. Acevedo-Vilá, Mr. Tierney, Mr. Istook, Mr. Watkins, and Mr. Lucas of Oklahoma.

H.R. 1950: Mr. Bishop.

H.R. 1966: Mr. Souder and Mr. Kerns.

H.R. 1987: Mr. Larson of Connecticut.

H.R. 2057: Mr. Smith of New Jersey, Mr. Hoeffel, and Mr. Saxton.

H.R. 2158: Ms. McCollum, Mr. Hinchey, Mrs. Tauscher, Ms. Schakowsky, Ms. Eshoo, and Mr. Udall of New Mexico.

H.R. 2352: Mr. Pallone.

H.R. 2373: Mr. Otter, Mr. Ryun of Kansas, Mr. Bachus, Mr. Sullivan, and Mr. Deal of Georgia.

H.R. 2466: Mr. Hoekstra and Mr. Barcia.

H.R. 2573: Ms. Lee, Mr. Engel, and Mr. Walsh.

H.R. 2638: Mr. McDermott, Mr. Capuano, and Mr. Oritz.

H.R. 2670: Mr. Kind.

H.R. 2746: Mr. Sherman.

H.R. 2796: Mr. Sherman.

H.R. 2874: Mr. Gonzalez, Mr. Berman, Ms. Watson, and Mr. Davis of Illinois.

H.R. 2878: Mr. Hinchey.

H.R. 3100: Ms. Slaughter.

H.R. 3131: Mr. Smith of Texas.

H.R. 3218: Mr. Hilliard.

H.R. 3238: Mr. Grucci and Mr. Baird.

H.R. 3267: Mr. Lantos.

H.R. 3284: Mr. Murtha.

H.R. 3296: Mr. George Miller of California.

H.R. 3320: Mr. LaHood.

H.R. 3321: Mr. LoBiondo.

H.R. 3390: Mr. Ross.

H.R. 3397: Ms. Lofgren and Mrs. Davis of California.

H.R. 3450: Mr. Udall of New Mexico, Mr. Hoyer, Mrs. Lowey, and Mr. Wilson of South Carolina.

H.R. 3547: Mr. Gibbons and Mr. Hansen.

H.R. 3567: Mr. Rogers of Michigan.

H.R. 3594: Mr. Platts.

H.R. 3612: Mr. English, Ms. Rivers, Mr. Reyes, Ms. Kaptur, Mr. Ford, Mr. Lantos, and Mr. Udall of Colorado.

H.R. 3624: Mr. Wilson of South Carolina.

H.R. 3661: Mr. Sherman, Mr. Lewis of Kentucky, and Mr. Larsen of Washington.

H.R. 3670: Mr. Watt of North Carolina, Mr. Matheson, Mr. Lucas of Kentucky, and Mr. Dicks.

H.R. 3749: Mr. Horn, Mr. Delahunt, Mr. George Miller of California, and Mr. Gutierrez.

H.R. 3807: Ms. Schakowsky.

H.R. 3831: Mr. Doyle.

H.R. 3834: Mr. Sherman, Mr. Snyder, Mr. Combest, Mr. Lampson, Mr. Wexler, Mr. Clay, and Mr. Capuano.

H.R. 3915: Ms. Watson.

H.R. 3956: Mr. English.

H.R. 3961: Ms. Norton, Ms. McKinney, Mr. Conyers, Mr. Jackson of Illinois, Mrs. Clayton, Mr. Kucinich, Mr. Frank, and Mr. Sanders.

H.R. 3973: Mr. Capuano, Mr. Mica, Mr. Kerns, Ms. McKinney, Mr. Frank, Mr. Hall of Texas, Mr. Hostettler, Mr. Skelton, Mr. Ortiz, Mr. Spratt, and Mr. Filner.

H.R. 3974: Ms. McKinney and Mr. Allen.

H.R. 4003: Mr. Waxman.

H.R. 4013: Mrs. Lowey.

H.R. 4014: Mrs. Lowey.

H.R. 4018: Mr. Bonior and Mr. Gilman.

H.R. 4058: Mr. Tierney.

H.R. 4066: Mr. Costello, Mr. Pomeroy, Mr. Thompson of California, Mrs. Clayton, Mr. Hoyer, Mrs. Meek of Florida, Mr. Gephardt, Mr. Ross, Mr. Etheridge, Mr. Allen, and Mr. Gordon.

H.R. 4071: Mr. Otter.

H.R. 4078: Mr. Wexler and Mr. Kanjorski.

H.R. 4086: Mr. Leach.

H.R. 4123: Ms. Millender-McDonald, Ms. Schakowsky, and Mr. Sanders.

H.R. 4169: Mr. Burton of Indiana, Mr. Green of Wisconsin, and Mr. Goodlatte.

H.R. 4483: Mr. Simmons, Mr. Bachus, Mr. Brown of South Carolina, Mr. Sessions, Ms. Granger, Mrs. Jo Ann Davis of Virginia, Mrs. Morella, Mr. Forbes, Mr. Holden, Mrs. Maloney of New York, and Mrs. McCarthy of New York.

H.R. 4515: Mr. Thornberry and Mr. Bryant.

H.R. 4545: Mr. Castle.

H.R. 4614: Mr. Filner and Mr. Bishop.

H.R. 4621: Mr. English, Mr. Hastings of Florida, Mr. Green of Texas, Mr. Rangel, and Mr. Frost.

H.R. 4635: Mr. Baker, Mr. Kerns, and Mr. Tiberi.

H.R. 4646: Mr. Bachus, Ms. McCollum, Mr. Brady of Pennsylvania, Mr. Pastor, Ms. Sánchez, Mr. Grucci, Mrs. Capps, Mr. Thompson of California, and Ms. Hooley of Oregon.

H.R. 4654: Ms. McKinney, Mr. Ackerman, Mrs. Lowey, Mr. Engel, and Mrs. Kelly.

H.R. 4658: Mr. Wolf, Mr. Berry, and Mr. Frost.

H.R. 4663: Mrs. Lowey.

H.R. 4664: Ms. Rivers.

H.R. 4669: Ms. Solis.

H.R. 4679: Mr. Tiberi.

H.R. 4715: Mr. Hilliard, Ms. McKinney, and Ms. Brown of Florida.

H.R. 4752: Mr. Kleczka.

H.R. 4754: Ms. Jackson-Lee of Texas, Mr. Etheridge, Mr. Kennedy of Rhode Island, Mr. Hoeffel, and Mrs. Thurman.

H.R. 4756: Mr. McInnis and Mr. Hayworth.

H.R. 4758: Mr. Tanner and Mr. Hill.

H.R. 4777: Mr. DeFazio, Mr. Kind, Ms. Eshoo, Mr. Wu, Ms. DeGette, Mr. Sandlin, Mr. George Miller of California, Mr. Frost, Mr. McGovern, Mr. Turner, Mr. Holt, Mr. Green of Texas, Mr. Hoeffel, Ms. Slaughter, Mr. Gonzalez, Mr. Bentsen, Ms. DeLauro, and Mr. Abercrombie.

H.R. 4778: Ms. Kaptur, Ms. Brown of Florida, Mr. Tierney, Ms. Lee, Mr. Luther, Mr. George Miller of California, Ms. Slaughter, and Ms. Roybal-Allard.

H.J. Res. 23: Mr. Bilirakis.

H.J. Res. 40: Mr. Castle and Mr. Bass.

H.J. Res. 89: Mr. Hoyer.

H.J. Res. 92: Mr. Sweeney, Mrs. Tauscher, Ms. McCarthy of Missouri, Ms. McKinney, Mr. Weiner, Mr. Matsui, Mr. Frank, Mr. Hilliard, Mr. Sanders, and Mr. Langevin.

H.J. Res. 93: Mr. Jones of North Carolina.

H. Con. Res. 99: Mrs. Lowey and Mr. Engel.

H. Con. Res. 164: Mr. Ehrlich.

H. Con. Res. 315: Mr. Ballenger.

H. Con. Res. 333: Mr. Lipinski.

H. Con. Res. 385: Mr. Thompson of California, Mr. Langevin, Mr. Hinojosa, Mr. Blagojevich, Mr. Farr of California, Mr. Strickland, Mr. Scott, Mr. Shows, Mr. Larsen of Washington, Mr. Matsui, and Mr. Meeks of New York.

H. Con. Res. 400: Mr. Wicker.

H. Con. Res. 405: Mr. Hastings of Florida, Mr. McNulty, Mr. Kildee, Ms. Lee, Mr. Langevin, Ms. Baldwin, Mr. Hyde, Mr. Capuano, Mr. Sanders, Mr. Maloney of Connecticut, and Mr. Weiner.

H. Res. 253: Mr. Inslee, Mr. Delahunt, Mr. Sawyer, Mr. Kleczka, Mr. Holden, Mr. Kanjorski, Mr. Baldacci, Mr. Fattah, Mr. Doyle, Mr. Visclosky, Mr. Hoeffel, Mr. Green of Texas, Mr. Larson of Connecticut, Mr. Pallone, Mr. John, Mr. Brady of Pennsylvania, Mr. Pascrell, Mr. Kildee, Mr. Andrews, Mr. Wu, Mr. McDermott, Mr. Mica, Mr. Langevin, Mr. Borski, Mr. Ford, Mr. Filner, Mr. Gilman, Mr. LaFalce, Mr. Pomeroy, Mr. Barrett, Mrs. McCarthy of New York, Mr. Capuano, Mr. Matheson, Mr. Bonior, and Mr. Shows.

H. Res. 407: Mr. Holt.

H. Res. 416: Mr. Burton of Indiana and Mr. Deal of Georgia.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4775

Offered By: Mr. Callahan

Amendment No. 4: In chapter 6 of title I, strike the second paragraph under the heading "ECONOMIC SUPPORT FUND".

H.R. 4775

Offered By: Mr. Callahan

Amendment No. 5: In chapter 6 of title I, in the second paragraph under the heading "ECONOMIC SUPPORT FUND"—

(1) after the aggregate dollar amount, insert "(reduced by $50,000,000)"; and

(2) strike the second and third provisos.

H.R. 4775

Offered By: Mr. Callahan

Amendment No. 6: In chapter 6 of title I, in the second paragraph under the heading "ECONOMIC SUPPORT FUND", insert after the third proviso the following:

": *Provided further*, That the funds appropriated in this paragraph shall be available for obligation only if the President determines and certifies to the Congress that Israel and the Palestinian Authority are engaged in formal negotiations on a peace treaty".

H.R. 4775

Offered By: Mr. Callahan

Amendment No. 7: In chapter 6 of title I, in the second paragraph under the heading "ECONOMIC SUPPORT FUND"—

(1) after the aggregate dollar amount, insert "(increased by $134,000,000)"; and

(2) after the third proviso, insert the following: ": *Provided further*, That $134,000,000 of the funds appropriated in this paragraph shall be made available for assistance for Egypt".

H.R. 4775

Offered By: Mr. Kucinich

Amendment No. 8: Page 52, line 20, after the dollar figure insert "(reduced by $147,000,000)".

H.R. 4775

Offered By: Mr. Roemer

Amendment No. 9: Page 138, after line 12, insert the following new title:

TITLE III—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

SEC. 3001. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the "Commission").

SEC. 3002. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(4) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 3003. COMPOSITION OF THE COMMISSION.

(a) Members.—Subject to the requirements of subsection (b), the Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) Qualifications.—

(1) Political party affiliation.—Not more than 5 members of the Commission shall be from the same political party.

(2) Nongovernmental appointees.—No member of the Commission shall be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(c) Chairperson; Vice Chairperson.—

(1) In general.—Subject to the requirement of paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) Political party affiliation.—The Chairperson and Vice Chairperson shall not be from the same political party.

(d) Initial Meeting.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(e) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 3004. FUNCTIONS OF THE COMMISSION.

(a) In General.—The functions of the Commission are to—

(1) investigate the relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(b) Scope of Investigation.—For purposes of subsection (a)(1), the term "facts and circumstances" includes facts and circumstances relating to—

(1) intelligence agencies;

(2) law enforcement agencies;

(3) diplomacy;

(4) immigration, nonimmigrant visas, and border control;

(5) the flow of assets to terrorist organizations;

(6) commercial aviation; and

(7) other areas of the public and private sectors determined relevant by the Commission for its inquiry.

SEC. 3005. POWERS OF THE COMMISSION.

(a) Hearings and Evidence.—The Commission may, for purposes of carrying out this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) Subpoenas.—

(1) Service.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.

(2) Enforcement.—

(A) In general.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) Additional enforcement.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(c) Closed Meetings.—Notwithstanding any other provision of law which would require meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.

(d) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(e) Information From Federal Agencies.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Commission upon request.

(f) Assistance From Federal Agencies.—

(1) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(g) Gifts.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, accept, use, and dispose of gifts or donations of services or property.

(h) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) Powers of Subcommittees, Members, and Agents.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

SEC. 3006. STAFF OF THE COMMISSION.

(a) Director.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(b) Staff.—The Chairperson, in consultation with the Vice Chairperson, may appoint additional personnel as may be necessary to enable the Commission to carry out its functions.

(c) Applicability of Certain Civil Service Laws.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(d) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(e) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 3007. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 3008. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 3009. REPORTS OF THE COMMISSION; TERMINATION.

(a) Initial Report.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Final Report.—Not later than 6 months after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) Termination.—

(1) In general.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) Administrative activities before termination.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 3010. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

H.R. 4775

Offered By: Mr. Strickland

Amendment No. 10: At the end of the bill (before the short title), insert the following:

TITLE III—ADDITIONAL GENERAL PROVISIONS

Sec. 3001. None of the funds made available in this Act may be used by the Department of Veterans Affairs to require a copayment in excess of $2 for any 30-day or less supply of medication provided to a veteran by the Department.

SENATE—*Wednesday, May 22, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You open Your heart to us. You assure us of Your unqualified and unlimited love. In spite of all the changes in our lives, You never change. We hear Your assurance, "I love you. I will never let you go. You are mine. I have chosen and called you to know, to love, and to serve Me."

In response, we open our hearts to You. We choose to be chosen. We accept Your love and forgiveness and turn our lives over to Your control. We confess anything we have said or done that deserves Your judgment. Cleanse our memory of any failures that would haunt us today and give us the courage to act on specific guidance You have given but we have been reluctant to put into action. We commit to You our families, our friends, and those with whom we work. Help us to communicate Your creative delight in each person's uniqueness and potential.

We dedicate this day's work of this Senate. Bless the Senators with a renewed sense of Your presence, a rededication of their calling to serve You and our Nation, and a reaffirmation of their dependence on You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Nevada, is recognized.

ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on H.R. 3009.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to be in a period of morning business until 10:30. Senator KENNEDY has the first half hour. At 10:30 the Senate will resume consideration of the trade bill, with 60 minutes of debate equally divided between the two leaders or their designees. At 11:30 we will vote on cloture on the Baucus substitute amendment. Senators have until 10:30 today to file.

If cloture is invoked today, we will go under the postcloture procedure. There are a number of germane amendments. We hope we can work our way quickly through those.

The Appropriations Committee, at 2 o'clock today, is going to meet to mark up, we hope, the supplemental appropriations bill which Senator BYRD and the leader have indicated they would like to try to finish before the week's end.

We have a lot of work to do and not a lot of time to do it, so everyone is going to have to be cooperative if we are going to depart at a decent hour on Friday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have 15 minutes, is that correct, or do we have the whole half hour?

The ACTING PRESIDENT pro tempore. The Senator has 27 minutes.

Mr. KENNEDY. It is 27 minutes. I ask unanimous consent I be in control of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EDUCATION

Mr. KENNEDY. Mr. President, as I have done on other occasions, I want to bring attention of the Senate to where we are in education funding, an issue which is of central concern to families all over this country. I think if we asked the families across America—I know around Massachusetts—they are obviously concerned, particularly in the last few days and certainly in the last few months about the dangers of terrorism. They want to be sure we are going to be able to support our forces overseas. They are very concerned about it.

In my State, even with the rosy predictions of some, we still have communities with sizable unemployment. Families have a great deal of uncertainty about their future.

But right underneath the surface are two other major issues. One is health care, and that is reflected in the cost of prescription drugs and the availability of prescription drugs, but, second, and equal to that, is the question of ensuring their children will receive a quality education.

We addressed that issue in the Elementary and Secondary Education Act last year. We worked together with President Bush. We are proud of the fact we were effective in working together, bridging many of the differences. We were able to get a sizable downpayment for that legislation.

We have still left many children behind. Even though the bill is called No Child Left Behind, we are still leaving millions of children behind. Under the administration's proposal, we are going to even leave additional children behind.

As this chart shows, as we started the proposal last year, the Bush proposal was 3.5 percent. We were able to effectively get it up to 20 percent.

All of us are very familiar with the statements, the comments the President has made about how we all have responsibility. Students have responsibility and accountability; schools have responsibility; parents have responsibility.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That raises another issue. In the drafting of the rules, I think all of us understand the first educator for a child is the parents. We have put a special requirement in the legislation to make sure parents will be involved every step along the way in the implementation of the act we passed last year.

So it brings us some dismay that the administration has failed to do that, and done this in such a way that the parents are now bringing a suit against the administration because they are being excluded at the local level. That makes no sense. We should welcome parents in at the local level. We should welcome parents into the process of the education of their children.

But very quickly, before leaving this chart, I, again, want to show from the 3.5-percent increase, we were able to raise that up to 20 percent. We heard the administration talk a great deal, with the great sense of pride they had, with all the additional resources, and now it is back to 2.8 percent.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Please.

Mr. DURBIN. I think the Senator has hit an important point when we talk about the future of education and teachers. That chart tells an interesting story.

In Illinois, when I went to one of the universities that graduates more teachers than other schools, I said: What are we going to do about the shortage of teachers which we are facing in America? How are we going to find more teachers?

They said: Certainly we need more teachers, and good teachers, but our biggest problem is retaining teachers. Teachers who are educated, who graduate with student loans and the burdens that they face, start teaching in a classroom and after 2 or 3 years get discouraged, leave the classroom and go into the private sector. They said that we have to find a way to retain good teachers.

That is also an important element.

What the Senator pointed out here is that if the Bush administration will not continue its funding level for teachers, there is going to be unpredictability, unreliability for the teacher in the future.

My State is facing budget problems. Most are. They are going to be cutting back on education. So the double hit from both State funding and the Bush administration's refusal to fund its own education bill is going to jeopardize the number of teachers who are going to be available.

I think that is going to create problems far beyond next year.

Mr. KENNEDY. I appreciate what the Senator has pointed out. This chart indicates that $742 million was added by the Congress last year for teacher quality. That is effectively zeroed out in terms of this year for teachers, in terms of recruiting teachers and in terms of retaining teachers. This is professional development.

I want to remind the American people that we have an administration which says, with the No. 1 domestic priority of education, we are confined to $600 billion in tax cuts that they asked us to verify and make permanent for the future. And here we have virtually zero in terms of increasing the retention of teachers, training of teachers, and professional development.

Do the American people really believe this is the first domestic priority for the administration when they don't fund it and they asked the Congress to make permanent $600 billion in tax cuts over the next 7 years?

Mr. DASCHLE. Mr. President, will the Senator from Massachusetts yield on another question?

Mr. KENNEDY. I am happy to yield to the leader.

Mr. DASCHLE. Mr. President, I appreciate very much what the Senator from Illinois said. Last weekend I spoke in South Dakota at the last graduation of a high school at Hecla in my State. Hecla is closing its doors. They will no longer have a high school in that small town. What I find is that what is happening in Hecla is happening in places all over my State and in the country. Budgets are collapsing at the local level. They are not able to fund the priorities because the property tax base is shrinking. Every school administrator and every school district president I have talked to says they no longer have the budget they had just a couple of years ago. The situation is exacerbated by the tremendous loss of revenue at the local level.

On top of that, we now see a loss of revenue at the Federal level. Schools are getting caught in the squeeze. There is less money at the local level to hire teachers, to do what they have to do to improve the schools, and to ensure they have the proper classroom size at the very time of a double whammy by the administration which comes out with a budget that is sorely lacking in commitment of resources needed to meet the issues and challenges these schools are facing.

We are going to continue to see schools close, schools downsize, classes get larger, and students subjected to teachers who in some cases may not be qualified, in large measure because funding is not there.

We cannot have reform that we hear this administration wants without having resources. I appreciate very much the Senator from Massachusetts calling attention to that fact. But I ask: Does the Senator from Massachusetts have any similar situations he has experienced? Are schools not having that problem now not only in rural areas but in urban areas as well?

Mr. KENNEDY. The Senator is absolutely correct. I think the Senator would agree with me that parents back home just want their children educated. They want a partnership. I imagine in South Dakota and Massachusetts they want a partnership to make sure we are going to have investment in children.

It is a question of priorities. The leader has pointed out what was happening in his State. This isn't just something that the Senator from South Dakota has pointed out. Here is an article from the Wall Street Journal. This is not an organ of the Democratic Party. It is a very extensive article about the tight budget posing a threat to the smaller class sizes, which as we have all seen has a direct impact on children learning.

The article says:

> In the prosperous 1990's, cutting class sizes gained importance, fueled by a Clinton-era program providing Federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

And it is escalating dramatically.

It is an extensive article. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 2002]

TIGHT BUDGETS POSE A THREAT TO SMALL CLASSES

(By Robert Tomsho)

The crowded classroom may be coming back.

In the prosperous 1990s, cutting class sizes gained importance, fueled by a Clinton-era program providing federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

Meanwhile, a new federal policy shift soon will permit states to spend federal money formerly dedicated to smaller classes on other school programs.

Districts that stopped maintaining smaller classes may not see class sizes go up for a few years. Still, worried advocates of small classes are starting to take action now to protect a policy widely popular among parents and teachers.

In 1996 the Irvine Unified School District, near Los Angeles, joined California's big push to reduce class sizes in kindergarten through third grade to no more than 20 students per class. With the state picking up 70% of the tab, the district hired about 200 teachers. Since then, related costs have increased as these new teachers moved up the pay scale. Because state funding hasn't kept up, Irvine had to tap local revenue, thereby increasing classes in the higher grades. Since the district began reducing K–3 class sizes in 1996, it has had to raise class sizes in grades 4–12 to an average of 35 students per class, up from 33. The jumps have been sharpest at the high-school level: Some classes have as many as 40 students.

Barbara Kadar, an Irvine first-grade teacher, says the program allowed her to spot individual problems early on. She says she's shocked at the policy reversal. "They found the goose that laid the golden egg, and now they're killing it."

At least nine other California school districts, out of 1,048, including the Cabrillo Unified School District, in Half Moon Bay, and Livermore Valley Joint Unified School District, in Livermore, made similar moves. State education officials expect many more districts to do the same by fall.

Similar funding cuts for class-size reduction programs have been proposed in Massachusetts, Wisconsin and other cash-strapped states. Even in places where state money for them has gone untouched, sharp cuts in state aid have forced districts to consider staff cuts that would result in higher class sizes. Brian Benzel, superintendent of schools in Spokane Wash., said: "We are going to be in a very difficult set of trade-offs."

Parents aren't likely to sympathize. This past month, dozens attended a meeting of the Riverside, Calif., board of education to protect its elimination of class-size reduction for the third grade. Meanwhile, in Memphis, amid a campaign by the local PTA, parents have been driving to the state Capitol in Nashville to demand that Tennessee legislators pass a budget that keeps the state's program. Recent polls show that an overwhelming margin of Florida voters back a constitutional amendment requiring the state to adequately fund a drive for smaller classes. "I can't go anywhere in public without someone coming up to me and saying that we have to do something," says state Sen. Debby Wasserman-Schultz, a Florida Democrat involved in an effort to put the proposed amendment on the November ballot.

For fiscal 2003, the Bush administration has combined the stand-alone federal class-reduction program with a program intended to enhance teacher quality. Now, states and school districts can decide whether to use about $2.85 billion in related funds for new hires or to bolster teacher quality. The move was designed to give states more "flexibility and accountability," says Eugene Hickok, U.S. undersecretary of education.

Critics say the federal move enables states to shrink their own programs and sets the stage for endless wrangling over future funding for such initiatives. "It's going to come down to how much clout the teachers and parents have," says retired Tennessee State University education professor Helen Pate-Bain, a prominent advocate of smaller classes and former head of the National Education Association, a teachers union.

About 25 states have class-size reduction programs. In 1998, President Clinton, who championed the cause, called the hiring of 100,000 new teachers and establishing the federal class-size reduction program.

Research over the years has indicated that smaller class sizes lead to higher achievement in the primary grades, with the most marked improvements occurring when a classroom has 20 or fewer students. The effect of small classes beyond third grade is more mixed. During the 30 years of reduction in the federal ratios, nationwide achievement trends were a mixed bag: Math scores rose steadily as science results fell for some age groups.

California, having already spent nearly $8 billion since 1996 to hire 28,000 new teachers, expects to complete an evaluation of its program by summer. Meanwhile, its program has had some unintended effects: In its hiring binge, the state had to take on more uncertified teachers to fill its classrooms, and about two-thirds of districts cut other programs, such as in music and art, to keep the classes small.

Such side effects haven't blunted support for small classes. Earlier this year, California's program was barely touched by budget cuts. Even as individual districts cut their programs, the California PTA is lobbying the state for more funding for smaller classes. "Parents and teachers still strongly believe that this is good for their kids," says Teri Burns, California's deputy superintendent of education, governmental affairs. "That pressure is still there."

Mr. KENNEDY. Mr. President, this is at a time when the administration is asking for $600 billion more in tax cuts. We cannot help the parents, the small towns, communities, and working families make sure they are going to have a qualified teacher in every classroom in South Dakota, in Illinois, and New Jersey.

Mr. CORZINE. Mr. President, will the Senator from Massachusetts yield for an observation?

Mr. KENNEDY. Please.

Mr. CORZINE. Mr. President, the point the Senator from Massachusetts is making with regard to cutting the resources we have available for education and then not funding the mandates really bites in the State of New Jersey. We have a $6 billion budget deficit in the upcoming year. Educational funding is going to have to be cut just to balance the budget. We have serious conflicts going on between teachers and administrations across the State.

If I have heard the Senator correctly, we are going to have virtually no increase in education spending at the Federal level this year at a time when we have decided we want to make permanent these tax cuts which really are going to people who are doing extraordinarily well in society.

Mr. KENNEDY. The Senator has defined the choice. This is a question of priority which the Senator has outlined, the challenges in his home State, and what the choices are.

The administration, whatever we think about the past tax cuts, has now requested of this Congress $600 billion more. The administration indicates that they have two priorities: Low-income children and special needs children.

I see both of my colleagues are here on this issue. They have indicated that the President has these two priorities.

Look at the special needs children. If we fund the $1 billion each year, as the administration proposed, it would take 33 years to fully fund IDEA. A first grader at the time IDEA was first enacted would be 67 years old by the time the Republicans' proposal fully funded IDEA.

That is the program that helps communities with special needs children. That program was fully funded when it passed here and went to the conference when the Republicans ran the Senate. When it came back, it was zeroed out. It was called special interest funding.

Then, as a matter of principle, the decision was made by our colleague and friend, the Senator from Vermont, Mr. JEFFORDS. He said that isn't enough. He became an independent because he did not believe meeting our responsibilities to special needs children was a boondoggle or pork spending.

I don't think the Senator from Illinois or the Senator from New Jersey believe that either. I want to know if they believe, as I do, that this is a national priority and should be a national priority, and that we ought to be willing to make sure we meet our commitment to those families who have the special needs children and to the taxpayers in those communities to make sure it is adequately funded.

Mr. DURBIN. Mr. President, if the Senator will yield, that is the important point, the last statement is the important point, because school districts in Illinois, New Jersey, and Massachusetts are facing a Federal mandate. Children with special needs, with learning disabilities, physical disabilities, and other problems are going to have to be given every opportunity to learn and be productive members of society.

That is something Congress and the Federal Government said to the local school districts. Yet we have not provided them the opportunity to do it.

The Senator from Vermont, Mr. JEFFORDS, and the Senator from Massachusetts, as well as the Senator from New Jersey and I, want the Federal Government to keep its words. We do not want to say to school districts: This is your responsibility; you figure out how to pay for it. In some States, school districts have to move children great distances to find that special learning situation and environment where they can prosper, and at great expense. That is money taken out of the regular classrooms, from the students and teachers. We need to make sure there is quality education for all kids.

The Bush administration says it is a good mandate. But if they want to spend additional money for tax cuts, we can't see it. They want to put $600 billion more into tax cuts primarily for wealthy Americans and not for education, for teachers, for students, and particularly for children with special needs. That is exactly the burden my school districts face in Illinois.

Mr. KENNEDY. There are smaller towns and communities that have children with special needs. When the school districts attempt to provide for children with special needs, suddenly the property tax rates go up in the local towns and communities. Parents feel they are blessed to have children with special needs. They understand the challenges faced in trying to take care of those children. I have never met a parent who does not believe in some way that child gives them an additional sense of purpose in life. All we are trying to say as a nation is we are going to try to help relieve that community from those very special kinds of additional obligations. We are going to provide some help—not all but some help and assistance.

Can either Senator explain to me why that is a lesser priority than trying to have this $600 billion tax cut? That is the choice. Are we going to help small towns? They can be in North Carolina the State of our Presiding Officer, or they can be in South Carolina. They can be in western Massachusetts, southern Illinois, or any part of the State of New Jersey. But these local communities are hurting and hurting deeply.

We have a lot of lip service, but if we are to follow what the administration has said in terms of funding for IDEA, it is going to take us another 33 years in order to do it.

Mr. CORZINE. If the Senator will yield for just a moment, I will make the observation this is not only for small communities. I think about towns such as Camden and Newark in the State of New Jersey, where class sizes average about 30. Many of these children who have special needs are mainstreamed, but they have special programs to try to lift those with learning disabilities.

These towns and cities do not have the tax base to even raise the necessary money. So what happens is, in fact, we are forcing failure to comply with the law, failure to meet the needs of our children. And if we, as a nation, do not begin to prioritize these elements of our population in this educational process, we are going to recycle these problems because it just goes on and on, and it is extraordinarily dangerous in our small towns and cities for our urban kids, particularly where you combine the problem of large class size and special needs for kids who have been mainstreamed in classrooms because there are no other choices.

I hope we can speak strongly about doing what we always argue: That we want to make sure we fully fund IDEA. It is not happening. I commend the Senator from Massachusetts for his effort.

Mr. KENNEDY. I thank the Senator because we have recognized this IDEA program has been built upon the Supreme Court holdings about responsibility. We have the responsibility to make sure education is going to be available and accessible to children with special needs. That is effectively the Court's decision.

So we have said we are going to provide help and assistance. We have failed to do so. As the Senator points out, the fact is, 25 years ago there were 4 million children who were effectively either being kept at home or pushed off in different kinds of settings who never had the opportunity for education. Now we know those children are working their way through.

What we have found, in terms of the graduation rates, employment rates, and even the college graduation rates, they have all dramatically increased. And the difference it has made is extraordinary in terms of their lives, living lives of independence and even being taxpayers.

My friend from New Jersey is in the Chamber. I want to mention one other area in which I know he is interested; that is, what has happened with the Pell grants.

We just have a brief opportunity. We have seen what the cost of education has been, the shrinking buying power of the Pell grants. We know how important this is in terms of children. The average income is $17,000 for those who are eligible for the Pell grants.

We found out back in the mid-1970s that paid for about 80 percent of the tuition for children who went to 4-year public colleges less so in private institutions. Now we have seen that purchasing power go down.

Does the Senator not agree with me that we, at some time, made a decision we were going to try to make sure that children of ability and talent, from wherever they came, whatever part of the country—despite their families' resources—would be able to gain entrance into a fine school or college in New Jersey or Massachusetts or any other State, that they would be able, with their limited means, to put together the Pell grants, have the Work-Study Program, and with their summer income—the extra work they might be able to do—have an education?

Will the Senator comment about what has happened with that Pell grant which has really been the key to opportunity? We will hear a lot of speeches in this body and a lot of speeches being made in America about the importance of education and how that opens the doors of opportunity. Does the Senator from New Jersey not agree with me that effectively we are closing those doors for a very significant number of Americans and, therefore, we are losing, at least for those young Americans, the real hope and opportunity that education provides?

Mr. CORZINE. The Senator from Massachusetts is exactly correct. It is extraordinarily disappointing that we have seen this kind of trend, particularly at our public universities, which were really designed to give every American access to higher education. I have not studied the numbers in the last couple months, but I think the average earnings of a college graduate relative to a high school graduate are almost double for someone who completes a 4-year college degree.

If we do not understand that reflects productivity into our economy and into our society, we are making a huge mistake. This kind of underfunding of access to the American promise, the American dream, I find hard to conceive. I know it has been important in my life, and it has been for many of our colleagues.

Mr. KENNEDY. I appreciate the Senator's comments because this Nation had been committed to that value. We had the land-grant colleges in the 1870s, which was the beginning of the commitment to make sure children with limited means would be able to go to college. We had the GI bill after World War II, and every evaluation shows that those who received the GI bill paid five times as much in taxes as it actually cost.

We had this commitment in the early 1960s with the Pell grants and the Stafford loans to put together, and day after day, when we have failed to fund this program, we are increasingly denying that opportunity for millions of Americans.

We have a responsibility to invest in the children of this country. The choice is clear: Are we going to follow what the President has suggested, $600 billion more in terms of tax cuts, or are we going to invest in the children of this country in K–12 to help provide help and assistance to those families, the special needs children, and the gifted and talented children, to take advantage of the Pell grants, or to otherwise be denied the education?

Mr. President, this is a matter of importance to every family. We want to give them the assurances that we on this side, on the Democratic side, are going to stand with the families. We are going to fight for this funding because it is our priority, their priority, and we will do everything we possibly can to make it a reality.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Am I scheduled now in morning business?

The PRESIDING OFFICER. If there is no further use of time on the majority side, the Senator may proceed.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2540 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call to the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. We are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

PUBLIC LANDS

Mr. THOMAS. Madam President, we have been very involved in relatively few issues over the past 6 weeks. We were on energy, and for about 3 weeks we have been on trade. Obviously, our attention has been very strongly on terrorism and doing the things that are necessary both overseas and internally. At the same time, we have talked among ourselves, of course, and one of the elements is to do normal business.

Today, I want to talk about an issue that is quite often normal business, particularly for those of us in the West, and that is public lands. Of course, there are a lot of aspects to public lands.

In States such as Wyoming, about 50 percent of the State belongs to the Federal Government, and therefore what is done with public lands has a great deal to do with our economy and our activities. We feel very strongly about it, of course. It is a big issue for us. The idea of multiple use is one that is always debatable and is being discussed. There are different kinds of public lands. There are those set aside for wilderness, for a special use, for a special reason, and there are those with various restrictions, set aside for parks or U.S. forests. So there are constant issues that relate to the use of that land.

Of course, much of our domestic energy is produced on public lands. So we need to make sure we can work on the extraction of energy and domestic production and, at the same time, maintain the quality of the environment. That is a debatable issue. I think we can do that, and we have demonstrated in Wyoming that you can have multiple use and production of resources, and you can have grazing and, at the same time, protect the land and the environment. So energy has become very much an issue.

As you know, the whole question over ANWR was the idea that we now look overseas for about 60 percent of our energy. We need to increase our domestic production so we become less dependent upon others. That continues to be an issue. But it is not only ANWR. That was simply the poster child. The fact is, in the West it is a very continuing and important issue. We are involved in doing EISs right now, and EPA and endangered species issues, which go together to make decisions.

Access is also very important. People like to visit public lands with multiple use. The question of roads comes up. Most people agree that outside of the wilderness, limited roads are the answer. Again, we have to protect the environment.

One of the things we have pushed for and continue to do so—and this administration has promised to do and I think is doing—is to allow for more flexibility and more local input. It is true the locals cannot make the decisions regarding public lands, but they can have very helpful input into how they are managed.

We are also talking about the use of snow machines in Yellowstone Park. Of course, there is some controversy about that. Some people don't think there ought to be anybody in the park in the wintertime. Millions of cars are there in the summer, but there are only a few thousand in the winter and that seems to upset them. Nobody is suggesting we continue to do it as we have in the past. But there are now reliable sources that can make quieter machines so that they can be managed better and separated from cross-country skiers. You can do a number of things to allow the owners to participate in public lands.

Another issue that has been discussed is the matter of fires. We are into that season now and we have already had forest and grass fires in some places. Certainly, we are better prepared for that now, partly because we have had three dry years. The Forest Service has invested a great deal more in personnel and equipment to deal with that problem.

One of the other issues that sometimes is controversial is the idea of trying to prevent forest fires by the removal of excess forage and fuel. It is something that has been done and can be done, and we have not done enough of it perhaps. We ought to be able to do some thinning in various places that will make fires less likely to occur, rather than putting all of our emphasis on fighting a fire after it has begun.

So public lands has a lot of interesting issues and always will, of course. There are people on both sides that sort of take extreme positions. Some say we should not touch those lands; they should be set aside totally. Others are not concerned about damage to the environment. So we need to find a reasonable middle ground so we can have access, so we can have multiple use and, at the same time, we can preserve the resource.

I want to talk briefly today about one aspect of it and that is our national parks. National parks are different, at least for one reason, in that they were set aside as national parks for a specific reason. The reason that is so different is the BLM lands—Bureau of Land Management. Most of the lands in Wyoming were not set aside, they were residual, what was left after the Homestead Act had been completed. So they may or may not have any particular significant character to them. Parks, on the other hand, do have significant character or they would not be designated as parks. So we have been working on that.

In 1998, I was successful in passing Vision 2014 in which we dealt for the first time in a number of years with ways to help strengthen parks, in terms of management and their concessions, and in terms of dealing with the natural resource needs, and dealing with financing of national parks. It provides for improved management, increased accountability. As in any other issue, there has to be accountability when you are talking about millions of dollars. Of course, it has to be management when you are talking about millions of people going there. So we were very pleased with that law. I think it is doing some things that are very useful.

Part of the funding in the past has been what has been called the demonstration fee project, which created park passes. That has been in place now for 3 years. The National Park Foundation has been instrumental in its success. Now there is a very attractive portfolio and picture and so on, and persons can buy this pass, which does two things. One, it gives accessibility to all 385 national parks and also helps to contribute to the sustenance of those parks. We certainly want to continue that program, but we are now going to be working on something that does expire. It is called the Demonstration Fee Program. It expires at the end of this year. It has been in existence for about 5 years. It was an opportunity for some small additional fee on certain parks and allowed for income and the opportunity to make expenditures on what is good for visitors in the parks. It extended not only to the Park Service but also the Bureau of Land Management, U.S. Fish and Wildlife Service, and the U.S. Forest Service.

It turns out the collection of the fee in many places is very difficult. In fact, with the BLM it is almost impossible. If there is a public land forest, and in some instances there are facilities, they can probably do that, but it is very difficult. On the other hand, parks almost always have an admission site, a gate for entry.

So the idea is the principal support for parks and public lands is provided through taxes from everyone, and then some small contribution made by those visitors. We are trying to avoid the idea of each park having various charges.

Eighty percent of the funds that come from the fees are used in the park where they are collected. Some parks cannot collect, so 20 percent is reallocated generally. But a major part of the fee goes to the park where the fee is collected.

We modified it some. We are making a permanent fee, rather than the demonstration fee which expires. We made provisions and criteria for the charging of the fee. We have a business management plan on the park and determine the feasibility of this program. Not all parks will be involved. We will do away with the nickel-and-dime fees where you pay for every little thing.

This provides a great opportunity. We talk a lot about the lack of funding for parks. Particularly in the infrastructure, that is probably true. This administration has made it clear they intend to increase the funding for the infrastructure, particularly of larger parks such as Yellowstone or Yosemite where there are millions of people visiting, where we have highway problems, sewer problems, facility problems. We have introduced a bill that makes this permanent. It helps fund our parks and keep them strong.

We have over 385 national parks in America. In addition, there are heritage sites and other parks administered by the Park Service. That is one of the real treasures of the United States, our national parks—whether they be in Florida, in the Everglades or elsewhere.

We are working on a fee demonstration program for national parks. The purpose is to keep them the valuable asset they are. They have to be preserved. We changed some concessions so they contribute more, yet make them competitive. We are seeking to get business management in the larger parks. They are big business, operating in millions of dollars each year. Times change. We are seeking to change with it. The purpose is to effectively manage the resources so they are available to their owners to visit.

We look forward to the passage of the fee demonstration project.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Dorgan amendment No. 3442 (to amendment No. 3401), to require the U.S. Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from Doha.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Boxer/Murray amendment No. 3431 (to amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3401), to ensure that the U.S. Trade Representative considers the impact of trade agreements on women.

Reid (for Durbin) amendment No. 3456 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3457 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid U.S. income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC Committees are representative of the producing sectors of the U.S. economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a U.S. Government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

Reid (for Landrieu) amendment No. 3470 (to amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

Brownback amendment No. 3446 (to amendment No. 3401), to extend permanent normal trade relations to the nations of central Asia and the south Caucasus, and Russia.

Grassley modified amendment No. 3474 (to amendment No. 3446), to express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.

Reid (for Jeffords) amendment No. 3521 (to amendment No. 3401), to authorize appropriations for certain staff of the U.S. Customs Service.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be for debate only, with the time equally divided and controlled by the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, we have had 3 good weeks of debate on this bill. I urge my colleagues now to think about voting to invoke cloture so we can get past this bill and get on to other business. We have already disposed of 19 amendments. A number of other proposed amendments have been addressed through colloquies and will also be included in the managers' amendment at the end of this legislation.

I might say, early in the debate we were able to forge a historic compromise on trade adjustment assistance which expanded the program to deserving groups of workers and, for the first time, provided health care adjustment to TAA recipients.

That is an extremely important development. Currently, trade adjustment assistance—that is, assistance to workers displaced because of trade—is paltry. It doesn't help workers very much. It only applies to primary workers anyway. We made huge, significant improvements to help develop a consensus on trade; that is, so more people get in on the benefits of trade or at least are not harmed when there is natural change in our economy because of globalism and economic readjustment.

This trade adjustment assistance part of it, it should be understood, I might say unpretentiously, is an extremely important part of this bill. As it stands now, I believe this bill is the most forward-looking and significant trade legislation to be considered by this body in over 15 years.

The fast-track extension included in this bill provides authority for the President to negotiate trade agreements, both multilaterally and unilaterally. Using fast track, the President will be able to open new markets for U.S. exporters and for the benefit of U.S. consumers.

As I have noted before, this section of the bill is also the most progressive ever to gain serious consideration by the Congress. Not only is the trade adjustment assistance provision most progressive, but also the fast-track TPA portions of the bill are most progressive. For the first time, labor and environmental issues are part of the core of any future trade agreements. That is monumental.

I cannot tell you, Madam President, the number of years that issue has been debated. Those who did not want labor to be included at all in the negotiating objectives of trade agreements, who did not want environmental issues at all considered, won the day. But, frankly, I think it was the breakdown of the ministerial in Seattle; that is, the trade ministers' meeting in Seattle, which could not cope with all the changes in the world, including the necessary inclusion of labor and environmental provisions, that has now brought this to where, in this legislation, we are doing so.

This bill for the first time includes labor and environmental issues. It also continues U.S. priorities such as opening agricultural markets. We all know one of the biggest challenges we face as Americans is knocking down agricultural trade barriers worldwide. The European Union is one of the greatest offenders.

We also know we want to preserve our U.S. trade laws, such as section 201 of our countervailing duty laws or antidumping, which are there to help keep other countries honest; that is, to help prevent other countries from dumping in America, from subsidizing their production and sending it over to America. We need those laws to help keep those other countries honest because our borders are significantly more open than are the borders of other countries.

So we need our trade laws to help them do what they know is the right thing to do. If we do not have our trade laws, they are unlikely to do it.

The legislation before us, as I mentioned, extends and expands trade adjustment assistance. It is critically important. This is long overdue. Let me just explain in some detail, although not much detail, what that provides.

We extend coverage to ensure workers can complete job retraining. That is an extension. We have a whole new pilot program on wage insurance, so a lot of people who are dislocated on account of trade have the option not to take the trade adjustment benefits but, instead, can take wage insurance, which essentially compensates the employee for half of the difference between his old job and his new job, the beauty of this being it helps people work again; they are back at a job working, as opposed to just receiving benefits.

We also expand coverage to secondary workers—not just primary workers.

For example, if an auto plant lays off employees, what about the supplier of windshields or the supplier of engine parts? They get laid off, too. Those are the secondary workers who are now covered under this bill. It is a huge benefit. We expand it to farmers and to fishermen. They get displaced because of trade many times.

As I mentioned, it is extremely important. For the first time, we provide health insurance for displaced workers. It is critically important in these days where, unfortunately for many people, it is hard to get health insurance anyway.

When you are displaced and lose your job, what are you going to do about your health insurance? You are going to need health insurance. We provide health insurance under trade adjustment assistance.

These matters should not be taken lightly. They are extraordinarily important. Those trade adjustment assistance provisions will be available to people who are displaced because of trade irrespective of whether it was a consequence of a fast-track bill, irrespective of whether that dislocation was a consequence of some trade agreement not subject to fast track—most trade agreements are not subject to fast track—irrespective of whether there is any agreement of any kind because the world economy is so fluid and some changes are almost chaotic. Those benefits in the legislation will be available to anybody who qualifies and loses a job on account of trade, irrespective of any fast track or any trade bill. It is vitally important.

The bill also extends and expands two very vital preference programs. One is the Generalized System of Preferences, GSP, and the other is the Andean Trade Preference Act, which is very important, particularly if we want to increase trade in South America. European countries and others have trade with South America. We need to get moving and have a better trading relationship with at least the Andean countries in South America. This bill extends those preference programs for 5 years, and also rebates tariffs paid since expiration which was the end of last year.

The two I mentioned are also improved. The Andean Trade Preference Act now includes a petition process for reviewing the progress of Andean countries in meeting the objectives set out in the bill. And the GSP Program has been updated to take into account the definition of core worker rights promulgated by the ILO's 1998 declaration. That is an update. It helps to bring ILO standards up to date.

Further, in this debate on this bill, Senators have improved the legislation through their amendments. Senator KENNEDY, for example, won an amendment to ensure that the global AIDS crisis is properly recognized in trade legislation. Senators DAYTON and CRAIG contributed an important amendment to ensure U.S. trade laws are not needlessly treated as bargaining chips in trade negotiations. I intend to see to it that this issue is properly addressed as this legislation moves forward.

Senator EDWARDS added an amendment to ensure that the interests of textile companies and their workers are treated fairly in trade negotiations, and under trade adjustment assistance.

I congratulate each of these Senators for their contributions and hope they will help us in moving their amendments and the entire legislative package forward.

We have had a good and full debate on this trade bill. I plan to continue to work with Senators to see to it that their concerns are addressed.

But it is time to begin to think about passing this bill. It is time to wind down the debate. It is time to invoke cloture. There are always going to be further amendments that some Senators wish to offer. But at some point we need to declare that enough is enough and move this process forward. I believe we are at that time. For the sake of American workers, for the sake of American business, for the sake of every American farmer and rancher, particularly American workers and employees, and because a very important part of this bill is to help those who are dislocated on account of trade, I urge my colleagues to vote for cloture.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I will speak briefly on the pending legislation, which is the trade promotion authority, the trade adjustment authority, the Andean trade agreement, the general agreement on tariffs language.

There is that old adage: If there are two things you do not want to watch being made, one is sausage, the other is law. Regrettably, that applies to this undertaking.

For reasons which still escape me but which appear to be necessary from the standpoint of the administration, there was a negotiation which occurred which involved how this bill would come to the floor. The majority leader decided to, out of the course which is typical, hook three major pieces of legislation together: Andean trade, trade adjustment, and trade promotion.

Traditionally, trade promotion, which has historically been noted as fast track, has been taken up as a single issue. It was not linked to trade adjustment nor with another treaty, which in this case would be the Andean trade promotion agreement. But the majority leader decided to bring the three to the floor, and the administration, working through the leadership on the Republican side of the aisle, working with Senator GRASSLEY, Senator LOTT, and Senator GRAMM, entered into extensive negotiations as to the makeup of the final package.

The result of that was, as I mentioned, something you probably should not watch, whether it is the making of sausage or the making of this piece of legislation because within this bill there are major new initiatives which have very little to do with trade, but a great deal to do with bad public policy, as we try to address issues such as health care and people losing their jobs.

There is no question but that the trade adjustment concept is a very important one. I have used it extensively in my role in public policy. There have been instances in New Hampshire where people have been put out of work because of what appeared to be unfair trade activity, and we have used trade adjustment to assist those individuals. It has been very successful.

Its purpose—the original concept of trade adjustment—was to train people, to give them new talents, new abilities, new capabilities, so they could go back into the workforce after losing their job because the job which they lost no longer existed because trade, competition had basically left it behind. We helped those people get back into the workforce and actually have more talent, more ability, and thus be more productive and actually end up being citizens who have a better earning capacity.

That is the goal of trade adjustment, a very laudable goal, appropriate goal, and something which actually has worked rather well, at least in my experience as it has been applied in New Hampshire. I used it aggressively both as Governor and since then, on occasion, I have had the chance to use it to help people in my role in the Senate.

But this bill takes the trade adjustment concept and moves it into an entirely different exercise. It moves it into an exercise of what basically amounts to welfare, in many instances, and to social engineering, in other instances, and into an attempt to address a health care need which is significant but which, when addressed in the manner in which it is addressed in this bill, puts us on a path which could lead to a radical expansion in the cost of health care for the taxpayers of America who have to bear the burden of these types of initiatives.

The bill has in it two major new entitlements, something called wage subsidy, which is a European model program that essentially says you are going to pay people to take less productive jobs. Somebody who is out there working hard, earning money, paying taxes, they are going to take their tax dollars and pay somebody who is out of work to take a job where that person will be less productive, encourage them to move into a less productive job—just the opposite of what the original purpose of trade adjustment was—a concept which is purely reflective of what is done in our European neighbors' economies, where they basically pay people to be nonproductive citizens.

That is the first entitlement initiative called wage subsidy: A person gets $5,000 to make up the difference between what they were being paid in the job they lose and the job they take. There are no limitations on this. There is no requirement of necessity. There is no requirement that there be an arm's length agreement. There is no requirement, if there is a similar or substantially similar job out there that the person could have taken at an equal amount of pay or better, that the person take that job. There is no requirement the person stay in the community.

There are none of the requirements that are the concepts built around trade adjustment, which are a person should basically be retrained, given new talents, new opportunities to find a new job within the marketplace where they lost their job. None of those protections are there. There are no protections against fraud and abuse, mismanagement of this brand new entitlement. And it opens the door to a massive expansion of this concept, which we see.

It is not as if that is a concern that is not relevant. We see that course of action being followed in our sister states, sister economies around the globe, where you have this concept of: If you pay people to do less and be less productive, that is actually an appropriate government policy where you take taxpayer dollars out of one person's pocket and put them in another person's pocket and don't ask that person to be more productive. You actually ask them to be less productive.

That attitude of governance, which is paternalistic and which is what dominates the continental European economies, has huge impacts on your productivity as a society and, therefore, on your creation of jobs and wealth and, as a result, on your creation, maintenance, and improvement of a standard of living.

There is an interesting article by Paul Johnson, one of the great historians of the last 20 or 30 years, on this specific point which is contained in a book entitled "Our Times." It is one of the reasons he views the European economy as having failed to maintain itself, because the European economy pursued this paternalistic approach toward economic activity on which we are embarking as a result of choosing this type of brandnew entitlement.

The second major entitlement in this bill is the health care entitlement, much more complex and difficult. The wage subsidy is just a pure outrage. If you have any interest in marketplace economics, it is an affront. If you happen to believe in a paternalistic approach to governance, it is a great program. But if you believe in the marketplace, it is an affront.

The health care entitlement in this bill, which has no place in trade promotion—it should be debated in the context of major health care reform—is much more complex but equally problematic because it creates a brandnew major entitlement. Basically what this says is, if you lose your job because of a trade-related activity, the Federal Government will come in and pay you 70 percent of the cost of buying health care under the terms with which you held health care prior to losing your job or under some sort of pooling agreement. It doesn't say you can go out and buy health care in the private marketplace or that you can join some other group such as an association and buy health care through that. It says you have to buy this new health care through your old health care provider or some new pooling agreement, a State-sponsored pooling agreement.

This concept is a prefunded tax credit, essentially a welfare payment. That is a new title for it, such as when someone comes up with a term to try to avoid the real meaning of what is happening. In this instance, what we have is a welfare payment which is being made to an individual who loses their job.

It is perfectly reasonable that we try to figure out some way to give reasonable health care coverage to people who lose their jobs. That is perfectly reasonable. But to do it in this narrow band of activity outside of a more substantive reform of the health care arena is to step us off on a path which is slick and which is clearly downhill and which will probably lead to incredible mismanagement of our health care initiatives and our attempts to correct the health care problems.

Right on the face of it, this creates an unbelievably difficult situation for people who are working and don't have health care. If you are working and you don't have health care today, you are now going to be paying taxes, probably increased taxes, to pay for somebody who is going to get health care who is not working. How fair is that? You can't afford health care. You are paying taxes. Your taxes go up so that somebody who doesn't have a job but who has a variety of different support mechanisms, including an additional 2 years of unemployment, significant benefits in the area of retraining, significant other benefits which are tied to trade adjustment—that person will also now get a 70-percent payment from you, the working American who does not have health care, to that person, the nonworking person who does not have health care, which creates a perverse incentive in the marketplace for the person who doesn't have health care, who is out of a job, to stay out of a job or maybe the person who needs health care who has a job to give up their job in order to get health care coverage.

It is very bad policy. It is unfair. It is extremely unfair to the person paying taxes who does not have health care coverage.

The second problem with it is, by demanding that the person who is getting this new coverage, the 70 percent of tax dollars to pay for that health care insurance—how many people in America today have 70 percent of their health care paid for them by the Federal Government? I guess the Part B premium on Medicare is the only people who will be competitively in the same situation; about 75 percent of your Part B premium under Medicare is paid for by other taxpayers. But in this instance, that 70-percent subsidy which comes from other taxpayers will now have to be used to purchase the highest cost health insurance that is probably out there, which is the health insurance left over from the job you just lost.

You can't buy anything other than a COBRA-based health policy or this new State pooling concept which does not exist. I am willing to almost guarantee it is not going to exist in most States because most States don't have enough people who are affected by trade adjustment to create a pooling agreement which would be viable through which to buy that health care insurance. They would have to set up an entirely different group of people to participate in the agreement. Maybe they will do that, but most States are not going to set one up just for trade adjustment.

As a result, a person will have a 70-percent subsidy to buy the most expensive health care rather than allowing that person to go out in the marketplace and make an intelligent and thoughtful decision as to where they will buy their health care.

You have immediately created an entitlement which is going to be driven perversely in the amount of cost it will incur and where the dollars are going to flow in order to purchase health care, instead of creating an atmosphere where the person without health insurance, who is out of a job, becomes an intelligent consumer of health care where they go out in the marketplace and say: What do I really need? What can I really afford here? And what do I really need in health care insurance? They look around and figure out what their best options are.

You are instead saying to that person: You must go out and buy the highest end insurance out there. You may not need it, but you have to buy it. Of course, 70 percent of it will be paid for by the poor person working down the street who has a job and doesn't have health care at all.

It makes no sense. If you wanted to throw a door open and look out over an abyss of massive complication, this is it. To step into the uninsured health care issue in this manner is to do exactly that. It is a massive new entitlement in its own right but a colossal mistake from the standpoint of health care policy and a major entitlement initiative as it expands from here.

This is going to basically become a roadmap for the future. It will be a rut that is going to be very hard to get out of intelligently as we move down the road of health care reform, especially for uninsured Americans. This is a big issue, something that has to be handled with a little more thought and foresight.

These are the two huge entitlements from a public policy standpoint. Financially, they are not scored that aggressively in this bill. But from a public policy standpoint, these are the two massive new entitlements in this bill. They represent an explosion of new entitlement activity that is incurring in this Congress and under this administration. The farm bill, scored at $80 billion when it first came through here over budget, is now somewhere over $100 billion, probably more than that, and most of it is in a new entitlement program.

There are a variety of other ones in the wings coming at us, whether they are mandated private sector activities or whether they are going to be something such as a drug benefit which now has a floor on it of $350 billion with no ceiling in sight.

When I came here in 1992, having just served as Governor of my State, my focus was mainly on two things. In fact, it was the main focus of four or five of us as new members, as Republicans, including Senators Coverdell, BENNETT, Kempthorne, HUTCHINSON, and later CAMPBELL. The focus was on unfunded mandates that were being put on the States. The second was the explosion of entitlement costs. We took aggressive action because we were facing a significant deficit and had been through many years of it, to try to get entitlements under control. We aggressively pushed that as new Members of the Senate.

It is sort of like "deja vu all over again," to quote Yogi Berra. Here we are facing a deficit, and we don't know how severe it is going to be. We are piling on entitlements, and the most difficult spending to get under control in Government is entitlement spending because it is automatic. It creates interest groups and basically is not capable of being reined in efficiently or effectively in public bodies that go up for election every 2 and 6 years.

I think the trades made in this bill are difficult, to say the least. To get fast-track authority—a procedural process for the President to have an opportunity to make his points on trade agreements, which cannot be amended by the Senate, that is a very important point on administrative prerogative, but it is procedural. In exchange for that procedural right, we are trading away very significant new entitlement initiatives which have explosive potential and are bad public policy.

As a result, I have deep reservations about this package. I regret it has been negotiated in the manner it has been by our leadership in the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, we will be conducting a vote on cloture at 11:30. Prior to the time we have that vote, I want to make some final comments about what I consider to be the importance of bringing debate on the bill to a close and making sure that we have a good vote on cloture this morning.

We opened the debate with a recognition of how critical it is in this country, with this economy, that we recognize especially the importance of our globalized markets and the need to be competitive in them. Under the strong leadership of Senator BAUCUS and with help from Senator GRASSLEY, we put together a historic package of trade legislation that dealt first with the Andean Trade Preference Act, an act that has already proven itself to be invaluable to not only those countries in South America that have benefited directly from increased trade with the United States, but this country as well—a recognition that this trade partnership ought to be extended, a recognition that it is not only an economic partnership but a strong political one, and that if we can continue to provide political communication and coordination in a way that allows us better economic return, we are going to strengthen those countries politically as well as economically.

That is what ATPA does. It is an opportunity for us to reaffirm our recognition of a partnership of South American countries and our confidence that economic trade is good for both.

Secondly, we added legislation to this package that, for the first time, addresses meaningful assistance to those workers who are displaced as a result of trade. My view has always been that there are far more winners than losers in expanding our trade around the world. But we also recognize that there are some losers and some who, for whatever reason, may have been dislocated. When those occasions occur, I think our country owes those workers a future, owes those workers some safety net to ensure that their health needs and, hopefully, their short-term unemployment needs are addressed.

The Trade Adjustment Assistance Act that we have put into this package addresses that need. It does so very effectively. For the first time, trade adjustment assistance will help those who have lost their jobs get coverage for health care under COBRA at 70 percent of the cost of the program itself. Seventy percent is an unprecedented statement about our commitment to those workers who have lost something as a result of changes in the environment that have been created as a result of job loss because of globalized market development.

We also provide new wage insurance legislation that helps older workers who may just be on the verge of retirement but not quite there. They are too old, perhaps, to get training for job relocation. They may be much closer to retirement than to the possibility of a better job through new training and the acquisition of new training skills. So this wage insurance is something the Heritage Foundation supports, something that trade study groups and think tanks have supported for many years, something that the U.S. Trade Representative also signed onto as an effective tool for assisting those who are also adversely affected.

So there is no doubt, when you look to the first two components, the opportunity for us to address workers who are adversely affected and the opportunity for us to extend the trading partnership with South America, I have no doubt that on that basis alone we have all the reasons we need to pass this legislation.

Finally, let me say the bill itself—the base bill—the TPA, trade promotion authority, provides us with yet another reason we should be supporting cloture this morning. We not only started with a good package; in my view, we improved upon it. We added the Dayton-Craig amendment on trade law that gives Congress an additional role, an opportunity for us to enhance the role as new trade agreements are presented.

We added the Dorgan amendment on transparency for the North American Free Trade Agreement, and the Kennedy amendment which helps us fight the AIDS epidemic all over the world. There were other efforts I supported that didn't become part of the bill, such as the Rockefeller amendment on steelworkers.

I must say that overall we have debated more than a dozen amendments, many of them very consequential. We have adopted eight of them. I believe the Senate has had the opportunity to work its will. There comes a time when the debate has run its course and we are called upon to bring that debate to a close and move on to final passage and other issues. I remind my colleagues that even after cloture we will have 30 hours of debate.

Senator BAUCUS just noted to me that there are a number of amendments still pending that will be debated and voted upon prior to the time we come to final passage of the bill. But this is our opportunity to say as strongly and unequivocally as we can that, first, we recognize the extraordinary importance of U.S. participation in global markets, and we are going to give this President—and any President—the tools with which to ensure that we have the framework in place to do so effectively.

.Secondly, we recognize particularly the important partnership we have created with Latin America. We want to extend that partnership not only for economic, but political and diplomatic reasons as well.

Finally, we recognize there are those who are ultimately going to be adversely affected. And while they may be in the distinct minority of all workers affected and the greater realm of good created in this legislation, we cannot ignore them. We are going to provide them health benefits, wage insurance, and the kind of safety net that they deserve when this kind of circumstance befalls them.

This is a good package. This warrants our support. I hope my colleagues will join in a bipartisan effort to support cloture this morning in an effort to move to the final phase of consideration of this legislation prior to the vote on final passage. I urge my colleagues to support cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all Senators should recognize the very hard work the majority leader has put into this legislation, particularly, in my judgment, the underlying strongest piece, and that is trade adjustment assistance. The majority leader, along with the occupant of the chair, Senator BAYH, both pushed very effectively to address a large gap, frankly, in American trade policy, and that is the inadequate attention given to those who lose their jobs as a consequence of trade. They built up the trade adjustment assistance.

All American employees who may in the future lose or who have lost a job as a consequence of trade should recognize the efforts of the Senate majority leader, Mr. DASCHLE, as well as the present occupant of the chair, Senator BAYH of Indiana, who were the primary movers in drafting the cornerstone part of this bill. We all owe them a great debt of gratitude.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will tell my friends and colleagues, both the majority leader and chairman of the Finance Committee, that I join them in urging our colleagues to vote in favor of cloture so we can move this bill on, so we can finish it. We have been on it now for almost a month. We have considered a lot of amendments.

That having been said, I do not agree with the process. The Senator from Montana knows that well. There are three bills that have been jammed into one. It is a very complicated bill. Two of the bills were reported out of the Finance Committee. We marked up those bills. They were included with trade adjustment assistance which was rewritten on the floor. It did not come out of the Finance Committee. So I objected to that, and I objected to some of the amendments that colleagues tried to add. We fought those battles. We have had some good debate. We have won some; we have lost some.

Now is the time to have a cloture vote so we can bring this bill closer to passage and end the debate on trade promotion authority, which I happen to think is the most important provision in the bill.

I also believe the Andean Trade Preference Act needs to pass. Its authorization expired months ago, and tariffs were supposed to be imposed last week on four Andean countries that really need our help, tariffs as high as 15, 25, 30 percent on countries that have not had to pay those tariffs for the last 10 years. We need to assist those countries. It is not fair to Colombia, Bolivia, Peru, and Ecuador. They are our friends and allies. They have negotiated in good faith with the U.S. Government for a reduction in tariffs.

We have abided by that agreement for the last 11 years, and we said we were going to extend it. We have not done so. It is up to the Senate. That is our constitutional responsibility. We need to get that done.

I do not think the Andean Trade Preference Act should be in that package. I lost that debate. Senator DASCHLE and Senator BAUCUS decided to put it together. The only way we can help those countries is to pass this bill. If we do not get cloture, I am afraid the list of amendments will continue and never cease.

The only way I see getting to closure is to vote for cloture. I urge our colleagues, Democrats and Republicans: Let's vote for cloture; let's address those amendments that are still remaining that are germane postcloture.

There will probably be a few. There is no reason we cannot finish this bill either later tonight or tomorrow sometime and get it to conference.

It is going to have a difficult conference because there are big differences. Frankly, the majority insisted on including trade adjustment authority and insisted on adding brandnew entitlements we have never had before in trade adjustment authority, including items such as wage insurance, which is almost anathema to the free enterprise system, but that is in this bill. We have to negotiate that with our House colleagues.

We have to negotiate a whole new tax credit to provide health care benefits that has never been a part of trade adjustment assistance. I am sure that is going to be debated extensively.

Anyway, it is going to be a very difficult conference. We need to begin that conference as soon as possible and hopefully come up with a bill that actually will promote trade, increase jobs, make us competitive, and help us to comply with international agreements.

I urge our colleagues to support this cloture motion.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Parliamentary inquiry, Mr. President. I believe we have about 6 or 7 minutes remaining. Five minutes. I yield myself some time under my leader time. That will still leave the final 5 minutes for the chairman and ranking member to speak.

I urge my colleagues to vote for cloture. We have been on this legislation for quite some time. I believe this is the fourth week we have been working on it, at least part of the time. We have had a number of amendments. We have won some, we have lost some, depending on your point of view. It has been a good debate. Senators have had a chance to offer amendments. It is time we bring it to a conclusion.

We need trade promotion authority for this President. We needed it for our previous President. I was for it when President Clinton was President. I think it is irresponsible for us not to have this authority to allow our Presidents, our administrations, to negotiate trade agreements that will help America and help our trading partners.

I do not want to get into a philosophical argument, but clearly it is the way America needs to go. We need to open markets, not be closing markets or closing our own markets. We can compete in the world trade market. We can produce more goods and more commodities. Our farmers need these markets, and this is the way to do it.

The second part of this legislation is the Andean Trade Preference Act. These countries in the northern tier and western side of South America are trying very hard to move toward economic growth, democracy, and freedom. They are doing a great job under very difficult circumstances—Ecuador, Bolivia, Peru, and of course Colombia.

It is very unfair that we have not already acted on this legislation. We are in an extension of time right now. Clearly, we need to pass this legislation. We need to separate the Andean Trade Preference Act and move it on in an expeditious way.

Last but not least is trade adjustment assistance. Different people will argue it is too much, it is not enough, but we have had trade adjustment assistance in the past. We do need to give some assistance to our workers, a bridge to the next job, maybe some training. There are health benefits. You can argue whether this is the best way to do it.

The bottom line is, we have done it. We have significant legislation in this area. When you put all of them together, it is time we bring it to a conclusion. If we vote for cloture now, we can finish this bill not later than tomorrow, and it would be a very high note for the Senate to finish up work before we go to the Memorial Day recess.

I urge my colleagues on both sides of the aisle: We have done a good enough job. We should move to invoke cloture, stop the extraneous amendments, and then move to a conclusion.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. GRASSLEY. Three?

The PRESIDING OFFICER. Three and a half.

Mr. GRASSLEY. Mr. President, with today's vote on cloture on the trade bill, we move one step closer to reestablishing the United States global leadership and credibility in trade.

We move one step closer to being better able to advance this country's economic interests in this hemisphere. And we will be one step closer to bringing greater economic prosperity to every American family. That is because with today's vote, the President will be one step closer to getting one of the most important tools he needs to strengthen the American economy, and to create new American jobs.

American leadership in trade has floundered for the last several years. We have seen over 130 preferential trade agreements signed by our trading partners in the last few years, none of which included the United States. This proliferation of preferential trade agreements among other nations—including major U.S. trading partners such as Canada and Mexico—is harmful to U.S. trade interests. These agreements provide their members with preferential access to one another's markets—while disadvantaging American agricultural products, manufactured goods, and many services.

Some American companies overcome these barriers by producing overseas. Many small- and medium-sized companies can't do this however, and because they are less competitive, they lose opportunity after opportunity to their foreign counterparts. This loss of competitive ability by our export-dependent firms, as well as our farmers, means fewer jobs.

It means lost wages or income. It means that hard-working American families aren't able to pay the mortgage, or the farm loan, or provide better education or other opportunities for their children.

Today, as we speak, the United States is engaged in new global trade negotiations in the WTO. We played a central role in launching these negotiations. Last year, we helped draft a Ministerial Declaration—a roadmap for the new round of trade talks—that contained nearly every one of our priority negotiating objectives, particularly in agriculture. As a result, we are poised to win unprecedented new market access for American agricultural products around the world.

In my State of Iowa, we know how important trade is to the family farmer. We export more than $1 billion worth of everything we grow or produce on the farm, accounting for more than one-third of total Iowa exports to the world. Our farmers, our pork producers, our soybean growers all depend on the income they earn from exporting to take care of their families and their communities. And the plain fact is, they would have more export-related income if world agricultural tariffs were lower, and other trade barriers were reduced.

Restored United States leadership in free trade will benefit other as well. An aggressive, American-led effort to open world markets will mean more jobs for our highly competitive manufacturing sector. At the John Deere plant in Waterloo, IA, for example, one out of every five tractors built in the plant is exported, accounting for over 800 export-related jobs. If we gain access to more overseas markets through lower tariffs, we could sell a lot more of these tractors and create more jobs. Our service sector, which provides nearly 8 out of every 10 jobs in the United States, is even more reliant on open world markets.

Because we are so competitive internationally, we have an $83 billion trade surplus in services. Liberalization of trade in services is only 5 years old. The potential to build even more American export growth in services is tremendous. TPA will help us realize this potential. With today's historic vote, America's days on the sidelines are numbered. America is almost back in the game.

I want to commend Senator BAUCUS and his staff for all they have done in moving this bill forward, and for working on a bipartisan basis to help restore America's leadership in world trade.

Mr. President, I strongly urge my colleagues to vote "yes" on cloture.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, May 22, 2002.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance.
Hon. CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS AND SENATOR GRASSLEY: On behalf of the Administration, I wanted to thank you for all of your efforts to produce a bipartisan trade package. Those efforts appear to be nearing a successful conclusion with this morning's cloture vote.

It is our hope that a substantial majority of the Senate will vote to close off what has been a full and fair debate and then proceed to final passage of the bill. In that vein, I wanted you to know that the Administration is opposing all further amendments to the bill. We hope that you will join us in order to ensure prompt passage of the bill.

Sincerely,
NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

The PRESIDING OFFICER. The Senator from Montana has 37 seconds.

Mr. BAUCUS. I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Baucus-Grassley substitute amendment for Calendar No. 295, H.R. 3009, the Andean Trade Preference Act.

Max Baucus, Chuck Grassley, Orrin Hatch, Zell Miller, Blanche L. Lincoln, John Breaux, Mitch McConnell, Chuck Hagel, Robert F. Bennett, Christopher Bond, Ron Wyden, Ben Nelson of Nebraska, Patty Murray, Jeff Bingaman, Pete Domenici, Pat Roberts, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment 3401 to H.R. 3009, an act to extend the Andean Trade Preference Act to grant additional trade benefits under that act, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—68

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Voinovich
Warner
Wyden

NAYS—29

Boxer
Byrd
Carnahan
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Ensign
Feingold
Harkin
Hollings
Kennedy
Leahy
Levin
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Specter
Stabenow
Thurmond
Wellstone

NOT VOTING—3

Helms
Inouye
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, Senator NELSON from Florida is ready to go with his amendment. I ask unanimous consent that it be in order for Senator NELSON to call up his amendment No. 3440.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is now pending. The Senator from Florida is recognized.

Mr. NELSON of Florida. Thank you, Madam President.

May I inquire of the chairman of the Finance Committee, it is my understanding that the number of the amendment that you just asked me to call up—I want to make sure that is applicable postcloture, because I have amendment No. 3454 that I understand is in order. It is the same subject matter, but there was some technical scrivener's reason of why there had to be two amendments instead of one.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Florida has the floor on pending business before the Senate. Please take your conversations off the floor to the cloakroom.

The Senator from Montana.

Mr. BAUCUS. To answer my good friend from Florida, it is my understanding that either of the two could properly be called up at this time.

Mr. NELSON of Florida. I thank the Senator.

Mr. GRASSLEY. Reserving the right to object, I want to have a further understanding of where we are parliamentary-wise. The Senator from Florida is asking to take up a different amendment than the amendment that dealt with citrus?

Mr. NELSON of Florida. No. The amendment is the same. It is my understanding that for a technical reason, postcloture, it was to be divided into two amendments instead of one. It is the same amendment. I am just asking, before we start debating the amendment, to make sure we have the proper one called up.

Mr. BAUCUS. Madam President, further answering the basic question of the Senator from Florida, the amendment we have on the list that is ready to be brought up is No. 3440. That was my understanding; that is the amendment to be brought up.

Mr. NELSON of Florida. That is fine with me. I wanted to make sure we were in the proper legal structure because I had filed two other amendments that were the same subject matter that would be correctly drawn to the bill. As long as the chairman indicates that the one we had filed originally is OK, that is fine with me. The subject matter is identical.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have to temporarily object until we have an opportunity to study the amendment.

Mr. BAUCUS. Madam President, the order was already entered and no objection was heard. Amendment 3440 is the amendment that is pending.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending amendment. It has a drafting error and it amends the bill in two places and is therefore out of order. I raise a point of order.

Mr. NELSON of Florida. The present amendment does not amend the bill in two places. The one that has been called up by the chairman of the Finance Committee is the original one. The junior Senator from Florida is purely trying to get the issue out so that we can discuss it. I was told that postcloture it had to be drafted in a separate way. It is an identical amendment.

I will proceed with the amendment on the reliance of the statement by the chairman of the Finance Committee.

The PRESIDING OFFICER. The point of order is well taken. The amendment as drafted to amend the bill in two places is out of order on its face.

Mr. NELSON of Florida. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Florida does have the floor.

Mr. NELSON of Florida. Madam President, I will continue to speak on the amendment, and for whatever reason you all are objecting, I wish you would find out what technical reasons you have for an objection. I assure everyone, this is the identical matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think we can clear this up. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I do not want to relinquish the floor. I yield to the Senator from Nevada without losing my right to the floor.

Mr. REID. Madam President, I ask unanimous consent that we go into a quorum call with the Senator from Florida recognized when we come out.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3454 TO AMENDMENT NO. 3401

Mr. NELSON of Florida. Madam President, pursuant to the discussions we have had, I call up amendment No. 3454 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 3454.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

Mr. NELSON of Florida. Madam President, I rise today to address the Senate on trade promotion authority and the opportunity this country has before it to participate in free trade.

I am a free trader. I believe it is a net benefit for both my State and the country to reduce tariff barriers and open markets to other nations.

We must do this in a manner that respects fair trading practices by important industries in the United States that are the engine of our economy. Need I remind everyone that in the war against terrorism, it is not only that we have to be politically and militarily strong, but we have to be economically strong as well?

There is some debate over our last free trade agreement with Mexico and Canada. I was a supporter of NAFTA and believed it was an important part of the economic growth the United States experienced in the decade of the 1990s. But NAFTA arranged for side agreements relating to certain industries our trading partners did not live up to. One of those clearly affected Florida. It was a side agreement that was going to be protective of winter vegetables, specifically tomatoes. That side agreement was not lived up to with regard to the importation of Mexican tomatoes, with the result that whereas Florida used to have a huge percentage of the national market of winter vegetables, we now supply only 30 percent. You can imagine what that has done to some of the fruit and vegetable farmers in Florida.

As we open our markets to all of the countries of the Western Hemisphere, we must consider how we can learn from and prevent these kinds of situations we have had in the past with things such as NAFTA and how we can prevent that from occurring in the future. That is why Senator GRAHAM and I have introduced this amendment to the TPA legislation that cuts right to the heart of free and fair trade.

This amendment says tariffs may not be reduced on commodities on which there is an existing antidumping order or an existing countervailing duty order. What does that mean? Well, I am going to explain it, if I may. When the executive branch, the Congress, or particular industries believe a certain nation is engaging in some kind of unfair trade practice on a particular commodity, then they go out and petition the International Trade Commission to investigate the trade of that particular commodity. That is what has happened with the recent steel case. If a thorough investigation by the International Trade Commission finds that an important product is being sold below fair market value and that a U.S. producer is thereby being harmed, it is considered dumping, an anticompetitive practice. Dumping is, in essence, price discrimination against U.S. consumers.

Now, there is another kind of order. This is an order that if a foreign government is subsidizing a particular commodity—a foreign government subsidizing a particular commodity—then that order would provide that those foreign manufacturers, or exporters—because they have that unfair competition because their government is subsidizing their particular commodity, and they are going to have an unfair competitive advantage; therefore, the Department of Commerce would issue a countervailing duty order.

So it follows that if a country or company is found by the International Trade Commission, or the Department of Commerce, to be actually engaging in unfair trade practices in such a clear-cut manner that it is issued either an antidumping or countervailing duty order, then under this amendment, while those orders are in place, those tariffs would not be reduced on those commodities until that dumping, or subsidizing, had ceased and the order had been removed. That is just as common sense as you can make it.

If you have anticompetitive behavior by a foreign government or foreign countries and there is an order out there put in place by the Department of Commerce or the International Trade Commission, as long as those orders are in place, you are not going to let the tariff be reduced that protects the U.S. consumer because it simply doesn't make sense to reward countries by further opening U.S. markets to commodities that are currently being dumped in the country by our trading partners until the dumping has ceased.

Now, some may argue that this amendment is not compliant with the World Trade Organization, the organization that administers trade agreements among nations, the organization that acts as a forum for trade organizations, the organization that settles trade disputes, and the organization that reviews trade policy. Well, some may argue that this amendment doesn't comply with that. I disagree.

First of all, the World Trade Organization's compliance should be judged based on the substance of trade agreements. This legislation is not the substance of trade agreements; rather, this legislation states the terms by which Congress will consider providing fast-track authority to such trade agreements. World Trade Organization compliance will be assessed later when a trade agreement is completed. So that argument doesn't wash as a counter to BOB GRAHAM's and my amendment.

Second, they might argue that this amendment provides a double penalty upon countries that practice anticompetitive behavior. Well, that argument is not accurate either. It is widely understood that antidumping orders are not viewed by the WTO as punitive. Instead, they are viewed as remedial.

Finally, some would argue against this amendment and act as if tariff reductions are a divine right. Tariff reductions are not a divine right. Tariff reductions should be viewed and approved on their face after consideration of all the facts. They should be viewed as mutually beneficial in a bilateral or multilateral scenario. Withholding a benefit should not be considered assessment of a penalty.

I might also add that this amendment of Senator GRAHAM's and mine does not violate the core basis of the Uruguay Round of tariff negotiations, and ultimately that Uruguay Round created the World Trade Organization. WTO compliance is not an issue in this debate. Instead, it is being used as a red herring to try to defeat this amendment.

For all of these reasons, I submit that this legislation doesn't violate the norms of the WTO and, actually, should strengthen the administration's hand at the negotiating table. Let me say that again to my friends in the administration, who have fought Senator GRAHAM and me tooth and toenail on what is free and fair trade. This amendment will actually strengthen your hand at the negotiating table by being another instrument to help you make sure there is free and fair trade, as we want to open up free and fair trade.

While the $9 billion Florida citrus industry is a concern to this Senator and my senior Senator from Florida, this amendment clearly affects many other commodities, including honey, steel, preserved mushrooms, Atlantic salmon, and sugar, and a whole number of other items I am going to list. We must not reward countries that engage in anticompetitive, predatory trading practices.

Madam President, my concern that we not undermine our antidumping procedures does not make me any less of a proponent of trade promotion authority in the best interests of my State and the country. Florida is an exporting State, and exports mean good jobs. According to the Department of Commerce, 11 greater Florida metropolitan areas posted exports of more than $120 million in 1999: Miami; the Tampa Bay area; Fort Lauderdale; Orlando; the West Palm-Boca area; Jacksonville; Melbourne, my hometown in the Brevard County area; Lakeland; Sarasota; Panama City; and Daytona Beach. Florida exported goods worth $24 billion in that year to more than 200 foreign markets.

These goods include computers, electronic products, machinery transportation equipment, chemical manufacturing, electrical equipment, appliances, and agricultural products. Trade promotion authority has the potential to open markets to Florida's entrepreneurs and small businesses and farmers.

I have been contacted by many Floridians asking me to support TPA, and I have by voting for cloture so we can move on with this bill. I helped out the Senator from Texas yesterday when there was an amendment that was threatening the stability of the bill. I ask my colleagues to support TPA, and I also ask our colleagues to support this amendment of Senator GRAHAM and me that improves the underlying legislation and would ensure we have free and fair trade.

I will tell my colleagues how important this is—other than to Senator GRAHAM and me for frozen orange juice concentrate, of which Brazil has 50 percent of the world market. If that tariff protecting the Florida citrus industry, the California citrus industry, and the Arizona citrus industry from unfair competition by dumping a product is taken away, Brazil, with 50 percent of the market, will take over 100 percent of the market, and that is not free and fair trade.

I do not know why the Senator from Texas and others—we talk about the purity of the legislation. I helped him yesterday. I cannot understand. We are talking about free and fair trade. We are not talking about monopoly trade which will occur to the detriment of California, Arizona, and Florida unless this amendment is adopted. There are plenty of other States, I say to Senators, that better be forewarned and forearmed that if they do not protect this legislation with this amendment, then those orders protecting the commodities from their States are not going to be protected in the future.

Let's talk about some of them. How about Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois with regard to steel products—steel products including barbed wire, welded carbon steel pipe, line and pressure pipe, oil country tubular goods, hot-rolled carbon steel flat products—all of those products that are manufactured in Senator LUGAR's State of Indiana.

The two Senators from the State of Ohio, Senators DEWINE and VOINOVICH, and the two Senators from Pennsylvania: Are you paying attention?

The Senators from New York: Are you paying attention?

Maryland, Illinois: You are going to lose the protection of your steel products and the orders that are out there protecting them unless you vote for this amendment.

Let's take honey. The Senators from Montana, North Dakota, South Dakota, and California—California has a big honey industry: You are going to lose your protection of those existing orders if this amendment is not adopted.

How about sugar? Sugar is going to be threatened by Belgium, France, and Germany, and I am talking about Louisiana, Hawaii, Texas, California, Idaho, Michigan, and Minnesota.

I inquire, Madam President, it is my understanding the side proposing the amendment has 1 hour; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. I thank the Chair.

I want to make sure those interests that are protecting sugar from the European Union, Germany, France, and Belgium, which include Louisiana, Hawaii, Texas, California, Idaho, Michigan, Minnesota, New Mexico, North Dakota, Ohio, Oregon, Washington, Wyoming, Nebraska, and Montana—do you realize that your commodities are threatened if you cannot protect them with your existing orders?

Let's talk about some of the steel products that would be threatened by Brazil. Carbon steel butt welded pipe fittings, iron construction castings, brass sheet and strip—and I could go through a whole list of steel products. Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Wisconsin: Senators, are you listening?

How about fresh Atlantic salmon from the States of Maine and Alaska? Senators from Maine, Senator COLLINS, and Senator SNOWE: Are you listening? Your orders protecting the dumping of products out of Chile are not going to protect your salmon.

Senator MURKOWSKI: Are you listening? You are not going to be protected from Chile's dumping of Salmon unless you protect those orders that are outstanding.

How about Oregon's mushrooms being protected from Chile? If they do not keep those orders and they allow those orders to be cast aside and the tariff to be reduced, it is not going to protect them.

How about Alabama, Georgia, Texas, and Kansas on the cement industry being protected from Mexico? Senators from Alabama, Senator SHELBY and Senator SESSIONS: You are not going to be protected on your orders that protect your cement industry unless you protect those orders from being undermined by the adoption of this amendment.

What about the State of New York? Antifriction ball bearings being protected from Singapore. There is an order there.

How about Montana, the Dakotas, and California, as I mentioned earlier on honey? The last time I mentioned honey, it was Argentina. Your products are not going to be protected.

Also in Argentina, they produce hot-rolled carbon steel flat products, and Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Senator FITZGERALD, they are not going to be protected, those same States being protected from Brazil on a countervailing duty.

Earlier, I talked about the antidumping orders, honey from Argentina, hot-rolled carbon steel flat products from Argentina; steel products from Brazil has another kind of order against it, according to the Department of Commerce, because they have evaluated the situation and determined those two countries have unfairly subsidized those products I just listed—honey, affecting Montana, the Dakotas and California; Argentina, affecting hot-rolled carbon steel flat products affecting Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois; and Brazil, affecting a multiplicity of steel products; that the governments were, in fact, subsidizing those products; that the Department of Commerce of the United States would have an order to protect those products.

Folks, this is a foreign country subsidizing against the products coming from your States, the U.S. Department of Commerce issues an order, and that order is going to be in jeopardy of being ignored unless you adopt our amendment. It is a commonsense amendment. It is an amendment that simply states that as long as there is an order from either the International Trade Commission or the U.S. Department of Commerce protecting a commodity because it is being unfairly dealt with in anticompetitive behavior in international trade, that as long as that order exists, this amendment says you cannot reduce the tariff.

Madam President, to retain the floor, since we have had some squabble, I yield to my colleague, and upon the finishing of his remarks, I seek to retain the floor. I yield to my colleague from Florida.

The PRESIDING OFFICER. Is the Senator seeking consent to that effect?

Mr. NELSON of Florida. Yes.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The Senator cannot control the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. Then, Madam President, it is interesting we are talking about free and fair trade. What we ought to have is free and fair debate. Earlier, because of some technical reason, people from that side of the aisle were trying to prevent me from offering my amendment that I have been waiting in the queue very patiently for weeks to offer. I have become a constant visitor with the chairman of the Finance Committee and with the ranking member, seeking to protect an industry from Florida facing life or death, an industry that is so important to the State of Florida that the license tag of the State of Florida has emblazoned upon it the emblem of that industry, the Florida orange.

I thought about free and fair trade we could have a free and fair debate. So, Madam President, I have said my piece. I will relinquish the floor. I hope others will accord me the privilege within the span of the hour, that should additional things arise, they will give me the courtesy of being able to speak. I thank the Senate for indulging us and giving us an opportunity in which to air an issue that is most important to all of these States and most important to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me first respond by saying each Senator has a right to the floor. No one can prevent a Senator from having an opportunity to be recognized. Second, the Senator is offering this amendment now because of the willingness of the chairman and the ranking member and every Member of this body to allow him to jump ahead in line of literally dozens of amendments that were filed earlier and that could have been offered before his amendment.

If we had followed the rules of the Senate, instead of granting the Senator special privilege, we would have had a fairly substantial number of amendments that we would have had to deal with before he could have ever presented his amendment. I don't know if there is any perception of a grievance here. A, I am sorry; and, B, I don't think there is a basis for it.

Now, let me address the substance of this amendment. It always amazes me when people are free traders and all they can talk about is your commodities are threatened and you are losing protection. This amendment is a protectionist amendment. This amendment is an effort to take all those products the Senator mentioned off the table in terms of future negotiations, even if the negotiations have to do with eliminating unfair trade practices.

It is also based on a false premise. Every Member of the Senate should understand this false premise. The false premise is that if there currently is a countervailing duty or an antidumping order on a product from Texas—let me take honey; I don't know that there is such an order, and I am not seeking such an order, but for every honey producer I have, I probably have 500,000 honey consumers. So it always is amazing to me that everyone is willing to let consumers pay a higher price by preventing competition, but let me just take my example—say there was a countervailing duty on honey, that we concluded that honey was being sold too cheaply to schoolchildren. It is an excellent source of nourishment, an excellent product people like to eat. But it is being sold too cheaply. We don't want them to have it that cheaply. So we have a countervailing duty on it.

Listening to the Senator from Florida, one would assume that if there is a trade negotiation put into place and is consummated, and in that process we change the duty on honey, that it overrides the antidumping agreement. That is totally and verifiably false. Let me say that again. If there is a countervailing duty on honey, if there is an antidumping order on honey, and under this bill the President negotiates a trade agreement, say, with Chile, that affects honey—it does not override the countervailing duty, does not override the antidumping order—those orders would still stand until they are removed.

In listening to the Senator from Florida, you get the idea that the President can negotiate away these antidumping orders. Not so. They still stand until they are removed.

If you look at the language of the Senator's bill, it is clear his concern is not with countervailing duties and dumping, even if they are removed. Even if the cause of their imposition is eliminated, you cannot negotiate a trade agreement involving those items for 1 year after the problem is fixed. In the end, this amendment takes off the table in trade negotiations literally hundreds of items.

Let me argue why that should not be done. We are trying to promote trade. We are trying to see a benefit from trade through competition.

Second, how can the President negotiate with countries if we are taking all the things they produce—the things they are most sensitive about, the things they are most concerned about, and the things they have a comparative advantage in—off the table? If this amendment were adopted, it would be a body blow to our whole effort to negotiate free trade agreements with countries such as Chile, countries that are major agricultural producers.

I remind my colleagues what the Senator's amendment does is deny the ability to negotiate a trade agreement containing these items, even though the fact they are contained in the agreement does not override a countervailing duty, if the agreement is ratified by the Senate, does not override a dumping order. We simply have this being used as a ruse to take numerous items off the table.

We are down to the point now where we have debated, for many weeks, the effort to give the President fast-track authority. The administration is adamantly opposed to this amendment because they believe it guts the very foundation of trade promotion authority and it does it in two ways. It takes off the table numerous items that are important to other countries, in terms of their negotiation and, quite frankly, important to us.

Part of a trade negotiation can be aimed at unfair trade practices where, if a country is subsidizing steel or some other product, part of the trade negotiation can be to require, as part of what they are giving in return for our opening markets here, they are opening their markets there—part of what they can give up is these subsidies. But the amendment of the Senator would say: No, those negotiations cannot occur within the context of trade promotion authority, even if the negotiations occurred, unless the antidumping order were vacated. Unless the countervailing duty were overturned because the causes of it were changed, nothing in this new free trade agreement would have any impact.

If Chile is dumping honey—and, God forbid, because schoolchildren would be getting honey too cheaply and they would be harmed, I guess—but if Chile is dumping honey, under this amendment you could negotiate a trade agreement that involved honey, even though no trade agreement we could negotiate would overturn the countervailing duty. It would still be in place. Only if it is removed in the future because the underlying cause is removed, then the trade agreement would go into effect.

The Senator talks about life and death of his State. We already have in the bill a limitation on the ability of the President to negotiate in the area of frozen concentrated orange juice, one of America's great foods. Every child in America should drink orange juice every morning. Yet we have prohibited the President from having full power to negotiate with regard to frozen orange juice. Why? Basically because this industry wants protection. We have chosen between orange juice producers—and I have some in my State—and all the children in America who ought to be drinking orange juice in the morning.

Talk about unfair trade practice, that is one of them. The point is, it is not as if we have not already given special protections to the very industries the Senator is talking about. What he is doing is trying to take off the table a massive range of items that, in reality, would say that you could vote for trade promotion authority knowing no trade is going to be promoted. This amendment would destroy the foundations of trade promotion authority and it should, and I believe will, be beaten.

But I finally want to address one point that I have just been dying to address throughout all these debates. Some people act as if you can have trade without having trade; that when you enter into a free trade agreement it is fine to have trade as long as your trading partner doesn't sell anything in your country.

I have been on the Finance Committee for some time now. The Senator from Florida mentioned tomatoes. When we entered into a free trade agreement with Mexico, they started selling a lot more tomatoes. I am a big tomato buyer. I speak with some authority on the subject. Why is Mexico selling all of these tomatoes? For two reasons. No. 1, they are better; they taste better. If you have not compared a Mexican tree-ripened tomato with a domestically produced tomato then you are making a bad mistake. I ask anybody in America to submit to the taste test. The Mexicans have sold more tomatoes for one simple reason—well, two, really, but one is dominant: It is a better product. It is a superior product. You can taste it and you can taste the difference.

The reason they can do it is they handpick these tomatoes and they put them in these cartons like egg cartons. They are ripened when they are picked, they ship them to market, and people buy them.

It is true that the people who were producing tomatoes before we entered into the agreement are not selling as many tomatoes, but what is trade about? If trade is not about letting superior products displace products that are not as good, what is the purpose of it?

The second reason they sell more tomatoes is they are cheaper. So how in the world can we claim we are for free trade, we want more trade, but then we protest, we are self-righteous, we are outraged, when our competitor, producing a better product at a lower price, is successful?

People are for free trade but they are not for trade. They are for opening markets as long as nobody sells anything in the United States. It is amazing to me, the convoluted way we see trade. If we could just send everything we own abroad, people would be happy. Exporting they love—just give it away, let it go—but if we bring anything to America, somehow, something is wrong with it.

I close with this point. It is interesting how differently we view the world today on this issue than it has been viewed historically. I go way back by quoting Pericles. When Pericles spoke in the funeral oration, and he was trying to sum up the greatness of Athens, it is interesting that the example he came down to was imports.

> The luxuries of the world are as freely available in Athens as they are at those places in the world where those items are produced.

The greatness of America is that people we do not even know, who do not even know us, are working to produce things to bring to our market that we can consume. You have products coming on trains and boats, this whole effort, all aimed at bringing to our feet the benefits of trade. Because we are the one nation in the world that understands how we benefit.

Look, I am sympathetic. I have lots of people in my State who have lost from trade, who could not compete. But has the Nation lost? If I had tomato producers in the valley who lost their markets to Mexican tomatoes, they have lost. But has America lost if we have better tomatoes at a cheaper price? And what will Mexico do with that money? Every dollar they get, they are going to spend on American products.

We know from trade data that the wages in those industries where they are going to buy products are 16 percent above the norm.

I submit with all respect that when we focus on trying to protect people from losing from successful trade, rather than focusing on trying to develop more winners, we miss the genius of the product.

Finally, provisions in this bill—which I do not support but are in the bill and I voted for cloture and I am going to vote for the bill—say that if you are a tomato producer and you lose your job, you get 2 years of unemployment benefits, you get 70 percent of your health care cost, you get a wage guarantee. Whereas, if other people lose their jobs because a terrorist blew up a plant they worked at, they get 26 weeks of unemployment and nothing else. So it is not as if we are not trying to cushion people who happen to lose from successful trade.

I submit that this amendment is protectionist and that it aims at protecting industries from competition. It is based on the false premise where it tries to get people to believe that by letting the President negotiate in areas where we have antidumping and countervailing tariffs, somehow those negotiations overturn those tariffs and those countervailing duties. They do not. Those stay in effect until they are removed, even if there is a free trade agreement.

I have not proposed—and I don't know anyone who has proposed—that they be removed because of the free trade agreement. The source of unfair trade has to be eliminated for those countervailing duties and for the antidumping measures to be repealed.

But to simply say, even though they will not be changed by free trade agreements, that you can't even negotiate a free trade agreement that would involve products that are currently subject to these penalties, even if the negotiations are aimed at eliminating the subsidies, and then saying even if you eliminate the penalties, even if you find they have stopped dumping for a year after there is no problem, you still can't negotiate an agreement—it seems to me that the sole purpose of such an amendment is to prevent the President from negotiating agreements.

The problem with it is that we want to negotiate because we want everybody in the world to have an opportunity to fly on a great airline or to use the finest computers or to buy things we produce. But in order for people to be willing to let our products into their markets, we have to let their products into our market. There is no such thing as a single-entry bookkeeping system where people say: Well, whatever is great for you we agree to, but then nothing that is great for us can be considered.

I urge my colleagues to reject this amendment.

Let me tick off some of these States. If you were from Texas—and I am, and I thank God for it every day—and we have honey producers—and I thank God for them, too—and they were subject to protection under antidumping, and the President under this bill negotiated a free trade agreement with Chile—which I hope he will, and I am for it—it would help Chile, and it would help America; it would be good for the world.

Please understand that will not overturn countervailing duties against honey. It will not overturn antidumping measures against honey.

The same is true for steel from Pennsylvania. The same is true for avocadoes from Arizona or from California. Nothing in our bill gives the President the power to negotiate eliminating antidumping measures or countervailing duties. He can negotiate tariff reductions that go into effect once those problems have been solved. But a treaty negotiated under this bill does not override those measures. Since it doesn't override those measures, why in the world would you want to ban the President from negotiating in these areas?

It seems to me there are two reasons. One is you are confused—I don't believe any Member of the Senate is confused—or you want to protect these items from competition. It would be great if you had this view of the world and would not let people competing with us sell anything. We sell everything. That is a strange view of the world. But some people have it. But nobody else will do that.

If you implement all of these restrictions, just understand, when the Senator from Florida went through that long list of things that could not be negotiated—it was a long list; I am sure he has more—and asking if Senators were listening—how would you ever negotiate a trade agreement if you couldn't negotiate any of those items? Those are all items we import. I can assure you that Chile or Europe or whoever is negotiating with us is very interested in those items.

So I urge my colleagues to reject this amendment. We have shown by an overwhelming vote that we want to give the President trade promotion authority. To go back now and enact a gutting amendment that would destroy the whole trade authority for the bulk of items that America buys on the world market would mean it is not useful. It would be like giving the President a car without an engine or wheels. You could say you gave him 90 percent of a car; it just doesn't have a starter. What good is it? You can look at it, you can sit in it, but you can't do with it what cars are supposed to do.

If we give the President this trade authority but we don't let him enter into any agreement in all these different areas, what have we given him? Something nobody will let us use in negotiating with them.

I urge my colleagues to reject the amendment and vote for the motion to table.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, it is my understanding that the Senator from Iowa wants to speak. I would simply defer if he would like to speak. But in light of the fact that he is not seeking recognition, let me address some of the points the Senator from Texas, my friend, has just raised.

The Senator from Texas said the President can negotiate. The fact is that this amendment will help the President in his negotiations, for addressing the question of the existing orders in trade negotiations is ultimately going to foster that negotiation. The question is not whether the President and the administration can negotiate. Clearly, the President is unimpeded in that ability to negotiate. The subject of this amendment is whether or not, when there are orders existing, they have to be taken into consideration in the negotiations with regard to the reduction of a tariff.

Mr. GRAMM, the Senator from Texas, asserts that clearly 100 items with existing orders and protection from anticompetitive behavior would be taken off the table. He is right.

The Senator and I agree on two things. First of all, we support the overall legislation as free traders. We certainly agree that there are lots of items. All of these items are covered by antidumping orders or countervailing duty orders. This amendment forces the President to address the anticompetitive behavior that led to the order being issued in the first place.

Who issues the order? If it is anticompetitive behavior through dumping of a product onto a market and trying to drive the U.S. competitor out of business, then it is the U.S. International Trade Commission. If it is the anticompetitive behavior of a foreign government that is subsidizing the product to the disadvantage of the American product, then the order is issued by the U.S. Department of Commerce.

So this amendment does not deny the ability to negotiate. It does assist the negotiations. I think in this arcane language of trade promotion, and so much of which we refer to by acronyms—TPA, and TAA, and whatever the acronym is for the Andean Trade Act, which I support—it is often lost over the bottom line of what is free and fair trade. We, of course, want international trade. We want competition.

So as I see my colleague from Florida in the Chamber, who wants to speak on this amendment, I will just again reiterate the points that I made before in rebuttal to the Senator from Texas.

First of all, in relation to World Trade Organization compliance, whenever anybody says this is going to mess up the process of the WTO, well, the WTO compliance should be judged based on the substance of trade agreements. With this particular amendment, the substance of the trade agreement is not harmed, but, rather, this amendment states the terms by which the Congress will consider providing the fast-track authority to such trade agreements. The World Trade Organization compliance will be assessed later when a trade agreement is completed. It does not impede the President's ability to negotiate at all.

Second, when the opponents of this amendment say this amendment provides a double penalty upon countries that practice anticompetitive behavior, that is not accurate. It is widely understood that antidumping orders are not viewed by the WTO as punitive, that they are viewed as remedial.

Third, let's understand that tariff reductions are not a divine right. Tariff reductions should be viewed as mutually beneficial as we go about the process of bilateral and multilateral negotiations. Withholding of a benefit should not be considered assessment of a penalty. Rather, what we should try to strive for is the goal, at the end of the day, of free and fair trade, not the running of a particular business or industry out of business just for the sake of doing that, when, in fact, there are existing orders to protect them against anticompetitive behavior.

Madam President, I yield the floor and look forward to the comments of my distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, I am very pleased to join this afternoon with my colleague, Senator NELSON, in offering this amendment to the trade legislation.

I am a strong supporter of expanded trade. I believe in the principle that if the world trades with each other, it will not only give us greater assurance that competition will be in commercial areas, not in military areas, it also gives to the world the opportunity to get the best quality and priced products that are available.

I believe in competition and that the United States will, in the future, as it has in the past, fare very well if that competition is fair. Free trade does not mean trade with rules of anarchy. Free trade is associated with fair trade, trade that is under a rule of law that sets certain standards of behavior for the participants, whether they be nations or individual economic entities in that trade.

Madam President, as you will recall, we spent a considerable amount of time last week debating what is known as the Dayton-Craig amendment. That amendment, offered by our distinguished colleagues from Minnesota and Idaho—one a Democrat, one a Republican—essentially said this: That while we were granting, with the Trade Promotion Act, broad authorities to the President to negotiate, and we were giving to the President our future right to amend those negotiated agreements by accepting the fact that whatever is negotiated we could either provide a green light of "yes" or a red light of "no," but we could not offer a yellow light of "caution" or "modification," but that we were going to exclude certain items. We voted, therefore, for the Dayton-Craig amendment, which said that from that general policy of providing the President broad negotiating authority, we were going to exclude certain items and require that they be brought back to the Congress for a vote on those items, specifically without the protection of fast track.

First, what was it that we protected? We said if our negotiators were to negotiate and alter the basic laws that this Nation has developed over the years, which give us greater assurance that trade will not only be free but fair, those matters would require specific and individual congressional approval.

The first provision was the antidumping provision. Antidumping is where a specific commercial entity is alleged to be trading in a product at a price which is below that company's cost of production in the country in which it produced the product. So that whether it is an agricultural product or an industrial product, America is not going to become the ultimate target for predatory marketing practices, where an entity that has a product of which it cannot otherwise dispose dumps it on the United States market at a price below what it cost them to produce, therefore threatening the survival of American enterprises which have to sell their product at least at what it cost them to produce or they will be out of business and their workers will be out of jobs. That does not seem to be an unreasonable provision.

The second provision that the Dayton-Craig amendment gave special treatment to was countervailing duties. What is that? Those are directed at nations which have practices that subsidize a particular product, so that when it is sold, it is effectively sold at less than what should have been the cost of production. That is where a government provides special benefits that distort the competitive marketplace.

Those are the two areas that were protected from fast track by the Dayton-Craig amendment. Those were adopted by the Senate by a substantial majority. We have done this because we recognize the importance of protecting the international marketplace of commerce from these trade practices which could be so distorting and which would defeat one of the basic principles of free trade which is that you encourage competition on a level playing field and whoever can prevail on that is the victor. This tilts the playing field toward one company or one country because of practices that distort that level playing field.

The amendment that Senator NELSON and I are offering today is the implementation of the objective of the Dayton-Craig amendment. Dayton-Craig intends to assure us that we will continue unless the Congress—and I think it is unlikely—would vote to eliminate our current laws against dumping and against providing government subsidization at below the cost of production—but assuming that those basic principles of fair trade prevail, what our amendment says is that the reduction in tariffs that are provided under the Trade Promotion Act "shall not apply to a product that is" at that time "the subject of an antidumping or countervailing duty order . . . unless"—and the Senator from Texas, my good friend whom I respect and refer to as my Teutonic cousin, did not mention the provision—"unless the agreement"—that is, the trade agreement which purports to change the tariff on a particular product—"provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product."

Under our amendment, our negotiators would be authorized to negotiate tariff concessions, but at the same time they would have to negotiate appropriate conditions or qualifications that would assure to the United States that those concessions would not be implemented until 1 year after that country or that company has met the requirement to rid itself of the antidumping or anticountervailing duty provision, which means that they had stopped the predatory practices that had disrupted the level playing field of international commerce.

I do not find that to be a radical or extreme position. If you believe we should have these methods of enforcing fair trade, antidumping and countervailing duties, then certainly you have to believe we should have the means of protecting ourselves against a country which has violated those laws, is under a sanction for that violation, and is now trying to get tariff concessions to increase their ability to act in a predatory way against the United States.

This issue should not be partisan. It should not be regional. It should not be a provision which divides the Senate, in my judgment, particularly based on the vote we took last week on Dayton-Craig. It ought to be a unifying amendment.

This issue has been a unifying issue in our State of Florida. I will submit for the RECORD a letter which was sent today by our State Governor, Jeb Bush, to both Senator BAUCUS and Senator GRASSLEY. I will submit it for the RECORD, but let me read in part:

> I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin.

I believe this is a very important amendment, if we are dedicated to the principle of providing our President the capability to negotiate to expand trade in the United States. But we have reserved for the Congress the right to review specifically any changes that are made in that process that relate to our ability to enforce fair trade.

And now with this amendment, we would give real teeth to that sanction by saying, having preserved our ability to maintain a level playing field of fair trade through the ability to impose countervailing duties against a nation or antidumping orders against a particular commercial entity, now we can give strength to that by saying, if you are under those sanctions, either one, you would not be eligible for tariff concessions until you had purged yourself for 1 year of those predatory practices.

I believe we should send a very strong signal to our trade partners that if they are willing to play by the basic rules of fair international commerce, we are prepared to open our markets even further to them. But until they are willing to do so, until they are willing to give up their previous practices that have distorted that international market, they will have to pay the price of those actions in the form of their noneligibility to receive any tariff concessions from the negotiations by our President which will be eventually submitted to this Congress for its up-or-down vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank our colleagues from Florida, Senator GRAHAM and, in particular in this case, Senator NELSON. They are really good Senators. Senators are elected to defend the interests of their State and defend their people and try to help economic growth and development in their States. We all do that, all of us as Members of the Senate. For those folks in Florida who may be watching and are interested in this subject, I want them to know that their two Senators are doing a great job. I hear from Senator NELSON and Senator GRAHAM constantly on this issue: What we can do; how can we work this out; how can we compromise; what can we do to help here. I commend the two of them for their very strong, valiant effort.

This is a subject with which we are wrestling. We have to make a judgment as to where we draw the line with respect to helping protect industries and products in our own country and States. The real question is, What about agricultural products which are by their nature sensitive? Under current law, the President does not on his own have the authority to reduce tariffs on such products. He has to get the approval of Congress. That is current law. The other body passed legislation which basically gives the President the authority to reduce tariffs on certain products by proclamation, up to 50 percent of the current tariff rate. The other body added that the President may not reduce tariffs by proclamation with respect to import-sensitive agricultural products; not only not by 50 percent, but not a single percentage point in reduction of tariffs for these products.

Our underlying bill has those same provisions; namely, the President has the authority, by proclamation, to reduce tariffs by up to 50 percent on most products, but not with respect to import-sensitive agricultural products.

There are other provisions in this bill which help address the concerns raised by the Senators from Florida. For example, the bill provides a special consultation procedure for negotiations on import-sensitive agricultural products. That is, before initiating negotiations on these products, the U.S. Trade Representative is required, under the provisions of this bill, to engage in special consultations with the Finance Committee and with the Ways and Means Committee in the other body and also with the Agriculture Committees in both bodies.

This measure is designed to help give that extra protection for those very sensitive industries. I know the Senators from Florida would like to go further. They would like the legislation to provide that the President may not come back to Congress with tariff reductions.

I ask unanimous consent to print the letter from which I quoted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, May 22, 2002.

Hon. MAX BAUCUS,
Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: I am writing to bring to your attention an important issue concerning Florida citrus during your consideration of Presidential Trade Promotion Authority. It is critical that the Congress support the citrus industry's efforts to address unfair trade practices and dumping against Florida's agriculture interests.

As Governor of a state with a large agriculture base and a vibrant international trade sector, I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin. The continued encroachment of unfairly traded imports will severely impact the citrus industry.

In seeking to create legislation that will help promote free but fair trade for our country's industries, I hope that you will take into consideration the need to support import sensitive products in pending legislation and future negotiations. I appreciate your consideration of my comments. Please do not hesitate to contact me should you have questions or concerns.

Sincerely,

JEB BUSH,
Governor.

Mr. BAUCUS. Under the Nelson amendment, not only can the President not proclaim tariff reductions on import-sensitive agricultural products, he cannot even negotiate a new agreement reducing tariffs on those products. To be truthful, that presents a lot of problems. It violates the principles of MFN—most-favored-nation trading status—which is, whenever we grant a tariff reduction to one country, it is granted to all countries. That is the basic underlying principle of GATT and WTO for all countries. What you give to one, you give to all. Otherwise, there would be this crazy system where it would be virtually impossible to trade.

This amendment would violate MFN, because, if the United States were trying to negotiate tariff reductions on a certain product in various countries, but at the same time there was an outstanding order on the same product with respect to one particular country, this amendment would say the President cannot reduce tariffs because of that one country. If one particular country were under restrictions, this amendment would prevent the tariff from being reduced on that product for all countries. Therefore, it violates the principles of MFN.

Madam President, I very much understand the efforts of the Senators. They make some good points. I just don't know that it is proper to tie the President's hands to such a great degree. This amendment will prevent the President from coming back to Congress in negotiating tariff reductions when there is an outstanding order.

I urge Senators not to support this amendment. We have given a lot to import-sensitive agricultural products in this bill. The pending amendment goes too far. I think it should be rejected.

Mr. NELSON of Florida. Will the Senator from Montana yield?

Mr. BAUCUS. Yes.

Mr. NELSON of Florida. If there is no more debate, I am ready to put the question. If the Senator will instruct Senator GRAHAM and me when to put the question, we will request the yeas and nays.

Mr. BAUCUS. Madam President, in answer to the Senator's question, I know of no other debate. However, due to extraneous circumstances, we cannot have a vote until at least 2:05. We can get the yeas and nays and order the vote for an up-or-down vote on the amendment. The vote can begin at 2:05.

Mr. NELSON of Florida. Is it in order to ask unanimous consent to have the yeas and nays and a vote to occur at 2:05?

Mr. REID. Madam President, we would have no objection from the Republican side if that would be a motion to table rather than a straight up-or-down vote.

I amend the request of my friend from Florida by asking unanimous consent that we have a vote at 2:05 on this amendment, that it be on a motion to table that will be made, with no intervening amendment to this, and then we can set this aside and move to something else for the next half hour or so.

The PRESIDING OFFICER. Is there objection to the request?

Mr. NELSON of Florida. Reserving the right to object, I would like to put into the RECORD—and intended to do so earlier—a letter from the Florida citrus industry indicating their support for our amendment. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FLORIDA CITRUS INDUSTRY,
May 16, 2002.

Hon. BILL NELSON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NELSON: First we want to express the appreciation of the Florida citrus industry for all your work on behalf of the industry with respect to Trade Promotion Authority. The industry knows the time and effort you and your staff have devoted to ensuring additional safeguards are placed in TPA for Florida's citrus industry.

We would like to reiterate our support for the Nelson/Graham amendment with respect to anti-dumping and countervailing duties. We appreciate the efforts you and Senator Graham have made with Senator Baucus and the Administration in pursuing this language, and the counterproposals offered by Senator Baucus and the Administration. However, we believe the alternative presented does not adequately address the underlying concerns by the industry. As you recall in your meetings with the industry over the last several months, the growers are clear in their support for an exemption for citrus. We understand the Administration and Senate leadership were clear in opposing those attempts and we are appreciative of your willingness to look for creative ways to provide additional steps in TPA to help our industry.

Again, thank you for offering the Nelson/Graham amendment. It is an important issue for our industry and we appreciate your efforts on this matter and look forward to working with you and your staff as negotiations move forward both in Conference and in FTAA.

Sincerely,

BOB CRAWFORD,
Executive Director, Florida Department of Citrus.

ANDREW W. LAVIGNC,
Executive Vice President/CEO, Florida Citrus Mutual.

BARBARA CARLTON,
Executive Director, Peace River Valley CGA.

DOUG BOURNIQUE,
Executive Director, Indian River Citrus League.

RON HAMEL,
Executive Director, Gulf Citrus GGA.

RAY ROYCE,
Executive Director, Highlands County CGA.

LISA YOUNG RATH,
Executive Vice President, Florida Citrus Processors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair and thank the Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we have a long list of amendments ahead of us, many of which are not germane, particularly since the invocation of cloture. Clearly, they are not going to get 60 votes to override the point of order that would apply to them.

In the greater interest of moving this bill, which I think is the desire of a very significant majority of Senators—witness the vote for cloture; 68 Senators voted for cloture—beginning 10 minutes from now, I am going to begin calling up amendments that are on the list which will be declared not germane. I will make a point of order against each of those amendments that it is not germane. If the Chair agrees, we will, therefore, dispose of a lot of amendments accordingly.

I give Senators 10-minute notice to come to the Chamber because if their amendment is yet to be called up and they have not yet called it up, it will most likely be declared by the Chair as not germane. I am giving them an opportunity to come over and make their case publicly to the Chair for why they think the amendment should be germane. If they are not here within 10 minutes, I am going to, on behalf of Senators who have amendments, call them up and make a point of order.

Mr. REID. Madam President, will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. REID. I say to Senators, this is not something Senator BAUCUS has gone around lobbying, suddenly making these nongermane or raise points of order because of the budget. This is something that has been done by the Parliamentarian.

As the Senator indicated, if it is a germane point of order, it takes a simple majority to override that point of order. As we learned in the past, they are not going to get 51 Senators to override germane points of order. It has created real tangles for the Senate in the past. That is not going to happen.

Those amendments relating to budget matters, if they can get 60 votes, fine. We will have to see how that happens. I hope to facilitate moving this bill. The chairman of the committee, the manager of the bill, is doing the absolutely right thing. It is going to happen at some time. As I indicated, those who are following their amendments know whether it is germane or not germane because the Parliamentarian made that decision a long time ago.

Mr. BAUCUS. In the interest of fairness and notice to Senators who I also hope are fair with respect to the rest of the body—and I know they will be—the amendments I have in mind are amendment No. 3445 offered by Senator BAYH; amendment No. 3447 offered by Senator BYRD; amendment No. 3450 offered by Senator BYRD; amendment No. 3451 offered by Senator BYRD; amendment No. 3452 offered by Senator BYRD; amendment No. 3453 offered by Senator BYRD; amendment No. 3431 offered by Senators BOXER and MURRAY; amendment No. 3432 offered by Senators BOXER, MIKULSKI, and DURBIN; amendment No. 3457 offered by Senator DURBIN, as well as amendment No. 3459 offered by Senator HARKIN.

They have about 6 more minutes. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, will the Senator indicate which amendment he is calling up?

Mr. WELLSTONE. This is the amendment on human rights and democracy which is germane. I am trying to get the amendment offered.

Mr. BAUCUS. Can we get a copy of the amendment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3467

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3467.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect human rights and democracy)

On page 246, between lines 15 and 16, insert the following new paragraph:

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights.

Mr. WELLSTONE. Madam President, I thank my colleagues for their graciousness.

This amendment which I offer to the fast-track portion of the substitute is critical to ensuring fairness in this global trading regime. It will improve the majority of the lives of Americans and our trading partners.

The amendment adds a principled negotiating objective regarding human rights and democracy. It says to our negotiators that they should obtain provisions in trade agreements under which the parties to the agreements strive to protect internationally recognized civil, political, and human rights. These are rights guaranteed under existing international covenants.

This is not a debate about fast track, and again, I believe it is a profound mistake for us to give up our right to amend trade agreements because these trade agreements are going to have such a critical impact on the lives of the people we represent.

This amendment says: The rules of international trade ought to reflect American values. Our country ought to be a leader when it comes to promoting the values of democracy, when it comes to promoting the values of respect for human rights.

What we are saying is: U.S. trade negotiators, during your negotiations, we want you to obtain a provision in the trade agreement which makes it clear that the parties that they must make a commitment to strive to protect internationally recognized civil, political, and human rights.

I say to Senators, in some ways I do not think this amendment should be controversial.

There are some who say we have to be a part of this international economy. I agree. The international economy is a new reality. I agree. We should not put up walls on our border. I agree. Free trade—or I would argue fair trade—could work well for our consumers and make our businesses more competitive.

As we lead in this new international economy, let's lead with our values. We ought to at least say to our trading partners: We call on you to respect human rights and democratic principles. It is an important proposition and, at a minimum, we should demand countries try to do better. That is what this amendment says.

Here are some examples of the behavior of some of our trading partners. From the State Department Country Reports on Human Rights, 2001 for China: Police and other elements of the security apparatus employ torture and other degrading treatment in dealing with some detainees and prisoners. Former detainees and press reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and the list goes on.

Is it too much to ask that our trade agreements have a provision that calls upon our partners to strive to meet the standards of recognized international covenants meant to protect the civil, political and human rights of the citizens of the world?

Another example is Russia. Again, this is from our own State Department Country Reports, 2001. There were credible reports that some law enforcement officials used torture regularly to coerce confessions from suspects and that the Government does not hold most officials accountable. Torture that was recognized in the State Department report takes one of four forms: Beating with fists, batons, or other objects; asphyxiation using gas masks or bags sometimes filled with mace; electric shocks; or suspension by body parts.

Again, all I am saying is, if you have governments that engage in the practice of torture, when we enter into trade agreements with those governments, shouldn't we have as a goal of the agreement that the government will strive to protect internationally recognized civil, political, and human rights? Can't we make it a negotiating objective to get that commitment?

Another example is Colombia. From the Amnesty International Global Report of 2001: The human rights crisis continues to deepen. More than 4,000 people were victims of political killings, over 300 "disappeared," and an estimated 300,000 people were internally displaced.

The report notes that some of this was the work of the FARC, the radical left guerilla group, but it also reports that some of the mass killings were done by the paramilitary, often linked to the military.

My point is simple. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens, that summarily execute people for exercising their basic right to question the government, that practice forced abortion, and that arbitrarily arrest, detain, and exile their citizens.

I make the point again. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens.

We should include in this fast-track bill a negotiating objective that calls upon our trading partners to strive to live up to international civil, political and human rights standards. We ought to do that. We ought to lead with our values. We ought to say this should be a part of any negotiating strategy.

It is un-American to trade unconditionally with nations that deprive citizens of fundamental rights guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil Rights and Political Rights, such as the right to worship and the right to a fair trial.

If we are going to enter into agreements with countries that deny people the right of worship or the right to a fair trial or that torture their citizens, or that summarily execute people because they question these governments, at the very minimum, we should make it clear, the Senate should make it clear, that we want to have a provision in these trade agreements that at least calls upon these countries to strive to live up to these basic standards.

I also argue it is un-American to trade unconditionally with nations that intimidate their citizens and are so corrupt that public participation is out of the question.

It is important to lead with our values. We ought to be promoting human rights. What makes me most proud to be an American citizen, to be a first-generation American, to be a Senator from Minnesota, is the way our country stands for human rights and for democracy and for freedom. I am saying in mild, moderate language, that our trade negotiators should have a principle negotiating objective, like the ones already in this bill for intellectual property rights and agriculture, that calls upon our partners to strive to live up to international human rights standards. Why not have the U.S. Government be part of that?

I am not saying don't trade with them. And my amendment doesn't say don't trade with them. I am saying trade in a way that lives up to American standards. Use trade agreement to get commitments out of trading partners to shape up—to respect the rights of their citizens.

In the January/February 2000 edition of Foreign Affairs National Security Advisor Condoleezza Rice said: "There are no guarantees, but in scores of cases from Chile to Spain to Taiwan, the link between democracy and economic liberalization has proven powerful over the long run." In remarks made to the Society of American Business Editors and Writers last April, USTR Zoellick said: ". . . we have to ensure that trade policies are aligned with our society's values. Free trade is about more than economic efficiency. It promotes freedom abroad." In an address to the Council of the America's earlier this month, he said: "Democracy is more than just holding elections. It is the Liberal idea embodied by the phrase, 'The rule of law, not of men.' It is a neutral, comprehensive framework of rules enforced impartially and justly."

And Monday, when talking about Cuba, the President said:

> Political and economic freedoms go hand in hand . . . Without major steps by Cuba to open up its political system and its economic system, trade with Cuba will not help the Cuban people. It's important for Americans to understand, without political reform, without economic reform, trade with Cuba will merely enrich Fidel Castro and his cronies. With real political and economic reform, trade can benefit the Cuban people and allow them to share in the progress of our times.

It seems the administration has the rhetoric linking political and economic progress—especially when it comes to embargoes. But where is the commitment? Where is the commitment to ensure this progress with our trading partners? It is with our trading partners that we can actually make a difference. How can we stand here and debate a bill that doesn't even demand that our trading partners try to do better when it comes to human rights and political freedom? Economic, political, and social progress have always gone hand-in-hand. If public participation in the political process, if transparency in government, if acknowledgment of the fundamental rights of man come second to trade—to economic property rights—it is exploitation. It is the text book definition of exploitation because someone owns those property rights—rights that affect everyone in society—but very few have had a say in their distribution. Today there are negotiators at the table at the WTO negotiating away rights over which the citizens of those respective nations have absolutely no say.

If that is the case, why does this fast track bill make anti-corruption in the trading regime and transparency at the WTO, principal objectives for U.S. trade negotiators? Why do those advocating this bill think these things are important enough to demand them from countries in the trading arena, but not important enough to demand that these same nations allow such public participation in decisionmaking for their own citizens? Why? I will tell you why—it is because the current trading regime is all about protecting the rights of the investor regardless of the situation of the worker.

When I look at some of the statements made by the administration, in the abstract, there are some I absolutely agree with. We have to promote human rights and democracy. We must insist on it in our foreign relations. But this must be more than rhetoric. We must have a commitment. Including a principle negotiating objective calling upon our trading partners to strive to live up to these standards is a way to show that commitment.

I have been talking about values but I could talk about competitive disadvantages too. A lot of what is going on throughout the world puts our working people at a severe disadvantage. Whether I look at Mexico, Colombia, or many other countries around the world, the situation is the same. People, quite often, if they try to organize and bargain collectively to get a better wage and working conditions, wind up in prison. They end up being tortured.

Who pays the price? The people in the other countries pay the price for it. Our workers pay the price for it. It is hard for working people in our country to compete against a corporation that can go to another country, exploit children, work them 18 hours a day, and not abide by fair labor standards or abide by human rights standards. They can not compete against it and they should not have to. In my opinion, this treatment: persistent violations of human rights, payment of slave wages, exploitation of people at the workplace by making them work under the most uncivilized working conditions, is a trade barrier. I don't think our corporations and our companies and American businesses or American workers should have to compete with this.

Given the floor situation I will make my final two points. This amendment is about values and this amendment is about economics. We should lead with our values. If we are going to enter into trade agreements with other countries, can't we at least have a provision in the trade agreements that calls on them to live up to basic human rights standards? Should we be silent on these questions? Should we be doing business with countries all around the world without at least calling on them to live up to the international covenants respecting basic civil, political, and human rights? I think not.

The United States of America should not be silent when it comes to human rights. We should not be silent when it comes to persecution against people trying to practice their religion. We should not be silent when it comes to people being rounded up and imprisoned for trying to organize a labor union and having decent working conditions and wages to support their families.

Finally, without at least some language dealing with democracy and human rights, we put American companies and American workers at a severe economic disadvantage. We find it very difficult to compete with companies located in countries whose governments violate basic human rights standards, that allow children to be worked to death, that allows slave wages, that allow uncivilized working conditions, and that crack heads when people try to organize and join a union in order to get a better standard of living. This human rights and democracy amendment strengthens this legislation and I urge my colleagues to support it. Since my colleagues were gracious enough to let me speak, I yield the floor and eagerly await their response.

AMENDMENT NO. 3445 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent amendment No. 3445 that was introduced by Senator BAYH be withdrawn. I have his permission.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I do not want to interfere with other colleagues who might come out and offer amendments. If colleagues are not anxious to speak now, I would like to make another point or two. Senator GRASSLEY indicates that is fine.

I want to read from the International Confederation of Trade Unions Annual Survey of Violations of Trade Union Rights for 2001.

In Mexico:

> Independent trade unionists faced difficulties in organizing during the year . . . there are frequent abuses in the country's 4000 or so maquiladoras; 1.3 million workers are paid less than six dollars a day to work in often deplorable conditions and only 40% of them stay more than 3 months in their job; unpaid overtime, sexual harrassment, discrimination in employment, non-existent health and safety precautions and unfair dismissals are just a few examples of the daily lot of maquiladora workers.

In Colombia:

> In 2000, more trade unionists were killed in Colombia than in the whole world in 1999! One hundred and thirty-five trade unionists, both leaders and members, were assassinated during the year, bringing the total number of trade unionists killed since 1991 to several thousand. At least another 1,600 have received death threats over the last three years, including 180 in 2000. 37 were unfairly arrested and 155 had to flee their home region; another 24 were abducted, 17 disappeared, and 14 were the victims of physical attack.

The 2002 International Labor Organization (ILO) Global Report on Child Labor has estimated that over 8 million children worldwide are trapped in the unconditional worst forms of child labor—which are internationally defined as slavery, trafficking, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, and pornography, and illicit activities.

Madam President, 180 million children aged 5–17—or 73 percent of all child laborers—are now believed to be engaged in the worst forms of child labor, comprising hazardous work and the unconditional worst forms of child labor. This amounts to one child in every eight in the world. Of the 171 million children engaged in hazardous work, nearly ⅔ are under 15 and should be immediately withdrawn from this work and rehabilitated.

From an April 2002 Human Rights Report titled "Tainted Harvest: Child

Labor and Obstacles to Organizing on Ecuador's Banana Plantations'':

> In 1994, according to government estimates, approximately 38 percent of all children in Ecuador between the ages of 10 and 17 worked, or roughly 808,000 children approximately ½ of these children were between the ages of 10 and 14; in the rural sector, roughly 59 percent of children between ages 10 and 17 worked, or approximately 568,000 children. In 1998, another government survey indicated that the percentage of children at work between the ages of 10 and 17 in Ecuador had risen to 45 percent. Child workers were exposed to toxic chemicals, handled insecticide-treated plastics, worked under fungicide-spraying airplanes in the fields, and directly applied post-harvest pesticides in packing plants. They described using sharp tools, including knives, short curved blades, and machetes, and lacking potable water and sanitation facilities. One child described his situation when he was 11: "I went under the packing plant roof until the [fumigation] plane left—less than an hour. I became intoxicated. My eyes were red. I was nauseous. I was dizzy. I had a headache. I vomited."

Of course nations must be held accountable. But where is corporate accountability?

There are numerous reports that Coca Cola is not taking decisive public action to prevent the killing of union members at its plants in Colombia. You can be certain that if a Coca Cola plant in Colombia found a product defect there, it would call out the dogs. Coca Cola personnel would be on the first plane out of Atlanta and in Colombia doing immediate quality control, figuring out where the problem is and finding a solution. I am outraged there isn't the same response when it comes to credible reports of violence against union leaders and activists in its plants. Is a life worth less than a trademark? A recent investigative report into the closing of a Phillips-Van Heusen Corporation factory in Guatemala by the U.S./Labor Education in the Americas Project found that PVH closed the factory and busted the only union with a collective bargaining agreement in Guatemala in order to shift production to poverty-wage sweatshops that are in flagrant violation of Guatemalan labor law, as well as the White-House-initiated Apparel Industry Partnership code of conduct.

I have many examples of absolutely deplorable working conditions, people who are exploited, people who die at work, many of whom are children.

I will say it one more time: U.S. companies cannot compete with this. More importantly, they should not have to. We ought to at least call upon our trading partners to shape up when it comes to basic worker rights. We ought not be undermining our own economy. We ought not be undermining our own companies. We ought not be undermining Americans with this trade policy.

I say to my colleague from Iowa, this is a perfect marriage of values and economics. There are a lot of governments in this world, at least 70, that systematically torture their citizens. If we know this is the case, and we are entering into trade agreements with these nations, shouldn't we at least have a provision in the trade agreement that calls upon them to strive to live up to internationally recognized human rights standards? How can anybody be against that proposition?

When it comes to economics, I will say it one more time, one of the reasons there is so much suspicion about these trade agreements, which can be very good, is that often times they are not in the best interest of working people. Workers in Minnesota understand this and workers across the country understand it. They know they cannot compete against workers who make $6 a day, or $3 a day, and who work under deplorable working conditions. They cannot compete a country that lacks respect for basic human rights standards, that lacks respect for basic economic conditions, that doesn't allow people to speak up and call for a different policy without ending up in prison and being tortured.

Colleagues, I have a democracy and human rights amendment on the floor. I am calling on the Senate to be its best. I am calling on us to support these values.

I did not say that, as a condition of trade, we should say to these governments that they must live up to these standards though that is my wish. Instead, I am saying, at the very minimum we make it a priority in our trade negotiations and in our trade relations with other countries to at least call upon those countries to strive to meet internationally recognized civil, political and human rights standards. This amendment ask only that countries try. I urge my colleagues to support it.

I yield the floor.

VOTE ON AMENDMENT NO. 3454

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Florida, Mr. NELSON, No. 3454.

The Senator from Montana.

Mr. BAUCUS. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—60

Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—38

Akaka
Bayh
Boxer
Byrd
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Leahy
Levin
Lieberman
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

AMENDMENT NO. 3474, AS MODIFIED, TO AMENDMENT NO. 3446

The PRESIDING OFFICER. The regular order is the Grassley second-degree amendment to the Brownback first-degree amendment.

The Senator from California.

Mrs. BOXER. Mr. President, if the Senator will yield, I want to do a unanimous consent request. I have an amendment that has been offered and is pending, amendment No. 3431. That amendment is not germane postcloture, but I do have a germane version of the amendment. The amendment deals with making sure that the truckdrivers who will lose their jobs when we start having trucks coming into this country driven by noncitizens through the NAFTA agreement would be eligible for help.

I ask unanimous consent to substitute amendment No. 3511 for amendment No. 3431 and that it be considered in the same order as amendment No. 3431.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am not surprised that my friend would object to this. I will simply make one more unanimous consent request, and then I will yield the floor.

I ask unanimous consent that the pending amendments be set aside temporarily so I might call up amendment

No. 3511. This would put my amendment that is germane on the list at the end of the list.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am very sorry that we can't vote on this issue because I believe truckdrivers, who are some of the hardest working people in this country, are going to be thrown out of work. It is very sad.

Fortunately, I have talked to Majority Leader DASCHLE. He has assured me that we will have a vote on or in relation to this particular issue on the next bill that comes up that is not an appropriations bill.

I am very pleased at that. I thank the majority leader and thank my friends.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President. I rise to support the amendment that Senator GRASSLEY has offered to the Brownback amendment.

On the eve of the President's summit with President Putin, I join my colleagues in recognizing the importance of out ties with Russia and the Central Asian republics. These countries have been very reliable allies in our war on terrorism. They have shared intelligence with us, granted overflight and refueling rights, and cooperated in the stationing of U.S. troops. They also have supported our efforts in the United Nations to undermine terrorist organizations.

All of these efforts warrant our recognition and our gratitude. It is my expectation that President Bush will be conveying the sincere appreciation of the American people for Russia's close cooperation with the U.S. in recent months.

I want to draw attention to a key provision in the resolution. It states that the Senate "supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner."

Title IV of the Trade Act refers to the so-called Jackson-Vanik amendment. In order for Russia to have permanent normal trade relations—PNTR—with the U.S. we have to terminate application of Jackson-Vanik. Granting PNTR will be a requirement when Russia joins the WTO, which may still be a year or more away.

I want to be clear about what we mean when we say that PNTR should be granted "in an appropriate and timely manner." It means that we should extend PNTR when we have a clear picture of the terms on which Russia will join the WTO.

That is the responsible thing to do. That is how we approached PNTR for China. It also is how we approached PNTR for other Jackson Vanik countries, including Albania, Bulgaria, Romania, Mongolia, Georgia, and Kyrgyzstan.

I look forward to the day when we can welcome Russia into the WTO, along with other countries covered by this resolution. At that time, I hope and expect that Congress will give its strongest backing for PNTR.

AMENDMENT NO. 3474, AS FURTHER MODIFIED, TO AMENDMENT NO. 3446

Mr. GRASSLEY. Mr. President, I send a further modification of my amendment to the desk. The purpose of the modification is to make some changes to satisfy the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

(Purpose: To express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002)

In lieu of the matter proposed to be inserted inset the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

Mr. GRASSLEY. Mr. President, on the eve of President Bush's European visit, it is appropriate to point out how attitudes have changed regarding the President's actions with respect to the Anti-Ballistic Missile Treaty. A little more than a year ago there was widespread concern over President Bush's decision to withdraw the United States from the ABM treaty. Recently there has been a general change of mind. It appears that many of Bush's biggest critics incorrectly guessed Russian President Vladimir Putin's reaction. Instead of renewing cold war tensions by increasing nuclear arsenals, the United States and Russia have continued to strengthen their friendship.

I ask unanimous consent to print a copy of an article in today's Washington Post that underscores President Bush's foresight in dealing with Russia and the ABM treaty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRITICISM SOFTENS ON ABM MOVE

(By Dana Milbank)

A year ago, on President Bush's first presidential trip to Europe, allies in Western Europe and congressional Cassandras worried about the administration's plan to abrogate the 1972 Anti-Ballistic Missile Treaty with Russia.

They argued that Bush's plans for a missile defense system, at the same time NATO was expanding to Russia's border, would throw the world into a nuclear arms race. "We need to preserve these strategic balances, of which the ABM Treaty is a pillar," said French President Jacques Chirac. German Chancellor Gerhard Schroeder joined Chirac in issuing a joint statement defending the ABM.

As Bush arrives tonight in Berlin for a seven-day overseas trip, European leaders still oppose the White House's policy on issues ranging from Iraq to global warming. But many concede Bush may have been right about Russia and the ABM.

The United States pulled out of the ABM Treaty, and NATO expansion in the Baltic nations is on track. Instead of an arms race and hostility resulting, Bush and Russian President Vladimir Putin became fast friends. They agreed on an accord reducing nuclear weapons and are pursuing new ways to cooperate in commerce, intelligence and defense.

"We were worried a year ago that Bush's position would create a terrible confrontation," a senior German diplomat said. "Maybe we underestimated Putin's creativeness and farsightedness."

Bush loyalists say the administration had a clearer view than Western Europeans did on Russia. Bush, like Putin, understood the conflict had shifted from one of East against West to a new struggle of wealthy democracies against dictatorial regimes and stateless terrorists. Bush also perceived that Putin wished to be on the side of the wealthy democracies.

"It has been a pattern for 50 years that people yell Chicken Little any time we ask the Russians to do anything," said Kenneth

Adelman, who ran the Arms Control and Disarmament Agency in the Reagan administration. "It's all been wrong and predictably wrong."

In the new, "asymmetrical" warfare against rogue states, the Russians are allies, Adelman said. "They'll be with us on these issues probably more than France, and they'll be more important. They fear Islamic radicalism, they fear weapons of mass destruction, and they need Western investment and Western ways and means."

Officially, the Bush administration is not gloating. But Bush aides did compile a list of Chicken Little remarks made by politicians and commentators last year. Its title: "Quotes of Criticism on ABM Withdraw and National Missile Defense."

The list, mostly Democrats, includes Clinton national security adviser Samuel R. "Sandy" Berger saying Bush had put the nation on a "collision course" with Russia and NATO allies.

Senate Majority Leader Thomas A. Daschle (D-S.D.) declared: "I believe it would be a grave mistake for the United States to unilaterally abrogate the ABM treaty in order to deploy a robust national defense system. Unilateral actions will trigger reactions all around the world. Those reactions themselves could make our nation less secure."

House Minority Leader Richard A. Gephardt (D-Mo.) vowed to block any missile defense system that violated the ABM Treaty. "Europeans are worried," Gephardt said, saying the administration may "prevent us from seizing a historic opportunity for engagement with Russia."

And former president Jimmy Carter said Bush's missile defense plan, which required abrogating the ABM Treaty, was "technologically ridiculous" and would "re-escalate the nuclear arms race."

One Republican made the compilation. Sen. John W. Warner (Va.) said Bush should leave "some vestiges of the ABM Treaty in place" to assure allies.

Included in the collection of quotes was a press release quoting Washington arms control expert Daryl G. Kimball predicting Bush's missile defense idea and ABM position would "set off a dangerous action/reaction cycle, involving the United States, Russia, and China."

Gephardt spokesman Erik Smith, asked about his boss's old remarks, acknowledged that "the White House has made progress" with Russia. But he said Bush has yet to make progress with Russia on nuclear proliferation, Iraq and dismantling nuclear weapons. "There were several other points . . . that have not been addressed," Smith said.

Kimball was unrepentant about his earlier words. "I stand behind the quote," he said. "The potential for a dangerous action/reaction cycle remains, especially because the Bush administration has failed to lock in verifiable reductions of Russia's nuclear forces."

Bush aids dismiss such concerns.

"What keeps Russia and the United States from going to war today is not the number of nuclear weapons that they have on either side or the Anti-Ballistic Missile Treaty or some outdated notion of strategic stability," national security adviser Condoleezza Rice said. "It's that they have nothing to go to war about."

Mr. GRASSLEY. I move adoption of the amendment.

Mr. REID. Mr. President, I say to my friend, we are still waiting to hear from one Senator. We should be able to do that momentarily, if he will withhold.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak briefly on the matter in front of the body, the Grassley substitute amendment on granting Russia and central Asian countries permanent normal trade relations. I am glad we have taken up the resolution itself, the sense of the Senate. It is a positive statement. We should take up PNTR. Otherwise, as I stated last night, I recognize that the votes are not here today to deal with that issue for Russia or some of the central Asian countries, but I want to take this opportunity to address the body on this particular point because we really need to recognize what has taken place and move with some speed in the near future to address this topic because of what is taking place in the world.

I realize we are a body that takes time, and it takes some time and effort to move some of these issues. But look at what has taken place. The President of the United States is going to Russia this week. Last week Russia announced a two-thirds reduction in nuclear missile capacity, an enormous agreement. Last week Russia joined closer and closer to NATO, the very organization that previously had been structured to defend against the Soviet Union. Now the successor organization of Russia is joining closer to NATO.

Jackson-Vanik, that is what PNTR is addressed toward—permanent normal trade relations is not granted until a Jackson-Vanik waiver is granted. Jackson-Vanik addresses the issue of whether you allow free immigration of religious minorities, particularly Jews, out of the former Soviet Union. That is what the particular bill was directed toward. That is taking place. There is no question but that is taking place in Russia. As we look to the future and as we seek to reduce dependence on Mideastern oil, Russia and central Asia are going to figure larger and larger into the picture, along with their own domestic production.

I make the point as well that we have granted China PNTR after a long, extended debate about that. Yes, we have granted China permanent normal trade relations. If we look at their human rights record versus that taking place in Russia—you have a number of abuses, a number of people not being allowed to leave China—that is occurring in Russia. But the different standard we are putting forward here is striking.

Even today, there are a number of North Koreans who have gone to China from North Korea, who don't want to go back to North Korea. Yet they are being forced to, by bounties given by the Chinese, to round them up and send them back to North Korea. That is not human rights and religious freedom in China. Yet we have granted permanent normal trade relations with them. I voted for it. I thought we should because the overall issue is about us engaging these places in the world, engaging China.

Now, clearly, we should be engaging Russia. The President has developed a strong relationship with President Putin. President Putin is leaning forward a long way with his country in engaging the West in a remarkable fashion—a fashion that I think anybody here would have to say is nothing short of miraculous, about how far forward he is taking his country in a short period of time in working with the West. These are breathtaking results, really.

The notion that we would hold up and be slow about an issue of permanent normal trade relations when we granted it to China, which has missiles pointed this way, has human rights abuses, and is selling weapons technology to rogue regimes around the world—it is striking that it would be different.

As far as central Asia—and that is what else was in the base bill. In Uzbekistan, we have troops. In Kazakhstan, we have troops. In Azerbaijan, we have landing rights. In Armenia, Armenian Americans are seeking development. What we are talking about with PNTR is the ability of having normal trade relations with this country so they might grow with us.

Realizing the votes are not here today to grant PNTR to these countries, I think it is time we pick up the pace on doing this because of the speed of events taking place, and it is so important that we engage these areas. Hopefully, in the near future, we will reduce our dependence on oil in the Middle East and have more coming from U.S. domestic sources and countries such as Kazakhstan and Russia. There will be a closer economic tie that should be basic in the relationship.

We need to send a strong message of support from the United States to the Russian Duma and President Putin that we deeply appreciate and agree with the actions he has taken on behalf of Russia last week. He did incredible things last week. We are doing a sense of the Senate. It is a positive statement. We should do that. It is a right sort of statement for us to make to Russia. It pales in comparison to what the Russians have done themselves. All we are asking is that we put forward basically a normal trade relationship between the United States and Russia—a country that seeks to grow much closer to the United States. We should encourage that with a great deal of speed and effort on our part.

So I rise in support of the Grassley substitute for Russia and central Asia. The central Asian and south Caucasus nations are a part of this. We should be granting PNTR and engaging as they are with us. They are frontline for us in the war on terrorism. They were in the Afghan conflict when our men were based out of Uzbekistan to go into Afghanistan. Without them, we would have a great deal of difficulty. This is a modest proposal for us to move forward. I support the Grassley substitute. I hope we can be more forward-leaning ourselves in engaging central Asia and Russia in this overall effort. I support the Grassley amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3467

Mr. WELLSTONE. Mr. President, I am going to try to make the most efficient use of time. When colleagues are ready to do some other work, I will certainly be pleased to yield the floor. There is no surprise here. I say to Senator GRASSLEY, as I said to the Senator from Montana, I am going to speak for a few minutes. When we are ready to get back to business, I will be pleased to yield the floor. This is no 5-hour speech that I have planned right now.

Mr. President, I want to one more time discuss the human rights and democracy amendment. For the life of me, I actually do not understand the basis of opposition.

In the legislation before us, there is a listing of objectives. Believe me, one of the objectives is to do everything we can to protect property rights, to do everything we can to make sure patents are protected—you name it—intellectual property is protected. Fine.

What this amendment says is one of the listed goals of trade policy ought to be the promotion of human rights and democracy. It should be one of our goals. We should list this as a goal of trade policy and then call upon our trading partners to strive to meet these standards.

I want to say in not the hardest hitting way but in a little softer way at first that this is the greatness of our country. We should lead with our values. We should be promoting human rights in the world.

I gave examples of any number of different countries right out of our own State Department report where governments systematically torture citizens, where people who dare to speak up and challenge a government are imprisoned, where people who dare to organize a union to make better wages and support their families wind up in prison. There are at least 70 governments in the world that systematically still use torture against their citizens.

I am saying that I think it would make us a better Senate and would make each Senator a better Senator if we would say one of our goals—that is all this says—should be the promotion of democracy and human rights and that we should at least call upon our trading partners to strive to meet internationally recognized civil, political, and human rights.

I do not understand the opposition. I know we are now in a situation where cloture has been invoked—this is a germane amendment—where we have a limited amount of time. That is why I came to the Chamber now. Other Senators have amendments, and I do not want to crowd out their amendments, but I certainly would like the opposition at some time before a vote to explain the basis of a "no" vote.

I believe as a first-generation American Senator from a human rights State, Minnesota, which has always been at the forefront in promoting human rights and has always been at the forefront in promoting democracy—and, by the way, many refugees who have fled persecution have come to Minnesota—I do not understand why the Senate would not go on record with a 100-to-0 vote that one of the goals of our trade policy should be the promotion of human rights and democracy and that we would call upon our trading partners to strive to meet those goals.

Haven't we read about enough reports dealing with deplorable child labor conditions? How many more children need to die? How many more brave men and women need to be tortured? How many working people in these other countries need to wind up in prison? How many workers need to die at an early age because of the carcinogenic substances they work with because there is no protection, and if they dare to speak out, they wind up in prison?

How many more men and women in our country are going to have to lose their jobs because we have no trade agreements that call upon governments to live up to these standards?

This is a values vote, and it is a working family vote. It is a values vote because we should lead with our values, and we should at least vote to make this a goal of our trade policy.

My colleagues know me. This is my pragmatic best. This is the most pragmatic language I can come up with: That we should list human rights and democracy as a goal and call upon our trading partners to strive to meet that goal.

Now, to be more serious, we should lead with our values. This is what I love about our country: Promoting human rights. I am in awe of the men and women I have met in my life. I do not know how they do it. You live in some of these countries, and you dare to speak up when you know it is not just that you might be rounded up and tortured—here is what is worse, Mr. President, here is how these governments silence citizens: They threaten that they will round up your children or your wife, your husband, your loved ones, and they will be tortured or they will be raped or they will be murdered.

I am saying today in this Chamber that we ought to at least vote to make a goal of our trade policy respect for human rights and democracy.

My second point is a working family point. I am positive that the families I represent with this vote are not lobbying furiously because they are not usually the ones with that much clout. The vast majority of people in our country and the vast majority of people in Minnesota are absolutely for good trade policy, but I think people would like some reassurance that we would strive in our trade agreements with other countries to establish some goals where they do not get put out of work because they are competing with a 13-year-old who has to work 19 hours a day at 30 cents an hour. It is not good for that 13-year-old, and it is not good for workers in our country.

I see colleagues in the Chamber. I will not belabor the point, but I will come back to this again. Frankly, I think opposition to this amendment, unfortunately, tells a larger story about what is profoundly wrong with this legislation. Legislation that does not establish that goal and is afraid to speak out on promoting the goal of human rights and democracy in the world is legislation that does not deserve support. I hope there will be support for this amendment.

I yield the floor.

ORDER FOR RECESS

The PRESIDING OFFICER. The acting majority leader.

Mr. REID. Mr. President, I ask unanimous consent that between 4:30 p.m. and 5:30 p.m. today, the Senate stand in recess and that the hour away from the Senate will be counted against the 30 hours postcloture. The reason for this is that Secretary Rumsfeld is here for a secret briefing and all Senators should go to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3474, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge adoption of the Grassley second-degree amendment to the Brownback amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 3474, as further modified.

The amendment (No. 3474), as further modified, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3446

The PRESIDING OFFICER. Is there further debate on the first-degree amendment, as amended?

If not, the question is on agreeing to amendment No. 3446, as amended.

The amendment (No. 3446), as amended, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the managers of the bill. What we would like to do now is move off the Dorgan amendment No. 3442. Senator DORGAN is going to be here momentarily to deal with that amendment. We would like to move off that and move to amendment No. 3443, the amendment of Senator REED.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3443

Mr. REID. It is my understanding now that we are on this amendment, the Senator from Rhode Island wants to ask unanimous consent for something. After having done that, we will deal with his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I have an amendment that is now pending that, prior to the cloture vote, would have been in order for consideration, but after cloture, at this point I ask unanimous consent I be allowed to substitute another amendment which is in order for consideration if accepted by the body.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, I appreciate the point that has just been made. My amendment, if I was allowed to proceed, would have dealt with the issue of secondary workers, providing them the same types of protections which are available to workers in facilities that are directly affected by trade actions. This is an amendment that is cosponsored by Senator BINGAMAN, the Presiding Officer, Senator CORZINE, and others. It comes directly from the original legislation that Senator BINGAMAN submitted, S. 1209, which recognizes that the effects of trade are not discretely limited to individual companies but also affect those vendors, suppliers, and workers who support that company. I think that is a principle that is beyond debate.

When a factory closes, it is not just the factory workers, it is the truckers, it is the tradesmen who work in that facility who very often see their livelihoods completely exhausted by the effects of trade.

As a result, this legislation was originally proposed by Senator BINGAMAN. It was part of the proposal Senator DASCHLE made. It was part of the discussions. Unfortunately, regretfully, and I think unfairly, it was deleted from the provision which is in the underlying bill.

As a result, I would have offered either the substitute amendment or, indeed, would offer the amendment now which would have included the effects of the trade adjustment benefits for those secondary workers. Again, I think it makes quite a bit of sense.

Our definition of a secondary worker is someone who must have supplied a service or contract to the firm that has been certified as going out of business due to the direct effect of international trade. Perhaps the most compelling examples are those individual teamsters who service businesses that might, in fact, go out of business because of trade. They, too, lose their livelihood.

I know my colleague, Senator BOXER of California, has offered an amendment that deals directly with the issue of truckers and teamsters. My amendment would apply to any worker who could validly make the claim of being, as I said, by contract or some relationship, related to a factory that is being closed down.

The point I should also make is this provision would only give the workers or their representatives the opportunity to apply for these benefits because they have to be certified. It has to be shown that they have lost their job because of the effects of trade. The certification process, as we all know, is a rather difficult one. It is not presumed. It has to be proven. In this context, we are not opening up the floodgates. We are merely giving people who have lost their livelihood because of trade a fair chance.

The most compelling point I urge in this whole area is we did precisely this under the NAFTA agreement. We provided for TAA benefits for workers, secondary workers, who were affected by the NAFTA agreement.

So I urge very strongly that we overlook any of the procedural impediments and go to the heart of this matter. Give secondary workers the same rights as those factory workers who might lose their jobs because of the adverse effect of trade.

We can do that by accepting the Reed-Bingaman-Corzine amendment. We can do that as we did in NAFTA and give all workers who have lost their jobs because of trade the benefits of the TAA assistance that has been provided on a limited basis in the underlying agreement.

I urge my colleagues to support this effort.

At this time I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3442

Mr. REID. I ask we return to the regular order, which I understand is the Dorgan amendment.

The PRESIDING OFFICER. The Senator has that right. The regular order is amendment No. 3442.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the pending business is amendment No. 3442; am I correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3442 WITHDRAWN

Mr. DORGAN. Mr. President, I offered this amendment prior to the cloture vote. I understand a point of order would lie against it postcloture because it is not germane postcloture. I will withdraw it because I do not think at this point the amendment would survive the vote because it is not germane. But I am, frankly, surprised. The first amendment I offered prevailed here in the Senate on a rather significant vote.

This amendment is an interesting amendment. It is very simple. Those who come to the floor of the Senate and talk about trade normally turn the volume up a bit and talk about how this country needs to be able to compete, that we need to be able to do so around the world.

Let me talk about competition for a second and what this amendment is about.

We had an investigation with respect to Canadian wheat. It has flooded into this country unfairly. It has done so for years following the United States-Canada Free Trade Agreement. In fact, that flood, that avalanche of Canadian grain, was in contravention to an agreement that Mr. Yeutter put in writing to the Congress saying: This won't happen. The representation of good faith on both sides of the border post-United States-Canada Free Trade Agreement means we will not have a significant change in the flow of grain across our border. He put that in writing to the Congress.

Guess what happened. That trade agreement was approved—not with my vote. I voted against it. But instantly we had an avalanche of unfairly traded grain coming into this country. Did anyone lift a finger to do anything about it? We have had all of this discussion about helping the American farmer, but no one was willing to lift a finger to do anything.

The farmers had to put their own money together in a 301 investigation that went through the ITC and the U.S. Trade Representative. The U.S. Trade Representative and the ITC concluded that Canada is guilty of unfair trade. It hurt our farmers. So the judgment was guilty.

What is the remedy? The remedy is we are going to say you had better watch it. We are not going to do anything about it. There is no trade remedy, no sanction, and no tariff quota—no nothing.

Here we are. The farmers spent their money in a section 301 action. They won. Canada is guilty of unfair trade and is taking money right out of family farmers' pockets. And we have people prancing around the floor of the Senate talking about we ought to be able to compete anywhere in the world as long as the competition is fair. It is not fair. It has been judged to be unfair. Yet we can't get a trade remedy.

Why is the ambassador unwilling to stand up for family farmers? The trade ambassador stood up for steel. He stood up for lumber. Why is he unwilling to stand up for family farmers and propose a remedy—for example, a tariff quota? Why? Does anyone have an answer to that? I don't think so.

So I offered the softest possible amendment. I offered that precloture. The amendment I understand now postcloture will fall on a point of order. So I shall withdraw it.

But the amendment is very simple. Anyone who says they stand for family farmers ought to support this amendment. It simply says we want the trade ambassador to report back to the Congress within 6 months, telling us what his remedy is going to be for the judgment that has already been rendered that Canada is guilty of unfair trade, yes, unfair trade, and shipping an avalanche of unfairly subsidized Canadian grain into our market at secret prices by a state-sanctioned Canadian Wheat Board which is a monopoly that would be illegal in our country, and also underpricing us in other markets, particularly northern Africa and other places where we have been injured in international trade in other markets.

My amendment simply says the ambassador shall report back to the Congress within 6 months the specific proposed trade remedy that will be administered on behalf of the American farmers who have already been able to achieve through their own filing of a 301 case and through the use of their own money to bring a case and get a guilty verdict against the Canadians.

One is going to ask—and farmers certainly should ask—of what value is it to have a trade remedy if at the end of the day it is judged that farmers are victims of unfair trade and our trade authority? Our legislators say, by the way, the perpetrators of this unfair trade shall not have to bear any responsibility or any burden or be on the receiving end of financial sanctions.

I just do not understand it. I do understand what is going on with respect to the fast-track trade agreement, which I don't support. The effort here is to try to tighten it up, like putting a big tarp on a big truck. You tighten the rubber bands around it, hook it altogether, don't let any wind in, and drive it through as fast as you can.

That is what this is all about. It is good for those who do it.

After this particular legislation is enacted, they will see another increase in America's trade deficit. In every single circumstance in the last 15 years when we bragged about forcing open foreign markets, and when we passed fast-track trade authority and negotiated another trade agreement, our trade deficit increased, yes, with Europe, with Mexico, with Canada, with Japan, and with China. In every single circumstance, that trade deficit is on a relentless path upward. Everybody knows it.

Therefore, while everyone is sitting around saying let us ignore this huge, growing tumor called this trade deficit, over $1 billion a day, every single day, 7 days a week represents the trade deficit. Over $1 billion every day is the amount of goods we bring into this country which exceeds the amount of goods we ship out. Somebody is going to have to pay for that.

I used to teach economics in college. I have told my colleagues many times. But I have been able to overcome that experience and do other things in life as well. But what we taught in college in the field of economics was that you could explain a budget deficit by a deficit that you owe to yourself. That is a plausible explanation. Under the U.S. fiscal policy, a budget deficit is money we owe to ourselves. You cannot make a similar explanation with respect to the trade deficit. The trade deficit is money we owe to others. It will be someday, in some way, paid for by a lower standard of living in the United States. That is inevitable and is not debatable.

The question is: When are we going to care about the trade deficit? When does an American trade deficit of $440 billion-plus begin to matter to our country and to our economy, and, yes, to the children who will inherit that and will have to pay others around the world to settle that trade deficit? Part and parcel of that trade deficit are the trade circumstances in which our producers and our workers are victimized.

One instance of that is America's farmers who produce this grain and lifestyle and find themselves victimized by unfair trade. It is admonished by politicians of virtually every stripe that it is important for them to go forward and to compete: You must compete. You must be competitive. We can be competitive anywhere in the world. I am convinced of that. But you can't do it with one hand tied behind your back. You can't do it with rules that aren't fair, especially with respect to grain.

The judgment is already in. The ITC and the U.S. Trade Representative have already said our farmers are victims of unfair trade. It is just that the remedy is nonexistent.

Unfortunately, I am not able, apparently, to put on this piece of legislation a very simple amendment that would ask the Trade Representative within 6 months to report back a remedy by which people stand up for and support those who are victims of unfair trade with Canada; that is, family farmers and family ranchers across this country.

I regret that. But then there will be other days and other ways to address this issue. This is the place to have addressed it. This is a trade bill. This is the place, and this is the time to have addressed this issue on behalf of family farmers.

I regret that we could not get the 60 votes necessary to overcome the point of order postcloture to stand up for family farmers on this matter. As a result, I will ask consent to withdraw the amendment, and I make such a request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3474, AS FURTHER MODIFIED

Mr. BIDEN. Mr. President, we just adopted, I understand by UC, a sense-of-the-Senate resolution that relates to Jackson-Vanik. With the permission of my colleagues, I would like to speak to that for just a few minutes.

The sense-of-the-Senate resolution proposed by Senator GRASSLEY reinforces a commitment that I support, which is to extend all efforts to expand our relationship with Russia.

Russia has taken very significant steps toward working with NATO, cooperating with us against terrorism in central Asia and the north Caucasus, providing a stable world oil market, and opening up its domestic markets.

But we have to keep in mind that while Russia, under President Putin, is moving toward greater acceptance of the rule of law, free trade, and a market economy, it is not there yet.

It hopes to join the World Trade Organization, it is seeking foreign investment, and it is working to revise its legal and business structures toward those ends. But it still falls by the wayside on significant points.

Most visibly, on March 1 of this year, Russia imposed an unexpected and arbitrary embargo on imports of U.S. chicken parts, causing serious grief and economic loss to an industry.

Now, chickens and chicken parts are a multibillion-dollar industry, bigger than most of the industries in most of your States. And it is a big deal in my State.

While I appreciate the worldwide problems of finding common health standards, the timing, as well as the arbitrary and sudden imposition of Russia's ban, indicates that political and financial reasons, not the claimed health reasons, were the cause. They came up with a specious argument.

After some intense negotiations and the President basically telling the Russians, "Hey, look, if you want to play in the world of international trade, you have to play by the rules. You have to be fair"—they went ahead and "lifted" the embargo, which was specious from the outset. When they lifted the embargo, though, they lifted it only in principle. The Russian bureaucracy, with or without the approval of the central authorities, continues to delay and limit imports of chicken parts.

Let me explain what I mean. You have to have an importer in Russia to accept the chickens when they get there. They changed the law, and said no more embargo, but—guess what—all importers have to get new licenses. Now we cannot ship from Delaware, Allen Chickens or Perdue Chickens or Tyson Chickens, any chicken parts to Russia unless we are sending them to someone who is going to accept them.

You have to have an importer's license. Guess what. If you lift an embargo, but if you limit or do not give a license to somebody with whom I can deal, then I am still out of the market.

Now, Russian officials and Russian parliamentarians and members of the Russian Senate are very frank with me in my meetings. They have said that the reason this is the way it is, is pure bribery—pure, unadulterated bribery and that the oligarchs have a piece of the action.

There are only a couple of chicken outfits in Russia. I am serious, I am not joking about this. As long as imported chicken parts do not come in, the price of chicken goes up. The oligarchs, who own and purchase those chickens, those chicken dealers—what happens? make money. As long as they can keep this dragging on, they are making money.

So, in my view, it is possible that this isn't something that is being coordinated at the highest levels. But the bottom line is that responsible governments have to react.

Last year, Russia imported $630 million worth of chickens from the United States—8 percent of all U.S. poultry exports. Russian suppliers have not been able to fill that gap, and as a result, many Russian consumers, mostly pensioners who cannot afford the higher prices for Russian chicken, are suffering. Right now, other countries are moving in to take over this lucrative market from our own U.S. suppliers. This move is a direct contradiction to Russia's professed desire to join the world community of fair trade practices and a slap at our efforts to work with Russia in gaining accession into WTO.

As everyone in this Chamber knows, I am a strong supporter of good relations with Russia and its President, the first leader since Peter the Great to look as far west as he has.

I support and commend every effort the administration is making to support good working relations with Russia, including the discussion that will start in Moscow tomorrow.

I met with Condoleezza Rice before they left for an extended period of time to discuss this. I am chairman of the Foreign Relations Committee. I have been one of the guys criticized on this floor for being too supportive of Russia. But before I can support taking steps, of any form, to lift trade limits on Russia, I want to make sure they have their act in order, and make sure Russia's commitment to fair and open trade and the rule of law is in the works.

Now, look, let me make something clear to you: You put a ban on American chicken. You then lift the ban. You then make it difficult or impossible to get a license to move in, but you give other people licenses to move in. We lose the market.

This is not like the drug companies in the State of my friend from New Jersey, or the drug companies in my State of Delaware. If they put a ban on our stuff, we have patents, so they can't get it from anywhere else. We don't lose the market. We lose the profit margin. We lose the market temporarily, but we don't lose it permanently.

This is a big deal. This is a multibillion-dollar deal, over time, to us. So I want to let everybody know, I can either be Russia's best friend or worst enemy. And if they keep fooling around like this, they are going to have me as their worst enemy.

This resolution expresses a sense of the Senate that supports terminating the application of Jackson-Vanik to Russia in an "appropriate and timely manner." I am the guy who has been pushing that for a year—when the Russians are acting appropriately.

But I tell you what. In my view, it will only be appropriate to act on such legislation when it is clear that Russia is living up to its bilateral trade agreements and arrangements with the United States. I am not talking about trade disputes. I am not talking about legitimate trade disputes. I want them not only to live up to the letter of the law, but to the spirit of the law. Only then, only when we can be sure Russia is committed to adhering to commitments already made, should we graduate Russia from Jackson-Vanik, which in principle, I think we should.

I am convinced we will be able to do that because I am convinced that President Putin has gotten the message. And I was told personally that the President of the United States of America is going to raise this issue. Tomorrow it begins. He is going to raise this issue personally with the President of Russia.

So I will be happy, at the appropriate time, to be one of those who moves for Russia's graduation out of Jackson-Vanik. But I am not going to do that, as one Senator—and I think the chairman of the Finance Committee—unless the Russians begin to act appropriately.

I thank my colleagues for their indulgence, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. REID. Mr. President, the managers are trying to work out a number of things on this most important issue of postcloture. During the next hour we will work on that.

RECESS

Mr. REID. I ask unanimous consent the recess previously scheduled begin right now.

There being no objection, the Senate, at 4:24 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 2538

Mr. DASCHLE. Mr. President, Senator KENNEDY and I are going to be involved in a colloquy for a couple of minutes as we await another amendment. It pertains to the minimum wage. I will have a unanimous consent request that I will propound in a moment.

As we are debating new trade practices, we must not forget important protections for America's workers. Many of these protections are addressed through the Trade Adjustment Assistance Act, but for the last 60 years there has been another important protection for workers, and that is the minimum wage.

It has now been over 6 years since Congress voted to increase the minimum wage. In that time, the cost of living has increased 12 percent while the real value of the minimum wage has steadily declined. In fact, by 2003, all of the gain achieved through the last increase will have been wiped out.

Today, minimum wage employees working 40 hours a week 52 weeks a year earn only $10,700—more than $4,000 below the poverty line for a family of three.

In the last 6 years, the purchasing power of the minimum wage has deteriorated to near record low levels. Teacher's aides and health care workers are among the hard-working Americans who are unable to make ends meet on a $5.15 per hour wage.

In fact, the current minimum wage does not provide enough income to allow full-time workers to afford adequate housing in any area of the country. In my State of South Dakota, the minimum wage is hardly enough for a family to make ends meet.

According to the National Low-Income Housing Coalition, a minimum wage earner can afford a monthly rent of no more than $268. In South Dakota, a worker earning the minimum wage must work 79 hours a week in order to afford a typical two-bedroom apartment. In fact, estimates show that for a worker to be able to afford a two-bedroom apartment in South Dakota, they would have to earn $10.12—nearly 200 percent of the present minimum wage.

That is why we need to pass Senator KENNEDY's new minimum wage legislation. It would provide a $1.50 increase over the next 2 years. This is the least we can do, and it is long overdue.

By increasing the minimum wage by $1.50, working families will receive an additional $3,000 per year in income. While this increase would not be enough to lift the family of three above the poverty line, it would provide the resources to buy over 15 months of groceries, 8 months of rent, 7 months of utilities, or tuition at a two-year community college. The reality is that American workers are working harder and harder for less and less.

It is time for Congress to address the needs of America's working families. It is time to act and raise the minimum wage.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be kind enough to yield for a few questions.

Mr. DASCHLE. Mr. President, I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, now we are dealing with the trade bill which will provide benefits, obviously, to many corporations. We also ought to think of the workers, especially those workers at the bottom rung of the economic ladder.

I listened with interest to the Senator from South Dakota. As the Senator pointed out, if we fail to increase the minimum wage, which has not been increased in 6 years, the purchasing power of the minimum wage will near an all-time low.

All we are trying to do is bring it up a little bit, which would be generally below what the average has been over recent years.

Is the Senator aware that if we fail to act with an increase in the minimum wage, it will be virtually at an all-time low if we don't act this year?

Mr. DASCHLE. It is not as well known as I wish it were. But how ironic it would be if in the same Congress that passed tax breaks for those at the very top—tax breaks worth $50,000 a year to those in the top 1 percent—we could not do something to address the needs of those at the lowest end of the income scale.

I certainly appreciate the graphic depiction of the trend of the minimum wage which the Senator from Massachusetts has outlined. That is the whole idea behind this legislation.

Mr. KENNEDY. I would like to ask the Senator a further question. Does the Senator not agree with me that for years this body—Republicans and Democrats—thought that people who worked 40 hours a week, 52 weeks of the year should not have to live in poverty in the United States? Does the Senator understand now that the minimum wage is well below the poverty line for working families?

Some will say we have an earned-income tax credit. But still the fact is for a single mom, or even for families of three, they are still well below the poverty line.

Does the Senator not agree with me, as I believe most Democrats do, that work ought to pay and that those individuals who work 52 weeks of the year, 40 hours a week should at least be at a poverty line, not a living wage even, but a poverty line?

Mr. DASCHLE. Mr. President, the answer to that would be emphatically yes, especially given the stated desire of Members of Congress who have passed welfare reform. The whole idea behind welfare reform was to make work pay, to make work more palatable than welfare. But it is hard for me to understand how a head of household can see how work pays when they are working for the minimum wage, 52 weeks a year, 40 hours a week and earning only $10,700 a year.

That is why we have people in South Dakota—and I am sure in Massachusetts—working two and three jobs. That is why we are concerned about the pressures on families these days. It is hard to raise children, and it is hard to address all of the other familial responsibilities if you are working two and three jobs a week in an effort to rise above that poverty line that the Senator's chart illustrates.

Mr. KENNEDY. Of course, I believe the increase in the minimum wage is a women's issue because the majority of those earning the minimum wage are women. It is a children's issue because so many of those women have children. It is a civil rights issue because great numbers of those who receive the minimum wage are men and women of color, and it is a fairness issue.

In looking over the historic increases that have been enacted by the Congress since 1956, the proposal is an increase of $1.50—60 cents the first year, 50 cents the next year, and 40 cents. This represents in the bar chart what the percentage increase would be going back to 1956. It will be actually one of the lowest over the period of the next 3 years.

When the Senator propounds his unanimous consent request, we will probably hear those who will say this is new legislation when we talk about an increase in the minimum wage. We haven't had a chance to study it. This is something that sort of takes us by surprise.

Will the Senator not agree with me that this issue is as old as the 1930s, effectively, when we first enacted the minimum wage, and that this proposal of $1.50 over 3 years is actually a very modest proposal indeed?

Mr. DASCHLE. The Senator is absolutely right. Not only is it modest but it is overdue.

As I noted in my opening comments, it has been 6 years since we passed an increase in the minimum wage. During that time, as the Senator's chart illustrates, the minimum wage has dramatically declined. The number of hours people have to work goes up and the real value of the money they receive goes down.

More and more people are faced with the prospect of taking two and three jobs in order to climb above that poverty line, at the very time, ironically, when we say that we want work to pay to ensure that they do not go back to welfare.

So I compliment the Senator from Massachusetts for his leadership in this effort and, again, reiterate that the moderate increase that he is proposing is one that is in keeping with past precedent here in the Congress; and it certainly recognizes the need to do something this year.

Mr. KENNEDY. If the majority leader will yield, I thank the leader for the excellent presentations he made this evening on this issue, as well as the excellent speech he made earlier today.

He mentioned that $3,000 may not mean a lot to Members of Congress who have had four pay increases since the last increase in the minimum wage, but for a minimum wage worker it means 15 months of groceries, 8 months of rent, 7 months of utilities, or full tuition for a community college.

This is, as the majority leader pointed out, a family issue. It represents, to those children, the value of work. And it is a fairness issue.

I thank the majority leader. I hope there will not be objection to the proposal he is about to make.

Mr. DASCHLE. Mr. President, I ask, therefore, unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2538, the minimum wage increase bill; that the Senate proceed to its consideration no later than the close of business, June 24; and that it be considered under the following time limitation: That there be one amendment for each leader, or their designee, dealing with minimum wage/taxes; that no other amendments or motions be in order, except possible motions to waive the Budget Act; and that no points of order be waived by this agreement; that upon the disposition of these amendments, the bill be read a third time, and the Senate vote on final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, we are here debating the trade bill that is all about trying to raise wages. It is interesting, in looking at Senator KENNEDY's charts, that in the period where the minimum wage was not raised, the number of children living in poverty declined by 20 percent in America.

How did that happen? The Government did not raise the minimum wage. Yet we had, in a decade, a precipitous decline in the number of children and people living in poverty.

How is it possible for people to escape poverty without the minimum wage being increased? It is possible because of economic growth. There are many people in this Chamber who have worked at the minimum wage—but they didn't work at it long. A minimum wage job is a steppingstone toward economic progress and success in America.

The plain truth is, we are debating a bill that is more important to working people making low incomes than any minimum wage law that has ever been adopted by any legislative body in history. This bill is about trade, which creates jobs. The average job generated through trade pays wages that are almost 20 percent higher than wages in the other jobs in the American economy.

In dealing with this pro-high-wage bill, we are asked to consider a measure we have never seen; that is not on the calendar; that, as far as I know, has never been introduced; that is not relevant or germane to this debate.

So I have to say, it is hard for me to take this request seriously, though I would say to Senator KENNEDY that we would love to stay and hear him speak on this at length. If he would like to have time set aside from this debate to talk about minimum wage, it is a subject where certainly we have people who are interested in it, who could always be enlightened, who would enjoy hearing Senator KENNEDY talk about it. I would like to do something about wages by passing this trade bill because I think it will do more for people making low incomes than any wage law we could pass.

Let me also say, I have never understood minimum wage laws. If they really work, if we could just pass a law and make wages what we want them to be, why not make wages $1 million an hour? Then people who need many millions of dollars could work all week and be very rich, and people who need only one million dollars could work 1 hour and be rich.

But there is a problem. And the problem is something you learned in the third grade: anything times zero is zero. The cruel hoax of minimum wage laws is, by setting artificially high wages, it prevents people from getting their foot on the first rung of the economic ladder. It prevents them from getting into the most effective training program in history: on-the-job training.

I wonder, if we had the kind of minimum wage that the Senator from Massachusetts is talking about when I was out trying to get jobs—jobs with the Tom Houston Peanut Company, throwing the Columbus Ledger Inquirer and working for Kroger Grocery Store—I might have been protected right out of a job. I did not appear to have any skills, and in fact I did not have any skills.

But I learned great things in those jobs. The most important skill that I acquired was the knowledge that I did not want to do those things for a living.

So we would certainly love to hear about this. My colleague is here from Utah. I think he would like to have something to say about it. But we would be perfectly willing to debate this subject tonight at any length that the Senator from Massachusetts would like to talk about it.

But at the end of the talk, we want action. And the action we want is passing this trade bill because it is going to create new jobs at high wages, with great futures. It is going to share the American dream with more people than have ever had it before, with people who missed it the first time around. We are excited about it. And it is going to happen since we have a certain amount of time that has to run off the clock now. So if people want to debate minimum wage, we do not object to debating it. We just want to deal with this trade bill first because we believe it will do more good.

Mr. KENNEDY. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. KENNEDY. Well, the Senator, as I understand from his comments, is prepared to debate it, but he is going to object to any consideration to give the Senate of the United States an opportunity to act on it prior to the July recess, as I understand it.

Am I correct in understanding the Senator's position, that he would welcome the discussion and debate, but he objects to any action on the bill—the Senator was glad to ensure that there was going to be voting on the questions of the trade bill in support for the cloture earlier today to make sure we were going to vote on a trade bill. But, as I understand the Senator's position, he objected to the majority leader's request to permit the Senate to vote on the issue of the minimum wage?

Mr. GRAMM. Reclaiming my time, let me say his problem is not with me but with the fact that we are on a trade bill of which almost 70 Members of the Senate voted for cloture, saying they want to get on with passing this trade bill to create more jobs, more growth, more opportunities.

The Senator has proposed a measure which we have never seen, that he has never filed, that is not on the calendar, that is not relevant or germane. We are being asked to waive the rules of the Senate and delay the creation of new jobs from trade for an amendment that is not in order today.

Mr. KENNEDY. If the Senator will yield for a point, this is not being offered as an amendment. It is just a unanimous consent request. We take action on it later on in the session. It was not an attempt to offer it as an amendment tonight.

Mr. GRAMM. Let me say that——

Mr. KENNEDY. But I understand the Senator has objected to that as well.

Mr. GRAMM. We are in the minority here. You control the flow of legislation. I don't understand why you are asking us for permission to bring up bills. All I know is we are here trying to pass a trade bill, and you are talking about another subject. The point I was making is that thanks to the wisdom of our Members, we now have some—how many hours do we have postcloture?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-two hours?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-three hours. So we have ample time, if the Senator wants to talk about this issue, to do it. I know the Senator from Utah wants to say a word about it.

So I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Texas. I would say to the Senator from Massachusetts if he were still in the Chamber, I would be happy to take action on his bill. The action I would seek to take would be to kill it. That is effectively what we have done with our objection. But if the Senator from Massachusetts can get the majority leader to bring it up in another place, I will be happy to vote to kill it in that place, too.

I do so not because I am hardhearted, not because I think the people who are at the bottom of the economic ladder don't need help, not because I want to hurt them, but because I want to help them. I have often said that if I could control what we carve in marble around here, along with the Latin mottos and the other statements we have, we should probably have before us at all times the statement: You cannot repeal the law of supply and demand.

We keep trying in government to repeal the law of supply and demand. We keep trying to set prices or wages at a level different than the market. Well, I don't have the Ph.D. degree in economics my friend from Texas has, but I learned in Economics I that when government sets a price different from where the market would set it, you get one of two things: either a shortage or a surplus. If government sets the price on a commodity and says, this is what we will pay for this commodity because everybody ought to have access to it, and they set the price by law too low, you get a shortage of that commodity because no one wants to produce it at that artificially low price.

We have seen that. Remember when there was price control on natural gas and there was an insufficient supply of natural gas. You got a shortage. When Ronald Reagan became President, he said: We are going to remove price controls on natural gas, and many people—I was not in the Chamber so I can't tell you whether there are some who are still here who were there at the time—said: Without price regulation, the price of natural gas will go through the roof.

Guess what happened. When we removed the artificial restraint on the price of natural gas, it went up temporarily enough to get a lot of people producing natural gas, and then it came down, ironically, to a price below the price the Government had set, once the market forces took over and people started producing natural gas. You can get a shortage or you can get a surplus.

I remember when my father was on the Banking Committee and the Government set the price of silver for silver coinage. It was higher than the market would pay for silver, and the Government stockpile of silver got bigger and bigger and bigger because people were producing silver, not for the market but for the Government, at an artificially high price.

What does that have to do with the minimum wage? Simply this: If you set the price of unskilled labor by Government fiat at a place where the market would not put it, you are going to create a shortage of jobs. If Government guarantees a price of labor higher than the market, you will get a surplus of people applying for those jobs. It is as simple and as inexorable as that. You cannot repeal the law of supply and demand.

What segment of our economy has the highest level of unemployment? It is the inner cities, among African-American males of teen age. They have the highest level of unemployment of any group measure in the country. Why? Because jobs in the inner city for teenagers who don't have skills have been priced out of the market by minimum wage legislation.

The Senator from Texas talked about his first experience. I went to work at 50 cents an hour when I was 14 years old, and I had the same kind of experience the Senator did. I didn't need the money, but I certainly needed the experience. It taught me the necessity of showing up on time. It taught me the necessity of being dependable, of doing the kinds of things my supervisor wanted me to do whether I wanted to do them or not. It got me involved in a way that I have found valuable all the rest of my life.

If the minimum wage, which was 40 cents an hour at the time—so I was above the minimum wage by 10 cents—had been raised to 65 cents an hour, I would have lost my job. I wasn't worth 65 cents an hour to my employer. Frankly, I was barely worth 50. I would have lost my job.

I cannot understand why some people insist that the poor are better off unemployed at a high rate than working at a slightly lower rate. But that is what we have; that is where we are.

We are talking about this trade bill. We are saying it will help the American economy. At the time when the economy was doing perhaps its best, during the 1990s, and Alan Greenspan came before the Banking Committee, a Senator asked him: In these boom times, Mr. Chairman, who is benefiting the most from America's prosperity?

I could tell by the way the Senator framed the question that he expected Greenspan to say "the people at the top" because the Senator was particularly concerned about what he considered to be an improper gap between the people at the top and the people at the bottom, and he was going to use Greenspan's answer to make a case for raising the minimum wage: The people at the top have gotten well, the people at the top have gotten fat in this time of great economic prosperity; it is the people at the bottom we need to help.

I could tell that was the attitude of the Senator as he asked the question. He was disappointed in Greenspan's answer. Greenspan replied: Unquestionably, Senator, it is the people at the bottom who have benefited from this economic boom.

My memory tells me he said the bottom fifth because, being an economist, he always has to quantify everything. So it was the people in the bottom quintile, to use an economist's phrase, who had benefited the most from the economic boom.

Then the dialog went back and forth between Chairman Greenspan and the Senator, with the Senator saying: Yes, but the people at the top have gotten these enormous financial rewards by virtue of the good economy.

Chairman Greenspan said: Yes, that is true, if you measure the benefit solely in dollars. However, if you measure the benefit in terms of life impact, the people at the bottom, who have had a 40-, 50-, 60-percent blessing in their lives by virtue of the fact that the economy is creating jobs for them, their life has been impacted far more than a millionaire who was at $2 million net worth and then saw his net worth go to $3 million. His lifestyle doesn't change much. His life circumstances don't change, if at all. He has more money to invest, and we hope he invests it in a way that will further stimulate the economy, but in terms of what happens in his life, nothing really changes by virtue of his increase in net worth. But someone who could not get a job or who couldn't see his job increase because the economy was flat, now in these times of prosperity can get a job and can see his opportunities increase.

I remember in those times when I talked to employers in the State of Utah and I would ask them: What is your biggest problem?

They said: We can't find anybody to hire. The economy is so good that everybody can get a job.

I had one employer say to me: We will hold a mass job interview. We will advertise in the paper, and 15 or 20 people come in to listen to our pitch as to why they should come to work for us. We will start through our explanation of what this job is, and half of them will get up and walk out because they know they can walk down the street and hear somebody else's pitch and they can pick and choose. Our problem is, because the economy is so good and there are so many jobs, we are having hard times even filling the entry-level jobs.

Right now, the economy is not so good. Right now, we don't have employers who are complaining about that problem. And right now is not the time to artificially price those entry-level jobs out of the market by attempting to repeal the law of supply and demand.

Who will get hurt the most by an increase in the minimum wage? Ross Perot won't get hurt. Donald Trump won't get hurt. The people at the top won't be affected one way or the other. It is the person who is working for today's minimum wage, whose economic benefit to his employer would not justify the proposed minimum wage, who gets laid off. That is who gets hurt. It is the people at the bottom whom we are trying to help, who will, ironically, suffer the most if the minimum wage goes through.

I can take you to employers in my State who laid people off the last time the minimum wage went up. Employers said: I simply cannot justify it anymore. I would like to pay them, I would like to have them working for me. But, frankly, the economic return I get from them is not worth it when the minimum wage goes up. I am going to lay them off. I can get the same job done with mechanization or some other device, or I can simply do without it in my business. It is just not worth it to me to pay that much.

So those people walked off the job into the unemployment lines, with the cold comfort that their nominal rate was now 50 cents or 75 cents higher than it had been. They were not collecting it, but at least they had the warm feeling of knowing the Government determined that was what they were worth.

The market determines who gets hired. The market determines who gets paid. We cannot repeal the law of supply and demand.

So I say again, the Senator from Massachusetts says he wants action on this bill and he is disturbed that we are not willing to take action. I would be willing to take action, and the action I would want to take for the benefit of the people at the bottom, for the benefit of the African-American teenagers in inner cities who cannot get work, for the benefit of those who are just trying to start out, would be to say let's kill this bill, let's take care of the people at the bottom the best way we can, but one of the things we should not do is price their jobs out of the market and put them in the unemployment lines.

I yield the floor.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. Amendment No. 3433.

Mr. REID. Is that the Reed of Rhode Island amendment?

The PRESIDING OFFICER. Yes.

AMENDMENTS NOS. 3456, 3457, 3431, AND 3432 WITHDRAWN

Mr. REID. Mr. President, on behalf of Senators DURBIN and BOXER, I ask unanimous consent that the following amendments be withdrawn: Amendments Nos. 3456, 3457, 3431, and 3432.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, I am sorry, we were having a conference in the cloakroom and I didn't hear.

Mr. REID. Four amendments are being withdrawn.

Mr. GRAMM. Mr. President, not only do I not object, I concur.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3443

Mr. REID. Mr. President, I make a point of order against the Reed of Rhode Island amendment, No. 3443, that it is not properly drafted.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

AMENDMENT NO. 3447

Mr. REID. Mr. President, it is my understanding that the next matter in order is the Byrd amendment No. 3447; is that right?

The PRESIDING OFFICER. The Senator is correct. The amendment is now pending.

AMENDMENT NO. 3527 TO AMENDMENT NO. 3447

Mr. REID. Mr. President I call up amendment No. 3527, a second-degree amendment to the Byrd amendment.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3527 to Amendment No. 3447.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits)

At the appropriate place, insert the following:

SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. Amendment No. 3527 to amendment No. 3447.

Mr. BYRD. Is amendment No. 3447 my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The pending amendment is the second-degree amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I will speak on the first-degree amendment.

Mr. President, there can be little doubt that the various agencies of the executive branch are increasingly in the driver's seat on the important matter of trade. Meanwhile, the Congress and the American people are merely being brought along for the ride.

There are many reasons for this growing inequity, not the least of which is the willingness—at times, in fact, the eagerness—of this body to give us its rights and responsibilities under the Constitution. The Constitution mandates to the legislative branch—the people's branch—authority over foreign trade matters. It cannot, however, force the institution to exercise this authority and assert itself in trade matters. That requires the will of the Members. The lessons we have learned from our most recent experiences with trade agreements should be incentive enough for us to insist on our rights with regard to trade matters. We, after all, represent communities that have lost businesses to other countries and families who have lost their jobs to foreign firms.

Yet here we are, once again, considering a measure that further ties the hands of the members of this institution in the area of trade. Perhaps even worse, we are continuing a trend of blinding ourselves to the details of the trade agreements on which we must ultimately vote. It is almost as if we don't want to know.

At the very least, we should do more to lift the veil on trade negotiations so that we have some idea as to what it is this Nation is signing up to when the agreements go into effect. But to do so we need to establish the means for Members to participate more broadly, and in more detail, in important trade negotiations, as well as to carry out the important oversight functions that our complex trade laws require.

The fast track bill now before the Senate opens that door. The bill establishes the Congressional Oversight Group to serve as an official adviser to the U.S. Trade Representative on matters that include the formulation of specific trade objectives and negotiating strategies, the development of new trade agreements, and the enforcement of existing trade agreements.

The establishment of the Congressional Oversight Group is intended to help the legislative branch play a more substantial role in trade negotiations, but as laid out in this legislation it does not go quite far enough.

As established by the bill, the Congressional Oversight Group will be comprised of five Senators, each of whom must serve on the Finance Committee, five Members of the House of Representatives, each of whom must serve on the Ways and Means Committee, and, on an ad hoc basis, the chairman and ranking members of the various committees of the House and Senate that would have jurisdiction over provisions in the trade agreement that is under negotiation. This select group, of perhaps as few as 10 Members of Congress, would then be given the authority, under law, to advise the U.S. Trade Representative on important matters of international commerce. Choosing members of the Finance and Ways and Means Committees was a logical move on the part of the authors of this provision. These are committees with, perhaps, the greatest degree of expertise in trade matters. But our trade negotiators, and the American people, should have the greater benefit of the breadth of expertise that can be offered by a more diverse representation of the Congress.

Mr. President, in some respects, the Senate has already gone over this territory. We have the National Security Working Group to assist the Foreign Relations Committee and the Armed Services Committee with reviewing important arms control agreements. The National Security Working Group is not a replacement for those committees, but it is a useful back channel between the legislative and executive branches during the early stages of arms control negotiations, just as the Congressional Oversight Group is intended to do for trade negotiations. But the National Security Working Group has functioned well because its membership is not limited to those Senators who serve on the committees of jurisdiction. The National Security Working Group has 20 members, eight of whom serve on neither the Armed Services Committee nor the Foreign Relations Committee. Indeed, one of the group's greatest strengths is that it draws its membership from the whole Senate, rather than just one committee.

The amendment I offer expands the Congressional Oversight Group to 22 members, selected from the membership of the Senate and the House of Representatives who do not serve on the Finance Committee in the Senate or the Ways and Means Committee in the House. Just as with the National Security Working Group, the leadership of each House of Congress will serve on this panel. In addition, the leadership of each House will select eight additional members to complete the Congressional Oversight Group. It also authorizes expenses for Senate staff, so that the group can follow the negotiations of trade agreements on a full-time basis, not just as the schedules of the members of the group allow.

The changes that I propose to the composition of the Congressional Oversight Group as established in the fast-track bill do not in any way detract from the consultations between the administration and the congressional committees of jurisdiction. The Trade Act of 1974 established a process for consultation between the congressional committees of jurisdiction and the executive branch. At the beginning of each Congress, the President pro tempore of the Senate is directed to appoint, after consultation with the chairman of the Finance Committee, five members of that committee to work with the U.S. Trade Representative during the negotiation of trade agreements. The Speaker of the House is also directed to make appointments for members of the House committees of jurisdiction to serve in the same advisory role.

The U.S. Trade Representative is directed to keep these congressional advisors "currently informed on the trade policy of the United States," and make these advisors aware of any proposed changes to our trade policy. This is the mechanism by which the members of the committees of jurisdiction can remain informed of the progress in negotiating fast-track agreements.

My amendment prevents the Congressional Oversight Group from being a redundant entity, as it currently is configured in the fast-track bill, and expands it to include a broader group of members of Congress in both Houses who are interested in trade, but do not serve on the Finance Committee or the Ways and Means Committee. The amendment does not elevate the Congressional Oversight Group above the status of the committees of jurisdiction on trade matters. In fact, my amendment specifically directs that any meetings that are open to the Congressional Oversight Group shall also be open to congressional advisers for trade policy.

Because trade agreements encompass so many issues, including labor protections and environmental standards, as well as adjustments to our own trade rules, all committees with jurisdiction should be fully consulted at all stages of negotiations on a new trade agreement. But many Senators who do not serve on the committees of jurisdiction also have great interest in our trade laws and they can offer significant contributions. These Senators should have the opportunity to receive similar consultations. The Congressional Oversight Group, as laid out by my amendment, would allow these Senators with an interest in trade matters to be fully informed of the progress of negotiations.

The fast-track procedure for considering trade bills turns the legislative process on its head. It forbids Senators from offering amendments, even for the purpose of clarifying the intent of the agreement in question. The fast-track procedures limit the time that a trade agreement could be debated, as if Senators should not be given the time to learn what is really in the agreement.

In that case, the only Senators who would really know what a trade agreement does, and why it needs to be done, are those Senators who participate during the negotiation of those agreements. Right now, only five Senators have been appointed to be congressional trade advisors to the U.S. Trade Representative, and every one of those Senators serves on the Committee on Finance. It is all well and good to draw upon the expertise of the members of the Finance Committee, but what about the rest of us?

At what point will we, who do not serve on the Finance Committee, be made aware of the progress of trade negotiations? When will those Members of the Senate who are not on the committees of jurisdiction have an opportunity to see that the interests of our States are protected by a trade agreement? Is it when the agreement is signed, sealed, and delivered to Congress for an up-or-down vote? Or are we, as the elected representatives of the people, entitled to have our input on these trade agreements while there is still an opportunity to do so?

In an increasingly global marketplace, the ramifications of trade negotiations are undoubtedly reaching into the smallest crevices of our economy. The types of industries, the numbers of businesses, and every American's everyday concerns that are being impacted by foreign trade are real and constantly growing. The consultation of a broader number of Senators on potential trade agreements will more adequately and appropriately address the pervasive influence of foreign trade on America today. My amendment to change the composition of the Congressional Oversight Group will help end the exclusive nature of trade consultations. I urge my colleagues to support this amendment.

Mr. DORGAN. I wonder if the Senator from West Virginia will yield for a question.

Mr. BYRD. I will be glad to yield.

Mr. DORGAN. First, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. DORGAN. Madam President, the Senator from West Virginia has offered a very sound proposal to this so-called fast-track legislation. I was wondering if the Senator from West Virginia, who has been in this Chamber a long while, knows of circumstances where other things have been given "fast track" treatment in ways that help ordinary folks.

Has the Senator from West Virginia been aware of circumstances where, for example, legislation that affects ordinary Americans is given fast-track authority to be considered here?

Mr. BYRD. No, no.

Mr. DORGAN. How about the disputes against unfair foreign trade practices that the steel industry raises or that family farmers or textile manufacturers raise—do the disputes they deem they need to bring because they are victims of unfair trade get fast-tracked or do they get slow-tracked?

Mr. BYRD. No, they get slow-tracked.

Mr. DORGAN. I wonder if the Senator will agree that, while fast track is making new agreements and shoving them through the Congress with no amendments, efforts to correct the problems in trade that are faced by so many American workers and so many businesses cannot get any action, let alone slow-track; they get no movement at all. Is that not the case?

Mr. BYRD. That is the case, precisely.

Mr. DORGAN. Madam President, it is ever more important that the Senator's amendment be approved. To the extent Congress is going to provide so-called fast-track authority, we need people looking over the shoulders of those who are going to negotiate these trade agreements.

I was in a room in Montreal when the United States-Canada Free Trade Agreement was negotiated. It did not do much good, frankly. I went there and heard what the negotiator had to tell us, but it was not part of the negotiations. When I got back here, I discovered that which was negotiated behind the scenes in a secret agreement did not come out until 2 years later, much to the detriment of American farmers.

Senator BYRD is on the right track saying if fast track is going to happen—and I do not support fast track—but if it is going to happen, in future negotiations, let's have more people looking over the shoulders of those who are negotiating on behalf of our country.

Mr. BYRD. Madam President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Madam President, I rise as a cosponsor of Senator BYRD's amendment, and I wish to express my support for this amendment, if my voice will let me do so.

I am very proud to be a cosponsor of this amendment. It is a very important improvement to this legislation. I particularly believe those who found the Dayton-Craig amendment to be anathema should look at this very closely, welcome it, and support it, as should all of my colleagues.

It does provide, as the Senator from North Dakota just said correctly, an ongoing involvement of the Members of both the House and the Senate in these negotiations. If we are going to be asked to approve these agreements on an expedited basis when they come to us, then I think it is essential we have this opportunity to participate.

The Byrd amendment provides us with a group, the staff, and resources necessary to make qualified judgments. That is an essential role if we are going to have a true partnership with the executive branch.

I note the Constitution of the United States, which the distinguished Senator from West Virginia knows so well, ascribes to the legislative branch the sole authority for governing trade negotiations and all aspects of trade. It does not mention the executive branch. Certainly that responsibility has been devolving to a shared relationship, but it is certainly not one this branch could responsibly cede nor would it want to cede.

I also point out that given the arrangements with the World Trade Organization, which is still expanding its breadth and its reach, once rules have been established by that body, it is my understanding they can only be changed by unanimous concurrence of all participating countries, which means that once this country has given up to the World Trade Organization any of the laws or the protections that have been established for the benefit of the American people, we cannot unilaterally take them back, which makes it even more important that the amendment of the Senator from West Virginia be passed to give the Congress that oversight and chance to anticipate ahead of time what the consequences are going to be of some of these decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Minnesota. I appreciate his willingness to cosponsor the amendment, and I value his association in the matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3448 AND 3449

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia controls 48 minutes.

Mr. BYRD. I thank the Chair.

Madam President, I speak on amendments Nos. 3448 and 3449, which I offered earlier.

Madam President, for nearly 50 years I have worked to preserve the institutional integrity of the Senate and the House. Throughout this long period, I have repeatedly and consistently opposed exactly the type of fast-track provisions that are contained in this bill. During my decades in the Senate, I have staunchly opposed fast-track because I believe it improperly delegates to the Executive Branch unwarranted and excessive power over the regulation of foreign commerce. I have to say, however, that upon reviewing this bill, I find its provisions are some of the most offensive to date. This bill continues the sorry trend of giving the President carte blanche to determine what will be contained in a series of trade agreements, and—except for the provisions on trade remedies exempted by the Dayton-Craig amendment—deprives the Senate of any opportunity to amend these agreements in order to either improve their provisions or correct any deficiencies they may contain.

This bill impedes the ability of the Senate to enact a resolution of disapproval against a trade agreement that it finds objectionable. Although, at first glance, the bill appears to permit a Senator to introduce a resolution of disapproval rejecting a trade agreement that is brought back to the Senate by the President, the reality is that such a resolution most probably would never come to the floor of the Senate for a vote.

This is because the bill states that, once a resolution of disapproval is introduced and referred to the Senate Finance Committee, it will not be in order for the full Senate to consider the resolution if it has not been reported by that committee. In other words, a disapproval resolution cannot be forced to the floor through a discharge of the Senate Finance Committee. The way this bill is currently written, if a resolution of disapproval is not reported out of the Senate Finance Committee, it might as well never have been introduced. The resolution simply languishes, and languishes, and languishes, and languishes.

This means that, so long as the Senate Finance Committee endorses the President's agreement, the views of the rest of the Senate are irrelevant. Enacting fast-track in this bill not only provides the President with unfettered authority to negotiate trade agreements, it also prevents the Senate from exercising its constitutional responsibility to reject or modify trade agreements that are not in the best interests of the American people.

The Constitution in Article 1, Section 8, not only provides Congress with the power to "lay and collect taxes, duties, imposts and excises" and to "regulate commerce with foreign nations," but it also gives the Congress the authority to enact all legislation that "shall be necessary and proper for carrying into execution the foregoing powers." This authority of the Congress to enact or to refuse to enact legislation applies specifically to the trade agreements that the President seeks to negotiate under fast-track.

It is imperative that every Senator retain his or her right to introduce a resolution of disapproval that can be considered in the light of day by the full Senate. The rules of the Senate exist not only to protect the rights of its Members. In fact, it should be said that the rules and procedures exist to protect the rights of the people. This body is uniquely structured to provide a voice and power to the minority. I repeat, the minority. And I remind my colleagues in this Chamber that a minority can be right. The rules of this body, in fact, provide each individual member with leverage, and each of us has a stake in ensuring that these rules are respected, and that procedural changes of this type are only undertaken with great care and thoughtfulness.

To this end, I am introducing two amendments to require that, upon introduction, any resolution of disapproval—including an extension resolution of disapproval—will be referred not only to the Senate Committee on Finance, but also to the Senate Committee on Rules and Administration. After all, it is the Rules Committee that is charged with making the rules and procedures that govern this institution, and its expertise is essential to guarantee that the commitments undertaken by our trading partners in the trade agreements we negotiate are enforceable under U.S. law.

Under these amendments, each of these committees will be required to report the resolution of disapproval that has been referred to it within 10 days of the date of its introduction and, if either of these committees fails to report the resolution of disapproval within that time, either of these committees shall automatically be discharged from further consideration of the resolution. The resolution shall then be placed directly on the Senate Calendar. Once the disapproval resolution is placed on the Senate Calendar, any Senator may make a motion to proceed to consider that resolution, and the motion to consider the resolution shall not be debatable.

The language in this bill and its accompanying report prohibiting a resolution of disapproval from being discharged from the Finance Committee constitutes a sharp distortion of the Senate's rules that would dramatically impede the rights of the 79 Members of the Senate who happen not to serve on the Senate Finance Committee. In other words, almost four-fifths of the Senate will have no say regarding whether what the President has negotiated is right or wrong.

If enacted as currently written, this bill would effectively cut a majority of Senators out of the trade regulation process, preventing them from correcting sweeping changes in trade law that could unfairly affect the lives of their constituents who rely on the Senate to protect their interests. It is not as if Senators, in recent years, have had much of a say in trade matters. They have not. And what little voice they have had has been suppressed, if not silenced, on too many occasions by this gimmick called fast-track, a gimmick now renamed "trade promotion authority." This legislation goes beyond fast-track in its impairment of the Senate's prerogatives.

I cannot support surrendering the rights and prerogatives, the duties and responsibilities of the Senate to any president of any political party. We in the Congress have an obligation to strike down trade agreements that adversely affect the American people. But it is impossible for us to do so if we do not provide ourselves the opportunity to adequately review, debate, amend, or reject their provisions as we are rightly empowered to do under the Constitution of the United States. These amendments ensure that we retain the power to modify or reject trade agreements that are not in the best interests of the majority of the people of the United States and, in so doing, protect the economic well-being of the Nation and of the people we represent.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I support giving the President trade promotion authority, as the bill now before the Senate would do. It is essential that we work with President Bush to ensure that we break down barriers and promote the sale of U.S. goods and services and agricultural commodities in other countries.

Export markets are absolutely necessary to assure the profitability of American agriculture. America's farmers are producing more but exporting less.

Last year, exports of U.S. farm products amounted to just over $50 billion. That is a decrease from 5 years ago when we reached a high of $60 billion in foreign exports.

For our country to prosper, we must have access to foreign markets. These markets not only help farmers; they help create jobs in processing industries, as well as transportation.

Tariffs in other countries against our farm products are too high. They can be reduced through aggressive negotiation by our President. The tariff on U.S. agricultural products averages over 60 percent compared to under 5 percent on other domestic goods. If the President had the authority to negotiate international trade agreements, farm receipts would go up and not down as has been our recent experience.

One out of every three acres planted by farmers across America is intended for export. But because we aren't selling all we produce, commodity prices are going down, and the agricultural sector is having a very hard time making ends meet.

One of my State's biggest exports is poultry. The Mississippi broiler industry, which is one of the largest in the Nation, accounts for 40 percent of all farm receipts in my State. That industry especially benefits from trade agreements that prohibit quotas and reduce tariffs.

As a result of breaking down trade barriers on poultry, my State's exports to the Philippines, for example, have risen over 600 percent. This is a clear reminder of the positive result we can obtain through free trade agreements.

Throughout the world, there are about 150 different trade agreements among other countries. The United States is only partner to three of them. For every market that is opened through country-to-country negotiations, an opportunity is lost for America.

I urge the Senate to approve this trade promotion authority legislation.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

AMENDMENT NO. 3543 TO AMENDMENT NO. 3401

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order at this point that I send an amendment to the desk on behalf of myself and Senator VOINOVICH, an amendment to the Baucus substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. VOINOVICH, proposes an amendment numbered 3543 to amendment No. 3401.

On page 228, line 21, insert after "exports" the following: "(including motor vehicles and vehicle parts)".

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I offer an amendment with Senator VOINOVICH, my fellow co-chair of the Senate Auto Caucus and Senator STABENOW. Our amendment would include in one of the listed principal negotiating objectives of the United States to reduce trade barriers in other countries to U.S. motor vehicles and vehicle parts. Increasing access for our products to markets which are closed or partially closed to us surely should be the objective of all of us.

Other countries have full access to our market for their autos and auto parts. The fast track provision we are considering makes it a principal negotiating objective to expand trade and reduce barriers for trade in services, foreign investment, intellectual property, electronic commerce, and agriculture, and other sectors. Yet the biggest portion of our trade deficit is in autos. In 2001, our automotive deficit made up over 31 percent of our total trade deficit with the world. In 2001, our automotive deficit was 59 percent of our total trade deficit with Japan and 53 percent of our total deficit with Korea.

No omnibus trade bill should leave the Senate without addressing barriers to our products which are the largest contributors to our trade deficit. We can start by making opening foreign markets for U.S. automotive products one of our principal negotiating objectives.

America's domestic auto industry is the largest manufacturing industry in the United States. The domestic auto industry alone contributes almost 4 percent to the total U.S. Gross Domestic Products. Our domestic auto manufacturers operate 52 manufacturing and assembly facilities in 19 states around the country, and when auto parts manufacturers are included, there is an automotive manufacturing presence in almost every state. The Big 3 automakers directly employ over 500,000 people in automotive-related jobs in the U.S. That number grows by an additional 2 million jobs when you count automotive suppliers and other related industries.

The auto industry is also a hi-tech manufacturing industry. It is one of the largest users of computers and the advanced technologies. It also spends nearly $20 billion annually on research and development, more than any other industrial sector in America. The U.S. auto industry contributes mightily to our economic well being. Yet we continue to neglect it when it comes to insisting on fair market access for exports of autos and auto parts.

The U.S. passenger vehicle market is the most open and competitive in the world. But when we go to sell our autos and auto parts in foreign markets, we face significant trade restrictions. Some of the most egregious practitioners of unfair trade in autos and auto parts are Japan and Korea. The sale of American vehicles and auto parts in Japan has been blocked by protectionist measures such as government regulations dealing with vehicle certification, inspection, and repair. In Korea, restrictions include a tax system that discriminates against imported vehicles by making them prohibitively expensive, discriminatory practices such as labeling foreign vehicles as "luxury goods," and the perception that the purchase of a foreign vehicle will trigger a tax audit.

Since 1990, the U.S. automotive trade deficit with Japan has averaged 55 percent of our total trade deficit with Japan. A 5 year market opening agreement in autos and auto parts that was largely a failure. The U.S. automotive trade deficit with Korea has grown significantly since 1995 despite two automotive market opening agreements with Korea.

Japan and Korea want it both ways. They want to keep a sanctuary automotive home market that is protected from competition while they export a significant portion of production to the United States.

We have been trying to open Japan's automotive markets for decades to no avail. In the mid-1980's we engaged in 8 years of Market Oriented Sector Specific, MOSS, talks with Japan to try to open Japan's auto parts market. During that time, our auto parts deficit with Japan rose from $3.3 billion in 1985 to nearly $11 billion in 1992 despite modest increases in sales by U.S. parts makers to the Japanese. The MOSS talks were followed by Framework talks in autos and auto parts which led to a 1995 U.S.-Japan Automotive Trade Agreement with the goal of increasing market access in Japan for U.S. autos and auto parts. That goal has not been achieved. Despite that fact, the Administration has allowed the Agreement to expire. Meanwhile, the U.S. trade deficit with Japan in autos and auto parts has gotten worse. The auto and auto parts trade deficit was $32.9 billion in 1995. By the end of 2000 when the Agreement was allowed to expire, it was $44.2 billion, more than 60 percent of the overall U.S. trade deficit with Japan and 10 percent of the worldwide U.S. trade deficit.

The U.S. government, in its annual Trade Barriers Report, acknowledges that it is disappointed with the access of North American-made vehicles and parts to Japan.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. South Korea has the most closed market for imported cars and trucks in the developed world. While foreign vehicles account for only ½ of one percent of its total vehicle market, Korea depends on open markets in other countries to absorb its auto exports. Korea exports half of all the passenger vehicles it produces, with many of those vehicles coming to the U.S. Last year, Korea imported only 7,747 vehicles from the United States and exported over 600,000 to our country.

This imbalance exists despite two separate automotive trade agreements between the United States and Korea which were supposed to open Korea's market: the first in 1995 and the second in 1998. This imbalance is unfair to America and its workers and only threatens to get worse if we do not act immediately.

The amendment Senator VOINOVICH and I have introduced attempts to address the gross inequities in market access for U.S. autos and auto parts among some of our major trading partners. Our amendment would make market access for motor vehicles and vehicle parts a principal negotiating objective of the Untied States. The underlying bill includes 14 principal negotiating objectives and the Senate voted overwhelmingly to add textiles to that list. Since autos and auto parts are the largest part of our deficit, it is unacceptable that foreign trade barriers that exclude U.S.-made passenger vehicles and auto parts from certain markets are allowed to exist. We must act to get rid of those barriers.

Our amendment would make it a principal negotiating objective to expand competitive market opportunities for U.S. motor vehicles and vehicle parts and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers.

The current trade situation in autos and auto parts is unfair to America. We simply want access—to compete—no guarantees, just access. Every nation in the world strives to have a successful automotive industry and fights for that industry. We should do the same. The nearly 2.5 million men and women working in our nation's largest manufacturing industry deserve nothing less.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. If there is no one else who seeks recognition at this point—

Mr. GRASSLEY. I would like to have recognition on another matter, on the Byrd amendment.

Mr. LEVIN. If I may take 2 minutes.

Mr. GRASSLEY. Yes, go ahead.

I thank my friend, Senator GRASSLEY, for helping us to work out this matter. As always, he is a gentleman and is accommodating. Again, we are very grateful for the effort he made to make this possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 3447

Mr. GRASSLEY. Mr. President, is the regular order the Byrd amendment?

The PRESIDING OFFICER. The regular order is the Hollings second-degree amendment to the Byrd amendment.

Mr. GRASSLEY. Would I be in order to speak on the Byrd underlying amendment?

The PRESIDING OFFICER. Yes.

Mr. GRASSLEY. Mr. President, I am strongly opposed to this amendment, for two reasons.

First, the amendment would disrupt the bipartisan balance we achieved in the Finance Committee on Trade Promotion Authority. Republicans and Democrats looked carefully at all the issues, especially the issues relating to Congressional notification and consultation, and approved a bill that, overall, goes farther in terms of congressional oversight and consultation than we have ever gone in fast-rack legislation.

The second reason I oppose this amendment is that it would essentially strip the Finance Committee of much of its traditional authority and jurisdiction over the trade policy oversight function.

According to this proposed provision, none of the proposed eight members of the Congressional Oversight Group may be members of the Senate Finance Committee.

Under this amendment, more than twenty percent of the Senate would be shut out from direct oversight of how trade negotiations subject to fast-track procedures are being conducted.

In that regard, this is a very radical amendment.

It strikes me as extremely unusual, to say the very least, that the Finance Committee, which wrote and passed the bipartisan trade promotion authority bill in the first place, would be given almost no role whatever in the oversight process once trade promotion authority becomes law.

I say almost no role, because some Finance Committee members—those few who are congressional advisers for trade policy—would apparently have some limited role, in that the cochairmen of the Congressional Oversight Group are required to meet with them "regularly".

Mr. President, this is not the way that oversight of trade policy should be conducted.

I don't believe that any member of a Senate Committee—especially the Finance Committee—should be automatically excluded from the entity that the Senate establishes to review and monitor trade negotiations.

But that is exactly what this amendment does.

Do the proponents of this amendment mean that we can't trust Members of the Finance Committee to do the job the jurisdiction of their committee confers on them?

It appears that is exactly what this means.

This is not just bad policy.

Specifically excluding Senators from serving in any oversight capacity would also set a terrible precedent.

The congressional oversight process that Senator BAUCUS and I designed in the bipartisan trade promotion authority bill is a good one, and it should be preserved.

Mr. President, I strongly urge my colleagues to reject this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, hopefully, tomorrow, after a few rollcall votes on a few remaining amendments, we are going to have an opportunity to pass this bipartisan trade promotion authority act of 2002. I would like to address the issue of the bill for a few minutes while we are waiting for final action by the Senate on how we proceed tomorrow.

This bill provides the President with the flexibility he needs to negotiate strong international trade agreements on behalf of U.S. workers and farmers while maintaining Congress's constitutional role over U.S. trade policy. It represents a thoughtful approach to addressing the complex relationships between international trade, workers' rights, and the environment, without undermining the fundamental purpose and proven effectiveness of trade promotion authority procedures.

Specifically, this bipartisan act gives the administration the authority to negotiate and bring back trade agreements to Congress that will eliminate and reduce trade barriers relating to manufacturing, services, agriculture, intellectual property, investment, and e-commerce.

The legislation supports eliminating subsidies that decrease market opportunities for U.S. agriculture or unfairly distort markets to the detriment of the United States, with special emphasis on biotechnology, ending unjustified barriers not based on sound science, and fair treatment for import-sensitive agriculture.

The legislation preserves U.S. sovereignty while engaging new trade agreements that will create solid economic growth, improve efficiency and innovation, create better, high-paying jobs for hard-working Americans that on average pay 15 percent above the average wage, and increases the availability of attractively priced products into the U.S. market for the benefit of our consumers.

The legislation adds a trade negotiating objective on labor and the environment—very important provisions for many Members of this body. This is done to ensure that a party to a trade agreement does not fail to effectively enforce its labor and environmental laws through a sustained or recurring course of action or inaction, recognizing a government retains certain discretion.

It strengthens, under the labor and environmental provisions, the capacity to promote respect for core labor standards and to protect the environment, to reduce or eliminate government practices or policies that unduly threaten sustainable development, and it seeks market access for U.S. environmental technologies, goods, and services.

The legislation adds a new negotiating objective on enforcement, giving labor and environment disputes covered by the agreement parity with other issues in the trade agreement.

It sets forth other Presidential priorities not covered by trade promotion authority, including greater cooperation between the World Trade Organization on the one hand, and the International Labor Organization on the other hand, and consultative mechanisms among parties to trade agreements to strengthen the capacity of U.S. trading partners to promote respect for core labor standards and the environment, technical assistance on labor issues, and reporting on the child labor laws of U.S. trading partners.

The legislation directs the President to take into account legitimate health, safety, essential security, and consumer interests. It directs the Office of the U.S. Trade Representative to preserve our ability to enforce vigorously U.S. trade remedy laws and avoid agreements which lessen the effectiveness of U.S. antidumping or countervailing duty laws.

The legislation contains negotiating objectives on investment to increase transparency for the dispute settlement process, calls for standards of expropriation and compensation that are consistent with U.S. legal principles and practice, and eliminates frivolous claims.

The bill expands and improves consultations between the administration and Congress before, during, and after trade negotiations and particularly in the development of implementing legislation.

The Bipartisan Trade Promotion Assistance Act provides trade promotion authority until June 1, 2005, with a possibility of a 2-year extension. I point this out because there is a misunderstanding that Congress is going to give all of its power to the President. We have the consultation I talked about. Most importantly, whatever is agreed to by the President has to be passed by Congress as a law before any agreement can become effective. But we also do not give this power away to the President forever. This is the year 2002, almost June 1. So we are talking about the next 3 years with the possibility of a 2-year extension.

I happen to believe we ought to have standing trade negotiation authority for the President, and we should not have these lapses that we have had since 1994, but obviously the extent to which we give it for shorter periods of time ought to satisfy more Members of this body that we are not giving up our congressional power, which is a specific grant in our Constitution that Congress shall regulate interstate and foreign commerce.

The Bipartisan Trade Promotion Authority Act also contains unprecedented procedures that ensure prompt, meaningful, and extensive consultations with the Congress throughout the negotiating process. In other words, Members of this body and the other body are going to have ample opportunity while the President is doing all this negotiating to have reports given to us, feedback and, obviously, if Congress has to pass a final product, the President, in negotiating a position for the United States, is going to have to take into consideration the views of Members of Congress if the President wants to reach an agreement that will eventually pass by a majority vote in both the House and Senate.

In regard to this negotiation process and consultation therein, the bill establishes a congressional oversight group which is a broad-based, bipartisan, and permanent institution to be accredited as though official advisers to the U.S. delegation to consult with the U.S. Trade Representative and provide advice regarding formulation of specific objectives, negotiation strategies and positions, and development of the final trade agreement.

This congressional oversight group would maximize bipartisanship and input from Members from a broad range of committees comprising the chairman and ranking member of the Ways and Means Committee, three additional committee members, and also the chairman and ranking member, and their designees, of each committee with a jurisdiction over any law affected by trade agreements being negotiated.

The Bipartisan Trade Promotion Assistance Act also requires development of a written plan by the U.S. Trade Representative for consulting with Congress throughout the negotiations. That plan must include provisions for regular and detailed briefings of the congressional oversight group throughout the negotiations, access to documents relating to negotiations by members of the congressional oversight group, and their designated staffs. There would be very close cooperation between the congressional oversight group and the U.S. Trade Representative at all critical periods of the negotiations, including at negotiation sites, after the agreement is concluded, consultations regarding ongoing compliance and enforcement of commitments under the agreement, and finally, transmittal of a report by the Secretary of Commerce to Congress on U.S. strategy for correcting World Trade Organization dispute settlement reports that add to obligations or diminish rights of the United States.

It also provides that the President provide Congress with a written notice of intent to enter negotiations 90 days before initiating negotiations, or as soon as feasible after enactment of trade promotion authority; for negotiations already underway, including the intended date for entering negotiations, specific U.S. objectives and statement of whether seeking new agreements or changes in the existing agreement; and that the President and the U.S. Trade Representative consult with Congress before initiating or continuing negotiations on agricultural products, fish and shellfish trade, textiles and apparel products.

Before and after negotiations begin, the President and U.S. Trade Representative must consult with Congress regarding the negotiations, and particularly the U.S. Trade Representative must consult with all committees with jurisdiction over laws that would affect an agreement.

Before and after negotiations begin, if a majority of the members of the Congressional Oversight Committee request a meeting, the President himself must meet with the group regarding the negotiations.

I have used the word "consult" many times. It is all reflected in the legislation that Congress is very carefully guarding its constitutional power to regulate foreign and interstate commerce, and we are having a contract with the President of the United States, but that contract is not a blank check to the President of the United States. He keeps in constant touch with us as the words "consulting" and "consultation" and "consult" imply, legally binding that he do that.

So I hope it is very clear we are not willy-nilly delegating some power to the President. Not at all. We are going to be a part of this process.

Now, people might ask why, if Congress is going to be a part of the process, are we having this contract with the President to negotiate for us? It is because of the impossibility, and it ought to be very obvious, 535 Members of Congress not having the ability to be in Geneva or someplace else negotiating with 142 other countries on the issue of some trade agreement. So we ask the President to do it.

I hope the emphasis upon consulting and Congress demanding that the President sit down at certain points during this process indicates that, in fact, we are very selfishly guarding congressional responsibility.

There is another part of notice and consultation that is required before actually entering into final trade agreements by the President, before it is actually signed in other words, because immediately after initiating an agreement the U.S. Trade Representative must consult closely with appropriate congressional committees, including the congressional trade advisers, the congressional oversight group, and the House and Senate Committees on Agriculture.

The President is required, at least 90 days before entering an agreement, to formally notify Congress of his intent to enter into an agreement and publish notice of such intent in the Federal Register. At this time, the President must also notify the appropriate congressional committees of certain amendments proposed to be included in the implementing bill and then provide the International Trade Commission with details of the agreement so the ITC can prepare and submit an assessment of the likely impact of the agreement on the U.S. economy and specific industry sectors.

Before entering into an agreement, the President must consult with the appropriate congressional committees and the congressional oversight group regarding three matters: The nature of the agreement; the extent to which the agreement meets congressional objectives as outlined in the bill before Congress right now; and the implementation of that agreement.

Both Houses of Congress have the ability, in the final analysis, as we all know and as has been the practice for the last 25 years, to disapprove an agreement by passing separate disapproval resolutions if the administration fails or refuses to notify or consult with Congress in accordance with the bill that is before Congress right now that hopefully we will vote on tomorrow.

Another example of notice and consultation after a trade agreement is entered into: After the President signs it, as soon as practical after entering into an agreement, the President must submit a copy of the agreement to Congress along with statements or reasons that he had for entering into that agreement. The President is required, at least 60 days after entering an agreement, to submit to Congress a description of the changes to existing laws that would be needed to comply with the agreement.

The President is also required to submit to Congress the final text of the agreement and provide an explanation of how the bill implementing the agreement would change existing law, how the agreement makes progress at achieving the Trade Promotion Authority Act's objective, and also he must submit an implementation plan.

When that is all done, we then have to have notice and consultation on an ongoing basis. The President must report to the appropriate congressional committees on the mechanisms created among parties in the agreement to promote respect for core labor standards and to develop and implement sound environmental and health standards.

The President must also report on the required reviews of the impact of future trade agreements on the environment and U.S. employment. Congress may withdraw a trade promotion authority for failure to consult. Disapproval resolutions can be introduced by any Senator and may cover multiple agreements. Grounds for disapproval include failure to make progress in achieving the objectives that the bill has laid out.

Obviously, as I have stated before, none of this happens unless Congress gives approval by majority vote in both the House and the Senate to approve or disapprove these agreements negotiated under this bill that hopefully will pass tomorrow.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the time until 10:30 a.m., May 23d, tomorrow, count against the time provided under the cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRIGADIER GENERAL STEPHEN G. WOOD, DEPUTY DIRECTOR, AIR FORCE LEGISLATIVE LIAISON

Mr. LOTT. Mr. President, I rise to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Brigadier General Stephen G. Wood. General Wood, who currently serves as Deputy Director of the Air Force Office of Legislative Liaison, was recently nominated for promotion to Major General and selected for assignment as Commander of the Air Warfare Center, Air Combat Command, at Nellis Air Force Base in Nevada. During his time in Washington, and especially with regard to his work here on Capitol Hill, General Wood personified the Air Force core values of integrity, selfless service and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of General Wood's many accomplishments, and to commend the superb service he provided the Air Force, the Congress and our Nation.

General Wood entered the Air Force through the Reserve Officer Training Corps program at the University of Washington, Seattle. He served in various operational and staff assignments including duty as an F–4D pilot, AT–38 instructor pilot, F–16 weapons instructor and squadron operations officer. A command pilot, the general has more than 3,300 flying hours in the F–4, T–33, AT–38 and F–16, including 49 combat missions during Operation Desert Storm.

Throughout his distinguished career, General Wood's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He served as F–16 Operations Officer and Commander of the 10th Tactical Fighter Squadron at Hahn Air Base, Germany; and as Squadron Commander of the 389th Fighter Squadron at Mountain Home Air Force Base in Idaho. He was subsequently selected as Chief of Joint Training Teams at Headquarters, U.S. Atlantic Command, in Norfolk, Virginia. Following this assignment, General Wood was chosen as Commander of the 8th Operations Group in Kunsan Air Base, South Korea; and later as Commander of the 35th Fighter Wing at Misawa Air Base, Japan.

General Wood is best known to us, however, because of his two Air Force assignments involving liaison to the Congress. Many here will remember that from June 1997 until November 1998, General Wood was assigned as Chief, House Liaison Office, of the Office of the Secretary of the Air Force. He excelled in this position, bringing qualities of integrity and professionalism that greatly enhanced relations between the Air Force and the Congress. He was selected in May 2000 to return as Deputy Director of Air Force Legislative Liaison for the Secretary of the Air Force.

In his many years of working with the Congress, General Wood has provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of Congressional processes and priorities and his unflinching advocacy of programs essential to the Air Force and to our nation.

I am very pleased that General Wood has been nominated for his second star and I am sure that the Senate will soon concur in that promotion. I offer my sincere congratulations to General Wood for his nomination and for his new assignment as Commander of the Air Warfare Center. On behalf of the Congress and our great Nation, I thank General Wood and his entire family for the commitment and sacrifices that they have made throughout his military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Wood for a job well done. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his new command.

THE FARM BILL

Mr. HATCH. Mr. President, I rise to discuss the recent enactment of H.R. 2646, the Farm Security and Rural Investment Act of 2002, and to explain why I made the very difficult decision to vote against it. First, I wish to express my sincere thanks to the members of the House and Senate Agriculture Committees and the conferees for their very hard work in producing this farm bill. I have no doubt that their aim was the good of America's farmers and of rural America.

There are a number of important provisions in the farm bill that will have a positive impact on our family farms. I am pleased that significantly more funds will go to conservation programs and to help livestock producers and feedlot operators to better protect the environment. I am especially proud of language included in the farm bill that will restore a modest and carefully constructed wool program for our sheep industry. The new wool payment is crafted to provide some assistance during difficult times but not so much that the wool market will become distorted. I think the wool payment program is a good model for providing farmers with a good safety net.

I wish I could say that the other crop support programs in H.R. 2646 were also well-crafted, but I cannot.

I was a strong supporter of the previous farm bill, or the Fair Act. The Fair Act attempted to free our farmers from the heavy hand of government and restore to our farmers the benefits of the free market.

While I supported the Fair Act, I also recognized that the safety net for our farmers still needed some strengthening. A farm safety net should help farmers succeed in the free market. The alternative is to protect our farmers from the free market, and we have learned from failed farm programs of the past that there is not a good way to do that.

It is unfortunate that our new farm bill appears to be heading back down those same paths. Its greatest weakness is that in an attempt to provide some protection for farmers it goes well beyond the mark. We needed a fresh approach to supporting our farmers, but this latest farm bill is an unpleasant trip down memory lane. It risks turning our farmers into welfare recipients, and it puts the bureaucrat back in the business of running our nation's farms.

In H.R. 2646, the programs for row crops are intended to kick in when there is an oversupply and prices are low. Basic economic principles would indicate, and history has proven, that these countercyclical programs themselves can create an incentive for overproduction which, in turn, keeps prices low. Unless they are crafted very carefully, counter cyclical programs lead to a spiral of dependency. As long as the government money keeps flowing to the farmers, the overproduction does not bankrupt them. But it does put our farmers on the federal dole, and I don't believe that's where the farmers of Utah want to be.

One of the greatest benefits our government can provide to our farmers is a world system of free and fair trade. Our Nation's farm products are the best, and consumers around the world are clamoring for them. Through tremendous effort and lengthy negotiations, this and past administrations have been prying open foreign markets to U.S. agricultural products. I believe that too many of the programs in H.R. 2646 go beyond support for farmers and instead attempt to protect them from competition. The governments of our largest foreign markets for agriculture products are keenly aware of this, and with some justification they are alarmed by our recent shift toward protectionism. I fear the effects of this shift will hurt farmers. Doors to foreign markets that have been opened to our farmers may now close, the possibility for new markets may be quashed, and a greater number of future agricultural trade issues will be decided by the World Trade Organization, not by our trade negotiators.

Another important consideration for me in deciding to oppose H.R. 2646, was the alarming escalation of the cost of the bill. My understanding was that it would take about $100 billion to keep the current programs running for our farmers. On top of that, we budgeted an additional $73.5 billion to help meet the needs of our farmers. That is a big increase, but I think our farmers deserve the additional help. I would feel better about spending this extra money, though, if I believed that it would benefit our agricultural industry rather than work against it. I would also feel better about the extra spending if the original $173.5 billion had not mysteriously risen to a budget busting $190 billion.

I know the farmers of Utah. They are prudent businessmen who simply want a fair shake. They do not want to go on the government dole, they do not want to close foreign markets, and they do not want to add to our budget deficit. Unfortunately for the farmers of Utah, the farm bill that has recently been signed into law does all of the above. And yet, all this money and all these programs do strangely little for the small farmer of Utah. A full two-thirds of all these programs will go to only 10 percent of our nation's largest farms. This is a particularly grotesque and embarrassing aspect of H.R. 2646. If these largest farms are so efficient, why do they need this level of welfare? Where are the economies of scale that should make the largest farms the strongest?

I voted on the floor of the Senate, along with 65 of my colleagues, to address this issue by providing certain limitations on the size of payments the largest farms could receive under this farm bill. Although two-thirds of the Senate agreed on these payment limitations, the final conference report came back to us stripped of this important provision.

I wish we had a farm bill to which I could have given my blessing, but frankly, H.R. 2646 did not deserve my blessing. I am pleased that Utah's woolgrowers will receive some much needed relief, that our livestock producers in general will receive important funding for conservation measures, and that our crop growers will gain some certainty from the enactment of a farm bill, but I fear there may be a heavy price to pay in the long run for our agricultural industry—a price that could have been avoided with a little more prudence and restraint on the part of the legislators and the farm organizations who helped to develop this farm bill.

I hope that Utah's farmers can understand why I needed to vote against this farm bill. I cherish the farmers of Utah. I consider them the finest citizens our nation has. There is no group that works harder, that is more patriotic, or that is more morally strong than the farmers of Utah. I have often stated that they are the backbone of our society, and I have always believed it to be true. I will continue to do all I can to support our farmers in the way that I believe they want to be supported, and I think my record reflects that this is what I have attempted to do over the years. I believe that the farmers I represent understand this.

TUNA IMPORTS FROM THE PHILIPPINES

Mr. SARBANES. Mr. President, I rise today to express my concerns about a provision in the Andean Trade Preferences Act, ATPA, that will have serious adverse, unintended consequences on United States initiatives in the Philippines and our relationship with the Philippine government.

Both the House and Senate versions of the ATPA would allow canned tuna from the Andean region to enter the United States duty-free, while maintaining the current tariff rates for all other countries. There are slight differences between the two versions: The House version allows all canned tuna imports from the Andean region to enter duty-free; the Senate version extends duty-free treatment to Andean tuna imports up to a cap equal to 20 percent of the preceding calendar year's domestic production excluding production in American Samoa. For the Philippines, however, the House and Senate versions have the same effect. Philippine tuna is sold generically; purchasers of this tuna are the most price-sensitive, and they would gravitate to the cheaper, duty-free product.

Loss of these sales would mean, effectively, the collapse of the tuna market. The major suppliers to the U.S. canned tuna market are just six countries: Thailand, 60 percent; the Philippines, 18 percent; Indonesia, 12 percent; Papua NG, 4 percent; Ecuador and Malaysia, 2 percent each. Of the six, Ecuador is the only one of the six that would benefit from the proposed trade preference, to the sharp detriment of the Philippines. The Philippine government estimates that the implementation of the ATPA preference would affect 24,000 workers directly, and another 150,000 indirectly.

Moreover, it is the economy of Mindanao, where the entire tuna-canning industry is located, that would be especially hard hit. It is on this southernmost island that the poverty level is acute and terrorist activity is concentrated; a number of civilians have been kidnapped or murdered there by Abu Sayyaf, an extremist Islamic group, and two Americans are currently being held there.

The ramifications of this legislation will almost certainly undercut the Philippine government's efforts in Mindanao. It will undercut U.S. efforts as well, since the U.S. government through USAID has provided over $20 million in fiscal year 2001 and fiscal year 2002 in ESF for economic development in Mindanao, and the fiscal year 2003 budget request includes a further $20 million; ATPA would seriously compromise those investments.

It will of course be argued that the ATPA provision will strengthen the

Andean economies and enable them better to resist terrorist encroachments. But our efforts to strengthen these economies should not come at the cost of making anti-terrorist efforts in the Philippines more difficult. Surely that is not the intent, but it could well be an unintentional but highly regrettable consequence of the legislation.

Given the likelihood of grave, harmful consequences for the Philippines, I urge my colleagues to work toward a constructive solution to the problem posed by the ATPA provision that would give duty-free entry to canned tuna from the Andean countries. I ask unanimous consent to have printed in the RECORD the discussion of this issue which appears in today's New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York times via Dow Jones, May 21, 2002]

QUANDARY ON TRADE

(By Keith Bradsher)

GENERAL SANTOS CITY, THE PHILIPPINES, May 16, 2002—How should the United States set its tariffs and trade rules, globally or country-by-country?

It is no arid academic debate to the tuna fishermen of this knockabout port city on the south coast of Mindanao, nor to sugar cutters in the Caribbean or garment workers in Pakistan. Faraway changes in American fine print can have very real, sometimes unintended consequences.

A move in Congress to extend trade preferences to Andean nations, in part to help wean their economies off coca production, could lead to the layoff of thousands of Muslim workers in the tuna industry here, even as American troops help the Philippine army fight Abu Sayyaf Muslim insurgents in this region.

In Pakistan, officials have struggled to win a larger quota for textile shipments to the United States as a reward for Islamabad's help during the conflict in Afghanistan. And in the Caribbean, the emergence of any especially pro-American government brings a request for a larger quota to ship sugar to the high-priced, highly protected American market.

By returning to the pre-1922 practice of awarding preferential trade treatment to certain countries and regions, often for political rather than economic reasons, Washington now finds itself constantly badgered for trade concessions by whatever friendly nation is in the news at any given moment.

This is the problem that most 'favored nation' status was supposed to solve. When countries won that status—as nearly all of America's trading partners did in recent decades—they were assured that their exports would get the same tariff treatment as any other, and that generally, concessions awarded to one would be awarded to all.

After the ruinous bilateral trade competition in Europe in the 1930's, the United States backed a global adoption of the same approach, leading in the decades after World War II to the international trade rules enshrined in the General Agreement on Tariffs and Trade and later to the creation of the World Trade Organization.

'The history of trade negotiations basically was that, because of the bilateral special deals that inevitably made other nations unhappy, we came around to most-favored-nation treatment and GATT negotiations,' said William Cline, a senior economist at the Institute for International Economics in Washington.

Up through the 1980's, most economists criticized regional trade agreements as just as bad as bilateral deals. Beyond making winners of some countries and losers of others, regional blocs can be bad for global efficiency, by prompting importers to favor a higher-cost producer within the bloc over a lower-cost producer outside whose goods are still subject to high tariffs and quotas.

Global trade agreements minimize such drawbacks, because these days very few countries remain outside them. But global treaties are becoming increasingly difficult to conclude. The last was wrapped up in Geneva in 1993; talks meant to produce the next one did not get under way until last November in Doha, Qatar, and are expected to take years.

But the regional free trade concept has become fashionable again, in great part because of the success of the European Union, which hugely increased trade among its 15 members by eliminating tariffs and trade barriers. It helped inspire the 1992 North American Free Trade Agreement—joining the United States, Canada and Mexico—as well as several other regional groupings.

One provision of the Nafta treaty helped set off the dispute now roiling American efforts to retain the support of the Philippines in the war on terrorism.

Among the tariffs to be eliminated within North America by the treaty is the American duty on canned tuna imported from Mexico. It will not disappear until 2008, and for the moment it means little because Mexico, well north of the equatorial waters where the best fishing grounds are found, has a tiny tuna industry. But tuna from other countries is subject to duty of up to 35 percent, creating a big incentive for Mexico to build up its tuna fleet, despite the high labor and fuel costs for the long journeys to where the tuna swim.

Several smaller Central American and Caribbean nations also have small tuna fleets; three years ago, Congress agreed to phase out tuna duties for them on the same timetable.

To the Andean nations of South America, these concessions posed a serious threat—that preferential access to the United States would soon make big new competitors out of Mexico and Central America. The United States had lowered tariffs on many products from Andean nations like Ecuador and Colombia in 1991, but canned tuna was not among them. When the 1991 concessions came up for renewal last year, the Andean nations, supported by Starkist, demanded that they be expanded to include canned tuna.

Ecuador has a huge tuna fishing fleet, and Colombia a smaller one; both countries are eager to create jobs that do not depend on narcotics trafficking. That persuaded the House of Representatives to approve a bill earlier this year that would immediately eliminate duty on Andean tuna.

A more limited bill that would phase out duty on about a third of current shipments is before the Senate as part of a broader trade bill. If it passes, differences between the provisions would be worked out in a conference of senators and representatives.

Now it is the Philippines' turn to feel threatened. Letting Ecuador and Colombia, but not the Philippines, ship tuna to the United States duty free would be both unfair and unwise, officials in Manila are warning, because of the hardship it would create in this poor, Muslim and sometimes rebellious part of the country, where terrorists are believed to be active. "We understand you want to do this because of narcotics," said Manuel A. Roxas II, the country's secretary of trade and industry, "but terrorism is just as important."

Washington has been on notice for some time that this kind of chain reaction of anger and demands for relief was likely to develop. An influential report by the United States Tariff Commission foresaw that special deals for some countries would "lead to claims from states outside the agreement which, if granted, defeat the purpose of the treaties, and which, if not granted, occasion the preferring of a charge of disloyalty to treaty obligations."

VOTE EXPLANATION

Mr. TORRICELLI. Mr. President, I inform the Senate that because of an unavoidable delay, I was unable to arrive in the Senate for a morning vote held on May 22, 2002. Had I been present, I would have voted as set forth below. My vote would not have affected the outcome.

On the motion to invoke cloture on the Baucus Substitute Amendment 3401 to H.R. 3009, the Andean Trade Act, I would have voted against cloture. The amendment on which the cloture vote occurred included Trade Promotion Authority, also known as Fast Track Authority, which I oppose because it fails to require strong, enforceable provisions regarding labor rights and environmental protection in future U.S. trade agreements.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 13, 1992 in Davenport, IA. Two gay men and two of their friends were beaten with baseball bats and metal pipes. The assailants, a group of six men and two women, yelled anti-gay slurs during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

EAST TIMOR'S INDEPENDENCE

Mr. TORRICELLI. Mr President, I would like to extend my warmest welcome to the newest democracy to join the family of nations. This week, after a long and arduous struggle, the nation of East Timor officially celebrated it independence from Indonesia.

This has been a long and hard fought process for the people of East Timor. For 300 years, they were a colony of Portugal. Then upon the end of colonial rule in 1975, and a brief period of independence, East Timor was annexed to Indonesia.

In August of 1999, the people of East Timor voted in favor of independence from Indonesia. This historic moment regrettably set off a tragic wave of violence that left much of the country in devastation. While the people of East Timor have come a great distance since that moment, there is still much rebuilding and healing to do.

In January of 2000, the United Nations International Commission of Inquiry into East Timor concluded that the terror, destruction and displacement of people that occurred would not have been possible without the involvement of the Indonesian military during August of 2002. During that same period, some 250,000 East Timorese fled to West Timor, while there are still 55,000 refuges who have not been repatriated.

For the people of East Timor to move forward and have positive relations with their Indonesian neighbors, it is vital that these findings be investigated and those who are found guilty of committing crimes against humanity be brought to justice. The Indonesian government has taken an important step in this matter by establishing an ad hoc Human Rights Court for East Timor, however, this court has its own short-comings. By limiting the scope of inquires to atrocities alleged after the August referendum, it has effectively blocked the prosecution of high-level military officials who are believed to have masterminded the violence. Without the ability to investigate and bring to justice those involved in human rights abuses throughout East Timor's time as part of Indonesia, those who have suffered will be unable to move forward in their lives.

While we cannot forget the injustices of the past, this week is also a time to look forward. East Timor has the opportunity to build a vibrant and prosperous nation. The task of developing a thriving democracy is an ongoing process. It requires a respect for the rule of law and the ability to share differing opinions. I am confidant that the people of East Timor will met these challenges as they have the others before them; and they have taken a positive step by voting to sign the United Nations Declaration of Human Rights as their legislature's first act.

While many of these steps the people of East Timor must take for themselves, the United States and our fellow democracies will still play a vital role in the hopes of East Timorese. Given the level of destruction, it is important that the United States and other nations continue foreign aid in an effort to enable the East Timorese to provide vital services such as education, shelter, and healthcare to their people. Also, the established democracies of the world can provide valuable insight into the running of democratic institutions as the government of East Timor undertakes the responsibilities of full sovereignty. These and other forms of aid will play a vital role in the ability of East Timor to mature as an established nation.

Lastly, this momentous occasion would not have been possible without the perserverance of the people of East Timor and supportive non-governmental organizations such as the East Timor Action Network, and I commend them on their efforts. The people of East Timor have endured much to gain their freedom, and I wish them the best in their newfound independence.

PARKINSON'S DISEASE

Mr. HARKIN. Mr. President, today I chaired a hearing on Parkinson's Disease in the Labor, Health and Human Services and Education Appropriations Subcommittee. I was profoundly touched by the victims of this disease who came to testify and by the many, many victims, families and advocates who came to Washington to put a human face on this horrible disease. As a Congress, we can't take the time to listen to every story but I ask unanimous consent that one little girl's story be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER FROM MAYA FIELDER

My name is Maya Fielder and I am 9 years old. I live in Palo Alto, California and I am in the 4th grade at Escondido School.

When I was a little baby my Mom found out she had Parkinson's Disease. I was with my Mom, but I don't really remember when the doctor told her she had a bad disease that gets worse and worse and doesn't have a cure. I know that now there are lots of things I can't do with my Mom and sometimes I feel like I have to take care her instead of her taking care of me.

I learned that Parkinson's Disease is when your brain doesn't produce enough dopamine. Dopamine is important because it tells your body how to move. My Mom's body tremors and she can't write things down or if she does no one can read it, not even her. She gets disabled to walk so she rides my scooter around the house (I'm not allowed to ride in the house though). And sometimes she can't even walk until her medicine starts working so my Dad and I get things for her. She takes tons of pills every day but the medicine or the disease causes more problems for her so my Mom tries new medicines and different things a lot to try to get better.

Our whole family works hard to help find a cure for Parkinson's. My mom talks about Parkinson's to the newspapers or on the news whenever she can and sometimes my name or picture is shown too! We had a charity art show at our house and Uncle Dan's art raised a lot of money. I even sold a painting and all the money went to Parkinson's research. My mom said that if researchers got enough money from Congress and from regular people that scientists could find a cure in 5 or 10 years. That would be good because I won't be a grown-up yet and my Mom will get better and we could go iceskating together.

But now we have a big problem. I heard President Bush say that all cloning research has to stop. My Mom was really upset because she said the President and some people in Congress want to stop researchers from finding a cure for Parkinson's and lots of other diseases that make millions of people sick. I don't get it.

One part of the Pledge of Allegiance says "Liberty and Justice for all". I don't think the government is giving us much liberty or justice—at all!

People are scared of the kind of cloning that would make new people (reproductive cloning). But what's so scary about finding a cure for my Mom? That kind of cloning is called therapeutic cloning and doesn't make people or kittens or anything like that—it would just help my Mom's brain work again like it is supposed to.

I think that the people who make the laws should make rules so scientists won't do bad things with research. But can't they still be allowed to do the good research? My mom said the Brownback bill that is being voted on Congress soon wouldn't allow scientists to do the good kind of research that would help her. She also said that this law wants to put people like her in jail if they try to get cured. That's just dumb! My Mom isn't doing anything wrong by just trying to get well.

I thought I might want to be a scientist when I grow up but I don't think so any more. I just want to find a cure for my Mom. I guess I'll become the President of the United States so that I can make good laws that help people and cure diseases. I'll let scientists do their work and make all kinds of new discoveries.

I know that this isn't the most important thing for everyone. But I think that if someone in your family was sick and you were worried, that you would do everything you could to help them get better. You wouldn't make laws so that a cure would not be found and you wouldn't put them in jail.

Please help find a cure for my Mom and everyone else that needs one instead of making it harder. I'm doing as much as I can do to help my Mom and other people too (when I'm not in school or doing sports or playing violin, but Mommy says that helps her too). This is really important to a lot of people. Thank you.

ADDITIONAL STATEMENTS

TRIBUTE TO DIANE CALLAWAY

• Mr. BIDEN. Mr. President, I am pleased to note for the record this morning the election of a proven leader in my State to serve in national office.

Diane J. Callaway has worked in the Seaford School District in Delaware for 28 years. In the course of her career, Mrs. Callaway has been active in professional associations at the local, state and national level, serving in virtually every leadership position, both elected and appointed. It came as no surprise to anyone, when Diane Callaway received Delaware's first Educational Office Professional of the Year award.

In 1990, Mrs. Callaway earned a Professional Standards Program certificate and distinction as a Certified Educational Office Employee, CEOE, from the National Association of Educational Office Professionals. She served for four years as the NAEOP's Mid-Atlantic Area Director, and currently serves on the Association's Board of Directors Executive Committee. Mrs. Callaway has been elected to serve as President of the NAEOP for 2002–2003.

Needless to say, we in Delaware are very proud of Diane Callaway proud of her success, proud of the prominent role she is playing at the national level, and most of all, proud of her tremendous contribution to the quality of our schools. We congratulate her on her election, and we thank her for her service to us all.●

THE LEGACY OF FLOYD BOLDRIDGE

● Mr. BROWNBACK. Mr. President, today, I rise to recognize the legacy of a true Kansan, Floyd Boldridge. Mr. Boldridge was a life-long farmer and family man. During his life, he was loved by not only his family but by the community of Atchison, Kansas as well. During his funeral, La Rochelle Young, of my staff read a tribute to her uncle, Floyd Boldridge. As we prepare to honor our loved ones during the upcoming Memorial Day holiday, I think it is a fitting tribute to Mr. Boldridge to enter his tribute into the record of the United States Senate. I join with La Rochelle and Mr. Boldridge's ten children, Gloria Wallingford, Virginia Carol Harvey, Shirley Gooch, Betty King, Thelma Hibler, Leonard Boldridge, Dennis Boldridge, Brenda Nettles, Annette Boldridge and Eric Harvey.

I ask that Mr. Boldridge's tribute be printed in the RECORD.

The tribute follows:

THE LEGACY OF FLOYD BOLDRIDGE

(By La Rochelle Murray, Niece of Floyd Boldridge)

January 31, 2000

A legacy of love, of family, of commitment and of integrity can be said of the man who many called father, grandfather, uncle, cousin, brother, friend, bull and baby boy. Floyd Boldridge was the youngest of six rambunctious boys. And as the "baby" of the family, he was loved, protected and cherished in many ways. In fact, one of the brothers' favorite past times was bouncing "baby boy" on the bed and then lovingly watch him bounce off onto the floor. Perhaps, this is where Uncle Floyd developed his sparkling personality, his infectious laughter that could penetrate any person or situation, and the indescribable bond between his brothers and his fierce commitment to his family and friends.

As a young man, Uncle Floyd grew up in a spiritual family that not only took pride in the teachings of Christ, honesty and hard work but also took extreme pride in the Boldridge name as well. This was shown throughout Uncle Floyd's life. Like most large families, each son possessed a special gift—one that was different from the other brothers. However, instead of dwelling on the others' gift, each brother nurtured and cultivated his gift in order to combine their gifts with one another and sustain themselves.

During an interview, Uncle Floyd was once asked about his thoughts concerning The Great Depression. His response was simplistic yet profound. He said that he did not recall feeling the effects of the depression because he and his brothers never wanted for anything. They pooled their resources together, which allowed them to be self-sufficient and continued living comfortably during one of the darkest times in our nation's history. This lesson and the many other lessons that he learned from his brothers was what sculpted him into the energetic, fiercely loyal, loving man that his children—and all of us because to Uncle Floyd, we were all his family—remember today.

During the early years of Uncle Floyd's life, his passion and zeal for life was transferred to his ever-growing family. Everyone who knew Uncle Floyd knew that he was very proud of his children. His love for his family surpassed everything in his life and will continue to live on in the lives of his children and grandchildren. There were many facets to Uncle Floyd's life but none compared to the love of his children.

For example, when his daughter, Tammy, brought her husband, Don, to meet her father for the first time, Uncle Floyd positioned himself so that his five foot seven inch frame was on a hill and Don, who is six feet three inches tall, was on a flat portion of land. Once this was achieved, Don was eye level with Uncle Floyd. It wasn't until later that Don realized what had happened because he was so intimidated by Tammy's father.

Uncle Floyd also had a passion for peace and happiness between everyone. He was never one to cause conflict or allow conflict to be in his presence. He had a vivacious personality that allowed him to realize that life was a series of challenges and having a negative or defeatist attitude would only make one's life miserable. Instead, he choose to look to God first for understanding and then actively engage in positive actions.

Although Uncle Floyd was a peaceful and loving man, he was also known for his enormous strength, which earned him the nickname "Bull." And like Sampson, everyone who tried to overpower him received an often surprising and sometimes painful result. For example, one of my Uncle Floyd's nephews, Marvin, decided to test his uncle's strength at work. Marvin made the bad decision to grab Uncle Floyd's arms. Not only did Marvin say that grabbing Uncle Floyd was like grabbing a hunk of steel, but remembers being turned upside down in the process. All Marvin recalls of that moment was his father yelling, "Don't kill him Bull!!"

My father, Walter D. Murray, also remembers his first introduction to Uncle Floyd. He had heard many stories regarding Uncle Floyd's strength and though that he would show him what strength really was. So, when he shook Uncle Floyd's hand, he squeezed with all of his strength and found that not only did Uncle Floyd match his strength but surpassed his strength so much so that after almost falling to his knees, he had to ask Uncle Floyd to release his hand.

Indeed Uncle Floyd loved life and lived his life to the fullest and in doing so blessed our lives immeasurably. So what can be said of his legacy? Uncle Floyd left us with a profound legacy of love for God, his Son, Jesus Christ and the Holy Spirit, peace among ourselves and love for our fellow human. Like Christ, Uncle Floyd believed in treating others as we would treat ourselves. That is why he cherished his trips to the Holy Land. Uncle Floyd loved to share every aspect of his trips to the Holy Land including Jerusalem and Bethlehem. It was on one of these trips that he turned to his daughter, Betty, and said, "I am seeing with these eyes what my father read to me from the Bible many years ago."

Uncle Floyd was a steadfast, deeply religious man who loved Christ and the Church. In fact many nights, Uncle Floyd could be found in the kitchen of Campbell Chapel African Methodist Episcopal Church, where he was a life-long faithful member, cooking his famous cabbage or my personal favorite, fried corn. And many of Uncle Floyd's friends will remember the dinners he would fix after a hunting trip or even if they just chose to drop in and visit him at his home.

Uncle Floyd also left us with the legacy of the Port William Bridge. Uncle Floyd, along with his many friends, worked tirelessly on achieving the dedication of this historic bridge. Uncle Floyd knew the importance of remembering the past in order to bridge a pathway to the future. That is the reason I brought my fiancé, Adrian K. Young, Jr., to meet Uncle Floyd in order to gain his approval. And Eric remembers when he was about to embark on his career as a professional soccer player that uncle Floyd said to him, "You've now got your foot in the door—don't let that door close." Eric now uses this premise when he is coaching his soccer team.

So we thank you Uncle Floyd for your gift of laughter, your loving manner in which you made everyone especially your children feel loved and appreciated, your dynamic and often times animated personality, and your legacy of love and peace. We will always love you and forever cherish the time we spent with you.●

DEATH OF STEVEN PATRICK LOVATO

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to the life of Steven Patrick Lovato, an Emergency Medical Technician who was killed in the line of duty while responding to a 911 call on March 16, 2002 in his hometown of Roswell, NM.

Steve received his initial EMT training in Las Cruces, NM and then joined the American Medical Response team in Roswell in 1998. During the course of his service in Roswell, he was a company safety officer and driving instructor. Last year he was awarded AMR's Vision and Guiding Principles Award for his responsiveness to patients. He was also recently selected as a company mentor to help teach and develop other EMT's.

Steve was known for his passion for emergency medicine and his unselfish desire to help others. He often commented about how much he loved going to work and serving his community. Steve is survived by his wife Josephine, his ten-year-old son Alex, and his parents, Lawrence and Rosie Lovato, all of Roswell. I would like to extend my condolences to Steve's family. Steve's sacrifice is the ultimate sacrifice, and his family's as well, and we join with them in mourning his death.●

COMMENDING OKLAHOMA STUDENTS

● Mr. INHOFE. Mr. President, I would like to briefly comment on an exceptional group of students from my State of Oklahoma. Recently, a group of students from Tahlequah High School in Tahlequah, OK, participated in the national finals of "We The People . . . The Citizens and the Constitution." These students traveled here to Washington, DC for the final competition after excelling in the preliminary stages.

This contest is held for students who have a remarkable knowledge of American history. The group includes Chris Augerhole, J.R. Baker, Chad Blish, Ryan Cannonie, Taylor Gibson, Carlton Heard, Cobin Heard, Zach Israel, Doug Kirk, Helena Loose, Lacie Newman, Tim Pace, Rebecca Walker, Derek Whaler, Brandon Zellner and their teacher Norma Boren.

These young Oklahomans demonstrated their ability to articulate the ideals of American government while taking part in a simulated congressional hearing.

I commend these students for their outstanding achievement.●

IN RECOGNITION OF HADASSAH'S 90TH ANNIVERSARY

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Hadassah, the Women's Zionist Organization of America as they celebrate their 90th anniversary. Hadassah is a non-profit volunteer women's organization dedicated to health care, education, and advocacy. Originally created to bring modern health care to the sick and suffering inhabitants of Palestine, Hadassah has grown into a thriving international organization actively engaged in issues that affect the health and livelihood of Jewish people throughout the United States and Israel.

Founded in 1912, Hadassah retains the passion and timeless values of its founder, Henrietta Szold, Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal.

In Israel, the Hadassah Medical Organization, HMO, runs two hospitals, five schools, outpatient clinics, research facilities, and a community health center. With support from over 300,000 Hadassah members worldwide, HMO offers expert treatment and tender care to more than half a million people in Israel each year.

In the United States, Hadassah enhances the quality of American and Jewish life through its education and Zionist youth programs. It promotes health awareness and provides personal enrichment and growth for its members.

In a year long celebration, Hadassah will commemorate its 90 years of service. To mark this occasion, I would like to applaud Hadassah and its members for their efforts to improve the lives of all the people they serve.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 486. An act for the relief of Barbara Makuch.

H.R. 487. An act for the relief of Eugene Makuch.

H.R. 1877. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

H.R. 4231. An act to improve small business advocacy, and for other purposes.

H.R. 4514. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes.

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel."

H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit.

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 2002.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor.

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 486. An act for the relief of Barbara Makuch; to the Committee on the Judiciary.

H.R. 487. An act for the relief of Eugene Makuch; to the Committee on the Judiciary.

H.R. 1877. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on Foreign Relations.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4514. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2538. A bill to amend the Fair Labor Standards act of 1938 to provide for an increase in the Federal minimum wage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7182. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Electronic Activities" (RIN1557–AB76) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7183. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Customs Regulations: Reusable Shipping Devices Arriving from Canada and Mexico" (TD 02–28) received on May 22, 2002; to the Committee on Finance.

EC–7184. A communication from the Regulatory Specialist, Executive Secretariat, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Trust Management Reform: Probate of Indian Trust Estates" (RIN1090–AA79) received on May 22, 2002; to the Committee on Indian Affairs.

EC–7185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (OK–029–FOR) received on May 22, 2002; to the Committee on Energy and Natural Resources.

EC–7186. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7187. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Board's Annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7188. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL7178–6) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7189. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerance Exemptions for Polymers" (FRL6834–2) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides: Tolerances Exemptions for Minimal Risk Active and Inert Ingredients" (FRL6834–8) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7191. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement with Taiwan; to the Committee on Foreign Relations.

EC–7192. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000 ,000 or more to Israel; to the Committee on Foreign Relations.

EC–7193. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Sweden and South Africa; to the Committee on Foreign Relations.

EC–7194. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7195. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–7196. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Infrastructure Grants to Implement the Long Island Sound Comprehensive Conservation and Management Plan" received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7197. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District, and Ventura County Air Pollution Control District" (FRL7201–6) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7198. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption for Motorcycles" (FRL7214–3) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7199. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing" (FRL7214–7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7200. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215–8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7201. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standard for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215–7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7202. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing" (FRL7214–8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7203. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting" (FRL7214–9) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7204. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Site-Specific Treatment Variance to Chemical Waste

Management, Inc." (FRL7217-4) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7205. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitation Guidelines and New Source Performances Standards for the Construction and Development Category; Proposed Rule" (FRL7217–1) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7206. A communication from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting, pursuant to law, the Capitol Preservation Fund's Fiscal Years 2001 and 2002 Financial Statements; to the Committee on Rules and Administration.

EC–7207. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Federal Deposit Insurance Corporation Funds' 2001 and 2000 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–7208. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Securities Exchange Act of 1934 Rule 6h–1; Cash Settlement and Regulatory Halt Requirements for Security Futures Products" (RIN3235–AI24) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 361: A bill to establish age limitations for airmen. (Rept. No. 107–154).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 2551: An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning Col. Thomas S. Bailey, Jr. and ending Col. David G. Young III, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2002.

Navy nomination of Capt. Thomas L. Andrews III.

Army nominations beginning Col. Michael A. Dunn and ending Col. Eric B. Schoomaker, which nominations were received by the Senate and appeared in the Congressional Record on April 22, 2002.

Army nominations beginning Brigadier General Alan D. Bell and ending Colonel James L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning Garry F. Atkins and ending Daryl L. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2001.

Army nominations beginning Michael T. Bradfield and ending Richard R Young, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Army nominations beginning Shain Bobbitt and ending Barbara Lockbaum, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nomination of Michael J. Colburn.

Marine Corps nomination of William P. McClane.

Marine Corps nominations beginning Neil G. Anderson and ending Wesley L. Woolf, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nominations beginning John F. Ahern and ending Larry E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Navy nomination of James E. Russell.

Navy nomination of Lydia R. Robertson.

Air Force nomination of Donald W. Pitts.

Marine Corps nomination of Wade V. Deliberto.

Navy nomination of Marc J. Glorioso.

Navy nominations beginning Jack S. Pierce and ending Thomas B. Webber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2002.

Army nomination of Christian E. DeGraff.

Army nomination of Ches H. Garner.

Army nomination of David S. Oeschger.

Marine Corps nominations beginning John J. Jackson and ending Richard L. West, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2002.

Marine Corps nomination of Mark D. Tobin.

Marine Corps nomination of Robert T. Maxey.

Marine Corps nomination of Charles G. Grow.

Army nominations beginning Mark C. Dugger and ending James E. Mountain, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning David L. Comfort and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Joseph R. Boehm and ending Gabriel J. Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Michael P. Danhires and ending Charles E. Parham, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Anthony M. Brooker and ending Jesse Mcrae, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Stefan Grabas and ending Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Alonzo H. Mays and ending John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Jody D. Paulson and ending Ellen P. Tippett, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Deborah A. Pereira and ending Joyce V. Woods, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Navy nomination of Gregory K. Copeland.

Navy nomination of Stephen G. Krawczyk.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Robert R. Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency for a term of six years.

*Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Byrd, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mrs. Clinton, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. Dodd, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mrs. Feinstein, Mr. Harkin, Mr. Inouye, Mr. Jeffords, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lieberman, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Ms. Stabenow, Mr. Torricelli, Mr. Wellstone, and Mr. Wyden):

S. 2538. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. CORZINE (for himself and Mr. Torricelli):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2540. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2541. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 2542. A bill to amend title XVIII of the Social Security Act to establish a medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2543. A bill to extend the temporary suspension of duty on Pigment Red 208; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI):

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. WELLSTONE, Mr. ENZI, and Mr. KENNEDY):

S. 2549. A bill to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD:

S. 2551. An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 274. A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Con. Res. 116. A concurrent resolution to express the sense of the Congress regarding dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 677

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 786

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 966

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1156

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1156, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United states Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1339

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1339, supra.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1678

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1742

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1742, a bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

S. 1767

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1924

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1967

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2213

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2329

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2329, a bill to improve seaport security.

S. 2488

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2488, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2529

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2529, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 2534

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2534, a bill to reduce crime and prevent terrorism at America's seaports.

S. 2537

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2537, a bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 258, a resolution urging Saudi Arabia to dissolve its "martyrs" fund and to refuse to support terrorism in any way.

S. CON. RES. 105

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution expressing the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers as to why they should stop and think about the negative consequences before engaging in premature sexual activity.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. CON. RES. 115

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 115, a concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENT NO. 3420

At the request of Mr. LEVIN, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of amendment No. 3420 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3447

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, supra.

AMENDMENT NO. 3448

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3448 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3449

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3449 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3452

At the request of Mr. BYRD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3452 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3500

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3500 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3503

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3503 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3504

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3504 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am introducing legislation to prohibit the use of taxpayer funds to advocate a position on the meaning of the Second Amendment that is inconsistent with existing Supreme Court precedent, as expressed in the Supreme Court case of United States v. Miller.

This legislation responds to the Bush Administration's recent filing of two unprecedented briefs to the United States Supreme Court, which argued that the Second Amendment establishes an individual right to possess firearms. In taking this position, the Justice Department directly contradicted the well-established precedents of the Supreme Court, as expressed in the seminal case of United States v. Miller. In that 1939 case, the Supreme Court found that the Second Amendment did not establish a private right of individuals to possess firearms, but rather was intended to ensure the effectiveness of groups of citizen-soldiers known at the time as the Militia.

The Court in United States v. Miller explained the historical background to the Second Amendment and issued its ruling clearly and unambiguously. That ruling has never been reversed, and the Court has followed it in every subsequent related case. Similarly, the precedent in United States v. Miller has been followed by every Justice Department over the past several decades, including the Justice Departments of Presidents Ronald Reagan, Richard Nixon and George H.W. Bush.

The meaning of the Second Amendment should not be a partisan issue. In fact, it should not be a political issue. It is a legal and constitutional issue. And the law on this question has been clearly established by the highest court in the land in case after case for a period of many decades.

Unfortunately, instead of following the law, as Attorney General promised to do during his confirmation hearing, the Bush Administration and the Justice Department have used their authority to file briefs as a means of pursuing a partisan political agenda that flies in the face of established Supreme Court precedents. This is wrong. And, in my view, it is a misuse of taxpayer dollars.

Congress should not have to pass a law to ensure that the Executive Branch follows the Constitution, as clearly interpreted by the Supreme Court. Unfortunately, in light of the Bush's Administration's latest actions, Congress must step in. After all, Congress's ultimate power is the power of the purse. And we have a responsibility to use that power, when necessary, to ensure that the Executive Branch complies with constitutional law.

This responsibility flows from Congress's obligation to preserve, protect and defend the Constitution. It also flows from our obligation to ensure that taxpayer dollars are not misused. The American people should not be forced to pay taxes to support an unreasonable interpretation of the Second Amendment that is not only inconsistent with constitutional law, but that threatens to undermine legislation needed to reduce gun violence and to save lives.

In 1998, more than 30,000 Americans died from firearm-related deaths. That is almost as many as the number of Americans who died in the entire Korean War. In my view, there is much that Congress needs to do to reduce these deaths, including enacting reasonable gun safety legislation. Yet if the Bush Administration prevails in its effort to radically revise the Second Amendment, such laws could well be undermined. The end result would be more death and more families losing loved ones to the scourge of gun violence.

In fact, I would note that one week after the Bush Administration filed their briefs, lawyers for accused American Taliban terrorist John Walker Lindh used the Administration's arguments to urge dismissal of the gun charge filed against him. Now, I hope and trust that the courts will quickly reject this line of argument. But why would the Bush Administration want to strengthen the position of criminals and alleged terrorists like John Walker Lindh in the first place?

I have asked the Congressional Research Service whether there are any constitutional precedents that would bar the Congress from adopting this legislation, and the answer was "no." I also would note that there is precedent for Congress prohibiting the use of taxpayer dollars to advocate positions with which Congress disagrees. For example, Congress for many years prohibited the Justice Department from using appropriated money to overturn certain rules under our antitrust laws. This responded to the filing of a brief in the Supreme Court by the Justice Department urging a revision of its precedents on resale price maintenance, and the legislation effectively blocked the Department from filing similar briefs.

In conclusion, we should not allow taxpayer dollars to be used to misrepresent the meaning of the Second Amendment on behalf of a partisan, political agenda. We should defend the Constitution against such ideological attacks. We should protect taxpayers from being forced to subsidize ideological gambits. And we should ensure that the Constitution is not misused to undermine gun safety legislation that could save the lives of many innocent Americans.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the legislation be printed in the Record, along with some related materials about this matter.

There being no objection, the additional material was ordered to be printed in the Record, as follows:

S. 2539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON THE USE OF FUNDS.

No funds appropriated to the Department of Justice or any other agency may be used to file any brief or to otherwise advocate before any judicial or administrative body any position with respect to the meaning of the Second Amendment to the Constitution that is inconsistent with existing Supreme Court precedent, as expressed in United States v. Miller (307 U.S. 174 (1939)).

[From the New York Times, May 12, 2002]

A Faulty Rethinking of the 2nd Amendment

(By Jack Rakove)

Stanford, CA.—The Bush administration has found a constitutional right it wants to expand. Attorney General John D. Ashcroft attracted only mild interest a year ago when he told the National Rifle Association, "The text and original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms."

Now, briefs just filed by Solicitor General Theodore Olson in two cases currently being appealed to the Supreme Court indicate that Mr. Ashcroft's personnel opinion has become that of the United States government. This posture represents an astonishing challenge to the long-settled doctrine that the right to bear arms protected by the Second Amendment is closely tied to membership in the militia. It is no secret that controversy about the meaning of the amendment has escalated in recent years. As evidence grew that a significant portion of the American electorate favored the regulation of firearms, the N.R.A. and its allies insisted ever more vehemently that the private right to possess arms is a constitutional absolute. This opinion, once seen as marginal, has become an article of faith on the right, and Republican politicians have in turn had to acknowledge its force.

The two cases under appeal do not offer an ideal test of the administration's new views. One concerns a man charged with violating a federal statute prohibiting individuals under domestic violence restraining orders from carrying guns; the other involves a man convicted of owning machine guns, which is illegal under federal law. In both cases, the defendants cite the Second Amendment as protecting their right to have the firearms. The unsavory facts may explain why Mr. Olson is using these cases as vehicles to announce the administration's constitutional position while urging the Supreme Court not to accept the appeals.

The court last examined this issue in 1939 in United States v. Miller. There it held that the Second Amendment was designed to ensure the effectiveness of the militia, not to guarantee a private right to possess firearms. The Miller case, though it did not fully explore the entire constitutional history, has guided the government's position on firearm issues for the past six decades.

If the court were to take up the two cases on appeal, it is far from clear that the Justice Department's new position would prevail. The plain text of the Second Amendment—"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"—does not support the unequivocal view that Mr. Ashcroft and Mr. Olson have put forth. The amendment refers to the right of the people, rather than the individual person of the Fifth Amendment. And the phrase "keep and bear arms" is, as most commentators note, a military reference.

Nor do the debates surrounding the adoption of the amendment support the idea that the framers were thinking of an individual right to own arms. The relevant proposals offered by the state ratification conventions of 1787–88 all dealt with the need to preserve the militia as an alternative to a standing army. The only recorded discussion of the amendment in the House of Representatives concerned whether religious dissenters should be compelled to serve in the militia. And in 1789, the Senate deleted one clause explicitly defining the militia as "composed of the body of the people." In excising this phrase, the Senate gave "militia" a narrower meaning than it otherwise had, thereby making the Ashcroft interpretation harder to sustain.

Advocates of the individual right respond to these objections in three ways.

They argue, first that when Americans used the word militia, they ordinarily meant the entire adult male population capable of bearing arms. But Article I of the Constitution defines the militia as an institution under the joint regulation of the national and state governments, and the debates of 1787–89 do not demonstrate that the framers believed that the militia should forever by synonymous with the entire population.

A second argument revolves around the definition of "the people." Those on the N.R.A. side believe "the people" means "all persons." But in Article I we also read that the people will elect the House of Representatives—and the determination of who can vote will be left to state law, in just the way that militia service would remain subject to Congressional and state regulation.

The third argument addresses the critical phrase deleted in the Senate. Rather than concede that the Senate knew what it was doing, these commentators contend that the deletion was more a matter of careless editing.

This argument is faulty because legal interpretation generally assumes that lawmakers act with clear purpose. More important, the Senate that made this critical deletion was dominated by Federalists who were skeptical of the milita's performance during the Revolutionary War and opposed to the idea that the future of American defense lay with the militia rather than a regular army. They had sound reasons not to commit the national government to supporting a mass militia, and thus to prefer a phrasing implying that the militia need not embrace the entire adult male population if Congress had good reason to require otherwise. The evidence of text and history makes it very hard to argue for an expansive individual right to keep arms.

There is one striking curiosity to the Bush administration's advancing its position at this time. Advocates of the individual-right interpretation typically argue that an armed populace is the best defense against the tyranny of our own government. And yet the Bush administration seems quite willing to compromise essential civil liberties in the name of security. It is sobering to think that the constitutional right the administration values so highly is the right to bear arms, that peculiar product of an obsolete debate over the danger of standing armies—and this at a time when our standing army is the most powerful the world has known.

[From the Washington Post, May 10, 2002]

Guns and Justice

The U.S. Solicitor General has a duty to defend acts of Congress before the Supreme Court. This week, Solicitor General Ted Olson—and by extension his bosses, Attorney General John Ashcroft and President Bush—took a position regarding guns that will undermine that mission.

Historically, the Justice Department has adopted a narrow reading of the Constitution's Second Amendment, which states that "a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Along with nearly all courts in the past century, it has read that as protecting only the public's collective right to bear arms in the context of militia service. Now the administration has reversed this view. In a pair of appeals, Mr. Olson contends that "the Second Amendment more broadly protects the rights of individuals, including persons who are not members of any militia . . . to possess and bear their own firearms." Mr. Ashcroft insists the department remains prepared to defend all federal gun laws. Having given away its strongest argument, however, it will be doing so with its hands tied behind its back.

Laws will now be defended not as presumptively valid but as narrow exceptions to a broad constitutional right—one subject, as Mr. Olson put it, only to "reasonable restrictions designed to prevent possession by unfit persons or to restrict the possession of types of firearms that are particularly suited to criminal misuse." This may sound like a common-sense balancing act. But where exactly does the Second Amendment, if it guarantees individual rights, permit "reasonable restrictions"? And where does its protection exempt firearms that might be well suited for crime?

Mr. Ashcroft has compared the gun ownership right with the First Amendment's protection of speech—which can be limited only in a fashion narrowly tailored to accomplish compelling state interests. If that's the model, most federal gun laws would sooner or later fall. After all, it would not be constitutional to subject someone to a background check before permitting him to worship or to make a political speech. If gun ownership is truly a parallel right, why would the Brady background check be constitutional?

The Justice Department traditionally errs on the other side—arguing for constitutional interpretations that increase congressional flexibility and law enforcement policy options. The great weight of judicial precedent holds that there is no fundamental individual right to own a gun. Staking out a contrary position may help ingratiate the Bush administration to the gun lobby. But it greatly disserves the interests of the United States.

[From the New York Times, May 14, 2002]

AN OMINOUS REVERSAL ON GUN RIGHTS

Using a footnote in a set of Supreme Court briefs, Attorney General John Ashcroft announced a radical shift last week in six decades of government policy toward the rights of Americans to own guns. Burying the change in fine print cannot disguise the ominous implications for law enforcement or Mr. Ashcroft's betrayal of his public duty.

The footnote declares that, contrary to longstanding and bipartisan interpretation of the Second Amendment, the Constitution "broadly protects the rights of individuals" to own firearms. This view and the accompanying legal standard Mr. Ashcroft has suggested—equating gun ownership with core free speech rights—could make it extremely difficult for the government to regulate firearms, as it has done for decades. That position comports with Mr. Ashcroft's long-held personal opinion, which he expressed a year ago in a letter to his close allies at the National Rifle Association. But it is a position at odds with both history and the Constitution's text. As the Supreme Court correctly concluded in a 1939 decision that remains the key legal precedent on the subject, the Second Amendment protects only those rights that have "some reasonable relationship to the preservation of efficiency of a well-regulated militia." By not viewing the amendment as a basic, individual right, this decision left room for broad gun ownership regulation. The footnote is also at odds with Mr. Ashcroft's pledge at his confirmation hearing that his personal ideology would not drive Justice Department legal policies.

It is hard to take seriously Mr. Ashcroft's assertion that the Bush administration remains committed to the vigorous defense and enforcement of all federal gun laws. Mr. Ashcroft, after all, is an official whose devotion to the gun lobby extends to granting its request to immediately destroy records of gun purchases amassed in the process of conducting Brady law background checks even though they might be useful for tracking weapons purchases by suspected terrorists.

The immediate effect of the Bush Justice Department's expansive reading of the Second Amendment is to undermine law enforcement by calling into question valuable state and federal gun restrictions on the books, and by handing dangerous criminals a potent new weapon for challenging their convictions. What it all adds up to is a gift to pro-gun extremists, and a shabby deal for everyone else.

By Mr. DOMENICI:

S. 2540. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DOMENICI. Mr. President, today I rise to bring the Senate's attention to a matter that is slowing Los Alamos County, NM, in its efforts to fully recover from the Cerro Grande Fire of May 10, 2000.

It is an amazing irony to me that Los Alamos National Laboratory, in recent years facing declines in personnel, is again in the national news for its ability to help with counter-terrorism on many fronts. Along with this national attention and the needs of our Homeland Security Agency for advanced scientific means to detect and deter nuclear and biological attacks, LANL is now in the process of filling about 1,000 new positions.

The irony is that the Cerro Grande fire severely reduced available housing in Los Alamos two years before our Nation turns once again to Los Alamos for its scientific talents. A major deterrent to new hires is the lack of housing choices in Los Alamos. The housing market is even tighter because of the loss of about 400 housing units through the devastating Cerro Grande Fire. Los Alamos has a population of about 18,000 people.

While we have Federal programs to help low and moderate income Americans find good housing, in Los Alamos these programs are ineffective due to the current practice of averaging Los Alamos County and Santa Fe County incomes into one Metropolitan Statistical Area, MSA. This is harmful to Los Alamos residents, where the median income is about $82,000 because the Federal programs use the MSA median income of about $65,000 to determine participation. Eighty percent of median income is a standard measure.

Santa Fe's median income of about $40,000 thus becomes a significant factor for a Los Alamos teacher, fireman, or policeman seeking subsidized Federal assistance. Their incomes in Los Alamos are deemed to be too high to qualify for housing because 80 percent of $65,000 is used as the maximum allowed for assistance. Thus, $52,000 becomes the effective ceiling for assistance, when the actual 80 percent ceiling figure for Los Alamos incomes is about $65,000. This makes a huge difference in a high-priced and competitive market. The result is that developers are discouraged from applying for tax credits and other assistance programs because their applicants do not qualify to live in their new or remodeled housing projects.

The Los Alamos County Manager reports that not a single County employee is eligible for housing created by the Low Income Housing Tax Credits. He, like many residents and the LANL recruiting effort, remain concerned that the limited housing supply has raised rents and sales prices. Los Alamos County is also landlocked by Federal government land ownership.

There is a desperate need for affordable housing at a time when, once again, our nation is calling upon LANL for helping to meet its internal and international security needs.

This situation also exists around the New York City area, where Westchester County incomes unfairly raise the metropolitan average to the detriment of the metropolitan housing market. In that case, Congress agreed to separate Westchester County to ease the housing market situation. All I am asking in my bill is to accomplish the same goal by allowing Los Alamos County to stand on its own in terms of HUD median income requirements. My bill does not simultaneously lower the Santa Fe County income to its actual median, but, rather, allows Santa Fe County to continue to use the higher median, because the Santa Fe housing market is also very unusual, and the two-county average helps make more Santa Fe residents eligible for Federal assistance on many fronts.

I appreciate my colleagues attention to this matter, and I know the residents of Los Alamos County will be grateful for this assistance to allow more of them to make use of available HUD and other affordable housing assistance programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOW-INCOME FAMILIES DEFINITION.

Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) by inserting "and for Los Alamos County in the State of New Mexico," after "State of New York,";

(2) by inserting ", Los Alamos," after "does not include Westchester";

(3) by inserting "; Los Alamos," after "portion included Westchester"; and

(4) by inserting before the period at the end the following: "; and Los Alamos County, New Mexico, in the Santa Fe metropolitan area".

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2541. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Identity Theft Penalty Enhancement Act of 2002 along with my colleagues Senators KYL, SESSIONS, and GRASSLEY.

This bill is the culmination of efforts by the Department of Justice to craft legislation that will crack down on the most serious identity thefts in the Nation, and I am pleased to be working with the Justice Department on this legislation. In fact, Attorney General Ashcroft and I announced this bill together earlier this month.

This legislation will make it easier for prosecutors to target those identity thieves who, as is so often the case, steal an identity for the purpose of committing one or more other crimes.

Many serious crimes, even including terrorism, are aided by stolen identifies.

For instance, According to a January article in the Baltimore Sun, "six of the 19 hijackers from September 11 were using Social Security numbers illegally. Another man linked to al-Qaida, Lofti Raissi, a 27-year old Algerian pilot from London who is believed to have trained four of the suicide hijackers, was identified in British court papers as having used the Social Security number of Dorothy Hansen, a retired factory worker from Jersey City, NJ, who died in 1991."

Attorney General Ashcroft last week cited the example of an Algerian national now facing charges of identity theft who allegedly stole the identifies of 21 members of a health club in Cambridge, MA. The Algerian national then transferred those stolen identities to one of the individuals convicted in the failed plot to bomb Los Angeles International Airport in 1999.

In another case, Michelle Brown of Los Angeles had her Social Security number stolen in 1999, and it was used to charge $50,000 in her name, including a $32,000 truck, a $5,000 liposuction operation and a year-long residential lease. Even worse, while assuming Michelle's name, the perpetrator also became the object of an arrest warrant for drug smuggling in Texas.

In another case recently announced by the Justice Department, Joseph Kalady of Chicago was charged just last week with trying to fake his own death using the identity of another. Kalady, who was awaiting trial on charges of counterfeiting birth certificates, Social Security cards and driver's licenses last December, allegedly suffocated a homeless man and sought to have him cremated under Mr. Kalady's identity in order to fake his own death and avoid prosecution.

The stories go on and on, and it is those stories that make the legislation we introduce today so vital.

Let me just outline what this bill would do.

First, the bill would create a separate crime of "aggravated identity theft" for any person who uses the identity of another person to commit certain serious, federal crimes.

Specifically, the legislation would provide for an additional two-year penalty for any individual convicted of committing one of the following serious Federal crimes while using the identity of another person: stealing another's identity in order to illegally obtain citizenship in the United States; stealing another's identity to obtain a passport or visa; using another's identity to remain in the United States illegally after a visa has expired or an individual has been ordered to depart this country; stealing an individual's identity to commit bank, wire or mail fraud, or to steal from employee pension funds; and other serious federal crimes, all of them felonies.

Furthermore, the legislation would provide for an additional five year penalty for any individual that uses the stolen identity of another person to commit any one of the enumerated Federal terrorism crimes found in 18 U.S.C. 2332b(g)(5)(B). These crime include: the destruction of aircraft; the assassination or kidnapping of high level Federal officials; bombings; hostage taking; providing material support to terrorism organizations; and other terrorist crimes.

Aggravated Identity Theft is a separate crime, not just a sentencing enhancement. And the two-year and five-year penalties for aggravated identity theft must be served consecutively to the sentence for the underlying crime.

This bill also strengthens the ability of law enforcement to go after identity thieves and to provide their case.

First, the bill adds the word "possesses" to current law, in order to allow law enforcement to target individuals who possess the identity documents of another person with the intent to commit a crime. Current Federal law prohibits the transfer or use of false identity documents, but does not specifically ban the possession of hose documents with the intent to commit a crime. So if law enforcement discovers a stash of identity documents with the clear intent to use those documents to commit other crimes, the person who possesses those documents will now be subject to prosecution.

Second, the legislation amends current law to make it clear that if a person uses a false identity "in connection with" another Federal crime, and the intent of the underlying Federal crime is proven, then the intent to use the false identity to commitment that crime need not be separately proved. This simply makes the job of the prosecutor easier when an individual is convicted of a Federal crime and use a false identity in collection with that Crime.

This legislation also increases the maximum penalty for identity theft under current law from three years to five years.

And finally, the legislation we introduce today will clarify that the current 25-year maximum sentence for identity theft in facilitation of international terrorism also applies to identity theft in facilitation of domestic terrorism as well.

Identity theft is a crime on the rise in America, and it is a crime with severe consequences not only for the individual victims of the identity theft, but for every consumer and every financial institution as well.

Fraud losses at financial institutions are running well over one billion dollars annually. VISA alone reported identity theft related fraud losses of more than $114 million in 2000, a 43 percent increase in just four years.

And for victims, the losses can be staggering. The average loss from one identity theft now ranges about $18,000. Just imagine, somebody takes a credit card receipt out of a trash-can, makes a few calls, and before you know it you've lost $18,000.

And even though an individual victim may not be forced to pay in the end, the credit card companies, financial institutions and other businesses absorb the loss and pass it on to all consumers, the time and effort required to regain your identity can be quite debilitating. In fact, on average it takes a full year and a half to regain one's identity once stolen. In many instances, it can take many more years than that.

Additionally, some victims are even subject to criminal investigation or even arrest because a criminal has taken their identity and used it to commit a crime. In fact, the FTC tells us that they have received 1,300 complaints from victims alleging that they have been subject to investigation, arrest or even conviction as a result of their identity being stolen.

Identity theft comes in many forms and can be perpetrated in many ways, and that is why I have worked for many years now with Senator KYL and others to put some safeguards into the law that might better prevent the fraud from occurring in the first place, and to crack down on identity thieves.

And other legislation I have introduced would put into place certain procedural safeguards to protect credit card numbers, personal information, and other key data from potential identity thieves.

The legislation we introduce today is meant to beef up the law in terms of what happens after an identity theft takes place. In seriously enhancing the penalties for identity thieves who commit other Federal crimes, we mean to send a strong signal to all those who would commit this increasingly popular crime that the relatively free ride they have experienced in recent years is over. No longer will prosecutors decline to take identity theft seriously. No longer will identity thieves get off with just a slap on the wrist, if they are prosecuted at all. Under this legislation, penalties will be severe, prosecution will be more likely, and cases against identity thieves will be easier to prove.

Every day in this country serious criminals and criminal organizations are stealing and falsifying identities with the purpose of doing serious harm to common citizens, government officials, or even our Nation itself. It is time we did something about it, and this bill is an important step in that process.

I urge my colleagues to support this bill, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Penalty Enhancement Act of 2002".

SEC. 2. AGGRAVATED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1028, the following:

"§1028A. Aggravated identity theft

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

"(2) TERRORISM OFFENSE.—Whoever, during and in relation to any felony violation enumerated in section 2332b(g)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

"(b) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

"(1) a court shall not place on probation any person convicted of a violation of this section;

"(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

"(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

"(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28.

"(c) DEFINITION.—For purposes of this section, the term 'felony violation enumerated in subsection (c)' means any offense that is a felony violation of—

"(1) section 664 (relating to theft from employee benefit plans);

"(2) section 911 (relating to false personation of citizenship);

"(3) section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm);

"(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);

"(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

"(6) any provision contained in chapter 69 (relating to nationality and citizenship);

"(7) any provision contained in chapter 75 (relating to passports and visas);

"(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);

"(9) section 243 or 266 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

"(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) (relating to various immigration offenses); or

"(11) section 208, 1107(b), or 1128B(a) of the Social Security Act (42 U.S.C. 408, 1307(b), and 1320a-7b(a)) (relating to false statements relating to programs under the Act).".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

"1028A. Aggravated identity theft.".

SEC. 3. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking "transfers" and inserting "transfers, possesses,"; and

(B) by striking "abet," and inserting "abet, or in connection with,";

(2) in subsection (b)(1)(D), by striking "transfer" and inserting "transfer, possession,";

(3) in subsection (b)(2), by striking "three years" and inserting "5 years"; and

(4) in subsection (b)(4), by inserting after "facilitate" the following: "an act of domestic terrorism (as defined under section 2331(5) of this title) or".

By Ms. CANTWELL:

S. 2542. A bill to amend title XVIII of the Social Security Act to establish a medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Medicare Incentive Access Act of 2002. I am pleased that Congressman RICK LARSEN will introduce companion legislation in the U.S. House of Representatives.

As my colleagues may be hearing, Medicare beneficiaries across the country are reporting increasing difficulty finding a physician willing to accept their Medicare coverage. In fact, according to the American Medical Association, nearly 30 percent of family physicians nationwide are not accepting new Medicare patients, and 57 percent of Washington State physicians are limiting the number or dropping all Medicare patients from their practices.

There is no doubt that we need to reform Medicare, and I am particularly concerned with the Medicare physician fee schedule issued by the Centers for Medicare and Medicaid Services, CMS. Although CMS insists that physician payment rates will increase more than the general rate of inflation, I am extremely concerned that any additional physician payment reductions may dramatically affect the quality of care offered to beneficiaries and further exacerbate the access problems so many of our constituents are now facing.

Unfortunately, there seems to be a prevailing idea that government programs should automatically pay less than private insurers for the same quality care. I am especially concerned that providers serving a disproportionate number of Medicare and Medicaid patients are facing unsustainable fee reductions.

In its March 2002 report, the Medicare Payment Advisory Committee, MedPAC, the independent Federal body that advises Congress on Medicare payment issues, weighed in on the current Medicare reimbursement rate debate. MedPAC observes that "provider entry and exit data provide information regarding adequacy of the current level of payments."

Keeping in mind that MedPAC's goal is to ensure that Medicare's payment rates cover the costs that efficient providers would incur in beneficiaries' care, it is especially important that MedPAC asserts that "evidence of widespread access or quality problems for beneficiaries may indicate that Medicare's payment rates are too low." In fact, MedPAC surveyed physicians nationwide, and found that 45 percent said that reimbursement levels for their Medicare fee-for-service patients are a very serious problem.

Every day I hear from my constituents that they are facing increasing difficulty in getting primary care services, and from physicians who can no longer afford to take on new Medicare patients.

One woman in Steilacoom, WA, contacted me about her son, a quadriplegic, who was recently informed that the doctor who has been treating him for a number of years will no longer be able to take Medicare patients.

Another woman from Lynden, WA, told me that her doctor is leaving his practice due to low Medicare reimbursements, her 89-year-old father has also been going to this same doctor and now the family cannot find a local doctor to take him.

When another constituent from Tacoma had to move into the city she had to call numerous physicians before she found one who would take a new Medicare patient.

One physician in Bellingham wrote me to say that one of his favorite patients will no longer see her family practitioner because she has Medicare. This doctor writes "when our seniors feel bad and ashamed about going in to see their physicians because their insurance" coverage is Medicare, I think that reflects very poorly on Medicare, our government, our government, that runs the program, and, to some extent, the caregivers who feel it is a financial burden to take care of our seniors. I couldn't agree more.

In fact, according to the Washington State Department of Health, in Clallam and Kittitas counties in my home State, only 20 percent of primary care physicians reported that they would take new Medicare patients. Yet, at the same time, most practices are accepting new patients with private employer-sponsored insurance. This suggests that general physician shortages are not the major cause underlying the fact that so many physician practices are closing or closed to Medicare patients.

I understand that there are basic fairness issues involved in the national debate over Medicare reimbursements. I am not pretending that the Senate will comprehensively address geographic differences or payment inequities this session. But I do believe we can look at more targeted, limited solutions to address the Medicare reimbursement and access issues on a demonstration level.

We already have a public health program in place, the primary care health professional shortage area designation, HPSA, to determine whether an area has a critical shortage of physicians available to serve the people living there. In fact, this is the measurement used in placing National Health Service Corps doctors in underserved areas.

A HPSA can be a distinct geographic area, such as a county, or a specific population group within the area, such as the low-income. However, in many shortage locations, access to care is a problem for only part of the population. For example, while most residents in a city may have adequate access to care, the elderly or poor may not. And while population HPSA designations measure access problems for Medicaid and low-income patients, migrant workers, and the homeless, there is no designation that specifically identifies or addresses Medicare-related demographics. My bill changes that.

The bill I am introducing today, the Medicare Incentive Access Act, will create a new Medicare Health Professional Shortage Area, HPSA, through a three-year, five-state HHS/Medicare demonstration project. Primary care doctors in an area designated as a Medicare HPSA will receive an automatic 40 percent bonus on all of their Medicare billings.

I believe it is vitally important that the federal government systematically examine different provider incentive programs in order to stabilize, maintain, and increase quality, efficient primary care services for Medicare beneficiaries. I want this demonstration program to examine how we can specifically preserve beneficiary access to primary care providers. The demonstration project will also examine what level of incentive is necessary to prevent future access problems.

I want to point out that while current law prohibits multiple HPSA designations, the demonstration project will not affect current HPSA designations needed for other programs, such as Community Health Centers. In addition, physicians in states participating in the Medicare HPSA demonstration project will not be able also to receive payments under the Medicare Incentive Payment program, which bases its ten percent bonus on geographic shortage areas. As I mentioned earlier, geographic shortage areas actually have nothing to do with measuring Medicare-related access issues.

There is an abundance of excellent research currently underway at the six Federal rural health research centers on all Medicare provider reimbursement issues. These research centers are already set up for demonstration analyses like the one required under my bill. I sincerely appreciate the help Gary Hart, Ph.D has provided me in developing this proposal and discussing other, more comprehensive, means by which to look at different Medicare payment and access issues. Dr. Hart is the director of the WWAMI Rural Health Research Center at the University of Washington, which is largely focusing on rural physician payments.

I also want to thank Vince Schueler and Laura Olexa of the Office of Community and Rural Health and the Washington Department of Health, for providing invaluable assistance in understanding rural health problems, the Federal HPSA designation, and access barriers for Medicare beneficiaries, especially in rural areas of the State. After we began discussing this problem, they went out of their way to do additional surveys in rural counties to measure the most current access to primary care physicians for both Medicaid and Medicare patients.

Finally, I want to thank the Washington State Medical Association and Len Eddinger for their advice and assistance on this issue. I am delighted that the WSMA has endorsed this legislation, and I ask unanimous consent that its letter of support be added in the record at the end of my statement.

The fact of the matter is that there is a crisis at hand regarding Medicare benefits, and Medicare payments, and as a country, we simply have not invested as we should in health care.

I sincerely believe that all individuals should have access to quality and affordable medical care including the ability to visit doctors whom they trust. It will do the country little good to provide guaranteed health care for the elderly and disabled if physicians are unwilling to work with Medicare patients because of inadequate payment policies.

I believe the bill I am introducing today, the Medicare Incentive Act, is a good approach to examining these very important issues. I encourage my colleagues to take a look at this bill, and to join me in cosponsoring it.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE MEDICAL
ASSOCIATION,
May 13, 2002.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the 8,800 members of the Washington State Medical Association (WSMA), please accept my sincere thanks for all the work you are doing to improve the Medicare program.

The financial condition of the health care delivery system in Washington state is as poor as I have seen in my nearly 25 years of practice. As I travel the state and speak with my colleagues, it has become clear that something dramatic and sustainable must be done to ensure the long viability of Medicare and Medicaid.

At our May Executive Committee meeting, we had an opportunity to discuss the draft of your proposed legislation to develop demonstration projects to enhance physician reimbursement within established Medicare Health Professional Shortage Areas. We view the approach as extremely creative and well worth the time and effort of investigation. Our hope is that successful implementation of this scenario will lead to incentives across the entire physician community.

Senator, there is no doubt that declining reimbursements in the Medicare and Medicaid programs are putting enormous stress on medical practices and causing physicians to limit patients who are eligible for these programs. We look forward to working with you and your staff to alleviate this pressing social problem.

Please let us know what we can do to help by contacting Len Eddinger, WSMA's Director of Public Policy, in the Olympia office of the WSMA at (360) 352-4848 or be email: len@wsma.org.

Sincerely,
SAMUEL W. CULLISON, MD,
President.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research an development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, the General Accounting Office has recently completed a study on the cleanup of Contaminated Areas in the Great Lakes. While it is no surprise to those of us who live in the Great Lakes region, GAO found that there has been "slow progress of cleanup efforts".

For those of you who live outside the Great Lakes region, Areas of Concern are sites in the Great Lakes that do not meet the water quality goals established by the United States and Canada in the Great Lakes Water Quality Agreement. The primary reason that these areas fail to meet water quality goals is the result of contaminated sediments, a result of the industrialization of the mid-west. In order to meet the water quality goals, the Great Lakes Water Quality Agreement binds us to an identified cleanup process focused around Remdial Action Plans, RAPs.

RAPs define the environmental problem, evaluate remedial measures, and identify a process for moving forward with cleanup. The RAP process relies on State and public involvement, and RAPs need the financial support of the Federal Government.

The GAO reports that the RAP process is often disregarded by the states and EPA. The progress that is being made to cleanup the Areas of Concern is being made not under the Great Lakes Water Quality Agreement but under other laws such as Superfund. EPA has failed to provide oversight responsibility for RAPs and does not provide nearly enough financial resources for RAPs. In addition to these problems associated with EPA, there is no way to implement RAPs because there is no pot of money to do so and no established procedure to follow.

There are 13 areas of concern in the State of Michigan which result in fish advisories, degradation of fish and wildlife populations, taste and odor problems with drinking water, beach closures, and bird and animal deformities or reproductive problems. These environmental problems are too grave considering the fact that the Great Lakes holds one-fifth of the world's freshwater, supplies drinking water to 33 million people, and provides a $2 billion fishery.

So today, with my colleague from Ohio, Senator DEWINE, I am introducing the Great Lakes Legacy Act to authorize $50 million per year in grants to States to cleanup Areas of Concern and implement RAPs. This legislation will also require EPA to report to Congress within 1 year on how it plans to provide the oversight needed to make sure that the Areas of Concern will meet water quality goals.

The problem of contaminated sediments in the Great Lakes has been known for decades, and I hope that my colleagues will support this legislation to hopefully cleanup Areas of Concern.

Mr. DEWINE. Mr. President, I rise today to discuss a very important environmental issue, not just to my home State of Ohio, but to our entire Nation, and that issue is the protection of our Great Lakes. These lakes are a natural treasure that hold one-fifth of the world's freshwater, produce $2 billion per year in fish, and provide drinking water to 33 million people.

Yesterday, the GAO released a report on the progress of cleanup in polluted Areas of Concern. These Areas of Concern, or AOCs, are sites in the Great Lakes that do not meet water quality goals. Many years ago, the United States and Canada identified 44 AOCs in the Great Lakes and agreed to a cleanup process.

In my home State of Ohio, there are four AOCs, the Maumee River, the Ashtabula River, the Black River, and the Cuyahoga River. These areas suffer fish and wildlife consumption restrictions, fish and wildlife reproductive problems and deformities, algal blooms, restrictions on drinking water consumption, and beach closings. These environmental problems need to be addressed as quickly as possible.

Unfortunately, cleanup has been very slow. The GAO report found that the Environmental Protection Agency, EPA, has failed to take oversight responsibility, Federal funding has declined steadily over the years, and States have abandoned the cleanup process.

These results are disturbing to say the least. This is why Senator LEVIN and I, as Co-Chairs of the Senate Great Lakes Task Force, are introducing a bill today that would authorize $50 million per year in grants to States for the cleanup of Areas of Concern. Cleanup work includes monitoring and evaluating sites, remediating sediment, and preventing further contamination. This legislation would authorize the EPA to conduct research and development of innovative approaches, technologies, and techniques for the remediation of sediment in the Great Lakes and would authorize the Great Lakes National Program Office to carry out a public information grant program to provide information about the contaminated sediments, as well as activities to clean-up the site. Finally, as the GAO report recommends, our bill would require the EPA to submit a report to Congress on the actions, time periods, and resources that are necessary for the EPA to oversee the Remedial Action Plans at Areas of Concern.

I urge my colleagues to support this legislation and honor an international commitment to protect a truly great natural resource. We must honor our commitment to future generations and do all we can to protect the Lakes for our children and grandchildren. We owe it to them.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI):

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise to introduce a new bill, the Nuclear Nonproliferation Act of 2002. Senators BIDEN, LUGAR, LANDRIEU, HAGEL, MURKOWSKI and BINGAMAN—the junior Senator from my State—join me in cosponsoring this important piece of legislation.

The end of the Soviet Union in 1991 started a chain of events, which in the long term can lead to vastly improved global stability. Concerns about global confrontations were greatly reduced after that event.

But with that event, the Soviet system of guards, guns, and a highly regimented society that had effectively controlled their weapons of mass destruction, along with the materials and expertise to create them, was significantly weakened. Even today, with Russia's economy well on the road to recovery, there's still plenty of room for concerns about the security of these Russian assets.

The tragic events of September 11 brought the United States into the world of international terrorism, a world from which we had been very sheltered. Even with the successes of the subsequent war on terrorism, there's still ample reason for concern that the forces of Al Qaeda and other international terrorists are seeking other avenues to disrupt peaceful societies around the world.

In some sense, the events of September 11 set a new gruesome standard against which terrorists may measure their future successes. There should be no question that these groups would use weapons of mass destruction if they could acquire them and deliver them here or to countless other international locations.

One of our strongest allies in the current war on terrorism has been the Russian Federation. Assistance from the Russians and other states of the former Soviet Union has been vital in many aspects of the conflict in Afghanistan.

President Putin and President Bush have forged a strong working relationship, and the current summit meeting is another measure of interest in increased cooperation. As this new bill seeks to strengthen our nonproliferation programs, it provides many options for actions to be conducted through joint partnerships between the Russian Federation and the United States that build on this increased cooperative spirit.

The Nunn-Lugar program of 1991 and the Nunn-Lugar Domenici legislation of 1996 provided vital support for cooperative programs to reduce the risks that weapons of mass destruction might become available to terrorists. They established a framework for cooperative progress that has served our nation and the world very well. But despite their successes, there remain many actions that should be taken to further reduce these threats.

The report by Howard Baker and Lloyd Cutler is one of the most comprehensive calls for increased attention to these risks. That report, which was written well before September 11, and many others have suggested additional actions that could and should be taken beyond the two original bills.

One of the most important realizations from September 11 concerns the global reach of the forces of terrorism. It's now clear that our nuclear nonproliferation programs should extend far beyond the states of the former Soviet Union.

This new bill expands and strengthens many of the programs established earlier, to further reduce threats to global peace. It expands the scope of several programs to world-wide coverage. It focuses on threats of a nuclear or radiological type, which fall within the expertise of the National Nuclear Security Administration of the Department of Energy.

It expands programs to include the safety and security of nuclear facilities and radioactive materials around the world, wherever countries are willing to enter into cooperative arrangements for threat reduction. It recognizes that devices that disperse radioactive materials, so-called "dirty bombs," can represent a real threat to modern societies.

Dirty bombs could be used as weapons of mass terror, property contamination, and economic disaster. We need better detection systems for the presence of dirty bombs that are appropriate to the wide range of delivery systems for such a weapon, from trucks to boats to containers. And we need to be far better prepared to deal with the consequences of such an attack.

The new legislation includes provisions to accelerate and expand existing programs for disposition of fissile materials. These materials, of course, represent not only a concern with dirty bombs, but also the even larger threat of use in crude nuclear weapons.

It includes a program that should help accelerate the conversion of highly enriched uranium into forms unusable for weapons. It addresses one of the major concerns associated with this material, that both the United States in the Atoms for Peace program as well as the Soviet Union, provided highly enriched uranium to many countries as fuel for research reactors. That fuel represents a proliferation risk today.

It authorizes new programs for global management of nuclear materials, in cooperation with other nations and with the International Atomic Energy Agency. It recognizes that modern societies use radioactive materials as essential tools in many ways, and offers assistance in providing new controls on the most dangerous of these materials.

It suggests that many of the program elements involve international cooperation with the Russian Federation and with other nations. In fact, it recognizes that the global nature of the current threats requires such cooperation, and provides authorizations for the Secretary of Energy and Secretary of State to offer significant help to other nations. In many cases, we cannot accomplish these programs without such cooperation.

This new bill includes provisions extending the first responder training programs, originally created under Nunn-Lugar-Domenici. These programs have already made real contributions. In fact, the training provided under this program in New York City helped mitigate the catastrophe there on September 11. That program was authorized for only 5 years in the original legislation. This bill extends that authorization for another 10 years for first responder preparation in various communities and cities of America.

The new bill requires annual reports demonstrating that all our nonproliferation programs are well coordinated and integrated. Countless reports have called for improved coordination of all federal nonproliferation programs. The original call for this coordination in the Nunn-Lugar-Domenici legislation was completely ignored by the Clinton administration.

The report requires an annual statement of the extent of coordination between federally funded and private activities. That is very important, because of the important work being done by private organizations, like the Nuclear Threat Initiative, that are providing critical assistance toward similar nonproliferation goals.

With this new bill, our programs to counter threats of nuclear and radiological terrorism will be significantly strengthened and risks to the United States and our international partners can be greatly reduced.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Nonproliferation Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Whereas the focus on the security of radioactive materials before the events of September 11, 2001, was on fissile materials, it is now widely recognized that the United States must expand its concerns to the safety and security of nuclear facilities, and the radioactive materials in use or stored at such facilities, that may be attractive to terrorists for use in radiological dispersal devices as well as in crude nuclear weapons. Such materials include all radioactive materials in the nuclear fuel cycle (such as nuclear waste and spent fuel) as well as industrial and medical radiation sources. Steps must be taken not only to prevent the acquisition of such materials by terrorists, but also to rapidly mitigate the consequences of the use of such devices and weapons on public health and safety, facilities, and the economy.

(2) The technical activities of United States efforts to combat radiological terrorism should be centered in the National Nuclear Security Administration because it has the nuclear expertise and specialized facilities and activities needed to develop new and improved protection and consequence mitigation systems and technologies. New technologies and systems should be developed by the Administration in partnership with other agencies and first responders that also have the operational responsibility to deal with the threat of radiological terrorism.

(3) Fissile materials are a special class of materials that present a range of threats, from utilization in improvised nuclear devices to incorporation in radiological dispersal devices. The Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2301 et seq.) focused on cooperative programs with the former Soviet Union to control such materials. It is critical that these efforts continue and that efforts commence to develop a sustainable system by which improvements in such efforts are retained far into the future. Development of such a sustainable system must occur in partnership with the Russian Federation and the other states of the former Soviet Union.

(4) The Russian Federation and the other states of the former Soviet Union are not the only locations of fissile materials around the world. Cooperative programs to control potential threats from any of such materials should be expanded to other international partners. Programs, coordinated with the International Atomic Energy Agency and other international partners, should be initiated to optimize control of such materials.

(5) The Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993 (the so-called "HEU deal"), represents an effective approach to reducing the stocks of the Russian Federation of highly enriched uranium (HEU). However, such stocks are much larger than contemplated in the Agreement, and many other nations also possess quantities of highly enriched uranium. Global stability would be enhanced by modification of all available highly enriched uranium into forms not suitable for weapons. Efforts toward such modification of highly enriched uranium should include expansion of programs to deal with research reactors fueled by highly enriched uranium, which were provided by the United States under the Atoms for Peace program and the Atomic Energy Act of 1954 and similarly encouraged by the former Soviet Union.

(6) Expansion of commercial nuclear power around the world will lead to increasing global stocks of reactor grade plutonium and fission products in spent fuel. If improperly controlled, such materials can contribute to proliferation and represent health and environmental risks. The international safeguards on such materials established through the International Atomic Energy Agency must be strengthened to deal with such concerns. The National Nuclear Security Administration is the appropriate Federal agent for dealing with technical matters

relating to the safeguard and management of nuclear materials. The United States, in cooperation with the Russian Federation and the International Atomic Energy Agency, should lead the international community in developing proliferation-resistant nuclear energy technologies and strengthened international safeguards that facilitate global management of all nuclear materials.

(7) Safety and security at nuclear facilities are inextricably linked. Damage to such facilities by sabotage or accident, or the theft or diversion of nuclear materials at such facilities, will have substantial adverse consequences worldwide. It is in the United States national interest to assist countries that cannot afford proper safety and security for their nuclear plants, facilities, and materials in providing proper safety and security for such plants, facilities, and materials, and in developing the sustainable safety and security cultures that are required for the safe and secure use of nuclear energy for peaceful purposes. The National Nuclear Security Administration is the appropriate Federal agent for dealing with the technical aspects of providing for international nuclear safety that must be coordinated with safeguards of nuclear materials.

(8) The United States has provided sealed sources of nuclear materials to many countries through the Atoms for Peace program and the Atomic Energy Act of 1954. These sources remain property of the United States. A recent report of the Inspector General of the Department of Energy, entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", noted that a total of 2–3 kilograms of plutonium were in sources provided to 33 nations and that the Department can not account fully for these sources. Many of these sources are small enough to present little risk, but a careful review of sources and recipients could identify concerns requiring special attention. In addition, the former Soviet Union supplied sealed sources of nuclear materials for research and industrial purposes, including some to other countries. These sources contain a variety of radioactive materials and are often uncontrolled, missing, or stolen. The problem of dangerous radiation sources is international, and a solution to the problem will require substantial cooperation between the United States, the Russian Federation, and other countries of the former Soviet Union, as well as international organizations such as the International Atomic Energy Agency. The International Nuclear Safety and Cooperation program and the Materials Protection, Control, and Accounting program of the National Nuclear Security Administration address such matters. However those programs need to be strengthened.

(9) Authorization for domestic testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons provided by section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) has expired. These tests have been invaluable in preparing first responders for a range of potential threats and should be continued.

(10) Coordination of all Federal nonproliferation programs should be improved to maximize efficiency and effectiveness of programs in multiple agencies. Congress needs a comprehensive annual report detailing the nonproliferation policies, strategies, and budgets of the Federal Government. Cooperation among Federal and private nonproliferation programs is critical to maximize the benefits of such programs.

(11) The United States response to terrorism must be as rapid as possible. In carrying out their antiterrorism activities, the departments and agencies of the Federal Government, and State and local governments, need rapid access to the specialized expertise and facilities at the national laboratories and sites of the Department of Energy. Multiple agency sponsorship of these important national assets would help achieve this objective.

SEC. 3. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.

(a) EXTENSION OF TESTING.—Section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2720; 50 U.S.C. 2315) is amended—

(1) in subsection (a)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013"; and

(2) in subsection (b)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013".

(b) CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The amendment made by subsection (a) may not be construed as modifying the designation of the President entitled "Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997", dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996.

SEC. 4. PROGRAM ON TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.

(a) PROGRAM REQUIRED.—(1) The Administrator for Nuclear Security shall carry out a program on technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, disposition, consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism.

(2) The Administrator shall carry out the program as part of the nonproliferation and verification research and development programs of the National Nuclear Security Administration.

(b) PROGRAM ELEMENTS.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism in the United States;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development in cooperation with the Russian Federation of technologies to respond to nuclear or radiological terrorism in the former states of the Soviet Union, including the demonstration of technologies so developed; and

(4) provide, where feasible, assistance to other countries on matters relating to nuclear or radiological terrorism, including—

(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;

(B) the provision of assistance in developing means for the safe disposal of radioactive materials;

(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and

(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", and in identifying and controlling radiological sources that represent significant risks.

(c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.—(1) In carrying out activities in accordance with paragraphs (3) and (4) of subsection (b), the Administrator shall consult with—

(A) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(B) the International Atomic Energy Agency.

(2) The Administrator shall encourage joint leadership between the United States and the Russian Federation of activities on the development of technologies under subsection (b)(4).

(d) INCORPORATION OF RESULTS IN EMERGENCY RESPONSE ASSISTANCE PROGRAM.—To the maximum extent practicable, the technologies and information developed under the program required by subsection (a) shall be incorporated into the program on responses to emergencies involving nuclear and radiological weapons carried out under section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2315).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Energy for the National Nuclear Security Administration to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, $40,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

SEC. 5. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting (MPC&A) program of the Department of Energy to encompass countries outside the Russian Federation and the independent states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS FOR ADDITIONAL COUNTRIES.—Not later than 30 days after the Secretary obligates funds for the International Materials Protection, Control, and Accounting program, as expanded under subsection (a), for activities in or with respect to a country outside the Russian Federation and the independent states of the former Soviet Union, the Secretary shall submit to Congress a notice of the obligation of such funds for such activities.

(c) ASSISTANCE TO DEPARTMENT OF STATE FOR NUCLEAR MATERIALS SAFEGUARDS PROGRAMS.—(1) As part of the International Materials Protection, Control, and Accounting program, the Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State to assist other nuclear weapons states to review and improve their nuclear materials safeguards programs.

(2) The technical assistance provided under paragraph (1) may include the sharing of technology or methodologies to the states referred to in that paragraph. Any such sharing shall—

(A) be consistent with the treaty obligations of the United States; and

(B) take into account the sovereignty of the state concerned and its weapons programs, as well the sensitivity of any information involved regarding United States weapons or weapons systems.

(3) The Secretary of Energy may include the Russian Federation in activities under paragraph (1) if the Secretary determines that the experience of the Russian Federation under the International Materials Protection, Control, and Accounting program with the Russian Federation would make the participation of the Russian Federation in such activities useful in providing technical assistance under that paragraph.

(d) Plan for Accelerated Conversion or Return of Weapons-Usable Nuclear Materials.—(1) The Secretary shall build on efforts to accelerate the conversion or return to the country of origin of all weapons-usable nuclear materials located in research reactors and other facilities outside the country of origin.

(2) The plan under paragraph (1) for nuclear materials of origin in the Soviet Union shall be developed in consultation with the Russian Federation.

(3) As part of the plan under paragraph (1), the Secretary shall assist the research reactors and facilities referred to in that paragraph in upgrading their materials protection, control, and accounting procedures until the weapons-usable nuclear materials in such reactors and facilities are converted or returned in accordance with that paragraph.

(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.

(e) Radiological Dispersal Device Protection, Control, and Accounting.—(1) The Secretary shall establish within the International Materials Protection, Control, and Accounting program a program on the protection, control, and accounting of materials usable in radiological dispersal devices.

(2) The program under paragraph (1) shall include—

(A) an identification of vulnerabilities regarding radiological materials worldwide;

(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and

(C) an acceleration of efforts to recover and control so-called "orphaned" radiological sources.

(3) The program under paragraph (1) shall be known as the Radiological Dispersal Device Protection, Control, and Accounting program.

(f) Authorization of Appropriations.—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, $10,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

SEC. 6. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.

(a) Program Authorized.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation, and any other nation that possesses highly enriched uranium, options for blending such uranium so that the concentration of U-235 in such uranium is below 20 percent.

(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

(A) additional facilities for the blending of highly enriched uranium; and

(B) additional centralized secure storage facilities for highly enriched uranium, as so blended.

(b) Incentives Regarding Highly Enriched Uranium in Russia.—As part of the options pursued under subsection (a) with the Russian Federation, the Secretary may provide financial and other incentives for the removal of all highly enriched uranium from any particular facility in the Russian Federation, if the Secretary determines that such incentives will facilitate the consolidation of highly enriched uranium in the Russian Federation to the best-secured facilities.

(c) Construction with HEU Disposition Agreement.—Nothing in this section may be construed as terminating, modifying, or otherwise effecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

(d) Priority in Blending Activities.—In pursuing options under this section, the Secretary shall give priority to the blending of highly enriched uranium from weapons, though highly enriched uranium from sources other than weapons may also be blended.

(e) Transfer of Highly Enriched Uranium and Plutonium to United States.—(1) As part of the program under subsection (a), the Secretary may, upon the request of any nation—

(A) purchase highly enriched uranium or weapons grade plutonium from the nation at a price determined by the Secretary;

(B) transport any uranium or plutonium so purchased to the United States; and

(C) store any uranium or plutonium so transported in the United States.

(2) The Secretary is not required to blend any highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U-235 in such uranium to below 20 percent. Amounts authorized to be appropriated by subsection (m) may not be used for purposes of blending such uranium.

(f) Transfer of Highly Enriched Uranium to Russia.—(1) As part of the program under subsection (a), the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.

(2) The Secretary shall pay any nation that transfers highly enriched uranium to the Russian Federation under this subsection an amount determined appropriate by the Secretary.

(3) The Secretary shall bear the cost of any blending and storage of uranium transferred to the Russian Federation under this subsection, including any costs of blending and storage under a contract under subsection (g).

(g) Contracts for Blending and Storage of Highly Enriched Uranium in Russia.—As part of the program under subsection (a), the Secretary may enter into one or more contracts with the Russian Federation—

(1) to blend in the Russian Federation highly enriched uranium of the Russian Federation and highly enriched uranium transferred to the Russian Federation under subsection (f); or

(2) to store the blended material in the Russian Federation.

(h) Limitation on Release for Sale of Blended Uranium.—Uranium blended under this section may not be released for sale until the earlier of—

(1) January 1, 2014; or

(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining industry in the United States.

(i) Proceeds of Sale of Uranium Blended by Russia.—Upon the sale by the Russian Federation of uranium blended under this section by the Russian Federation, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (b), (f), and (g).

(j) Report on Status of Program.—Not later than July 1, 2003, the Secretary shall submit to Congress a report on the status of the program carried out under the authority in subsection (a). The report shall include—

(1) a description of international interest in the program;

(2) schedules and operational details of the program; and

(3) recommendations for future funding for the program.

(k) Disposition of Plutonium in Russia.—(1) The Secretary may assist the Russian Federation in any fiscal year with the plutonium disposition program of the Russian Federation (as established under the agreement referred to in paragraph (2)) if the President certifies to Congress at the beginning of such fiscal year that the United States and the Russian Federation have entered into a binding agreement on the disposition of the weapons grade plutonium of the Russian Federation.

(2) The agreement referred to in this paragraph is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Cooperation, signed August 29, 2000, and September 1, 2000.

(3) The program under paragraph (1)—

(A) shall include transparent verifiable steps;

(B) shall proceed at roughly the rate of the United States program for the disposition of plutonium;

(C) shall provide for cost-sharing among a variety of countries;

(D) shall provide for contributions by the Russian Federation;

(E) shall include steps over the near term to provide high confidence that the schedules for the disposition of plutonium of the Russian Federation will be achieved; and

(F) may include research on more speculative long-term options for the future disposition of the plutonium of the Russian Federation in addition to the near-term steps under subparagraph (E).

(l) Highly Enriched Uranium Defined.—In this section, the term "highly enriched uranium" means uranium with a concentration of U-235 of 20 percent or more.

(m) Authorization of Appropriations.—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003—

(A) for activities under subsections (a) through (i), $100,000,000; and

(B) for activities under subsection (k), $200,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year for activities under subsection (a) through (i).

SEC. 7. STRENGTHENED INTERNATIONAL SAFEGUARDS FOR NUCLEAR MATERIALS AND SAFETY FOR NUCLEAR OPERATIONS.

(a) Report on Options for International Program To Strengthen Safeguards and Safety.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to Congress a report on options for an international program to develop strengthened safeguards for all nuclear materials and safety for nuclear operations.

(2) Each option for an international program under paragraph (1) may provide that the program is jointly led by the United States, the Russian Federation, and the International Atomic Energy Agency.

(3) The Administrator shall include with the report on options for an international program under paragraph (1) a description and assessment of various management alternatives for the international program. If any option requires Federal funding or legislation to implement, the report shall also include recommendations for such funding or legislation, as the case may be.

(b) Joint Programs With Russia on Proliferation Resistant Nuclear Technologies.—The Administrator shall pursue with the Russian Federation joint programs between the United States and the Russian Federation on proliferation resistant nuclear technologies.

(c) Participation of Office of Nuclear Energy Science.—The Administrator shall consult with the Office of Nuclear Energy Science and Technology of the Department of Energy in the development of options under subsection (a) and joint programs under (b).

(d) Participation of International Technical Experts.—In developing options under subsection (a), the Administrator shall, in consultation with the Russian Federation and the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.

(e) Assistance Regarding Hostile Insiders and Aircraft Impacts.—(1) The Secretary of Energy may, utilizing appropriate expertise of the Department of Energy, provide assistance to nuclear facilities abroad on the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the impact of aircraft with nuclear facilities in such countries.

(f) Assistance to IAEA in Strengthening International Nuclear Safeguards.—The Secretary may expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in strengthening international nuclear safeguards.

(g) Authorization of Appropriations.—There is hereby authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003—

(A) for activities under subsections (a) through (e), $20,000,000, of which $5,000,000 shall be available for sabotage protection for nuclear power plants and other nuclear facilities abroad; and

(B) for activities under subsection (f), $30,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

SEC. 8. EXPORT CONTROL PROGRAMS.

(a) Authority To Pursue Options for Strengthening Export Control Programs.—The Secretary of Energy may pursue in the former Soviet Union and other regions of concern, principally in South Asia, the Middle East, and the Far East, options for accelerating programs that assist countries in such regions in improving their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

(b) Authorization of Appropriations.—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, $5,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

SEC. 9. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.

(a) Revised Focus for Program.—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting programs of the Department and the Russian Federation Ministry of Atomic Energy.

(2) The updated plan shall shift the focus of the upgrades of the nuclear materials protection, control, and accounting program of the Russian Federation in order to assist the Russian Federation in achieving, as soon as practicable but not later than January 1, 2012, a sustainable safeguards system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(b) Pace of Program.—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.

(c) Transparency of Program.—(1) The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

(2) The alternatives identified under paragraph (1) may not include full intrusive access to sensitive facilities in the Russian Federation.

(d) Sense of Congress.—In furtherance of the activities required under this section, it is the sense of Congress the Secretary should—

(1) improve the partnership with the Russian Ministry of Atomic Energy in order to enhance the pace and effectiveness of nuclear materials safeguards at facilities in the Russian Federation, including serial production enterprises; and

(2) clearly identify the assistance required by the Russian Federation, the contributions anticipated from the Russian Federation, and the transparency milestones that can be used to assess progress in meeting the requirements of this section.

SEC. 10. COMPREHENSIVE ANNUAL REPORT TO CONGRESS OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.

Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247) is amended by adding at the end the following new subsection:

"(d) Annual Report on Implementation of Plan.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

"(2) Each report under paragraph (1) shall include—

"(A) a discussion of any progress made during the year covered by such report in the matters of the plan required by subsection (a);

"(B) a discussion of any consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

"(C) a discussion of any cooperation and coordination during such year in the implementation of the plan between the United States and private entities that share objectives similar to the objectives of the plan; and

"(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.".

SEC. 11. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF ANTITERRORISM ACTIVITIES.

(a) Agencies as Joint Sponsors of Laboratories for Work on Antiterrorism.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department of Energy national laboratory shall be a joint sponsor, under a multiple agency sponsorship arrangement with the Department, of such laboratory in the performance of such work.

(b) Agencies as Joint Sponsors of Sites for Work on Antiterrorism.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department site shall be a joint sponsor of such site in the performance of such work as if such site were a federally funded research and development center and such work were performed under a multiple agency sponsorship arrangement with the Department.

(c) Primary Sponsorship.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) Work.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the submittal to a Department national laboratory or site of requests for work on antiterrorism matters by departments and agencies that are joint sponsors of such national laboratory or center, as the case may be, under this section.

(2) A request for work may not be submitted to a national laboratory or site under this section unless approved in advance by the Administrator.

(3) Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017(a)(4) of the Federal Acquisition Regulation.

(4) The Administrator shall ensure that the work of a national laboratory or site requested under this section is performed expeditiously and to the satisfaction of the head of the department or agency submitting the request.

(e) FUNDING.—(1) Subject to paragraph (2), a joint sponsor of a national laboratory or site under this section shall provide funds for work of such center or site, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such center under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subsection (b).

(2) The total amount of funds provided a national laboratory or site in a fiscal year under this subsection by joint sponsors other than the Department of Energy shall not exceed an amount equal to 25 percent of the total funds provided such center or site, as the case may be, in such fiscal year from all sources.

Mr. BIDEN. Mr. President, the world is a dangerous place, and the United States is not immune to those dangers. In just the last few days, we have heard warnings that suicide bombers will mount attacks in the United States and that terrorist groups will inevitably obtain weapons of mass destruction from rogue states.

My own greatest concern is that rogue states or terrorist groups may obtain nuclear weapons, or the means to produce them, from the former Soviet Union, where less-than-adequate security and under-employed weapons scientists coexist with the world's largest stockpile of excess fissile material. We know that both rogues and terrorists are attempting to exploit the instability in that region in order to gain weapons of mass destruction.

Some Russians have been caught stealing radioactive, or even fissile, material. And witnesses at two Foreign Relations Committee hearings warned that even modestly capable terrorists could convert stolen highly enriched uranium into enormously destructive improvised nuclear devices.

But I do not share the view that proliferation of nuclear weapons is inevitable. The United States has had real successes in nuclear nonproliferation and there is every reason to think that we can build on that record.

Thanks to the Nunn-Lugar Cooperative Threat Reduction program, the countries of Belarus, Kazakhstan and Ukraine gave up their nuclear weapons.

Thanks to the Materials Protection, Control and Accounting program, many Russian facilities have improved their security for fissile material.

Thanks to our fissile material disposition programs, the United States and Russia will each demilitarize 34 metric tons of excess plutonium, and Russia will downblended 500 metric tons of high-enriched uranium into low-enriched fuel for nuclear power reactors.

Thanks to several U.S. programs, thousands of under-employed weapons scientists in the former Soviet Union have obtained at least part-time employment in new, socially useful endeavors.

These programs point the way to how we can speed up the day when rogue states and terrorists will find the doors closed to them when they seek dangerous materials or technology from the former Soviet Union. The administration told many months to review these programs last year, but that review led it to the absolutely correct conclusions that the programs are vital to our national security and that nearly all of them should be expanded. The problem now is that we are still not doing nearly enough. The President's budget request for fiscal year 2003 would maintain our nonproliferation assistance programs, but not significantly increase them.

The Nuclear Nonproliferation Act of 2002 takes important steps to expand these programs, and I am proud to cosponsor this legislation. Senator DOMENICI to be both commended and supported for drafting this bill. I am also delighted to be joined by Senators LUGAR and HAGEL from the Foreign Relations Committee, Senators LANDRIEU and BINGAMAN from the Armed Services Committee, and Senator MURKOWSKI, who has paid particular attention to Russian nuclear problems.

The Nuclear Nonproliferation Act of 2002 will lead to greater levels of effort—and, I believe, greater levels of achievement—in several areas. For example, it authorizes $40 million for a new research, development, and demonstration program to help respond to nuclear or radiological terrorism. Some of these funds would also help other nations to better regulate the protection and control of radiological sources, to prevent any diversion to terrorists. Some of the funds will go to new technologies to detect radioactive and fissile materials being smuggled into the United States. And some will support work with the International Atomic Energy Agency to improve international safeguards for nuclear materials and operations.

It authorizes up to $300 million to accelerate and expand current programs to blend down highly enriched uranium (HEU) into reactorgrade material which cannot explode and to dispose of plutonium in Russia. This provision also allows for HEU purchases from other countries.

It authorizes $20 million for work with the international community to develop options for a global program for international safeguards, nuclear safety and proliferation-resistant nuclear technologies. This includes efforts to improve sabotage protection for nuclear power plants and other nuclear facilities overseas.

These are sensible proposals, and very sensibly priced when one considers the magnitude of the threat that they address. Former Senator Howard Baker and former White House Counsel Lloyd Cutler called on us last year to devote at least $3,000,000,000 dollars a year to this effort. Even with last year's congressionally-mandated budget increases and even with this fine bill, we will achieve less than two-thirds of that objective.

But these are important steps, ones that have been vetted with experts inside and outside our government. They deserve the support of all of us, and they will help build a safer world for our children and grandchildren.

By Mr. THURMOND:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I rise today to express my disappointment in the decision announced yesterday by the Department of Transportation against allowing airline pilots to carry firearms during the performance of their duties. Today I am introducing legislation which would overturn that decision and require the Transportation Security Administration to establish a program to permit pilots to defend their aircraft against acts of criminal violence or air piracy. This legislation will provide a critical last line of defense to secure commercial aircraft.

This bill I am introducing today is identical to a bill in the House of Representatives, H.R. 4635, introduced by Mr. YOUNG of Alaska and Mr. MICA of Florida. The legislation requires the Under Secretary of Transportation for Security to establish a program not later than 90 days after the date of enactment to deputize qualified volunteer pilots as Federal law enforcement officers to defend the cockpits of commercial aircraft in flight against acts of criminal violence or air piracy. Pilots who are deputized will be known as "Federal Flight Deck Officers" and will be authorized to carry a firearm and use force, including deadly force, against an individual in defense of an aircraft.

Under the bill, a qualified pilot is a pilot that is employed by an air carrier, has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal Flight Deck Officer, and has been the subject of an employment investigation, including a criminal history record check.

Not later than 120 days after the date of enactment, the Under Secretary shall deputize 500 qualified pilots who are former military or law enforcement personnel. Not later than 24 months after the date of enactment, the Under Secretary shall deputize any qualified pilot. The Federal Government will provide training, supervision and equipment at no expense to the pilot or air carrier. Pilots participating in this program will not be eligible to receive compensation for services. The legislation protects volunteer pilots and their employers against liability from damages resulting from participation in the program.

The Department of Transportation has taken important steps to improve the security of our airports and protect the flying public. However, September 11 demonstrated our enemies will stop at nothing to inflict harm on Americans and destroy our way of life. Our response must be equally as determined and resolute. We must not take half measures or engage in wishful thinking. We must not refrain from utilizing every tool we possess. We must enable those who pilot commercial passenger aircraft to defend against any threat and protect the safety of their aircraft and passengers. And finally, we must do so without further delay. I hope the Senate responds quickly to this important matter.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arming Pilots Against Terrorism Act".

SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§44921. Federal flight deck officer program

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security shall establish a program to deputize qualified volunteer pilots of passenger aircraft as Federal law enforcement officers to defend the flight decks of aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) QUALIFIED PILOT.—Under the program, a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal flight deck officer under the program; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

"(d) DEPUTIZATION.—

"(1) IN GENERAL.—The Under Secretary shall deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary shall authorize a Federal flight deck officer under this section to carry a firearm while engaged in providing air transportation or intrastate air transportation.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of an aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—The term 'pilot' means an individual responsible for the operation of aircraft.".

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter is amended by inserting after the item relating to section 44920 the following:

"44921. Federal flight deck officer program.".

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.".

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (Public Law 107-71) is repealed.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the Medicare hospital outpatient department prospective payment system; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senator SNOWE to introduce legislation entitled the "Medicare Hospital Outpatient Department Fair Payment Act of 2002" to improve Medicare payments for hospital outpatient department services.

According to the Medicare Payment Advisory Commission, or MedPAC, in its report to Congress this past March, "We estimate that the aggregate Medicare margin for outpatient services will be −16.3 percent in 2002. Unfortunately, while the Medicare outpatient prospective payment system, or OPPS, was created to give providers incentives to deliver quality outpatient care and services in an efficient manner, OPPS reimbursement rates have been set at a level substantially below what is costs hospitals to care for Medicare patients. That is an unsustainable burden for our Nation's hospitals.

This problem is especially acute in rural areas. According to the Medicare Payment Advisory Commission's June 2001 report entitled "Report to Congress: Medicare in Rural America," outpatient costs represent 21.8 percent of total Medicare costs in rural hospitals compared to 16.1 percent in urban hospitals. As MedPAC concludes, "Given their greater reliance on Medicare and on outpatient services within Medicare, rural hospitals have more at stake than their urban counterparts in the move to the outpatient PPS."

In addition, Medicare's payment policy of paying less than cost creates inappropriate incentives for providers to provide services in the setting that receives the most favorable payment rather than the one best suited for the patient. Medicare policy should seek, as best as possible, to pay appropriate amounts to ensure access to care for Medicare beneficiaries in appropriate settings, whether in inpatient hospitals, outpatient care, ambulatory surgical centers, or physician offices.

To provide just one example, the following are the current payment rates for mammography in either a outpatient hospital setting of a physician's office: for unilateral diagnostic mammography, the OPPS payment is

$30.54 compared to $38.01 in a physician's office; for bilateral diagnostic mammography, the OPPS payment is again $30.54 compared to an even higher $46.06 in a physician's office; for unilateral digital mammography, OPPS payment just increased to $75.00 compared to $71.31 in a physician's office; and finally, for bilateral digital mammography, the OPPS payment is $75.00 compared to $88.33 in a physician's office.

Why does Medicare pay between 24 percent to 54 percent more for a diagnostic mammography in a physician's office than in an outpatient hospital setting? Such disparities are unjustified and they are even worse for other Medicare services.

To address these problems, the "Medicare Hospital Outpatient Fair Payment Act of 2002" would: increase extremely underfunded emergency room and clinic ambulatory payment classifications, or APC, payment rates in the OPPS system by 10 percent and require an increase in overall outpatient department payments to be adjusted to 90 percent of overall costs, from the current 84 percent; and improve and extend transitional corridor or "hold harmless" payments to rural hospitals, cancer hospitals, and children's hospitals, and extend the transitional payments to designated eye and ear speciality hospitals.

The first provision would increase funding overall through the outpatient hospital system from 84 percent of cost to 90 percent of cost, still 10 percent less than the hospitals spend in delivering necessary outpatient care, with special focus and priority on payments for emergency room and clinic payments, prevention services, cancer services, and to reduce the disparity between payments in outpatient and alternative settings.

The extension of the transitional corridors or hold harmless payments to rural, cancer, and children's hospitals addresses the particular problems those hospitals are facing with the OPPS system and adds designated eye and ear speciality hospitals. With regard to rural hospitals, MedPAC recommended that due to the higher unit costs and a greater percentage of care delivered in rural outpatient settings in its June 2001 report entitled "Report to the Congress: Medicare in Rural America," that the data "supports the need for the existing hold-harmless policy" for rural hospitals.

Without the transitional corridor payments to rural hospitals, rural hospitals would be expected to be significant losers, according to MedPAC data. As MedPAC states, "Small rural hospitals were protected to more negatively affected, with those under 50 beds, about 50 percent of rural hospitals, losing 8.5 percent and those with 50-99 beds losing 2.7 percent." Even with the transitional corridor and hold-harmless payments, rural hospitals are still projected to have negative margins of 13.7 percent with respect to outpatient care.

The legislation also addresses problems created by the Balanced Budget Refinement Act of 1999, or BBRA, which established temporary additional Medicare payments, or transitional pass-through payments, for certain innovative medical devices, drugs, and biologics. By establishing the pass-through payments, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare and Medicaid Services, or CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded.

In March 2002, CMS announced a reduction in pass-through payments of 63.6 percent. This reduction means that a pass-through payment of $1,000 is reduced to just $364. Again, hospitals cannot continue to provide needed services to beneficiaries with reductions of such a magnitude.

To prevent an event greater reduction in pass-through payments, CMS "folded-in" a significant portion of costs of these new technologies into the base APCs. However, because the law requires that these changes are made in a budget-neutral manner, this resulted in a substantial reduction in payments for standard outpatient services that do not rely upon high-tech medical devices. In 2002, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of −7.2 percent, causing the substantial reduction in the OPPS fee schedule amounts.

As MedPAC notes, "If pass-through items are overused and overpaid, APCs that include these technologies will be relatively overpaid while APCs that do not will be underpaid. This process also will have inappropriate distributional effects among hospitals if some hospitals provide more services that use pass-through technologies than others." For example, rural hospitals tend to provide a greater proportion of more basic Services, emergency care services, and fewer services that require advanced technology, according to MedPAC. These are the services particularly hard hit by the budget neutrality provision, and yet, they are certainly not any less expensive than they were last year.

To address these problems with Medicare's pass-through payment system, the bill would: limit the pro-rata reduction in pass-through to 20 percent; and limit the budget neutrality adjustment to no more than 2.0 percent annually.

For New Mexico, the importance of this legislation cannot be overstated. In 2000, New Mexico had over 3.1 million outpatient visits by Medicare beneficiaries for important health concerns. This includes essential services such as diagnostic tests, clinic visits, emergency care treatment, chemotherapy, and surgery. In addition, according to estimates from the American Hospital Association, the impact of this legislation to New Mexico hospitals would be an increase in Medicare payments between $48 and $59 million over the next five years.

For an industry attemtping to survive cuts to payments from the private sector, Medicare and Medicaid, while also dealing with the Nation's highest percentage of uninsured patients in the country. This legislation is both timely and necessary. It is unjustifiable for Medicare to continue to pay just 84 percent of the cost of care of Medicare beneficiaries.

The bottom line is that this bipartisan legislation will ensure our nation's hospitals a more rationale, fair, and equitable payment system for services delivered to Medicare beneficiaries in an outpatient setting.

I ask unanimous consent that the text of the bill and a copy of a letter of support from AHA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Hospital Outpatient Department Fair Payment Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Ensuring adequate OPD fee schedule amounts for clinic and emergency visits.
Sec. 3. Limitation of pro rata reductions to pass-through payments.
Sec. 4. Clarifying application of OPD fee schedule increase factor.
Sec. 5. Limitation on budget neutrality adjustment for annual revisions to system components.
Sec. 6. Outlier payments.
Sec. 7. Adjustment to limit decline in payment.
Sec. 8. Special increase in certain relative payment weights.
Sec. 9. Permanent extension of provider-based status.

SEC. 2. ENSURING ADEQUATE OPD FEE SCHEDULE AMOUNTS FOR CLINIC AND EMERGENCY VISITS.

(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)) is amended—

(1) in paragraph (3)(C)(ii)—

(A) by striking "paragraph (8)(B)" and inserting "paragraphs (11)(B) and (13)(A)(i)"; and

(B) by striking "clause (iii)" and inserting "clause (iv)";

(2) in paragraph (3)(C)(iii), by inserting ", paragraph (11)(B), or paragraph (13)(B)" after "this subparagraph";

(3) in paragraph (3)(D)—

(A) in clause (i), by striking "conversion factor computed under subparagraph (C) for the year" and inserting "applicable conversion factor computed under subparagraph (C), paragraph (11)(B), or paragraph (13)(B) for the year (or portion thereof)"; and

(B) in clause (ii), by inserting ", paragraph (9)(A), or paragraph (13)(C)" after "paragraph (2)(C)";

(4) in paragraph (9), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) BUDGET NEUTRALITY ADJUSTMENT.—

"(i) IN GENERAL.—If the Secretary makes revisions under subparagraph (A), then the revisions for a year may not cause the estimated amount of expenditures under this part for the year to increase or decrease from the estimated amount of expenditures under this part (including expenditures attributable to the special rules specified in paragraph (13)) that would have been made if the revisions had not been made.

"(ii) EXEMPTION FROM REDUCTION.—The relative payment weights determined under paragraph (13)(C) and the conversion factor computed under paragraph (13)(B) shall not be reduced by any budget neutrality adjustment made pursuant to this subparagraph."; and

(5) by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

"(13) SPECIAL RULES FOR CALCULATING MEDICARE OPD FEE SCHEDULE AMOUNT FOR CLINIC AND EMERGENCY VISITS.—

"(A) IN GENERAL.—In computing the medicare OPD fee schedule amount under paragraph (3)(D) for covered OPD services that are furnished on or after April 1, 2002, and classified within a group established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic or emergency visits (as described in subparagraph (D)), the Secretary shall—

"(i) substitute for the conversion factor calculated under paragraph (3)(C) the conversion factor calculated under subparagraph (B); and

"(ii) substitute for the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, the relative payment weight determined under subparagraph (C) for such group.

"(B) CALCULATION OF CONVERSION FACTOR.—For purposes of subparagraph (A)(i), the conversion factor calculated under this subparagraph is—

"(i) for services furnished on or after April 1, 2002, and before January 1, 2003, an amount equal to 112.82 percent of the conversion factor specified for such period in the final rule published on March 1, 2002 (67 Fed. Reg. 9556 et seq.; entitled 'Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors') and not taking into account any subsequent amendments to such final rule; and

"(ii) for services furnished in a year beginning after December 31, 2002, the conversion factor computed under this subparagraph for the previous year (or in the case of 2003, for the previous 9 months) increased by the OPD fee schedule increase factor specified under paragraph (3)(C)(iv) for the year involved.

"(C) DETERMINATION OF RELATIVE PAYMENT WEIGHTS.—For purposes of subparagraph (A)(ii), the relative payment weight determined under this subparagraph for a covered OPD service that is classified within such a group is—

"(i) for services furnished on or after April 1, 2002, and before January 1, 2003, the relative payment weight specified for such group for such period in Addendum A of the final rule published on March 1, 2002 (67 Fed. Reg. 9556 et seq.; entitled 'Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors') and not taking into account any subsequent amendments to such final rule; and

"(ii) for services furnished in a year beginning on or after January 1, 2003—

"(I) for ambulatory patient classification group 0601 (relating to mid-level clinic visits), or a successor to such group, the relative payment weight specified for such group in the final rule referred to in clause (i); and

"(II) other ambulatory patient classification groups described in subparagraph (D), the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, for such group for such year (but without regard to any budget neutrality adjustment under paragraph (9)(B)).

"(D) GROUPS FOR CLINIC AND EMERGENCY VISITS.—For purposes of this paragraph, the groups established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic and emergency visits are ambulatory patient classification groups 0600, 0601, 0602, 0610, 0611, and 0612 as defined for purposes of the final rule referred to in subparagraph (C)(i) (and any successors to such groups).".

(b) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)), the Secretary of Health and Human Services may not make any adjustment under—

(1) paragraph (2)(F), (3)(C)(iii), (9)(B), or (9)(C) of section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)); or

(2) any other provision of such section;

to ensure that the amendments made by subsection (a) do not cause the estimated amount of expenditures under part B of title XVIII of such Act (42 U.S.C. 1395j et seq.) to exceed the estimated amount of expenditures that would have been made under such part but for such amendments.

(c) PERIODIC LUMP-SUM RETROACTIVE PAYMENTS.—The Secretary of Health and Human Services shall, not later than 60 days after the date of enactment of this Act (and at least every 90 days thereafter until the amendments made by subsection (a) are implemented)—

(1) estimate, for each hospital furnishing services for which payment may be made under section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)) on or after April 1, 2002—

(A) the total amount of additional payments under such section that would have been made to such hospital as of the date of such estimate if such amendments had been implemented as of such date; and

(B) the total amount of additional payments under such section that have actually been made to such hospital as of the date of such estimate (including any amounts paid pursuant to this subsection); and

(2) make a lump-sum payment to such hospital equal to the amount by which the amount estimated under paragraph (1)(A) exceeds the amount estimated under paragraph (1)(B).

SEC. 3. LIMITATION OF PRO RATA REDUCTIONS TO PASS-THROUGH PAYMENTS.

(a) IN GENERAL.—Section 1833(t)(6)(E) of the Social Security Act (42 U.S.C. 1395*l*(t)(6)(E)) is amended—

(1) in clause (i), by striking "The total" and inserting "Subject to clause (iv), the total";

(2) in clause (iii), by striking "If the Secretary" and inserting "Subject to clause (iv), if the Secretary"; and

(3) by adding at the end the following new clause:

"(iv) LIMITATION ON PRO RATA REDUCTIONS.—Notwithstanding clauses (i), (ii), and (iii), the Secretary may not reduce the additional payments that would otherwise be made under this paragraph (but for this subparagraph) for items and services furnished on or after April 1, 2002, by a percentage that exceeds 20.0 percent.".

(b) PERIODIC LUMP-SUM RETROACTIVE PAYMENTS.—The Secretary of Health and Human Services shall, not later than 60 days after the date of enactment of this Act (and at least every 90 days thereafter until clause (iv) of section 1833(t)(6)(E) of the Social Security Act (as added by subsection (a)(3)) is implemented)—

(1) estimate, for each hospital furnishing services for which payment may be made under section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)) on or after April 1, 2002—

(A) the total amount of additional payments under paragraph (6) of such section that would have been made to such hospital as of the date of such estimate if such clause had been implemented as of such date; and

(B) the total amount of additional payments under such paragraph that have actually been made to such hospital as of the date of such estimate (including any amounts paid pursuant to this subsection); and

(2) make a lump-sum payment to such hospital equal to the amount by which the amount estimated under paragraph (1)(A) exceeds the amount estimated under paragraph (1)(B).

SEC. 4. CLARIFYING APPLICATION OF OPD FEE SCHEDULE INCREASE FACTOR.

Section 1833(t)(3)(C)(iv) of the Social Security Act (42 U.S.C. 1395*l*(t)(3)(C)(iv)) is amended by adding at the end the following new sentence: "Effective for years beginning with 2002, the OPD fee schedule increase factor for a year shall take effect on January 1 of such year, and nothing in this subsection shall be construed as authorizing the Secretary to delay the date on which such increase factor takes effect by reason of any delay in implementing the revisions authorized by paragraph (9)(A) for such year or for any other reason.".

SEC. 5. LIMITATION ON BUDGET NEUTRALITY ADJUSTMENT FOR ANNUAL REVISIONS TO SYSTEM COMPONENTS.

Section 1833(t)(9)(B) of the Social Security Act (42 U.S.C. 1395*l*(t)(9)(B)), as amended by section 2(a)(4), is amended—

(1) in clause (i), by striking "If the Secretary" and inserting "Subject to clause (iii), if the Secretary"; and

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON ADJUSTMENT.—For years after 2001, the budget neutrality adjustment under this subparagraph may not reduce the payments that would otherwise be made under this part but for this subparagraph by more than 2.0 percent.".

SEC. 6. OUTLIER PAYMENTS.

Section 1833(t)(5) of the Social Security Act (42 U.S.C. 1395*l*(t)(5)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking "exceed the applicable" and inserting "exceed a percentage specified by the Secretary that is not less than the applicable minimum percentage or greater than the applicable maximum"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) APPLICABLE PERCENTAGES.—For purposes of clause (i)—

"(I) the term 'applicable minimum percentage' for a year means zero percent for years before 2003 and 2.0 percent for years after 2002; and

"(II) the term 'applicable maximum percentage' for a year means 2.5 percent for years before 2003 and 3.0 percent for years after 2002."; and

(2) in subparagraph (D)—

(A) in the heading, by striking "TRANSITIONAL AUTHORITY" and inserting "FLEXIBILITY"; and

(B) in the matter preceding clause (i), by striking "for covered OPD services furnished before January 1, 2002,".

SEC. 7. ADJUSTMENT TO LIMIT DECLINE IN PAYMENT.

Section 1833(t)(7) of the Social Security Act (42 U.S.C. 1395l(t)(7)) is amended—

(1) in the heading, by striking "TRANSITIONAL ADJUSTMENT" and inserting "ADJUSTMENT";

(2) in subparagraph (A)—

(A) in the heading, by striking "BEFORE 2002" and inserting "IN GENERAL";

(B) in the matter preceding clause (i)—

(i) by striking "subparagraph (D)" and inserting "subparagraph (B)";

(ii) by striking "furnished before January 1, 2002,"; and

(iii) by striking "subparagraph (E)" and inserting "subparagraph (C)"; and

(C) in clause (i), by striking "subparagraph (F)" and inserting "subparagraph (D)";

(3) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) HOLD HARMLESS PROVISIONS.—

"(i) CANCER, CHILDREN'S, AND SMALL RURAL HOSPITALS.—In the case of a hospital that is described in clause (iii) or (v) of section 1886(d)(1)(B) or is located in a rural area and has not more than 100 beds, for covered OPD services—

"(I) that are furnished on or after the date on which payment is first made under this subsection; and

"(II) for which the PPS amount is less than the pre-BBA amount (or for services furnished on or after January 1, 2002, is less than the greater of the pre-BBA amount or the reasonable costs incurred in furnishing such services),

the amount of payment under this subsection shall be increased by the amount of such difference.

"(ii) EYE AND EAR HOSPITALS.—In the case of a hospital or unit described in subsection (i)(4), for covered OPD services—

"(I) that are furnished on or after January 1, 2002; and

"(II) for which the PPS amount is less than the greater of the base year amount (which for purposes of this subparagraph shall be determined in the same manner as the pre-BBA amount under subparagraph (D), except that clause (ii)(I) of such subparagraph shall be applied by substituting '2001' for '1996') or the reasonable costs incurred in furnishing such services,

the amount of payment under this subsection shall be increased by the amount of such difference.";

(4) in subparagraph (F)(ii)(I), by striking "subparagraph (E)" and inserting "subparagraph (C)"; and

(5) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively.

SEC. 8. SPECIAL INCREASE IN CERTAIN RELATIVE PAYMENT WEIGHTS.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (3)(D)(ii), as amended by section 2(a)(3)(B), by striking "or paragraph (13)(C)" and inserting "paragraph (13)(C), or paragraph (14)";

(2) in paragraph (9)(B)(i), as amended by section 2(a)(4), by inserting "determined without regard to expenditures made by reason of the adjustments required by paragraph (14)" after "paragraph (13)";

(3) in paragraph (12)(C), by striking "paragraph (6)" and inserting "paragraph (9) (including adjustments authorized by paragraph (14))"; and

(4) by redesignating paragraph (14) (as redesignated by section 2(a)(5)) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) REQUIREMENT TO INCREASE RELATIVE PAYMENT WEIGHTS IN CERTAIN CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding the methodologies specified for determining relative payment weights described in paragraphs (2)(C) and (9)(A), for years beginning with 2002, the Secretary shall, as part of the revisions required by paragraph (9)(A), increase the relative payment weight for any group established or revised under paragraph (2)(C) or (9)(A), respectively, above the weight that would otherwise apply to such group under this subsection if the Secretary determines that such an increase is necessary to ensure that the medicare OPD fee schedule amount for the group for the year is not less than 90 percent of the median costs for services classified within the group.

"(B) PRIORITIES.—For purposes of providing for increases under subparagraph (A), the Secretary shall give priority first to preventive services, second to cancer services, third to services for which the medicare OPD fee schedule amount that would otherwise apply is less the payment level under this title for such services in other settings, and fourth to other services.

"(C) DATA.—The Secretary may base increases under subparagraph (A) on data from any source and is not limited to data appropriate for estimating the costs incurred by hospitals in furnishing such services.

"(D) AGGREGATE EXPENDITURES.—Notwithstanding the application of the percentage specified under subparagraph (A), the Secretary shall provide for increases under such subparagraph for each year so that the estimated amount of additional expenditures attributable to adjustments under such subparagraph is not less than $1,000,000,000 in such year.".

SEC. 9. PERMANENT EXTENSION OF PROVIDER-BASED STATUS.

Paragraphs (1) and (2) of section 404(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (113 Stat. 2763A-506), as enacted into law by section 1(a)(6) of Public Law 106-554, are each amended by striking "until October 1, 2002".

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, May 22, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of our nearly 5,000 hospital, health care system, network and other health care provider members, the American Hospital Association is writing to express our strong support for the Medicare Hospital Outpatient Fair Payment Act of 2002 that you have introduced with Sen. Olympia Snowe (R-ME). We believe this bill is an essential component to ensuring that America's Medicare patients receive emergency care and outpatient services, and have equal access to the newest medical technologies.

As hospital care continues to shift to the outpatient setting, it is imperative that Congress begins to address the complex operational issues and payment inequities created by the outpatient prospective payment system (OPPS). While the OPPS was created to give providers incentives to deliver quality care in an efficient manner, outpatient payment rates were set at a level substantially below the costs hospitals incur caring for Medicare patients. Medicare currently pays hospitals only 84 cents for every dollar of outpatient care provided.

Your comprehensive legislation would address problems in the OPPS by extending and enhancing provisions that ensure patient care is not disrupted as hospitals transition into OPPS. We applaud your leadership on this important issue and support swift enactment of this legislation. We look forward to working with you further on this issue.

Sincerely,

RICK POLLACK,
Executive Vice President.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and good friend Senator BINGAMAN to introduce the Medicare Hospital Outpatient Fair Payment Act of 2002. We are introducing this bill because of the critical importance of outpatient health care services and the devastating impact that the substantial reduction in Medicare payments for outpatient services will have on the delivery of care. Our legislation will increase payment rates for outpatient care to adequate levels to ensure appropriate access to outpatient care for our Nation's seniors. In addition, since the implementation of the new outpatient prospective payment system in August 2000, it has become evident that changes are needed, and this legislation proposes important reforms that will make the system work better for Medicare and for our Nation's seniors.

Our Nation's seniors rely upon outpatient care delivered through the Medicare program. This is the result of trends in medical care that will continue to place a greater emphasis on the outpatient setting. According to Medpac, the number of outpatient visits increased 73 percent during the 1990s and nearly 5 percent in 2001 alone. New technologies and advances in medicine have made it possible for more and more care to be provided on an outpatient basis, which eliminates the need for an overnight hospital stay. This reduces the cost of care and gets the patient home sooner where recovery can begin. This trend will continue and underscores the importance of having an appropriate Medicare payment system for outpatient care.

Without these vitally needed changes in the Medicare outpatient payment system, our medical care infrastructure will suffer and patient care will be harmed. This March, the Medicare Payment Advisory Commission, Medpac, estimated that the aggregate margin for outpatient services would be minus 16.3 percent in 2002.

Congress created temporary additional payments, or transitional "pass-through" payments, for certain innovative medical devices, drugs and biologicals in the Balanced Budget Refinement Act, BBRA, of 1999. By establishing the pass-through pool, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare & Medicaid Services, CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded. In March 2002, CMS announced a dramatic reduction in pass-through payments of 63.6 percent.

CMS took steps to avoid even greater reductions in the pass through payments by incorporating 75 percent of the device costs into the base ambulatory payment classifications, APC, amounts. Due to a Congressionally-mandated requirement, CMS was required to make this adjustment on a budget neutral basis, with no recognition for the impact of this shift in payment. As a result, Medicare payments were shifted from low-tech services to high-tech services. In addition, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of minus 7.2 percent, causing a substantial reduction in the OPPS fee schedule amounts for 2002.

These shifts in payments that resulted from actions Congress took in the BBRA are greater than intended when it was first enacted. It is clear that corrections to the system are needed. Ironically, if these problems with outpatient payments are not corrected, hospitals will be forced to admit patients into the hospital for treatment that could have been provided more efficiently on an outpatient basis.

To address these problems, we are introducing the Medicare Hospital Outpatient Fair Payment Act of 2002. This comprehensive legislation would address problems within the current Medicare hospital outpatient payment system. Specifically, it would address the problems outlined here by; increasing extremely underfunded emergency room and clinic ambulatory payment classifications, APC, rates by 10 percent and requiring an increase in overall outpatient payments to 90 percent of overall costs, still 10 percent less than hospitals spend in delivering necessary outpatient care, but an improvement on the current payment of just 84 percent of costs; limiting the pro rata reduction in pass-through payments to 20 percent; and limiting the budget neutrality adjustment to no more than 2.0 percent.

Furthermore, the bill improves and extends transitional corridor payments to rural hospitals, cancer hospitals, and children's hospitals, and extends the provision to designated eye and ear specialty hospitals.

We believe these changes are necessary if we are to preserve the quality of care in the outpatient setting that seniors deserve. Our Nation's seniors rely upon the health care services provided in the outpatient setting and we invite our colleagues on both sides of the aisle to join us in this effort.

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Education Works Act.

In 1996, legislation was passed which made major changes to our welfare laws. Since then, we know that the welfare rolls in most States have dramatically decreased. But reforming welfare is not just about reducing welfare rolls; welfare reform must ultimately be about helping poor individuals achieve self-sufficiency. While many have left welfare for work during the past several years, too many have been left behind because they don't have a high school degree, have little or no work history, have health problems, are in abusive relationships, or are dealing with other circumstances that make it difficult to work. In addition, those who have secured work are working at low wages with limited benefits. These parents experience little earning growth over time, because there are limited opportunities for mobility for those with low skill levels. As we move forward with the reauthorization process, we must do more to support state efforts to help these people find work and to ensure that all individuals leaving welfare are moving to employment that will provide long-term financial independence. The Education Works Act will do just that.

We know that the welfare programs that have been most successful in helping parents work and earn more over the long run are those that have focused on employment but made substantial use of education and training, together with job search and other employment services. In addition, studies find that helping low-income parents increase their skills pays off in the labor market, particularly through participation in vocational training and postsecondary education and training.

Yet, less than one percent of Federal TANF funds were spent on education and training in 2000 and only five percent of TANF recipients participated in these activities in the same year. This is due in large part to the fact that the '96 law discouraged States from allowing welfare recipients to participate in education and training programs. Specifically, the law limits the extent to which education activities count toward Federal work participation requirements, effectively restricting how long individuals can participate in training and capping how many individuals can receive these services.

The Education Works Act would change this by: clarifying that States have the flexibility to allow participation in postsecondary, vocational English as a Second Language, and basic adult education programs by TANF recipients as part of the TANF work requirements; giving States the flexibility to determine how long each participant may participate in education and training activities while receiving benefits; giving States the flexibility to provide childcare and transportation supports, but not cash benefits, to parents and not toll the 5 year time limit for these individuals if they are participating in a full-time education program that will lead to work and long-term independence; and eliminating the 30 percent cap on the number of TANF recipients that can participate in education and training programs in fulfillment of their work requirements

These are not radical changes. They do not discourage work, but rather enable it.

It is important to note that of the 21 States that have operated under TANF waivers since 1996, 18 of them had waivers of the requirements we are talking about here. Delaware, Indiana, Montana, Tennesee, Texas, Utah, Vermont and Oregon to name a few. The other 32 States should be given the same flexibility.

In my home State, we have recognized the important role that education and training, including postsecondary education, can play in helping some welfare recipients to improve their skills so that they can get off welfare and stay off welfare. In our State, we already have an "Education Works" program in place. But this program is limited to only 400 participants statewide, because the limitations in the TANF program make it impossible to use Federal TANF funds to implement it. This just doesn't make sense to me. We should give states the flexibility they need to implement the types of programs that they believe work best. We should hold them accountable for decreasing caseloads over time and, more importantly, demonstrating that those leaving welfare are economically self-sufficient, but we should let them decide how to reach those goals. The Education Works Act would allow them to do just that. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Works Act of 2002".

SEC. 2. COUNTING EDUCATION AND TRAINING AS WORK.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) participation in vocational educational training, postsecondary education, an English-as-a-second-language program, or an adult basic education program;".

SEC. 3. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 4. NONAPPLICATION OF TIME LIMIT TO INDIVIDUALS WHO DO NOT RECEIVE CASH ASSISTANCE AND ARE ENGAGED IN EDUCATION OR EMPLOYMENT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR CERTAIN INDIVIDUALS.—For purposes of this paragraph, child care or transportation benefits provided during a month under the State program funded under this part to an individual who is participating in a full-time educational program or who is employed shall not be considered assistance under the State program.".

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2002, and shall apply to payments made under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1966, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Professional Boxing Amendments Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Title I—Professional Boxing Safety Act Amendments
Sec. 101. Amendment of professional boxing safety act of 1996.
Sec. 102. Definitions.
Sec. 103. Purposes.
Sec. 104. Matches in jurisdictions without commissions.
Sec. 105. Safety standards.
Sec. 106. Registration.
Sec. 107. Review.
Sec. 108. Reporting.
Sec. 109. Contract requirements.
Sec. 110. Coercive contracts.
Sec. 111. Sanctioning organizations.
Sec. 112. Required disclosures by sanctioning organizations.
Sec. 113. Required disclosures by promoters.
Sec. 114. Confidentiality.
Sec. 115. Judges and referees.
Sec. 116. Medical registry.
Sec. 117. Recognition of tribal law.
Sec. 118. Establishment of United States Boxing Administration.
Sec. 119. Effective date.

TITLE I—PROFESSIONAL BOXING SAFETY ACT AMENDMENTS

SEC. 101. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

"(2) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(3) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

"(4) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

"(5) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(6) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(7) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(8) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

"(9) LOCAL BOXING AUTHORITY.—The term 'local boxing authority' means—

"(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

"(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

"(10) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

"(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

"(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' term does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

"(14) PROMOTER.—The term 'promoter' means the person primarily responsible for organizing, promoting, and producing a professional boxing match. The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a promoter and a boxer under which the boxer grants to a promoter the exclusive right to secure and arrange all professional boxing matches requiring the boxer's services for—

"(A) a prescribed period of time; or

"(B) a prescribed number of professional boxing matches.

"(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

"(17) EFFECTIVE DATE OF THE CONTRACT.—The term 'effective date of the contract' means the day upon which a boxer becomes legally bound by the contract.

"(18) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

"(19) SUSPENSION.—The term 'suspension' includes within its meaning the revocation of a boxing license.

"(20) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(21) UNITED STATES BOXING ADMINISTRATION.—The terms 'United States Boxing Administration' and 'Administration' means the United States Boxing Administration established by section 202.".

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe shall establish a boxing commission—

"(1) to regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

"(2) to carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

"(b) STANDARDS AND LICENSING.—If a tribal organization regulates professional boxing matches pursuant to subsection (a), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

"(1) the otherwise applicable standards and requirements of a State in which the Indian lands are located; or

"(2) the most recently published version of the recommended regulatory guidelines published by the United States Boxing Administration.".

SEC. 103. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking 'State'.

SEC. 104. MATCHES IN JURISDICTIONS WITHOUT COMMISSIONS.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. BOXING MATCHES IN JURISDICTIONS WITHOUT BOXING COMMISSIONS.

"(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match in a State or on Indian land unless the match—

"(1) is approved by the United States Boxing Administration; and

"(2) is supervised by a boxing commission that is a member of the Association of Boxing Commissions.

"(b) APPROVAL PRESUMED.—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

"(1) a match with respect to which the Administration has notified the supervising boxing commission that it does not approve;

"(2) a match advertised to the public as a championship match; or

"(3) a match scheduled for 10 rounds or more.

"(c) NOTIFICATION; ASSURANCES.—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide in writing to the Administration and the supervising boxing commission, assurances that all applicable requirements of this Act will be met with respect to that professional boxing match.".

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 105. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:" and inserting "requirements:";

(2) by adding at the end of paragraph (1) "The examination shall include testing for infectious diseases in accordance with standards established by the Administration.";

(3) by striking paragraph (2) and inserting the following:

"(2) An ambulance continuously present on site.";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site."; and

(5) by striking "match." in paragraph (5), as redesignated, and inserting "match in an amount prescribed by Administration.".

SEC. 106. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting "or Indian tribe" after "State" the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the United States Boxing Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.";

(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum,"; and

(4) by adding at the end the following:

"(d) COPY OF REGISTRATION TO BE SENT TO USBA.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the United States Boxing Administration.".

SEC. 107. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.";

(2) by striking subsection (b); and

(3) by striking "(a) PROCEDURES.—"..

SEC. 108. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking "48 business hours" and inserting "2 business days"; and

(2) by striking "each boxer registry." and inserting "the United States Boxing Administration.".

SEC. 109. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

"(a) IN GENERAL.—The United States Boxing Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that should be included in bout agreements and boxer-manager contracts. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) FILING REQUIREMENT.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it.

"(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission and the Administration.".

SEC. 110. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting "or elimination" after "mandatory" in subsection (b).

SEC. 111. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2002, the United States Boxing Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for objective and consistent written criteria for the rating of professional boxers which shall include the athletic merits of the boxers. Within 90 days after the Administration's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.";

(2) by striking so much of subsection (b) as precedes paragraph (1) and inserting the following:

"(b) APPEALS PROCESS.—If a sanctioning organization receives a request from a boxer questioning that organization's rating of the boxer, it shall (except to the extent otherwise required by the United States Boxing Administration), within 7 days after receiving the request—";

(3) by inserting "rating" before "criteria" in subsection (b)(1);

(4) by striking "and" after the semicolon in subsection (c)(1);

(5) by striking "an association to which at least a majority of the State boxing commissions belong." in subsection (c)(2) and inserting "the boxer and the Administration.;";

(6) by adding at the end of subsection (c) the following:

"(3) provides the boxer an opportunity to appeal the ratings change; and

"(4) applies the objective criteria for ratings required under subsection (a) in considering any such appeal."; and

(7) by striking "rating;" in subsection (d)(1)(C) and inserting "rating, which incorporates the objective criteria for ratings required under subsection (a);".

(b) Technical Amendment.—Section 11(d)(1) (15 U.S.C. 6307c(d)(1)) is amended by striking "ABC—" and inserting "Association of Boxing Commissions—".

SEC. 112. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on the Indian lands responsible for regulating the match a statement of—";

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

SEC. 113. REQUIRED DISCLOSURES BY PROMOTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

"(a) Disclosures to the Boxing Commissions.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State responsible for regulating the match and the Administration—";

(2) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(3) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a statement of all fees, charges, and expenses that have been, or will be,";

(4) by striking the matter in subsection (b) following "Boxer.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match with whom the promoter has a promotional agreement shall provide to each boxer participating in the match—"; and

(5) by striking "match;" in subsection (b)(1) and inserting "match, or that the promoter has paid, or agreed to pay, to any other person in connection with the match;".

SEC. 114. CONFIDENTIALITY.

Section 15 (15 U.S.C. 6307g) is repealed.

SEC. 115. JUDGES AND REFEREES.

(a) In General.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) Licensing and Assignment Requirement.—" before "No person";

(2) by inserting "or Indian lands" after "State"; and

(3) by adding at the end the following:

"(b) Championship and 10-round Bouts.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the United States Boxing Administration.

"(c) Sanctioning Organization To Provide List.—A sanctioning organization—

"(1) shall provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

"(2) may not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

"(d) Assignment of Nonresident Judges and Referees.—A boxing commission may assign judges and referees who reside outside that commission's State or tribal land if the judge or referee is licensed by a boxing commission.

"(e) Required Disclosure.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian lands a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration.".

(b) Conforming Amendments.—

(1) Section 14 (15 U.S.C. 6307f) is repealed.

(2) Section 18(b)(2) (15 U.S.C. 6309(b)(2)) is amended by striking "14,".

SEC. 116. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

"SEC. 14. MEDICAL REGISTRY.

"(a) In General.—The Administration , in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical suspensions for every licensed boxer.

"(b) Content; Submission.—The Administration shall determine—

"(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

"'(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

"(c) Confidentiality.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to sanctioning organizations that will—

"(1) protect the health and safety of boxers by making relevant information available to the organizations for use but not public disclosure; and

"(2) ensure that the privacy of the boxers is protected.".

SEC. 117. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert "**OR TRIBAL**" in the section heading after "**STATE**"; and

(2) by inserting "or Indian tribe" after "State".

SEC. 118. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

The Act is amended by adding at the end the following:

"TITLE II—UNITED STATES BOXING ADMINISTRATION

"Sec. 201. Purpose.
"Sec. 202. Establishment of United States Boxing Administration.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with local boxing authorities.
"Sec. 209. Assistance from other agencies.
"Sec. 210. Reports.
"Sec. 211. Initial implementation.
"Sec. 212. Authorization of appropriations.

"SEC. 201. PURPOSE.

"The purpose of this title is to protect the health and safety of boxers and to ensure fairness in the sport.

"SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

"The United States Boxing Administration is established as an administration of the Department of Labor.

"(b) Administrator.—

"(1) Appointment.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications.—The Administrator shall be—

"(A) an individual with experience in a field directly related to professional sports; and

"(B) selected on the basis of the individual's training, experience, and qualifications and without regard to party affiliation.

"(3) Compensation.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"The Administrator of the United States Boxing Administration.".

"(c) Assistant Administrator; General Counsel.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

"(1) serve as Administrator in the absence of the Administrator or in the event of a vacancy in that office; and

"(2) carry out such duties as the Administrator may assign.

"(d) Staff.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

"SEC. 203. FUNCTIONS.

"(a) Primary Function.—The primary function of the Administration is to protect the health, safety, and general interests of boxers consistent with the provisions of this Act.

"(b) Specific Functions.—The Administrator shall—

"(1) administer title I of this Act;

"(2) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

"(3) work with sanctioning organizations, the Association of Boxing Commissions, and the boxing commissions of the several States and tribal organizations—

"(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

"(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

"(C) to improve the status and standards of professional boxing in the United States;

"(4) ensure, through the Attorney General, the Federal Trade Commission, and other appropriate officers and agencies of the Federal government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

"(5) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

"(6) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

"(7) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication consistent with the purposes of the Administration;

"(8) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

"(9) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

"(c) PROHIBITIONS.—The Administration may not—

"(1) promote boxing events or rank professional boxers; or

"(2) provide technical assistance to, or authorize the use of the name of the Administration by, States and Indian tribes that do not comply with requirements of the Administration.

"(d) USE OF NAME.—The Administration shall have the exclusive right to use the name 'United States Boxing Administration'. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

"SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

"(a) LICENSING.—

"(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match, serve as a boxing manager, boxing promoter, sanctioning organization, or broadcast a professional boxing match except as provided in a license granted to that person under this subsection.

"(2) APPLICATION AND TERM.—

"(A) IN GENERAL.—The Administration shall—

"(i) establish an application procedure, form, and fee;

"(ii) establish appropriate standards for licenses granted under this section; and

"(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

"(B) DURATION.—A license issued under this section shall be for a renewable—

"(i) 4-year term for a boxer; and

"(ii) 2-year term for any other person.

"(C) PROCEDURE.—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

"(b) LICENSING FEES.—

"(1) AUTHORITY.—The Administration may prescribe and charge fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

"(2) AMOUNTS.—The amounts of fees prescribed for a fiscal year under this subsection shall be set at levels estimated, when set, to yield collections in any total amount that is not more than 10 percent of the total budget of the Administration for that fiscal year.

"(3) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely effected;

"(B) sanctioning organizations and promoters pay the largest portion of the fees; and

"(C) boxers pay as small a portion of the fees as is possible.

"(4) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration. Fees paid by boxing promoters may be derived from gross receipts from professional boxing matches.

"(5) DEPOSIT OF COLLECTIONS.—Moneys received from fees established under this section shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Administration.

"SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

"(a) REQUIREMENT FOR REGISTRY.—The Administration shall maintain a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

"(b) CONTENTS.—The information in the registry shall include the following:

"(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 14 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 14(c).

"(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

"SEC. 206. CONSULTATION REQUIREMENTS.

"The Administration shall consult with local boxing authorities—

"(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(2) not less than once each year regarding matters relating to professional boxing.

"SEC. 207. MISCONDUCT.

"(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

"(1) AUTHORITY.—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

"(A) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest; or

"(B) there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license.

"(2) PERIOD OF SUSPENSION.—

"(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

"(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension of the license of a boxer for medical reasons, the Administration may terminate the suspension at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

"(b) INVESTIGATIONS AND INJUNCTIONS.—

"(1) AUTHORITY.—The Administration may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

"(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this title, in the prescribing of regulations under this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

"(2) POWERS.—

"(A) IN GENERAL.—For the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

"(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States or any State at any designated place of hearing.

"(3) ENFORCEMENT OF SUBPOENAS.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that Court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF.—If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) MANDAMUS.—Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Administration.

"(d) INTERVENTION IN CIVIL ACTIONS.—

"(1) IN GENERAL.—The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a United States district court.

"(2) AMICUS FILING.—The Administration may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(e) HEARINGS BY ADMINISTRATION.—Hearings conducted by the Administration under this title may be public and may be held before any officer of the Administration or before a State boxing commission. The Administration shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.

"(a) NONINTERFERENCE.—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

"(b) MINIMUM STANDARDS.—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Administration shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

"(1) A detailed discussion of the activities of the Administration for the year covered by the report.

"(2) A description of the local boxing authority of each State and Indian tribe.

"(b) PUBLIC REPORT.—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing and commenting on issues of continuing concern to the Administration.

"(c) FIRST ANNUAL REPORT ON THE ADMINISTRATION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a State or Indian tribe to perform that activity as of the effective date of this title.

"(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a State or Indian tribe expires on the earlier of—

"(A) the date on which the license expires; or

"(B) the date that is 2 years after the date of the enactment of this Act.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

"(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.".

SEC. 119. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect one year after the date of the enactment of this Act, except that the provisions of sections 202, 203, and 204 of title II of the Professional Boxing Safety Act of 1996, as added by section 118 of this Act, shall take effect on the date of enactment of this Act.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Pathways to Self-Sufficiency Act of 2002. I am pleased to be joined in introducing this important legislation by my colleagues Senators BAUCUS and BINGAMAN.

This legislation is based upon the highly esteemed Maine program called Parents as Scholars. This program, which uses State Maintenance of Effort, (MOE), dollars to pay TANF-like benefits to those participating in post-secondary education, is a proven success in my State and is a wonderful foundation for a national effort.

We all agree that the 1996 welfare reform effort changed the face of this Nation's welfare system to focus it on work. To that end, I believe that this legislation bolsters the emphasis on "work first." Like many of my colleagues, I agree that the shift in the focus from welfare to work was the right decision, and that work should be the top priority. However, for those TANF recipients who cannot find a good job that will put them on the road toward financial independence, education might well be the key to a successful future of self-sufficiency.

As we have seen in Maine that education has played a significant role in breaking the cycle of welfare and giving parents the skills necessary to find better paying jobs. And we all know that higher wages are the light at the end of the tunnel of public assistance.

The Pathways to Self-Sufficiency Act of 2002 provides State with the option to allow individuals receiving Federal TANF assistance to obtain post-secondary or vocational education. This legislation would give States the ability to use Federal TANF dollars to give those who are participating in vocational or post-secondary education the same assistance as they would receive if they were working.

We all know that supports like income supplements, child care subsidies, and transportation assistance among others, are essential to a TANF recipient's ability to make a successful transition to work. The same is true for those engaged in longer term educational endeavors. This assistance is especially necessary for those who are undertaking the challenge and the financial responsibility of post-secondary education, in the hopes of increasing their earning potential and employability. The goal of this program is to give participants the tools necessary to succeed into the future so that they can become, and remain, self-sufficient.

Choosing to go to college requires motivation, and graduating from college requires a great deal of commitment and work, even for someone who isn't raising children and sustaining a family. These are significant challenges, and that's even before taking into consideration the cost associated with obtaining a bachelor's degree, with a four year program at the University of Maine currently costing almost $25,000. This legislation would provide those TANF recipients who have the ability and the will to go to college the assistance they need to sustain their families while they get a degree.

The value of promoting access to education in this manner to get people off public assistance is proven by the success of Maine's Parents as Scholars, PaS, program. Maine's PaS graduates earn a median wage of $11.71 per hour after graduation up from a median of $8.00 per hour prior to entering college. When compared to the $7.50 median hourly wage of welfare leavers in Maine who have not received a post-secondary degree, PaS graduates are earning, on average, $160 more per week. That translates into more than $8,000 per year—a significant difference.

Furthermore, the median grade point average for PaS participants while in college was 3.4 percent, and a full 90 percent of PaS participants' GPA was over 3.0. These parents are giving their all to pull their families out of the cycle of welfare.

Recognizing that work is a priority under TANF, and building upon the successful Maine model, the Pathways to Self-Sufficiency Act requires that participants in post-secondary and vocational education also participate in work. During the first two years of their participation in these education programs, students must participate in a combination of class time, study time, employment or work experience for at least 24 hours per week, the same hourly requirement that the President proposes in his welfare reauthorization proposal.

During the second two years, for those enrolled in a four year program, the participant must work at least 15 hours in addition to class and study time, or engage in a combination of activities, including class and study time, work or work experience, and training, for an average of 30 hours per week. And all the while, participants must maintain satisfactory academic progress as defined by their academic institution.

The bottom line is that if we expect parents to move from welfare to work and stay in the work force, we must give them the tools to find good jobs. For some people that means job training, for others that could mean dealing with a barrier like substance abuse or domestic violence, and for others, that might mean access to education that will secure them a good job and that will get them off and keep them off of welfare.

The experience of several Parents as Scholars graduates were recently captured in a publication published by the Maine Equal Justice Partners, and their experiences are testament to the fact that this program is a critically important step in moving towards self-sufficiency. In this report one PaS graduate said of her experience, "If it weren't for 'Parents as Scholars' I would never have been able to attend college, afford child care, or put food on the table. Today, I would most likely be stuck in a low-wage job I hated, barely getting by . . . I can now give my children the future they deserve."

Another said, "By earning my Bachelor's degree, I have become self sufficient. I was a waitress previously and would never have been able to support my daughter and I on the tips that I earned. I would encourage anyone to better their education if possible."

These are but a few comments from those who have benefited from access to post-secondary education. And, while these women have been able to attend college and pursue good jobs thanks to the good will and the support of the people of Maine, PaS has strained the State's budget. Giving States the option to use Federal dollars to support these participants will make a tremendous difference in their ability to sustain these programs which have proven results. In Maine, nearly 90 percent of working graduates have left TANF permanently, and isn't that our ultimate goal?

I look forward to working with my colleagues to include this legislation in the upcoming welfare reauthorization. It is a critical piece of the effort to move people from welfare to work permanently and it has been missing from the Federal program for too long.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will finally bring closure to the concerns of many Alaska Native veterans who served their country during the Vietnam war.

When the Alaska Native Claims Settlement Act, ANCSA, was signed into law by President Nixon in 1971, many Alaska Natives were serving in our military. Because of their service, many were unable to apply for Native land allotments under the Native Allotment Act, a program that was ended with the enactment of ANCSA. Alaska Natives who did not serve during the Vietnam conflict were able to apply for lands under the Native Allotment Act but those who did serve had little chance to apply under the circumstances.

I think everyone here will agree that allowing these veterans the same advantages as those who did not serve in the military during the Vietnam conflict is only fair. The main problem is that when we first addressed this inequity in 1998, the terms we set were so restrictive that presently only 60 out of a possible 1,110 veterans who could qualify even have the chance of receiving an allotment. That is a paltry 5 percent of all that could have otherwise qualified. This is simply not acceptable. My legislation addresses the restrictive terms we unknowingly set in the 1998 amendment in three ways: First, my legislation will expand the military service dates of the program so that they coincide with the official dates of the Vietnam conflict. We ought not to complicate matters by using any dates other than those that the Veteran's Administration has officially determined are within the Vietnam conflict era. Those dates are August 5, 1964 through May 7, 1975.

Secondly, my legislation will replace the current use and occupancy requirements with a simplified approval process, just like the one established under the Alaska National Interest Lands Conservation Act. By adopting the same legislative approval process that other allotment programs used, this legislation will avoid the lengthy delays, costly adjudications and burdensome requirements that Alaska Native veterans are currently facing. If we do not correct this particular problem now, many Alaska Native veterans will die before they ever have their applications approved. We cannot allow this to happen to them.

Finally, my legislation will extend the application deadline and expand the available land choices so that the Alaska Native veterans who could qualify for allotments will have the time and allotment options they need in order to participate.

I hope my colleagues will join me in making these simple, common sense changes so that this group of veterans can secure the land allotments they deserve.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 116—TO EXPRESS THE SENSE OF THE CONGRESS REGARDING DYSPRAXIA

Ms. LANDRIEU (for herself and Mr. BREAUX) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 116

Whereas an estimated 1 in 20 children suffers from the developmental disorder dyspraxia;

Whereas 70 percent of those affected by dyspraxia are male;

Whereas dyspraxics may be of average or above average intelligence but are often behaviorally immature;

Whereas symptoms of dyspraxia consist of clumsiness, poor body awareness, reading and writing difficulties, speech problems, and learning disabilities, even though not all of these will apply to every dyspraxic;

Whereas there is no cure for dyspraxia, but the earlier a child is treated the greater the chance of developmental maturation;

Whereas dyspraxics may be shunned within their own peer group because they do not fit in;

Whereas most dyspraxic children are dismissed as "slow" or "clumsy" and, therefore, not properly diagnosed;

Whereas more than 50 percent of educators have never heard of dyspraxia;

Whereas education and information about dyspraxia are important to it's detection and treatment; and

Whereas Congress as an institution, and members of Congress as individuals, are in unique positions to help raise the public awareness about dyspraxia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should be more informed about dyspraxia, its easily recognized symptoms, and proper treatment; and

(2) teachers, principals, and other educators should be encouraged to learn to recognize the symptoms of dyspraxia and similar disorders in the classroom so that these children will have a better chance of receiving early and effective treatment.

SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolutionl which was referred to the Committe on Foreign Relations:

S. RES. 274

Whereas the United States maintains vitally important alliances with Japan and the Republic of Korea;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup will be the first World Cup to be co-hosted by two nations;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas for 72 years, the World Cup has symbolized the assemblage of nations to celebrate fair-play, sportsmanship, and diversity of cultures;

Whereas 32 nations, including the United States, have qualified to compete from May 31 through June 30 of 2002, and will send an estimated 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest heretofore;

Whereas Japan and the Republic of Korea have invested significant resources to host a successful World Cup; and

Whereas the co-hosting of this international sporting event fosters cooperation and contributes to peace and stability in Northeast Asia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates and values the relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends 2002 FIFA World Cup organizers from Japan and the Republic of Korea for the significant preparations they have made for a successful World Cup; and

(3) recognizes and applauds the cooperation between the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest World Cup competition in the history of the sport.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3531. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3532. Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3533. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3534. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3535. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3536. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. REID (for Mr. HARKIN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3537. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3538. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3539. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3540. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3541. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3542. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3543. Mr. LEVIN (for himself, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3544. Mr. CAMPBELL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans' memorials, and for other purposes.

SA 3545. Mr. REID (for Mr. VOINOVICH (for himself, Mr. LIEBERMAN, Mr. BUNNING, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mr. CONRAD, Mr. DAYTON, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. MILLER, Mr. THOMPSON, Mr. BOND, and Ms. COLLINS)) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

SA 3546. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 327, supra.

TEXT OF AMENDMENTS

SA 3531. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word "SEC." and insert the following:

FAIR WHEAT TRADE.

(a) SHORT TITLE.—This section may be cited as the "Wheat Trade Fairness Act of 2002".

(b) FINDINGS.—Congress finds the following:

(1) The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage United States wheat farmers and undermine the integrity of the trading system.

(2) The Canadian Wheat Board is able to take sales from United States farmers, because it—

(A) is insulated from commercial risks;

(B) benefits from subsidies;

(C) has a protected domestic market and special privileges; and

(D) has competitive advantages due to its monopoly control over a guaranteed supply of wheat.

(3) The Canadian Wheat Board is insulated from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing and initial payments to farmers.

(4) The Canadian Wheat Board benefits from subsidies and special privileges, such as government-owned railcars, government-guaranteed debt, and below market borrowing costs.

(5) The Canadian Wheat Board has a competitive advantage due to its monopoly control over a guaranteed supply of wheat that Canadian farmers are required to sell to the Board, and monopoly control to export western Canadian wheat which allows the Canadian Wheat Board to enter into forward contracts without incurring commercial risks.

(6) Canada's burdensome regulatory scheme controls the varieties of wheat that can be marketed and restricts imports of United States wheat.

(7) The wheat trade problem with Canada is longstanding and affects the entire United States wheat industry by displacing sales of United States wheat domestically and in foreign markets.

(8) The acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States wheat commerce.

(9) Since entering into the United States-Canada Free Trade Agreement, United States wheat producers have been continuously threatened by the unfair practices of the Canadian Wheat Board.

(10) The United States Department of Agriculture figures confirm that United States wheat farmers have lost domestic market share to Canadian Wheat Board imports consistently since the implementation of the United States-Canada Free Trade Agreement; and

(11) United States wheat producers are faced with low prices as a result of the Canadian Wheat Board's unfair pricing in domestic markets. United States wheat producers

have experienced a steep decline in farm income, have increasing carryover stock, and face increasing indebtedness.

(c) Response to Unfair Trade Practices by Canadian Wheat Board.—Since the United States Trade Representative made a positive finding that the practices of the Canadian Wheat Board involved subsidies, protected domestic market, and special benefits and privileges that disadvantage United States wheat farmers and infringe on the integrity of a competitive trading system, it is the sense of the Congress that United States Trade Representative should pursue multiple avenues to seek relief for U.S. wheat farmers from the wheat trading practices of the Government of Canada and the Canadian Wheat Board, including through:

(1) a thorough examination of a possible dispute settlement case against the Canadian Wheat Board in the World Trade Organization; (2) working with the North Dakota Wheat Commission and the U.S. wheat industry to examine the possibility of action under title VII of the Tariff Act of 1930 with respect to countervailing and antidumping duties against Canadian wheat; (3) in the newly launched round of the World Trade Organization, pursuing permanent reform of the Canadian Wheat Board through the development of new disciplines and rules on state trading enterprises that export agricultural goods which include—

(A) ending exclusive export rights to ensure private sector competition in markets controlled by single desk exporters;

(B) eliminating the use of government funds or guarantees to support or ensure the financial viability of single desk exporters; and

(C) establishing WTO requirements for notifying acquisition costs, export pricing, and other sales information for single desk exporters; and

(4) working with the U.S. wheat industry to identify specific impediments to U.S. wheat entering Canada and presenting these to the Canadians so as to ensure the possibility of fair, two-way trade.

SA 3532. Mr. REED (for himself, Mr. Bingaman, Mr. Corzine, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "SEC." and insert the following:

PROVISIONS RELATING TO SECONDARY WORKERS.

(a) Certain Provisions Not To Apply.—Paragraphs (11) and (24) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) Definitions.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) Downstream producer.—The term "downstream producer" means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) Supplier.—The term "supplier" means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3533. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following new section:

SEC. ___. PROVISIONS RELATING TO SECONDARY WORKERS.

(a) Certain Provisions Not To Apply.—Paragraphs (11) and (24) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) Definitions.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) Downstream producer.—The term "downstream producer" means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) Supplier.—The term "supplier" means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3534. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert in lieu thereof the following:

"Notwithstanding any other provision of this act, section 1143 of this Act shall not take effect."

SA 3535. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

"Notwithstanding any other provision of this Act, section 1143 of this Act shall not take effect."

SA 3536. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. Reid (for Mr. Harkin) to the amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all and insert the following:

At the end of section 2102(b), insert the following:

(15) Worst forms of child labor.—The principal negotiating objectives of the United States regarding the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(ii) clarifying the right under Article XX(a) and (b) of GATT 1994 to enact and enforce national measures that are necessary to protect public morals and to protect animal or plant life and health, including measures that limit or ban the importation of goods or services rendered in international trade that are produced through the use of the worst forms of child labor;

(iii) ensuring that any multilateral or bilateral trade agreement that is entered into by the United States obligates all parties to such agreements to enact and enforce national laws that satisfy their international legal obligations to prevent the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) providing for strong enforcement of international and national laws that obligate all trading nations to prevent the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

SA 3537. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

"Strike Section 1143, and insert en lieu thereof the following:

"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) Examination.—

"(1) In general.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

"(2) Provisions of law described.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the Postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as define in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.)

"(K) Merchandise subject to any other law enforced by the Customs Service."

SA 3538. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

"Strike Section 1143, and insert en lieu thereof the following:

"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 5 POUNDS.—(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING LESS THAN 5 POUNDS.—No provision of this Section shall apply to the treatment of mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds."

SA 3539. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert en lieu thereof the following:

"Strike Section 1143, and insert en lieu thereof the following:

"SEC. 1143. BORDERS SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 5 POUNDS.—(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2278).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING LESS THAN 5 POUNDS.—No provision of this Section shall apply to the treatment of mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds."

SA 3540. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert en lieu thereof the following:

"Strike Section 1143, and insert en lieu thereof the following:

"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service."

SA 3541. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Notwithstanding any other provision of law, the amounts appropriated by section 1304(a) of Pub. L. 97–258, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of $3.3 million to the European Communities in connection with the World Trade Organization dispute on Section 110(5) of the U.S. Copyright Act.

SA 3542. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place insert the following new section:

SEC. . REVIEW OF IMPORTS.

(a) APPLICATION OF REVIEWED PRODUCTS.—In this section "reviewed imported products" shall mean those imported products with Harmonized System (HS) numbers 0302.1200.03, 0303.2200.00, 0304.1040.93. 0304.2060.06, and 0305.4100.00, and any similar product that is or may in the future be canned and is intended for human consumption.

(b) IN GENERAL.—Beginning on May 1, 2002, the amount of reviewed imported products that may be imported into the United States from any country during May, June, July and August of each year may not exceed the qualified amount, notwithstanding any provision of law to the contrary.

(b) QUALIFIED AMOUNT.—

(1) GENERAL RULE.—For purposes of this section, the term "qualified amount" means an amount that does not exceed 33 percent of the average annual amount of reviewed imported products from a country during the preceding 10-year period.

(2) ANNUAL CALCULATION.—Beginning on January 1, 2003, and each year thereafter, the Commissioner of Customs shall publish in the Federal Register—

(A) the quantity of reviewed imported products from each country for the preceding 10-year period; and

(B) the qualified amount of review imported products that can be imported from each country for the months of May, June, July, and August of that year.

(3) SPECIAL RULE FOR 2002.—Not later than 10 days after the date of enactment of this section, the Commissioner of Customs shall estimate and publish in the Federal Register the qualified amount of reviewed imported products that may be imported during May, June, July, and August of 2002.

(4) PRODUCT-FORM STANDARDIZATION.—In calculating the qualified amount for this section the Secretary shall use industry accepted recovery rates of resources used to produce reviewed imported products to ensure the qualified amount of such products being imported during May, June, July, and August is accurate relative to annual imports of the whole resource used to produce reviewed imported products.

SA 3543. Mr. LEVIN (for himself, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 228, line 21, insert after "exports" the following: "(including motor vehicles and vehicle parts)".

SA 3544. Mr. CAMPBELL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans' memorials, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2002".

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) In General.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"§ 1369. Destruction of veterans' memorials

"(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) A circumstance described in this subsection is that—

"(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

"(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials.".

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) In General.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) Applicability.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

SA 3545. Mr. REID (for Mr. Voinovich (for himself, Mr. Lieberman, Mr. Bunning, Mrs. Carnahan, Mr. Carper, Mr. Cleland, Mr. Conrad, Mr. Dayton, Mr. Jeffords, Mr. Kerry, Mr. Leahy, Mrs. Lincoln, Mr. Miller, Mr. Thompson, Mr. Bond, and Ms. Collins)) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Paperwork Relief Act of 2002".

SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) Requirements Applicable to the Director of OMB.—Section 3504(c) of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) publish in the Federal Register and make available on the Internet (in consultation with the Small Business Administration) on an annual basis a list of the compliance assistance resources available to small businesses, with the first such publication occurring not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.".

(b) Establishment of Agency Point of Contact.—Section 3506 of title 44, United States Code, is amended by adding at the end the following:

"(i)(1) In addition to the requirements described in subsection (c), each agency shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

"(2) Each point of contact described under paragraph (1) shall be established not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.".

(c) Additional Reduction of Paperwork for Certain Small Businesses.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking "; and" and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) in addition to the requirements of this chapter regarding the reduction of information collection burdens for small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.".

SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.

(a) In General.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating section 3520 as section 3521; and

(2) by inserting after section 3519 the following:

"§ 3520. Establishment of task force on information collection and dissemination

"(a) There is established a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (in this section referred to as the 'task force').

"(b)(1) The Director shall determine—

"(A) subject to the minimum requirements under paragraph (2), the number of representatives to be designated under each subparagraph of that paragraph; and

"(B) the agencies to be represented under paragraph (2)(K).

"(2) After all determinations are made under paragraph (1), the members of the task force shall be designated by the head of each applicable department or agency, and include—

"(A) 1 representative of the Director, who shall convene and chair the task force;

"(B) not less than 2 representatives of the Department of Labor, including 1 representative of the Bureau of Labor Statistics and 1 representative of the Occupational Safety and Health Administration;

"(C) not less than 1 representative of the Environmental Protection Agency;

"(D) not less than 1 representative of the Department of Transportation;

"(E) not less than 1 representative of the Office of Advocacy of the Small Business Administration;

"(F) not less than 1 representative of the Internal Revenue Service;

"(G) not less than 2 representatives of the Department of Health and Human Services, including 1 representative of the Centers for Medicare and Medicaid Services;

"(H) not less than 1 representative of the Department of Agriculture;

"(I) not less than 1 representative of the Department of the Interior;

"(J) not less than 1 representative of the General Services Administration; and

"(K) not less than 1 representative of each of 2 agencies not represented by representatives described under subparagraphs (A) through (J).

"(c) The task force shall—

"(1) identify ways to integrate the collection of information across Federal agencies and programs and examine the feasibility and desirability of requiring each agency to consolidate requirements regarding collections of information with respect to small business concerns within and across agencies, without negatively impacting the effectiveness of underlying laws and regulations regarding such collections of information, in order that each small business concern may submit all information required by the agency—

"(A) to 1 point of contact in the agency;

"(B) in a single format, such as a single electronic reporting system, with respect to the agency; and

"(C) with synchronized reporting for information submissions having the same frequency, such as synchronized quarterly, semiannual, and annual reporting dates;

"(2) examine the feasibility and benefits to small businesses of publishing a list by the Director of the collections of information applicable to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), organized—

"(A) by North American Industry Classification System code;

"(B) by industrial sector description; or

"(C) in another manner by which small business concerns can more easily identify requirements with which those small business concerns are expected to comply;

"(3) examine the savings, including cost savings, and develop recommendations for implementing—

"(A) systems for electronic submissions of information to the Federal Government; and

"(B) interactive reporting systems, including components that provide immediate feedback to assure that data being submitted—

"(i) meet requirements of format; and

"(ii) are within the range of acceptable options for each data field;

"(4) make recommendations to improve the electronic dissemination of information collected under Federal requirements;

"(5) recommend a plan for the development of an interactive Governmentwide system, available through the Internet, to allow each small business to—

"(A) better understand which Federal requirements regarding collection of information (and, when possible, which other Federal regulatory requirements) apply to that particular business; and

"(B) more easily comply with those Federal requirements; and

"(6) in carrying out this section, consider opportunities for the coordination—

"(A) of Federal and State reporting requirements; and

"(B) among the points of contact described under section 3506(i), such as to enable agencies to provide small business concerns with contacts for information collection requirements for other agencies.

"(d) The task force shall—

"(1) by publication in the Federal Register, provide notice and an opportunity for public comment on each report in draft form; and

"(2) make provision in each report for the inclusion of—

"(A) any additional or dissenting views of task force members; and

"(B) a summary of significant public comments.

"(e) Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (1), (2), and (3) to—

"(1) the Director;

"(2) the chairpersons and ranking minority members of—

"(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

"(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

"(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

"(f) Not later than 2 years after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (4) and (5) to—

"(1) the Director;

"(2) the chairpersons and ranking minority members of—

"(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

"(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

"(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

"(g) The task force shall terminate after completion of its work.

"(h) In this section, the term 'small business concern' has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

"3520. Establishment of task force on information collection and dissemination.
"3521. Authorization of appropriations.".

SEC. 4. REGULATORY ENFORCEMENT REPORTS.

(a) DEFINITION.—In this section, the term "agency" has the meaning given that term under section 551 of title 5, United States Code.

(b) IN GENERAL.—

(1) INITIAL REPORT.—Not later than December 31, 2003, each agency shall submit an initial report to—

(A) the chairpersons and ranking minority members of—

(i) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

(B) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

(2) FINAL REPORT.—Not later than December 31, 2004, each agency shall submit a final report to the members and officer described under paragraph (1) (A) and (B).

(3) CONTENT.—The initial report under paragraph (1) shall include information with respect to the 1-year period beginning on October 1, 2002, and the final report under paragraph (2) shall include information with respect to the 1-year period beginning on October 1, 2003, on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

(4) DEFINITIONS IN REPORTS.—Each report under this subsection shall include definitions selected at the discretion of the reporting agency of the terms "enforcement actions", "reduction or waiver", and "small entity" as used in the report.

SA 3546. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Amend the title so as to read: "A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. on "Promoting Local Telecommunications Competition: The Means to Greater Broadband Deployment."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, May 22, 2002, at 9:30 a.m. in SD–106. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President's recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President's recommendation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. for a business meeting to consider pending business.

Agenda

Legislation

1. S. 2452, The National Homeland Security and Combating Terrorism Act of 2002.

2. S. 2530, A bill to amend the Inspector General Act of 1978 to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

3. S. 1713, The Alaska Bypass Mail, Passenger and Freight Stability Act of 2001. (Contingent upon Subcommittee action.)

4. Postal Office Naming Bills: (Contingent upon Subcommittee action.)

(a) S. 1970, A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

(b) H.R. 3789, (House companion bill to S. 1970) An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

(c) S. 1983, A bill to designate the facility of the United States Postal Service located at 201 Main Street in Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building."

(d) S. 2217. A bill to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

(e) H.R. 1366. (House companion bill to S. 2217) An act to designate the facility of the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

(f) S. 2433. A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

(g) H.R. 4486. (House companion bill to S. 2433) An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the

"Clarence B. Craft Post Office Building."

(h) H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

(i) H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building."

5. Other Matters: To authorize the issuance of a subpoena to the Executive Office of the President in connection with the Committee's investigation regarding Enron Corp. The subpoena will seek documents relating to certain communications with or about Enron.

6. Nominations:

(a) Todd Walther Dillard, to be United States Marshal for the Superior Court of the District of Columbia;

(b) Paul A. Quander, Jr., to be Director of the District of Columbia Court Services and Offender Supervision Agency; and

(c) Robert R. Rigsby, to be an Associate Judge of the Superior Court of the District of Columbia.

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 22, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1340, a bill to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled "Unleashing the Power of Entrepreneurship: Stimulating Investment in America's Small Businesses" on Wednesday, May 22, 2002, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 22, 2002 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on Wednesday, May 22, 2002, at 1 p.m. on evaluation of the Federal regulation of boxing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on "Federal Cocaine Sentencing Policy" on Wednesday, May 22, 2002, at 10:30 a.m. in room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: The Honorable Diana E. Murphy, Chair, United States Sentencing Commission, Washington, DC; and the Honorable Roscoe C. Howard, United States Attorney for the District of Columbia, Washington, DC.

Panel II: The Honorable Charles J. Hynes, District Attorney, Kings County, New York; Charles Schuster, Ph.D., Professor, Wayne State University, Detroit, Michigan; and William Graham Otis, Adjunct Professor of Law, George Mason University Law School, Alexandria, Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 22, 2002, at 2:30 p.m. on the Federal Research and Development Budget and National Science Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P.L. 103–227, reappoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Republican leader: Earline N. Ashley, of Mississippi, Representative of Human Resources; Ronald K. Robinson, of Mississippi, Representative of Labor.

EXTENSION OF EXPORT-IMPORT BANK AUTHORITY

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 4782, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4782) to extend the authority of the Export-Import Bank until June 14, 2002.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4782) was read the third time and passed.

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL OFFICE CENTER

Mr. REID. I ask unanimous consent that we now proceed to H.R. 4608, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4608) to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4608) was read the third time and passed.

BOB HOPE VETERANS CHAPEL

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 4592, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4592) to name the chapel located in the national cemetery of Los Angeles, California, as the "Bob Hope Veterans Chapel."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4592) was read the third time and passed.

PERMISSION FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the committees may file committee reported legislative and executive calendar business on Wednesday, May 29, from 11 a.m. to 1 p.m., notwithstanding the recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2538

Mr. REID. Mr. President, S. 2538, introduced today by Senators Kennedy and others, is at the desk. I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 2538) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. REID. I ask for its second reading but object to my own request on behalf of the Republican side.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2002

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of the Calendar No. 363, S. 1644.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1644) to further the protection and recognition of veterans' memorials, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Campbell amendment in the nature of a substitute be agreed to and the bill as amended be read the third time, passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3544) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2002".

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"§1369. Destruction of veterans' memorials

"(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) A circumstance described in this subsection is that—

"(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

"(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials.".

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

The bill (S. 1644), as amended, was read the third time and passed.

SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. REID. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 327, the Small Business Paperwork Relief Act, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand that Senator VOINOVICH, Senator LIEBERMAN, and others have an amendment at the desk.

I ask unanimous consent that the amendment be agreed to, the motion to reconsider be laid upon the table, the bill, as amended, be read three times and passed; that the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be agreed to; and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3545) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 3546) was agreed to, as follows:

Amend the title so as to read: "A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes."

The bill (H.R. 327), as amended, was passed.

Mr. LIEBERMAN. Mr. President. I am very pleased to support final passage of H.R. 327, the Small Business Paperwork Relief Act of 2002, with an amendment in the nature of a substitute proposed by Senator VOINOVICH and me and Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, LINCOLN, MILLER, AND THOMPSON.

America's small businesses are a critical part of the nation's economy and a key driver of new job growth. Small businesses face particular challenges in complying with government information-collection requirements. H.R. 327 contains several provisions to help small businesses in this area. This bill aids small businesses in understanding and complying with Federal information-collection requirements, mandates a study of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities.

Last year, Senator VOINOVICH introduced S. 1271, which is a companion bill to H.R. 327, on behalf of himself and Senators LINCOLN and LEAHY. The bill now has 13 additional cosponsors: Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LIEBERMAN, MILLER, and THOMPSON. The Governmental Affairs Committee reported out S. 1271 on November 14, 2001, and the Senate passed the bill by unanimous consent on December 17, 2001. The House had earlier passed H.R. 327, and, following Senate action on S. 1271, I worked with Members of the Senate and the House—primarily, Senator VOINOVICH and Representatives BURTON, WAXMAN, OSE, and TIERNEY—to try and resolve differences between the House and Senate bills. These discussions were successful, resulting in a bipartisan, bicameral agreement on consensus legislation, and Senator VOINOVICH and I and other Senators are offering this consensus legislation as an amendment in the nature of a substitute to H.R. 327 for final passage by the Senate.

I thank Senator VOINOVICH and his staff for their leadership and hard work on this legislation in the Senate, and also Representatives BURTON, WAXMAN, OSE, and TIERNEY and their staffs for their leadership and hard work in the House and for working with us to reach consensus on this valuable legislation to help small businesses.

Senator VOINOVICH and I have prepared a section-by-section description of this consensus amendment, including a summary of the purposes and legislative history of this legislation, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

H.R. 327—CONSENSUS AMENDMENT, PURPOSES AND SUMMARY, SECTION-BY-SECTION DESCRIPTION, AND LEGISLATIVE HISTORY

I. PURPOSES AND SUMMARY

H.R. 327, as amended, helps small businesses. The bill aids small businesses in understanding and complying with Federal information-collection requirements, mandates a study of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities. The legislation includes the following provisions to help small businesses:

The Office of Management and Budget (OMB) will annually publish in the Federal Register and make available on the Internet a list of the compliance assistance resources available to small businesses.

Each agency will establish a single point of contact within the agency to serve as liaison with small business concerns with respect to the collection of information and the control of paperwork.

Each agency will make efforts to further reduce the information collection burden for very small business concerns with fewer than 25 employees.

An interagency task force will be convened to study measures to streamline information collection requirements for small businesses and to strengthen dissemination of information by the Federal Government. Among other things, the task force will identify ways to integrate the collection of information from small businesses across agencies and programs, will make recommendations for electronic reporting and dissemination of information, and will recommend a plan for an interactive government website to help small businesses understand which federal information-collection requirements apply to its business.

Each agency will submit an initial report and final report on the number of enforcement actions in which civil penalties were assessed, the number of such actions against small entities, the number of such actions in which civil penalties were reduced or waived, and the amount of such reductions and waivers. Requiring this information will facilitate congressional oversight.

II. SECTION-BY-SECTION DESCRIPTION OF THE CONSENSUS AMENDMENT

Section 1. Short title

Section 1 of the bill provides that the Act may be cited as the "Small Business Paperwork Relief Act of 2002."

Section 2. Facilitation of compliance with federal paperwork requirements

Publication of list of compliance-assistance resources. Subsection (a) of section 2 of the bill adds a new paragraph to the Paperwork Reduction Act (PRA), at 44 U.S.C. §3504(c)(6). The new paragraph (6), read together with existing subsection (c), requires that, with respect to the collection of information and the control of paperwork, the Director of the Office of Management and Budget (OMB) will publish in the Federal Register and make available on the Internet a list of compliance assistance resources available to small businesses. The Director is instructed to do this in consultation with the Small Business Administration. The applicable definition of "collection of information" in the PRA, at 44 U.S.C. §3502(3), includes an agency's questions and recordkeeping requirements posted to, or imposed upon, 10 or more persons to obtain information or require its disclosure. The purpose of this subsection of the bill is to provide small businesses a resource to help them quickly and efficiently find the compliance assistance they need.

Agency point of contact. Subsection (b) of section 2 of the bill adds a new subsection to the PRA, at 44 U.S.C. §3506(i), requiring that, with respect to the collection of information and the control of paperwork, each agency must establish one point of contact to act as liaison between the agency and small business concerns. The applicable definition of "agency," as set forth in the PRA at 44 U.S.C. §3502(1), includes generally any department, Government corporation, or other establishment in the executive branch, including independent regulatory agencies. The bill also makes applicable the definition of "small business concern" in the Small Business Act, at 15 U.S.C. §632. The purpose of this subsection of the bill is to establish the place in each agency that small businesses can contact when they need help with respect to information collection or the control of paperwork.

Further efforts to reduce paperwork for very small enterprises. Subsection (c) of section 2 of the amendment adds a new paragraph to the PRA, at 44 U.S.C. §3506(c)(4), requiring that, in addition to the requirements of the PRA regarding the reduction of information collection burdens for small business concerns generally, each agency must make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.

Section 3. Establishment of task force on information collection and dissemination

Section 3(a) of the bill adds a new section to the PRA, at 44 U.S.C. §3520, entitled "Establishment of task force on information collection and dissemination."

Establishment of task force and statement of purposes. Subsection (a) of new 44 U.S.C. §3520 establishes a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information.

Selection of task force members. Subsection (b) of new 44 U.S.C. §3520 provides for the selection of individuals to serve on the task force. The Director of OMB will determine the number of representatives to be designated by each of the several departments and agencies listed in the bill (subject to the minimum requirements stated in the bill), and will also name two additional agencies that will designate representatives on the task force. The heads of those departments and agencies will select individuals to serve as members of the task force. The Director also will select a representative of the Director, who will convene and chair the task force.

Task force assignments. Paragraphs (1) through (6) of subsection (c) of new 44 U.S.C. §3520 direct the task force to do the following:

Paragraph (1)—Identify ways to integrate information collection and examine whether, and to what extent, it would be feasible and desirable to require agencies to consolidate requirements regarding collections of information within and across agencies (without negatively impacting the effectiveness of underlying laws and regulations) in order to enable each small business concern to submit required information—(A) to one point of contact in the agency, (B) in a single format, such as an electronic reporting system, or (C) with synchronized reporting for submissions having the same frequency, such as by allowing all quarterly reports to be submitted on the same date each quarter, allowing all annual reports to be submitted on the same date each year, etc.

Paragraph (2)—Examine whether, and to what extent, it would be feasible and beneficial to small businesses to the Director to publish a list of all collections of information applicable to small business concerns organized by North American Industry Classification System (NAICS) code, by industrial sector description, or in another manner by which small business concerns can more easily identify applicable requirements.

Paragraph (3)—Examine the savings and develop recommendations for implementing—(A) electronic submissions to the Federal Government, and (B) interactive reporting systems providing immediate feedback to the submitter to assure that data being submitted are appropriate.

Paragraph (4)—Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

Paragraph (5)—Recommend a plan for the development of an interactive Internet-based system to allow each small business to better understand which Federal information-collection requirements (and where possible, other Federal regulatory requirements) are applicable, and to more easily comply with those requirements.

Paragraph (6)—In carrying out its responsibilities, consider opportunities for the coordination of Federal and State reporting requirements, and for the coordination among the points of contact established pursuant to the bill to enable agencies, e.g., to provide contact information at other agencies.

Notice-and-comment procedure for task force. Subsection (d) of new 44 U.S.C. §3520 requires the task force, by publication in the Federal Register, to provide notice and an opportunity for comment on each report in draft form, and to make provision in each report for the inclusion of any separate views of task force members and a summary of significant public comments.

Task force reports. Subsections (e) and (f) of new 44 U.S.C. §3520 require the task force to submit its first report not later than one year after enactment of the bill and its second report not later than two years after enactment of the bill. The first report will be of the task force's findings under paragraphs (1), (2), and (3) of subsection (c) of new 44 U.S.C. §3520, and the second report will be of the task force's findings under paragraphs (4) and (5) of subsection (c) of new 44 U.S.C. §3520. (Those paragraphs (1) through (5) are summarized above.) The task force shall submit both its first and second reports to the Director of OMB, to certain committees of Congress identified in the bill, and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

Termination of task force. Subsection (g) of new 44 U.S.C. §3520 provides that the task force shall terminate upon completion of its work.

Definition of "small business concern." Subsection (h) of new 44 U.S.C. §3520 makes applicable the definition of "small business concern" in the Small Business Act, 15 U.S.C. §632.

Section 4. Regulatory enforcement reports

Section 4 of the bill requires that each agency shall submit an initial report and a final report on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under items (A) and (B), above, in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under item (C), above.

Each report shall include the definitions, selected at the discretion of the agency submitting the report, of the terms "enforcement actions," "reduction or waiver," and "small entity" as used in the report. This provision, recognizing that agencies have different policies governing their enforcement activities and different ways of tracking these activities, seeks to avoid placing undue reporting burdens on agencies.

The initial report shall include information with respect to the 1-year period beginning on October 1, 2002, and shall be submitted not later than December 31, 2003. The final report shall include information with respect to the 1-year period beginning on October 1, 2003, and shall be submitted not later than December 31, 2004. Each agency shall submit the initial report and the final report to certain committees of Congress identified in the bill and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

For purposes of this section, the term "agency" has the meaning under 5 U.S.C. §551, which is the definition under the Administrative Procedures Act, and agencies as so defined are required to submit the reports under this section.

III. LEGISLATIVE HISTORY

H.R. 327 was introduced by Rep. Dan Burton on January 31, 2001, and was referred to the Committee on Government Reform and to the Committee on Small Business. The bill now has 11 cosponsors. At the Government Reform Committee, the bill was further referred to the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

On March 15, 2001, H.R. 327 was brought before the Committee of the Whole House and then before the House. A managers' amendment in the nature of a substitute was agreed to by voice vote, and then H.R. 327, as so amended, was passed by a unanimous vote of 416 to 0. On that same day, H.R. 327 was received in the Senate and referred to the Committee on Governmental Affairs.

A companion bill in the Senate, S. 1271, was introduced on July 30, 2001, by Senator Voinovich, for himself and Senators Lincoln and Leahy, and was referred to the Governmental Affairs Committee. The bill now has 13 additional cosponsors: Senators Bond, Bunning, Carnahan, Carper, Cleland, Collins, Conrad, Dayton, Jeffords, Kerry, Lieberman, Miller, and Thompson.

S. 1271 was considered by the Governmental Affairs Committee at its business meeting on November 14, 2001, where Senator Voinovich offered an amendment in the nature of a substitute, which included suggestions made by Senator Lieberman and others. The Committee adopted the amendment by voice vote and ordered the bill, as amended, favorably reported by voice vote.

On December 17, 2001, the Senate by unanimous consent agreed to a technical amendment to S. 1271 offered on behalf of Senator Lieberman and an additional amendment offered on behalf of Senator Kerry, and passed S. 1271 as so amended.

This Consensus Amendment is based primarily on the provisions of H.R. 327, as it passed the House, and the provisions of S. 1271, as it passed the Senate. Bipartisan, bicameral discussions among interested Members of the House and Senate—principally, Representatives Burton, Waxman, Ose, and Tierney and Senators Lieberman and Voinovich—yielded this consensus proposal.

Principal differences between the Consensus Amendment and the two earlier bills, S. 1271 and H.R. 327, include:

The Consensus Amendment requires that the Director of OMB publish annually a list of compliance assistance resources available to small businesses. This requirement was in S. 1271 but not in H.R. 327.

The Consensus Amendment, like H.R. 327, spells out a more detailed and extensive agenda for the task force than S. 1271 in the areas of electronic submission and dissemination of information. Also like H.R. 327, the Consensus Amendment requires the task force to issue two reports, one year after enactment and two years after enactment, whereas S. 1271 required only a single report one year after enactment.

The Consensus Amendment, like S. 1271, instructs the task force to examine the feasibility and helpfulness of publishing an annual list by the Director of OMB of information-collection requirements applicable to small business concerns, organized by North American Industrial Classification or another useful system. H.R. 327 instead included a requirement that the Director annually publish such a list.

The Consensus Amendment provides that the task force will examine whether agencies should be required to allow small businesses to synchronize reporting for submissions having the same frequency, e.g., by filing quarterly reports on the same date each quarter. S. 1271 included no corresponding provision. H.R. 327, on the other hand, provided that the task force would examine whether agencies should be required to allow submissions "on the same date." The Consensus Amendment provision is derived from H.R. 327, but is limited to submissions having the same frequency, to clarify that the provision does not include changing the frequency of periodic reports, e.g., by converting a quarterly report into an annual report so that information for the entire year could be filed "on the same date" as another annual report.

The Consensus Amendment requires the task force to publish notice and to provide an opportunity for comment on each report in draft form, and to make provision in each report for the inclusion of any separate views of task force members and a summary of significant public comments. This provision is found in neither S. 1271 nor H.R. 327.

Like S. 1271, the Consensus Amendment includes a section requiring agencies to submit reports providing data about enforcement and penalty actions against both small entities and all entities. H.R. 327 contains no such provision. The section in the Consensus Amendment is based on S. 1271, but with modifications to clarify the agencies' reporting obligations and to avoid unnecessary burden on agencies. Whereas the reports under S. 1271 would have been due one year after enactment and every two years thereafter, the Consensus Amendment provides lead time by establishing the first due date on December 31, 2003, and requires one further report due one year later. Also, the Consensus Amendment specifies the one-year reporting period to be covered by each report, and states explicitly that each agency has discretion in defining certain terms as used in the agency's reports.

Mr. VOINOVICH. Mr. President, I am pleased that today the Senate has passed H.R. 327, the Small Business Paperwork Relief Act of 2002.

As my colleagues know, small businesses are the backbone of our economy and significantly important to the fiscal health of the United States. Small businesses constitute more than 90 percent of this nation's employers, employ 53 percent of the private workforce, and create approximately 74 percent of this country's new jobs.

While on the whole, America's small business owners are successful, the numerous federal paperwork requirements that they must face, I believe, have had a negative impact on further entrepreneurial growth in the United States. There is little doubt that America's small business owners could be even more successful if they were able to devote more time and resources to their businesses instead of mountains of federal paperwork. That is why I introduced S. 1271, the Senate companion to H.R. 327, on July 30, 2001. I was pleased when the Senate passed S. 1271 on December 17, 2001.

This "good government" legislation continues the efforts on the part of Congress to streamline and reduce paperwork burdens on small businesses and help increase the productivity of American business. The Office of Management and Budget (OMB) has estimated that the federal paperwork burden is 7.2 billion hours annually, at a cost of some $190 billion per year. Small business owners are particularly hurt by regulatory and paperwork burdens. The Small Business Administration (SBA) estimates that the costs to small businesses are a staggering $5,100 per employee. While many of these requirements are important and necessary, the high costs of understanding them and complying with them can sometimes prevent small businesses from being able to expand or even stay afloat. In some cases, this burden can deter entrepreneurs from opening in the first place.

The Small Business Paperwork Relief Act of 2002 will help improve the ability of small business owners to understand and comply with federal regulations and paperwork mandates through the following helpful provisions:

A requirement for the Office of Management and Budget to annually publish in the Federal Register and on the Internet a list of the compliance assistance resources available to small businesses;

A requirement for each federal agency to establish a single point of contact to help small business owners fill out forms and comply with federal regulations;

A requirement for each federal agency to make further efforts to reduce paperwork for small businesses with fewer than 25 employees;

The establishment of an interagency task force to develop an interactive government web-site to help each small business owner understand which federal paperwork requirements and regulations apply to his or her business;

An amendment to the Small Business Regulatory Enforcement Fairness Act (SBREFA) to require that each agency provide information on the number of enforcement actions in which civil penalties are assessed, the number of such actions against small entities, the number of such actions in which civil penalties are reduced or waived, and the monetary amount of each reduction or waiver.

I am pleased that the Senate has taken action in considering this important legislation, and I am also pleased that the bill enjoys bipartisan support. I would particularly like to thank Senator BLACHE LINCOLN for joining me in introducing this bill. I would also thank Senators LIEBERMAN and THOMPSON for cosponsoring this legislation and for their strong leadership in advancing it through the Governmental Affairs Committee and the Senate. I would like to thank all of the other cosponsors of S. 1271, Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, and MILLER for their strong support.

I would also recognize Representatives DAN BURTON and DOUG OSE and their staffs for their strong leadership in crafting, introducing and passing this measure in the House. I would like to thank Representative HENRY WAXMAN and JOHN TIERNEY and all the members of the House of Representatives who supported this bipartisan effort.

The Bush Administration is to be commended for their support of this bill and I appreciate the valuable recommendations of the Office of Management and Budget that will make this bill more effective in helping our Nation's small business owners. It is my hope that the House of Representatives will pass this final version of this measure shortly and that we will have a final bill for the President's signature very soon.

The many business groups who have lent their support and helped us craft a solid bill are also deserving of mention, particularly: the National Federation of Independent Businesses; the U.S. Chamber of Commerce; the American Farm Bureau Federation; the Cleveland Growth Association; the Associated Builders and Contractors; the National Association of Convenience Stores; the American Feed Industry Association; the National Association of Manufacturers; the National Tooling and Machining Association; National Small Business United; the National Restaurant Association; the National Pest Management Association; the Academy of General Dentistry; the American Road and Transportation Builders Association; the Small Business Coalition for Regulatory Relief; the Small Business Legislative Council; the Small Business Survival Committee; the Agricultural Retailer Association; the Associated General Contractors; the Automotive Parts and Service Alliance; the Food Marketing Institute; the National Automobile Dealers Association; the National Business Association; the National Roofing Contractors Association; the Society of American Florists and the North American Equipment Dealers Association.

Finally, I would like to thank David Gray, a former employee of my Subcommittee staff, for all of his hard work on this legislation.

Once again, I am pleased that the Senate has acted to provide relief to small business owners. This bill will help save time and money and will allow small business owners the ability to better understand and comply with federal regulations and paperwork requirements. It is good for the country and good for our economy, and I thank my colleagues for their support in passing this bill today.

Mrs. LINCOLN. Mr. President, every once in a while this body passes legislation that just makes good common sense. Today is such an occasion. I am pleased that the Senate will vote today on the conference report on the Small Business Paperwork Relief Act, a bill that Senator VOINOVICH and I first introduced in July of 1999.

I want to thank my good friend Senator VOINOVICH for his leadership on this issue. His staff members and former staff members, David Gray, Kathleen Braun, and Kristine Simmons, put in countless hours meeting with members of the business community, firefighters and the environmental community to achieve the balance that is represented here today. I also want to thank Senator LIEBERMAN, without whose help we could not be here today. Senator LIEBERMAN, as Chairman of the Governmental Affairs Committee, steered this legislation to its final form, and Larry Novey of his staff was invaluable. Kelly Rucker Bingel of my staff worked on this bill from its inception in 1999, and I thank her for her efforts.

Since I began public service as a member of the House of Representatives in January of 1993, I have looked for opportunities to ease the regulatory burden on small businesses. They are the backbone of our economy in Arkansas.

As I said when we first introduced this bill in 1999, the federal government should be a help to small businesses, not a hindrance. We should always seek to ensure that federal policies don't place undue burdens on small business owners and tie their hands in red tape.

Small businesses are hit hardest by federal regulations. According to a recent study conducted for the Small Business Administration, "firms employing fewer than 20 employees face an annual regulatory burden of $6,975 per employee, a burden nearly 60 percent above that facing a firm employing over 500 employees." This does not even take into account state and local government paperwork.

I have been told that federal paperwork burdens rank just behind taxes and the cost of health care as the top problems facing members of the National Federation of Independent Businesses.

This bill establishes a single point-of-contact for small businesses in each federal agency that governs small businesses. Second, it requires the OMB Director to annually publish in the Federal Register and on the Internet a list of compliance assistance resources available to small businesses. Third, it establishes a task force to determine how to streamline paperwork requirements for small businesses. It directs the task force to look at creating a single reporting format for all agencies that could be filed simultaneously and electronically. It is our hope that these steps will make it easier for businesses to access information and will allow policymakers to more easily identify and eliminate duplicative regulations.

The original version of this bill, S. 1378, from the 106th Congress, suspended civil fines on small businesses for first-time paperwork violations if they corrected their error. Our thought behind suspending fines for first-time violators was that a majority of small business owners who neglect to file a certain form are simply overwhelmed with paperwork and don't realize their error. We thought that small business owners should be given a chance to correct the problem before they were slapped with a fine. I am disappointed that this final version does not include the fine suspension, but as I often tell my constituents, we can't let the perfect be the enemy of the good. So I am delighted to see final passage of this bill.

APPRECIATION TO SENATOR DAYTON

Mr. REID. Mr. President, I express my appreciation to you for being so patient. It has taken many hours that we didn't anticipate to get to this point tonight. But for your patience, we would have been in real trouble. I appreciate very much your being courteous, as always. I appreciate that very much.

ORDERS FOR THURSDAY, MAY 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Thursday, May 23, at 9:30 a.m.; that following the prayer and pledge the Journal of proceeding be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the Republican leader, or his designee, and the second half under the control of the Democrat leader, or his designee; and, that at 10:30 a.m. the Senate resume consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there being no further business that I know of to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:19 p.m., adjourned until Thursday, May 23, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 2002:

DEPARTMENT OF STATE

TONY P. HALL, OF OHIO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

THE JUDICIARY

JAY S. BYBEE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTER R. HUG, JR., RETIRED.

TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-113, APPROVED NOVEMBER 29, 1999.

JAMES C. DEVER, III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JAMES W. METZGER, 6693

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be major

SHAWN E. CONNORS, 0580

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 624:

To be colonel

JAMES E. AGNEW, 7816

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL J. HAMILTON, 4816
KURT R. LAVIN, 6780
HELEN P. SCHENCK, 8613
MICHAEL K. WEBB, 9183
JAMES W. YOUKER, 5534

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY A. KNUDSON, 0917

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

GEORGE B. PARISI, 2953

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

PETER C BONDY, 1783
LAWRENCE E CRIMMINS, 7641
FRANK VERNET, 7703

To Be Lieutenant Commander

MOHAMAD ALSAWAF, 6560
DOUGLAS ANDERSON III, 8633
BRIAN D CLEMENT, 1376
WILLIAM J DARNEY III, 4104
JOHN A DEMERS, 2882
DOUGLAS H DOUGHTY JR., 3135
GARY S GLUCK, 8976
RICHARD A GRAHAM, 7758
JOSEPH W HARMON, 9855
DOUGLAS W KING, 4324
THOMAS R LATENDRESSE, 3610
DAVID A LEAL, 8148
MELINDA M LUKEHART, 7034
ALAN F NORDHOLM, 7600
IVAN C PIERCE, 5544
MAE M POUGET, 3657
BRIAN P POWERS, 8528
THEODORE D SHAW, 8104
DARCY M SHIRLEY, 0192
CRAIG A STAPLETON, 2255
PHILIP L SUNDEL, 3227
GARY J WALKER, 1307

To be lieutenant

ROBERTO M ALVARADO, 5828
ROBERT A ARMSTRONG, 7129
STEVEN W ASHTON, 2257
VERA C AUGE, 5601
TIMOTHY M BAGLEY, 9107
STEPHEN D BALKA, 6533
DANIEL J BALSINGER, 4565
BABAK A BARAKAT, 1630
BRADLEY M BARR, 7174
ROBERT S BARRETT, 5723
LESLIE S BELTZ, 4974
LAURA A BENNETT, 7856
ENRIQUE C BERNAL JR., 6833
BRANNON S BICKEL, 9327
ROBERT D BLONDIN, 5137
SCOTT M BOAMAN, 5965
DRUMMOND R BOORD, 1470
JOEL L BOUVE, 4144
DANIEL B BOZUNG, 5783
JONATHAN J BRADFORD, 0079
DARRIN BRANSON, 5186
JASON J BRIANAS, 1731
CHARLES E BRICE JR., 1956
WRAY W BRIDGER, 1143
KENDALL G BRIDGEWATER, 7399
ERIC H BRONNER, 1821
ROBERT E BROOKS JR., 4215
GARY L BROWN, 7696
KATHERINE J BROWN, 3813
TIMOTHY A BROWN, 4059
DONALD R BRUS, 3043
ROBERT T BRYANS, 6304
SCOTT L BUCHANAN, 0500
CALVIN E BUMPHUS, 2995
CYNTHIA J BUTLER, 2589
ANDREW S BYERS, 5857
PATRICIA G CADE, 1795
MICHAEL B CAIMONA, 2655
SADYRAY M CARINO, 0927
BRIAN R CARION, 6029
BRYAN K CARMICHAEL, 8808
KATHERINE R CARSON, 6104
BRY CARTER, 5184
ANN E CASEY, 2574
CHERYL C CASEY, 7800
JAY M CAVNAR, 5328
JOHN D CHOATE, 8242
ANNA M CHRISTENSEN, 1712
JEREMY L CLAUZE, 8595
CLINTON R CODY, 3344
SHAWN T COLLIER, 1942
JONATHAN R COLON, 8398
CHRISTINE COOKSONBURLESON, 2420
SHANNON M CORKILL, 0342
DAVID H CORNELIUS JR., 9321
JEFFREY E COTE, 8081
KEVIN A COX, 5879
DAVID M CRAIG, 7067
KARL R CUPP, 1822
SAMUEL J DALE, 5488
LUKE W DANZO, 6589
JASON B DARBY, 6819
RONALD E DAVID, 2854
MARGARET E C DEAN, 0723
WILLIAM F DEGIROLAMO, 4734
JASON M DENNY, 2142
JAY P DEWAN, 1618
CORBETT L DIXON, 6202
BRIAN K DODSON, 0257
KEVIN A DOHERTY, 3654
MATTHEW F DONAHUE, 1764
JASON L DOUTHIT, 5037
AMY L DRAYTON, 6341
JOHN R DROTAR, 3770
ADAM T DUNN, 2335
MARK I EDWARDS, 2908
LORA A EGLEY, 5267
MICHAEL C ELLIOT, 8959
TRACY L EMMERSEN, 9176
MICHAEL T ENNOR, 5920
FORD C EWALDSEN JR., 1661
EDWARD A FAHRENKRUG, 9125
PAMELA D F FAISON, 2448
RONALD A. FANCHER, 7074
DANIEL E FILLION, 9193
TRENT W FINGERSON, 5049
MICHAEL M FINN, 7364
ALLEN R FORD, 9315
TONI O FOSTER, 4893
ANTHONY A FRANGELLO, 8064
DANIEL L FREEDMAN, 6597
STANLEY G FREEMYERS, 8640
CHRISTOPHER L FUSSELL, 6850
WILLIAM D GALLAGHER, 4645
HARRIS L GARCIA, 2610
SCOTT R GARDNER, 4975
ROY M GARRISON, 4953
CAMERON J GEERTSEMA, 3678
TRACEY J GENDREAU, 5473
CHAD A GERBER, 1372
MICHAEL F GESUALDO, 2943
SAMAN R GHARIB, 9056
MICHELLE A GRANT, 4444
NICHOLAS S GREEN, 3069
RYAN J GREEN, 3823
JONATHAN D GRUEN, 1874
BRIAN C GUGLIOTTA, 3847
CHARLES E HAMPTON, 4908
MICAH B HARLEY, 6963
BRIAN D HARP, 0953
CHRISTOPHER C HARRINGTON, 7298
GRANT I HARTFIELD, 0510
JAMES A HAYES, 0215
MELINDA K HENDERSON, 4459
KENT R HENDRICKS, 9542
SCOTT W HERMON, 2899
JOSE G HERNANDEZ, 8393
WILLIAM C HERRMANN, 0276
KATRINA M HICKMAN, 8675
KATRINA L HILL, 0072
DANIEL R HILLER, 7870
BRIAN C HOERST, 2708
MATTHEW G HORR, 9776
WILLIAM S HORTON, 6633
JASON M HOWELL, 4743
CECELIA A HUBBARD, 7133
JASON A HUDSON, 8488
CAROL B HURLEY, 1332
MELISSA A L HUSSEY, 7757
MARGARITA HUTCHENS, 6696
SUZETTE INZERILLO, 3840
MICHAEL W JACOWAY, 7605
CHRISTOPHER C JASON, 2194
MARCOS A JASSO, 7131
ALLISON R JOHNSON, 1540
DANIEL A JOHNSON, 6741
HOMER L JOHNSON JR., 3479
BENJAMIN A JONES, 3207
JON A JONES, 3739
MATTHEW T JONES, 4022
STEVEN A JONES, 7455
TROAS L JONES, 3743
WILLIAM R JORDAN III, 2139
JESSICA J JORGENSON, 7621
JONATHAN C KALTWASSER, 1948
CINDY KANG, 5747
CHRISTOPHER B KASTEN, 6057
JOHN F KELLY III, 6074
JASON R KELTNER, 2779
RAYMOND E KENDALL, 0096
JEFFREY D KETCHAM, 7121
JAYSON E KIELAR, 6816
JOSHUA C KINNEAR, 5331
KENNETH T KLIMA JR., 9311
MICHAEL P KLINE, 5104
BRUCE KONG, 6091
VICKIE M KONIECZNY, 9439
JOEL A KORKOWSKI, 7358
THOMAS G KORSMO, 1597
CRAIG S KRAEGER, 8269
TIMOTHY G LAMB, 1420
BRANT T LANDRETH, 7397
JASON A LANGHAM, 8229
ANDRE W LANIER, 2099
KIM P LAVELLE, 1127
CHARLES D LAZAR JR., 3807
LUIS P LEME, 5699
IRVE C LEMOYNE JR., 7667
TINA L LEWIS, 1768
RICHARD J LINHART III, 5791
RYAN J LOGAN, 5211
CHRISTOPHER LUDMER, 0302
STEVEN L LUNA, 9740
ELAINE G LURIA, 2419
FRANK X MAC, 4111
STEVEN J MACDONALD, 7245

CURTIS S MACREADY, 9325
DAVID M MAHAN, 6646
JOSEPH A MARCANTEL, 9345
JAJA J E MARSHALL, 0746
ABIGAIL MARTER, 2198
KENNETH W MARTIN, 3155
THOR MARTINSEN, 0690
JEFFREY G MAYBERRY, 8112
SCOTT M MAZANKOWSKI, 5525
KATHY L MCCALL, 6870
SEAN M MCCARTHY, 1332
STEVEN B MCCUBBIN, 7248
BRADLEY J MCINNIS, 1503
JACK E MCKECHNIE, 0535
PEDRO R MERCADO JR., 6145
ROBERT L MERRITT, 6707
DANIEL N MEYERHUBER, 1403
JAMES C MONTGOMERY, 6569
JOHN S MORELL JR., 7442
NANCY R MOSINSKI, 7256
GEORGE R MURGA, 5151
THOMAS A MURPHY JR., 0427
RICHARD NALWASKY, 0115
CHRISTOPHER F NASH, 7596
CRISTOPHER P NEISH, 5090
TRI H NHAN, 7869
MARK S NIESWIADOMY, 9079
SHAWN M NOGA, 9223
MICHAEL A NORTON, 1682
JAMES M OBRIEN, 9695
JON A OCONNOR, 1475
MICHAEL P ODONNELL, 3151
PETER J OLDMIXON, 3125
LEONARD Q OLIVER, 6075
THOMAS OLIVERO, 2160
CHRISTOPHER J ORNEE, 6106
MELINDA D PAGLIARINI, 6643
DOMITILO M J PASTORIN, 7710
RYAN W PERRY, 4484
RYAN M PHILLIPS, 8559
NUBIA E PHILP, 1851
JEROME R PILEWSKI, 7924
DAVID S PLACE, 8920
STEPHEN J POPIELARZ, 8124
THOMAS R POULTER, 9160
MICHAEL E POWELL, 3902
STACEY A PRESCOTT, 2437
SHAWN M PRICE, 3110
IVO J PRIKASKY, 7395
JULIAN J PUGA, 7493
CHRISTOPHER A RAKOV, 6781
MARVIN B RATLIFF, 2143
DEREK E REEVES, 3370
ROXANA REYES, 3578
TED C RICCIARDELLA, 0969
GINO L RICE, 2430
SCOTT N RICHARDSON, 4962
MATTHEW C RIETHMILLER, 5690
JEREMY Y RIFAS, 6979
CHERYL C RINGER, 4503
FRANKIE RIOS, 9915
KEVIN S ROBERTS, 5509
JOHNNY V RODGERS, 6778
JUAN J RODRIGUEZ, 5904
ARMANDO A RODRIGUEZFEO, 0502
PHILLIP A ROGERSON, 8167
ALAN M ROSS, 1400
VALERIE K ROSS, 6524
SCOTT P ROSSI, 2305
MARC L ROULEAU, 2502
HARRY M RUSSELL, 4846
MICHAEL A SALKA, 8939
CHRISTOPHER SAMMARRO, 7351
ROBERT C SANDERS, 1235
CHARLES A SCHLISE, 1140
TAMARA K SCHNURR, 2594
SPENCER T SCHOEN, 1332
ERIC A SCHUCHARD, 2212
EDWARD J SCHWEIGHARDT, 4322
STEVEN D SHADLEY, 1696
ARCHIBLE W SHERMAN, 0625
TYLER SHERWIN, 8766
BRIAN C SINCLAIR, 3727
DUSTIN H SMILEY, 1821
DAVID T SMITH, 7096
GREGORY A SMITH, 3470
LLOYD L SMITH, 0222
STEVEN J SMITH, 1522
CARMEN N SPALDING, 2748
CRAIG E SPEER, 7030
JASON E SPENCER, 3123
JONATHAN E SPORE, 7049
ANGELA S STANMORE, 5703
JAMES C STATLER, 7934
JASON W STEWART, 0942
ADAM P STOFFA, 9946
RAYMOND G STROMBERGER, 4133
MARK S STROTHEIDE, 2953
CHARLES W STULLER JR., 8213
EDWARD D SUNDBERG, 4666
AARON W SWENSON, 8079
MICHAEL SYPNIEWSKI, 0702
RENEE C TANAKA, 8465
BROOKIE C TARTAGLIA, 6301
KIMBERLY A TAYLOR, 3742
JEREMY F THOMPSON, 9433
JOSEPH P THOMPSON III, 4211
MARILOU THOMPSON, 3436
MATTHEW J THRASHER, 0986
LOIS A TINK, 3533
JOEL D M TIU, 8688
SHANNON K TOLLIVER, 8459
RICHARD M TOMS, 3735
ENRIQUE S TORRES, 0910
MATTHEW P TUCKER, 6179
MATTHEW M UDKOW, 1453
RICHARD J ULLMAN, 9704
DAVID F USON, 6980
FERNANDO J VIZCARRONDO, 9152
KEVIN J VOLPE, 5002
ROBERT L WAGSTAFF III, 2106
MICHEAL A WALKER, 5357
MARTIN C WALLACE, 1730
JAMES J WALLS, 0967
JOHN P WALSH, 3971
SAMUEL S WHITE, 7158
JEFFREY A WILLIAMS, 6698
SHAWN C WILSON, 3562
FRANCISCO I WONPAT, 3888
BRYAN M WORSWICK, 3788
THOMAS V WYANT, 1975
STEPHEN S WYNFIELD, 5561
KARL B WYVILL, 2032
ZARADHE M S YACH, 9656
DONNA I YACOVONI, 5108
JOSEPH W YATES, 4320
ROBERT A YEE, 6224
MICHAEL A YONKERS, 9331
FLORENCIO J YUZON, 2677
ROY M ZALETSKI, 9399
KEVIN P ZAYAC, 6932
JAMES G ZOULIAS, 5600

To be lieutenant junior grade

GILBERTO BALDERAS, 8142
DEBORAH P BARNES, 9474
OSCAR BERNAL, 5364
THOMAS S BLANCHARD, 1540
HEATH D BOHLEN, 6409
CHRIS A BRICE, 4575
TROY A BROWN, 6182
BRIAN S CAREY, 0831
RICHARD E CARROLL, 4173
STEVEN B CARTER, 5330
CHRISTINE M CHESAREK, 3121
MICHAEL W CHUCRAN, 2093
CHRISTOPHER J CODE, 3612
JASON L CORNELISON, 1779
JOHN J CREMINS, 7545
MICHAEL E CURLEY, 7424
JAMES G DONOHUE, 5133
MARC A DORAN, 3675
GREGORY L ELKINS, 9781
KEITH L FERGUSON, 4949
KEVIN M FLOOD, 2586
STEPHEN C FORTMANN, 0892
JOSEPH D FRASER, 2720
ARTURO A GALANG, 7746
KATHRYN A GARNER, 9475
KEVIN J GILLOOLY II, 1365
ROBERT D GOAD, 8716
LUKE B GREENE, 3495
MICHAEL S GUILFORD, 9978
JEFFREY S HEDRICK, 9766
JASON R HULL, 7995
MARC E JASEK, 0593
JEFFREY F JOHNSON, 5827
CORLISS A KINARD, 4264
KIMBERLY M KRAMER, 1814
AARON D LANA, 5023
KEVIN T LIVINGSTON, 6189
MICHAEL J MANOR, 8522
ANDREW J MANSPEAKER, 2537
TODD M MASSOW, 0303
JAMES R MORRIS, 5389
DAVID E MURPHY, 5690
ERNAN S OBELLOS, 6243
JOHN C PHILLIPS, 2564
NEIL C RADER, 9430
JESSE J RIVERA, 0718
JASON E ROGERS, 8342
COLEMAN V RUIZ JR., 1368
JOHN W SHONE, 7961
AARON P SHULER, 2039
BRENDA M STENCIL, 5626
STEVEN M THORN, 0988
RAFAEL VARGAS, 6648
NEIL E WEST, 8338
MAXIMILLIAN L WESTLAND, 3274
KEVIN T WRIGHT, 8797

To be ensign

JOSEPH N OBI, 5761
THEODORE G PACLEB, 1790

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

ROBERT T AARHUS JR., 6972
WILLIAM E ACKERMAN, 5148
REED B ALDER, 3891
MICHAEL L AMARAL, 4732
DAVID W *ANDERSEN, 6470
THOMAS A *BABB, 8137
JOSE L BAEZ, 6283
KELLEY M BARHAM, 1521
TRAVIS L BERNRITTER, 3400
THOMAS H BERRY, 4747
ROBERT A BOWDEN, 2639
ANDREW M BOYD, 4472
PETER T BULATAO, 8893
CHRISTOPHER M CASTLE, 8403
ROLANDO CASTRO JR., 5946
MARTIN N COPPOLA, 3909
MICHAEL J DELLORCO, 0763
WILLIAM C DOWDY, 6022
DEBRA L *DUNIVIN, 3765
CHERYL L FILBY, 9036
DANIEL P *FLYNN, 8385
GERALD A FOREST, 4467
WILLIAM G FULLER, 8035
DANIEL W GALL, 4307
KATHY E GATES, 2056
ROBERT L GOODMAN, 4216
WILLIAM B GRIMES, 8369
HARRY M HAYS, 3635
CHRISTOPHER J HILL, 1819
JOSEPH B HOUSER, 9057
CARL G HOVER, 1067
MICHAEL C HOWITZ, 0882
DANIEL H JIMENEZ, 3853
DANIEL J JONES, 6843
MICHAEL L KIEFER, 6961
GUY T KIYOKAWA, 0600
PAUL K LAVAN, 3783
CARLA LONG, 5572
RICHARD G LOONEY, 4573
PETER T MCHUGH, 1328
CHRISTOPHER A MEILINGER, 6052
JOSE MELENDEZ JR., 6715
KENNETH A *MILES, 5629
WILLIAM H MILLAR, 8808
DEBRA L MILLER, 7113
ROBERT E *MILLER, 7346
ERIC G *MILSTREY, 7501
ROBERT D MITCHELL, 6782
JAMES B MONTGOMERY, 7154
DIANE M ORRICO, 2426
DALE A OSTLER, 4351
CHRISTOPHER L PATE, 8994
DAVID R PETRAY, 5401
RICHARD T PHILLIPS, 2933
LESLIE J PIERCE, 1799
ALAIN J PIRRONE, 8147
JOSEPH C PISCIOTTA, 3617
MICHAEL K PODOJIL, 5109
JEFFREY R QUINN, 9476
NELSON W *REBERT, 5635
FRANCISCO J RENTAS, 0705
MICHAEL J ROGERS, 3309
WALTER K ROSS, 0728
BARBARA A ROWE, 0357
RICHARD W SALGUEIRO, 3692
PATRICK J SAUER, 8683
DONNA M SHAHBAZ, 0595
JAMES E SHIELDS, 7833
DAVID A SMITH, 6448
JEFFREY STOLROW, 6058
TAMI R STRAIT, 8194
SCOTT A *SVABEK, 1627
MICHAEL A SWALKO, 1330
GREGORY A SWANSON, 9936
SCOTT F TANNER, 3544
CHERYL TAYLORWHITEHEAD, 4678
WILLIAM C TERRY, 3595
TAMMY L THOMASROTH, 3979
JULIAN C VELASQUEZ, 4372
MICHAEL A WEHNER, 7061
MARK C WILHITE, 9831
HAILEY F WINDHAM, 8786
SCOTT C WRIGHT, 5298

HOUSE OF REPRESENTATIVES—*Wednesday, May 22, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Father Val J. Peter, Executive Director, Girls and Boys Town, Boys Town, Nebraska offered the following prayer:

Dear Lord, we come before You on this beautiful morning to ask Your blessing on the House this day. Give light, wisdom, and humility to all Representatives in their work today. May they seek what is best for our people. May they search for what will bring goodness to our world.

Let each this day do one blessed thing for another person. Let each this day ask pardon from another person.

Bless also all of those who are in the service of our beloved country. Keep them safe. Keep them faithful to You and their loved ones.

Finally, Lord, bless all of our children, especially those who are hurt and suffering. Send people to put joy and happiness into their hearts. We ask this in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve air treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Nebraska (Mr. TERRY) for 1 minute and then will recognize up to 10 Members from each side of the aisle for 1 minute.

EXTENDING A WARM WELCOME TO FATHER VAL J. PETER

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I have the honor of extending a warm welcome to Father Val J. Peter, our guest chaplain in the House of Representatives today. I also want to thank him for his thoughtful and inspiring prayer.

Father Peter is a native Nebraskan, a Diocesan priest within the Archdiocese of Omaha, and the executive director for Girls and Boys Town USA. He is also one of the foremost advocates for youth in the world and a true friend, effective educator, and caring, surrogate father to thousands of troubled youth and teenagers.

Father Peter oversees Boys Town programs stretching from coast to coast. Last year alone, Father Peter and the Boys Town staff helped brighten the future for more than 37,000 troubled, neglected, and abused children. Father Peter has earned the gratitude of thousands of children and families with his unconditional love, boundless optimism, and unwavering devotion to God.

Mr. Speaker, I know I speak for my colleagues when I say that we are pleased and honored to have Father Val Peter here with us today.

RESTORING MEMORIAL DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the years the true meaning of Memorial Day has faded from the public consciousness. Memorial Day began after the Civil War as a solemn day of mourning, remembrance, and honor to our departed loved ones. But today, Memorial Day seems to be more about planning a 3-day weekend than remembering our fallen heroes. As a veteran of two wars, I know all too well that Memorial Day is much more than a 3-day weekend or the beginning of a summer sale.

Veteran's Day, a day set aside to honor all veterans, living and dead, is celebrated on November 11, regardless of which day of the week it falls on. The same should be true for Memorial Day.

Mr. Speaker, this week I am introducing legislation restoring Memorial Day to its actual day, May 30. We owe our loved ones and friends who died in service to their country a restored Memorial Day.

JOIN THE PICTURE THEM HOME CAMPAIGN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I will again digress this morning from my stories of Ludwig Koons, but not our effort to return him to the United States from Italy.

As chairman of the Congressional Caucus on Missing and Exploited Children, I would ask that as we approach this Memorial Day that we not only

---

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pay honor to those who have given their lives to our country, but to the tens of thousands of innocent children who are still missing from their loved ones in this country. We maintain hope that the children will come home and that they will come home not only with the help of law enforcement, but with the help of the American people.

A few years back, the National Center for Missing and Exploited Children instituted the Picture Them Home campaign to be observed during the month of May. I have asked my colleagues on a number of occasions to place pictures of missing children on their franked envelopes, which is allowed under the franking guidelines, and many of them have chosen to do so. This morning I ask that everyone here join me in supporting this effort and help us Picture Them Home.

Participating in this campaign only takes a few minutes of your time. First, pledge to take the time to really look at the pictures of the missing children that you see. These may be pictures on bulletin boards in your local Wal-Mart, or they may be the "Have You Seen Me?" cards that are sent out by ADVO. Second, if you are a parent, make sure that you maintain current, high-quality pictures of your children for use in case of an emergency.

Mr. Speaker, we know that pictures work. All you have to do is look.

NURSING SHORTAGE PLAGUING U.S.

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, health care experts are worried that a national nursing shortage could become widespread later in the decade, just as the aging U.S. population requires more care. Educational institutes, hospitals and Congress are working feverishly to fill this global shortage, because it is nurses who impact the lives of people in times of health, illness, pain, stress, and even death.

Nurses' talents, long hours and many sacrifices should be recognized. One of the ways in which Baptist Health South Florida appreciated nurses is by having recently hosted "Shadow a Nurse Day."

Baptist Hospital, South Miami Hospital, Homestead Hospital, Mariners Hospital, and Baptist Outpatient Services were the health care sites which participated in this event.

By helping the population to gain a greater understanding of the issues facing nurses today, these health care sites perhaps contributed to helping relieve the existing nursing shortage plaguing our Nation.

Mr. Speaker, I congratulate Baptist Health South Florida for its commitment to the future of nursing.

END THE TRADE EMBARGO ON CUBA

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM. Mr. Speaker, 90 miles from America's shore is the island of Cuba, but what really separates the people of Cuba and the American people is the U.S. Government's hypocritical trade embargo restated this week by President Bush.

This failed policy towards Cuba empowers Fidel Castro, denies American businesses the freedom to trade, and prohibits the American people the freedom to travel.

Around the world, the United States has used economic engagement to promote political reform, democratic values and human rights. With Cuba, our government does the opposite. We punish the Cuban people with a trade embargo.

For a free and open Cuba, let us free American businesses to trade with Cuba, free America's farmers to sell to Cuba, and free the American people to travel to Cuba. The trade embargo has failed. The spirit of the American people and the power of our economy can achieve the freedoms we all desire for the Cuban people.

STATE DEPARTMENT RELEASES TRAFFICKING IN PERSONS REPORT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the coming weeks, the State Department will be releasing its annual "Trafficking in Persons report." This report will highlight the very serious problem of international sex trafficking and forced prostitution around the world in the countries that tolerate it.

Still, some of the worst offenders such as India and Thailand have made no progress in combating this sex trafficking. Worse, it is on the rise.

In India, over 2.3 million girls and women are believed to be working in the sex industry against their will. Yet there are no known convictions for sex trafficking.

In Thailand, we are up to 1 million trafficking victims. Approximately 100,000 are children, boys and girls; yet there are no known convictions for sex trafficking.

Mr. Speaker, this is unacceptable.

Mr. Speaker, the complicity and tolerance of sex trafficking must stop. The State Department must not grant passing grades to these countries in its report until they show real improvement and begin to protect women and children in their country.

AMENDMENT ALLOWS DEFENSE DEPARTMENT FREE HAND FOR ENVIRONMENTAL DAMAGE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, during my tenure in Congress, I have worked hard for the Federal Government to be a better partner to promote the liveability of our communities by walking the walk, by acting the way that we are asking the rest of America to behave. Yet, here today, we are going to be asking in the supplemental to exempt the Defense Department, the largest manager of infrastructure in the world, from being a good environmental citizen.

This bill contains an amendment that would relieve the Department of Defense from its responsibility for dealing with water consumption that occurs outside the control of the Secretary of Defense that is a direct result of the military installation. In particular, this is focused on the San Pedro River in Arizona, one of the richest biological reserves in all of North America. It has over 82 species of mammals, 385 species of birds, and was designated by this Congress as a National Riparian Conservation Area in 1988.

But as a result of this amendment, snuck in without debate by the substantive committee, that will not be substantively argued on this floor, we are going to basically give them a free hand to damage the environment. It is wrong.

CONGRATULATIONS TO DANNY BROWN, THE 2002 KANSAS PRINCIPAL OF THE YEAR

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to congratulate the 2002 Kansas Principal of the Year, Danny Brown. Mr. BROWN currently serves at the Fort Scott High School in Fort Scott, Kansas. For almost 3 decades Danny Brown has demonstrated outstanding educational leadership and has humbly served his community and students.

In a letter recommending Brown for the honor, an associate wrote: "Danny's contributions to this community, to the school district and, most of all, to the students are immeasurable."

I, for one, am heartened to hear stories of educators like Danny Brown who live a life dedicated to serving their communities and helping students reach their dreams.

As Oswald Spengler once said, "The influence of a genuine educator lies in what he is rather than what he says."

I am pleased that Mr. BROWN is being properly recognized for his exceptional performance and character, and I want to add my congratulations to this outstanding educator.

NATIONAL COMMUNITY ROLE MODELS WEEK

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, children need role models in their communities to help guide them through the many challenges that they face. Although we often hear inspiring stories about famous individuals, we seldom publicly recognize exceptional local people with whom children can more readily relate.

The Michigan-based R.A.R.E. foundation has established a program to recognize outstanding community residents and teach children about their work ethic, their values, and their accomplishments. The foundation helps children develop a sense of purpose and hope for the future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

□ 1015

I will introduce legislation today that encourages communities to adopt similar programs and support the goals and ideals of a national community role models week. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this Nation.

JUST SAY NO TO SOCIAL SECURITY PRIVATIZATION

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, all we need to do is just say no to privatization of Social Security. When it comes to reforming Social Security, our Republican majority thinks they can fool the American people. They think that if they avoid the words like "privatization" that they will be able to mask the true nature of their Social Security reform proposal.

In Texas we have a saying, "You can put lipstick and earrings on a hog and call it Monique, but it's still a pig." No matter how much our Republican friends want to dress up their proposal to disguise its details, it is still privatization.

Privatization schemes, let us just be honest and call them what they are, would cut benefits, increase administrative costs and place the financial health of the Social Security program in jeopardy, but suddenly, in an election year, my colleagues changed their tune. They will do anything, say anything, to hide their true agenda. This is a cynical ploy, and the American people will see through it.

Let us call privatization what it is, and a pig, a pig.

DEMOCRATIC PRESCRIPTION FOR SENIORS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of seniors who want prescription drug coverage, today, tomorrow and always, and against those who do not.

Earlier this month, Congress Daily noted that a Senate Democrat prescription drug bill would sunset in 2010. That is right, the bill would just stop in 2010. Sorry, seniors, no more drugs for them after 2010. That is plain wrong. First, Democrats block permanent tax relief. Now they want to block prescription drug coverage.

Well, seniors better start saving, so when their benefits end, they will have money to buy their drugs. Hold on, just think about this. That is impossible, because the same Democrats refused to permanently extend tax relief so people can save some of their own money or even empower seniors to save their own money in a medical savings account.

Well, two-thirds of seniors have prescription drug coverage. The one-third going without are my top concern. Our Republican plan will help, and help them for life.

RAISING THE DEBT LIMIT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I would just like to remind my colleague on the other side of the aisle who just spoke that the Republican prescription drug plan would do nothing about bringing down the cost of prescription drugs, which is what is killing Americans, all Americans, and their plan would cover 6 percent of seniors instead of 90 percent of seniors who would like to have that kind of coverage.

However, today, the House is going to vote on a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, takes hundreds of billions of dollars from the Social Security trust fund. What they would like to do is hide this plan from the American people and what they want to do is to hide this debate today without leveling with the public, and what will happen is their plan is to take the Nation back into the deficit, raid Social Security.

We oppose this plan. We support a responsible budget. What we need to be trying to do is to make investments in national security, protect Social Security and Medicare, do something about prescription drugs and the cost of those drugs in the United States today.

It is time for the House Republicans to be straightforward with the American people. We need a responsible, honest, bipartisan budget. We need to protect and strengthen Social Security and shore up the prescription drug benefit, meet our obligations today so that our kids are not saddled with debt.

PRAISING THE EFFORTS OF NUCOR CORPORATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank Nucor Corporation, our Nation's largest steel producer, for their investment in South Carolina and their commitment to our economy, our families and our environment.

Nucor's commitment to South Carolina's economy is demonstrated by its 4 statewide facilities professionally managed by Mike Gurley of Darlington, Ladd Hall of Berkeley, Lynn Strock of Florence and Jeff Carmean of Swansea. These facilities have produced more than $1 billion in total sales and have contributed more than $1 billion in total investment back into the State's economy.

Nucor has touched the lives of families across the Palmetto State by employing 1,800 skilled and dedicated South Carolinians and by contributing over $300,000 in education scholarships last year.

A leader in environmental stewardship, Nucor is the largest recycler in America, and through efficient fuel consumption, Nucor saves enough energy annually to power the city of Los Angeles for 8 years.

Mr. Speaker, I commend Nucor for their wise investment in South Carolina's economy, families and environment.

SUPPLEMENTAL APPROPRIATIONS LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I recollect the pronouncements being made by this House just a year ago, Republicans said that we will not, this House will not raid Social Security and Medicare, from the very highest levels of their leadership. Interestingly, today, we come with a back room supplemental appropriations bill that raises the debt limit so that we can, in fact, raid Medicare and Social Security.

This is legislation that we should not support. Social Security is the very underpinnings of security for hardworking Americans. Medicare provides health care for hard-working Americans who have reached retirement. Here we are today passing a bill or attempting to pass a bill that will raise the debt limit, a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, therefore undermining again the trust of the American people, believing that Social Security should be there for all who work hard.

We need a more responsible and honest and bipartisan budget. We need to protect and strengthen Social Security. We need to protect and save Medicare. We need to vote no on this rule and we need to vote no on this supplemental if, of course, it proposes an increase in the debt limit.

VETERANS NATIONAL CEMETERY IN NORTH FLORIDA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am glad to hear the Veterans Administration cemetery expansion is a top priority for the President next year. Florida has our Nation's second largest veterans' population in the United States and one of its oldest. In fact, it is number one.

Nearly 325,000 veterans call home somewhere in the Jacksonville City vicinity, and this is the location of 3 congressional districts, mine, the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. CRENSHAW), as well as in nearby southern Georgia. Yet the closest VA cemetery is at least a 3-hour drive from Jacksonville. The next closest in proximity lies in Marietta, Georgia, which is just north of Atlanta.

A new national VA cemetery in the metropolitan Jacksonville area or nearby Clay County would answer the unmet need for north Floridians and southern Georgians.

My colleagues may ask why should I support a cemetery in Florida. Well, from Michigan and New York, the Midwest and elsewhere, there is a high likelihood that their constituents are contemplating retiring in north Florida. We welcome them and I hope my colleagues will sign on to my bill H.R. 1205.

We welcome your veteran constituents to call north Florida home. I hope you will consider cosponsoring my bill, H.R. 1205, and help us to provide the dignified, hallowed grounds our veterans deserve.

MILITARY APPRECIATION MONTH

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to honor Military Appreciation Month. I rise to thank our men and women in uniform for their sacrifice, service and dedication.

We show our appreciation by voting them the pay raise they earned and making sure they live in quality housing and have the tools they need to defend us. In addition to our active duty personnel, nearly 82,000 members of the National Guard and the Reserves have been called into active duty since September 11.

I appreciate those who serve our Nation, put their lives on the line to defend our freedom. These men and women are heroes. They work side by side with us during the week. Their children go to school with our children, but on weekends and when called upon, they go into active duty to defend our country. I want them to know that America thanks them.

I specifically would like to thank General Andreotti and Colonel Dennis Lord of the Minnesota National Guard for their long and diligent service fighting for the interests of the Guard and Reserve. I want to thank the Minnesota National Guard and Reserve. Two weeks ago was their last week guarding the Minneapolis/St. Paul International Airport.

THE LONG WAR ON TERROR

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, we find ourselves in a long war on terror. There has been much discussion on Capitol Hill this week and around America about blame and about how it is that we ought to inquire and investigate institutional failures.

So I rise today, Mr. Speaker, to remind us that our experience with terror in America did not begin on September 11 in Washington and in New York. Rather, it began on February 26, 1993, with the first World Trade Center bombing. Terrorists blew a hole 6 stories deep in an attempt to topple the north tower; Mogadishu, Somalia, 18 American soldiers killed; the Khobar Towers in 1996, a barracks housing U.S. soldiers, 19 servicemen killed; U.S. embassies in Kenya and Tanzania in 1998, 245 killed; the *USS Cole* in October of 2000, 17 servicemen killed.

We are in a prolonged engagement with terror centered in a single terrorist organization. Let us stand with our intelligence committees as they rightly inquire into the institutional failures that have occurred.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 427 is a rule providing for the consideration of the conference report for H.R. 3448, the bioterrorism bill. The rule waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

The Committee on Rules approved this rule last night, and I urge my colleagues to support it so that we can proceed with an hour of debate and consideration of this bipartisan conference report.

Mr. Speaker, I want to take this opportunity to applaud the commendable work of my friends and colleagues on the Committee on Energy and Commerce for the work they have done to bring this final bill to the floor today. The gentleman from Louisiana (Mr. TAUZIN), the committee chairman, and the gentleman from North Carolina (Mr. BURR), along with the gentleman from Georgia (Mr. CHAMBLISS), who is the chairman of the Intelligence Subcommittee on Terrorism and Homeland Security, all of whom played an instrumental role in securing the much-needed $600 million in authorization for the Centers for Disease Control and Prevention to upgrade and enhance its facilities over the next 2 years, which is one of the conference report's most noteworthy proposals.

Among the many good things that this bill does, it included a bill that I introduced in the first part of November that will allow the reauthorization of the building-out of the CDC. Mr.

Speaker, the CDC is a group of world class intellects in a Third World facility. It has no security. They have scientists working on computers that are covered by polyethylene so that leaking roofs do not destroy them.

As the American people recover from the discovery of anthrax in our mail system last year, we will continue to turn to the CDC for new ways to confine and eradicate these dangerous threats to the public health. This enhanced funding for the CDC to upgrade its facilities will be an important part of that process, and I look forward to President Bush, who visited the CDC with the gentleman from Georgia (Mr. CHAMBLISS), myself and other members of the Georgia congressional delegation last year, I look forward to him signing this measure into law.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour.

I rise in support of the underlying conference report. The Bioterrorism and Response Act enjoys strong bipartisan support, having passed the House by a vote of 418 to 2. Moreover, this measure moved forward the consultations from both sides of the aisle, a practice all too rare in the current Congress.

□ 1030

Mr. Speaker, this bioterrorism measure represents the first comprehensive effort to shore up our Nation's defenses against a terror attack. This includes critical provisions calling for the stockpiling of drugs and vaccines. It outlines initiatives to help prevent, detect, and treat terrorism-related health threats, including the possibility of a smallpox epidemic. Moreover, the legislation authorizes substantial new spending to help State and local health officials prepare for bioterrorism attacks. Grants would be made available to help hospitals prepare for the treatment of victims. Funding for research and prevention and treatment would also be increased.

Of utmost importance, the bill ensures that additional steps would be taken to protect the food supply, including new authority for the FDA to bar unsafe food from entering the country. Many of us have long felt that the increased imports of food from countries outside the scope of U.S. safety regulation posed a unique threat to our citizens, especially with the advent of bioterrorism. The measure begins to address this concern by providing needed grants to States to strengthen food inspections and deal with outbreaks of food-borne illnesses. New registration and recordkeeping requirements would be imposed and safety improvements would be ordered at animal research labs.

Mr. Speaker, I would also like to highlight the provisions of the legislation designed to protect our most vulnerable citizens in the event of terrorist attack: our children. I was proud to join my colleague from New York, Senator HILLARY CLINTON, in introducing the Protecting America's Children Against Terrorism Act. The bill provided Federal resources and coordination to ensure that our children's needs are met in the event of a terrorist attack. I wish to thank the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), for including the majority of these provisions in this comprehensive measure.

The events of September 11 have illustrated only too clearly for us the risks posed to our children by terrorism. Children perished aboard the planes that crashed. Both the World Trade Center and the Pentagon housed day care centers. Nearby schools had to be evacuated, and an estimated 10,000 American children lost a parent as a result of these atrocities, many of them losing their sole or primary caregiver.

In recent months, new concerns have emerged. With the threat of bioterrorism and chemical warfare more prominent, we have realized that the proper dosages of vaccines and antidotes for children is incomplete. Few health care providers are trained to recognize the early signs of smallpox or anthrax, which can mimic cold or flu symptoms. The National Pharmaceutical Stockpile Program is not necessarily equipped with the supplies necessary to administer drugs or other treatment to large numbers of children.

Other needs have become evident as well. Many schools lack effective evacuation plans or methods of moving children to an alternative safe location. Networks do not exist for informing parents of evacuations and the sites where their children may be found. Mental health services are not always available for children traumatized by catastrophic events.

The conference report includes our proposal to protect children against bioterrorism by examining the preparedness of our Nation's health system for mass casualties of children and youth resulting from bioterrorism. It would establish an information network to collect and disseminate information for health providers on how to prepare for a biological terrorist attack and what steps to take to ensure children get the health care they need in the case of an attack. Moreover, the measure would ensure that the National Pharmaceutical Stockpile Program includes inventories to meet the medical needs of children.

The events of September 11 have revealed to us the gaps in our preparedness for a major disaster. We owe it to all our citizens to ensure that we close these gaps before a future emergency, be it terrorism, natural disaster, or other cause, requires that we take action.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee.

Mr. TAUZIN. Mr. Speaker, I thank the Committee on Rules for bringing this rule to the floor today.

After 9–11, the Committee on Energy and Commerce began a series of roundtables with the agencies under our jurisdiction and members of both sides of our committee. The gentleman from Michigan (Mr. DINGELL), leading the minority, and myself representing the majority, had meetings with the agency officials under our jurisdiction to ask several questions, the most of important of which was: tell us a little bit about where your vulnerabilities are; tell us a little bit about where you are not prepared; and tell us a little bit about how Congress might enact new laws and new authorities to make you better prepared for the things we might now expect, that indeed might now threaten our country in ways we were never before threatened.

9–11 taught us a lesson, in effect. It taught us that we have to be willing to think like evil people. And that is not our custom. We think like good people in America. We do not think like evil people, designing ways and means to kill and destroy and to disrupt the lives of citizens who are innocent and have nothing to do with our cause. We think literally so totally different from the kind of enemy we now face in this terrorist situation that it was difficult for agency heads and even Members of Congress to think about all the things that someone with an evil mind might want to do to our citizens and our constituents; what they might want to do to this country and to the people that live here.

So as we began to have those discussions with agencies under our jurisdictions, we suddenly realized how necessary it was to put together a bioterrorism package. And here, Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for the excellent work he did in bringing to our committee ideas about how to make the CDC a much more functional and a much more effective agency for our country, in not only just studying the prevention and treatment of diseases that are normal in our society, but now making sure we have the vaccines and the research going forward to protect us against the artificial insertion of biochemical and biological threats to our people, as we have now learned is possible. I want to thank him for bringing to our committee and to this bill the great ideas he had about beefing up the capacity of the CDC to do that for our country.

But as we began to hear from these agency heads, we began to learn that, indeed, we had a lot of vulnerabilities in our country; that we did not have enough vaccine, for example, to make sure if anthrax were introduced into our society to harm us we could vaccinate enough people in our country. So we set to work immediately to make sure our health department not only got the right amount of vaccine available for us, but that our health agencies were all preparing to make sure that other vaccines and other treatments were available to first responders in case we had such an evil attack on our people.

We learned, for example, that we had to organize better the laws that protected against people owning and transferring biological agents to one another so that we might find the owner or the possessor of an agent that enters our mail, for example, and begins to kill our people, whether it is a domestic threat or a foreign threat; that we had to make it illegal for someone to transfer the possession of some of these agents, if in fact they were legally in their possession, to make it criminally wrong for them to transfer it without authority, without a permit.

We learned, for example, that our first responders were woefully unprepared in the case of a biological or chemical threat to our country to deal with the kind of casualties we might expect if something like that happened. We learned that we needed, for example, to beef up the capacity of our ambulance services and our nurses and our hospitals to deal with those kinds of problems, if, God forbid, they should happen in our country. This bill, for example, will provide another $520 million to the hospitals of America, a special help in grants, to make sure they are prepared for those kinds of emergencies.

We learned also that our drinking water supplies needed to be better protected and safeguarded. We learned that, indeed, the incredible ability of someone to damage our country, who thinks as evilly as some of these people do, might find its way into threats against our water supplies. Just recently, I think last month, people were caught filming a water reservoir, I think in Connecticut. And we began to think, well, maybe people might indeed want to threaten the safe drinking water of our citizens, if they have such evil minds.

I was reminded in all these meetings of that aircraft that took off from New York City, I think it was Egyptian Air; and instead of landing somewhere at its final destination, some pilot dove that plane into the ocean. I was reminded of when that happened and reminded that most of us in America thought how awful it was that if this pilot did indeed want to commit suicide, if that was really his purpose, why did he have to take all these innocent people along with him.

It dawned on us, that is the way good people see an incident like that. The way evil people saw that incident was, perhaps in a desert somewhere or a cave somewhere in Afghanistan, he could have taken out more people had he taken that plane into a building. That is the way evil people think, how much more destruction he could have rendered had he done something different instead of just crashing the plane into the ocean.

So through these meetings, through all this work we have done on the bioterrorism legislation, we have tried the awful exercise of thinking as evilly as we could. What would the most evil person try to do to us with biological threats, with chemical threats, with agents of destruction? What would the most evil person do to disrupt our health supply system or to disrupt our clean water system, to make sure we did not have enough clean drinking water perhaps, to poison that system or cause people death and injury? What would the most evil mind try to do if they learned how to fly a crop duster or a mosquito spraying plane and take that equipment somewhere and spread biological or chemical agents upon our people?

We went through that awful exercise of trying to think like the most evil person on Earth and then tried to write a bill to make sure the agents of our government, those who are in charge of our health care system, those in charge of building our vaccine supplies, those in charge of testing biological agents, the first responders and those in charge of our incredibly sensitive clean drinking water supplies, what would we do in a bill to bolster our ability to meet those kinds of threats?

So, last December, our committee presented to this body our bioterrorism package, and this body approved it overwhelmingly, I think 430-some odd votes to 2, and sent that package on to the Senate. The Senate, similarly, passed a bill that mirrored in many aspects the House-passed version. It was passed unanimously in the Senate, and Senator TED KENNEDY and I have worked since that date in December to bring the best of those two packages together into a single package that we might present to the House and get signed by the President so that this country might be just a little safer from those evil minds who threaten, or would try to threaten, our country.

This week we have learned about new threats. This week we have learned that the level of communications among al Qaeda operatives around the world is beginning to rise again, and that there are conversations about hitting this country again. We have heard testimony in the last few days that maybe it is not if, it is when. Maybe, indeed, we have to think about the inevitability of some strike against our people again. So we better have our first responders ready. We had better have enough vaccines ready. We had better have enough treatment facilities available. We had better make sure we protect the drinking water of our people as much as we can. We had better make sure our hospitals and our nurses and our ambulances, and all our firefighters, all those heroes of 9–11, are as well equipped as we can make them to respond as quickly as possible to the next set of threats that are leveled against our country.

And so we have brought together in this conference the best of the Senate bill and the best of the House bill. And I want to compliment Senator TED KENNEDY and the Senate team for working so well with our team on the House side. In the end, I think we present an excellent package for the consideration of both bodies for the President to sign. And I cannot think of a better week than this week, when everybody's attention is riveted again on the new threats that are being talked about in conversations around the world against our people, that we pass this bioterrorism package and put it on the President's desk for his signature.

We have included one extra thing of significant importance that I also want to mention. Up this year for renewal is something called PDUFA. It is an acronym for a policy that has allowed this country to collect user fees from the drug companies, the big pharmaceutical companies of America, and those user fees pay the salaries of people who work at the FDA, the Food and Drug Administration.

That Food and Drug Administration set of personnel then do the testing, the analysis, all the research, all the professional analysis that goes into making sure that the pharmaceutical drugs that are patented in this country are tested first before a pharmaceutical company is allowed to sell them to your mom and your dad and your relatives, and even to those of us who need those drugs to survive or treat an illness.

□ 1045

The importance of that program, that prescription drug user fee program, is critical in America, and it is about to expire. It expires in September. If we do not reauthorize it this year, immediately, we begin laying off people at the Food and Drug Administration. So we have included in this package the reauthorization of the Prescription Drug User Fee Act which funds the work that goes forward to make sure that new prescription drugs are properly tested before the Food and Drug Administration authorizes any pharmaceutical company to allow a doctor to prescribe them to the citizens of this country.

And so we have brought you a good package that we think draws from the best of the House and the Senate versions of bioterrorism and we have added to it the reauthorization of the Prescription Drug User Fee Act. This package again represents this Nation's first line of defense against bioterrorism at a day and at a time when all of us know now that there are people who would love to disrupt this society by attacking us with one of those forms. When you think about 9/11 again and the awful consequences of 9/11 and you sit in a cave now in Afghanistan and think about how much more damage you might do to this country than you did on 9/11, bioterrorism is one of those areas we have to be concerned about. This bill gives this country many more tools to work with to defend and protect our people. It adds a whole new arsenal of first responder capabilities to in fact respond if we do get hit again, and it gives us the reauthorization of the Prescription Drug User Fee Act, a critically important act for the continuation of prescription drug protections for our country.

I again want to thank the Committee on Rules for doing such an expeditious job last night late in bringing this rule to the floor so we can pass it before the Memorial Day recess.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentlewoman for yielding me this time.

Mr. Speaker, in the bioterrorism conference report, House leadership managed to put in a new provision that would allow Medicare HMOs more time to decide whether or not to continue offering health plans. This would allow HMOs to delay for 2½ months telling senior citizens if they will continue to offer health insurance to them. Is this not a bit out of place? We are going to have a Medicare provision in legislation that helps the country prepare for a bioterrorism attack. This is what causes the American people to wonder what in the world we do here.

We have a bill on the floor dealing with bioterrorism and suddenly it is also a bill that deals with Medicare HMOs. Here is a Medicare provision in legislation that helps prepare the country for a bioterrorist attack. Strange, because the Medicare+Choice program is wholly unrelated to bioterrorism. This provision was not considered by a committee. This provision was not considered in the underlying bill in the House or the Senate. It was added to the conference report at the very last minute. This is just another example of how the leadership is able to circumvent the established process and of the way business is done in this House. The only purpose, repeat, the only purpose of this provision is to help the insurance industry by giving HMOs more time to calculate revenue and estimate profits for next year. Every year, the Medicare+Choice program drops seniors to the tune of about a half a million seniors in the last year. Not only do senior citizens lose their coverage, but HMOs in the program have increased premiums, hiked up copayments, decreased benefits, and eliminated coverage year after year. Now, under this provision, seniors will have even less time to review their options for getting the health care that they will need. Allowing Medicare HMOs a 2½-month delay is not good for seniors. It certainly should not be added to the program. And most of all, Mr. Speaker, it should not be in a conference report for the Bioterrorism Preparedness Act.

I call upon all Members to take note of exactly what happened in slipping this provision into a conference report on bioterrorism, and I call upon all Members to remember the senior citizens in our districts who are being thrown out of health care coverage by Medicare HMOs and an insurance industry which does not give a darn about the senior citizens.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank my friend for yielding me this time.

Mr. Speaker, I wanted to read into the RECORD some of the names of the incredible staff who helped finalize this important work for the country. They include the head of our health team, Pat Morrisey, Brent DelMonte, Amit Sachdev, Nandan Kenkeremath, Allan Slobodin, Tom DiLenge, Steve Tilton; and of the legislative counsel, Pete Goodlow. These are staffers who worked tirelessly day and night and, believe me, all night, weekends, to make this possible. So many times we fail to say thank you to them. I just wanted to say on the record, thank you, team.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues to support this rule so we can begin the debate on this important conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

A record vote on the Journal will be a 5-minute vote immediately following this 15-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 19, not voting 12, as follows:

[Roll No. 186]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey

Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Conyers
DeFazio
Filner
Hinchey
Kucinich
Lee
McDermott
Miller, George
Owens
Payne
Rangel
Sanders
Schakowsky
Stark
Strickland
Stupak
Towns
Waters
Watt (NC)

NOT VOTING—12

Burton
Deutsch
Ehrlich
Emerson
Mascara
Meek (FL)
Murtha
Riley
Schaffer
Snyder
Traficant
Watts (OK)

☐ 1113

Mr. TOWNS and Mr. WATT of North Carolina changed their vote from "yea" to "nay."

Mr. MALONEY of Connecticut and Mr. HOUGHTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 186 I was inadvertently detained. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 57, not voting 16, as follows:

[Roll No. 187]

AYES—361

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sawyer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—57

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Brown (OH)
Capuano
Carson (OK)
Condit
Costello
Crane
DeFazio
English
Fattah
Filner
Fletcher
Gephardt
Gutknecht
Hart
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
Markey
Matheson
McDermott
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Ramstad
Sabo
Sánchez
Schakowsky
Slaughter
Stenholm
Stupak
Taylor (MS)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Weller
Wicker

NOT VOTING—16

Bonior
Burton
Deutsch
Emerson
Kind (WI)
Manzullo
Mascara
Meek (FL)
Riley
Sandlin
Saxton
Schaffer
Snyder
Traficant
Vitter
Watts (OK)

☐ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3129, CUSTOMS BORDER SECURITY ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

□ 1130

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule providing for consideration of the bill, H.R. 3129, the Customs Border Security Act of 2001.

The rule waives all points of order against consideration of the bill, and provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 426 is an appropriate and fair rule, and it is consistent with previous rules that our committee has reported and the House has adopted on bills from the Committee on Ways and Means.

This rule gives the chairman of the committee 10 minutes to debate his manager's amendment, while it provides 60 minutes for the minority substitute, plus the chance to offer a motion to recommit.

Mr. Speaker, the Customs Border Security Act of 2001 would authorize the budget for the U.S. Customs Service, the International Trade Commission, and the Office of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography.

H.R. 3129 will help the Customs Service close the gaps in our border that allow illegal money to be taken out of the country. This legislation will also significantly help the Customs Service's ability to stop the flow of illegal drugs from crossing our borders and getting into our children's hands.

This legislation also addresses an issue that is very important to North Carolina, and near and dear to my heart. In the last year, 60,000 textile workers have lost their jobs, 20,000 of them in North Carolina, and a large percentage of those in my district. The industry has done its best through technology modernization to compete, but they have not had a level and fair playing field in our international markets.

This bill will help fight that problem, and it will fight illegal textile transshipments. Transshipments are illegal because some countries ship their goods through another country illegally to avoid the quotas, and they also give a false declaration, which allows them to circumvent the law. Ninety percent of all illegal transshipments originate out of China, so without extra agents to enforce these laws, they get away with it.

H.R. 3129 provides the Customs Service with $9.5 million for transshipment enforcement operations. These funds must be used to hire 72 new employees who will be stationed both here, at home, and abroad to enforce our textile trade laws. Our textile workers are hurting, and they are hurting bad, so I am pleased that the government is beginning to take action.

H.R. 3129 also directs the Comptroller General to conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment. I look forward to their report, and will be interested in their recommendation for improvements to the transshipment monitoring system.

So to that end, I urge my colleagues to support this rule and to support the commonsense underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my good friend, the gentlewoman from North Carolina (Mrs. MYRICK) noted, H.R. 3129, the Customs Border Security Act of 2001, authorizes the budget for the U.S. Customs Service, the United States Trade Representative, and the International Trade Commission. These three agencies are vital parts of our government, as they police our borders and promote the export of U.S. manufacturers.

The rule we are considering today allows for a Democratic substitute, as well as a motion to recommit. I commend the majority for the construction of today's fair rule, and I urge the majority to give consideration for similarly fair rules in the future.

The underlying bill was originally considered by this Chamber in December of 2001 under suspension of the rules, and it failed to gain the two-thirds majority needed for passage. H.R. 3129 failed because many of us on both sides of the aisle had grave concerns about the damage this legislation does to our civil liberties, our right to privacy, and bonus pay for Customs Service agents.

For example, under section 141 of this legislation, customs officers are granted immunity from lawsuits stemming from personal searches of people entering the country, so long as the officers conduct the search in good faith. Additionally, under section 583 of this legislation, customs officers are granted the right to stop and search at the border without a search warrant any outbound mail being transported by the United States Postal Service.

Last night in the Committee on Rules, the chairman of the Committee on Ways and Means, my good friend, the gentleman from California (Mr. THOMAS), made the claim that the major sticking point in the bill last December was the section concerning bonus pay.

Frankly, I am a bit troubled by the chairman's remarks. True, many of us were concerned about the bonus pay provision in the initial bill. However, it was not the gravest concern that some of us had, nor was it the only concern that we expressed. Instead, as I said in this Chamber last December, H.R. 3129 as written imperils some of our civil liberties and some of our right to privacy.

The Rangel substitute offers a more balanced and fair compromise, and I urge our colleagues to carefully consider it. It addresses all of the concerns of our fellow legislators. The Rangel amendment, like the Thomas amendment, includes a provision providing bonus pay to customs agents. It includes a provision stating that the United States government consents to be sued and be held liable for civil damages for suits brought in connection with a wrongful personal search by a customs agent.

The Rangel substitute also contains a provision that raises the standard for searches of outbound mail to one of "reasonable cause," as opposed to the lesser standard of "probable cause."

Mr. Speaker, make no mistake, my concerns for civil liberties and our right to privacy do not blind me to the dangers of terrorism. My district in south Florida is surrounded by 3 major ports and 3 international airports. Just this past week, it was reported by the Coast Guard that 25 Islamic extremists had snuck into this country by way of ports in Miami, Fort Lauderdale, Savannah, and elsewhere. These individuals allegedly hid themselves in cargo containers, and then walked away from the ports dressed as stevedores.

This body must provide our customs agents with the tools they need to defend our borders and wage a protracted war on terrorism. We should not, however, give these same agents an incentive to violate our privacy and our civil liberties, particularly when doing so will provide us absolutely no extra security. If we allow our fears to goad us into abandoning the Constitution, then the enemies of freedom and democracy will have won.

Ostensibly, security measures such as the provisions of this bill I have just discussed should be crafted in a manner to protect our democracy. If those security measures actually end up imperiling the democratic rights and freedoms their sponsors claim they protect, then they should be abandoned.

I urge my colleagues to support the rule. I further urge them to please support the Rangel substitute, and oppose the underlying bill if the substitute is not adopted.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for bringing up the fact that there were those 25 extremists who came in through the ports in shipping containers. It just drives home again the need for this bill and additional enforcement. I thank him for that.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MYRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 32, not voting 16, as follows:

[Roll No. 188]

YEAS—386

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Becerra
Bilirakis
Capuano
Clay
DeFazio
DeGette
Delahunt
Filner
Ford
Frank
Hinchey
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
Meehan
Miller, George
Neal
Obey
Olver
Pastor
Payne
Rangel
Sabo
Schakowsky
Stupak
Tierney
Waters
Watt (NC)

NOT VOTING—16

Berman
Burton
Deutsch
Emerson
Hall (OH)
Linder
Mascara
McKinney
Meek (FL)
Peterson (PA)
Riley
Schaffer
Snyder
Solis
Traficant
Watts (OK)

□ 1203

Ms. LEE, and Messrs. FORD, WATT of North Carolina and MEEHAN, Mrs. JONES of Ohio and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay."

Mr. GILLMOR and Mr. TOWNS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 188 on H. Res. 426, rule providing consideration of H.R. 3129, I was unavoidably detained. Had I been present, I would have voted "no."

CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 427, I call up the conference report on the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to House Resolution 427, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 21, 2002 at page H2691.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is my privilege to bring before the House the conference report to accompany H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. This bill will in short order help ensure America's health security, and I urge my colleagues to join me in sending it to the President's desk.

I want to thank the gentleman from Michigan (Mr. DINGELL), first of all, the ranking minority member of our committee, who, together, with our other members of our committee, put this bill together and secured over 400 votes on this House floor last December for its passage. Now we bring my colleagues back the conference report, bringing together the best of the Senate bill, authored by Senator TED KENNEDY and Senator BILL FRIST, and I want to thank them on the Senate side for their work.

Over 25 Members worked on this conference between the House and Senate, and I want to also thank the Committee on Agriculture and the Committee on the Judiciary members, the administration, and the many interested parties who have helped us draft this conference report.

Mr. Speaker, it is crucial that America's public health emergency system be prepared to respond to the new and emerging threats, and we are here to take care of that job today. The conference report makes broad and dramatic investments in our public health infrastructure to help secure our country and provide safety for the American people.

Let me emphasize a few areas. First of all, communications. The conference report will improve communications between all levels of government, public health officials, first responders, health care providers and facilities during emergencies. It authorizes grants in fiscal year 2002 and beyond in grants to State, local governments, public and private health care facilities to improve planning, preparedness, enhance laboratory capacity, educate and train health care personnel.

It will make the Department of Health and Human Services, give it a new focus so they can improve coordination and accountability through a new Assistant Secretary for Emergency Preparedness. We will also ensure that sufficient drugs, vaccines and other supplies are available for our security.

It enhances those controls on deadly biological agents, agents to help prevent bioterrorism to establish a database of dangerous pathogens. It imposes new registration requirements on the most dangerous of those agents and toxins and mandates tough new safety and security requirements to ensure that only legitimate scientists working on appropriate laboratory facilities can gain access to these potential weapons of mass destruction.

The conference report also helps to protect the safety of America's food supply. We are substantially increasing the resources of the FDA so they can hire inspectors at borders and develop new methods to detect contaminated foods. In addition, we are providing the Secretary with the additional regulatory authority he has requested so that FDA can detain foods where there is credible evidence that it is contaminated or poses a threat to human beings.

H.R. 3448 will also ensure that drinking water systems across the country assess their vulnerability to terrorist attacks and develop emergency plans to prepare for and respond to such attacks. Americans deserve to know that we are taking concerted efforts and action today to protect the safe drinking water of our country.

Finally, Mr. Speaker, I am pleased to report that this bill contains a reauthorization of the Prescription Drug User Fee Act, a critical act that provides the money to test prescription drugs before they are authorized by the FDA for use in our society.

Mr. Speaker, I urge my colleagues to support the conference report. This is a critical, must-do piece of legislation to help this country face the new threats we face, and I urge the adoption of this conference report.

On December 20, 2001, Environment and Hazardous Materials Subcommittee Chairman PAUL E. GILLMOR provided a detailed explanation of Title IV for the RECORD as passed by the House. I want to expand upon those remarks and note several aspects of this title as they have been supplemented in conference with the Senate. As evidenced by the conference report to accompany H.R. 3448, the Senate did not have any comparable provisions to Title IV in their bioterrorism legislation. Therefore, the House and Senate conferees utilized Title IV as passed by the House as base text for the final provision.

In this regard, the first and most significant change agreed to by the conferees was the requirement that community water systems submit a written copy of their completed vulnerability assessment to the Administrator of the EPA. The choice of "written copy" in this context is intentional. Since vulnerability assessments contain highly sensitive information, the conference report avoided any requirement or option for electronic submissions and there is no authority for EPA to put such information into its data systems or to create public access of any kind. In addition, the submission requirement applies only to copies of the assessment itself and does not include any supporting documentation, work papers or other preparatory or analytical material.

Second, I would note that the Federal FOIA exemption covering these submissions and information flowing from these submissions is complete; all information and all information derived from these submissions is exempt from disclosure. Moreover Title IV does not create "FOIA events" at the state and local level since it provides that the requirement to submit a vulnerability assessment to EPA does not create any obligation under State and local law to submit a copy of the assessment to any other governmental authority. And while it permits U.S. officials to "discuss the contents" of the vulnerability assessments with appropriate state and local officials, the substitute does not authorize U.S. officials to provide copies of these assessments to anyone, except as specifically provided in the bill.

Third, EPA is required to handle all submitted information under strict security arrangements and protocols. These protocols are to ensure that no one, other than specifically authorized personnel, have access to any part of the submission or to information derived from the submission. The only allowed exceptions to this restriction are for specified actions under identified sections of the Safe Drinking Water Act. Knowingly or recklessly violating these restrictions is subject to criminal prosecution and fines.

Fourth, it is important to note that the conference agreement on Title IV did not establish any new regulatory role or transfer any new regulatory power to EPA. No new authorities were transferred to the Agency beyond the passive receipt of vulnerability assessments under Section 1433. As noted in the previous statement by Subcommittee Chairman GILLMOR, EPA has no power to promulgate regulations or guidance to define what is an "acceptable" vulnerability assessment; there is only a one-time duty to provide information to community water systems by August 1, 2002. In addition, Section 1433 only defines a vulnerability assessment to the extent that it includes a review of certain specified items, most of which are based on the definition of a public water system under Section 1401 of the SDWA. Thus, no community water system is required to use any particular vulnerability assessment tool, to conduct any specific type of analysis, to determine the consequences of any intentional or terrorist acts, analyze the use of any specific chemicals or characterize the risk of any offsite impacts.

In addition, Section 303 of the conference Substitute authorizes the Secretary to detain a shipment of food where FDA has credible evidence or information indicating that such food "presents a threat of serious adverse health consequences or death to humans or animals." This section does not grant FDA authority to detain whole categories or types of foods, rather it applies to specific shipments or articles of food that the Secretary has credible evidence or information of, based on an investigation, or examination that they present a threat of serious adverse health consequences or death to humans or animals. The "serious adverse health consequences or death" standard that is used consistently in Title III, Subtitle A was drawn from title 21, Section 7.3 of the Code of Federal Regulations, relating to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death.

Furthermore, Section 307 of the Conference Substitute authorizes the Secretary to develop a regulation for prior notice of food imports. In developing such a regulation, the Secretary of Health and Human Services should coordinate and consult with the Secretary of Treasury regarding the notifications already required by the U.S. Customs Service with the goal of eliminating, reducing or consolidating duplicative or unnecessary notice requirements and minimizing potential trade impacts of the prior notice requirements of this section. Finally, Section 305 of the Conference Substitute does not impose a registration fee.

In addition to my earlier remarks on Title II, I want to clarify two other provisions contained in this important title. First, in both the HHS and USDA regulatory program sections, the conference substitute creates a new notification requirement whenever "a release, meeting criteria establish by the Secretary, has occurred outside of the biocontainment area" of a registered person's facility. As is clear from the statutory text—"a release . . . has occurred"—this provision covers actual releases, not threatened or possible releases. Second, the phrase "meeting criteria established by the Secretary" is meant to make clear that we are leaving it up to the two Secretaries to determine, independently, the type or nature of releases to be covered by this provision as it applies to each regulatory regime. We expressly do not intend to incorporate the definitions and interpretations of the term "release" as it is used in a Comprehensive Environmental Response, Compensation, and Liability Act.

Finally, we create a "(b)(3)" statute exempting certain categories of information relating to select agents from the Freedom of Information Act (FOIA). Specifically, we bar disclosure under FOIA of registration and transfer documents, including information derived therefrom that could identify a registered person, or the agents being stored by a registered person; security-related information; and compilations of registration and transfer information. We also protect site-specific information on inspection reports, provided that the agency determines public disclosure would endanger public health and safety. By adding this additional requirement for inspection documents, we are striving to ensure a fair balance between public accountability and security. When a registered person is publicly known to be working with select agents, public disclosure of an inspection report is less likely to endanger public health or safety (provided that security-specific information is redacted), and may improve it by ensuring public accountability. But when the activities of a registered person are not publicly known, revealing the identity and location of a registered person would more likely endanger public health or safety. The agencies will need to consider such matters on a case-by-case basis.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I want to rise first to commend my good friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), for the distinguished work he has done not only on producing a good bill but on producing a good bipartisan bill.

This is a good piece of legislation. Many have worked on it and I can recommend it to the House without reservation. We bring them an excellent legislation to the floor, a matter of great national importance. This is going to improve our preparedness against terrorism. All of us know why the legislation is needed, and now.

The bill, which was sponsored by the gentleman from Louisiana (Mr. TAUZIN) and I and a number of our colleagues, passed the House originally by 418 to 2. The Senate bill, an excellent piece of legislation, sponsored by Senators KENNEDY and FRIST, passed by unanimous consent. It is, as I mentioned, an excellent bill.

The conference report we have now before us is a superb product, thanks to the leadership of the gentleman from Louisiana (Mr. TAUZIN) and Senators KENNEDY and FRIST, as well as all of the conferees who worked very hard on this legislation, and the staff, which deserves great commendation for their labor.

The Act authorizes funds for planning, preparation, and response and activity across the board to deal with those questions, with special emphasis on the State and local level, an area where there is needed and necessary concern. It is hoped that this bill will then make it possible for those who will be provided in this bill and their funding to move directly to the front lines where they are needed, and that will include assistance in shoring up our frayed public health network and our first responders, who are largely officers of the local and State governments.

The bill has important new protections for the food supply of the Nation, an area of particular and long-standing concern. We provide new inspection resources for imported food, but these will only be a down payment on what is ultimately going to be necessary.

Other new authorities are included in the report, registration and detention provisions of the legislation which will help the Secretary to manage imports more efficiently and effectively in the public interest and in the interest of consumers.

There are many other excellent provisions, including improvement in drinking water supply safety, tighter controls on dangerous biological agents. These are important steps and they must be taken now.

Finally, we reauthorize the Prescription Drug User Fee Act which has led to faster FDA approvals of prescription drug applications, and we increase funding for drug safety efforts.

I repeat, this is a good bill. It is an excellent start as our Nation works to improve its abilities to defend against an assault by enemies using biologic agents and other kinds of agents to create danger, hazard and death for our American people.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the balance of my time to the gentleman from Ohio (Mr. BROWN) for him to control on behalf of the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), a distinguished member of our committee.

Mr. NORWOOD. Mr. Speaker, I just want to point out that this bill represents a mammoth undertaking by the Committee on Energy and Commerce, and I would like to compliment the hard work done by the gentleman from Louisiana (Mr. TAUZIN), the chairman, and the gentleman from Michigan (Mr. DINGELL), the ranking member, in bringing this important legislation to the floor. It is something that we must pass, we must get into law immediately, and I am delighted that we are doing so in a bipartisan way.

There are things I would like to see different in this bill, as I presume most

Members would, but we simply do not have that luxury. We have to find a way to protect the American people from bioterrorism today with a bill that can become law immediately.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and too many others to mention have actually found that way in this bill. This bill will provide additional support for the Centers for Disease Control and Prevention, and I want to thank the gentleman from Georgia (Mr. CHAMBLISS), my good, dear friend, for his work in that area, as well as the public and private health care systems throughout America's local communities.

It will improve communication among all levels of government, which is where we clearly have the greatest problem at present. It provides a stockpile of sufficient drugs, vaccines and other supplies that we found we were short of when forced to abandon our offices to anthrax last year. It encourages a development of new drugs and vaccines to combat bioterrorism, and it increases the security at our borders and for our food and drug supplies and waterworks.

I compliment the chairman for getting the Prescription Drug User Fee Act reauthorized through 2007 as an important precursor to solving the long-term challenges of the prescription drug cost.

Mr. Speaker, we can make improvements later. We need action yesterday. I urge the passage of this bill today.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 4 minutes.

American lives depend on the strength and the reach and the cohesiveness of our public health system. For far too long, we have neglected our public health infrastructure, the men and women on the front lines, and the resources they need to do their job.

This bill makes a new investment in the Nation's public health and vaccines and in food safety. I am particularly gratified by the strong language concerning antibiotic resistance and the very positive work we have done to improve the safety of imported food.

I want to recognize the hard work of staff who has been laboring over this bill for several months, pulling some all-night sessions, long weekend sessions. On the Committee on Energy and Commerce, Edith Hollaman and John Ford and Bruce Guinn and Jonathan Cordone on the minority; and with the majority, Nandan Kenkeremath, Amit Sachdev, Tom DeLinge and Pat Morrisey; also with the gentleman from California's (Mr. WAXMAN) office, Ann Witt; and especially three people in my office, Ellie Dghongy, Katie Porter and Earl Seeley, for their outstanding work on this very complicated and extraordinarily complex issue.

□ 1215

This legislation authorizes PDUFA, the Prescription Drug User Fee Act. By increasing the resources available to FDA, PDUFA has enabled the agency to reduce the time needed to assess safety and efficacy of new prescription drugs. Expediting access to beneficial new medicines is good for consumers and good for public health. However, more rapid approval times, coupled with increasingly aggressive marketing by drug manufacturers, all too often have safety consequences.

More new drugs in the marketplace, more Americans taking these drugs due to the barrage of direct-to-consumer advertising, if a lethal side effect surfaces once a new drug hits the market, millions of Americans are affected. That is why it is critical to bolster FDA's drug safety capabilities. One of the most important provisions in this bill enables FDA to devote a portion of the user fees it collects from the drug industry to enhance its pre- and post-market drug safety functions.

We took steps to ensure that the focus on rapid approval time does not put pressure on FDA to drain resources from other important functions, like drug safety, like the review of drug advertising, and, importantly, the review of generic drugs. We also laid the groundwork for improving the process by which drug user fees are established.

The public interest is never served when a regulatory body and the industry it regulates get too close. FDA depends on user fees from the industry it regulates, consumers depend on FDA to focus on public health and public safety, not on drug industry profits. FDA has established performance goals to demonstrate that it is applying the user fees in an effective manner. Historically, the drug industry and FDA have jointly established these goals behind closed doors.

We have taken steps to make sure consumers are part of that process. Regardless of where the revenues come from, FDA's responsibility is the consumer, not the drug industry, something they need to always remember. Any and every goal it sets should reflect that fact.

Mr. Speaker, I want to briefly mention one disappointment in this process. Last year, we passed legislation giving the drug industry a patent extension if they conduct tests to make sure their drugs are safe in children. Some of us question why the Federal Government had to bribe drug companies in order to get them to do tests that should be mandatory. We know many new drugs are prescribed for kids now. We know doctors are forced to fly blind, making decisions about the right medicine, the right dose, without the benefit of clinical testing.

We were told the patent extension incentive was important to get drug companies to conduct tests on drugs already on the market, but that the bill did not supplant FDA's authority to require the testing for new drugs. Well, it appears the drug industry and my Republican colleagues, who on this issue apparently are doing its bidding, have changed their mind. The administration has waffled on whether to maintain the regulations that affirm the testing requirement.

My colleague, the gentleman from California (Mr. WAXMAN) has introduced legislation to codify that requirement, in other words, to ensure that children receive the proper drugs in the proper dosage. If we could depend on the drug industry to make sure their drugs are safe, the drug industry would not be fighting regulations that require them to do so.

Other than those small number of criticisms, Mr. Speaker, this is good legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the conference report.

This important legislation strengthens our ability as a country to detect and respond to bioterrorist threats or attacks. Just this week, the Vice President stated that another terrorist assault is almost certain. Therefore, Mr. Speaker, it is crucial that we quickly pass this legislation and send it to the President for his signature.

The legislation is a strong and comprehensive measure that enhances the security of our Nation. First, we strengthen our public health systems by increasing State and local preparedness to detect and respond to an attack. Secondly, this bill enhances security measures in relation to the handling, transport and storage of dangerous substances. Third, we strengthen our Nation's food security systems. And, fourth, we improve the safety and security of our drinking water systems.

Mr. Speaker, this is a comprehensive approach and a meaningful step to improve our Nation's security systems. The conference report includes provisions to reauthorize the Prescription Drug User Fee Act. This is critically important, because without this program the Food and Drug Administration would have lost millions of dollars and numerous personnel which are used to review and approve lifesaving medicines. I am very pleased we worked in a truly bipartisan, bicameral manner to reauthorize this program.

Unfortunately, we were not able to reach resolution on medical device changes. But I am committed, Mr. Speaker, I like to think we all are, to working to update device laws this year.

I want to take a moment to thank the staff who worked so hard to complete this legislation, particularly to single out Pete Goodloe, the House's Legislative Counsel. We would not have been able to complete this legislation in a timely fashion without his expert services.

Unfortunately, there are so many other staff that have worked so hard, I am unable to name each of them here today. But please know that our country will be better prepared in the future because of your hard work.

Mr. Speaker, this is a strong measure supported by all the conferees, and I urge my colleagues to support this conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 3448.

Mr. Speaker, I rise today in support of H.R. 3448, the Bioterrorism Preparedness Act conference report. I appreciate the work that Chairman TAUZIN and Ranking Member DINGELL have put into this bill, and I want to thank them both for the respectful and helpful way they have dealt with concerns raised by the agricultural community.

However, I do need to express my concerns about the thoroughness of the process in regard to many provisions under the jurisdiction of the House Agriculture Committee. I would have been much more comfortable with a more deliberative process, including a hearing record and outside input.

The conference report includes significant changes in the following areas: the regulation of biological research facilities; changes in the way our food is inspected; changes to human and animal disease monitoring efforts, and many more.

Many of the provisions of this conference report appear to be needed, and are very logical in light of our Nation's current security concerns. For example, language in this agreement to coordinate and enhance our control of dangerous biological agents and toxins is certainly timely and important. In addition, this conference agreement contains needed authorizations to upgrade and secure facilities working with biological agents, both for human and animal disease research.

Given the importance of these issues, along with the willingness of the other conference members to make a few important changes to the bill, I am going to support the conference agreement. Still, I feel I must reiterate that it would have been better if many of the provisions in this agreement, the majority of which are not emergency in nature, had gone through a more thorough and regular legislative process.

Given the reality of the choices before us today, and the importance of some of the provisions in this legislation, I urge Members to support passage of the conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), a member of the committee.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time; and I hope that he will add my staffer, Carolyn Cobberly, to the list of brilliant staffers who have added to this legislation.

Mr. Speaker, serving on the Committee on Energy and Commerce is a high honor. The chance to work on impressive bipartisan legislation like this is why I came to Congress.

The possibility of another bioterrorist attack is real and our Nation must be prepared to respond. Our top priority must be to develop a national strategy to identify the most likely threats and prioritize our response. We already know that al Qaeda and rogue states like Iraq have attempted to acquire biological agents, and we have yet to discover and prosecute the individual or group responsible for the anthrax attacks that killed five people in October and November.

Our government's response to the bioterrorist attacks of October and November was deeply flawed. We have talented people, but we have been lacking the resources and coordination to make our response effective. We must act now to improve our terrorism response before another tragedy occurs.

This legislation moves us in the right direction. It creates lines of communication and organizations to coordinate the roles that our public health agencies, military, and FBI will play in bioterrorism response. It also directs substantial investments to the State and local governments that need it most. All terrorism is local, and our response must be local. This bill provides resources where they are needed most.

I am particularly glad that this bill includes funds to speed up the renovation of CDC's buildings and facilities. I have visited the Centers for Disease Control and Prevention in Atlanta and seen talented people working there in the shabbiest conditions. This legislation authorizes $300 million in each of the next 2 years to improve the security of CDC facilities and construct much-needed research facilities.

I am also glad this bill will increase our investment in improving the IT capabilities of public health agencies across the Nation. One-third of public health agencies are not connected to the Internet. If we are to communicate effectively, we need to develop comprehensive, syndromic surveillance systems to detect the outbreak of diseases, and we need to have all public health agencies on line.

This bill is excellent legislation, and I urge its passage.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. BURR), the distinguished vice chairman of the full committee.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman of the Committee on Energy and Commerce for yielding me this time.

At this time, Mr. Speaker, let me recognize the tremendous work of the chairman, of the ranking member, the gentleman from Michigan (Mr. DINGELL), Senator KENNEDY, Senator FRIST, who headed the Senate side, but more importantly the great work of committee and personal staffs of all the Members who served on that conference. This was not an easy thing to hammer out. It took many late nights on the part of staff. There was a lot of give and take; but it meant that something that was important to this country, something that was timely and urgent, actually got addressed in a sufficient way.

Mr. Speaker, I rise today in support of the conference report. This legislation has been long in the making and is long overdue when we look at what we have gone through. But H.R. 3448 puts in motion the resources, $4.6 billion in 2 years, and authorities needed to close the gaps in our Nation's public health infrastructure.

I would like to speak briefly about a few of the many important provisions included in this bill. I am grateful that the managers agreed to retain the provisions authorizing the National Medical Response System. These provisions are built around legislation introduced earlier and recognize the critical role played by personnel of the National Disaster Medical Response Teams in responding to all disasters, not just bioterrorism. The members of the National Disaster Medical Response Teams are nearly all volunteers who are called away from their real jobs on a moment's notice, and they deserve the liability and job protections we extend to them in this bill.

I am also pleased the managers recognized the need to revitalize and modernize the lab facilities and other buildings at the Centers for Disease Control. This section, which builds on the hard work of the gentleman from Georgia (Mr. CHAMBLISS), the gentlewoman from California (Ms. HARMAN), and the gentleman from Georgia (Mr. LINDER) and their bill H.R. 3219, authorizes a dramatic ramp-up in our facility spending for the CDC.

The legislation also takes into account the central role played by the centers in operating and maintaining a robust public health communications and surveillance system that we were shocked to find out was not electronically connected to every public health entity in this country. But after this bill, it will be connected. The centers are a national asset, and they need our support in order to carry out their very important mission.

The grant program authorized in this legislation, Mr. Speaker, is the real heart of this bill. Building on the work being done on an emergency basis by the administration, these grants will enable our State and local governments as well as hospitals to train personnel, purchase needed equipment, and strengthen the communication and disease surveillance that they have done up to this point. It is our hope spending in these areas will not only help improve our ability to respond to bioterrorist attacks but also strengthen critical elements in our overall public health system.

The bill also tightens control on access to dangerous biological agents and toxins by establishing a reporting and tracking system that was not in place. We do not mean to introduce these provisions to be burdensome on researchers, but as we have learned post-September 11, our ability to know where these agents and toxins are is vitally important.

Title 3 strengthens the safety of the food and drug supply in the United States. I believe that with subsequent regulations from HHS, we found a balance between information requirements and information activities. None of us want to make it a burden to import food and bulk drugs. But after 9–11, we realized we have to have a better handle on the items that cross our borders and where they are.

In this legislation, Mr. Speaker, we also reauthorize the Prescription Drug User Fee Act. The last time we reauthorized this act was when we passed the food, drug modernization act in 1997. This time, PDUFA is reauthorized with increased emphasis on post-market surveillance and generic drug review. The FDA and patients across the United States will benefit greatly from this legislation and that reauthorization.

Finally, let me once again extend my thanks to the many personal and committee staffs on both sides of the Hill who put really invaluable time into working out the differences on this. Like many others, it is not perfect; but it is pretty darn good. It is this legislation will go a long way in restoring the viability of our Nation's public health infrastructure at a time when it is vitally needed.

Mr. Speaker, today I urge my colleagues to support this conference report, support the good work of the House and the Senate, and let us move forward with rebuilding things that we know now we need to rebuild.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

□ 1230

Mr. MARKEY. Mr. Speaker, the litany of saints has been mentioned of staffers who have worked on this bill. I would like to add just two more: one is Jeff Duncan, who is my legislative staff director; the other is Kristen Kulinowski, who is in the gallery right now with her mother and father and husband, who worked on the provision that will provide for the Federal Government to give to the States or to local communities who request it the potassium iodide which would serve as the antidote to thyroid cancer which is the very real and greatest danger in the event of a successful attack of a bioterrorist group at a nuclear power plant or an unwanted accident at a power plant.

And so this is a huge step forward, which I believe is going to really increase public health and safety. I want to thank the majority for their great assistance on this and thank all the people in the minority as well for their great help.

Mr. Speaker, I rise to commend the conferees for their hard work on this important bill. H.R. 3448 includes a provision of mine that will take an important step toward protecting public health in the event of an act of terrorism at our Nation's nuclear power plants. I thank Mr. TAUZIN for working with me in the House Energy and Commerce Committee to include a provision on stockpiling potassium iodide to protect public health in the event of a successful terrorist attack against a nuclear power plant. Potassium iodide is a safe and effective drug that protects the thyroid gland by saturating it with a safe form of iodine so that it cannot absorb the radioactive iodine produced during the plant's normal operation.

My provision, which was adopted in committee and passed by the House with broad bipartisan support, will provide greater protection of public health than existing programs. The Nuclear Regulatory Commission has a voluntary program that provides States with free potassium iodide for people within 10 miles. However, a State must submit a formal request to the NRC to get the free pills, and some States have refused to do so. My provision allowed States or local governments to request potassium iodide for people within 20 miles of these plants, thus expanding the radius of protection beyond the 10-mile emergency planning zone, and would have allowed local governments to request this important protection even if the State had refused to accept the NRC's offer.

The bioterrorism bill that was passed by the Senate had no potassium iodide provision, so we worked together in conference committee to produce the amended provision under consideration today in title 1, section 127. This amended provision directs the President to provide potassium iodide to States and local governments, and provides a mechanism for local governments to request the pills where the State has not done so. The local government is eligible to request potassium iodide from the President only if the State government does not have a plan for stockpiling or has a plan that does not go beyond 10 miles. The local government must first petition the State to modify the State's plan to include the population requested by the local government. If the State does not modify its plan, the local government must submit a stockpiling and distribution plan to the State and the State must certify that the local government's plan is not inconsistent with the State's emergency plans.

In addition, the conferees agreed to commission a study by the National Academies on the most effective and safe way to distribute and administer potassium iodide on a mass scale. I wish to make clear that this study will not consider the overall safety and efficacy of potassium iodide as a medical preventative to thyroid diseases caused by exposure to radioactive iodine. The Food and Drug Administration, Nuclear Regulatory Agency, and Federal Emergency Management Agency have all concluded that potassium iodide is safe and effective. In fact, the FDA has stated that the risks of radiation-induced thyroid cancer in children so far outweigh the negligible risk of side effects, that it is better for a child to take a full adult dose than to take no potassium iodide at all. Thus, the study will only address how best to incorporate potassium iodide into a comprehensive emergency plan that may include evacuation and sheltering.

One thing I would like the National Academies study to consider is whether a 20-mile radius goes far enough to protect people in the event of a core melt-through plus breach of containment. The Nuclear Regulatory Commission's own documents show a significant risk to the thyroid as far away as 200 miles from the plant in such a scenario, yet the official evacuation zone only extends to 10 miles. The NRC disputes this documentation yet has failed to produce for me any new studies that justify the 10-mile zone. The Chernobyl accident resulted in increased thyroid cancers hundreds of miles from the plant. I would strongly recommend the National Academies study whether 20 miles is sufficient.

While this provision doesn't go as far as I would like, it is an important first step in expanding the radius of protection from nuclear terrorism. I thank all the members of the conference committee who worked on this bill and I urge my colleagues to vote for its passage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members not to refer to visitors in the gallery.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished lieutenant colonel.

Mr. SHIMKUS. Mr. Speaker, the committee and our work, especially the Committee on Energy and Commerce, is two-for-two, 2 days in a row, two good bills, bipartisan agreement. I want to applaud both our majority side and our colleagues on the other side for two good pieces of legislation.

Since the attacks of September 11 and the recent anthrax exposures, our Nation has had to reevaluate its ability to respond to a bioterrorism attack. The anthrax attacks, though small in scale compared to the scenarios envisioned by bioterrorism experts, strained the public health system and raised concern that the Nation is insufficiently prepared to respond to bioterrorist attacks. Improving public health preparedness, food safety protection, and response capacity offers protection not only from bioterrorist attacks but also from naturally occurring public health emergencies.

This conference report substantially improves our country's ability to plan and prepare for such an emergency. It increases the ability of the Federal

Government and communities to plan for any future biological emergencies. This includes improving communications and the public information flow, updating lab capabilities, authorizing a national stockpile, and assisting our health care providers to be prepared to provide care.

In particular, Mr. Speaker, title II of this legislation creates a list of all biological agents and toxins and regulates which individuals can work with them. As many of the Members are aware, the Justice Department will start giving lie detector tests to hundreds of current and former Federal employees who worked at two Federal facilities where anthrax was kept. One former researcher at one of the labs said that nothing was in place to prevent workers from removing the deadly germs from the labs. This legislation will make sure that the government is well aware where these dangerous toxins and agents are being researched and stored and exactly who will be doing the research. If this provision had been in place prior to last year, the anthrax attacks might have been prevented.

In addition, title I of this bill includes a provision that addresses health personnel shortages that would impact the ability of the Nation to respond during a bioterrorism attack. The bill establishes grants for training and education of these critical health care providers.

I ask for full support of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse who is on our committee.

Mrs. CAPPS. I thank my colleague for yielding time.

Mr. Speaker, I rise in support of the conference report on the bioterrorism preparedness bill. This bill is a good example of what we can accomplish when we work together. The bill we produced under the leadership of Chairman TAUZIN and Ranking Member DINGELL will strengthen our public health infrastructure and make a much-needed increase in resources for food and water safety and security.

I am very pleased that one of my bills, the Community AED Act, was included in this legislation. I introduced this bill earlier this year with my colleague, the gentleman from Illinois (Mr. SHIMKUS). It will help local communities place automatic external defibrillators in public places. Quick access to AEDs can mean the difference between life and death for victims of sudden cardiac arrest. Making sure AEDs are readily available will improve our ability to cope with public health emergencies.

I am also pleased that this bill sets aside funds to train health care workers to identify and treat symptoms of bioterrorism. And it provides the Secretary of Health and Human Services with a small pool of funds to address workforce shortages. But as a part of our goal of preparing for bioterrorism, we still need to do more to address the shortage of nurses. Nurses, for example, will be called upon to deal with patients who may have been infected by a biological agent, and we do not have enough nurses. That is why I have been working with Chairman TAUZIN, Chairman BILIRAKIS, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and others in the House and Senate to complete the Nurse Reinvestment Act passed here last year. The passage of this nursing legislation as a complement to the bill before us today is essential to making us ready for bioterrorism.

I am pleased that Chairman TAUZIN and Chairman BILIRAKIS have given me their assurances that we will finish this bill by the end of June. These bills together can help our Nation be ready for tragedies we do not even want to imagine.

I urge my colleagues to support this bioterrorism bill and commit to final passage of the Nurse Reinvestment Act.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from South Dakota (Mr. THUNE) from the Committee on Agriculture which contributed a great deal to this bill.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time. I want to commend the gentleman from Louisiana (Mr. TAUZIN) for his hard work in bringing together different bills in a bipartisan way that meet the public health threats that we face as a Nation. I particularly want to thank both Chairman TAUZIN and Chairman COMBEST for including language in this bill to authorize an agricultural bioterrorism early-warning surveillance system for animal diagnostic laboratories. This network will provide early detection of bioterrorist events, natural or intentional contamination of our food supply, animal disease outbreaks involving agents which impact human health and early recognition of newly emergent and economically important diseases such as foot and mouth disease. The network will also enhance coordination between State and Federal laboratories as well as public health agencies. In my State, South Dakota State University will benefit greatly from this particular provision.

Mr. Speaker, the infrastructure our Nation needs to protect and prepare itself for bioterror attacks cannot be overlooked. This legislation meets those needs so that people across our Nation can feel safe and secure with the understanding that should the worst happen, we will be ready.

I ask my colleagues to support the conference report.

Since the attacks of September 11th we have all become far more sensitive to the threat of a bioterrorist attack here at home. It is critical that our citizens feel secure at home, that our first responders are properly trained and prepared and that the food that crosses our borders is safe.

I want to thank my colleague Chairman BILLY TAUZIN for his hard work to bring two different bills together in a bipartisan compromise that meets the public health threats we face as a Nation. This bill uses new ideas and new resources to help government officials at every level prepare for bioterrorist threats and public health emergencies.

The bill authorizes more than $1.5 billion in grants to improve bioterror planning and preparedness and to develop new drugs, therapies and vaccines.

The bill authorizes $300 million for the Centers for Disease Control and Prevention to upgrade and improve their facilities and capabilities.

The bill authorizes more than $1.15 billion for the Secretary of Health and Human Services to expand medicine stockpiles and the purchase of additional small pox vaccines.

The bill also grants authority to USDA to impose new registration requirements to regulate those agents that are most devastating to crops and livestock. Additionally, the bill creates tough new criminal penalties to enforce these important new regulations.

Importantly, the bill authorizes $545 million for FDA and USDA to hire hundreds of new inspectors at our borders and to develop new methods to detect contaminated foods. The bill also provides new regulatory powers to FDA to safeguard our food supply. These new resources and authorities will substantially improve the federal government's ability to ensure the safety of America's food supply.

Finally, I would like to thank both Chairman TAUZIN and Chairman COMBEST for including language to authorize an agricultural bioterrorism early warning surveillance system for animal diagnostic laboratories. This network will provide early detection of bioterrorist events, natural or intentional contamination of our food supply, animal disease outbreaks involving agents which impact human health and early recognition of newly emergent and economically important diseases such as Foot and Mouth Disease. The network will also enhance coordination between State and Federal laboratories, as well as public health agencies. In my state, South Dakota State University will benefit greatly from this provision.

Mr. Speaker, the infrastructure our nation needs to protect and prepare itself for bioterror attack cannot be overlooked. This legislation meets those needs so that people across our Nation can feel safe with the understanding that should the worst happen we will be ready.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a leading force on the Subcommittee on Health.

Mr. PALLONE. Mr. Speaker, I rise today in support of the conference report. As a conferee on title IV, the drinking water security and safety provisions, I am very pleased with the compromise that was reached. Title IV of this bill includes strong provisions that will, first, require community water systems to conduct detailed assessments of their vulnerability to attack by terrorists and of available remedies; and, second, require EPA experts to review the findings of the vulnerability assessments.

An FBI warning issued in January of this year notified water officials that Osama bin Laden's al Qaeda network had considered and investigated the possibility of attacking water distribution systems. That is why my colleagues and I thought it was absolutely critical that the final bioterrorism legislation address this issue.

The final bill assures that all vulnerabilities to terrorist attacks, including attacks intended to contaminate the water supply and to release chemicals into neighboring communities, are identified and that available safety measures are evaluated. The bill accomplishes this by requiring community water systems serving over 3,300 persons to conduct vulnerability assessments. Each community water system must certify to the administrator of the EPA that they have conducted a vulnerability assessment. The administrator is also required to provide baseline information regarding which kinds of terrorist attacks or other intentional acts are probable threats. Then these vulnerability assessments, once completed, will be sent to the EPA for secure keeping and to help the government understand the threats to our water systems and develop plans to protect our safe drinking water supply. We authorize $160 million through fiscal year 2005 for this goal.

I want to thank the gentleman from California (Mr. WAXMAN). The language in title IV is a tremendous improvement over the House-passed bill. I would also like to thank the conferees and the staff on the Democratic side, Dick Frandsen, also Greg Dotson with the gentleman from California's office, and Heather Zichal with my office.

This is a good bill. I urge its passage.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Indiana (Mr. BUYER), a distinguished and valued member of the Committee on Energy and Commerce.

Mr. BUYER. Mr. Speaker, I would like to thank Chairman TAUZIN and Ranking Member DINGELL for their diligence and hard work on the conference report. Also after September 11 as we were coming together to put together a bioterrorism bill, Chairman TAUZIN gave me an assignment. Given my expertise with regard to the Department of Defense military health delivery system and the VA, it was to actually draft a medical education piece, a component of this bill. The expertise with regard to how to identify and treat chemical and radiological agents and biological toxins and pathogens rests with the Department of Defense. We have taken this knowledge from the DOD and moved it into the VA because of the VA's nexus as teaching hospitals. We are not going to establish new community standards of medical practice, that is what is extremely important here, but we are going to make sure that our first responders, our doctors, are able to identify and treat these new threats in the future. That is what this bill does.

I want to thank the chairman and the gentleman from Michigan for their hard work at the conference, along with the gentleman from Ohio (Mr. BROWN). I appreciate their work.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN), whose two staff people, Karen Nelson and Tim Westmoreland, did particularly outstanding work. He was on the conference committee with the gentleman from New Jersey (Mr. PALLONE).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time. I want to congratulate the leadership of our committee on both the Republican and the Democratic side and all the staffs who worked on this legislation and urge support for the conference report. It includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration, authority that will be essential in the event of a bioterrorist attack.

I am also pleased that we were able to make significant improvements to title IV of this legislation to help protect the Nation's drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments and provide these assessments to EPA. EPA will then be able to use the assessments to address the threat of terrorism and for any other lawful purpose. These provisions are a step forward. I am glad they have been included in this legislation.

This conference report includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration—authority which will be essential in the event of a bioterrorist attack. The report authorizes the FDA to: Require food companies to register with the FDA their names and locations; detain food if there is information that it may present a serious risk to health, either at the border or in domestic commerce; require importers to give the FDA prior notice that a food will be coming into the US; require food companies to keep records that will assist the FDA to trace contaminated food; and inspect food establishments when there is a reason to believe that they are holding food that presents a serious risk to health.

We were also able to make significant improvements to Title IV of this legislation to help protect the nation's drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments, and provide those assessments to EPA.

EPA will then be able to use the assessments for a number of critical purposes: To ensure that vulnerabilities are being adequately assessed; to ensure that federal grants are awarded appropriately; to conduct thorough inspections under the Safe Drinking Water Act; to address significant vulnerabilities under section 1431 of the Safe Drinking Water Act; to share with law enforcement and intelligence agencies; and for any other lawful purpose.

I would also note that the report contains reauthorization of the Prescription Drug User Fee Act. For the first time, we have included provisions that will allow the FDA to use user fee money to watch over the safety of drugs after they are marketed. This is of great importance, particularly at a time when questions have been raised about whether faster drug approvals have undercut drug safety.

These provisions are a step forward, and I am glad they have been included in this legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. GILLMOR), the distinguished chairman of the Subcommittee on Environment and Hazardous Materials of the Committee on Energy and Commerce.

Mr. GILLMOR. Mr. Speaker, I want to commend Chairman TAUZIN, Ranking Member DINGELL, and the others who have worked so hard to produce a conference committee report that certainly I am in very strong support of.

In particular, I want to highlight the need to support the drinking water protection provisions contained in title IV. Just yesterday, newspapers were running front page stories about New York City worrying about the vulnerability of their water system. As chairman of the Subcommittee on Environment and Hazardous Materials, I am pleased that our committee is tackling that issue, which is a serious concern not only of some of our biggest systems but some of our medium and small-sized systems as well.

I believe the original House language on title IV was preferable to the provisions in the conference report, but I am glad we were able to retain the core features of the House bill. Specifically, we require drinking water systems to do vulnerability assessments and to compile emergency response plans. In addition, we provide money for mandates and establish emergency funds.

I strongly support the bill.

As chairman of the Environment and Hazardous Materials Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I am taking this opportunity to elaborate on and clarify the provisions of the conference report on Title IV of H.R. 3448, the Public Health Security and Bioterrorism Preparedness Response Act of 2002. I want to provide a more detailed explanation of Title IV for the RECORD.

Title IV of the Public Health Security and Bioterrorism Preparedness Response Act of 2001 requires community water systems serving over 3,300 individuals to conduct vulnerability assessments and to prepare or revise emergency response plans which incorporate the results of the vulnerability assessment. The legislation, however, also recognizes that many community water systems have conducted or will be in the process of conducting vulnerability assessments at the time of enactment. Title IV is thus explicitly drafted not to create a regulatory program which could slow down ongoing efforts or to require systems that have completed vulnerability assessments to undertake another such assessment. The title only requires that systems certify that an assessment has been completed by a specific date, not that the assessment was initiated and/or completed before or after the date of enactment. Moreover, the title only requires that systems submit a written copy of the assessment to the Administrator of EPA. Thus, the title does not require that any preparatory or supplementary material or analysis be provided to the Agency.

By only requiring submission of a written copy, Title IV recognizes that vulnerability assessments can contain highly sensitive information which would pose a danger if disclosed. The conference agreement on Title IV did not include any requirement or option for the submission of these assessments in electronic form. This recognizes that the information protocols required under Title IV will tightly control access to the assessments and that these documents will not be available or placed on EPA electronic systems which have been demonstrated to be vulnerable to unauthorized access.

Title IV requires strict security arrangements, procedures, equipment and locations be established at EPA before the Agency shall receive the submitted written copies of vulnerability assessments. These protocols are to ensure that no one, other than specifically authorized individuals, have any access to any part of the submission or to information derived from the submission. Only very specific exceptions to these restrictions are allowed under Title IV and knowingly or recklessly violating these restrictions carries with it criminal sanctions of both imprisonment and fines.

Title IV does not create a regulatory role for the Environmental Protection Agency (EPA) in defining what is or is not an acceptable vulnerability assessment. EPA is provided no regulatory authority in this regard; instead, the Agency is only to provide information once to community water systems (by August 1, 2002) regarding what kinds of terrorist attacks are probable threats. EPA is to coordinate its efforts with other agencies and departments of government who have expertise in this area, to compile information readily available or already developed, and to promptly distribute this information. The statute does not provide a continuing duty for EPA in this area past the date specified in the legislation.

In this regard, vulnerability assessments are defined in statute only to the extent that they include a review of certain specified items. These items are those which make up the physical structure of a public water system (as defined in section 1401 of the Safe Drinking Water Act (SDWA)), electronic, computer or other automated systems, physical barriers, the use, storage, or handling of various chemicals and the operation and maintenance of a drinking water system. Title IV recognizes that there are many different types and sizes of community water systems (CWS) and gives CWS wide discretion to devise and conduct a vulnerability assessment. EPA is not given any rulemaking or other authority to define further what is or is not a vulnerability assessment meeting the requirements of section 1433. Nor does Title IV require that a community water system utilize any particular vulnerability assessment tool, or conduct any specific type of analysis. Community water systems are not required to determine the consequences of intentional acts or terrorist acts, analyze their use of specific chemicals, including chlorine, as opposed to other chemicals, or to characterize the risk of any offsite impacts. Further, the term "physical barriers" does not necessarily include "buffer zones" or any other area around physical structures.

Title IV recognizes that vulnerability assessments could contain very sensitive information about a drinking water system which would be of assistance to a terrorist or an individual contemplating an attack. Therefore, Title IV provides a full, complete and airtight exemption from disclosure under the federal FOIA requirement (5 U.S.C. 552) for all information submitted to EPA and any information derived therefrom. Further, the Title addresses the situation where a state or local FOIA requirement could be "triggered" by submission of a written copy of a vulnerability assessment to EPA. The Title provides that no community water system will be compelled to submit a copy of the vulnerability assessment to any governmental entity that is occasioned by the requirement that the system submit such assessment to EPA.

Title IV does not contain any requirement that the EPA or any other governmental body receive for review emergency response plans prepared by water systems. Nor does Title IV contain any requirement that community water systems provide such information to EPA or to any other person or governmental entity. Community water systems are to coordinate with local emergency planning committees (LEPCs) in the preparation or revision of emergency response plans for the purpose of avoiding duplication of effort and taking advantage of previous information developed by the LEPCs for first responders and local government response. There is no requirement that community water systems disclose any of the information developed by the vulnerability assessments to the LEPCs.

The legislation authorizes EPA to provide financial assistance to CWS for several specified purposes. EPA may provide assistance for vulnerability assessments, for developing or revising emergency response plans and for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health. The Title also authorizes assistance for small water systems and immediate and urgent security needs, subject to limits specified in the Title. Title IV does not define either "basic security enhancements of critical importance" or "significant threats to public health." However, existing SDWA programs which provide assistance to water systems have not provided assistance for continuing expenses such as operations and maintenance or personnel expenses. This legislation does not change this long-established public policy and specifically indicates that basic security enhancements do not include expenditures for personnel costs, or monitoring, operation or maintenance of facilities, equipment or systems.

Finally, Title IV clarifies that EPA has discretion to act under Part D, Emergency Powers, of the Safe Drinking Water Act (SDWA) when the Agency has received information about a specific threatened terrorist attack or when the Agency has received information concerning a potential terrorist attack (but not necessarily a specific, identified threat) at a drinking water facility. In exercising this discretion, the EPA should only rely upon substantial, credible information. EPA should not interpret "potential terrorist attack" to mean that there is merely some possibility or statistical probability of a terrorist attack. Neither should EPA interpret a general warning, general announcement or general condition to be sufficient information of a threatened or potential terrorist attack. Specific, credible information is required, and all other elements of section 1431 must be met, including the existence of an imminent and substantial endangerment to the health of persons, that appropriate State and local authorities have not acted to protect the health of persons served by the drinking water system, and that the EPA Administrator has consulted with State and local authorities regarding the correctness of the information regarding both the specific threat and the actions which the State or local authorities have taken. The authority granted to EPA in section 1431 is a limited, case-by-case, contingent emergency power.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me start out by congratulating the committee for putting together this legislation and putting together the conference report. This is a very good bill. I think it says a lot about the Congress that it has been able to respond as quickly as it has to the events of September 11 and the subsequent events of anthrax that we felt right here on Capitol Hill.

Subsequent to September 11, I had the opportunity to meet with the heads of a number of the institutions in the Texas Medical Center which is in my congressional district and is the largest medical center in the United States. In discussions with those individuals, I learned that while we had the knowledge throughout the United States in our various medical complexes to deal with the threat of bioterrorism, we did not necessarily have the means to deploy that knowledge. We really were not prepared to deal with it. And so a number of the institutions followed the lead of the Committee on Energy and Commerce and others in the Congress to try and address this and say that the Federal Government and the taxpayers would make an investment in making sure that we could deploy those medical assets the next time there is an attack.

As some of the speakers said, this bill may not go far enough, and I would concur with that; but it certainly is a very good start to begin to address this situation, to make sure that not just in the Nation's capital but throughout the United States that our local communities, with their local health care facilities, will begin to put together the plans to be able to deploy these assets to protect the American populace.

□ 1245

That is what we ought to be doing in this body to address that. So I want to commend the Members, the chairman and ranking member of the full committee and subcommittees that worked on this, and I urge my colleagues to pass the legislation.

Mr. Speaker, I rise today in support of the conference report for H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act. In the wake of the September 11 terrorism attacks on the United States, it is clear that we need to invest in our public health infrastructure to ensure that we are prepared for future terrorism attacks. As the representative for the Texas Medical Center, the nation's largest medical center, I have learned that our nation's hospitals are not adequately prepared for bioterrorism attacks and need federal assistance in order to upgrade their facilities.

I am pleased that this conference report authorizes federal funding of $1.6 billion in Fiscal Year 2003 for grants to states, local governments, and public and private health care facilities to improve planning and preparedness activities. Of this total, $520 million in state grants will be made for the preparedness of hospitals, including children's hospitals to enhance their capacity to deal with emergencies such as bioterrorism attacks. I believe that all hospitals should be eligible to receive this funding in order to transform their emergency department. This legislation also authorizes $300 million to upgrade and expand the Centers for Disease Control and Prevention (CDC) facilities. During the recent anthrax attacks, we learned that the CDC does not have adequate staff and laboratories to conduct testings for individual anthrax tests. This legislation will correct this insufficiency and invest in our public health response. This measure also authorizes funding of $1.1 billion to expand the supply of vaccines, medicines, and supplies available to treat biological weapons such as anthrax. This funding will also ensure that we have adequate supply of smallpox vaccines and other antidotes for biological agents.

In order to protect public health, this legislation would also give the Food and Drug Administration additional authority to detain and bar food products. While we know that certain imported foods can kill children, yet the FDA does not currently have the ability to bar those who have knowingly imported these foods which have been adulterated or misbranded. This conference report also authorizes the FDA to require food importers to notify the FDA in advance of their arrival. This will help the FDA to carefully monitor which foods are being imported into the United States in order to protect public health. Finally, this bill would require all facilities that manufacture, process, pack, or hold food for consumption to register with the FDA. With registration, the FDA will be able to quickly track food products and appropriately act when any food products result in sickness or illness for our Nation's population. This measure would also provide new resources to protect our water supply. This conference report authorizes $160 million in Fiscal Year 2002 and such sums as necessary for future years. Under this bill, the 353 largest water systems which serve a total of 116 million people will be required to conduct annual vulnerability assessments. The legislation also requires those water systems which serve more than 3,300 persons to prepare an emergency response plan. Both of these requirements will encourage our water systems to carefully analyze their vulnerability to biological attacks and to prepare when their water supply may have been contaminated.

Finally, this legislation includes provisions to reauthorize the Food and Drug Administration's prescription drug user fee program through Fiscal Year 2007. This measure would authorize the collection of $1.2 billion in fees over five years in order to ensure that the FDA has sufficient resources to review prescription drug applications. These additional fees help the FDA to hire additional personnel who can review prescription drugs and medical devices.

I urge my colleagues to support H.R. 3348, legislation that will ensure that our Nation is better prepared when the next terrorism attack comes. With recently warnings of potential terrorism attacks, I believe that our public health infrastructure is well prepared.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to introduce the next speaker.

Mr. Speaker, the gentleman I am about to introduce was not only one of the conferees on this important legislation, but he and the gentleman from Georgia (Mr. LINDER) and I believe the gentlewoman from California (Ms. HARMAN) were extraordinarily diligent in offering this House a special bill to upgrade and enable the Centers for Disease Control, which was woefully inadequate prior to the passage of this bill today.

CDC is an incredibly valued institution in America. Not only does it track and help respond to the spread of infectious diseases, but it is going to be critical in the efforts to defend this country from biological or other forms of attack.

The gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Georgia (Mr. LINDER) and the gentlewoman from California (Ms. HARMAN) are to be congratulated for not only leading this effort, but ensuring that this bill contains those important provisions to enable and improve and to strengthen the quality of the work done by the CDC.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, as someone who spent several years working on issues of terrorism and advocating better preparedness and readiness to meet the unique challenges we face from terrorists who want to harm Americans, I am very pleased with the final agreement on this bill. It is clear that we continue to face very real threats from sophisticated terrorists who would use dangerous biological agents in their savage and relentless efforts to carry out acts of violence against Americans.

We must do all we can to keep dangerous biological agents out of the wrong hands. However, whether in response to a terrorist attack, accident or natural outbreak of infectious disease, our public health and disease surveillance system is not as robust and capable as it needs to be to meet the demands which will be placed on it in a severe public health emergency. We recognize that local officials and our doctors, police, firefighters and local emergency responders will be on the front lines of an attack, and we must make sure that they are trained and ready to respond.

This bill will address many of these concerns. A critically important provision taken from the bill authored by the gentleman from Georgia (Mr. LINDER), the gentlewoman from California (Ms. HARMAN) and myself will provide $300 million per year and multi-year contracting authority to the Centers for Disease Control to upgrade and modernize their old and decaying facilities which are in desperate need of repair.

I am particularly pleased that we are taking concrete and far-reaching steps to address the particular issue of agroterrorism. I have felt for a long time that our agriculture infrastructure is very vulnerable to the threat of intentional damage and disease. As part of this bill, we bolster the Department of Agriculture's ability to detect animal and plant diseases and respond as needed to protect our food supply and American agriculture. We expand inspection activities and provide much-needed increases in agriculture biosecurity at colleges, universities and laboratories, including funding for a biocontainment laboratory at the University of Georgia.

Thanks to the strong leadership of the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), Senator FRIST and Senator KENNEDY and their staffs, we worked in a bipartisan way to craft a bill that will go a long way toward making our country much better prepared to respond to biological attacks.

Mr. Speaker, I urge the passage of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time, and I would like to thank the chairman of the Committee on Energy and Commerce and the ranking member of the Committee on Energy and Commerce along with the conferees for a report that has taken us a very long way since September 11.

I served on the Homeland Security Task Force chaired by the gentleman from New Jersey (Mr. MENENDEZ), and we worked some hours after September 11 and our focus was in many areas. But I want to raise 2 points that were extremely important to the work that I did on local law enforcement.

We know the first responders were always very important to our communities, but we saw them at work after September 11 in a light that we had never seen before. I want to applaud the State and local preparedness allocation of $1.6 billion in particular, but I do want to emphasize the $520 million for State grants to enhance the preparedness of hospitals, including children's hospitals, clinics, health centers and primary care facilities for bioterrorism.

It was my emphasis in that committee to give the resources to our local clinics, our public health systems, such as the Harris County Health District in my community, which really would face the threat of terrorism in our local communities.

Some days after September 11, I met with over 40 members of our HAZMAT teams and those dealing with these issues around our Metroplex area, and they are the ones that need the support. As we speak, the City of Houston has a prepared plan to submit for 1 of these grants, and I will be encouraging them and working with them for that submission and for receiving such.

Finally, let me say as the ranking member on the INS Subcommittee on Immigration and Claims of the Committee on Judiciary, issues dealing with food entry on our borders is very important, and the provisions dealing with detaining food, providing the FDA with the authority to order detaining of food that may be suspicious, I applaud them for that. The increased inspections, where the FDA can require food importers to notify the FDA 30 days in advance of their arrival at the port of entry, is very important.

Lastly, I would say the prohibition on port shopping is crucial. We know that the Canadian border is one that we need to be concerned about. I would only encourage in my conclusion, Mr. Speaker, that we look to more technology at the border so we can do food x-ray inspection or inspection of the food as it comes across, because that certainly poses a very severe threat.

I ask my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, in addition to the great work done by the Committee on Agriculture, the Committee on the Judiciary was a big contributor to this bill.

I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on Energy and Commerce for yielding me time and for his great work on this legislation.

Mr. Speaker, in the wake of the terrorist attacks of September 11 and the subsequent anthrax-laced mail, bioterrorism has become a very real threat to the American people. The Bioterrorism Preparedness Act of 2002 addresses such threats by improving the ability of the United States to respond to and prevent biological attacks.

This conference report requires coordination among agencies that regulate biological agents and toxins that pose a threat to human health. The Department of Health and Human Services, which has primary responsibility for public health issues, and the Department of Agriculture, which has primary responsibility for animal and plant health, are required to develop a coordinated strategy.

An important provision of this conference bill focuses on enhancing controls of dangerous biological agents and toxins by requiring registration of all persons who possess, use or transfer them. The legislation directs the Secretary of Health and Human Services and the Secretary of Agriculture to develop specific security measures for personnel and facilities that handle these dangerous substances. In addition, the conference report provides criminal penalties for possession of these agents without registration and for their transfer to unregistered persons or facilities.

Mr. Speaker, these are very important additions to the laws already put in place by the USA PATRIOT Act.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I want to comment briefly on the Medicare provisions in the bill. One or more of my colleagues has expressed concern about the inclusion of some provisions in this legislation that are important. I want to make sure my colleagues understand these measures do not in any way adversely affect Medicare beneficiaries.

Several of us, the gentleman from Michigan (Mr. DINGELL), the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), none of us would have signed off on legislation that would have done anything but that.

One of these provisions is critically important for Medicare beneficiaries. Under current law, beneficiaries who choose to enroll in a managed care plan become locked into that plan. They must wait until the annual open enrollment program to switch plans or go into Medicare fee for service.

This bill removes that restriction, delays it for 3 years. We want to continue to delay it. The best we could do in the compromise was a 3-year delay rather than a permanent removal, so that Medicare beneficiaries can leave managed care, are not locked into that plan, can leave any time during the year and not just in the annual open enrollment period.

We also include in the language in the conference report provisions to protect in terms of time, when the Medicare period was moved from July to September. CMS has agreed we have language in the conference report to make sure that is enough time for people to be able to change.

So those provisions on Medicare are solid, they are bipartisanly agreed to. Beneficiaries will benefit, not at all be hurt, but in fact benefit by that language.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds simply to commend the gentleman for his statement.

Mr. Speaker, those provisions were agreed upon in a bipartisan fashion in the regulatory relief bill, which earlier passed this House, and I believe are in the interests of the beneficiaries of the Medicare system. I thank the gentleman for his similar conclusion. They were signed off on by all the committees of jurisdiction as well.

Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS) for a colloquy.

Mr. PITTS. Mr. Speaker, I rise also in support of the bioterrorism conference report, and since PDUFA is included in this bill, I would like to enter into a colloquy with the chairman.

Mr. Chairman, as you know, I am very interested in ensuring timely access to plasma therapies for the thousands of people who rely on these lifesaving medicines. The plasma industry pays the fees authorized under PDUFA, yet there are no performance goals associated with plasma lot release, which must occur prior to these products being released by the FDA. Longer lot release times mean that the therapies do not get to patients in a timely manner.

I strongly believe that the FDA should work with the plasma industry to assure greater predictability in lot release and to lessen the amount of time required for lot release.

Mr. Speaker, I would like to ask the chairman to respond.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, first, let me acknowledge the hard work the gentleman has already put forth on this issue. I agree with the gentleman, frankly, and applaud his efforts.

Plasma lot release times have varied greatly over the last few years. Predictability is important. I think the industry and FDA should sit down and begin a dialogue which will lead to greater cooperation and predictability in lot release, and I intend to help the gentleman make sure that dialogue occurs.

Mr. PITTS. Mr. Speaker, reclaiming my time, I thank the gentleman very much.

Mr. BROWN of Ohio. Mr. Speaker, I reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), a member of the Committee on Agriculture.

Mr. LUCAS of Oklahoma. Mr. Speaker, 8 months ago our perspective on the potential threats to our borders changed forever as we saw the true capacity of evil on our defenseless citizens. Three days ago we were reminded that that threat was still very real when the Vice President, Mr. CHENEY, said the question of another terrorist attack was not if, but when.

Today we in the House take an important step in preventing important attacks by passing this conference committee report. In November of last year I introduced legislation that addressed many of the issues that had been included in title III of the conference report before us today.

Included in both my bill and today's conference report are an increased presence of animal, plant and food and safety inspectors at the ports of entry. The APHIS and FSIS will develop strategies to prevent future incidents where animal and plant diseases are used by terrorists to attack U.S. citizens.

Mr. Speaker, I urge my colleagues to support this conference report. I thank the chairman and ranking member for their diligent efforts.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Preparedness and Response Act conference report. It has been nearly 8 months since the deadly anthrax attacks, and authorities still have not determined who is responsible. However, it appears very likely that the highly concentrated form of anthrax did not originate from overseas, but rather may have come from an American laboratory.

In addition to unsecured anthrax, we have other challenges involving national, State and local health care workers and first responders, to make sure they are equipped with the tools they need to fight bioterrorism threats, and we also have food security issues to consider, as well as a potentially vulnerable water supply.

Today we are taking a major step forward in addressing some of these issues. In particular I am pleased that the bill contains provisions similar to those included in legislation that I introduced last fall with Senator FEINSTEIN.

Our bill, the Deadly Biological Control Act, will require that the Department of Health and Human Services maintain and regularly update a list of deadly biological agents, viruses and bacteria that poses severe threat to public health and safety. It requires every laboratory that possesses any of these select agents to be government-certified after proving that they will be used strictly for legitimate research purposes and that sufficient measures are in place to safely handle and dispose of those agents while ensuring protection against unlawful access.

□ 1300

Finally, lab employees would have to register with the Department of Health and Human Services and pass through a criminal background check. These provisions are critical because under current law, laboratories that acquired anthrax and other deadly agents prior to 1997 were not required to register with the government unless they were shipping the agent to another lab, as a result of the thousands of laboratories nationwide which stock deadly biological agents, viruses, and bacteria without uniform security standards or proper Federal oversight. Under these lax security conditions, a rogue employee or outside terrorist group could easily gain access to some of the most dangerous pathogens on Earth.

I applaud the leadership of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) as they work with the Senate conferees to bring this bill to the floor, and I urge my colleagues to support this important conference report.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report and for the Public Health Security and Bioterrorism Preparedness and Response Act. I indeed thank the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, and the gentleman from Michigan (Mr. DINGELL) for their fine work and for the members and the staff of both committees. This is a terrific conference report, it is strong, and it is bipartisan, and it is critically important to our Nation as we continue to boost security in our preparedness against terrorism.

The conference report will improve the public health infrastructure at the national, State, and local levels to address growing threats of bioterrorism. The legislation provides additional resources to prepare us for bioterrorist threats or other public health emergencies.

I am particularly pleased that this legislation will boost programs and provide critical resources for many local communities who were on the front lines in the hours and the days following September 11, and the subsequent anthrax attacks. These brave men and women deserve our fullest commitment.

I look to my own district in Montgomery County, Maryland. Our first responders were there at the Pentagon on that terrible morning of September 11, and the Federal scientists at the National Institutes of Health and the Food and Drug Administration are working harder than ever to produce new treatments and vaccines for anthrax, among other bioterror agents.

The conference report we are considering today ensures emergency readiness and demonstrates a significant Federal commitment to local jurisdictions who ensure the safety and health of the American people.

In addition, the conference report improves protection of our water supply and increases the protection of our Nation's food supply. The Food and Drug Administration, headquartered in my district, will have an increased number of food inspectors to ensure our food is safe from bioterrorists.

Mr. Speaker, the conference report we are considering deserves our fullest support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), a member of the Committee on Energy and Commerce.

Mr. WYNN. Mr. Speaker, I rise in strong support of the conference report to H.R. 3448, the Bioterrorism Preparedness Act.

Let me take a moment and congratulate and thank our committee chairman, the gentleman from Louisiana (Mr. TAUZIN), for his outstanding work; as well as our own ranking member, the gentleman from Michigan (Mr. DINGELL), for his work; the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS); and my good friend and subcommittee ranking member, the gentleman from Ohio (Mr. BROWN). They have done good work in bringing this bill to the floor in the true spirit of bipartisanship.

I am particularly pleased because this bill provides $1.6 billion for grants to States and local governments, the first responders of our frontline of defense, for public and private health care facilities to improve planning and preparedness activities. It will enhance laboratory capacity, educating and training for health care personnel, and develop new drugs, therapies and vaccines, all a very important task for our homeland security.

This funding is particularly critical to upgrade our local health infrastructure to respond to a bioterrorism attack. I represent suburban communities just outside of Washington, D.C. After September 11, we realized how much we were on the front line. For instance, in my district in Montgomery County, Maryland, we require much-needed assistance to improve disease surveillance and also to train our local personnel, as well as to restore and improve our hospital preparedness, so this is very important to us.

The measure also provides $1.5 billion of funding to expand the current stockpiles of medicines and vaccines such as smallpox. That is what people are concerned about in the area of bioterrorism, and the bill responds.

Finally, the bill provides $300 million in critically important funding to upgrade and expand the Centers for Disease Control and Prevention facilities. It will allow, again, the training of personnel, particularly critical as we enter this new age; facilities improvement for combating bioterrorism in terms of upgrading the security of our labs and also, again, expanding disease surveillance.

Mr. Speaker, this is an excellent bill. Again I commend our leadership on both sides of the aisle for putting it together, and I urge my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time for closing.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) and the staffs of all of the Members that were involved for their excellent work on this very complicated bill.

All of us are clearly happy with the legislation and disappointed with the legislation. I would like to highlight again as we close in the last couple of minutes a couple of highlights of that. I am particularly happy with the antibiotic resistance language in this bill. It is really the first time Congress, and I give credit to the gentleman from Louisiana (Mr. TAUZIN) and really everybody involved, it is the first time Congress has addressed this issue as seriously as we have on this. It is a serious problem, with drugs as common as penicillin, a drug that we all know, now is not as effective an antibiotic as it was 20 years ago. We are seeing a whole host of antibiotics not as effective as they were. This bill is the first step.

What we have left undone is legislation that we will continue to come to this committee on and hope to work with the gentleman from Louisiana on where half the antibiotics in this country are used for nonmedicinal, nontherapeutic purposes in animals, not to cure sick animals, but to help animals grow faster and to help animals actually not get disease because of the way we pack these animals together in pens that are too small. We are going to need to make some changes there, and I hope this Congress will seriously take that issue up.

I think on food safety, while we have done a reasonably good job on this bill, I hope that we can look more seriously at country-of-origin labeling and some other issues.

I am pleased with post-market surveillance of prescription drugs, as we have pushed through, with PDUFA in speeding up, accelerating the process of approval of prescription drugs, a very good thing to get them on the market more quickly so that consumers can benefit from them, patients can benefit from them. We also have done something in this bill we had not done before, and that is fund post-market surveillance so that when those drugs get on the market more quickly than they have in the past, if there are problems, the FDA is looking much more closely as these drugs are used in a huge part of the population rather than just clinical trials so that we, in fact, can detect much more quickly than before if there is damage done to people with the vast increase in the use of these drugs, with direct consumer advertising and all that.

This legislation also has good provisions with something called DDMAC, which is Division of Drug Market Advertising and Communications at FDA. It is a review of marketing materials. As the drug companies, more and more, are spending huge numbers of dollars marketing their drugs, I think that will be a particularly positive direction.

I am disappointed, and I hope that we can move in a positive way on the pediatric rule so that as we passed legislation last year on the pediatric exclusivity, to give the drug companies 6 months more patent time, if you will, an extension of their patent so that they would test their drugs on children, test these prescription drugs on children that, in fact, we will codify the pediatric rule at some point so that drug testing will be done immediately on children as it is being done on adults during the clinical trials.

So those are some things I hope we can look for. We have done a good job on this bill with PDUFA; we have done a good job on this bill overall with bioterrorism; we have done a good job with food safety and antibiotic resistance. There is a lot more to do on antibiotic resistance; there is a lot more to do with food safety; there is a lot more to do with preserving safety and efficacy of prescription drugs on the market as we get them on the market more quickly.

So I would close by expressing my gratitude to the conference committee and by imploring the chairman of the Committee on Energy and Commerce, the distinguished gentleman from Louisiana (Mr. TAUZIN), so that we can move forward on some of these other issues during the next few months.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself the remaining time.

Let me first thank the gentleman from Ohio (Mr. BROWN) for his kind comments and for the extraordinary work that he and other colleagues on the other side of the aisle have provided us in producing, I think, an excellent bill from conference.

Let me first clarify something. In debate earlier, I think I heard the suggestion that the EPA would be required in the bill to review the vulnerability assessments submitted to it under title IV. I want to be very clear about this. Nothing in this conference report contains that requirement. The report simply makes that discretionary with the EPA. The reports are submitted to EPA, and they are not required to review them. It is a discretionary matter with EPA.

Mr. Speaker, let me first make a point that I think is important. This bill comes up at an extraordinary time in our Nation's history. It comes up in a week when partisanship reared its ugly head as we discussed issues involving 9–11 over the last several weeks. But I want to make something very clear. This bill represents the best of bipartisanship. This bill, shepherded through by the staff, by Reid Stuntz on the Democratic side and Mr. Dave Marventano on our side and the incredible work of the staffs on all three committees, the Committee on Agriculture and the Committee on the Judiciary, has produced a huge bipartisan response to the enemies of our country who think they can threaten us with biological agents or threaten us with attacks upon our food or water supplies and make this country more and more vulnerable.

There was a time before 9–11 when we did not think these thoughts, when we did not have to do what this bill requires. But 9–11 taught, I think, all of us some lessons; and I think it also demonstrated something to the world and to our enemies around the world, that this country is full of heroes. There are heroes who work in our own forces who are in Special Forces right now in Afghanistan and parts of the world we may not even read about who are defending us right now against al Qaeda and the folks around the world who would indeed threaten our security here at home. There are heroes who work in much more quiet and obscure places, in little hospitals, in the CDC, and they work at a border station where they inspect food and drugs coming into this country. They may be members of an ambulance team. They may be members of a first response team. But those heroes in America who demonstrated on 9–11 just how this country can respond when we need to are going to be better armed today with $4.6 billion of new tools.

This is an incredibly important bill. It is a statement, bipartisan statement here in America that we are ready to defend this country, and we are ready to make sure our heroes, both abroad and at home, are equipped with all of the tools they need to make us safer and more secure.

Mr. TAUZIN. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omitted some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

Chairman TAUZIN and Ranking Minority Member DINGELL hereby submit the following additional statement which they view as authoritative legislative history on the provision in question.

PERFORMANCE GOALS LETTER

Authorization of PDUFA is accompanied by a letter entitled "PDUFA Reauthorization Performance Goals and Procedures." The goals letter is unique to PDUFA. It does not have force of law, but nonetheless the Agency views it as a statement of their obligations, and they issue a yearly report on their performance in meeting the goals specified in the letter.

Title IX of the goals letter is entitled "Independent Consultants for Biotechnology Clinical Trial Protocols." Contained in this title, as negotiated by the agency, is a paragraph "D. Denial of Requests." As forwarded to the Congress, this paragraph previously read: "except in the most unusual circumstances (for example, it is clearly premature) FDA will honor the request and engage the services of an indep4endent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt." Upon agreement of the Conferees, this paragraph shall now read "D. Denial of Requests: FDA will grant the request unless the Agency determines that engagement of an expert consultant would not serve a useful purpose (for example, it is clearly premature). FDA will engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt."

The requirement of the Agency to provide a written rationale for the refusal to engage an independent consultant is not intended to burden the Agency but rather to assist the applicant in understanding the reason for Agency action.

The goals letter also, for the first time, includes a title on "pre- and Peri-NDA/BLA Risk Management Plan Activities" (Title VIII). The Managers view this title as a strong addition to the PDUFA regimen. Under this title, user fee monies will be available for postmarket surveillance for up to three years for drug and biological products. The Managers strongly support this Title, and upon agreement of the Managers, the title will now include the following additional language at the end Section D of Title VIII: "FDA will allocate $76,319,879 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending."

W.J. "BILLY" TAUZIN,
Chairman.

Mr. BALDACCI. Mr. Speaker, I am pleased that we will be passing legislation today to authorize vital funding for our state and local public health systems. Recognizing the difficulties facing our state and local governments and health facilities following the unprecedented attacks on our country, it's clear that we must greatly expand the resources of our health systems.

Mr. Speaker, immediately following the first Anthrax attacks, I met with public health officials from my State, and with representatives of community health provider systems. What I learned from this discussion is that our local and state health infrastructure and information systems is woefully unprepared to deal with the level of biomedical, chemical and radiological threats for which we clearly now must be prepared.

I am very concerned about the speed of which funds have been distributed to our state and local governments in order to update their health systems to deal with future attacks.

Today with passage of the Bioterrorism bill we will be making a commitment to our states, local governments and health facilities. We will provide significant assistance to their efforts to protect the health of our citizens. Funds will be translated into improvements in preparedness planning, surveillance, lab and hospital capacity and information and communication technology specific to meet the needs of our state and local health systems.

States will receive for bioterror-related activities $1.6 billion in grants in fiscal year 2003, and local hospitals will receive $520 to prepare for medical emergencies, with additional funds authorized at such sums as necessary for fiscal year 2004 through fiscal year 2006. These funds are on top of those already appropriated and distributed for the current fiscal year of over $1 billion.

I would add that as much as I appreciate these specific funds for bioterror threats, I believe other important issues facing our state and local governments should be addressed. In particular, I support forward funding of fiscal year 2003 monies the President has identified for First Responders in our districts and states. Many of those charged in our state and local governments for maintaining public safety are frustrated with the lack of funding for first responder needs. To date, no funds for local first responders has been sent to our states. I hope that significant funds for First Responders become available for distribution as soon as possible. While the Supplemental legislation which we will consider later today does provide $175 million for first responders, much more is needed to cover costs our local and state governments have incurred and will soon incur to put necessary safety and preparedness plans in place.

Mr. Speaker, I am pleased to support today's bioterrorism conference report and urge my colleagues to support this measure to set aside vital funds to our state and local governments and hospitals.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this Bioterrorism Conference Report.

I commend our chairman and ranking member, Mr. TAUZIN and Mr. DINGELL, for their hard work in developing this consensus legislation. This bill represents the kind of common-sense, worthwhile policy that can be produced when the two parties work together.

This bill includes a number of important provisions that will go a long way to improve our nation's ability to prevent and respond to a bioterrorist attack. With the formula grants in this bill, states will be able to better develop their public health infrastructure, so that they can recognize and contain bioterrist outbreaks.

The legislation creates a stockpile of drugs and vaccines, so we are able to quickly treat individuals who are affected. And it improves food safety inspection at our nation's borders to protect our food supply and makes sure that our water supply is not vulnerable to terrorist attack.

This legislation also reauthorizes and improves upon the Prescription Drug User Fee Act, which ensures that life-saving medications make it through the FDA approval process as quickly as possible.

Once again, I thank my colleagues for their hard work on this legislation.

Mr. SHAYS. Mr. Speaker, last Thursday, three men were arrested in Easton, Connecticut after being seen videotaping a water reservoir and filtration plant. The good news: A vigilant employee alerted local police. City and state emergency response teams were mobilized, the FBI was brought in, and the water was tested and found to be safe. The bad news: Before being seen, those three men got past security fences and "No Trespassing" signs, and could have destroyed or contaminated facilities supplying drinking water to 238,000 people in southeastern Connecticut.

It appears to have been an innocent mistake, a misguided desire to capture Connecticut's beautiful scenery from the wrong vantage point. But the incident demonstrates the vulnerability of critical water systems to biological terrorism.

This conference report begins to address protection of water supplies by directing updated threat assessments, vulnerability assessments and incorporation of both into current emergency response plans.

The current frustratingly vague string of alerts about potential terrorist acts cannot obscure one hard truth evident even before September 11: It is not a question of whether but only when, where and at what magnitude the United States will be attacked using biological, chemical, radiological or even nuclear weapons. To meet that threat, pharmaceutical stockpiles need to be augmented, disease surveillance should be strengthened, and public health capacities far better integrated into emergency response plans.

This bill is costly. More will be needed in the years to come. But the costs of an uncoordinated, ineffective response to bioterrorism will be paid in human lives, civil disorder, loss of civil liberties and economic disruption that could undermine both national security and national sovereignty.

If there is a ray of hope in the threat of bioterrorism it lies in this irony: improving the public health infrastructure against a man-made biological assault today better prepares us to face natural disease outbreaks every day. Just as biotechnologies can be used to produce both life-saving therapies and deadly pathogens, publics health capabilities are likewise "dual use," enhancing our protection against smallpox attack by a terrorist and an influenza pandemic produced by Mother Nature.

Mr. SHIMKUS. Mr. Speaker, I submit for the RECORD the following on Public Health Security and Bioterrorism Response Act conference.

FOOD AUTHORITIES OF BIOTERRORISM BILL

Title III of the bioterrorism bill responds to legislative proposals presented to Congress by the Department of Health and Human Services. We worked closely with Secretary Thompson and personnel of the Food and Drug Administration to craft the most extensive expansion of the food related enforcement authorities in the history of the Federal Food, Drug, and Cosmetic Act (FFDCA). New authorities provide for expanded records access and maintenance, administrative detention of foods, registration of food facilities and several other provisions that are especially focused on assuring effective oversight of food imports. These new authorities strike a balance by adding significantly to the already strong enforcement authorities of the FDA, while assuring that the authorities will be used only for their intended purposes. I believe that my colleagues will be pleased with how this balance was struck to protect the American consumer and permit a robust competitive food system to provide consumers a wide variety of affordable foods.

ADMINISTRATIVE DETENTION: SECTION 303 OF THE TITLE

Amendment to Section 304 of the FFDCA provides the Secretary with limited authority to detain administratively an article of food where the FDA has "credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death." "Credible evidence or information" requires that the FDA have specific evidence or information that it believes to be reliable and probative. The "serious adverse health consequences" standard, which is used consistently in Title III of this Act, relates to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death. This standard corresponds to existing FDA guidance under section 7.3 of Title 21 of the Code of Federal Regulations.

A detention order must be approved by a senior FDA official (district director for the district in which the food to be detained is located or a more senior official). In general, the Secretary should expedite the processing of seizure or injunction actions with regard to food that has been detained. The Secretary is required to provide by regulation for the expedition of such actions in the case of perishable food, such as fresh produce and seafood.

Once a detention order is issued, the Secretary must insure that the detained article of food is kept in a secure facility under conditions commercially appropriate for the food to ensure that the safety and quality of the food is maintained during the detention.

Any person who would be entitled to claim the article of food if the food were seized may appeal a detention order to the Secretary. If an appeal is filed, the Secretary must provide an opportunity for an informal hearing which would be conducted in accordance with the procedures set forth in Part 16 of Title 21 of the Code of Federal Regulations. The Secretary has five days to confirm, modify or terminate the detention order; failure of the Secretary to provide for an informal hearing or to act on the appeal within five days of an appeal automatically terminates the detention order. The Secretary may not thereafter re-institute the terminated detention order.

This section also permits the Secretary to request that the Secretary of Treasury hold food offered for import at a port of entry for a period not to exceed 24 hours if the FDA is unable to inspect, examine, or investigate the food when it is offered for import and the Secretary has "credible evidence or information" indicating that the article of food "presents a threat of serious adverse health consequences or death to humans or animals." The purpose of the temporary hold is to permit the FDA to inspect, examine or investigate the article of food. Amendments to Section 801 of the FFDCA provide for prior notice of shipments of imported food; consequently, the temporary hold authority should not be used routinely.

DEBARMENT: SECTION 304 OF THE TITLE

Amendment to Section 306 of the FFDCA would provide broad authority for debarment of persons from food importation so that FDA may protect against persons who might willfully sell harmful foods. Debarment may be based on a felony conviction relating to the importation of food into the United States or upon a person engaging in a pattern of importing adulterated food that presents a threat of serious adverse health consequences. The conferees intend for this authority to be exercised reservedly to assure that only "bad actors" are the subject of debarment actions. The courts have defined a pattern of proscribed conduct as three or more separate instances of a similar character. Thus, three violative lots of a common shipment would be of a similar character, but not constitute a pattern because they were effectively shipped at the same time and afforded no notice to the importer. The events that make up the pattern must be of a sufficiently similar nature and time sequence to provide the innocent importer effective notice and opportunity to undertake precautionary procedures to guard against reoccurrence. The managers intend for this debarment authority ordinarily to be exercised based on felony convictions. In the absence of a felony conviction, permissive debarment authority should be exercised only pending felony prosecution.

REGISTRATION: SECTION 305 OF THE TITLE

A new Section 415 of the FFDCA would provide require that the Secretary implement an expansive program of registration of facilities engaged in manufacture, processing, packing or holding food for human consumption to assist the Secretary in promptly contacting management of concerned food facilities in the event of a threat to food safety. The registration is to include information regarding the name and address of the facility, as well as all trade names under which the facility conducts business. Also, if the effectiveness of the registration system would be significantly enhanced without undue burden, the Secretary may require by guidance that the general food category of products of the facility be specified. Within 18 months of enactment the Secretary is required to promulgate implementing regulations, which shall specify compliance timeframes and other requirements. The conferees fully expect FDA to complete the rulemaking in the 18 months provided.

The bill would require the Secretary to promptly notify each registrant of their registration number. The conferees intend for the Secretary to provide for electronic data submission and use of an electronic database to maintain a current listing of registered facilities. The listing of registered facilities is to be held strictly confidential. Since failure to register would be a violation of the Federal Food, Drug, and Cosmetic Act, prompt issuance of registration numbers under this system is imperative.

The bill would authorize the Secretary to broadly impose the registration requirement to domestic facilities engaged in processing or distributing food for human consumption as the Secretary deems necessary. However, the registration requirement would not authorize registration of farming facilities (including facilities attendant to harvesting of food crops), restaurants or other retail food establishments (including facilities attendant to their operations, which are under the same ownership or management) or most fishing vessels. In addition, the Secretary would be authorized to require registration of a foreign facility, but only if food from such facility is exported to the United States without further processing or packaging outside the U.S. If an article of food that is offered for import is from a foreign facility for which registration has not been submitted, the article would be held at the port of entry until registration is submitted.

The conferees intend for the Secretary to exercise his discretion in the development and implementation of registration regulations to ensure that registration requirements are neither burdensome nor disruptive of the smooth flow of commerce.

MAINTENANCE AND INSPECTION OF RECORDS: SECTION 306 OF THE TITLE

A new Section 414 of the FFDCA would authorize FDA to have access to and to copy certain records in the possession of persons involved in the production and distribution of food. Access to records would occur only if the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences. The "reasonable belief" standard is intended to make clear that the Secretary must have evidence or information in hand that would cause a reasonable person to conclude that the food is both adulterated and presents a threat of serious adverse health consequences. Once the standard is met, the Secretary would have authority to gain access to and copy only those records needed to assist the Secretary in determining whether the food is adulterated and presents a threat of serious adverse health consequences.

Records that would be subject to inspection under this authority relate to the manufacture, processing, packing, distribution, receipt, holding, or importation of the food being investigated, regardless of the format or location of the record. This records access would not extend to the most commercially sensitive or confidential records of the record keeper, including recipes (including formulation and preparation or processing techniques), financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales). Clearly, the authority would not permit access to any records regarding employees, research or customers (other than shipment data), nor would it permit access to information such as correspondence or marketing plans.

This new records access authority is responsive to a request of the Department so that investigation may be made of possible threats to the public health, but strictly limited to avoid potential abuse of confidential business information. The managers intend for limitations on records access to be strictly observed. A determination that there is reasonable belief that a food is adulterated and presents a threat of serious adverse health consequences should be made under the direct supervision of senior officials of the FDA.

In addition, the Secretary would be required to take appropriate measures, presumably through rulemaking and assuredly with the benefit of comments from record keepers, to prevent the unauthorized disclosure of trade secret or confidential information obtained by the Secretary. The managers envision procedures whereby no agency personnel will have access to records without a specific need for such access, possession of all copies of records will be strictly controlled, and detailed records regarding all handling and access to these records will be kept. Shortcomings in such procedures or lapses in adherence to them should be viewed as a presumption of unlawful release of the records. Such record protections are to be in place prior to FDA exercising new records access authority.

A conforming amendment to Section 704 of the FFDCA is also included in this section. This conforming amendment would provide the Secretary no greater access to records (either in circumstances during which records access is permitted, the types of records that may be accessed, or protections afforded records that are obtained) than would be authorized under new Section 414.

PRIOR NOTICE: SECTION 307 OF THE TITLE

Amendment to Section 801 of the FFDCA would require that the Secretary promulgate regulations for submission of notice prior to the importation of any food to enable the Secretary to provide for inspection of food imports at ports of entry. The conferees intend for the Secretary to expeditiously promulgate the required regulations so that efficiency of food import inspections may be improved. The Secretary would be required to consult with the Secretary of the Treasury in promulgation of prior notice regulations to assure that smooth coordination is achieved between FDA and U.S. Customs. The managers intended for the Secretary to exercise discretion to ensure that neither the requirements of the notice nor the timing of prior notice be more burdensome than necessary to provide for the availability of food import inspectional personnel. The Secretary should exercise discretion in promulgating and implementing these rules to assure that prior notice requirements never become a barrier to the smooth flow of commerce. If an article of food were offered for import without providing the required prior notice, the article of food would be held at the port of entry until the Secretary has determined that notice is complete, but it would not be held longer than the unelapsed period of prior notice unless there is other basis for doing so. If the Secretary fails to promulgate prior notice regulations within 18 months of enactment, the bill specifies the information to be provided in the notice and that notice must be provided no less than 8 hours, and no more than 5 days, prior to offering the article of food for import. The conferees fully expect FDA to complete the rulemaking within the 18 months provided.

MARKING REFUSED ARTICLES: SECTION 308 OF THE TITLE

Another amendment to Section 801 of the FFDCA would authorize the Secretary to require that the outermost container of a shipment of certain foods that have been refused admission into the U.S. be marked "UNITED STATES: REFUSED ENTRY". The purpose of such a marking would be to alert inspectional personnel at the port of entry of a second attempt to import the refused food shipment. Accordingly, the conferees intend for this authority to be exercised in cases where there is reason to believe that the shipment may be offered for import at another U.S. port of entry. The conferees do not intend for this authority to be used to require markings that are unlikely to be observed at import inspection or that may inhibit the lawful marketing of a product in another country. The Secretary is expected to consult with the Secretary of Treasury regarding development of regulations to implement this provision.

Mr. COMBEST. Mr. Speaker, I would first like to commend Chairman TAUZIN, ranking Member DINGELL and all of the other conferees and their staffs for their hard work on this important legislation. This conference report represents a concerted effort by the Congress, the Bush Administration and numerous constituent groups coming together to tackle, head-on the threat of bioterrorism in the United States.

The attacks of September 11, and the subsequent mailing of Anthrax contaminated mail to the capitol, media outlets, and the devastating release of this deadly organism in postal facilities, led all Americans to reconsider the fundamentals. Members of Congress naturally turned to exploring ways that the public can be protected from potential terrorist attacks.

As Chairman of the Agriculture committee, my responsibility has been to evaluate and safeguard our nation's food supply. The Congress, working with the Executive branch, has a responsibility to farmers, ranchers, processors, retailers, and consumers to ensure appropriate steps are being taken to maintain confidence in our food supply.

Fortunately, the U.S. Department of Agriculture has been in the biosecurity business for a long time. The Animal Plant Health Inspection Service (APHIS) has its origins in the 19th century. The Food Safety Inspection Service (FSIS) started operations at the beginning of the 20th century.

Likewise, other sectors of our economy have recognized the fact that they have had to make wholesale changes in how they function. In some cases, organizations are in the process of being completely retooled or even created out of whole cloth. Thankfully, with regards to the Department of Agriculture, we already have broad legal authorities, plentiful resources, and trained personnel already in place to address the threats of the 21st century.

Nearly 5,000 APHIS employees securing our border from the importation of animal and plant diseases and 7,600 FSIS inspectors in every meat and poultry plant in America are already working to protect our food production system. Obviously, the events of September 11 have caused these and other agencies of USDA to increase their vigilance, but we are very fortunate to have them. Not unlike our firefighters and police, they do a difficult job every day; a job we appreciate even more during these troubled times.

With this legislation, additional resources will be authorized for the USDA to modernize its Agricultural Research Service laboratory facilities. Likewise, funding is authorized for the USDA to provide grants to agricultural colleges and universities to review their security needs. These grants, coupled with security upgrade grant authority included as part of the recently passed Farm Security and Rural Investment Act of 2002 will strengthen our biosecurity and food safety research capabilities for years to come.

Likewise, authority is granted to expand on USDA's biosecurity research programs, both in the Agricultural Research Service, and those programs involving colleges and universities throughout United States.

This conference report strengthens USDA's regulatory efforts with regard to food safety, and animal and plant health. Specifically, the conference report recognizes the inadequacy of current USDA authorities with regard to the regulation of biological agents and toxins that present a severe threat to plant or animal health, and the products of plants and animals. Based on this recognition, the conference report adopts provisions that would grant nearly identical authorities to the USDA as those granted to the Department of Health and Human Services for the regulation of possession, use or transfer of listed biological agents and toxins.

Mr. Speaker, I would close by once again thanking all of the conferees who have worked on this legislation. Likewise, I would like to thank the employees of the Department of Agriculture who worked very closely with my staff in hammering out the details of this legislation. Specifically, I would like to mention the outstanding efforts of Dr. Curt Mann and Deb Atwood from the Office of the Secretary, Molly Phillips from the Office of Congressional Relations, Pilar Ruttenberg and Sheila Novak from the Office of General Counsel, Courtney Billet, Dr. Andrea Morgan and Mr. Chuck Schwalbe from the Animal and Plant Health Inspection Service, and Christy Slamowitz from the Office of the Inspector General.

Mr. DINGELL. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omitted some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

Chairman TAUZIN and Ranking Minority Member DINGELL hereby submit the following additional statement which they view as authoritative legislative history on the provision in question.

PERFORMANCE GOALS LETTER

Authorization of PDUFA is accompanied by a letter entitled "PDUFA Reauthorization Performance Goals and Procedures." The goals letter is unique to PDUFA. It does not have force of law, but nonetheless the Agency views it as a statement of their obligations, and they issue a yearly report on their performance in meeting the goals specified in the letter.

Title IX of the goals letter is entitled "Independent Consultants for Biotechnology Clinical Trial Protocols." Contained in this title, as negotiated by the agency, is a paragraph "D. Denial of Requests." As forwarded to the Congress, this paragraph previously read: "Except in the most unusual circumstances (for example, it is clearly premature) FDA will honor the request and engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt." Upon agreement of the Conferees, this paragraph shall now read "D. Denial of Requests: FDA will grant the request unless the Agency determines that engagement of an expert consultant would not serve a useful purpose (for example, it is clearly premature). FDA will engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt."

The requirement of the Agency to provide a written rationale for the refusal to engage an independent consultant is not intended to burden the Agency but rather to assist the applicant in understanding the reason for Agency action.

The goals letter also, for the first time, includes a title on "Pre- and Peri-NDA/BLA Risk Management Plan Activities" (Title VIII). The Managers view this title as a strong addition to the PDUFA regimen. Under this title, user fee monies will be available for postmarket surveillance for up to three years for drug and biological products. The Managers strongly support this Title, and upon agreement of the Managers, the title will not include the following additional language at the end Section D of Title VIII: "FDA will allocate $76,319,879 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending."

JOHN D. DINGELL,
Ranking Member.

Mr. TAUZIN. Mr. Speaker, I commend this conference report to the House, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to the conference report will be followed by two 5-minute votes on motions to suspend the rules that were debated yesterday.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 189]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Burton
Cooksey
Deutsch
Emerson
Mascara
Riley
Traficant
Watts (OK)

☐ 1335

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Stated for:

Mr. Speaker, on rollcall No. 189 I was unavoidably detained and unable to record my vote. Had I been able, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed on Tuesday, May 21, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3717, by the yeas and nays;

H. Res. 424, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each of these two votes.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3717, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3717, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 18, not voting 8, as follows:

[Roll No. 190]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Capuano
Davis, Jo Ann
DeFazio
Flake
Forbes
Frank
Goode
Markey
McGovern
Olver
Ose
Paul
Rohrabacher
Royce
Simpson
Stark
Taylor (MS)
Tierney

NOT VOTING—8

Burton
Deutsch
Emerson
Mascara
Miller, George
Riley
Traficant
Watts (OK)

□ 1345

Mr. McGOVERN, Mr. OLVER, and Mr. TIERNEY changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EFFORTS AT SITE OF WORLD TRADE CENTER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 424.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 424, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 191]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.

Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Blumenauer
Burton
Costello
Deutsch
Emerson
Johnson (CT)
Kilpatrick
Mascara
Miller, George
Myrick
Phelps
Platts
Riley
Roybal-Allard
Traficant
Watts (OK)
Woolsey
Wynn

□ 1354

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO APPOINT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

(Mr. TAUZIN asked and was given permission to address the House for 1 minute.)

Mr. TAUZIN. Mr. Speaker, the Speaker's office has authorized me to announce that it is the Speaker's intention to appoint House conferees to the conference of the disagreement between the House and the Senate on H.R. 4, the House energy bill, and the former S. 517, the Senate version of the same bill. Upon our return from the Memorial Day recess those conferees will be appointed.

Work in preparation for the conference is proceeding at a steady pace, and the House will be prepared to meet the Senate in the conference upon our return from the Memorial Day recess.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1577

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1577.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CUSTOMS BORDER SECURITY ACT OF 2001

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 426 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3129.

The Chair designates the gentleman from New York (Mr. SWEENEY) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

This piece of legislation which was up before us some time ago on the suspension calendar is modest but extremely important. Obviously following September 11, and the creation of the homeland security structure, more and more people in positions of responsibility have begun to realize that one of the ways we can assure the security of Americans is to provide a more seamless control of our borders.

Historically, Customs officials have had an important, significant role to play normally in the area of commercial intercourse or commerce.

To the degree that they are going to be asked to integrate with other border enforcement structures such as security and the like, this bill becomes one of the assisting tools in making that happen. There are other uses looking at antidrug smuggling, antiterrorist, antichild pornography provisions, and in preparing this bill to come to the floor under a rule, since it did not get the two-thirds required on suspension, notwithstanding the fact it got a significant majority vote, the members of the majority looked at the bill and said are there any areas of this bill that we would still like to retain but that probably are far less essential today than they were when the committee moved on this bill some months ago?

Clearly, one of the obvious areas is an attempt to adjust what has been described as an inappropriate or unfair compensation structure for Customs officials at particular locales. Notwithstanding the fact that we believe those adjustments are overdue and need to be made, we offered to the Committee on Rules, and the Committee on Rules accepted, the willingness to delete those provisions which appeared to be controversial.

The labor union that represents Customs workers is not opposed to the bill in its current form, as they said in their letter, as long as this provision does not come back in.

□ 1400

I can assure anyone that if we make a change, our goal is not to change it today and then rechange it tomorrow. The commitment is to make the change now, because the other items in the bill are far more important to move forward and make into law than a debate that has been going on for some time, and I am quite sure will go on for an additional time.

Therefore, this bill is before us today in a form that should not illicit significant opposition, but that we would be very desirous of a significant bipartisan vote to let the American people know that in making sure that our borders are safe and protected, that the

Customs Service is in the forefront of moving to the new structure to secure homeland security. This particular bill goes a long way toward assisting in that effort.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Let me join with the chairman in support of those parts of the bill that he spoke about and to indicate that our substitute merely tries to perfect two provisions.

The first provision deals with the question of immunity. I want to say that our customs officials and agencies and employees are our first line of defense against terrorism. They do a fantastic job. But under this particular bill they are granted immunity for their conduct when they perform searches, and personal searches, if indeed the search was made in good faith.

Now, under the Constitution, the standard for liability is not really whether or not there has been good faith but whether or not it has been reasonable, and that is the proper test that we have to use. This is the constitutional test we have to use. And there is no evidence that blanket immunity by the Federal Government and by the customs agency, even though the search may have been performed in good faith, should leave our American citizens without any recourse.

In our fight against terrorism, we must make certain that we do not do damage to the principles of civil rights and certainly not do damage to the constitutional rights of American citizens. So in the substitute, we maintain the aura of immunity for the particular customs officer, but we do allow for the aggrieved party. If indeed they are found to have been subject to an unreasonable search, they may sue the Federal Government, so that there would be some relief, and some incentives for the customs agencies not just to respond as to what they think is in good faith but what is reasonable under the Constitution.

It just seems to us that we would weaken the protections against racial profiling and other illegal and unconstitutional searches by the customs department if we left our citizens, having been treated in an unconstitutional manner, without any redress at all. It is in times of crisis, such as those we are going through, that truly tests a democracy. And I am certain that in voting for the substitute my colleagues will get the benefits of the bill but also this deficiency will be corrected.

The second thing that is provided here is that under current law the Customs Service is empowered to search without a warrant for inbound mail handled by the United States Post Office. And, of course, this border exception to the fourth amendment is derived from the traditional authority of a sovereign to protect its border against inbound contraband and to collect duties on inbound freight.

But the rationale of the border exception does not allow customs searches of outgoing mail without a warrant. Section 144 would allow customs officials to open mail with reasonable cause, which is a much lower standard than probable cause and would eliminate the need for judicial review. The United States Post Office believes that this is an unreasonable provision. They have written in support of the provision which I have mentioned would be in the substitute where we just strike the provision that gives the Customs Service the power to open mail just because they think it is reasonable but they do not have probable cause to do it.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means, and ask that he be allowed to allocate time based on the requests made of him.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume. Let me respond briefly to the two provisions that my colleague from New York referred to.

That same letter that indicated that the union would not oppose if we move the labor provisions is in strong support of the immunity provision for customs inspectors. Rarely do you have a job which basically says you will examine people as they come across the border. There are clearly provisions, customs guidelines, that determine racial, religious, ethnic and gender profiling that prohibit that but do allow some protections for the customs officer.

If anyone would listen to the case histories of some of these cases that are in the courts, for example notwithstanding the fact that someone was searched and contraband was found, they nevertheless wanted to sue because they did not believe the customs officials had a right to search them. And that was notwithstanding the fact that the obvious evidence of the contraband on them was more than enough reason for the customs official to search them.

Mr. Chairman, I believe the substitute is a good-faith effort, but they are trying to walk a fine line; and it is the majority's opinion that there is no fine line that you can walk. Because if you provide inspectors immunity, and the Federal Government supports that immunity under a very clear guideline that would not violate any racial, religious, ethnic or gender profiling approach, then they are saying the Federal Government should waive its sovereign immunity notwithstanding. That then creates a new unprecedented class of Federal torts and we are right back in the courtroom with years and years of lives of people who were simply carrying out their job under a very narrow proscribed set of rules. Because even if they do that, there is no protection against this new form of Federal torts if the Federal Government waves its sovereign immunity.

It seems to me in this particular era, we either back up these people or we do not. If they are following the rules, we should protect them. If they are not, there are clear procedures to make sure they are treated in a manner they should be treated in if they violate administrative policy in carrying out their jobs.

So in looking at the bill itself, I do hope Members appreciate the broad support that the underlying bill has, and that although the substitute focuses on a couple of areas that will be addressed beyond the immunity question, if we are going to allow a true examination of the ways in which we can protect this country, under a search warrant, it seems entirely appropriate that based upon sufficient suspicion you ought to be able to read a piece of outbound mail. Under the courts of this country, you would only be allowed to then take a look at what the content of the mail was. But it seems to me if you can have the ability to deal with it with inbound mail, you certainly ought to, with full court protection, have the ability to look at it in terms of outbound mail as well.

As we are now becoming more and more aware through the news media of the ability of various terrorist groups to communicate using the modern technology which allows for rapid communication, and certainly would not ignore the good old-fashioned postage stamp on an envelope, if it was given unusual constitutional protection and they knew that no official of the government could, even with a court order, take a look at what was in a particular envelope that appeared very, very suspicious.

We believe it is an essential part of the bill; and we would like to retain it in the bill. Therefore, my colleagues should vote for the bill and against the substitute.

Mr. Chairman, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, and that he be allowed to disperse the time in such manner as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time.

I rise in support of H.R. 3129, the Customs Border Security Act of 2001. As a Member representing a border community, I am pleased that Congress is taking action to improve the security of our borders. The customs officials and inspectors who work along the U.S.-Mexico border are hardworking, dedicated people, who do an outstanding job with very limited resources. For too many years they have been short staffed and have worked long hours of overtime to keep our ports open. I want to thank the members of the Committee on Ways and Means for recognizing this problem.

This bill will authorize funding to hire additional personnel and to upgrade detection and inspection equipment. This new equipment and personnel will make it easier for customs officials to stop illegal drug trafficking and improve our anti-terrorism capabilities. At the same time, it will help keep trade, the lifeblood of border communities, moving efficiently through our ports.

I want to commend the ranking member, the gentleman from New York (Mr. RANGEL), for his work in crafting an amendment that improves the underlying bill by addressing several concerns expressed by groups like the National Council of La Raza and the American Civil Liberties Union. The Rangel amendment protects customs officials from personal liability for monetary damages in civil suits while at the same time providing recourse to individuals whose civil rights are violated.

Our Nation's security depends on the security of our borders and ports. I urge my colleagues to support the Rangel amendment and the underlying bill.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the approach taken in this legislation to outbound mail only makes common sense. There ought to be parity between outbound mail and inbound mail. Presently, there is absolutely no dispute that customs can search all inbound mail. And they do that. However, despite a number of court decisions, despite the Federal regulations, despite code provisions, postal regulations do not allow the post office to search outbound mail. It makes no sense.

If you ship something by FedEx or UPS, if you put it in a car, put it on a ship, fly it in an airplane, even put it in your own pocket and you leave the country, you are liable to search. The only search that is not allowed is if you put it in an envelope and mail it out.

Now, this disparity has been addressed, and I will name those decisions. There have been two Supreme Court decisions, Shultz, the Ramsey case. The Ninth Circuit has considered this; the Fifth Circuit has considered this. They have all said that customs has the right to do it. But what happens when they try to do it? Well, the postal service does not allow them to do it.

Now, as a result, when the postal service has stopped this, there have been several protests lodged. In fact, the first was that we had testimony in this Congress in 2000 and 2001 that drug dealers were using outbound mail to ship the proceeds of drug sales. And, in fact, I introduced at a committee hearing a drug dealer's Web site where they say this. Here is what they say, and I am going to submit this for the RECORD.

□ 1415

"Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail is anonymous and safe."

That is actually on a drug dealer's Web site. But it was not just the drug dealers who knew this. President Clinton commissioned the International Crime Control Strategy Committee, a bipartisan committee. They looked at that. Among their findings was this:

"Customs has identified various methods of currency smuggling that remain a challenge. Notable among these methods is the exploitation of the U.S. mail. Hundreds of thousands of dollars can be smuggled out of the United States, at only the cost of postage, in letters and packages."

But scariest of all is testimony that we heard prior to September 11 that terrorists were using the U.S. mail, that they were exploiting the U.S. mail. We heard testimony, the committees of this Congress, that we were creating one of the greatest enforcement stumbling blocks United States agencies had in fighting terrorists and money laundering. Despite that, the post office continued not to cooperate with the Treasury, the FBI and the customs. Therefore, we had this headline which we could have avoided or possibly avoided by adopting this language prior to September 11: Attacks Show a Lack of Cooperation Between Agencies.

Has September 11 not taught us one thing? Has it not taught us that the post office ought to be a partner in our fight against terrorism? This language should have been adopted before September 11. Let us adopt it now. Let us slam the door on money launderers, terrorists and drug dealers and let us do it today.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service.

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person.

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

Customs' inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise.

Courts have upheld Customs' general border search authority, and in particular over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs' authority. See *United States* v. *Ramsey*, 431 U.S. 606 (1977); *United States* v. *Berisha*, 925 F.2d 791 (5th Cir. 1991); *United States* v. *Ezeiruaku*, 936 F.2d 136 (3d Cir. 1991); *United States* v. *Cardona*, 769 F.2d 625 (9th Cir. 1985); *United States* v. *Udofot*, 711 F.2d 831 (8th Cir. 1983).

Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections:

> Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like), is anonymous and safe.

Recent congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the "greatest enforcement stumbling blocks," creating "a money launderer's dream-come-true." Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.

Customs testimony at this hearing pointed out that not just money laundering is involved, that this "loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and intransit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation . . ."

The Postal Service's position is clearly anti-law enforcement and allows the US Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs' inspection.

Protect the U.S. Border While Maintaining Privacy—Privacy of the U.S. Mail Is Not at Risk

PARITY BETWEEN OUTBOUND AND INBOUND MAIL SHIPMENTS

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service. [19 U.S.C. §482; 19 U.S.C. §1581; 19 U.S.C. §1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162]

PARITY BETWEEN MODES OF EXPORT

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. §401; 22 U.S.C. §2778; 31 U.S.C. §5317; 50 U.S.C. App. §2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

CONSTITUTIONAL BASIS

Customs' inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. [*See, e.g., California Bankers Assn.* v. *Shultz*, 416 U.S. 21 (1973). *United States* v. *Ramsey*, 431 U.S. 606 (1977). *United States* v. *Cardona*, 769 F.2d 625 (9th Cir. 1985). *United States* v. *Whiting*, 781 F.2d 692 (9th Cir. 1986). *United States* v. *Berisha*, 925 F.2d 791 (5th Cir. 1991).]

LETTER PRIVACY

Allowing Customs to inspect outbound merchandise sent via the Postal Service does not change the law that Customs Officers may not open sealed letter class mail that only contains correspondence without a warrant or consent. [19 C.F.R. §145.3]

For inbound Postal Service shipments, the Customs regulations prohibit Customs officers from opening letter class mail that contains only correspondence except when either a warrant or the consent of the sender/addressee is obtained. The Postal Service has endorsed these regulations for inbound shipments and they could easily be applied to outbound Postal Service shipments.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman for yielding time.

Mr. Chairman, I rise in opposition to H.R. 3129, the Customs Border Security Act, in its present form and urge my colleagues to support the substitute offered by the gentleman from New York (Mr. RANGEL).

Section 141 of H.R. 3129 is problematic because it offers full immunity from civil damages if a customs officer performed the search in so-called good faith. Since the bill does not define what constitutes good faith, it effectively expands the current immunity standard to the point of making it nearly impossible for a person to seek redress against a customs officer for an unconstitutional search.

Under current law, government officers performing their specified functions are afforded qualified immunity from civil damages as long as the officer's actions do not violate clearly established statutory or constitutional rights which a reasonable person would have known. The Fourth Circuit Court of Appeals said in 1992 that officers "are not liable for bad guesses in gray areas, they are liable for transgressing bright lines." That is the current law.

The availability of qualified immunity is determined against a standard of objective reasonableness. Whether an officer may be held personally liable turns on the objective legal reasonableness of the action assessed in light of the legal rules that were clearly established at the time the action was taken. As the Supreme Court said in 1986, the present qualified immunity protects "all but the plainly incompetent and those who knowingly violate the law."

But this bill seeks to go further and extends the immunity to situations where customs officers allege that they were acting in good faith, regardless of whether they were transgressing a bright line in the law or not, and regardless of whether they should have known that their actions violated the law. Under this bill, a customs officer could engage in blatantly discriminatory conduct; but if he believed it was in good faith, then he could not be held liable.

Let us remember what we are talking about here. Unconstitutional, unreasonable searches by government officials, searches which could include strip searches and so-called cavity searches. Mr. Chairman, many of these searches have been found to have been conducted pursuant to policies of racial profiling. A March 2000 General Accounting Office report found that while African Americans were nine times more likely to be searched than white Americans, they were no more likely to be found to be carrying contraband. The only way to give victims an effective means to stop these practices is through lawsuits. And here we have a bill that will throw some of these people out of court, deny them compensation for violations of their constitutional rights, and make it even less likely that these illegal searches will be stopped.

The substitute offered by the gentleman from New York (Mr. RANGEL) offers a more balanced approach. Those aggrieved will still have their day in court, because although customs officers will still be immune from liability under the substitute, the Federal Government will ultimately be liable for violations. In cases like these, the government, rather than the individual officer, usually ends up paying the judgment anyway, so this should not be a significant burden. And this is a fairer alternative since the immunity is preserved but the person who is victimized can still be made whole, and the Federal Government will be encouraged to correct the practices of its employees.

I urge my colleagues to vote in favor of the Democratic substitute and, if it fails, to vote against H.R. 3129.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we pass a lot of legislation on the floor, and I hold very seriously what we are doing today. A lot of people do not understand, I think, those that listen to us, miss the significance of what we are doing. I support first amendment rights. There are certain limitations in which I think we all agree. I just sat through a Permanent Select Committee on Intelligence hearing, which I am very limited in what I can say about the memo that was written by Mr. Williams, and the reasons why that much of the information was not passed forth is because of the politically correct environment, the liability environment, the civil liberties union going after our agents for things in doing their job in which their hands are tied.

I think all of us after September 11 are living in a different world. Do we want people violated? No. But I will tell you, if an agent, whether it is DEA, whether it is customs or whether it is INS, feels that I am suspect due to my activities, due to suspicions or I am reacting a certain way, then I have no ill feelings to those individuals that search me. Every time I go through the airport now, and I do not think I look like a terrorist, although the gentlewoman from California (Ms. WATERS) says, yes, I do. I disagree with the gentlewoman from California. But every day that I go through the airport, I had a knee replacement and I have got a steel knee. I have to stand and spread eagle, they go through my bags, I have to take off my shoes and put those through the machine. Does that violate my civil liberties? Yes. But in the name of protection of this country, I feel it is very, very important. There are some inconveniences.

Do you realize that today we have many of the people that we suspect as being terrorists that produce pro al Qaeda and pro bin Laden information in Arizona that are still in those flight schools? And our agents cannot deport them because under the first amendment they have got all the rights that they can. They are recruiting individuals to go fight in Afghanistan to defeat the Western world. One of the things we need to do is these individuals before a visa is ever granted, to do a better background research before we ever let them in. Because once they get in here, we sure as heck cannot get rid of them because of our politically correct laws which I feel personally endanger us in this country.

We had two individuals in 1999 on an airline, known al Qaeda supporters. One looked suspicious. The other actually went up and rattled the airline door, and they stopped. These individuals were arrested when they landed. They are now suing the airline for racial profiling. I guarantee you, there is some liberal judge out there that is going to grant them the case. My point is that if a customs agent feels with their professional training that there is a problem, a risk to American citizens, they be given the right to protect us, whether it is an Irish guy like myself or anyone else.

The gentleman from New York (Mr. RANGEL) is one of my heroes. He is a Korean war veteran, fought for us, and we are good friends. But I think in this fine line of defense I would disagree with my friend from New York.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Georgia (Mr. LEWIS) for yielding me this time.

Mr. Chairman, with great respect to the previous speaker and certainly his service to this country, I do believe that there is value in the balance between civil liberties, the Bill of Rights, and the Constitution. I might say as well that the headline read by one of the speakers, "Agencies Don't Communicate," goes far deeper than violating the civil liberties and civil rights of Americans who travel throughout this Nation. Let me say for once what we should be focusing on is very much what is transpiring in the Permanent Select Committee on Intelligence, but it should be going on in the Committee on Armed Services, it should be going on in Judiciary, Committee on International Relations, and a number of other committees and a select committee to investigate what happened in light of the July 6 memo and the August memo. The question is not so much as to agencies communicating; it is whether or not internally the memo went where it was supposed to go and it was acted upon, whether or not the FBI and the CIA communicates. This legislation does not speak to that issue.

And so I rise to oppose this bill today in its present form, and I rise to support the substitute by the gentleman from New York (Mr. RANGEL). It is clear that the customs agents are to be respected and the work that they do is to be respected; but a violation and an undercutting and an undermining of civil liberties is not the solution to fighting terrorism. This bill would weaken protection against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence.

Mr. Chairman, I would like to tell the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark airport from a vacation in Jamaica. She is an African American woman. Upon encountering customs agents, Ms. Bradley recalls that she along with most of the other black women on the flight were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life.

Ms. Bradley was searched throughout her body, including her private parts. And, of course, Mr. Chairman, no drugs or contraband was found. The gentleman from Georgia (Mr. LEWIS), of course, is well aware of these cases, as being a strong advocate on diminishing racial profiling by the U.S. customs department. I too happen to be a strong supporter of the customs department and its agents and the responsibilities they have. As we have said repeatedly on this floor, there is not a thin line of difference between Democrats and Republicans and others on fighting terrorism. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of the Nation. That is, the customs department and the agents. The PATRIOT Act gave a number of new restrictions that would assist in fighting terrorism. There is no need in this bill to give a pass on the Bill of Rights and the Constitution, the understanding of unreasonable searches and seizures. It is unfair. The ability to search mail more than they have now is unfair, and it is not a solution to terrorism.

The legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It is simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world. This bill fails to address the very serious problems of racial profiling and the invasion of privacy by our customs agents. It throws to the wind the ability to secure relief from the government if you are unfairly racially profiled. Mr. Chairman, it is going on right now. In spite of the random selection, I believe it is going on right now as we speak in our airports of random or racially profiled selections of individuals.

In addition, with respect to the mail provision, I believe that the substitute provides us a much better offering of this legislation. I would ask my colleagues to support the substitute; and if that substitute should fail, I would ask my colleagues to oppose the bill in its present form, that is, H.R. 3129.

□ 1430

We must find a better way to fight terrorism. I think what we can begin by doing is communicating with the agencies and for the agencies to do their jobs.

As I have said in the past, I have great respect for the services of the men and women in the Custom's service. This legislation, with the civil liberties protection, will further support their work.

Mr. Chairman, I rise to oppose this bill today in its present form and rise to support the substitute by Mr. RANGEL. The bill would weaken protections against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence. Mr. Speaker, I would like to tell the story of Yvette Bradley. A 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica, an African American woman.

Upon encountering Customs agents, Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Chairman, no drugs or contraband was found.

I happen to be a strong supporter of our Customs agents and the responsibilities that they have. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of this Nation. To take away, to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. The ability to search mail, more than they have now, is unfair and it is not a solution to terrorism.

This legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It seems simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world.

This bill fails to address the very serious problems of racial profiling and invasions of privacy by our Customs agents. The Customs Service has a poor record on racial profiling. A March 2000 General Accounting Office report found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white females.

Mr. Chairman, the bill before us today, H.R. 3129, contains a number of problematic provisions that perpetuate these kinds of insidious acts. Most notably, two provisions raise significant constitutional and civil liberties concerns. First, the Good Faith Immunity provision of section 141 provides Customs inspectors immunity from lawsuits stemming from personal searches of people entering the country so long as the officers conduct the searches in "good faith." Importantly, this provision has nothing to do with preventing terrorists from boarding airplanes. Customs officers search passengers when they are exiting the plane, not when they are boarding. Nothing in the provision limits it to terrorist investigations.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith." The term "good faith" is not defined in the bill.

Customs Service agents should not be provided with additional immunity because the Customs Service has an uneven record on racial profiling, it routinely conducts particularly intrusive searches, and has broad authority to seize property. A March 2000 General Accounting Office report found that while African American men and women were nearly nine times more likely to be searched as white American men and women, they were no more likely to be found carrying contraband. I do support the Rangel substitute which balances protecting hard working customs agents against liability while still allowing the grieved citizen the right to sue for unjust acts against them.

Section 144, "Border search authority for certain contraband in outgoing mail," would allow the U.S. Customs Service to open outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

Section 144 would allow Customs officials to open sealed, outbound international mail without a warrant, without probable cause, and without any judicial review at all. People in the United States have an expectation of privacy in the mail they send to friends, family, or business associates abroad. The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant. I support the substitute of Mr. RANGEL which upholds present law requiring a warrant before mail is searched.

Recently, the U.S. Postal Service wrote a letter to the Chairman of the Financial Services Committee on the issue of searching outbound mail without a warrant: "There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques."

I urge my colleagues to vote "no" on H.R. 3129 because the bill would weaken protections against racial profiling and other illegal searches and undermines the right to privacy in personal correspondence.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), our distinguished colleague on the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me time and rise in strong support of this legislation.

Mr. Chairman, I want to remind the body that this bill will provide $10 million for the Customs Cyber-Smuggling Center. This center, along with FBI, does all that work that is so critical to protecting our children from people who lurk on the Internet in cyberspace with the explicit and sole goal of exploiting them for sexual purposes.

The Internet has become not only an opportunity for all of us and for America, but it has also become a new venue for crime. While most Members are not aware of it, most of the child pornography that flows into America from abroad now flows in through cyberspace. So the Customs officials are extremely involved in preventing cybersmuggling of pornographic material and stopping the cyberspace attacks on our children.

The Customs officials are very skilled now at going into the chat rooms on our computers, following the conversations that go on there and spotting those individuals who are posing as young people but are actually adults out to lure children into meetings where they can be sexually exploited, or, in the tragic case of a young girl in Connecticut, murdered. That happened just this week.

So the computers, their chat rooms, cyberspace, represents a new and terrible danger for our children. These same people used to lurk around school yards. That did have at least the advantage of our being able to see them and adults being able to report them and the police being able to pick them up. Now they do not have to lurk around school yards. They do not have to be seen visibly. They can lurk in the chat rooms that our children frequent and they can play on their innocence and their trust to build up communication with them and to give them the confidence to meet them. Then, when they have the meeting, when they get the child in their literal physical grasp, that child then is helpless.

So the Customs Cyber-Smuggling Center has been on the front line of stemming this attack on our children, and this bill gives them $10 million that is critical to their beefing up their staff, to their being more effective in intercepting conversations with children and preventing those critical meetings and thereby protecting our children. So I commend the chairman on this legislation, and particularly for being able to work with us and include this critical money in this bill.

But I also want to address the importance of voting for the bill and voting against the substitute. The protection that is given to the Customs officials in this bill is protection that was requested by the Customs Department, that is wanted by the Customs officers, that was supported by the Treasury last time around on this bill and responds very deeply to their need to be protected just for doing their job.

There are tragic stories of Customs officials carrying out their responsibilities, doing what they are required by law to do to protect us, and then being sued, left out there by the government to pay all their own costs of the litigation, losing their homes. There are terrible stories, and only because they are doing their job.

But we encourage litigation in our society. We encourage settlement of suits where there has been no wrongdoing, and we leave our Customs officials exposed. They explicitly asked for this protection. We can do no less than provide it for them.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I think the Rangel substitute does a lot to help this bill. I am in support of the Rangel substitute and am opposed to the bill in its current form.

First of all, Customs officials do need protection. We do need the agents of the Customs department to receive protection. The government is the one who should feel the full brunt of this. So we want to be sure our Customs agents are protected.

I do not take a second seat to anyone and I yield to no one in my support of the war against terrorism, but I refuse to accept government agents engaging in misconduct as a good faith method, in that the standards many times are too subjective, and we have seen it in law enforcement all around. We make the standards so vague and subjective that, when people abuse them, we are not able to bring them to task. These things are not grounded in the law. So we have to be very careful, and that is what the Rangel substitute does.

Secondly, we do not need to expand the search that the Postal authorities are doing without probable cause. The Postal Service opposes this provision, with good reason.

Racial profiling is too rampant and too important now. I urge my colleagues that when there is any hint of anything that would lead to impropriety or abuse of the civil rights and human rights of any individual, we should oppose it. Therefore, I oppose this bill, and I support the Rangel substitute.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Georgia for yielding me time.

Mr. Chairman, this is a bill which, compared to previous versions, certainly has done much better for our country and does much better for our Customs officers, our men and women in the Customs Service. This bill does not try to mistreat our employees, the men and women who place themselves in harm's way every day to defend this country against terrorism, who try to interdict the drugs that many would have come into our country, and it treats them the way they should be treated, with respect, when it comes to their employment status, their salary, their working conditions.

Those previous versions of the bill which would have harmed our Customs men and women are not in this bill, and that is good. We also give Customs the tools it needs to be able to fight terrorism, to fight narcotics that would come into this country, and that is good as well.

But for some reason this bill continues to include 2 provisions which under our Constitution would harm Americans, and that is bad. There is no reason why we should tell an American citizen that he or she is suspect simply because they happen to reside in this country and wish to send a piece of mail abroad. There is no reason why we should treat American citizens in their regular activities of sending correspondence abroad the way we treat foreign correspondence and packages that would come into our country.

I can understand and most of us would understand why it is we would have concern in a package coming from some other country into our country, and perhaps, perhaps, containing a bomb, anthrax, who knows what else it might have. For that reason we provide that package with less of the type of constitutional protection that we provide all of us in America when it comes to our privacy.

But when Americans are shipping something abroad, is there any reason why we are telling them we are going to open up their mail that goes abroad, open up packages, unless we have some suspicion there is reason to go in that?

Right now we can open up a package that is going abroad, but we just have to prove there is a reason why we are going to go into the privacy of each and every American citizen to do so. This bill changes the privacy right we have had since the founding of this Nation. That is wrong.

The other provision here that I believe if most Americans knew about it would be offensive to them is that which would allow profiling. Most of our Customs officers do not do this, but we have seen on occasion how someone is picked out of the crowd, and our numbers, our studies by Customs itself, have shown that the people that most often get picked, unfortunately, are African American women, succumbing to things like strip searches.

Now our government on occasion has been subjected to lawsuits because of the violations of the Constitutional rights of these individuals. Why are we going to make that easier and why are we going to tell Customs officers we do not have enough faith in them and that we are going to go ahead and let them have an exception to the law? Why would we want to tell people in this country that we are going to lower the standard of protection for people when it comes to their civil rights, simply so that we can protect the bad apples?

Everybody has a bad apple. We have bad apples in this whole institution. But that is no reason to say that every single officer in Customs is bound to violate an American citizen's rights by subjecting them to an unconstitutional search and seizure.

I do not think our Customs officers have requested this. I never heard that in committee, that they requested this. There is no reason to go to the point of providing immunity to Customs officers who violate the Constitution. They already have a qualified immunity to those types of protections. Why are we going beyond what they have even asked for?

In committee, when we asked the general counsel for Customs, please explain why you are asking this particular immunity exception to be applied, we could not get a good answer from the general counsel of the Customs Service.

This is a good bill. Why tarnish it with something that is unnecessary? Of course, most people are going to vote for this because most people will look at the fact that we are providing additional resources to Customs and doing the right thing for most of our officers. This does not belong there. That is why you should vote for the substitute. A vote for the substitute gets rid of the bad and makes this a completely supportable bill.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Chairman, I yield myself such time as I may consume to close.

Mr. Chairman, at the outset, Mr. Chairman, I would like to ask a question: Do we know what a terrorist looks like? Did we know on April 19, 1995, that a man would get in a Ryder truck and drive it into the Federal Building in Oklahoma? Did we know just a few short days ago that a young college student, the age of 21, would put pipe bombs in mailboxes in several Midwestern and Western States?

Mr. Chairman, I must tell you I rise in strong opposition to the Customs Border Security Act of 2001, H.R. 3129. This bill threatens to violate and weaken the civil rights of innocent passengers by granting Customs officers immunity from lawsuits involving personal searches.

H.R. 3129 would increase the chances of racial profiling and illegal searches. This bill will also violate personal privacy by expanding the power of the Customs Service to search mail leaving the United States without a warrant.

While I, like many, appreciate the attempts made by the Customs Service to address its poor record of racial profiling of passengers, now is not the time to grant Customs officers immunity from lawsuits. Civil lawsuits against government officials and agencies are an important deterrent to racial profiling and unconstitutional and unlawful searches. As public officials, Customs agents already have qualified immunity, which is more than adequate to protect them if acting within the scope of their official authority.

Without the possibility of a lawsuit, individuals who have been treated in an unconstitutional manner by a government agency would have no redress, and the government agents would have less incentive to comply with the Constitution.

Mr. Chairman, I urge my colleagues to protect the civil rights of innocent passengers and oppose this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3129, the Customs Border Security Act of 2001, is the authorization for the U.S. Customs Service, International Trade Commission and Office of the U.S. Trade Representative through 2004. We have included a number of critical tools for fighting terrorism, drugs and child pornography.

□ 1445

The legislation will help customs close a gap in our border that lets illegal money be taken out of the country. This legislation will also significantly increase customs' ability to stop the flow of illegal drugs over our borders and into our children's hands. When this bill came to the floor last year, it was caught up in the general debate on trade and the subject of a lot of misinformation. I want to clear the record for Members' benefit.

The administration was intimately involved in drafting this bill and requested several measures that are here. There is a provision to require advanced electronic manifesting on passengers and cargo so that the Customs Service can have advanced notice of who is in planes and what is on ships about to land on American soil. This provision has attracted the most attention recently, as many agencies of the government, especially law enforcement and intelligence, currently obtain information through customs. It is clear that customs will be requiring more information in the future for antiterrorist efforts. It is equally clear that customs is the logical place to house the current and future data collection system that must interface with importers and carriers of all kinds. Through better and quicker information, the Federal Government can prevent crimes and keep our economy alive with the critical flow of trade.

Similarly, we seek to give our customs inspectors some protection, considering that now more than ever they will be scrutinizing and watching people who come into the country, knowing full well that the next terrorist may be stepping off the plane. For those who act in good faith, inspectors should not have to be afraid of frivolous lawsuits, so we are proposing that they have immunity against such lawsuits unless they wrongly use race, ethnicity, religion, or gender to profile passengers. At the committee markup, administration officials testified that they had drafted this provision and support it. The union representatives of the customs inspectors have specifically written in support of this provision. They make a strong case, and Congress should pass this provision.

The administration also requested that customs be able to search outgoing mail because the U.S. mail is often used to transmit laundered money out of the country. I want to assure members of the committee that we looked carefully at the privacy issues involved here and believe we adequately addressed them in this legislation. Our bill preserves our cherished fourth amendment rights against unwarranted search by requiring that no letter may be read by customs officers unless a valid warrant is obtained, just like current law with respect to inbound mail. Remember, money from illegal activities is what leads us to terrorists and drug smugglers.

We have increased funding to reestablish the New York Customs offices and an additional increase in funding to upgrade our textile transshipment monitoring and enforcement operations. We add $10 million for the Customs Cyber-smuggling Center. This legislation also contains authorization for funding for customs' new automation, the Automated Commercial Environment.

Mr. Chairman, I urge all of my colleagues who are serious about stopping terrorism, drugs, and online child pornography, while keeping our trade flowing, to support this bill. I urge my colleagues to support it.

Mr. SERRANO. Mr. Chairman, on behalf of the Latino community I urge my colleagues to oppose H.R. 3129, the Customs Border Security Act, and to strongly support the Rangel substitute. H.R. 3129 will expand Federal authority for U.S. Customs officers by granting them expanded "good faith" immunity. Expanding Customs officers' immunity would only undermine the civil rights of many individuals who would be left without recourse to remedy unconstitutional and discriminatory searches, particularly when this agency has a history of targeting minorities. The Rangel substitute correctly addresses the racial profiling concerns while ensuring that customs inspectors are not liable for monetary damages in civil suits involving personal searches. The U.S. government would consent to be sued and to be held liable for civil damages for suits brought in connection with a wrongful personal search.

According to a Customs Service study conducted in fiscal year 1998, almost half of the people searched by customs were Latino or African-American, although the contraband produced by the searches was lower for minorities than for whites. Another study by the GAO in March 2000 revealed that black female U.S. citizens were nine times more likely to be subjected to X-ray searches by U.S. Customs officials than their white counterparts, although black women were less than half as likely to be found carrying contraband as white women.

There is also no reason why Customs needs expanded authority to search outgoing international mail without a warrant. We inspect mail that comes into the country because we do not know what it might contain. But the interests in outgoing mail are not the same and do not warrant invading our privacy. The Postal Service opposes this provision. Customs has every right to inspect mail by getting a search warrant. There is no need to change current law. The Rangel substitute also addresses the inspection of outbound mail.

I urge my colleagues to support the Rangel substitute and, if it fails, to vote no on H.R. 3129 because it will weaken protections against racial profiling, thus undermining the civil rights of many people and support the Rangel substitute.

Mr. BACHUS. Mr. Chairman, Customs currently can do border searches of everything that enters or leaves the United States—with one exception: outbound mail shipped by the U.S. Postal Service.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service. [19 U.S.C. Section 482; 19 U.S.C. Section 1581; 19 U.S.C. Section 1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162]

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. Section 401; 22 U.S.C. Section 2778; 31 U.S.C. Section 5317; 50 U.S.C. App. Section 2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise. In fact, the Postal Authority not only refuses to cooperate with the Customs Service, but they openly resist their efforts to carry out their statutory obligations.

Customs' inspection of outbound and inbound merchandise is Constitutional. Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carrier on or in any airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. [*See, e.g. California Bankers Assn.* v. *Schultz,* 416 U.S. 21 (1973). *United States* v. *Ramsey,* 431 U.S. 606 (1977). *United States* v. *Cardona,* 769 F.2d 625 (9th Cir. 1985). *United States* v. *Whiting,* 781 F.2d 692 (9th Cir. 1986). *United States* v. *Berisha,* 925 F.2d 791 (5th Cir. 1991).]

Furthermore, courts have upheld Customs' general border search authority and, in particular, over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs' authority. [See *United States* v. *Ramsey*; *United States* v. *Berisha*; *United States* v. *Ezeiruaku,* 936 F.2d 136 (3d Cir. 1991); United States v. *Cardona*; *United States* v. *Udofot,* 711 F.2d 831 (8th Cir. 1983)]

The general public may not know about the inability of Customs to effectively search outbound merchandise, but others do. Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections.

> Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like) is anonymous and safe.

Recent Congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the "greatest enforcement stumbling blocks," creating "a money launderer's dream-come-true." [Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.]

Customs testimony at this hearing pointed out that not just money laundering is involved, that this "loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and in-transit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation . . ."

The Postal Service's position is clearly anti-law enforcement and allows the U.S. Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs' inspection. I urge the membership to give this legislation the strongest vote of confidence.

Ms. DUNN. Mr. Chairman, I rise in support of H.R. 3129, the Customs Border Security Act. I want to thank Chairman THOMAS and CRANE for working with me to address my concerns for improving staffing and equipment on the Northern Border.

Almost two years ago, Customs personnel were able to apprehend a terrorist at Blaine, Washington. This action helped prevent a terrorist act against our nation. Today, we face greater threats of terrorism and we need to better protect our borders, especially our Northern Border.

For this reason, I am pleased that this bill authorizes more funding to hire approximately 285 additional Customs Service officers to protect the borders and ports along the U.S.-Canadian border. This legislation also increases equipment for the Customs Service to expedite the movement of goods and passengers on our Northern Border.

Over the past few years, Washington State has seen an increase in trade and passenger traffic on the U.S.-Canadian Border. In 1999, trade between Washington State and Canada has grown approximately $19 billion. Furthermore, we have seen a growth in the cruise industry in Seattle. Unfortunately, we had to deny ships from visiting Seattle because of insufficient Customs officers to inspect them.

The increases in staff and equipment in this bill are positive steps towards a comprehensive and sustained effort to better protect the Northern Border from potential terrorist activities, and improve the flow of goods and traffic between the U.S. and Canada. I ask my colleagues to support this bill.

Ms. KILPATRICK. Mr. Chairman, I rise to announce my opposition to the underlying bill that we consider today. It is a near certainty that the substitute amendment offered by my colleague from California (Ms. WATERS) will not be approved, and without the improvements contained in her amendment, there is little choice for me but to vote against this bill.

Last December, I voted against this bill's passage when it was considered under suspension of rules. I did so because I objected to a provision in that bill that would have provided immunity to customs officers for personal searches at border locations, as long as the officers follow agency guidelines. That was too broad an exemption.

I share the view of many in this chamber that the men and women who make up the U.S. Customs Service are good and hard working people, dedicated to performing their jobs and committed to protecting the safety of this country's borders. Nowhere is the dedication of U.S. Customs Service personnel exemplified more than at Detroit's ports of entry.

Unfortunately, inspection abuses have occurred and civil rights have been violated. The grant of immunity provided in the earlier bill asked that the constitutional rights of Americans be surrendered at the border. I opposed passage of H.R. 3129 last December, and I oppose its passage today for the very same reasons.

I have dedicated my entire life to the advancement of civil rights under civil law. To vote for this bill as it is presently configured would require me to suppress a deep-seated core value that I hold dear. There are times when many in this chamber put aside their personal values in order to advance causes and issues that provide for the greater good. This is not one of those times.

This bill has the potential of short circuiting the civil liberties of Americans and international visitors who step on to U.S. soil from international ports. By doing so, we are compromising on the values that make up part of the American character and surrendering the protections guaranteed to us under the constitution. I cannot in good conscience surrender my convictions to protect the civil liberties of all Americans and those that come to this country. For that reason I oppose the passage of this bill.

Mr. CRANE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs Border Security Act of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

Sec. 121. Correction relating to fiscal year cap.
Sec. 122. Correction relating to overtime pay.
Sec. 123. Correction relating to premium pay.
Sec. 124. Use of savings from payment of premium pay.
Sec. 125. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 131. Additional Customs Service officers for United States-Canada border.
Sec. 132. Study and report relating to personnel practices of the Customs Service.
Sec. 133. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 134. Establishment and implementation of cost accounting system; reports.
Sec. 135. Study and report relating to timeliness of prospective rulings.
Sec. 136. Study and report relating to Customs user fees.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.
Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Border search authority for certain contraband in outbound mail.
Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $886,513,000 for fiscal year 2002."; and

(2) in subparagraph (B) to read as follows:

"(B) $909,471,000 for fiscal year 2003.".

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,603,482,000 for fiscal year 2002."; and

(B) in clause (ii) to read as follows:

"(ii) $1,645,009,000 for fiscal year 2003.".

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 and 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $181,860,000 for fiscal year 2002."; and

(2) in subparagraph (B) to read as follows:

"(B) $186,570,000 for fiscal year 2003.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 111 and 112 of this Act.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Personnel Provisions

CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

SEC. 121. CORRECTION RELATING TO FISCAL YEAR CAP.

Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended to read as follows:

"(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) that a customs officer may be paid in any fiscal year may not exceed $30,000, except that—

"(A) the Commissioner of Customs or his or her designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service; and

"(B) upon certification by the Commissioner of Customs to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that the Customs Service has in operation a system that provides accurate and reliable data on a daily basis on overtime and premium pay that is being paid to customs officers, the Commissioner is authorized to pay any customs officer for one work assignment that would result in the overtime pay of that officer exceeding the $30,000 limitation imposed by this paragraph, in addition to any overtime pay that may be received pursuant to a waiver under subparagraph (A).".

SEC. 122. CORRECTION RELATING TO OVERTIME PAY.

Section 5(a)(1) of the Act of February 13, 1911 (19 U.S.C. 267(a)(1)), is amended by inserting after the first sentence the following new sentences: "Overtime pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such overtime pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform overtime work as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.".

SEC. 123. CORRECTION RELATING TO PREMIUM PAY.

(a) IN GENERAL.—Section 5(b)(4) of the Act of February 13, 1911 (19 U.S.C. 267(b)(4)), is amended by adding at the end the following new sentences: "Premium pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such premium pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform work during the time described in the preceding sentence as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.".

(b) CORRECTIONS RELATING TO NIGHT WORK DIFFERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C. 267(b)(1)) is amended to read as follows:

"(1) NIGHT WORK DIFFERENTIAL.—

"(A) 5 P.M. TO MIDNIGHT.—(i) If any hours of regularly scheduled work of a customs officer occur during the hours of 5 p.m. and 12 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to not less than 18 percent of that basic rate.

"(ii) If the regularly scheduled work of a customs officer is 4 p.m. to 12:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to not less than 18 percent of that basic rate.

"(B) MIDNIGHT TO 6 A.M.—(i) If any hours of regularly scheduled work of a customs officer occur during the hours of 12 a.m. and 6 a.m., *the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 25 percent of that basic rate.*

"(ii) If the regularly scheduled work of a customs officer is 12 a.m. to 8:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 25 percent of that basic rate.".

SEC. 124. USE OF SAVINGS FROM PAYMENT OF PREMIUM PAY.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) Use of Savings From Payment of Premium Pay.—

"(1) Use of amounts.—For fiscal year 2002, the Secretary of the Treasury—

"(A) shall determine under paragraph (2) the amount of savings from the payment of premium pay to customs officers; and

"(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional premium pay described in clauses (i) and (ii) of subsection (b)(1)(A).

"(2) Determination of savings amount.—The Secretary shall calculate an amount equal to the difference between—

"(A) the estimated cost for premium pay that would have been incurred during fiscal year 2002 if this section, as in effect on the day before the date of the enactment of section 123 of the Customs Border Security Act of 2001, had governed such costs; and

"(B) the actual cost for premium pay that is incurred during fiscal year 2002 under this section, as amended by section 123 of the Customs Border Security Act of 2001.".

SEC. 125. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES–CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, $25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States–Canada border.

SEC. 132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) Study.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) Report.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) Study.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) Establishment and Implementation.—

(1) In general.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) Additional requirement.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) Reports.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) Study.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) Definition.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) Study.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) Report.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) Immunity.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking "Any of the officers" and inserting "(a) Any of the officers"; and

(2) by adding at the end the following:

"(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.".

(b) Requirement To Post Policy and Procedures for Searches of Passengers.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.".

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number, as applicable;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.".

SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs

headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to Sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed";

(B) in clause (i) to read as follows:

"(i) $30,000,000 for fiscal year 2002."; and

(C) in clause (ii) to read as follows:

"(ii) $31,000,000 for fiscal year 2003."; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $51,400,000 for fiscal year 2002."; and

(2) in clause (ii) to read as follows:

"(ii) $53,400,000 for fiscal year 2003.".

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking "$400" and inserting "$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 107–482. Each amendment may be offered only in the order printed in the report by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–482.

Will the gentleman from Illinois (Mr. CRANE) continue to be the designee of the gentleman from California (Mr. THOMAS)?

Mr. CRANE. Yes, Mr. Chairman.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CRANE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs Border Security Act of 2002".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.
Sec. 122. Study and report relating to personnel practices of the Customs Service.
Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 124. Establishment and implementation of cost accounting system; reports.
Sec. 125. Study and report relating to timeliness of prospective rulings.
Sec. 126. Study and report relating to Customs user fees.
Sec. 127. Fees for Customs inspections at express courier facilities.
Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.
Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Border search authority for certain contraband in outbound mail.
Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $899,121,000 for fiscal year 2002.";

(2) in subparagraph (B) to read as follows:

"(B) $1,365,456,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(C) $1,399,592,400 for fiscal year 2004.".

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,606,068,000 for fiscal year 2002.";

(B) in clause (ii) to read as follows:

"(ii) $1,642,602,000 for fiscal year 2003."; and

(C) by adding at the end the following:

"(iii) $1,683,667,050 for fiscal year 2004.".

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $177,860,000 for fiscal year 2002.";

(2) in subparagraph (B) to read as follows:

"(B) $170,829,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(C) $175,099,725 for fiscal year 2004.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Miscellaneous Provisions

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) Report.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) In General.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking "the processing of merchandise that is informally entered or released" and inserting "the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation),"; and

(B) in clause (ii) to read as follows:

"(ii) In the case of an express consignment carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading.".

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than $.35 but not more than $1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

"(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

"(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

"(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

"(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.".

(b) Effective Date.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: "The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.".

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) Immunity.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking "Any of the officers" and inserting "(a) Any of the officers"; and

(2) by adding at the end the following:

"(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.".

(b) Requirement To Post Policy and Procedures for Searches of Passengers.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) Cargo Information.—

(1) In general.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.".

(2) Conforming amendments.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) Passenger Information.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) In General.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) Information Described.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

"(c) Sharing of Information.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.".

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.".

SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106-200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed";

(B) in clause (i) to read as follows:

"(i) $30,000,000 for fiscal year 2002.";

(C) in clause (ii) to read as follows:

"(ii) $32,300,000 for fiscal year 2003."; and

(D) by adding at the end the following:

"(iii) $33,108,000 for fiscal year 2004."; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $51,440,000 for fiscal year 2002.";

(2) in clause (ii) to read as follows:

"(ii) $54,000,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(iii) $57,240,000 for fiscal year 2004.".

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking "$400" and inserting "$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentleman from Illinois (Mr. CRANE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

The substitute increases authorization funding levels at section 101, including earmark for resources at northern border at section 131, new section 121. It extends authorization through 2004. It deletes sections 121 through 125 concerning customs officer pay changes, and renumbers. It adds new section 127 to change customs' fees for couriers to a fixed fee structure. It clarifies in section 143 that advanced electronic manifest requirements applies only to inbound cargo, as provisions to require sharing of information collected by customs to other government agencies.

It clarifies in section 143 that advanced information for passengers and crew is not intended to create new immigration requirements. Specifically, the Secretary can demand passport and visa information only if such a requirement to have a passport or visa already applies to the passenger or crew.

Mr. Chairman, these provisions are designed to make the bill stronger. I urge a "yes" vote on the Thomas substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I claim the time in opposition to the amendment, and I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), our distinguished colleague.

Mr. HAYES. Mr. Chairman, I rise in strong support of this bill today, the manager's amendment, the substitute by the gentleman from California (Mr. THOMAS). H.R. 3129 will provide customs with better tools to protect America's borders during this time of war. But specifically, I would like to highlight some of the provisions for the textile industry.

Illegal transshipments are some of the most critical issues facing our domestic textile industry, and it is one of the issues that I said should be a part of any debate on trade. I want to thank the chairman and the gentleman from Illinois (Mr. CRANE) for their willingness to work with me and other Members and with the textile industry to address this growing problem of illegal textile transshipments.

Without question, one of the greatest threats to our domestic textile industry is the illegal shipment of textile and apparel goods from ports around the world. Our domestic industry can compete on a level playing field, but they cannot compete against a flood of illegal imports. This bill will go far in helping to address the problem. It adds $9.5 million to fight textile transshipment through added staff dedicated to specific geographic areas such as Hong Kong, India, Korea, Mexico, and the Middle East. It includes an additional 50 new staff, including investigators and inspectors.

By no means will this solve every problem, but it will be very helpful in fighting the problems of illegal transshipments; and I urge my colleagues' support.

Mr. LEVIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am glad that this bill has within it the language regarding transshipment that has been mentioned by the distinguished gentleman who spoke before me. I do want to point out, however, that this bill is strictly an authorization; and unless there is an appropriation to carry it out, the language would not be meaningful.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I would urge our colleagues on a good, strong, bipartisan basis to support this substitute.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. CRANE).

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 107–482.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. Is the gentlewoman from California (Ms. WATERS) the designee of the gentleman from New York (Mr. RANGEL)?

Ms. WATERS. Yes, I am.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Ms. WATERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs Border Security Act of 2002".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.
Sec. 122. Study and report relating to personnel practices of the Customs Service.
Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 124. Establishment and implementation of cost accounting system; reports.
Sec. 125. Study and report relating to timeliness of prospective rulings.
Sec. 126. Study and report relating to Customs user fees.
Sec. 127. Fees for Customs inspections at express courier facilities.
Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Exclusive remedy for personal search claims.
Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $899,121,000 for fiscal year 2002.";

(2) in subparagraph (B) to read as follows:

"(B) $1,365,456,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(C) $1,399,592,400 for fiscal year 2004.".

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,606,068,000 for fiscal year 2002.";

(B) in clause (ii) to read as follows:

"(ii) $1,642,602,000 for fiscal year 2003."; and

(C) by adding at the end the following:

"(iii) $1,683,667,050 for fiscal year 2004.".

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $177,860,000 for fiscal year 2002.";

(2) in subparagraph (B) to read as follows:

"(B) $170,829,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(C) $175,099,725 for fiscal year 2004.".

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) $7,200,000 for 8 1-MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1-MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Miscellaneous Provisions

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking "the processing of merchandise that is informally entered or released" and inserting "the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation),"; and

(B) in clause (ii) to read as follows:

"(ii) In the case of an express consignment carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading.".

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than $.35 but not more than $1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

"(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

"(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

"(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

"(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: "The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.".

Subtitle D—Antiterrorism Provisions

SEC. 141. EXCLUSIVE REMEDY FOR PERSONAL SEARCH CLAIMS.

(a) EXCLUSIVE REMEDY.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking "Any of the officers" and inserting "(a) Any of the officers"; and

(2) by adding at the end the following:

"(b) The remedy against the United States for claims arising from the search of a person made pursuant to subsection (a) by any officer or employee of the Federal government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim or against the estate of such employee. The United States shall be liable for any such claim, and any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employees estate is precluded without regard to when the act or omission occurred.".

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "(a) Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

"(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

"(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

"(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

"(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

"(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).".

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) Cargo Information.—

(1) In general.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

"(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.".

(2) Conforming amendments.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon "or subsection (b)(2)".

(b) Passenger Information.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

"SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

"(a) In General.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

"(b) Information Described.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

"(1) full name;

"(2) date of birth and citizenship;

"(3) gender;

"(4) passport number and country of issuance;

"(5) United States visa number or resident alien card number;

"(6) passenger name record; and

"(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

"(c) Sharing of Information.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.".

(c) Definition.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

"(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.".

(d) Effective Date.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) Operations described.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO Audit.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) Report.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) Transshipment Described.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) Use of Funds.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) Import specialists.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) Inspectors.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) Investigators.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) International trade specialists.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) Permanent import specialists for Hong Kong.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) Various permanent trade positions.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "not to exceed";

(B) in clause (i) to read as follows:

"(i) $30,000,000 for fiscal year 2002.";

(C) in clause (ii) to read as follows:

"(ii) $32,300,000 for fiscal year 2003."; and

(D) by adding at the end the following:

"(iii) $33,108,000 for fiscal year 2004."; and

(2) in subparagraph (B)—

(A) in clause (i), by adding "and" at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

"(i) $51,440,000 for fiscal year 2002.";

(2) in clause (ii) to read as follows:

"(ii) $54,000,000 for fiscal year 2003."; and

(3) by adding at the end the following:

"(iii) $57,240,000 for fiscal year 2004.".

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking "$400" and inserting "$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this substitute because the legislation, H.R. 3129, as introduced, needlessly expands the scope of Federal authority and threatens the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail.

We have said over and over again that we support efforts to give protection to customs agents; and when they talk to the Members of Congress about their need for protection, they were not in any way saying that they did not have some immunity. What they were saying is they wanted to get through the courts faster.

This bill goes far too far, and it is unfortunate that the majority has not been able to discuss or compromise on the critical issues of racial profiling and privacy that are raised in this legislation.

This substitute does address those civil liberties questions and retains the portion of the bill that fairly addresses issues of border security.

It has been consistently stated by the gentleman from New York (Mr. RANGEL) and others that the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate any clearly established statutory or constitutional rights which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer's behavior, not the subjective good-faith standard used in this legislation, is the proper test for liability.

What the Customs Service has complained about is the pace of trial through the Federal courts. Bluntly stated, they want the cases against their agents disposed of faster, like every other civil litigant in the country. This bill's response in section 141 is the creation of a broad category of immunity, unavailable to any other law enforcement officer.

That provision is both unnecessary and dangerous to the rights of the public who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Customs Service has argued that section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African American women, who are contesting the legality of disparate, intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces section 141's grant of immunity with an exclusive remedy against the government for the actions of customs agents who act within the scope of their authority. This compromise fairly balances the interest of customs agents who follow policy with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search of U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and United Parcel Service.

□ 1500

The Customs Service's interest in confiscating illegal weapons, shipments, drugs, or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold the package while they wait for the court to issue a warrant.

The U.S. Postal Service has even taken the position that there is no evidence that eroding these long-established privacy protections will bring any significant law enforcement improvements over what is achieved using existing statutorily approved law enforcement techniques.

In short, experts from the postal service have determined that this provision is unnecessary. As we search for increased security, we must remain mindful of the fact that our civil liberties are a precious resource, and ensure that freedom is not a casualty.

We believe the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced, because increased security should not come at the cost of our constitutional rights.

Of course, I would urge all of my colleagues to join me in supporting the Rangel substitute.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. CRANE) opposed to the amendment?

Mr. CRANE. I rise in opposition to the amendment, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY), our distinguished colleague from the Committee on Ways and Means.

Mr. FOLEY. Mr. Chairman, I thank the gentleman for his hard work on this bill. I strongly oppose the substitute and strongly support the base bill.

Are we giving up freedoms and liberties in this bill? Absolutely not. But when we have looked at what has happened in this country since September 11, I think it is incumbent upon us to strengthen the laws of this country and strengthen the rights of our agents to inspect packages that come. We lost a constituent in Palm Beach County through anthrax. We have lost a lot of relatives and family in the World Trade Center, and in the plane that went down in Pennsylvania.

Every time we start looking at tightening our borders and strengthening our integrity and our system, we hear these charges of civil rights abuse and civil rights violations. What about 2,800-and-some Americans who died in New York? What about their civil rights?

We have to protect our borders. This bill does that. I do not mean to be outraged, but I am at times, because I cannot understand, when we are protecting our own borders, when people are coming into this country as our guests, that we do not have the right to search them thoroughly, whether they are U.S. citizens or guests from other nations.

In order to protect domestic tranquility, we must work to focus our efforts to make certain that we do not hamstring our Customs agents, our mail inspectors, from being able to thoroughly search that evidence which may make its way into the country. Ships that come into the ports should be thoroughly screened.

We do this in this bill. We provide the mechanism and means, since we are asking for manifests before the flights and cargo arrive, so we can thoroughly screen it. We are giving $24 million for Florida and other Gulf Coast seaports. Florida has already been a leader in the Nation on this issue. This bill will provide technology to continue this work.

We also authorize a very important $10 million for child cybersmuggling, which gives the money towards the National Center for Missing and Exploited Children for its operation at the child pornography tip line. We strengthen our borders in Mexico and we strengthen our borders in the north, in Canada. We are not targeting any group. We are not racially profiling. We are providing security and protection for the United States citizens of this country.

I suspect there will be acrimony on this debate. This is the first time since 1992 we have reauthorized the U.S. Customs Service, the oldest law enforcement agency in our country. I am certain there are a lot of people having vigorous debates on civil liberties and civil rights. I do not disagree that we have to be careful not to tread on the basic premises of our Constitution.

But we are at war. We have people who have threatened the integrity of this country. We have people who have destroyed the fabric of our communities through fear, intimidation, and through reckless disregard for human life. We have packages that could come in this country that could destroy our ports. So I think we have to be more proactive. I think we have to give them the tools. I think we have to provide for them some legal protection so they can make the appropriate search.

If we are to wait for a court to rule on every package that comes in this country through the U.S. mail service, or by virtue of a person carrying it across our borders, we will forever jeopardize the safety and integrity of this country. The courts do not move that fast, they do not operate that quickly. What we are trying to do is provide a level of protection for our citizens. I think it is high time we do.

I salute the committee for its hard work on this bill, and the chairman, and I salute the many Members that I believe will vote for this, because it provides, finally, the tools I think we need to not only protect our borders, but to protect our people.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California, my friend, for yielding time to me.

Mr. Chairman, the substitute is very simple, because for the most part, as I believe most of us have said earlier, this bill is actually a very good bill. It just has two provisions which are heinous, which go against our Constitution. If most Americans would have an opportunity to examine this, they would say that this does not belong here.

The first provision grants an exception to our privacy rights to allow Customs, without ever having to go after a search warrant, without ever having to show probable cause, to open up American citizens' mail. This is a provision which they could not substantiate. They could not explain why it was so essential.

I think everyone understands why there is that exception for incoming foreign mail into this country. No one would argue that. But when it comes to Americans and the mail we send abroad, why is it so essential that Mrs. JONES' mail to her mother, who happens to live in the Netherlands, has to be opened without having to go through some scrutiny, legal scrutiny, to determine if it is fair or not for Mrs. JONES' mail to be opened without her consent?

We can do it if we just go through the regular course of getting a warrant, showing probable cause to open up Mrs. JONES' mail. But why all of a sudden do we want to be able to have exceptions?

Remember, just 6 months ago, we passed some laws that gave law enforcement much greater authority as a result of trying to deal with terrorism. But to just undo the mechanisms that we have in place to ensure that we are adequately protected from abusive officials does not seem to be right.

The second provision, which again would mostly target African American women, and that is not conjecture, that is a fact. The General Accounting Office in 2000 found that not only are African American women stopped and searched more often, but it is 9 times more often than their counterparts, Anglo or white women counterparts, 9 times more often. Guess what? It also happens to be the case that those African American women are half as likely to contain contraband as white women, American women.

So while the group that is most targeted is least likely to possess contraband, they are the ones who are most targeted. How does that make sense? When one has had their rights violated, rights under the Constitution, why should we not be able to go out there and seek justice, seek redress?

This substitute says you cannot go after monetary damage, but it also does not say forget about the constitutional rights, you also cannot go after that rogue official who went after you.

Most of our officials within Customs are excellent officers. Several have died in the line of duty. I know the person who stopped the suspected terrorist from coming down to Los Angeles and bombing, or rigging bombs at the Los Angeles International Airport, my airport, was a Customs officer in the State of Washington.

They do tremendous work. Why do we have to paint all of them with the broad brush and believe that they are all going to be bad apples or rogue officers and do these bad things? When there is one that does it, why deny us the chance to seek a constitutionally protected right?

Mr. Chairman, I would ask the chairman if he would engage with me in a brief colloquy. I have a concern that has also been raised as to whether or not this provision, section 141 in the law, is actually retroactive, which would mean that previous bad acts by officials would also be exempted from action if this legislation were to become law.

I guess if we had to pass this, at least let us make it forward-looking, so officers are now on alert.

Mr. Chairman, I would ask the chairman if he would be willing to entertain a brief colloquy. I am concerned that this legislation, as I believe Customs is trying to profess, would be retroactive. But as I read section 141, there is nothing in the provision that says that this will apply to previous conduct of Customs officials. I would hope the chairman would clarify whether or not this law is indeed retroactive.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, it is my understanding that it is absolutely not retroactive.

Mr. BECERRA. It is not retroactive. I thank the chairman for that answer, and I reclaim my time.

Mr. Chairman, we need to do everything we can to give our law enforcement men and women the tools they need. This bill does a lot to go that route of giving them the resources, the tools they need.

One of the tools they do not need is the ability to violate the Constitution. One of the tools they do not need is the ability to violate our privacy rights. I don't believe any officer from Customs would stand here and say that is what I want.

I can understand if they are saying we want to have any frivolous lawsuit against our conduct while engaging in the scope of our authority, that that should not be appropriate; that those lawsuits while they were acting in the scope of their authority should not be appropriate. Those frivolous lawsuits, absolutely.

In fact, this substitute has language which, as I said before, would not permit monetary damages against a law enforcement official acting within his scope of authority.

So I would hope that the Members of this body will recognize that this substitute is reasonable, it is sensibly based, and it tries to go after the problem that Customs tried to identify, which completely missed in providing some exceptions to constitutional law which have no place in this good legislation.

I would hope that my colleagues, as they come down, would recognize that. We want to do everything we can to elevate our good officers, but there is no reason to protect the bad apples. I would hope that Members would vote for the substitute.

Mr. CRANE. Mr. Chairman, I yield 7 minutes to our distinguished colleague, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first let me say that I believe that some of the statements that have been made in the course of this debate, while well-intentioned, have been bordering on outrageous. I would like to correct some of the record.

My particular involvement in this has been as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources in the Committee on Government Reform, where we have authorizing and oversight authority on the drug issues, which has led me into the border issues whenever we talk about drugs.

The reason our subcommittee also has jurisdiction over commerce is it leads us into trade. The reason we have jurisdiction over Justice is it leads us into immigration.

We have held 6 hearings since September 11, 3 on the north border, 3 on the south border, in addition to myself visiting many of these water crossings, as well as staff doing additional border crossings. So far, we have held hearings on the Vermont and upstate New York borders, we have held hearings in the Washington State corridor with Seattle, and in Los Angeles and Long Beach harbors, as well as in San Diego and as well as in Douglas, Arizona, on both borders.

I have also been to relatively obscure sights like Fortuna and Portal, North Dakota, where if you wanted to get a judge to clear something, you would have something in the vicinity of probably 120 miles to go with hardly a tree between there and the judge, where some of these counties only have 2 policemen in the whole county, and where our entire security perimeter is the Customs and the Border Patrol or INS agent at that little station. North Dakota ironically has more crossings with Canada than any other State.

We are totally dependent on our brave personnel at the border to make judgment decisions.

I want to cover a number of things in this, but first let me cover what I believe are some relatively outrageous statements made on the good faith searches.

First off, under this bill, they have to follow the Customs guidelines, which explicitly say never use a person's gender, race, color, religion, or ethnic background as a factor in determining any level of suspicion. That is in the report language. In the bill it says "good faith searches." This defines "good faith searches."

We have heard a lot of statements on the floor that are not accurate. In fact, when I met the officer, Diana Dean, at Port Angeles, who, because of her and 2 other Customs agents, they were able to intercept what was going to be a millenium bomber in Los Angeles, they themselves went outside of existing regulations in pursuit of the terrorist who had fled, because they had to make a judgment that this person seemed nervous at the border. They decided that the risk was so high that they would risk a lawsuit in order to try to save people's lives in Los Angeles.

The thanks that they get is to imply that somehow they are not going to follow the Customs guidelines in gender-specific or race-specific searches because they saved people's lives. We should not have people on the border who are risking their careers or their livelihoods based on their right to protect us, and we need to work out these types of questions. They did not search somebody's mail, but, in fact, they went in hot pursuit, which was something that had they not done, the terrorist would have escaped. Had we not captured that terrorist, we would not have much of the information on al Qaeda networks that are in Montreal and other places. We would not have been able to put together the schemes.

Every day on every border every Customs agent has to ask himself or herself, what is their priority; is their priority the safety of the citizens they are hired to protect, whether it be the laws of the United States or, in fact, a terrorist?

□ 1515

They have to make a decision, what is the priority. And at every border crossing, north and south, agents have told me that they are concerned about their flexibility and what their guidelines are and that they are inhibited in their ability not to racial profile, but how they are just extra cautious because they believe that without the ability to have good-faith searches and a little more clarity inside the Customs Department to change this. This is not a dramatic change, because, as I said, good faith says they cannot profile on the basis of gender, race, color, religion or ethnic background.

Now let me address another point. One of the big problems we have on the north border is that DC Bud and Quebec Gold are coming across from Canada. In the south border it is heroine and cocaine coming in. In the north border it is also precursor chemicals coming in for methamphetamines.

What goes back out from American citizens the other way or from illegals or citizens of other countries is the money. If we are going to track the money that goes to terrorists and drug cartels around the world, we have to have the ability to, when there is likely suspicion based on good-faith logical efforts, to be able to search in a timely fashion without hesitance because you are making judgment at the border. You have to establish it is a good-faith effort. You have to be able to track the money.

We have lost much of the terrorist networks around the world because we are losing track of the money. And much of that money is coming back from America going out. At the Canadian Parliamentary/U.S. Parliamentary session that we had this past weekend, one of their concerns is that we are slowing at certain borders, and on our side of the border we have slowed down the borders because we are doing so much checking going out. That is because a lot of the problem is not Canadian and it is not Mexican or Central American, it is American citizens who are, in fact, bringing things in and then taking it back out and we have to have some ability to track that money.

Furthermore, one of the big concerns for all the communities, whether it be Southern California or Texas or Arizona or in the north States like Michigan and Indiana and Washington State, for example, a pickup that is made in Fort Wayne will have as many as a hundred border crossings put in the pickup because they basically have 40 percent Canadian parts and about 60 percent U.S.; and the same thing on the reverse of the border. When you have that happen, we cannot be random checking every single person that is going through. Clearly we have to have some form of better intelligence and better screening.

But we also have to have, because of the biggest busts in United States history, whether it be of drugs on the Vermont border, whether it be at Port Angeles where people save many of thousands of lives because they use their judgment as a customs agent, they have to feel that they are making the best judgment. What one of the people at the Vermont border saw was they thought there was something funny on the bottom of a truck because the bottom of the truck, one of the pieces of equipment did not look right. They decided to check this truck. It was the biggest drug haul they ever got at that border.

We depend on the discretion of these brave people on the border to do this. We need to give them some flexibility because they are trying to protect us. They still cannot harass. They still cannot single out based on that. They have to have a logical good-faith suspicion that is there.

I have a full statement I would like to put on the record on the need to reauthorize the Customs Service. I am disappointed that we did not address the overtime question. We are using these people in many cases for 60 hours a week. We are running out of the budget. We need to figure out how we will deal with this. It has been a great privilege and honor to meet so many of them. I think they should be upheld and praised and not criticized.

1. NEED TO REAUTHORIZE AND IMPROVE CUSTOMS SERVICE

H.R. 3129 comes at an extremely critical time. In the wake of September 11, it is clear that we have to improve security at our nation's borders and ports of entry. Numerous threats face us at the borders: terrorism, narcotics smuggling, alien smuggling, weapons smuggling. The key agency in intercepting these threats is the U.S. Customs Service.

Customs has not been reauthorized for many years. While I am personally impressed with the job being done by the men and women at the Customs Service, it is clear that they will need more help. H.R. 3129 addresses many of the problems faced by the Customs Service, and will strengthen it as it meets the new challenges of the 21st century.

2. MANIFEST AUTHORITY

Section 143 of this bill will require all carriers who are entering the U.S., whether on land, by sea, or by air, to provide the Customs Service with advance manifests of their cargo, crew and passengers.

This provision is absolutely critical in our ongoing fight against terrorism, narcotics smuggling, and other illegal contraband. The Customs Service needs to have this information before a truck, ship or airplane reaches our borders and shores. Advance information allows Customs to determine which shipments and which persons need extra scrutiny, based on the level of risk. Customs can't target the riskiest cargo, crew members and passengers if it doesn't know in advance what and who they supposedly are.

Currently, carriers are required to provide some information. The amount of information, however, varies widely depending on where trucks, ships and airplanes are arriving. In enacting this provision, I believe we will help Customs standardize and improve its targeting procedures, thus enhancing our security.

3. ENHANCEMENTS IN STAFFING

Our Subcommittee has been conducting a comprehensive study of law enforcement and security at our nation's borders and ports of entry. We have been very impressed with the job being done by Customs employees at land crossings, sea ports and airports. But it is especially clear after September 11 that they need more help, particularly on the Northern border.

Section 131 of this bill authorized funds to hire 285 additional Customs inspectors for the Northern border. This is a good start in addressing the severe staffing problems faced at many of our ports of entry.

After September 11, Customs went to a heightened state of alert, meaning that Customs inspectors began conducting more inspections and working much longer hours. We have spoken to many Customs inspectors, and nearly all of them are putting in long hours of overtime. This will allow our inspectors to receive fair compensation when a national emergency forces them to put in the kind of hours they had to last fall.

4. IMPROVEMENTS IN TECHNOLOGY

Section 102 of this bill provides for additional equipment and technology for Customs inspections on both the Southern and the Northern borders. At each of the ports of entry we have visited, it has been clear that the experience, dedication and judgment of individual inspectors is the most important defense we have against those who would do us harm—like Ahmed Ressam, who was caught trying to smuggle bombs into this country in December 1999 by the alertness of Customs inspectors at Port Angeles, Washington.

However, our inspectors can't do their job if they don't have the right tools, and that means technology. Section 102 authorizes funds for additional equipment and technology at our borders and sea ports. This equipment, including VACIS scanning units, cargo container scanners, and other detection devices, allows Customs inspectors to examine far more trucks and cargo containers than they could manually.

5. AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

Section 101 authorizes funds to continue the development of Customs'; "next generation" computer system, the ACE system. Customs is currently using computer technology that dates back to the mid-1980's. The program is cumbersome, it frequently breaks down, and it simply isn't adaptable to current trade realities. The ACE system will fix these problems and provide the international trade community with a "single window" through which to provide information to all government agencies that regulate and inspect the goods entering the country.

6. IMMUNITY FOR GOOD FAITH SEARCHES

Some people have criticized Section 141, which provides immunity from civil damages for U.S. officials conducting searches at our ports of entry. However, this provision is necessary if our Customs inspectors are going to be able to do the job we're asking them to do. We want our inspectors to be vigilant and thorough in protecting us from terrorists, drug smugglers and others who would do us harm. If so, then we need to give them the assurance that, if they are acting in good faith, they can't be hauled into court.

Ms. WATERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me time.

Just to respond to my friend, the gentleman from Indiana (Mr. SOUDER), the activities that the gentleman described of customs officials trying to apprehend individuals who were suspects or there was probable cause to believe they were suspects, whether it was contraband or terrorist activities, all that is protected under current law because those officials would have been acting under the color of law and would have had under an objective standard the right to do that because it would have been perceived to be reasonable.

What this legislation does, it removes the objective person's standard of what is reasonable under the Constitution, and says what is subjectively reasonable. So that if the officer said, well, I believed I was reasonable in going after that African American woman and strip searching her because I thought she might be carrying contraband, we under this legislation could not challenge that. Because so long as he believed he was acting in good faith, however that good faith is defined, because this bill does not define it, you could not go after that person.

This legislation would deny us any recourse, that African American woman, that individual who is innocent, recourse. What the substitute says, and I will yield with the time that I have, the substitute says, okay, let us protect the officers so they do not find themselves in court, but do not make the government free of liability for violations of the Constitution. Make the government clean up its act even if you do not cause individuals in the customs service to face lawsuits individually.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the gentleman made a misstatement of fact.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The time of the gentleman from California has expired.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, the problem with this standard and, of course, somebody can take it to court if they do not think they filed in good faith, but the fact is that the burden of proof at the time of the actual what is going on at the border, the officer has to make a decision in his mind, not in an outside mind, as to whether it was in good faith. They did at Port Angeles which helped save people in Los Angeles. They made a good-faith effort in what they thought was a good-faith effort. But it intimidates a lot of officers who know if they may think it is a good-faith effort, but somebody outside does not, depending on what that group is and how, it is an inhibiting factor.

They can be sued or you can have a process if you feel it is not good faith in that officer's eyes and he would have to defend that position. It is a question of where the burden is, and you are implying that the customs officers on the border are not capable or we will have rogue officers. If they are rogue officers, they can be pursued. The question is what does the regular officer do and how is it intimidating in our border safety?

Ms. WATERS. Mr. Chairman, I yield myself 1 minute to continue to deal with the question that is before us.

I think the gentleman misunderstands. The fact of the matter is the gentleman from California (Mr. BECERRA) explained that we are not stripping away the protection. They will have immunity from liability. We are taking the liability and placing it in the hands of government rather than on the individual that would have made that decision who thought that it was a reasonable decision at that time.

Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, the further point where the gentleman from Indiana misstates what is current law and what I said, we base it because the Supreme Court has said, not on what the gentleman from Indiana (Mr. SOUDER) believes is reasonable or what I believe is reasonable. It is an objective standard, not a subjective standard.

This bill changes the Supreme Court's law that says you base reasonableness on an objective standard, and it says based reasonableness on what that officer believed was reasonable. And that is not fair because that subjective judgment could cause people's rights to be violated.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentlewoman for yielding me time. I want to thank the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. BECERRA) for their strong defense of the liberties of our citizens no matter where they are. And I would say to the gentleman from Indiana (Mr. SOUDER) who has become so expert on what is going on at the border, I was at the border with him in San Diego and I was at those hearings and I did those tours. And there was nothing in those hearings that could lead me to the conclusion that he has stated here in favor of the basic bill.

I represent a border district. I represent the southernmost area of California that borders Mexico. After next year I will represent the whole California/Mexico border. In fact, I represent the border crossing in which there are the most people crossing of any place in the world; and I have represented this area for a decade and a half. So I think I know something about what is going on there and what we can achieve and what we can protect. I think we can do both. We can provide customs with the tools that they need to do their job, and we can protect the constitutional rights of my constituents and citizens from all over this country.

We had a very good bill, I am told, that would have received a large vote in support; but the bill that came to the floor sacrificed privacy under the guise of security, and so we have the Waters substitute, which I am speaking in favor of.

The immunity that is requested has not been really supported by customs. They have not made the case of why the current standard of qualified immunity is insufficient. Officers are already protected from the unwarranted claims as we have heard many times before.

As far as the mail goes, we inspect mail that comes into this country because we do not know what it might contain. But with the mail going out, our privacy should not be unduly invaded. As we have heard several times, customs can search the mail already if they get a warrant. They can hold the mail if it is suspicious. But we should not authorize a wholesale opening of mail without a warrant.

Mr. Chairman, in these United States of America even in 2002, even after September 11, we should not try to guarantee the security of our Nation by crushing the civil rights of our people. This is not the way to go. Support the substitute. Vote down the basic bill.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from California (Ms. WATERS) controls 14 minutes. The gentleman from Illinois (Mr. CRANE) controls 18 minutes.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was very pleased to hear the dialogue and debate with the gentleman from California (Mr. BECERRA) and the distinguished gentleman from Indiana (Mr. SOUDER), but I think the more we can clarify what this substitute does we might be able to get legislation that all of us could support. It is a simple process. Those of us who live every day as Americans but also have a history of discrimination by this Nation against us are very sensitive to laws that would undermine even more those basic rights. It is our cause, if you will, our particular duty to bring to this House our diverse perspective, and that is to understand what it means to racially profile young African American males, young African American women, young Hispanic men and women and others of diverse racial backgrounds.

What we say today is that this is not an indictment of customs agents. As all of us have, we have excellent and outstanding customs agents working throughout our Nation in every one of our districts. As I go through the Intercontinental Airport in Houston, Texas, every day, I see the fine work of men and women of the Customs Service. We promote and support them.

As a member of the Committee on the Judiciary, we are constantly looking for ways to enhance and provide them with the resources that they need. Let us divide ourselves with that kind of negative attack which is trying to be drawn to those of us who are now speaking about civil liberties.

It is clear and simple. The substitute is not a complicated initiative. It says this: "Remain in current law with respect to the search of mail; require a warrant, a simple probable cause." That is not a difficult proposition. Might I say that most of us are not getting mail timely anyhow. This is not a comment on the U.S. Postal Service. It is not a comment on the U.S. Postal Service. It is a comment on the status of mail today because of necessary security precautions. We accept that. With that in mind, ample opportunity is given to those who believe there is need to search mail. I welcome them searching mail, but they can do it under current law and that is what the substitute provides.

□ 1530

Secondarily, with respect to the Customs agents, there is no chilling effect. Do the job. If someone determines suspiciousness, I give that person 100 percent latitude to do so. The question becomes those who willy-nilly want to seek persons who have no basis upon being sought, there is no suspiciousness, other than color of their skin, and what the substitute provides for us, which I cannot find a reason to divide on this, it protects the Customs agents 100 percent. It tells them to do their job.

If, however, an aggrieved citizen or person comes and says I know that I was targeted on the basis of not good faith, but on racial profiling, the government stands in the shoes of that agent, protects the agent, but then gives the opportunity of the aggrieved citizen to be able to seek address of their grievances.

That is the key to the substitute. Why this could not be supported by my colleagues on both sides of the aisle, to make this the kind of legislation that speaks to what we are trying to do, not a single divide on fighting terrorism but a recognition that the values of this Nation are different.

Let me finally say, Mr. Chairman, and I have said this before, we have a lot of work to do on fighting terrorism, and part of it is in the question of intelligence and sharing intelligence. It is a shame and a sham that there is a closed session dealing with this by 1 committee when other committees of jurisdiction, such as the Committee on Judiciary, have not yet held hearings regarding this important issue.

I believe if we spend our time trying to track why intelligence and memoranda is not shared up the track or up the line so that we can determine how to fix those problems, I think we can spend a lot of good energies doing that, and in this instance, I think we can spend good energies passing a good substitute to make this bill better so that we can fight terrorism in a unified voice but as well stand for the values that this Nation stands for.

Mr. Chairman, I support the substitute. I would ask my colleagues to do so, and I would ask my colleagues to join me in asking that we investigate fully why memos are not communicated that deal with protecting this Nation and providing good intelligence.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

I would say to the gentlewoman on the other side of the aisle the fact that none of our colleagues on the Committee on Ways and Means raised this issue during consideration of this bill in committee and the amendment, Rangel amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am here to urge support for the Rangel substitute which would strike, among other things, section 144 from the bill.

As the ranking member of the committee that has jurisdiction over the Postal Service, I am especially concerned about section 144. This section would allow Customs agents to inspect outbound mail without a search warrant.

Never in our Nation's history have we allowed law enforcement to inspect the outbound personal letters of our Nation's citizens without a search warrant. This is an intrusion on the privacy of the American citizens sending letters abroad, and it could have adverse effects on the delivery of letters by the Postal Service.

As many of my colleagues have heard, the American Civil Liberties Union opposes the measure, saying it violates people's expectation of privacy in the mail and that the Customs Service's interest in protecting our borders is adequately protected by its ability to secure a search warrant.

A leading association of business mailers is concerned about the provision as well, saying it would slow the pace of mail and add millions to the cost of shipping goods overseas.

The Postal Service is strongly opposed to the provision. They say it would have a detrimental impact on their ability to move mail and could jeopardize their international express mail service.

Not only is this provision troubling from a civil liberties standpoint and the standpoint of mail delivery, it may also violate our commitment under international mail treaties. In addition, it contradicts section 3623 of title XXXIX which prohibits inspection of certain classes of mail without a search warrant. The provision does not amend title XXXIX and instead would create a statutory conflict.

The Customs Service has full authority to search outbound mail now as long as it first obtains a search warrant. Customs argues that this requirement creates too much of a burden for them and that they need broader search authority. It may be that the Customs Service needs this authority, but the Committee on Ways and Means has never held a hearing on this issue to explore why this authority is needed or its impact on civil liberties, and the Committee on Government Reform, which has jurisdiction over the Postal Service, has not had an opportunity to examine this issue at all despite its impacts on the Postal Service.

These are serious concerns that need to be explored. We should not approve this unprecedented authority until the Committee on Ways and Means and the Committee on Government Reform have had an opportunity to examine the issue very, very carefully. I urge my colleagues to vote for the Rangel substitute and give us an opportunity to explore these concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for bringing that to our attention, and I have just been informed that the Democratic members of the Committee on Ways and Means raised some of those concerns under the gentleman's jurisdiction in committee and even tried to offer amendments. So I thank the gentleman very much for bringing this to the floor at this time.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, well, they might have raised concerns and offered amendments, but the committee that has jurisdiction over the Postal Service did not have a chance to examine it nor did the Committee on Ways and Means, as far as I know, hold hearings on the matter which would have brought in expert testimony.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I have no more speakers. I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Illinois (Mr. CRANE) has the right to close.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thought we had the right to close.

The Rangel amendment, the substitute states that Customs inspectors are not liable for civil damages for suits brought in connection with a personal search. However, the bill does state that the U.S. Government consents to be sued and to be held liable for civil damages for suits brought in connection with the wrongful personal search. I think it is necessary for me to say that because I think there is some confusion about what this amendment does.

Before I talk about this amendment any more, I think it is important for me to clarify that there are many good things in this bill. This bill includes good legislation, all of which we include in the substitute. This bill includes important authorization for appropriations such as providing Customs with funding above the administration's request and equals that provided in the appropriations process.

Most of the increased funding allows for an authorization of $308 million for each fiscal year to ensure that the Customs automation system will be developed in a timely fashion, providing USTR with more than requested by the administration and providing the International Trade Commission with its full fiscal year request. The bill also authorizes such sums as needed to reestablish New York Customs headquarters and operations.

Finally, the bill authorizes $1.3 million for Customs to hire additional personnel to assist ATOA beneficiaries to comply with visa and textile transshipment requirements.

The bill also includes provisions that will help ensure the safety of our borders, including requiring all carriers to file an electronic manifest describing passengers and cargo before entering the country.

So I do not want anyone to get the idea that somehow because we have a substitute that we have ignored those parts of the bill that we think are good, but we think that it is very important for us not to jump on the bandwagon of undermining the civil liberties of American citizens in the name of fighting terrorism. We believe in fighting terrorism, but we do not believe that we undermine or waive the Constitution of the United States to do so.

Let me just say that our Customs agents have all of the authority that they need to do the searches that they want to do, that they are protected with qualified liability, and they do not need to have this bill which, in fact, goes far beyond anything that they have requested.

Let me remind the Members of this Congress that with this authority, with this protection, we do expect our agents to be careful and to be reasonable. They have the ability to strip-search. My colleagues heard the GAO study. We are not making this up. The GAO study talked about the fact that African American women are searched much more than other women. It talked about the fact that African American women have much less contraband, despite the fact they are searched more.

While there are those who are willing to throw out the Constitution, I suspect they are only willing to do it until their wife comes through, or their sister, or their neighbor or their friend, and is strip-searched in ways that they cannot believe is reasonable.

Let me just say that this bill will transfer the liability from the individual agents to the government where it belongs. There are many people who work for government and are agents of the government of the United States and they do not have to accept the liability, that it is on the shoulders of the government of the United States, and that is the way that it should be.

I think that the case has been made here today. I think that these issues were brought up in committee. We see the dissenting views of those who signed a letter indicating their dissenting views, and I would say that not only has the case been made but that the Members of the Congress of the United States should not go throw out the Constitution of the United States in an effort to deal with terrorism.

Mr. Chairman, I yield the balance of the time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for the last 2 minutes on the debate of the gentlewoman's time.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California (Ms. WATERS) for yielding me the time, and I compliment her on her statement.

When H.R. 3129 came to the floor on suspension last December and here again today, we argued that the legislation introduced needlessly expanded the scope of Federal authority and threatened the protection of civil rights by granting search immunity to Customs agents so broad and by allowing warrantless searches of outgoing international U.S. mail, that the measure was unacceptable.

In defeating the legislation, we reiterated our commitment to aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation, but, unfortunately, the majority has not been open to discussion and compromise on the critical issues of racial profiling and privacy that are raised by this legislation. Why? Although the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that reasonably and fairly addresses the issues of border security.

Meetings between staff and the Customs Service have clarified the Customs immunity question and proven that the section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed, and we are unaware of any case where a Customs agent, acting within the scope of his authority, has been subject to prejudgment attachment of their personal assets in any kind of a trial that followed.

When H.R. 3129 came to the floor on suspension last December and again here today, we have argued that the legislation as introduced needlessly expanded the scope of federal authority and threatened the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail. In defeating the legislation, we reiterated our commitment aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation.

It is truly unfortunate that the majority has not been open to discussion and compromise on the critical issues of racial profiling and privacy that are raised by this legislation. We believe that the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that fairly addresses issues of border security.

Meetings between staff and the Customs Service have clarified the customs immunity question and proven the fact that the Section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed and we are unaware of any case where a Customs agent, acting within the scope of their authority, has been subject to a pre-judgement attachment of their personal assets or judgement of any kind following a trial.

As we have consistently stated, the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer's behavior, not the subjective "good faith" standard used in this legislation, is the proper test for liability.

What the Custom's Service has complained about is the pace of trial through the federal courts. Bluntly stated, they want the cases against their AGENTS DISPOSED OF FASTER, LIKE EVERY OTHER CIVIL LITIGANT IN THE COUNTRY. THIS BILL'S RESPONSE IN SECTION 141 IS THE CREATION OF A BROAD CATEGORY OF IMMUNITY, UNAVAILABLE TO ANY OTHER LAW ENFORCEMENT OFFICER.

That provision is both unnecessary and dangerous to the rights of the public, who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Custom's Service has argued that Section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African-American women who are contesting the legality of disparate intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces Section 141's grant of immunity with an exclusive remedy against the government for the actions of Customs agents who act within the scope of their authority. This compromise fairly balances the interests of Customs agents, who follow policy, with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

The U.S. Postal Service has even taken the position that "There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." In short, experts from the Postal Service have determined that this provision is unnecessary.

As we search for increased national security, we must remain mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. We believe that the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced. Because increased security should not come at the cost of our constitutional rights, I urge you to join me in supporting the substitute.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

My bill would provide Customs with new, necessary search tools in light of America's new security needs while balancing the need for privacy.

The Rangel substitute guts some key provisions. By striking the outbound mail provision, the Rangel substitute allows continued money-laundering to occur. The Rangel immunity provision leaves the Federal Government open to a new class of torts. My bill protects only those inspectors who act in good faith.

Under my bill the government can be sued under the Federal Torts Claims Act.

Mr. Chairman, I urge a no vote on the Rangel substitute and a yes vote on H.R. 3129.

Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Rangel Amendment to H.R. 3129, the Customs Border Security Act of 2001.

As a Member of Congress, and as an African American, I cannot tolerate the practice of stopping and searching American citizens for no reason other than their race. As I studied H.R. 3129 that is what I feared would happen.

As I thought about this issue, I realized that the words that went to the core of this issue had been written over two centuries ago, and could be found within one of the documents sitting on my desk—The Constitution of the United States. For the Constitution's Preamble states: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Let me repeat the key phrases that are critical to this issue: "We, the people of the United States . . . establish justice, insure domestic tranquility, do ordain and establish this Constitution."

The attitude demonstrated by too many law enforcement officers must change from inaccurately resuming the guilt of people of color. This is the least that our Constitution requires of them.

H.R. 3129 is bad for America's citizens. However, the Rangel Amendment addresses the core concern of Customs: that Customs inspectors are not personally liable for monetary damages in civil suits involving personal searches; the amendment also ensures that there is recourse for potential abuses of civil rights by providing recourse against the U.S. government.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith."

The term "good faith" is not defined in the bill. An officer could engage in blatantly discriminatory conduct, but if he in "good faith" believes that he was justified in doing so, he could not be held liable.

Customs officers are already entitled to qualified immunity that protects them from unwarranted claims related to illegal and unconstitutional searches.

This bill would expand immunity so as to make it nearly impossible for a person seeking redress for an unconstitutional search.

No law enforcement official is entitled to this broad grant of immunity and the Customs Office, which has a documented history of racial profiling, should not be an exception to the qualified immunity standard. Given that Congress has recently expanded the police powers of government officials, it should not at the same time cut back on the mechanisms in existing law that are designed to ensure police powers are not abused.

It is our duty to breathe life into the words that protect every American Citizen, no matter the color of their skin. We must remember Dr. Martin Luther King's words: "Injustice anywhere is a threat to justice everywhere."

I urge my colleagues to vote against H.R. 3129 and support the Rangel Amendment.

□ 1545

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 6, as follows:

[Roll No. 192]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Burton
Deutsch
Emerson
Mascara
Traficant
Watts (OK)

□ 1609

Mrs. JOHNSON of Connecticut and Messrs. YOUNG of Alaska, SHERWOOD, SKEEN, WELLER, BACHUS, LUTHER, and GILMAN changed their vote from "aye" to "no."

Ms. McCARTHY of Missouri, Ms. HOOLEY of Oregon and Mr. DAVIS of Florida changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed Recorded Votes on Wednesday, May 22, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On agreeing to H. Res. 427, rollcall vote No. 186, I would have voted "yea;"

On approving the Journal, rollcall vote No. 187, I would have voted "yea;"

On agreeing to H. Res. 426, rollcall vote No. 188, I would have voted "yea;"

On agreeing to the Conference Report, rollcall vote No. 189, I would have voted "yea;"

On Passage of H.R. 3717, rollcall vote No. 190, I would have voted "yea;"

On Passage of H. Res. 424, rollcall vote No. 191, I would have voted "yea;"

On Agreeing to the Waters Amendment, rollcall vote No. 192, I would have voted "nay."

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, pursuant to House Resolution 426, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. THOMAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 327, noes 101, not voting 6, as follows:

[Roll No. 193]

AYES—327

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—101

Abercrombie
Baca
Baldwin
Barrett
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Doggett
Duncan
Engel
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill
Hilliard
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Maloney (NY)
Markey
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Nadler
Napolitano
Neal
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sánchez
Sawyer
Schakowsky
Scott
Serrano
Solis
Stark
Strickland
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wynn

NOT VOTING—6

Burton
Deutsch
Emerson
Mascara
McDermott
Traficant

☐ 1629

Messrs. SAWYER, RAHALL and HOLT changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Custom Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3129.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. WYNN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against provisions in the bill, as amended, are waived except as follows: page 4, lines 18 through 23; page 57, line 6, through page 58, line 22; page 92, lines 3 through 5. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution.

(b) The chairman of the Committee on the Budget shall submit for printing in the Congressional Record—

(1) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974, which shall be considered to be such allocations under a concurrent resolution on the budget;

(2) "Accounts Identified for Advance Appropriations," which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353; and

(3) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 referred to in section 211 of such concurrent resolution.

(c) The allocation referred to in section 231(d) of House Concurrent Resolution 353 shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subsection (b)(1).

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us is an open rule that provides for consideration of H.R. 4775, the Supplemental Appropriations bill for fiscal year 2002. The rule provides for 1 hour of general debate, and it waives all points of order against consideration of the bill. Additionally, amendments printed in the Committee on Rules report shall be considered as adopted in the House and in the Committee of the Whole.

This rule also contains a very important deeming provision as we move into the appropriations season, and it is important that we address this. Upon passage of this resolution, the rule provides that House Concurrent Resolution 353, as adopted by the House, shall have force and effect as though adopted by Congress. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, today we are considering the emergency supplemental appropriations bill for fiscal year 2002. This wartime supplemental comes 8 months after the September 11 attacks against our Nation. While Americans have begun the process of healing and recovery, we must be mindful of the threats that continue to face our Nation. The alerts and intelligence reports that we receive are constant reminders that the war against terrorism is far from over.

After last September, America responded by fortifying our homeland and launching an aggressive global war on terrorism. Mr. Speaker, this wartime supplemental is absolutely critical to our continued ability to fight and win this war.

There are a number of important provisions in this bill, but none more important than the funds that will go towards helping America win this war on terrorism, both abroad and at home. The bill provides $15.77 billion for the Department of Defense. This money will go towards ongoing military operation costs, personnel costs, and costs associated with forced mobilization. Fighting the war is expensive, and this effort is no exception. However, I believe that the American people are united in their support for making sure that our military has the necessary resources to carry out its mission of insuring our national security. In short, we need to help our President to make sure that our military and the men and women who are dealing not only in law enforcement, but also our military, have the necessary elements to win.

Mr. Speaker, with the frequent announcement of possible terrorist attacks, many Americans are dealing with a sense of fear about our future. I want to emphasize that this bill addresses this uncertainty about the future and will hopefully help to instill confidence in people.

Priorities and funding have been given to allow our intelligence operations to track, analyze, and prosecute global terrorist threats against the United States and our allies. With the $1.5 billion included in the supplemental, intelligence funding has increased to record levels since September 11. This bill also provides funds to improve the Federal Bureau of Investigation's technology systems. These additional funds will enhance the FBI's overall counterterrorism and intelligence processing capabilities, allowing for better electronic sharing of information between Federal, State, and local law enforcement agencies.

In addition to protecting our national security, this wartime supplemental also provides funds to help secure our homeland.

One area of particular attention since September 11 has been Immigration and Naturalization, the INS Service, and its operations. In March 2002, the INS mailed a letter to a Florida flight school informing them that Mohammed Atta and another hijacker had been approved for student visas. Needless to say, many still-shaken Americans were very concerned when this news came out.

The supplemental builds on what Congress has already done to address this issue, and provides additional money to the INS to help them better account for individuals who have committed immigration violations and who have not followed orders to leave this country.

Since last September, a number of changes have been implemented to improve safety at our airports. For those of us who fly frequently, these changes can take some getting used to. I must confess that I too have been pulled out of the line and searched from head to toe on more than one occasion.

However, these safety changes are necessary to restore confidence in our airlines. Americans should be further assured because this bill provides additional funds for checking baggage, explosive inspection systems, as well as baggage screening and security enhancement at United States commercial ports. Other initiatives targeted at improving our homeland security include funds for secure transportation of nuclear weapons and materials, as well as money for the increased security at nuclear weapons facilities.

After the September 11 attacks, this Congress acted with expediency to pass a $40 billion emergency supplemental for recovery and to fight the war on terror. Today, we build upon our past efforts and continue to remember those who lost their lives in New York, Pennsylvania, and here in Washington, D.C. As our President has committed, and I quote our President, "We will direct every resource at our command, every means of diplomacy, every instrument of law enforcement, every financial influence, and every necessary weapon of war to the destruction and to the defeat of the global terror network."

This shared commitment means that we will continue to provide and fund whatever is necessary to winning the war on terrorism.

Yet this bill also advocates for fiscal discipline and restraint in other areas. On March 20 of this year, the House passed its budget resolution, H. Con. Res. 353. However, the absence of a budget resolution conference report makes it necessary for us to consider language that would deem the House-passed budget resolution to be a conference report. In effect, this language would bind the House to the spending and revenue levels established in the budget resolution, and the corresponding 302(a) allocations, and any related rulemaking provisions.

This language is necessary both to establish parameters on discretionary spending and to implement such mandatory initiatives accommodated in the budget resolution such as a prescription drug benefit under Medicare, concurrent receipt of military retirement and veterans disability benefits, and a new tax benefit for charitable giving.

I want to take a minute to remind my colleagues that this House-passed budget was a carefully crafted bill that balanced our priorities of winning the war and securing our economic and personal security. From providing the largest increase in 20 years to the national defense to growing our economy and paying down the debt, this wartime budget makes America safer, the economy stronger, and secures the future for every single American.

I am pleased that the measure that is before us today recognizes the critical needs associated with our continued war effort, while maintaining our commitment to fiscal discipline. I urge my colleagues to support this open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week, congressional Republicans were caught using a September 11 Presidential photo as a fund-raising prop for their political campaigns. It was a particularly shameless sparing of political war profiteering, one that did an immense disservice to the President, as well as to the country. Unfortunately, Republican leaders have not learned their lesson, and they are trying to do it again today by confusing the public with this rule.

So let me speak very plainly about the question posed by the vote on the rule today. If we want to increase America's national debt and write a blank check to keep raiding the Social Security trust fund, then vote "yes" on this rule. If, on the other hand, we believe we should be honest with the American people and sit down together to work out a bipartisan plan to stop raiding Social Security, then vote "no" on this rule. That will force the Republican leaders to stop playing politics with the war, and then we can overwhelmingly pass a bipartisan emergency spending bill crafted by the Committee on Appropriations.

Under this rule, the Republican leadership attempts to sneak through a provision paving the way for raising the debt ceiling, without a straight up-or-down vote on the issue. They are attempting to shield their weak-kneed Members from having to vote on putting us deep in debt. They want to put billions of dollars on the national credit card, without each putting the credit card through the credit card reader. They do not want a telltale receipt for their spending spree.

Make no mistake, Mr. Speaker. The Committee on Appropriations has written a good bill that reflects our bipartisan support for national defense and homeland security. It is true that many Democrats believe we should do a lot more for homeland security, but the bill does provide substantial resources for priorities like safeguarding nuclear facilities in airports. Additionally, it provides more than the President requested for the Department of Defense, most of it for Operation Enduring Freedom, and the Committee on Appropriations has provided $200 million for antiterrorism aid to Israel in its time of need.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, and the gentleman from Florida (Mr. YOUNG), the chairman of the committee, deserve credit for their good work. Unfortunately, the Republican leaders do not hold in high regard such work, so they have overruled the Committee on Appropriations chairman and have crafted a rule that shatters the spirit of bipartisanship and the underlying bill. It is a rule that uses the war on terrorism as cover to take care of as many Republican political problems as they can think of.

For example, last year some Republican Members were criticized at home for siding with the Republican leadership on the fast track trade authority bill, despite the fact that it was harmful to people in their districts. So today, the Republican leadership is using this rule to provide them a textile provision that they can claim is their reward.

Here is another example, Mr. Speaker. A couple of Republican Members would benefit from a provision in the rule that would increase Medicare reimbursement rates for doctors and hospitals in their particular districts. That might be a good thing, but it would cost doctors and hospitals in every other district in the country. In other words, it helps only a very small fraction of the country and does it at the expense of everyone else. So it requires careful consideration in the light of day, not a procedural trick on a wartime appropriations bill.

As I explained at the beginning, Mr. Speaker, the most important issues hidden in this bill are Social Security and the national debt. The economic plan Republicans passed last year created massive, long-term deficits that threatened Social Security; and now, not even 18 months after President Bush inherited historic budget surpluses, this administration says the Federal Government has to borrow hundreds of billions of dollars more and put our children deeper into debt.

Democrats have repeatedly tried to sit down with the Republicans to work out a bipartisan solution to this threat to Social Security. Instead, just last night, in the Committee on Rules, four of the most fiscally conservative Members of the House, the gentleman from Texas (Mr. STENHOLM), the gentleman from Kansas (Mr. MOORE), the gentleman from Florida (Mr. DAVIS), and the gentleman from South Carolina (Mr. SPRATT), offered yet another approach to restore fiscal responsibility, but were denied by the Republican leadership.

That is because the Republican leadership is deathly afraid that Americans will notice how much of the Social Security trust fund they are squandering under the programs. After all, the key to the secret Republican plan to privatize Social Security is to keep it sacred until after the elections. So instead of allowing a vote on the Bush administration's request to go deeper into debt, Republican leaders have hidden in this rule legislative language that will allow them to do it in the secrecy of a conference committee without a straight up-or-down vote on the floor of the House.

☐ 1645

This is just plain dishonest, Mr. Speaker. But it makes the vote on the rule very simple, because it means that Republican leaders have made the vote on this rule a vote to increase America's national debts and keep raiding Social Security.

So if Members believe that the American people deserve an open debate and a straight up-or-down vote on the future of Social Security, vote against the rule. Then we can give the underlying supplemental appropriations bill the overwhelming bipartisan vote it deserves.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the greatest parts about the rule that we are doing here today, is it is an open rule. We can stand up on the floor of the House and talk about whatever we want to talk about. We are not trying to sneak anything through. We are doing it right out in the open.

The light of day will be the best disinfectant, and that is why this debate is so powerful, because the truth can be told. We are going to tell the truth about this supplemental, because it is all about helping the United States and our military and men and women who are in law enforcement get the money that they need to keep this country going, and to make sure that we win this war. That is what this is all about.

Mr. Speaker, I yield 5 minutes to the gentleman from Mobile, Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the gentleman from Texas (Mr. SESSIONS) is a great American, especially since he knew in advance that I was rising in opposition for the first time in my 18 years in Congress against a Republican rule before this House.

I do it out of principle and I do it in all good faith, not to be critical of the Committee on Rules, not to be critical of their goals, but to express some concerns that I have that I think are very important, and that is aid to Israel.

For Israel in this bill, suddenly, in the middle of the night, in the Committee on Appropriations, without any encouragement from Prime Minister Sharon, without any encouragement from Chairman Arafat, within the Beltway some decided that we ought to give Israel $200 million in economic support, and give Mr. Arafat's area $50 million in economic support.

But to bring some history to the House, to ask Members to reflect back to 1997 when Prime Minister Netanyahu came before this very body, stood right in front of the Speaker and told this body that it was time for Israel to wean themselves of American economic support because their economy was better than ours. When Mr. Netanyahu said that, I immediately arranged a trip. I sat down with Mr. Netanyahu. I sat down with him, just the 2 of us. We worked out a process to wean Israel of all economic support, because they said it was no longer needed.

Along with that, at the same time we were giving Mr. Mubarak in Egypt a proportional sum of money. Two-thirds of whatever Israel got, Egypt got; not necessarily good foreign policy, but that was the policy that has been in effect since Camp David.

So I went to Cairo and I talked to President Mubarak, and he, too, agreed that Egypt would be reduced, just as Israel was, provided that Israel did not come in the back door and try to bump up their economic support without considering Egypt.

So I went before the Committee on Rules and asked for an opportunity to present this amendment to this body, on this bill, to give the proportional amount of money to Egypt, but I was for some reason denied.

But at the same time, some of the other areas Members of Congress wanted to be considered, such as the wage indexing problem in Pennsylvania with respect to Medicare reimbursement. It is also a problem in another 30 States. Yet, somehow or another, in this bill a self-executing rule says that Pennsylvania's problems will be resolved, but no other State will be resolved, so we will be left out in the cold on the indexing of Medicare payments to hospitals in the State of Alabama. Why they would give them that and not give me this simple opportunity to present an amendment for an up-or-down vote is beyond comprehension.

I also am upset about the deeming resolution, an unnecessary provision that is placed in this bill for the first time that I can ever recollect since the Republicans have been in charge, an unnecessary provision that is going to cause havoc and chaos as we go through the appropriation process in the next several months.

So with that, Mr. Speaker, for the first time, I think I am going to have to vote against this rule. I am not lobbying people to vote against it, but I am just expressing my own consternation, my own fears, my own principles.

I am going to offer amendments as we go through the bill to strike all of the aid to Israel that was included here without any request from Israel, without any request from the administration, without any requests from anybody. But someone within this beltway decided since we were going to have a supplemental bill, they were going to get some pork in it for Israel.

It is wrong to do that in this bill at this time. We will have a foreign operations bill on this floor in the next couple of weeks. That would be the appropriate time to address any economic support increase for Israel, not in an emergency supplemental bill. It was not included in the President's request, and it was not even requested by the government of Israel. It is the wrong thing to be doing.

Many Members know in their hearts that I am right, but they feel politically they cannot vote for it. I know in my heart that I am not going to win my amendments, but I am going to give people an opportunity to at least vote to see whether or not we ought to be doling out foreign aid in this emergency supplemental bill.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we all come here individually as politicians, and as we are assigned committees, as we develop expertise on substance, we become legislators, rather than mere politicians.

On the Committee on Appropriations, I think it is safe to say that we can take people with the most extreme ideological differences, and if we send them out in the field to examine a problem, when they come back to this Chamber, 8 times out of 10 they will probably have the same ideas about how to deal with the problem. That is what happens in a legislative body when we have the normal course of give-and-take and the normal willingness to compromise.

That is not just true of the Committee on Appropriations; it is supposed to happen on every other committee in the Congress. That is what is supposed to turn us into what we have been called when we have been called "the greatest legislative, deliberative body in the world."

But we have fallen a far, far pace from that on this bill. At least 6 times on major legislation, on patients' protection, the energy bill, the Airline Security Act, the Patriot Act, the pension reform, and welfare-to-work, each time, rather than running these bills through the committee process and accepting the committee result, we have seen the majority party leadership instead dictate a different result and dictate that a different package be brought to the floor. We are seeing the same thing here.

We had a bipartisan bill which was the product of 6 weeks of hard work between the 2 parties on the Committee on Appropriations. Then when the committee went into full committee, a number of amendments were adopted. Some of them I did not like, but with the exception of the DeLay amendment, which gave the President the authority to engage in a military attack on The Netherlands, I basically had no real problem with what the committee did.

But then it went to the Committee on Rules, and the instructions came down from on high that a number of extraneous items should be added to the bill. The first was that the House would deem that the budget resolution brought out by the Committee on the Budget months ago would be deemed now in effect.

That produces for discretionary funding in the next fiscal year a level $10 billion below the level being spent this fiscal year.

In the end, any knowledgeable Member of this House on either side of the aisle, and most especially knowledgeable Members on the Committee on Appropriations, understands that that is not deliverable.

I do not believe that we will find a majority of votes on either side of the aisle for the education bill, for instance, that would be produced as a result of those limitations because I do not believe either party is going to cut President Bush's education budget. But that is what it requires.

But the biggest outrage of all is this: We have in this rule a proposition which will allow seemingly innocuous language to be added, which is really the door-opener in order to raise the national debt, the limit on the national indebtedness, the limit on the Nation's credit card, by $750 billion.

The plan is to have the Senate insert increased debt, and then have it come back here wrapped in a package so that no Member ever has to actually vote on that freestanding item. Yet they will force an increase in the Nation's credit card debt.

□ 1700

And this proposition is being brought to us by a lot of the same people for the last year that have been parading all over this floor, talking about how they were going to support a constitutional amendment. This is a copy of H.J. Res. 86. There are 110 Republican sponsors on this resolution to require that not a dime of additional debt could be added without having a three-fifths vote of this House. Yet today this would facilitate raising the debt without individual Members having to stand up and take the heat for that vote. And if you take a look at the people who are listed on it, I would ask all of them how they can justify putting their names on this resolution and telling their constituents that they are against raising the debt without a full firm vote on it and then engaging in this sleight of hand.

This resolution is sponsored by people like the gentleman from Texas (Mr. DELAY); the gentleman from Virginia (Mr. GOODE); the gentlewoman from Kentucky (Mrs. NORTHUP); the gentleman from Wisconsin (Mr. RYAN), my own State; and a variety of others. I would ask each and every one of them, how can you justify going to your constituents and saying you are going pass this constitutional amendment and then you flip-flop and come back here and do this?

I do not think this process does a credit to the House, and I do not think it is a real process. I think it delays delivering money to the Pentagon that we need to get to the Pentagon in order to reimburse them for the costs of the war.

This day, if we proceed to pass this rule, will not go down as one of the glory days in the history of the House.

BILL SUMMARY AND STATUS FOR THE 107TH CONGRESS

COSPONSORS, ALPHABETICAL

Bachus, Spencer	Akin, W. Todd
Barr, Bob	Baker, Richard H.
Barton, Joe	Bartlett, Roscoe G.
Bilirakis, Michael	Bass, Charles F.
Blunt, Roy	
Bono, Mary	Boehner, John A.
Brady, Kevin	Boozman, John
Bryant, Ed	Brown, Henry E., Jr.
Calvert, Ken	Burton, Dan
Cantor, Eric	Cannon, Chris
Chabot, Steve	Castle, Michael N.
Combest, Larry	Chambliss, Saxby
Crane, Philip M.	
Culberson, John Abney	Crenshaw, Ander
Davis, Jo Ann	Deal, Nathan
Dunn, Jennifer	DeMint, Jim
English, Phil	Duncan, John J., Jr.
Forbes, J. Randy	
Gekas, George W.	Fletcher, Ernest L.
Goodlatte, Bob	Ganske, Greg
Graves, Sam	Graham, Lindsey O.
	Gutknecht, Gil
Hart, Melissa A.	Hansen, James V.
Hayworth, J.D.	Hastings, Doc
Herger, Wally	Hefley, Joel
Hoekstra, Peter	Hilleary, Van
Isakson, Johnny	Horn, Stephen
Jenkins, William L.	Issa, Darrell E.
Johnson, Sam	
Keller, Ric	Jones, Walter B., Jr.
Kerns, Brian D.	Kennedy Mark R.
Kirk, Mark Steven	LaTourette, Steve C.
Lewis, Ron	Linder, John
Lucas, Frank D.	Manzullo, Donald A.
McCrey, Jim	McKeon, Howard P. (Buck)
Myrick, Sue	Miller, Jeff
Nussle, Jim	Norwood, Charlie
Ose, Doug	Osborne, Tom
Pence, Mike	Otter, C. L. (Butch)
Pitts, Joseph R.	Platts, Todd Russell
Pombo, Richard W.	Pryce, Deborah
Radanovich, George P.	Rohrabacher, Dana
Rehberg, Dennis R.	Ryan, Paul
Royce, Edward R.	Schaffer, Bob
Ryun, Jim	Sessions, Pete
Schrock, Edward L.	Shuster, Bill
Shimkus, John	Simpson, Michael K.
Simmons, Rob	
Stearns, Cliff	Terry, Lee
Sullivan, John R.	Tiberi, Patrick J.
Tancredo, Thomas G.	Walden, Greg
Thune, John R.	Weller, Jerry
Toomey, Patrick J.	Wilson, Joe

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California, (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I congratulate him on his management of this rule.

This is obviously a great challenge. It is important to note that this rule is for consideration of a wartime supplemental appropriations bill. The gentleman from Florida (Mr. YOUNG) described this before our Republican conference yesterday very appropriately as a wartime supplemental appropriations bill.

What has happened in the last 24 hours? We have seen an increased threat of terrorism. We have seen instability in a wide range of areas in the world; and this administration is, I believe, doing the best job possible to deal with this. The President months ago asked for a supplemental appropriations bill that would provide Israel with the resources necessary.

Now, a number of people who have been speaking against this have talked about some other issues. Let us remember, 99 percent, Mr. Speaker, of this legislation deals with supplemental appropriations for our war efforts. Now, we have heard talk about what some have said is an unprecedented use of the deeming process. Well, my Democratic colleagues had something known as the Gephardt amendment which regularly deemed an automatic increase in the debt ceiling. We, in the past several years, have had three occasions, had a deeming of the budget, of parts of the budget before. So I think it is very important to note that this is a very challenging time.

We are dealing with a situation which will begin here and then move to a joint House/Senate conference. My friend, the gentleman from Alabama (Mr. CALLAHAN), raised the issue of Egypt. We know that this administration is determined to do everything that it possibly can to bring about peace and stability in the Middle East. It is a challenge. Administrations in the past have tried and failed. But we know under the stellar leadership of President Bush, Vice President Chaney, the National Security Advisor, Dr. Rice and Colin Powell and Donald Rumsfeld, that we have a wonderful team working on this. That is why I believe it is important for us to provide the support the administration wants. And, yes, he is right that the administration did not make the additional request for aid to Israel, but there is no indication that the President would not be supportive of what is taking place here, because we clearly stand by our ally, the State of Israel, the one democratically elected government in the region.

What I am saying, Mr. Speaker, is that I believe we need to realize that our number one priority is to win the war on terrorism. And to do that, as the President and others have said, we have to have the resources necessary to win that war. And that is why every Member of this House should vote in favor of this rule and in favor of the supplemental appropriations bill.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

I listened to the gentleman from California (Mr. DREIER). If we really wanted to help the war effort, strip all this extraneous nonsense out of the bill, strip all of these baubles that they are trying to use to buy votes on the other side on Medicare and trade and all this other stuff and just do a supplemental that provides the money to fight the war. That is all you need to do.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, what the gentleman from California (Mr. DREIER) said is that we are at war and the Committee on Rules has now usurped all the responsibilities of the standing committee. It really makes no difference what the Committee on Appropriations wants to do, what the Committee on International Relations wants to do, the Committee on the Budget, the Committee on Ways and Means. The President of the United States and the chairman of the Committee on Rules, they will decide what is the best for this great country and for the Congress.

Imagine that in this appropriation we have issues that we hold sacred in the Committee on Ways and Means. That is the budget ceiling where we debate among each other as to what it is going to be. But instead of just coming out and saying that the Committee on Rules has decided that we have got to raise the debt ceiling, instead of doing that, what do you put in here?

Again, you wave the flag and say that the Committee on Rules has dictated that the Government of the United States will take all steps necessary to guarantee the full faith and credit of the government.

Is this gobbledygook? Is this patriotism or is this stealing the jurisdiction of another committee? What you mean to say is we will find some sneaky way to get the debt ceiling increase by passing a nothing rule over here and allowing the Senate to take our jurisdiction and to bring it back, wrap it up in the flag and dare someone during wartime to vote against it.

What is the next thing he is going to do? Oh, the Committee on Rules now knows how to handle Medicare. Not the Committee on Energy and Commerce, not the Committee on Ways and Means, not the House. What you have decided is there are certain hospitals in Republican districts that are in trouble, and you are going to give them assistance at the expense of other hospitals. Is it in here? Yes.

Lastly, you are going to violate trade agreements in the rule. Shame on you.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Columbus, Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time and for his strong leadership on this rule which will bring before the Congress today a critical piece of legislation, a supplemental appropriations bill for a Nation that is at war.

The President of the United States comes to this Congress and asks for supplemental assistance, and this Congress provides it today: $15.7 billion in national defense, $5.8 billion in homeland security. And, Mr. Speaker, we commit ourselves in this rule and in this measure to live within our means as a Congress. In the months ahead as we consider appropriations, we commit ourselves to the budget resolution that has been passed by the so-named deeming elements of this rule.

These are the priorities of the Nation, Mr. Speaker: a national defense and prosecuting the war, homeland defense as we hear recriminations and discussions of what was done and what not done prior to September 11. The American people want us to respond in this Congress to these needs, and they want us to live within our means and to practice the fiscal discipline for which this majority is so rightly celebrated.

Lastly, Mr. Speaker, there has been talk about the $200 million for Israel. I, being one of the Members who have called upon the leadership and urged the leadership despite the lack of the call for the administration to add to these funds, I see them as perfectly appropriate to a defense supplemental bill: 493 Israelis have been killed since September of 2000; 3,955 wounded. Israel has spent $255 million in their front in this war on terrorism in the third and fourth week of Operation Defensive Shield alone.

America must stand by Israel in her darkest hour. Let us do no less than those we remember on this Memorial Day. Let us do our duty.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote "no" against this rule.

Over 1 year ago, Republicans passed an economic plan. They said at the time that their plan would generate economic growth, protect the surplus that we built up in the 1990s, and safeguard Social Security. Republicans enacted a giant tax bill for the wealthy, while promising that there would be enough room in the budget for Social Security, education, Medicare prescription drugs, and the defense of the United States of America.

Today, Republicans are making it clear that they are refusing to confront the consequences of their economic plan.

This rule is an outrage. It places full faith and credit language in the bill to avoid a desperate request by the President's Secretary of the Treasury to bail the administration out of the economic folly of their own making. It hides the fact that Republicans took a record surplus, turned it into a huge and mounting deficit, and put Social Security in jeopardy. It makes a mockery of the Republican rhetoric to safeguard the trust fund. It makes a mockery of the Republican votes to create a lockbox. It ignores and it weakens our intergenerational contract and commitment in the 21st century.

Instead, Republicans refuse to work with Democrats. They deny debate on a plan the gentleman from Kansas (Mr. MOORE) and the gentleman from South Carolina (Mr. SPRATT) sought to offer. That plan provides a way out of spending the Social Security surplus. It puts Social Security first, not last. It is sensible. It is responsible. It is the right thing to do for the American people.

Republicans did not give it one second of time on this floor today. They are silencing the voices of the American people on the future of Social Security. Now is not the time to give the Federal Government carte blanche to run up the debt. Our economic future is at stake. People's retirement security is on the line. We ought to be talking today about a 1-month extension of the debt limit. We ought to be coming back here in the next month to talk about how to fix this problem. We ought to have a budget summit between the President and the bipartisan Congress to find out how we can write a budget that is in tune with the changed circumstances that we have faced since September 11. We need to bring both parties and the President to the table, and we need the parties to work together. We need communication. We need collaboration to put our fiscal house back in order, to save Social Security first and today.

The American people deserve a comprehensive, fair debate on Social Security. So I hope Members will vote "no" on this rule, and I hope Members in both parties would decide to vote "no" on this rule.

I can tell you that every family who lost somebody on September 11 has been around the dining room table trying to figure out a new budget because of their changed circumstances. Well, America had a tragedy on September 11, and, as a family, we ought to be sitting around the table in respect and honesty to work out a new budget for this country. We cannot do that through gag rules that silence the voices of the American people on this side of the aisle. Vote "no" against this rule.

□ 1715

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Evidently we have failed to communicate this openly to all Members. This is an open rule. This is an open rule for any Member of Congress, including the gentleman from Missouri (Mr. GEPHARDT), to offer any sort of amendment that he would like to. This is no gag rule. This is no sham. This is no trick. By presenting an open rule, it means that both sides are presented an equal opportunity to present their case.

There has been a lot said today about Social Security. The fact of the matter is that there is a part of this rule that says, "The United States Government shall take all steps necessary to guarantee the full faith and credit of the government." That is what we are trying to do.

We are trying to make sure that this supplemental bill has an opportunity to be debated under an open rule today to where we have an opportunity to pass this bill and to where we can engage the other body, the Senate, which is controlled by the other party, the other body who controls that, to where we can work together as Republicans, as Democrats, with the President of the United States.

The fact of the matter is the song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and that is exactly the same way it is today. This is about funding our military. This is about a wartime budget. This is about trying to make sure that we win the war.

I know where the opposition comes from. We hear it over and over and over again.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). Does the gentleman from Texas (Mr. SESSIONS) yield for a parliamentary inquiry?

Mr. SESSIONS. Mr. Speaker, I do not.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 2 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am under the impression that the Chair has to yield for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) has been recognized for 2 minutes.

POINT OF ORDER

Mr. TAYLOR of Mississippi. Mr. Speaker, I make a point of order on that.

The SPEAKER pro tempore. The gentleman from Mississippi will state his point of order.

Mr. TAYLOR of Mississippi. Mr. Speaker, that I believe a parliamentary inquiry has precedence over that.

The SPEAKER pro tempore. The Chair would respond to the gentleman that the gentleman from Texas (Mr. SESSIONS) had yielded 2 minutes to the gentleman from California (Mr. CUNNINGHAM). The gentleman from California had the floor. The gentleman from Mississippi was not yielded to for the purpose of a parliamentary inquiry. The floor belonged to the gentleman from California who has been recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I had not planned on speaking but the minority leader came to the floor, and he talked about Social Security trust fund safeguards, tax breaks for the rich, Social Security, Medicare, prescription drugs.

Let me remind my colleagues that not a single Democrat economic package went forward when President Clinton was President. None of my colleagues' policies went forward. We passed them to create a surplus by welfare reform, by tax relief, by stimulus packages, whatsoever. Matter of fact, in 1993, the Democrats, when they had the entire majority of the House, the Senate and the White House, increased the tax on the middle class. They took every dime out of the Social Security trust fund. They increased Social Security taxes. They cut military COLAs and veterans' COLAs. So do not tell me about saving Social Security.

I have been waiting for this debate. I have in my office the leadership of the Democrat party, since every one of them have been here, the number of times that they have voted to cut the Social Security trust fund, which I am going to submit. So do not talk to us about cutting the Social Security trust fund. It is just rhetoric.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, my parliamentary inquiry, would the open rule the gentleman from Texas (Mr. SESSIONS) makes reference to allow me to offer an amendment that would remove the language that allows this bill to raise the debt limit?

The SPEAKER pro tempore. The Chair is unable to deliver an anticipatory ruling on what may later occur in Committee of the Whole if the gentleman were to attempt or any Member would attempt to offer certain amendments.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. Gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, it would be my understanding that an open rule would allow me to offer any amendment that I wish to keep the Republican majority from raising the debt limit and plunging us more than $6 trillion in debt.

The SPEAKER pro tempore. The Chair is unable to construe the resolution which the House is debating at this time. That is a proper subject for debate among Members.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, when the Chair is construing whether or not a Member can offer an amendment, is that in itself limiting the rules of the House and, therefore, not an open rule?

The SPEAKER pro tempore. There is a difference in the Chair interpreting or construing a resolution which the House has already adopted and the Chair giving an interpretation of a resolution which is currently under consideration and the subject of debate in the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, if I may understand, the passage of this rule would indeed prohibit me or any other Member of this House from offering an amendment that would keep us from raising the debt limit. Does that not in itself constitute a restrictive rule?

The SPEAKER pro tempore. The Chair would respond that the Chair has already answered the gentleman's question. The Chair is not in a position to construe or characterize resolutions which are currently pending before the body.

Mr. TAYLOR of Mississippi. Mr. Speaker, who would be in a position to construe that?

The SPEAKER pro tempore. As the Chair has previously stated, that is a proper subject of debate when debating the resolution.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

Under the rule pending, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Kansas (Mr. MOORE) would not have the opportunity to offer their amendment that has previously been described on the debt ceiling. That is fact. This is not an open rule. They would be prevented from offering their amendment.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I rise in opposition to this rule because it takes another giant step, a big step in the Republican march toward fiscal recklessness that has characterized their performance in the 107th Congress. The majority has done everything possible to hide, hide from the American people the fact that this rule allows the second largest increase in the Nation's debt limit ever.

The Republican tax cut has already driven the Nation back into deficit spending. As a result, every penny of this back-door increase in the debt limit will come from the Social Security and Medicare trust funds.

We all agree, Mr. Speaker, that additional resources are needed to meet our Nation's defense and homeland security needs. We all support that, Democrat and Republican alike.

As the senior Democrat on the Permanent Select Committee on Intelligence, I understand full well the investments that are necessary for a strong response to the ongoing terrorist threat must be met. However, I must say shame on the Republican majority for hiding their raising of the debt limit and their raid on Social Security and Medicare behind our legitimate need to protect our forces and to protect our country.

It is possible to fight terrorism and put forth a fiscally responsible budget, but the Republican leadership has failed to do so. Again and again we have heard excuses from the majority that they attempt to explain the dramatic shift from surpluses to deficits and the raid on Social Security and Medicare trust funds that has resulted. A wartime budget, a recession, forecast errors, the list goes on. The question remains, where is the plan to get us out of this mess? Why should we sign a blank check to pay for the Republican tax cut by raiding Social Security and Medicare?

Last year, the majority said they had an economic plan that would pay down the maximum amount of debt possible and promise to protect the entire Social Security surplus. Today, they are requesting the second largest increase in the debt limit in our Nation's history to continue their raid on Social Security and Medicare. We have to have an up-or-down vote on their stealth plan to mortgage our children's future.

I urge my colleagues to oppose the rule.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and today is no different.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 12¼ minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 7 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, my colleagues have heard any number of reasons why this is a bad rule. Let me give my colleagues another one.

If this rule passes, one of our premier airlines is liable to go out of business because this rule specifically protects language that terminates the airline loan guarantee program. After the events of September 11, we passed legislation knowing that the airlines were hurting, knowing that some of them could go into insolvency.

One airline in particular, U.S. Air, is headquartered at Washington's National Airport. Washington National Airport was closed down for an entire month, and for 8 months it has only had partial service. So understandably U.S. Airways has not had the revenue to stay afloat. That is what this loan guarantee program was for, but this rule protects $1.3 billion in savings by terminating the program because it knows that that is the amount of money that U.S. Airways needs to stay afloat.

So we are forcing an airline into bankruptcy, 40,000 jobs, 204 cities served. Now, this is not what the gentleman from Florida (Mr. YOUNG) wanted. This is not what the gentleman from Kentucky (Mr. ROGERS) wanted. They have been trying to work it out along with the gentleman from Virginia (Mr. DAVIS). They have been trying to do the right thing, but this rule does the wrong thing. It is outrageous to try to save money through this kind of a budget gimmick and cause the loss of 40,000 jobs, and think of what it is going to do to the economy of 204 cities that are served by U.S. Air. Unbelievable.

This rule needs to get defeated. It is one of the worst rules to come before the House of Representatives.

Mr. SESSIONS. Mr. Speaker, I would like to, if I could, engage with the gentleman from Texas (Mr. FROST) and let him know that the time appears to be unbalanced at this point, and I would like to see if he would like to get us to more of an even stance.

Mr. FROST. Mr. Speaker, we are prepared to yield additional time at this point.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I rise in opposition to this rule for many reasons, and not because I am opposed to defense funding. If this were a clean increase for the war in Afghanistan, it would be passed unanimously.

First of all, this rule deems what the House could not do directly. It deems the budget resolution and sets the discretionary spending ceiling at $759 billion. That is $9 billion less than the other body. Mark my word, that $9 billion discrepancy will cause us problems before this fiscal year is out.

The second reason to get the votes necessary for passage, the rule claims $1.2 billion in savings to offset the amendments that the committee added in the supplemental over and above the President's request. The largest amount of these comes from obligational delays. They are not saying they are obligational delays.

The rule would prevent the Air Transportation Stabilization Board from guaranteeing any more airline loans for the rest of this fiscal year, but beginning the next fiscal year, they could make those loans. Someone may say that is harmless. Not for U.S. Air. It is a matter of life and death for U.S. Air because they told us they need funding by August 1. So it saves no money, but it does not do U.S. Air any good at all.

Most of all, I am really upset with this rule because it gets too clever by half, much too coy when it comes to something that is gravely serious, and that is the debt owed by the United States of America. We are creeping up on our statutory debt limits, and rather than face up to this issue squarely, this rule makes passing reference to the statutory debt ceiling just enough to have this matter originate in the House and leaves the heavy lifting to the other body.

□ 1730

What it seeks to avoid most of all is a direct vote on this very important issue, and our constituents need to know where we stand.

Now, we would have offered, if the committee had made it in order, an amendment that would have offered a suitable procedure for undertaking something this serious. It simply would have provided that if we take up the debt ceiling, we can increase it by $250 billion, but if we increase it by any more we must have in place a budget resolution that will put the budget in balance in 5 fiscal years.

That amendment was not made in order, which is another reason to vote against the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, why can we not just for once be honest with the American people?

Every single Member of this body is in favor of supporting our troops in Afghanistan. And any rhetoric notwithstanding is not being honest. Everyone that makes statements like my friend from Texas made a moment ago knows better than that. The war on terrorism is too serious to play political games with.

To call this rule an open rule is laughable. The answer to the question of my colleague from Mississippi, Mr. Speaker, is no, he will be held out of order when he offers an amendment to pay for this war and not charge it to our grandchildren.

I cannot imagine how anybody that purports to be a conservative would support this resolution and this rule if they look at the scoring that is being applied, and then saying to their colleagues it is being paid for, when my colleagues know better.

Back in 1994, I joined with 321 of my colleagues, including 166 Republicans that are still here, that said we ought to put a stop to emergency spending bills having nonemergency issues being added to them. It passed 322 to 99. There were only four Republicans that opposed it in 1994. Then in 1995, when the Republicans took over the majority, they thought it was a darned good rule and they put it in saying when we have emergency spending, we ought to confine the issues and the spending to emergencies. Yet this rule waives any amendment that strikes any of those spending bills that are not emergency, because suddenly my Republican colleagues have seen the light and they believe that spending for any purpose is okay; but yet they are going to call themselves conservatives.

A vote for this rule is a vote for using parliamentary tricks to sneak an increase in the debt limit into law without addressing the fiscal problems highlighted by the need to increase the debt limit. That is my opposition to this rule. That is my opposition to this bill.

My colleagues should be open and honest and come out and say they are in favor of increasing the debt of this country $750 billion. But they choose to hide it. That is wrong and it is not honest.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, if the Democrats had proposed this rule, I would be up here speaking against it. This rule is, I think I will put it this way, if I were doing business with someone who devised or ran their business like this rule, I would quit doing business with them immediately; and I think the American people ought to as well.

What my Republican colleagues have done with this rule is they have made passing reference to the statutory assurance that the United States take all necessary means to protect our credit, which is the debt ceiling, and then they have provided that the amendments printed in the Committee on Rules shall be considered as adopted. That is not an open rule and they know it.

No one can call that an open rule. We cannot get at striking section 1403 because it will be held out of order. So when my colleagues say it is an open rule, it is not and my colleagues know it. It is crystal clear that it is wrong. It is dead wrong.

We are engaged in a generational mugging of the next generation here because we will not face up to what we are trying to do to pay for this. It is wrong.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), who is a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I just want to say that I support this rule, and I will support the supplemental bill as well. I am supporting the rule and the bill because of three things, three important things that it does.

Number one, it continues the war internationally against terrorism; number two, it protects our homeland; and, number three, it helps complete the job of rebuilding New York City.

Just to go through some of these things. This wartime supplemental provides $15.7 billion to aid the troops in the ongoing war. I have visited Afghanistan and Central Asia and the countries of Tajikistan, Pakistan, and Uzbekistan. They need our support. It is not time to turn our back on them.

This bill secures our homeland as well with $850 million for checking baggage for explosive devices, $630 million for baggage screening and $75 million for security enhancements at commercial ports.

Just to give one statistic, Savannah, Georgia, which I represent, last year brought in one million containers. Of those containers, only 1 percent were checked. This bill helps address that problem.

This bill also, in the name of homeland security, provides local law enforcement the tools that they need to track down terrorism. How often do my colleagues get these calls, which I know I have been getting since 9–11, from the local police officers and the sheriff departments: they have seen something suspicious, but they do not know who to call or what to do. This helps them hook in with the national tracking system.

It also helps our communities in terms of disaster preparation. One of the issues we have to deal with is the EMS folks, training them and getting them up to speed on what is needed. I think that it is very important that we continue to work with our local law enforcement training people.

Then, finally, our $5.5 billion to help build New York City, that great city which we in America all love and like to talk about.

This bill is about making sure we never forget what happened to our Nation on 9–11, and I urge my colleagues to support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we all want to take care of the troops. What a lot of us do not want to do is to lie to the American people and mislead them and tell them we are not borrowing money to do it.

The gentleman from Texas (Mr. SESSIONS) misspoke, and I am going to leave it at that, when he said they are paying down the national debt. In the past 1 year, the national debt has risen by $323,329,559,211.21. Now that is straight off the Treasury report. Do not tell the people that we are balancing the budget. My colleagues are suggesting that we vote to increase the debt limit by $750 billion. That is a thousand times a thousand times a thousand times 750.

If we have to pay for this war, and we should, then let us cut spending someplace else, like the American people do.

I would tell the gentleman from Texas (Mr. SESSIONS) that on the day my daughter was born our Nation was less than $1 trillion in debt. The gentleman is proposing that we go over $6 trillion in debt, and she is not yet 24 years old. Where does it stop? Where is the shame?

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

What the majority party, my Republican Party, is trying to do is to make sure that our President, that our law enforcement, that our military has the money that is necessary to fight this war. It is not a war we wanted to get into; it was a war that was thrust on America on September 11. It was a war that America was thrust in and now our President and our Vice President are leading our Nation.

We all saw the destruction and the damage that happened. We stood up with pride and in awe of the men and women of the New York City Fire Department and Police Department as they battled these terrorists and then looked after the people of New York. We, as Members of this body, responded within days. We are now trying to respond again.

We believe it is honest and forthright that we follow procedures that people out in Dallas, Texas, and all across this country understand, not just in my congressional district but all the Members, when we say that we are trying to do the things that the President has asked for and that are in the best interest of this country to fund our military and law enforcement and the men and women who protect not only our borders but our parameters well out, including Afghanistan and our allies.

What we have said is very plain and simple. We are following a constitutional process where we have to go and negotiate with another body called the United States Senate. We are trying to make sure that while this negotiation is going on that we can say that the United States Government shall take all steps necessary to guarantee the full faith and credit of the government. I think to do anything different would be irresponsible.

I cannot say what the debt is going to do between now and the time we reach an agreement with the United States Senate and the President signs this bill. But what I can say is that we are responsible enough to say that the United States Government will stand up for what it should.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, in the previous comments, the majority manager of the bill has referred to this as an open rule. Therefore, under this open rule, I would like to ask unanimous consent that the amendment offered by the gentleman from Kansas (Mr. MOORE) be made in order in the ensuing debate.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would respond that the gentleman's request is out of order. The gentleman from Texas (Mr. SESSIONS) has yielded to the gentleman from Texas (Mr. FROST) for the purposes of debate only, not for the purposes of amending the rule, even under unanimous consent.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, we have heard over and over and over that this is a rule about the war. What the majority party has done is wrapped this rule in the flag and wrapped this rule in the war and is trying to hide the fact from the American people that they are trying to increase the credit card debt of this Nation by $750 billion, three-quarters of a trillion dollars.

We all are Americans, we all stand together against terrorism, and we will all provide whatever resources and money are necessary to win this war on terrorism. But at the very least we should be, we should be, and we must be honest with the American people and tell them what it is we are doing. What the Republicans are attempting to do is to sneak through a $750 billion increase in the debt limit here without a stand-alone vote.

That is absolutely wrong, because what my colleagues are going to do is to pass that debt on to our children and grandchildren. Shame. Shame.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, it is ironic that 1 year ago we were having a debate in this House about how much of the debt we could pay down. Today, the House is being asked to pass in this rule, having nothing to do with the underlying bill, a measure that will allow for the public debt of the Nation to increase by three-quarters of a trillion dollars without debating it in the light of day.

We have soldiers abroad who are fighting to defend the Constitution, yet we have the majority party which does not even want to allow the public to see the debate of whether or not we want to raise the national debt to pay for the war.

All of us support the war effort. There is not a Member on either side, that I am aware of, who is not in favor of the war effort.

□ 1745

But what is a shame is the fact that the Republicans want to slide a fast one past the American people so they can have it both ways and say we can cut taxes and we are not going to increase the debt when in fact that is what they are doing. They are raising the national debt with this vote.

We should defeat this rule and start over and bring a clean supplemental up that every Member will vote for.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will state it.

Mr. EDWARDS. Mr. Speaker, having listened to the comments of the gentleman from Tennessee, my parliamentary inquiry is this: Would it take an amendment to change an open rule in order to make it open?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry which is appropriate for the Chair to answer.

Does the gentleman have a further parliamentary inquiry?

Mr. EDWARDS. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. EDWARDS. It is my understanding that this has been described by the majority as an open rule. Yet a few minutes ago, the Speaker said in response to the comments of the gentleman from Tennessee that it would require a change in the rule in order to make it an open rule.

My parliamentary inquiry is if this is an open rule, why would it require a change in the rule to make it an open rule?

The SPEAKER pro tempore. The Chair would simply respond to the gentleman, the House has a mechanism to amend a pending rule if the House sees fit. The Chair responded in such a fashion earlier on several occasions.

Mr. EDWARDS. I thank the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) has 3 minutes remaining. The gentleman from Texas (Mr. FROST) has 2½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the money that we are spending in this bill is for the national defense, and it is for men and women who protect us. Tonight when Americans go to sleep after hearing this great and vigorous debate, they can go to sleep knowing that this House is talking about the things that are important to make sure that our sons and brothers and fathers and aunts and uncles, the freedoms that we enjoy as a result of this House talking about the debate that will get our military and law enforcement the money that is necessary to make sure that we win this war.

That is what this debate is simply about. I am proud of what we are doing here.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, in 2000, Congress passed the CBI bill. In the most sensitive area of apparel and textiles, the bill endeavored to build on the strengths and complementarities of Caribbean countries. CBI nations were provided enhanced access to the U.S. market with some important requirements as to use of American fabric, and within these requirements the ability to dye and finish this material in their nation. Included was enhanced implementation of core labor standards.

In order to obtain a few votes to pass their fast-track bill, the administration cut a deal that turns its back on CBI. The attempt in this bill to carry out that deal is antithetical to the administration's rhetoric about the importance of expanded trade and about the needs of evolving economies. It is another troubling result of the decision of the administration and House Republicans to pass fast track on a partisan basis, refusing to address concerns of Democrats who have worked hard to craft constructive trade legislation these last years. The administration has missed an historic opportunity to build a viable, strong, bipartisan foundation for trade policy and the consequence is the attempt to ratify in this bill an act of expediency. It has zero to do with the war against terrorism.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, my friend from Texas has now three times made a very impassioned speech regarding that this is for the troops, and I want to again say, every single person over here supports our troops. In addition to that, I will say I support our President 110 percent. In fact, I believe in our opposition to this rule that I am supporting the President more than you are.

Here is why. The President asked for $27.1 billion. This bill is $29.4 billion. You made reference to the Senate, in having a package to go to the Senate. The Senate is proposing to spend $31 billion. That means we are going to compromise somewhere between 29.4 and 31. That is not what the President asked for.

This is more than just supporting our troops. We all support the troops. This is about fiscal responsibility and the debt limit.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 1 minute.

Mr. ANDREWS. I thank my friend for yielding time.

Mr. Speaker, the House is in the business of taking votes to decide things. This week we took a vote on whether to congratulate the people of East Timor, as we should have. We took a vote on naming a Federal building, as we should have.

The majority has a plan to borrow $750 billion and pass along the bill to our children. But they do not want to put that up for a vote. The choice that is before the House on this rule is very simple. Should we or should we not take a recorded vote on borrowing $750 billion? Our only chance to cast a vote on that, if the majority has its way, is on this rule vote.

Defeat the rule, bring this question, like the question of congratulating the people of East Timor, before the American people so they can see where we as their elected representatives stand. Defeat this rule.

Mr. SESSIONS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, the Speaker of the House, for 2 minutes.

Mr. HASTERT. Mr. Speaker, we have heard a lot of debate on this bill today. This bill has been on the docket for about 6 weeks trying to bring it together. In this bill is $14 billion-plus for our men and women who fight the war in Afghanistan and around the world. In this bill is $5 billion for New York so that they can recoup and rebuild their city for the losses they got on September 11. In this bill is $7 billion for defense against terrorism in this country, air marshals, police, things to make this country safer so that we can travel, so that we can live our lives.

There is a lot of debate and a lot of demagoguery that goes on in a place like this. But there are times when you need to move forward, pass legislation, get it done and do the right thing. I have heard a lot of, again, conversation from the other side of the aisle. Do we need eventually to raise the debt ceiling in this country? You know we have to do that. There is not one person in the room who will deny that that has to be done. Do we do it in this bill? No. Do we give ourselves a possibility that we can do it at a later date? Yes. Do we have to make sure that there is some discipline in the budget as opposed to the other side of the Rotunda where there is no discipline? Yes. We need to do that. We need to do it for our own good. We also need to do it on mandatory and discretionary spending if we want to do the things in health care and prescription drugs that is right for this country.

You can vote no against this. If you vote no, you ought to know that you are voting against our military, you are voting against the people in New York. You need to know that you are also voting against the ability for us to solve the problems that we have in this country. If you want to vote against trying to solve the problems in health care and prescription drugs, vote no for this bill.

If you want to move forward and have the Congress do the things that the American people expect us to do, then you want to vote yes for this rule and vote yes for the bill.

Mr. DICKS. Mr. Speaker, I rise in strong opposition to this rule, because it robs the Department of Defense of $13.2 billion that was requested by the President. I must say that I am surprised and frankly feel let down by my colleagues and good friends on the other side of the aisle, many of whom have in the past stood shoulder to shoulder with me in calling for more defense spending.

This rule includes a so-called "deeming" provision which says that the House shall consider the Budget Resolution to have passed a conference committee just as it passed the House. Doing so weakens national security because the budget resolution made two incredible raids on the Defense budget, reducing the money available to be appropriated for Defense by $13.2 billion.

First, the Budget Resolution reduced the Budget Authority available for defense by $10 billion by eliminating the contingency fund requested by the Department of Defense. I share some of the Budget Committee's concerns that this request was vague, but Congress is more than capable of working with the Department to determine how that funding can best be used, and no serious defense observer believes that the Department of Defense will not need this $10 billion, and even more, for its operations in FY03. This rule today puts that funding off limits.

Second, the Budget Resolution reduced the Budget Authority available for Defense by $3.2 billion which had been set aside by the Department of Defense for civilian health care accrual. The Budget Committee doesn't support doing this accrual accounting change, but taking the money away from the Department of Defense is the wrong answer. We have seen a consistent pattern in recent years of underestimating the costs in the Defense Health Program and many Operations and Maintenance accounts. The $3.2 billion included for civilian accrual costs should be maintained as a hedge against cost escalations in these accounts.

In addition to being $13.2 billion below the President's Request for defense, this resolution puts us as much as $6.9 billion under the Defense Authorization bill the House approved just a few weeks ago. That bill maintained the $3.2 billion originally requested for civilian accrual and it allocated $3.7 billion of the contingency fund to high priority operational items.

We should reject this rule Mr. Speaker, and allow the Appropriations Committee to bring to the floor a Defense Appropriations bill that is at least equal to the President's request, a request which is already $40 billion below what is required in procurement alone. That's not just according to me, that is the testimony given by the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers, before the Defense Appropriations Subcommittee this year.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, is including $10 million in this bill to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals, does that constitute a vital defense need?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The gentleman from Texas moved the previous question on the resolution.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 209, answered "present" 3, not voting 7, as follows:

[Roll No. 194]

YEAS—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley

Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wicker
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—3

Bonilla
Nethercutt
Wamp

NOT VOTING—7

Burton
Deutsch
Emerson
Lipinski
Mascara
Traficant
Wexler

☐ 1823

Ms. CARSON of Indiana, and Messrs. SANDERS, LARSEN of Washington, BAIRD and GUTIERREZ changed their vote from "yea" to "nay."

Mr. STEARNS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 300, not voting 41, as follows:

[Roll No. 195]

AYES—94

Ackerman
Allen
Andrews
Baird
Barrett
Becerra
Berman
Berry
Bishop
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Capuano
Clayton
Clement
Clyburn
DeFazio
Delahunt
Doggett
Edwards
Eshoo
Evans
Farr
Filner
Ford
Frank
Gephardt
Gordon
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hoekstra
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kilpatrick
Langevin
Lee
Lewis (GA)
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Miller, George
Mink
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pelosi
Pomeroy
Rangel
Rodriguez
Roybal-Allard
Sánchez
Sandlin
Sherman
Shows
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Wynn

NOES—300

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Etheridge
Everett
Ferguson
Flake
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilliard
Hobson
Hoeffel
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—41

Baldwin
Bonior
Burton
Cannon
Carson (OK)
Clay
Coble
Conyers
Cox
Coyne
Deutsch
Dingell
Dooley
Ehrlich
Emerson
Fattah
Fletcher
Foley
Graham
Greenwood
Hall (OH)
Hilleary
Hinojosa
Lampson
Lipinski
Mascara
McIntyre
Meeks (NY)
Miller, Gary
Ortiz
Platts
Radanovich
Rivers
Sanders
Sawyer
Schakowsky
Simpson
Traficant
Watkins (OK)
Wexler
Woolsey

☐ 1844

Mr. SHOWS changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4775, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION TO INCLUDE EXTRANEOUS MATERIAL DURING CONSIDERATION OF HOUSE RESOLUTION 428

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to include extraneous material immediately following my remarks on the rule that has earlier passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1845

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 428 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4775.

□ 1845

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the House the 2002 Supplemental Appropriations Bill. This is the first appropriations bill that we will be considering this year, and it should prove to be an interesting experience.

The Committee on Appropriations ordered this legislation reported last week. The bill is extremely important, and I believe it will enjoy broad bipartisan support. It is extremely important, Mr. Chairman, because this is a wartime supplemental appropriations bill. This is to pay for our wartime activities in Afghanistan and other places that our military troops might be deployed. This is a wartime appropriations bill to repay our military services for the monies they have already expended from their fourth quarter accounts.

This is an extremely important bill in that it also, besides providing money for the Defense Department, provides for our homeland security. As we get further away from September 11, we may be tempted to forget what happened on that day in the United States of America. But, Mr. Chairman, we were attacked. Our people were attacked. We are going to fight back. We are going to finance our effort to fight back.

The President of the United States is doing an outstanding job in leading our Nation in the prosecution of the military campaign. He is doing an outstanding job in leading our Nation in seeking out terrorist organizations wherever we can locate them and proceeding to bring them to justice. So it is a very important bill, Mr. Chairman. However, over the last 5 weeks, some of the focus has gotten lost on this important bill. It has been sort of like a ship growing barnacles. Everyone knows this is a must-pass bill, and there are probably 435 ideas of what should be added to or subtracted from it. But I want to remind everyone again, the focus of this bill is and must continue to be that this is a wartime supplemental appropriations bill. It provides money for our troops. It provides money for our intelligence community. It provides money for the safety and security of our people and our community. It provides support for the victims of the attack in New York at the World Trade Center. And it provides funds to promote the U.S. foreign policy to prevent future attacks.

The committee reported a bill that provides $29.387 billion and half of that, or $15.8 billion, is for the Defense Department to continue to prosecute the war on terrorism. This bill supports the President. It fully funds his requirements for national security, foreign policy; and it provides an additional $5.5 billion in support for recovery in New York. There is $1.77 billion in additional funds for the Defense Department to pay for costs relating to the mobilization of the Guard and Reserve forces and to cover their operational expenses.

It provides for our country's biggest concern, securing our homeland, by providing $5.8 billion. That is $522 million above the President's request. It ensures that our nuclear assets can be secured and that law enforcement and our first responders, who are so important in providing for the safety of our people in our community, have adequate information to prevent, hopefully, or, if necessary, to respond to acts of terrorism.

It also gets the Transportation Security Administration up and running so that the traveling public will be safe. We have all heard the concerns raised over the past few days that the FBI had information that somehow was left out of security briefings for the President. The most important thing we can do to protect our country and our constituents from future attacks is to ensure that law enforcement and our intelligence community and the Commander in Chief, the President of the United States, have timely access to accurate and complete information.

I have been to the FBI; and my friend and colleague, the gentleman from Wisconsin (Mr. OBEY) has been to the FBI. We have seen firsthand their antiquated technology equipment that needs to be enhanced, that needs to be updated, that needs to be brought into today's world. We looked at this closely and determined that the President's request did not provide enough for that purpose. So in the terrorism supplemental last year we added $132 million above the President's request for the FBI's information technology, and this supplemental bill contains an additional $100 million above the President's request for additional technology enhancement for the FBI.

At this point, there will be some who try to assess the blame. We are here to find solutions and to provide the funding necessary to put those solutions in place.

Now, in addition to defense and homeland security, we had a shortfall in the Pell grant program, an important program for the education of our young Americans. We added $1 billion to provide funding for the Pell grant program.

Our leadership, on a bipartisan basis, asked for funding to pay for the election reforms that we enacted earlier this year. So we added $450 million for that purpose. We increased the President's budget request for defense by $1.8 billion. In the committee, added by amendment, was $250 million for Israel and for humanitarian relief for the Palestinians. We have added $275 million over the President's request for veterans health care.

Mr. Chairman, we did not just spend the money. We had offsets. We had offsets of $1.8 billion more than the President's budget request had asked for. And so, Mr. Chairman, this is a good supplemental bill. It is well within the budget limits placed on us by the 2002 budget resolution.

I hope that we can consider this bill as what it is, a wartime emergency supplemental. I hope that we are not distracted by the other issues that were debated heatedly during the consideration of the rule. Let us focus today on this wartime emergency supplemental for our troops, for our security agencies, for our intelligence agencies, for the FBI and for the President of the United States to be able to do the things that we are demanding that he do, and that is to make America secure and to seek out those who perpetrate or would perpetrate terrorist attacks against our Nation.

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
CHAPTER 1 DEPARTMENT OF AGRICULTURE			
Food Safety and Inspection Service (contingent emergency)		2,000	+2,000
Food and Nutrition Service: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	75,000	75,000	
Animal and Plant Health Inspection Service: Salaries and expenses (contingent emergency)		10,000	+10,000
Natural Resources Conservation Service: Watershed Rehabilitation Program (rescission)	−9,000		+9,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration: Salaries and expenses (contingent emergency)		18,000	+18,000
General Provisions: Export Enhancement Program (limitation) (sec. 101)		−450,000	−450,000
Total, chapter 1	66,000	−345,000	−411,000
CHAPTER 2 DEPARTMENT OF JUSTICE			
General Administration: Salaries and expenses (emergency)	5,750	5,750	
LEGAL ACTIVITIES			
United States Marshals Service: Salaries and expenses (contingent emergency)		1,000	+1,000
Federal Bureau of Investigation: Salaries and expenses (emergency)	10,000	10,000	
Contingent emergency		102,000	+102,000
Immigration and Naturalization Service: Enforcement and Border Affairs: Salaries and expenses (emergency)	35,000	35,000	
Contingent emergency		40,000	+40,000
Office of Justice Programs: Justice assistance (emergency)		175,000	+175,000
DEPARTMENT OF COMMERCE AND RELATED AGENCIES RELATED AGENCIES			
Office of the United States Trade Representative:			
Salaries and expenses (contingent emergency)		1,100	+1,100
European Communities Music Licensing Dispute	3,300		−3,300
DEPARTMENT OF COMMERCE			
Export Administration: Operations and Administration (emergency)	8,700		−8,700
National Institute of Standards and Technology: Scientific and Technical Research and Services (emergency)	4,000	4,000	
National Oceanic and Atmospheric Administration: Fisheries Finance Program Account (limitation on direct loans)	(24,000)	(24,000)	
Negative subsidy	−3,000	−3,000	
Departmental Management: Salaries and expenses (emergency)	400	400	
THE JUDICIARY			
Supreme Court of the United States: Care of the Buildings and Grounds (emergency)	10,000	10,000	
United States Courts of Appeals for the Federal Circuit: Salaries and expenses (emergency)	857		−857
Courts of Appeals, District Courts, and Other Judicial Services: Salaries and expenses (emergency)	3,143	3,143	
Contingent emergency		3,115	+3,115
DEPARTMENT OF STATE AND RELATED AGENCY DEPARTMENT OF STATE			
Administration of Foreign Affairs:			
Diplomatic and Consular Programs (emergency)	51,050	51,050	
Capital Investment Fund (emergency)	2,500		−2,500
Educational and Cultural Exchange Programs (emergency)	10,000	10,000	
Contingent emergency		10,000	+10,000
Embassy Security, Construction, and Maintenance (emergency)	200,516	200,516	
Emergencies in the Diplomatic and Consular Service (emergency)	8,000		−8,000
International Organizations and Conferences:			
Contributions to International Organizations (emergency)	7,000	7,000	
Contributions for International Peacekeeping Activities (emergency)	43,000	43,000	
RELATED AGENCY			
Broadcasting Board of Governors:			
International Broadcasting Operations (emergency)	7,400	7,400	
Broadcasting capital improvements (contingent emergency)		7,700	+7,700
RELATED AGENCIES			
Securities and Exchange Commission: Salaries and expenses	20,000	20,000	
Contingent emergency		9,300	+9,300
Total, chapter 2	427,616	753,474	+325,858
CHAPTER 3 DEPARTMENT OF DEFENSE—MILITARY			
Military Personnel: Military Personnel, Air Force (emergency)	206,000	206,000	
Operation and Maintenance:			
Operation and Maintenance, Army (emergency)	107,000	107,000	
Contingent emergency		119,000	+119,000
Operation and Maintenance, Navy (emergency)	36,500	36,500	
Contingent emergency		17,250	+17,250
Operation and Maintenance, Air Force (emergency)	41,000	41,000	
Contingent emergency		19,500	+19,500
Operation and Maintenance, Defense-Wide (emergency)	739,000	739,000	
Contingent emergency		12,975	+12,975
Defense Emergency Response Fund (emergency)	11,300,000	11,300,000	
Contingent emergency		1,393,972	+1,393,972
Procurement:			
Other Procurement, Army (emergency)	79,200	79,200	
Aircraft Procurement, Navy (emergency)	22,800	22,800	
Procurement of Ammunition, Navy and Marine Corps (emergency)	262,000	262,000	
Other Procurement, Navy (emergency)	2,500	2,500	
Procurement, Marine Corps (emergency)	3,500	3,500	
Aircraft Procurement, Air Force (emergency)	93,000	93,000	
Contingent emergency		36,500	+36,500
Procurement of Ammunition, Air Force (emergency)	115,000	115,000	
Other Procurement, Air Force (emergency)	752,300	735,340	−16,960
Procurement, Defense-Wide (emergency)	99,500	99,500	
Contingent emergency		4,925	+4,925
Research, Development, Test and Evaluation:			
RDT&E, Army (emergency)	8,200	8,200	
RDT&E, Navy (emergency)	19,000	9,000	−10,000
RDT&E, Air Force (emergency)	60,800	60,800	
Contingent emergency		39,000	+39,000
RDT&E, Defense-Wide (emergency)	74,700	52,000	−22,700
Contingent emergency		20,000	+20,000
General Provisions:			
General Transfer Authority (sec. 305)	(1,000,000)		(−1,000,000)
MH-47 Helicopters (contingent emergency) (sec. 308)		93,000	+93,000

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
Chemical Demil (contingent emergency) (sec. 309)		100,000	+100,060
Rescissions (sec. 310)		−59,000	−59,000
Total, chapter 3	14,022,000	15,769,462	+1,747,462
CHAPTER 4 DISTRICT OF COLUMBIA DISTRICT OF COLUMBIA FUNDS Operating Expenses			
Division of Expenses:			
Public education system (rescission)		(−37,000)	(−37,000)
Human Support Services:			
Child and Family Services Agency		(11,000)	(+11,000)
Department of Mental Health		(26,000)	(+26,000)
Repayment of loans and interest (rescission)		(−7,950)	(−7,950)
Certificates of participation		(7,950)	(+7,950)
Total, chapter 4			
CHAPTER 5 DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY			
Corps of Engineers—Civil: Operation and Maintenance, General (contingent emergency)		128,400	+128,400
DEPARTMENT OF ENERGY			
Energy Programs: Science (contingent emergency)		29,000	+29,000
National Nuclear Security Administration:			
Weapons Activities (emergency)	19,400	19,400	
Contingent emergency		106,000	+106,000
Defense Nuclear Nonproliferation (contingent emergency)		5,000	+5,000
Environmental and Other Defense Activities:			
Defense Environmental Restoration and Waste Management (contingent emergency)		67,000	+67,000
Defense Facilities Closure Projects (contingent emergency)		16,600	+16,600
Other Defense Activities (emergency)	7,000	7,000	
Total, chapter 5	26,400	378,400	+352,000
CHAPTER 6 BILATERAL ECONOMIC ASSISTANCE Funds Appropriated to the President			
United States Agency for International Development:			
Child Survival and Health Programs Fund (contingent emergency)		200,000	+200,000
International Disaster Assistance (emergency)	40,000		−40,000
Contingent emergency		190,000	+190,000
Operating Expenses of the United States Agency for International Development (emergency)	7,000	7,000	
Other Bilateral Economic Assistance:			
Economic Support Fund (emergency)	525,000	460,000	−65,000
Contingent emergency		250,000	+250,000
Assistance for the Independent States of the Former Soviet Union (emergency)	110,000	110,000	
Department of State:			
International Narcotics Control and Law Enforcement (emergency)	114,000	120,000	+6,000
Migration & Refugee Assistance (contingent emergency)		10,000	+10,000
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	83,000	83,000	
MILITARY ASSISTANCE			
Funds Appropriated to the President:			
Foreign Military Financing Program (emergency)	372,500	366,500	−6,000
Peacekeeping Operations (emergency)	28,000	20,000	−8,000
MULTILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President: Special Payments to the International Financial Institutions (rescission)	−157,000	−159,000	−2,000
General Provisions: Rescission (sec. 602)		−60,000	−60,000
Total, chapter 6	1,122,500	1,597,500	+475,000
CHAPTER 7 DEPARTMENT OF THE INTERIOR			
Bureau of Land Management: Management of Lands & Resources (contingent emergency)		658	+658
United States Fish and Wildlife Service: Resource Management (contingent emergency)		1,443	+1,443
National Park Service:			
Operation of the National Park System (contingent emergency)		1,173	+1,173
Construction (contingent emergency)		19,300	+19,300
United States Geological Survey: Surveys, Investigations, and Research (contignent emergency)		25,700	+25,700
Bureau of Indian Affairs:			
Operation of Indian Programs (contingent emergency)		134	+134
Rescission	−10,000	−5,000	+5,000
Indian trust fund management litigation			
Departmental Offices: Departmental Management: Salaries and expenses (contingent emergency)		905	+905
RELATED AGENCY			
Smithsonian Institution:			
Salaries and expenses (contingent emergency)		11,000	+11,000
Construction (contingent emergency)		2,000	+2,000
Total, chapter 7	−10,000	57,313	+67,313
CHAPTER 8 DEPARTMENT OF LABOR			
Employment and Training Administration: Training & Employment Services (contingent emergency).	750,000	300,000	−450,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Health Resources and Services Administration: Health Resources and Services (rescission)	−20,000		+20,000
Centers for Disease Control and Prevention: Disease Control, Research, and Training (contingent emergency)		1,000	+1,000
National Institutes of Health: Buildings and facilities (rescission)	−30,000	−30,000	
Administration for Children and Families: Children and Families Services Programs (contingent emergency)		500	+500
DEPARTMENT OF EDUCATION			
Student Financial Assistance	1,276,000	1,000,000	−276,000
Total, chapter 8	1,976,000	1,271,500	−704,500

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
CHAPTER 9 LEGISLATIVE BRANCH House of Representatives			
Committee Employees: Standing Committees, Special and Select		1,600	+1,600
Library of Congress: Copyright Office: Salaries and expenses (emergency)	7,500	7,500	
Joint Items Capitol Police Board			
Capitol Police: General Expenses (contingent emergency		16,100	+16,100
Total, chapter 9	7,500	25,200	+17,700
CHAPTER 10 DEPARTMENT OF DEFENSE			
Military Construction, Air Force (contingent emergency		8,505	+8,505
Military Construction, Defense-wide (contingent emergency)		21,500	+21,500
Total, chapter 10		30,005	+30,005
CHAPTER 11 DEPARTMENT OF TRANSPORTATION			
Office of the Secretary: Transportation Administrative Service Center (obligation limitation)	(128,123)	(128,123)	
Transportation Security Administration: Salaries and expenses (emergency)	2,455,000	2,305,000	− 150,000
Contingent emergency	1,945,000	1,545,000	− 400,000
	4,400,000	3,850,000	− 550,000
U.S. Coast Guard: Operating Expenses (emergency)	189,000	189,000	
Contingent emergency		21,000	+21,000
	189,000	210,000	+21,000
Acquisition, Construction, & Improvements (emergency)	66,000	66,000	
Contingent emergency		12,000	+12,000
	66,000	78,000	+12,000
Federal Aviation Administration:			
Operations (transfer authority)	(100,000)	(25,000)	(− 75,000)
Grants-in-aid for airports (contingent emergency)		200,000	+200,000
Federal Highway Administration: Federal-Aid Highways, Emergency Relief Program (Highway trust fund) (emergency)	167,000	167,000	
Federal Motor Carrier Safety Administration:			
Border Enforcement Program (Highway trust fund) (emergency)	19,300	19,300	
Hazardous materials security (Highway trust fund) (contingent emergency)		5,000	+5,000
	19,300	24,300	+5,000
Federal Transit Administration: Capital Investment Grants (emergency)	1,800,000	1,800,000	
Research and Special Programs Administration: Research and Special Programs (emergency)	3,500		− 3,500
General Provisions:			
Airline loan program limitation (sec. 1103)		− 393,000	− 393,000
Air carrier compensation (sec. 1104) (rescission)		− 250,000	− 250,000
Total, chapter 11	6,644,800	5,686,300	− 958,500
CHAPTER 12 DEPARTMENT OF THE TREASURY			
Federal Law Enforcement Training Center (contingent emergency)		15,870	+15,870
Financial Management Service (sec. 1201) (rescission).		− 14,000	− 14,000
Internal Revenue Service: Business Systems Modernization (sec. 1201)		14,000	+14,000
United States Secret Service (contingent emergency)		46,750	+46,750
POSTAL SERVICE			
Payment to the Postal Service Fund (emergency)	87,000	87,000	
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS			
Appropriated to the President:			
Office of Administration (emergency)	5,000		− 5,000
Office of Management and Budget (rescission)		− 750	− 750
Election Administration Reform and Related Expenses		450,000	+450,000
INDEPENDENT AGENCIES			
Federal Election Commission		750	+750
GENERAL SERVICES ADMINISTRATION			
Real Property Activities: Federal Buildings Fund (emergency)	51,800	51,800	
General Activities: Policy and Operations (emergency)	2,500		− 2,500
Total, chapter 12	146,300	651,420	+505,120
CHAPTER 13 DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration:			
Medical Care	142,000	417,000	+275,000
Medical and Prosthetic Research (rescission)	− 5,000		+5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Public and Indian Housing: Housing certificate fund (rescission)		− 300,000	− 300,000
Community Planning and Development:			
Rural Housing and Economic Development (rescission)	− 20,000		+20,000
Community Development Fund (emergency)	750,000	750,000	
Housing Programs: Rental Housing Assistance (rescission)		− 300,000	− 300,000
INDEPENDENT AGENCIES DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Institute of Health: National Institute of Environmental Health Sciences (emergency)		8,000	+8,000
Agency for Toxic Substances and Disease Registry: Salaries and expenses (emergency)		11,300	+11,300
Environmental Protection Agency: Hazardous Substance Superfund (emergency)	12,500		− 12,500
Federal Emergency Management Agency:			
Disaster relief (emergency)	2,750,000	2,750,000	
Disaster assistance for unmet needs (contingent emergency)		23,320	+23,320
Emergency management planning & assistance (emergency)	326,728	151,700	− 175,028
National Science Foundation: Education and Human Resources (emergency)	19,300		− 19,300
Total, chapter 13	3,975,528	3,511,320	− 464,208

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

[Dollars in thousands]

	Budget request	Recommended in bill	Bill compared with request
Grand total (net)	28,404,644	29,386,894	+982,250
Appropriations	(1,513,300)	(1,975,350)	(+462,050)
Emergency appropriations	(24,447,344)	(24,091,099)	(−356,245)
Contingent emergency appropriations	(2,695,000)	(5,341,195)	(+2,646,195)
Rescissions	(−251,000)	(−1,177,750)	(−926,750)
Offsets		(−843,000)	(−843,000)

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I wanted to first of all congratulate the chairman of the committee, the gentleman from Florida (Mr. YOUNG), for doing his usual good job in trying to produce a bipartisan bill.

As members of the committee know, our committee worked for 6 weeks and produced a bipartisan bill. And I want to tell you some of the things that it did to correct some of the chaos that we see in some of the agencies that are dealing with counterterrorism.

We found out that the Department of Energy had asked for $380 million to upgrade security so that weapons of mass destruction and nuclear material would be less susceptible either to terrorist attack or theft. OMB only approved 7 percent of that money. The committee provided the amount that was needed.

We also discovered that the Immigration and Naturalization Service had asked for $52 million because they had the reasonable idea that we ought to be able to determine which immigrants, or which persons here on visas I should say, had overstayed their visas; visas had expired; they had been asked to leave the country and, yet, had refused to do so. The INS wanted $52 million to set up a system to stop that nonsense. The OMB denied it all. The committee put in enough money to deal with the problem.

The FBI, the gentleman from Florida (Mr. YOUNG) has indicated that we discovered after September 11, the FBI had a great need for computer modernization. We discovered, for instance, that less than half the computers at the FBI could be used to send a picture of a suspected terrorist from one FBI office to another around the country. So last year, over the threat of a veto by the President of the United States, we inserted enough money to see to it that that problem was corrected. As a result, Operation Trilogy will be up and running by the end of this summer, and we will have that capacity at the FBI.

In January, the FBI asked for an additional $635 million to secure their records and to take other actions necessary to protect against terrorism. OMB denied 625 of the $635 million, and the committee corrected that. In the last bill last year, we provided enough funds so that the Corps of Engineers could provide additional security for the hundred most vulnerable Federal sites in the country. The Corps of Engineers asked for an additional $128 million to deal with threats to additional sites. OMB denied it. The committee moved to take care of it.

We also saw the chaos at the Transportation Security Administration, very well described in the committee report. That planning has been so bad that the agency, for instance, suggested that we ought to be paying the guards who are looking over the shoulders of screeners at airports up to $84,000 a year, more than local mayors, more than airport directors would be paid in those same towns. It provided for 650 additional headquarters staff people here in Washington. And yet the budget request provided no money to house the new screening equipment that airports are supposed to install. So there would have been no way that we could have met the deadlines for having that equipment up and running. And the administration requested insufficient dollars to make certain that cockpit doors are fully secure by the end of the calendar year.

□ 1900

So the committee took actions to correct that.

The OMB also turned down the request from the Department of Defense for $790 million to avoid the demobilizing of 20 percent of the Guard and Reserve forces who presently are filling slots on the border, in ports, on a temporary basis until people can be trained to take their place, and the committee took action to fix that problem. So I think that we had a good bipartisan product.

Now, there were problems with the bill after it emerged from the full committee. We did have an amendment offered by the distinguished majority whip, the gentleman from Texas (Mr. DELAY), which gave the President the authority to use our military forces to invade The Netherlands, if necessary, in order to extract Americans who might be held by the World Court.

I have a chart here labeled TOM DELAY's Proposed Invasion of The Netherlands. Gives you some idea of where The Hague is and what will be required by way of carrier capacity, tanker capacity, if we were to invade The Netherlands. If somebody wants to take that seriously, feel free. I think that it leaves us open to considerable ridicule. But in spite of that I was willing to support this bill. But then we had the leadership attach this ridiculous rule to this bill which provided a convenient device by which the Nation's indebtedness could be raised by $750 billion without any Member ever having voted on it directly, and they also imposed the House budget resolution, which will mean, I guarantee you, we will not have enough resources to produce appropriation bills that the House will pass.

So we have seen again, and this has happened often in this House, we have seen an original bipartisan piece of legislation emerge from this committee, and we have seen it fundamentally screwed up by adding extraneous items that have no business on an appropriations bill.

So I think we are going to be here a long time because some of us feel that the ability of the House to proceed in an orderly and fair-minded fashion is worth arguing about, and we will be doing that through a series of actions that we will be taking and amendments that we will be offering.

I do ask one additional question. As I said, we have had 116 of our Republican friends offer a resolution requiring that a three-fifths vote of this House be required in order to raise the indebtedness of the United States, and yet we have seen this flip-flop action here today, and I would ask the following Members, Representatives ADERHOLT, BACHUS, BARR, BARTON, BILIRAKIS, BLUNT, BONO, BRADY, BRYANT, CALVERT, CANTOR, CHABOT, CRANE, CULBERSON, DELAY, DOOLITTLE, DUNN, ENGLISH, FORBES, GEKAS, GOODLATTE, GRAVES, HAYWORTH, HERGER, BAKER, BARTLETT, BASS, BOEHNER, I can't read that signature, CANNON, CASTLE, CHAMBLISS, CUNNINGHAM, DEAL, DEMINT, DUNCAN, and all the others whose names I put in the RECORD earlier, I would ask them how they can go home to their constituents and tell them that they are going to vote to require a new higher threshold of votes on this House before the Nation can be plunged into more indebtedness and then engage in the flip-flop that they engaged in today whereby they have guaranteed that we will see a huge increase in national indebtedness when this bill comes back from the Senate?

I find that to be quaint and interesting.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for allowing me to speak tonight and I stand in support of this bill.

This bill does 3 things, and it all goes back to that horrible day, 9/11. This bill continues the war on terrorism. This bill continues the battle for homeland security, and it helps rebuild our beloved national city of New York.

Just remember, the American people will never forget September 11 and what this Congress has done immediately after 9/11 to start the battle. We will never forget the brave who died. We committed ourselves almost immediately to make sure that Osama bin Laden and all the terrorists around the globe would not be victorious.

This bill tonight is part of that battle. This bill has $15.77 billion to support our troops, and I had the opportunity, with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, to go on a bipartisan basis to Afghanistan. We went to Uzbekistan, Tajikistan and Pakistan. We visited 4 of our bases, and we met with our troops, we met with Afghan soldiers, and I can say that they appreciate what the United States of America is doing. They are happy that we are there.

Their biggest concern is will we stay committed, and this bill tonight helps show the world that we are committed, not just behind our troops but behind the people over there so they can have a secure future. But the battle is not just in central Asia; it is all over the streets of America.

So the second thing this bill does is help secure our homeland. One of the things that it does is work with local law enforcement personnel to track down any potential suspicious terrorists or activities on a local level. This bill also helps secure everybody who is traveling; $850 million to help check for baggage, explosives and detection systems; $630 million for baggage screeners; $75 million for security enhancements at U.S. ports. And I just want to talk about this.

Not all of us are traveling. Prior to 9/11 there were 1.2 million Americans in the air at any given day. Nowadays it is about 800,000, and what this does is it secures our airlines even further, but also our ports.

I am from Savannah. Last year in Savannah, we had 1 million containers come in. Of the 1 million, only 1 percent were actually screened and checked as to what their contents were. This bill helps expand that so that our ports can be secure.

It also strengthens our communities for any other disasters, working with EMS facilities and giving the local hospitals the support that they need and the expertise.

Our war against terrorism is not going to be over until every city in America is safe. As somebody told me, this war is about making sure we can go to Wal-Mart and not have to worry, and I think that that is something we all have to keep in mind.

Finally, in this bill is $5.5 billion to help rebuild the great New York City, and that is going to be a long job, and I think it is certainly in the national interest to do so.

There are some other things in this bill that are less high profile but very important, and one of the things is there is $1.6 million for additional staff and resources for the Permanent Select Committee on Intelligence, and one of the issues that has come up recently is do we need a blue ribbon committee to study what went wrong on 9/11 and how can we do a better job.

Well, this bill addresses that because we already have an existing intelligence committee. It is bipartisan. One chairman is BOB GRAHAM of Florida, a Democrat. Another chairman is the gentleman from Florida (Mr. GOSS), a Republican. A bipartisan committee that has been working since January to look into 9/11. It is bicameral, Senate and House together, and it is comprised of experts. This bill addresses that, and I urge my colleagues to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 5½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the ranking member for yielding me the time, and I also want to take the opportunity to thank our chairman of the committee, and to me it has been a pleasure to work with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and I rise to address the foreign operations component of this bill.

The foreign operations portion of the supplemental contains $1.6 billion for various priorities and provides for the vast majority of the administration's requests. I am particularly pleased that the committee did not grant the broad waivers sought by the administration along with these funds but, rather, included specific waivers where appropriate.

This bill will give the President the broad latitude and flexibility that he sought to carry out the war on terrorism. While many have expressed concern that unnecessary funds for foreign operations were added to the bill, in excess of the President's request, I believe the funding added by this committee is extremely important.

In light of the fact that the committee received few details as to how the funding requested will actually be spent, we were well within our discretion to provide what we thought was necessary. I strongly support the additional funding in this bill for rebuilding Afghanistan, a long-term commitment we simply cannot shortchange, and I also support the additional funds provided for Israel.

The bill contains both military and economic assistance to a number of countries outside the immediate area of Afghanistan, such as the Philippines, Georgia and Yemen, where United States troops are or will be engaged in training indigenous forces to combat terrorism. The committee has approved funding in these instances with the clear expectation that the administration will keep Congress fully informed of any change or expansion in the role of the United States forces. I hope this will indeed be the case.

As I said before, I strongly support the additional assistance to Israel that is included in this bill. Maintaining Israel's security and stability has long been a fundamental priority of the United States foreign policy. Israel has devoted precious resources to fighting the terror that continues to threaten its own citizens, 3 of whom were murdered just this week by suicide bombers, and the country is a key democratic ally in our war against terror.

This funding originally requested by the State Department as part of its supplemental request to OMB is essential to ensure our key partner in the Middle East remains strong. I urge my colleagues to oppose amendments to cut this funding.

I would like to take a moment to discuss 2 specific items of concern. First, the current status of fiscal year 2002 funds for the United Nations Population Fund. The conference agreement on the fiscal year 2002 foreign operations bill provided $34 million for the organization, a deal that was painstakingly negotiated. The administration knew about our negotiations, and after the bill passed the House by an overwhelming margin, the President signed it on January 10, 2002.

Only after signing the bill did the administration express concern about as-yet unproven allegations that UNFPA supported coercive family planning practices in China in violation of U.S. law. In a direct challenge to clear congressional direction, the President waited 5 months to even investigate these claims, and UNFPA was forced to cut its staff and curtail its life-saving programs around the world.

During committee consideration of this bill, the gentleman from Arizona (Mr. KOLBE) and I offered an amendment which would have ensured that UNFPA received the funds intended for it by July 10, 7 months after the signing of the bill, unless the President determines that the organization is in violation of the U.S. law.

I am deeply disappointed that the Committee on Rules left this provision and another dealing with UNFPA unprotected. In my judgment, it was inappropriate to single out this particular issue while allowing the bill to come to the floor with highly controversial provisions regarding the International Criminal Court, the budget resolution and Medicare provider payments.

I anticipate the Senate bill will have something to say about UNFPA, and I look forward to discussing it in conference.

I am also disappointed that the rule did not allow me to offer an amendment increasing funding to address the global AIDS crisis. While this bill already contains $200 million for HIV/AIDS, a clear indication that Congress recognizes the emergency nature of the crisis, we can and should be doing more. Applications to the Global Fund to Combat Infectious Diseases have far exceeded the fund's resources, and this situation will only get worse as time goes by. Our own bilateral programs, while highly effective, will reach 25 percent of affected areas.

□ 1915

Our response to this tragedy must be as expansive as the pandemic itself so that we stop the wholesale destruction that AIDS is causing in Africa and will cause in other areas around the world.

As a global leader, we have the responsibility to take the initiative, jolting other donors into contributing more. Again, I anticipate that the Senate bill will far exceed ours, and I look forward to discussing this in conference as well.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of the bill.

This bill provides much-needed appropriations for the Department of Transportation, particularly the new Transportation Security Administration and the U.S. Coast Guard. The bill also provides $1.8 billion in additional expenses for the City of New York to address its transit needs in the wake of 9-11. And I am pleased that we were able to provide the vast majority of requested funds for all DOT agencies, except the TSA; and that is a special case.

The administration requested $4.4 billion in supplemental funds, but the request made a curious statement. It admitted that OMB did not have a clue whether or not $1.9 billion, almost half of the amount, was necessary. It asked Congress to write a blank check for that amount and let OMB figure it out later. Well, Mr. Chairman, that is not the way we do things on the Committee on Appropriations. We expect the administration to justify their request, all of it, in great detail. While some of that material is now being developed and being presented, it is clear much more work remains to be done. Because of that lack of supporting justification, the committee was unable to support the full request for contingency emergency funding for TSA.

Members should know that unless a change in direction is made, the TSA will be monstrous in size. When this agency was established last year, we thought we were creating an agency of about 33,000 people. The current estimate now is almost 70,000. We are planning to create a vast army of new Federal workers, some of whom would do nothing more than check your driver's license and airplane ticket or run your shoes over to an x-ray machine and bring them back to you. TSA plans to hire over 3,000 people just to sit in a chair and make sure someone does not run the wrong way down an exit lane.

Mr. Chairman, there has to be a better way. I do not intend to recommend funds for a 70,000-man bureaucracy full of shoe runners and exit-lane watchers. Technology can obviate the need for thousands of these positions, and others are not the purview of TSA or simply not essential. So I believe strongly that TSA needs to look more carefully at its growth plans, and I will continue to press them as the fiscal year 2003 appropriations process unfolds.

This supplemental bill asks TSA to begin that review now. We provide full funding for the procurement and installation of bomb detection systems at airports. In fact, we even raise those funds because the request, we thought, was inadequate. But we have not provided funds to build up that 70,000-man agency. The bill caps staffing at no more than 45,000 full-time positions. I believe that anyone who reviews TSA's plans in detail, as I have, will conclude that this is sufficient for the first year of that agency. In fact, it is about twice the number of people who were performing screening activities just 1 year ago.

I am pleased that the bill provides even more funding than requested by the Coast Guard, an agency on the front line of the fight for homeland security. We provide the FAA flexibility to address operating budget shortfalls which stem from extra security expenses at air traffic control facilities, and we provide additional funds for review of truck drivers who apply to drive hazardous materials within the country. These are all vitally needed transportation security improvements, and I am pleased we were able to fund them, especially given the tight budget constraints placed on us in this bill.

Mr. Chairman, I think this is a good bill given the constraints placed on the committee, and I ask Members to support it.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise with some concern about the process here in the United States House of Representatives. I am a proud member of the Committee on Appropriations, and I am proud of the work we do there. I am also very proud of the Chair, who I think manages that committee very fairly. But something happened on the way through the process here that stinks.

The committee worked very hard to try to pay for the needed costs of what has happened in this country since we were here last year, the unexpected costs; and that is why this bill is needed. This is an emergency bill. It provides additional funds to pay for essentially contingencies that were not anticipated; and as we have heard, 9-11 is the biggest of those. But also there is an old adage here that says this is the only train that is going to make it all the way to the White House, and if you want to be on that train, you better load up.

I think that the committee did a good job of making sure that this was not a big pork process and that it did not load up too much; and that is always a tough bipartisan effort to put out a good bill. But after the bill was put out of the committee, it went to the Committee on Rules, and there the word came down that this bill was going to be beefed up. It was going to be loaded up, and it was going to take care of the political problems that certain Members of this House were having.

I am from California, and we all know that California is facing a big financial problem. It is in debt. It is a big State, the biggest producer of taxes in the United States, and the biggest contributor of taxes to the Federal Government. It is a State that probably can take credit for the surge in the economy in the last decade, and a State that was hardest hit in the recession, particularly to the dot-com industry that was such a success.

So that is why the State is in debt. Its revenues just did not meet expectations. It had incredible costs to pay for energy, costs that we are now seeing were not the State's problem, but a manipulation of the market by the private sector. Yet we find in California that we have a lot of hard-liners who feel that we ought to have constitutional amendments on requiring a balanced budget, as we do in California. The State is not allowed to go into debt; and, therefore, the legislature, at this moment, is cutting like mad and in fact doing some tough political things in an election year. They are even raising some new revenue.

But Members of the California delegation who are here in the other party have come out in signing a resolution, H.J. Res. 86, introduced this year, to amend the United States Constitution to require a two-thirds vote if we are to raise the debt limit. But guess what, they are the ones, the first ones to criticize a Democratic Governor in California and then turn around in this House, put their name on a resolution to require a constitutional amendment to do the same as California.

But this bill, because of the way it was amended in the Committee on Rules, it allows them to essentially duck a vote on the debt increase, a huge debt increase, of the Federal Government. We have a dozen Republicans from California that are coauthors of that bill who now run away from the responsibility of having a balanced budget to allow the United States Government to go into a big deficit. That is wrong. It is the wrong way to handle this emergency appropriations bill.

We will see in the debate tonight a sort of in-your-face; that if you do not vote for this bill, you are not voting for the soldiers; if you do not vote for the bill, you are not voting for the firemen; if you do not vote for this bill, you are not voting for a half dozen other particular interests out there. That is not the reason why a lot of people are going to vote against this bill. The reason is that this process has been corrupted by essentially hijacking a legitimate bill and making it a bill with all kinds of other political riders on it, the kind of process that we around here always complain about; that we ought to be fair and open and full of transparency. The process was hijacked. And it is not the fault of the appropriators; it is not the fault of the good work of the Committee on Appropriations. It is the fault of the Committee on Rules taking mandates from Republican leadership. That is wrong.

I just hope that tonight, as the debate goes on, that people realize this was a good bill, put out by a good committee, and it was hijacked along the way to do wrong for the United States and to do evil in the budgetary process. This essentially takes money that is in our Social Security account, takes money that is in the Medicare account and requires those monies to be spent on things that should not be spent on by those accounts.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding me this time.

First, let me say I have great admiration for the chairman, the gentleman from Florida (Mr. YOUNG), and for the efforts he has put into this bill, as well as those of the gentleman from Wisconsin (Mr. OBEY) representing the minority of this House.

Secondly, as I approach the last year of my tenure here in the Congress of the United States, I just want to tell my colleagues that today is a classic example of how great this institution is. In America and in every democracy, a majority rules. Just a few minutes ago I was in the well of this House arguing against something on a principle that I believe very deeply in, and I lost, because a majority rules. When this bill passes it will be because a majority of us will vote for it. And if a majority votes for it, it will go on to the Senate.

But this is a great institution, filled with great people, with great minds, with great Americans, who have one thing in common, and that is we all want to do what is best for America.

As I listen to the debate on this floor each week, I hear the Democrats on the one hand saying this is not the right avenue to take. And I hear my majority Republican Party saying this is the avenue we should take. But very seldom do we have different destinations. We are all trying to get to the same corner of the room. Now, the Democrats, in many cases, choose to go to the left to get there; and the Republicans choose to go to the right to get to, guess what, the same destination.

There is no doubt that we want to do everything we possibly can in this war on terrorism. There is no doubt that we all want to support the President of the United States to make certain that the administration has ample facilities and ample resources to provide the services they need to provide to the American people. It is only right that we disagree, but it is only right that a majority rules. And while I was defeated in my quest to change the rule to move in a different direction, a majority of the Members of this House voted to tell me that they disagreed with me, and I respect that.

I will have amendments tonight to change the direction of this bill, amendments that will reduce some sections of this bill I do not like. But guess what, I have $378 million for energy and water in this bill, which is vitally needed by the areas of government that my committee has jurisdiction over. There are so many good things in this bill, and there are a few things that I wish were not in there. So a majority should prevail there too, Mr. Chairman.

As we debate this issue tonight to decide whether we ought to vote "yes" or "no" on final passage, we weigh the good over the bad. And while these are some things that I disagree with in here, the good in this particular case outweighs the bad.

So as I leave, I respect this institution. I respect all of my colleagues. I respect the great tradition of this House. And I respect that we live in a democracy where we can differ, but, nevertheless, in a democracy where a majority rules. And that is what America is all about.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished deputy whip.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and my colleague, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time.

This evening, I rise in strong opposition to raising the debt limit.

□ 1930

The Republicans are trying to sneak in a provision that increases the debt ceiling without a full, fair, open and honest debate. Apparently the other side, the majority party, are hiding something. What are they hiding? What is the great secret?

The American people deserve to know that the funds for a debt limit increase will come directly from the Social Security trust fund. We need to protect Social Security and ensure that we meet our obligations today. Instead, the majority party, the Republicans, are stealing from the Social Security trust fund and increasing our national debt every chance they get. For the next 10 years, we will increase the debt by more than $300 billion. Something is wrong with that.

This party, the Republicans, are mortgaging the future of our children. They are ripping away the safety for our Nation's seniors. Increasing the debt limit is like increasing the credit limit on your credit card. What does this do? It just puts you in a deeper and deeper hole. That is what the Republicans are doing. So do not be fooled. They are putting us in deeper debt and it is their obligation to get us out of it. We should not spend Social Security on anything other than Social Security. American families work hard to pay into a system that they should be able to count on when they retire. Social Security is a sacred trust, a sacred covenant between the American people and our government. We must never, never, ever take away the security out of Social Security. Let us keep our promise to the American people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the Subcommittee on Labor, Health and Human Services and Education.

Mr. REGULA. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to point out to my colleagues that this bill contains $1 billion for the Pell grants. Why? Because more Americans are seeking these grants. This amount ensures that every qualified student applicant will receive a Pell grant and this can spell the difference of more opportunities for a better job and a chance to participate more fully in the American dream. I think it is vitally important that we approve the legislation with this particular feature in the bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. WOLF. Mr. Chairman, I rise in strong support of this legislation. The bill includes $112 million for the FBI, which is $102 million above the request of the administration; but it will help the FBI do what they have to do. The recommendation also includes $10 million for the foreign terrorist tracking task force, a multiagency effort to prevent terrorists from coming into the country. We certainly need that as quickly as possible.

$75 million is recommended for the INS, $40 million above the request. Again the administration was low in its request. You cannot complain about the INS and then not fund its necessary programs, including $49 million to address the shortfall in the immigration inspection account; $25 million to bolster efforts to track and apprehend people who have absconded on deportation orders; and $1 million to continue development of an entry-exit system.

The bill also has $175 million for the Justice Department for State and local first responder equipment, training and planning needs. This funding is provided to the Department of Justice as authorized by the USA Patriot instead of being provided to FEMA as requested.

For the State Department and the Broadcasting Board of Governors, the bill includes a total of $337 million for critical embassy security and public diplomacy needs. After September 11, a lot of attention has been paid to the inadequacy of public diplomacy efforts. We are not doing an adequate job of telling America's story to the world and communicating effectively with the foreign public. To improve this effort, the bill includes $52.6 million for information, exchange and broadcasting programs of the State Department and the Broadcasting Board of Governors, $27.7 million above the request. The amount also includes $17.5 million for information programs, $20 million for international exchange programs, $7.4 million for the continuation of the Radio Free Afghanistan, and $7.7 million to expand the reach of the Middle East Radio Network.

Then in closing, the bill also includes $20 million for 100 additional positions at the SEC to address the immediate and urgent need for increased oversight of the accounting industry.

Finally, the bill includes a provision authorizing the closed circuit transmission of the Moussaoui trial to victims of the September 11 attacks, and we also provide the requisite funding for that.

Mr. Chairman, this is a very important and an emergency issue. I urge quick passage of the bill, hopefully through the Senate and to the President for his signature.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) concerning INS fee collections.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Virginia.

Mr. WOLF. I would be pleased to engage in a colloquy with the gentleman from Washington and the gentleman from New York.

Mr. DICKS. Mr. Chairman, the fiscal year 2002 Commerce-Justice-State appropriations bill authorizes the Attorney General to charge and collect a $3 fee per individual for immigration inspection and preinspection activities related to commercial ships.

It is my understanding that it was not the intent of this provision to levy additional costs on regularized commuter ferry traffic between foreign countries and the United States and that it was this concern that led the committee to include an exemption for ferries operating on the Great Lakes between Canada and the United States in the legislation. I would like to bring to the committee's attention another region of the United States that I believe should be provided an exemption from this fee. Several passenger ferries operate between Washington State and Canada carrying passengers, cars and freight daily between the two countries. The new fee would significantly increase ferry ticket prices charged to commuters and businesses.

It had been my intent to offer an amendment to this bill exempting certain ferry vessels from this fee. However, the committee has indicated that it would prefer to deal with this issue comprehensively in the fiscal year 2003 Commerce Justice State appropriations bill. I would like to ask the gentleman from Virginia and the gentleman from New York if my understanding accurately reflects their intention.

Mr. WOLF. I would say, Mr. Chairman, the gentleman from Washington is absolutely correct. It was our intent to differentiate these commuter vessels from cruise ships. As part of the fiscal year 2003 appropriation process, we absolutely will explore legislative exemptions to ensure that the fee does not have unintended consequences. I thank the gentleman for bringing this to our attention. We will take care of it.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. SERRANO. I agree with the gentleman from Virginia and look forward to working with him and the gentleman from Washington to ensure that this fee is fairly and equitably imposed.

Mr. DICKS. Mr. Chairman, I thank the gentlemen very much for engaging in the colloquy.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. I thank the gentleman for yielding me this time and for the opportunity to speak in favor of this legislation that is before us.

Mr. Chairman, as it has been mentioned, there are three purposes behind this bill: it is a wartime supplemental. First, to pay for the expenses, the huge expenses of our war against terrorism. Secondly, to pay the major expenses of homeland security to protect the United States borders and the people in the country. And, third, to provide the emergency assistance for those that have suffered through these disasters relating to terrorism.

I rise to address some of the elements relating to homeland security. We did not begin just after September 11 to try to address homeland security. Our subcommittee, among other things, funds the U.S. Customs Service. Even before September 11, we had allocated major funds to put 285 additional agents of the Customs Service at our borders, to add $33 million in inspection technology to examine the cargo that is coming into the country, looking for dangerous substances as well as drugs that could be sought to be brought in. Then we continued this process in the supplemental that we passed in December, not only paying for recovery and restoration of the offices that were destroyed in New York City but also beefing up the air and marine operations of the Customs Service, providing the funding with which the Customs Service is already adding over 300 additional special agents, over 600 additional border inspectors and the support people to go along with it.

There is another $68 million in the technology to be able to examine, without having to open all the containers, the cargo that comes into the country; and the major expansion of the training that is necessary for the people that are coming in as new Federal law enforcement people. This supplemental continues those efforts. For example, the Federal law enforcement training center in Georgia has to train some 6,000 investigative personnel of the Transportation Security Administration. This bill has the funding for those personnel. It has additional funding to add more security at the Federal buildings under the supervision of the General Services Administration which is the landlord for our Federal Government. It has some $87 million to help pay for better filtration equipment and other items to protect workers in the postal system against the threats of anthrax or any other substance that someone might send as part of a terrorist act through the mail.

There are major other elements of this bill trying to protect our Nation, trying to secure our borders, to detect and deter and halt threats before they get into the United States of America. This is a major and significant effort. I want to thank Chairman Young and everyone who has been responsible for making these resources available to better secure our homeland.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to express my concern about the procedures used to bring this important legislation to the House floor and the lack of inclusion in doing so. I would point out in the rule that was adopted earlier today in this Chamber, section 1404 was added to the underlying legislation relative to the treatment of certain counties for the purpose of reimbursement under the Medicare program. I do not rise today to express my opposition to the inclusion of those counties if relief is necessary for them. I rise in opposition to a point that other counties were not included as well.

The fact is, under this legislation, counties in Lackawanna, Pennsylvania; Luzerne, Pennsylvania; Wyoming, Pennsylvania; Columbia, Pennsylvania; Lycoming, Pennsylvania; and Mercer, Pennsylvania, were included. Hospitals in Orange County, New York, were included. Hospitals in Dutchess County, New York, were included.

On November 7 of last year, I wrote to the chairman of the Committee on Ways and Means explaining that Porter Memorial Hospital in Porter County, Indiana, was experiencing similar difficulty as far as an inequitable reimbursement under their classification in Medicare reimbursement. On January 22 of this year, I received a response from the honorable chairman indicating that he had received my communication, that hearings would be held and I would be notified. On February 5 of this year I wrote to the chairman of the Committee on Ways and Means and asked that we be allowed to testify on behalf of Porter Memorial Hospital in Porter County, Indiana.

□ 1945

Subsequent to February 5, no hearings were held that I am aware of. We were not asked to provide any materials for justification as far as the arguments for Porter Memorial Hospital. But tonight, on May 22, I find out that we have 8 hospital counties in the States of Pennsylvania and New York whose problems are being rectified tonight. That is not fair. That is not inclusive in this legislative process. Porter Memorial Hospital in the State of Indiana, in the County of Porter, is as deserving.

I would hope as this session proceeds that the representations made by the chairman of the Committee on Ways and Means on January 22 that hearings were going to be held and that action on this vital issue to Porter Memorial Hospital would be taken.

The fact is that Porter Memorial Hospital is located very near Chicago, Illinois. Their costs of providing care to residents in that area are comparable to the City of Chicago, Illinois, but the reimbursements are not. There is a differential for an adjoining county between Cook County, Illinois, and Porter County, Indiana. That is Lake County, Indiana, and that places the people at Porter County in a further disadvantage. I would hope that this problem is rectified.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for being a champion for my State, New York.

As a number of Members have mentioned, there are 3 goals to this supplemental. I would like to address the New York City component of that. We remember well President Bush's pledge to do whatever it takes. A number of $20 billion was discussed. There was a lot of discussion, a lot of contention about that in the last supplemental. The President said, "I am good for my word." The chairman said the President's word is good. I said the President's word would be good. And the President's word is as good as gold. In fact, this brings the total appropriation for New York City to $21.5 billion.

There is $5.5 billion additional in this for the reconstruction and recovery of New York, $1.8 billion for transportation, $2.75 billion for FEMA, and $750 million for HUD. The HUD fund, CDBG funds, have enabled New York City to begin to put itself back together again and at the same time retain the businesses and the residences of the people who live in that Lower Manhattan neighborhood.

I was there just 2 weeks ago, and I was there the Friday after the attack, with President Bush. It is a remarkably different place. Then it was total devastation. Today the World Trade Center site looks like a construction site. It is hallowed ground, clearly, but New York is back to work.

Is there more to do? There is lots more to do. Decisions have not yet been made on what to do at that site. But the fact of the matter is the neighborhood is alive, it is vibrant, and it is New York City again. It has that hum in Lower Manhattan.

So the President kept his promise, the Congress is keeping its promise, and it is a remarkable thing to see the vibrancy of that city returning.

Is there more to do? Yes. Is there planning to be done at the World Trade Center site? Yes. But the New Yorkers will make that decision, with the help of the Federal Government and the people of the United States.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I was very supportive of the supplemental appropriations bill as we worked our will in committee under the quite able leadership of our chairman and ranking member. I am, however, somewhat concerned about the rule and the self-executing nature of the various amendments to this, particularly the one related to the debt ceiling and the like.

I just want my colleagues on the Committee on Appropriations to know that I think the original work of the committee as reported represented, I think, an appropriate response to a number of issues facing the country at this time, and I was particularly pleased with the work that was done to help the District of Columbia meet some of the needs that have been associated with September 11 in terms of police overtime and the like. I just want to thank the chairman and the ranking member for their work on those important matters.

As we conclude our work, I would hope that in the future we would not have these types of add-ons. But it is part of the process, unfortunately, and we will have to work our will here on the floor. But the committee deserves, I think, appropriate thanks from the House for the original work that was done.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time. I do so to yield to my friend, the gentleman from Michigan (Mr. SMITH), for the purpose of a colloquy.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, first may I compliment the gentleman and his committee on his efforts to get needed support to our first responders, our firefighters, so they can better prepare for any terrorist attack that may occur.

Mr. Chairman, as the gentleman knows, the President's fiscal year 2003 budget request proposes consolidating existing preparedness programs under the Office of National Preparedness within the Federal Emergency Management Agency. This is a proposal Congress will be addressing in the coming months.

However, a concern I have is that the first responder supplemental grant funding for fiscal year 2002 in this bill goes to the Department of Justice. I understand the reason behind providing Justice with funding, but I hope it does not mean that the anti-terror needs of firefighters and emergency medical personnel will be implemented without the input of the U.S. Fire Administration, which is part of FEMA.

Can the chairman provide some assurance that he and his House conferees will take into account the needs of firefighters and EMS personnel as it distributes these supplemental funds?

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, the gentleman makes a good point. There is no question, as we watched on television as the recovery and the first response in New York City and at the Pentagon unfolded before our very eyes, we saw the importance of the first responders in not only protecting property, but especially saving lives. So I would have to tell the gentleman we are still in the process of figuring out the best division of responsibility among the various agencies for providing assistance to first responders, which we are going to do. There is no question about that.

I agree with the gentleman from Michigan that we have to involve those agencies with responsibility for assisting firefighters and EMS personnel to help assure that they are prepared. I can assure the gentleman that the Committee on Appropriations will continue to work to make sure it takes into account the needs of firefighters and EMS personnel, as well as law enforcement officers, when it considers how to distribute the supplemental funding in this bill and in the fiscal year 2003 appropriations bill.

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield further, I thank the chairman for his statement, and certainly all his personal support for our first responders and law enforcement personnel in this Nation.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman for this opportunity to have that colloquy.

Mr. SCHIFF. Mr. Chairman, I rise today in support of emergency security assistance to our democratic ally Israel. The $200 million in supplemental assistance to Israel contained in the FY 2002 Supplemental Emergency Appropriations bill provides vital emergency resources to a key U.S. ally and a frontline state in the war against terror.

Mr. Chairman, it became painfully evident after September 11 that Israel and the United States are engaged in a common struggle against terrorism. Neither country asked for this struggle; both have constantly chosen a path of peace when given the choice. Israelis must know that the U.S. stands with them in this difficult hour, as they have repeatedly stood with this country throughout the years.

The United States has never been more resolved to eliminate the threat of terrorism against innocent civilians and free society. The democratic State of Israel stands shoulder to shoulder with the United States in this effort. Terrorist attacks against innocent Israeli civilians are taking place on a constant basis. In the face of terror, Israel is attempting to rout out the forces that threaten the daily lives of its citizens. But Israel continues to suffer a systematic and deliberate campaign of terror aimed at inflicting as many casualties as possible.

Mr. Chairman, as the world's leading democracy, we have a responsibility to stand by a democratic friend and ally threatened by a wave of terrorist aggression. At this volatile stage of developments in the Middle East, Israel needs to know that it can count on U.S. security assistance.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4775, the Supplemental Appropriations Bill. For the last few years supplemental appropriations bills have been brought to the floor to cover shortcomings in the previous year's appropriation bills. Increasingly, these bills have strayed from their original purpose of merely appropriating funds for certain programs. Instead, they make changes in policy, create new regulations, or implement new and completely unrelated laws. This bill continues this unfortunate trend. It sends billions of dollars in foreign aid to other countries, cuts funding to low-income and elderly housing, and includes specific Medicare "fixes" for hospitals in the districts of three Republican House members. Most egregious of all, the bill raises the federal debt limit to let the government keep spending money above what we should.

The Republicans have a problem and they don't know what do about it. Their irresponsible tax cut has eaten up so much of the government's resources that we are about to exceed the federal debt limit. Rather than admit that they caused this problem, the Republicans have slipped language into the bill to raise the debt limit without anyone knowing. In other words, they've taken a page from Ken Lay's book: cover up irresponsible spending with hidden accounting tricks. What a disgrace.

Keeping up these tricks, the Republicans want to send $1.4 billion in aid to foreign countries four months ahead of time in order to dodge the budget bullet. There is simply no justification for this funding. Even worse, the bill further relaxes controls that prevent human rights violators from receiving military assistance.

And the bill doesn't stop there. Listen to this: we're going to give Israel $200 million to continue destroying Palestinian infrastructure while at the same time giving the Palestinians $50 million to rebuild! The bill relaxes restrictions on aid to Colombia despite its ongoing human rights violations in its war against revolutionaries within its own boarders. It even appropriates $1.8 billion in military funding above the President's request.

The Republicans naturally need a method to pay for all this new spending and they have proposed to do so in two ways: first, as I've already described, they want to raise the debt limit. Second, they want to cut valuable programs here at home. For example, the Republicans have cut $300 million for low-income and senior housing in order to pay for this bill. In doing so, they turn their backs on 13 million Americans who spend more than half of their income on substandard housing.

This bill wastes more of our precious resources and then covers up for it with hidden, below-the-table gimmicks. I will vote against this awful bill and urge my colleagues to do the same.

Mr. HOEFFEL. Mr. Chairman, once again the GOP leadership in the House has taken a necessary bipartisan effort to fund our war on terror and bolster our homeland security, and riddled it with partisan budgetary maneuvers including a thinly veiled provision that would permit an increase in our nation's debt ceiling.

This supplemental appropriations bill includes $15.6 billion in necessary military and defense-related expenditures to fight the war on terror, and another $13.6 billion for homeland security, financial help for rebuilding efforts in New York City, and foreign assistance, including $200 million for Israel—all necessary expenditures that I support and will vote for.

However, the rule for this legislation includes seemingly innocuous language that would allow a huge increase in the debt ceiling to be inserted in the conference report without a separate vote. This is unconscionable.

Raising the debt ceiling, coupled with the current reckless fiscal policy of increasing spending while reducing tax revenue, will put us on the track for a fiscal train wreck.

This will plunge this country back into a level of debt, borrowing, and higher interest rates that we thought we had permanently left behind. In just a year, we have seen actual and projected surpluses erased. Today, the most recent analysis suggests that we will run a $300 billion non-Social Security deficit in this fiscal year. Even if we spend Social Security dollars to fund the government—a policy that I adamantly oppose—we will still run a $150 billion deficit this year.

Our debt ceiling is like a limit on a credit card, and if we keep raising it without taking action to put our fiscal house back into order, we are heading for fiscal disaster. It is not prudent for a family in financial trouble to seek a higher limit on the family credit card nor should Congress impose a long-term debt ceiling increase without a sound fiscal plan.

I would support a time-limited increase in our debt limit to help fund our war efforts—possibly one to three months—but that must be accompanied by a budget summit between leaders of Congress and the Administration to put our budget back into order and prevent us from further fueling our debt with money from the Social Security and Medicare Trust Funds.

While the supplemental bill is generally a good bill—absent the provisions contained in the rule—I am troubled by one particular provision. In order to keep the cost of the bill under $30 billion, the bill drafters offset $643 million of the costs by striking airline loan guarantees that Congress passed after 9/11. These guarantees are a matter of survival for the airlines, particularly US Airways. I will work with my colleagues in the Senate to see that this language is not included in the conference version.

Although I support this supplemental spending, I will quite possibly vote against it in a conference report if an unfettered debt ceiling increase is included. Funding our war on terror, making America safe and putting our fiscal house back in order are not mutually exclusive pursuits. We need a budget summit to come to a bipartisan agreement on ways to fund our current spending needs, stabilize our tax policy and protect Social Security and Medicare without throwing our budget into turmoil from which it will take years to recover.

I have been a hawk on our national debt since I came to Capitol Hill, and I will remain so in this crucial fiscal period.

Mr. BOEHNER. Mr. Chairman, I rise in support of the Appropriations Committee's effort to bring forward a bill that provides funds to address the current shortfall in the Pell Grant Program for this nation's neediest students.

Specifically, this bill puts forward an additional $1 billion to ensure the largest maximum award in the history of the Pell Grant Program—$4,000. This bill, while providing for the $4,000 annual maximum Pell Grant award as proposed by the President, will also provide assurances to students and their families that the necessary funds will in fact be available for them when they are needed.

This President and this Congress stand firm in their commitment to the Pell Grant Program. That commitment is clear as evidenced by this chart, which shows a steady and substantial increase in the annual maximum award since fiscal year 1995, the point when Republicans gained control of the Congress, through the current year. We will continue our pledge to support the Pell Grant Program as we move forward with the President's education agenda.

The Pell Grant Program is the foundation of the Federal need-based student financial assistance programs, and is often the only hope low-income students have to achieve their dream of obtaining a higher education. Currently, the Pell Grant Program serves more than 4.4 million students and in FY 2003, the President's budget request will serve an additional 55,000 students, allowing more students to move forward and obtain a quality education.

We can do nothing better than provide an opportunity for this nation's citizens to obtain a quality education.

In addition, I'd like to thank the Appropriators for including $190 million to help replenish the National Emergency Grant program, and for restoring $110 million to the dislocated worker program. These funds will go a long way in supporting American workers who have lost their jobs due to the economic slowdown and last year's terrorist attacks.

Mr. Chairman, I urge my colleagues to show their support for American workers and the very important Pell Grant Program by voting yes on this legislation.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendments printed in House Report 107–484 are adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

For an additional amount for "Food Safety and Inspection Service", $2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Food and Nutrition Service

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

For an additional amount for "Animal and Plant Health Inspection Service, Salaries and Expenses", $10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

For an additional amount for "Food and Drug Administration, Salaries and Expenses", $18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated in this or any other Act for the Department of Health and Human Services may be used to consolidate the Food and Drug Administration Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Services.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order that section 101 of the bill, beginning on line 18 through line 23, violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on appropriation bills.

The language in question prohibits the Food and Drug Administration from consolidating its Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Resources under this bill or "any other Act." As such, the language changes current law and constitutes a violation of clause 2 of rule XXI.

I insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, reluctantly, I must concede the point of order.

The CHAIRMAN. The point of order is conceded.

The point of order is sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2002.

CHAPTER 2

DEPARTMENT OF JUSTICE

Mr. ROTHMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people at home must be scratching their heads wondering what are these folks talking about? Let me tell you what we are not talking about. There is no disagreement between the majority of Republicans and the majority of Democrats as to whether we should fund our war against terrorism, because we all support that; or that we should increase funding for the Defense Department, because we support that; or increase funding for agencies that protect us and inspect things coming into the United States, things and people, Customs, Secret Service, et cetera; or provide money for the rebuilding of New York City. There is no disagreement.

So what have we been hearing about this debt ceiling that bothers the Democrats so much? Well, you see, the problem is that my friends on the Republican side of the aisle decided that they would force through a rather large tax cut, a $1.35 trillion tax cut, last year, that benefited, in my opinion, disproportionately, the richest 5 percent in the United States. At the time they said America could afford that, there would be no deficits; that surpluses that were present under President Clinton would continue now under President Bush, even with this $1.35 trillion tax cut.

Something happened. A war on terrorism; the recession was still going on. But then about 45 percent of what will now be a $300 billion deficit in the year 2003 is a direct result of this tax cut forced through by the Republican party.

The problem with this bill, and I am going to support this bill because I support all the aid to our men and women overseas defending us, standing in harm's way, and all of the good things in the bill, the problem with the bill, that we hope will get fixed by the Senate because the Democrats are in control of the Senate and they will hopefully hold the line on this, is my Republican colleagues have inserted into this supplemental appropriations bill a way for the new deficits created, 45 percent of the reason for which is their tax cut, they have created a way to fund these national deficits that are expected for the next 10 years, and they buried it in this bill. They did not have a debate on it. They would not let us debate whether we should postpone the tax cuts for the very richest of Americans in order to eliminate 45 percent of these new deficits, next year projected to be $300 billion, and we all know where this money is coming from. It is coming from our children and grandchildren and Social Security, as they stick their hands deeper and deeper into the pockets of future generations to pay for a tax cut that benefits primarily the rich.

Again, they did not plan on it this way. They thought there would be surpluses. Then the war on terrorism came, and the recession. So we said now there is a war on terrorism and a recession. Perhaps we ought to delay this tax cut that benefits primarily the very rich. They said no. So rather than admitting to the American people that the Republicans have now created this huge deficit, 45 percent of which is related directly to their tax cut that goes to primarily to the rich, admit they have a deficit this year and projected for the next 10 years, admit that 45 percent of the reason for this new deficit is their tax cut that goes primarily to the very rich, they have buried language in this bill preventing a debate on it so that the American people will not realize that when they said they could do a tax cut that benefited primarily the rich and created surpluses, they were wrong. They guessed wrong.

☐ 2000

I think that that is a terrible mistake that needs to be rectified.

What else could we do with this money? We could pay off our debts if we did not have this tax cut for the very rich. We could even just postpone it, delay it for a year, take a look around, see what the war on terrorism is like, whether we are out of the recession or not. Reasonable people of goodwill could debate whether a tax cut is important in the midst of a recession. We are out of the recession, according to all of our official estimates, and most of this tax cut is going to take effect for the rich in the next 10 years, except we have to pay for it now.

So if anyone is wondering why there appeared to be a disagreement between Democrats and Republicans about a bill where we all support an increase in defense, the war on terrorism, all of the agencies rebuilding New York, et cetera, et cetera, we all support that. What we do not support on the Democratic side is the unwillingness of the Republican majority to hide the effect of their tax cut, which by conservative numbers, 45 percent of the reason for the upcoming deficits will be as a direct result of their tax cuts; and we say, if you want to cause these deficits, cause us to dig into Social Security, to pay for your tax cuts that disproportionately benefit the wealthiest of Americans, at least debate it out in the open. Do not hide it in this bill. We are hoping that the Democratic Senate, when this bill goes to conference with the Senate bill on this emergency supplemental, will be resolved at that point.

Mr. Chairman, I urge my colleagues to support this bill, but encourage the Senate and the conferees to remove this hidden, deficit-hiding device.

MOTION TO RISE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 250, not voting 50, as follows:

[Roll No. 196]

AYES—134

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clement
Clyburn
Condit
Conyers
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McGovern
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Mink
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Schakowsky
Schiff
Serrano
Sherman
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Waxman
Woolsey
Wu
Wynn

NOES—250

Aderholt
Akin
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Bereuter
Biggert
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Everett
Ferguson
Flake
Fletcher
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Payne
Petri
Phelps
Pitts
Platts
Pombo
Portman
Pryce (OH)

Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—50

Abercrombie
Barr
Becerra
Bilirakis
Boehner
Burton
Buyer
Clay
Clayton
Culberson
Deutsch
Dooley
Doolittle
Ehrlich
Emerson
Fattah
Foley
Frost
Gordon
Graham
Gutierrez
Gutknecht
Harman
Hilleary
Horn
Hoyer
Hulshof
Johnson, Sam
LaFalce
Lampson
Lipinski
Mascara
McDermott
McIntyre
Meek (FL)
Miller, George
Neal
Norwood
Oxley
Pence
Peterson (PA)
Pickering
Sawyer
Scott
Slaughter
Stark
Stenholm
Tauzin
Traficant
Waters

□ 2023

Mr. SUNUNU changed his vote from "aye" to "no."

Mr. HILLIARD and Mr. RUSH changed their vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as a Member of the Committee on Appropriations, having served with the gentleman from Florida (Chairman YOUNG), who was very dignified as this Committee on Appropriations spent over 3 days, 14 hours on the first day, trying to bring to this House of Representatives a supplemental bill to really react and respond to our war on terrorism.

Many of us, over 60 of us who sit on that committee, vowed that we would do the work necessary. We put 20 hours-plus on the bill over 3 days, and brought a bill to this floor, an emergency supplemental. I am appalled with what the Committee on Rules has done with our work. It has emasculated the committee system in this House.

Mr. Chairman, the gentleman from Florida (Chairman YOUNG) has done a wonderful job, and our ranking member, the gentleman from Wisconsin (Mr. OBEY). We have worked together in a bipartisan way to bring the bill to the floor of the House. But what we have before us is not the bill that came out of the Committee on Appropriations. It is not the bill we were told was an emergency and had to be passed right away to address the war on terrorism.

What we have before us now is a bill with all kinds of amendments added onto it, and all kinds of things we cannot amend as Members of this House that do not address the emergency before us.

This bill will increase the debt limit without a vote of this House. We may have to increase the debt limit, primarily because of the $1.3 trillion tax cut that was given to the wealthiest of Americans just last year at the time when the economy was slowing.

The CBO has told us that we will be in deficit $2.7 trillion, so perhaps we will have to increase the debt limit, but let us vote on it. Let us debate it. Do not bury it in this emergency supplemental that we spent so much time and energy and hours on.

Mr. Chairman, I think it is unfair, and it emasculates the committee system in this House of Representatives. The Committee on Rules has gone ahead and gone deeper into the Social Security trust fund, leaving everything to be taken care of in conference, and again, not allowing us, the elected Members of this House, to have the proper forum in which to debate it.

There is no new money for education, and again, if we adopt this supplemental that the Committee on Rules has rewritten, we automatically adopt the Republican budget resolution that passed this House earlier this year. That budget resolution, if we remember, did not fortify Medicare, did not take care of Social Security, did not take care of education. If we adopt this Committee on Rules supplemental tonight, we automatically adopt that poor budget resolution that was passed a few months ago.

Mr. Chairman, these are trying times for our country. We are at war. We do need to address the emergency needs of our troops, our homeland security. But we also need to address the national defense, homeland, problems of education.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Florida.

□ 2030

Mr. HASTINGS of Florida. Mr. Chairman, I agree with the gentlewoman that it was the Committee on Rules because that is where the action is. But it was the majority on the Committee on Rules that undertook this. I thank the gentlewoman for yielding.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) for making that caveat. It was the majority, the Republican members of the Committee on Rules who emasculated the work of the fine Committee on Appropriations and the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), and now we have before us not an emergency supplemental that deals with terrorism, but a bill that will raise the debt limits for this country, making us have more bills to pay and at the same time not having an up-or-down vote on it; nor will we be able to debate that. I think that is unconscionable.

We live in a time in this country where leadership is paramount, where we must stand up and be counted. This is not the way this House should be run. This is not the way the majority should run it. I hope we will vote against the supplemental. Some people say they cannot vote against it because of what is in it. I think you can vote against it, come back and put together a supplemental for the American people that will address the emergency needs of our country.

Our health care industry is about to collapse. I have been visited by doctors in this country. I am sure you have too. They are not taking Medicare senior citizen patients. The reimbursements are too low. Our children cannot stand up to the competition of people all around the world. We can fix that. This supplemental does not begin to address that.

At a time when we need leadership, we are finding more and more that we are doing the wrong things for the people of this country. They expect us to be leaders. They sent us here for that.

Mr. Chairman, I would urge my colleagues, watch what we do over the next few hours. Vote against this supplemental.

We are being asked to do something today that we have not done in almost 6 years—pass legislation that paves the way for increasing the debt limit that will allow the government to borrow money to pay its bills. The majority is attaching this on to a must-pass bill, an emergency supplemental appropriations to fund homeland security and the war on terrorism, in order to minimize its exposure as the party of fiscal irresponsibility.

For more than 60 years, the other side of the aisle has billed itself as the party of balanced budgets, budget firewalls and Social Security lockboxes. But their rhetoric does not comport with reality and they know it. In the last half of the 20th century through last year, the only budget surpluses this nation enjoyed came under Democratic administrations and Democratic financial management.

That's a point the Republican majority does not want to acknowledge. Consequently, it wants to slip debt-increase legislation through on the sly without a full and fair debate of the fiscal position of the country, how we got there, and how we're going to deal honestly about digging ourselves out of the hole in which we now find ourselves.

The problem is the other side is in a state of denial. It does not want to expose itself as the party of deficit spending after a Democratic administration produced the longest string of budget surpluses in the history of this country. And it doesn't want to own up to the fact that it has to raise revenues before the country can get back on the right track to fiscal sanity. Yes, the economic slowdown and the war on terrorism caused us to spend more than general revenues allow. But the primary reason we are spending beyond our means is because of a $1.3 billion tax bill Congress passed last year.

Because the other side doesn't want to deal with the deficit situation honestly and openly, the majority wants us to approve must-pass legislation, so it can have a license to raid the Social Security and Medicare trust funds.

We need to ensure that all areas of our budget are adequately funded. While it is necessary to fund defense and national security priorities, it is not acceptable to ignore domestic priorities that are of crucial importance to our nation and the American people. By insufficiently funding key priorities such as education and prescription drugs, we are shortchanging our families and children. Yes, they might be safer on the national security front, but if we cannot ensure our nation's children a quality education, if we can't ensure seniors a sound prescription drug coverage, and if we can't ensure the solvency of our Social Security for so many people in the future, we are truly off the mark.

The budget resolution presented a distorted vision for our future by laying out a budget that does not sufficiently fund our education and health care needs. This is not a budget that the appropriations committee should adhere to if we really want to keep the promises we have verbally made to our people. It is time to match our words with real funding levels on paper.

EDUCATION

In January, the President signed into law landmark education reform legislation with the "Leave No Child Behind Act." Yet, his proposed budget and the Republican budget that was passed in the House does not make the title of this bill a reality. If we continue along the Republican funding path, more and more children will be left behind. Both budgets provide a $1.4 billion (2.8 percent) increase over FY 2002 funding levels to the Department of Education, which represents the smallest increase in funding in recent years.

Not only does the budget for education represent the smallest increase in recent times, it actually eliminates funding for 28 key education programs such as Drop-Out Prevention, Rural Education, Close-Up Fellowships, and numerous other programs that enrich students' education.

At the same time, the budget resolution proposes cutting or freezing many other elementary and secondary education programs, including educational technology (cut $134 million—15.7 percent), improving teacher quality programs (cut from $105 million to $3 billion total), and safe and drug-free schools (cut $102 million or 13.7 percent). It also freezes funding for 21st century community learning centers after-school programs, comprehensive school reform. Even keeping funding for programs for FY 2003 at their current level represents a cut in funding when inflation and rising costs are taken into account.

If we expect schools to implement the provisions laid out in the "Leave No Child Behind Act", then we must give them the funding resources needed to help them succeed. Mandates without adequate funding is leaving our schools and teachers with their hands tied.

In my state of Michigan, funding for educational priorities such as school construction and class size reduction have been eliminated. Other programs have been cut, such as Even Start which provides grants for family literacy projects that include early childhood education for children through age 7.

HEALTH

The Republican budget proposed a mere $350 billion for Medicare reform and prescription drug coverage over ten years. This represents a gross underfunding just for a prescription drug coverage, which would cost $700–800 billion over 10 years alone if we want a comprehensive, meaningful drug coverage plan for seniors and disabled individuals. This funding level does not even account for what will be needed to strengthen Medicare for our future. If Republicans, in their maneuvering today, really expect us to stick with the funding levels proposed in the budget resolution, then their actions on the floor definitely contrast with the verbal promises that they offer seniors everyday on the floor and in their districts.

Overall, the health care outlook in the GOP budget is bleak. If we are asked to stick with their numbers, major programs will be cut, such as rural health programs (41.9 percent cut), Telehealth (84.6 percent cut), and other programs that assist in coordinating care for the uninsured.

SOCIAL SECURITY AND MEDICARE RAIDS

The huge tax breaks for the wealthy that Republicans passed have left us looking at deficit spending. And where will the funds for all our programs come from? Social Security and Medicare trust funds. This is what they have to resort to when just last year, Members pledged not to raid Social Security and we passed Social Security lockbox legislation on the floor. This promise has been broken and the lockbox is locked no more.

The Congressional Budget Office (CBO) projected last January that the course of the Republican path would lead Congress to spend $845 billion of the Social Security trust fund over the next 10 years. And this in only taking into account the FY 2002 budget.

This return to deficit spending and raiding of the Social Security trust fund cannot be explained by the recent recession or the war against terrorism. When taking into account the Administration's own numbers, the national debt will be $2.75 trillion higher than what was originally projected early last year before the President's FY 2002 budget proposal. When adding recessionary costs and the war, these numbers combined total $800 billion of projected debt. This means that $1.9 trillion is left that cannot be explained by either the economic downturn or the war against terrorism.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are gathered tonight in a place of great and high honor. This is a Chamber in which decisions that have profoundly affected the history of our Nation and of humankind have been debated with great dignity and honor. In this Chamber we have debated questions of civil rights, questions of war and peace, questions of education and health care. And what brings honor to this institution and what humbles each one of us privileged enough to serve in this institution is the process of debate, of exchanging ideas, of laying before the people of the Nation, the people of the world, our divergent and heartfelt views.

What we are doing tonight in this Chamber does not measure up to the standards of honor of this Chamber. Because this bill is being used as a vehicle to make a decision of monumental importance for the future of this country, but we are not debating that decision. We will not take a vote on that decision. We will not let the public hear our voices on that decision.

There is a plan to move innocuous language in this bill that talks about protecting the full faith and credit of the United States to a conference with the other body. There is an anticipation that the other body will add a law which authorizes the borrowing of $750 billion, the bill which will be handed off to the children of this country. The bill will then be brought back here, and it will be put to a vote where that $750 billion borrowing is wrapped in the holy garments of all the good things that are in this bill, aid to the troops, aid to loyal allies of this country, reconstruction of New York City, things for which there is broad, even, unanimous appeal.

The majority has chosen to hide its plan rather than to debate its plan, and that is just plain wrong. I think I know why, Mr. Chairman, the majority has chosen to do that. In 1990 when I came here, for every $100 that we needed to run the government, we were bringing in $70 worth of revenue. And we made up the difference by pilfering money from the Social Security trust fund and borrowing the rest from the private markets in a way that drove up interest rates and drove down economic activities. President Clinton made good decisions to change that. Members of Congress of both parties made good decisions to change that. The American people worked very hard, paid a lot of taxes and changed that. And by 2000, for every $100 we spent to run our country, we brought in $108. And we were told that $108 would be $115 and then $125 and then $135, and there would be all this money to spend.

In the summer of 2001, the majority voted to rid the Treasury of about $2 trillion worth of money in one of the largest tax cuts in American history. There were voices, mostly on this side, who warned against the risk of that proposal. Our warnings when unheeded. The bill became law. A recession came along. The terrorist attacks of September 11 came along. And where do we find ourselves?

For the fiscal year that will end this September 30, instead of having $108 in revenue for every $100 we will spend, we will have 80. So here we are once again borrowing the rest. Borrowing once again from the Social Security trust fund and robbing the pensions of Americans. Borrowing once again from the same markets that our entrepreneurs and companies looked to grow their businesses.

The majority understands that the public would rebel against such a plan. So rather than bring that plan to this floor and defend it, they have chosen a procedural vehicle that will obscure it. That is the wrong thing to do. This is a bill that does much good and many of us will support it for that reason. I believe that if the leadership of this committee had been permitted to bring this bill forward, that is all the bill would have done.

But the majority leadership has a different agenda. It is to obscure the agenda that will result in the borrowing of $750 billion. We vote on congratulating the people of the East Timor in this Chamber. We vote on the naming of Federal buildings. We vote on resolutions honoring people that win NCAA basketball championships; but we are not going to cast a vote on indebting the children in this country to the tune of $750 billion.

It is so wrong, it is so indefensible the majority will not put this on this floor. It is the wrong way to proceed.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the chairman of the committee, as well as my colleague, the gentleman from Virginia (Mr. WOLF), also I think that the gentleman from Virginia (Mr. MORAN) and the gentlewoman from North Carolina (Mrs. MYRICK) also are concerned.

This regards section 1103 of the bill dealing with the Federal loan guarantee program for air carriers. The airline industry has changed dramatically and permanently since September 11. Business air travel is down 30 percent industry-wide and total industry revenue is down 15 percent since 2000.

It is an unfortunate reality that some carriers' financial situation is currently unsustainable. We cannot now pass the provision that moves the goal post on the very companies for whom the legislation was intended when it was passed a mere 9 months ago.

I ask the chairman, this section would upon enactment of the bill delay disbursement of loan guarantees until October 1 of this year. Is it the chairman's understanding that while this provision would prevent the actual issuance of a loan guaranteed until October 1, that the air transportation stabilization board may continue and complete processing of applications during the remainder of this fiscal year?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, first let me say it is essential to the United States that a viable air transportation system be up and running. So I would say to the gentleman that what he suggests is my understanding.

The Office of Management and Budget in a letter sent to our committee interprets this provision as only preventing the actual issuance of credit pursuant to the Air Transportation Safety and System Stabilization Act. The stabilization board may continue accepting and fully considering qualified applications as authorized by that act.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF) for further inquiry.

Mr. WOLF. Mr. Chairman, I thank the gentleman for that statement.

As the chairman knows, many of our colleagues, and certainly I am in that group, strongly support this program and we want to ensure that no changes are enacted that would prevent a qualified carrier from receiving a loan guarantee as early as the stabilization board may act on the application. This particular program was enacted to assist carriers suffering losses as a result of the terrorist attack on September 11. The Federal Government's closure of Reagan National Airport made matters even worse for some of the carriers.

I know the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. MORAN), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentleman from Kentucky (Mr. ROGERS) have been very, very concerned about this. We are aware of one or more carriers that may apply for a loan guarantee before the deadline of June 28, 2002.

There are concerns that the provision, if enacted, might have the unintended consequences of preventing a qualified carrier from securing a Federal loan guarantee in time to avoid bankruptcy or other irreparable harm to a carrier's operations, employees and customers.

Would the chairman be willing to work with us and other Members, and there were so many that were interested in this, to ensure that that provision does not have those unintended effects?

Mr. YOUNG of Florida. If the gentleman would yield again, the committee does not intend to prevent any carrier from having an application fully considered, nor does it intend for this provision to result in the kind of outcome the gentleman is concerned about.

We will work with the gentleman and other Members as we go to conference with the Senate on this bill to address any concerns that affected parties may have.

Mr. TOM DAVIS of Virginia. I thank the gentleman for his assurances.

Mr. Chairman, I include in the RECORD a letter from the Office of Management and Budget which clearly states the provisions which we are considering today permit the Air Transportation Stabilization Board to continue to complete the processing of qualified loan guarantee applications that are properly filed.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter provides the Administration's interpretation of Section 1103 of the pending House FY 2002 supplemental appropriations bill (H.R. 4775) regarding airline loan guarantees. This provision was not proposed by the Administration but was added by the House Committee on Appropriations during committee consideration of the supplemental appropriations bill.

Under Section 1103 of the bill, the Air Transportation Stabilization Board would be able to continue and complete processing of qualified applications for loan guarantees during the balance of FY 2002 consistent with the authorities of P.L. 107–42, the Air Transportation Safety and System Stabilization Act.

While the Board could not obligate loan guarantee funds during the balance of FY 2002 (from enactment through September 30, 2002), it can, after October 1, 2002, issue the loan guarantees to qualified applicants.

Sincerely,

NANCY P. DORN,
Deputy Director.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend, the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Virginia (Mr. WOLF) and I thank the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Kentucky (Mr. ROGERS), all of those folks who have tried to protect USAirways' ability to be financially solvent.

I have to say, though, that I am convinced that the language in this supplemental appropriations bill does just the opposite. I do know that the Chair of the Committee on Appropriations and the Chair of the subcommittee want to make it right. But I think we need some assurance that it will be made right. I see the gentleman from Pennsylvania (Mr. MURTHA), who will be affected.

There are 204 cities whose economy is going to be severely damaged if USAirways is not able to continue operations.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. TOM DAVIS) has expired.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I was saying, there are 204 cities who are dependent upon the air service that USAirways provides. There are 40,000 employees who are dependent upon the income that they earn from employment with USAirways. This is a very, very serious issue. I know we have discussed previously that it looks an awful lot like a budget gimmick, $1.3 billion by terminating the ability to apply for a loan. But it is serious business when you are talking about one of our premiere airlines. And I know that we have substantial support on the other side of the aisle, and certainly those who voted against the rule, this is one of the reasons that virtually all Democrats voted against the rule. And I know there is substantial support on the majority side. But we have got to find a way to make USAir whole, at least to the extent we are capable of doing so.

And that is why we passed the airline guarantee program. We did it right after November. We know that USAirways is the most adversely affected. National Airport was closed down for an entire month and for 8 months it has been in partial operation. How can an airline survive under those conditions? I do not know.

So this is the airway that was most likely to benefit from the legislation we passed, and now we turn around and say we are going to terminate the loan program knowing that they are ready to apply so we can save $1.3 billion to get under their nonofficial ceiling?

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, it is my understanding that USAirways has indicated that it needs this loan guarantee so it can get loan proceeds by August 1. But under the bill as presented to us, nothing will be payable until October 1, the first day of the next fiscal year and this is sooner than it could possibly be paid. It would be soon after that, that is the soonest possible date, and that is too late according to their indication, is it not?

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member on the House Committee on the Budget. What he says is absolutely the case. USAirways indicates that it will run out of money by August and it will need the infusion of loan money by then. What this language does is to not make any of that money available until October 1. And unless we can work out some language, it has no assurance that it can give to the creditors that money, in fact, will be authorized.

□ 2045

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think one of the purposes of colloquy is to assure we have full leadership working to make sure one way or the other, the right thing happens should they qualify for this loan. In fact, the money will be available on a timely basis. We have received assurances that this, it still has to go through conference. There is Senate language that still needs to be worked through, and I just want to say I am comfortable with the fact that we are going to work this out, but I appreciate the gentleman's being very aggressive on this issue because I think it is very important, not just for the airline, as the gentleman has mentioned before.

Mr. MORAN of Virginia. Mr. Chairman, I will reclaim my time to tell my good friend from Virginia that I know he has been aggressive as well in supporting U.S. Air, but I think the gentleman also knows that on the Senate side they have capped this loan program in such a way that U.S. Air will not have access to the money. So if the money is not available on the House side, if it is not available on the Senate side, we are not going to be able to get it in conference.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, they have only capped it in committee. It still has to go to the floor. It has a long way. I know Senator BYRD is concerned about this as well.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, it is my understanding that CBO has scored this particular provision as saving temporarily for this fiscal year $343 million, that is all, under the Credit Reform Act. It is not the full amount of the loan. It is the likely loss on the loan that is scored as an expenditure on the loan this year. However, this is nothing but an obligational delay, so it does not really save anything.

What it means is that what would be obligated in the remaining few months of this fiscal year will instead be obligated after October 1. Why go through shenanigans like that and send a message to the lenders that U.S. Air will not be able to take down the cash it needs to survive until after October 1? Sure, it can complete its loan application, but it cannot get the cash it needs, and that message will go out again tonight. It will chill the atmosphere for lending. My colleagues know the Transportation Stabilization Board will not want to process anything for fear that Congress is about to undercut it. Why are we doing this? What sense does it make? It does not save a dime.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. MORAN) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. MORAN of Virginia was allowed to proceed for 5 additional minutes.)

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY), ranking member of the full committee.

Mrs. MYRICK. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, I appreciate the gentleman's dedication to this issue, as well as the other Members on his side of the aisle and on our side of the aisle, and I would tell my colleague that we are very committed to doing everything we can to make sure this problem is taken care of.

Yes, there is a problem here on the House side, we understand that, but by the same token, it does have to work its way through the whole process, and that is what we are looking at and working on, to get the assurances that we need that the money will be there, that they will be able to get these loans, and that they are not going to go bankrupt. We have no intentions of allowing that to happen.

It is very unfortunate these provisions were put in this bill the way they are, but we want to do everything we can through our leadership and through the Senate to make sure that this is taken care of, and I appreciate the gentleman yielding.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

There are 2 distinct issues on this point. First is what will happen to U.S. Air, and, frankly, I cannot tell, and that is the problem.

The second problem is that the original committee provision was scored as saving $400 million. That was the proposition that said that the Transportation Department could not issue any loans from this point on for the remainder of the fiscal year. That was estimated by CBO to save $400 million, but now we are being told that even though it is being suggested that this loan may go ahead, we are still being told by OMB, and I understand the House Committee on the Budget, that we are going to save $1.3 billion by this provision, even though the loan that is being foregone is allegedly going ahead.

I find that hard to follow.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, CBO scored it, I have a letter and I put it in the RECORD, at $343 million. That is the accurate scoring for this, and that is the question I am raising. For that sum of money, why put U.S. Airways flying into jeopardy?

Mr. OBEY. My point is, I understand that is a legitimate concern, but my point is another concern. I am concerned about putting the integrity of the Federal budget process in jeopardy, and my problem is that when we are told that the loan that was not going to go through is now going to go through and yet we are going to save more money than we were to spend originally, that is sleight of hand to me, and it looks a little bit like Arthur Andersen accounting to me.

So I do not understand how we can say this loan is going to go through and yet we are going to save three times as much money as CBO originally estimated. It does not compute and it also does not make clear what is going to happen to the airline, which is an overriding and justifiable question in the minds of many Members tonight.

Mr. SPRATT. Mr. Chairman, if I could simply ask, am I wrong? I believe the $343 million is exactly what CBO scored it as, and number 2, does this really save anything? If this is just an obligational delay that says that the money cannot be obligated during the summer, but come October 1 it can be obligated, it does not save anything, why do this? Why go through shenanigans like this just to claim a credit that is not really a credit? It is not a savings. If I am wrong, I will stand corrected.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I would say to the gentleman, I have seen the CBO analysis dated today, that it is only $343 million. It is not $1.3 billion.

Mr. SPRATT. But that is for 4 months.

Mr. MORAN of Virginia. Mr. Chairman, the gentleman is absolutely correct.

My other concern is I know how sincere the chairman of the Committee on Appropriations, the chair of the Subcommittee on Transportation, the chair of the Subcommittee on Commerce, Justice, State and Judiciary, and the gentleman from Virginia (Mr. TOM DAVIS) has been working very hard on this.

I believe we had the votes in full committee to strike the language. We were assured that we would not have to do that because it would be taken care of, and my concern is that I do not know at this point how it is going to be taken care of, and if the House bill leaves the floor, I am very much concerned it is going to be too late.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to suggest the answer to the gentleman is that the only reason at this point that this is in here with this outlandish estimate is to make the bill look like it is paid for when it is not. This $1.3 billion savings, in my view, is a fictional savings of OMB and the Committee on the Budget.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was listening with interest to the discussion about U.S. Airways. I represent Baltimore, which has an interest in the direct health of U.S. Airways, and I think it is very clear that we are using accounting gimmicks again in order to satisfy budget rules because we do not have a straightforward budget, and I mention that, Mr. Chairman, because there is a lot of good things in this supplemental appropriations bill, and many of us are going to be voting for a lot of the issues that are underlining the bill itself, but we are compelled to speak about the unfair procedure and the undemocratic principles that are being used in the legislation that we are considering on the floor this evening.

We are talking about provisions that were added after the bill came out of the Committee on Appropriations. I want to compliment the chairman and ranking member of the Committee on Appropriations. Many of these issues were worked out in committee that are good provisions, and we want to move them forward, but, unfortunately, what was added by the Committee on Rules and by our last vote, we are, for example, deeming the Republican budget as being enacted for the purposes of the Committee on Appropriations work.

Well, that gives approval to a budget that is just not realistic. It does not protect the priorities that many of us believe in, that the majority of this House believes in. We are not going to be able to deal with education or Medicare, prescription drug or transportation or homeland security or the airline industry in a straightforward way on the budget that was deemed by the rule that we approved a little bit earlier this evening.

So now what are we going to do? We are going to go back to gimmicks. We are going to go back to waiving all these rules. No budget discipline at all. That is the concern that many of us have about the procedure that is being used tonight.

We clearly are going to move to large deficits again. We are going to protect large tax cuts, but we are going to move to large deficits, and we are going to use Social Security funds. We are going to borrow those funds to cover the other obligations of the United States Government.

How often have I heard the Members of this body talk about a lockbox? We are going to make sure that money is not used, and, oh, yes, we have had some unexpected expenses, but that is not the reason we have the large deficits. The large deficits are a direct result of the budget and the tax bills that were passed. My colleagues know that; I know that.

We should be able to debate that issue here on this floor, but, instead, what are we doing, we are using a magic wand to do certain things rather than having a full and open debate on the budget issues and on the debt ceiling. So it will be extremely difficult for us to deal with Social Security.

Mr. Chairman, let me point out that the moneys that were in the surplus were used in just about every proposal that has been brought forward to deal with Social Security, including the bill that was filed in the last Congress by the gentleman from Texas (Mr. Archer) and the gentleman from Florida (Mr. SHAW), and now those funds are to be borrowed and used for the general obligations. That is wrong, and we all know that we are using a stealth process so we do not have to deal with the direct debate on this floor on the debt ceiling.

We should have a direct vote on that issue. We should talk about it. We should talk about how we are going to deal with the future debt. As I understand it, Republicans are going to be asked to raise the debt by $750 billion. $750 billion. Look at how much of the tax bill is going to have to be paid for by additional borrowing. I am not sure that is exactly what the American public wants us to do.

We are going to go back to the red ink again. What we should be doing, we should take a little pause in the action, we should sit together and work out a bipartisan agreement on a budget, and if we had a bipartisan agreement on a budget, with the other body, with the administration, then we would have a supplemental appropriation bill here that could be considered in a relatively short period of time.

We could have a prescription drug bill for Medicare that we could all agree upon and really get something done for our seniors at last. We could have a budget that would speak to the priorities on education and on homeland security, on the other issues, and we could really deliver for our constituents.

So, Mr. Chairman, many of us are going to express the frustration tonight that the process that the majority is using is unfair; not unfair to the Democratic Members, it is unfair to the American people. We deserve better. The American public deserve better, and I would urge my colleagues to use the time to get together so that we can produce a bipartisan budget so we can produce results for the people of this Nation.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened attentively to all of these speeches. What I have to say is this is an emergency, wartime supplemental. Political speeches about whatever my colleagues want to make political speeches about, that is all well and good. Why do my colleagues not do that on some other bills? This is a wartime, emergency supplemental.

The military is running out of money, especially those who are directly involved in the war in Afghanistan. We have got to protect those soldiers that are deployed. We have got to make sure that they have whatever it is that they need to fight this war. We have got to provide for the FBI and the intelligence agencies. Let us focus on what this bill is all about, and it is about protecting America. It is about seeking out those who would terrorize America. It is about securing our places and our people, our seaports, our airports, our airplanes, public gathering places. That is what this bill is about. This should not be a vehicle for political speeches.

□ 2100

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word. And, Mr. Chairman, I do so to applaud the gentleman from Virginia (Mr. MORAN) for raising appropriately the issue of USAirways. I think it is, to put it mildly, bad faith on the part of Congress to terminate the loan guarantee program, and it is an act at the worst possible time for this carrier, and for other carriers along with it, who have indicated their likely need to apply for the loan guarantee program.

Virtually everybody in this House voted for both the compensation program and the loan guarantee program last fall when it was crucially necessary to save America's airlines from financial liquidation. That legislation passed overwhelmingly to the great credit of the administration. They came forward and said, yes, we need to do this, when we in the House were already talking about the need to save America's airlines, who were bleeding at the rate of $360 million a day because they could not operate.

And the reason we enacted that legislation was that it was an act of government that shut down the Nation's airlines in the national interest, out of security concerns. It was an appropriate action. But we caused the airlines, we, the government, caused the airlines to lose billions of dollars in the national interest. We recognized that it was a necessity for the government then to come back and not make the airlines whole, but at least put them in the position they were in at the moment of the order for all airline operations to cease on September 11.

Mr. Chairman, 2,460 commercial airliners were brought on the ground within 2½ hours and did not operate for 3 days. And then, for a month after other airports were opened, National Airport remained closed. This is the hub, the base of USAirways' operations. The order of government not to operate out of National Airport hit this carrier disproportionately greater than any other carrier in the United States. I find it short-sighted, bad faith, poor judgment, poor calculation to say, oh, we have taken back what we offered you last fall. It is just simply not right. It is not fair.

And I do not want to get into all these other discussions about what else is in this supplemental appropriations bill. This particular provision is really harmful and hurtful and goes back on our word that we gave in this body to the airlines of the United States: we will make you whole to the point that you were at when you could not fly, and we will provide loan assistance, payback with all sorts of guarantees that I participated in crafting into the loan guarantee program in the Speaker's office, the night of the President's address to the Nation. And now the program is there; and all of a sudden you are pulling the rug out from under this carrier that has suffered a disproportionate burden compared to other carriers in the country because of the shutdown of National Airport for over a month.

Now, I heard the gentleman from Virginia (Mr. TOM DAVIS) say that we will fix this somehow over the course of the next few days. "Somehow" is no help to the financial institutions. It does not give them a whole lot of confidence at all. It gives them zero confidence, in fact. This needs to be fixed now, before this bill leaves the House, whether it is a statement by the chairman of the Committee on Appropriations or a statement by the Office of Management and Budget.

I think our ranking member on the Committee on the Budget has already spelled out how little, how ephemeral, how chimerical the savings will be. Surely we can do something in the course of this evening, which apparently is going to be a very long evening; and I appeal to the chairman. I do not fly USAirways. They do not serve Minnesota.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, I have an interest only because of my many, many years of action in the aviation sector as the former Chair of the Subcommittee on Aviation and a desire to do the right thing.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we want to do the right thing as well, but I want to remind the gentleman that this loan program was enacted into law on September 22 last year.

Mr. OBERSTAR. I said that just a moment ago.

Mr. YOUNG of Florida. I just want to remind everybody. And as of tonight, as we stand in this Chamber, certain airlines have not even made their application, knowing full well that under the law that we passed last September the application process terminates on June 28. That is rapidly approaching. So the airlines are not totally free of guilt in not getting the job done.

All that aside, we are prepared to try to help keep our airline industry viable. And the only airline that I can fly direct to my district is USAir. I do not want USAir to go out of business or to go bankrupt. I want to help them. But I have to tell my colleague that they could have applied for this loan guarantee a lot earlier and they did not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, I just want to point out to the chairman that the regulations for the loan guarantee program were not available until early this year, along about January-February. And the person administering the program was not put in place until just about that time. It has been very difficult for the carriers to understand how this program would be administered. Further, they wanted to wait and see whether they could be whole on their own.

So I do not exonerate the airlines, but there were mitigating factors. And this carrier is particularly vulnerable. If we lose USAirways, then on the east coast the cascading effect will be that there will be a diminution of competition in the airline sector.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, our heart is in the same place, I would tell the gentleman. But the gentleman's facts are not exactly correct, because the first application under this program was America West and it was filed on November 28 of last year. So the regulations were in order much earlier than the gentleman suggested.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, America West filed before the regulation process had been fully implemented. They were in much more desperate shape than USAirways, no question about it. The full set of regulations was not in place at that time.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, let me just share some information regarding USAirways. In the first place, USAirways attempted to sustain its operations as long as possible without having to draw on a Federal loan guarantee.

In the second place, as I think the gentleman knows, USAir has been working very diligently in working out labor agreements and showing a long-term plan so that this loan guarantee will be able to be paid off and they can show a viable financial plan into the future.

This is a very difficult process for such a large airline.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before my colleagues jump again to react to the airline industry, I would caution that we think about the way the airline industry responded to our last legislative action. Within hours, Mr. Chairman, within hours of the passage of that airline bailout, USAirways fired hundreds and hundreds of its employees. Not only did they do that, they fired and closed reservation centers of their most senior, most experienced reservationists because they could save more money that way. And then they did not give them the opportunity to be rehired at other locations. They went out and the reservation centers that needed additional employees, they hired people "off the street," because they could hire them at a lower wage.

This is the airline that charges customers seven times what other airlines serving the same two cities charge. This is the same airline that has average employee costs of $87,000. This is the same airline that provides service in 37-seat prop jets when they could go out and purchase new regional jets that would provide dramatically better service, and they are asking people to fly in those 30- and 40-year-old planes because their contract with their pilots will not allow them to buy new regional jets. This is the same airline that came back to us and said we need your help on this bill, and they still have not got their loans filed.

It is no surprise that an airline this poorly managed would not have their paperwork done. So before we proceed to give them more help, let us remember what they did the last time we provided them with help. Lord knows what they will do to their employees and their customers this time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of us wait not just minutes but hours to come to the floor to speak, and this evening, after listening to this debate about only a slice of what is in this supplemental, I cannot help but observe that this distinguished body, this great House of Representatives, has somehow created a mess. And I think the mess, and I do not like using the word, it is not out of disrespect to any individual, but haste can make a mess.

I listened to my colleagues who serve on the committee who said we had something drawn up and then something happened at the Committee on Rules. There is a frustration on my side of the aisle that we cannot offer anything to amend this. That is wrong. For people that served in the minority for 40 years, my Republican colleagues know that is wrong.

My colleagues know, and we all know, what a credit card is. If someone took any one of our credit cards and put $750 billion on that credit card without our knowing about it, we would be the first ones to dial up and say, something has gone wrong. I have taken votes when I was new here and my leadership said it is important for the country to raise the debt limit. But, no, no one is brave enough on the other side to take that straight vote up or down.

We are accountable to our people. And so now the Nation's debt goes higher. I should not, and none of my colleagues on the minority side should be lectured to say that what we say is political. We ran for this office because we love this country. We all do. But we are not doing right by her by hiding in a poorly drafted, jammed-through-a-committee supplemental.

This is not right. It is not becoming of this House and this body. All joking aside, my colleagues know when they go home how their constituents respect them. How can anyone answer for raising this, incurring more debt, and not explaining it to the American people without even taking a vote.

I have heard over and over and over again the lectures. I do not need to be lectured, and no one here does about how much we love our country and want to defend her. That is not the issue. That is not the issue. So it is with deep regret that I stand up this evening with a great deal of frustration and an enormous amount of sadness.

We can debate our issues and hold our ground and still respect one another. But to do this, this is wrong. This is wrong. America, tonight, $750 billion was placed on America's credit card and we could not stand up and debate and offer a better idea.

□ 2115

If you have more votes, you can outvote us. But ideas are at the heart of this democracy. I believe my constituents would object to this, Republicans, independents, and Democrats, because it is not becoming of those we represent, it is not becoming of the process that we should follow in a democratic institution, and I want you to know that I object. I object. I object. I object.

Mr. HAYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I might for a moment revisit the issue of USAir. The Eighth District of North Carolina has a number of USAir employees. I want to reassure them in spite of some of the things that they may have heard, that I and others here are vitally interested, whether they are machinists, pilots, caterers or other people who work at USAir. We worked very, very closely with every aspect of USAir to make certain they had every possible chance to work with us.

My colleagues here on the floor heard earlier today a very specific colloquy between the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. WOLF), and the gentlewoman from North Carolina (Mrs. MYRICK), very specific, about our ability, desire and capability of working with USAir to make sure that there is a proper outcome for those very valuable employees.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with all due respect to the distinguished chairman of the Committee on Appropriations, when Republicans put the debt ceiling in this legislation, they politicized the process. When they put deeming the budget, the Republican budget, in this process, they politicized the process. So to be lectured to that we are politicizing the process, we are responding to what you have created on the floor which you control as the majority.

For those who might not understand the sometimes arcane rules of this institution, let me put what is going on here in very plain language. Republicans have already spent all of the surpluses we had well into the future and now they are trying to get a further credit line increase without even giving us a chance, those of us who represent 49 percent of all of the American people on this side of the aisle, to approve it in an up-or-down vote.

There are some of us here, and many Americans out there, who think that raising America's debt limit is irresponsible. Why are you hiding your efforts to increase America's debt? You are hiding behind it because you clearly must be ashamed of the mess that you have made of America's budget. They are hiding behind it because they do not want the American people to know that you are raising the ceiling on how much they will owe, and their children and their grandchildren. And why do they need this debt limit increase in the first place? Not because of the recession. After all, the Congressional Budget Office is projecting deficits long after the recession is supposed to be over. Not because of the war on terrorism, which we support. Because even if you add up every last additional dollar we are spending on the war abroad and here, it does not even come close to accounting for the debt increase Republicans are proposing. So why the huge increase in debt? The answer is obvious. Republican fiscal mismanagement.

Democrats support fiscally responsible tax cuts that are paid for. But this bill saddles our children and grandchildren with huge debts that will take generations to pay off, by taking funds from Social Security and Medicare that our seniors are, and baby boomers soon will be, relying on, by increasing the amount of interest Americans pay on this debt, which is nearly $1 billion a day.

Huge debts, deficits as far as the eye can see. Social Security raided; higher interest rate payments; the Republican fiscal plan is a disaster. Republicans passed this budget. They cannot blame anyone but themselves for the fiscal mess we are now faced with. But today they want to pass the buck to working Americans to clean up their mess and they think they can pull the wool over the eyes of the American people while doing it. At least you should have the courage to stand up and vote for what you have done. At least they should have the courage to do this out in the open instead of by illusion.

We Democrats demand the chance to vote on and oppose your irresponsible debt limit increase, this reckless credit card spending binge that you are on. But if you will not give us the chance to vote against a debt limit increase, this reckless credit card spending, if you are determined to hide it from the American people in this bill, if you are determined to raise the debt of all Americans even without so much as a single vote, then the shame is theirs, as are the consequences.

This is exactly what we Democrats said would happen if you passed your irresponsible budget. So I would say to my Republican colleagues, you who want to blame this fiscal mess on the recession, tell that to the laid-off workers whose unemployment benefits you held hostage for weeks. And do not try to blame it on the war on terrorism. You dare not use our fighting men and women as an excuse for the deficits you have created. If you want to know who is to blame for our return to deficits, merely look in the mirror. This is an abomination on the greatest democratic institution in the world that in the marketplace of ideas that we promote throughout the world we cannot have a vote up or down on the debt ceiling so that the American people will know how you are hocking their future generations for generations to come.

It is a shame. It is an abomination. That is why you will hear the anger throughout this evening as I think you will hear it from the American people in the days ahead.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today with great admiration for my colleagues across the aisle. That is because I admire what my family calls chutzpah, or nerve, some might say gall, but not me. An ordinary person watching tonight might think that the Republican leadership would be just a little bit sheepish about coming here today and proposing a supplemental budget that we really do not have the money to pay for without dipping into the Social Security trust fund, a trust fund that just a few short months ago was safely ensconced in a lockbox, a lockbox that, if I remember correctly, one after another of those same Republican leaders declared loudly and eloquently would never, ever be unlocked. Oh, no, we would never dip into the Social Security lockbox. And why? Because we had such a huge surplus, a surplus, if I can be rude enough to mention, was inherited from the Clinton administration, a surplus of $5.6 trillion, a surplus so large that these leaders scoffed at those of us who warned that the future is too uncertain to throw trillions of dollars of tax giveaways to the richest of the rich.

I admire my Republican colleagues that despite the fact that $5.6 trillion of surplus is gone, gone, that we are now facing a $300 billion deficit this year, rather than being even the slightest bit embarrassed or apologetic, they are pressing aggressively ahead with a supplemental budget that, among some very worthwhile things, also takes money out of rural hospitals, expands the war in Colombia, ignores our housing and health care needs and is all paid for by raiding the Social Security trust fund. And I admire their arguments. It is war. How dare we be so unpatriotic as to bring up trivialities such as Social Security or debt or even fiscal responsibility? We are just being political. Although it does occur to me that there just might be such a concept as economic patriotism, that at a time of new demands caused by war, caused by our efforts to end terrorism, that it might be just the perfect moment to reconsider such things as tax cuts for the richest. Their forcefulness, some might call it sanctimony, but I do not, is laudable.

And perhaps the cleverest of all, some would say too clever by half, but not me, is the way that the Republican leaders are disguising the way they want to come up with the money that we simply do not have. They want to borrow $750 billion more money than the law currently allows, borrow even more money from Social Security and also the Medicare trust fund. But just asking for it would not look good. After all, so many of their Members sponsored a resolution to amend the Constitution making it especially hard to borrow more money, a resolution that proves how fiscally responsible they are.

Some of my Republican colleagues from Illinois, including the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Illinois (Mr. CRANE) are proud cosponsors of this resolution. Perhaps they can explain the embarrassing truth that this supplemental appropriations bill is nothing more than a stealth maneuver to orchestrate a backdoor increase in the debt limit, the same as raising the credit card limit on a credit card, but I do not expect that they are embarrassed by this fiscal sleight of hand. I congratulate them for it. As I said, I admire chutzpah. But maybe, just maybe, their constituents, who not only talk about fiscal responsibility but who practice it every day balancing their checkbook, paying their credit card bills, saving for college and saving for a rainy day, might not be as admiring as I am of this squandering of the surplus, this raiding of the Social Security, this cynical effort to borrow more money without even taking a vote on it, without any apology. They might not appreciate, as I do, the chutzpah it takes to play with such finesse at this dangerous budget game.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when this bill was presented to the Committee on Appropriations, a committee on which I sit, the distinguished chairman of the committee sent a report to each member saying that one of the pluses of this legislation was that it was a clean bill designed to provide emergency funding to fund our war against terrorism and homeland defense. I applauded that approach. Unfortunately, because of the late-night, closed-door, secret plan effort of the Committee on Rules, this bill is no longer a clean bill. It has been sullied by partisan amendments that have absolutely nothing to do with funding our war on terrorism. I find it somewhat ironic that some of the same people who say we should support this process tonight out of patriotism for our war against terrorism just happen to be exactly the same people who orchestrated the process of the Committee on Rules so that these controversial extraneous amendments would be forced on this legislation, thus slowing down the funding for our war on terrorism.

What is wrong with all of this? Let me count the ways. First, adding $750 billion in deficit spending could certainly undermine the future of Social Security and Medicare. When you add that extra debt onto our already enormous $6 trillion national debt and consider the enormous interest payment that taxpayers have to pay each year on that, we could in effect be putting at risk benefits for Medicare and Social Security recipients.

Second, $750 billion in deficit spending will increase the cost for homeowners to buy a new home, for family businesses to build or expand their businesses, or for families to buy a car by increasing interest rates, a direct result of massive deficit spending. In fact, if we increase the mortgage rate, interest rate on a $100,000 home in America, that family will have in effect their taxes increased by $1,000 a year. That is what is wrong with this secret, late-night plan to raise our deficit spending by $750 billion.

Let me count the additional ways that this is wrong. Third. This kind of deficit spending will lead to higher taxes for hard-working Americans. In fact, interest on the national debt today is one of the 5 largest expenditures of the Federal Government out of the thousands and thousands of programs we fund. In fact, last year on average every man, woman, child and infant in America was responsible for $1,200 in taxes just to pay the interest on our present national debt, not to speak about the extra $750 billion we are going to add to that debt.

□ 2130

In fact, if one assumes a 5 percent interest rate on this $750 billion increase in deficit spending, that amounts to about $37.5 billion a year in increased taxes on the American people, simply to pay the interest on that debt. That is what is wrong with this bill and this process.

Fourth, in increasing deficit spending by $750 billion through this measure, we are going to make it harder to fund priority national programs such as national defense, veterans' health care and education.

Fifth, I think it is wrong to burden our children and grandchildren with a $6.7 trillion national debt. We in this generation of Congress have no right to drown our grandchildren in a sea of national debt.

Sixth, by slowing down this bill with controversial, unrelated amendments, partisan amendments that have nothing to do with funding the war on terrorism or homeland defense, we basically end up harming national defense, because we will force military training at bases such as mine, Fort Hood in my district, to be delayed or canceled in order to fund our war on terrorism, because we will not pass this bill as quickly as we could pass it had we not had these extraneous, late-night, secret amendments added to this bill.

Now, perhaps the handful of Republican district hospitals given special treatment at the cost of every other rural hospital in America stuck in this bill, maybe those hospitals have some unknown direct relation to fighting our war on terrorism and homeland defense. I certainly have not heard that explanation in this debate tonight.

Mr. Chairman, if increasing the national debt by $750 billion, if adding that burden on our children and grandchildren, cannot pass the test of open debate and an honest vote, it does not deserve to be hidden in a bill purported to fund our war on terrorism. Shame on our House if we do that.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman of the Committee on Appropriations, a man for whom I have great respect, a colleague I enjoy working with, has described this bill as the emergency wartime supplemental. Indeed, much of the content of this bill does exactly as the chairman describes. Unfortunately, and I believe it is extraordinarily unfortunate, the chairman was unable to keep his bill relative to the emergency wartime supplemental purposes he speaks so convincingly about.

Once again we see critical legislation hijacked somewhere in the legislative process, in the bowels of the majority leadership somewhere, and turned into something quite different than what it initially purported to be.

There is a feature of this bill that I feel is extraordinarily unfortunate, and that is what I rise to point out tonight. Language in this bill sets the stage for a significant increase in the national debt. One year ago, 1 year ago tonight, we were not talking at all about raising the national debt, we were not talking about deficits; we were looking at a 10-year surplus of $5.6 trillion. What we now know is the 10-year outlook has deteriorated $4 trillion.

Mr. Chairman, we have presided over the worst reversal of financial fortune of the United States Treasury in the history of the country. We all ought to be alarmed. Those who voted for legislation contributing to this reversal ought to be ashamed.

But we all ought to realize, one to another, that something has got to be done. We wanted to have, at the time you were going to seek to raise the debt, because we know now the budget is in the red this year, running in the red to the tune potentially of $140 billion, that is almost half a billion dollars more out the door in spending a day than we are bringing in, and you were going to ask us in participating in raising the debt limit, we had a request for you, a very simple, very straightforward request: Show us your plan. Show us your plan to get us out of this debt. Show us your plan to get us back to the black. Reverse this run of red ink, this shame you have brought upon the fiscal policy of this country.

We deserve that, and the American people deserve that, a discussion about what was required by way of raising the debt limit, a discussion about a plan and a process to get us back to black, as simple as one, two, three: The majority passes their budget, we go into the red, debt limit increase required. But show us a plan to get out.

It is important, it is very important, that we work together to get back to the black as soon as possible. There is nothing Republican, there is nothing Democrat, about the demographics facing this country. Those demographics have a very harsh fact that we ought to think about every single day. Seventy-eight million Americans in the year 2010 will be within 10 years of turning 65. Within that next decade they will be on Medicare. Within that next decade they will be on Social Security. Should I be alive, I will be one of them, because we are the great baby-boom bulge, about to place a strain on entitlement spending like never before.

Obviously we know this is coming. We can see it in the age trends. We have got to prepare. There is no great mystery of fiscal policy to prepare for the hit we are about to take. We have got to pay down the debt. We have got to make sure the Social Security dollars coming in are held for the benefit of Social Security. We have got to prepare.

Instead, we are doing the worst thing we can do. If paying down the debt and making our country fiscally stronger is the best thing, we are doing the worst thing. We are taking Social Security revenue and we are spending it on other programs; we are taking dollars coming in from payroll taxes from the guys working hard every day, counting on that Social Security, and we are spending it on other programs. Rather than strengthening our fiscal position, we are back into borrowing and adding debt onto our country.

We have to stop this practice. Chickens have a way of coming home to roost, and unchecked debt means reduction in Social Security benefits.

Mr. HILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support providing whatever funds the President needs to fight the war on terrorism. I do not think there is a Republican or a Democrat in this body that does not support the President in fighting this war on terrorism; all the more reason Congress should not be playing politics with this bill, a bill that supplies important funds for our fighting men and our fighting women.

Hiding a huge increase in the national debt limit and an assortment of other budget gimmicks to this bill under the cover of darkness, literally in this case, is a political game. A $750 billion increase in the national debt requires, for heaven's sake, an open and thoughtful debate. A $750 billion increase in the national debt requires, surely, an up-or-down vote, not in secret. But we are not going to get either one of those offers this evening. And to this I say shame on the majority.

I know all of my constituents expect certain things, regardless of their party affiliation: Straight answers and a willingness to be held accountable for our actions. They know if they charged their credit cards to the limit, they have to pay down their balance or work out an arrangement with the credit card companies to get an increase in their credit limits. They most certainly cannot write a small note on the memo line of their checks to the credit card companies asking those same companies to "please raise our credit limits" and expect it to happen.

Why should Congress be any different? Why should Congress get to operate under a different set of rules? The short answer is that Congress is no different and should not be able to operate under a different set of rules.

Congress should be held accountable for this $750 billion increase in the debt limit and the actions that have made this increase necessary. The days of surpluses are gone, and in a very short time the Social Security lockbox has been emptied and the days of deficits and borrowing money from the public to pay the government's bills are back. Yet the majority has no stomach for taking a step back, looking at the whole budget picture, figuring out how we got into this mess and how we are going to work to try to get out of this mess.

My colleague, the gentleman from Kansas (Mr. MOORE), and I each offered amendments that would have helped restore fiscal discipline to the Federal budget process. In fact, the Moore-Spratt amendment would have provided limited increases in the debt limit and required Congress and the President to develop a plan to balance the budget without counting Social Security.

My amendment would have imposed discipline and accountability in the budget process by extending and strengthening the spending limits and pay-go rules in the Budget Enforcement Act, something that we have been living under for the last several years, something that you all think is necessary, that you voted for. And yet you will not allow that amendment to be put in this spending measure. My amendment would have imposed discipline.

But both amendments were ruled out of order. Instead of an open debate on these amendments and what should be done with the government's maxed-out credit card, the majority hid a $750 billion increase in the national debt in this important bill. That, I am afraid, is an action my constituents would find to be a little less than honest.

I have been told by my colleagues on this side of the aisle that if the Democrats would be in the majority this evening and would have been offering this bill here this evening, that you on the other side of the aisle would be yelling to the heavens against it, that we should not be increasing this debt limit. And I have no doubt, I have only been here for 2 years, I have no doubt that we have been guilty of what you are doing tonight.

So it is time to put away the foolishness of the past. It is time to admit the Democrats in the past have done the wrong thing, and it is time for you all to admit, I would hope, in the sense of doing the right thing, that we have the opportunity to vote up and down on this vote; that we are not doing it in the dead of night; that we do it in a way that is honest; that we not resort to the politics as usual; that we be bipartisan and straightforward with the American public; and that I think the American public would appreciate that.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to point out that under the protocols established by the majority leader, the Committee on Rules is to bring forward rules that do not protect from points of order provisions that violate House rules if an authorizing committee notifies the Committee on Rules of concerns they have regarding such provisions. Unfortunately, these protocols were not followed in the case of the rule for this supplemental appropriations bill. The Transportation and Infrastructure Committee in a May 21, 2002, letter to the Chairman of the Rules Committee requested that four specific provisions which violated clause 2 of rule XXI not be protected under the rule. Unfortunately, three of the specific requests were ignored, including two involving unauthorized appropriations out of the Highway Trust Fund.

We have worked very hard in this body over the last several Congresses to reestablish the concept of a Highway Trust Fund; to put trust back in the Highway Trust Fund. And yet the legislation, unfortunately, would provide for funding some $19.3 million for border enforcement activities. This may be a very good program, but one that is not authorized from the trust fund. That will mean less money available for important transportation needs in our country. It is something that should be done out of our general revenue, not out of the Highway Trust Fund without an authorization.

The second thing I would like to point out is that the legislation does provide for some $5 million for the Safety Permitting Program to come from the Highway Trust Fund. Again, the Safety Permitting Program is under the Hazardous Material Transportation Program. The HAZMAT Program is funded from general funds and registration fees.

□ 2145

This is something that again will result in less money being available for transportation needs in this country and will free up funds for other programs. I understand the problems that we have, but this is not a proper use of the highway trust fund.

In addition, as part of the $19.3 million, there are over $4 million being provided for background security checks, ordered in the USA Patriot Act as part of the Haz Mat program, again out of the highway trust fund. This is not something that was contemplated, it has not been authorized, and it should not have been done; and I regret it. I want to call this to the attention of the Members as this legislation moves forward through the process, which I am confident it will do, so that we can refine this legislation in conference and when it comes back to the floor, maintain the principle of the integrity of the transportation trust fund that we have all worked so hard, really all of us have worked so hard, to establish.

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am looking at the clock now and wondering what my constituents are doing on the west coast in Los Angeles, California; and I know that they are probably just finishing up their dinner, and maybe not dwelling on what we are doing here in the Congress. But I can tell my colleagues that the people in my district would be shocked. They would be alarmed to know that language has been inserted in this bill that is going to be voted on tonight to allow for a huge increase in the national debt limit, and I think it is irresponsible; and I know that many of them would feel that same way. Worst yet, it forces us to play Russian roulette with the livelihood of our Nation's seniors and the future of America's children. Social Security should provide just that: security. But by raising the debt limit today, we endanger our Nation's safety net which allows our senior citizens to live out their golden years with dignity and respect.

We are playing with the lives of our senior citizens, men and women who have worked hard for our Nation and deserve the full benefits of Social Security to help pay for their rent, their food, and their prescription drugs. We are playing with the lives of our baby boomers, who must not only help care for their senior citizen parents, but also have to plan for their impending retirements. What about those people?

We are playing with the lives of our young people who every day pay into Social Security, but which may not be there to provide for them when they need it.

Just last year, our Nation enjoyed one of the largest surpluses in American history, but then the Bush administration and the Republican leadership ran through what I call a reckless series of tax cuts designed to provide the most benefit to the richest 1 percent of Americans, many of whom are not seen on this floor tonight. By raising the debt limit, this administration continues to rob the working poor and middle class by stifling them with the additional debt. Raising the debt ceiling weakens Social Security for our current senior citizens and baby boomers like myself.

Look in the mirror. Look at the American future. Last August the Treasury Secretary, Paul O'Neill, predicted that the United States would not reach into its debt ceiling until late 2003, but now that the Republican leadership has passed its huge tax breaks for the very wealthy, we are quickly being forced to juggle our Nation's accounting books. Raising the ceiling steals, literally steals hundreds of billions of dollars from the Social Security trust fund, from that fund which my parents rely on right now. It is a backwards Robin Hood policy, stealing from the poor and our Nation's seniors to give to the rich.

Mr. Chairman, every day Americans pay $1 billion in interest on our national debt. That is about 16 cents for every dollar we pay into taxes. Raising the debt ceiling will do nothing to alleviate the problem; it just gets worse.

I am staunchly opposed to this plan. I support a responsible budget that makes needed investments in our national security, protects our Social Security, Medicare, and does not saddle our children and our grandchildren with enormous national debt.

Mr. BERRY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are a lot of good things in this bill. It will provide appropriations to help us fight the war on terrorism. It will provide some good things for our veterans. All of these are things that we all support. But I have to tell my colleagues, Mr. Chairman, the way that the attempt is being made to deceive the American people in the dark of night to make it possible to add to the debt of our children and grandchildren, to steal the Social Security trust fund, to endanger the well-being of our senior citizens makes me want a dip of snuff, and I do not even use tobacco.

I grew up in a community where there were a lot of bootleggers. They look like paragons of virtue compared to this crowd. The great country music singer Merle Haggard wrote a song called "Rainbow Stew." I just want to paraphrase this. He said, "When a Member of Congress goes through the Capitol door and does what he says he will do, we will all be drinking that free Bubble-up and eating that rainbow stew."

Well, I am here to tell my colleagues we are getting fed a big pot of rainbow stew tonight.

If this is an emergency wartime appropriations bill, why does it have a stealth effort to raise the debt ceiling to put more debt on our children and grandchildren? Why does it do that? If that is what this is about, why do we not just have an appropriations bill? We do not need one of these chicken-hearted rules that allows for some kind of stealth effort to put more debt on our children and grandchildren, to threaten our senior citizens with losing their Social Security. Why would we want to do something like this? Why not have a vote up or down on whether or not to raise the debt ceiling?

Let us face reality. All the money is gone. It has all been spent. This time last year we had money in the bank. We were paying off debt. I remember so well the Director of the Office of Management and Budget coming to the Blue Dogs and saying, our greatest fear is that we are going to have so much money that we are going to pay off all the debt and there will not be any U.S. Treasury bonds. Well, dear heart, you can rest easy tonight. There is going to be a U.S. Treasury bond available for as far as anybody can imagine, and our children and grandchildren are going to have to pay it off. That is not right.

I can tell my colleagues that they may do it just because they have more votes; but my colleagues are not going to do it without me coming to this well and raising the issue, and I am not going to go back home and face my children and grandchildren. I am not going to look at my three grandchildren, and they are to me just as dear as anything can possibly be, just like everybody's grandchildren are, and let them look at me 20 years from now, if I am still around, and say, Granddaddy, why did you not do something about that? Why did you let that happen? Why did you put this debt on us? Why did you destroy this country over the only reason you had that was to stay in power and reduce taxes on the wealthiest people in this country? Why did you do that?

When I have to face that question, I at least will be able to stand before them and say, I did everything I could do; but we were not in the majority. We did not have any control over that.

I ask my colleagues to think about what they are doing. Think about what they are doing. All we ask is for my Republican colleagues to sit down with us in this bipartisan spirit I have heard so much about, and if this is bipartisanship, I am a space scientist, and everybody who knows me knows that is not true.

We hear about bipartisanship, but yet we have this single-handed attempt to cram this down our throats. Let us sit down in a bipartisan way. Let us do an honest budget. Let us recognize what we are doing and not steal from our children, our grandchildren, and our senior citizens to do it.

Mr. Chairman, I urge my colleagues not to pass this bill.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really had not intended to speak tonight on the supplemental appropriation, but I have been locked out of my office due to my own inability to remember my keys, so I have had no recourse but to sit on the floor and actually listen to the debate, which is a very enlightening experience.

Now, I got elected in 1984. From 1985 in January when I got sworn in, to 1995 in January, when the first Republican majority took this House in over 40 years, there was one balanced budget presented to the House of Representatives to vote on. One, in the first 10 years that I was a Member of this body serving in the minority, and that was the budget that President Reagan supported. I think it got 13 votes, and I voted for it. There was a reception down at the White House and President Reagan asked all of the folks that were willing to vote for a balanced budget to come down, and I believe there were 13 of us. I think all 13 were Republicans, but it is possible that there were one or two Democrats, the gentleman from Texas (Mr. HALL) and perhaps the gentleman from Texas (Mr. STENHOLM). I would have to go back and look at that.

So the first point I want to make about that is that when my good friends who are in the minority tonight were in the majority, they did not present any balanced budgets for the American people; they did not present any balanced budgets on the House floor. Now, when the Republicans got into the majority, we did. In fact, I remember when President Clinton was in office, we had a partial government shutdown because the Republicans were insisting that there be a balanced budget; and at least in that first year, President Clinton said, balanced budgets do not count. We do not need a balanced budget. He later changed his position, and we got balanced budgets; and I will say for the record that both Republicans and Democrats voted for those balanced budgets.

Now we are at a point in our Nation's history where we have had a recession, we have to fight the war on terrorism, we have had to present some budgets that are unbalanced. But let us think about that. There are actually two parts to a Federal budget. There is the discretionary spending budget, and this year that budget is about $769 billion, $759 billion, somewhere in that range; and then there is an entitlement portion of the budget, and that entitlement portion of the budget is over $1 trillion. Then there is interest on the national debt, and that portion of the budget is over $200 billion.

Now, I have brought to the floor, in the time that I have been a Member of this House, budget process reform bills to change the way we do budgeting, and I had good support from the Democrats in those efforts, trying to change the budget process itself. But under the system that we are operating under today, we cannot do anything about the entitlement part of the budget; we can only do something about the discretionary part of the budget.

The chairman of the Committee on Appropriations has moved heaven and Earth to hold the line on discretionary spending. I am told that the increase from last year to this year in the budget resolution, in the budget the appropriators are working on, is 1 percent, 1 percent.

□ 2200

The chairman of the Committee on the Budget that is sitting at the back of the room, the gentleman from Iowa (Mr. NUSSLE), presented a budget on the floor that has held the line on discretionary spending. So we are going through the budget process under rules that I think need to be fixed. I want to fix them. I talked to the Speaker of the House yesterday about fixing them.

But under this budget resolution, the budget resolution that we are operating under, we cannot do anything about entitlements. We can only do something about discretionary spending. This supplemental spending bill that is before us this evening is somewhere between $27.1 billion and a little over $29 billion in supplemental discretionary spending. That is a good number, and we should vote for that and then work together on a bipartisan basis to reform the budget process later on so that we can do something about the larger issue.

Mr. Chairman, let us keep in mind that there is politics and there is policy. The policy embedded in this supplemental appropriation bill is a good policy. We should vote for it.

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have taken this time in order to discuss the schedule for the rest of the evening and, indeed, the rest of the week with the Members of this body.

Mr. Chairman, let me begin by apologizing to all the Members of this body. It had been my hope and my expectation that we would be able to complete our work for the week and our work on this bill this evening.

Given that expectation, which seemed reasonable at the time, it was me who advised so many of you to go ahead and make your travel plans so that you could return to your district work periods in your respective districts across the country as early as possible tomorrow. We are all anxious to get home to be with our families, to be with our constituents, and to take up that important work we have scheduled in our districts.

However, it seems that there are a large number of Members of the body that do not have that desire to get home, and have decided they would like to prolong this debate and discuss any number of matters. We could go on through the evening. We could work all night. But, Mr. Chairman, there would be nothing productive, worthwhile, or contributing to the well-being of this Nation if we spent our time in that way.

Far better, I would think, for us to go ahead and complete our work for the evening, rise from the committee, and then resume our work tomorrow. It being a Thursday, we will not be able to resume our work before 10 a.m. I can only make my commitment to the Members of the body that I and the other Members of the leadership, I am sure, on both sides of the aisle will do everything we can to work out whatever agreements might be possible so that we might be able to complete our work at a reasonable time tomorrow, so that people might be able to reschedule their planes and their travel arrangements, and perhaps make it home by even possibly Friday for their district work period.

The distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG), is a man of an extraordinary high ability and good heart, as is the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY). I have every confidence that given the encouragement we might give these two gentlemen, we might find them capable of coming in tomorrow and working out an agreement between themselves and others who have amendments that might pend so that we can accommodate to the desire of the Members to complete this work.

I must say, however, that failure to arrive at these kinds of agreements would result in our staying through Friday, through Saturday, if necessary. I would hope that is not necessary. I know we all have family and constituents that we long to see. But this is about funding the war on terrorism and the security of this Nation. I am sure there is nobody in this body that wants to go home without completing this bill.

Mr. Chairman, while I will ask the Chairman of the Committee to rise from our work this evening and resume it in the morning, it is, again, as I said before, with my most sincere apology to all of the Members on both sides of the aisle who made travel plans based on my assurances that they will have to reschedule them, and it is my sincere hope and belief that we will be able to tell Members a timetable in the morning that will make it possible for them to reschedule in a manner that will be, let's say, accommodating to Members and their families and their travel plans.

I hope Members have a special evening. Let me just say as a final note, the Colorado Avalanche is winning tonight, so all is not lost.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM HONORABLE RICHARD K. ARMEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD K. ARMEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2002.
Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, and may be inconsistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,
RICHARD K. ARMEY,
Member of Congress.

COMMUNICATION FROM HONORABLE TOM DeLAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM DELAY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2002.
Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, and may be inconsistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,
TOM DELAY,
Member of Congress.

INDEPENDENT COMMISSION NEEDED TO DETERMINE FACTS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GEORGE MILLER of California. Mr. Speaker, evidence continues to mount that we suffered a major, major failure of intelligence prior to September 11.

Our colleague, Senator JOHN MCCAIN, writes in this morning's Washington Post that asking and urging and demanding answers by various agencies, the Federal Government failing to understand the enormity of the danger facing the United States is an obligation shared by all elected officials.

We were told in Newsweek earlier this week that even after the President asked, What is going on here, his intelligence advisors were unable to tease out the facts or decipher the information.

Mr. Speaker, that is why we need an independent commission. We need an independent commission to determine the facts.

Senator MCCAIN goes on to say, "It is hardly a surprise that in a lively democracy, the partisan and institutional loyalties will influence both sides of an honest debate challenging and confronting Federal Government." That is all the more reason to consider impounding an independent commission of trustworthy and experienced statesmen who are not entirely devoid of partisan loyalties.

George Will, the columnist, then goes on to suggest such Americans as George Schultz, Sam Nunn, BOB GRAHAM, DICK LUGAR, Senator Danforth and others who can make up that commission. We owe it to this Nation. We owe it to the families of the victims of September 11.

[From the Washington Post]

THE WAY OUT

(By George F. Will)

"The best way out is always through."—Robert Frost.

The Bush administration is in a quandary which is, as Washington quandaries so often are, partly self-inflicted. There is only one way out of the growing—tardily growing; by no means grown too large—controversy about investigating intelligence inadequacies prior to Sept. 11. The way out for the administration is to go through an investigation, and not one conducted by itself.

Eleven days. That is how long it took President Roosevelt after Pearl Harbor to appoint a blue-ribbon commission, headed by Supreme Court Justice Owen Roberts, to examine what was known, and what should have been, prior to Dec. 7, 1941.

More than 250 days have passed since Sept. 11. Last week, one of the most dispirting in recent Washington history, the administration seemed surly and defensive regarding the inevitably rising tide of questions about governmental intelligence operations before the terrorist attacks.

Understandably, the administration was provoked by some Democrats' crassness in casting their questions in Watergate-era cadences—what did the president know and when did he know it? Actually, a blue-ribbon commission, concerning itself with all three branches of government, almost certainly would vindicate President Bush, who, after all, initiated the Aug. 6, 2001, briefing on the threat of al Qaeda operations in the United States.

The commission also would find that Congress has already begun correcting some problems—for example, belatedly funding modernization of FBI computers, more than 13,000 of which were too old to be compatible with crucial software last year. Given the rapid multiplication of new means of communication, from cell phones to the Internet, the commission should recommend revisions of the Foreign Intelligence Surveillance Act, passed in 1978. The commission should evaluate judicial standards of probable cause when law enforcement agencies seek wiretaps, access to computer hard drives and bank records, and other forms of surveillance covered by Fourth Amendment privacy protections.

The commission should be balanced between Republicans and Democrats but should have an even number of members to underscore the assumption that its proceedings are not expected to be internally adversarial, producing party-line votes and requiring a tie-breaker. A commission of sufficient prestige can perhaps impart to its recommendations momentum that will overwhelm the institutional rivalries that can make national security a hostage to jurisdictional jealousies. So the co-chairman of the commission should be former secretary of state George Shultz and former senator Sam Nunn, the Georgia Democrat.

Shultz, who also was secretary of labor and of Treasury and was the first head of the Office of Management and Budget, has had more highlevel government experience than perhaps any American in history. And his memoir of his 6½ years running President Reagan's State Department, "Turmoil and Triumph," contains this laconic sentence: "Our knowledge of the Kremlin was thin, and the CIA, I found, was usually wrong about it." Nunn has a long-standing interest in a matter of increasing urgency: Russia's surplus nuclear weapons.

Sens. Bob Graham, the Florida Democrat, and Richard Lugar, the Indiana Republican, with considerable experience on the Intelligence and Foreign Relations Committees respectively, can represent the legislative branch. Former senator Jack Danforth, the Missouri Republican, having conducted the investigation of the 1993 Waco disaster, understands investigating government misadventures. Former representative Lee Hamilton, the Indiana Democrat, served on the International Relations Committee for 34 years. Prof. Donald Kagan of Yale, author of "On the Origins of War," would bring a historian's understanding to the challenge of making retrospective judgments about events viewed through the lens of present knowledge. The eight and final member of the commission could be former senator Pat Moynihan. He was vice chairman of the Intelligence Committee—and in 1984 he resigned from it until CIA Director William Casey apologized for not informing the committee of CIA involvement in mining Nicaraguan harbors.

In his book "Secrecy: The American Experience," Moynihan says it is an iron law of institutions that the ration of unnecessary to necessary secrecy increases—including secrecy maintained by one part of the government against other parts. President Truman could have used the proof contained in intercepted messages between the Soviet Union and its agents in America, of espionage by Alger Hiss and the Rosenbergs—but the chairman of the Joint Chiefs of Staff kept it from him.

Secrecy renders societies susceptible to epidemics of suspicion. A blue-ribbon commission would be immunization against such an epidemic and preventive medicine against future failures. The administration and the nation need to go through it.

[From the Washington Post]

(By John McCain)

PROBE DEEP, AND FAIRLY

President Bush is a patriot. He responded forcefully to the terrorist attacks of Sept. 11. And had he known that enemies of the United States were planning to seize four passenger aircraft and crash them into American buildings, I'm sure he would have done everything in his power to stop them. We can also safely assume that Vice President Cheney is a patriot, and a watchful guardian of our national security. That said, the government of the United States, which they now have the privilege of leading, failed the American people in the weeks, months and years leading up to Sept. 11.

The Sept. 11 attacks were incredibly depraved but not, as it turns out, unimaginable. As early as 1995, an accomplice of Ramiz Yousef revealed that the mastermind behind the 1993 World Trade Center attack intended to plant bombs on 12 U.S.-bound airliners and crash a light plane packed with explosives into CIA headquarters. The accomplice had trained as a pilot at three separate U.S. flight schools. In 1999 the Library of Congress prepared a report for the National Intelligence Council warning that al Qaeda suicide bombers "could crash-land an aircraft packed with high explosives" into the Pentagon, CIA or the White House.

Last July Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists had enrolled in an Arizona pilot training school. He urged the bureau to begin investigating whether other U.S. flight schools might be training terrorists to fly. A month later, FBI agents in Minnesota arrested flight school student Zacarias Moussaoui, whose lack of interest in learning how to land an aircraft had aroused the suspicions of his instructors, who dutifully alerted the FBI. It is uncertain how far up the chain of command suspicious about Moussaoui's intentions traveled. A week before Sept. 11, the FBI did notify the FAA of Moussaoui's arrest, his terrorist connections, and his interest in flying large commercial aircraft. The FAA chose not to share this rather pertinent information with the airlines.

Throughout last summer, CIA analysts were increasingly anxious that Osama bin Laden's operatives were planning imminent terrorist attacks against the United States and possibly planning to hijack planes in this country. The agency shared its concern with the president in August. Apparently no one from either the CIA or the FBI shared with the president information that terrorists might intend to use hijacked planes to destroy civilian and government targets.

Nor did the FBI and CIA make much of a habit of sharing information with each other. Had they done so, one presumes the President's Daily Briefing on Aug. 6 would have included a suspicion that the hijackers might have something much more atrocious than ransom demands on their agenda.

As administration officials have observed, the president is not expected to work as an intelligence case officer. It is not his job to drag from different agencies various bits of information, murky clues and suspicions that, considered together, begin to reveal the dimensions of a clear and present danger. But it is the responsibility of officials who serve at his pleasure.

Asking for, urging and demanding answers for why various agencies of the federal government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected federal officials. As is the responsibility for understanding why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is responsibility for questioning Congress's inability or unwillingness to exercise more diligently its oversight responsibilities for these agencies. As is the expectation that officials who did not competently discharge their responsibilities be held accountable.

It's hardly a surprise in a lively democracy that partisan and institutional loyalties will influence both sides of an honest debate on the most critical challenge confronting the federal government. The administration's critics and its defenders suspect each other of motives less civic-minded than an honest search for answers, impairing our own and the public's ability to arrive at fair conclusions about what went wrong and how to repair it.

This is all the more reason to consider empaneling an independent commission of trust-worthy, experienced statesmen who, if not entirely devoid of partisan loyalties, are sufficiently removed by time and wisdom from the appeal of such loyalties to know when they conflict with the national interest.

Give them complete access to all intelligence reports and internal documents with arguable relevance to their inquiry, and charge them with rendering a judgment about who failed and why in this administration and its predecessors, as well as in Congress, and with recommending appropriate remedies to guard against a recurrence.

An independent inquiry will not impose a serious burden on the administration as it prosecutes our just war against terrorism, any more than a similar inquiry after Pearl Harbor impeded Franklin D. Roosevelt's prosecution of World War II. Nor should it prevent members of Congress, the press or any American citizen from questioning or criticizing the government's apparent failures before and after President Bush's inauguration. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one's supreme interest. But it is not responsible or right to shrink from offering thoughtful criticism when and to whom it is due, and when the consequences of incompletely understanding failures of governance are potentially catastrophic. On the contrary, such timidity is indefensibly irresponsible especially in times of war, so irresponsible that it verges on the unpatriotic.

[From Newsweek, May 27, 2002]

What Went Wrong

(By Michael Hirsh and Michael Isikoff)

Forget James Bond. Intelligence gathering is more like taking a metal detector to the city dump. So much comes in, rumor, hearsay, disinformation, so little of it more than trash: once in a blue moon an agent-prospector may get lucky. But even then an agent's warning is likely to be dismissed as what Condoleezza Rice last week called "chatter." "There's always TMI—too much information," says former CIA agent Milt Bearden. Often agents poke fun at the sometimes obsessive quirks of their colleagues. "If a confidential memorandum comes from a guy out in, say, Phoenix, the first thing that goes up the line is, 'That's Harry again. He's like a broken clock twice a day'," one ex-agent says. Even today, long after 9–11, streams of new threats pass unnoticed through Washington. In recent weeks, for instance, the FBI has gotten specific threats about a car- or truck-bomb attack on an "all-glass" building near the U.S. Capitol, and another threat against a Celebrity cruise ship off Florida. Neither was corroborated, or publicized.

Yet every now and then, amid the piles of dross, a nugget of pure gold turns up in intel files. The key for American national security—now and into the future—is to know it when we see it. Back in July 2001, Bill Kurtz and his team hit pay dirt, and no one seemed to care. A hard-driven supervisor in the FBI's Phoenix office, Kurtz was overseeing an investigation of suspected Islamic terrorists last July when a member of his team, a sharp, 41-year-old counterterrorism agent named Kenneth Williams, noticed something odd: a large number of suspects were signing up to take courses in how to fly airplanes. The agent's suspicions were further fueled when he heard that some of the men at the local Embry-Riddle Aeronautical University were asking a lot of questions about airport security.

Kurtz, who had previously worked on the Osama bin Laden unit of the FBI's international terrorism section, was convinced he and his colleagues might have stumbled on to something bigger. Kurtz's team fired off a lengthy memo raising the possibility that bin Laden might be using U.S. flight schools to infiltrate the country's civil-aviation system. "He thinks of everything in terms of bin Laden," one colleague recalled. The memo outlined a proposal for the FBI to monitor "civil aviation colleges/universities around the country."

Williams, the agent who sniffed out the link, was described by one former colleague as a "superstar," a former SWAT sniper and family man who coaches Little League and, in 1995, helped track down Michael Fortier, Timothy McVeigh's former Army buddy. "Anything he says you can take to the bank," says former agent Ron Myers.

But little of that seemed to make a difference back in Washington, where the Kurtz team suffered a fate even worse than Cassandra's: not only were they not believed, they were ignored altogether. The FBI was concerned about racial profiling. Moreover, it wasn't used to gather intelligence, especially domestically, given American sensitivities about intrusive government and civil liberties. Its intelligence-assessment system was almost laughably antiquated. And under Attorney General John Ashcroft, the department was being prodded back into its old law-and-order mind-set: violent crime, drugs, child porn. Counterterrorism, which had become a priority of the Clintonites (not that they did a better job of nailing bin Laden), seemed to be getting less attention. When FBI officials sought to add hundreds more counterintelligence agents, they got shot down even as Ashcroft began, quietly, to take a privately chartered jet for his own security reasons.

The attorney general was hardly alone in seeming to de-emphasize terror in the young Bush administration. Over at the Pentagon, new Defense Secretary Donald Rumsfeld elected not to relaunch a Predator drone that had been tracking bin Laden, among other actions. In self-absorbed Washington, the Phoenix memo, which never resulted in arrests, landed in two units at FBI headquarters but didn't make it to senior levels. Nor did the memo get transmitted to the CIA, which has long had a difficult relationship with the FBI—and whose director, George Tenet, one of the few Clinton holdovers, was issuing so many warnings that bin Laden was "the most immediate" threat to Americans he was hardly heeded any longer.

Last week the tale of the missed signal from Phoenix became, for thousands of families of 9–11 victims, yet another tendril of pain stemming from that day. Indeed, it was part of a whole summer of missed clues that, taken together, seemed to presage the terrible September of 2001. The same week in early July that Kurtz and his team were dispatching their memo, the White House acknowledge for the first time, Bush was privately beginning to worry about the stream of terror warnings he was hearing that summer, most of them aimed at U.S. targets abroad. On July 5, five days before the Phoenix memo, Bush directed Rice to figure out what was going on domestically. A month later, America learned for the first time last week—nine months after the attacks—Bush received a "presidential daily brief" in Crawford, Texas, that mentioned the possibility of an airline hijacking as a domestic threat. The Aug. 6 briefing was only "an analytic report that talked about [bin Laden's] methods of operation, talked about what he had done historically," rice said in a hastily called conference to contain the damage from the news.

Because Bush has long insisted he had no inkling of the attacks, the disclosures touched off a media stampede in a capital long deprived of scandal. The fact that the nation's popular war president might have been warned a little over a month before September 11—and that the supposedly straight-talking Bushies hadn't told anyone about it—opened up a serious credibility gap for the first time in the war on terror.

There were, in fact, failures at every level that summer: from the shortcomings in the law-enforcement trenches—the FBI's poor record at domestic surveillance, the CIA's poor record at infiltrating Islamic groups and the lack of cooperation between the two agencies—to the fixed strategic mind-set of the Bush administration. Between the claims by the FBI and CIA that they did't get enough information and the White House's insistence that it didn't receive any reports—"He doesn't recall seeing anything," Rice said when asked if Bush had read the Phoenix memo—the buck seems to be stopping nowhere. "If I were an average citizen, I'd be pissed at the whole American government," says a senior official who has worked on counterterrorism.

The question is not so much what the president knew and when he knew it. The question is whether the administration was really paying much attention. Terrorism is by nature stealthy and hard to crack, even in the face of the most zealous efforts to thwart it. What Americans should be asking is why the Bush administration in its first eight months, like the Clinton admiration for much of its eight years, did not demand the intelligence cooperation that was needed. At issue is not whom to blame for the past, but how to learn from it to safeguard our future.

The fact is, in a nation that prices itself on its mastery of the Information Age, almost no one in the U.S. government seemed to know what anyone else was doing. Even as what Rice called "major threat spikes" began to appear on Washington's . . .

In any case, few Americans seem to be in the mood any longer for more-of-the-same from Washington. September 11 has often been compared to Pearl Harbor as a fault line between a complacent and war-ready America. And, like Pearl Harbor, questions about whether it could have been prevented will forever haunt us. To give the Bush administration some credit, no government in modern history has every predicted a major surprise attack. Britain and France missed the Blitzkrieg in 1940. The Germans missed D-Day in June 1944. And everyone missed Iraq's invasion of Kuwait in August 1990.

Even so, it's too simple to say that postmortems now are somehow unfair or unpatriotic in "wartime America." The latest revelations could open up a Pandora's box of questions about the administration's pre-9-11 performance on terror—questions with complicated and interesting roots.

By the end of the Clinton administration, the then national-security adviser Sandy Berger had become "totally preoccupied" with fears of a domestic terror attack, a colleague recalls. True, the Clintonites had failed to act decisively against Al Qaeda, but by the end they were certain of the danger it posed. When, in January 2001, Berger gave Rice her handover briefing, he covered the bin Laden threat in detail, and, sources say, warned her: "You will be spending more time on this issue then on any other." Rice was alarmed by what she heard, and asked for a strategy review. But the effort was marginalized and scarcely mentioned in ensuing months as the administration committed itself to other priorities, like national missile defense (NMD) and Iraq.

John Ashcroft seemed particularly eager to set a new agenda. In the spring of 2001, the attorney general had an extraordinary confrontation with the then FBI Director Louis Freeh at an annual meeting of special agents in charge in Quantico, Va. The two talked before appearing, and Ashcroft laid out his priorities for Freeh, another Clinton holdover (though no friend of the ex-president's), "basically violent crime and drugs," recalls one participant. Freeh replied bluntly that those were not his priorities, and began to talk about terror and counterterrorism. "Ashcroft didn't want to hear about it," says a former senior law-enforcement official. (A Justice Department spokeswoman hotly disputed this, saying that in May Ashcroft told a Senate committee terrorism was his "highest priority.")

That was unfortunate, because Freeh, despite his late-tenure interest in global terrorism, had left behind an FBI that badly needed fixing, especially its antiquated evidence-gathering methods. So fouled up is the FBI's communications system that it is almost impossible for agents to send classified e-mails to another agency like the CIA; the effect is that little is shared.

It wasn't that Ashcroft and others were unconcerned about these problems, or about terrorism. But the Bushies had an ideological agenda of their own. At the Treasury Department, Secretary Paul O'Neill's team wanted to roll back almost all forms of government intervention, including laws against money laundering and tax havens of the kind used by terror groups. At the Pentagon, Donald Rumsfeld wanted to revamp the military and push his pet project, NMD. Rumsfeld vetoed a request to divert $800 million from missile defense into counterterrorism. The Pentagon chief also seemed uninterested in a tactic for observing bin Laden left over from the Clinton administration: the CIA's Predator surveillance plane. Upon leaving office, the Clintonites left open the possibility of sending the Predator back up armed with Hellfire missiles, which were tested in February 2001. But through the spring and summer of 2001, when valuable intelligence could have been gathered, the Bush administration never launched even an unarmed Predator. Hill sources say DOD didn't want the CIA treading on its turf.

And while most of the current controversy is about what America didn't do defensively, Rumsfeld and Bush didn't take the offensive, either. Upon entering office, both suggested publicly that the Clinton administration left America with a weak image abroad. The day after the Oct. 12, * * *

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83.

As reported to the House, H.R. 4775, a bill making supplemental appropriations for fiscal year 2002, includes emergency-designated appropriations. The total amount of emergency-designated appropriations included in the reported bill is $29,432,000,000. Outlays flowing from those appropriations total $8,466,000,000 in fiscal year 2002. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

Accordingly, I hereby increase the 302(a) allocation for fiscal year 2002 to the House Committee on Appropriations to $735,432,000,000 in new budget authority and $736,420,000,000 in outlays. I also increase the budgetary aggregates for fiscal year 2002 to $1,708,604,000,000 in new budget authority and $1,653,073,000,000 in outlays.

Section 2 of House Resolution 428 provided that House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted a concurrent resolution on the budget. That section also directed me to submit for printing in the CONGRESSIONAL RECORD: (1) allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 under a concurrent resolution on the budget; (2) accounts identified for advance appropriations, referred to in section 301(b) of House Concurrent Resolution 353; and (3) an estimated unified surplus, referred to in section 211 of such concurrent resolution.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD as directed, provide the required information.

Allocations of Spending Authority to House Committees: Appropriations Committee, 2003

[In millions of dollars]

General Purpose:[1]	
BA	746,174
OT	738,992
Highways:[1]	
BA	....
OT	27,581
Mass Transit:[1]	
BA	....
OT	6,030
Conservation:[1]	
BA	1,922
OT	1,872
Total Discretionary Action:	
BA	748,096
OT	774,475
Current Law Mandatory:	
BA	350,116
OT	353,319

[1] Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES: COMMITTEES OTHER THAN APPROPRIATIONS

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total	
						2003–2007	2003–2012
Agriculture Committee:							
Current Law Base:							
BA	36,573	35,545	34,841	34,241	34,889	176,089	n.a.
OT	33,247	33,726	32,788	32,283	32,885	164,929	n.a.
Discretionary Action:							
BA	7,825	7,604	7,198	7,249	7,141	37,017	n.a.
OT	7,271	7,019	6,688	6,727	6,774	34,479	n.a.
Total:							
BA	44,398	43,149	42,039	41,490	42,030	213,106	n.a.
OT	40,518	40,745	39,476	39,010	39,659	199,408	n.a.
Armed Services Committee:							
Current Law Base:							
BA	76,090	78,358	80,609	83,134	85,779	403,970	n.a.
OT	75,258	77,722	80,228	82,780	85,466	401,454	n.a.
Discretionary Action:							
BA	516	652	1,025	1,605	2,006	5,804	n.a.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES: COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total	
						2003–2007	2003–2012
OT	516	652	1,025	1,605	2,006	5,804	n.a.
Total:							
BA	76,606	79,010	81,634	84,739	87,785	409,774	n.a.
OT	75,774	78,374	81,253	84,385	87,472	407,258	n.a.
Committee on Education and the Workforce—Current Law Base:							
BA	4,633	4,325	4,709	4,885	5,066	23,618	n.a.
OT	3,264	3,172	3,475	3,604	3,744	17,259	n.a.
Energy and Commerce Committee:							
Current Law Base:							
BA	10,248	10,017	11,164	11,498	12,503	55,430	n.a.
OT	11,401	11,496	11,562	11,871	11,881	58,211	n.a.
Discretionary Action:							
BA	95	285	606	801	922	2,709	n.a.
OT	59	272	598	798	922	2,649	n.a.
Total:							
BA	10,343	10,302	11,770	12,299	13,425	58,139	n.a.
OT	11,460	11,768	12,160	12,669	12,803	60,860	n.a.
Financial Services Committee—Current Law Base:							
BA	7,985	8,428	8,249	8,053	8,574	41,289	n.a.
OT	2,696	1,578	541	− 165	− 344	4,306	n.a.
Government Reform Committee—Current Law Base:							
BA	66,536	69,943	73,568	76,706	79,236	365,989	n.a.
OT	66,527	68,971	72,573	75,714	78,253	361,038	n.a.
Committee on House Administration—Current Law Base:							
BA	82	85	85	82	81	415	n.a.
OT	37	161	18	14	14	244	n.a.
International Relations Committee—Current Law Base:							
BA	10,069	10,390	10,705	10,952	11,287	53,403	n.a.
OT	10,075	10,127	10,364	10,591	10,864	52,021	n.a.
Judiciary Committee—Current Law Base:							
BA	6,404	5,133	5,116	5,092	5,112	26,857	n.a.
OT	5,763	5,613	5,281	5,148	5,180	26,985	n.a.
Resources Committee:							
Current Law Base:							
BA	2,537	2,430	2,371	2,394	2,392	12,124	n.a.
OT	2,471	2,313	2,052	2,297	2,154	11,287	n.a.
Discretionary Action:							
BA	0	113	498	89	0	700	n.a.
OT	0	113	498	89	0	700	n.a.
Total							
BA	2,537	2,543	2,869	2,483	2,392	12,824	n.a.
OT	2,471	2,426	2,550	2,386	2,154	11,987	n.a.
Science Committee—Current Law Base:							
BA	143	20	17	17	18	215	n.a.
OT	147	102	56	29	24	358	n.a.
Small Business Committee—Current Law Base:							
BA	3	2	1	1	1	8	n.a.
OT	− 238	− 88	− 32	− 30	− 28	− 416	n.a.
Transportation and Infrastructure Committee:							
Current Law Base:							
BA	54,029	51,640	50,234	50,657	50,932	257,492	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Discretionary Action:							
BA	0	4,369	4,369	4,369	4,369	17,476	n.a.
OT	0	0	0	0	0	0	n.a.
Total:							
BA	54,029	56,009	54,603	55,026	55,301	274,968	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Veterans' Affairs Committee—Current Law Base:							
BA	1,629	2,055	2,543	3,082	3,633	12,942	n.a.
OT	1,570	1,999	2,590	3,065	3,431	12,655	n.a.
Ways and Means Committee:							
Current Law Base:							
BA	643,804	661,849	684,591	701,838	727,703	3,419,785	n.a.
OT	645,017	661,964	684,461	701,118	727,005	3,419,565	n.a.
Discretionary Action:							
BA	2,203	858	1,280	1,639	1,875	7,855	n.a.
OT	174	853	1,231	1,660	1,943	5,861	n.a.
Total:							
BA	646,007	662,707	685,871	703,477	729,578	3,427,640	n.a.
OT	645,191	662,817	685,692	702,778	728,948	3,425,426	n.a.
Current Law Base, Medicare:							
BA	174,977	180,768	193,068	197,062	211,086	2,224,058	n.a.
OT	174,843	181,045	192,994	196,851	211,379	2,223,844	n.a.
Discretionary Action:							
BA	0	n.a.	n.a.	n.a.	n.a.	n.a.	0
OT	0	n.a.	n.a.	n.a.	n.a.	n.a.	0
Total:							
BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
MEMORANDUM: Estimated Unified Surplus Under Section 211	51,414	n.a.	n.a.	n.a.	n.a.	764,402	n.a.

n.a.=not applicable.

STATEMENT OF FY2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353

Interior Subcommittee: Elk Hills (89 5428 02 271).

Labor, Health and Human Services, Education Subcommittee: Employment and Training Administration (16 0900 01 501); Education for the Disadvantaged (91 0900 01 501); School Improvement (91 1000 01 501); Children and Family Services [head start] (75 1536 01 506); Special Education (91 0300 01 501); and Vocational and Adult Education (91 0400 01 501).

Transportation Subcommittee: Transportation (highways; transit; Farley Bldg.).

Treasury, General Government Subcommittee: Payment to Postal Service (18 1001 01 372).

Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals (86 0319 01 604).

82ND AIRBORNE BIRTHDAY AND MEMORIAL DAY

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the

House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, this week, an incredibly brave fighting force will mark its 86th birthday. This fighting unit is the 82nd Airborne Division, which is based at Fort Bragg, North Carolina. As the U.S. Congressman for the Eighth District of North Carolina, I am honored to represent these troops and the many others that serve in the Eighth District in North Carolina.

In 1917, the 82nd was designated as an infantry division, but became airborne in World War II. As the United States first airborne unit, they have been serving with this distinction ever since.

One of the most impressive aspects of the 82nd is their rapid response ability. They can be packed and en route and ready for battle within 18 hours of being called up to duty. I have met with members of the 82nd and seen them in action during their training exercises. If you have any doubt, let me assure you, you want these guys on your side.

We live in an uncertain world, a world made even more uncertain by the tragic events of September 11. But in this world of uncertainty, there are a couple of things we can count on. One is when the Commander in Chief calls, the men and women of the 82nd Airborne Division are ready to answer that call.

Throughout the storied history of the 82nd Airborne Division, brave young patriots have stood in the breach and sacrificed anything necessary to defend freedom throughout the world. They were among the first units put on the alert after the terrorist attacks of September 11. 3,000 Members of the 82nd have recently been activated to head to Afghanistan. A commander of the 82nd Airborne, General Dan McNeill, will head the new joint task force and will consolidate operations in Afghanistan under one umbrella. I have full faith that those members of the 82nd that will accompany him will serve honorably and effectively.

North Carolina, particularly the Eighth District, has long played a key role in our Nation's military forces. Fort Bragg is one of the premier military installations in the world. Some of our finest military personnel are stationed there. As a matter of fact, when President Bush wanted to say thank you to our troops, Fort Bragg is where he went to say thanks.

Pope Air Force Base, which I visited a few weeks ago, is another important installation. The odds are pretty good that if the U.S. is involved in a military action, then troops from Fort Bragg and Pope are probably going to be there on the front lines.

In addition to celebrating the 82nd birthday, this week is All American Week in Fayetteville, and Memorial Day is just around the corner. These occasions give us reason to celebrate the tremendous job that all our armed forces are doing in waging the war on terrorism.

I would like to take a moment to commend some other units from North Carolina that have played an important role in Operation Enduring Freedom. National Guardsmen from across the Eighth District have helped to secure our airports and participated in other homeland defense activities here in North Carolina.

The 145th Air Wing of the North Carolina National Guard, based out of Charlotte, has been flying over the skies of Afghanistan. The 211th Military Police Unit has been helping to guard prisoners in Afghanistan awaiting transfer to Guantanamo. The 263rd Combat Communications Squadron has recently returned to Stanley County after serving in Qatar.

While we are on the subject of the Eighth District military personnel who are serving with distinction, I should also note that Andrea Quillen was recently named as Airman of the Year. While Airman Quillen is currently serving in South Carolina, she is a native of Fayetteville, and another reason we recognize our North Carolina military pride.

Since 1868, when Memorial Day was first established, more than half a million soldiers have died in the course of serving in major wars to defend our freedom. This Memorial Day, May 27, at 3 p.m., the President is encouraging all Americans to take a moment to remember the men and women of our armed forces who have made the ultimate sacrifice for the liberty that we cherish.

I encourage you all to remember these troops and their families in your daily prayers. I think we can all agree that this is more important than ever before as Memorial Day 2002 approaches. Next time you see a soldier, sailor, airman, or Marine, tell him or her thank you for their service. If the individual is a member of the 82nd, you might want to add "G.I. gravy, G.I. corn, sure am glad that I'm airborne."

□ 2215

WORLD BANK PLANS MORE LOANS TO IRAN

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, yesterday evening I came to the floor to bring up a subject that has gotten far less attention than it deserves. And that is the plan of the World Bank, an organization funded substantially with your tax dollars in mind, to lend up to $755 million to the Islamic Republic of Iran.

Last night I put into the RECORD of this House an article that was published by the Dow Jones International News that reviewed the facts, and I would like to review that article with you tonight along with some additional commentary.

The article begins: "The World Bank undeterred by President George W. Bush's condemnation of Iran as part of the axis of evil, undeterred by the fact that it is arming itself to threaten a peaceful world, the World Bank is pressing ahead with a plan that would provide as much as $755 million in loans to that government over the next 2 years."

Mr. Speaker, there are a few apologists for the government in Iran who note that there are reformers who play front roles, a president of Iran who exercises no power, it is almost an honorary position, who claims to have different views than those actually carried out by the government. But the reports of the American State Department say that reformers have been silenced, that there are public executions, public floggings which increased last year. And just on Monday the State Department announced that Iran is the number one governmental sponsor of terrorism.

Now, in January President Bush identified Iran as a key threat to American security. But as he was doing that, a team of bank directors from the World Bank returned from a visit to Tehran, and they made a clear recommendation to the bank, "deeper and faster involvement in Iran." That is the quotation attributed to Jean-Louis Sarbib, the bank's vice president for Middle Eastern and North African affairs.

Now, the bank staff is reported by the Dow Jones International News to be planning first a loan of $150 million by the end of this year, and then as an element of a tentative plan, endorsed already by the bank's board of directors, the bank would proceed with up to $755 million to Iran in fiscal years 2002 and 2003.

Now, keep in mind the United States contributes 29 percent of the World Bank's capital. We are given only 16 percent of the World Bank's votes. But do not believe that our 16 percent of votes will be sufficient to block this loan, because 2 years ago the World Bank over America's strenuous objections loaned $232 million to Iran. And let us not believe that this is just for humanitarian purposes. Because as the article continues, and I am quoted in the article as saying, and I think I said it right, "The government of Iran will engage in the minimum domestic expenditures necessary to cling to power. Whatever is left over they are going to spend on terrorism and nuclear weapons." When the World Bank finances those minimum amounts of expenditure that the Iranian Government needs to hold on to power, it is freeing up oil revenues for terrorism and for a nuclear weapons program. It will certainly not be sufficient for us to do business as usual and to simply vote against these loans.

That is why, Mr. Speaker, I hope that others will join me in crafting legislation that I am working on now and will present to this House just as soon as we return from Memorial Day. And under that legislation we would draw a line in the sand and tell the World Bank that if they approve any additional loans to Iran that no additional American money would be given to that bank.

We are planning to give them $877 million. We should not give them a penny after any day when they approve a loan to Iran.

TRANSFER OF CHINESE MISSILE TECHNOLOGY TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to take the opportunity on the House floor this evening to express my concerns regarding the continued transfer of missile technology from China to Pakistan. The Bush administration has reported that the transfer of this highly sensitive information persists even today.

Mr. Speaker, in May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology transfers which continued to take place after May of 1996.

In November 2000, China entered into an agreement with the Clinton administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

Mr. Speaker, what concerns me is that John Bolton, Undersecretary of State for Arms Control and Security has said that the Bush administration's policy on the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000 imposed sanctions on Pakistan for engaging in missile technology proliferation activities with China. But from my understanding, the Bush administration has already waived substantially all of the missile technology control regime sanctions previously imposed against Pakistan citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his waiver authority with respect to Pakistan.

I am extremely disappointed that the Bush administration would publicize that its policy has not changed since the Clinton administration, even though the opposite is true and that the Clinton prohibition was recently waived under President Bush's authority.

In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable given their military dictator Musharraf's standing as president and the escalating conflict in Kashmir. Further, there are reports that Osama bin Laden, members of al Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to confer with nuclear scientists in the past. And it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Mr. Speaker, the administration has the authority to reauthorize the prohibition of November 2000 that mandates China not transfer missiles or missile technology to Pakistan. I sent a letter to President Bush today, which I would like to include in the RECORD, Mr. Speaker, requesting that the prohibition be put back in place. The letter is as follows:

Congress of the United States,
House of Representatives,
Washington, DC, May 22, 2002.

Hon. George W. Bush,
President of the United States,
Washington, DC.

Dear Mr. President: I would like to take this opportunity to express to you my concerns regarding the continued transfer of missile technology from China to Pakistan as reported by your administration.

In May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology information transfers, which continued to take place after May 1996.

In November 2000, China entered into an agreement with the Clinton Administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

What concerns me is that John R. Bolton, Undersecretary of State for Arms Control and Security, has stated that your administration's policy of the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000, imposed sanctions on Pakistan for engaging in missile proliferation activities with China. From my understanding, however, your administration has already waived substantially all of the MTCR sanctions previously imposed against Pakistan, citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his MTCR waiver authority with respect to Pakistan.

I am disappointed that your administration would publicize that its policy has not changed since the Clinton administration even though the opposite is true and that the Clinton prohibition was waived under your authority. In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable given their military dictator Pervez Musharraf standing as President and the escalating conflict in Kashmir. Further, there are reports that Osama bin Laden, members of Al-Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to have conferred with nuclear scientists in the past and it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Your administration has the authority to reauthorize the prohibition of November 2000 that mandates China not to transfer missile or missile technology to Pakistan. This is a matter of not only security in the South Asia region, but is a national security concern as well. Reinstating this prohibition is the only means to ensuring that the transfer of information will be terminated and that China will in fact put in place punitive measures towards companies that continue to attempt to provide information illegally to China. Therefore, I respectfully request that you use your authority to reauthorize the prohibition on missile technology transfers from China to Pakistan.

Thank you for your consideration.

Sincerely,
Frank Pallone, Jr.

Mr. Speaker, this is a matter of not only security in the South Asia region but is a national security concern as well.

Reinstating this prohibition is the only means to ensure that the transfer of information will be terminated and that China will, in fact, put in place punitive measures towards companies that continue to attempt to provide information illegally to Pakistan.

SUPPLEMENTAL APPROPRIATIONS 2002 IS NOT FISCALLY RESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, even though the hour is late, I appreciate your courtesy.

Mr. Speaker, we have heard on the floor this evening why the supplemental appropriations bill before us is not fiscally responsible. We have heard how we are not having an honest vote or even vigorous debate on key issues like raising the debt ceiling and what we are going to do with Social Security.

People who have listened to the debate so far this evening have heard how this bill is setting the stage to surreptitiously increase the debt limit. Remember a year ago, the administration predicted we would not need a debt limit increase until the year 2008. Now after $4 trillion has disappeared from the expected surpluses, now we are going to continue to increase the Nation's debt instead of honestly assessing proposals dealing with the ongoing tax cuts and domestic spending program.

We have heard how all the funds that are available for the debt limit increase must come directly from Social Security and Medicare trust funds. And we have heard that the interest payments on this mounting debt are estimated to increase over $1 trillion over the next decade above what was projected just a year ago.

But, Mr. Speaker, I am most concerned and it is something that is going to be buried in terms of legislative consideration, about the signal that the Congress is sending by its efforts to legislate in the supplemental appropriations found in areas dealing with the environmental policies of this country. There will be a proposal that we will have buried in this provision that would exempt the Department of Defense from environmental regulations having to do with water consumption off the immediate adjacency of the properties under control of the Secretary of the Defense, but nonetheless directly affected by it.

I find it sad, because I have long argued on this floor and in communities around the country, that the most effective way to enhance the environment is not passing new rules and regulation, taxes and fees. The most powerful tooling to protect the environment is for the Federal Government to simply lead by example, to model the behavior that we expect from the rest of America.

Here we have a provision that would exempt the largest manager of infrastructure in the world and one, sadly, with a decidedly mixed environmental record, from compliance with its environmental responsibilities. The latest count shows that there are about 150 Department of Defense facilities on the Superfund national priority list and another five proposed for listing. Indeed, I think we can safely assume that the Department of Defense is the largest Superfund polluter in the United States. The last thing we want to do is to grant this important Federal agency with vast environmental impact, sweeping exemption from environmental laws, at least without going through the appropriate legislative process involving the stakeholders having an honest debate with the American public. Yet that is exactly what we are given under this supplemental.

The exemption provision in this bill would not only do irreparable damage to an important eco-system in Arizona, and that is the purpose of this amendment, to deal with the San Pedro River which is slowly being dewatered because of the impacts of the Department of Defense, but this sets a terrible precedent for the effects of the Department of Defense actions on the environment around the country.

Now, I would be the first to admit on occasion there must be accelerated decisions, shortcuts that are necessary for the sake of military necessity. We do not do an environmental impact statement for every bomb we drop, nor should we. However, it is embarrassing that what we are doing today with this provision is to relieve a Department of responsibility for its foreseeable environmental impacts which are under the control of the Department.

The amendment is unwarranted and at the very least premature. Even the Government Accounting Office says the Department of Defense has not done the research and investigation necessary to determine whether such an exemption is justified.

Mr. Speaker, it is yet another example why this House should reject the supplemental appropriation that is coming before us.

□ 2230

RAISING THE DEBT CEILING

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, tonight the House began the debate on the supplemental appropriations bill, a bill that funds the war on terrorism and makes sure that our troops in the field have the necessary equipment and tools they need to win this war. Every Member of this House supports funding the war on terrorism. That is not what the debate was about tonight nor will it be what the debate is about tomorrow, as we continue to debate this supplemental.

The debate tonight was about a provision of the bill that the Republican leadership put in there that would allow an unlimited increase in the statutory debt ceiling. The statutory debt ceiling is a law that provides the maximum amount that our Federal Government can go into debt. It is one of the few tools that we have to promote fiscal responsibility and require fiscal discipline in this House.

The Democrats tonight stood up to tell the American people that we deserve to have an honest and open debate regarding this very critical issue. If we increase the national debt limit by $750 billion, as Secretary O'Neill has requested, we will be giving this Congress a blank check for uncontrolled spending for ever-increasing debt and for deficits.

It is wrong for us to ask the young men and women in uniform who are sacrificing tonight to fight this war against terrorism to be the very generation that comes home and pays the bills for this war.

The fundamental question before the House tonight was who is going to pay the bill for this war on terrorism. Are we going to pay it as the generation that is able to do so? Are we going to say to the young men and women in uniform, we will let them fight the war and then when they come home and when they are in their good income-earning years they can pay the debt for the war that they fought?

Democrats believe that is wrong. We believe it is wrong to hide an increase in the debt ceiling in this very important supplemental appropriation bill.

We must not use the Social Security trust fund, the American people's retirement fund, to pay for this war. We must not ask that we borrow money from the public to pay for this war. We believe that it is our responsibility today to pay for this war.

The patriotic thing to do as Americans is to be willing to sacrifice along with the men and women in uniform, and the sacrifice that we must pay is we must be willing to pay the bill.

At your house and mine and your business and mine, we understand what it means to balance the budget. We understand that when changed economic circumstances lower our income, that we have to make adjustments in our budget. We have to cut our spending, and if we need to borrow money, we establish a plan to pay it back. It should be no different in Washington. In Washington we also should pay the American people's bills.

Every Member of this Congress recognizes that the debt ceiling must be raised. In fact, as we speak tonight, Secretary O'Neill is using unusual emergency measures to keep the Federal Government from defaulting on its obligations, by using the retirement funds of Federal employees to prevent a default in Federal obligations.

Even after using every trick in the bag, the tricks will run out by the end of June and the debt ceiling must be raised, but Democrats believe that when we raise the debt ceiling we need at the same time to establish a plan to put us back into a balanced budget. Democrats have offered before the Committee on Rules amendments that would do that in a bipartisan way and those have been rejected.

In the first 7 months of this fiscal year, the Federal deficit is $66.5 billion. To give my colleagues a picture of how things have changed in Washington, if we go back just 1 year and look at what the budget looked like in the first 7 months of the last fiscal year, we had a surplus of $165 billion. After having 4 straight years of surpluses in the Federal budget, we are back into deficit spending, and we need a plan to get us back on the road to fiscal responsibility.

Our failure to balance the budget means that we are going to be using the Social Security trust fund to finance this war. That is wrong, and Democrats want a plan to get us back on the right track.

CELEBRATING TWO GREAT EVENTS OF HUMAN ACHIEVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I come to the House today to celebrate 2 great events of human achievement that are both adjoined that we recently experienced, and those achievements are surrounding a fellow named Erik Lindbergh who is a constituent of mine from Indianola, Washington.

Erik's grandfather was Charles Lindbergh, and on May 1 this year, Erik took off from New York in his plane called the New Spirit of St. Louis, a Lancair Columbia 300, and flying alone, 19 hours later, landed, as his grandfather did, at Le Bourget Airport in Paris. A significant event of human achievement, as was his grandfather, Charles Lindbergh's, when he took off in his Ryan N-X-211 and landed in Le Bourget after 33 hours.

This is something our Nation appropriately honors Erik for, his achievement in honoring his grandfather, in making a solo crossing of the North Atlantic in a single engine plane, and for that we honor Erik. We honor his spirit. We honor his achievement, but that is really only part of his story of human achievement, and it is only part of the reason that he flew across the North Atlantic.

Because at age 21, and Erik is now 37, Erik started to develop rheumatoid arthritis that pretty well stove him in. It got so bad that a few years ago he really could not work or fly consistently. He had two artificial knee replacements, and he was having real significant problems, but he had some neighbors in the Puget Sound area working for a company called Immunex and those neighbors at the Immunex Corporation, who are now working with the Amgen Group, were working on a product they wanted to develop to help people with rheumatoid arthritis.

After about $350 million of investment and thousands and thousands of man-hours of a lot of my constituents, some who live on Bainbridge Island where I live, they developed a product called Enbrel. It is a self-injected product. It is what is called a TNF inhibitor. It is a man-made protein, and it works with the immune system to reduce the onset of the symptoms associated with rheumatoid arthritis.

About 2 years ago, Erik started to take Enbrel, and within 2 weeks he noticed a very significant change in his ability to walk around, get up and do the daily functions of life, and it allowed him, and he will tell my colleagues this because I talked to him today, it allowed him to train and work towards his goal of duplicating Charles Lindbergh's, his grandfather, flight across the Atlantic, which he successfully achieved on May 1.

It really is a story of 2 great spirits of human achievement, one his individual, one flying across the Atlantic in a single engine plane, and two, a group, one of people harnessing the creative genius of this country to develop a product like Enbrel to help Erik train for this particular endeavor.

So I would like to honor his achievement that he did; one, to recreate and celebrate the 75th anniversary of his grandfather's great achievement; two, to honor the future of medicine and to give a message of inspiration to the others tonight and today who may be having medical problems, who may be just an invention away of really getting a life change as Erik experienced.

I know that he wants America to be inspired by the achievements of Immunex and his personal achievement so that we can go forward to harness this creative genius, not only in aeronautics but in biotechnology. As we go forward in a way to try to make drugs available to people at an affordable price, we hope that we can find a way also to inspire people to continue this creative effort that my other constituents who live in the Puget Sound area of Seattle, Bothell, where some of the labs are located, they can be honored as well.

I may also note, too, Erik is associated with a group called the X Project which is a challenge project that has a $10 million reward for creative geniuses who can put 3 people in space with a privately funded vehicle and do it 2 weeks in a row, and we really appreciate his efforts to create an incentive to have a prize. As he told me, we have had great aeronautic advances either when we have a war or a prize and he is working to have this prize to give people some incentive to get privately into space.

So, again, I want to really commend Erik for his tremendous personal achievement, my friends in Immunex for helping him to make that achievement, and I hope this inspiration will help others go forward.

EDUCATION TAX CREDITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized as the designee of the majority leader for half the time remaining until midnight, 40 minutes.

Mr. SCHAFFER. Mr. Speaker, it is late here in Washington, but it is not too late to talk about children, and school children, to be even more specific about it. This is an important issue and an important topic. Education is one of the subject matters that I have focused on in my 6 years here in Congress. It is a topic that I devoted quite a lot of time to as a State legislator in Colorado in the 9 years before I came to Congress, something I take quite personally.

I have got 5 children of my own back home, and those that are of school age are in public school right now, and trying to find a way to improve America's education system has been pretty much a perpetual pursuit of mine and something I believe in very firmly and passionately, and I will be talking tonight about education tax credits, which is a central education issue that will be debated this year before the House of Representatives and the Senate also, and something that is very important to our President and, even more importantly, to people around the country.

I would like to invite any of our colleagues who may be monitoring this proceeding, if they are interested in the topic of education tax credits, I would be happy to yield a little time to them if they are inclined to participate.

Last August, President Bush came to Colorado. He came to my district, as a matter of fact. We went up to the mountains and visited Rocky Mountain National Park, and I had an opportunity to spend a little time with him in the motorcade talking about the issue of education. It is very important to our President, as we all know. It is a topic which he featured prominently in the course of his many campaign issues. It is a topic upon which he built a great record in the State of Texas, and that success, I think, captured the attention of Americans around the country and I believe figured prominently in the successful conclusion of his campaign for election of the presidency of the United States.

In that motorcade, the President and I discussed the topic of education tax credits. We did so because at the time the President's education proposal, the Leave No Child Behind proposal, which became known as H.R. 1, was still pending in the Congress, and to our chagrin, the both of us, the core element of that bill had been taken out by this House and, in fact, it was ripped out of the bill before the bill even had its first hearing. That core element was all about education choice, school choice, leaving at that point really 2 other elements, flexibility to States, and the second element, national testing, intact.

That school choice provision was something that was very important to the President, very important to me. So we talked about tax credits as the next strategy to try to compensate for the failure of the Congress to deliver that core element of the President's proposal for the Nation.

Education tax credits involve reducing the cost associated with paying taxes to those who will make a contribution to education, to those who are willing to invest in America's education system.

□ 2245

And our vision entails a contribution to America's education system in a way that does not discriminate between schools based on who happens to own them.

The vast majority of schools in America are owned by the government and owned in a monopoly structure when it comes to American schooling. That monopoly structure is something that is very heavily guarded, certainly by those who are employed and who are a part of the public education monopoly, but in too many cases that monopoly structure of service delivery abandons children, especially children who need education services the most.

Education tax credits are blind to the ownership of schools and, instead, focus on the children who want and deserve a quality education in America. It, in effect, increases our likelihood as a Federal Government of leaving no child behind, a theme that is emblematic of the President's vision for education and is further amplified by this proposal of education tax credits.

So at the end of that conversation, we renewed our vows together to promote education choice, and this is what the President said. He said, "We have to do this." That was August 14, 2001. And so these words have really inspired me to push hard in this Congress for education tax credits, and I am proud to say that as a result of the President's commitment that day, August 14, 2001, to support our efforts here in the House to move an education tax credit bill, our leadership here, our Speaker, our majority leader, our majority whip, and others, the chairman of our Committee on Education and the Workforce, and the chairman of our Committee on Ways and Means which deals with tax policy, have rallied around these words: "We have to do this."

That is not a statement of intentions with respect to just manipulating the Tax Code or doing something that we believe is important for improving schools. We have to do this because we really have changed the debate here in Washington and have led this country to a dramatic departure over where the education debate has led us over the previous 8 years, those years prior to President Bush taking office. And what I mean by that is that for 8 years, and really many, many years before that, the debates in this House with respect to education centered on the relationship between schools or school buildings, which ultimately came down to a debate and an argument over who owns these schools. So anything that was proposed in Washington or even in the 50 States that would help children who do not attend the government-owned monopoly schools was summarily dismissed by the education establishment here in Washington. And it is a large establishment, let me assure you.

But we are moving beyond all that by beginning to focus on children. And when we do that, if we focus on children first, one can only really come to this conclusion that when it comes to school choice and education tax credits, just as our President said, we have to do this. It is important to understand how education funding in America works today because it is a mammoth bureaucracy that funnels cash to children, and it does so in a very inefficient way.

This chart is really a description of the American education system managed by our government. This little guy at the top here is a carpenter and is representative of hardworking taxpayers around the country. They work hard to earn a living, and the government confiscates a certain portion of their wages in every paycheck as taxation. And these wages, or a portion of the wages, if you live in Colorado, are sent to Utah, from Utah they are sent to Washington, D.C., and they are collected by our Treasury Department. The Treasury Department, we find here, are the first to get their hands on the taxpayers' cash. They distribute these funds based on rules that are established by those of us here in Congress, the politicians, and they are distributed through a variety of programs in the U.S. Department of Education.

There are some 760 different Federal education programs, and that number grows every year. Because regardless of whether Republicans or Democrats are in charge of our government, the size of this Department of Education grows at exponential proportions. So we just keep enacting program after program after program with the expectation and the lofty hope that these programs will help children.

Well, these funds then are distributed through these 760 Federal programs down to the States, typically. Sometimes directly to school districts, but primarily to States. At the State level more politicians, State legislators, redistribute those dollars and mingle them with State funds, and those are distributed through 50 State Departments of Education. Once those funds are distributed through the State Departments of Education, through their several programs, those dollars are given to school districts. Once those dollars go to school districts, there are more politicians who are in charge of redistributing those funds, elected school board members. Those elected school board members distribute those dollars way down here to schools in the district. Those schools are managed, of course, by principals and other administrators, finance people, and business managers. Those dollars get to classrooms and teachers distribute those funds on supplies and books and computers, depending on the perceived needs and priorities set by teachers. And eventually, way down here at the bottom, is the child, who we all say we care about.

The tragedy is, in order for this taxpayer to get his money to that child through the government-owned education system, it is necessary to funnel the dollars all the way through this process. It is a long, cumbersome process, and it is established on a centrally designed basis. I mean, we make these decisions here in Washington, D.C., and we attach strings and red tape to these education funds, and more strings and red tape are attached at the State level, and more restrictions are placed on these dollars at the local level.

So by the time the taxpayer's money gets to the child, what little is left of those dollars is really bound up in all these rules and regulations. And often, the further away we get from Washington, D.C., the less likely these dollars are spent in a way that helps the child. So what we are trying to accomplish here in Washington is to find a mechanism to bypass all of this.

Now, we cannot replace it. We have tried that. We have tried to shrink the size of this bureaucracy, to reduce the red tape, to reduce the rules, to reduce the regulations, to reduce the number of programs. But I concede that it is such a big task. The politics of education are some of the most vicious in America. The special interest groups that have organized around these different agencies are so dramatic and so powerful, they hire lobbyists and so on, and their goal really is to protect the system. The child down at the bottom and the taxpayer here up at the top soon become irrelevant.

So we are going to concede that this system, regardless of who is in charge of the government, is going to grow; and so we are not going to touch this. In fact, we are just resigned to the reality that this is going to continue to get more funding because people are comfortable with this in Washington, and we want to find a way to get around that.

Mr. Speaker, I would like to now yield to my colleague from Michigan, because he has the description of our answer to this.

Mr. HOEKSTRA. Well, Mr. Speaker, I think the other thing I want to reinforce with the chart my colleague was holding up is that that system not only exists for education, but we had a remarkable display of how powerful the system is last week when we tried to put more flexibility into the welfare system.

We were going to just move some control within that pyramid, moving control from Health and Human Services in Washington and actually moving some of the decision-making for how the money would be spent down to the State level, to help those people who need help by having decisions made as close to them as possible. And some folks just about shut down the House on the welfare reform debate because they said no way are we going to move decisions from Washington to somewhere else in this pyramid. Heaven forbid we move it closer to the people that actually would understand the kinds of concerns and the issues that people on welfare would have in their local State.

But we do have a proposal, a solution. The first thing that it does is it allows for more money to go into education. So we are not talking about taking some of the money that goes through that system and taking it out of it and redistributing it. As my colleague indicated, that is a sacred cow.

Mr. SCHAFFER. It sure is.

Mr. HOEKSTRA. That money is going to stay there. Matter of fact, it has been growing rapidly. It will probably continue to grow at a pace that is higher than the rate of inflation. And as my colleague well knows, as we have worked together on the subcommittee dealing with oversight on the Committee on Education and the Workforce, up until the last year or so the folks at the Department of Education here in Washington, who get $40 billion per year, could not even get a clean audit. Tells you how much they think about the money.

But we have a better system, or an ancillary or companion system to that bureaucratic model, that bureaucratic model that funnels about $40 billion from Washington, trying to get it down to our children but losing about 30, 35 cents of every dollar, and that is what we call an education scholarship plan, or an education investment plan. This is where the taxpayer, the person making the living and contributing to growing the American economy, the person that really makes America special, the person who goes to work each and every day, that person having the capability of saying our public education system in our community is a great public education system, they have some special needs, and I want to give them some money.

So this person can write that public school, his local public school, where his kids go to school, where he knows the teachers' names, he knows the superintendent, knows the principal, and he says, these guys are really doing a good job, they want some more technology, or they have some special programs, they have some kids where English is a second language and they really need to help those kids, so I am going to give them $1,000. I am going to put it directly into that school, directly to my kids, or my neighbors kids; and I am going to help them out.

So this taxpayer gives them $1,000. And none of it gets siphoned off by bureaucracy. The taxpayer gets a tax credit for $500. So that system, that inverted pyramid the gentleman is holding up, where we start with the dollar from the taxpayer in Washington and it finally gets to the classroom where it has shrunk down to 65 cents, what we are doing here with this model is we are taking the dollar and actually growing it because we are giving a dollar tax credit for $2 of investment in education.

Or this individual can say, you know, I want to put this into an investment scholarship fund, an education scholarship fund where there are kids who, for whatever reason, are going to a different school, maybe another public school, where some States have it if a child goes to a public school that is outside of the geographic boundary where they live, they have to pay tuition to go to that school, so this taxpayer is going to give money to that scholarship fund for public school students who want to go to a school outside their district and they can get a scholarship to help pay their tuition.

This, by the way, is not a revolutionary idea. This has been implemented in a number of different States and it is putting new money into public education. It is putting money into these education investment funds so that kids, some kids will have the opportunity, who choose to do so, can go to private or parochial schools. We are also trying to find a way to make this system work for home schoolers. It is really kind of tough.

Today, it was kind of exciting. You know we talk about some of the kids that we have the opportunity to meet in our jobs. Today, we had a young man from Jenison, Michigan, Calvin McCarter, 4-foot-6, 10-year-old Calvin McCarter, who won the geographic bee today, being able to, I guess, take a look at that globe and identify places that some of us did not even know existed.

□ 2300

He is 10 years old. He is in the fifth grade. He was competing against eighth graders, up to eighth graders. He won the national geographic bee. His parents have chosen to home school him. So here is a home schooler. It is not costing the government any money to educate him. And his parents cannot receive any kind of a financial break to provide the resources and the materials that they would like to use to educate Calvin. Obviously they are doing a great job. Congratulations to Calvin, to his parents, to his older brother who I guess was his first geography teacher, but just an absolute testimony to the diversity of education models that we have in America today. We have got great public schools. We have great private and parochial schools. We also have a growing number of parents and adults who are choosing home schooling. What this system does is provide some kind of an education investment fund, it allows taxpayers to significantly increase the money that is going to education, but when they do that, these education dollars can flow to our public schools, they can flow to our private and parochial schools and can help our home schoolers out.

Mr. SCHAFFER. Here is the proposal right here, the draft resolution. We expect to introduce this in the first, maybe the second week of June when we return from our Memorial Day district work period. There is quite a lot of interest in this legislation already. Again, the way it works is every American who pays taxes will be able to get a tax credit up to $250, a 50 percent credit for every dollar they contribute to a public or private school, a public school directly under the way we have designed it or a scholarship fund that would be used by children to apply for a scholarship so they can attend private schools if they would want. There is also a corporate component that is really very essential in this legislation and that allows corporations to invest in America's education system as well, again with the incentive of a 50 percent tax credit.

The beauty of this from the government's perspective is how we stretch the dollars. When we spend a dollar through the bureaucratic model of education funding, again this is a $40-billion-a-year exercise in Washington. When we spend those $40 billion, only about two-thirds of those dollars ever make it to a child. The rest are lost in here somewhere. So we lose money investing through this system. The children are important, so we invest a lot because we know we are going to lose money, we want to make sure that of the $40 billion that we invest, that some fraction of that makes it down to the child.

But the education tax credit does just the opposite, because it is only a 50 percent tax credit. Let us be frank, it would be nice if it were a bigger tax credit, but 50 percent is what we built into our budget this year, which means for every dollar the government invests in education, every dollar we spend through this tax credit, two dollars end up going to a child somewhere in America.

Mr. HOEKSTRA. Really, we get three times the bang for our buck. Because when it goes through the system, it ends up with 60 cents. When you go with the tax credit model, you end up with $2 in your local classroom. Three times the 60, 65 cents, gets you to the two bucks. This is a much more effective way to invest in education.

The other thing is the model of the pyramid that you are outlining; there is a tremendous amount of accountability in there. Because when we in Washington give people some of their money back, we do not trust them to do exactly what they are supposed to do so we put together a whole set of rules and regulations telling these folks exactly how the money should be spent. And then once they spend the money at the local level, they have got to go back up the reporting chain to tell everybody that the thing we got the money for, that is what we actually spent it for. Of course then again the Federal Government will not believe them, so then we will send an auditor back to make sure the reports they sent back to us are exactly right. That is an inefficient model; but as we have said, that model is going to stay.

We want to come up with a companion piece where the accountability becomes the accountability directly between a local school, a scholarship fund and the taxpayer.

So for this individual who is very pleased or has been convinced that his local public school needs some help, writes them the check and finds out 6 months later or 9 months later that they have taken his money and that this fund they have put it in, they have squandered it, he does not write a check the next year.

Mr. SCHAFFER. In the current education model, the bureaucratic model here that is represented in this poster, accountability is really achieved on a sampling basis. The Treasury Department tries to make sure the Department of Education is spending its money the way it is supposed to, so it does audits and it samples certain programs and follows certain dollars. It cannot follow every single one of the $40 billion that are spent here. The U.S. Department of Education has to try to make sure the States are spending money right. They do not really audit every single State. They choose a sample of them, and they sample a certain handful of programs. The States sample programs through the State departments and the schools.

So what happens is only a portion of the funds spent are really held accountable, that we really make sure those dollars reach a student. And even though it is a sample, it is still a nightmare for people involved in a system, especially the lower down this food chain you go. The principals at these schools, my goodness, they have got auditors and people coming in all the time from all these different levels of government to try to make sure the money is spent right, but even that is just a sample.

But with tax credits, the auditing is not a sample, it is not a fraction, it is not just a portion of the dollar spent. It is 100 percent when it comes to the dollars spent. The reason is because rather than one agency spending cash, one body of politicians, the Congress, spending the money, 50 State Governors and legislators, we magnify the accountability by tens of thousands.

Mr. HOEKSTRA. The beauty of this system, and the example that I used is probably wrong because I said if a local public school squanders that money and does not use it wisely, they will not get the check the next time. I think what would happen, I think what we would expect to happen, is because of the close connection that our public schools have to their communities, that when they get these dollars for a specific cause, such as in my hometown they want to rebuild or renovate the performing arts center, I think they could raise the money for it through this process, both through corporate and private gifts. I think they would do a whale of a job working with our local contractors to have that thing come in on budget, we would end up with a beautiful facility, it would be great for the kids and maybe the next year if they do not have something or maybe in 2 years they have got another need, they will go back to our community and when the community sees the investment that they are making in our kids, that they are spending the money wisely, these people will ante up again and they will give them a check the second time.

Mr. SCHAFFER. What you see here in the United States now through the bureaucratic model is the schools that are the worst failures, they get more cash. In fact the worse they do the more money they get, it seems like. This is a terrible model. The reinforcement ought to be just the opposite in my mind. We ought to be rewarding success. Because teachers and principals, administrators, even in the most challenged inner city schools, they can do a good job and they do from time to time. But what happens is when you find a collection of legitimate leaders in a community that are helping the most needy children, they are treated just as all of the others that are not doing a good job. This tax credit model really serves to reinforce those schools that are doing a good job. In fact, the way we have written it, it targets the children who need the help the most, the poorest in America.

Mr. HOEKSTRA. It is exactly what we are finding at the State level. The important thing here at the State level, it shows the tremendous commitment that the American people have to education. Because there is significant money flowing, new money flowing into education through this model. Again, all of our kids are benefiting, kids in public schools are benefiting because people are writing that extra check to their local public school saying, absolutely, this is a worthwhile expenditure, you are doing a great job with our kids. You got some special needs, you got some special promise, we are going to write you a check.

Mr. SCHAFFER. It underscores the contention we have that we bring to this debate and, that is, that Americans will contribute more and they are willing to invest more in America's education system if they are convinced and assured that there will be meaningful results for real children. Today they do not get that assurance. Under the tax credit model, that is an assurance that is delivered to their door, something that they can see in their neighborhood, they can make a difference with their own contributions and it is such a positive idea that the government is willing to reduce the tax burden, the Federal Government, for any individual who will make contributions to the neighborhood schools. That is really what the tax credit bill is all about.

□ 2310

Mr. HOEKSTRA. Again, one of the criticisms that may come up, this will be a great program for your middle class suburban areas, for your wealthy school districts and those types of things. But when you take a look at what is happening at the State level, again, it is pretty amazing, and it shows the true character of America, because a tremendous amount of this money that is being driven by tax credits at the State level is not going to the local public school.

There is a significant amount going there, but there are significant numbers of individuals and corporations who are willing to say, "I am going to put that money into a scholarship fund, and I do not know who the beneficiary is going to be." And those scholarships are maybe going to go to, and a lot of them have the funds, have them limited to kids who come from families who are 200 percent of poverty or whatever. So they are willing to put that money into a scholarship fund which may go to a child who lives on the other side of the State, who lives in one of our large urban areas, and they are fully willing to write that check, knowing that that money is going to leave their community, but they are going to help some child out somewhere else in the State, and they may or may not ever know the name of that child. But they know it is an investment to make sure that we do not leave a single child behind in education.

I think that is kind of a common goal that we have in America. When you take a look at the tax credit model, this money is flowing to all of our kids. It is not just going into certain pockets within the State. There is a tremendous amount of opportunity. There is a tremendous amount of interest in making sure that every child has the opportunity to get a good education. And for those kids that are locked into schools where there is a high level of violence or where there is drugs or where there is crime, these kids are the ones that may be applying for a scholarship.

One of the things we like to say is the only thing that a child should be afraid of when they go to school is the test in the afternoon, the exam they are going to have. No child should be forced to go to any school where they feel threatened or where there are drugs in the school or where they believe that they are in an unsafe environment, because we know that kids cannot learn in an unsafe or insecure environment.

Again, what is happening in the States that have these plans in place, dollars are flowing into scholarships that are intended to help those kinds of kids.

Mr. SCHAFFER. The proof is right here in Arizona. There are 6 States that have enacted tax credit plans that are similar to what we have proposed for the whole country, and they are tax credits on State taxes that taxpayers pay in those States. This is one study that was done by two researchers, Carrie Lips and Jennifer Jacoby, of the Arizona plan. It is the first plan and one we talk about a lot that has the greatest track record.

Between 1998, its first year, and the year 2000, this tax credit in Arizona generated $32 million, Mr. Speaker, in new money for Arizona school children. Not only did it generate new money, these are dollars that did not come from the Arizona public schools.

Mr. HOEKSTRA. This is people voluntarily writing a check to their local school district and saying, here, I will take the tax credit. Arizona is 100 percent tax credit. But, again, it is new money, and people are willing to let the schools decide where that money is going to be spent, rather than them spending it on their own discretionary items.

Mr. SCHAFFER. Thirty-two million new dollars in the State of Arizona as this program got up and running between 1998 and 2000. There are more than 30 scholarship organizations that sprung up as a result of this tax credit bill, and those scholarship organizations made it possible for 19,000 students to receive scholarships and go to the schools that they chose, not the schools that the government told them they have to go to or schools not meeting their needs. Instead, these 19,000 students went to schools that they picked, that their parents selected, based on what was most suitable for their children.

Here is the most interesting statistic, because it addresses the criticism that some have of a tax credit proposal. This answers the question of whether these dollars are headed to children who have the greatest need.

In Arizona, according to the study, more than 80 percent of the scholarship recipients were selected on the basis of financial need. That is certainly true in Arizona. It has been studied over and again. It is also true in Pennsylvania, Florida, Illinois, in a handful of other States that have enacted similar legislation, Minnesota, Iowa. Those are the 6.

These tax credit proposals have been attempted in over 30 States throughout the country, and they generate bipartisan support. When we start talking about children, for a change, rather than who wins or loses in the battle over the support for the mighty teachers' union, or the administrators' association and so on, when we ignore all that nonsense and the political benefits of appeasing those groups, and instead focus on trying to help children, as Arizona has done, this is something both parties and both sides of the aisle can rally around. We have seen that in all the States.

Mr. HOEKSTRA. My colleague brings out a critical point. When we are dealing with the funnel, starting with the Federal bureaucracy and running through the Department of Education, running through the States, running through the State Department of Education, what happens is we end up focusing more on the process, the bureaucratic process, than we do on the child at the end of the process and making sure that that child gets the results.

My colleague knows the debates that we go through here. We come up and say, what is the funding formula? What State is going to get what? If you identify a higher number of kids as having disabilities with learning, you get more money. So you actually create sometimes an incentive to label kids in certain ways. And if you label them in certain ways, you get more money, and if you label them in different ways, you get less money. You have got to keep score of what kids fall in what box.

You go through that whole process, and at the end of the day you spend so much time and energy on the process, the forms, the rules and the regulations, you lose sight of the child at the end of the process, and the tax credit model is very, very simple.

Mr. SCHAFFER. The scenario you just described, for those who do not get to see the inside of the political process like we do on the Committee on Education and the Workforce, it is really disgusting sometimes when we start talking about school funding through the bureaucratic model.

What happens is somebody will offer an amendment in the committee to change some aspect of the finance mechanism, and the staff hands out computer runs of all 50 States and how this change will affect the different States and the different programs in each of these States, and every Member of Congress that serves on these committees, as the person who offers the amendment is speaking, we are all shuffling through the graph trying to follow the line. In the State of Colorado does this amendment give my State more money or take money away? That is the basis for the vote. But the kid does not matter. There are no names of children associated with that. There are no faces associated with that. It is just accounting.

Mr. HOEKSTRA. We try to figure out why the student in Colorado gets maybe $650, or the State gets $650 per child, and Michigan gets $635, and some other State maybe gets $675. It is how did this all happen and why does one State get more? We go through this debate.

Then you get the large States coming together to pass an amendment to make sure that the large States with large urban areas, well, we deserve more. Then the rural States try to come together, but they do not have as many votes, because all of Montana has one Representative, so it is pretty hard for them to come out and say even though the cost of education may be more there, it is kind of like, you know, you collect this money and this bureaucratic process tries to reallocate it in somewhat of a fair model. But it is based on political clout, seniority within the system, and the whole debate takes place, focused on the process, forgetting about where the money came from, from the taxpayer, and forgetting about who we are trying to help, the child.

Mr. SCHAFFER. The very first hearing we had on this proposal in Congress was not like that at all. We sat across the committee table looking at real live children and their parents, their grandparents, and real live community and neighborhood activists, who work on school issues. All of a sudden this became a debate about humans, about people, about kids. It was a remarkable exercise.

Let me conclude and summarize by thanking the gentleman from Michigan for joining in this special order, and to thank the President also for making this debate possible.

Again, it was the President of the United States in Colorado on August 14 when we talked about education tax credits, and here is what he said: "We have to do this." And it is as a result of this commitment and promise that he made not only to me in Colorado, but elsewhere throughout the country, that we are here today.

□ 2320

Si it is a debate about which we are quite serious.

The SPEAKER pro tempore (Mr. ISSA). The Chair would advise the gentleman from Colorado (Mr. SCHAFFER) that he may have up to 20 minutes longer because of the absence of a minority representative at this time. Does the gentleman move for that?

Mr. SCHAFFER. Mr. Speaker, if there is no objection, we would claim the remaining time.

Mr. HOEKSTRA. Mr. Speaker, if my colleague will yield, I just want to go to a different subject for a couple of minutes, and I thank the gentleman for yielding.

I just want to focus on something that I think the gentleman from Colorado and I are both very concerned about as being members of the Committee on Education and the Workforce, but it is also the Committee on

Education and the Workforce, so we do a lot of work on oversight and business practices and those types of things.

A few months ago we were all exposed to the fiasco at Enron, and then I could not help but to take a look, just with amazement, taking a look at the front page of the business section of The Washington Post on Tuesday. Here is what is happening in our business community today. We have a large energy company in Michigan that was doing round-tripping. What is round-tripping? You sell energy to somebody and you buy it back immediately for the same price that you sold it to them for, and all it basically does is it allows you to escalate your trading activity. The comment was, no harm, no foul. It is kind of like no harm, no foul; no harm no foul, but no benefit, so if there is no benefit and it did not hurt anyone, why would you even do it? But they did it, and for one of their trading units, it was almost 80 percent of their business. I think that is very questionable.

But then we get to the front page of this business section on Tuesday. Headline: "Ernst & Young ties decline improper," and I think this has to do with the accounting firms doing both accounting and consulting. Then we go down to the follow-on story, the Enron saga, "Anderson tape shows order to clean files." And then here is another one, "Former software executives charged."

Mr. Speaker, so much of our business system and the free market system is based on trust, that the numbers that we get that represent, that have been audited, that tell us about the performance of a company, we trust that the auditors in the company have given us accurate information by which we can make decisions. The buying and selling of bonds and companies going public, there has to be a certain integrity in the process. The reason I bring this up is that I think that these are very disturbing trends.

Mr. SCHAFFER. They sure are.

Mr. HOEKSTRA. The other reason that I bring it up is I was with a group of business people on Monday, and we both know how business people complain about rules and regulations. They said, Are you guys doing anything to lift the burden of rules and regulations? I basically said to them, as long as we continue seeing headlines like this, and I do not know how many of the energy companies were involved in this round-tripping, but I think a number of them; but as long as we keep seeing headlines and stories like this, the role of Congress is probably disappointingly going to have to be to put more rules and regulations in place, rather than fewer, because there are some businesses and some business leaders who have decided that they are going to push the envelope as to what is "technically" legal, although it is clear that the end result is that they are presenting information that does not clearly represent the condition of their business and the volume and the activity or the health of their company at a given time, and I can only deduce that it is being done to deceive investors, customers and shareholders; and it is outrageous.

Mr. SCHAFFER. Mr. Speaker, the gentleman is exactly right, and I appreciate the gentleman for raising the issue and bringing that example before us. Because these people who are in the business of deception where their only intent and purpose in some of these business transactions is to deceive and falsify the true picture of business activity, they are not business leaders; they are, in fact, scoundrels. And what they are doing is selling short the capitalist system in America, which is the bedrock of our foundation and liberty and freedom. When they behave in that sort of way, they betray the legitimate entrepreneurs that have made America great.

Those legitimate entrepreneurs are the rule, not the exception. These scoundrels are the exception. It is truly unfortunate, because this is not just about whether certain entrepreneurs and CEOs make cash; it is about making unethical, immoral decisions that threaten the jobs and livelihoods of millions of Americans; and beyond that, they imperil our capitalist system here in our country, something for which many, many Americans have dedicated their lives; and in fact, some have died in the course of preserving and protecting our way of life.

It is a sacred system. It is the hope for the world, really. It has been the American system of capitalism, has been the model of freedom and prosperity that every single other country in the world looks to for leadership and guidance. And when our own entrepreneurs in America, and when the Congress and when the country in general allows these kinds of scoundrels to begin to define capitalism in America, they threaten our liberty, they threaten our republic.

I do not think we can spend enough money, I do not think we can hold enough hearings, I do not think we can throw enough people in jail until everyone who is engaged in these kinds of activities are essentially cleaned off the streets and placed in some place where they are incapacitated and cannot harm our Nation any more.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, what I think it points out also is how fragile the system is, and the fragility of the system is based on the very fact that it is based on trust. As soon as people start abusing that component, it threatens the entire system, and then we become a bureaucratic system, because we cannot trust, we cannot trust the system any more. It becomes trust and verify, and verify means bureaucracy, more cost, more cost in doing business.

I think this Congress and I think we as Republicans need to stand up and really go after it the way the gentleman said, that these individuals, they are the minority, they are grabbing the headlines, but they threaten and imperil the very future of the capitalistic system by these kinds of abuses.

Mr. SCHAFFER. Mr. Speaker, it ultimately comes down to the American citizens themselves and the importance of having an American electorate that is economically literate is absolutely essential and it has been for all of the years of our Nation's history. Because the reality is we here in Congress can hold all the hearings, we can make all the tough speeches like I am doing right now, and it will not make one bit of difference if Americans continue to invest in companies that are, in fact, scams. It will make not one bit of difference unless there is a moral outrage among the American electorate based on their understanding of the need to preserve a capitalist society.

That maybe gets us back to this education issue again, because this country cannot afford to see more children graduating from schools who are indifferent to the functioning of the American economy and do not see any cause for moral outrage when they see, when they see a Nation that is composed of generally honest, hard-working, conscientious business leaders against the absolute scoundrels of American commerce who are really spoiling it for everyone else.

□ 2330

We need to start making consumer choices, investment choices, so companies like the ones you just cited that are in the business of deception in order to pad the profits of CEOs are out of business and are shut down, and cease to exist in America.

We cannot do it alone in Congress. We will certainly try if it comes to that, but it is essential for the American people to play a personal role in the solution to the effort to preserve and maintain our capitalist society.

Mr. HOEKSTRA. I think what will happen in the business world is that individuals drive the business community by the decisions they make as to where they work, where they buy their products from, what they invest in, who they loan their money to. Those same kinds of dynamics are what we are trying to introduce into the education system with this tax credit.

We are going to leave the bureaucratic model in place, allowing a significant portion of money to flow through the bureaucratic process, but what we want to do is open up some level of entrepreneurship in a strengthening of the relationship between educators at the local level and the communities that they serve so they can raise money at the local level for the special needs that communities, those schools, and those kids have.

I am very excited about that. I am also excited about the placard that the gentleman holds up where the President says that we need to do this, because it is very much the complement to H.R. 1 that we passed last year.

The gentleman and I were not all that pleased with H.R. 1. We embraced the concept at the first part, but as the bill went through the process, we found out how powerful that bureaucratic process was. That is where much of the emphasis of H.R. 1 ended up being.

H.R. 1 ends up cleaning up that process, putting more accountability into it, but not empowering parents or local communities in the way that the President articulated in his "leave no child behind" vision, saying that we are going to improve that system, but at the same time, we are going to empower parents and we are going to put more money into the system.

What the tax credits really do is they fill out the President's total agenda on education that he outlined in the year 2000.

Mr. SCHAFFER. The national testing and the new accountability measures in and of themselves, and standing alone, cannot reform schools. They were never proposed or it was never promised that that would be the case. These are diagnostic tools that are important and can be useful, but they are only useful if there is some consequence associated with it.

As that bill passed, it was simply a national testing mechanism. If it has some mandates in it that are going to force States to get into conformity with this new national mandate, then there is some expansion of some Federal programs, but government, government cannot ever be trusted to fix America's schools. Government can be a useful tool if parents are empowered in a marketplace of academic ideas to reform an education system, so with these diagnostic tools the participation of government is important and can be useful, but the necessary element is choice.

Why on earth our country over the years has evolved, or I should say devolved, to the system that it is now of a government-owned, unionized, bureaucratized monopoly is beyond me.

We just talked about the great advantages for hope and liberty that are emblematic of our capitalist economy. If that is true, and I believe it is, then we should be looking for free market solutions where education is concerned.

This testing provision is helpful, it is a useful tool to begin to compare government-owned schools versus a different government-owned school, or maybe a government-owned system versus a private system and so on, but none of that matters until we get choice. This tax credit provision that we proposed, it provides choice in two areas: One, it gives greater liberty to the student as a consumer; and it gives greater liberty to the taxpayer as an investor.

It runs, in principle, with the government system. It is just an alternative model, a different model, and something that I believe can have revolutionary, positive consequences for America's schoolchildren.

Mr. HOEKSTRA. It also gives a great liberty to our public school system, because what it does in our State of Michigan, basically, our public school superintendents who care passionately about the kids in their districts have become beggars to Lansing, our State capital, to get the money to flow into their districts. They are always going to Lansing to get the money.

What this now really does, it empowers them, because so many of the schools in my district have such a loyalty from their constituents and their parents and the kids, but there is no effective way for these people in these communities to put more money into their public schools.

Tax credits will enable them to do that so that, again, there will be some more balance in the system so that these public school superintendents will be able to get some of their money from Lansing, but when they are doing a great job and their test scores come in and say, man, look at how we are doing, in our district some of the public school students have gone to the military academies, and they go there and they are in the top 10 percent of their class at the military academies.

When people see that kind of performance, they are going to say, I am willing to give more money to that superintendent because he or she is doing a great job for our kids, and I think they are going to spend that money wisely.

So it gives a tremendous degree of flexibility, like the gentleman said, to the parents, to the kids, to the taxpayers, but also to the traditional public school system. This should not threaten them because it really will enable them to enhance their relationship with their community and enhance their education programs to take those schools to the next level, as well.

Mr. SCHAFFER. Money follows freedom. That is true almost no matter what we are talking about, whether we are talking about the leadership of countries. If we look around the world, those countries that have a heavy, autocratic, bureaucratic system of rules and no property rights, they have a very difficult time keeping their economies afloat. Those countries that have made the reforms toward property ownership, toward real liberty and freedom for their citizens begin to see capital being created within those countries.

Here in the United States, our capitalist system of competition and freedom has resulted in wealth creation beyond anyone's wildest dreams, and in the history of human civilization. The same is true in education. If we can begin to cut the strings and the red tape and the restrictions that are associated with school money, we will see more of it generated, and that is our goal.

The current system, for all the things that people see in that as beneficial, the fact remains that at the end of the day, for every dollar spent, approximately 60 cents makes it to a child. What we are talking about is a freedom-based model of education tax credits wherein, under our proposal, for every dollar that it costs the government, $2 makes it to a child.

We do not have to be rocket scientists to figure out this is a great bargain for the government, a great bargain for the taxpayer, and it is a better bargain for the student.

For the teacher in the middle of all of this, today they are not treated like professionals; I hate to say it. We expect a lot of them, we call them professionals, but the reality is, the worst teacher in a district in a public school model gets paid the same and on the same terms as the best teacher in a district.

What kind of incentive is that for good teachers, when they see the lazy teacher that is not that committed or maybe burned out? And they are the exception, not the rule, but they exist. But when you see these kinds of teachers that I am describing leaving the school when the bell rings, and yet getting the same pay raise on the same pay scale, it does not take more than 4 or 5 years for a good, hard-working teacher to get burned out on that. It is not a motivating factor.

Education freedom through education tax credits begins to allow teachers to be teaching like the professionals they are, too. If they are attracting students, if they are attracting customers, cash will begin to follow that, and these teachers will begin to be paid according to the professional scale I think they deserve.

Mr. HOEKSTRA. I think it holds great opportunity. It is not a perfect system, and it is not going to fix it by itself. Tax credits are not going to reform the system. But when you can combine the tax credits with H.R. 1, more parental choice, cutting some of the rules and regulations out of the bureaucratic model so that, again, more than a dollar or more than 60 cents can make it into a local school, when we start combining all of those things and we can really get some dynamic or exciting form in all of our schools for all of our kids to make sure our kids are the best-educated kids in the world, that is the goal that we should have.

Until we reach that goal and that objective, we should not stop working.

Mr. SCHAFFER. I spoke to a group of different organizations just this morning about this issue of education tax credits. There were taxpayer organizations there, family organizations, church groups, synagogues represented. It was just a number of organizations that care about education, and they are here in Washington. There must have been about 100 people in the room. They were all very enthusiastic about the proposal. They want to help. They are writing letters to congressmen and making phone calls to the people that they know here.

I think it is important for our colleagues and anyone else who may be monitoring tonight's proceedings to know that this is a very real proposal. It is in play. We do need the voices of Americans to raise up and rally around this education tax credit bill. It is not introduced yet; it will be introduced in a couple of weeks.

I think it is really important for all of us to contact our colleagues here in the Congress, particularly those who serve on the Committee on Ways and Means and in our leadership, and voice in the strongest terms possible support for this freedom-based tax credit proposal to help children and to get it passed.

We need that kind of support and that kind of a campaign around this proposal now, and this special order is just one part of trying to accomplish that. For that, Mr. Speaker, I am grateful for your indulgence in recognizing us tonight. We will be back in 2 weeks to talk about the same topic again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIPINSKI (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of a family matter.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for the week of May 20 on account of personal reasons.

Mrs. EMERSON (at the request of Mr. ARMEY) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TURNER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

(The following Members (at the request of Mr. GRUCCI) to revise and extend their remarks and include extraneous material:)

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children women, and farm worker families; to the Committee on Education and the Workforce.

ADJOURNMENT

Mr. SCHAFFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until Thursday, May 23, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6981. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6982. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—National Forest System Land and Resource Management Planning; Extension of Compliance Deadline (RIN: 0596–AB87) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6983. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Portugal Because of African Swine Fever [Docket No. 01–026–2] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6984. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Restrictions on the Use of Grain Originating in a Regulated Area [Docket No. 01–118–1] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6985. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6986. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2001–2002 Crop Year for Tart Cherries [Docket No. FV02–930–1 FR] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6987. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Procedures for Conduct of Sign-up Period [Docket No. CN–01–007] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6988. A communication from the President of the United States, transmitting a request for an FY 2002 supplemental appropriation for the Department of Veterans Affairs; (H. Doc. No. 107—218); to the Committee on Appropriations and ordered to be printed.

6989. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program Annual Report for Fiscal Year 2000, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on Armed Services.

6990. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations [DFARS Case 2000–D019] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6991. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Corrections to Certain HUD Regulations [Docket No. FR–4747–C–01] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6992. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantees for Indian Housing; Direct Guarantee Processing [Docket No. FR–4241–F–02] (RIN: 2577–AB78) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6993. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Claims on Securities Firms (RIN: 3064–AC17) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6994. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Pilot Project-Public Entity Insurers (RIN: 3067–AD17) received May 7, 2002, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6995. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6996. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7779] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6997. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 011218304–1304–01; I.D. 012202D] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6998. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for the Acquisition of Securities During the Existence of an Underwriting or Selling Syndicate [Release No. IC–25560; File No. S7–20–00] (RIN: 3235–AH57) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6999. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) 1999–2000 Accountability Report and the 1999–2000 School Profiles for the Department of Defense Dependents Schools (DoDDS), pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

7000. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Capacity Building for Traditionally Underserved Populations—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7001. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 2001; to the Committee on Energy and Commerce.

7002. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Public Information; Cross Reference to Other Regulations; Technical Amendment [Docket No. 02N–0086] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7003. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 01F–0233] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled, "Patterns of Global Terrorism: 2001," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

7005. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons [Docket No. 010607148–1277–02] (RIN: 0691–AA42) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7006. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 010724189–1276–02] (RIN: 0691–AA41) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

7008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7009. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7010. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting the Bank's Annual Performance Report for FY 2001; to the Committee on Government Reform.

7011. A letter from the Board Members, Merit Systems Protection Board, transmitting the Board's annual report for FY 2001; to the Committee on Government Reform.

7012. A letter from the Director, Office of White House Liaison, National Oceanic and Atmospheric Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7013. A letter from the Director, Employment Service, Office of Employment Policy, Office of Personnel Management, transmitting the Office's final rule— Recruitment and Selection through Competitive Examination (RIN: 3206–AJ52) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7014. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7015. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan and Regulatory Program [AR–036–FOR] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7016. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [IL–101–FOR] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7017. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–229–FOR] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7018. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2002 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 011004242–2005–02; I.D. 092401F] (RIN: 0648–AP09) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7019. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Essential Fish Habitat (EFH) [Docket No. 961030300–1007–05; I.D. 120996A] (RIN: 0648–AJ30) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7020. A letter from the Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date of the Year-4 Default Management Measures for Small-Mesh Multispecies [Docket No. 010823216–2020–02; I.D. 071601A] (RIN: 0648–AP32) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processer Sector [Docket No. 001226367–01; I.D. 110901A] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7022. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Dolphin-Safe Tuna Labeling; Official Mark [Docket No. 991210333–0089–02; I.D. 111099C] (RIN: 0648–AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7023. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP) [Docket No. 990324081–9336–02, ID072098G] (RIN: 0648–AI85) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District [Docket No. 011218304–1304–01; I.D. 021102A] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7025. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—

Fisheries Off West Coast States and in the Western Pacific; Atlantic Highly Migratory Species; Fisheries of the Northeastern United States; Implementation of the Shark Finning Prohibition Act [Docket No. 010612153-2015-02; I.D. 041901A] (RIN: 0648-AP21) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7026. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 01022004343-1132-1132; I.D. 103101A] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7027. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Reporting Prohibited Communications [Docket No. OST-02-12200] (RIN: 2110-AD10) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7028. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Announcement; Global Carbon Cycle Element, FY 2002 [Docket No. 000616180-2002-04] (RIN: 0648-ZA91) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7029. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule— Copayments for Inpatient Hospital Care and Outpatient Medical Care (RIN: 2900-AK50) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7030. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—New User Fee Airport [T.D. 02-27] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7031. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Amended Procedure for Refunds of Harbor Maintenance Fees Paid on Exports of Merchandise [T.D. 02-24] (RIN: 1515-AC82) received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7032. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax for Use of the United States; Recodification of Regulations [T.D. ATF-489] (RIN: 1512-AC42) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7033. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Training and Employment Guidance Letter No. 18-01—received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7034. A letter from the Under Secretary, Department of Defense, transmitting a report on the Defense Environmental Restoration Program for Fiscal Year 2001, pursuant to 10 U.S.C. 2706(a)(1); jointly to the Committees on Armed Services and Energy and Commerce.

7035. A letter from the Director, Office of Management and Budget, transmitting the Office's report on terrorism response funding that fulfills the requirement in division C, section 103 of Pub. L. 107-117, the Department of Defense and Emergency Supplemental Appropriations Act of 2002; jointly to the Committees on the Budget and Appropriations.

7036. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's proposed legislation relating to the management and operations of the Department; jointly to the Committees on Armed Services, Education and the Workforce, the Judiciary, Government Reform, and Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 4789. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. EHLERS (for himself and Mr. Etheridge):

H.R. 4791. A bill to authorize appropriations for the United States Weather Research Program, and for other purposes; to the Committee on Science.

By Mr. HORN (for himself, Mr. Calvert, Mr. Reyes, Ms. Roybal-Allard, Mrs. Davis of California, Mr. Underwood, Mr. Hunter, Mr. McGovern, Mr. Filner, Mr. Rohrabacher, Mrs. Napolitano, Mrs. Thurman, Ms. Solis, and Ms. Millender-McDonald):

H.R. 4792. A bill to reauthorize funding for the Water Desalination Act of 1996, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN (for himself and Mr. Tauzin):

H.R. 4793. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. Baca, Mr. Berman, Mrs. Bono, Mr. Calvert, Mrs. Capps, Mr. Condit, Mr. Cox, Mr. Cunningham, Mrs. Davis of California, Mr. Dooley of California, Mr. Doolittle, Mr. Dreier, Ms. Eshoo, Mr. Farr of California, Mr. Filner, Mr. Gallegly, Ms. Harman, Mr. Herger, Mr. Honda, Mr. Horn, Mr. Hunter, Mr. Lantos, Ms. Lee, Mr. Lewis of California, Ms. Lofgren, Mr. Matsui, Mr. McKeon, Ms. Millender-McDonald, Mr. Gary G. Miller of California, Mr. George Miller of California, Mrs. Napolitano, Mr. Ose, Ms. Pelosi, Mr. Pombo, Mr. Radanovich, Mr. Rohrabacher, Ms. Roybal-Allard, Mr. Royce, Ms. Sánchez, Mr. Schiff, Mr. Sherman, Mrs. Tauscher, Mr. Thompson of California, Ms. Waters, Ms. Watson, Mr. Waxman, Ms. Woolsey, Mr. Becerra, Ms. Solis, Mr. Stark, and Mr. Thomas):

H.R. 4794. A bill to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building"; to the Committee on Government Reform.

By Mr. McINNIS (for himself, Mr. Green of Wisconsin, and Mr. Ryan of Wisconsin):

H.R. 4795. A bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas (for himself, Mr. Bentsen, Ms. Jackson-Lee of Texas, Mr. Paul, Mr. Becerra, Mr. Sanders, Mr. Frost, Mr. Shimkus, Mr. LaTourette, Mr. Brady of Texas, Mr. Bonior, Mr. Doggett, Mr. Edwards, Mr. Gonzalez, Mr. Turner, Mr. Baca, Mr. Hall of Texas, Mr. Sandlin, Mr. Condit, Mr. Weldon of Pennsylvania, and Mr. Ortiz):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. BECERRA (for himself, Mr. Hastings of Florida, Ms. Watson, Mr. Davis of Illinois, Mr. Frost, Mr. Owens, Mrs. Davis of California, Mr. Berman, Mr. McNulty, Mr. Matsui, Mr. Honda, Ms. Solis, Mr. Stark, Ms. Sánchez, Ms. Lofgren, Ms. Millender-McDonald, Mr. Baca, Ms. Roybal-Allard, Mr. Hinojosa, Mrs. Napolitano, Mrs. Capps, Ms. Lee, Mr. Spratt, Mr. Watt of North Carolina, Ms. Pelosi, Mr. Pastor, Ms. Carson of Indiana, Mr. Horn, Mr. Herger, Mr. Ose, Mr. Pombo, Mr. Gallegly, Mr. Royce, Mr. Lewis of California, Mr. Gary G. Miller of California, Mr. Cunningham, Ms. Woolsey, Mr. Farr of California, Mr. Sherman, Mr. Schiff, Mr. Waxman, Ms. Waters, Ms. Harman, Mrs. Meek of Florida, Mr. Conyers, Mr. Condit, Mrs. Bono, Mr. Rohrabacher, Mr. Thompson of California, Ms. Eshoo, Mr. Doolittle, Mr. Dreier, Mr. McKeon, Mr. Lantos, Mr. Calvert, Mrs. Tauscher, Mr. George Miller of California, Mr. Thomas, Mr. Cox, Mr. Issa, Mr. Hunter, Mr. Dooley of California, Mrs. Mink of Hawaii, Mr. Inslee, Mr. Radanovich, and Mr. Filner):

H.R. 4797. A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office"; to the Committee on Government Reform.

By Mr. BERRY (for himself, Mr. Baca, Mr. Carson of Oklahoma, Mr.

Sandlin, Mr. Schiff, Mrs. Tauscher, and Mr. Taylor of Mississippi):

H.R. 4798. A bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR (for himself, Mr. Gephardt, Ms. Pelosi, Mr. George Miller of California, Mr. Owens, Mr. Frost, Ms. DeLauro, Mr. Menendez, Mr. Dingell, Mrs. Clayton, Mr. Frank, Mr. Green of Texas, Mr. Langevin, Mr. McNulty, Ms. Millender-McDonald, Mr. Payne, Ms. Rivers, and Ms. Sánchez):

H.R. 4799. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. CAMP:

H.R. 4800. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 4801. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4802. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to increase the incentives for States and Indian tribes to achieve reclamation priorities under that Act with respect to coal mining, and for other purposes; to the Committee on Resources.

By Ms. DeLAURO (for herself, Mr. Allen, Ms. Baldwin, Mr. Ford, Mr. Price of North Carolina, and Mr. Sawyer):

H.R. 4803. A bill to amend the National and Community Service Act of 1990 to create the Right of Passage Community Service Program; to the Committee on Education and the Workforce.

By Mr. DeMINT (for himself and Mr. Phelps):

H.R. 4804. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. DOOLEY of California (for himself and Mr. Radanovich):

H.R. 4805. A bill to allow certain interagency task forces established by the President to designate certain areas as HUBZones for purposes of the Small Business Act; to the Committee on Small Business.

By Mr. FILNER (for himself, Mr. Cunningham, Mrs. Davis of California, and Mr. Issa):

H.R. 4806. A bill to direct the Secretary of Veterans Affairs to establish two satellite national cemeteries for veterans in the San Diego, California, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 4807. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Susquehanna National Wildlife Refuge; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. Doolittle):

H.R. 4808. A bill to amend the Wild and Scenic Rivers Act to ensure congressional involvement in the process by which rivers that are designated as wild, scenic, or recreational rivers by an act of the legislature of the State or States through which they flow may be included in the national wild and scenic rivers system, and for other purposes; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. Tom Davis of Virginia):

H.R. 4809. A bill to repeal the limitation on locality-based comparability adjustments affecting the United States Secret Service Uniformed Division and the United States Park Police; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Matsui, Mr. Ramstad, Mrs. Thurman, Mr. English, and Mr. Becerra):

H.R. 4810. A bill to amend the Internal Revenue Code of 1986 to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. Davis of Florida, Mr. Jones of North Carolina, Mr. Saxton, Mr. Duncan, Mr. Dan Miller of Florida, Mr. Weldon of Florida, Mr. Petri, Mr. Shaw, Mr. Frost, Mr. Foley, and Mr. Andrews):

H.R. 4811. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KUCINICH (for himself, Mr. Sanders, Ms. McKinney, Mr. Pallone, Mrs. Mink of Hawaii, Ms. Carson of Indiana, Mr. DeFazio, Mr. Gutierrez, Mr. Nadler, Mr. Olver, Mr. Udall of New Mexico, Ms. Velázquez, Ms. Waters, Ms. Woolsey, Mr. Jackson of Illinois, Ms. Watson, Mr. Rodriguez, Ms. Berkley, Mr. Owens, Ms. Solis, Mr. Hinchey, and Ms. Lee):

H.R. 4812. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. Sanders, Ms. McKinney, Ms. Rivers, Mr. Pallone, Mrs. Mink of Hawaii, Ms. Carson of Indiana, Mr. DeFazio, Mr. Gutierrez, Mr. Nadler, Mr. Olver, Mr. Udall of New Mexico, Ms. Velázquez, Ms. Waters, Ms. Woolsey, Mr. Jackson of Illinois, Ms. Watson, Mr. Rodriguez, Ms. Berkley, Mr. Owens, Ms. Solis, Mr. George Miller of California, Mr. Hinchey, and Ms. Lee):

H.R. 4813. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. Sanders, Ms. McKinney, Ms. Rivers, Mr. Pallone, Mrs. Mink of Hawaii, Ms. Carson of Indiana, Mr. DeFazio, Mr. Gutierrez, Mr. Nadler, Mr. Olver, Mr. Udall of New Mexico, Ms. Velázquez, Ms. Waters, Ms. Woolsey, Mr. Jackson of Illinois, Ms. Watson, Mr. Rodriguez, Ms. Berkley, Mr. Owens, Ms. Solis, Mr. George Miller of California, Mr. Hinchey, and Ms. Lee):

H.R. 4814. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Sanders, Ms. McKinney, Ms. Rivers, Mr. Pallone, Mrs. Mink of Hawaii, Ms. Carson of Indiana, Mr. DeFazio, Mr. Gutierrez, Mr. Nadler, Mr. Olver, Mr. Udall of New Mexico, Ms. Velázquez, Ms. Waters, Ms. Woolsey, Mr. Jackson of Illinois, Ms. Watson, Mr. Rodriguez, Ms. Berkley, Mr. Owens, Ms. Solis, and Ms. Lee):

H.R. 4815. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Sanders, Ms. McKinney, Mr. Pallone, Mrs. Mink of Hawaii, Ms. Carson of Indiana, Mr. DeFazio, Mr. Gutierrez, Mr. Nadler, Mr. Olver, Mr. Udall of New Mexico, Ms. Velázquez, Ms. Waters, Ms. Woolsey, Mr. Jackson of Illinois, Ms. Watson, Mr. Rodriguez, Ms. Berkley, Mr. Owens, Ms. Solis, and Ms. Lee):

H.R. 4816. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaFALCE (for himself and Mr. Frank):

H.R. 4817. A bill to improve the quality of, and provide, housing for elderly families; to the Committee on Financial Services.

By Mr. LaFALCE:

H.R. 4818. A bill to amend the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act to make the residential mortgage process more understandable, fair, and competitive; to the Committee on Financial Services.

By Mr. McINNIS:

H.R. 4819. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for alcohol abuse prevention programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. GEPHARDT, Mr. STARK, Mr. WYNN, Mr. SANDERS, Mr. LANGEVIN, Mr. BERRY, Mr. STRICKLAND, Mr. WEXLER, Ms. DELAURO, Mr. RODRIGUEZ, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for advertising of FDA approved prescription drugs by the manufacturer of such drugs to the level of such manufacturer's research and development expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 4822. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. SHAW:

H.R. 4823. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4824. A bill to provide for various programs and activities to respond to the problem of asthma in urban areas; to the Committee on Energy and Commerce.

By Mr. UNDERWOOD (for himself, Mr. HONDA, Ms. LEE, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. WATSON, Ms. WOOLSEY, Ms. PELOSI, Mr. HINCHEY, Mr. LARSON of Connecticut, Ms. ESHOO, Mr. SERRANO, Mr. WU, Ms. SOLIS, Mr. McDERMOTT, Mr. SCHIFF, Ms. LOFGREN, and Ms. MILLENDER-McDONALD):

H.R. 4825. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon (for himself, Mr. JOHN, Mr. DEFAZIO, and Mrs. BONO):

H.R. 4826. A bill to amend the Federal Power Act to prohibit round trip sales of electric power, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN of Oregon (for himself, Mr. JOHN, Mr. DEFAZIO, and Mrs. BONO):

H.R. 4827. A bill to amend the Securities Exchange Act of 1934 to prohibit the fraudulent recording of revenue from round trip sales of electric power; to the Committee on Financial Services.

By Mr. WATKINS:

H.R. 4828. A bill to amend the Internal Revenue Code of 1986 to provide for proration of the heavy vehicle use tax between purchasers of the same vehicle; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. DELAHUNT, Mr. MARKEY, Mr. OLVER, Mr. MEEHAN, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. McGOVERN, Mr. FRANK, and Mr. TIERNEY):

H.J. Res. 94. A joint resolution honoring the members of the Massachusetts Air National Guard's 102nd Fighter Wing for their extraordinary performance, leadership, and dedication to duty in support of Operation Noble Eagle and in providing combat air patrols during and immediately following the terrorist attacks on the Nation on September 11, 2001; to the Committee on Armed Services.

By Mr. GILCHREST:

H. Con. Res. 408. Concurrent resolution honoring the American Zoo and Aquarium Association and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. STENHOLM, Mrs. CAPITO, Mr. CHAMBLISS, Mr. EDWARDS, Mr. GEKAS, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. MURTHA, Mr. ORTIZ, Mr. PICKERING, Mr. THUNE, Mr. WATTS of Oklahoma, and Mr. SMITH of Texas):

H. Res. 429. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued each year in honor of Veterans Day; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

263. The SPEAKER presented a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution 21 memorializing the President of the United States and the United States Congress to take all actions necessary, within the limits of the considerable technologies prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; to the Committee on Armed Services.

264. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 112 memorializing the United States Congress that the Legislature calls for United States congressional action in establishing a backstop to insure stability in the insurance marketplace and affordable availability of insurance covering terrorist activities; to the Committee on Financial Services.

265. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 114 memorializing the United States Congress that the state of Idaho calls for an immediate cessation of all violence occurring in and near the Basque homeland, and that a peace process be immediately undertaken between the governments of Spain and France, the Basque Autonomous Government, and other groups committed to peace; to the Committee on International Relations.

266. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 110 memorializing the United States Congress to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. COYNE introduced A bill (H.R. 4829) for the relief of Olivera Goronja; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. FORD, Mr. LARSEN of Washington, and Mr. McINTYRE.

H.R. 21: Mr. GREEN of Texas.

H.R. 122: Mr. JOHNSON of Illinois, Mr. THUNE, and Mr. HAYES.

H.R. 270: Mr. OWENS.

H.R. 317: Ms. BERKLEY.

H.R. 488: Mr. UDALL of New Mexico.

H.R. 595: Mr. McDERMOTT.

H.R. 600: Mr. STENHOLM and Mr. WEXLER.

H.R. 638: Mr. PASTOR.

H.R. 945: Mr. HASTINGS of Florida.

H.R. 984: Mr. HOEKSTRA and Mr. ROHRABACHER.

H.R. 985: Mr. HOEKSTRA.

H.R. 986: Mr. LAHOOD.

H.R. 1089: Mr. GRUCCI.

H.R. 1090: Mr. DEUTSCH, Mr. FORD, Mr. LEWIS of Kentucky, Mr. RODRIGUEZ, Mr. HALL of Texas, and Mr. BENTSEN.

H.R. 1116: Mr. SHERMAN.

H.R. 1168: Mr. PASCRELL.

H.R. 1193: Mr. CONYERS, Mr. HILLIARD, Ms. MILLENDER-McDONALD, Mr. RUSH, Mr. TOWNS, and Mr. SCOTT.

H.R. 1200: Mr. DAVIS of Illinois.

H.R. 1212: Mr. SHOWS.

H.R. 1232: Mrs. MALONEY of New York.

H.R. 1310: Mr. BARCIA.

H.R. 1375: Mr. DEAL of Georgia.

H.R. 1433: Mr. KENNEDY of Rhode Island.

H.R. 1434: Mr. HOEKSTRA and Mr. POMEROY.

H.R. 1460: Mr. PLATTS.

H.R. 1490: Ms. McCOLLUM.

H.R. 1494: Mr. MALONEY of Connecticut.

H.R. 1520: Mr. HORN.

H.R. 1604: Mr. KILDEE.

H.R. 1609: Mr. McINNIS and Mr. WATT of North Carolina.

H.R. 1624: Mr. CLYBURN, Mr. SANDERS, Mr. SHAYS, Mr. MENENDEZ, Mr. PENCE, and Mr. GREEN of Wisconsin.

H.R. 1650: Ms. MILLENDER-McDONALD.

H.R. 1701: Mr. DEAL of Georgia, Mr. GOODE, Mr. VITTER, and Mr. BARTON of Texas.

H.R. 1724: Mr. FRANK.

H.R. 1822: Mr. ROTHMAN.

H.R. 1862: Mr. DUNCAN, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. UDALL of New Mexico.

H.R. 1863: Mr. HOEKSTRA.

H.R. 1864: Mr. HOEKSTRA.

H.R. 2014: Mr. LATOURETTE, Mr. DOOLITTLE, and Mr. RAMSTAD.

H.R. 2058: Mr. DAVIS of Illinois.

H.R. 2071: Mr. FROST and Ms. McKINNEY.

H.R. 2125: Mr. BLUMENAUER, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. ROGERS of Kentucky, Mr. McDERMOTT, Mr. WALDEN of Oregon, Mr. WHITFIELD, Mr. McHUGH, Mr. BARCIA, and Mr. LUCAS of Oklahoma.

H.R. 2145: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. BALDACCI, Ms. NORTON, Mr. BOUCHER, Mr. OXLEY, and Mr. LAMPSON.

H.R. 2219: Mr. HOEKSTRA and Mr. BOEHLERT.

H.R. 2220: Mr. FILNER.

H.R. 2282: Mr. PAYNE, Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. TIERNEY, and Mr. BERMAN.

H.R. 2335: Mr. KIND.

H.R. 2411: Mr. HINCHEY.
H.R. 2484: Mr. HOUGHTON, Mr. MCINTYRE, and Mr. KING.
H.R. 2486: Mr. EHLERS.
H.R. 2605: Mr. LANTOS.
H.R. 2618: Mr. FOLEY and Mr. CAMP.
H.R. 2621: Mr. SMITH of Michigan, Mr. PITTS, Mr. SCHAFFER, Mr. JONES of North Carolina, Mr. PENCE. Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. HILLEARY, Mr. DOOLITTLE, Mr. HERGER, Mr. SHADEGG, Mr. AKIN, Mr. SANDERS, Mr. KUCINICH, Mr. WU, Mr. DAVIS of Illinois, Ms. MCCARTHY of Missouri, and Mr. TOWNS.
H.R. 2637: Mr. PHELPS.
H.R. 2661: Mr. LIPINSKI.
H.R. 2683: Mrs. THURMAN.
H.R. 2735: Mr. BARTLETT of Maryland.
H.R. 2799: Mr. DAVIS of Illinois.
H.R. 2820: Mrs. CAPPS.
H.R. 2863: Mr. MCGOVERN.
H.R. 2868: Mr. ABERCROMBIE.
H.R. 2950: Mr. DINGELL.
H.R. 2953: Mr. WALDEN of Oregon.
H.R. 3053: Mrs. TAUSCHER, Ms. DEGETTE, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Ms. DELAURO, Ms. CARSON of Indiana, and Ms. LOFGREN.
H.R. 3130: Mr. EHLERS, Ms. WOOLSEY, Mr. BACA, Mr. ETHERIDGE, Mr. CALVERT, and Mr. SHAYS.
H.R. 3131: Mr. TOWNS.
H.R. 3238: Mr. HOLT.
H.R. 3278: Mr. COYNE.
H.R. 3296: Ms. WATSON.
H.R. 3320: Mr. JENKINS.
H.R. 3332: Mr. SANDERS.
H.R. 3333: Mr. WILSON of South Carolina.
H.R. 3335: Mr. HOLDEN.
H.R. 3337: Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Texas, Mr. CLEMENT, Mr. ABERCROMBIE, Mr. WOLF, Mr. PETERSON of Minnesota, Mr. NETHERCUTT, Mr. OBERSTAR, Mr. SHOWS, Mr. BLUMENAUER, and Mr. HINCHEY.
H.R. 3360: Mr. SANDERS.
H.R. 3363: Mr. SHERMAN and Mr. PETERSON of Minnesota.
H.R. 3397: Mr. CHAMBLISS.
H.R. 3413: Mr. SERRANO and Mr. MENENDEZ.
H.R. 3414: Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Mr. MARKEY.
H.R. 3424: Mrs. DAVIS of California.
H.R. 3430: Mr. HINCHEY.
H.R. 3431: Mr. LOBIONDO, Mr. HASTINGS of Florida, Mr. LAMPSON, Mr. KIRK, and Mr. PUTNAM.
H.R. 3462: Mr. BONIOR, Mr. KILDEE, and Mr. KANJORSKI.
H.R. 3670: Mrs. MALONEY of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MEEKS of New York, and Mr. CLEMENT.
H.R. 3695: Ms. MCCARTHY of Missouri and Mr. MATSUI.
H.R. 3719: Ms. MILLENDER-MCDONALD and Mr. THOMPSON of California.
H.R. 3770: Mr. SCHIFF.
H.R. 3794: Mr. BENTSEN and Mr. SHERMAN.
H.R. 3808: Mr. GIBBONS.
H.R. 3834: Mr. LUTHER.
H.R. 3842: Mr. ROHRABACHER and Mr. PASCRELL.
H.R. 3884: Mr. BLUMENAUER, Mr. BALDACCI, Ms. MCCARTHY of Missouri, Mr. KANJORSKI, Mr. HOLT, Mr. HINCHEY, Mr. OBERSTAR, Mr. PAYNE, Mr. RUSH, Mr. SCOTT, Mr. SHOWS, and Mr. STRICKLAND.
H.R. 3887: Mr. WYNN, Mr. PASCRELL, Mr. SANDERS, Ms. MCKINNEY, Mr. BERMAN, and Mr. SHAYS.
H.R. 3897: Mr. ISTOOK, Mr. HOLDEN, and Mr. BISHOP.
H.R. 3915: Mr. WAXMAN.
H.R. 3916: Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, Mr. BERMAN, and Mr. EDWARDS.
H.R. 3961: Mr. KIND, Mr. DAVIS of Illinois, Mr. BERMAN, and Ms. LOFGREN.
H.R. 3962: Mrs. CUBIN, Mr. STUMP, and Mr. TAYLOR of North Carolina.
H.R. 3973: Mr. LEWIS of Georgia and Mr. GONZALEZ.
H.R. 3974: Mr. BONIOR.
H.R. 3976: Ms. WOOLSEY.
H.R. 3995: Mr. GILLMOR.
H.R. 4003: Mr. BLUMENAUER.
H.R. 4037: Ms. LOFGREN.
H.R. 4039: Mr. SMITH of Washington.
H.R. 4043: Mr. TANCREDO, Mrs. ROUKEMA, and Mr. KERNS.
H.R. 4066: Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Ms. HOOLEY of Oregon, Mr. LOBIONDO, Mr. HILLIARD, Mr. LAFALCE, and Ms. SOLIS.
H.R. 4070: Mr. SCHAFFER and Mr. BARCIA.
H.R. 4254: Mr. WATT of North Carolina.
H.R. 4373: Ms. CARSON of Indiana.
H.R. 4481: Mr. MEEKS of New York.
H.R. 4483: Mr. ANDREWS and Mr. PALLONE.
H.R. 4555: Ms. ROS-LEHTINEN.
H.R. 4561: Ms. RIVERS, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, and Mr. HALL of Ohio.
H.R. 4582: Mr. LANTOS.
H.R. 4596: Mr. LANTOS.
H.R. 4598: Mr. GIBBONS and Mr. SCHIFF.
H.R. 4600: Mr. UPTON, Mr. ROGERS of Michigan, Mr. SHAW, Mr. SCHAFFER, Mr. STEARNS, Mr. CRANE, and Mr. LATOURETTE.
H.R. 4606: Mr. CARSON of Oklahoma and Mr. SCHIFF.
H.R. 4623: Mr. SULLIVAN, Mr. GORDON, Mr. KENNEDY of Minnesota, Mr. PHELPS, Mr. VITTER, Mr. COBLE, Mr. STENHOLM, Mr. RILEY, Mr. GEKAS, Mr. RYUN of Kansas, Mr. PICKERING, Mr. FROST, Mr. CUNNINGHAM, Ms. CARSON of Indiana, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. SESSIONS, Mr. ISTOOK, Mr. BARTLETT of Maryland, and Mr. MATHESON.
H.R. 4635: Mr. JEFF MILLER of Florida, Mr. CANTOR, Mr. BARTON of Texas, Mr. HILLEARY, and Mr. COOKSEY.
H.R. 4639: Mr. SANDERS and Mr. KANJORSKI.
H.R. 4645: Mr. CONDIT, Mr. JOHN, Mr. SANDLIN, Mr. PETERSON of Minnesota, Mr. HALL of Texas, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. MATHESON, Mr. CRAMER, and Mr. CLEMENT.
H.R. 4649: Mr. DIAZ-BALART.
H.R. 4653: Mr. TOM DAVIS of Virginia, Mr. HOBSON, and Mrs. JO ANN DAVIS of Virginia.
H.R. 4654: Mr. MCHUGH and Mr. BONIOR.
H.R. 4655: Ms. LEE, Mr. OWENS, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. KILPATRICK, and Ms. WATERS.
H.R. 4660: Ms. ESHOO, Mr. SESSIONS, and Mr. REYES.
H.R. 4664: Mr. JOHNSON of Illinois and Ms. WOOLSEY.
H.R. 4665: Mr. ENGEL.
H.R. 4676: Ms. HOOLEY of Oregon, Mr. HEFLEY, Mr. ENGLISH, and Ms. ROS-LEHTINEN.
H.R. 4691: Mr. HUNTER, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. CHAMBLISS, Mr. ROGERS of Michigan, Ms. HART, Mr. SHIMKUS and Mr. BARR of Georgia.
H.R. 4709: Mr. FROST.
H.R. 4728: Ms. ROS-LEHTINEN and Mr. CANTOR.
H.R. 4740: Mr. KLECZKA, Ms. BALDWIN, and Mr. SENSENBRENNER.
H.R. 4742: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4754: Mr. MATHESON and Mr. STENHOLM.
H.R. 4757: Mr. GONZALEZ.
H.R. 4778: Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mr. BONIOR, Mr. SERRANO, Mr. BENTSEN, and Mr. PAYNE.
H.J. Res. 90: Mr. FROST.
H. Con. Res. 180: Mr. ISRAEL.
H. Con. Res. 213: Mr. BONIOR.
H. Con. Res. 301: Mr. MURTHA.
H. Con. Res. 317: Mr. CRAMER.
H. Con. Res. 359: Mr. GEKAS.
H. Con. Res. 362: Mr. DOYLE, Mr. FOLEY, Mr. GIBBONS, Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, and Mr. SMITH of New Jersey.
H. Con. Res. 385: Mr. MALONEY of Connecticut, Mr. LANTOS, Ms. SOLIS, Ms. KILPATRICK, Mr. HONDA, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. WU, Mr. ROSS, Mr. WEXLER, Mr. CARSON of Oklahoma, and Mr. HOEFFEL.
H. Con. Res. 394: Mr. WU.
H. Con. Res. 401: Mr. CLEMENT, Mr. COOKSEY, Mr. LANTOS, Mrs. THURMAN, Mr. FRANK, Mr. WOLF, Mr. MCNULTY, Mr. GREEN of Texas, Mr. FILNER, Mr. GARY G. MILLER of California, and Mr. TOM DAVIS of Virginia.
H. Con. Res. 404: Mr. WEXLER.
H. Con. Res. 406: Mr. GREEN of Wisconsin.
H. Res. 105: Mr. STARK and Mr. GREEN of Texas.
H. Res. 259: Mrs. JO ANN DAVIS of Virginia.
H. Res. 361: Ms. SLAUGHTER.
H. Res. 393: Mr. MENENDEZ and Mr. PLATTS.
H. Res. 418: Mr. OXLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. WYNN.
H.R. 1577: Mr. SANDLIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4775

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 11: At the end of chapter 8 of title I, insert the following:

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

SOCIAL SECURITY NOTCH ADJUSTMENT PAYMENTS

For making lump-sum payments to individuals born between 1917 and 1921 (or their dependents and survivors) who are currently receiving Social Security retirement benefits, $250,000,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 12: Page 106, line 8, after the dollar amount, insert the following: "(reduced by $175,000,000)".

Page 109, line 7, after the dollar amount, insert the following: "(increased by $175,000,000)".

H.R. 4775

Offered By: Mr. LaTourette

Amendment No. 13: Page 106, line 8, after the dollar amount, insert the following: "(reduced by $175,000,000)".

Page 109, line 7, after the dollar amount, insert the following: "(increased by $175,000,000)".

H.R. 4775

Offered By: Mr. LaTourette

Amendment No. 14: Page 8, strike lines 4 through 19.

Page 109, after line 11, insert the following: In addition, for additional amounts for grants and other assistance authorized by title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) and section 615 of such Act (42 U.S.C. 5196d) for first responder preparedness programs, $175,000,000 to remain available until expended.

H.R. 4775

Offered By: Mr. LaTourette

Amendment No. 15: Page 8, strike lines 4 through 19.

H.R. 4775

Offered By: Mr. LaTourette

Amendment No. 16: Page 8, line 14, after the dollar amount, insert the following: "(reduced by $175,000,000)".

Page 109, line 7, after the dollar amount, insert the following: "(increased by $175,000,000)".

H.R. 4775

Offered By: Mr. LaTourette

Amendment No. 17: Page 8, line 7, after "for", insert "the Office of Domestic Preparedness for".

H.R. 4775

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 18: Page 8, line 3, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after all the remaining names of the September 11 detainees have been released to Congress

H.R. 4775

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 19: Page 6, line 23, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after the Department of Justice conducts an internal investigation and review of the Federal Bureau of Investigation field memoranda that dealt with the September 11 investigation

H.R. 4775

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 20: Page 8, line 3, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after Border Patrol agents have been given training in racial profiling stops along the border

H.R. 4775

Offered By: Mrs. Meek of Florida

Amendment No. 21: Page 109, line 8, before the colon, insert the following:

, of which $1,500,000 shall be for the minority emergency preparedness demonstration program authorized by section 629 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 431 of Public Law 107–73

EXTENSIONS OF REMARKS

REMEMBERING THOSE WHO SERVED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home state of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean War, and the Gulf War. We lost over 2,600 men and women in Vietnam—more people per capita than any other state in the nation. We understand the honor in answering a nation's call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

VETERANS' AND SURVIVORS' BENEFITS EXPANSION ACT OF 2002

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice my support for H.R. 4085, the Veterans' Compensation Cost-of-Living Adjustment Act of 2002. Our federal policy towards veterans recognizes the importance of their service to our nation. The Department of Veterans Affairs administers, directly or in conjunction with other federal agencies, programs that provide compensation for disabilities sustained or worsened as a result of active duty in military service. The VA also provides pensions for totally disabled, poor war veterans. Furthermore, the VA offers cash payments for certain categories of dependents and/or survivors. The VA gives free medical care for conditions sustained during military service, and medical care for other conditions, much of which is provided free to low income veterans.

In addition, the Department of Veteran Affairs supplies education, training, rehabilitation, and job placement services to assist veterans upon their return to civilian life. The VA also administers loan guarantees to help them obtain homes. Moreover, the VA provides life insurance to enhance the veteran's financial security for their dependents, and burial assistance to the families of veterans when they die. Thus, the VA does a lot to enhance the lives of our veterans.

The responsibility to care for veterans, their spouses, their survivors and their dependents can last a long time. An example of this is that the last dependent of a Revolutionary War veteran died in 1911, and the last dependent of a veteran of the War of 1812 died in 1946, and the last dependent of a veteran of the Mexican War in 1962. Subsequently, about 650 children and widows of Spanish-American War veterans still receive VA compensation or pensions.

This bill contains provisions that would affect a wide range of veterans' programs, including disability compensation, dependency and indemnity compensation, housing, insurance, and readjustment benefits. This bill also provides an annual cost-of-living increase for veterans' benefits, and expands certain benefits for veterans and their survivors.

Accordingly, this bill directs the Secretary of Veterans Affairs to increase the rates of veterans' disability compensation, as of December 1, 2002. This cost of living increase gives veterans a 2.6% increase. This matches the automatic increases received by most federal benefit programs. This is important, because we should not burden our veterans financially.

The bill also adds additional compensation for dependents, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation for surviving spouses and children.

The CBO estimates that enacting this bill would increase direct spending by $25 million in 2003, $123 million over the 2003–2007 period, and $260 million over the 2003–2012 period, but the CBO estimates that any such outlays would be insignificant because it takes the Department of Veterans Affairs several months to process most benefit claims.

Therefore, I support our veterans and strongly support this bill to increase compensation to our veterans.

PAYING TRIBUTE TO ELE'S PLACE

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Ele's Place in Lansing, Michigan, and the caring volunteers and community leaders who have built a remarkable non-profit program for children grieving the loss of a loved one.

Beginning in 1991 with volunteer help and a dream, Ele's Place has worked in borrowed space in a Lansing church basement to reach out to grieving children in a compassionate and caring setting. Today, Ele's Place is a haven where children can learn to heal in trying times.

Ele's Place also offers guidance to parents and adults helping children through the loss of a family member, friends, classmate or other loved one. By helping children and their significant adults deal with grief, Ele's Place has an immeasurable and extended impact on the entire community.

As Ele's Place launches the construction of its very own facility this month, this group of caring professionals and volunteers are poised to expand their enormous impact on the grieving families of the Lansing, Michigan region.

Mr. Speaker, we wish Ele's Place well and congratulate them on this major accomplishment. We are honored to support the work of the dedicated team that makes Ele's Place possible.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF TOMMY MARLIN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Tommy Marlin. Tommy is retiring as the Sumner County executive at the end of his current term, which ends on August 31. He has served as the county's chief executive since 1994, but has served the residents of Sumner County, Tennessee, for 26 years.

Tommy began his career in public service in 1976 after being elected the county's assessor of property. He might have chosen a different career path in light of the fact his brother and nephew were wrestlers in the National Wrestling Association. But Tommy was looking for a more combative arena to showcase his talents, so he chose politics.

I'm glad Tommy entered the field of public service because he has helped me in my own career. He has been a longtime friend and advisor from my very first days in Congress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1988, Tommy was named Overall Outstanding County Official of the Year by the state of Tennessee. As county executive, his door is always open, and his card reads, "It's a pleasure to serve you." One peek around his office and it's evident that his blood runs orange because he is an avid University of Tennessee football fan.

The people of Sumner County could not have asked for a better public servant. His leadership and work ethic will be sorely missed. I cordially congratulate Tommy on his distinguished career as a public servant and wish him and his wife, Nancy, well in their future endeavors.

IN HONOR OF THE HAMTRAMCK FIREFIGHTERS AND THE 5TH ANNUAL ST. FLORIAN MARCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as members of the Hamtramck Firefighters gathered together to celebrate the patron saint of firefighters, St. Florian, they celebrated a feast day cherished by firefighters everywhere. Honoring the patron saint of firefighters, brewers, chimney-sweeps and others, St. Florian is remembered in the Catholic tradition for many miracles, including the extinguishing of a huge fire with a pitcher of water and stopping a town from burning by throwing a single bucket of water on the blaze. Celebrating their fifth consecutive march on Saturday, May 4, 2002, the Hamtramck Firefighters continued the tradition of celebrating and honoring the miracles of St. Florian.

As the city of Hamtramck, Michigan is home to the St. Florian Catholic Church, each year the Hamtramck Firefighters celebrate this feast day by marching from the Hamtramck Firehouse to the St. Florian church for a special celebration of mass. Inviting departments from across the state of Michigan and Ontario, Canada, communities everywhere choose this day to recognize their firefighters and the countless contributions they have made to their communities.

Our great state of Michigan is home to patriotic citizens who give so much to this country everyday. This year is no exception for the Hamtramck Firefighters, who continue to stand together ready to offer relief and assistance to fellow Americans in this time of greatest need. The Hamtramck Firefighters have also chosen this day to celebrate the unity and brotherhood of firefighters, a brotherhood that reaches far beyond religious and ethnic barriers. Their actions reflect the unity and strength of Americans.

Firefighters are an integral part of every community in this nation. As the Hamtramck Firefighters and firefighters everywhere celebrate the holiday commemorating St. Florian, we join them in their tribute and honor the contributions firefighters have made to our great country.

JOBS FOR VETERANS ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4015, the Jobs for Veterans Act. This bill would provide funds for a new performance incentive awards program to encourage employment, training, and placement programs for veterans. This incentive program would reward those states that excel in aiding our veterans. It would also provide awards to states that made significant progress in this area, even if they were not among the highest performers. The awards would take the form of new contracts for veterans employment programs.

Furthermore, It authorizes $1 million for a Labor Department study of the economic benefit to the United States attributable to providing employment and training services to veterans.

Mr. Speaker, we have all seen the stories of those who have lost their lives so we can live ours. The tragic events of September 11th and the ensuing War on Terror that our brave armed forces are currently fighting should inspire this body to secure the future of our armed forces.

Job training is of paramount importance to our veterans. We ought to provide them with adequate resources so that they may succeed in their future endeavors.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF DOYLE GAINES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Doyle Gaines. Doyle is retiring as the Macon County executive at the end of his current term, which ends on August 31.

Before being elected as the county executive in 1990, he was the Macon County school superintendent for 16 years and spent more than 38 years in the education field as a teacher, coach and administrator. During his impressive career, Doyle received numerous awards and honors for his commitment and leadership.

He has always been an active member of the community, serving on various civic boards and organizations. Doyle's leadership was also instrumental in forming the Cordell Hull Economic Opportunity Corporation, a regional agency in Tennessee dedicated to fighting poverty by helping people be self-sufficient.

Always striving to be well informed and at the forefront of creative initiatives, Doyle has served his community, state and nation with distinction. The people of Macon County and the mid-state region could not have asked for a better public servant. His leadership and work ethic will be sorely missed by the Macon County government. I cordially congratulate Doyle on his distinguished career as a public servant and wish him well in future endeavors.

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS RESEARCH, EDUCATION, AND BIOTERRORISM PREVENTION ACT OF 2002

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. RODRIGUEZ. Mr. Speaker, the events of September 11th and the subsequent anthrax attacks have forced us as a country to reevaluate our ability to respond to chemical, biological, and radiological contingencies. As a member of the House Veterans Affairs Committee (HVAC) Subcommittee on Health, I participated in a hearing to assess the readiness of the Department of Veterans Affairs (DVA) to be a third line responder in the event of a threat of this sort. The news was not good. This is why I am an original co-sponsor of HR 3253, the Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002. Through the establishment of National Medical Emergency Preparedness Centers, we would enhance the work that the DVA is already engaged in, and strengthen our national homeland defense efforts.

In recognizing that the DVA is the nation's largest health care system and engages in some of the most promising research, and provides first-rate medical training and education should signal to us all that herein lies an opportunity. Considering all that the DVA already does successfully, I see no reason why they cannot be positioned as a first responder in the event of a biological or chemical attack. With the proper allocation of resources and support, those provided by the passage of HR 3253, many DVA medical centers will be well positioned to provide our country with the necessary support in these crisis situations.

In my district, the 28th Congressional District of Texas, the South Texas Veterans Health Care System, Audie L. Murphy Division, already engages in shared teaching and research arrangements with medical schools and has been able to attract several high-level scientists in fields relevant to bio-chemical and radiological threats. This facility is among the top ten research and development facilities within the DVA and is a tribute to the rewards of collaborative research efforts like those suggested by this legislation.

I am excited about the prospect of National Emergency Preparedness Centers, which would not only engage in research to develop methods of detection, inoculation, and treatment, but also coordinate research with universities and federal agencies in the dissemination of the latest information to healthcare workers at public and private hospitals across the country.

Through the passage and enactment of this measure the DVA will become a key partner in our nation's homeland defense efforts.

RECOGNIZING MIKE MARTEL FOR HIS SERVICE TO NEW HAMPSHIRE RADIO

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. SUNUNU. Mr. Speaker, I rise today to recognize a familiar New Hampshire voice that will soon be absent from Northern New England's airwaves. Dover, New Hampshire's Mike Martel, a member of WOKQ's "Morning Waking Crew," will be retiring on May 31 after making his start in local, New Hampshire radio 30 years ago.

For the past 28 years, Mike has been employed at WOKQ, a 50,000 watt radio station located in Dover, New Hampshire. There, he often began his day well before most of us had even stirred from bed preparing to hit the airwaves at 5 a.m.

Whether hearing Mike from their homes or while making the drive to work, listeners in New Hampshire, Maine, Vermont, Massachusetts, and Canada were sure to have their day brightened with his infectious laugh and "Joke of the day."

Mike's consistent service to his profession and his community stands out as a positive contribution to the field of radio, and is one in which he and his family can certainly take pride. For the rest of us, he will be sadly missed. Mr. Speaker, I ask my colleagues to please join me in thanking Mike for his dedication and wishing him the best.

TRIBUTE TO REVEREND DR. ARTHUR J. POINTER, 35TH PASTORAL ANNIVERSARY, METROPOLITAN BAPTIST TABERNACLE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as the congregation of the Metropolitan Baptist Tabernacle Church gathered together on Saturday, May 18, 2002, they celebrated the 35th Pastoral Anniversary of Reverend Dr. Arthur J. Pointer. A lifelong leader and devoted pastor, Dr. Pointer has truly demonstrated his commitment to advancing the mission of Metropolitan Baptist Tabernacle across the state of Michigan. As the members and friends of Dr. Pointer gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Dr. Pointer has been preaching the Gospel to the congregation of Metropolitan Baptist Tabernacle, located in Flint, Michigan, since 1967. As his message and ministry has been received, he has shown a special dedication to making a positive difference in the lives of others. Dr. Pointer, a father, grandfather, and great-grandfather, has truly become a leader to all those who know him. "A leader who dared to dream great dreams", Dr. Pointer has truly led his family, congregation, and community to greatness.

Dr. Pointer has been an active force in his community, working with Metropolitan Baptist Tabernacle in organizing several programs and ministries as well as working with many organizations around the state of Michigan. As the former chairman of the Metropolitan Detroit Housing Development Corporation, the Michigan State O.I.C., and the Board for Urban Community Outreach Program, which was initiated at Metropolitan Baptist Tabernacle, his involvement with church and beyond has been an inspiration to all. Even today, Dr. Pointer continues to serve his community well as the President of the Wolverine State Missionary Baptist Convention and as Chairman of the Political Action Committee of Concerned Pastors and the Christian Evangelical Broadcasting Association, Inc. Dr. Pointer's distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Dr. Pointer for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

IN HONOR OF MR. BERNARD C. WATSON

CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FATTAH. Mr. Speaker, I rise today to recognize a truly remarkable man, a person who genuinely exemplifies what it means to be a teacher, mentor, and scholar.

Mr. Bernard C. Watson, a longtime educational and civic leader in Philadelphia, will be this year's recipient of the Philadelphia Award for 2001. The award, which will be presented June 11, honors a resident of the Philadelphia region who does the most to "advance the best and largest interest of the community." The award is complimented with a cash prize of $25,000. Prior recipients of this distinguished award include people such as Sister Mary Scullion, co-founder of Project H.O.M.E., former Mayor Edward Rendell, former City Council President and current mayor John Street, and Rev. Leon Sullivan, a social activist, and educator responsible for leading international efforts to promote nonviolent social and economic change.

Originally from Gary, Indiana, Mr. Watson quickly rose to prominence by becoming a deputy superintendent to Philadelphia public schools in 1967. He was also president of the William Penn Foundation, vice president for academic affairs at Temple University, and vice president of the Pennsylvania Council of the Arts. Considered an expert in his field, Mr. Watson was appointed to a number of educational advisory councils by three different U.S. presidents. He also authored several books, including a memoir, "Colored, Negro, Black: Chasing the American Dream."

Chairman of the Philadelphia Award Trustees, William J. Marrazzo, indicated Mr. Watson was selected from dozens of highly qualified nominees. Chairman Marrazzo commented that Mr. Watson "has been a tireless fighter of ignorance and injustice, a determined advocate for educational excellence, and an energetic supporter of the arts. He is truly one of Philadelphia's treasures."

Mr. Speaker, I couldn't agree more with the Chairman's comments. Mr. Watson's selflessness is evidenced in his words and actions. Educating others, Mr. Watson recently reflected, is the most rewarding aspect of his work. Mr. Watson commented, "Education is how you give people control of their lives. It is a way of giving someone the notion of what you can be as a human being."

TRIBUTE TO HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the outstanding performance of Half Hollow Hills High School East from Dix Hills, New York in the "We the People . . . The Citizen and the Constitution" competition.

A select group of 24 students from Half Hollow Hills High School East represented the State of New York at the national finals competition in Washington, D.C., May 4–6, 2002. These young people competed with 50 classes from across the nation and demonstrated a remarkable understanding of the ideas and values of American constitutional government.

Mr. Speaker, I would like to recognize the efforts of the student participants. They are: Beth Bernstein, Jacqueline Borgia, Sherri Cohen, Katelyn Del Priore, Lindsey Forur, Brian Ginsberg, Sarah Givner, Seth Glodowski, Jamie Golden, Emily Gustafson, Dustin Kreltzberg, Megan Meagher, Michal Meiler, Jacquelyn O'Neil, Gabriella Pinto, Lindsay Posner, Sarah Rasheed, Inger Reres, Steven Savella, Dennis Schmelzer, Persis Singh, Megan Spector, Stanley Voigt, and Matthew Witko.

These young scholars are taking the Advanced Placement American Government class. Part of their learning experience includes participation in the "We the People" program. These students, through teamwork and dedication, captured the New York State championship after advancing from district and regional levels.

Mr. Speaker, I commend them for balancing this demanding extracurricular activity with the rigors of their daily course work. Furthermore, I commend them for working together as a team to accomplish the goals they set forth.

Mr. Speaker, I also stand to recognize the efforts of the coaches, faculty, parents, and facilitators involved. Specifically, Scott Edwards, the group's coach and AP American Government teacher, who prepared these students through intensive classroom instruction and numerous study sessions after regular school hours. James McCaffrey, the school's principal, contributed to the students' success by providing adequate resources and administrative support. Jane Weber, the district coordinator, made logistical arrangements and directed the group's fundraising efforts. Laura Parker also helped by serving as an assistant coach and chaperone.

Mr. Speaker, I commend these individuals for their unselfish commitment to these students' education.

It is with great pride, Mr. Speaker, that I recognize the efforts and achievements of these outstanding students and individuals and bring their achievements to the attention of this Congress.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 171, H. Con. Res. 314, Recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 172, H. Con. Res. 165, Expressing the sense of the Congress that continual research and education into the cause and cure for fibroid cancer be addressed. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 173, H. Con. Res. 309, Recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages. Had I been present I would have voted yea.

CONGRATULATING 46 HIGH SCHOOL ARTISTS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to congratulate and honor 46 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition, "An Artistic Discovery," and they were recently honored at a reception and exhibition at the Schering Plough Corporation in Madison, New Jersey and their works are exceptional!

Mr. Speaker, I would like to list each of them, their high school, and their contest entries for the official RECORD.

We had 46 students participate. That is a tremendous response and we would very much like to build on that for next year's competition.

This year, Mr. Speaker, the winner of "An Artistic Discovery" was Victor Coghlan from Boonton High School for the work entitled "My Friend Joseph." Second place went to Audrey Kruse from West Morris Mendham High School for "Just Call Me Doty." Third place also from West Morris Mendham High School went to Kelsey Dahlin Dugan for "Three." The Viewer's Choice Award was given to Michael Mule of Boonton High School for "Doorway."

Honorable mentions were awarded to Meredith Klein of Livingston High School for "Tin Foil Study," Christina Tammera from Madison High School for "Soda Shop," Kara Kasch from Morristown High School for "Narcissus," Andres Rivera from Mount Olive High School for "Can I Change Myself If I Try?," Megan Bornstein from Randolph High School for "You Are What You Eat," and a self portrait by Dana Kalfas of Montville High School.

Excellent art work was also submitted by Boonton High School with "Ryan Bradely" by Laura Schafnict, Milissa DiSalvo with "My Sneakers," Michael Mule with "Doorway." Dover High School contributed "Nature at its Best" by Shirley Velasquez, "Ode to Monet" by Megan Franchak, "Falling Into Being" by Leah Huss." Livingston High School submitted a self-portrait by Amy Heuer, Tiffany Wong with "Beware" and "Forbidden Passage" by Johnathan Lee. Madison High School contributed "Travel Photo #46" by James Weber, "City at Sunset" by Adrienne Heller, and "Sunflowers" by Lorriane Ewan. Montville High School submitted, "Italian Breakfast" by Kristina Pennetta, "Laura" by Laura Croce, "The Raven" by Marissa Herrmann and a self-portrait by Dana Kalfas. Morris Knolls High School entered "Appearances can be Deceiving," by Kyle Schuster, "The Devil in Me" by Benjamin Kurfverst, "The Transformation" by Daniel Murphy, and "My Wonderland" by Mercedes Irisarri. Morristown High School offered a self-portrait by Michelle Miller, "Afternoon Light" by Triana Collins, and "Dusk" by Gary Reinhard. Mount Olive High School contributed "Turning Leaves" by Andres Rivera, and untitled works by Timothy Quirino and Ariel Hahn. Randolph High School entered "Digital" by Michel Sun and "Pulsating Time" by Anthony Lee. Ridge High School submitted an untitled work by Seung Eun Lee, "Four Square" by Emily Slapin, "Reflect" by Meghan Musso, and "Genesis" by Gina Caruso. West Essex High School offered "Illuminated" by Sherry Lewkewicz, "Tropical Island" by Julian Osis and untitled works by Elyse Agnello and Francesca Barcia. West Morris Mendham High School entered "The Blue Blowl" and "The self" by Robert Douglas Fritz, III.

Each year the winner of the competition will have an opportunity to travel to our nation's capital to meet Congressional leaders and to mount his or her art work in a special corridor here at the U.S. Capitol, with winners from across the country. Members of Congress and thousands of visitors to the Capitol have a chance to view these works of art firsthand. It is a fantastic reminder that there is vast talent in our young men and women.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Mr. Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

A TRIBUTE TO MONTEREY COUNTY SUPERIOR COURT JUDGE RICHARD SILVER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor the life's work of Monterey County Superior Court Judge Richard Silver, 60, whose outstanding legal acumen has enriched society on the Central Coast for more than a quarter of a century.

A graduate of the University of California's Boalt Hall School of Law, Judge Silver began his legal career as a defense lawyer with the Francis Heisler law firm. Among the cases that fueled his rise to prominence in the late 1960s was the Soledad Brothers prison-murder trial.

At my urging, Gov. Jerry Brown appointed Judge Silver to the bench in 1977. Judge Silver became known for his expertise and efficiency in handling civil cases. He developed a case management system that makes civil justice more swift in Monterey County than in almost any other California county.

He also built a reputation for settling tough cases before they went to trial. And he became known for tackling contentious issues ranging from land use disputes to struggles between teachers and school districts.

Among those who founded the Monterey College of Law, Judge Silver remains on its board of directors.

Although he is stepping down from the bench, Judge Silver is likely to remain highly active in the local legal community, by settling disputes out of court as a private judge and arbitrator. For this, all of us who have come to know him over the years on the Central Coast will be very grateful.

TRIBUTE TO REVEREND D. CHARLES HILDRETH, 8TH PASTORAL ANNIVERSARY, GREATER HARVEST MISSIONARY BAPTIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as the congregation of Greater Harvest Missionary Baptist Church gathered together on Sunday, May 5, 2002, they celebrated the 8th Pastoral Anniversary of Reverend D. Charles Hildreth. A lifelong leader and devoted pastor, Reverend Hildreth has truly demonstrated his commitment to advancing the mission of the Greater Harvest Church across the state of Michigan. As the members and friends of Reverend Hildreth gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Joining the Greater Harvest Missionary Baptist Church, located in Muskegon Heights, Michigan, Reverend Hildreth has been preaching the Gospel to its congregation since June 10, 1994. As his message and ministry has been received, he has shown a special dedication to making a positive difference in the lives of others. To those who know Reverend Hildreth best, he is "a promoter and student of the blessings that accompany the sacrifices of continuing Christian Education."

With a passion for his community, Reverend Jones has been an active force in educating his community as well as working with the Greater Harvest Church in organizing several programs and ministries. As the First Vice President of the Congress Christian Education of the General Baptist State Convention of

Michigan, a member of the Board of Directors of the Urban League of Greater Muskegon, and a lifetime member of the NAACP, his involvement within the church and beyond has been an inspiration to all. Reverend Hildreth's distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Reverend Hildreth for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

TESTIMONY OF LYDIA LEWIS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I wish to insert into the RECORD the testimony of Lydia Lewis of the National Depressive and Manic-Depressive Association before the House Labor-HHS-Education Appropriations Subcommittee.

TESTIMONY OF LYDIA LEWIS, ON BEHALF OF THE NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION—MAY 9, 2002

Good morning Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to testify on federal funding for mental health research for the next fiscal year. My name is Lydia Lewis and I serve as Executive Director of the National Depressive and Manic-Depressive Association (National DMDA).

National DMDA is the nation's largest illness-specific, patient-directed organization. We represent the 20 million American adults living with depression and the additional 2.5 million adults living with bipolar disorder. Part of the mission of National DMDA is to educate the public concerning the nature of depression and bipolar disorder as treatable medical diseases and to advocate for research to eliminate these diseases.

Mr. Chairman, National DMDA is pleased with the Subcommittee's strong commitment to biomedical research. We are grateful for the progress toward doubling the overall NIH budget and we encourage the Subcommittee to complete the doubling plan in this fiscal year. We support the Administration's request for $27.3 billion for the National Institutes of Health (NIH). As you know, this increase of $3.7 billion would complete the final phase of the NIH doubling plan.

Our nation's investment in extramural biomedical research, led by the NIH, yields countless discoveries that facilitate our understanding of the biological basis of disease. This knowledge will help develop improved techniques to prevent, diagnose, treat, cure and eliminate diseases.

RESEARCH

Although bipolar disorder is a biochemical imbalance in the brain, like many mental illnesses, it cannot be identified physiologically. There is no blood test or brain scan, yet. Funding for the NIH, and funding for mental illness in particular, promises great rewards for both individuals who suffer from mental illness and for our nation as a whole.

Evidence underscores the effectiveness of treatment for mental illnesses. Treatment for bipolar disorders has a 65% success rate and major depression has an 80% success rate. Comparatively, a surgical procedure for angioplasty has a 41% success rate. As research yields greater advancements in treating mood disorders and other mental illnesses, we hope to see the treatment success rate soar.

We applaud efforts to advance research on postpartum mental illness through legislative means. The "Melanie Stokes Postpartum Depression Research and Care Act" (H.R. 2380/S. 1535) would direct funds for the specific purpose of NIH research on postpartum depression and postpartum psychosis.

It is estimated that 10 to 20 percent of new mothers experience postpartum depression (PPD). Postpartum psychosis (PPP) affects less than 1 percent of new mothers. While there may be indicators or predispositions for these disorders, researchers do not have sufficient information about the cause and effective treatment.

Employers, employees, the mental health system and the federal government will all benefit from the long term economic savings of early detection and treatment of mental illness. Our nation's investment in increased biomedical research for mental illness will advance this cause.

CO-OCCURRING MENTAL ILLNESS AND SUBSTANCE ABUSE

A high percentage of patients with mental illness also have alcohol and substance abuse problems. Conversely, many individuals with alcohol and substance abuse problems suffer from mental illness. The State mental health systems separate block grant funding for these treatments, one treatment for traditional mental illness and another for alcohol and substance abuse.

More than half of individuals with bipolar disorder or schizophrenia may be alcohol/substance abusers. The rate of alcohol and drug abuse in the general population is approximately 20%; it is 50–60% in people with bipolar disorder. For individuals with mood disorders, drugs of abuse interact differently, potentially causing exponential damage greater than the abusive substance alone.

Medical experts understand it is critical that new patients in treatment for mental illness address any alcohol or substance abuse issues in collaboration with their mental health needs. Integrated treatment by dually trained professionals is critical to the success of either program.

We are encouraged by the Substance Abuse and Mental Health Services Administration (SAMHSA) efforts to study this issue. It is our understanding that SAMHSA will issue a report to Congress by October 17, 2002. We believe it is imperative that SAMHSA integrate treatment programs for these individuals. In addition to an improved quality of life, streamlining the system will eliminate unnecessary and redundant paperwork, saving critical funds for more successful treatment programs.

THE STIGMA OF MENTAL ILLNESS AND HEALTH INSURANCE PARITY

We are delighted with the President's recent commitment to help end the stigma associated with mental illnesses. For far too long, individuals with mental illness have avoided seeking appropriate and critical treatment for fear of the stigmatizing label of mentally ill or have needed to make a choice between food, rent and treatment. For many individuals this is a choice between life and death.

In 1999, suicide was the 11th leading cause of death in the United States. For males, it was the eighth leading cause of death and for young people age 15 to 24, suicide was the third leading cause of death. Suicide outnumbered homicides by 5 to 3 and there were twice as many deaths due to suicide than deaths due to HIV/AIDS.

While these statistics are sobering, we are hopeful that with increased availability of treatment, those numbers can change. While we support essential research on the causes of mental illness, we also support increased access to already existing treatment by passing the "Mental Health Equitable Treatment Act" (H.R. 4066/S. 543).

Individuals who suffer from mental illness should not be required to bear an additional financial burden to treat their illnesses. The discriminatory practice of setting different limits, hospital stays, and deductibles for mental illness is arbitrary, cruel and without medical basis.

We believe that providing mental health coverage is cost effective for all employers. The Congressional Budget Office (CBO) estimated that providing mental health parity as outlined in the Domenici-Wellstone Mental Health Equitable Treatment Act would increase health care costs by less than 1%. Increasing ease and access to treatment will yield healthier, more productive employees. Passing the Mental Health Equitable Treatment Act is a step toward ending discriminatory practices that seek to separate the body from the mind.

Thank you again Mr. Chairman for the opportunity to testify.

IN MEMORY OF JOHN M. McGEE

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to take this opportunity to remember the patriotic actions of Mr. John M. McGee, a resident of Pass Christian, Mississippi who passed away on February 23, 2002. As the Korean War unfolded, he enlisted with the U.S Navy and served on the destroyer tender *Shenandoah* and the destroyer *Willard Keith.* He was a veteran of the decisive Inchon invasion commanded by General Douglas MacArthur. Mr. McGee earned his college degree in engineering from the Armed Forces Institute. After an honorable discharge from the U.S. Navy, he was certified as a Professional Engineer specializing in petroleum engineering. He then worked for a petroleum-engineering firm in Wyoming, ultimately becoming the petroleum engineer in charge of a five-state office.

In 1966, he accepted a job with the Department of Defense, and conducted operations in Vietnam, Cambodia, Laos, and Thailand until 1969. During his tour of duty in Vietnam, Mr. McGee discovered and exposed extensive corruption in American military operations. His courageous exposure of a million gallons of fuel destined for U.S. Military forces that had been redirected and used by the enemy led to the saving of many American lives. A Senate Sub-Committee chaired by the Honorable Senator William Proxmire of Wisconsin ultimately investigated this conspiracy. This incident and others are memorialized as part of the U.S. CONGRESSIONAL RECORD, and in the books, Report from Wasteland—America's Military Industrial Complex, by Senator William Proxmire and The Pentagonists, by A. Earnest Fitzgerald. It is for these devoted actions that we remember Mr. John M. McGee.

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL CENTER

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. TIAHRT. Mr. Speaker, Bob Dole personifies Kansas. He is synonymous with the values that Kansans hold in the highest regard—integrity, respect for community, public service, sacrifice, and patriotism. It is only fitting to name the Wichita VA Center after a man so closely identified with Kansas, American veterans, and the values they share. I rise in support of H.R. 4608 and urge my colleagues to join me in voting for the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center Designation Act."

Most Americans know Senator Dole's heroic story: He was born and raised in the Heartland of Russell, Kansas. In 1942, he faithfully responded to his country's call to war, and was critically injured in combat. It took three years and nine operations for him to rehabilitate. He strengthened his injured arm, but had to learn how to write again with his left hand, as the doctors could not rebuild the excessive damage done by the Nazi machine gun fire. After the war and while still completing his law degree at Washburn Municipal University, he began his long and distinguished career in public service. He served as a Kansas state legislator, Russell County attorney, four-time member of the U.S. House of Representatives, a five-time U.S. Senator, the Republican National Committee Chairman, the 1976 Vice-Presidential nominee, and culminated his career as the 1996 Republican Presidential nominee.

But Bob Dole's political achievements provide only a partial measure of the man. Twice elected Majority Leader, Senator Dole served for twelve years, the longest serving Senate leader of the Republican Party. He epitomized President Reagan's immortal words, "The title of Leader is not just a job title; it's a description of the man." Even after he ended his public service, he remains a community leader, engaged in projects such as National World War II Memorial, co-chairing a scholarship fund to aid families of heroes and victims of the 9/11 terrorist attacks, and campaigns for Republican candidates across the country.

I have had the distinct honor of working with and getting to know Bob Dole. In fact, he was one of my best supporters in my first race for Congress against an 18-year incumbent. Not many people other than my family and friends thought we had a chance to win that race—but Senator Dole did. Or at least he did a good job of pretending. I wouldn't have had enough money for television ads in the crucial last week of our successful 1994 campaign were it not for then soon to be Majority leader Bob Dole. When I did get to Congress in 1995, Senator Dole was a mentor and an outstanding example of how a member of Congress should fight for his state while working in the best interests of the country.

It is due to Bob Dole's extraordinary contributions as a leader, a veteran, public servant, and staunch defender of national defense that the designation of the Wichita VA Center as the Robert J. Dole Department of Veterans Affairs Medical and Regional Center is so appropriate. Please join me in a congressional salute to this great American patriot.

TRIBUTE TO REV. DR. STERLING LEE JONES 32ND PASTORAL ANNIVERSARY MOUNT ZION MISSIONARY BAPTIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as the congregation of Mount Zion Missionary Baptist Church gathered together on Sunday, April 28, 2002, they celebrated the 32nd Pastoral Anniversary of Rev. Dr. Sterling Lee Jones. A lifelong leader and devoted pastor, Rev. Jones has truly demonstrated his commitment to advancing the mission of Mount Zion across southeastern Michigan. As the members and friends of Rev. Jones gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Preaching the Gospel for over 37 years, Rev. Jones has led the congregation of Mount Zion Missionary Baptist Church for 32 glorious years. As his message and ministry has been received throughout the United States, he has shown a special dedication to making a positive difference in the lives of others. To those who know Rev. Jones best, "to hear Pastor Jones preach the gospel of Christ, to hear him teach the gospel of Christ and to hear him sing the gospel of Christ, is to know that he is chosen by Christ and is anointed by Him to do his will."

With a passion for learning and the firm belief in education, and as the key to advancement, Rev. Jones has been an active force in educating his community as well as providing outreach services for those in need. Working on projects like the Youth Department, and the "Artie Lee Bins-Jones Honor Roll", Rev. Jones has organized many programs for the youth and implemented a program encouraging higher education through annual tours to colleges and universities throughout the South. Building a multi-million dollar edifice and with plans to build a senior citizens complex and a gym for the youth, Rev. Jones's distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Rev. Jones for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

GULFSTREAM GOODWILL INDUSTRIES 35TH ANNIVERSARY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a special organization that helps disabled and other disadvantaged members of our community.

In 1902, a Methodist minister from Boston, Reverend Edgar J. Helms, started a movement to help people with disabilities and other barriers to employment become working members of our community.

Throughout 2002, Goodwill Industries is celebrating its 100th anniversary making amazing progress by helping those in need.

As a former board member and President of the Gulfstream Goodwill, which is celebrating its 35th anniversary, I was able to witness first hand the great work Goodwill does for our community.

Like the national organization, Gulfstream Goodwill Industries serves disabled members of our community by helping them become integral and productive working members. Gulfstream's mission—to empower people through work—ensures those in need are offered working opportunities and the possibility of self-sufficiency and independence.

Mr. Speaker, I wish Goodwill and Gulfstream Goodwill the happiest of anniversaries. May its success continue and strive for perfection like it has over the past century.

IN HONOR OF THE RECIPIENTS OF DELAWARE'S FOSTER PARENTS OF THE YEAR AWARD, LAWRENCE AND NORISA JACOBS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Delaware Foster Parents of the Year, Lawrence and Norisa Jacobs of Georgetown, Delaware. Through their commitment to caring for children, they have welcomed eleven foster children into their home since 1997. Along with their two birth children and six current foster children, their home is a welcome, and active, atmosphere for the challenges of a family of ten.

Foster parents add stability to a child's life which leads to fewer emotional, behavioral and social problems for children that may not have otherwise had the necessary family love and direction. These children deserve the best chance we can give them, and the Jacobs have proven their dedication to giving all of their children the optimal chance to develop into emotionally healthy adults.

Mr. Speaker, through the years, the Jacobs have lovingly and unselfishly contributed every day to the lives of their children. It is appropriate that we take a moment to honor them.

The contributions of Mr. and Mrs. Jacobs are undeniably worthy of recognition and cannot be commended enough. I am proud to stand here today recognizing them as not only Delaware's Foster Parents of the Year, but also as nominees for National Foster Parents of the Year.

VETERANS' MAJOR MEDICAL FACILITIES CONSTRUCTION ACT OF 2002

SPEECH OF

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. SMITH of Michigan. Mr. Speaker, I rise today in support of H.R. 4514, the Veterans' Major Medical Facility Construction Act, H.R. 4015, the Jobs for Veterans Act, and H.R. 4085, the Veterans Compensation Cost-of-Living Adjustment Act.

Next week, millions of Americans will take off and gather together with family and friends to pay tribute to the men and women of our armed forces and their loved ones who sacrificed so much to defend our precious liberties. Well over 1 million men and women have given their lives in service to our country. These people answered their country's call to serve—in the Civil War, the Spanish-American War, the First and Second World Wars, Korea, Vietnam, Desert Storm, Bosnia, Operation Enduring Freedom, and in many small, but important military actions around the globe. For their sacrifice, they deserve our most profound respect and gratitude.

It is the willingness of citizens then and now taking individual responsibility in our Nation's defense that is the ultimate guarantee of our security and freedom. The terrorists who perpetrated the attacks of September 11 underestimated us. Since September 11, the Nation has not fallen apart, it has pulled together, confident in our traditions of freedom, tolerance, and democracy.

Today, our armed forces are in the field defending our liberties against the terrorist threat. We have the finest fighting force in the world, and they are doing a tremendous job. At home our first responders—firefighters, emergency medical and ambulance services, law enforcement, and National Guard—are being called upon for more homeland security. I am confident that we will prevail and become even stronger as a Nation.

This Memorial Day, as we celebrate those who gave their lives, we should also pause to consider the veterans among us who have contributed so much and who are such an important part of our communities. As one who had a brother killed in the line of duty in Asia and as a former Air Force officer myself, I understand the sacrifices that our service men and women and their families make.

The bills we are voting on today are designed to increase employment opportunities for veterans, improve VA facilities, and provide needed cost-of-living increases for disability compensation. There is more that we need to do to improve the way the VA does business. We need to ensure that veterans' disability claims are processed quickly and accurately, that health care delivery is improved by coordinating the medical care systems of VA and the Department of Defense, and that resources are focused on treating disabled and low-income veterans. Under the leadership of President Bush and VA Secretary Principi, I believe we are going to make significant improvements in the delivery of veterans benefits.

Over the years, our military veterans have kept faith with their country in times of need. With these bills, we will be helping to keep faith with them. Thank you, Mr. Speaker.

HONORING MR. JARRED M. LINDLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the dedication and commitment of Mr. Jarred M. Lindley.

Mr. Lindley is a recent graduate of Savannah High School in Savannah, Missouri, who had perfect attendance throughout his 13 Years of public education. Remarkably, Mr. Lindley also was not tardy from any event, even once, in those 13 years. Mr. Lindley, set this goal when he was an elementary student and would not take credit for his accomplishment until the final day of his senior year was complete. I am honored to have Mr. Lindley living in the Sixth Congressional District of Missouri.

Along with Jarred Lindley's parents, Sherry and Michael, family, and friends, I take pride in what he has accomplished.

I commend Mr. Lindley for his dedication in reaching his perfect attendence record. Additionally, he is graduating in the top five percent of his class, and is a member of the gold team, honor society, band, as well as holding down a part time job after school.

I again want to congratulate Mr. Jarred Lindley for his accomplishment. He makes the Sixth District and All Americans very proud.

TRIBUTE TO THE 30TH ANNIVERSARY OF THE INTERNATIONAL VISITORS COUNCIL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, the International Visitors Council of Metropolitan Detroit is a non-profit organization whose purpose is to present the unique culture of Metro Detroit to distinguished visitors from around the world through its social, economic, and educational diversity. This year, as the International Visitors Council held their annual Gala Celebration, they also celebrated their 30th Anniversary on May 17, 2002.

Since 1972, the International Visitors Council of Metropolitan Detroit has demonstrated distinguished service and leadership in establishing cross-culture relations and building solid networks of communication at the personal and professional level. As "citizen diplomats" faithfully committed to the mission of the International Visitors Council, volunteers dedicate their time and talents to hosting meetings, fundraisers and receptions for Detroit citizens and honorable guests from around the world. Opening their homes and hearts to international visitors from Europe, Asia and Africa, they take it upon themselves to ensure that visitors leave Detroit with a positive impression of the city and its citizenry.

Creating dialogue and building bridges of understanding is the only way to ensure the advancement of communities built on respect and justice. Today the International Visitors Council of Metropolitan Detroit is one of 96 councils in the nationwide network of the National Council of International Visitors, welcoming over 12,000 international visitors during the last three decades. The hard work and dedication of the International Visitors Council of Detroit to achieving its mission of building solid friendships and improving relations between the United States and other countries is truly exceptional, and encourages others to reach their level of activism and understanding.

I applaud the International Visitors Council of Metropolitan Detroit on their leadership and commitment, and I congratulate them on 30 outstanding years of dedication and service. I urge my colleagues to join me in saluting them for their exemplary years of public service.

KENT CITY QUIZ BOWL WINS STATE CHAMPIONSHIP

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. EHLERS. Mr. Speaker, I rise today to honor the 2002 Kent City Community High School Quiz Bowl team for winning the 2002 Michigan Class "C & D" Quiz Bowl Championship with a perfect 6–0 record during the two-day state tournament. This marks the second time in three years that the Kent City Eagles have claimed the championship.

Members of the 2002 State Championship team include: Mike Cheyne, Jerry Urban, John Hersey, A. J. DeGroot, Josh Whitehead, Joe Postema, Jared Brown, Andy Lerch, Matt Nixon, Brandon Stout, Robert Nyblad, Justin Waller, Dan Ondersma and Isaac Owens. Government teacher Sid Smith, who serves as the coach of this talented squad, should also be commended for his outstanding work in preparing the students for competition.

On the way to their second championship, the Eagles compiled a remarkable 46–7 record, often against much larger schools. To illustrate how much the Eagles dominated most of their competition throughout the year, I note that six of their seven losses were to Class "A" Quiz Bowl Champion Detroit Catholic Central, Class "B" Champion Detroit Country Day and Class "A" runner-up, Hartland.

The team will now compete on the national level as they take part in the National Academic Quiz Tournament in Austin, Texas on June 8 and 9 and the Partnership for Academic Excellence Nationals in Washington, D.C., on June 15 and 16. I have no doubt that these outstanding young men will serve as wonderful representatives for Kent City, the State of Michigan, and the Third Congressional District.

Mr. Speaker, I ask my colleagues to join me in honoring these students who have put Kent City, Michigan on the Quiz Bowl map. Congratulations on an outstanding season, and I wish you continued success in the upcoming national competitions!

PERSONAL EXPLANATION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. HINCHEY. Mr. Speaker, I was unavoidably detained in New York on May 20, 2002, and missed rollcall votes 171, 172, and 173. Had I been present, I would have voted "aye" on rollcall 171, "aye" on rollcall 172, and "aye" on rollcall 173.

COMMENDING HON. RAFE HEATH CLOE FOR PUBLIC SERVICE

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. ADERHOLT. Mr. Speaker, I rise today to commemorate the distinguished career of the Honorable Rafe Heath Cloe, United States Administrative Law Judge for the Office of Hearings and Appeals, Social Security Administration, Birmingham, AL. Judge Cloe served for more than 15 years as a senior trial attorney for the Federal Trade Commission in Washington, D.C. He has served in the United States Air Force, active and reserve duty, retiring as Colonel with the Office of the Judge Advocate General, and also serving as an instructor at the Air Force Law School at Maxwell Air Force Base in Montgomery, Alabama. On February 22,1982, he was appointed as the United States Administrative Law Judge for the Office of Hearings and Appeals of the Social Security Administration and has served in that capacity in Birmingham, AL since 1982.

On June 3, 2002, Judge Cloe will retire after 42 years of distinguished service to the people of the United States. His commitment to protecting the Constitutional rights of the citizens of this country is exemplary and unquestioned. He is worthy of commendation for his commitment to public service.

EXPRESSING GRATITUDE FOR THE EFFORTS TO RESTORE THE WOLF HOUSE IN MOUNTAIN HOME, ARKANSAS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to express my gratitude for the efforts of all those involved in restoring the historic Wolf House in Mountain Home, Arkansas.

The newly restored Wolf House will have its grand reopening on May 18th. Built in 1829 by Jacob Wolf, the building served as the county courthouse for what was then Izard County, Arkansas and now provides a good glimpse into how life was in that era.

Nearly two years ago, architect Tommy Jameson led a team of craftsmen in the restoration of the 180 year-old structure. Working closely with Preservation Consultant Joan Gould, they strove to maintain historical accuracy of the project, restoring the oldest public building in Arkansas to its original form.

The restoration effort leaves the state with a building that purely interprets how structures might have appeared in the early 19th century Ozarks.

The Wolf House is now open for self-directed walking tours and I encourage my colleagues to visit this historic site if they are ever in Baxter County.

Mr. Speaker, thank you for the opportunity to praise the hard work of everyone involved in the restoration of the Wolf House.

IN HONOR OF THE 2002 DRAGON BOAT FESTIVAL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to shine a spotlight on the 2002 Washington, D.C. Dragon Boat Festival, being held this upcoming Memorial Day weekend.

Beginning 2000 years ago in China, dragon boat racing continues to be popular in many parts of the world, especially in Taiwan. Dragon boat racing displays a unique aspect of Taiwanese history, culture and tradition. This colorful and exciting event showcases one aspect in the vast array of the region's cultural diversity and will attract a multitude of spectators to the Washington area.

Over forty teams will participate in the race, held on the Potomac River Saturday May 25th and Sunday May 26th, including those from the D.C. Police Department, the Harbor Patrol Officers, and even one for Congressional Staff. Through the efforts of numerous Taiwanese organizations, eight magnificently painted 45-foot long dragon boats were donated to be used in the competition.

I send my congratulations to the distinguished members of the 2002 Washington D.C. Dragon Boat Festival Committee, especially to the three honorary chairpersons: Mayor Anthony A. Williams, Chairwoman Linda Cropp and Representative C.J. Chen of the Taipei Economic Council. Also many special thanks should be given to Mrs. Yolanda Chen and all the cosponsors under her leadership. They have spent a lot of time and effort to bring this spectacular event to the Greater Washington area.

Mr. Speaker, I would like to announce what a great source of pride this event will provide to the local Taiwanese community. They are an integral part of our society and I am pleased that the 2002 Washington, D.C. Dragon Boat Festival helps to highlight the contributions they have continuously brought to the region over the years.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. MASCARA. Mr. Speaker, on May 16, 2002, I was absent for personal reasons and missed rollcall votes numbered 167, 168, 169, and 170. For the record, had I been present I would have voted yea, yea, yea, and nay, respectively.

RECOGNITION OF EILEEN KAVANAGH

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FOSSELLA. Mr. Speaker, I hereby request that these comments be placed in the appropriate part of the CONGRESSIONAL RECORD:

This past fall, the Staten Island Advance, the Staten Island Children's Campaign and my office joined together to raise money for families of victims of the World Trade Center tragedy. We established a non-profit named The Staten Island September 11th Fund and were successful in raising more than $1.2 million for families of victims from Staten Island.

The person who made the whole program work, the one who dealt with every family and every single application received, was Eileen Kavanagh.

Without relinquishing or compromising any of her myriad daily duties serving as executive secretary to the editor of the Staten Island Advance, she took on for six months the tremendous amount of work associated with The Staten Island September 11th Fund. That work included reviewing and processing the more than 200 applications received, handling all inquiries concerning benefits and donations and serving as the liaison between the Fund and the bank handling the account. This work included receiving and creating computerized records of thousands of donations totaling almost $1.3 million, sending written acknowledgments to all donors, making necessary bank deposits and, in the end, writing the almost 200 checks that the fund dispensed.

Perhaps most importantly, she showed the ability to balance both the sensitivity needed to deal with families of the September 11th attacks and the objectivity needed to reflect the strict requirements established for the administration of the Fund. From trying to explain the fund to a widow who lost her firefighter husband and who is struggling to raise their children alone and at the same time consoling and empathizing with her to explaining it to a woman who lost her father and is doing everything she can to help her mother to accepting thousands of donations from

To sum it all up, Eileen Kavanagh was able to do all of this with accuracy, understanding and compassion. She made the very difficult situation for many family members seeking financial assistance a lot easier for them because of that compassion. Sometimes, a family member of a victim just wants to hear a friendly voice on the other end—to talk—to be understood and listened to—Eileen did this gracefully. She did not do it for any monetary compensation, or for public attention, but simply to help her friends, neighbors—fellow Staten Islanders who were so devastated by the tragic events of September 11th. She provides us with an excellent example of the goodness that truly does exist in people—a goodness that we should all strive to share and attain.

Staten Island suffered a great loss on September 11th. Hundreds of men and women were lost—husbands, wives, mothers, fathers, sons, daughters, aunts, uncles, grandparents, cousins, friends, neighbors and loved ones. All of our lives were forever changed—but the deeds of people like Eileen have eased the burden a bit—and have given us all a little more strength to carry on and hope for the future.

RECOGNIZING THE 100TH ANNIVERSARY OF THE ATHELSTANE LODGE #839 FREE AND ACCEPTED MASONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues and the American people the achievements of the Brothers of the Athelstane Lodge #839 Free and Accepted Masons of Pearl River, New York, on their 100th anniversary of fraternity and service to their community. The Athelstane Lodge has continued the Masonic tradition of promoting "morality in which all men agree, that is, to be good men and true."

The Masons, officially titled the Free and Accepted Masons, are one of the world's oldest and largest fraternal organizations, dating back to its foundation in England in the early 1700's. Throughout history the Masons have sought to bring men together of all race, religions and political ideology under the ideas of charity, equality, morality and service to God. Today the Masons have millions of members worldwide, including more than 2.5 million in the United States. They have earned a reputation as highly respected businessmen, ministers and politicians. Such distinguished men as American statesman Benjamin Franklin, Composer Wolfgang Amadeus Mozart, French philosopher Voltaire and U.S. President George Washington have all been Brothers in the Masonic order.

My own association as a Brother with my fellow Masons has been a great influence on me throughout my career and in public life. Their moral values and ethical code have been an immeasurable help to guide me in making fair and just decisions in my responsibilities as a Member of this chamber.

Mr. Speaker, hopefully the Athelstane Lodge will continue its good works as a model organization and will continue to help those in need as well as continue to be an exemplary example of fraternal service to our communities for another 100 years.

TRIBUTE TO CAPTAIN DARRYL A. KELLY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Captain Darryl A. Kelly of Society Hill, South Carolina, whose dedication to his duties as a national guardsman earned him the honor of being the first African American from South Carolina to receive the General Douglas MacArthur Leadership Award.

A Society Hill native, Captain Kelly received a Bachelor of Arts in Business Administration from Coker College and a Master's degree in Public Administration from Troy State University. He joined the National Guard in 1989, after seven years active duty in the Army, and commands Company "A", 151st Signal Battalion in Laurens, South Carolina. Captain Kelly is also a South Carolina Highway Patrol sergeant with thirteen years experience.

Captain Kelly will receive the General Douglas MacArthur Leadership Award on May 22, 2002, a distinction bestowed upon only seven Army National Guardsmen in the nation each year. He automatically qualified last month when he won the General James C. Dozier award, which recognizes the South Carolina National Guard's most outstanding company officer for leadership and quality of service. Captain Kelly is not only the first African American from South Carolina to receive the MacArthur Leadership award, but only the second South Carolinian to have this honor bestowed upon him.

Mr. Speaker, I ask that you and my colleagues join me in honoring Captain Darryl A. Kelly, a dedicated guardsman whose service and leadership should be commended. I congratulate him on his receipt of the General Douglas MacArthur Leadership Award and wish him good luck and Godspeed in his future endeavors.

IN RECOGNITION OF MICHAEL LAHEY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to recognize IRS Special Agent in Charge of Criminal Investigation, Michael Lahey, for his promotion to Director of the Review and Program Evaluation Section at IRS Headquarters in Washington, D.C.

Mr. Lahey began his career with the Internal Revenue Service in 1982 as a Special Agent in Miami, Florida. Through his dedication and hard work, Mr. Lahey was selected as the Branch Chief in Boston in 1997. He held that position until his selection as Special Agent in Charge for the Boston Field office in 2000.

As Special Agent in Charge for New England, his team of 140 IRS employees followed the money trail through a wide range of financial investigations. His team has examined cases involving tax evasion, narcotics trafficking, money laundering, public corruption, as well as healthcare and insurance fraud. As a direct result of asset forfeitures from IRS drug trafficking and organized crime cases, the people of Massachusetts have benefited greatly from the substantial sums that have been reinvested in state and local police departments during his tenure in the Boston office.

Mr. Lahey, a resident of Shrewsbury, Massachusetts, has been a strong supporter of sports programs for youngsters in his community. He has served as the Director of Minor League Baseball for the Little League and has coached for several years.

Mr. Speaker, I ask that you join me in congratulating Michael Lahey for his outstanding service with the Internal Revenue Service. I wish him the best of luck in his new position.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes;

Mr. DEFAZIO. Mr. Chairman, I rise today to continue my remarks about H.R. 4546, the fiscal year 2003 Department of Defense authorization act. In my previous remarks, I criticized the House Rules Committee for blocking all amendments, including five I drafted, that would have allowed the House to debate the wisdom of various weapons systems. I also detailed the rationale for my amendments to eliminate the Crusader artillery system.

In my remarks today, I want to discuss another weapons system—the Army's Comanche helicopter—that is behind schedule, over budget, and unable to meet critical performance requirements.

In at least eight reports since 1986, the GAO has raised concerns about the Army's effort to develop its next generation light helicopter, now known as the Comanche.

Further, the Army itself has recognized problems with the Comanche program, which has been restructured five times since its inception. Previous restructurings have significantly delayed the development schedule, extended the production schedule, and reduced planned quantities.

I personally have been raising red flags about the Comanche program since the late 1990s. The first GAO report I requested on the Comanche was released in August 1999. This report identified a number of cost, quality control, and performance concerns about the Comanche program.

An updated report I requested from the GAO was released in June 2001. This report concluded that the concerns raised in the August 1999 report had only gotten worse.

It is not just the GAO that has raised concerns. The Director of Operational Test and Evaluation has also been critical of the Comanche.

I was pleased to see the House Armed Services Committee imposed a few conditions on the Army's Comanche helicopter program in H.R. 4546.

One of the conditions, a requirement that the Army reassess the cost and timeline of the Comanche program, is similar to what I proposed in an amendment last year.

The other condition, an annual report by the DOD Inspector General, is a useful step in providing for constant, independent oversight of the program.

However, I am concerned that the Committee did not go quite far enough in protecting taxpayers from runaway costs for a program GAO and others have consistently identified as failing to meet testing and performance goals.

The amendment I offered would have prohibited the Pentagon from awarding contracts for low rate initial production (LRIP) until the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation, certified that the testing program has been rigorous enough to determine the program performs as expected in an operational environment, in other words, not just in computer simulation or laboratory tests. The amendment also required that the Comanche achieve key performance standards before contracts for LRIP could be awarded.

According to the June 2001 GAO report, a decision on whether to move forward with low rate initial production was expected in June 2005.

It is my understanding that in the year since the GAO report, the Comanche program has fallen even further behind schedule, and a LRIP decision now may not occur until 2008.

Some might argue that my amendment, therefore, was premature. I would argue that given the repeated mismanagement of the Comanche program, Congress must send the unmistakable message that the program will not advance toward production until timing, cost, quality, and performance concerns are all addressed to our satisfaction. My amendment would have sent that message.

Defense contractors push hard to get to LRIP decisions because, once they are over that hump, they know it is nearly impossible to kill the program. That is why Congress needed to signal now that we have no intention of allowing the LRIP decision from being made until we are fully satisfied the Comanche will work as advertised and will be built within reasonable cost and time constraints.

I'd like to run down a few of the specific problems with the Comanche.

In August 1999, the GAO warned the Comanche faced significant risks of cost overruns, scheduling delays, and degraded performance primarily because the Army decided to (1) begin engineering and manufacturing development before key technologies had matured, (2) compress the flight-testing schedule, which increases concurrency between development and operational testing, and (3) begin initial production before completing operational testing.

In its most recent report, issued in June 2001, the GAO noted the problems identified in the August 1999 report have gotten worse. The GAO cites a range of concerns including understated acquisition program cost estimates; ambitious flight test schedules with substantial concurrency in test events; delays in another DOD program, the Joint Strike Fighter (JSF), which had been counted on to develop a critical component of the aircraft; inadequate facilities to fully test and integrate system hardware and software; and considerable growth in aircraft weight.

The program's total development and production cost estimate has increased by almost $4.8 billion—from $43.3 billion to $48.1 billion. This includes a $75 million increase in development costs and a nearly $4.8 billion increase in production costs. As the GAO notes, these costs are likely to further escalate.

DOD's most recent cost estimate for the Comanche was done in April 2000. At that time, DOD's Cost Analysis Improvement Group estimated the Comanche would need an additional $180 million for its engineering and manufacturing development phase. However, this money was not included in the April 2000 baseline.

Further, in January 2001, DOD added about $504 million in funding to the Comanche program over the next few years. About $84 million was earmarked for RDT&E, the remaining $420 million was for production. These additional funds have not yet been reflected in the program's official cost estimates.

The Comanche program office also maintains a list of unfunded requirements that total $68 million. According to the GAO, "The program office acknowledges that, unless additional funds are obtained, some yet-to-be-determined program performance requirements could be impacted."

The Comanche is also missing testing and production targets.

The GAO is particularly critical of the Comanche development and testing schedule, in which many crucial events come close together or concurrently in the late stages. The GAO specifically writes, "We have reported that when development work and low-rate initial production (LRIP) are done concurrently, significant schedule delays that cause cost increases and other problems are not uncommon in early production. Also, production processes are often not able to consistently yield output of high quality when full-rate production begins."

Before entering the LRIP stage, previous GAO work has shown successful commercial firms already know that (1) technologies match customer requirements; that is, they can fit onto a product and function as expected, (2) the product's design meets performance requirements, and (3) the product can be produced within cost, schedule, and quality targets. According to GAO, "It is unlikely the Army will have this level of knowledge about Comanche" by the June 2005 LRIP decision date.

Specifically, the GAO notes "several critical subsystems—to be included in the mission equipment package—may not be available until development flight-testing is well underway. These subsystems are very complex state-of-the-art systems that have not been demonstrated on a helicopter platform like Comanche." The GAO goes on to warn "the Army's schedule for developing and testing software for the Comanche may not be completed prior to the full-rate production decision."

Failure to correct deficiencies prior to LRIP could lead to costly retrofits and repairs to aircraft already produced. As GAO wrote "To produce that many aircraft during low-rate initial production, the Army will have to ramp up its production capabilities rapidly and at a time when the aircraft design is still evolving as new subsystems are introduced and test results are evaluated."

The Comanche is also failing to meet performance requirements.

GAO says the Comanche is at risk of not achieving its rate of vertical climb requirement. The Comanche's ability to climb at a rate of 500 feet per minute is a key performance requirement as identified by the DOD itself. The Comanche's weight was a concern in the GAO's August 1999 report. The problem had only gotten worse by the time of the June 2001 report. The Comanche's empty weight had increased by 653 pounds—from 8,822 to 9,475—which threatens the vertical climb requirement.

GAO also says the Comanche is unlikely to complete the development and integration of its mission equipment package, which is needed to support a range of important functions including early warning, target acquisition, piloting, navigation, and communications.

GAO also warns the program is not successfully completing development of the system for detecting equipment problems. A critical component of the Comanche is its onboard fault detection system that can rapidly and accurately provide information about equipment problems. Without this system, the cost of maintaining the aircraft would increase. According to the Army, this system needs to be 75 to 95 percent accurate—75 percent for mechanical and electrical equipment and 95 percent for avionics and electronics equipment. However, the Comanche program office has concluded this requirement will be difficult to achieve within the current cost, weight, and packaging constraints and does not expect to achieve a mature fault detection and fault isolation capability until two years after initial fielding.

Finally, the GAO warns the Comanche is failing to achieve the "beyond-line-of-sight" communications capability needed to perform its mission. Satellite communications are essential to this reconnaissance capability. The Army was planning to rely on satellite communication technology that was being developed and miniaturized as part of the Joint Strike Fighter program. However, the JSF has been delayed. The Comanche program office now believes it must develop its own satellite communication technology. GAO warns the development schedule "remains high-risk for the timely inclusion of this capability on the initially fielded Comanche helicopters."

Finally, the Pentagon's Director of Operational Test and Evaluation raised significant concerns about the Comanche in a 2000 report. Among the criticisms, the report said:

"It is highly unlikely that the Service can deliver the expected system performance within the current budget and schedule. Lacking an operational assessment of an integrated system, it is difficult to predict with any degree of confidence whether the individual subsystems can be successfully integrated, whether the subsystems will function properly in an operational environment, or whether, in concert, they will provide the anticipated benefits in operational performance."

"DOT&E's assessment of the Comanche's weight projections found several questionable areas, including overly optimistic expected weight reductions and questionable estimates of future weight growth."

"Overall, the Comanche has a risky test and evaluation strategy for integrating the MEP (mission equipment package) on the aircraft ... The resulting schedule compression allows little reserve in the timetable, thereby increasing the impact of unforeseen events/delays."

As the aforementioned warnings I've outlined from the GAO and the Pentagon's own Director of Operational Test and Evaluation make clear, Congress should not continue to pour money into the Comanche without regard to results.

Unfortunately, H.R. 4546 continues to sink billions of taxpayer dollars into weapons system of dubious utility and questionable performance.

RECOGNIZING OLDER AMERICANS MONTH IN MAY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. KIND. Mr. Speaker, I rise today in recognition of Older Americans Month, May 2002. The theme this year is America: A Community for All Ages, recognizing the national community in which we live, and paying tribute to the multi-generational family that is the strength of America.

Older members of our families and communities provide us with a historical perspective and contribute to our nation's greatness and prosperity. The experiences, stories, and knowledge of our senior citizens are integral to our understanding of our country and our world. To help preserve their stories I am proud to have authored legislation during the 106th Congress that created the Veterans History Project. The Veterans History Project is run by the Library of Congress, which coordinates a collection of video and audio recordings of the personal histories of American war veterans, as well as copies of their letters, diaries, and photographs. The library will also establish a publicly accessible archive for these recordings and documents.

Beyond this project, I have always strongly advocated for legislation that supports our Nation's seniors. Two of the most important issues facing older Americans today are Social Security and prescription drug coverage under medicare.

The solvency of Social Security is a serious concern for all Americans. I have consistently supported legislation that shores up and secures Social Security benefits for our older Americans. For example, I am an original cosponsor of H.R. 4671, the Social Security Widow's Benefit Guarantee Act. This bill would increase widows' and widowers' Social Security Benefits to 75 percent of the combined amount the couple had been receiving prior to the death of the spouse. In a typical case, a widow's benefit would increase by 12 percent, or more than $100/month. The House just passed the Republican version of this bill, which is a good first step toward ensuring these benefits.

Similarly, the rising cost of prescription drugs is one of our most important health care challenges. Currently, senior citizens who pay for their own prescription medication pay more than twice as much for drugs than do the pharmaceutical companies' most favored customers. Exacerbating this problem is the fact that even though seniors use the most prescriptions, over 75 percent of seniors on Medicare lack reliable drug coverage.

Recently, both Republicans and Democrats have talked about introducing and passing legislation that provides prescription drug benefit under Medicare. I am working with my colleagues to craft legislation that would provide a voluntary Medicare prescription drug benefit, providing access for every senior no matter where they live or what their income.

Easy solutions to the high cost of prescription drugs and the solvency of Social Security do not exist. It is my hope that as the 107th Congress progresses, my colleagues will not forget about the needs of our older Americans, and will continue to work for legislation that preserves the benefits our Nation's seniors richly deserve.

HONORING DR. THOMAS MADDEN ON HIS RETIREMENT AS SUPERINTENDENT OF LEMONT TOWNSHIP HIGH SCHOOL DISTRICT 210

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize and honor Dr. Thomas Madden on his retirement as Superintendent of Lemont Township High School District 210. Since 1970, Dr. Madden has given his extraordinary talents and leadership as an educator to the students, faculty, and parents served by Lemont District 210. He has served with great distinction, and I am proud to highlight his outstanding record of accomplishments.

Under Dr. Madden's leadership, Lemont District 210 has witnessed dramatic growth and maintained an outstanding, quality education for students. Through his legislative initiatives and work with the National Association of Federally Impacted Schools, Dr. Madden has helped to secure a ten-fold increase in federal impact aid—money that has gone to the direct benefit of his students and schools. He also has led the effort to secure $26 million in construction bonds, allowing Lemont District 210 to build new schools and facilities to accommodate significant increases in enrollment and staff.

Dr. Madden is an active participant in all aspects of the community. He serves on several local and national boards, including the Lemont Chamber of Commerce, the Lemont Area Development Council, and the National Association of Federally Impacted Schools. Dr. Madden has helped to promote a community and region that is supportive of families and local business, making our part of Illinois one of the fastest growing suburban areas in the nation. Most importantly, Dr. Madden has helped to build an education system that ensures that today's students will meet the challenges of tomorrow's global economy.

Dr. Madden embodies the values we as a nation applaud in our educators—commitment, quality, strength of character, and skill—and he serves as an excellent example to the students throughout the 13th Congressional District. I have valued his thoughts and advice on meeting the challenges of public education. I know that Lemont School District 210 is better for his leadership and I join with the students, faculty, and community in thanking him for his service and wishing him a happy and productive retirement.

HONORING GERALDINE (JERRY) HENDERSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Geraldine (Jerry) Henderson, owner of Henderson Training and Consulting, in the Second Congressional District of West Virginia. She also owns and operates "A Governor's Inn," which is a bed and breakfast, in Buckhannon, West Virginia. Ms. Henderson has achieved the title of Women in Business Advocate of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our, state, gives this award annually.

Ms. Henderson began Henderson Training and Consulting of West Virginia to give advice to business people. She leads classes throughout the state dealing with small business issues such as staff development, supervisory techniques and placing emphasis on hospitality and responsibility to the community. Ms. Henderson embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend her for her contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Ms. Henderson's tremendous achievement as the West Virginia Small Business Administration's Women in Business Advocate of the Year.

TRIBUTE TO STEN ERIC WILLIAM CARLSON ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to an extraordinary American and a distinguished Californian, Sten Eric William Carlson, who is celebrating his ninetieth birthday.

Born on June 27, 1912, in Fort William, Ontario, Canada, Sten Carlson is the son of Johanna and Pers, who migrated from Sweden to Canada in the late 1800s, settling on a farm in Saskatchewan. Sten left Canada for the United States in 1951 where he met Elizabeth, his wife of forty-five years. They are the proud parents of Eric, 44, and Frank, who died tragically at an early age.

An employee of United Airlines for more than twenty-five years, Sten Carlson retired in 1977. He also worked for MacDonald Aircraft, building the Mosquito aircraft, a premier low flying plane used in some of our nation's most critical missions.

Sten Carlson has always given generously of his time and his multitude of talents to the community, focusing much of his volunteer work on victim support groups. He is a lifetime member of Lodge 1781, IAM, and continues to serve as a member of the Board of Directors of the Retirees. A volunteer at Peninsula Medical Center for more than fifteen years, Sten has devoted many years of service to KQED.

Sten Carlson is a devoted husband and father with a strong moral sense of right and wrong. His lifetime of activities has centered on his family and his community. His is a life based on the most celebrated of American values . . . honesty, dependability, courage, loyalty, and love of family, friends and country.

Mr. Speaker, I ask my colleagues to join me in wishing Sten Carlson a happy 90th birthday. We are a better community, a better country and a better people because of him and all he has done.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes 171, 172, 173. If present I would have voted "yea."

NATIONAL CORRECTIONAL OFFICERS' WEEK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, I rise today, during National Correctional Officers and Employees Week, to honor our correctional officers for the work they do to keep our families safe. We do not thank these men and women enough for their service to our communities.

Day after day, week after week, our correctional officers work one of the most dangerous patrols in the country. They devote themselves to keeping violent felons behind bars, ensuring that our families can feel safe in our homes and on our streets. We know from the number of correctional officers who die in the line of duty each year that this is a dangerous profession that requires courage, hard work, and professionalism.

Our correctional officers are people like Bonnie Johnson, a mother of six, who works over 50 hours a week in a prison in Jackson, Michigan. For almost 20 years, Bonnie has put her heart and soul into her job. Or Rodney Olsson—a correctional officer with the Michigan prison system for roughly 14 years. Rodney drives over 60 miles to get to and from work. These fine men and women work holidays, weekends, and double shifts. They deserve our support.

We need to do our part in the weeks and months ahead to pass legislation that will protect the safety and working conditions of correctional officers. We should act to prevent further privatization of our prisons, which puts both our officers and inmate populations at risk. We need to ensure that our correctional officers receive meaningful, reliable pensions, good benefits, and decent wages. And we should invest adequate resources in prison programs that provide constructive activities for inmates that reduce recidivism and prevent violence. The work of our correctional officers gets more and more difficult with each passing day. In my home state of Michigan, the prison population has grown 38 times faster than our general population. And records show our inmate population is getting more violent. I commend Michigan's correctional officers for staying committed to the job despite these additional challenges.

I urge my colleagues to support the resolution offered by Representatives Strickland, Sweeney, Horn, and Holden that officially recognizes National Correctional Officers and Employees Week. This resolution also requests that our President issue a proclamation urging citizens to honor our correctional officers and the work they do to protect us. We should pass this resolution without delay and give our correctional officers the respect they deserve for their service.

CONGRATULATING COLONEL DENNIS L. VIA

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great Army officer and soldier, Colonel Dennis L. Via, and to thank him for his contributions to the United States Army and to our country. On Thursday, June 13, Colonel Via will relinquish command of the 3rd Signal Brigade at Fort Hood, Texas for assignment to the Department of the Army's Office of the Deputy Chief of Staff for Programs, here in Washington, DC.

Colonel Via began his career in 1980, graduating from Virginia State University as a Distinguished Military Graduate and earning a commission as a 2nd Lieutenant in the U.S. Army Signal Corps. He commanded troops as a Signal Platoon Leader, Company Commander, and Battalion Commander before taking command of the 3rd Signal Brigade. Dennis has also served in staff positions from battalion level to the Department of the Army at numerous posts in the United States and Europe, and along the way found time to earn a Master's Degree at Boston University.

Dennis Via is a consummate professional whose performance personifies those traits of courage, competency and commitment that our nation expects and demands from its military leaders. It is with both regret and pride that we wish him Godspeed and good luck as he leaves Fort Hood for his new assignment.

It is important to note that every accolade to Dennis must also be considered a tribute to his family, his wife Linda and their two sons, Brian and Bradley. As a wife and mother, Linda has been a true partner in all of is accomplishments.

Dennis' career has reflected his deep commitment to our nation, and has been characterized by dedicated service, a profound respect for our soldiers and their families, and an absolute commitment to excellence. I ask Members to join me in offering our heartfelt appreciation for a job well done and best wishes for continued success to an outstanding soldier and a good friend—Colonel Dennis L. Via.

TRIBUTE TO ROBERT S. KIEVE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of San Jose broadcaster Robert S. Kieve. I would like to recognize his efforts as a radio pioneer deeply dedicated to the idea of the media providing a community service. He will be honored with the Spirit of San Jose Award on Monday, May 20, 2002.

Since 1967, Kieve had been one of the "mom and pop" owners holding out against large conglomerates, demonstrating the value of local ownership through his editorials, community involvement and loyalty to employees—who own 25 percent of his broadcasting company, Empire Broadcasting. In recently selling one of his radio stations, Kieve shared those profits with his employees in an usual and caring move for the business . . . but not for him.

Kieve, a former Eisenhower speechwriter, has been a pioneer in hiring women in an industry that women are dramatically underrepresented.

He has, for thirty years, been an outspoken, committed and vital force in San Jose, always willing to offer his opinions and provide a forum for others to share theirs.

Always willing to try something new, Kieve recently started three Internet radio stations featuring Beethoven, traditional country and big band.

Kieve will continue to operate two stations, KRTY–FM and KLIV–AM after his recent sale of KARA–FM, a San Jose institution, and will use a portion of the profits to help create a charitable foundation.

I am proud and grateful to thank Robert S. Kieve for reminding us all that one person can truly make a difference in the lives of many.

MONSIGNOR GEORGE C. HIGGINS: AMERICA'S LABOR PRIEST

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. LAFALCE. Mr. Speaker, America lost its preeminent "labor priest" on May 1st when Monsignor George C. Higgins died at the age of 86 after a half-century career in the Nation's Capital devoted to the cause of social justice and the rights of labor. As head of the Catholic Bishop's Social Action Department for 35 years, Msgr. Higgins was an influential church figure and respected authority on the labor movement who dedicated his life to promoting the rights of workers around the world.

No one did more to advance the church's social teachings on a just economy and the rights of working people. Msgr. Higgins brought the church and labor closer together by showing working men and women that the church's social teaching was on their side—that work must be valued and workers honored, and that a just society demands that workers have the right to organize and bargain collectively.

Generations of American workers—who never knew his name—owe Monsignor Higgins a debt of gratitude for devoting his life to fighting injustice and defending their rights.

I would like to insert in the RECORD for the benefit of my colleagues the following statements by the US Conference of Catholic Bishops and by AFL–CIO President John Sweeney on Msgr. Higgins death, and an essay by E.J. Dionne entitled "The Great Monsignor."

MSGR. GEORGE HIGGINS, DEAN OF CHURCH SOCIAL ACTION MOVEMENT, DIES

WASHINGTON (May 1, 2002).—Msgr. George G. Higgins, the "labor priest" who was generally regarded as the dean of the U.S. Church's social action ministry for the last half century, died May 1 at the age of 86.

After a long illness, Msgr. Higgins died at the home of his sister, Bridget Doonan, in LaGrange, Illinois, his native city. He had returned to LaGrange in January to speak at St. Francis Xavier Church, the parish in which he was raised. After delivering the talk on January 19, he fell ill with a severe infection and was hospitalized for a period of three months.

"Msgr. George Higgins was without parallel the authority on the Church's social teaching and on labor-management issues," said Bishop Wilton D. Gregory, President of the United States Conference of Catholic Bishops (USCCB). "He was a forceful and articulate figure in the Church and a major influence on the lives of several generations of Catholics dedicated to the cause of social justice. He was, above all, a good and dedicated priest. I pray for the repose of his soul and for the consolation of his family and the many persons in all walks of life to whom he will always be a vibrant and lasting inspiration."

A priest of the Archdiocese of Chicago, who spent 60 years of his life working in the nation's capital, Msgr. Higgins was probably the best known and most influential priest in the United States. He was widely admired within the Church and in the secular realm for his knowledge of the labor movement, ecumenism, Catholic-Jewish relations and many other fields, and for his talents as a skillful negotiator.

"The best informed priest in the United States," as U.S. Church historian John Tracy Ellis once described him, Msgr. Higgins was an advisor to labor leaders and presidential commissions, a friend to bishops and to everyday Catholic people. Above all, he was a champion of ordinary men and women and of the workers' right to organize.

He headed the Social Action Department of the Catholic Bishops' Conference for 35 years, and his syndicated column, "The Yardstick," appeared in Catholic papers from 1945 until he penned his last piece in September, 2001, by which time macular degeneration had seriously impeded his vision. By then he had written nearly 3,000 columns. Most were on some aspect of the labor movement but his range of topics was vast. He had a special interest in Catholic-Jewish relations.

Msgr. Higgins was ordained a priest of the Archdiocese of Chicago in 1940. He came to Washington to study at the Catholic University of America, where he earned a doctorate in economics and political science, and took on a supposedly temporary position with the Social Action Department of the National Catholic Welfare Conference, as the United States Conference of Catholic Bishops (USCCB) was then known. The following year he became assistant director of the department and, in 1956, its director.

While guiding that office, he used his column to teach on a wide variety of topics important to the Church, while using his personality and old-fashioned political skills to mediate labor disputes from coast to coast. He counseled Cesar Chavez and the United Farm Workers, and was a mediator between workers and growers in California and the Midwest. For 35 years he was chairman of the United Auto Workers' Public Review Board, an agency that handles grievances between rank and file workers and the union.

Msgr. Higgins was a peritus (expert) at all four sessions of the Second Vatican Council (1962–1965) and was on the preparatory commission which drafted the council's laity document, the first U.S. priest to receive such an assignment. He became one of the best known interpreters of the Council to the English-speaking world as a daily member of the U.S. Bishops' press panel. After retiring from the Bishops' Conference in 1980, Msgr. Higgins was an adjunct lecturer in the Theology Department of the Catholic University of America, 1980–1994, and later professor emeritus.

Msgr. Higgins received the Presidential Medal of Freedom in White House ceremonies in 2000. The previous year he was awarded the Laetare Medal, the highest honor given by the University of Notre Dame.

In June, 2001, the International Catholic-Jewish Liaison Committee (sponsored by the Holy See and the International Jewish Committee for Interregiligous Consultations) honored Msgr. Higgins as one of the great pioneers of the dialogue worldwide.

A dinner planned as a tribute to Msgr. Higgins last September 11 was postponed, but a reception in his honor was held two months later at the time of the U.S. Bishops' fall meeting. It was co-hosted by Bishop Joseph A. Fiorenza, then President of the Bishops' Conference, and Mr. John Sweeney, President of the AFL–CIO.

The Mass of Christina Burial will be celebrated on Tuesday, May 7, at Holy Name Cathedral in Chicago. A visitation and Liturgy of the Eucharist will be celebrated at St. Francis Xavier, La Grante, May 6.

STATEMENT BY AFL–CIO PRESIDENT JOHN J. SWEENEY UPON THE PASSING OF MSGR. GEORGE HIGGINS

How like Msgr. George Higgins for his last day on earth to have been on the Feast of St. Joseph the Worker—and International Worker's Day!

Throughout his entire life, this "labor priest," as we fondly and admiringly referred to him, fought for and lifted the lives of working men and women—hundreds of thousands of them. Wherever working people were joining together to build a better life, George Higgins was there. He prayed with striking miners in Wyoming, celebrated an organizing victory with meat cutters in Texas, stood with hospital workers and mediated between farm workers and grape growers in California, and testified on Catholic social teaching in a case before the Education Labor Relations Board in Illinois.

More than any other American in the 20th century, Msgr. Higgins argued that Christian beliefs must prominently include the notion that work must be valued and workers honored. His preaching on Catholic social teaching educated generations of leaders within his church and helped them apply the justice Gospel in their own areas.

And for more than 60 years, Msgr. Higgins championed the right of working men and women to join freely in unions to improve their lives, giving unremitting energy and effort and vision and wisdom to American's unions, in good as well as challenging years.

One venue for his inspiration was AFL–CIO conventions, at which he delivered invocations for more than 20 years. In 1999, in the opening invocation at the community convocation preceding our Los Angeles convention, he spoke of his belief in organizing as a path of justice:

"We will not have a decent society in the United States until a much larger percentage of the workers are organized into unions," he said.

Msgr. Higgins was a certain force in bringing labor and the church closer together, and his efforts over many years laid the ground work for the strong and growing partnership between the union movement and the National Interfaith Committee for Worker Justice.

And while his preaching of the justice Gospel won him well-deserved praise, his pastoral attention to working families was also remarkable: many who suffered disappointment or disillusion were uplifted by his resolute faith in the reign of God and hopefulness in God's ultimate triumph over injustice. When I visited with him last Saturday I was struck by the gifts Msgr. Higgins had given to so many of us who were privileged to know him.

All workers—whether they are farm workers, health care workers, poultry workers, steel workers, immigrants, people of color, whites, Catholic, Jewish, Muslim or Protestant—owe a debt of gratitude to Msgr. Higgins.

So while we are saddened by his passing, we are—even more so—ever mindful of and deeply grateful for the conscience, courage, intellect and love that Msgr. George Higgins committed to America's workers and America's unions.

THE GREAT MONSIGNOR

(By E.J. Dionne Jr.)

There is no such thing as a timely death. But just when you thought all the stories on American priests were destined to be about evil committed and covered up, one of the truly great priests was called to his eternal reward.

Monsignor George G. Higgins was the sort of Catholic clergyman regularly cast as a hero in movies of the 1940s and '50s. He was an uncompromising pro-labor priest who walked picket lines, fought anti-Semitism, supported civil rights and wrote and wrote and wrote in the hope that some of his arguments about social justice might penetrate somewhere.

He got attached to causes before they became fashionable, and stuck with them after the fashionable people moved on. Cesar Chavez once said that no one had done more for American farm workers than Monsignor Higgins. In the 1980s, he traveled regularly to Poland in support of Solidarity's struggle against communism and became an important link between American union leaders and their Polish brethren.

As it happens, even the day of Monsignor Higgins's death, at the age of 86, was appropriate. He passed from this world on May 1, the day that many countries set aside to honor labor and that the Catholic Church designates as the Feast of St. Joseph the Worker.

If Higgins had been there when that famous carpenter was looking for a place to spend the night with his pregnant wife, the monsignor would certainly have taken the family in. He would also have handed Joseph a union card, told him he deserved better pay and benefits, and insisted that no working person should ever have to beg for shelter.

Yes, Higgins sounds so old-fashioned—and in ever good sense he was—that you might wonder about his relevance to our moment. Let us count the ways.

One of the most astonishing and disturbing aspects of the Catholic Church's current scandal is the profound disjunction—that's a charitable word—between what the church preaches about sexuality and compassion toward the young and how its leaders reacted to the flagrant violation of these norms by priests.

Higgins, who spent decades as the Catholic Church's point man on labor and social-justice issues, hated the idea of preachers' exhorting people to do one thing and then doing the opposite. And so he made himself into a true pain for any administrator of any Catholic institution who resisted the demands of workers for fair pay and union representation.

"These men and women mop the floors of Catholic schools, work in Catholic hospital kitchens and perform other sometimes menial tasks in various institutions," he once wrote. "They have not volunteered to serve the church for less than proportionate compensation."

"The church has a long history of speaking out on justice and peace issues," he said. "Yet only in more recent times has the church made it clear that these teachings apply as well to the workings of its own institutions."

Where some religious leaders complain that they get caught up in scandal because they are unfairly held to higher standards, Higgins believed that higher standards were exactly the calling of those who claim the authority to tell others what to do.

It bothered Higgins to the end of his life that the cause of trade unionism had become so unfashionable, especially among well-educated and well-paid elites. For 56 years, he wrote a column for the Catholic press, and he returned to union issues so often that he once felt obligated to headline one of his offerings: "Why There's So Much Ado About Labor in My Column."

His answer was simple: "I am convinced that we are not likely to have a fully free or democratic society over the long haul without a strong and effective labor movement."

To those who saw collective bargaining as outdated in a new economy involving choice, mobility and entrepreneurship, Higgins would thunder back about the rights of those for whom such a glittering world was still, at best, a distant possibility: hospital workers, farm workers, fast-food workers and others who need higher wages to help their children reach their dreams. He could not abide well-paid intellectuals who regularly derided unions as dinosaurs, and he told them so, over and over.

It is one of the highest callings of spiritual leaders to force those who live happy and comfortable lives to consider their obligations to those heavily burdened by injustice and deprivation. It is a great loss when such prophetic voices are stilled by scandal and the cynicism it breeds. Fortunately, that never happened to Higgins. He never had to shut up about injustice and, God bless him, he never did.

PAYING TRIBUTE TO DAVE SARTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002—

Mr. McINNIS. Mr. Speaker, it is my honor today to recognize Dave Sarton for his contributions to the State of Colorado. As a member of the Board of Directors of the Southeastern Colorado Water Conservancy District for sixteen years, he is moving his talents and experience to other endeavors. Dave has been an integral part of securing and distributing Colorado's most precious resource, water. As he reflects on his service to a grateful board, community, and state, I would like to commend him for his efforts to improve the lives of his fellow Coloradans.

Dave has proven himself a valuable community, business, and governmental leader over the years and has served on countless committees in support of his community and state. He has served on the Colorado Springs City Council, on the Energy and Environment Committee of the National Association of Regional Councils, as director of the Colorado Springs Department of Public Utilities, as director and chairman of the Pikes Peak Area Council of Government, as president of Sunset Sertoma Club, as chairman of the El Paso Task Force on Alcoholism, as chair of the ARK Board of Directors, and as vice-chair of the Colorado Springs Chamber of Commerce. In addition to his community duties, he is a proud business owner and operates a quality service for Colorado Springs as the president of Sperry & Mock/The Floor Store, Inc.

Mr. Speaker, I am proud to bring the accomplishments and achievements of David Sarton before this body today. His leadership, hard work, and dedication to improving the lives of his fellow Coloradans is an example for all aspiring community leaders and it is for this reason that I wish to bring his accomplishments before this body of Congress, and nation. Thank you for all your hard work Dave, I wish you all the best, and good luck in your future endeavors.

TRIBUTE TO MARY ANN KIRK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. MORELLA. Mr. Speaker, as Mary Ann Kirk prepares to leave Maryland to join her family in Colorado, I salute her lasting contribution of public service to our State during the past fifty years.

Standing side by side with her children throughout their educational process, she also provided top leadership in the Montgomery County Heart Association; chaired numerous political and charitable fund raisers; and tutored elementary school children and political refugees in the ways of freedom in American democracy.

In 1978, she spearheaded landmark legislation in the Maryland General Assembly which created the Maryland Values Education Commission, and, as Vice Chairwoman, chaired its subcommittee work for four years. This Commission devised a list of 18 Character and Citizenship values affirmed by the Maryland Attorney General as Constitutionally sound for teaching in our schools, and served as a foundation, an impetus, for character/citizenship education efforts across our Nation. Today, there is an Office of Character Education within the Maryland State Department of Education and flourishing, growing, programs throughout the State—a direct result of Mary Ann Kirk's visionary work.

In 1978, when the Maryland General Assembly passed this landmark legislation, Senator Jennings Randolph (DWP) noted its passage in the CONGRESSIONAL RECORD. He ended his remarks with these words: "The State of Maryland will be the first to create a Values Education Commission. The flame of faith is now aglow in 'The Free State.' May other States see the light and feel its warmth."

In 1986, she organized and coordinated Maryland's observance of the Bicentennial of the U.S. Constitution with the establishment of the FEDERALIST Foundation. This private/public partnership with Maryland State Archives recreated the beautiful, seaworthy Federalist, a 15-foot ship built in 1788 to honor Maryland's role as the seventh state to ratify the Constitution, and later sailed to Mount Vernon as a gift to George Washington. Two hundred years later, a horse drawn Federalist represented Maryland in Philadelphia's national Bicentennial parade; and, today, when not traveling to communities across the State to teach about the Constitution, resides under the dome of our State capitol in Annapolis—ever ready to convey our rich history to this and future generations.

In 1997, Mary Ann Kirk was honored by Governor Parris Glendening and the Maryland General Assembly as Maryland's Mother of the Year. She leaves Maryland as immediate past president of the Maryland Association of American Mothers, Inc., the official sponsor of Mothers Day.

We will miss her and wish her well. Maryland's loss is Colorado's gain.

INTRODUCING A BILL TO PROVIDE IMPACT AID FUNDING FOR MICRONESIAN CHILDREN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. MINK of Hawaii. Mr. Speaker, today I introduce a bill to provide Impact Aid funding for Micronesian children living in the United States. You might ask why should we? What is their special status that justifies this payment?

The Compact of Free Association negotiated by the DoD and the State Department with the Republic of the Marshall Islands and the Federated States of Micronesia in 1985, and with the Republic of Palau in 1986, enhanced the security of our nation. The Compact of Free Association gives the United States authority over security and defense matters in this region. It prevents other countries from entering into military alliances with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Such military alliances could threaten the security of our nation.

In the period between 1918 and 1941, foreign powers did occupy these islands. And as history will recall, many WWII battles were fought in the islands fortified and occupied by Japan. After WWII the United States took over jurisdiction, and we inflicted grave harm to many of the islands' residents when the U.S. military tested 66 atomic and hydrogen bombs between 1946 and 1958. The long lasting effects of these tests are still felt by people living at Bikini, Enewetok, and other atolls, and many have moved to the United States to live and to find health care.

In exchange for the sacrifices they have made in the Compact of Free Association, the United States allows citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to freely enter the United States without visas as nonimmigrant residents within the parameters laid out in the Compact of Free Association. Their status is as "habitual" residents which places them in limbo and for example, they can not qualify for food stamps.

According to the 2000 Census, 115,247 Micronesians are living in the United States. Many of these families live in low income or public housing, which does not provide local schools with the funds they need to educate Micronesian children. Our public schools accept the financial burden for educating Micronesian children, even though the federal government created this obligation and should pay for it.

Our nation is responsible for the education of these children in exchange for the military benefits our nation currently receives from Micronesia. Our government must take a more active role and help pay for these children's education. It's unfair to make these innocent children unwelcome pawns of our national defense policy.

My bill will treat Micronesian children living in the United States as military dependents and consequently allow schools to count them for the purpose of obtaining Impact Aid funding. It will give local schools the extra funds needed to ensure other children in their district do not pay for the cost of our defense strategy.

I urge my colleagues to cosponsor this bill and fulfill the obligation created by the Compact of Free Association.

THE 121ST ANNIVERSARY OF THE AMERICAN RED CROSS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. HOYER. Mr. Speaker, Clara Barton, a true visionary in American history, once stated: "I have an almost complete disregard of precedent, and a faith in the possibility of something better. It irritates me to be told how things have always been done. I defy the tyranny of precedent. I go for anything new that might improve the past." Her motivation as well as her devotion to humanity led Clara Barton to found the American Red Cross in 1881.

Today we celebrate the 121st anniversary of the American Red Cross, which is one of the most renowned charitable organizations in our nation. It is made up of over a million Red Cross volunteers who provide much needed relief services to families, communities and countries around the world in times of crisis.

When unexpected disasters hit, the Red Cross is prepared. For example, the American Red Cross coordinates the collection of blood and ensures that the safest blood is available to save the lives of our armed service members and lives in over 5,000 hospitals across the country.

Internationally, the Red Cross has been active in helping millions of people fight malnutrition and communities gain access to such basic and vital needs as safe drinking water.

Each year, the American Red Cross quickly responds to more than 67,000 disasters, including transportation accidents, house fires, hurricanes, floods, earthquakes, and tornadoes.

One instance of the Red Cross's exemplary and timely response to a disaster was after a lethal tornado tore through my District in Southern Maryland on April 28th. Without delay, the Red Cross was on the scene to provide help after one of the fiercest tornado disasters ever on the East Coast.

Approximately 230 Red Cross volunteers poured in from across the nation to join 100 local volunteers. They worked tirelessly to help community members in their time of need by quickly erecting shelters and administering food, clothing, emergency medication and grief counseling.

As I walked through the streets of La Plata, stepping over the wires, rubble and debris of the once vibrant community, it was evident that there was a lot of work ahead for residents to overcome this tragedy. Fortunately, as a result of help from service organizations like the Red Cross, government officials and agencies, and citizens, it is clear that La Plata will rebuild and come back stronger than ever.

The Charles County Red Cross Chapter is a shining example of the dedication of the Red Cross, and why La Plata will persevere and once again thrive. The same evening that the tornado completely wiped out the Chapter building and all of their resources in La Plata, the Red Cross leaders and volunteers set up a temporary Disaster Operation Center in a vacant store building in Waldorf.

Since 1917, the county's Chapter has been instrumental in providing disaster preparation and care services. The Chapter plans to rebuild, just like the La Plata community will rebuild, and continue to dedicate time and energy to the citizens of La Plata.

The American Red Cross, since it was founded, has been instrumental in relieving the suffering and the saving lives of our local, national and international communities.

And thus it's with great gratitude and honor that I commend the American Red Cross today on its 121st anniversary. On behalf of the citizens of the 5th Congressional District of Maryland, who were affected by this most recent natural disaster, as well as the millions of Americans whose lives have been bettered by this wonderful organization, I wish it only the best in the years to come.

PAYING TRIBUTE TO ST. JOHN NEUMANN CATHOLIC SCHOOL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. McINNIS. Mr. Speaker, it is with great honor I take this opportunity to recognize St. John Neumann as an institute of education, dedicated to providing a firm foundation for its community's youth. Established in 1977 in Pueblo Colorado, St. John became the new beacon of light for all who sought to provide their children with the option of a private education. It is with highest praise that I recognize St. John's 25th year of operation.

Each day, 230 students convene to mature and study in an atmosphere which embraces every child's eagerness to learn. Instructors provide a one-on-one relationship with students, tailoring the instructor's dexterity to the child's ability. Additionally, St. John promotes parental involvement in their child's education, and seeks to provide an atmosphere comparable to that of a family gathering.

Marking St. John Neumann's 25th anniversary of operation, this year's graduating class will be prepared for the journey ahead, confidently supported by a firm education at an extraordinary school. Many senior administrators have watched St. John grow and develop into a distinguished, highly acclaimed establishment within its community.

Mr. Speaker, it is with great pleasure that I applaud an institution which provides its community with the groundwork to build a better future. St. John Neumann strengthens the integrity and character of each of its students. I commend the hard work and diligence which the faculty, community, and students have contributed to place St. John Neumann Catholic School amongst the leaders in education today.

VETERANS APPRECIATION MONTH

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. ROYCE. Mr. Speaker, I rise today to express my sincere gratitude and appreciation to the hundreds of thousands of men and women who have bravely served their country in the Armed Forces, protecting freedom for all Americans.

Veterans earn a great number of positive qualities through their service, including experience, maturity, leadership and loyalty, which make them valuable and competitive candidates for employment.

The residents of the State of California and I are committed to ensuring that our nation's Veterans are treated with the respect that they deserve, and to promoting employer interest in hiring those individuals who have selflessly given their time in service of their country.

In my home state, May 2002 is "Veterans Appreciation Month," and I would like to take this opportunity to bring the benefits of hiring veterans to the attention of all American employers.

I thank our country's veterans for their sacrifices, applaud employers who hire these courageous men and women, and I yield back the balance of my time.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BECERRA. Mr. Speaker, on Monday, May 20, 2002 I was unable to cast my floor vote on rollcall Nos. 171, 172, and 173. The votes I missed include rollcall vote 171 on Suspending the Rules and Agreeing to H. Con. Res. 314; rollcall vote 172 on Suspending the Rules and Agreeing to H. Con. Res. 165; and rollcall vote 173 on Suspending the Rules and Agreeing to H. Con. Res. 309.

Had I been present for the votes, I would have voted "aye" on rollcall votes 171, 172, and 173.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my District on Tuesday, May 20, 2002, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 171, the resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day, I would have voted "aye."

For rollcall vote No. 172, the resolution expressing the sense of the Congress that continual research and education into the cause and cure for fibroid cancer be addressed, I would have voted "aye."

For rollcall vote No. 173, the resolution Recognizing the Importance of Good Cervical Health and of Detecting Cervical Cancer During its Earliest Stages, I would have voted "aye."

PAYING TRIBUTE TO FRUITA MONUMENT HIGH SCHOOL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. McINNIS. Mr. Speaker, it is with great honor I take this opportunity to pay tribute to Fruita Monument High School in Fruita, Colorado for their incredible acts of patriotism and loyalty. After the tragic events of September 11, 2001, Monument High honored the bravery of our American citizens by creating a beautiful, patriotic mosaic. Today I applaud the spirit and dedication of the students and faculty of Monument High, and I recognize the efforts and achievements of such artists.

Standing eight feet tall, by eight feet wide, and weighing 500 pounds, "United We Stand" encompasses the ideals of America's freedoms and liberties. The finished mosaic illustrates the talent and hard work supplied by each student and it serves as a marvelous addition to any art display. Near Ground Zero in New York City will be its final destination, and its new home will be in Desoto Elementary School. Earning its creators numerous awards, "United We Stand" has touched all who have the privilege of viewing its meaningful message.

Mr. Speaker, I honor Fruita Monument High School with sincerity because they have taken the time to honor the true heroes of our nation. Today, I recognize "United We Stand" as an inspiring work of art before this body of Congress and this nation. Additionally, I recognize its nine incredible artists as esteemed patriots to our nation. It is my hope that all may some day admire this mosaic and remember it as a memorial, created to honor those who gave their life for our country.

DRAGON BOAT RACING

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. MORELLA. Mr. Speaker, this Memorial Day weekend Washington will see the traditional Taiwanese sport of dragon boat racing right here on the Potomac River, featuring eight magnificent Taiwan-built dragon boats. Each boat is fully equipped with dragonhead and tail, paddles, steering oar and drum, and holds a crew of 23. Some 40 teams, including those from the D.C. Police Department, Harbor Patrol Officers, and congressional staff members will compete in the race on Saturday, May 25, and on Sunday, May 26, 2002. Prior to the start of the race, there will be a traditional opening ceremony at 11 a.m., on Saturday, May 25, at Georgetown's Thompson Boat Center. The opening ceremony will be highlighted by the dotting of the dragon's eye. Mayor Anthony Williams, Chairwoman Linda Cropp of the D.C. City Council, Representative C.J. Chen of the Taipei Economic and Cultural Representative Office and other community leaders will dot the dragon's eye, a ceremony to ensure good luck and fortune.

Mr. Speaker, I am pleased to see the Dragon Boat Festival Committee has put together such a wonderful dragon boat-racing program this Memorial Day weekend. Dragon boat races are held around the world, particularly in Taiwan, Singapore, Hong Kong, and many other Asian countries. The race demonstrates wonderful team spirit, pageantry, and fun for people young and old. Coincidentally, this event celebrates Taiwanese American Heritage Week in the month of May. Furthermore, this event also shows the friendship of Taiwanese Americans for the people not only of Washington, DC, but of the entire Metropolitan area. Their sincere desire to introduce Taiwanese culture to American society must be acknowledged and appreciated. It is my hope that this dragon boat race will attract many more tourists to the Washington, DC, area.

My congratulations to the Dragon Boat Festival Committee. This is a unique opportunity for all of us to celebrate the Dragon Boat Festival and to learn about the many distinguishing aspects of Taiwanese culture and heritage.

PAYING TRIBUTE TO LYLE NICHOLS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lyle Nichols of Clifton, Colorado. Lyle is an extraordinary individual who devotes countless hours to admiring and preserving life's beauties. Lyle is an exceptionally talented artist, and today I applaud the talents he adds to our community.

Lyle is an individual who collects assorted bird nests, and scrap debris he discovers. He is also an artist of many sculptures that are admirable in their magnificence. His collection is substantial in size and it grows continuously with every sculpture. These self-created masterpieces sit, kneel, and stand in and around his home, in particular a 14-ton statuette arching over his front lawn. Lyle is truly a talented individual, whose amazing talents have connected his passion for art to every individual who comes to admire his work.

Mr. Speaker, I would like to express my appreciation towards Lyle for allowing us the pleasure to admire his beautiful creations. It is with great honor I proudly recognize Lyle Nichols as an artist before this body of Congress and this nation. I commend Lyle's artistic abilities, and praise his contributions, which assist in enhancing his community's future.

PAYING TRIBUTE TO PETER COORS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. McINNIS. Mr. Speaker, it is an honor to recognize the contributions and achievements of Peter H. Coors. As chairman of Coors Brewing Company and the President/CEO of Adolph Coors, he is a shining example of personal success and civic responsibility.

A native resident of Golden, Colorado, Peter, known as Pete, has continued to lead his family's brewery in a manner befitting its fine reputation. As the head of this company, Pete provides the leadership and vision needed to bring this family tradition into the twenty-first century. His positions on the boards of directors of companies like U.S. Bancorp, Inc., H.J. Heinz Company, and the Energy Corporation of America are a reflection of the respect that Pete has earned from his colleagues. Pete is also a member of the International Chapter of the Young Presidents Organization. Pete is a true Coloradan is his business and in his nature: he can often be found outdoors appreciating the beauty and splendor of Colorado.

In addition to Pete's contributions to Colorado's economy, he has also given his time and energy to humanitarian causes as well. He is on the executive board of the Denver Area Council of the Boy Scouts of America, a member of the National Western Stock Show Association executive committee, and a trustee for the Seeds of Hope Foundation. Pete, who has a MBA degree, knows the value of higher education and remains active as a trustee of the University of Northern Colorado and a member of Denver University Daniels School of Business' Advisory Board. Most importantly Pete is the husband of his wife Marilyn and is a father to his six children.

Mr. Speaker, it is an honor and privilege to bring to light the excellence of Pete Coors to this body of Congress and this nation. In every aspect of his life Pete has excelled to the highest level of achievement. He has no doubt touched many lives through his civic work and leadership in our country and will continue to do so in the future. On behalf of this nation, thank you Pete for all that you have done and good luck in your future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 23, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

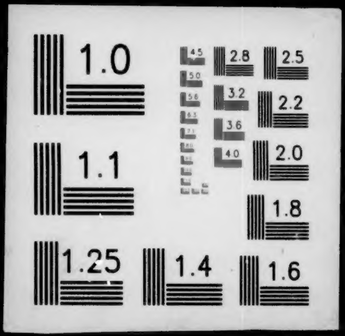
2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; S. 1385, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 1824/H.R. 2828, to authorize payments to certain Lama Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico.

SD–366


1.0
4.5
5.0
5.6
6.3
2.8
3.2
3.6
4.0
2.5
2.2
2.0
1.1
1.8
1.25
1.4
1.6